

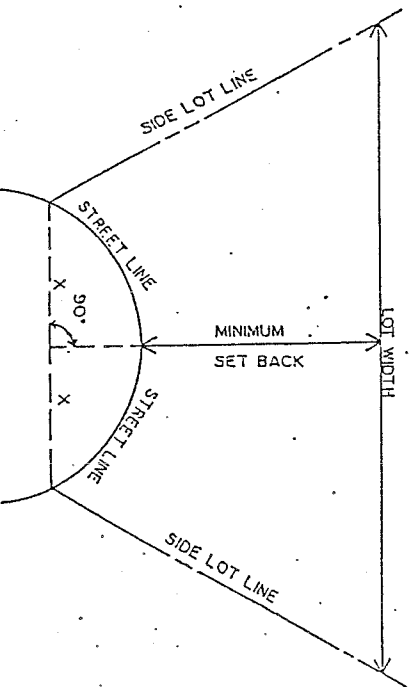
Town of Hampton

SUBDIVISION BY-LAW NO. 95-122

The Council of the Town of Hampton, under authority vested in it by section 42 of the Community Planning Act, enacts as follows:

Interpretation

1. In this By-law,
 - a) "Advisory Committee" shall mean the Planning Advisory Committee established by Council.
 - b) "Developers Agreement" shall mean a formal agreement entered into between the Town and the Developer regarding the development of a specific parcel of land.
 - c) "Developers Specifications" shall mean the Standard Specifications for Developers (latest revision) adopted by the Town of Hampton which set out the minimum standards for development of land in the Town.
 - d) "lot" shall mean 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;
 - c) "width" shall mean 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.



2. This By-law provides for regulation of the subdividing of land in the municipality.

Scope

Streets

3. a) In a subdivision, unless otherwise stipulated by Council,
- i) every street shall have a width of 20 metres;
 - ii) a cul-de-sac shall not exceed 180 metres in length, and shall terminate with a circular area having a diameter of 35 metres; and
 - iii) no street may have a gradient in excess of 8 percent (8%).
- b) 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.
- c) Reserve strips abutting a street in a subdivision are prohibited.
- d) 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
- i) the topography of the land;
 - ii) the provision of lots suitable for the intended use;
 - iii) street intersections and interceptions being as nearly as possible at right angles;
 - iv) convenient and safe access to the proposed subdivision and to lots within it; and
 - v) the convenient further subdividing of the land or adjoining land.
- e) Names of streets in a subdivision are subject to the approval of the Advisory Committee.

Lots, Blocks and Other Parcels

4. a) Every lot, block and other parcel of land in a subdivision shall abut a street owned by the Crown or the municipality.
- b) The dimensions and area of a lot in a subdivision are subject to the requirements of the Zoning By-law.
- c) Subject to subsection (4), a block in a subdivision
- i) shall be at least 120 metres and not more than 300 metres long; and
 - ii) shall have a depth of not less than two lots.
- d) 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.

Land For Public Purpose

5. a) Subject to this section, as a condition of approval of a subdivision plan, land in the amount of 8 percent of the area of the proposed subdivision exclusive of streets intended to be publicly-owned, at such location as may be recommended by the Advisory Committee (or otherwise approved by Council) is to be set aside as land for public purposes and so indicated on the plan.
 - b) Subsection a) does not apply to that part of a subdivision plan
 - i) that creates a parcel of land solely for the purpose of
 - aa) being assembled with other parcels for later subdivision, or
 - ab) being added to a lot; and
 - ii) that creates a lot which abuts a publicly owned street that on the coming into force of this By-law was paved and had sewer facilities installed therein.
 - c) Council may require, in lieu of land set aside under subsection a), a sum of money be paid to the municipality in the amount of 8 percent (8%) of the market value of land in the proposed subdivision at the time of submission for approval of the subdivision plan, exclusive of streets intended to be publicly-owned.
 - d) Where, as a condition of approval of a subdivision plan, land has been set aside under subsection a) or provisions of subsection (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.
 - e) In formulating a recommendation under subsection a), the Advisory Committee shall take into consideration any recommendations of the Parks Committee as to the suitability of any proposed lands for public purposes.

Municipal Facilities

6. Where a person proposes to subdivide land in such manner that pursuant to Section 4, a street is required to be provided, or in such location that municipal sewer or water facilities, or both, are required to be provided, the development officer shall not approve a subdivision plan unless, in the opinion of the Council,
 - a) Council will be able in the foreseeable future to provide a street, and where required, sewer and water lines, or both, 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 of money 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 facilities required within the subdivision.

Responsibilities of the Subdivider

7. a) All subdivisions shall be developed in strict accordance with the Town of Hampton Standard Specifications For Developers.
 - b) No work shall be commenced on any subdivisions until such time as the Developer and the Town have entered into a final Developers Agreement.
 - c) The five metre mark (geodetic) must be shown on all subdivision plans that border on the Kennebecasis River system and Hampton Marsh.

Conditions Precluding Approval of a Subdivision Plan

8. The development officer shall not approve a subdivision plan if:
- a) in his opinion and in the opinion of the Advisory Committee, 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) in his opinion and in the opinion of the Advisory Committee, the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land; or
 - c) the developer has failed to receive the approval of the Department of Environment for extension of the municipal sewer system; or
 - d) the developer has failed to receive the approval of the Department of Environment for extension of the municipal water system if the subdivision will have a communal or municipal water system; or
 - e) the developer has failed to satisfy the Town that groundwater of sufficient quantity and quality is available for development of the subdivision with individual wells; or
 - f) the Developer has failed to receive approval of the Department of Health for installation of on-site septic system for lots in areas not serviced by the municipal sewer system.

9. By-law Repealed:

Ry-law No. 37 enacted March 20, 1981, the subdivision by-law and amendments thereto, is hereby repealed.

FIRST READING: January 10/95

APPROUVÉ
pursuant to S. 69 En application de l'article 69
Community Planning Act for sur l'urbanisme

SECOND READING: January 10/95

for Minister / pour le Ministre
Municipalities, Culture & Housing
Municipalités, Culture et Habitation

THIRD READING AND ENACTMENT: March 14/95

Date

Raymond Clark
Clerk

James M. D'Amore
Mayor