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BY-LAW NO. Z22-10

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


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

- 1. By-Law No. Z22-01, the Zoning By-Law for the Town of Saint Andrews, is amended by changing the zone of the lands with Property Identifier 01326214, 15025083, and 01325406, from SR (Serviced Residential) Zone to ID (Integrated Development) Zone, as shown on Schedule “C-2” (further demarcated by Schedule “1”) subject to terms and conditions as contained within the attached Schedule “C-1”, attached hereto and forming part hereof, the resolution registered against the properties.
- 2. Schedule “A” of the Town of Saint Andrews Zoning By-Law Z22-01, is hereby amended by the attached Schedule “C-2”

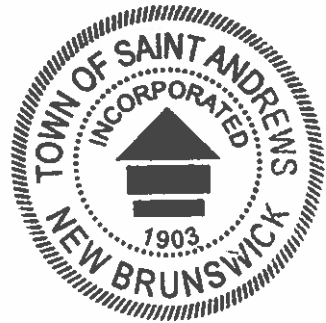
Public Presentation this	6th day of	August,	2024
Public Hearing of Objections this	3rd day of	September,	2024
Obtain views of the PAC this	21st day of	August,	2024
Read the First Time this	7th day of	October,	2024
Read the Second Time this	21 st day of	October,	2024
Read the Third Time this	21 st day of	October,	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 58, 59, 110 and 111 of the *Community Planning Act* have been complied with in respect to By-Law No. Z22-10, 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 22 day of October, 2021

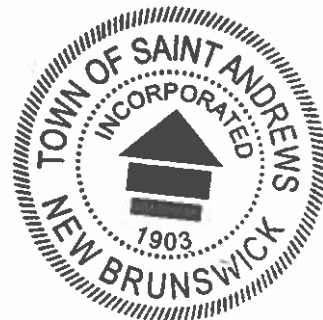


COMMISSIONER OF OATH

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



Paul Nopper, Clerk – Senior
Administrator



**SCHEDULE “C-1”
RESOLUTION
PARCEL IDENTIFIERS # 01326214, 15025083, and 01325406**

WHEREAS Harbour Town Builders Inc. is the owner of certain Lands, located at Mowat Dr. and identified by PID# 01326214, PID# 15025083, and PID# 01325406, in Saint Andrews, New Brunswick, as shown in Schedule “C-2” (hereinafter referred to as the “Development Site”

AND WHEREAS the Town of Saint Andrews has rezoned the “Development Site”, from Serviced Residential (SR) zone to Integrated Development (ID) zone under By-Law Z22-10, a By-Law to Amend By-Law Z22-01, passed on October 21, 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:

“COMMON ELEMENTS”

Means all the condominium property except the units.

“CORPORATION”

Means a corporation incorporated under the *Condominium Property Act* (Chapter C-16.05 SNB and any amendments thereto) responsible for upkeep and maintenance of the Common Elements.

“CONDOMINIUM”

Means any dwelling regulated under the *Condominium Property Act* (Chapter C-16.05 SNB and any amendments thereto) and defined there as the freehold land and interests appurtenant to the land described in a description, and includes any freehold land and interests appurtenant to land that are added to the common elements.

“DWELLING UNIT”

Means a room or suite of two or more rooms for use, or intended for use, by one or more individuals in which culinary and sanitary conveniences are provided for the exclusive use of such individual(s), and with a private entrance from outside the building or from a common hallway or stairway inside, but does not include hotel, motel, boarding or rooming house, recreational vehicle or mobile home.

“HOME BASED BUSINESS”

Synonymous with “home occupation” and means an occupation, trade, profession or craft carried on by the occupant of a Single-Unit Dwelling as a secondary use that is clearly subordinate and incidental to a main residential building, which does not change the character, thereof or have any exterior evidence of such secondary use other than a small sign not exceeding a size prescribed by these conditions, but does not include overnight accommodations for the travelling public, such as a short-term rental or bed and breakfast.

“SINGLE-UNIT DWELLING”

Synonymous with ‘single-detached dwelling’ and means a detached dwelling unit other than a mobile home, mini-home, recreational vehicle, travel trailer or motor home containing only one main dwelling unit.

