



I certify that this instrument
is registered or filed in the
Albert
County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de
Albert
Nouveau-Brunswick

2020-10-01 11:43:36 40526528
date/date time/heure number/numéro
Iliane Oudette
Registrar-Conservateur

BY-LAW No. 300-7-3

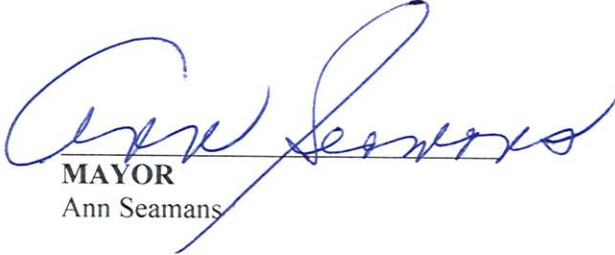
**A BY-LAW TO AMEND THE
TOWN OF RIVERVIEW ZONING BY-LAW**

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 February 18, 2020, attached hereto as Schedule A-3, subject to terms and conditions established under Section 59(1)(b) of the *Community Planning Act*.

ENACTED this 10th day of August, A.D. 2020.


MAYOR
Ann Seamans


TOWN CLERK
Annette Crummey

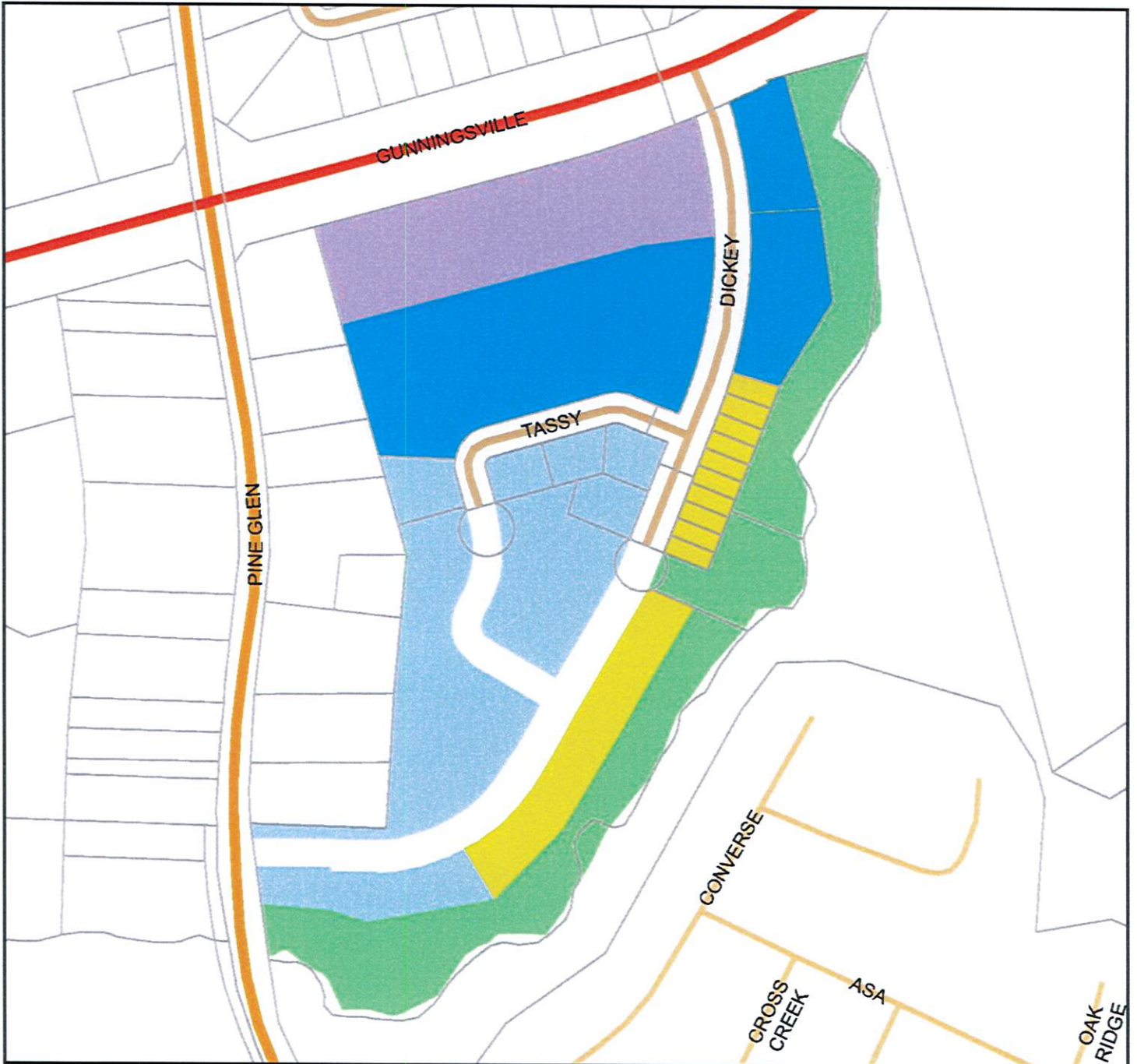
First Reading April 14, 2020
Second Reading August 10, 2020
Third Reading August 10, 2020








