

**BY-LAW NO. 122A
AMENDMENT TO BY-LAW NO. 122
TOWN OF GRAND BAY-WESTFIELD ZONING BY-LAW
PAGE 1 of 6**

The Council of the Town of Grand Bay-Westfield under authority vested in it by the *Community Planning Act 2017 c. 19*, enacts Amendments to By-law No. 122, Town of Grand Bay-Westfield Zoning By-law as described:

1. An amendment to section 2.13 (1) (d) Application and Development Permit Approvals which reads:

(d) Applications submitted under (a), (b), and (c) shall be submitted in the form prescribed by the Development Officer and accompanied by a fee set out in Schedule B of this By-law. An application shall be signed by the registered lot owner or an authorized agent thereof.

Is hereby replaced by the following:

(d) Applications submitted under (a), (b), and (c) shall be submitted in the form prescribed by the Development Officer and accompanied by the appropriate fee. An application shall be signed by the registered lot owner or an authorized agent thereof.

2. An amendment to section 2.13 Application and Development Permit Approvals to add:

(2) Development Permit Fees An application submitted under subsection (c)(ii) of this section shall be submitted in the form prescribed by the Development Officer and accompanied by a fee of \$50.

3. Section 3, a definition for Habitable Space is inserted as #80 which reads:

80. HABITABLE SPACE means the space within a dwelling unit in which living functions are carried on, and includes living rooms, dining rooms, kitchens, bathrooms, dens, recreation rooms, storage rooms, and workshops, including those located in a basement or cellar

The definitions that follow are renumbered accordingly.

**BY-LAW NO. 122A
AMENDMENT TO BY-LAW NO. 122
TOWN OF GRAND BAY-WESTFIELD ZONING BY-LAW
PAGE 2 of 6**

4. Section 3, definition #127, Self-Storage Facility which reads:

127. SELF-STORAGE FACILITY means an establishment where goods or personal items are stored inside separate compartments within a building each having separate exterior access or separate access through a common hallway.

Is hereby replaced and renumbered as follows:

128. SELF-STORAGE FACILITY means an establishment where goods or personal items are stored inside separate compartments within a building. Commercial self-storage facilities are accessed by an internal, common hallway. Industrial self-storage facilities have individual, exterior access.

The definitions that follow are renumbered accordingly.

5. An amendment to section 9.2.1.2 Conditional Uses of the Central Commercial Zone to add after Printing Establishment:

8. Self-Storage Facility, Commercial

4. An amendment to section 9.2.3.2 Conditional Uses, of the Highway Commercial Zone to add a conditional use after Restaurant:

9. Self-Storage Facility, Commercial
10. Self-Storage Facility, Industrial

5. Section 3, definition #137, Supportive Housing, which reads:

137. SUPPORTIVE HOUSING means an establishment licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff to a maximum of nine residents under the age of nineteen, or to a maximum of nine residents of any age pursuant to the Family Services Act, but not both.

Is hereby replaced and renumbered as follows:

**BY-LAW NO. 122A
AMENDMENT TO BY-LAW NO. 122
TOWN OF GRAND BAY-WESTFIELD ZONING BY-LAW
PAGE 3 of 6**

138. SUPPORTIVE HOUSING means an establishment licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff to a maximum of fifteen residents under the age of nineteen, or to a maximum of fifteen residents of any age pursuant to the Family Services Act, but not both.

The definitions that follow are renumbered accordingly.

6. An amendment to section 8.2.5.2, Conditional Uses, of the Rural Residential Zone to add as a conditional use after Secondary Suite:

8. Supportive Housing Facility

7. An amendment to section 9.2.4.1, Permitted Uses, of the Mixed Use Zone to add, and renumber a permitted use after 26. School:

27. Supportive Housing Facility

8. An amendment to Section 4 General Provisions to add:

4.10 Minimum Floor Elevation Above Flood Level

No development of any habitable space shall be permitted in any zone unless the minimum geodetic elevation of the top of any floor is at least 7.4 metres.

