



Village of New Maryland

Subdivision By-law

By-law No. 07-2020

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**VILLAGE OF NEW MARYLAND
SUBDIVISION BY-LAW
BY-LAW NO. 07-2020**

WHEREAS the *Community Planning Act* S.N.B. 2017, c.19 (“the Act”) was proclaimed and came into force January 1, 2018,

AND WHEREAS under Section 141 of the *Community Planning Act* S.N.B. 2017, c.19, the “former Act” means the Community Planning Act, chapter C-12 of the Revised Statutes, 1973,

AND WHEREAS under Section 144 of the Act, a by-law made under the authority of the former Act that was in force immediately before the commencement of this section shall be deemed to have been made under the Act and is valid and continues in force until amended or repealed, to the extent that it is not inconsistent with this Act or a statement of provincial interest.

AND WHEREAS the Council for the Village of New Maryland proposes amendments to Subdivision By-law No. 07-2016,

THEREFORE, BE IT ENACTED by the Council of the Village of New Maryland under the authority vested in it by the *Community Planning Act* S.N.B. 2017, c.19, as follows:

The Council of the Village of New Maryland, under the authority vested in it by the *Community Planning Act*, S.N.B. 2017, c.19 and amendments thereto, enacts as follows:

1.0 TITLE

- 1) This by-law may be cited as the "Village of New Maryland Subdivision By-law".

2.0 SCOPE

- 1) The purpose of this by-law and accompanying schedule is to regulate the subdividing and orderly development of land, including municipal services, within the Village of New Maryland. These by-law provisions conform to the requirements of the *Community Planning Act*, New Maryland Municipal Plan By-law, Zoning By-law, Building By-law, the Village of New Maryland "*Specifications for Developers*", Village of New Maryland Master Plans, and industry standards.
- 2) The provisions of this by-law are severable. If any provision is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this by-law.

3.0 INTERPRETATION

- 1) All numerical requirements in this by-law are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail.
- 2) In this by-law:

Act means the *Community Planning Act*, S.N.B. 2017, c.19 and amendments thereto.

Boulevard means the portion of a highway not occupied by the roadway or sidewalk and includes plantings, surface finishing and treatment.

Corner lot means a lot situated at the intersection of, and abutting on, two or more streets.

Council means the Village Council of the Village of New Maryland.

Development means, as defined in Section 1 of the *Community Planning Act* and includes: any activity which changes or modifies the use of land or buildings or structures located upon land and which is not exempt from this by-law by provisions of an Act of the Legislature or Parliament; or the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing a building or structure.

Development Officer means the municipal planning director or municipal planning officer, where one has been appointed under Section 10 and Section 152 of the *Community Planning Act*.

Land for Public Purposes means land, other than streets, transferred to the Village for the recreational or other use or the enjoyment of the general public as defined in Section 75(1)(f) of the Act.

Lot means one parcel of land described in a deed, transfer, or subdivision plan, used or intended to be used as the site for a building or structure or appurtenance thereto.

Pathway means a path, sidewalk, or trail used for any form of active transportation.

Planning Advisory Committee (PAC) means the Planning Advisory Committee established by the Council.

Reserved Strip means a strip of land (smaller than a lot) retained in private ownership as a means of controlling access to land or other rights-of-way, from adjoining properties.

Subdivision means a plan which divides a parcel of land into two or more parcels.

Type 1 Subdivision means a subdivision of land that is not a Type 2 subdivision.

Type 2 Subdivision means a subdivision of land that requires the development of:

- (a) One or more streets, or
- (b) A form of access other than a street as may be approved by the Planning Advisory Committee or Council as being advisable for the development of the land.

Works and Services means any public service, facility or utility which is required by this by-law and without restricting the generality of the foregoing includes: the supply and distribution of water; collection and disposal of sewage; collection, retention and disposal of drainage water; street lighting; access roadways, bike lanes, trails, pathways, curbs, gutters, sidewalks, and boulevard plantings; and the supply and distribution of electrical power, natural gas, telephone or cable television.

