

THIS AGREEMENT MADE THIS ____ DAY OF _____, 2023

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-

Pinecrest Developments Inc., 51 Fairview Knoll Dr., Moncton, NB E1A 7H8

hereinafter called the “Proponent” Of the Second Part

WHEREAS the Proponent has applied to rezone the property located on Hillsborough Road, identified as PIDs 05029319 as shown on Schedule A-10, from R1 – Single Unit Dwelling to R3 – Multiple Unit Dwelling to accommodate two multi-unit buildings;

AND WHEREAS the Planning Advisory Committee has recommended that the Town rezone the lands from R1 to R3 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 Proponent’s Covenants

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

- a) That the development shall be in general conformity with the site plan and building elevations attached as Schedules A-11-1 and A-11-2
- b) That landscaping shall be provided as shown on the site plan attached as Schedule A-11-1 with a minimum buffer width of 6m where the property abuts adjacent R1 properties;
- c) That prior to any tree removal on the lot, a surveyor be engaged to delineate and mark the buffer zones referred to in condition (b)
- d) That a 2m tall opaque fence shall be installed on the property where it is not possible to maintain a sufficient landscape buffer as demonstrated on Schedule A-11-1;
- e) That prior to the issuance of a building and/or development permit, a 5m wide local government service easement be registered on the lot to accommodate the extension of the public sewer system;
- f) That notwithstanding section 91(4)(c) of the zoning by-law, the rear building shall be permitted to have jogs and recesses greater than 9m apart, but no more than 11m apart, along the façade of the building;
- g) That nothing shall prohibit the proponent from applying for a variance under section 55 of the *Community Planning Act* for zoning provisions that are not addressed within the scope of this agreement; and
- h) That as-built drawings for engineering submissions shall be required within 30 days after construction.

2. The Town’s Covenants

The Town covenants with the Proponent as follows:

- a) That the Town will undertake to carry out all necessary procedures to ensure that modifications to the zoning map shall conform with the attached Schedule A-11 subject to 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:

Proponent	Town
SIMON IKUSERU PINECREST DEVELOPMENTS INC. 51 FAIRVIEW KNOLL DR. MONCTON, NB E1A7H8	TOWN OF RIVERVIEW ATTN: TOWN CLERK 30 HONOUR HOUSE COURT RIVERVIEW, NB E1B 3Y9

4. The Proponent 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 Proponent 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 Proponent 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

