

**TOWN OF FLORENCEVILLE-BRISTOL
BY-LAW NO. 15
SUBDIVISION BY-LAW**

The Council and Municipality of Florenceville-Bristol under authority vested in it under Part 4, Division F of the *Community Planning Act*, R.S.N.B. 2017, Ch. 19 replaces the by-law enacted October 12, 2010 by the following by-law:

1. TITLE AND APPLICATION

1.1 By-law No. 15, the Town of Florenceville-Bristol Subdivision By-law, is hereby adopted.

1.2 This By-law may be cited as "The Town of Florenceville-Bristol Subdivision By-law".

1.3 This By-law applies within the Town of Florenceville-Bristol municipal boundaries as outlined in Regulation 85-6 under the *Municipalities Act*.

1.4 The following sections, schedules and any amendments thereto form part of this By-law.

2. INTERPRETATION

2.1 Definitions

In this By-law the following words are defined as provided in this Section.

“ACT, THE”

Means the *Community Planning Act*, R.S.N.B. 2017, Ch. 19, and any amendments thereto.

“ARTERIAL STREET”

Means a *street or road* with the primary function to move large volumes of through traffic with limited direct access to adjacent *development*.

“BUILDING”

A *structure* having a roof supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of *persons*, animals or goods.

“COLLECTOR STREET”

Means a *street or road* with the functions of providing land access and traffic movement as equal importance.

“COUNCIL”

Means the Mayor and Councillors of the Town of Florenceville-Bristol.

“CAO”

Means the Chief Administrative Officer of the Town of Florenceville-Bristol.

"DEVELOPMENT OFFICER"

Means the *Development Officer* appointed by the *Council*.

"DEVELOPER"

Means an individual or corporation seeking to obtain a variance, a rezoning or the approval of a *building* permit, a subdivision plan, or who enters into a subdivision agreement with the *Town*.

“DEVELOPMENT”

Means development as defined in the *Community Planning Act*, R.S.N.B. 2017, Ch. 19 and amendments thereto.

"GRADIENT"

Means the degree of rise or descent of a *street*.

"LAND FOR PUBLIC PURPOSES"

Means land other than *streets* for the recreational or other use for the enjoyment of the general public such as:

- (a) an access to a lake, river, stream, sea, or other body of water;
- (b) a beach or scenic area along the shore of a lake, river, stream, sea, or other body of water;
- (c) a conservation area;
- (d) land adjoining a school for joint *recreational uses*;
- (e) land for a community hall, public library, *recreational use* or other similar community facility;
- (f) open space to provide air and light to afford a view to or from a *development*, or to a lake, river, stream, sea, or other body of water, or for other purposes;
- (g) a park, greenbelt, or buffer area dividing developments, parts of a highway, or *development* and a highway;
- (h) a pedestrian way to a school, *shopping centre*, *recreational area*, or other facility;
- (i) a protection area for a water course, stream, marsh, water supply, lake, or other body of water;
- (j) a *public park*, playground, or other recreational use;
- (k) a visual feature; or
- (l) a wooded area, slope area, or a sight giving view to a scenic area to provide diversity.

"LOCAL STREET"

Means a *street or road* whose major function is to provide direct land access to abutting properties and is designed to carry low traffic volumes for short distances.

"LOT"

A parcel of land or two or more adjoining parcels held by the same owner used or intended to be used as the site for a *building* or an appurtenance thereto, whether or not such lot is shown on a

filed subdivision plan or is the subject matter of a separate deed or a separate description in a deed.

"MUNICIPAL PLAN"

Means the Municipal Plan of the Town of Florenceville-Bristol and its amendments thereto.

"OPEN SPACE"

Means land that is left more or less unoccupied by any *buildings* or *structures* but is used for one of the following purposes:

- (a) preservation of natural areas;
- (b) preservation of environmentally sensitive areas; or
- (c) passive *recreation uses*.

"OWNER"

Means the beneficial *owner*, and where applicable, means the *owner* of the fee simple or if such property is held subject to a mortgage, it means the owner of the equity of redemption and if title shall be held in joint tenancy or tenancy in common, it means each of such *owners* jointly and severally.

"PERSON"

Includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee, or agent, and the heirs, executors, or other legal representatives of a *person* to whom the context can apply according to law.

"PLANNING ADVISORY COMMITTEE"

Means the *Planning Advisory Committee* established by *Council*.

"PUBLIC PARK"

An outdoor space characterized by its natural, historic or landscaped features, owned or controlled by a public authority or by any board, commission or other authority established under any statute of the Province of New Brunswick or Government of Canada; and includes playgrounds, playing fields, outdoor skating rinks, community gardens, linear parks and trails, and other similar outdoor *recreational uses*.

"RECREATION AREA OR USES"

The use of land, *buildings* and *structures* for tennis courts, lawn bowling greens, indoor skating rinks, outdoor skating rinks, curling rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory *buildings* and *structures*, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles, or any animals.

