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**Village of Cambridge-Narrows
By-law No. 10
SUBDIVISION BY-LAW**

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

SECTION 1: TITLE

- 1(1) This By-law may be cited as the "Village of Cambridge-Narrows Subdivision By-law" and it hereby repeals and replaces the former Subdivision By-law No. 9.

SECTION 2: SCOPE and POLICY

- 2(1) This By-law provides for regulation of the subdivision of land in the municipality and applies exclusively to the Village of Cambridge-Narrows. An approval of a subdivision plan shall not constitute a warranty or representation that the land is suited or can economically be suited to the purpose for which it is intended and, without restricting the generality of the foregoing, shall not constitute a warranty or representation that the land is suitable or can economically be made suitable for any manner of on-site sewage disposal.

SECTION 3: DEFINITIONS

In this By-law:

"Council" means the Council of the Village of Cambridge-Narrows;

"Development", "Development Officer", and any other words therein defined have the meanings given to them in Section (1) of the *Community Planning Act*;

"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 or other body of water;

(b) a beach or scenic area along the shore of a lake, river, stream or other body of water;

(c) a conservation area;

(d) land adjoining a school for joint recreational purposes;

- (e) land for a community hall, public library, recreational use or other similar community facility;
- (f) a park, greenbelt, or buffer area dividing developments, parts of highway, or development and a highway;
- (g) a pedestrian way to a school, shopping centre, recreational area, or other facility;
- (h) a protection area for a water course, stream, marsh, water supply, lake, or other body of water;
- (i) a public park, playground, or other recreational use;

"lot" means any parcel of land that is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the registry of deeds;

"Planning Commission" means the Royal District Planning Commission, which was established as a district commission pursuant to Section 6 of the *Community Planning Act*;

"Rural Plan" means the Village of Cambridge-Narrows Rural Plan;

"Type One Subdivision" means a subdivision which is not defined as a Type Two Subdivision;

"Type Two Subdivision" means any subdivision that requires:

- (a) the development of one or more streets , or;
- (b) a form of access other than a street approved by the Commission;

"Water Supply Assessment Guidelines" means *Water Supply Assessment Guidelines for Subdivisions Serviced by Individual Private Wells* adopted by the Royal District Planning Commission, which are available from the Planning Commission;

"width" means, in relation to a lot,

- (a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or;
- (b) 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 street line, such parallel line being drawn through the point at which the line of minimum set-back (required by By-law or Regulation)

intersects a line from the mid-point of and perpendicular to the line to which it is parallel.

SECTION 4: INTERPERTATION

- 4(1) The provisions of the By-law are severable. If, for any reason, a provision is held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this By-law.
- 4(2) All numerical measurements in this By-law are provided in metric units. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurements shall prevail.
- 4(3) Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the Rural Plan, Building By-law or any other By-law of the Village in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the Village or Act or Regulation of the Provincial or Federal Government. In the event of conflict between this By-law and any other Act or Regulation, the most restrictive obligation shall prevail.

SECTION 5: APPLICATION

- 5(1) This By-law 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 By-law and in accordance with the relevant provisions of the *Community Planning Act*.

SECTION 6: SUBDIVISION OF LANDS WITH OR NEAR LIVESTOCK FACILITIES

- 6(1) 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 addressing separation distances between livestock facilities and non-agricultural uses and vice-versa.

SECTION 7: TENTATIVE PLAN

- 7(1) Unless exempted by the Development Officer in accordance with the provisions of section 44(1) of the *Community Planning Act*, 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.

- 7(2) 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 By-law.

SECTION 8: PUBLIC STREETS

- 8(1) All new public streets shall meet the design and construction standards set out in the provincial Department of Transportation's *A Guide to Minimum Standards for the Construction of Subdivision Roads and Streets*, unless otherwise stated by the Planning Commission.
- 8(2) 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.
- 8(3) A cul-de-sac shall not exceed 365 metres in length and shall terminate with a circular area having a radius of 18 metres.
- 8(4) The maximum grade on streets shall be eight percent (8%).
- 8(5) Streets shall be laid out so as to intersect as nearly as possible at right angles, and in no case shall one street intersect another at an angle of less than 60%.
- 8(6) Jogged intersections are to be avoided by ensuring intersections on opposite sides of a street are offset by at least 50 metres.
- 8(7) Reserve strips abutting a street in a proposed subdivision are prohibited, except where such strips are vested in the Village of Cambridge-Narrows.
- 8(8) Names of streets in a subdivision are subject to the approval of The Department of Public Safety and Council.
- 8(9) All streets shall have a chip sealed minimum surface width of 7.3 metres. The chip sealing shall be performed to the specifications outlined in a Developer's Agreement with the Village Council of Cambridge-Narrows.
- 8(10) 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.
- 8(11) The developer must enter into a Developer's Agreement with the Village Council of Cambridge-Narrows that is binding upon heirs, successors and assigns to construct and pay the cost of services required within the subdivision, and deposit a sum of money, a performance bond or an irrevocable letter of credit with the Village, sufficient to guarantee the faithful performance of said agreement.
- 8(12) Confirmation Prior to Final Approval - Prior to final approval, the Royal District Planning Commission may require confirmation by a New Brunswick Land Surveyor (NBLs) or a qualified professional engineer, as the case may be, that the public street has been constructed in accordance with standards outlined in this By-law.

SECTION 9: PRIVATE STREETS

- 9(1) All new 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.
- 9(2) A cul-de-sac shall not exceed 365 metres in length and shall terminate with a circular area having a radius of 18 metres.
- 9(3) The maximum grade on streets shall be eight percent (8%).
- 9(4) Streets shall be laid out so as to intersect as nearly as possible at right angles.
- 9(5) Jogged intersections are to be avoided by ensuring intersections on opposite sides of a street are offset by at least 50 metres.
- 9(6) Reserve strips abutting a street in a proposed subdivision are prohibited, except where such strips are vested in the Village of Cambridge-Narrows.
- 9(7) 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;
- (d) driveway culverts to be a minimum of 450 millimetres (18 in) in diameter, meet Department of Transportation standards, and have a minimum of 600 millimetres (24 in) of cover;
- (e) minimum driving surface width to be 6 metres (20 ft) from top of shoulder to top of shoulder;
- (f) 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);
- (g) minimum overhead clearance of 5 metres (17 ft);
- (h) a turn-around to be constructed at the end of any cul-de-sac that is more than 90 metres (295 ft) in length;
- (i) to have uninterrupted legal access to a suitable public road.

9(8) Names of private streets in a subdivision are subject to the approval of The Department of Public Safety and Council.

9(9) 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, and;
- (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.

- 9(10) The developer must enter in a Developer's Agreement with the Village Council of Cambridge-Narrows which will be subsequently binding for the property owners on the private access. This agreement will establish all conditions for the initial development and subsequent ownership, management, and maintenance of the private road by a homeowner's association or legal agreement. The homeowners association or legal agreement must be prepared which will be binding for all purchasers and subsequent owners of residential lots in the subdivision.
- 9(11) Confirmation Prior to Final Approval - Prior to final approval, the Royal District Planning Commission may require confirmation by a New Brunswick Land Surveyor (NBLs) or a qualified professional engineer, as the case may be, that the subject road has been constructed in accordance with standards outlined in this By-law.

SECTION 10: LOTS, BLOCKS and OTHER PARCELS

- 10(1) 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 the Village of Cambridge-Narrows, or;
 - (b) such privately owned street or other access as may be approved by the Planning Commission as being advisable for the development of land.
- 10(2) 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 Cambridge-Narrows Rural Plan.
- 10(3) A block shall not exceed 240 metres or be less than 108 metres in length and shall have a depth of at least two (2) lots.
- 10(4) Easements shall be provided where necessary:
- (a) for utilities and walkways at least 5 metres wide, and;
 - (b) for natural water courses and drainage ditches at least 10 metres wide.

SECTION 11: LAND FOR PUBLIC PURPOSES

- 11(1) Except as here and otherwise provided, where approval is sought for a plan of subdivision which will create six (6) or more lots, accumulative total, from date the By-law takes effect, 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.

