

VILLAGE OF STANLEY
INCORPORATED 1966

BYLAW NO. L-3

SUBDIVISION BY-LAW

BE IT ENACTED by the Council of the Village of Stanley as follows:

1. Interpretation

In this by-law,

"Council" means the Mayor and Councillors of the Village of Stanley,

"developer" means an individual or corporation seeking to obtain the approval of a subdivision plan, or who enters into a subdivision agreement with the Village,

"Development Officer" means the Development Officer of the Village of Stanley appointed by Council,

"gradient" means the degree of rise or descent of a street,

"local street" means a street designed primarily for access to residential lots or other abutting property,

"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 a site for a building or structure or an appurtenance thereof,

"municipality" means the Village of Stanley,

"width" means, in relation to a lot,

(i) where the side lot lines are parallel, the distance measured across the lot 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 bylaw or regulation) intersects a line from the mid-point of and perpendicular to the line to which it is parallel.

2. Scope

This by-law provides for regulation of the subdividing of land in the Village of Stanley.

3. Streets

3.01 In a subdivision, unless otherwise stipulated by Council,

- (a) every street shall have a width of 66 feet,
- (b) a cul-de-sac shall not exceed 600 feet in length, and shall terminate with a circular area having a radius of 50 feet, and
- (c) no street may have a gradient in excess of 10 percent.

3.02 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.

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

3.04 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 to lots within it,
- (e) the convenient further subdividing of the land or adjoining land.

3.05 Names of streets in a subdivision are subject to approval of the Council.

4. Lots, Blocks and Other Parcels

4.01 Every lot, block and other parcel of land in a subdivision shall abut a street owned by the Crown or the municipality, or such privately-owned street or other access as may be approved by the Planning Advisory Committee for the development of land.

4.02 Where a proposed subdivision is not to be serviced by either a water system for public use or a sewer system for public use, every lot or other parcel of land therein shall have and contain,

- (a) a width of at least 120 feet,
- (b) a depth of at least 125 feet, and
- (d) an area of at least 15,000 square feet.

4.03 Subject to subsection 4.04 a block in a subdivision shall,

- (a) be at least 400 feet and not more than 1,000 feet long, and
- (b) have a depth of not less than two lots.

4.04 Where a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 1,000 feet in length if pedestrian walkways are provided for access or circulation to schools, libraries, playgrounds or other such facilities.

4.05 The dimensions and the area of a lot in a subdivision are subject to the requirements of the Village of Stanley Zoning By-law.

5. Land For Public Purposes

5.01 Subject to this section, as a condition of approval of a subdivision plan, land in the amount of eight (8) 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 Advisory Committee or otherwise approved by Council, is to be set aside as land for public purposes and brought to street elevation, and so indicated on the plan.

5.02 Council may require, in lieu of land set aside under subsection 5.01, a sum of money be paid to the municipality in the amount of eight (8) percent 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.

6. Municipal Facilities

6.01 Where a developer proposes to subdivide land, in such manner that pursuant to section 4 a street is 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 developer has made satisfactory arrangements for providing such facilities themselves, and
- (b) The developer proposing the subdivision has made satisfactory arrangements to deposit a sum of money or performance bond sufficient to cover the cost, or enters into an

agreement with the Council that is binding on his or her heirs, successors and assigns to pay the cost of facilities required within the subdivision.

7. Responsibilities of the Subdivider

7.01 The developer shall submit a tentative subdivision plan to the Development Officer who will process it, and if it is approved, will instruct the person who is subdividing to hire a surveyor to draw up a final subdivision plan.

7.02 The construction of streets shall comply with the New Brunswick minimum standards for construction of subdivision roads and streets as issued by the Department of Transportation, Municipal Engineering Division. The person who is subdividing is responsible for the entire cost of construction of streets and services within the subdivision, and engineering inspection services when so determined by the Council.

7.03 If there are new streets, water lines, sanitary sewers or storm sewers involved, plans and profiles of these facilities must be delivered to the Development Officer for approval.

7.04 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 recommended to the Council the location of the streets, or the land for public purposes, or both, as the case may be, within the proposed subdivision,

(b) that the Development Officer 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 76-154 under the *Clean Environment Act*, the Department of Environment and Local Government has approved the plans and profiles for the installation of water lines, gate valves, hydrants, storm sewers, catch basins, sanitary sewers, lift stations and manholes, and

(d) that the developer deposit with the Clerk sufficient money, bonds or securities to cover fifty (50) percent of the cost for the installation and construction of all services within the subdivision and has given a performance bond to guarantee the labour and materials within the subdivision for a period of twelve months after the date of final inspection and acceptance by the Village of these services.

8. Conditions Precluding Approval Of A Subdivision Plan

The Development Officer shall not approve a subdivision plan if in his or her opinion and in the opinion of the Planning Advisory 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 reasonable time after the 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.

9. Enforcement

9.01 The Development Officer, or any person authorized by Council, has the right to enter at all reasonable times upon any property within his or her jurisdiction for the purpose of making an inspection that is necessary for the administration or enforcement of a by-law or regulation relating to the *Community Planning Act*.

9.02 Where a development is undertaken in contravention of this by-law or any of the terms and conditions imposed pursuant thereto, a person authorized by Council may order,

(a) cessation of the development,

(b) alteration of such development so as to remove the contravention,

(c) the doing of anything required restoring the land, building, or structure to its condition immediately prior to the undertaking of such development, or

(d) the payment of costs recoverable by the municipality under the terms of this by-law.

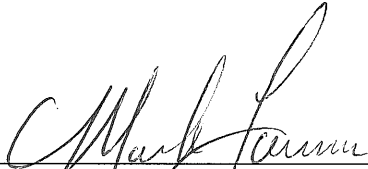
9.03 For the purposes of enforcement, a person authorized by Council shall act in accordance with sections 93 and 94 of the *Community Planning Act*.

10. Repeal Provision

10.01 By-law No. 4, A Subdivision By-law, passed by Village Council on February 13, 1969, and By-law No. 13, A Subdivision By-law, is hereby repealed.

10.02 The repeal of By-law No. 4, A Subdivision By-law, and Bylaw No. 13, A Subdivision By-law, 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.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE VILLAGE OF
STANLEY ON November 12, 2003.



Mark Foreman, Mayor



Lorna Pinnock, Village Clerk

Read for the first time on: Oct. 16/03
Read for the second time on: Oct. 16/03
Read for the third time and enacted on: Nov. 12/03