

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Sebastien Arcand, MCIP, RPP Senior Planner	Meeting Date
Date	October 25, 2017	
Subject	New application, Zoning By-law Text Amendment By-law 300-6-12, to change design standards for compact lot dwellings.	
Length of presentation (if applicable)	5 minutes	

BACKGROUND

Staff has received an application from Marc Ouellet, on behalf of Mattie Capital Inc. to modify the text of the Zoning By-law as it relates to the design standards for compact single family dwellings.

The overall development plan for this area through a rezoning and secondary planning process in 2014. The idea is to develop a high quality unique mix housing neighborhood with commercial offerings and services along the Boulevard.

A new zone, Compact Single Unit Dwelling Zone (R1-C), was introduced as part of this secondary plan. This new zone with compact lot configuration is a new trend that has been growing in popularity in other communities across North America. By introducing this zone, it was important to have accompanying design requirements to ensure quality neighborhoods with good streetscape.

The developer has completed the model house and is currently in the process of building a new home. The overall look of the building is influenced by modern architecture. The home currently being built as well as other planned homes required variances to the design standards. After discussing these variances with the developer, it has been identified that the Zoning By-law design standards should be modified slightly to cater to the overall look of the neighborhood.

The text amendment application is required to modify section subsection 91.1 – Single Unit Compact Lot Design requirements. (File 17RZ-41554)

MUNICIPAL PLAN

The property in question is designated RES (Residential). See policy excerpt below:

**Policy 5.4.3.a.3** In order to introduce this new compact form of residential development in the community without sacrificing quality streetscapes, Council shall enforce specific design provisions through the Zoning By-law, related, but not limited, to:

- (a) finishing materials;
- (b) architectural design;
- (c) building repetition;
- (d) parking accommodations;
- (e) lot configurations; and
- (f) landscaping.

## ZONING BY-LAW

The properties are zoned R1-C which allows single unit dwelling on compact lot configurations. Essentially, the lots are narrower than the past normal. They are 12.19 m wide (40'). They accommodate homes that are built narrow and long. As per the Municipal Plan policy statement above, the following design requirements have been included in the Zoning By-law:

### Single unit dwelling with a compact lot configuration

91.1 When permitted, a lot developed for the purpose of a compact single family dwelling shall be subject to the following conditions:

- (a) the façade, is finished with traditional materials that includes at least twenty-five percent brick or masonry;
- (b) the main entrance to the dwelling shall face a street;
- (c) a garage door shall include design elements such as windows, plastics inserts and decorative hardware;
- (d) no building façade and color shall be repeated on adjacent lots within the same side of a street as well as the lot on the opposite side of the street;
- (e) despite 43(4), the driveway shall be paved or finished with other hard surfaces such as stone pavers or bricks; and
- (f) despite 43(5), the driveway shall have a maximum width of 4 m at the street line and may open up to a maximum width of 5.5 m in the front yard"

## INTERDEPARTMENTAL REVIEW

The rezoning was reviewed by the Development Review team and no major issues were identified.

### Additional Planning Matters

Given that the concept of the narrow lot configurations would essentially mean that homes would be closer together, it was important that design elements would ensure that proximity would not affect overall streetscape. One element that was introduced was the idea of traditional materials on the entire façade. Again, the idea was to ensure quality design and built form.

However, the first home (model home) has been constructed without a 100% traditional materials. This had been overlooked at permitting stage. That being said, staff are in agreement that the overall finish product is of superior quality even though traditional materials were not used on the entire façade. The reason for this is the careful thought that was put into selecting materials that are in harmony of the architectural elements of the building.



**M**  
**Model Home – 173 Dickey Blvd.**

Another important element to consider is that the homes in this neighborhood will be required to be Net-Zero Ready and meet the Natural Resources Canada's Solar Ready Guidelines through covenants (see attached covenants). This means that the dwelling will be pre-wired to accept, with little modification, roof-top solar panels, as well as be insulated to the extent required to lower the total energy demand needed to achieve Net-Zero. As we can imagine, this adds some cost to the homes. There is only a definite amount of flexibility in terms of housing price and what the market can handle in our context. In our opinion, the fact that these homes will be able to achieve net-zero is a unique feature for the community and therefor has merits to reconsider the overall design standards.

Nonetheless, it's important to ensure that the overall products being proposed are above average quality and won't negatively affect streetscape. These amendments consider providing greater flexibility in the finishing materials on the façade as well as removing the design elements of the garage doors.



Attached are examples of building elevations that would be permitted under the new proposed standards.