3) **Other By-laws, Permits and Licenses**

Nothing in this by-law shall relieve any person from the obligation to comply with the requirements of the Municipal Plan By-law, Zoning By-law, Building By-law or any other By-law of the Village of New Maryland in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the Village of New Maryland or Act or Regulation of the Provincial or Federal Government. In the event of conflict between this by-law and any other by-law, Act or Regulation, the most restrictive obligation shall prevail.

4.0 **APPLICATION**

- 1) Subject to Section 4, 2), this by-law applies exclusively to the Village of New Maryland.
- 2) Except as otherwise provided for in the Act, no land within the Village shall be subdivided except in accordance with the provisions of this by-law.
 - (a) A person who seeks to subdivide land within the municipality shall submit a subdivision application, including a tentative plan prepared in a manner consistent with the Act and this by-law, in addition to any required supporting documentation to the Development Officer

for consideration. The application requirements for the subdivision of land are outlined in Section 5.0 Tentative Plan.

- 3) A person who seeks a variance from this by-law (in accordance with Sections 77 and 78(2) of the Act) shall address a written and signed application, in a form acceptable to the Development Officer, to the Planning Advisory Committee (PAC) along with the applicable fee. Before granting or rejecting a variance, the PAC may carry out such investigation as it deems necessary. Approval of a variance may be subject to terms and conditions imposed by the PAC. The Council for the Village of New Maryland may enter into an agreement to assure the performance of the conditions required by the PAC has been met.

5.0 TENTATIVE PLAN (APPLICATION PROCEDURES AND REQUIREMENTS)

- 1) A person seeking approval of a Tentative Plan shall submit to the Development Officer an electronic or digital copy of the Plan or twenty (20) hard copies thereof, drawn to a scale approved by the Development Officer. Tentative Plans requiring consideration by the Planning Advisory Committee and Village Council must be submitted to the Development Officer at least fifteen (15) business days before the meeting of the Committee.
- 2) Unless exempted therefrom by the Development Officer, a person seeking approval of a Subdivision Plan shall submit to the Development Officer a written application on the appropriate form for approval of a Tentative Plan. The form must be signed by the registered owners of the land to be subdivided, and be accompanied by the applicable application fees and a copy of the property title and/or property deed.
- 3) A tentative plan shall be marked "Tentative Plan" and shall show:
 - (a) The proposed name of the proposed subdivision;
 - (b) 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;
 - (c) 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;
 - (d) The location and widths of existing and proposed pathway connections;
 - (e) 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;
 - (f) 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) 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;
 - (h) The location of storm water attenuation facilities and outlets of storm water runoff;
 - (i) The availability and nature of domestic water supplies;
 - (j) The nature and porosity of the soil;
 - (k) Such contours or elevations as may be necessary to determine the grade of the streets and the drainage of the land;
 - (l) The municipal services available or to be available to the land proposed to be subdivided;
 - (m) The location of the proposed subdivision in relation to existing streets and prominent natural features, a small key plan acceptable to the Development Officer showing such location;
 - (n) Proposed building locations as well as any landscaping or fencing proposed on the site, except in the Residential R-1 and R-2 Zones; and
 - (o) Any further information required by the Development Officer to assure compliance with the Municipal Plan, Zoning By-law or Subdivision By-law.

6.0 CONNECTIVITY (STREETS AND PUBLIC WAYS)

- 1) All streets shown on the Tentative Plan shall have the following minimum right-of-way widths:
 - (a) An arterial street: 30 metres;
 - (b) A collector street: 20 metres to 25 metres;
 - (c) A local street: 15 metres to 20 metres; and
 - (d) In consultation with the Village Engineer, the Development officer may vary these widths when circumstances warrant.
- 2) All pathways shown on the Tentative Plan shall have a minimum 5 metres right-of-way width.
- 3) A cul-de-sac shall not exceed 180 metres in length and shall terminate with a circular area having a radius of 18 metres. The maximum length of a cul-de-sac is intended to be measured from the intersection street right-of-way to the back of curb in the turning area.

