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See Plan #22289657

# VILLAGE OF ST. MARTINS

By-Law 20

## RURAL PLAN

2006

Village of St. Martins  
Rural Plan By-law # 20  
Statutory Declaration

I, Sandra Roy, Clerk of the Village of St. Martins, in the County of Saint John and the Province of New Brunswick, DO SOLEMNLY DECLARE

1. THAT I am the Clerk of the Village of St. Martins, a municipal corporation, and that I am personally acquainted with the facts herein declared;
2. THAT the provisions of Section 66 and 68 of the Community Planning Act have been complied with in respect of By-law #20 entitled Village of St. Martins Rural Plan, enacted by the Village Council of the Village of St. Martins on May 1, 2006.

AND I make this statutory declaration believing it to be true to the best of my knowledge and knowing this it is of the same force and effect as is made under oath and pursuant to the terms of the Evidence Act.

DECLARED BEFORE ME )  
At the Village of St. Martins )  
In the County of Saint John )  
And the Province of New Brunswick )  
This 8<sup>th</sup> day of May, 2006 )  
Katherine Armstrong )  
Commissioner of Oaths )

Sandra Roy  
CLERK

**Katherine Armstrong**  
A Commissioner of Oaths  
My Commission Expires Dec. 31, 2007

By-law No. 20  
Village of St. Martins  
Rural Plan

The Council of the Village of St. Martins, under authority vested in it by Section 27.2(1) of the Community Planning act, enacts as follows:

1. A Rural Plan for the physical development and improvement of the Municipality is hereby adopted.
2. The document entitled "Village of St. Martins Rural Plan" and the appended "Schedule A" Zoning Map constitutes the Rural Plan mentioned in Subsection (1).
3. Village of St. Martins Basic Planning Statement - By-law No. 14 and all amendments thereto are hereby repealed.

First Reading by Title April 3, 2006  
Second Reading in Full April 3, 2006  
Third Reading and Enactment May 1, 2006

Sandra Roy  
Sandra Roy, Clerk

James Huttges  
James Huttges, Mayor

APPROVED  
pursuant to S. 69  
Community Planning Act

APPROUVÉ  
En application de l'article 69  
loi sur l'urbanisme

Gary Mercereau  
for - Minister / pour le/la Ministre  
Environment and Local Government  
Environnement et Gouvernements locaux

June 5, 2006  
Date

# **VILLAGE OF ST. MARTINS**

## **RURAL PLAN**

**By-Law 20**

**2006**

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**PART A**  
**TITLE, AREA DESIGNATION, AND PURPOSE**

**PART A: TITLE, AREA DESIGNATION, AND PURPOSE**

**1.0 TITLE, AREA DESIGNATION AND PURPOSE**

**1.1 Title**

The Village of St. Martins, under Section 27.2 of the *Community Planning Act*, hereby adopts as a bylaw the Village of St. Martins Rural Plan. This bylaw hereby repeals Bylaw No. 14, the Village’s Basic Planning Statement, which was adopted in 1991.

**1.2 Area of Coverage**

The policy statements, proposals, and zoning provisions set out in this Rural Plan Bylaw apply to all lands within the Village of St. Martins municipal boundaries as described by subsection 105(2) of the Municipalities Order – *Municipalities Act* and as outlined in Schedule “A” attached to this bylaw.

**1.3 Contents and Purpose**

The contents of this Rural Plan include:

- 1) Part A, which outlines the title, area of coverage, contents, and purpose of the Plan
- 2) Part B, which outlines the policies and proposals of Council
- 3) Part C, which contains the zoning provisions intended to implement the plan policies and proposals. Part C also contains Schedule A (the Zoning Maps), which identify the location and extent of future land use zones. Schedule A thus presents the long-term land use plan that reflects the policies and proposals outlined in Part B. As the legal zoning map, it accompanies and illustrates the zoning provisions of Part C.

**Village of St. Martins Rural Plan**  
**Part A - Title, Area Designation, and Purpose**

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The Rural Plan sets out the Village Council's long-term policies and proposals to guide future land use development. The Plan is intended for use by Council and residents to guide day-to-day decisions with respect to land use development and capital expenditures. The Plan should be reviewed every five years in accordance with the provisions of the *Community Planning Act*.

Periodic amendments to the Plan may be required. These should be undertaken with due process, including public consultation, as outlined in the *Community Planning Act* for plan amendments.

The adoption of a Rural Plan does not commit the Village or Province to undertake any proposal therein stated (as per Section 27 of the *Community Planning Act*), but shall prevent the undertaking of any development that is inconsistent or at variance with:

- (a) in the case of the Village, any proposal or policy so outlined or suggested,
- (b) in the case of the Province, any proposal so outlined or suggested

For clarification, in this Rural Plan, a ***Policy*** is a statement reflecting community objectives and outlining a means to achieve them. Policies are the foundation of the Plan. All other components of the Rural Plan, including the zoning and development standards, as well as any amendments thereto, are to conform to the intent of these policies. ***Proposals*** are actions that are desirable, but not essential to meeting the objectives of the Rural Plan. While Council is not required to undertake any stated Proposal, it cannot enact measures that are contrary to a Proposal.

**PART B**  
**RURAL PLAN POLICIES AND PROPOSALS**

## **PART B: RURAL PLAN POLICIES AND PROPOSALS**

### **2. GENERAL DEVELOPMENT**

#### **2.1 Goal**

To promote a pattern of growth and land use that ensures orderly, efficient, equitable, and sustainable development, and preserves the historical character of the village.

#### **2.2 Objectives**

The Rural Plan endeavours to accommodate development in a way that reflects the following objectives:

- (1) To conserve and protect sensitive environmental areas and resource lands, including streams, wetlands, steep slopes, groundwater recharge areas, forestland, and coastal features.
- (2) To conserve and protect the quantity and quality of well water from inappropriate land use development.
- (3) To ensure land is developed in a fashion that preserves the quality of life of residents.
- (4) To reserve sufficient and appropriate land for recreational facilities, parks, and open space.
- (5) To provide for adequate public access to the beach area.
- (6) To maintain the village's attractive mixed land use pattern, recognizing that sufficient separations may be required to minimize potential conflict between residential uses and new commercial development.
- (7) To encourage and facilitate the development of compatible tourism, commercial, and light industrial activities.
- (8) To protect high quality public views, which contribute to the village's character and quality of life, from conflicting or incompatible development.
- (9) To encourage compatible residential growth of the village.

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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- (10) To ensure that new development does not detract from the village's existing character and heritage.
- (11) To accommodate a range of housing types to satisfy market needs and ensure affordable housing is available for all residents.

**2.3 Policies / Proposals**

**2.3.1 Non-Conforming Uses**

Policies

- (1) In conformance with Section 40 of the *Community Planning Act*, it is a policy that a land use already existing at the time this Plan is approved, which does not conform to the list of permitted uses in the particular zone, will become a “non-conforming use” and shall be permitted to continue.

However, if a building or structure containing such a use has been damaged to the extent of at least half of the whole building or structure, exclusive of foundation, the building or structure shall not be repaired or restored or used except in conformity with this Rural Plan and zone provisions applicable to the zone in which it is located, unless the Planning Commission agrees otherwise.

Similarly, if the non-conforming use is discontinued for a consecutive period of 10 months (or such further period as the Planning Commission considers fit), then any reuse must conform to the Rural Plan and zone provisions applicable to the zone in which it is located unless otherwise permitted by the Commission.

- (2) It is a policy to encourage the relocation of non-conforming uses to appropriately zoned and planned sites.

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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**2.3.2 Non-Complying Buildings and Lots**

Policy

- (1) It is a policy that where a building has been erected on or before the effective date of the adoption of this Plan on a lot that has less than the minimum area, frontage, or depth, or having less than the minimum setback or side yard or rear yard required by this Plan, the building may be enlarged, reconstructed, repaired or renovated provided that:
  - (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard,
  - (b) all other applicable provisions of this Plan are satisfied.
  
- (2) It is a policy that a new building may be constructed on a lot with less than the minimum area, frontage, or depth required by this Plan if that lot existed on the date of the adoption of this Rural Plan, subject to approval under the *Health Act* and other applicable provincial regulations.

**2.3.3 Efficient and Compatible Development**

Policy

- (1) It is a policy to manage general growth and development to be orderly, cost effective, sustainable, and compatible by:
  - (a) encouraging new development through infilling of vacant land within existing built-up areas, and through contiguous development to existing built-up areas,
  - (b) ensuring commercial, industrial and institutional development is compatible by establishing development standards and, for certain uses, if necessary, setting terms and conditions to development,
  - (c) discouraging development in physically unsuitable or environmentally sensitive areas.

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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- (2) It is a policy that development will be located and designed to minimize the impact of traffic, noise and lighting on adjacent residential properties and commercial accommodations.
  
- (3) It is a policy that land development and lot creation shall:
  - (a) be directed away from areas that are unsuitable for the intended use due to poor site capability, potential environmental impact, or lack of compatibility with surrounding land uses,
  - (b) be of a size and configuration suitable for the intended use,
  - (c) provide for safe and efficient movement of vehicular, pedestrian, and non-motorized means of transportation,
  - (d) respond to the topographic constraints and opportunities of the site,
  - (e) maintain substantial trees and vegetation on steep slopes, riparian areas, and other sensitive sites.

**2.3.4 Protection of Environmentally Sensitive Areas**

Policies

- (1) It is the policy to protect the natural environment, particularly environmentally sensitive sites such as wetlands, steep and unstable slopes, watercourses, estuaries, coastal areas, aquifers, and groundwater recharge areas.
  
- (2) It is a policy to limit physical development within fifteen metres (50 feet) of the edges of all wetlands and watercourses. In addition, any proposed development within 30 metres (100 feet) of a wetland or watercourse will require a Watercourse and Wetland Alteration Permit under the *Clean Water Act* before a building permit will be issued.



**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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**2.3.5 Soils and Drainage**

Policies

- (1) It is a policy that development shall not be permitted on sites with soil and drainage conditions that are incapable or unsuitable for the proper siting and construction of the proposed building or structure, unless the site deficiencies can be corrected through environmentally acceptable methods that meet the approval of the Planning Commission, are in accordance with relevant Provincial regulations, and have received all necessary approvals of Provincial agencies.
  
- (2) It is a policy that development shall not be permitted in a location or in a way that creates or aggravates adverse stormwater impacts, for example, excessive run-off onto adjacent properties, flooding, soil erosion, siltation of natural streams, altering of groundwater tables, or reduction of surface and groundwater quality.

**2.3.6 Access to a Street**

Policy

- (1) It is a policy that new development must have access to a provincial collector road, municipal collector road, a municipal local street, or a private local street, unless the Planning Commission specifies otherwise.

**2.3.7 Flag Lots**

Policy

- (1) It is a policy to permit, subject to terms and conditions, the creation of flag lots in instances where the lot width requirements of this Rural Plan cannot be satisfied, but where the proposed lot is deemed acceptable otherwise, and will not prejudice the possibility of further subdividing the property or convenient subdividing of adjoining and nearby land.

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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**2.3.8 Development Criteria for Non-Residential Sites**

Policy

- (1) It is a policy that all non-residential land uses will conform to the following criteria:
  - (a) development will be located and designed in a manner that minimizes the impact of traffic, noise, and lighting on adjacent residential properties. Where deemed necessary, appropriate screening (e.g. trees, shrubs, landscaping, and fencing) will be required as a condition to the building permit,
  - (b) development and landscaping will be designed to a high standard with regard to safety, appearance, and compatibility with neighbouring land uses,
  - (c) access points to the street will be designed for maximum safety of pedestrian and vehicular traffic,
  - (d) each site will have adequate provision for off-street and/or on-street parking to meet the needs of the development.

