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7 Regulations Applying to Residential Uses

7.1 GENERAL PROVISIONS

7.1(1) UNSERVICED RESIDENTIAL LOTS

- (a) Any proposed subdivision of land which does not connect to municipal water and sanitary sewer services shall be limited to a maximum of 4 *lots* with a minimum individual *lot area* of 1.6 hectares each.

7.1(2) RESIDENTIAL DWELLINGS FRONTING ON A PRIVATE ROAD

- (a) Residential *dwellings* may be permitted to front a *private road* except for *single detached dwellings* which must front only on a *public street*.

7.1(3) OCCUPANCY

- (a) A *dwelling unit* shall only be occupied as follows:
 - (i) 1 person occupying a *dwelling unit*;
 - (ii) 2 persons occupying a *dwelling unit* who are living together as a married couple or common law partners, together with such other persons who are otherwise related by consanguinity or adoption;
 - (iii) a group of not more than 4 unrelated persons occupying the principal *dwelling unit* and a group of not more than 3 unrelated persons occupying a *basement apartment*.
- (b) For the purposes of this By-law, occupancy is deemed to include:
 - (i) 1 or more full-time domestic servants;
 - (ii) not more than 4 foster children placed in the residence under the *Family Services Act*; or
 - (iii) not more than 3 related or unrelated persons whose status is that of paying boarders and who live with 1 person occupying a *dwelling unit*, or with 2 or more persons occupying a *dwelling unit* who are living together as a married couple or as common law partners or otherwise related by consanguinity or adoption;
- (c) but does not include a group of children or adults living together under the direct supervision of a government or private agency.

7.1(4) LOT CONSOLIDATION IN THE TOWN PLAT

- (a) Increasing *lot area* and *lot frontage* to obtain additional *density* rights through consolidation of land is not permitted within the Residential Town Plat Planning Area (Schedule 6).

7.1(5) CONVERTED DWELLINGS

- (a) **Converted Dwellings in the R-4 Zone**
- (i) *Conversions* are only permitted in *buildings* erected prior to April 17, 1942;
 - (ii) Any new *dwelling unit* created by *conversion* must be self contained within the existing *building*;
 - (iii) No addition to the *building* shall be permitted which increases either the *lot coverage* or *building height*.
- (b) **Converted Dwellings in the Town Plat and Central Business District**
- (i) *Conversions* are only permitted in *buildings* erected prior to April 17, 1942.
 - (ii) Any new *dwelling unit* created by *conversion* must be self contained within the existing *building*.
 - (iii) No addition to a *building* shall be permitted which increases either the *lot coverage* or *building height*.
 - (iv) The architectural integrity of the front two-thirds of the existing *building* shall be maintained and not substantially altered. The *proportions* of *building façades*, roof lines, *façade* materials, textures, window openings, and doorways of existing *buildings* in the area shall be respected and/or complimented.
- (c) **Converted Dwellings with Additions in the Town Plat**
- (i) *Conversions with additions* are only permitted in *buildings* erected prior to April 17, 1942.
 - (ii) Any new *dwelling unit* created by *conversion* must be self-contained.
 - (iii) No addition to a *building* shall be permitted which increases the *building height*. Z-5.16
 - (iv) The architectural integrity of the front two-thirds of the existing *building* shall be maintained and not substantially altered. The *proportions* of *building façades*, roof lines, *façade* materials, textures, window openings, and doorways of existing *buildings* in the area shall be respected and/or complimented.
 - (v) Any addition shall respect and/or complement the *proportions* of *building façades*, roof lines, *façade* materials, textures, window openings, and doorways of existing *buildings* in the area.

7.1(6) DWELLINGS WITH COMMON PARTY WALLS

- (a) *Dwellings* with common *party walls* and occupying more than 1 *lot* shall be considered as 1 *building* occupying 1 *lot* for the purposes of calculating *side yard*, *lot frontage*, *lot area* and occupancy regulations. This includes *semi-detached*, *duplex*, *townhouse* and *apartment building dwelling units*. Z-5.59

7.1(7) DOMESTIC ANIMALS

- (a) Only *domestic animals* as defined in Section 3 may be kept in a *building* used for residential purposes.