The circular area at the head of the cul-de-sac may be constructed as a temporary cul-de-sac if it is intended to be extended to connect to a street in a future phase of the subdivision. The temporary cul-de-sac shall be constructed to the specifications in accordance with the Village's *Specifications for Developers*.
- 4) The maximum grade on streets shall be six percent (6%) on arterial and collector streets and eight percent (8%) on local streets and a minimum horizontal grade of one-half percent (0.5%) for all streets unless approved otherwise by the Village Engineer.
- 5) Streets shall be laid out so as to intersect as nearly as possible at right angles, and in no case shall one street intersect another at an angle of less than 70 degrees.
- 6) Offset or jogged intersections are to be avoided by locating streets with at least a 60 metre offset. This offset distance is to be measured from the closest edges of the street right-of-way boundaries.
- 7) Streets shall be laid out to provide maximum pedestrian and bicycle connectivity. A pathway connection to adjacent, vacant land parcels shall be provided every 120 metres along the subdivision boundary.
- 8) Streets shall be designed in a curvilinear fashion to prevent long, straight sections. Straight sections shall be limited to 300 metres.
- 9) Reserved strips abutting a street in a proposed subdivision are prohibited, except where such strips are vested in the Crown or the municipality.
- 10) Where entry will be gained to a proposed 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 of the work in accordance with the Act.
- 11) In arriving at a decision regarding a recommendation with respect to the type and location of streets and pathways in a proposed subdivision, the Planning Advisory Committee, in consultation with the Village Engineer, shall give consideration to, among other items:
 - (a) The topography of the land;
 - (b) The provision of suitable lots (by virtue of their slopes, topography, soils, drainage) for the intended use;
 - (c) The provision of convenient and safe access to the proposed subdivision and to lots within it;
 - (d) The type of street (arterial, collector, local) shall be in accordance with that shown on the Village of New Maryland Future Land Use Map and the type of trail or pathway shall be in accordance with that shown on the Trails and Bikeways Master Plan; and

- (e) The convenient and logical extension of streets, pathways and services into adjoining land. In particular, the Committee shall ensure that access is reserved to adjacent lands on all sides of the subject subdivision so as not to prejudice and to facilitate the future integrated development of those adjacent lands. Two access points shall be provided to all interior subdivisions.
- 12) Streets shall be constructed in their entirety, including underground infrastructure, curb and gutters, asphalt, signage, street lighting, boulevard landscaping, pathways and sidewalks, if sidewalks are required, from the intersecting roadway to the rear lot line of corner lots.
- 13) Where a subdivision abuts or includes an existing or proposed arterial street or potential arterial street, the Development Officer and the Planning Advisory Committee may require streets parallel thereto and such arrangement of lots, streets and screen planting as it may deem necessary to adequately protect residential properties from the effects of traffic.
- 14) Names of proposed streets in a subdivision may be suggested by the owner and are subject to approval by Council.
- 15) Streets, services, and any other required facilities for a proposed subdivision must be designed by a Professional Engineer licensed to practice in the Province of New Brunswick and in accordance with infrastructure standards outlined in the latest edition of the Village of New Maryland's *Specifications for Developers*.

7.0 LOTS, BLOCKS AND OTHER PARCELS

- 1) Every lot, block and other parcel of land in a proposed subdivision shall abut:
 - (a) A street owned by the Crown or the municipality; or
 - (b) Such other access as may be approved by the Planning Advisory Committee as being advisable for the development of land.
- 2) Lots created specifically for the purpose of providing municipal utility infrastructure need not abut a public street provided that legal access is secured.
- 3) All lots in the proposed subdivision must meet the minimum width, depth and area requirements pertaining to the zone in which the lots are located in accordance with the New Maryland Zoning By-law.
- 4) Subject to Section 7, 5), a block shall not exceed 240 metres or be less than 120 metres in length and shall have a depth of at least two (2) lots.
- 5) Where a proposed Subdivision Plan lays out a series of crescents and cul-de-sacs, a block may exceed 240 metres in length if pedestrian pathways are provided in the number, location and width considered necessary by the Planning Advisory Committee to provide access or circulation to schools, playgrounds or similar community facilities.
- 6) Where a pathway that is shown on the Future Land Use Map crosses a property proposed for subdivision, the subdivider is responsible to provide the connection across his/her property.
- 7) Where a building used for residential purposes is located on a lot meeting the requirements of the Zoning By-law with respect to lot size, the lot may be subdivided along any party wall of the building.

