

**BY-LAW NO. 402-A**  
**A BY-LAW TO AMEND THE ZONING BY-LAW**

The Council of the Town of  
Oromocto, under authority vested in  
it by Section 74 of the Community  
Planning Act, enacts as follows:

1. The By-Law is amended by adding the following definitions to Section 1:

**“outdoor display court”** means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot and without limiting the generality of the foregoing, outdoor display court includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes;

**“outdoor storage”** means the storage of merchandise goods, inventory, materials or equipment or other items other than an outdoor display court, by locating them on a lot exterior to a building;

**“residential care facility”** means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical disabilities or problems, and includes such facilities as are licensed under the Family Services Act, or any other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel;

**“sign, subdivision”** means a temporary sign, which displays the design layout of a proposed or developing subdivision project, indicating the name of the subdivision, the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the project.

2. The By-Law is amended by replacing 540 square metres with 600 square metres in Section 9.(2)(a).
3. The By-Law is amended by replacing 18 metres with 20 metres in Section 9.(2)(b).
4. The By-Law is amended by replacing 1.5 metres with 2.0 metres in Section 9.(2)(f).
5. The By-Law is amended by adding, “(j) in the case of two, three and four family unit dwellings, the dwellings are subject to Section 10(2)b & c”, to Section 9.(2).
6. The By-Law is amended by adding, “a residential care facility”, to Section 11. (1).
7. The By-Law is amended by adding, “and a residential care facility lot has a frontage of at least 30 metres” to Section 11.(2)(a).
8. The By-Law is amended by replacing Section 11.(2) (d) with the following:
- 11.(2)(d) the lot has a rear yard of at least ½ the height of the building or 10 metres, whichever is greater for apartment dwellings and residential care facilities, and, a rear yard of at least 7.5 metres for row dwellings;
9. The By-Law is amended by replacing Section 11 (2) (g) with the following:
- 11.(2)(g) the height of the main building is not greater than 15 metres for apartment dwellings and residential care facilities, and 10 metres for row dwellings; and
10. The By-Law is amended by adding, “a residential care facility”, to Section 19.(1).
11. The By-Law is amended by replacing 4 metres with 5.5 metres in Section 30.(3)(c).

12. The By-Law is amended by adding the following Section 12.1:

**12.1 RESIDENTIAL SUSTAINABLE DEVELOPMENT (RSD)**

(1) Permitted Uses

No development shall be permitted nor shall any land, building or structure be used on a lot within an RSD Zone for any purpose other than:

- a) Combination of single unit dwellings, low density multiple unit dwellings and high density multiple unit dwellings of fewer than twenty-four (24) units.
- b) one of the following secondary uses in conjunction with a permitted single unit dwelling, subject to the relevant provisions of Section 28:
  - i) a garden suite, or
  - ii) an in-law suite;
- c) a home occupation, as a secondary use in conjunction with a permitted single unit dwelling or a permitted two unit dwelling, subject to Section 35 as approved by Council upon recommendation of the PAC;
- d) an accessory building , subject to Section 29;
- e) a park, playground or public open space; or
- f) a linear park or trail;

(2) RSD Zone Requirements

Within any RSD Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- a) the lot size, lot coverage and yard clearances, determined by the overall development proposal are approved by the Planning Advisory Committee;
- b) the height of single unit and row dwellings is not greater than 10 metres and apartment dwellings are not greater than 15 metres; and
- c) off-street parking is provided subject to Section 34.

(3) RSD Development Plans

Within any RSD Zone, a development plan shall:

- a) utilize a maximum of 50% of the developable land for residential use with the remaining lands reserved for public purposes;
- b) contain, as near as practicable, a balance of dwelling units, consisting of one third each of the permitted dwelling types in (1)a) above;
- c) be submitted to the Planning Advisory Committee for their review prior to the final approval of Council; and
- d) Schedule "A", of Zoning By-Law 402, dated May 2009, is amended by the attached Schedule "B", dated February 2010.

(4) RSD Covenants

RSD Restrictive Covenants will minimally ensure that:

- a) no flora of any kind shall be disturbed, cut, trimmed or removed from lands bordering the residential properties to be developed;

- b) building designs reflect and incorporate the sustainable intent of dwelling units by including energy conservation elements such as six litre or less flush toilets, low flow shower heads, heat recovery ventilation systems and energy efficient windows and exterior doors;
- c) after construction of a completed dwelling unit, no disabled vehicles, construction vehicles/equipment, transport trucks, parts, machinery, rubbish, ashes or garbage will be permitted or stored upon the property;
- d) no animal other than customary household family pets may be kept on the property and no commercial kennel will be operated on the property;
- e) finished surface grades completed for any property shall not differ from, or be inconsistent with, the overall site plan, rear lot plan and drainage course elevations approved by the Town; and
- f) the administration of any restrictive covenants exceeding Town of Oromocto by-law requirements will not be enforced by the Town.

**READ THE FIRST TIME BY TITLE ONLY: 21 JANUARY 2010**

**READ THE SECOND TIME IN ITS ENTIRETY: 20 MAY 2010**

**READ THE THIRD TIME BY TITLE ONLY 17 JUNE 2010  
FOR ENACTMENT:**

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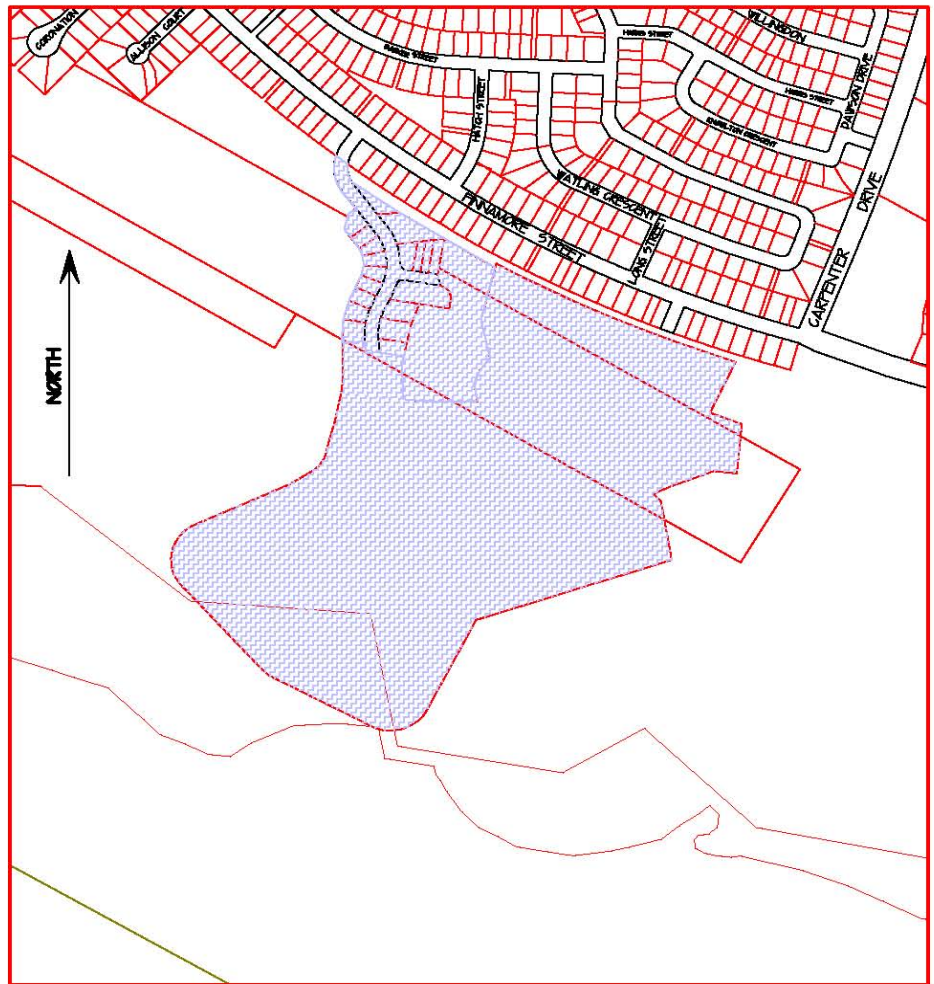
A Wayne Carnell  
CAO/Clerk


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Fay L Tidd  
Mayor

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SCHEDULE "B"



SUBJECT AREA SHOWN AS  TO BE  
DESIGNATED AS "RESIDENTIAL SUSTAINABLE DEVELOPMENT"

TOWN OF OROMOCTO  
ZONING PLAN MAP  
SCALE 1:10000  
DATED: FEBRUARY 2010