

## **Town of Sackville**

### **By-law No 270**

#### **A By-law Relating to the Subdivision of Lands in the Town of Sackville**

The Council of the Town of Sackville, under authority vested in it by Section 74 of the *Community Planning Act, SNB 2017, c 19, hereby enacts as follows:*

### **1 Definitions**

1.1 In this By-law, unless otherwise specified in the definitions as set out in the Town of Sackville Zoning By-law, the following definitions shall apply:

“Active Recreational” means a recreational area that is intended to be used for active purposes such as, but not limited to, sports fields or playgrounds.

“Committee” means the Southeast Planning Review and Adjustment Committee.

“Council” means the Council for the Town of Sackville.

“Developer” shall mean the owner or owners of land to be subdivided and includes anyone acting with written consent of the owner(s).

“Development Officer” means the Development Officer of the Southeast Regional Service Commission.

“Engineer” means the Engineer for the Town of Sackville.

“Land for public purposes” means land, other than streets, for the recreational or other use or enjoyment of the general public conveyed to the Municipality by the developer such as:

- a) an access to a lake, river, stream, sea, or other body of water;
- b) an environmentally sensitive area or a significant natural feature;
- c) land for active recreational purposes such as, but not limited to, sports fields or playgrounds;
- d) land for a community hall, public library, recreational use or other similar community facility;
- e) open space to provide air and light to afford a view to or from a development, or access to a lake, river, stream, sea, or other body of water, or for other purposes;
- f) a park, greenbelt, or buffer area dividing developments, parts of highway, or development and a highway;
- g) a linear walking/hiking trail, scenic vista or passive park area; or
- h) a protection area for a watercourse, stream, marsh, water supply, lake, or other body of water.

“Street/road, public” means any street or road owned and fully maintained by the Town of Sackville or the Province of New Brunswick.

“Subdivide” means to divide a parcel of land into two or more parcels; or the creation of a parcel of land by joining two or more adjoining parcels.

“Subdivision, Rural” means a subdivision in the Town of Sackville which is serviced by private sewer and/or water.

“Subdivision, Urban” means a subdivision in the Town of Sackville which is in accordance with the Municipal Plan and determined by the Town Engineer as capable of being serviced by public sewer and water.

“Watercourse” is as defined under the *Clean Water Act* for New Brunswick.

## 2 Scope

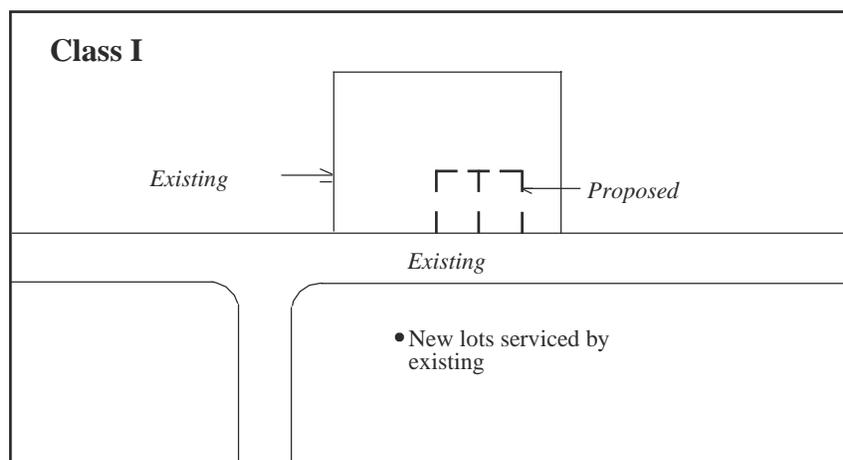
2.1 The purpose of this By-law is:

- a) to regulate the subdividing of land in the Town of Sackville; and
- b) to prescribe provisions for subdividing land to ensure the protection of public health, safety and welfare, and to provide a wholesome community environment, adequate municipal services and safe streets.

