

BY-LAW NO. 88-3

A BY-LAW TO ADOPT A DEVELOPMENT SCHEME

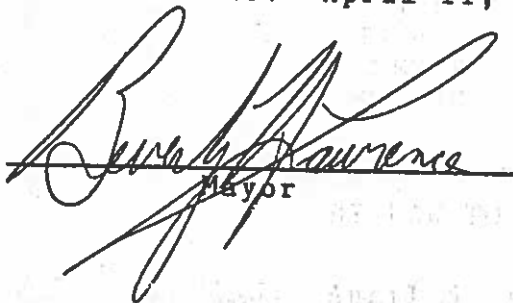
BE IT ENACTED by the Council of the Town of St. Andrews as follows:

1 Pursuant to the authority of Section 32 of the Community Planning Act, R.S.N.B. 1973, Ch. C-12, the Town of St. Andrews adopts a development scheme entitled "DEVELOPMENT SCHEME - MULTIPLE RESIDENTIAL AREAS - WATER STREET AND PATRICK STREET - TOWN OF ST. ANDREWS".

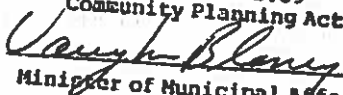
FIRST READING: April 5, 1988

SECOND READING: April 5, 1988

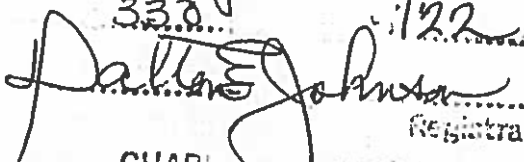
THIRD READING: April 11, 1988

  
Mayor

  
Clerk

APPROVED  
Pursuant to s. 69  
Community Planning Act  
  
Minister of Municipal Affairs  
and Environment  
May 9/88.....  
Date

PROVINCE OF NEW BRUNSWICK

August 19 1988  
330... 122  
  
Registrar  
CHARLOTTE COUNTY

DEVELOPMENT SCHEME  
MULTIPLE RESIDENTIAL AREAS  
WATER STREET AND PATRICK STREET  
TOWN OF ST. ANDREWS

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1.0 GENERAL

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1.1 Definitions

Definitions provided in section 1.0 of By-law No. 87-2, the Zoning By-Law, shall apply where such words are used in this development scheme.

1.2 Area of Application

The Development Scheme - Multiple Residential Areas - Water Street and Patrick, Town of St. Andrews, hereinafter referred to as the "development scheme", applies to two areas of land adjacent to Patrick Street and Water Street which have been designated "Multiple Residential".

Area A comprises lands bounded on the north by an extension of Queen Street, on the east by lands designated "Open Space/Recreation", on the south by Water Street and on the west by Patrick Street and lands of Armstrong's Automotive. Area B comprises lands bounded on the north by Water Street, on the east and south by a new street named Seaside Drive and on the west by Patrick Street.

The areas of application are shown on Schedule A:  
Site Plan - Town Owned Lands - Patrick Street and Water Street.

1.3 Components of the Scheme

This development scheme is comprised of the subsequent policies and proposals and the following schedules:

Schedule A: Site Plan - Town Owned Lands -  
Patrick Street and Water Street

Schedule B: Area A - Development Plan

Schedule C: Area B - Development Plan

The adoption of this development scheme shall not commit the town to undertake any proposal herein suggested or outlined, but shall prevent the undertaking of any development in any manner inconsistent or at variance with the policies or proposals so outlined or suggested.

#### 1.4 Objectives of the Scheme

The intent of this development scheme is to establish policies and proposals to guide physical development of the scheme areas.

The primary objectives of this development scheme are:

1. to increase the variety of housing available in the community by providing areas for multiple residential dwellings;
2. to provide more quality housing to senior citizens in an area which is not isolated from other residential uses;
3. to maintain the attractive physical environment of the town and ensure that development is in keeping with the small town character; and
4. to ensure that a reasonable balance between economic, social and physical objectives is achieved with respect to the development of town owned lands in the scheme areas.

