

**MUNICIPALITY OF THE
COUNTY OF PICTOU**

SUBDIVISION BY-LAW

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MUNICIPALITY OF THE COUNTY OF PICTOU SUBDIVISION BY-LAW

SHORT TITLE

1. This by-law may be cited as the Pictou County Subdivision By-Law and shall apply to all lands within the Municipality of the County of Pictou.

INTERPRETATION

2. In this by-law,
 - (a) “Act” means the *Municipal Government Act*, Stats. N.S., 1998, c. 18 and amendments thereto;
 - (b) “area of land” means any existing lot or parcel as described by its boundaries, except in Section 8;
 - (c) “Board” means the Nova Scotia Utility Review Board;
 - (d) “Clerk” means the Clerk of the Municipality;
 - (e) “Council” means the Council of the Municipality;
 - (f) “Department of Environment and Labour” means the Nova Scotia Department of Environment and Labour, or its successor;
 - (g) “Department of Transportation” means the Nova Scotia Department of Transportation and Public Works, or its successor;
 - (h) “development officer” means that person appointed by Council pursuant to the *Municipal Government Act* and having the power and duty to administer this By-law;
 - (i) “drainage plan” means a detailed plan of stormwater runoff and the courses and channels of it, including floodplains, for one or more parts of an area of drainage for all lands tributary to, or carrying drainage from, land that is proposed to be subdivided;
 - (j) “existing street or highway” means any public street or public highway;
 - (k) “in a Service Area” means wholly or partly in a Service Area or, if not, wholly or partly in a Service Area within 200 feet of an installed

wastewater system existing in a Service Area at the time any application for a subdivision is made;

- (l) “land use by-law” means a Land Use By-law for the Municipality or portion thereof, if such is in effect;
- (m) “lot” means any parcel to be created by the filing of a plan of subdivision;
- (n) “lot frontage” means the distance between the side lines of a lot or parcel measured along a public street or highway or a private road except on an island;
- (o) “Municipal Engineer” means the Municipal Engineer of the Municipality, and includes a person acting under the supervision and direction of the engineer;
- (p) “Municipal Service Area Maps” mean the wastewater system maps in the Standard Specification, and includes any revisions thereof made from time to time by or under the authority of the Municipal Engineer;
- (q) “Municipality” means the Municipality of the County of Pictou;
- (r) “private road” means any road which
 - (i) is not public,
 - (ii) is shown on an approved plan of subdivision,
 - (iii) extends to and has access to a public street, and
 - (iv) where not totally located within the area of land being subdivided, has an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the Registry of Deeds,and includes any private road
 - (v) approved by the Department of Transportation and Public Works, and
 - (vi) shown on a plan of subdivision approved prior to the first day of August, 1987 and filed in the Registry of Deeds.

- (s) “professional engineer” means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia, and entitled to carry on the active practice of engineering in Nova Scotia;
- (t) “Province” means Her Majesty the Queen in right of the Province of Nova Scotia;
- (u) “public street” means any highway or street owned and maintained by the Department of Transportation, or any street owned and maintained by the Municipality;
- (v) “public water systems” means any water system which is owned by an incorporated village or is owned by the Municipality;
- (w) “public wastewater system” means any wastewater system which is owned by an incorporated village or is owned by the Municipality;
- (x) “registry of deeds” means the office of the Registrar of Deeds for the registration district in which the area of land being subdivided is located.
- (y) “Schedule “B” road” means a road approved by the Municipality for indexing in a schedule of its by-law for the purpose of allowing subdivision on that road, and includes any road which had been or is indexed in Schedule “B” of previous subdivision by-laws, or previous and present provincial subdivision regulations listed in Schedule “B” of those by-laws or regulations;
- (z) “Service Area” means the area designated as such on the Municipal Service Area Maps;
- (aa) “servicing agreement” means an agreement entered into between the subdivider and the Municipality and sections 29 and 30 of this By-law;
- (ab) “sewer” means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, clearwater sewers, storm drains and combined sewers;
- (ac) “Standard Specification” means the Pictou County Municipal Service Standard Specifications, containing the Municipal Service Area Maps and the specifications and requirements for water systems, sewer systems, roads, utilities, storm drainage systems, sidewalks/ramps, curbs and gutters, etc., as amended from time to time by or under the authority of the Municipal Engineer;

(ad) “subdivider” means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner’s written consent;

(ae) “subdivision” means the division of any area of land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels;

(af) “surveyor” means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors;

(ag) “wastewater system” means a sewer receiving and carrying liquid and water-carried wastes and to which storm, surface or ground waters are not intentionally admitted;

(ah) “water frontage” shall mean the distance measured as a straight line, between the two points where the side lot lines meet a watercourse;

(ai) “water system” means the source, structure, pipes, hydrants, meters, devices, equipment or other things used, or intended for the collection, transportation, pumping or treatment of water.

GENERAL PROVISIONS

A. Lot Requirements

3. All lots shall abut

- (a) a public street;
- (b) a private road;
- (c) a Schedule “B” road.

4. (1) All lots serviced by a public water system, public wastewater system, or both, shall meet the requirements for minimum lot area and minimum lot frontage contained in Schedule “C” of this by-law.

(2) Notwithstanding subsection (1) of this section, the development officer may approve a plan of subdivision that shows not more than two (2) lots that do not meet the requirements of subsection (1), provided that the lot dimensions and area are not less than 90% of the required minimums.

(3) Subsection (2) of this section does not apply if the area requirements established by the Department of the Environment and Labour for the construction or installation of an on-site sewage disposal system are not met.

5. Where a land use by-law is in effect:
- (a) notwithstanding subsection 4(1), all lots shall meet the applicable requirements for minimum lot area and minimum lot frontage contained in such by-law; and
 - (b) subsections 3(b) and 3(c), and sections 4(2), 4(3), 6, 8, 9, and 10 are inoperative and do not apply unless the land use by-law permits development on any lot created pursuant to these sections and the municipal planning strategy provides for both the subdivision and development of such lots.
6. (1) Notwithstanding section 3 and the lot frontage requirements of sections 4 and 5(a), the development officer may approve a subdivision on an island which does not contain a public street provided each lot has water frontage of 6 metres (19.7 feet) or more.
- (2) Notwithstanding section 11 and the dimensions for water frontage contained in subsection (1) of this section, where a lot being created on Pictou Island has water frontage on the Northumberland Strait, the lot shall have a minimum dimension of 22.86 metres (75 feet) along the Northumberland Strait.
7. (1) Notwithstanding Section 3, and the lot area and frontage requirements of sections 4 and 5(a), the development officer may approve a subdivision altering the boundaries of two or more areas of land where:
- (a) no additional lots are created;
 - (b) each resulting lot
 - (i) meets the minimum dimension for lot frontage of this by-law, or where a land use by-law is in effect, of the land use bylaw, or
 - (ii) has not had its frontage, if any, reduced; and
 - (c) each resulting lot
 - (i) meets the minimum requirement for lot area of this by-law, or where a land use by-law is in effect, of the land use by-law, or
 - (ii) has not had its area reduced.

(2) Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to subsection (1) shall:

- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown on a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line;
- (b) notwithstanding section 61(1)(b), other than the new boundaries which have been surveyed pursuant to clause (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and
- (c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the Nova Scotia Land Surveyors Act and the regulations made thereunder:

“NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of _____. The common boundary between the existing areas of land identified by _____ and _____, which is shown by a heavy broken line, is hereby certified as having been the common boundary.

The remaining boundaries of resulting Lot _____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey.”

8. (1) For purposes of this section, “area of land” means any lot or parcel as described by its boundaries as they existed on August 1, 1987 notwithstanding that the area of land has been subdivided subsequent to August 1.
- (2) One lot that does not meet section 3 and the lot frontage requirements of sections 4 and 5(a) may be created within an area of land, provided no such lot has already been subdivided within the area of land.
- (3) Notwithstanding the limitation to one lot contained in subsection (2), two lots may be created, including any remainder lot, where

- (a) the area of land does not abut a public street, a private road, or a Schedule "B" road; or
 - (b) the area of land has less than 6 metres (19.7 feet) of frontage on a public street, private road, or a Schedule "B" road.
- 9. (1) Notwithstanding the lot area and frontage requirements of sections 4 and 5(a), where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land, the development officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.
- (2) Where a lot created pursuant to subsection (1) is not surveyed, the provisions of subsection 7(2) shall apply.
- 10. (1) For purposes of subsection (2), "main building" is a building which is not an accessory building to another building on the area of land.
- (2) Notwithstanding the lot area and frontage requirements of sections 4 and 5(a), where an area of land contains more than one main building built or placed on the land prior to August 6, 1984, the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a public wastewater system and has minimum frontage of 6 metres (19.7 feet) or meets the applicable requirements of the Department of the Environment and Labour.
- 11. Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).

B. Public Streets

- 12. (1) Notwithstanding any other provisions of this by-law, all streets in a Service Area shall be public streets.
- (2) All proposed public streets shall be:
 - (a) shown on a final plan of subdivision;
 - (b) designed in accordance with this Part and the Standard Specifications;
 - (c) if they are in a Service Area, constructed and paved prior to endorsement in accordance with this Part and the Standard Specifications, or,

(d) if they are not in a Service Area, constructed prior to endorsement in accordance with this Part and the Standard Specifications; and

(e) approved by the municipal engineer.

(3) Where a subdivider not required to connect to a public wastewater system requests to be permitted so to connect, and where the Municipal Engineer approves the request, the proposed plan of subdivision shall be assessed for approval as if the land proposed to be subdivided was within a Service Area shown on a Municipal Service Area Map.

(4) The specifications referred to in subsections (2)(b) and (c) of this section may be waived by the Municipal Engineer in accordance with accepted engineering practice.

(5) Any waivers granted under subsections (2)(b) and (c) of this section are, and shall be deemed to be, case-specific, and of no precedential value in considering other waivers.

(6) The minimum width of the right-of-way of a proposed public street shown on a plan of subdivision shall be 20 metres (65.6 feet).

(7) Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Department of Transportation.

(8) There shall not be more than four public street or public highway or private road approaches or any combination thereof in an intersection.

(9) Where a public street in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, a public street in the latter, if reasonably feasible, in the opinion of the Municipal Engineer, shall be laid out in a prolongation of such existing public streets or public highways, unless it would be in violation of this By-law.

(10) Continuous street frontage shall not exceed 400 metres (1,312 feet) in length where a wastewater system is to be provided, and shall not exceed 600 metres (1,969 feet) where a public wastewater system is not to be provided.

(11) Where, in the opinion of the Municipal Engineer, traffic flows or estimated traffic flows permit, a cul-de-sac may be used in the development of land. The length of a cul-de-sac shall not exceed 230 metres (755 feet) in length measured from the closest boundary of an intersection to the centre of the turning circle.

13. (1) A proposed lot which abuts a public street shall have access to a public street approved by the authority having jurisdiction for the public street which will be accessed.

(2) This section does not apply to a proposed lot which abuts a public street and has an existing access to the public street.
14. Where a plan of subdivision shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street is a public street.
15. A right-of-way access to adjacent property must be provided and conveyed to the Municipality. Where practical, these accesses shall be no greater than 400 metres (1,312 feet) apart where a public wastewater system is to be provided, and no greater than 600 metres (1,969 feet) apart where a public wastewater system is not to be provided, except where this requirement would prejudice the proper subdivision of the land proposed to be subdivided or the adjacent land.
16. Prior to approval of the final plan of subdivision by the development officer, the subdivider shall provide a certificate to the Municipal Engineer and to the Development Officer from a professional engineer which certifies that the public road has been constructed in compliance with the design and construction requirements of this Part, and the Standard Specifications.
17. The subdivider shall be responsible for the following:
 - (a) arranging for complete testing of the installation of a street at various stages as required by the Standard Specification and any directions from the Municipal Engineer; and
 - (b) giving reasonable notice to the Municipal Engineer of the proposed test date, site and time; and
 - (c) allowing the Municipal Engineer to inspect the installation at any stage or to verify or confirm any required test; and
 - (d) maintaining records of all tests in such a fashion that the Municipal Engineer, whether or not he attended any such test, can ascertain that the test was carried out in accordance with this Part and with the Standard Specification and with any direction of the Municipal Engineer.
18. As an alternative to the complete construction and acceptance of a municipal public street as required by Sections 12, 16, 17, and 31, the subdivider may, before approval of the final plan is given, enter into a written servicing agreement

with the Municipality in accordance with Section 29, and post a performance surety in accordance with Section 30.

C. Private Roads

19. (1) All proposed private roads shall be:
 - (a) shown on a final plan of subdivision;
 - (b) designed in accordance with this Part, and with the Standard Specification and the design approved by the Municipal Engineer;
 - (c) constructed in accordance with this Part, and with the Standard Specification, and any direction given by the Municipal Engineer.
- (2) Notwithstanding the provisions of subsection (1) of this section, the road construction requirement shall be waived where a private road provides access to eight or fewer lots.
- (3) Notwithstanding subsection (2) of this section, where the road construction requirement is waived under subsection (2) of this section, and the private road to which the waiver relates at any time serves more than eight lots, or is extended or prolonged to provide access to more than eight lots, whether or not these lots or any of them are owned by the first subdivider, the entire private roadway, including the roadway to the first eight lots, shall be reconstructed, and constructed, as the case may be, in accordance with subsection (1) of this section, and no final approval to any subdivision plan shall be given without this requirement first being met.
- (4) A private road shall have a minimum width of 20 meters (65.6 feet).
20. Notwithstanding any other provision of this by-law, no private roads shall be permitted in a Service Area.
21. (1) Where the boundary of a private road shown on a plan of subdivision is not intended to be a lot boundary, it shall be shown as a lighter solid line or a dashed line.
- (2) No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of sections 4 and 5(a).
22. The subdivider shall be responsible for the following:

- (a) arranging for complete testing of the installation of a street at various stages as required by the Standard Specifications and any directions from the Municipal Engineer; and
 - (b) giving reasonable notice to the Municipal Engineer of the proposed test date, site and time; and
 - (c) allowing the Municipal Engineer to inspect the installation at any stage or to verify or confirm any required test; and
 - (d) maintaining records of all tests in such a fashion that the Municipal Engineer, whether or not he attended any such test, can ascertain that the test was carried out in accordance with this Part and with the Standard Specification and with any direction of the Municipal Engineer.
23. The intersection of a private road with a public street shall be approved by the authority having jurisdiction for the public street.

WATER and SEWER SYSTEMS:

24. (1) Where any proposed subdivision contemplates connection to a public water system or to a public wastewater system, or both, no subdivision shall be approved unless, at the time application is made for subdivision approval, there exists capacity on the public water system, or a public wastewater system, as the case may be, to which the proposed subdivision shall be connected, sufficient to accommodate the proposed subdivision's load on that system.
- (2) Whether the capacity referred to in subsection (1) exists or not, no subdivision plan which contemplates connection to a public water system or to a public wastewater system or to both, shall be approved until the Municipality agrees in writing to allocate sufficient capacity on that public water system or public wastewater system to the proposed subdivision.
- (3) The approval in subsection (2) of this section, if granted:
- (a) For connection to a public wastewater system shall be considered on the basis of the subdivider's written estimate of the number of user units, calculated under the Municipality's *Sewer Charges By-law*, and expressed upon a per lot basis, that will be required to service the proposed subdivision to a public wastewater system; and
 - (b) For connection to a public water system, shall be considered on the basis of the subdivider's written estimate of the volume of water required

to service the proposed subdivision by connection to a public water system.

(4) Any allocation of capacity to a subdivision on a public wastewater system or on a public water system lapses and becomes void unless the lot or lots shown on the tentative plan of subdivision are approved at the final plan of subdivision stage.

25. (1) Where a proposed subdivision is within a Service Area, the subdivider, prior to approval of the final plan of subdivision by the development officer, shall construct and connect to the public wastewater system, a wastewater system including collectors and laterals to the boundary of the proposed lots.

(2) The wastewater system required by subsection (1) of this section shall be designed by a professional engineer and shall comply with the Standard Specifications, and any directions of the Municipal Engineer.

(3) Where, in a proposed subdivision served or to be served by a new public water system, the subdivider, prior to approval of the final plan of subdivision by the development officer, shall construct and connect to the public water system, a water system to the boundary of the proposed lots.

(4) The water system required by subsection (3) of this section shall be designed by a professional engineer and shall comply with the specifications contained in the Standard Specifications, and with any directions of the Municipal Engineer.

(5) The subdivider, prior to the approval of the final plan of subdivision of the development officer, shall install a storm drainage system in conformance with a drainage plan, filed with and approved by the Municipal Engineer, to remove any surface drainage that may enter the area being subdivided or be generated within the proposed subdivision, and to adequately dispose of the waters so as not to negatively affect any downstream properties.

(6) Any drainage plan and storm drainage system shall comply with the Standard Specifications, and any direction of the Municipal Engineer.

(7) The specifications referred to in subsections (2), (4) and (6) of this section, may be waived or varied by the Municipal Engineer in accordance with accepted engineering practice.

(8) Any waiver or variation granted under this section shall be, and shall be deemed to be, case-specific, and of no precedential value in considering other waivers or variations.

26. Prior to approval of the final plan of subdivision by the development officer, the subdivider shall provide a certificate to the development officer from a professional engineer which certifies that the developer has complied with the design and construction requirements of section 25.
27. The subdivider shall be responsible for the following:
- (a) arranging for complete testing of the installation of the water, sewer and storm drainage systems at various stages as required by the Standard Specifications, and any direction of the Municipal Engineer; and
 - (b) giving reasonable notice to the Municipal Engineer of the proposed test date, site and time; and
 - (c) allowing the Municipal Engineer to inspect the installation at any stage or to verify or confirm any required test; and
 - (d) maintaining records of all tests in such a fashion that the Municipal Engineer, whether he attended any such test or not, can ascertain that the test was carried out in accordance with this Part and with the Standard Specifications and with any direction of the Municipal Engineer.
28. As an alternative to the complete construction and acceptance requirements for water, sewer and storm drainage systems, as contained in Sections 25, 26, 27, and 31, the subdivider may, before endorsement of approval of the final plan is given, enter into a written servicing agreement with the Municipality as provided for in Section 29 and post a performance surety as provided for in Section 30.

SERVICING AGREEMENT

29. Where a servicing agreement is entered into, the servicing agreement shall contain provisions satisfactory to the Municipality with respect to any or all of the following:
- (a) the time within which any construction of streets and water and sewer services and drainage systems shall be commenced and completed;
 - (b) the time at which all municipal rates, taxes, and charges, of any kind shall be a paid;
 - (c) the time at which the allocation of capacity on any public water system or public sanitary sewer system lapses or becomes void if

the construction of streets and services is not commenced and completed within the time limited therefor;

- (d) the phasing of any construction of streets and water and sewer services and drainage systems;
- (e) the acceptance of any streets, water and sewer services and drainage systems by the Municipality;
- (f) the provision and acceptance of easements and rights-of-way; and
- (g) any other matter related to the requirements of this by-law and any applicable Municipal Planning Strategy and Land Use By-law relating to the subdivision and servicing of land.

PERFORMANCE SURETY

30. Where a subdivider proposes to complete construction of any streets, sewer or water services and drainage system, after receiving approval of any final plan of subdivision, the following shall be required:

- (a) the subdivider shall post a performance surety, satisfactory to the Municipality, in the amount of one hundred and twenty-five percent (125%) of the estimated costs to complete the streets and water and sewer services and drainage systems and the estimated costs of all municipal rates, charges and taxes as of the scheduled completion date;
- (b) the subdivider shall submit to the development officer for approval an estimate of costs to complete the construction of the streets and water or sewer services, drainage system and the estimated costs of all municipal rates, charges and taxes as of the scheduled completion date, and the development officer may revise the estimate if it is, in the opinion of the Municipal Engineer, inadequate, and the decision of the Municipal Engineer shall be final. Such estimates shall also include all construction related costs including but not limited to professional engineering contract management and site supervision and inspection of all construction and work;
- (c) the performance surety shall be posted before approval of any final plan of subdivision is given by the development officer;
- (d) the performance surety shall be in favor of the Municipality and may be in the form of cash, certified cheque or irrevocable letter of credit or bond issued by a bank, surety or guarantee company licensed by

the Province of Nova Scotia and acceptable to the Municipality, and shall be conditional on the execution and completion of the servicing agreement in accordance with terms of the servicing agreement and the requirements of this by-law and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work.

- (e) where the performance surety is paid in cash or by certified cheque, the cheque will be cashed and all monies paid in cash will be held by the Municipality and returned without interest to the subdivider upon completion of the work;
- (f) where the Municipal Engineer determines that the work is substantially complete, the Municipality may, in its sole discretion, return a portion of the performance surety, less any amount held back for deficiencies, prior to complete construction and acceptance by the Municipality; and
- (g) where construction of the proposed streets or water or sewer service or drainage system does not commence within twelve (12) months of the date of approval of the final plan of subdivision or is not completed according to the approved time schedule, the subdivider shall forfeit the performance surety.

ACCEPTANCE REQUIREMENTS:

- 31. Except where bonded pursuant to section 30, within thirty (30) days following completion of any public streets and water or sewer services or drainage systems, and prior to acceptance by the Municipality of any streets and services, the subdivider shall:
 - (a) post a maintenance bond, satisfactory to the Municipality, in the amount of ten percent (10%) of the actual cost of construction of the streets and services. The maintenance bond shall be in favor of the Municipality and may be in the form of cash, certified cheque, irrevocable letter of credit, or bond issued by a bank, surety or guarantee company licensed by the Province of Nova Scotia. The bond shall be for a period of twenty-four (24) months and shall state that it is a guarantee against deficiencies in the construction and installation of streets and water and sewer services and drainage systems. Where the maintenance bond is paid in cash or by certified cheque, the cheque will be cashed and all monies paid in cash will be held by the Municipality and returned without interest to the subdivider;

- (b) provide the reproducible record drawings of engineering design showing all the actual constructed systems including sanitary sewers, water systems and storm drainage;
- (c) provide “as built” reproducible engineering design drawings for the streets including plan and profile of streets drawn to the required scale and certified by a professional engineer;
- (d) provide the results of all test reports, and all operating and procedural manuals for each public water or public sewer system, demonstrating that the required streets and systems have been constructed and are operating according to the standards as set out in this By-law, in the Standard Specification, and in accordance with any direction given by the Municipal Engineer;
- (e) provide four (4) copies of the final plan of subdivision showing the municipal public streets and all drainage rights-of-way outlined in red, road services outlined in yellow and easements outlined in green;
- (f) provide deeds, easements or bills of sale to the Municipality, free of encumbrances, for streets, rights-of-way, easements and services. All conveyances of real property and easements shall be by warranty deed or warranty easement. Conveyances of services shall be by warranty bill of sale, and the subdivider shall provide to the Municipality from the subdivider’s legal counsel a solicitor’s certificate of title, satisfactory in form and substance to the Municipality, certifying that all property conveyed is free from all encumbrances, In the event that the conveyance is not free from encumbrances, an unqualified undertaking from the subdivider’s solicitor, satisfactory in form and substance to the Municipality’s solicitor, to release the encumbrances, at its sole discretion may, be accepted by the Municipality; and
- (g) pay all document registration and other costs associated with the requirements of this section.

PRELIMINARY PLANS OF SUBDIVISION

A. Requirements

- 32. (1) A person proposing to subdivide an area of land may submit to the development officer four copies of the preliminary plan of subdivision drawn to scale showing:

- (a) the name of the owner of the area of land being subdivided;
- (b) the names of all owners of all properties abutting the area of land being subdivided;
- (c) the unique Parcel Identified (PID) of all areas of land being subdivided;
- (d) the civic number of main buildings on the area of land being subdivided;
- (e) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
- (f) the shape, dimensions, and area of the lots;
- (g) each proposed lot identified by a number except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available, and the letter;
- (h) no duplication of lot identifiers;
- (i) the approximate location of railways and railway rights-of-way;
- (j) the location of existing and proposed public streets, private roads, and Schedule "B" roads;
- (k) the name of existing and proposed public streets (and the public street number), private roads, the Schedule "B" roads as issued pursuant to the civic addressing system;
- (l) the graphic representation of lots shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (m) the location of existing buildings within 10 metres (32.8 feet) of a property line;
- (n) the general location of water courses and wetlands;
- (o) the north point;
- (p) the scale;

- (q) any other information necessary to determine whether the subdivision conforms to this by-law.

(2) Where a preliminary plan of subdivision is to be forwarded to the Department of the Environment and Labour pursuant to section 35(a), the information listed in subsection (3) is required for the following proposed lots:

- (a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
- (b) a proposed lot being subdivided from an existing area of land, contains an on-site system; and
 - (i) is 9,000 square metres (96,878.4 square feet) or less in area; or
 - (ii) has a width of less than 76 metres (249.3 feet).

(3) Unless the information already has been submitted to the Department of Environment and Labour, the following additional information is required for proposed lots referred to in subsection (2):

- (i) the lot layout including any proposed or existing building, on-site sewage disposal system, driveway and water well;
- (ii) the location of any watercourse, wetland, marine water body and other features that may influence the design of the system, including any ditch, road, driveway or easement;
- (iii) the surface slopes and directions;
- (iv) the location of any test pit;
- (v) the proposed system, selected or designed;
- (vi) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (vii) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the result of a soil evaluation test; and

- (viii) any other information necessary to determine whether the subdivision meets the *On-Site Sewage Disposal Systems Regulations*.

(4) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9,000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

(5) For a proposed lot 9,000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule "A" must be completed.

B. Procedure

- 33. Application for an evaluation of a preliminary plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of this By-law.
- 34. The development officer shall comply with the notification and approval provisions of the Act.
- 35. A copy of the preliminary plan of subdivision shall be forwarded to:
 - (a) in areas not serviced by a central sewer, the Department of the Environment and Labour to determine compliance with the *On-Site Sewage Disposal Systems Regulations* except where the proposed lot is greater than 9,000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has indicated on the application that the proposed lot is not intended for a purpose of requiring an on-site sewage disposal system, or contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the previous requirements of this clause.
 - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
 - (c) the authority having jurisdiction for public streets; and
 - (d) any other agency of the Province or the Municipality which the development officer deems necessary.

36. A preliminary plan of subdivision that shows a proposed lot referred to in subsection 32(5) shall be forwarded to the Department of Environment and Labour for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.
37. Any agency which has been forwarded a copy of the preliminary plan of subdivision pursuant to Section 35 shall forward a written report of their assessments or recommendations to the development officer.
38. The development officer shall inform the applicant in writing of the results of the evaluation of the preliminary plan of subdivision.

CONCEPT PLANS - Optional

A. Requirements

39. Where an area of land is being subdivided in phases and will contain new streets, a person may submit to the development officer eight (8) copies of a concept plan of the entire area of land.
40. Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:
 - (a) the words "Concept Plan" located in the title block;
 - (b) name of property owner(s) and name of all abutting land owners;
 - (c) the proposed internal street system with connections to existing streets;
 - (d) the proposed location of public open space;
 - (e) the location of existing development, if any;
 - (f) the location of any municipal service boundary;
 - (g) the north point;
 - (h) contours at five metre (16.4 foot) intervals, and
 - (i) any other information necessary to determine if the subdivision meets with municipal standards and accepted engineering practice as determined by the engineer.

B. Procedure

41. Application for approval of a concept plan shall be made to the development officer in the form specified in Schedule "A" of this By-law.
42. The development officer shall comply with the notification and approval provisions of the Act.
43. The development officer shall forward the concept plan and any supplementary information to the appropriate agencies in order to evaluate the concept plan in terms of:
 - (a) the design's consideration to topography, natural features and other site constraints and restrictions;
 - (b) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale;
 - (c) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable;
 - (d) public open space; and
 - (e) any proposed community and commercial uses.
44. Any agency which has been forwarded a copy of the concept plan pursuant to Section 43 shall forward a written report of their assessments or recommendations to the development officer.
45. Approval of a concept plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of Environment and Labour, the Department of Transportation or any other agency of the Province or the Municipality unless the concept plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
46. Where the development officer either approves or refuses to approve a concept plan, the development officer shall give notice of the approval or refusal to all agencies which were forwarded a concept plan pursuant to Section 43.
47. Where the development officer refuses to approve a concept plan, the development officer shall inform the applicant of the reasons for the refusal in writing and advise the applicant of the appeal provisions of Section 284 of the Act.

48. The following information shall be stamped or written and completed by the development officer on any concept plan which is approved:
- (a) "This concept plan is approved."
 - (b) the date of the approval of the concept plan; and
 - (c) "This concept plan shall not be filed in the registry of deeds as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the registry of deeds."
49. The development officer shall forward an approved copy of the concept plan to the applicant.

TENTATIVE PLANS OF SUBDIVISION:

A Requirements

50. A person proposing to subdivide an area of land may submit to the development officer eight (8) copies of the tentative plan of the proposed subdivision meeting the requirements of section 52 of this By-law.
51. Notwithstanding Section 50, the development officer may waive the requirement that tentative application and plan of subdivision be submitted where:
- (a) lots abut an existing public street, an existing private road, or an existing Schedule "B" road except where the lots are created without frontage pursuant to Section 6, 7, or 8.
 - (b) a central water or sewer system is not being installed; and
 - (c) all lots to be served by on-site sewage disposal systems
 - (i) are 9,000 square metres (96,878.4 square feet) or more in area; or
 - (ii) have been evaluated by an authorized person of the Department of the Environment and Labour and the development officer has been informed in writing by the authorized person that the information already provided by the subdivider is satisfactory.
52. (1) Tentative plans of subdivision submitted to the development officer shall be:

- (a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
 - (b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
 - (c) folded to approximately 20 x 30 cm (8 x 12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.
- (2) Tentative plans of subdivision shall show the following:
- (a) the words "PLAN OF SUBDIVISION" located on the title block;
 - (b) the words "TENTATIVE PLAN" located above the title block;
 - (c) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
 - (d) the name of the subdivision, if any, and the name of the owner of the area of land;
 - (e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;
 - (f) the unique Parcel Identifier (PID) of all areas of land being subdivided;
 - (g) the civic number of main buildings on the area of land being subdivided;
 - (h) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
 - (i) a location map, drawn to scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
 - (j) the shape, dimensions, and area of the lots;
 - (k) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land,

in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;

- (l) no duplication of lot identifiers;
- (m) the boundaries of lots shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (o) the location of existing and proposed public streets, private roads and Schedule "B" roads;
- (p) the name of existing and proposed public streets (and the public street number) private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
- (q) the width and location of railroads and railway rights-of-way;
- (r) the general location of watercourses, wetlands or prominent rock formations;
- (s) the width, location and nature of any easements on or affecting the area of land proposed to be subdivided;
- (t) where applicable, a notation stating the lots are serviced by the public wastewater system or public water system, or both;
- (u) the north point;
- (v) the date on which the plan of subdivision was drawn and the date of any revision;
- (w) the scale to which the plan of subdivision is drawn; and
- (x) any other information necessary to determine whether or not the plan of subdivision conforms to this by-law.

(3) Where a tentative plan of subdivision is to be forwarded to the Department of the Environment and Labour pursuant to section 55(a), the information required by subsection (4) is required for the following proposed lots:

- (a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or;
 - (b) a proposed lot being divided from an existing area of land, contains an on-site system; and
 - (i) is 9,000 square metres (96,878.4 square feet) or less in areas; or
 - (ii) has a width of less than 76 metres (249.3 feet).
- (4) Unless the information already has been submitted to the Department of Environment and Labour, the following additional information is required for proposed lots referred to in subsection (3):
- (i) the lot layout including any proposed or existing building, on-site sewage disposal system, driveway and water well;
 - (ii) the location of any watercourse, wetland, marine water body and other features that may influence the design of the system, including any ditch, road, driveway or easement;
 - (iii) the surface slopes and directions;
 - (iv) the location of any test pit;
 - (v) the proposed system, selected or designed;
 - (vi) an explanation of the extent, volume and type of usage to which the system will be subjected;
 - (vii) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
 - (viii) any other information necessary to determine whether the subdivision meets the *On-Site Sewage Disposal System Regulations*.
- (5) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9,000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3

feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

(6) For a proposed lot 9,000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule "A" must be completed.

(7) In addition to meeting the requirements of subsections (1), (2), (3), (4), (5), or (6) where the proposed lots front on a proposed public street or proposed private road, a tentative plan of subdivision shall:

- (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Land Surveyors Act* and its regulations;
- (b) except for private roads, be accompanied by four copies of a plan showing:
 - (i) contours at 2 metre (6.6 foot) intervals, and drainage patterns;
 - (ii) the width and location of proposed public streets and their intersection with existing public streets, and
 - (iii) the location of existing and proposed central sewer and water systems and proposed connections thereto; and
- (c) be accompanied by two (2) copies of centreline profiles of proposed public streets.

(8) For a proposed lot that will have access to a provincial public highway, the tentative plan of subdivision may be accompanied by or show stopping sight distances information in the form specified in Schedule "G" completed by a Nova Scotia Land Surveyor.

B. Procedure

53. Application for approval of a tentative plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of this By-Law.

54. The development officer shall comply with the notification and approval provisions of the Act.
55. A copy of the tentative plan of subdivision shall be forwarded to:
- (a) in areas not served by a central sewer, the Department of the Environment and Labour to determine compliance with the *On-Site Sewage Disposal System Regulations*, except where the proposed lot is greater than 9,000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has indicated on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the previous requirements of this clause.
 - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
 - (c) the authority having jurisdiction for public streets; and
 - (d) any other agency of the Province or the Municipality which the development officer deems necessary.
56. A tentative plan of subdivision that shows a proposed lot referred to in subsection 52(6) shall be forwarded to the Department of Environment and Labour for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.
57. Any agency which has been forwarded a copy of a tentative plan of subdivision pursuant to Section 55 shall forward a written report of their assessments or recommendations to the development officer.
58. Approval of a tentative plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment and Labour, the Department of Transportation or any other agency of the Province or the Municipality unless the tentative plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
59. Where the development officer either approves or refuses to approve a tentative plan of subdivision, the development officer shall give notice of the approval or refusal to the applicant and all agencies which were forwarded a tentative plan pursuant to section 55 of this by-law and shall inform the applicant of the appeal provisions of Section 284 of the Act.

60. The following information shall be stamped or written and completed by the development officer on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final plan stage:
- (a) "This tentative plan of subdivision is approved for lots _____. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan"; and
 - (b) the date of the approval of the tentative plan; and
 - (c) "This tentative plan of subdivision shall not be filed in the registry of deeds as no subdivision takes effect until a final plan of subdivision is approved by the development officer and is filed in the registry of deeds."
61. The development officer shall forward a copy of the approved tentative plan of subdivision to the applicant and the surveyor.

FINAL PLANS OF SUBDIVISION

A. Requirements

62. A subdivider proposing to subdivide an area of land shall submit twelve (12) copies of the final plan of subdivision meeting the requirements of Section 63 of this By-law to the development officer for approval.
63. (1) Final plans of subdivision submitted to the development officer shall be:
- (a) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;
 - (b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed street and road have been surveyed in the manner required by the *Land Surveyors Act* and its regulations, except for a final plan of subdivision prepared pursuant to subsection 7(2) of this By-law; and
 - (c) folded to approximately 20 x 30 centimetres (8 x 12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision
- (2) Final plans of subdivision shall show the following:

- (a) the words "PLAN OF SUBDIVISION" located in the title block;
- (b) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
- (c) the name of the subdivision, if any, and the name of the owner of the area of land;
- (d) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;
- (e) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- (f) the civic number of main buildings on the area of land being subdivided;
- (g) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
- (h) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- (i) the shape, dimensions, and area of the lots;
- (j) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
- (k) no duplication of lot identifiers;
- (l) the boundaries of lots shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (m) the location of existing buildings with 10 metres (32.8 feet) of a property boundary.

- (n) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
- (o) the location of existing and proposed public streets, private roads and Schedule “B” roads;
- (p) the name of existing and proposed public streets (and the public street number) private roads, and Schedule “B” roads as issued pursuant to the civic addressing system;
- (q) the width and location of railroads and railway rights-of-way;
- (r) the general location of watercourses, wetlands or prominent rock formations;
- (s) the width, location and nature of any easements on or affecting the area of land proposed to be subdivided;
- (t) where applicable, a notation stating the lots are serviced by the public wastewater system and/or public central water system, or both;
- (u) the north point;
- (v) the date on which the plan of subdivision was drawn and the date of any revisions;
- (w) the scale to which the plan of subdivision is drawn; and
- (x) any other information necessary to determine whether or not the plan of subdivision conforms to this by-law.

(3) Where a final plan of subdivision is to be forwarded to the Department of the Environment and Labour pursuant to section 66(a), the information required by subsection (4) is required for the following proposed lots:

- (a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
- (b) a proposed lot being subdivided from an existing area of land, containing an on-site system; and
 - (i) is 9,000 square metres (96,878.4 square feet) or less in area or

(ii) has a width of less than 76 metres (249.3 feet).

(4) Unless the information already has been submitted to the Department of Environment and Labour, the following additional information is required for proposed lots referred to in subsection (3):

- (i) the lot layout including any proposed or existing building, on-site sewage disposal system, driveway and water well;
- (ii) the location of any watercourse, wetland, marine water body and other feature that may influence the design of the system, including any ditch, road, driveway or easement;
- (iii) the surface slopes and directions;
- (iv) the location of any test pit;
- (v) the proposed system, selected or designed;
- (vi) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (vii) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
- (viii) any other information necessary to determine whether the subdivision meets the *On-Site Sewage Disposal Systems Regulations*.

(5) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9,000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

(6) For a proposed lot 9,000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule "A" must be completed.

(7) For a proposed lot that will have access to a provincial public highway, the final plan of subdivision may be accompanied by or show stopping sight distances

information in the form specified in Schedule "G" completed by a Nova Scotia Land Surveyor.

(8) Unless they have already been submitted, final engineering design drawings for any services, including streets, to be conveyed to the Municipality shall accompany the final plan of subdivision.

B. Procedure

64. Application for approval of a final plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of this By-law.
65. The development officer shall comply with the notification and approval provisions of the Act.
66. A copy of the final plan of subdivision shall be forwarded to:
 - (a) in areas not served by a public wastewater system, to the Department of Environment and Labour to determine compliance with the *On-Site Sewage Disposal Systems Regulations*, except where the proposed lot is greater than 9,000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has indicated on the application that the proposed lot is not intended for a purpose requiring an

on-site sewage disposal system, or contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the previous requirements of this clause;

- (b) in areas served by a public wastewater system, to the authority having jurisdiction for public wastewater systems;
 - (c) to the authority having jurisdiction for public streets, and
 - (d) to any other agency of the Province or the Municipality which the development officer deems necessary.
67. A final plan of subdivision that shows a proposed lot referred to in subsection 63(6) shall be forwarded to the Department of Environment and Labour for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.
68. Any agency which has been forwarded a copy of the final plan of subdivision pursuant to Section 66 shall forward a written report of their assessments or recommendations to the development officer.
69. Approval of a final plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of Environment and Labour, the Department of Transportation or any other agency of the Province or the Municipality unless the final plan of subdivision is clearly contrary to a law of the Province or regulation or by-law made pursuant to a law of the Province.
70. (1) At the time of application for approval of a final plan of subdivision, the subdivider shall submit to the development officer:
- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision and registering a notice of approval of the plan; and
 - (b) a processing fee of \$100.00 per application for approval of a final plan of subdivision.
- (2) Where the development officer refuses to approve a final plan of subdivision, the development officer shall return the fees referred to in subsection (1)(a) of this section to the subdivider.
71. Before approving a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships the development officer shall have received:

- (a) the executed deeds suitable for registering to effect the addition or consolidation;
 - (b) the fees for registering the deeds;
 - (c) the affidavit of value including particulars of any exemption pursuant to Part V of the Act; and
 - (d) where applicable, the deed transfer tax.
- 72. The development officer shall forward an approved copy of the final plan of subdivision to the subdivider and the surveyor.
- 73. Where the development officer either approves or refuses to approve a final plan of subdivision, the development officer shall give notice of the approval or refusal to all agencies which were forwarded a plan pursuant to section 66.
- 74. Where the development officer refuses to approve a final plan of subdivision, the development officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of section 284 of the Act.
- 75. A final plan of subdivision showing lots to be approved under circumstances described in subsections 287(3) of the Act by special note on the plan shall:
 - (a) identify such lots;
 - (b) state the names of the grantor and the grantee of such lots; and
 - (c) state the date and book and page number of the conveyance of such lots as recorded in the registry of deeds.
- 76. The following information shall be stamped or written and completed by the development officer on any final plan of subdivision which is approved:
 - (a) "This final plan of subdivision is approved for Lots _ _ _ _ _",
_;
 - (b) where applicable,
 - 1. "_____ (is, are) suitable for the construction or
(lot(s) approved an/or remainder)
installation of an on-site sewage disposal system for
_____ and any conditions which apply are
(proposed use)

contained in a report dated _____ and available from the Department of Environment and Labour” or

2. IMPORTANT NOTICE

“ _____ (has, have) been created for a
(lot(s) approved and/or remainder)
purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of Environment and Labour are met.”; or

3. “ _____ (is, are) served by an existing on-
(lot(s) approved and/or remainder)
site system and should a replacement system become necessary in future, approval of the replacement system from the Department of Environment and Labour is required.”

(c) where applicable:

- (i) a notation stating that access to the public street as shown has been approved for the lots created by this final plan of subdivision and any conditions which apply are listed on the plan or are contained in a report dated _____, available from the authority having jurisdiction for public streets;
- (ii) where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted; and
- (iii) a notation stating which lots abut a private road and that no provincial or municipal services shall be provided to these lots.

77. The development officer shall forward to the registry of deeds:

- (a) two (2) approved copies of the final plan of subdivision and a notice of approval in the form specified in Schedule “D” of this By-law; and
- (b) if applicable, the items required by section 71 of this By-law.

REPEAL OF A SUBDIVISION

78. Where a plan or instrument of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan or instrument of subdivision.

79. Any person requesting a repeal shall submit to the development officer an application in the form specified in Schedule "E".
80. The notification and approval provisions of the Act which apply to the approval of a plan or instrument of subdivision shall also apply to a repeal.
81. When the development officer is satisfied that an application for repeal is complete, the development officer may forward a copy to any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.
82. Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, land-use by-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the registry of deeds on the same day as the repeal is filed.
83. Sections 3 to 77 inclusive of this By-law do not apply to the repeal of a plan or instrument of subdivision.
84. The development officer shall forward to the registry of deeds the repeal in the form specified in Schedule "F".
85. The development officer shall forward a copy of the repeal referred to in Section 84 to:
- (a) the subdivider; and
 - (b) any agency which provided an assessment or recommendations on the original plan or instrument of subdivision
86. (1) At the time of application for the repeal of a subdivision the subdivider shall submit to the development officer:
- (a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan or instrument of subdivision; and
 - (b) a processing fee of \$100.00 per final application for repeal of a subdivision.
- (2) Where the development officer refuses to repeal a subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.

87. Where the development officer refuses to repeal a subdivision, the development officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal pursuant to Section 85.

REPEAL

88. On the effective date of this By-law, and not before, the Subdivision By-law of the Municipality approved by the Minister of Housing and Municipal Affairs, on the 21st day of August, 1997, as amended, is repealed.

| FOR OFFICE USE ONLY File No: _____ | SCHEDULE "A" Application for Subdivision Approval |
|---|--|
| SUBDIVIDER RELATED INFORMATION | |
| NAME OF LAND OWNER(S) _____ | |
| ADDRESS OF LAND OWNER(S) _____ | |
| POSTAL CODE _____ PHONE NO. _____ | |
| SUBDIVISION NAME (IF DIFFERENT FROM OWNER) _____ | |
| DOCUMENTS TO BE RETURNED TO _____ | |
| CORRESPONDENCE TO _____ | |
| LAND TO BE SUBDIVIDED | |
| LOCATION _____ MUNICIPALITY _____ | |
| PARCEL IDENTIFIER _____ | |
| TYPE OF APPLICATION <input type="checkbox"/> Preliminary (Optional) <input type="checkbox"/> Tentative <input type="checkbox"/> Final | |
| FEES ATTACHED <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| TYPE OF DEVELOPMENT PROPOSED <input type="checkbox"/> Single Family <input type="checkbox"/> Other (Specify) _____ | |
| APPROVAL REQUESTED FOR LOT(S) # _____ | |
| ASSESSMENT REPORT INCLUDED <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| IS THERE A REMAINDER LOT? <input type="checkbox"/> Yes <input type="checkbox"/> No | |

CERTIFICATION - ON-SITE SYSTEM NOT REQUIRED (unserved areas)

I certify that _____ (is, are) being subdivided for a purpose (_____)
(Lot(s) being approved and/or remainder lot)

which will not require the installation of an on-site sewage disposal system.

SIGNATURE _____

WATER SERVICES

| | Existing | Proposed |
|------------------|--------------------------|--------------------------|
| Municipal System | <input type="checkbox"/> | <input type="checkbox"/> |
| Drilled Well | <input type="checkbox"/> | <input type="checkbox"/> |
| Dug Well | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (Specify) | <input type="checkbox"/> | <input type="checkbox"/> |

SEWER SERVICES

| | Existing | Proposed |
|------------------|--------------------------|--------------------------|
| Municipal System | <input type="checkbox"/> | <input type="checkbox"/> |
| On-Site | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (Specify) | <input type="checkbox"/> | <input type="checkbox"/> |

ACCESS

| | Existing | Proposed |
|-----------------|--------------------------|--------------------------|
| Public Road | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (Specify) | _____ | |

I certify that I am the owner or am acting with the owner's written consent.

SIGNATURE OF SUBDIVIDER _____ Date _____

SCHEDULE "B"**SCHEDULE "B" ROADS**

SCHEDULE “C”**LOT SIZE REQUIREMENTS**

| TYPE OF LOT | DIMENSIONAL REQUIREMENTS | |
|--|--------------------------|---|
| Lots serviced only by a Central Sewer Service | 6 metres (19.7 feet) | 929 square metres (10,000 square feet) having dimensions that would permit it to contain a 15 metre (49.2 foot) diameter circle |
| Lots Serviced with both Central Water & Sewer Services | 6 metres (19.7 feet) | 604 square metres (6,500 square feet) having dimensions that would permit it to contain a 15 metre (49.2 foot) diameter circle |

SCHEDULE "D"

**NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION
IN ACCORDANCE WITH SUBSECTIONS 285(3) & 285 (4) OF
THE MUNICIPAL GOVERNMENT ACT**

Name of Owner(s) _____

Name of subdivision _____

Location _____

Date of Approval _____

Surveyor _____

Dated this _____ day of

_____, _____
(Date) (Year)

Plan of subdivision filed in the Registry of Deeds as Plan # _____

Dated this _____ day of

_____, _____
(Date) (Year)

This plan of subdivision may also contain information regarding the lots approved on this plan with respect to one or more of the following:

1. The lots' eligibility for on-site sewage disposal systems.
2. The availability of central sewer & water systems.
3. Information indicating whether or not the lots abut a public street or private road.

SCHEDULE "E"

APPLICATION FOR REPEAL OF A SUBDIVISION

Plan of Subdivision ☐ or Instrument of Subdivision ☐ File Number _____

APPLICANT RELATED INFORMATION

Name of Land Owner(s) _____ Phone _____

Address of Land Owner(s) _____ Postal Code _____

Documents to be Returned to _____

Correspondence to be Directed to _____

**INFORMATION RELATED TO THE SUBDIVISION
SOUGHT TO BE REPEALED**

Name of applicant for subdivision approval _____

Location _____ Municipality _____

The subdivision was approved on the _____ day of _____, _____

and is filed in the Registry of Deeds at _____ in the Municipality
of _____ in the County of _____ as # _____.
(YEAR)

Lots(s)# _____ was/were approved and repeal is sought for
approval of Lot(s) # _____.

☐ Registration Fee submitted.

CERTIFICATION OF FACTS

(Reasons for Repeal)

(If more space required, attach additional sheet)

OWNER'S CERTIFICATE

I certify that the information in this application is true and complete, that I am applying for repeal of this subdivision with the full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

Signature of owner/agent

Date

Co-Signer

Date

SCHEDULE "F"

REPEAL OF A SUBDIVISION

Plan of Subdivision G Or Instrument of Subdivision G

Name of Owner(s) _____

Name of Subdivision _____

Location _____

Date of Approval of Subdivision _____

Being Registration # _____ at the Registry of Deeds.

THIS SUBDIVISION IS REPEALED

Entire Plan or Instrument G Or Only Lots # _____

Dated at _____ in the _____

Province of Nova Scotia, this _____ day of _____, _____
(Date) (Year)

DEVELOPMENT OFFICER

Please Note: Any lot or parcel created by this repeal may not be eligible for development.

SCHEDULE "G"

| STOPPING SIGHT DISTANCES | | | | | | | | |
|---------------------------------|------------|-------------------------------------|-------|----------|-------|----------|---------------|---------|
| LOT NO. | SPEED ZONE | DISTANCE FROM LOT CORNER LEFT/RIGHT | LEFT | | Right | | PASS OR FAIL! | COMMENT |
| | | | GRADE | DISTANCE | GRADE | DISTANCE | | |
| | | | | | | | | |
| | | | | | | | | |

- According to the Government of Nova Scotia Management Manual 23, Department of Transportation and Public Works Management, Chapter 8, Construction and Maintenance.

Signed: _____
Nova Scotia Land Surveyor