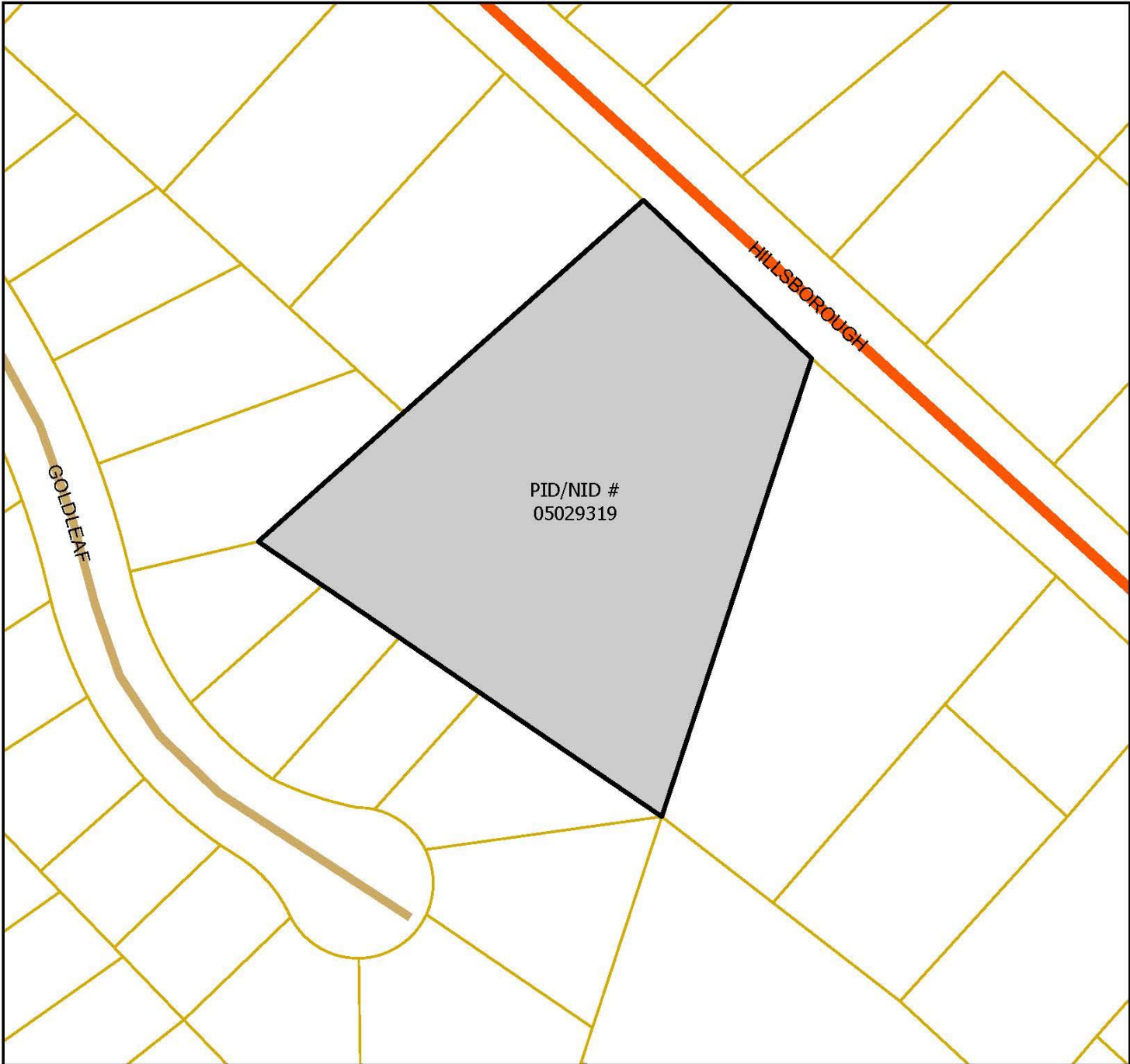
CLERK

PROPONENT

SIMON IKUSERU
PINECREST DEVELOPMENTS

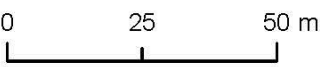
Schedule A-11

Town of Riverview
ZONING MAP / CARTE DE ZONAGE
Date: 2023-04-18



Legend

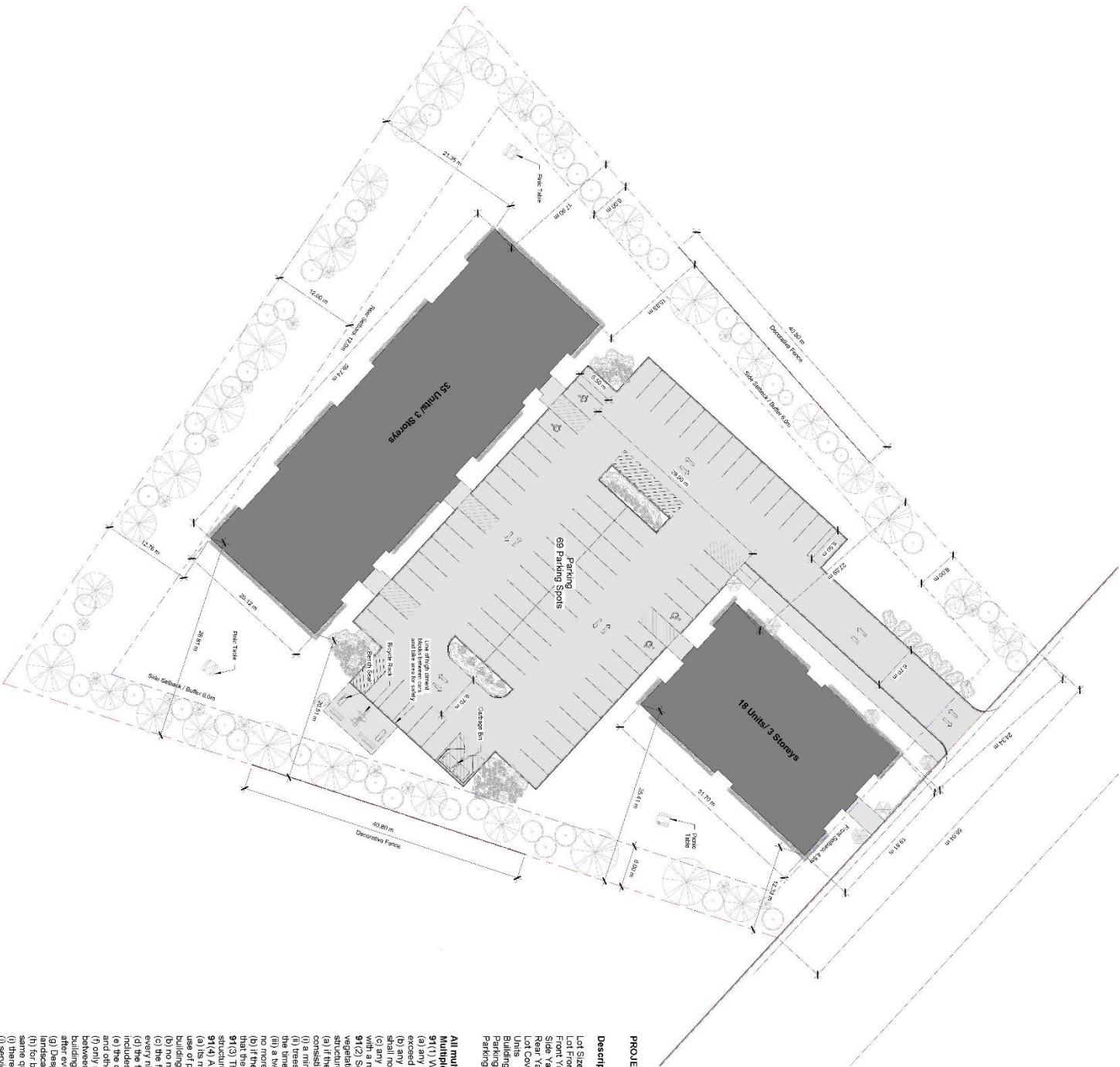
 Rezone from R1 – Single Unit Dwelling to R3 – Multiple Unit Dwelling



SCHEDULE A-11-1

Format 36"x24"

1 Site Plan
1:500



PROJECT INFORMATION

Description	Existing Zoning R1	Proposed Zoning R3
Lot Size	630 m ² + 50 m ² for each additional unit	9 853.58 m ²
Lot Frontage	25m	55.04 m
Front Yard	4.5 m	6.0 m
Side Yard	Greater of 3 m or 1/2 the height of building (max 5m)	6.0 m
Rear Yard	6m (see notes 91 below)	12.0 m
Units	50% (4 925/3 m ²)	114 703.76 m ²
Building Height	15m	18 + 35 = 54 units
Parking	1.25m for each unit (35 + 18 = 53 units = 67 parking spots)	15m
Parking Space	35% (3 448/75 m ²)	26.29% (2 590 92 m ²)

All multiple dwellings shall contain:

Multiple unit dwellings

- 91(1) When permitted, the height of a multiple unit dwelling shall be subject to the following conditions:
- (a) any part of a building located within 12 metres of an abutting R1 Zone, R1-C Zone or R2 Zone shall not exceed two storeys with a maximum height of nine metres;
 - (b) any part of a building located between 12 and 15 metres of an abutting R1 Zone, R1-C Zone or R2 Zone shall not exceed three storeys with a maximum height of 12 metres; and
 - (c) any part of a building located more than 15 metres from an abutting R2 Zone shall not exceed four storeys with a maximum height of 15 metres.
- 91(2) Screening shall be provided and maintained on a lot containing a multiple unit dwelling, consisting of the existing vegetation or structures if sufficient to screen the lot from adjacent properties, but when the existing vegetation or structures are insufficient, the screening shall consist of:
- (a) if the multiple unit dwelling lot abuts a R1 Zone, R1-C Zone or R2 Zone, a six metre wide landscaping buffer, consisting of one low lying shrub for every 15 square metres of landscaping area;
 - (b) trees with a minimum diameter of 50 millimetre and a minimum branching height of two metres at the time of planting and placed every five metres across the width of the landscaping area; and
 - (c) a two metre high decorative solid fence secured with 15.24 centimetre x 15.24 centimetre posts.
- 91(3) The landscaping buffer required in subsection 91(2) shall not be used for parking, garbage storage or public utility structures.
- 91(4) A multiple unit dwelling may be permitted if:
- (a) its massing including size of the building, its footprint and the articulation of building form (for example, the use of peaked roofs) reflects the conditions of neighbouring buildings while avoiding excessive repetition of building design and color;
 - (b) the landscaping buffer on the lot area is devoted to parking spaces and parking aisles;
 - (c) the facade is designed with joints and recesses of not less than 0.6 metres to segment the facade at least every nine metres along the length of the building;
 - (d) the facade, from the established grade to the top of the first floor, is finished with traditional materials that includes at least ten percent brick or masonry;
 - (e) the design of lower floors of multi-unit residential buildings shall include appropriate fenestration, entrance and other features so that they are in scale with the pedestrian environment;
 - (f) the design of upper floors of multi-unit residential buildings shall include appropriate fenestration, entrance and other features so that they are in scale with the pedestrian environment;
 - (g) a 6.0 metre (6' 0") wide landscape strip between the property line and the edge of the parking lot, and between the edge of the parking lot and the building face are required. If the parking bay contains more than 5 spaces, planted islands shall be provided after every fifth stall as a minimum;
 - (h) Describe 91(f), a multiple unit building design with garage access on the front facade is not required to have landscaping between the parking lot and the building face;
 - (i) service areas, including but not limited to waste disposal bins and public utility structures are screened from the street and abutting properties; and
 - (j) views from the second and third floor units into neighbouring single unit dwelling yards are limited.



CAMELIA DESIGN CO.
7551 500.1228
795 Main Street
Moncton NB E1C 1B9
www.cameliaco.ca

Hillsborough Road
Residence

PROJECT ADDRESS
Hillsborough Road, Route 114
Riverview NB

PROJECT TEAM



ISSUE SET

Issued for Preliminary Review

DATE	2023.03.07.15:45:48 PM
JOB NO	2207/CANB
DRAWN BY	M. Berdoo / J.G. Le
CHECKED BY	A. Demello
NO DESCRIPTION	BY Date