8.0 LAND FOR PUBLIC PURPOSES

- 1) In accordance with Section 75(1) (f) of the *Community Planning Act*, except as here and otherwise provided, where approval is sought for a Subdivision Plan, land in the amount of eight percent (8%) of the area of the subdivision, exclusive of streets, shall as a condition of approval of the Subdivision Plan be set aside as Land for Public Purposes and be so indicated on the Subdivision Plan. Public

purposes could include any of the purposes outlined in Section 1 of the *Community Planning Act* under the definition of "Land for Public Purposes".

- 2) Given that Lands for Public Purposes are intended to be used for recreation or used for enjoyment by the general public, the Village, as a condition of subdivision approval, shall specify the degree of land preparation necessary to be completed by the Developer prior to dedication of Land for Public Purposes to the Village. Land for Public Purposes shall not be disturbed, graded, cleared or used to store soil or debris prior to dedication to the Village unless prior approval is granted by the Village.
- 3) Where a property proposed for subdivision abuts an existing park or Open Space designation as shown on the Future Land Use Map, then said Land for Public Purposes proposed in the new subdivision shall directly abut the Park or Open Space or pathway connections to the existing Park or Open Space.
- 4) Where approval is sought for a Subdivision Plan within an existing or previous subdivision in which no public dedication was ever provided, and which will result in the increase of unit density on a residential lot or an increase in the floor space or the intensity of land use on a commercial, institutional or industrial lot, land in the amount of eight percent (8%) of the area of the subdivision shall, as a condition of approval of the Subdivision Plan, be set aside as Land for Public Purposes and be so indicated on the Subdivision Plan.
- 5) At the discretion of Council, there shall be paid to the Village, in lieu of the setting aside of Land for Public Purposes under Section 8, 1) and 8, 2), a sum representing 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.

Council may, if it deems appropriate, take a combination of four percent (4%) of the area of the subdivision as land and four percent (4%) of the market value of the land in the subdivision. The intent is to use the cash to furnish or equip the land taken for recreation purposes.

When the Subdivision Plan is submitted for approval, the market value of the land will be calculated in accordance with the Village's document entitled *The Use of Appraisals in the Subdivision Process*.

- 6) Where approval of a Subdivision Plan will create one 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 Section 8, 1).
- 7) Where approval of a Subdivision Plan is sought solely for the purpose of creating a parcel of land to be assembled with other lands for subsequent subdivision in accordance with the Municipal Plan, the condition of approval of the Subdivision Plan prescribed by Section 8, 1) shall not apply.
- 8) Where approval of a Subdivision Plan is sought solely for the purpose of adding a portion of the subdivision to an adjacent parcel of land, the condition of approval of the Subdivision Plan prescribed by Section 8, 1) shall not apply to that portion.
- 9) Where, as a condition of approval of a Subdivision Plan, land has been set aside for public purposes or money has been paid to the Village in lieu thereof, there shall not be required as a condition of approval of any further or other subdivision of the same land the setting aside of Land for Public Purposes or payment of money in lieu thereof.
- 10) This section does not apply in the case of a Subdivision Plan that involves the subdivision of lands owned by the Village of New Maryland at the time of subdivision.

