

TOWN OF ST. GEORGE
Subdivision By-law
By-law No. 21-A
January 10, 2011

Town of St. George Subdivision By-law (By-law No. 21-A)

1.0	TITLE AND APPLICATION.....	2
2.0	INTERPRETATION.....	2
3.0	SCOPE.....	5
4.0	STREETS.....	5
5.0	LOTS, BLOCKS AND OTHER PARCELS.....	5
6.0	LAND FOR PUBLIC PURPOSES.....	6
7.0	MUNICIPAL FACILITIES.....	6
8.0	RESPONSIBILITIES OF THE SUBDIVIDER.....	6
9.0	APPROVAL OF COUNCIL.....	7
10.0	CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN.....	8
11.0	REPEAL AND TRANSITION.....	9

Schedule A: A Guide to the Minimum Standards for the Construction of Subdivision Roads & Streets

Town of St. George Subdivision By-law (By-law No. 21-A)

TOWN OF ST. GEORGE

BY-LAW NO. 21-A

SUBDIVISION BY-LAW

The Town of St. George under authority invested in it under Section 42 of the *Community Planning Act* enacts as follows:

1.0 TITLE AND APPLICATION

- 1.1 This By-law may be cited as "The Town of St. George Subdivision By-law".
- 1.2 This By-law applies within the Town of St. George municipal boundaries as outlined in Regulation 85-6 under the *Municipalities Act*.

2.0 INTERPRETATION

- 2.1 In this by-law,

"Act, the"

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 Councilors of the Town of St. George.

"Development Officer"

Means the Development Officer appointed by the Town Council.

"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.

"gradient"

Means the degree of rise or descent of a street.

"land for public purposes"

Means land, other than streets, that is to be used for recreational and/or other uses by the general public for enjoyment, 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 a highway, or development and a highway;
- (h) a pedestrian way to a school, shopping centre, recreational area, or other facility;
- (i) a protection area for a water course, stream, marsh, water supply, lake, or other body of water;

Town of St. George Subdivision By-law (By-law No. 21-A)

- (j) a public park, trail, 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"

A parcel of land or two or more adjoining parcels held by the same owner used or intended to be used as the site for a building or an appurtenance thereto, whether or not such lot is shown on a filed subdivision plan or is the subject matter of a separate deed or a separate description in a deed.

"Municipal Plan"

Means the Municipal Plan of the Town of St. George and its amendments thereto.

"Planning Advisory Committee"

Means the Planning Advisory Committee established by Town Council.

"services"

Means streets, curbing, sidewalks, walkways, street lights, water and sewer lines, trunk sewer lines, water mains, storm water retention facilities, lift stations, pumping stations, culverts, drainage ditches and any other service or infrastructure deemed necessary by the Town.

"subdivide"

Is synonymous with "subdividing" and means to divide a parcel of land into two or more parcels.

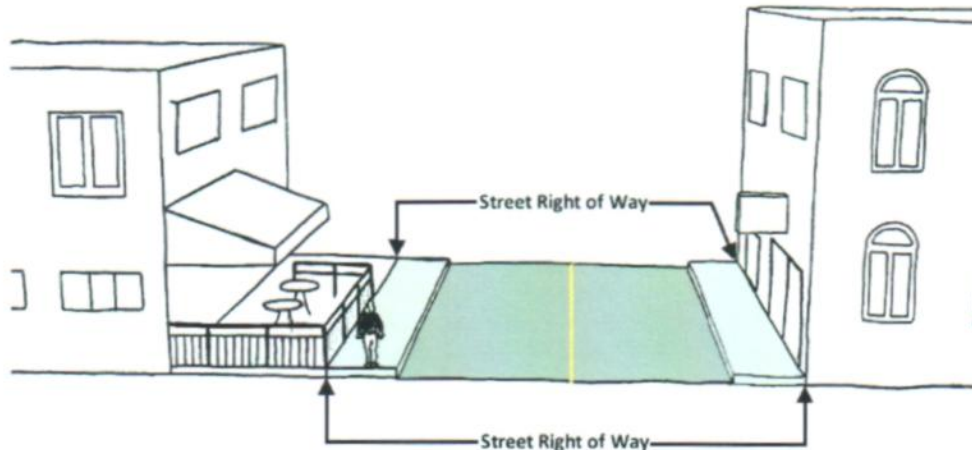
"subdivision"

Means a plan that divides a parcel of land into two or more parcels.

"street right-of-way"

Synonymous with "street" or "road" and means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick, or the Town of St. George.

Figure 1.14: Example of a Street or Road



"street line"

Means the boundary line of a street right-of-way.

