

**BY-LAW NO. 64**  
**CITY OF MIRAMICHI SUBDIVISION BY-LAW**

The Council of the City of Miramichi, under authority vested in it by Section 42 of the Community Planning Act, enacts as follows:

**SECTION 1 SCOPE**

1.1 This By-Law provides for regulation of the subdividing of land in the Municipality of the City of Miramichi.

**SECTION 2 DEFINITIONS**

2.1 In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:

- a) CITY means the City of Miramichi, including designated staff.
- b) COUNCIL means the Council of the City of Miramichi.
- c) DEVELOPMENT OFFICER means the District Director or the District Officer or other officer appointed under Section 7(4) of the Community Planning Act,
- d) LAND FOR PUBLIC PURPOSES means land other than streets, for the recreational or other use or enjoyment of the general public,
- e) LOT means a parcel of land appropriated for a use intended to be used as the site for a building or structure or an appurtenance thereto,
- f) OWNER means the registered owner of the land.
- g) PLANNING COMMISSION means the Miramichi Planning District Commission.
- h) STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick or the City of Miramichi.
- i) SUBDIVIDE means to divide a parcel of land into two or more parcels.

**SECTION 3 TENTATIVE PLAN**

3.1 A person seeking approval of a tentative plan shall submit to the Development Officer a written application and six copies of a Tentative Plan.

3.2 The Tentative Plan shall, to the satisfaction of the Development Officer:

- a) be marked "Tentative Plan"
- b) show the proposed name of the proposed subdivision;
- c) show 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;
- d) show the locations, widths and names of existing street on which the proposed subdivision abuts, and the location, widths and proposed names of the streets therein;

## **BY-LAW NO. 64**

- e) show the approximated dimensions and layouts of the proposed lots, blocks, including the remainder parcel, land for public purposes and other parcels of land, and the purposes for which they are to be used;
- f) show 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;
- g) show natural and artificial features such as building, railways, highways, water-courses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- h) show the availability and nature of domestic water supplies;
- i) show the nature and porosity of the soil;
- j) show such contours or elevations as may be necessary to determine the grade of the streets and the drainage of the land;
- k) show the municipal services available or to be available to the land proposed to be subdivided;
- l) show where necessary to locate the proposed subdivision in relation to existing streets and prominent natural features;
- m) show plans for landscaping and tree planting;
- n) show the proposed location of every building;
- o) show any further information required by the Development Officer to assure compliance with this Subdivision By-law and policies of Council or the Planning Commission; and
- p) be to a scale approved by the Development Officer.

3.3 Upon receipt of a completed application for Tentative Plan approval, the Development Officer may, as provided for in Section 44(1)(b) of the Community Planning Act of NB, exempt the request from tentative approval and shall instruct the owner as to the manner of subdividing the land.

### **SECTION 4 SUBDIVISION PLANS**

4.1 Subdivision Plans may be submitted to the Development Officer for approval after the Tentative Plan has been approved or the owner has been exempted by the Development Officer.

4.2 Subdivision Plans shall conform to the requirements set out in Section 52 of the Community Planning Act, 1971 and amendments thereto.

### **SECTION 5 CLASSES**

5.1 Three major classes of subdivisions are provided for in this by-law and are defined as follows:

- a) Class 1 - lots to be created can be serviced by an existing street and existing municipal water and sewer infrastructure, and development does not require major physical land alteration.
- b) Class 2 - lots to be created require construction of new street(s), installation of municipal water and sewer infrastructure and/or major physical land alteration.
- c) Class 3 - lots to be created require the provision of on-site water supply and/or sewage disposal.

**BY-LAW NO. 64**

**SECTION 6 GENERAL PROVISIONS**

- 6.1 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 provision to bring the existing access to the same standard as is required for streets within the proposed subdivision or contribute to the cost to the satisfaction of the City.
- 6.2 Reserve strips abutting a street in a subdivision are prohibited, except where such strips are vested in the municipality.
- 6.3 A subdivision plan shall provide convenient access to the proposed subdivision and lots within it.
- 6.4 The Development Officer shall not approve a subdivision plan if, in his opinion and in the opinion of the Commission:
  - 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, or
  - b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land.
- 6.5 Names of streets in a subdivision are subject to the approval of the Council.
- 6.6 The Development Officer may approve subdivisions containing structures for sale with Condominium Property Act being Chapter 16 of the Statutes of New Brunswick, 1973.
- 6.7 The Development Officer or a person authorized by the City has the right to enter at all reasonable times upon any property within the City of Miramichi for the purpose of making any inspection that is necessary for the administration or enforcement of this By-Law.
- 6.8 Any person who violates a provision of the By-Law is guilty of an offence and is liable on summary conviction to a fine.

