

By-Law No. 46
Subdivision By-Law

The Council of the Village of Petitcodiac, under authority vested in it by section 42 of the Community Planning Act and for greater certainty, enacts as follows:

Application

1. This by-law applies throughout the Village of Petitcodiac.

Scope

2. The purpose of this By-law is to regulate the subdividing of land within the municipal boundaries of the Village of Petitcodiac.

Definitions

3. In this by-law:

“**Commission**” means the planning commission for the Greater Moncton Planning District Commission.

“**Council**” means the Council of the Village of Petitcodiac.

“**Subdivide**” means a plan which divides a parcel of land into two or more parcels.

“**Village**” means the Village of Petitcodiac

Procedures & Fees

4. A person proposing to subdivide land shall submit to the Development Officer the following:
 - (a) a completed application form as prescribed by the Development Officer;
 - (b) a Tentative Subdivision Plan. (Plan content requirements as pursuant to section 49(2) Community Planning Act.);
 - (c) a (\$50.00) processing fee per plan and pay an additional fee of five dollars (\$5.00) for each lot created in the proposed subdivision;

This instrument purports
to be a copy of the
original registered or
filed in the Westmorland
County Registry Office NB

Exemplaire présenté comme
copie conforme à l'instrument
enregistré ou déposé au
bureau d'enregistrement du
comté de Westmorland NB

1102 - -
number-numéro book-livre

- Jan. 19/2000
page date

- (c) in the case of a Subdivision Plan for a class #2 Subdivision Plan, all required Engineering Detailed Drawings certified by an engineer licensed to practice in the Province of New Brunswick and a Lot Drainage Plan as shown in appendix "B" attached to this by-law.

Classes of Subdivision

- 5. For the purpose of this by-law subdivisions are divided into two classes as follows:
 - (a) a subdivision that creates lots / parcels which abuts an existing constructed street shall be classified as a class #1 subdivision;
 - (b) a subdivision that creates lots / parcels that require the creation & construction of a new streets pursuant to subsection 7(1) of this by-law shall be classified as a class #2 subdivision.

Streets

- 6.(1) In a subdivision, unless otherwise stipulated by Council, all streets shall be designed and constructed in accordance with the current standards of the New Brunswick Department of Transportation that are contained in the document entitled "A Guide to the Minimum Standards for the Construction of Subdivision Roads and Streets" attached to this by-law as appendix "A").
- 6.(2) In arriving at a decision regarding a recommendation with respect to the location of streets in a proposed subdivision, the Commission shall give consideration to:
 - (a) the topography of the land proposed for subdivision;
 - (b) the creation of lots suitable for the intended use thereof;
 - (c) having street intersections and interceptions as nearly as possible being 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;
- 6.(3) All streets in a subdivision shall be designed so that:
 - (a) the street system is to be integrated with the existing street network such that there are at least two access points to each street;

- (b) permanent dead-end streets (Cul-de- sac) may be considered by the commission if the topography or dimension of the land provide for no other option of design;
 - (c) Unless otherwise approved by the Commission, all residential streets shall have a minimum street right of way width of 20 meters (66');
 - (d) The minimum requirements for a temporary or permanent turn-around unless otherwise stipulated by Council, shall conform to the requirements of 4.3.2.3. of the document entitled "A Guide to the Minimum Standards for the Construction of Subdivision Roads and Streets" as attached to this by-law as appendix "A";
 - (e) The maximum street gradient in a subdivision shall not exceed eight (8%) percent.
- 6(4) Street names in a proposed subdivision are subject to the approval of the Commission.
- 6(5) Intersecting or intercepting streets, unless otherwise stipulated by Council, shall conform to the following provisions:
- (a) a proposed street forming an intersection with another street shall intersect at 90 degrees, however an angle between 70 degrees and 110 degrees may be considered in special instances;
 - (b) Where proposed streets intersect at angles other than 90 degrees, the intersection shall be made at 90 degrees which shall be achieved by providing a minimum 40m straight section before the intersection. This straight section to be measured from the edge of intersection street right-of-way to the intersection (P.I.) of the tangents;
 - (c) Intersections of more than two streets shall not be permitted;
 - (d) Intersections on residential streets, whether on the same side of or on opposite sides, shall not be closer than 60 meters, measured from the edge of the rights of way;
 - (e) Required sight distances at street intersections shall conform to the applicable table shown in Figure 4.7a in the document entitled "A Guide to the Minimum Standards for the Construction of Subdivision roads and Streets"; (attached to this by-law as appendix "A").

