

SUBDIVISION BY-LAW # 50 A-3

A BY-LAW OF THE MUNICIPALITY OF ALMA

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

INTERPRETATION

1. In this By-Law,

- (a) "Council" means the Council of the Village of Alma;
- (b) "Depth" means, in relation to a lot, the mean rectangular distance between the front and rear lot lines;
- (c) "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;
- (d) "Market Value" means the current assessed value of real property as determined by the Minister of Municipal Affairs, pursuant to the Province of New Brunswick Assessment Act, Chapter 110 as amended; and
- (e) "Width" means, in relation to a lot,
 - (i) Where the side lot lines are parallel, the distance measured across the lot at right to such lines, or
 - (ii) Where the side lot lines are not parallel the distance measured 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 set-back (required by By-Law or regulation) intersects a line from the mid-point of a perpendicular to the line to which it is parallel.

Scope

- 2. This By-Law provides for regulation of the subdividing of land in the municipality.
- 3. (1) In a subdivision, unless otherwise stipulated by Council,
 - (a) Every street shall have a width of 20 metres (66 feet);

- (b) A cul-de-sac shall not exceed 183 metres (600 feet) in length, and shall terminate with a circular area having a minimum radius of 18 metres (60 feet);
- (c) No street may have a gradient in excess of 8 percent; and
- (d) Streets shall be constructed in accordance with New Brunswick minimum standards for construction of subdivision roads and streets as approved by the Minister of Transportation.

(2) Where entry will be gained to a subdivision by means of an existing street or other access, by whomever owned, the person seeking 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 next 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 Council shall give consideration to the relationship between the 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 Council.

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 Council 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 contain

- (a) a width of at least 18 metres (60 feet) for other than a corner lot, or 23 metres (75 feet) for a corner lot;
- (b) a depth of at least 30 metres (100 feet); and
- (c) an area of at least 557 square metres (6,000 square feet) for other than a corner lot, or 697 square metres (7,500 square feet) for a corner lot.

(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 there in shall have and contain

- (a) a width of at least 23 meters (75 feet);
- (b) a depth of at least 30 metres (100 feet); and
- (c) an area of at least 697 square metres (7,500 square feet).

(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 (180 feet);
- (b) a depth of at least 38 metres (125 feet); and
- (c) an area of at least 4,000 square metres (1 acre).

(5) Subject to subsection (6), a block in a subdivision

- (a) shall be at least 122 metres (400 feet) and not more than 305 metres (1000 feet) 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 (1000 feet) in length if pedestrian walkways are provided in the number, location and width considered advisable by the Council to provide access or circulation to schools, libraries, play grounds, or other such facilities.

MUNICIPAL FACILITIES

5. Where a person proposes to subdivide land in such manner that pursuant to section 4 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 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 or a performance bond with the municipality 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.

CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN

6. The development officer shall not approve a subdivision plan if in his opinion and in the opinion of the Council,

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

BY-LAW REPEALED

7. The Village of Alma Subdivision By-Law ordained and passed on March 20, 1969 is hereby repealed.

ORDAINED AND PASSED THE 12th Day Of January, 1988.

FIRST READING: November 24, 1987

SECOND READING: January 12, 1988

THIRD READING: January 12, 1988

Rhonda Lee McKinley

CLERK

Rutherford Cooper

MAYOR