

# Town of Sussex Subdivision Requirements

January 1

# 2016

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The information is provided to Developers / Property Owners proposing a typical subdivision project application within the Town of Sussex. The Town's expectations of Developers subdividing within the municipal boundaries of the Town of Sussex are as outlined in this document. The expectations may or may not be specific to your project and / or development, but is intended to provide guideline information on the Town's approval processes.

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The following information is provided to Developers / Property Owners proposing a typical subdivision project application within the Town of Sussex. The Town's expectations of Developers requesting subdivision within the municipal boundaries of the Town of Sussex as outlined below. These expectations may or may not be specific to your project and / or development proposal and does not constitute any form of acceptance by the Town of Sussex, and does not constitute any form of the acceptance or approval by the Council of the Town of Sussex, for your infrastructure, development and / or subdivision proposal.

Our process is regulated under the Town's Subdivision By-law 1006-08, and may also include other Town by-laws.

Applicable Town of Sussex By-laws: Available online at <http://www.sussex.ca/town-office/by-laws>

- Subdivision By-law 1006-08.
- Municipal Plan By-law 704-10.
- Zoning By-law 1350-10.
- Water, Sanity and Storm Sewer By-law 1203-10.
- Cross Connection By-law 1204-08.

### **What you need to know, and all those frequently asked questions to get your Subdivision application started:**

#### **Who is the Town's Development Officer and how can he help me with my process?**

The Town employs a Development Officer who is charged with the duty of administering provisions of the Town's Zoning By-Law, provisions of the Subdivision By-law, and the statutory requirements of the Provincial Community Planning Act. Without his or her approval your subdivision plan cannot be filed in the Kings Country Land Registry Office which provides the formal approval for creating individual saleable new lots as illustrated on your proposed subdivision plan.

The Development Officer follows the Provincial Community Planning Act when assessing your application and the approval process follows Section 42 through 58 of the Community Planning Act.

Like any process, the decisions of the Development Officer are appealable. In the unlikely event you do not agree with the decision of our Development Officer or the response to your request took longer than the time specified in the Community Planning Act, your decision may be appealable and the process of any appeal is described in Sections 85 through 98 of the Community Planning Act of the Province of New Brunswick, which may be viewed, online, in its entirety at [www.gnb.ca](http://www.gnb.ca).

Call us today and we can provide assistance to you with your questions, remove the perception of “red tape” and to assist your subdivision plan application in understanding the Town’s Subdivision By-law and related by-laws, development policies and your future contribution in becoming a valued new Sussex subdivision addition. We are here to assist you and we are a simple phone call away to help you with your important application. Please contact us today at **(506) 432-4540**.

*What are the general requirements of Developers and / or Property Owners?*

- When a development of a subdivision is proposed, the first requirement is to ensure that the land is first rezoned to permit the proposed land use for the planned new subdivision. Check out our information package on rezoning to provide you with the information on the Town’s legislated process to complete the rezoning process to permit your planned development. This is a critical step in completing your new subdivision.
- The Developer / Property Owner shall submit a completed Town of Sussex Rezoning Application. The application shall include, but not limited to, the following:
  - i. A description of the property and PID of the Property of the proposed rezoning proposed.
  - ii. A letter from the property owner indicating the Developer is the authorized agent of the owner, if the Developer is not the property owner.
  - iii. Provide the proposed land use with enough detail to assess by-law requirements.
  - iv. A scaled site location drawing / scaled sketch indicating the proposed structure / structures showing:
    - a. Setbacks
    - b. Parking Areas
    - c. Ingress
    - d. Egress
    - e. Landscape areas
    - f. Site drainage services
    - g. Proposed service connection location to service the development.
  - v. A scaled building elevations plan indicating, colored if possible, of the proposed structures showing the proposed building height relative to the centerline of the access street.
- Payment of the required Subdivision Application Fees, if so required.

### What are the Town's basic Subdivision requirements?

There are basic requirements when developing a new lot within the municipal boundaries of the Town of Sussex.

