



BY-LAW NO. 49

I certify that this instrument
is registered or filed in the
Westmorland
County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de
Westmorland
Nouveau-Brunswick

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Suzanne Haigle
Registrar-Conservateur

**A BY-LAW RELATING TO THE SUBDIVISION OF LANDS
IN THE VILLAGE OF SALISBURY**

BE IT ENACTED by the Council of the Village of Salisbury, under authority vested in it by the *Community Planning Act, R.S.N.B., 1973, C-12*, as follows:

Definitions:

1. In this By-Law, unless the context otherwise requires

“Commission”

means a regional service commission established by the *Regional Service Delivery Act* for a region;

“Committee”

means the Southeast Regional Service Commission Planning Review and Adjustment Committee;

“Council”

means the Council of the Village of Salisbury;

“Developer”

means the owner of the lands being subdivided;

“Development Officer”

means, with respect to a municipality, a rural community or an unincorporated area that is not providing its own land use planning service, the planning director as defined in the *Regional Service Delivery Act*;

“Lands for Public Purposes”

means land other than streets for the recreational or other use for the enjoyment of the general public 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 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;
- (j) a public park, 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.

"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 Village;

"Subdivide"

means to divide a parcel of land into two or more parcels;

"Subdivision"

means a plan which divides a parcel of land into two or more parcels;

"Subdivision – Type 1"

means a subdivision that does not create a new public street and services;

"Subdivision – Type 2"

means a subdivision that creates a new public street and services;

Streets and Services:

2. (1) In a subdivision all lots, streets and services shall be laid out in accordance with the *Village of Salisbury Subdivision, Commercial, Industrial, Institutional and Multi-Unit Residential Development Procedures, Standards and Guidelines* and shall be constructed in accordance with the *Village of Salisbury's Standard Municipal Specifications*.
- (2) Where entry to a subdivision will be gained by means of an existing street or other access, by whomever owned, the plan shall not be approved unless the person seeking approval of such plan shall make provision to bring the existing access to the same standard as is required for streets pursuant to subsection (1).

Lots:

3. (1) Every lot, block and other parcel of land in a subdivision shall abut,
 - (a) a street owned by the Crown or the Village of Salisbury; or

- (b) in the case of lands owned or to be acquired by the Village of Salisbury, public utilities or data centre providers and existing conditions only, such access other than a street mentioned in paragraph (a) as may be approved by the Commission as being advisable for the development of land.

(2) The provisions for minimum lot sizes shall be as provided for in the Village of Salisbury Zoning By-Law.

Lands for Public Purposes:

4. (1) 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. Lands for public purposes shall be prepared by the developer in accordance with the *Village of Salisbury Subdivision, Commercial, Industrial, Institutional and Multi-Unit Residential Development Procedures, Standards and Guidelines* and their designated use.

(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 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.

(3) 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, provided that the aggregate value to the Village shall not be less than that provided in subsections (1) or (2).

(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;

- (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;

- (d) in the case of a subdivision plan that involves the division of lands owned by the Village of Salisbury, or its agencies, at the time of subdivision.

Subdivision Agreements:

5. (1) In any subdivision where services are required, the person proposing to subdivide land shall provide within that subdivision such services as deemed required by the Village, and the development officer shall not approve the plan unless the person proposing the subdivision enters into an agreement with the Village that is binding upon his heirs, successors and assigns to construct and pay the cost of services required within the subdivision, and deposit a sum of money or an irrevocable letter of credit with the Village, sufficient to guarantee the faithful performance of said agreement.

(2) Where any subdivision being proposed benefits from services previously constructed, whether by the Village or another person, the development officer shall not approve the plan unless the person proposing the subdivision pays or agrees to pay to the Village or another person an amount equal to the initial cost of such services or an amount equal to his proportional share, calculated as a percentage of the area benefiting from said previously installed services.

Rejection of Subdivision Plan:

6. The development officer shall not approve a subdivision plan if, in his opinion, and in the opinion of the 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 subdivision plan is approved;

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

(3) the subdivision contravenes the *Community Planning Act*, other provincial legislation, or municipal by-laws.

Fees:

7. Except for the Village of Salisbury, a person proposing to subdivide land shall at the time of submission of the Tentative Subdivision Plan, pay fees in accordance with Schedule "A". The provisions contained in Schedule "A" may be modified at the discretion of the Council.

