

Town of Grand Bay-Westfield

A Community of Friends !



Town Planning

The Council of the Town of Grand Bay-Westfield, under authority vested in it by section 42 of the Community Planning Act, enacts as follows:

TITLE

1. This By-law may be cited as the Town of Grand Bay-Westfield Subdivision By-law.

INTERPRETATION

2. 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.
 - 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 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 setback (required by law or regulation) intersects a line from the midpoint of and perpendicular to the line to which it is parallel; and
 - c) “Advisory Committee” means the Planning Advisory Committee established by the Council.

SCOPE

3. This By-law provides for regulation of the subdividing of land in the Municipality. Construction of streets may not proceed until a tentative plan has been properly approved.
4.
 - (1) In a subdivision, unless otherwise approved by Council,
 - a) every street shall have a width of 20 metres;
 - b) no street may have a gradient in excess of 8%;
 - c) minimum 50 metres separation between staggered intersections on local streets.
 - (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 provisions to bring the existing access to the same standards 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 provisions of lots suitable for the intended use,**
 - c) street intersections and interceptions being as nearly as possible level and 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 lands.****
- (5) Names of streets in a subdivision are subject to the approval of the Advisory Committee.**

LOTS, BLOCKS AND OTHER PARCELS

- 5. (1) Every lot, block and other parcel of land in a subdivision shall abut,
 - a) a street owned by the Crown or the Municipality.****
- (2) The dimensions and area of a lot in a subdivision are subject to the requirements of the Zoning By-law.**
- (3) Subject to subsection (4) a block in a subdivision shall,
 - a) be at least 120 metres and not more than 300 metres long, and**
 - b) have a depth of not less than two lots.****
- (4) Where a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 300 metres in length if pedestrian walkways are provided in number, location and width approved by the Advisory Committee as acceptable for access or circulation to schools, libraries, playgrounds or other such facilities. Such walkways are to be publicly owned and constructed by the Developer.**
- (5) Easements shall be provided when necessary,
 - a) for utilities and walkways at least 6 metres wide, and**
 - b) for natural water courses at least 10 metres wide.****

LAND FOR PUBLIC PURPOSES

- 6. (1) Subject to this section, as a condition of approval of a subdivision plan, land (not including streets) in the amount of 8 percent of the area of the proposed subdivision exclusive of streets intended to be publicly owned (at such locations 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 that:
 - a) creates a parcel of land solely for the purpose of:
 - (i) being assembled with other parcels for later subdivision.******
- (3) Council may require, in lieu of land set aside under subsection (1), a sum of money to be paid to the Municipality in the amount of 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**

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 aside or sum paid.

MUNICIPAL FACILITIES

7. (1) Where a person proposes to subdivide land in such a manner that a street is required to be provided, or in such location that Municipal water or sewer facilities or both are required to be provided, the Development Officer shall not approve a subdivision plan unless,
- a) Council will be able, in the foreseeable future, to approve the provision of a street and where required, water and sewer lines or both, to the boundaries of a 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 the Municipality or has entered into a Subdivision Developer's Agreement with Council that is binding on his heirs, successors, and assigns to pay the cost of facilities required within the subdivision, and if applicable to the subdivision.
- (2) The attached Schedule A, Specifications for Developers, is adopted as minimum standards for the construction of a subdivision within the Town of Grand Bay-Westfield. The subdivision will not be accepted by the Municipality until construction is completed in accordance with these standards and the Subdivision By-law.

RESPONSIBILITIES OF THE SUBDIVIDER

A person seeking approval of a subdivision plan shall submit to the Development Officer a written application for approval of a tentative plan and as many copies of the tentative plan as such officer

8. (1) requires
- a) every application for approval of a tentative subdivision plan shall be subject to and accompanied by
 - b) an application fee of \$100.00.
unless exempted by the Development Officer, under section 44 (1) (c) of the Community Planning Act the tentative plan must be to the scale of one to five hundred (1:500); one to two thousand (1:2000) or one to five thousand (1:5000) and on material of one of the following sizes:
 - (i) 21.5 cm by 35.5 cm,
 - (ii) 35.5 cm by 43 cm or
 - (iii) 50 to 75 cm by 50 to 100 cm.
 - c) a tentative plan shall be marked "Tentative Plan" and shall show all details as outlined below in section
 - (i) to (xiv) unless such requirements are exempted in whole or in part by the Development Officer:
 - (i) the proposed name of proposed subdivision;
 - (ii) the boundaries of that part of the plan sought to be approved marked by a black line of greater weight than all other lines on the diagram of the plan;
 - (iii) the locations, widths and names of existing streets on which the proposed subdivision abuts,

