

BY-LAW NO. 127

SUBDIVISION BY-LAW

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

INTERPRETATION

1. In this by-law:

(a) "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; and

(b) "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 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 setback (required by By-law or regulation) intersects a line from the mid-point of and perpendicular to the line to which it is parallel.

SCOPE

2. This by-law provides for regulation of the sub-dividing of land in the municipality.

STREETS

3. (1) In a subdivision, unless otherwise stipulated by Council,

(a) every street shall have a width of 20 metres (65.6');

(b) a cul-de-sac shall not exceed 183 metres (600.3') in length, and shall terminate with a circular area having a radius of 15 metres (49.2'); and

(c) no street may have a gradient in excess of 6%

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

(4) In arriving at a decision regarding a recommendation with respect to the location of streets in a proposed subdivision, the 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; 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 Advisory Committee.

LOTS, BLOCKS AND OTHER PARCELS

4. (1) Every lot, block and other parcel of land in a subdivision shall abut

- (a) a street owned by the Crown or the municipality;
or
- (b) such privately-owned street or other access as may be approved by the Advisory Committee 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 23 metres (75.6')
- (b) a depth of at least 30 metres (98.5') and
- (c) an area of at least 690 square metres (0.17 acre).

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

- (a) a width of at least 23 metres (75.6');
- (b) a depth of at least 30 metres (98.5'); and
- (c) an area of at least 690 square metres (0.17 acre).

(4) 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 54 metres (177.2');
- (b) a depth of at least 38 metres (124.8'); and
- (c) an area of at least 4000 square metres (0.99 acre).

(5) Subject to subsection (4), a block in a subdivision

- (a) shall be at least 122 metres (400.2') and not more than 305 metres (1,000.6') long; and
- (b) shall have a depth of not less than two lots.

(6) Where a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 305 metres (1,000.6') in length if pedestrian walkways are provided for access or circulation to schools, libraries, playgrounds or other such facilities.

LAND FOR PUBLIC PURPOSES

5. (1) Subject to this section, as a condition of approval of a subdivision plan, land in the amount of 8 per cent of the area of the proposed subdivision exclusive of streets intended to be publicly-owned, at such location as may be (recommended by the Advisory Committee or otherwise approved by Council) is to be set aside as land for public purposes 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

- (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 Rural Plan 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 Rural Plan By-law, and
 - (ii) which abuts a publicly-owned street that on the coming into force of this by-law was paved and had water and sewer facilities installed therein.

(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 per cent 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.

(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 or sum paid.

TENTATIVE PLAN

6. A person seeking approval of a subdivision plan shall submit to the Development Officer four copies, or as many as may be required by the Development Officer, of a tentative plan, drawn to a scale of 1-1000, 1-2000, 1-3000, 1-4000 or 1-5000, together with a written application for approval of such tentative plan.

CONDITIONS OF APPROVAL

7. (1) No approval by the Development Officer of a subdivision plan shall be given unless, in the opinion of the Advisory Committee,

- (a) the land is suited for the purpose for which the subdivision is intended and may reasonably be expected

- to be used for that purpose within a reasonable time after the subdivision plan is approved;
- (b) the proposed subdivision conforms to the Rural Plan, and to the provisions of any by-law in effect in the municipality; and
 - (c) the proposed manner of subdivision will not prejudice the possibility of further subdividing land in the subdivision, or the convenient subdivision of adjoining land.
- (2) Where water or sewerage services are required or a street, no approval of a subdivision plan shall be given unless, in the opinion of council,
- (a) the council will be able in the foreseeable future to provide the proposed subdivision with the sewerage collector system or water service required, or the person proposing the subdivision has made satisfactory arrangements for providing such services; and
 - (b) the owner of the land has made satisfactory arrangements to install such services within the subdivision at his own expense or has delivered a performance bond acceptable to the council in an amount sufficient to cover such expenses.

ENFORCEMENT

The Development Officer and the Building Inspector are authorized by the council to enter, at any reasonable time, any inspection or examination relating to subdivisions, or of administering or enforcing this by-law or any provision of the Community Planning Act relating to subdivisions.

BY-LAW REPEALED

8. By-law No. 24, the Subdivision By-law, is hereby repealed.

READ FIRST TIME: September 9, 1997

READ SECOND TIME: October 14, 1997

READ THIRD TIME AND ENACTED: October 14, 1997

MAYOR

CLERK

BY-LAW NO. 127A

SUBDIVISION BY-LAW

A BYLAW TO AMEND THE BYLAW OF THE MUNICIPALITY OF MINTO SUBDIVISION
BY-LAW

By amending the section entitled enforcement by adding the following number:

8. Enforcement,

And by adding a new section number 9 entitled:

Penalty

9. (1) Every person who violates any provision of this by-law is guilty of an offence.
- (2) Every person charged with an offence under any section of this by-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of fifty dollars (\$50.00).
- (3) If the voluntary payment set out in section 9(2) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of seventy five dollars (\$75.00).
- (4) The voluntary payment set out in either section 9(2) or 9(3) shall be made payable to the Village of Minto as follows:

in person at 420 Pleasant Drive, Minto, in cash or by certified cheque or money order made payable to The Village of Minto;

Or

by mail to: The Village of Minto, 420 Pleasant Drive, Minto, N.B., E4B 2T3, "Attention Clerk Administrator", by certified cheque or money order only, payable to The Village of Minto;

at which time the ticket or ticket number shall be surrendered to the Village of Minto and such payment shall be deemed payment in full.
- (5) If the voluntary payment set out in either section 9(2) or 9(3) has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than one hundred & fifty dollars (\$150.00) and not more than the maximum fine which may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category C offence.

FIRST READING: February 2, 2010

SECOND READING: February 2, 2010

THIRD READING: February 9, 2010

MAYOR

CLERK