7.2 STANDARDS

7.2(1) MINIMUM GROUND FLOOR AREA AND DIMENSIONS

(a) Single Detached Dwellings (MIN)

- (i) Unless otherwise specified in this By-law, the ground floor area for a *single detached dwelling* shall be: 70 m²
- (ii) *Street wall width*: 6.7 metres
- (iii) *Side wall depth*: 7 metres

(b) Multi-Residential Uses

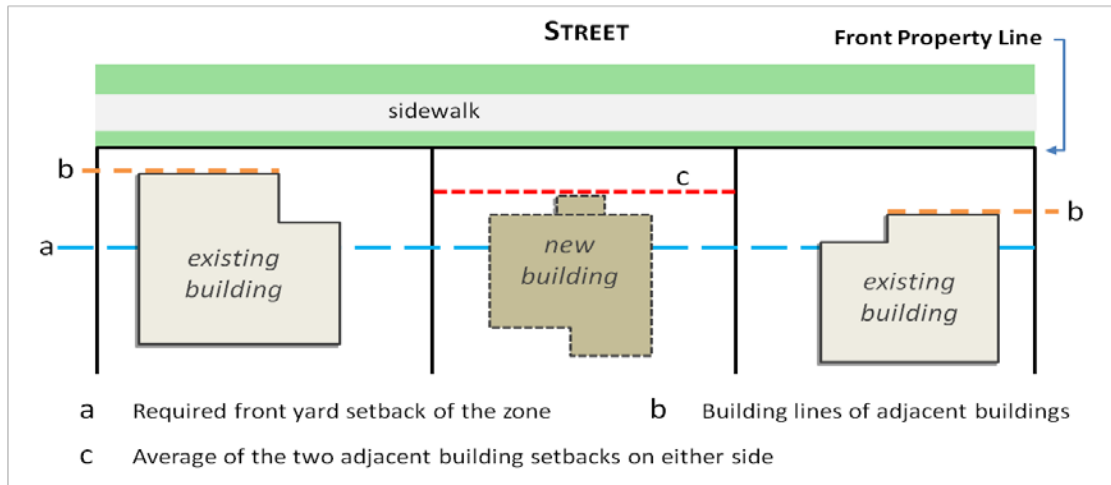
- (i) *Dwelling units* shall have a minimum total floor area in relation to the number of bedrooms as follows:

Number of Bedrooms in a Dwelling Unit	Minimum Floor Area (in square metres)
Bachelor apartment	28
1	35
2	53
3	63
4	82
5	82 m ² plus 9 m ² for each bedroom in addition to the first 4 bedrooms

