



To: Rodney Blanchard and Members of the Planning Advisory Committee
From: Tony Dakiv, Senior Planner
Date: November 10, 2021
Subject: Zoning By-law Amendments

I. BACKGROUND

Fredericton is growing and like many other urban centres in the region, it is facing pressure with respect to housing affordability. To help meet the needs of our growing population, an affordable and varied housing stock is critical. To this end, the Fredericton Affordable Housing Committee (FAHC) has advanced single room occupancy (SRO) as one potential solution to the problem.

In 2019 the Development Committee adopted a resolution which established a planning process to ultimately integrate SRO's into Zoning By-Law Z-5. A planning consultant (Dillon Consulting) was hired to prepare a study to review best practices, work closely with the FAHC to conduct a comprehensive programme of public engagement and to provide a final report (Single Room Occupancy Study) outlining any potential amendments to the Zoning By-Law. This work was completed earlier this year and staff have prepared a set of amendments to the Zoning By-law based on the recommendations in the Study.

On September 28, 2021, the Economic Vitality Committee supported the proposed amendments and referred them to the FAHC for their comment and recommendation. On October 6, 2021, the FAHC passed a motion endorsing the proposed amendments and now the final step is to bring the amendments forward to PAC and Council to initiate the formal adoption process.

II. ANALYSIS

The proposed amendments to Zoning By-Law Z-5 are set out in Schedule A. The main aspects of the amendments deal with the following:

- Create a new definition of SRO but also remove the outdated terminology such as "Boarding House" and "Rooming House."
- To permit SROs in a wide variety of zones that currently permit dwelling units, and within those zones be considered "conditional uses".
- Add a new section under Special Land Use Requirements that establishes the use rules including maximum density based on the number of bedrooms and basic living requirements such as bathroom/shower facilities and kitchen amenities.
- Add provisions for both vehicle parking and bicycle parking as well as outdoor amenity space.

Staff feel these amendments are reflective of the direction outlined in the Study and will set the stage for the future of SRO's in the City. It should be noted that these amendments are also consistent with Imagine Fredericton – The Municipal Plan which contains policy pertaining to SROs within the Supportive Housing Section.

One other Zoning By-law amendment is proposed as part of these amendments. The Municipal Plan allows "Emergency Shelters" within the Urban Core. To ensure consistency between the Zoning By-law

and the Municipal Plan, an amendment is proposed to allow Emergency Shelters in the Institutional Two (I-2) Zone.

The following chart contains a summary of the proposed text amendments. The chart identifies the applicable section being amended, the detailed text as it would appear in Zoning By-law Z-5 and the rationale for the changes.

Please consider this memorandum as written request for the concurrence of PAC to adopt the following amendments to Zoning By-law Z-5:

1.	Section 3 Definitions	<p>Delete existing definitions: (20) Boarding House means a dwelling in which lodging and meals are regularly provided for compensation to 3 or more persons but that does not include Tourist Home, Hospital, Nursing home or assisted living. (pension) (166) Rooming House means a dwelling in which furnished habitable rooms are regularly provided for compensation to 4 or more persons, but does not include a Hotel, Apartment Building, or Boarding House. (maison de chambres)</p> <p>Add new definition: (180) Single Room Occupancy means a residential dwelling where individual sleeping quarters are provided with a combination of individual and shared habitable space for compensation to 5 or more persons but does not include Apartment Building, Assisted Living, Converted Dwelling, Group Home, Hotel, Hostel, Nursing Home or Tourist Home.</p> <p>(locate definition in alphabetical order and renumber accordingly)</p>	Removes old and outdated definitions and replaces them with preferred SRO language.								
2.	Section 4.1(10)	<p>RESTRICTIONS ON USE OF ACCESSORY BUILDINGS (a) Accessory buildings are permitted in each zone only where there is a permitted principal use, main building or structure on the lot subject to Section 4.2(3). (b) An accessory building shall not contain or be used as a dwelling unit or single room occupancy nor have a rooftop deck or balcony.</p>	Adds SROs to the current rule restricting dwelling units within accessory buildings.								
3.	Section 5.2(12)(e) Table (i) Required Parking	<p>Add:</p> <table border="1" data-bbox="505 1297 1289 1430"> <thead> <tr> <th></th> <th>CBD</th> <th>Area 1</th> <th>Area 2</th> </tr> </thead> <tbody> <tr> <td>(M) Single Room Occupancy</td> <td>None required</td> <td>1 sp</td> <td>1sp/first 4 beds, 1 sp/2 beds thereafter</td> </tr> </tbody> </table>		CBD	Area 1	Area 2	(M) Single Room Occupancy	None required	1 sp	1sp/first 4 beds, 1 sp/2 beds thereafter	Parking requirement for SRO.
	CBD	Area 1	Area 2								
(M) Single Room Occupancy	None required	1 sp	1sp/first 4 beds, 1 sp/2 beds thereafter								
4.	Section 5.2(13) Required Bicycle Parking	<p>(a) Bicycle parking is required for all non-residential development and residential development comprising 6 or more dwelling units or 4 or more beds (in the case of single room occupancy) with shared entrance facilities as follows:</p> <p>(i) Number of Required Bicycle Parking Spaces</p> <p>(A) Residential: A minimum of 0.3 bicycle parking spaces per dwelling unit shall be provided. A minimum of 0.5 bicycle parking spaces per bed shall be provided for single room occupancy.</p>	Bicycle parking requirement for SRO.								
5.	Section 7.3 Special Land Use Requirements	<p>Add new section: 7.3(12) SINGLE ROOM OCCUPANCY</p> <p>(a) Standards: Where permitted, single room occupancy shall: (i) not exceed 6 beds in the R-4, R-5, TP-6 and MR-1 zones; (ii) not exceed 16 beds in the MR-2, MX-1, MX-2, CCI and CCIL zones;</p>	Provides the maximum "density" based on bedrooms allowed within each applicable zone and the								