9.0 DEVELOPER OBLIGATIONS

1) Works and Services

Developers are required as a condition of subdivision approval, rezoning, or building permit issuance, to provide Works and Services in accordance with the requirements and standards prescribed in this by-law as follows:

- (a) On-site Works and Services as determined by the Village Engineer, Village Council, or Development Officer;
- (b) Off-site Works and Services within the Municipal Right-of-Way and Road Allowance in accordance with the Village's *Specifications for Developers*, which outlines the minimum standards for the construction of Works and Services associated with development within the Village;
- (c) Prior to approval of a Subdivision Plan, a subdivision that requires the development of a new street, the redevelopment of an existing street, and/or the installation of services, the Developer shall not proceed with construction until the requirements of Clause (d) below have been completed; and
- (d) The Developer shall submit to the Village Engineer for written authorization to proceed, detailed engineering plans and documents pertaining to such required facilities mentioned in this by-law, but not limited to streets, curbing, sidewalks, pathways, walkways, street lights, water and sewer lines, culverts, drainage ditches, storm water attenuation, management and treatment facilities and any other information that may, in the opinion of the Village or the Village Engineer, be necessary for the proper construction of the works.

2) Cost Recovery for Extended Services

- (a) Pursuant to Section 75(1) (i) of the *Community Planning Act*, a person proposing to subdivide land that utilizes or benefits from existing streets, curbing, sidewalks, culverts, drainage infrastructure, water and sewer lines, and other infrastructure as may be required by the Village of New Maryland shall contribute to the cost thereof.
- (b) When the land to be subdivided utilizes infrastructure paid for by the Village of New Maryland or a person other than a present or previous owner or tenant of such land, the person proposing to subdivide shall contribute to the cost in accordance with the following criteria:
 - (i) The contribution shall be known as an infrastructure charge;
 - (ii) Infrastructure charges shall be required for all newly created vacant lots that benefit from services installed by the Village of New Maryland from January 1, 2016 onward and for services installed by another party from January 1, 2012 onward;
 - (iii) Infrastructure charges shall be determined by the Village Engineer and shall be based on the actual installation cost (less oversizing costs) for the investment in streets, curbing, sidewalks, culverts, drainage infrastructure, water and sewer lines, and other infrastructure as may be required by the Village of New Maryland including any engineering and surveying costs in connection therewith;
 - (iv) The Village Engineer shall be provided with appropriate documentation from the installer of the infrastructure to determine the infrastructure charge within six (6) months of the vesting of the infrastructure to the municipality or infrastructure charges shall not be collected by the Village of New Maryland;
 - (v) The frontage of the newly created vacant lot shall be determined by the Development Officer in accordance with the requirements of By-law 04-2016, Village of New Maryland Zoning By-law;
 - (vi) The infrastructure charge shall be the product of the cost per metre of street frontage multiplied by the frontage of the newly created vacant lot;
 - (vii) The infrastructure charge shall be collected by the Development Officer prior to approval of the final Subdivision Plan; and

- (viii) Where the land to be subdivided is located in a Regional Storm Water Management Area, Section 9, 2) (c) shall also apply for the calculation of charges for drainage infrastructure.
- (c) Where Council has adopted a plan outlining an area as a Regional Storm Water Management Area, the person proposing to subdivide shall contribute to the cost in accordance with the following criteria:
 - (i) The contribution shall be known as a regional storm water management charge;
 - (ii) The regional storm water management charge shall be determined by the Village Engineer and shall be based on the cost required to provide regional storm water management for the area;
 - (iii) Each person must pay for his/her own local on-site storm water management and for regional infrastructure identified in the plan for the Regional Storm Water Management Area;
 - (iv) The cost of regional storm water management shall be shared among the property owners in the region;
 - (v) Where the cost of providing regional storm water management infrastructure on a property exceeds the property owner's proportionate share, a credit shall exist;
 - (vi) Where a person has a credit, as outlined under Clause (v) above, the Village of New Maryland shall reimburse him/her for such additional costs incurred in installing regional storm water management infrastructure; and
 - (vii) Where a person incurs the cost of installing regional storm water management infrastructure, which does not exceed their proportionate share, then payment is required at the time when the Subdivision Plan is presented for approval to the Development Officer. If payment is not received, approval of the Subdivision Plan will be withheld.
- (d) Money received by the Village of New Maryland in respect of a cost required to be paid under Sections 9, 2) (b) and 9, 2) (c) shall be paid:
 - (i) Where the cost has been borne by the Village of New Maryland, into a special account to be applied against the cost, or into the general revenue account, if the cost has been completely met; or
 - (ii) Where a person other than the Village of New Maryland has borne the cost, to the person or anyone lawfully claiming under him.

