



The City of Saint John
Zoning By-law
2014



Office Consolidation August 17, 2020

ZoneSJ



**The Zoning By-law of The City of Saint John
Office Consolidation August 17, 2020**

Amended up to and including amending By-law C.P. 111-98.

Note:

This copy of By-law C.P. 111 has been prepared for the convenience of the user. It is intended to be updated on a regular basis. For official purposes, reference should be made to the original by-law and subsequent amendments.

By-law	Description	Enacted	Registered
C.P. 111	Zoning By-law – ZoneSJ Project	December 15, 2014	January 21, 2015
C.P. 111-1	Schedule A – 431 Eldersley Avenue: Rural Residential (RR) to Low-Rise Residential (RL), subject to Section 39 Conditions	January 5, 2015	January 21, 2015
C.P. 111-2	Schedule A – 27 Cliff Street: Major Community Facility (CFM) to Urban Centre Residential (RC)	February 16, 2015	March 3, 2015
C.P. 111-3	Schedule A – 2086 Ocean Westway: General Commercial (CG) to Corridor Commercial (CC), subject to Section 39 Conditions	February 16, 2015	March 25, 2015
C.P. 111-4	Schedule A – 1480 Red Head Road: Neighbourhood Community Facility (CFN) to Rural Residential (RR), subject to Section 39 Conditions	March 16, 2015	March 30, 2015
C.P. 111-5	Schedule A – 1680-1690 Red Head Road: Rural Residential (RR) to Rural (RU), subject to Section 39 Conditions	March 16, 2015	March 30 2015
C.P. 111-6	Schedule A – 80 Kierstead Road: Neighbourhood Community Facility (CFN) to Mid-Rise Residential (RM)	August 31, 2015	September 18, 2015
C.P. 111-7	Schedule A – 10-40 Elliott Row, 28-36 Carmarthen Street, and 25 Wentworth Street: Urban Centre Residential (RC) to Uptown Commercial (CU), subject to Section 39 Conditions	April 13, 2015	April 23, 2015

By-law	Description	Enacted	Registered
C.P. 111-8	Schedule A – 170 Ashburn Lake Road: Rural (RU), Future Development (FD), Medium Industrial (IM), and Heavy Industrial (IH) to Pit and Quarry (PQ) and Heavy Industrial (IH), subject to Section 39 Conditions	June 22, 2015	July 29, 2015
C.P. 111-9	Schedule A – 27 Cliff Street: Major Community Facility (CFM) to Urban Centre Residential (RC)	July 20, 2015	July 23, 2015
C.P. 111-10	Schedule A – 40 Galbraith Place: Medium Industrial (IM) to Corridor Commercial (CC), subject to Section 39 Conditions	September 14, 2015	September 29, 2015
C.P. 111-11	Schedule A – 100 Watson Street and 304-306 King Street West: Neighbourhood Community Facility (CFN) and Mid-Rise Residential (RM) to General Commercial (CG), subject to Section 39 Conditions	September 14, 2015	September 29, 2015
C.P. 111-12	Schedule A – 145 Loch Lomond Road: Local Commercial (CL) to Two-Unit Residential (R2), subject to Section 39 Conditions	November 23, 2015	December 1, 2015
C.P. 111-13	Section 12.6 – Library Added to Permitted Uses	November 23, 2015	December 1, 2015
C.P. 111-14	Schedule A – 28 Richmond Street and 91-101 Prince Edward Street: Mixed Commercial (CM) to General Commercial (CG), subject to Section 39 Conditions	November 23, 2015	December 1, 2015
C.P. 111-15	Schedule A – 655 and 765 Latimore Lake Road: Rural (RU) to Pit and Quarry (PQ), subject to Section 39 Conditions	December 21, 2015	February 9, 2016
C.P. 111-16	Schedule A – 61 Drury Cove Road: General Commercial (CG) to Business Park Commercial (CBP), subject to Section 39 Conditions	December 21, 2015	January 12, 2016

By-law	Description	Enacted	Registered
C.P. 111-17	Schedule A – 3540 Westfield Road: Neighbourhood Community Facility (CFN) to Rural General Commercial (CRG), subject to Section 39 Conditions	February 22, 2016	March 21, 2016
C.P. 111-18	Schedule A – 150 Queen Street: Urban Centre Residential (RC) to Mixed Commercial (CM), subject to Section 39 Conditions	March 21, 2016	April 6, 2016
C.P. 111-19	Schedule A – 395 Manchester Avenue: Rural (RU) to Pit and Quarry (PQ), subject to Section 39 Conditions	April 18, 2016	May 3, 2016
C.P. 111-20	Schedule A – 172 City Line: Neighbourhood Community Facility (CFN) to Integrated Development (ID), subject to Section 39 Conditions	April 18, 2016	May 3, 2016
C.P. 111-21	Schedule A – 459, 540-900, and 885 Ashburn Road: Rural (RU) and Future Development (FD) to Corridor Commercial (CC); 617 Ashburn Road: Rural (RU) to Mid-Rise Residential (RM); and PID No. 55189385: Future Development (FD) to Park (P), subject to Section 39 Conditions	April 18, 2016	June 1, 2016
C.P. 111-22	Schedule A – 100 Rodney Street: Two-Unit Residential (R2) to General Commercial (CG), subject to Section 39 Conditions	June 13, 2016	June 27, 2016
C.P. 111-23	Schedule A – 27 Cliff Street: Major Community Facility (CFM) to Urban Centre Residential (RC)	June 13, 2016	June 27, 2016
C.P. 111-24	Schedule A – 37-43 Peters Street: Urban Centre Residential (RC) to General Commercial (CG), subject to Section 39 Conditions	June 13, 2016	June 27, 2016

By-law	Description	Enacted	Registered
C.P. 111-25	Schedule A – 55 University Avenue: Neighbourhood Community Facility (CFN) to General Commercial (CG), subject to Section 39 Conditions	June 13, 2016	July 18, 2016
C.P. 111-26	Section 14.6 – Special Zone No. 1 (SZ-1); Schedule A – 107 and 123 Crawford Road: Rural Residential (RR) to Special Zone No. 1 (SZ-1), subject to Section 39 Conditions	June 27, 2016	July 12, 2016
C.P. 111-27	Schedule A – 112-122 Waterloo Street: Urban Centre Residential (RC) to Neighbourhood Community Facility (CFN), subject to Section 39 Conditions	June 27, 2016	June 12, 2016
C.P. 111-28	Schedule A – 182 Golden Grove Road: Low-Rise Residential (RL) to Mid-Rise Residential (RM), subject to Section 39 Conditions	June 27, 2016	July 12, 2016
C.P. 111-29	Schedule A – 1435 Manawagonish Road: Corridor Commercial (CC) to Low-Rise Residential (RL)	August 22, 2016	September 6, 2016
C.P. 111-30	Schedule A – 80-120 McDonald Street: Business Park Commercial (CBP) to General Commercial (CG), subject to Section 39 Conditions	August 22, 2016	September 6, 2016
C.P. 111-31	Schedule A – 239-241 Loch Lomond Road: Two-Unit Residential (R2) to Low-Rise Residential (RL)	September 19, 2016	October 3, 2016
C.P. 111-32	Schedule A – 34 Mount Pleasant Avenue East: Neighbourhood Community Facility (CFN) to General Commercial (CG), subject to Section 39 Conditions	October 17, 2016	October 27, 2016
C.P. 111-33	Schedule A – 50 Hazen Street: Urban Centre Residential (RC) to Uptown Commercial (CU), subject to Section 39 Conditions	October 17, 2016	October 27, 2016

By-law	Description	Enacted	Registered
C.P. 111-34	Schedule A – 200-202 Westmorland Road: Park (P) to General Commercial (CG), subject to Section 39 Conditions	October 17, 2016	October 27, 2016
C.P. 111-35	Sections 1.7, 2.10, 2.11, 3.1, 4.1, 4.2, 4.2, 5.1, 5.2, 6.1, 7.2, 7.3, 7.10, 8.4, 8.5, 8.7, 8.12, 8.13, 8.14, 8.16, 8.18, 9.4, 9.7, 9.8, 9.10, 9.13, 9.18, 9.19, 10.1, 10.8, 10.9, 10.10, 11.1, 11.2, 11.3, 11.4, 11.5, 11.7, 11.8, 11.9, 12.1, 12.2, 12.3, 12.4, 14.3, and 14.5 – One Stop Development Shop Update; Schedule A – 10 Parks Street: Mid-Rise Residential (RM) to Neighbourhood Community Facility (CFN); 625 Havelock Street: Park (Park) to Neighbourhood Community Facility (CFN); 1287 Red Head Road: Rural Residential (RR) to Rural (RU); and Schedule B: Fees	October 31, 2016	November 18, 2016
C.P. 111-36	Schedule A – 105-115 Mountain View Drive: Major Community Facility (CFM) to Low-Rise Residential (RL), subject to Section 39 Conditions	November 14, 2016	December 12, 2016
C.P. 111-37	Schedule A – 79 Edith Avenue: Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN), subject to Section 39 Conditions	December 12, 2016	December 15, 2016
C.P. 111-38	Schedule A – 576-578 Havelock Street: Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN), subject to Section 39 Conditions	December 12, 2016	December 15, 2016
C.P. 111-39	Schedule A – 139 Bay Crescent Drive: Rural Settlement Residential (RS) to Utility Service (US)	March 20, 2017	March 31, 2017
C.P. 111-40	Schedule A – 307 Westmorland Road: Local Commercial (CL) to General Commercial (CG), subject to Section 39 Conditions	May 15, 2017	May 23, 2017

By-law	Description	Enacted	Registered
C.P. 111-41	Sections 3.1, 4.2, 9.20, and 12 – Medical Marijuana Production Facility	May 15, 2017	May 23, 2017
C.P. 111-42	Schedule A – 9, 15, and 19 St. James Street: Urban Centre Residential (RC) to General Commercial (CG), subject to Section 39 Conditions	June 12, 2017	July 4, 2017
C.P. 111-43	Schedule A – 65 University Avenue: Neighbourhood Community Facility (CFN) to General Commercial (CG), subject to Section 39 Conditions	August 8, 2017	August 21, 2017
C.P. 111-44	Schedule A – 45 Noel Avenue: Two-Unit Residential (R2) to Future Development (FD), subject to Section 39 Conditions	August 8, 2017	August 21, 2017
C.P. 111-45	Schedule A – 510 Ellerdale Street: Two-Unit Residential (R2) to Mid-Rise Residential (RM), subject to Section 39 Conditions	September 5, 2017	September 15, 2017
C.P. 111-46	Schedule A – 12 Westmorland Street: Two-Unit Residential (R2) to Corridor Commercial (CC); and 24 & 26 Westmorland Road: Two-Unit Residential (R2) and Neighbourhood Community Facility (CFN) to Local Commercial (CL), subject to Section 39 Conditions	September 5, 2017	September 15, 2017
C.P. 111-47	Sections 2.11, 3.1, and 5.8 – Temporary Car Shelter	November 14, 2017	November 24, 2017
C.P. 111-48	Schedule A – 1157 Loch Lomond Road: Low-Rise Residential (RL) to Mid-Rise Residential (RM), subject to Section 39 Conditions	January 15, 2018	January 25, 2018
C.P. 111-49	Schedule A – 408-418 Prince Street: One-Unit Residential (R1) to Mid-Rise Residential (RM), subject to Section 39 Conditions	January 15, 2018	January 25, 2018

By-law	Description	Enacted	Registered
C.P. 111-50	Schedule A – 34-36 Douglas Avenue: Urban Centre Residential (RC) to General Commercial (CG), subject to Section 39 Conditions	January 15, 2018	January 25, 2018
C.P. 111-51	Schedule A – 1000 Sandy Point Road: Two-Unit Residential (R2) to General Commercial (CG), subject to Section 39 Conditions	January 15, 2018	January 25, 2018
C.P. 111-52	Sections 12.1, 12.2, and Table 12-1 – Recreation Facility	January 29, 2018	February 9, 2018
C.P. 111-53	Sections 3.1, 4.2, 9.20, 9.21, 11.1, 11.3, 11.4, 11.5, 11.6, 11.7, 12.1, 12.2, 12.3, and Tables 11-1 & 12-1 – Cannabis Production Facility and Cannabis Retail	April 23, 2018	May 7, 2018
C.P. 111-54	Schedule A – 10-40 High Ridge Road: Future Development (FD) to One-Unit Residential (R1), subject to Section 59 Conditions	April 23, 2018	May 7, 2018
C.P. 111-55	Schedule A – 42 Leinster Street: Neighbourhood Community Facility (CFN) to General Commercial (CG), subject to Section 59 Conditions	May 22, 2018	May 22, 2018
C.P. 111-56	Schedule A – 110 Emerald Lake Road: Rural (RU) to Pit and Quarry (PQ), subject to Section 59 Conditions	May 22, 2018	June 5, 2018
C.P. 111-57	Schedule A – 34 Mount Pleasant Avenue East: Neighbourhood Community Facility (CFN) to Corridor Commercial (CC), subject to Section 59 Conditions	May 22, 2018	June 5, 2018
C.P. 111-58	Schedule A – 384 Lancaster Avenue: General Commercial (CG) to Business Park Commercial (CBP), subject to Section 59 Conditions	May 22, 2018	August 30, 2018

By-law	Description	Enacted	Registered
C.P. 111-59	Schedule A – 36 St. James Street: Major Community Facility (CFM) to Urban Centre Residential (RC), subject to Section 59 Conditions	June 4, 2018	June 19, 2018
C.P. 111-60	Schedule A – 453 Boars Head Road and 573 Woodward Avenue: One-Unit Residential (R1) to Low-Rise Residential (RL), subject to Section 59 Conditions	June 4, 2018	June 19, 2018
C.P. 111-61	Sections 2.2 and 14.7 – Special Zone No. 2 (SZ-2); Schedule A – 630 and 656 Grandview Avenue: Medium Industrial (IM) to Special Zone No. 2 (SZ-2), subject to Section 59 Conditions	June 4, 2018	June 19, 2018
C.P. 111-62	Sections 2.2 and 14.8 – Special Zone No. 3 (SZ-3); Schedule A – 237 Foster Thurston Drive: Rural (RU) to Special Zone No. 3 (SZ-3), subject to Section 59 Conditions	July 20, 2018	August 30, 2018
C.P. 111-63	Schedule A – 243 Loch Lomond Road: Two-Unit Residential (R2) to General Commercial (CG), subject to Section 59 Conditions	November 19, 2018	December 14, 2018
C.P. 111-64	Schedule A – 476 Sandy Point Road: Two-Unit Residential (R2) to General Commercial (CG), subject to Section 59 Conditions	November 19, 2018	December 14, 2018
C.P. 111-65	Schedule A – 105 Prince Edward Street: Mixed Commercial (CM) to General Commercial (CG), subject to Section 59 Conditions	December 17, 2018	December 31, 2018
C.P. 111-66	Schedule A – 4 Second Street: Neighbourhood Community Facility (CFN) to Low-Rise Residential (RL), subject to Section 59 Conditions	December 17, 2018	December 31, 2018
C.P. 111-67	Schedule A – 3700 King William Road: Medium Industrial (IM) to Pit and Quarry (PQ), subject to Section 59 Conditions	February 11, 2019	March 5, 2019

By-law	Description	Enacted	Registered
C.P. 111-68	Schedule A – 348 Rockland Road and 21 Canon Street: Neighbourhood Community Facility (CFN) to General Commercial (CG), subject to Section 59 Conditions	March 25, 2019	April 9, 2019
C.P. 111-69	Schedule A – 97-99 Exmouth Street: Urban Centre Residential (RC) to General Commercial (CG), subject to Section 59 Conditions	March 25, 2019	April 9, 2019
C.P. 111-70	Sections 2.2 and 14.9 – Special Zone No. 4 (SZ-4); Schedule A – 179-185 Golden Grove Road: Two-Unit Residential (R2) to Special Zone No. 4 (SZ-4), subject to Section 59 Conditions	March 25, 2019	May 1, 2019
C.P. 111-71	Schedule A – 40 Mountain View Drive: High-Rise Residential (RH) and Two-Unit Residential (R2) to Integrated Development (ID), subject to Section 59 Conditions	April 23, 2019	June 3, 2019
C.P. 111-72	Schedule A – 86 and 88 Regent Street: Neighbourhood Community Facility (CFN) to Two-Unit Residential (R2), subject to Section 59 Conditions	April 23, 2019	July 8, 2019
C.P. 111-73	Sections 6.1, 11.4, and 11.7 – Self-Storage Facility	April 23, 2019	May 15, 2019
C.P. 111-74	Sections 2.2, 11.12, and Table 11-1 – Regional Commercial Residential Zone (CR-R); Schedule A – 310 Retail Drive: Regional Commercial (CR) to Regional Commercial Residential (CR-R), subject to Section 59 Conditions; 40 Retail Drive: Regional Commercial (CR) to Regional Commercial Residential (CR-R), subject to Section 59 Conditions; and 85-89 Retail Drive: Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R), subject to Section 59 Conditions	June 17, 2019	August 1, 2019

By-law	Description	Enacted	Registered
C.P. 111-75	Schedule A – 1007-1019 Millidge Avenue: Two-Unit Residential (R2) to Corridor Commercial (CC), subject to Section 59 Conditions	June 17, 2019	September 3, 2019
C.P. 111-76	Schedule A – 1003 Latimore Lake Road: Rural (RU) to Pit and Quarry (PQ), subject to Section 59 Conditions	June 17, 2019	July 18, 2019
C.P. 111-77	Schedule A – 648 Westmorland Road: Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN), subject to Section 59 Conditions	July 29, 2019	October 17, 2019
C.P. 111-78	Schedule A – 0 Heather Way: Two-Unit Residential (R2) to Mid-Rise Residential (RM), subject to Section 59 Conditions	July 29, 2019	September 27, 2019
C.P. 111-79	Schedule A – 149 Broad Street: Neighbourhood Community Facility (CFN) to Urban Centre Residential (RC), subject to Section 59 Conditions	August 19, 2019	September 18, 2019
C.P. 111-80	Schedule A – 81 Bayside Drive: Neighbourhood Community Facility (CFN) to General Commercial (CG)	August 19, 2019	September 19, 2019
C.P. 111-81	Schedule A – 319 Lancaster Street: Neighbourhood Community Facility (CFN) to Two-Unit Residential (R2), subject to Section 59 Conditions	September 23, 2019	October 10, 2019
C.P. 111-82	Sections 2.11, 3.1, 9.19, 14.11, and Table 14-1 – Green Energy (GE) Zone	October 21, 2019	November 20, 2019
C.P. 111-83	Schedule A – Yellow Gate Road: Rural (RU) to Pit and Quarry (PQ); and 48 Acamac Backland Road: Rural (RU) to Pit and Quarry (PQ), subject to Section 59 Conditions	December 2, 2019	January 31, 2020
C.P. 111-84	Schedule A – 289 Sydney Street: Waterfront Commercial (CW) to Integrated Development (ID), subject to Section 59 Conditions	December 16, 2019	January 21, 2020

By-law	Description	Enacted	Registered
C.P. 111-85	Schedule A – 431 Millidge Avenue: Two-Unit Residential (R2) to General Commercial (CG), subject to Section 59 Conditions	December 16, 2019	January 21, 2020
C.P. 111-86	Sections 3.1, 4.2, 10.1, 11.1; 11.2 – Waterfront Commercial (CW) Zone, 11.12 – Waterfront Commercial Integrated Development (CWID) Zone, 15, 15.1, 15.2, 15.3, 15.4 – Central Peninsula Building Height and Massing Overlay Zone; Schedule F: Central Peninsula Plan Area; and Schedule G: Central Peninsula Maximum Building Heights – Central Peninsula Secondary Plan	January 13, 2020	February 13, 2020
C.P. 111-87	Schedule A – 95 Wentworth Street: Neighbourhood Community Facility (CFN) to High-Rise Residential (RH), subject to Section 59 Conditions; and Schedule G – Increasing maximum building height of PID 55236541 from 14 metres to 23 metres	February 24, 2020	March 13, 2020
C.P. 111-88	Schedule A – 819 Millidge Avenue: Neighbourhood Community Facility (CFN) to Mid-Rise Residential (RM), subject to Section 59 Conditions	February 24, 2020	March 13, 2020
C.P. 111-89	Sections 2.2 and 14.10 – Special Zone No. 5 (SZ-5); Schedule A – 399 Burchill Road: Heavy Industrial (IH), Pit and Quarry (PQ), Rural (RU), and Medium Industrial (IM) to Green Energy (GE) Zone; and 399 Burchill Road: Pit and Quarry (PQ) and Rural (RU) to Special Zone 5 (SZ-5).	March 23, 2020	June 1, 2020
C.P. 111-90	Schedule A – 191 Red Head Road: Rural Residential (RR) to Rural General Commercial (CRG), subject to Section 59 Conditions	June 15, 2020	June 26, 2020

By-law	Description	Enacted	Registered
C.P. 111-91	Schedule A – 251-361 Riverview Drive: Two-Unit Residential (R2) to Low-Rise Residential (RL), subject to Section 59 Conditions; Park (P) to Low-Rise Residential (RL), subject to Section 59 Conditions; and Unzoned to Low-Rise Residential (RL), subject to Section 59 Conditions	June 22, 2020	September 8, 2020
C.P. 111-92	Sections 3.1 and 9.8 – Garden Suite	July 20, 2020	August 24, 2020
C.P. 111-93	Schedule A – 90 Paradise Row: Corridor Commercial (CC) to Utility Service (US), subject to Section 59 Conditions; and Unzoned to Corridor Commercial (CC)	August 17, 2020	September 8, 2020
C.P. 111-94	Section 9.6 – Caretaker Dwelling	August 17, 2020	September 8, 2020
C.P. 111-95	Schedule A – 1020 Rothesay Road: Rural (RU) to Rural General Commercial (CRG) and Two-Unit Residential (R2) to General Commercial (CG), subject to Section 59 Conditions	August 17, 2020	September 8, 2020
C.P. 111-96	Sections 2.2, 3, and 10.11 – Rural Mixed Residential (RMX) Zone	August 17, 2020	September 8, 2020
C.P. 111-97	Schedule A – Nadiana Way: Rural Residential (RR) to Rural Mixed Residential (RMX)	August 17, 2020	September 8, 2020
C.P. 111-98	Schedule A – 20 Bundy Lane: Rural Residential (RR) to Rural Mixed Residential (RMX)	August 17, 2020	September 8, 2020

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1 Title, Scope, Interpretation, and Repeal

The Council of The City of Saint John, under the authority vested in it by the *Community Planning Act*, enacts as By-law Number C.P. 111, The Zoning By-law of The City of Saint John, as follows:

1.1 Title

This By-law may be cited as the “Zoning By-law.”

1.2 Scope

This By-law:

- (a) Divides the City of Saint John into zones;
- (b) Prescribes, subject to the powers vested in the Council, the Committee, and the Development Officer, the purposes for which land, buildings, and structures in any zone may be used and regulates the standards to which land use, and the placement, erection, alteration, and use of buildings and structures shall conform; and
- (c) Prohibits the use, placement, erection, or alteration of land, buildings, or structures other than in conformity with the purposes and regulated standards mentioned in paragraph (b).

1.3 Interpretation

The interpretation of this By-law shall adhere to the following rules:

- (a) With respect to language:
 - (i) The word *existing* has been italicized and is defined in this By-law to mean, “lawfully in existence on the date By-law Number C.P. 110, The Zoning By-law of The City of Saint John, and amendments thereto, was repealed.” All other words shall have their ordinary meaning except as otherwise defined by this By-law or the *Community Planning Act*;
 - (ii) Words shall be read with all changes of gender or number required by context; and
 - (iii) Where a word is defined other parts of speech and grammatical forms of the same word shall have corresponding meaning.
- (b) With respect to references to Acts and by-laws:
 - (i) Each reference to the *Community Planning Act* or any other Provincial act or Federal act shall be deemed a reference to the most current applicable Revised



Statutes of New Brunswick or Revised Statutes of Canada, whichever is applicable. In every case, reference to the *Community Planning Act* or any other act shall be deemed to include all applicable amendments and any successor legislation; and

- (ii) Each reference to a by-law of The City of Saint John shall be deemed a reference to the most current applicable by-law of The City of Saint John. In every case, reference to any by-law shall be deemed to include all applicable amendments and any successor by-law.
- (c) With respect to other references made in this By-law:
 - (i) The captions, headings, and section names appearing in this By-law are for convenience of reference only and shall have no effect for purposes of interpretation;
 - (ii) For convenience of reference only, each zone of this By-law identifies the applicable general intent of The City of Saint John Municipal Development Plan and has been denoted by the *PlanSJ* symbol located beside the caption “Municipal Plan Context” in each case. Such identification of general intent shall not be used to interpret any provision of this By-law or the Municipal Development Plan;
 - (iii) For convenience of reference only, the implementation of certain other policies of The City of Saint John Municipal Development Plan has also been denoted in this By-law by the *PlanSJ* symbol located beside each applicable By-law provision. The inclusion of these symbols shall not be used to interpret any provision of this By-law or the Municipal Development Plan; and
 - (iv) For convenience of reference only, illustrations, tables, and other graphics have been included in this By-law but shall not be used to interpret any provision herein.
- (d) The requirements of this By-law are in addition to any requirements contained in any other applicable by-law of The City of Saint John or in any other applicable Provincial or Federal statute or regulation.
- (e) Except for subsections 2.7(2), 2.8(4), 2.8(5), and 2.9(2) of this By-law, reference to the powers of the Council, the Committee, and the Development Officer included in Part 2 of this By-law are for convenience of reference only and shall not be used to affect the interpretation of such powers vested by the *Community Planning Act*.



1.4 By-law Structure and Numbering

This By-Law is divided into Parts and is referenced as follows:

12	Part
12.4	Section
12.4(9)	Subsection
12.4(9)(d)	Paragraph
12.4(d)	Paragraph
12.4(9)(d)(i)	Subparagraph
12.4(9)(d)(i)(A)	Clause.

1.5 Severability

If any provision of this By-law is declared by a court or tribunal of competent jurisdiction to be invalid, such ruling shall not affect the validity of any other provision hereof, nor of this By-law as a whole.

1.6 Repeal

- (a) By-law Number C.P. 110, The Zoning By-law of The City of Saint John, and amendments thereto, is hereby repealed.
- (b) Notwithstanding the repeal of By-law C.P. 110:
 - (i) Conditions pursuant to Section 39 of the *Community Planning Act* which have been registered in the Saint John Registry Office prior to the coming into force of this By-law shall remain in force for any property associated with such conditions; and
 - (ii) Nothing in this By-law will operate to prohibit a development for which a permit was granted by the Development Officer prior to the coming into force of this By-law, but any time limits established by such permit shall continue to operate.

1.7 Transition

All permits issued under this By-law prior to amendment C.P. 111-35 shall be deemed to be development permits issued pursuant to this By-law with the same terms and conditions as when originally issued. [2016, C.P. 111-35]

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2 Zones and Administration

2.1 General

The geographical area within the boundaries of the City of Saint John shall be divided into zones as shown on the Zoning Map attached to this By-law as Schedule A.

2.2 Zones

The following zones appear on the Zoning Map and are represented by the following symbols.

Zone	Symbol
Residential	
Urban Centre Residential	RC
High-Rise Residential	RH
Mid-Rise Residential	RM
Low-Rise Residential	RL
Two-Unit Residential	R2
One-Unit Residential	R1
Suburban Residential	RSS
Mini-Home Park Residential	RP
Rural Settlement Residential	RS
Rural Residential	RR
Rural Mixed Residential	RMX
Commercial	
Uptown Commercial	CU
Waterfront Commercial	CW
Campus Research Commercial	CRC
Business Park Commercial	CBP
Corridor Commercial	CC
Regional Commercial	CR
General Commercial	CG
Mixed Commercial	CM
Local Commercial	CL
Adult Entertainment Commercial	CAE
Rural General Commercial	CRG
Regional Commercial Residential	CR-R
Waterfront Commercial Integrated Development	CWID
Industrial	
Light Industrial	IL
Medium Industrial	IM
Heavy Industrial	IH
Pit and Quarry	PQ



Zone	Symbol
Transportation	T
Utility Service	US
Utility Service Landfill	USL
Community Facility	
Neighbourhood Community Facility	CFN
Major Community Facility	CFM
Other	
Park	P
Environmental Protection	EP
Integrated Development	ID
Future Development	FD
Rural	RU
Special Zone No. 1	SZ-1
Special Zone No. 2	SZ-2
Special Zone No. 3	SZ-3
Special Zone No. 4	SZ-4
Special Zone No. 5	SZ-5
Green Energy Zone	GE
Central Peninsula Building Height and Massing Overlay (CPO) Zone	

[2016, C.P. 111-26], [2018, C.P. 111-61], [2018, C.P. 111-62], [2018, C.P. 111-61], [2018, C.P. 111-62], [2019, C.P. 111-70], [2019, C.P. 111-74], [2020, C.P. 111-82], [2020, C.P. 111-86], [2020, C.P. 111-89], [2020, C.P. 111-96]

2.3 Zone Boundaries

Zone boundaries shall be subject to the following:

- (a) Where a zone boundary is indicated as following a lot line, such lot line is deemed to be the zone boundary;
- (b) Where a zone boundary is indicated as being contiguous with the sideline of a highway, lane, or street, such sideline is deemed to be the zone boundary;
- (c) Where a zone boundary is indicated as following an electrical transmission right-of-way, railway right-of-way, or watercourse, the centre of such feature is deemed to be the zone boundary;
- (d) Where a zone boundary is indicated as following the City boundary, the City boundary is deemed to be the zone boundary;
- (e) Where any feature mentioned in this section ceases to exist after the adoption of this By-law, the centre of such former feature is deemed to be the zone boundary;
- (f) Where fill has been deposited along a body of water in order to create land, the water edge of the fill is deemed to be the zone boundary of the lot immediately adjacent to the



filled land, provided the horizontal area of such fill does not exceed 150 square metres;
and

- (g) Where none of the above applies, the zone boundary shall be determined by measuring directly from the Zoning Map.

2.4 Properties Affected by More than One Zone

Where a lot is situated within more than one zone, the provisions of each zone shall be applied to the corresponding area of the lot.

2.5 By-law Applicability

No person shall within any zone use any land or place, erect, alter, or use any building or structure except in accordance with the provisions of this By-law.

2.6 Determinations, Measurements, and Calculations

- (a) The Development Officer shall administer this By-law and make any necessary determination with regard to the provisions herein.
- (b) All numerical requirements in this By-law are provided in metric units of measurement.
- (c) A numerical requirement shall be determined by measuring the closest distance in a straight line made along a horizontal plane and not by following the topography or slope of the land except as otherwise provided by this By-law.
- (d) Where the calculation of a numerical requirement results in a fraction:
 - (i) A fraction of less than one-half shall not be taken into consideration; and
 - (ii) A fraction of one-half or more shall require rounding to the next higher full number.

2.7 Powers of Council

2.7(1) NON-CONFORMING USES

- (a) Pursuant to subsection 61(1) of the *Community Planning Act*, Council may require that any land, building, or structure containing a non-conforming use shall be maintained and kept in a condition appropriate to the area in which it is located, in accordance with standards prescribed by Council; and
- (b) Pursuant to subsection 61(3) of the *Community Planning Act*, if the standards prescribed by paragraph (a) are not complied with, Council may perform, at the expense of the



owner or occupier, the work required to meet the standards, or require the termination of the use.

2.7(2) SATISFACTORY SERVICING

Council may prohibit the erection of any building in respect of which, in the opinion of Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, street, or other services or facilities.

2.8 Powers of the Committee

2.8(1) CONDITIONAL USES

- (a) The Committee, subject to paragraph (c), may impose terms and conditions on any conditional use contained in any zone in this By-law; and
- (b) Conditional uses may be prohibited by the Committee where compliance with terms and conditions cannot reasonably be expected; and
- (c) Pursuant to subsection 53(4) of the *Community Planning Act*, terms and conditions imposed on conditional uses contained in any zone in this By-law shall be limited to those considered necessary by the Committee to protect properties within the zone or in abutting zones, or the health, safety, and welfare of the general public.

2.8(2) NON-CONFORMING USES

Pursuant to section 60 of the *Community Planning Act*, the Committee may authorize:

- (a) The recommencement of a non-conforming use that has been discontinued for a consecutive period of 10 months;
- (b) The repair or restoration or use of a building or structure containing a non-conforming use which, in the opinion of the Committee, has been damaged to the extent of at least half of the whole building or structure, exclusive of the foundation;
- (c) The extension of a non-conforming use into a portion of the building that was constructed subsequent to the date the use became non-conforming; or
- (d) The change of a non-conforming use to a similar non-conforming use.

2.8(3) SIMILAR OR COMPATIBLE USES

Pursuant to paragraph 55(1)(a) of the *Community Planning Act*, the Committee may permit, subject to such terms and condition as it considers fit, a proposed use of land or a building that is otherwise not permitted under this By-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in this By-law for the zone in which the land or building is situated.



2.8(4) TEMPORARY APPROVALS

The Committee may, subject to such terms and conditions as it considers fit:

- (a) Authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law;
- (b) Authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this By-law if:
 - (i) The applicant holds an authorization under paragraph (a) that is to expire or has expired;
 - (ii) An application with respect to the land has been made to amend this By-law; and
 - (iii) The Committee has received a resolution from Council confirming that Council will consider the application referred to in subparagraph (ii); and
- (c) Require the termination or removal of a development authorized under paragraphs (a) or (b) at the end of the authorized period.

2.8(5) UNSUITABLE SOIL OR TOPOGRAPHY

The Committee may prohibit the erection of any building or structure on any site where it would otherwise be permitted under this By-law when, in the opinion of the Committee, the site is marshy, subject to flooding, excessively steep, or otherwise unsuitable for a proposed purpose by virtue of its soil or topography.

2.8(6) VARIANCES

Pursuant to paragraph 55(2)(b) of the *Community Planning Act*, the Committee may, subject to any term or condition that it considers fit, permit such reasonable variance from the requirements of this By-law authorized by paragraph 53(2)(a) of the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accord with the general intent of this By-law and The City of Saint John Municipal Development Plan.

2.9 Powers of the Development Officer

2.9(1) CERTAIN ENCROACHMENTS OCCURRING IN GOOD FAITH

Pursuant to subsection 53(7) and 53(8) of the *Community Planning Act*, where a person in good faith, as attested to by the Development Officer, locates a building or structure so as to encroach up to 60 centimetres on a setback requirement pursuant to subparagraph 53(2)(a)(v) of the *Community Planning Act*, or encroach up to 30 centimetres on a yard requirement pursuant to subparagraph 53(2)(a)(iv) of the *Community Planning Act*, such encroachment does not constitute a violation of the requirements of this By-law.



2.9(2) TEMPORARY APPROVALS

The Committee may delegate to the Development Officer its authority under paragraph 2.8(4)(a).

2.9(3) VARIANCES

Pursuant to subsection 55(2) of the *Community Planning Act*, the Development Officer may, subject to the terms and conditions that he or she considers fit, permit a reasonable variance from the requirements of this By-law authorized by subparagraph 53(2)(a)(i), (iii), (iv), (v), (vii), (ix), or (xiii) of the *Community Planning Act* if the Development Officer is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure and accords with the general intent of this By-law and The City of Saint John Municipal Development Plan.

2.10 Council, Committee, and Development Officer Applications

- (a) A person who seeks to obtain an approval not involving an amendment to this By-law, or a resolution or agreement pursuant to section 59 of the *Community Planning Act*, or a development permit pursuant to section 2.11, shall submit an application in the form prescribed by the Development Officer and accompanied by a fee in accordance with Schedule B of this By-law. Such application shall also be signed by the registered lot owner or authorized agent thereof. [2016, C.P. 111-35]
- (b) Any application not satisfying all the requirements of paragraph (a) shall be deemed abandoned after 90 days immediately following the date of initial submission and shall not be considered further by the Development Officer.
- (c) When an application has been received that seeks approval of a matter that has been denied within the immediately preceding 12 months, it will not be reconsidered unless the Council, the Committee, or the Development Officer, as the case may be, is of the opinion that it is substantially different from the previous application.

2.11 Development Permit Approvals

- (a) No person shall:
 - (i) Change the purpose for which land or a building or structure is used with respect to a main use or a secondary use; or
 - (ii) Allow the use of land, buildings, and structures for a sign pursuant to Part 7 of this By-law;without obtaining a development permit.
- (b) Notwithstanding paragraph (a), the following developments may be undertaken without obtaining a development permit:



- (i) An alteration to the interior of a building or structure that does not involve a change of use;
- (ii) An alteration to the exterior of a building or structure that does not involve an increase in the exterior dimensions or size;
- (iii) A change of sign copy of a sign provided the sign copy area is not increased;
- (iv) A sign pursuant to section 7.3;
- (v) A minor utility service building or structure and pipeline pursuant to section 9.11;
- (vi) The storage of a recreational vehicle or major recreational equipment pursuant to section 9.15;
- (vii) A telecommunication tower pursuant to section 9.16;
- (viii) A temporary construction building or structure pursuant to subsection 9.17(1);
- (ix) A temporary garden centre pursuant to subsection 9.17(2);
- (x) A temporary sale of Christmas trees pursuant to subsection 9.17(3);
- (xi) A temporary special occasion structure pursuant to subsection 9.17(5);
- (xii) An agricultural use in a P or RU zone except where the agricultural use involves the keeping of a goat, horse, pony, sheep, or cow, or any combination thereof;
- (xiii) A stormwater management pond;
- (xiv) A temporary parking lot and snow lot authorized by The City of Saint John;
- (xv) A community garden;
- (xvi) A municipal recreational use;
- (xvii) A park or playground;
- (xviii) A public display;
- (xix) A walking trail;
- (xx) An accessory building not greater than 10 square metres in gross floor area;
- (xxi) Except for a sign pursuant to Part 7 and a swimming pool pursuant to section 5.6, accessory structures such as, but not limited to:
 - (A) A fence pursuant to section 5.2,



- (B) A garbage enclosure pursuant to section 5.4, and
- (C) Outdoor storage pursuant to section 5.5;
- (xxii) A temporary car shelter; [2017, C.P. 111-47]
- (xxiii) Temporary test facilities; and [2019, C.P. 111-82]
- (xxiv) Wind test tower. [2019, C.P. 111-82]
- (c) The Development Officer shall accept for consideration an application for a development permit when:
 - (i) A completed application, in a form prescribed by the Development Officer, has been received;
 - (ii) The information submitted appears correct and adequate to determine compliance with the standards of this By-law and the Municipal Development Plan; and
 - (iii) The full application fee of \$110.00 has been received by the Development Officer, but where the proposed development requires a building permit, no fee shall be required for the development permit.
- (d) The Development Officer shall not approve any development permit requiring the consideration of the Committee or Council until such consideration is given, and the Development Officer shall attach any terms and conditions imposed by the Committee or Council as conditions of approval of the development permit.
- (e) No development permit shall be approved by the Development Officer involving a ground sign having a height greater than three metres unless a plan or report that has been dated and bearing the seal and signature of a professional engineer is received by the Development Officer confirming that the proposed ground sign will not impair human health or safety.
- (f) The Development Officer shall refuse an application for a development permit if the applicant has not within six months of the Development Officer receiving the application become entitled to have the development permit issued.
- (g) The Development Officer shall issue a development permit for a change of use or sign mentioned paragraph (a) when the Development Officer has received a completed development permit application which describes a development that complies with the standards of this By-law and the Municipal Development Plan.
- (h) Where a development permit has been approved by the Development Officer, the applicant may apply to the Development Officer to modify the development permit by providing such additional information as may be necessary by the Development Officer to ascertain whether the revised proposal still complies with the provisions of this By-law and the Municipal Development Plan.



- (i) A development permit issued under this By-law shall remain valid for a period of one year from the date of issue.
- (j) When a development permit has expired pursuant to paragraph (i), upon the request of the applicant it may be reinstated by the Development Officer under the same terms as the original development permit if the scope has not changed and the change of use or sign, as the case may be, is still permitted under this By-law and the Municipal Development Plan.
- (k) A development permit shall be revoked where:
 - (i) The development permit was issued on mistaken or false information; or
 - (ii) The development undertaken does not conform or exceeds the scope authorized by the development permit;unless the applicant immediately proceeds to rectify the situation in manner acceptable to the Development Officer.

[2016, C.P. 111-35]

2.12 By-law Enforcement

- (a) Pursuant to subsection 133(1) of the *Community Planning Act*, the Development Officer or a person authorized by Council has the right to enter at all reasonable times upon any property within the City for the purpose of making any inspection that is necessary for the administration of this By-law.
- (b) Pursuant to subsection 134(1) of the *Community Planning Act*, if a development is undertaken in contravention of the *Community Planning Act* or this By-law or terms and conditions imposed on the development, Council, or if authorized by Council the Development Officer, Building Inspector, or other person, may order cessation of the development, alteration of such development so as to remove the contravention, or the doing of anything required to restore the land, building, or structure to its conditions immediately prior to the undertaking of such development.
- (c) Further By-law Enforcement is pursuant to the provisions of the *Community Planning Act* and other applicable provincial legislation.

2.13 By-law Amendments and Section 59

- (a) Subject to paragraph (b), a person who seeks to have this By-law amended, or a resolution or agreement pursuant to section 59 of the *Community Planning Act* amended, shall submit a complete application in the form prescribed by the Development Officer and accompanied by a fee in accordance with Schedule B. Such application shall be signed by the registered lot owner or authorized agent thereof if a specific lot is involved,



but when the applicant is The City of Saint John, no permission by any landowner is necessary.

- (b) Any application not satisfying all the requirements of paragraph (a) shall be deemed abandoned after 90 days immediately following the date of initial submission and shall not be considered further by the Development Officer.
- (c) When an application has been received which seeks approval of a matter that has been denied within the immediately preceding 12 months, it will not be reconsidered unless Council is of the opinion that it is substantially different from the previous application.
- (d) Where a person applies to Council to have an area of land rezoned to permit the carrying out of a specific proposal, Council may by resolution or agreement set out the proposal and impose reasonable terms and conditions pursuant to section 59 of the *Community Planning Act*.
- (e) Council may return all or any part of the fee required to have this By-law amended to the applicant.

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Parts



3 Definitions

3.1 In this By-law, unless expressly indicated otherwise, words have their ordinary meaning except as otherwise defined by this By-law:

“**abut**” means adjoining and having access thereto directly. [2016, C.P. 111-35]

“**access**” means an access, exit, or driveway from a street to a lot.

“**accessory building**” means a building that is incidental, subordinate, and exclusively devoted to the main use, main building, or structure located on the same lot. [2016, C.P. 111-35]

“**accessory or incidental use**” means a permitted use in a zone that is incidental to and exclusively devoted to a main use of any land, building, or structure located on the same lot.

“**accessory structure**” means a subordinate structure that is incidental, subordinate and exclusively devoted to the main use, building, or structure located on the same lot.

“**accommodation**” means an establishment that provides lodging for travellers or transients, and includes, but is not limited to, a bed and breakfast, hotel, or motel, but does not include a hostel or rooming house.

“**active transportation**” means modes of transportation that rely on human power rather than machine power, including, but not limited to, walking, jogging, running, cycling, in-line skating, skateboarding, non-mechanized wheel chairing, snowshoeing, and skiing. [2016, C.P. 111-35]

“**Act**” means the *Community Planning Act*, RSNB 1973, c C-12, of the Province of New Brunswick.

“**adult entertainment facility**” means an establishment where service or entertainment appealing to, or designed to appeal to, an erotic or sexual appetite or inclination is provided.

“**affordable dwelling unit**” means a dwelling unit constructed under the Affordable Rental Housing Program of the Province of New Brunswick. Except as otherwise provided by this By-law, an affordable dwelling unit is considered the same as a dwelling unit.

“**agricultural use**” means the cultivation of the soil to produce a crop, or the raising of a domestic animal, including, but not limited to, the growing of a crop, an agro-forestry operation, garden, greenhouse, maple syrup production, nursery, orchard, or vineyard, or the keeping and raising of bees, fish, fowl, livestock, or fur or wool bearing animals, but does not include a cannabis production facility. [2017, C.P. 111-41], [2018, C.P. 111-53]



“**air transport facility**” means a building or land and associated infrastructure used for aviation, and without limiting the generality of the foregoing, includes an airport, airfield, hangar, aircraft maintenance shop, or flight school.

“**alter**” means to make any change, structural or otherwise, that is not for the purposes of routine maintenance of a building or structure, and includes a change of use.

“**amenity space**” means that part of a lot or building intended and capable of being used privately or commonly for recreation or relaxation, such as, but not limited to, a balcony, courtyard, deck, garden, garden room, gym or fitness room, landscaped area, lounge area, gaming or computer room, movie room, pergola, play area, porch, rooftop deck, swimming pool, or veranda, but does not include a driveway or a parking lot.

“**animal shelter**” means an establishment that provides care and veterinary service to lost, abandoned, or neglected animals.

“**architect**” means a person who is a registered member or licensee of the Architects’ Association of New Brunswick authorized to practise architecture in New Brunswick.

“**articulation**” means the division of a building façade into distinct sections; the materials, patterns, textures, colors, or architectural features such as bay windows, pilasters, and rooflines that add visual interest. [2020, C.P. 111-86]

“**artist or craftsperson studio**” means an establishment used for creating, finishing, refinishing, or similar production of custom or handmade commodities together with the retailing of such commodities.

“**asphalt plant**” means any use where the production of asphalt takes place and may include the stockpiling and storage of bulk materials and the storage and sale of finished products manufactured on the premises. [2016, C.P. 111-35]

“**attic**” means that portion of a building located partly or wholly within the roof of a building.

“**auction facility**” means an establishment that provides for the auctioning and related temporary storage of large equipment, livestock, or motor vehicles.

“**auction house**” means an establishment conducted entirely inside a building that provides for the auctioning and related temporary storage of goods, except large equipment, livestock, or motor vehicles.

“**auto service drive-thru**” means a drive-thru facility designed for the express servicing of vehicles where a person may be permitted to remain in their vehicle, and includes, but is not limited to, a quick-lube or quick-oil change business.

“**awning sign**” means a sign that is incorporated into the material of an awning or canopy.



“**bakery**” means an establishment for preparing, cooking, baking, and selling of products for public consumption.

“**balcony**” means a horizontal platform attached to a building above the first storey floor level that is intended for use as an outdoor amenity space.

“**banquet hall**” means a room or building used for hosting a party, banquet, function, reception, or other social event such as a dinner theatre, and may include an area for food preparation. The use may be licensed with a Dining Room or Special Facility Licence under the *Liquor Control Act*.

“**bar, lounge, or nightclub bar**” means an establishment licensed as a Lounge under the *Liquor Control Act* where liquor is served to the public, which may include live entertainment as a secondary use.

“**barrier free parking space**” means a parking space designed for the exclusive use of a person with a disability who displays on or in a vehicle a disabled person’s identification plate, permit or placard issued under the authority of the *Motor Vehicle Act*.

“**basement**” means that portion of a building or structure between two floor levels that is underground but has at least one-half of its height above average grade.

“**bed and breakfast**” means any secondary use in a one-unit dwelling where up to five guest rooms are offered for rent to the travelling public for temporary accommodation, which may also include the provision of meals. [2016, C.P. 111-35]

“**bedroom**” means an area or room in a dwelling primarily used for the sleeping activities of a person or persons.

“**berm**” means a landscaped artificial mound of earth capable of sustaining vegetation used for visual screening.

“**bicycle locker**” means a locker or box where one or more adult-sized bicycles can be placed and locked inside.

“**bicycle parking space**” means a slot in a bicycle rack or bicycle locker designed to hold one adult-sized bicycle and provides a fixed loop, bar, or other feature to which an adult-sized bicycle may be secured at the bicycle frame by means of a 20.32-centimetre U lock.

“**bicycle rack**” means a stationary fixture that has been securely anchored to the ground or a permanent structure or a building designed to securely hold adult-sized bicycles.

“**billboard sign**” means a ground sign that displays third-party advertising.

“**blade clearance**” means the distance from grade to the bottom of the rotor’s arc. [2019, C.P. 111-82]



“block” means all private lots, public lots, laneways, and easements within an area of land bounded by streets. [2020, C.P. 111-86]

“block face” means all lots abutting one side of a street between two intersecting streets. [2020, C.P. 111-86]

“building” means any roofed structure with solid exterior walls, whether temporary or permanent, designed or used for the accommodation, enclosure, or shelter of an animal, chattel, person, or material.

“Building Inspector” means the person appointed by Council as the Building Inspector for The City of Saint John, or any person designated by the Building Inspector to perform a duty on behalf of the Building Inspector with respect to this By-law. [2016, C.P. 111-35]

“building line” means any line defining the position of a building or structure on a lot.

“building permit” means a permit issued pursuant to the Saint John Building By-law. [2016, C.P. 111-35]

“bulk fuel storage depot” means a facility for the storage and distribution of petroleum and petrochemical products in bulk quantities, which may include tanker vehicle storage and key lock pumps, but does not include retail sales or processing.

“business office” means an establishment where one or more persons are employed in the conduct, direction, or management of an agency, business, brokerage, labour, or fraternal organization, but does not include such uses as an assembly or storage of goods, manufacture, a place of amusement or assembly, or retail sales.

“business support service” means an establishment used to provide support to businesses that is characterized by one or more of the following: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or janitorial services; the provision of office security; the sale, rental, repair, or servicing of office equipment, furniture or machines. Typical business support service establishments include printing, film processing, janitorial firms, or office equipment sales or repair.

“cannabis” means cannabis as defined by the Government of Canada pursuant to the *Cannabis Act*. [2018, C.P. 111-53]

“cannabis processing facility” means any use of land, building, or structure involving:

- (a) The processing of raw cannabis materials;
- (b) The making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished goods and products involving cannabis; or



(c) The storage or transhipping of materials, goods, and products.

A cannabis processing facility includes, but is not limited to, the laboratory testing, extraction, and purification of cannabinoids, research and development, and the production of pharmaceutical-like products. [2018, C.P. 111-53]

“cannabis production facility” means a facility or premises licensed by the Government of Canada pursuant to the *Cannabis Act* for growing, producing, testing, destroying, storing, or distributing cannabis, but does not include cannabis retail use. [2018, C.P. 111-53]

“cannabis retail” means the sale of cannabis or cannabis related products to the general public. [2018, C.P. 111-53]

“car wash” means an establishment for the public where a vehicle is washed within a building or within a permanent structure, but does not include a mobile car wash.

“caretaker dwelling” means a dwelling unit for the residence of an individual involved with the maintenance and security of a lot.

“carport” means a building or structure without walls on at least two sides used for the parking or storage of a motor vehicle.

“catering business” means a home occupation involving the preparation of food and or beverages for consumption elsewhere.

“catering service” means an establishment where food and or beverages are prepared inside of a building for consumption elsewhere.

“cellar” means that portion of a building between two floor levels that is underground to the extent that more than one-half of its height is below average grade.

“cementitious” means of or relating to chemical precipitates, especially of carbonates, having the characteristics of cement, which includes such trademarked products as hardiplank cladding.

“cemetery” means any land, building, or structure used for burying or interring the dead, and may include associated building for grounds keeping, equipment storage, or administrative office space.

“change of use” means a change of a use of any land, building, or structure, or any combination thereof, to a different use permitted in the zone where such land, building, or structure is located.

“Chief City Engineer” means the person appointed by Council as the Chief City Engineer for The City of Saint John, or a person designated by the Chief City Engineer to perform a duty on behalf of the Chief City Engineer with respect to this By-law. [2016, C.P. 111-35]



“**city**” means the geographical area within the boundaries of the City of Saint John in the County of Saint John in the Province of New Brunswick.

“**City Solicitor**” means the person appointed by Council as the City Solicitor for The City of Saint John, or any person designated by the City Solicitor to perform a duty on behalf of the City Solicitor with respect to this By-law. [2016, C.P. 111-35]

“**Clean Water Act**” means the *Clean Water Act*, SNB 1989, c C-6.1, of the Province of New Brunswick. [2016, C.P. 111-35]

“**clothing maker**” means an individual who alters or repairs personal clothing including the manufacture of new articles of clothing for individuals.

“**cluster townhouse dwelling**” means a building abutting a private street that contains three or more dwelling units arranged side by side and vertically separated with each said dwelling unit having an independent exterior entrance. [2016, C.P. 111-35]

“**commercial entertainment**” means any use where amusement or entertainment is provided to the public for a fee, such as, but not limited to, an arcade, auditorium for the performing arts, bingo hall, bowling alley, cinema (also see “moving pictures”), theatre, or other such amusement place, but does not include an adult entertainment facility or a casino. [2016, C.P. 111-35]

“**commercial group**” means two or more commercial buildings located on a lot or adjoining lots that have been designed as a unified development with respect to the placement of buildings and any associated accessory buildings or structures, amenity spaces, driveways, landscaping, or parking areas.

“**commercial heritage infill**” means the properties defined as follows:

- (a) Trinity Royal North, that portion of the City being the buildings, structures and lands illustrated and listed on Schedule M of the Saint John Heritage Conservation Areas By-law;
- (b) Red Rose Tea Heritage Conservation Area, as outlined in Section (2)(1)(e) of the Saint John Heritage Conservation Areas By-law; or
- (c) Brunswicker/Ordnance Corps Heritage Conservation Area, as outlined in Section (2)(1)(j) of the Saint John Heritage Conservation Areas By-law.

[2020, C.P. 111-86]

“**commercial parking lot**” means a parking lot that is the main use of a lot. [2016, C.P. 111-35]

“**commercial recreation**” means an outdoor recreational use such as, but not limited to, boating, golfing, skiing, or swimming, but does not include motor vehicle racing.



“**commercial use**” means any permitted use where the primary purpose is to sell, lease, or rent a product or service directly to the public, including, but not limited to, retail sales, commercial entertainment, or personal or professional services, but does not include any residential use.

“**commercial vehicle**” means a vehicle that is licensed as a commercial vehicle under the *Motor Vehicle Act*. This would include such non-private passenger vehicles such as, but not limited to, an authorized emergency vehicle, bus, farm tractor, non-repairable vehicle, road tractor, semi-tractor, or taxicab.

“**commercial zone**” means any zone denoted in this By-law as: Uptown Commercial (CU), Waterfront Commercial (CW), Campus Research Commercial (CRC), Business Park Commercial (CBP), Corridor Commercial (CC), Regional Commercial (CR), General Commercial (CG), Mixed Commercial (CM), Local Commercial (CL), Adult Entertainment Commercial (CAE), or Rural General Commercial (CRG).

“**Committee**” means the Planning Advisory Committee of The City of Saint John established by Council.

“**common wall**” means a wall erected along a lot or part-lot boundary partly on the land of one owner and partly on the land of another that provides common support to the structure on both sides of said boundary. [2016, C.P. 111-35]

“**communication facility**” means any use of land or building for the production, storage, or dissemination of information or information products, and includes, but is not limited to, a broadcast studio, call centre, publishing or printing facility, telecommunication service, or television service. [2016, C.P. 111-35]

“**community arena**” means a facility with seating and change rooms in which sports and other public events are held and may include a food preparation and serving venue.

“**community centre**” means an establishment that provides for non-commercial purposes cultural, educational, recreational, or social activity or event. [2016, C.P. 111-35]

“**community facility zone**” means any zone denoted in this By-law as: Neighbourhood Community Facility (CFN) or Major Community Facility (CFM).

“**community garden**” means an area of land that is cultivated by the public for a non-commercial purpose. [2016, C.P. 111-35]

“**community policing office**” means an office utilized by members of the police for the purpose of community outreach and education, but does not include any facility for detention.

“**composting facility**” means a waste management facility that produces compost using collected organics.



“**concrete plant**” means any use where the production of concrete or concrete products takes place, and may include the stockpiling or storage of bulk materials or the storage or sale of finished products manufactured on the premises. [2016, C.P. 111-35]

“**conditional use**” means a use of any land, building, or structure that is permitted subject to any term or condition imposed by the Committee, and that may be prohibited by the Committee where compliance with an imposed term or condition cannot reasonably be expected.

“**conference or convention centre**” means an establishment where facilities are provided for banquets, conventions, meetings, seminars, social gatherings, trade fairs, workshops, or other similar activities, all of which may be served by dining and or accommodation facilities.

“**converted dwelling**” means a building originally constructed as a one-unit dwelling or two-unit dwelling that has been lawfully converted into a two-unit dwelling or a multiple dwelling.

“**corner lot**” means a lot located at an intersection abutting two or more streets.

“**correctional services**” means a facility used for judicial purposes such as, but not limited to, a courthouse, jail, offender rehabilitation centre, or prison.

“**Council**” means the Common Council of The City of Saint John.

“**crisis care facility**” means an establishment that provides short-term accommodation to a person in crisis requiring immediate lodging and may involve 24-hour supervision and personal support service.

“**cultural establishment**” means any use that provides display, storage, restoration, or an event related to art, literature, music, history, performance, or science, and includes, but is not limited to, an art gallery, archive, auditorium, library, museum, performing arts or interpretive centre, or theatre. [2016, C.P. 111-35]

“**day care centre**” means an establishment that provides care and supervision for up to 60 children as regulated by the *Family Services Act* or the *Early Childhood Services Act*.

“**deck**” means a horizontal structure above grade intended for use as outdoor amenity space, which may include a railing or privacy lattice along the sides.

“**density**” means, in the case of a residential use, the ratio of dwelling units to one net hectare of lot area, or, in the case of a non-residential use, the ratio of the gross floor area to the lot area.

“**Department of Environment**” means the Department of Environment and Local Government of the Province of New Brunswick.

“**derelict vehicle**” means a non-repairable vehicle as defined by the *Motor Vehicle Act*.



“development” means:

- (a) The erecting, placing, relocating, removing, demolishing, altering, repairing, or replacing of a building or structure other than utility poles and wires, traffic control devices, pipelines defined in the *Pipeline Act, 2005* except for buildings and structures remote from the pipeline used for management and administration or housing or storing of moveable equipment or statutory notices;
- (b) Any change in the purpose for which any land, building, or structure is used;
- (c) Any excavation of sand, gravel, clay, shale, limestone, or other deposit for a development mentioned in (a) or for purposes of the sale or other commercial use of the material excavated; or
- (d) The making of land by cutting or filling to a depth in excess of one metre except in the case of laying pipelines defined in the *Pipeline Act, 2005*.

“Development Officer” means the person appointed by Council as the municipal planning director for The City of Saint John, or any person delegated authority by the municipal planning director with respect to this By-law. [2016, C.P. 111-35]

“development permit” means a permit pursuant to this By-law which pertains to:

- (a) Any change in the purpose for which land or a building or structure is used with respect to a main use or a secondary use;
- (b) The use of land, buildings, and structures for a sign pursuant to Part 7 of this By-law; or
- (c) An excavation of sand, gravel, clay, shale, limestone, or other deposit for purposes of the sale or other commercial use of the material excavated pursuant to section 12.4 of this By-law.

[2016, C.P. 111-35]

“directional sign” means a sign directing vehicles or pedestrians to an access or driveway on a lot.

“distribution facility” means an establishment where goods or items are stored inside a building for a temporary period prior to being loaded onto transport elsewhere.

“domestic animal” means an animal kept for food, work, or a by-product, but not as a household pet, and includes, but not limited to, a chicken, cow, duck, goat, horse, pig, pony, sheep, or turkey.



“**drive-thru facility**” means any accessory use where a service is provided to a person within a motor vehicle, and includes any associated speaker system or small electric message board required for such service. [2016, C.P. 111-35]

“**driveway**” means the portion of any lot or parking lot designed or intended to provide vehicular access from a street to a parking space or parking aisle.

“**dry cleaning depot**” means an establishment for the drop-off and pickup of fabrics, textiles, or other clothing articles to be cleaned off-site at a dry cleaning plant.

“**dwelling**” means a building or part of a building designed, occupied, or intended as a home, living quarters, or residence by one or more persons and containing one or more separate dwelling units, but does not include a hostel, hotel, motel, rooming house, supportive facility, or supportive housing.

“**dwelling group**” means two or more buildings containing dwelling units located on a lot or adjoining lots that have been designed as a unified development with respect to the placement of the main buildings and any associated accessory buildings or structures, amenity spaces, driveways, landscaping, or parking areas.

“**dwelling unit**” means one or more habitable rooms designed, occupied, or intended for use by one or more persons as an independent and separate housekeeping establishment where culinary facilities are restricted to one kitchen and sanitary and sleeping facilities are provided for the exclusive use of such person or persons, but does not include hostel, rooming house, supportive housing, or supportive facility.

“**emergency services facility**” means a facility used by fire protection, police, ambulance, or other such emergency service as a base of operations, but shall exclude a Community Police Office.

“**engineering drawing**” means a plan stamped, signed, and dated by a Professional Engineer. [2016, C.P. 111-35]

“**entrance identification sign**” means a sign that is placed over an entrance of a building or structure identifying such entrance or a service area, and may include the logo or name of the business or organization to which the entrance provides access.

“**equestrian facility**” means an establishment that provides boarding of horses or the training of horses and their riders, or both, and may include the staging of equestrian events.

“**erect**” means to assemble, build, construct, or relocate a building or structure, and includes any associated activity.

“**excavating of land**” means the making of land by cutting or digging in excess of one metre, except in the case of laying pipelines.



“**exhibition grounds**” means any use of land or building on a seasonal or temporary basis for entertainment, display, performance, market, auction, fair, or other similar community events, and may include a year round track for horseracing. [2016, C.P. 111-35]

“**existing**” means lawfully in existence on the date By-law No. C.P. 110, The Zoning By-law of The City of Saint John, and amendments thereto, was repealed.

“**existing use**” means a use lawfully in existence on the date By-law No. C.P. 110, The Zoning By-law of The City of Saint John, and amendments thereto, was repealed.

“**façade**” means the face of a building, especially the principal face that is adjacent to or fronts on a street line, park, or plaza. Corner buildings have at least two façades. [2020, C.P. 111-86]

“**farmers market**” means an establishment where local farm products, which may also include other foods, beverages, or arts and crafts, are sold to the public by a group of retailers from within a building or outside of a building, but does not include cannabis retail use. [2018, C.P. 111-53]

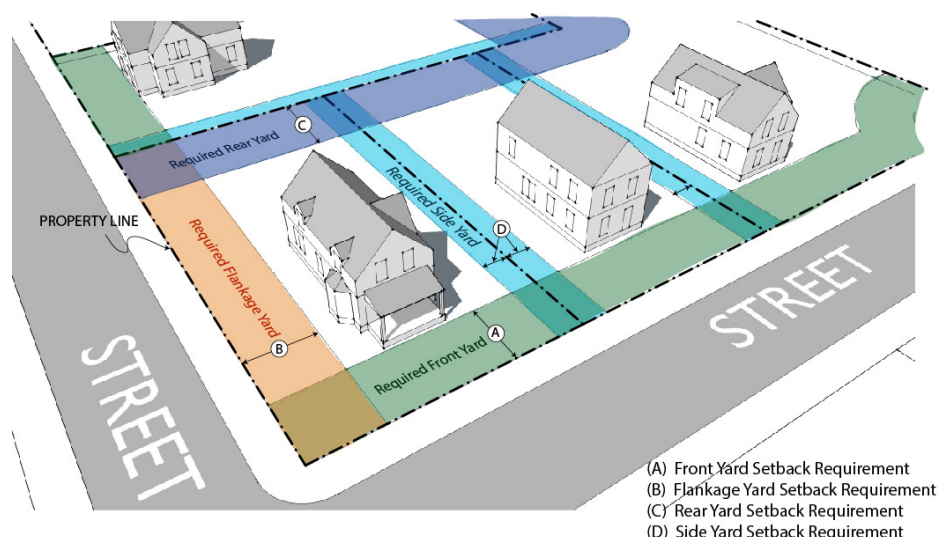
“**filling of land**” means the making of land by adding or filling in excess of one metre, except in the case of laying pipelines.

“**financial service**” means an establishment where money is deposited, retained, loaned, exchanged, or managed, and includes, but not limited to, a bank, credit union, or trust company.

“**fishery**” means any use of land, building, or structure where fishery resources are cultivated, managed, or harvested, but does not include manufacturing or processing of such products. [2016, C.P. 111-35]

“**flankage lot line**” means a side lot line abutting a street on a corner lot.

“**flankage yard**” means the side yard of a corner lot abutting a street.





“**fleet service**” means a development using a fleet of vehicles for the delivery of people, goods, or services where such vehicles are not available for sale or long-term lease. This use includes ambulance services, taxi services, bus lines, or messenger and courier services, but does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kilograms.

“**forestry use**” means any use of land, building, or structure, where timber resources of any cumulative ground area are cultivated, managed, or harvested, but does not include manufacturing or processing of such products, or a cannabis production facility. [2017, C.P. 111-41], [2018, C.P. 111-53]

“**front lot line**” means the lot boundary line of an interior lot abutting a street, or in the case of a corner lot the shorter boundary line abutting a street with the longer boundary line abutting a street being the flankage lot line, but if both boundary lines are of equal length then the boundary line directly across from the principal entrance of the main building or structure on the lot, or in the case where a lot does not abut a street, the boundary line abutting any other access that provides access will be the front lot line. [2016, C.P. 111-35]

“**front yard**” means a yard extending across the full width of a lot between the front lot line and the nearest point of the wall of a main building or structure on the lot.

“**funeral service**” means an establishment that provides the preparation of the dead for interment or cremation and the holding of a memorial service, and may include the accessory sale and storage of caskets, urns, and other related funeral items. An associated chapel or crematorium are permitted as secondary uses.

“**future street**” means an area of City-owned land that may later be improved to become a Public Street. [2016, C.P. 111-35]

“**garage**” means an accessory building or part of a main building or structure capable of being used for the storage of a motor vehicle.

“**garden centre**” means any use of land, building, or structure for the display and sale of plants, gardening, or landscaping equipment or supplies, but does not include a cannabis production facility or cannabis retail use. [2017, C.P. 111-41], [2018, C.P. 111-53]

“**garden suite**” means any secondary use to a one-unit dwelling or a mobile or mini-home containing one dwelling unit, where another dwelling unit is established in a separate building on the same lot. [2020, C.P. 111-92]

“**general contractor service**” means an establishment related to building construction, concrete installation, drilling, electrical, excavation, heating, landscaping, paving, plumbing, road construction, sewer, or similar service of a construction nature, which requires on-site storage area for materials, construction equipment, or vehicles normally associated with a contractor



service. The use may also include related sales, a display office, or technical support service area provided it is secondary or accessory to the main use.

“good faith” means the unintentional action of a sincere person as determined by the Development Officer.

“government or utility works depot” means a facility used by a level of government or public utility company concerning the maintenance, operation, and storage of equipment, material, fleet service, and includes associated office and supportive amenities.

“grade” means the finished level of the ground at the exterior walls of a building or structure excluding localized depressions such as a pedestrian or vehicle entrance.

“green energy development” means a project that accommodates renewable resource-related activities, such as a wind energy development or solar energy development, but is not developed in association with a residential use. [2019, C.P. 111-82]

“grocery store” means an establishment where fresh and packaged food and household items are sold, and may include a secondary use provided:

- (a) The total floor area of all secondary uses do not exceed 20 percent of the gross floor area of the building or portion of the building where the grocery store is located; and
- (b) Direct customer access inside the building is maintained between the grocery store and the secondary use.

“gross floor area” means the total of all floor areas of a building or structure above and below grade measured between the exterior faces of the exterior walls of the building at each floor level, but does not include any area designed for parking.

“ground floor area” means the gross floor area of the first storey of a building located at or above grade.

“ground sign” means a sign structure that is permanently attached to the ground and supported by one or more posts or other similar means.

“guest room” means a room of a bed and breakfast establishment that contains no cooking appliances or equipment.

“habitable building” means a dwelling unit or any building used for human habitation. [2019, C.P. 111-82]

“habitable room” means the space within a dwelling unit where living functions are normally conducted and may include a bathroom, den, dining room, kitchen, living room, recreation room,



but does not include a carport, deck, garage, porch, veranda, unfinished attic, unfinished basement, or cellar.

“harbour facility” means any land, building, or structure that is part of a port use.

“health and fitness facility” mean an establishment providing health, fitness, and recreational activities, such as, but not limited to, boxing, dancing, gymnastics, martial arts, weightlifting, yoga, or other forms of physical exercise. This use may also include the incidental sale of health and fitness merchandise.

“health services laboratory” means an establishment where bio-medical samples are tested, medical research is conducted, or medical and or dental aids, devices, or prostheses are serviced, but does not include a cannabis processing facility or cannabis production facility. [2018, C.P. 111-53]

“heavy equipment sales and rental” means an establishment where construction or industrial equipment and vehicles are rented and or sold to the public including, but not limited to, backhoes, bulldozers, excavators, farm or forestry equipment, or trucks or trailers. The use may also include the maintenance of such equipment and vehicles.

“heavy industrial use” means any use of land, building, or structure for any of the following:

- (a) A **“volatile industrial use”** where the type of material used, produced, or stored and or the type of manufacturing process involved may be harmful or detrimental to a person’s health and or property due to the potential of fire, explosion, or the accidental release of toxic gases, fumes, or otherwise, and without limiting the generality of the foregoing, shall include, but not be limited to, a chemical plant, crude import, and or export terminal, fertilizer manufacture and storage, liquefied natural gas terminal, petro-chemical plant, or petroleum refinery, but not a nuclear power plant, nuclear storage facility, or a nuclear enrichment plant; and
- (b) An **“offensive industrial use”** where the type of manufacturing process involved or the type of material used, produced, or stored may cause a dangerous gas or fume, dust, objectionable odour, noise or vibration, or the unsightly storage of goods, wares, merchandise, salvage, junk, waste, or other material to a condition that could be hazardous or injurious as regards to a person’s health or safety, or which prejudices the character of the surrounding neighbourhood, or could interfere with the normal enjoyment of any land, building, or structure, and shall include, but not be limited to, a brewery, pulp and paper mill, or a scrap or salvage yard.

[2016, C.P. 111-35]

“height” means the vertical distance from average grade to the highest point of a building or structure, but does not include anything excluded by this By-law with respect to height.



“highway” means a thoroughfare suitable for the passage of motor vehicles built and maintained by, or under the supervision of, the Department of Transportation and Infrastructure, the New Brunswick Highway Corporation, or a project company, whether or not such highway lies within the geographical boundaries of the city. [2016, C.P. 111-35]

“home day care” means any secondary use where the occupant provides care and supervision for up to five children as regulated by the *Family Services Act* or the *Early Childhood Services Act*. [2016, C.P. 111-35]

“home occupation” means a secondary use in a portion of a dwelling unit where a home business is conducted by the occupant of the dwelling unit.

“hospital” means a facility that provides short or long term medical and health care, and includes overnight stays, surgery, laboratory, or diagnostic services for treating human illness, disease, and injury.

“hostel” means an establishment where temporary lodging is provided for individual travellers or transients in a shared or dormitory style room, but does not include a hotel, motel, or rooming house.

“hotel” means an establishment where temporary lodging is provided for travellers or transients in independent living quarters, and may include a public dining room and convention room, but does not include a hostel or rooming house.

“household contractor service” means an establishment that provides electrical, heating, painting, plumbing, or similar small-scale contractor service primarily to individual households, and includes the accessory sale of goods provided all materials are kept within an enclosed building and there is no manufacturing involved.

“household service and repair” means an establishment where household items such as furniture, electronic equipment, or appliances are repaired or serviced, and may include the ancillary sale of products associated with the service provided, however, this use does not include services that require the use of solvents or industrial processes.

“illuminated sign” means a sign lighted from within the sign structure or by a light shining externally upon the sign, but does not include a sign that is intermittently illuminated.

“incidental vehicle sales” means the sale of up to five vehicles on a developed site that is accessory or incidental to a permitted main use.

“industrial service and repair” means an establishment where equipment, machines or goods, but not including motor vehicles, are repaired, serviced, or maintained, and may include the ancillary sale of products associated with the service provided.



“industrial zone” means any zone denoted in this By-law as: Light Industrial (IL), Medium Industrial (IM), Heavy Industrial (IH), Pit and Quarry (PQ), Transportation (T), Utility Service (US), or Utility Service Landfill (USL).

“instructional service” means an establishment where instruction or training in an art, hobby, sport, or other recreational activity is provided including, but not limited to, visual arts, crafts, dance, martial arts, or music.

“intensification area” means the area within the Primary Development Area intended to develop with the highest concentration of land uses in the City as defined by the Municipal Development Plan and depicted on the Future Land Use Map (Schedule B) of the Plan.

“interior lot” means a lot other than a corner lot.

“intermittently illuminated sign” means a lighted sign where the sign copy is displayed at intervals, including, but not limited to, electronic or digital signs.

“interpretation centre” means an establishment to communicate to public the meaning or significance of an area, feature, settlement, or site concerning its cultural, historic, natural, or social importance for a non-commercial purpose. [2016, C.P. 111-35]

“kennel” means a building or structure used for the enclosure of animals kept for a commercial purpose, and may include premises used for the breeding, raising, training, sheltering, or boarding, or the overnight accommodation of dogs, cats, or other household pets, but shall not include a veterinary clinic.

“land for public purposes” means an area of land to be used for recreation or other use or enjoyment of the general public and includes:

- (a) An access to a lake, river, stream, sea, or other body of water;
- (b) A beach or scenic area along the shore of a lake, river, stream, sea, or other body of water;
- (c) A conservation area;
- (d) Land adjoining a school, for joint recreational purposes;
- (e) Land for a community hall, public library, recreational use, or other similar community facility;
- (f) Open space, to provide air and light, to afford a view to or from a development or to a lake, river, stream, sea, or other body of water, or for other purposes;



- (g) A park, green belt or buffer area dividing developments, parts of a highway or a development and a highway;
- (h) A pedestrian way to a school, shopping centre, recreational area, or other facility;
- (i) A protection area for a watercourse, stream, marsh, water supply lake, or other body of water;
- (j) A public park, playground, or other recreational use;
- (k) A visual feature; or
- (l) A wooded area, slope area, or a site giving view to a scenic area to provide diversity.

“landfill” means any use where waste, including recyclables and organics, is collected, stored and or treated permanently in open or covered pits, or temporarily inside or outside a building for further processing or treatment, and may include on-site administrative functions associated with such use. [2016, C.P. 111-35]

“land surveyor” means a member in good standing with the Association of New Brunswick Land Surveyors authorized under the *New Brunswick Land Surveyors Act, 1986* to practise land surveying in the Province of New Brunswick.

“landscape architect” means a person who is a registered member or licensee of the Architects’ Association of New Brunswick authorized to practise architecture in New Brunswick.

“landscape material supply” means any use conducted primarily outside of a building where precast concrete products, paver, stone, gravel, soils, or other aggregates are stored and sold, and may include the ancillary sale or rental of related goods and materials. [2016, C.P. 111-35]

“landscaping” means that part of a lot developed for beautification or visual improvement, such as, but not limited to, an artwork, beach, berm, fence, fountain, lawn, path, patio, pond, retaining wall, shrub, screen, tree, walkway, wall, or natural rock or treed area, but does not include any space beneath, within or on top of a building or an access, driveway, lane, parking area, or ramp.

“lane” means a thoroughfare suitable for the passage of motor vehicles not intended for use by the general public that serves as a secondary access to lots. [2016, C.P. 111-35]

“large recreational vehicle sales and service” means the use of any land, building, or structure for the display and sale of travel trailers, recreational vehicles and or power boats or other similar large-scale outdoor recreational equipment including, but not be limited to, the servicing, repair, cleaning, painting, and or polishing of such vehicles and their transport-trailers, and the sale of accessories and related products and the leasing or renting of such vehicles.



“large scale wind turbine” or **“LWT”** means a wind turbine providing power to the local utility grid, with a minimum power generation capacity of 100 kilowatts, and a maximum height of 220 metres, but is not developed in association with a residential use. [2019, 111-82]

“library” means an establishment containing printed, electronic, and or pictorial material for public use in study, reference, or recreation.

“light equipment sales and rental” means an establishment within a building where common residential, commercial, and or industrial equipment is rented and or sold to the public including, but not limited to, construction tools, lawn or garden equipment, power tools, or trades tools. The establishment may also include the maintenance of such equipment.

“light industrial use” means any use of land, building, or structure, involving a manufacturing process whether or not a finished article is produced, and may include the repairing and or servicing of a vehicle, machinery, or building where the manufacturing process occurs or the material is used or stored, and the transportation of material, goods, or commodities to and from the premises that will not cause injury to or prejudicially affect the amenity of the locality by reason of the following restrictions:

- (a) Water usage being restricted to employee washrooms, indirect cooling and pressure testing of equipment, cleaning of vehicles and or equipment, and similar uses ancillary to the manufacturing process;
- (b) No effluent discharge or contaminant which may contribute to the biological, chemical, physical, or aesthetic pollution of land, water, and or air; and
- (c) No manufacturing processes or activities, other than outdoor storage, parking, and loading, shall take place outside of a building.

A cannabis production facility is not included. [2017, C.P. 111-41], [2018, C.P. 111-53]

“live-work unit” means a premises in which a portion of the building may be used as a business establishment and the remainder of the building may be used as a dwelling unit. The non-residential component of the building shall be oriented to the street, maintaining the appearance of a business at street-level. [2020, C.P. 111-86]

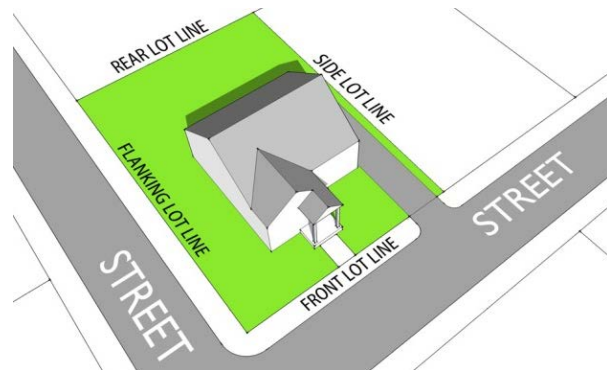
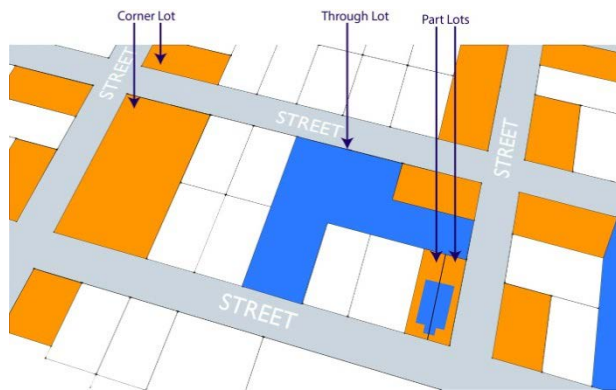
“liquefied natural gas terminal” means a terminal used for the import and or export of liquefied natural gas and associated uses.

“lot” means a parcel of land, or two or more adjoining parcels of land held by the same owner and used or intended to be used as the site for a main building or structure along with any associated accessory building or structure, amenity space, driveway, landscaping, or parking area, whether or not such lot is shown on a registered subdivision plan, or is the subject matter of a separate deed, or a separate description in a deed. [2016, C.P. 111-35]



“**lot area**” means the total horizontal area within the boundary lines of a lot, or the combined total horizontal area within the boundary lines of all part-lots associated with a semi-detached dwelling or townhouse dwelling. [2016, C.P. 111-35]

“**lot depth**” means the horizontal distance between the front lot line and rear lot line, but if the front lot line and rear lot line are not parallel, lot depth means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line, but if there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines. [2016, C.P. 111-35]



“**lot frontage**” means the horizontal distance between the side lot lines of an interior lot as measured along the front lot line, or the horizontal distance between the side lot line and a hypothetical point of intersection of the front lot line and flankage lot line of a corner lot determined by extension of a straight line. [2016, C.P. 111-35]

“**lot line**” means a common boundary line between a lot and another parcel of land, street or other such access, body of water, or any combination thereof. [2016, C.P. 111-35]

“**lot occupancy**” means that percentage of a lot that is permitted to be covered by buildings and structures, but does not include any part of a building or structure that is completely below grade, and for the purpose of this By-law the maximum lot coverage in each zone shall be deemed to only apply to that portion of such lot that is within that zone.

“**main building**” means one or more buildings intended to accommodate the main use permitted on a lot. [2016, C.P. 111-35]

“**main structure**” means a structure intended to accommodate the main use or uses permitted on a lot.



“main use” means a permitted use in a zone that is the primary purpose of any land, building, or structure located on a lot.

“major recreational equipment” includes, but is not limited to, a boat, boat trailer, chassis mounted camper, motorized home, slide-in camper, tent trailer, or travel trailer.

“major utility distribution structure” means any above ground building or structure which is used for the provision and operation of energy, municipal water, sanitary sewage system, or telecommunication service for public consumption, benefit, or use, but does not include a minor utility service building or structure. [2016, C.P. 111-35]

“massage parlour” means an establishment where for any form of consideration massage is administered to the human body for sexual pleasure.

“medical clinic” means an establishment where human health services are provided through diagnostic, therapeutic, preventative, or rehabilitative treatment, but does not include any overnight accommodation of a patient. A medical clinic includes, but is not limited to, an acupuncturist, athletic therapist, chiropractor or podiatrist, chiropractor, dental provider, massage therapist, naturopath, osteopath, physician, physiotherapist, psychologist, social worker, speech therapist, or vision care provider.

“medium industrial use” means an industrial use other than a Light Industrial Use, a Heavy Industrial Use, or a Special Industrial Use, which may involve outdoor storage or activities, but where any nuisance or risk factor generally does not extend beyond the boundaries of the lot.

“message duration” means the period that sign copy is displayed.

“message transition” means the period between the changing of sign copy.

“microbrewery” means an establishment that manufactures beer, wine, or spirits, or a combination thereof, in the following quantities per calendar year:

- (a) No more than 500,000 litres of beer;
- (b) No more than 100,000 litres of wine; and
- (c) No more than 75,000 litres of spirits. [2016, C.P. 111-35]

“minor utility service building or structure” means any overhead, surface, or underground building, facility, or structure owned by The City of Saint John or a public utility for the delivery of electricity, natural gas, municipal water, municipal sanitary sewer, municipal storm sewer, or telecommunications, including, but not limited to, the following:

- (a) Communications devices;



- (b) Distribution or transmission lines, poles including overhead wires and associated hardware or anchoring devices;
- (c) Small surface mounted enclosures;
- (d) Underground pipe systems;
- (e) Underground wires; or
- (f) Water booster stations, pumping stations, or sewage lift stations,

but does not include an electrical substation, wastewater treatment facility, water tank, or water treatment plant.

[2016, C.P. 111-35]

“mobile car wash” means an establishment or business that offers vehicle cleaning services that does not involve a building or permanent structure.

“mobile home park” means a lot containing two or more mobile or mini-homes abutting a private street.

“mobile or mini-home” means a detached dwelling containing one or two dwelling units having a length or width of less than five metres, but does not include:

- (a) A detached dwelling comprised of two or more sections with a width and length of five or more metres at all points; or
- (b) Major recreational equipment.

[2020, C.P. 111-92]

“model home sales centre” means any use where model and show homes are displayed for sales purposes for construction off-site. [2016, C.P. 111-35]

“motel” means an establishment where temporary lodging is provided for travellers or transients in independent living quarters, and may include a public dining room and convention room, but does not include a hostel or rooming house.

“moving pictures” is a land use term believed to have been included in all the zoning by-laws that have been enacted for The City of Saint John, Canada’s oldest incorporated city, since beginning its planning program back in 1945. Today, this land use would be the equivalent to a cinema, which is a permitted Commercial Entertainment use in this By-law.



“moving services” means an establishment that uses a fleet of trucks and or trailers for the pickup and delivery of personal goods, and may include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kilograms.

“multiple dwelling” means a building containing three or more dwelling units and includes a converted dwelling, but not a townhouse dwelling.

“Municipal Development Plan” means The City of Saint John’s Municipal Development Plan, as adopted and amended by Council from time to time. [2016, C.P. 111-35]

“municipal recreation use” means any use involving a public recreational facility maintained or operated by The City of Saint John, and includes, but is not limited to, a basketball court, or tennis court, park, playground, sports field, or swimming pool. [2016, C.P. 111-35]

“municipal sanitary sewer” means the existing or proposed sanitary sewer system of The City of Saint John, or the existing or proposed combined sanitary sewer system and storm sewer system of The City of Saint John. [2016, C.P. 111-35]

“municipal storm sewer” means the existing or proposed storm sewer system of The City of Saint John. [2016, C.P. 111-35]

“municipal water” means the existing or proposed water system of The City of Saint John. [2016, C.P. 111-35]

“nacelle” means a component of a wind turbine that houses its generating components including, but not limited to, the gearbox, generator, drive train, and brake assembly. [2019, C.P. 111-82]

“neighbourhood day care” means any secondary use where the occupant provides care and supervision for six to 15 children as regulated by the *Family Services Act* or the *Early Childhood Services Act*. [2016, C.P. 111-35]

“neighbourhood identification sign” means a ground sign that identifies a residential neighbourhood or subdivision.

“nightclub” means an establishment where entertainment is provided in the form of a dance floor, stage, live performance, or recorded music and includes the sale and consumption of alcohol to the public but where minors are not permitted on the premises unless accompanied by a legal guardian. A nightclub may also include the sale and consumption of food to the public.

“nit” means a unit of illuminative brightness equal to one candela for each square metre measured perpendicular to the rays of the source.

“non-conforming use” means a use of any land, building, or structure that is not permitted by this By-law but allowed to continue if such use legally existed on the day this By-law was enacted.



“**one-unit dwelling**” means a detached dwelling containing one dwelling unit or one dwelling unit with a secondary suite, but does not include a mobile or mini-home, motor home, or travel trailer.

“**on-site sewage disposal system**” means a septic tank with a subsurface disposal field, or all other such systems that are not connected to a wastewater treatment facility approved by the Minister of Environment and Local Government under the *Clean Water Act*. [2016, C.P. 111-35]

“**other zone**” means any zone denoted in this By-law as Park (P), Environmental Protection (EP), Integrated Development (ID), Future Development (FD), Rural (RU), Green Energy (GE), or a Special Zone. [2016, C.P. 111-35], [2019, C.P. 111-82]

“**outdoor display area**” means an area for the display of retail goods or materials intended for the immediate sale to the public that is situated outside of a building.

“**outdoor storage**” means the storage of equipment, goods, inventory, materials, merchandise, or other items by locating them on a lot outside of a building, but does not include the storage of garbage, or the display of goods for sale to the public from a commercial business on the same lot.

“**park or playground**” means a lot or parcel of land containing a public park or playground for a non-commercial purpose. [2016, C.P. 111-35]

“**parking aisle**” means the area within a parking lot that is used or intended to be used for internal vehicular circulation or manoeuvring and provides direct access to one or more parking spaces, but does not include any portion of a driveway.

“**parking lot**” means an area of land on a lot for the parking of vehicles and includes any adjoining access or driveway.

“**parking space**” means an area reserved for the parking of an individual vehicle often referred to as a stall, but does not include any part of a parking aisle or driveway.

“**parking structure**” means a building or structure containing parking spaces for the parking of vehicles.

“**part-lot**” means the individual parcel of land of a dwelling unit of a semi-detached dwelling, townhouse dwelling, or cluster townhouse whose lot line is located where separation is provided by a common wall. [2016, C.P. 111-35]

“**patio**” means an uncovered horizontal structure intended for use as an outdoor amenity space where the surface height is less than sixty centimetres above grade.

“**paved surface**” means a paved area or surface consisting of asphalt, concrete, brick pavers, or any combination thereof.



“**permitted use**” means a main, secondary, accessory, and conditional use permitted in a zone.

“**person**” shall mean any agent or trustee, association, corporation, firm, human being, partnership, and the executors, heirs or other legal representatives of a person to whom the context can apply according to law.

“**personal service**” means an establishment providing clothes cleaning or personal grooming service such as, but not limited to, an aesthetician, barbershop, beauty salon, clothes alteration, repair, or manufacture for individuals, dry cleaning depot or shop, hairdresser, laundry service, shoeshine, or shoe repair, but excludes the fabrication or manufacturing of goods for retail or wholesale distribution. A personal service may also include an establishment providing pet grooming.

“**pet grooming**” means an establishment where animals are groomed and washed and may include the ancillary sale of products related to this service, but does not include any associated outdoor kennel or overnight accommodation.

“**pipeline**” means pipes and installations regulated by the *Pipeline Act, 2005* of the Province of New Brunswick for the transmission of oil, gas, minerals, or fluids from an oil or gas well, or water or effluent used or produced in connection with an oil or gas well or the manufacture of oil or gas.

“**pit**” means a place where unconsolidated metallic mineral or mineral bearing substance, rock, earth, clay, sand, or gravel has been or is being removed by means of an open excavation in order to supply it for construction, industrial, and or manufacturing purpose.

“**place of worship**” means an establishment where people gather for religious or spiritual purpose and may include secondary uses such as, but not limited to, childcare, social, administrative, or food preparation activities.

“**planner**” means an individual who is entitled to use the appellation MCIP or FCIP under the by-laws of the Canadian Institute of Planners.

“**point-of-purchase sign**” means a sign that is usually not visible from a street that is intended to advertise goods available for sale from a building on a lot, including, but not limited to, a take-out menu board for a restaurant.

“**porch**” means a roofed structure attached to the exterior of a building with walls that are open and unenclosed to the extent of at least 50 percent between the floor and ceiling, notwithstanding such open and unenclosed area may be covered by insect screening.

“**Primary Development Area**” means the area generally corresponding to that portion of the City served by municipal water, municipal sanitary sewer, and municipal storm sewer as defined by the Municipal Development Plan and shown on the Future Land Use Map, Schedule B, of said Plan. [2016, C.P. 111-35]



“**private club**” means an establishment where people gather for social, literary, cultural, political, educational, and or recreational purpose operated for the exclusive use of its members and their guests, and may include food preparation, seating areas, and meeting rooms. A private club may be licensed with a Club License under the *Liquor Control Act*.

“**private street**” means a thoroughfare not owned by The City of Saint John suitable for the passage of motor vehicles. [2016, C.P. 111-35]

“**professional engineer**” means a member in good standing with the Association of Professional Engineers and Geoscientists of New Brunswick and registered or licensed to practice engineering in the Province of New Brunswick. [2016, C.P. 111-35]

“**progressive rehabilitation**” means rehabilitation of an excavation site undertaken sequentially, and within a reasonable period as deemed by the Development Officer, in accordance with the provisions of this By-law and the conditions of any development permit associated with such excavation. [2016, C.P. 111-35]

“**projecting wall sign**” means a sign structure attached to a building or structure that projects more than 0.5 metres but less than three metres from the main wall of the building or structure.

“**public display**” means a structure for non-commercial purposes that provides information to the public concerning the meaning or significance of an area, feature, settlement, or site concerning its cultural, historic, natural, or social importance. [2016, C.P. 111-35]

“**public street**” means a thoroughfare owned by The City of Saint John suitable for the passage of motor vehicles. [2016, C.P. 111-35]

“**public transit sign**” means a sign attached to a public transit shelter or affixed to a transit bus.

“**public utility**” means any person owning, operating, managing, or controlling an undertaking for the supply of electricity, gas, telephone, or other telecommunications. [2016, C.P. 111-35]

“**public water supply**” means a surface or well water supply used for public consumption.

“**quarry**” means a place where consolidated rock has been or is being removed by means of an open excavation in order to supply material for construction, industrial, and or manufacturing purpose and includes an open pit mine.

“**race track**” means an establishment where animals and non-motorized vehicles are in competition against each other or against time, includes seating for spectators, and may involve gambling on the racing activity.

“**real estate sign**” means a sign advertising the sale, rent, or lease of a premise on the lot where the sign is located.



“rear lot line” means, when a lot has four or more lot lines, the lot line farthest from and opposite to the front lot line. [2016, C.P. 111-35]

“rear yard” means a yard extending across the full width of a lot between the rear lot line and nearest wall of a main building or structure on the lot.

“recreation facility” means:

- (a) An establishment within a building designed for athletic activities, including, but not limited to, health and fitness, skating, or swimming, and may include within the same building secondary uses such as, but not limited to, childcare, food service, medical office, or personal service; or
- (b) An establishment where land is used for non-motorized outdoor sports or athletic activities, including, but not limited to, a change room, shower, or washroom facility.

“recreational use” means the use of any land, building, or structure for an athletic field, boat and or yacht club, golf course, indoor and or outdoor skating rink, lawn bowling green, park, picnic area, playground, swimming pool, tennis court, or other similar use, including an accessory building and or structure, but does not include commercial camping grounds, or a track for the racing of animals or any motorized vehicle.

“recreational vehicle” means a vehicle or major equipment intended for recreational use such as, but not limited to, a boat, boat trailer, chassis mounted camper, motorized home, slide-in camper, tent trailer, or travel trailer.

“recycling bins” means unattended containers for the collection and temporary storage of household recyclable items such as, but limited to, cardboard, paper, plastic, or metal.

“recycling facility” means an establishment involved in the storage, sorting, or processing of scrap paper, bottle, rags, or metal, but does not include a scrap or salvage yard.

“redemption centre” means an establishment where bottles, cans, or other beverage containers are received from the public for reimbursement of the containers deposit, and where all recycling facility activities occur within a building.

“regional commercial centre” means a lot or commercial group containing one or more commercial buildings having a total gross floor area of 3,000 square metres or more which contains one or more of the following uses intended to serve the shopping needs of the Saint John region: Artist or Craftsperson Studio, Bakery, Bar, Lounge, or Nightclub, Business Office, Cannabis Retail, Commercial Entertainment, Community Centre, Community Policing Office, Day Care Centre, Financial Services, Funeral Services, Grocery Store, Health and Fitness Facility, Library, Medical Clinic, Personal Service, Pet Grooming, Recycling Bins, Restaurant, Retail General, Retail Warehouse, Service and Repair, Household, Technical or Vocational School, or Veterinary Clinic.



“registration” means the performance of filing a subdivision plan, plan of survey, or other document that has been endorsed by the Development Officer at the Saint John Registry Office. [2016, C.P. 111-35]

“rehabilitation” means when land that has been excavated for aggregate extraction has been:

- (a) Restored to its former use or condition; or
- (b) Changed to a permitted use or condition that either is, or will become, compatible with the adjacent lots.

“rehabilitation centre” means an establishment where persons with alcohol, drug, or similar addictions live under the care and supervision of health and counselling professionals.

“required yard” means a yard with the minimum front yard depth, rear yard depth or side yard width required by the provisions of this By-law.

“research and development facility” means an establishment, where scientific research, investigation, testing, or experimentation takes place within a building for the development of advanced information technology, prototypes, or manufacturing of advanced technology products, and includes a wide variety of secondary uses relating to the operation such as, but not limited to, conference facility, food service, health and wellness, laboratory, meeting facility, printing service, professional and or legal service, technical consulting, training facility, or other similar facilities, but does not include a cannabis production facility. [2017, C.P. 111-41], [2018, C.P. 111-53]

“residential zone” means any zone denoted in this By-law as: Urban Centre Residential (RC), High-Rise Residential (RH), Mid-Rise Residential (RM), Low-Rise Residential (RL), Two-Unit Residential (R2), One-Unit Residential (R1), Suburban Residential (RSS), Mini-Home Park Residential (RP), Rural Settlement Residential (RS), Rural Residential (RR), or Rural Mixed Residential (RMX). [2020, C.P. 111-96]

“restaurant” means an establishment where food is prepared and offered for sale to the public for consumption on-site or off-site, and may include a dinner theatre or a catering service. A restaurant may be licensed with a Dining Room or Lounge license under the *Liquor Control Act*.

“retail convenience” means an establishment where goods, wares, merchandise, substances, articles, or things are offered for sale to local area residents or employees on a daily basis at retail or wholesale value including, but not limited to, confectionery, groceries, hardware, non-alcoholic beverages, personal care items, pharmaceutical, printed material, or tobacco, but does not include cannabis retail use. [2018, C.P. 111-53]

“retail general” means the sale of goods, wares, merchandise, substances, articles, or things to the public and may include the accessory storage and servicing of such items, but does not include cannabis retail use. [2018, C.P. 111-53]



“**retail warehouse**” means an establishment where goods requiring a large display floor area are sold to the public such as, but not limited to, building material, furniture, major appliances, or wholesale retail outlets, but does not include cannabis retail. [2018, C.P. 111-53]

“**roof sign**” means a sign structure attached on top of the roof cornice of a building or structure.

“**rooming house**” means an establishment where lodging is provided for an individual in either a private or shared bedroom that is served by a common kitchen and bathroom, but does not include a bed and breakfast, hostel, hotel, or motel.

“**rotor’s arc**” means the circumferential path traveled by the wind turbine’s blade. [2019, C.P. 111-82]

“**Saint John Building By-law**” means A By-law Respecting the Construction, Repair and Demolition of Buildings and Structures in The City of Saint John, as adopted and amended by Council from time to time.

“**Saint John Heritage Conservation Areas By-law**” means a by-law respecting municipal heritage preservation in The City of Saint John, as adopted and amended by Council from time to time. [2020, C.P. 111-86]

“**school (9-12)**” means a facility where students are taught the curriculum of one or more grade levels between nine to 12 in accordance with the *Education Act*, and may include before and after school programs and necessary accessory or secondary uses such as, but not limited to, administration, athletics, food, or library service.

“**school (K-8)**” means a facility where students are taught the curriculum of one or more grade levels between kindergarten to eight in accordance with the *Education Act*, and may include before and after school programs and necessary accessory or secondary uses such as, but not limited to, administration, athletics, food, or library service.