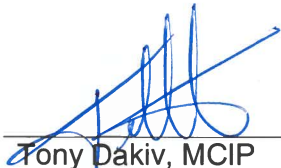
		<p>(iii) not exceed 24 beds in the COR-1, MR-3, MR-4, MR-5, MX-3, DC, RC and CC zones.</p> <p>(iv) provide a bathroom containing shower facilities for every 4 beds or part thereof.</p> <p>(v) provide a kitchen containing a refrigerator, stove and sink for every 8 residents or part thereof.</p> <p>(vi) provide common outdoor amenity space on a site where there are more than 4 beds.</p>	basic living requirements recommended in the SRO Study.
6.	<p>Sections: Conditional Uses 8.6(2)(b), 8.7(2)(b), 8.11(2)(b), 9.2(2)(b), 9.3(2)(b), 9.4(2)(b), 9.5(2)(b), 9.6(2)(b), 11.4(2)(b), 11.5(2)(b), 11.8(2)(b), 11.11(2)(b), 11.12(2)(b), 11.13(2)(b), 11.14(2)(b), 11.15(2)(b) and 11.16(2)(b)</p>	<p>Add <i>Single Room Occupancy</i> (SRO) as a conditional use to the R-4, R-5, TP-6, MR-1, MR-2, MR-3, MR-4, MR-5, DC, RC, COR-1, MX-1, MX-2, MX-3, CC, CCI, CCIL zones.</p> <p>Add “(b) Conditional Uses” heading to the MR-1, MR-2 and MX-2 zones.</p> <p>Add <i>Single Room Occupancy</i> to the Residential Group in the Comparative Use Charts for Low Density Residential Zones (Section 8.1), Multi-Residential Zones (Section 9.1) and Commercial Zones (Section 11.1).</p>	Adds SRO as a conditional use to a wide variety of zones that allow dwelling units.
7.	<p>Section 11.4(3) Use Rules</p>	<p>(a) <i>Dwelling units and single room occupancy</i> shall comply with Regulations Applying to Residential Uses (Section 7). In addition, <i>dwelling units and single room occupancy</i> shall:</p> <p>(i) not be located on the ground floor of the <i>building</i>;</p> <p>(ii) not share an internal hallway with any commercial <i>uses</i> in the <i>building</i>;</p> <p>(iii) have an entrance separate from that of any commercial <i>use</i> in the <i>building</i>.</p>	Adding SRO to the existing use rules in zones that allow non-residential uses.
8.	<p>Section 11.5(3) Use Rules</p>	<p>(a) <i>Dwelling units and single room occupancy</i> shall comply with Regulations Applying to Residential Uses (Section 7). In addition, <i>dwelling units and single room occupancy</i> shall:</p>	As above
9.	<p>Section 11.8 (3) Use Rules</p>	<p>(a) <i>Apartment building, assisted living, dwelling units, single room occupancy, stacked townhouse and townhouse</i> shall comply with Regulations Applying to Residential Uses (Section 7).</p> <p>(b) <i>Dwelling units and single room occupancy</i> shall:</p> <p>(i) not be located on the ground floor frontage of the <i>building</i>;</p> <p>(ii) not share an internal hallway with any commercial <i>uses</i> in the <i>building</i>;</p> <p>(iii) have an entrance separate from the entrance to any commercial <i>use</i> in the <i>building</i>.</p>	As above (item 7)