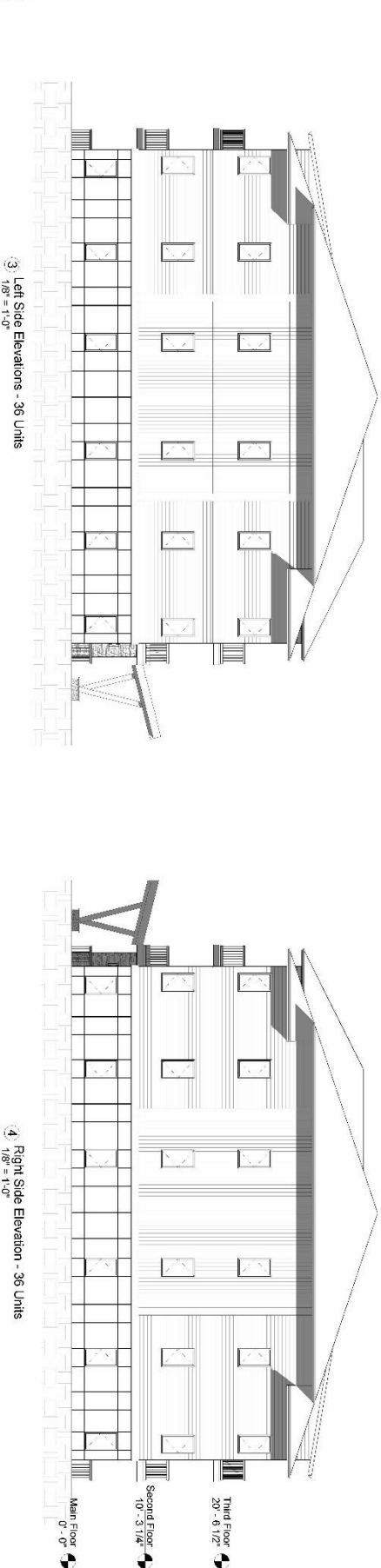
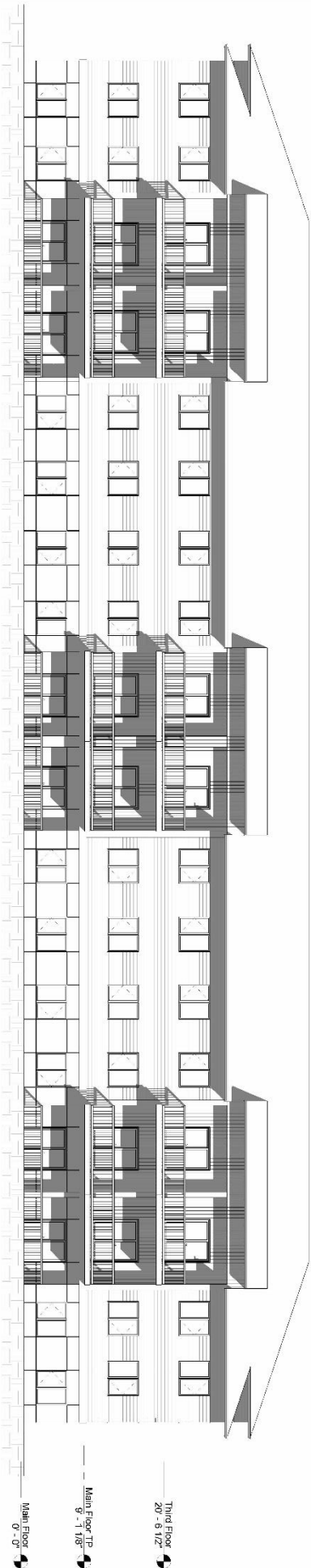
Site Plan

A100

ACCOMPANY
PROJECT: 2207/CANB
DATE: 2023.03.07.15:45:48 PM
JOB NO: 2207/CANB
DRAWN BY: M. Berdoo / J.G. Le
CHECKED BY: A. Demello
NO DESCRIPTION: BY Date

SCHEDULE A-11-2

Format 36"x24"



CAMERA DESIGN CO.
1501 800th Street
Mendota, WI 53181
www.camerra.co

**Hillsborough Road
Residence**

PROJECT ADDRESS
Hillsborough Road Route 112
Riverside, WI

PROJECT TEAM

STAMP



ISSUE SET

Issued for Preliminary Review

DATE 2023-05-07 3:55:22 PM
JOB NO. 22079CCANB
DRAWN BY M. Barchio / JLG, LE
CHECKED BY A. DiMento
NO DESCRIPTION 3Y Date

36 Units Elevations

A202

ARCHITECTURAL
All drawings are for informational purposes only. No part of this drawing should be used for construction without the written consent of the architect. The architect is not responsible for the accuracy of the information provided by the client or for the results of the construction.

SCHEDULE A-11-3

Format 36"x24"



1 Front Elevation - 18 Units
1/8" = 1'-0"



3 Right Side Elevation - 18 Units
1/8" = 1'-0"



CARRERA DESIGN CO.
15041 8001 628
753 Main Street
Morrisville NC 27554
www.carreradesignco.com

Hillsborough Road
Residence

PROJECT ADDRESS
Hillsborough Road, Route 114
RiverView NB

PROJECT TEAM

STAMP



ISSUE SET
Issued for Preliminary Review

DATE	2023-03-07 3:55:09 PM
JOB NO	22079CA18
DRAWN BY	M. Barrios / J.G. Le
CHECKED BY	A. Darnell
NO DESCRIPTION	BY Date

18 Units Elevations

A201

ARCHITECTURAL
This drawing is a preliminary drawing and is not to be used for construction. It is subject to change without notice. The user of this drawing assumes all liability for its use.