

By-law No. PD-009 “A” : Zoning By-Law Amendment

BE IT ENACTED by the Town Council of the Town of Grand Bay-Westfield under the authority vested in it by the Community Planning Act, S.N.B. 2017, c. 19, as follows:

The Town of Grand Bay-Westfield Zoning By-law, being By-law No. PD-009, made and passed on October 3, 2023, and filed in the Kings County Registry Office on October 13, 2023, as number 44341023, is hereby amended as follows:

1. Section 3 (Definitions) is amended by:

- a. Striking out “or where side lot lines are not parallel” from Definition 97 (lot frontage), so that it reads as follows:
 - i. **LOT FRONTAGE** means the horizontal distance measured along a street. Where a lot abuts two streets, the lesser lot line shall be deemed the lot frontage. In the case of a curved corner or where side lot lines are not parallel, lot frontage means the distance between the side line and flankage lot line of the lot, at the minimum front yard setback measured parallel to the street or at right angles to the tangent in a curved street.
- b. Striking out “exterior side yard” from the figure Definition 97 (lot frontage), and replacing it with “flankage yard”.
- c. Inserting a new definition, as follows:
 - i. **LOT LINE, FLANKAGE** means the longer lot line abutting the street on a corner lot
- d. Inserting a new definition, as follows:
 - i. **YARD, FLANKAGE** means a yard extending between the flankage lot line and the nearest wall of the main building on the lot
- e. Inserting a new definition, as follows:
 - i. **SHIPPING CONTAINER** means an Enclosed unit used for or intended to be used for storing and transporting goods via ship, rail or truck.
- f. Inserting a new definition, as follows:
 - i. **DWELLING, TINY HOME** means any dwelling other than a mobile home that is intended for both seasonal or year-round use. It is intended to be a primary dwelling, and is designed to have permanent provisions for living, sleeping, eating, cooking, and sanitation, with a minimum size of 45 m² and maximum size of 60 m².
- g. Inserting a new definition, as follows:
 - i. **DWELLING, MOBILE TINY HOME** means a manufactured, moveable or portable dwelling unit constructed to be towed to its appropriate

By-Law No. PD-009 "A": ZONING BY-LAW AMENDMENT

site on its own chassis, and intended for both seasonal or year-round use. It may consist of one or more parts that can be folded, collapsed or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be jointed into one integral unit. It is designed to have permanent provisions for living, sleeping, eating, cooking, and sanitation, with a minimum size of 45 m² and maximum size of 60 m².

h. Inserting a new definition, as follows:

i. **FLAG LOT** means a lot that resembles a flag on a pole. A Flag Lot may have less than the minimum required frontage on a public street, and gains access to the public street by a narrow, flagpole-like, strip of land, with the largest portion of the lot often situated behind adjoining lots that front on a public street. Flag Lots are comprised of two distinct parts:

- a) the "flag" portion, which is the only area of the lot to be used for the development purposes and meets the area and setback requirements in the Zoning By-law.
- b) the "pole" portion, which is the area of the lot that connects the "flag" to a public street and provides the only lot frontage for a flag lot. It is typically used as the driveway to access the "flag" portion of the lot and is excluded for the purposes of calculating the front, rear, and side yard setbacks.

l. Amending the numbering of all definitions following the addition of those listed in (c), (d), (e), (f) and (g) above.

2. Section 4.1.6 (Corner Lots) is amended by striking out "corner lot side" and replacing it with "flankage yard".

3. Section 4.3.3 (Architectural Features) is amended by adding references to the flankage yard, as follows:

- a. Cornices, eaves, belt courses, sills, canopies, bay windows or other similar architectural features, may extend or project into a required side yard or "flankage yard" not more than 0.5 metres and may extend or project into a required front or rear yard not more than 0.75 metres. Chimneys may also project into a required front, "flankage", side or rear yard not more than 0.5 metres.

4. Amend Section 4.6 (Garden Suites) as follows:

- a. Insert a new paragraph (g) as follows: "g) The Garden Suite is a Secondary Suite to the principal use."
- b. Insert a new paragraph (h) as follows: "h) Garden Suites shall have a minimum area of 45 m²."
- c. Insert a new paragraph (i) as follows: "i) Garden Suites shall have a maximum height of 6m."

By-Law No. PD-009 "A": ZONING BY-LAW AMENDMENT

5. Amend Section 4.17 (Mobile Homes and Mini-Homes) as follows:
 - a. Insert the following wording to subsection (a): Mobile and Mini Homes shall only be permitted as a primary use in a Mobile Home Residential (MHR) Zone, and the Rural Residential (RR) Zone, and may be considered as a garden suite in all Residential Zones subject to Planning Advisory Committee approval.
 - b. Insert a new paragraph (b) as follows: "b) A garden suite is permitted in the Rural Residential (RR) Zone, subject to Section 4.6."
6. Inserting a new Section "4.31 Tiny Homes", as follows:

"Tiny homes shall be permitted by the By-law, subject to the following conditions:

 - a) Tiny Homes are permitted as a garden suite under provisions of Section 4.6 in One Unit Residential (R1) Zone, One and Two Unit Residential (R2) Zone, Multi-Unit Residential (R3) Zones;
 - b) Tiny Homes are permitted as a primary use in the Rural Residential (RR) Zone, Rural Resource (RU) Zone, and Mobile Home Residential (MHR) Zone;
 - c) Notwithstanding any other provisions of this By-law to the contrary, the following standards apply to a lot that contains a Tiny Home as a principal use or where the Tiny Home is intended for year-round use:
 - i) maximum height: 4.4 meters
 - ii) minimum ground floor area: 45 m²
 - iii) maximum ground floor area: 60 m²"
7. Insert a new Section 4.32 (Flag Lots), as follows:

"Flag lots shall be permitted in all residential zones within the Residential Intensification Area, subject to the following conditions:

 - a) The lots are capable of meeting all other minimum lot size and setback requirements of this By-law after subdividing;
 - b) No more than two flag lots may be contiguous to each other; and
 - c) Minimum frontage for flag lots: 10m."
8. insert a new Section 4.33 (Density Flexibility on Edges of Existing Neighbourhoods), as follows:

"Notwithstanding other provisions of this By-law, nothing shall prevent the use of land for increased residential density in the following cases:

 - a) Uses permitted within the One and Two Residential (R2) Zone may be permitted on a lot in an existing One Unit Residential (R1) Zone

By-Law No. PD-009 "A": ZONING BY-LAW AMENDMENT

neighborhood, regardless of the lot's zoning shown on Schedule A – Zoning Map of the Zoning By-law, if it meets the following conditions:

- i) The lot is located on the edge of an existing One Unit Residential (R1) Zone neighborhood; and
 - ii) The lot meets the performance standards for the proposed use.
- b) Uses permitted within the Multiple Residential (R3) Zone may apply to a lot in a One and Two Residential (R2) Zone neighborhood, regardless of the lot's zoning shown on Schedule A – Zoning Map of the Zoning By-law, if it meets the following conditions:
- i) The lot is located within the Residential Intensification Area as shown on Schedule A – Zoning Map;
 - ii) The lot is located on an arterial street on the edge of an established neighborhood; and
 - iii) The lot meets the performance standards for the proposed use."

9. Insert a new Section "4.34 Shipping Containers", as follows:

"A Shipping Container, when not used for or intended to be used for shipping purposes, shall be permitted subject to the following provisions:

- a) Shall only be permitted for storage purposes;
- b) Shall only be permitted in Commercial and Industrial zones;
- c) Shall only be located in the rear yard; and
- d) Shall be set back from the side and rear lot line by a minimum of 3 meters."

10. Section 5.1.2 (Commercial Vehicles in Residential Zones) is amended by adding references to the flankage yard, as follows:

- a. In a residential zone, no person shall allow a commercial vehicle to remain in a front yard "or flankage yard", or an unregistered or derelict vehicle to remain in any yard, or a contractors' machinery or equipment to remain outside the building.

11. Section 7.2.3 Standards is amended by inserting a new subsection (5) "Minimum Flankage Yard: 5 metres", and by renumbering the remainder of the subsections.

12. Amending Section 7.2.3 Standards subsection (1) (Minimum Lot Area), subsection (ii) (serviced) by striking "900 square metres" and replacing with "690 square metres".

By-Law No. PD-009 "A": ZONING BY-LAW AMENDMENT

- 13.** Amending Section 7.2.3 (Standards) subsection (2) (Minimum Frontage), subsection (ii) (serviced) by striking "30 metres" and replacing with "23 metres".
- 14.** Amend Section 7.2.3 (Standards) subsection (9) (Minimum Ground Floor Area) by striking the current provision and replacing it as follows:
 - "a) Unserved
 - i) One-Storey: 93 sqm
 - ii) One and a Half-Storey: 65 sqm
 - iii) Two-Storey: 55 sqm
 - b) Served
 - i) One-Storey: 85.5 sqm
 - ii) One and a Half-Storey: 60 sqm
 - iii) Two-Storey: 55 sqm"
- 15.** Section 7.2.4 (Conditions of Use: Ground Floor Area Calculations) is amended by adding a new subsection, (3) as follows:
 - a. "3) The provisions of this section do not apply to mobile home dwellings, mini-home dwellings, or tiny homes."
- 16.** Amend Section 7.2.5.3 (Standards), subsection (1) (minimum lot area), by striking subsection (ii) and replacing with a new subsection (ii) "Served - 690 square metres".
- 17.** Amend Section 7.2.5.3 ((Standards), subsection (2) (minimum frontage), by striking subsection (ii) and replacing with a new subsection (ii) "Served - 23 metres".
- 18.** Section 7.2.5.3 (Standards), is amended by inserting a new subsection (5) "Minimum Flankage Yard: 5 metres", and by renumbering the remainder of the subsections.
- 19.** Amend Section 7.2.5.3 (Standards) subsection (9) (Minimum Ground Floor Area) by striking the current provision and replacing it as follows:
 - "a) Unserved
 - i) One-Storey: 93 sqm
 - ii) One and a Half-Storey: 65 sqm
 - iii) Two-Storey: 55 sqm
 - b) Served
 - i) One-Storey: 85.5 sqm

By-Law No. PD-009 "A": ZONING BY-LAW AMENDMENT

- ii) One and a Half-Storey: 60 sqm
 - iii) Two-Storey: 55 sqm"
- 20.** Amend Section 7.2.6.2 (Conditional Uses), subsection 2, by striking out "mobile or mini home dwelling".
- 21.** Section 7.2.6.3 (Standards), is amended by inserting a new subsection (5) "Minimum Flankage Yard: 5 metres", and by renumbering the remainder of the subsections.
- 22.** Amend Section 7.2.6.3 (Standards) subsection (8) (maximum height) by striking "11 metres" and replacing with "12 metres".
- 23.** Amend Section 7.2.6.3 (Standards) subsection (10) (minimum ground floor area) by striking through the current provision and replacing as follows:
 - "a) Unserved
 - i) One-storey: 93 sqm
 - ii) One and a half-storey: 65 sqm
 - iii) Two-storey: 55 sqm
 - b) Served
 - i) One-storey: 85.5 sqm
 - ii) One and a half-storey: 60 sqm
 - iii) Two-storey: 55 sqm"
- 24.** Amend Section 7.2.6.3 (Standards), subsection (1) (minimum lot area), as follows:
 - a. Subsection (i) (one unit) by striking "690 square metres" and replacing with "600 square metres"
 - b. Subsection (iii) (semi-detached) by striking "900 square metres" and replacing with "690 square metres"
 - c. Subsection (iv) (apartment) by striking "1580 square metres" and replacing with "1260 square metres"
- 25.** Amend Section 7.2.6.3 (Standards), subsection (2) (minimum frontage), as follows:
 - a. Subsection (i) (one unit) by striking "23 metres" and replacing with "20 metres"
 - b. Subsection (iii) (semi-detached) by striking "30 metres" and replacing with "23 metres"

By-Law No. PD-009 "A": ZONING BY-LAW AMENDMENT

- c. Subsection (iv) (apartment) by striking "37 metres" and replacing with "35 metres"
- 26. Amend Section 7.2.7.2 (Conditional Uses) by striking the current provision "pursuant to Section 188 of the *Municipalities Act*".
- 27. Amend Section 7.2.7.3 (Mobile Home Lot Standards) subsection (2) (minimum frontage) by striking "15 metres" and replacing with "10 metres".
- 28. Amend Section 7.2.7.3 (Mobile Home Lot Standards) subsection (3) (minimum lot area) by striking "465 square metres" and replacing with "300 square metres".
- 29. Amend Section 7.2.7.3 (Mobile Home Lot Standards) subsection (5) (minimum side yard) by striking "3.75 metres" and replacing with "2.5 metres".
- 30. Section 7.2.7.3 (Mobile Home Lot Standards) is amended by inserting a new subsection (5) "Minimum Flankage Yard: 5 metres", and by renumbering the remainder of the subsections.
- 31. Section 7.2.8.1 (Permitted Uses) is amended by adding three new subsections, (3), (4), and (5), as follows:
 - a. "3) Mobile Home Dwelling, subject to Section 4.17"
 - b. "4) Mini Home Dwelling, subject to Section 4.17"
 - c. "5) Tiny Home, subject to Section 4.31"
- 32. Section 7.2.8.2 (Conditional Uses) subsection 5 is amended by striking the word "or", by striking subsection 6 "mobile home dwelling", and by amending the numbering of the remaining subsections.
- 33. Section 7.2.8.3 (Standards) is amended by inserting a new subsection (5) "Minimum Flankage Yard: 5 metres", and by renumbering the remainder of the subsections.
- 34. Amend Section 7.2.8.3 (Standards) subsection (8) (maximum height) by striking "11 metres" and replacing with the following:
 - a. "Maximum height within the Residential Stable Intensification Area: 12 meters"
 - b. Maximum height in all other cases: 11 meters"
- 35. Section 7.2.8.3 (Standards) is amended by adding a new subsection, as follows:
 - a. "(9) minimum ground floor area for:
 - a) A Mobile Home Dwelling and a Mini Home Dwelling • 75 sqm
 - b) A Tiny Home • 45 sqm
 - c) All other permitted residential uses:

By-Law No. PD-009 "A": ZONING BY-LAW AMENDMENT

- | | |
|---------------------------|-----------|
| i) One storey | • 93 sqm |
| ii) One and a half-storey | • 65 sqm |
| iii) Two storey | • 55 sqm" |
- 36.** Section 8.1.1.3 (Standards), subsection (d) (minimum front yard), is amended by inserting "and Flankage Yard" following "Front Yard".
- 37.** Amend Section 8.1.1.3 (Standards), subsection (h) (maximum height), by striking "11 metres" and replacing with the following:
- a.** "Maximum height on streets identified as Community Collector and Neighbourhood Collector as identified on the Grand Bay-Westfield Active Transportation Plan (2017): 12 meters
- b.** Maximum height in all other cases: 11 meters"
- 38.** Amend Section 8.1.2.1 (Requirements for Vehicular Oriented Uses), by amending the numbering to strike subsection "i) Standards – Vehicular Oriented Uses" and adding a new subsection "2) Standards – Vehicular Oriented Uses".
- 39.** Amend Section 8.1.2.1 (Requirements for Vehicular Oriented Uses), subsection (c) (minimum front yard), by striking subsection "iii) (2,000 litres and more) and adding "(2,000 litres and more)" to subsection (ii).
- 40.** Section 8.1.2.1 (Requirements for Vehicular Oriented Uses), subsection (c) (minimum front yard), is amended by inserting "and Flankage Yard" following "Front Yard".
- 41.** Section 8.1.3.2 (Standards), subsection (4) (minimum front yard), is amended by inserting "and Flankage Yard" following "Front Yard".
- 42.** Amend Section 8.1.3.2 (Standards), subsection (8) (maximum height), by striking "9 metres" and replacing with "12 metres".
- 43.** Section 8.1.4.3 (Standards), subsection (4) (minimum front yard), is amended by inserting "and Flankage Yard" following "Front Yard".
- 44.** Amend Section 8.1.5.3 (Standards), subsection (8) (maximum height), by striking "11 metres" and replacing with "12 metres"
- 45.** Section 9.2.1.3 (Standards), subsection (4) (minimum front yard), is amended by inserting "and Flankage Yard" following "Front Yard".
- 46.** Section 9.2.2.2 (Standards), subsection (4) (minimum front yard), is amended by inserting "and Flankage Yard" following "Front Yard".
- 47.** Section 10.1.2 (Standards), subsection (1) (minimum front yard), is amended by inserting "and Flankage Yard" following "Front Yard".
- 48.** Section 11.1.3 (Standards), subsection (1) (minimum front yard), is amended by inserting "and Flankage Yard" following "Front Yard".

By-Law No. PD-009 "A": ZONING BY-LAW AMENDMENT

49. Section 12.1.3 (Standards) subsection (1) (minimum front yard) is amended by inserting "and Flankage Yard" following "Front Yard".
50. Section 13.1.4 (Standards), subsection (4) (minimum front yard), is amended by inserting "and Flankage Yard" following "Front Yard".
51. Amending Section 13.13 (Conditions of Use) by inserting "less than" before "58.06 square metres", and striking "or less in" in subsection (ii) as follows:
 - a. "ii) Seasonal Dwellings are required to be less than 58.06 square metres or less in gross floor area and are exempt from the Minimum Frontage requirements of this zone."
52. Amending all references to the Highway Commercial Zone by striking zone code "CH" and replacing with "HC".
53. Amending all references to the Mobile Home Park by striking zone name "Mobile Home Zone" and replacing with "Mobile Home Park".
54. Amending all references to the Mobile Home Park by striking zone code "MHR" and replacing with "MHP".
55. Amending Section 4.2 (Buildings on a Lot) by striking the section, and replacing it with the following text:

"Not more than one (1) main residential building shall be permitted on one lot in the One Unit Residential and One and Two Unit Residential Zones.

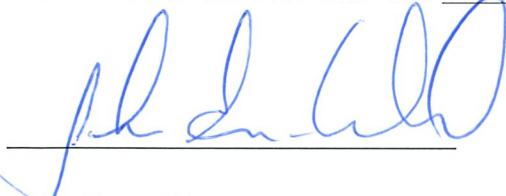
READ A FIRST TIME by title this 9th day of September, 2024.

READ A SECOND TIME by title this 9th day of September, 2024.

READ A THIRD TIME BY title and ENACTED on this 15th day of October, 2024.

This By-law comes into force on the date of final passing thereof.

SIGNED AND APPROVED this 15th day of October, 2024



John Enns-Wind
CAO / Clerk



Brittany Merrifield
Mayor



This instrument purports to
be a copy of the original
registered or filed in the
Kings
County Registry Office
New Brunswick
2025-02-04
date/date

Exemplaire présenté comme
copie conforme à l'instrument
enregistré ou déposé au bureau
de l'enregistrement du comté de
Kings
Nouveau-Brunswick
45772325
number/numéro