

**Shediac Planning Review and Adjustment Committee /
Comité de révision de la planification de Shediac**

Monday, July 17, 2023 / Le lundi 17 juillet, 2023

Staff Report / Rapport du personnel

Subject / Objet: Amendment to the Zoning By-Law / Modification à l'arrêté de zonage

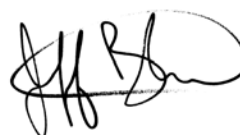
File Number/ Numéro du fichier : 23-0113

From / De :



Phil Robichaud

Reviewed by / Révisé par



Jeff Boudreau

Development Officer / Agent d'aménagement

General Information / Information générale

By-law / l'arrête

Z-14-44-52Z

Proposal / Demande

Demande de modification à l'Arrêté de zonage pour ajouter des exigences à la zone R3 /
Request to amend the zoning by-law to add requirements in the R3 Zone.

Policies / Politiques

L'aménagement résidentiel constitue l'une des principales formes d'utilisation du sol dans une ville. La Ville de Shediac possède un stock de logements relativement diversifié, jeune et en bonne santé. L'objectif du plan, en ce qui concerne l'habitation et les quartiers résidentiels, est de faciliter l'approvisionnement en matière d'habitation aux résidents en fournissant un éventail d'habitation du point de vue des prix, de la superficie, de la localisation et du mode d'occupation. De plus, la ville cherche à faciliter la création d'identité et de vie de quartier à l'intérieur des arrondissements tout en favorisant une connectivité entre les différents arrondissements. Il est donc important de protéger le caractère résidentiel des arrondissements. L'augmentation de la densité et de la mixité dans certains arrondissements auront des répercussions sur l'apparence et les fonctions de ceux-ci. Il est donc essentiel de réglementer ces opportunités de densification et de mixité afin de minimiser les impacts négatifs sur les usages résidentiels existants. / *Residential development is one of the main land uses in a town. The Town of Shediac has a relatively diversified, young, and healthy household demographic. The plan's goal, in terms of housing and residential neighbourhoods, is to ease the dwelling supply for residents by providing an array of dwellings with different prices, surface areas, locations, and professions. Furthermore, the town is trying*

to give neighbourhoods a sense of identity and lifestyle within each borough, as well as foster connectivity within the different boroughs. Therefore, it is important to protect the residential character of boroughs. The increased concentration and larger mix of people in some boroughs will have repercussions on how they look and function. Therefore, it is necessary to regulate these opportunities for denser, mixed communities in order to minimize any negative impacts on existing residential uses.

On peut observer une augmentation de la population à Shediac. Parallèlement, on note une tendance au vieillissement de la population, une augmentation des familles monoparentales et des personnes vivant seules de même qu'une diminution du nombre moyen de personnes par ménage. Ces tendances vont apporter de nouveaux besoins et défis en matière de logement et il faut donc les outils nécessaires pour s'adapter à cette réalité. *There is a population increase in Shediac. At the same time, there is a tendency towards an aging population, an increase in single-parent families and people living alone, as well as a decrease in the average number of people per household. These tendencies will bring new needs and challenges in terms of housing, so we need the proper tools to adapt to this reality.*

Principes relatifs à l'habitation / *Policies related to housing*

5. Le Conseil a pour principe d'encadrer la densité d'occupation du sol pour les secteurs résidentiels / *Council's policy is to frame the land occupation density according to each residential sector*

Principes relatifs aux arrondissements résidentiels / *Policies related to residential boroughs*

1. Le Conseil a pour principe de favoriser les opportunités pour que les arrondissements aient des services commerciaux et municipaux adéquats à l'intérieur des arrondissements ou à proximité de ceux-ci, de manière à ce que les résidents n'aient pas à utiliser leurs automobiles pour ces services / *Council's policy is to favour opportunities for boroughs to have adequate commercial and municipal services, within or near these boroughs, so that residents won't need their vehicle to benefit from these services.*

2. Le Conseil a pour principe d'implanter une vie de quartier aux arrondissements par l'entremise d'améliorations au niveau de la rue, de la signalisation, de la trame urbaine et d'un design urbain approprié. / *Council's policy is to instil a neighbourhood feel in boroughs through better streets, signalling, urban grid and urban design.*

3. Le Conseil a pour principe d'assurer que les arrondissements soient pourvus des zones tampons de manière à minimiser les impacts des usages non résidentiels par l'entremise de dispositions de zonage appropriées / *Council's policy is to make sure that boroughs have buffer zones in order to minimize the impacts from non residential uses through appropriate zoning provisions*

5. Le Conseil a pour principe d'assurer que les nouveaux développements multifamiliaux respectent des critères de design pour que ceux-ci s'harmonisent avec le caractère défini de l'arrondissement. / *Council's policy is to make sure that new multi-unit dwellings meet the design criteria so that they can be in harmony with the borough's defined features.*

Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement

11. Zone résidentielle à haute densité (R3) / High Density Residential Zone (R3)

11.1 Usages permis / Permitted uses

Les terrains, bâtiments ou constructions ne peuvent être affectés qu'aux fins: / *No land, building or structure shall be used for any purpose other than*

a) de l'un des usages principaux suivants: / *one of the following main uses:*

(i) une habitation bi-familiale, jumelée, maison en rangée ou multifamiliale; / *a two-unit, semi-detached, row house or multi-unit dwelling;*

11.4 Cours attenantes aux constructions et bâtiments principaux / Yards for a main building or structure

Sous réserve des dispositions générales, il est interdit d'implanter, d'édifier ou de modifier un bâtiment ou une construction de telle sorte qu'il se trouve: / *Subject to the general provisions, it is prohibited to place, erect or alter a building or a structure if it is:*

a) à moins de 5 mètres de l'alignement; / *less than 5 metres from the street line;*

b) à plus de 6,5 mètres de l'alignement sauf dans le cas d'un lot en drapeau; / *more than 6.5 metres from the street line except for in the case of a flag lot;*

c) à moins de 1,5 mètre d'une limite latérale du lot et à moins de 3 mètres de la limite latérale opposée; / *less than 1.5 metres from a side lot line and less than 3 metres from the opposite side line;*

d) à moins de 6 mètres de la limite arrière du lot / *less than 1.5 metres from a side lot line and less than 3 metres from the opposite side line;*

11.5 Conditions particulières aux habitations multifamiliales / Specific conditions for multiple dwellings

Un aménagement, terrains, bâtiments ou constructions ne peuvent être affectés à une habitation multifamiliale que si: / *A development, land, building or structure may only be used as a multiple unit dwelling if:*

a) aucune partie d'une aire de stationnement n'est située dans une cour avant ou de flanc; et, / *no portion of any parking area is located in the front or flankage yard; and,*

b) lorsqu'une zone R3 est attenante à une zone R1 ou R2, aucune partie d'un emplacement de stationnement n'est située dans une cour latérale ou arrière obligatoire, sauf si une clôture ou une autre barrière physique et visible est fournie, auquel cas aucune partie d'un emplacement de stationnement ne peut être située à moins de 1,5 mètre de la limite arrière ou latérale. / *where an R3 zone abuts an R1 or an R2 zone, no portion of any parking area shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within 1.5 metres of the side or rear lot lines.*

Internal Consultation & External Consultation / Consultations internes et externes

Le personnel de la Ville de Shediac a été consulté. / *Staff of the Town of Shediac was consulted.*

Discussion

Un citoyen a fait une demande au conseil de la Ville de Shediac afin de changer l'arrêté de zonage. C'est-à-dire la demande de modification proposée ne s'applique pas à un projet spécifique, mais affectera la Ville au complet. La demande est pour ajouter des exigences pour des bâtiments multifamiliaux dans la zone Résidentielle à haute densité (R3) quand cette zone fait face à une zone Résidentielle à faible densité (R1). Les modifications exactes se trouvent dans l'arrêté attaché à ce rapport, mais les modifications proposées se résument comme suit : / *A citizen made a request to the council of the Town of Shediac to change the zoning by-law. The proposed change request does not apply to a specific project, but will affect the entire Town. The request is to add requirements for multi-family buildings in the High Density Residential (R3) zone when that zone abuts a Low Density Residential (R1) zone. The exact changes can be found later in the report, but the proposed changes are summarized as follows:*

1. Augmenter la marge de retrait minimum quand un bâtiment multifamilial se trouve à adjacent à une propriété zonée R1. / *Increase the minimum setback when a multi-family building is adjacent to an R1 zoned property.*
 - a. Une hauteur maximum de 9 mètres (2 étages) quand le bâtiment est à moins de 12 mètres de la limite de propriété. / *A maximum height of 9 meters when the building is less than 12 meters from the property line*
 - b. Une hauteur maximum de 12 mètres (3 étages) quand le bâtiment se trouve entre 12 mètres et 15 mètres de la limite de propriété. / *A maximum height of 12 meters when the building is between 12 meters and 15 meters from the property line.*
 - c. Une hauteur maximum de 15 mètres (4 étages) quand le bâtiment se trouve à plus de 15 mètres de la propriété. / *A maximum height of 15 meters when the building is more than 15 meters from the property.*

Les règlements existants exigent une marge de retrait de 1.5 mètre (si c'est la cour latérale) ou 6 mètres (si c'est la cour arrière), peu importe la hauteur. La hauteur maximum existant est 15 mètres (4 étages). / *Existing bylaws require a setback of 1.5 meters (if side yard) or 6 meters (if rear yard), regardless of height. The maximum existing height is 15 meters.*

2. Ajouter des exigences d'aménagement paysagiste quand un bâtiment multifamiliale se trouve à adjacent à une propriété zoné R1. / *Add landscaping requirements when a multi-family building is adjacent to an R1 zoned property.*
 - a. Une zone tampon de 6 mètres d'aménagement paysagiste. / *A buffer zone of 6 meters of landscaping*
 - b. Une clôture de 2 mètres le long de la ligne de propriété. / *A 2 meter fence along the property line*

c. Préserver les arbres existant si possible / *Preserve existing trees if possible*

Le dessin ci-dessous démontre un visuel des règlement existants, ainsi que les modifications proposés. / *The drawing bellow shows a visual of the existing regulations, as well as the proposed modifications.*

L'Arrêté de zonage de la Ville de Shediac n'a pas d'exigence spéciale pour des bâtiments multifamiliaux quand une zone R3 fait face à la zone R1. L'intention de l'Arrêté de zonage était de créer des séparations avec le zonage, c'est-à-dire que le zonage R3 était séparé de la zone R1 par le zonage R2 (Résidentielle à moyenne densité). La vision du Plan municipal était de guider le développement R3 près de la rue main et du centre-ville. La densité résidentielle diminue ensuite plus on s'éloigne du centre-ville et la rue Main. Alors, normalement il y a un zonage R2 entre le zonage R3 et R1 qui crée une zone tampon de bâtiments résidentielle à moyenne densité entre le zonage R3 et R1. / *The Town of Shediac Zoning By-law does not have a special requirement for multi-family buildings when an R3 zone faces an R1 zone. The intention of the Zoning By-law was to create separations with the zoning, i.e. the R3 zoning was separated from the R1 zone by the R2 (Medium Density Residential) zoning. The vision of the Municipal Plan was to guide R3 development near main street and downtown. Residential density then decreases the further it moves away from downtown and Main Street. So normally there is an R2 zoning between the R3 and R1 zoning which creates a buffer zone of medium density residential buildings between the R3 and R1 zoning.*

Il y a certaines exceptions à ce concept, mais plusieurs situations où un zonage R3 est collé contre le zonage R1 sont le résultat d'un rezonage de la zone R3 à la zone R1, ou de la zone R1 à la zone R3. / *There are some exceptions to this concept, but many situations where an R3 zoning abuts against the R1 zoning are the result of a rezoning from the R3 zone to the R1 zone, or from the R1 zone to the R3 zone.*

Les cartes dans l'annexe du rapport démontrent les propriétés zonées R3 qui seront affectées par la modification proposée. Ces propriétés sont elles encadrées en rouge. / *The maps in the schedules of this report show the properties zoned R3 that will be affected by the proposed amendment. These properties are in red.*

Ce type de modifications à l'arrêté de zonage est considéré majeur et est normalement fait durant une revue du Plan municipal et l'Arrêté de zonage. Cette modification pourrait avoir des conséquences inattendues et devrait être laissée durant la révision du Plan municipal et de l'arrêté de zonage. / *This type of zoning by-law amendment is considered major and is normally done during a review of the Municipal Plan and Zoning By-law. This change could have unintended consequences and should be left pending the review of the Municipal Plan and Zoning By-law.*

Le personnel recommande donc que ses modifications soient laissées pendant la revue du Plan municipal et de l'Arrêté de zonage où des modifications de ce genre pourraient être considérées de façon holistique. / *Staff therefore recommends that its changes be left pending the review of the Municipal Plan and Zoning By-law where such changes could be considered holistically.*

La requérant a soumis une lettre expliquant le raisonnement de sa demande. Elle se trouve en annexe de ce rapport. / *The applicant submitted a letter explaining the reasoning for their request. It is appended to this report.*

Legal Authority / Autorité légale

Loi sur l'urbanisme 2017, ch. 19 / *Community Planning Act 2017, ch. 19*

110(1) Avant de prendre un arrêté en vertu de la présente loi, le conseil demande par écrit au comité consultatif ou à la commission de services régionaux de lui donner son avis écrit : / *Before making a by-law under this Act, a council shall request in writing the written views of the advisory committee or regional service commission on*

(a) sur tout projet d'arrêté relativement auquel aucun avis n'a été donné auparavant; / *a proposed by-law in respect of which the views have not been given previously*

Recommendation / Recommandation

Le personnel recommande respectueusement que le comité de révision et d'ajustement de l'urbanisme de Shediac recommande au conseil de Shediac que la demande de : / *Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee recommend to Shediac Council that the application to:*

NOT adopt By-law Z-14-44-52Z which aims modify section 11.5 of the Zoning By-Law / *NE PAS adopter l'arrêté Z-14-44-52Z qui vise à modifier l'article 11.5 du règlement de zonage-*

Note: This report was written in_ and translated to a bilingual document. Where a conflict exists between the two languages, the language the report was written shall prevail. / **Note:** *ce rapport a été rédigé en et traduit en version bilingue. En cas de conflit entre les deux langues, la langue dans laquelle le rapport a été rédigé a préséance.*

BY-LAW NO. Z-14-44-52Z

**A by-law amending Zoning By-law
#Z-14-44 of the Town of Shediac**

The Council of the Town of Shediac under the authority vested in it by the Community Planning Act, makes as follows:

The Town of Shediac Zoning By-Law, being By-Law Number Z-14-44, enacted on the 28th day of April 2014 and filed in the Westmorland County Registry Office as Number 33795973 on May 23, 2014, is hereby amended as follows:

1. Within Section 11.5 *High Density Residential Zone (R3)*, the following provision shall be inserted:
 - c) Screening shall be provided and maintained on a lot containing a multiple unit dwelling, consisting of the existing vegetation or structures if sufficient to screen the lot from adjacent properties, but when the existing vegetation or structures are insufficient, the screening shall consist of:
 - (i) if the multiple unit dwelling lot abuts a R1 Zone, a six metre wide landscaping buffer consisting of one tree every ten metres across the width of the landscaping area, and;
 - (ii) a two metre high decorative solid fence along or parallel to the common property line;

ARRÊTÉ NO. Z-14-44-52Z

**Un arrêté modifiant l'Arrêté de zonage
#Z-14-44 de la Ville de Shediac**

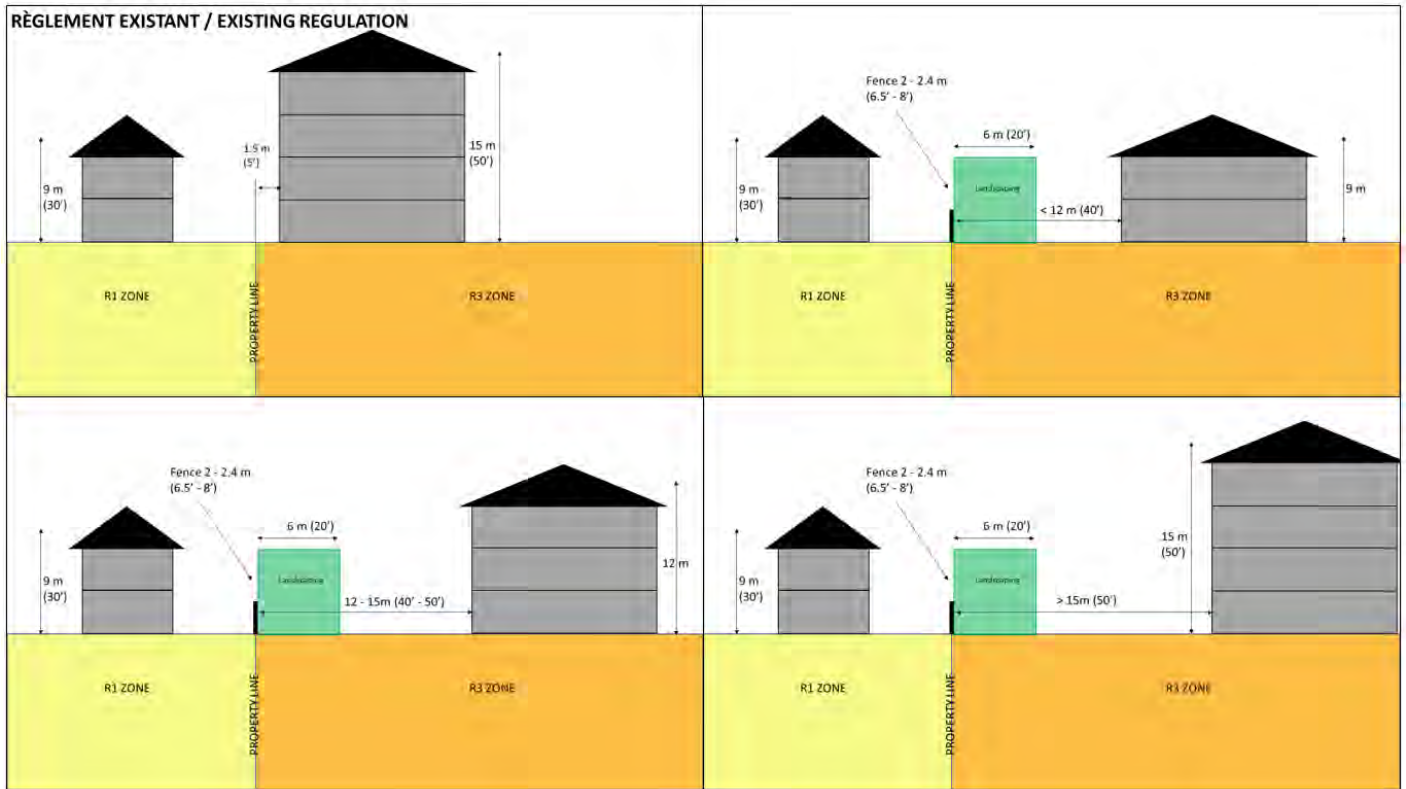
En vertu des pouvoirs que lui confère la *Loi sur l'urbanisme*, le conseil municipal de Shediac, prend ce qui suit :

L'Arrêté de zonage de la Ville de Shediac, soit l'Arrêté Z-14-44, édicté le 28 avril 2014 et déposé au bureau d'enregistrement du comté de Westmorland sous le no. 33795973, le 23 mai 2014 est modifié comme suit :

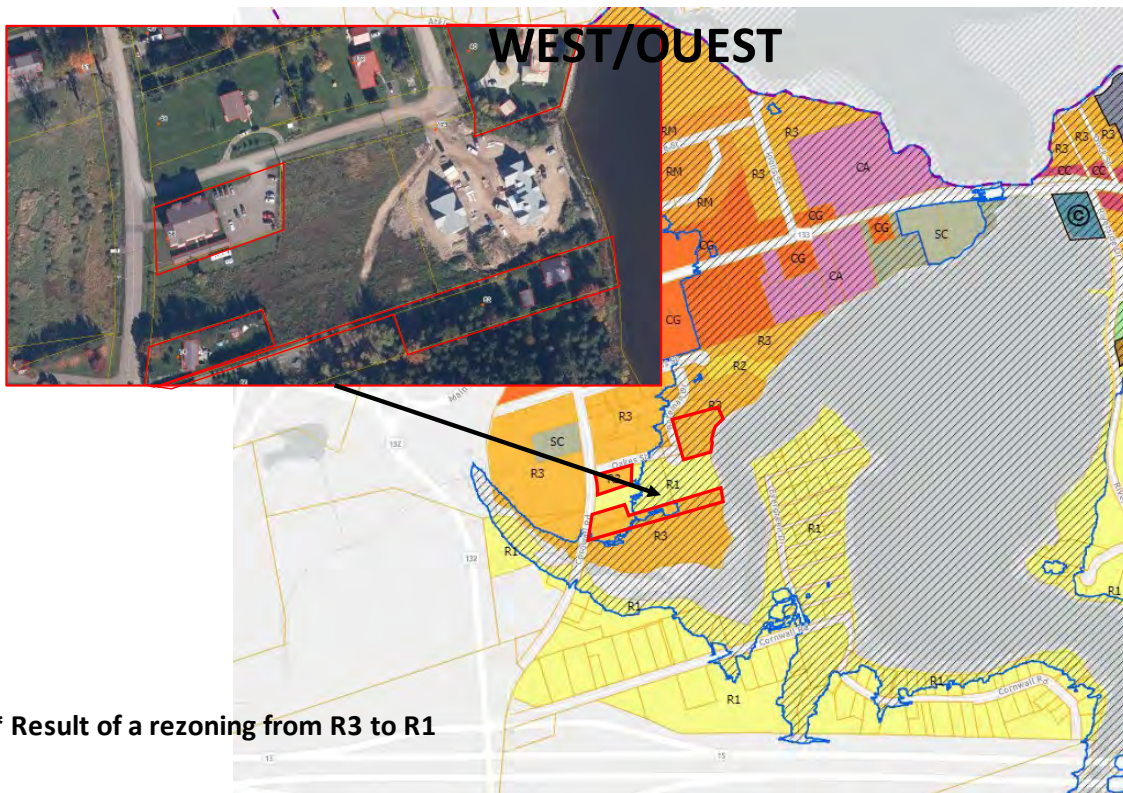
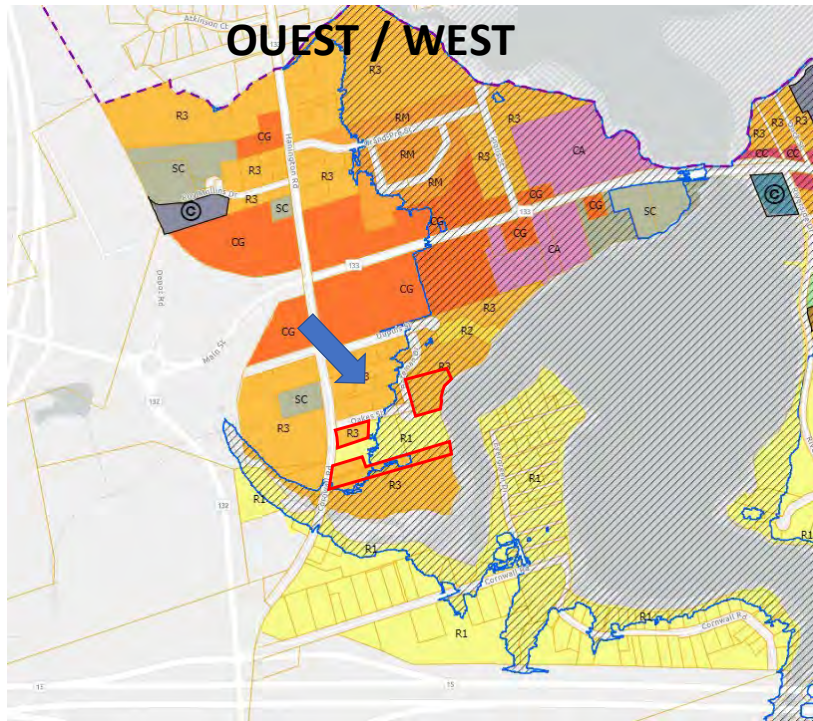
1. Dans l'article 11.5 Zone Résidentiel à haute densité (R3) les dispositions suivant sera inséré :
 - c) Un écran doit être fourni et maintenu sur un lot contenant une habitation multifamiliale, composé de la végétation ou des structures existantes si elles sont suffisantes pour protéger le lot des propriétés adjacentes, mais lorsque la végétation ou les structures existantes sont insuffisantes, l'écran doit consister :
 - (i) si le lot avec l'habitation multifamiliale est attenant a une zone R1, une zone tampon d'aménagement paysager de six mètres de largeur composée d'un arbre tous les dix mètres sur toute la largeur de la zone d'aménagement paysager, et ;
 - (ii) une clôture décorative pleine de deux mètres de haut le long de la limite mitoyenne ou sur une ligne parallèle à celle-ci;