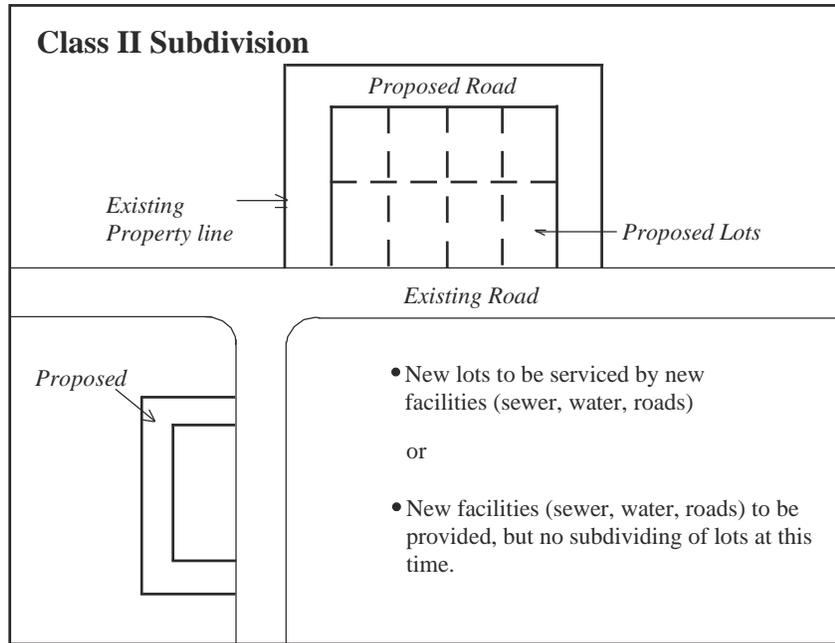
## 3 Classes of Subdivisions

3.1 There are two types of subdivisions in the Town of Sackville:

- a) A Class I Subdivision is when the lots being created can be serviced by existing roads, water and sewer, or have on-site water and sewer. There is no requirement for lands for public purposes in a Class I Subdivision.



- b) A Class II Subdivision is a subdivision which requires the construction of new roads, water and sewer, or have on-site water and sewer.



#### 4 Land for Public Purposes

##### 4.1 All Class II Subdivisions shall:

- a) as a condition of approval, an amount of 10% of the areas of the subdivision, exclusive of the land to be vested as public streets, is to be set aside as land for public purposes at such location as may be approved pursuant to Section 88 of the *Community Planning Act*; or
- b) Council may require that, in lieu of setting aside land for public purposes under paragraph (a), a sum of money to be paid to the Municipality in the amount of 8% 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.

##### 4.2 Nothing in this section shall affect the ability of the applicant and the Town of Sackville 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 subsections (a) or (b).

## **5 Municipal Services and Facilities**

- a) The following municipal services and facilities shall be provided by the Developer and shall be constructed in accordance with the Town of Sackville's Standard Municipal Specifications:
  - i) in urban subdivisions:

water mains, sanitary and storm sewer systems with laterals to the lot line, gravel road base, pavement, curbing, sidewalks, and streetlight standards will be provided and completed before final approval;
  - ii) in rural subdivisions:

gravel road base, pavement, storm ditches, and streetlight standards will be provided and completed before final approval;
- b) Where no existing storm system and/or sidewalk is present to connect to, or where Council determines that it is not feasible for the developer to do so, Council may after consultation with staff, waive the requirements for curbing, storm sewer systems and/or sidewalk for an urban subdivision.

## **6 Streets**

- 6.1 Every street shall:
  - a) have a minimum width of 20 meters (66 feet).
  - b) be laid out to intersect as nearly as possible at right angles, and in no circumstance shall one street intersect another at an angle of less than 60 degrees.
- 6.2 In the interest of orderly development, no subdivision which extends beyond the limit of 180 meters (600 feet) from the entering or main access street line will be approved, unless in the opinion of the Development Officer and the Committee, the pace or pattern of development or topography indicates that it is expedient to do so.
- 6.3 Where entry will be gained to a proposed subdivision by means of an existing street or other access, the developer shall bring the existing access to the same standard as is required for streets, with the full costs to be borne by the developer unless otherwise agreed to by Council.
- 6.4 The names of streets in a subdivision are subject to approval of Council with recommendation of Committee.

