

# Subdivision By-Law # 035



Town of Quispamsis

**BY-LAW NO. 035**  
**A BY-LAW OF THE MUNICIPALITY OF QUISPAMSIS RESPECTING**  
**THE SUBDIVIDING OF LAND**

1.	TITLE AND SCOPE .....	2
2.	DEFINITIONS .....	2
3.	PLANS .....	5
4.	FEES .....	7
5.	STANDARDS FOR LOTS, BLOCKS AND OTHER PARCELS OF LAND .....	8
6.	LAND FOR PUBLIC PURPOSES .....	9
7.	TREE PLANTING AND PRESERVATION .....	13
8.	DEVELOPMENT STANDARDS FOR SUBDIVISION WORKS .....	13
	A. GENERAL PROVISIONS .....	13
	B. STREET NETWORK SYSTEM .....	15
	C. WATER DISTRIBUTION SYSTEM .....	16
	D. SANITARY SEWER SYSTEM .....	17
	E. STORM SEWER SYSTEM .....	18
	F. BLASTING .....	19
9.	APPROVAL OF A SUBDIVISION PLAN .....	19
10.	INSPECTION AND ENFORCEMENT .....	20
11.	SEVERABILITY .....	21
12.	BY-LAWS REPEALED .....	21
13.	EFFECTIVE DATE .....	21
	SCHEDULE A-1 .....	22
	SCHEDULE A-2 .....	23
	SCHEDULE A-3 .....	24
	SCHEDULE A-4 .....	25

**BY-LAW NO. 035**  
**A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING**  
**THE SUBDIVIDING OF LAND**

The Council of the town of Quispamsis, under authority vested in it by Section 42 of the Community Planning Act of New Brunswick, enacts as follows:

**1. TITLE AND SCOPE**

- A. This By-law may be cited as the “Quispamsis Subdivision By-law”.
- B. This By-law provides for the regulation of the subdividing of land in the Town.
- C. Unless otherwise exempted pursuant to the provisions of this By-law or the Act, any person who subdivides land in the Town shall comply with the requirements set out in this By-law.
- D. Where there is a conflict between the provisions of this By-law and those of the Development Scheme for Millennium Drive By-law, the provisions of the latter shall take precedence.

**2. DEFINITIONS**

- A. In this By-law:
  - i. “**Abut**” includes having access thereto directly;
  - ii. “**Act**” means the Community Planning Act of New Brunswick, Chapter C-12, R.S.N.B. 1973 and amendments thereto.;
  - iii. “**Blaster**” means a person who holds a valid certificate of qualification in the blaster occupation or powderman trade issued under the Apprenticeship and Occupational Certification Act of New Brunswick;
  - iv. “**Building**” means any structure, either temporary or permanent, that has a roof supported by columns or walls and is used, or capable of being used for the shelter, housing or enclosure of persons, animals or chattels; and includes mobile home, mini home and modular dwellings as defined in the Town Zoning By-law;

- v. **“Building, Main”** means a building in which is conducted the main or principle use of the lot on which the building is located;
- vi. **“Consolidation”** means the combining or assembling of two or more parcels into one parcel;
- vii. **“Consulting Engineer”** means a Professional Engineer who is a member or licensee of the Association of Professional Engineers and Geoscientists of the Province of New Brunswick, experienced in the field of Municipal Engineering, or their authorized representative;
- viii. **“Council”** means the Council of the town of Quispamsis;
- ix. **“Developer”** means a person seeking to obtain approval of a subdivision plan, or who enters into a subdivision agreement with the Town;
- x. **“Development”** means:
  - a. the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility or telephone poles and wires, traffic control devices, pipelines as defined in the Gas Distribution Act of New Brunswick except for buildings and structures remote from the pipeline used for management and administration or housing or storing of moveable equipment or statutory notices;
  - b. where the purposes for which land, buildings and structures may be used are set out in the municipal plan, development scheme or zoning By-law or regulation, any change in the purpose for which any land, building or structure is used;
  - c. any excavation of sand, gravel, clay, shale, limestone or other deposit for a development mentioned in paragraph (a) or for purposes of the sale or other commercial use of the material excavated; or
  - d. the making of land by cutting or filling to a depth in excess of one (1) meter except in the case of laying pipelines defined in the Gas Distribution Act of New Brunswick;

- xi. **“Development Officer”** means the municipal planning officer appointed pursuant to Subsection 16(1) of the Act;
- xii. **“Dwelling”** means a main building or a portion thereof containing one or more dwelling units;
- xiii. **“Gradient or Grade”** expressed as a percentage, is determined by dividing the vertical height from the lowest to highest elevation on the parcel by the horizontal distance between the lowest and highest point.
- xiv. **“Lot”** means a parcel of land used or intended to be used as the site for a building or structure or an appurtenance thereto;
- xv. **“Pedestrian Walkway”** means a multi-use trail network reserved for the primary use of pedestrian movement and non-motorized traffic;
- xvi. **“Person”** means any individual, firm, company, association, institution, society, corporation or group;
- xvii. **“Planning Advisory Committee”** means the Planning Advisory Committee established by the Council in accordance with Section 12, Chapter C-12 of the Act and the Planning Advisory Committee By-law of the Town;
- xviii. **“Potable Water”** means water that is approved for drinking purposes by the Chief Medical Health Officer appointed under the Health Act of New Brunswick;
- xix. **“Shall”** is construed as mandatory, **“May”** is construed as permissive;
- xx. **“Structure”** means anything erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, walls or any sign, but does not include utility poles;
- xxi. **“Subdivide”** means to divide a parcel of land into two (2) or more parcels;

- xxii. **“Subdivision Specifications and Guidelines”** means the latest edition of the Town Subdivision Specifications and Guidelines as adopted by Council from time-to-time as the minimum standards to adhere in the engineering design, construction and installation of municipal infrastructure services and facilities in a subdivision development;
- xxiii. **“Town”** means the municipality of Quispamsis, a municipality in the county of Kings and the Province of New Brunswick;
- xxiv. **“Town Potable Water System”** means a system of waterworks within the meaning Health Act of New Brunswick that is owned, operated and maintained by the Town;
- xxv. **“Width”** means, in relation to a lot:
  - a. where the side lot lines are parallel, the distances measured across the lot at right angles to such lines (see Schedule A-1 to A-2 illustrations); 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 intersects a line drawn perpendicular to and through the mid-point of the line joining the points at which the side lot lines intersect the street line (see Schedule A-3 to A-4 illustrations);
- xxvi. **“Works” or “Works and Services”** means any public service, facility or utility which is required or regulated by this By-law, and without restricting the generality of the foregoing includes: access roadways, streets, the supply and distribution of potable water; collection and disposal of sanitary sewage and storm drainage water; street lighting; curbs, gutters, walkways, electrical power, and telephone services.

### 3. PLANS

- A. Except as otherwise provided for in the Act, no land within the Town shall be subdivided except in accordance with the provisions of this By-law. Any person who seeks to subdivide land within the Town shall

submit a written subdivision application, in a form satisfactory to the Town, including a Tentative Plan prepared in accordance with the Act and this By-law, and any additional documentation deemed necessary by the Development Officer for consideration. The Tentative Plan shall be drawn to a scale and size approved by the Development Officer, and as many copies as required by such Officer shall be submitted.

- B. Any person seeking to subdivide land may, before submitting a tentative plan and a written application for its approval to the Development Officer, submit to such Officer such plans and such data as might be necessary to obtain their advice and assistance as to the most appropriate way to subdivide the land.
- C. A tentative plan shall be marked “Tentative Plan” and shall show:
- i. the proposed name of the proposed subdivision;
  - ii. the boundaries of that part of the plan sought to be approved marked by a black line of greater weight than all other lines on the diagram of the plan;
  - iii. 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;
  - iv. the design speeds of all streets and corners therein;
  - v. 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;
  - vi. the nature, location and dimensions of any existing restrictive covenant, easement or right-of-way affecting the land proposed to be subdivided, and of any easement intended to be granted within the proposed subdivision;
  - vii. the natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
  - viii. the availability and nature of domestic water supplies;
  - ix. the nature and porosity of the soil;

- x. such contours or elevations as may be necessary to determine the grade of the streets and the drainage of the land;
- xi. the municipal services available or to be available to the land proposed to be subdivided;
- xii. a small key plan sufficient to locate the proposed subdivision in relation to existing streets and prominent natural features, where necessary; and
- xiii. any further information required by the Development Officer to assure compliance with this By-law and the Act.

D. Notwithstanding the requirements of Subsections 3(B) and 3(C):

- i. where necessary because of its size, a subdivision may be shown in parts on one or more plans provided there is attached thereto, and made part of the series, a compiled or overall plan drawn to a scale approved by the Development Officer;
- ii. where the land to be subdivided is too large to be shown on a plan the boundaries thereof are to be indicated on the key plan.

E. After approval of the tentative plan or exemption from submission thereof by the Development Officer pursuant to Section 48 of the Act, final subdivision plans shall be submitted to such Officer in accordance with Section 52 of the Act in the appropriate scale and type (plastic, paper and digital) as stipulated in the Subdivision Specifications and Guidelines and in such quantity as may be required by the Development Officer.

#### 4. FEES

- A. No subdivision plan shall be approved until the following fees have been paid:
- i. one hundred dollars (\$100.00) for each plan of subdivision consisting of two (2) lots or less;
  - ii. two hundred dollars (\$200.00) for each plan of subdivision consisting of more than two (2) lots plus ten dollars (\$10.00) for each lot shown on the said plan.



- B. A fee mentioned in Subsection 4(A) is not required:
  - i. in respect of that part of an amending subdivision plan that includes, or amends without substantially increasing the size thereof, lots or other parcels of land created by the plan being amended; or
  - ii. in respect of a subdivision plan that seeks merely to alter the boundaries of two (2) or more adjoining parcels of land.
- C. When a subdivision plan has been approved but not filed within the time mentioned in Subsection 54(2) of the Act, the fee for re-approval of the said plan shall be twenty five dollars (\$25.00).

**5. STANDARDS FOR LOTS, BLOCKS AND OTHER PARCELS OF LAND**

- A. Every lot, block and other parcel of land in a subdivision shall abut:
  - i. a street owned by the Crown or the Town; or
  - ii. such privately-owned street or other access as may be approved by the Planning Advisory Committee as being advisable for the development of land.
- B. Subject to Subsection 5(C), a block in a subdivision shall be at least one hundred twenty (120) metres and not more than three hundred (300) metres long and shall be not less than two (2) lots in depth.
- C. Where a proposed subdivision contains a series of crescents and/or courts, a block may exceed three hundred (300) metres in length if pedestrian walkways are provided in the number, location and width considered advisable by the Planning Advisory Committee to provide access or circulation to schools, libraries, playgrounds and other such facilities.
- D. Lots and blocks in any proposed subdivision are to be of such standards including width and depths so as not to prejudice existing subdivisions in the immediate area.
- E. The width, depth and area of a lot shall be no less than the minimum established in the Zoning By-law for the zone in which it lies.

- F. Pedestrian walkways, in a width deemed necessary by the Planning Advisory Committee, shall be provided when deemed necessary by the Planning Advisory Committee to provide access or circulation to schools, libraries, playgrounds, adjacent subdivisions and other facilities.
- G. Easements shall be provided for utilities when necessary, and shall be of a width deemed necessary by the appropriate Public Utility.

## **6. LAND FOR PUBLIC PURPOSES**

- A. Subject to this section, as a condition of approval of a subdivision plan, land in the amount of ten percent (10%) of the area of the proposed subdivision, exclusive of streets intended to be publicly owned, at such location as may be approved pursuant to Section 56 of the Act, is to be set aside as land for public purposes and so indicated on the plan. The Planning Advisory Committee is to advise Council on the suitability of the land to be vested in the Town for public purposes.
- B. In lieu of land set aside under Subsection 6(A) Council may require a sum of money to be paid to the Town in the amount of eight percent (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.
- C. This section does not apply to:
  - i. a plan of subdivision for the purpose of altering the boundaries of two (2) or more adjoining parcels of land previously included in an area subject to the requirements of this Section or to a corresponding Section under a previous By-law or Act; or
  - ii. that part of a subdivision which creates a piece of land solely for the purposes of being assembled with other parcels for later subdivision.
- D. Where the subdivision does not involve the whole parcel of land, the required public dedication (or cash in lieu of land) shall apply only to that portion of the parcel subject to subdivision and not to the remnant. No remnant parcel shall be left which does not meet the minimum lot size required in the specific zone, as set by the Zoning By-law, nor shall the remnant be rendered landlocked by the subdivision.

- E. 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 6(A).
- F. Without limiting the authority of the Planning Advisory Committee to recommend the location of land to be set aside for public purposes, suitable areas to be so set aside may include the following:
- i. an area shown as an open space, land required for a community facility or a visual feature on a schedule of the Municipal Development Plan or in a Development Scheme enacted pursuant thereto;
  - ii. a public park, playground or other Town recreation purpose;
  - iii. an area to be used with an adjoining public school for joint recreational use purposes;
  - iv. a site for a public school;
  - v. a conservation or watercourse area protecting streams, marshes and water supply lakes;
  - vi. open spaces for beaches and scenic areas along the shores of lakes and rivers;
  - vii. access to lakes, rivers, streams, or other bodies of water;
  - viii. a permanent wooded area, slope area or a site giving view to a scenic area to provide diversity in the urban scene;
  - ix. a park, green belt or buffer area dividing development parts of highway or developments and highways;
  - x. pedestrian ways to schools, shopping centres, recreational areas, or other facilities;
  - xi. sites for Town built or approved community halls, public libraries, recreational buildings and facilities and other public buildings for the use and enjoyment of the general public assented to by the Council;

- xii. a permanent open space to provide air, light and view to and from a development.
- G. On land intended to be set aside as land for public purposes:
- i. undesirable growth and debris shall, if required by the Development Officer, be removed; wooded and brook areas shall be left natural; active recreation and open spaces shall be graded properly to dispose of surface water and shall be seeded with lawn grass;
  - ii. there shall be no depositing, dumping or storage of waste, or other natural or man-made material, supplies or equipment on any subdivision land designated as land for public purposes; and
  - iii. no work, removal, or filling to alter original condition shall be undertaken until a site plan, prepared by a competent person, shall have been approved by the Development Officer.
- H. The Council may, at its discretion, reduce the land or sums required under this section by an amount equivalent to fifty percent (50%) of the area of land in the subdivision or development which is to be used for private park and recreation facilities, provided that:
- i. the subdivision, or that portion of it for which the credit would apply, constitutes a neighbourhood or a development under unitary control or management;
  - ii. the land or monies requirements shall not be reduced by an amount exceeding eight thousand (8000) square metres or its market value; or
  - iii. the private park or recreation facilities:
    - a. have sites of at least two thousand (2000) square metres in area and thirty (30) metres in width;
    - b. are owned by a home or similar association composed of all property owners in the neighbourhood or development and being an incorporated not for profit organization capable of dissolution only by a two-thirds (2/3) or more affirmative vote of the membership, operated under recorded land agreements through which each lot owner in the

neighbourhood or development is automatically a member and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities;

- c. are owned or managed by a single company and there is an agreement between it and the Town under Section 101 of the Act and filed in the Registry Office to ensure the performance of the conditions for establishing the private park and recreational facilities;
  - d. are restricted for park and recreational purposes by recorded covenants which run with the land and cannot be defeated or eliminated without the consent of the Council;
  - e. are in accord with the guides contained in Subsection 6(F) of this By-law.
- iv. where, as a condition of approval of a subdivision plan, land has been set aside under Subsection 6(A) or the provisions of Subsection 6(C) have been satisfied, no further setting aside of land for public purposes or payment of additional sums shall be required as a condition of approval of any further or other subdividing of the land with respect to which the land has been set aside or sum paid.
- I. For all subdivisions, the tentative subdivision plan will be viewed on its own merits as to the immediate or future needs of the Town vis-à-vis whether the Town will take land or accept money, as permitted under the Act. Normally land for public purposes will be taken. The items to be considered in determining whether to accept land or money in lieu of land thereof, although not exhaustive, should include those listed in Land For Public Purpose - Decision Guidelines section of the Town Subdivision Specifications and Guidelines.
  - J. For all subdivisions with land bordering on the Kennebecasis River or its tributaries, the Town will always take land for public purposes and that land shall be a parcel which borders the waterfront.
  - K. In accordance with Subsection 6(B) and at the discretion of Council, in lieu of setting aside land for public purposes, the following amounts per lot created must be paid to the Town before the subdivision plan will be approved.