<p>2. Within Section 11.6 <i>High Density Residential Zone (R3)</i>, the following provision shall be inserted:</p> <p>11.6.4 notwithstanding section 11.6.1 and where a R3 zone abuts an R1 zone, the height of a multiple unit dwelling shall have a minimum of two storeys and shall be subject to the following conditions:</p> <p>a) any part of a building located within 12 metres of an abutting R1 Zone shall not exceed two stories with a maximum height of nine metres;</p> <p>b) any part of a building located between 12 and 15 metres of an abutting R1 Zone shall not exceed three stories with a maximum height of 12 metres; and</p> <p>c) any part of a building located more than 15 metres from an abutting R1 Zone shall not exceed four stories with a maximum height of 15 metres.</p> <p>FIRST READING (by title) this th day of _____, 2023.</p> <p>SECOND READING (by title and in its Entirety) this th day of _____, 2023.</p> <p>THIRD READING (by title) and ENACTMENT this th day of _____, 2023.</p>	<p>2. Dans l'article 11.6 Zone Résidentiel à haute densité (R3) les dispositions suivant sera inséré :</p> <p>11.6.4 nonobstant l'article 11.6.1 et lorsqu'une zone R3 est attenante à une zone R1, la hauteur d'une habitation à multifamiliale doit avoir au moins deux étages et doit être assujettie aux conditions suivantes :</p> <p>a) toute partie d'un bâtiment située à une distance inférieure à 12 mètres d'une zone R1 attenante ne peut comporter plus de deux étages ni avoir une hauteur supérieure à 9 mètres;</p> <p>b) toute partie d'un bâtiment située à une distance de 12 mètres à 15 mètres d'une zone R1 attenante ne peut comporter plus de deux étages ni avoir une hauteur supérieure 12 m;</p> <p>c) toute partie d'un bâtiment située à une distance supérieure à 15 m d'une zone R1 attenante ne peut comporter plus de quatre étages ni avoir une hauteur supérieure à 15 m.</p> <p>PREMIÈRE LECTURE (par son titre) le jour de _____ 2023.</p> <p>DEUXIÈME LECTURE (par son titre et dans son intégralité) le jour de _____ 2023</p> <p>TROISIÈME LECTURE (par son titre) le jour de _____ 2023</p>
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Visual representation of the modification / Représentation visuelle des modifications



Where the modification applies / Ou les modifications s'appliquent



* Result of a rezoning from R3 to R1

Main Office

1234 rue Main Street
 2nd Floor, Unit/unité 200
 Moncton, NB E1C 1H7
 Tel/tél : 506-382-5386

Beaubassin Office

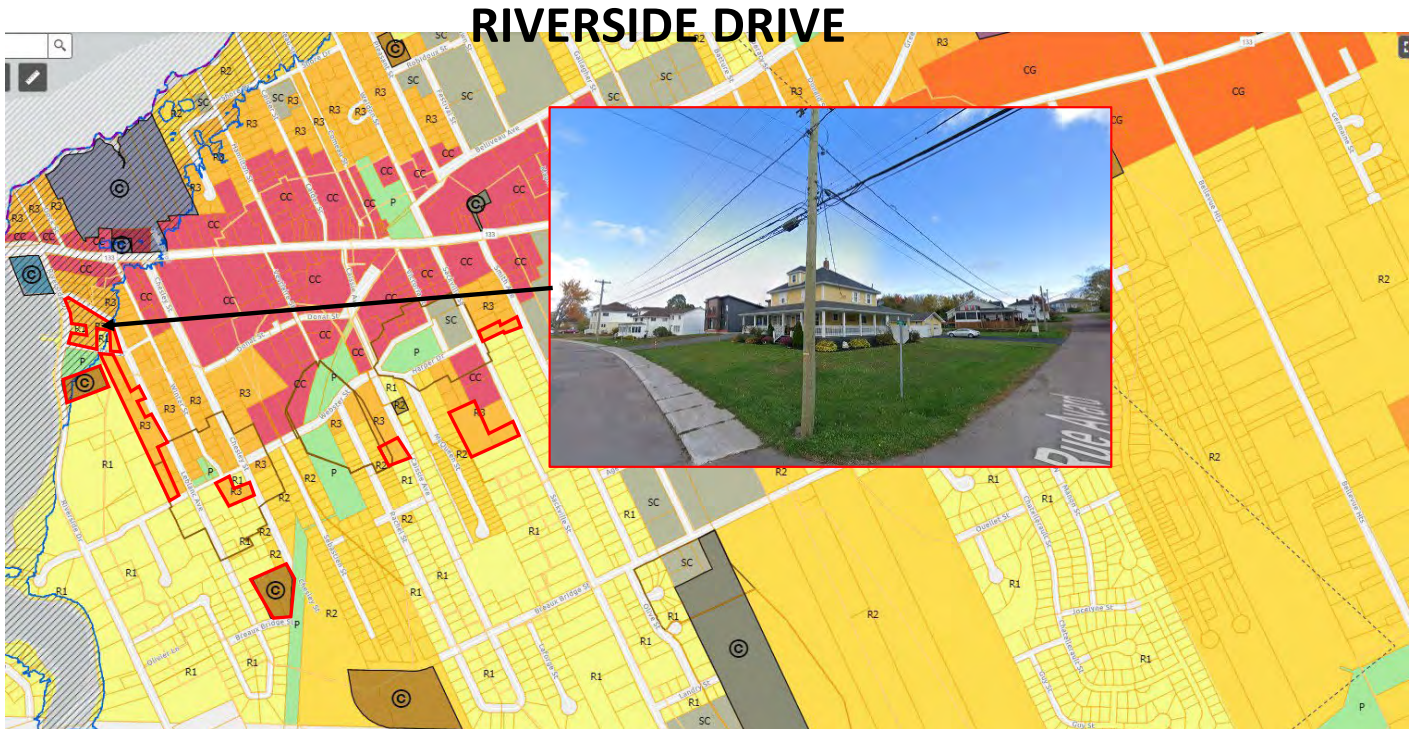
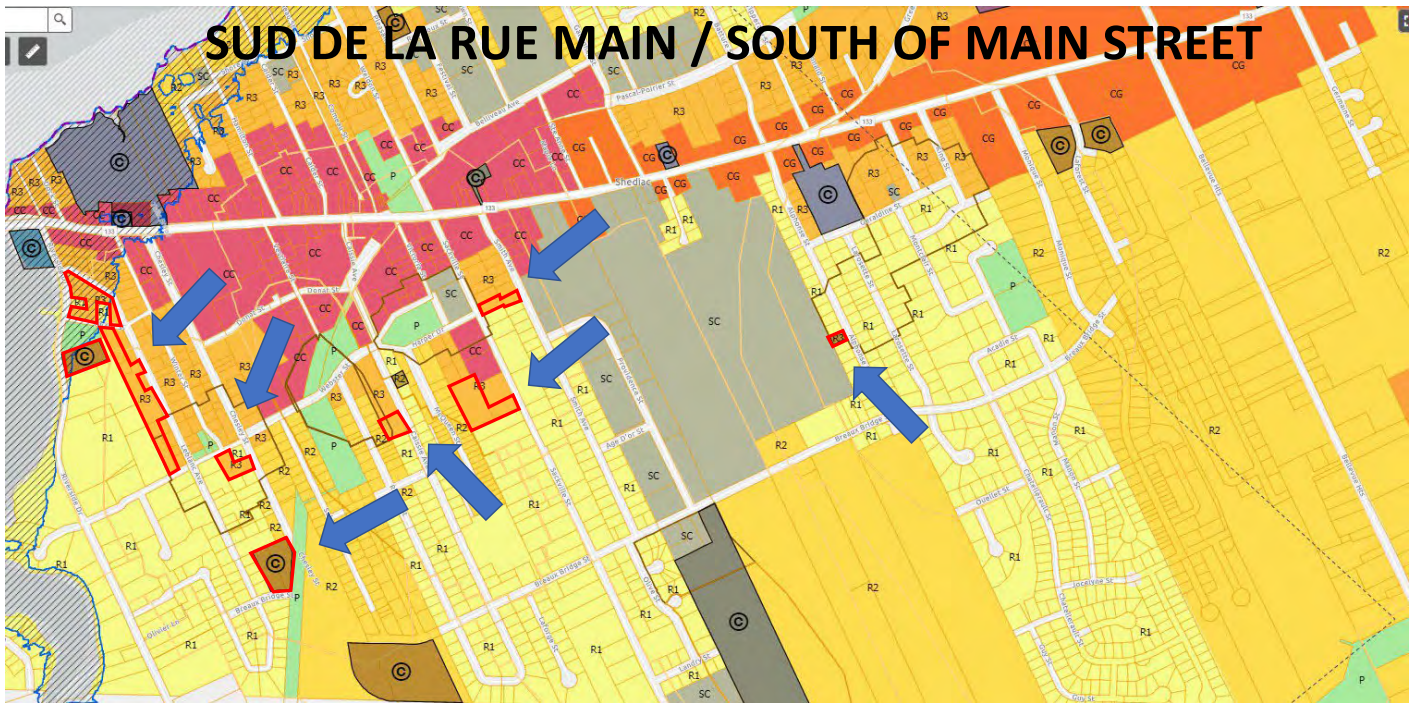
815A rue Bombardier Street
 Route 15, Exit/sortie 37
 Shediac, NB E4P 1H9
 Tel/tél : 506-533-3637

Tantramar Office

112 rue Main Street
 Unit/unité C
 Sackville, NB E4L 0C3
 Tel/tél : 506-364-4701

Riverview Office

Operations Centre
 300, rue Roberston Street
 Riverview, NB E1B 0T8
 Tel/tél : 506 382 3574



* Result of a rezoning from R3 to R1

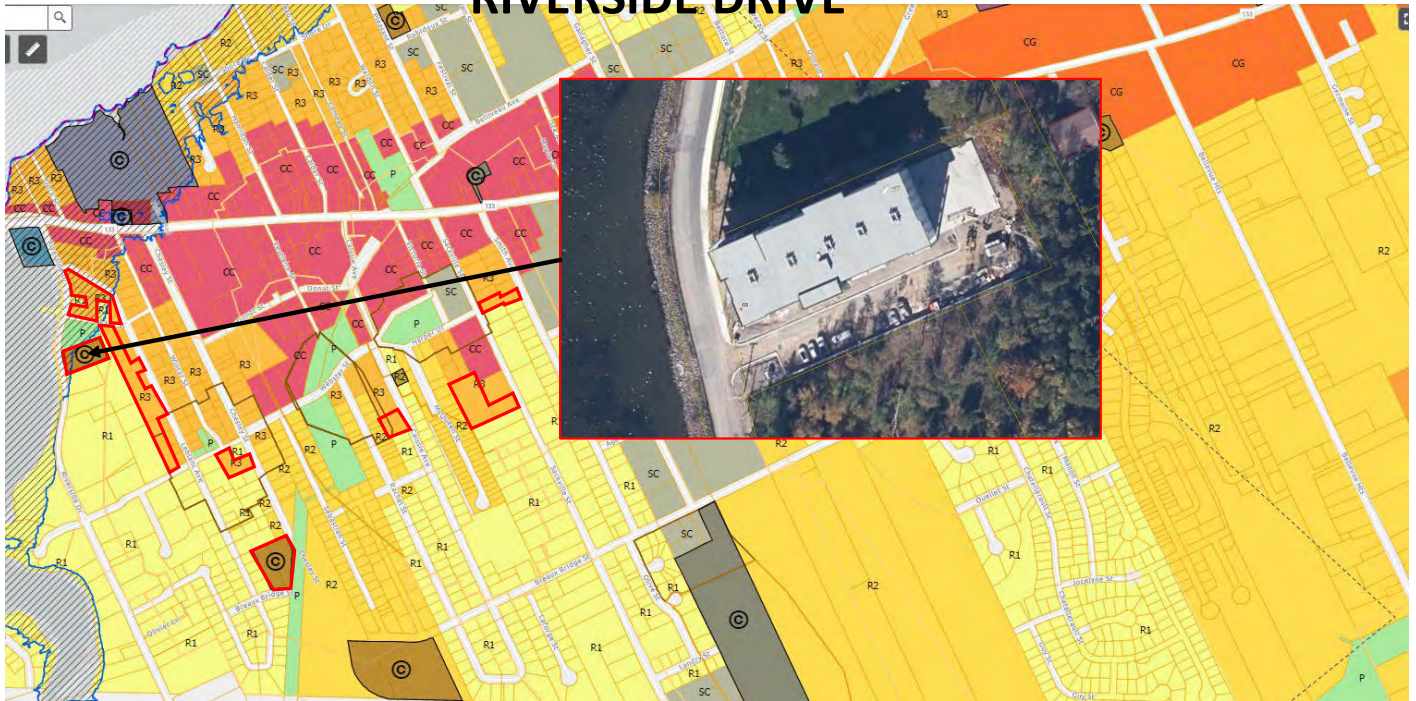
Main Office
 1234 rue Main Street
 2nd Floor, Unit/unité 200
 Moncton, NB E1C 1H7
 Tel/tél : 506-382-5386

Beaubassin Office
 815A rue Bombardier Street
 Route 15, Exit/sortie 37
 Shediac, NB E4P 1H9
 Tel/tél : 506-533-3637

Tantramar Office
 112 rue Main Street
 Unit/unité C
 Sackville, NB E4L 0C3
 Tel/tél : 506-364-4701

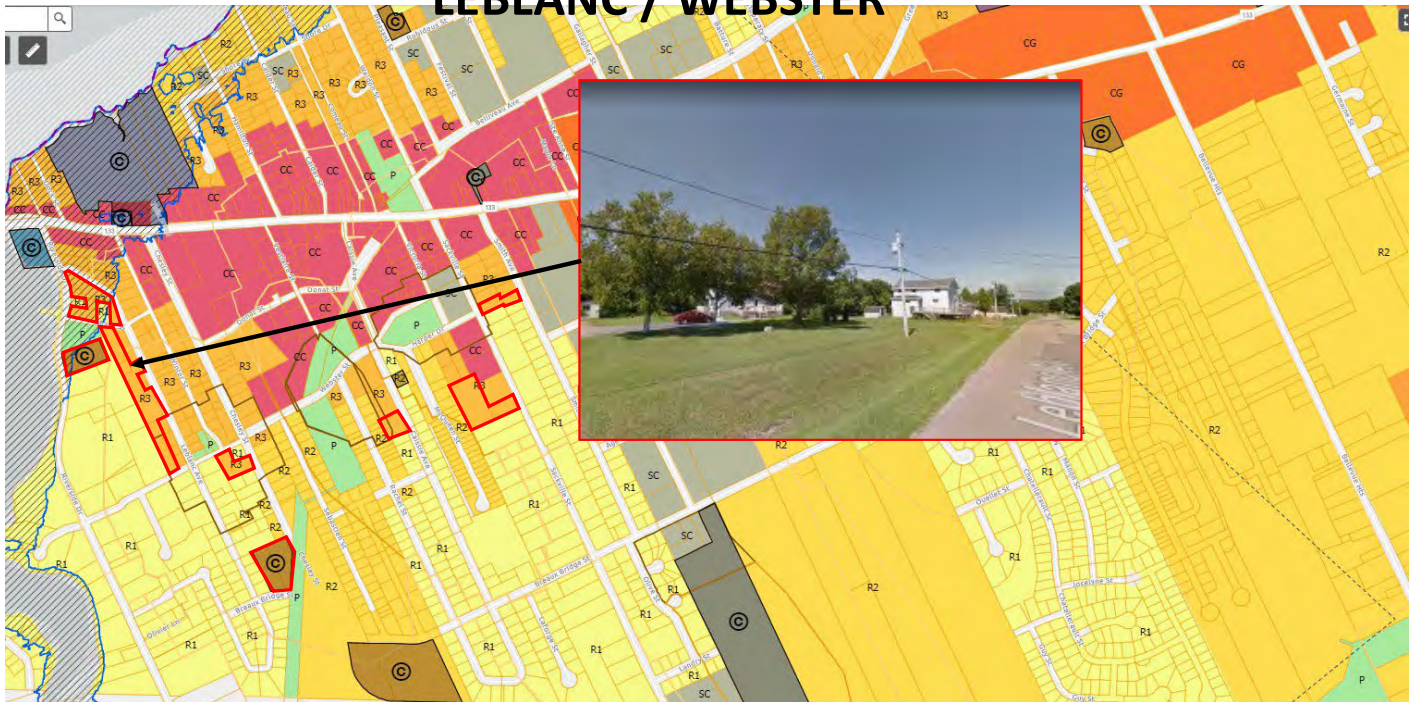
Riverview Office
 Operations Centre
 300, rue Roberston Street
 Riverview, NB E1B 0T8
 Tel/tél : 506 382 3574

RIVERSIDE DRIVE



* Result of a rezoning from R1 to R3

LEBLANC / WEBSTER



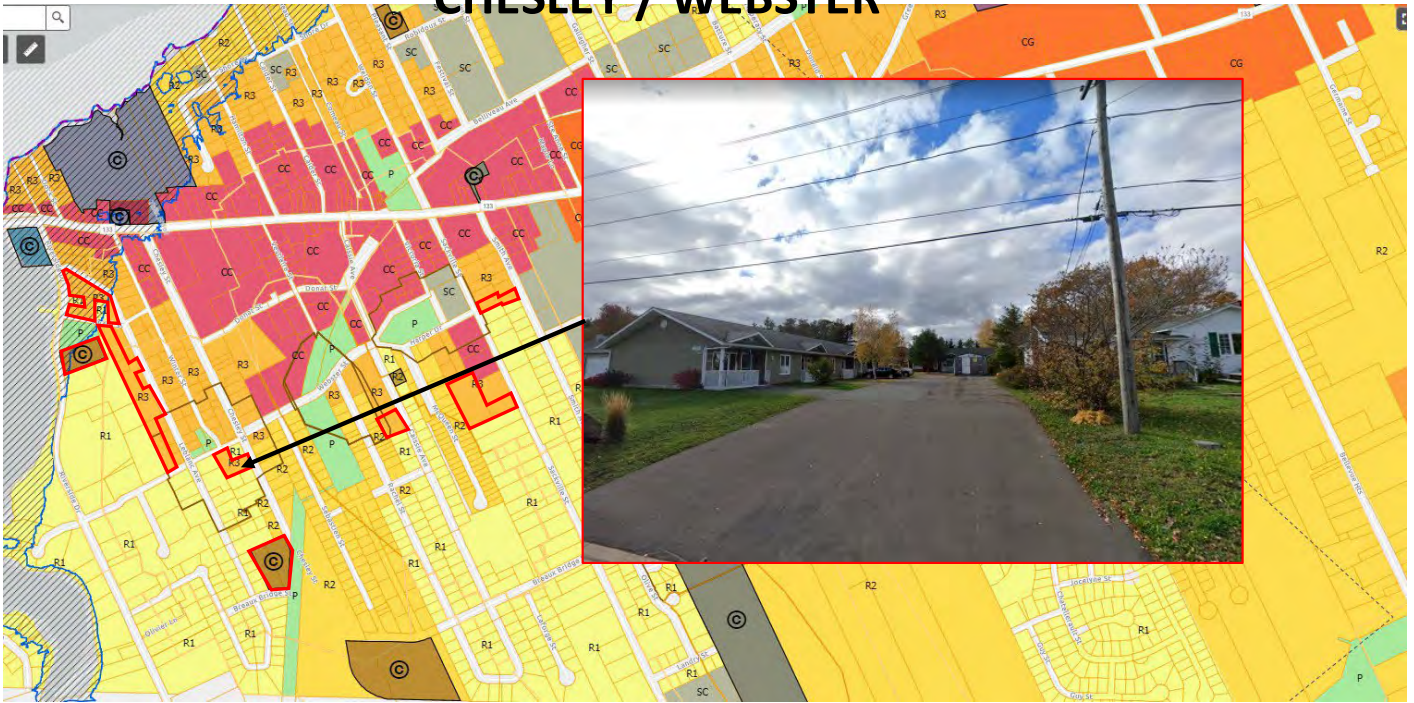
Main Office
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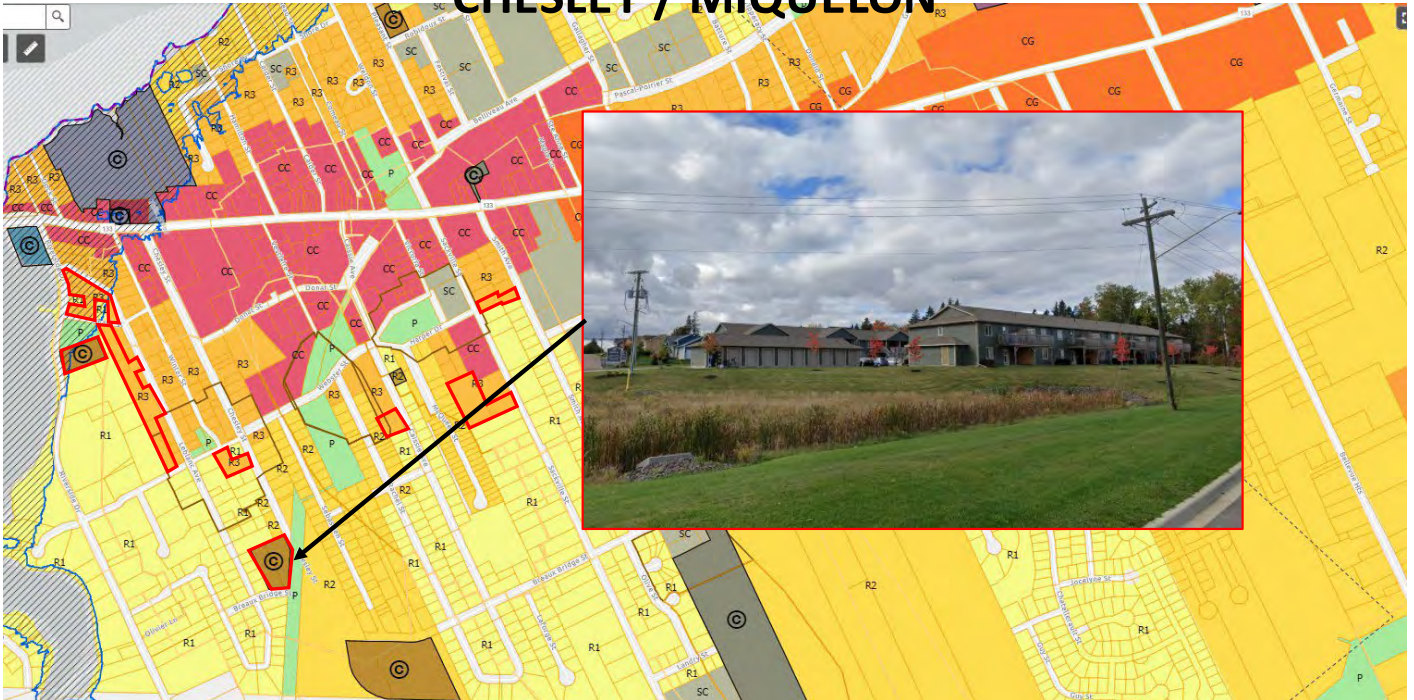
Tantramar Office
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Riverview Office
 Operations Centre
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CHESLEY / WEBSTER



