



The City of Saint John

Date: April 13, 2023
To: Planning Advisory Committee
From: Growth & Community Services
Meeting: April 18, 2023

SUBJECT

Applicant: The City of Saint John
Application Type: Zoning By-law Amendment
Jurisdiction: The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, May 1, 2023**.

EXECUTIVE SUMMARY

Community Planning Staff have initiated the second in an ongoing series of Zoning By-Law amendments to either clarify existing By-Law standards or address contemporary planning issues that have arisen through the administration of the current regulations. The focus of this set of amendments is to address the placement of shipping containers in certain zones and to expand and clarify the land uses associated with Supportive Housing and Supportive Facility.

This is part of an ongoing effort to rationalize and clarify the provisions of the Zoning By-Law, streamline the approvals process and reduce red tape, to provide a better customer service to the citizens of Saint John, and to ensure that our Zoning By-law facilitates the creation of new housing units.

RECOMMENDATION

1. That Common Council adopt the attached by-law amendment entitled "By-law No. C.P. 111-xx, A Law to Amend the Zoning By-Law of The City of Saint John."

ANALYSIS

Background

On December 15, 2014, Common Council adopted the current Zoning By-Law (ZoneSJ). This new Zoning By-Law was the first deliverable of the One-Stop Development Shop, grounded in best practices in land use planning and entrenching our community standards as promoted by Saint John's 2012 Municipal Development Plan (PlanSJ).

Since adoption, there have been amendments to the By-Law focused on three areas:

- response to development applications,
- Provincial and Federal legislative changes such as cannabis legalization, and
- staff-initiated amendments.

Staff initiated amendments, often referred to as "Housekeeping Amendments," focus on issues such as operationalizing the implementation of the One-Stop Development Shop and as a means of continuous improvement responding to trends in urban planning and land development. The most recent amendments were undertaken in late 2022 and addressed a variety of topics including a number of housing related changes.

City Staff have prepared additional amendments for adoption that seek to streamline the review of development applications involving shipping containers within certain zones and improvements related to the housing continuum associated with supportive housing and supportive facility. The proposed series of amendments align with Council's Strategic priorities of Perform, Grow and Belong. Staff will continue to assess the City's Zoning By-law and will move forward with additional amendments that address emerging planning issues.

An overview of the proposed amendments is provided below:

Shipping Containers

Over the past several years, staff have seen an increased interest in the use of shipping containers within the City for accessory uses. Currently, applications dealing with shipping containers are dealt with on a site-by-site basis and are taken to the Planning Advisory Committee (PAC) for a PAC variance. The proposed amendments will address the use of shipping containers on industrial and rural properties as accessory uses, allowing those applications to be addressed by the Development Officer.

The use of Shipping Containers within the City is subject to the standards in the Zoning Bylaw including sections related to accessory buildings, and zone standards related to setbacks. Depending on the size of the container, it will require either a Development Permit or Building Permit. The use of the container can only be used to support one of the permitted uses established within the Zone.

The proposed amendments will address the following:

- establishment of a definition of "shipping container"
- allowing the use of a shipping container as a temporary special event structure

- establishment of “shipping container” as an accessory use in zones outlined below:
 - Light Industrial (IL)
 - Medium Industrial (IM)
 - Heavy Industrial (IH)
 - Pit and Quarry (PQ)
 - Transportation (T)
 - Utility Service (US)
 - Utility Service Landfill (USL)
 - Future Development (FD)
 - Rural Use (RU)
 - Green Energy Zone (GE)

Staff will continue to undertake further research on the broader use of shipping containers for residential and commercial uses in order to determine if future amendments are required to facilitate these uses or to establish specific zoning standards.

Supportive Housing and Supportive Facility

As part of the City’s Affordable Housing Action Plan, staff have been moving forward with amendments which will help facilitate the creation of new housing units within the community. Staff has identified a need to assess the existing uses of Supportive Housing and Supportive Facility to determine what amendments are needed to ensure an efficient development approval process.

Over the last few years, staff have noted issues with the Supportive Housing definition and use standards. A number of applications have been required to seek PAC approval for a similar and compatible use, as the proposed developments do not align with the resident cap and are not licensed operations. In order to address these concerns, staff are proposing to establish three uses which will replace the two existing definitions, and to separate the licensed facilities and large-scale seniors housing from those unlicensed establishments that provide wrap-around services.

Currently, if an application does not align with the definition and use standards, the application would require approval by PAC to permit the use. This would be followed by the required building permit application. The PAC approval process takes approximately two months, which occurs prior to the respective timeline for the building permit application review and issuance. The proposed amendments will facilitate a more streamlined approach and would allow many of these applications to be considered permitted uses. This would mean that an applicant could directly apply for a building permit and would no longer be subject to the two month timeline needed to receive the PAC planning approval.

The following chart outlines the current standards for the two uses, whereas the subsequent sections discuss the proposed Zoning By-law amendments.

Current Zoning By-law Standards

	Supportive Housing	Supportive Facility
Definition	An establishment licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff to a maximum of 9 residents under the age of 19 or to a maximum of 9 residents of any age pursuant to the Family Services Act, but not both.	(a) An establishment licensed or approved by a government agency that provides care or supervision to residents on a 24-hour basis by professional staff or (b) An establishment devoted to retired residents where common amenities and services, including communal dining, are provided exclusively to senior residents
Provincial Licensing	A provincial license is required.	A provincial license is required for establishments as described in section (a) of the definition. A provincial license is not required for seniors' retirement homes or communities as described in section (b) of the definition.
Resident Count	A maximum of 9 residents is allowed.	There is no established resident count for the use, although specific zones have restrictions: RC Zone: Maximum of 18 Residents RM: Maximum of 9 Residents

As outlined earlier, non-licensed establishments that provide wrap-around services do not align with the existing uses and are required to seek approval as a similar and compatible use. This requires an extended approval process through PAC.

Supportive Housing

The new supportive housing definition is as follows:

“an establishment that provides housing with wrap-around services to individuals or family units. The services may include monitoring, counselling, teaching, life skills development, and the use of common living spaces. The definition does not include rooming houses.”

This new definition will focus on operations that are not licensed facilities, but which provide wrap-around services to both individuals and families. Many of our local non-profit housing providers have been developing these types of supportive housing operations that provide life skill development and may serve as transitional housing for those moving through the housing continuum.

Staff have proposed to allow the Supportive Housing operations to have up to 12 dwelling units, that can serve either individuals or families. This proposed increase from the existing cap of 9 residents, aligns with the most recent development proposals which have required PAC approval as a similar and compatible use. This new standard will address the types of projects being brought forward by our local non-profit housing providers and enable the Development Officer to grant approvals to these projects. This use will continue to be permitted in a variety of

residential and commercial zones. Staff are proposing to eliminate it as a permitted use within the Park (P) zone, as it does not align with the overall intent of the zone.

Supportive Facility – Minor

The new supportive facility – minor definition is as follows:

“an establishment licensed or approved by a government agency that provides care and/or supervision on a 24-hour basis by professional staff to a maximum of 10 residents under the age of 19 or to a maximum of 9 residents of any age pursuant to Provincial Licensing standards, but not both.”

The intention of the new use is to address small-scale licensed facilities that were previously included under the Supportive Housing definition. This is part of the move to separate licensed and non-licensed facilities, with the exception of senior residences. Through this newly established use, it provides a clear distinction between licensed facilities and housing with wrap-around services, and acknowledges that the current approach of a singular definition is no longer meeting the evolving nature of these types of developments.

The definition and resident count were created to align with the smaller scale licensed facilities as established through various Provincial legislation for both adult and child residents. Facilities of this size can be accommodated in a variety of residential and commercial zones and can be incorporated into existing buildings and neighbourhoods. This use is proposed to be permitted within the same zones identified for Supportive Housing, which will support their integration across the City.

Supportive Facility – Major

The new supportive facility – major definition is as follows:

“(a) An establishment licensed or approved by a government agency that provides care and or supervision to 10 or more residents on a 24-hour basis by professional staff or (b) An establishment devoted to retired residents where common amenities and services, including communal dining, are provided exclusively to such senior residents”

The proposed use supports two types of operations, the first being licensed facilities with a minimum of 10 residents. This use supports more intensive Supportive Facility operations within the City, which are often located on larger parcels of land in order to design and construct facilities that align with their licensing requirements. This use would include senior care homes and nursing facilities that are often located along major transportation routes.

The second type of operation is seniors' retirement homes/communities. These facilities are typically independent living style apartment buildings or housing complexes for seniors, which could be co-located with senior care homes to provide access to a broader housing continuum.

These operations are often large in scale and are located in close proximity to amenities that serve the specific population. Due to the intensity of this land use, they are permitted in medium to higher density residential zones along with select commercial and community use zones, which are designed and located for more intensive land uses and often have largely lot sizes to support larger buildings and site development.

The following chart provides a summary of the differences between the three proposed uses:

	Supportive Housing	Supportive Facility – Minor	Supportive Facility – Major
Provincial Licensing	No license is required.	Provincial licensing is required.	A provincial license is required for establishments as described in section (a) of the definition. A provincial license is not required for seniors' retirement homes or communities as described in section (b) of the definition.
Resident Count	A maximum of 12 residential units for either individuals or families	A maximum of 10 residents under the age of 19 <u>or</u> A maximum of 9 residents of any age	10 or more residents
Zones	Urban Centre Residential (RC) High-Rise Residential (RH) Mid-Rise Residential (RM) Low-Rise Residential (RL) Two-Unit Residential (R2) One-Unit Residential (R1) Suburban Residential (RSS) Rural Settlement (RS) Rural Residential (RR) Rural Mixed Residential (RMX) Uptown Commercial (CU) Campus Research Commercial (CRC) General Commercial (CG) Mixed Commercial (CM) Local Commercial (CL) Rural General Commercial (CRG) Neighbourhood Community Facility (CFN) Major Community Facility (CFM) Rural (RU)	Urban Centre Residential (RC) High-Rise Residential (RH) Mid-Rise Residential (RM) Low-Rise Residential (RL) Two-Unit Residential (R2) One-Unit Residential (R1) Suburban Residential (RSS) Rural Settlement (RS) Rural Residential (RR) Rural Mixed Residential (RMX) Uptown Commercial (CU) Campus Research Commercial (CRC) General Commercial (CG) Mixed Commercial (CM) Local Commercial (CL) Rural General Commercial (CRG) Neighbourhood Community Facility (CFN) Major Community Facility (CFM) Rural (RU)	Urban Centre Residential (RC) High-Rise Residential (RH) Mid-Rise Residential (RM) Uptown Commercial (CU) Campus Research Commercial (CRC) Neighbourhood Community Facility (CFN) Major Community Facility (CFM)

Conclusion

The proposed amendments conform to the policy direction in the Municipal Plan and the City's Affordable Housing Action Plan. Through the undertaking of these amendments, staff are ensuring that the Zoning By-law continues to evolve to meet the changing needs of the community and to address emerging development trends including the use of shipping containers for accessory buildings and the evolving nature of the housing continuum.

ALTERNATIVES AND OTHER CONSIDERATIONS

No other alternatives have been considered. It should be noted that any further changes to the Zoning By-law would require consideration by both the Planning Advisory Committee and Common Council as required by the *Community Planning Act*.

ENGAGEMENT**City**

Notice of the Public Hearing for the proposed By-Law amendments will be posted on the City of Saint John website on April 6, 2023.

APPROVALS AND CONTACT

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APPENDIX

Attachment 1: **By-law No. C.P. 111-xx, A Law to Amend the Zoning By-Law of The City of Saint John**

By-Law Number C.P. 111-XX
A Law to Amend the Zoning By-law of the City of Saint John

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1. Section 3.1 is amended by adding the definition for "shipping container" immediately after the words "service station" as follows:

"shipping container" means an enclosed unit used or intended to be used for storing and transporting goods via ship, rail or truck, whether or not it is actually used for such a purpose or has been modified from that purpose.

