BY-LAW # 300-61

A BY-LAW RELATING TO THE SUBDIVISION OF LANDS IN THE TOWN OF RIVERVIEW

BE IT ENACTED by the Council of the Town of Riverview under authority vested in it by the Community Planning Act, R.S.N.B., 2017, c. C-19, as follows:

Definitions

1. In this by-law:

"abut" means having access thereto directly.
"committee" means the planning advisory committee for the Town of Riverview, appointed pursuant to Order-in-Council.
"council" means the council of the Town of Riverview.
"developer" means the owner of the lands being subdivided.
"development officer" means a planning director and or designate appointed under subsection 10 of the Community Planning Act.
"drainage ditch" means a shallow sloped channel connected to the storm sewer system used for the conveyance of surface water runoff that is the result of natural precipitation.
"infill lot" means a lot that abuts a public street that exists prior to this by-law coming into force and said lot does not contain an area greater than 4048 square metres.
"land for public purposes" means land other than streets for the recreational or other use for the enjoyment of the general public.
"subdivide" means to divide a parcel of land into two or more parcels.
"subdivision" means a plan which divides a parcel of land into two or more parcels.
"Type 1 Subdivision" means a subdivision that does not create a new public street and services; and
"Type 2 Subdivision" means a subdivision that creates a new public street and services.
"urban arterial" - means it limits access to land and serves medium to high speed.
"urban collector" - means it provides slow speed access to local streets and abutting land.
"urban freeway" - means no access to abutting land and intended for heavy traffic.
"urban local" - means it provides direct access to land and for local traffic (residential streets).

Streets & Services

2. (1) In a subdivision, unless otherwise stipulated by the Committee, streets required pursuant to subsection 3(1)(a) of this by-law shall:

(a) contain the following minimum right of way width:
- urban arterial/freeway - 30 meters
- urban collector minor - 20 meters
- urban collector primary – 23 meters
- urban local minor - 18 meters
- urban local primary– 20 metres

(b) be constructed with the following minimum driving surface:
- urban arterial/freeway - to be determined by the Town's Engineering Department
- urban collector minor - 9.8 meters
- urban collector primary - 12.8 meters
- urban local minor - 9.8 meters
- urban local primary–9.8 metres

(c) in the case of a cul de sac, be permitted to a limited extent in any subdivision or when the topography and dimension of the land provide for no other option of design. If permitted, a cul de sac shall not exceed a maximum length of 183 meters and contain a radius not less than 18 meters for the turning area. Maximum length of a cul de sac is intended to be measured from the intersection street right of way to the back of the turning area;

(d) not exceed a horizontal grade of 6 % for arterial and collector streets and 8% for local streets. The minimum desirable grade of any street shall be 0.8%, unless approved by the Town's Engineering Department;

(e) in the case of phased development, be constructed in their entirety, including underground infrastructure, curb and gutters, asphalt, street lighting and sidewalks, if required from the intersecting roadway to the back lot line of corner lots;

(f) intersect other streets at 90 degrees.

(g) not be closer than 60 meters to another street whether the said street is located on the same side or the opposite side of the street. This distance is to be measured from the closest edges of the street right of way boundaries; and

(h) together with other required facilities as mentioned in section 5 of this by-law be designed by a Professional Engineer licensed to practice in the Province of New Brunswick in accordance with the Town of Riverview's infrastructure standards as provided for in the latest edition or version of the *"Subdivision Development – Procedures, Standards and Guidelines"*.

(2) Names of streets in a subdivision are subject to the approval of the Committee.

(3) Where entry to a subdivision will be gained by means of an existing street or other access, by whomever owned, the plan shall not be approved unless the person seeking approval of such plan shall make provision to bring the existing access to the same standard as is required for streets pursuant to subsection (1).

<u>Lots and Blocks</u>

3. (1) Every lot, block and other parcel of land in a subdivision shall abut,

(a) a street owned by the Crown or the Town of Riverview; or

(b) in the case of lands owned or to be acquired by the Town of Riverview, public utilities and existing conditions only, such access other than a street mentioned in subsection (a) as may be approved by the Committee as being advisable for the development of land.

(2) The provisions for minimum lot sizes shall apply as provided for in the Town of Riverview Zoning By-Law.

(3) Reserved strips abutting on a street are prohibited except where such strips are vested in the Town of Riverview.

(4) Unless otherwise stipulated by the committee, every block shall be a minimum of 150 meters in length and not exceed 365 meters in length. The block shall be designed with a depth to permit two lots between streets.

(5) Where Municipal Services (water & sewer) are available, every lot in a subdivision shall be serviced with a separate water and sewer lateral.