3) Streets and Sidewalks

All streets and sidewalks, whether required in respect of subdivision or development, shall be dedicated and constructed by the Developer in accordance with the standards prescribed in the *Specifications for Developers*.

4) Sanitary Sewer

The owner of any lands proposed to be subdivided or developed shall provide each parcel of land within the proposed subdivision or development with a sanitary sewage collection and disposal system and the sewage system shall be connected by sewer mains to the existing Municipal Sanitary Sewer System as prescribed in the *Specifications for Developers*.

5) Drainage Collection and Disposal System

The owner of any lands proposed to be subdivided or developed shall provide, for each parcel of land within the proposed subdivision or development, a lot grading plan, an overall drainage plan detailing a drainage collection and disposal system, including storm water retention, and treatment as may be required, and a standard service connection which shall be constructed in accordance with the standards prescribed in the *Specifications for Developers* and the Village's *Storm Water Management Master Plan and Guidelines*.

6) Water Distribution System

The owner of any lands proposed to be subdivided or developed shall provide each parcel of land within the proposed subdivision or development with a water distribution system and a fire hydrant system including a standard service connection all of which shall be constructed in accordance with the standards as prescribed in the *Specifications for Developers and the Village of New Maryland Water Management Plan*.

Developers may be responsible to contribute to the cost of upgrading of water infrastructure to provide necessary fire flows, water treatment capacity and source of supply.

Developers shall also be required to pay a water system connection fee as set out in Schedule "A" attached hereto (relates to off-site improvements to existing system).

7) Development Agreement

Where Works and Services are required to be provided with respect to the land being subdivided, the owner of the land being subdivided shall provide within that subdivision such facilities as streets, curbing, sidewalks, culverts, drainage ditches, water and sewer lines, storm sewer, storm water attenuation, management and treatment facilities as may be required, pathways, trails, bike lanes, and streetlights, and such person shall enter into an 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 Village sufficient to guarantee the faithful performance of said agreement.

With respect to pathways, trails and bike lanes, they are to be constructed to the standards as specified in the Trails and Bikeways Master Plan.

Developers shall be responsible for submitting a letter of engagement from the project engineer retained by the Developer to design the proposed works, along with engineering design drawings and shall further provide certification from the project engineer that all Works and Services have been constructed as required by the Village of New Maryland.

The Developer shall also be responsible for all costs associated with the preparation and registration of a Development Agreement.

8) Street Names and Street Signage

When new streets are proposed, the owner of lands being subdivided shall submit proposed street names to the Planning Advisory Committee for consideration, and they are subject to final approval by Village Council. Street names with spelling or pronunciation similar to existing street names in New Maryland or the immediately surrounding communities shall not be considered acceptable.

The Village shall supply signs and materials at its cost as specified in Schedule "A". The Developer shall be responsible for all street signs during the one-year maintenance period.

9) Lot Grading and Excavating

Natural vegetation, mature trees and natural topography shall be retained wherever possible. Clearing and grading of the land should be confined to areas to be built upon or which provide access; all other land should remain undisturbed and not compacted.

10) Overhead Utilities

Except where they cannot reasonably be physically or economically provided (in the opinion of the Planning Advisory Committee in consultation with the Development Officer and/or the Village Engineer), utilities such as electrical, cable television and telephone shall be either buried in underground ducting or designed with overhead connections along rear lot lines.

10.0 REJECTION OF A SUBDIVISION PLAN

- 1) The Development Officer shall not approve a Subdivision Plan if, in his opinion and in the opinion of the Planning 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 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 *Community Planning Act*, other provincial legislation, or municipal by-laws.