- All lots must front on or have adequate access to a Public Street. The Town will not approve a subdivision plan with this basic requirement not illustrated to the satisfaction of the Town's Development Officer. Remember this access or public street provides a service corridor for the Town to provide emergency services, fire service, garbage removal and other basic town services with larger vehicles, not impeded by limited width of the right of way access.
- All new lots must conform generally to the size and dimensions as illustrated in the Town's Zoning By-laws, considering the proposed land use for each lot.
- All lots created within the Town must be connected to Municipal Services to provide the basic services of water and sanitary sewer services.
- Your proposal must not compromise the orderly development of future subdivisions even if not owned by you. Our Development Officer will assist you in developing your plan to accommodate future community growth and providing the necessary information so that your proposed plan provides for this requirement of orderly development.

### A Tentative Subdivision Plan, what is that and when is it required?

- The Community Planning Act of the Province of New Brunswick requires specific information to be included on any subdivision plan, if it is required. These requirements have been translated and included into the Town's Subdivision By-law. Section 49 and 50 of the Community Planning Act outlines the specific requirements of the Act and By-law, but are paraphrased below;
- The Developer / Property Owner at times, will need to provide a subdivision plan to facilitate his / her development. Subdivision in Sussex is regulated under By-law 1006-08. The Province of New Brunswick current legislation, called the Community Planning Act, provides for the ability of a municipality to enact a By-law regulating the subdivision of land. The purpose of the by-law is to regulate the subdividing of land in the Town of Sussex and, except as provided in the Act, no land within the Town is to be subdivided except in accordance with the provisions of this By-Law.

- A person seeking approval of a tentative subdivision plan, shall submit to the Development Officer six copies thereof, drawn to a scale of one to one thousand (1:1000) or such scale approved by the Development Officer. Tentative subdivision plans requiring consideration by the Committee and /or Council must be submitted to the Development Officer at least seven calendar days prior the meeting of the Committee and / or Council.

A tentative subdivision plan, normally created by a licensed New Brunswick Land Surveyor, shall be marked "Tentative Plan" and shall show:

- i. the proposed name of the proposed subdivision;
- ii. 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;
- iii. the locations, widths and names of existing streets on which the proposed subdivision abut and the location, width and proposed names of the proposed streets therein;
- iv. the approximate dimensions and layout of the proposed lots, blocks , land for public purposes and other parcels of land and the purpose for which they are to be used;
- v. the nature, location and dimensions of any existing restrictive covenant, easement, or right-of-way intended to be granted in the proposed subdivision;
- vi. 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;
- vii. such contours or elevations as may be necessary, to determine the grade of the streets and the drainage of the land;
- viii. the municipal services available or to be available to the land proposed to be subdivided;
- ix. where necessary, to locate the proposed subdivision, in relation to the existing streets and prominent natural features;
- x. a small key plan acceptable to the Development Officer showing such location;

- xi. any further information required by the Development Officer to assure compliance with the Subdivision By-Law; and
- xii. any further information required by the Town's Works Department to assure the suitability of the subdivision.

*What are Lands for Public Purposes, and why are they required?*

The Community Planning Act and the Town's Subdivision By-law identifies as a condition of our approval of your proposed subdivision plan that land, in the amount of eight (8) percent of the area of the proposed subdivision; exclusive of streets and pedestrian walkways intended to be publicly owned; at such location as may be recommended by the Committee or otherwise approved by Council, is to be set aside as "Land for Public Purposes" and so indicated on the subdivision plan. Land for Public Purposes means land, other than streets, for the recreational or other use or enjoyment of the general public, such as"

- an access to a lake, river, stream, sea or other body of water,
- a beach or scenic area along the shore of a lake, river, stream, sea or other body of water,
- a conservation area,
- land adjoining a school, for joint recreational purposes,
- land for a community hall, public library, recreational use or other similar community facility,
- open space, to provide air and light, to afford a view to or from a development or to a lake, river, stream, sea or other body of water, or for other purposes,
- a park, green belt or buffer area dividing developments, parts of a highway or a development and a highway,
- a pedestrian way to a school, shopping center, recreational area or other facility,
- a protection area for a water course, stream, marsh, water supply lake or other body of water,
- a public park, playground or other recreational use,
- a visual feature, or
- a wooded area, slope area or a site giving view to a scenic area to provide diversity;

Lands for Public Purpose does not apply to that part of a subdivision plan which would create a lot of land:

- i. solely for the purpose of being assembled with another parcel of land for the purpose of enlarging or creating a lot,

- 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
- iii. 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
- iv. 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.

