

Title & Scope	1
Operation, Interpretation, Zones	2
Definitions	3
Regulations for All Uses	4
Parking, Access & Loading	5
Signs	6
Regulations for Residential Uses	7
Low Density Residential Zones	8
Multi-Residential Zones	9
<b>Regulations for Commercial Uses</b>	<b>10</b>
Commercial Zones (incl. Mixed Use & City Centre)	11
Institutional Zones	12
Regulations for Industrial Uses	13
Industrial Zones	14
Limited Development Zones	15
Repeal of Zoning By-law Z-2	16
Repeal of Z-2 Amendments	17
Enforcement	18
Exceptions	19
Schedules	20



# 10 Regulations Applying to Commercial Uses

## 10.1 GENERAL PROVISIONS

Z-5.59

### 10.1(1) OUTDOOR STORAGE

- (a) No *outdoor storage* of goods and materials shall be permitted and all *uses* shall be conducted within a *building*.

### 10.1(2) OUTDOOR SEASONAL SALES AREA

- (a) An outdoor area for the temporary sale of seasonal products such as outdoor garden supplies shall be permitted in *commercial zones* as a *secondary use* to *retail store* despite Section 10.1(2).

**10.2 STANDARDS****10.2(1) SCREENING**

- (a) Where the *site* abuts:
  - (i) a *residential zone*, an opaque fence with a height of 2 metres and high branching deciduous trees and coniferous trees planted within a minimum 2 metre wide landscaped strip shall be required along the shared *property line*;
  - (ii) land used for residential purposes, an opaque fence with a height of 2 metres shall be required along the shared *property line*;
- (b) all existing mature trees located within a required *landscaped area* shall be preserved where feasible.

**10.2(2) VEHICLE-ORIENTED USES**

- (a) The following uses shall comply with the specific regulations of this section:
  - (i) *drive-thru facility* 10.2(2)(b)
  - (ii) *car wash*
  - (iii) *gas bar*
  - (iv) *vehicle service - minor* and *vehicle service - major* } 10.2(2)(c)

## 10.2(2) VEHICLE-ORIENTED USES (continued)

## (b) Drive-thru Facilities

(i) Lot Area (MIN)	3000 m <sup>2</sup>
(ii) Screening	<p>(A) Drive-thru aisles shall be separated from any abutting <i>residential zone</i> by a minimum 3 metre wide landscaped strip consisting of a 2 metre high opaque fence and a combination of high branching deciduous trees and coniferous trees.</p> <p>(B) Drive-thru aisles shall be visually <i>screened</i> from any abutting land used for residential purposes by a 2 metre high opaque fence.</p>
(iii) Outdoor Speakers	(A) Any outdoor speakers used for a <i>drive-thru facility</i> shall be separated from a <i>property line</i> abutting a <i>residential zone</i> by a minimum distance of 20 metres unless otherwise separated by a <i>building</i> .
(iv) Queuing Space	<p>(A) A minimum of 12 in-bound spaces and 1 out-bound space are required except for a <i>financial institution</i> in which case a minimum of 4 in-bound spaces are required.</p> <p>(B) A queuing/traffic study shall be required where:</p> <p>(I) less than the minimum required queuing spaces are provided; or</p> <p>(II) the expected number of drive-thru vehicle trips will exceed 40 vehicles per hour during peak hour periods.</p> <p>(C) The minimum length of a queuing space is 6 metres.</p>
(v) Drive-thru Aisle	<p>(A) The minimum unobstructed width of a drive-thru aisle is 3 metres.</p> <p>(B) The drive-thru aisle shall be located so that queued vehicles do not block or obstruct general vehicle circulation throughout the <i>site</i>, <i>building</i> entrances, access to loading areas or required <i>parking</i>.</p> <p>(C) Drive-thru aisles shall be separated from any <i>property line</i> abutting a <i>street</i> by a minimum of 3 metres.</p>
(vi) Pedestrian Access	<p>(A) At least 1 building entrance shall be located so that pedestrian access to that entrance either:</p> <p>(I) does not cross a drive-thru aisle or</p> <p>(II) crosses a drive-thru aisle only in a location behind the required queuing spaces.</p> <p>(B) Any <i>building</i> entrance location that requires pedestrians to cross a drive-thru aisle shall incorporate signage and a change in surface material, height or use of paint to distinguish the pedestrian crossing from the drive-thru aisle surface.</p>
(vii) Lighting	(A) Any outdoor lighting for a <i>drive-thru facility</i> shall be located and arranged so that no direct rays of light are directed at any <i>lot</i> used for residential purposes.

