

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Kaitlyn Lacelle Urban Planner	Meeting Date
Date	November 26, 2018	
Subject	Re-adoption of Subdivision By-law and Proposed Amendments	
Length of presentation (if applicable)	10 minutes	

ISSUE

The current Subdivision By-Law being By-law No. 300-60 was enacted in 2007 with four (4) separate amendments thereto enacted to date. The main purpose for the amending the Subdivision By-law is to bring it up to date and introduce two (2) new changes.

Due to the enactment of the new *Community Planning Act*, S.N.B. 2017, c. 19 on January 1, 2018 and upon amending the Subdivision By-law, this by-law must be re-adopted pursuant to sections 144 of the new *Act*. Since staff is proposing amendments to the current Subdivision By-law, this was viewed as an opportunity to bring the by-law into conformity with the new legislation.

BACKGROUND

The main purpose for the new Subdivision by-law is to bring it up to date and introduce two (2) new changes. The more minor housekeeping changes to the by-law include the following:

- Updating numeric references resulting from the new Community Planning Act coming into effect on January 1st, 2018; and
- Within the definitions, the word “Commission” is replaced by the word “Committee” and has been replaced within many sections and subsections of the by-law.

In addition to the above changes, Urban Planning recommends that the Town consider two (2) additional changes to the current by-law:

- 1) The first change is found within Section 7, Rejection of Subdivision Plan. Subsection 7(1)(c) is hereby amended to permit the Development Officer to ensure that when someone subdivides and alters the location of property lines, the new location of property lines shall meet the National Building Code.
- 2) The second change is found within Section 4, Land for Public Purposes. A new subsection 4(5)(e) is hereby added to permit a fifth class of subdivision to be exempted from the requirements to reserve Land for Public Purposes and or provide Cash in lieu of Land for Public Purposes (LFPP), these subdivisions being “infill lots” for which a definition has been added.

1. Rejection of Subdivision Plan: National Building Code

The requirement is to ensure that new proposed property lines meet the National Building Code. This is consistent with the City of Moncton’s Subdivision By-law and is based on best practice. This may require that the subdivision application be reviewed by the Building Inspector, where appropriate.

2. Land for Public Purposes: Exemption

This exemption previously existed under the original Subdivision By-law 300-60 and applied specifically to zones CC-Central Commercial, I-Industrial, RBS – Residential Business Service, and residential infill zones of R1A- Residential Density II and R2B- Mixed Use. When these specific zones were repealed through the overall Municipal Plan process, this exemption was consequently also removed. Over the years, staff has heard from land owners that the additional cost associated with providing Land for Public Purposes of Cash-in-lieu of same can be significant for a smaller infill subdivision, and may cause the owner to hold off subdividing the property.

Currently, these lots still exist even though their zone classification was changed. Therefore, the intent of exempting these older areas of the town where potential for infill subdivision exists still meets the intent of the Municipal Development Plan by facilitating a more efficient and cost effective pattern of development. More specifically, it is an effective way of achieving growth and growing the tax base at no additional cost to the municipality by intensifying development in areas which are currently serviced and have capacity. This also helps protect the rural land area from premature development by focusing growth within existing developments.

The new exemption would apply to “infill lots” which have been defined in the proposed Subdivision By-law as “a lot that abuts a public street that exists prior to this by-law coming into force and said lot does not contain an area greater than 4 048 square metres. This size was determined because it represents the traditional 1 acre (imperial) lot. By going with the metric 1 acre lot, it would only be 4 000 square meters and would not include traditional 1 acre lots that would be unfairly left out because of the new metric acre being rounded down to 4,000 square metres. Furthermore, the exemption only applies to infill lots within the R1 and R2 zones. The attached map shows, at a high level glance, the potential properties that would meet this criteria. These properties meet the size requirement, are located in a R1 or R2 zone, and have not previously contributed LFPP or been subject to cash-in-lieu. Based on this map, there are approximately 60 lots in the R1 zone and 20 lots in the R2 zone throughout the Town, all within existing developed subdivisions.

While it may seem as though the municipality could be losing out on an opportunity to reserve LFPP or acquire Cash in lieu of LFPP, many of these potential infill subdivisions are small lots that would not be practical for acquiring parkland and would default to cash-in-lieu. In these cases, the municipality could potentially acquire more monies in the long term through the additional tax revenue from the additional building lot created, assuming that the LFPP requirement was preventing the owner from subdividing the property in the first place. Basically, if they subdivide because they are now exempted from LFPP, the municipality will benefit from increased taxes, even though they didn’t get the one-time cash-in-lieu payment. Obviously, it would be ideal to obtain both the cash-in-lieu payment as well as the increased taxes, but if this exemption will facilitate subdivisions that are otherwise being held up, it would be financially beneficial in the long term to provide the exemption as an incentive to subdivide these infill lots.

INTERDEPARTMENTAL REVIEW

Urban Planning consulted with Building Inspection, Parks, Recreation and Community Relations, as well as Economic Development to discuss the proposed amendments. No significant concerns were raised.

CONCLUSION

The amendments proposed seek to facilitate infill subdivisions and ensure proposed subdivisions meet the National Building Code of Canada. Therefore, staff recommends that Council proceed with the proposed amendments.

RECOMMENDATION

It is recommended that Riverview Town Council proceed with the re-adoption of the Subdivision By-law No. 300-60, being Subdivision By-law No. 300-61, including all proposed changes and amendments.

ALTERNATIVES

- That Council table the request for additional information; or
- That Council deny the request.

RISK ANALYSIS

Staff does not see any risks associated with this application.

CONSIDERATIONS / ENJEUX

Financial

The proposed exemption would not permit the Town to collect cash in lieu of LFPP, however it could provide an incentive to land owners to subdivide and create a new building lot which would in turn increase the Town’s tax base in the long term.

Environmental

N/A

Public Consultation

Consultation will include statutory notices (website and newspaper) in accordance with the *Community Planning Act* and *Local Governance Act*; and a public hearing for the re-adoption of the Subdivision By-law.

Attachments

- Current Subdivision By-law No. 300-60 (for reference)
- New Subdivision By-law No. 300-61 (Re-adoption of Subdivision Bylaw No. 300-60)
- Town of Riverview R1 & R2 Potential Infill Lots Map
- Presentation

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