

## South River Subdivision Policy

The following Subdivision Policy has been made by the Town Council of The Town of South River under the provisions of **The Town of South River Municipal Plan 1995-2005 and The Town of South River Development Regulations**, as amended, and **Section 35-d** of the **Urban and Rural Planning Act, 2000** and **Newfoundland Regulation 3/01**.

### 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 South River 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 Town of South River Municipal Plan and Development Regulations 1995-2005** 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 South River Subdivision Policy**.

### Definitions

2. In this policy;
  - (a) "Town" means The Town Council of The Town of South River.
  - (b) "Development Regulations" means the regulations pertaining to development as prescribed in the South River Town Plan, and regulations and bylaws respecting development that have been enacted by the relevant authority or agency.
  - (c) "Developer" means the person, company or corporate entity that proposes a development.
  - (d) "SRDR" means the South River Development Regulations.
  - (e) "Authority" means the Town Council of The Town of South River, or Authorized Administrator.
  - (f) "Subdivision" means the dividing of any land, whether in single or joint ownership, into three (3) or more parcels 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 Development Regulations 1995-2005 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 (*SRDR Section 66*). An **application form** which is available at the town office must be submitted, and must include;
  - i. A non-refundable initial application fee of fifty dollars (**\$50.00**).
  - ii. A survey and/or a plot plan of the proposed subdivision.

## Preliminary Approval

5. If necessary to expedite access to government departments and if not completed in advance by the Developer, the Town may give a general **preliminary approval** if the development conforms to all zone characteristics and features (*SRDR*) but final approval shall require adherence to the items outlined in the Approval In Principle (Section 6 of this Policy) and agreed to by the Developer.

## 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.

The Approval in Principle shall include;

- (a) **A legal survey, name and description of the project** within the development of subdivision including whether it will be a development on public roads and services or private roads and services.
- (b) **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 relevant information.
- (c) **An estimated cost of the works** in the development as certified by a professional engineer.

- (d) **Relevant Provincial and/or Federal permits** or approvals from:
  - i. **Highways** – adequate safe access/egress
  - ii. **Environment** – habitat, pollution and other environmental issues
  - iii. **Natural Resources** – mineral rights, etc.
  - iv. **Tourism** – archaeology
  - v. **Fisheries and Oceans**
- (e) **The Subdivision Development Standards** as outlined in (SRDR *Section 76*).
- (f) **A detailed set of design drawings** by a professional engineer prior to start of a phase or element of the development plan.
- (g) The **financial guarantees** with respect to municipal water, sewer, road and related works to ensure that each phase of the work will be done.
- (h) **Permitting, certification and inspection requirements** i.e. what permits, approvals etc. are required and when.

### **Final Approval**

- 7. **(1) A subdivision permit fee of \$50 per lot** shall be required for final approval
- (2)** Final approval may be given by the Authority provided that;
  - i. The terms of the Approval In Principle have been satisfied
  - ii. The application for Final Approval has been made within two (2) years of the granting of the Approval In Principle
  - iii. 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 Authority and all fees required for permits, licenses 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 (SRDR *Section 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 (SRDR *Section 70*)

## Warranty

9. Without restricting any warranty or guarantee implied 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 one (1) year (twelve months) after completion of the development known as the warranty period. (*SRDR Section 74*)

## 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. (*SRDR Section 77*)
12. **(1)** In conjunction with the Developer, the Town Works Superintendent (or his designate) shall inspect and certify all works of construction layout and the Developer shall proceed to the construction and installation of services at his own cost in accordance with the approved designs and specifications. The Town Works Superintendent will complete a regular site inspection to ensure compliance.  
**(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.

## 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. (*SRDR Section 79*)

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30m	15m	1.5m	Discretion of Council
Collector streets	20m	15m	1.5m	2
Local Residential Streets: Where more than 50% of the units are single or double dwellings	15m	9m	1.5m	1
	20m	9m	1.5m	2
Where 50% or more of the units are row houses or apartments				
Service Streets	15m	9m	1.5m	Discretion of Council

Cul de Sac	turning circle diameter (minimum) 30m	maximum length (serviced area) 200m	maximum length (not serviced area) 300m	Emergency vehicle not less than 3 m wide

For detailed information on cul de sac, see (SRDR Section 76)

### Sidewalks

14. All residential streets in subdivisions shall have a reservation of 1.5m (5 feet) provided on one (1) side of the street for construction of a sidewalk and curbing on the opposite side of the street. (SRDR Section 79)

### Minimum Lot Size

15. In subdivisions, all residential lots shall have a minimum frontage of 20m and minimum depth of 32.5m 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 650m<sup>2</sup>.

### Variance

16. A variance to a maximum of 10% of development standards may be considered by the Authority subject to the conditions outlined in the **Development Regulations of the Town of South River 1995-2005**. (SRDR Section 11)

## Landscaping

17. Landscaping, including grass and one (1) specimen shade tree, shall be placed on the front of each lot within twelve (12) months of initial occupancy and stipulated on each individual permit to build. (SRDR Section 50 & 82)

## Dedication of Public Space and/or Fees

18. (A) For subdivisions with three (3) or more lots, a **public open space development fee of \$300 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. (SRDR Section 14 & 74)

(B) Notwithstanding section 18(A), for subdivisions greater than ten (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 the land so dedicated. (SRDR Section 74)

(C) Where any subdivision borders any river, brook or pond, a strip of land or reservation to a maximum of 15m along the banks may be required to be reserved and remain undeveloped and this land may constitute the requirement for land for public use and the amount of the development fee will be reduced by the value of land so dedicated. (SRDR Section 73)

## Transfer of Streets and Public Works to the Town

19. The Developer shall transfer to the Town, at no cost, subject to appropriate tests and certification (including as built drawings and test results) (SRDR Section 80) :

(a) All lands designated as streets or public space (e.g. green space, sidewalks, rights of way)

(b) All public works in the subdivision; water supply, sanitary and storm sewer systems, etc.

## Maintenance Restrictions

20. 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. (SRDR Section 80)

## Occupational Health and Safety

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

## Liability Insurance

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

## Responsibility

23. It is the responsibility of the Developer to ensure that he/she is aware of all requirements of this policy and of the **Municipal Town Plan** and the **Development Regulations of South River** and will abide by and adhere to all regulations as outlined.

## Written Agreement

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

## Stop Work Order

25. Failure to adhere to the terms and conditions of this policy or the Town's Development Regulations may result in the issuance of a stop work order by the Town until such time as the Authority is satisfied that the terms and conditions have been met.
26. All previous South River Subdivision Policies (and amendments thereto) are hereby repealed.
27. This South River Subdivision Policy shall come into effect on October 06, 2010.

Please note **if you are planning to subdivide land and NOT develop a subdivision** pay particular attention to steps 1 through 6 of the **Subdivision Policy**.

Adopted by Resolution of Council on the \_\_04<sup>th</sup>\_\_ day of \_\_July\_\_ 2012.

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Arthur Petten  
**Mayor**  
(for) the Town of South River

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Terrie Lynn Hussey-Aisien  
**Town Clerk**  
(for) the Town of South River