- (iii) and the locations, widths and proposed names for the proposed streets therein;
 - (iv) 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; the nature, location and dimensions of any existing restrictive covenant, easement or right-of-way
 - (v) affecting the land proposed to be subdivided, and of any easement intended to be granted within the proposed subdivision;
 - (vi) natural and artificial features such a buildings, railways, highways, water-courses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
 - (vii) the availability and nature of domestic water supplies;
 - (viii) the nature and porosity of the soil;
 - (ix) such contours or elevations as may be necessary to determine the grade of the streets and the drainage of the land;
 - (x) the municipal services available or to be available to the land proposed to be subdivided; where necessary to locate the proposed subdivision in relation to existing streets and
 - (xi) prominent natural features, a small key plan acceptable to the Development Officer showing such location;
 - (xii) plans for landscaping and tree planting;
 - (xiii) the proposed location of every building; and
 - (xiv) any further information required by the Development Officer to assure compliance with the subdivision by-law.
- (2) The construction of streets shall at least comply with the minimum standards for construction of subdivision roads and streets as shown in Schedule "A". The subdivider is responsible for the entire cost of construction of streets and services within the subdivision. Ordering and placement of street signs including of street name signs and stop signs shall be co-ordinated through the Works Commissioner at the Developer's expense.
- (3) If there are new streets, water lines, sanitary sewers or storm sewers involved, then plans and profiles of these facilities must be delivered to the Development Officer. The Developer must deliver "AS-BUILT PLANS" to the Development Officer when the work has been completed.
- (4) Where municipal water is not provided, a water supply source assessment for water quality and quantity for future development, meeting the Canadian Drinking Water Quality Guidelines (CDWQG) is required to be completed by a qualified hydrologist or a qualified professional engineer with training in ground water science prior to Tentative Approval being granted, subject to review and acceptance of the report by the Department of Health and Department of Environment and Local Government.

APPROVAL OF COUNCIL

9. (1) 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 Advisory Committee, subject to section 4 (4), has recommended to Council, in writing, the location and names of streets, the location of lands to be set aside for public purposes and any further recommendation deemed appropriate by the Advisory Committee or such recommendations have been rejected by a majority vote of the whole Council and further, granted any variances deemed reasonable by them;
 - b) that pursuant to Water Quality Regulation 82-126 under the Clean Environment Act, the Department of the Environment has approved the plans and profiles for the installation of water lines, gate valves, hydrants, storm sewers, catch basins, manholes, etc.:

- gate valves, hydrants, storm sewers, catch basins, manholes, etc.,
- c) that a development agreement binding upon the Developer and the Council has been properly drafted and executed so as to become effective upon approval, by Council, of the subdivision plan; and
 - d) that the subdivider has deposited with the Town Clerk sufficient money, bonds or securities to cover 100% of the cost to complete 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 12 months after the date of final inspection and acceptance by the Town of these services. The security for subdivision agreements must be in in the form of cash, bond, irrevocable standby letter of credit or letter of guarantee.

10. (1) The Development Officer shall not approve a subdivision plan:

a) if in his opinion and in the opinion of the Advisory Committee:

(i) 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

(ii) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing or adjoining land.

b) until all conditions of approval have been satisfied.

BY-LAW REPEALED

11. By-law No. 12 entitled, Subdivision By-law law and any amendments thereto, for the Village of Westfield, enacted the 22nd day of February, 1983 is hereby repealed.

12. By-law No. 6 entitled, Village of Grand Bay Subdivision By-law and any amendments thereto, enacted the 27th day of May, 1985 is hereby repealed.

13. This By-law entitled, Town of Grand Bay-Westfield Subdivision By-law, comes into effect on the date of filing in the Registry Office.

READ A FIRST TIME this 26 day of May , 2003.

READ A SECOND TIME this 26 day of May , 2003.

READ BY SECTION NUMBERS ON JUNE 23, 2003.

READ A THIRD TIME AND ENACTED this 23rd day of June, 2003.

**Sandra Gautreau
Town Manager (Clerk)**

**Grace Losier
Mayor**

Seal