



**BY-LAW NO. 50.1
SUBDIVISION BY-LAW**

WHEREAS the *Community Planning Act*,
R.S.N.B. 1973, c. C-12, and amendments thereto, contains certain provisions with respect to the
subdivision of land;
AND WHEREAS the *Minimum Standards for the Construction of Subdivision Roads & Streets*,
R.S.N.B. 2003, and amendments thereto, contains certain provisions with respect to the construction of
roads and streets in new subdivisions;
AND WHEREAS the Council may, by By-Law to be known as a Subdivision By-Law, control the
subdivision of land in the Town;
BE IT ENACTED by the Council of the Town of Nackawic as follows:

TITLE

1(1) This By-Law may be cited as the Subdivision By-Law.

INTERPRETATION

2(1) In this By-Law:

“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;

“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

“Planning Advisory Committee” means the Planning Advisory Committee established by Council.

“Development Officer” means the Development Officer of the Town of Nackawic.

APPLICATION

(1) Subject to subsection (2), this By-Law applies exclusive to the Town of Nackawic.

(2) This By-Law applies throughout the Town to any proposed subdivision.

(3) This By-Law does not apply to

(a) the severance of one residential lot into two residential lots, or

(b) the consolidation of two or more residential lots, if the new lots conform to all other By-Laws
of the Town of Nackawic and the creation of new streets and the setting aside of lands for public
purposes are not required.

1. TENTATIVE PLAN

1.01 A person seeking approval of a Tentative Plan shall submit to the Development Officer two copies thereof, drawn to a scale approved by the Development Officer. Tentative Plans requiring consideration by the Planning Advisory Committee and Town Council must be submitted to the Development Officer no later than the last business day of the month preceding the meeting of the Committee.

1.02 Unless exempted there from by the Development Officer, a person seeking approval of a Subdivision Plan shall submit to the Development Officer a written application for approval of a Tentative Plan therefore.

1.03 A tentative plan shall be marked Tentative Plan and shall show:

- (1)** the proposed name of proposed subdivision;
- (2)** the boundaries of that part of the plan sought to be approved marked by a black line of greater weight than all other lines on the diagram of the plan;
- (3)** the locations, widths and names of existing streets on which the proposed subdivision abuts, and the locations and widths of the proposed streets therein;
- (4)** the approximate dimensions and layouts of the proposed lots, blocks, land for public purposes and other parcels of land, and the purposes for which they are to be used;
- (5)** the nature, location and dimensions of any restrictive covenant, easement or right-of way affecting the land proposed to be subdivided, and of any easement intended to be granted within the proposed subdivision;
- (6)** natural and artificial features such as buildings, railways, highways, water-courses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (7)** where unserved by municipal water systems, the availability and nature of domestic water supplies;
- (8)** the nature and porosity of the soil;
- (9)** such contours or elevations as may be necessary to determine the grade of the streets and the drainage of the land;
- (10)** the municipal services available or to be available to the land proposed to be subdivided;
- (11)** where necessary to locate the proposed subdivision in relation to existing streets and prominent natural features, a small key plan acceptable to the Development Officer showing such location;
- (12)** plans for landscaping and tree planting;
- (13)** the proposed location of every building; and
- (14)** any further information required by the Development Officer to assure compliance with the subdivision By-Law.

2. STREETS AND PUBLIC WAYS

2.01 Streets and public ways shown on a Tentative Plan shall have the following minimum widths:

- | | |
|------------------------------|---|
| (1) arterial streets | 30 metres |
| (2) collector streets | 20 metres (sidewalk one side)
22 metres (sidewalk two sides) |

(3) local streets	18 metres
(4) cul-de-sac	23 metres (sidewalk one side) 18 metres (no sidewalk)
(5) pedestrian walks	6 metres
(6) maintenance accesses to public lands	6 metres

2.01.1 Notwithstanding S. 2.01, the Development Officer and the Planning Committee may vary these widths when warranted.

2.02 Courts and cul-de-sacs shall have a maximum length of 200 metres from the entering street line and shall terminate with an area having a minimum radius of 18 metres.

2.03 (1) Streets shall be located with due respect to topography, access, general traffic and safety requirements, development patterns, and the development of adjacent properties. Two access points will be provided to all interior subdivisions.

(2) Where a subdivision abuts or includes an existing or proposed arterial street or potential arterial street, the Development Officer and the Planning Advisory Committee may require streets parallel thereto and such arrangement of lots, streets and screen planting as it may deem necessary to adequately protect residential properties from the effects of traffic.

(3) Reserved strips abutting a street are prohibited except where such strips are vested in the Town.

(4) Streets shall be laid out so as to intersect as nearly as possible at right angles, and in no case shall one street intersect another at an angle of less than 60 degrees.

