

**Southeast Planning Review and Adjustment Committee /  
Comité de révision de la planification de la Commission du Sud-Est**

Wednesday, April 12, 2023 / Le mercredi 12 avril, 2023

**Staff Report / Rapport du personnel**

**Subject / Objet:** Rezoning - R1 to R3

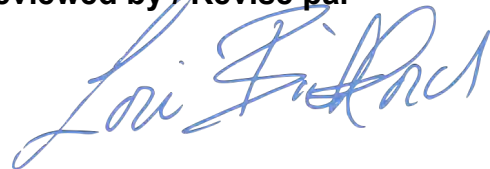
**File Number/ Numéro du fichier :** 23-0041

**From / De :**



Kirk Brewer  
Planner / Urbaniste

**Reviewed by / Révisé par**



Lori Bickford  
Planner / Urbaniste

**General Information / Information générale**

**Applicant / Requéant :**

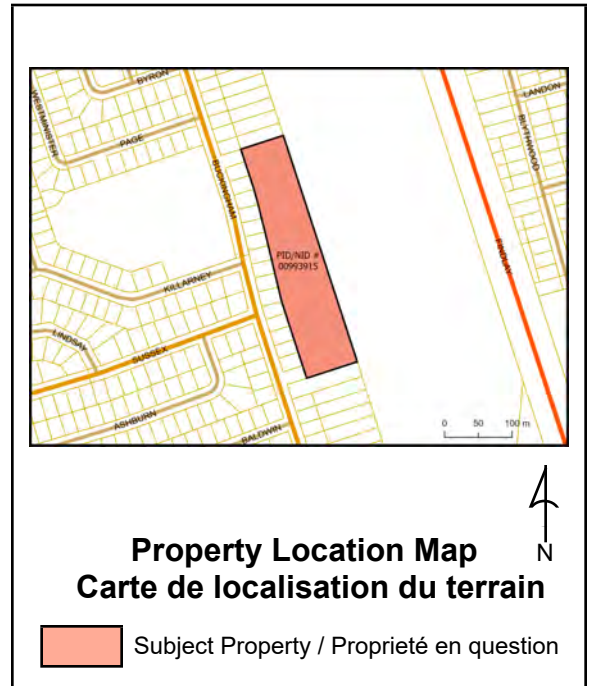
Yero Diallo

**Landowner / Propriétaire :**

Cynthia Hayden

**Proposal / Demande :**

To rezone from R1 to R3 for the purpose of two multi-unit dwellings



**Site Information / Information du site**

**PID / NID:** 00993915

**Lot Size / Grandeur du lot:** 2.6 hectares

**Location / Endroit :**

Buckingham Ave, Riverview

**Current Use / Usage présent :**

Vacant

**Zoning / Zonage :**

R1

**Future Land Use / Usage futur :**

Residential

**Surrounding Use & Zoning / Usage des environs & Zonage :**

R1 - Single unit dwellings, PRI - Parks, Recreation and Institutional (Riverview High School, municipal park)

**Municipal Servicing / Services municipaux:**

Public sewer, water, and storm

**Access-Egress / Accès-Sortie :**

Buckingham Avenue

**Policies / Politiques****Developing Beautiful Complete Neighbourhoods**

**Policy 5.1.3** In order to maintain a high standard of development and well-integrated neighbourhoods, it shall be the intention of Council to consider higher density residential developments subject to terms and conditions and design standards contained within the zoning by-laws.

**Policy 5.1.6** It shall be the intention of Council, in considering demographic changes, to provide for a range of housing types and densities by the establishment of a sufficient range and number of residential designations and zones. As a general guideline, the following densities shall apply:

High Density within the R3 – Multiple Unit Dwelling Zone: may consist of any form or combination of medium density developments or other housing forms or combinations where density generally exceeds 15 units per acre, but no more than 30 units per acre.