10.	Section 11.11 (3) Use Rules	(a) <i>Dwelling units and single room occupancy</i> shall comply with Regulations Applying to Residential Uses (Section 7). In addition, <i>dwelling units and single room occupancy</i> shall:	As above (item 7)
11.	Section 11.12 (3) Use Rules	(a) <i>Dwelling units and single room occupancy</i> shall comply with Regulations Applying to Residential Uses (Section 7). In addition, <i>dwelling units and single room occupancy</i> shall:	As above (item 7)
12.	Section 11.13 (3) Use Rules	(a) <i>Assisted living, and dwelling units and single room occupancy</i> shall comply with Regulations Applying to Residential Uses (Section 7). In addition, <i>dwelling units and single room occupancy</i> shall:	As above (item 7)
13.	Section 11.14(3) Use Rules	All <i>uses</i> shall comply with the Regulations Applying to All Uses (Section 4). All nonresidential <i>uses</i> shall comply with the Regulations Applying to Commercial Uses (Section 10). <i>Apartment building, assisted living, and dwelling unit and single room occupancy</i> shall comply with Regulations Applying to Residential Uses (Section 7). In addition, the following rules apply: (a) <i>Dwelling units and single room occupancy</i> shall: (i) not be located on the ground floor frontage of the <i>building</i> ; (ii) not share an internal hallway with any commercial <i>uses</i> in the <i>building</i> ; (iii) have a separate entrance from the entrance to any commercial <i>use</i> in the <i>building</i> .	As above (item 7)
14.	Section 11.15(3) Use Rules	All <i>uses</i> shall comply with Regulations Applying to All Uses (Section 4) and Regulations Applying to Commercial Uses (Section 10). <i>Assisted living, dwelling units, single room occupancy and tourist home</i> shall comply with Regulations Applying to Residential Uses (Section 7). In addition, the following rules apply: (a) <i>Assisted living, nursing home, rehabilitation centre, group home, single room occupancy, tourist home and medical practice</i> shall only be permitted to locate south of Queen Street.	As above (item 7)
15.	Section 12.3(2)(a) Permitted Uses (I-2 zone) Section 12.1 Comparative Use Chart	Add: <i>Emergency Shelter only when located within the Urban Core</i> Add; "Emergency Shelter (within the Urban Core only)" to the Supervised Living Group and add P under I-2 column	Recognizes Victoria Health Centre for this use implementing Municipal Plan policy.

III. RECOMMENDATION

It is recommended that the text amendments to By-law Z-5, A Zoning By-law for the City of Fredericton, as outlined in attached Schedule A be approved.

Prepared By:



Tony Dakiv, MCIP
Senior Planner
Community Planning

Approved By:



Marcello Battilana, MCIP
Manager
Community Planning

Schedule A

1. Section 3(180):

Delete Boarding House (20) and Rooming House (166) definitions.

Single Room Occupancy means a residential *dwelling* where individual sleeping quarters are provided with a combination of individual and shared habitable space for compensation to 5 or more persons but does not include *Apartment Building, Assisted Living, Converted Dwelling, Group Home, Hotel, Hostel, Nursing Home or Tourist Home*.

2. Section 4.1(10):

RESTRICTIONS ON USE OF ACCESSORY BUILDINGS

(a) *Accessory buildings* are permitted in each zone only where there is a permitted *principal use*, main *building* or *structure* on the *lot* subject to Section 4.2(3).

(b) An *accessory building* shall not contain or be used as a *dwelling unit or single room occupancy* nor have a rooftop *deck* or *balcony*.

3. Section 5.2(12)(e) Table (i)(M):

Single Room Occupancy	None required	1 sp	1sp/first 4 beds, 1 sp/2 beds thereafter
-----------------------	---------------	------	---

4. Section 5.2(13):

(a) *Bicycle parking* is required for all non-residential *development* and residential *development* comprising 6 or more *dwelling units* or 4 or more beds (in the case of *single room occupancy*) with shared entrance facilities as follows:

(i) **Number of Required Bicycle Parking Spaces**

(A) Residential: A minimum of 0.3 *bicycle parking* spaces per *dwelling unit* shall be provided. A minimum of 0.5 *bicycle parking* spaces per bed shall be provided for *single room occupancy*.

5. Section 7.3(12):

7.3(12) SINGLE ROOM OCCUPANCY

(a) Standards: Where permitted, *single room occupancy* shall:

(i) not exceed 6 beds in the R-4, R-5, TP-6 and MR-1 zones;

(ii) not exceed 16 beds in the MR-2, MX-1, MX-2, CCI and CCIL zones;

(iii) not exceed 24 beds in the COR-1, MR-3, MR-4, MR-5, MX-3, DC, RC and CC zones;

(iv) provide a bathroom containing shower facilities for every 4 beds or part thereof;

(v) provide a kitchen containing a refrigerator, stove and sink for every 8 residents or part thereof;

(vi) provide common outdoor amenity space on a site where there are more than 4 beds.

6. Sections 8.6(2)(b), 8.7(2)(b), 8.11(2)(b), 9.2(2)(b), 9.3(2)(b), 9.4(2)(b), 9.5(2)(b), 9.6(2)(b), 11.4(2)(b), 11.5(2)(b), 11.8(2)(b), 11.11(2)(b), 11.12(2)(b), 11.13(2)(b), 11.14(2)(b), 11.15(2)(b) and 11.16(2)(b)

Add **Single Room Occupancy** as a conditional use to the R-4, R-5, TP-6, MR-1, MR-2, MR-3, MR-4, MR-5, DC, RC, COR-1, MX-1, MX-2, MX-3, CC, CCI and CCIL zones.

Add "(b) **Conditional Uses**" heading to the MR-1, MR-2 and MX-2 zones.

Sections 8.1, 9.1 and 11.1

Add **Single Room Occupancy** to the Residential Group in the Comparative Use Charts for Low Density Residential Zones, Multi-Residential Zones and Commercial Zones.

7. Section 11.4(3):

(a) *Dwelling units* and **single room occupancy** shall comply with Regulations Applying to Residential Uses (Section 7). In addition, *dwelling units* and **single room occupancy** shall:

8. Section 11.5(3):

(a) *Dwelling units* and **single room occupancy** shall comply with Regulations Applying to Residential Uses (Section 7). In addition, *dwelling units* and **single room occupancy** shall:

9. Section 11.8(3):

(a) *Apartment building, assisted living, dwelling units, single room occupancy, stacked townhouse and townhouse* shall comply with Regulations Applying to Residential Uses (Section 7).

(b) *Dwelling units* and **single room occupancy** shall:

- (i) not be located on the ground floor frontage of the *building*;
- (ii) not share an internal hallway with any commercial *uses* in the *building*;
- (iii) have an entrance separate from the entrance to any commercial *use* in the *building*.

10. Section 11.11 (3)

(a) *Dwelling units* and **single room occupancy** shall comply with Regulations Applying to Residential Uses (Section 7). In addition, *dwelling units* and **single room occupancy** shall:

11. Section 11.12 (3)

(a) *Dwelling units* and **single room occupancy** shall comply with Regulations Applying to Residential Uses (Section 7). In addition, *dwelling units* and **single room occupancy** shall:

12. Section 11.13 (3)

(a) *Assisted living*, ~~and~~ *dwelling units* and **single room occupancy** shall comply with Regulations Applying to Residential Uses (Section 7). In addition, *dwelling units* and **single room occupancy** shall:

13. Section 11.14 (3)

All *uses* shall comply with the Regulations Applying to All Uses (Section 4). All nonresidential *uses* shall comply with the Regulations Applying to Commercial Uses (Section 10). *Apartment building, assisted living, and dwelling unit* and **single room occupancy** shall comply with Regulations Applying to Residential Uses (Section 7). In addition, the following rules apply:

(a) *Dwelling units* and **single room occupancy** shall:

- (i) not be located on the ground floor frontage of the *building*;
- (ii) not share an internal hallway with any commercial *uses* in the *building*;
- (iii) have a separate entrance from the entrance to any commercial *use* in the *building*.

14. Section 11.15 (3)

All *uses* shall comply with Regulations Applying to All Uses (Section 4) and Regulations Applying to Commercial Uses (Section 10). *Assisted living, dwelling units, single room occupancy* and *tourist home* shall comply with Regulations Applying to Residential Uses (Section 7). In addition, the following rules apply:

(a) *Assisted living, nursing home, rehabilitation centre, group home, single room occupancy, tourist home* and *medical practice* shall only be permitted to locate south of Queen Street.

15. Section 12.3(2)(a)

Emergency Shelter only when located within the Urban Core

Section 12.1

Add *Emergency Shelter (within the Urban Core only)* to the Supervised Living Group and add **P** under I-2 column.