
PLANNING ADVISORY COMMITTEE



The City of Saint John

July 22, 2020

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Zoning By-Law Text Amendment
 Rural Mixed Residential (RMX) Zone**

On June 22, 2020 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its July 21, 2020 meeting.

Mr. Mark Reade, of Growth and Community Development Services, provided an overview of the proposed zone.

Responding to a question from the Committee, Mr. Reade and Kenneth Melanson, Manager of Community Planning, noted Staff would review the term “mobile or mini-home” in conjunction with future housekeeping amendments to the Zoning By-Law.

No other persons appeared before the Committee and no letters were received regarding the application.

One committee member was concerned that there may be some confusion with term ‘mobile home’ – he worried that the public’s perception of this term would refer to outdated models of mobile homes from the 1970’s.

Upon considering the Staff report and presentation, the Committee adopted the Staff Recommendation.

RECOMMENDATION:

1. That Common Council adopt the attached by-Law amendment entitled “By-Law No. C.P. 111-xx, A Law to Amend the Zoning By-Law of The City of Saint John.”

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AWC', with a long horizontal line extending to the right.

Alexandra Weaver Crawford
Chair

Attachments





The City of Saint John

Date: July 17, 2020
To: Planning Advisory Committee
From: Growth and Community Planning
Growth and Community Development Services
Meeting: July 21, 2020

SUBJECT

Applicant: City of Saint John
Application Type: Zoning By-law Amendment
Jurisdiction: The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, August 10, 2020**.

EXECUTIVE SUMMARY

A new zone (Rural Mixed Residential (RMX) Zone) is proposed for rural areas of the City, which provides for mobile or mini homes as a permitted use along with uses currently allowed in the Rural Residential (RR) zone. This new zone provides new housing options in the City's rural areas, which was previously restricted, through a rezoning process. Staff believe that the new zone will support additional affordable housing options for Saint John. Adoption of the proposed Zoning By-law amendment is recommended.

RECOMMENDATION

1. That Common Council adopt the attached by-Law amendment entitled "By-Law No. C.P. 111-xx, A Law to Amend the Zoning By-Law of The City of Saint John."

DECISION HISTORY

The proposed approach of a new zone is a result of a 2019 temporary use application to place a mobile or mini home on a lot on Nadiana Way (30 Nadiana Way). The 2019 application resulted in a broader review of the mobile or mini-home provisions of the Zoning By-law within the context of rural areas of the City.

ANALYSIS

Proposal

A new zone is proposed for rural areas of the City, which would provide for mobile or mini-homes as a permitted use in addition to uses currently allowed in the Rural Residential (RR) zone. This zone would apply in areas outside of the Primary Development Area (PDA), which are primarily designated Rural Residential. A variety of housing forms are facilitated by the proposed zone, including mobile or mini homes on standalone lots not located within a manufactured housing park. This zone would be available to landowners through a rezoning process.

Currently, for lands zoned Rural Residential, mobile or mini-homes are only allowed if one lawfully existed prior to when the Zoning By-law came into effect. This means that anyone with an existing lawful mobile or mini-home can continue this use and replace the dwelling with another mobile or mini-home. Those sites that did not have one prior to when the Zoning By-law came into effect, cannot introduce a mobile or mini-home on their rural property. This creates a housing gap where those that were “first in” may develop a form of residential housing typical and customary in the rural context, while those purchasing undeveloped lots cannot. The proposed new zone would provide an avenue to place a mobile or mini-home on the site through a rezoning process.

The proposed new zone is a component of the recent Zoning By-law updates regarding mobile and mini homes to provide for additional affordable housing in select areas outside of the PDA, which responds to the existing rural residential context.

The Zoning By-Law currently permits mobile or mini-homes in the following zones:

- Rural Residential (RR) – Currently mobile or mini homes are permitted on lots that contain an existing mini or mobile home.
- Rural Settlement Residential (RS) - Currently mobile or mini homes are permitted on lots that contain an existing mini or mobile home.
- Mini-Home Park Residential (RP) – The Mini-Home Park Residential (RP) zone accommodates serviced residential development in the form of mobile or mini-home parks or communities with streets (Public or private). The zone also accommodates mobile home parks regulated by the Saint John Mobile Home Parks By-law.

- Rural (RU) - New mini or mobile homes are permitted on lots having this zoning.

Municipal Plan

The proposed zone is generally intended for areas currently designated as Rural Residential on Schedule B of the Municipal Plan. These are areas of existing or approved low-density residential development located beyond the Primary Development Area that are unserved, and not within a Rural Settlement Area.