**Principles for Residential Development****R3 – Multi-Unit Residential Zone**

*Locational advantages of serviceability, accessibility, and proximity to shopping, employment and amenity areas may provide the incentive for other forms of residential and associated commercial development. In the interest of the community's objective of seeking fiscal autonomy, and promoting densification, it is important that Council attract more dense and efficient forms of development along major arterial and collector streets, such as Trites Road, Pine Glen Road, White Pine Road and along Coverdale and Hillsborough Road. The Findlay Park is also an appropriate area for higher density*

*residential developments. This strategy makes efficient use of the existing and future urban structure of the Town. Moreover, Council considers higher density residential developments as being fundamental to helping accommodate differences in the community's age and lifestyle.*

**Policy 5.7.3** Furthermore, Council shall instruct the Committee that when considering the imposition of terms and conditions, the Committee shall have regard for the following:

- (a) the finishing materials and the architectural details proposed;
- (b) the siting of the proposed structure, including balconies, with the adjacent residential buildings;
- (c) the orientation of the building as it relates to the street and surrounding public realm;
- (d) the design of the proposed development in terms of:
  - i. building height and massing,
  - ii. setback,
  - iii. roof type and pitch;
- (e) the location and access to off street parking and the design of the parking lot layout;
- (f) the landscaping that is proposed, including efforts to preserve the existing vegetation by minimizing tree and soil removal;
- (g) provisions for adequate site grading with respect to the impact on neighbouring properties; (h) the location and screening of service areas; and
- (i) availability and adequacy of municipal services.

### **Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement**

The **Zoning By-law** includes several provisions related to development standards for multiple-unit buildings:

- 91(1) When permitted, the height of a multiple unit dwelling shall be subject to the following conditions:
- (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 stories 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 stories 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:
  - (i) a minimum of one low lying shrub for every 15 square metres of landscaping area;
  - (ii) 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
  - (iii) a two metre high decorative solid fence secured with 15.24 centimetre x 15.24 centimetre posts , no more than 2.4 metres apart, along or parallel to the common property line; or

(a) if the lot does not abut a R1 Zone, R1-C Zone or R2 Zone, the standards in paragraph (a) shall apply except that the landscaping buffer may be reduced to three metres and a fence will not be required.

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) no more than 35% of the lot area is devoted to parking spaces and parking aisles

(b) the façade is designed with jogs and recesses of not less than 0.6 metres to segment the façade at least every nine metres along the length of the building;

(c) the façade, 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;

(c) 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;

(d) only a single row of parking is permitted in the front yard. In this case, a 2.0 metre (6'6") 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;

(d) Despite 91(f), a multiple unit building design with garage access on the front façade is not required to have landscaping between the parking lot and the building face;

(e) for buildings on corners, windows or doors must address both street frontages and shall be designed to the same quality;

(e) there is at least one public entrance facing a street;

(f) service areas, including but not limited to waste disposal bins and public utility structures are screened from the street and abutting properties; and

(k) views from the second and third floor units into neighbouring single unit dwelling yards are limited.

The **Subdivision By-law** requires 10% land for public purpose and/or 8% of market value as cash-in-lieu for subdivisions.

## **Internal Consultation & External Consultation / Consultations internes et externes**

### **INTERDEPARTMENTAL REVIEW**

The proposed application was reviewed by the following departments of the Town, with detailed comments provided in the discussion section:

- Corporate Services;
- Engineering and Public Works - **requirement for Traffic Impact Study, public cul-de-sacs**
- Parks and Recreation - **LPP between cul-de-sacs and RHS, cash to cover remainder of requirement**
- Fire Protection; and
- Planning/Development

### **Discussion**

The property is a large (2.6 hectare), vacant piece of land with access on Buckingham Avenue near the Lions Outdoor Pool. The site is located behind a block of single unit dwellings (civic addresses 248-276 Buckingham), and adjacent to the Riverview High School (RHS) property. The proposal is to rezone the property to accommodate two new 67-unit multi-unit dwellings.

When the project was originally presented to Council, each building was proposed at four stories, which would have required a height variance from the Zoning By-law, which restricts the height of a multi-unit to three stories when abutting an R1 zone. Based on preliminary feedback from Council, the proponents have reconfigured their plans to reduce the building height to three stories and make the buildings longer. This avoids the need for a height variance while maintaining approximately the same number of units.

The proposed setback between the buildings and the adjacent R1 property line is more than 34m, which far exceeds the 15m separation established in the Zoning By-law. Additionally, multi-unit dwellings adjacent to R1 lots are required to maintain or plant a 6m wide landscape buffer. The current proposal is to maintain a mature treeline along the shared property line with a width of 11.24m at the narrowest, widening to approximately 20m at the widest. Staff is of the opinion that the proposed setbacks and landscape buffers are sufficient to address concerns around privacy, and is recommending a condition that the tree line to remain be marked by a surveyor prior to any clearing to ensure this buffer area is maintained.

There is a possibility trees may not be planted along certain portions of the eastern property line to account for drainage plans. The zoning by-law requires a landscape buffer of 3m where existing vegetation is insufficient to screen the property. In this situation, the property abuts the Riverview High School, which is heavily treed. In this case, staff is of the opinion that the existing vegetation is sufficient to act as screening between the school and apartments.

There are two access points to the property; these accesses are part of the Town's public road network but

are currently undeveloped. As part of the development review process, the Town's Engineering and Works Department identified that these accesses would need to be developed as public cul-de-sacs as opposed to private driveways. This will ensure an appropriate turnaround area for plows and emergency vehicles, and also secure a public right of way that connects to the existing trail to RHS and preserves the possibility of a second RHS trail to the north in the future.

When Council was first presented the proposal, there were concerns raised with respect to traffic. In particular, questions were raised about speed, the need for traffic calming, traffic lights, and whether this was a safe location for increased traffic volume. It should be noted that Buckingham Avenue is a major north/south collector road in the Town that is designed to handle larger volumes of traffic than standard residential streets. The Director of Engineering has requested a traffic impact study to address the questions raised by Council. That study was submitted to Engineering on April 4, and as such has not been reviewed by the Director at the time this report was submitted. However, the impact study will be reviewed prior to a Council decision, and additional conditions may be proposed depending on the findings.

The developer is proposing to subdivide the large property so that each building is on its own lot. As part of this subdivision plan, there is a requirement to dedicate lands for public purpose. The subdivision by-law stipulates that either 10% of the land (excluding streets), or 8% of the market value of the land being subdivided be vested to the Town. A combination of land and cash is also acceptable. The 10% land requirement amounts to 2308m<sup>2</sup>; the plan proposes 1863m<sup>2</sup> of lands for public purpose to be vested between the end of the cul-de-sacs and RHS property. This leaves a total deficit of 445m<sup>2</sup> to be addressed by cash-in-lieu of land. A cash value has not been established at this time.

Staff is recommending that a condition be added to the rezoning that the overall subdivision plan be submitted for Council's approval prior to any permits being issued. This will ensure that the location of streets and public land be approved in conformity with plans submitted during the rezoning. Cash-in-lieu payments will be required at the time a subdivision plan is submitted for development officer approval for registration.

### **Legal Authority / Autorité légale**

The Planning Advisory Committee receives its authority via the Community Planning Act:

110(1) Before making a by-law under this Act, a council shall request in writing the written views of the advisory committee or regional service commission on

(a) a proposed by-law in respect of which the views have not been given previously

## **Recommendation / Recommendation**

Staff recommends that the Riverview Planning Advisory Committee recommend that Town Council adopt By-law 300-7-10 in order to rezone the property on Buckingham Avenue bearing PID 00993915 from R1 - Single Unit Dwelling to R3 - Multiple Unit Dwelling for the purpose of two multi-unit dwellings subject to the following conditions:

- a) That prior to a building/development permit being issued, an overall subdivision plan be submitted to the Development Officer, and that the location of streets and lands for public purpose be approved by Council;
- b) That the development shall be in general conformity with the site plan and building elevations attached as Schedules A-10-1 and A-10-2;
- c) That landscaping shall be provided as shown on the site plan attached as Schedule A-10-1 with a minimum buffer width of 10m where the property abuts adjacent R1 properties;
- d) That prior to any tree removal on the lot, a surveyor be engaged to delineate and mark the buffer zones referred to in condition (c)
- e) 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
- f) That as-built drawings for engineering submissions shall be required within 30 days after construction.

Buckingham Ave (PID/NID 00993915)

Riverview

Date: 2022-11-12







**BY-LAW No. 300-7-10**

**A BY-LAW TO AMEND THE  
TOWN OF RIVERVIEW ZONING BY-LAW**

**BE IT ENACTED** by the Town Council of the Town of Riverview as follows:

The Town of Riverview Zoning By-Law, being By-Law No. 300-7, ordained and passed on October 22, 2018 and filed in the Albert County Registry Office on January 16, 2019 as number 38741691, is hereby amended as follows:

1. Schedule A, being the Town of Riverview Zoning Map, is amended as shown on the map dated November 12, 2022, attached hereto as Schedule A-10.