“UNIT”

Means any part of a condominium property included in the property’s description and designated as a unit by the description, and includes the space enclosed by its boundaries and all the material parts of the condominium property within this space in accordance with the declaration and description.

2. That prior to any development, the development site be consolidated into one lot.
3. That the Development Site depicted as Schedule “1” on the rezoning map in Schedule “C-2” may be used for the purposes of:
 - a. The following main use:
 - i. A Condominium development consisting of up to twelve (12) units in the form of single-unit dwellings.
 - b. The following secondary uses:
 - i. One home-based business per unit subject to the following conditions:
 1. Such businesses shall not aggregately use more than twenty-five percent (25%) of a dwelling unit or an accessory building not exceeding twenty-five (25%) of the floor area of the dwelling unit for business premises;
 2. The home-based business may have one (1) business identification sign that is nonilluminated and shall conform to signage requirements under the Zoning By-Law;
 3. It does not generate off-site electrical interference, dust, noise or smoke;
 4. It does not involve any outside animal enclosures; and
 5. No more than one assistant, employee or associate who is not a resident of the unit.
 - c. Any accessory building, structure, or use normally incidental to the permitted main or secondary use of land, building or structure.
4. 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 condominium:
 - a. Minimum lot area: **43,055 square feet;**
 - b. Minimum lot frontage: **164 feet;**
 - c. Minimum lot depth: **100 feet;**
 - d. Required front/flankage yards setback: **10 feet;**
 - e. Required rear yard setback: **10 feet;**
 - f. Required side yard setback: **10 feet;**
 - g. Maximum main building height: **28 feet;**
 - h. Maximum accessory building height: **15 feet;**

- i. Maximum accessory building size: **160 square feet**;
 - j. No accessory building shall be placed closer to a street or main driveway than the main unit.
- 5. Notwithstanding anything contained in the Town of Saint Andrews Zoning By-Law, the parking lot and driveways for the Development Sites shall be developed in accordance with the attached Site Plan in Schedule “C-3”. It shall be paved with asphalt, concrete, or another all-weather dustproof material as approved by the Municipal Engineer, and include any required parking spaces for compliance under the Barrier-free Regulation — *Building Code Administration Act*, in the opinion of the Building Inspector.
- 6. That the Development Site is developed in substantial conformity with the attached Site Plan and Development Concepts in Schedule C-3.
- 7. That the Development Site depicted as Schedule “1” on the rezoning map in Schedule “C-2”, and as conceptualized on Schedule “C-3”, is subject to the following conditions for the development of land for the use of a condominium:
 - a. That a Corporation, responsible for common areas, infrastructure, and solid waste pick up, be registered and incorporated under the Condominium Act prior to occupancy.
 - b. Except for where a driveway extends to a lot line and for site-triangle requirements, landscaping in substantial conformity with the attached Site Plan in Schedule “C-3” with a 6.6 foot wide planting strip consisting of coniferous or deciduous trees and shrubs, to be perpetually maintained, along the lot lines; such trees to be spaced no further than 9.8 feet apart, and such shrubs to be spaced no further than 4.9 feet apart.
 - c. When abutting a residential use, landscaping shall include a wall or decorative wooden fence or chain link fence with filler strips woven into the mesh or some other screening facility of equal screening value; such screening facility to be at least 4.9 feet and not more than 6.6 feet in height, and at least 3.3 feet from a lot line.
 - d. Garbage storage shall be provided in the location indicated on the attached Site Plan in Schedule “C-3” and shall be fully screened by an opaque fence at least 6.6 feet in height.
- 8. That, prior to the issuance of any building permit on the Development Site, Harbour Town Builders Inc., 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, storm water 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 Site buildings, entrances, parking areas, or common areas shall be shielded and directed downward.
10. Council acknowledges that while, the Corporation may have standards and restrictions above and beyond this resolution, the Town of Saint Andrews will only enforce municipal By-Laws and amendments thereto.
11. That the Development Site depicted as Schedule "1" on the rezoning map in Schedule: "C-2", and as conceptualized on Schedule "C-3", is subject to the following design standards for the development of a condominium:
 - a. At least four (4) colour treatments shall be used for units with no treatment being next to a unit with the same treatment.
12. The Development Site depicted as Schedule "1" on the rezoning map in Schedule "C-2", and as conceptualized on Schedule "C-3", is subject to the following timeline for the development of a condominium:
 - a. Make necessary building permit applications to the Town for the construction of the first unit by May, 1, 2026.
 - b. Pave all driveways and parking areas and complete all landscaping within 24 months of the date of issuance of the first building permit.
 - c. Complete the condominium project with up to twelve (12) units by May 1, 2033.

