

## BY-LAW NO. Z22-09

### A BY-LAW TO AMEND BY-LAWS NO. Z22-01, BEING THE ZONING BY-LAW FOR THE TOWN OF SAINT ANDREWS

The Council of the Town of Saint Andrews, under the authority vested in Section 59 of the *Community Planning Act*, hereby amends the Town of Saint Andrews Zoning By-Law, being By-Law Z22-01, and enacts as follows:

1. The Town of Saint Andrews Zoning By-Law Z22-01 is hereby amended by rezoning a portion of the lands with Property Identifier 15164718, as well as the lands having Property Identifier 01324284, from Tourist Commercial “TC” Zone to Integrated Development “ID” Zone, as mapped on Schedule C-2 (and further demarcated by Schedule “1” and Schedule “2”), subject to terms and conditions as contained within attached Schedule C-1, attached hereto and forming part hereof, the resolution registered against the properties.
2. Schedule A of the of Town of Saint Andrews Zoning By-Law Z22-01, is hereby amended by the attached Schedule C-2.

Public Presentation this	6 <sup>th</sup> day of	May,	2024
Public Hearing of Objections this	2 <sup>nd</sup> day of	July,	2024
Obtain views of the PAC this	17 <sup>th</sup> day of	May,	2024
Obtain views of the Heritage Committee	17 <sup>th</sup> day of	May,	2024
Read the First Time this	day of	,	2024
Read the Second Time this	day of	,	2024
Read the Third Time this	day of	,	2024

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Brad Henderson, Mayor

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Paul Nopper, Clerk – Senior  
Administrator

**SCHEDULE “C-1”  
RESOLUTION**

## PARCEL IDENTIFIERS # 01324284 AND 15164718

WHEREAS 742039 N.B. Ltd. is the owner of certain Lands, located at Carleton Street and Prince of Wales Street and identified by PID# 01324284 and PID# 15164718, in Saint Andrews, New Brunswick, as shown in Schedule “C-2” (hereinafter referred to as the "Development Sites" and demarcated separately by Schedule “1” and “2” on the zoning map);

AND WHEREAS the uses of the “Development Sites” and surrounding lands, require particular be paid to unique architecture of the buildings and structures;

AND WHEREAS the Town of Saint Andrews has rezoned the “Development Sites”, from Tourist Commercial “TC” Zone to Integrated Development (ID) Zone under By-Law Z22-09, a By-Law to Amend By-Law Z22-01, passed on \_\_\_\_\_, \_\_\_, 2024, and subject to the terms and conditions imposed in this resolution;

BE IT RESOLVED that the Council of the Town of Saint Andrews, pursuant to Section 59 of the *Community Planning Act*, imposes the following terms and conditions on the rezoning:

1. That for the purposes of this development, the following words are thus defined:

“EMPLOYEE HOUSING” Refers to a multi-unit residential building used by an employer for the purpose of housing its employees, and their respective household units, in separate dwelling units;

“SPA” Means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as therapy pools, saunas, barber shops, beauty parlours, salons, cosmetic application, massage therapy, physical therapy, laser hair removal, nail studios, tanning salons, hairdressing shops, and many other services that relate to personal aesthetics or wellness;

“TREATMENT ROOM” Means a distinct room within a spa where the services offered by the spa are administered on an individualized basis to person(s);

2. That the Development Site depicted as Schedule “1” on the rezoning map in Schedule C-2 is subject to the following dimensional standards for the development of a main building for the use of a Spa:
  - a. Minimum lot area: **22,000 square feet;**
  - b. Minimum lot frontage: **100 feet;**
  - c. Minimum lot depth: **175 feet;**
  - d. Required front/flankage yards setback: **50 feet;**
  - e. Required rear yard setback: **20 feet;**
  - f. Required side yard setback: **12 feet;**
  - g. Notwithstanding sub-clause 2(f.), the required side yard setback where a party wall is established between buildings due to a subdivision of the lot with PID# 15164718: **0 feet;**