Schedule A-3

Town of Riverview ZONING MAP

Date: 2020-02-18



Legend

- | | |
|---|---|
|  R1-C - Single Unit Dwelling (Compact) |  CM - Commercial Mix |
|  R3 - Multiple Unit Dwelling |  OS - Open Space |
|  RM - Residential Mix | |



THIS AGREEMENT MADE THIS 14 DAY OF AUGUST, 2020

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-

MATTIE CAPITAL INC., 103 Ochterloney Street, Dartmouth, Nova Scotia,
B2Y 1C7,

hereinafter called the "Owner" Of the Second Part

WHEREAS the Owner applied in 2014 to rezone the lands identified on Schedule A-3 to "CM" Commercial Mix, "RM – Residential Mix, "R3" – Multiple Unit Residential, "R1-C" – Single Unit Dwelling with compact lots, and "OS" – Open Space, said application having been accepted by Riverview Town Council as Amending Zoning By-law 300-6-5 and registered in the Albert County Registry Office on January 16, 2015 under registry number 34552662 subject to the conditions outlined in the Conditional Zoning Agreement registered in the Albert County Registry Office on January 16, 2015 under registry number 34552795;

WHEREAS said agreement expired on January 16, 2019, and the Owner has applied, and the Planning Advisory Committee has recommended, to re-establish the zoning as shown on Schedule A-3 to permit the development of a mixed-use neighbourhood 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 Owner's Covenants

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

- a) Driveways shall be limited to a maximum width of 4m within the street right-of way;
- b) A 2m high opaque wood fence shall be constructed between the Residential Mix zoned properties and the Industrial zoned properties along Pine Glen Road and that such fence be constructed concurrent to that phase of the residential development;
- c) That the upper edges of the stormwater ponds include landscaping treatments consisting of trees and shrubs;
- d) The developer will assume the costs and responsibility of the required on and off-site improvements as per the recommendations of the traffic impact study prepared by GRIFFIN transportation group Inc (September 2014);

- e) That work shall commence on one of the multi-unit buildings as well as one of the commercial buildings no later than five years from the date this agreement comes into effect, otherwise this agreement shall be cancelled and the zoning of those properties left undeveloped shall revert to the Residential Mix (RM) zone;
- f) That planting of street trees shall comply with the Street Tree By-law No. 700-80;
- g) Notwithstanding subsection 91(1)(b) and the Maximum Height provision in Table 11.3(a) of the Zoning By-law, the Planning Advisory Committee may consider 5 story multiple unit residential buildings within the R3 (Multiple Unit Dwelling) Zone subject to Terms and Conditions provided they respect all other design requirements that relate to R3 buildings being located next to R1-C Zone properties and maintain a building separation of 30 metres from the property line of any abutting single unit dwelling property;
- h) Sidewalks shall be required on one side of all streets within the subdivision;
- i) That the Owner enter into a cost sharing agreement for the 4 metre wide curbed and landscaped median (eg., naturalized/tall grasses & ornamental trees) within the 24 metre wide boulevard right-of-way and that the final landscape design and costs be dealt with as part of the Subdivision Agreement;
- j) The development shall be carried out in general conformance with the plans and drawings submitted. It is understood that the arrangement of buildings, lots, streets and lands within the concept plan are general in nature and their final location will be determined through the subdivision and building permit process;
- k) Notwithstanding subsection 80(b) of the Zoning By-law, the Planning Advisory Committee may consider reasonable variances for accessory buildings and structures between 15 and 30 metres of the Mill Creek watercourse setback.

2. The Town's Covenants

The Town covenants with the Owner 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-3 subject to the terms herein contained and for the purposes stated herein; and
- b) That the Town enter into a cost sharing agreement for the 4 metre wide curbed and landscaped median (eg., naturalized/tall grasses & ornamental trees) within the 24 metre wide boulevard right-of-way and that the final landscape design and costs be dealt with as part of the Subdivision Agreement.

