RURAL COMMUNITY OF FUNDY SHORES

BY-LAW NO. C-5-2026

SUBDIVISION BY-LAW

The Council of the Rural Community of Fundy Shores, under the authority vested in it by section 75 of the *Community Planning Act*, S.N.B. 2017, c. 19, and amendments thereto, enacts as follows:

1. Definitions

1.1 In this By-law:

"Act" means the *Community Planning Act*, S.N.B. 2017, c. 19, and amendments thereto;

"advisory committee" means the planning committee established by the Commission under the *Regional Service Delivery Act*;

"Commission" means the Southwest New Brunswick Service Commission;

"Council" means the Mayor and Councillors of the Rural Community of Fundy Shores;

"developer" means a person seeking approval of a subdivision plan, or who enters into a subdivision agreement with the Rural Community;

"development officer" means the development officer within the meaning of the Act, being the planning director as defined in the *Regional Service Delivery Act*, or a person to whom the powers of the development officer are delegated under the Act;

"land for public purposes" means land, other than streets, for the recreational or other use or enjoyment of the general public, including:

(a) a pedestrian trail, motorized trail, or boat launch to a watercourse or the Bay of Fundy;

(b) a building lot dedicated to the Rural Community for a public sector led development;

(c) a sensitive environmental or conservation area, such as wetlands for habitats and drinking water aquifer recharge;

(d) a Rural Community park or greenbelt;

(e) a pedestrian trail to a school, recreational area or other community facility; or

(f) land for a community hall, institutional use, recreational use or other similar community facility;

"lot" means one parcel of land described in a deed, transfer, or subdivision plan, used or proposed to be used as the site of a building, structure or use;

"market value of the land" means the assessed value of the original lot, block or other parcel of land being subdivided, according to its latest Property Assessment Notice as provided by Service New Brunswick, with the percentage of any lands intended to be occupied by public roads or encumbered by public trail easements under section 9 deducted from that value;

"Minimum Standards" means the latest edition of the *Minimum Standards for the Construction of Subdivision Roads and Streets* published by the New Brunswick Department of Transportation and Infrastructure;

"Minister" means the Minister of Transportation and Infrastructure;

"non-residential property" means a lot or other parcel of land used, or intended to be used, exclusively for one or more of the following main uses, as those uses are defined in and subject to the applicable provisions of the Rural Plan:

a) agricultural use;

b) extractive industrial use;

c) forestry use;

d) parks & open space use;

e) private utility use;

f) resource excavation use;

g) water-dependent fishery use; and,

h) a pre-existing use, in the form of a camp or cabin under 58.06 square metres in gross floor area;

"other access" means any form of access other than a public road or private street, and includes a shared driveway (Class B) and a natural resource access (Class C) as provided in sections 7 and 8;

"previously approved private access" means a private street or other access approved on a subdivision plan and registered in the land registration office before the coming into force of this By-law;

"private street" means a private street (Class A) shown on a subdivision plan that is constructed to the Minimum Standards, is owned and maintained by a road owners association, and is capable of conversion to a public road;

"public road" means a road vested in the Crown or the Rural Community and maintained at public expense;

"Recreation Corridor" means the planned trail network proposed in section 1.9 of the Fundy Shores Rural Plan By-law;

"Rural Community" means the Rural Community of Fundy Shores.

"Rural Plan" means the Rural Plan By-law of the Rural Community of Fundy Shores and amendments thereto;

"Type 1 subdivision" means a subdivision of land that is not a Type 2 subdivision;

"Type 2 subdivision" means a subdivision of land that requires the development of:

(a) one or more public roads; or

(b) a form of access other than a public road and approved by the advisory committee as being advisable for the development of the land;

2. Purpose

2.1 The purpose of this By-law is to regulate the subdividing of land in the Rural Community of Fundy Shores.

3. Streets and Other Accesses: General

3.1 In a subdivision, unless otherwise stipulated by the Minister, public roads shall be laid out and constructed in accordance with the standards contained in this By-law.

3.2 Notwithstanding anything contained in this By-law, a proposed subdivision street that is to connect to a road, street or highway under the control of the Minister, and that is not vested in the Rural Community under section 32 of the *Highway Act*, is subject to the Minimum Standards.

