



MY MIRAMICHI

Zoning By-law
By-law No. 110





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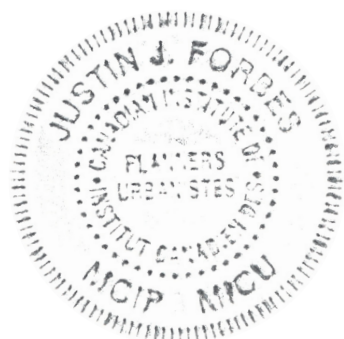
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CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that I am a planner as defined in the Regional Service Delivery Act and that this Zoning By-law has been prepared in accordance with the requirements of the Community Planning Act.

GREATER MIRAMICHI REGIONAL SERVICE COMMISSION
Services d'aménagement *Planning Services*
COMMISSION DE SERVICES RÉGIONAUX DU GRAND MIRAMICHI





SECTION 1: DEFINITIONS

1.1 Undefined Terms

1. Where this By-law uses a term and that term is undefined, please refer to the following in order of precedence:
 - a. The *Community Planning Act*;
 - b. Other New Brunswick Act most relevant to the term in question; or,
 - c. The meaning which is commonly assigned to it in the context in which it is used in the Municipal Plan.

1.2 Defined Terms

1. In this By-law the word “shall” is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word “used” shall include “intended to be used”, “arranged”, and “designed”. All other words shall carry their meaning as described in section 1.1, except for those defined hereinafter:

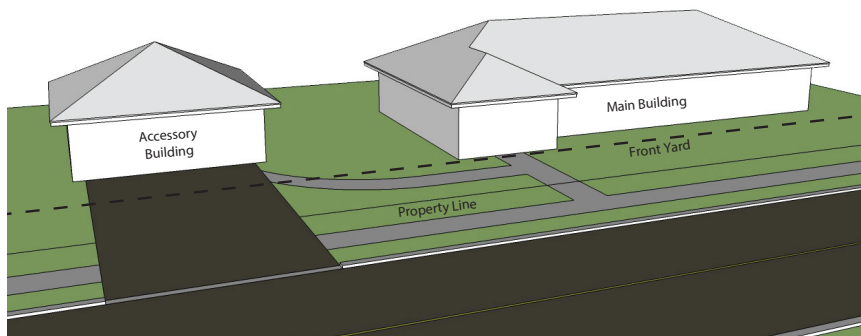
A

ABATTOIR means a building or structure specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating, storing, and sale of the product on the premises.

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building.

ACCESSORY USE means a use that is clearly incidental, subordinate and exclusively devoted to a permitted use and carried on within the same lot.

ACT means the *Community Planning Act*, Chapter C-19, R.S.N.B. 2017 and amendments thereto.



ADULT CABARET means a night club, bar, restaurant, or similar establishment that features live or pre-recorded performances that are characterized by the exposure of specific anatomical areas or by specific sexual activities.

ADULT ENTERTAINMENT USE means any use permitted in the Adult Entertainment Zone that is prefaced by the word Adult.

ADULT MASSAGE PARLOUR means an establishment where, for any form of consideration, massage is administered to the human body for sexual pleasure and which is characterized by an emphasis on sexual activities.

ADULT RETAIL OUTLET means an establishment where more than twenty percent (20%) of the floor area and/or display area offers for sale or rent or other consideration, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, or other visual representations, that are characterized by an emphasis on the depiction or description of specific sexual uses or specific anatomical areas, or instruments, devices, or paraphernalia, that are designed for use in connection with sexual activities.

ADULT STUDIO means an establishment, where for any form of consideration, live performances, films, motion pictures, video cassettes, slides, compact discs, photographs or other visual presentations are produced, processed, or provided that are characterized by an emphasis on the depiction or description of specific sexual activities or of specified anatomical areas.

AFFORDABLE HOUSING means housing which is affordable to households of low, moderate, and middle incomes whereby shelter costs do not exceed 30% of a household's gross (before-tax) income. Affordable housing includes all forms of housing tenure (rental, ownership, co-operative ownership, etc.) and includes both temporary and permanent housing.

AGRICULTURAL OPERATION means an agricultural use of land that is carried out for gain or reward or in the hope or expectation of gain or reward, and includes: the cultivation of land, the raising of livestock, the raising of fur bearing animals, the production of agricultural field crops, the production of fruit and vegetables and other specialty horticultural crops, the production of milk, the operation of agricultural machinery and equipment including irrigation pumps and the application of fertilizers, conditioners, insecticides, pesticides, and herbicides including ground and aerial spraying for agricultural purposes. An agricultural operation includes the associated sale of products harvested or raised on the property and accommodations for employees of the operation.

ALTER means a structural change to a building including an addition to the area or height or the removal of a part thereof, or any change thereto such as construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any means of egress.

ASSEMBLY HALL means a building or part thereof used for the gathering of persons for civic, educational, political, religious, recreational, cultural, social, or other similar purposes but does not include adult entertainment uses.

ASSISTED LIVING FACILITY means a building that contains an establishment that provides around the clock supervision or assistance to individuals and offers the coordination of services by outside health care providers



and monitoring of resident activities to help to ensure their health, safety, and well-being. Assistance may include the administration or supervision of medication, or personal care services provided by a trained staff person(s). For the purpose of this definition, an assisted living facility shall include a nursing home but does not include a community placement residential facility.

AUTOMOTIVE WASH means a building or structure containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed. The automotive wash may operate on its own or in conjunction with a motor vehicle repair establishment.

AUTOMOTIVE DEALERSHIP means a building or structure and an outdoor display court used for the storage of motor vehicles, recreational vehicles such as but not limited to motor homes, trailers, boats, snowmobiles, and motorcycles, for the purpose of sale or lease. May include repair and service facilities on the same property.

B

BACKYARD POULTRY COOP means the keeping of up to six (6) hens or ducks in a coop structure as accessory to a single-unit dwelling, two-unit dwelling, or mini-home dwelling.

BARRIER FREE PARKING SPACE means a parking space designed for the exclusive use of a person with physical or sensory disabilities.

BASEMENT means that portion of a building between the first floor level which is partially underground and which has at least one-half of its height from the finished ceiling above grade.

BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment.

C

CALL CENTRE means an office where the primary function of the business is incoming or out-going communications occurring for the sale of goods or provision of services to clients off site.

CAMPGROUND means a use of land intended for seasonal occupancy by one or more travel trailers, recreational vehicles, tents, and similar equipment and may include supplementary bathroom, laundry, recreation, and convenience retail facilities.

CANNABIS means cannabis as defined by the Government of Canada, pursuant to the Cannabis Act, S.C. 2018, c. 16.

CANNABIS PRODUCTION FACILITY means a facility and premises authorized by a license issued by the Government of Canada, pursuant to the Cannabis Act, S.C. 2018, c. 16, for growing, producing, testing,

destroying, storing, or distribution of cannabis but does not include the retail sale of cannabis or cannabis related products.

CARPORT means a private garage of not more than one storey in height, having a roof supported by columns or piers and enclosures and open to the extent of 50% of the potential total wall area, not including any wall of a building to which a carport is attached, and is intended to be used for vehicle parking.

CEMETERY means the use of land primarily as landscaped open space in the placement of grave sites. Chapels, crematoria, and related facilities may be incorporated as accessory uses.

CITY means the City of Miramichi, including designated staff.

CLINIC means an establishment used by licensed medical practitioners and/or other health care providers and their staff for the purposes of consultation, diagnosis, and office treatment.

COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial vehicle as determined by the Registrar of Motor Vehicles.

COMMUNICATION USE means establishments furnishing point-to-point communication services, whether by wire or radio, either aurally or visually, including radio and television broadcasting stations and the exchange or recording of messages.

COMMUNITY PLACEMENT RESIDENTIAL FACILITY means community placement residential facility as defined and regulated under New Brunswick Regulation 83-77 under the Family Services Act.

COMPOSTING – AGRICULTURAL means a composting operation requiring the approval of the Department of Environment and Local Government for the treatment of organic by-products using bacterial aerobic decomposition where the majority of the nitrogenous material is organic and originates from the agricultural operation.

COMPOSTING – WASTE means a composting operation requiring the approval of the Department of Environment and Local Government for the treatment of organic wastes using bacterial aerobic decomposition.

CONCRETE BATCHING PLANT means a building or structure used for the manufacturing of concrete in a form suitable for the immediate use in the construction of buildings, structures, roads, or driveways but does not include the crushing, screening, or other processing of aggregate, sand, or other raw materials used to make concrete on site.

CONSTRUCTION INDUSTRY means a use primarily engaged in the construction, development, redevelopment, or rehabilitation of buildings or structures, and includes road building and such uses are often characterised by the outdoor storage of equipment, machines, vehicles, and building supplies.





CONVENIENCE STORE means a retail store which serves the daily or occasional needs of residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, over-the-counter medicines, sundries, tobacco, hardware, magazines, videos, and newspapers.

COUNCIL means the Council of the City of Miramichi.

COTTAGE CLUSTER DEVELOPMENT means an establishment comprised of two or more cottages, owned, rented, or leased by the same person.

CRAFT WORKSHOP means a building or part thereof used for the manufacture of craft articles such as leatherwork, pottery, woodwork, painting, and similar activities. May include retail sales of such products.

D

DEVELOPMENT means development defined in the *Act*.

DEVELOPMENT PERMIT means a permit issued to allow a development to occur and does not mean a Building Permit.

DEVELOPMENT OFFICER means the person appointed by the *Community Planning Act* to administer and enforce the provisions of this By-law.

DISTILLERY means the manufacturing, storage, and distribution of distilled alcohols that contain more than 20% alcohol by volume in a building where that activity is licensed under the Liquor Control Act. The facility may include accessory uses such as retail sale, wholesale, tours, and an events or hospitality room where beverages produced at the distillery can be sampled. A distillery which produces more than 75,000 litres of liquor per year is a manufacturing facility.

DORMITORY means a building in which sleeping units are provided and/or rented for occupancy by students and/or staff members affiliated with a college, hospital, private school, religious order, rest or nursing home, university, or similar institution, and which is regulated by such institution. A dormitory unit may contain communal dining facilities but shall exclude the preparation of meals within the sleeping units.

DRIVE-THRU BUSINESS means an establishment, which is designed to provide either wholly or in part, services, or products to customers while in their automobiles and includes a drive-thru restaurant.

DWELLING

Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, or inn.

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 in which a kitchen, sleeping, and sanitary facilities are provided for the exclusive use of such persons.

Dwelling, Apartment means a building containing three or more dwelling units which generally has shared outside access.

Dwelling, Mini-Home means any dwelling other than a mobile home that is manufactured and designed to be transported as one integral unit. A mini-home is a minimum of 4.27m and a maximum of 5.0m wide (excluding eaves), a maximum of 24.38m in length, and a maximum of 4.4m in height

Dwelling, Mobile Home means a manufactured, moveable, or portable dwelling unit constructed to be towed to its appropriate site on its own chassis, connected to utilities and designed for year-round living. It may consist of one or more parts that can be folded, collapsed, or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be joined into one integral unit. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems and have a floor space not less than 45m² and a width not less than 3.65m and not more than 4.26m.

Dwelling, Modular means any dwelling that is designed in more than one (1) modular unit and is designed to be made mobile on a temporary basis and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a dwelling – mini-home or dwelling – mobile home as defined herein.

Dwelling, Rowhouse means a building that is divided vertically into three or more dwelling units, each of which may be located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit.

Dwelling, Semi-Detached means a dwelling unit attached to one other dwelling unit by a common wall with each dwelling unit located on a separate lot.

Dwelling, Single-Unit means a building which is a completely detached dwelling unit. A single-unit dwelling may include a modular dwelling.

Dwelling, Tiny-Home means a dwelling unit that is less than 45m², intended to be used for year-round habitation, on a temporary or permanent foundation, and does not include a mini- or mobile home dwelling or travel trailer.

Dwelling, Two-Unit means a building containing two dwelling units.



Dwelling Unit, Accessory means a dwelling unit that is accessory to a single-unit dwelling, two-unit dwelling, or mini-home dwelling. An accessory dwelling unit may be contained in the basement of a single- or two-unit dwelling, above a garage (attached or detached), developed as a detached accessory building, or otherwise contained on the lot. An accessory dwelling unit shall be clearly subordinate to the single- or two-unit dwelling or mini-home dwelling on the lot.

E

EARLY LEARNING AND CHILDCARE HOME means a provincially licensed facility at which care, supervision, or development of a child are provided in a home setting to a group of children other than the child's parent or guardian, as regulated under the Early Childhood Services Act.

EARLY LEARNING AND CHILDCARE CENTRE means a provincially licensed facility at which care, supervision, or development of a child are provided at an early learning and childcare centre, as regulated under the Early Childhood Services Act.

ESTABLISHMENT means a building, structure, lot, or part of any of the foregoing where an activity or use is occurring.

ERECT means to build, construct, reconstruct, alter, or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.

EXCAVATION means a land area which is used for the commercial taking of earth, including all slopes.

EXISTING means in existence on the effective date of this By-law.

F

FAMILY means a person or multiple persons living together in a dwelling unit as a single housekeeping unit.

FEEDMILL means a mill for the processing, blending, grinding, and mixing of grains, seeds and concentrates.

FITNESS CENTRE means a commercial operation contained in a building in which facilities are provided for recreational athletic activities including but not limited to weight lifting, exercise classes and associated uses including but not limited to lounge facilities, office space, medical treatment facilities, sauna, and other personal service facilities.



FLOOD PROTECTION COMMITMENT LETTER means a letter stamped by a Qualified Professional and submitted with a Development Permit application that details which design measures are to be taken to ensure the proposed building complies with section 9.1 of this By-law.

FLOODPROOFING means a measure or combination of structural and non-structural measures incorporated into the design of a structure which reduces or eliminates the risk of flood damage, usually to a defined elevation. The prescribed method of floodproofing is through the permanent placing of fill, or elevation of the structure, or having the sills of all windows and doors through the foundation walls above the specified level.

FLOOR AREA means the total horizontal area of a building or part thereof as calculated by using interior dimensions and excluding: lobbies, corridors, stairways, elevators, and other areas used in common, building utility and storage areas, parking and loading areas, and cellar areas in a building.

FLOOR AREA, GROSS means the aggregate of the area of all floors in a building, whether at, above, or below established grade, measured between the exterior walls of the building, but excluding any floor area used for building maintenance/service equipment, furnace rooms, hallways, stairways, and unenclosed balconies and porches/verandas.

FORESTRY USE means the general raising and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees, and other forestry products, including limited processing of wood associated with a sawmill.

FUNERAL PARLOUR means an establishment for the preparation of the deceased for burial or cremation and for holding funeral services and may incorporate a crematorium and chapel as an accessory use.

G

GARDEN CENTRE means any use of land, building, or structure used primarily for the display and retail sales of plants, gardening and landscaping supplies, and equipment.

GARDEN SUITE means a temporary, portable detached dwelling unit, located on a lot containing an existing single-unit dwelling or mini-home for the use of hosted person(s) with identified special needs. For the purpose of this definition, a manufactured dwelling can be a garden suite provided it meets the relevant provisions contained in this By-law pertaining to this use.

GAS BAR means an establishment where motor vehicle fuel and products necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items. Motor Vehicle Repair Establishment is a separate use.



GOLF COURSE means a public or private area operated for the purpose of playing golf and related activities including a club house, licensed premises, practice facilities, administration, and equipment buildings. The foregoing is specifically limited by excluding permanent residential accommodation of any type except a dwelling unit or dwelling units provided for club staff, maintenance, or security personnel.

GMRSC means the Greater Miramichi Regional Service Commission.

GRADE means, with reference to a building or structure or sign, the average elevation of the established surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the City or other designated authority.

H

HABITABLE ROOM means the space within a dwelling unit in which living functions are normally carried on, and includes living rooms, bedrooms, dining rooms, kitchens, bathrooms, dens and recreation rooms, storage rooms, workshops and recreational rooms located in a basement or cellar.

HAZARDOUS MATERIAL means any poison, corrosive agent, flammable substance, ammunition, explosive or other material that, if handled improperly, may endanger human health, harm the environment, or cause damage to property.

HEIGHT means the vertical distance of a building or structure between the average finished grade at the exterior walls and the highest point of the roof surface. Height does not include any accessory roof construction such as a chimney, steeple, or antenna.

HOME-BASED TOURISM ACCOMMODATION means a single detached dwelling in which there is a resident operator who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the travelling public. Meals will be provided to registered guests only with no walk-in trade.

HOME BUSINESS means an activity or business, including the manufacturing of goods and the provision of services and the sale of goods, carried out for gain and conducted as a secondary and incidental use of the property as a dwelling unit and subject to the provisions of this By-law.

HOME INDUSTRY means an accessory use on a lot that contains a single-unit dwelling, which use may entail an office in the dwelling, limited storage of machinery and materials, and the storage of not more than a total of 5 commercially licensed vehicles or pieces of equipment for the purpose of performing work at other locations.



HOUSEHOLD PET means a domestic animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure rather than utility and includes dogs, cats, rabbits, small birds, fish, Vietnamese potbelly pigs and rodents but excludes cattle, sheep, goats, horses, pigs, poultry, bees, and animals customarily kept as farm animals. Household pets are permitted in all zones.

HOTEL/MOTEL means a commercial building providing temporary accommodations for travellers or transients on a year-round basis, and may have a public dining room, licensed premises, and convention room.

I

INN means a facility offering transient lodging accommodations to the general public and including a restaurant, and associated facilities including a licensed premises.

INSTITUTIONAL USE means any use listed as an Institutional Use within the IN Zone.

INTERPRETIVE USE means a use that intends to educate the public about a specific historic event and / or cultural group and / or natural feature. Includes buildings and structure used for interpretive use.

K

KENNEL means a building or structure used for the enclosure of more than two (2) dogs, or other household pets which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care. Includes outdoor facilities such as pen runs and enclosures.

L

LANDSCAPED OPEN SPACE means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, pavers, screening or other landscape architectural elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use and not for vehicular traffic or parking. May be interrupted by driveways and walkways.

LICENSED LAND SURVEYOR means a person registered under the Land Surveyors Act to practice land surveying in the Province of New Brunswick

LICENSED PREMISES means any building or structure or premises that is licensed under the Liquor Control Act of New Brunswick.

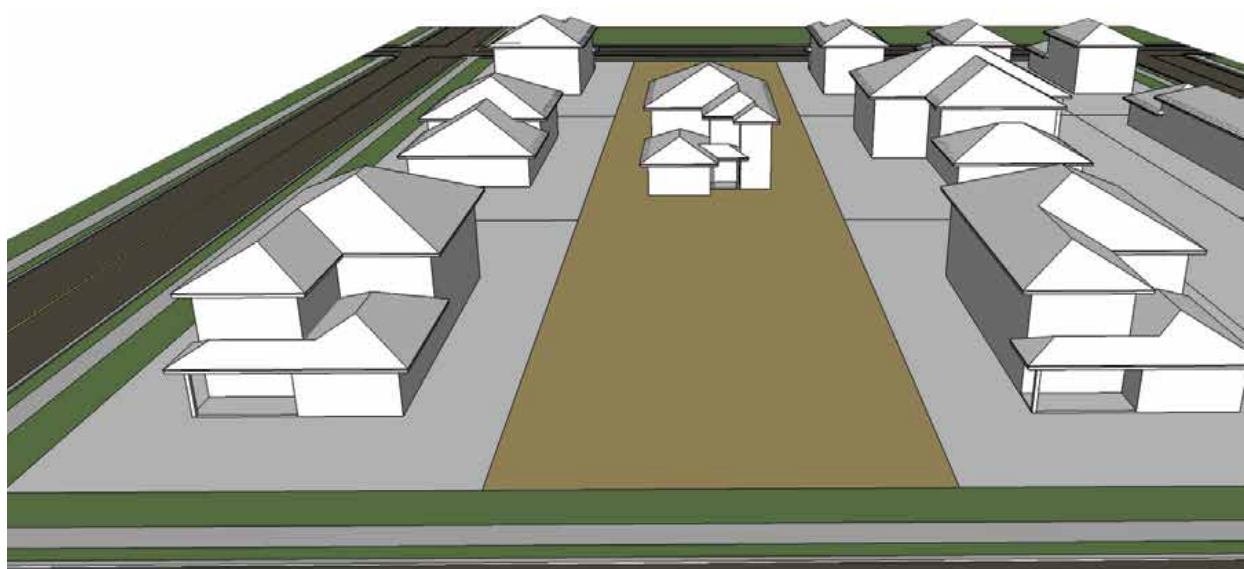
LOADING SPACE means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or maneuvering areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

LOT means a parcel of land appropriated for a particular purpose permitted by this By-law including all yards, parking areas, loading areas, and other open spaces required in connection with such purpose.

Corner Lot means a lot situated at the intersection of, and abutting on, two or more streets.



Through Lot means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.



Interior Lot means a lot other than a corner lot.



LOT AREA means the total horizontal area within the lot lines of a lot.

LOT DEPTH means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.

LOT FRONTAGE mean the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a sight triangle, the front and side lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

LOT LINE

Lot Line means a boundary or exterior line of a lot.

Front Lot Line means, in the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line. Where a corner lot has the same dimensions on the two streets upon which it abuts, the lot line abutting the street upon which the building or structure erected or to be erected has its principle entrance shall be deemed the front lot line. In the case of a through lot, the lot line abutting the street upon which the main building or structure erected or to be erected has its principle entrance shall be deemed the front lot line. In the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.

Rear Lot Line means the lot line farthest from or opposite to the front lot line.

Side Lot Line means a lot line other than a front or rear lot line.

M

MAIN BUILDING means the building designed or used for the principal use on the lot. Where specifically provided for in this By-law, more than one main building may be erected on a lot.

MANUFACTURING FACILITY means the use of land, buildings or structures for the purpose of manufacturing, assembly, welding, machining, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substances, article, thing or service.

MARINA means a public, private, or commercial dockage which provides repair facilities, boating supplies, and provisions for small pleasure craft.

MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition, the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

MICRO-BREWERY means a building used for the manufacturing of 5,000 hectolitres of beer or less per year, as licensed by the Liquor Control Act. Such use of land may include the production, processing, packaging, distribution, adapting for sale, storage, and retail sales of product for both on- and off-site consumption. May include a restaurant, beverage room, and/or retail store associated with the main use.

MINI-STORAGE WAREHOUSE means a building containing at least three separate, individual self-storage units divided from the floor to the ceiling or roof, by a wall with an independent entrance to each unit, designed to be rented or leased to the general public or small business for private storage of personal goods, materials, and equipment.

MOTOR VEHICLE REPAIR ESTABLISHMENT means a building or part of a building or a clearly defined space on a lot used for minor or major repair of motor vehicles and may include muffler, brake, tire, and glass replacement, transmission repair and replacement, wheel alignment, body repair and painting, and other customizing activities directly related to the repair or alteration of motor vehicles but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels.

MUNICIPALITY means the City of Miramichi, unless stated otherwise.

N

NON-COMMERCIAL WIND ENERGY SYSTEM means a wind turbine that is subordinate and incidental to the main use on the lot and that supplies electrical power solely for on-site use, except that when a parcel on which a non-commercial wind turbine is installed also receives electrical power supplied by a utility company, excess electrical power generated by the non-commercial wind turbine and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power.



O

OFFICE means a room or rooms where business may be transacted, a service performed, or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are available for sale to the general public from a retail establishment located on the same lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains, and prefabricated cottages and homes.

OUTDOOR FURNACE means an outdoor solid-fuel-combustion appliance used as a heating source for a building or a series of buildings.

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale or use, by locating them on a lot exterior to the building or on a lot without a main building.

P

PARK means an area of land set aside for public recreational purposes and may include playgrounds, tennis courts, lawn bowling areas, athletic fields, swimming pools, community centres, areas designed for passive enjoyment and similar uses and includes the building and structures in connection therewith.

PARK – ACTIVE means an area for recreation that typically has tennis courts, playing fields, or other equipment associated with it.

PARK – PASSIVE means areas of natural open space used for low intensity recreational activities such as walking, cycling, nature study and interpretation. Includes a linear park or trail.

PARKING LOT means an open area containing parking spaces, other than a street, available for public use or as an accommodation for clients, customers, or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles, or maneuvering areas where no parking or storage of motor vehicles is permitted.

PARKING GARAGE means a covered or enclosed establishment containing communal parking spaces for the parking of vehicles.

PARKING SPACE means an area of not less than 16.24m², measuring 2.8m by 5.8m for the temporary parking or storage of motor vehicles.



PERMITTED USE means those uses of land, building and structures which are permitted as a matter of right, subject only to the requirements of this and other City By-laws.

PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors, or other legal representatives of a person to whom the context can apply, according to law.

PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlors, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, tailoring, laundry and dry-cleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

PLACE OF ENTERTAINMENT means and includes a theatre, auditorium, dance hall, cinema, billiard or pool hall, bowling alley, ice or roller rink, curling rink, or arena. Excludes adult entertainment uses.

PLANNING SERVICES means the Greater Miramichi Regional Service Commission – Planning Services.

PRAC means the Planning Review and Adjustment Committee of the Greater Miramichi Regional Service Commission.

PROCESSING PLANT means the use of buildings or lands that accommodates a series of operations, usually is a continuous and regular action or succession of actions, taking place or carried on in a definite manner. Processing does not include uses specifically listed elsewhere in this By-law.

Q

QUALIFIED PROFESSIONAL means a registered member of the Architect's Association of New Brunswick, the Association of Professional Engineers and Geoscientists of New Brunswick, or the Association of New Brunswick Land Surveyors, certified and/or licensed to practice in the Province of New Brunswick, in the applicable discipline.

R

RACETRACK means an area devoted to the racing of motor and nonmotorized vehicles or animals, and all features normally associated with racing such as off-street parking, patron seating, concessions, and a fixed race track.

RECREATIONAL FACILITY means a public or private place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities. Such facility may be located within a structure or building or outdoors.

RECYCLING DEPOT means a building which is used for the deposit, collection, and handling of waste paper, beverage containers, or other materials which are to be delivered wholesale to other operations for reclamation or salvage, and shall include limited processing of materials on-site. The salvage or scrapping of vehicles is not included in this definition.

RESEARCH FACILITY means a building or a group of buildings and associated land which accommodate facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture of products for sale, except as incidental to the main purpose of the facility.

RESIDENTIAL USE means any main use permitted in the residential zones.

RESOURCE USE means a use providing for the conservation, management, and extraction of primary natural resource materials, and excludes all manufacturing and processing.

RESTAURANT means a place where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot. As an accessory use, catering and take-out service of food and beverages for off-site consumption may be provided. A restaurant may also be a licensed premises.

RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles, services, or things are offered for sale directly to the public at retail value.

RIDING STABLE means land and buildings used to house horses and for their exercise and training.

ROAD – ARTERIAL means a Major or Minor Arterial Road or a Primary or Secondary Regional Route as shown on Schedule D to the City of Miramichi Municipal Plan.

ROAD – COLLECTOR means a Collector Road as shown on Schedule D to the City of Miramichi Municipal Plan.

ROAD – LOCAL means a Local Road as shown on Schedule D the City of Miramichi Municipal Plan.

S

SALVAGE YARD means a lot or premises for the storage, handling, or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal, or other scrap material or salvage.

SCREENING means the use of landscaping, fences, or berms to visually and/or audibly separate areas or uses.

SERVICE REPAIR SHOP means a building or part of a building for the servicing or repairing of articles, goods, equipment, or materials, as well as facilities for accessory retail sales, but does not include the manufacture of articles, goods, equipment, or materials.

SETBACK means the minimum horizontal distance between the site boundary and the nearest point of the foundation or exterior wall of the building or structure, whichever is the lesser, or another part of the building or structure if specified elsewhere in this By-law.

SEXUAL ACTIVITIES means any lawful sexual activity including the fondling or other erotic touching of human genitals, pubic region, buttock or female breast or causing human genitals to be in a state of sexual stimulation or arousal.

SHOPPING CENTRE means a commercial development consisting of more than one business establishment which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing, but not limited to, retail uses, services, financial institutions, restaurants, places of entertainment, liquor licensed premises, food and grocery stores, and office uses and distinguished from a business area comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways.

SIGHT TRIANGLE means the triangular shaped area of land, free of buildings or structures, formed by measuring from the point of intersection of street lines on a corner lot the minimum frontage and /or flankage yard distance required by this By-law along each such street line and adjoining such end points with a straight line.

SIGN means any identification, description, illustration, or information device, illuminated or non-illuminated, including its structure and other component parts, which provides information as to product, place, activity, person, institution, or business and is displayed on the exterior of a building or on a property. Does not include any sign which is affixed to the inside of a window or glass door.

SIGN AREA with respect to a wall sign, means the area of advertising matter on the sign face, but does not include any structural elements lying outside the limits of the sign that do not form an integral part of the advertising matter of display. Sign area shall be calculated based on the wall on which the sign is affixed.

SIGN, BILLBOARD means a large ground sign or wall sign which is not related to any business or use located on the lot or premises and that does not meet the definition or standard of a freestanding sign.

SIGN, CANOPY means a sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

SIGN, DIRECTORY means a sign located on a property with more than one establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logogram.

SIGN, DIGITAL AND PROJECTED ADVERTISING DISPLAY (DPAD) means any type of stationary advertising display that is visible from the road and is capable of displaying dynamic content or automatically changing content.

SIGN, FREESTANDING means any sign supported independently of a building and permanently fixed to the ground and does not meet the definition or standards of a billboard sign, directory sign, or digital and projected advertising display sign.

SIGN, GROSS SURFACE AREA with respect to all signs except wall signs, means the area of all of the elements of the matter displayed and including blank masking but excluding frames or structural elements outside the sign surface that do not form an integral part of the advertising matter of display. For a double-faced sign that is back-to-back, the gross surface area means the gross surface area of the largest face only.

SIGN, OFF-SITE ADVERTISING means any sign which advertises for a business or businesses independent of the land use(s) of the lot upon which the sign is located.

SIGN, PORTABLE means a sign greater than one square metre and less than 4.3m² in area which is designed in such a manner that the sign can be readily relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.

SIGN, PROJECTING means a sign which projects from and is supported by, or which extends beyond, a wall or the roof of a building.

SIGN, ROOF means any sign erected upon, against, or directly above a roof, or on top of, or above the parapet of a building.

SIGN, SANDWICH means a two-sided A-frame style self-supporting sign which is not permanently affixed to the ground and is designed to be moveable.

SIGN, SWING means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY means a sign or advertising display typically constructed of cloth, canvas, fabric, plywood, or other light material and designed and intended to be displayed for a short period of time.

SIGN, VEHICLE-MOUNTED means any trailer or vehicle mounted means a sign that is erected, placed on, or supported by a motor vehicle or a trailer, the sole purpose of which is to serve as a means to advertise.

SIGN, WALL means a sign attached to, placed, or erected upon or against a wall or other surface of a building with the face of the sign parallel to such wall or other surface.

SOLID WASTE MANAGEMENT FACILITY means a facility or site used for the treatment, source separation, temporary storage, transportation, transfer, or disposal of solid waste.

SPECIFIED ANATOMICAL AREAS means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.



STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick, or the City of Miramichi.

STREET LINE means the boundary line of a street.

STRUCTURE means anything that is erected, built, or constructed above or below lot grade fixed to or supported by the soil or other building, but does not include pavement, curbs, and sidewalks.

STUDIO means an enclosed space used by a person(s) engaged in artistic employment or instruction in painting, sculpture, photography, music, dance, dramatics, literature, or similar occupations.

SWIMMING POOL means a body of water located outdoors or indoors, contained by artificial means capable of containing in excess of 1.21m (4 ft.) of water and used and maintained for the purpose of swimming, wading, diving, or bathing.

T

THROAT LENGTH means the distance parallel to the centreline of a driveway to the first on-site location at which a driver can make a right or left turn. On roadways with curb and gutter, throat length is measured from the face of the curb and from the edge of the shoulder on roadways without curb and gutter.

TRANSPORTATION DEPOT means any building or land where buses, trucks, or tractor trailers are rented, leased, kept for hire, stored, or parked for commercial purposes.

TRAVEL TRAILER means a trailer vehicle intended for temporary accommodations and living, and to be regularly transported, which includes kitchen, sleeping, and sanitary facilities, and is towed, either by hitch or fifth wheel, by a motor vehicle. A travel trailer must be registered pursuant to the Motor Vehicle Act, R.S.N.B., 1973, c. M-17 as a trailer vehicle in order to operate on a highway within New Brunswick. A travel trailer has an overall length not exceeding 13.8m (45.0ft) and an overall width not exceeding 2.6m (8.53ft). Mobile home dwelling and tiny-home dwelling are separate uses.

U

USE means the purpose for which the building, structure or premises or part thereof is used, occupied, or intended to be used or designed to be used or occupied.

UTILITIES means the components of a water, sewage, storm water, cable television, electrical power, natural gas, or telecommunications system.



V

VETERINARY CLINIC means the provision of services by veterinarians for the purposes of consultation, diagnosis and treatment of animals and the necessary boarding thereof, and may also include the retailing of pet supplies.

W

WAREHOUSE means a building used primarily for the storage of goods and materials.

WAREHOUSING AND DISTRIBUTION CENTRE means a building used primarily for the storage, wholesaling, and distribution of goods and materials.

WASTE DISPOSAL CONTAINER means a bin, with or without a lid, greater than one cubic metre in volume used to store garbage and refuse temporarily. This definition excludes a container used for a construction or demolition project for which a valid building permit has been issued.

WATERCOURSE means any lake, river, stream, ocean, or other body of water.

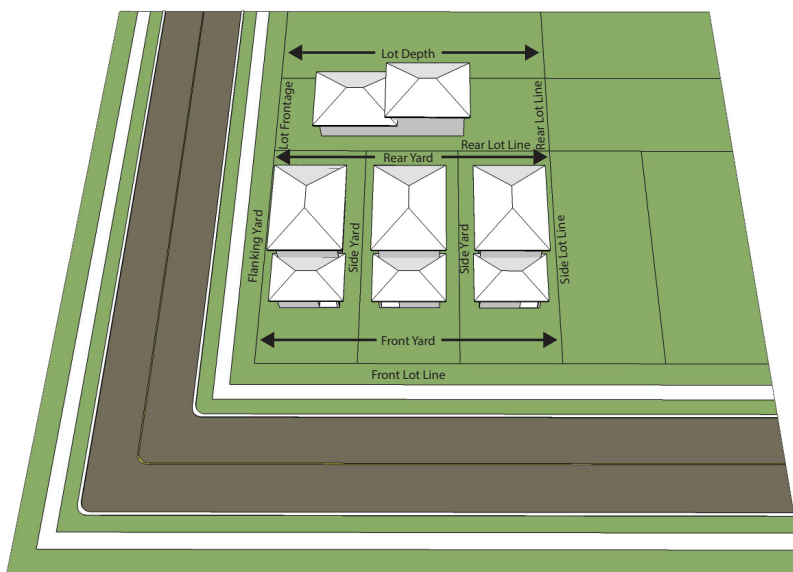
WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional, and commercial users or to retailers or other merchants mainly for resale or business use, may also include associated retail store.

WIND FARM means generally, two or more large scale wind turbine generators which are connected to the transmission or a local distribution grid. Wind turbine facilities require a central computerized monitoring system that monitors the operation of the turbines. Usually small buildings on site house this system and there is a link to a headquarters off site.

WIND TURBINE TOWER means the guyed or freestanding structure that supports a wind turbine generator.

Y

YARD means the open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law.



Yard, Front means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot.

Yard, Flanking means a side yard which abuts a street on a corner lot.

Yard, Minimum front means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

Yard, Rear means a yard extending across the full width of a lot and between the rear lot line and nearest wall of any main building or structure on the lot.

Yard, Minimum rear means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.

Yard, Side means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building or structure on the lot.

Yard, Minimum side means the minimum depth required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.





SECTION 2: APPLICATION AND ADMINISTRATION

2.1 Scope and Interpretation

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

2.1.2 This By-law:

1. Divides the municipality into zones;
2. Prescribes, subject to powers reserved for Planning Services:
 - a. The purposes for which land, buildings, and structures in any zone may be used;
 - b. Standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform;
 - c. Prohibits the use, placement, erection or alteration of land, buildings, or structures other than in conformity with the provisions of this By-law;
 - d. Alternative regulations, permitted uses, and exceptions set forth and attached hereto as Schedule 2 are hereby incorporated in and declared to form part of this By-law to the same extent as if fully described herein and subject to the following:
 - i. Where a property is listed in Schedule 2, the alternative regulations, permitted uses, and/or exceptions corresponding to such property shall apply in place of the regulations prescribed herein for the particular land use zone.

2.1.3 Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law for the City of Miramichi or any other By-law in force within the City, or to obtain any license, permit, permission, authority, or approval required by prevailing municipal, provincial, or federal legislation in effect within the City of Miramichi.

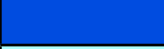
2.1.4 Where the provisions in this By-law conflict with those of any other municipal, provincial, or federal regulation, by-law, or code, the more stringent requirement shall prevail.

2.1.5 In the case of any conflict, discrepancy, or inconsistency between the English and French provisions of this By-law, the provisions of the English version shall prevail.

2.1.6 For the purposes of this By-law, the municipality is divided into zones as delineated on the map attached as Schedule A, entitled “City of Miramichi Zoning Map” and dated October 6, 2020 and subsequently amended.

2.1.7 The zones on Schedule A are classified and referred to as follows:

Land Use Zones	Symbol	Colour
RESIDENTIAL ZONES		
Single Unit Dwelling	R-1	
Single- or Two- Unit Dwelling	R-2	
Residential Mixed Low Density	RML	
Medium Density A	R-3	
Medium Density B	R-4	
High Density A	R-5	
High Density B	R-6	
Mobile/Mini Home Park	RP	
Mobile/Mini Home	RM	
Residential Retirement Community	RR	
COMMERCIAL ZONES		
Neighbourhood Commercial	NC	
General Commercial	GC	
Highway Commercial	HC	
Regional Commercial	RC	
Downtown District	DT	
Commercial Recreation	CR	
Adult Entertainment	AE	
INDUSTRIAL ZONES		
Business/Light Industrial	BLI	
Heavy Industrial	HI	
Airport-Compatible Business	ACB	

ENVIRONMENTAL ZONES		
Flood Overlay	FO	
Watercourse and Wetland Overlay	WW	
Conservation Area	CA	
COMMUNITY USE & RECREATION ZONES		
Institutional	IN	
University and Community College	UC	
Active Recreation	AR	
Passive Recreation/Greenspace	PR	
Mixed Use	MU	
Utility and Service	US	
RURAL ZONES		
Rural	RU	
Resource Extraction	RE	
INTEGRATED DEVELOPMENT ZONES		
Integrated Development	ID	

2.2 Conformity

2.2.1 In any zone:

1. Land may be used and developed, and buildings and structures or parts thereof may be placed, erected, altered, or used for a purpose mentioned in the specific zone in conformity with the requirements of that zone and any other provisions of this By-law;
2. No land may be used or developed, and no building or structure or part thereof may be placed, erected, altered or used for a purpose or in a manner other than permitted in this By-law; and,
3. No building or part thereof, altered or erected in contravention of this By-law shall be used by any person so long as such building or part hereof continues to contravene the provisions of this By-law.

2.3 Zone Map

- 2.3.1 Schedule A, attached hereto, may be cited as the “City of Miramichi Zoning Map” and forms part of this By-law.



2.3.2 The extent and boundaries of all zones are shown on Schedule A and for all such zones the provisions of this By-law shall respectively apply.

2.3.3 The symbols used on Schedule A refer to the appropriate zones established as classified in this By-law under section 2.1.7.

2.4 Interpretation of Zoning Boundaries

2.4.1 The following provisions shall apply in determining the boundaries of the land use zones shown on the maps:

1. A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line;
2. Where a boundary line is shown as following a railway, street, lane, walkway, or easement, the boundary shall be deemed to follow the boundaries of such railway, street, lane, walkway, or easement;
3. Where a boundary line is shown as the shoreline of the Miramichi River or other watercourse or body of water, it shall extend toward the water to the limits of the mean high-water mark; and,
4. A boundary line shall otherwise be determined by reference to the scale or actual dimension shown on the maps, provided that where a boundary line as shown appears to follow the line between two lots or separate areas of land, such limit shall be deemed to be the boundary line.

2.5 Zones Not on Map

2.5.1 The Zoning Map of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the requirements of the *Community Planning Act* (the Act) and must be in conformity with the policies of the City of Miramichi Municipal Plan.



2.6 Properties with More Than One Zone

2.6.1 Where a lot is divided into more than one zone under the provisions of this By-law each such portion of said lot shall be used in accordance with the zone provisions of this By-law for the applicable zones established hereunder.

2.7 Uses Permitted

1. Where a lot contains more than one (1) permitted main use, each use shall conform to the applicable provisions of this By-law.
2. Uses permitted within any zone shall be determined as follows:
 - a. If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone.
 - b. If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.

2.8 Powers of The Development Officer

1. The Development Officer, or a designate of the Development Officer in accordance with section 108(6) of the *Act*, shall be charged with the general administration of this Zoning By-law.
2. At the discretion of the Development Officer, the development permit application fee may be waived or reduced if any of these conditions apply:
 - a. The City of Miramichi is the applicant or property owner;
 - b. The project involves the creation of at least one new affordable housing unit.

2.8.1 Development Officer Variances

1. Upon receipt of the required fee of \$250, the Development Officer may, subject to terms and conditions that they consider fit, permit a reasonable variance from the zoning provisions of this By-law in accordance with section 55(2) of the *Act*.
2. Following the construction of a building or structure, the Development Officer may permit a dimensional variance for an encroachment on a setback or yard requirement that was deemed to have occurred in good faith, in accordance with sections 53(8) and 53(9) of the *Act*.

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3. If the PRAC has made a decision regarding an application, the Development Officer cannot use their powers to rule on the same application.
 4. If the Development Officer makes a decision on an application request, the same application cannot be forwarded to the PRAC for a decision.

2.8.2 Applications Forwarded to the PRAC by the Development Officer

1. The Development Officer reserves the right to refer any application to the PRAC for a decision.

2.8.3 PRAC Rendered Decision

1. The Development Officer shall not issue a development approval on any application reviewed by the PRAC until the PRAC has rendered a decision, and any conditions required by the PRAC or this Plan have been satisfied.

2.8.4 Confirmation of Zoning

1. The Development Officer shall ensure that upon receipt of the application fee of \$100 per lot (PID), they shall issue a written Confirmation of Zoning regarding the zone applied to the lot(s) requested.
2. If requested by the applicant, the Development Officer shall also comment on whether a proposed use(s) are permitted in the respective zone(s).

2.8.5 Zoning Compliance Letter

1. The Development Officer shall ensure that upon receipt of the application fee of \$200 per lot, they shall issue a Zoning Compliance Letter regarding conformity of the existing use, and associated existing development of the lot(s), with the current standards of the respective zone(s) of said lot(s).

2.8.6 Non-Conforming Use Letter

1. The Development Officer shall ensure that upon receipt of the application fee of \$200 per lot, they shall issue a Non-Conforming Use Letter regarding the confirmation of non-conforming use rights of the lot(s) in accordance with section 60(1) of the Act.
2. The burden of proof lies with the applicant in proving non-conforming use rights.

2.8.7 Complete Application

1. The Development Officer shall ensure that an application is complete by requiring that:
 - a. A request for Zoning By-law amendment, variance, conditional use, or temporary use approval includes the required application fee;
 - b. Supporting documentation and any necessary information to process the various types of development applications is provided as determined by the Development Officer and/or any information required for a proper review by the PRAC; and,
 - c. Despite paragraphs 2.8.7(1)(a) and 2.8.7(1)(b), the Development Officer reserves the right not to proceed with any application deemed incomplete from the perspective that there is insufficient information provided to assess the overall land use impact from the proposed development.

2.8.8 Requirement for Additional Information or Study

1. Additional information and/or studies may be required by the Development Officer to evaluate the impact of the proposed development on:
 - a. Public infrastructure that may require upgrading of the street network or other required components of public infrastructure;
 - b. The health and well-being of residents in the immediate neighbourhood or further afield;
 - c. The established character of the neighbourhood in which the development is proposed; and,
 - d. The natural environment, which may include but is not limited to watercourses, wetlands, wildlife habitats, water bodies, and drinking water supplies.
2. If any additional information and/or studies pertaining to paragraph 2.8.8(1)(a), (b), (c), or (d) requested by the Development Officer are not provided by the applicant, the Development Officer reserves the right not to proceed with the application per paragraph 2.8.7(1)(c).

2.8.9 Enforcement

1. This By-law shall be enforced by the Development Officer or their designate and such person(s) may apply for an entry warrant under the Entry Warrants Act for the purposes of administration or enforcement of this By-law.
2. If any development is undertaken in contravention of the provisions of the Act, this By-law, or any other by-law or regulation provided for in the Act, or terms and conditions pursuant thereto, the Development Officer is hereby authorized by Council and may order:

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- a. The cessation of the development;
 - b. The alteration of such development to remove the contravention; or,
 - c. The doing of anything required to restore the land, building, or structure to its condition immediately prior to the undertaking of such development.

2.8.10 Development Officer Temporary Uses

1. If delegated authority by the PRAC in accordance with paragraph 53(2)(i) of the Act, the Development Officer, subject to terms and conditions:
 - a. May authorize, for a temporary period not exceeding one (1) year, a development otherwise prohibited by this By-law; and,
 - b. Shall require the termination or removal of a development authorized under paragraph 2.8.10(1) (a) at the end of the authorized period.
2. Receipt of the application fee of \$250 is required for the Development Officer to consider a temporary use relating to a development application.

2.8.11 Utilities and Infrastructure

1. No building may be erected unless arrangements, to the satisfaction of the Development Officer, have been made for the supply of electrical power, water, storm water, septic, streets, or other services or facilities where applicable.

2.9 Powers of the Planning Review and Adjustment Committee (PRAC)

2.9.1 Conditional Uses

1. Receipt of the application fee of \$250 is required for the PRAC to consider conditional use approval relating to a development application.
2. Where conditional uses are permitted in this By-law, these uses shall be approved by the PRAC subject to such terms and conditions that may be imposed by the PRAC.
3. The PRAC may prohibit a conditional use if it is determined that the applicant cannot reasonably be expected to comply with the terms and conditions imposed.

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4. After the Development Officer receives the information required to process an application, a development approval will not be issued until the PRAC has approved the conditional use and all conditions or requirements established by the PRAC or this By-law have been satisfied.

2.9.2 Similar or Compatible Uses

1. Receipt of the application fee of \$250 is required for the PRAC to consider a similar or compatible use variance relating to a development application.
2. The PRAC may, subject to terms and conditions, permit a use that is “similar to” or “compatible with” uses that are permitted as-of-right in the respective zone in accordance with paragraph 55(1)(a) of the *Act*.
3. In assessing a similar or compatible use variance application, the PRAC shall determine if the use and any associated structures or buildings:
 - a. Is desirable for the development of the property;
 - b. Is in accord with the general intent of the Municipal Plan and this Zoning By-law;
 - c. Does not adversely affect traffic or parking patterns in the area;
 - d. Has architectural design that is compatible with the character of the neighborhood; and,
 - e. Is viewed as being compatible with the neighbourhood, as determined by assessing public input.

2.9.3 Non-Conforming Uses

1. Receipt of the application fee of \$250 is required for the PRAC to consider a non-conforming use relating to a development application.
2. The PRAC may, subject to terms and conditions, permit the:
 - a. Continuance of a non-conforming use that has discontinued for a period greater than ten (10) consecutive months, in accordance with section 60(2) of the *Act*;
 - b. Repairing or restoration of a building or structure accommodating a non-conforming use that has been damaged greater than half of the whole building or structure, in accordance with section 60(2) of the *Act*;
 - c. Extension of a non-conforming use throughout a building, except that, where a portion of the building was constructed after the date the use became non-conforming, in conformance with section 60(3) of the *Act*; or,

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- d. Change of a non-conforming use to a similar non-conforming use, in conformance with section 60(4) of the Act.

2.9.4 PRAC Temporary Uses

1. Receipt of the application fee of \$250 is required for the PRAC to consider a temporary use relating to a development application.
2. The PRAC, subject to terms and conditions:
 - a. May authorize, for a temporary period not exceeding one (1) year, a development otherwise prohibited by this By-law, in accordance with section 53(2)(i) of the Act;
 - b. May authorize, for an additional temporary period not exceeding one (1) year, a development otherwise prohibited by this By-law if: the applicant holds an authorization under section 2.9.4(1) that is to expire or has expired, an application with respect to the land has been made to amend this By-law, and the PRAC receives a resolution from Council confirming that they will consider said amendment; and,
 - c. Shall require the termination or removal of a development authorized under section 2.9.4(1) at the end of the authorized period.

2.9.5 Unsuitable Geology, Location, and Topography

1. The PRAC may prohibit the erection of a building or structure on a site where it would otherwise be permitted under this By-law if, 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

2.10 Amendments

- 2.10.1 A person who seeks to have this By-law amended shall submit an application signed by the registered property owners or authorized agent, a site plan, and supporting information to the satisfaction of the Development Officer, and a fee in the amount of \$1,000 to Planning Services on behalf of the City.
- 2.10.2 Before giving its views to the Council with respect to an application under this section, Planning Services may carry out such investigation, as it deems necessary.



2.10.3 Where an application for amendment to the Zoning By-law has been refused by Council, no further applications dealing with that property may be considered by Council for one year from the date of refusal, if such application is similar to the original request.

2.10.4 The Council may return all or part of the fee required to have this By-law amended.

2.10.5 Where an applicant wishes to amend a previously approved zoning amendment which included terms and conditions, a fee in the amount of \$750.00 is to be paid to Planning Services on behalf of the City.

2.11 Development Permits

2.11.1 Requirements for Development Permit

1. No person shall undertake a development without first having obtained a Development Permit and no Development Permit shall be issued unless the proposed development conforms to all provisions of this By-law. Any plans, including a site plan submitted in support of an application for a Development Permit, must comply with section 2.11.5 of this By-law.
2. A Development Permit may be revoked if the development undertaken does not conform or exceeds the scope of the work authorized under the Development Permit.

2.11.2 Duration and Expiry of Development Permit

1. A development permit is conditional on the development being:
 - a. Commenced within 6 months from the date of issuance; and,
 - b. Completed within twenty-four (24) months from the date of issuance.
2. Any permit may be reissued upon request, subject to review by the Development Officer.

2.11.3 Number of Development Permits Per Development on Lot

1. Where any Development Permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no Development Permit shall pertain to more than one (1) lot.



2.11.4 Fee for Development Permit

1. No development permit may be issued under this By-law except where the applicant has paid a fee of:
 - a. \$20.00 where the development proposed is a single- or two-unit dwelling, including secondary uses, accessory buildings and structures, a change of use or a community use;
 - b. \$40.00 in respect of any multiple unit residential development to a maximum of 24 units or any commercial, industrial, or institutional signage or development up to 1,500m² of gross floor area; or,
 - c. \$60.00 for any multiple unit residential development larger than 24 dwelling units or any commercial, industrial, or institutional development larger than 1,500m².

2.11.5 Site Plan Requirements for Development Permit

1. Every application for a development permit shall be accompanied by a site plan, drawn to an appropriate scale in metric units and showing:
 - a. The shape and dimensions of the lot to be used;
 - b. The size, shape, bulk, location and use of existing and proposed buildings, equipment, structures, access roads, right of ways, and utilities;
 - c. The distance from the lot boundaries and size of every building or structure proposed to be constructed, already constructed, or partly constructed, on the lot;
 - d. The proposed location and dimension of any parking space, loading space, driveway access, and landscaped area;
 - e. The location of any fences, signs, buffers and retaining walls;
 - f. The location of any natural features, watercourse(s) and wetland areas and the location of any existing or proposed building or structure in relation to the natural features, watercourse or wetland;
 - g. Details of property dimensions and related street lines, including locational identifiers;
 - h. Location, dimension and size (including number of units, height, floor area, etc.) of all existing and proposed main buildings and accessory buildings;
 - i. Dimensions of all yards;

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- j. Landscaping, including screening and other natural and artificial features (including easements, railway lines, power lines, watercourses, culverts, drainage, ditches, etc.);
 - k. Designation of any proposed public or private roads;
 - l. Scale, dimensions, and orientation;
 - m. Where appropriate, provisions for post construction drainage of the site, onto municipal streets or municipal property, to the satisfaction of the City Engineer or their designate.
 - n. Where appropriate, provision for post construction drainage of the site, onto property other than municipal streets or municipal property, as shown on a drainage plan prepared and stamped by an engineer licensed in the Province of New Brunswick qualified to render an opinion on site drainage;
 - o. Where appropriate, elevation and perspective drawings of any buildings or structures; and,
 - p. Any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this By-law or other requirements.

2.12 Permitted Uses in All Zones

2.12.1 Utilities

1. Notwithstanding the provisions of section 2.7, public and private utility installations such as roadways, water, wastewater, storm drainage, natural gas lines, treatment facilities, lift stations, pumping stations, power lines, telephone lines, and cable lines including the temporary storage of materials and equipment associated with installation and upgrading of utilities, are permitted in any zone and are not subject to zone standards provided:
 - a. That such use is necessary for the provision of service or the delivery of public or private utilities;
 - b. That the storage of material be done in a manner to reduce impacts on adjacent and abutting property;
 - c. That the land used for storage of material be rehabilitated to its previous condition;
 - d. Where appropriate, the use shall be screened from adjacent properties; and,
 - e. That such installations are made compatible with the surrounding properties in terms of appearance and scale.





SECTION 3: GENERAL PROVISIONS

3.1 General Development Provisions

3.1.1 Development with Public Sewage and Water Facilities

1. Unless otherwise provided for in this By-law, no person shall erect, alter or use any building for any use permitted by this By-law unless public water distribution and public sewerage collection facilities are available to the lot.

3.1.2 Development Without Full Public Sewage and Water Services

1. Notwithstanding the provisions of section 3.1.1, a lot which is not serviced by public water distribution and/or sewerage collection facilities such lot may be used for a purpose permitted in the zone it is located, provided the following regulations are complied with:
 - a. A lot not provided with public sewer collection services available to it shall:
 - i. Be approved by a qualified professional for the provision of an on-site sewage disposal system, including requirements related to frontage, depth, and area; and,
 - ii. Satisfy all other provisions of the zone in which it is located and this By-law.
 - b. A lot with public sewer collection services available to it, but without public water distribution services available to it, shall have:
 - i. Minimum lot area for a dwelling unit: 690m²
 - ii. Minimum lot frontage for a dwelling unit: 23m
 - iii. Minimum lot depth for a dwelling unit: 30m
 - iv. Minimum lot area for all other uses: 1,022m²;
 - v. Minimum lot frontage for all other uses: 27m;
 - vi. Minimum lot depth for all other uses: 30m; and,
 - vii. Satisfy all other provisions of the zone in which it is located and this By-law.

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- c. Notwithstanding anything to the contrary contained herein, a person who owns a lot not serviced with public sewer collection services or public water distribution services shall be prohibited from erecting, constructing, or placing multi-unit housing in excess of four (4) units upon said lot.

3.1.3 Access to a Public Street

1. No person shall erect or use a building or structure or use any lot of land regulated by this By-law unless the lot of land to be used or the lot upon which the building or structure is situated or to be situated abuts or fronts on a public street or otherwise achieves satisfactory access to a public street as approved by the PRAC.
2. Notwithstanding 3.1.3(1) for an existing lot:
 - Whose sole access to a public road is by a private access;
 - That does not have existing connection(s) to both municipal water and sanitary sewer services; and,
 - That is smaller than the applicable minimum lot size required by the Zoning By-law;

The maximum total gross floor area of all development on the lot (main and accessory uses and buildings) is an amount equal to twenty percent (20%) of the lot area. This provision does not apply to the following:

- a. Private mini-home parks;
- b. Condominium projects; and,
- c. Telecommunications and utilities infrastructure.

3.1.4 Structure/Building Setback from Streetline

1. No main or accessory building, structure (excluding structures associated with utilities) or part thereof located on a lot, including a corner lot or a through lot, shall be erected, altered or used within:
 - a. 7.6m of the street line of a local or collector road; or,
 - b. 15.2m of the street line of an arterial road;
2. Notwithstanding the provisions of subsection 3.1.4(1), the areas zoned DT are exempt from the streetline setback requirement. This exemption shall not apply to a building or structure in the DT Zone on a lot abutting King George Highway in Miramichi West.

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3. Notwithstanding the provisions of subsection 3.1.4(1) in any zone, if the setback established by existing main buildings is less than the setback required by this By-law, a setback equal in distance to the established average building line of adjacent main buildings on the same side of the street and within 40m of the proposed structure shall be allowed, provided all other zone provisions can be met. In the case of a corner lot, the required setback shall apply.

3.1.5 Site Drainage

1. No person shall alter the land levels in so far as this may affect surface drainage except where the altered land levels provide that the resulting surface drainage shall be retained on the land and/or discharged into an existing ditch, watercourse, or storm sewer capable of carrying such additional water. Attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighbouring properties or the public storm drainage system and other municipal infrastructure. Storm water shall be removed from all roofs and paved areas and carried away in an efficient and approved manner.
2. A site drainage plan prepared by a licensed engineer may be required depending on the scale of the development or the potential for increased surfaced drainage.

3.1.6 One Main Building on a Lot

1. No person shall erect more than one (1) main building on a lot within any zone except where specifically provided for in this By-law where a zone permits one or more main uses on a property.
2. The minimum separation between main buildings on the same lot shall be determined by the National Building Code of Canada as adopted by the City of Miramichi Building By-law.
3. Notwithstanding any other provision of this by-law, where any land, building or structure is used for more than one purpose, all provisions of this by-law shall be complied with for each use, except in the case of lot area, lot frontage, lot coverage and minimum yard requirements in which case the most restrictive or stringent requirement shall apply.

3.1.7 Existing Undersized Lots

1. Nothing in this By-law shall prevent the use of an existing lot with insufficient frontage, depth, width, or area, provided that the use of such lot is permitted in the zone in which said lot is located and that the setbacks, height, coverage, and all other relevant requirements of the zone are maintained.



3.1.8 Existing Buildings and Structures

1. Where a building or structure has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area, or depth, or having less than the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired, or renovated provided that:
 - a. The enlargement, reconstruction, repair or renovation does not further reduce any yard that does not conform to this By-law; and,
 - b. All other applicable provisions of this By-law are satisfied.

3.1.9 Accessory Buildings

1. Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, that purpose shall include accessory buildings.
2. No accessory building may be used for human habitation with the exception of an accessory dwelling unit.
3. In any zone, no accessory building shall be located in a front yard unless the lot has the Miramichi River as one of its boundaries.
4. In any zone, total lot coverage for accessory buildings shall not exceed 12% of the total lot area.
5. An accessory building or use shall not be erected or located in any front yard, side yard or rear yard, except as follows:
 - a. In any zone, accessory buildings that serve only one dwelling unit shall:
 - i. Be located at least 1.5m from the main building;
 - ii. Be located at least 0.9m from other accessory buildings;
 - iii. Not be closer than 1.5m to any lot line;
 - iv. Not exceed the height of the roof of the main building on the lot and in no case shall it exceed 6m in height measured from the finished grade to the highest point of any portion of the roof; and,
 - v. Have a maximum total floor area of 90.5m² for a lot less than 4,000m² in size and of 110m² for a lot greater than 4,000m² in size;
 - b. In any zone, except as permitted in 3.1.9(5)(a) and 3.1.9(5)(c), accessory buildings shall:

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- i. Be located at least 1.5m from the main building and other accessory buildings; and,
 - ii. Not be closer to any other lot line than 3m or half the height of the building, whichever is the greater;
- c. In any zone where the accessory building is less than 28m² in floor area and 2.5m in height:
- i. Shall be located at least 1.5m from the main building and at least 0.90m from either side lot line and at least 0.90m from the rear lot line.
- d. Notwithstanding other provisions in this By- Law respecting side-yard setbacks for accessory buildings, common semi-detached garages may be centered on the mutual side lot line.
- e. Notwithstanding 3.1.9(5), a building deemed accessory to a single-unit dwelling on a corner lot may be located in the front yard, provided that the dwelling unit is parallel to and has its principle entrance facing the longest abutting streetline and all other zoning provisions can be met.

3.1.10 Private Garages and Carports

1. Where a garage or carport is attached to or incorporated in a dwelling, it becomes part of the building for purposes of determining the width or depth of a minimum yard and for lot coverage.

3.1.11 Height Regulations

1. Unless located in the Airport-Compatible Business (ACB) zone, the height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills, wind turbines or solar collectors attached to the principle structures except where specifically regulated in this By-law or by other Federal, Provincial, or Municipal legislation in effect.

3.1.12 Enclosures for Swimming Pools

1. No land may be used for the purposes of a swimming pool unless;
 - a. The swimming pool is completely surrounded by an enclosure of at least 1.52m in height. For the purpose of this section, an enclosure means a fence, wall or other structure including self-latching doors and gates designed primarily not to facilitate climbing and to restrict access thereto. Such enclosure shall not have rails, bracing or other attachments on the outside that would facilitate climbing. Such enclosure shall be located a minimum of 1.2m from the edge of the water contained in the in-ground or on-ground pool;

- b. Said swimming pool or any portion thereof is not located directly under any electrical service wires;
- c. Said swimming pool is not located in the front yard area;
- d. Swimming pool is not considered as an accessory building/structure for any other sitting requirements of this by-law; and,
- e. In the case of an above-ground pool, with galvanized steel or similar materials, the vertical walls of the pool can be used as part of a pool enclosure provided that the vertical steel walls, including additional fencing at the top of the entire walls are at least 1.32m in height above ground level and do not possess any horizontal members that may facilitate climbing. The ladder area, which provides access to the above-ground pool, must be enclosed by a pool enclosure as defined within this section.

3.1.13 Fences

1. Notwithstanding any other provisions of this By-law, a fence may be erected, placed or located in a minimum yard subject to the following:
 - a. Not be placed in the sight triangle if located on a corner lot;
 - b. Except for a security fence in a Commercial, Industrial or Community Use zone, no fence may be located within the minimum front yard exceeding a height of 1m;
 - c. No fence may exceed a height of:
 - i. 2.0m in a Residential zone;
 - ii. 2.5m in any other zone;
 - d. In a Residential zone, no fence shall be constructed such that the frame work and any visible supports are visible from the adjacent property;
 - e. No fence in a Residential zone, may be electrified or incorporate barbed wire, razor wire or other dangerous material in its construction;
 - f. Any fence, except those permitted in the Rural (RU) zone, that incorporates barb wire, razor wire or any other dangerous material in its construction shall not place the barb wire, razor wire or any other dangerous material lower than a height of 1.6m; and,
 - g. Not be placed within 0.3m from front and flanking streetlines.



3.1.14 Reduced Frontage on A Curve

1. Where the front lot line of any lot is a curved line or when the side lines of a lot are not parallel, the frontage is determined by measuring the distance between the points on each side lot line which are a distance from the streetline equal to the required setback by the applicable provision of this By-law.

3.1.15 Sight Triangle

1. On a corner lot or a through lot, except in the Downtown District (DT) zone, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation except a column of up to 20 centimetres in diameter supporting an upper storey projection shall not be erected or permitted to grow to a height more than 0.6m above grade at the point of intersection of the streets that abut the lot within the triangular area included within the street lines for a distance of 4.6m, measured from their point of intersection.

3.1.16 Permitted Encroachments

1. Notwithstanding any provisions of this By-law to the contrary, encroachments are permitted as follows:
 - a. Enclosed patios, fire escapes, walkways, wheelchair ramps, lifting devices, or steps may be located a maximum of 1.5m into any minimum front or rear yard and 0.9m into any minimum side yard;
 - b. There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies, or other architectural features, provided that no such structure or feature shall project more than 0.6m into any required yard;
 - c. Window bays and solar collectors may be permitted to project not more than 0.9m from the main wall into a required front, rear or side yard;
 - d. Exterior staircases, steps, balconies, porches, verandas, and sun decks shall be permitted to project a maximum of 2.0m into any required front or rear yard and 0.9m into any required side yard provided that the exterior staircases, balconies, porches, verandas and sun decks do not extend closer than 1m from the nearest lot line.
 - e. Pumps and islands for the distribution of automotive fuel shall be allowed to locate within any minimum yard to the satisfaction of the Development Officer; and,
 - f. Signs subject to and as provided for in section 5.



3.1.17 Outdoor Storage

1. Where this By-law makes provision for outdoor storage, the land used for such storage shall be screened from the street by a wall or decorative fence or chain link fence with filler strips woven into the mesh or other screening facility of equal screening value, such screening facility to be at least 2m high and not more than 2.5m in height nor shall any material be piled higher than the height of the screening.

3.1.18 Screening of Waste Disposal Containers

1. A waste disposal container shall not be located in any front yard, side yard or rear yard, except as follows:
 - a. Shall not displace or be placed in any required landscaped open space and / or parking spaces;
 - b. Shall be located at least 1.0m from either side lot line, at least 1.0m from the rear lot line; if it abuts a residential zone, it shall be at least 3.0m from the side and rear and lot lines;
 - c. Shall be screened on all side from adjacent properties;
 - d. Screening material can be any combination of evergreen plantings, wood or masonry material; and,
 - e. Access to the waste disposal container shall be by a gate constructed of wood or other opaque material.

3.1.19 Screening

1. Where required by this By-law, screening shall be provided in accordance with the following requirements:
 - a. Materials:
 - i. Plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or a wall shall be constructed to form the screen;
 - ii. Screening may consist of both natural and man-made materials;
 - iii. Where a fence is used as screening, the fence shall be constructed such that the frame work and any visible supports shall not be visible from the adjacent property; and,
 - iv. To the extent practical, existing trees and vegetation shall be retained and used to satisfy the provisions of this section.

b. Height:

- i. Screening shall be at least 1.5m in height;
- ii. Plant materials, when planted, may be less than one metre in height if of a species or variety which shall normally attain the required height and width within three years of planting;
- iii. Height shall be measured from the finished grade;
- iv. Height must comply with all other provisions of this By-law, specifically sections 3.1.13 (Fences) and 3.1.15 (Sight Triangle); and,
- v. No garbage shall be stored in any garbage storage area so as to exceed the height of the surrounding fence or screening.

c. Width:

- i. Screening shall be in a strip of landscaped open space of at least 1.5m in width.

d. Maintenance:

- i. All required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to ensure continued compliance with screening requirements; and,
- ii. All required fences and walls shall be permanently maintained in good repair and presentable appearance and, whenever necessary, they shall be repaired or replaced.

