

BY-LAW 2-95

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SUBDIVISION BY-LAW

The Council of the **Village of Grand Manan**, under the 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,
    1. where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
    2. 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;
  - c) “planning committee” means the Grand Manan Planning Advisory committee
  - d) “street” includes a Provincial Highway, Municipal Street or Municipal Road, and
  - e) “private road” includes an access to a Provincial Highway, Municipal Street or Municipal Road servicing two or more lots or parcels of land.
  - f) “multiple dwelling” is a lot with a structure or structures, located or to be located on a lot, which are designed to provide residential accommodations for more than one family unit.

**SCOPE**

2.
  - 1) This by-law provides for regulation of the subdividing of lots in the municipality.
  - 2) This by-law does not apply to a subdivision of land the purpose of which is to alter existing boundaries by consolidating a portion of the subdivided land with an existing abutting parcel of land.
  - 3) This by-Law does not apply to the granting of easement of right-of-ways.
  - 4) No lot may be subdivided except in compliance with this by-law.

## **STREET**

- 3.1) in subdivision, unless otherwise stipulated by Council,
- a) every street shall have a width of 10 metres, and a right-of-way of 20 metres;
  - b) a cul-de-sac shall terminate with a circular area have a radius of 20 metres; and
  - c) no street may have a gradient in excess of 8 per cent;
  - d) private road shall have a right of way of 20 metres, regardless of roadbed, in consideration of future generations requesting the Village take over the road, at which time the Village would require that the road meet the standards set out in this by-law.
  - e) 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 provisions to bring the existing access to the same standard as is required for street within the proposed subdivision. The Planning Advisory Committee may waiver this requirement where the access will service only on lot.

3.2 Reserve strips abutting a street in a subdivision are prohibited, except where such strips are vested in a municipality.

3.3 In arriving at a decision regarding a recommendation with respect to the location of streets in a proposed subdivision, the Planning 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 lots within it; and
- e) the convenient further subdividing of the land or adjoining land

## **LOTS, BLOCKS, AND OTHER PARCELS**

4.1 Every lot, block and other Parcels 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 Planning Committee as being advisable for the development of land, subject to section 3 (1)d).

4.2 The dimensions and area of a lot in a subdivision are subject to the requirements of the zoning by-law.

4.3 Subject to subsection (4), a block in a subdivision;

- a) shall be at least 125 metres (400 feet) and not more than 315 metres (1000 feet) long; and
- b) shall have a depth of not less than two lots

4.4 Where a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 315 metres (1000 feet) in length if pedestrian walkways are provided for access or circulation to school, libraries, playground or other such facilities.

### **LAND FOR PUBLIC PURPOSE**

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 locations as may be recommended by the Planning Committee or otherwise approved by Council is to be set aside as land for public purpose and so indicated on the plan.

5.2 Subsection (1) does not apply to the part of a subdivision plan

a) that creates a parcel of land solely for the purpose of

1. being assembled with other parcels for later subdivision, or
2. being added to a lot on which is located or which is intended as the location of other than a multiple dwelling and

b) that created a lot

1. on which is located or which is intended as the location of other than a multiple dwelling, and
2. which abuts a publicly owned street

5.3 Council may require, in lieu of land set aside under subsection (1), a sum of money may be paid to the municipality in the amount of 6 per cent of the subdivision for approval of the subdivision plan, exclusive of streets intended to be publicly owned.

5.4 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 purpose 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 have 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 sewage 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 sewage 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 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 the final subdivision plan.

7.2 The construction of street shall at least comply with the New Brunswick minimum standards for construction of subdivision roads and streets as issued by the Department of Transportation, dates June 1995. The subdivider is responsible for the entire cost of construction of streets, culverts and signs, and if the adjacent streets have services, the entire cost of comparable services within the subdivision.

7.3 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 Department of Transportation for their perusal and comments and finally their approval, and deliver as Built Plan to the Village Clerk when work has been completed.

7.4 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 Planning Advisory Committee has first given approval in principal to the proposed subdivision.
- b) That the Department of Transportation 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 82-126 under the Water Quality Regulation, the Department of the Environment has approved the plan and profiles for the installation of water lines, gate valves, hydrants, storm sewers, catch basins, sanitary sewer, lift stations, manholes, etc., and the Environment Impact Assessment Regulation 87-83 requires approval for sewage treatment plants and all major water sources.
- d) That the subdivider has deposited with the Village Clerk, sufficient money bonds or securities to cover 50 per cent of the cost for the installation and construction of all services with 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 Village of these services.

7.5 The Council reserves the right to ask for a video tape inspection of any part of the underground system if deemed necessary by the Village Council.

7.6 The subdivider is responsible to provide an easement for lines and electrical power and telecommunications to all lots within the subdivision. The Village shall not be responsible for the supply of electrical power or telecommunications to lots in the subdivision, within the Municipality.

**CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION**

8. The Development Officer shall not approve a subdivision plan if in his opinion and in the opinion of the Planning 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
- b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land.

Read first time November 6/95  
Read Second Time January 10/96  
Read Third Time & Enacted May 6/96

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MAYOR

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CLERK