“**scrap or salvage yard**” means any use of land or building for the storage, wrecking, disassembling, refurbishing, or handling of goods, machinery, or motor vehicles, and may include a recycling facility, the sale of salvaged materials, or outdoor storage. [2016, C.P. 111-35]

“**secondary suite**” means a secondary use to a one-unit dwelling where an additional small dwelling unit is established within the building.

“**secondary use**” means a permitted use in a zone that is secondary to a main use of any land, building, or structure.

“**security**” means any form of security acceptable to the City Solicitor, including, but not limited to, cash, performance bonds, or standby letters of credit. [2016, C.P. 111-35]



“self-storage facility” means an establishment where goods or personal items are stored inside separate compartments within a building each having separate exterior access or separate access through a common hallway.

“semi-detached dwelling” means a building containing two dwelling units arranged side by side and separated vertically by a common wall that extends from the foundation to the roof, but does not include a mobile or mini home. [2020, C.P. 111-92]

“service station” means an establishment where fuel or lubricants are offered for sale, and may include minor automobile repair or maintenance, sale of convenience items, or a car wash inside a building or structure, but shall not include a vehicle repair garage, a vehicle body and paint shop, vehicle sales and leasing, or a vehicle rental use.

“side lot line” means a lot line other than a front lot line, flankage lot line, or rear lot line. [2016, C.P. 111-35]

“side yard” means a yard extending between the front and rear yard between a side lot line and the nearest wall of a main building or structure on the lot.

“sign” means any public display of advertisement, billboard, placard, or other form or means or device whatsoever of public announcement or notice whether erected, painted, or pasted, but does not include such display when inside a building or affixed to the inside of a glass door or window of a building. [2016, C.P. 111-35]

“sign copy” means any colour, graphic, logo, image, message, numeral, picture, symbol, text, or word, or any combination thereof, displayed on a sign face.

“sign face” means the surface of a sign upon, against or through which the sign face area is displayed including any frame or border and any writing, emblem, logo, or other display representative of the name of the development or identifying the site owner or manager.

“sign face area” means the total area in which the sign copy is located. The sign face area shall be considered the area of the smallest rectangle, triangle, or circle that can totally circumscribe the sign face in the plane of its largest dimension on each surface of the sign structure.

“sign height” means in the case of a ground sign, the vertical distance from grade to the top of the highest part of the sign including any supporting framework or bracing, or in the case of a wall sign or projecting wall sign, the vertical distance from the bottom of the sign structure to the top of the sign structure inclusive of any frame or border.

“similar or compatible use” means a use of land or building that is otherwise not permitted in a zone but has been authorized by the Committee, subject to any imposed term or condition, as being sufficiently similar to or compatible with a permitted use in that zone.



“small recreational vehicle sales and service” means the use of any land, building, or structure for the display and retail sale of non-motorized watercraft, all-terrain vehicles, snowmobiles, or other similar small-scale outdoor recreational equipment including, but not limited to, the servicing, repair, cleaning, painting, and or polishing of such vehicles and their transport-trailers, and the sale of accessories and related products and the leasing or renting of such vehicles.

“small scale wind turbine” or **“SWT”** means a wind turbine providing on-site power to a home or business, with a power generation capacity between 11 and 99 kilowatts, inclusive, and a maximum height of 125 metres, which may also be used for net metering, but is not developed in association with a residential use. [2019, C.P. 111-82]

“snow lot” means the use of a lot or portion thereof to temporarily store snow that has been transported from another lot.

“solar energy development” means a project in which one or more solar collectors will be installed. [2019, C.P. 111-82]

“solar collector” means a single device that collects or concentrates solar radiation from the sun. A solar collector may include, but is not limited to, evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials, but does not include windows or greenhouses. May be used for servicing dwellings on the same site as a solar collector. [2019, C.P. 111-82]

“solar collector system” means a structure or array of structures and ancillary equipment designed to collect solar radiation and convert it to useable forms of energy. Solar collector systems may include, but are not limited to, evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials, but does not include windows or greenhouses. May be used for servicing dwellings on the same site as a solar collector. [2019, C.P. 111-82]

“special event” means a community event of a charitable nature that includes, but not limited to, a peaceful demonstration, parade, run, or walk.

“special industrial use” means an industrial use, principally for one or more of the following:

- (a) The manufacture or assembly of products using innovative or advanced technology where substantial value is created or added to the product through the process of its manufacture or assembly;
- (b) Research and development uses where innovative or advanced technologies are employed; and
- (c) Any indoor display office, technical, administrative or employee support area, or the storage, shipment, or distribution of the product, shall be considered accessory to any



Special Industrial Use, but does not include industrial uses that process raw or petrochemical materials.

A cannabis production facility and a cannabis processing facility are not included. [2017, C.P. 111-41], [2018, C.P. 111-53]

“**split-level**” means a dwelling of which some portion is more than one storey in height, and in which there are three or more floor levels with adjoining levels having a difference in elevation of less than 2.1 metres.

“**sports and entertainment facility**” means an indoor or outdoor facility used for entertainment purposes such as, but not limited to, sporting events, concerts, or exhibitions, and may include accessory food or beverage services.

“**step back**” means a building’s specified horizontal recess from the top of a street wall. [2020, C.P. 111-86]

“**storey**” means that portion of a building that is located between the top of any floor and the top of the next floor above it, but if there is no floor above it the portion between the top of such floor and the ceiling above.

“**stormwater management pond**” means a pond that has been constructed in accordance with an engineering drawing approved by the Chief City Engineer designed to collect and detain or retain stormwater on a lot or other parcel of land. [2016, C.P. 111-35]

“**street**” means a public street or private street. [2016, C.P. 111-35]

“**street line**” means the boundary line of a street right-of-way that forms the dividing line between a street and a lot.

“**street wall**” means a wall of a building or portion of a wall facing a street line, which is below the height of a specified step back, which does not include recesses for elements, such as doorways or intrusions such as façade elements or bay windows. [2020, C.P. 111-86]

“**structure**” means anything erected or constructed upon, under, or above the ground, or anything attached to something located upon, under, or above the ground other than a building.

“**subdivision plan**” means a subdivision plan prepared in accordance with the provisions of The Subdivision By-law of The City of Saint John that is acceptable for registration in the Saint John Registry Office. [2016, C.P. 111-35]

“**supportive facility**” means: (a) An establishment licensed or approved by a government agency that provides care and or supervision to residents on a 24-hour basis by professional staff; or (b) An establishment devoted to retired residents where common amenities and services, including communal dining, are provided exclusively to such senior residents.



“**supportive housing**” means an establishment licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff to a maximum of nine residents under the age of nineteen, or to a maximum of nine residents of any age pursuant to the *Family Services Act*, but not both.

“**swimming pool**” means an artificial body of water used for swimming and related activities that is capable of containing a depth of water greater than one metre, but does not include a stormwater management pond, a watercourse, or a natural body of water. [2016, C.P. 111-35]

“**technical or vocational school**” means a facility where students are taught the curriculum and or provided training or certification concerning a specific trade, service, or skill, and may include necessary accessory or secondary uses such as, but not limited to, administration, athletics, food service, or research. [2016, C.P. 111-35]

“**telecommunication tower**” means any type of tower or facility regulated by the Federal *Telecommunication Act*, *Radiocommunication Act*, or *Broadcasting Act* and administered by Industry Canada used to support one or more antennae for the purpose of telecommunications. [2016, C.P. 111-35]

“**temporary approval**” means an approval for a development that is otherwise prohibited by this By-law but has been authorized by the Committee, subject to any imposed term or condition, for a temporary period not exceeding one year, or for an additional one-year period if an application for amendment to this By-law to permit the development has been received.

“**temporary car shelter**” means an easily dismantled building or structure with a fabric exterior and metal frame used for car storage or parking. [2017, C.P. 111-47]

“**temporary sign**” means a mobile sign structure that is designed in such a manner that it can be readily relocated to provide advertising at another location.

“**temporary test facility**” means temporary measurement towers or instruments for the assessment of potential wind energy resources. [2019, C.P. 111-82]

“**tentative approval**” means tentative approval granted by the Development Officer for a proposed subdivision in accordance with the provisions of The Subdivision By-law of The City of Saint John.

“**The City of Saint John**” means a body incorporated by Royal Charter confirmed and amended by Acts of the Legislative Assembly of the Province of New Brunswick. [2016, C.P. 111-35]

“**the City of Saint John**” means the geographical area within the boundaries of the City of Saint John in the County of Saint John in the Province of New Brunswick.

“**third-party sign**” means any type of sign that advertises goods, products, or services not located, sold, or provided on the same lot as the sign.



“through lot” means a lot other than a corner lot that has a front yard on two or more streets. [2016, C.P. 111-35]

“tier 1 variance” means a variance which varies no greater than 25 percent of a numeric standard contained in this By-law. [2016, C.P. 111-35]

“tier 2 variance” means a variance which varies greater than 25 percent of a numeric standard contained in this By-law or a non-numeric standard contained in this By-law. [2016, C.P. 111-35]

“towing service” means an establishment where trucks are dispatched to transport inoperable vehicles, and may include the outdoor compound area for the secure storage of such vehicles and or the administrative functions associated with this use, but it does not include a scrap or salvage yard.

“townhouse dwelling” means a building abutting a public street that contains three or more dwelling units arranged side by side and vertically separated with each said dwelling unit having an independent exterior entrance. [2016, C.P. 111-35]

“transit terminal” means any use for the facilitation of transporting people by vehicle and may include the maintenance or repair of such vehicles. [2016, C.P. 111-35]

“transparent areas” means the proportion of a building façade that is composed of clear windows or doors. [2020, C.P. 111-86]

“transportation depot” means any use involved in the storing, servicing, or repairing of vehicles or equipment and may include fuel storage and dispensing of such vehicles, and other accessory or secondary uses such as administration and training facilities or functions. [2016, C.P. 111-35]

“transportation terminal” means any use for the facilitation of transporting goods or people by air, land, or water. [2016, C.P. 111-35]

“Trinity Royal Heritage Conservation Area” means the area as defined in the Saint John Heritage Conservation Areas By-law. [2020, C.P. 111-86]

“turbine height” means the measurement of a wind turbine from grade to the highest point of the rotor’s arc. [2019, C.P. 111-82]

“two-unit dwelling” means a building containing two dwelling units, but does not include a semi-detached dwelling or mobile or mini home. [2020, C.P. 111-92]

“unrestricted on-street parking” means parking on a street where public parking of vehicles is permitted without any daytime restriction.

“university or college” means a facility where students are taught the curriculum of a post-secondary program by an institution authorized in accordance with the *Degree Granting Act*, and



may include necessary accessory and secondary uses such as, but not limited to, administration, athletics, food service, research, student, and faculty residence, or associated commercial services for students and staff.

“use” means the purpose for which land or a building or a structure, or any combination thereof, is designed, arranged, erected, occupied, or maintained.

“use of land” includes the mining or excavation of sand, gravel, clay, shale, limestone, or other deposits whether or not for the purpose of sale, or other commercial use of the material so mined or excavated.

“variance” means a variance granted by the Development Officer or Committee, as the case may be, as authorized by the *Community Planning Act*. [2016, C.P. 111-35]

“vehicle body and paint shop” means an establishment where motor vehicle bodies and frames are repaired and or painted.

“vehicle rental” means an establishment where motor vehicles not exceeding a weight of one and one-half tonnes are rented to the public, and may include minor servicing, repair, or cleaning of vehicles, and administrative functions associated with the use.

“vehicle repair garage” means an establishment involved in the repair of automobiles, trucks, motorcycles, snowmobiles, or other vehicles, and may include the sale, installation, servicing, or machining of automotive parts and accessories, or a drive thru vehicle inspection, repair, servicing, or cleaning facility such as, but not limited to, automotive glass replacement, exterior vehicle cleaning, muffler replacement, safety inspection, tire alignment, tire replacement, transmission repair, or vehicle upholstery cleaning, but does not include a vehicle body and paint shop. [2016, C.P. 111-35]

“vehicle sales and leasing” means an establishment where new and or used vehicles not exceeding a weight of one and one-half tonnes are sold or leased, and may include an associated vehicle repair garage that provides on-site servicing, repair, cleaning, or polishing of such vehicles and the sale of auto accessories or related products.

“veranda” means a roofed structure attached to the exterior of a building with at least one side containing no wall.

“veterinary clinic” means an establishment within a building where domestic animals or household pets are treated by a licensed veterinarian, and includes temporary indoor accommodation related to such treatment and or recovery of animals after a surgical procedure, but does not include any outdoor facilities such as a kennel, dog run, or other similar enclosure.

“walking trail” means land owned by The City of Saint John or any person for non-commercial purposes that is used by the general public for active transportation. [2016, C.P. 111-35]



“**walkway**” means a pedestrian passage having a maximum width of one metre and when satisfying a requirement of this By-law, or a condition imposed by the Council, the Committee, or the Development Officer, shall be constructed with a surface consisting of concrete and or brick pavers but not gravel or asphalt.

“**wall sign**” means a sign structure attached directly against the wall of a building or structure that does not project more than 0.5 metres from the wall.

“**warehouse facility**” means an establishment other than a self-storage facility where goods are stored and packaged inside a building, and may include administration, but does not include the manufacturing, display, or sale of goods or a distribution facility.

“**wastewater treatment facility**” means a facility where wastewater is collected, treated, and disposed of.

“**water treatment facility**” means a facility where water is collected, treated, and distributed as drinking water to customers.

“**well**” means an artificial opening in the ground from which potable water used for cooking or human consumption is obtained, or an opening made for exploring for or obtaining such water.

“**wind energy development**” means a project in which one or more wind turbine will be installed. [2019, 111-82]

“**wind farm**” means a number of wind turbines that are spaced over a large area and are connected to the local utility grid. [2019, 111-82]

“**wind test tower**” means a temporary tower and mechanical device used to measure wind dynamics for potential wind turbine locations. [2019, 111-82]

“**wind turbine**” means a mechanical structure designed to convert wind into electrical power. [2019, 111-82]

“**wind turbine separation distance**” means the horizontal distance measured from the exterior extent of the rotor’s arc to any specified feature or object. [2019, 111-82]

“**yard**” means that part of a lot unoccupied by any building or structure.

“**zone**” means a designated area of land use shown on Schedule A of this By-law. [2016, C.P. 111-35]

“**zoning confirmation letter**” means a letter prepared by the Development Officer attesting to the zoning of a lot and the permitted uses and standards of that zone. The letter may also contain other relevant zoning information about the lot.

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Parts



4 General Provisions: Access, Parking, and Loading

4.1 General Access Provision

No access may be constructed, installed, or used unless it is in conformity to all the requirements of this Part.

4.1(1) ACCESS FOR RESIDENTIAL PURPOSES

- (a) In this subsection:
- (i) **Access** means an access or exit between a street and a lot used for a residential purpose;
 - (ii) **Lot** means a lot or part-lot; and [2016, C.P. 111-35]
 - (iii) **Residential Purpose** means a dwelling containing less than five dwelling units.
- (b) The number of accesses shall be limited to one for each lot frontage except when the lot has a frontage over 60 metres then two accesses are permitted if a minimum of 15 metres is provided between the centreline of each access measured at the street line.
- (c) No access to a lot shall be located closer than five metres from the point where the street line of two streets intersect to the edge of the access point at the street line except when the access is onto one of the following streets in which case it shall not be closer than 15 metres from the intersection of the street lines:
- | | |
|---------------------|-------------------|
| Bayside Drive | Manawagonish |
| Broad Street | Road |
| Chesley Drive | Manchester Avenue |
| City Road | Millidge Avenue |
| Crown Street | McAllister Drive |
| Douglas Avenue | Retail Drive |
| Fairville Boulevard | Rothesay Avenue |
| Grandview Avenue | Russell Street |
| King William Road | Somerset Street |
| Lancaster Avenue | Station Street |
| Loch Lomond Road | Thorne Avenue |
| | Water Street. |
- (d) No access shall be constructed, installed, or used within 15 metres of:
- (i) An intersection of two or more streets if traffic at such intersection is controlled by traffic lights;



- (ii) An intersection of two or more streets if such intersection is at grade and is in the form of several segments or a rotary or contains island channelization or other similar traffic control device;
 - (iii) An interchange; or
 - (iv) A railway grade crossing.
- (e) The maximum width of an access that is located in a required front or flankage yard shall be the greater of:
- (i) Six metres or 30 percent of the lot frontage measured at the street line for a one-unit dwelling, two-unit dwelling, or multiple dwelling containing less than five dwelling units on a lot with a frontage of 15 metres or more;
 - (ii) Five metres or 40 percent of the lot frontage measured at the street line for a one-unit dwelling, two-unit dwelling, or multiple dwelling containing less than five dwelling units on a lot with a frontage of less than 15 metres; or
 - (iii) Four metres or 50 percent of the part-lot frontage measured at the street line for a dwelling unit in a semi-detached dwelling or townhouse dwelling. [2016, C.P. 111-35]
- (f) Notwithstanding paragraph 4.1(1)(e), no access anywhere on a lot in a RC zone shall have a width greater than 4.5 metres or 7 metres in any other zone. [2016, C.P. 111-35]
- (g) An access for a dwelling unit in a semi-detached dwelling or townhouse dwelling shall be developed together with the access of the adjoining dwelling unit unless such adjoining access is not possible due to the odd number of total dwelling units in the building.
- (h) No access shall meet the travelled portion of the abutting street at an angle less than 60 degrees.
- (i) Every access shall be developed and maintained with a crushed rock or gravel surface or paved surface.
- (j) No access shall abut an undeveloped Future Street vested to The City of Saint John.
- (k) Nothing in this By-law shall prevent an access for a Dwelling Group to be provided and maintained over the internal lot lines of the unified development.



4.1(2) ACCESS FOR COMMERCIAL PURPOSES

- (a) In this subsection:
- (i) **Access** means an access or exit between a street and a lot used for a commercial purpose;
 - (ii) **Commercial Purpose** means any use of land or building or portion of a building except for a dwelling containing less than five dwelling units;
 - (iii) **Lot** means a lot or part-lot; and [2016, C.P. 111-35]
 - (iv) **Interchange** means a system of interconnecting roadways in conjunction with one or more grade separations providing for the movement of traffic between two or more streets or highways at different levels.
- (b) The number of two-way accesses shall be limited to one for each lot frontage except when the lot has a frontage over 75 metres then two accesses are permitted if a minimum of 20 metres is provided between the centreline of each access measured at the street line.
- (c) A pair of accesses may be installed to a lot in place of one two-way access if they are designed and signed for one-way use and if a minimum of 20 metres is provided between the centreline of each driveway measured at the street line.
- (d) No access to a lot shall be located closer than 10 metres from the point where the street line of two streets intersect to the edge of the access point at the street line except in the following cases:
- (i) When the access is onto one of the following streets in which case it shall not be closer than 30 metres from the intersection of the street lines:

Bayside Drive	Manawagonish Road
Broad Street	Manchester Avenue
Chesley Drive	Millidge Avenue
City Road	McAllister Drive
Crown Street	Retail Drive
Douglas Avenue	Rothesay Avenue
Fairville Boulevard	Russell Street
Grandview Avenue	Somerset Street
King William Road	Station Street
Lancaster Avenue	Thorne Avenue
Loch Lomond Road	Water Street; or



- (ii) When the access is provided to a regional commercial centre it shall not be located closer than 60 metres from the point where the street lines of two streets intersect.
- (e) No access shall be constructed, installed, or used within 30 metres of:
 - (i) An intersection of two or more streets if traffic at such intersection is controlled by traffic lights;
 - (ii) An intersection of two or more streets if such intersection is at grade and is in the form of several segments or a rotary or contains island channelization or other similar traffic control device;
 - (iii) An interchange; or
 - (iv) A railway grade crossing.
- (f) Subject to paragraph (h), no portion of an access shall be located in a required front or flankage yard that has a width greater than nine metres for two-way operation or seven metres for one-way operation measured at the street line.
- (g) Subject to paragraph (h), access widths mentioned in paragraph (f) may be increased to 12 metres for two-way operation and nine metres for one-way operation where:
 - (i) A substantial portion of the vehicular traffic consists of tractor-trailers;
 - (ii) The abutting street is an arterial with four or more traffic lanes; or
 - (iii) The slope of the access where it intersects the abutting street is at least six percent more or less than the slope of the street.
- (h) No access anywhere on a lot in a RC zone shall have a width greater than 4.5 metres.
- (i) No access shall meet the travelled portion of the abutting street at an angle of less than 60 degrees.
- (j) No access shall be constructed, installed, or used closer to a lot line than:
 - (i) Three metres of a side and rear lot line if the abutting lot is located in a Residential zone and does not contain or allow a commercial use as defined by this section of the By-law; or
 - (ii) 1.5 metres of a side and rear lot line in all other cases.



- (k) Every access shall be developed and maintained in the same manner as required by subsection 4.2(5) for a parking lot whether or not a parking lot exists on the lot.
- (l) No access shall abut a Future Street vested to The City of Saint John. [2016, C.P. 111-35]
- (m) Nothing in this By-law shall prevent an access for a Commercial Group or Dwelling Group to be provided and maintained over the internal lot lines of the unified development.

4.2 General Parking Provisions

- (a) On-site parking spaces shall be provided and maintained in numbers no less than indicated by this section on the same lot whenever land is used or a building or portion of a building is erected, placed, altered, or used.
- (b) For the following listed uses on-site parking spaces shall be provided in the amounts indicated and where applicable such amounts are based upon the gross floor area of the building where the use is located.

Use	Minimum Number of Required Parking Spaces
Accommodation	1 per guest room plus 1 per 20 square metres of banquet or conference room
Adult Entertainment Facility	1 per 10 square metres
Agricultural Use	1 per 50 square metres
Air Transport Facility	nil
Animal Shelter	1 per 35 square metres
Artist or Craftsperson Studio	1 per 30 square metres
Asphalt Plant	1 per 50 square metres
Auction Facility	1 per 50 square metres
Auction House	1 per 30 square metres
Bakery	1 per 30 square metres
Banquet Hall	1 per 20 square metres
Bar, Lounge, or Nightclub	1 per 10 square metres
Bed and Breakfast	1 per guest room
Bulk Fuel Storage Depot	1 per 50 square metres
Business Office	1 per 50 square metres
Business Support Service	1 per 30 square metres
Cannabis Processing Facility	1 per 50 square metres
Cannabis Production Facility	1 per 200 square metres for the first 2,000 square metres plus 1 per 500 square metres of additional floor area
Cannabis Retail	Less than 5,000 square metres: 1 per 30 square metres or



Use	Minimum Number of Required Parking Spaces
	5,000 square metres or greater: 1 per 25 square metres
Car Wash	nil
Catering Service	1 per 50 square metres
Cement Plant	1 per 50 square metres
Commercial Entertainment	greater of 1 per 10 seats or 1 per 20 square metres
Commercial Recreation	Marina: 1 per 2 berths Other: 1 per 20 square metres
Communication Facility	1 per 50 square metres
Community Arena	greater of 1 per 20 square metres or 1 per 10 seats
Community Centre	1 per 20 square metres
Community Garden	nil
Community Policing Office	1 per 50 square metres
Composting Facility	1 per 50 square metres
Concrete Plant	1 per 50 square metres
Conference or Convention Centre	1 per 20 square metres
Contractor Service, General	1 per 50 square metres
Contractor Service, Household	1 per 50 square metres
Correctional Services	1 per 65 square metres
Crisis Care Facility	1 per employee
Cultural Establishment	1 per 20 square metres
Day Care, Centre	1 per 5 children
Day Care, Home	1 per day care
Day Care, Neighbourhood	1 per 5 children
Distribution Facility	1 per 200 square metres for first 2,000 square metres plus 1 per 500 square metres more than 2,000 square metres
Dwelling Unit	1 per unit
Dwelling Unit, Affordable	0.5 per unit
Electrical Generation Station	1 per 200 square metres for first 2,000 square metres plus 1 per 500 square metres plus 1 per 500 square metres more than 2,000 square metres
Emergency Services Facility	1 per 50 square metres
Equestrian Facility	1 per 50 square metres plus 1 per 10 seats of viewing or grandstand area
Equipment Sales and Rental, Heavy	1 per 30 square metres of office area plus 1 per inventory vehicle
Equipment Sales and Rental, Light	1 per 30 square metres



Use	Minimum Number of Required Parking Spaces
Exhibition Grounds	1 per 50 square metres
Financial Service	1 per 30 square metres
Fishery	nil
Fleet Service	1 per 50 square metres plus 1 for each vehicle stored on-site
Forestry Use	nil
Funeral Service	10 plus 1 per 20 square metres
Garden Centre	1 per 25 square metres of retail display, sales, and office area plus 1 per 100 square metres of warehouse
Garden Suite	1 per suite
General Contractor Service	1 per 50 square metres
Government or Utility Works Depot	1 per 50 square metres
Grocery Store	less than 5,000 square metres: 1 per 30 square metres greater than 5,000 square metres: 1 per 25 square metres
Harbour Facility	1 per 50 square metres
Health and Fitness Facility	1 per 25 square metres
Health Services Laboratory	1 per 50 square metres
Heavy Industrial Use	1 per 100 square metres
Home Occupation	2 per home occupation and nil for a permitted home occupation in converted dwelling or multiple dwelling
Hospital	1 per 25 square metres
Hostel	0.5 per guest room
Instructional Service	1 per 25 square metres
Kennel	1 per 35 square metres
Land for Public Purposes	nil
Landfill	1 per 50 square metres
Landscape Material Supply	1 per 50 square metres
Library	1 per 35 square metres
Light Industrial Use	1 per 50 square metres
Marshalling Yard	1 per 50 square metres
Massage Parlour	1 per 20 square metres
Medical Clinic	1 per 20 square metres
Medium Industrial Use	1 per 50 square metres
Microbrewery	1 per 50 square metres
Minor Utility Service Building or Structure	nil



Use	Minimum Number of Required Parking Spaces
Moving Services	1 per 50 square metres plus 1 for each vehicle stored on-site
Municipal Recreation Use	2 per 4,047 square metres of land
Outdoor Storage	nil
Park or Playground	2 per 4,047 square metres of land
Personal Service	1 per 30 square metres
Pet Grooming	1 per 30 square metres
Pit	1 per 50 square metres
Place of Worship	1 per 10 square metres
Private Club	1 per 20 square metres
Public Display	nil
Quarry	1 per 50 square metres
Recreation Facility	greater of 1 per 20 square metres of gross floor area or 1 per 10 seats or 5 per 4,047 square metres of land
Recreational Vehicle Sales and Service, Large	1 per 30 square metres plus 2 per service bay and 1 per inventory vehicle
Recreational Vehicle Sales and Service, Small	1 per 30 square metres plus 2 per service bay and 1 per inventory vehicle
Recycling Facility	1 per 50 square metres
Redemption Centre	1 per 30 square metres
Regional Commercial Centre	1 per 25 square metres
Rehabilitation Centre	1 per 65 square metres
Research and Development Facility	1 per 50 square metres
Restaurant	1 per 10 square metres
Retail Convenience	1 per 25 square metres
Retail General	less than 5,000 square metres: 1 per 30 square metres greater than 5,000 square metres: 1 per 25 square metres
Retail Warehouse	less than 5,000 square metres: 1 per 30 square metres greater than 5,000 square metres: 1 per 25 square metres
Rooming House	0.5 per room
Sales Centre, Model Home	1 per 30 square metres of sales office
School (K-8)	1 per employee plus 1 per 20 square metres of auditorium
School (9-12)	1 per employee plus 1 per 35 students and 1 per



Use	Minimum Number of Required Parking Spaces
	20 square metres of auditorium
Scrap or Salvage Yard	1 per 50 square metres
Self-Storage Facility	1 per 50 square metres of office use
Service and Repair, Household	1 per 30 square metres
Service and Repair, Industrial	1 per 30 square metres plus 2 per service bay and 1 per inventory vehicle
Service Station	3 per service bay plus 1 per 50 square metres
Secondary Suite	1 per suite
Special Industrial Use	1 per 50 square metres
Sports and Entertainment Facility	greater of 1 per 10 seats or 1 per 20 square metres
Stormwater Management Pond	Nil
Supportive Facility	0.5 per resident
Supportive Housing	1 per 3 residents
Technical or Vocational School	1 per 40 square metres plus 1 per 20 square metres of auditorium
Telecommunication Tower	nil
Towing Service	1 per 50 square metres
Transition Housing	1 per 65 square metres
Transportation Depot	1 per 50 square metres
Transit Terminal	1 per 50 square metres
Transportation Terminal	1 per 50 square metres
University or College	1 per 40 square metres plus 1 per 20 square metres auditorium
Utility Distribution Structure, Major	1 per 50 square metres
Vehicle Body and Paint Shop	5 per service bay
Vehicle Rental	1 per 30 square metres of office area plus 1 per inventory vehicle
Vehicle Repair Garage	3 per service bay plus 1 per 50 square metres of additional floor area
Vehicle Sales and Leasing	1 per 30 square metres of office area plus 1 per inventory vehicle
Vehicle Sales, Incidental	1 per inventory vehicle
Veterinary Clinic	3 per practitioner
Walking Trail	nil
Warehouse Facility	1 per 200 square metres for first 2,000 square metres plus 1 per 500 square metres more than 2,000 square metres
Wastewater Treatment Facility	1 per 50 square metres
Water Treatment Facility	1 per 50 square metres



Use	Minimum Number of Required Parking Spaces
Other Use	same as a listed use that has a sufficiently similar parking expectation

[2016, C.P. 111-35], [2017, C.P. 111-41], [2018, C.P. 111-53]

- (c) When there is more than one use involved with land or a building or a portion of a building the number of on-site parking spaces required by this section is the cumulative number of spaces required for each use.
- (d) Where:
 - (i) More than 100 on-site parking spaces are required by paragraph (b), the total number of parking spaces shall not exceed 125 percent of the minimum parking spaces required by paragraph (b); and
 - (ii) On-site parking spaces are provided on a lot in the Uptown Parking Exemption Area as defined by Schedule C of this By-law, the total number of on-site parking spaces on the lot shall not exceed 125 percent of the minimum parking spaces required by paragraph (b).

[2016, C.P. 111-35]

- (e) Notwithstanding paragraph (d), a change of use involving a building or portion of a building is permitted in accordance with paragraph (a).

4.2(1) PARKING EXCEPTIONS

- (a) Nothing in this By-law shall require additional parking spaces for a change of use involving a building or portion thereof if the new or proposed use requires the same or less parking spaces than the present use of the same building or portion thereof. [2016, C.P. 111-35]
- (b) [Repealed: 2020, C.P. 111-86]
- (c) [Repealed: 2020, C.P. 111-86]



4.2(2) PARKING REDUCTION

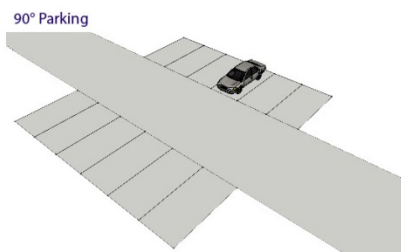
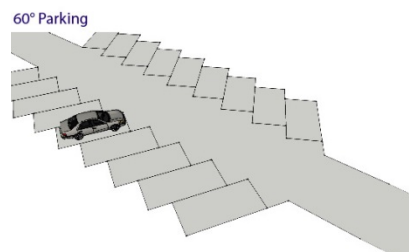
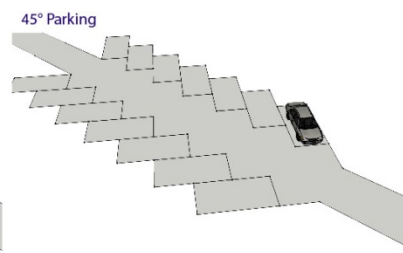
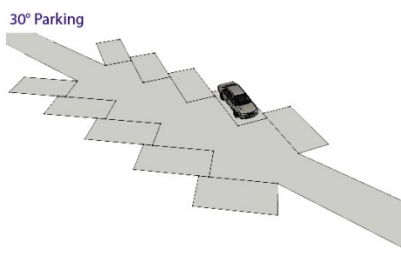
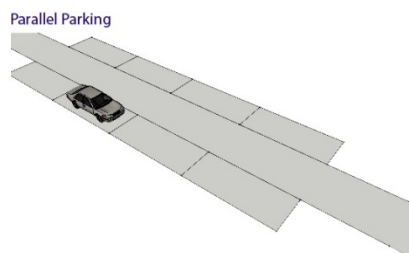


- (a) Nothing in this By-law shall require more than 80 percent of the required number of parking spaces for any development on a lot located in an Intensification Area as defined by Schedule D of this By-law. [2020, C.P. 111-86]
- (b) Notwithstanding subsection 4.2(2)(a), nothing in this By-law shall require parking spaces for development located in the Uptown Parking Exemption Area as defined by Schedule C of this By-law. [2020, C.P. 111-86]

4.2(3) PARKING SPACE AND AISLE DIMENSIONS

Each on-site parking space shall have dimensions not less than the following:

	Parallel	30°	45°	60°	90°
Minimum Stall Width	2.7 metres	2.7 metres	2.7 metres	2.7 metres	2.7 metres
Minimum Stall Depth	6.7 metres	5 metres	5.5 metres	5.5 metres	5.5 metres
Minimum Aisle Width	3.5 metres (one-way) 6 metres (two-way)	3.5 metres	4 metres	5.5 metres	6 metres
Minimum Height Clearance	2 metres	2 metres	2 metres	2 metres	2 metres





4.2(4) BARRIER FREE PARKING



- (a) When five or more on-site parking spaces are required the following number of barrier free parking spaces shall be included within the required number of parking spaces:

Minimum Number of Required Parking Spaces	Minimum Number of Required Barrier Free Parking Spaces
5 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
For every additional 100 spaces or portion thereof over 200	1

- (b) Each barrier free parking space shall have a minimum width of 3.9 metres, a minimum depth of 5.5 metres, and a minimum height clearance of 4.2 metres.
- (c) A barrier free parking space shall be located within 30 metres of the building entrance it serves and such entrance shall include a curb ramp.
- (d) A barrier free parking space or group of adjoining barrier free parking spaces shall be clearly identified by permanently affixed ground sign and asphalt markings.

4.2(5) PARKING LOT STANDARDS

- (a) A parking lot involving five or more parking spaces located on a lot in the Primary Development Area shall be developed and maintained with a paved surface enclosed with permanent continuous cast-in-place concrete curbing and all parking spaces shall be delineated by painted lines on the paved surface.
- (b) A parking lot involving five or more parking spaces located on a lot outside of the Primary Development Area shall be developed and maintained with a paved surface and all parking spaces shall be delineated by painted lines on the paved surface.
- (c) A parking lot involving less than five parking spaces shall be developed and maintained with a crushed rock or gravel surface or paved surface.
- (d) Nothing in this By-law shall require a parking space to be paved on a lot in an Industrial zone when the parking space is located behind the main building line and is at least 30 metres from the nearest street line.
- (e) A parking lot involving five or more parking spaces shall include provision for the turning of vehicles and such turning area shall be considered part of the parking lot.



- (f) A parking lot involving 30 or more parking spaces shall include provision for safe pedestrian movement to and from parking spaces and the main building or buildings on the lot.
- (g) A parking lot shall not have more than 30 parking spaces arranged in a row without a break by a vehicle driveway or landscaped pedestrian strip having a minimum width of one metre.
- (h) A parking lot involving 60 or more parking spaces shall include one or more landscaped islands equal to one square metre for each parking space, and such island or islands shall be landscaped in accordance with Part 6 and enclosed with permanent continuous cast-in-place concrete curbing.
- (i) A parking lot shall not be provided in any landscaped area required by Part 6 or within:
 - (i) Three metres of a side and rear lot line if the abutting lot is located in a Residential zone and does not contain or permit a commercial use as defined by the subsection 4.1(2); or
 - (ii) 1.5 metres of a side and rear lot line in all other cases.
- (j) Nothing in this By-law shall prevent a parking lot for a Commercial Group or Dwelling Group to be provided and maintained over the internal lot lines of the unified development.

4.3 General Loading Provisions

- (a) On-site loading spaces shall be provided and maintained in numbers no less than indicated by this section on the same lot whenever land is used or a building or portion of a building is erected, placed, altered, or used involving a freight or passenger terminal, hospital, hotel, manufacturing, market, mortuary, store (department, retail, or wholesale), storage, warehouse, or any other purpose involving the frequent loading, shipping, or unloading of animals, goods, merchandise, persons, or wares.
- (b) For any purpose mentioned in paragraph (a), the following on-site loading spaces shall be provided in the amounts indicated and such amounts are based upon the gross floor area of the building where the use is located.



Total Gross Floor Area	Minimum Number of Loading Spaces Required
Up to 300 square metres	nil
301 to 2,000 square metres	1
2001 to 5,000 square metres	2
5001 to 9,000 square metres	3
For every additional 5,000 square metres or portion thereof	1 additional space

- (c) Notwithstanding paragraph (b), a redemption centre containing up to 300 square metres of gross floor area shall provide a minimum of one on-site loading space.
- (d) Nothing in this By-law shall require additional loading space for a change of use involving an *existing* building or portion of an *existing* building on a lot located in the Uptown Parking Exemption Area as defined by Schedule C.
- (e) Each on-site loading space shall have a minimum width of 3.5 metres, a minimum depth of 15 metres, and a minimum height clearance of 4.2 metres.
- (f) No loading space shall be located in the required front or flankage yard of the lot or be located in any required yard abutting a lot in a Residential zone.
- (g) All loading spaces shall be visually screened from a nearby street by a berm, building, landscaping, solid fence, wall, or any other such structure.
- (h) All loading spaces shall be developed in a manner to accommodate necessary vehicle movements entirely on the lot without interfering with pedestrian or vehicular traffic on an adjoining lot or street.
- (i) Every loading space shall be developed and maintained in the same manner as required by subsection 4.2(5) for a parking lot whether or not a parking lot exists on the lot except that no curbing shall be required.
- (j) Nothing in this By-law shall prevent a loading space for a Commercial Group to be provided and maintained over the internal lot lines of the unified development.

4.4 Drive-Thru Facilities

- (a) On-site queuing spaces for a drive-thru facility shall be provided and maintained in numbers no less than indicated by this section on the same lot when land is used, or a building or portion of a building is erected, placed, altered, or used, in any Commercial zone except as otherwise indicated in this By-law.



- (b) The following on-site queue spaces shall be provided in the amounts indicated and such amounts are based upon the type of use involved.

Use	Minimum Number of Queue Spaces Required
Auto Service	2 inbound for each service bay
Car Wash, Automatic	5 inbound
Car Wash, Self-Serve	2 for each car wash stall
Restaurant, Fast Food	14 inbound for each service window and 1 outbound for each service window
Financial Institution	4 inbound for each service window
Pharmacy	3 inbound for each service window
Other	same as a listed use that has a sufficiently similar queuing expectation

- (c) All queuing spaces shall be dedicated to queued vehicles and shall not interfere with any pedestrian and other vehicular movement on the lot including an access, building entrance, driveway, fire lane, loading space, pedestrian lane, parking aisle, or parking space.
- (d) Each queuing space shall have a minimum width of three metres, a minimum depth of six metres, and a minimum height clearance of 4.2 metres.
- (e) No queuing space shall be constructed, installed, or used closer to a lot line than:
- (i) Three metres of a side and rear lot line if the abutting lot is located in a Residential zone and does not contain or permit a commercial use as defined by the subsection 4.1(2); or
 - (ii) 1.5 metres of a side and rear lot line in all other cases.
- (f) No queuing space shall be located between an access and building on a lot or between a parking lot and building entrance that would interfere with pedestrian movement.
- (g) Every queuing space shall be located within a parking lot developed in accordance with subsection 4.2(5) or developed and maintained in the same manner if located outside of such a parking lot.
- (h) Nothing in this By-law shall prevent a queuing space for a Commercial Group to be provided and maintained over the internal lot lines of the unified development.



4.5 Bicycle Parking



- (a) On-site bicycle parking spaces shall be provided and maintained in numbers no less than indicated by this section on the same lot.
- (b) Bicycle parking spaces shall be required for any development proposing 12 or more new dwelling units and or any non-residential development proposing a gross floor area of 5,000 square metres or more.
- (c) Notwithstanding paragraph (b), nothing in this By-law shall require bicycle parking spaces for any development on a lot in the Uptown Parking Exemption Area as defined by Schedule C.
- (d) Subject to paragraph (e), bicycle parking spaces for a development mentioned in paragraph (b) shall be provided in the following manner:
 - (i) A minimum of 0.3 bicycle parking spaces for each dwelling unit; and
 - (ii) A minimum of two bicycle parking spaces or seven percent of the required number of vehicular parking spaces required for the non-residential development, whichever is greater.
- (e) Notwithstanding paragraph 2.6(d), where a fraction of a bicycle parking space is required such fraction shall be considered one parking space for the purposes of calculating the total number of required bicycle parking spaces for this section.
- (f) Bicycle parking spaces shall be provided as a rack or storage locker in accordance with the following requirements:
 - (i) A bicycle rack or storage locker shall be securely anchored to concrete, asphalt, or other similar hard surface on the ground, or be anchored to a structure permanently affixed to the ground or a building and such rack or locker shall allow the bicycle frame to be locked;
 - (ii) Bicycle parking spaces shall have a minimum depth of three metres and shall be clearly marked or delineated on the pavement when located within or abutting a vehicle parking lot;
 - (iii) Required bicycle parking spaces shall be provided within 15 metres of a building entrance it serves; and
 - (iv) Bicycle parking spaces shall not encroach upon, or be encroached upon by, a walkway or sidewalk, access or driveway, parking aisle or other vehicular circulation lane, or service lane to a loading area.



- (g) Notwithstanding Parts 5 & 6 of this By-law, bicycle parking spaces shall be permitted in any required front or flankage yard provided the parking spaces are within 1.5 metres of the building it serves.
- (h) Nothing in this By-law shall prevent bicycle parking spaces for a Commercial Group or Dwelling Group to be provided and maintained over the internal lot lines of the unified development.

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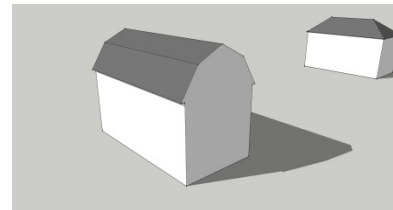
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5 General Provisions: Accessory Buildings and Structures

5.1 General Accessory Buildings and Structures Provisions

- (a) Except as otherwise provided by this By-law, any lot containing a main building, structure, or use may also contain one or more accessory buildings or structures subject to the requirements of this Part.
- (b) Except as otherwise provided by this By-law, an accessory building or structure shall not be erected or placed in the required front or flankage yard of a main building or structure, except:
 - (i) A gatehouse on a lot zoned Industrial not exceeding one storey in height and 95 square metres in ground floor area; and
 - (ii) When a main building or structure exists within the required front or flankage yard, an accessory building or structure may be erected or placed in the front or flankage yard. [2016, C.P. 111-35]
- (c) Except as otherwise provided by this By-law, an accessory building or structure shall not be erected, placed, or altered unless in conformity with the following:



Minimum Side Yard:

RU, RS and RR zones	3 metres;
Commercial, Industrial, and Community Facility zones	2 metres;
All other zones	2 metres if more than 70 square metres in ground floor area, or
[2016, C.P. 111-35]	1 metre if 70 square metres or less in ground floor area;

Minimum Rear Yard:

RU, RS and RR zones	3 metres;
Commercial, Industrial, and Community Facility zones	2 metres;
All other zones	2 metres if more than 70 square metres in ground floor area, or



[2016, C.P. 111-35]

1 metre if 70 square metres or less in ground floor area;

Maximum Cumulative Ground Floor Area:

Notwithstanding any lot occupancy standard in a Residential, P, or RU zone, the greater of:

70 square metres, or

6.5 percent of the lot area, but in no case shall an individual accessory building or structure shall exceed a maximum ground floor area of 120 square metres;

All other zones

limited by the lot occupancy standard for that zone;

Maximum Height:

RC, RH, RM, RL, R2, R1, and RP zones

6 metres;

All other zones

8 metres.

5.2 Fences

A fence is permitted in any yard in any zone subject to the following:

- (a) A fence in any Residential zone shall not exceed a maximum height of two metres in any yard;
- (b) A fence in any non-residential zone shall not exceed a maximum height of 2.5 metres in any yard; and
- (c) A fence shall not be constructed of barbed wire or have at the top barbed wire, broken glass or other pointed object, except for a fence in conjunction with a permitted use in an Industrial zone. [2016, C.P. 111-35]

5.3 Fences Associated with Parking Lots

Except as otherwise provided by this By-law, when a parking lot for more than five vehicles is developed within 15 metres of an abutting lot in a Residential zone, the parking lot shall be screened from the abutting lot in accordance with the following:

- (a) A solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, shall be installed and maintained;
- (b) The screening required by paragraph (a) shall have a minimum height of one metre; and



- (c) Notwithstanding the above, the parking lot may instead be screened in accordance with paragraph 6.1(j), or by any combination of permitted structures, berms, and landscaping.

5.4 Garbage Enclosures

Except as otherwise provided by this By-law, when outdoor storage of garbage is developed on a lot in any zone involving a building with five or more dwelling units, the storage of garbage shall be in accordance with the following:

- (a) The enclosure shall be completely surrounded by a wooden fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure, or any combination thereof, which may also include a gate;
- (b) The enclosure required by paragraph (a), including any gate, shall have a minimum height of 1.5 metres, but in no case shall garbage be higher than the enclosure; and
- (c) The enclosure shall not occupy any required front or flankage yard or any area required for amenity or parking.

5.5 Outdoor Storage

Outdoor storage shall not be permitted in any zone except as otherwise provided by this By-law, and when outdoor storage is permitted and developed within 15 metres of an abutting lot in a Residential zone the outdoor storage shall be in accordance with the following:

- (a) The storage area shall be completely enclosed by a wooden fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, which may also include a gate;
- (b) The enclosure required by paragraph (a), including any gate, shall have a height of two metres when located in a Residential zone and 2.5 metres when located in any other zone, but in no case shall storage be higher than the enclosure;
- (c) The enclosure shall not occupy any required yard or any area required for amenity or parking; and
- (d) Notwithstanding the above, an outdoor storage area may instead be enclosed with landscaping in accordance with paragraph 6.1(k) or by any combination of permitted structures, berms, and landscaping.



5.6 Swimming Pools

Notwithstanding anything else in this By-law, an outdoor swimming pool is permitted in any zone subject to the following requirements:

- (a) The use of the pool shall be accessory to the principal use of the lot;
- (b) The pool shall not be in a flankage, front, or side yard in a Residential zone or in a required flankage, front, or side yard in any other zone;
- (c) The pool shall not be closer than two metres from any lot line;
- (d) The pool shall be enclosed by a fence or a combination of a fence and another permanent structure that prevents access to the pool from an abutting lot or street;
- (e) The pool enclosure required in paragraph (d) shall:
 - (i) Completely enclose the entire swimming pool;
 - (ii) Create a barrier that is at least 1.5 metres in height when measured from the ground to the top of the fence, gate, or structure; and
 - (iii) Have no opening greater than 10 centimetres in any part of the barrier required by subparagraph (ii);
- (f) The pool shall only be accessible by:
 - (i) A self-closing and self-latching gate that is a minimum of 1.5 metres in height;
 - (ii) A main building or structure enclosing the entire pool provided the main building or structure satisfies the requirements of paragraph (e) and does not allow unobstructed access to the pool;
 - (iii) An accessory building or structure enclosing the entire pool provided the accessory building or structure satisfies the requirements of paragraph (e) and does not allow unobstructed access to the pool; or
 - (iv) Any combination of the above.

5.7 Group Accessory Buildings and Structures

Nothing in this By-law shall prevent any accessory building or structure for a Commercial Group or Dwelling Group to be provided and maintained over the internal lot lines of the unified development.



5.8 Temporary Car Shelters

Notwithstanding section 5.1, a temporary car shelter may be erected within a residential zone. Temporary car shelters must meet the following requirements:

- (a) Be erected no earlier than October 15 and removed no later than April 15 of the following year;
- (b) Be located on a driveway;
- (c) Be limited to one shelter per lot;
- (d) Not be constructed over any municipal infrastructure; and
- (e) Be set back a minimum of one metre from any front, side, and flankage yard property line.

[2017, C.P. 111-47]

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6 General Provisions: Landscaping and Amenity Space

6.1 General Landscaping Provisions

- (a) Landscaping shall be provided and maintained as indicated in this Part whenever a development involving a main building or structure is undertaken on a lot.
- (b) Unless otherwise indicated in this By-law, required landscaping shall be extended into an abutting street right-of-way from the lot to a sidewalk, curb, ditch, or the edge of the street surface if there is no such feature.
- (c) All required landscaping shall be completed within one year from the issuance date of the development permit for the development and when no development permit was issued than all required landscaping shall be completed within one year from the commencement of the development. [2016, C.P. 111-35]
- (d) Nothing in this By-law shall prevent a driveway or walkway from being in any yard, required or otherwise.
- (e) In a Residential zone the following areas shall be landscaped:
 - (i) All required front and flankage yards; and
 - (ii) All other areas not occupied by a building, structure, parking area, driveway, walkway, or amenity space.