3.1.20 Landscaped Open Space and Landscaping

- 1. Where landscaped open space and landscaping is required, it shall be completed not later than one year from the date of granting of the development permit for the main building located thereon.
- 2. No signs, accessory buildings, driveways nor parking areas shall be located in any required landscaped open space area abutting a Residential, Institutional, or Park zone or use.

3.1.21 Outdoor Display Courts

- 1. Where an outdoor display court is a permitted use, such outdoor display courts shall conform to the following standards:
 - a. No outdoor display court shall be located closer than 2m from any street right of way; and,

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- b. The area between any outdoor display court and street line shall be landscaped, including at least 15 centimetres of topsoil after compaction and the seeding or sodding thereof.

3.1.22 Multiple Uses

- 1. In any zone, where any land or building is used for more than one use, all provisions of the By-law relating to each use shall be satisfied, except as otherwise provided.

3.1.23 Accessory Uses

- 1. Where this By-law provides that any land may be used or a building may be erected, altered or used for any purpose, that purpose shall include accessory uses.

3.1.24 Parks

- 1. Notwithstanding the provisions of section 2.7.2(a), public parks and public linear parks are permitted in any zone.

3.1.25 Residential Development Near a Lagoon or Sewage Treatment Plant

- 1. Notwithstanding any other provision of this By-law, no new residential development, except for development contiguous to existing buildings or structures and deemed to be infill by the Development Officer, may be located within 90m of a sewage lagoon or treatment plant.

3.1.26 Development Near a Municipal Water Supply

- 1. Notwithstanding any other provision of this By-law, development and use of land and buildings near a municipal water supply or municipal well may be regulated in accordance with applicable Provincial legislation so as to protect the potable water supply.

3.2 Secondary Uses – Residential

3.2.1 Backyard Poultry Coop

- 1. Where permitted as a secondary use in association with a dwelling unit, any person may have a backyard poultry coop on a lot provided the following provisions are complied with:
 - a. The backyard poultry coop is secondary to a single- or two-unit dwelling, mini-home dwelling, or tiny-home dwelling.

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- b. Male chickens (roosters) are explicitly prohibited. The number of permitted chickens shall be limited to a maximum of six (6);
 - c. Eggs and meat from the poultry coop are for the sole use/consumption of the residents of the dwelling on the property;
 - d. On-site slaughter of animals from the poultry coop on the property is prohibited;
 - e. All poultry shall be kept in a maximum of one enclosed poultry coop in the rear yard that shall have a minimum setback of 3m from any lot line; and,
 - f. Poultry manure shall not be stored on the lot except within a fully sealed container.

3.2.2 Home Business

- 1. Any person may carry on or engage in a home business on a lot with an existing dwelling unit in which they resides provided the following regulations are complied with:
 - a. The home business and any accessory buildings are clearly subordinate to the use of the lot for dwelling purposes and shall not change the character thereof;
 - b. No alterations shall be made to the dwelling which would be inconsistent with future use of the building exclusively as a dwelling;
 - c. The residential look and character of the property shall be maintained;
 - d. The home business shall be conducted entirely within the dwelling or any attached garage or in an unattached accessory building;
 - e. The total area used for the home business in the dwelling, attached garage or accessory building shall not exceed 25% of the floor area of the dwelling, or 40m² whichever is less;
 - f. There is no exterior storage of material or equipment used as a part of the home business;
 - g. Signs shall be limited to a single, on site, non illuminated sign with a maximum area of 0.4m²;
 - h. Two persons other than family members residing in the dwelling may be engaged in any home business;
 - i. No traffic is generated in greater volumes or in a manner other than would be consistent with that of the residential neighbourhood;
 - j. The home business shall not create a need for parking that can not be provided on the property or which is inconsistent with the normal parking usage of the neighbourhood;

- k. Vehicles used primarily as passenger vehicles shall be permitted in connection with the home business. Only one commercially licensed vehicle shall be allowed. This vehicle shall not exceed 1 tonne capacity;
- l. The home business does not create or become a public nuisance in particular in respect to noise, odours, traffic, parking, dust, vibration or interference with television or radio reception;
- m. No goods or services other than those directly pertaining to the home business shall be offered for sale or supplied therein or therefrom; and,
- n. Notwithstanding any other provisions of this By-law, a home business shall not include any of the following uses:
 - i. The storage or parking of more than one tractor trailer, semi-trailers on or near a residential property;
 - ii. The storage or parking of heavy equipment on or near a residential property;
 - iii. Motor vehicle repair establishment;
 - iv. Sale or rental of motor vehicles including but not limited to automobiles, ATV's, travel trailers, boats and / or personal watercraft;
 - v. Kennel;
 - vi. Recycling depot;
 - vii. Salvage yard;
 - viii. Taxi stand; or,
 - ix. A retail use greater than 10m² in floor area.

3.2.3 Early Learning and Childcare Home

1. An early learning and childcare home, shall be subject to the following requirements:
 - a. That the facility be part of a dwelling unit and the operator live on the premises;
 - b. Signs, displays or other external evidence indicating a day care centre is being conducted on the property, shall be limited to a total sign area of 0.4m² and the residential look and character of the property shall be maintained;
 - c. Provide for access, drop-off, and parking to the satisfaction of the Development Officer;

- d. Provide landscaped open space and screening to the satisfaction of the Development Officer;
- e. Submission of a site plan subject to section 2.11.5; and,
- f. Comply with all other applicable regulations including the Early Childhood Services Act.

3.2.4 Garden Suite

1. Any lot with a single-unit dwelling or mini-home may host a Garden Suite for the use of persons with identified special needs provided the following regulations are complied with:
 - a. An application and supporting information for the locating of a Garden Suite shall be submitted to the Development Officer;
 - b. No Garden Suite shall be located on a lot until a permit to do so has been issued by the Development Officer;
 - c. A Garden Suite shall be constructed, erected and located in the rear yard of the main dwelling only and so as to be readily removable and subject to the following requirements:
 - i. Minimum rear yard for Garden Suite: 3m;
 - ii. Minimum side yard for Garden Suite: 2m;
 - iii. Maximum height for Garden Suite: 6m; and,
 - iv. Maximum floor area for Garden Suite: 80m².
 - d. Provision for servicing, including potable water, sewer, storm sewer, lot grading and drainage, parking, and access shall be provided for the Garden Suite to the satisfaction of the Development Officer; and,
 - e. Submission of a site plan subject to section 2.11.5.

3.2.5 Home-Based Tourist Accommodations

1. Home-based tourist accommodations shall be permitted provided that it is located within an existing single-unit dwelling and that:
 - a. The single-unit dwelling is occupied as a residence by the operator of the business;
 - b. The dwelling contains a maximum of 5 double occupancy bedrooms;

- c. Meals will be provided to registered guests only with no walk in trade;
- d. The property provides landscaped open space, screening, and parking to the satisfaction of the Development Officer;
- e. The lot is not used for any other accessory or conditional use;
- f. Submission of a site plan subject to section 2.11.5;
- g. Signs, displays or other external evidence indicating a home-based tourism accommodation is being conducted on the property, shall be limited to a total sign area of 0.4m² and the residential look and character of the property shall be maintained; and,
- h. All other applicable regulations are met.

3.2.6 Home Industry

1. A resident may carry on or engage in a home industry on a lot with an existing dwelling unit and accessory building(s) and located within the appropriate zone, provided the following regulations are complied with:
 - a. Displays or other external evidence indicating a home industry is being conducted on the property shall be limited to a total sign area of 0.6m² and the residential look and character of the property shall be maintained;
 - b. No goods or services other than those directly pertaining to the home industry shall be offered for sale or exposed for sale or supplied therein or therefrom; and,
 - c. The use of equipment or processes that create noise, vibration, glare, fumes, odorous or electrical interference in excess of that normally experienced in a residential neighborhood, shall be minimized and buffered from abutting residential properties.

3.2.7 Accessory Dwelling Units (ADUs)

1. An accessory dwelling unit may be permitted in any defined zone as secondary to a single- or two-unit dwelling or mini-home dwelling, subject to the following:
 - a. Where permitted by this By-law, an accessory dwelling unit shall not contribute to the maximum number of dwelling units permitted on a property.
 - b. An attached accessory dwelling unit shall be subject to the following requirements:

- i. Not exceed 40% of the main building's gross floor area, if accessory to a single-unit dwelling;
 - ii. Not exceed 25% of the main building's gross floor area, if accessory to a two-unit dwelling; and,
 - iii. Provide one additional parking space in addition to the parking requirement for the main use of the property.
- c. A detached accessory dwelling unit shall be subject to the following requirements:
- i. Not exceed 6m in height;
 - ii. Be located in the rear yard only;
 - iii. Not exceed 80m² of gross floor area or 40% of the main building's gross floor area, whichever is less;
 - iv. Be subject to the yard requirements for the zone in which it is located;
 - v. Be serviced by municipal or private water and sanitary systems to the satisfaction of the Development Officer;
 - vi. Provide screening and landscaped open space to the satisfaction of the Development Officer;
 - vii. Provide one parking space in addition to the parking requirement for the main use of the property;
 - viii. Subject to maximum lot coverage requirements for the zone in which it is located; and,
 - ix. Notwithstanding the requirements of this section, be subject to the setback requirements for accessory buildings for the zone in which it is located.

3.3 Conditional Residential Uses

3.3.1 Early Learning and Childcare Centre

1. An early learning and childcare centre may be permitted in a defined residential zone subject to the following provisions:
 - a. Provides for access, drop-off area, and parking to the satisfaction of the Development Officer;

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- b. Provides landscaped open space and screening to the satisfaction of the Development Officer;
 - c. Submission of a site plan subject to section 2.11.5;
 - d. Complies with all other applicable regulations including the Early Childhood Services Act; and,
 - e. Subject to any other terms or conditions the PRAC may impose.

3.3.2 Convenience Store

1. A convenience store may be permitted in a defined residential zone subject to the following provisions:
 - a. The property provides access, landscaped open space, screening, and parking to the satisfaction of the Development Officer;
 - b. Submission of a site plan subject to section 2.11.5;
 - c. Satisfy all other provisions of the zone in which it is located and this By-law; and,
 - d. Subject to any other terms or conditions the PRAC may impose.

3.4 Special Provisions for Specific Uses

3.4.1 Community Placement Residential Facility

1. A community placement residential facility may be permitted in a residential zone provided that:
 - a. The number of residents residing in a community placement residential facility shall be approved by Social Development pursuant to the Family Services Act;
 - b. The property provides landscaped open space, screening, and parking to the satisfaction of the Development Officer;
 - c. Submission of a site plan subject to section 2.11.5;
 - d. Signs, displays or other external evidence indicating a community placement residential facility is being conducted on the property, shall be limited to a total sign area of 0.4m² and the residential look and character of the property shall be maintained; and,
 - e. Satisfy all other provisions of the zone in which it is located and this By-law.

3.4.2 Non-Commercial Wind Energy System

1. Non-commercial wind energy systems shall be permitted as an accessory use in all zones, subject to the following provisions:
 - a. Maximum tower height: 45m;
 - b. Shall be setback, at minimum, 1.5 times the total height of the wind turbine from the rear, front and side lot lines, dwellings, transmission lines, and public right-of-ways;
 - c. Any climbing apparatus shall be a minimum of 3m above grade;
 - d. The rotor clearance shall be a minimum of 4.5m from grade;
 - e. Anchor points for guy wires shall be located on the property that the system is located on. The minimum setback for the guy wire anchors shall be 3m from all lot lines;
 - f. There shall be no signs, other than the name of the manufacturer, advertisements or objects attached to or added to the turbine or tower;
 - g. In addition to the application for a Development Permit, the following information is required:
 - i. Provide the manufacturer's information regarding the type of turbine, total height, rotor diameter, rated output, and Canadian Safety Certification;
 - ii. Provide a site plan, as per section 2.11.5, drawn to scale, showing the location of the non-commercial wind energy system in relation to lot lines, dwelling, public and private roads, and distance from adjacent dwellings; and,
 - iii. Submit authorization documents from Transport Canada and Nav Canada.
2. The owner shall remove the non-commercial wind energy system from the lot following one-year inactivity. A new application shall be submitted and approved before a new turbine is installed or a wind turbine is restarted after the expiration of the one-year period. All supporting structures shall be removed within 60 days of the notification by the Greater Miramichi Regional Service Commission.

3.4.3 Mini-Storage Warehouse

1. A mini storage warehouse is subject to the following conditions:
 - a. Where a site to be used as the location of a mini storage warehouse abuts a residential zone or use, no storage bays shall face an abutting residential zones;

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- b. The facility shall not be used for the manufacture or sale of any commercial commodity or the provision of any service such as the commercial repair of automobiles, boats, motors or other items;
 - c. The facility shall not be utilized for the storage of high hazard materials or flammable chemical substances; and,
 - d. Screening shall be erected and permanently maintained adjacent to any residential use or residential zone.

3.4.4 Outdoor Furnace

1. Where an outdoor wood stove, furnace, or boiler is established for heating of a building or structure it shall conform to all yard requirements of the zone for an accessory building or structure and in addition it shall be established such that it:
 - a. Shall not be installed in R-1, R-2, RML, R-3, R-4, R-5, R-6, RR, RP, RM, NC, or MU zones;
 - b. No appliance shall be permitted to be installed in any other zone unless the parcel of property wherein the appliance is installed is 0.8 hectares (2 acres) or greater in size;
 - c. An appliance using solid fuel and installed or erected outdoors shall be supported by a non-combustible base or foundation constructed so as to adequately support the weight of the appliance;
 - d. The dimensions of the base or foundation for an appliance using solid fuel and installed or erected outdoors shall be in accordance with the manufacture's instructions; notwithstanding such instructions, such base or foundation shall extend a minimum of 300mm beyond the appliance on all sides;
 - e. The top of the chimney for an appliance using solid fuel and installed and erected outdoors shall be a minimum of 5m above the adjacent ground and shall be equipped with a spark arrestor and a rain cap;
 - f. The appliance installed or erected outdoors shall be located no less than 1.5m from any lot line;
 - g. The appliance installed or erected outdoors shall be located no less than 1.5m from an habitable structure including habitable structure on adjacent properties;
 - h. The appliance installed or erected outdoors shall be located no less than 3m from any trees or non-habitable structures; and,
 - i. The appliance installed or erected outdoors shall be located no less than 1.5m from any streetline.



3.4.5 Temporary Real Estate Sales Offices

1. Temporary real estate sales offices may be set up in new display homes within new subdivisions for a period of not more than twenty-four months.

3.4.6 Temporary Construction Uses Permitted

1. Nothing in this By-law shall prevent the use of land or the erection of a temporary building or structure which is accessory to construction in progress, provided all necessary permits required by Federal, Provincial, or Municipal legislation have been issued and that the temporary building or structure is removed within 14 days of the completion of the work.

3.4.7 Stripping of Topsoil

1. No person may strip, excavate, or otherwise remove topsoil for sale or for use from a lot or other parcel of land unless approved by the Department of the Environment and Local Government. Where, in connection with the construction of a building or structure, there is an excess of topsoil other than that required for grading and landscaping on the lot, such excess may be removed for sale or use.

3.4.8 Recreational-Vehicle Storage and Use

1. No person within a Residential zone, shall store any boat, trailer, recreational vehicle, or travel trailer regardless of length in the required front yard of any lot or within 0.5m of any side lot line or rear lot line.
2. No recreational vehicle or travel trailer shall be used as a dwelling.

3.4.9 Commercial Vehicles in Residential Zones

1. No person shall park a commercial vehicle on a lot in a Residential zone other than for the immediate purpose of loading or unloading the vehicle.
2. Notwithstanding section 3.4.8(1), one commercial vehicle per dwelling unit may be parked on a lot appropriated for the dwelling wherein the operator of the vehicle resides, provided the vehicle does not contain cargo including hazardous or flammable materials and has a currently valid licence plate attached thereto.



3.4.10 Vehicle Bodies

1. No motor vehicle, tractor trailer, traction engine, road building machine, farm tractor, other heavy equipment, shipping container, or any vehicle drawn, propelled, or driven by any kind of power shall constitute a dwelling unit whether said equipment or vehicle is operational or not.
2. Except within any Industrial, Rural (RU), Resource Extraction (RE), or Highway Commercial (HC) zone, no vehicle body, trailer, or shipping container shall be used as a building for storage, and then only in conformity with the provisions for buildings, structures, and/or accessory buildings.
3. Notwithstanding section 3.4.10(1) and (2) a vehicle body, trailer, or shipping container may be repurposed and converted into a building, subject to compliance with the National Building Code of Canada.

3.4.11 Illumination

1. No person shall erect any illuminated sign or illuminate an area around or outside any building in any zone, unless such illumination is directed away and shielded from adjoining properties and any adjacent streets and does not interfere with the effectiveness of any traffic control device.
2. Any lighting proposed to illuminate off-street parking area or an outdoor display court shall be located and arranged so that all direct rays of light are directed upon the parking area or an outdoor display court only and not on any adjoining lots or interfere with the effectiveness of any traffic control device.

3.4.12 Separation of Propane Tanks for Residential and Institutional Uses And Zones

1. No person shall erect or use a tank for the storage of propane for sale within 15.24m of a residential or institutional zone or use.

3.4.13 Commercial Patios

1. In any commercial zone, a patio is a permitted accessory use to a restaurant and a licenced premise provided that the patio is not located in a yard that abuts a residential zone.



3.4.14 Wind Farms as Conditional Uses in Rural, Conservation Area, Industrial Zones

1. Wind Farms of commercial or community scale shall be permitted in the Rural (RU), Conservation Area (CA), and Industrial zones subject to terms and conditions as imposed by the Planning Review and Adjustment Committee. Consideration shall be given to but not limited to setbacks from property lines, structure and natural features, location of the facility related to other uses in the vicinity, regard for height, appearance and road access.

3.4.15 Temporary Garden Centres

1. Nothing in this By-law shall prevent a temporary outdoor garden centre being established in a parking lot located in a Commercial zone, subject to the following conditions:
 - a. It shall only operate between the months of April to September;
 - b. It shall not occupy more than 10% of the total number of required parking spaces;
 - c. It shall meet the setback requirements for accessory buildings in the zone; and,
 - d. It shall be readily removeable.

3.4.16 Residential Zero Lot Line for Semi-Detached and Row House Dwelling Developments

1. Zero lot line development may be permitted in a defined Residential zone, excluding an R-1 zone, provided that:
 - a. It can be serviced with municipal sewer services;
 - b. Dwelling units are attached by a common wall with each dwelling unit being located on a separate lot;
 - c. Notwithstanding Residential zone provisions for side yard setbacks, the required shared side lot line setback shall be zero and requirements for lot area and frontage shall be reduced by half (50%);
 - d. No rowhouse driveway shall have direct access to an arterial or collector road; and,
 - e. Submission of a site plan subject to section 2.11.5.





SECTION 4: DRIVEWAY ACCESS, PARKING, AND LOADING

4.1 Driveway Access

4.1.1 Motor vehicle access from a lot to a street shall be over a driveway access conforming to the following and to the latest version of the Transportation Association of Canada Guidelines, which ever is the greater:

1. Maximum width, excluding approved curb cuts, at the street line:
 - a. Commercial and Community Use zones: 12m
 - b. Industrial zones: 15m
 - c. Residential and Rural zones: 7.3m
 - d. Despite 4.1(1)(a) to (c), the maximum width at the streetline may be greater when approved by the City of Miramichi Engineering and/or Public Works Department.
2. Minimum radius of curb cuts shall be to the satisfaction of the City Engineer;
3. Minimum distance between a driveway access and intersecting street line 6.1m;
4. Minimum angle of intersection between driveway access and a street line 70 degrees;
5. Minimum clear throat length:
 - a. 15m for a local or collector road; or
 - b. 30m for an arterial road
6. Driveway access shall be to the satisfaction of the City Engineer.

4.2 Parking

4.2.1 Regular Parking

1. No person shall use any land, or erect or alter, or use any building or part thereof for any purpose unless motor vehicle parking is provided and maintained in accordance with the provisions of this By-law relating thereto, including the following:

Use or Purpose	Minimum Parking Space Requirements
a. Active Recreation Use	minimum of 10
b. Apartment dwelling	1 per dwelling unit
c. Manufacturing facility, processing plant, or similar industrial use	1 per 3 employees or 1 per 93 m ² of floor area, whichever is the greater
	1 per 3 employees or 1 per 93 m ² of floor area, whichever is the greater
d. Home-based tourist accommodation	1 per dwelling unit, plus 0.5 per guest room
e. University or college residence or dormitory	1 per 2 beds available for boarding plus 1 per dwelling unit
f. Religious institution or assembly hall	1 per 3 fixed seats plus 1 per 3.7m ² other assembly area
g. Clinic	3 spaces per examining room
h. Restaurant or licensed premises, not including a pickup/takeout service restaurant	1 per 7m ² of floor area or 1 per 3 seats, whichever is the greater
i. Elementary / Jr. High School	3 per classroom
j. Funeral parlour	15 spaces per viewing room and 1 space for each 5m ² of floor area used for assembly
k. Golf Course	minimum of 10, plus 2 per hole
l. Hospital	2 per bed
m. Hotel, Motel, or Inn	1.25 per guest room
n. Miniature golf course or driving range	Minimum of 10
o. Retail store for the sale or rental of building products, contractor supplies and equipment, motorized vehicles and equipment and parts, or boats, trailers, travel trailers, modular homes, mobile homes and mini homes	Minimum of 5 plus 1 per 370m ² of lot area
p. Motor Vehicle Repair Establishment	1 per 9.3m ² of floor area
q. Office	1 per 25m ² of floor area

Use or Purpose	Minimum Parking Space Requirements
r. Community placement residential facility/ assisted living facility	2 per 5 beds
s. Retail store, personal service shop, excluding associated warehouse,	1 per 28m ² of floor area
t. Single unit dwelling, two-unit dwelling, three unit dwelling, and a row house wherein not more than two dwellings are served by the same driveway	1 per dwelling unit
u. Place of entertainment	1 per 5 fixed seats
v. University or Community College, or high school or vocational school	3 per classroom and 1 per 4 students
w. Wholesale establishment, warehouse, or transportation and distribution terminal	1 per 232m ² of floor area
x. Any dwelling unit not otherwise specified	1 per dwelling unit
y. Any use or purpose otherwise not specified	1 per 28m ² of floor area

2. Notwithstanding section 4.2.1(1), if the calculation of the minimum parking space requirement results in a fraction, the requirement shall be the next higher whole number.
3. When a building or lot accommodates more than one use or purpose, the minimum parking space requirement shall be the sum of the requirements for the separate uses or purposes. A shopping centre is exempt from this provision.
4. Notwithstanding 4.2.1(1), a development may provide less than the minimum parking space requirements of this By-law when an applicant submits a parking study or detailed rationale that demonstrates that the number of proposed parking spaces is sufficient for the associated proposed use(s), and that the conclusions of the study or rationale are found to be acceptable by the Development Officer.
5. Each required parking space shall be at least 2.8m by 5.8m, be used only for the parking of serviceable motor vehicles used in conjunction with a permitted use and shall be ready and accessible and useable at all times by way of a driveway access conforming to the following:

Angle of parking	Minimum Aisle Width
a. 90 degree parking	6.4m
b. 75 degree parking	6.1m
c. 60 degree parking	4.8m
d. 45 degree parking	3.6m

Angle of parking	Minimum Aisle Width
e. 30 degree parking	3.6m
f. parallel parking	4.0m

- When the driveway access is one-way, the minimum required aisle width shall be reduced by half.