Z-5.16

## 10.2(2) VEHICLE-ORIENTED USES (continued)

## (c) Gas Bar, Car Wash, Vehicle Service - Minor and Vehicle Service - Major

(i) Lot Area (MIN)	2500 m <sup>2</sup>
(ii) Lot Frontage (MIN)	(A) For an <i>interior lot</i> : 34 metres (B) For a <i>corner lot</i> : 38 metres
(iii) Lot Depth (MIN)	38 metres
(iv) Pump Islands	(A) All pump islands shall be located at least 9 metres from any boundary of the <i>site</i> , <i>parking lot</i> on the <i>site</i> , or laneways intended to control traffic circulation on the <i>site</i> ; (B) A canopy over a pump island may extend to within 6 metres of the boundary of the <i>site</i> .
(v) Setback for Underground Storage Tanks	(A) Despite the required <i>front yard setback</i> of the zone, the minimum <i>setback</i> from a <i>front property line</i> for underground storage tanks (2000 litres & more) is 6 metres. <span style="float: right;">Z-5.59</span>
(vi) Landscaping	(A) A minimum depth of 6 metres from any <i>property line</i> abutting a public <i>street</i> shall be <i>soft landscaped area</i> except for driveways.
(vii) Queuing Space	(A) Car Wash (single bay) 5 in-bound, 1 out-bound (B) Car Wash (multi bay) 2 in-bound, 1 out-bound (C) Gas Bar (per pump) 2 in-bound, 1 out-bound (D) Vehicle Service - Minor (drive-thru only) 5 in-bound, 1 out-bound
(viii) Service Bay Doors	(A) Service bay doors shall be oriented away from a <i>residential zone</i> or land used for residential purposes and shall be kept closed when facing a <i>residential zone</i> except when vehicles are entering or exiting the service bay.
(ix) Vehicle Storage	(A) No part of a lot used for the purpose of a gas bar, vehicle service - minor or vehicle service - major shall be used for parking a vehicle for a period exceeding one week.

### 10.3 SPECIAL LAND USE REQUIREMENTS

#### 10.3(1) DRINKING ESTABLISHMENT

Z-5.82

- (a) **General Provisions:** *Drinking establishments*, excluding those located in the Central Business District (Schedule 1), the Main Street Area (Schedule 5) or when located within the Regional Commercial (RC) Zone, shall not be located:
- (i) within 300 metres of a *lot* containing a *place of worship* or *school*, measured to the *property line*;
  - (ii) in a *building* also used for residential purposes, other than 1 *dwelling unit* used for a caretaker, watchman, owner or operator of the *drinking establishment*.

#### 10.3(2) TEMPORARY VENDING FACILITIES

Z-5.82

- (a) **General Provisions:** Where permitted (excluding public right-of-way), *temporary vending facilities* shall comply with the following: Z-5.197
- (i) be limited to one per *site* except in a P Zone and be readily moveable;
  - (ii) be designed to the satisfaction of the Development Officer.
- (b) **Standards:** Where permitted (excluding public right-of-way), *temporary vending facilities* shall comply with the following:
- (i) not exceed 2 metres in width and 3 metres in length in the case of a non-motorised vehicle;
  - (ii) be set back a minimum of 1 metre from a *front or side property line*;
  - (iii) obtain approval, if required, from the Province of New Brunswick, and the Fredericton Fire Department; Z-5.59
  - (iv) require that all waste receptacles be located along the side of the *temporary vending facility* and be to the satisfaction of the Development Officer;
  - (vi) the operator be responsible for the clean-up of litter within a 6 metre radius of the facility.

#### 10.3(3) CHILD CARE CENTRE - LARGE

Z-5.82

- (a) **General Provisions:** Where permitted, a *child care centre - large* shall:
- (i) comply with all provincial statutes and regulations;
- (b) **Standards:** Where permitted, a *child care centre - large* shall:
- (i) be restricted to a maximum of 60 children;
  - (ii) be *screened* with a minimum 1.8 metre high opaque fence between an abutting *residential zone* and an outdoor play area;
  - (ii) require that signage comply with the *sign* regulations of this By-law.

**10.3(4) RETAIL SALE OF CANNABIS**

Z-5.143

- (a) **General Provisions:** Where permitted, a retail store which includes the retail sale of cannabis or cannabis related products in whole or in part, shall not be located within:
- (i) 300 metres of a lot containing a school (K-12), measured to the property line;
  - (ii) the area defined in Schedule 10 of this by-law.