- (f) In a Commercial zone the following areas shall be landscaped:
 - (i) All required front and flankage yards;
 - (ii) All required yards that abut a lot in a Residential or Community Facility zone; and
 - (iii) All other areas not occupied by a building, structure, parking area, driveway, walkway, or amenity space.
- (g) In an Industrial zone the following areas shall be landscaped:
 - (i) The first 7.5 metres of all required front and flankage yards from the street; and
 - (ii) All required yards that abut a lot in a Residential, Commercial, or Community Facility zone.
- (h) In a Community Facility zone the following areas shall be landscaped:
 - (i) All required front and flankage yards;
 - (ii) All required yards that abut a lot in a Residential or Commercial zone; and
 - (iii) All other areas not occupied by a building, structure, parking area, driveway, walkway, or amenity space.
- (i) In the FD and RU zones the following areas shall be landscaped:
 - (i) All required front and flankage yards; and
 - (ii) All required yards that abut a lot in a Residential, Commercial, or Community Facility zone.
- (j) Except as otherwise provided by this By-law, when a parking lot for more than five vehicles is developed within 15 metres of an abutting lot in a Residential zone, the parking lot shall be screened in the direction of the abutting lot in accordance with the following:
 - (i) Coniferous trees or hedges, or any combination thereof, shall be planted and maintained in order to create a vegetation screen having a minimum depth of 1.5 metres;
 - (ii) The screen required by subparagraph (i) shall have a minimum height at the time of planting of one metre and be in accordance with paragraph 6.2(d); and
 - (iii) Notwithstanding the above, the parking lot may instead be screened in accordance with section 5.3, or by any combination of permitted landscaping, structures or berms.



- (k) Except as otherwise provided by this By-law, when outdoor storage or a self-storage facility is developed within 15 metres of an abutting lot in a Residential zone, the outdoor storage or self-storage facility shall be in accordance with the following:
- (i) Excluding an opening no greater than 1.5 metres in width that is not oriented toward a street, coniferous trees or hedges, or any combination thereof, shall be planted and maintained in order to create a perimeter of vegetation having a minimum depth of 1.5 metres completely around the storage area or self-storage facility;
 - (ii) The vegetation perimeter required by subparagraph (i) shall have a minimum height at the time of planting of two metres when located in a Residential zone or 2.5 metres when located in any other zone and be in accordance with paragraph 6.2(d); and
 - (iii) Notwithstanding the above, the outdoor storage area may instead be enclosed in accordance with section 5.5, or by any combination of permitted landscaping, structures or berms.
- (l) Nothing in this By-law shall prevent landscaping for a Commercial Group or Dwelling Group to be provided and maintained over the internal lot lines of the unified development.

[2019, C.P. 111-73]

6.2 Landscaping Standards

- (a) All vegetation in this section shall be of a species capable of healthy growth in New Brunswick.
- (b) Any required landscaping involving a lawn shall consist of topsoil spread over the ground to a minimum depth of 10 centimetres after compaction and the seeding or sodding thereof.
- (c) Subject to paragraph (i), any required landscaping of a required front or flankage yard in a Commercial, Industrial, or Community Facility zone shall include the planting of one tree or shrub for every 45 square metres of required yard provided at least 50 percent of the required plants are trees.
- (d) Any landscaping required for screening purposes shall include either a coniferous hedge or the planting of at least two separate rows of larger coniferous trees where each row is offset from the other row in a manner that obscures visibility through the two rows of trees, provided such coniferous hedge or trees do not exceed the maximum height allowed for a fence located in the same zone.



- (e) At the time of planting the minimum size for a deciduous tree used in required landscaping shall be:
 - (i) 4.5-centimetre calliper for a smaller deciduous tree or flowering ornamental tree measured at 1.5 metres above the ground; and
 - (ii) 5-centimetre calliper for a larger deciduous tree measured at 2 metres above the ground.
- (f) At the time of planting the minimum size for a coniferous tree used in required landscaping shall be:
 - (i) 1.5 metres of height for a smaller coniferous tree measured at 1.5 metres above the ground; and
 - (ii) two metres of height for a larger coniferous tree measured at 2 metres above the ground.
- (g) The mixture of trees at the time of planting used in required landscaping shall be equivalent to a minimum of 50 percent larger trees and a minimum of 25 percent coniferous trees.
- (h) At the time of planting the minimum height or spread of any shrub used in required landscaping shall be 60 centimetres.
- (i) Notwithstanding paragraph 2.6(d), where a fraction of a tree or shrub is required such fraction shall be considered one whole plant for the purposes of calculating the total number of required plants for this section.

6.3 Amenity Space

- (a) Subject to this section, a total amenity space having a minimum area based upon five square metres for each dwelling unit shall be provided and maintained on a lot for any development involving more than six dwelling units.
- (b) Amenity space may be provided outside or inside a building, used privately or in common, or any combination thereof.
- (c) When outdoor landscaping or an indoor area is provided as required common amenity space it shall have no dimension less than six metres.
- (d) Nothing in this By-law shall require any amenity space for a development on a lot located in the Uptown Parking Exemption Area as defined by Schedule C of this By-law.
- (e) Nothing in this By-law shall prevent amenity space for a Commercial Group or Dwelling Group to be provided and maintained over the internal lot lines of the unified development.

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7 General Provisions: Signs

7.1 General Sign Provisions

- (a) No sign may be placed, erected, or displayed on any land, building, or structure except in conformity with this Part, but any sign located within the limits of a public street right-of-way is not subject to this By-law.
- (b) Except as otherwise provided by this By-law, the number of permitted signs shall be limited to the following:
- (i) One or more ground signs provided the total sign face area does not exceed the maximum sign face area standard for the zone, but no ground sign shall be permitted when there is a roof sign;
 - (ii) One or more wall signs provided the total sign face area does not exceed the maximum sign face area standard for the zone, but no wall sign shall be permitted when there is a projecting wall sign or painted wall sign;
 - (iii) One projecting wall sign provided the total sign face area does not exceed the maximum sign face area standard for the zone, but no projecting wall sign shall be permitted when there is a wall sign or painted wall sign;
 - (iv) One roof sign provided the total sign face area does not exceed the maximum sign face area standard for the zone, but no roof sign shall be permitted when there is a ground sign;
 - (v) One painted wall sign provided the total sign face area does not exceed the maximum sign face area standard for the zone, but no painted wall sign shall be permitted when there is a wall sign or projecting wall sign; and
 - (vi) In addition to the above signs, all other signs permitted by this Part may also be placed, erected, or displayed provided such signs are in accordance with the provisions of this By-law.
- (c) Every face of a sign shall be considered a separate sign area for the purposes of this Part.
- (d) Except as otherwise provided by this By-law, a permitted sign may be non-illuminated or illuminated, but illumination shall not be intermittent.





- (e) Nothing in this By-law shall prevent a sign for a Commercial Group or Dwelling Group to be erected and maintained over the internal lot lines of the unified development.

7.2 [Repealed: 2016, C.P. 111-35]

7.3 Signs Permitted in All Zones

Notwithstanding any other provision of this By-law except for section 7.4, the following signs shall be permitted in any zone: [2016, C.P. 111-35]

- (a) A real estate sign provided the total sign face area does not exceed two square metres when located on a lot in a Residential zone or three square metres when located on a lot in any other zone;
- (b) A sign associated with a special event or a public election provided the sign does not exceed three square metres in total sign face area and is removed within seven days after the event or election;
- (c) A directional sign provided:
 - (i) There shall be a maximum of one directional sign for each entrance, exit, and drive-thru lane;
 - (ii) Except for a logo, the sign shall be limited to the sole purpose of directing vehicles or pedestrians to an access or driveway on the lot;
 - (iii) The sign shall not exceed a maximum total sign face area of 0.5 square metres;
 - (iv) The sign shall not exceed a maximum height of 1.5 metres; and
 - (v) The sign shall have a minimum setback of two metres from a front, flankage, or side lot line and a minimum setback of one metre from the edge of the pavement or painted lane of an access or driveway;
- (d) A point-of-purchase sign;
- (e) An entrance identification sign;
- (f) A public welfare or safety sign authorized by The City of Saint John, including, but not limited to, a directional or traffic sign outside of a public street right-of-way;
- (g) A traffic control device as defined by the *Motor Vehicle Act* outside of a public street right-of-way;
- (h) A sign identifying a hazard or danger on a lot or premise;
- (i) A memorial or foundation sign on a building;

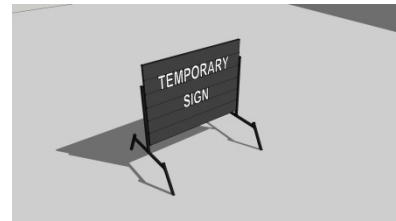


- (j) A sign that identifies the address of a residence or the name of the resident provided the sign does not exceed 0.5 square metres in total sign face area;
- (k) A sign regulating the conduct of a person on a lot or premise provided the sign does not exceed 0.5 square metres in total sign face area;
- (l) A flag, banner, or emblem representing a country, province, municipality, or non-commercial organization; [2016, C.P. 111-35]
- (m) A public transit sign; or
- (n) A sign affixed to a licensed taxicab.

7.4 Signs Prohibited in All Zones

Except as otherwise provided by this By-law, no person shall erect a sign that does not comply with the following:

- (a) A sign placed upon the ground shall not be temporary but be permanently affixed to the ground, a building, or structure (i.e., temporary or mobile sign);
- (b) A sign shall not advertise an activity, business, product or service no longer conducted on the lot or premise where the sign is located (i.e., third-party or billboard sign);
- (c) A sign shall not be intermittently illuminated, except for an electronic sign subject to subsection 7.10(2);
- (d) A sign shall not be attached on top of the roof cornice of a building (i.e., roof sign);
- (e) A sign shall not be painted upon or on top of a wall (i.e., painted wall sign);
- (f) A sign, other than a traffic control device as defined by the *Motor Vehicle Act*, shall not use words such as “Stop,” “Look,” “Danger,” “One Way,” or “Yield,” or any similar word, phase, symbol, light, or character used in a manner which may mislead, confuse, or otherwise interfere with traffic along a public street;
- (g) A sign shall not create a hazard to public safety or health;
- (h) A sign shall not incorporate a searchlight, strobe light, or resemble the flashing, intermittent, or scintillating motion of lights usually associated with danger or those used by police, fire, ambulance, and other emergency vehicles;
- (i) A sign shall not obstruct the vision of motorists exiting a lot or detract from the visibility or effectiveness of any traffic sign or control device along a public street;





- (j) A sign shall not obstruct free ingress to or egress from a fire escape, door, window, or other required exit;
- (k) A sign shall not occupy any portion of a required parking, loading, or amenity space;
- (l) Except as provided for in this Part, a sign shall not project over or onto any part of a public street right-of-way, sidewalk, or walkway; or
- (m) Except when situated on a lot in a Commercial or Industrial zone, a sign shall not be attached or located on or within a vehicle or trailer that is visible from a public street.

7.5 Billboard Signs

A billboard sign may be placed, erected, or displayed subject to the following requirements:

- (a) A billboard sign shall only be permitted in a CC, CR, IL, IM, IH, PQ, or RU zone;
- (b) A billboard sign shall not exceed a sign face having a length greater than 10 metres or a height greater than four metres;
- (c) A billboard sign shall not be located in any required front, flankage, side, or rear yard;
- (d) A billboard sign shall not be located closer than 300 metres from any other billboard sign, except two billboards may be located together as a unit if the total sign face length does not exceed 15 metres;
- (e) Notwithstanding paragraph (b), the sign face of a billboard may be increased to a maximum height of six metres provided the width does not exceed four metres in the case of a single panel or eight metres in the case of two panels located together as a unit; and
- (f) A billboard sign shall not be placed, erected, or displayed within 100 metres of and oriented towards the Provincial Highway Nos. 1 or 7 but excluding their access ramps.



7.6 Awning Signs

An awning sign may be placed, erected, or displayed subject to the following requirements:

- (a) An awning sign shall only be permitted in a Commercial, Industrial, or Community Facility zone;
- (b) An awning sign shall be attached to or painted or placed upon an awning, canopy, or marquee of a building;
- (c) An awning sign shall be permitted on a maximum of two sides of a building below the level of the second floor windows;
- (d) When projecting over a sidewalk or walkway an awning sign shall have a minimum clearance of 2.5 metres above the sidewalk or walkway; and
- (e) When projecting over a sidewalk or walkway an awning sign shall have a maximum projection of one metre.



7.7 Ground Signs

A ground sign may be placed, erected, or displayed subject to the following requirements:

- (a) A ground sign shall only be permitted in the following zones with the following maximum sign face areas:

Residential Zones and others

(1)	Home Day Care, Home Occupation, or Supportive Housing	0.5	square metres for each face
		1	square metre total of all faces
(2)	Crisis Care Facility, Day Care Neighbourhood, Rooming House, or Supportive Facility	1	square metre for each face
		2	square metres total of all faces
(3)	Bed and Breakfast or the following in a RH zone: Day Care Centre, Convenience Retail, Health and Fitness Facility, Medical Clinic, Personal Service, or Restaurant	1.5	square metres for each face
		3	square metres total of all faces



(4)	Other	0.25	square metres for each face
		0.5	square metres total of all faces
Commercial Zones			
(5)	CL zone	3	square metres for each face
		6	square metre total of all faces
(6)	CBP, CG, CM, CAE, and CRG zones	6	square metres for each face
		12	square metre total of all faces
(7)	CU, CW, and CRC zones	7.5	square metres for each face
		15	square metre total of all faces
(8)	CC zone	11	square metres for each face
		22	square metre total of all faces
(9)	CR zone	19	square metres for each face
		38	square metre total of all faces
Industrial Zones			
(10)	IL, IM, IH, PQ, T, and US zones	11	square metres for each face
		22	square metre total of all faces
Community Facility Zones			
(11)	CFN zone	5	square metres for each face
		10	square metre total of all faces
(12)	CFM zone	7.5	square metres for each face
		15	square metre total of all faces

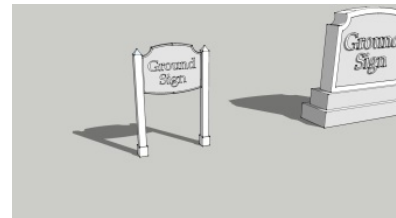


Other Zones

(13)	P, EP, and RU zones	3	square metres for each face for each main non-residential use, building, or structure
		6	square metre total of all faces for each main non-residential use, building, or structure;

(b) All ground signs shall be located no closer to a street line than the lesser of:

- (i) Three metres; or
- (ii) The required front or flankage yard for the zone; and
- (iii) No closer to a side or rear lot line than 1.5 metres; and

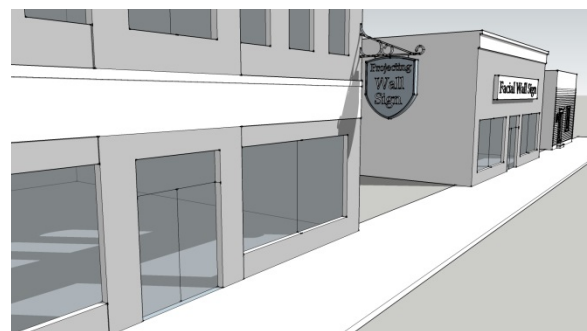


(c) The height of a ground sign shall not exceed the maximum height permitted in the zone where the sign is located.

7.8 Projecting Wall Signs

A projecting wall sign may be placed, erected, or displayed in a Commercial, Industrial, or Community Facility zone subject to the following requirements:

- (a) The projecting wall sign shall not exceed a total sign face area of four square metres in the CU and CW zones or six square metres in all other permitted zones;
- (b) The sign shall not project more than 2.5 metres from the main wall of the building; and
- (c) The projecting wall sign shall have a minimum clearance of 2.5 metres above the grade.





7.9 Wall Signs

A wall sign may be placed, erected, or displayed subject to the following requirements:

- (a) A wall sign shall only be permitted in the following zones having the following maximum sign face areas:

Residential Zones and others		
(1)	Home Day Care, Home Occupation, or Supportive Housing	0.5 square metres
(2)	Crisis Care Facility, Day Care Neighbourhood, Rooming House, or Supportive Facility	1 square metre
(3)	Bed and Breakfast or the following in a RH zone: Day Care Centre, Convenience Retail, Health and Fitness Facility, Medical Clinic, Personal Service, or Restaurant	1.5 square metres
(4)	Other	0.25 square metres
Commercial Zones		
(5)	CL zone	0.4 square metres per metre of lot frontage
(6)	CBP, CC, CG, CM, CAE, and CRG zones	0.7 square metres per metre of lot frontage
(7)	CR zone	0.7 square metres per metre of occupied building frontage for every business with an external public entrance
(8)	CU, CW, and CRC zones	1 square metre per metre of occupied building frontage for every business with an external public entrance
Industrial Zones		
(9)	IL, IM, IH, PQ, T, and US zones	0.7 square metres per metre of lot frontage



Community Facility Zones

(10)	CFN and CFM zones	0.6	square metres per metre of lot frontage
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Other Zones

(11)	P, EP, and RU Zones	0.5	square metres per metre of lot frontage for each main non-residential use, building, or structure
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(b) A wall sign shall be parallel to the wall to which it is attached;

(c) A wall sign shall not extend beyond the extremities of the wall upon which it is placed;

(d) A wall sign shall not cover a fence or roof;

(e) When located on a lot not in a Residential zone a wall sign shall not be placed on a building wall that is oriented towards the side or rear yard facing an adjacent lot in a Residential zone; and

(f) A sign located in the CAE zone shall not be illuminated intermittently or incorporate any type of flashing lights.



7.10 Other Signs

7.10(1) CONSTRUCTION SIGNS

Except for section 7.4, nothing in this By-law shall prevent the placement, erection, or display of a construction sign having a maximum total sign face area of 28 square metres in any zone subject to the following requirements:

- The construction sign shall only identify the architects, professional engineers, contractors, or other individuals or firms associated with a development occurring on the same lot, or an announcement concerning a proposed development to occur on the same lot; [2016, C.P. 111-35]
- The construction sign shall not advertise any product or service; and
- The construction sign shall be removed within 14 days after completion of the work.



7.10(2) ELECTRONIC MESSAGE BOARD SIGNS

Notwithstanding paragraph 7.4(c), an electronic message board sign with a maximum total sign face area of 3.5 square metres may be placed, erected, or displayed in a Community Facility, Industrial, or Commercial zone other than a CL zone, subject to the following requirements:

- (a) Only one electronic message board sign shall be permitted for each lot;
- (b) Messages shall be limited to static images displayed for at least ten seconds;
- (c) Messages transitions shall not be animated, flash, or scroll; and
- (d) The maximum brightness of the electronic message board sign shall be 5,000 nits during daytime and 500 nits during nighttime.

7.10(3) HOME OCCUPATION SIGNS

A home occupation shall be limited to a maximum of one sign.

7.10(4) NEIGHBOURHOOD IDENTIFICATION SIGNS

Except for section 7.4, nothing in this By-law shall prevent the placement, erection, or display of a neighbourhood identification sign in any zone subject to the following requirements:

- (a) There shall be a limit of one neighbourhood identification sign for each entrance into the neighbourhood or subdivision;
- (b) The message of the neighbourhood identification sign shall be limited to identifying the name of the neighbourhood or subdivision where it is situated;
- (c) Unless authorized by The City of Saint John, the neighbourhood identification sign shall not be located on a parcel of land owned by The City of Saint John;
- (d) The neighbourhood identification sign shall have a maximum total sign face area of three square metres and a maximum height of two metres; and
- (e) The neighbourhood identification sign shall not be lighted from within the sign structure.

7.10(5) RESIDENCE SIGNS

Except for section 7.4, nothing in this By-law shall prevent the placement, erection, or display of a sign with respect to the identification of a multiple dwelling, townhouse dwelling, or cluster townhouse dwelling containing more than six dwelling units subject to the following requirements:

- (a) There shall be a limit of one residence sign for each building;
- (b) The message of the sign shall be limited to the identification of the residence where it is located;



- (c) In the case of a ground sign, the residence sign shall be located no closer than two metres from a front, flankage, or side lot line;
- (d) The sign shall have a maximum total sign face area of 1.5 square metres and a maximum height of two metres; and
- (e) The sign shall not be lighted from within the sign structure.

7.10(6) TRINITY ROYAL PRESERVATION AREA SIGNS

Notwithstanding section 7.4, the following signs may be placed, erected, or displayed on a lot in a Commercial zone that is within the Trinity Royal Preservation Area subject to the following requirements:

- (a) A total of one roof sign having a maximum area of one square metre for each metre of lot frontage; or
- (b) A total of one painted wall sign not exceeding fifty percent of the visible wall.

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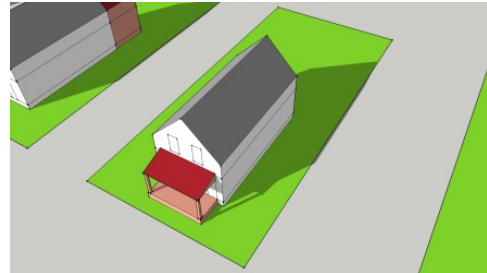


8 General Provisions: Other Standards

8.1 Building and Structure Projections

Nothing in this By-law shall prevent the following:

- (a) An air conditioning, heat pump unit, or solar collector in any required yard;
- (b) A balcony, deck, or veranda that does not project more than two metres into a required flankage, front, or rear yard;
- (c) A cantilevered floor that does not project more than two metres into a required flankage, front, or rear yard, or that does not project more than one metre into a required side yard;
- (d) A canopy, chimney, cornice, eave, flue, gutter, pilaster, roof overhang, sill, smoke stack, or other such architectural feature that does not project more than one metre into any required yard;
- (e) A door or window awning that does not project more than 1.2 metres into any required yard;
- (f) A fire escape or exterior staircase, with or without a balcony, that does not project more than two metres in any required flankage, front, or rear yard;
- (g) A fire escape or exterior staircase required under the Saint John Minimum Property Standards By-law that projects into any required yard;
- (h) An ornamental planting, retaining wall or other similar landscaping in any required yard;
- (i) A personal mobility lift or wheelchair ramp that projects into any required yard; or
- (j) A step that only provides access to the first storey level of a building or structure in any required yard.



8.2 Distance to Public Water Supply



Notwithstanding anything else in this By-law, no development can occur within 150 metres of the shore of any lake, river, stream, or other body of water that is a source of public water supply.

8.3 Exception Respecting Lot Areas

Notwithstanding anything else in this By-law not more than one-half of the area of a right-of-way for an overhead power transmission line, but not including a local distribution line, shall be

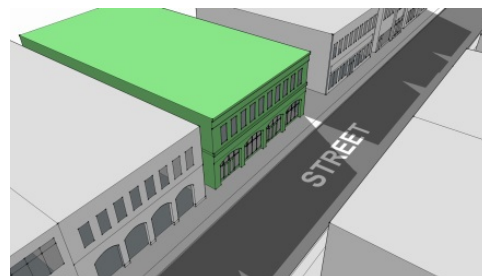


considered a part of the lot over which it crosses for the purpose of any lot area required by this By-law.

8.4 Exceptions Respecting Yards

(a) Notwithstanding anything else in this By-law except for the front and flankage yard requirements in the RC zone, a main building may be erected, placed, or altered so that it is as close to the street line as:

(i) Where there are main buildings that encroach into the required front yard on both adjacent properties abutting the same street, the average distance between the street line and these main buildings; or



(ii) Where there is only one main building that encroaches into the required front yard on an adjacent lot abutting the same street, the average of the front yard requirement and the distance between the street line and this adjacent main building; or

(iii) In the case of a corner lot, where there is a main building that encroaches into the required front yard on the adjacent lot abutting the same street, the average of the flankage yard requirement and the distance between the street line and this adjacent main building.

[2016, C.P. 111-35]

(b) Notwithstanding anything else in this By-law, an accessory building may be erected, placed, or altered so that it is as close to the street line as:

(i) Where there are accessory buildings that encroach into the required front yard on both adjacent properties, the average of the distance between the street line and these accessory buildings; or

(ii) Where there is only one accessory building that encroaches into the required front yard on an adjacent lot, the average of the front yard requirement and the distance between the street line and this adjacent accessory building; or

(iii) In the case of a corner lot, where there is an accessory building that encroaches into the required front yard on the adjacent lot abutting the same street, the average of the flankage yard requirement and the distance between the street line and this adjacent accessory building.

[2016, C.P. 111-35]



- (c) Notwithstanding anything else in this By-law, the front yard for a lot abutting a cul-de-sac turnaround may be reduced to a depth not less than 3.8 metres. [2016, C.P. 111-35]
- (d) Notwithstanding anything else in this By-law, a lot in an Industrial zone abutting a railway right-of-way or spur line does not require a yard from such right-of-way or spur line.
- (e) Notwithstanding anything else in this By-law, no yard is required for any building or structure not exceeding a ground floor area of 10 square metres when associated with a community garden, an interpretive centre, land for public purpose, a municipal recreational use, a park or playground, a stormwater management pond, or a walking trail. [2016, C.P. 111-35]
- (f) Except as otherwise provided by this By-law, no yard is required for construction wholly beneath the surface of the ground.

8.5 Existing Buildings and Structures in All Zones

Nothing in this By-law shall prevent any repair, renovation, reconstruction, or enlargement of a building or structure that does not conform to a zone standard provided: [2016, C.P. 111-35]

- (a) The repair, renovation, reconstruction, or enlargement does not further reduce the zone standard that does not conform to this By-law; and
- (b) All other applicable provisions of this By-law are satisfied.

8.6 Existing Dwellings in Industrial Zones

Nothing in this By-law shall prevent the following concerning a non-conforming residential use in an Industrial zone:

- (a) Any repair or renovation of the *existing* building containing the residential use provided the residential gross floor area is not increased; or
- (b) The repair, renovation, reconstruction, enlargement, or construction of any accessory building or structure, balcony, deck, porch, or veranda associated with the residential use provided all other applicable provisions of this By-law are satisfied.

8.7 Existing Dwelling Units along Common Walls

Notwithstanding anything else in this By-law, a lot containing a semi-detached dwelling or townhouse dwelling may be further subdivided into part-lots at the common wall provided: [2016, C.P. 111-35]

- (a) The common wall complies with the Saint John Building By-law;
- (b) Each dwelling unit is independently serviced by municipal sanitary sewer and municipal water laterals directly to the mains in the street; [2016, C.P. 111-35]



- (c) Each dwelling unit continues to be part of the building, and any rebuilding of a dwelling unit shall occupy the original footprint and be to the common wall of the other dwelling unit; and
- (d) With respect to the lot requirements of this By-law, the total area comprised of such part-lots shall be deemed the lot. [2016, C.P. 111-35]

8.8 Existing Non-Conforming Uses

Notwithstanding anything else in this By-law, a lot containing a non-conforming use may be subdivided provided all other applicable provisions of this By-law are satisfied.

8.9 Existing Undersized Properties

Notwithstanding any requirement of this By-law with respect to minimum lot area, minimum lot depth or minimum lot frontage, a use, building or structure permitted in a zone may be erected, placed or altered on such undersized lot provided all other applicable provisions of this By-law are satisfied.

8.10 Height Exceptions

Notwithstanding any requirement of this By-law with respect to height, a chimney, church spire, clock tower, communication tower, elevator enclosure, flagpole, skylight, solar collector, television or radio antennae, ventilator, water tank, or any other similar structure shall be permitted regardless of its height provided all other applicable provisions of this By-law are satisfied.

8.11 Lighting Fixtures

No lighting fixture or illuminating device for any purpose may be arranged in such a manner that directs rays of light upon an adjoining lot or street or above such facility or device.



8.12 Lots for Specific Uses

Nothing in this By-law shall prevent the creation of a lot, block, or other parcel of land with any dimension and not served by municipal water, municipal sanitary sewer, municipal storm sewer, well, on-site sewage disposal system, utility, or a street, where development of such lot, block, or other parcel of land is restricted to one or more of the following: [2016, C.P. 111-35]

- (a) Billboard or Neighbourhood Sign;
- (b) Community Garden;
- (c) Lane, Road, Street, or Highway;



- (d) Land for Public Purposes;
- (e) Minor Utility Service Building or Structure;
- (f) Monument or Statue;
- (g) Municipal Recreational Use;
- (h) Park or Playground;
- (i) Pipeline;
- (j) Public Display;
- (k) Railroad;
- (l) Stormwater Management Pond; [2016, C.P. 111-35]
- (m) Telecommunication Tower; or
- (n) Walking Trail.

8.13 Minimum Building Dimensions

Except as otherwise provided by this By-law, a main building containing a dwelling unit in any zone shall have a continuous length and width of at least five metres. [2016, C.P. 111-35]

8.14 Number of Main Buildings or Structures on a Lot

Except as otherwise provided by this By-law, in a Residential or Rural zone no more than one main building containing a dwelling may exist on a lot. [2016, C.P. 111-35]

8.15 Restoration to a Safe Condition

Nothing in this By-law shall prevent the repair or restoration to a safe condition of any building provided such repair or restoration has been deemed essential by the Building Inspector in order to ensure the structural integrity of the building and or the safety of its occupants.

8.16 Streets and Servicing

- (a) Except as otherwise provided by this By-law, a lot where a building to be used for human occupancy is proposed, shall:
 - (i) Abut a street;
 - (ii) Be serviced by municipal water and municipal sanitary sewer where deemed available by the Chief City Engineer, and where such municipal services are not



deemed available by the Chief City Engineer it will be the sole responsibility of the person undertaking the development to install a private on-site sewage disposal system and well acceptable to the Province of New Brunswick; and

- (iii) Be serviced with electricity by Saint John Energy or NB Power.
- (b) With respect to other services and facilities, including telecommunications and natural gas, it will be the sole responsibility of the person undertaking the development to make satisfactory arrangements for such other services and facilities.
- (c) A lot to where a building to be used for human occupancy is proposed not satisfying the requirements of paragraph (a) shall only be permitted when authorized by Council under subsection 2.7(2).

[2016, C.P. 111-35]

8.17 Vehicle Bodies

Except as otherwise provided by this By-law, a container designed for commercial transport, a farm tractor, a motor vehicle, a road building machine, a tractor engine, a tractor trailer, or any other vehicle drawn, propelled or driven by any kind of power regardless of whether such vehicle has been modified or no longer functions or resembles a vehicle, shall not be permitted in any zone as a main building or structure or as an accessory building or structure.

8.18 Zone Standards for Certain Subdivisions

Notwithstanding any requirement of this By-law with respect to minimum lot area, minimum lot depth, minimum lot frontage, minimum front yard, minimum rear yard, minimum side yard, and minimum flankage yard, the Development Officer may approve a subdivision plan that would:

- (a) Increase an undersized lot by consolidating land from one or more adjoining lots provided all such adjoining lots can still satisfy the minimum zone standards;
- (b) Relocate a lot line to reasonably remove an encroachment involving a building, structure, driveway, well, septic tank, or other such appurtenance; and
- (c) Reduce the street frontage of a lot below the minimum lot frontage standard where the remaining lot frontage is still sufficient to accommodate the construction of a public street in the future.

[2016, C.P. 111-35]

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9 General Provisions: Uses Permitted in Multiple Zones

9.1 Accessory Uses Permitted

Where this By-law provides that land may be used for a purpose, or a main building or structure may be erected or used for a purpose, such purpose may include any accessory or incidental uses thereof unless otherwise prohibited by this By-law, except that incidental outdoor storage is only permitted in an Industrial zone.

9.2 Bed and Breakfasts



Where permitted by this By-law, a one-unit dwelling may also contain a bed and breakfast as a secondary use subject to the following requirements:

- (a) The dwelling shall be the principal residence of the operator;
- (b) There shall not be more than five guest rooms associated with the bed and breakfast;
- (c) The lot of the bed and breakfast shall be at least 200 metres away from the lot of another bed and breakfast if both are in a Residential zone;
- (d) Except for a sign permitted in Part 7, there shall not be any change to the exterior appearance of the building that would indicate a bed and breakfast is in the building;
- (e) In accordance with Part 4, there shall be at least one on-site parking space for each guest room in addition to those required for any other uses of the lot; and
- (f) No home day care, home occupation, garden suite, neighbourhood day care, secondary suite, or supportive housing is permitted in any building on the lot.

9.3 Commercial Vehicles in Residential Zones

In a Residential zone no person shall allow a commercial vehicle to remain in a front yard, or an unregistered or derelict vehicle to remain in any yard, or a contractors' machinery or equipment to remain outside of any building.

9.4 Converted Dwellings

Where permitted by this By-law, a one-unit dwelling or two-unit dwelling located on a lot in the Primary Development Area may be converted into a two-unit dwelling or a multiple dwelling with a maximum of six dwelling units subject to the following requirements:

- (a) The building shall have been erected before January 1, 1967 as a one-unit dwelling or two-unit dwelling containing at least ten habitable rooms;



- (b) The building shall be serviced by municipal sanitary sewer and municipal water; [2016, C.P. 111-35]
- (c) Unless otherwise required by the Saint John Building By-law, access and egress to dwelling units shall be from an interior common hallway;
- (d) There shall not be any change to the exterior appearance of the building that would indicate the building is a converted dwelling;
- (e) In accordance with Part 4, there shall be at least one on-site parking space for each dwelling unit in addition to those required for any other uses of the lot; and
- (f) No bed and breakfast, garden suite, home day care, neighbourhood day care, secondary suite, or supportive housing is permitted in any building on the lot.

9.5 Day Cares

- (a) Where permitted by this By-law, a one-unit dwelling, two-unit dwelling, semi-detached dwelling, townhouse dwelling, multiple dwelling, or mobile or mini-home may also contain a home day care as a secondary use subject to the following requirements:
 - (i) The dwelling shall be the principal residence of the operator;
 - (ii) The home day care shall not operate with more than five children at any one time;
 - (iii) Any fenced outdoor play area shall be in the rear yard;
 - (iv) Except for a sign permitted in Part 7, there shall not be any change to the exterior appearance of the building that would indicate a home day care is in the building;
 - (v) In accordance with Part 4, there shall be at least one on-site parking space in addition to those required for any other uses of the lot; and
 - (vi) No bed and breakfast, home occupation, garden suite, neighbourhood day care, secondary suite, or supportive housing is permitted in any building on the lot.



- (b) Where permitted by this By-law, a one-unit dwelling or two-unit dwelling may also contain a neighbourhood day care subject to the following requirements:
 - (i) The dwelling shall be the principal residence of the operator;
 - (ii) The neighbourhood day care shall not operate with more than fifteen children at any one time;
 - (iii) Unless the neighbourhood day care is within 90 metres of a school, community centre, church, or park, the lot of the neighbourhood day care centre shall be at



least 200 metres away from the lot of another neighbourhood day care centre if both are in a Residential zone;

- (iv) Any fenced outdoor play area shall be in the rear yard;
- (v) The neighbourhood day care shall be on a street with unrestricted on-street parking, otherwise at least one on-site drop-off area with the minimum dimension of 2.4 metres of width and 4.9 metres of depth shall be provided for every five children involved in the day care centre;
- (vi) Except for a sign permitted in Part 7, there shall not be any change to the exterior appearance of the building that would indicate a day care is in the building;
- (vii) In accordance with Part 4, there shall be at least one on-site parking space for every five children involved with the neighbourhood day care in addition to those required for any other uses of the lot; and
- (viii) No bed and breakfast, home day care, home occupation, garden suite, secondary suite, or supportive housing is permitted in any building on the lot.

9.6 Dwellings in Various Buildings or Zones

- (a) A caretaker dwelling may be permitted in a building containing a commercial or industrial use within a zone that permits such use.
- (b) Where permitted by this By-law, a community centre located in the Park (P) zone may also contain a caretaker dwelling.

[2020, C.P. 111-94]

9.7 Filling and Excavating of Land

9.7(1) FILLING OF LAND

- (a) Except as otherwise provided by this By-law, no filling of land greater than one metre in depth may occur in any zone except where the fill is placed on a cumulative ground area not greater than 62.5 square metres.
- (b) The filling of land greater than one metre in depth which exceeds a maximum cumulative ground area of 62.5 square metres may occur in any zone subject to the following requirements:
 - (i) The fill is placed on a cumulative ground area not greater than 500 square metres;



- (ii) The filling of land ceases on or before 365 days after the date in which the development is approved by the Development Officer regardless of whether the filling of land was continuous or not;
 - (iii) The land affected will not contain a slope steeper than two metres horizontal to one metre vertical when the filling of land ceases on or before 365 days after the date in which the development is approved by the Development Officer;
 - (iv) The land affected is landscaped on or before 365 days after the date in which the development is approved by the Development Officer as follows:
 - (A) A layer of topsoil having a minimum depth of 10 centimetres, after compaction, completely covers the area affected by the filling of land so that the fill, and any objects associated with the fill, is no longer visible to the general public; and
 - (B) Hydro seed or sod is placed completely over the surface of the land affected by the filling of land; and
 - (v) The Development Officer has indicated approval of the filling of land in the form of a development permit.
- (c) Notwithstanding anything else in this subsection, the filling of land greater than one metre in depth in any zone may occur if the filling of land is undertaken directly in connection with one or more of the following:
- (i) The construction, alteration, or repair of a street in an approved subdivision or under contract awarded by The City of Saint John;
 - (ii) Any work performed by a public utility; or
 - (iii) The construction of a basement or cellar, footing of a building or structure, swimming pool, or other such development authorized by a permit issued by The City of Saint John.

[2016, C.P. 111-35]

9.7(2) EXCAVATING OF LAND

- (a) Except as otherwise provided by this By-law, no excavating of land greater than one metre in depth may occur in any zone except where the excavating of land has a cumulative ground area not greater than 62.5 square metres.
- (b) The excavating of land greater than one metre in depth which exceeds a maximum cumulative ground area of 62.5 square metres may occur in any zone subject to the following requirements:



- (i) The excavating of land does not involve a cumulative ground area greater than 500 square metres;
 - (ii) The excavating of land ceases on or before 365 days after the date in which the development is approved by the Development Officer regardless of whether the excavating of land was continuous or not;
 - (iii) The land affected will not contain a slope steeper than two metres horizontal to one metre vertical when the excavating of land ceases on or before 365 days after the date in which the development is approved by the Development Officer;
 - (iv) The land affected is landscaped on or before 365 days after the date in which the development is approved by the Development Officer as follows:
 - (A) A layer of topsoil having a minimum depth of 10 centimetres after compaction completely covering the surface of the land affected by the excavating of land; and
 - (B) Hydro seed or sod is placed completely over the surface of the land affected by the excavating of land; and
 - (v) The Development Officer has indicated approval of the excavating of land in the form of a development permit.
- (c) Notwithstanding anything else in this subsection, the excavating of land greater than one metre in depth in any zone may be undertaken directly in connection with one or more of the following:
- (i) The construction, alteration, or repair of a street in an approved subdivision or under contract awarded by The City of Saint John;
 - (ii) Any work performed by a public utility; or
 - (iii) The construction of a basement or cellar, footing of a building or structure, swimming pool, or other such development authorized by a permit issued by The City of Saint John.

[2016, C.P. 111-35]

9.8 Garden Suites



Where permitted by this By-law, a lot containing a one-unit dwelling or a mobile or mini-home containing one dwelling unit as a main use may also contain a garden suite as a secondary use in separate building subject to the following requirements:

- (a) [Repealed: 2016, C.P. 111-35]



- (b) The garden suite shall not exceed a maximum gross floor area of 70 square metres;
- (c) The garden suite shall not exceed a maximum height of:
 - (i) Six metres when located on a lot in a RC, RM, RL, R2, or R1 zone; and
 - (ii) Eight metres when located on a lot in any other zone;
- (d) The garden suite shall be in the rear yard and not be closer than:
 - (i) Two metres from a side and rear lot line when located on a lot in a RC, RM, RL, R2, or R1 zone; and
 - (ii) Three metres from a side and rear lot line when located on a lot in any other zone;
- (e) The garden suite shall be serviced in the same manner as a main building or structure in accordance with section 8.16;
- (f) Notwithstanding paragraph (e), electrical service shall be provided underground when located on a lot in a RC, RM, RL, R2, or R1 zone;
- (g) The required setbacks mentioned in paragraph (d) shall be landscaped in accordance with section 6.2;
- (h) In accordance with Part 4, there shall be at least one on-site parking space for the garden suite in addition to those required for any other uses of the lot; and
- (i) [Repealed: 2016, C.P. 111-35]
- (j) No bed and breakfast, home day care, home occupation, neighbourhood day care, secondary suite, or supportive housing is permitted in any building on the lot.

[2016, C.P. 111-35], [2020, C.P. 111-92]

9.9 Home Occupations

9.9(1) PERMITTED USES



- (a) Where permitted by this By-law, a one-unit dwelling, two-unit dwelling, semi-detached dwelling, townhouse dwelling, or mobile or mini-home may also contain one of the following home occupations as a secondary use subject to the requirements of subsection 9.9(2):
 - (i) Artist or Craftsperson Studio;
 - (ii) Business Office;



- (iii) Catering Business, subject to the additional requirements of subsection 9.9(3);
 - (iv) Clothing Maker;
 - (v) Medical Clinic;
 - (vi) Instructional Service involving a maximum of four students at any one time; or
 - (vii) Personal Service, subject to the additional requirements of subsection 9.9(4) for pet grooming.
- (b) Where permitted by this By-law, a dwelling unit in a multiple dwelling or a dwelling unit in a commercial building may also contain one of the following home occupations as a secondary use subject to the requirements of subsection 9.9(2):
- (i) Artist or Craftsperson Studio not involving a non-resident employee or customer traffic; or
 - (ii) Business Office not involving a non-resident employee or customer traffic.

9.9(2) GENERAL PROVISIONS

All home occupations shall satisfy the following requirements:

- (a) The dwelling unit shall be the principal residence of the operator;
- (b) The area devoted to the home occupation shall not exceed the greater of:
 - (i) 25 percent of the total floor area of the dwelling unit; or
 - (ii) 47 square metres;
- (c) The home occupation shall not involve more than two non-resident employees, but as stipulated by paragraph 9.9(1)(b) a non-resident employee is not permitted for a home occupation in a multiple dwelling or a dwelling unit in a commercial building;
- (d) Except as provided by the home occupation, goods or services shall not be sold from the lot;
- (e) All equipment and material associated with the home occupation shall be kept exclusively in the dwelling unit;
- (f) No more than one commercial vehicle or equipment or vehicle bearing a sign with respect to the home occupation can be parked on the lot except in a wholly enclosed garage;
- (g) Except for a sign permitted in Part 7, there shall not be any change to the exterior appearance of the building that would indicate a home occupation is in the building;



- (h) In accordance with Part 4, there shall be at least two on-site parking spaces provided for the home occupation in addition to those required for any other uses of the lot, except that no additional parking is required for a home occupation permitted in a converted or multiple dwelling;
- (i) No bed and breakfast, garden suite, home day care, neighbourhood day care, secondary suite, or supportive housing is permitted in any building on the lot.

9.9(3) CATERING BUSINESS PROVISIONS

In addition to satisfying the requirements of subsection 9.9(2), all home occupations involving a catering business shall also satisfy the following additional requirements:

- (a) The business shall not involve the use of any deep fat fryer or other cooking equipment requiring a commercial exhaust system; and
- (b) The sale of goods shall not occur from the lot.

9.9(4) PET GROOMING PROVISIONS

In addition to satisfying the requirements of subsection 9.9(2), all home occupations involving pet grooming shall also satisfy the following additional requirements:

- (a) There shall not be any outdoor kennel for animals associated with the business;
- (b) There shall not be any overnight accommodation for animals associated with the business; and
- (c) The maximum number of animals associated with the business shall not exceed three on the lot at any one time.

9.10 Keeping of Chickens

Except as otherwise provided by this By-law, the keeping of chickens as a secondary use to a one-unit dwelling, two-unit dwelling, semi-detached dwelling, or mobile or mini-home shall be permitted in all zones subject to the following requirements:

- (a) The owner of the chickens shall reside at the same lot where the chickens are kept;
- (b) The owner shall keep the chickens for strictly personal use and not sell eggs, manure, meat, or other products derived from chickens;
- (c) The number of chickens shall be limited to a maximum of six and shall not include any male chickens commonly referred to as roosters;
- (d) All chickens shall be kept in a maximum of one chicken coop in the rear yard of the lot with a minimum ground floor area of 0.37 square metres per chicken, and in addition the



chicken coop shall also include an attached outdoor wired enclosure area, commonly referred to as a chicken run, having a minimum ground floor area of 0.92 square metres per chicken; [2016, C.P. 111-35]

- (e) The chicken coop shall be no closer than two metres to any side lot line or rear lot line, and shall have a minimum separation distance of 7.5 metres from any existing main residential building on an adjoining lot and 30 metres from any existing well on an adjoining lot; [2016, C.P. 111-35]
- (f) A chicken coop shall be fully enclosed on the sides and top with at least one door that can be locked. Any openings or vents shall be covered with predator and bird resistant wiring having openings no greater than 2.5 centimetres;
- (g) The owner shall not store chicken manure on the lot except within a fully sealed container; and
- (h) The owner shall dispose of any dead chicken by delivering it to an abattoir, veterinarian, or other such facility that has the ability to lawfully dispose of chickens.

9.11 Minor Utility Service Buildings or Structures and Pipelines

Nothing in this By-law shall prevent the erection, placement, alteration, or use of a minor utility service building or structure or pipeline in any zone.

9.12 Multiple Uses

Where any land or building is used for more than one purpose each individual use shall comply with the applicable requirements of this By-law.

9.13 Secondary Suites



Where permitted by this By-law, a one-unit dwelling on a lot may also contain a secondary suite as a secondary use subject to the following requirements:

- (a) [Repealed: 2016, C.P. 111-35]
- (b) The secondary suite shall not exceed 40 percent of the gross floor area of the building or 80 square metres, whichever is less; [2016, C.P. 111-35]
- (c) The secondary suite shall have an entrance on the side or rear of the building if a shared entrance with the main dwelling unit is not permitted by the Saint John Building By-law;
- (d) The building shall be serviced either with municipal sanitary sewer and municipal water by one set of laterals to the building or by one private on-site sewage disposal system and well; [2016, C.P. 111-35]



- (e) [Repealed: 2016, C.P. 111-35]
- (f) There shall not be any change to the exterior appearance of the building that would indicate a secondary suite is in the building;
- (g) In accordance with Part 4, there shall be at least one on-site parking space for the secondary suite in addition to those required for any other uses of the lot; and
- (h) [Repealed: 2016, C.P. 111-35]
- (i) No bed and breakfast, garden suite, home day care, home occupation, or neighbourhood day care, or supportive housing is permitted in any building on the lot.

9.14 Supportive Housing



Where permitted by this By-law, a one-unit dwelling or two-unit dwelling may contain, or be completely converted to, supportive housing subject to the following requirements:

- (a) Supportive housing shall be limited to a maximum of nine residents;
- (b) The lot containing supportive housing shall be at least 125 metres away from another lot also containing a supportive housing if both are in a Residential zone;
- (c) Except for a sign permitted in Part 7, there shall not be any change to the exterior appearance of the building that would indicate supportive housing is in the building;
- (d) In accordance with Part 4, there shall be at least one on-site parking space for every three residents in the supportive housing in addition to those required for any other uses of the lot; and
- (e) No bed and breakfast, garden suite, home day care, home occupation, neighbourhood day care, or secondary suite is permitted in any building on the lot.

9.15 Storage of Recreational Vehicles and Major Recreational Equipment

- (a) A recreational vehicle and major recreational equipment shall not be stored in a Residential zone except in a carport, garage, or in a rear or side yard behind the building line, except that major recreational equipment may be parked in a driveway wholly within the lot between May and October of each year.
- (b) No recreational vehicle or major recreational equipment shall be used for living, sleeping or housekeeping purposes when on a lot zoned Residential.

9.16 Telecommunication Towers

Nothing in this By-law shall prevent the erection, placement, alteration, or use of a telecommunication tower.



9.17 Temporary Activities Permitted in all Zones

9.17(1) TEMPORARY CONSTRUCTION BUILDINGS AND STRUCTURES

Nothing in this By-law shall prevent the use of any land or the placement of any building or structure, such as, but not limited to, a construction camp with no overnight accommodation, an office trailer, a tool shed, or scaffolding in association with the undertaking of a development on the same lot provided the temporary building or structure is removed within 14 days after the completion of the work.

9.17(2) TEMPORARY GARDEN CENTRES

Nothing in this By-law shall prevent a temporary outdoor garden centre being established in a parking lot of a lot located in a Commercial zone provided the garden centre only operates within the months of April to October.

9.17(3) TEMPORARY SALE OF CHRISTMAS TREES

Nothing in this By-law shall prevent the temporary sale of Christmas trees occurring in a parking lot of a lot in a Commercial or Industrial zone provided the activity only operates within the months of November and December.

9.17(4) TEMPORARY REAL ESTATE SALES OFFICES

Nothing in this By-law shall prevent a temporary real estate sales office being established in a dwelling within an approved developing subdivision provided the office is removed within 24 months after issuance of the permit for such office.

9.17(5) TEMPORARY SPECIAL OCCASION STRUCTURES

Nothing in this By-law shall prevent a structure erected for a special occasion or holiday, such as, but not limited to, a banner, an inflated balloon, an inflated character, a pennant, a search light, a spinner, a streamer, or a tent provided the temporary special occasion structure is removed within seven days after the event.

9.18 Tree Cutting



- (a) Except as otherwise provided in this By-law, no tree cutting may occur in any zone.
- (b) Tree cutting may occur in any zone subject to the following requirements:
 - (i) The tree cutting does not involve a cumulative ground area greater than 500 square metres;
 - (ii) The area affected by the tree cutting does not present a hazard to the general public when the tree cutting ceases;



- (iii) The area affected by the tree cutting does not contain any fallen trees when the tree cutting ceases.
- (c) Tree cutting in any zone may be undertaken directly in connection with one or more of the following:
 - (i) The construction, alteration, or repair of a street in an approved subdivision or under contract awarded by The City of Saint John;
 - (ii) Any work performed by a public utility;
 - (iii) A development authorized by a permit issued by The City of Saint John;
 - (iv) The area of land associated with a subdivision plan that has been granted tentative approval by the Development Officer; or
 - (v) The removal of any tree which is damaged, diseased, or hazardous to the general public. [2016, C.P. 111-35]

9.19 Uses Permitted in Zones

Notwithstanding anything else in this By-law:

- (a) The following uses shall be permitted in all zones:
 - (i) [Repealed: 2016, C.P. 111-35]
 - (ii) Lane, Street, or Highway;
 - (iii) Minor Utility Service Building or Structure;
 - (iv) Pipeline;
 - (v) Railroad;
 - (vi) Stormwater Management Pond; [2016, C.P. 111-35]
 - (vii) Telecommunication Tower;
 - (viii) Temporary Parking Lot and Snow Lot authorized by The City of Saint John; [2016, C.P. 111-35]
 - (xi) Temporary Test Facility; [2019, C.P. 111-82] or
 - (xii) Wind Test Tower. [2019, C.P. 111-82]
- (b) Except for the Heavy Industrial zone, the following uses shall also be permitted in all zones:



- (i) Community Garden;
- (ii) Land for Public Purpose;
- (iii) Municipal Recreational Use;
- (iv) Park or Playground;
- (v) Public Display; or
- (vi) Walking Trail.

9.20 Cannabis Production Facilities

Where permitted by this By-law, a cannabis production facility is subject to the following requirements:

- (a) All functions associated with a cannabis production facility shall be conducted within a completely enclosed building;
- (b) No lot containing a cannabis production facility shall be permitted within 150 metres of any residential zone or a lot containing an existing public or private school measured to the property line; and
- (c) No outdoor storage associated with a cannabis production facility is permitted.

[2017, C.P. 111-41], [2018, C.P. 111-53]

9.21 Cannabis Retail

Where permitted by this By-law, cannabis retail is subject to the following requirements:

- (a) A lot being used for cannabis retail shall be at least 300 metres away from any lot containing a school (K-8) or school (9-12) measured to the property line; and
- (b) A lot being used for cannabis retail shall be at least 1,000 metres away from another lot being used for cannabis retail measured to the property line.

[2018, C.P. 111-53]

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10 Residential Zones

The following Table 10-1 is intended to provide a general list of the uses allowed in the Residential zones. This table is provided for convenience only and reference should be made to each zone for a complete list of permitted uses, conditional uses, conditions of use, zone standards, as well as to the General Provisions of this By-law.

Table 10-1

Use	Zone Permitted											
Accommodation, <i>Existing</i>	RC											
Agricultural Use, <i>Existing</i>									RS	RR	RMX	
Bed and Breakfast	RC		RM	RL	R2	R1	RSS		RS	RR	RMX	
Crisis Care Facility	RC											
Day Care Centre	RC	RH										
Day Care, Home	RC		RM	RL	R2	R1	RSS	RP	RS	RR	RMX	
Day Care, Neighbourhood	RC		RM	RL	R2	R1	RSS		RS	RR	RMX	
Dwelling Group	RC	RH	RM	RL								
Dwelling, Cluster Townhouse	RC		RM	RL								
Dwelling, Converted					R2	R1						
Dwelling, Multiple	RC	RH	RM	RL								
Dwelling, One-Unit	RC		RM	RL	R2	R1	RSS	RP	RS	RR	RMX	
Dwelling, Semi-Detached	RC		RM	RL	R2							
Dwelling, Townhouse	RC		RM	RL								
Dwelling, Two-Unit	RC		RM	RL	R2				RS	RR	RMX	
Garden Suite	RC		RM	RL	R2	R1	RSS		RS	RR	RMX	
Health and Fitness Facility		RH										
Home Occupation	RC	RH	RM	RL	R2	R1	RSS	RP	RS	RR	RMX	
Medical Clinic		RH										
Mobile Home Park								RP				
Mobile Home Park, <i>Existing</i>										RR		
Mobile or Mini-Home								RP				RMX
Mobile or Mini-Home, <i>Existing</i>									RS	RR		
Personal Service		RH										
Restaurant		RH										
Retail Convenience		RH										
Rooming House	RC		RM									



Use

Zone Permitted

Secondary Suite	RC		RM	RL	R2	R1	RSS	RS	RR	RMX
Supportive Facility	RC	RH	RM							
Supportive Housing	RC	RH	RM	RL	R2	R1	RSS	RS	RR	RMX

[2016, C.P. 111-35], [2020, C.P. 111-96]

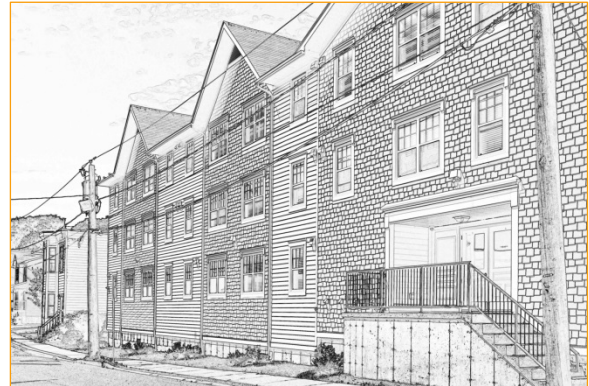


10.1 Urban Centre Residential (RC) Zone

Municipal Plan Context



The Urban Centre Residential (RC) zone accommodates a wide range of serviced urban residential development in the form of townhouses, apartments, and condominiums. Lower density forms are also permitted including semi-detached dwellings, two-unit dwellings, and one-unit dwellings.



The Urban Centre Residential (RC) zone is intended for land inside the Primary Development Area that is designated Medium to High Density Residential, Uptown Primary Centre, or Mixed Use Centre in an Intensification Area. However, land in other appropriate designations could be zoned RC.

10.1(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Accommodation, *Existing*;
- Bed and Breakfast, subject to section 9.2;
- Crisis Care Facility, subject to subsection 10.1(2);
- Day Care Centre; subject to subsection 10.1(2);
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling Group;
- Dwelling, Cluster Townhouse, subject to subsection 10.1(4);
- Dwelling, Multiple;
- Dwelling, One-Unit;
- Dwelling, Semi-Detached;
- Dwelling, Townhouse, subject to subsection 10.1(2);
- Dwelling, Two-Unit;
- Garden Suite, subject to section 9.8;
- Home Occupation, subject to section 9.9;
- Rooming House, subject to subsection 10.1(2);
- Secondary Suite, subject to section 9.13;
- Supportive Facility, subject to subsection 10.1(2);
- Supportive Housing, subject to section 9.14;



- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RC zone.

10.1(2) Conditions of Use

- (a) A Crisis Care Facility, Day Care Centre, Rooming House, or Supportive Facility permitted in subsection 10.1(1) shall be subject to the following:
- (i) The lot shall only contain one of these land uses, and shall be at least 60 metres away from another lot in the RC zone that also contains one of these above uses; and
 - (ii) In the case of a Crisis Care Facility, Rooming House, or Supportive Facility, the establishment shall be limited to a maximum of 18 residents.
- (b) [Repealed: 2020, C.P. 111-86]
- (c) [Repealed: 2020, C.P. 111-86]

10.1(3) Zone Standards

- (a) Minimum Lot Area:
- | | | |
|---|------------|-------------------|
| One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling | 185 | square metres |
| Multiple Dwelling, the greater of: | 300 | square metres, or |
| For each Dwelling Unit therein having 3 or more bedrooms | 80 | square metres |
| For each Dwelling Unit therein having 2 bedrooms | 65 | square metres |
| For each Bachelor or Dwelling Unit therein having 1 bedroom | 45 | square metres |
| For each Room for a Crisis Care Facility, Rooming House, or Supportive Facility | 20 | square metres |
| Townhouse Dwelling | | |
| For each Dwelling Unit therein | 165 | square metres |
| Cluster Townhouse Dwelling, subject to subsection 10.1(4) and not paragraph 10.1(3)(b) to (l) inclusive | | |



(b) Minimum Lot Frontage:

One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling

Interior Lot **5.5** metres

Corner Lot **7** metres

Multiple Dwelling **22** metres

Townhouse Dwelling for each Dwelling Unit **5.5** metres

(c) Minimum Lot Depth **30** metres

(d) Minimum Front Yard **1.5** metres

(e) Maximum Front Yard **3** metres

(f) Minimum Rear Yard, the lesser of:

The minimum rear yard of two or more main buildings in the block face, or 6 metres

(g) Minimum Side Yard, the lesser of:

The minimum side yard of two or more main buildings in the block face, or 1.5 metres

(h) Minimum Flankage Yard **1.5** metres

(i) Minimum Ground Floor Area:

One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling

1½, 2, or 3 Storeys **62** square metres

(j) Minimum Gross Floor Area for a Dwelling Unit in a Multiple Dwelling:

For each Dwelling Unit having 3 or more bedrooms **60** square metres

For each Dwelling Unit having 2 bedrooms **50** square metres

For each Bachelor or Dwelling Unit having **35** square metres



- 1 bedroom
- (k) Minimum Building Height **2** storeys
- (l) Maximum Building Height **14** metres
- (m) Front and Flankage Building Façades for the construction of new buildings only:
[2016, C.P. 111-35]
- (i) Shall only have cladding comprised of brick, stone, cementitious material, or wood, or any combination thereof;
 - (ii) Shall have at least 15 percent of its area covered by windows with clear glass; [2016, C.P. 111-35]
 - (iii) Shall not have a garage door that exceeds 40 percent of the building façade width or 20 percent of the building façade area;
 - (iv) Shall not have a garage door that projects beyond the plane of the primary building door entrance; and
 - (v) The maximum length of a building frontage along a street shall be 66 metres. [2020, C.P. 111-86]
- (n) Building Height and Massing Requirements
[2020, C.P. 111-86] **In accordance with Section 15 Central Peninsula Building Height and Massing Overlay Zone**
- (o) Other Requirements **In accordance with the General Provisions, Parts 4-9**



10.1(4) Zone Standards for Cluster Townhouse Dwellings

- (a) Minimum Lot Area, the greater of: **1,160** square metres, or
For each Dwelling Unit therein **230** square metres
- (b) Minimum Lot Frontage **30** metres
- (c) Minimum Lot Depth **30** metres
- (d) No front wall of a Cluster Townhouse Dwelling shall be located so that any part of such front wall is closer than:
- (i) 3 metres of an abutting private access right-of-way;
 - (ii) 21 metres of a front wall or rear wall of another Cluster Townhouse Dwelling;
 - (iii) 10.5 metres of a side wall of another Cluster Townhouse Dwelling; or
 - (iv) 7.5 metres of a property boundary of an adjoining lot not part of the Cluster Townhouse Dwelling or the Dwelling Group of the Cluster Townhouse Dwelling.
- (e) No rear wall of a Cluster Townhouse Dwelling shall be located so that any part of such wall is closer than:
- (i) 7.5 metres of a property boundary of an adjoining lot not part of the Cluster Townhouse Dwelling or the Dwelling Group of the Cluster Townhouse Dwelling;
 - (ii) 15 metres of a rear wall of another Cluster Townhouse Dwelling; or
 - (iii) 10.5 metres of a sidewall of another Cluster Townhouse Dwelling.
- (f) No sidewall of a Cluster Townhouse Dwelling shall be located so that any part of such wall is closer than:
- (i) 7.5 metres of a side wall of another Cluster Townhouse Dwelling; or
 - (ii) 7.5 metres of a property boundary of an adjoining lot not part of the Cluster Townhouse Dwelling or the Dwelling Group of the Cluster Townhouse Dwelling.



(g) Minimum Flankage Yard:

Adjacent to a Private Access	3	metres
Adjacent to a Public Street in the RC zone	3	metres
Adjacent to a Public Street in any other zone	6	metres

(h) Minimum Dwelling Unit Width:

RC zone	5.5	metres
RM and RL zones	6	metres

(i) No Cluster Townhouse Dwelling shall:

- (i) Have a length greater than 72 metres; or
- (ii) Have a continuous front building line greater than 36 metres; and

(j) For purposes of paragraph (i), a continuous front building line shall mean either the same front building line of two or more adjacent dwelling units, or the front building lines of two or more adjacent dwelling units that are not offset by more than one metre from each other.

(k) Minimum Building Height:

RM and RC zones	2	storeys
-----------------	----------	---------

(l) Maximum Building Height:

RL zone	9	metres
RM zone	11	metres
RC zone	14	metres

(m) Other Requirements

**In accordance with the
General Provisions, Parts 4-9**



10.1(5) Zone Standards for Townhouse Dwellings

Notwithstanding section 10.1(3), a Townhouse Dwelling shall be subject to the following:

- (a) The front façade shall be articulated between every 5.5 to 8 metres to denote individual townhouse units.
- (b) Garages shall not have a door that exceeds 60 percent of the building façade width.

[2020, C.P. 111-86]



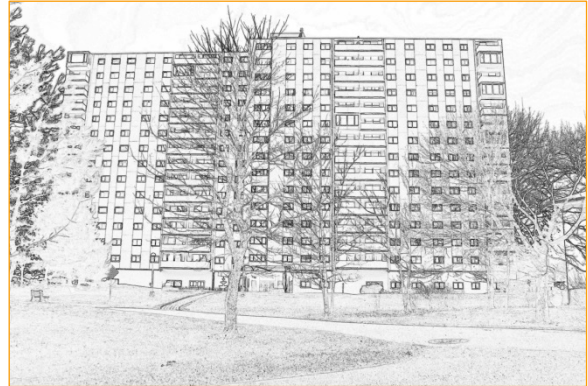
10.2 High-Rise Residential (RH) Zone

Municipal Plan Context



The High-Rise Residential (RH) zone accommodates serviced high-rise multiple dwellings and complementary non-residential uses on the first two storeys.

The High-Rise Residential (RH) zone is intended for land inside the Primary Development Area suitable for the development of high-rise multiple dwellings. This may involve land designated Medium to High Density Residential, Low to Medium Density Residential, Stable Residential, Primary Centre, or Mixed Use Centre. However, land in other appropriate designations could be zoned RH.



10.2(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Day Care Centre;
- Dwelling Group;
- Dwelling, Multiple;
- Health and Fitness Facility, subject to subsection 10.2(2);
- Home Occupation, subject to section 9.9;
- Medical Clinic, subject to subsection 10.2(2);
- Personal Service, subject to subsection 10.2(2);
- Restaurant, subject to subsection 10.2(2);
- Retail Convenience, subject to subsection 10.2(2);
- Supportive Facility;
- Supportive Housing;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RH zone.

10.2(2) Conditions of Use

A Health and Fitness Facility, Medical Clinic, Personal Service, Restaurant, or Convenience Retail permitted in subsection 10.2(1) shall be subject to the following:

- (a) Be located in the high-rise building, but not above the second storey of the building;



- (b) Have its entry from within a hall in the high-rise building; and
- (c) Not occupy more than 10 percent of the gross floor area of the high-rise building.

10.2(3) Zone Standards

- (a) Minimum Lot Area, the greater of:
 - 690 square metres, or
 - For each Dwelling Unit therein having 3 or more bedrooms 74 square metres
 - For each Dwelling Unit therein having 2 bedrooms 55 square metres
 - For each Bachelor or Dwelling Unit therein having 1 bedroom 37 square metres
- (b) Minimum Lot Frontage 22 metres
- (c) Minimum Lot Depth 30 metres
- (d) Minimum Front Yard 6 metres
- (e) Maximum Front Yard 9 metres
- (f) Minimum Rear Yard 6 metres
- (g) Minimum Side Yard, the greater of:
 - 0.3 times the height of the Multiple Dwelling to a maximum of 9 metres, or
 - 3 metres
- (h) Minimum Flankage Yard 3.5 metres
- (i) Minimum Gross Floor Area for a Dwelling Unit:
 - For each Dwelling Unit having 3 or more bedrooms 65 square metres
 - For each Dwelling Unit having 2 bedrooms 55 square metres
 - For each Bachelor or Dwelling Unit having 1 bedroom 37 square metres
- (j) Minimum Building Height 2 storeys



- (k) Maximum Building Height: **30** metres, or
An additional 5 metres of building height for each one metre addition to both required side yards.
- (l) Maximum Lot Occupancy **50** percent of lot area
- (m) Other Requirements **In accordance with the General Provisions, Parts 4-9**



10.3 Mid-Rise Residential (RM) Zone

Municipal Plan Context



The Mid-Rise Residential (RM) zone accommodates a range of serviced medium density residential development in the form of townhouses, apartments, and condominiums, as well as semi-detached dwellings, two-unit dwellings, and one-unit dwellings. A minimum height standard of two storeys is required for new residential development.



The Mid-Rise Residential (RM) zone is intended for land inside the Primary Development Area that is designated Low to Medium Density Residential or Stable Residential. However, land in other appropriate designations could be zoned RM.

10.3(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling Group;
- Dwelling, Cluster Townhouse, subject to subsection 10.1(4);
- Dwelling, Multiple;
- Dwelling, One-Unit;
- Dwelling, Semi-Detached;
- Dwelling, Townhouse, subject to subsection 10.3(2);
- Dwelling, Two-Unit;
- Garden Suite, subject to section 9.8;
- Home Occupation, subject to section 9.9;
- Rooming House, subject to subsection 10.3(2);
- Secondary Suite, subject to section 9.13;
- Supportive Facility, subject to subsection 10.3(2);
- Supportive Housing, subject to section 9.14;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RM zone.



10.3(2) Conditions of Use

- (a) A Townhouse Dwelling permitted in subsection 10.3(1) shall not have:
 - (i) A length greater than 72 metres; or
 - (ii) A continuous front building line greater than 36 metres; and
 - (iii) For purposes of this paragraph, a continuous front building line shall mean either the same front building line of two or more adjacent dwelling units, or the front building lines of two or more adjacent dwelling units that are not offset by more than one metre from each other.
- (b) A Rooming House or Supportive Facility permitted in subsection 10.3(1) shall be subject to the following:
 - (i) The lot shall only contain one of these land uses and shall be at least 60 metres away from another lot in the RM zone that also contains one of these uses; and
 - (ii) A Rooming House or Supportive Facility shall be limited to a maximum of nine residents.

10.3(3) Zone Standards

(a) Minimum Lot Area:	
One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling	550 square metres
Multiple Dwelling, the greater of	690 square metres, or
For each Dwelling Unit therein having 3 or more bedrooms	185 square metres
For each Dwelling Unit therein having 2 bedrooms	150 square metres
For each Bachelor or Dwelling Unit therein having 1 bedroom	105 square metres
Townhouse Dwelling	
For each Dwelling Unit therein	180 square metres



Cluster Townhouse Dwelling, subject to subsection 10.1(4) and not paragraph 10.3(3)(b) to (m) inclusive

(b) Minimum Lot Frontage:

One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling

Interior Lot **18** metres

Corner Lot **21** metres

Multiple Dwelling **22** metres

Townhouse Dwelling for each Dwelling Unit **6** metres

(c) Minimum Lot Depth **30** metres

(d) Minimum Front Yard **6** metres

(e) Maximum Front Yard for a Multiple Dwelling or Townhouse Dwelling **9** metres

(f) Minimum Rear Yard **6** metres

(g) Minimum Side Yard:

Multiple Dwelling or Townhouse Dwelling containing more than 6 Dwelling Units **2.5** metres

Multiple Dwelling or Townhouse Dwelling containing 6 or less Dwelling Units **2** metres

Other **1.5** metres

(h) Minimum Flankage Yard **3.5** metres

(i) Minimum Ground Floor Area:

One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling

1 Storey **89** square metres

Split-Level **71** square metres

1½, 2, or 3 Storeys **62** square metres



(j)	Minimum Gross Floor Area for a Dwelling Unit in a Multiple Dwelling:	
	For each Dwelling Unit having 3 or more bedrooms	69 square metres
	For each Dwelling Unit having 2 bedrooms	60 square metres
	For each Bachelor or Dwelling Unit having 1 bedroom	41 square metres
(k)	Minimum Building Height	2 storeys
(l)	Maximum Building Height:	11 metres, or
	14 metres if both side yards are increased in amounts equal to the height over 11 metres	
(m)	Maximum Lot Occupancy	50 percent of lot area
(n)	Other Requirements	In accordance with the General Provisions, Parts 4-9



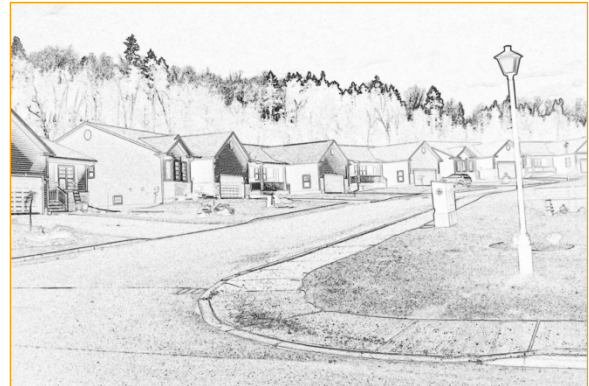
10.4 Low-Rise Residential (RL) Zone

Municipal Plan Context



The Low-Rise Residential (RL) zone accommodates a range of serviced lower density residential development in the form of townhouses, apartments, and condominiums limited to a maximum of six dwelling units, as well as semi-detached dwellings, two-unit dwellings, and one-unit dwellings.

The Low-Rise Residential (RL) zone is intended for land inside the Primary Development Area that is designated Low Density Residential or Stable Residential. However, land in other appropriate designations could be zoned RL.



10.4(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling Group;
- Dwelling, Cluster Townhouse, limited to a maximum of six dwelling units;
- Dwelling, Multiple, limited to a maximum of six dwelling units;
- Dwelling, One-Unit;
- Dwelling, Semi-Detached;
- Dwelling, Townhouse, limited to a maximum of six dwelling units;
- Dwelling, Two-Unit;
- Garden Suite, subject to section 9.8;
- Home Occupation, subject to section 9.9;
- Secondary Suite, subject to section 9.13;
- Supportive Housing, subject to section 9.14;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RL zone.



10.4(2) Zone Standards

(a)	Minimum Lot Area:		
	One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling	550	square metres
	Multiple Dwelling, the greater of	690	square metres, or
	For each Dwelling Unit therein having 3 or more bedrooms	185	square metres
	For each Dwelling Unit therein having 2 bedrooms	150	square metres
	For each Bachelor or Dwelling Unit therein having 1 bedroom	105	square metres
	Townhouse Dwelling		
	For each Dwelling Unit therein	180	square metres
	Cluster Townhouse Dwelling, subject to subsection 10.1(4) and not paragraph 10.4(2)(b) to (m) inclusive		
(b)	Minimum Lot Frontage:		
	One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling		
	Interior Lot	18	metres
	Corner Lot	21	metres
	Multiple Dwelling	22	metres
	Townhouse Dwelling for each Dwelling Unit	6	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	6	metres
(e)	Maximum Front Yard for a Multiple or Townhouse Dwelling	9	metres
(f)	Minimum Rear Yard	6	metres



(g)	Minimum Side Yard:	
	Multiple or Townhouse Dwelling	2 metres
	Other	1.5 metres
(h)	Minimum Flankage Yard	3.5 metres
(i)	Minimum Ground Floor Area:	
	One-Unit Dwelling or Two-Unit Dwelling	
	1 Storey	89 square metres
	Split-Level	71 square metres
	1½, 2, or 3 Storeys	62 square metres
	Semi-Detached Dwelling	
	1 Storey	119 square metres
	Split-Level	95 square metres
	1½, 2, or 3 Storeys	83 square metres
(j)	Minimum Gross Floor Area for a Dwelling Unit in a Multiple Dwelling:	
	For each Dwelling Unit having 3 or more bedrooms	69 square metres
	For each Dwelling Unit having 2 bedrooms	60 square metres
	For each Bachelor or Dwelling Unit having 1 bedroom	41 square metres
(k)	Maximum Building Length for a Townhouse Dwelling	36 metres



- (l) Maximum Building Height: **9** metres, or
11 metres if both side yards are increased in amounts equal to the height
over 9 metres
- (m) Maximum Lot Occupancy **50** percent of lot area
- (n) Other Requirements **In accordance with the
General Provisions, Parts 4-9**



10.5 Two-Unit Residential (R2) Zone

Municipal Plan Context



The Two-Unit Residential (R2) zone accommodates serviced residential development in the form of semi-detached dwellings, two-unit dwellings, and one-unit dwellings.

The Two-Unit Residential (R2) zone is intended for land inside the Primary Development Area that is designated Low Density Residential or Stable Residential. However, land in other appropriate designations could be zoned R2.



10.5(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling, Converted, subject to section 9.4;
- Dwelling, One-Unit;
- Dwelling, Semi-Detached;
- Dwelling, Two-Unit;
- Garden Suite, subject to section 9.8;
- Home Occupation, subject to section 9.9;
- Secondary Suite, subject to section 9.13;
- Supportive Housing, subject to section 9.14;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the R2 zone.

10.5(2) Zone Standards

(a)	Minimum Lot Area	550	square metres
(b)	Minimum Lot Frontage:		
	Interior Lot	18	metres



	Corner Lot	21	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	6	metres
(e)	Minimum Rear Yard	6	metres
(f)	Minimum Side Yard	1.5	metres
(g)	Minimum Flankage Yard	3.5	metres
(h)	Minimum Ground Floor Area:		
	One-Unit Dwelling or Two-Unit Dwelling		
	1 Storey	89	square metres
	Split-Level	71	square metres
	1½, 2, or 3 Storeys	62	square metres
	Semi-Detached Dwelling		
	1 Storey	119	square metres
	Split-Level	95	square metres
	1½, 2, or 3 Storeys	83	square metres
(i)	Maximum Building Height:	9	metres, or
	11 metres if both side yards are increased in amounts equal to the height over 9 metres		
(j)	Maximum Lot Occupancy	50	percent of the lot
(k)	Other Requirements	In accordance with the General Provisions, Parts 4-9	



10.6 One-Unit Residential (R1) Zone

Municipal Plan Context



The One-Unit Residential (R1) zone accommodates serviced residential development in the form of one-unit dwellings.

The One-Unit Residential (R1) zone is intended for land inside the Primary Development Area that is designated Low Density Residential or Stable Residential. However, land in other appropriate designations could be zoned R1.



10.6(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling, Converted, subject to section 9.4;
- Dwelling, One-Unit;
- Garden Suite, subject to section 9.8;
- Home Occupation, subject to section 9.9;
- Secondary Suite, subject to section 9.13;
- Supportive Housing, subject to section 9.14;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the R1 zone.

10.6(2) Zone Standards

(a)	Minimum Lot Area	460	square metres
(b)	Minimum Lot Frontage:		
	Interior Lot	15	metres
	Corner Lot	19	metres



(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	6	metres
(e)	Minimum Rear Yard	6	metres
(f)	Minimum Side Yard	1.5	metres
(g)	Minimum Flankage Yard	3.5	metres
(h)	Minimum Ground Floor Area:		
	1 Storey	89	square metres
	Split-Level	71	square metres
	1½, 2, or 3 Storeys	62	square metres
(i)	Maximum Building Height:	9	metres, or
	11 metres if both side yards are increased in amounts equal to the height over 9 metres		
(j)	Maximum Lot Occupancy	50	percent of the lot
(k)	Other Requirements	In accordance with the General Provisions, Parts 4-9	



10.7 Suburban Residential (RSS) Zone

Municipal Plan Context



The Suburban Residential (RSS) zone accommodates serviced residential development in the form of large one-unit dwellings on suburban lots.

The Suburban Residential (RSS) zone is only intended for land inside the Primary Development Area that is designated Stable Residential and located in the Cedar Point Estates, Cedar Point Anchorage, Monte Cristo Park, and The Highlands of Drury Cove subdivisions. The sole purpose of the zone is to accommodate the completion of these mentioned subdivisions with large lots on rural roads. This zone is not intended to be used elsewhere.



10.7(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling, One-Unit;
- Garden Suite, subject to section 9.8;
- Home Occupation, subject to section 9.9;
- Secondary Suite, subject to section 9.13;
- Supportive Housing, subject to section 9.14;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RSS zone.

10.7(2) Zone Standards

(a)	Minimum Lot Area	1,400	square metres
(b)	Minimum Lot Frontage	30	metres
(c)	Minimum Lot Depth	30	metres



(d)	Minimum Front Yard	7.5 metres
(e)	Minimum Rear Yard	10 metres
(f)	Minimum Side Yard	4.5 metres
(g)	Minimum Flankage Yard	7.5 metres
(h)	Minimum Ground Floor Area:	
	1 Storey	100 square metres
	Split-Level	77 square metres
	1½, 2, or 3 Storeys	67 square metres
(i)	Maximum Building Height:	11 metres, or
	13 metres if both side yards are increased in amounts equal to the height over 11 metres	
(j)	Other Requirements	In accordance with the General Provisions, Parts 4-9

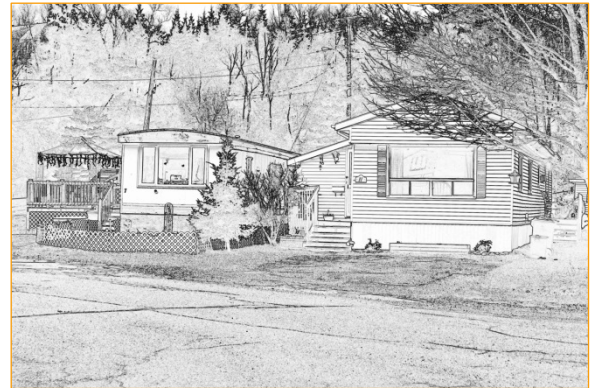


10.8 Mini-Home Park Residential (RP) Zone

Municipal Plan Context



The Mini-Home Park Residential (RP) zone accommodates serviced residential development in the form of mobile or mini-home parks or communities with streets. The zone also accommodates mobile home parks regulated by the Saint John Mobile Home Parks By-law. [2016, C.P. 111-35]



The Mini-Home Park Residential (RP) zone is intended for land inside the Primary Development Area appropriate for the development of mobile or mini-home parks or communities. This may involve land designated Stable Residential. However, land in other appropriate designations could be zoned RP.

10.8(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Day Care, Home, subject to paragraph 9.5(a);
- Dwelling, One-Unit;
- Home Occupation, subject to section 9.9;
- Mobile Home Park, subject to the Saint John Mobile Home Parks By-law and not subsection 10.8(2);
- Mobile or Mini-Home;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RP zone.

10.8(2) Zone Standards

(a) Minimum Lot Area:

Interior Lot **378** square metres

Corner Lot **520** square metres

(b) Minimum Lot Frontage:



	Interior Lot	10.5	metres
	Corner Lot	15.5	metres
(c)	Minimum Lot Depth	36	metres
(d)	Minimum Front Yard	6	metres
(e)	Minimum Rear Yard	6	metres
(f)	Minimum Side Yard:		
	Principal Entrance Side	4.4	metres
	Other Side	1.2	metres
(g)	Minimum Flankage Yard	3.5	metres
(h)	Minimum Ground Floor Area	55	square metres
(i)	Maximum Building Height	5	metres
(j)	Notwithstanding paragraph (f), a deck may project up to 3.05 metres into the required side yard on the principal entrance side.		
(k)	Notwithstanding paragraphs (a) to (g), a mobile or mini home may be placed or erected anywhere on an <i>existing</i> lot in the Cedar Point Mobile Home Park provided it is not closer than 4.5 metres from any other main building in the Park.		
(l)	Other Requirements	In accordance with the General Provisions, Parts 4-9	

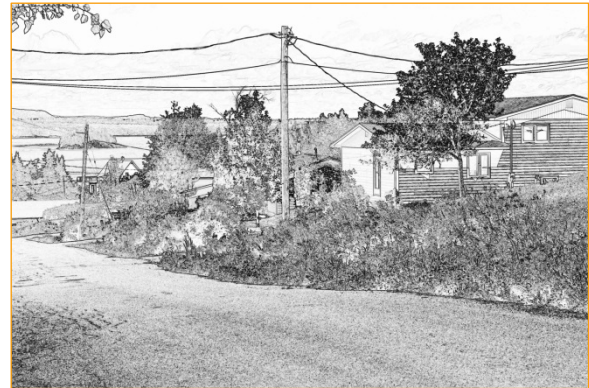


10.9 Rural Settlement Residential (RS) Zone

Municipal Plan Context



The Rural Settlement Residential (RS) zone accommodates unserviced residential development in the form of two-unit dwellings and one-unit dwellings. The zone also permits *existing* agricultural uses and mobile or mini-homes.



The Rural Settlement Residential (RS) zone is intended for land outside the Primary Development Area that is designated Rural Settlement and located in the Martinon-Ketepec, Lorneville, or Treadwell Lake residential areas. These areas are the only areas outside of the PDA where new residential subdivision is encouraged.

10.9(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Agricultural Use, *Existing*, subject to subsection 10.10(2);
- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling, One-Unit;
- Dwelling, Two-Unit;
- Garden Suite, subject to section 9.8; [2016, C.P. 111-35]
- Home Occupation, subject to section 9.9;
- Mobile or Mini-Home, *Existing*, subject to subsection 14.5(2);
- Secondary Suite, subject to section 9.13;
- Supportive Housing, subject to section 9.14;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RS zone.

10.9(2) Zone Standards

(a)	Minimum Lot Area	5,350	square metres
(b)	Minimum Lot Frontage	60	metres



(c)	Minimum Lot Depth	40	metres
(d)	Minimum Front Yard	7.5	metres
(e)	Minimum Rear Yard	7.5	metres
(f)	Minimum Side Yard, the lesser of	15 percent of the lot frontage or 4.5	metres
(g)	Minimum Flankage Yard	7.5	metres
(h)	Minimum Ground Floor Area:		
	1 Storey	90	square metres
	Split-Level	70	square metres
	1½, 2, or 3 Storeys	60	square metres
(i)	Maximum Building Height	11	metres
(j)	Other Requirements	In accordance with the General Provisions, Parts 4-9	

[2016, C.P. 111-35]



10.10 Rural Residential (RR) Zone

Municipal Plan Context



The Rural Residential (RR) zone accommodates unserviced residential development in the form of two-unit dwellings and one-unit dwellings. The zone also permits *existing* agricultural uses and mobile or mini-homes.

The Rural Residential (RR) zone is intended for land outside the Primary Development Area that is designated Rural Residential. While this designation contains *existing* or approved residential subdivisions, such development is no longer encouraged in this designation.



10.10(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Agricultural Use, *Existing*, subject to subsection 10.10(2);
- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling, One-Unit;
- Dwelling, Two-Unit;
- Garden Suite, subject to section 9.8; [2016, C.P. 111-35]
- Home Occupation, subject to section 9.9;
- Mobile Home Park, *Existing*, subject to the Saint John Mobile Home Parks By-law and not subsection 10.10(3);
- Mobile or Mini-Home, *Existing*, subject to subsection 14.5(2);
- Secondary Suite, subject to section 9.13;
- Supportive Housing, subject to section 9.14;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RR zone.



10.10(2) Conditions of Use

An *Existing* Agricultural Use permitted in subsection 10.10(1) shall be subject to the following:

- (a) The total number of the following domestic animals kept on a lot, excluding their young under the age of six months, shall be:
 - (i) In the case of a goat, horse, pony, or sheep, or any combination thereof, up to two such animals provided the lot has a minimum area of 6,000 square metres and a minimum lot frontage of 75 metres, and for each additional animal a further 2,000 square metres of lot area provided the lot has a minimum frontage of 90 metres; and
 - (ii) In the case of a cow, a maximum of two cows provided the lot has a minimum area of 20,000 square metres and a minimum lot frontage of 180 metres.
- (b) Any stable, building, enclosure, or structure where an above-mentioned domestic animal is kept shall be located at least 22 metres from any common property line or 15 metres of any dwelling on the same lot.

10.10(3) Zone Standards

(a)	Minimum Lot Area	5,350	square metres
(b)	Minimum Lot Frontage	60	metres
(c)	Minimum Lot Depth	40	metres
(d)	Minimum Front Yard	7.5	metres
(e)	Minimum Rear Yard	7.5	metres
(f)	Minimum Side Yard, the lesser of	15 percent of the lot frontage or 4.5	metres
(g)	Minimum Flankage Yard	7.5	metres
(h)	Minimum Ground Floor Area:		
	1 Storey	90	square metres
	Split-Level	70	square metres



1½, 2, or 3 Storeys

60 square metres

(i) Maximum Building Height

11 metres

(j) Other Requirements

**In accordance with the
General Provisions, Parts 4-9**

[2016, C.P. 111-35]



10.11 Rural Mixed Residential (RMX) Zone

Municipal Plan Context



The Rural Mixed Residential (RMX) zone accommodates unserviced residential development in a variety of forms including two-unit dwellings, one-unit dwellings, and mobile or mini-homes. This provides the opportunity for a mixture of housing forms and options on a lot. Secondary suites and garden suites are allowed depending on specific circumstances.

The Rural Mixed Residential (RMX) zone is intended for land outside the Primary Development Area that is designated Rural Residential. However, land in other appropriate designations could be zoned RMX.

10.11(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Agricultural Use, *Existing*, subject to subsection 10.10(2);
- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling, One-Unit;
- Dwelling, Two-Unit;
- Garden Suite, subject to section 9.8;
- Home Occupation, subject to section 9.9;
- Mobile or Mini-Home, subject to paragraph 10.11(2)(j);
- Secondary Suite, subject to section 9.13;
- Supportive Housing, subject to section 9.14;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RMX zone.

10.11(2) Zone Standards

(a)	Minimum Lot Area	5,350	square metres
(b)	Minimum Lot Frontage	60	metres
(c)	Minimum Lot Depth	40	metres
(d)	Minimum Front Yard	7.5	metres
(e)	Minimum Rear Yard	7.5	metres



(f)	Minimum Side Yard, the lesser of	15 percent of the lot frontage or 4.5	metres
(g)	Minimum Flankage Yard	7.5	metres
(h)	Minimum Ground Floor Area:		
	1 Storey	90	square metres
	Split-Level	70	square metres
	1½, 2, or 3 Storeys	60	square metres
	Mobile or Mini-Home	60	Square metres
(i)	Maximum Building Height	11	metres
(j)	Building Placement		
	A Mobile or Mini-home permitted in subsection 10.11(1) shall be subject to the following:		
	(i)	The building shall be placed on a lot so that its length is parallel to the street; and	
	(ii)	If not placed on a permanent foundation, the building shall have skirting of an opaque material installed around its perimeter between the building and ground.	
(k)	Other Requirements	In accordance with the General Provisions, Parts 4-9 where this zone shall be considered a Rural Residential (RR) zone	

[2020, C.P. 111-96]

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Parts



11 Commercial Zones

The following Table 11-1 is intended to provide a general list of the uses allowed in the Commercial zones. This table is provided for convenience only and reference should be made to each zone for a complete list of permitted uses, conditional uses, conditions of use, zone standards, as well as to the General Provisions of this By-law.

Table 11-1

Use	Zone Permitted									
	CU	CRC	CBP	CC	CR	CG	CM	CL	CAE	CRG
Accommodation	CU	CRC	CBP	CC	CR	CG			CAE	
Adult Entertainment Facility									CAE	
Animal Shelter				CC						
Artist or Craftsperson Studio	CU	CRC			CR	CG	CM	CL		CRG
Auction House				CC						
Bakery	CU	CRC		CC	CR	CG	CM	CL		CRG
Banquet Hall				CC		CG				CRG
Bar, Lounge, or Nightclub	CU	CRC	CBP	CC	CR	CG			CAE	
Bed and Breakfast							CM	CL		CRG
Business Office	CU	CRC	CBP	CC	CR	CG	CM	CL		CRG
Business Support Service			CBP	CC						
Cannabis Processing Facility		CRC	CBP		CR					
Cannabis Retail	CU	CRC		CC	CR	CG				
Car Wash				CC						
Catering Service				CC						
Commercial Entertainment	CU			CC	CR					
Commercial Group	CU	CRC	CBP	CC	CR	CG	CM	CL		
Commercial Recreation		CW								
Commercial Use		CWID								
Communication Facility	CU	CRC	CBP	CC						
Community Centre	CU	CRC			CR	CG	CM			CRG
Community Policing Office	CU	CRC			CR	CG	CM	CL		CRG
Community Facility Use		CWID								
Conference or Convention Centre	CU									
Contractor Service, Household				CC		CG				CRG
Crisis Care Facility	CU	CRC								
Cultural Establishment	CU	CW								



Use

Zone Permitted

Day Care Centre	CU	CRC	CBP	CC	CR	CG	CM	CL	CRG	
Distribution Facility			CBP	CC						
Dwelling Group					CR-R					
Dwelling, Multiple					CR-R					
Dwelling Unit	CU	CRC	CBP			CG	CM	CL	CRG	
Emergency Services Facility	CU	CRC		CC						
Equipment Sales and Rental, Light				CC						
Farmers Market		CW								
Financial Service	CU	CRC	CBP	CC	CR	CG	CM		CRG	
Fleet Service				CC						
Funeral Service	CU	CRC		CC	CR	CG				
Garden Suite	CU					CG	CM	CL	CRG	
Grocery Store	CU	CRC		CC	CR	CG	CM	CL	CRG	
Health and Fitness Facility	CU	CRC	CBP	CC	CR	CG	CM		CRG	
Health Services Laboratory		CRC	CBP	CC		CG				
Home Occupation	CU	CRC	CBP			CG	CM	CL	CRG	
Hospital		CRC								
Hostel	CU									
Industrial Use, Special			CBP							
Interpretive Centre		CW								
Kennel				CC						
Landscape Material Supply				CC						
Library	CU	CRC			CR	CG	CM	CL	CRG	
Live-Work Unit	CU									
Massage Parlour								CAE		
Medical Clinic	CU	CRC	CBP	CC	CR	CG	CM	CL	CRG	
Microbrewery	CU									
Moving Services				CC						
Parking Lot, Commercial	CU	CW	CRC	CBP	CC	CR	CG		CRG	
Parking Structure	CU		CRC	CBP	CC	CR	CG			
Personal Service	CU		CRC	CBP	CC	CR	CG	CM	CL	CRG
Pet Grooming	CU		CRC		CC	CR	CG	CM	CL	CRG
Place of Worship	CU					CG	CM		CRG	
Port Use		CWID								
Private Club	CU		CRC		CC		CG	CM	CRG	



Use

Zone Permitted

Recreation Facility	CU	CRC	CBP								
Recreational Use		CW									
Recreational Vehicle Sales & Service, Large				CC							
Recreational Vehicle Sales & Service, Small				CC		CG					
Recycling Bins				CC	CR	CG					
Redemption Centre				CC							
Research and Development Facility	CU	CRC	CBP								
Residential Use		CWID									
Restaurant	CU	CRC	CBP	CC	CR	CG	CM	CL		CRG	
Retail Convenience			CBP					CL			
Retail General	CU	CRC		CC	CR	CG	CM			CRG	
Retail Warehouse				CC	CR						
Rooming House	CU	CRC									
Sales Centre, Model Home				CC	CR						
Secondary Suite						CG	CM	CL		CRG	
Self-Storage Facility			CBP	CC		CG					
Service and Repair, Household	CU			CC	CR	CG	CM	CL		CRG	
Service Station				CC	CR	CG				CRG	
Sports and Entertainment Facility	CU										
Supportive Facility	CU	CRC									
Supportive Housing	CU	CRC				CG	CM	CL		CRG	
Technical or Vocational School	CU	CRC	CBP	CC	CR	CG				CRG	
Transit Terminal	CU	CRC		CC	CR						
University or College	CU	CRC									
Vehicle Body and Paint Shop				CC							
Vehicle Rental				CC	CR						
Vehicle Repair Garage				CC	CR	CG				CRG	
Vehicle Sales, Incidental						CG				CRG	
Vehicle Sales and Leasing				CC	CR						
Vehicle Sales and Leasing, <i>Existing</i>						CG					
Veterinary Clinic	CU	CRC		CC	CR	CG	CM	CL		CGR	
Walking Trail		CW									
Warehouse Facility			CBP	CC							

[2016, C.P. 111-35], [2018, C.P. 111-53], [2019, C.P. 111-73], [2019, C.P. 111-74], [2020, C.P. 111-86]



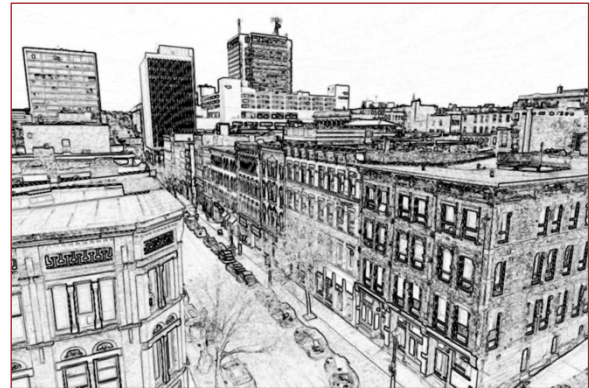
11.1 Uptown Commercial (CU) Zone

Municipal Plan Context



The Uptown Commercial (CU) zone accommodates the greatest mix and highest density of commercial land uses in the City.

This zone supports the strengthening of the Uptown area with appropriate urban standards, broad permitted uses, a parking exemption area, and flexible mixed uses regulation for new development.



The Uptown Commercial (CU) zone is intended for land inside of the Primary Development Area that is designated Primary Centre (Uptown). However, land in other appropriate designations could be zoned CU.

11.1(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following provided no drive-thru facility is included:

- Accommodation;
- Artist or Craftsperson Studio;
- Bakery;
- Bar, Lounge, or Nightclub, subject to paragraph 11.1(3)(a);
- Business Office;
- Cannabis Retail, subject to section 9.21; [2018, C.P. 111-53]
- Commercial Entertainment;
- Commercial Group; [2016, C.P. 111-35]
- Communication Facility;
- Community Centre;
- Community Policing Office;
- Conference or Convention Centre;
- Crisis Care Facility;
- Cultural Establishment;
- Day Care Centre;
- Dwelling Unit, subject to paragraph 11.1(3)(b);
- Emergency Services Facility;
- Financial Service;
- Funeral Service;



- Garden Suite;
- Grocery Store;
- Health and Fitness Facility;
- Home Occupation, subject to section 9.9;
- Hostel;
- Library;
- Live-Work Unit; [2020, C.P. 111-86]
- Medical Clinic;
- Microbrewery; [2016, C.P. 111-35]
- Personal Service;
- Pet Grooming;
- Place of Worship;
- Private Club;
- Recreation Facility; [2016, C.P. 111-35]
- Research and Development Facility;
- Restaurant;
- Retail General;
- Rooming House;
- Service and Repair, Household;
- Sports and Entertainment Facility;
- Supportive Facility;
- Supportive Housing, subject to section 9.14;
- Technical or Vocational School;
- Transit Terminal;
- University or College;
- Veterinary Clinic;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CU zone.

11.1(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Parking Lot, Commercial, subject to paragraph 11.1(3)(c);
- Parking Structure.

11.1(3) Conditions of Use

- (a) A lot containing a Bar, Lounge, or Nightclub permitted in subsection 11.1(1) shall not be located within 30 metres of a Residential zone.



(b) [Repealed: 2020, C.P. 111-86]



(c) A Commercial Parking Lot permitted in subsection 11.1(2) shall not be developed on a lot located in the Uptown Parking Exemption Area, as defined by Schedule C of this By-law, which contained a main building on the date this By-law was enacted.