3.3 Where entry to a Type 2 subdivision will be gained by means of a public non-maintained road, as classified by the Minister, the developer shall bring that existing public non-maintained road to the standard required for streets within the rest of the proposed subdivision, at the developer's full cost.

3.4 Reserve strips abutting a street in a subdivision are prohibited, except where such strips are vested in the Rural Community.

3.5 In arriving at a recommendation or decision with respect to the location of public roads, private streets or other accesses in a proposed subdivision, the advisory committee shall consider the relationship between the proposed access 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.

3.6 The names of streets and other accesses in a subdivision are subject to the approval of Council.

3.7 Notwithstanding anything contained in this By-law, where a developer proposes a subdivision of one or more lots on a previously approved private access, that access is deemed to be an access approved by the advisory committee as being advisable for the development of land, provided there is no extension to the length of the previously approved private access and the resulting subdivision would otherwise meet all applicable requirements and access standards of this By-law and of the Rural Plan.

4. Classes of Streets and Other Accesses

4.1 Every street or other access laid out in a subdivision shall belong to one of the following classes:

(a) Public Road;

(b) Private Street, Class A;

(c) Other Access, Class B (Shared Driveway); or

(d) Other Access, Class C (Natural Resource Access).

4.2 The class of every street or other access shall be identified on the tentative plan and on the final subdivision plan.

5. Public Road

5.1 The purpose of a public road is to provide the ultimate, year-round access to property, maintained and guaranteed by government, and capable of supporting high traffic volumes and emergency vehicles.

5.2 A public road shall be engineered and constructed in accordance with the Minimum Standards, including the drainage facilities required under those standards:

(a) Certification by a Professional Engineer retained by the developer at their own expense shall be submitted in support of the tentative subdivision plan for all road and drainage design and construction.

5.3 Unless otherwise stipulated by the Minister:

(a) the length of a block shall be not less than 120 metres and not more than 240 metres;

(b) the length of a cul-de-sac shall not exceed 365 metres; and

(c) the width of the right of way shall be not less than 24 metres.

5.4 An intersection of a public road with another public road shall conform to Tables A10.1 and A10.2 of the Minimum Standards.

5.5 There is no limit on the number of lots that may be served by a public road.

5.6 A Type 2 subdivision served by a public road is subject to the setting aside of land for public purposes in the amount of 8%, as provided in section 11.

6. Private Street, Class A

6.1 The purpose of a private street is to provide private, year-round access to property, maintained by a road owners association, that is engineered to support higher-traffic volumes and emergency vehicles, and capable of conversion into a public road in the future.

6.2 Subsections 5.2, 5.3, and 5.4 apply *mutatis mutandis* to a private street.

6.3 The number of lots that may be served by a private street is subject to the Rural Plan By-law.

6.4 A Type 2 subdivision served by a private street is subject to the setting aside of land for public purposes in the amount of 8%, as provided in section 11.

6.5 A road owners association is required to be established for a Private Street, Class A subdivision. The private street shall be identified on the final subdivision plan and registered in the land

registration office prior to the development officer approving any lots that front onto that private street.