### Proposed Changes:

91.1 When permitted, a lot developed for the purpose of a compact single family dwelling shall be subject to the following conditions:

- (a) the façade, is finished with at least three different materials ~~traditional materials~~ that includes at least twenty-five percent brick or masonry;
- (b) the main entrance to the dwelling shall face a street;
- ~~(c) a garage door shall include design elements such as windows, plastics inserts and decorative hardware;~~
- (d)(c) no building façade and color shall be repeated on adjacent lots within the same side of a street as well as the lot on the opposite side of the street;
- (e)(d) despite 43(4), the driveway shall be paved or finished with other hard surfaces such as stone pavers or bricks; and
- (f)(e) despite 43(5), the driveway shall have a maximum width of 4 m at the street line and may open up to a maximum width of 5.5 m in the front yard"

### CONCLUSION

Given that façade includes a variety of finishing materials that will be harmonized with the design of the building, staff are of the opinion that these standards will follow the overall intent of the Municipal Plan to create high quality residential neighborhoods. Therefore, staff is in support of this application as proposed.

Therefore staff recommend that Council proceed with the Text Amendment. The necessary amending by-law, being By-law 300-6-12 is attached for Council's consideration.

### RECOMMENDATION

The Urban Planning staff recommends that Riverview Town Council proceed with Text Amendment process for By-law 300-6-12 and:

- 1) That a public hearing be set for January 8<sup>th</sup>, 2018;
- 2) That By-law 300-6-12 be referred to the Planning Advisory Committee for its written views;

### ALTERNATIVES

- Deny the request;
- Defer for additional information; or
- Table the request.

### RISK ANALYSIS

No risks were identified in relation to the proposed rezoning of this land

**CONSIDERATIONS / ENJEUX**

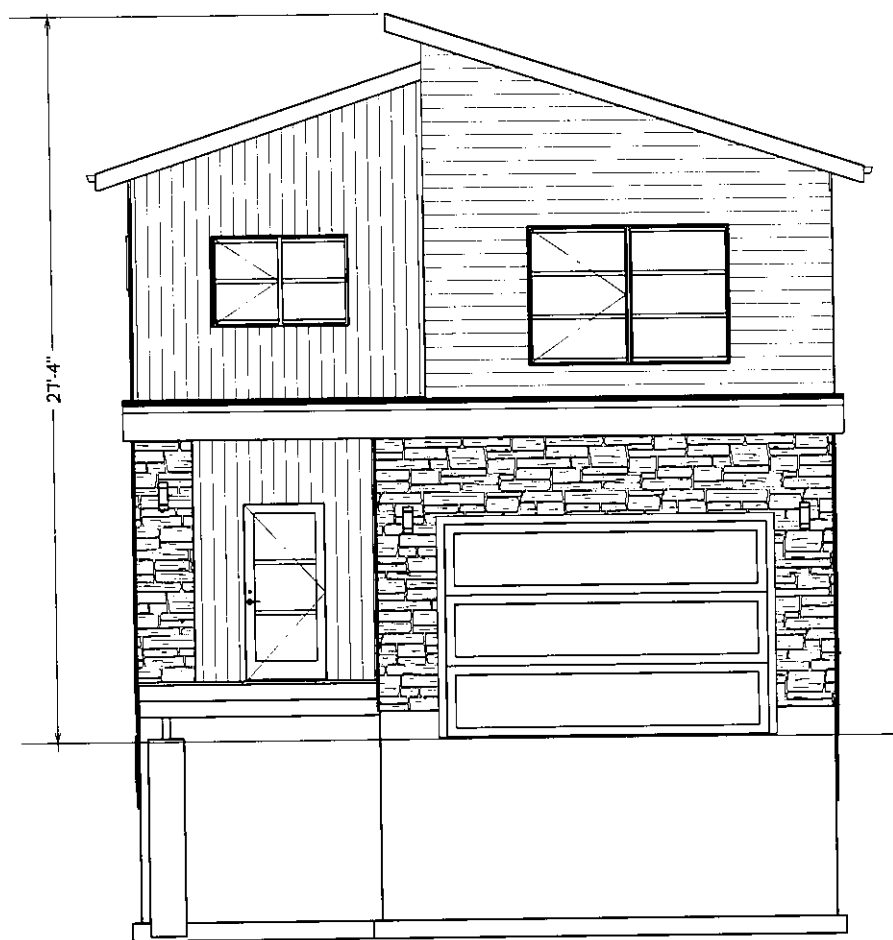
**Financial** This will allow the developer to build homes with high energy efficiency and maintain competitive prices within the Greater Moncton Area.