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2023.

\_\_\_\_\_  
**MAYOR**  
Andrew Leblanc

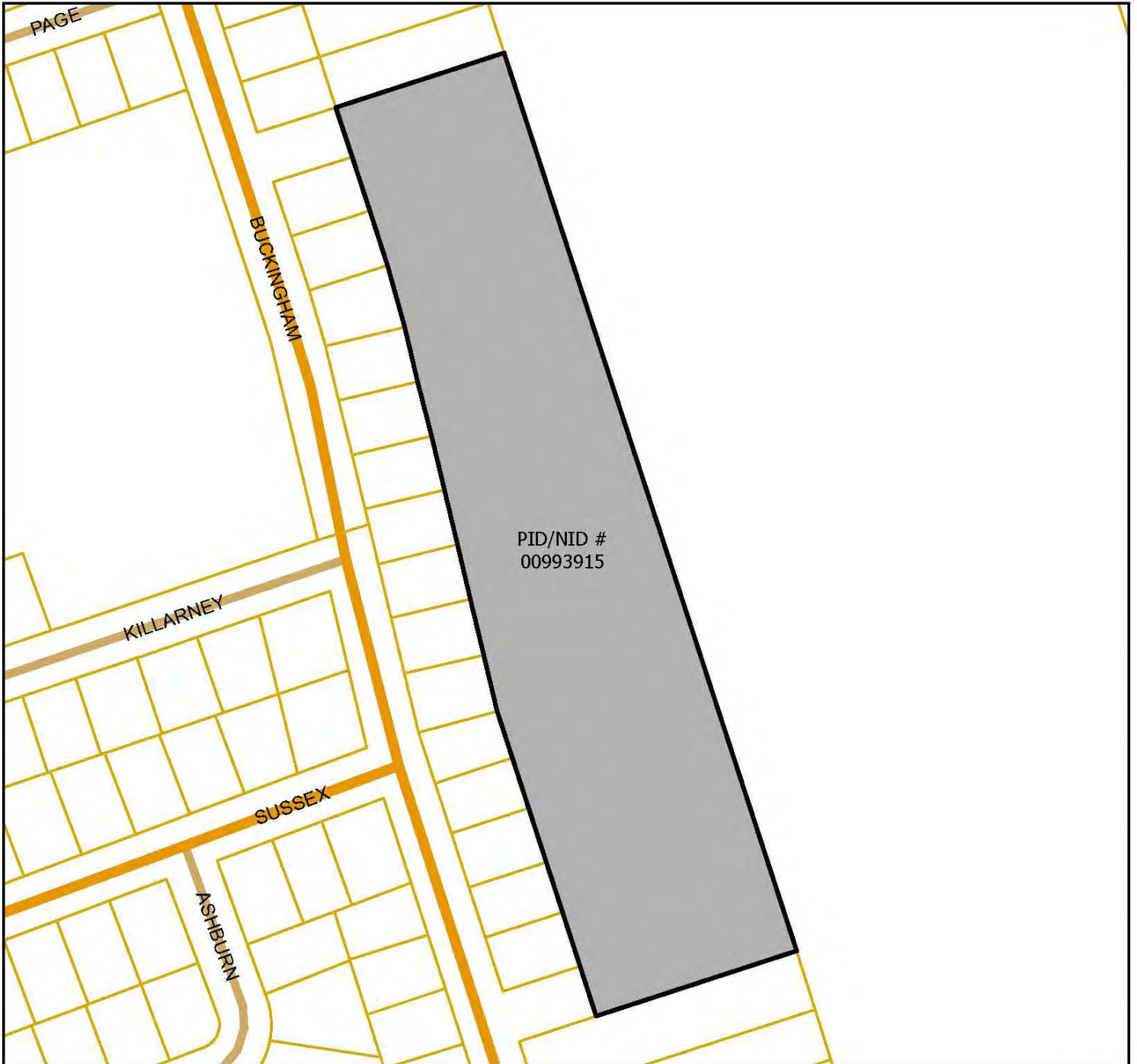
\_\_\_\_\_  
**TOWN CLERK**  
Annette Crummey

