

**Town of Woodstock**

**Subdivision By-Law**

**July 2008**

**By-Law No. R-303**

**SUBDIVISION BY-LAW**

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**TOWN OF WOODSTOCK**  
**BY-LAW NO. R-303**  
**A SUBDIVISION BY-LAW**

The Council of the Town of Woodstock, under authority vested in it by Section 42 of the *Community Planning Act*, enacts as follows:

**SECTION 1: TITLE**

1(1) This By-Law may be cited as the Subdivision By-Law.

**SECTION 2: INTERPRETATION**

2(1) In this By-Law:

“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;

“width” means, in relation to a lot,

- (i) Where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
- (ii) Where the side lot lines are not 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; and

“Planning Advisory Committee” means the Planning Advisory Committee established by Council.

“Development Officer” means the Development Officer of the Town of Woodstock.

**SECTION 3: APPLICATION**

3(1) Subject to subsection (2), this By-Law applies exclusive to the Town of Woodstock.

3(2) This By-Law applies throughout the Town to any proposed subdivision.

3(3) This By-Law does not apply to

- (a) the severance of one residential lot into two residential lots, or
- (b) the consolidation of two or more residential lots,

if the new lots conform to all other By-Laws of the Town of Woodstock and the creation of new streets and the setting aside of lands for public purposes are not required.

**SECTION 4: SCOPE**

4(1) This By-law provides for regulation of the subdivision of land in the Town of Woodstock.

**SECTION 5: STREETS**

5(1) In a subdivision, unless otherwise stipulated by Council:

(a) All streets shown within a subdivision shall have the following minimum right-of-way widths:

- i) an arterial street: 30 meters
- ii) a collector street: 20 meters to 25 meters
- iii) a local street: 18 meters;

(b) A cul-de-sac shall not exceed 200 meters in length, and shall terminate with a circular area having a radius of 18 meters.

(c) No street may have a gradient in excess of eight percent.

5(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.

5(3) Reserve strips abutting a street in a subdivision are prohibited, except where such strips are vested in the municipality.

5(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.

5(5) Names of streets in a subdivision are subject to the approval of the Council.

5(6) Unless stipulated otherwise in this by-law or agreed to by the Town, horizontal and vertical alignments and other design elements of streets must conform to the standards set out in the Transportation Association of Canada (TAC) Geometric Design Guide.

5(7) Street intersections must be designed in compliance with Transportation Association of Canada guidelines and New Brunswick Department of Transportation guidelines unless otherwise specified.

**SECTION 6: LOTS, BLOCKS AND OTHER PARCELS**

6(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.

- 6(2) The dimensions and area of a lot in a subdivision are subject to the requirements of the Zoning By-Law.
- 6(3) Subject to Subsection (4), a block in a subdivision
- (a) shall be at least 125 meters (400 feet) and not more than 315 meters (1,000 feet) long; and
  - (b) shall have a depth of not less than two lots.
- 6(4) Where a proposed subdivision contains a series of crescents and cul-de-sacs, a block may exceed 315 meters (1,000 feet) in length if pedestrian walkways are provided for access or circulation to schools, libraries, playgrounds or other such facilities.
- 6(5) Prior to the first installation of asphalt pavement in the subdivision, the subdivision must comply with all provisions of the Subdivision By-Law and have the assent of Council.
- 6(6) Subject to financial considerations, the first installation of asphalt pavement on streets will be completed upon housing units being constructed on a minimum of 50% of the approved building lots.
- 6(7) Subject to subsection 6(6), Council will consider committing the financial resources in the next budget year since the installation of asphalt pavement requires financial budgeting for a particular construction season.