9. Section 5.4 Home Occupations which reads:

Home Occupations shall be subject to the following requirements:

Is hereby replaced by the following:

Where permitted by this by-law, home occupations shall be subject to the following requirements:

**BY-LAW NO. 122A
AMENDMENT TO BY-LAW NO. 122
TOWN OF GRAND BAY-WESTFIELD ZONING BY-LAW
PAGE 4 of 6**

10. An amendment to section 14.1.2 (a) 3, Conditional Uses, of the Rural Resource Zone, which reads:

A Second One-Unit Dwelling

Is hereby replaced by the following:

A Second One-Unit Dwelling, on lots fronting onto Nerepis Road

11. An amendment to add Flood Overlay Zone as Section 16 of the By-law as follows:

16. Flood Overlay Zone

The Flood Overlay Zone is intended to promote sustainable development, prevent serious and irreversible damages to peoples, structures and the environment and permit only development that demonstrate an adaptation to flood vulnerable areas. All other section of this by-law apply to the base zones. Recognizing that flooding impacts and the vulnerabilities to Grand Bay-Westfield's river shore change with geography. For example, due to the exposure of Grand Bay, properties along the river may experience additional impacts related to wave heights during a flood event and may require additional due diligence at the permitted stage. The process below creates flexibility to add terms and conditions associated with developing in flood prone areas. The Flood Overlay Zone applies to all properties with elevations below 7.4 metres as depicted on Schedule B of this By-law.

16.1.1 Conditional Uses

- (a) No main building may be erected, constructed or modified in the Flood Overlay Zone unless it meets the following minimum requirements:
- a. In the case of a new building:
 - i. Notwithstanding section 4.10, a minimum floor elevation greater than 7.4m may be required within the Flood Overlay Zone dependent on the unique vulnerabilities of the property.
 - ii. A development or building permit request must include:
 1. A site plan and elevation drawings demonstrating the elevation of the habitable part of the building;

**BY-LAW NO. 122A
AMENDMENT TO BY-LAW NO. 122
TOWN OF GRAND BAY-WESTFIELD ZONING BY-LAW
PAGE 5 of 6**

2. A plan and drawings that demonstrate the flood; proofing of all electrical, mechanical and plumbing systems, by design, for the area below the required elevation;
 3. A drainage plan, if the adaptation measures result in more than one (1) metre of fill (in elevation) for properties less than one (1) acre;
 4. A site plan demonstrating that access to the property and dwelling unit is at an elevation that does not impact access to the property or dwelling unit during a flood event.
- iii. Other terms and conditions to mitigate the impact of flooding to life and structures as deemed appropriate by the Development Officer and the Planning Advisory Committee
 - iv. The applicant may be required to enter into development agreement with the Town to be registered with Service New Brunswick on the title of the property.
- b. In the case of an existing building, the building may be expanded or modified if:
- i. It does not reduce the elevation of the existing building
 - ii. It does not increase the non-adapted habitable portion of the building by the lesser of 25% or 23.2m² (250ft²)
 - iii. A non adapted expansion or modification is limited to one per main building
 - iv. The development officer or committee may impose additional terms and conditions to mitigate the impact of flooding to life and structures as deemed appropriate by the Development Officer and the Committee
 - v. The applicant may be required to enter into a Development Agreement with the Town to be registered with Service New Brunswick on the title of the property.

16.1.2 Section 16.1.1 does not apply to accessory structures, open space uses or temporary uses permitted by this bylaw

The sections that follow are renumbered accordingly.

**BY-LAW NO. 122A
AMENDMENT TO BY-LAW NO. 122
TOWN OF GRAND BAY-WESTFIELD ZONING BY-LAW
PAGE 6 of 6**

12. An amendment to add Schedule B, Flood Overlay Zone Map, as an appendix to the By-law.

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

FIRST READING BY TITLE on this 8th day of November, 2021.

SECOND READING BY TITLE on this 8th day of November, 2021.

THIRD READING BY TITLE AND ENACTMENT on this _____ day of _____, 2021.

John Enns-Wind
Chief Administrative Officer

Brittany Merrifield
Mayor

seal