

FOR PUBLIC COMMENT

# ROTHESAY

New Brunswick

MUNICIPAL PLAN REVIEW

2020 – 2030

DRAFT

JULY 2020

FOR PUBLIC COMMENT

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## Executive Summary

The Rothesay Municipal Plan is a blueprint to guide decisions for the long-term management and development of our community over the period of the next 10 years (2020-2030). The Municipal Plan presents a consolidation of ideas of how we plan respond to challenges such as; climate change, flooding, ageing demographics, slow population growth, and technology advancements. In response to these challenges, Rothesay embraces new methods and policies that will make our Town more sustainable in the development and redevelopment of our lands. For these reasons, we have articulated a vision, objectives, and goals that are important to the future growth and development of Rothesay.

### BUILT FORM & LAND USE

The built form is the physical organization of buildings and infrastructure; it provides the foundation for our community and the quality of life needed to support the daily life of our citizens. The social, economic, and cultural activities are dependent on the form and function of the built environment; particular importance is on the quality and design of the physical space. The relationship between people and the built environment is vital to health and happiness; we connect with the places we live. However, the built form is not static, over the course of our history the built form can change through the way we use our lands, how we develop and build, and how we effect the natural environment; often these changes are brought through community interests and are expressed through policies. Public engagement has shaped the vision of our future and aided in the creation of municipal planning policy; these policies intend to do the following:

- Regulate existing and future development to ensure Rothesay is designed in a way that makes it aesthetically pleasing, and attractive for prospective residents and business owners;
- Regulate the use and development of lands to provide a range of uses that are appropriate;

- Regulate the built form to encourage a complete communities approach, in which neighbourhoods allow for a live, work, play style of life;
- Enhancing the design and construction of buildings through the use of building techniques that have a reduced negative impact or positive environmental impact and encouraging sustainable construction practices.

### RESIDENTIAL NEIGHBOURHOODS

Rothesay is primarily a residential community, a bedroom suburb of Saint John with many distinct neighbourhoods that are represented by a dominant form of housing – single detached dwellings. Homes are characterized by their different architectural styles, with a range of homes having been built between the 1800s to present day. A growing shift in local housing market is the addition of apartment and condominium dwellings, which have allowed for a range of new housing choices for residents. Public feedback has helped shape the future vision of Rothesay, and the residential policies required to ensure Rothesay continues to develop in a sustainable way. These policies intend to do the following:

- Allow for a range of residential housing types, sizes, and costs;
- Provide methods for adding affordable housing;
- Provide methods for adding age-friendly, universally accessible housing;
- Address the growing challenge of providing homes for non-traditional families,
- Regulate future residential development to ensure that future growth prioritizes a dense development pattern and reduces sprawl;
- Regulate residential land development to ensure the provision of municipal services is both economically and physically viable; and
- Allow for a narrow range of local commercial uses in residential neighbourhoods to reduce the need to travel by car for daily necessities.

### COMMERCIAL CORRIDOR

The local economy is supported by a mix of local, national, and international businesses, which together provide essential goods and services. The majority of the working population in Rothesay commutes to Saint John for employment and is dependent on that city for many of their services, goods, and products. While Rothesay provides essential needs, the City of Saint John provides more specialized regional scale services. Saint John’s economic diversity will continue to make Rothesay dependent on the City for the majority of its employment opportunities for residents. Nevertheless, plan policies may guide economic decision making and investment to provide greater economic opportunities that make our community more self-sufficient:

- Support local business growth through land use development regulations that allow for a diverse range of uses;
- Require urban design standards that will facilitate the development of an attractive, desirable commercial main street that appeals private interest and investment;
- Focus on the improvement and prioritization of commercial development on Rothesay’s commercial main street; and
- Use a land use planning methodology that supports neighbourhoods where residents can live, work, and play with emphasis focused on our main commercial areas.

### NATURAL ENVIRONMENT

The natural environment provides essentials to our everyday life, and is integral to our health and well-being. Our built physical environment is a product of our natural environment; we share a close connection and are dependent on it for our way of life. How our physical environment is constructed,

designed, and developed through time can alter and significantly influence the local and global natural environments. The Municipal Plan recognizes the relationship our built and natural environments have with one another, accordingly the Plan contains policies that ensure our community will continue to develop and grow in a sustainable way to allow for future generations to fully utilize Rothesay’s natural environment. The intent of these policies is to:

- Protect our natural resources;
- Regulate the development of greenfield or natural areas to reduce urban sprawl;
- Require lands that are considered to be socially, economically, and culturally important to be conserved for future generations; and
- Protect the existing and future built form and municipal infrastructure, with robust land development regulations.

### **MUNICIPAL SERVICES & INFRASTRUCTURE**

Regulating and managing the growth and construction of new development in Rothesay and those areas with existing municipal services and infrastructure requires a deep understanding of the needs of our community. The infrastructure and services of our Town are essential to the function and the provision of basic necessities of life for residents. The Municipal Plan recognizes the value and importance in maintaining existing services and infrastructure in the town, while considering future opportunities to provide services and to expand service and utility infrastructure. Accordingly, through the Municipal Plan vision and engagement process, policies have been created to do the following:

- Provide emergency services to all residents in Rothesay;
- Require all new development be connected to municipal services, including water and sewer;
- Explore opportunities for municipal and private interest to cooperate on future development opportunities; and
- Regulate development and expansion of municipal service requirements to ensure expansion of infrastructure is done in an economically viable way.

### **HERITAGE**

Rothesay has an extensive history and well established values and traditions. Our built environment, buildings, homes, and businesses are what make up Rothesay’s history and is what tells the story of our past. The Municipal Plan acknowledges the history of our built and natural environment through policies created with the direction of public feedback and our collective vision of the future. The intent of these policies is to preserve our traditional and heritage areas so that current and future generations may remember and may enjoy these assets, accordingly the policies will:

- Regulate the development of buildings and land found within Rothesay’s heritage area to ensure new development does not detract from the inherent quality or character of the built, social, or cultural environment;
- Allow for a range of uses that reflect on the historic form and function of the heritage area; and
- Preserve historic sites and buildings to ensure they are kept for the enjoyment of future generations.

### **IMPLEMENTATION**

The Municipal Plan will be implemented through municipal regulatory documents, including a new Zoning By-law, Subdivision By-law, and Heritage By-law; together, these documents will provide the necessary requirements to fulfill the intent of the Plan and its policies. The Municipal Plan is a dynamic document, it is meant to be interpreted and implemented in a fluid way; it is not intended to be read in such a way that it be literal in its definition. The strength of the Municipal Plan is that it is a living document as this

allows for a much more liberal interpretation of the intent of the plan its policies. As it is a living document and is meant to reflect on the values and vision of residents, policies have been included to allow for changes and updates to the plan through regulatory processes. Accordingly, the policies in the Municipal Plan will:

- Empower Council to make decisions with regards to the development and management of land, the conservation of the physical environment, control waste and pollutants, and provide services;
- Enable Town Committees to provide sound advice to Council regarding the management of lands, services and infrastructure, and the physical environment;
- Allow for future amendments to ensure that the vision is adapting to changing needs and priorities; and
- Facilitate by-laws that guarantee Rothesay’s lands, resources, and facilities, and infrastructure are controlled and managed in sustainable manner.





## Purpose of the Municipal Plan

The philosophy behind town planning in Rothesay is to provide a framework of policies that guide the municipality through thoughtful accommodation of growth without compromising the distinctive characteristics of our social, natural, built, and heritage environment.

This Plan is duty-bound to reflect a deep appreciation of Rothesay and its residents. It also requires great communication and engagement in identifying what opportunities and challenges, if any, may arise in the future. Preparation and planning will depend on our understanding of our demographics, economy, housing, transportation, and services and utilities.

In 2017, town staff initiated the Municipal Plan review process to create a new Municipal Plan for Rothesay. The review process is designed to assess and analyze the effectiveness of the 2010 Rothesay Municipal Plan, its policies, objectives, and vision and whether or not these are still relevant to the future. The Municipal Plan provides a general overview, as well as policy concerning the following: the development and use of land, the conservation and improvement of the physical environment, the control and abatement of pollution, the development of communication, utility, and transportation systems, the reservation of land for future uses and municipal purposes, and the provision of municipal services and facilities.



## Context – Past & Future, Challenges & Opportunities

### OUR PAST

Records of indigenous peoples along the Kennebecasis and Saint John River date back to approximately 7000 BC. The Wolastoqiyik (Maliseet) First Nation meaning “people of the beautiful river” were the first inhabitants of the river valley area. The European colonization of the area was expedited largely by the influx of American Loyalists who resettled here during and after the American Revolution 1775–1783. Loyal subjects of King George fleeing the colonial revolt and seeking out safe territory to settle, were granted lands in the region. In 1784 these land grants were administrated under the newly formed Provincial Government of New Brunswick.

The early years of the 1800s Saint John grew quickly as an industrial and manufacturing center. Numerous mills and plants were established along the Saint John River and the abundance of ships and activity of the shipyards made the area a bustling and vibrant community. In the 1850s, a railway running from Saint John to Shediac would pass through Rothesay and with the coming of the railway the businesses in Saint John continued to grow and flourish.

By 1860, the cornerstones of the communities, in what is now Rothesay, were beginning to take shape and soon we became a popular residential and cottage destination in the summer for people looking to escape from the rapidly industrializing City of Saint John. Many of the people that moved to the Rothesay area during this time had a range of skillsets that were valuable to the area; some were ship builders, farmers, loggers, and blacksmiths. As a result, by 1867, the communities of Rothesay had grown from a cross-road in the midst of predominantly farm-lots to a settled community. The railway had arrived and the era of prosperity from lumber and shipping was in full sail. The railway made it possible for Saint John residents to spend the summer in Rothesay and seasonal residences soon began to be built on a grander scale. The rail connection also introduced suburban living, with businessmen building houses for their families in Rothesay and commuting into Saint John.

This connection to the City is very symbolic and Rothesay residents still speak with pride when referring to their identity in the regional context by means of “Greater Saint John.” Greater Saint John denotes a geographic urbanized area that has, since the 1960s, expanded beyond the City of Saint John boundaries with the suburbanization of Rothesay and Quispamsis in the Kennebecasis Valley and Grand Bay-Westfield.

Even though Rothesay has a lengthy history the principal growth period occurred in the post-WWII period. The arrival of mass automobile ownership and the construction of highways, spurred the suburbanization of Rothesay. This growth was further stimulated by affordable housing prices and lower property taxes. Suburban housing in Rothesay offered homeowners’ good value with characteristically larger homes with more floor space in comparison to was available in the established neighbourhoods of Saint John. Suburban Rothesay also boasted larger lots compared to the smaller lots commonly found in Saint John. As the town’s population grew, there were new highways to provide fast direct connections from the suburbs to major employment and industrial centers in the city.

While Rothesay followed many of the typical characteristics of suburbanization, our history diverges from the North American experience. Whereas suburbs are often marked as communities without cultural or historical foundations, Rothesay still embraces with pride several century old institutions such as the Riverside Country Club founded in 1897 and which remains today as the New Brunswick’s only private

golf club; Rothesay Netherwood School founded in 1877 as an independent boarding preparatory school, Shadow Lawn Inn founded in 1870; the Rothesay Tennis Club founded in 1898, and a competitive rowing history that dates back to the 19th century.

In 1998, the five former communities of Rothesay, Fairvale, Renforth, East Riverside-Kingshurst, and a portion of Wells were amalgamated to form Rothesay. Shortly thereafter the town created a motto used to represent the strength and unity of the municipality throughout its history and into the future; “Qunique luncta in Uno”, which means Five United in One. In 2010, Rothesay celebrated its 150<sup>th</sup> name-day anniversary.

Rothesay is somewhat unique in New Brunswick with a strong and vibrant small Town identity, though it has a very strong connection with the City of Saint John. Most of Rothesay’s working class commute to the City for employment, and access most services and goods. This relationship has always existed, however, since 2010 there has been a growing discourse that has explored the possibility of unifying the Greater Saint John area, and has once again become a major topic for administrators and politicians.

Rothesay has been steadfast in its position that preservation of the Rothesay identity and the relationship of our local government to our residents is paramount. The administration and bureaucracy of a much larger organization like a single-city government, means the importance of resident’s local issues won't get the attention that they need, deserve, and expect. Despite these facts, Rothesay does embrace regional and inter-municipal solutions to service delivery such as the Greater Saint John Regional Facilities Commission, the Kennebecasis Regional Police Force and Kennebecasis Valley Fire Department, the Fundy Regional Service Commission, the Comex bus rapid transit service, Economic Development Greater Saint John, and the Kennebecasis Public Library. These service agencies are examples of how collectively municipalities can work together to better meet the service needs of our residents.

However to restate Rothesay’s position, a single-government model or other forms of centralization that would distance Town Hall and local decision making from our residents is not in our best interest.

**Council Shall:**

Policy REG-1

Regional Inter-Municipal Cooperation:

Continue to support regional and inter-municipal cooperation to the degree that such collaboration benefits Rothesay without compromising the ability to retain local decision-making and administrative accountability.

## OUR FUTURE

Rothesay, like many suburban communities of New Brunswick finds itself in a position that provides many unique opportunities and challenges for the present and future. Since the 2011 census the population has decreased. At a glance we can see from the data available through the Canadian Census Program that the number of persons 50 and older is increasing and those 20 and younger is decreasing. This change in population dynamic further adds to the challenges of a growing, aging population. The Rothesay area has seen the effects of a slow, but gradual change in climate and is beginning to notice the effects of even small changes. Seasonal weather events are becoming more extreme, and as a result flooding is more prevalent. The annual freshet has had a dramatic effect on riverfront communities in New Brunswick, Rothesay included, and predictions suggest this will be a continuing trend in the future.

Despite these challenges, Rothesay is poised to capitalize on opportunities in the future; some have already begun. In 2018, Rothesay was formally recognized as an Age-Friendly Community by the Province of New Brunswick, and in 2019, the Town formed a partnership with the YMCA to create an age-friendly resource centre known as the Rothesay Hive. The Rothesay Hive provides activities, education, and health related services to seniors that wish to stay active and engaged. In recent years, Rothesay has seen a rise in residential and commercial development. The long-standing tradition of Rothesay being known for its single-detached homes has evolved with the provision of new multi-unit apartment and condominium buildings. The addition of these dwellings further diversifies our housing stock and provides additional opportunities for people to call Rothesay home. The development of commercial uses has provided excellent additions to our Town.



## How much growth for the Future?

Rothesay has a reputation as a community with an excellent quality of life, accordingly growth should only improve the quality of life for our residents. By improving and maintaining quality of life residents will want to stay here and not be attracted to find a new municipality to live in. In fact much of what makes this place special cannot be measured in standard economic or demographic statistics. The Municipal Plan is delicate balance between what lands should be used for specific land uses to new development over the next 10 years. Municipal policy is subsequently influenced by demographic trends and the policy makers weigh those choices against community values.

In preparation of this plan, Rothesay prepared a demographic forecast of our population. Rothesay has a population (See Figure 3) wherein a relatively small proportion of residents are between the ages of 20 and 34 years of age, and the majority of the population is 50 years and older (Heseltine, 2018)<sup>1</sup>. The demographic forecast shows that without intervention our population will gradually diminish over the next 20 years. Rothesay’s population had experienced steady population growth until the most recent census period ending in 2016, which recorded a net loss of 2.5% (See Figure 1). By 2021 it is forecasted that Rothesay’s population will be 11,361, and by 2026, 10,786 persons (See Figure 2). Beyond the lifetime of the Municipal Plan, the forecasts predict that the population will be 9,444 persons by the year 2036. This forecasted decline in population would be largely due to the death of persons born during the Baby Boom Generation (1946-1964), the out-migration of young adults particularly of those aged 20 to 34, and a low birth rate due to the loss of young adults and families. This projections are based on looking at Rothesay in isolation and do not reflect changes resulting from changes in the population share in the Greater Saint John region.

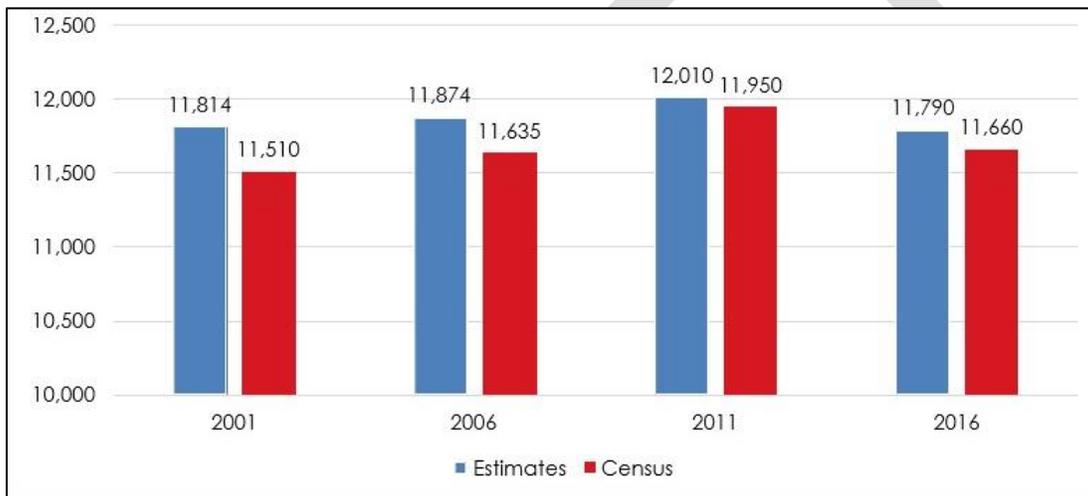


Figure 1 – Total Population Change, 2001-2016, Population Estimates VS Census Data - Source: Heseltine, J. (2018). Town of Rothesay Population and Housing Projections.

<sup>1</sup> Heseltine, J. (2018). Town of Rothesay Population and Housing Projections

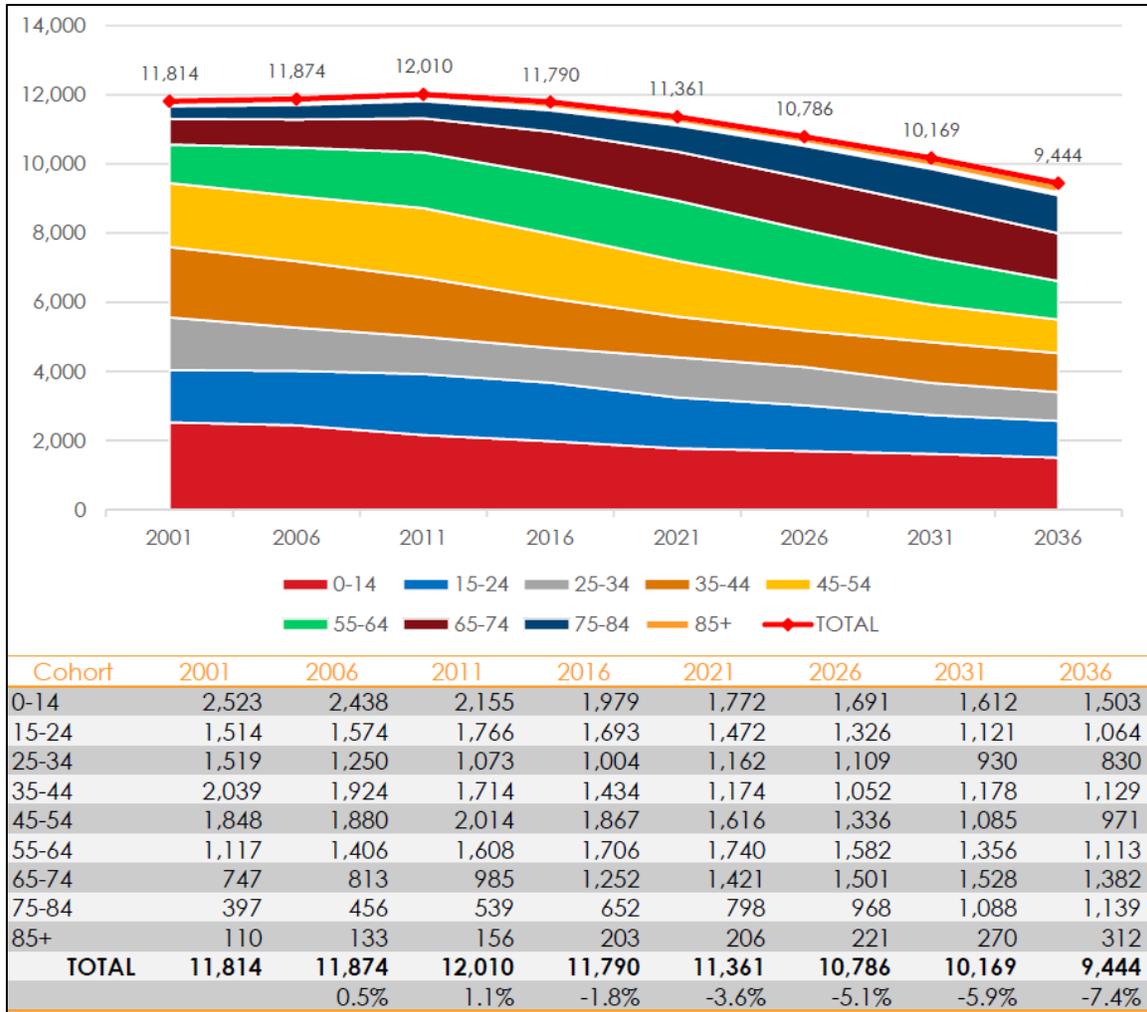


Figure 2 – Population Forecast, 2016-2036- Source: Heseltine, J. (2018). Town of Rothesay Population and Housing Projections

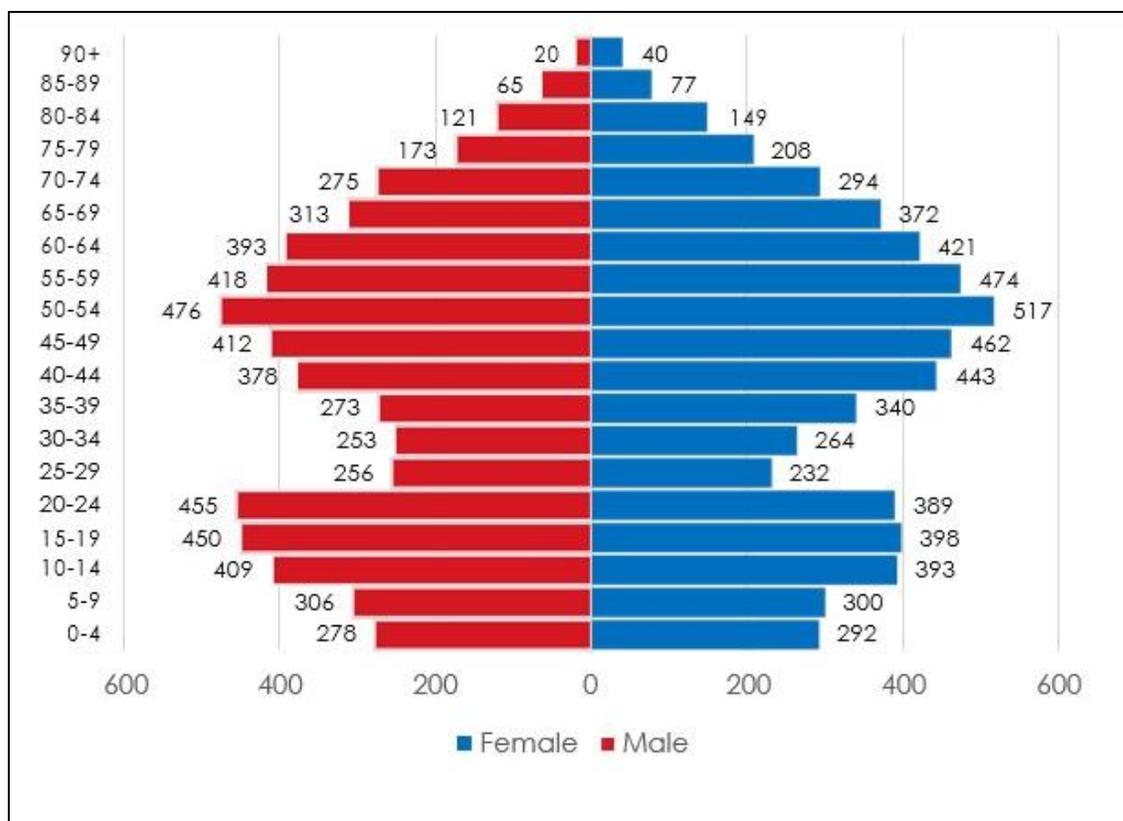


Figure 3 - Population Pyramid Female VS Male (2016 Census) - Source: Heseltine, J. (2018). Town of Rothesay Population and Housing Projections.

