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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

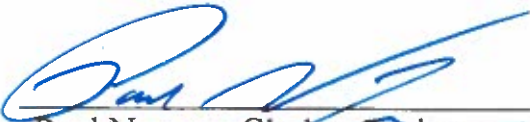
The Council of the Town of Saint Andrews, under the authority vested in Section 59 of the *Community Planning Act*, hereby amends the Town of Saint Andrews Zoning By-Law, being By-Law Z22-01, and enacts as follows:

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.

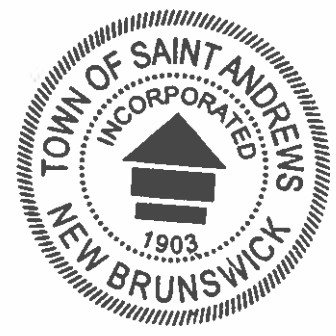
Public Presentation this	3 rd day of	June,	2024
Public Hearing of Objections this	2 nd day of	July,	2024
Obtain views of the PAC this	19 th day of	June,	2024
Obtain views of the Heritage Board this	12 th day of	June,	2024
Read the First Time this	2 nd day of	July,	2024
Read the Second Time this	6 th day of	August,	2024
Read the Third Time this	3 rd day of	September,	2024



 Brad Henderson, Mayor



 Paul Nopper, Clerk – Senior Administrator




I, **Paul Nopper**, of the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, Town Clerk, DO SOLEMNLY DECLARE:

1. THAT I am the Town Clerk of the Town of Saint Andrews, a municipal corporation, and have personal knowledge of the facts herein declared.
2. THAT the requirements of Sections 59, 110, and 111, of the *Community Planning Act* have been complied with in respect to By-Law No. Z22-09, A By-Law to amend By-law No. Z22-01, Being the Zoning By-Law for the Town of Saint Andrews.
3. AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, this 23 day of Sep, 2024


COMMISSIONER OF OATHS


Paul Nopper, Clerk

Nancy Diane Cooper
Commissioner of Oaths
My Commission Expires on December 31, 2029



**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 attention to be paid to the 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 September 3rd, 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, but does not include a short-term rental as that use defined in the Town of Saint Andrews Zoning By-Law Z22-01;

“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, but does not include a short-term rental as that use defined in the Town of Saint Andrews Zoning By-Law Z22-01;

“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, or a written waiver of the requirement to obtain 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 the Development Site depicted as Schedule "1" on the rezoning map in Schedule C-2, and as illustrated on Schedule C-3, is subject to the following conditions for the development of land for the use of Spa.
 - a. That any living trees, with a 4" caliper width or greater, within 15 feet of the lot lines shared with PID 01323237 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; and,
 - b. That trees, with a 4" caliper width or greater, be planted and/or preserved in the front yard of the Spa in accordance with the concept site plan as shown on Schedule C-3, within one year of the issuance of the building permit.

7. That the Development Site depicted as Schedule "2" on the rezoning map in Schedule C-2, and as illustrated on Schedule C-4, is subject to the following conditions for the development of land for the use of Employee Housing:
 - a. That any living trees, with a 4" 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.

8. 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 lot grading plan, stormwater management plan, and a municipal water and sanitary sewer plan prepared by a professional engineer licensed to practice in New Brunswick.

9. That any lighting used to illuminate the Development Sites' buildings, entrances, parking areas, or common areas shall be shielded and directed downward.

10. That the Development Site depicted as Schedule "1" on the rezoning map in Schedule C-2, and as illustrated on Schedule C-3, is subject to the following design standards for the development of a main or accessory buildings for the use of a Spa:
 - a. One or more of the following traditional building materials shall be applied as the primary exterior cladding:
 - i. A white-washed wooden clapboard (or adequate facsimiles of thereof) with a colour palette consistent with the colour palette of the predominately white stucco cladding that is found on the

main building located on PID 01324268, at the time that this rezoning By-Law was adopted; and,

ii. stone.

- b. The following materials shall be used as the primary roofing material:
- i. A red roof with a colour palette consistent with the colour palette of the predominately red shingle roofing that is found on the main building located on PID 01324268, at the time that this rezoning By-Law was adopted.

11. That the Development Site depicted as Schedule “2” on the rezoning map in Schedule C-2, and as illustrated on Schedule C-4, is subject to the following design standards for the development of a main or accessory buildings for the use of Employee Housing:

- a. One or more of the following traditional building materials shall be applied to the exterior cladding:
- i. cedar shakes,
 - ii. wooden clapboard,
 - iii. brick,
 - iv. stone,
 - v. or adequate facsimiles of the foregoing.

