

BY-LAW NO. 305 (CONSOLIDATED WITH AMENDMENTS)

A SUBDIVISION BY-LAW

Incorporating By-law Nos.:

305 (September 23, 1992)

305-A (June 17, 1999)

305-B (June 19, 2008)

The council of the Town of Oromocto, under the authority vested in it by the section 42 of the Community Planning act, enacts as follows:

INTERPRETATION

1. In this By-Law,
 - 1) “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 the site for a building or structure or an appurtenance thereto; and
 - 2) “width” means, in relation to a lot, where the side lot lines are parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street; such parallel line being drawn through the point at which the line of minimum set-back (required by By-Law or regulation) intersects a line from the mid-point of and perpendicular to the line to which it is parallel.

SCOPE

2. This By-Law provides for regulation of the subdividing of land in the municipality.

STREETS

3.
 - 1) In a subdivision, unless otherwise stipulated by Council,
 - a. Every street shall have a width of 18 meters
 - b. A cul-de-sac shall not exceed 180 meters in length, and shall terminate with a circular area having a radius of 21 meters, and
 - c. No street may have a gradient in excess of 6 percent.
 - 2) Where entry will be gained to a subdivision by means of an existing street or any other aces, 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.
 - 3) In arriving at the 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) Streets intersections and intersections 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 subdivision of the land or adjoining land.

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- 4) Names of streets in a subdivision are subject to the recommendation of the recommended of the Planning Advisory Committee and approval of the Council.

LOTS, BLOCKS AND OTHER PARCELS

4. 1) Every lot, block and other parcel of land in a subdivision shall abut
 - a) A street owned by the Crown or the Municipality; or
 - b) Such other access as may be approved by the Planning advisory Committee as being advisable for the development of land.
- 2) The dimensions and area of a lot in a subdivision are subject to the requirements of the Zoning By-law.
- 3) Subject to subsection (4), a block in a subdivision
 - a) shall be at least 120 and not more than 300 metres long; and
 - b) shall have a depth of not less than two lots.
- 4) Where a proposed subdivision contains a series of crescents and cul-de-sac, a block may exceed 300 metres in length if pedestrian walkways are provided for access or circulation to schools, libraries, playgrounds or other such facilities and be approved by the Planning Advisory Committee.

LAND FOR PUBLIC PURPOSES

5. 1) Subject to this section, as a condition of approval of a subdivision plan, and irrespective of ownership, land in the amount of 10 (ten) 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. (By-law No. 305-B/Enacted June 19, 2008)
- 2) Council may require, in lieu of land set aside under subsection (1), a sum of money to be paid to the municipality in the amount of 8 (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. (By-law No. 305-B/Enacted June 19, 2008)
- 3) That all monies received by Council under subsection two is to be paid into a special account and shall be invested in authorized trustee investments, to be expended by Council for acquiring or developing lands for public purpose. (1By-law No. 305-B/Enacted June 19, 2008)
- 4) Where, as a condition of approval of a subdivision plan, land has been set aside under subsection (1) or the provisions of subsection (2) 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.

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MUNICIPAL FACILITIES

6. Where a person 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 Council,
 - i. 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 such person has made satisfactory arrangements for providing such facilities; and
 - ii. such person has deposited a sum of money or a performance bond with the municipality or has entered into an agreement with council that is binding on his heirs, successors and assigns to pay the cost of facilities required within the subdivision.

RESPONSIBILITIES OF THE SUBDIVIDER

7.
 - 1) The subdivider shall submit a tentative subdivision plan to the Development Officer who will process it, and if it is approved, will instruct the subdivider to hire a surveyor to draw up a final subdivision plan.
 - 2) The construction of streets and services within a subdivision shall minimally comply with the standards established in the current edition of "General Specifications for Municipal Infrastructure in the Town of Oromocto" to be found as Annex "B" to the Town of Oromocto Policy manual. The subdivider is responsible for the entire cost of construction of streets and services within the subdivision. (By-law No. 305-A/Enacted June 17, 1999)
 - 3) If there are any new streets, water lines, sanitary sewers or storm sewers involved then plans and profiles of these facilities must be reviewed by the Town Technical Officer for perusal, comments, and final approval. As built-Plans shall be delivered to the Town Technical Officer when work has been completed.
 - 4) 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 given approval in principle to the proposed subdivision;
 - b) That the Town Technical Officer 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 Environment has approved the plans and profiles for the installation of water lines, gate valves, hydrants, storm sewers, catch basins, sanitary sewers,, life stations, manholes, etc: and

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- d) That, in the absence of a separate agreement under paragraph 6 (2), the subdivider has deposited with the Town Clerk sufficient money, bonds, securities or other real or personal property to cover 50 percent of the cost, or a greater amount as set by Council for the installation and construction of all services within the subdivision and has given a performance bond in an amount set by Council to guarantee the labour and materials within the subdivision for a period of 12 months after the date of final inspection and acceptance by the town of these services.
- 5) The Council reserves the right to ask for a video tape inspection of any part of the underground system if deemed necessary by the Town Works Department.

CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN

- 8. The development officer shall not approve a subdivision plan if, in his opinion and in the opinion of the Planning Advisory Committee,
 - 1) 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
 - 2) The proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land.

BY-LAW REPEALED

- 9. By-Law No. 263, The Subdivision By-Law, is hereby repealed.

READ FIRST TIME: August 20, 1992

READ SECOND TIME: August 20, 1992

READ THIRD TIME

AND ENACTED: September 23, 1992

(Sgd) A Wayne Carnell
A Wayne Carnell
Administrator/Clerk

(Sgd) Fay L Tidd
Fay L Tidd
Mayor