- h. Notwithstanding sub-clauses 2(f.) and 2(g.), the required side yard setback from a lot line shared with the lot with PID# 01323245 for any floors in a building above the ground floor: **30 feet**; and,
  - i. Maximum building height: **42 feet**;
  - j. Prior to the issuance of a building permit for the development, the developer shall provide evidence to the development officer that an Archaeological Site Alteration Permit is obtained through the Department of Tourism, Heritage, and Culture; and,
  - k. Prior to the issuance of a building permit for the development, the developer shall provide evidence to the development officer that a Provincial Heritage Permit, or a written waiver of the requirement to obtain a Provincial Heritage Permit, is obtained through the Department of Tourism, Heritage, and Culture.
3. That the Development Site depicted as Schedule “2” on the rezoning map in Schedule C-2 is subject to the following dimensional requirements for the development of a main building for the use of Employee Housing:
  - a. Minimum lot area: **22,000 square feet**;
  - b. Minimum lot frontage: **100 feet**;
  - c. Minimum lot depth: **175 feet**;
  - d. Required front/flankage yards setback: **6.5 feet**;
  - e. Required rear yard setback: **20 feet**;
  - f. Required side yard setback: **26 feet**; and,
  - g. Maximum building height: **42 feet**.
4. Notwithstanding anything contained in the Town of Saint Andrews Zoning By-Law, the parking and driveways for the Development Sites shall be developed in accordance with an encroachment agreement with the Town of Saint Andrews and in general conformity with the proposed site plans submitted with the rezoning application, and include a minimum of one (1) parking space per dwelling unit in the Employee Housing and three (3) parking spaces per Treatment Room within the Spa, and include any required parking spaces for compliance under the Barrier-free Regulation — Building Code Administration Act, in the opinion of the Building Inspector;
5. Pursuant to clause 4., prior to the issuance of any building permit on the Development Sites, if the new uses developed on the Development Sites require a number of parking spaces that exceed the number of off-street parking spaces to be made available on the Development Sites, or exceed the number of available off-street parking spaces within a 500 feet radius of the Development Sites, then section 3.26(11) of the Town of Saint Andrews Zoning By-Law applies, and developer shall pay the Town \$2,000.00 (Canadian) per parking space that is short of what is required;
6. That any living trees, with a 1.5” caliper width or greater, within 15 feet of the southern and eastern lot lines of PID 01324284 be protected during development and maintained and preserved thereafter, except for the

removal of diseased or naturally damaged trees which present a reasonable risk to life or property;

7. That, prior to the issuance of any building permit on the Development Sites, 742039 N.B. Ltd., their heirs, assigns or successors, or any other owner or operator of the lands herein identified, shall submit to the Town for their approval a site drainage plan prepared by a professional engineer licensed to practice in New Brunswick;
8. That any lighting used to illuminate the Development Sites' buildings, entrances, parking areas, or common areas shall be shielded and directed downward;
9. That one or more of the following traditional building materials shall be applied to the exterior cladding of any building: cedar shakes, wooden clapboard, brick, stone, or adequate facsimiles thereof; and,
10. That at least one (1) main exterior entrance on each building façade on each Development Site shall be articulated with a combination of steps, paving stones, or landscaping, for any pedestrians travelling along Carleton Street or Prince of Wales Street, respectively, and that any exterior entrances facing a public street shall be constructed of wood or be made of a durable painted material that serves as an adequate facsimile to a wooden door.

In the event of any breach of these terms and conditions, of any amendments made to them, or of the applicable provisions of the Town of Saint Andrews Municipal Plan, Secondary Municipal Plan, or Zoning By-Law, or of any amendments made to them, by 742039 N.B. Ltd., their heirs, assigns or successors, or any other owner or operator of the lands herein identified, the said 742039 N.B. Ltd., their heirs, assigns or successors, or any other owner or operator of the lands herein identified may lose the right to use the particular lands where the breach occurred as herein specified by By-Law No. Z22-09 (a portion of the lands with Property Identifier 15164718, as well as the lands having Property Identifier 01324284) and the use of that particular portion of land may revert to the previous zone, namely, the Tourist Commercial "TC" Zone of the Town of Saint Andrews Zoning By-Law – Community Planning Act.

