



MONCTON

GUIDE FOR VARIANCE AND PLANNING ADVISORY COMMITTEE APPLICATIONS

- VARIANCES
 - TERMS AND CONDITIONS
- RULINGS OF COMPATIBILITY
 - TEMPORARY USES
- NON-CONFORMING USES





Guide for Variance and Planning Advisory Committee Applications

Planning Advisory Committee (PAC) Applications - Simplified 6 Steps

- Set up an appointment with Planning staff for a Pre-Application meeting.
- Submit completed application form with appropriate fee.
- Planning Staff will evaluate your request and submit a report to the PAC for consideration.
- Adjacent property owners and the public will be notified for their input.
- The Planning Advisory Committee will consider the application and make a final decision.
- Issuance of Development Approval may take place.

How can you expedite your proposal?

- Meet and talk with Planning staff to review information requirements.
- Provide information in a timely manner.
- Employ consultants to assist you with your application (e.g. planners, architects, engineers, and surveyors, etc).

How much will it cost?

The application fee is \$450.00.

How long will the application process take?

With the exception of the third Wednesday in December, the Planning Advisory Committee meets the fourth Wednesday of each month to make decisions on the applications.

Every project is unique, so no definite timeline can be provided. Factors that influence the speed of application processing are:

- the type, size and complexity of the project.



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- the number of applications in progress.
- your ability to provide complete information.

Building Permit

If your development is going to involve a Building Permit, it is recommended that you contact Building Inspection to undertake a preliminary review of your Building Plans while your application is being processed. This will assist with expediting your development approvals. Please refer to the City of Moncton's "*Guide to Building Permits*".

What are the resources available?

Before you prepare your submission, be sure to familiarize yourself with relevant regulations, as these may affect your project. Speak with Planning staff who will help guide you through the application process. The City of Moncton's Municipal Plan, Zoning By-law and associated maps are located on the city's web site at www.moncton.ca

Understand what's involved in your Application.

For a quick reference, read our 6 steps to the Planning Advisory Committee (PAC) Application Process on pages 5 to 7.



Application Process

Variances

When is a Variance necessary?

Development in the City of Moncton is regulated by several by-laws. When you wish to change or vary the provisions of the Zoning By-law or Subdivision By-law, you may apply for a Variance.

A Variance is most commonly sought for:

- Increase in building heights;
- Relaxation of building setbacks;
- Relaxation of zoning requirements including landscaping and parking; and
- Signage requirements.

It's important to note: a Variance may alter any requirement of a By-law as provided by the Community Planning Act except those dealing with use or density. In cases where you want to change use or density provisions, you must submit a rezoning application. Refer to *"Your Guide to Rezoning Applications"* for details on process.

When is a Variance issued?

The PAC may grant a Variance when the requested variance is deemed reasonable and maintains the intent of the Zoning By-law.

Terms and Conditions

The Zoning By-law also outlines a number of conditional uses that are subject to Terms and Conditions. Terms and Conditions may be imposed on such uses as are specified as being subject to terms and conditions in the Zoning By-law. In these cases, those terms and conditions must be aimed at protecting either the property within the zone or in abutting zones, or else to safeguard the health, safety and welfare of the general public. This type of application is processed in the same manner as a Variance Application.



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Rulings of Compatibility

Under paragraph 35 (1)(a) of the *Community Planning Act*, the Commission is empowered to permit, subject to terms and conditions, "a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated". This type of application is processed in the same manner as a Variance Application.

Temporary Use

The *Community Planning Act* also provides authority to the Planning Advisory Committee to approve temporary uses for a specific period not exceeding one year, where the development is prohibited by the Zoning By-law. These developments have to be terminated before the end of one year. This type of application is processed in the same manner as a Variance Application.

Non-Conforming Uses

Sections 40 and 41 of the *Community Planning Act* regulate how non-conforming uses shall be handled and this include discretionary powers to the Planning Advisory Committees which deals with allowing a Non-Conforming Use to continue beyond a 10 month period after it has ceased; dealing with a non-conforming use in a damaged building; dealing with changing a non-conforming use to another similar non-conforming use. These types of applications are processed in a similar manner as a Variance Application.

6 Steps to the Planning Advisory Committee Application Process

Step 1: Schedule a Pre-Application Meeting

- Contact the City of Moncton Urban Planning Department to schedule your meeting with a Development Officer who will work with you to ensure your request can be considered while advising you of the review process.
- Be prepared to provide reasons why your application is necessary and how the application provides a better development than would occur under the existing regulations.

Step 2: Complete & Submit the Application

- Submit a completed application form
- Application form are available at the Urban Planning Department's office or on the website at www.moncton.ca
- Submit with the applicable fee.

What you need to submit:

Either the registered property owner or an authorized agent may make the application. The application form must be completed in full and be accompanied by the following:

2.1 Property owner's name and address;

2.2 Letter of Authorization (Land Owner Declaration Form)

If you are applying on behalf of the property owner, a Land Owner Declaration Form must signed by the property owner. The applicant must indicate to whom all correspondence shall be sent. Staff will only deal with that person;

2.3 The civic address and legal description of the property;

2.4 Detailed description, reasons and plans supporting the application request;

2.5 Application Fee

- The application fee is \$450. Payment can be made by

cheque, credit card, cash or debit at the Urban Planning Department's Counter;

2.6 Detailed Site Plan and Building Plans; and

2.7 Other Information

Depending on the specific situation, other additional information may be required to process your application. Generally this information would be identified in the pre-application meeting. The following types of information fall under this category:

- Building Location Certificate / Survey Plan.
- Drainage Plan.
- Copy of Watercourse Alteration Permit from the Department of Environment .
- A copy of an Environmental Impact Assessment.
- Proposed building grades including cut and fill areas.
- Geotechnical Report.
- A Municipal Services Infrastructure Study.
- Traffic Impact Study.
- Soil Contamination Assessment Report of Site.

Step 3: Circulation of Application

- After you've submitted your application, it will be reviewed by internal departments such as Building Inspection, Engineering, Fire Department, Codiac Transit, Economic Development, Moncton Industrial Development (MID), Legal Services, Recreation Parks Tourism & Culture and external agencies such as the Departments of Environment, Health and Transportation.
- A report will then be prepared with a recommendation for the Planning Advisory Committee's consideration.
- You will be notified of the meeting date and time.

Step 4: Public Notice

- Adjacent property owners and residents within 60 metres of your property are formally notified by mail of your proposal and are invited to speak or submit written submissions.

Step 5: Attend the Planning Advisory Committee's Meeting

- At this meeting, the PAC will consider your application.
- The PAC makes its decision with or without conditions.



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Step 6: Issuance of the Approval

- When all conditions contained in the Approval are satisfied, your Development Permit will be issued.

What's the Next Step?

Apply for a Building Permit

Following issuance of the Development Permit, you may apply to the Building Inspection Department for a Building Permit. Please refer to the Building Permit Guide for Building Permit requirements which is available on the city website www.moncton.ca or at the Building Inspection & Urban Planning Department located on the 2nd floor of the Moncton City Hall.

It is recommended that you contact Building Inspection to undertake a preliminary review of your Building Plans while your application is being processed. This will assist with expediting your development approvals.

In addition to Building Permit requirements, the specific conditions of the Development Permit must also be satisfied prior to issuance of a building permit.

Questions?

We've got answers.

We are here to help make the Planning Advisory Committee (PAC) application approval process go as smooth as possible. If you have questions, please contact us.

City of Moncton – Building Inspection & Urban Planning Department

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