12. 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.

13. The Development Site depicted as Schedule “1” on the rezoning map in Schedule C-2, and as illustrated on Schedule C-3, is subject to the following timeline for the development of a Spa:

- a. Make necessary building permit applications to the Town for construction by September 1, 2025.
- b. Complete construction of the two-storey Spa as per the plans filed with the Town by September 1, 2027.
- c. Pave all driveways and parking areas within 12 months of the date of issuance of a building permit.
- d. Complete all other aspects of the development by September 1, 2027, after the issuance of a building permit.

14. The Development Site depicted as Schedule “2” on the rezoning map in Schedule C-2, and as illustrated on Schedule C-4, is subject to the following timeline for the development of Employee Housing:

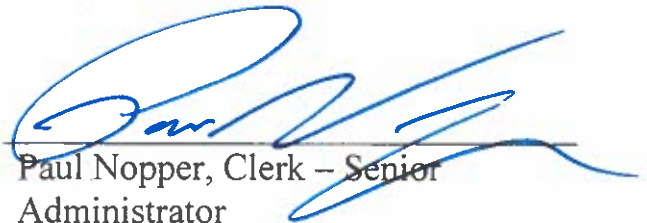
- a. Make necessary building permit applications to the Town for construction by September 1, 2025.
- b. Complete construction of the three-storey, multi-unit residential building of twenty (20) dwelling units for the use of Employee Housing, as per the plans filed with the Town by September 1, 2027.
- e. Pave all driveways and parking areas within 12 months of the date of issuance of a building permit.
- c. Complete all other aspects of the development by September 1, 2027, after the issuance of a building permit.

In the event of any breach of these terms and conditions, or any amendments made to them, or other 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 Heenan; and,
Seconded by Deputy Mayor Akagi
Carried
This 3rd day of September, 2024.