4.2.2 Downtown Parking Exemption

- For the purpose of this section, the areas zoned Downtown District (DT) shall be exempted from on-site parking requirements.

4.2.3 Barrier-Free Parking

- Barrier-free parking shall be in accordance with the Barrier-Free Design Building Code Regulation, 2011-61 of the Act, and where there is conflict between this By-law and the Regulation, the Regulation including amendments subsequent thereto shall prevail.

4.2.4 Parking Lot Design Requirements

- The surface of all areas used as a parking lot in excess of 5 vehicles, and the driveway access thereto shall be adequately drained, including the prevention of discharge of sediment to abutting properties and treated to prevent the raising of dust.
- In paved parking areas, each parking space must be painted, marked or otherwise delineated.
- If the parking area is to be used in the winter, an additional area of equal to 1% of the required area shall be provided for snow storage.
- Where a parking lot abuts a residential use, 3m of landscaped open space, including screening, shall be incorporated.

4.2.5 Parking in a Residential Zone

- Except for single- and two-unit dwellings and row house developments in Residential zones, no parking shall be permitted nor parking space provided within the required front yard.
- Where a lot contains five (5) or more vehicle parking spaces, such spaces and the driveway thereto shall not be located within 1.5m of a side lot line or rear lot line.

4.2.6 Large Parking Lots

1. Where a parking lot has more than 50 spaces, 3% of the entire parking lot, excluding the access driveway, shall be landscaped with trees and/or shrubs and/or vegetative ground cover. The area of the parking lot is the area of the parking spaces and aisles and interior parking lot islands, excluding access drives that do not contain either parallel or perpendicular parking spaces.
2. Planter islands or peninsulas containing trees shall be located within the parking lot, such that each island or planter is surrounded on at least three sides by parking lot or an access drive to the parking lot.
3. Planter islands and peninsulas must be a minimum width and length of at least 2.4m.
4. All planter islands and peninsulas must be bordered by a curb.

4.2.7 Bicycle Parking

1. Where a parking lot has more than 50 spaces, bicycle parking shall be provided on the subject property in a secure location in proximity to the main entrance of the main building(s), based on one space for every 50 required vehicle parking spaces.
2. Notwithstanding 4.2.7(1), in the Downtown District (DT), exterior on-site or indoor bicycle parking facilities shall be provided, based on one space for every 20 required vehicle parking spaces

4.2.8 Electric Vehicles and Charging Stations

1. Where a parking lot requires more than 100 parking spaces, 2% of the required parking spaces shall be provided as minimum Level 2 electric vehicle charging stations.
2. Where a parking lot provides more than the number of required Level 2 electric vehicle charging stations by subsection 4.2.8(1), the calculation of the minimum number of required regular vehicle parking spaces shall be reduced by 10 per additional charging station provided.

4.2.9 Parking Lots Containing More Than 300 Spaces

1. Where a parking lot has more than 300 spaces, the following shall also apply:
 - a. An on-site system of pedestrian walkways shall be provided on the property to provide access between the primary entrance or entrances to each building and:
 - i. All other buildings on the subject property;

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- ii. Public sidewalks, walkways, and trails;
 - iii. Parking areas that serve the building; and,
 - iv. Where appropriate, buildings on adjacent properties.
- b. One direct and continuous pedestrian walkway per 300 parking spaces shall be provided within the parking lot to connect building entrances to parking spaces, public sidewalks, transit stops, and other pedestrian destinations. Such pedestrian walk shall consist of a minimum 3.5m wide corridor and have a hard surface width of at least 1.5m with a landscaped area of at least 1m on each side of the walkway.
 - c. On-site pedestrian walkways that cross a parking lot or driveway shall be clearly marked through the use of paint or a change in paving materials, distinguished by their colour, texture, or height.
 - d. A continuous pedestrian walkway with a minimum width of 1.5m shall be provided along the full length of all building facades featuring a customer entrance and/or customer parking area.

4.3 Queuing Space

4.3.1 All queuing spaces shall conform to the following standards:

- 1. Each queuing space per vehicle shall be a minimum of 6.0m long and 3.0m wide;
- 2. Queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane or designated barrier-free parking space and shall not cause any queuing of vehicles to occur on a public street; and,
- 3. Queuing spaces shall be provided on the lot associated with the use.

4.3.2 A drive-thru restaurant shall provide queuing space as follows:

- 1. In-Bound: twenty (20) in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window in either a single or multi-lane drive-thru; and,
- 2. Out-Bound: one (1) outbound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.

4.3.3 A drive-in business gas bar, automated bank tellers, and drive-in business automotive shall provide queuing space as follows:

3. In-Bound: three (3) in-bound spaces shall be provided; and,
4. Out-Bound: three (3) out-bound spaces shall be provided.

4.3.1 An automatic automotive wash shall provide queuing space as follows:

- a. In-Bound: five (5) in-bound spaces shall be provided; and,
- b. Out-Bound: three (3) out-bound spaces shall be provided.

4.4 Loading

1. No person shall use any land, or erect or alter, or use any building or part thereof for business or commercial purposes involving the use of vehicles for the receipt or the distribution of materials unless on site commercial vehicle loading and unloading space is provided and maintained in accordance with the provisions of this By-law relating thereto, including the following:

Use or Purpose	Minimum Loading Space Requirement
a. Processing plant or manufacturing plant;	
i. up to 1,860m ² of gross floor area	1
ii. 1,860m ² -7,432m ² of gross floor area	2
iii. more than 7,432m ² of gross floor area	3, plus one for each additional 7,432m ² of floor area
b. Hospital	1 per 9,300m ² of floor area
c. Hotel or Motel	1 per 9,300m ² of floor area
d. Retail store, service shop, place of entertainment or shopping centre	1 per 9,300m ² of floor area
e. Eating/licensed establishment, restaurant	1 per 9,300m ² of floor area
f. Office building, school, or assembly hall	1 per 9,300m ² of floor area
g. Wholesale establishment, warehouse, or distribution centre	1 per 1,860m ² of floor area

2. Notwithstanding section 4.4(1) if the calculation of the minimum loading space requirement results in a fraction, the requirement shall be the next higher whole number.
3. A loading space for any building less than 185m² shall be optional.

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4. When a building or lot accommodates more than one use or purpose, the minimum loading space requirement shall be the sum of the requirements for the separate uses or purposes. A shopping centre is exempt from this provision.
 5. The surface of all areas used for a loading space and the access thereto shall be adequately drained, including the prevention of discharge of sediment to abutting properties and treated to prevent the raising of dust.
 6. Each required loading space shall be at least 3.7m by 12.2m and have a minimum vertical clearance of 4.3m. Such space shall be readily accessible and useable at all times.
 7. All loading and unloading shall occur on site and shall not block any public road or street.
 8. On site loading spaces are not required in the Downtown District (DT) zone.



SECTION 5: SIGNS

5.1 General Provisions

1. No person shall erect, alter or use any sign except in accordance with the provisions of this By-law relating thereto.
2. No Development Permit is required to reface or repair either an existing non-conforming or conforming sign.

5.2 Signs Allowed in Any Zone

1. Notwithstanding any other provisions of this By-law, the following signs are permitted in any zone, without obtaining a Development Permit, subject to the following:
 - a. Any sign which does not exceed 0.4m² in area;
 - b. Up to two real estate signs per lot. In a residential zone a real estate sign shall not exceed 1 square metre in sign area and in all other zones, 3m²;
 - c. Any sign which does not exceed 0.6m² in area and which regulates or denotes the direction or function of various parts of buildings or premises, including parking and traffic areas;
 - d. Any sign incidental to a construction project provided it does not exceed 4.6m² and is removed upon substantial completion of said construction;
 - e. A sign erected by, or under the direction of a government body, including signs for identification, public information or regulating traffic control and including traffic control signs, directional signs and identification signs, and traffic devices;
 - f. A sign formed by landscaping design;
 - g. A memorial;
 - h. An election sign if the sign area does not exceed 3m² in area. Any such sign shall be removed within seven (7) days following the date of the election;
 - i. A sign in a subdivision erected for promotional purposes associated with a proposed subdivision or other development;
 - j. A temporary sign if erected in accordance with the following provisions:

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- i. Shall only be used to advertise festivals, sporting, special and community events;
 - ii. Be located a minimum distance from a street line of 3.0m;
 - iii. Shall be removed within seven days after the event; and,
 - iv. A portable sign may be used provided it complies with all relevant sections of the By-law related to size and location on the property.

5.3 Special Standards and Prohibited Signs

1. No person shall erect, alter or use any sign, other than in compliance with the following:
 - a. No sign may create a hazard to public safety or health;
 - b. No sign may, for any reason, obstruct the vision of a driver leaving a roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on a public street;
 - c. No sign except for a portable sign or sandwich sign or a sign indicating a disabled parking space, or a temporary sign shall be placed or erected on a property, unless the sign is permanently set into the ground or affixed to a building;
 - d. No sign may displace required amenity areas, including parking and loading areas as provided for in this Bylaw;
 - e. No sign shall obstruct free ingress or egress from a fire escape, window, door, or other required exit;
 - f. No sign, other than a traffic control sign erected by a government, may use words including “stop”, “look”, “danger”, “one way”, “yield” or any similar words, phrases, symbols, lights, or characters used in a manner which may mislead, confuse, or otherwise interfere with traffic;
 - g. No sign may incorporate a searchlight;
 - h. No sign may be painted on or attached to a tree, stone, cliff, or other natural object;
 - i. Any sign which advertises a business which is no longer active or conducting business shall be deemed to be obsolete and such sign shall be removed by the owner or occupant of the property within sixty (60) days of the date of discontinuance of the business;
 - j. No sign, unless a Directory Sign or a sign permitted as an off-site advertising sign in section 5.4.1, shall be erected on a property unless the sign indicates the nature or ownership of a business or institution conducted on the property upon which the sign is located; and,

k. The following signs are prohibited in all zones:

- i. A series of two or more signs in line each carrying a part of a single advertising message; and,
 - ii. A vehicle-mounted sign.
2. Notwithstanding any other provision of this By-law a sign that incorporates both official languages, equally, shall be permitted to be 10% larger than otherwise permitted in this By-law.
 3. No sign shall be located or kept on a property unless such sign is properly maintained including the sign's face, supports, electrical system or anchorage.

5.4 Supplementary Sign Provisions

5.4.1 Off-Site Signs

1. An off-site advertising sign shall be developed in accordance with the following regulations:
 - a. Off-site advertising signs shall be permitted in all Commercial, Industrial and Rural (RU) zones and the Conservation Area (CA) zone;
 - b. Off-site advertising signs shall be in the form of a wall sign, a billboard sign, a freestanding sign, or DPAD only;
 - c. The size, height and surface area of an off-site advertising sign shall be regulated in accordance with the applicable provisions of this By-law;
 - d. Off-site advertising signs shall be setback from the street line in accordance with section 5.4.13 of this By-law;
 - e. Off-site advertising signs shall not be located within the landscaped open space required for the zone;
 - f. An off-site advertising sign shall not be located within 60m of:
 - i. Another off-site advertising sign located on the same lot or adjacent lot; and,
 - ii. Any Residential zone boundary.
 - g. Unless the lot is vacant and undeveloped, no off-site advertising signs can be erected on a lot having less than 54m of frontage on a public street and less than 54m of lot width.



5.4.2 Freestanding Signs

1. Freestanding signs shall be permitted within all zones other than Residential zones and in accordance with the following regulations:
 - a. Not exceed a maximum height of 10m;
 - b. Not exceed a maximum size of 12m² in gross surface area, or in the case of a multiple tenancy building containing 3 or more businesses, exceed 20m² in gross surface area; and,
 - c. Not exceed a maximum of one in number for up to 60m of frontage and additional sign for each additional 60m of frontage.

5.4.3 Projecting Signs

1. Projecting signs shall be permitted within all zones other than residential zones and in accordance with the following regulations:
 - a. Not exceed 6.0m² in gross surface area;
 - b. Not project more than 2.5m from the building wall;
 - c. Be erected a minimum of 3.0m above grade;
 - d. Not project over lot lines, except in the Downtown District (DT) Zone;
 - e. Not project more than 30 cm. above the highest storey of the building to which the sign is affixed; and,
 - f. Not be permitted to swing freely on its supports

5.4.4 Wall Signs

1. Wall signs shall be permitted within all zones other than Residential zones and in accordance with the following regulations:
 - a. Not be painted upon or cover a fence or roof;
 - b. Not extend beyond the extremities of the wall upon which it is placed; or
 - c. Not cover more than 10% of the area of the wall to the building or suite to which the sign is affixed.

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2. Notwithstanding 5.4.4(1), wall signs shall be permitted in a Residential zone when used in conjunction with an approved convenience store use.

5.4.5 Billboard Signs

1. A billboard sign shall be permitted in Highway Commercial (HC), Airport-Compatible Business (ACB), Business/Light Industrial (BLI), Conservation Area (CA), and Rural (RU) zones, and only in accordance with the following regulations:
 - a. Gross surface area shall not be less than 12m² and not more than 24m²;
 - b. The base of the face of a billboard sign must be a minimum distance of 3m above finished grade;
 - c. Not exceed a maximum height of 15m; and,
 - d. Not exceed a maximum of one sign for up to 60m of frontage and one additional billboard sign for each additional 75m of frontage, to a maximum of two billboard signs per lot.

5.4.6 Canopy Signs

1. A canopy sign shall be permitted within all zones other than Residential zones, provided that no canopy sign shall:
 - a. Be placed, erected or altered unless the sign is attached to, painted or placed upon a marquee, a canopy or an awning;
 - b. Exceed the length of the wall of the building upon which the canopy or awning is placed;
 - c. Project over a lot line;
 - d. Notwithstanding (c), a canopy sign may be located in a Downtown District (DT) zone and project over a lot line, provided liability insurance is held by the owner of such sign; and,
 - e. Be placed, erected or altered unless the canopy or awning is placed on the building at a height of at least 3m above grade.
2. Notwithstanding 5.4.6(1), canopy signs shall be permitted in a Residential zone when used in conjunction with an approved convenience store use.



5.4.7 Directory Signs

1. Directory signs shall only be permitted in the Business/Light Industrial (BLI), Airport-Compatible Business (ACB), Downtown District (DT), General Commercial (GC), Regional Commercial (RC), Highway Commercial (HC) and Mixed Uses (MU) zones, provided that no directory sign shall:
 - a. Exceed 12m² in gross surface area;
 - b. Exceed a height of 10m above grade; or,
 - c. Be located on a property except where more than one business exists or display a listing of the names of businesses unless these businesses are located within the immediate vicinity (500m) of one another and the sign.

5.4.8 Sandwich Signs

1. Sandwich signs are permitted in all Commercial, Community Use, and Industrial zones provided that no sandwich sign shall:
 - a. Exceed a gross surface area of 0.5m²;
 - b. Exceed one in number per business;
 - c. Obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way, fire lane or vehicle queuing space; or,
 - d. Not be located in the sight triangle on a corner lot.

5.4.9 Portable Signs

1. Portable signs shall be permitted in all Community Use, Industrial, and Commercial zones, other than the Downtown District (DT) zone, subject to the following:
 - a. One portable sign, plus one additional portable sign for each 45m of frontage,
 - b. Maximum gross surface area of 4.3m²;
 - c. Shall be clearly related to a permitted main use occurring on the property which it is located;
 - d. Shall not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way, fire lane or vehicle queuing space; and,
 - e. Shall not be located in the sight triangle on a corner lot.

5.4.10 Swing Signs

1. Swing signs shall be permitted in all Commercial, Community Use and Industrial zones, subject to the following:
 - a. One sign for each business conducted on the property;
 - b. Maximum gross surface area of 0.6m²;
 - c. Shall be located entirely within the property on which it is located and shall not project over lot lines; and,
 - d. Notwithstanding (c), a swing sign may be located in a Downtown District (DT) zone and project over a lot line, provided liability insurance is held by the owner of such sign.

5.4.11 Roof Signs

1. Roof signs shall be permitted in all Commercial and Industrial zones, other than Neighbourhood Commercial (NC) or Downtown District (DT) zones, subject to the following:
 - a. Not exceed 6.0m² in gross surface area;
 - b. Not be erected higher than the peak of the roof it is attached or anchored to;
 - c. Not exceed one in number per lot; and,
 - d. Not be permitted to swing freely on its supports.

5.4.12 Digital and Projected Advertising Displays (DPADs)

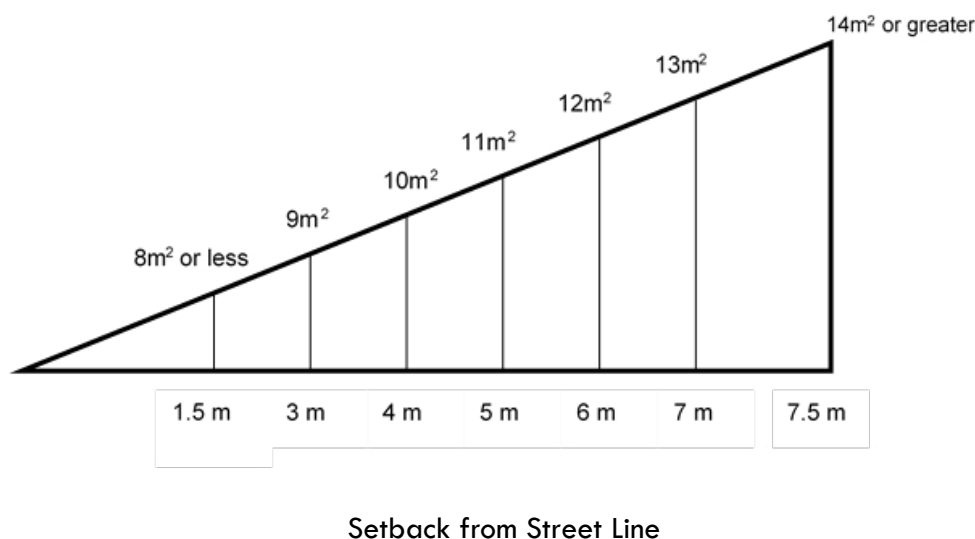
1. DPADs shall be permitted as part of a freestanding sign, fascia sign, projecting sign, canopy sign, directory sign, or billboard sign in the Highway Commercial (HC), Regional Commercial (RC), Community Use (CU), University Community College (UC), Mixed Use (MU) and all Industrial zones, subject to the following:
 - a. Compliance with the zoning provisions for the respective sign type;
 - b. Minimum DPAD frame duration shall be 20 seconds;
 - c. Transition times between frames shall be instantaneous;
 - d. Message sequencing or text scrolling shall not be permitted;

- e. Maximum brightness shall be 5,000 nits during day and 500 nits at night; and,
 - f. Be separated at least 100m from an existing single- or two-unit dwelling.
2. Notwithstanding any other provisions of this By-law, a DPAD sign located in a drive-thru, including any digital pre-sell board, speaker post, or menu board shall be permitted in an HC or RC zone without obtaining a Development Permit.

5.4.13 Sign Setback

1. Unless otherwise provided for in this Bylaw, no sign permitted under this By-law may be placed, erected or altered so that it is closer to a street line than the minimum setback required as provided for in the following table:

(Note: Sign gross surface area rounded to the nearest square metre to determine set back from street line.)



2. No sign shall be placed closer than 1.5m from any lot line.

5.4.1 Non-Conforming Signs

1. The provisions of this By-law with respect to existing signs which do not conform to the By-law at the time of its effective date, shall not be construed to have a retroactive effect, except that relocation or removal of any such non-conforming sign shall render such sign subject to the provisions of this By-law. The provisions of this section shall not exempt the owner of a non-conforming sign from the obligations of proper maintenance of such sign.