CHESLEY / MIQUELON



* Result of a rezoning from R1 to R3

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Beaubassin Office

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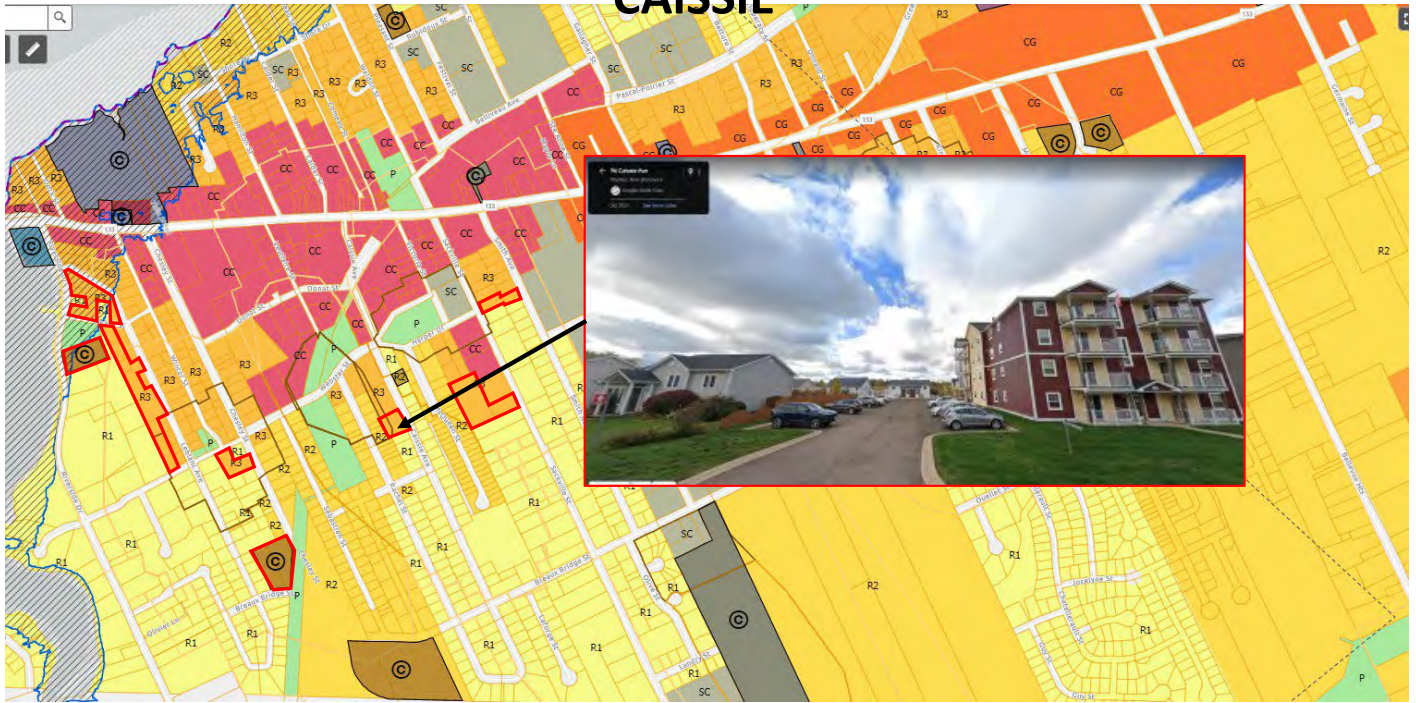
Tantramar Office

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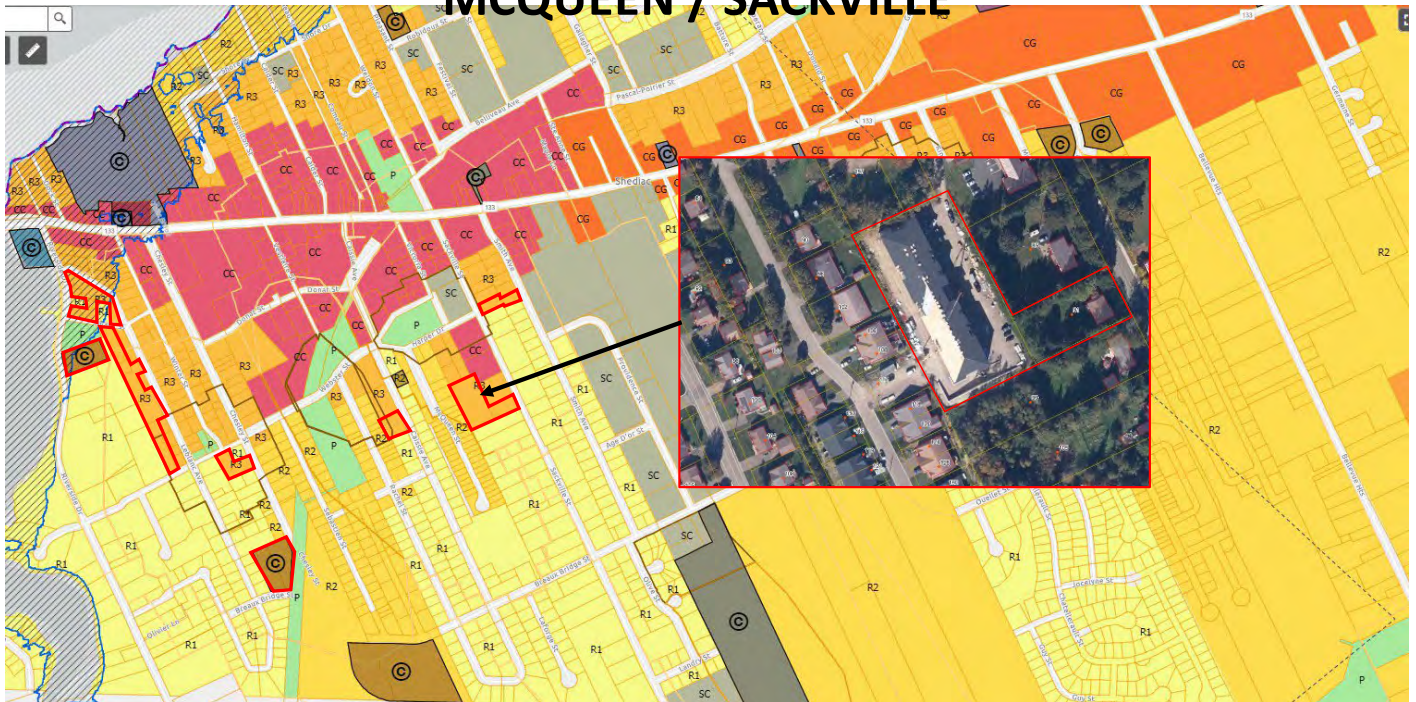
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CAISSIE



MCQUEEN / SACKVILLE



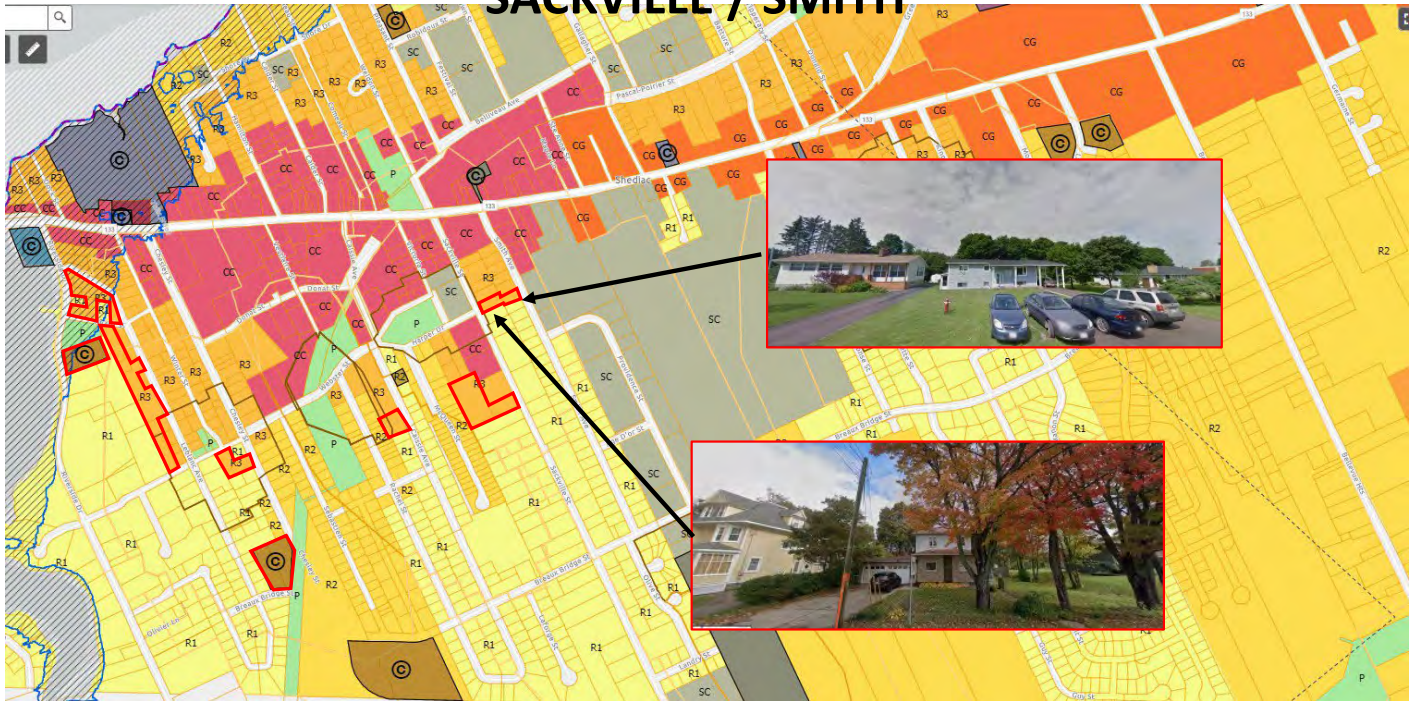
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 Riverview, NB E1B 0T8
 Tel/tél : 506 382 3574