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 Harbour Town Builders Inc., their heirs, assigns or successors, or any other owner or operator of the lands herein identified, the said Harbour Town Builders Inc., 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. Z22-10 (lands with Property Identifier 01326214, 15025083, and 01325406) and the use of that particular portion of land may revert to the previous zone, namely, the Serviced Residential (SR) Zone of the Town of Saint Andrews Zoning By-Law – *Community Planning Act*.

Moved by Councillor Harland; and,

Seconded by Deputy Mayor Akagi
This 21st day of October, 2024.



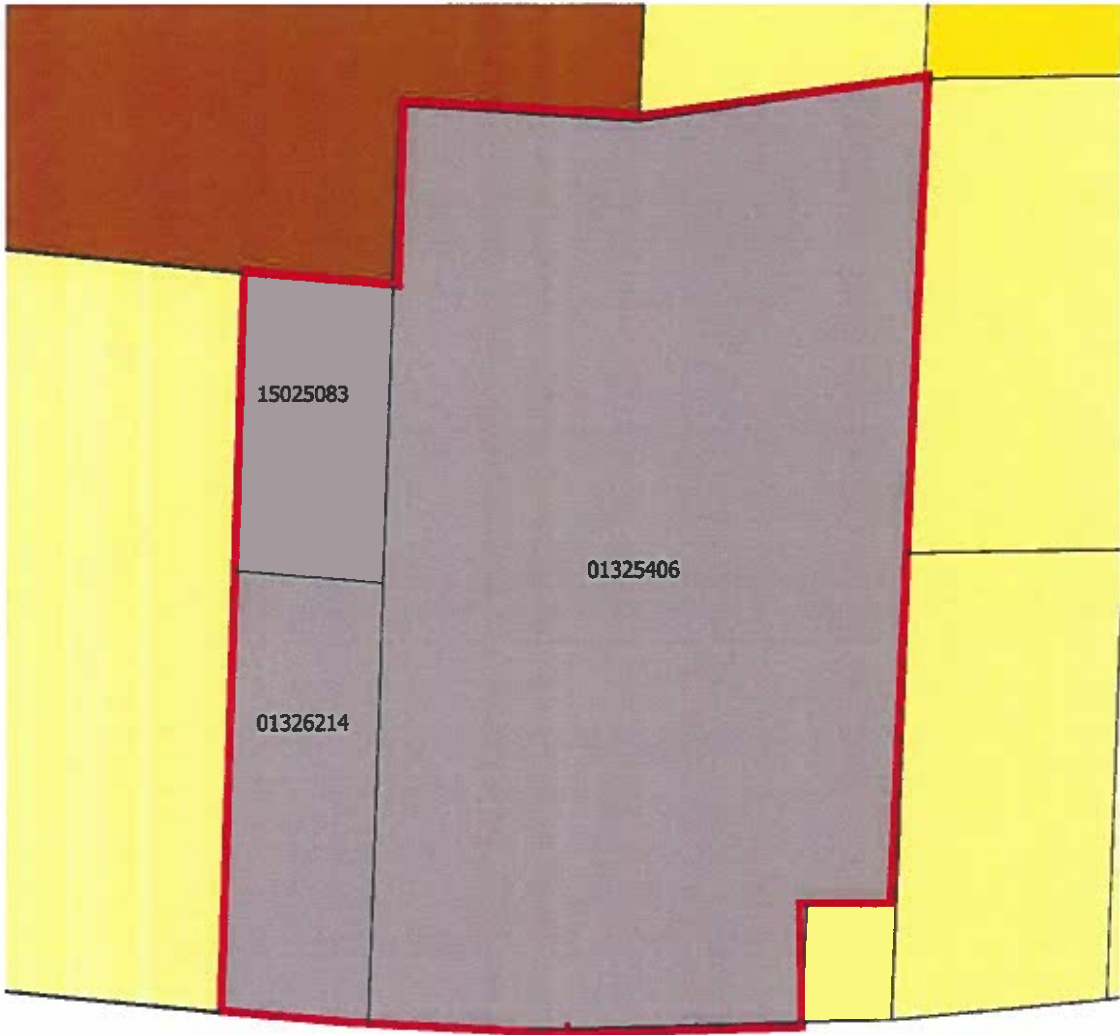
Brad Henderson, Mayor



Paul Nopper, Clerk – Senior
Administrator



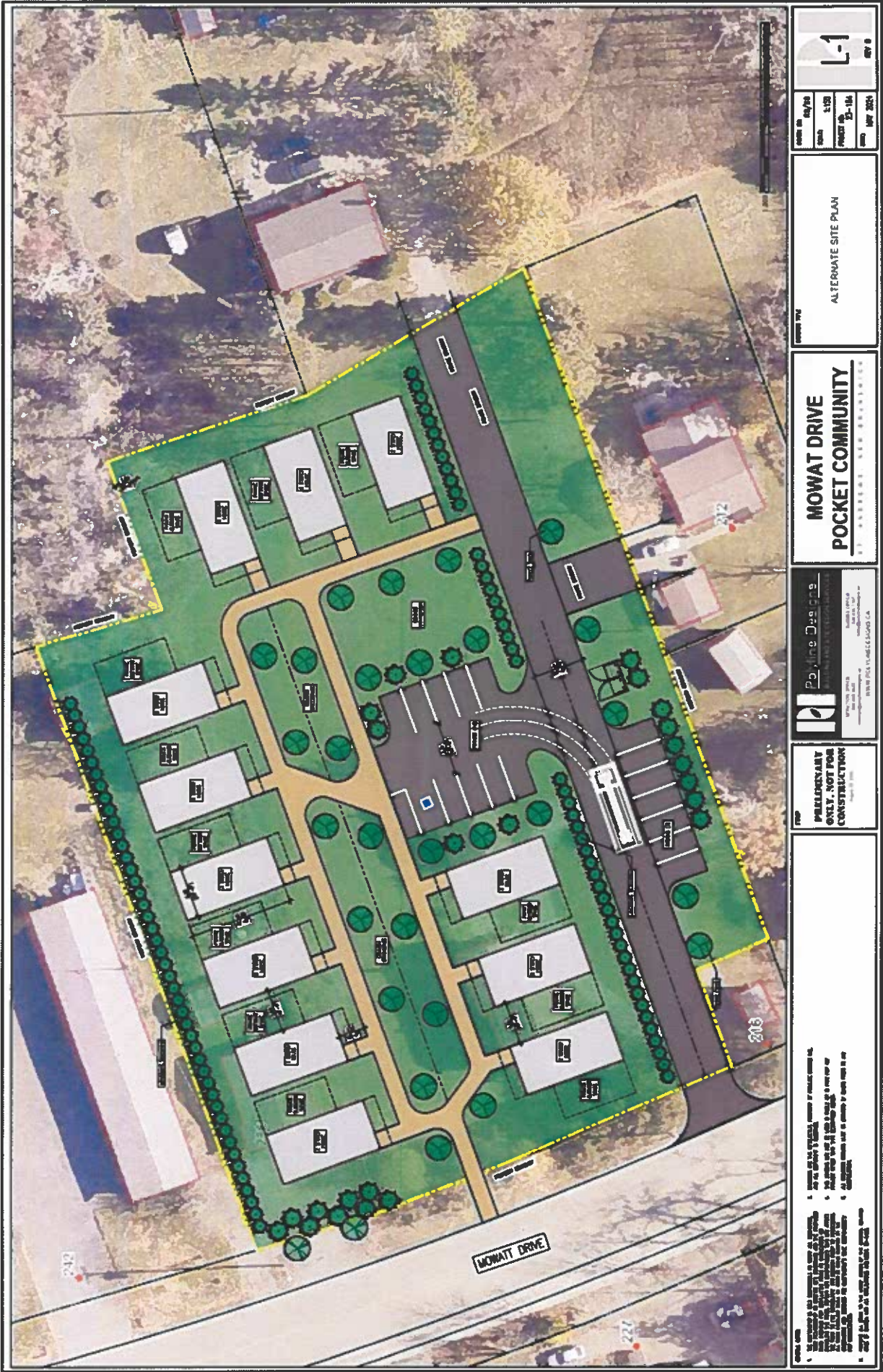
BY-LAW NO. Z22-10
Schedule "C-2"



