

MUNICIPALITY OF THE COUNTY OF KINGS



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Bylaw # 60

SUBDIVISION BYLAW - 1995

PART 1: TITLE

1. This Bylaw may be cited as the Subdivision Bylaw - 1995 for the Municipality of the County of Kings and shall apply to the Municipality of the County of Kings.

PART 2: INTERPRETATION

2. In this Bylaw the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated and words used in the plural number shall include the singular. All other words shall carry their customary meaning except for those defined hereinafter.

PART 3: DEFINITIONS

3.
 - (a) **ACT** means the Planning Act R.S.N.S., 1989, Chapter 346.
 - (b) **AGREEMENT** means a contract between the subdivider and the Municipality which describes the responsibilities of each party with respect to the subdivision and servicing of land.
 - (c) **AREA OF LAND** means any existing lot or parcel as described by its boundaries.
 - (d) **BOARD** means the Nova Scotia Utility and Review Board.
 - (e) **CLERK** means the Clerk of the Municipality of the County of Kings.
 - (f) **COUNCIL** means the Council of the Municipality of the County of Kings.
 - (g) **CUL-DE-SAC** means a street having only one entrance/exit.
 - (h) **DEPARTMENT OF THE ENVIRONMENT** means the Department of the Environment for the Province of Nova Scotia.

- (i) **DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS** means the Nova Scotia Department of Transportation and Communications.
- (j) **DEVELOPMENT OFFICER** means that person, appointed by the Council pursuant to the Planning Act of Nova Scotia, and having the power and duty to administer this Bylaw.
- (k) **FRONTAGE** shall be measured the same as required in the Land Use Bylaw.
- (l) **GROWTH CENTRES** are communities so designated in the Municipal Planning Strategy.
- (m) **HAMLETS** are communities so designated in the Municipal Planning Strategy.
- (n) **LAND USE BYLAW** means the Land Use Bylaw in effect for the Municipality of the County of Kings and the Village of New Minas.
- (o) **LOT** means any parcel to be created by the filing of a plan of subdivision.
- (p) **LOT LINES** are as defined in the Land Use Bylaw.
- (q) **MUNICIPAL ENGINEER** means an engineer licensed to practice in Nova Scotia appointed by Municipal Council.
- (r) **MUNICIPAL PLANNING STRATEGY** means the Planning Strategy for the Municipality.
- (s) **MUNICIPALITY** means the Municipality of the County of Kings.
- (t) **PRIVATE ROAD** means any street or road which is not a public street or public highway and is shown on a plan of subdivision, where:
 - (i) the private road extends to and has access to a public street or public highway and where not totally located within the area of land proposed to be subdivided it shall be an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for this Municipality; and
 - (ii) has a minimum width of 20 metres (65.6 feet).

- (u) **PROFESSIONAL ENGINEER** means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- (v) **PUBLIC SEWER SYSTEM** means any sewer system which is owned by an incorporated village or is owned by the Municipality.
- (w) **PUBLIC STREET OR PUBLIC HIGHWAY** means any Municipal or Provincial public street or highway owned and maintained by a Municipality or the Province of Nova Scotia excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act and more particularly described as follows:
 - (i) **Municipal Public Street** means any street or highway owned and maintained by the Municipality; and
 - (ii) **Provincial Public Street** means any street or highway owned and maintained by the Department of Transportation and Communications excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act.
- (x) **PUBLIC WATER SYSTEM** means any water system which is owned by an incorporated village or is owned by the Municipality, an incorporated town or any agency of an incorporated town.
- (y) **SERVICED HAMLET** is a Hamlet serviced by a central sewage collection system.
- (z) **SUBDIVIDER** means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with his written consent.
- (za) **SUBDIVISION** means the division of any area of land into two or more parcels and includes a resubdivision or a consolidation of two or more parcels.
- (zb) **SURVEYOR** means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.

- (zc) **WATER FRONTAGE** shall mean the distance measured as a straight line between the two points where the side lot lines meet a watercourse.

PART 4: GENERAL PROVISIONS

Streets and Highways

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| Approval of Streets | 4 (1) | (a) | The Municipal Engineer shall approve all Municipal public streets and highways shown on plan of subdivision prior to final approval being given by the Development Officer pursuant to Section 108 of the Planning Act. |
| April 1, 1995 | | (b) | Notwithstanding the provisions of this Bylaw, any subdivision application which received tentative approval prior to April 1, 1995 shall be eligible to receive final approval within two years of the date of tentative approval given pursuant to the then prevailing specifications for subdivision roads in urban and rural areas of the Department of Transportation and Communications. Where a tentative approval lapses after 2 years, any subsequent applications must meet all normal requirements of this Bylaw. |
| Public Street Requirements | 4 (2) | (a) | All proposed Municipal public streets or public highways shown on a final plan of subdivision approved in accordance with Section 108 of the Planning Act shall be constructed, in addition to the following requirements, in accordance with the Municipal Services Specification Manual of the Municipality of the County of Kings and the deed conveying title of such public streets or public highways to the Municipality accepted by the Municipality prior to the endorsement of approval on a final plan of subdivision by the Development Officer: |
| Minimum Width | | (i) | the minimum width of a proposed public street shown on a plan of subdivision shall be 20 metres (65.6 feet) or such lesser width, not less than 15 metres (49.21 feet) as determined by the Municipal Engineer; and |
| Access Approval | | (ii) | all proposed lots which abut a public street shall have an access point to the public street which meets the stopping sight requirements of the Municipality and/or the Department of Transportation and Communications. This does not apply to proposed lots which have an existing access to a public street; and |

- Paving (iii) all proposed public streets or public highways located in a growth centre or serviced hamlet shall be paved in accordance with the Municipal Services Specification Manual; and
- Chip Seal (iv) all proposed public streets or public highways located outside of Growth Centres and Serviced Hamlets shall, as a minimum, be chip-sealed in accordance with the Municipal Services Specification Manual.
- Agreement Alternative (b) As an alternative to the complete construction and acceptance requirements for Municipal Public Streets, the subdivider may enter into a written agreement with the Municipality pursuant to the requirements of Section 4 (2) (a), 4 (2) (c), 4 (3) (a) and (b).
- Agreement Provisions (c) Agreements entered into between a subdivider and the Municipality in accordance with Section 4 (2) (b) shall contain reasonable provisions with respect to any or all of the following:

 - (i) the time within which any Municipal Public Street construction shall be commenced and completed; and
 - (ii) the phasing of any street construction; and
 - (iii) the acceptance of any street by the Municipality; and
 - (iv) the provision and acceptance of easements and rights-of-way; and
 - (v) any other matter related to the requirements for street construction.
- Bonding for Street Completion 4 (3) (a) Where a subdivider proposes to complete construction of any Municipal Public Street after receiving approval of any final plan of subdivision the following shall be required:

 - (i) the subdivider shall post a performance bond in the amount of one hundred and twenty (120) percent of the estimated cost to complete the street; and
 - (ii) the subdivider shall submit to the Development Officer for approval an estimate of costs to complete the construction of the street and the

Development Officer may revise the estimate if it is, in the opinion of the Municipal Engineer, inadequate. Such estimates shall include all construction related costs including, but not limited to, professional engineering contract management and site supervision and inspection of all construction and work; and

- (iii) the performance bond shall be posted before endorsement of approval of any final plan of subdivision being given; and
- (iv) the performance bond and the maintenance bond referred to in 4 (3) (b) (i) shall be in the favour of the Municipality and may be in the form of cash, certified cheque or letter of credit or bond issued by a surety or guarantee company licensed by the Province of Nova Scotia and conditional on the execution and completion of the agreement in accordance with the terms of the agreement and the requirements of this Bylaw and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work.

Street Acceptance Requirements

- (b) Following completion of any Municipal Public Street and prior to acceptance by the Municipality of any street, the subdivider shall:
 - (i) post a maintenance bond in the amount of ten (10) percent of the actual cost of construction of the street for a period of twelve (12) months; and
 - (ii) provide "as-built", reproducible engineering design drawings for the street including plan and profile of streets drawn to the required scale and certified by a professional engineer; and
 - (iii) provide 4 copies of the final plan of subdivision showing the Municipal Public Street and all drainage right-of-way outlined in red, road reserves outlined in yellow and easements outlined in green; and
 - (iv) provide legal conveyance of ownership of the right-of-way for the Municipal Public Street, road reserve and easement to the Municipality. This

		conveyance shall be in the form of a warranty deed and the subdivider shall, through his legal counsel, certify that all property to be conveyed is free from all encumbrances; and
		(v) be responsible for all registration and other costs associated with the requirements of this section.
Private Road Requirements	4 (4)	<p>(a) The design of the right-of-way, alignment and gradient of all private roads shown on a final plan of subdivision shall meet the design requirements of the Municipal Services Specification Manual prior to the endorsement of approval on a final plan of subdivision by the Development Officer.</p> <p>(b) Before the Development Officer shall endorse his approval on a final plan of subdivision which includes private roads, he shall satisfy himself that:</p> <p>(i) all such private roads are built so as to provide a clear travelled surface of, at least, five metres (16.4 feet); and</p> <p>(ii) such travelled surface is located entirely within the limits of the private road as shown on the final plan of subdivision; and</p> <p>(iii) the Minister of Transportation and Communications, or a person designated by him and/or the Municipal Engineer, has approved the intersection as shown on the plan of subdivision, of such private road with highways owned by the Province or the Municipality.</p>
Distance Between Intersections	4 (5)	The distance between public street or public highway or private road intersections or any combination thereof shall not be less than 61 metres (200 feet) measured from the nearest rights-of-way, or such greater distance as may be required by the Department of Transportation and Communications and/or the Municipality to meet their specifications.
Maximum Four Approaches	4 (6)	There shall not be more than four public street or public highway or private road approaches or any thereof in an intersection.
Adjoining Subdivisions	4 (7)	Where a public street or public highway in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, a public street or public highway in the latter shall, if reasonably

feasible, be laid out in a prolongation of such public streets or public highways, unless it would be in violation of this Bylaw.

Continuous Frontage	4 (8)	Continuous street frontage shall not exceed 366 metres (1,200 feet) in length in growth centres, hamlets and Country Residential (R6) Zones as identified on the Land Use Bylaw maps.
Cul-de-Sac	4 (9)	A cul-de-sac not exceeding 230 metres (754.5 feet) in length may be used in the development of odd shaped areas of land in designated Growth Centres, Hamlets and Country Residential Districts of the Municipality.
Road Reserves	4 (10)	A right-of-way access to adjacent property must be provided and conveyed to the Municipality. These access roads shall be no greater than 400 metres (1,312 feet) apart and where practical must be in prolongation of existing or proposed public streets shown on the plan of subdivision.

LOTS

Lots Must Abut Streets	4 (11)	<p>Unless otherwise stated in this Bylaw, all lots shall abut:</p> <ul style="list-style-type: none"> (a) a public street or public highway; or (b) a private road; or (c) in an Agricultural Zone, Forestry Zone, or within a Rural Residential Zone within a growth centre a public street or public highway which was in existence at the effective date of this Bylaw.
Land Use Bylaw	4 (12)	All lots proposed on a plan of subdivision shall meet the applicable dimensions for minimum lot area and lot frontage contained in the Land Use Bylaw unless otherwise specified in this Bylaw.
Variance	4 (13)	<ul style="list-style-type: none"> (a) The Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with Section 107 of the Planning Act, provided all other requirements of this Bylaw are met. (b) Subsection (a) shall not vary the dimension for frontage below 6 metres (19.7 feet) or the minimum dimensions for area for lots served by an on-site sewage disposal system.
Islands	4 (14)	<ul style="list-style-type: none"> (a) The Development Officer may approve the subdivision on an island which does not contain public streets or public highways,

- provided each lot has water frontage of 6 metres (19.7 feet).
- Dwellings Lots
- No Frontage
- (b) The Development Officer may approve a plan of subdivision creating a maximum of two lots which do not abut a public street or private road provided that all of the following conditions are met:
- (i) each resulting lot shall have a dwelling on it that existed prior to June 19, 1979; and
- (ii) each resulting lot has been categorized "Class A" or "Class B" pursuant to Schedule "A" of the Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems or an authorized person of the Department of the Environment has informed the Development Officer, in writing, that the lots do not require an assessment by virtue of the exemption contained in Section 2 (1) (c) of said Regulations; and
- (iii) the structures located on the resulting lots shall, if possible, comply with the yard requirements of the Land Use Bylaw.
- Boundary Alterations 4 (15) The Development Officer may approve a subdivision altering the boundaries of two or more areas of land which do not abut a public street or do not meet the requirements of the Land Use Bylaw where:
- (i) no additional lots are created; and
- (ii) the alteration does not further reduce the lot frontage requirements of the Land Use Bylaw; and
- (iii) the alteration does not further reduce the lot area requirements of the Land Use Bylaw.
- 5005 Square Foot Lot 4 (16) The Development Officer may approve a lot on a plan of subdivision which does not contain an on-site sewage disposal system or any part thereof which has a maximum area of 465 square metres (5,005 square feet). There shall be no further subdivision of this lot unless the requirements of this Section or Section 4 (12) are met.