#### 1.5 Conformity

In the scheme areas,

1.5.1 land may be used, and buildings and structures or parts thereof may be placed, erected, altered or used, for a purpose mentioned in the part hereof pertaining to such area, in conformity with the requirements thereof and as otherwise provided; and

1.5.2 no land may be used, 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 under clause 1.5.1.

2.0 DETAILS OF DEVELOPMENT

2.1 Services

All new development in the development scheme areas shall be connected to the town's water and sewer systems.

2.2 Permitted Uses

2.2.1 In Area A, any land, building or structure may be used for the purpose of, and for no other purpose:

(a) a multiple dwelling containing apartment units with respect to a lot adjacent to Patrick Street and Queen Street,

(b) a multiple dwelling containing townhouse units with respect to a lot(s) adjacent to Water Street, the area designated "Open Space/Recreation" and Queen Street,

(c) any accessory building, structure or use incidental to the main use of the land, building or structure, if such main use is permitted by this section.

2.2.2 In Area B, any land building or structure may be used for the purpose of, and for no other purpose:

(a) a multiple dwelling containing townhouse units with respect to a lot adjacent to Water Street and Seaside Drive;

(b) a multiple dwelling containing apartment units with respect to the remainder of Area B; and

(c) any accessory building, structure or use incidental to the main use of the land, building or structure, if such main use is permitted by this section.

2.3 Number of Main Buildings or Structures on a Lot

Except as herein provided, no more than one main building or structure may be placed or erected and no building or structure may be altered to become a second main building or structure on a lot.

2.4 Number and Size of Dwelling Units

2.4.1 No multiple dwelling containing apartment units shall contain more than 18 dwelling units.

2.4.2 No multiple dwelling containing townhouse units shall contain more than 8 dwelling units.

2.4.3 No multiple dwelling containing apartment units may contain a dwelling unit with a floor area less than:  
 (a) 42 square metres (450 square feet) for a one-bedroom dwelling unit,  
 (b) 56 square metres (600 square feet) for a two-bedroom dwelling unit, and  
 (c) 65 square metres (700 square feet) for a dwelling unit containing three or more bedrooms.

2.4.4 No multiple dwelling containing townhouse units may contain a dwelling unit with a floor area less than:  
 (a) 46.5 square metres (500 square feet) for a one-bedroom dwelling unit,  
 (b) 56 square metres (600 square feet) for a two-bedroom dwelling unit, and  
 (c) 70 square metres (750 square feet) for a dwelling unit containing three or more bedrooms.

2.4.5 In the case of a multiple dwelling containing two-storey townhouse units, the ground floor area of each dwelling unit shall not be less than 56 square metres (600 square feet).

2.5 Standards - Multiple Dwelling - Apartment Units

The following standards for multiple dwellings containing apartment units have been established with due consideration for minimizing their physical impact on the townscape and limiting the obstruction of sea views.

2.5.1 Minimum Lot Area

- (a) for a main building in excess of one storey 130 sq. metres (1400 sq.ft.) for each dwelling unit contained therein
- (b) for a one-storey main building 180 sq. metres (1900 sq.ft.) for each dwelling unit contained therein

- 2.5.2 Minimum Lot Width 30 metres (100 feet)
- 2.5.3 Minimum Front Yard 7.5 metres (25 feet)
- 2.5.4 Minimum Rear Yard 5.5 metres (18 feet)
- 2.5.5 Minimum Side Yard 7.5 metres (25 feet)

### 2.5.6 Maximum Height

- (a) for a main building in Area A 2 stories and 8.5 metres (28 feet)
- (b) for a main building in Area B 1 storey and 5.5 metres (18 feet)

- 2.5.7 Maximum Lot Coverage 30% of lot area for main building

## 2.6 Standards - Multiple Dwelling - Townhouse Units

The following standards for multiple dwellings containing townhouse units have been established with due consideration for the privacy of occupants and respecting the scale of existing single and two-family dwellings.