An analysis of the By-law amendment with respect to relevant Municipal Plan policies is provided in Attachment 2. The findings of this review are summarized as follows:

- As the zone is based on standards currently applied in the City's rural areas, the scale of development within areas having this zone would be similar to that currently found in Rural Residential and Rural areas.
- The Municipal Plan supports the provision of manufactured housing in all areas of the City.
- The proposed zone focuses on residential land uses, conforming to the intent of the Rural Residential land use designation.
- The housing forms within the proposed zone are well-suited to the on-site servicing approach in the City's rural areas.
- The Municipal Plan sets out goals to provide a wide array of housing options for people of various income levels, in all areas of the city.

From the assessment provided in Attachment 2, Staff are of the opinion the proposed text amendment to the Zoning By-Law to incorporate the new zone conforms to the policy direction established in the Municipal Plan.

Areas designated Rural Residential in the Municipal Plan generally include two types of residential development:

- Developed subdivisions, which received approval prior to the adoption of the current Municipal Plan and are mostly built out. The proposed zone is not intended for these areas, as many have developed with covenants, which require specific house designs and styles by the developer and often have standards relating to minimum floor area that is often greater than the Zoning By-law. An exception to this may be rare instances of subdivisions which have not built out and no design context has been established. Once such instance is proposed for the use of this zone.
- Areas of existing, concentrated residential development that are not within a developing approved subdivision such as areas along major rural arterial and collector roadways including as Loch Lomond Road, Latimore Lake Road and Golden Grove Road. These are the specific areas that are intended for the application of the proposed zone.

Policy I-2 of the Municipal Plan provides criteria to be assessed when reviewing a rezoning application, including conflicts with adjacent land uses with respect to the type of use and site design considerations such as height, massing and lot coverage. Staff note the proposed zone standards for the RMX zone are based on those currently in the Rural Residential (RR) zone, which allows the RMX zone to integrate within the surrounding context.

Zoning By-Law Amendment

The proposed amendment to the Zoning By-law is provided in Attachment 1. The proposed Rural Mixed Residential (RMX) zone is based on the Rural Residential (RR) zone with the following amendments:

- The addition of a mobile or mini home as a permitted use.
- A required minimum ground floor area of 65 square metres for mobile or mini homes. This floor area is consistent with other zones in the by-law that permit mobile or mini homes.
- Requirements that the mobile or mini home shall be placed on a lot so that its length is parallel to the street and that opaque skirting around the perimeter between the building and ground level if it is not located on a permanent foundation. This is consistent with the requirements for mobile or mini homes in the Rural (RU) zone.

The requirements of Sections 4 through 9 of the Zoning By-law that address items such as signage, landscaping and access would apply to the new zone in the same manner they would apply to a Rural Residential zone.

The definition of a “Residential Zone” within the by-law would also be amended to include the RMX zone, with the RMX zone added to this definition.

The proposed zone will provide landowners who rezone to RMX an array of housing options that are typical to the rural context, including mobile or mini-homes. This will in turn provide more opportunities for a mixture of housing forms throughout the rural area. Providing greater housing options for all citizens is a primary goal of the Municipal Plan and will provide greater flexibility to landowners to help address the affordability issues being experienced in the City.

Among the major cities in New Brunswick, Saint John is rather unique when compared with other municipalities with respect to rural residential development. Saint John has a larger rural area when compared to Moncton or Fredericton. Within the New Brunswick context, the Saint John perspective is more similar to that of Miramichi, with a rural area that extends along major roadways. Staff note a similar approach to that proposed by Saint John is currently employed by the City of Miramichi within rural areas of the City that have a more residential nature through a zone that permits mini homes in addition to other housing forms.

Staff note that the approach proposed focuses on areas outside of the PDA through a limited approach, which traditionally have experienced this type of development. Within the PDA, the Mini-Home Park Residential (RP) zone would provide for this type of development.

Conclusion

The proposed zone promotes housing affordability by introducing a new housing form to areas designated as Rural Residential in the Municipal Plan. This is in line with the policy direction established in the Plan. Proposed zone standards are consistent with those currently in place in the City's rural areas. Adoption of the amendment is recommended.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternative was considered.

ENGAGEMENT**Public**

Notice of the proposed rezoning was posted on the City of Saint John website on July 17, 2020.