Town of St. George Subdivision By-law (By-law No. 21-A)

"width"

Means, in relation to a lot, the horizontal distance measured along a public street. Where a lot abuts two streets, the shorter lot line shall be deemed the lot frontage. Width, in relation to a lot other than a standard rectangular lot, means:

- (a) where the side lot lines are parallel, the distance between the side lot lines as measured across the lot along a line drawn at right angles to the side lot lines; or
- (b) where the front lot line is curved, or the side lot lines are not parallel, the minimum width between the side lot lines shall be measured along a horizontal line between the side lot lines, whose end points are defined by the intersection of said side lines with the minimum setback as required by the applicable provision of this By-law.

"Zoning By-law"

Means the Zoning By-law of the Town of St. George and its amendments thereto.

Town of St. George Subdivision By-law (By-law No. 21-A)

3.0 SCOPE

- 3.1 This By-law provides for the regulation of the *subdividing* of land in the municipality. Construction of streets may not proceed until a tentative plan of *subdivision* has been properly approved.

4.0 STREETS

- 4.1 In a subdivision, unless otherwise stipulated by *Council*:
- (a) *arterial streets* shall have a width of 30 m (98.4 ft);
 - (b) *collector streets* shall have a minimum width of 20 m (65.6 ft);
 - (c) *local streets* shall have a width of 20 m (65.6 ft);
 - (d) a cul-de-sac shall not exceed 180 m (590.6 ft) in length, and shall terminate with a circular area having a radius of 18 m (59.1 ft), at the right-of-way edge and a radius of 12 m (39.4 ft) at the outside edge of pavement; and
 - (e) no street may have a gradient in excess of eight (8) percent.
- 4.2 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*. The existing access must vest in the *Town* as a public street upon registering the plan of *subdivision*.
- 4.3 Reserve strips abutting a street in a *subdivision* are prohibited, except where such strips are vested in the *Town*.
- 4.4 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; and
 - (e) the convenient further *subdividing* of the land or adjoining land.
- 4.5 Names of streets in a *subdivision* are subject to approval of the Council.

5.0 LOTS, BLOCKS AND OTHER PARCELS

- 5.1 Every *lot*, block and other parcel of land in a *subdivision* shall abut:
- (a) a street owned by the Crown or the *Town*; or
 - (b) such other access as may be approved by the Planning Advisory Committee for the development of land.
- 5.2 The dimensions and the area of a *lot* in a *subdivision* are subject to the requirements of the *Town's* Zoning By-law.
- 5.3 Subject to subsection 5.4, a block in a *subdivision* shall be at least 120 m (393.7 ft) and not more than 240 m (787.4 ft) long, and shall have a depth of not less than two *lots*.
- 5.4 Where a proposed *subdivision* contains a series of crescents and cul-de-sacs, a block may exceed 240 m (787.4 ft) in length if pedestrian walkways are provided in number, location and width as approved by the Planning Advisory Committee as acceptable for access or circulation to schools, libraries, playgrounds or other such facilities. Such walkways are to be constructed by the developer and vest in the ownership of the *Town*.

Town of St. George Subdivision By-law (By-law No. 21-A)

- 5.5 Easements shall be provided when necessary for utilities and walkways and be at least 6 m (19.7 ft) wide.

6.0 LAND FOR PUBLIC PURPOSES

- 6.1 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 so indicated on the plan.
- 6.2 *Council* may require, in lieu of land set aside under Subsection 6(1), a sum of money to be paid to the *Town* 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.
- 6.3 Nothing in this section shall affect the ability of the applicant and the *Town* to enter into an agreement providing for the setting aside of part *lands for public purposes* and part cash-in-lieu, provided that the aggregate value to the *Town* shall not be less than that provided in Sections 6.1 or 6.2.
- 6.4 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*; and
 - (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.
- 6.5 Where, as a condition of approval of a *subdivision* plan, land has been set aside under subsections 6(1), or the provisions of 6.2 or 6.3 have been satisfied, 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.

7.0 MUNICIPAL FACILITIES

- 7.1 Where a developer proposes to *subdivide* land in such manner that 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 required, water and sewer lines or both, to the boundaries of the *subdivision*, or the *developer* has made satisfactory arrangements for providing such facilities; and
 - (b) The *developer* proposing the *subdivision* has made satisfactory arrangements to deposit a sum of money sufficient to cover the cost, or a performance bond with the municipality, 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*.
- 7.2 The attached Schedule A, A Guide to the Minimum Standards for the Construction of Subdivision Roads & Streets, is adopted as minimum standards for the construction of a subdivision within the Town of St. George. The *subdivision* will not be accepted by the *Town* until construction is completed in accordance with these standards and the Subdivision By-law.

8.0 RESPONSIBILITIES OF THE SUBDIVIDER

- 8.1 The *developer* shall submit a tentative plan of *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 licensed in the Province of New Brunswick to draw up a final *subdivision* plan.