2. Section 3.1 is amended by deleting "supportive facility" and replacing it with the following:

"supportive facility – major" means (a) An establishment licensed or approved by a government agency that provides care and or supervision to 10 or more residents on a 24-hour basis by professional staff; or (b) An establishment devoted to retired residents where common amenities and services, including communal dining, are provided exclusively to such senior residents

"supportive facility – minor" means an establishment licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff to a maximum of 10 residents under the age of 19 or to a maximum of 9 residents of any age pursuant to Provincial Licensing standards, but not both.

3. Section 3.1 is amended by deleting "supportive housing" and replacing it with the following:

"supportive housing" an establishment that provides housing with wrap-around services to individuals or family units. The services may include monitoring, counselling, teaching, life skills development, and the use of common living spaces. The definition does not include rooming houses.

4. Section 8.17 is amended by deleting subsection 8.17 and replacing it with the following:

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

8.17 (b) A shipping container may be used as an accessory building or structure in the following zones, subject to the rules of that zone for an accessory building or structure.

- Light Industrial (IL)
- Medium Industrial (IM)
- Heavy Industrial (IH)
- Pit and Quarry (PQ)
- Transportation (T)
- Utility Service (US)
- Utility Service Landfill (USL)
- Future Development (FD)
- Rural Use (RU)
- Green Energy Zone (GE)

5. Section 9.2 is amended by deleting 9.2(f) and replacing it with the following:

9.2(f) No home day care, home occupation, garden suite, neighbourhood day care, secondary suite, supportive housing or supportive facility is permitted in any building on the lot.

6. Section 9.4 is amended by deleting 9.4(f) and replacing it with the following:

9.4(f) No bed and breakfast, garden suite, home occupation, neighbourhood day care, secondary suite, supportive housing or supportive facility is permitted in any building on the lot.

7. Section 9.5 is amended by deleting 9.5(a)(vi) and replacing it with the following:

9.5(a)(vi) No bed and breakfast, home occupation, garden suite, neighbourhood day care, secondary suite, supportive housing or supportive facility is permitted in any building on the lot.

8. Section 9.5 is amended by deleting 9.5(b)(viii) and replacing it with the following:

9.5(b)(viii) No bed and breakfast, home occupation, garden suite, neighbourhood day care, secondary suite, supportive housing or supportive facility is permitted in any building on the lot.

9. Section 9.8 is amended by deleting 9.8(j) and replacing it with the following:

9.8(j) No bed and breakfast, home day care, home occupation, neighbourhood day care, secondary suite, supportive housing or supportive facility is permitted in any building on the lot.

10. Section 9.9(2) is amended by deleting 9.9(2)(i) and replacing it with the following:

9.9(2)(i) No bed and breakfast, garden suite, home day care, neighbourhood day care, secondary suite, supportive housing or supportive facility is permitted in any building on the lot.

11. Section 9.13 is amended by deleting 9.13(i) and replacing it with the following:

9.13(i) No bed and breakfast, garden suite, home day care, home occupation, neighbourhood day care, supportive housing or supportive facility is permitted in any building on the lot.

12. Section 9.14 is amended by deleting 9.14(a) and replace it with the following:

9.14(a) Supportive housing shall be limited to a maximum of 12 dwelling units;

13. Section 9.14 is amended by deleting 9.14(e) and replace it with the following:

9.14(e) No bed and breakfast, garden suite, home day care, home occupation, neighbourhood day care, secondary suite, or supportive facility is permitted in any building on the lot.

14. Section 9.17 is amended by deleting 9.17(5) and replace it with the following:

9.17(5) Nothing in this By-law shall prevent a structure erected for a special occasion or holiday, such as, but not limited to, a banner, an inflated balloon, an inflated character, a pennant, a search light, a spinner, a streamer, a shipping container or a tent provided the temporary special occasion structure is removed within seven days after the event.

15. Section 10 is amended by deleting the word “Supportive Facility” in Table 10-1 and replacing it with “Supportive Facility – major”.