- 2.6.1 Minimum Lot Area 180 sq. metres (1900 sq.ft.) for each dwelling unit
- 2.6.2 Minimum Lot Width 6 metres (20 feet) for each dwelling unit
- 2.6.3 Minimum Front Yard 7.5 metres (25 feet) for a main building
- 2.6.4 Minimum Rear Yard 6 metres (20 feet) for a main building
- 2.6.5 Minimum Side Yard 3 metres (10 feet) for a main building
- 2.6.6 Maximum Height
- (a) for a main building in Area A 2 stories and 8.5 metres (28 feet)
- (b) for a main building in Area B 1 storey and 5.5 metres (18 feet)
- 2.6.7 Maximum Lot Coverage 30% of lot area for main building

## 2.7 Townhouse Units - Divided Ownership

In the case of townhouse units, where each of the dwelling units is held under separate and distinct ownership, no side yard is required on the common wall side(s) of the dwelling units. Townhouse units with divided ownership shall be governed by the Condominium Properties Act.



## 2.8 Accessory Buildings and Structures

- 2.8.1 No accessory building or structure may:
- (a) exceed one storey and 5.5 metres (18 feet) in height;
  - (b) be placed, erected or altered so that it is within:
    - (i) the front yard of the main building or structure, and
    - (ii) 1.5 metres (5 feet) of a side or rear lot line; and
  - (c) in the case of an accessory building, exceed 30 square metres (325 square feet) in area or have a horizontal dimension greater than 7.5 metres (25 feet).

2.8.2 In the case of an accessory building attached to a townhouse unit, no side yard is required on the common wall side of the accessory building.

## 2.9 Vehicular Off-Street Parking

2.9.1 No building may be placed, erected, altered or used unless not fewer than one vehicular off-street parking space is provided for each dwelling unit.

2.9.2 A parking space shall be not less than 3 metres (10 feet) in width and 6 metres (20 feet) in length.

2.9.3 Collective provision for off-street parking spaces on the same parking lot may be made for one or more buildings provided the number of spaces is not less than the minimum required for all buildings the spaces are to serve.

2.9.4 A parking lot shall:

- (a) be screened from public view, unless such screening would block the view of the water from Water Street,
- (b) be surfaced with durable and dustproof material, and
- (c) have points of ingress and egress located with due regard to topography and general traffic conditions and safety.

## 2.10 Landscaping

2.10.1 All yards within the development scheme areas shall be landscaped by the placement of at least 8 centimetres (3 inches) of top soil and the seeding thereof and may include partial devotion to paths, patios, walkways, ornamental shrubbery or trees.

2.10.2 A front yard may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other uses on the lot.

2.10.3 In Area A, a multiple dwelling containing apartment units and the associated parking lot shall be screened from Water Street by the planting of deciduous and coniferous trees along the south-east perimeter of the lot.

2.11 Signs

Sections 38, 39, 40, 41, 44, 45.2, 45.6, and 46 contained in Part IV - Sign Regulations of By-Law No. 87-2, the Zoning By-Law apply within the scheme areas. In addition, one free-standing sign is permitted for a multiple dwelling containing apartments.

### 3.0 IMPLEMENTATION

#### 3.1 Sale of Land in Scheme Area

Development in Area A of the development scheme shall be undertaken by private sector developers. A development proposal from Wabanaki Enterprises Inc. to construct not more than 18 apartment units and not more than 12 townhouse units has been accepted in principle by the town council.

The sale of parcels of land in Area A shall be subject to:

- (1) negotiation of lot prices mutually acceptable to the town council and the developer,
- (2) negotiation of acceptable agreement(s) regarding the costs of servicing lots or parcels,
- (3) conformance with this development scheme, and
- (4) the enactment of amendments to the municipal plan by-law and the zoning by-law to designate the area "Multiple Residential".

Development in Area B of the development scheme shall be undertaken by a municipal non-profit housing corporation, a municipal housing commission or a non-profit housing corporation. The town council has established a steering committee to consider housing strategies, including the formation of or association with appropriate agencies to implement and administer senior citizens housing projects.