6.6 One public trail easement to the Bay of Fundy or a watercourse shall be provided where required under section 9.

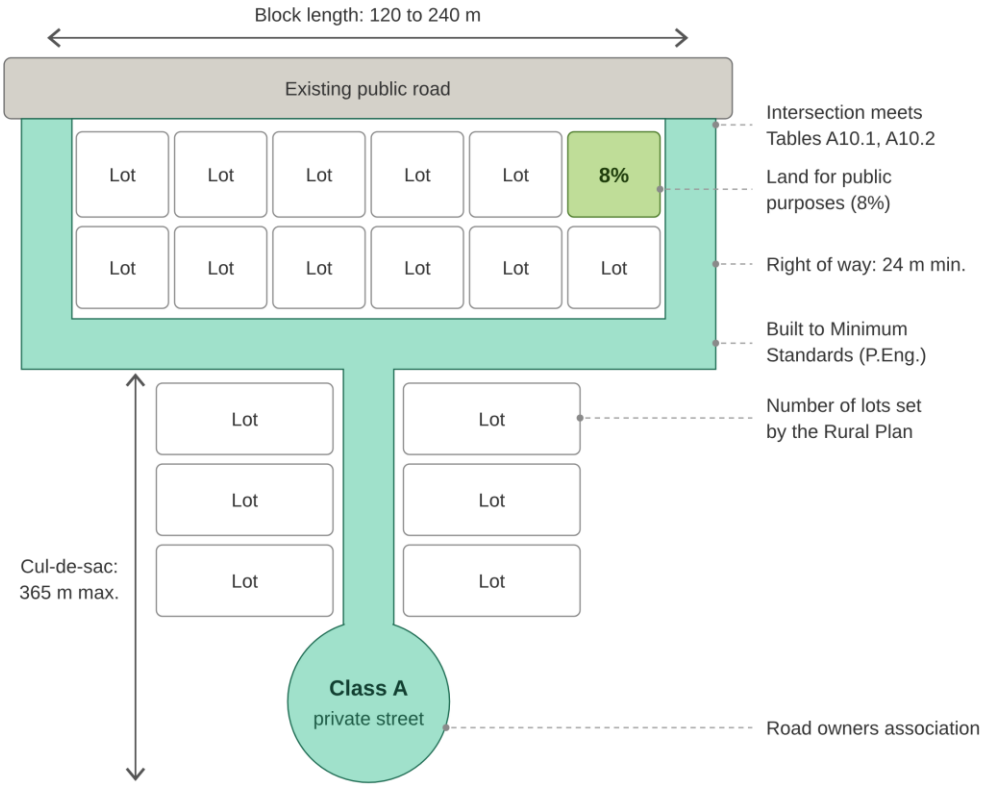


Figure 1. Class A, Private Street example

7. Other Access, Class B (Shared Driveway)

7.1 The purpose of a shared driveway is to provide a year-round, short, and easily maintained right of way to properties without public road frontage, managed by several neighbours on a private basis. A shared driveway is not designed to be converted to a public road and is only intended to support limited traffic.

7.2 Shared driveways are not verified as suitable year-round accesses for emergency vehicles; therefore, the length of the right of way shall not extend beyond the firefighting access route limits in the *National Building Code of Canada*, as adopted under the *Building Code Administration Act*, S.N.B. 2020, c. 8.

7.3 A shared driveway shall conform to the following requirements:

(a) no more than 3 lots shall be served by the shared driveway;

(b) the length of the right of way shall not exceed 90 metres;

(c) the width of the right of way shall be not less than 10 metres; and,

(d) the intersection with a public road requires an access permit, including a driveway culvert, if applicable.

7.4 No engineering standard of construction applies to a shared driveway, and its construction and maintenance are a private responsibility, and to this effect, the development officer may require a note be placed on any final plans of subdivision as a caveat to future lot owners.