In lieu of requiring land to be set aside as provided by by-law 1006-08, the Council may require that a sum of money be paid to the municipality in the amount of 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 streets and pedestrian walkways intended to be publicly owned.

Where land has been set aside or a sum of money paid, pursuant to this Subdivision By-law 1006-08, no further setting aside of land for public purposes or payment of additional money may be required as a condition of any further or other subdivision of the land with respect to which land has been set aside or money has been paid.

#### *Subdivision Plan, what does that plan look like?*

For most subdivision plans, your land surveyor will develop your subdivision plan and will provide sufficient detail to show the survey detail to register your plan once the Town has completed its approval process. This is a legal document and is the primary instrument that will be used to develop the deed description for you to sell each lot identified on your approved subdivision plan. The following is the basic information on your subdivision plan requirements:

- Subdivision plans may be submitted to the Development Officer for approval, after a tentative subdivision plan has been approved or exempted by such Officer.
- One plastic transparency drawing, and seven paper prints shall be submitted.
- All subdivision plans shall be drawn to a scale having a ratio of one to one thousand (1:1000), except where, in the opinion of the Development Officer, a ratio of one to five hundred (1:500), one to two thousand (1:2000), or one to five thousand (1:5000) is more practical on one of the following sizes of material, in centimetres, unless otherwise approved by the Development Officer:
  - i. 21.5 x 35.5;
  - ii. 35.5 x 43; or

- iii. 50 to 75 by 50 to 100.
- A subdivision plan shall set out:
  - i. in the title block
    - a. the name of the subdivision,
    - b. where required by the Development Officer, the name of a street to which the subdivision has access,
    - c. the Municipality, County, and Province in which the land is located,
    - d. the scale and date of the survey,
    - e. if an amending plan, the registration data of the plan being amended and the purpose of amendment;
  - ii. the name of the owner of the land and the details of registration of the deed or deeds of the land;
  - iii. the North point of the plan indicated by an arrow oriented other than towards the edge of the plan or extension thereof;
  - iv. the distances from and the relation to existing survey monuments and markers;
  - v. 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;
  - vi. the area of land to be vested in the municipality as streets indicated by the names of the streets and, in smaller print immediately below each name, the word "public", and, if a portion only of a street shown on the plan is to be so indicated, the portion shall be so noted by a line drawn across and at right angles to the street at which terminus thereof, identified by an arrow;
  - vii. the areas of land to be vested in the name of the municipality as future streets indicated by the words "future street";
  - viii. the areas of land to be conveyed as lands for public purposes indicated by the words "land for public purposes";
  - ix. the areas of land with respect to easements, which are to be granted, indicated by words describing the purpose thereof;
  - x. the boundaries of streets and other parcels of land, by means of a solid black line;



- xii. the nature, location, and dimensions of any existing restrictive covenant, easement, or right-of-way;
- xiii. such numbers and letters as are necessary to accurately identify each lot and other parcels of land, and, where available, the civic number thereof;
- xiv. the location and description of legal survey monuments;
- xv. any applicable proposed street boundary or building line established by Deferred Widening By-Law;
- xvi. any building line or setback affecting the subdivision;
- xvii. a key plan that indicates, to the satisfaction of the Development Officer, the location of the subdivision on the diagram of the plan or the location of the proposed subdivision in relation to existing streets or prominent natural features drawn to a scale having a ratio of not less than one to twenty thousand (1:20,000);
- xviii. with respect to the boundaries of streets and other parcels of land set out on a subdivision plan, the plan shall show information as required by regulation under the Surveys Act; and
- xix. all subdivision plans shall be signed.

