

Based on discussion with Council, the following changes have been made to draft Zoning By-law Z22-01:

Changes from Z21-01

Changes from draft 1 of Z22-01

Changes from draft 2 of Z22-01

**Table 3.1: Schedule of Minimum Parking Requirements**

Use	Number of Parking Spaces Required
Apartment dwellings	1.25 1 space per <i>dwelling unit</i> in the <i>Town plat &amp; environs</i> 1.25 spaces per <i>dwelling unit</i> outside the <i>Town plat &amp; environs</i>

**MR2 Lot Requirements**

Lot Component	Requirement
Minimum Lot Area	6000 4000 m <sup>2</sup> (64,583 43,055 ft <sup>2</sup> ) or 200 m <sup>2</sup> per <i>dwelling unit</i> , whichever is greater
Minimum Lot Frontage	100 50 m (328 164 ft)
Minimum Lot Depth	50 30.5 m (164 100 ft)
Minimum Required Front Yard	7.6 6.0 m (25 20 ft)
Minimum Required Flankage Yard	6.0 m (20 ft)
Minimum Required Rear Yard	9.0 7.6 m (30 25 ft)
Minimum Required Side Yard	7.6 m (25 ft)
Minimum Required Side Yard abutting the ER or SR Zone	15.0 (49.2)
Maximum Height	Main buildings: 11 m (36 ft) Accessory buildings: 5.5 m (18 ft) Subject to 4.1.7(a)
Maximum Lot Coverage	45%

The following substantial changes are also included but have not changed based on discussions with Council:

## Definitions

### “ACCESSORY DWELLING UNIT”

Means a *dwelling unit* with no more than two bedrooms which:

- (a) is secondary to the principal *dwelling unit*;
- (b) When contained within a *main dwelling unit* does not exceed the lesser of 75 m<sup>2</sup> (807.3 ft<sup>2</sup>) 84 m<sup>2</sup> (904.2 ft<sup>2</sup>) or 75% of the *floor area* of one floor of the main building.

(1) — ~~Accessory dwelling units shall have a maximum floor area of 60 m<sup>2</sup> (645.84 ft<sup>2</sup>).~~

Means ADU's are limited to the same size whether they are contained within or are external to a single-family dwelling and that ADU's are limited to the same size as other accessory uses (904.2 sq. ft. or 10% of lot area).

### “APARTMENT DWELLING”

Means a building comprising ~~three~~ four or more *dwelling units* which generally has shared outside access; or *dwellings* attached to a *building* which is principally commercial. An *apartment dwelling* does not include a *rowhouse dwelling*.

Clear distinction between triplexes (three unit dwellings) and apartments

**"Highway, Arterial"**

Means a highway classified by the Provincial Minister responsible for transportation as an arterial highway under the Provincial Highway Act, RSNB 1973, c H-5.

**"Highway, Collector"**

Means a highway classified by the Provincial Minister responsible for transportation as a collector highway under the Provincial Highway Act, RSNB 1973, c H-5.

**"Highway, Local"**

Means a highway classified by the Provincial Minister responsible for transportation as a local highway under the Provincial Highway Act, RSNB 1973, c H-5.

**"Through Lot"**

Means a lot bounded on two opposite sides by streets or highways with the exception of lots abutting Water St. and Church Ln. If any lot qualifies as being both a corner lot and a through lot as defined herein, such lot shall be deemed to be a corner lot for the purpose of this By-law.

Church Lane is technically a street but is practically an alley and should not require the same standards as proper streets.

**2.12(2)+(3)**

(1) A person shall be required to obtain a **development permit** or a development approval pursuant to Section 108 of the **Community Planning Act** prior to carrying out any **development** involving the following:

- (a) the change of a **main use** to another **main use** of any land, **building**, or **structure**;
- (b) the **development** of a new **main use** in or upon of any land, **building**, or **structure**;
- (c) the change of a **secondary use** to another **secondary use** of any land, **building**, or **structure**;
- (d) the **development** of a new **secondary use** in or upon of any land, **building**, or **structure**;
- (e) the infill or cutting of any soil to a depth exceeding 1 m in any **zone**, pursuant to section 3.23;
- (f) the establishment of parking facilities where more than six (6) **parking spaces** is provided, pursuant to section 3.27;
- (g) the **development** of accessory uses in buildings not designed for overnight accommodation with a total floor area greater than 9.3 sq. m. (100 sq. ft.).

(2) While it does not exempt a person from complying with all other provisions of this By-law or any other by-laws or regulations, a **development permit** is not required prior to carrying out the **development** of any of the following:

- (a) the **development** of an **accessory use of land**, pursuant to section 1.1;
- (b) the installation of **landscaping** that does not change elevations by more than 1 m;
- (c) the **development** of parking facilities where less than six (6) **parking spaces** is provided;
- (d) the installation of **driveway accesses**, private accesses, **streets** or **public utility uses**, subject to the approval from the **Town**;
- (e) the **development** of accessory uses in buildings with a total floor area not greater than 9.3 sq. m. (100 sq. ft.)

As per the BCAA development permits can no longer be issued under the Building By-law. These changes mean that buildings and structures not requiring building permits will at least require development permits. Very small

structures (i.e. chicken coops and small sheds) would not require permits.

Table 4.1.1: Rowhouse Lot Requirements per <i>rowhouse dwelling unit</i>	
Lot Component	Requirement
Minimum Lot Area	180 m <sup>2</sup> (1,937.5 ft <sup>2</sup> )
Minimum Lot Frontage	12 m (39.4 ft) 6 m (19.7 ft.) per <i>dwelling unit</i> ; 12 m for a <i>corner lot</i>
Minimum Lot Width	12 m (39.4 ft) 6 m (19.7 ft.)
Minimum Required Front Yard	7.5 m (24.6 ft) 6 m (19.7 ft.)
Minimum Required Rear Yard	6 m (19.7 ft)
Minimum Required Side Yard	3 m (9.8 ft) and 0 m (0 ft) where a <i>common wall</i> exists.