**2.3.9 Private Streets**

Policies

- (1) It is a policy to allow development of private streets in the Village of St. Martins subject to minimum design and construction standards specified in the St. Martins Subdivision Bylaw and terms and conditions that may be specified by the Planning Commission.
- (2) It is a policy that maintenance and upgrading of private streets are the responsibility of landowners - not the Village or the Province of New Brunswick.
- (3) It is a policy that existing private streets shall not become public unless assented to by Council under Section 56 of the *Community Planning Act*, and unless

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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Council has negotiated a suitable agreement for road maintenance with the Department of Transportation or another supplier.

- (4) Although the Village Council is not obliged, it is a policy that Council will only take over a private street if it complies with minimum road design and construction standards specified in the Village of St. Martins Subdivision Bylaw as well as other required terms and conditions.

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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**3. RESIDENTIAL USES**

**3.1 Goal**

To accommodate the development of an adequate supply and mix of housing to meet the needs of the population.

**3.2 Objectives**

- (1) To maintain a high standard of housing.
- (2) To ensure an adequate supply of affordable housing for all socio-economic groups.
- (3) To allow for a range of housing types to meet a wide range of housing needs.
- (4) To encourage residential infilling along existing streets in conformance with minimum lot standards for unserviced land as outlined in the zoning provisions.
- (5) To encourage development of new residential streets and subdivisions in a fashion that is contiguous to existing development and street patterns.

**3.3 Policies / Proposals**

**3.3.1 Single Detached Housing**

Policy

- (1) It is a policy that single detached housing will constitute the predominant type of residential development in St. Martins.

**3.3.2 Semi-Detached Houses, Mini-homes, and Multiple Unit Houses**

Policy

- (1) It is a policy that development of semi-detached houses, multiple unit dwellings, and mini-homes will be integrated with single detached housing, and not segregated to separate areas. These types of housing will be encouraged to develop in a compatible fashion with the surrounding neighbourhood.

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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**3.3.3 Provision for Seniors and Special-Care Housing**

Policy

- (1) It is a policy to permit the development of multiple-unit residential dwellings to meet the housing needs of elderly residents, disabled residents, and other special-needs groups, where such housing is compatible with the neighbourhood.

**3.3.4 Infill Development**

Policies

- (1) It is a policy to encourage residential infill to complement the existing development standards and setbacks of the area, to the extent that it is compatible with the character of the neighbourhood and does not create problems associated with on-site sewage disposal. The Planning Commission may seek input from neighbouring residents when reviewing building permit applications for infill development.

**3.3.5 New Residential Streets and Street Extensions**

Policies

- (1) It is a policy to permit new residential development through the extension of existing streets and the development of new streets as long as this can be realized without significant increases in municipal costs, adverse impact on the quantity or quality of groundwater, or adverse impact on other environmental resources.
- (2) It is a policy to require subdivision development plans for all proposed residential land development involving new street construction, whether this involves new streets or extensions to existing streets. This is necessary to ensure that development proceeds in an orderly fashion and optimizes the use of land and municipal services. A subdivision plan will conform to the policies of the Rural Plan and will address all needs pertinent to development of the site.

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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Proposal

- (1) It is proposed that the Planning Commission may seek public input when reviewing subdivision development proposals in developed areas.

**3.3.6 Home Based Businesses**

Policy

- (1) It is a policy to permit home occupations associated with single-unit and double-unit dwellings, provided that:
  - (a) the use is minor, is contained inside the residence or an accessory building on the same lot, and is clearly subsidiary to the residential use,
  - (b) the use does not alter the residential appearance of the lot, does not detract from the character of the neighbourhood, and is generally compatible with surrounding residential and other land uses,
  - (c) the use does not adversely affect the residential quality of the area through increased traffic, on-street parking, noise, unsightly premises, or nuisance to neighbouring residential properties,
  - (d) the use meets all other requirements set out in the Rural Plan.

**3.3.7 Agricultural Uses near Residential Areas**

Policies

- (1) It is a policy to permit agricultural activities near residential areas, subject to provisions to protect potable water, other sensitive resources, the enjoyment of surrounding properties, and other requirements set out in the zoning provisions.
- (2) It is a policy that the keeping of livestock near residential properties will be subject to specific requirements and limitations set out in the zoning provisions such as the maximum number of animal units, minimum lot sizes, and minimum setbacks of livestock facilities from lot boundaries.

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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**4. COMMERCIAL USES**

**4.1 Goals**

To develop a mix of retail and service outlets to serve the needs of residents and visitors.

To develop commercial land in a way that maintains the existing mixed-use character between commercial, residential, and institutional land uses, with a focus on Main Street.

**4.2 Policies / Proposals**

**4.2.1 Compatible Commercial Development**

Policies

- (1) It is a policy to encourage commercial development that is compatible with the surrounding land uses and environment.
- (2) It is a policy to control the location of any commercial or light industrial development that would not be compatible with surrounding land uses.

**4.2.2 Commercial Development along Main Street and Route 111**

Policies

- (1) It is a policy to focus the development of retail shops, food services, visitor accommodations, personal services, and similar small-scale business uses along and in general proximity to Main Street, and along Route 111.
- (2) It is a policy to encourage commercial development along Main Street and Route 111 in a way that preserves and enhances the existing mixed-use character of the area.

**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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- (3) It is a policy that commercial development along Main Street and Route 111 must be reasonably compatible with existing land uses with respect to vehicle access, parking area capacity and location, historic setback patterns, and potential nuisance impacts on adjacent residential properties.

**4.2.3 Food, Drinking, and Entertainment Establishments**

Policy

- (1) It is a policy that the following commercial uses may be permitted if they are in compliance with terms and conditions set by the Planning Commission which, will aim to minimize negative impacts for surrounding residential and other land uses:
  - (a) restaurants and take-outs
  - (b) pubs, bars, and other commercial drinking establishments
  - (c) places of entertainment

**4.2.4 Industrial Uses**

Policies

- (1) It is a policy to accommodate industrial activities that can be carried out without hazard to the environment, or intrusion upon surrounding land uses because of noise, vibration, smell, fumes, smoke, grit, dust, or appearance.
- (2) It is a policy that the development of industrial uses may be subject to terms and conditions requiring a high standard of property appearance, especially in high visibility areas. The Planning Commission will consider aesthetic impact in setting terms and conditions for industrial uses.



**Village of St. Martins Rural Plan**  
**Part B - Land Use Policies and Proposals**

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**5. INSTITUTIONAL USES**

**5.1 Goal**

To provide adequate community facilities and public buildings to serve Village residents.

**5.2 Policies/Proposals**

**5.2.1 Institutional Uses**

Policy

- (1) It is a policy of Council to encourage the development of community-oriented facilities such as schools, churches, public halls, government offices, and other public buildings.

**5.2.2 Locations**

Policy

- (1) It is a policy that development of institutional uses be encouraged mainly in mixed-use areas on or near Main Street or Route 111.

**5.2.3 Compatibility with Residential Uses**

Proposal

- (1) It is proposed that institutional buildings be developed in such a way that minimizes potential negative impacts on neighbouring properties and the general character of the area, and will meet the following guidelines:
  - (a) The site is located on or has convenient access to Main Street or Route 111,
  - (b) Adequate provision for pedestrian access is incorporated,
  - (c) An adequate buffer is provided adjacent to any neighbouring residential uses,
  - (d) Adequate on-street and off-street parking is available.

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**6. HERITAGE RESOURCES**

**6.1 Goal**

To maintain the historic land use character of St. Martins.

**6.2 Policies/Proposals**

**6.2.1 Historic Sites and Buildings**

Policies

- (1) It is a policy to encourage the preservation of historic sites and buildings.
- (2) It is a policy to encourage the preservation of the Village's valuable heritage resources through cooperation with the Provincial and Federal governments, as well as non-governmental heritage organizations.
- (3) It is a policy to encourage owners of historic buildings to be sensitive to the original character of the buildings when undertaking renovations.
- (4) It is a policy to encourage new building construction near historically significant buildings to be of compatible form, materials and placement so as to create a supportive environment for maintaining the Village's historical character.
- (5) It is a policy to encourage the siting of new buildings in a manner that reinforces the established building setback pattern in historical areas of the Village.

**6.2.2 Land Use Form**

Policies

- (1) It is a policy to preserve and enhance the traditional mixed land use pattern on and in proximity to Main Street.

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- (2) It is a policy that new development should not exceed local capacity to absorb higher activity, traffic and parking levels without affecting historical character.

Proposal

- (1) It is proposed that new parking areas will be located behind or beside, rather than in front of, buildings in order to preserve the historical character of Main Street and other older areas of the Village.

**6.2.3 Cultural Tourism**

Policies

- (1) It is a policy to capitalize on the historic character of St. Martins to promote cultural tourism development.
- (2) It is a policy to encourage the preservation of natural and historical landmarks, and to develop associated interpretation media in order to enhance community character and support tourism development.

**6.2.4 Natural Landmarks and Scenic Character**

Policy

- (1) It is a policy to encourage the preservation of natural landmarks and high quality public views that enhance the Village's scenic character.

Proposal

- (1) It is proposed to protect natural features and high quality public views from incompatible or conflicting development.

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**7. OPEN SPACE AND RECREATION**

**7.1 Goal**

To meet the needs of the community for indoor and outdoor recreational activities.

To support the provision of land, facilities, and services for active and passive recreation that are accessible to people of all ages and abilities.

**7.2 Policies/Proposals**

**7.2.1 Land Use**

Policy

- (1) It is a policy that the predominant use of land within Open Space and Recreation areas shall be recreational activities and facilities, trails, parks, and natural areas.

**7.2.2 Recreational Uses in Environmentally Sensitive Areas**

Policy

- (1) It is a policy that passive recreation uses such as walking trails may be permitted in environmentally sensitive areas that are otherwise protected from development, if it is clear that such passive uses would not have a significant environmental impact.

**7.2.3 Development Criteria**

Policy

- (1) It is a policy that open space and recreational facilities will:
  - (a) be developed to a high standard with regard to accessibility, safety, appearance, and compatibility with surrounding land uses,
  - (b) be developed in a way that minimizes adverse effects on neighbouring residential properties through proper site layout and buffering,

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- (c) where necessary be buffered or screened with appropriate trees, shrubs, landscaping, or fencing.

**7.2.4 Beach Area**

Policy

- (1) It is a policy that the beach area be maintained for passive recreational enjoyment by residents and visitors.

Proposal

- (1) It is proposed that adequate public access to the beach area be provided through the maintenance of existing right-of ways and, if necessary, the development of new rights-of-way.

**7.3.5 High Quality Public Views**

Proposal

- (1) It is proposed that high quality public views, which contribute to the Village's character and quality of life, be protected from conflicting or incompatible development.

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**8. RESOURCE USES**

**8.1 Policies / Proposals**

**8.1.1 Economic and Environmental Importance**

Policy

- (1) It is a policy to encourage natural resource activities that contribute to the local economy and the integrity of the environment.

**8.1.2 Agricultural Land**

Policies

- (1) It is a policy that the existing agricultural use of land be encouraged to continue in ways that are compatible with environmental conservation and protection, and nearby residential areas.
- (2) It is a policy that limited keeping of horses and livestock will be permitted in locations where it is clearly shown that the impact on water resources and nearby residential and commercial properties will be minimal, subject to the zoning provisions of this Rural Plan.

**8.1.3 Pits and Quarries**

Policy

- (1) It is a policy that new pit and quarry operations will not be permitted anywhere in the village, given the limited land base in St. Martins, the sensitivity of steep-sloping lands that may contain aggregate resources, the potential impact on groundwater resources, and the negative visual effect that would result.

