

VILLAGE OF SALISBURY



BY-LAW NO. 17A (1997) **SUBDIVISION BY-LAW**

CONSOLIDATED TO JANUARY 2009

The Council of the Village of Salisbury, under authority vested in it by section 42 of the Community Planning Act and for greater certainty, enacts as follows:

Application

1. This By-Law applies throughout the Village of Salisbury.

Scope

2. The purpose of the By-Law is to regulate the subdividing of land within the Municipal Boundaries of the Village of Salisbury.

Definitions

3. In this by-law

“Commission” means the planning commission for the Greater Moncton Planning District, appointed pursuant to Order-in Council.

“Council” means the council of the Village of Salisbury.

Procedures & Fees

4. A person proposing to subdivide land shall submit to the Development Officer the following:
 - (a) a completed application form as prescribed by the Development Officer.
 - (b) a Tentative Subdivision Plan (Plan content requirements as pursuant to section 49(2) Community Planning Act.)
 - (c) a subdivision application and processing fee of \$150.00 for a tentative Plan, where a Subdivision Agreement is required as a condition of approval as provided for in Section 9, a fee of \$250.00 shall be paid; and pay a lot fee of \$20.00 for each parcel or lot created by the subdivision.
 - (d) in the case of a Subdivision Plan for class #2 Subdivision Plan, all required

Engineering Detailed Drawing certified by an Engineer licensed to practice in the Province of New Brunswick and a Lot Grading Plan as shown in appendix “B” attached to this By-Law.

Classes of Subdivision

5. (1) For the purpose of this By-Law Subdivisions are divided into Two classes as follows.
 - (a) a Subdivision that creates lots/parcels which abuts an existing constructed street shall be classified as a Class #1 Subdivision.
 - (b) a Subdivision that creates lots/parcels that require the creation & construction of new streets pursuant to subsection 7(1) of this By-law shall be classified as a Class #2 Subdivision.

Streets

6. (1) Except as provided in subsection 6(1.1) and 6(1.2), in a subdivision, unless otherwise provided by Council, all streets shall be designed and constructed in accordance with the standards of the New Brunswick Department of Transportation that are contained in the document entitled “A Guide to the Minimum Standards for the Construction of Subdivision Roads and Streets” and hereto attached to this By-Law as appendix “A”.
 - (1.1) The wearing surface for streets in Industrial and Commercial zones shall consist of a 90mm thickness of Type “B” base (two lifts) and a 40mm thickness of Type “D” seal (single lift) asphalt application conforming to New Brunswick Department of Transportation Standard Specifications and hereto attached to this By-Law as appendix “C”.
 - (1.2) The wearing surface for streets in Residential zones shall consist of a 50mm thickness of Type “C” (single lift) hot mix conventional asphalt conforming to New Brunswick Department of Transportation Standard Specification and hereto attached to this By-law as appendix “C”.
- (2) In arriving at a decision regarding a recommendation with respect to the location of streets in a proposed subdivision, the Commission shall give consideration to:
 - (a) the topography of the land proposed for subdivision;
 - (b) the creation of lots suitable for the intended use thereof;
 - (c) having street intersections and interceptions as nearly as possible being 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.
- (3) All streets in a subdivision shall be designed so that:
- (a) the street system is to be integrated with the existing street network such that there are at least two access points to each street.
 - (b) permanent dead-end streets (Cul-de-sac) may be considered by the commission when the topography or dimension of the land provide for no other option of design.
 - (c) unless otherwise approved by the Commission, all residential streets shall have a minimum street right of way width of 20 metres(66ft)
 - (d) the minimum requirements for a temporary or permanent turn-around shall conform to the requirements of 4.3.2.3 of the document entitled “A Guide to the Minimum Standards for the construction of Subdivision Roads and Streets” as attached to this By-Law as appendix “A”
 - (e) maximum street gradient in a subdivision shall not exceed eight (8% percent).
- (4) Street Names in a proposed subdivision are subject to the approval of the Commission.
- (5) Intersecting or intercepting streets shall conform to the following provisions:
- (a) a proposed street forming an intersection with another street shall at 90 deg, however an angle between 70 deg and 110 deg may be considered in special instances.
 - (b) where proposed street intersect at angles other than 90 deg, the intersection shall be made at 90 deg which shall be achieved by providing a minimum 40 m straight section before the intersection. This straight section to be measures from the edge of intersection street right-of-way to the intersection (P.I.) of the tangents.
 - (c) intersections of more than two streets shall not be permitted;
 - (d) intersections on residential streets, whether on the same side of or on opposite sides, shall not be closer than 60 meters, measured from the edge of the rights of way.
 - (e) required sight distance at street intersections shall conform to the applicable table shown in Figure 4.7a in the document entitled “A Guide to the Minimum Standards for the Construction of Subdivision Roads and Street”. (attached to this By-law as appendix “A”)

- (6) In the case of phased development in subdivisions, all improvement works or construction is required to extend the serviced roadway to the back lot line of corner lots. In special circumstances this requirement may be waived by the commission.
- (7) 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.

Lots & Blocks

7. (1) Every lot, block and other parcel of land in a subdivision shall abut,
 - (a) a street owned by the Village of Salisbury;
 - (b) such access other than a street mentioned in subsection (a) as may be approved by the Commission as being advisable for the development of land.
- (2) The Village of Salisbury Zoning By-Law shall apply with respect to minimum lot sizes.
- (3) Reserved stripes(lots) abutting on a proposed street are prohibited except where such strips are vest in the Municipality.
- (4) In a Subdivision
 - (a) blocks shall be as large as the Commission may consider practicable considering the topography of the area.
 - (b) blocks in residential areas shall be of sufficient width to allow two tiers of lots, unless, in the opinion of the commission, such a requirement is undesirable in any area.

Lands for Public Purpose

8. (1) In a class #2 subdivision
 - (a) as a condition of approval of a subdivision plan, land in the amount of ten (10) percent of the area of the subdivision exclusive of public streets, at such location as assented to by Council pursuant to the Community Planning Act, is to be set aside as “Land for Public Purpose” and so indicated on the plan; or
 - (b) notwithstanding clause (a), 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 eight (8) 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; and

- (c) nothing in this section shall affect the ability of the applicant and the Village of Salisbury to enter into an agreement providing for the setting aside of part land and part cash-in-lieu/infrastructure, provided that the aggregate value to the Village of Salisbury shall not be less than that provided in section (a) or (b).
- (2) Pedestrian walkways (Lands for Public Purposes) may be required in subdivisions to allow for shorter walking distances to schools, shopping areas and other focal points in or near the proposed subdivision.

General Provisions

9. Subdivision Agreement

In a Class #2 subdivision where streets are required to be provided, pursuant to section 7(1) of this by-law, the person proposing to subdivide land shall provide within that subdivision such facilities as streets, walkways, electric power, street lights, water and sewer lines, culverts, drainage ditches and such person shall enter into an agreement with the municipality that is binding upon his/her heirs, successors and assigns to construct and pay the cost of such facilities required within the subdivision.

10. (1) The Development Officer shall not approve a Tentative Subdivision Plan for a Class #2 Subdivision until the following steps have been completed:

- (a) the Planning Commission has reviewed the Tentative Subdivision Plan and forwarded their recommendations to the Village Council;
- (b) Village Council has assented to the Tentative Subdivision Plan.

(2) The Development Officer shall not approve a Subdivision Plan for a Class #2 subdivision until the following conditions have been met:

- (a) The Village or their designate has approved, the plans and profiles for the installation of all new services including storm water drainage patterns, and a lot grading elevation plan;
- (b) the Department of the Environment has approved the plans and profiles for the installation of the sewer services and any required watercourse alterations;
- (c) the "Owner" has entered into a Subdivision Agreement with the Council that is binding on the heirs, successors and assigns to pay the cost of new services required to service the proposed subdivision.

- (3) The development officer shall not approve a Subdivision Plan if, in his opinion, and in the opinion of the Commission,
- (a) the land is not suited to the purpose for which it is intended or may not be reasonably expected to be used for that purpose within a reasonable time after the subdivision plan is approved;
 - (b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land; or
 - (c) the subdivision contravenes the Community Planning Act, other provincial legislation, or municipal by-laws or regulations

A BY-LAW TO REGULATE THE SUBDIVISION OF LAND WITHIN THE VILLAGE OF SALISBURY, being by-law No. 17, ordained and passed on the 22nd day of August, 1983, and all amendments thereto, is hereby repealed.