16. Section 10 is amended by adding to Table 10-1 the following words under the following headings:

Use	Zone Permitted
Supportive Facility – minor	RC, RH, RM, RL, R2, R1, RSS, RS, RR, RMX

17. Subsection 10.1(1) is amended by deleting the words “Supportive Facility, subject to subsection 10.1(2)” and replacing it with “Supportive Facility – major, subject to subsection 10.1(2);”

18. Subsection 10.1(1) is amended by adding the words “Supportive Facility – minor” immediately after the words “Supportive Facility – major, subject to subsection 10.1(2);”

19. Subsection 10.2(1) is amended by deleting the words “Supportive Facility” and replacing it with “Supportive Facility – major;”

20. Subsection 10.2(1) is amended by adding the words “Supportive Facility – minor” immediately after the words “Supportive Facility – major;”

21. Subsection 10.3(1) is amended by deleting the words “Supportive Facility, subject to subsection 10.3(2)” and replacing it with “Supportive Facility – major, subject to subsection 10.3(2);”
22. Subsection 10.3(1) is amended by adding the words “Supportive Facility – minor” immediately after the words “Supportive Facility – major, subject to subsection 10.3(2);”
23. Subsection 10.3(2) is amended by deleting 10.3(2)(b) and replacing it with the following:

10.3(2)(b) A Rooming House, or Supportive Facility – major permitted in subsection 10.3(1) shall be subject to the following:

 - (i) The lot shall only contain one of these land uses, and shall be at least 60 metres away from another lot in the RC zone that also contains one of these above uses; and
 - (ii) A Rooming House shall be limited to a maximum of nine residents.
24. Subsection 10.4(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Secondary Suite, subject to section 9.13;”
25. Subsection 10.5(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Secondary Suite, subject to section 9.13;”
26. Subsection 10.6(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Secondary Suite, subject to section 9.13;”
27. Subsection 10.7(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Secondary Suite, subject to section 9.13;”
28. Subsection 10.9(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Secondary Suite, subject to section 9.13;”
29. Subsection 10.10(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Secondary Suite, subject to section 9.13;”
30. Subsection 10.11(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Secondary Suite, subject to section 9.13;”
31. Section 11 is amended by deleting the word “Supportive Facility” in Table 11-1 and replacing it with “Supportive Facility – major”.
32. Section 11 is amended by adding to Table 11-1 the following words under the following headings:

Use	Zone Permitted
Supportive Facility – minor	CU, CRC, CG, CM, CL, CRG
33. Subsection 11.1(1) is amended by deleting the words “Supportive Facility” and replacing it with “Supportive Facility – major;”
34. Subsection 11.1(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Supportive Facility - major;”
35. Subsection 11.3(1) is amended by deleting the words “Supportive Facility” and replacing it with “Supportive Facility – major;”
36. Subsection 11.3(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Supportive Facility - major;”
37. Subsection 11.7(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Service Station, subject to paragraph 11.7(3)(d);”

- 38. Subsection 11.8(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Service and Repair, Household;"
- 39. Subsection 11.9(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Service and Repair, Household;"
- 40. Subsection 11.11(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Service Station, subject to paragraph 11.11(3)(c);"
- 41. Section 13 is amended by deleting the word "Supportive Facility" in Table 12-1 and replacing it with "Supportive Facility – major".
- 42. Section 13 is amended by adding to Table 13-1 the following words under the following headings:

Use	Zone Permitted
Supportive Facility – Minor	CFN, CFM

- 43. Subsection 13.1(1) is amended by deleting the words "Supportive Facility" and replacing it with "Supportive Facility – major;"
- 44. Subsection 13.1(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Supportive Facility - major;"
- 45. Subsection 13.2(1) is amended by deleting the words "Supportive Facility" and replacing it with "Supportive Facility – major;"
- 46. Subsection 13.2(1) is amended by adding the words "Supportive Facility - minor" immediately after the words "Supportive Facility - major;"
- 47. Section 14 is amended by adding to Table 14-1 the following words under the following headings:

Use	Zone Permitted
Supportive Facility – minor	RU

- 48. Section 14 is amended by deleting the word "Supportive Housing" in Table 14-1 and replacing it with the following words under the following headings:
- | Use | Zone Permitted |
|--------------------|----------------|
| Supportive Housing | RU |
- 49. Subsection 14.1(1) is amended by deleting "Supportive Housing, subject to 9.14;"