11.0 SUBDIVISION PLANS

- 1) Subdivision Plans may be submitted to the Development Officer for approval after the Tentative Plan has been approved or exempted by such Officer, and all other applicable requirements of this by-law have been met.
- 2) An electronic copy as specified, and nine paper prints shall be submitted.
- 3) All Subdivision Plans shall be prepared at an appropriate scale approved by the Development Officer.
- 4) In all other respects, Subdivision Plans shall conform to the requirements set out in Section 81 of the *Community Planning Act*.

12.0 APPROVAL OF A SUBDIVISION PLAN

- 1) Subject to Section 12, 2) below, the Planning Advisory Committee and the Development Officer may approve a Subdivision Plan.
- 2) An approval under Section 12, 1) 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 sewage disposal or serviceable with potable water.
- 3) Where the facilities hereinafter mentioned are not available, no approval shall be given of a Subdivision Plan unless, in the opinion of the Council:
 - (a) The Council will be able in the foreseeable future to provide the proposed subdivision with light, water, streets, recreational areas, sewerage or other facilities, or the person proposing the subdivision makes satisfactory arrangements for providing such facilities; or
 - (b) The owner of the land has made satisfactory arrangements to install at his own expense, or to assist to the extent required by the Village of New Maryland, in installing streets, curbing, sidewalks, culverts, water, storm water and sewer lines and other facilities required by this by-law or delivers a Letter of Guarantee acceptable to the Council in an amount sufficient to cover such expenses or pay such sum as may be required by this by-law in respect of such facilities.
- 4) Unless the Development Officer exempts a parcel of land from the provisions of this by-law or the *Community Planning Act*, approval may be given to a Subdivision Plan only:
 - (a) Where such plan is in general conformity with an approved tentative plan;
 - (b) Where such plan is in conformity with an approved development or municipal plan;
 - (c) Where, if lots to be created by such Subdivision Plan about a collector or arterial street or similar street route, streets or other access as may be approved by the Planning Advisory Committee as being advisable for the development of land, are provided; and

- (d) Where two approved streets or other access routes as may be approved by the Planning Advisory Committee as being advisable for the development of land, permit unrestricted access to the subdivision.

12(5) The Development Officer or a person authorized by the Council has the right to enter at all reasonable times upon any property within the Village of New Maryland for the purpose of making any inspection that is necessary for the administration or enforcement of this by-law.

13.0 FEES

- 1) Council may adopt, and may from time to time amend by resolution, a fee schedule to be appended to the by-law as Schedule "A".
- 2) Subject to Clause (1), no tentative Subdivision Plan, or other instrument, shall be considered until a non-refundable processing fee, set out in Schedule "A" to this by-law, has been paid to the Village.

14.0 REPEAL AND TRANSITION

- 1) By-law No. 07-2016, the Village of New Maryland Subdivision By-law, enacted on June 15, 2016 and all amendments are hereby repealed.
- 2) The repeal of By-law No. 07-2016, the Village of New Maryland Subdivision By-law shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Read First Time: _____ November 18, 2020
(By Title Only)

Read Second Time: _____ November 18, 2020
(By Title Only)

Read Third Time: _____ December 16, 2020
(By Summary Only)

Read Final Time: _____ December 16, 2020
(By Title Only) AND ENACTED:

(Sgd.) Judy Wilson-Shee
MAYOR
Judy Wilson-Shee

(Sgd.) Cynthia Geldart
CLERK
Cynthia Geldart

Schedule "A"

Schedule of Fees

Service Description	Applicable Fee
Tentative Plan Submission	\$250 plus \$25 per lot
Final Plan Approval – Type 1	\$50
Final Plan Approval – Type 2	\$50
Developer's Agreement	\$750
Developer's Agreement Amendment	\$500
Water System Connection Fee	\$1,500/lot
Street Sign – Supply & Installation	At Cost
Variance Application	\$150