

By-law No. 35

A By-law of the Municipality of Port Elgin

Subdivision By-Law

The Council of the Village of Port Elgin, 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;
 - (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.

Streets

3. (1) In a subdivision, unless otherwise stipulated by Council,
 - (a) every street shall have a width of 66 feet;

- (b) a cul-de-sac shall not exceed 600 feet in length, and shall terminate with a circular area having a radius of 50 feet; and
 - (c) no street may have a gradient in excess of 6 per cent.
- (2) 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.
 - (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 the intended use;
 - (c) street intersections and interceptions being as nearly as possible at right angles;
 - (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.

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 privately-owned street or other access as may be approved by the Advisory Committee as being advisable for the development of the land.
- (2) Where a proposed subdivision is to be serviced by both a water system for public use and a sewer system for public use, every lot or other parcel of land therein

shall have and contain

- (a) a width of at least 60 feet;
 - (b) a depth of at least 100 feet; and
 - (c) an area of at least 6,000 square feet.
- (3) Where a proposed subdivision is to be serviced by either a water system for public use or a sewer system for public use, but not both, every lot or other parcel of land therein shall have and contain
- (a) a width of at least 75 feet;
 - (b) a depth of at least 100 feet; and
 - (c) an area of at least 7,500 square feet.
- (4) Where a proposed subdivision is not to be serviced by either a water system for public use or a sewer system for public use, every lot or other parcel of land therein shall have and contain
- (a) a width of at least 120 feet;
 - (b) a depth of at least 125 feet; and
 - (c) an area of at least 15,000 square feet.
- (5) Subject to subsection (4), a block in a subdivision
- (a) shall be at least 400 feet and not more than 1,000 feet long; and
 - (b) shall have a depth of not less than two lots.
- (6) Where a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 1,000 feet in length if pedestrian walkways are provided for access or circulation to schools, libraries, playgrounds or other such facilities.

Land for Public Purposes

5. (1) Subject to this section, as a condition of approval of a subdivision plan, land in the amount of 8 per cent 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.
- (2) Subsection (1) does not apply to that part of a subdivision plan
 - (a) that creates a parcel of land solely for the purpose of
 - (i) being assembled with other parcels for later subdivision, or
 - (ii) being added to a lot on which is located or which is intended as the location of other than a multiple dwelling as defined by the zoning by-law; and
 - (b) that creates a lot
 - (i) on which is located or which is intended as the location of other than a multiple dwelling as defined by the zoning by-law, and
 - (ii) which abuts a publicly-owned street that on the coming into force of this By-law was paved and had water and sewer facilities installed therein.
- (3) 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 percent 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.
- (4) Where, as a condition of approval of a subdivision plan, land has been set aside under subsection (1) or the provisions of subsection (3) 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.

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 pursuant to the zoning by-law municipal water or sewer 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, water and sewer 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.

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 the subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land.