The migration of people in and out of Rothesay is integral to the cycle of housing and the age of our residents. Rothesay strikes a balance between in-migrants and out-migrants (Heseltine, 2018); however, an increase in new-build construction would likely attract more in-migrants. Estimates of future migration show that residents in their 30s and 40s and a smaller number of persons up to 20 years of age will increase, but is countered by the consistent and substantial outflow of persons 20 to 29 years of age, which is presumed to be adult children leaving Rothesay for employment and/or education opportunities, or to move to a larger metropolitan centre (Heseltine, 2018). Rothesay is also promoted as a destination for retirees, however the demographic census data indicates that we are not attracting seniors and that there is an out-migration of pre-retirees, aged 45 to 65 (Heseltine, 2018).

Population growth and decline forecasts are a prediction based on the expected outcomes of the economy and the current number of persons present in the population capable of birthing. Greater economic and employment growth and an increased number of persons capable of new births tends to reflect an increase in population. Rothesay has a challenge in this regard in that there are limited employment opportunities in the town, and we are heavily dependent on the City of Saint John to provide the majority of our labour force with employment. To ensure that Rothesay grows in a sustainable manner and that our needs are met, demographic changes will be monitored, and the Municipal Plan upgraded if future growth trends change the vision integral to the Plan.



## Creating the Municipal Plan

The Municipal Plan is a by-law enacted by Rothesay Council that seeks to describe our vision, values, and aspirations within a regulatory framework to control and manage land use development. Our municipal policies guide our Council, Town staff, and public stakeholders and is vital in identifying and addressing local challenges, and taking advantage of and promoting our local strengths, which include the following:

1. Our municipal water infrastructure has slowly expanded through various development projects and municipal capital projects. Through these initiatives, the availability to connect to municipal water has continued to spread throughout the town, which provides residents with clean, safe, potable water. The continual expansion of this network will provide future opportunities for residential and commercial developments, and allow existing residents on well water service to connect to municipal water.
2. The Town's primary housing form is single-detached dwellings that are situated on a mix of lot sizes ranging from quarter acre lots to one acre lots and greater. The majority of the existing homes in Rothesay were built prior to the 1970s, however, there has been a consistent, yet modest, amount of new built construction each year. A change in housing demand and a changing demographic have transformed the housing market, in that the town has had an increase in the number of apartment and condominium units developed in the past decade. This diversity fuels potential population growth, and enables existing residents to stay within Rothesay. Further residential development in the town is possible, through the potential of infill and undeveloped new development areas. An area with high future development potential is the Hillside North and South Planning Areas, of which there are plans to allow for the development of low, medium, and high density residential land uses. The timeline of the growth in this area would exceed 40 years at current build rates, but it provides potential growth opportunities for the town.
3. Rothesay has a proportionately, high number of senior citizens, and a proportionately low number of youth and young adults, compared to national averages. Population forecasts indicate that future population decline will continue, with estimates showing that by 2036 Rothesay could lose 20% of its current population. A cause for this population loss is multifold, though the largest being the death of the senior population, and the smaller number of persons that are capable of bearing children make up for the steady decline. Rothesay's designation as an age-friendly community should encourage more persons to move to the Rothesay, and certainly targeting and attracting new persons in the town, and allowing for new housing options and a variety of commercial uses will support a more diverse lifestyle and encourage growth.
4. Rothesay is situated in an area that allows residents to make the most of the natural environment. Access to the Kennebecasis River, parks, and natural areas make the town a potential leader in parks and recreation, and environmental sustainability. Preserving these natural areas through strict developmental controls will ensure these areas are protected for future generations and will reduce our impact on the environment. Increasing the number of green space and parks will also improve our overall quality of life.
5. The Town has a small employment base in the commercial and industrial sectors, and has opportunities to diversify and expand on these uses in the future. Allowing for the continuation and expansion of these uses will further strengthen our economic opportunities for residents, and will provide new opportunities for existing residents, and possibly attract new residents to the town. Land use development controls and planning will ensure these uses do not detract from

the existing character and or qualities of the town, of particular importance is the quality of life of residents and their homes. Commercial and industrial growth will be limited to specific areas to ensure development is coordinated and that Rothesay can ensure that these uses do not detract from the existing character of Rothesay, or negatively impact the lives of residents. Commercial growth and development will continue to define and establish a commercial main street, while industrial uses will further support the needs of residents and the services they require for their everyday lives.

## Creating the Municipal Plan: The Planning Process

The Rothesay Municipal Plan was a two-year planning process that took place between June 2018 and June 2020, and was an initiative that was undertaken by Council and Town staff. The process required a considerable amount of public engagement, reports, studies, and research and analysis. This was required to capture the full extent of our stakeholders, and the vision of our community for what and how we want Rothesay to develop, grow, and change in the future. Through this process many challenges and opportunities were revealed, including those that residents feel threaten the community and those that may enhance the quality of life and make Rothesay a desirable place to live. The extent to which staff, the public, and consultants were involved was extensive, and includes the following:

- A citizen satisfaction survey completed by Corporate Research Associates (CRA), with the direction of town staff, that collected 409 responses from residents in the town to review their overall satisfaction with quality of life, provision of services, and their concerns regarding important issues or challenges facing Rothesay, housing and commercial development, and the impact of storm water drainage and flooding, from May 9<sup>th</sup> to 24<sup>th</sup> and again from June 12<sup>th</sup> to 14<sup>th</sup>, 2018;
- An age-friendly survey, completed by the Rothesay Age-Friendly Committee and Town staff, that collected 389 responses electronically and through paper submission. The survey was targeted for persons 50 years and older, and asked questions regarding senior's quality of life, their ability to live in Rothesay and their home long-term, the quality and provision of available services, what services would be desirable in the future, and the quality and provision of housing, October 2017 to April 2018;
- CoUrbanize online engagement; managed by Town staff collected 400+ responses collected over the course of 2 years. Responses were provided from residents asking general questions, providing feedback on the planning review process, and were answers to questions provided by Town staff, October 2017 to December 2019;
- Rothesay Priorities Report, Priorities of Rothesay Town Council 2016-2020;
- Hillside Secondary Plan Open House, Bill McGuire Centre, November 15, 2018;
- Municipal Plan & Zoning By-law Review Open House, Bradley Lake Community Centre, June 7<sup>th</sup>, 2018;
- Municipal Plan & Zoning By-law Review Open House, Fairvale Outing Association, June 13<sup>th</sup>, 2018;
- Municipal Plan & Zoning By-law Review Open House, Bill McGuire Centre, June 19<sup>th</sup>, 2018;
- Municipal Plan & Zoning By-law Review Open House, Rothesay Town Hall, June 27<sup>th</sup>, 2018;
- Municipal Plan & Zoning By-law Review Pop-up station, July – August 2018;

- Rothesay Planning Advisory Committee Workshop, Rothesay Town Hall, August 2019;
- Rothesay Parks & Recreation Workshop, Rothesay Town Hall, November 2018;
- Rothesay Priorities Report, Priorities of Rothesay Town Council 2016-2020; and
- On-going staff engagement, including meetings, phone calls, and email communication.

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## Vision, Objectives, and Goals:

A vision is created through engagement and discussion with stakeholders, and the observation and collection of feedback from residents. Together, the stakeholders and Town staff have created a vision for Rothesay and how it may grow and develop in the future, what regulations may exist to limit or enable development, what intensity and scale may be desirable, what characteristics and values are considered to be crucial to the town, and what the future of Rothesay may look like over the lifetime of this Plan and beyond. The Municipal Plan, and the vision, is based on the comprehensive understanding of the existing conditions in the town and how these conditions may change over the lifetime of the Plan. The Vision is the ideal concept for what the future of Rothesay may look like; the vision represents the collective values and goals of the town's stakeholders and presents a scenario for the future which we may achieve through a series of objectives and or goals, and which may be implemented through policy contained in the Municipal Plan.

### Rothesay 2030: A Vision for Growth, Change, and Resilience

The Rothesay 2030 Vision is a collection of the public's feedback, gathered throughout the course of the planning review process that reflects the future aspirations of Rothesay, with regard to growth and development, and the provision of essential services and programs necessary to create a highly desirable, livable community. At the heart of the 2030 Vision are important principles that have been identified; collectively these make up the entirety of the Vision and how it will shape the future of Rothesay. These principles are integral to how we use and build our physical environment, how our built form dictates how we use land, and what impact we have on it. The principles reflect this relationship and how we plan to grow through population growth, change to our physical environment, and how we may be resilient in the face of challenges and threats to our way of life. In its entirety, 2030 Vision recognizes the social, economic, cultural, and natural environments and how they are interconnected. Through Rothesay's 2030 Vision, this Municipal Plan will strive to make the following a framework for the town's vision:



**NATURAL ENVIRONMENT:**

- Protect the natural environment through the provision of land use development controls that are integrated with Provincial regulations, to ensure Rothestay’s natural areas are preserved for future generations;
- Monitor and increase the number of trees in our urban areas, and continue to protect the existing tree canopy;
- Protect our natural resources through the regulation of lands with municipal and provincial acts;
- Encourage new development be designed to include green building design principles;
- Encourage development of infill sites and identified opportunity areas with access to municipal services, in order to reduce sprawl;

**BUILT FORM & URBAN DESIGN:**

- Protect the existing built form through land development regulations and heritage and design standards;
- Require that all new construction developments will be designed for the pedestrian and at the pedestrian scale, to increase social interaction that fosters meaningful relationships and socialization;

- Establish a commercial main street that is distinctive and provides functions and utility of multiple modes of transportation;
- Follow best practices in land use planning and urban design to create a built form that may be used and enjoyed by all residents;
- Create spaces that enable the freedom of movement and use of space for all persons of all ages, sizes, abilities, and disabilities
- Ensure that lands are developed in an economically and environmentally sustainable fashion, such that a proposed development would not financially burden the town or adversely affect the development pattern and or lands of the town;

#### HOUSING DIVERSITY

- Create land use development regulations that will allow for a mix of residential densities, housing styles, and affordability, which will enable persons of all socio-economic status to live in Rothesay;
- Require new homes to be built to allow age-friendly living and supports aging in place;
- Locate moderate and higher density residential housing to areas in close proximity to commercial and institutional uses, and transit nodes;
- Neighbourhood commercial uses and home based businesses will increase live, work, play opportunities, and overall healthy neighbourhood function;

#### AGE-FRIENDLY COMMUNITY

- Public buildings operated by the town will be designed to be used by all persons regardless of their age, size, ability or disability, or socio-economic status;
- Continue to support the development of Rothesay’s Age-Friendly Resource Centre “The Rothesay Hive”;
- Programs and or

#### PARKS & RECREATION

- Parks will be provided in new neighbourhoods to ensure all residents have access to green space;
- An interconnected system of trails, parks, and green systems will be created with multiple public access points;
- Parks and green spaces will be created and maintained to ensure that they may be used throughout the year, to encourage residents to be active;
- Rothesay’s waterfront areas will be protected from development pressures to preserve natural areas, green spaces, and parks;
- The Town will continue to invest in and upgrade existing parks and recreational facilities;

#### COMPLETE NEIGHBOURHOODS

- Neighbourhoods will support mixed-use development, that will lend to the function of residents daily lives;
- Streets will be designed to be walkable, to encourage the use of streets by pedestrians;
- Neighbourhoods will be designed in a way that enables the use of multiple transportation options, including private, public and active transportation;
- The character and quality of neighbourhoods, and their physical form, will be preserved and where possible enhanced;
- A mix of housing will enable a range of household and family sizes;

## TRANSPORTATION

- The Town’s trail system will be extended in order to connect to the roads in Rothesay, providing a seamless method of active transportation travel;
- Major collector roads will be upgraded to include bicycle lanes and sidewalks to allow for the safe movement of pedestrians, cyclists, and vehicles;
- Rothesay’s trail system will be expanded so that it links with the regional trail systems, and allows for alternative forms of transportation to commute to work;
- Roads will be developed to allow for the safe movement of vehicles and pedestrians;
- Invest in alternative transportation options, including public transit, active transportation, and renewable energies;

## SUSTAINABILITY

- Land development controls will require that lands be developed in such a way that the subject site does not negatively impact an adjacent site or its use;
- Natural areas will be protected through land use development regulations to avoid unplanned development or urban sprawl;
- New development will require green building design principles;
- All new developments will require stormwater management plans, to ensure flooding is controlled;
- Rothesay will allow the construction of renewable energy infrastructure to reduce our carbon footprint;
- Steep land and difficult terrain will have development controls, to ensure these areas are developed in a manner that allows for their safe use and occupation;
- Rothesay will continue to work with neighbouring municipal jurisdictions and will continue to adhere to the regulations set by the Province that protect natural resources and protected areas;
- Explore methods and opportunities to become a more self-sufficient by increasing local business opportunities and convenience for residents;
- Limit urban and rural sprawl, and prioritize infill development where possible;

## INVESTMENT & INFRASTRUCTURE

- All development will be regulated in a manner that ensures that the provision of municipal services is done to enhance the affordability and the efficiency of the town’s infrastructure;
- Municipal water and sewer services will continue to be expanded to ensure residents have access to safe, clean water;
- The Town will continue to work with developers and explore opportunities to upgrade municipal infrastructure;
- The Town will invest in renewable energies, where the provision of such infrastructure would be financially viable, supply energy to municipal infrastructure, residential, commercial, and industrial land uses;
- Coordinate with municipal jurisdictions to explore opportunities to work cooperatively on the development of infrastructure and public facilities;

## COMMERCIAL MAIN STREET

- Create a pedestrian scaled environment that promotes the commercial main street of Rothesay as a walkable, pedestrian friendly area;

- Prioritize the location of local businesses and direct new businesses to the Hampton Road main street to foster local employment and economic growth and to reinforce Rothesay's commercial corridor;
- Allow for mixed-used development, through land use development controls, to reduce urban sprawl and encourage a complete communities approach to commercial and residential development.

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## Planning Regulation: The Legislative Basis of the Municipal Plan

The Municipal Plan is a by-law that has been prepared in accordance with New Brunswick's Community Planning Act (CPA). The CPA is a legislative document that empowers Council to create a Municipal Plan that regulates land use development decisions within their municipal jurisdiction. However, the Municipal Plan is not limited to the regulation of lands, it is also required that the Plan includes policy regarding the following:

- Development and use of land;
- Conservation and the enhancement of the built form and physical environment;
- Control and abatement of pollutants and waste;
- Development of communication, service and utility, and transportation infrastructure;
- Land reservation and natural areas protection;
- Municipal services, including water and sewer, parks and recreation, waste disposal, parks and recreation, and emergency services;

The Municipal Plan does not commit or legally bind Council to carrying out the policy contained within; however, it does require that decisions not be made that would contradict or be inconsistent with the policy that is within the Plan.

The Municipal Plan is intended to be an organic, living document, it is not the intent of the Plan to be read or interpreted as would be normally done through legal definition or a statutory law. Rather, the Municipal Plan is best read as a document that may be open to interpretation. Through the adoption of the Municipal Plan, Council is supporting and proposing policies that would implement the Rothesay 2030 Vision.

## Reading the Municipal Plan

The Municipal Plan is a by-law enacted by Rothesay Council that endeavors to describe the public's vision and its values within a regulatory frame work to control land use development. The by-law's primary purpose is to manage future growth and change and to provide guidance on land use planning related issues. However, without limiting itself to land use, the Municipal Plan can provide guidance and insight regarding public facilities and programs and the provision of municipal infrastructure and services.

### CHAPTERS

This document is a replacement for the 2010 Municipal Plan and is intended to cover the period from 2020 to 2030. The Plan is a guide for development, growth, and investment in Rothesay's future. The framework for this document is set out through five chapters: 1) Background, 2) Land Use, 3) Municipal Services & Infrastructure, 4) Development Control, and 5) Implementation. Each chapter also includes policies that serve as guides to Council, the Planning Advisory Committee, and staff in the decision making process, regulation and management of land, and municipal services and infrastructure.

Chapter 1, Land Use, the largest section of the Plan, outlines the general context and objectives, and policies for the management of land, infrastructure, buildings, and development in the town. Chapter 2, Municipal Services & Infrastructure provides an overview of the various services provided by the town. This chapter is supplied with general context for each service and the infrastructure within the town, in addition to policy for how Council shall continue and supply these services in the future.

Chapter 3, Development Control, prescribes limits to the development that may take place in Rothesay, with regards to location, type of use, and its intensity. This chapter also provides an overview of the role that staff have in their administrative role and duty in serving the public and public's interest.

Chapter 4, Implementation, describes how the policies and procedures contained within the Plan are to be carried out by Council. Additionally, it covers how the procedures and application requirements for the various planning applications are to be completed. The section also details how amendments to this Plan are to be carried out.

### SCHEDULES AND MAPS

In addition to these chapters are a series of Schedules. These Schedules are to be used in conjunction with this Plan and the policies contained within. The Schedules provide context to the implementation of a policy and the specific development objectives, constraints, or intended use of the land that is shown. The General Future Land Use Map is Schedule A, an attachment that shows the intended land uses in Rothesay over the course of this Plan.



# CHAPTER 1 – LAND USE

## Residential

Rothesay is primarily a suburban residential area in which 28.5% (23,393 acres) of all land is designated for residential land use. The residential land use development pattern is consistent with many small suburban communities; where the primary land use is residential and the majority of housing is single-detached dwellings, with a mix of semi-detached, attached, and limited multi-unit dwellings that provide a mix of housing stock.

The primary type of residential dwelling in Rothesay is single-detached units. The unique geography and topography of Rothesay provide a tremendous amount of residential opportunities, including traditional suburban lots, large rural lots, and waterfront lots that look out over the Kennebecasis River. The diversity in lot sizes allows for a mix of residential styles and dwelling types throughout the town. While the primary form of residential dwelling in Rothesay are single-detached unit, development projects through 2018-2020 have seen an increase in the construction of multi-unit dwelling buildings. These new multi-unit apartment and condominium units are a likely indicator in the demand for smaller, managed property dwellings from our senior population. Regardless, this shift in residential development provides diversity in Rothesay's housing market and lifestyles in a community that has customarily seen traditional uniform development.

This Plan envisions a range of low, medium and high density land uses in addition to a range of housing options that will include single-detached dwelling units, secondary dwelling units, two-unit and attached dwellings, clustered residential dwellings, as well as apartments and condominium dwelling units. The residential land use designations will be contained to the land area west of the Mackay Highway.

The Low Density Residential Designation will preserve existing neighbourhoods, except through potential subdivision of larger lots to provide low density residential development, and where appropriate, higher density residential and neighbourhood commercial development. The low density residential areas of Rothesay are expected to retain the long established neighbourhood character, though where appropriate opportunities may arise for low density infill development, and neighbourhood commercial land uses.

The Medium Density Residential Designation will be located on the periphery of commercial land designations and act as transitional land use intensity between low and high density residential dwellings. Medium density dwellings may also serve a secondary purpose as transitional housing that may be ideal for new home buyers, or those looking to downsize from single-detached dwellings.

The High Density Residential Designation will be clustered around the commercial core and will serve to increase density. The higher density designation will provide mixed land use opportunities where appropriate, as well as affordable housing. The provision of the High Density Residential Designation is appropriate to address the increasing demand for apartment and condominium units, and the expected shift in housing that will occur with a shift in our increasingly older population

Council recognizes that there is a shift in housing demands and that our population is changing, the following policies will ensure that there are housing options to address these changing needs, and look to provide a variety of housing in the future.

**Council Shall:**

*Rothesay has experienced a demographic drift that has seen a rise in total number of seniors which has raised concerns on the affordability of housing and the provision of housing that may accommodate persons on fixed incomes. The provision of housing is the role of the private sector, albeit regulated by the town of Rothesay. While the town has no direct control in the free market, we are able to regulate the use, scale, and density of the use, and may provide incentives to the private developer to provide a public amenity or benefit, to offset the increased density or scale of the building. This policy enables Council to consider providing an incentive to a developer so that they may increase the total maximum density that would otherwise not be permitted, for the provision of affordable housing dwelling units.*

**Policy R-1**

**Affordable Housing:**

Consider an increase in the maximum allowable density by 2 percent for every dwelling unit meeting affordable housing standards as defined by the Canadian Housing and Mortgage Corporation (CHMC) or an equivalent recognized standard, not exceeding 20 percent as determined in the Zoning By-law for the following zones:

- a) Attached Unit Residential (R3);
- b) Clustered Residential (R4); and
- c) Multi-Unit Residential (R5)

Where the total number of units calculated results in a fraction, the number shall be rounded to the nearest whole number.

*In the spring of 2018, Rothesay became recognized as an age-friendly community. This designation requires significant investment by the town to ensure that we accommodate all persons, of all abilities and disabilities throughout their life. The staple of a desirable place to live is good quality housing, age-friendly communities ensure that a person may live in this Town in which they were raised for the entire duration of their life, because there is housing and services that enable them to do so. This policy enables Council to consider providing an incentive to a developer so that they may increase the total maximum density that would otherwise not be permitted, for the provision of age-friendly designed dwelling units.*

**Policy R-2**

**Age-Friendly Housing:**

Consider an increase in the maximum allowable density by 2 percent for every dwelling unit designed and constructed in conformance with Universal Design Best Practices, as defined by the Universal Design Network of Canada or an equivalent recognized standard, not exceeding 20 percent as determined in the Zoning By-law for the following zones:

- a) Attached Unit Residential (R3);
- b) Clustered Residential (R4); and

c) Multi-Unit Residential (R5);

Where the total number of units calculated results in a fraction, the number shall be rounded to the nearest whole number.

