

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

**VILLAGE OF SALISBURY**

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Appendix "A" (A Guide to the Minimum Standards for the Construction of Subdivision Roads & Streets)

Appendix "B" Lot Grading Plan(Illustration)

This instrument purports  
to be a copy of the  
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filed in the Westmorland  
County Registry Office NB

Exemplaire présenté comme  
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comté de Westmorland NB

986 - - Oct. 1/97  
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## **By-Law No. 17A(1997) Subdivision By-Law**

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 this 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 (\$50.00) processing fee per plan and an additional fee of five dollars(\$5.00) for each lot created in the proposed subdivision.
  - (d) in the case of a Subdivision Plan for a class #2 Subdivision Plan ,all required Engineering Detailed Drawings certified by an Engineer licensed to practise 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 purposes 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) In a subdivision, unless otherwise provided by Council, all streets shall be designed and constructed in accordance with the current 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". (attached to this By-Law as appendix "A")

6.(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.

6.(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 meters(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).

6.(4) Street Names in a proposed subdivision are subject to the approval of the Commission.

6.(5) Intersecting or intercepting streets shall conform to the following provisions:

(a) a proposed street forming an intersection with another street shall intersect at 90 deg, however an angle between 70 deg and 110 deg may be considered in special instances.

(b) where proposed streets 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 measured 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 distances 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 Streets".(attached to this By-law as appendix "A "

6 (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.

6.(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.

7.(2) The Village of Salisbury Zoning By-Law shall apply with respect to minimum lot sizes.

7.(3) Reserved strips(lots) abutting on a proposed street are prohibited except where such strips are vested in the Municipality.

7.(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 Purposes

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 "Lands for Public Purposes" 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 ten (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 sections (a) or (b).

8.(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.

10.(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.

10.(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;

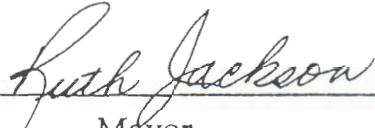
(b) the proposed manner of subdividing will prejudice the possibility of further subdividing the land or the convenient subdividing of adjoining land; or

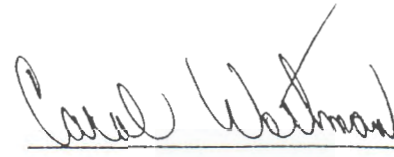
(c) the subdivision contravenes the Community Planning Act, other provincial legislation, or municipal by-laws or regulations



A BY-LAW TO REGULATE THE SUBDIVISION OF LAND WITHIN THE VILLAGE OF SALISBURY, being by-law #17A, ordained and passed on the 22rd. day of Sept., 1997, and all amendments thereto, is hereby repealed.

ORDAINED AND PASSED this 22nd day of September A.D., 1997.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Village Clerk

First Reading: July 28, 1997  
Second Reading: July 28, 1997  
Third Reading: September 22, 1997

VILLAGE OF SALISBURY

BY-LAW NO. 17 A-2

SUBDIVISION BY-LAW

A by-law in amendment of the Village of Salisbury Subdivision By-Law 17 A,

The Village of Salisbury Subdivision By-Law being By-law number 17A ordained and passed on the 22<sup>nd</sup> day of September, 1997 and filed in the Westmorland County Registry Office as number 986 on October 1<sup>st</sup>, 1997 is hereby amended as follows:

Subsection 4 c is hereby deleted and replaced with the following:

A one hundred dollars (\$100.00) processing fee per plan and an additional fee of twenty dollars (\$20.00) for each lot created in the proposed subdivision.

to become in force and effective immediately upon registry at the Registry Office, Westmorland County, Province of New Brunswick.

READ FIRST TIME:

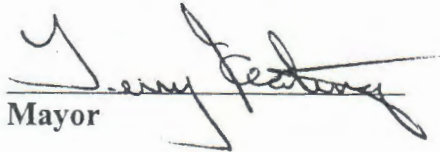
December 12, 2005

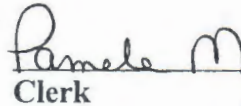
READ SECOND TIME:

December 12, 2005

READ THIRD TIME:

December 21, 2005

  
Mayor

  
Clerk



This instrument purports  
to be a copy of the original  
registered or filed in the  
Westmorland County  
Registry Office NB

21519328  
number-numéro

Exemplaire présenté comme  
copie conforme à l'instrument  
enregistré ou déposé au  
bureau d'enregistrement du  
comté de Westmorland NB

Dec 23/05  
date

VILLAGE OF SALISBURY 25176406

Westmorland County  
Planning Department  
2008  
FEB 08 2008

BY-LAW NO. 17 A-3

SUBDIVISION BY-LAW

A By-Law in amendment to the Village of Salisbury Subdivision By-Law No. 17 A,

The Village of Salisbury Subdivision By-Law being By-Law number 17 A ordained and passed on the 22nd day of September, 1997 and filed in the Westmorland County Registry Office as number 986 on October 1st, 1997 is hereby amended as follows:

Subsection 4 (c) as previously amended by By-Law 17 A-2 is hereby deleted and replaced with the following:

© 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.

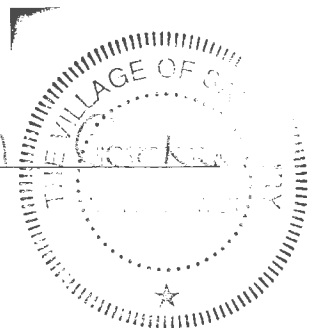
READ FIRST TIME: January 19 2008

READ SECOND TIME: January 19 2008

READ THIRD TIME: January 25 2008

Jerry Feeling  
MAYOR

Patricia M  
CLERK



VILLAGE OF SALISBURY  
AMENDMENT NO. 17 A-4  
SUBDIVISION BY-LAW

This instrument purports  
to be a copy of the original  
registered or filed in the  
Westmorland County  
Registry Office NB

Exemplaire présenté comme  
copie conforme à l'instrument  
original enregistré au  
Bureau de l'enregistrement du  
comté de Westmorland NB

26881046  
number-numéro

MAR 02 2009  
date

A by-law in amendment of the Village of Salisbury Subdivision By-Law No. 17 A,

The Village of Salisbury Subdivision By-law being By-law number 17 A ordained and passed on the 22<sup>nd</sup> day of September, 1997 and filed in the Westmorland County Registry Office as number 986 on October 1st, 1997 is hereby amended as follows:

- Number (1) is hereby inserted after section 4.
- A new subsection 4(2) shall be added to the by-law as follows:  
  
4. (2) A person submitting an instrument to the Development Officer for approval or exemption pursuant to section 44 (1)(1) of the *Community Planning Act* shall pay a cost of \$100.00 for each instrument.

READ FIRST TIME:

January 26, 2009

READ SECOND TIME:

January 26, 2009

READ THIRD TIME:

February 9, 2009

  
MAYOR

  
CLERK



**By-Law no. 17B**  
**A BY-Law in Amendment of the Village of Salisbury**  
**Subdivision By-Law 17A**

The Village of Salisbury Subdivision By-Law being By-Law number 17A ordained and passed on the 22<sup>nd</sup> day of September and filed in the Westmorland County Registry Office as number 986 on October 1<sup>st</sup>, 1997 is hereby amended as follows:

**1 Subsection 6(1) is hereby deleted and replaced with the following:**

6(1) Except as provided in subsection 6(1.1), 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".

**2 A new subsection is hereby added as follows:**

6(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".

**3 Clause 8(1)(b) is hereby amended as follows:**

The word "ten" found on the second line of clause 8(1)(b) is deleted and replaced with the word "eight".

**4 The section of the By-Law on Page no. 7 with respect to repeal of the By-Law is hereby deleted and replaced with the following:**

A By-Law to regulate the subdivision of land within the Village of Salisbury, being By-Law No. 17, ordained and passed on the 22<sup>nd</sup> day of August, 1983, and all amendments thereto, is hereby repealed.