SACKVILLE / SMITH



ALPHONSE



* Result of a rezoning from R1 to R3

* Daycare

Main Office

1234 rue Main Street
 2nd Floor, Unit/unité 200
 Moncton, NB E1C 1H7
 Tel/tél : 506-382-5386

Beaubassin Office

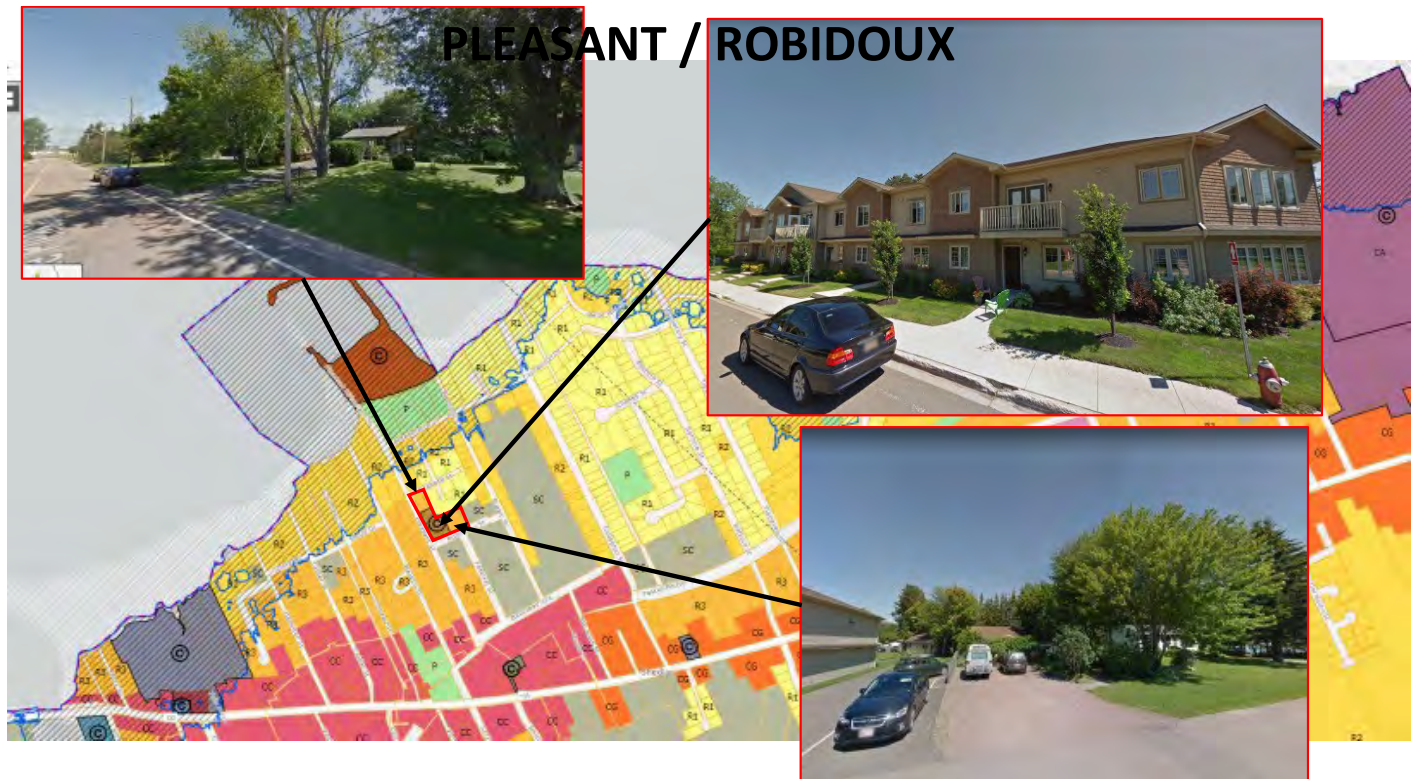
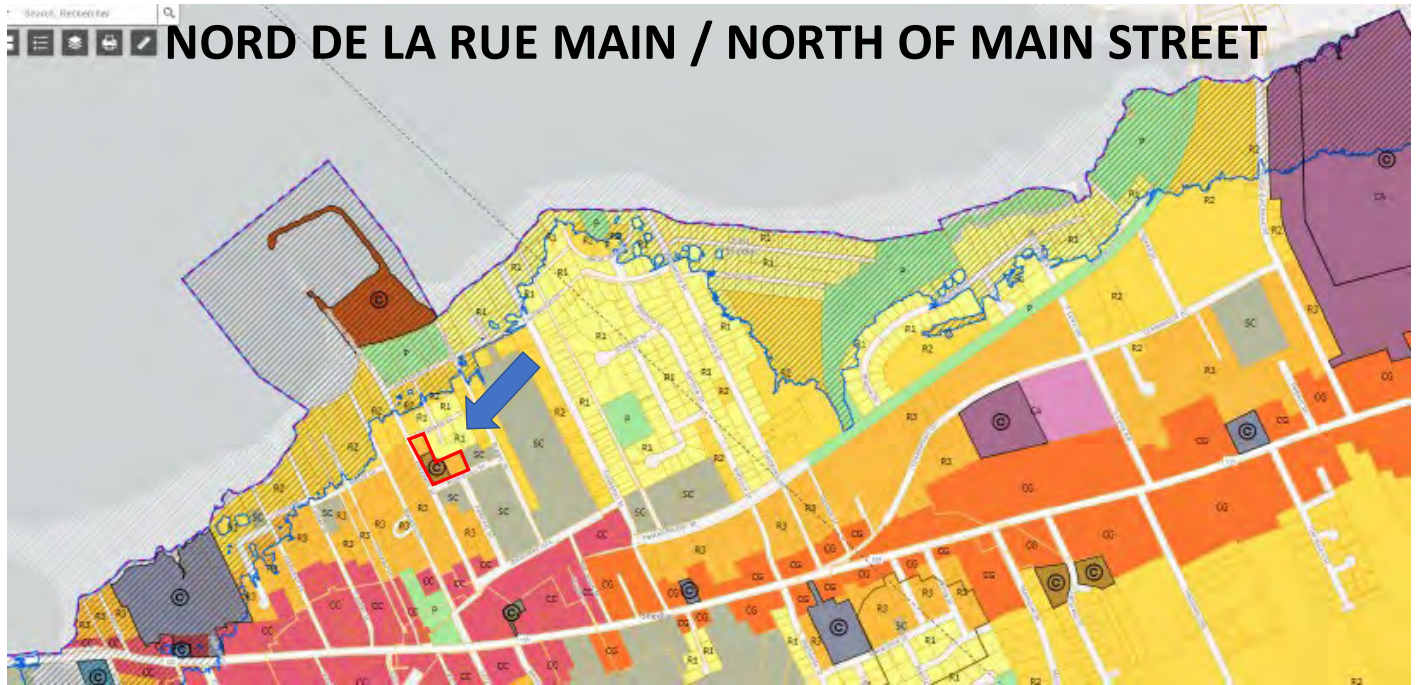
815A rue Bombardier Street
 Route 15, Exit/sortie 37
 Shediac, NB E4P 1H9
 Tel/tél : 506-533-3637

Tantramar Office

112 rue Main Street
 Unit/unité C
 Sackville, NB E4L 0C3
 Tel/tél : 506-364-4701

Riverview Office

Operations Centre
 300, rue Roberston Street
 Riverview, NB E1B 0T8
 Tel/tél : 506 382 3574



Main Office
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Current zoning bylaw oversight and proposed solution

Protecting Single family homes from large R3 developments

Shediac has been experiencing a steady influx of new residents and an increase in large multi-unit residential development in recent years. While this growth is positive for the town's economy and overall prosperity, it also brings with it the need for careful urban planning and regulation.

Over the last 10yrs or so, my company, Spitfire Design Co. has designed over 14,000 apartment units in New Brunswick alone, incl. Dieppe, Riverview, Moncton, Saint John, Rothesay, Fredericton, etc. We also designed (and are currently designing) the bulk of recent mid-rise apartment buildings in Shediac, with approx. 1,500 units either already occupied, being designed or being considered.

One major oversight in the current zoning bylaw is that there is no framework to protect R1 single family homes from large multi-residential units (*R3 to R1*) like in similar municipalities such as Riverview, Dieppe and Moncton. Despite the current Shediac Municipal Plan calling for '*Responsible Consumption*' and '*Intelligent Growth*', the current bylaw does not reflect this.

From the current Shediac Municipal Plan

"Responsible consumption: It is important that land development, when it comes to housing, commerce, employment, community services, and municipal infrastructures, be planned in a viable and orderly fashion. A shortcoming in one of these aspects can lead to several undesirable consequences to the community residents. Therefore, it is essential to address each one of these aspects adequately and to guarantee their constant, perfect control."

In speaking with various members of Shediac staff and the Planning Commission, all agreed this was an oversight and that it would likely be corrected during the next Municipal Plan review, which could take several years. At the current pace of development, this oversight could create irreparable damage.

Shediac has a small-town feel and a close-knit community, and residents (and tourists) take pride in the town's unique character and charm. As development continues, there is a risk that the town's character could be lost or diluted.

In general, R3 zones should never abut R1, but because of rezonings and outdated zoning maps, they can happen. This amendment request would help to minimize the impact of new development on existing homes and neighborhoods. By requiring more responsible setbacks for large R3 multi-storey buildings abutting R1 zones, this adjustment would provide a buffer zone between these very different types of properties and building uses, reducing noise, traffic, and other disturbances. It would also limit the potential for shading (loss of sunlight) or other negative effects on neighboring properties.

Conversely, single-family homes generate noise in other forms such as playing music, barking dogs, loud vehicles or outdoor sports that can be disturbing to the residents of multi-residential buildings.

By not requiring a proper buffer, the Municipality is allowing a scenario that has the potential of never being resolved, for all parties.

This proposed amendment would create a more predictable and stable environment for residents. Knowing that new development abutting R1 will be limited in height and set back a certain distance from their homes would provide peace of mind for current homeowners. They would not have to worry about sudden changes to their neighborhoods or the arrival of towering buildings that could impact their quality of life. From speaking with residents, most people had no idea there are no buffer guidelines currently in place in the bylaw.

Furthermore, the proposed bylaw amendment would also benefit future developers and future rezonings. While it would impose certain restrictions on new construction, it would also provide a clear framework for development that could make the process smoother and more streamlined. Developers would know in advance what the setbacks are, based on building heights, reducing the risk of costly mistakes or unexpected changes. This could encourage more investment in the area and contribute to the town's overall growth and prosperity.

Finally, without this framework, we are asking PRAC and/or Council to impose rezoning conditions arbitrarily, with inconsistent results. The onus should not be on them.

It's for this reason, with direction from an independent consultant, I decided to apply (and pay) for an amendment to the current out-dated bylaw.

From the current Shediac Municipal Plan

"In summary, we would be making a mistake if we designed a municipal development plan as a final product for the planning process. It must be flexible and adapt to changes. It is a tool that will allow our community to focus on clear goals."

In conclusion, my request is not to stop or even impede development of large multi-storey buildings. Shediac needs housing, and mid-rise buildings certainly make sense in the right locations, just not 5 feet from single family homes.

Proposed solution - Adopt mechanisms similar to other municipalities, including Moncton, Dieppe, Riverview:

1- When permitted, the height of a multiple unit dwelling shall be subject to the following conditions:

(a) any part of a building located within 12 metres of an abutting R1 Zone shall not exceed two stories with a maximum height of nine metres;

(b) any part of a building located between 12 and 15 metres of an abutting R1 Zone shall not exceed three stories with a maximum height of 12 metres; and

(c) any part of a building located more than 15 metres from an abutting R1 Zone shall not exceed four stories with a maximum height of 15 metres.

2- Screening shall be provided and maintained on a lot containing a multiple unit dwelling, consisting of the existing vegetation or structures if sufficient to screen the lot from adjacent properties, but when the existing vegetation or structures are insufficient, the screening shall consist of:

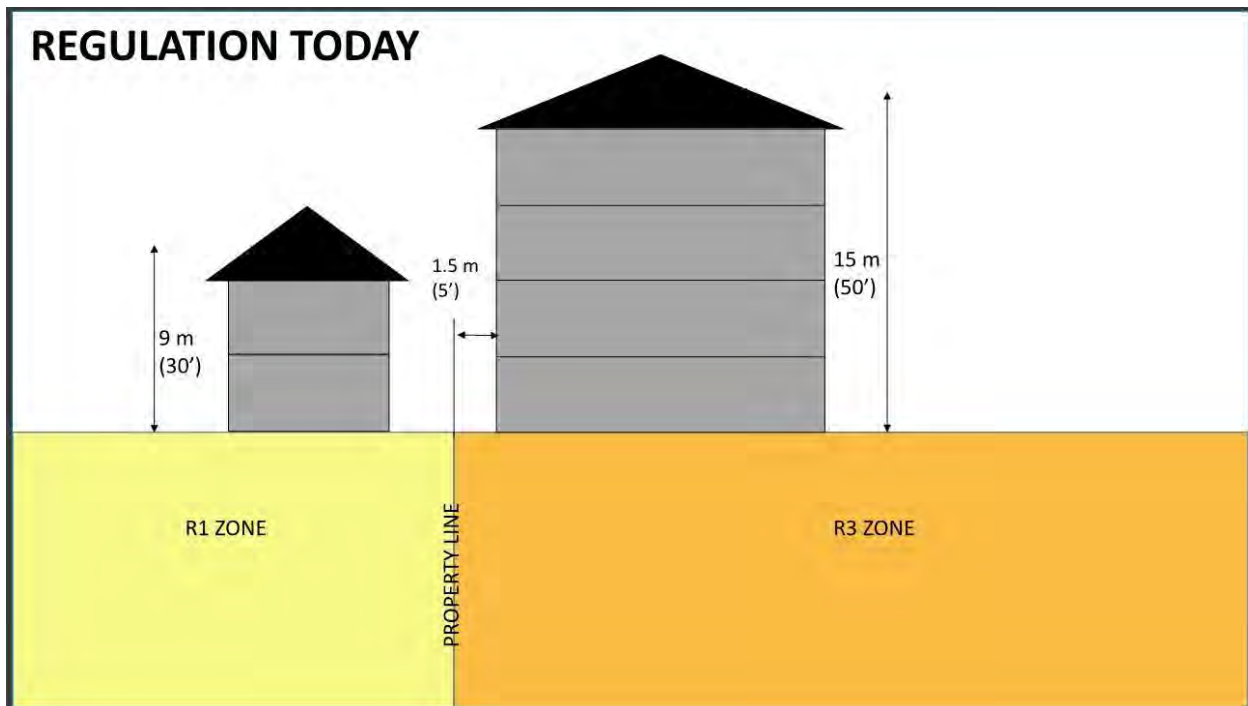
(a) if the multiple unit dwelling lot abuts a R1 Zone, a six metre wide landscaping buffer

(i) a two metre high decorative solid fence secured with 15.24 centimetre x 15.24 centimetre posts , no more than 2.4 metres apart, along or parallel to the common property line

Note: all existing mature trees in the required buffer are to remain and also be protected during construction

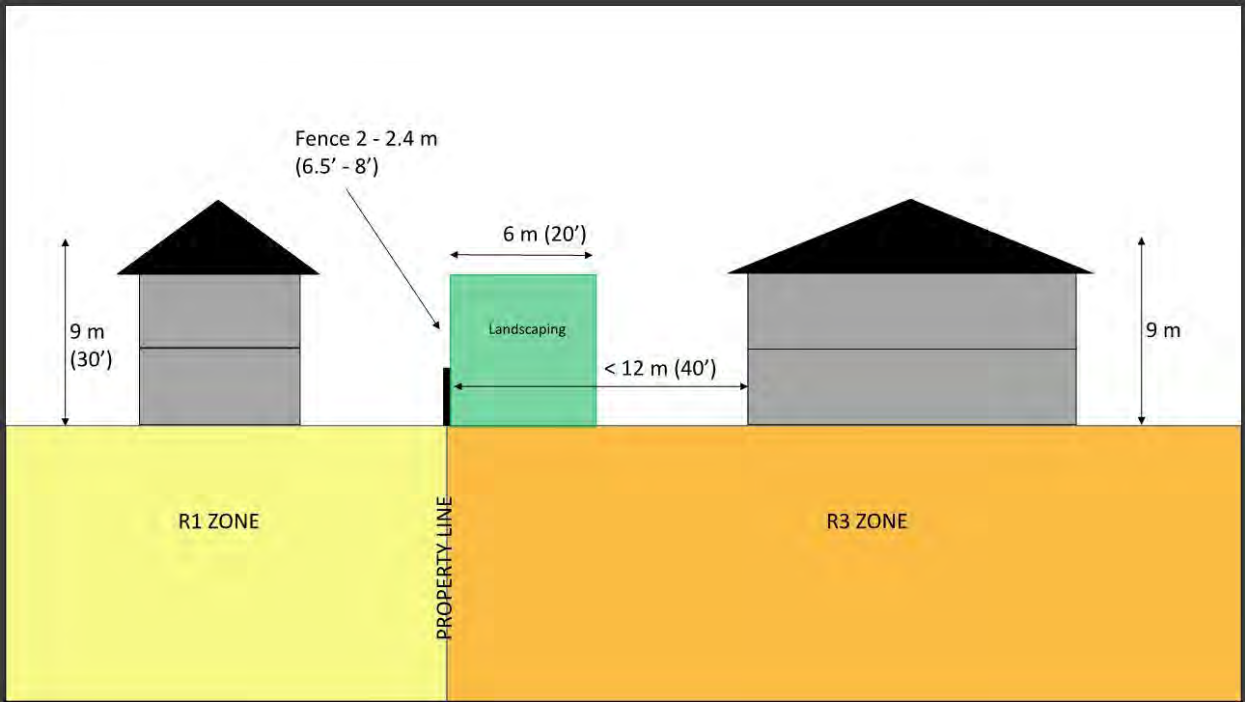
3- The landscaping buffer required in subsection (insert section) shall not be used for parking, driveways, garbage storage or public utility structures.