First Reading  
Second Reading  
Third Reading

# Schedule A-10

Town of Riverview  
ZONING MAP

Date: 2022-11-12



## Legend

 Rezoning from R1, Single Unit Dwelling to R3, Multiple Unit Dwelling



0 25 50 m

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-

Diallo Developments Ltd., 356 Ryan Street, Moncton, NB E1G 2W3

hereinafter called the “Proponent” Of the Second Part

WHEREAS the Proponent has applied to rezone the property located on Buckingham Avenue, identified as PIDs 00993915 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 prior to a building/development permit being issued, an overall subdivision plan be submitted to the Development Officer, and that the location of streets and lands for public purpose be approved by Council;
- b) That the development shall be in general conformity with the site plan and building elevations attached as Schedules A-10-1 and A-10-2;
- c) That landscaping shall be provided as shown on the site plan attached as Schedule A-10-1 with a minimum buffer width of 10m where the property abuts adjacent R1 properties;
- d) That prior to any tree removal on the lot, a surveyor be engaged to delineate and mark the buffer zones referred to in condition (c)
- e) 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
- f) 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-10 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
<p style="text-align: center;">YERO DIALLO DIALLO DEVELOPMENTS LTD. 356 RYAN STREET MONCTON, NB E1G 2W3</p>	<p style="text-align: center;">TOWN OF RIVERVIEW ATTN: TOWN CLERK 30 HONOUR HOUSE COURT RIVERVIEW, NB E1B 3Y9</p>

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

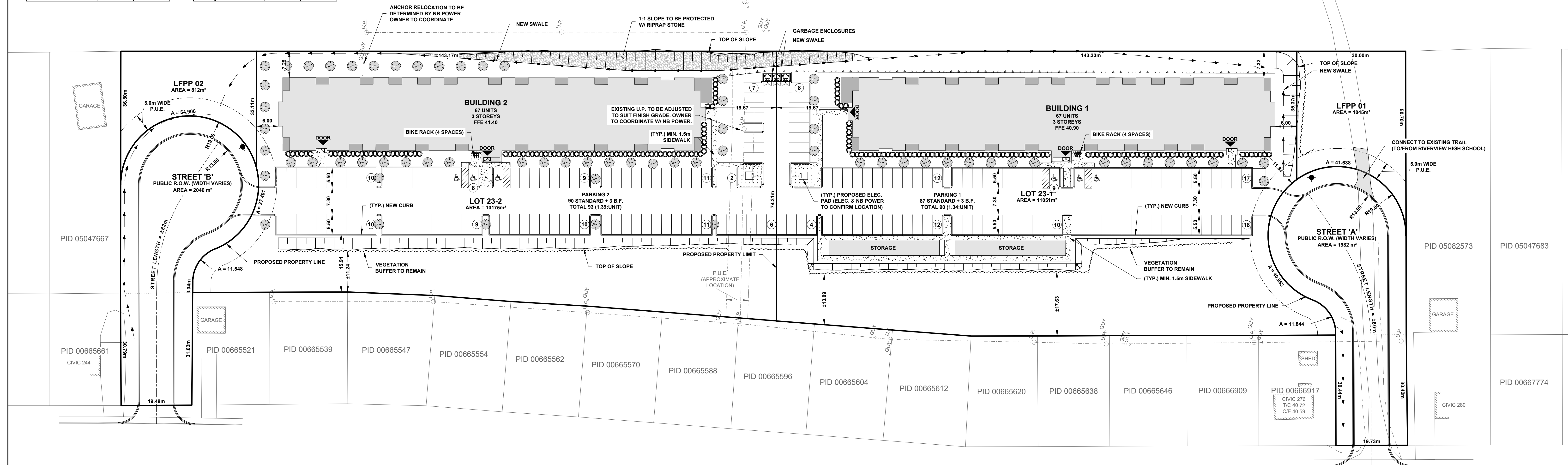
\_\_\_\_\_  
CLERK

**PROPONENT**

\_\_\_\_\_  
YERO DIALLO  
DIALLO DEVELOPMENTS

PROJECT INFORMATION: BUILDING 1		
CIVIC	TBD	
STREET	TBD (STREET 'A')	
PID	LOT 23-1	
LAND AREA	11048 m <sup>2</sup>	
CURRENT ZONE	R1	
PROPOSED ZONE	R3	
LAND USE		
CURRENT	VACANT	
PROPOSED	MULTI-RESIDENTIAL	
SITE INFORMATION		
	REQUIRED	PROPOSED
FRONT YARD	MIN. 4.5m	11.84m
FLANKAGE YARD	MIN. 4.5m	N/A
SIDE YARD	6.0m	7.32m (E)
REAR YARD	6.0m	19.67m
LANDSCAPING BUFFER	6.0m	VARIES
PARKING COVERAGE	MAX. 35%	2895m <sup>2</sup> (23.4%)
INT. PARKING LANDSCAPE	5%	130m <sup>2</sup> (5.0%)
EXT. PARKING LANDSCAPE	5%	210m <sup>2</sup> (8.0%)
BUILDING INFORMATION		
	REQUIRED	PROPOSED
BUILDING FLOOR AREA	50% MAX.	2192m <sup>2</sup> (19.8%)
TOTAL UNITS	-	67
PARKING INFORMATION		
	REQUIRED	PROPOSED
RATIO PER UNIT	1.25	1.34
TOTAL	88	90
BARRIER-FREE	3	3
BICYCLE	4	4

PROJECT INFORMATION: BUILDING 2		
CIVIC	TBD	
STREET	TBD (STREET 'B')	
PID	LOT 23-2	
LAND AREA	10175 m <sup>2</sup>	
CURRENT ZONE	R1	
PROPOSED ZONE	R3	
LAND USE		
CURRENT	VACANT	
PROPOSED	MULTI-RESIDENTIAL	
SITE INFORMATION		
	REQUIRED	PROPOSED
FRONT YARD	MIN. 4.5m	+6.0m
FLANKAGE YARD	MIN. 4.5m	N/A
SIDE YARD	6.0m	7.25m (E)
REAR YARD	6.0m	19.67m
LANDSCAPING BUFFER	6.0m	VARIES
PARKING COVERAGE	MAX. 35%	2725m <sup>2</sup> (26.8%)
INT. PARKING LANDSCAPE	5%	140m <sup>2</sup> (5.0%)
EXT. PARKING LANDSCAPE	5%	210m <sup>2</sup> (8.0%)
BUILDING INFORMATION		
	REQUIRED	PROPOSED
BUILDING FLOOR AREA	50% MAX.	2192m <sup>2</sup> (21.5%)
TOTAL UNITS	-	67
PARKING INFORMATION		
	REQUIRED	PROPOSED
RATIO PER UNIT	1.25	1.39
TOTAL	88	93
BARRIER-FREE	3	3
BICYCLE	4	4



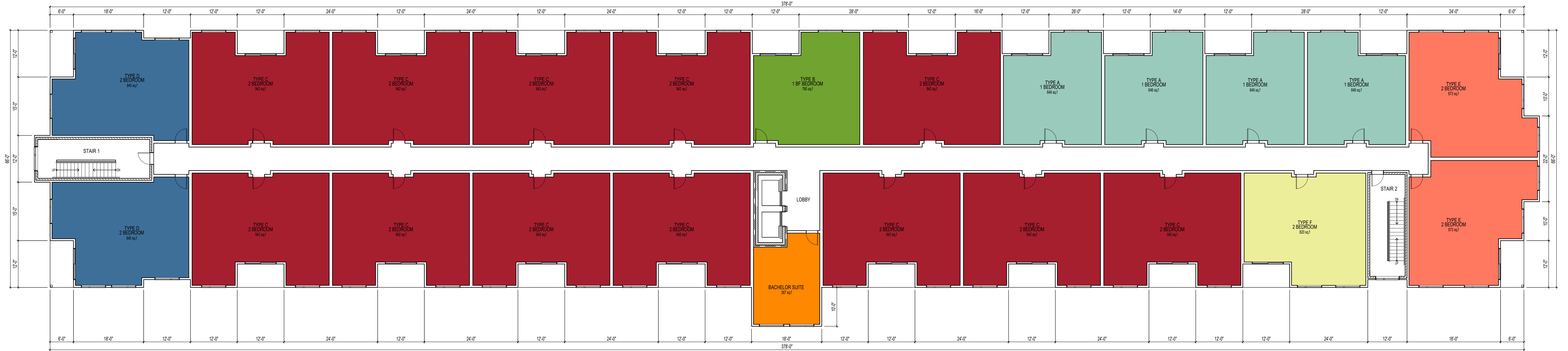
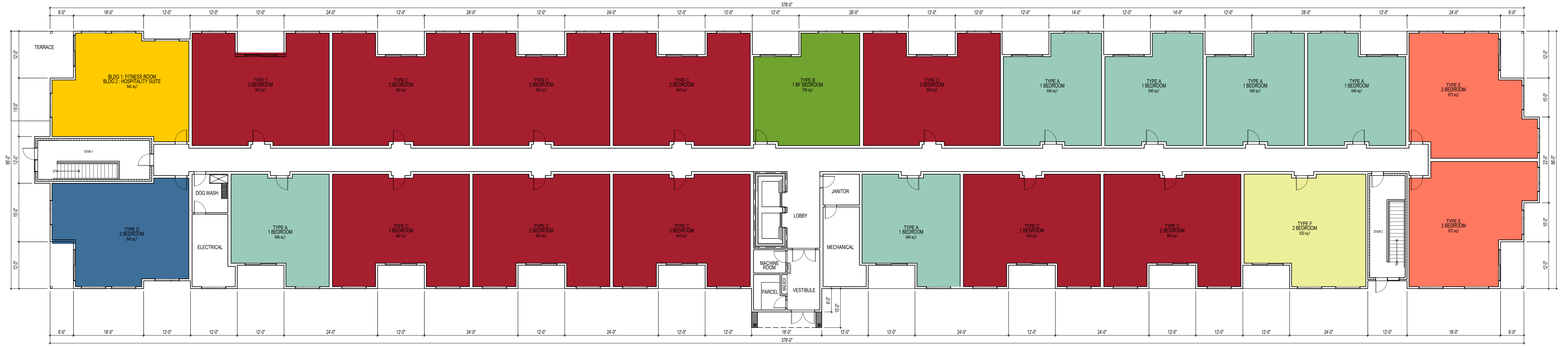
LEGEND	EXISTING	PROPOSED
SANITARY MANHOLE		
STORM MANHOLE		
SANITARY SEWER		
STORM SEWER		
PIPE INSULATION		
CATCH BASIN		
DOUBLE CATCH BASIN		
SLUICE BOX		
CULVERT		
WATER MAIN		
GATE VALVE		
FIRE HYDRANT		
TEE		
BEND		
END CAP		
CURB STOP		
VALVE CHAMBER		
WATER WELL		
UTILITY POLE		
GUY WIRE		
LIGHT STANDARD		
OVERHEAD UTILITY LINE		
UNDERGROUND UTILITY LINE		
TELECOM MAIN HOLE		
TRAFFIC SIGNALS		
GAS LINE		
FENCE		
TREE LINE		
TREES		
EDGE OF BANK		
MARSH		
GROUND ELEVATION		
TOP OF CONC. FOUNDATION		
CRITICAL ELEVATION		
BASEMENT FLOOR ELEVATION		
FINISH GRADE		
SURVEY MARKER		
NB GRID MONUMENT		
SIGN & POST		
CURB & GUTTER		
SIDEWALK		
GRASS AREA		
CHECK DAM		
SILT FENCE		
TEST PIT		
BORE HOLE		

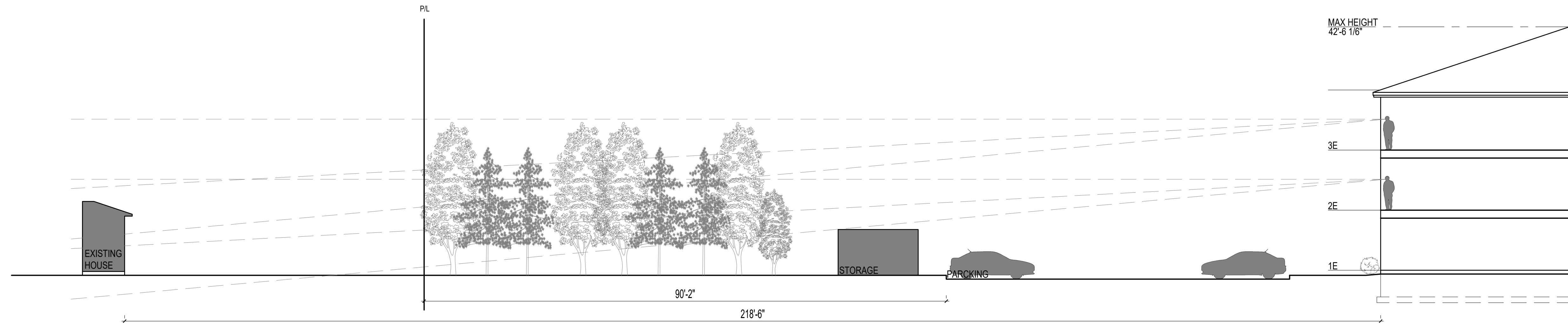
NOTE:

- PLEASE NOTE THAT THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO DISCUSSION AND CHANGE, AND SHOULD NOT BE INTERPRETED AS FINAL AND/OR APPROVED DRAWINGS. THE PLAN IS INTENDED TO CONVEY THE CONCEPT AND VISION OF THE OWNER/CLIENT. A FULL REVIEW SHOULD BE COMPLETED TO VERIFY THE PLAN'S CONFORMANCE TO LOCAL JURISDICTION BY LAWS (I.E. LAND USE ZONING, CONDITIONAL USE, ETC.), AND/OR ALL OTHER APPLICABLE REGULATIONS. FURTHER STUDIES SHOULD ALSO BE COMPLETED TO DETERMINE SERVICEABILITY AND SITE CONDITIONS WHICH COULD HAVE AN EFFECT ON THE DESIGN OR DEVELOPMENT FEASIBILITY. J.R. DAIGLE ENGINEERING IS NOT RESPONSIBLE FOR DELAYS OR COSTS ARISING FROM SITE CONDITIONS OR FACTS NOT DISCLOSED ON THIS PLAN. CONTOUR MAP INFORMATION DERIVES FROM PROVINCIAL LIDAR DATA (SOURCE: GEONB MAPPING WEBSITE) ADJUSTED TO THE VERTICAL DATUM COVD28. CONTOUR SHOWN AT 1.0m INTERVALS.
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- BUILDING DIMENSIONS ARE SCHEMATIC IN SIZE AND SHAPE. NATIONAL BUILDING CODE REQUIREMENTS SHALL BE VERIFIED BY A BUILDING DESIGNER OR AN ARCHITECT.
- THIS DOCUMENT IS COPYRIGHT PROTECTED AND SHALL NOT BE USED, REPRODUCED, OR REVISED WITHOUT THE CONSENT OF J.R. DAIGLE ENGINEERING LTD.



C	REVISED SITE & BUILDINGS	2023-03-10
B	ISSUED FOR REZONING	2023-01-30
A	PRELIMINARY TOWN REVIEW	2022-12-07
No.	DESCRIPTION	DATE
CIVIL CONSULTANT		
 <b>J.R. DAIGLE</b> ingénierie • engineering arpentage • land surveying		
PROJECT TITLE		
<b>MULTI-RESIDENTIAL DEVELOPMENT</b> <b>PID 00993915</b> <b>BUCKINGHAM AVENUE, RIVERVIEW, NB</b>		
DRAWING TITLE		
<b>CONCEPTUAL SITE PLAN</b>		
SCALE		
 1:500 (B1)		
SEAL	DESIGNED BY	CHECKED BY
 <b>PRELIMINARY</b> NOT FOR CONSTRUCTION 2023-03-10 J.R. DAIGLE ENREGISTRÉ	J.D.	J.R.D.
	B.D.	J.D.
DOCUMENT ISSUE		
<b>PRELIMINARY</b>		
DATE ISSUED		
<b>2023-03-10</b>		
REVISION	DRAWING NUMBER	
<b>C</b>	<b>C-101</b>	





1 BUILDING 1

SCALE: 3/32"=1'-0"



2 BUILDING 2

SCALE: 3/32"=1'-0"

**BUCKINGHAM APARTMENTS**  
RIVERVIEW, NB

REVISIONS	DESCRIPTION	DATE	#
	PRELIMINARY DRAWINGS		0

**SECTION CUT**

**A1.2**

PROJECT #	KUB-2234
DATE	2023.03.17
DRAWN BY	M. CHASSON