7.2(2) EXCEPTION TO FRONT YARD SETBACK REQUIREMENT

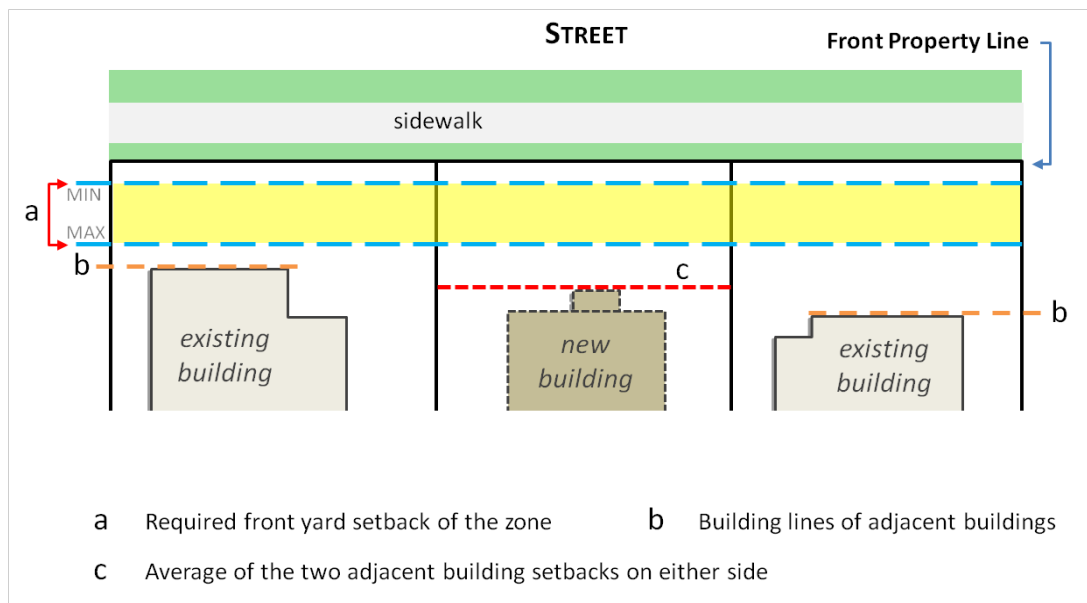
- (a) On an interior lot where the building line, including porches, established by existing buildings or structures is less than the required front yard setback, the front yard setback shall be equal in distance to the average front yard setback of the two adjacent buildings on either side.

Z-5.82



- (b) On an interior lot zoned TP-2, TP-3, TP-4 or TP-6 where the building line, including porches, established by existing buildings or structures is greater than the required maximum front yard setback, the front yard setback shall be equal in distance to the average front yard setback of the two adjacent buildings on either side.

Z-5.82



7.2(3) AMENITY SPACE

- (a) *Amenity space* may be provided as *private amenity space*, *common amenity space* or a combination of both.
- (b) **Private Amenity Space (MIN)**
- (i) Where an *apartment building* provides *private amenity space*, it shall be in the form of a *deck, balcony or patio* and be provided as follows:
- (A) Minimum area: 5 m² for each *dwelling unit*
- (B) Minimum dimension: 2 metres
- (C) *Private amenity space* shall be located immediately adjacent to and accessible from the *dwelling unit*.
- (c) **Common Amenity Space (MIN)**
- (i) Where an *apartment building* provides *common amenity space*, it shall be provided as follows:
- (A) *Common amenity space* may be provided indoors or outdoors.
- (B) Minimum contiguous area for indoor *common amenity space*: 42 m²
- (C) Minimum dimensions for indoor *common amenity space*: 6 metres
- (D) *Common amenity space* shall be accessible from all *dwelling units*.
- (E) Outdoor *common amenity space* shall provide seating and either a *deck, balcony, patio* or children's play space/equipment which shall be visually *screened* from any abutting *low density residential zone*.

7.2(4) ATTACHED CARPORTS & GARAGES

- (a) A *carport* or attached *garage* may be permitted over a driveway in a *side yard* area if such *structure* is not more than one *storey* in *height* and provided that no part of the *carport* or *garage* is located less than 1.2 metres from the *side property line*. Z-5.143
- (b) Residential occupancy in or above an attached *garage* shall not be located closer to an abutting *side property line* than the habitable space requirements for that zone.
- (c) The maximum floor area shall be: 70 m² or 10% of the *lot area*,
whichever is less, except:
- (i) where the house has a habitable floor area of at least 280 m² not including the *basement*, in which case it is: 95 m² or 10% of the *lot area*,
whichever is less. Z-5.59
- (d) Attached *garages* for *semi-detached dwellings* may be centred on the mutual *property line* if erected simultaneously on both *lots* as one *structure*.