Parcels of land in Area B shall be sold to appropriate agencies for a nominal sum. The purchaser shall only pay the cost of property service connections for water and sewer services. In the case where it is necessary for the appropriate agency to demonstrate equity in a particular development, parcels of land in Area B may be sold at appraised value and the municipality may pay an equivalent capital grant back to the agency purchasing the particular lot or parcel.

#### 3.2 Phases of Development

In Area A, development of a multiple dwelling containing apartment units shall commence before the development of any multiple dwelling containing townhouse units. This recognizes a perceived demand for apartment type accommodation and provides appropriate time for the review of market information and building forms with respect to townhouse units.

In Area B, development of a multiple dwelling containing apartment units for senior citizens on a parcel or lot adjacent to Water Street and Patrick Street shall commence before any other development occurs. Subsequent development

shall occur in progression towards Indian Point. This is intended to prevent needless obstruction of water views that may result from uncontrolled phasing of development.

### 3.3 Administration of the Scheme

3.3.1 The council may authorize the constructing, altering or repairing of any land, building or structure if:

- (a) in its opinion, such land, building or structure will conform to the scheme, or
- (b) the owner thereof enters into an agreement with the council containing such terms and conditions as the council considers fit.

3.3.2 Upon registration in the registry office an agreement under clause 3.3.1 is binding on any subsequent owner of the land in respect of which the agreement is made until discharged by the town.

3.3.3 An expense incurred by the town council in taking any action for the purposes of the development scheme shall be met as part of the cost of the scheme, and the proceeds of any sale or other disposition of land shall be applied against the cost of the scheme.

### 3.4 Development Permit Procedure

3.4.1 A person shall not undertake or continue the building, demolishing, altering, replacing, locating or relocating of a building or structure unless a permit therefor has been issued pursuant to this section.

3.4.2 A person seeking to obtain a building permit shall make an application in writing to the development officer, and such application shall:

- (a) be in a form prescribed by the Town Council,
- (b) be signed by the applicant,
- (c) include a site plan showing the street line and other boundaries of the property, the location of buildings thereon and landscaped areas that may be applicable,
- (d) include an architectural rendering showing the elevations and horizontal dimensions of buildings and structures, and
- (e) contain such other information as the development officer may require for the purpose of determining compliance herewith.

3.4.3 The fee payable for a permit issued pursuant to this section shall be in accordance with the schedule set forth in section 11 of By-Law No. 68, the Building By-Law.

3.4.4 The development officer is hereby authorized and empowered to suspend or revoke any permit upon failure of the holder thereof to comply with the development scheme by-law and any other applicable by-law.

#### 4.0 SUBDIVISION OF LAND IN SCHEME AREAS

##### 4.1 Order and Timing of Subdivision

In Area A land shall be subdivided into three main parcels. One parcel shall abut on Patrick Street and Queen Street and shall be of sufficient size to contain a multiple dwelling containing apartment units and the parking lot serving the same. A second parcel shall abut Water Street and the recreation corridor and shall be further subdivided into lots to accommodate townhouse units with divided ownership. A third parcel shall abut on Queen Street and the recreation corridor and shall be further subdivided into lots to accommodate townhouse units with divided ownership.

Area B shall be subdivided to create a parcel abutting Water Street, Patrick Street and Seaside Drive which shall be of sufficient size to contain a multiple dwelling containing apartment units. The balance of Area B shall be subdivided in progression towards Indian Point and each succeeding parcel shall be of sufficient size to accommodate the multiple dwelling type identified on Schedule C.

##### 4.2 Lots and Parcels of Land

4.2.1 In Area A and Area B all parcels of land shall abut a street owned by the municipality.

4.2.2 Notwithstanding clause 4.2.1, in Area A individual lots for townhouse units with divided ownership shall abut a common access. The maintenance of the common access and the balance of the parcel (common area) shall be governed by the Condominium Properties Act.

##### 4.3 Land for Public Purposes

There shall be no requirement of setting aside land for public purposes in the scheme areas as the town has provided such land within a reasonable proximity of the scheme areas.