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**8.1.4 Forest Areas**

Policies

- (1) It is a policy to encourage landowners to preserve forested areas on their properties.
  
- (2) It is a policy to encourage landowners and developers to preserve as many trees as possible when they are developing land for residential and other built-up uses, especially near environmentally sensitive areas.

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**9. SENSITIVE AREAS AND RESOURCES**

**9.1 Goals**

To ensure a sustainable supply of potable water to meet the health, safety, and economic needs of the community.

To conserve and protect important natural resources and environmentally sensitive areas.

**9.2 Policies / Proposals**

**9.2.1 General Environment**

Policies

- (1) It is a policy to recognize natural constraints to development, and to protect land that is environmentally sensitive or unsuitable for development.
  
- (2) It is a policy to protect environmentally sensitive areas and resources such as rivers, streams, riparian areas, wetlands, steep slopes, unstable soils, groundwater recharge and discharge areas, and coastal marshes and beaches.

**9.2.2 Groundwater**

Policies

- (1) It is a policy to conserve and protect groundwater resources in the Village that are necessary for the current and future needs of the community.
  
- (2) It is a policy to ensure that all land development adheres to Provincial regulations aimed at protecting on-site well water, including but not limited to requirements affecting minimum lot size and on-site sewage disposal systems.



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- (3) It is a policy that appropriate water protection measures under Provincial legislation will apply in the Village, including but not necessarily limited to the following:
- (a) the Water Well Regulation under the *Clean Water Act*,
  - (b) the Potable Water Regulation under *the Clean Water Act*,
  - (c) the *Health Act* (Sections 216-268),
  - (d) the Water Quality Regulation under the *Clean Environment Act*.

Proposals

- (1) It is proposed to identify potential sources for a public water supply, both inside and outside the Village boundaries, and take appropriate measures for their protection through the application for the **Wellfield Protected Area Designation Order** under the *Clean Water Act*.
- (2) It is proposed to identify and protect sensitive groundwater recharge and discharge areas that are important for sustaining a high quality potable water supply for the Village and its residents.
- (3) It is proposed to investigate and, if warranted, encourage the development and use of emerging environmental technologies and methods aimed at improving the effectiveness of on-site sewage treatment.
- (4) It is proposed to investigate and, if warranted, encourage the development of environmentally-sound on-site sewage treatment technologies designed for joint use by two or more dwellings, subject to an amendment to the Rural Plan. Any such amendment would establish terms and conditions with respect to the maintenance of the system and other considerations.

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**9.2.3 Watercourses and Wetlands**

Policies

- (1) It is a policy to preserve and protect watercourses and wetlands from development and activities that would negatively affect water quantity and quality, stormwater runoff, fish and riparian habitat, and other important ecological functions.
  
- (2) It is a policy to maintain a conservation buffer from the edges of all watercourses and wetlands. Within this buffer it is a policy that uses of land will conform to the following:
  - (a) Limited physical development, grubbing of soil, placing of landfill material, and clearing of trees,
  - (b) Limited minor activities such as the cutting of walking trails may be acceptable, subject to measures to minimize surface runoff and soil erosion.,
  - (c) All development within thirty metres of a watercourse or wetland may be subject to terms and conditions set by the Planning Commission,
  - (d) A Watercourse and Wetland Alteration Permit issued under the *Clean Water Act* must be acquired before a building or development permit is issued, and the development must comply with conditions of that permit,
  - (e) Notwithstanding Subsection (a), a roadway or bridge may be permitted within a watercourse or wetland conservation buffer, subject to terms and conditions, but only if no feasible alternative location is available and only if it is clearly demonstrated by a suitably qualified professional that potential impacts on the watercourse or wetland can be satisfactorily minimized or mitigated.

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**9.2.4 Coastal Areas**

Policies

- (1) It is a policy to protect coastal lands from development that would negatively affect sensitive coastal features and important ecological functions.
  
- (2) It is a policy that all proposed development within coastal lands must comply with:
  - (a) Provincial legislation and regulations implemented under the Coastal Areas Protection Policy,
  - (b) additional conditions that may be required by the Planning Commission.

**9.2.5 Steep Slopes**

Policy

- (1) It is a policy to protect areas that are environmentally sensitive or hazardous for development or removal of vegetation due to steep slopes, which includes slopes of 15% or more and especially slopes steeper than 25%.

**9.2.6 Wet and Unstable Soils**

Policies

- (1) It is a policy that residential dwellings and other main buildings and structures will not be permitted in locations with soils that are unstable or wet for a significant portion of the year, unless it is demonstrated by a suitably qualified professional that potential environmental impacts can be satisfactorily minimized or mitigated.
  
- (2) It is a policy that, where development is permitted in such locations, it will be subject to terms and conditions to minimize negative impacts such as increased runoff, basement flooding, sewage backup into the home, and water contamination from saturated septic fields.

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**9.2.7 Hazardous Materials and Chemicals**

Proposals

- (1) It is proposed to prohibit any land uses that utilize materials and chemicals that may be hazardous to human health (except gas stations) unless it meets Provincial guidelines and standards.
  
- (2) It is proposed that, before approval of a new gas station, the Planning Commission will ensure that all environmental safeguards as required under the Petroleum Storage and Handling Regulation (*N.B. Regulation 87-97*) have been met, and that it meets any other conditions that the Commission may wish to impose to ensure the protection of residents.
  
- (3) It is proposed that for any existing uses such as service stations, which could pose threats to the health and safety of residents, and even though they are regulated under the Petroleum Storage and Handling Regulation, periodic testing and monitoring for leaks or spills will be encouraged. If problem areas are detected, the owner shall be required to correct the situation.

**9.2.8 Environmental Education and Awareness**

Proposal

- (1) It is proposed to promote public awareness with respect to the protection of individual wells, groundwater recharge and discharge areas, steep slopes, coastal marshes, and other sensitive areas and resources.

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**Part B - Land Use Policies and Proposals**

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**10. BACKLAND AREAS**

**10.1 Goal**

To recognize the future development potential of certain backland areas in St. Martins and to encourage their development in a planned and comprehensive fashion that takes account of the goals and policies of this Plan. Backland refers to undeveloped lands abutting the periphery of existing built-up development, which are physically separated from existing road corridors.

**10.2 Policies/Proposals**

**10.2.1 Backland Development**

Policies

- (1) It is a policy to encourage the future development of undeveloped backland areas in the Village in a comprehensive fashion that will facilitate optimal use of the land and efficient delivery of municipal services.
- (2) It is a policy that subdivision of land in backland areas will address the need to develop land efficiently, protect water and environmental resources, preserve the Village's natural and historic character, and prevent the isolation of individual parcels of land in a way that would preclude them from being developed.
- (3) It is a policy to encourage landowners in backland areas to cooperate with each other to prepare subdivision plans that will facilitate orderly and efficient use of land and municipal services, and adhere to the policies outlined in this Rural Plan for the protection of environmental resources.

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Proposals

- (1) It is proposed that subdivision proposals for backland areas show the relationship of the proposed lot/s with adjacent parcels of land and existing and proposed streets.
  
- (2) It is proposed that approval of subdivision applications for single lots consider if the proposed development would isolate nearby properties from potential street access, or otherwise would prevent these properties from being developed for residential or other uses.
  
- (3) It is proposed that subdivision applications for land located in an identified backland area address all needs pertinent to comprehensive planning of the area, including:
  - (a) conformity with the goals, policies, proposals, and zoning provisions of this Rural Plan,
  - (b) a description of the subject lands and surrounding properties,
  - (c) consideration of Council's aim to promote orderly development and efficient provision of municipal services,
  - (d) consideration of Council's aim to prevent the isolation of other developable backlands in the near vicinity,
  - (e) access to the site from the existing street network and internal road layout.

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**Part B - Land Use Policies and Proposals**

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**11.0 TRANSPORTATION USES**

The street system exists to facilitate the safe and efficient movement of people and goods. This Plan establishes a hierarchy of streets based on volume and speed of traffic and ownership. These include five classifications – Provincial Collector Road, Municipal Collector Street, Municipal Local Street, Private Local Street, and Private Drive.

**11.1 Policies / Proposals**

**11.1.1 Provincial Collector Road**

Route 111 is the one road in St. Martins classified as a Provincial Collector Road. It extends approximately 1.7 kilometres through the western portion of the Village. It carries regional traffic through the Village and distributes local traffic within the Village.

Policies

- (1) It is a policy that access to side streets from Route 111 will not be restricted, but must conform to applicable Department of Transportation standards for intersections onto Provincial Highways.
  
- (2) It is a policy that access to properties on Route 111 will not be restricted, but must conform to applicable Department of Transportation standards.

**11.1.2 Municipal Collector Road**

Municipal Collector Roads distribute traffic internally within the Village and to external provincial collectors and local roads. St. Martins has two roads classified as a Municipal Collector Road – Main Street and Bayview Road.

Policies

- (1) It is a policy that access to side streets from Main Street will not be restricted but intersections must be located and designed to ensure efficient traffic flow and vehicular and pedestrian safety.

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- (2) It is a policy that accesses to properties on Municipal Collector Roads will not be restricted unless they create a concern in terms of efficient traffic flow and vehicular or pedestrian safety.

**11.1.3 Municipal Local Street and Private Local Street**

The primary purpose of Municipal Local Streets and Private Local Streets is to serve abutting properties. They are not used by traffic except to approach abutting properties or adjoining streets. Municipal Local Streets are owned and maintained by the Village of St. Martins. Private Local Streets are owned and maintained by private owners, and are not the responsibility of the Village to maintain.

Policies

- (1) It is a policy that accesses to properties on Municipal Local Streets and Private Local Streets will not be restricted.
- (2) It is a policy that maintenance of Private Local Streets will be the responsibility of the private owners of these streets, not the Village of St. Martins.

**11.1.4 Private Drive**

Private Drives are longer-than-average private driveways providing access to single properties. Any driveway accessing an individual property will be classified as a Private Drive if it is longer than 100 metres.

Policy

- (1) It is a policy that access to Private Drives from Provincial Collector and Municipal Collector Roads will not be restricted, but intersections must be located and designed to ensure efficient traffic flow and vehicular and pedestrian safety.



**PART C**  
**ZONING PROVISIONS**

**PART C: ZONING PROVISIONS**

**12. DEFINITIONS**

**“ACCESSORY APARTMENT”** means a separate and complete dwelling unit contained within the structure of a single dwelling.

**“ACCESSORY BUILDING”** means a detached subordinate building not used for human habitation, located on the same lot as the main building or use to which it is accessory, the use of which is naturally or customarily incidental or complementary to the main use of the land or building.

**“ACCESSORY STRUCTURE”** means a detached structure, located on the same lot as the main building or use to which it is accessory, the use of which is naturally or customarily incidental or complementary to the main use of the land or building

**“AGRICULTURAL USE”** means an agricultural operation, and includes:

- a) the cultivation of land;
- b) the production of field crops;
- c) the production of fruit, vegetables and other horticultural crops;
- d) the operation of agricultural machinery and equipment;
- e) the keeping of livestock, including horses and poultry

**“AGRICULTURAL PRODUCE SALES OUTLET”** means a fruit, vegetable, flower or farm produce stand set up as an accessory use on a farm, used for the sale of produce from that same agricultural operation.

**“ALTER”** means to make any change, structurally or otherwise, in a building or structure that is not for purposes of maintenance only.