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:

Owner	Town
MATTIE CAPITAL INC. 103 OCHTERLONEY STREET DARTMOUTH, NS B2Y 1C7	TOWN OF RIVERVIEW ATTN: TOWN CLERK 30 HONOUR HOUSE COURT RIVERVIEW, NB E1B 3Y9

4. The Owner 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 Owner 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

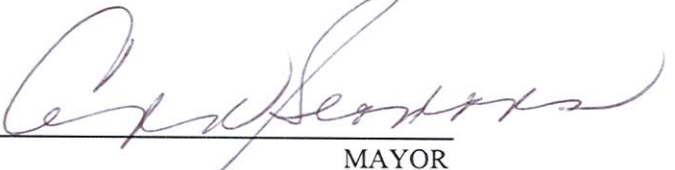
THIS AGREEMENT enures to the benefit of, and binds the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF the Town and the Owner have caused their authorized officers and themselves to execute this agreement and to affix their seals, the day and year first above written;

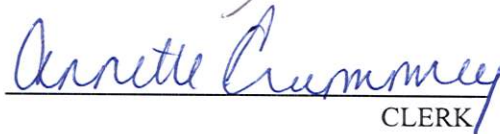
SIGNED, SEALED AND DELIVERED

THE TOWN OF RIVERVIEW






MAYOR



CLERK

OWNER



MATTIE CAPITAL INC.

DEAN HARTMAN

FORM 45

AFFIDAVIT OF CORPORATE EXECUTION

Land Titles Act, S.N.B. 1981, c. L-1.1, s. 55

Deponent: Dean Hartman
 103 Ochterloney Street
 Dartmouth, NS B2Y 1C7

Office Held by Deponent: Secretary

Corporation: Mattie Capital Incorporated

Place of Execution: Moncton, New Brunswick

Date of Execution: August 12, 2020

I, the deponent, make oath and say:

1. That I hold the office specified above in the corporation specified above, and am authorized to make this affidavit and have personal knowledge of the matters hereinafter deposed to;
2. That the attached instrument was executed by me as the officer duly authorized to execute the instrument on behalf of the corporation;
3. That the seal of the corporation was affixed to the instrument by order of the Board of Directors of the corporation;
4. That the instrument was executed at the place and on the date specified above; and
5. That the ownership of a share of the corporation does not entitle the owner thereof to occupy the parcel described in the attached instrument as a marital home.

SWORN TO at Moncton, New Brunswick, on August 12, 2020,

before me:



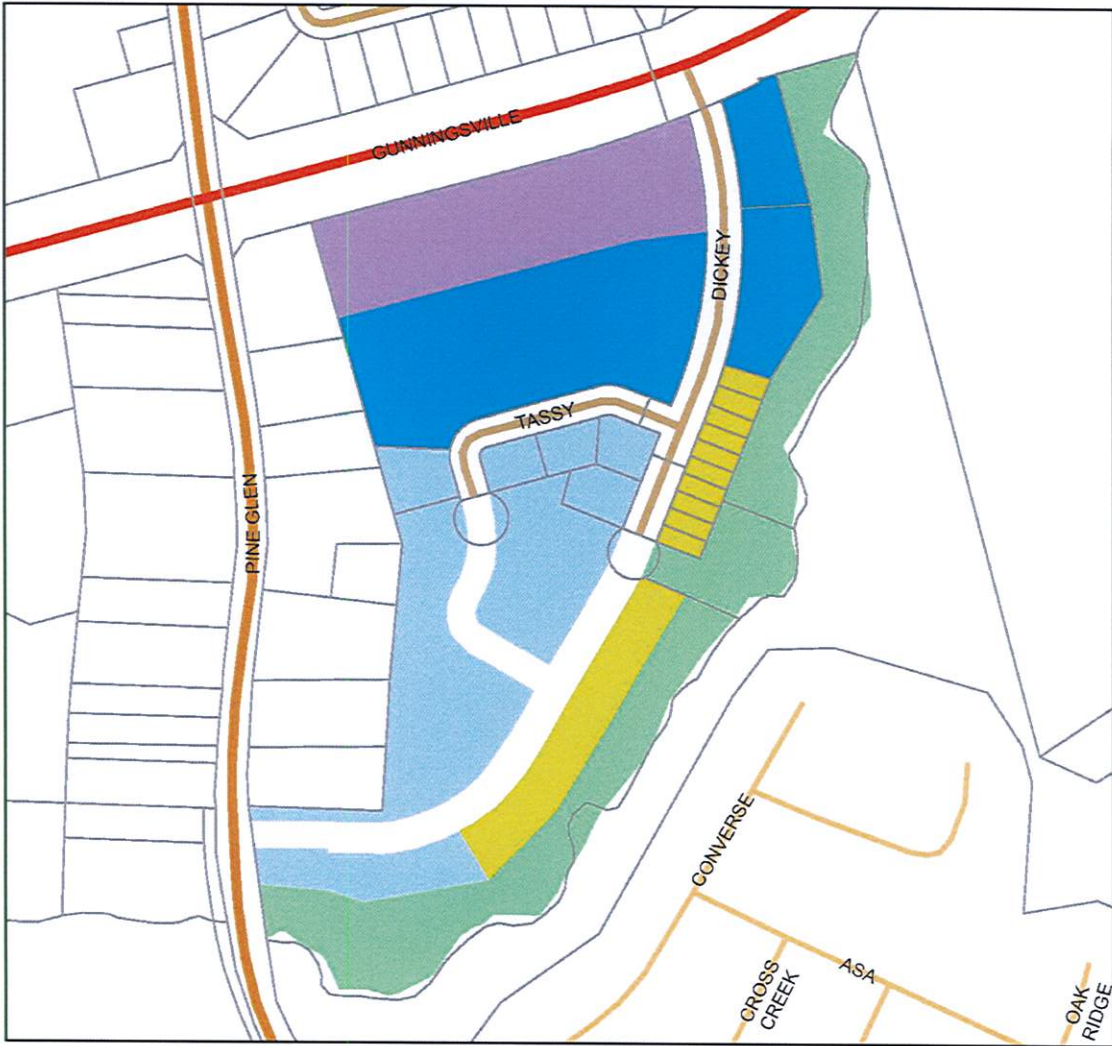
Shawn R. Dempsey
A Commissioner of Oaths
Being a Solicitor