*Rothesay was originally established as a seasonal cottage community for those looking to escape the rapidly industrializing City of Saint John. Since that time Rothesay has become a very stable, suburban community of Saint John. Residents have an extreme sense of pride in their neighbourhoods, and their homes, this policy would prohibit the establishment and operation of short term rental housing to preserve the character and quality of our residential neighbourhoods.*

Policy R-3

Short Term Housing Rental:

Prohibit short-term rentals in Rothesay, meaning the rental of a single family dwelling or any form of dwelling including a unit in a multi-unit dwelling for a period of 31 days or less. Council has determined that allowing residents to rent their registered properties for longer periods appropriately balances the need to protect neighbourhood stability from issues of neighbourhood nuisance, noise, and housing availability and affordability.

*Rothesay is currently experiencing a large shift in its population, demographic analysis shows that there is an increasing number of seniors, and a decreasing number of youth and young adults. The increase in our senior population has required housing arrangements be made so that families may accommodate additional family members in their home. This policy would allow existing residential dwellings to add an addition to the structure or to make an existing area in the home a legal apartment to provide greater housing stability and diversity in the Rothesay.*

Policy R-4

Secondary Suites:

Establish appropriate standards in the Zoning By-law to allow secondary suites in single family dwelling units to accommodate owner occupied shared housing where the primary purpose is for care and support or to address affordability.

*Rothesay's predominant land use is residential, and the primary dwelling type are single detached family homes, the majority of which are on quarter acre lots or larger. The large number of existing, large lots provides opportunities for infill development of secondary dwelling units on a property, which may be either garden or secondary units, which are self-contained dwellings that may be rented out to a tenant, or used by a family member. This policy would allow residents that had the appropriate lot and zoning to build a secondary or garden unit. The intent of this policy is to provide additional housing options in Rothesay.*

Policy R-5

Secondary Units & Garden Units:

Establish appropriate standards in the Zoning By-law to allow independent secondary units and smaller detached

backyard garden units in the Low Density Residential Designation, where such development will:

- a) not adversely impact the neighbourhood aesthetics;
- b) increase the diversity of housing choice;
- c) increase the affordability of the rental stock, and
- d) enable age-friendly living within Rothesay.

Policy R-6  
Home Occupations:

Establish appropriate standards in the Zoning By-law to allow owner occupied dwellings to operate a home occupation in residential designations, subject to the following criteria:

- a) The residential character of the property and the surrounding neighbourhood is not adversely effected;
- b) There is no outside storage of equipment or materials;
- c) The home occupation does not create excessive vehicle traffic;
- d) Commercial signage is inconspicuous and appropriate in scale and character for the residential area; and
- e) The home occupation does not produce smoke, dust, fumes, or noise to an extent that it would create an unreasonable nuisance in a manner that substantially interferes with the enjoyment or use of another individual's property or with nearby residential uses.

Policy R-7  
In-Home Daycares:

Establish appropriate standards in the Zoning By-law to allow owner occupied dwellings to operate an in-home neighbourhood daycare (early learning and childcare home) in accordance with the New Brunswick Early Childhood Services Act, as may be amended from time to time, subject to compliance with the following:

- a) The daycare is secondary to the permitted residential use; and
- b) The residential character of the property and the surrounding neighbourhood is not adversely affected.

*Rothesay is known for its quality neighbourhoods, tree lined streets, and traditional architecture. The character of our neighbourhoods has, too many residents, become something of pride and value and should be protected for the future. Homeowners in Rothesay largely take great pride in their homes, and for many this is where they were raised and will continue to be for many years into the future. This policy recognizes the value and quality of our residential neighbourhoods and provides Council with the regulatory authority to establish guidelines for the type of housing that may and may not be permitted in the town.*

Policy R-8

Manufactured Housing:

Establish appropriate standards in the Zoning By-law to regulate mobile and/or manufactured homes as a dwelling form incompatible with the architectural and characteristic housing styles found in Rothesay. Mobile, modular and similar forms of manufactured homes refer to permanent residential structures containing one dwelling unit that is constructed off site in one or more parts and in some cases on a permanent undercarriage or chassis; transported to the site for assembly; and which in some instances is not placed on a permanent foundation.

Policy R-9

Residential Dwelling Landscape Standards:

Establish in the Zoning By-law standards for the care and maintenance of the required front and side yards on developed properties visible from a public street such that nominal standards for plants, shrubs, turf, and other landscaping are in healthy condition and reinforce the overall residential character of a well-cared for neighbourhood.

*Rothesay has experienced a slow, but gradual shift in its population. This change has required developers supply housing that better suits the needs of persons that are growing older, and for persons that are having non-traditional families. These changes present a unique challenge in that there are few choices in housing in Rothesay, and limited lands to develop that are connected to municipal services. However, many sites exist within the town that are potential sites for infill development, and may be ideal for a variety of residential land uses and densities. This policy intends to allow the development of high density residential development throughout the town, with conditions, to accommodate a changing population, and supply additional housing.*

Policy R-10

Residential Infill – Multi-Unit:

Consider, notwithstanding any other residential policy, that new multi-unit residential development of higher density may be appropriate throughout the entire plan area, accordingly Council may consider multi-unit dwellings and clustered forms of housing through the re-zoning and development agreement process where such development demonstrates compliance with the following requirements:

- a) Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;
- b) Subject lands are located at the periphery of low density residential neighbourhoods;
- c) The maximum density does not exceed 200 square metres of land per dwelling unit;
- d) Subject lands are in proximity to one or more of the following land uses: commercial, parks and recreation facilities, institutional;
- e) Subject lands are adequate in size relative to the intensity and scale of the proposed land development;
- f) Excellence in site design best practices addressing features such as Crime Prevention through Environmental Design (CPTED) principles, urban design, and high quality landscaping; and
- g) A building design of high quality that is consistent with community values and architectural best practices.

Policy R-11  
Residential Design:

Develop architectural design guidelines and standards for residentially designated areas where the architectural character of a neighborhood, corridor or area is deemed to be of special or unique value.

Policy R-12  
Sustainable Design:

Consider density bonusing provisions when processing a multi-unit residential development rezoning application where the proposal would comply with the Natural Resources Canada's Green Building Certification program or an equivalent standard.

## Low Density Residential Designation

The Low Density Residential Designation comprises an area of 19,393 acres or 24 percent of the total land area of Rothesay. The dwelling types in this designation are a mix of single-detached dwellings and duplex dwellings. Most single-detached dwellings are situated on quarter, half, or full-acre lots.

The residents that live in these low density residential areas of Rothesay highly value their neighbourhoods, the natural settings, and the safety, privacy, and stability found here. These neighbourhoods are highly sought after because many are in close proximity to schools, making them ideal for families. The lots and homes are spacious and most neighbourhoods have mature trees and manicured lawns, and many of the older neighbourhoods have architectural styles that encourage a social lifestyle. Homes are also attractive, well sited, and appropriately scaled to their lots. These neighbourhoods are safe and walkable. These low density residential neighbourhoods throughout Rothesay are unique, have long-time residents, and are generally not based on a cookie-cutter development pattern. Most neighbourhoods have a network of interconnected streets, though there are areas where the intended street network was not completed, which has resulted in dead end streets and poorly connected neighbourhoods. Many local streets are narrow and many do not have curbing. This is a reflection of the long history and perhaps more modest beginnings, but the streets are effective at minimizing speeding and shortcutting through neighbourhoods. Rothesay neighbourhoods also have recognizable, distinguishable boundaries that are well known to long-time residents. These boundaries are identifiable by the unique architectural design, building materials, and development pattern of the lots.



Low density single-family residential neighbourhoods will continue to be the primary land use of Rothesay. As part of a community building process new homes, streets, and parks and open spaces must contribute to the betterment of our existing neighborhoods by following best practice land use planning. Rothesay's neighbourhoods can be enriched and reinforced by protecting the existing residential character through appropriate regulations and standards in this Plan.

The Municipal Plan will endeavor to maintain the traditional suburban character, architectural styles, and overall development pattern for low density residential uses. Council recognizes the tradition, heritage, and pride in our neighbourhoods. Accordingly, the following policies will seek to protect these low density

residential areas, while enabling opportunities for both traditional and contemporary residential development.

**Council Shall:**

**Policy LDR-1**

Low Density Residential Designation:

Designate lands identified on the Generalized Future Land Use Map as encompassing those areas of Rothesay where the primary land use shall be Low Density Residential.

**Policy LDR-2**

Low Density Residential Uses:

Allow within the Low Density Residential designation, a range of housing types where the dominate form is single family detached homes and other lower density forms of housing, including secondary suites, two unit semi-detached, secondary units, and duplex dwellings. Other compatible uses may be permitted in the Low Density Residential designation without amendment to the Municipal Plan including but not limited to neighbourhood convenience stores, public utilities, parks, municipal facilities, and where appropriate home occupations.

**Policy LDR-3**

Low Density Residential Zones:

Establish appropriate standards in the Zoning By-law to regulate low density residential development that is appropriate for the neighbourhood in which it is located by requiring appropriate setbacks, massing, height and limits to the permissible uses in the following zones:

- a) Single Family Residential – Small Lot (R1A);
- b) Single Family Residential – Standard Lot (R1B);
- c) Single Family Residential –Large Lot (R1C);
- d) Single Family Residential – Estate Lot (R1D); and
- e) Two Unit Residential (R2).

## Medium Density Residential Designation

Rothesay’s secondary form of residential dwellings includes semi-detached, attached, and clustered units. This type of residential land use comprises 2641 acres or 3 percent of the entire land mass of Rothesay.

These residential dwellings typically have a small front and back yard, or share a common green area, and are located in close proximity to the commercial land uses. Despite their proximity to higher intensity uses these neighbourhoods remain highly desirable. The relative affordability of these dwellings make excellent starter homes for young persons and families, but also enable long-time residents the ability to stay in Rothesay by downsizing. While these dwellings are smaller than traditional single-detached homes, the advantage is that the maintenance required is also less. Furthermore, the inherent qualities of the low density residential areas are further exaggerated in these medium density neighbourhoods; social mixing and interactions play a vital role in these communities.



As our population continues to age attached residential dwellings, particularly garden homes, may become more attractive as our senior population looks to downsize. Neighbourhoods can be enriched and protected through the development of parks and municipal facilities. Moreover, medium density shall continue to be developed in tandem with commercial development in an effort to encourage density and reduce suburban sprawl. Council recognizes the importance of housing diversity, accordingly the following policies will allow for a range of medium density residential land uses in Rothesay.

**Council Shall:**

Policy MDR-1

Medium Density Residential Designation:

Designate land identified on the Generalized Future Land Use Map as encompassing those areas of Rothesay where the primary land use shall be medium density residential.

Policy MDR-2

Medium Density Residential Uses:

Allow within the Medium Density Residential designation, a range of housing types where the dominant form of housing is two unit semi-detached, duplex dwellings, triplex-dwellings, fourplex dwellings, rowhouses, garden homes, or clustered housing. Other compatible uses may be permitted in the Medium Density Residential designation without amendment to the Municipal Plan, including but not limited to parks, municipal facilities, single-family homes, neighbourhood commercial, and public utilities.

Policy MDR-3

Medium Density Residential Zones:

Establish appropriate standards in the Zoning By-law to enable medium density residential development that is appropriate for the neighbourhood in which it is located by requiring appropriate setbacks, massing and height, and limits to the permitted residential uses in the following zones:

- a) Attached Unit Residential (R3); and
- b) Clustered Residential (R4).

*The traditional single-detached family home has, and likely will continue to be a staple of our suburban community, though there are increasing interests in non-traditional homes. These dwelling styles have the advantage of providing the physical characteristics of a traditional single-detached home, but on a smaller area of land. Smaller homes on smaller lots may also appeal to the market of first time home buyers as well as individuals looking to downsize. The intent of this policy is to provide smaller scale traditional housing as a permitted use in the town.*

Policy MDR-4

Clustered Dwellings:

Establish appropriate standards in the Zoning By-law to regulate a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single person households) while providing opportunities for ownership of small, detached clustered dwelling units within a Medium Density residential neighborhood and ensure the by-law requirements safeguard compatibility of the development with surrounding land uses. The Zoning By-law shall include definitions of the housing types envisioned through this policy as follows:

- a) Cottage – A detached, single-family dwelling unit containing 140 square meters (1,500 square feet) or less of gross floor area.
- b) Carriage Unit – A single-family dwelling unit, not to exceed 75 square meters (800 square feet) in gross

floor area, located above a garage structure in a cottage housing development.

- c) Two/Three-Unit Home – A structure containing two or three dwelling units, designed to look like a single detached single-family home.

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## High Density Residential Designation

The High Density residential designation makes up roughly 1358 acres of land 2 percent of the entire land area of Rothesay. Recent high density residential developments have contributed significantly to the diversity in housing in the town, and to the total increase in high density residential designations.

High density residential areas tend to be located in close proximity to commercial uses, and arterial and/or collector streets. Typically, these high density residential land uses are located on or adjacent to arterial and/or collector streets, which promotes pedestrian connectivity and ease of access for residents. The proximity to Rothesay’s commercial areas reduces sprawl and creates a highly walkable neighbourhood. These neighbourhoods typically promote social inclusion and interaction with neighbours. Because these dwellings attract a diverse range of renters and/or owners there are plenty of opportunities to meet new people. A growing number of residential developments in Rothesay are high density apartment or condominium dwellings. The increase in the number of these units may be explained by a number of reasons, including a growing aging population, changing market demands, an increased demand, a cultural and societal shift away from wanting to own a home and property.



High density residential land uses will continue to be a residential land use for Rothesay. As part of a community that is experiencing consistent growth in its senior population, there are foreseeable demands in non-traditional housing that better suits the needs of these persons. Furthermore, high density housing will follow a growing trend for young adults and young professionals to opt for non-traditional, single-detached family residential dwellings. Rothesay may be further enhanced with an increase in housing diversity, which may attract new home buyers, and retain existing residents.

Council recognizes the opportunity for increased high density residential development in Rothesay and in the value that housing diversity provides. Accordingly, the following policies will enable a range of high density residential dwellings in Rothesay.

**Council Shall:**

Policy HDR-1

High Density Residential Designation:

Designate lands identified on the Generalized Future Land Use Map as encompassing those areas of Rothesay

where the primary land use shall be High Density Residential.

Policy HDR-2

High Density Residential Uses:

Allow within the High Density Residential designation, a mix of housing of types where the dominant form is an apartment or condominium dwelling. Other compatible uses may be permitted in the High Density designation without amendment to the Municipal Plan, including but not limited to parks, municipal facilities, public utilities, clustered residential housing, and attached dwellings.

Policy HDR-3

High Density Residential Zones:

Establish appropriate standards in the Zoning By-law to encourage high density residential development appropriate for the neighbourhood in which it is located by requiring appropriate setbacks, step backs, massing, height, and limits to the permissible commercial uses in the following zones:

- a) Multi-Unit Residential (R5); and
- b) High Density Residential (R6).

*The commercial areas in Rothesay are focal points for residents, whether they are shopping or socializing. Council recognizes this function of commercial space as potential opportunity sites where higher density residential may be added as a means of providing people with better access to the town's services, to reduce sprawl, to permit a livelihood that allows for walkability and less car dependence, and to increase density in and around the town's commercial areas.*

Policy HDR-4

High Density Residential:

Consider, that High Density Residential (R6) development may be appropriate throughout the Commercial Designation, accordingly Council may consider multi-unit dwellings through the re-zoning and development agreement process where such development demonstrates compliance with the following requirements:

- a) Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;
- b) The maximum density does not exceed 100 square metres of land per apartment unit;
- c) Subject lands are adequate in size relative to the intensity and scale of the proposed land development;
- d) The subject lands do not exceed 1 acre in total area (or 40 apartment units);

- e) Underground parking is provided;
- f) Require the developer provide a technical wind and shadow study, to be completed by a certified professional, to ensure the proposed development does not generate excessive wind or cast a shadow on abutting properties or public road right-of-way that would detract from the quality, enjoyment or use of the space.
- g) Require the developer to complete a traffic impact assessment for the proposed development on the surrounding area completed by a qualified transportation engineer or other technical specialist;
- h) Excellence in site design best practices addressing features such as Crime Prevention through Environmental Design (CPTED) principles, urban design, and high quality landscaping; and
- i) A building design of high quality that is consistent with community values and architectural best practices.

*Where a developer would undertake a project to add affordable housing units or age-friendly designed dwelling units there needs to be clear regulations for how the building may accommodate the change in density and height of the building. Accordingly, this policy allows Council to consider permitting an increase to the building's total height, where the building meets specific building and design elements, for the purpose of adding affordable dwelling units or age-friendly dwelling units.*

**Policy HDR-5**

**High Density Building Height:**

Consider an increase to the building's height, where the proposed height may exceed the maximum permitted height, as described in the Zoning By-law, and the number of units may be increased for the purpose of complying with Policy R1 and Policy R2 and where the proposed development site demonstrates compliance with the following requirements:

- a) Subject lands are designated High Density Residential on the Generalized Land Use Map;
- b) Subject lands are zoned R5, Multi-Unit Residential;
- c) Sufficient on-site parking and green space is provided;
- d) The building is designed to a high quality that is consistent with architectural best practices; and
- e) Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes.

## Commercial Designation

The lands designated as Commercial make up an area of 3847 acres or 5 percent of the total land area of Rothesay. Lands that have been designated as commercial are limited to the area of lands on the northwest side of the Mackay Highway, and are clustered around Rothesay's arterial streets and transit route corridors, including Marr Road, Hampton Road, Campbell Drive, and Millennium Drive, though there are uses located outside these areas.

The commercial designation permits a wide variety of commercial uses, including General, Central, Neighbourhood, and Recreational. Each of these uses allows for a range of commercial uses, and land use intensities in Rothesay. This Plan envisions a broad range of commercial uses that will provide essential services and leisure opportunities that may be accessible to all residents of Rothesay. The function of these commercial uses is to promote local economic interest, and create attractions and destinations. The intent of this Plan is multifold, first it is to establish a commercial main street that is walkable, and pedestrian oriented. Second, it is to enhance commercial uses and provide greater diversity for residents of Rothesay through policy in this Plan.

This Plan envisions a Central Commercial Zone that offers a mix of retail services that are highly valued by our community. Many businesses provide services to Rothesay, including restaurants, grocery stores, personal service, retail stores, and health and fitness facilities. Many businesses in this zone are local and serve as destinations for many residents. This Plan will seek to establish the Central Commercial zone as a walkable, pedestrian oriented main street in Rothesay through policy and zoning controls. It is the intent of this Plan to ensure that development in this area is fitting to the neighbourhood and the intent of the zone; therefore, Council has created policy that will control land use in this zone.

The General Commercial Zone allows for a mix of retail and commercial services that, similar to central commercial uses are essential to everyday life in Rothesay. Typical uses include franchise stores that are otherwise not found in areas of Rothesay, making the General Commercial zone suited to higher intensity, large scale commercial development. This Plan will endeavor to establish the General Commercial zone as an area for future retail growth that may provide additional services to our community. The intent of this Plan is to ensure that development in this area is conducive to the land use, and as such Council has created policies that shall limit the uses in this zone.

This Plan will include a Commercial Recreation Zone that enables the operation and provision of private clubs and/or pay per use recreational facilities in Rothesay. These services are highly successful and provide recreational services beyond the scope of fitness centers for the enjoyment and leisure of residents. The commercial recreational uses are spread throughout the town, each offering a unique service. The intent of this Plan is to support the ongoing use of these facilities, and where possible to enhance them through policy.

This Plan also permits, in specific circumstances, Neighbourhood Commercial uses throughout the entire Plan area where it is believed that the subject lands would be suitable to small scale, low intensity commercial uses serving a neighbourhood. The intent of the Neighbourhood Commercial land is to encourage walkability, density, and complete neighbourhoods. Council recognizes the value in having access to essential commercial services and in creating complete neighbourhoods. Land use planning practices determine complete neighbourhoods are those in which people may live, work, and play.

Council recognizes that Rothesay’s primary land use will remain residential, and as such commercial uses will remain secondary to these uses. Council also recognizes the role that commercial uses will play in Rothesay, in that they are meant to encourage local economic growth through employment and business opportunities. It is not the intent of this Plan to compete with, and detract from the commercial services and establishments in Saint John. Accordingly, the following policies will allow for a range of commercial uses throughout Rothesay that support local businesses and promote local growth.

**Council Shall:**

**Policy C-1**

Commercial Designation:

Identify on the Generalized Future Land Use Map those areas of Rothesay where the primary land use shall be a range of Commercial land uses.

**Policy C-2**

Commercial Uses:

Allow within the Commercial Designation, a range of commercial uses which include but are not limited to financial services, office, personal services, medical services, retail stores, restaurant, veterinary clinic, grocery store, café, bakery, licensed establishment, daycare facility, pet grooming, fitness and health services, grocery store, microbrewery, cannabis and alcohol retail, medical facilities, private clubs, and sports facilities. Other compatible uses may be permitted in the Commercial Designation without amendment to this Plan, which may include public utilities, parks, recreation facilities, mixed uses, and medium to high density residential uses.

**Policy C-3**

Commercial Zones:

Establish appropriate standards in the Zoning By-law to allow for the development of a range of commercial land uses and require appropriate setbacks, massing, height, and limits to the permissible uses in the following zones:

- a) Central Commercial (CC);
- b) General Commercial (GC);
- c) Neighbourhood Commercial (NC); and
- d) Commercial Recreation (CR).

**Policy C-4**

Commercial Design Standards:

Develop architectural design guidelines and standards for commercially designated areas along Hampton Road, Marr Road, Campbell Drive, and Millennium Drive.

*The Municipal Plan identifies the opportunity to improve Rothesay’s main street to accommodate further commercial and residential development, to establish the Hampton Road and Marr Road areas as commercial main streets. To facilitate the growth in these areas it has been recognized that commercial growth is synonymous with residential growth, that is, the success of businesses correlates to the access of these businesses to people. To facilitate this gap the Municipal Plan has identified an opportunity to increase the intensity and scale of potential development so that residential and commercial uses may coexist; accordingly, the following policy provides regulation and land development controls for the provision of mixed-use development.*

Policy C-5

Commercial Apartments:

In conjunction with Policy HDR-4 establish appropriate standards in the Zoning By-law to regulate multi-unit residential developments in combination with ground floor commercial space as a mixed use development in the Central Commercial (CC) zone, where compliance with the following requirements can be demonstrated:

- a) The building design is of high quality and is consistent with community values and architectural best practices;
- b) The commercial uses shall be contained to the first floor of the building; and
- c) The apartment(s) shall:
  - i. Not be located on the first floor of the building;
  - ii. Have a distinct, separate, exterior entrance which is clearly distinguishable from the commercial façade/entrance; and
  - iii. Have dedicated parking that is separate from the commercial use(s).

Policy C-6

Temporary or Seasonal Business:

Establish appropriate standards in the Zoning By-law to regulate the operation of temporary businesses and seasonal sales within the commercial area.

*The design and function of a main street is dependent on the accessibility to pedestrians, the scale of the built form, and the location of the building in relation to the street. The framework of good urban design requires that a space be built with pedestrian in mind, as they are the users of all spaces. The existing development of Rothesay’s commercial areas, including Hampton Road and Marr road have up until now been focused on the use of these spaces for the automobile, which has in turn created a commercial area that is devoid of pedestrians and dominated by the automobile. Accordingly, the following policy will require new development along Rothesay’s commercial streets be brought forward to abut the road right of way.*

Policy C-7

Commercial Street Frontage:

Require that all new buildings located along Hampton and Marr Road front parallel to the greatest degree possible to the road right-of-way, in order to create a pedestrian friendly, commercial main street.

*The built form of Rothesay’s main street has put a focus on the automobile. Store fronts have been set back from the street to accommodate the car, though this has come at the expense of the pedestrian experience. While there are sidewalks to allow for the movement of pedestrians along these streets, their ability to interact with and actively participate in the commercial shopping experience is limited because the parking lots physically separate them from doing so. To access these stores pedestrian must navigate through parking lots, which often lack pedestrian access or crossings. Therefore, this policy will require future development in Rothesay’s commercial areas have the building be located to abut the road right-of-way.*

Policy C-9

Neighbourhood Commercial:

Consider small neighbourhood retail commercial uses in the Rural, Low, Medium, and High Density Designations by rezoning where compliance with the following requirements is demonstrated:

- a) Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;
- b) The site is located on the edge of or periphery of a low or medium density residential neighbourhood;
- c) The market catchment for the use is intended to serve the local neighbourhood and there is a demonstrable need for additional neighbourhood commercial in the immediate area;
- d) The maximum gross floor area of the commercial use does not exceed 50 square meters; and
- e) The building is designed to a high quality that is consistent with community values and architectural best practices.

Many neighbourhoods in Rothesay are primarily residential, with a mix of parks or recreational facilities, and some are located in close proximity to commercial uses. A mix of uses in a neighbourhood provides the framework for the concept of creating a complete community, in which neighbourhoods allow persons to live, work, and play. A corner store or neighbourhood commercial establishment is often an anchor for a neighbourhood, which provides essential services or goods to residents. These businesses are typically located on major roads or focal points in a residential area, typically on route to other destinations making these businesses accessible to a large number of people. The high accessibility encourages walkability, and discourages the need or use of a car, which further establishes these areas as social anchors. The following policy allows Council to consider permitting the establishment of a neighbourhood commercial use, provided it meets specific land use criteria.



## Light Industrial Designation

The lands designated as Light Industrial make up an area of 812 acres or 1 percent of the total land area of Rothesay. The Light Industrial designated lands are limited to the northwest side of the Mackay Highway, along Campbell Drive and Marr Road. These lands are situated in high traffic areas, on the periphery of Rothesay’s urban core to provide a high level of access to residents of the community, and to ensure that existing residential communities are not disrupted by these higher intensity uses.

The Light Industrial land use designation, which is proportionately small to the other designations of this Plan, is reflective of our suburban development pattern, and of its history as a rural, seasonal cottage community. It is not the intent of this Plan to change this development pattern and our primary land use and function as a suburban residential area will not change. Rothesay will allow for additional land uses to enable for further economic opportunities. Historically, the light industrial uses of the past were essential to the function of Rothesay. The intent of this Plan is to continue to provide essential services to the public through a range of industrial uses. The provision of land for light industrial uses may encourage local business start-ups, employment, and services for residents. It is also recognized that Saint John’s industrial land uses and industrial capabilities exceed that of Rothesay; therefore, it shall not be the intention of this Plan to compete with Saint John.

This Plan envisions a range of industrial uses that may provide additional services for our residents and additional employment opportunities for the future, including a mix of office, industrial retail and service establishments, light manufacturing, service and repair, storage, and landscaping and construction uses. Of particular importance is Rothesay’s neighbourhood character, which shall continue to be protected for future generations. Accordingly, the following policy will support a range of light industrial land uses while protecting the existing neighbourhood character of Rothesay.

### Council Shall:

- Policy LI-1  
Light Industrial Area Designation: Designate lands identified on the Generalized Future Land Use Map as encompassing those areas of Rothesay where the primary land shall be Light Industrial.
- Policy LI-2  
Light Industrial Uses: Allow within the Light Industrial designation, a range of industrial uses including but not limited to such uses as motor vehicle sales, repair, and rental, machine and equipment sales, service, and rental, landscape material and supply, storage, funeral home, offices, and other similar use as set out in the Zoning By-law. Other compatible uses that may be permitted in this designation without amendment to the Municipal Plan include public utilities, parks, and recreational facilities.
- Policy LI-3  
Light Industrial Zones: Establish standards in the Zoning By-law appropriate to the neighbourhood to allow for the development of Light Industrial uses and require setbacks, massing, height,

screening and limits to the permissible light industrial uses in the following zones:

- a) Light Industrial (LI).

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## Traditional Area Designation

The Traditional Area Designation comprises an area of 1688 acres or 2 percent of the total land area of Rothesay. This core area was originally a part of Rothesay Corner, where Rothesay Road, Hampton Road, and Gondola Point Road meet, and where the commercial centre of the former community of Rothesay began. For over 100 years this point served as a meeting area, or cross roads for travelers from Saint John, Moncton, Sussex, Fairvale, Gondola Point, and the Kingston Peninsula (Carson & Kelbaugh, 2010, p. 168). Over time this area has transitioned, though many of its characteristics remain. The first notable transition this area experienced was the introduction of the Rothesay Train Station, built in 1860, which reduced the number of stage coach travelers to and from Saint John, though more people used the train to traverse the area. The second major shift came about with the use and adoption of the automobile. Prior to the introduction of the train station, Rothesay was commonly known as the nine-mile point and was a frequent stopping point for travelers (Carson & Kelbaugh, 2010). At the core is the Rothesay Common, an iconic landmark that has been used since its inception as a popular location to host events, celebrations, festivals, recreational activities, and casual social gatherings. The traditional area lands around the Rothesay Common make a small, but diverse neighbourhood with a mix of residential, commercial, institutional, and recreational uses. The development pattern and diversity of land uses makes it apparent that this was once the core of Rothesay. The architectural styles have been preserved through the use of the Rothesay Heritage Preservation By-law, which limits development in the area to conform to the existing styles.



This neighbourhood has become a highly valued area with respect to the preservation and protection of the existing built environment, which are controlled through heritage planning regulations. The Municipal Plan will continue to protect the inherit traditions in this neighbourhood, by considering the existing uses, their scale, density, and architectural styles. Future developments must consider how they may change the established character of the area, and whether or not it detracts from the quality and enjoyment of this unique neighbourhood. The development pattern of this area is highly walkable, and promotes a highly social space. Homes reflect the traditional building styles, and are maintained to reflect the importance of this area.

This neighbourhood will continue to be a defining land use of Rothesay. The residents of this neighbourhood live in what is considered to be a complete community, one in which there are opportunities to work, live, and play, making this a highly desirable place to live, and the one area that exemplifies a mixed-use neighbourhood. Residents of this neighbourhood have a strong connection to

their property, its past, and of the traditions of the area which is what makes this area of Rothesay so resilient to change. Further protection of this area through heritage regulations has ensured that uncharacteristic development would not alter the look and feel of this area. Accordingly, the following policies will allow for a mix of residential uses throughout the Traditional Area land use designation, while protecting the values and traditional character of this area.

**Council Shall:**

**Policy TA-1**

Traditional Area Designation:

Designate lands identified on the Generalized Future Land Use Map as encompassing those areas of Rothesay where the primary land use shall be Traditional Area.

**Policy TA-2**

Traditional Area Uses:

Allow within the Traditional Area designation, a range of dwelling types including single-detached family homes, garden homes, duplexes, row houses, townhomes, two-unit, and semi-detached dwellings; as well as commercial and institutional uses. Additional compatible uses include, but are not limited to public utilities, parks, and municipal facilities.

**Policy TA-3**

Traditional Area Zone:

Establish appropriate standards in the Zoning By-law to enable a diversity of land uses that are appropriate for the neighbourhood in which they are developed by requiring appropriate setbacks, massing, height, and limits to permitted commercial uses in the following zones:

- a) Traditional Area (TA); and
- b) Commercial Recreation (CR).

*The Heritage area of Rothesay is regulated by the town’s Heritage Preservation By-law, to ensure that the development and use of these lands and buildings are conducted in a way that development does not destroy, alter, or negatively impact the inherent use, aesthetic, or qualities. These lands are considered to be culturally and historically significant to Rothesay, and were once the core of Old Rothesay. In the interest of preserving the established character of the build form the following policy requires that architectural design guidelines and standards be created to ensure the Heritage area of Rothesay may continue to be regulated, and that future development conforms to the existing design characteristics that are valued by our community.*

**Policy TA-4**

Heritage Design

Develop architectural design guidelines and standards for lands in the Traditional designated area where the architectural character of a neighbourhood, corridor or area is deemed to be of special or unique value.

*The Rothesay Heritage Preservation By-law is a regulatory document that controls the land use and aesthetic style of development in the Heritage area of Rothesay. This by-law provides strict controls to ensure the built form of the heritage area may continue to be preserved. Accordingly, the following policy intends to continue the regulation of this area in Rothesay through the Rothesay Heritage Preservation By-law.*

Policy TA-5

Heritage Preservation:

Continue to regulate the lands within the Rothesay Heritage Preservation Area as stated within the Rothesay Heritage Preservation By-law and enacted under the authority of the Heritage Conservation Act.

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## Institutional Designation

The lands designated as Institutional make up 3241 acres or 4 percent of the total land area of Rothesay. The Institutional Designation allows for a mix of services and recreational amenities that are critical to the function of a municipality. Such uses include places of worship and spirituality, schools, governmental offices and services, emergency and health services, community centres, and sports and recreational facilities. The range of institutional uses is typically operated by a government agency, though some may be privately owned and operated, including the Villa Madonna Retreat House, Rothesay Netherwood School, and Touchstone Academy.

Institutional uses are located throughout our community, and are compatible with the neighbourhoods in which they are located. Schools provide a strong anchor for these neighbourhoods and are typically successful at attracting families to these areas. During the lifetime of this Plan it is expected that the population dynamic of Rothesay will continue to shift, in that persons older than 50 will continue to grow, while persons 20 and younger and persons between the ages of 20 and 34 will continue to decrease. With this expectation, future consideration shall be given to what services will be needed in the future. We may also consider what amenities or facilities may attract new residents, or retain our existing population, and what may be provided to attract more people to our community. Rothesay's Age-Friendly designation is an incredible asset to the town's marketability, as it encourages ageing in place.

Our institutional uses can be categorized by their scale and/or intensity of use. Typically those uses that are large in scale would be used by residents in multiple neighbourhoods, and serve as destinations for community activities or events. Minor institutional uses are typically smaller, local uses that service a neighbourhood. Police and Fire emergency services and the Rothesay Arena are examples of major institutional uses, as they serve the public and provide services beyond the scope of a single neighbourhood. Minor institutional uses may include schools and community centres, as they are typically spread throughout Rothesay and are located within established neighbourhoods. Major institutional uses are typically located along arterial or collector roads, while minor uses can be found on local roads. Areas that are in close proximity to institutional land uses are typically highly valued by residents.

Rothesay Netherwood School (RNS) is private boarding and day school that provides university-preparatory education to students between the grades of 6 and 12. The school is situated on 200 acres of land, and provides education to 275 students. The school provides accommodations for 149 students, male and female, in four different dormitories. RNS has a full kitchen and dining, providing three meals a day for students. Students and staff also have access to a chapel on-site. RNS also provides a range of programs and recreational opportunities, through sports teams, intramurals, and tournaments that take place throughout the academic year. RNS has 3 tennis courts, 5 sports fields, a running track, an indoor arena, and gym. There are a total of 14 buildings, including dorms and educational facilities, in addition to the head masters house and 10 dwellings that are included on the campus for staff.

RNS is a remarkable institution and campus surrounded by gentle hills and approximately 200 acres of land with many trails for students to go hiking and enjoy the scenery with views out to the Kennebecasis River and along Taylor Brook. In the spring of 2020 RNS began construction on new science education building it is expected that within the timeframe of this Plan (2020-2030) that RNS will continue expansion. The largely undeveloped land holdings of the school present many opportunities for future campus master planning. Updates to the schools recreational facilities have been completed recently, though future outdoor amenities may be required. Student accommodations may also require updating, and new housing will likely be required if the school were to expand. Council recognizes the long history RNS has

in Rothesay, and the service it provides to students. It is anticipated that RNS will continue to grow in the future. Accordingly, Council produced policy to encourage future growth and development at RNS, through a variety of uses that will enable institutional education operations and services while permitting for a range of associated campus uses.

Council recognizes the importance and value of institutional uses in Rothesay and their role in supporting the daily life of our residents. Council also recognizes that Rothesay’s proximity to Saint John and Quispamsis provides opportunities for collaboration in the future and Rothesay will continue to seek opportunities to meet the needs of its residents. Accordingly, the following policies will ensure that essential institutional services are provided to residents.

**Council Shall:**

**Policy IT-1**

Institutional Designation:

Designate lands identified on the Generalized Future Land Use Map as encompassing those areas of Rothesay where the primary land use shall be Institutional.

**Policy IT-2**

Institutional Uses:

Allow within the Institutional Designation, a range of uses that may provide services to person of all ages, abilities, and interests, including arenas, schools, art gallery, place of worship, day cares, sports complex, sports complex, museum, police station, fire hall, library, community hall, assisted living facility, cemetery, nursing home, retirement complex, cultural centre, medical clinic, and government office. Other compatible uses may be permitted in the Institutional Designation without amendment to the Municipal Plan, including but not limited to public utilities, parks, and semi-detached, townhouse, duplex, garden homes, or attached dwellings.

**Policy IT-3**

Institutional Zones:

Establish standards in the Zoning By-law to regulate institutional development appropriate for the neighbourhood in which it is located, by requiring appropriate setbacks, massing and height requirements, and the limits to the institutional uses in the following zones:

- a) Institutional (INS); and
- b) Rothesay Netherwood School (RNS).

*As Rothesay’s population continues to age, and our senior population becomes more dependent, a shift in housing may be required to accommodate the changing needs of our aging population. Assisted living and/or retirement homes may provide the support and services necessary to ensure our aging and/or dependent residents so they are able to continue living in our community. Accordingly, the following policy*

*intends to provide the standards necessary in the Zoning By-law to allow for assisted living and/or retirement homes.*

Policy IT-4

Assisted Living & Retirement Homes:

Establish appropriate standards in the Zoning By-law to regulate the location of assisted living facilities or retirement homes in Rothesay, particularly on large sites that may accommodate phased growth, high density, and/or be able to provide on-site, private recreational and communal facilities.

*Accessibility to municipal facilities is an important value in determining where people choose to live. Rothesay is fortunate to offer many municipal facilities, and in the future may provide additional services as Rothesay grows. The potential to provide municipal facilities is dependent on the built form, where distance and the relative density of the population account for the accessibility to a service. The concept of complete communities bridges the gap between these two factors, and encourages a built form that supports a live, work, play culture. Through this approach land uses are mixed-use, and accommodate a higher density, where residential, commercial, and institutional uses are mixed. In an effort to consider the potential for providing additional municipal facilities in the future, that may be accessible to more families and users, the following policy allows for a mixed-use institutional and residential zone, where specific criteria can be met in the Zoning By-law.*

Policy IT-5

Mixed-Use Institutional:

Establish appropriate standards in the Zoning By-law to allow mixed-use institutional development where the use is a mix of residential and institutional uses; accordingly, Council may consider semi-detached and attached dwellings through re-zoning and the development agreement process where such development can meet the following criteria:

- a) Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;
- b) Subject lands are in proximity to one or more of the following land uses: commercial, parks; and recreational facilities;
- c) Subject lands are adequate in size relative to the intensity and scale of the proposed development;
- d) Sufficient on-site parking is provided;
- e) The building is designed to a high quality that is consistent with community values and architectural best practices; and
- f) The residential dwellings are limited to low and medium density uses.

*Infill development has the advantage of being able to be developed on a site that will typically have access to services, which reduces costs and urban sprawl, and will often be located in an existing, established community, which is ideal for attracting new users or customers, or home buyers. Furthermore, infill development can be advantageous where the proposed development makes use of existing lands that are underutilized. In an effort to increase access to municipal services and facilities, this policy intends to consider allowing the ability to develop institutional uses through infill development, where specific requirements can be met.*

Policy IT-6  
Institutional Infill:

Consider, notwithstanding any other institutional policy, institutional development that provides Rothesay with services that may be appropriate throughout the entire Plan area; accordingly, Council may consider assisted living facilities, daycare facilities, sports complex, nursing home, retirement complex, medical clinic, or health and emergency services through the re-zoning and development agreement process where such development demonstrates compliance with the following requirements:

- a) Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;
- b) The subject lands are in close proximity to one or more of the following land uses: commercial, medium or high density residential;
- c) Sufficient on-site parking is provided; and
- d) The building is designed to a high quality that is consistent with community values and architectural best practices.



## Parks and Conservation Designation

The Parks and Conservation Designation comprise an area of 16,311 or 20 percent of the total land area of Rothesay and permits a range of uses, including green spaces, parks, and conservation areas. Lands designated as Parks and Conservation are located throughout the Plan area, with a particular focus on Rothesay's waterfront, the municipal watershed and wellfield, and Town parks. Additional areas are those that have been determined to be environmentally sensitive areas, such as the Taylor Brook and Renforth Bog. Lands have also been designated for their function as a park, and have been classified as such to preserve these green spaces for the future, and to meet the general intent of the Rothesay Recreation Master Plan.

Lands zoned for Open Space and Conservation make up those lands that are intended to protect the natural and built environment, including both private and public features, infrastructure, and development. The Open Space and Conservation zone will be used throughout Rothesay as a means of protecting lands for future generations and to restrict development in certain areas of the town, particularly those areas that are susceptible to damage from flooding, and areas determined to be sensitive to development. One such area is the Renforth Bog, a provincially designated wetland that is located west of the Mackay Highway. The wetland serves a multitude of functions, including its role in providing a natural habitat for wildlife, and as its ability to manage stormwater runoff. The 2019 Secondary Planning Study identified future open space and recreation trails such as the Hillside Trail from Grove Avenue continuing past the golf course and then parallel the Wiljac Street extension up to Riverside Drive. This provides access to the future institutional lands and the Renforth Bog wetland, which was identified as a future open space area.

The 2019 Secondary Plan also recognized Spyglass Hill as an important cultural and recreational amenity in Rothesay. The top of Spyglass Hill is one of the highest points in Rothesay, with excellent vistas of the Kennebecasis River and Long Island. While this area is used by many residents, and is considered an incredible community asset the lands remain privately owned in 2019, and therefore are subject to development pressure. The Secondary Plan proposed that a portion of these lands be conserved for park use, and the remainder of the lands be developed with a mix of low, medium, and high density residential uses. The Secondary Plan proposed that 15 to 18 acres of land would ensure this recreational amenity is preserved as the area develops. The approach to developing a public park on Spyglass Hill is dependent on the level of cooperation from the landowner, as well as the public's commitment to acquisition of these lands.

The Neighbourhood Park zone is found throughout Rothesay's residential neighbourhoods and provides a small scale, low intensity park use that supports a service area up to 0.8 kilometres. These parks are located on local streets in neighbourhoods. The Rothesay Recreation Master Plan indicates that additional Neighbourhood Parks need to be added to Rothesay in order to meet the recommended standards set in the Master Plan. Parks that have been identified in Rothesay as Neighbourhood Parks include: Highland Avenue/Clermont Avenue Playground, Donlyn Drive Playground, Islay Drive Playground, Stuart Dobbin Memorial Park, Dobbin Street Playground, Monaco Drive Playground, and the James Renforth Rotary Park.

The Community Park zone is found in limited areas of Rothesay. Community Parks are typically moderate in scale and intensity, and are effective at providing accessible park space up to an area of 1.5 kilometers. These parks are located on local or collector streets and will typically feature a playground, sports fields, baseball diamonds, community gardens, trails, and small municipal facilities. An assessment of the Rothesay Recreation Master Plan indicates that Rothesay requires additional community park lands. Parks

that have been identified in Rothesay as Community Parks include: J.M. Fitzgerald Memorial Field, East Riverside-Kingshurst Park, Scribner Crescent Playground and Ball Field, James Renforth Wharf, Beach & Playground, Fairvale Outing Association Ball Field, Steele Kennedy Nature Park, and Jordan Millar Park & Beach.



The Regional Park zone is located in specific locations of Rothesay, as these parks serve primarily as green space, with limited active recreation uses. Regional Parks are typically large in scale, and have a moderate to high land use intensity with a service area of up to 30 kilometers. Typical uses of Regional Parks include trails, sports fields, recreation facilities, outdoor rinks, community gardens, stage and pavilion, dock and marina, and playgrounds. The Rothesay Recreation Master Plan indicates that Rothesay requires additional regional park lands. Rothesay’s regional parks include the Rothesay Common, Wells Recreation Park, and Renforth Rotary Park.

Rothesay is well known for its heavily treed neighbourhoods, its access to green space and parks, and for the quality of its natural environment. Residents have a strong connection and appreciation for their outdoor areas and consider them to be an asset to Rothesay; for many the green spaces of Rothesay are one of the attractions that bring them to Rothesay. The following policies will endeavor to protect these spaces for future generations by limiting development in these areas, and provide regulations to allow green spaces and parks to meet the needs of our residents.

**Council Shall:**

Policy OsC-1

Parks & Conservation Designation:

Designate lands identified on the Generalized Future Land Use Map as encompassing those areas of Rothesay where the primary land use shall be Park and Conservation.

Policy OsC-2

Parks & Conservation Uses:

Allow within the Park & Conservation Designation a range of passive and active recreation uses, including but not limited to the following uses: trail, playground, beach, swimming pool, outdoor rink, sports field, stage, pavilion, club house, community garden, park and green space. Other compatible uses may be permitted in the Park & Conservation Designation without amendment to this Plan, including public utilities and municipal facilities.

Policy OsC-3

Parks and Conservation Zone:

Establish standards in the Zoning By-law to allow for a range of conservation and park uses appropriate to the neighbourhood in which it is located, by limiting the permissible uses in the following zones:

- a) Open Space & Conservation (OsC);
- b) Neighbourhood Park (NP);
- c) Community Park (CP); and
- d) Regional Park (RP).

*As Rothesay continues to develop and grow in the future the demand for parks and recreational space may change, depending on demand. We must also anticipate that a changing climate will affect some of our more environmentally sensitive lands. For this reason it is critical to provide opportunities for lands to be used in alternative ways in the future, accordingly, the following policy allows parks and conservation lands to be permitted throughout the Rothesay Plan area notwithstanding any other policy in the Plan. The value of this policy allows Council and staff to react to changing societal demands, and changing climactic conditions.*

Policy OsC-4

Park & Conservation Infill:

Recognize that notwithstanding any other policy in this Plan, new parks and conservation lands may be added throughout the entire Plan area to conserve lands, or to satisfy the requirements of the Rothesay Recreation Master Plan.

*As a means of protecting public infrastructure and municipal facilities, Council will consider acquiring through private purchase lands that are considered to be environmentally sensitive. These lands may be considered environmentally sensitive because of their location, their threat from changing climactic*

*conditions, or may be environmentally significant, because the lands serve a cultural, social, or economic function for Rothesay. In the interest of protecting private property, Council will take a firm stance in requiring private property be protected by private interests; however, the Council will support the acquisition of these lands if there is public value in making them conservation lands. The intent of this policy is to allow Council to consider purchasing lands where they believe the lands would*

Policy OsC-5

Land Conservation Acquisition:

Consider acquiring lands that are identified as being environmentally sensitive for the purpose of land conservation within Rothesay.

*Where existing homes are located within lands that are designated Open Space Conservation in the Municipal Plan but zoned for residential use will allow existing homes to continue, provided that no new development is conducted. The intent of this policy is to ensure new homes are not built in the Open Space Conservation designation in the future. This allows existing long-term homeowners to continue living in their homes, and does not punish long-term home owners for owning property. Moreover, it does not punish new home owners from investing in our community.*

Policy OsC-6

Residential Conservation Existing Use:

Allow homes to exist within the Open Space Conservation Designation, where subject homes are zoned for residential use.

*Spyglass Hill is for many an escape to the great outdoors, and a greenspace that offers excellent hiking and walking trails with scenic views of the Kennebecasis River. However, these lands are private, and may, depending on private interests, be subject to development in the future. While the Spyglass Hill area is widely used by the public, there are private interests in these lands. In an effort to meet the interests of all stakeholders the following policy has provided Council with a clear direction in prioritizing the acquisition of land through the land for public purposes subdivision process for the land that comprises the Spyglass Hill area to be kept as park land.*

Policy OsC-7

Spyglass Hill:

Prioritize the acquisition of land on Spyglass Hill identified as Park and Conservation in Schedule A of the Plan through the land for public purposes subdivision process, and or direct acquisition from private landowner(s).



*The Rothesay Common is a well-known community space often used as a social and cultural center for festivals, community events, and activities. The Common continues to serve an important role as a park and recreation facility. Upgrades to the Common in 2015 provided many new features and allowed for greater uses year round; however, the upgrades did raise questions of how the Common was to be developed and what restrictions were enforced. In the interest of ensuring the Rothesay Common may continue to serve as a relevant and vital community facility, the following policy requires Council be responsible for creating a master plan detailing how the Common may develop and be used in the future. The intent of this policy is not to change the Common, rather it provides an opportunity to gain feedback from the public in how the Common may continue to serve the interests of our community, and where change is desired, have it conducted through a planned approach. In 2016 the Canadian Institute of Planners recognized the Rothesay Common by awarding it as the People’s Choice for Public Space in the national Great Places in Canada contest.*

Policy OsC-8  
 Rothesay Common:

- Prepare a Rothesay Common Master Plan within the timeline of this Municipal Plan that identifies a long-term strategy for the management, capital reinvestment, and potential expansion of the Rothesay Common, including the following items:
- a) Developing a landscaping care and maintenance plan;
  - b) Reinforcing the aesthetic values of the Common;
  - c) Addressing emerging recreational trends and needs; and

- d) Ensuring the preservation of the Common’s cultural and heritage significance



*The Renforth Bog is identified as a Provincially Significant Wetland (PSWs) being an area identified by the province as one of the more ecologically valuable wetlands in New Brunswick. For that reason the Provincial regulators do not permit development on or around the bog. In an effort to protect this area further, and to expand future possibilities of providing walking and hiking trails, this policy provides Council with regulation to prioritize the acquisition of land around the Renforth Bog by acquiring land through the land for public purposes subdivision process.*

Policy OsC-9  
Renforth Bog:

Prioritize the acquisition of land in and around the Renforth Bog identified as Park and Conservation in Schedule A of the Plan through the land for public purposes subdivision process, and or direct acquisition from private landowner(s).

## Rural Designation

The lands designated as Rural comprise an area of 32,557 acres or 39 percent of the total land area of Rothesay. This area is limited to the southeast side of the Mackay Highway. The Rural designated lands are largely undeveloped at this time (circa 2019), and the decision and precedence for doing so in the future will be based upon growing development pressures in Rothesay, and the need to provide more developable land. At this time, Rothesay has an ample supply of infill sites capable of being developed in the future. The majority of these lands will remain undeveloped due to challenging topography of the area, and the existing infill development opportunities in the Hillside South and Hillside North Planning Areas. Municipal services are also not available southeast of the Mackay Highway and are not expected to be during the lifetime of this Plan. The predominant form of land use is residential, though the rural Designation allows for a mix of uses including commercial, industrial, institutional, open space and conservation, parks, and Holding zone.

The Rural land use designation accommodates suburban living, but at a scale and intensity more fitting to a rural setting. The rural residential neighbourhoods may be characterized by their large lots, heavily treed properties, and quiet streets. These qualities are reflective of much of the housing, but the rural land uses accommodates much larger residential developments which further diversify the available housing. This area captures the rural, agricultural history of the community that was so cherished when it was founded.

The Holding zone is identified as lands that are considered to be premature for development. These lands may be undesirable for development because of a lack of municipal services and infrastructure. Lands may also be considered premature and/or undesirable due to their location, the topography of the land, and existing municipal or provincial policies that limit and/or prohibit development opportunities on certain lands. This zone also serves as a land use control method that regulates potential development. Lands zoned as Holding may require an in depth planning review, and master plan to determine how the lands will be developed in the future.

The Highway Commercial zone provides a service that caters to commuters and travelers in Rothesay, but also to persons in the greater Kennebecasis Valley area. Unlike many other communities however the location of our highway commercial site is accessible directly off the highway, where other highway commercial uses and services are located on a service road or secondary street. Rothesay's highway commercial establishment, the Irving Big stop, is a restaurant destination both regionally for the travelling public and locally for the public, and will likely continue to be a destination into the future. The Highway Commercial Zone also extends beyond the Mackay Highway to French Village, where commercial establishments may be found along major roads as a means to provide essentials to these neighbourhoods.

Council recognizes that this area is unique to Rothesay and sees the value that it provides to the community and the residents of the area. The intent of this Plan is to protect the existing neighbourhood character, and quality of life present in the rural area of Rothesay, while providing additional land use opportunities for the future. Accordingly, the following policies will preserve these land uses while encouraging additional development possibilities.

### **Council Shall:**

Policy RU-1

Rural Designation:

Designate lands identified on the Generalized Future Land Use Map as encompassing those areas of Rothesay where the primary land use shall be Rural.

Policy RU-2

Rural Uses:

Allow within the Rural Designation, a range of uses, including highway commercial, neighbourhood commercial, rural, unserviced rural residential, open space and conservation, municipal watershed, municipal wellfield, and holding areas. Other compatible uses that may be added to the Rural Designation without amendment to the Municipal Plan include public utilities and municipal facilities, and parks.

Policy RU-3

Rural Zones:

Establish standards in the Zoning By-law to allow for appropriate uses in the neighbourhood and area in which the use is to be located, by requiring appropriate setbacks, massing, height, and limits to the permissible rural uses in the following zones:

- a) Highway Commercial (HC);
- b) Rural Industrial (RI);
- c) Rural Residential Un-Serviced Small Lot (R1-UNS);
- d) Rural Residential Un-Serviced Large Lot (R1-UNL);
- e) Open Space & Conservation (OsC);
- f) Holding/Reserve (H); and
- g) Institutional (INS).

Policy RU-4

Highway Commercial Zone:

Allow highway commercial uses in the Rural Designation by rezoning where compliance with the following requirements is demonstrated:

- a) The subject site is located on a Provincially designated 100 series highway or major arterial street;
- b) There is a demonstrable need for additional highway commercial in the area; and
- c) Consideration is given to site suitability, including such considerations as road access, availability of services, compatibility with surrounding land uses, and is of high quality design and landscaping.

*A long-term planning approach is considered when reviewing the regulations of land development and the designation of lands for future uses. To understand how lands may be used in the future, a comprehensive knowledge of Rothesay is required to identify what demands we may have in the future. To ensure the appropriate lands are available for the uses required some lands are reserved to provide for future development opportunities where demand meet the services and infrastructure required. Lands must also be reserved for future uses to ensure there is ample space to provide growth in the future, and at a time that goes beyond the lifetime of the Municipal Plan. Holding Zones are an effective way of designating lands for future development by requiring developmental controls to ensure the lands are not being developed prematurely, and that the lands will be developed in a planned, coordinated approach with by connecting existing infrastructure and roads to future connections. Accordingly, the following policy shall provide Council with clear direction to not allow development within a Holding Zone until certain development conditions arise.*

Policy RU-5

Holding Zone Development Restriction:

Not allow within the Holding Zone any uses prior to the completion of a detailed plan, which shall identify and/or designate lands for future land use, streets, or public services. Council shall determine whether lands shall be rezoned from the Holding zone, based upon the following criteria:

- a) The amount of existing greenfield, infill sites available in Rothesay;
- b) The proposed land use;
- c) The services required; and
- d) The capital costs of municipal services and infrastructure

## Environment & Open Space

Rothesay residents have a strong connection to the natural environment. The transitional topography along the Kennebecasis River Valley in which the terrain ranges from gently sloping hills to wooded inland open space areas and areas that provide visual opportunities including parks and green spaces, with pleasant river views. Rothesay residents value the environment as an important part of their daily experience and consequently worthy of protection and preservation for future generations. Residents also enjoy the suburban lifestyle that offers many luxuries not afforded in cities. This section provides in brief policies that intend to protect the natural environment and open spaces from development pressures and changing climactic conditions.



Residents continue to enjoy the natural features, and have maintained a close connection to the environment throughout its history, creating social and economic ties with the land. Rothesay and its residents have endured a changing environment too. With more frequent and severe storms, higher flood levels, and harsh weather events residents have to combat a changing climate. In the future greater consideration must be given to how development impacts the natural landscape, and how in turn the environment may affect the development of land. Growth and development shall be done through a planned approach whereby values and interests are preserved, and the natural and physical features are protected from a changing climate and natural events. Accordingly, the following policies will preserve the social, cultural, environmental, and economic value of our natural and built environment.

### **Council Shall:**

*The development of land strikes a careful balance between preserving the natural environment and providing additional places to live, work, and enjoy in our community. In identifying this balance we must recognize as a community that there are requirements to satisfy to sustain the operation of a community; however, we must also acknowledge that the development that may sustain Rothesay may also alter or harm the natural and physical environment if left unchecked. Accordingly, the following policy ensures that Council will require development does not affect, alter, or harm Rothesay's natural or physical environment.*

Policy GE-1

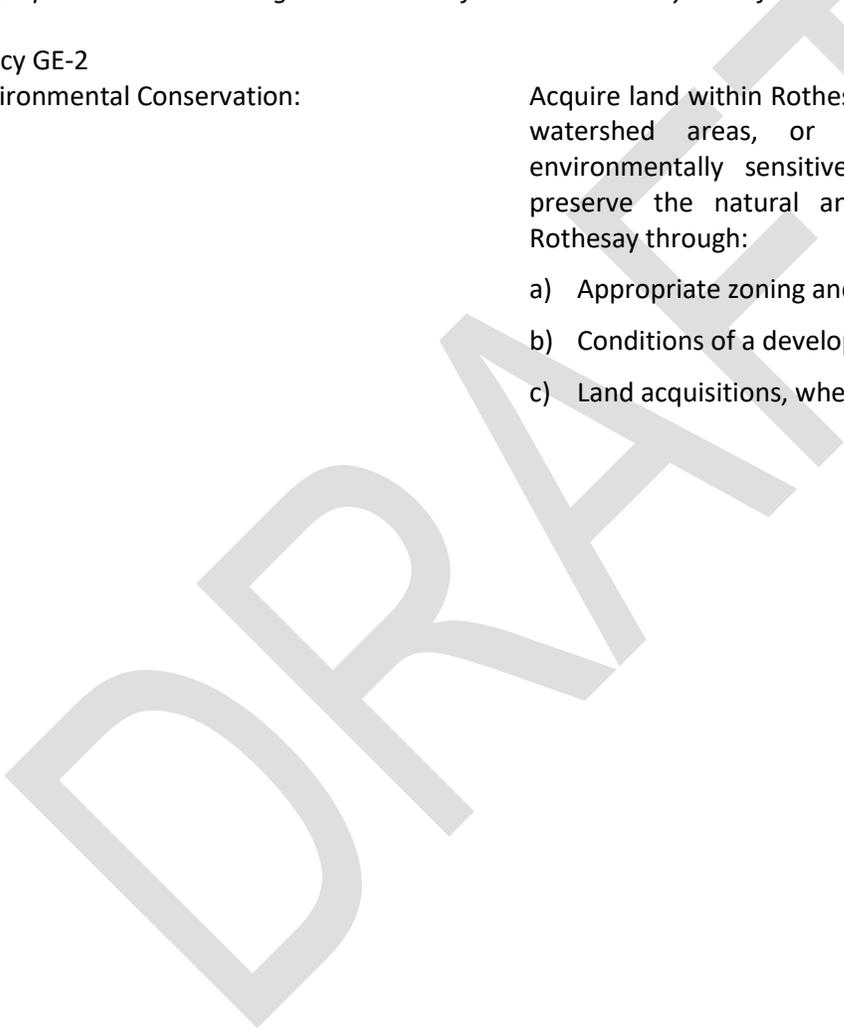
**Environmental Preservation:** Ensure that development does not affect, alter, or harm Rothesay’s natural or physical environment or the quality of these spaces as a social, cultural, economic, spiritual space, or historical feature.

*Rothesay’s wellfield and watershed area has been defined to include lands owned by both the town and private stakeholders. In the interest of providing safe, accessible drinking water to residents into the future, it is in the best interest of Rothesay and its residents to protect the water source within the wellfield and watershed future potential development through land development controls. Accordingly, the following policy provides Council with the regulatory authority to acquire privately owned lands and exercise land development controls to regulate the use of lands in Rothesay’s wellfield and watershed area.*

**Policy GE-2**

**Environmental Conservation:** Acquire land within Rothesay’s designated wellfield and watershed areas, or lands determined to be environmentally sensitive in order to protect and preserve the natural and physical environment of Rothesay through:

- a) Appropriate zoning and land use controls;
- b) Conditions of a development agreement; and
- c) Land acquisitions, where appropriate.





## CHAPTER 2 - MUNICIPAL SERVICES & INFRASTRUCTURE

Access to quality services and community infrastructure are essential to supporting a sustainable and resilient community. For that reason, renewing outdated infrastructure and supporting the delivery of services in our community can present a major challenge to the fiscal and policy realities of Rothesay.

To date Rothesay has enjoyed good quality municipal services and infrastructure. Town officials are well aware that from an economic standpoint, failing to provide or having inadequate infrastructure impedes new economic opportunities, which makes existing activities more expensive (and therefore less competitive), and reduces the likelihood that communities will be able to attract and retain people. Accordingly, Rothesay takes pride in the quality of its municipal services and infrastructure associated with wastewater collection and treatment, drinking water treatment and distribution, and the positive effect it has on livability, economic competitiveness, development capacity, and the overall well-being of Rothesay residents.

*The water and sewage infrastructure in Rothesay is essential to the operation of the commercial businesses and many of our resident’s homes. Moreover, Rothesay takes responsibility for the maintenance of these services and their function as a basic service to residents. To ensure that these services continue to be provided in a financially sustainable manner, the following policy is adopted by Council.*

Policy MS-1  
 Service Statement  
**Council Shall:**

Ensure that the sewage and water infrastructure under Rothesay’s jurisdiction is provided in a manner that will sustain the water resources upon which such services rely, is financially sustainable and that the operating utilities comply with all regulatory requirements for the protection of human health and the natural environment.

*Rothesay’s water and sewage infrastructure is complex. While the majority of this infrastructure has been mapped and cataloged, through time the exact locations and service points have become unclear. To ensure that the continual operation of service of the water and sewage infrastructure in Rothesay may continue, Council has adopted the following policy to require that a long range water and sewage master plan be prepared, implemented and then used to monitor this infrastructure.*

Policy MS-2  
 Servicing Plans

**Council Shall:**

Prepare, implement, and monitor a long-range water and sewage master plan to help direct the development and operation of the municipal servicing systems **where**

such a plan is prepared, the following aspects shall be considered:

- a) Examine the long range servicing system requirements of Rothesay;
- b) Provide a strategy which addresses the comprehensive long term servicing needs of Rothesay and ensure they are consistent with the development and growth objectives outlined in this Plan;
- c) Identify major problems or deficiencies in the existing systems;
- d) Identify and evaluate various alternative solutions to solve long range servicing problems or deficiencies;
- e) Establish the preferred solution and corresponding implementation measures; and
- f) Any other considerations as deemed necessary.

*The provision of quality services and infrastructure are essential to the long-term sustainability and development of Rothesay, and the health of our residents. Renewing outdated services and supporting the delivery of Rothesay’s existing service infrastructure can present a variety of problems, including meeting fiscal demands and budgets and in meeting a range of municipal policies. The importance of providing adequate services cannot be overlooked as they serve a vital role in providing a healthy quality of life for residents, allow businesses to operate, and attract potential new residents and businesses in the future. However, a balance must be maintained to ensure the expansion of services is done so in a fiscally responsible way, and in a developmentally sustainable way, so as to avoid over expansion. Accordingly, the following policy provides clear guidance to Council for when new or expanded services may be desirable in our community.*

Policy MS-3  
 Service Expansion  
**Council Shall:**

When considering new or expanded services, give priority to:

- a) Areas identified as experiencing problems related to insufficient quality and/or poor quality of existing wastewater disposal or sources of water supply;
- b) Existing neighbourhoods within a reasonable distance of the wastewater / water supply system where there is a demonstrated need and sufficient supply capacity; and

- c) Areas which would provide looping of existing infrastructure thereby enhancing reliability of the municipal system(s) in the local area.

*The provision of water and sewage services is a required basic service of any home. While homes located in the rural area are not connected to Rothesay’s municipal services, the Province and Town regulate the services provided on each lot to ensure that homes have adequate services. To ensure that homes are supplied with adequate services that meet the demands of their use all residential development shall require a permit prior to the construction of the home.*

Policy MS-4  
Rural Services

Require that all development, designated as Rural shall be served by private sewer and water systems. Prior to deciding on a discretionary application or the issuance of a Development or Building permit, Rothesay in consultation with the relevant Provincial Departments and any other pertinent agencies, shall ensure that there is an adequate on-site supply of potable groundwater and that on-site soils and lot sizes are adequate for the required sewage disposal system. Minimum lot sizes for lots with individual private sewer and water systems shall be set forth in the implementation of the Zoning By-law, although larger lot sizes as may be required by the Province shall prevail.

## Transportation

Rothesay completed an Active Transportation (AT) Plan and Traffic Study in 2012-2013. The primary goal of the AT Plan was to develop a 10-year implementation plan of active transportation facilities throughout Rothesay that included bike lanes, sidewalks, and multi-use trails, while the primary goal of the Traffic Study



was to evaluate and recommend road network improvements and prioritize those recommendations over a 10-year implementation period. The two studies were carried out at the same time allowing for coordination of recommendations.

In 2017, four years into the planning periods of the two studies, the town hired consultants to review and update the two plans and produce a concise, consolidated report. This updated document contains a summary of implementation progress made to date and provides coordinated recommendations over a 5-year implementation timeframe with cost estimates for each improvement. This will be a guiding document that coordinates capital roadwork priorities with the sidewalk and trails program that allows for annual tracking of progress.

**COUNCIL SHALL:**

*In coordination with the transportation report from 2017, active transportation facilities and infrastructure will need to be identified and created where demand deems necessary. As a measure of importance a list of Active Transportation Priorities will be created in an effort to identify these facilities and infrastructure. Priority will be based on importance, function, and length of time. Accordingly, the following policy requires Council to create and maintain a list of active transportation priorities over the lifetime of the Municipal Plan to ensure that facilities and infrastructure demands are met.*

Policy GT-1  
Active Transportation

Maintain a list of Active Transportation Priorities and update an implementation plan of active transportation facility improvements to be prioritized over short term (0-2 years), medium term (2 to 5 years), and long term (5-10 years) implementation timeframes. Those facilities may include the following:

- a) Dedicated bicycle lanes, shared lanes, and signed bicycle routes;
- b) New sidewalks and pedestrian street or highway crossings;
- c) Paved roadway shoulders; and
- d) Hard and gravel surfaced multi-use trails.

*Following the creation of the consolidated transportation study by consultants in 2017, Rothesay has continued to upgrade and maintain roads throughout Rothesay. To have a clear understanding of future work Council will create a road and network priorities list to identify what roads must be improved based on existing conditions. Accordingly, the following policy requires Council to create a Road Network Priorities list to be used over the lifetime of the Municipal Plan to ensure Rothesay’s roads and road network are maintained and upgraded to meet demand and safety requirements.*

Policy GT-2  
Transportation

Maintain a list of Road Network Priorities and update an implementation plan of road network improvements

(exclusive of regular maintenance) based on existing and future traffic needs and deficiencies, as well as other factors to improve safety and quality of life in the town prioritized over short term (0-2 years), medium term (2 to 5 years), and long term (5-10 years) implementation timeframes.

## Urban Forest Management

One of Rothesay’s greatest assets is our mature urban forest canopy. Elevating the importance of the urban forest in Rothesay will create an environment that is resilient to change and enhance our reputation as a place where people want to live, raise families, and retire.



Urban forests require sustainable management that focuses on the ecological, cultural, economic, and health benefits that our trees provide. Conversely, should Rothesay lose a large population of mature tree canopy it would have a dramatic effect on the aesthetic and livability of Rothesay. The urban forest provides multiple benefits for people in a developed community; the trees are part of Rothesay’s identity and a source of civic pride, quality of life and sense of wellbeing, but they also provide measurable economic benefits. Some examples of these services include improved air quality, biodiversity, carbon capture and storage, improved energy efficiency, stormwater control, and noise reduction.

### **Council Shall:**

*Management of the entire urban forest in Rothesay, including both public and private ownership, must draw from a wide array of tools and approaches to satisfy the values of residents and foster public engagement and stewardship. In Rothesay tree management is focused primarily on response to dangerous or diseased tree removal, post storm cleanup of fallen trees and branches, and associated replacement planting. Council recognizes that there will be costs associated with the management of our trees; however, the benefits of prioritizing the urban forest will result in the creation of a community legacy that benefits the next generation of Rothesay residents beyond our current lifetime. Urban forests have also been shown to improve health and the social and economic function in a community. Accordingly, the*

*following policy provides Council with the direction in managing our urban forests with the preparation of an Urban Forest Management Plan.*

Policy UF-1

Urban Forest Master Plan

Prepare an Urban Forest Management Plan within the timeline of this Municipal Plan that identifies a clear strategy to maximize the urban forest in Rothesay by:

- e) Documenting the location, quantity, and condition of trees under Rothesay’s care;
- f) Developing a care and maintenance action plan;
- g) Reinforcing the aesthetic values of mature canopy cover over and along public streets;
- h) Ensuring the health of parks and recreational areas; and
- i) Ensuring the preservation of Rothesay’s wellfield, watershed and other conservation areas of Rothesay.

**Private Streets**

Rothesay consists of both Town owned and maintained roads, and privately owned roads. Private roads are those that are owned by one or more land owners who use it to access their properties. Public maintenance and services are often limited on these roads. Garbage collection, asphalt maintenance, and snow removal is traditionally offered at the nearest intersection to a public street.

Rothesay has over the years received requests for to assume ownership of these roads. However, Rothesay has required that roads must be brought up to the municipal standard by the property owners prior to any turnover.

**COUNCIL SHALL:**

*Where possible the planning of new neighbourhoods should be designed to incorporate new public roads with existing public road network to enhance the overall street network. Private streets can prove challenging to maintain and can create accessibility challenges for residents and emergency vehicles alike. Public road right-of-way ensures all streets are built to a standard that requires a certain level of safety and access, and requires Rothesay be responsible for its maintenance. The following policy ensures that Council will prohibit the development of new private streets within Rothesay.*

Policy PS-1

Private Streets

Prohibit development of new private roads, exclusive of private driveways.

*The development of land should be done in such a way that lots may be accessible to a road right-of-way, and that these lots may be serviceable by municipal service connections and accessible by emergency responders. When creating a flag lot certain limitations are placed on the lot in that the total frontage of lot is decreased, and that the accessibility and serviceability is potentially reduced. As a means of*

*controlling the limit and size of a property may be subdivided in such a method, Council has adopted the following Policy.*

Policy PS-2

Flag Lots

Restrict the design of flag lots in new subdivisions such that no more than three flag lots are contiguous to each other with all access through a common right-of-way. The maintenance of the common right-of-way shall be attributed to all properties and documented through a private driveway agreement.

**Rail**

Rothesay has a long-lasting association with rail. The Rothesay rail station, a National Historic Site of Canada, is one of the oldest standing railway stations in Canada, built between 1858 and 1860. As the town has grown and changed over generations the popularity of river frontage as the site for permanent homes has also increased. The attraction of the river has continued to entice residents to homes that can only be accessed by crossing the rail line. However, trains that have a length in excess of several kilometers long, travelling 64 kilometres per hour, regularly isolate these riverfront homes. Rothesay has 7.8 kilometres of rail through Rothesay with 408 residential properties that can only be accessed by crossing the tracks. The largest group of dwellings is in Kennebecasis Park, which also contains a 200 student elementary school (K-5); Kennebecasis Park Elementary School (KPES) can only be reached by crossing the railroad tracks. In the same way, several institutional uses such as the Sisters of Charity seniors housing, the Villa Madonna Centre and the Bill McGuire Memorial Community Centre are also located between the tracks and the Kennebecasis River. The desire to ensure safety and promote a high quality of life for people living and working in close proximity to railway corridors is a shared objective of both the railway operator and our community.



In 2013 the Federation of Canadian Municipalities and the Railway Association of Canada developed a National Guideline for New Development in Proximity to Railway Operations. The Proximity Guidelines were intended for use by municipalities and provincial governments, municipal staff, railway corporations, developers, and property owners when developing lands in proximity to railway operations. Rothesay believes that these guidelines will contribute considerably in the preparation of plan policies regarding development of land in proximity to railway facilities.

**COUNCIL SHALL:**

*Rail has always been a part of Rothesay and increasingly important public safety issues around public road railway grade crossings, residential proximity to railway operations, and trespassing on railway property are topics of local and national discussion. The increased attention given to railroad safety manifests in our desire to be pre-emptive in regulating land use near the existing rail line. Rothesay has approximately 400 residential properties and an elementary school in close proximity to the railway. For that reason the community is reasonably concerned about the impact of a train incident. Reports from the Federation of Canadian Municipalities and the Railway Association of Canada have provided guidelines for development setbacks. This Municipal Plan includes the following policy to require Council to establish land development set back standards from railways.*

Policy RS-1

Rail Safety Setbacks

Establish within the Zoning By-law such requirements and regulations necessary to implement appropriate separation distances from freight rail lines to address fundamental life safety concerns and land use incompatibilities such as noise and vibration.

DRAFT

## Kennebecasis Valley Fire Department

Since 1924, the Kennebecasis Valley Fire Department (Department) has existed to protect the citizens of the Kennebecasis Valley. In 2019, the Department is comprised of 40 full-time professional firefighters including 12 company officers which includes senior firefighters, lieutenants, and captains. The management structure includes the fire chief, deputy fire chief, two division chiefs, and two support staff including an administrative assistant and financial clerk. As an incorporated entity, the Department is directed by the Joint Board of Fire Commissioners (Fire Board) which is formed from the Rothsay–Quispamsis Regional Fire Protection Agreement.

Operating out of two fire stations, the Department provides fire protection and vehicle, off-road, ice and water rescue and responds to medical emergencies with Ambulance New Brunswick. The Department also has an active fire prevention division that conducts fire code inspections, provides fire and life safety educational programs, and has a child car seat installation program.

### Council Shall:

*The provision of essential emergency services is required for the health and safety of our community. In order to provide these services these responders and their organization must be knowledgeable of Rothsay and able to access the community in a timely manner. Accordingly, Rothsay Council will support capital projects and subdivision applications that support the entry and movement of Kennebecasis Valley Fire Department vehicles and responders.*

Policy FR-1  
Reduce Response Times

Support capital projects and subdivision applications where the development of alternative vehicle entry points, new street network connections, and standardized public street road designs in new and existing neighbourhoods would reduce neighbourhood isolation and improve public safety through reduced emergency vehicle response times.

*The effectiveness and ability for our firefighters to serve our community relies not only on their ability to access our community, but in being able to access fire hydrants. The placement and infrastructure required to provide fire hydrants require the careful planning and consideration for how our community develops. Accordingly, Council will maintain and expand the network of fire hydrants to ensure the Kennebecasis Valley Fire Department may have access to hydrants that provide sufficient fire flow ratings through the following policy.*

Policy FR-2  
Hydrants

Maintain and expand the network of fire hydrants as the water system is expanded throughout Rothsay and ensure that hydrants have sufficient fire flows and reserve water capacity. In addition, hydrants shall be colour coded to denote fire flow rating in accordance with the National Fire Protection Association’s Recommended Practice for Fire Flow Testing and

Marking of Hydrants, as may be amended from time to time.

*The provision of publicly funded services requires transparency in the work provided. As such Council will direct the Joint Board of Fire Commissioners prepare and maintain a five year plan and request that plans are presented on an annual basis to share how the Fire Board is operating their services in response to community needs and demands.*

Policy FR-3  
Governance

Direct the Joint Board of Fire Commissioners (Fire Board) to prepare and maintain a five-year plan and request that such plans be presented to Council and the public on an annual basis.

*The taxpayers of Rothesay have a collective interest in the services provided to them; moreover, they have an interest in the services that are required to protect and maintain their community. Accordingly, where issues or questions are raised by Rothesay taxpayers Rothesay Council will require that the Fire Board respond to these inquiries that are related to service.*

Policy FR-4  
Response to Issues

Require the Fire Board responds to service related issues raised by Rothesay taxpayers.

*The operation, management, and provision of the Fire Department are all crucial to the success of the Fire Department, so too is the need to provide the appropriate resources and finances to fund this organization. As such, Council will ensure the annual budget will consider the financial demands and concerns of the Fire Department through the following policy.*

Policy FR-5  
Budget

Ensure that Rothesay’s annual budget considers the financial demands and concerns of the Fire Department.

*Where possible Council will consider the enactment of by-laws that support the Fire Department in their role to serve and protect the public, properties, and to recover fire service fees and charges through the following policy.*

Policy FR-6  
By-law Support

Consider the enactment of by-laws that support the Fire Department in their public safety role to prevent fires, to protect people and property, and to recover fire service fees and charges.

*The value of our Fire Department’s service to protect our built form cannot be understated. Having a clear understanding of what limitations or prohibitions a development may have on the Fire Department’s ability to protect our community is a critical component of the planning and development process. In an effort to ensure new development does not render the effectiveness or the efforts of our firefighters the Kennebecasis Fire Department will be consulted. Accordingly, the following policy requires Council review*

*proposals with the Kennebecasis Fire Department to ensure public safety and firefighting concerns are addressed.*

Policy FR-7  
New Development

Review proposals for new development projects with the Fire Department to ensure that public safety and firefighting concerns are addressed.

## **Kennebecasis Regional Police Force**

The Kennebecasis Regional Police Force (Force) is responsible for the policing of the towns of Quispamsis and Rothesay, a service area with a combined population of 29,904 citizens (2016). The Force currently (circa 2019) has 39 sworn police officer positions (currently - 32 male and 7 female officers), 4 civilian staff and a significant complement of volunteers. Term employees are also used to fill vacancies created by secondments or assignments. As of September 2018, there are four term employees. There are 19 police vehicles including 2 ATV's and one motorcycle. The Force offers a full menu of general and specialized policing services, with some employees fulfilling more than one role.

The Force's jurisdiction encompasses a relatively large area (NB standards) and presents aspects of urban and rural policing. The Force's 2018 Multi-Year Strategic Plan notes that of the "307 jurisdictions in Canada with over 10,000 people the Kennebecasis Regional Police Force enjoys the lowest Crime Severity Index at 18.25. The national average is 72.87 and the highest in the country is 371.58. The Crime Severity Index is compiled considering the amount of crime in a jurisdiction as well as the severity of the crime. The lower the rate the safer the community."

### **Council Shall:**

*The provision of essential emergency services is required for the health and safety of our community. In order to provide these services these responders and their organization must be knowledgeable of Rothesay and able to access the community in a timely manner. Accordingly, Rothesay Council will support capital projects and subdivision applications that support the entry and movement of Kennebecasis Regional Police Force vehicles and responders.*

Policy PF-1  
Reduce Response Times

Support capital projects and subdivision applications where the development of alternative vehicle entry points, new street network connections, and standardized public street road designs in new and existing neighbourhoods would reduce neighbourhood isolation and improve public safety through reduced emergency vehicle response times.

*The provision of publicly funded services requires transparency in the work provided. As such Council will direct the Kennebecasis Regional Joint Board of Police Commissioners prepare and maintain a five year plan and request that plans are presented on an annual basis to share how the Police Board is operating their services in response to community needs and demands*

Policy PF-2

Governance

Direct the Kennebecasis Regional Joint Board of Police Commissioners to prepare and maintain a five-year plan and request that such plans be presented to Council and the public on an annual basis.

*The taxpayers of Rothesay have a collective interest in the services provided to them; moreover, they have an interest in the services that are required to protect and maintain their quality of life in their community. Accordingly, where issues or questions are raised by Rothesay taxpayers Rothesay Council will require that the Police Board respond to these inquiries related to issues and services.*

Policy PF-3  
Response to Issues

Require the Kennebecasis Regional Joint Board of Police Commissioners responds to service related issues raised by Rothesay taxpayers.

*The operation, management, and provision of the police officers are all crucial to the success of the Police Department, so too is the need to provide the appropriate resources and finances to fund this organization. As such, Council will ensure Rothesay’s annual budget will consider the financial demands and concerns of the Police Department through the following policy.*

Policy PF-4  
Budget

Ensure that Rothesay’s annual budget considers the financial demands and concerns of the Force.

*The role our police officers have in policing our community and protecting our residents is a highly valued service. The Town also recognizes the relationship between an officer’s duty and their role in protecting residents and their property, which includes the social, cultural, and built environments. In an effort to assist the Kennebecasis Police Force the Municipal Plan contains the following policy which allows Council to consider enacting new by-laws to aid the Police Force in their duties to protect residents and their property.*

Policy PF-5  
By-law Support

Consider the enactment of by-laws that support the Police Force in their public safety role to prevent crime and to protect people and property.

**Financial Services**

Under the Local Governance Act, Section 24(5) (d), the Municipal Plan must include a five-year capital budget for the physical development of the municipality.

The capital plans will be drafted in conformity with the broader Capital Asset Management Plan including regulations mandated by other levels of Government (i.e. the requirement for a five year Gas Tax Funding Plan). These budgets will be reviewed annually with an objective to address ever changing priorities that occur balanced against the financial resources of Rothesay.

Good fiscal management at the local government level requires that the expenditures of the municipality are carefully balanced with the revenues to be generated; including user fees and taxes, grants from senior

governments and miscellaneous sources. Expenditures should reflect the services provided and these services should be in turn the priorities of taxpayers. The Town will adopt a set of Financial Principles consistent with these objectives.

Capital expenditures must be prioritized to ensure the most effective expenditure of funds to meet the needs of the community as understood by Council.

**Council Shall:**

*Capital projects and planning are a necessary requirement for Rothesay, as they ensure new and existing services and infrastructure may be maintained, upgraded, and when possible newly developed. It is in the town’s best interest, and that of the public’s to ensure there is a clear vision for what projects may be outlined in the future. Accordingly, this policy requires Council have capital plans that clearly identify capital planning projects.*

**Policy FS-1**

Capital Plans:

Ensure that capital plans are prepared to facilitate the physical development of Rothesay.

*The capital budget sets goals for capital spending in future years, though through time the objectives and/or priority of capital spending can change which requires a new budget. Annual reviews of the capital budget can ensure that priority projects are funded and that Rothesay may be made aware of new projects that are crucial to the everyday operations of the town and its residents. The following policy ensure Council will prepare a five-year capital budget that will be reviewed annually.*

**Policy FS-2**

Capital Budget:

Ensure that the five-year capital budgets are updated and reviewed on an annual basis.

*In providing quality services and infrastructure to the community Rothesay is required to budget for large capital expenditures, which are paid for in part by our taxes. This fiscal responsibility demands transparency and honesty, in which the town has maintained by producing reports that detail the capital expenditures over the year. So too is the responsibility of Rothesay to ensure these expenditures are indeed necessary or of importance. Accordingly, the following policy requires Council to include capital expenditures to those listed so as to avoid unjust spending and uneconomical investment in our community.*

**Policy FS-3**

Capital Expenditure:

Require that capital expenditures include:

- a) Maintenance of existing infrastructure;
- b) Extension of sewer and water systems supported by user fees;
- c) Projects co-funded by senior levels of government;
- d) Upgrades of existing roads in accordance with the Transportation policies of this Plan; and

- e) Additions to open space & conservation, parks, and trails.

Policy FS-4

Funding Sources: Seek alternate sources of funding in addition to property taxes whenever applicable.

*The Town must meet the demands of many stakeholders; primarily its duty is to serve the residents of Rothesay and their interests. The public interest may be measured many ways, though the collective interest may be considered to something that would benefit the most people. With regards to capital expenditure the town holds an ethical standard in its duty to uphold fiscal responsibility and in performing its duty to serve the public interest in which there are measurable benefits. Where capital spending is required to support a project the money spent must be in the public’s interest. Accordingly, the following policy requires Council to direct spending where the projects have a broad benefit to Rothesay.*

Policy FS-5

Capital Spending: Require capital spending be directed to projects with broad benefits to Rothesay.

*As a means to improve areas of Rothesay local improvement charges may be levied against a property by the town in order to improve infrastructure or a public amenity. These charge can be beneficial to parts of Rothesay that require infrastructure updates, and allow developers to pay the fee over a set period of time at a fixed rate. In the interest of ensuring Rothesay’s infrastructure is continually maintained the following policy will require that Council consider local improvement charges for projects benefiting local areas.*

Policy FS-6

Local Improvement Charges: Require that local improvement charges be considered for projects benefiting local areas.

*The operation and management of public infrastructure and services requires constant investment. As a means of controlling spending and to allow future withdrawal of large-scale loans Council will undertake to fund capital projects from operating revenues.*

Policy FS-7

Small Capital Projects: Undertake to fund capital projects from operating revenue and to borrow only for large capital projects.

*The operation and maintenance of the town requires significant investment and resources, which requires planning for future capital investment and projects. Understanding the future demands of Rothesay and in anticipating what priorities may arise requires careful planning and a comprehensive understanding of the town’s finances. It is in the best interest of Rothesay and its residents to be financially sound; accordingly, the following policy ensure that the proposed capital budgets are within the fiscal budgets of the town.*

Policy FS-8

Capital Management: Ensure that the proposed capital budgets are within the fiscal resources of Rothesay.

*To manage the costs of Town facilities and/or services a fee may be implemented to ensure that users may have continued access and use. A fee may be used to charge a portion of the cost or all of the cost taken on by Rothesay as a means of providing long-term public service. Accordingly, Council may consider implementing a user fee through the following policy.*

**Policy FS-9**

User Fee:

Consider that, notwithstanding any other by-law, where a direct relationship exists between the service provided and those receiving benefit, a user fee to recover all or a portion of the cost may be charged.

The recommended User Fee Policy, sets out a consistent and transparent approach for establishing and managing user fees. The fundamental principle of the recommended Policy is that user fees should be utilized to finance those public services and projects that provide a direct benefit(s) to specific users and that user fees should be set to recover the full cost of those services to the extent that there is no conflict with Town policy objectives and other provincial legislative requirements. Services that benefit the entire community should be funded by the town.

**Policy FS-10**

Fee Structure:

Adopt fee structures for development control (e.g. building permits) services that reflect a cost recovery approach.

**DEVELOPMENT CHARGES**

When a new community, subdivision, or other development project is built, developers must cover 100 per cent of the cost of that new growth. Rothesay recognizes that new growth represents an opportunity to rehabilitate, upgrade and replace infrastructure that would not otherwise be in the town’s short term capital program schedule. Since there are generally limited public financial resources to apply to infrastructure upgrades in a given year, Rothesay has an interest in cost sharing with developers in limited situations where there are demonstrated mutual benefits for the public to address existing infrastructure deficiencies.

**COUNCIL SHALL:**

*Development costs associated with private development is the sole responsibility of the developer. The Town maintains that the development of private land holdings be determined by free market interests and as such shall be constructed when the market will support the development of homes and/or businesses. The Town has an obligation to the residents and tax payers of Rothesay to be economically sustainable, and to avoid unjust or unwarranted risk. Fiscal responsibility requires the town avoid dealings with private land owners where the development is not seen as providing a community benefit. Accordingly, the following policy requires Council have developers pay 100 percent of the infrastructure costs within the boundaries of their private land holdings and 100 percent of the costs of the minimum upgrades needed that would connect with the site.*

**Policy DEVC-1**

Developers’ Responsibility

Require that developers pay for 100 percent of the growth-related infrastructure expenses to service development inside the boundaries of their proposal as

well as 100 percent of cost of minimum upgrades to local infrastructure which falls outside their project boundaries but is directly necessary for the development.

*Development costs associated with private development is typically the sole responsibility of the developer, except in circumstances where there would be mutual benefit to the private land owner and the town to upgrade the infrastructure servicing a property. While Rothesay has an obligation to the residents and tax payers of Rothesay to be economically sustainable, it is also the responsibility of the town to provide infrastructure and services to its residents and ensure that they are operational and to a standard that allows for safe and healthy use. Where there are possibilities that allow Rothesay to cooperate and share the cost of infrastructure that would benefit Rothesay it is in the best interest of Council to consider cost sharing through a development charge. Accordingly, the following policy allows Council to consider a cost sharing agreement with a developer where applicable conditions can be met.*

Policy DEVC-2

Development Charge By-law

Notwithstanding Policy DC-01, consider cost sharing through the enactment of a Development Charge By-law to pay for all or part of the on or off-site capital cost of new, expanded, or upgraded infrastructure associated with a proposed development as follows:

- a) To address existing infrastructure deficiencies or to upgrade existing undersized infrastructure;
- b) Facilities and infrastructure for the supply and distribution of water;
- c) Facilities and infrastructure for the collection, treatment and disposal of sewage;
- d) Storm water management facilities and infrastructure;
- e) New or expanded public street, sidewalks and trails required for or impacted by a subdivision or development; and
- f) New traffic signs and signals and new or expanded transit facilities.

**CAPITAL ASSET MANAGEMENT**

Rothesay is a safe, livable, sustainable and economically vibrant community underpinned by well managed and maintained infrastructure assets. These assets include, but are not limited to transportation networks (roads and sidewalks), water distribution networks, sewage collection systems, vehicle and equipment fleets (snowplows, dump trucks, etc.), parks, and municipal facilities (town hall, community centre, etc.). The public expectation is that the town maintain and operate these assets efficiently and effectively for many years.



It is also recognized that each individual asset has a defined service life. As these assets age and deteriorate Rothesay must manage the infrastructure in such a way to ensure that the full service life is reached and that a mechanism is in place to enable their replacement. The term Asset Management fundamentally refers to the application of sound technical and economic principles that consider present and future needs of Rothesay residents, and the service life of an asset. An asset management policy articulates Rothesay’s commitment to asset management and provides policy guidance in carrying out Rothesay’s strategies, plans and activities.

**COUNCIL SHALL:**

*Of increasing importance in communities is the practice of asset management, that is the management of the town’s assets, including facilities and infrastructure, to ensure that they are working in a functional and economically viable manner. An Asset Management Plan (AMP) will allow staff and Council to be aware of the conditions of public infrastructure and facilities and respond accordingly to issues that may arise. The success of the AMP will require monitoring of Rothesay’s corporate capacity with respect of financial, staff, and technological services and inputs. The following policy requires Council implement and periodically update an AMP to support an Asset Management system for Rothesay.*

Policy AM-1  
Asset Management

Implement and periodically update an Asset Management Plan (AMP) and maintain the necessary corporate capacity (including human resources, financial support, staff capabilities, business processes, data and integrated information systems) to support the elements and practices of an Asset Management system.

**UNIVERSAL DESIGN**

In 1976 New Brunswick became the first jurisdiction in Canada to add *physical disability* as a listed ground of prohibited discrimination to the New Brunswick Human Rights Act. The Act “stipulates a right to accessible workplaces, public transit, schools, libraries, restaurants, shops, hotels, theatres etc. and places an obligation on businesses and government to make their facilities accessible. Failure to provide equal access to a facility, including a workplace is a violation of the Act and can form the basis of a human rights complaint.”

To ensure that Rothesay’s infrastructure meets the intent of the Act an important first step would be an accessibility audit. An accessibility audit of the locations or facilities that have accessibility barriers would give Council a working list of improvements to make Rothesay more accessible and inclusive for all people including those with disabilities. In particular, this type of audit would:

- a) Inventory the existing conditions in Rothesay as they relate to accessibility and inclusion;
- b) Identify issues and opportunities to improve accessibility and inclusion within Rothesay;
- c) Present an implementation strategy for making Rothesay a model community for accessibility and inclusiveness; and
- d) Increase the awareness and knowledge of accessibility issues faced by people with disabilities.

Council Shall:

*The change in our population’s demographics requires an assessment of our changing needs as the proportion of older persons continues to increase. Our built form must be able to accommodate the lifestyle of these persons. Universal Design principles allow persons of all abilities and/or disabilities to use a space, which greatly increases our town’s livability, and marketability and a desirable place to live for persons of all ages, and of any ability. As an age-friendly designated community it is critical to understanding how our built form may support age friendly living. Accordingly, the following policy requires Council to direct staff in including Universal Design principles for new development of municipal building, facilities, and parks.*

Policy UD-1

Universal Design

Direct Staff to include Universal Design principles when tendering construction and the design of new municipal buildings, undertaking significant upgrades to existing municipal buildings, public park and recreational amenities, and where possible during minor upgrades and maintenance work to existing buildings.