**“ALTERATION”** means “alteration” to a watercourse as defined within the *Clean Water Act*.

**“ANIMAL UNIT”** means the following number of animals or poultry

- (a) One (1) horse, cow, mule, or donkey including offspring until weaning
- (b) Three (3) pigs, llama, or alpaca including offspring until weaning
- (c) Six (6) sheep or goats including offspring until weaning
- (d) Ten (10) ostriches, or emus
- (e) Twenty (20) chickens, turkeys, ducks, or geese
- (f) Twenty (20) rabbits
- (g) One hundred (100) chicks

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**Part C – Zoning Provisions**

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**“ARTISAN SHOP”** means a shop in which arts or crafts are produced and may be offered for sale, but does not include a manufacturing or light manufacturing use.

**“ASSEMBLY HALL”** means a building or a part of a building for the gathering of groups for a special function, such as meetings for civic, educational, political, religious, or social purposes.

**“AUTOMOTIVE BODY SHOP”** means a building or structure used for the painting or repairing of vehicle bodies or fenders, but does not include a salvage yard.

**“AUTOMOTIVE GARAGE”** means a building where all functions of an automobile service station may be carried out and where major repairs of vehicles may be performed, including body work and welding but shall not include dismantling of motor vehicles for scrap or the salvage of motor vehicles waiting scrapping.

**“AUTOMOTIVE STORE”** means an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools.

**“AUTOMOTIVE VEHICLE SALES OR RENTAL ESTABLISHMENT”** means an establishment primarily engaged in the storage of vehicles for sale or the storage of vehicles for rent or lease and may include facilities for the repair or maintenance of such vehicles.

**“BACKLAND”** means undeveloped land abutting the periphery of existing development, which is not readily accessible from existing roads due to the existing development, physical restrictions, and/or different land ownership.

**“BED AND BREAKFAST OPERATION”** means a dwelling in which the resident owner or resident manager provides short-term overnight accommodation and meals in accordance with Provincial regulations.

**“BOARDING HOUSE”** means a dwelling in which the resident owner or resident manager provides accommodation or accommodation and meals, on a long-term and continuous basis, to the public.

**“BOARDING STABLE”** means a building, structure or premises used for the feeding, housing and exercising of horses for gain or profit.

**“BUFFER”** means an area to be used only for the purpose of screening land, buildings or other structures by the planting and maintenance of trees or shrubs or the construction and maintenance of an earth embankment.

**“BUILDING”** means a roofed erection with solid exterior walls, permanently affixed to the site and used or intended as a shelter for persons, animals or chattels.

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**Part C – Zoning Provisions**

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**"BUILDING, ACCESSORY"** means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.

**"BUILDING, MAIN"** means a building in which is conducted the main use of the lot on which the building is located.

**"CAMPGROUND"** means an area of land, managed as a unit used or maintained for people who provide their own sleeping facilities such as tents and recreational vehicles for a short term stay; accessory uses include an administrative office, clubhouse, snack bar, laundry, swimming pool, washrooms, showers and recreational facilities.

**"CHURCH"** means a building commonly used for the public worship by any religious organization, and may include a rectory or manse, church hall, auditorium, day nursery or religious school associated with, or accessory thereto.

**"COMMUNITY CENTRE"** means a building intended for public assembly or social and cultural activities.

**"CONVENIENCE STORE"** means a retail establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area.

**"CONSERVATION"** means the use of land for the preservation and protection of the natural environment.

**"DAYCARE CENTRE"** means an establishment providing for the care, supervision and protection of children.

**"DEPTH"** means, in relation to a lot, the length of the line segment lying along the line joining the mid-point between the two exterior front corners and the mid-point between the two exterior rear corners and between the front and rear lot lines.

**"DEVELOPMENT"** means "development" as defined in the *Community Planning Act*.

**"DISTANCE"** means the shortest separation, measured on a horizontal plane, between a lot line or street line and the nearest part of a building or structure.

**"DRAINAGE"** means the removal of surface or subsurface water by a channel, open ditch, tile drain, grassed waterway or conservation structure.

**"DRINKING ESTABLISHMENT"** means a commercial operation in which the sale and consumption of liquor is licensed and permitted.

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**“DWELLING”** means a main building, or a portion thereof, containing one or more dwelling units and includes a mobile home.

**“DWELLING, MULTIPLE-UNIT”** means a dwelling containing more than two dwelling units, such units being constructed with common walls on the same level or split by the floor on separated levels served by a common entrance or by individual entrances directly from the outside in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and appurtenant thereto.

**“DWELLING, SINGLE”** means a single dwelling unit that is freestanding, separate and detached from other main buildings or main structures and consists of a prefabricated or manufactured single dwelling unit, including a mini home or modular home but not including a mobile home.

**“DWELLING, TWO-UNIT”** means a duplex dwelling or a semi-detached dwelling.

**“DWELLING UNIT”** means a room, or a suite of two or more rooms, designed or intended for exclusive use as a household in which living quarters, including sleeping, cooking and sanitary facilities, are provided.

**“EATING ESTABLISHMENT”** means an establishment where for compensation, either directly or indirectly, food is cooked, prepared or served for consumption on the premises or elsewhere, but does not include a mobile canteen, institutional food-service establishment, catering kitchen, bakery, vending machine, seasonal food-service establishment or a household in which boarders are kept under a private arrangement.

**“EATING ESTABLISHMENT, FULL-SERVICE”** means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises.

**“EATING ESTABLISHMENT, TAKE-OUT”** means a building or structure used for the sale of food to the public and from which food is made available to the customer from within the building and for which no provision is made for consumption within the customer’s car, within the building or elsewhere on the site.

**“EDUCATIONAL FACILITY”** means a school or other place of instruction.

**“ENTERTAINMENT PLACE”** means an athletic, recreational or social club operated for gain or profit, as well as an auditorium, motion picture or other theatre, billiard or pool room, bowling alley, ice or roller skating rink, curling rink, dance hall, or bingo hall and all other similar places open to the public, but does not include adult entertainment uses.

**“ERECT”** means to construct, build, assemble or relocate a building or structure, as well as any physical operations preparatory thereto.

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**“EXCAVATION SITE”** means a disturbance of the ground for the purposes of removing, for sale, sand, gravel, clay, soil, ordinary stone, building or construction stone, rock other than metallic ores and, if the process involves the use of explosives, is a quarry operation or, without the use of explosives, a pit operation.

**“FARM USE”** means an agricultural operation conducted on the property, and includes:

- a) the cultivation of land;
- b) the production of field crops;
- c) the production of fruit, vegetables and other horticultural crops;
- d) the operation of agricultural machinery and equipment;
- e) the keeping of livestock, including horses and poultry

**“FISHING SERVICE FACILITY”** means a building or use, located on premises containing docking facilities, from which goods and services are provided to commercial fishing boats

**“FLAG LOT”** means a lot with the majority of its area separated from the street by another lot or lots, which gains access from the street by a narrow corridor that comprises a portion of the lot.

**“FLOOR AREA”** means the total usable floor space contained within a building but not including garages, carports, porches, verandas, breezeways, approach halls or, except for those completely contained in a dwelling unit, stairways.

**“FLOOR AREA, GROUND”** means the floor space of a building at the ground level.

**“FORESTRY”** means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include trees for pulpwood and lumber production, fuel wood, Christmas trees, and ornamental trees.

**“GARDEN CENTRE”** means the use of land, buildings or structures or part thereof for the purpose of buying or selling plants, lawn and garden equipment, furnishings and supplies.

**“GRADE”** means the finished level of the ground at the exterior walls of a building or structure.

**“GROSS SURFACE AREA”** means the total area of ground occupied by a building or structure comprising the sum occupied by each of its components.

**“GROUP HOME”** means a residence for the accommodation of up to ten persons, exclusive of staff, living under supervision and who, by reason of their emotional, mental, social, behavioural, or physical condition or legal status, require a group living

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**Part C – Zoning Provisions**

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arrangement for their well-being. A group home does not include a special care home or special care facility as defined elsewhere within this section.

**“HEIGHT”** means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure.

**“HOME OCCUPATION”** means a secondary use conducted in a dwelling unit, or an accessory building, for gain or support which is compatible with a household, and which is carried on by at least one member of the household residing in that dwelling unit.

**“HOTEL”** means a tourist establishment that consists of a building containing three or more attached units grouped under one roof and accessible from the interior or partially from the exterior, designed to accommodate the travelling public and may have facilities for serving meals.

**“INFILL DEVELOPMENT”** means a development or redevelopment occurring on a lot devoid of building, structure or use adjacent to lots that are occupied by a building, structure or use.

**“KENNEL”** means any premises on which animals are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale, and does not include a veterinary clinic.

**“LANDSCAPING”** means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) “soft landscaping” consisting of vegetation such as trees, shrubs, hedges and grass,
- (b) “hard landscaping” consisting of non-vegetative materials such as brick, stone, concrete, tile, wood, concrete or asphalt, or
- (c) “architectural elements” consisting of walls, sculpture and the like.

**“LAUNDROMAT”** means a building where the services of coin-operated laundry machines, using only water, detergents and additives, are made available to the public.

**“LIGHT INDUSTRIAL”** means the use of land, buildings or structures for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, preparing, or treating any article, commodity or substance that can be carried out without significant hazard, intrusion, or detriment to the amenity of the surrounding area by reason of scale, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare, or appearance, does not use process water, and does not produce process waste water.

**“LOT”** means a single area of land described in a deed as being one parcel of land and, if said parcel is divided by a roadway, each division thereof shall be deemed to be a separate lot.

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**"LOT, CORNER"** means a lot having two or more adjacent sides fronting on two or more intersecting roadways.

**"LOT, INTERIOR"** means a lot other than a corner lot.

**"LOT LINE"** means a common boundary between a lot and an abutting lot or roadway.

**"LOT LINE, FRONT"** means a lot line dividing the lot from an abutting roadway.

**"LOT LINE, REAR"** means a lot line extending along the rear of the lot.

**"LOT LINE, SIDE"** means a lot line extending from a roadway to the rear of the lot.

**"MAIN WALL"** means the exterior front, side or rear wall of a building.

**"MARINE SERVICE FACILITY"** means a building or use, located on premises containing docking facilities, from which goods and services are provided to fishing, commercial, and/or pleasure boats

**"MEDICAL CLINIC"** means a building or part thereof, used exclusively by physicians, dentists or other health professionals, their staff and their patients for the purpose of consultation, diagnosis and office treatment of humans. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

**"MINI HOME"** means a main building that is designed to be used with or without a permanent foundation as a dwelling for humans, which has a width of less than six metres (20 feet) throughout its entire length exclusive of steps or porches, that it not fitted with facilities for towing or to which towing apparatus can be attached, and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration.

**"MODULAR HOME"** means any dwelling that is designed to be used with a permanent foundation, is designed in more than one modular unit, is designed to be made mobile on a temporary basis, and is constructed or manufactured to provide a permanent residence for one or more persons, but does not include a mini-home, mobile home, recreational travel trailer, or recreational motor vehicle.

**"MOBILE HOME"** means a dwelling unit that is so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that it is jacked up or its running equipment removed.



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**“MOTEL”** means a tourist establishment that consists of one or more buildings containing one or more dwelling units accessible from the exterior, only designed to accommodate the travelling public and may have facilities for serving meals.

**“NURSING HOME”** means a residential facility in which supervisory, personal or nursing care is provided to persons who are not related by blood or marriage to the proprietor of the home, and who by reason of age, infirmity or mental or physical disability are not fully able to care for themselves

**“OFFICE”** means a building or part thereof used for the practice of a profession, the carrying on of a business, the conduct of public administration, or the administration of an industry, business or other activity not located on the same site

**“ORDINARY HIGH WATER MARK”** means the limit or edge of the bed of a body of water or the land covered so long by water as to wrest it from vegetation, or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself.