- 11(2) 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 (1) a sum not exceeding 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.
- 11(3) Subsection (1) does not apply to that part of a subdivision plan that creates a lot that is intended to be used for non-residential purposes.
- 11(4) 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 (1).
- 11(5) 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 (1) shall not apply.
- 11(6) 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 (1) shall not apply.

SECITON 12: WELL WATER SUPPLIES

12(1) 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.

12(2) 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 Planning Commission's *Water Supply Assessment Guidelines* may be submitted as an alternative to an Abbreviated Study.

SECTION 13: CONDITIONS OF APPROVAL OF A SUBDIVISION PLAN

- 13(1) The Development Officer shall not approve a tentative subdivision plan until recommendations or reports have been received from Council, the Commission, other government departments and public utilities
- (a) where a tentative plan creates building lots, a subdivision assessment report from the Department of Health for on-site septic sewage disposal systems;
 - (b) where a tentative plan creates a public or private street, a recommendation report from the Department of Transportation and/or Council;
 - (c) where a lot is proposed within 30 meters of a watercourse or wetland, a subdivision assessment report from the Department of Environment;
 - (d) where a public utility easement is required, a recommendation report from the local public utilities;
 - (e) where the subdivision proposes 6 or more lots, a recommendation report from Council for lands for public purposes, and;
 - (f) where a tentative plan creates a public street, a private street or land for public purposes, a recommendation from the Commission on the location of such.
- 13(2) Where entry will be gained to a subdivision by means of an existing street or other access, by whomever owned, the developer shall make provision to bring the existing access to the same standard as may be required for streets within the subdivision.
- 13(3) 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, and;
- (f) until all conditions of approval have been satisfied.

SECTION 14: VARIANCES

- 14(1) A person who seeks a variance from this By-law shall address a written signed application in a form acceptable to the Development Officer to the Planning Commission along with the applicable fees. Before granting or rejecting a variance, the Planning Commission may carry out such investigations and consultations, as it deems necessary. Approval of a variance may be subject to terms and conditions imposed by the Planning Commission in accordance with Section 46(1) of the *Community Planning Act*.

SECTION 15: FINAL APPROVAL

- 15(1) 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.
- 15(2) Unless the Development Officer exempts a parcel of land from the provisions of this By-law 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 Cambridge-Narrows Rural Plan or variance approved by the Planning Commission;
 - (c) lots to be created by such subdivision plan abut a collector or arterial street or similar street, route, highway or other access as may be approved by the Planning Commission as being advisable for the development of land, and;
 - (d) if such plan creates a public street, assentation by the Village according to Section 56 of the *Community Planning Act*.
- 15(3) Final Subdivision Plans shall be in accordance with Section 52 of the *Community Planning Act*.
- 15(4) If the subdivision plan creates a public street or private street, the final subdivision plan shall not be approved until the streets have been constructed to the minimum

standards as prescribed by the By-law, or a Developer's Agreement has been signed with Council.

- 15(5) 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 By-law 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.

SECTION 16: INSPECTION AND ENFORCEMENT

- 16(1) 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 By-law.
- 16(2) Any person who violates a provision of this By-law is guilty of an offence and is liable on summary conviction to a fine.

SECTION 17: FEES

- 17(1) The following fees will be applied to the planning services or applications under the *Community Planning Act* noted below:
- a) inspection and stamping of deeds, leases and exemptions, \$100;
 - b) review and processing of applications to vary requirements of the Subdivision By-law, \$250;
 - c) review and processing of Type One subdivisions as defined by the *Community Planning Act*, \$200 plus \$25 per lot;
 - d) review and processing of Type Two subdivisions as defined by the *Community Planning Act*, \$500 plus \$50 per lot.
- 17(2) All fees are submitted and payable as follows:

- a) At the time of application or request, the proponent shall pay the fee as prescribed in Subsection 1.
- b) Payments shall be made to the Royal District Planning Commission.
- c) All imposed fees are payable prior to the processing of the application and issuance of the approval or other documentation to which the fee applies.

17(3) Every application shall be submitted to and processed by the Royal District Planning Commission.

READ FIRST TIME: July 13, 2009

READ SECOND TIME: July 13, 2009

READ THIRD TIME
AND ENACTED: August 20, 2009

Pete Knight
Mayor

Cheryl Appleby
Clerk