"RESERVE STRIPS"

Narrow strips of land 0.3 m (1 foot) wide that separate properties from a street or road allowance. They can be owned and controlled by the municipality or land owner and are used as an access control tool.

“SHOPPING CENTRE”

Means a commercial *development* of at least 5,575 m² (60,000 ft²) of land, consisting of one or more business establishment(s), which is designed, developed, operated or controlled by a single owner or tenant, or a group of *owners* or tenants containing such retail stores, service shops and other establishments as permitted by this By-law, in a unitary type *building* or *buildings* at least 1,486 m² (16,000 ft²) in size and characterized by the sharing of common parking lots and driveways.

“STREET OR ROAD”

Means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick, or the Town of Florenceville-Bristol.

“STRUCTURE”

Means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include *buildings*, walls, signs, fences exceeding 2 m (6.56 ft) in height and other similar erections. It does not include utility lines or poles, traffic control devices, pavement, curbs, sidewalks, or statutory notices.

“WIDTH”

Means, in relation to a *lot*:

- (i) where the side *lot* lines are parallel, the distance measured across the *lot* at the *street line*; or
- (ii) where the side *lot* lines are not parallel, the distance measured across the *lot* at the required front yard.

"ZONING BY-LAW"

Means the Zoning By-law of the Town of Florenceville-Bristol and its amendments thereto.

2.2 Metric Measurements

For the purposes of convenience, the measurements contained in this By-law include both Metric and Imperial, of which only the Metric numbers shall be the measurements formally adopted in this By-law. Measurements may be abbreviated in the following manner:

- (a) metres or m;
- (b) feet or ft;
- (c) square metres or m²;
- (d) square feet or ft²;
- (e) inches or in;
- (f) centimetres or cm; and
- (g) millimetres or mm.

2.3 Interpretation In This By-law

In this By-law:

- (a) the words “shall” and “must” are mandatory and not permissive;
- (b) the word “may” is to be construed as permissive and empowering;
- (c) the word “required” is to be construed as a compulsory obligation;
- (b) words used in the present tense shall include the future;
- (c) words used in the singular number shall include the plural and words used in the plural number shall include the singular;
- (d) words using masculine gender include feminine gender and words using feminine gender include masculine gender; and
- (e) words in either gender include corporations.

2.4 The Use of Italics and Underlining

- (1) The use of italics in the Zoning By-law identifies words that have specific definitions under Section 1.2 and is intended to make the By-law easier to use and shall not be considered to impact the *use*, intent, implication, application or definition of any word contained within this By-law.
- (2) Should a word with a definition under Section 2.1 of this By-law not be italicized, or vice versa, it shall not impact the required compliance with any standard, provision or requirement of this By-law.
- (3) Words that have been underlined and italicized indicate a specific piece of Federal or Provincial legislation.

3. SCOPE

- 3.1 This By-law provides for the regulation of the subdividing of land in the municipality. Construction of *streets* may not proceed until a tentative plan of subdivision has been properly approved.

4. STREETS

- 4.1 In a subdivision, unless otherwise stipulated by the *CAO*:
 - (a) *arterial street* rights of way shall have a width of 30 m (98.4 ft);
 - (b) *collector street* rights of way shall have a minimum width of 20 m (65.6 ft);
 - (c) *local street* rights of way shall have a width of 20 m (65.6 ft);
 - (d) a cul-de-sac shall not exceed 180 m (590.6 ft) in length, and shall terminate with a circular area having a radius of 18 m (59.1 ft), at the right-of-way edge and a radius of 12 m (39.4 ft) at the outside edge of pavement; and
 - (e) no *street* may have a gradient in excess of eight (8) percent.
- 4.2 *Streets* shall be paved or chip sealed.
- 4.3 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. The existing access must be vested in the Municipality as a public *street* upon registering the plan of subdivision.

- 4.4 *Reserve strips* abutting a *street* in a subdivision are prohibited, except where such strips are vested in the municipality.
- 4.5 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.
- 4.6 Names of *streets* in a subdivision are subject to approval of *Council*.
- 4.7 Unless otherwise provided by the *CAO*, all streets shall be designed and constructed in accordance with the standards of the New Brunswick Department of Transportation that are contained in the document entitled “~~A Guide to the Minimum Standards for the Construction of Subdivision Roads and Streets~~” and hereto attached to this By-law as Schedule “A”. The subdivision will not be accepted by the *Town* until construction is completed in accordance with these standards and the Subdivision By-law.

5. 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 *Town*; or
 - (b) such other access as may be approved by the *Planning Advisory Committee* for the *development* of land.
- 5.2 The dimensions and the area of a *lot* in a subdivision are subject to the requirements of the *Zoning By-law*.
- 5.3 Subject to subsection 5.4, a block in a subdivision shall be at least 120 m (393.7 ft) and not more than 240 m (787.4 ft) long, and shall have a depth of not less than two *lots*.
- 5.4 Where a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 240 m (787.4 ft) in length if pedestrian walkways are provided in number, location and width as approved by the *Planning 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*.

