



BY-LAW No. 700-80

A By-law Requiring Street Trees for New Main Building Developments within the Town of Riverview

BE IT ENACTED by the Town Council of the Town of Riverview under the authority vested in it by the *Local Governance Act*, S.N.B. 2017, c. 18, as follows:

Title

1. This By-law may be cited as the ‘Street Tree By-law’.

Definitions

2. In this by-law

“Applicant” means the person or organization applying to the Town for a new main building development in which the street tree requirements of this by-law apply.

“Development” means development as defined under the *Community Planning Act*, S.N.B. 2017, c. 19.

“Street tree” means a tree to be planted between the lot line and the curb or the travelled portion of the street where there is no curb.

“Subdivision By-law” means ‘A By-law Relating to the Subdivision of Lands in the Town of Riverview, By-law # 300-61’.

“Zoning By-law” means the ‘Town of Riverview Zoning By-law No. 300-7’.

AND

Each of the following terms shall mean the respective definition under the Zoning By-law:

“Building”

“Corner Lot”

“Flankage Lot Line”

“Frontage”

“Lot”

“Lot Line”

“Main Building”

“Multiple Unit Dwelling”

“Residential Use”

“Street”

“Single Unit Dwelling”

“Two Unit Dwelling”

Street Trees for New Residential Developments

3. Except in the ‘Rural Area (RA)’ zone, the following number of street trees is required for new main building construction of a residential use:

- (a) One (1) per lot when the frontage is less than 20 metres; or

(b) Otherwise as follows:

- (i) For a single unit dwelling or multiple unit dwelling, at least one tree for every ten (10) metres of frontage; and
- (ii) For a two unit dwelling, at least one (1) tree for every 22 metres of frontage.

Street Trees for New Main Building Developments within Community Use, Commercial, or Industrial Zones

4. The following number of street trees is required for new main building construction of a Community Use, Commercial, or Industrial Zone:

- (a) One (1) for every ten (10) metres of lot frontage.
- (b) In the case of a corner lot, at least one street tree meeting the requirements of paragraph (a) along the flankage lot line and one additional street tree for every 30 metres of frontage.

Location of Street Trees for New Developments

5. Where an approved Tree Planting Plan is in place, as a part of a prior subdivision approval under the Subdivision By-law and ‘Subdivision Development Procedures, Standards, and Guidelines,’ required street trees under this by-law shall be planted in accordance with said Plan.

6. Required street trees under this by-law shall be planted by the Town of Riverview.

7. Required street trees shall be planted within the street right-of-way along the lot line of the lot that is subject to the development application.

8. Required street trees shall be planted between the lot line and the curb or the travelled portion of the street where there is no curb.

9. Despite sections 5., 7., and 8. and where required street trees cannot be planted within the street adjacent to the lot subject to the development application because of geophysical constraints or existing or proposed roads, easements, utility or public infrastructure, the location of new required street trees shall be determined by the Town using the following locational guide in order of precedence ((a) being the preferred option):

- (a) On the nearest available location on the same street that the lot subject to the development application is adjacent to;
- (b) Within the nearest municipal park to the lot subject to the development application;
- (c) Within the nearest publicly owned ‘Parks, Recreation, Institutional (PRI)’ zoned lands to the lot subject to the development application;
- (d) Within the nearest publicly owned ‘Open Space (OS)’ zoned lands to the lot subject to the development application; or
- (e) At a location at the discretion of the Town which achieves the objective of policy 5.1.4A of the Municipal Plan, which is to facilitate tree canopy coverage throughout the Town in existing, developed neighbourhoods and in future growth areas.

10. Despite sections 6. and 9. and where requested by the applicant and mutually agreed upon with the Town, the requirement of placing street trees adjacent to the lot that is subject to the development application may be waived.

11. Where the requirement of placing street trees adjacent to the lot that is subject to the development application is waived pursuant to section 10., required street trees shall be placed in accordance with section 9.

Size Requirements for Street Trees

12. A required street tree under this by-law shall have a minimum diameter of 60 millimetres and have a minimum branching height of two metres.

Fee for Required Street Trees

13. Where street trees are required under this by-law, the applicant shall pay to the Town a fee of \$400 per street tree.

Severability

14. Where a Court of competent jurisdiction declares any section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.

ORDAINED AND PASSED _____, 2020.

First Reading:
Second Reading:
Third Reading: