

VILLAGE OF SUSSEX CORNER

SUBDIVISION BYLAW

119 - 12

The Council of the Village of Sussex Corner under authority vested in it by section 42 of the *Community Planning Act*, enacts as follows:

Section 1: Title

1(1) This By-law may be cited as the “Village of Sussex Corner Subdivision By-law” and it hereby repeals and replaces the former Subdivision By-law No 57-00 and By-law No 106-09.

Section 2: Definitions

In this by-law,

“Council” means the Council of the Village of Sussex Corner;

“Development”, “Development Officer”, and any other words therein defined have the meanings given to them in Section (1) of the *Community Planning Act*;

“land for public purposes” means land other than streets for the recreational or other use for the enjoyment of the general public such as:

- (a) an access to a lake, river, stream or other body of water;
- (b) a beach or scenic area along the shore of a lake, river, stream or other body of water;
- (c) a conservation area;
- (d) land adjoining a school for joint recreational purposes;
- (e) land for a community hall, public library, recreational use or other similar community facility;
- (f) a park, greenbelt, or buffer area dividing developments, parts of highway, or development and a highway;
- (g) a pedestrian way to a school, shopping centre, recreational area, or other facility;
- (h) a protection area for a water course, stream, marsh, water supply, lake, or other body of water;
- (i) a public park, playground, or other recreational use;

“lot” means any parcel of land that is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the registry of deeds;

“Type One Subdivision” means a subdivision which is not defined as a Type Two Subdivision;

“Type Two Subdivision” means any subdivision that requires the development of one or more streets;

“width” means, in relation to a lot,

- (a) when the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
- (b) when 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 law or regulation) intersects a line from the midpoint of, and perpendicular to, the line to which it is parallel.

“Planning Commission” means the Royal District Planning Commission or any successive body that assumes legislative authority.

Section 3: Scope and Policy

- 3(1) This by-law provides for regulation of the subdividing of land in the municipality, and shall conform to the Rural Plan.
- 3(2) Each developer shall comply to the regulations set out in this by-law, and shall complete a Developers Agreement as set out by the Village of Sussex Corner.
- 3(3) An approval of a subdivision plan shall not constitute a warranty or representation that the land is suited or can economically be suited to the purpose for which it is intended and, without restricting the generality of the foregoing, shall not constitute a warranty or representation that the land is suitable or can economically be made suitable for any manner of on-site sewage disposal.

Section 4: Interpretation

- 4(1) All numerical requirements in this by-law are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurements shall prevail.

- 4(2) Nothing in this by-law shall relieve any person from the obligation to comply with the requirements of the Rural Plan, Building By-law or any other by-law of the Village of Sussex Corner in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any by-law of the Village of Sussex Corner or act or regulation of the Provincial or Federal Government. In the event of conflict between this by-law and any other act or regulation, the most restrictive obligation shall prevail.

Section 5: Application

- 5(1) This By-law applies throughout the Village and, except where otherwise provided for in the *Community Planning Act*, no lands within the Village shall be subdivided except in accordance with the provisions of this By-law and in accordance with the relevant provisions of the *Community Planning Act*.

Section 6: Tentative Plan

- 6(1) Unless exempted by the Development Officer in accordance with the provisions of section 44(1) of the *Community Planning Act*, a person seeking approval of a subdivision plan shall submit to the Development Officer a written application for approval of a tentative plan on the appropriate form, and as many copies of the tentative plan as such officer requires, drawn to the scale and size required for a subdivision plan.
- 6(2) A tentative plan shall be marked "Tentative Plan" and, in accordance with Section 49(2) of the *Community Planning Act*, shall show:
- (a) the proposed name of the proposed subdivision;
 - (b) the boundaries of the part of the plan sought to be approved, marked by a black line of greater line weight than all other lines on the plan;
 - (c) the locations, widths and names of existing streets on which the proposed subdivision abuts, and the locations, widths and proposed names of the proposed streets therein;
 - (d) 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;
 - (e) the nature, location and dimensions of any existing restrictive covenant, easement or right-of-way affecting the land proposed to be subdivided, and any easement intended to be granted within the proposed subdivision;

- (f) the location of existing natural and artificial features such as buildings, highways, watercourses, drainage ditches, wetlands and wooded areas within or adjacent to the land proposed to be subdivided;
- (g) the availability and nature of domestic water supplies;
- (h) the nature and porosity of the soil;
- (i) such contours or elevations as may be necessary to determine the grade of the streets, the drainage of the land and how stormwater will be managed;
- (j) the municipal services available or to be available to the land proposed to be subdivided;
- (k) where necessary to locate the proposed subdivision in relation to existing streets and prominent natural features, a small key plan showing such location;
- (l) plans for landscaping and tree planting;
- (m) the proposed location of every building;
- (n) any further information required by the Development Officer to assure compliance with the Subdivision By-law.

Section 7: Public Streets

7(1) Unless otherwise stipulated by Council:

- (a) every street shall have a width of 20 metres (66 feet);
- (b) a cul-de-sac shall not exceed 180 meters in length, and shall terminate with right of way circle of 35 meters in diameter.
- (c) no street may have a gradient in excess of eight(8) percent;
- (d) streets shall be laid out so as to intersect as nearly as possible at right angles and in no case shall one street intersect at an angle less than 60 percent;
- (e) jogged intersections are to be avoided by ensuring intersections on opposite sides of a street are offset by at least 40 metres (130 feet).

