

BY-LAW NO. 35

A BY-LAW OF THE MUNICIPALITY OF PERTH-ANDOVER
RESPECTING THE REGULATION OF THE SUBDIVISION
OF LAND IN THE MUNICIPALITY

The Council of the Municipality of Perth-Andover duly assembled, under authority vested in it by section 42 of the Community Planning Act, enacts as follows:

Interpretation

1. In this By-Law,
 - (a) "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; and
 - (b) "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 of and 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 of Perth-Andover.

REGISTRY OFFICE COUNTY OF VICTORIA

This instrument has been compared with respect to the date and the names of the parties only with the purported original thereof which was filed as Number 110 at 1146 on the 19th day of March 1992.

3. (1) In a subdivision, unless otherwise stipulated by Council,
- (a) every street shall have a width of 20 metres;
 - (b) a cul-de-sac shall not exceed 180 metres in length, and shall terminate with a circular area having a radius of 18 metres;
 - (c) the maximum gradient of streets in the subdivision shall be 8 per cent, except that the Advisory Committee may in exceptional cases made necessary by topography of the land in the subdivision, and with the consent of Council, increase the maximum gradient allowable to 10 per cent.
- (2) Where entry will be gained to a subdivision by means of an existing streets 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 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 Advisory Committee shall give consideration to the relationship between such location and
- (a) the topography of the land;
 - (b) the provision of lots suitable for such intended use;
 - (c) street intersections and interceptions being as nearly as possible at right angles;

3. (4)(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 Advisory Committee.
- (6)(a) Roads and streets within a subdivision shall meet the current New Brunswick Minimum Standards for Construction of Subdivision Roads and Streets as established by the Department of Transportation of the Province of New Brunswick, except where otherwise provided herein.
- (b) A copy of such minimum standards is attached hereto as Schedule "A".

Lots, Blocks and Other Parcels

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 future street or other access as may be approved by the Advisory Committee as being advisable for the development of land.
- (2) Subject to subsection (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.
- (3) Where a proposed subdivision contains a series of crescents 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.

4. (4) The dimensions and area of a lot in a subdivision are subject to the requirements of the zoning by-law.

(5) With respect to lots on a cul-de-sac the minimum frontage shall be measured at the line of minimum set-back and such minimum frontage shall be maintained for a depth of at least 9 metres to the rear of such line of set-back.

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 water or sewer facilities or both are 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 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 the facilities required within the subdivision.

6. Easements shall be provided for utilities when necessary and shall be at least 6 metres wide, except for drainage easements which shall be 9 metres wide.

Conditions Precluding Approval of a Subdivision Plan

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

8. By-Law # 7, the Subdivision By-Law, is repealed.

9. This By-Law comes into force on the date of final passing thereof.

READ A FIRST TIME BY TITLE this 15th day of March 1978.

READ A SECOND TIME BY TITLE this 15th day of March 1978.

READ IN ITS ENTIRETY IN COUNCIL this 16th day of May 1979.

READ A THIRD TIME BY TITLE AND ENACTED this 4th day of June 1979.

B.B. Wagner
.....
Mayor

M. Walter
.....
Clerk

APPROVED
Pursuant to s. 69
Community Planning Act
Mervell Maclean
Minister of Municipal Affairs
2. March '92
Date

SOLEMN DECLARATION
FOR BUILDING AND SUBDIVISION BY-LAWS

I, Murray E. Watters, of the Village of Perth-Andover, in the County of Victoria and Province of New Brunswick, Municipal Clerk, DO SOLEMNLY DECLARE

1. THAT I am the MUNICIPAL CLERK of the Village of Perth-Andover, a municipal corporation, and have personal knowledge of the facts herein declared.

2. THAT the requirements of section 66 of the COMMUNITY PLANNING ACT have been complied with in respect to "A By-Law of the Municipality of Perth-Andover Respecting The Regulation Of The Subdivision Of Land In the Municipality", which was passed by the Municipal Council of the Village of Perth-Andover on June 4th, 1979.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Evidence Act.

DECLARED before me at)
the Village of Perth-Andover)
County of Victoria, and)
Province of New Brunswick)
this ~~4~~¹⁸ day of ~~June~~ , A.D.)
~~1979.~~)
1992.)
February / RAH)
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MUNICIPAL CLERK


COMMISSIONER OF OATHS

ANN LOCKHART
COMMISSIONER OF OATHS
MY COMMISSION EXPIRES
DEC. 31, 1995