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## MEMORANDUM

To: **Richmond Planning Advisory Committee  
Richmond Municipal Council**

From: **Andrew Jones, Senior Planner  
Eastern District Planning Commission**

Date: **June 24, 2020**

Reference: **Amendment to the *Richmond Subdivision By-law* to allow private roads to cross an unmaintained public street.**

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### Information:

On April 29, 2020 Staff received a request to amend the *Richmond County Subdivision By-law* to add a new requirement that allows a private road to cross an unmaintained public street (“K Class” road). As the subdivision by-law is currently written it does not permit a private road to cross a “K Class” road.

The provincial subdivision regulations do allow a private road to cross an unmaintained public street the addition to the provincial by-law came into effect in 2008, therefore Staff recommend that the *Richmond Subdivision By-law* should be brought in-line with the Provincial document.

### Recommendations:

It is the recommendation of staff that Council approve an amendment to the *Richmond County Subdivision By-law* adding provisions which would allow for a new private road which is required to cross an unmaintained public street (a “K Class” road) to receive subdivision approval if the owner has a permit to cross issued by the Department of Transportation or the municipality which is assignable and has no fixed duration.

It is the recommendation of staff that Council approve an amendment to the *Richmond County Subdivision By-law* removing provisions which specify a “license for right-of-way and access” or a “permit to cross” be from the “railway”.

A BY-LAW TO AMEND THE SUBDIVISION BY-LAW  
FOR THE MUNICIPALITY OF THE COUNTY OF RICHMOND

The *Subdivision By-law* for the Municipality of the County of Richmond is hereby amended as follows:

**1) In Part B deleting the following text with strikethrough and adding the text in bold:**

*B. LOT REQUIREMENTS*

~~14. All lots shall abut:~~

**(1) All lots to be approved on a plan of subdivision shall abut and will access directly to:**

*(a) a public street; or*

*(b) a private road.*

**(2) Notwithstanding the definition of “private road”, a private road that must cross an unmaintained public street to extend to and have access to a public street may be treated as continuous for the purposes of subsection (1) if the owner has a permit to cross the unmaintained public street that is issued by the Department of Transportation or the municipality and is assignable and has no fixed duration.**

19. (2) ~~Where an area of land cannot be subdivided in accordance with the provisions of this section because the access to it is required to cross a railway right-of-way and no easement for the right-of way and access can be obtained from the railway, if all other requirements of this section have been met, subdivision approval may be granted, provided that the lot(s) created have access by a right-of-way easement as defined in Clause 2(4), (n) except that with regard to that portion of the right-of-way easement which crosses the railway right-of way, a license for right-of-way and access from the railway or permit to cross shall be sufficient.~~

This is to certify that the resolution of which this is a true copy, was duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Richmond held on the \_\_\_th day of \_\_\_\_\_ 2020.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the Municipality of the County of Richmond this \_\_\_th day of \_\_\_\_\_ 2020.

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Don Marchand, Chief Administrative Officer