## **7 Subdivision Agreement**

7.1 Any developer of a Class II subdivision shall:

- a) enter into an agreement with the Council that is binding on his/her heirs, successors and assigns, and shall state any work, such as servicing and road construction, which must be undertaken as a Subdivision Development; and
- b) deposit a sum of money, or an irrevocable letter of credit, with the Town sufficient to guarantee the faithful performance of the subdivision agreement acceptable to Council to cover 100 percent of the full cost of any facility, including but not limited to engineering, inspection and surveying fees.

7.2 Where any subdivision being proposed benefits from services previously constructed, whether by the Town or another person, the development officer shall not approve the plan unless the person proposing the subdivision pays or agrees to pay to the Town or another person an amount equal to the initial cost of such services or an amount equal to his/her proportional share, calculated as a percentage of the area benefiting from said previously installed services.

## **8 Lot Sizes and Widths**

8.1 Unless otherwise specified in this By-law, the standards of the Zoning By-law for the Town of Sackville shall apply.

8.2 Every lot, block and other parcel of land in a subdivision shall abut:

- a) a street owned by the Crown or the Town of Sackville; or
- b) in the case of lands owned or to be acquired by the Town of Sackville, Public utilities or to accommodate existing conditions, such access other than a street mentioned in paragraph a) as may be approved by the Committee as being advisable for the development of the lands.

8.3 Lands for public purposes are not subject to the minimum lot size and width requirements of the Zoning By-law.

## **9 Reserve Strips**

Reserve strips of land abutting a subdivision are prohibited except where such strips are vested in the Municipality.

## 10 Procedure and Fees

10.1 A person submitting a subdivision plan for approval shall:

- a) submit all plans according to procedures prescribed in the *Community Planning Act* and the latest version of the "Town of Sackville Development and Servicing Standards";
- b) submit a signed application; and
- c) all applicable fees for applications as specified in Schedule A of this By-law. The fees set out in Schedule A form part of this By-law, and are hereby approved by Council and may be amended by a motion of Council.

10.2 Notwithstanding anything contained in this By-law, an application for property owned by the Town, shall be exempt from the fee requirements of Schedule A.

10.3 If the proposed subdivision is a Class II Subdivision, the Development Officer shall not approve the tentative plan until the following conditions have been met:

- a) the Committee has first reviewed the proposal and made recommendations to the Council;
- b) all required engineering drawings, including but not limited to the plans and profiles for the installation of all new storm water drainage patterns, and grading elevations within the subdivision, have been submitted and approved by the Town Engineer. All engineering drawings must be certified by an Engineer licensed to practice in New Brunswick;
- c) all other necessary governmental agencies have approved the plans and profiles for the installation of the water and sewer services and any required watercourse alterations;
- d) the application will not be submitted for review by the Committee and Council until the tentative plan and all engineering drawings are submitted to the Development Officer; and
- e) Council has given assent to the subdivision.

10.4 The Development Officer shall not approve a subdivision plan if in his opinion and in the opinion of the 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. This includes marshlands and floodplains; or

- b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land; or
- c) if Class II Subdivision, the provisions for all required services and facilities have not been given assent by the Council;
- d) the subdivision contravenes the *Community Planning Act*, other Provincial legislation or Municipal By-laws or regulations.

### **11 By-law Repealed**

By-law No. 194 entitled “Subdivision By-law”, enacted on August 9<sup>th</sup> 2005, and all amendments thereto, is hereby repealed.

Read a first time this 12 day of November, 2019.

Read a second time this 9<sup>th</sup> day of December, 2019.

Read a third time and enacted this 9<sup>th</sup> day of December, 2019.

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Mayor

\_\_\_\_\_  
Clerk

**Schedule A**  
Effective \_\_\_\_\_, 2019

1. The fee for a subdivision shall be set as follows:
  - a) Class I Subdivision:
    - i) \$200 + \$25 per lot or parcel created by the subdivision.
  - b) Class II Subdivision:
    - i) \$500 + \$25 per lot or parcel created by the subdivision.
2. The fee for document approval or exemption pursuant to Section 80 (1) of the *Community Planning Act* shall be \$100.