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Dean Hartman

Schedule A-3
Town of Riverview
ZONING MAP
Date: 2020-02-18



Legend

- | | |
|---|---|
|  R1-C - Single Unit Dwelling (Compact) |  CM - Commercial Mix |
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Form 45

AFFIDAVIT OF CORPORATE EXECUTION
Land Titles Act, S.N.B. 1981, c.L-1.1, s.55

Deponent: Annette Crummey
30 Honour House Court
Riverview, NB
E1B 3Y9

Office Held by
Deponent: Town Clerk

Corporation: Town of Riverview

Other Officer Who Executed the Instrument: Ann Seamans
30 Honour House Court
Riverview, NB
E1B 3Y9

Office Held by Other Officer Who Executed the Instrument: Mayor

Place of Execution: Riverview, New Brunswick

Date of Execution: August 26, 2020.

I, the deponent, make oath and say:

1. That I hold the office specified above in the corporation specified above, and am authorized to make this affidavit and have personal knowledge of the matters hereinafter deposed to;
2. That the attached instrument was executed by me and the other officer specified above as the officers duly authorized to execute the instrument on behalf of the corporation;
3. That the seal of the corporation was affixed to the instrument by order of the Board of Directors of the corporation;
4. That the instrument was executed at the place and on the date specified above;
5. That the ownership of a share of the corporation does entitle the owner thereof to occupy the parcel described in the attached instrument as a marital home.

SWORN TO at Riverview,
New Brunswick
on August 26 2020,
before me:



DENYSE C. RICHARD
MY COMMISSION OF
OATHS EXPIRES
DEC 31 2022

)
)
)
) Annette Crummey



TOWN OF RIVERVIEW

CERTIFICATION

I, **ANNETTE CRUMMEY**, Town Clerk of the Town of Riverview do hereby certify that the attached copy of the Town of Riverview By-Law 300-7-3, A By-Law to Amend The Town of Riverview Zoning By-Law 300-7, which was duly enacted after being read three (3) separate times; sealed with the corporate seal of the Town of Riverview; signed by the Town Clerk and the Mayor; that it was ordained and passed on the 10th day of August, 2020.

Annette Crummey
Annette Crummey
Town Clerk



SWORN to at the Town of Riverview, in the County of Albert and Province of New Brunswick, this 18 day of

Sept., 2020.

BEFORE ME:

[Signature]

**DENYSE C. RICHARD
MY COMMISSION OF
OATHS EXPIRES
DEC 31 2022**



TOWN OF RIVERVIEW

SOLEMN DECLARATION

I, **Annette Crummey**, of the Town of Riverview, in the County of Albert and Province of New Brunswick, Town Clerk, **DO SOLEMNLY DECLARE:**

1. **THAT** I am the Town Clerk of the Town of Riverview, a municipal corporation, and have personal knowledge of the facts herein declared.
2. **THAT** the requirements of Sections 25, 110, & 111 of the Community Planning Act have been complied with in respect to By-Law 300-7-3, A By-Law to Amend The Town of Riverview Zoning By-Law 300-7, which was passed by the Riverview Town Council on August 10, 2020.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Evidence Act.


TOWN CLERK

DECLARED before me at the Town of Riverview in the County of Albert and Province of New Brunswick, this 18th day of September, 2020.

BEFORE ME:





DENYSE C. RICHARD
MY COMMISSION OF
OATHS EXPIRES
DEC 31 2022