**“PARK”** or **“PLAYGROUND”** means lands so designated, available to the public, requiring only a minimum of equipment and includes a conservation park or nature trail, a rest spot or any other similar development.

**“PLANNING COMMISSION”** means the Royal District Planning Commission.

**“PUBLIC UTILITY”** means a service provided by any agency which, under franchise or ownership or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.

**“RECREATIONAL FACILITY, MULTI-PURPOSE”** means a building used for indoor sports activities and public assembly events involving a considerable number of people.

**“RETAIL STORE”** means a building or part thereof in which foods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail prices.

**“ROADWAY”** means a road, street or highway as defined within the *Highway Act* and includes a privately owned road or street.

**“SENIORS RESIDENCE”** means a multiple-unit residence in which dwelling units are rented to persons of advanced age, and in which food and personal care services may or may not be provided.

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**“SERVICE SHOP, GENERAL”** means a building or part thereof used for the servicing or repairing of articles, goods or materials, and in which no product is manufactured and includes radio, television, computers and appliance repair shops, but does not include any automobile uses.

**“SERVICE SHOP, HEAVY”** means a building or part thereof used for the servicing or repairing of tires, batteries, brakes, radiators, ignitions, exhaust or electrical systems, snowmobiles, outboard motors, furnaces, oil burners, water or air coolers, domestic water heaters, fixtures, equipment pertaining to any of the aforementioned items or any other similar items.

**“SERVICE SHOP, PERSONAL”** means a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes barber shops, hairdressing establishments and workrooms for shoe repair and shoe shining, bakery shops and photographic studies.

**“SERVICE STATION”** means a building or place where gasoline, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.

**“SIGN”** means any identification, description, illustration or information device, illuminated or non-illuminated, which provides information as to product, place, activity, person, institution or business and is displayed on the exterior of a building or on a property.

**“SLOPE”** means a relationship between vertical and horizontal distances as a measurement of the inclination of a flat plane approximating the actual terrain and not necessarily inclusive of the entire lot. Percentage slope is determined by dividing vertical distance (rise) by horizontal distance (run).

**“SPECIAL CARE FACILITY”** means a building used for the purposes of providing special and individualized care to children or to elderly or disabled persons.

**“SPECIAL CARE HOME”** means a dwelling used for the purposes of providing special and individualized care to children or to elderly or disabled persons but does not include dwelling units providing special and individualized care to individuals with chronic medical conditions.

**“STEEP SLOPE”** means a slope of fifteen percent (15%) or greater over any thirty-metre (100-feet) segment of land prior to cut and fill.

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**“STREET LINE”** means the limit of a road, street or highway and is the dividing boundary line between a lot and an abutting road, street or highway.

**“STRUCTURE”** means anything constructed or erected with a fixed location on or below the ground, or attached to anything having a fixed location on the ground, but does not include a building.

**“STRUCTURE, ACCESSORY”** means a structure located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure, and includes such items as:

- (a) a power or telephone pole or lines,
- (b) a sign,
- (c) a deck or patio, or
- (d) a fence or other form of restriction or lot line demarcation.

**“STRUCTURE, MAIN”** means a structure in which is conducted the main use of the lot on which the structure is located.

**“SWIMMING POOL”** means an artificially constructed tank or other structure with a depth of two feet or more, located outdoors, intended to contain water for the purpose of swimming or diving, but does not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes, or an inflatable pool that is erected and dismantled seasonally.

**“TOPSOIL”** means “topsoil” as defined within the *Topsoil Preservation Act*.

**“TOPSOIL REMOVAL”** means the removal of topsoil for the purposes of the sale or commercial use of the material excavated.

**“TOURIST FACILITY”** means a use of land to provide recreation or similar facilities for use by the touring public and may include the retail sale of arts, crafts, souvenirs and the like.

**“TOURIST COTTAGE ESTABLISHMENT”** means an area of land, managed as a unit, consisting of three or more self-contained accommodations units used for short-term stays, and where accessory uses could include an administrative office, clubhouse, snack bar, convenience store, swimming pool, and recreational facilities.

**“TRAILER”** means any vehicle used for sleeping or eating accommodation or for hauling goods and materials and so constructed as to be suitable for being attached to and drawn by a motor vehicle.

**“USE”** means the purpose for which land or a building or structure or any combination of land, building or structure is arranged, erected, intended, occupied or maintained.

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**"USE, ACCESSORY"** means a use, other than human habitation, of land or a building or structure which is not the main building or structure of a lot which is naturally or customarily incidental and complementary to the main use of the land or to the main use being conducted in the main building or structure of the lot.

**"USE, MAIN"** means the permitted primary purpose for which a lot, building or structure is designed or intended, or for which may be used, occupied or maintained.

**"USE, SECONDARY"** means a use, other than a main or accessory use, permitted in a building.

**"VETERINARY CLINIC"** means an establishment used by veterinarians, or practitioners in related specialities, for the purpose of practicing veterinary medicine and where animals are admitted for examination or treatment, and less than twenty animals are lodged or kept over night.

**"WATER, GROUND"** means any flowing or standing water below the ground surface.

**"WATER, SURFACE"** means any flowing or standing water on the surface of the earth.

**"WATERCOURSE"** means the full width and length, including the bed, banks, sides and shoreline, or any part, of a river, creek, stream, spring, brook, lake, pond, reservoir, or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not.

**"WATERSHED"** means the surface area contained within a divide above a specific point on a river, stream, creek or other flowing body of water.

**"WIDTH"** means, in relation to a lot,

- (a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines; or
- (b) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum set-back intersects a line from the mid-point of and perpendicular to the line to which it is parallel.

**"YARD"** means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a lot line.

**"YARD, FRONT"** means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a front lot line.

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**“YARD, REAR”** means in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a rear lot line.

**“YARD, SIDE”** means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the building, structure or use on a lot.

## **13. ADMINISTRATION AND CLASSIFICATION**

### **13.1 Purpose**

The purpose of Part C is:

- (a) To divide the municipality into zones;
- (b) To prescribe, subject to powers reserved in the District Planning Commission,
  - (i) the purposes for which land, buildings and structures in any zone may be used, and
  - (ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform, and
- (c) To prohibit the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (b).

### **13.2 General**

- (1) Council may by by-law, amend this Rural Plan under section 74(1) of the *Community Planning Act* or rezone a lot or lands, subject to terms and conditions in accordance with Section 39 of the *Community Planning Act*.
- (2) The powers of Council, the Planning Commission, Development Officer and Building Inspector are as outlined in the *Community Planning Act*, the *Municipalities Act*, and other Village By-laws and are not restricted, in any way to those of this by-law.

### **13.3 Exemptions and Permitted Uses in All Zones**

- (1) Subject to terms and conditions as may be imposed by the Planning Commission, private and public utilities shall be permitted in all zones and are exempt from the zone provisions of the lot upon which they are located including the use of land for the purpose of supplying:

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- (a) electric power
- (b) water supply and storage
- (c) sanitary sewage disposal and treatment of sewage
- (d) drainage, including storm sewers
- (e) streets
- (f) all other public or private utilities.

including the location or erection of any structure or installation for the supply of any of the above-mentioned services

- (2) Staking and claiming is permitted in all zones subject to other legislation including the Environmental Impact Assessment Regulation - *Clean Environment Act* (New Brunswick Regulation 87-83), the *Mining Act*, the *Bituminous Shale Act*, and the *Oil and Natural Gas Act*.

**13.4 Powers of the Council**

- (1) No main building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.

**13.5 Council Input on Terms and Conditions and Street Names**

- (1) The Planning Commission will seek the input of Council when development has been proposed that may require the setting of terms and conditions, the approval of a variance, or the naming of streets.

**13.6 Special Powers of the Planning Commission**

**13.6.1 Site Suitability**

- (1) No building or structure may be erected on any site where it would otherwise be permitted under this By-law when, in the opinion of the Planning Commission,

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the site is marshy, subject to flooding, excessively steep or otherwise unsuitable or hazardous by virtue of its soil or topography.

**13.6.2 Temporary Uses**

- (1) The Planning Commission may, subject to such terms and conditions as it considers fit,
  - (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this Rural Plan, and
  - (b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.

**13.6.3 Setting of Terms and Conditions on Development**

- (1) In prescribing the purposes for which land, buildings and structures may be used, the Planning Commission may, where so empowered by other sections in this Rural Plan, impose terms and conditions on or may prohibit such uses where compliance with those terms and conditions cannot reasonably be expected. Terms and conditions so imposed shall be limited to those considered necessary by the Planning Commission to protect:
  - (a) properties within the zone or in abutting zones
  - (b) the health, safety and welfare of the general public.

**13.6.4 Variances**

- (1) The Planning Commission may permit, subject to such terms and conditions as it considers fit:
  - (a) a proposed use of land or a building that is otherwise not permitted under the Rural Plan if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the Rural Plan for the zone in which the land or building is situated; or



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- (b) such reasonable variance from the requirements of the zone provisions falling within paragraph 34(3) (a) of the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accord with the general intent of the Rural Plan and any plan or statement hereunder affecting such development.
  
- (2) Where requested to permit a proposed use or variance under Section (1), the Planning Commission may give notice to owners of land in the immediate neighbourhood,
  - (a) describing the land;
  - (b) describing the use proposed or variance requested; and
  - (c) giving the right to make representation to the Commission within the time limit set out in the notice.
  
- (3) The Planning Commission will ask for Council’s input on all variance applications.

**13.6.5 Other Powers of the Planning Commission**

- (1) Other powers and duties of the Planning Commission are specified in Section 7(2) of the *Community Planning Act* with respect to matters dealing with zoning, proposed uses, variances, non-conforming use, subdivisions, approval of an access, location of land for public purposes, street names, advice to the Minister and advice to municipalities.

**13.7 Amendments**

- (1) A person who seeks to have this By-law amended shall:
  - (a) address a written and signed application in duplicate therefore to the Council; and
  - (b) pay a fee as set out in the Planning Commission’s schedule of fees.

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- (2) The Planning Commission will return the entire fee mentioned in subsection (1), if the amendment does not proceed to the advertising stage.
- (3) An application under this section shall include such information as may be required by the Council or Planning Commission for the purpose of adequately assessing the desirability of the proposal.
- (4) The Council may refuse to consider an application under this section if such application seeks to rezone an area of land from one type of zoning to another, and the application has not been signed by one or more owners of properties included in the area proposed for rezoning.
- (5) Before giving its views to the Council with respect to an application under this section, the Planning Commission shall carry out such investigation as it deems necessary.
- (6) In instances that an application under this section has been refused by the Council, unless Council is of the opinion there is valid new evidence or change in conditions, it may refuse to reconsider the application for one year if such application:
  - (a) in the case of re-zoning, is in respect of the same area of land with which the original application was concerned; or
  - (b) not being in relation to rezoning is similar to the original application.
- (7) Where an application is received by Council to have an area of land re-zoned to permit the carrying out of a specific proposal, Council may, by resolution, set out the proposal and impose such reasonable terms and conditions as are permitted under Section 39 of the *Community Planning Act*.

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**13.8 Zone Classification**

- (1) For the purposes of this By-law, the municipality is divided into zones delineated on Schedule "A", entitled "Village of St. Martins Zoning Map".
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:

<u>Zone</u>	<u>Symbol</u>
(a) Mixed Development	MD
(b) Residential Development	RES
(c) Commercial Development	COM
(d) Marine	M
(e) Institutional Uses	INS
(f) Open Space and Recreation	OSR
(g) Environmental Protection	EP

- (3) All land shall be used, and all buildings or structures, and parts thereof, shall be placed, erected, altered or used only in conformity with the requirements of the part of this By-law pertaining to such zone, except as otherwise provided.