7.5 A Type 2 subdivision served by a shared driveway is exempt from the setting aside of land for public purposes.

7.6 One public trail easement to the Bay of Fundy or a watercourse shall be provided where required under section 9.

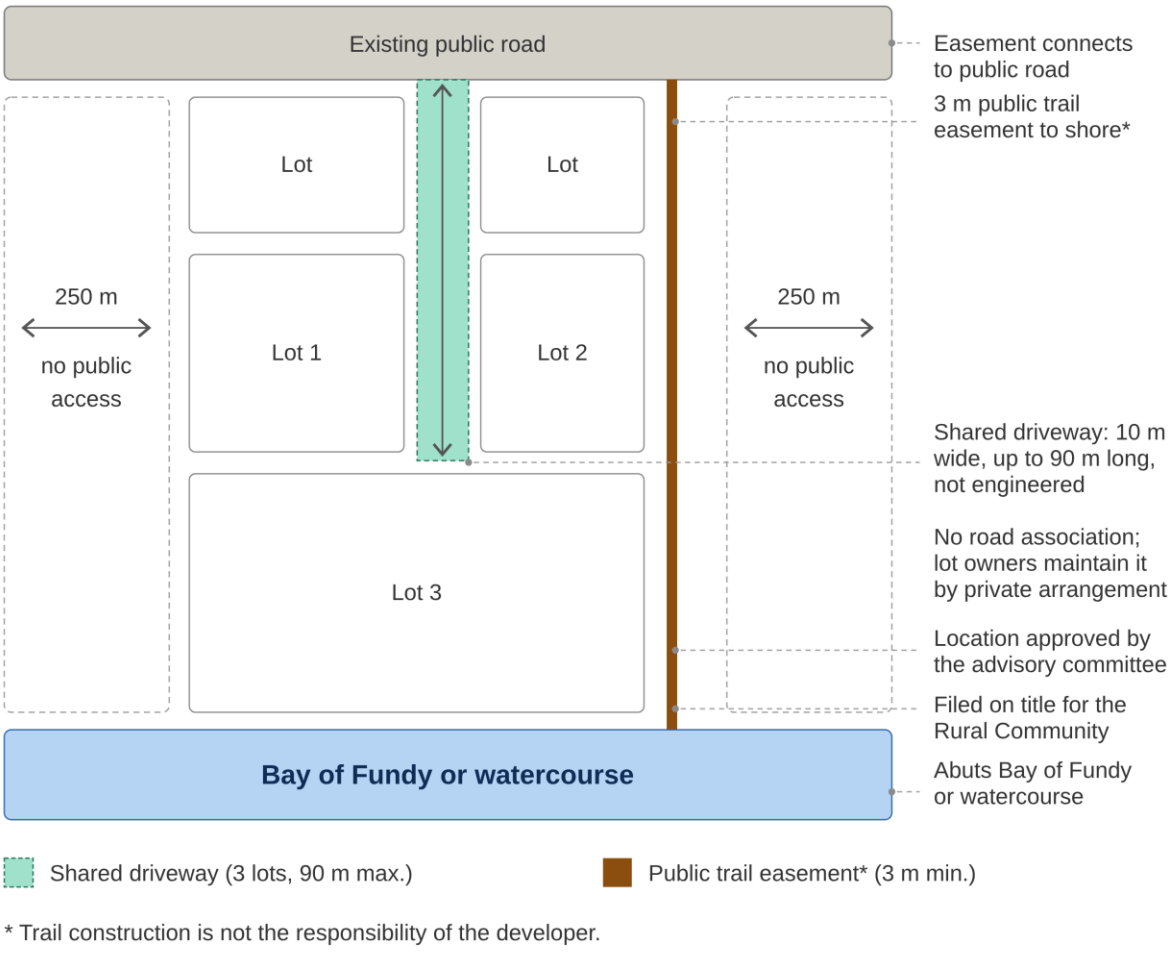


Figure 2. Class B, Shared Driveway example

8. Other Access, Class C (Natural Resource Access)

8.1 The purpose of a natural resource access is to provide a seasonal, long, and lightly maintained right of ways to give access to non-residential property without public road frontage. A natural resource access is not intended to be traversed by emergency vehicles.

8.2 A natural resource access shall conform to the following requirements:

(a) no more than 3 lots shall be served by the access;

(b) no maximum length applies to the access;

(c) the width of the right of way shall be not less than 6 metres; and,

(d) the intersection with a public road requires an access permit, including a driveway culvert.

8.3 No engineering standard of construction applies to a natural resource access, and its construction and maintenance are a private responsibility, and to this effect, the development officer may require a note be placed on any final plans of subdivision as a caveat to future lot owners.

8.4 A natural resource access shall be used only to subdivide lots that are non-residential property.

8.5 A Type 2 subdivision served by a natural resource access is subject to the setting aside of land for public purposes in the amount of 8%, as provided in section 11.