*Are there fees for the approval of my subdivision plan?*

The Town does not charge individual fees for the approval of your subdivision plan, other than the setting aside required lands for public streets, municipal service easements, Lands for Public Purposes, which are all necessary, in any subdivision approval, anywhere in Canada.

At the time of your plan approval by the Town, you will be subject to the normal fees, amended from time to time by Service New Brunswick, when registering your plan in the King's County Land Registry.

*What are Municipal Services and are they required?*

Where a person proposes to subdivide land in such manner that a street is required to be provided, or in such location that pursuant to the Zoning By-Law, municipal water or

sewer services or both are required to be provided, the Development Officer shall not approve a subdivision plan unless, in the opinion of Council:

- i. the Council will be able, in the foreseeable future, to provide the proposed subdivision with streets, concrete curb and gutter on arterial, collector and local streets, and concrete sidewalks on arterial and collector streets and also water mains, storm and sanitary sewer lines, street lights, recreational areas or other facilities required by this by-law, or the person proposing the subdivision has made satisfactory arrangements for providing such facilities; and
- ii. the person proposing the subdivision has made satisfactory arrangements to:
  - a. enter into a development agreement with the Council, that is binding on their heirs, successors and assigns to comply with the terms and conditions of the development as set by Council;
  - b. deposit with the Town, a sum sufficient to cover the cost with respect to facilities required in the subdivision / development; or
  - c. deliver to the Town a guarantee of payment, acceptable to the Council, in an amount, sufficient to cover the costs of the construction and installation of services.

*Sanitary Sewer System Connection - Service Extension when so required:*

Submission of plans for construction for Town review and to obtain necessary permits, prior to construction.

- It is the responsibility of the Developer to install the sanitary sewer service lateral in accordance with the Specifications for the Town of Sussex. At all times, and during any excavation of the Town's Sewer Collection System, the work shall be undertaken under the direct supervision of the Town's Utility Operators. The Developer / Property Owner shall, at his or her expense, drill, tap and install one service saddle for use by the proposed development, if so required. The Developer / Permit Holder shall be responsible to supply and install all other materials in conformance with the Town's Specifications, to facilitate transport of effluent from the building to Municipal Sanitary Sewer System.
- The installation shall include all necessary piping, inclusive of necessary appurtenances. It is understood that any sanitary sewer piping used for the extension of services on your site shall be PVC 1120 pipe, CSA Standard B192.2-M with a DR of 35. The bell shall be integral and a homogeneous part of the barrel.

- The Developer / Permit Holder may be required to comply with other conditions, with respect to safety or preservation of the Sussex Sanitary Sewer System, as may be determined by the Sussex Sewer Utility Operator / Engineer, and, at his / her absolute discretion. It is expressly agreed and understood that all connections to the Town Sanitary Sewer System shall be supervised by the Town Works Department, or, such other person as is designated by the Town and shall occur at the sole expense of the property owner.
- Installation of any service pipe which crosses a driveway, parking lot or a portion of the lands to be kept clear of snow or ice, either permanently or temporarily during the winter months, shall be installed with the necessary frost protection to prevent freezing.

Water System Connection - Service Extension, when required:

Submission of plans for construction for Town review and to obtain necessary permits prior to construction.

- It is the responsibility of the Permit holder to install the water service lateral in accordance with the requirements of the Town of Sussex. At all times, and during any excavation of the Town's Water Main, the work shall be undertaken, under the direct supervision of the Town's Utility Operators. The Developer shall be responsible to supply and install all necessary soft copper lateral piping, or approved equal, beyond the curb stop location, inclusive of all necessary appurtenances. The Developer may be required to comply with other conditions, with respect to safety, specified by the Engineer, and at his or her absolute discretion. It is expressly agreed and understood that all connections to the Town Water Main shall be supervised by the Town's Water Utility Operators / the Town Engineer, or, such other person as is designated by the Town, and, shall occur at the sole expense of the property owner.
- The Owner shall install a backflow preventer in a manner approved by the Town of Sussex and which will conform with the requirements of National Plumbing Code of Canada, current edition. All new commercial buildings will be required to install a testable backflow prevention device (BFP) immediately downstream of the water meter. The Developer / Owner must also be aware that the installation of a BFP may result in a potential closed plumbing system within the building. As such, provisions shall be made by the Developer / Owner, to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion devices and / or pressure relief valves.
- The Developer / Property Owner shall supply a commercial water meter and the necessary flange connections, remote touch pad for your plumbing contractor to

