Bay Roberts Subdivision Policy

The following Subdivision Policy has been made by the Town Council of the Town of Bay Roberts under the provisions of the **Town of Bay Roberts Municipal Plan and Developmental Regulations**, **1997-2007,** as amended, and **Section 23 of the Urban and Rural Planning Act, 2000** and provincial **Developmental Regulations Jan 02, 2001**.

Policy Statement

All new Subdivision Development is to be carried out at **no additional cost** to the Town.

Preamble

Every person or corporation wishing to develop land for any purpose within the Town of Bay Roberts municipal planning area must apply to the council for permission through the procedure established in this policy. Council shall require that all development applications conform fully to the **Bay Roberts Municipal Plan and Developmental Regulations (1997-2007)** before proceeding. Council may refuse or approve an application and may set conditions on approval. The decision of Council may be appealed to the appropriate board.

Short Title

1. This policy may be cited as the **Town of Bay Roberts Subdivision Policy.**

Definitions

2. In this policy,

(a) "Town" means The Town Council of the Town of Bay Roberts.

(b) "Development Regulations" means the developmental regulations as prescribed in the Bay Roberts Town Plan, and regulations and by-laws respecting development that have been enacted by the revelant authority or agency.

(c) "Developer" means the person, company or corporate entity that proposes a development

(d) **"**BRDR**"** means the Bay Roberts Developnent Regulations 1997-2007 as adopted by resolution in 2003.

(e) "Authority" means the Town Council of the Town of Bay Roberts, or Authorized Administrator.

(f) "Subdivision" means the dividing of any land, whether in single or joint ownership, into two (2) or more pieces for the purpose of development

Interpretations

3. Words and phrases used in this policy shall have the meanings which are commonly assigned to them in the context in which they are used in the Municipal Plan and Developmental Regulations, 1997-2007, and the Urban and Rural Planning Act, 2000.

Application to Subdivide Land

4. All applications to subdivide shall be reviewed by the Planning and Development Committee for recommendation to Council. The Developer must provide all information required to process the application in accordance with this policy (BRDR, Section 17). An **application form,** available at the Town Office, must be submitted and include;

(1) An initial application fee (non-refundable) of **$50.00**.

(2) A plot plan and/or survey of the proposed subdivision.

Phased Development

5. The Town will permit subdivisions to be developed in phases according to the following conditions:

(1) Subdivisions of up to 6 lots must be completed according to the regulations (no phases)

(2) Subdivision of more than 6 lots may be done in phases of a minimum of 6 lots.

Approval in Principle

6. The Approval in Principle is an agreement between the Town and the Developer designed to specify the conditions under which the development proceeds and to ensure that development occurs within the Zone in accordance with an approved plan. Approval in Principle may only be granted after relevant provincial and federal permits have been granted. (BRDR, 20 (2))

The Approval in Principle shall include:

(1) **A legal survey , name and description of the project** within the development or subdivision including whether it will be a development on public roads and services or private roads and services .

(2) **A professional development plan** and/or maps with phasing showing proposed land use, lotting, public and private spaces, buffers, roads, sidewalks, curbs, water and sewer system, storm drainage system, and other revelant information.

(3) **An estimated cost of the works** in the development as certified by a professional engineer

(4) Relevant **Provincial and / or Federal permits** or approvals from:

(a) Highways - adequate and safe access

(b) Environment and Conservation - habitat, pollution and environmental issues

(c) Natural Resources -mineral rights, etc.

(d) Tourism - archaeology

(e) Fisheries and Oceans

(5) **The Subdivision development standards** as outlined in **Section 80 (a to o)** of the Development Regulations of the Town of Bay Roberts, 1997-2007, as amended.

(6) **A detailed set of design drawings** by a professional engineer prior to start of a phase or element of the development plan.

(7) The **financial guarantees** in respect of municipal water, sewer, road and related works to ensure that each phase of the work will be done.

(8) The **permitting, certification and inspection requirements** ie.--what permits, approvals etc. are required and when.

Final approval

7 **(1) A subdivision permit fee of $50.00 per lot** shall be required for final approval.

(2) Final approval may be given by the Authority provided that;

(a) The terms of the approval in principle have been satisfied

(b) The application for Final Approval has been made within two (2) years of the granting of the Approval in Principal

(c) All necessary financial guarantees, payments, fees and/or land dedications have been made

Permits

8 (1) No land in the planning area shall be subdivided unless a permit, for the development of the subdivision is first obtained from the Town and all fees required for permits, licences and certificates are paid. Commencement of work can only begin when the appropriate permit or written approval is received from the Authority by the Developer (BRDR, Section 21 & 70)

(2) Notwithstanding the approval of a subdivision by the Authority, a separate building permit shall be obtained for each building proposed to be erected in the subdivision. (BRDR (74))

Warranty

9 Without restricting any warranty or guarantee implied or stipulated by law, the Developer shall at his own expense rectify and make good any defect or fault, however caused, appearing within a period of one (1) year from the date of acceptance by the Town. The Authority shall give the Developer written notice of observed defects promptly.

Financial Guarantee

10 The Developer will deposit with the Town a financial guarantee in an amount equivalent to 10% of the estimated cost of the subdivision development before commencement of the development which will remain in effect for 1 year (12 months) after completion of the development known as the warranty period. (BRDR, Section 14)

Inspection of Construction Layout and Subsequent Work and Costs

11 All plans and specifications for all services including (a) water and sewer supply , and (b) streets, including paving, curbs, sidewalks, storm sewers, gutters and catch basins and (c) other utilities shall be approved by the Authority before commencement of development.(BRDR, Section 81 (1))

12 (1) In conjunction with the Developer, the Town Works Superintendent or his designate shall inspect and certify all work of construction layout and the Developer shall proceed to the construction and installation of services at it's own cost in accordance with the approved designs and specifications. The Town Works Superintendent will complete a regular site inspection to ensure compliance.(BRDR, Section 81 (2))

(2) The Town Works Superintendent shall keep records of site visits and inspections and the Town shall recover labour costs from the developer at the rate recommended by the Association of Professional Engineers of Newfoundland and Labrador in effect at the time the work is carried out. (BRDR Section 82)

Development Costs

13 (1) The Developer shall be responsible for the cost of installing water and sewer services; construction and complete paving of streets; construction of sidewalks, curb and gutter, catch basins and storm sewers and other utilities required within the subdivision development.

(2) The Developer may defer installation of all curb, gutters, catch basins, sidewalks and paving until a later stage of the work agreed to by the Town but the developer shall deposit with the town an amount estimated to cover the subsequent cost and installation of the works. (BRDR, Section 83)

Street Standards

14 The street reservation, pavement width, sidewalk width and number shall be as follows:

Type of Street	Street Reservation	Pavement Width	Walk-way Width & Design	Sidewalk Number
Arterial Street	30 m	15 m	discretion of Council	discretion of Council
Urban Arterial Street	20 m or discretion of Council	10 m or discretion of Council	discretion of Council	discretion of Council
Collector Street	18 m	10 m	discretion of Council	discretion of Council
Minor Collector Street	15 m or discretion of Council	9 m or discretion of Council	discretion of Council	discretion of Council
Local Residential Street:				
where more than 50% of the units are single or double dwellings	12.2 m	7.3 m	discretion of Council	1
where 50% or more of the units are row houses or apartments	15 m	7.3 m	discretion of Council	1
Service Streets	12.2 m	7.3 m	discretion of Council	discretion of Council

Sidewalks

15 All residential streets in subdivisions shall have a reservation of 5 feet (1.5m) provided on one (1) side of the street for construction of a sidewalk and curbing on the opposite side of the street. (BRDR, Section 80)

Minimum Lot Size

16 In subdivisions, all residential lots shall have a minimum frontage of 60 feet and minimum depth of 100 feet except in Cul de Sac turning circles where frontage may vary with location on the circle. However, minimum lot area will not be less than 6000 square feet.

Variance

17 A Variance to a maximum of 10% of development standards may be considered by the Authority subject to the conditions outlined in the **Developmental Regulations of the Town of Bay Roberts 1997-2007.** (BRDR Section 11&12)

Landscaping

18 Landscaping, including grass, shall be placed on the front of each lot within 12 months of initial occupancy and stipulated on each individual permit to build. (BRDR, Section 54)

Dedication of Public Space and/or Fees

19 (A) For subdivisions with three (3) or more lots, a **public open space development fee of $250.00 shall be levied upon each lot in a subdivision** to assist in the provision of recreational space and/or facilities in the geographic area of the subdivision. (BRDR Section 78 (1. d.)

(B) Not withstanding 19 (A), for subdivisions greater than 10 lots, the Developer may dedicate, and convey, at no cost to the Town, an area not more than 10% of the gross area of the subdivision for public open space, and the amount of the development fee will be reduced by the value of land so dedicated . (BRDR, Section 78 (1))

(C) Where any subdivision borders any river, brook or pond, a strip of land or reservation to a maximum of 15 metres along the banks may be required to be reserved and remain undeveloped and this land may constitute the requirement of land for public use and the amount of the development fee will be reduced by the value of land so dedicated. (BRDR Section 78 (1) , (3))

Transfer of Streets and Public Works to the Town

20 The Developer shall transfer to the Town, at no cost, subject to appropriate tests and certification (including as built drawings and test results): (BRDR, Section 84 (1) &(2))

(1) all lands designated as streets or public space (ie. green space, sidewalks, rights of way)

(2) all public works in the subdivision; water supply, and sanitary and storm systems etc.

Maintenance Restrictions

21 The Town shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the town. (BRDR, Section 84 (3))

Occupational, Health and Safety

22 The Developer shall give all required notices and comply with all laws, ordinances, rules, regulations, codes and orders of all authorities having jurisdictions of **Occupational, Health and Safety** which are or come into force during construction of the development.

Liability Insurance

23 The Developer shall maintain by way of a general policy, comprehensive general liability insurance acceptable to the Town.

Responsibility

24 It is the Developer' s responsibility to ensure that he/she is aware of all requirements of this policy and the **Town Plan** and the **Developmental Regulations of the Town of Bay Roberts adopted 2003** and will abide by and adhere to all regulations as outlined.

Written Agreement

25 The Town may enter into a written agreement with the developer (s) for all subdivisions to ensure all aspects of the development meet the Town's expectations.

Stop Work Order

26 Failure to adhere to the terms and conditions of this policy or the Town's Developmental Regulations may result in the issuance of a stop work order by the town until such time the Authority is satisfied the terms and conditions have been met.

27 All previous Bay Roberts Subdivision Policies and amendments are repealed.

28 This Bay Roberts Subdivision Policy shall come into effect on

Adopted by resolution by the **Town Council of the Town of Bay Roberts** on the

14th day September**, 2010.**

Mayor, Glenn Littlejohn	**Town Clerk**, **Shirley Hawe**

Section 15 was repealed and amended by Motion of Council on June 24, 2008.