## **SECTION 7: LAND FOR PUBLIC PURPOSES**

- 7(1) Subject to this Section, as a condition of approval of a subdivision plan, land in the amount of eight 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.
- 7(2) Subsection (1) does not apply to the part of a subdivision plan that
- (i) involves the assembly of land for future subdivision;
  - (ii) creates a parcel of land solely for the purposes of being added to a lot on which is located a useable main building, provided such building existed prior to this by-law coming into force; and
  - (iii) creates a lot on which is located a useable main building, provided such building existed prior to this by-law coming into force; and
  - (iv) creates a lot which abuts a publicly owned street that on the coming into force of this By-Law was paved and had water and sewer facilities installed therein; or
  - (v) involves land to be re-subdivided for the purpose of correcting or rearranging boundaries or land previously included in an area subject to the requirements of this section or to a corresponding section under a previous Act; or
  - (vi) involves the division of lands owned by the Town of Woodstock, or its agencies, at the time of subdivision.
- 7(3) Council may require, in lieu of land set aside under Subsection (1), a sum of money be paid to the Municipality in the amount of six 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 land indicated as streets intended to be publicly-owned.

- 7(4) Where, as a condition of approval of a subdivision plan, land has been set aside under Subsection (1) or the provisions of Subsection (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 land with respect to which the land has been set aside or a sum paid.

#### **SECTION 8: MUNICIPAL FACILITIES**

- 8(1) Where a person proposes to subdivide land in such manner that pursuant to Section 6, a street is required to be provided or in such a 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 such person has made satisfactory arrangements for providing such facilities; and
  - (b) 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.

#### **SECTION 9: RESPONSIBILITIES OF THE SUB-DIVIDER**

- 9(1) The Sub divider shall submit a tentative subdivision plan to the Development Officer who will process it, and if it is approved, will instruct the Sub divider to submit a final subdivision plan, prepared by a New Brunswick Land Surveyor.
- 9(2) The construction of streets shall comply with the New Brunswick Guide to the *Minimum Standards for Construction of Subdivision Roads and Streets* as issued by the Department of Transportation, Municipal Engineering Division, or the standards set out in Schedule "A", whichever. Council shall determine which standard will apply.
- 9(3) Street design shall be approved by the Town's Consulting Engineers. Storm sewers and catch basins shall be installed pursuant to all structure locations as approved by the Town's Consulting Engineers. Concrete curb and gutter shall be installed pursuant to Schedule "A" attached to and forming part of this By-Law. Water and sewer services shall be installed to the property line for each lot within the subdivision.
- 9(4) If there are new streets, water lines, sanitary sewers, curbing or storm sewers involved, plans and profiles of these facilities must be delivered to the Town's Consulting Engineers for their perusal and comments and finally their approval, and as-built plans must be delivered to the Town Works Department when work has been completed.
- 9(5) 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 principal to the proposed subdivision;
  - (b) that the Town's Consulting Engineers have 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 the Environment has approved the plans and profiles for the installation of water lines, gate valves, hydrants, storm sewers, lift stations, manholes sanitary sewers, etc.; and

- (d) that the Sub divider has deposited with the Town Clerk, sufficient money, bonds or securities to cover 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.
- 9(6) The Council reserves the right to ask for a videotape inspection of any part of the underground system if deemed necessary by the Town's Consulting Engineers.
- 9(7) The Sub divider is responsible for the supply of electrical power to all lots within his subdivision.

**SECTION 10: CONDITIONS PRECLUDING APPROVAL OF A SUBDIVISION PLAN**

- 10(1) The Development Officer shall not approve a subdivision plan if in his 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.
- 10(2) No work shall be commenced on any subdivision until such time as the Developer and the Town have entered into a final Developer's Agreement.

**SECTION 11: AMENDMENTS**

- 11(1) Prior to the enactment of any changes in the provisions provided for in Section 9, Responsibilities of the Sub divider, the Town will give notice of its intentions and allow one year from the date of the publishing of the first notice before enacting said changes. Notice shall be published twice in the local newspaper.

**SECTION 12: REPEAL AND TRANSITION**

- 12(1) By-Law No. 122 the Subdivision By-Law, enacted on December 23, 1991 and all amendments, are hereby repealed.
- 12(2) The repeal of By-law 122 the Town of Woodstock Subdivision By-Law 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.

READ FIRST TIME:	May 26, 2008
READ SECOND TIME:	May 26, 2008
READ THIRD TIME AND ENACTED	July 28, 2008

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Arthur Slipp, Mayor

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Barbara Wishart, Clerk  
Director of Administrative Services