install. This metering equipment shall become and remain solely Sussex Property. The Town will require the "Touch Pad" be installed on the exterior wall for its use to interrogate the installed water meter. Until such time as the water meter is deemed to be operational by the Sussex Water Utility Operators, the service shall remain in the off position.

- Mechanical restraint: All restraint device connections for extending services shall be "Mega-Lug" type, or approved equal. The Town would request all hydrants be installed with the be "Mega-Lug" type. Each newly installed valve be open left (Black Tops), c/w 5 ¼ valve boxes and alignment rings. Each bolted metal fitting and mechanical restraint used with non-metallic water main pipe shall be equipped with one (1) packaged Z-12-24 zinc anode as supplied by Corrosion Service Company Limited. Each Hydrant assembly shall be equipped with one (1) packaged Z-24-248 zinc anode as supplied by Corrosion Service Company Limited. Each copper service pipe used with non-metallic water main pipe shall be equipped with one (1) packaged Z-24-48 zinc anode as supplied by Corrosion Service Company Limited.
- All hydrants connected to the Sussex System shall conform to the following:

Town uses McAvity M 67, internally plugged hydrants c/w the City of Saint John compatible fire connections, or approved equal:

Clow M67 Brigadier;  
6 foot – 6 inch Bury;  
Hose nozzle "D";  
Pumper Nozzle "SD";  
Operating nut 1 ¼" square;  
Open left;  
Internally plugged.

- When completing the tenders or contracts, requirements to verify the town's disinfection requirements of any new water lines and / or facilities placed in the Town are to conform to AWWA C651, Standard for Disinfection Water Mains and AWWA 652, Disinfection of Water Storage Facilities, included as a Particular Term and / or Condition of the contracts or tenders.
- The following will be required to be demonstrated prior to the Town activating the new water system:
  - i. The Town will be required to be in receipt of a successful hydrostatic test, provided to the Town of Sussex, in a written document and certified by an Engineer licensed to practice engineering in the Province of New Brunswick that:

- ii. The Town will require confirmation that the standard has been followed and which will indicate, but not limited to, the amount of chlorine used, what residual readings were taken pre and post flushing period, as well as recording the time and dates of such testing.
  - iii. That testing for potability be conducted following the appropriate waiting period after flushing and be tested by a laboratory that is accredited by the Standards Council of Canada, upon the recommendation of the Canadian Association of Environmental Analytical Laboratories (CAEAL) Inc. for the parameters listed in the standard as approved by the Department of Health and Wellness.
- The Town has absolutely zero tolerance to anyone other than the Town's Water Operators operating or exercising any valve in Sussex and shall be consulted for scheduling on any activity leading up to the commissioning of the new lines. If the operational schedule of the in service lines requires delays in the new system testing, then the Town will require rescheduling to accommodate overall system operation.

*What is a Subdivision / Developers Agreement and why is it necessary?*

Where a Subdivision Development Agreement or Developers Agreement is required, the agreement shall be completed and signed by the developer and the Town prior to the engineering consultant's initial start for the development of engineered plans or any construction of services by the Developer, even if the land is private. This document provides and outlines the entire legal agreement between the Town and the Developer / Property Owner detailing who is responsible for what and outlines the costs associated with completing the development / subdivision and who pays for that requirement. The agreement will include the following:

- Where a subdivision development agreement is required for a subdivision, the agreement shall ensure that:
  - i. a watermain, sanitary and storm sewers with all appurtenances, gravel road base and concrete curb and gutter be installed on all streets,
  - ii. concrete sidewalks be installed on arterial and collector streets, and
  - iii. asphalt pavement be provided on all streets and completed prior to occupancy of buildings;

- iv. the services shall conform to the general specifications for the Town of Sussex;
- v. the developer's engineering consultant shall be approved by the Council, prior to any engineering work commencing for a subdivision;

*Subdivision Servicing Costs and does the Town assist in cost sharing services and the building of public streets?*

The Town provides generous assistance as an incentive for land development / subdivision planning and you are encouraged to contact the Town for our current cost sharing policies as outlined in the Town's Subdivision By-law 1006-08.

Call us today and we can provide assistance to you with your questions, remove the perception of "red tape" and to assist your subdivision plan application, in understanding the Town's Subdivision By-law and related by-laws, development policies and your eligible cost sharing for the development of your future contribution in becoming a valued new Sussex subdivision addition. We are here to assist and we are a simple phone call away to help you with your important application. Please contact us today at **(506) 432-4540**.

*Landscape, it's important?*

The aesthetics of any future subdivision in Sussex is very important and can be very beneficial in adding value to the sale of each of your lots. The Developer shall be required to obtain approval from the Planning Advisory Committee, and prior to the Town issuing a building permit, of a landscape plan for the development of property and subject to the provisions of:

- i. a grassed boulevard, of at least three (3) metres in width, along the property line which affronts Main Street;
- ii. a grassed boulevard, three (3) metres in width, adjacent all parking areas;
- iii. street trees planted at ten (10) metres centers in all boulevard areas, to provide screening;
- iv. a minimum of one (1) tree per five (5) parking spaces planted in the grassed area of a parking lot; and

- v. the minimum height of each street tree shall be twenty-four hundred millimeters (2400 mm) above grade.

What are the Town's general permit requirements following any Town approval / development approval?

- To construct a dwelling or building, a complete set of scaled building construction drawings shall be submitted to the Town to assess for compliance with the National Building Code of Canada, current edition, complete with building elevations in sufficient detail to construct the proposed development.
- A complete set of scaled site servicing drawings shall be submitted to the Town to assess connection to town systems servicing the development. All drawing shall be stamped by an Engineer licensed to practice in the Province of New Brunswick, if so required.
- A certificate / letter indicating that the building drawings have been reviewed by the New Brunswick department of Health, if so required.
- A certificate / letter indicating that the building drawings have been reviewed by the New Brunswick Fire Marshal's Office, if so required.
- Payment of all Building Permit Fees, in accordance with the Town of Sussex By-law.
- The Developer will be required to keep the work site safe at all times with respect to vehicular and pedestrian traffic, including directing of traffic, barricades, lights, signs, and supply of properly equipped and trained traffic control personnel for protection of traffic, in accordance with standards in force, pursuant to the Occupational Health and Safety Act, on any street within the Sussex municipal boundaries.
- If, at any time, one or more driving lanes of a street in Sussex is blocked so as to limit emergency vehicle access traffic, it is the responsibility of the permit holder to notify, the Local Detachment of the RCMP (433-7700), Sussex Fire Department (432-4542) and Town Administration for Sussex (432-4540) of the nature of the detour or access restriction, and when the detour or access restriction is likely to start and finish. For Sussex streets, Sussex may order additional precautions, work stoppages and restorations of the street should emergency circumstances warrant.

- The Developer / Permit Holder will be required to ensure that the street is kept free from nuisance, dirt, and dust and shall be responsible for cleaning the streets at the end of each work day and at the completion of the scheduled work.
- The Developer / Permit Holder is required to provide advance notice of a minimum of 24 hours, of the backfilling operation to provide the Town an opportunity to inspect.
- The Developer / Permit Holder may be required to comply with other conditions with respect to safety or preservation of Sussex property, at the Town's discretion.

Call us today and we can provide assistance to you with your questions. We are here to assist you and we are a simple phone call away to help you with your important application. Please contact us today at **(506) 432-4540**.