

# **VILLAGE OF CHIPMAN**

**BY-LAW NO. 77  
SUBDIVISION BY-LAW**

# TABLE OF CONTENTS

SECTION 1 - TITLE.....	2
SECTION 2- INTERPRETATION .....	2
SECTION 3 - SCOPE .....	2
SECTION 4- STREETS .....	2
SECTION 5- LOTS BLOCKS AND OTHER PARCELS.....	3
SECTION 6- MUNICIPAL FACILITIES.....	4
SECTION 7 - CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN .....	4

The Council of the Village for the Village of Chipman, 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 Chipman Subdivision By-Law" and it hereby repeals and replaces the former Subdivision By-Law 68 and all amendments thereto.

**SECTION 2: INTERPRETATION**

2. In this By-Law:

"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;

"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 set-back (required by By-Law or regulation) intersects a line from the mid-point and perpendicular to the line to which it is parallel.

**SECTION 3: SCOPE**

3. This By-law provides for the regulation of the subdivision of land in the municipality.

**SECTION 4: STREETS**

4. (1) In a subdivision, unless otherwise stipulated by Council,
  - (a) every street shall have a width of 20 metres;
  - (b) where a street is serviced by water and sewer services, a cul-de-sac shall not exceed 180 metres in length and shall terminate with a circular area having a radius of 15 metres;
  - (c) where a street is not serviced by water and sewer services, a cul-de-sac shall not exceed 300 metres in length, and shall terminate with a circular area having a radius of 15 metres; and,
  - (d) no street may have a gradient in excess of 6 percent.

(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 standard as is required for streets within the proposed subdivision.

(3) Reserve strips abutting a street in a proposed 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 to a proposed subdivision, the Planning Advisory Committee shall give consideration to the relationship between such locations and

(a) 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 approval of the Planning Advisory Committee.

#### **SECTION 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 municipality; or

(b) such privately-owned street or other access as may be approved by the Planning Advisory Committee as being advisable for the development of the land.

(2) The dimensions and area of a lot in a subdivision are subject to the requirements of the Chipman Rural Plan.

(3) Subject to subsection (5)(4) a block in a subdivision:

(a) shall be at least 120 metres and not more than 300 metres long; and

(b) shall have a depth of not less than two lots.

(4) Where a proposed subdivision contains a series of crescent and cul-de-sacs, a block may exceed 300 metres in length if pedestrian walkways are provided for access or circulation to schools, libraries, playgrounds or other such facilities.

## **SECTION 6 - MUNICIPAL FACILITIES**

6. **(1)** Where a person proposes to subdivide land in such manner that pursuant to Section 5 a street is required to be provided, or in such location that pursuant to the Rural Plan, 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 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 that 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/her heirs, successors and assigns to pay the cost of facilities required within the subdivision.

## **SECTION 7 - CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN**

7. **(1)** The Development Officer shall not approve a subdivision plan if, in his/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
  - (b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land.
- (2)** A person who applies for approval of a tentative plan or examination of documents shall pay the following fee:
- (a) Subdivision Type 1 - review and processing of Type 1 subdivision as defined by the *Community Planning Act* - \$200.00 plus \$25.00 per lot and remnant;
  - (b) Subdivision Type 2 - review and processing of Type 2 subdivision as defined by the *Community Planning Act* (road or private access) - \$500.00 plus \$50.00 per lot and remnant;
  - (c) Parcel being added - \$200.00;
  - (d) Documents (inspection and stamping of deeds, leases, exemptions, easements, mortgages) - \$100.00;
  - (e) Variances – review and processing of applications to vary requirements of the subdivision by-law - \$250.00; and
  - (f) Special Planning Advisory Committee meeting - \$1,000.00

(3) 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 (2);
- (b) payments shall be made to the Regional Service Commission 11; and
- (c) all imposed fees are payable prior to the processing of the application and issuance of the permit, approval or other documentation to which fee applies.

(4) Every application shall be submitted to and processed by the Regional Service Commission 1.1 – Planning and Development Division.

This is to certify that By-Law No. 77, "Subdivision By-Law" has been enacted by the Village Council of the Village of Chipman and that the said by-law was:

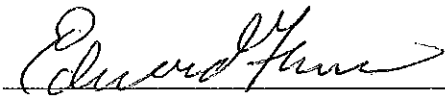
First Reading: June 1, 2015

Second Reading: June 1, 2015

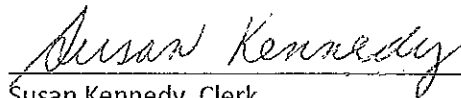
Third Reading: July 6, 2015

This By-Law shall come into full force and take effect and be binding on all persons as of and from the dated filed at the Registry Office.

GIVEN under the hands of the Mayor and the Chief Administrative Officer and under corporate seal of the Village of Chipman this 7<sup>th</sup> day of July, A.D. 2015.



Edward Farris, Mayor



Susan Kennedy, Clerk