Repeal:

8. A by-law entitled "SUBDIVISION BY-LAW", being By-Law # 17A (1997), ordained and passed on September 22, 1997, and all amendments thereto, is hereby repealed.

THIS BY-LAW COMES INTO FORCE ON THE DATE OF FINAL PASSING THEREOF:

FIRST READING: January 13, 2020
(by title only)

SECOND READING: January 13, 2020
(by title only)

THIRD READING AND ENACTED: January 27, 2020
(in its entirety)


MAYOR


ADMINISTRATOR/CLERK



Schedule A

Fees

Except for the Village of Salisbury, a person proposing to subdivide land shall at the time of submission of the Tentative Subdivision Plan:

- (1) pay a subdivision application and processing fee of \$175.00 for a Type 2 Subdivision; and \$250 for a Type 1 Subdivision;
- (2) where a Subdivision Agreement is required as a condition of approval as provided for in Section 5, a fee of \$250.00 shall be paid;
- (3) pay a lot fee of \$25.00 for each parcel or lot created by the subdivision.

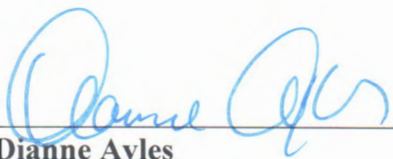
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**PROVINCE OF NEW BRUNSWICK
COUNTY OF WESTMORLAND**

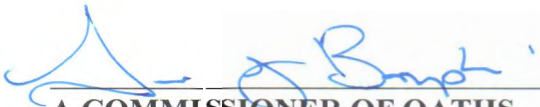
I, **DIANNE AYLES**, of the Village of Salisbury, in the County of Westmorland and Province of New Brunswick, **DO HEREBY CERTIFY:**

1. **THAT** I am the Clerk of the Village of Salisbury and **TERRY KEATING** is the Mayor of the said Village.
2. **THAT** as Clerk of the Village of Salisbury, I have custody of the minutes and records of the Common Council and of the common seal of the Village of Salisbury and am duly authorized to affix the seal to any By-Law made by the Village of Salisbury.
3. **THAT** the seal affixed to the foregoing By-Law is the common and corporate seal of the Village of Salisbury and such seal was by me affixed thereto by order of the Village of Salisbury and for the purpose herein set forth.
4. **THAT** the signature "**TERRY KEATING**" to the said By-Law subscribed as Mayor, is in the true and proper handwriting of him, the said Terry Keating and was signed by him in my presence; and the signature "**DIANNE AYLES**" to the foregoing By-Law, subscribed as Clerk, is in my true and proper handwriting.

DECLARED before me at
the Village of Salisbury in
the County of Westmorland
and Province of New Brunswick,
this 3rd day of February, AD.. 2020.



Dianne Ayles



A COMMISSIONER OF OATHS
My Commission expires SUSAN L. DAVENPORT
COMMISSIONER OF OATHS
MY COMMISSION EXPIRES
DECEMBER 31, 2022

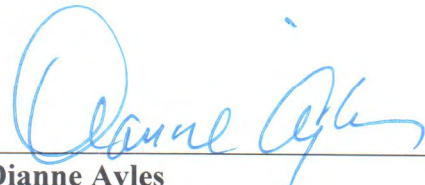
SOLEMN DECLARATION

I, **DIANNE AYLES**, of the Village of Salisbury, in the County of Westmorland and Province of New Brunswick, Village Clerk **DO SOLEMNLY DECLARE**


1. **THAT** I am the **VILLAGE CLERK** of the Village of Salisbury, a municipal corporation and have personal knowledge of the facts herein declared
2. **THAT** the requirements of the COMMUNITY PLANNING ACT have been complied with in respect to By-Law 49, A By-Law Relating to the Subdivision of Lands in the Village of Salisbury which was ordained and passed by the Municipal Council of the Village of Salisbury on January 27, 2020.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the EVIDENCE ACT.

DECLARED before me at the Village of Salisbury in the County of Westmorland and Province of New Brunswick, this 30th day of February, AD., 20 .



Dianne Ayles



A COMMISSIONER OF OATHS
My Commission expires

SUSAN L. BAMPTON
COMMISSIONER OF OATHS
MY COMMISSION EXPIRES
DECEMBER 31, 2022