APPROVALS AND CONTACT

Author	Manager	Commissioner
Mark Reade , P.Eng., MCIP, RPP	Kenneth Melanson , BA, RPP, MCIP	Jacqueline Hamilton , MCIP, RPP

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APPENDIX

Attachment 1: **Proposed Zoning By-Law Text Amendment**

Attachment 2: **Municipal Plan Policy Review**

**BY-LAW NUMBER C.P. 111-
A LAW TO AMEND
THE ZONING BY-LAW
OF THE CITY OF SAINT JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1. Adding the following to the list of Residential zones in Section 2.2:

“Rural Mixed Residential (RMX) Zone”

2. Adding the following as Section 10.11:

“10.11 Rural Mixed Residential (RMX) Zone

Municipal Plan Context

The Rural Mixed Residential Zone accommodates unserviced residential development in a variety of forms including one-unit and two-unit dwellings as well as mobile or mini-homes. This provides the opportunity for a mixture of housing forms and options on a lot. Secondary suites and garden suites are allowed depending on specific circumstances.

The Rural Mixed Residential (RMX) Zone is intended for land outside the Primary Development Area that is designated Rural Residential. However, land in other appropriate designations could be zoned RMX.

**ARRÊTÉ N^o C.P. 111-
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE
ZONAGE DE THE CITY OF SAINT
JOHN**

The City of Saint John, réunie en conseil communal, édicte ce qui suit :

L'Arrêté de zonage de The City of Saint John, édicté le 15 décembre 2014, est ainsi modifié :

1. L'article 2.2 est modifié par adjonction de la zone suivante à la liste de zones résidentielles :

Zone rurale résidentielle mixte (RMX)

2. L'article 10.11 qui suit est ajouté :

10.11 Zone rurale résidentielle mixte (RMX)

Mise en contexte

La zone rurale résidentielle mixte accueille des aménagements résidentiels non viabilisés dans différentes formes, dont des habitations unifamiliales et bifamiliales et des maisons mobiles ou des mini-maisons. Elle favorise un mélange de types de logements et d'options en matière de logement sur un lot. Y sont également permis, dans certains cas précis, les logements accessoires et les pavillons-jardins.

La zone rurale résidentielle mixte (RMX) est destinée aux terrains situés à l'extérieur du principal secteur de développement qui sont désignés *secteur résidentiel rural*. Cependant,

des terrains situés dans d'autres désignations qui conviennent pourraient être zonés RMX.

10.11(1) Permitted Uses

Any land, building or structure may be used for the purposes of, and for no other purpose than, the following:

- Agricultural Use, Existing, subject to paragraph 10.10(2);
- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling, One-Unit;
- Dwelling, Two-Unit;
- Garden Suite, subject to section 9.8;
- Home Occupation, subject to section 9.9;
- Mobile or Mini-home; subject to paragraph 10.11(2)(k);
- Secondary Suite, subject to section 9.13;
- Supportive Housing, subject to section 9.14;
- The existing use described in Schedule E; Exceptions, of each lot respectively, identified therein as being located in the RMX zone.

10.11(2) Zone Standards

(a) Minimum Lot Area
5,350 square metres

(b) Minimum Lot Frontage

10.11(1) Usages permis

Les terrains, bâtiments et constructions ne peuvent être affectés qu'aux fins suivantes :

- activité professionnelle à domicile, sous réserve de l'article 9.9;
- foyer-garderie, sous réserve du paragraphe 9.5a);
- garderie de quartier, sous réserve du paragraphe 9.5b);
- gîte touristique, sous réserve de l'article 9.2;
- habitation bifamiliale;
- habitation unifamiliale;
- logement accessoire, sous réserve de l'article 9.13;
- logement avec services de soutien, sous réserve de l'article 9.14;
- l'usage *existant* décrit à l'Annexe E : Exceptions exercé sur chaque lot qui est indiqué dans cette annexe comme étant situé dans la zone RMX;
- maison mobile ou mini-maison, sous réserve du paragraphe 10.11(2)(k);
- pavillon-jardin, sous réserve de l'article 9.8;
- usage agricole existant, sous réserve du paragraphe 10.10(2).

10.11(2) Normes applicables à la zone

a) Superficie de lot minimale
5 350 mètres carrés

b) Façade de lot minimale

60 metres	60 mètres
(c) Minimum Lot Depth 40 metres	c) Profondeur de lot minimale 40 mètres
(d) Minimum Front Yard 7.5 metres	d) Cour avant minimale 7,5 mètres
(e) Minimum Rear Yard 7.5 metres	e) Cour arrière minimale 7,5 mètres
(f) Minimum Side Yard, the lesser of 15 percent of the lot frontage or 4.5 metres	f) Cour latérale minimale, la valeur la moins élevée s'appliquant : 15 % de la façade du lot ou 4,5 mètres
(g) Minimum Flankage Yard 7.5 metres	g) Cour de flanc minimale 7,5 mètres
(h) Minimum Ground Floor Area: 1 storey – 90 square metres Split-Level – 70 square metres 1 ½, 2, or 3 Storeys – 60 square metres Mobile or Mini-Home – 65 square metres	h) Aire de plancher minimale du premier étage 1 étage – 90 mètres carrés Maison à demi-niveaux – 70 mètres carrés 1,5, 2 ou 3 étages – 60 mètres carrés maison mobile ou mini-maison – 65 mètres carrés
(i) Maximum Building Height: 11 metres	i) Hauteur des bâtiments maximale 11 mètres
(j) Other Requirements In accordance with the General Provisions, Parts 4-9 where this zone shall be considered a Rural Residential (RR) zone.	j) Autres exigences Conformément aux dispositions générales énoncées aux parties 4 à 9, et la zone en question doit être considérée en tant que zone résidentielle rurale (RR)
(k) Building Placement A Mobile or Mini-home permitted in subsection 10.11(1) shall be subject to the following:	k) Situation des bâtiments Les maisons mobiles et les mini- maisons permises par le paragraphe 10.11(1) sont subordonnées aux conditions
(i) The building shall	

be placed on a lot so that its length is parallel to the street; and

(ii) If not placed on a permanent foundation, the building shall have skirting of an opaque material installed around its perimeter between the building and ground.

suivantes :

(i) elles sont placées sur le lot de façon à ce que leur dimension la plus longue soit parallèle à la rue;

(ii) si elles ne sont pas placées sur une fondation permanente, un jupon de vide sanitaire d'un matériau opaque est installé autour de leur périmètre, entre le bâtiment et le sol.

3. Section 10 is amended by adding the Rural Mixed Residential (RMX) Zone zone to Table 10-1

4. Section 3 Definitions is amended by deleting the definition of a “residential zone” and replacing it with the following:

“residential zone” means any zone denoted in this By-law as: Urban Centre Residential (RC), High-Rise Residential (RH), Mid-Rise Residential (RM), Low-Rise Residential (RL), Two-Unit Residential (R2), One-Unit Residential (R1), Suburban Residential (RSS), Mini-Home Park Residential (RP), Rural Settlement Residential (RS), Rural Residential (RR), or Rural Mixed Residential (RMX).

3. L'article 10 est modifié par adjonction, au tableau 10-1, de la zone rurale résidentielle mixte (RMX).

4. L'article 3 Définitions est modifié par suppression de la définition de « zone résidentielle » et son remplacement par ce qui suit :

« zone résidentielle » S'entend de toute zone désignée dans le présent arrêté comme zone résidentielle du centre-ville (RC), zone résidentielle – immeuble d'habitation de grande hauteur (RH), zone résidentielle – immeuble d'habitation de hauteur moyenne (RM), zone résidentielle – immeuble d'habitation bas (RL), zone résidentielle bifamiliale (R2), zone résidentielle unifamiliale (R1), zone résidentielle suburbaine (RSS), zone résidentielle – parc de mini-maisons (RP), zone résidentielle de peuplement rural (RS), zone résidentielle rurale (RR) ou zone rurale résidentielle mixte (RMX).

- all as shown on the plan attached hereto and forming part of this by-law.

- toutes les modifications sont indiquées sur la carte ci-jointe qui fait partie du présent arrêté.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2020 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2020, avec les signatures suivantes :

