

BY-LAW NO. 50

SUBDIVISION BY-LAW

The Council of the Town of Nackawic, under authority vested in it by section 42 of the Community Planning Act, enacts as follows:

INTERPRETATION

1. In this By-Law,
  - a) "lot" means a parcel of land or two or more adjoining parcels held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto;
  - b) "width" means, in relation to a lot,
    - i) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
    - ii) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street, such parallel line being drawn through the point at which the line of minimum set-back (required by By-law or regulation) intersects a line from the mid-point of and perpendicular to the line to which it is parallel; and
  - c) "Advisory Committee" means the Planning Advisory Committee established by Council.
  - d) In this By-Law:
    - i) All measurements of distance and dimensions are expressed in metric terms and for purposes of comparison and guidance and to aid in understanding this By-Law, the approximately equivalent measurements in inches and feet, as the case may be, have been placed in brackets immediately following the metric measurement but such inches or feet, as the case may be, are not operative provisions of this By-Law;

- ii) The abbreviations:
  - a) "cm" means centimeter,
  - b) "ft" Means foot or feet,
  - c) "in" means inch or inches, and
  - d) "m." means meter.

### SCOPE

- 2. This By-Law provides for regulation of the subdividing of land in the municipality.
- 3. 1) In a subdivision, unless otherwise stipulated by Council,
  - a) every street shall have a width of 20 meters (66 feet);
  - b) a cul-de-sac shall not exceed 200 meters (600 feet) in length, and shall terminate with a circular area having a radius of 18 meters (60 feet); and
  - c) no street may have a gradient in excess of 8 percent.
- 2) Where entry will be gained to a subdivision by means of an existing street or other access, by whomever owned, the person seeking approval of the plan of such subdivision shall make provision to bring the existing access to the same standard as is required for streets within the proposed subdivision.
- 3) Reserve strips abutting a street in a subdivision are prohibited, except where such strips are vested in the municipality.
- 4) In arriving at a decision regarding a recommendation with respect to the location of streets in a proposed subdivision, the Advisory Committee shall give consideration to the relationship between such location and:
  - a) the topography of the land;
  - b) the provision of lots suitable for the intended use;
  - c) street intersections and interceptions being as nearly as possible at right angles;

- d) convenient access to the proposed subdivision and to lots within it; and
  - e). the convenient further subdividing of the land or adjoining land.
- 5) Names of streets in a subdivision are subject to the approval of the Council.

#### LOTS, BLOCKS AND OTHER PARCELS

4. 1) Every lot, block and other parcel of land in a subdivision shall abut
- a) a street owned by the Crown or the municipality; or
  - b) such other access as may be approved by the Advisory Committee as being advisable for the development of land.
- 2) The dimensions and area of a lot in a subdivision are subject to the requirements of the Zoning By-Law.
- 3) Subject to subsection (4), a block in a subdivision:
- a) shall be at least 125 meters (400 feet) and not more than 315 meters (1000 feet).
  - b) shall have a depth of not less than two lots.
- 4) Where a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 315 meters (1000 feet) in length if pedestrian walkways are provided for access or circulation to schools, libraries, playgrounds or other such facilities.

#### LAND FOR PUBLIC PURPOSES

5. 1) Subject to this section, as a condition of approval of a subdivision plan, land in the amount of 8 per cent of the area of the proposed subdivision exclusive of streets intended to be publicly-owned, at such location as may be, (recommended by the Advisory Committee or otherwise approved by Council) is to be set aside as land for public purposes and so indicated on the plan.
- 2) Subsection (1) does not apply to that part of a subdivision plan
- a) that creates a parcel of land solely for the purposes of:

- i) being assembled with other parcels for later subdivision, or
  - ii) being added to a lot on which is located or which is intended as the location of other than a multiple dwelling as defined by the Zoning By-Law; and
- b) that creates a lot
- i) on which is located or which is intended as the location of other than a multiple dwelling as defined by the Zoning By-Law, and
  - ii) which abuts a publicly-owned street that on the coming into force of this By-Law was paved and had water and sewer facilities installed therein.
- 3) Council may require, in lieu of land set aside under subsection (1), a sum of money be paid to the municipality in the amount of 6 percent of the market value of the land in the proposed subdivision at the time of submission for approval of the subdivision plan, exclusive of streets intended to be publicly-owned.
- 4) Where, as a condition of approval of a subdivision plan, land has been set aside under subsection (1) or the provisions of subsection (3) have been satisfied, no further setting aside of land for public purposes or payment of additional sums shall be required as a condition of approval of any further or other subdividing of the land with respect to which the land has been set aside or sum paid.

#### MUNICIPAL FACILITIES

6. Where a person proposes to subdivide land in such manner that pursuant to section 4 a street is required to be provided, or in such location that municipal water or sewer facilities or both are required to be provided, the development officer shall not approve a subdivision plan unless, in the opinion of the Council,
- a) Council will be able in the foreseeable future to provide a street, and where required, water and sewer lines or both, to the boundaries of the subdivision, or such person has made satisfactory arrangements for providing such facilities; and

- b) such person has deposited a sum of money or a performance bond with the municipality or has entered into an agreement with Council that is binding on his heirs, successors and assigns to pay the cost of facilities required within the subdivision.

#### RESPONSIBILITIES OF THE SUBDIVIDER

7.
  - 1) The subdivider shall submit a tentative subdivision plan to the development officer who will process it, and if it is approved, will instruct the subdivider to hire a surveyor to draw up a final subdivision plan.
  - 2) The construction of streets shall at least comply with the New Brunswick minimum standards for construction of subdivision roads and streets as issued by the Department of Transportation, Municipal Engineering Division, dated July, 1976. The subdivider is responsible for the entire cost of construction of streets and services within the subdivision.
  - 3) If there are new streets, water lines, sanitary sewers or storm sewers involved, then plans and profiles of these facilities must be delivered to the Town Works Department when work has been completed.
  - 4) Pursuant to section 56 of the Community Planning Act, Council shall not approve a subdivision plan until the following steps have been taken:
    - a) that the Advisory Committee has first given approval in principal to the proposed subdivision;
    - b) that the Town Works Department has approved the plans and profiles for the installation of streets and services and has also approved the materials and types of appurtenances to be installed within the subdivision;
    - c) that pursuant to Regulation 76-154 under the Clean Environment Act, the Department of the Environment has approved the plans and profiles for the installation of water lines, gate valves, hydrants, storm sewers, catch basins, sanitary sewers, lift stations, manholes, etc.; and
    - d) that the subdivider has deposited with the Town Clerk, sufficient money, bonds or securities to cover 50 per cent of the cost for the installation and construction of all services within the subdivision and has given a performance bond to

guarantee the labour and materials within the subdivision for a period of 12 months after the date of final inspection and acceptance by the Town of these services.

- 5) The Council reserves the right to ask for a video tape inspection of any part of the underground system if deemed necessary by the Town Works Department.

CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN

8. The development officer shall not approve a subdivision plan if in his opinion and in the opinion of the Advisory Committee,

- a) the land is not suited to the purpose for which it is intended or may not reasonably be expected to be used for that purpose within a reasonable time after the plan is approved; or
- b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land.

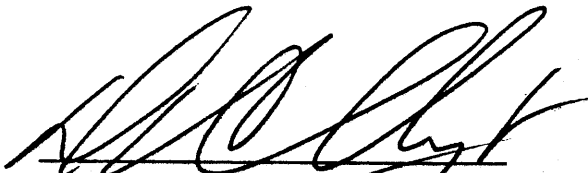
BY-LAW REPEALED

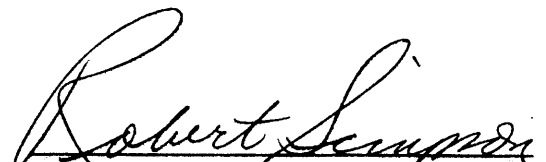
9. By-Law No. 29, the Subdivision By-Law is repealed.

READ FIRST TIME: July 14, 1980

READ SECOND TIME: August 11, 1980

READ THIRD TIME  
AND ENACTED: August 11, 1980

  
CLERK

  
MAYOR