Current Rowhouse lot requirement overly restrictive. Existing rowhouses have frontages and widths of roughly 8m. 6m is standard for recent zoning by-laws from other municipalities.

### 3.27 Parking Lot and Driveway Requirements

(11) The maximum number of driveways permitted on a lot shall be as follows:

- a. Where the lot has less than 36 m. (118 ft.) of frontage: 1 driveway
- b. Where the lot has 36 m. (118 ft.) of frontage or more: 2 driveways
- c. On corner lots: 2 driveways;

(12) Where 2 driveways are permitted, the minimum distance between a second driveway and a driveway on any property or shall be 12 m. (39.3 ft.) measured from the curb cut edge

(13) Notwithstanding 3.27(11), if a lot abuts both a *local highway* and an *arterial highway* or *collector highway*, only a driveway accessing the *local highway* shall be permitted.

Based on discussions with CAO – has been informal policy.

### 4.1.3 Uses Prohibited in Certain Yards

On a lot developed for three or more dwelling units In a Residential Zone or Mixed Use Zone with a main Residential use, the required front or flankage yard must not be used for the storage or display of any motor vehicle, recreational vehicle, boat, or other chattel.

Should apply to all residential lots, not just those with 3 or more dwelling units.

### 4.1.7 Accessory uses, buildings and structures in Residential Zones

- (1) **Accessory uses, buildings and structures** will be permitted in all Residential Zones and for Residential Uses in the Mixed-Use Zone, but they shall not:
  - (a) be placed, **erected** or **altered** so that it is closer to the **front** or **flankage lot line** than the **main building**;

Ensures accessory structures in the mixed-use zone are consistent with a residential main use. The intention of not allowing accessory buildings to be placed closer to the front lot line is so they will not be visually dominant from the street. Since flankage yards are as visible from the street this should apply to them as well.

SR Zone Lot Requirements			
Lot Component	Dwelling Type	Inside the Town plat & environs and Historic Business District	Outside the Town plat & environs and Historic Business District
Maximum Height	Main Buildings	8.5 m (28 ft)	
	Accessory Buildings	5.5 m (18 ft) Subject to 4.1.7(a)	

4.1.7(a) limits accessory buildings to 15 ft. or if the main use is a single-family dwelling, the height of the dwelling. Listing in the chart is redundant and contradictory.

#### 4.5.1 MR1 Permitted Uses

- (a) One of the following **secondary uses**:
- (i) If the **main use** is a **single-family dwelling, semi-detached dwelling, two family dwelling, or a triplex** an **accessory dwelling unit**
  - (ii) subject to Section 4.1.9, a **home-based business** other than a **bed and breakfast** or boarding house;
  - (iii) If the **main use** is a **single-family dwelling, semi-detached dwelling, two family dwelling, or a triplex** a **short-term rental**

The intent of not allowing STR's in MR zones was to ensure apartment buildings did not turn into STR 'Hotels'. This inadvertently meant that single-family dwellings in that zone could not have STR's. A temporary use was granted in one particular case.

#### 8.6 Prohibited Signs

- (1) Notwithstanding 8.6(1)(g) and 8.6(3)(e) **roof signs** may be **erected**, operated, used, and maintained on PID 15104292, above a roof line, where they do not extend higher than the **height of such building or structure**.

Deals with recent applications from two occupants of the Day Adventure Center (referenced PID). The small size and construction of these buildings (quaintly referred to as 'shacks') means roofs are one of the only reasonable places for signs. So long as the signs do not go above the peak of the roof.

#### 8.9 Number of Signs in Institutional and Green Space Zones

- (1) For any property located within the Mixed Use Zone and the **Historic Business District**, any Central Commercial or Tourist Commercial **use** may be permitted to have one **sandwich board sign**. Such **signs** must not be placed on any part of a sidewalk or street-right-of-way, or in any other position which would constitute a public nuisance or danger. Such **signs** may not be more than one metre from the property line of said Commercial Property. If the property owner has a signed Encroachment Agreement with the Town a **sandwich board sign** may be placed in the area of encroachment so long as the **sandwich board sign** does not impede pedestrian flow. Any such **sign** found in non-conformance with this provision may be removed by any **Town** employee on the direction of the **Development Officer**.

Aligns zoning by-law with encroachment by-law.

#### 8.9 Number of Signs in Institutional and Green Space Zones

The maximum number of signs for a **facility main use** in an Institutional or Green Space Zone shall be

limited to three (3) of the following:

- (1) one ***fascia sign***;
- (2) one ***projecting sign*** or ***freestanding sign***;
- (3) two ***incidental signs***, one of which may be a ***sandwich board sign***; and
- (4) one ***interpretive sign***

*'Facility' is not defined in the by-law. Properties in Institutional zones often have multiple-uses e.g. the W.C. O'Neill Arena.*

#### **8.12.2(6)**

(1)

Notwithstanding the minimum ***front and flankage yard*** requirements of any zone, a ***freestanding sign*** may be placed within 1 m (3.3 ft.) of the ***front and/or flankage yard***.

*A strict reading of the zoning by-law includes free-standing signs as structures and therefore subject to the same setback requirements as buildings which was not the intent. Variances have been granted by PAC or PRAC in these cases because it reflects an unintended technicality of the By-law.*

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