- 6(6) In the case of phased development in subdivisions, all improvement works or construction is required to extend the serviced roadway to the back lot line of corner lots. In special circumstances this requirement may be waived by the Commission.
- 6(7) 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.

Lots & Blocks

- 7(1) Every lot, block and other parcel of land in a subdivision shall abut:
- (a) a street owned by the Village;
 - (b) Such access other than a street mentioned in subsection (a) as may be approved by the Commission as being advisable for the development of land.
- 7(2) The Village Zoning By-law shall apply with respect to minimum lot sizes.
- 7(3) reserved strips (lots) abutting on a proposed street are prohibited except where such strips are vested in the Municipality.
- 7(4) In a subdivision:
- (a) blocks shall be as large as the Commission may consider practicable considering the topography of the area;
 - (b) blocks in residential areas shall be of sufficient width to allow two tiers of lots, unless, in the opinion of the commission, such a requirements undesirable in any area.

Land for Public Purposes

- 8(1) subject to this section, as a condition approval of a subdivision plan, land in the amount of eight percent (8%) of the area of the proposed subdivision exclusive of streets intended to be publicly owned, at such location as may be recommended by the Commission and assented to by Council is to be set aside as land for public purposes and so indicated on the plan.

- 8(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 the by-law was paved and had water and sewer facilities installed therein.
- 8(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 six percent (6%) 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.
- 8(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 had been set aside or sum paid.

General Provisions

9. Subdivision Agreement

In a class #2 subdivision where streets are required to be provided, pursuant to section 7(1) of this by-law, the person proposing to subdivide land shall provide within that subdivision such facilities as streets, walkways, electric power, street lights, water and sewer lines, culverts, drainage ditches and such person shall enter into an agreement with the Municipality that is binding upon his / her heirs, successors and assigns to construct and pay the cost of such facilities required within the subdivision.

- 10(1) The Development Officer shall not approve a Tentative Subdivision Plan for a class #2 subdivision until the following steps have been completed:
- (a) the Commission has reviewed the Tentative Subdivision Plan and forwarded their recommendations to the Village Council;
 - (b) Village Council has assented to the Tentative Subdivision Plan.
- 10(2) The Development Officer shall not approve a Subdivision Plan for a class #2 subdivision until the following conditions have been met:
- (a) the Village or their designate has approved, the plans and profiles for the installation of all new services including storm water drainage patterns, and a lot grading elevation plan;
 - (b) the Department of the Environment has approved the plans and profiles for the installation of the sewer services and any required watercourse alterations;
 - (c) the "Owner" has entered into a Subdivision Agreement with the Council that is binding on the heirs, successors and assigns to pay the cost of new services required to service the proposed subdivision.
- 10(3) the Development Officer shall not approve a Subdivision Plan if, in his opinion, and in the opinion of the Commission:
- (a) the land is not suited to the purpose for which it is intended or may not be reasonably expected to be used for that purpose within a reasonable time after the subdivision plan is approved;
 - (b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land; or
 - (c) the subdivision contravenes the Community Planning Act, other provincial legislation, or municipal by-laws or regulation.

11. VILLAGE OF PETITCODIAC, being by-law # 30, ordained and passed on the 5th day of January, 1978, and all amendments thereto, is hereby repealed.

ORDAINED AND PASSED this 13th day of January A.D., 199²⁰⁰⁰

James R. Holt
MAYOR
JAMES R HOLT

Pamela M Cochran
VILLAGE CLERK
PAMELA M COCHRANE

First Reading: December 30, 1999
Second Reading: December 30, 1999
Third Reading: January 13, 2000