7.2(5) CONVERSION OF ATTACHED CARPORTS & GARAGES TO HABITABLE SPACE

- (a) No portion of a *carport* or attached *garage* shall be converted to habitable space unless:
- (i) the remaining area of the *carport* or *garage* has a minimum depth of 6 metres and a minimum width of 3 metres, and is of functional *design* to accommodate an automobile; or
- (ii) the required *parking* is located beyond the required *front yard setback* of a *single detached dwelling*, *converted dwelling*, *semi-detached dwelling* or *duplex dwelling*. Z-5.59

7.2(6) PORTABLE GARAGES

- (a) A portable *garage* may be located within the required *front yard setback* between October 15 and April 15 inclusive, provided that the *structure* is set back a minimum of 1 metre from the *front* and *side property lines* despite Section 4.2(3)(c).

7.3 SPECIAL LAND USE REQUIREMENTS

7.3(1) HOME OCCUPATIONS

Z-5.82

- (a) **General Provisions:** A *home occupation* is permitted in any zone that permits a *single detached dwelling* or *mini-home* and shall comply with the following requirements:
- (i) Location: Only within a *single detached dwelling* or *mini-home*;
 - (ii) Number of Home Occupations: A maximum of 1 per residence;
 - (iii) Number of Employees: A maximum of 1 non-resident employee;
 - (iv) Number of Clients: A maximum of 1 client at any one time;
 - (v) Prohibited Uses:
 - *Counselling service* operated by more than 1 practitioner;
 - *Dispatch service*;
 - *Dry-cleaning*;
 - Food production for sale off-site that includes the *use* of a second kitchen;
 - *kennel*;
 - *Medical practise, medical clinic or hospital*;
 - *Personal service - appearance* (i.e., barber, aesthetician, hair stylist), excepting those businesses operating with a maximum of 1 chair;
 - *Restaurant or drinking establishment*;
 - Retail sale of goods not produced or manufactured on the premises;
 - *Tourist home*;
 - *Vehicle sales/rental, vehicle service, vehicle body and paint* (i.e., automobile repair, autobody and paint shops);
 - *Veterinary services*;
 - Welding and metal fabrication;
 - Woodworking shop;
 - (vi) the business owner/operator must reside in the *dwelling unit* in which the *home occupation* operates;
 - (vii) a *home occupation* shall have no visible indication from outside that the *home occupation* is being carried out in the *dwelling unit* except for a *fascia sign*;
 - (viii) required *parking* for *home occupations* may be provided in tandem with *parking* required for the main residence;
 - (ix) not permit a *group home, child care centre - medium, tourist home, basement apartment, in-law suite, or garden suite* on a lot with a *home occupation*;
 - (x) a *home occupation* shall not generate any noise, vibrations, heat, glare, dust, smoke or off-site electrical interference or traffic;
 - (xi) no external storage of materials or containers shall be permitted to indicate to persons outside that any part of the premises is being used for a *home occupation*;
 - (xii) no outside animal enclosures related to the *home occupation* shall be permitted;
 - (xiii) no toxic, explosive, flammable, radioactive, or other restricted or hazardous material shall be permitted as it relates to a *home occupation*;
 - (xiv) events or gatherings including but not limited to gallery openings and craft shows shall not be permitted as it relates to a *home occupation*.

7.3(1) HOME OCCUPATIONS (continued)

Z-5.82

- (b) **Standards:** A *home occupation* shall comply with the following requirements:
- (i) Floor Area: A maximum of 30 m² or 15% of the *gross floor area*, whichever is less;
 - (ii) Parking: A minimum of 1 space plus 1 additional space for any non-resident employee, in addition to the requirements of the zone;
 - (iii) Signage: 1 *fascia sign* not exceeding 0.4 m² in area.

7.3(2) CHILD CARE CENTRE – SMALL

Z-5.82

- (a) **General Provisions:** Where permitted, a *child care centre - small* shall:
- (i) be permitted in all types of residential *buildings* except *apartment buildings*;
 - (ii) require that the owner/operator of the *child care centre - small* reside on the subject *lot*;
 - (iii) comply with all provincial statutes or regulations;
 - (iv) not be permitted where there is a *group home, tourist home, home occupation* or *basement apartment* on the same *lot*.
- (b) **Standards:** Where permitted, a *child care centre - small* shall:
- (i) be restricted to a maximum of 6 full-time children including the owner/operator's children;
 - (ii) require that signage comply with the *sign* regulations of this By-law.

7.3(3) CHILD CARE CENTRE – MEDIUM

Z-5.82

- (a) **General Provisions:** Where permitted, a *child care centre - medium* shall:
- (i) be permitted only in *single detached dwellings*;
 - (ii) require that the owner/operator of the *child care centre - medium* reside on the subject *lot*;
 - (iii) be located on a *street* which permits *on-street parking*;
 - (iv) comply with all provincial statutes or regulations;
 - (v) not be permitted where there is a *group home, tourist home, home occupation* or *basement apartment* on the same *lot*.
- (b) **Standards :** Where permitted, a *child care centre - medium* shall:
- (i) be restricted to a maximum of 18 children;
 - (ii) maintain a minimum distance of 200 metres from another *child care centre - medium*;
 - (iii) provide a minimum 1.8 metre high opaque fence between an abutting *residential zone* and an outdoor play area;
 - (iv) require that signage comply with the *sign* regulations of this By-law;
 - (v) employee *parking* may be provided in tandem.

Z-5.16

7.3(4) GROUP HOMES

Z-5.82

- (a) **General Provisions:** Where permitted, *group homes* shall:
- (i) be limited to *single detached dwellings*;
 - (ii) be limited within the downtown area to 1 per city block, bounded by Smythe Street, George Street, the former Canadian National Railway right-of-way and the St. John River, as defined on Schedule 3 of this By-law, and shall maintain a radius of 150 metres to another *group home*;
 - (iii) be inspected by the City Building Inspector and, prior to being occupied, shall satisfy all applicable *building* and fire code requirements;
 - (iv) not permit a *tourist home, home occupation, child care centre - small, child care centre - medium or basement apartment* to be operated on the subject lot.
- (b) **Standards :** Where permitted, *group homes* shall:
- (i) maintain a minimum radius of 300 metres to another *group home* for those areas not within the downtown area as identified in Section 7.3(4)(a)(ii);
 - (ii) require 1 on-site *parking* space per 4 beds, plus 1 on-site *parking* space per 2 employees on a maximum shift.

7.3(5) TOURIST HOMES

Z-5.82

- (a) **General Provisions:** Where permitted, *tourist homes* shall:
- (i) only be located in *single detached dwellings* built prior to April 17, 1942; Z-5.16
 - (ii) require that the owner/operator of the *tourist home* reside on the lot;
 - (iii) not permit cooking equipment in a room used for sleeping accommodation;
 - (iv) permit only breakfast solely for lodgers on the premises;
 - (v) not permit a *group home, home occupation, child care centre - medium or basement apartment* on the same lot.
- (b) **Standards:** Where permitted, *tourist homes* shall:
- (i) be limited to no more than 10 sleeping units in the *building*;
 - (ii) require that any room (exclusive of bathroom, closets and foyers) that may be used for sleeping accommodation have a minimum area of:
 - (A) 10 m² for 1 occupant
 - (B) 12 m² for 2 occupants
 - (C) 14.5 m² for 3 occupants
 - (iii) provide and maintain an easily accessible water toilet, a wash basin and a bath tub or shower served with hot and cold water for every 8 occupants of the *tourist home*;
 - (iv) not permit any *sign*, visible from the outside of the house, advertising the existence of the *tourist home* or the availability of a room, except:
 - (A) in a *residential zone*, 1 non-illuminated sign attached to the *building* not exceeding 0.4 m² in area is permitted;
 - (B) in a zone other than a *residential zone*, 1 non-illuminated *fascia sign* not exceeding the provisions in this By-law for a *fascia sign*.

7.3(6) IN-LAW SUITES

- (a) *In-law suites* shall be permitted only through a zone amendment process and shall:
- (i) be permitted only within or as an addition to a *single detached dwelling*;
 - (ii) be permitted only on *lots* with a minimum of 550 m² in area and containing a *single detached dwelling* on the *lot*;
 - (iii) not exceed 60% of the *gross floor area* of the *single detached dwelling* or 75 m², whichever is less;
 - (iv) not be permitted on the same *lot* where a *basement apartment* is in existence;
 - (v) utilize the existing driveway access;
 - (vi) be constructed in such a manner so as to maintain the appearance of the *building* as a *single detached dwelling*.

7.3(7) GARDEN SUITES

- (a) *Garden suites* shall be permitted only through a zone amendment process and shall:
- (i) be considered an *accessory building* and not a second main *building* despite Section 4.1(10);
 - (ii) be permitted only in the R-1 and R-2 zones;
 - (iii) be located in the *rear yard* of a *single detached dwelling*;
 - (iv) not exceed a maximum floor area of 75 m²;
 - (v) maintain a minimum 3 metre *rear yard setback* and a minimum 1.8 metre *side yard setback*;
 - (vi) be permitted only on *lots* where there is a *single detached dwelling* and where the *lot area* is at least 550 m²;
 - (vii) be connected to full municipal services;
 - (viii) coverage of the entire *lot* by the *garden suite* and the *single detached dwelling* shall not exceed 35%;
 - (ix) not be permitted on the same *lot* where a *basement apartment* is in existence;
 - (x) utilize the existing driveway access;
 - (xi) be constructed and erected so as to be easily removable;
 - (xii) be constructed and maintained in an attractive and unobtrusive manner;
 - (xiii) provide *screening* to the satisfaction of the Development Officer;
 - (xiv) not be in the form of a *mini-home*.

Z-5.16

7.3(8) BASEMENT APARTMENTS

Z-5.82

- (a) **General Provisions:** Where permitted, *basement apartments* shall:
- (i) not result in more than 2 *dwelling units* contained in any converted *single detached dwelling*;
 - (ii) be secondary to the main *dwelling unit*, and not exceed 75% of the floor area of the basement;
 - (iii) contain a maximum of 2 bedrooms;
 - (iv) be completely self-contained;
 - (v) require 1 *on-site parking* space, in addition to the normal requirements of the zone;
 - (vi) not permit a *group home*, *tourist home*, *home occupation*, *child care centre - small* or *child care centre - medium* on the same *lot*.

7.3(8) BASEMENT APARTMENTS (continued)

Z-5.82

- (b) **Standards** : Where permitted, *basement apartments* shall:
- (i) not exceed 75m² in floor area;
 - (ii) not contain bedrooms exceeding 15m² each in floor area.

7.3(9) KEEPING OF HENS

Z-5.82

- (a) **General Provisions**: Where permitted, the *keeping of hens* shall comply with the following:
- (i) be restricted only to *lots* where there is an existing *single detached dwelling*;
 - (ii) a maximum of 3 hens can be kept; roosters are prohibited;
 - (iii) the sale of eggs or meat and the slaughter of animals on the *lot* is prohibited;
 - (iv) any manure or waste material shall be removed from the *site* (or composted) on a regular basis;
 - (v) the *keeping of hens* shall not take place in Zones A1 or A2 of the City of Fredericton's Wellfield Protection Area.
- (b) **Standards**: Where permitted, the *keeping of hens* shall comply with the following:
- (i) a roofed enclosure consisting of a chicken coop connected to a chicken run is required and shall be fully enclosed by wired fencing and impermeable to predators;
 - (ii) the enclosure shall be visually *screened* from a public *street* and neighbouring properties;
 - (iii) the enclosure shall be set back a minimum of 10 metres from any *dwelling* on an adjacent *lot*.