7(2) Reserve strips abutting a street in a proposed subdivision are prohibited, except where such strips are vested in the Village of Sussex Corner.

- 7(3) Names of proposed streets in a subdivision may be suggested by the owner and are subject to approval by the Village and must comply with NB 9-1-1 Civic Addressing Standards and Guidelines.
- 7(4) In arriving at a decision regarding a recommendation with respect to the location of streets in a proposed subdivision, the Planning Commission shall give consideration to:
- (a) the topography of the land;
 - (b) the provision of lots suitable (by virtue of their slopes, topography, soils, drainage) for the intended use;
 - (c) the provision of convenient and safe access to the proposed subdivision and to lots within it;
 - (d) the convenient further subdividing of the land or adjoining land. In particular, the Planning Commission shall ensure that access is reserved to adjacent lands on all sides of the subject subdivision so as not to prejudice and to facilitate the future integrated development of those adjacent lands.
- 7(5) The developer must enter into a Developer's Agreement with the Village Council of Sussex Corner that is binding upon heirs, successors and assigns to construct and pay the cost of services required within the subdivision, and deposit a sum of money, a performance bond or an irrevocable letter of credit with the Village, sufficient to guarantee the faithful performance of said agreement.
- 7(6) When entry will be gained to a subdivision by means of an existing street or other access, by whomsoever 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.

Section 8: Lots, Blocks and Other Parcels

- 8(1) Every lot, block and other parcel of land in a proposed subdivision shall abut or have sufficient access, as determined by the Planning Commission, to a public street owned by the Crown or the Village of Sussex Corner.
- 8(2) All lots in the proposed subdivision must meet the minimum width, depth and area requirements pertaining to the zone in which the lots are located, in accordance with the Village of Sussex Corner Rural Plan.

- 8(3) When a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 300 meters in length if pedestrian walkways are provided for access or circulation to schools, libraries, playgrounds or other such facilities.

Section 9: Land for Public Purposes

- 9(1) Subject to this section, as a condition of approval of a subdivision plan, land in the amount of 10 percent of the area of the proposed subdivision, exclusive of streets intended to be publicly owned, at such location as may be recommended by the Planning Commission, and approved by Council, is to be set aside as, and so indicated on the plan.
- 9(2) Subsection (1) does not apply to that part of a subdivision plan that:
- (a) creates a parcel of land solely for the purpose of being assembled with other parcels for later subdivision; or
 - (b) creates a lot which abuts a publicly owned street that, on the coming into force of this bylaw, was paved and had water and sewer facilities installed therein.
- 9(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 8 percent of the market value of the land, exclusive of streets intended to be publicly owned, at the time of approval of a proposed subdivision.

Section 10: Municipal Facilities

- 10(1) When a person proposes to subdivide land in such manner that pursuant to subsection 3(3), 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 and 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.

Section 11: Responsibilities of the Developer

11(1) The Developer shall be responsible for all construction required to complete the subdivision which shall include:

- (a) Obtaining all required approvals and fees from regulatory agencies.
- (b) Design of all systems required for the subdivision.
- (c) Construction.
- (d) All testing and certification required by the Planning Commission.
- (e) "Record" drawings, which are to be submitted to the Village upon final completion of the subdivision.

11(2) Where entry will be gained to a subdivision by means of an existing street or other access, by whomever owned, the developer shall make provision to bring the existing access to the same standard as may be required for streets within the subdivision.

Section 12: Approval of a Subdivision Plan

12(1) Subject to subsection (2), the Development Officer may approve a subdivision plan.

12(2) The Development Officer shall not approve a subdivision plan, if in his/her opinion and the opinion of the Planning Commission,

- (a) the proposed subdivision plan is not consistent with the Rural Plan; or
- (b) the land is not reasonably suited or cannot be economically 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
- (c) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land.

Section 13: Inspection and Enforcement

13(1) The Development Officer or a person authorized by the Council has the right to enter at all reasonable times upon any property within the Village for the purpose of making any inspection that is necessary for the administration or enforcement of this By-law.

Section 14: Fees

14(1) No tentative subdivision plan shall be approved until a non-refundable processing fee is paid to the Planning Commission in accordance with subsection (2).

14(2) The following fees will be applied to the planning services or applications under the *Community Planning Act* noted below:

- a) inspection and stamping of deeds, leases and exemptions, \$100;
- b) review and processing of applications to vary requirements of the Subdivision By-law, \$250;
- c) review and processing of Type One subdivisions as defined by the *Community Planning Act*, \$200 plus \$25 per lot;
- d) review and processing of Type Two subdivisions as defined by the *Community Planning Act*, \$500 plus \$25 per lot.

14(3) All fees are submitted and payable as follows:

- (a) At the time of application or request, the proponent shall pay the fee as prescribed in Subsection (2).
- (b) Payments shall be made to the Planning Commission.
- (c) All imposed fees are payable prior to the processing of the application and issuance of the approval or other documentation to which the fee applies.