**13.9 Boundaries of Zones**

- (1) Where the boundary of any zone is uncertain and
- (a) the boundary, as shown on the zoning map relating to this Rural Plan, substantially follows a street, lane or watercourse, the center line of such feature is the boundary; or
- (b) the boundary as shown on the zoning maps runs substantially parallel to a street line or property line and the distance from the street line is not indicated, the boundary shall be deemed to be parallel to such a street line and the distance from the street line shall be determined according to the scale shown on the zoning maps.

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**14. GENERAL PROVISIONS**

**14.1 Vehicular Off-Street Parking**

- (1) Subject to this section, no building or structure may be placed, erected, altered or used unless vehicular off-street parking spaces are provided in accordance with the requirements of this section.
- (2) The number of spaces to be provided for off-street vehicular parking shall be in accordance with Table 14.1 below:

**Table 14.1 Off-Street Parking Requirements**

USE	SPACES REQUIRED
(a) Single dwelling	One space for each dwelling unit, plus one extra space for a home occupation, plus one extra space for an accessory apartment
(b) Two-unit, 3-unit, and 4-unit dwellings	One space for each dwelling unit
(c) Business or professional office, medical or dental clinic	One space for every 36 square metres (388 square feet) of gross floor area
(d) Retail store	One space for every 18 square metres (194 square feet) of sales floor space
(e) Service or repair shop	One space for every 27 square metres (290 square feet) of floor area used for services
(f) Hotel	One space per sleeping unit
(g) Motel	One space per sleeping unit
(h) Eating or drinking establishment	One space per 5 seats
(i) Funeral home	Ten spaces plus 1 per 19 square metres (205 square feet) of floor area
(j) Public or private school	One space per teacher plus required spaces for any auditorium as per (p) below
(k) Church, club, lodge or place of public assembly	One space for every 8 persons normal attendance

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USE	SPACES REQUIRED
(l) Theater, pool room, public hall, dance hall or bowling alley	One space per 5 seats
(m) Multi-purpose recreational facilities, spectator entertainment, auditoriums, libraries, clubs, sports establishments, indoor and outdoor recreation facilities	One space per 12 seats
(n) Bed and breakfast operations	One space per sleeping unit, plus one for the occupant.
(o) Day-care centre	One space per 30 square metres of floor area
(p) Other uses	One space for every 28 square metres (301 square feet) of gross floor area
(u) Provision for disabled parking	One space for every 25 regular parking spaces

- (3) Parking areas in the Mixed Development zone shall be located in the rear yards of buildings or in the sideyards if this is not possible. Parking areas may be permitted in the frontyard of buildings only in special circumstances, and subject to terms and conditions set by the Planning Commission.
- (4) A parking space shall be
- (a) An area of not less than 6 metres (20 feet) in length and not less than 3 metres (10 feet) in width, and
  - (b) Readily accessible from the nearest street.
- (5) Provided the area is not less than the minimum area required for all buildings that the spaces are to serve, collective provision for off-street parking spaces may be made for two or more buildings on the same lot.
- (6) Where collective provisions for off-street parking is made under subsection (5), the parking area shall
- (a) be surfaced with a durable and dustproof materials;

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- (b) have vehicle access points located, in the opinion of the Planning Commission, with regard to sight lines and general traffic conditions.

**14.2 Stripping of Topsoil**

- (1) Subject to this section, no person may strip, excavate or otherwise remove topsoil for sale or for use from a lot or other parcel of land.
- (2) Where, in connection with the construction of a building, structure, street, or driveway, there is an excess of topsoil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.

**14.3 Lighting Facilities and Illuminating Devices**

- (1) No lighting facilities or illuminating device for any purpose may be arranged in such manner as to cause a nuisance to neighbouring properties.

**14.4 Access to a Street**

- (1) No person shall erect or use a building or structure or use any lot of land regulated by this Rural Plan, unless that lot or land use abuts or fronts on a public or private street, or has such other access as deemed to be satisfactory by the Planning Commission.

**14.5 Line of Vision at Intersection**

- (1) Notwithstanding the provisions of this Rural Plan, on a corner lot within the triangular space formed by the street lot lines for a distance of 6 metres (20 feet) back from their point of intersection, no building or structure shall be erected. Furthermore, no shrubs or foliage shall be planted or maintained within the triangle so formed that would obstruct the view of a driver of a vehicle approaching the intersection.

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**14.6 Height Exceptions**

- (1) The height restrictions of this Rural Plan shall not apply to church towers, chimneys, silos, water storage tanks, or to structures housing mechanical equipment.

**14.7 Enclosures for Swimming Pools**

- (1) No land shall be used for the purpose of a swimming pool unless the pool is enclosed by a fence or by a wall of a building or structure, or by a combination of walls or fences, at least 1.6 metres (5.2 feet) in height and meeting the requirements of this section.
- (2) All enclosures shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing. All enclosures shall be located at least 1.25 meters (4 feet) from the edge of the swimming pool and 1.25 meters (4 feet) from any structure that would facilitate its being climbed from the outside. All fences shall not be electrified and shall not incorporate barbed wire or other dangerous material.
- (3) Where a portion of the wall of a building forms part of a swimming pool enclosure:
  - (a) no main service entrance to the building shall be located therein; and
  - (b) any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device.
- (4) A fence under this section shall be made of chain link construction, wood, or of other materials in the manner prescribed by section (5);

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- (5) A fence under this section shall be designed and constructed:
- (a) in the case of a fence made of chain links, with
    - (i) no greater than 4 centimeter diamond mesh and of minimum 12-gauge thickness, and
    - (ii) steel posts spaced not more than 3 meters (10 feet) apart, with a top horizontal rail of at least 4 centimetres (1.5 inches) diameter steel or 38 mm x 89 mm (1½ x 3½ inches) lumber.
  - (b) in the case of a fence made of wood, with
    - (i) vertical boarding spaced not more than 4 centimeters (1.5 inches) apart, or chain linked mesh meeting Subsection 5(a)(i), and,
    - (ii) supporting posts spaced not more than 2.4 meters (8 feet) with a horizontal rail of minimum 38mm x 89 mm (1½ x 3½ inches);
  - (c) in the case of a fence constructed with materials and in a manner other than described in this subsection, it must be designed in a manner that is not easily climbable and will ensure rigidity equal to the design and construction prescribed by this subsection.
- (5) Gates forming part of a swimming pool enclosure shall:
- (a) be equivalent in height and manner of construction to the fence;
  - (b) shall be supported on substantial hinges; and
  - (c) shall be self-closing and equipped with a self-latching device at least 1.6 meters (5.2 feet) above the bottom of the gate.

**14.8 Development Adjacent to a Wetland or Watercourse**

- (1) No person shall erect a building or structure within 15 metres of the ordinary high water mark of a watercourse or wetland.



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**14.9 Development on Wet and Unstable Soils**

- (1) No person shall erect a building or structure in locations with soils that are unstable or wet for a significant portion of the year, unless it is demonstrated by a suitably qualified professional that potential safety hazards will be minimal and potential environmental impacts can be satisfactorily minimized or mitigated.
  
- (2) Where development is permitted in such locations, it will be subject to terms and conditions set by the Planning Commission to ensure its structural stability and to minimize negative environmental impacts such as water contamination from saturated septic fields.

**14.10 Development on Steep Slopes**

- (1) No person shall erect a building or structure, or excavate ground, on slopes between 15% and 25%, unless it is demonstrated to the satisfaction of the Planning Commission that potential environmental impacts will be satisfactorily minimized or mitigated.

Such development will be subject to an environmental protection plan prepared by a geotechnical engineer or other suitably qualified professional (as determined by the Planning Commission) to adequately control potential runoff, erosion and sedimentation caused by the development, and to address any terms and conditions that may be set by the Planning Commission.

- (2) No person shall erect a building or structure, or excavate ground, on slopes of 25% or greater. Removal of trees or other vegetation on slopes of 25% or greater may be permitted subject to terms and conditions that may be set by the Planning Commission.
  
- (3) No person shall erect a building or structure within 15 metres of the top or bottom of a slope exceeding 25%, unless it is demonstrated to the satisfaction of the

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Planning Commission that potential environmental impacts will be satisfactorily minimized or mitigated, and that any terms and conditions that may be set by the Planning Commission can be met.

**14.11 Reconstruction or Enlargement of Non-Complying Buildings**

- (1) Where a building has been erected or approved before the date of the adoption of this Plan on a lot having less than the minimum area, frontage width, or depth, or having less than the minimum setbacks, required by this Plan, the building may be reconstructed, enlarged, repaired or renovated provided that;
  - (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard that does not conform to this Rural Plan,
  - (b) the zone-applicable minimum distances between the main and accessory building or structure are satisfied,
  - (c) all other applicable provisions of this Plan are satisfied.

**14.12 Non-Complying Lots**

- (1) Where a lot was in existence at the date of the adoption of this Rural Plan, which has less than the minimum area, width, or depth required by this Plan, a new building may be constructed provided that the development receives approval under the *Health Act* and other applicable Provincial regulations.

**14.13 Flag Lots**

- (1) Where a lot is proposed that does not meet the minimum frontage width for the zone, but the majority of the lot meets the width requirement, the lot may be approved with a reduced frontage of no less than 20 metres if it does not prejudice the possibility of further subdividing the lot or adjoining lots, meets all other requirements of the zone, and is in accordance with any terms and conditions that may be set by the Planning Commission.

## **15.0 MIXED DEVELOPMENT (MD Zone)**

### **15.1 Permitted Uses**

- (1) Any lot, building or structure in the MD zone may be used for the purpose of, and for no other purpose:
  - (a) The following main uses:
    - (i) a single dwelling, mini-home, two-unit dwelling, or multiple-unit dwelling of up to four units
    - (ii) all main institutional uses specified in Section 19.1
    - (iii) a bank or financial office
    - (iv) a convenience store
    - (v) a general service shop
    - (vi) an artisan shop
    - (vii) a bakery shop or dairy product store
    - (viii) a medical clinic
    - (ix) a personal service shop
    - (x) a post office
    - (xi) a liquor store
    - (xii) a retail store
    - (xiii) a funeral parlour
    - (xiv) an office
    - (xv) an automotive store
    - (xvi) a laundromat
    - (xvii) a veterinary clinic
    - (xviii) a cemetery
    - (xix) a daycare centre
    - (xx) an agricultural produce sales outlet
    - (xxi) a conservation use

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- (b) The following main uses, subject to terms and conditions that may be set by the Planning Commission:
  - (i) a multiple-unit dwelling of five or more units
  - (ii) a full-service eating establishment
  - (iii) a take-out eating establishment
  - (iv) a hotel or motel
  - (v) a tourist cottage establishment
  - (vi) a campground
  - (vii) a service station, automotive garage, or automotive body shop
  - (viii) a drinking establishment with a maximum capacity of fifty customers
  - (ix) an entertainment place
  - (x) a light industrial use
  - (xi) an automotive sales or rental establishment
  - (xii) a parking lot
  
- (c) The following secondary uses:
  - (i) an accessory apartment to a single dwelling
  - (ii) a home occupation
  - (iii) a dwelling in the second storey or higher of a commercial use
  - (iv) all secondary institutional uses specified in Section 19.1
  - (v) a bed and breakfast operation
  - (vi) a boarding house
  - (vii) a farm use
  
- (d) An accessory building, structure, or use incidental to a main use.

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**15.2 Residential Uses**

**15.2.1 Development Standards**

(1) Lot and setback standards will be as follows:

<b>Standards</b>	<b>Single Dwelling</b>	<b>Mini Home</b>	<b>2-Unit Dwelling</b>	<b>3-Unit Dwelling</b>	<b>4-Unit Dwelling</b>
Minimum Lot Area	4,000 m <sup>2</sup> (1 acre)	4,000 m <sup>2</sup> (1 acre)	5,350 m <sup>2</sup> (1.33 acres)	6,700 m <sup>2</sup> (1.67 acres)	8,050 m <sup>2</sup> (2 acres)
Minimum Lot Width	54 m (177 ft)	54 m (177 ft)	59 m (194 ft)	64 m (210 ft)	69m (226 ft)
Minimum Lot Depth	38 m (125 ft)	38 m (125 ft)	38 m (125 ft)	38 m (125 ft)	38 m (125 ft)
Minimum Frontyard Setback	7.5m (25 ft)	7.5m (25 ft)	7.5m (25 ft)	7.5m (25 ft)	7.5m (25 ft)
Minimum Sideyard Setback	3 m (10 ft)	3 m (10 ft)	3 m (10 ft)	3 m (10 ft)	3 m (10 ft)
Minimum Rearyard Setback	9 m (30 ft)	9 m (30 ft)	9 m (30 ft)	9 m (30 ft)	9 m (30 ft)
Maximum Building Height	12 m (40 ft)	6 m (20 ft)	12 m (40 ft)	12 m (40 ft)	12 m (40 ft)

(2) Notwithstanding the minimum frontyard setback of 7.5 metres as stated in Subsection (1), new buildings may be required to complement general setback distances of other residences or main buildings within 45 metres (150 feet) of both sides of the new residence.

**15.2.2 Accessory Apartments**

(1) Where permitted and unless stated otherwise in this Rural Plan, accessory dwelling units shall:

- (a) not result in more than two dwelling units contained in any converted single detached dwelling,
- (b) be secondary to the main dwelling unit, and not exceed 93 square metres (1,000 square feet) in size,
- (c) be completely self-contained and conform to the standards of the National Building Code,

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- (d) require one (1) parking space, in addition to the normal requirement for a single dwelling.

**15.2.3 Accessory Buildings to Residential Uses**

- (1) Accessory buildings to residential uses shall:
  - (a) have a maximum floor area of 90 square metres (968 sq feet),
  - (b) have a maximum height of 8 metres (26 feet) measured from the top of the grade at its base to the highest point of the roof,
  - (c) be located no closer to the street line than the main building, and no closer than 1.5 metres (5 feet) from the side and rear lot lines,
  - (d) be located no closer than 3.0 metres (10 feet) from another building.

**15.2.4 Home Occupations**

- (1) A home occupation may be permitted in the Mixed Use zone within the residential dwelling or an accessory building on the same lot. Permission to operate a home occupation will be subject to the following provisions:
  - (a) The home occupation use is clearly secondary to the main residential use,
  - (b) The use is operated by a resident of the dwelling,
  - (c) The use does not alter the residential appearance of the lot or detract from the existing character of the neighbourhood,
  - (d) The use will occupy no more than 25% of the total floor area of the dwelling unit, including the basement,
  - (e) An accessory building or structure used for the home occupation shall be compatible in design and scale with other development in the area,
  - (f) Home occupations in accessory buildings will occupy no more than 80 m<sup>2</sup> (860 sq feet),
  - (g) Outdoor storage of bulk goods may be permitted subject to terms and conditions,
  - (h) The use will not generate sewage in excess of what can be accommodated by the existing on-site sewage disposal system,

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- (i) Activities and materials associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, electrical interference, or in any other way result in nuisance for neighbours,
- (j) No goods or services other than those directly pertaining to the home occupation are supplied or sold therein,
- (k) Sufficient off-street parking spaces shall be available for clients or customers visiting the premises.

**15.2.5 Bed and Breakfast and Boarding House Uses**

- (1) Bed and breakfasts and boarding houses must be secondary to a single dwelling.
- (2) Bed and breakfast and boarding house uses may be subject to terms and conditions set by the Planning Commission.

**15.2.6 Farms**

- (1) Farms must be secondary to a single dwelling.
- (2) Keeping of livestock may be permitted subject to the following conditions:
  - (a) the minimum size of a lot for keeping of livestock is 0.4 hectares (1 acre) for poultry and rabbits and 1 hectare (2.5 acres) for all other animals
  - (b) the minimum lot sizes for livestock keeping and setbacks for livestock facilities are as follows:

Animal Units (AU)	Minimum Lot Size	Minimum Setback from any Lot Line
(a) 1 or less AU of rabbits, ducks chickens, turkeys, and geese	0.4 hectare (1.0 acre)	18 metres (59 ft)
(b) 2 or less AU of species other than in (a)	1 hectare (2.5 acres)	30 metres (98 ft)
(c) >2 to 4 AU of all species	2 hectares (5.0 acres)	50 metres (164 ft)
(d) >4 to 6 AU of all species	3 hectares (7.5 acres)	70 metres (230 ft)

*Note: see definition of Animal Unit in Section 12*

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- (c) additional animal units will be permitted on a pro rata basis. For each additional animal unit beyond six, the minimum lot size will increase by an additional half hectare (1.25 acres), and the minimum setback for a livestock facility will increase by 11 metres
- (d) the proponent must demonstrate to the satisfaction of the Planning Commission that there will be no negative impacts on surface or groundwater supplies on the property or any surrounding properties
- (e) the activity must comply with all other terms and conditions that may be set by the Planning Commission.

**15.3 Commercial and Institutional Uses**

**15.3.1 Development Standards**

- (1) Lot and setback standards will be as follows:

<b>Standards</b>	<b>All Commercial and Institutional Uses</b>
Minimum Lot Area	4,000 m <sup>2</sup> (1 acre)
Minimum Lot Width	54 m (177 ft)
Minimum Lot Depth	38 m (125 ft)
Minimum Frontyard Setback	7.5 m (25 ft)
Minimum Sideyard Setback	3 m (10 ft)
Minimum Rearyard Setback	9 m (30 ft)
Maximum Building Height	14 m (46 ft)



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- (2) Notwithstanding the minimum frontyard setback of 7.5 metres (25 feet) as stated in Subsection (1), new buildings will be required to complement general setback distances of other main buildings within 45 metres (150 feet) of both sides of the new building.

**15.3.2 Development Criteria for Commercial and Institutional Uses**

- (1) Permitted commercial and institutional use in the MD Zone may be subject to the following:
- (a) a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
  - (b) adequate vehicle access to Main Street or Route 111,
  - (c) access points to the street must be limited in number and designed for maximum safety of pedestrians, bicyclists, and vehicles,
  - (d) adequate on-site parking capacity in accordance with Section 14.1,
  - (e) on-site parking areas located to the rear or side of the buildings in a way that does not detract from the historic character of the area,
  - (f) adequate water supply to sustain the needs of the development. The Development Officer may require the developer to have a water supply assessment undertaken,
  - (g) adequate on-site sewage disposal system to meet the needs of the development, in accordance with approval under the *Health Act*,
  - (h) new buildings sited in a manner that reinforces the prevailing historic setback pattern of the neighbourhood,
  - (i) a fence or 5-metre landscaped buffer with a belt of trees or vegetative hedge provided and maintained between the use and adjacent residential lots.

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**15.4 Development of Backland Areas**

**15.4.1 Long-Term Intent**

- (1) The Mixed Development zone includes some lands identified as Backland Areas that offer potential for future development. It is Council’s aim that these lands will be developed in a comprehensive fashion, providing for efficient use of land, efficient municipal services, good street access and traffic circulation, and protection of environmental resources.

**15.4.2 Development of Backland Lots**

- (1) Lands identified as Backland Areas on the zoning map are recognized for their potential to support residential or other built-up development, as long as the development does not isolate or otherwise impede development of adjacent vacant land and has street access appropriate to the scale of the development. A proposal to develop or subdivide land in a Backland Area will be considered for approval based on the following:
  - (a) the development conforms to the goals, policies, proposals, and zoning provisions of this Rural Plan,
  - (b) the development is in accordance with Council’s objective to optimize the orderly use of all lands and provide municipal services efficiently,
  - (c) the development has safe and efficient access, appropriate to the scale of the development, from the existing street network,
  - (d) the development will not isolate neighbouring properties, and will accommodate the efficient layout of potential future streets,
  - (e) road design and construction is in accordance with the Village of St. Martins Subdivision By-law.

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**16.0 RESIDENTIAL DEVELOPMENT (RES Zone)**

**16.1 Permitted Uses**

- (1) Any lot, building or structure in the RES zone may be used for the purpose of, and for no other purpose:
- (a) The following main uses:
    - (i) a single dwelling, mini-home, two-unit dwelling, or multiple-unit dwelling up to a maximum of four units
    - (ii) a conservation use
  
  - (b) The following secondary uses:
    - (i) an accessory apartment to a single dwelling
    - (ii) a home occupation
    - (iii) a bed and breakfast
    - (iv) a boarding house
    - (v) a farm, subject to terms and conditions that may be set by the Planning Commission
    - (vi) an agricultural produce sales outlet
  
  - (c) An accessory building or structure, incidental to a main use.

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**16.2 Residential Uses**

**16.2.1 Development Standards**

(1) Lot and setback standards will be as follows:

<b>Standards</b>	<b>Single Dwelling</b>	<b>Mini Home</b>	<b>2-Unit Dwelling</b>	<b>3-Unit Dwelling</b>	<b>4-Unit Dwelling</b>
Minimum Lot Area	4,000 m <sup>2</sup> (1 acre)	4,000 m <sup>2</sup> (1 acre)	5,350 m <sup>2</sup> (1.33 acres)	6,700 m <sup>2</sup> (1.67 acres)	8,050 m <sup>2</sup> (2 acres)
Minimum Lot Width	54 m (177 ft)	54 m (177 ft)	59 m (194 ft)	64 m (210 ft)	69m (226 ft)
Minimum Lot Depth	38 m (125 ft)	38 m (125 ft)	38 m (125 ft)	38 m (125 ft)	38 m (125 ft)
Minimum Frontyard Setback	7.5m (25 ft)	7.5m (25 ft)	7.5m (25 ft)	7.5m (25 ft)	7.5m (25 ft)
Minimum Sideyard Setback	3 m (10 ft)	3 m (10 ft)	3 m (10 ft)	3 m (10 ft)	3 m (10 ft)
Minimum Rearyard Setback	9 m (30 ft)	9 m (30 ft)	9 m (30 ft)	9 m (30 ft)	9 m (30 ft)
Maximum Building Height	12 m (40 ft)	6 m (20 ft)	12 m (40 ft)	12 m (40 ft)	12 m (40 ft)

(2) Notwithstanding the minimum frontyard setback of 7.5 metres (25 feet) as stated in Subsection (1), new buildings may be required to complement general setback distances of other residences or main buildings within 45 metres (150 feet) of both sides of the new residence.

**16.2.2 Accessory Apartments**

(1) Where permitted and unless stated otherwise in this Rural Plan, accessory dwelling units shall:

- (a) not result in more than two dwelling units contained in any converted single detached dwelling,
- (b) be secondary to the main dwelling unit, and not exceed 93 square metres (1,000 square feet) in size,
- (c) be completely self-contained and conform to the standards of the National Building Code,

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- (d) require one (1) parking space, in addition to the normal requirement for a single dwelling.

