

THIS AGREEMENT MADE THIS _____ DAY of April, A.D., 2019

BETWEEN:

THE TOWN OF RIVERVIEW, a municipal corporation,
incorporated under the Legislative Assembly of the
Province of New Brunswick and located at 30 Honour
House Court, Riverview, County of Albert, Province of
New Brunswick, E1B 3Y9,

hereinafter called the “Town”
Of the First Part;

-and-

CLAYTON DEVELOPMENTS LIMITED,
255 LACEWOOD DRIVE, HALIFAX, NS B3M 4G2

hereinafter called the “Owner”
Of the Second Part;

WHEREAS the Owner has proposed that certain lands on Rosebank Crescent, Riverview, New Brunswick and identified as PID #05103080 as shown in Schedule “A1” (hereinafter referred to as “lands”) be rezoned to accommodate semi-detached dwellings;

AND WHEREAS the lands are now zoned “R1” [Single Unit Dwelling], wherein the proposed purpose is not a permitted use;

AND WHEREAS the Owner has applied, and the Planning Advisory Committee has recommended that the Town rezone the lands from “R1” [Single Unit Dwelling] to R2 [Two Unit Dwelling], as shown on Schedule “A1”, in accordance with, and subject to the provisions contained in section 59 of the Community Planning Act, and subject to certain terms and conditions herein set forth;

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Owner’s Covenants

The Owner covenants and agrees to develop the lands in compliance with the following terms and conditions:

1. All semi-detached dwellings shall generally conform to the following design criteria:
 - a. Architectural detailing including but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze and fascia boards shall be incorporated;
 - b. Architectural treatment shall be continued around the side of the building for corner units;
 - c. Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping;
 - d. Any exposed lumber on the front façade shall be painted or stained;
 - e. Any exposed foundation in excess of 1 metre shall be architecturally detailed, veneered with stone or brick, painted, stucco or an equivalent; and
 - f. A minimum 50% of the front elevation shall consist of masonry treatment or other similar product.
-

2. That a 5 metre buffer be maintained along the rear lot line of the western property boundary including existing vegetation to be retained and cannot be used for development;
3. That prior to any tree removal on the lot, a surveyor be engaged to delineate and mark the buffer zones referred to in Conditions #2 and #9 with flagging tape;
4. That an Arborist be engaged to determine if existing vegetation within the buffer zones is sufficient. If deemed necessary by the Arborist, a planting plan will be prepared outlining the supplemental vegetation required. Any additional trees required must be planted prior to receiving a building and development permit;
5. Upon a one year period of lot clearing, the buffer zones will be reviewed to determine if additional planting is required to replace trees that have fallen and been removed. If a sufficient number of trees are removed, they will be reinstated;
6. Prior to obtaining a building and development permit, the developer will submit to the Town of Riverview security in the amount of \$13,000 (\$500 per lot abutting the buffer zones identified in Schedule B) to ensure compliance with Conditions #3, #4 and #5;
7. That the site drainage be designed to accommodate the 5 metre buffer referred to in Condition #2;
8. That notwithstanding Table 11.3 of Zoning By-law 300-7, semi-detached lots on the western property boundary must have a minimum lot frontage of 14.58 metres;
9. That a treed buffer be maintained between the existing Rosebank Crescent and the extension of Rosebank Crescent as shown on Schedule B;
10. That the lots located on the western portion of Rosebank (both sides of the street) be limited to one storey; and
11. That the development be carried out in substantial conformance with the plans and drawings submitted.

2. The Town’s Covenants

The Town covenants with the Owner as follows:

- a) That the Town will undertake to carry out all necessary procedures for the zoning amendment to have the Owner’s premises zoned to “R2” (Two Unit Dwelling) conditional on the terms herein contained and for the purposes stated herein.

3. Notices

Any notices under this agreement shall be sufficiently given by personal delivery by registered mail, postage prepaid, and mailed in a Canadian Post Office, addressed:

Owner	Town
CLAYTON DEVELOPMENTS LIMITED, 100C - 255 LACEWOOD DRIVE, HALIFAX, NS B3M 4G2	The Town of Riverview Attn: Town Clerk 30 Honour House Court Riverview, NB E1B 3Y9

4. The Owner acknowledges and agrees that notwithstanding anything contained herein, the approval of the Town to the amendment to the zoning of the land is wholly conditional upon compliance by the Owner with the terms and conditions herein, and further shall be of no effect until the zoning amendment is perfected pursuant to subsection 59(2) of the Community Planning Act of New Brunswick.

5. Successors

THIS AGREEMENT enures to the benefit of, and binds the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF the Town and the Owner have caused their authorized officers and themselves to execute this agreement and to affix their seals, the day and year first above written;

SIGNED, SEALED AND DELIVERED

THE TOWN OF RIVERVIEW

MAYOR

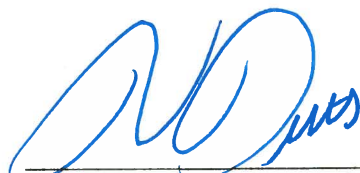
CLERK

OWNER




NOTARY PUBLIC
(Affix Seal)

M. LINDSAY HAWKER
A Notary Public in and for the
Province of Nova Scotia



RICHARDBUTTS
PRESIDENT



CAROL MACMILLAN
CHIEF FINANCIAL OFFICER