8.6 One public trail easement to the Bay of Fundy or a watercourse shall be provided where required under section 9.

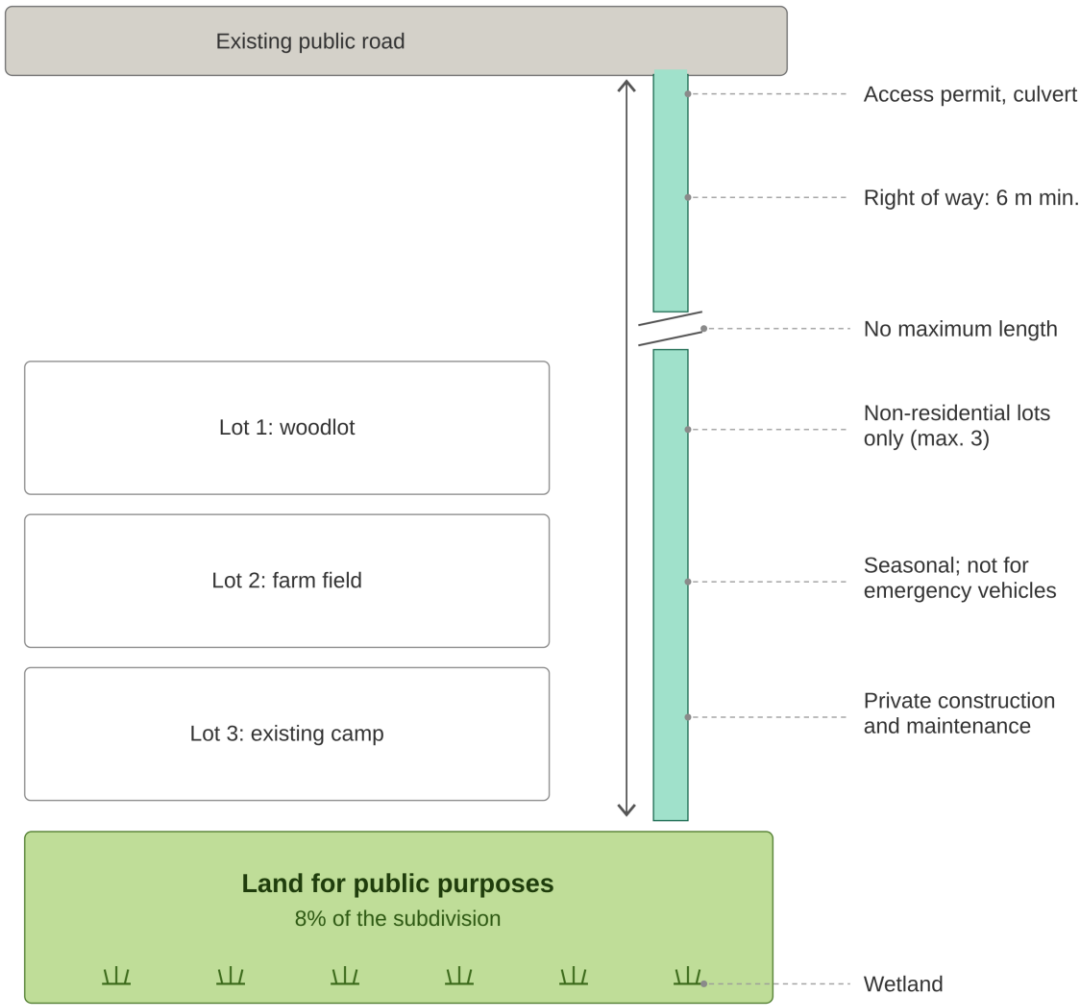


Figure 3. Class C, Natural Resource Access example

9. Public Trail Easements

9.1 A purpose of this By-law is to require facilities, in the form of public trail easements, for certain classes of subdivision to create, ensure and preserve public access to the shoreline along the Bay of Fundy or to a watercourse at the time of subdivision.

9.2 As a condition of approval of a Type 2 subdivision (Class A, B, or C), a public trail easement not less than 3 metres in width, connecting a public road to the shore of the Bay of Fundy or to a watercourse, shall be set out and identified on the plan where:

(a) the boundaries of the proposed subdivision abut the Bay of Fundy or a watercourse; and

(b) no other public access point to the Bay of Fundy or watercourse exists within 250 metres of the boundaries of the proposed subdivision.

9.3 A public trail easement under subsection 9.2 is not required for a Type 2 subdivision where:

(a) public trail easement connection to a public road is not possible in the opinion of the development officer; or

(b) an existing public access point to the Bay of Fundy or watercourse is located within 250 metres of the boundaries of the proposed subdivision, or a public access point to the Bay of Fundy or watercourse is provided by a public road or land for public purposes within the proposed subdivision itself.

9.4 For the purposes of this section, a public access point means a publicly owned street or right of way, land for public purposes, a public trail easement, or any other publicly held interest in land that provides the general public with pedestrian access to the shore of the Bay of Fundy or to a watercourse.

9.5 For the purposes of this section, distance shall be measured in a straight line from the nearest point of the boundaries of the subdivision to the nearest point of the existing public access point.

9.6 A proposed location of an easement required under this section shall be reviewed by the development officer and approved by the advisory committee after consideration of the topography of the land, avoidance of any known habitats of species at risk, and the safety and convenience of the proposed pedestrian access to the shore.

10. Lots, Blocks and Other Parcels

10.1 Every lot, block and other parcel of land in a subdivision shall abut a public road, or such other street or other access as may be approved by the advisory committee as being advisable for the development of land.