Current bylaw

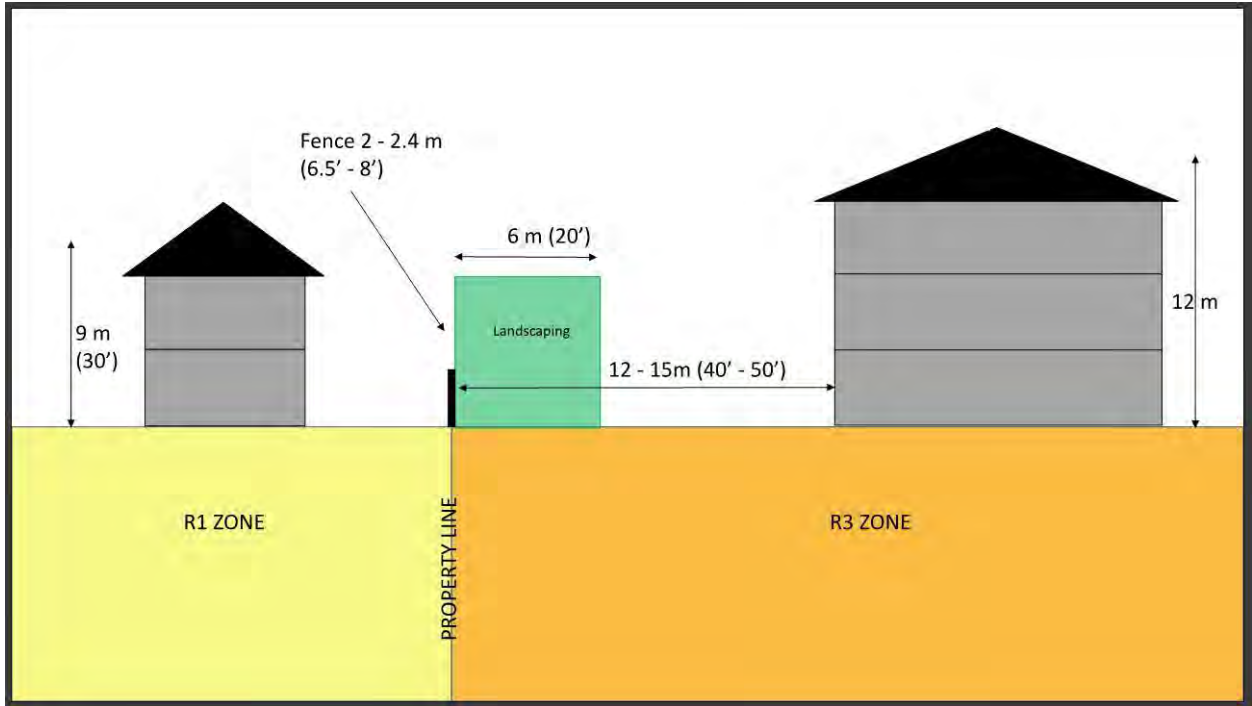


Proposed amendment

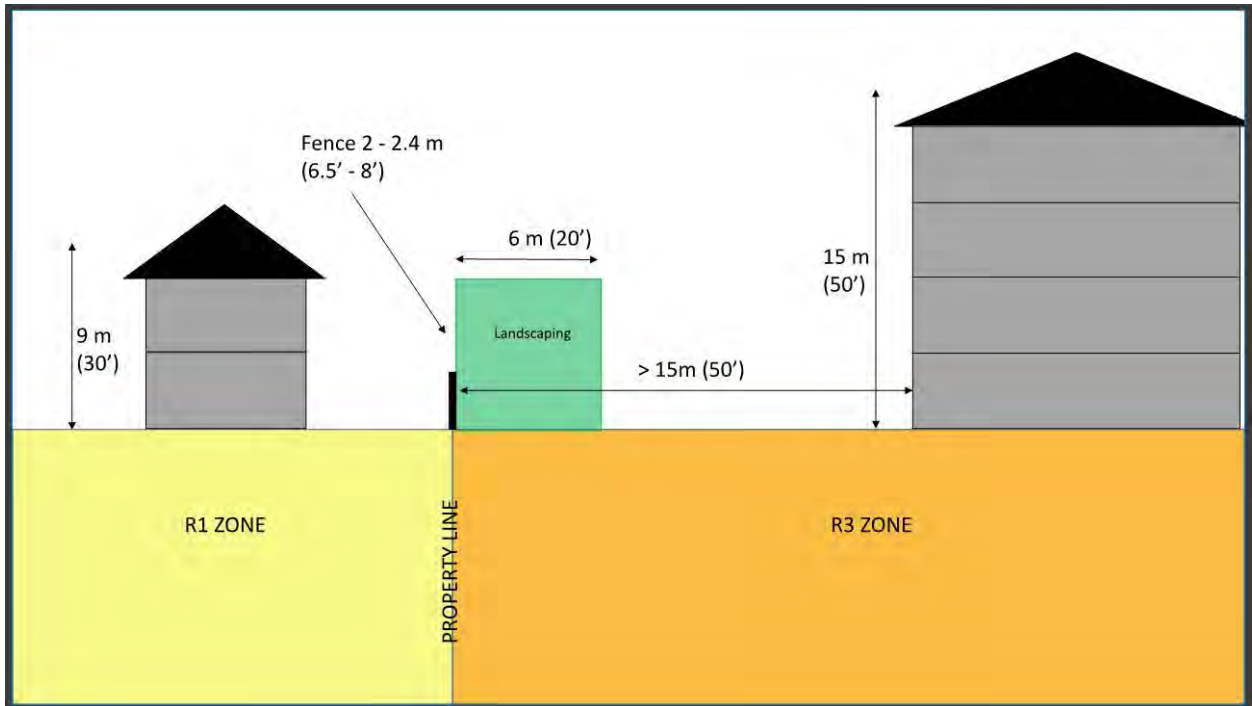
R1 abutting R3 - 2 storey building



R1 abutting R3 - 3 storey building



R1 abutting R3 - 4 storey building



Phil Robichaud

to me

Hi Denis,

Quick follow-up RE your request for the modification of the Zoning By-Law – file 23-0113

Please find attached a little analysis that we did RE the proposed modifications that you're proposing to the Shediac Zoning By-Law. Here's a summary of the findings:

- There's few properties impacted by this modification.
- Half of the areas impacted by this modification is the result of a rezoning from R1 to R3 or from R3 to R1.
- Most of the properties impacted by this modification is mostly built with either an existing single-unit dwelling or a multi-unit dwelling.

This proposed modification to the zoning by-law seems to be targeted to a specific property. Staff is of the opinion that this type of modification should be left in a municipal plan review where implementing standards to protect R1 zoning could be considered.

We will be recommending to Council to not proceed with this Zoning By-Law amendment. That being said, let us know if you still wish to proceed with an application to council. We are still in a window where a refund is possible.

Let me know if you'd like to discuss further.

Best,

Phil Robichaud

Urbaniste / Planner

1234, rue Main Street, Unit/unité 200, Moncton, NB E1C 1H7

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Request for an Amendment of the Zoning By-Law

Response to Plan360's recommendation and report

I. Lots Affected

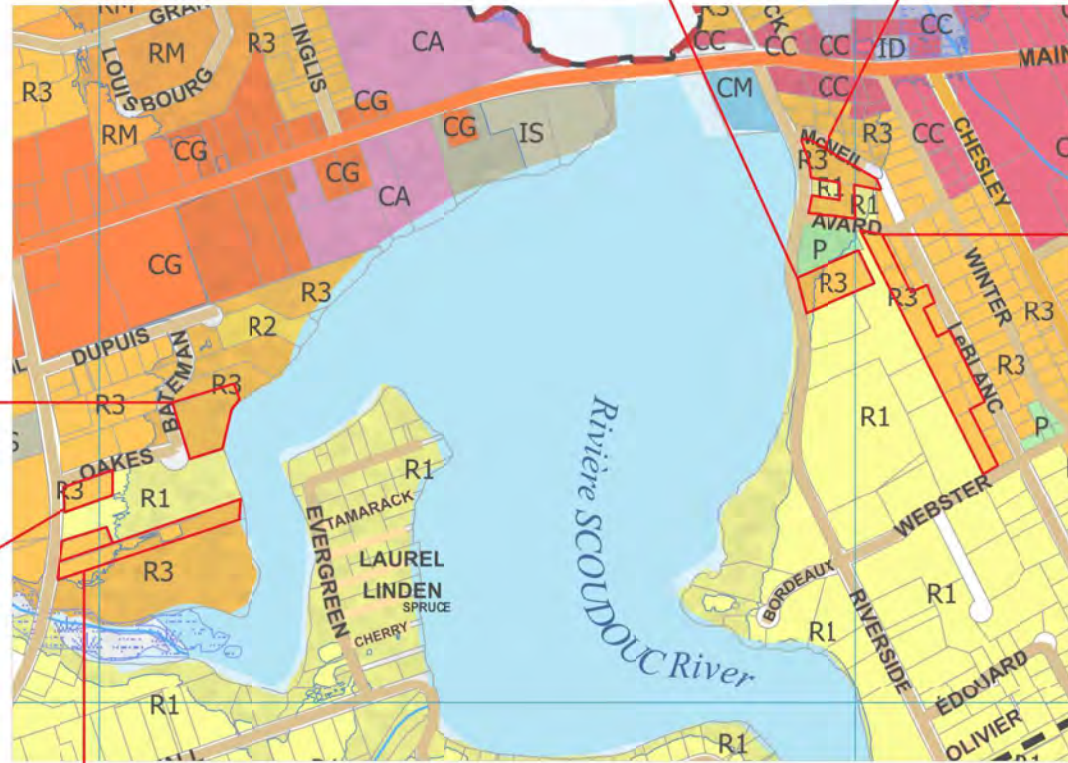
i. Cornwall Point, Riverside Drive, LeBlanc/Webster

Development complete, a five-storey apartment building.



Currently multiple homes located on the lot, yet it would be too small to build an apartment building here.

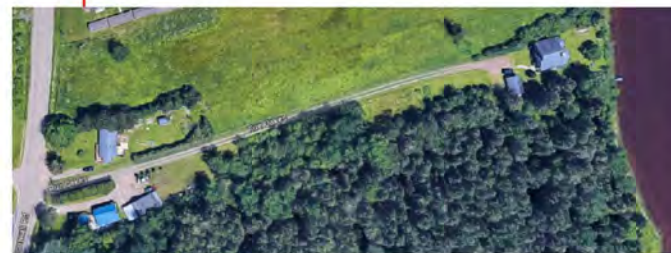
House currently occupying the lot, apartment building would not fit with the 30 meter watercourse buffer.



Currently multiple homes on the lots, would be too narrow and small to fit apartment building.



Development complete, a four-storey apartment building.



Several houses occupying the lots, too narrow to accommodate an apartment building. No development proposed at time of amendment request.

ii. South of Main Street

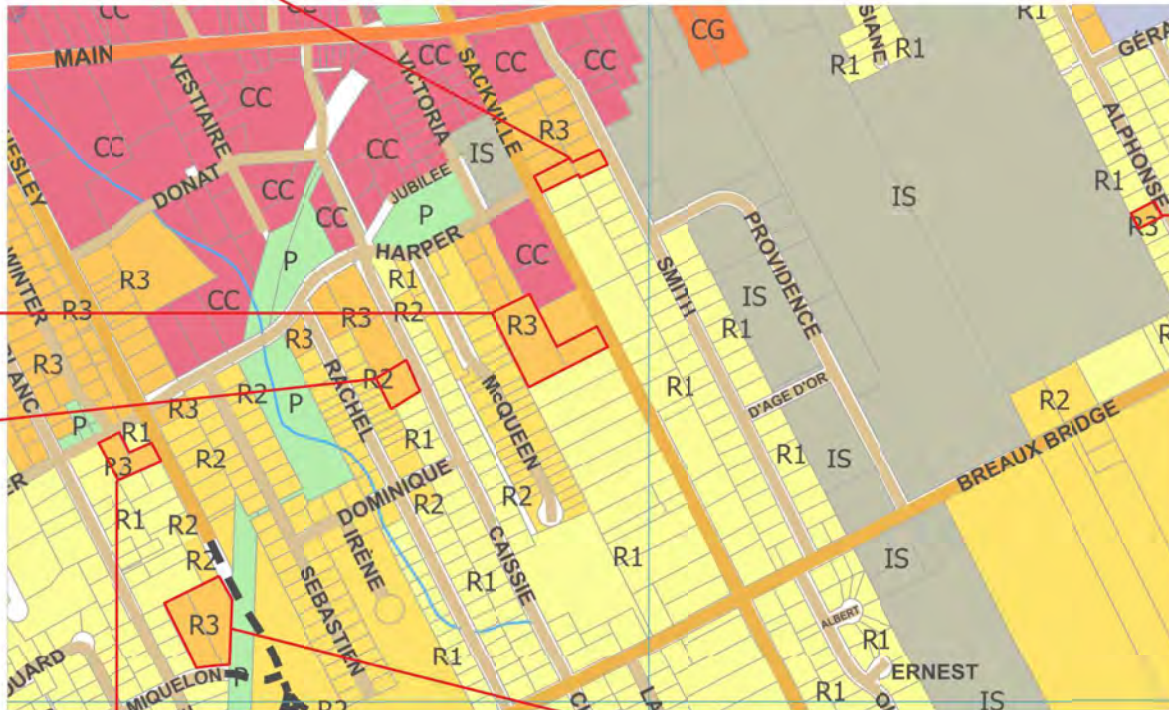


Currently all single family homes. The first two lots could not bear an apartment building, all 11 R3 lots would need to be amalgamated in order for a large development to be feasible, which could still be set back from the single family homes as proposed in my amendment request. No development proposed at time of amendment request.

Development under construction, a four-storey apartment building, which is 14 meters from the abutting R1 lot on the south side.



Existing four-storey apartment building.



Currently has a daycare on the lot; it is too small to fit any sort of development.



Currently has row houses on the lots, the lot would be too small to accommodate anything else.



Newly-built two-storey apartment building on the lot.

iii. North of Main Street



Existing two-storey apartment building on one of the lots, with houses on the remaining lots. There would not be enough space to build a larger apartment building here.

As shown above (and by Plan360), the proposed amendment does not affect any current lots or any current developments. Since this is obviously an oversight, one that could affect future development, wouldn't make sense to rectify now before irreparable damage is done?

Lastly, can anyone at the municipality answer yes to any of these questions?

1. Is there a scenario where it makes sense to have a large multi-storey apartment building so close to a single family home?
2. Is there a chance the current R1-R3 1.5m setback would remain in place once the Municipal Plan and the associated bylaws get revised in 3-4 years?
3. Do you believe Shediac wants to encourage or even tolerate irresponsible development?