**SECTION 7 LOTS, BLOCKS AND OTHER PARCELS**

- 7.1 Every lot, block and other parcel of land in a subdivision shall:
  - a) abut and have access to a public street; or
  - b) provide such access other than a street as may be approved by the Planning Commission as being advisable for the development of land.
- 7.2 The dimensions and area of a lot in a subdivision are subject to the minimum size and dimension requirements of the City of Miramichi Zoning By-law.

**SECTION 8 STREETS**

- 8.1 Courts and cul-de-sacs shall have a maximum length of 200 meters and the entering street line shall terminate with an area having a minimum radius of 18 meters.
- 8.2 Street blocks in subdivisions shall be at least 120 meters and not more than 305 meters long.
- 8.3 Streets and right-of-ways shall have the following minimum widths:
  - a) arterial streets 30 meters
  - b) collector streets 25 meters

**BY-LAW NO. 64**

- c) local streets 20 meters
- d) pedestrian walks 5 meters
- e) maintenance access to public lands 7 meters

8.4 The maximum grade of a street shall be:

- a) for arterial streets six percent (6%)
- b) for all other streets eight percent (8%)

8.5 Streets shall be laid out so as to intersect as nearly as possible to right angles, and in no case shall one street intersect another at an angle less than 60 degrees.

**SECTION 9 LAND FOR PUBLIC PURPOSES**

9.1 Subject to this section, as a condition of approval of a subdivision plan which will create two or more lots, land in the amount of 10 per cent (10%) of the area of the proposed subdivision exclusive of streets intended for public ownership, at such location as may be recommended by the Planning Commission or otherwise approved by Council, is to be set aside as land for public purposes and so indicated on the plan.

9.2 Council may require, in lieu of land set aside under Subsection (1), a sum of money be paid to the municipality in the amount of 8 per cent (8%) 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.

9.3 Where, as a condition of approval of a subdivision plan, land has been set aside under Subsection (1) or the provisions of Subsection (2) 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.

9.4 Subsection (1) and Subsection (2) do not apply to that part of a subdivision plan that creates a parcel of land solely for the purposes of:

- a) being assembled with other parcels for later subdivision, or
- b) being added to an existing lot.

9.5 Subsection (1) and Subsection (2) apply only to those subdivision plans which will result in the creation of lots that require the creation and construction of new public streets as per Section 10.

**SECTION 10 MUNICIPAL INFRASTRUCTURE**

10.1 All Class 2 subdivisions will be provided with sanitary sewers, storm sewers, water services, street lighting, streets, curbs, parkland and sidewalks to the satisfaction of the City Engineer and designed and built to servicing standards as prescribed by resolution of Council.

10.2 In a subdivision where streets and/or services are required, the subdivider shall provide such facilities as required at his/her expense including the entering into of an agreement with the Municipality which is binding on any heirs, successors and assigns to construct and pay the costs of the required facilities, including a sum of money deposited, or an irrevocable letter of credit or certified cheque or other performance bond with the City sufficient to guarantee the faithful performance of the said agreement to the satisfaction of the City.

10.3 In any subdivision, new streets shall be constructed to standards as approved by resolution of Council.

**BY-LAW NO. 64**

- 10.4 For Class 2 Subdivisions, plans and profiles of services must be prepared to the satisfaction of the City Engineer and included as part of Tentative Plan approval. As built plans shall be provided to the City Engineer upon completion of the work.
- 10.5 No Subdivision Plan shall be approved unless the Council is satisfied that it will be able in the foreseeable future to provide the proposed subdivision with streets, water and sewer lines, lighting, recreational areas or other facilities required by this by-law, or the person proposing the subdivision has made satisfactory arrangements for providing such facilities as provided for in Section 9 of this by-law.

**SECTION 11 FEES**

- 11.1 A person proposing to subdivide land shall pay a fee of \$50.00 plus an additional fee of \$10.00 per parcel created.

**SECTION 12 BY-LAWS REPEALED**

- 12.1 By-Law No. 24 of City of Miramichi and, "Subdivision By-Law" enacted December 19, 1996 and amendments thereto, are all hereby repealed.

**SECTION 13 ENACTMENT**

- 13.1 This By-Law shall come into effect on the date of the final reading by title and the enacting thereof.

READ THE FIRST TIME BY TITLE:	December 21, 2000
READ THE SECOND TIME BY TITLE:	April 26, 2001
READ IN ITS ENTIRETY BY COUNCIL:	April 26, 2001
READ THE THIRD TIME BY TITLE:	April 26, 2001
<b>AND ENACTED:</b>	<b>April 26, 2001</b>

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
MAYOR