**Environmental** n/a

**Public Consultation** A Public Hearing is being scheduled for January 8th, 2018. First notice of the Public Hearing should be published in the newspaper between the 11<sup>th</sup> and 15<sup>th</sup> of December, 2017. Second notice of the public hearing should published in the newspaper on January 3, 2017

- Attachments**
- 1. House Elevations
  - 2. Subdivision Covenants
  - 3. Zoning By-law amendment 300-6-12
  - 4. Council Resolution

  
Sebastien Arcand, MCIP, RPP  
Senior Planner, Urban Planning  
Bill Budd, MCIP, RPP  
Director, Urban Planning



4	AUGUST 2017	SCALE 3/16" = 1'	CYR, DOBSON LANDING	FRONT VIEW		 <b>FOERSTER</b> <small>NEXT GENERATION HOME PLANS</small>
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MATTIE CAPITAL INC. (the "Developer")  
Dobson Landing Subdivision, Riverview, NB

**RESTRICTIVE COVENANTS**

The Transferee covenants and agrees with the Developer to observe and comply with the following restrictive covenants. The burden of these restrictive covenants shall run with the lands conveyed ( the "lands"), forever, and the benefit of these restrictive covenants are meant to apply in respect of a common building scheme / general scheme of development in, upon and with respect to the lands lying within the community known as the Dobson Landing Subdivision. The following restrictive covenants shall be binding upon and enure to the benefit of the heirs, executors, administrators, representatives, successors and assigns of the parties (including successors in title):

1. no building other than a single-family dwelling, semi-detached dwelling or townhouse, all with attached garages, shall be constructed on the lands;
2. no site works or the construction of any dwelling on the lands shall be undertaken until approval of the proposed building plans has been obtained in writing from the Developer;
3. the plans submitted to the Developer for approval shall include, but are not necessarily limited to, a site plan, floor plans, exterior elevations and a colour schedule. All plans submitted shall be in accordance with the Dobson Landing Design Guidelines, a copy of which has been provided to the Transferee;
4. the Transferee shall not proceed further without first submitting a surveyor's certificate to the Developer at the following stages of construction:
  - (a) subsequent to the completion of the footings for the dwelling on the lands showing the location and elevation of the footings; and
  - (b) subsequent to the completion of the exterior grading showing the elevation of lands at a sufficient number of locations to demonstrate that the design drainage pattern has been achieved.Construction of the dwelling shall not proceed to the next stage until the Transferee has received confirmation of approval from the Developer for each stage of construction noted above. In the event the Transferee does not submit a surveyor's certificate at the required time, the Developer or its representatives may enter the lands to complete the work and the Transferee agrees to pay for all costs associated therewith;
5. no dwelling shall be permitted unless the front façade is clad as follows:
  - base materials: clay brick, full bed mortared quarried stone or stone look concrete masonry products and shall cover at least 25% of the front façade of the dwelling; and
  - complementary materials: the remaining wall area of the front façade shall be covered in either wood or fibre cement siding, steel or vinyl siding or shakes;
6. no chimney shall exist unless constructed of clay brick, mortared quarried stone or stone look concrete masonry products (metal or prefab are permitted only if enclosed as approved by the Developer). No exterior manufactured retaining walls and/or concrete landscaping blocks shall exist unless in accordance with the Dobson Landing Design Guidelines;
7. no exhausts from furnaces and fireplaces are permitted on the front of the dwelling and venting should be run out of the soffits when possible;
8. no wood decks, stairs or railings, located in the front yard of the dwelling, shall exist unless covered with a transparent stain only;
9. the dwelling, including all landscaping and driveway surfacing, shall be completed within one (1) year from the date of commencement of construction;
10. no propane tank, municipal recyclable container and/or organic composters (ie. green carts) shall be permitted unless screened in accordance with a standard detail provided by the Developer and installed at a location approved by the Developer;
11. no alteration, addition or change to any dwelling or structure or exterior appearance including colour shall be made except with the prior express written approval of the Developer;
12. no wall, fence (including hedges), gate, post or other structure shall be constructed on the lands until the plans, specifications and site plan have been submitted to the Developer and its prior express

written approval has been obtained. The Developer may in its absolute discretion refuse to approve any such plans or proposals which, in its opinion, are unsuitable or undesirable in relation to the character of the surrounding area;

13. no signs, billboards, placards, notices or other advertising or informational matter of any kind, except signs of not more than 4 square feet to denote properties for sale or for rent, shall be placed on the lands without the prior express written approval of the Developer;
14. no exterior aerials, antennas or satellite dishes shall be erected or maintained on any part of the lands without the prior express written approval of the Developer;
15. the lands, including the dwelling erected thereon, shall not at any time be used for the purpose of any profession, trade or business whatsoever nor as any pre-school, kindergarten, school, daycare centre, church, hospital, hostel or other institution, nor as a hotel, bed and breakfast, apartment house, duplex, boarding or lodging house or place of public resort or for any sport or game (other than such sports or games as are usually played in connection with the occupation of a private residence). The Transferee shall not do or permit to be done on the lands anything that may be a nuisance to the occupants of any adjacent or neighbouring lands;
16. no animals, other than household pets normally kept in private homes in urban residential areas, shall be kept upon the lands. No breeding of pets shall be carried on upon the lands;
17. no major repairs to any motor vehicle, boat or trailer shall be done on the lands except within a wholly enclosed garage;
18. no boat, motor home or trailer with living, sleeping or eating accommodations shall be placed, located, kept or maintained on the lands;
19. no accessory buildings shall be permitted;
20. no dwelling shall be constructed unless it:
  - a. is to be Net-Zero Ready and meet the Natural Resources Canada's *Solar Ready Guidelines*. This means that the dwelling will be pre-wired to accept, with little modification, roof-top solar panels, as well as be insulated to the extent required to lower the total energy demand needed to achieve Net-Zero;
  - b. is pre-wired to accept Tesla Powerwall home batteries or similar product, as well as car charging stations located in the individual garages;
  - c. shall meet or exceed the following minimums: Zone 3 windows and doors, R34 insulated exterior walls, R60 insulated ceilings and R10 insulated floors; and
  - d. shall incorporate roof trusses that can support the weight of solar panels capable of producing enough energy to render a home Net-Zero;
21. no solar panels shall be installed until the location of same has been pre-approved by the Developer;
22. the lands shall be kept clean, sanitary, free from fire hazard and contain no unsightly storage of materials at all times. Landscaping shall be maintained in a manner consistent with other properties in the surrounding neighbourhood;
23. no refuse, refuse-burning device or waste pole shall be maintained on the lands;
24. the lands shall not be re-subdivided or re-zoned at any time without the prior express written approval of the Developer;
25. the Transferee agrees and acknowledges that the lands may be subject to existing public utility and municipal easements;
26. notwithstanding anything herein contained, the Developer may waive, alter or modify the above restrictive covenants in their application to any lot or parcel or land comprising part of the Subdivision without notice to the owners of any other lot or parcel or land in the Subdivision;
27. notwithstanding anything herein contained, the Developer may assign all or any part of its rights that arise under these restrictive covenants; and
28. the restrictive covenants contained herein are severable and the invalidity or unenforceability of any restrictive covenant shall not affect the validity or enforceability of any other restrictive covenant. In the event that enforcement of these restrictive covenants is required, the party in default of the



restrictive covenants is responsible to the Developer for all claims, damages, costs or expenses resulting therefrom including legal fees on a solicitor-client basis. These restrictive covenants shall be enforced by the Developer for a period of fifteen (15) years from the date of final approval for the subdivision of the lands or the date that the final phase of the Subdivision has been completely sold, whichever is sooner.



**BY-LAW No. # 300-6-12**

**A BY-LAW TO AMEND THE TOWN OF RIVERVIEW ZONING BY-LAW No. 300-6**

**BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF RIVERVIEW AS FOLLOWS:**

The Town of Riverview Zoning By-law, being By-law Number 300-6 enacted on September 9, 2013, and filed in the Albert County Registry Office as number 33178311 on October 4, 2013, is hereby amended as follows:

1. Subsection 91.1 is repealed and replace with the following text:

**91.1** When permitted, a lot developed for the purpose of a compact single family dwelling shall be subject to the following conditions:

- (a) the façade, is finished with at least three different materials that includes at least twenty percent brick or masonry;
- (b) the main entrance to the dwelling shall face a street;
- (c) no building façade and color shall be repeated on adjacent lots within the same side of a street as well as the lot on the opposite side of the street;
- (d) despite 43(4), the driveway shall be paved or finished with other hard surfaces such as stone pavers or bricks; and
- (e) despite 43(5), the driveway shall have a maximum width of 4 m at the street line and may open up to a maximum width of 5.5 m in the front yard"

**ENACTED** this \_\_\_\_ day of \_\_\_\_\_, A.D. 2017.

\_\_\_\_\_  
**MAYOR**  
Ann Seamans

\_\_\_\_\_  
**TOWN CLERK**  
Annette Crummey

First Reading  
Second Reading  
Third Reading

**November 14, 2017**

**RESOLUTION OF COUNCIL**

**WHEREAS** Riverview Town Council intends to amend its Zoning By-law 300-6, by considering the following amendments:

- 1) By-law 300-6-12 is a text amendment to change the design requirements under subsection 91.1 – Single unit dwelling with a compact lot configuration

**BE IT RESOLVED THAT:**

- a) A public hearing be scheduled for January 8, 2018 in Council Chambers at Town Hall at 7:00 pm; and further that
- b) Amending By-law 300-6-12 be referred to the Planning Advisory Committee for their written views.