*The adoption of Universal Design in our community will increase the livability for all residents. Identifying public owned buildings and facilities and parks will be crucial in ensuring Rothesay is outfitted with the appropriate Universal Design standards. An audit of Town owned buildings, facilities, and parks will be necessary in determining the quality of these spaces with respect to Universal Design principles. In identifying these areas Rothesay will be able to renovate and upgrade existing buildings, facilities, and parks to the appropriate standards. Accordingly, the following policy requires Council to undertake a community wide audit of Town owned buildings, facilities, and parks to ensure they are up to the appropriate standards.*

Policy UD-2

Universal Design Audit

Undertake within the timeframe of this plan an audit of Town owned buildings, facilities, and parks for the purpose of determining which meet the standards of Universal Design.



## CHAPTER 3 - DEVELOPMENT CONTROL

The day to day activities involved in implementing the Municipal Plan include both routine and complex procedures associated with the issuance of permits and development controls. These day to day responsibilities are delegated to Rothesay’s public servants and appointed bodies who carry out their duties in a fair and efficient manner.

More complex projects require a higher level of expertise in navigating and interpreting the Plan’s policies and other applicable regulations that apply to a development proposal. Applicants will be provided with information that is both relevant and complete, and is accurately prepared so they may receive timely results. Applicants must also recognize the legal nature of the process and must appreciate that Rothesay has a legitimate interest in how their lands are to be developed.

The engagement of professional expertise is critical in ensuring that the necessary research is done before moving forward with a discretionary approval application. Because the applicable Land Use regulations can sometimes be difficult to navigate and understand, Rothesay strongly encourages the use of development professionals. Furthermore, there may be other limitations to a development proposal that are not regulatory in nature.

Rothesay Staff provide information and regulate development within the town according to their Council delegated authority and the expressed policies set out in this Plan. The Town’s public servants in their administrative role serve on behalf of Council and have a duty to not offer or supplant professional services that are required for a complete development application by the applicant. Avoiding and preventing situations that could give rise to any perception of a conflict or the reasonable appearance of bias is one of the primary means by which Rothesay’s public servants maintain Council’s and the public’s confidence in their impartiality and objectivity.

Rothesay Council also understands that the cost of a technical professional can be high; however, such services are a legitimate and necessary business expense for the development community. Moreover, without full, clear, and accurate information on land use planning matters it is challenging for the public to engage in meaningful participation and for Council to make well-informed decisions.

### **Council Shall:**

*The Province of New Brunswick has set standards and regulations through the Clean Water Act that regulates standing and flowing waterbodies, including lakes, wetlands, bogs, rivers, streams and other tributary systems. In recognition of this Act and the regulations that permit development in our area, Rothesay Council has adopted the following policy to ensure these water features may continue to be protected through the standards and practices of the Province.*

#### Policy DC-1

##### WAWA Permits

Ensure that development applications comply with the Watercourse and Wetland Alteration Regulations of the Clean Water Act, as may be amended from time to time, by requiring that applicants obtain necessary provincial permit(s) prior to the issuance of a permit from Rothesay.

*The Province of New Brunswick regulates the issuance and use of wells through the New Brunswick Water Well Regulation, as a means of controlling and monitoring the use of wells. This ensure that wells are constructed in a way that support safe, healthy operation, and that the wells are located in an area that may access a sustainable source of water. In recognition of this regulation, Council has adopted the following policy to ensure water wells are constructed in regulated manner.*

Policy DC-2

Ground Water Well Construction

Ensure that applications that would utilize ground water supply sources comply with the New Brunswick "Water Well Regulation" by requiring that applicants obtain necessary provincial permit(s) prior to the issuance of a permit from Rothesay. Furthermore, Council may require, when necessary, that an applicant provide a written assessment from a qualified professional regarding how neighbouring properties might be impacted from the operation of the proposed well.

*The use of on-site sewage disposal systems is used for a large number of homes in Rothesay, many of which are located southeast of the Mackay Highway. On-site sewage systems require technical installations, and maintenance to provide a healthy and safe waste disposal service, which are covered under the Public Health Act. Accordingly, Council recognizes the importance of ensuring these systems are built and maintained to a standard that protects public health through the following policy.*

Policy DC-3

On-Site Sewage Disposal

Ensure that applications that would utilize an existing or new on-site sewage disposal system comply with the Technical Guidelines established in accordance with regulations respecting On-site Sewage Disposal Systems under the Public Health Act, as amended from time to time, by requiring that applicants obtain necessary provincial permit(s) prior to the issuance of a permit from Rothesay.

*The quality and character of our community is in the built form. Home and business owners take pride in their properties, a reflection of the manicured yards, and well care for buildings. This established built form can at time clash with temporary uses, whether through location on the property or because of the use itself. As means of controlling the temporary use and mitigating its effect on the established uses of a neighbourhood, the following policy will require that Council locate temporary uses in the side or rear yard of a lot. The restriction of these temporary uses to be located in the side or rear yards will ensure the existing character of a neighbourhood is not changed.*

Policy DC-4

Temporary Uses:

Require all temporary uses be located in the side or rear yard of a lot, unless permitted otherwise by the Development Officer or the Planning Advisory Committee.

**MUNICIPAL WATERSHED**

Rothesay residents use wells or municipal water as their source of potable water. Those using municipal water will be serviced by the large water source, known as the Carpenter Pond Watershed, which serves approximately 2000 equivalent users. Council recognizes that the municipal watershed is an extremely valuable asset to the community and is vital for day to day life. The protection and preservation of this asset is a mandate for the future. Where possible, the municipality has acquired undeveloped land in the watershed in an effort to control development activity in an effort to protect this valuable community resource, and will continue to do so in the future as Council recognizes the importance of safe, clean, municipal water as an essential service to the community. Accordingly, the following policies encourage the protection of these lands for their continued use as watershed lands so that future generations have access to clean, potable water.

**Council Shall:**

*The Town’s watershed area is a crucial asset, without it Rothesay would not have a source of safe, clean potable water. Where possible Rothesay has acquired lands within the Watershed as a means of controlling and limiting the potential development of land. In order to protect this asset for future use, Council will identify within the Zoning By-law the areas where the Rothesay Watershed exists.*

Policy CRP-1

Watershed Designation:

Identify within the Zoning By-law those areas of Rothesay where the lands that are Watershed as the Watershed Overlay Zone.

Policy CRP-2

Watershed Uses:

Allow within the Watershed Overlay Zone, only the land uses that are permissible with provincial regulations.

Policy CRP-3

Municipal Watershed Zone:

Establish appropriate standards in the Zoning By-law to protect the Municipal Watershed by requiring appropriate massing, setbacks, and limits to the permissible uses in the following zone:

- a) Watershed (WS).

**WELLFIELD PROTECTED AREA**

Wellfields are large areas of land that contain underground water storage areas called aquifers. Rothesay’s wellfield protected area is located on the east side of the Mackay Highway, around the Carpenter Pond Watershed. Wellfield Protected Areas are an effective way to protect groundwater sources to limit and/or prevent contamination of groundwater at the source. Accordingly, Council has identified the importance of protecting the wellfield area and has ensured this area is preserved for future generations through the provision of the following policies.

**Council Shall:**

*The Town’s wellfield protected area is a critical asset for the community. The wellfield area serves as a groundwater retention area that provides potable water to many of our residents. Land use development controls may protect this asset by limiting the types and intensities of development permitted. Accordingly,*

*the following policy requires Council to identify within the Zoning By-law the areas where Rothesay has a wellfield protected area.*

**Policy WLF-1**

**Municipal Wellfield Designation:** Identify within the Zoning By-law those areas of Rothesay where the lands that are Wellfield as the Wellfield Overlay Zone.

**Policy WLF-2**

**Wellfield Use:** Allow within the Wellfield Overlay Zone, only the land uses that are permissible with provincial regulations.

**Policy WLF-3**

**Municipal Wellfield Zone:** Establish appropriate standards in the Zoning By-law to protect the Municipal Wellfield by requiring appropriate massing, setbacks, and limits to the permissible uses in the following zone:

- a) Wellfield (WF).

**GROUNDWATER PROTECTION**

Many residents use private wells as their source of potable water which are connected to underground water sources known as aquifers. These sources of water are recharged through water permeation through the soil over long periods of time from precipitation and water runoff. As these aquifers are located deep beneath the soil and rock layers the recharge area is large and is also highly susceptible to contamination from various sources, including bacteria, pesticides and herbicides, petroleum products and other contaminants. Council recognizes the value of these natural assets in our community and their importance in serving residents with a potable water source. Accordingly, Council has created the following policies to ensure these sources are protected for future generations through municipal collaboration efforts, monitoring, and land use controls.

**Council Shall:**

*Groundwater does not follow the boundaries of a municipality; however, these underground aquifers can collect water from a large area including multiple municipalities. As a result the source of the water and its quality will be impacted by the area it is collected. For the purpose of ensuring that Rothesay has access to clean, safe, potable ground water, the following policy shall require Council participate in a joint municipal ground water monitoring program with the town of Quispamsis in an effort to protect groundwater sources.*

**Policy GWP-1**

**Regional Participation Program:** Participate in a joint municipal ground water monitoring program with the town of Quispamsis to ensure ground water resources in both municipalities are actively monitored.

*Groundwater sources are highly valuable, though they are also susceptible to many inputs, including land uses and contaminants. Once contaminated groundwater sources are typically left unusable for future use,*

*making them fragile to the pressures of development. Recognizing this, Council shall regulate land which have a measurable negative impact on ground water sources in Rothesay through the following policy.*

**Policy GWP-2**

**Groundwater Management:** Regulate land uses which have a measurable negative impact on the ground water resources of Rothesay.

*The provision of federal and provincial acts, regulations and programs in Canada and New Brunswick set clear standards and guidelines for how ground water and water sources shall be protected and used. Rothesay is no exception, and Council recognizes the value these groundwater sources are to the town. Accordingly, Council shall require that all federal and provincial acts, regulations, and programs are implemented and followed.*

**Policy GWP-3**

**Groundwater Protection:** Require that all federal and provincial acts, regulations, or programs for the conservation and protection of ground water and source water in Rothesay are complied with prior to the issuance of any development control permits.

*The town of Rothesay has a mix of well water and municipal water users, where approximately 2000 users are connected to municipal water. The demand for water will continue as our community grows, and with it a greater need to monitor and protect our water sources. As a means of regulating the use of water, and ensuring that all new developments provide citizens with clean, safe, potable water each will be required to connect to a municipal water connection as a condition of their development.*

**Policy GWP-4**

**Municipal Water Connections:** Require all new development to be connected, where available, to the municipal water system.

**WATERCOURSES AND WATERBODIES**

Rothesay has a significant number of brooks, streams, ponds, marshes and a provincially designated wetland, the Renforth Bog. The Kennebecasis River, Taylor Brook and the Hammond River are notable watercourses in the area. This system of watercourses and waterbodies provides numerous benefits to Rothesay as a habitat for fish and wildlife, as green space and a natural buffer between the physical and natural environment, and as a source of recreation throughout the year. This system also helps with the collection and discharge of stormwater runoff. Accordingly, Council recognizes the value of these natural areas and has determined their use is important to the ongoing function of Rothesay. The following policies seek to protect these watercourse and waterbody features for future generations with the use of development controls.

**Council Shall:**

*The protection of watercourses and waterbodies is regulated at the federal and provincial levels through acts, regulations, and programs. Recognizing the importance of our watercourses and waterbodies, the most notable being the Kennebecasis River, Council shall require that all federal and provincial standards and regulations are met through the development control permits.*

**Policy WW-1**  
**Watercourse & Waterbody Development**  
**Restriction:**

Require that all federal and provincial acts, regulations, or programs for the conservation and protection of watercourses in Rothesay are complied with prior to the issuance of any development control permits.

*In recognition of the proximity to nature and the numerous watercourses in Rothesay, Council has determined that in certain standards should be provided within the Zoning By-law that limits and controls development within a certain area of a watercourse. The following policy will ensure that these watercourse features are protected from development and ensure they may continue to serve Rothesay as a natural stormwater runoff discharge, and to serve a role in the ecosystem.*

**Policy WW-2**  
**Watercourse Development Restriction:**

Establish appropriate standards in the Zoning By-law to regulate development activity in the watercourse buffer.

**FLOODING AND FLOOD RISK AREAS**

Rothesay has more than 15 kilometers of river frontage on the lower reaches of the Kennebecasis River in an area where the river forms a junction with the Saint John River. In 2018 and 2019 Rothesay, like many other communities in along the Saint John and Kennebecasis River experienced record flooding at levels not seen in decades. Residents are long accustomed to the annual spring freshet that occurs as the snow pack melts and the spring rains begin to fall in the upper portions of the Saint John River watershed. However, these two years (2018 and 2019) marked historically bad years for Rothesay, in which more than 150 homes were impacted by the flood. In addition, parks and public facilities were damaged, municipal services (sewerage) were interrupted, wells contaminated and infrastructure was damaged.



It is anticipated that regular flooding in conjunction with the annual freshet is now the new norm, due in part to a changing climate and more extreme weather. It is also expected that future flooding events will be more severe, that the severity of storms will increase, and that the duration of the events will be longer. This Plan will endeavor to control land uses and development in these areas to avoid unnecessary damage and loss to the built and natural environment.

Rothesay reaches flood stage when the river level is measured at 4.2 metres above sea level. In the last three years the flood levels reached 4.64 metres in 2017, 5.76 metres in 2018, and 5.55 metres in 2019. In the last five years (2014-2019) Rothesay had only a single year (2016) in which it did not reach flood stage during the annual spring freshet. In lieu of a provincial policy and a statement on flooding, Rothesay has identified areas of land along the River with the greatest risk of flooding. Accordingly, Rothesay has developed policy and regulations to ensure that development in these areas is more resilient to the risks of flooding.

**Council Shall:**

*As a river community Rothesay experiences annual freshets that cause widespread flooding for those along the coastline of the Kennebecasis River. The floods of 2018 and 2019 were particularly damaging, and have raised questions for many land owners and how future floods may impact their properties. Comparatively, the 2019 flood was better handled by most, though its effects left many in our community without accessible homes during the flood and thousands of dollars in damages. In preparing for future floods it has become necessary to identify those areas that will most severely affected, and how those areas may be protected from future flood events. In an effort to identify these flood prone areas the following policy requires Council to identify these areas in the Zoning Bylaw.*

**Policy F-1**

Flood Area Identification:

Identify within the Zoning By-law those areas of Rothesay along the Kennebecasis River that are prone to or at risk of flooding as the Flood Overlay zone.

*The Town’s role in regulating the development and use of land has required town staff and Council to consider how Rothesay may be involved in the planning of lands involved in flood prone areas. As a means of limiting the damage done to future developments, it would be beneficial to restrict the possible development allowed within these flood areas so as not to do allow for additional harm, or loss of property. The following policy requires Council to establish standards in the Zoning By-law to regulate development in flood prone areas.*

**Policy F-2**

Flood Area Development Restrictions:

Establish appropriate standards in the Zoning By-law to regulate development in areas identified in the Flood Overlay Zone.

*With the possibility of more intense flooding in future freshets, staff and Council considered the possibilities in preparing Rothesay for future flood events. A strategy for such a large widespread problem requires cooperation at many levels and the coordination of many moving parts. Thus, a strategy is required to ensure that the execution of a plan is coordinated. A management and mitigation flood response strategy will ensure that our community is organized and prepared for future flood events.*

**Policy F-3**

**Flood Preparation and Response:**

Create a flood management and mitigation strategy for Rothestay in conjunction with the New Brunswick Emergency Measures Organization (EMO), and other relevant agencies.

*It is anticipated that annual freshets will continue to increase in severity, due in part to changing climactic conditions. With these changes it is unknown how much the flood waters are expected to rise in future freshets and how much damage may occur. The majority of lands that front the Kennebecasis River are privately owned and host a range of single-detached family dwellings. These lots are expected to bear the burden of future floods because of the existing development. In contrast most of Rothestay owned lands abutting the River do not have structures, as the land is designated for Open Space and Conservation. The Town has a vested interest in preserving the Kennebecasis River shoreline, and in preserving public infrastructure. Where possible Rothestay has taken initiatives to improve infrastructure for the betterment of its citizens. As a means of further improving the quality of the town’s shoreline access, and preventing damage to infrastructure, Council shall consider acquiring lands along the Kennebecasis River if those lands are prone to or at risk of flooding. While this policy is conditional, it does provide a supporting policy for Council to consider over the course of the lifetime of the Municipal Plan, and provides direction for future decisions regarding private land holdings along the River.*

**Policy F-4**

**Flood Area Land Sterilization:**

Consider the acquisition of lands along the Kennebecasis River that are prone to or at risk of river flooding in order to prevent reoccurring property damage and development in the flood risk areas.

**STORMWATER MANAGEMENT**

Rothestay’s stormwater system uses both natural features and infrastructure to collect and control stormwater runoff. Stormwater runoff accumulates as precipitation falls onto hard, impervious surfaces towards stormwater management features. However, severe storm events can overwhelm this system as the total runoff exceeds the capacity of the infrastructure (pipes, ditches, etc.) which can cause localized flooding. The amount of stormwater runoff a community has to deal with is largely based on how Rothestay is developed and what stormwater features and infrastructure are implemented. Effective stormwater managements systems can delay the stormwater discharge, slow its flow, and where possible collect some of the runoff.



It is expected that climate change will continue to increase the frequency and intensity of storm events, and therefore the total precipitation. The increase in precipitation will likely put greater stress on our existing stormwater infrastructure, so it is vital that future development consider the importance of site design in response to stormwater runoff. Accordingly, the following policies will ensure future development in Rothesay manages stormwater runoff.

**Council Shall:**

*New development has created some flooding and drainage problems in Rothesay in the past. These matters have been primarily private matter between property owners. Rothesay maintains its stance that these matters be resolved by the property owners as it is a civil matter. However, Rothesay is aware that the permitting and regulatory authorization of development falls on the town. As a measure to ensure all new development does not adversely impact or alter the lands ability to control or hold stormwater runoff. The following Policy requires all developments must have a net zero increase in stormwater runoff.*

**Policy SWM-1**

Net Zero Increase:

Require that post-development stormwater runoff is net zero to pre-development levels.

*New development can disrupt the flow of stormwater runoff, particularly in areas that are marshy or have a large flow of surface water runoff. In these areas the chance of flooding is greatest when a stormwater*

*management plan is not in place to know how the development may affect the flow of stormwater runoff. As a requirement for all future development Council will require that all proposed developments have a Stormwater Management Plan.*

**Policy SWM-2**

Stormwater Management Plan:

Require all proposed developments have a Stormwater Management Plan, which shall be completed by a qualified engineer or another qualified professional, in addition to a Development Permit prior to the alteration, excavation, or change of the land. The Stormwater Management Plan and Development Permit shall be submitted prior to the issuance of a Building Permit.

*The quality, quantity, and type of materials used in stormwater infrastructure can be diverse, and some more effective than others based on the climate and conditions of a site. To ensure developers and engineers have a variety of materials and methods in constructing the necessary stormwater infrastructure for their site the following policy will allow Council to consider the use of soft and hard landscape designs, features and materials.*

**Policy SWM-3**

Stormwater Infrastructure:

Consider the use of soft and hard landscape designs, features, and/or materials in stormwater management site design.

**Policy SWM-4**

Stormwater Quality and Runoff Rates:

Require that developments conform to stormwater quality and runoff rates within the General Provisions and standards of the Zoning By-law.

**ENVIRONMENTALLY SIGNIFICANT AREAS**

Environmentally significant areas may be classified as either physical or natural areas, and may have social, cultural, environmental, or economic importance. The significance of an area is often founded in local traditions, and are places recognized for wilderness and open space qualities. Accordingly, Council recognizes the importance of several key areas in the town and has created the following policies so that these areas may be protected for future generations.

**Council Shall:**

**Policy ESA-1**

Environmentally Significant Area Identification: Identify within the Zoning By-law those areas of Rothesay that are environmentally significant as the Environmentally Significant Lands Overlay Zone.

**Policy ESA-2**

Environmentally Significant Uses:

Limit within the Environmentally Significant area to conservation land uses and parks.

**Policy ESA-3**

**Environmentally Significant Area  
Development Restrictions:**

Establish appropriate standards in the Zoning By-law to regulate the conservation of land with appropriate setbacks from watercourses, water bodies, and wetlands.

**STEEP SLOPES**

Rothesay’s geographical location creates many attractions and development opportunities in our community. The varying elevations provide exceptional views of the Kennebecasis River and Long Island and add tremendous value to the homes and neighbourhoods of these areas. These areas have been and will continue to be a highly desirable area for home owners of all types. However, there are challenges in building in these areas for home owners and developers.

Slope is refers to the change in height between two points, the greater the slope the large the degree of change in height and or elevation between the points. Land use planning must consider how development will interact with the natural and built environment; moreover, planning must consider safe, sustainable land uses so as not to jeopardize the health and or well-being of community or its residents. Slopes that are calculated to be less than 10 percent are typically considered standard for development, and are common in most communities. A slope of between 10 and 30 percent is considered to be steep, land use planning dictates that these areas are analyzed to ensure proper municipal services be provided, and that development in this area would not affect or in any way impact a neighbouring property. Slopes that are greater than 30 percent are considered undevelopable and/or have too many constraints to develop in a safe, sustainable way. Few areas of Rothesay have a slope that is greater than 30 percent.

The development of steep slopes while idealistic for views of the River can provide challenges in regards to stormwater management, soil erosion, snow clearance, the provision of municipal and protective services and protective services can prove challenging for access. The challenge is to balance these with the attraction and opportunities of these areas as natural features that may be enjoyed by property owners and the general public. Furthermore, a balance must be met with the type and location of development and how it may potentially impact adjacent land uses. Accordingly, Council has identified these areas as being a development opportunity for future home current and future home owners and has created the following policies to limit the development and land uses acceptable in these areas.

**Council Shall:**

**Policy ESA-1**

**Steep Slopes Identification:**

Identify within the Zoning By-law those areas of Rothesay where there are steep slopes as the Steep Slopes Overlay Zone.

**Policy ESA-2**

**Steep Slope Uses:**

Limit within the Steep Slope areas a range of parks and conservation land uses.

**Policy ESA-3**

**Steep Slope Development Restrictions:**

Establish appropriate standards in the Zoning By-law to regulate the conservation of land with development restrictions on sloped lands.

## Construction Practices

As Rothesay continues to grow, older mature neighbourhoods and undeveloped natural areas are being disturbed to accommodate new development. The Town’s topography is such that the new development in many areas results in the creation of lots that are either on steep sloping sites or with properties that slope away from the street and below the grade of road. These conditions lead to substantial cut and fill activity. The scale of some fill and excavation operations has been such that they are a major neighbourhood nuisance and the resulting graded lots may perhaps pose a significant negative impact on neighbouring properties. Rothesay is well aware that uncontrolled fill and excavation activity in the past has led in some instances to runoff and erosion problems. In other cases, construction problems have been experienced as a result of the poor compaction quality of unsuitable fill.

The development and use of land are a natural part of a community’s growth, operation, and management; however, the method of land use can drastically change the intended building site. One of most sudden and damaging changes to a site is the removal of vegetation and/or the altering of the surface of the land. Levelling, grading, filling, cutting, or making other changes to the surface of land may affect adjacent properties by redirecting stormwater runoff, privacy may be reduced or eliminated, and the value and/or character of the neighbourhood may be changed. Additionally, removing trees and vegetation may reduce shade, reduce habitat for wildlife, and lead to soil erosion. Together, these changes can have a large impact on a site and its ability to provide social, economic, and environmental value to Rothesay. In many instances changes of this magnitude can have costly fixes and in some cases cause irreversible damage. Accordingly, the following policies regulate how land may be cleared, altered, and/or graded in order to protect existing properties and reduce impacts to the subject site.

**COUNCIL SHALL:**

Policy CP-1  
 Unsuitable Roads

Regulate the placement or dumping of fill on a lot fronting on a public street that has been deemed by the Director of Operations or his/her designate, in his/her sole discretion, to be unsuitable for the transportation of heavy loaded trucks transporting fill.

*The development of a site often requires an alteration to the land, with either the removal or addition of soils and aggregates to have the desired grade to begin construction. As a result, trucks are used to haul soils and aggregates through dumping or removal of fill from or to the site. This process can be quite disruptive to the surrounding properties, and to the neighbourhood in which the site is located; furthermore, the transportation of fill often creates dust and the deposit of materials on the road right-of-way. Council recognizes the impact that the transportation and hauling of fill can have on a neighbourhood; accordingly, the following policy will require Council to establish requirements and standards in the Zoning By-law to control this process.*

Policy CP-2  
 Hauling

Establish within the Zoning By-law such requirements as necessary to ensure that the alteration of land the Placing or Dumping or removal of Fill is done in accordance with proper engineering principles and any design standards of Rothesay, including a mud tracking

and dust control program containing measures to control mud tracking and dust along the proposed truck route to be used by the Applicant.

Proposed changes to haul routes to and from the site, are to be submitted to the Director of Operations or designate for review and approval. Modifications of haul routes are not to occur unless approved by the Director.

Furthermore, where a permit is to be issued, no person shall place or dump fill, remove any topsoil or fill, alter the grade or land, or perform or permit any site alteration except in accordance conditions that may include, but are not limited to:

- a) Restricted hours of operation;
- b) Designated haul routes to and from the site;
- c) Restricted daily volume or daily number of truck loads; and
- d) Restrict designated sources of the fill.

Policy CP-3  
Erosion Control

Establish within the Zoning By-law erosion control measures and enforce those standards through the subdivision approval process in order to minimize the impact of development on Rothesay's environment, and adjacent properties.

*To maintain the established character defining elements of Rothesay's built form all properties will be required to maintain a minimum level of landscaping. Accordingly, the following policy requires that all properties irrespective of zone meet the minimum landscaping requirements as identified in the Zoning By-law for the respective zone.*

Policy CP-4  
Standard Quality:

Require all properties, irrespective of zone, meet the minimum landscaping requirements as set out in the Zoning By-law and any relevant General Provisions.

*To preserve the aesthetic and character defining elements of Rothesay's built form, all properties will be required to maintain yards facing all public right-of-ways. This also ensures all residents and land owners continue to take pride in their land and in their community. Accordingly, the following policy requires all properties be maintained.*

Policy CP-5

**Site Maintenance:** Require all properties, irrespective of zone, maintain yards facing a public right-of-way. Yards will be manicured, free of debris, and garbage.

*The development of land often requires the movement and alteration of top soils and the grade of land in order to get the desired ground work for the development. As a means of controlling the work conducted on a site Rothesay has required grading plans be submitted, however, there have been issues with consistency and quality of the plans submitted which have resulted in undesirable outcomes for land owners and the town. As a means of regulating all future grading plans Rothesay will require these plans to be submitted by a qualified engineer or another qualified professional.*

**Policy CP-6**

**Grading Plan:** Require all developers submit a Grading Plan, completed by a qualified engineer or another person qualified to do such work, where the developer is changing the slope, grade, or surface of the land.

*The development of a site often requires the topsoil be moved and in other instances a site needs to be excavated in order to have the desired conditions to build. As a result the surface of a site changes and the conditions on the site and those surrounding it may be affected, often the first impact is of surface water runoff and encroachment. As a means of controlling for these factors Rothesay requires that all proposed development have a Development Permit prior to alteration.*

**Policy CP-7**

**Surface Alteration, Development Permit:** Require all proposed development have a Development Permit prior to the alteration or change of the surface of land, this shall be prior to the issuance of a Building Permit.



## CHAPTER 4 - IMPLEMENTATION

The implementation Chapter describes how the policies and procedures contained within this Municipal Plan are carried out by Rothesay. It outlines the procedures and application requirements for the different types of planning applications such as development agreements, rezoning, variances, and by-law amendments. This section also explains how amendments to this Plan are to be carried out.

Council values input from the public, applicants, and Staff when considering planning applications. In order to ensure that the land use planning application decision making process has the benefit of meaningful input it is essential to consistently follow a clear procedure where all parties understand how their opinions will be heard. A confusing planning application process that is not implemented consistently will tend to frustrate attempts by both applicants and the public to have their say. The following policies and proposals consist of basic requirements related to proper implementation of the Plan.

### Council Shall:

*The Community Planning Act of New Brunswick and Local Government Act are documents that provide regulatory and legislative authority to Council to make decisions with respect to land use development and municipal affairs. Accordingly, Council will ensure that the Municipal Plan is implemented to be in compliance with the Acts through the following policy.*

#### Policy IM-1 Implementation Power

Ensure that the Municipal Plan is implemented pursuant to the powers delegated to Council, Rothesay's Planning Advisory Committee (PAC) and Council appointed officials under the legislated authority of the Community Planning Act, the Local Governance Act and other relevant Provincial and Federal legislation as may be amended throughout the life of this Plan.

*In regards to application processes Council recognizes the importance of maintaining a clear and consistent method which all users may understand and effectively carry out. Accordingly, Council has adopted the following policy to ensure that a clear and consistent application process be adopted.*

#### Policy IM-2 Consistent Process

Develop and consistently follow clear application processes for all applications to amend the Municipal Plan or the Zoning By-law.

*The Municipal Plan provides a blue print for Rothesay with respect to growth, development, and land use. In reading the Plan the intention is to serve the interests of Rothesay; the public interest is responsible for creating the vision of this document and as such has formed the policies and objectives. Interpretation, where needed, is to be a consistent process so that the inherent objectives of the policy are met. Council recognizes this intent and has adopted the following policy to inform readers of the Municipal Plan of its intent and use as a document.*

#### Policy IM-3

Interpretation

Recognize that this Plan is enacted as a by-law and shall not be interpreted as a statute. Accordingly, the contents are statements of policy and shall be afforded a liberal interpretation with a view of furthering the policy objectives herein. Such an approach requires that this Plan not be subjected to excessive meticulous interpretation, as might be expected in a jurisdictional examination of a statute. The Municipal Plan By-law is prepared and enacted by Council and is a wide-ranging document which establishes an extensive variety of policies to guide Rothesay Council, its appointees and Staff.

*The Generalized Future Land Use Map (GFLUM) is used as a blueprint for all future development in Rothesay. It is used in conjunction with the policies of this plan to inform future land use decisions and potential zoning. Accordingly, Council shall ensure that all future growth and development in Rothesay will abide by the GFLUM as stated in the following policy.*

Policy IM-4  
Future Land Use

Ensure that the growth and development of Rothesay is guided by the Generalized Future Land Use Map adopted as Schedule A of this document.

*The Generalized Future Land Use Map (GLFUM) is used as a blueprint for all future development and growth in the town, as such it is critical to ensure that those areas identified on the GFLUM are suitable for the designated uses. Accordingly, Council has adopted the following policy to ensure that those identified on the Generalized Future Land Use Map are sufficient for the intended uses.*

Policy IM-5  
Future Land Use Map

Ensure that those areas identified on the Generalized Future Land Use Map:

- a) Provide sufficient lands to accommodate the projected demands for residential, commercial, light industrial and other uses;
- b) Provide for a limited range of compatible uses to occur within each of the land use designations subject to the applicable policies of this Plan; and
- c) Provide for the more specific delineation of map designations in the Zoning by-law; and
- d) Consider amendments to Schedule A through the process of proposed significant or substantive land use changes.

*The Municipal Plan is a document that provides regulatory authority over the growth, development, and use of land in the town. This regulation is carried out through various policies, which are informed through public feedback, consultation, and professional opinion of staff and consultants. Over the course of the lifetime of the Plan it is expected that the objectives of Rothesay may change, and the relevance and effectiveness of policies may falter. As a result, the Community Planning Act that a Municipal Plan review*

*be initiated within 10 years of the enactment of this Plan and that the review take no longer than 36 months, as stated in the following policy.*

Policy IM-6

Ten Year Review

Ensure that a review of the Municipal Plan is initiated within ten (10) years after the enactment of the by-law and that such a review shall take no longer than 36 months.

*To limit the densification of land, and the scale and intensity of a development, no more than one density bonusing policy may be used on a single project or proposal as stated in the following policy.*

Policy IM-7

Density Bonus Conflicts

Restrict the density bonusing provisions of this Plan (Policy R-1 Affordable Housing and R-2 Age-Friendly Housing) to not more than one policy per proposal or project and in no circumstance shall the density bonus exceed 20% of the maximum allowable density permitted by the Zoning By-law. Furthermore, the proposal shall meet all other provisions of the Zoning By-law, notwithstanding that the Development officer, Planning Advisory Committee (PAC), or Council may at their discretion grant an applicable variance.

*The Municipal Plan is a living document, its intent and purpose is to fulfill the objectives and vision our community and its stakeholders. As such, the document may be considered a dynamic, living document that is subject to change based on real world conditions and stakeholder feedback. These changes may come about through proposed amendments to the Plan, where the changes may address changing community conditions, make use of technical or scientific data, or be in compliance with either Provincial or Federal regulations, laws, or policies. A Plan amendment shall be considered by Council through the following policy.*

Policy IM-8

Plan Amendments

Consider amendments to the Municipal Plan when it can be demonstrated that the Plan’s effectiveness and policies should be examined based on one or more of the following:

- a) changing community demographics, climactic or environmental conditions, technological advances, or unforeseen community economic circumstances;
- b) additional technical information or scientific studies which identify the need for change; and
- c) Changes to Provincial or Federal regulations, laws or policies.

*Where necessary it may be reasonable to enact additional By-laws in support of the Municipal Plan that addresses building, development, design, land use, and other such matters that may be deemed necessary to achieve the intent and policy directs of the Plan as stated in the following policy.*

Policy IM-9  
Additional By-Laws

Enact By-Laws respecting building, property maintenance standards, signage, subdivision, unsightliness and other matters deemed necessary to achieve the intent and policy directives of the Municipal Plan.

*Through the Zoning By-law a series of land use regulations and development controls will be established in order to implement and carryout the policies of the Municipal Plan. Accordingly, the following policy will allow Council to establish appropriate standards in the Zoning By-law.*

Policy IM-10  
Zoning By-Law

Establish appropriate standards in the Zoning By-law including development control regulations as are necessary to implement the policies of this Municipal Plan.

Policy IM-11  
Policy Consideration

Review all applications to amend the zoning by-law in such areas for conformity with the policies of this Plan with particular regard to the Future Land Use designation relevant to the application and the policies found in the Implementation chapter.

*To assist in the consistency and clarity of the application process, it is critical that all applications received be of the same quality, and prepared in a clear and understandable manner. To this end, all submissions will require a qualified professional to prepare the supporting documents used in an application, as outlined in the following policy.*

Policy IM-12  
Submission Requirements

Require that applicants submit with their rezoning application for a specific development proposal, where such a proposal involves dimensional or aesthetic issues, a professionally prepared site plan and graphic representations of the proposal drawn to accurate scale. Such documents supporting the application must clearly indicate the following;

- a) The location, area, and dimensions of the subject property;
- b) The location, dimensions, height, and proposed use of all proposed buildings;

- c) The means by which the site is to be serviced by sanitary and storm water infrastructure, water, electrical service and other utilities;
- d) The location of any parking stalls, driveways, walkways, lighting, fencing, refuse containers, and snow storage;
- e) Landscape plans including the vegetation to be retained and a reasonably precise estimate of the number and location of proposed shrubs and trees; and
- f) Architectural details of the proposed development including exterior cladding and finishing materials.

*A development agreement is a contract between Rothesay and a property owner that stipulates the details and obligations of the respective parties with regards to the development of the subject property. Where a development agreement is believed to be necessary, Council shall consider a development applications as stated in the following policy.*

Policy IM-13  
Development Agreements

Consider development agreement applications pursuant to the provisions and criteria as set out in various policies of this Plan and consideration of the following:

- a) That the proposal is not premature or inappropriate by reason of:
  - 1) The financial capability of Rothesay to absorb any costs relating to the development;
  - 2) The adequacy of municipal wastewater facilities, storm water systems or water distribution systems;
  - 3) The proximity of the proposed development to schools, recreation or other municipal facilities and the capability of these services to absorb any additional demands;
  - 4) The adequacy of road networks leading to or within the development; and
  - 5) The potential for damage to or for destruction of designated historic buildings and sites.

- b) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
  - 1) Type of use;
  - 2) Height, bulk and lot coverage of any proposed building;
  - 3) Traffic generation, access to and egress from the site, and parking; open storage; and
  - 4) Signage.
- c) That the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, proximity to watercourses, or wetlands and lands that are vulnerable to flooding.

Policy IM-14  
Designations Abut

Consider amendments to the Zoning By-law on lands (Property A) that abut a different land use designation for a use which is permitted within the abutting designation (Property B). Such consideration shall also permit extensions (onto Property A) of development agreements in effect on the abutting property within the abutting designation (Property B). Notwithstanding the above, no such considerations shall be given to properties where the designations are not abutting.

Policy IM-15  
Proposed Public Streets

Consider that the location of proposed roads on Schedule C as approximate and for illustrative purposes and Council may give Assent to new public streets as shown on a plan of subdivision where the arrangement and alignment of these roads generally conforms to the Plan without need to revise or amend Schedule C.

Policy IM-16  
Public Participation

Adopt a decision-making process for the discretionary approval of a project that provides opportunities for meaningful public participation and education in the planning process to all interested parties.

Policy IM-17  
Text Only Amendments

Evaluate text only amendments to the Zoning by-law that do not include a specific development proposal by considering the land use planning implications and

conformance with other Municipal Planning Strategy policies.

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## **SCHEDULES**

**Schedule A – Future Land Use Map**

**Schedule B – Five Year Capital Plan**

**Schedule C – Proposed Public Streets**

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# REPEAL & ENACTMENT

## Repeal of Existing By-Laws

By-law 1-10 and amendments thereto are hereby repealed.

## Enactment of By-Law 1-20

Rothestay By-law 1-20, the Rothestay Municipal Plan, is enacted as follows:

FIRST READING BY TITLE:	# September 2020
SECOND READING BY TITLE:	# September 2020
(Advertised as to content on Rothestay website in accordance with the Local Governance Act)	# October 2020
READ BY SECTION NUMBER	# November 2020
THIRD READING BY TITLE/ENACTMENT	# November 2020

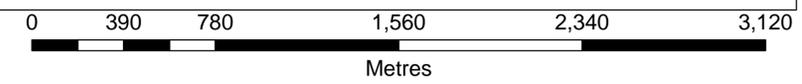
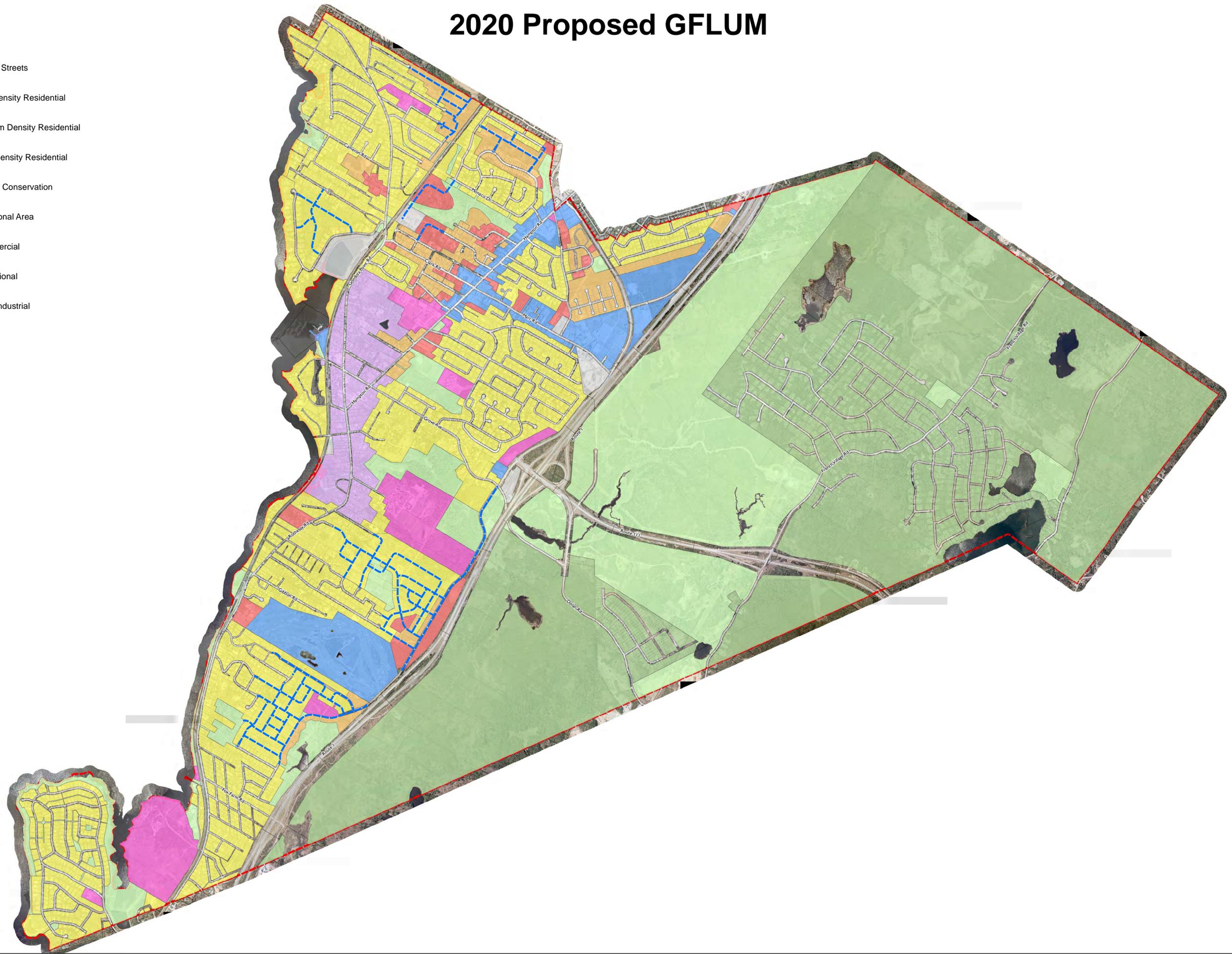
Nancy E. Grant  
Mayor

Seal

Mary Jane E. Banks  
Clerk

# 2020 Proposed GFLUM

- Future Streets
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Park & Conservation
- Traditional Area
- Commercial
- Institutional
- Light Industrial
- Rural



# Rothesay



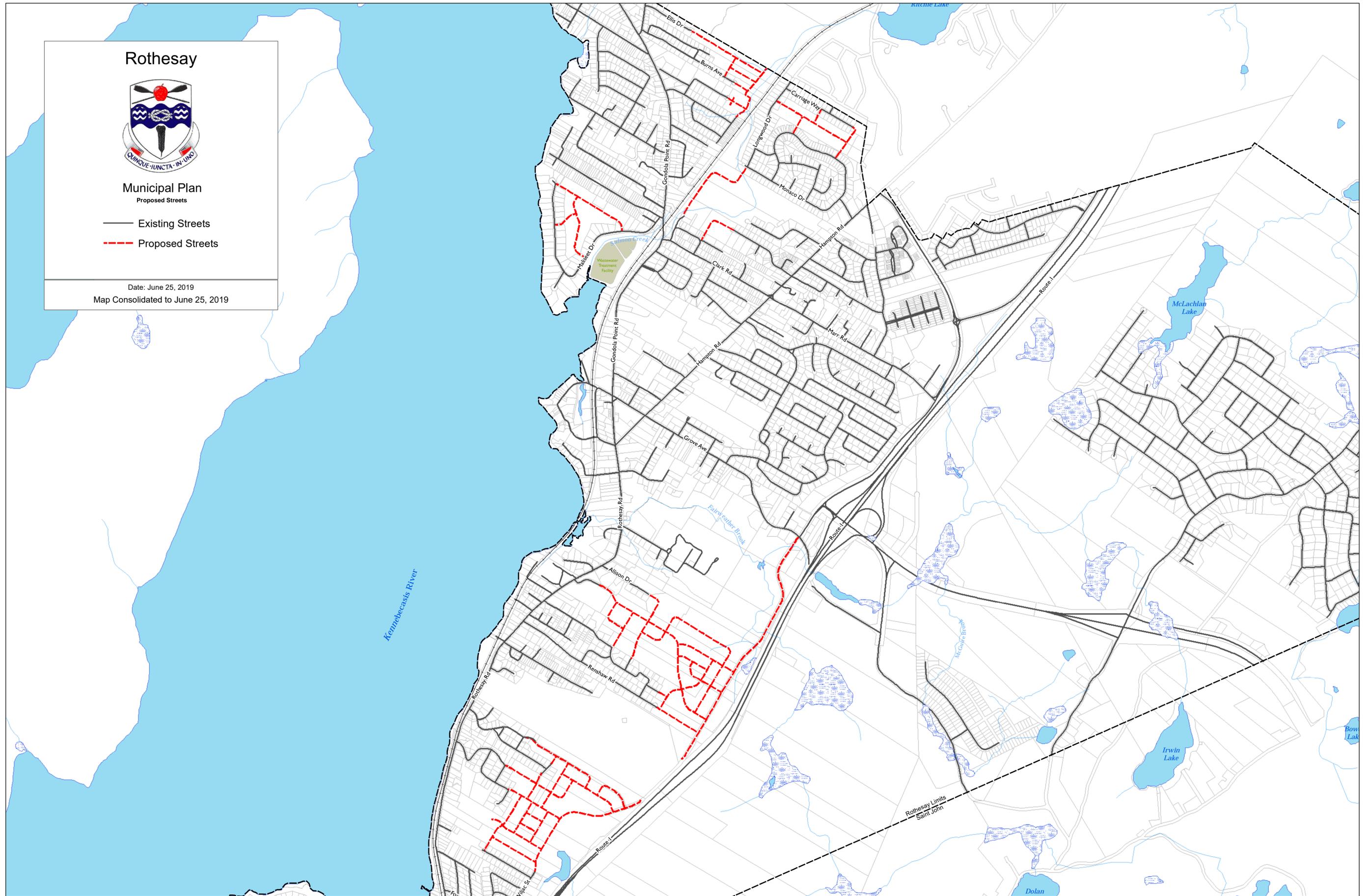
## Municipal Plan

Proposed Streets

- Existing Streets
- Proposed Streets

Date: June 25, 2019

Map Consolidated to June 25, 2019



Schedule C - Proposed Public Streets