11.1(4) Zone Standards

(a)	Minimum Lot Area	370	square metres
(b)	Minimum Lot Frontage	12	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	nil	metres
(e)	Maximum Front Yard	3	metres
(f)	Minimum Rear Yard:		
	Abutting a Residential zone	4.5	metres
	Other	nil	metres
(g)	Minimum Side Yard:		
	Abutting a Residential zone	1.5	metres
	Other	nil	metres
(h)	Minimum Flankage Yard	nil	metres
(i)	Maximum Flankage Yard	3	metres
(j)	Minimum Building Height	2	storeys
(k)	Maximum Building Height [2020, C.P. 111-86]	In accordance with Schedule G: Central Peninsula Maximum Building Heights	
(l)	Buildings shall have a prominent entrance orientated toward a street.		
(m)	Building Façades:		



- (i) Front façades on the ground floor shall be comprised of a minimum 50 percent ratio of transparent areas, except for residential uses, which shall have a minimum 25 percent ratio of transparent areas; and
- (ii) Front and flankage façades shall have an overall ratio of transparent areas not less than 15 percent.

[2020, C.P. 111-86]

- (n) The maximum length of a building frontage along a street shall be 66 metres.

[2020, C.P. 111-86]

- (o) No parking or outdoor display area shall be permitted within any required building setback.

- (p) Minimum Lot Occupancy **70** percent

- (q) Building Height and Massing Requirements in the Central Peninsula Plan Area (Schedule F)

[2020, C.P. 111-86]

In accordance with Section 15 Central Peninsula Building Height and Massing Overlay Zone

- (r) Other Requirements

In accordance with the General Provisions, Parts 4-9

11.1(5) Zoning Standards for Active Ground Floor Use

- (a) Notwithstanding Section 11.1(1), a minimum 75 percent of the ground floor of a building front or flankage façade identified as “required” on Schedule I: Active Ground Floor Use shall be utilized by uses other than a dwelling unit, rooming house, supportive facility, or supportive housing.
- (b) With respect to a building front or flankage façade that is identified on Schedule I as “encouraged” paragraph (a) shall not be a requirement.

[2020, C.P. 111-86]

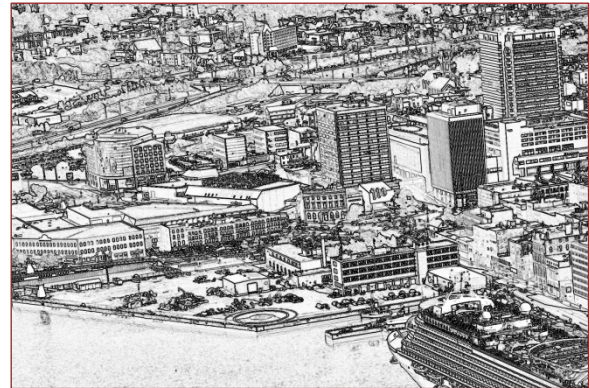


11.2 Waterfront Commercial (CW) Zone

Municipal Plan Context



The Waterfront Commercial (CW) zone accommodates interim uses and site preparation along the waterfront in advance of mixed-use waterfront development occurring on large, brownfield sites such as Fundy Quay, Long Wharf and the former Sugar Refinery site. All new major waterfront development will be considered through a rezoning process.



The Waterfront Commercial (CW) zone is intended for land inside the Primary Development Area adjacent to the waterfront and designated Primary Centre (Uptown). However, land in other appropriate designations could be zoned CW.

11.2(1) Permitted Uses

Any land, building, or structure may be used for the purpose of, and for no other purpose than, the following:

- Cultural Establishment;
- Farmers Market;
- Interpretive Centre;
- Recreational Use;
- Walking Trail.

11.2(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Commercial Recreation;
- Commercial Parking Lot.



11.2(3) Conditions of Use

- (a) A Commercial Parking Lot permitted in subsection 11.2(2) shall not be utilized for a period longer than five years from the date of approval.
- (b) The Development Officer may specify plans and proposals in support of the use of the parking lot in the interim of a development.
- (c) After five years, the use may be extended through a conditional use application.

11.2(4) Zone Standards

- (a) Minimum Lot Area **800** square metres
- (b) Minimum Lot Frontage **20** metres
- (c) Minimum Lot Depth **30** metres
- (d) Minimum Front Yard **3** metres
- (e) Maximum Front Yard **22** metres
- (f) Minimum Rear Yard **7.5** metres
- (g) Minimum Side Yard **7.5** metres
- (h) Minimum Flankage Yard **7.5** metres
- (i) Maximum Building Height **In accordance with Schedule G: Central Peninsula Maximum Building Heights**
- (j) No parking or outdoor display area shall be permitted within a required setback.
- (r) Other Requirements **In accordance with the General Provisions, Parts 4-9**

[2020, C.P. 111-86]



11.3 Campus Research Commercial (CRC) Zone

Municipal Plan Context



The Campus Research Commercial (CRC) zone accommodates the development of a health and education focused cluster with supportive commercial land uses in the University of New Brunswick Saint John Campus and the Saint John Regional Hospital areas.

The Campus Research Commercial (CRC) zone is intended for land inside of the Primary Development Area that is designated Primary Centre (UNBSJ/Hospital). However, land in other appropriate designations could be zoned CRC.



11.3(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following provided no drive-thru facility is included:

- Accommodation;
- Artist or Craftsperson Studio;
- Bakery;
- Bar, Lounge, or Nightclub, subject to paragraph 11.3(3)(a);
- Business Office, subject to paragraph 11.3(3)(b);
- Cannabis Processing Facility; [2018, C.P. 111-53]
- Cannabis Retail, subject to section 9.21; [2018, C.P. 111-53]
- Commercial Group; [2016, C.P. 111-35]
- Communication Facility;
- Community Centre;
- Community Policing Office;
- Crisis Care Facility;
- Day Care Centre;
- Dwelling Unit, subject to paragraph 11.3(3)(c);
- Emergency Services Facility;
- Financial Service;
- Funeral Service;
- Grocery Store;
- Health and Fitness Facility;
- Health Services Laboratory;



- Home Occupation, subject to section 9.9;
- Hospital;
- Library;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Private Club;
- Recreation Facility; [2016, C.P. 111-35]
- Research and Development Facility;
- Restaurant;
- Retail General;
- Rooming House;
- Supportive Facility;
- Supportive Housing, subject to section 9.14;
- Technical or Vocational School;
- Transit Terminal;
- University or College;
- Veterinary Clinic;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CRC zone.

11.3(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Parking Lot, Commercial, subject to paragraph 11.3(3)(d);
- Parking Structure.

11.3(3) Conditions of Use

- (a) A lot containing a Bar, Lounge, or Nightclub permitted in subsection 11.3(1) shall not be located within 60 metres of a Residential zone.
- (b) A Business Office permitted in subsection 11.3(1) shall not exceed 3,000 square metres in gross floor area.
- (c) A Dwelling Unit permitted in subsection 11.3(1):
 - (i) Shall not be located below the second storey of the building;
 - (ii) Shall have its main access from inside the building at ground level;



- (iii) Shall not share an internal hallway or entrance with any commercial use in the building; and
- (iv) Notwithstanding subparagraphs (i) and (ii), a Dwelling Unit may be located below the second storey and the main access may be directly from outside the building at ground level when the building is located on a lot that is within 30 metres from a Residential zone.



- (d) A Commercial Parking Lot permitted in subsection 11.3(2) shall not be developed on a lot located in the Uptown Parking Exemption Area, as defined by Schedule C of this By-law, which contained a main building on the date this By-law was enacted.

11.3(4) Zone Standards

(a)	Minimum Lot Area	4,000	square metres
(b)	Minimum Lot Frontage	30	metres
(c)	Minimum Lot Depth	40	metres
(d)	Minimum Front Yard	7.5	metres
(e)	Maximum Front Yard	22	metres
(f)	Minimum Rear Yard:		
	Abutting a Residential zone	7.5	metres
	Other	3	metres
(g)	Minimum Side Yard:		
	Abutting a Residential zone	7.5	metres
	Other	3	metres
(h)	Minimum Flankage Yard	7.5	metres
(i)	Maximum Flankage Yard	22	metres
(j)	Minimum Building Height	2	storeys
(k)	Maximum Building Height	24	metres



- (l) Buildings shall have a prominent entrance orientated toward a street.
- (m) Buildings that are more than four storeys in height and orientated towards a street shall include an offset at the fifth storey having a minimum depth of 1.5 metres away from the street.
- (n) No parking or outdoor display area shall be permitted within any required building setback.
- (o) Minimum Lot Occupancy **50** percent
- (p) Other Requirements **In accordance with the General Provisions, Parts 4-9**



11.4 Business Park Commercial (CBP) Zone

Municipal Plan Context



The Business Park Commercial (CBP) zone accommodates areas that are generally identified for commercial redevelopment, compatible residential, and employment uses, such as business offices, research, and development facilities, and light manufacturing and assembly.

The Business Park Commercial (CBP) zone is intended for land inside of the Primary Development Area that is designated Business Centre. However, land in other appropriate designations could be zoned CBP.



11.4(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following provided no drive-thru facility is included:

- Accommodation;
- Bar, Lounge, or Nightclub, subject to paragraph 11.4(3)(a);
- Business Office, subject to paragraph 11.4(3)(b);
- Business Support Service;
- Cannabis Retail, subject to section 9.21; [2018, C.P. 111-53]
- Commercial Group; [2016, C.P. 111-35]
- Communication Facility;
- Day Care Centre;
- Distribution Facility;
- Dwelling Unit, subject to paragraph 11.4(3)(d);
- Financial Service;
- Health and Fitness Facility;
- Health Services Laboratory;
- Industrial Use, Special, subject to paragraph 11.4(3)(c);
- Medical Clinic;
- Personal Service;
- Recreation Facility; [2016, C.P. 111-35]
- Research and Development Facility;
- Restaurant;
- Retail Convenience;



- Self-Storage Facility, subject to paragraph 11.4(3)(f); [2019, C.P. 111-73]
- Technical or Vocational School;
- Warehouse Facility;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CBP zone.

11.4(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Parking Lot, Commercial, subject to paragraph 11.4(3)(f);
- Parking Structure.

11.4(3) Conditions of Use

- (a) A lot containing a Bar, Lounge, or Nightclub permitted in subsection 11.4(1) shall not be located within 60 metres of a Residential zone.
- (b) A Business Office permitted in subsection 11.4(1) shall not exceed 3,000 square metres in gross floor area.
- (c) A Special Industrial Use permitted in subsection 11.4(1) shall be of a nature that the use is:
 - (i) Wholly contained within a building;
 - (ii) Does not involve outside storage of materials or products; and
 - (iii) Does not result in the discharge of smoke, fumes, vapours, vibrations, or noise that is visible or detectable beyond the lot on which it is located.
- (d) At least 75 percent of the gross floor area of a main building shall be occupied by non-residential use permitted in subsection 11.4(1).
- (e) A Commercial Parking Lot permitted in subsection 11.4(2) shall not be developed on a lot located in the Uptown Parking Exemption Area, as defined by Schedule C of this By-law, which contained a main building on the date this By-law was enacted.
- (f) A lot containing a Self-Storage Facility permitted in subsection 11.4(1) shall not be located within 60 metres of an Urban Centre Residential (RC) zone. [2019, C.P. 111-73]



11.4(4) Zone Standards

(a)	Minimum Lot Area	4,000	square metres
(b)	Minimum Lot Frontage	30	metres
(c)	Minimum Lot Depth	40	metres
(d)	Minimum Front Yard	7.5	metres
(e)	Maximum Front Yard	22	metres
(f)	Minimum Rear Yard:		
	Abutting a Residential zone	7.5	metres
	Other	3	metres
(g)	Minimum Side Yard:		
	Abutting a Residential zone	7.5	metres
	Other	3	metres
(h)	Minimum Flankage Yard	7.5	metres
(i)	Maximum Flankage Yard	22	metres
(j)	Minimum Building Height	2	storeys
(k)	Maximum Building Height	24	metres
(l)	Buildings that are more than four storeys in height and orientated towards a street shall include an offset at the fifth storey having a minimum depth of 1.5 metres away from the street.		
(m)	The façades of main buildings shall consist of high quality finishes on any elevation orientated towards a street or lot zoned Residential, but such finish cannot use any of the following: galvanized or unfinished metal or concrete block or panel without an architectural finish.		



(n) Maximum Lot Occupancy

50 percent

(o) Other Requirements

**In accordance with the
General Provisions, Parts 4-9**



11.5 Corridor Commercial (CC) Zone

Municipal Plan Context



The Corridor Commercial (CC) zone accommodates a wide range of vehicle oriented commercial and compatible light industrial uses along major thoroughfares, including Rothesay Avenue, City Road, and Thorne Avenue.

The Corridor Commercial (CC) zone is intended for land inside of the Primary Development Area that is designated Commercial Corridor. However, land in other appropriate designations could be zoned CC.



11.5(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory or secondary use, subject to paragraph 11.5(3)(a):

- Accommodation;
- Animal Shelter;
- Auction House;
- Bakery;
- Banquet Hall;
- Bar, Lounge, or Nightclub, subject to paragraph 11.5(3)(b);
- Business Office, subject to paragraph 11.5(3)(c);
- Business Support Service;
- Cannabis Retail, subject to section 9.21; [2018, C.P. 111-53]
- Car Wash;
- Catering Service;
- Commercial Entertainment;
- Commercial Group; [2016, C.P. 111-35]
- Communication Facility;
- Contractor Services, Household;
- Day Care Centre;
- Distribution Facility;
- Emergency Services Facility;
- Equipment Sales and Rental, Light;
- Financial Service;



- Fleet Service;
- Funeral Service;
- Grocery Store;
- Health and Fitness Facility;
- Health Services Laboratory;
- Kennel;
- Landscape Material Supply;
- Medical Clinic;
- Moving Services;
- Personal Service;
- Pet Grooming;
- Private Club;
- Recreational Vehicle Sales and Service, Large;
- Recreational Vehicle Sales and Service, Small;
- Recycling Bins;
- Redemption Centre, subject to paragraph 11.5(3)(d);
- Restaurant;
- Retail General;
- Retail Warehouse;
- Sales Centre, Model Home;
- Self-Storage Facility;
- Service and Repair, Household;
- Service Station, subject to paragraph 11.5(3)(e);
- Technical or Vocational School;
- Transit Terminal;
- Vehicle Body and Paint Shop, subject to paragraph 11.5(3)(f);
- Vehicle Rental;
- Vehicle Repair Garage, subject to paragraph 11.5(3)(f);
- Vehicle Sales and Leasing;
- Veterinary Clinic;
- Warehouse Facility;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CC zone.

11.5(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Parking Lot, Commercial, subject to paragraph 11.5(3)(g);
- Parking Structure.



11.5(3) Conditions of Use

- (a) Outdoor Storage as an accessory or secondary use to a main use permitted in subsection 11.5(1) shall be subject to the following:
 - (i) The yard shall not occupy any required front or flankage yard or any area required for parking;
 - (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure;
 - (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms and landscaping; and [2016, C.P. 111-35]
 - (iv) When the yard is developed within 15 metres of an abutting lot in a Residential zone, the yard shall also be in accordance with section 5.5.
- (b) A lot containing a Bar, Lounge, or Nightclub permitted in subsection 11.5(1) shall not be located within 60 metres of a Residential zone.
- (c) A Business Office permitted in subsection 11.5(1) shall not exceed 3,000 square metres in gross floor area.
- (d) A Redemption Centre permitted in subsection 11.5(1) shall be wholly contained within a building and not have any outdoor storage.
- (e) A Service Station permitted in subsection 11.5(1) shall be subject to the following:
 - (i) The lot where the Service Station is located shall have a minimum area of 930 square metres and a minimum frontage of 30 metres;
 - (ii) Any vehicle access for the Service Station shall not be closer than 30 metres from an access for a main building in a Community Facility or Residential zone;
 - (iii) The fuel pump island shall not be located closer than 7.5 metres to a front or flankage lot line; and
 - (iv) The lot where the Service Station is located shall not be adjacent to a lot zoned Residential on the same street.
- (f) A Vehicle Body and Paint Shop or a Vehicle Repair Garage permitted in subsection 11.5(1) shall not be located adjacent to a Residential zone.



- (g) A Commercial Parking Lot permitted in subsection 11.5(2) shall not be developed on a lot located in the Uptown Parking Exemption Area, as defined by Schedule C of this By-law, which contained a main building on the date this By-law was enacted.

11.5(4) Zone Standards

(a)	Minimum Lot Area	600	square metres
(b)	Minimum Lot Frontage	20	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	3	metres
(e)	Minimum Rear Yard:		
	Abutting a Residential zone	7.5	metres
	Abutting any other zone than a Residential or CC zone	1.5	metres
	Abutting a CC zone	nil	metres
(f)	Minimum Side Yard:		
	Abutting a Residential zone	7.5	metres
	Abutting any other zone than a Residential or CC zone	1.5	metres
	Abutting a CC zone	nil	metres
(g)	Minimum Flankage Yard	3	metres
(h)	Maximum Building Height:		
	For an Accommodation	24	metres
	Other	15	metres
(i)	Maximum Lot Occupancy	70	percent
(j)	Other Requirements	In accordance with the General Provisions, Parts 4-9	



11.6 Regional Commercial (CR) Zone

Municipal Plan Context



The Regional Commercial (CR) zone accommodates large format, vehicle oriented, commercial development and associated entertainment uses serving the Saint John region. This zone is generally characterized by shopping malls and plazas.

The Regional Commercial (CR) zone is intended for land inside of the Primary Development Area that is designated Regional Retail Centre. However, land in other appropriate designations could be zoned CR.



11.6(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Accommodation;
- Cannabis Processing Facility; [2018, C.P. 111-53]
- Cannabis Retail, subject to section 9.21; [2018, C.P. 111-53]
- Sales Centre, Model Home;
- Service Station, subject to paragraph 11.6(3)(a);
- Transit Terminal;
- Vehicle Rental;
- Vehicle Repair Garage, subject to paragraph 11.6(3)(b);
- Vehicle Sales and Leasing;
- Regional Commercial Centre, including the following uses:
 - Artist or Craftsperson Studio;
 - Bakery;
 - Bar, Lounge, or Nightclub, subject to paragraph 11.6(3)(c);
 - Business Office, subject to paragraph 11.6(3)(d);
 - Cannabis Retail, subject to section 9.21; [2018, C.P. 111-53]
 - Commercial Entertainment;
 - Community Centre;
 - Community Policing Office;
 - Day Care Centre;
 - Financial Service;
 - Funeral Service;
 - Grocery Store;



- Health and Fitness Facility;
- Library;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Recycling Bins;
- Restaurant;
- Retail General;
- Retail Warehouse;
- Service and Repair, Household;
- Technical or Vocational School;
- Veterinary Clinic;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CR zone.

11.6(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Parking Lot, Commercial, subject to paragraph 11.6(3)(e);
- Parking Structure.

11.6(3) Conditions of Use

- (a) A Service Station permitted in subsection 11.6(1) shall be subject to the following:
 - (i) The lot where the Service Station is located shall have a minimum frontage of 30 metres;
 - (ii) Any vehicle access for the Service Station shall not be closer than 30 metres from an access for a main building in a Community Facility or Residential zone;
 - (iii) The fuel pump island shall not be located closer than 7.5 metres to a front or flankage lot line; and
 - (iv) The lot where the Service Station is located shall not be adjacent to a lot zoned Residential and on the same street.
- (b) A Vehicle Repair Garage permitted in subsection 11.6(1) shall not be located adjacent to a Residential zone.
- (c) A building containing a Bar, Lounge, or Nightclub permitted in subsection 11.6(1) shall not be located within 60 metres of a Residential zone.



(d) A Business Office permitted in subsection 11.6(1) shall not exceed 3,000 square metres in gross floor area.



(e) A Commercial Parking Lot permitted in subsection 11.6(2) shall not be developed on a lot located in the Uptown Parking Exemption Area, as defined by Schedule C of this By-law, which contained a main building on the date this By-law was enacted.

11.6(4) Zone Standards

- | | | | |
|-----|--|-------|---------------|
| (a) | Minimum Lot Area | 4,000 | square metres |
| (b) | Minimum Lot Frontage | 60 | metres |
| (c) | Minimum Lot Depth | 30 | metres |
| (d) | Minimum Front Yard | 6 | metres |
| (e) | Minimum Rear Yard: | | |
| | Abutting a Residential zone | 15 | metres |
| | Other | 6 | metres |
| (f) | Minimum Side Yard: | | |
| | Abutting a Residential zone | 15 | metres |
| | Other | 6 | metres |
| (g) | Minimum Flankage Yard | 6 | metres |
| (h) | Maximum Building Height: | | |
| | For an Accommodation | 24 | metres |
| | Other | 14 | metres |
| (i) | The minimum gross floor area for any main building shall be 3,000 square metres. | | |



(j) No parking or outdoor display area shall be permitted within a required setback.

(k) Maximum Lot Occupancy **40** percent

(l) Other Requirements **In accordance with the General Provisions, Parts 4-9**



11.7 General Commercial (CG) Zone

Municipal Plan Context



The General Commercial (CG) zone accommodates midsize commercial development that provides services and goods to the broader community and may contain residential uses.

The General Commercial (CG) zone is intended for land inside of the Primary Development Area that is designated Local Centre, Low to Medium Density Residential, Mixed Use Centre, or Stable Commercial. However, land in other appropriate designations could be zoned CG.



11.7(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Accommodation;
- Artist or Craftsperson Studio;
- Bakery;
- Banquet Hall;
- Bar, Lounge, or Nightclub, subject to paragraph 11.7(3)(a);
- Business Office, subject to paragraph 11.7(3)(b);
- Cannabis Retail, subject to section 9.21; [2018, C.P. 111-53]
- Commercial Group; [2016, C.P. 111-35]
- Community Centre;
- Community Policing Office;
- Contractor Service, Household;
- Day Care Centre;
- Dwelling Unit, subject to paragraph 11.7(3)(c);
- Financial Service;
- Funeral Service;
- Garden Suite, subject to section 9.8;
- Grocery Store;
- Health and Fitness Facility;
- Health Services Laboratory;
- Home Occupation, subject to section 9.9;
- Library;



- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Place of Worship;
- Private Club;
- Recreational Vehicle Sales and Service, Small;
- Recycling Bins;
- Restaurant;
- Retail General;
- Secondary Suite, subject to section 9.13;
- Self-Storage Facility; [2019, C.P. 111-73]
- Service and Repair, Household;
- Service Station, subject to paragraph 11.7(3)(d);
- Supportive Housing, subject to section 9.14;
- Technical or Vocational School;
- Vehicle Repair Garage, subject to paragraph 11.7(3)(e);
- Vehicle Sales, Incidental;
- Vehicle Sales and Leasing, *Existing*;
- Veterinary Clinic;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CG zone.

11.7(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Parking Lot, Commercial, subject to paragraph 11.7(3)(f);
- Parking Structure.

11.7(3) Conditions of Use

- (a) A lot containing a Bar, Lounge, or Nightclub permitted in subsection 11.7(1) shall not be located within 60 metres of a Residential zone.
- (b) A Business Office permitted in subsection 11.7(1) shall not exceed 3,000 square metres in gross floor area.
- (c) A Dwelling Unit permitted in subsection 11.7(1):
 - (i) Shall not be located below the second storey of the building;
 - (ii) Shall have its main access from inside the building at ground level;



- (iii) Shall not share an internal hallway or entrance with any commercial use in the building; and
 - (iv) Notwithstanding subparagraphs (i) and (ii), a Dwelling Unit may be located below the second storey and the main access may be directly from outside the building at ground level when the building is located on a lot that is within 30 metres from a Residential zone.
- (d) A Service Station permitted in subsection 11.7(1) shall be subject to the following:
- (i) The lot where the Service Station is located shall have a minimum area of 930 square metres and a minimum frontage of 30 metres;
 - (ii) Any vehicle access for the Service Station shall not be closer than 30 metres from an access for a main building in a Community Facility or Residential zone;
 - (iii) No Dwelling Unit shall be located in any portion of the building containing the Service Station;
 - (iv) The fuel pump island shall not be located closer than 7.5 metres to a front or flankage lot line; and
 - (v) The lot where the Service Station is located shall not be adjacent to a lot zoned Residential and on the same street.
- (e) A Vehicle Repair Garage permitted in subsection 11.7(1) shall not be located adjacent to a Residential zone.
- (f) A Commercial Parking Lot permitted in subsection 11.7(2) shall not be developed on a lot located in the Uptown Parking Exemption Area, as defined by Schedule C of this By-law, which contained a main building on the date this By-law was enacted.



11.7(4) Zone Standards

- | | | |
|--------------------------|------------|---------------|
| (a) Minimum Lot Area | 460 | square metres |
| (b) Minimum Lot Frontage | 15 | metres |
| (c) Minimum Lot Depth | 30 | metres |
| (d) Minimum Front Yard | 3 | metres |
| (e) Minimum Rear Yard: | | |



	Abutting a Residential zone	7.5 metres
	Other	3 metres
(f)	Minimum Side Yard:	
	Abutting a Residential zone	5 metres
	Other	1.5 metres
(g)	Minimum Flankage Yard	3 metres
(h)	Maximum Building Height	14 metres
(i)	Except for a Grocery Store, the maximum gross floor area for any use shall be 5,000 square metres.	
(j)	No parking or outdoor display area shall be permitted within a required setback.	
(k)	Maximum Lot Occupancy	70 percent
(l)	Other Requirements	In accordance with the General Provisions, Parts 4-9



11.8 Mixed Commercial (CM) Zone

Municipal Plan Context



The Mixed Commercial (CM) zone accommodates smaller scale, mixed-use development supporting traditional neighbourhood service corridors.

The Mixed Commercial (CM) zone is intended for land inside of the Primary Development Area that is designated Medium to High Density Residential or Mixed Use Centre. However, land in other appropriate designations could be zoned CM.



11.8(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following provided no drive-thru facility is included and any commercial use shall be subject to paragraph 11.8(2)(c):

- Artist or Craftsperson Studio;
- Bakery;
- Bed and Breakfast, subject to section 9.2;
- Business Office, subject to paragraph 11.8(2)(a);
- Commercial Group; [2016, C.P. 111-35]
- Community Centre;
- Community Policing Office;
- Day Care Centre;
- Dwelling Unit, subject to paragraph 11.8(2)(b);
- Financial Service;
- Garden Suite, subject to section 9.8;
- Grocery Store;
- Health and Fitness Facility;
- Home Occupation, subject to section 9.9;
- Library;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Place of Worship;
- Private Club;



- Restaurant;
- Retail General;
- Secondary Suite, subject to section 9.13;
- Service and Repair, Household;
- Supportive Housing, subject to section 9.14;
- Veterinary Clinic;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CM zone.

11.8(2) Conditions of Use

- (a) A Business Office permitted in subsection 11.8(1) shall not exceed 3,000 square metres in gross floor area.
- (b) A Dwelling Unit permitted in subsection 11.8(1):
 - (i) Shall not be located below the second storey of the building;
 - (ii) Shall have its main access from inside the building at ground level;
 - (iii) Shall not share an internal hallway or entrance with any commercial use in the building; and
 - (iv) Notwithstanding subparagraphs (i) and (ii), a Dwelling Unit may be located below the second storey and the main access may be directly from outside the building at ground level when the building is located on a lot that is within 30 metres from a Residential zone.
- (c) Any commercial use permitted in subsection 11.8(1):
 - (i) Shall be located below the second storey of any building orientated toward the street; and
 - (ii) Subject to paragraph (a), the same commercial use mentioned in subparagraph (i) may be extended above the first storey provided at least one Dwelling Unit remains in the building.

11.8(3) Zone Standards

- (a) Minimum Lot Area **370** square metres
- (b) Minimum Lot Frontage **12** metres
- (c) Minimum Lot Depth **30** metres



(d)	Minimum Front Yard	nil	metres
(e)	Maximum Front Yard	3	metres
(f)	Minimum Rear Yard:		
	Abutting a Residential zone	3	metres
	Other	nil	metres
(g)	Minimum Side Yard:		
	Abutting a Residential zone	1.5	metres
	Other	nil	metres
(h)	Minimum Flankage Yard	1.5	metres
(i)	Minimum Building Height	2	storeys
(j)	Maximum Building Height	18	metres
(k)	Buildings shall have a prominent entrance orientated toward a street.		
(l)	No parking or outdoor display area shall be permitted within a required setback.		
(m)	Maximum Lot Occupancy	50	percent
(n)	Other Requirements	In accordance with the General Provisions, Parts 4-9	



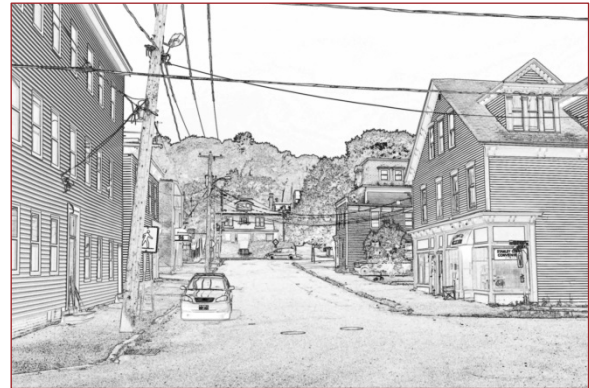
11.9 Local Commercial (CL) Zone

Municipal Plan Context



The Local Commercial (CL) zone accommodates limited daily commercial convenience needs for surrounding residential neighbourhoods and may include dwelling units. The built form is characterized by buildings similar in scale to the surrounding neighbourhood.

The Local Commercial (CL) zone is intended for land inside of the Primary Development Area that is designated Stable Residential Area or Low Density Residential. However, land in other appropriate designations could be zoned CL.



11.9(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following provided no drive-thru facility is included:

- Artist or Craftsperson Studio;
- Bakery;
- Bed and Breakfast;
- Business Office, subject to paragraph 11.9(2)(a);
- Commercial Group; [2016, C.P. 111-35]
- Community Policing Office;
- Day Care Centre;
- Dwelling Unit, subject to paragraph 11.9(2)(b);
- Garden Suite, subject to section 9.8;
- Grocery Store;
- Home Occupation, subject to section 9.9;
- Library;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Restaurant;
- Retail Convenience;
- Secondary Suite, subject to section 9.13;
- Service and Repair, Household;
- Supportive Housing, subject to section 9.14;



- Veterinary Clinic;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CL zone.

11.9(2) Conditions of Use

- A Business Office permitted in subsection 11.9(1) shall not exceed 3,000 square metres in gross floor area.
- A Dwelling Unit permitted in subsection 11.9(1) shall not share an internal hallway or entrance with any commercial use in the building.

11.9(3) Zone Standards

(a)	Minimum Lot Area	460	square metres
(b)	Minimum Lot Frontage	15	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	3	metres
(e)	Maximum Front Yard	6	metres
(f)	Minimum Rear Yard:		
	Abutting a Residential zone	7.5	metres
	Other	1.5	metres
(g)	Minimum Side Yard:		
	Abutting a Residential zone	3	metres
	Other	1.5	metres
(h)	Minimum Flankage Yard	3	metres
(i)	Minimum Building Height	2	storeys
(j)	Maximum Building Height	9	metres



- (k) The maximum gross floor area for any use shall be 500 square metres.
- (l) Buildings shall have a prominent entrance orientated toward a street.
- (m) No parking or outdoor display area shall be permitted within a required setback.
- (n) Maximum Lot Occupancy **50** percent
- (o) Other Requirements **In accordance with the General Provisions, Parts 4-9**



11.10 Adult Entertainment (CAE) Zone

Municipal Plan Context



The Adult Entertainment (CAE) zone permits adult oriented commercial uses subject to a minimum distance separation of 100 metres from any Residential zone.

The Adult Entertainment (CAE) zone is intended for land inside the Primary Development Area in an appropriate designation.

11.10(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following provided no drive-thru facility is included and the lot is a minimum distance of 100 metres from any Residential zone:

- Accommodation;
- Adult Entertainment Facility;
- Bar, Lounge, or Nightclub;
- Massage Parlour.

11.10(2) Zone Standards

(a)	Minimum Lot Area	370	square metres
(b)	Minimum Lot Frontage	12	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	7.5	metres
(e)	Minimum Rear Yard	7.5	metres
(f)	Minimum Side Yard	7.5	metres
(g)	Minimum Flankage Yard	7.5	metres
(h)	Minimum Building Height	2	storeys
(i)	Maximum Building Height	9	metres



- (j) The maximum gross floor area for any use shall be 1,000 square metres.
- (k) No parking or outdoor display area shall be permitted within a required setback.
- (l) Maximum Lot Occupancy **50** percent
- (m) Other Requirements **In accordance with the General Provisions, Parts 4-9**



11.11 Rural General Commercial (CRG) Zone

Municipal Plan Context



The Rural General Commercial (CRG) zone accommodates small to medium sized commercial needs serving surrounding rural areas, and is characterized by one or several small-scale buildings and or strip malls.

The Rural General Commercial (CRG) zone is intended for land outside of the Primary Development Area that is designated Rural Settlement Area or Rural Residential. However, land in other appropriate designations could be zoned CRG.



11.11(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Artist or Craftsperson Studio;
- Bakery;
- Banquet Hall;
- Bed and Breakfast;
- Business Office, subject to paragraph 11.11(3)(a);
- Community Centre;
- Community Policing Office;
- Contractor Service, Household;
- Day Care Centre;
- Dwelling Unit, subject to paragraph 11.11(3)(b);
- Financial Service;
- Garden Suite, subject to section 9.8;
- Grocery Store;
- Health and Fitness Facility;
- Home Occupation, subject to section 9.9;
- Library;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Place of Worship;
- Private Club;



- Restaurant;
- Retail General;
- Secondary Suite, subject to section 9.13;
- Service and Repair, Household;
- Service Station, subject to paragraph 11.11(3)(c);
- Supportive Housing, subject to section 9.14;
- Technical or Vocational School;
- Vehicle Repair Garage, subject to paragraph 11.11(3)(d);
- Vehicle Sales, Incidental;
- Veterinary Clinic;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CRG zone.

11.11(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Parking Lot, Commercial, subject to paragraph 11.11(3)(e).

11.11(3) Conditions of Use

- (a) A Business Office permitted in subsection 11.11(1) shall not exceed 3,000 square metres in gross floor area.
- (b) A Dwelling Unit permitted in subsection 11.11(1) shall not share an internal hallway or entrance with any commercial use in the building.
- (c) A Service Station permitted in subsection 11.11(1) shall be subject to the following:
 - (i) Any vehicle access for the Service Station shall not be closer than 30 metres from an access for a main building in a Community Facility or Residential zone;
 - (ii) No Dwelling Unit shall be located in any portion of the building containing the Service Station;
 - (iii) The fuel pump island shall not be located closer than 7.5 metres to a front or flankage lot line; and
 - (iv) The lot where the Service Station is located shall not be adjacent to a lot zoned Residential and on the same street.



- (d) A Vehicle Repair Garage permitted in subsection 11.11(1) shall not be located adjacent to a Residential zone.
- (e) A Commercial Parking Lot permitted in subsection 11.11(2) shall not be developed on a lot located in the Uptown Parking Exemption Area, as defined by Schedule C of this By-law, which contained a main building on the date this By-law was enacted.



11.11(4) Zone Standards

- | | | | |
|-----|--|--|---------------|
| (a) | Minimum Lot Area | 5,350 | square metres |
| (b) | Minimum Lot Frontage | 60 | metres |
| (c) | Minimum Lot Depth | 40 | metres |
| (d) | Minimum Front Yard | 7.5 | metres |
| (e) | Minimum Rear Yard: | | |
| | Abutting a Residential zone | 7.5 | metres |
| | Other | 3 | metres |
| (f) | Minimum Side Yard: | | |
| | Abutting a Residential zone | 7.5 | metres |
| | Other | 3 | metres |
| (g) | Minimum Flankage Yard | 7.5 | metres |
| (h) | Minimum Building Height | 2 | storeys |
| (i) | Maximum Building Height | 9 | metres |
| (j) | The maximum gross floor area for any use shall be 1,000 square metres. | | |
| (k) | No parking or outdoor display area shall be permitted within a required setback. | | |
| (l) | Maximum Lot Occupancy | 50 | percent |
| (m) | Other Requirements | In accordance with the General Provisions, Parts 4-9 | |



11.12 Regional Commercial Residential (CR-R) Zone

Municipal Plan Context



The Regional Commercial Residential (CR-R) zone accommodates large format, vehicle oriented, commercial development and associated entertainment uses with residential uses incorporated into a mixed use development proposal.

The Regional Commercial Residential (CR-R) zone is intended for land inside of the Primary Development Area that is designated Regional Retail Centre. However, land in other appropriate designations could be zoned Regional Commercial (CR-R).

11.12(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Accommodation;
- Dwelling Group;
- Dwelling, Multiple, subject to paragraph 11.12(3)(f);
- Sales Centre, Model Home;
- Service Station, subject to paragraph 11.12(3)(a);
- Transit Terminal;
- Vehicle Rental;
- Vehicle Repair Garage, subject to paragraph 11.12(3)(b);
- Vehicle Sales and Leasing;
- Regional Commercial Centre, including the following uses:
 - Artist or Craftsperson Studio;
 - Bakery;
 - Bar, Lounge, or Nightclub, subject to paragraph 11.12(3)(c);
 - Business Office, subject to paragraph 11.12(3)(d);
 - Commercial Entertainment;
 - Community Centre;
 - Community Policing Office;
 - Day Care Centre;
 - Financial Service;
 - Funeral Service;
 - Grocery Store;
 - Health and Fitness Facility;
 - Library;
 - Medical Clinic;
 - Personal Service;
 - Pet Grooming;



- Recycling Bins;
 - Restaurant;
 - Retail General;
 - Retail Warehouse;
 - Service and Repair, Household;
 - Technical or Vocational School;
 - Veterinary Clinic;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CR-R zone.

11.12(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Parking Lot, Commercial, subject to paragraph 11.12(3)(e);
- Parking Structure.

11.12(3) Conditions of Use

- (a) A Service Station permitted in subsection 11.12(1) shall be subject to the following:
 - (i) The lot where the Service Station is located shall have a minimum frontage of 30 metres;
 - (ii) Any vehicle access for the Service Station shall not be closer than 30 metres from an access for a main building in a Community Facility or Residential zone;
 - (iii) The fuel pump island shall not be located closer than 7.5 metres to a front or flankage lot line; and
 - (iv) The lot where the Service Station is located shall not be adjacent to a lot zoned Residential and on the same street.
- (b) A Vehicle Repair Garage permitted in subsection 11.12(1) shall not be located adjacent to a Residential zone.
- (c) A building containing a Bar, Lounge, or Nightclub permitted in subsection 11.12(1) shall not be located within 60 metres of a Residential zone.
- (d) A Business Office permitted in subsection 11.12(1) shall not exceed 3,000 square metres in gross floor area.



- (e) A Commercial Parking Lot permitted in subsection 11.12(2) shall not be developed on a lot located in the Uptown Parking Exemption Area, as defined by Schedule C of this By-law, which contained a main building on the date this By-law was enacted.
- (f) A Dwelling Unit within a Multiple Dwelling permitted in subsection 11.12(1):
 - (i) Shall not be located below the second storey of the building;
 - (ii) Shall have its main access from inside the building at ground level;
 - (iii) Shall not share an internal hallway or entrance with any commercial use in the building; and
 - (iv) Notwithstanding subparagraphs (i) and (ii), a Dwelling Unit may be located below the second storey and the main access may be directly from outside the building at ground level when the building is located on a lot that is within 30 metres from a Residential zone.

11.12(4) Zone Standards

(a)	Minimum Lot Area	4,000	square metres
(b)	Minimum Lot Frontage	60	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	6	metres
(e)	Minimum Rear Yard:		
	Abutting a Residential zone	15	metres
	Other	6	metres
(f)	Minimum Side Yard:		
	Abutting a Residential zone	15	metres
	Other	6	metres
(g)	Minimum Flankage Yard	6	metres
(h)	Maximum Building Height	24	metres



- (i) No parking or outdoor display area shall be permitted within a required setback.
- (j) Maximum Lot Occupancy **40** percent
- (k) Buildings shall have a prominent entrance oriented towards a public street or internal access.
- (l) A Dwelling Unit permitted in subsection 11.12(1) shall not be located below the second storey of a building.
- (m) Other Requirements **In accordance with the General Provisions, Parts 4-9 where this zone shall be considered a Regional Commercial (CR) zone**

[2020, C.P. 111-74]



11.13 Waterfront Commercial Integrated Development (CWID) Zone

Municipal Plan Context



The Waterfront Commercial Integrated Development (CWID) zone accommodates mixed-use waterfront development primarily located on large, brownfield sites such as Fundy Quay and Long Wharf.

The Waterfront Commercial Integrated Development (CWID) zone is intended for land inside of the Primary Development Area adjacent to the waterfront and designated Primary Centre (Uptown). The zone is intended to accommodate rezoning proposals along the waterfront.

11.13(1) Permitted Uses

Any land, building, or structure may be used for the following provided Council has approved a specific proposal that includes such use or uses pursuant to section 59 of the *Community Planning Act*.

- Commercial Use;
- Community Facility Use;
- Port Use;
- Residential Use.

11.13(2) Zone Standards

- (a) Standards shall not be subject to the General Provisions, Parts 4-9, but shall be subject to those standards of the proposal approved by Council pursuant to section 59 of the *Community Planning Act*.
- (b) Council or the Development Officer will specify plans and or studies necessary to be included in support of the rezoning application at the time of submission. Such plans and or studies may include, but not be limited to, context, site, building, elevation, landscaping, grading, servicing, stormwater, and traffic.

[2020, C.P. 111-86]

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Parts



12 Industrial Zones

The following Table 12-1 is intended to provide a general list of the uses allowed in the Industrial zones. This table is provided for convenience only and reference should be made to each zone for a complete list of permitted uses, conditional uses, conditions of use, zone standards, as well as to the General Provisions of this By-law.

Table 12-1

Use	Zone Permitted			
Air Transport Facility			IH	T
Animal Shelter	IL	IM		
Asphalt Plant			IH	
Auction Facility		IM	IH	
Bulk Fuel Storage Depot			IH	
Business Support Service	IL	IM		
Caretaker Dwelling				PQ
Car Wash	IL	IM		
Cannabis Processing Facility	IL	IM		
Cannabis Production Facility		IM	IH	
Cement Plant			IH	
Composting Facility				USL
Concrete Plant			IH	
Contractor Service, Household	IL	IM		
Crushing and Washing of Aggregates				PQ
Distribution Facility	IL	IM		
Electrical Generation Station			IH	
Equipment Sales and Rental, Heavy	IL	IM		
Excavation of Deposits				PQ
Fleet Service	IL	IM		
General Contractor Service		IM	IH	
Government or Utility Works Depot				US
Harbour Facility			IH	T
Heavy Industrial Use			IH	
Kennel	IL	IM		
Landfill				USL
Landscape Material Supply	IL	IM		



Use	Zone Permitted			
Light Industrial Use	IL	IM		
Marshalling Yard		IH	T	
Medium Industrial Use	IM	IH		
Office and Storage Buildings			PQ	
Outdoor Storage	IM	IH	T	
Parking/Storage of Trucks & Heavy Equipment			PQ	
Pit			PQ	
Quarry			PQ	
Recreation Facility	IL	IM		
Recreational Vehicle Sales and Service, Large	IL	IM		
Recreational Vehicle Sales and Service, Small	IL	IM		
Recycling Facility		IM	IH	USL
Redemption Centre	IL	IM	USL	
Research and Development Facility	IL	IM		
Sales Centre, Model Home	IL	IM		
Scrap or Salvage Yard		IM	IH	
Screening of Aggregates			PQ	
Self-Storage Facility	IL	IM		
Service and Repair, Industrial		IM	IH	
Special Industrial Use	IL	IM		
Storage of Aggregates, Topsoil & Overburden			PQ	
Topsoil Removal			PQ	
Towing Service		IM	IH	
Transportation Depot		IM	IH	T
Transportation Terminal			IH	T
Utility Distribution Structure, Major				US
Vehicle Body and Paint Shop	IL	IM		
Vehicle Repair Garage	IL	IM		
Vehicle Sales, Incidental	IL	IM		
Warehouse Facility	IL	IM	T	
Wastewater Treatment Facility				US
Water Treatment Facility				US
Weigh Scales			PQ	

[2016, C.P. 111-35], [2017, C.P. 111-41], [2018, C.P. 111-52], [2018, C.P. 111-53]



12.1 Light Industrial (IL) Zone

Municipal Plan Context



The Light Industrial (IL) zone accommodates a broad range of compatible light industrial uses that may include limited outdoor storage, and where any nuisance should not exist outside of a building.

The Light Industrial (IL) zone is intended for land inside of the Primary Development Area that is designated Light Industrial Area. However, land in other appropriate designations could be zoned IL.



12.1(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory or secondary use, subject to paragraph 12.1(2)(a):

- Animal Shelter;
- Business Support Service;
- Cannabis Processing Facility; [2018, C.P. 111-53]
- Car Wash;
- Contractor Service, Household;
- Distribution Facility;
- Equipment Sales and Rental, Heavy;
- Fleet Service;
- Kennel;
- Landscape Material Supply;
- Light Industrial Use;
- Recreation Facility; [2018, C.P. 111-52]
- Recreational Vehicle Sales and Service, Large;
- Recreational Vehicle Sales and Service, Small;
- Redemption Centre, subject to paragraph 12.1(2)(b);
- Research and Development Facility;
- Sales Centre, Model Home;
- Self-Storage Facility;
- Special Industrial Use;
- Vehicle Body and Paint Shop;



- Vehicle Repair Shop; [2016, C.P. 111-35]
- Vehicle Sales, Incidental;
- Warehouse Facility;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the IL zone.

12.1(2) Conditions of Use

- (a) Outdoor Storage as an accessory or secondary use to a main use permitted in subsection 12.1(1) shall be subject to the following:
- (i) The yard shall not occupy any required front or flankage yard or any area required for parking;
 - (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure;
 - (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms and landscaping; and [2016, C.P. 111-35]
 - (iv) When the yard is developed within 15 metres of an abutting lot in a Residential zone, the yard shall also be in accordance with section 5.5.
- (b) A Redemption Centre permitted in subsection 12.1(1) shall be wholly contained within a building and not have any outdoor storage associated with the use.

12.1(3) Zone Standards

(a)	Minimum Lot Area	1,000	square metres
(b)	Minimum Lot Frontage	30	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	7.5	metres
(e)	Minimum Rear Yard:		
	Abutting a Residential zone	15	metres



	Other	3	metres
(f)	Minimum Side Yard:		
	Abutting a Residential zone	15	metres
	Other	3	metres
(g)	Minimum Flankage Yard	7.5	metres
(h)	Maximum Building Height	15	metres
(i)	Maximum Lot Occupancy	65	percent of the lot
(j)	Other Requirements	In accordance with the General Provisions, Parts 4-9	



12.2 Medium Industrial (IM) Zone

Municipal Plan Context



The Medium Industrial (IM) zone accommodates a broad range of compatible medium industrial uses, some of which may have outdoor storage or activities, and where any nuisance or risk factor should not extend beyond the boundaries of the lot.

The Medium Industrial (IM) zone is intended for land inside of the Primary Development Area that is designated Heavy Industrial Area. However, land in other appropriate designations could be zoned IM.



12.2(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory, secondary or main use subject to paragraph 12.2(2)(a):

- Animal Shelter;
- Auction Facility;
- Business Support Service;
- Cannabis Processing Facility; [2018, C.P. 111-53]
- Cannabis Production Facility, subject to section 9.20; [2018, C.P. 111-53]
- Car Wash;
- Contractor Service, Household;
- Distribution Facility;
- Equipment Sales and Rental, Heavy;
- Fleet Service;
- General Contractor Service;
- Kennel;
- Landscape Material Supply;
- Light Industrial Use;
- Medium Industrial Use;
- Outdoor Storage, subject to paragraph 12.2(2)(a);
- Recreation Facility; [2018, C.P. 111-52]
- Recreational Vehicle Sales and Service, Large;
- Recreational Vehicle Sales and Service, Small;
- Recycling Facility;



- Redemption Centre;
- Research and Development Facility;
- Sales Centre, Model Home;
- Scrap or Salvage Yard, subject to paragraph 12.2(2)(b);
- Self-Storage Facility;
- Service and Repair, Industrial;
- Special Industrial Use;
- Towing Service;
- Transportation Depot;
- Vehicle Body and Paint Shop;
- Vehicle Repair Shop; [2016, C.P. 111-35]
- Vehicle Sales, Incidental;
- Warehouse Facility;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the IM zone.

12.2(2) Conditions of Use

- (a) Outdoor Storage permitted as a main use in subsection 12.2(1), or as an accessory or secondary use to a main use permitted in subsection 12.2(1), shall be subject to the following:
- (i) The yard shall not occupy any required front or flankage yard or any area required for parking;
 - (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure;
 - (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms and landscaping; and [2016, C.P. 111-35]
 - (iv) When the yard is developed within 15 metres of an abutting lot in a Residential zone, the yard shall also be in accordance with section 5.5.
- (b) A Scrap or Salvage Yard permitted in subsection 12.2(1) shall be subject to the following:
- (i) The yard shall not occupy any required front or flankage yard or any area required for parking;



- (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure; and
- (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms, and landscaping. [2016, C.P. 111-35]

12.2(3) Zone Standards

(a)	Minimum Lot Area	4,000	square metres
(b)	Minimum Lot Frontage	60	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	7.5	metres
(e)	Minimum Rear Yard:		
	Abutting a Residential zone	15	metres
	Other	7.5	metres
(f)	Minimum Side Yard:		
	Abutting a Residential zone	15	metres
	Other	7.5	metres
(g)	Minimum Flankage Yard	7.5	metres
(h)	Maximum Building Height	18	metres
(i)	Maximum Lot Occupancy	65	percent of the lot
(j)	Other Requirements	In accordance with the General Provisions, Parts 4-9	



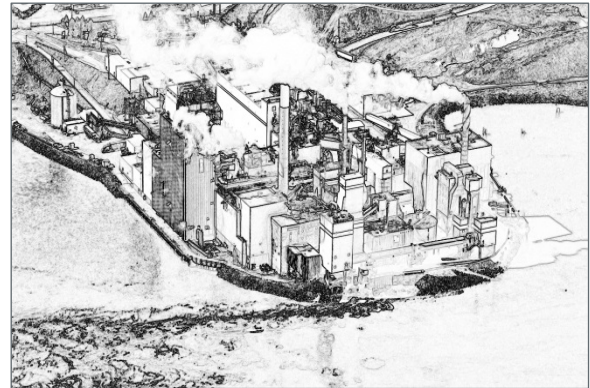
12.3 Heavy Industrial (IH) Zone

Municipal Plan Context



The Heavy Industrial (IH) zone accommodates large-scale heavy industrial uses with outdoor storage and activities, and where nuisance or risk factors are expected to extend beyond the boundaries of the lot.

Due to their nature, heavy industrial uses are incompatible with Light Industrial uses and should be adequately separated from all non-industrial uses. Therefore, this zone is intended for land situated within the interior of larger industrial areas or appropriate rural areas where separation can be provided to ensure public safety.



The Heavy Industrial (IH) zone is intended for land inside or outside of the Primary Development Area that is designated Heavy Industrial Area. However, land in other appropriate designations could be zoned IH.

12.3(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory, secondary or main use subject to paragraph 12.3(2)(a):

- Air Transport Facility;
- Asphalt Plant;
- Auction Facility;
- Bulk Fuel Storage Depot;
- Cannabis Production Facility, subject to section 9.20; [2018, C.P. 111-53]
- Cement Plant;
- Concrete Plant;
- Electrical Generation Station;
- General Contractor Service;
- Harbour Facility;
- Heavy Industrial Use;
- Marshalling Yard;
- Medium Industrial Use;
- Outdoor Storage, subject to paragraph 12.3(2)(a);
- Recycling Facility;
- Scrap or Salvage Yard, subject to paragraph 12.3(2)(b);



- Service and Repair, Industrial;
- Towing Service;
- Transportation Depot;
- Transportation Terminal;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the IH zone.

12.3(2) Conditions of Use

- (a) Outdoor Storage permitted as a main use in subsection 12.3(1) or as an accessory or secondary use to a main use thereof, shall be subject to the following when located less than 150 metres from a street:
- (i) The yard shall not occupy any required front or flankage yard or any area required for parking;
 - (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure;
 - (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms and landscaping; and [2016, C.P. 111-35]
 - (iv) When the yard is developed within 15 metres of an abutting lot in a Residential zone, the yard shall also be in accordance with section 5.5.
- (b) A Scrap or Salvage Yard permitted in subsection 12.3(1) shall be subject to the following:
- (i) The yard shall not occupy any required front or flankage yard or any area required for parking;
 - (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure; and
 - (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms, and landscaping. [2016, C.P. 111-35]



12.3(3) Zone Standards

(a)	Minimum Lot Area:		
	For a Volatile Heavy Industrial Use	10,000	square metres
	Other	4,000	square metres
(b)	Minimum Lot Frontage:		
	For a Volatile Heavy Industrial Use	120	metres
	Other	60	metres
(c)	Minimum Front Yard:		
	For a Volatile Heavy Industrial Use	150	metres
	For an Offensive Heavy Industrial Use	30	metres
	Other	7.5	metres
(d)	Minimum Rear Yard:		
	For a Volatile Heavy Industrial Use:		
	Where the rear lot line does not abut an Industrial zone	150	metres
	Where the rear lot line does abut an Industrial zone	30	metres
	Other	7.5	metres
	For an Offensive Heavy Industrial Use:		
	Where the rear lot line does not abut an Industrial zone	30	metres
	Where the rear lot line does abut an Industrial zone	15	metres
	Other	7.5	metres



(e) Minimum Side Yard:

For a Volatile Heavy Industrial Use:

Where the side lot line does not abut an Industrial zone 150 metres

Where the side lot line does abut an Industrial zone 30 metres

Other 7.5 metres

For an Offensive Heavy Industrial Use:

Where the side lot line does not abut an Industrial zone 30 metres

Where the side lot line does abut an Industrial zone 15 metres

Other 7.5 metres

(f) Minimum Flankage Yard:

For a Volatile Heavy Industrial Use 150 metres

For an Offensive Heavy Industrial Use 30 metres

Other 7.5 metres

(g) Maximum Lot Occupancy 60 percent of the lot

(h) Other Requirements In accordance with the General Provisions, Parts 4-9



12.4 Pit and Quarry (PQ) Zone

Municipal Plan Context



The Pit and Quarry (PQ) zone accommodates resource extraction activities. These uses may include excavation of sand, gravel, clay, shale, limestone, or other aggregate deposits. Rehabilitation of these sites is a requirement of this zone.



Pit or quarry operations are not considered permanent uses and these properties are intended to be rezoned back to an appropriate zone once a pit or quarry has been exhausted and rehabilitated.

The Pit and Quarry (PQ) zone is mainly intended for land outside of the Primary Development Area that is designated Rural Resource Area. However, land in other appropriate designations could be zoned PQ.

12.4(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Excavation of sand, gravel, clay, shale, limestone, or other deposits;
- Pit;
- Quarry;
- Topsoil Removal;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the PQ zone.

The above main uses may also include any of the following as an accessory or secondary use:

- Caretaker Dwelling;
- Crushing and Washing of Aggregates;
- Office and Storage Buildings;
- Parking and Storage of Trucks and Heavy Equipment;
- Screening of Aggregates;
- Storage of Aggregates, Topsoil, and Overburden;
- Weigh Scales.



12.4(2) Prohibition of Excavation

Any excavation permitted in subsection 12.4(1) undertaken for the purposes of sale or other commercial use is prohibited until a development permit in accordance with subsection 12.4(8) has been obtained. [2016, C.P. 111-35]

12.4(3) Zone Standards: Setbacks

- (a) Subject to paragraph 12.4(4)(c), the minimum distances stipulated herein shall be maintained between any excavation upon land with respect to which a development permit has been issued and the following: [2016, C.P. 111-35]

		Minimum Distance From a Quarry	Minimum Distance From a Pit	Minimum Distance From a Crusher
(i)	Public Water Supply	600 metres	150 metres	150 metres
(ii)	Residentially zoned lot or dwelling present at the time of the application to rezone for a pit or quarry	200 metres	150 metres	200 metres
(iii)	Public Street	30 metres	30 metres	30 metres
(iv)	Lot Line of the Excavation Site	30 metres	30 metres	30 metres
(v)	Other zones	50 metres	30 metres	50 metres

- (b) No building, structure, or storage or repair area in connection with the excavation may be located within 30 metres in the case of a gravel pit, or 50 metres in the case of a quarry, of a public street or an adjacent zone other than an IL zone, IM zone, IH zone, or PQ zone.
- (c) Notwithstanding subparagraph (a)(iii), no excavation shall take place within seven and one-half (7.5) metres at the ground line of the poles of a power transmission line tower, with a slope of not less than one and one-half (1½) metres horizontal to one (1) metre vertical away there from.

12.4(4) Zone Standards: Access

- (a) Every private access shall be located a minimum of 30 metres from the lot lines of the pit or quarry.



- (b) Every private access shall be paved for the first 30 metres from its intersection with a public street.
- (c) Where one or more residential dwellings are present within 150 metres of the private access, that portion of the private access shall be paved unless:
 - (i) The dwelling or dwellings are owned by the owner of the pit or quarry served by the said private access; or
 - (ii) There exists either a natural treed screen having a minimum depth of 30 metres and a minimum height of 4 metres or a natural topographic feature having a minimum of 4 metres in height or a man-made landscaped berm having a minimum height of 4 metres located between the said private access and the said residential dwelling or dwellings extending 25 metres further on either side.
- (d) Every private access created subsequent to the coming into force of this subsection and which has a length greater than 50 metres shall be constructed in a curved fashion to prevent direct visibility of the excavation site and operation from the public street at its intersection with the private access.
- (e) Every private access to a pit or quarry shall have a gate at the entrance within 20 metres of the public street. The gate shall be locked when the pit or quarry is not actively in operation.

12.4(5) Zone Standards: Hours of Operation

Excavation of land and related activities involving the use of heavy equipment and crushing equipment shall only be carried on between the hours of 7:00 o'clock in the forenoon and 8:00 o'clock in the afternoon of each day, except on holidays as defined in the *Provincial Interpretation Act* when no excavation of land is permitted.

12.4(6) Zone Standards: Screening

- (a) A treed buffer at a minimum of 30 metres in depth and a minimum of 4 metres in height or a topographic feature a minimum of 4 metres in height shall surround the excavation site with the exception of an area for an approved access. If trees do not exist in quantities to adequately screen the visibility of the operation from a public street or adjacent residential properties, the applicant shall construct a treed and landscaped berm 4 metres in height to visually screen the excavation site and associated activities.
- (b) The location of buffers, present or proposed, shall be identified on the applicant's site plan(s) and the treed buffer(s) shall be in place prior to the start of excavation of the



aggregate resource. On-site material may be used for constructing buffers and berms.

12.4(7) Site Rehabilitation

The land with respect to which a development permit has been issued shall be rehabilitated in a progressive manner in accordance with subsection 12.4(11). [2016, C.P. 111-35]

12.4(8) Development Permit Application

A person seeking to obtain a development permit shall be the owner or agent of the land proposed to be excavated and shall make application in writing to the Development Officer in a form prescribed by the Development Officer and such application signed by the applicant shall: [2016, C.P. 111-35]

- (a) Record the name and address of the applicant and the location of the proposed excavation;
- (b) Contain a statement indicating the purpose of the work to be carried on and the portion of land where excavation will commence or is in progress, the order of sequence for excavating the balance of the land and the intended use of the land after excavation has ceased;
- (c) Contain a statement of the estimated volume of material in cubic metres proposed to be excavated during the term of the development permit; [2016, C.P. 111-35]
- (d) Include the owners express consent to the entry upon the land which is the subject of the application by The City of Saint John and anyone authorized by it including its servants, agents, employees, and workmen, whether by foot or by vehicle, together with the equipment to be used for the purpose of rehabilitating that land in accordance with the provisions of this By-law in the event the owner has failed to do so within the time limits stipulated herein;
- (e) State the estimated dates of commencement and duration of the excavation;
- (f) Indicate the probable maximum depths and maximum slopes of the proposed excavation at the end of the term of the development permit for which the application is made; [2016, C.P. 111-35]
- (g) Indicate the ultimate depth, elevations, and grades of the excavation shall be subject to any applicable requirements of the Development Officer for future streets and municipal water and municipal sanitary sewer lines; [2016, C.P. 111-35]
- (h) Set out the controls and methods to be employed in preventing the emission of smoke, dust, odours, toxic materials, vibrations, and noise including:



- (i) All blasting to be monitored to ensure compliance by a professional engineer;
 - (ii) All blasting to be designed, loaded, supervised, and initiated by a Category I blaster as certified under the *Apprenticeship and Occupational Certification Act*;
 - (iii) All blasting operations to conform to the latest version of the General Regulation – *Occupational Health and Safety Act* with particular attention to Parts XII-Explosives and XIV-Pits and Quarries;
- (i) Include one or more plans drawn to a scale of not less than 1 to 1000 by a professional engineer, landscape architect, planner, or land surveyor. These plan(s) shall show the phased development of a pit or quarry for a period of 1 to 5 years and shall indicate the following: [2016, C.P. 111-35]
- (i) The boundaries of the property with respect to which the application is made, and its relation to current streets and other properties;
 - (ii) Current topography at no more than 2 metre contour intervals, or spot elevations or cross sections with a vertical scale of 1 to 100, or a combination thereof, where 2 metre contour intervals are not available;
 - (iii) Location of present natural watercourses and drainage areas as at the seasonal spring peak flow period;
 - (iv) Location of present power transmission line towers and other structures;
 - (v) An outline of the area to be excavated;
 - (vi) The location of proposed watercourses and drainage, including lakes, ponds and retention areas;
 - (vii) The proposed location of any buildings, scale house, equipment, equipment storage area, and equipment repair sheds or areas;
 - (viii) The location of protective fencing if required by the Development Officer;
[2016, C.P. 111-35]
 - (ix) The location of entrances and exits to the site of the proposed excavation and gates, if any;
 - (x) The location of traffic routes to and from the area to be excavated;
 - (xi) The location and size of signs erected or proposed to be erected within the site of the proposed excavation and gates, if any;
 - (xii) The depth of the current water table;



- (xiii) The method of achieving a closed loop drainage system at the excavation area, but if a closed loop system cannot be achieved, illustrate on the site plan(s) and have evidence that the Provincial or Federal approval authority has approved an alternative drainage system;
 - (xiv) The location of a present or proposed water source for use in dust control measures subject to paragraph 12.4(10)(f);
 - (xv) The location of storage area(s) for hazardous materials; [2016, C.P. 111-35]
 - (xvi) The location of storage areas for explosive materials;
 - (xvii) The location of proposed treed berms and natural treed buffers to be retained for screening;
 - (xviii) The location of storage areas for topsoil and overburden to be used in rehabilitation;
- (j) Where the application is for a development permit relating to a pit or quarry proposed to be opened subsequent to the coming into force of this subsection, a statement from a professional engineer or hydrologist identifying the depth of the current water table at the location of the proposed excavation, as well as their opinion respecting the effect, if any, of the proposed excavation upon that water table level on adjacent properties not owned by the applicant; [2016, C.P. 111-35]
- (k) Where an application for a development permit relating to an current pit or quarry site proposes to increase the depth of excavation on that site, a statement from a professional engineer or hydrologist identifying the depth of the current water table at the location of the proposed excavation, as well as their opinion respecting the effect, if any, of the proposed excavation upon that water table level; [2016, C.P. 111-35]
- (l) An application for a development permit shall be accompanied by one or more plans, other than those mentioned in paragraph (i) drawn to a scale by the professionals mentioned in that paragraph, indicating the proposed method of rehabilitation of the excavation area according to the provisions of this By-law and setting out: [2016, C.P. 111-35]
- (i) The proposed grading at not more than 2 metre contour intervals or by cross-sections with a horizontal scale of 1 to 1000 and a vertical scale of 1 to 100 or any combination of these including the slopes for the end of the term for which the development permit is being sought; [2016, C.P. 111-35]
 - (ii) The location, quantity and type of trees, planting, hydro-seeding, or other ground cover materials to be used including the type and depth of soil to be used on the berms for the purposes of establishing vegetation;



- (iii) Details of all items and features pertaining to improvement and preservation of the land, including any retaining wall;
- (iv) The estimated dates of commencement and completion of such rehabilitation, the portion of land on which it will commence and the order and the time schedule for rehabilitation of the balance of the site; and
- (m) Each application for a permit shall be accompanied by a fee of one thousand and one hundred dollars.

12.4(9) Development Permit

- (a) Subject to paragraph (c), the Development Officer shall issue a development permit where: [2016, C.P. 111-35]
 - (i) An application under this section has been received; and
 - (ii) The applicant has deposited with the Development Officer security in accordance with paragraph (e) satisfactory to the Development Officer and; [2016, C.P. 111-35]
 - (iii) The proposed excavation and rehabilitation of the land for which a development permit has been sought has been approved by the Development Officer as conforming with all requirements of this By-law; and [2016, C.P. 111-35]
 - (iv) The fee set out in paragraph 12.4(8)(m) has been paid.
- (b) A development permit is valid from the date of its issuance until the earlier of: [2016, C.P. 111-35]
 - (i) December 31st of the same year; or
 - (ii) The date of the registration in the Saint John County Registry Office of a deed conveying title to the land in question from the applicant.
 - (iii) In the event a development permit terminates due to the conveyance of the land in question, the Development Officer shall issue, without fee, a new excavation permit for the remainder of the calendar year if the new owner delivers to the Development Officer: [2016, C.P. 111-35]
 - (A) Security in accordance with the requirements of paragraph (e); and
 - (B) A written statement that in consideration of the Development Officer issuing a development permit the new owner consents to the entry upon the land in question by The City of Saint John and anyone authorized by it, including its servants, agents, employees, and workmen, whether by foot or by vehicle, together with the equipment



to be used for the purpose of rehabilitating that land in accordance with the provisions of this section in the event the owner has failed to do so within the time limit stipulated herein. [2016, C.P. 111-35]

- (c) A development permit shall: [2016, C.P. 111-35]
 - (i) Be in the form prescribed by the Development Officer; [2016, C.P. 111-35]
 - (ii) Be signed by the Development Officer; [2016, C.P. 111-35]
 - (iii) Indicate the purpose of the work to be carried on; and
 - (iv) Set out any controls or measures, which in the opinion of the Development Officer, shall be employed in the operation, including any conditions that may have been imposed by Council upon the rezoning of the site. [2016, C.P. 111-35]
- (d) No development permit may be issued under paragraph (b) if: [2016, C.P. 111-35]
 - (i) The proposed work would:
 - (A) Create a hazard to human life;
 - (B) Endanger adjoining property;
 - (C) Adversely affect a municipal sanitary sewer, municipal water main, watercourse, or street; or [2016, C.P. 111-35]
 - (D) Not meet the conditions of use set out in the zones that permit the excavation use.
 - (ii) The land of the site is subject to geological instability or flood hazards to the extent that, in the opinion of the Development Officer, no reasonable amount of corrective work could eliminate or sufficiently reduce the instability or hazard. [2016, C.P. 111-35]
- (e) No development permit may be issued under paragraph (b) until the applicant has deposited a security in the form of money, letter of credit, or a bond in favour of The City of Saint John, in an amount determined by the Development Officer to be adequate to cover the estimated cost of rehabilitation of the land of the site in accordance with the terms and time limits stipulated herein. [2016, C.P. 111-35]



12.4(10) Development Permit Conditions

A development permit under subsection 12.4(9) is subject to the following terms and conditions: [2016, C.P. 111-35]

(a) Size of the Actively Excavated Area:

The actively excavated area(s) of a pit shall not exceed a cumulative ground area of 5 hectares at any time. For greater certainty, an actively excavated area(s) does not include an area of the site dedicated to an accessory or secondary use permitted in the Pit and Quarry zone.

(b) Slope of Working Face:

- (i) The slope of the working face of the excavation, other than in a quarry, must not be steeper than one and one-quarter ($1\frac{1}{4}$) metres horizontal to one (1) metre vertical for the full depth of the excavation;
- (ii) Subject to paragraph (c), quarries are permitted to have a vertical working face;
- (iii) Any land which extends, projects or juts over or beyond the top, working face of the excavation shall be knocked down and left in such condition at the end of each working shift so as to prevent the danger of a fall by natural or other causes;
- (iv) Where an occasional operating condition results in a working face having a slope steeper than the one and one-quarter ($1\frac{1}{4}$) metre horizontal to one (1) metre vertical prescribed under subparagraph (i), the owner of the land being excavated shall bring or have the slope brought to at least that prescribed within forty-eight (48) hours after notice to that effect from the Development Officer. [2016, C.P. 111-35]

(c) Protection at Vertical Slopes:

- (i) Where the slope of the working face of a quarry is steeper than 1:1 (vertical: horizontal) and the vertical height of the working face is greater than 3 metres, a combination of boulders and signage spaced along the perimeter of the slope will be required. The boulders shall be no smaller than 1 metre in size and spaced at maximum intervals of 2 metres. Signage warning of the danger shall be placed at 15 metre intervals; and
- (ii) Fencing may be required for all or a portion of the site if in the opinion of the Development Officer there is a greater chance that public safety is at risk. [2016, C.P. 111-35]



(d) Access:

Every private access serving a new or *existing* pit or quarry shall be maintained in a reasonably dust free condition by paving, watering, or use of calcium chloride and areas that are paved shall remain in a reasonably dust-free condition.

(e) Water Table:

No excavation shall take place in a pit or quarry to lower the water table on land adjacent to that for which a development permit has been issued. The ultimate depth of the excavation shall be able to sustain the intended long-term uses of the land as indicated. [2016, C.P. 111-35]

(f) Water Source:

Every new or expanding pit or quarry must have an available natural or fabricated source of water on-site sufficient to meet the requirements of the Provincial *Clean Environment Act* before excavation can take place.

(g) Site Drainage:

All pits or quarries shall operate with a closed loop drainage system allowing no water to leave the un-rehabilitated portion of the excavation area, or in accordance with a drainage plan approved by the Provincial Department of the Environment and Federal Department of Fisheries and Oceans.

(h) Property Lines:

The owner shall have the lot lines staked or marked as required by the Development Officer. The owner shall, if requested by the Development Officer, provide one or more reference benchmarks. [2016, C.P. 111-35]

(i) Topsoil Removal:

Topsoil stripped from the site shall be stockpiled on-site in sufficient quantities for use as an organic material to provide for the complete re-vegetation of the disturbed areas of the site, but not including access roads. Removal of topsoil shall not extend beyond the excavation area as approved for the current year of the development permit. [2016, C.P. 111-35]

(j) Tree Cutting:

Tree cutting or the removal of other vegetation is not permitted to extend any further than the excavation area for the current year of the development permit, except as necessary for an approved access road, as illustrated on the approved site plan. [2016, C.P. 111-35]



12.4(11) Site Rehabilitation

- (a) The owner of the land must commence the rehabilitation of the excavation area not later than six months after the earlier of any one of the following situations arising:
 - (i) The excavation or any portion thereof has reached its maximum allowable depth as well the minimum setback requirements set out in sections 12.4(3) and 12.4(10); or
 - (ii) The abandonment of the pit or quarry. A pit or quarry is hereby deemed to have been abandoned when four (4) months pass following the date a development permit for the land was last valid; [2016, C.P. 111-35]
 - (iii) The section of the excavation site is not required for other purposes related to the operation;
 - (iv) The obligation to commence rehabilitation hereunder arises as often as any of the situations identified in paragraph (a) occur with respect to the land for which a development permit has been issued. [2016, C.P. 111-35]
- (b) Every portion of the excavation area disturbed for the purposes of excavation or associated activities, with the exception of the access road, shall be cleared of debris, sloped in accordance with this By-law, and vegetation established in accordance with the New Brunswick Department of Transportation's specifications for hydro seeding. Exposed rock outcrops shall be considered natural features and shall not be required to be vegetated.
- (c) In the case of a gravel pit, the slope of the working face of the excavation shall be rehabilitated so that it is not steeper than three (3) metres horizontal to one (1) metre vertical for any portion of the depth of the excavation and be hydro-seeded where appropriate.
- (d) In the case of a quarry the working face of the excavation shall be rehabilitated so that it is stepped with a vertical rise of not greater than 10 metres meeting a horizontal plateau of not less than 3 metres in width. The horizontal plateaus shall have vegetation established where possible in the opinion of the Development Officer. A consistent slope of no less than (2) metres horizontal to (1) metre vertical also permitted. [2016, C.P. 111-35]
- (e) The top of the rehabilitated slope of an excavation must not be located within the applicable minimum setback requirements as set out in subsection 12.3(3).
- (f) When any one of the situations described in paragraph (a) arises, all equipment, buildings, and structures upon the land to which the development permit applies, and associated directly or indirectly with excavation other than fences required under paragraph 12.4(10)(c) shall be removed and all stockpiles, sand, gravel, stone, rock,



clay, or similar material shall be removed or utilized in the rehabilitation of the land.
[2016, C.P. 111-35]

- (g) Adequate measures shall be taken to prevent surface water from damaging the face of the excavation or fill by the provision of berms, swales, or other measures that satisfactorily resolve the problem.
- (h) Where a holder of a development permit fails to rehabilitate the excavation area in the manner and within the time limits required hereby, the Council may cause the required work to be done and to be paid for from the security deposit. [2016, C.P. 111-35]
- (i) The rehabilitation required hereby shall be completed no later than 12 months following the deadline for the commencement of rehabilitation established herein.
- (j) Rehabilitation of the portions identified in paragraph (a) shall be completed no later than one year following its commencement.

12.4(12) Enforcement

In the event of a contravention or failure to comply with any provision of this section, the Development Officer may suspend, or in the case of a continued violation, revoke, the development permit, in writing, to be delivered by hand or by registered mail to the owner, and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended development permit or issue a development permit if the conditions are corrected and all the requirements for the issuance of a development permit have been satisfactorily met. Council may cause any work to be done and to be paid for from the security deposit.
[2016, C.P. 111-35]



12.5 Transportation (T) Zone

Municipal Plan Context



The Transportation (T) zone accommodates a range of transportation related uses, including facilities for harbour, rail, and air.

The Transportation (T) zone specifically recognizes land used for the airport, rail marshalling yards, and the marine port (both Uptown and Canaport) that is designated Federal Transportation or Heavy Industrial. However, land in other appropriate designations could be zoned T.



12.5(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory, secondary or main use:

- Air Transport Facility;
- Harbour Facility;
- Marshalling Yard;
- Outdoor Storage;
- Transportation Depot;
- Transportation Terminal;
- Warehouse Facility;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the T zone.

12.5(2) Zone Standards

(a)	Minimum Front Yard	7.5	metres
(b)	Minimum Rear Yard:		
	Abutting a Residential zone	15	metres
	Other	7.5	metres



(c)	Minimum Side Yard:		
	Abutting a Residential zone	15	metres
	Other	7.5	metres
(d)	Minimum Flankage Yard	7.5	metres
(e)	Maximum Lot Occupancy	60	percent of the lot
(f)	Other Requirements	In accordance with the General Provisions, Parts 4-9	



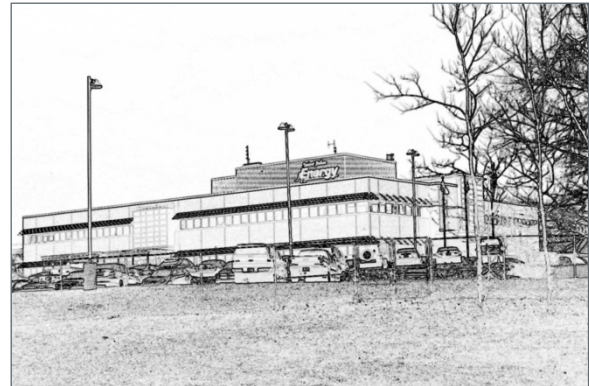
12.6 Utility Service (US) Zone

Municipal Plan Context



The Utility Service (US) zone accommodates a range of utility and service infrastructure, including operations centres and associated works yards.

The Utility Service (US) zone is intended for land inside or outside of the Primary Development Area in an appropriate designation.



12.6(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory or secondary use subject to paragraph 12.6(2)(a):

- Government or Utility Works Depot, subject to paragraph 12.6(2)(b);
- Library; [2015, C.P. 111-13]
- Utility Distribution Structure, Major;
- Wastewater Treatment Facility;
- Water Treatment Facility;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the US zone.

12.6(2) Conditions of Use

- (a) Outdoor Storage permitted as an accessory or secondary use to a main use in subsection 12.6(1) shall be subject to the following:
- (i) The yard shall not occupy any required front or flankage yard or any area required for parking;
 - (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure;
 - (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms and landscaping; and [2016, C.P. 111-35]



- (iv) When the yard is developed within 15 metres of an abutting lot in a Residential zone, the yard shall also be in accordance with section 5.5.
- (b) A Government or Utility Works Depot permitted in subsection 12.6(1) shall not be located within 60 metres of a Residential zone.

12.6(3) Zone Standards

(a)	Minimum Lot Area	1,500	square metres
(b)	Minimum Lot Frontage	30	metres
(c)	Minimum Lot Depth	45	metres
(d)	Minimum Front Yard	7.5	metres
(e)	Minimum Rear Yard	7.5	metres
(f)	Minimum Side Yard	7.5	metres
(g)	Minimum Flankage Yard	7.5	metres
(h)	Maximum Building Height	11	metres
(i)	Maximum Lot Occupancy	40	percent of the lot
(j)	Other Requirements	In accordance with the General Provisions, Parts 4-9	



12.7 Utility Service Landfill (USL) Zone

Municipal Plan Context



The Utility Service Landfill (USL) zone accommodates the *existing* Crane Mountain Landfill and all the uses associated with managing refuse, recycling, and organics treatment.

The Utility Service Landfill (USL) zone is intended to recognize the *existing* Crane Mountain Landfill, which is located outside of the Primary Development Area and designated Rural Industrial.



12.7(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory or secondary use:

- Composting Facility;
- Landfill, subject to paragraph 12.7(2);
- Recycling Facility;
- Redemption Centre;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the USL zone.

12.7(2) Conditions of Use

A Landfill permitted in subsection 12.7(1) shall be enclosed by natural buffering and or constructed earth berms.

12.7(3) Zone Standards

(a)	Minimum Lot Area	100	hectares
(b)	Minimum Front Yard:		
	For a Landfill	150	metres
	For Buildings and Structures	15	metres



(c)	Minimum Rear Yard:		
	For a Landfill	150	metres
	For Buildings and Structures	15	metres
(d)	Minimum Side Yard:		
	For a Landfill	150	metres
	For Buildings and Structures	15	metres
(e)	Minimum Flankage Yard:		
	For a Landfill	150	metres
	For Buildings or Structures	15	metres
(f)	Maximum Building Height	11	metres
(g)	Maximum Lot Occupancy	35	percent of the lot
(h)	Other Requirements	In accordance with the General Provisions, Parts 4-9	

	Administration	1
	Zones and Administration	2
	Definitions	3
	General Provisions: Access, Parking, and Loading	4
General Provisions: Accessory Buildings and Structures		5
General Provisions: Landscaping and Amenity Space		6
	General Provisions: Signs	7
	General Provisions: Other Standards	8
General Provisions: Uses Permitted in Multiple Zones		9
	Residential Zones	10
	Commercial Zones	11
	Industrial Zones	12
	Community Facility Zones	13
	Other Zones	14
	Schedules	

Parts



13 Community Facility Zones

The following Table 13-1 is intended to provide a general list of the uses allowed in the Community Facility zones. This table is provided for convenience only and reference should be made to each zone for a complete list of permitted uses, conditional uses, conditions of use, zone standards, as well as to the General Provisions of this By-law.

Table 13-1

Use	Zone Permitted	
Community Arena	CFN	CFM
Community Centre	CFN	CFM
Community Policing Office	CFN	CFM
Correctional Services		CFM
Crisis Care Facility	CFN	CFM
Cultural Establishment	CFN	CFM
Day Care Centre	CFN	CFM
Emergency Services Facility	CFN	CFM
Hospital		CFM
Library	CFN	CFM
Place of Worship	CFN	CFM
Recreation Facility	CFN	CFM
Rehabilitation Centre		CFM
School (9-12)		CFM
School (K-8)	CFN	CFM
Supportive Facility	CFN	CFM
Supportive Housing	CFN	CFM
Technical or Vocational School		CFM
University or College		CFM



13.1 Neighbourhood Community Facility (CFN) Zone

Municipal Plan Context



The Neighbourhood Community Facility (CFN) zone accommodates a limited range of community-oriented facilities, such as arenas, community centres, elementary schools, and recreational facilities that are complementary to surrounding residential neighbourhoods.

The Neighbourhood Community Facility (CFN) zone is intended mainly for land inside the Primary Development Area in an appropriate designation.



13.1(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Community Arena;
- Community Centre;
- Community Policing Office;
- Crisis Care Facility;
- Cultural Establishment;
- Day Care Centre;
- Emergency Services Facility;
- Library;
- Place of Worship;
- Recreation Facility;
- School (K-8);
- Supportive Facility;
- Supportive Housing;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CFN zone.

13.1(2) Zone Standards

- | | | | |
|-----|----------------------|------------|---------------|
| (a) | Minimum Lot Area | 800 | square metres |
| (b) | Minimum Lot Frontage | 20 | metres |



(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	3	metres
(e)	Maximum Front Yard	22	metres
(f)	Minimum Rear Yard	7.5	metres
(g)	Minimum Side Yard	7.5	metres
(h)	Minimum Flankage Yard	7.5	metres
(i)	Minimum Building Height	2	storeys
(j)	Maximum Building Height	12	metres
(k)	Buildings shall have a prominent entrance orientated toward a street.		
(l)	No parking or outdoor display area shall be permitted within a required setback.		
(m)	Maximum Lot Occupancy	50	percent
(n)	Other Requirements	In accordance with the General Provisions, Parts 4-9	



13.2 Major Community Facility (CFM) Zone

Municipal Plan Context



The Major Community Facility (CFM) zone accommodates a range of large-scale community uses that typically provide services to the Saint John region, such as hospitals, correctional facilities, major recreational facilities, and rehabilitation centres.

The Major Community Facility (CFM) zone is intended mainly for land inside the Primary Development Area in an appropriate designation.



13.2(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Community Arena;
- Community Centre;
- Community Policing Office;
- Correctional Services;
- Crisis Care Facility;
- Cultural Establishment;
- Day Care Centre;
- Emergency Services Facility;
- Hospital;
- Library;
- Place of Worship;
- Recreation Facility;
- Rehabilitation Centre;
- School (9-12);
- School (K-8);
- Supportive Facility;
- Supportive Housing;
- Technical or Vocational School;
- University or College;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CFM zone.



13.2(2) Zone Standards

(a)	Minimum Lot Area	1,850	square metres
(b)	Minimum Lot Frontage	30	metres
(c)	Minimum Lot Depth	45	metres
(d)	Minimum Front Yard	5	metres
(e)	Maximum Front Yard	22	metres
(f)	Minimum Rear Yard	7.5	metres
(g)	Minimum Side Yard	7.5	metres
(h)	Minimum Flankage Yard	7.5	metres
(i)	Minimum Building Height	2	storeys
(j)	Maximum Building Height	24	metres
(k)	Buildings shall have a prominent entrance orientated toward a street.		
(l)	Buildings that are more than four storeys in height and orientated towards a street shall include an offset at the fifth storey having a minimum depth of 1.5 metres away from the street.		
(m)	No parking or outdoor display area shall be permitted within a required setback.		
(n)	Maximum Lot Occupancy	50	percent
(o)	Other Requirements	In accordance with the General Provisions, Parts 4-9	

	Administration	1
	Zones and Administration	2
	Definitions	3
	General Provisions: Access, Parking, and Loading	4
General Provisions: Accessory Buildings and Structures		5
General Provisions: Landscaping and Amenity Space		6
	General Provisions: Signs	7
	General Provisions: Other Standards	8
General Provisions: Uses Permitted in Multiple Zones		9
	Residential Zones	10
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14 Other Zones

The following Table 14-1 is intended to provide a general list of the uses allowed in the Other zones. This table is provided for convenience only and reference should be made to each zone for a complete list of permitted uses, conditional uses, conditions of use, zone standards, as well as to the General Provisions of this By-law.

Table 14-1

Use	Zone Permitted	
Any Existing Use		FD
Agricultural Use	P	RU
Animal Shelter		RU
Bed and Breakfast	P	FD RU
Cemetery	P	
Commercial Recreation	P	
Commercial Use		ID
Community Centre	P	
Community Facility Use		ID
Cultural Establishment	P	
Day Care Centre	P	
Day Care, Home		FD RU
Day Care Neighbourhood		FD RU
Dwelling, Existing	P EP	
Dwelling, One-Unit		FD RU
Dwelling, Two-Unit		RU
Equestrian Facility	P	RU
Exhibition Grounds	P	
Farmers Market	P	
Fishery		RU
Forestry Use		RU
Garden Suite		FD RU
Home Occupation	P	FD RU
Industrial Use		ID
Interpretive Centre	P	
Kennel		RU
Mobile or Mini-Home		RU



Use	Zone Permitted			
Recreation Facility	P			
Residential Use		ID		
Restaurant	P			
Secondary Suite			FD	RU
Solar Energy Development				GE
Supportive Housing	P			RU
Veterinary Clinic				RU
Wind Energy Development				GE
Zoo	P			

[2016, C.P. 111-35], [2019, C.P. 111-82]



14.1 Park (P) Zone

Municipal Plan Context



The Park (P) zone accommodates a range of recreational activities and supportive commercial uses.

The Park (P) zone is intended mainly for land inside the Primary Development Area in an appropriate designation.



14.1(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Agricultural Use, subject to subsection 14.1(3);
- Bed and Breakfast, subject to section 9.2;
- Cemetery;
- Community Centre;
- Day Care Centre;
- Dwelling, *Existing*;
- Equestrian Facility, subject to subsection 14.1(3);
- Farmers Market;
- Home Occupation, subject to section 9.9;
- Interpretive Centre;
- Recreation Facility;
- Restaurant, without a Lounge license under the *Liquor Control Act*;
- Supportive Housing, subject to section 9.14;
- Zoo;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the P zone.

14.1(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Commercial Recreation;
- Cultural Establishment;
- Exhibition Grounds.



14.1(3) Conditions of Use

An Agricultural Use or Equestrian Facility permitted in subsection 14.1(1) shall be subject to the following:

- (a) The total number of the following domestic animals kept on a lot, excluding their young under the age of six months, shall be:
 - (i) In the case of a goat, horse, pony, or sheep, or any combination thereof, up to two such animals provided the lot has a minimum area of 6,000 square metres and a minimum lot frontage of 75 metres, and for each additional animal a further 2,000 square metres of lot area provided the lot has a minimum frontage of 90 metres; and
 - (ii) In the case of a cow, a maximum of two cows provided the lot has a minimum area of 20,000 square metres and a minimum lot frontage of 180 metres.
- (b) Any stable, building, enclosure, or structure where an above-mentioned domestic animal is kept shall be located at least 22 metres from any common property line or 15 metres of any dwelling on the same lot.

14.1(4) Zone Standards

(a)	Minimum Lot Area	800	square metres
(b)	Minimum Lot Frontage	20	metres
(c)	Minimum Lot Depth	30	metres
(d)	Minimum Front Yard	3	metres
(e)	Maximum Front Yard	22	metres
(f)	Minimum Rear Yard	7.5	metres
(g)	Minimum Side Yard	7.5	metres
(h)	Minimum Flankage Yard	7.5	metres
(i)	Minimum Building Height	2	storeys
(j)	Maximum Building Height	12	metres



(k) No parking or outdoor display area shall be permitted within a required setback.

(l) Other Requirements

**In accordance with the
General Provisions, Parts 4-9**



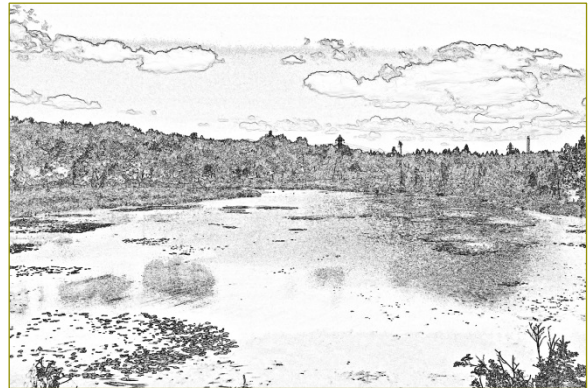
14.2 Environmental Protection (EP) Zone

Municipal Plan Context



The Environmental Protection (EP) zone accommodates land that is generally government owned and located within watersheds that provide drinking water to the public. Except for the maintenance of *existing* dwellings, development is prohibited in these sensitive areas.

The Environmental Protection (EP) zone is intended mainly for land outside of the Primary Development Area in an appropriate designation.



14.2(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Dwelling, *Existing*, provided the gross floor area is not increased after the date this By-law was enacted.
- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the EP zone.

14.2(2) Zone Standards

In accordance with the General Provisions, Parts 4-9, except that no new accessory building or structure, or any enlargement to an existing accessory building or structure, shall be permitted after the date this By-law was enacted.



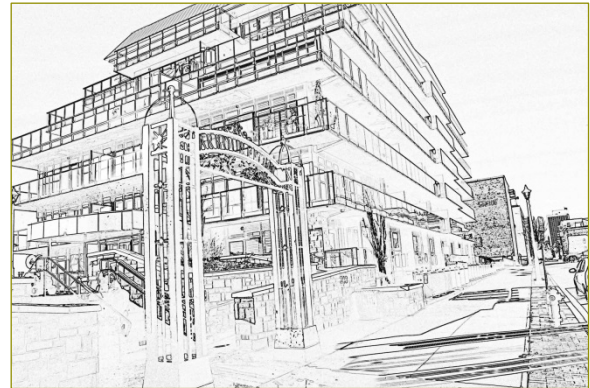
14.3 Integrated Development (ID) Zone

Municipal Plan Context



The Integrated Development (ID) zone accommodates development consisting of combinations of uses of land, buildings, and or structures contained in a specific proposal described in a resolution or agreement adopted or entered into under section 39 of the *Community Planning Act*.

The Integrated Development (ID) zone is intended mainly for land inside the Primary Development Area in an appropriate designation.



14.3(1) Permitted Uses

Any land, building, or structure may be used for the following provided Council has approved a specific proposal that includes such use or uses pursuant to section 39 of the *Community Planning Act*.

- Commercial Use;
- Community Facility Use;
- Industrial Use;
- Residential Use.

14.3(2) Zone Standards

- (a) Standards shall not be subject to the General Provisions, Parts 4-9, but shall be those standards of the proposal approved by Council pursuant to section 39 of the *Community Planning Act*.
- (b) Council or the Development Officer will specify plans and or studies necessary to be included in support of the rezoning application at the time of submission. Such plans and or studies may include, but not limited to, context, site, building, elevation, landscaping, grading, servicing, stormwater, and traffic. [2016, C.P. 111-35]



14.4 Future Development (FD) Zone

Municipal Plan Context



The Future Development (FD) zone is intended to preserve land that presently cannot be fully developed due to municipal servicing and or street limitations. In the future when such limitations are no longer present, the land can then be more fully developed under a different and more appropriate zone. In the meantime, limited development is permitted in this zone.

The Future Development (FD) zone is intended for land inside the Primary Development Area that is designated Urban Reserve. However, land in other appropriate designations could be zoned FD.

14.4(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Any *Existing* Use;
- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling, One-Unit;
- Garden Suite, subject to section 9.8;
- Home Occupation, subject to section 9.9;
- Secondary Suite, subject to section 9.13.

14.4(2) Zone Standards

(a)	Minimum Lot Area	Area of lot at the time this By-law was enacted	
(b)	Minimum Lot Frontage	Frontage of lot at the time this By-law was enacted	
(c)	Minimum Lot Depth	Depth of the lot at the time this By-law was enacted	
(d)	Minimum Front Yard	6	metres
(e)	Minimum Rear Yard	6	metres
(f)	Minimum Side Yard	1.5	metres
(g)	Minimum Flankage Yard	3.5	metres



- (h) Minimum Ground Floor Area:
- | | | |
|---------------------|-----------|---------------|
| 1 Storey | 89 | square metres |
| Split-Level | 71 | square metres |
| 1½, 2, or 3 Storeys | 62 | square metres |
- (i) Maximum Building Height: **9** metres, or
11 metres if both side yards are increased in amounts equal to the height over 9 metres
- (j) Other Requirements **In accordance with the General Provisions, Parts 4-9**



14.5 Rural (RU) Zone

Municipal Plan Context



The Rural (RU) zone accommodates resource-related activities, such as agriculture, fishery, and forestry operations, as well as certain other land uses appropriate in the rural area.

While this is not a residential zone, limited residential development is also permitted on *existing* unserviced lots or through the creation of new large lots to ensure residential development does not interfere with resource activities.



The Rural (RU) zone is intended for land outside the Primary Development Area that is designated Rural Resource. However, land in other appropriate designations could be zoned RU.

14.5(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Agricultural Use;
- Animal Shelter;
- Bed and Breakfast, subject to section 9.2;
- Day Care, Home, subject to paragraph 9.5(a);
- Day Care, Neighbourhood, subject to paragraph 9.5(b);
- Dwelling, One-Unit;
- Dwelling, Two-Unit;
- Equestrian Facility;
- Fishery;
- Forestry Use;
- Garden Suite, subject to section 9.8; [2016, C.P. 111-35]
- Home Occupation, subject to section 9.9;
- Kennel;
- Mobile or Mini-Home, subject to subsection 14.5(2);
- Secondary Suite, subject to section 9.13;
- Supportive Housing, subject to section 9.14;
- Veterinary Clinic;



- The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the RU zone.

14.5(2) Conditions of Use

A Mobile or Mini-Home permitted in subsection 14.5(1) shall be subject to the following:

- The building shall have a minimum ground floor area of 65 square metres;
- The building shall be placed on a lot so that its length is parallel to the street; and
- If not placed on a permanent foundation, the building shall have skirting of an opaque material installed around its perimeter between the building and ground.

14.5(3) Zone Standards

(a)	Minimum Lot Area	40,000	square metres
(b)	Minimum Lot Frontage	120	metres
(c)	Minimum Lot Depth	80	metres
(d)	Minimum Front Yard	9	metres
(e)	Minimum Rear Yard	7.5	metres
(f)	Minimum Side Yard, the lesser of	15 percent of the lot frontage or 8	metres
(g)	Minimum Flankage Yard	7.5	metres
(h)	Minimum Ground Floor Area:		
	1 Storey	74	square metres
	Split-Level	59	square metres
	1½, 2, or 3 Storeys	52	square metres
(i)	Maximum Building Height	11	metres
(j)	Other Requirements	In accordance with the General Provisions, Parts 4-9	

[2016, C.P. 111-35]



14.6 Special Zone No. 1 (SZ-1)

14.6(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- All uses permitted in subsection 10.10(1), subject to any applicable conditions contained in subsection 10.10(2).

14.6(2) Zone Standards

Standards for development in Special Zone No. 1 shall be as set out in subsection 10.10(3) and Parts 4 to 9 where this zone shall be considered a Rural Residential (RR) zone, except that paragraph 9.15(b) does not apply in the SZ-1 zone. [2016, C.P. 111-35]

[2016, C.P. 111-26]



14.7 Special Zone No. 2 (SZ-2)

14.7(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- All uses permitted in subsection 12.2(1), subject to any applicable conditions contained in subsection 12.2(2);
- Commercial Parking Lot.

14.7(2) Zone Standards

Standards for development in Special Zone No. 2 shall be as set out in subsection 12.2(3) and Parts 4 to 9 where this zone shall be considered a Medium Industrial (IM) zone, except that subsection 4.2(4), paragraphs 4.2(5)(a), (b), (h), and (i), and subparagraph 6.1(g)(i) do not apply in the SZ-2 zone.

[2018, C.P. 111-61], [2018, C.P. 111-6]



14.8 Special Zone No. 3 (SZ-3)

14.8(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- All uses permitted in subsection 14.5(1), subject to any applicable conditions contained in subsection 14.5(2);
- School (K-8).

14.8(2) Zone Standards

Standards for development in Special Zone No. 3 shall be as set out in subsection 14.5(3) and Parts 4 to 9 where this zone shall be considered a Rural (RU) zone.

[2018, C.P. 111-62]



14.9 Special Zone No. 4 (SZ-4)

14.9(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following which may include outdoor storage as an accessory or secondary use subject to paragraph 14.9(2)(a):

- Accommodation;
- Auction House;
- Bakery;
- Banquet Hall;
- Business Office, subject to paragraph 14.9(2)(b);
- Business Support Service;
- Car Wash;
- Catering Service;
- Commercial Entertainment;
- Commercial Group;
- Communication Facility;
- Contractor Services, Household;
- Day Care Centre;
- Emergency Services Facility;
- Equipment Sales and Rental, Light;
- Financial Service;
- Fleet Service;
- Funeral Service;
- Grocery Store;
- Health and Fitness Facility;
- Health Services Laboratory;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Recreational Vehicle Sales and Service, Large;
- Recreational Vehicle Sales and Service, Small;
- Recycling Bins;
- Redemption Centre, subject to paragraph 14.9(2)(c);
- Restaurant;
- Retail General;
- Sales Centre, Model Home;
- Self-Storage Facility;
- Service and Repair, Household;
- Technical or Vocational School;



- Transit Terminal;
- Vehicle Body and Paint Shop, subject to paragraph;
- Vehicle Rental;
- Vehicle Sales and Leasing;
- Veterinary Clinic.