Mayor/Maire

Common Clerk/Greffier communal

First Reading -
Second Reading -
Third Reading -

Première lecture -
Deuxième lecture -
Troisième lecture -

Attachment 2: Municipal Plan Policy Review – Rural Mixed Residential (RMX) Zone

Policy/Policies and Subject Area	Staff Comment
<p>General residential polices</p> <p>Policy LU-42 Establish appropriate provisions in the Zoning Bylaw to require new development to have appropriate setbacks, massing and height to create and maintain high quality residential environments.</p>	<p>General residential polices</p> <p>Zone standards are based on those, which currently exist in the Rural Residential (RR) and Rural (RU) zones. As a result, the proposed zone responds to the current context.</p>
<p>Rural Residential Policies</p> <p>Policy LU-104 Create the Rural Residential designation on the Future Land Use map (Schedule B). Council intends that land within the Rural Residential Area designation is generally intended to accommodate existing rural residential development. Development of residential uses on existing lots shall be permitted but the creation of new lots for additional rural residential development will generally be discouraged, except where applications for subdivision were approved by Council prior to the adoption of the Municipal Plan. Council will permit other compatible uses including home occupations, parks, and community facilities without amendment to the Municipal Plan.</p> <p>Policy LU-105 Not permit the expansion of Rural Residential development to lands not currently designated for this form of development. Council therefore shall not consider applications to re-designate lands to the Rural Residential Area designation except where such an application is necessary to recognize an unintentionally omitted existing or approved legal land use.</p> <p>Policy LU-106 Permit the creation of new lots that have a minimum lot area of less than four (4) hectares (40,000 square metres) in the Rural Residential Area subject to compliance with the provisions in the Zoning Bylaw and in keeping with the rural character of the area. Council shall permit the creation of no more than two (2) new lots from a host parcel and will not permit the creation of any more than one (1) new access driveway per lot to a collector or arterial roadway as a result of such subdivisions, except where</p>	<p>Rural Residential Policies</p> <p>The proposed zone conforms to the intent of the Rural Residential land use designation of permitting residential land uses on existing lots.</p>

Attachment 2: Municipal Plan Policy Review – Rural Mixed Residential (RMX) Zone

<p>approved by Council prior to the adoption of the Municipal Plan.</p> <p>Policy LU-107 Generally not accept the dedication of new public streets or the creation of new private streets within the Rural Residential Area designation unless Council determines that the new street is necessary to provide safe access to the proposed development or is necessary to improve connectivity between existing developments in the general area.</p>	
<p>General Housing Policies / Manufactured Housing</p> <p>Policy HS-1 Monitor the land supply for housing across the City, to ensure it is adequate to meet the housing needs of all residents.</p> <p>Policy HS-6 Monitor housing tenure, particularly in the Neighbourhood Intensification Areas, to ensure a balanced supply of rental and homeownership opportunities.</p> <p>Policy HS-24 Permit manufactured housing in all areas of the City, in accordance with Zoning By-law provisions and the National Building Code.</p>	<p>General Housing Policies / Manufactured Housing</p> <p>The proposed approach of the new, more permissive zone provides an additional housing option and conforms to the intent of permitting manufactured housing in all areas of the City.</p>
<p>Implementation</p> <p>Policy I-2 In considering amendments to the Zoning Bylaw or the imposition of terms and conditions, in addition to all other criteria set out in the various policies of the Municipal Plan, have regard for the following:</p> <p>a. The proposal is in conformity with the goals, policies and intent of the Municipal Plan and the requirements of all City bylaws;</p> <p>b. The proposal is not premature or inappropriate by reason of:</p> <p> i. Financial inability of the City to absorb costs related to development and ensure efficient delivery of services, as determined through Policy I-7 and I-8;</p>	<p>Implementation</p> <p>The proposed by-law amendment meets the intent of providing additional housing forms in the City and additional affordable housing.</p> <p>Staff note the introduction of mobile and mini homes through a new zone is a minor increase in density and does not impact the City's financial ability to provide services nor the adequacy of infrastructure. These areas are serviced by individual, on-site means (well and septic).</p> <p>Appropriate controls are available through the Zoning By-law and Building By-law, and these requirements would be assessed at the building permit stage.</p>

Attachment 2: Municipal Plan Policy Review – Rural Mixed Residential (RMX) Zone

<p>ii. The adequacy of central wastewater or water services and storm drainage measures;</p> <p>iii. Adequacy or proximity of school, recreation or other community facilities;</p> <p>iv. Adequacy of road networks leading to or adjacent to the development; and</p> <p>v. Potential for negative impacts to designated heritage buildings or areas.</p> <p>c. Appropriate controls are placed on any proposed development where necessary to reduce any conflict with adjacent land uses by reason of:</p> <p>i. Type of use;</p> <p>ii. Height, bulk or appearance and lot coverage of any proposed building;</p> <p>iii. Traffic generation, vehicular, pedestrian, bicycle or transit access to and from the site;</p> <p>iv. Parking;</p> <p>v. Open storage;</p> <p>vi. Signs; and</p> <p>vii. Any other relevant matter of urban planning.</p> <p>d. The proposed site is suitable in terms of steepness of grade, soil and geological conditions, locations of watercourses, wetlands and susceptibility of flooding as well as any other relevant environmental consideration;</p> <p>e. The proposal satisfies the terms and conditions of Policy I-5 related to timeframes and phasing of development; and</p> <p>f. The proposal meets all necessary public health and safety considerations.</p>	
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