

# Town of Sussex Rezoning Requirements

January 1

# 2016

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The information is provided to Developers / Property Owners proposing a typical rezoning of a parcel of land application within the Town of Sussex. The expectations required by the Town form Developers / Property Owners, constructing within the municipal boundaries of the Town of Sussex, are as outlined in this document, which may or may not be specific to your project and / or development, but are intended to provide guideline information on the Town's approval processes.

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The following information is provided to Developers / Property Owners proposing a typical subdivision project and / or typical zoning application within the Town of Sussex. The expectations required by the Town, from Developers / Property Owners constructing within the municipal boundaries of the Town of Sussex are outlined below may or may not be specific to your project and / or development proposal, does not constitute any form of acceptance by the Town of Sussex, nor does it constitute any form of the acceptance or approval by the Council of the Town of Sussex for your infrastructure, development and / or rezoning proposal.

*Applicable Town of Sussex By-laws and documents:*

Available online at <http://www.sussex.ca/town-office/by-laws>

- Municipal Plan By-law 704-10.
- Zoning By-law 1350-10.
- Subdivision By-law 1006-08.
- Water, Sanitary and Storm Sewer By-law 1203-10.
- Cross Connection By-law 1204-08.
- Sussex Policy C-11, Municipal Plan and Zoning By-law Amendment Application Procedure.

***What you need to know, and all those frequently asked questions to get your business needs started:***

*What is the difference between our Zoning By-law and our Municipal Plan?*

While the Municipal Plan sets out the general long-term policy framework for future land use within Sussex, the Zoning By-law is a document that ensures that policies of the Municipal Plan are followed.

Sussex's Municipal Plan establishes a broad mix of land use designations of residential, institutional, commercial and industrial land uses throughout Sussex.

Our Zoning By-law divides all lands within the municipal boundaries of the Town of Sussex into different zones. Each Zone is detailed in the text of the zoning By-law that provides much more detail on the permitted uses than the general planning statements of the Municipal Plan By-law for the Town. You need to know that within each zone, the Zoning By-law specifies the permitted uses and this document provides different zones for different commercial activities. For example, in Sussex, there are a number of commercial zones, such as Central Business District, Highway Commercial, Business Residential, or Shopping Mall Commercial. In each zone the By-law will identify what types of commercial uses are permitted, such as office, or office building, a restaurant, a retail store or grocery store, to name only a few. Our Zoning By-law outlines details for

those land parcels that require a more industrial base to their proposed land use, all to provide development interested parties with the tools and knowledge to develop their individual proposal.

Call us today and we can provide assistance to you on your questions, remove the perception of “red tape” and assist you in understanding the Town’s Municipal Plan, development policies and your future contribution in becoming a valued new Sussex business serving, our residents in the centre of business activity in our region. We are here to assist and we are a simple phone call away to help you with your important application. Please contact us today at **(506) 432-4540**.

### *Our Planning Goals:*

The Town, through sustainable planning, makes provisions to enhance its residential, commercial, industrial, institutional, recreational and environmental areas in a manner that ensures a quality of life for citizens. The major goal of Sussex, with regard to future land use development is to provide for orderly development, without sacrificing the values and needs of our community.

Our Plan makes provision for changes to meet the future developmental needs of this Community and recognizes:

- the need for transition areas from residential zones to commercial zones and the need for policies to facilitate the development of these areas;
- the need to develop policies to increase the density in a responsible manner, given the limited land base for residential development;
- the need for pedestrian traffic to be part of the quality of life for residents and visitors;
- the need to develop policies to improve safe areas for pedestrian traffic; and,
- the need to develop policies to facilitate senior housing and accommodation needs for the “aging population”.

Our Plan provides for agricultural land within the Town for active farms and designates existing federal lands and this Plan makes provisions for recognizing the importance of the environment.

### *What is a Zoning By-law?*

Our Zoning By-law, By-law 1350-10, is a document that regulates the use of land in Sussex. Its authority has been derived from the Community Planning Act as approved by the Provincial Legislature. It provides the authority to divide our municipality into zones and implements basic principles for land use development in Sussex. These principles are as follows:

- the purposes for which land, buildings, and structures in any zone may be used;
- standards for lot size, building placement, building height, side and rear yard dimensions and setback from the street;
- parking, landscaping, and signage standards throughout Town;
- The Municipal Plan and Zoning Documents include maps showing the zoning for all areas of Sussex.

#### What is a Zoning Map and where can I find it?

- Our current zoning map is located on the Town of Sussex's website at: <http://www.sussex.ca/town-office/by-laws/51-by-law-1350-10-full/file>

#### Why is the Zoning By-law needed?

In simplest of terms, our Zoning By-law is needed for the following purposes;

- to help implement the objectives and policies of the Town's Municipal Plan By-law 704-10; and,
- to provide a tool for managing land use and development within the Town of Sussex, and,
- to protect property owners from potential conflicting land uses.

#### Our Rezoning process and how long will it take?

Who decides what gets zoned what? How long will the new zoning by-law take to get adopted? Will I get a chance to voice my opinion throughout this process? What is the estimated timeline for the zoning by-law review process? All great questions that sometimes are viewed as an obstacle to your development and business needs.

More importantly, this process assists you in maintaining your considerable investment, in time and money, when establishing your new business in our great community. This process will help you to protect your investment, while developing your proposal and aligning your plans with the basic planning statement to develop in Sussex through sustainable planning and to make provisions in your development plans that enhance Sussex's residential, commercial, industrial, institutional, recreational and environmental areas in a manner that ensures a quality of life for Sussex citizens that provides for orderly development, without sacrificing the core values and needs of our community, including yours.

In Sussex your application begins with a basic / standard letter to Sussex Town Council requesting Council to consider your proposal. Our Council meets once a month, generally on the third Monday of the month and to provide the necessary time to prepare your information for our elected officials and to correct any errors or omissions in your application. Town Administration requires your information be provided five (5)

business days prior to Council's meeting date. A current fee of \$300 is also necessary to begin the consideration of your rezoning application. We will explain what needs to be included with that letter in the next section of this document.

Upon receipt of your rezoning application, Sussex Council has two options for consideration of your rezoning application at their regularly scheduled meeting of that month. They can opt not to proceed with your application which will effectively end the process at that meeting. In the alternative, Council can opt to refer your application to the next Administration Committee composed of the members of Council meeting the following month. The Administration Committee is the senior committee of Council and is tasked to undertake the necessary work to assess and develop your application and working drafts of the by-laws, maps and schedules and any terms and conditions of your rezoning application. This time will be to develop the text of your proposed by-law amendments and to develop the maps and schedules that will be attached to the future enacted by-law, if so approved. Town Administration will also provide you, as the applicant a copy of the proposed draft working document of proposed by-laws to seek your input and comments on the text of the proposed by-laws. Town Administration will also forward the proposed by-laws to the Town's Planner, to seek a professional opinion of the text proposal and to insure conformance with the Town's Municipal Planning Statements. This step is required by the laws of the province of New Brunswick.

The following is an example of a decision of the Town's Administration Committee meeting on November 19<sup>th</sup>, 2015 considering this rezoning application.

WHEREAS Council has considered revising By-law No 704-10, "The Municipal Plan of the Town of Sussex Bylaw" and Bylaw No 1350-10, "Zoning Bylaw for the Town of Sussex" for the property bearing P.I.D. #0000000, #000 ANY Street, to permit a Highway Commercial Development on these lands with terms and conditions.

BE IT RESOLVED that the Council for the Town of Sussex, directs that an appropriate By-law be prepared to adopt a revised Municipal Plan and Zoning Bylaw, that the By-laws be referred to the Planning Advisory Committee for their views; that the public notice requirements of the Community Planning Act be fulfilled with respect to the proposed By-laws by setting a Special Council meeting of **Thursday, December 17<sup>th</sup>, 2015 at 6:00 pm** in the Municipal Office, 524 Main Street, Sussex, N.B. as the date, time and place for the **Public Presentation** of Council's intent to adopt a revised Municipal Plan By-law and sets the Council meeting **Monday, January 18<sup>th</sup>, 2016 at 6:30 pm** in the Municipal Office, 524 Main Street, Sussex, N.B. as the date, time and place for the **Public Hearing** of consideration of objections to the proposed By-laws.

At this point you are likely thinking this is a very long process and that would be true. You can expect your application to take 90 days if a Municipal Plan By-law amendment together with a zoning b-law amendment are necessary following a successful resolution as exemplified above.

You can expect your application to take 60 days, if your development proposal does not require a Municipal Plan By-law amendment along with a zoning by-law amendment, following a successful resolution as exemplified above.

It is expected and necessary that you as the applicant, be prepared to “Present to the Public” your proposal to set out your plans in an advertised public forum to inform the residents of Sussex of your proposal plans. This step is integral to the legislation and process in enacting your proposed by-law changes.

Once your proposal has been presented at the **Public Presentation** informing the public of Council’s intent to adopt a revised Municipal Plan By-law and will set the a meeting of Council to be held in the Town’s Municipal Office, 524 Main Street, Sussex, N.B. as the date, time and place for the **Public Hearing** of consideration of objections to the proposed By-laws.

Council, at this Public Hearing will hear from all people who wish to speak in favor, including yourself on your application as well as those who wish to speak against, if any, on your application. This public input can be viewed as a critical step in your proposals success.

Council is also obligated by provincial legislation, to seek the written views of the Town’s Planning Advisory Committee (PAC) by referring to the Planning Advisory Committee, for their views and that the public notice requirements of the Community Planning Act be fulfilled with respect to the proposed By-laws

If all goes well, Council may adopt, enact, or reject your new by-law at its next available meeting date, will conclude your process. The by-laws are then updated with the applicable dates which forwarded for signature by the Minister of the Environment and Local Government pursuant to the provinces’ Community Planning Act.

Phew, that was simple! The following is the basic needs of your application for the Town to consider:

*Lands Use Permits / Regulations in Sussex, Our General Requirements to get you started:*

The Developer / Property Owner shall submit a completed Town of Sussex Rezoning Application. The application shall include, but not limited to, the following:

- i. A description of the property and PID of the Property of the rezoning proposed.

- ii. A letter from the property owner indicating that the Developer is the authorized agent of the owner if the Developer is not the property owner.
  - iii. Provide the proposed land use with enough detail to assess by-law requirements.
  - iv. A scaled site location drawing / scaled sketch indicating the proposed structure / structures showing:
    - a. Setbacks
    - b. Parking Areas
    - c. Ingress
    - d. Egress
    - e. Landscape areas
    - f. Site drainage services
    - g. Proposed service connection location to service the development.
  - v. A complete set of scaled building elevation sketch, colored if possible, of the proposed structures showing the proposed building height relative to the centerline of the access street.
- Payment of the required Rezoning Application Fees if so required.

We are here to help and to assist you with the details of your rezoning application process. Please call us today at (506) 432-4540.