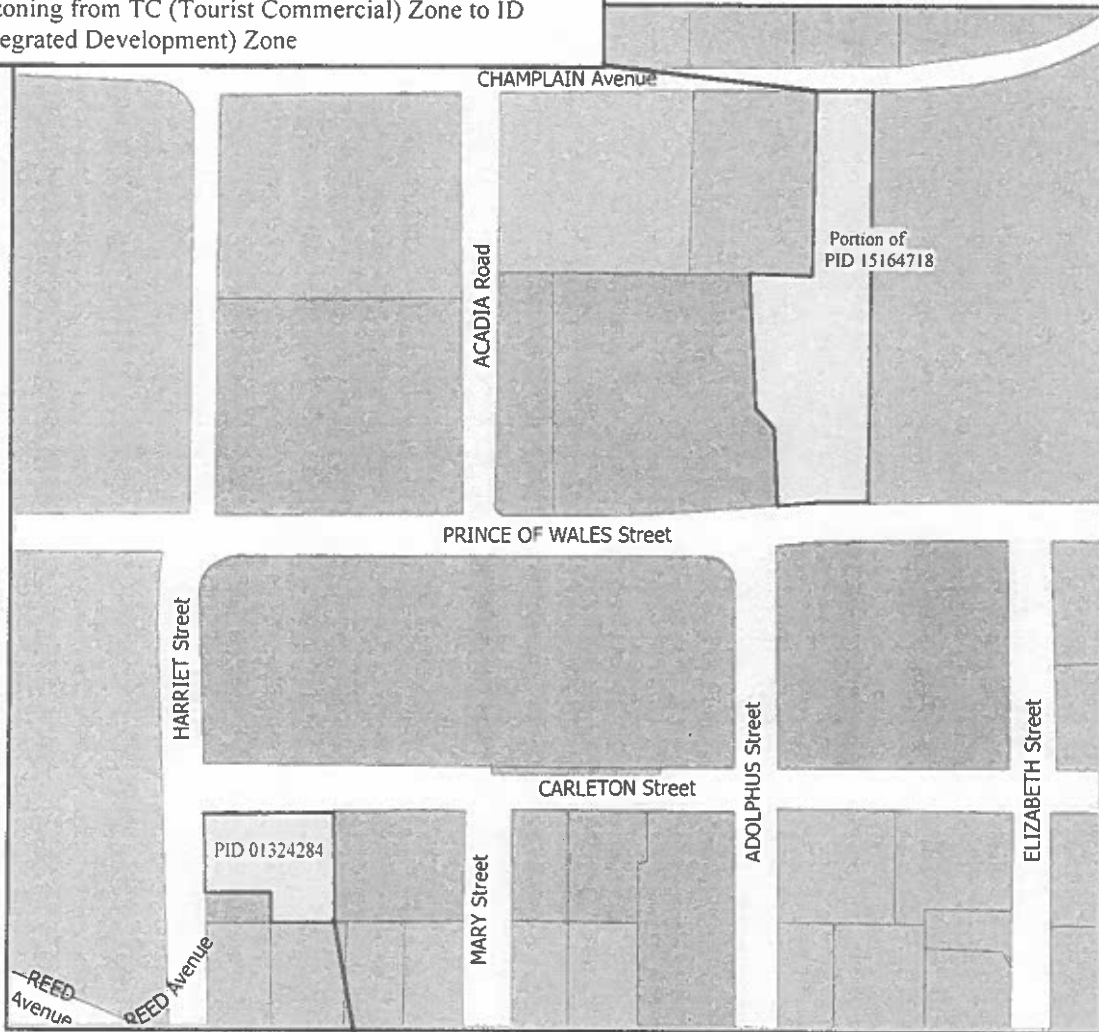
Brad Henderson, Mayor



Paul Nopper, Clerk – Senior
Administrator

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



0 15 30 60 90 120



Meters

Reference Scale: 1:2,500



Proposed Zone Change

□ ID (Integrated Development) Zone

Existing Zones

□ GS (Green Space) Zone

□ INST (Institutional) Zone

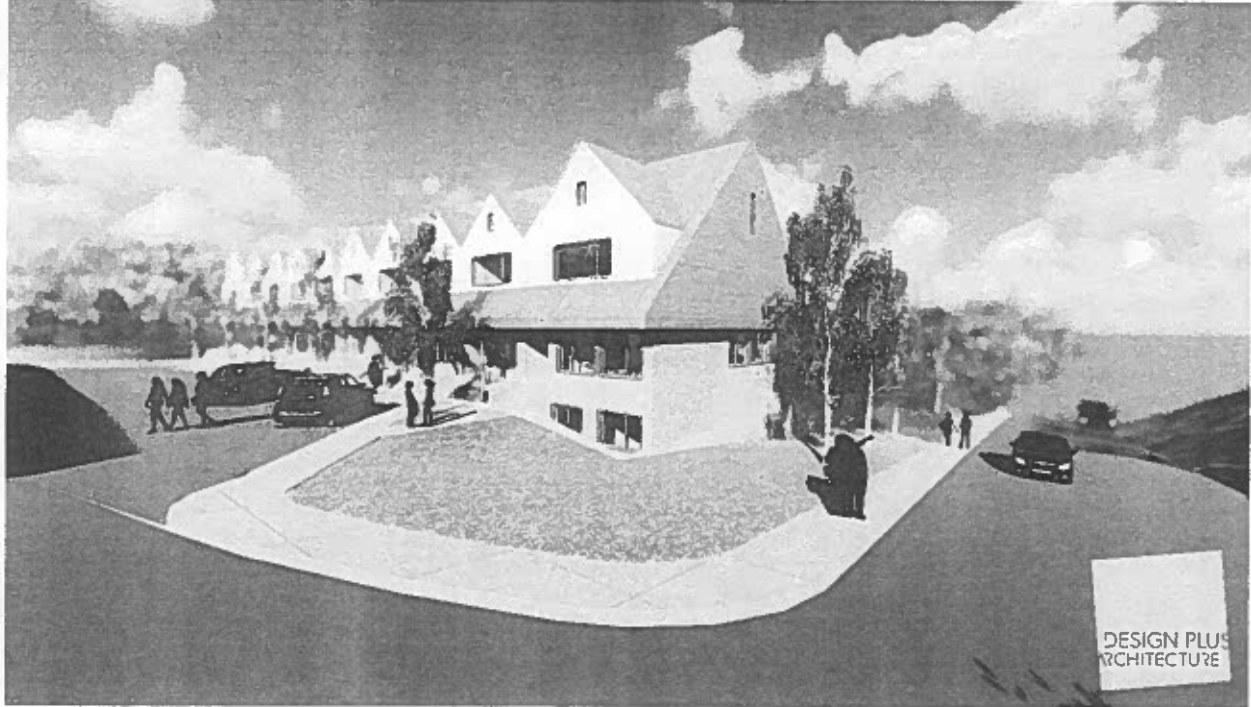
□ SR (Serviced Residential) Zone

□ TC (Tourist Commercial) Zone

By-Law Z22-09
Schedule "2"
PID 01324284
742039 N.B. Ltd.
Rezoning from TC (Tourist Commercial) Zone to ID
(Integrated Development) Zone

BY-LAW NO. Z22-09
Schedule "C-4"

Employee Housing – general concept elevation drawing:



Employee Housing – general concept site plan:

