TOWN OF SUSSEX POLICY

Subject		Number
GARDEN SUITES AND IN-LAW SUITES		C-26
Date	*Approved by*	*Date*
JULY 22, 2008	COUNCIL [X] OTHER(S) [ ]	JUNE 17, 2002
Signature	*Date of Revision*	
Michael Lemmon	JULY 21, 2008	PAGE 1/3

In accordance with The Municipal Plan By-Law of the Town of Sussex, By-Law #704-04, it shall be the policy of the Town of Sussex to provide for Garden Suites and In-Law Suites in residential areas subject to the following:

(a) proposals shall be processed by a zoning amendment and shall be subject to the terms and conditions as prescribed by Council;

(b) the use will be removed when it is no longer required; and

(c) the occupants be limited to the retired parent(s) or grandparent(s) of the main resident(s) or to the physically and mentally challenged children of parent(s) of the main resident(s).

As a matter of policy, all adjacent neighbours living within 100 metres of a proposed Garden Suite or In-Law Suite will be notified by the Town of Sussex and given the opportunity to comment on the proposal.

DEFINITIONS

- "Garden Suite" means a separate, self-contained dwelling unit, not exceeding 75 m^2 in gross floor area and is constructed as a temporary use structure in accordance with the Town's Policy on Garden Suites and In-Law Suites.

- "In-Law Suite" means a self contained dwelling unit not exceeding 35% of the existing dwellings gross floor area contained in and has a shared entrance with the main dwelling unit of a single dwelling building and is constructed as a temporary use in accordance with the Town's policy on Garden Suites and In-Law Suites.

TOWN OF SUSSEX POLICY

Subject		Number
GARDEN SUITES AND IN-LAW SUITES		C-26
Date	*Approved by*	*Date*
JULY 22, 2008	COUNCIL X OTHER(S) ☐	JUNE 17, 2002
Signature Michael Kinnear	*Date of Revision* JULY 21, 2008	PAGE 2/3

GARDEN SUITES

All proposed units must meet the existing side yard requirements of an "R1" residential zone and must have a rear yard setback of 3 m and must have a clear space of 4 m between it and the principal residence.

Garden Suites will only be considered on those lots that meet the minimum lot frontage and lot area requirements of the by-law for an "R1" residential zone and shall not exceed 6.0 m in height.

The site must have suitable physical characteristics (topography, drainage etc.).

Occupancy will be restricted to elderly parent(s) or grandparent(s) of the property owners.

An agreement, which forms part of this policy, shall be entered into between the Town and the applicant, stating that the unit will be removed and that the lot be reinstated to it's former condition when no longer required by the elderly parent(s) or grandparent(s). If the unit is not removed within 90 days after the unit is no longer required, the Town can cause the unit to be removed and placed in storage. The Town will charge all expenses of removal and storage to the landowner and will accept no liability for any loss or damage to the unit due to the removal and storage of same.

The unit must meet the minimum C.M.H.C. building standards and shall be constructed and placed or erected so as to be easily removed. The Garden Suite shall only be located in the rear yard of a single family dwelling and shall have extra parking space and a shared driveway access.

A Garden Suite shall not be permitted where an accessory apartment is already in existence.

Fencing or buffering shall be to the satisfaction of the Development Officer.

TOWN OF SUSSEX POLICY

Subject		Number
GARDEN SUITES AND IN-LAW SUITES		C-26
Date JULY 22, 2008	*Approved by* COUNCIL [X] OTHER(S) [ ]	*Date* JUNE 17, 2002
Signature Michael Lawrence	*Date of Revision* JULY 21, 2008	PAGE 3/3

The Town's Works Department shall determine whether the unit can be serviced by connecting into the lines presently servicing the main residence on the proposed lot. Where this is not possible the unit will require separate connections. In either case a separate billing for water and sewerage will be issued.

IN-LAW SUITES

An In-Law Suite shall not result in more than two dwelling units in any converted single detached dwelling.

The use will be removed when it is no longer required for the use for which it was intended.

An In-Law Suite is not intended to be occupied by any person(s) other than the occupant(s) parent(s) or grandparent(s) or to the physically and mentally challenged children of parent(s) of the main residence.

One parking space shall be required in addition to the parking required for the main use of the lot. The driveway access to the street must be common to both parking spaces.

This use does not permit any classification of a Group Home, Tourist Home, Bed and Breakfast, Home Occupation or Neighbourhood Day Care Centre to be operated on the property.

The gross floor area of the unit shall not exceed 35% of the gross floor area of the principal dwelling. The unit shall be completely self contained, including provision for cooking, sleeping and bathing and must conform to the standards of the National Building Code.

SCHEDULE "A"

TOWN OF SUSSEX

PLEASE COMPLETE AND RETURN TO:
Town of Sussex
524 Main Street
Sussex, N.B.
E4E 3E4
Phone: (506) 432-4540
Fax: (506) 432-4566

Application for: **GARDEN SUITE**

Note: See reverse for instructions

Name of Applicant: _____

Mailing Address: _____

_____

Postal Code: _____ Phone: _____

Registered Owner (if different): _____

Property Identification Number (PID): _____

Civic Address/ Location of Property: _____

Does the applicant have an interest in the adjoining properties: _____

Property Dimensions: Area: _____ Width: _____

Depth: _____ Frontage: _____

Access (Name)	Water Services	Sewer Services
Public Road: _____	Proposed ☐	Proposed ☐
Private Road: _____	Municipal ☐	Municipal ☐
Right-of-way: _____		

Present Zoning: _____

Existing Use: _____

Previous applications for subject property: Yes ☐ → Provide details:

_____

_____

No ☐

Reason for Application: _____

_____

Other Information (attach additional information as required): _____

_____

_____ _____

Signature
(Registered Owner/Authorized Agent)

Date

INSTRUCTIONS

One (1) copy of application to be completed.

Plans and other supporting documents are required as follows:

a) a copy of **deed** for property,

b) a **cover letter** explaining any detail not covered by the application,

c) a **site plan** detailing:

   i) property dimensions and related street lines including identifiers and names for all abutting owners;

   ii) location, dimension and size of all proposed buildings and accessory buildings;

   iii) parking and driveway layout;

   iv) dimensions of front, side and rear yards and distances between adjacent buildings;

   v) landscaping and other natural and artificial features (easements, railway lines, power lines, water courses, culverts, drainage, drainage ditches, etc.)

   vi) designation of any proposed public or private roads;

   vii) utility services locations, including water, sanitary and storm sewers, electrical and other as required by the Town of Sussex;

   viii) scale, dimension and orientation;

d) a **restoration plan** showing how the property will be restored upon removal of the garden suite; and

e) Garden suite application fee: **$100.00.**

SCHEDULE "B"

THIS AGREEMENT made in duplicate this day of in the year of our Lord Two Thousand and :

BETWEEN: (Name(s) of owner(s) of (Property Address) in the Town of Sussex, in the County of Kings and Province of New Brunswick, hereinafter called "the Parties of the First Part",

AND: Town of Sussex, a Municipal Corporation, of the Town of Sussex, in the County of Kings and Province of New Brunswick, hereinafter called "the Party of the Second Part".

WHEREAS the Parties of the First Part are the owners of the lands and premises situate, lying and being (Property Description) in the Town of Sussex, in the County of Kings and Province of New Brunswick, the said lands and premises hereinafter referred to as the "Property" and being civic address (Municipal Address) and being more particularly described in Schedule "C", being a site plan and hereto annexed;

AND WHEREAS the property carries an existing single family dwelling and is in conformity with the provisions of the Municipal Plan and policy approved by the Town of Sussex regarding garden suites;

AND WHEREAS the Party of the Second Part has requested that the Parties of the First Part enter into an agreement with the Party of the Second Part restricting use of the property to include a garden suite pursuant to the provisions of the policy for garden suites.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the payment, by the Parties of the First Part, to the Party of the Second Part, of the sum of One Dollar ($1.00) of lawful money of Canada, the receipt and payment whereof is hereby acknowledged, the Party of the Second Part hereby agrees to allow a garden suite on the property of the Parties of the First Part and the Parties of the First Part agrees with the Party of the Second Part that the garden suite will only be occupied by (Name(s) of occupant(s)).

.../2

The Parties of the First Part further undertakes and agrees to comply with the standards prescribed by the Party of the Second Part for garden suites and to remove the garden suite and all signs of its presence from the property, as per Schedule "B" hereto attached, at such time that the Parties of the First Part terminate the garden suite arrangement with the (Name(s) of occupant(s)) or at such time as the garden suite is no longer occupied by (Name(s) of occupant(s)).

The Parties of the First Part and the Party of the Second Part agrees that the Party of the Second Part shall be the sole judge of whether or not the Parties of the First Part have complied with the terms and conditions of this agreement and its decision on all questions in dispute with regard thereto or as to the meaning or intention of this agreement shall be final.

This agreement shall ensure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF (Name(s) of owner(s)) have hereunto set their hands the day and year first above written.

SIGNED, SEALED AND DELIVERED
In the presence of:

_____

_____
(Name)

_____
(Name)

IN WITNESS WHEREOF the Town of Sussex has hereunto affixed it's corporate seal and caused these presents to be executed by its duly authorized signing officers the day and year first above written.

Town

_____
Mayor

_____
Clerk

GARDEN SUITE

(Permit Check List)

1.	APPLICATION:		☐
2.	FEE:		☐
3.	SITE PLAN:		☐
4.	~~LOCATED IN REAR YARD OF OWNERS PROPERTY:~~		☐
5.	MINIMUM REAR YARD:		☐
6.	MINIMUM SIDE YARD:		☐
7.	SERVICING PROVISIONS:	WATER:	☐
		SANITARY SEWER:	☐
		STORM SEWER:	☐
		HYDRO:	☐
		ACCESS/DRIVEWAY:	☐
		OTHER:	☐
8.	FIRE CHIEF APPROVAL:		☐
9.	AGREEMENT:		☐
10.	RESTORATION PLAN:		☐