

VILLAGE OF HARVEY

REVISED BY-LAWS OF THE VILLAGE OF HARVEY, 1980

BY-LAW 82-9

SUBDIVISION BY LAW

The Council of the Village of Harvey, 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; and
 - (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 setback (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 of 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 Planning 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 interception 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 of adjoining land.

(5) Names of streets in a subdivision are subject to the approval of the Planning 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 Planning Advisory Committee as being advisable for the development of land.
- (2) The dimensions and area of a lot in a subdivision are subject to the requirements of the Zoning By-Law.
- (3) Subject to subsection (4), a block in a subdivision
 - (a) Shall be at least 400 and not more than 1,000 feet long; and
 - (b) Shall have a depth of not less than two lots.
- (4) 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 Planning 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 purposes 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 per cent of the market value 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. (1) Every person proposing to subdivide land shall provide within the subdivision at his cost streets in accordance with this By-Law together with incidental curbing, sidewalks, culverts and drainage ditches.

(2) Every person proposing to subdivide land shall provide within the subdivision at his cost sewer lines servicing each lot in the subdivision which are compatible with and which shall be connected to the municipal sanitary system at the cost of the subdivider.

7. Where a person proposes to subdivide land in such manner that pursuant to section 4 a street is required to be provided, the development officer shall not approve the subdivision unless, in the opinion of the Council, Council will be able in the foresee future to provide a street to the boundaries of the subdivision, or such person has made satisfactory arrangements for providing such as street.

8. The development officer shall not approve a subdivision plan unless in the opinion of the Council,
 - a. The subdivider had deposited a sum 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 pursuant to section 6; and
 - b. Council will be able in the foreseeable future to provide sewer lines to the boundaries of the subdivision or the subdivider has made satisfactory arrangements to connect the sewer system in the subdivision to the municipal sanitary sewerage system.

Conditions Precluding Approval of a Subdivision Plan

9. 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 reasonable be expected to be used for that purpose within a reasonable time after the 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.

This By-Law consolidated as of November 19, 1996.

This original By-Law being Chapter 14 is to be filed at the Harvey Village Office under By-Laws in alphabetical order.