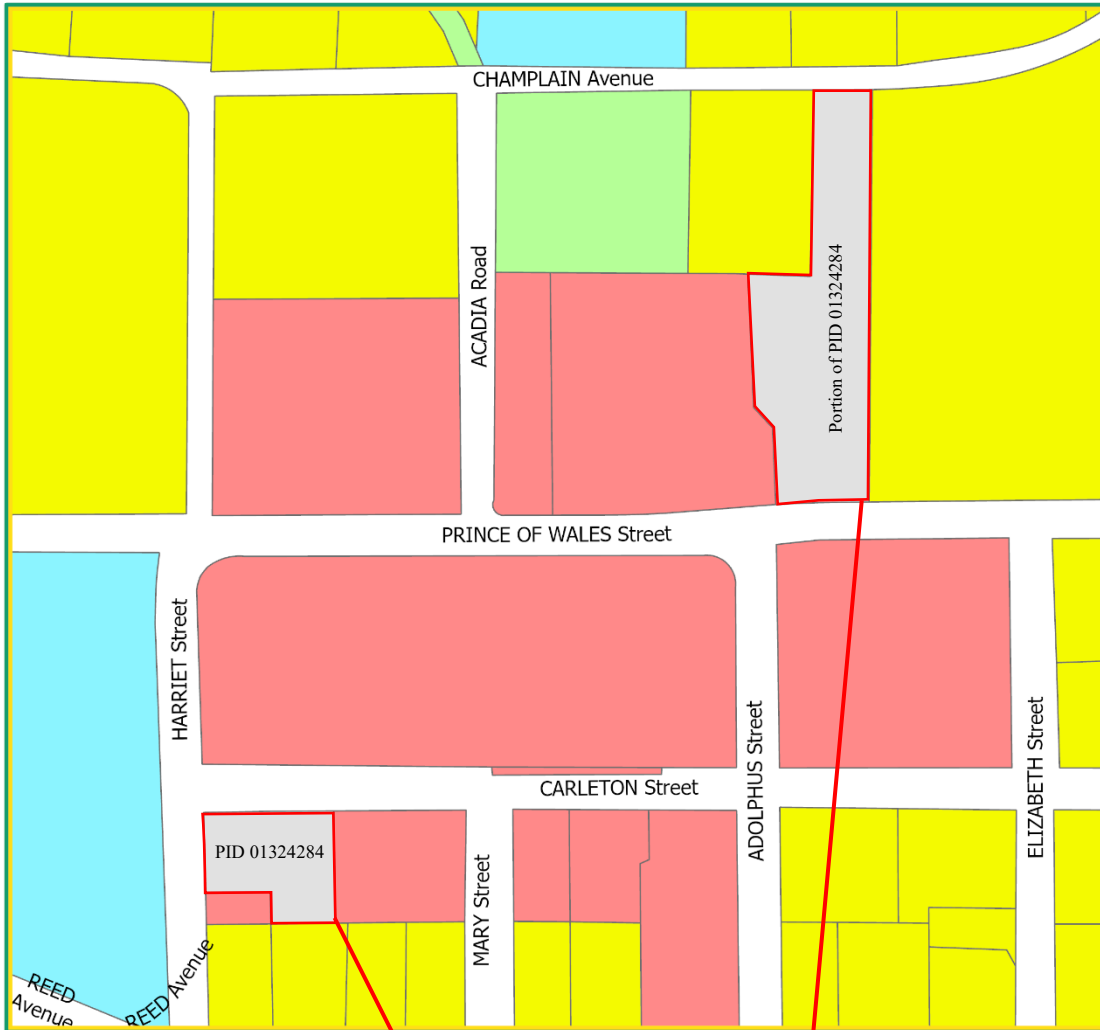
Moved by Councillor:  
Seconded by Councillor:  
This day of , 2024.

## **BY-LAW NO. Z22-09** **Schedule "C-2"**

By-Law Z22-09  
Schedule "1"  
a portion of PID 15164718  
742039 N.B. Ltd.  
Rezoning from TC (Tourist Commercial) Zone to ID  
(Integrated Development) Zone

CHAMPLAIN Avenue





By-Law Z22-09  
 Schedule "1"  
 PID 01324284 and portion of PID 15164718  
 742039 N.B. Ltd.  
 Rezoning from TC (Tourist Commercial) Zone to ID  
 (Integrated Development) Zone

- Proposed Zone Change
- ID (Integrated Development) Zone
- Existing Zones
- GS (Green Space) Zone
  - INST (Institutional) Zone
  - SR (Serviced Residential) Zone
  - TC (Tourist Commercial) Zone