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number - numéro

MAY 22 2007
date

Village of St. Martins Subdivision Bylaw By-Law No. 22

May, 2007

6. Nothing in this Bylaw shall relieve any person from the obligation to comply within the requirements of the Rural Plan, Building Bylaw or any other bylaw of the Village in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any bylaw of the Village or act or regulation of the Provincial or Federal Government. In the event of conflict between this bylaw and any other act or regulation, the most restrictive obligation shall prevail.

IV APPLICATION

7. This bylaw applies throughout the Village and, except where otherwise provided for in the Act, no lands within the Village shall be subdivided except in accordance with the provisions of this Bylaw and in accordance with the relevant provisions of the Community Planning Act.

V SUBDIVISION OF BACKLANDS

8. The subdivision of any lands identified as Backlands in the Rural Plan will be in keeping with the provisions set out in the Rural Plan.

VI SUBDIVISION OF LANDS WITH OR NEAR LIVESTOCK FACILITIES

9. The subdivision of any lands with or near to livestock operations or facilities shall be in keeping with the provisions set out in the Rural Plan.

VII TENTATIVE PLAN

10. Unless exempted by the Development Officer, 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.
11. 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) the approximate location of any stormwater management detention/retention basins
- (o) proposed roadway grades
- (p) any further information required by the development officer to assure compliance with the subdivision bylaw

VIII PUBLIC STREETS

12. All new public streets shall meet the design and construction standards set out in the provincial Guide to Minimum Standards for the Construction of Subdivision Roads and Streets, unless otherwise stated by the Planning Commission. The Village Council will not take ownership of a private street unless it meets these standards.
13. All public streets shall have a minimum right-of-way width of 20 metres (66 feet) and shall be constructed within the right-of-way boundaries. Some exceptions will be permitted to accommodate existing development.
14. A cul-de-sac shall not exceed 365 metres (1,200 feet) in length and shall terminate with a circular area having a radius of 18 metres (60 feet).
15. The maximum grade on streets shall be eight percent (8%).
16. Streets shall be laid out so as to intersect as nearly as possible at right angles.
17. Jogged intersections are to be avoided by ensuring intersections on opposite sides of a street are offset by at least 40 metres (131 feet).
18. Reserve strips abutting a street in a proposed subdivision are prohibited, except where such strips are vested in the Crown or the Village of St. Martins.
19. Names of streets in a subdivision are subject to the approval of the Planning Commission, in accordance with Section 12.5 of the Rural Plan.
20. All streets shall be chip sealed and have a minimum surface width of 7.3 metres. The chip sealing shall be performed to the specifications outlined by the Village Council of St. Martins.

21. 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.

IX PRIVATE STREETS

22. All private streets shall have a minimum right-of-way width of 20 metres (66 feet) and shall be constructed within the right-of-way boundaries. Some exceptions will be permitted to accommodate existing development or to provide access to backland properties.
23. A cul-de-sac shall not exceed 365 metres (1,200 feet) in length and shall terminate with a circular area having a radius of 18 metres (60 feet).
24. The maximum grade on streets shall be eight percent (8%).
25. Streets shall be laid out so as to intersect as nearly as possible at right angles.
26. Jogged intersections are to be avoided by ensuring intersections on opposite sides of a street are offset by at least 40 metres (131 feet).
27. Reserve strips abutting a street in a proposed subdivision are prohibited, except where such strips are vested in the Crown or the Village of St. Martins.
28. Private streets shall be constructed to the following construction standards:
- (a) minimum 12-metre (40 ft) width to be cleared and grubbed of organic matter
 - (b) ditching with a minimum depth of 600 millimetres (24 in.) where necessary to eliminate surface water flow over the road and adjacent properties, minimize negative impacts on surrounding properties, and carry run-off to sufficient outlets
 - (c) cross-culverts to be a minimum 600 millimetres (24 in) in diameter or larger as dictated by the potential water run-off flow
 - (e) culverts to meet DOT standards and have a minimum of 800 millimetres (32 in) of cover
 - (f) minimum driving surface width to be 6 metres (20 ft) from top of shoulder to top of shoulder
 - (g) gravel depth must suit the sub-grade soil conditions, but shall be composed of a minimum sub-grade layer of 300 millimetres (12 in) of thick gravel or rock and a minimum surface layer of 100 millimetres (4 in) of fine material with a maximum size of 75 millimetre (3 in) minus

- (h) minimum overhead clearance of 5 metres (17 ft)
- (i) a turn-around to be constructed at the end of any cul-de-sac that is more than 90 metres (295 ft) in length
- (j) ditches and all other disturbed areas to be reseeded and mulched
- (k) to have uninterrupted legal access to a suitable public road
- (l) to have written confirmation from a New Brunswick Professional Engineer that the road has been constructed in accordance with the standards outlined throughout this bylaw, before the tentative plan of subdivision is given final approval.

29. Names of streets in a subdivision are subject to the approval of the Planning Commission in accordance with Section 12.5 of the Rural Plan.

30. 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.