(5) The maximum grade of streets shall be 8 percent

(6) In the interests of orderly development, no subdivision which extends beyond a limit of 200 metres from the entering or main access street line, will be approved unless, in the opinion of the Development Officer and the Planning Advisory Committee, the pace or pattern of development, or topography, clearly indicates that it is expedient to do so.

(7) Where a subdivision abuts or includes an existing or proposed street, the Planning Advisory Committee may require, as a condition of approval, the dedication of a privately-owned street or other access as may be approved by the advisory committee as being advisable for the development of the land in order to insure adequate public safety.

2.04 The Development Officer may approve subdivisions containing structures for sale in accordance with the *Condominium Property Act*. R.S.N.B. 1973, c. C-16.

2.05 (1) All lots for residential purposes shall comply with the Zoning Bylaw, and such variances as are permitted by the Planning Advisory Committee.

(2) The Development Officer may require that a Tentative Plan or Subdivision Plan show street and building lines established by any deferred widening or zoning bylaw.

2.06 Street names shown on a Tentative or Subdivision Plan are subject to the approval of the Planning Advisory Committee.

3. LAND FOR PUBLIC PURPOSES

3.01 Except as here and otherwise provided, where approval is sought for a plan of subdivision which will create one or more lots without a main building, land to the amount of 8 percent of the area of the subdivision, at such location as may be recommended by the Planning Advisory Committee, exclusive of streets intended to be publicly owned, shall as a condition of approval of the plan of subdivision be set aside as land for public purposes and be so indicated on the subdivision plan.

3.02 In the discretion of Council there shall be paid to the Town in lieu of the setting aside of land for public purposes under section **3.01** a sum representing 8 percent of the market value of the land in the subdivision at the time of submission for approval of the subdivision plan, exclusive of land indicated as streets intended to be publicly owned.

3.03 Where approval of a plan of subdivision will create one or more lots containing usable main buildings, existing at the time of the application for subdivision, such lot(s) shall be excluded from the area of the subdivision for purposes of determining the land to be set aside as land for public purposes pursuant to section

3.04 Where approval of a plan of subdivision is sought solely for the purpose of creating a parcel of land to be assembled with other lands for subsequent subdivision in accordance with the Community Plan, the condition of approval of the plan of subdivision prescribed by section 3.01 shall not apply.

3.05 Where approval of a plan of subdivision is sought solely for the purpose of adding a portion of the subdivision to an adjacent parcel of land the condition of approval of the plan of subdivision prescribed by section 3.01 shall not apply.

3.06 Where as a condition of approval of a plan of subdivision, land has been set aside for public purposes or money has been paid to the Town in lieu thereof, there shall not be required as a condition of the approval of any further or other subdivision of the same land the setting aside of land for public purposes or the payment of money in lieu thereof.

4. SUBDIVISION PLANS

4.01 Subdivision Plans may be submitted to the Development Officer for approval after the Tentative Plan has been approved or exempted by such officer.

4.02 One plastic transparency drawing, and a minimum of seven paper prints shall be submitted.

4.03 All Subdivision Plans shall be prepared using metric A1 sized paper unless otherwise approved by the Development Officer.

4.04 In all other respects, Subdivision Plans shall conform to the requirements of the *Community Planning Act*.

5. GENERAL

5.01 No approval shall be given of a subdivision plan unless in the opinion of the Planning Advisory Committee and the Development Officer:

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

5.02 Pursuant to Section 42(3)(i) of the *Community Planning Act*, a person proposing to subdivide land that utilises or benefits from existing streets, curbing, sidewalks, culverts, drainage infrastructure, water and sewer lines, and other infrastructure as may be required by the Town of Nackawic, shall contribute to the cost thereof.

5.03 When the land to be subdivided utilises infrastructure paid for by the Town of Nackawic or a person other than a present or previous owner or tenant of such land, the person proposing to subdivide shall contribute to the cost in accordance with the following criteria:

- (1) The contribution shall be known as an infrastructure charge;
- (2) Infrastructure charges shall be required for all newly created vacant lots that benefit from services installed by the Town of Nackawic and for services installed by another party from April 23, 2012 onward.
- (3) Infrastructure charges shall be determined by the Development Officer and Planning Committee and shall be based on the actual installation cost (less oversizing costs) for the investment in streets, curbing, sidewalks, culverts, drainage infrastructure, water and sewer lines, and other infrastructure as may be required by the Town of Nackawic including any engineering and surveying costs in connection therewith;
- (4) The Development Officer shall be provided with appropriate documentation from the installer of the infrastructure to determine the infrastructure charge within 6 months of the vesting of the infrastructure to the municipality or infrastructure charges shall not be collected by the Town of Nackawic;
- (5) The frontage of the newly created vacant lot shall be determined by the Development Officer in accordance with the requirements of By-Law 51-90, A Zoning By-Law for the Town of Nackawic;
- (6) The infrastructure charge shall be the product of the cost per metre of street frontage multiplied by the frontage of the newly created vacant lot;
- (7) The infrastructure charge shall be collected by the Development Officer prior to approval of the final plan of subdivision.
- (8) Where the land to be subdivided is located in a Regional Storm Water Management District, subsection 5.04 shall also apply for the calculation of charges for drainage infrastructure.