By-law Z22-10
Schedule "1"
PIDs 01326214, 15025083, & 01325406
Rezoning from SR (Serviced Residential) Zone to ID (Integrated
Development) Zone



BY-LAW NO. Z22-10
Schedule "C-3"





**PRELIMINARY
ONLY. NOT FOR
CONSTRUCTION**

August 27, 2024



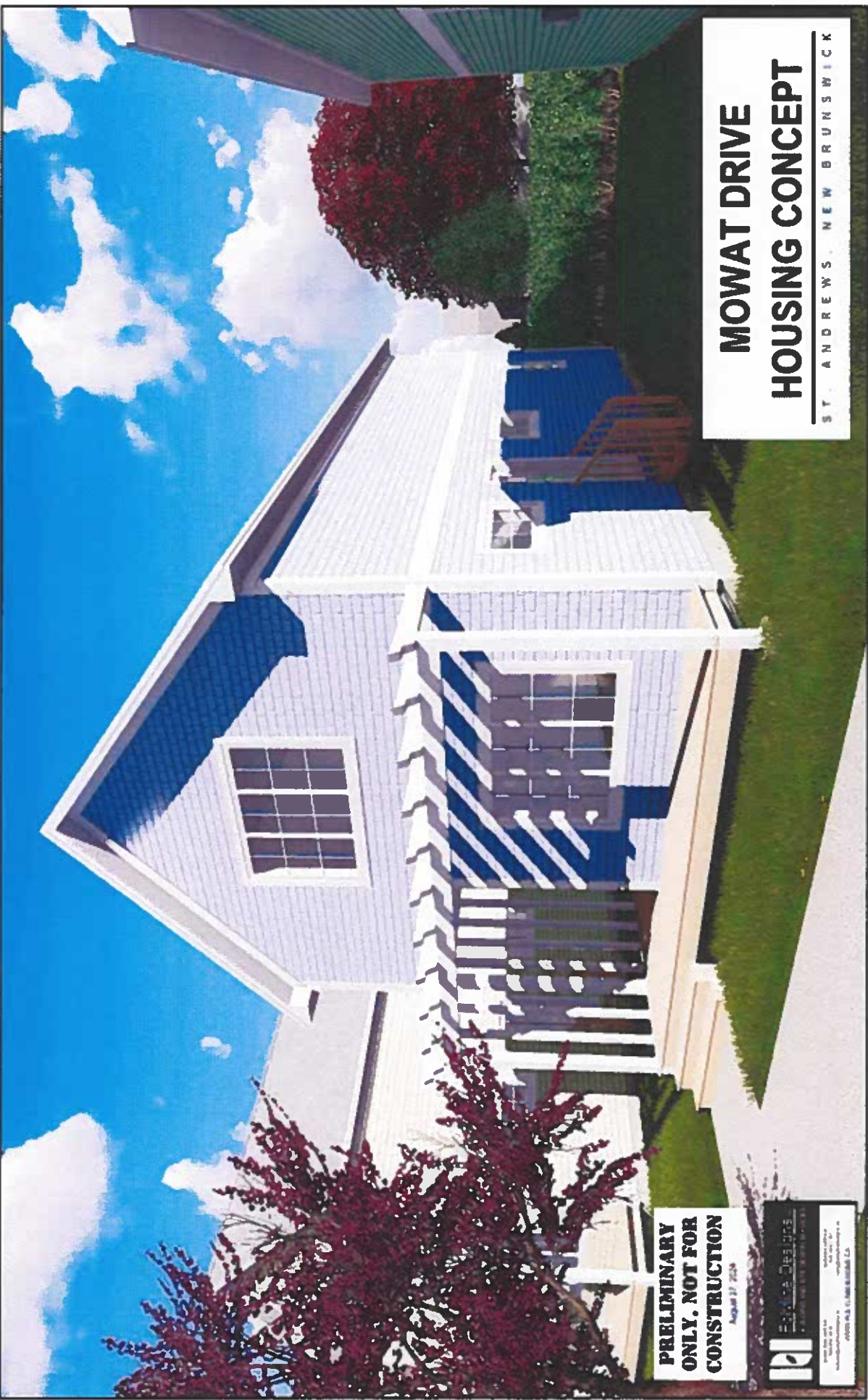
ECLIPSE DESIGN

ARCHITECTURAL & INTERIOR DESIGN

1000 W. 10TH AVE.
SUITE 100
DENVER, CO 80202
303.733.1234

MOWAT DRIVE HOUSING CONCEPT

ST. ANDREWS, NEW BRUNSWICK

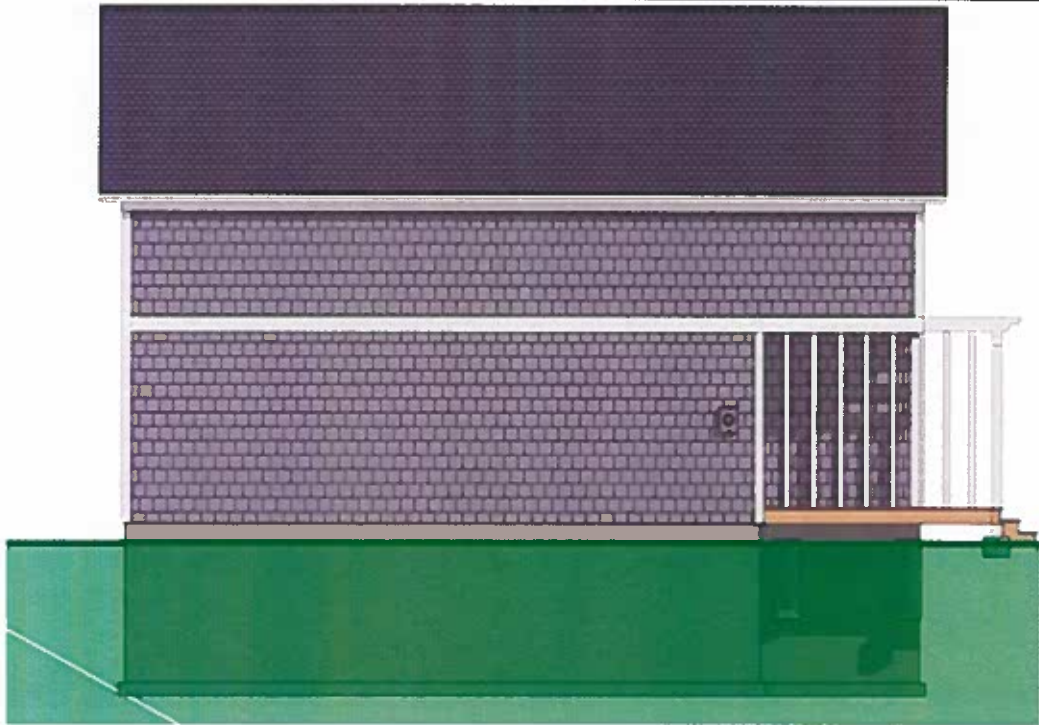


**PRELIMINARY
ONLY. NOT FOR
CONSTRUCTION**
August 27, 2024

FELISA DESIGN
ARCHITECTS
1000 N. 1ST AVE. SUITE 200
NEW BRUNSWICK, NJ 08901
TEL: 732.241.1111
WWW.FELISADesign.COM

MOWAT DRIVE HOUSING CONCEPT

ST. ANDREWS, NEW BRUNSWICK



**Left
Elevation**



**Front
Elevation**

PRELIMINARY
DESIGN
NOT FOR
CONSTRUCTION



SCALE 1/8" = 1'-0"
Letter (8½" x 11")

MOWAT DRIVE
POCKET COMMUNITY
July 24, 2024



**Right
Elevation**



**Rear
Elevation**

PRELIMINARY
DESIGN
NOT FOR
CONSTRUCTION



SCALE 1/8" = 1'-0"
Letter (8½" x 11")

MOWAT DRIVE
POCKET COMMUNITY
July 24, 2024



Camera 1



PRELIMINARY
DESIGN
NOT FOR
CONSTRUCTION

Camera 2



SCALE 1/8" = 1'-0"
Letter (8½" x 11")

**MOWAT DRIVE
POCKET COMMUNITY**
July 24, 2024