14.9(2) Conditions of Use

- (a) Outdoor Storage as an accessory or secondary use to a main use permitted in subsection 14.9(1) shall be subject to the following:
- (i) The yard shall not occupy any required front or flankage yard or any area required for parking;
 - (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure;
 - (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms and landscaping; and
 - (iv) When the yard is developed within 15 metres of an abutting lot in a Residential zone, the yard shall also be in accordance with section 5.5.
- (b) A Business Office permitted in subsection 14.9(1) shall not exceed 3,000 square metres in gross floor area.
- (c) A Redemption Centre permitted in subsection 14.9(1) shall be wholly contained within a building and not have any outdoor storage.

14.9(3) Zone Standards

Standards for development in Special Zone No. 4 shall be as set out in subsection 11.5(4) and Parts 4 to 9 where this zone shall be considered a Corridor Commercial (CC) zone.

[2019, C.P. 111-70]



14.10 Special Zone No. 5 (SZ-5)

14.10(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than:

- An access road for a pit or quarry;
- All uses permitted in section 14.11.

14.10(2) Zone Standards

Standards for development in Special Zone No. 5 shall be as set out in subsection 12.4(4) and Parts 4 to 9 where this zone shall be considered a Pit and Quarry (PQ) zone or a Green Energy (GE) zone, as the case may be.

[2020, C.P. 111-89]

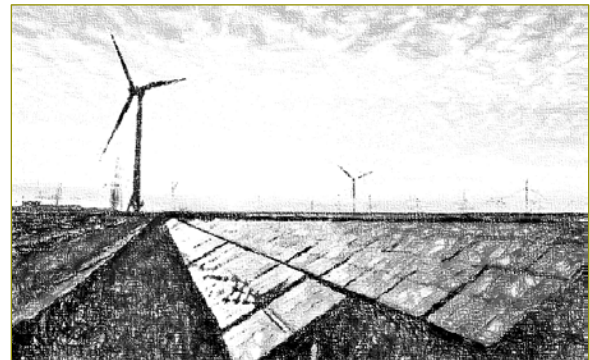


14.11 Green Energy (GE) Zone

Municipal Plan Context



The Green Energy (GE) zone accommodates renewable resource-related activities, such as wind and solar energy developments. Green energy operations are not considered permanent uses and these properties are intended to be zoned back to an appropriate zone once a green energy development ceases.



The Green Energy (GE) zone is intended for land outside of the Primary Development Area (PDA) that is designated Rural Resource or Parks and Natural Areas, but may include designated Heavy Industrial inside the PDA where the Municipal Plan policies deem it appropriate. However, land in other appropriate designations could be zoned to GE.

14.11(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Wind Energy Development;
- Solar Energy Development.

The above main uses may also include any of the following as an accessory or secondary use:

- Caretaker Dwelling;
- Accessory Building;
- Business Office and Storage Buildings; or
- Parking.

14.11(2) General

- (a) Nothing in this By-Law shall exempt a person from obtaining all necessary Federal and Provincial approvals from appropriate agencies.
- (b) An accessory or secondary use permitted in subsection 14.11(1) shall be subject to the following:
 - (i) The building shall be placed on a lot so that its length is parallel to the street; and



- (ii) If not placed on a permanent foundation, the building shall have skirting of an opaque material installed around its perimeter between the building and ground.
- (c) Wind turbines exceeding 6 metres shall not be mounted on or attached to any other structure.

14.11(3) Zone Standards: Setbacks

A green energy development, as permitted under section 14.11(1), shall have the minimum separation distances as outlined below:

- (a) Minimum Separation Distances:
 - (i) From any habitable building external (not located on the property where the green energy development is located):
 - (A) 1,000 metres from a solar collector system;
 - (B) 750 metres from a small wind turbine; or
 - (C) 1,000 metres from a large wind turbine.
 - (ii) From any habitable building internal (located on property where the green energy development is located):
 - (A) 20 metres from a solar collector system;
 - (B) A distance of 1.25 times the small wind turbine's height; or
 - (C) A distance of 1.25 times the large wind turbine's height.
 - (iii) From any external property line of the lot where the green energy development is located:
 - (A) 20 metres from a solar collector system;
 - (B) A distance of two times that of the small wind turbine's height; or
 - (C) A distance of one times that of the large wind turbine's height.
- (b) Subject to subsection 14.11(8), the person seeking approval is to provide documentation that all setback and separation distance regulations, stipulated by the Federal and Provincial agencies, are acceptable.
- (c) If a wind energy development is expanded, the expansion shall not be located any closer to existing habitable buildings subject to paragraph 14.11(8)(a) or 14.11(8)(b) if



no change. Such setback restrictions shall not apply to any existing habitable building that was erected subsequent to the establishment of the wind energy development and not subject to paragraph 14.11(8)(a).

- (d) There is no limit on the number of small or large-scale wind turbines permitted on a site if all of the turbines meet setback and separation distance requirements.

14.11(4) Zone Standards: Access

- (a) Unauthorized access to a green energy development shall be prevented by:
 - (i) Security fencing, which shall have a minimum height of 1.8 metres and a lockable gate;
 - (ii) Having any ladder or permanent tower access located no closer to the ground than 3.7 metres; and
 - (iii) A lockable door for monopole designs with internal access only.

14.11(5) Zone Standards: Screening

The location of buffers, present or proposed, shall be identified on the applicant's site plan.

14.11(6) Zone Standards: Height

- (a) Notwithstanding other provisions of this By-law, a small-scale wind turbine shall have a maximum turbine height of 125 metres;
- (b) Notwithstanding any other provision of this By-law, a large-scale wind turbine shall have a maximum turbine height of 220 metres; and
- (c) The minimum ground clearance for a rotor's blade shall be 7.5 metres.

14.11(7) Conditions of Use & Operation

- (a) Appearance:

A wind turbine shall have a non-reflective matte finish.
- (b) Lettering and Signage:
 - (i) A wind turbine shall not contain any third party advertising;
 - (ii) Notwithstanding subparagraph (i), the nacelle of a wind turbine may display the name or logo of the manufacturer of the wind turbine or the name or the logo of the owner or operator of the wind turbine, which shall not exceed five percent of the total surface area of the wind turbine; and



- (iv) Site signs will be limited to those, which identify the green energy development, those that locate access points, and those that provide safety and educational information.
- (c) Lighting:

A wind turbine shall not have artificial lighting, except for lighting that is required by Federal or appropriate authorities.
- (d) Outdoor Storage:

Outdoor storage shall be considered an accessory use to a green energy development, and any such outdoor storage occurring after the completion of installation or construction of the project shall be screened from the view from adjacent buildings used for human habitation, highways, lanes, or streets.
- (e) Requirements of the Applicant During the Construction Phase:

Within two (2) months of the installation of a wind turbine or the completion of a phase in a multi-phased wind power project, the applicant will submit a Location Certificate prepared by a land surveyor who is licensed to practice in the Province of New Brunswick or a drawing prepared by a professional engineer who is licensed to practice in the Province of New Brunswick, which confirms that the location of the installed green energy development and is in compliance with the minimum setbacks as required in this By-Law.

14.11(8) Development Permit Application

An individual seeking to obtain a development permit shall be the owner or agent of the land proposed to be developed and shall make an application in writing to the Development Officer. Applications signed by the applicant shall contain:

- (a) A site plan, drawn to scale by a professional engineer or land surveyor, showing the proposed location of the wind turbines, solar collector systems, and accessory uses of the green energy power project;
- (b) A plan, drawn to scale by an professional engineer or land surveyor who is licensed to practice in the Province of New Brunswick, showing the location of adjacent structures and land parcels and identifying all dwellings, structures, public and private roads, and right-of-ways within two (2) kilometres of any required minimum setbacks, where applicable, for the entire green energy project. The plan must also include tables, which provide the distance, in metres, from each wind turbine and solar collector system to external property lines and dwellings;
- (c) The results of a Wind Turbine Noise Modeling Study, or an equivalent study, as required by Federal and/or Provincial approvals;



- (d) If applicable, a copy of an Environmental Impact Assessment and notice of the issuance of any Federal and/or Provincial approvals, along with any changes, comments, or conditions imposed by Federal and/or Provincial regulatory authorities;
- (e) A certified copy of the complete manufacturer's specifications for all proposed wind turbines and solar collectors;
- (f) A copy of the applicant's decommissioning plan, which must identify the following:
 - (i) Any above ground components of a wind or solar energy development to be removed from the site along with any site remediation excluding roads, required to return the site to a natural state;
 - (ii) Confirmation that decommissioning will commence within one (1) year after the owner or operator has surrendered the License, or the Owner or Operator's License has been terminated; and
 - (iii) Confirmation that decommissioning will be completed within twelve (12) months after it has begun.
- (g) If applicable, confirmation that the applicant has given notice to, and has received approval from, any Federal and/or Provincial regulatory authorities including but not limited to the Department of National Defense, Natural Resources Canada, Transportation Canada, NAV Canada, and any other applicable department or agency with respect to any potential radio, telecommunications, radar, and seismoacoustic interference that may result from the proposed green energy development; and
- (h) Other information that may be requested by the Development Officer to ensure compliance with the requirements of this By-Law, including information deemed necessary.

14.11(9) Development Permit

- (a) Notwithstanding Section 2.11, and subject to paragraph 14.11(9)(c), the Development Officer may issue a development permit where:
 - (i) An application under this section has been received;
 - (ii) Fees have been collected; and
 - (iii) The proposed site rehabilitation of the land for which a development permit has been sought has been approved by the Development Officer as conforming to all requirements of this By-law.
- (b) A development permit shall:



- (i) Be in the form prescribed by the Development Officer;
 - (ii) Be signed by the Development Officer;
 - (iii) Indicate the purpose of the work to be carried on; and
 - (v) Set out any controls or measures, which in the opinion of the Development Officer, shall be employed in the operation, including any conditions that may have been imposed by Common Council upon the rezoning of the site.
- (c) No development permit may be issued under paragraph (b) if:
- (i) The proposed work would:
 - (A) Create a hazard to human life;
 - (B) Endanger an adjoining property;
 - (C) Adversely affect a municipal sanitary sewer, municipal water main, watercourse, or street; or
 - (D) Not meet the conditions of use set out in the Green Energy (GE) zone.

14.11(10) Conditions

- (a) A development permit under Section 2.11 may be subject to the following conditions:
- (i) If a copy of an Environmental Impact Assessment and Provincial/Federal approvals are not provided as required in 14.11(8)(d), the Development Officer may require this information as a condition of approval; and
 - (ii) Construction of any wind or solar energy development may not commence until the above condition is completed to the satisfaction of a Development Officer.

14.11(11) Decommissioning & Site Rehabilitation

The land with respect to which a development permit has been issued shall be rehabilitated in a progressive manner in accordance with subsection 14.11(8)(f).

In accordance with the decommissioning plan, in accordance with subsection 14.11(8)(f), all above ground components of the green energy development, including all buildings and storage facilities, solar collector systems, wind turbines, wind testing facilities, and above ground accessory infrastructure (such as overhead transmission lines and substation) shall be removed from the site and the applicable surface site areas, except for roads, shall be restored to a reasonable natural state within eighteen (18) months of the time at which the



green energy development ceases to produce power continuously for a period of six (6) months or, in a case where construction of the green energy development is not completed, the time at which the development of the green energy development ceases.

14.11(12) Enforcement

- (a) A development permit shall expire as outlined in 2.11(i); and
- (b) Notwithstanding Section 2.12, in the event of a contravention or failure to comply with any provision of this section, the Development Officer may suspend or in the case of a continued violation, revoke the development permit in writing, to be delivered by hand or by registered mail to the owner, and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended development permit or issue a development permit if the conditions are corrected and all the requirements for the issuance of a development permit have been satisfactorily met.

[2019, C.P. 111-82]



15 Central Peninsula Building Height and Massing Overlay (CPO) Zone



The Central Peninsula Building Height and Massing Overlay (CPO) Zone prescribes specific building height and massing provisions within the Central Peninsula Secondary Plan Area. These provisions prevail over other zone standards within this area, including, but not limited to, the maximum height of buildings.

The CPO Zone is intended specifically for this area and in accordance with the policies set out in the Secondary Plan and no other land is intended to be zoned CPO. Notwithstanding any zone standard in this By-law, all new buildings and additions within Schedule F: Central Peninsula Plan Area shall adhere to the standards of the CPO Zone.



15.1 Maximum and Minimum Building Height

- (a) The maximum building height shall be determined by Schedule G: Central Peninsula Maximum Building Heights.
- (b) The minimum building height shall be determined by zone standard, except in the case of a property identified as commercial heritage infill, on which buildings shall have a minimum height of no less than three storeys.

15.2 Building Massing

- (a) Buildings oriented towards a street that are greater than 14 metres in height shall have a minimum step back at 14 metres for any additional storey(s). The step back shall have a minimum depth of three metres away from the street facing front façade.
- (b) Buildings oriented towards a street that are greater than 24 metres in height shall have a second minimum step back at 24 metres for any additional storey(s). The step back shall have a minimum depth of three metres away from the street facing front façade.



15.3 Trinity Royal Street Wall

- (a) Section 15.2 shall not apply to any building located within Schedule H: Trinity Royal Maximum Street Wall Heights.
- (b) The maximum street wall height of buildings shall be determined by Schedule H.
- (c) Any storey(s) above the maximum street wall height indicated on Schedule H shall step back at a minimum depth of 3 metres away from the street facing façade(s).
- (d) In the case of a corner lot, both a building's front and flankage façades shall step back as required by subsection 15.3(c).
- (e) On a corner lot where two different street wall heights are prescribed by Schedule H, the higher maximum street wall prevails for both street facing façades.

15.4 Variances to Central Peninsula Building Height and Massing Overlay Zone

The Development Officer or Committee, as the case may be, may use the following criteria to consider reasonable variances from Part 15 of this By-law:

- (a) For any property located within a Heritage Conservation Area, as delineated by the Saint John Heritage Conservation Areas By-law, a variance to Schedule G: Central Peninsula Maximum Building Heights may be considered by up to a maximum of two storeys.
- (b) A variance to Schedule G may be evaluated by considering the maximum height prescribed by the applicable zone standard.
- (c) A variance to Part 15(2) may be evaluated by considering the existing context, existing street wall on the block face, and any proposed design measures to ensure a human scale streetscape.
- (d) A variance to Schedule H: Trinity Royal Maximum Street Wall Heights may be considered by up to one storey.

[2020, C.P. 111-86]

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	General Provisions: Access, Parking, and Loading	4
General Provisions: Accessory Buildings and Structures		5
General Provisions: Landscaping and Amenity Space		6
	General Provisions: Signs	7
	General Provisions: Other Standards	8
General Provisions: Uses Permitted in Multiple Zones		9
	Residential Zones	10
	Commercial Zones	11
	Industrial Zones	12
	Community Facility Zones	13
	Other Zones	14
	Schedules	

Parts



Schedule B: Fees

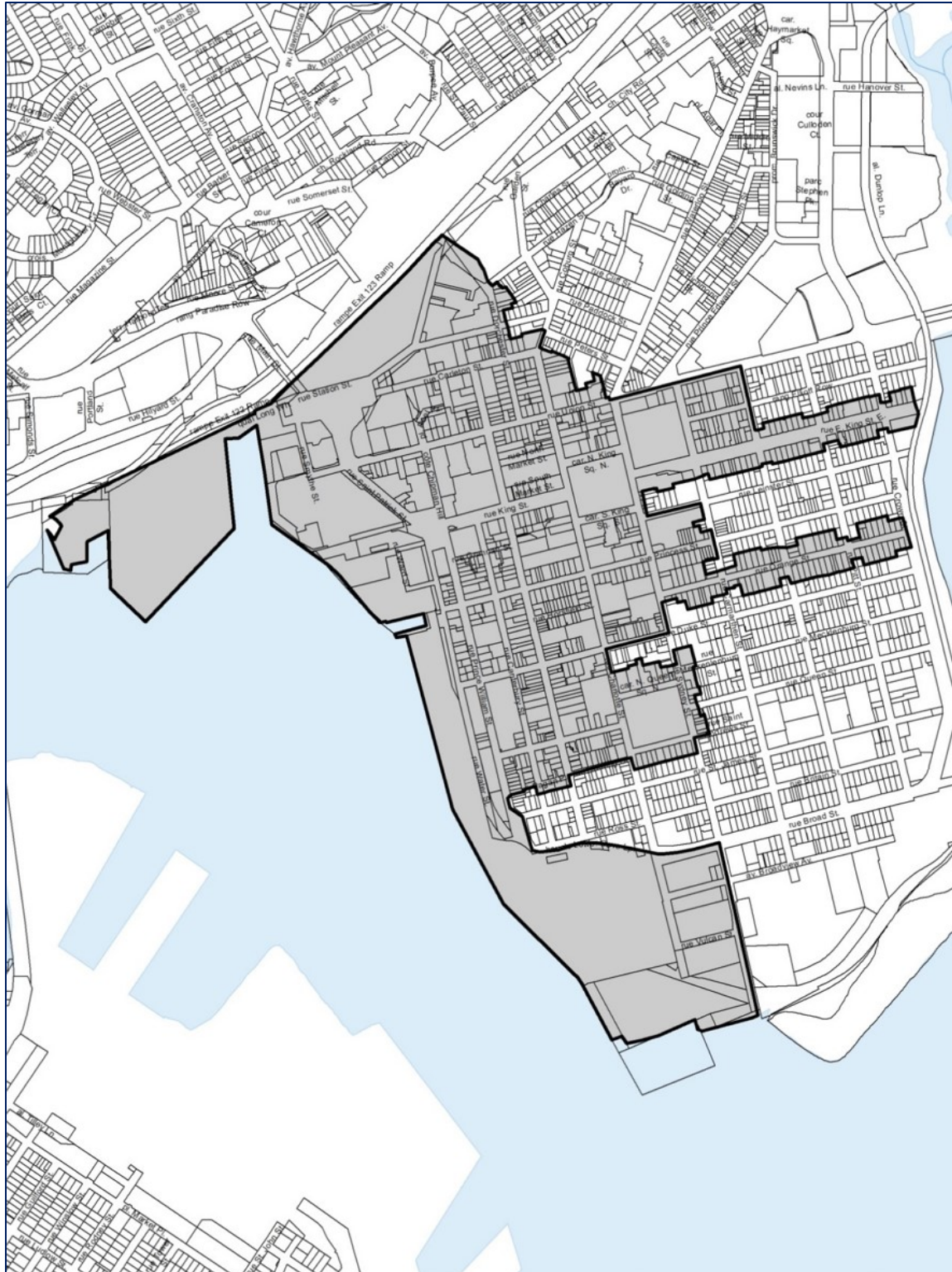
Except as otherwise provided in this By-law, the following fees are required concerning any matter considered by the Council, the Committee, or the Development Officer the following:

Type of Application or Service	Required Application Fee
(a) Conditional Use	\$300.00
(b) Encroachment in Good Faith	\$150.00 per Encroachment
(c) Non-Conforming Use (Council)	\$200.00
(d) Non-Conforming Use (Committee)	\$300.00
(e) Satisfactory Servicing (Council)	\$200.00
(f) Section 39 Amendments	\$2,500.00
(g) Similar or Compatible Use	\$300.00
(h) Temporary Approval	\$300.00
(i) Variances:	
Tier 1 Variance	\$50.00 plus \$10.00 per additional Variance
Tier 2 Variance	\$100.00 plus \$20.00 per additional Variance
Variance (Committee)	\$300.00 plus \$60.00 per additional Variance
(j) Zoning By-law Amendment	\$2,500.00
(k) Zoning By-law Amendment requiring a Municipal Plan Amendment	\$3,500.00
(l) Zoning Confirmation or Compliance Letter	\$100.00 plus \$50.00 per additional processing hour or portion thereof

[2016, C.P. 111-35]

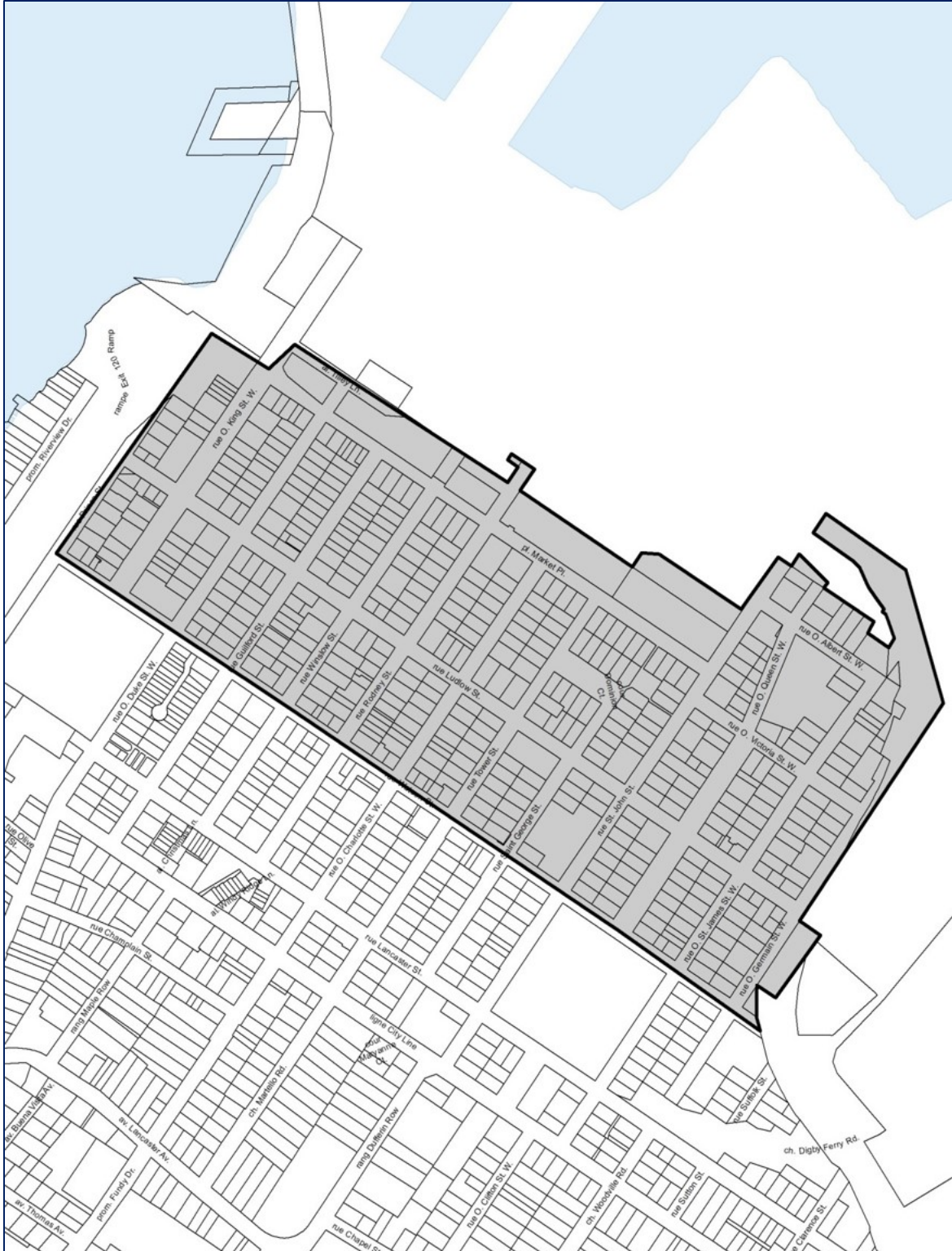


Schedule C: Uptown Parking Exemption Area



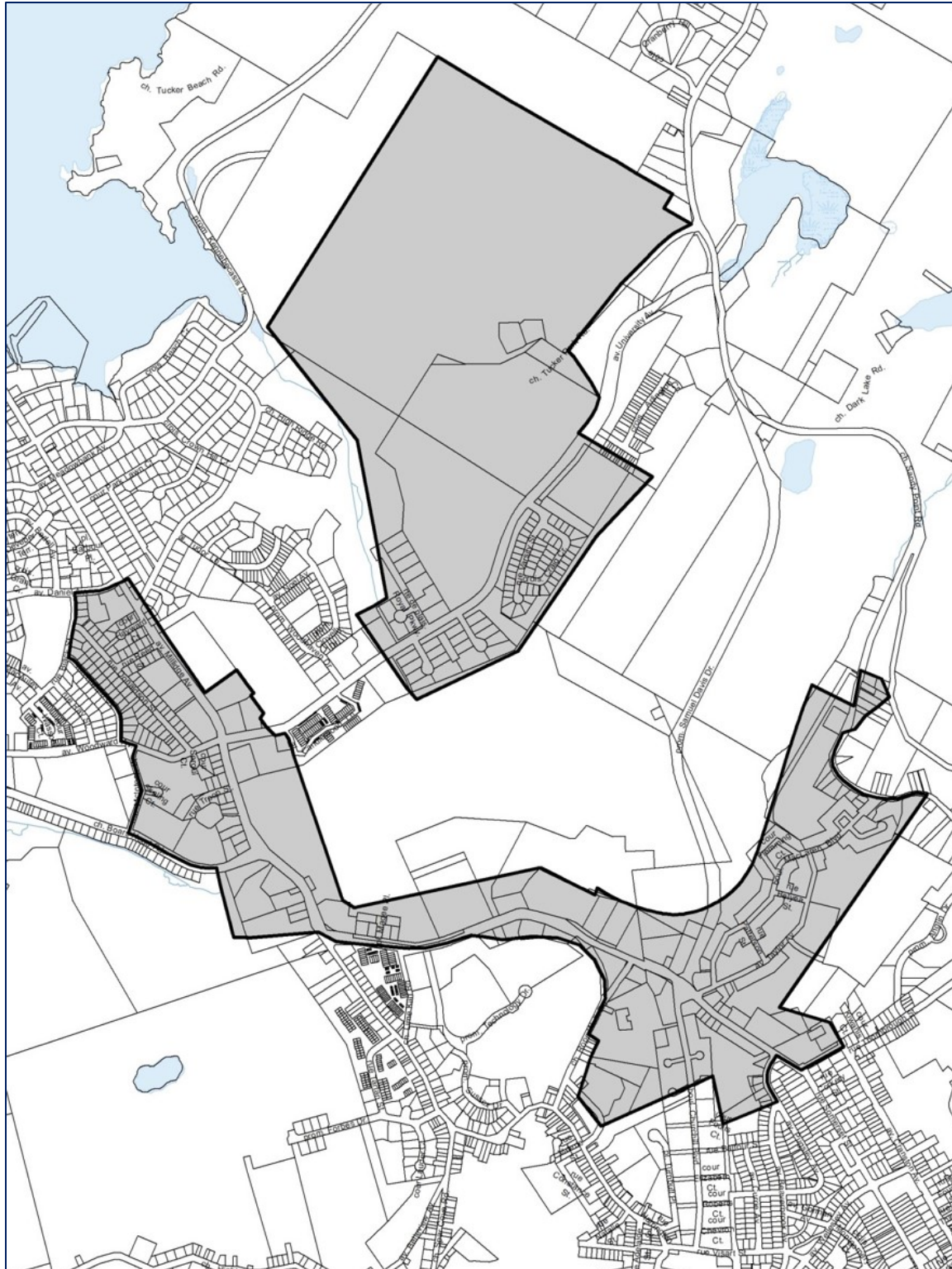


Schedule D: Intensification Areas (Lower West Side)



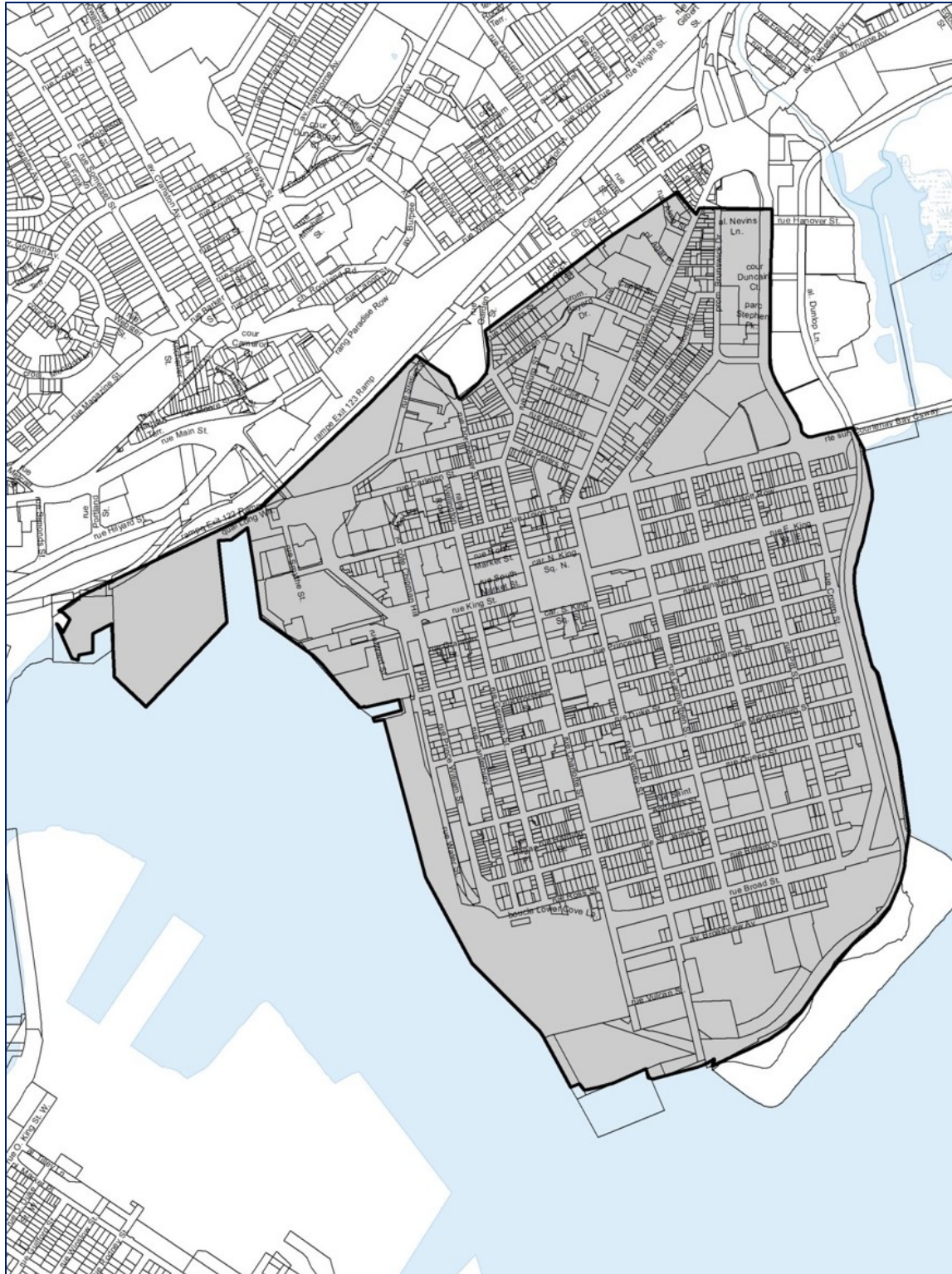


Schedule D: Intensification Areas (Millidgeville & Crescent Valley)



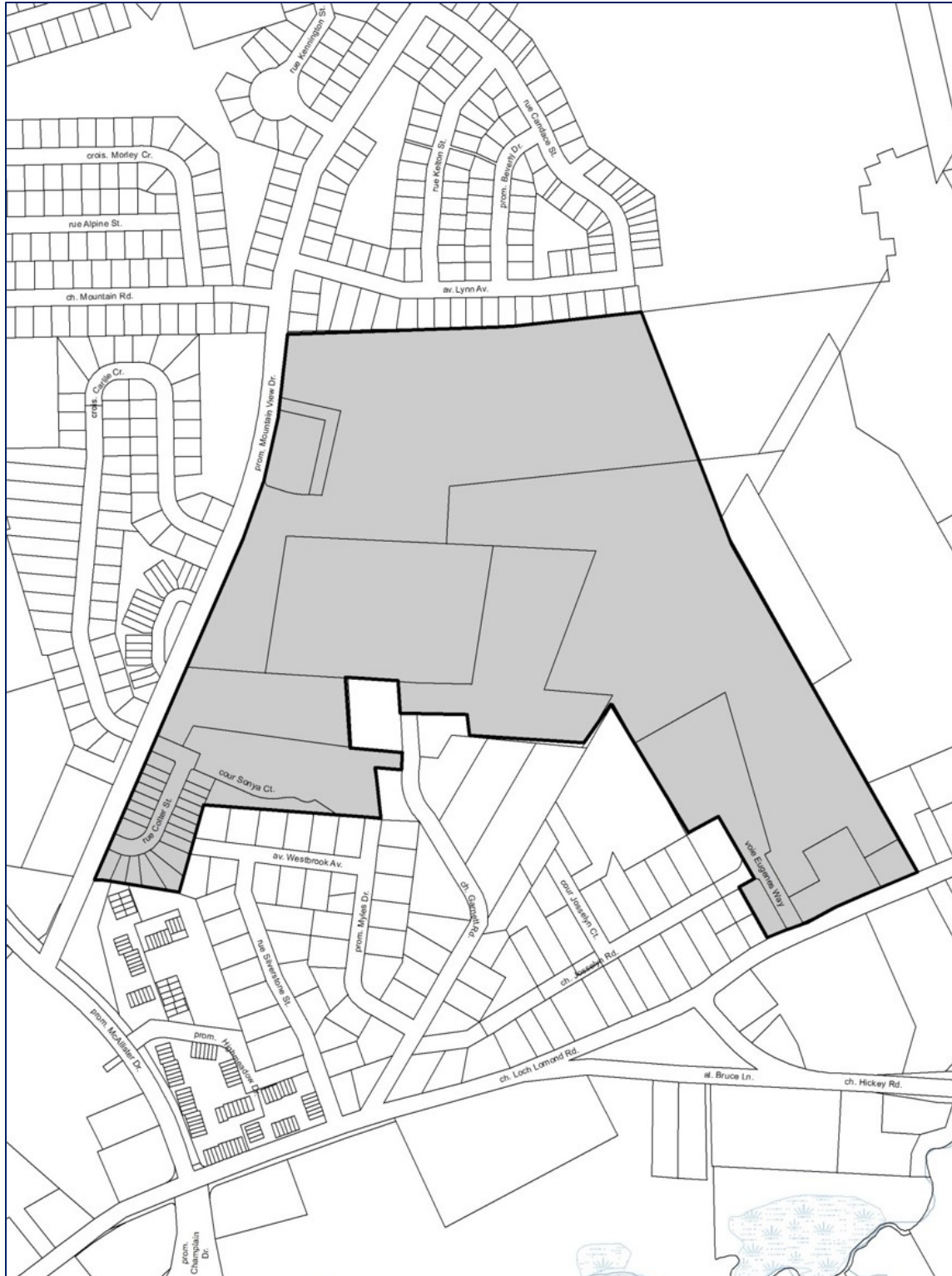


Schedule D: Intensification Areas (Waterloo Village and Peninsula)





Schedule D: Intensification Areas (Forest Hills Area)





Schedule E: Exceptions

The following uses were permitted by the previous Zoning By-law for The City of Saint John, By-law Number C.P. 110.

Zone	Civic	PID	Existing Use
Residential			
RC	39 Bridge Street	00373803, 00373795	Marine Towing Services
RC	71 Kennedy Street	00377101	Warehouse and Workshop
RC	80 Kennedy Street	00377218	Parking Area
RC	101-121 Kennedy Street	00377150, 55214738	Vehicle Repair Garage and Parking Area
RM	61-91 Millidge Avenue	Various (23)	Dairy Products Processing and Distribution Facility
R2	154-200 Germain Street West	00366203, 00368100	Warehouse, Workshop, and Outdoor Storage
R2	187 Golden Grove Road	55201768	Vehicle Body and Paint Shop
R2	673 Green Head Road	55012397	Contractor's Yard and Storage and Construction Equipment Repair
R2	155 Sandy Point Road	55150700	Vehicle Body and Paint Shop
R2	97 Winslow Street	00362640, 00363481	Welding Shop
R1	15 Broadway Avenue	00299248	Parking Area
R1	45 Glen Road	55183743	Office
RS	1171 Lorneville Road	00285544	Warehouse
RS	3600-3636 Westfield Road	00295253, 55063614	Marina Equipment and Materials Storage Yard, including boats, cradles, and a mobile home for a watchman
RR	258 Golden Grove Road	00311613	Three-Unit Dwelling
RR	1740 Grandview Avenue	00335851	Six-Unit Dwelling
RR	933 Latimore Lake Road	00335737	Machining and Fabrication Shop
RR	1 Millard Robson Lane	00287763	Place of Worship
Commercial			
CC	935 Ashburn Road/1045 Rothesay Road	00296798	Building Equipment and Material Storage Yard, including associated Office, Maintenance, and Storage Buildings
CC	397 City Road	00019992, 00018994, 55206767	Trucking Depot and Fleet Maintenance
CC	950 Fairville Boulevard	00036715	Warehouse
CC	1942 Manawagonish Road	55037733, 00403030	Building Equipment and Material



Zone	Civic	PID	Existing Use
			Storage Yard, including associated Office, Maintenance, and Storage Buildings
CC	485 McAllister Drive	55167506	Trucking Depot and Fleet Maintenance
CC	305-327 Rothesay Avenue	00303453, 00303461	Molasses Processing and Distribution Facility
CR	208 Lancaster Avenue	00034306, 55046395, 55038756, 00033027	Union Hall and Offices
CR	228 Lancaster Avenue	00033357	Warehouse
CG	41 Adelaide Street	00378976, 00374868, 00374876	Vehicle Body and Paint Shop and Parking Area
CG	55 Bentley Street	00369108, 55172654	Warehouse and Office
CG	1 Keystone Place	00317933	Warehouse and Workshop
CG	9 Lower Cove Loop	00001701	Scuba Diving Store and Associated Services
CG	299-303 Molson Avenue	00386458	Warehouse
CG	320 Montreal Avenue	00383158	Warehouse
CG	2086 Ocean Westway	55222061, 00287474, 55222079	Vehicle Sales and Leasing
CG	633 Ready Street	55112742	Vehicle Body and Paint Shop
CG	660 Ready Street	00033563	Warehouse and Outdoor Storage
CG	520-550 Somerset Street	00046417, 00052423, 55089932	Office, Heavy Equipment Contractor with Repair Shop Services, Roofing and Home Repair Operations, Contractor's Warehouse, General Warehouse, Equipment and Material Storage Yard, and Associated Uses
CG	560-600 Somerset Street	00052282, 55123590, 55123582, 55123616	Office, Bottled Water Operations, Industrial and Commercial Siding and Cladding Operations, Landscaping Services Operations, Contractor's Warehouse, General Warehouse with Wholesale, Outdoor Storage, Construction and Demolition Site, and Associated Uses
CG	750 Somerset Street	55123632, 55123616, 55008858	Quarry and Rock Crushing, Construction and Demolition Site, and Equipment Storage
CG	800 Somerset Street	00048090, 55027932	Concrete Plant
CG	700 Wilson Street	00035634	Warehouse and Workshop



Zone	Civic	PID	Existing Use
CG	730 Wilson Street	00035436	Pool Hall
CM	40 Saint Andrews Street	55021463, 00005298	Armoured Car Business
CL	329-333 Lowell Street	00385526, 00392977	Vehicle Repair
CL	240 Millidge Avenue	00430975	Wholesale Novelties and Small Wares
CRG	303 Golden Grove Road	55196554, 55196562	Office, Warehouse, Shop, and Construction Materials Storage Yard
CRG	510 Golden Grove Road	00311217	Distribution Warehouse
CRG	1099-1151 Golden Grove Road	00310292, 55099246	Office, Showroom, and Self-Storage
CRG	4105 Loch Lomond Road	55156244, 00455006	Redemption Centre
CRG	1000 Westfield Road	00419093, 00287680	Vending Machine Business
CRG	1050 Westfield Road	00287854	Furniture Refinishing
CRG	1079-1109 Westfield Road	00289041, 55143648, 00287839	General Contractor Yard, Warehouse, and Outdoor Storage Yard
CRG	1159 Westfield Road	55099493, 55143630	General Contractor Yard, Landscape Material Supply, Outdoor Storage Yard, and Warehouse
CRG	1161 Westfield Road	55099501	Vehicle Body and Paint Shop and Warehouse
CRG	1183 Westfield Road	00287870	Warehouse
CRG	1199 Westfield Road	55056964	Pest Control Service
CRG	3320 Westfield Road	00304121	Warehouse and Workshop
Industrial			
IL	341-365 Ashburn Road	55202915, 00052712, 55071153	Towing Business
IM	230 Stinson Drive	00287664, 55197479, 55161541	Barge Loading Facility and Access Road
Other			
RU	1360 Rothesay Road	00297754	Lime Manufacture and Storage



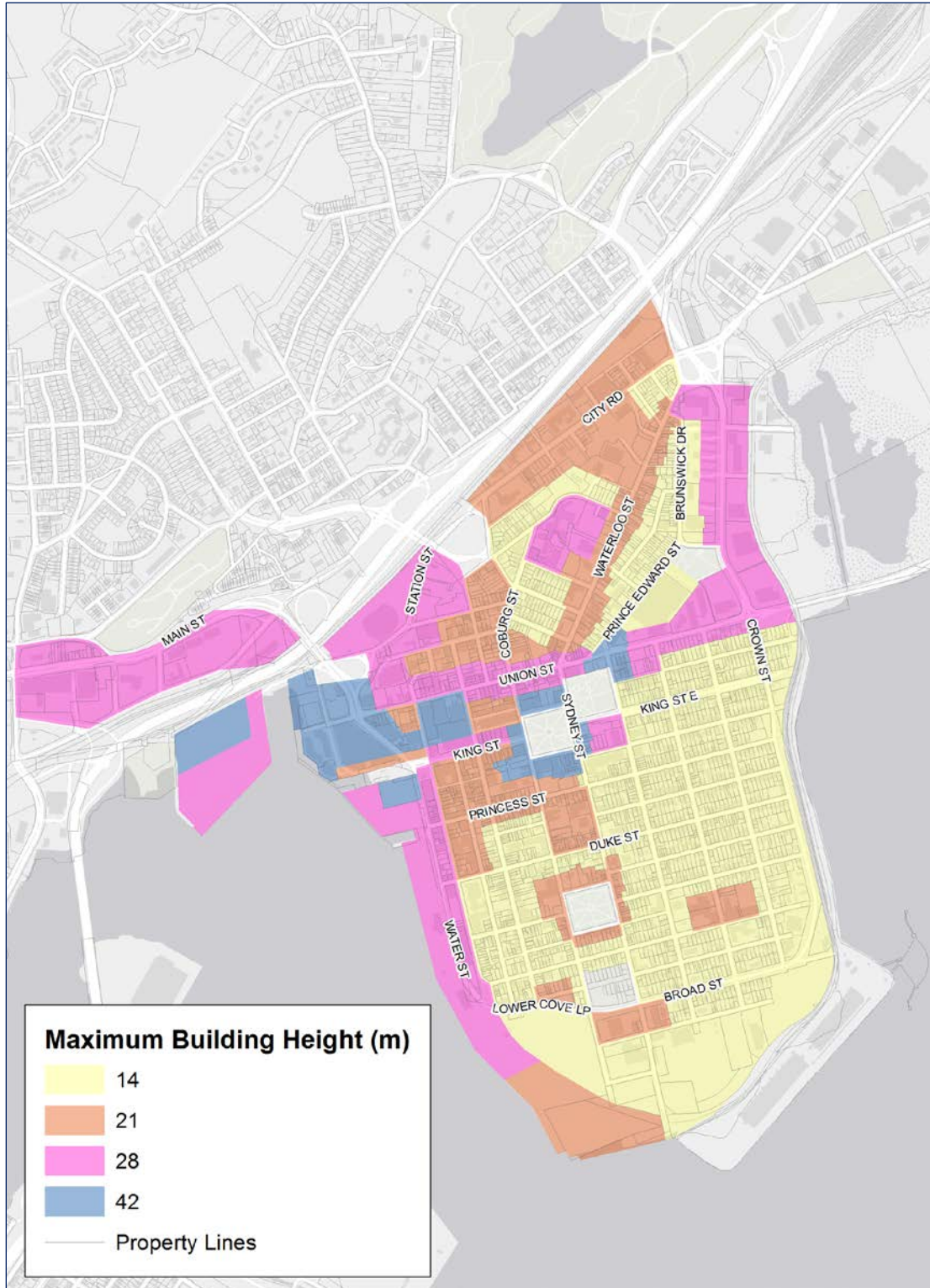
Schedule F: Central Peninsula Plan Area



[2020, C.P. 111-86]



Schedule G: Central Peninsula Maximum Building Heights



[2020, C.P. 111-86]



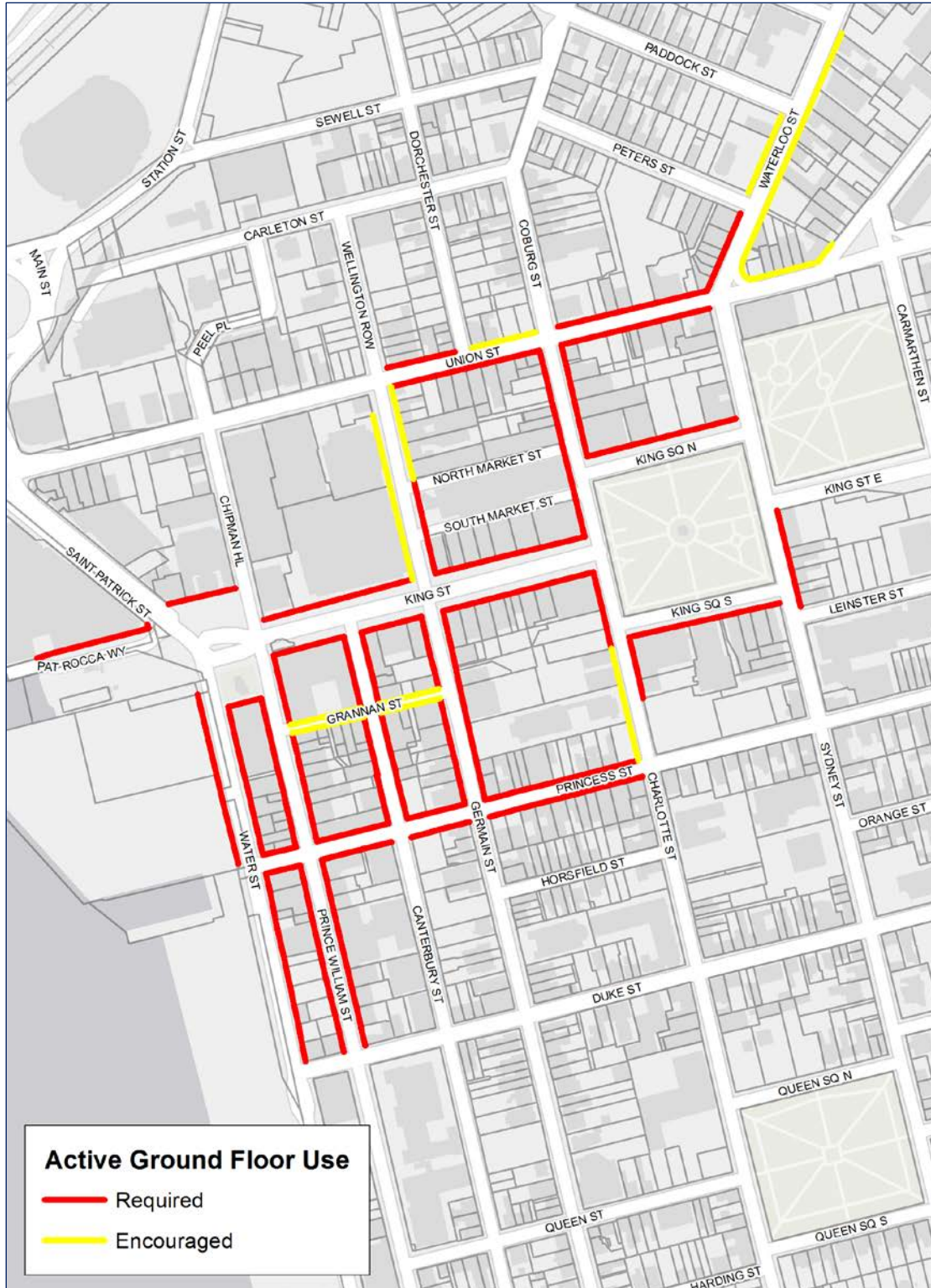
Schedule H: Trinity Royal Maximum Street Wall Heights



[2020, C.P. 111-86]



Schedule I: Active Ground Floor Use



[2020, C.P. 111-86]

