

VILLAGE OF BELLEDUNE

BY-LAW NO. 16-90-1998

SUBDIVISION BY-LAW

The council of the Village of Belledune, under authority vested in it by section 42 of the Community Planning Act, enacts as follows;

INTERPRETATION

1. In this by-law
 - (a) “abut” included having access thereto directly;
 - (b) “Commission” means the Belledune District Planning Commission;
 - (c) “Council” means the Municipal council of the Village of Belledune;
 - (d) “development officer” means the development officer of the Belledune District Planning Commission;
 - (e) “lot” means a parcel of land or two or more adjoining parcels of land held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto;
 - (f) “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, intersects a line from the midpoint of and perpendicular to the line to which it is parallel.

APPLICATION

2. This by-law applies throughout the municipality of Belledune.

SCOPE

3. The purpose of this by-law is to regulate the subdividing of land in the municipality.

STREET

4. (1) In a proposed subdivision, unless otherwise approved by the Council,
 - (a) every street shall have a width of twenty metres,
 - (b) a cul-de-sac shall not exceed one hundred and eighty metres in length and shall terminate with a circular area having a radius of twenty three metres, and
 - (c) no street shall have a gradient in excess of eight per cent.
- (2) Where entry will be gained to a proposed subdivision by means of an existing street or other access, by whomever owned, the person seeking approval of the plan of such subdivision shall
 - (a) make provision to bring the existing access to the same standard as may be required for streets within the subdivision, or
 - (b) contribute to the cost of work referred to in subparagraph (a) to the extent required for streets within the subdivision pursuant to paragraph 8, provided the amount contributed per linear metre for such access does not exceed the cost to such person per linear metre for streets within the subdivision or, where the plan does not provide for the laying out of streets to be publicly owned, the average cost per linear metre for subdivision streets within the municipality constructed during the preceding twelve months;
- (3) Reserve strips abutting a street in a proposed subdivision are prohibited, except where such strips are vested to the municipality.
- (4) In making 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,
 - (b) the provision of lots suitable for the intended use,
 - (c) streets intersections and interceptions being as nearly as possible at right angles,

- (d) the provision of 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 Commission.

LOTS, BLOCKS AND OTHER PARCELS

5. (1) Every lot, block and other parcel of land in a proposed subdivision shall abut
- (a) a street owned by the municipality or the Crown, or
 - (b) such other access as may be approved by the commission as being advisable for the development of land.
- (2) Where a proposed subdivision is to be serviced by both a water system for public use and a sewer system for public use, every lot or other parcel of land therein shall have and contain
- (a) a width of at least eighteen metres,
 - (b) a depth of at least thirty metres; and
 - (c) an area of a least five hundred and forty square metres.
- (3) Where a proposed subdivision is to be serviced by a sewer system for public use but not by a water system for public use, every lot or other parcel of land therein shall have and contain
- (a) a width of at least twenty-three metres,
 - (b) a depth of a least thirty metres; and
 - (c) an area of a least six hundred and seventy-five square metres.
- (4) Where a proposed subdivision is not to be serviced by sewer system for public use, every lot or other parcel of land therein shall have and contain
- (a) a with of at least fifty-four metres,
 - (b) a depth of a least thirty eight metres; and
 - (c) an area of at least four thousand square metres.

- (5) Subject to subsection (6),
 - (a) a block shall not exceed two hundred and forty metres or be less than one hundred and twenty metres in length; and
 - (b) shall have a depth of at least two lots.
- (6) Where a proposed subdivision plan lays out a series of crescents and cul-de-sacs, a block may exceed two hundred and forty metres in length if pedestrian walkways are provided in the number, location and width considered necessary by the planning commission to provide access or circulation to schools, libraries, playgrounds or similar facilities.

MUNICIPAL FACILITIES REQUIRED

- 6. (1) Where a person proposes to subdivide land in such manner that pursuant this by-law a street and other facilities 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 a foreseeable future to provide the proposed subdivision with streets, required by the by-law for that type of subdivision, or the person proposing the subdivision has made satisfactory arrangements for providing such facilities; and
 - (b) The person proposing the subdivision has made satisfactory arrangements to
 - (i) enter into an arrangement with the council that is binding on heirs, successors and assigns to comply with a provision under section 8
 - (ii) deposit with the municipality a sum sufficient to cover the cost with respect to facilities that the by-law requires him to pay, or
 - (iii) deliver to the municipality a performance bond acceptable to the council sufficient to cover his cost mentioned in clause (b)
 - (c) the totality of facilities required have been installed, tested and approved under surveillance and according to the plans dressed by the engineer of the municipal official designed by the Council.

LAND FOR PUBLIC PURPOSE

7. (1) Subject to this section and as a condition of approval of a subdivision plan, land in the amount of eight per cent of area of the proposed subdivision exclusive of the land to be vested as public streets, at such location as may be approved by the Council is to be set aside as land for public purpose 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 being assembled with other parcels for later subdivision, or to be added to an adjacent parcel to enlarge it or create a lot, and
 - (b) that creates a lot, which abuts a publicly owned street that on the coming into force of this by-law was built to the minimum standards of this by-law.
- (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 eight per cent of the market value of land in the subdivision at the time of submission for approval of the subdivision plan, exclusive of the land indicated as 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.

SUBDIVIDING STANDARDS

8. (1) a person proposing to subdivide land shall provide within the subdivision or contribute in totality to the cost of the following facilities:
- (a) streets built according to standards mentioned in subsection 8(2) or any other standards that the council may adopt at any time and finished with crushed material ready for asphalt or chip-seal,
 - (b) entrance culverts from an existing designated road to a new subdivision street,
 - (c) all driveway culverts to the individual lots with the surface width of each driveway of at least 6 metres, and
 - (d) the electric power distribution network.

(2) These facilities be provided as prescribed in the document prepared by the Department of Transportation and entitled "A Guide to the Minimum Standards for the Construction of Subdivision Roads & Streets" dated June 1996.

RESPONSIBILITIES OF THE DEVELOPER

9. (1) The developer or the person seeking approval of a subdivision plan is responsible;
 - (a) if requested by the development officer, for the preparation of a drainage plan for every lot in the plan and its interaction with adjacent properties,
 - (b) for the preparation of the plans and profiles for the construction of streets and other facilities that shall be approved by the Council before starting construction,
 - (c) to defray the cost of a municipal inspector to supervise the construction of streets and other facilities requested by this by-law, and
 - (d) to defray the cost of a final inspection including high-pressure cleaning (super-sucker) and underground video inspection if requested by the Council
 - (e) for the preparation of as-built plans and profiles when construction is completed.

APPROVAL OF A SUBDIVISION PLAN

10. (1) Subject to subsection (2), the development officer may approve a subdivision plan.
 - (2) 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 reasonably be expected to be used for that purpose within a reasonable time after the subdivision 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.
 - (3) As approval under subsection (1) 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 forgoing, 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.

FEEES

11. (1) No subdivision plan may be approved before the following fees have been paid in full to the commission on behalf of the municipality:

- (a) Subdivision plan: \$50.00 for the plan plus \$10.00 for each lot or parcel included in the plan;
- (b) Amending subdivision plan for a plan approved and filed: \$10.00 for the plan plus \$5.00 for each lot or parcel included in the plan.

BY-LAW REPEALED

12. By-law no 16-90 is repealed and the present by-law comes into force when filed in the registry office.

FIRST READING _____

SECOND READING _____

THIRD READING _____

ADOPTION _____

Municipal Clerk/Treasurer

Mayor

Filed on the _____ day of _____ 19_____, under number_____.