- 5.5 Easements shall be provided when necessary for utilities and walkways and be at least 6 m (19.7 ft) wide.

6. LAND FOR PUBLIC PURPOSES

- 6.1 Subject to this section, as a condition of approval of a subdivision plan, land in the amount of eight percent (8%) 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 so indicated on the plan.
- 6.2 *Council* may require, in lieu of land set aside under subsection 6.1, a sum of money to be paid to the municipality in the amount of eight percent (8%) 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.
- 6.3 Nothing in this section shall affect the ability of the applicant and the Town of Florenceville-Bristol to enter into an agreement providing for the setting aside of part land and part cash-in-lieu, provided that the aggregate value to the *Town* shall not be less than that provided in sections 6.1 or 6.2.
- 6.4 This section does not apply:
- (a) in the case of a parcel of land that is being created for the purpose of being added to and forming part of an adjoining parcel;
 - (b) in the case of a subdivision plan that involves the assembly of land for future subdivision; and
 - (c) in the case of a *lot* that is being created to accommodate a useable main *building*, provided such *building* existed prior to this By-law coming into force.
- 6.5 Where, as a condition of approval of a subdivision plan, land has been set aside under subsections 6.1, or the provisions of sections 6.2 or 6.3 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.

7. MUNICIPAL FACILITIES

- 7.1 Where a *developer* proposes to subdivide land in such 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, in the opinion of the *CAO*:

- (a) *Council* will be able, in the foreseeable future, to provide a street, and where required sewer lines, to the boundaries of the subdivision; and
- (b) The *developer* proposing the subdivision has made satisfactory arrangements to deposit a sum of money sufficient to cover the cost, or a performance bond with the municipality, 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.

8. RESPONSIBILITIES OF THE SUBDIVIDER

- 8.1 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.
- 8.2 A person seeking approval of a tentative subdivision plan shall submit to the *Development Officer* two copies thereof, drawn to a scale for approval by the *Development Officer*.
- 8.3 Unless exempted there from by the *Development Officer*, a person seeking approval of a tentative subdivision plan shall submit to the *Development Officer* a written application for approval of a tentative subdivision plan.
- 8.4 Every application for approval of a tentative subdivision plan shall be subject to and accompanied by the applicable subdivision fee per the User Fee Policy.
- 8.5 A tentative subdivision plan shall be clearly marked "TENTATIVE PLAN" and shall show all details as described in Part 4, Division F, Subsection 81(2) (a) to (n) inclusive of the *Community Planning Act* unless such requirements are exempted in whole or in part by the *Development Officer*.
- 8.6 The construction of streets shall comply with the minimum standards outlined in "Minimum Standards for the Construction of Subdivision Roads and Streets" and hereto attached to this By-law as Schedule "A".
- 8.7 If there are new *streets*, water lines, sanitary sewers or storm sewers involved, plans and profiles of these facilities must be delivered to the *Town* for their perusal, comments and final approval, and delivery of "As Built Plans" to the *Town* must occur when work has been completed.
- 8.8 The subdivider shall not commence construction of services until a subdivision plan has been filed and approved.
- 8.9 Except where exempted by the *Development Officer* under the *Community Planning Act*, every subdivision submission must be of the form prescribed under the *Community Planning Act*.

9. APPROVAL OF COUNCIL

9.1 Pursuant to Part 4, Division F, Section 88 of the Community Planning Act regarding approval of a subdivision plan for streets, *Council* shall not approve a subdivision plan until the following steps have been taken:

- (a) the *Planning Advisory Committee*, subject to section 4.5 of this By-law, has recommended to *Council* in writing, the location and names of streets, the location of *lands for public purposes* and any further recommendation deemed appropriate by the *Planning Advisory Committee* and has further granted any variances deemed reasonable by them or such recommendations have been rejected by a majority vote of *Council*;
- (b) pursuant to Regulation 82-126 under the Clean Environment Act, the Department of Environment 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;
- (c) the *Town* has approved the plans and profiles for the installation of *streets* and services and has also approved the type of materials to be installed within the subdivision;
- (d) a *development* agreement binding on the *developer* and the *Town* has been properly drafted and executed to become effective upon approval, by *Council*, of the subdivision plan; and
- (e) the *developer* deposit with the *Town* 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 (12) months after the date of final inspection and acceptance by the *Town* of these services.

9.2 *Council* reserves the right to ask for a videotape inspection of any part of the underground system if deemed necessary by the *Town*.

10. CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN

10.1 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 the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land; and
- (b) until all conditions of approval as per Part 4, Division F, Section 85 have been satisfied, except where it is fully within the power of the Development Officer to grant approval in accordance with Part 4, Division F, Section 80(1) of the Community Planning Act.

Read a first time: December 18, 2018

Read a second time: December 18, 2018

Read a third time and enacted: January 8, 2019

Mayor

Town Clerk

By-Law No. 15 A By-Law providing for the regulation of the subdividing of land in the municipality enacted October 8, 2010 and all amendments thereto are hereby repealed.