**16.2.3 Accessory Buildings to Residential Uses**

- (1) Accessory buildings to residential uses shall:
  - (a) have a maximum floor area of 90 square metres (968 square feet),
  - (b) have a maximum height of 8 metres (26 feet) measured from the top of the grade at its base to the highest point of the roof,
  - (c) be located no closer to the street line than the main building, and no closer than 1.5 metres (5 feet) from the side and rear lot lines,
  - (d) be located no closer than 3.0 metres (10 feet) from another building.

**16.2.4 Home Occupations**

- (1) A home occupation may be permitted in the Residential zone within the residential dwelling or an accessory building on the same lot. Permission to operate a home occupation will be subject to the following provisions:
  - (a) The home occupation use is clearly secondary to the main residential use,
  - (b) The use is operated by a resident of the dwelling,
  - (c) The use does not alter the residential appearance of the lot or detract from the existing character of the neighbourhood,
  - (d) The use will occupy no more than 25% of the total floor area of the dwelling unit, including the basement,
  - (e) An accessory building or structure used for the home occupation shall be compatible in design and scale with other development in the area,
  - (f) Home occupations in accessory buildings will occupy no more than 80 m<sup>2</sup> (860 sq feet),
  - (g) Outdoor storage of bulk goods may be permitted subject to terms and conditions,
  - (h) The use will not generate sewage in excess of what can be accommodated by the existing on-site sewage disposal system,

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- (i) Activities and materials associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, electrical interference, or in any other way result in nuisance for neighbours,
- (j) No goods or services other than those directly pertaining to the home occupation are supplied or sold therein,
- (k) Sufficient off-street parking spaces shall be available for clients or customers visiting the premises.

**16.2.5 Bed and Breakfast and Boarding House Uses**

- (1) Bed and breakfasts and boarding houses must be secondary to a single dwelling.
- (2) Bed and breakfast and boarding house uses may be subject to terms and conditions set by the Planning Commission.

**16.2.6 Farms**

- (1) Farms must be secondary to a single dwelling.
- (2) Keeping of livestock may be permitted subject to the following conditions:
  - (a) the minimum size of a lot for keeping of livestock is 0.4 hectares (1 acre) for poultry and rabbits and 1 hectare (2.5 acres) for all other animals,
  - (b) the minimum lot sizes for livestock keeping and setbacks for livestock facilities are as follows:

Animal Units (AU)	Minimum Lot Size	Minimum Setback from any Lot Line
(a) 1 or less AU of rabbits, ducks chickens, turkeys, and geese	0.4 hectare (1.0 acre)	18 metres (59 ft)
(b) 2 or less AU of species other than in (a)	1 hectare (2.5 acres)	30 metres (98 ft)
(c) >2 to 4 AU of all species	2 hectares (5.0 acres)	50 metres (164 ft)
(d) >4 to 6 AU of all species	3 hectares (7.5 acres)	70 metres (230 ft)

*Note: see definition of Animal Unit in Section 12*

- (c) no more than 6 animal units will be permitted,

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- (d) the proponent must demonstrate to the satisfaction of the Planning Commission that there will be no negative impacts on surface or groundwater supplies on the property or any surrounding properties,
- (e) the activity must comply with all other terms and conditions that may be set by the Planning Commission.

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**17.0 COMMERCIAL DEVELOPMENT (COM Zone)**

**17.1 Permitted Uses**

(1) Any lot, building or structure in the COM zone may be used for the purpose of, and for no other purpose:

- (a) The following main uses:
  - (i) a bank or financial office
  - (ii) a convenience store
  - (iii) a general service shop
  - (iv) an artisan shop
  - (v) a bakery shop or dairy product store
  - (vi) a medical clinic
  - (vii) a personal service shop
  - (viii) a post office
  - (ix) a liquor store
  - (x) a retail store
  - (xi) an office
  - (xii) a funeral parlour
  - (xiii) an automotive store
  - (xiv) a laundromat
  - (xv) a veterinary clinic
  - (xvi) an agricultural produce sales outlet
  - (xvii) a conservation use
  
- (b) The following main uses, subject to terms and conditions that may be set by the Planning Commission:
  - (i) a full-service eating establishment
  - (ii) a take-out eating establishment
  - (iii) a hotel or motel
  - (iv) a tourist cottage establishment



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- (v) a campground
  - (vi) a service station, automotive garage, or automotive body shop
  - (vii) a drinking establishment with a maximum capacity of fifty customers
  - (viii) an entertainment place
  - (ix) a light industrial use
  - (x) an automotive vehicle sales or rental establishment
  - (xi) a parking lot
- (c) The following secondary uses:
- (i) a dwelling in the second storey or higher of a commercial use
- (d) An accessory building, structure, or use incidental to a main use.

**17.2 Development Standards**

(1) Lot and setback standards will be as follows:

<b>Standards</b>	<b>All Commercial and Institutional Uses</b>
Minimum Lot Area	4,000 m <sup>2</sup> (1 acre)
Minimum Lot Width	54 m (177 ft)
Minimum Lot Depth	38 m (125 ft)
Minimum Frontyard Setback	7.5 m (25 ft)
Minimum Sideyard Setback	3 m (10 ft)
Minimum Rearyard Setback	9 m (30 ft)
Maximum Building Height	14 m (46 ft)

(2) Notwithstanding the minimum frontyard setback of 7.5 metres (25 feet) as stated in Subsection (1), new buildings may be required to complement general setback

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distances of other main buildings within 45 metres (150 feet) of both sides of the new building.

**17.3 Development Criteria for Commercial Uses**

- (1) Permitted uses in the COM zone may be subject to the following:
- (a) A high standard with regard to safety, appearance, and compatibility with surrounding land uses,
  - (b) Adequate vehicle access to a public street,
  - (c) Access points to the street must be limited in number and designed for maximum safety of pedestrians, bicyclists, and vehicles,
  - (d) Adequate on-site parking capacity to meet the normal needs of the development,
  - (e) Adequate water supply to sustain the needs of the development. The Development Officer may require the developer to have a water supply assessment undertaken,
  - (g) Adequate on-site sewage disposal system to meet the needs of the development, in accordance with approval under the *Health Act*,
  - (i) A fence or 5-metre landscaped buffer with a belt of trees or vegetative hedge provided and maintained between the use and adjacent residential lots.

**18.0 MARINE (M Zone)**

**18.1 Permitted Uses**

- (1) Any lot, building or structure in the M zone may be used for the purpose of, and for no other purpose:
- (a) The following main uses:
    - (i) fishing and marine service facilities
    - (ii) tourism facilities
  - (b) An accessory building, structure, or use incidental to a main use.

**18.2 Development Standards**

- (1) Development standards will be in accordance with approvals granted by the St. Martins Harbour Authority and the Small Craft Harbours Division of the Department of Fisheries and Oceans.

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**19.0 INSTITUTIONAL USES (INS Zone)**

**19.1 Permitted Uses**

(1) Any lot, building or structure in the INS zone may be used for the purpose of, and for no other purpose:

(a) The following main uses:

- (i) a special care home or facility
- (ii) a seniors' residence or nursing home
- (iii) a municipal or government building
- (iv) a church or other place of worship
- (v) a War Memorial grounds
- (vi) a cemetery
- (vii) an educational facility
- (viii) an assembly hall
- (ix) a municipal building
- (x) a health care facility or clinic
- (xi) a community centre
- (xii) a library or museum
- (xiii) a conservation use

(b) The following main uses, subject to terms and conditions:

- (i) a group home

(c) The following secondary uses:

- (i) a building, structure or use customarily incidental and accessory to a use mentioned in this subsection
- (ii) a dwelling that is necessary for the operation of a main use

(d) An accessory building, structure, or use incidental to a main use.

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**19.2 Development Standards**

(1) Lot and setback standards will be as follows:

<b>Standards</b>	<b>All Commercial and Institutional Uses</b>
Minimum Lot Area	4,000 m <sup>2</sup> (1 acre)
Minimum Lot Width	54 m (177 ft)
Minimum Lot Depth	38 m (125 ft)
Minimum Frontyard Setback	7.5 m (25 ft)
Minimum Sideyard Setback	3 m (10 ft)
Minimum Rearyard Setback	9 m (30 ft)
Maximum Building Height	14 m (46 ft)

(2) Notwithstanding the minimum frontyard setback of 7.5 metres (25 feet) as stated in Subsection (1), new buildings will be required to complement general setback distances of other main buildings within 45 metres (150 feet) of both sides of the new building.

**19.3 Development Criteria for Institutional Uses**

- (1) A new institutional use in the Institutional zone will be subject to the following:
- (a) It must have access onto a public street,
  - (b) It must be designed to a high standard with regard to safety, appearance, and compatibility with surrounding land uses,
  - (c) Access points to the street must be limited in number and designed for maximum safety of pedestrians, bicyclists, and vehicles,
  - (d) It must have adequate water and sewer services for its needs,
  - (e) It must comply with other terms and conditions that may be set by the Planning Commission.

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**20. OPEN SPACE RECREATION (OSR Zone)**

**20.1 Permitted Uses**

(1) Any lot, building or structure in the OSR zone may be used for the purpose of, and for no other purpose:

(a) The following main uses

- (i) a playing field, sports ground, or other outdoor recreational facility
- (ii) a playground
- (iii) an indoor recreational facility
- (iv) a multi-use recreational facility
- (v) recreational open space, including trails
- (vi) a community gardens
- (vii) a community or private park
- (viii) a conservation use

(b) The following secondary uses:

- (i) an indoor or outdoor public assembly facility
- (ii) a building, structure or use customarily incidental and accessory to a main use mentioned in this subsection

(c) An accessory building, structure, or use incidental to a main use.

**20.2 Site Layout and Buffering**

(1) To ensure proposed developments will not adversely affect nearby residential areas, appropriate site layout, buffering, screening, and landscaping may be required through terms and conditions set by the Planning Commission.

## **21.0 ENVIRONMENTAL PROTECTION (EP Zone)**

### **21.1 Permitted Uses**

- (1) Any lot or structure in the EP zone may be used for the purpose of, and for no other purpose:
  - (a) The following main use:
    - (i) a conservation use
  - (b) The following secondary uses, subject to terms and conditions set by the Planning Commission:
    - (i) passive recreational facilities such as walking trails and picnic areas
    - (ii) natural interpretation signs and small structures
    - (iii) swimming facilities
    - (iv) picnic tables
    - (v) forestry uses, subject to a maximum harvest of 30 percent of the number of trees in any ten-year period, except on slopes exceeding 25% where tree removal will be in accordance with Section 14.10
    - (vi) a road or bridge, subject to Section 21.2
    - (vii) a farm use on the St. Martins Marsh, subject to Section 21.3
    - (viii) a campground use adjacent to the Bay of Fundy shoreline.
  - (c) An accessory building, structure, or use incidental to a main use.

### **21.2 Roads and Bridges**

- (1) An application for a road or bridge pursuant to Section 21.1(1)(b)(vi) will be considered for approval under the following circumstances:
  - (a) no alternative location for the development is physically or environmentally feasible,

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- (b) it is clearly demonstrated by a suitably qualified professional (as determined by the Planning Commission) that potential environmental impacts can be satisfactorily minimized or mitigated,
- (c) the development satisfies such terms and conditions as may be set by the Planning Commission.

**21.3 Agricultural Development on St. Martins Marsh**

- (1) An application for an agricultural use on St. Martins Marsh pursuant to Section 21.1(1) (b) (vii) will be considered for approval under the following circumstances:
  - (a) it is clearly demonstrated by a suitably qualified professional (as determined by the Planning Commission) that potential environmental impacts can be satisfactorily minimized or mitigated,
  - (b) the development satisfies all applicable Provincial policies and regulations, including the Coastal Protection Policy,
  - (c) the development satisfies such terms and conditions as may be set by the Planning Commission.