X. LOTS, BLOCKS and OTHER PARCELS

31. 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) a public street owned by the Crown or Village of St. Martins
- (b) such privately owned street or other access as may be approved by the Planning Commission as being advisable for the development of land.

32. 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 St. Martins Rural Plan.

33. A block shall not exceed 240 metres (800 feet) or be less than 120 metres (400 feet) in length and shall have a depth of at least two (2) lots.

XI LAND FOR PUBLIC PURPOSES

32. Except as here and otherwise provided, where approval is sought for a plan of subdivision which will create ten (10) or more lots, land in the amount of 10 (ten) percent of the area of the subdivision, exclusive of streets, shall as a condition of approval of the plan of subdivision be set aside as land for

public purposes and be so indicated on the subdivision plan. The location of the dedicated land shall also be subject of approval of the Planning Commission and Council.

33. At the discretion of Council there shall be paid to the Village in lieu of the setting aside of lands for public purposes under subsection (32) a sum representing eight percent of the market value of the land in the subdivision at the time of submission for approval of the subdivision plan, exclusive of land indicated as streets intended to be publicly-owned.
34. Subsection (32) does not apply to that part of a subdivision plan that creates a lot that is intended to be used for non-residential purposes.
35. Where approval of a plan of subdivision will create one (1) or more lots containing useable main buildings, existing at the time of the application for subdivision, such lot(s) shall be excluded from the area of the subdivision for purposes of determining the land to be set aside as land for public purposes pursuant to subsection (32).
36. Where approval of a plan of subdivision is sought solely for the purpose of creating a parcel of land to be assembled with other lands for subsequent subdivision, the condition of approval of the plan of subdivision prescribed by subsection (32) shall not apply.
37. Where approval of a plan of subdivision is sought solely for the purpose of adding a portion of the subdivision to an adjacent parcel of land the condition of approval of the plan of subdivision prescribed by subsection (32) shall not apply.
38. Where as a condition of approval of a plan of subdivision, land has been set aside for public purposes or money has been paid to the Village in lieu thereof, there shall not be required as a condition of approval of any further or other subdivision of the same land the setting aside of land for public purposes or payment of money in lieu thereof.

XII WELL WATER SUPPLIES

39. Water Supply Assessment

Approval of residential subdivisions will be contingent on reasonable assurances of an adequate quantity and quality of drinking water, as well as measures to protect drinking water sources. In accordance with the Planning Commission's *Water Supply Assessment Guidelines*, the proponent may be required to undertake a water supply assessment to confirm an adequate quantity and quality of water for the proposed development.

40. Well Drilling Report

Notwithstanding the requirements of the *Water Supply Assessment Guidelines*, where only one or two lots are being created in an area with suspected or documented drinking water quality or quantity problems, a well driller's report and water analysis that meets the Water Quality Parameters set out in Appendix 2 of the *Water Supply Assessment Guidelines* may be submitted as an alternative to an Abbreviated Study.

XIII MUNICIPAL FACILITIES

41. Where a person proposes to subdivide in such manner that pursuant to Section X, a street is required to be provided, or in a location that pursuant to the Rural Plan, municipal water or sewer lines, or both, are required to be provided, the Development Officer shall not approve a tentative subdivision plan unless in opinion of 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 Council, or 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.

XIV. CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN

42. The Development Officer shall not approve a tentative plan if in his or her opinion, and in the opinion of the Planning 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 plan is approved
- (b) the intended purpose would contravene policies or zoning provisions of the Rural Plan
- (c) the intended purpose would contravene Provincial regulations or has not received necessary Provincial approvals
- (d) the intended purpose would contravene the National Building Code
- (e) the proposed manner of subdividing would prejudice the possibility of further subdividing the land or convenient subdividing of adjoining land.

XV. FINAL APPROVAL

43. After receiving approval for the tentative subdivision plan, a person may submit to the development officer a written application for the approval of a subdivision plan for all or any part of the land comprised in the tentative plan.

44. Unless the Development Officer exempts a parcel of land from the provisions of this Bylaw or the Community Planning Act, approval may be given to a subdivision plan only where:

- (a) such plan is in general conformity with an approved tentative plan
- (b) such plan is in conformity with the Village of St. Martins Rural Plan, and
- (c) lots to be created by such subdivision plan abut a collector or arterial street or similar street, route, streets or other access as may be approved by the Planning Commission as being advisable for the development of land.

45. Final Subdivision Plans shall be in accordance with Section 52 of the Community Planning Act.

46. The Development Officer shall not approve a subdivision plan if, in their opinion, and in the opinion of the Planning Commission, the final subdivision plan:

- (a) has been altered since the approval of the tentative subdivision plan so that it does not conform to the subdivision or zoning bylaws or the Rural Plan
- (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.

XVI INSPECTION AND ENFORCEMENT

- 47. 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 bylaw.
- 48. Any person who violates a provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine.

READ FIRST TIME BY TITLE: April 2, 2007

READ SECOND TIME IN ITS ENTIRETY: April 2, 2007

READ THIRD TIME BY TITLE AND ENACTED: May 7, 2007

James Huttges
Mayor

Sandra Roy
Clerk