SECTION 6: RESIDENTIAL ZONES

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Single Unit Dwelling	Single- or Two-Unit Dwelling	Residential Mixed Low Density	Medium Density A	Medium Density B	High Density A	High Density B	Mini / Mobile Home Park	Mobile Home / Mini-Home	Residential Retirement Community
	R-1	R-2	RML	R-3	R-4	R-5	R-6	RP	RM	RR
Accessory dwelling unit		R-2*	RML*	R-3*					RM*	
Apartment building containing not more than 10 dwelling units				R-3						
Apartment building containing not more than 24 dwelling units					R-4					RR
Apartment dwelling						R-5	R-6			
Assisted living facility					R-4	R-5	R-6			RR
Associated administrative offices										RR
Backyard poultry coop		R-2*	RML*						RM*	RR*
Clinic							R-6*			RR
Community placement residential facility	(R-1)	R-2	RML	R-3	R-4	R-5	R-6			
Convenience store		(R-2)	(RML)	(R-3)	R-4	R-5	R-6*	(RP)		
Early learning and childcare home	R-1*	R-2*	RML*	R-3*				RP*	RM*	RR*
Early learning and childcare centre				R-3	R-4	R-5	R-6			
Four-unit dwelling			RML	R-3						RR
Garden suite	R-1*	R-2*	RML*	R-3*					RM*	
Home business	R-1*	R-2*	RML*	R-3*	R-4*	R-5*	R-6*	RP*	RM*	RR*
Home-based tourist accommodation	R-1*	R-2*	RML*	R-3*					RM*	RR*
Inn				R-3	R-4					
Mini-home and/or mobile home park, including associated sales office								RP		
Mini-home dwelling			RML					RP	RM	RR
Mobile home dwelling								RP	RM	
Modular dwelling								RP	RM	
Park	R-1	R-2	RML	R-3	R-4	R-5	R-6	RP	RM	RR
Personal service shop							R-6*			
Restaurant							R-6*			
Retail store							R-6*			
Rowhouse dwelling										RR
Rowhouse dwelling containing not more than 10 dwelling units				R-3						

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Single Unit Dwelling	Single- or Two-Unit Dwelling	Residential Mixed Low Density	Medium Density A	Medium Density B	High Density A	High Density B	Mini / Mobile Home Park	Mobile Home / Mini-Home	Residential Retirement Community
	R-1	R-2	RML	R-3	R-4	R-5	R-6	RP	RM	RR
Rowhouse dwelling containing not more than 16 dwelling units					R-4					
Semi-detached dwelling		R-2	RML	R-3						RR
Single-unit dwelling	R-1	R-2	RML	R-3					RM	RR
Three-unit dwelling			RML	R-3						RR
Tiny-home dwelling			RML					RP	RM	
Two-unit dwelling		R-2	RML	R-3						RR

6.1 Single Unit Dwelling (R-1)

R-1

6.1.1 Permitted Uses

1. No person shall within a R-1 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One of the following main uses:
 - i. park
 - ii. single-unit dwelling
 - b. One of the following secondary uses and then only in association with a single-unit dwelling:
 - i. early learning and childcare home, subject to section 3.2.3
 - ii. garden suite, subject to section 3.2.4
 - iii. home business, subject to section 3.2.2
 - iv. home-based tourist accommodation, subject to section 3.2.5
 - c. One of the following conditional uses provided herein subject to such terms and conditions as the PRAC may impose:
 - i. community placement residential facility, subject to section 3.4.1

6.1.2 Regulations

1. No person shall within a R-1 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	540m ²
b. minimum lot frontage	18m
c. minimum lot depth	30m
d. minimum front yard	In accordance with section 3.1.4
e. minimum side yard	2.4m
f. minimum rear yard	6.1m
g. maximum lot coverage	40%
h. maximum height	9.5m

- | | |
|---|---------------------|
| i. maximum coverage by open parking areas, driveways and vehicle movement areas | 25% of the lot area |
|---|---------------------|

2. Notwithstanding the requirements of lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

6.2 Single- or Two-Unit Dwelling (R-2)

R-2

6.2.1 Permitted Uses

1. No person shall within an R-2 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One of the following main uses:
 - i. community placement residential facility, subject to section 3.4.1
 - ii. park
 - iii. semi-detached dwelling, subject to section 3.4.1.5
 - iv. single-unit dwelling
 - v. two-unit dwelling
 - b. One of the following secondary uses and then only in association with a single-unit dwelling:
 - i. accessory dwelling unit, subject to section 3.2.7
 - ii. early learning and childcare home, subject to section 3.2.3
 - iii. garden suite, subject to section 3.2.4
 - iv. home-based tourist accommodation, subject to section 3.2.5
 - c. One of the following secondary uses in association with a dwelling unit:
 - i. backyard poultry coop, subject to section 3.2.1
 - ii. home business, subject to section 3.2.2

- d. One of the following conditional uses subject to such terms and conditions as the PRAC may impose:

- i. convenience store, subject to section 3.3.2

6.2.2 Regulations

1. No person shall within a R-2 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	540m ²
b. minimum lot frontage	18m
c. minimum lot depth	30m
d. minimum lot frontage/ dwelling unit (new lots)	11m
e. minimum lot area/ dwelling unit (new lots)	330m ²
f. minimum front yard	In accordance with section 3.1.4
g. minimum side yard	2.4m
h. minimum rear yard	6.1m
i. maximum lot coverage	40%
j. maximum height	11.0m
k. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area

2. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the R-2 zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

6.3 Residential Mixed Low Density (RML)

RML

6.3.1 Permitted Uses

1. No person shall within a RML Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
- a. One of the following main uses:
- i. community placement residential facility, subject to section 3.4.1

- ii. mini-home dwelling
 - iii. park
 - iv. semi-detached dwelling, subject to section 3.4.16
 - v. single-unit dwelling
 - vi. two-unit dwelling
 - vii. three-unit dwelling
 - viii. four-unit dwelling
 - ix. tiny-home dwelling
- b. One of the following secondary uses and then only in association with a single-unit dwelling:
- i. accessory dwelling unit, subject to section 3.2.7
 - ii. early learning and childcare home, subject to section 3.3.1
 - iii. garden suite, subject to section 3.2.4
 - iv. home-based tourist accommodation, subject to section 3.2.5
- c. One of the following secondary uses in association with a dwelling unit:
- i. backyard poultry coop, subject to section 3.2.1
 - ii. home business, subject to section 3.2.2
- d. One of the following conditional uses subject to such terms and conditions as the PRAC may impose:
- i. convenience store, subject to section 3.3.2

6.3.2 Regulations

1. No person shall within a RML Zone, use any land or erect, alter or use any building or part thereof for a single- or two-unit dwelling except in accordance with the following regulations:

a. minimum lot area	540m ²
b. minimum lot frontage	18m

c. minimum lot depth	30m
d. minimum lot frontage/ dwelling unit (new lots)	11m
e. minimum lot area/ dwelling unit (new lots)	330m ²
f. minimum front yard	In accordance with section 3.1.4
g. minimum side yard	2.4m
h. minimum rear yard	6.1m
i. maximum lot coverage	40%
j. maximum height	11.0m
k. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area

- Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the RML zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

6.3.3 Regulations

- No person shall within a RML Zone, use any land or erect, alter or use any building or part thereof for a mini-home dwelling except in accordance with the following regulations:

a. minimum lot area	900m ²
b. minimum lot area/dwelling unit (new lots)	232m ²
c. minimum lot frontage	30m
d. minimum lot depth	30m
e. minimum lot frontage/ dwelling unit (new lots)	6m
f. minimum front yard	In accordance with section 3.1.4
g. minimum side yard	2.4m
h. minimum rear yard	6.1m
i. maximum lot coverage	40%
j. maximum height	12.0m
k. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area

- Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the RML zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

6.3.4. Regulations

1. No person shall within a RML Zone, use any land or erect, alter or use any building or part thereof for a mini-home dwelling except in accordance with the following regulations:

a. minimum lot frontage (mini-home dwelling must be parallel to the street)	28m
b. minimum lot depth	30m
c. minimum lot area	525m ²
d. minimum front yard	In accordance with section 3.1.4
e. minimum side yard	2.4m
f. minimum rear yard	6.1m
g. maximum height	8.5m
h. maximum lot coverage	40%
i. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area

2. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the RML zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

6.4 Medium Density A (R-3)

R-3

6.4.1 Permitted Uses

1. No person shall within a R-3 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One of the following main uses:
 - i. apartment building containing not more than 10 dwelling units
 - ii. community placement residential facility, subject to section 3.4.1
 - iii. early learning and childcare centre, subject to section 3.3.1
 - iv. four-unit dwelling
 - v. inn
 - vi. park

- vii. rowhouse dwelling containing not more than 10 dwelling units and subject to section 3.4.16
 - viii. semi-detached dwelling, subject to section 3.4.16
 - ix. single-unit dwelling
 - x. three-unit dwelling
 - xi. two-unit dwelling
- b. One of the following secondary uses and then only in association with a single-unit dwelling:
- i. accessory dwelling unit, subject to section 3.2.7
 - ii. early learning and childcare home, subject to section 3.2.3.
 - iii. garden suite, subject to section 3.2.4
 - iv. home-based tourist accommodation, subject to section 3.2.5
- c. One of the following secondary uses and then only in association with a dwelling unit:
- i. home business, subject to section 3.2.2
- d. One of the following conditional uses subject to such terms and conditions as the PRAC may impose:
- i. convenience store, subject to section 3.3.2

6.4.2 Regulations

1. No person shall within a R-3 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	900m ²
b. minimum lot area/ dwelling unit (new lots)	232m ²
c. minimum lot frontage	30m
d. minimum lot frontage/dwelling unit (new lots)	6.0m
e. minimum lot depth	30m
f. minimum front yard	In accordance with section 3.1.4
g. minimum side yard	2.4m
h. minimum rear yard	6.1m

i. maximum lot coverage	40%
j. maximum height	1.5m
k. minimum landscaped open space along all lot lines	3.0m
l. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the area of the lot
m. submission of a site plan as provided for in section 2.11.5	

2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2

6.5 Medium Density B (R-4)

R-4

6.5.1 Permitted Uses

1. No person shall within a R-4 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. apartment dwelling containing not more than 24 dwelling units
 - ii. assisted living facility
 - iii. community placement residential facility, subject to section 3.4.1
 - iv. convenience store
 - v. early learning and childcare centre, subject to section 3.3.1
 - vi. inn
 - vii. park
 - viii. rowhouse dwelling containing not more than 16 dwelling units subject to section 3.4.16
 - b. One of the following secondary uses and then only in association with a dwelling unit:
 - i. home business, subject to section 3.2.2

6.5.2 Regulations

1. No person shall within a R-4 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	2,230m ²
b. minimum lot area/ dwelling unit (new lots)	185m ²
c. minimum lot frontage	30m
d. minimum lot depth	30m
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	3.0m
g. minimum rear yard	9.2m
h. maximum lot coverage	40%
i. maximum height	17m
j. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area
k. submission of a site plan as provided for in section 2.11.5	

2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

6.6 High Density A (R-5)

R-5

6.6.1 Permitted Uses

1. No person shall within a R-5 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. apartment dwelling
 - ii. assisted living facility
 - iii. community placement residential facility, subject to section 3.4.1
 - iv. convenience store
 - v. early learning and childcare centre, subject to section 3.3.1

vi. park

b. One of the following secondary uses and then only in association with a dwelling unit:

i. home business, subject to section 3.2.2

6.6.2 Regulations

1. No person shall within a R-5 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	2,230m ²
b. minimum lot area/ dwelling (new lots)	140m ²
c. minimum lot frontage	30m
d. minimum lot depth	45m
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	6.1m
g. minimum rear yard	18m
h. maximum lot coverage	45%
i. maximum height	19m
j. maximum coverage by open parking areas, driveways, and vehicle movement areas	25% of the area of the lot.
k. submission of a site plan as provided for in section 2.11.5	

2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

6.7 High Density B (R-6)

R-6

6.7.1 Permitted Uses

1. No person shall within a R-6 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

a. One or more of the following main uses:

i. apartment dwelling

- ii. assisted living facility
 - iii. community placement residential facility, subject to section 3.4.1
 - iv. early learning and childcare centre, subject to section 3.3.1
 - v. park
- b. One of the following secondary uses, unless in association with a dwelling unit:
- i. home business, subject to section 3.2.2
- c. One or more of the following secondary commercial uses when located in an apartment dwelling containing 50 or more dwelling units:
- i. clinic
 - ii. convenience store
 - iii. personal service shop
 - iv. restaurant
 - v. retail store
2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection may be developed subject to and as provided for in section 3.1.2.

6.7.2 Regulations

1. No person shall within any R-6 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	3,716m ²
b. minimum lot area/ dwelling unit (new lots)	93m ²
c. minimum lot frontage	45m
d. minimum lot depth	45m
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	12.2m
g. minimum rear yard	12.2m
h. maximum lot coverage	50%

i. maximum height	21m
j. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the area of the lot
k. the following regulations shall apply to the secondary commercial uses as provided for in section 6.7.1 (1)(c).	i. maximum commercial floor area per building: 185.8m ² ii. shall be located only on the first floor or the basement iii. no curb service, drive-in service, take-out service, or pick-up shall be permitted, if such service comprises the primary activity of the establishment
l. submission of a site plan as provided for in section 2.11.5	

6.8 Mini / Mobile Home Park (RP)

RP

6.8.1 Permitted Uses

1. No person shall within a RP Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. dwelling – mini-home
 - ii. dwelling - mobile home
 - iii. dwelling – modular home
 - iv. mini-home and/or mobile home park, including an associated sales office
 - v. park
 - vi. tiny-home dwelling
 - b. One of the following secondary uses and then only in association with a dwelling - mini home, dwelling - mobile home or dwelling modular:
 - i. early learning and childcare home, subject to section 3.3.1

ii. home business, subject to section 3.3.2

c. The following conditional uses provided herein subject to such terms and conditions as the PRAC may impose:

i. convenience store

6.8.2 Regulations

1. No person shall within a RP Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot width	
i. per site	15m
ii. minimum lot width per site when unit parallel to street	28m
b. minimum lot depth	
i. per site	35m
ii. minimum lot width per site when unit parallel to street	15m
c. minimum lot area	
i. per site	525m ²
ii. minimum lot width per site when unit parallel to street	420m ²
d. minimum front yard per site	6.0m
e. minimum side yard per site	2.4m
f. minimum rear yard per site	3.0m
g. maximum height per site	8.5m
h. maximum lot coverage per site	40%

2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

6.9 Mobile Home/Mini-Home (RM)

RM

6.9.1 Permitted Uses

1. No person shall within a RM Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One of the following main uses:
 - i. dwelling – mini-home
 - ii. dwelling - mobile home
 - iii. dwelling – modular
 - iv. park
 - v. single-unit dwelling
 - vi. tiny-home dwelling
 - b. One of the following secondary uses and then only in association with a dwelling - mini home, dwelling - mobile home, or dwelling - modular:
 - i. accessory dwelling unit, subject to section 3.2.7
 - ii. early learning and childcare home, subject to section 3.2.3
 - iii. garden suite, subject to section 3.2.4
 - iv. home-based tourist accommodation, subject to section 3.2.5
 - v. home business, subject to section 3.2.2
 - c. One of the following secondary uses in association with a dwelling unit:
 - i. backyard poultry coop, subject to section 3.2.1

6.9.2 Regulations

1. No person shall within a RM Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot frontage	18m
b. minimum lot depth	32m
c. minimum lot area	575m ²
d. minimum front yard	In accordance with section 3.1.4
e. minimum side yard	2.4m
f. minimum rear yard	2.4m
g. maximum lot coverage	40%
h. maximum height	8.5m
i. minimum floor area/ dwelling unit	45m ²
j. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the area of the lot

2. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein, within the RM zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

6.10 Residential Retirement Community (RR)

RR

6.10.1 Permitted Uses

1. No person shall within a RR Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. apartment dwelling, in compliance with R-4 regulations
 - ii. assisted living facility, in compliance with R-4 regulations
 - iii. associated administrative offices
 - iv. clinic
 - v. dwelling - mini-home
 - vi. four-unit dwelling
 - vii. park
 - viii. rowhouse dwelling, subject to section 3.4.16

- ix. semi-detached dwelling, subject to section 3.4.16
 - x. single-unit dwelling
 - xi. three-unit dwelling
 - xii. two-unit dwelling
- b. One of the following secondary uses and then only in association with a dwelling unit:
- i. backyard poultry coop, subject to section 3.2.1
 - ii. early learning and childcare home, subject to section 3.2.3
 - iii. home-based tourist accommodation, subject to section 3.2.5
 - iv. home business, subject to section 3.2.2

6.10.2 Regulations

1. No person shall within any RR Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum front yard in accordance with section 3.1.4	
b. minimum separation between main buildings	4.5m
c. submission of a site plan as provided for in section 2.11.5	
d. minimum separation distance between accessory buildings	3.0m
e. accessory buildings are not to be located between the front wall of the main building and a public street	
f. maximum combined floor area of all accessory buildings associated with one main building	55m ²
g. maximum distance that a sundeck can project from a rear wall of a main building	6.1m
h. minimum distance between a sundeck and:	
i. an encroachment projecting from another main building; or	



- | | |
|---|-------------|
| <p>ii. the main wall of another main building, where an “encroachment” for the purposes of this regulation is a described in section 3.1.16 Permitted Encroachments</p> | <p>3.0m</p> |
|---|-------------|
2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.



SECTION 7: COMMERCIAL ZONES

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Neighbourhood Commercial	General Commercial	Highway Commercial	Regional Commercial	Downtown District	Commercial Recreation	Adult Entertainment
	NC	GC	HC	RC	DT	CR	AE
Accessory dwelling unit	NC*				DT*		
Adult cabaret							AE
Adult massage parlour							AE
Adult retail outlet							AE
Amusement park						CR	
Apartment dwelling containing not more than 24 dwelling units		GC	HC				
Apartment dwelling					DT		
Assembly hall		GC	HC	RC	DT		
Automotive dealership		GC	HC	RC			
Automotive wash		GC	HC	RC			
Call centre		GC	HC	RC	DT		
Campground						CR	
Clinic	NC	GC	HC	RC	DT		
Community placement residential facility	(NC)	GC			DT		
Convenience store	NC			RC	DT		
Cottage cluster development						CR	
Distillery		GC	HC	RC	DT		
Drive-thru business			HC	RC			
Early learning and childcare centre		GC	HC	RC	DT		
Early learning and childcare home	NC, NC*				DT*		
Fair ground or exhibition grounds						CR	
Financial institution		GC	HC	RC	DT		
Fitness centre		GC	HC	RC	DT		
Funeral parlour		GC	HC				
Garden centre		GC	HC	RC	DT		
Garden suite	NC*				DT*		
Gas bar		GC	HC	RC	DT		
Golf course						CR	
Golf driving range						CR	
Home Business	NC*				DT*		
Home-based tourist accommodation	NC*				DT*		
Hotel or motel or inn		GC	HC	RC	DT	CR	
Interpretive use					DT	CR	

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Neighbourhood Commercial	General Commercial	Highway Commercial	Regional Commercial	Downtown District	Commercial Recreation	Adult Entertainment
	NC	GC	HC	RC	DT	CR	AE
Library, museum or art gallery		GC		RC	DT		
Licensed premises, excluding adult entertainment		GC	HC	RC	DT	CR	AE
Marina		GC			DT	CR	
Micro-brewery		GC	HC	RC	DT		
Miniature golf course			HC	RC		CR	
Mini-storage warehouse			HC				
Motor vehicle repair establishment		GC	HC	RC			
Museum						CR	
Non-government office		GC	HC	RC	DT		
Government office					DT		
Outdoor display court			HC	RC			
Park	NC	GC	HC	RC	DT	CR	
Parking lot or parking garage		GC		RC	DT		
Personal service shop	NC	GC	HC	RC	DT		
Pharmacy	NC	GC		RC	DT		
Place of entertainment, excluding adult entertainment		GC	HC	RC	DT	CR	
Police station, correctional facility, or fire hall		GC	HC		DT		
Post office	NC	GC	HC	RC	DT		
Print shop		GC	HC	RC	DT		
Racetrack						(CR)	
Recreational facility		GC	HC	RC	DT	CR	
Religious institution		GC	HC		DT		
Restaurant			HC	RC		CR	
Restaurant, excluding a drive thru restaurant		GC			DT		
Restaurant, excluding a drive thru, with a maximum of 50 seats	NC						
Retail store		GC	HC	RC		CR*	AE
Retail store for the sale and rental of motorized vehicles and equipment		GC					
Retail store, excluding a motor vehicle repair establishment or a retail store for the sale of: a. Farm supplies, grain and feed;					DT		

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Neighbourhood Commercial	General Commercial	Highway Commercial	Regional Commercial	Downtown District	Commercial Recreation	Adult Entertainment
	NC	GC	HC	RC	DT	CR	AE
b. Motor vehicles, farm equipment, construction equipment or other heavy equipment sales or service establishment; and c. boats, trailers, travel trailers, mobile homes and mini homes							
Retail store, including an outdoor display court, for the sale or rental of; a. Building products, contractor supplies and equipment b. Motorized vehicles and equipment c. Motor vehicle parts d. Boats, trailers, travel trailers, modular homes, mobile homes and mini homes			HC				
Row house dwelling containing not more than 16 dwelling units		GC	HC		DT		
School or other training facility		GC		RC	DT		
Service repair shop	NC	GC	HC	RC	DT		
Single-unit dwelling	NC	GC	HC		DT		
Studio or craft workshop		GC			DT		
Taxi stand		GC	HC	RC	DT		
Television and/or radio studios		GC	HC		DT		
Tourist information centre		GC	HC		DT	CR	
Transportation depot			HC				
Two-unit dwelling	NC				DT		
Use permitted in the IN zone					DT		
Veterinary clinic		GC	HC	RC	DT		
Warehouse			HC				
Warehousing and distribution centre			HC				
Wholesale establishment			HC	RC			

7.1 Neighbourhood Commercial (NC)

NC

7.1.1 Permitted Uses

1. No person shall within a NC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. clinic
 - ii. convenience store
 - iii. early learning and childcare home
 - iv. licensed premises
 - v. park
 - vi. personal service shop
 - vii. pharmacy
 - viii. post-office
 - ix. restaurant, excluding a drive thru, with a maximum of 50 seats
 - x. service repair shop
 - xi. single-unit dwelling
 - xii. two-unit dwelling
 - b. One of the following secondary uses and then only in association with a dwelling unit:
 - i. accessory dwelling unit, subject to section 3.2.7
 - ii. early learning and childcare home, subject to section 3.2.3
 - iii. garden suite, subject to section 3.2.4
 - iv. home-based tourist accommodation, subject to section 3.2.5
 - c. One of the following secondary uses in association with a dwelling unit:

i. home business, subject to section 3.2.2

d. One of the following conditional uses provided herein subject to such terms and conditions as the PRAC may impose:

i. community placement residential facility, subject to section 3..1

7.1.2 Regulations

1. No person shall within a NC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations;

a. minimum lot frontage	30m
b. minimum lot depth	30m
c. minimum lot area	900m ²
d. maximum lot coverage	40%
e. minimum front yard	In accordance with section 3.1.4
f. minimum rear yard	9.1m
g. minimum side yard	6.1m
h. minimum floor area per dwelling unit	55.7m ²
i. maximum floor area for non-residential uses	185.8m ²
j. minimum landscaped open space	10% of lot area
k. maximum height	8.5m
l. there shall be no outside storage or display of merchandise	
m. no curb service, drive-in service, take-out service or pick-up service shall be permitted if such service comprises the primary activity of the establishment	
n. landscaped open space of a minimum of 1.5m shall be provided and maintained along all lot lines provided that such open space may be interrupted by driveways.	

2. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the NC zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

7.2 General Commercial (GC)

GC

7.2.1 Permitted Uses

1. No person shall within a GC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following uses:
 - i. apartment dwelling containing not more than 24 dwelling units as per section 7.2.2(2)
 - ii. assembly hall
 - iii. automotive dealership
 - iv. automotive wash
 - v. call centre
 - vi. clinic
 - vii. communication use
 - viii. community placement residential facility
 - ix. distillery
 - x. early learning and childcare centre
 - xi. financial institution
 - xii. fitness centre
 - xiii. funeral parlour
 - xiv. gas bar
 - xv. garden centre, subject to section 3.4.15
 - xvi. hotel or motel or inn
 - xvii. library, museum, or art gallery
 - xviii. licensed premises, excluding adult entertainment

- 
- xix. marina
 - xx. micro-brewery
 - xxi. motor vehicle repair establishment
 - xxii. non-government office
 - xxiii. park
 - xxiv. parking lot or parking garage
 - xxv. personal service shop
 - xxvi. pharmacy
 - xxvii. place of entertainment, excluding adult entertainment
 - xxviii. police station, correctional facility, or fire hall
 - xxix. post office
 - xxx. print shop
 - xxxi. recreational facility
 - xxxii. religious institution
 - xxxiii. restaurant, excluding drive thru restaurant
 - xxxiv. retail store
 - xxxv. retail store for the sale and rental of motorized vehicles and equipment
 - xxxvi. row house dwelling containing not more than 16 dwelling units as per section 7.2.2(2) and subject to section 3.4.16
 - xxxvii. school or other training facility
 - xxxviii. service repair shop
 - xxxix. single-unit dwelling
 - xl. studio or craft workshop
 - xli. taxi stand

- xlii. television and/or radio studios
- xliii. tourist information centre
- xliv. veterinary clinic

7.2.2 Regulations

1. Except as provided in section 7.2.2 (3), no person shall within an GC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot frontage	15m
b. minimum lot depth	15m
c. minimum lot area	450m ²
d. maximum lot coverage	50%
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	6.1m
g. minimum rear yard	6.1m
h. minimum landscaped open space	10% of lot area
i. maximum height	15m
j. outside storage or display of merchandise is permitted provided there is no displacement of required landscaping, parking, loading areas, driveways or fire lanes	
k. screening shall be provided and maintained along a lot line abutting a Community Use, Residential zone or existing residential use	
l. landscaped open space of a minimum width of 3.0m shall be provided and maintained along a lot line abutting a Community Use, Residential, or a Rural (RU) zone or existing residential use	
m. landscaped open space of a minimum of 1.5m shall be provided and maintained along all other lot lines provided that such open space may be interrupted by driveways	
n. submission of a site plan as provided for in section 2.11.5	

2. No person shall within a GC Zone use any land or erect, alter or use any building or part thereof for a permitted residential use except in accordance with the following regulations:

a. minimum lot area	555m ²
b. minimum lot area/ dwelling unit (new lots)	185m ²
c. minimum lot frontage	30m
d. minimum lot depth	30m
e. minimum side yard	6.1m
f. minimum rear yard	6.1m
g. maximum lot coverage	40%
h. maximum height	17m
i. maximum coverage by open parking areas, driveways and vehicle movement areas	25%
j. landscaped open space of a minimum of 1.5m shall be provided and maintained along all lot lines provided that such open space may be interrupted by driveways	
k. submission of a site plan as provided for in section 2.11.5	

3. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the GC zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

7.3 Highway Commercial (HC)

HC

7.3.1 Permitted Uses

1. No person shall within a HC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following uses:
 - i. apartment dwelling containing not more than 24 dwelling units as per section 7.3.2(2)
 - ii. assembly hall
 - iii. automotive dealership
 - iv. automotive wash

- 
- v. call centre
 - vi. clinic
 - vii. distillery
 - viii. drive -thru business
 - ix. early learning and childcare centre
 - x. financial institution
 - xi. fitness centre
 - xii. funeral parlour
 - xiii. garden centre, subject to section 3.4.15
 - xiv. gas bar
 - xv. hotel, motel, or inn
 - xvi. licensed premises, excluding adult entertainment use
 - xvii. micro-brewery
 - xviii. miniature golf course
 - xix. mini-storage warehouse, subject to section 3.4.3
 - xx. motor vehicle repair establishment
 - xxi. non-government office
 - xxii. outdoor display court
 - xxiii. park
 - xxiv. personal service shop
 - xxv. place of entertainment, excluding adult entertainment
 - xxvi. police station, correctional facility, or fire hall
 - xxvii. post office

- 
- xxviii. print shop
 - xxix. recreational facility
 - xxx. religious institution
 - xxxi. restaurant
 - xxxii. retail store, including an outdoor display court, for the sale or rental of;
 - a. building products, contractor supplies and equipment
 - b. motorized vehicles and equipment
 - c. motor vehicle parts
 - d. boats, trailers, travel trailers, modular homes, mobile homes and mini homes
 - xxxiii. retail store
 - xxxiv. row house dwelling containing not more than 16 dwelling units as per section 7.3.2(2) and subject to section 3.4.16
 - xxxv. service repair shop
 - xxxvi. single-unit dwelling
 - xxxvii. taxi stand
 - xxxviii. television and/or radio studios
 - xxxix. tourist information centre
 - xl. transportation depot
 - xli. veterinary clinic
 - xl.ii. warehouse
 - xl.iii. warehousing and distribution centre
 - xl. iv. wholesale establishment

7.3.2 Regulations

1. Except as provided in section 7.3.2 (3), no person shall within a HC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot frontage	46m
b. minimum lot depth	46m
c. minimum lot area	2,116m ²
d. maximum lot coverage	50%
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	6.1m
g. minimum rear yard	6.1m
h. maximum height	12.2m
i. landscaped open space of a minimum width of 6.1m shall be provided and maintained along a lot line abutting any Community Use, Residential, and a Rural (RU) zone or existing residential use	
j. landscaped open space of a minimum width of 3.0m shall be provided and maintained along all other lot lines provided such open space may be interrupted by driveways	
k. screening shall be provided and maintained along a lot line abutting a Community Use, Residential, or Rural (RU) zone or existing residential use	
l. outside storage or display of merchandise is permitted provided there is no displacement of required landscaping, parking, loading areas, driveways or fire lanes	
m. submission of a site plan as provided for in section 2.11.5	

2. No person shall within a HC Zone use any land or erect, alter or use any building or part thereof for a permitted residential use except in accordance with the following regulations:

a. minimum lot area	2,116m ²
b. minimum lot area/ dwelling unit (new lots)	185m ²

c. minimum lot frontage	30m
d. minimum lot depth	30m
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	6.1m
g. minimum rear yard	6.1m
h. maximum lot coverage	40%
i. maximum height	17m
j. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area
k. landscaped open space of a minimum width of 3.0m shall be provided and maintained along all lot lines provided such open space may be interrupted by driveways	
l. submission of a site plan as provided for in section 2.11.5	

3. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the HC zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

7.4 Regional Commercial (RC)

RC

7.4.1 Permitted Uses

1. No person shall within a RC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following uses:
 - i. assembly hall
 - ii. automotive dealership
 - iii. automotive wash
 - iv. call centre
 - v. clinic
 - vi. convenience store

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- vii. distillery
 - viii. drive-thru business
 - ix. early learning and childcare centre
 - x. financial institution
 - xi. fitness centre
 - xii. garden centre, subject to section 3.4.15
 - xiii. gas bar
 - xiv. hotel, motel, or inn
 - xv. library, museum, or art gallery
 - xvi. licensed premises, excluding adult entertainment
 - xvii. micro-brewery
 - xviii. miniature golf course
 - xix. motor vehicle repair establishment
 - xx. non-government office
 - xxi. outdoor display court
 - xxii. park
 - xxiii. parking lot or parking garage
 - xxiv. personal service shop
 - xxv. pharmacy
 - xxvi. place of entertainment, excluding adult entertainment
 - xxvii. post office
 - xxviii. print shop
 - xxix. recreation facility

- xxx. restaurant
- xxxi. retail store
- xxxii. school or other training facility
- xxxiii. service repair shop
- xxxiv. shopping centre
- xxxv. taxi stand
- xxxvi. veterinary clinic
- xxxvii. wholesale establishment

7.4.2 Regulations

1. No person shall within a RC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations;

a. minimum lot frontage	91.5m
b. minimum lot depth	91.5m
c. minimum lot area	9,290m ²
d. maximum lot coverage	50%
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	12.2m
g. minimum rear yard	12.2m
h. minimum landscaped open space	15% of lot area
i. maximum height	18m
j. outside storage or display of merchandise is permitted provided there is no displacement of required landscaping, parking, loading areas, driveways or fire lanes	
k. landscaped open space, of a minimum of 6.1m shall be provided and maintained along a lot line abutting a Residential, Community Use, or Rural (RU) zone	

l. landscaped open space of a minimum of 3.0m shall be provided and maintained along all other lot lines provided that such open space may be interrupted by driveways	
m. submission of a site plan as provided for in section 2.11.5	

2. Notwithstanding section 7.4.2(1), no person shall within the RC zone use any land or erect, alter or use any building or part thereof for the purposes of an out-pad, stand alone development where there are multiple commercial main buildings on a lot, except in accordance with the following regulations:

a. maximum building size	1,058m ²
b. minimum lot frontage where a lot abuts and has access to a public road	46m
c. minimum lot depth	46m
d. minimum lot area	2,116m ²
e. maximum lot coverage	50%
f. minimum front yard	In accordance with section 3.1.4
g. minimum side yard	6.1m
h. minimum rear yard	6.1m
i. maximum height	12.0m
j. landscaped open space of a minimum width of 6.1m shall be provided and maintained along a lot line abutting a Community Use, Residential, or Rural (RU) zone or existing residential use	
k. landscaped open space of a minimum width of 1.5m shall be provided and maintained along all other lot lines, except where the lot abuts a property zoned RC, the minimum width of landscaped open space shall be 1.5m, provided such open space may be interrupted by driveways	
l. screening shall be provided and maintained along a lot line abutting a Community Use, Residential or Rural (RU) zone or existing residential use	

m. outside storage or display of merchandise is permitted provided there is no displacement of required landscaping, parking, loading areas, driveways or fire lanes	
n. submission of a site plan as provided for in section 2.11.5	

3. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

7.5 Downtown District (DT)

DT

7.5.1 Permitted Uses

1. No person shall within a DT Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. apartment dwelling
 - ii. assembly hall
 - iii. call centre
 - iv. clinic
 - v. communication use
 - vi. community placement residential facility
 - vii. convenience store
 - viii. distillery
 - ix. early learning and childcare centre
 - x. financial institution
 - xi. fitness centre
 - xii. garden centre, subject to section 3.4.15

- 
- xiii. government office
 - xiv. hotel, motel, or inn
 - xv. interpretive use
 - xvi. library, museum, or art gallery
 - xvii. licensed premises, excluding adult entertainment
 - xviii. marina
 - xix. micro-brewery
 - xx. non-government office
 - xxi. park
 - xxii. parking lot or parking garage
 - xxiii. personal service shop
 - xxiv. pharmacy
 - xxv. place of entertainment, excluding adult entertainment
 - xxvi. police station, correctional facility, or fire hall
 - xxvii. post office
 - xxviii. print shop
 - xxix. recreational facility
 - xxx. religious institution
 - xxxi. restaurant, excluding a drive thru restaurant
 - xxxii. retail store, excluding a motor vehicle repair establishment or a retail store for the sale of:
 - a. farm supplies, grain, and feed;
 - b. motor vehicles, farm equipment, construction equipment or other heavy equipment sales or service establishment; and,
 - c. boats, trailers, travel trailers, mobile homes, and mini-homes

- xxxiii. row house dwelling containing not more than 16 dwelling units, subject to section 3.4.16
 - xxxiv. school or other training facility
 - xxxv. service repair shop
 - xxxvi. single-unit dwelling
 - xxxvii. studio or craft workshop
 - xxxviii. taxi stand
 - xxxix. television and/or radio studios
 - xl. tourist information centre
 - xli. two-unit dwelling
 - xlii. uses permitted in the IN zone
- b. One of the following secondary uses and then only in association with a dwelling unit:
- i. accessory dwelling unit, subject to 3.2.7
 - ii. early learning and childcare home, subject to section 3.2.3
 - iii. garden suite, subject to section 3.2.4
 - iv. home-based tourist accommodation, subject to section 3.2.5
- c. One of the following secondary uses in association with a dwelling unit:
- i. home business, subject to section 3.2.2

7.5.2 Regulations

1. No person shall within a DT Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. maximum height	17m
b. submission of a site plan as provided for in 2.11.5	

2. A building or structure in the DT Zone on a lot abutting:

- 
- a. A street that abuts the Town Square in Miramichi West; or,
 - b) Water Street (between the intersection of Water/Duke Street and Water/King Street) in Miramichi East

shall have a minimum height of 7m and no fewer than two full stories at the property line abutting the streetline.

7.6 Commercial Recreation (CR)

CR

7.6.1 Permitted Uses

1. No person shall, within a CR Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. amusement park
 - ii. campground
 - iii. cottage cluster development
 - iv. fair ground or exhibition grounds
 - v. golf course
 - vi. golf driving range
 - vii. hotel or motel or inn
 - viii. interpretive use
 - ix. licensed premises, excluding adult entertainment
 - x. marina
 - xi. miniature golf course
 - xii. museum
 - xiii. park
 - xiv. place of entertainment, excluding adult entertainment

- xv. recreational facility
- xvi. restaurant
- xvii. tourist information centre

b. One of the following secondary uses:

- i. retail store

c. One of the following conditional uses provided herein subject to such terms and conditions as the PRAC may impose:

- i. racetrack

7.6.2 Regulations

1. No person shall, within any CR Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	4,000m ²
b. minimum lot frontage	46m
c. minimum front yard	In accordance with section 3.1.4
d. minimum side yard	10m
e. minimum rear yard	10m
f. maximum lot coverage	50%
g. maximum height	15m
h. screening shall be provided and maintained along a lot line abutting a Community Use, Residential, or Rural (RU) zone or existing residential use	
i. landscaped open space 3m along all property lines	
j. submission of a site plan as provided for in section 2.11.5	

2. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein, a lot within the CR zone, which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

7.7 Adult Entertainment (AE)

7.7.1 Permitted Uses

1. No person shall within an AE Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. adult cabaret
 - ii. adult massage parlour
 - iii. adult retail outlet
 - iv. licensed premises

7.7.2 Regulations

1. As provided for in section 53 (4) of the *NB Community Planning Act*, the uses permitted in section 7.7.1, are subject to terms and conditions which may be imposed by the PRAC to protect the properties within the zone or in abutting zones, for the health, safety, and welfare of the general public.
2. No person shall within an AE Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	900m ²
b. minimum lot frontage	30m
c. minimum front yard	In accordance with section 3.1.4
d. minimum side yard	6.1m
e. minimum rear yard	6.1m
f. maximum height	15m
g. submission of a site plan as provided for in section 2.11.5	

3. No person shall establish an adult entertainment use closer than 500m from the nearest lot line of any use listed in section 7.7.1, and to the nearest lot line of any of the following:
 - a. another adult entertainment use

- 
- b. Residential zone
 - c. existing residential use
 - d. community use or
 - e. park or other recreational facility



SECTION 8: INDUSTRIAL ZONES

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Business / Light Industrial	Heavy Industrial	Airport-Compatible Business
	BLI	HI	ACB
Abattoir		HI	
Active park			ACB
Agricultural operation, excluding the raising of swine and or poultry			ACB
Airport, terminal, runway and associated uses			ACB
Asphalt plant		HI	
Assembly hall			ACB
Automotive wash	BLI		
Building products establishment	BLI		
Call centre	BLI		ACB
Cannabis production facility	BLI	HI	ACB
Composting - waste		HI	ACB
Concrete batching plant	BLI	HI	ACB
Construction industry	BLI	HI	ACB
Correctional facility			ACB
Distillery	BLI		ACB
Dormitory			ACB
Early learning and childcare centre			ACB
Farm equipment, supplies, grain and feed, construction equipment or other heavy equipment sales and service establishment	BLI		ACB
Feedmill or flour mill	BLI		
Fitness centre			ACB
Foundry, kiln or forge		HI	
Furniture refinishing, woodworking or upholstery shop	BLI		
Garden nursery including greenhouses			ACB
Greenhouse	BLI		
Kennel	BLI		
Landfill facility		HI	
Manufacturing facility	BLI	HI	ACB
Micro-brewery	BLI		ACB
Mini-storage warehouse	BLI		ACB
Motor vehicle repair establishment	BLI		ACB

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Business / Light Industrial	Heavy Industrial	Airport-Compatible Business
	BLI	HI	ACB
Office	BLI		ACB
Outdoor display court	BLI		ACB
Outdoor storage facility		HI	
Outdoor storage, associated with a main use	BLI		
Passive park			ACB
Petroleum, gas, or volatile liquid refinery and including bulk storage facility		HI	
Power generation plant		HI	
Processing plant	BLI		ACB
Pulp mill or paper mill		HI	
Racetrack			ACB
Rail yard		HI	
Recycling depot	BLI	HI	ACB
Research facility	BLI		ACB
Restaurant	BLI		ACB
Salvage yard		HI	
Saw mill or wood products plant		HI	
School or other training facility	BLI		ACB
Service club and social club facilities and operations			ACB
Soil remediation facility		HI	
Solid waste management facility	BLI	HI	ACB
Transportation and distribution terminal	BLI		ACB
Transportation depot	BLI		ACB
Truck or heavy equipment maintenance yard	BLI		ACB
Use permitted in the IN zone			ACB
Use permitted in the HC zone excluding residential uses, hotels, motels, or inns	BLI		ACB
Veterinary clinic	BLI		
Warehouse, including associated retail sales	BLI		
Waste composting facility		HI	
Wharf		HI	
Wholesale establishment	BLI		

8.1 Business Light Industrial (BLI)

BLI

8.1.1 Permitted Uses

1. No person shall within any BLI Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. automotive wash
 - ii. building products establishment
 - iii. call centre
 - iv. cannabis production facility
 - v. concrete batching plant
 - vi. construction industry
 - vii. distillery
 - viii. farm equipment, supplies, grain and feed, construction equipment or other heavy equipment sales and service establishment
 - ix. feedmill or flour mill
 - x. furniture refinishing, woodworking or upholstery shop
 - xi. greenhouse
 - xii. kennel
 - xiii. manufacturing facility
 - xiv. micro-brewery
 - xv. mini-storage warehouse, subject to section 3.4.3
 - xvi. motor vehicle repair establishment
 - xvii. office

- xviii. outdoor display court
- xix. outdoor storage, associated with a main use
- xx. processing plant
- xxi. recycling depot
- xxii. research facility
- xxiii. restaurant
- xxiv. school or other training facility
- xxv. solid waste management facility
- xxvi. transportation and distribution terminal
- xxvii. transportation depot
- xxviii. truck or heavy equipment maintenance yard
- xxix. use permitted in the HC zone excluding residential uses, hotels, motels, or inns
- xxx. veterinary clinic
- xxxi. warehouse, including associated retail sales
- xxxii. wholesale establishment

8.1.2 Regulations

1. No person shall within a BLI Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot frontage	30m
b. minimum lot depth	30m
c. minimum lot area	900m ²
d. maximum lot coverage	50%
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard where lot abuts a residential zone	9.2m



g. minimum rear yard where lot abuts a Residential zone	9.2m
h. minimum side yard where lot does not abuts a Residential zone	6.1m
i. minimum rear yard where lot does not abut a Residential zone	6.1m
j. maximum height	15m
k. landscaped open space of a minimum width of 9.2m shall be provided and maintained along a lot line abutting a Residential, Community Use or Rural (RU) zone.	
l. landscaped open space of a minimum width of 3.0m shall be provided and maintained along all other lot lines, provided such space may be interrupted by driveways and railways.	
m. screening shall be provided and maintained along a lot line abutting a Residential, Community Use, or Rural (RU) zone or an existing residential use.	
n. submission of a site plan as provided for in section 2.11.5	

2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

8.2 Heavy Industrial (HI)

HI

8.2.1 Permitted Uses

1. No person shall within any HI Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. abattoir
 - ii. asphalt plant
 - iii. cannabis production facility
 - iv. composting - waste
 - v. concrete batching plant
 - vi. construction industry
 - vii. foundry, kiln, or forge
 - viii. landfill facility
 - ix. manufacturing facility
 - x. outdoor storage facility
 - xi. petroleum, gas, or volatile liquid refinery and including bulk storage facility
 - xii. power generation plant
 - xiii. pulp mill or paper mill
 - xiv. rail yard
 - xv. recycling depot
 - xvi. salvage yard
 - xvii. saw mill or wood products plant
 - xviii. soil remediation facility

- xix. solid waste management facility
- xx. waste composting facility
- xxi. wharf

8.2.2 Regulations

1. No person shall within a HI Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot frontage	61m
b. minimum lot depth	61m
c. minimum lot area	0.81 ha.
d. maximum height	18m
e. minimum front yard	In accordance with Section 3.1.4
f. minimum side yard where lot abuts a Residential, Community Use or Rural (RU) zone	30.5m
g. minimum rear yard where lot abuts a Residential, Community Use or Rural (RU) zone	30.5m
h. minimum side yard where lot does not abut a Residential, Community Use or Rural (RU) zone	15.2m
i. minimum rear yard where lot does not abut a Residential Community Use, or Rural (RU) zone	15.2m
j. landscaped open space of a minimum width of 30.5m shall be provided and maintained along a lot line abutting a Residential, Community Use, or Rural (RU) zone	
k. landscaped open space of a minimum width of 15.2m shall be provided and maintained along all other lot lines, provided such space may be interrupted by driveways and railways	
l. screening shall be provided and maintained along a lot line abutting a Residential or Rural (RU) zone	

-
- m. submission of a site plan as provided for in section 2.11.5

- 2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2

8.3 Airport-Compatible Business (ACB)

ACB

8.3.1 Permitted Uses

- 1. No person shall within an ACB Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. active park
 - ii. agricultural operation, excluding the raising of swine and or poultry
 - iii. airport, terminal, runway, and associated uses
 - iv. assembly hall
 - v. call centre
 - vi. cannabis production facility
 - vii. composting - waste
 - viii. concrete batching plant
 - ix. construction industry
 - x. correctional facility
 - xi. distillery
 - xii. dormitory
 - xiii. early learning and childcare centre

- 
- xiv. farm equipment, supplies, grain and feed, construction equipment or other heavy equipment sales and service establishment
 - xv. fitness centre
 - xvi. garden nursery including greenhouses
 - xvii. manufacturing facility
 - xviii. micro-brewery
 - xix. mini-storage warehouse, subject to section 3.4.3
 - xx. motor vehicle repair establishment
 - xxi. office
 - xxii. outdoor display court
 - xxiii. passive park
 - xxiv. processing plant
 - xxv. racetrack
 - xxvi. recycling depot
 - xxvii. research facility
 - xxviii. restaurant
 - xxix. school or other training facility
 - xxx. service club and social club facilities and operations
 - xxxi. solid waste management facility
 - xxxii. transportation and distribution terminal
 - xxxiii. transportation depot
 - xxxiv. truck or heavy equipment maintenance yard
 - xxxv. use permitted in the HC zone, excluding residential uses, hotels, motels, or inns

xxxvi. use permitted in the IN zone

8.3.2 Regulations

1. Notwithstanding section 8.3.2 (3), no person shall within an ACB Zone use or occupy any existing building or structure or part thereof except in accordance with the following regulations:

a. minimum lot area	900m ²
b. minimum lot frontage	9.2m
c. maximum height	15m
d. minimum separation from other buildings and structures	6.5m
e. 10% of the lot shall be developed as landscaped open space.	