i.	Residential Zone	\$750.00
ii.	Rural Zone	\$750.00
iii.	Institutional Zone	\$750.00
iv.	Recreational Zone	\$750.00
v.	Commercial Zone	\$1,500.00
vi.	Industrial Zone	\$1,500.00

**7. TREE PLANTING AND PRESERVATION**

A. No approval of a subdivision plan shall be given unless, in the opinion of the Council, the Developer has made adequate arrangements by way of agreement whereby:

- i. only such trees as directly impede the construction of buildings and services may be destroyed and where any trees must be destroyed the Developer shall replace them with a reasonable amount of trees of sufficient maturity to enhance the appearance of the subdivision at the time it is completed;
- ii. a reasonable number of trees per lot shall be provided regardless of the state of the area prior to being subdivided; and
- iii. only such topographical modifications as are directly necessary for the construction of buildings and services may be carried out so that as much topographical variations as possible is maintained to enhance the appearance of the subdivision. However, nothing in this By-law shall prevent the moving of earth and rock as a necessary part of any landscaping.

**8. DEVELOPMENT STANDARDS FOR SUBDIVISION WORKS**

**A. GENERAL PROVISIONS**

- i. Where a person is proposing to subdivide land, they shall provide within the subdivision, streets, asphalt surface, storm drainage control system, pipe culverts, sanitary sewer system, street lights, and any other such works and services as may be required to comply with the subdivision design approved by Council.

- ii. All engineering design, work done and material used pursuant to the provisions of this By-law shall be in accordance with the Subdivision Specifications and Guidelines.
- iii. As a condition of subdivision plan approval, any potable water supply and distribution system or sewerage system required for a subdivision, which are not connected to the potable water or sewerage system owned, operated and maintained by the Town, shall obtain the approval of Council, the Department of Health for the Province of New Brunswick, the Department of Environment and Local Government for the Province of New Brunswick, and shall meet the requirements of any other By-laws relating to water and sewerage facilities.
- iv. The Developer shall retain, at their own expense, a Consulting Engineer who shall design and inspect the construction and installation of the required subdivision infrastructure works and services, and supply a documented report in a form and manner acceptable by the Town.
- v. Whenever possible, potable water and sewerage service laterals shall not be installed underneath private driveways. Also, prior to driveway installation the location of all utility laterals servicing the lot shall be determined to avoid, whenever possible, installing the driveway on top of existing laterals.
- vi. The Town will not issue a building permit for the construction of any dwelling or structure on a lot until such time as:
  - a. the entire limits of the street fronting the lot, which will provide the principal means of access to all lots contained within the approved phase of the subdivision development, has been constructed to the granular base street standard in accordance with the Subdivision Specifications and Guidelines and any further conditions specified by the Town;
  - b. finished street grades are staked and available to determine basement elevations prior to commencing construction of dwellings or structures;
  - c. the required water and sewerage facilities servicing all lots contained within that phase of the subdivision development,

pursuant to the final subdivision plan as approved by the Development Officer, have been installed in accordance with the Subdivision Specifications and Guidelines and the requirements of any other By-laws relating to water and sewerage facilities. The Town must receive written confirmation from the Consulting Engineer that all required water and sewerage services and facilities have been constructed and installed in accordance with the approved Engineering Design Drawings.

## **B. STREET NETWORK SYSTEM**

- i. The design and construction of all streets is subject to and shall be in accordance with the requirements outlined in the Subdivision Specifications and Guidelines, unless otherwise provided for in this By-law or stipulated by Council.
- ii. Streets shall be located with due regard to topography, general traffic requirements, existing streets in or adjoining the subdivision, and the development of adjacent properties.
- iii. In arriving at a decision regarding a recommendation with respect to the location of streets in a proposed subdivision:
  - a. the Planning Advisory Committee shall give consideration to the relationship between such location and:
    - (1) the topography of the land;
    - (2) the provision of lots suitable for the intended use. Without limiting the foregoing, such matters as slope, topography, soils and drainage shall be considered;
    - (3) street intersections and intersections being as nearly as possible at right angles, and in no case shall one street intersect another at an angle of less than sixty (60) degrees;
    - (4) convenient access to the proposed subdivision and to lots within it, and circulation of vehicular traffic to ensure the public safety; and



- (5) convenient further subdividing of the land as well as subdivision of or access to adjoining land.
  - b. the Planning Advisory Committee shall ensure appropriate connections are provided to adjacent properties or development, especially where adjacent development contains dead end streets that exceed the maximum length for Cul-de-sacs as outlined in the Subdivision Specifications and Guidelines.
- iv. 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 subdivision plan shall:
- a. make provision to bring the existing access to the same standard as may be required for streets within the subdivision; or
  - b. contribute to the cost of work referred to in Subsection 8(B)(iv)(a) to the extent required for streets within the subdivision provided the amount contributed per lineal metre for such access does not exceed the cost to such person per lineal metre for streets within the subdivision or, where the plan does not provide for the laying out of streets to be publicly owned, the average cost per lineal metre for subdivision street within the town constructed during the preceding twelve (12) months.
- v. Reserve strips abutting a street in a subdivision are prohibited, except where such strips are vested in the Town.
- vi. Street names shall be subject to the approval of the Development Officer and be in compliance with the Province of New Brunswick NB 911 Service Civic Addressing standards.

**C. WATER DISTRIBUTION SYSTEM**

- i. Where a subdivision development will not be connected to the Town potable water system, a Hydrogeological study by a registered Professional Engineers or Geoscientists of the Province of New Brunswick shall be required in accordance with the following:

- a. where the subdivision would create twenty five (25) or more lots, including the remnant, a comprehensive water supply assessment report shall be completed;
  - b. where the subdivision is in an area with a documented history of water quality or quantity problems, a comprehensive water supply assessment report shall be completed despite the number of lots to be created;
  - c. where the subdivision would create from ten (10) to twenty four (24) lots, including the remnant, an abbreviated water supply assessment report shall be created;
  - d. a comprehensive water supply assessment report shall also be done where an abbreviated water supply assessment recommends that a future phase be subject to having such a report be completed.
- ii. The design and installation of all water distribution systems to be integrated with the Town potable water system is subject to and shall be in accordance with the requirements in the Town Water Utility By-law and the Subdivision Specifications and Guidelines, unless otherwise provided for in this By-law or stipulated by Council.
  - iii. Where a Developer is proposing to subdivide land within an area serviced by the Town potable water system, they shall provide each lot within the proposed subdivision with a water service connection in accordance with the requirements of the Town Water Utility By-law and the Subdivision Specifications and Guidelines.

#### **D. SANITARY SEWER SYSTEM**

- i. The design and construction of all sanitary sewer systems is subject to and shall be in accordance with the requirements in the Town Sewerage Utility By-law and the Subdivision Specifications and Guidelines, unless otherwise provided for in this By-law or stipulated by Council.
- ii. Where a Developer proposing to subdivide land within an area serviced by the sanitary sewer system owned, operated and maintained by the Town, the Developer shall provide each lot within the proposed subdivision with a standard sanitary sewer

connection in accordance with the requirements in the Town Sewerage Utility By-law and the Subdivision Specifications and Guidelines.

#### **E. STORM SEWER SYSTEM**

- i. The design and construction of all storm sewer systems is subject to and shall be in accordance with the requirements outlined in the Subdivision Specifications and Guidelines, unless otherwise provided for in this By-law or stipulated by Council.
- ii. A storm sewer system shall be provided in accordance with the provisions of the Subdivision Specifications and Guidelines in a subdivision located in other than the rural zone, unless the Developer can confirm the following conditions will be met through sound engineering design and construction methods approved by the Town:
  - a. streets, or a portion thereof, have a gradient of or less than six percent (6%); or
  - b. the depth of ditches is not in excess of zero decimal seven five (0.75) metres; or
  - c. driveway pipe culverts require inside diameter not larger than three hundred (300) millimetres.
- iii. A subdivision located in a rural zone shall be provided with, at minimum, an open channel flow storm sewer system in accordance with the requirements of the Subdivision Specifications and Guidelines. The design of an open channel flow system shall be done by a Consulting Engineer based on sound engineering principles and construction methods, and must be submitted to the Town for review and approval. Should conditions dictate the requirement of a closed storm sewer system in accordance with the Subdivision Specifications and Guidelines, the Town shall confirm this requirement during the subdivision approval process.
- iv. Where a drainage easement exist between residential properties, the storm sewer shall be installed to the rear property line.

**F. BLASTING**

- i. In the event the development of a subdivision requires the use of explosives (blasting) the provisions of Blasting under General Conditions of the Subdivision Specification and Guidelines shall apply.
- ii. Blasting operations within a radius of one hundred (100) metres of any building is prohibited. (AMENDMENT #1 DATED 2007-09-04)
- iii. Blasting operations between a radius exceeding one hundred (100) metres to a maximum of a radius not exceeding two hundred (200) metres of any building is prohibited without the written approval of Council, and compliance with any additional terms and conditions as imposed by Council. (AMENDMENT #1 DATED 2007-09-04)

**9. APPROVAL OF A SUBDIVISION PLAN**

- A. Subject to this section, the Development Officer may approve a subdivision plan.
- B. An approval under Subsection 9(A) 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 sewerage disposal.
- C. The Development Officer shall not approve a subdivision plan or any phase thereof where the proposed subdivision does not conform to the Town's Municipal Development Plan By-law, Zoning By-law, Building By-law and to any other By-law enacted under the provisions of the Act and in effect in the Town.
- D. The Development Officer shall not approve a subdivision plan if in their opinion and in the opinion of the Planning Advisory Committee;
  - i. 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
  - ii. the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of

adjoining land.

- E. Where a person proposes to subdivide land in such a manner that a street is required, or in such location that pursuant to the Zoning By-law, municipal water or sewer facilities or both are required, the Development Officer shall not approve a subdivision plan unless, in the opinion of Council:
- i. 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
  - ii. such person has entered into an agreement with Council that is binding on their heirs, successors and assigns to provide the proposed subdivision with, but not necessarily limited to:
    - a. potable water and sanitary sewerage services, if required by the Town, to standards and specifications required by Council and New Brunswick Department of Environment and Local Government;
    - b. streets including sub-base and base construction and asphalt surface to the Subdivision Specifications and Guidelines as interpreted by the Town;
    - c. an approved storm sewer system;
    - d. driveway culverts;
    - e. street lights in approved locations;
    - f. street signs.
  - iii. such person has delivered to the Town a sum of money deposited, or an irrevocable letter of credit or certified cheque or other performance bond acceptable to the Council in an amount to cover the person's cost for those items listed in Subsection 9(E)(ii) and other items as determined by Council and for due performance of the terms of a development agreement.

## 10. INSPECTION AND ENFORCEMENT

- A. The Developer shall agree to permit the Development Officer or a designated representative of such Officer or a person authorized by the Council to enter at all reasonable times upon the lands being subdivided for the purpose of making any inspection that is necessary for the administration or enforcement of this By-law.
- B. Any person who violates or fails to comply with a provision of this By-law commits an offence and is punishable under Part II of the Provincial Offences Procedure Act as a “Category B” offense.

**11. SEVERABILITY**

- A. If any part of this By-law shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law.

**12. BY-LAWS REPEALED**

- A. All By-laws, rules and regulations heretofore passed, adopted and observed by the Councils of the former Town of Quispamsis, By-law number 49, and the former Village of Gondola Point By-law numbers 32 and 41, and all amendments thereto relating to Subdivisions are hereby repealed.

**13. EFFECTIVE DATE**

A. This By-law comes into effect on the date of final enactment thereof.

**READ FIRST TIME: March 1, 2005**

**READ SECOND TIME: March 1, 2005**

**READ THIRD TIME AND ENACTED: March 15, 2005**

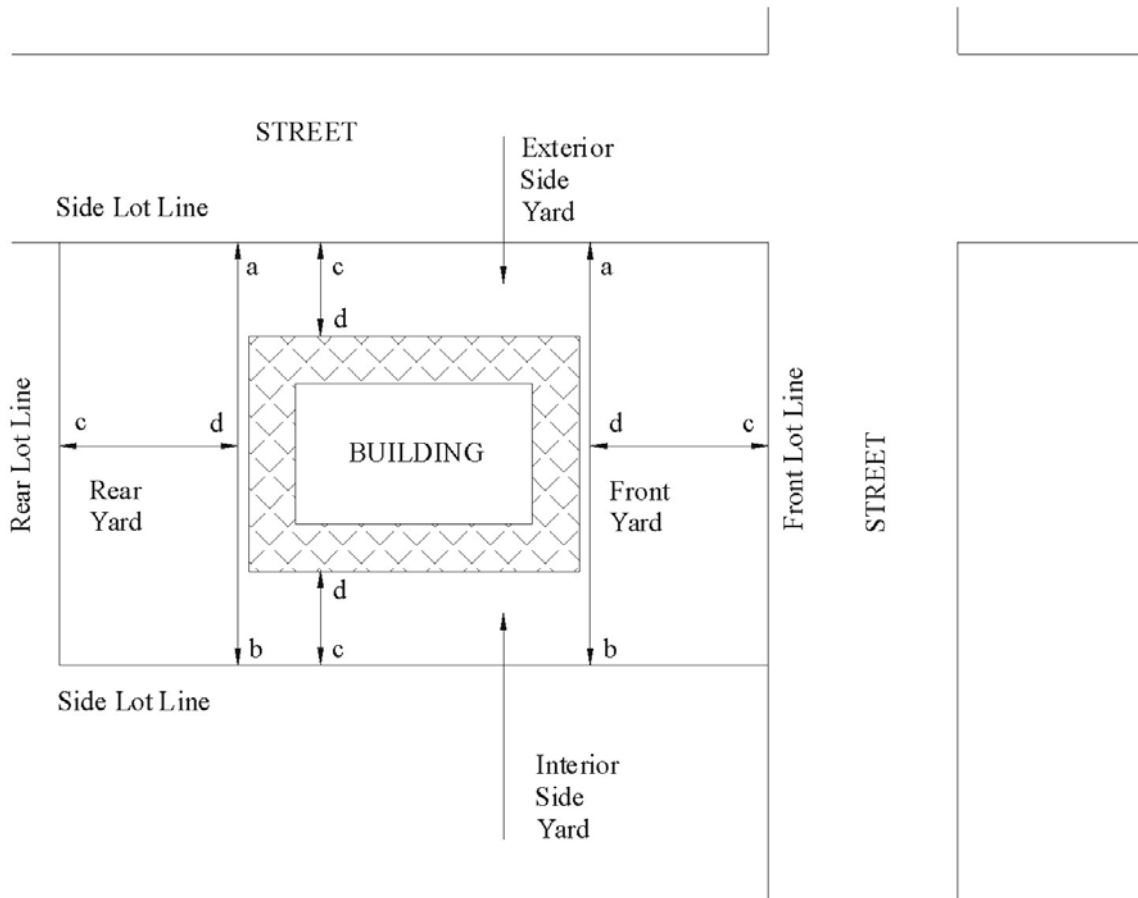
**AMENDMENT NO.1 READ THIRD TIME AND ENACTED: September 4, 2007**

**SEAL**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

**"SCHEDULE A-1"**  
**"PARALLEL LOT LINES - CORNER LOT"**

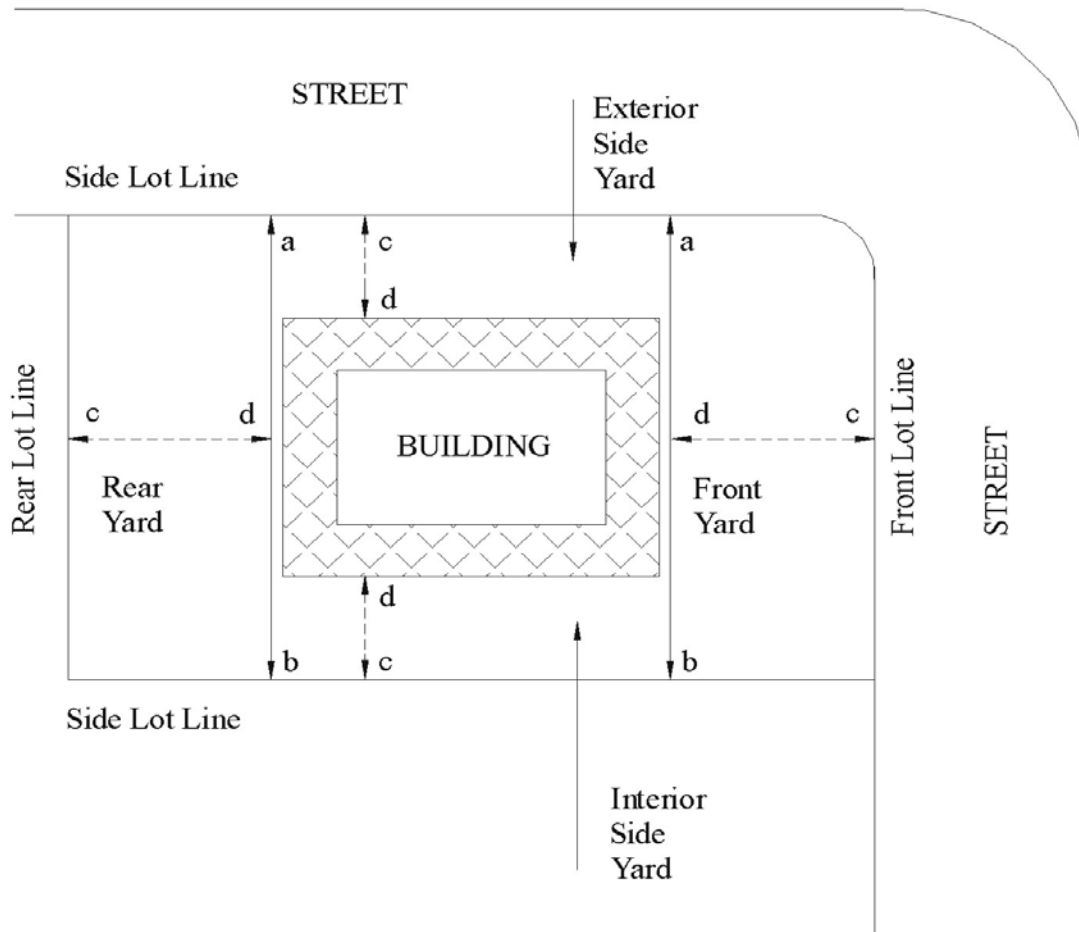


LOT WIDTH

1. DISTANCE  $ab$  REPRESENTS THE WIDTH OF THE LOT, AS SPECIFIED IN THE ZONING BY-LAW. THIS DISTANCE IS MEASURED ACROSS THE LOT AT RIGHT ANGLES TO THE SIDE LOT LINE.
2. DISTANCE  $cd$  MUST BE THE MINIMUM SETBACK DISTANCE SPECIFIED IN THE ZONING BY-LAW.



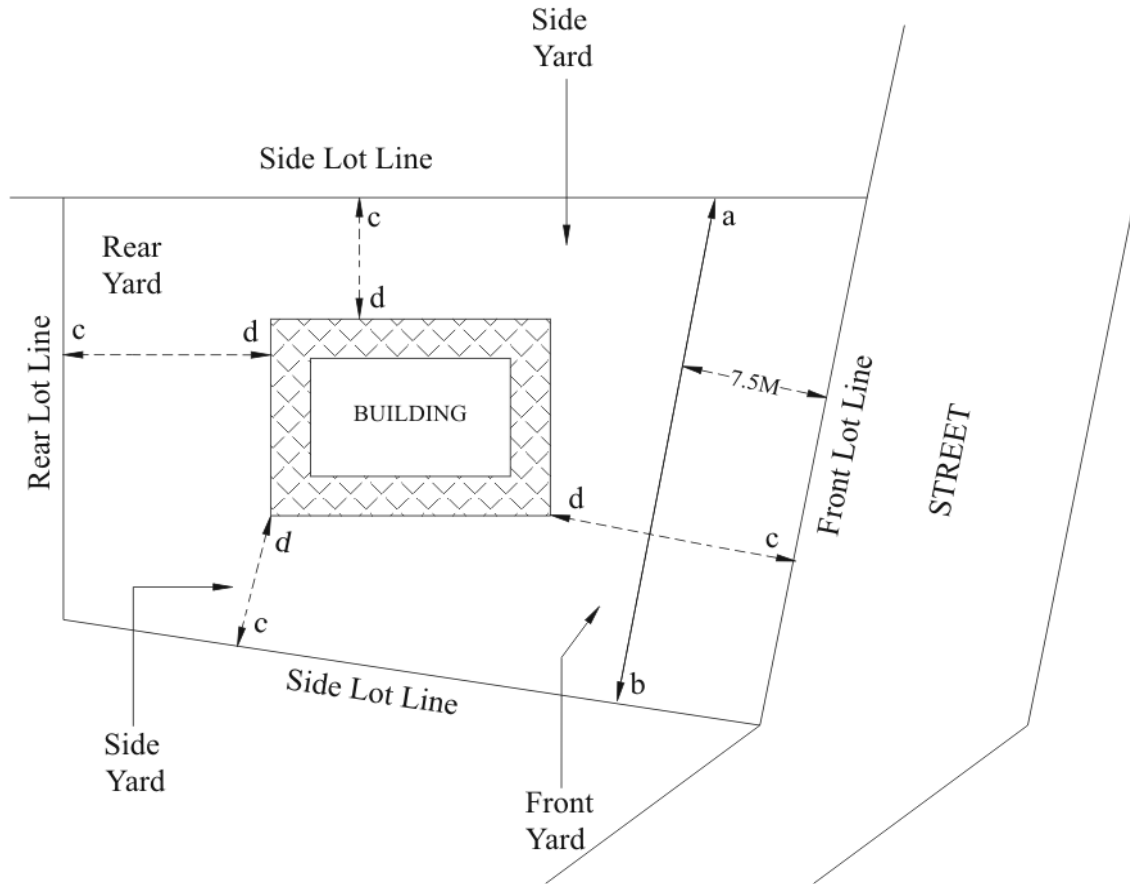
"SCHEDULE A-2"  
"CURVED LOT LINE - CORNER LOT"



LOT WIDTH

1. DISTANCE  $ab$  REPRESENTS THE WIDTH OF THE LOT, AS SPECIFIED IN THE ZONING BY-LAW. THIS DISTANCE IS MEASURED ACROSS THE LOT AT RIGHT ANGLES TO THE SIDE LOT LINE.
2. DISTANCE  $cd$  MUST BE THE MINIMUM SETBACK DISTANCE SPECIFIED IN THE ZONING BY-LAW.

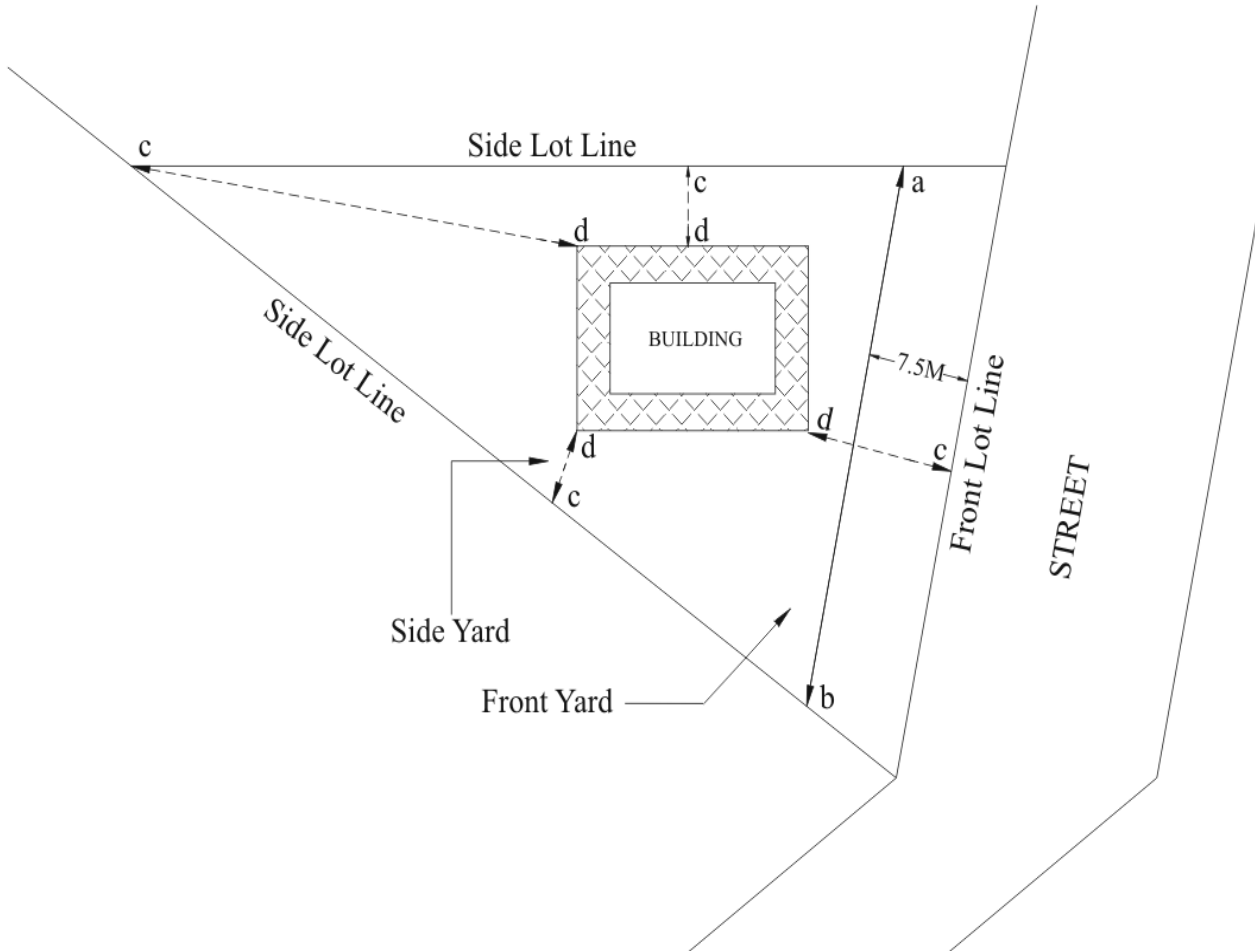
**"SCHEDULE A-3"**  
**"IRREGULAR LOT - NO PARALLEL LOT LINES"**



**LOT WIDTH**

1. DISTANCE *ab* MEASURED ACROSS THE LOT INTERSECTING THE SIDE LOT LINE IS THE LOT WIDTH. THIS LINE IS A PARALLEL LINE 7.5 METERS FROM THE LINE JOINING THE POINTS AT WHICH THE SIDE LOT LINES INTERSECT THE STREET LINE.
2. DISTANCE *cd* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE *cd* MUST BE A MINIMUM DISTANCE SPECIFIED IN THE ZONING BY-LAW.

**"SCHEDULE A-4"**  
**"IRREGULAR LOT - NO REAR LOT LINE"**



LOT WIDTH

1. DISTANCE  $ab$  MEASURED ACROSS THE LOT INTERSECTING THE SIDE LOT LINE IS THE LOT WIDTH. THIS LINE IS A PARALLEL LINE 7.5 METERS FROM THE LINE JOINING THE POINTS AT WHICH THE SIDE LOT LINES INTERSECT THE STREET LINE.
2. DISTANCE  $cd$  REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE  $cd$  MUST BE A MINIMUM DISTANCE SPECIFIED IN THE ZONING BY-LAW.