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York
County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de
York
Nouveau-Brunswick

2020-09-14 11:25:45 40455389
date/date time/heure number/numero

K. Platt
Registrar-Conservateur

**Town of Nackawic
By-Law No. 81-2020**

A By-Law to Amend The Town of Nackawic Zoning By-Law By-Law No. 51-17

Pursuant to section 59 of the *Community Planning Act*, the Council of the Town of Nackawic enacts the following amendments to *The Town of Nackawic Zoning By-Law By-Law No. 51-17*.

1. The following addition to 11:
11.2 Notwithstanding subsection 11.1, where permitted, multiple main terrace dwellings and multiple dwellings may be placed or erected or altered to become a second main building on a lot with a maximum of three main buildings, of any combination of terrace dwelling and multiple dwelling, to be used as terrace dwellings or multiple dwelling with a total of 16 units on the lot.

2. The following amendment to subsection 20.1:
20.1 For the purposes of this by-law, the municipality is divided into zones as delineated on the plan hereto as Schedule "A", entitled "Town of Nackawic Zoning Map" dated February 2017 and is further amended by Schedule "C", entitled "By-Law No. 81-2020 A By-Law to Amend The Town of Nackawic Zoning By-Law By-Law No. 51.17".

3. The following amendment to subsection 22.1 a):
22.1 a) one or more of the following main uses:
 - i) a multiple dwelling (varying from two to twelve dwelling units);
 - ii) a terrace dwelling (varying from three to six dwelling units);
 - iii) a single family dwelling;
 - iv) a park or playground;

4. The following addition to section 22:
22.10 No terrace dwelling or multiple dwelling may be placed, erected or altered unless the lot contains
 - a) a minimum of one entrance and one exit ramp, a minimum width of 3 metres for one-way traffic and a minimum width of 6 metres for two-way traffic; and
 - b) adequate access for emergency vehicles for all terrace dwellings on the lot.

5. That the land having PID 75498493, as shown on the map herein attached as Schedule C-1, is hereby rezoned, subject to terms and conditions contained in Schedule C, pursuant to

section 59 of the *Community Planning Act*, from R-1 Zone Single Family Residential to R2 Zone – Multiple Family Residential, within the Town of Nackawic of the parish of Southampton and the county of York, being within the designated area of The Town of Nackawic Zoning By-Law.

This By-Law shall come into effect and be binding on all persons as of and from the date filed at the Registry Office.

First Reading: Aug 26/2020
Second Reading: Aug 26/2020
Third Reading: Aug 28/2020



Ian Kitchen, Mayor



Randy Wilson, Chief Administrative
Officer/Facilities

Town of Nackawic
By-Law No. 81-2020
Schedule C

**Terms and Conditions regarding the Rezoning of
the land being within the designated area of the
Town of Nackawic.**

Whereas the Municipality has been asked to rezone the property having the PID 75498493, currently owned by Patricia Ann Thorne and Gary Arthur Thorne, the applicant being Peter Corbyn, located along Otis Drive, the Town of Nackawic, NB, being within the parish of Southampton and the County of York, from R-1 Zone Single Family Residential to R2 Zone – Multiple Family Residential, under section 59 of the *Community Planning Act*, for the purpose of permitting terrace dwellings. The said rezoning is being carried out by the Town of Nackawic By-law No. 81-2020, subject to the following terms and conditions:

1. THAT no more than a maximum of 2000 litres of liquid petroleum be stored on the property at all time for the purpose of providing heat power to a building or other structure situated on the property, as per subsection 7(1) of the *New Brunswick Regulation 2000-47 under the Clean Water Act (O.C. 2000-451)*;
2. THAT the property be serviced by municipal water and municipal sewer;
and
3. THAT the rezoning of the lands herein does not, in itself, mean an approval on the issuing of subsequent permits or approval, such as, for building construction.


Any violation of the terms and conditions as set out by Council resolutions and contained within Schedule C may result in the termination and cancellation of this rezoning within 30 days of written notice.



Schedule C-1
Dated: July 2020
By-Law Number 81-2020

This By-Law Rezones property as shown
from Single Family Residential - "R-1" Zone
to Multiple Family Residential - "R-2" Zone,
under Section 59 of the Community Planning Act.

 **Subject Property**

0 10 20 30 40 50 metres


Scale 1:1,500



**Town of Nackawic
By-Law No. 81-2020
Schedule C**

THIS AGREEMENT MADE THIS 8 day of July 2020

Between: THE TOWN OF NACKAWIC, a Municipal Body Corporate, being situated in the County of York, in the Province of New Brunswick (hereinafter referred to as the "Municipality")

AND: Gordon Wheaton on behalf of Atlantic Garden Homes Ltd, PO BOX 1385, Fredericton, NB E3B 5E3 (hereinafter referred to as the "applicant")

WHEREAS the Municipality has been asked to rezone property currently owned by Patricia Ann Thorne and Gary Arthur Thorne, located on Otis Drive, Town of Nackawic, NB, PID 75498493, from from R-1 Zone Single Family Residential to R2 Zone – Multiple Family Residential, under section 59 of the Community Planning Act, for the purpose of terrace dwellings,

AND WHEREAS the Municipality is authorized by the provisions of Section 59 of the Community Planning Act to enter into an Agreement with the applicant imposing reasonable terms and conditions, as a Resolution of council,

NOW THEREFORE WITNESSETH that for and in consideration of mutual covenants and agreements contained herein, the Municipality and the applicant covenant and agree to as follows:


1. THAT no more than a maximum of 2000 litres of liquid petroleum be stored on the property at all time for the purpose of providing heat power to a building or other structure situated on the property, as per subsection 7(1) of the *New Brunswick Regulation 2000-47 under the Clean Water Act (O.C. 2000-451)*;

2. THAT the property be serviced by municipal water and municipal sewer; and
3. THAT the rezoning of the lands herein does not, in itself, mean an approval on the issuing of subsequent permits or approval, such as, for building construction.

Any violations of terms and conditions as set out by Council resolutions and contained within these agreements may result in the termination and cancellation of this rezoning within 30 days written notice.

In WITNESS WHEREOF the heretofore parties mentioned have hereunto set their hands and seals this 8 day of July 2020.

TOWN OF NACKAWIC



MAYOR



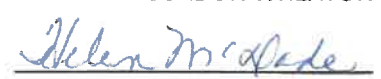
CLERK



WITNESS



GORDON WHEATON



WITNESS