2. Any development or redevelopment proposing direct access to Highway 11, shall provide a frontage of 46m, be subject to a 15.24m setback from the streetline and the location of any such access be located to the satisfaction of the Development Officer, upon the advice of the City.

3. Any new development shall be in accordance with the following:

a. minimum lot area	900m ²
b. minimum lot frontage	30m
c. minimum lot depth	30m
d. minimum front yard	In accordance with section 3.1.4
e. minimum side yard	6.1m
f. minimum rear yard	6.1m
g. maximum height	15m
h. minimum lot area	900m ²

4. Submission of a site plan as provided for in section 2.11.5.
5. Screening shall be provided and maintained along a lot line abutting a Residential or Rural (RU) zone or existing residential use.
6. Notwithstanding the requirements of lot frontage and area as provided for herein, a lot within the ACB zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

SECTION 9: ENVIRONMENTAL ZONES

9.1 Flood Overlay (FO)



9.1.1 Permitted Uses

1. No person shall within a FO Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. Permitted uses in the underlying zone apply with exception to the following:
 - i. hospitals, assisted living facilities, and community placement residential facilities where flooding could pose a significant threat to the safety of residents if evacuation becomes necessary; and,
 - ii. any use associated with the warehousing or the production of hazardous material.
 - b. Uses deemed to be part of an approved Secondary Plan.

9.1.2 Regulations

1. No person shall within a FO Zone use any land or erect, alter, or use any building or part thereof except in accordance with the following regulations:
 - a. All habitable rooms in a new building shall be floodproofed to the 4.6m geodetic (CGVD28) elevation. When to the mutual satisfaction of the Development Officer and City Engineer, floodproofing may include constructing a dike or berm so that the site is designed to avoid floodwater inundation.
 - b. In the case of an existing building, the building may be expanded without floodproofing if:
 - i. It does not reduce the existing elevation of the building; and,
 - ii. It does not increase the non-floodproofed habitable portion of the building by the lesser of 25% or 23.22m² (a larger non-floodproofed expansion necessitates floodproofing).
 - c. As a condition of Development Permit approval, all new and existing buildings that require flood proofing to the 4.6m geodetic (CGVD28) elevation shall be required to submit:

- i. A plan demonstrating the elevation of the habitable part of the building and floodproofing of all applicable electrical, mechanical, and plumbing by design or elevation.
 - ii. A flood protection commitment letter. A flood protection commitment letter means a letter stamped by a Qualified Professional and submitted with a Development Permit application that details which design measures are to be taken to ensure the proposed building complies with section 9.1.2(1)(a) of this By-law.
- d. Notwithstanding (c), all Development Permit applications, regardless of the requirement for floodproofing, shall be accompanied by a disclaimer (Schedule 3) signed by the Property Owner acknowledging the risks associated with development in the Flood Overlay (FO) Zone.
 - e. If there is a conflict between the Flood Overlay (FO) Zone and the underlying zone, the Flood Overlay takes precedence.
 - f. If it can be demonstrated through ground-truthing by a Licensed Land Surveyor that the Flood Overlay (FO) Zone as demonstrated on the Schedule A: Zoning Map is inaccurate, the delineation by the Licensed Land Surveyor shall apply.

9.2 Watercourse and Wetland Overlay (WW)



The Province, through the Department of Environment and Local Government and under the Clean Water Act, has a Watercourse and Wetland Alteration Regulation. The Regulation applies to all watercourses and wetlands in the City of Miramichi, including the Miramichi River in the section upstream from the Morrissy Bridge.

9.2.1 Permitted Uses

1. No person shall within a WW Overlay Zone use any land or erect, alter, or use any building or part thereof for any purpose other than permitted uses in the underlying zone.

9.2.2 Regulations

1. The Development Officer shall refer any Development Permit application within a WW Zone to the Provincial Department of Environment and Local Government for review and approval under the Watercourse and Wetland Alteration Regulation before being considered.
2. As a condition of Development Permit approval, the Applicant must submit, to the satisfaction of the Development Officer, a copy of a Watercourse and Wetland Alteration (WAWA) Permit or exemption.

9.3 Conservation Area (CA)

CA

9.3.1 Permitted Uses

1. No person shall within a CA Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. interpretive uses, excluding buildings
 - ii. passive park, including a linear park

9.3.2 Regulations

1. No person shall within a CA Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum front yard	In accordance with Section 3.1.4
b. minimum side yard	6.1m
c. minimum rear yard	6.1m
d. maximum height	8.5m

2. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the CA zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

SECTION 10: COMMUNITY USE AND RECREATION ZONES

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Institutional	University and Community College	Active Recreation	Passive Recreation / Greenspace	Mixed Use	Utility and Service
	IN	UC	AR	PR	MU	US
Active park	IN	UC				
Active recreation facility and uses			AR			
Assembly hall	IN					
Assisted living facility	IN					
Cemetery, including a crematorium	IN					
Clinic	IN					
Community college		UC				
Community placement residential facility	IN					
Convenience store		UC*				
Craft workshop	IN					
Distillery					MU	
Dormitory		UC				
Early learning and childcare centre	IN	UC*				
Financial institution		UC*				
Fitness centre	IN					
Golf course			AR			
Golf driving range and practice facility			AR			
Home business					MU*	
Hospital	IN					
Hotel, motel, or inn					MU	
Interpretive use			AR	PR		
Interpretive uses, excluding buildings						
Library, museum, art gallery or cultural centre	IN					
Licensed premises, excluding adult entertainment	IN*	UC*	AR*			
Linear park or trail				PR		
Main uses permitted in the IN zone					MU	
Main use permitted in the R-2 zone					MU	
Main use permitted in the R-3 zone					MU	
Main uses permitted in the R-4 zone					MU	
Main uses permitted in the R-5 zone					MU	
Main uses permitted in the R-6 zone					MU	

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Institutional	University and Community College	Active Recreation	Passive Recreation / Greenspace	Mixed Use	Utility and Service
	IN	UC	AR	PR	MU	US
Microbrewery					MU	
Office	IN	UC				
Passive park, including a linear park	IN	UC	AR	PR	MU	
Personal service shop		UC*			MU	
Police station, correctional facility or fire hall	IN					
Post office		UC*				
Private structures limited to 20 square metres				PR		
Railway station	IN					
Recreational facility	IN		AR			
Religious institution	IN	UC*				
Research facility	IN	UC*				
Restaurant		UC*			MU	
Restaurant, excluding a drive thru			AR*			
Retail store		UC*	AR*		MU	
School or other training facility	IN					
Studios related to arts and crafts	IN					
University		UC				
University or community college residence		UC				
Uses permitted in the GC zone, excluding an: a. automotive dealership; b. gas bar; c. motor vehicle repair establishment; and, d. retail store for the sale and rental of motorized vehicles and equipment					MU	
Utility uses pursuant to Subsection 2.1.2.1						US
Veterinary clinic	IN					
Wharf and marina facility			AR			

10.1 Institutional (IN)

IN

10.1.1 Permitted Uses

1. No person shall within any IN Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. active park
 - ii. assembly hall
 - iii. assisted living facility
 - iv. cemetery, including a crematorium
 - v. clinic
 - vi. community placement residential facility
 - vii. craft workshop
 - viii. early learning and childcare centre
 - ix. fitness centre
 - x. hospital
 - xi. library, museum, art gallery or cultural centre
 - xii. office
 - xiii. passive park, including a linear park
 - xiv. police station, correctional facility or fire hall
 - xv. railway station
 - xvi. recreational facility
 - xvii. religious institution
 - xviii. research facility

- xix. school or other training facility
- xx. studios related to arts and crafts
- xxi. veterinary clinic

b. In association with a main use, the following secondary uses:

- i. licensed premises, excluding adult entertainment.

10.1.2 Regulations

1. No person shall within an IN Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot frontage	30m
b. minimum lot depth	30m
c. minimum lot area	900m ²
d. maximum lot coverage	40%
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	6.1m
g. minimum rear yard	6.1m
h. maximum height	18m
i. landscaped open space of a minimum width of 3.0m shall be provided and maintained along all lot lines provided that such open space may be interrupted by driveways	
j. submission of a site plan as provided for in section 2.11.5	

2. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein, a lot within the IN zone, which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2

10.2 University and Community College Zone (UC)

UC

10.2.1 Permitted Uses

1. No person shall within any UC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. active park
 - ii. community college
 - iii. dormitory
 - iv. office
 - v. passive park, including a linear park
 - vi. school and / or training facility
 - vii. university
 - viii. university or community college residence
 - b. One or more of the following secondary uses, when located in a building designed and forming an integral part of a university or college:
 - i. convenience store
 - ii. early learning and childcare centre
 - iii. financial institution
 - iv. licensed premises, excluding adult entertainment
 - v. personal service shop
 - vi. post office
 - vii. religious institution

- viii. research facility
- ix. restaurant
- x. retail store

10.2.2 Regulations

1. No person shall within an UC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot frontage	30m
b. minimum lot depth	30m
c. maximum building coverage	40%
d. maximum height	18m
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	6.1m
g. minimum rear yard	6.1m
h. maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area
i. submission of a site plan as provided for in section 2.11.5	
j. the following regulations shall apply to the secondary commercial uses provided for in section 10.2.1(1)(b):	
i. maximum floor area per commercial use 185.8m ² ;	
ii. there shall be no outside display of merchandise;	
iii. no drive-thru service shall be permitted if such service comprises the primary activity of the establishment;	
iv. landscaped open space of a minimum width of 3.0m shall be provided and maintained along all lot lines, provided such space may be interrupted by driveways and railways; and,	

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-
- v. screening shall be provided and maintained along a lot line abutting a Residential zone if a building, parking space, driveway or loading space is located within 15.2m of such zone.

- 2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2

10.3 Active Recreation (AR)

AR

10.3.1 Permitted Uses

- 1. No person shall within an AR Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. active recreation facility and uses
 - ii. golf course
 - iii. golf driving range and practice facility
 - iv. interpretive use
 - v. recreational facility
 - vi. passive park, including a linear park
 - vii. wharf and marina facility
 - b. One or more of the following secondary uses:
 - i. licensed premises, excluding adult entertainment
 - ii. restaurant, excluding a drive thru
 - iii. retail store

10.3.2 Regulations

1. No person shall within an AR Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum front yard	In accordance with section 3.1.4
b. minimum side yard	6.1m
c. minimum rear yard	6.1m
d. maximum height	12m

2. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the AR zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

10.4 Passive Recreation/Greenspace (PR)

PR

10.4.1 Permitted Uses

1. No person shall within an PR Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. one or more of the following main uses:
 - i. interpretive use
 - ii. linear park or trail
 - iii. passive park, including a linear park
 - iv. private structures limited to 20m²

10.4.2 Regulations

1. No person shall within an PR Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum front yard	In accordance with section 3.1.4
b. minimum side yard	6.1m
c. minimum rear yard	6.1m

d. maximum height	8.5m
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2. Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the PR zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

10.5 Mixed Use (MU)

MU

10.5.1 Permitted Uses

1. No person shall, within a MU Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. one or more of the following main uses:
 - i. distillery
 - ii. hotel, motel, or inn
 - iii. main uses permitted in the IN zone
 - iv. main uses permitted in the R-2 zone
 - v. main uses permitted in the R-3 zone
 - vi. main uses permitted in the R-4 zone
 - vii. main uses permitted in the R-5 zone
 - viii. main uses permitted in the R-6 zone
 - ix. micro-brewery
 - x. passive park, including a linear park
 - xi. personal service shop
 - xii. restaurant
 - xiii. retail store
 - xiv. Uses permitted in the GC zone, excluding an:

- 
- a. automotive dealership;
 - b. automotive wash;
 - c. gas bar;
 - d. motor vehicle repair establishment; and,
 - e. retail store for the sale and rental of motorized vehicles and equipment
- b. One of the following secondary uses and then only in association with a dwelling unit:
 - i. home business, subject to section 3.2.2

10.5.2 Regulations

- 1. No person shall, within a MU Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:
 - a. The zone standards associated with the identified zone shall apply; and,
 - b. Submission of a site plan as provided for in section 2.11.5.
- 2. Notwithstanding the requirements of the lot frontage, area and depth as provided for herein within this zone, a lot within this zone which is not serviced by public water distribution and/or public sewerage collection facilities may be developed subject to and as provided for in section 3.1.2

10.6 Utility and Service (US)

US

10.6.1 Permitted Uses

- 1. No person shall within an US Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. Utility uses pursuant to Subsection 2.1.2.

10.6.2 Regulations

- 1. No person shall within an US Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:



a. minimum lot	1,000m ²
b. minimum lot width	30m
c. minimum lot depth	45m
d. minimum front yard	In accordance with section 3.1.4
e. minimum rear yard	7.5m
f. minimum side yard	7.5m
g. maximum height	15m
h. maximum lot occupancy	40%
i. landscaped open space of a minimum width of 3.0m shall be provided and maintained along all lot lines provided that such open space may be interrupted by driveways	
j. submission of a site plan as provided for in section 2.11.5	

2. Notwithstanding the requirements of lot frontage and area as provided for herein, a lot within the US zone, which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

SECTION 11: RURAL ZONES

* Denotes a permitted secondary use

() Denotes a permitted conditional use

	Rural	Resource Extraction
	RU	RE
Agricultural operation, excluding the raising of swine and/or poultry	RU	
Backyard poultry coop	RU*	
Cemetery, excluding a crematorium	RU	
Composting - agriculture	RU	
Cushing or screening of aggregate or other quarriable substance		RE*
Early learning and childcare home	RU*	
Fishery use	RU	
Forestry use	RU	
Garden suite	RU*	
Gravel pit		RE
Home business	RU*	
Home industry	RU*	
Home-based tourist accommodation	RU*	
Kennel	RU	
Mini-home dwelling	RU	
Office		RE*
Park	RU	
Peat moss extraction		RE
Pit, quarry, or large-scale commercial excavation	(RU)	
Processing of peat moss		RE*
Religious institution	RU	
Resource use	RU	RE
Riding stable	RU	
Sale of aggregate or other quarriable substance		RE*
Weigh Scales		RE*
Single unit dwelling	RU	
Stone quarry		RE
Storage of aggregate from another source		RE*
Tiny-home dwelling	RU	
Two-unit dwelling	RU	
Vehicle storage and wash facility		RE*
Veterinary clinic	RU	
Wind farm	(RU)	(RE)

11.1 Rural (RU)

RU

11.1.1 Permitted Uses

1. No person shall within a RU Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One of the following residential uses:
 - i. mini-home dwelling
 - ii. single-unit dwelling
 - iii. tiny-home dwelling
 - iv. two-unit dwelling
 - b. And one or more of the following main uses:
 - i. agricultural operation, excluding the raising of swine and / or poultry
 - ii. cemetery, excluding a crematorium
 - iii. composting – agriculture
 - iv. fishery use
 - v. forestry use
 - vi. kennel
 - vii. park
 - viii. resource use
 - ix. riding stable
 - x. veterinary clinic
 - c. one of the following secondary uses and then only in association with a residential use:
 - i. backyard poultry coop, subject to section 3.2.1
 - ii. early learning and childcare home, subject to section 3.2.3

- iii. garden suite, subject to section 3.2.4
- iv. home-based tourist accommodation, subject to section 3.2.5
- v. home business, subject to section 3.2.2
- vi. home industry, subject to section 3.2.6
- d. the following conditional uses provided herein subject to such terms and conditions as the PRAC may impose:
 - i. pit, quarry or large scale commercial excavation
 - ii. wind farm

11.1.2 Regulations

1. No person shall within a RU Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	4,000m ²
b. minimum lot frontage	54m
c. minimum lot depth	38m
d. maximum height	15m
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard	6.1m
g. minimum rear yard	6.1m
h. maximum lot coverage	40%
i. a feed lot, manure pile, lagoon, stable, barn, kennel, or including fur bearing animals shall not be located within 150m of a dwelling unit on an adjoining lot or a Residential zone boundary	
j. no new dwelling unit shall be erected on an adjoining lot within 150m of an existing feed lot, manure pile, lagoon, stable, barn, kennel, including fur bearing animals.	

2. Notwithstanding the requirements of lot frontage and area as provided for herein, a lot within the RU zone, which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in section 3.1.2.

11.2 Resource Extraction (RE)

RE

11.2.1 Permitted Uses

1. No person shall within a RE Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. One or more of the following main uses:
 - i. gravel pit
 - ii. peat moss extraction
 - iii. resource use
 - iv. stone quarry
 - b. One or more of the following secondary uses and then only in association with a permitted main use:
 - i. crushing or screening of aggregate or other quarriable substance
 - ii. office
 - iii. processing of peat moss
 - iv. sale of aggregate or other quarriable substance
 - v. storage of aggregate from another source
 - vi. vehicle storage and wash facility
 - vii. weigh scales
 - c. The following conditional uses provided herein subject to such terms and conditions as the PRAC may impose:
 - i. wind farm

11.2.2 Regulations

1. No person shall within a RE Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

a. minimum lot area	4 hectares
b. minimum lot frontage	100m
c. minimum lot depth	100m
d. maximum height	15m
e. minimum front yard	In accordance with section 3.1.4
f. minimum side yard where lot abuts a Residential zone or use	10m
g. minimum rear yard where lot abuts a Residential zone or use	10m
h. minimum side yard where lot does not abut a Residential zone or use	5m
i. minimum rear yard where lot does not abut a Residential zone or use	5m
j. The final perimeter of the pit or quarry shall have the following minimum setbacks:	
i. existing right-of-way boundary of a public highway / road	30m
ii. any non-residential property boundary	15m
iii. boundary of any existing designated areas such as natural protected areas or a cultural heritage resource	30m
iv. existing residential, industrial, institutional or commercial use	100m
v. existing private water supply well in the case of a pit	100m
vi. existing commercial, industrial, agricultural or communal well in the case of a pit	300m
k. landscaped open space shall be provided along all lot lines:	
i. public highway or non-residential use	15m



ii. zoned for or being used as a residential use	50m
i. submission of a site plan as provided for in section 2.11.5	

2. Notwithstanding the requirements of lot frontage and area as provided for herein, a lot within the RE zone, which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and provided for in section 3.1.2.



SECTION 12: INTEGRATED DEVELOPMENT ZONES

12.1 Integrated Development (ID)

12.1.1 Permitted Uses

1. No person shall within an ID Zone use any land or erect, alter or use any building or part thereof for any purpose other than:
 - a. a specific proposal approved by Council pursuant to section 58 and 59 of the Act.

12.1.2 Regulations

1. Standards or requirements for development in an ID zone shall not be subject to the provisions of this by-law, but shall be limited by the proposal, which is approved by Council pursuant to sections 58, 59 and 131 of the Act.





SCHEDULES

Schedule A: Zoning Map

Schedule 1: Metric - Imperial Conversion

Schedule 2: Section 59 Agreements

Schedule 3: Climate Change Flood Risk Disclaimer





Schedule A: Zoning Map





Schedule 1: Metric - Imperial Conversion





Metric - Imperial Conversion

Metric	Imperial
1 metre (m)	3.2808 feet
0.30448 metres (m)	1 foot
1 centimetre (cm)	2.54 inches
1 square metre (m ²)	10.764 square feet
1 hectare (ha)	0.405 acres
1 hectare (ha)	107,640 square feet
4,046.82 square metres (m ²)	1 acre





Schedule 2: Section 59 Agreements



Section 59 Agreements

List of Properties where “Site-Specific Zoning” regulations apply (per *Community Planning Act* section 59):

Rezoning By-Law No.	Registered Document No.	Street Name	Civic No.	Zoning	Date B-L Registered (MM-DD-YY)
BL91-27	39681854	King George	2039	R-4	12/3/2019
BL91-26	39610234	Bridge	139	BLI	11/12/2019
BL91-23	39373973	Newcastle		BLI	8/30/2019
BL91-22	39093241	Williston	376	R-3	6/7/2019
BL91-18	38300860	Water	1680	GC	8/20/2018
BL91-11	36555887	Water	564	GC	11/24/2016
BL91-9	36209667	Water	139	CA	8/10/2016
BL91-4	34079930	St. Patrick's	62	GC	8/18/2014
BL91-4	34079930	St. Patrick's	58;56	GC	8/18/2014
BL91-1	32112824	St. Thomas		GC	10/31/2012





Schedule 3: Climate Change Flood Risk Disclaimer





Climate Change Flood Risk Disclaimer

The City of Miramichi wishes to inform you that as of today's date, the property identified by:

PID or legal description

located at

owned by

is situated within an area which could be subject to flooding based on the City's Climate Change Adaption Plan prepared by CBCL Limited (2019).

One of the measures indicated in this report suggests that the finished floor elevation of all new main buildings should be constructed at a geodetic elevation of 4.6 metres or higher.

I, _____, and/or representing _____ (property owners),
am/are satisfied that the City of Miramichi, with this document, has informed me/us in the best of its capacity
of the potential risks that could impact the proposed project of the above-noted property by constructing at a
geodetic elevation less than 4.6 metres.

Property owners signature(s)

date