10.2 The dimensions and area of a lot in a subdivision are subject to the requirements of the Rural Plan.

11. Land for Public Purposes

11.1 Subject to subsection 11.4, as a condition of approval of a Type 2 subdivision plan, land in the amount of 8% of the area of the proposed subdivision, exclusive of public roads and any area of

land encumbered by a public trail easement under section 9, shall be set aside as land for public purposes and indicated as such on the plan.

11.2 Council may, at its discretion, accept in lieu of land set aside under subsection 11.1 a sum of money equal to 8% of the market value of the land in the proposed subdivision, at the time of submission of the subdivision plan for approval, to be paid to the Rural Community and used to acquire land for public purposes.

11.3 Nothing in this section prevents an applicant from proposing a payment of cash in lieu of land, provided the aggregate value to the Rural Community is not less than that provided under subsection 11.1 or 11.2.

11.4 Notwithstanding subsections 11.1, 11.2 and 11.3, where a Type-2 subdivision is proposed on a lot, block and other parcel of land that is part of or adjacent to the mapped Recreation Corridor, land for public purposes shall be required to facilitate this planned trail network.

11.5 Despite subsections 11.1, 11.2 and 11.3, land for public purposes is not required for the following:

(a) a Type 1 subdivision involving a lot with frontage on an existing, maintained public road;

(b) a parcel of land created to be added to, and become part of, a neighbouring parcel;

(c) a subdivision plan that puts land together (assembles it) for future subdivision;

(d) a lot created abutting a previously approved private access under subsection 3.7;

(e) a Type 2 subdivision with an Other Access, Class B (Shared Driveway) that meets all the size requirements in subsection 7.3; and

(f) a lot created to be transferred to the Rural Community.

11.6 If land has been set aside, or money paid, under subsection 11.1, 11.2 or 11.3 as a condition of approval of a subdivision plan, no more land for public purposes or money may be required as a condition of approval of any later subdividing of that same land.

11.7 A developer may propose to Council a payment of money in lieu of land under subsection 11.2 or 11.3 by delivering the proposal to the development officer at the time of the subdivision application together with a certified cheque, payable to the Rural Community of Fundy Shores, in the amount proposed. The Commission shall hold the certified cheque uncashed until Council decides whether to accept the proposal, and:

(a) where Council accepts the proposal, the certified cheque shall be released to the Rural Community and the money paid into the account required under the Act, to be used to acquire land for public purposes elsewhere; and

(b) where Council rejects the proposal, the certified cheque shall be returned to the developer, and land shall be set aside in accordance with subsection 11.1.

12. Subdivision Agreements & Facilities

12.1 In a Private Street, Class A subdivision, other than a subdivision referred to in subsection 11.5, the developer proposing to subdivide land shall, at their own expense, hire a professional engineer who will oversee, inspect, and certify the construction of the access. The developer shall be responsible to pay for and provide within that subdivision the facilities required by the Minimum Standards, and the development officer shall not approve the plan unless that person enters into an agreement with the Rural Community, binding on that person's heirs, successors and assigns, to construct and pay the cost of the required facilities, and deposits with the Rural Community a sum of money, performance bond or other security sufficient to guarantee the faithful performance of the agreement.

12.2 In a class of subdivision where a public trail easement is required under section 9, the easement shall be identified on the final subdivision plan as a public trail easement and be filed with an easement document that shall run with the land for the benefit of the Rural Community and the general public by extension.

13. When a Subdivision Plan Cannot Be Approved

13.1 The development officer shall not approve a subdivision plan if, in the opinion of the development officer and 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;

(b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land; or

(c) the proposed manner of subdividing contravenes the Act, any other applicable provincial regulation or any municipal by-law.

14. Fees

14.1 A person who applies to the development officer for approval of a tentative plan shall pay the following fee:

(a) for a Type 1 subdivision, $200 plus $25 for each lot in the subdivision;

(b) for a Type 2 subdivision, $500 plus $50 for each lot in the subdivision; or

(c) for a re-application, an administration fee of $100.

IN WITNESS WHEREOF the Rural Community of Fundy Shores has caused the corporate seal of the Rural Community to be affixed to this By-law the day of , 2026.

First Reading:

, 2026

Second Reading:

, 2026

Third and Final Reading:

, 2026

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Mayor

_____
Clerk