

Town of St. Stephen

Subdivision By-Law

By-Law No. L-4

**BYLAW NO. L-4**

**SUBDIVISION BYLAW**

-1-

THE COUNCIL OF THE TOWN OF ST. STEPHEN, under authority vested in it by Section 42 of the *Community Planning Act*, enacts as follows:

**1. INTERPRETATION**

In this Bylaw,

"Act" means the *Community Planning Act*,

"arterial street" means a roadway with the primary function to move large volumes of through traffic with limited direct access to adjacent development.

"collector street" means a roadway with the functions of providing land access and traffic movement as equal importance.

"Council" means the Mayor and Councillors of the Town of St. Stephen,

"developer" means an individual or corporation seeking to obtain the approval of a subdivision plan, or who enters into a subdivision agreement with the Town,

"Planning Advisory Committee" means the Planning Advisory Committee established by Council,

"Development Officer" means the Development Officer of the Town of St. Stephen appointed by Council,

"gradient" means the degree of rise or descent of a street,

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

- (a) an access to a lake, river, stream, sea, or other body of water;
- (b) a beach or scenic area along the shore of a lake, river, stream, sea, or other body of water;
- (c) a conservation area;
- (d) land adjoining a school for joint recreational purposes;
- (e) land for a community hall, public library, recreational use or other similar community facility;
- (f) 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;
- (g) a park, greenbelt, or buffer area dividing developments, parts of highway, or development and a highway;
- (h) a pedestrian way to a school, shopping centre, recreational area, or other facility;

**BYLAW NO. L-4**

**SUBDIVISION BYLAW**

-2-

- (i) a protection area for a water course, stream, marsh, water supply, lake, or other body of water;
- (j) a public park, playground, or other recreational use;
- (k) a visual feature, or;
- (l) a wooded area, slope area, or a sight giving view to a scenic area to provide diversity.

"local street" means a roadway whose major function is to provide direct land access to abutting properties and is designed to carry low traffic volumes for short distances.

"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 a site for a building or structure or an appurtenance thereof,

"Municipal Plan" means the Municipal Plan of the Town of St. Stephen and its amendments thereto,

"Zoning Bylaw" means the Zoning Bylaw of the Town of St. Stephen and its amendments thereto,

"width" means, in relation to a lot,

- (i) where the side lot lines are parallel, the distance measured across the lot right angles to such lines, or
- (ii) If the side lot lines are not parallel, lot width is the horizontal distance between the side lot lines measured parallel to the front lot line at the minimum front or flankage yard setback as required by the applicable provisions of the Zoning By-Law.

**2. SCOPE**

This bylaw provides for regulation of the subdividing of land in the municipality.

**3. STREETS**

3.01 In a subdivision, unless otherwise stipulated by Council,

- (a) arterial streets shall have a width of 20 metres,
- (b) collector streets shall have a minimum width of 20 metres
- (c) local streets shall have a width of 20 metres,
- (d) a cul-de-sac shall not exceed 200 metres in length, and shall terminate with a circular area having a radius of 18 metres, and
- (e) no street may have a gradient in excess of 8 percent.

**BYLAW NO. L-4**

**SUBDIVISION BYLAW**

-3-

- 3.02 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, with the full cost to be borne by the person seeking approval of the plan unless otherwise agreed by Council.
- 3.03 Reserve strips abutting a street in a subdivision are prohibited, except where such strips are vested in the municipality.
- 3.04 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 interceptions being as nearly as possible at right angles,
  - (d) convenient access to the proposed subdivision and to lots within it,
  - (e) the convenient further subdividing of the land or adjoining land.
- 3.05 Names of streets in a subdivision are subject to approval of the Council.

**4. LOTS, BLOCKS AND OTHER PARCELS**

- 4.01 Every lot, block and other parcel of land in a subdivision shall abut a street owned by the Crown or the municipality, or such other access as may be approved by the Planning Advisory Committee for the development of land.
- 4.02 The dimensions and the area of a lot in a subdivision are subject to the requirements of the Zoning Bylaw.
- 4.03 Subject to subsection 4.04 a block in a subdivision shall be at least 128 metres and not more than 311 metres long, and shall have a depth of not less than two lots.
- 4.04 Where a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 311 metres in length if pedestrian walkways are provided for access or circulation to schools, libraries, playgrounds or other such facilities.

**BYLAW NO. L-4**

**SUBDIVISION BYLAW**

-4-

**5. LAND FOR PUBLIC PURPOSES**

- 5.01 Subject to this section, as a condition of approval of a subdivision plan, land in the amount of eight (8) percent 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 brought to street elevation, and so indicated on the plan.
- 5.02 Council may require, in lieu of land set aside under subsection 5.01, a sum of money to be paid to the municipality in the amount of eight percent of the market value of the land in the proposed subdivision at the time of submission for approval of the subdivision plan exclusive of streets intended to be publicly-owned.
- 5.03 Nothing in this section shall affect the ability of the applicant and the Town of St. Stephen to enter into an agreement providing for the setting aside of part land and part cash-in-lieu, provided that the aggregate value to the Town shall not be less than that provided in subsections 5.01 or 5.02.
- 5.04 This section does not apply:
- (a) in the case of a parcel of land that is being created for the purpose of being added to and forming part of an adjoining parcel;
  - (b) in the case of a subdivision plan that involves the assembly of land for future subdivision;
  - (c) in the case of a lot that is being created to accommodate a useable main building, provided such building existed prior to this by-law coming into force.
- 5.05 Where, as a condition of approval of a subdivision plan, land has been set aside under subsections 5.01, 5.02 or 5.03, 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.

**6. MUNICIPAL FACILITIES**

- 6.01 Where a developer proposes to subdivide land in such manner that pursuant to section 4 a street is required to be provided, or in such location that municipal water or sewer facilities or both are required to be provided, the Development Officer shall not approve a subdivision plan unless, in the opinion of the Council,
- (a) Council will be able, in the foreseeable future, to provide a street, and where

**BYLAW NO. L-4**

**SUBDIVISION BYLAW**

-5-

required, water and sewer lines or both, to the boundaries of the subdivision, or such developer has made satisfactory arrangements for providing such facilities themselves, and

- (b) The developer proposing the subdivision has made satisfactory arrangements to deposit a sum of money sufficient to cover the cost, or enters into an agreement with the Council that is binding on his or her heirs, successors and assigns to pay the cost of facilities required within the subdivision.

**7. RESPONSIBILITIES OF THE SUBDIVIDER**

7.01 The developer shall submit a tentative subdivision plan to the Development Officer who will process it, and if it is approved, will instruct the person who is subdividing to hire a surveyor to draw up a final subdivision plan.

7.02 The construction of streets shall be asphalt. The developer who is subdividing is responsible for the entire cost of construction of streets and services within the subdivision, and engineering inspection services when so determined by the Council.

7.03 If there are new streets, water lines, sanitary sewers or storm sewers involved, plans and profiles of these facilities must be developed by a Professional engineer and delivered to the Director of Operations for his perusal, comments and final approval, and delivery of "Record Drawings" to the Director of Operations when the sanitary sewer video inspection and waterline pressure test reports have been completed.

7.04 Pursuant to section 56 of the *Community Planning Act*, Council shall not approve a subdivision plan until the following steps have been taken,

- (a) that the Planning Advisory Committee has first recommended to the Council the location of the streets, or the land for public purposes, or both, as the case may be, within the proposed subdivision,
- (b) that the Director of Operations has approved the plans and profiles for the installation of streets and services and has also approved the materials and types of appurtenances to be installed within the subdivision,
- (c) that pursuant to Regulation 82-126 under the *Clean Environment Act*, the Department of Local Government and Environment has approved the plans and profiles for the installation of water lines, gate valves, hydrants, storm sewers, catch basins, sanitary sewers, lift stations and manholes, and a copy of the certificate of approval to construct has been delivered to the Director of Operations.

**BYLAW NO. L-4**

**SUBDIVISION BYLAW**

-6-

- (d) that the developer deposit with the Clerk sufficient money, bonds or securities to cover fifty (50) percent of the cost for the installation and construction of all services within the subdivision and has given a performance bond to guarantee the labour and materials within the subdivision for a period of twelve months after the date of final inspection and acceptance by the Town of these services.
- (e) that Council reserves the right to ask for a videotape inspection of any part of the underground system if deemed necessary by the Town of St. Stephen Work's Department.

**8. CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN**

The Development Officer shall not approve a subdivision plan if in his or her 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 reasonably 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.

**9. ENFORCEMENT**

- 9.01 The Development Officer, or appointed designate, has the right to enter at all reasonable times upon any property within his or her jurisdiction for the purpose of making an inspection that is necessary for the administration or enforcement of a bylaw or regulation relating to the Act.
- 9.02 Where a development is undertaken in contravention of this bylaw or any of the terms and conditions imposed pursuant thereto, a person authorized by Council may order,
  - (a) cessation of the development,
  - (b) alteration of such development so as to remove the contravention,
  - (c) the doing of anything required restoring the land, building, or structure to its condition immediately prior to the undertaking of such development, or
  - (d) the payment of costs recoverable by the municipality under the terms of this bylaw.
- 9.03 For the purposes of enforcement, a person authorized by Council shall act in accordance with sections 93 and 94 of the *Community Planning Act*.

**BYLAW NO. L-4**

**SUBDIVISION BYLAW**

-7-

**10. AGREEMENT**

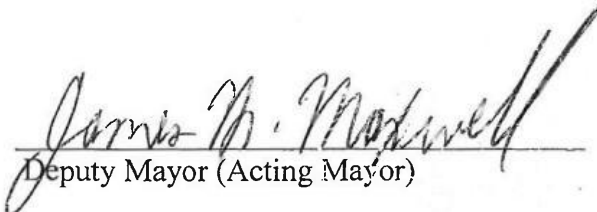
The developer shall enter into an agreement with the Town of St. Stephen prior to the start of construction. The basis of this agreement shall include fulfilling specific requirements of the subdivision bylaw, as may be deemed necessary and determined by the Town's legal counsel.

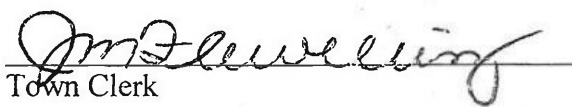
**11. REPEAL PROVISION**

11.01 Bylaw No. L-4, Subdivision Bylaw, adopted by Town Council on May 3, 2004, is hereby repealed.

11.02 The repeal of Bylaw No. L-4, A Subdivision Bylaw, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

First Reading:	February 20, 2012
Second Reading:	April 16, 2012
Third Reading and Enacted:	April 16, 2012

  
Deputy Mayor (Acting Mayor)

  
Town Clerk