5.04 Where Council has adopted a plan outlining an area as a Regional Storm Water Management District, the person proposing to subdivide shall contribute to the cost in accordance with the following criteria:

- (1) The contribution shall be known as a regional storm water management charge;
- (2) The regional storm water management charge shall be determined by the Director of Engineering and Public Works and shall be based on the cost required to provide regional storm water management for the district;
- (3) Each person must pay for his/her own local on-site storm water management and for regional infrastructure identified in the plan for the Regional Storm Water Management District;

- (4)** The cost of regional storm water management infrastructure shall be shared among the property owners in the region;
- (5)** Where the cost of providing regional storm water management infrastructure on a property exceeds the property owner's proportionate share, a credit shall exist;
- (6)** Where a person has a credit, as outlined under section 5.05 (5), The Town of Nackawic shall reimburse him/her for such additional costs incurred in installing regional storm water management infrastructure and;
- (7)** Where a person incurs the cost of installing regional storm water management infrastructure, which does not exceed their proportionate share, then payment is required at the time when the subdivision plan is presented for approval to the Development Officer. If payment is not received, approval of the subdivision plan will be withheld.

5.05 Money received by The Town of Nackawic in respect of a cost required to be paid under subsections 5.03 and 5.04 shall be paid:

- (1)** where the cost has been borne by The Town of Nackawic, into a special account to be applied against the cost, or into the general revenue account, if the cost has been completely met;
- (2)** where a person other than The Town of Nackawic has borne the cost, to that person or anyone lawfully claiming under him.

5.06 Where the facilities thereafter mentioned are not available no approval shall be given of a subdivision plan unless, in the opinion of the Council:

- (1)** the Council will be able in the foreseeable future to provide the proposed subdivision with light, water, streets, recreational areas, transit, sewerage or other facilities, or the person proposing the subdivision makes satisfactory arrangements for providing such facilities; and;
- (2)** the owner of the land has made arrangements satisfactory to the Development Officer to install at his own expense, streets, curbing, sidewalks, culverts, drainage infrastructure, water and sewer lines and other infrastructure as may be required by the Town of Nackawic across the frontage of all newly created lots or delivers a performance bond acceptable to the Council in an amount sufficient to cover such expenses or pay such sum as may be required by By-Law in respect of such facilities.

5.07 Unless the Development Officer exempts a parcel of land from the provisions of this By-Law or the *Community Planning Act*, approval may be given to a subdivision plan only;

- (1)** where such plan is in general conformity with an approved tentative plan;
- (2)** where such plan is in conformity with an approved development or municipal plan;
- (3)** where, if lots to be created by such subdivision plan abut a collector or arterial street or similar street route, streets or other access as may be approved by the Planning Advisory Committee as being advisable for the development of land, are provided; and
- (4)** where two approved streets or other access routes as may be approved by the Planning Advisory Committee as being advisable for the development of land, permit unrestricted access to the subdivision.

5.08 The Development Officer or a person authorised by the Council has the right to enter at all reasonable times upon any property within the Town of Nackawic for the purpose of making any inspection that is necessary for the administration or enforcement of this By-Law.

5.09 Any person who violates a provision of this By-Law is guilty of an offence and is liable on summary conviction to a fine.

6. REPEAL PROVISIONS

6.01 By-Law No. 50, A Subdivision By-Law, and amendments thereto, given third reading August 11, 1980, is hereby repealed.

6.02 The repeal of By-Law No. 50, A Subdivision By-Law, of the Town of Nackawic, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

7. COMING INTO FORCE

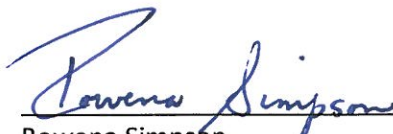
Notice of Motion to Introduce: #12-32

First Reading: April 16, 2012


Second Reading: April 16, 2012

Third Reading: May 7, 2012

GIVEN under the hands of the Mayor and the Chief Administrative Officer and under corporate seal of the Town of Nackawic this 7th day of May, A.D. 2012.



Rowena Simpson
Mayor



Duncan Walker
Chief Administrative Officer