Lands for Public Purposes

4. (1) As a condition of approval of a subdivision plan, land in the amount of ten (10) percent of the area of the subdivision exclusive of public streets, at such location as assented to by Council pursuant to the Community Planning Act, is to be set aside as "lands for public purposes", and so indicated on the plan.

(2) Council may require, in lieu of land set aside under subsection (1), a sum of money to be paid to the municipality in the amount of eight percent 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.

(3) Nothing in this section shall affect the ability of the applicant and the Town of Riverview 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 (1) or (2).

(4) Where Land for Public Purposes is substandard the Developer shall, where required to accommodate the designated use of the said lands, grade and level the said land and install all necessary drainage systems, and other municipal infrastructure including connection to mains, all of which shall be in accordance with the Town of Riverview's Standard Municipal Specifications.

(5) This section does not apply to the following classes of subdivisions:

(a) in the case of a subdivision plan that involves 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;

(c) in the case of a subdivision plan that involves a lot that is being created to accommodate a useable main building, provided such building existed prior to this by-law coming into force;

(d) in the case of a subdivision plan that involves the division of lands owned by the Town of Riverview, or its agencies, at the time of subdivision; and

(e) in the case of a subdivision plan that involves the division of an infill lot within an R1 or R2 zone.

Subdivision Agreements

5. (1) In a subdivision where streets are existing or required, pursuant to subsection 3(1)(a) of this by-law, the person proposing to subdivide land shall provide within that subdivision such facilities as streets, curbing, sidewalks, walkways, street lights, water and sewer lines, culverts, drainage ditches and the developer shall:

(a) enter into a subdivision agreement with the municipality that is binding upon their heirs, successors and assigns to construct and pay the cost of facilities required within the subdivision, and shall deposit a sum of

money, or an irrevocable letter of credit with the Town, sufficient to guarantee the faithful performance of said agreement; and

(b) enter into a drainage agreement with the municipality that is binding upon their heirs, successors and assigns that will ensure compliance with the subdivision drainage plan.

(2) If the land proposed for subdivision has the benefit of facilities mentioned in subsection 5(1), which were installed after the coming into force of the Community Planning Act, R.S.N.B., 1973, c. C-12 and paid for by, or are the financial responsibility of, the Town of Riverview or a person other than a present or previous owner or tenant of the land, the development officer shall not approve the plan unless the Developer pays or agrees to pay to the Town of Riverview an amount equal to the initial cost of the facilities, or equal to the share of the cost required to be paid by the Developer under the provision.

Detailed Engineering Submission Requirements

6. (1) Prior to approval of a subdivision plan, a subdivision that requires the development of a new street pursuant to subsection 3(1)(a) of this by-law or the development of an existing street shall not proceed with construction until the following requirements have been completed:

(a) the developer of the subdivision shall submit to the Town of Riverview's Department of Engineering for written authorization to proceed, detailed engineering plans and documents pertaining to such required facilities as mentioned in section 5 of this by-law including, but not limited to, streets, curbing, sidewalks, walkways, street lights, water and sewer lines, culverts, drainage ditches and any other information that may, in the Town’s opinion, be necessary for the proper construction of the works; and

(b) the developer shall submit a Subdivision Drainage Plan to the Town of Riverview’s Department of Engineering for approval. The drainage plan shall show sufficient information that, in the Town’s opinion, is necessary for review, the plan shall include all lots in the subdivision including the Land for Public Purposes.

Rejection of Subdivision Plan

7. (1) 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 subdivision plan is approved;

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

(c) the subdivision contravenes the currently adopted version of the Code as defined under By-law #300-10-1 (A By-LAW RELATING TO BUILDINGS IN THE TOWN OF RIVERVIEW), municipal by-laws or other legislation.

Fees

8. (1) A person proposing to subdivide land shall at the time of submission of the Tentative Subdivision Plan:

(a) pay a subdivision application and processing fee of $300.00 for Type 1 Subdivision and $500.00 for a Type 2 Subdivision;

(b) where a Subdivision Agreement is required as a condition of approval as provided for in Section 5, a fee of $750.00 shall be paid; and;

(c) pay a lot fee of $200.00 for each parcel or lot created by the subdivision.

(2) A person submitting an instrument to the Development Officer for approval or exemption pursuant to section 44(1)(1) of the *Community Planning Act* shall pay a cost of $100.00 for each instrument.

9. A BY-LAW TO REGULATE THE SUBDIVISION OF LAND WITHIN THE TOWN OF RIVERVIEW, being By-Law # 300-60, ordained and passed on the 14th day of May, 2007 and all amendments thereto, is hereby repealed.

ORDAINED AND PASSED this ____ day of_____ A. D., 2019

First Reading: December 10, 2018
Second Reading:
Third Reading: