

# Town of Saint Andrews

## Planning Report

**To:** Town of Saint Andrews Council

**From:** Alex Henderson, MCIP, RPP (NB)  
Southwest New Brunswick Service Commission

**Date:** February 19<sup>th</sup> 2020

**Property:** 235 Water Street, Saint Andrews, PID# 15204019

**Owner:** Judith Mary Haynes

**Applicant:** *same as owner*

**Municipal Plan:** Commercial

**Zoning Bylaw:** Central Commercial (CC) zone

**Summary:** The applicant seeks an amendment to the zoning by-law to allow an addition to standalone residential use in the Central Commercial “CC” zone by rezoning the property to Mixed Use “MU” zone.

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### Planning Comments:

Below are the policies in the Municipal Plan that are relevant and in support of the amendment requested.

#### Municipal Plan:

##### **Economy – Section 2.5.2 (1) – Policies**

“Council shall seek to provide an economic climate conducive to investment and the growth of employment opportunities while protecting and enhancing the quality of life in Saint Andrews.”

##### **Heritage – Section 2.2.2 (1) – Policies**

“It shall be a policy of Council to recognize the value of retaining and enhancing heritage structures and areas while allowing residents and businesses the reasonable enjoyment and appropriate uses of their properties.”

**One Amendment Requested:**

The applicant's request would require rezoning of PID#15204019 from the CC to the MU zone, as mapped in Schedule A of Zoning By-law Z18-04:

**1. Amendment #1 -**

By-Law No. Z18-04, the Zoning By-Law for the Town of Saint Andrews, is amended by changing the zone as shown on the Zoning Map attached to the said By-Law as Schedule "A" thereof for the lands shown on Schedule "1" attached hereto and forming part hereof from Central Commercial to Mixed Use.

*Planner's note: Council may establish by way of a resolution, or a development agreement, set forth terms & conditions that apply to this rezoning of land.*

**Discussion:**

The MU zone is a type of commercial zone that allows for standalone residential uses, while the CC zone does not. The current cottage use of the lot is a legal non-conforming use and no additions may be made to it, as per Section 60(5) of the Community Planning Act. The applicant wishes to construct a 12' by 18' extension to the footprint of the existing cottage structure (see Attachment 1). Therefore, in order for the building permit to be issued, a rezoning is required.

A rezoning to MU zone would not require a municipal plan amendment to the generalized future land use map, which designates this property as 'Commercial.' This is because the MU zone is classified as a commercial zone under section 2.1 of the Zoning By-law Z18-04. In the MU zone, the property may be used for a variety of single-purpose uses, ranging from commercial, institutional, or residential. So even if a rezoning were to take place, this property would still retain the ability to become a commercial use in the future, subject to section 5.4.2 of By-law Z18-04. This rezoning would keep the current designated commercial area in the Municipal Plan contiguous.

It is incumbent on Council to protect the core commercial character of the Historic Business District and restrict the replacement of viable commercial uses with single-purpose residential uses. It is the opinion of planning staff, that this rezoning would not endanger a viable commercial use or character of its surroundings. There is a three-fold reason for this opinion: 1) this property is currently used for a residential use and no viable commercial property is lost through this proposal, 2) the current narrow 3.04 meter right-of-way (see 'Survey' Attachment 2) is very limited for most future commercial purposes, and 3), the property does not directly front onto Water Street (see Attachment 3) and this therefore limits any potential impact on the street's commercial character.

Staff's general recommendation to Council is to take a careful approach with enacting changes to the zoning in Historic Business District. In other words, we might not recommend to Council a rezoning from CC to MU if any number of the subject site conditions were different. In this case,

it is staff's recommendation to Council that this rezoning proposal should be approved in order to facilitate a re-investment into an older structure and allow reasonable enjoyment of one's property. Council may consider applying terms and conditions such as requiring the use of Traditional Building Materials for any exterior cladding, as defined in Zoning By-law Z18-04. This could be done by way of a resolution or development agreement under section 59 of the Community Planning Act.

**Recommendation:**

The Southwest New Brunswick Service Commission staff recommends that Council request the written view of the Planning Advisory Committee on the proposed by-law amendment and set a date for the public hearing of objections in accordance with Sections 110 & 111 of the Community Planning Act.



Alex Henderson, MCIP, RPP.  
Planning Director