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| One Lot Per Year | 4 (17) | (a) | <p>Within the Agricultural Zone as shown in the Land Use Bylaw and in accordance with Policy 2.5 of Section 5.3 of the Municipal Planning Strategy, the subdivision of land in any calendar year shall be limited to one additional lot, for which approval is requested, for any parcel of land existing on January 1st of that year.</p> |
| One Lot in S2 Zone
(July 17/97) | | (b) | <p>Within the Future Shoreland (S2) Zone as shown in the Land Use Bylaw, and in accordance with Policy 3.5.4.2 of Section 3.5.4 of the Municipal Planning Strategy, the subdivision of land in any calendar year shall be limited to one additional lot, any part of which is within 350 feet of the shoreline, for any parcel of land existing on January 1st of that year.</p> |
| Two or More Main Buildings | 4 (18) | (a) | <p>Notwithstanding Section 4 (12), where a final plan of subdivision divides a lot on which are two or more main buildings which were erected prior to November 7, 1978, into two or more lots, the plan of subdivision may be approved if all of the following conditions are met:</p> <ul style="list-style-type: none"> (i) each resulting lot shall have a main building on it and if such building contains a building drainage system as defined under the Regulations Respecting On-Site Sewage Disposal Systems of the Department of the Environment, then each main building shall be serviced by an on-site sewage disposal system or serviced with Municipal or village central sewer; and (ii) where lots are not serviced with municipal or village central sewer, but, each resulting lot has been categorized "Class A" or "Class B" pursuant to Schedule "A" of the Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems or an authorized person of the Department of the Environment has informed the Development Officer, in writing, that the lots do not require an assessment by virtue of the exemption contained in Section 2 (1) (c) of said Regulations; and <p>(b) each resulting lot shall have frontage on a public street or highway of a minimum of 6 metres (19.7 feet); and</p> |

		(c) the common lot line(s) between the resulting lots shall, if possible, comply with the yard requirements of the Land Use Bylaw.
Minimum Width	4 (19)	Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).
Side Lot Lines	4 (20)	Wherever possible, side lot lines shall be substantially at right angles to a public street or public highway or private road, or radial to a curved public street or public highway or private road.
Rear Lot Lines	4 (21)	Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.
Double Fronting Lots	4 (22)	Lots having road frontage and access at both the front and rear lot line shall be prohibited except where essential due to restrictions imposed by topography or other physical limitations.
Corner Lots	4 (23)	For information purposes, corner lots for residential use should have sufficient extra width to permit appropriate building setback from both streets.
Encroachments	4 (24)	<p>(a) Notwithstanding the lot area and frontage requirements of Section 4 (12), 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.</p> <p>(b) Where the lots created pursuant to 4 (24) (a) are not surveyed in accordance with Section 7 (6) (a) (ii) and 7 (6) (b) (viii), the provisions of Section 4 (15) (b) apply.</p>
Amend or Repeal Process	4 (25)	<p>(a) An application to amend or repeal a plan of subdivision shall be in accordance with Section 113 of the Planning Act.</p> <p>(b) The application to amend a plan of subdivision shall refer to the plan of subdivision as originally endorsed and such reference shall include the file number or registration identifier of the earlier subdivision plan filed or recorded at the office of the Registrar of Deeds for Kings County.</p> <p>(c) 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</p>

to be in violation of any building code regulations, land use bylaw, 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 appeal is filed.

PART 5: PRELIMINARY PLANS OF SUBDIVISION

- 5 (1) The subdivider proposing to subdivide an area of land may at his option submit an application on the approved form to the Development Officer together with six (6) copies of the preliminary plan of subdivision drawn to scale showing the following:
- (a) Name of the owner of the area of land being subdivided.
 - (b) 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 for this Municipality.
 - (c) Names of all owners of all properties abutting the land being subdivided.
 - (d) A location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark.
 - (e) The shape, dimensions and area of the lots being created.
 - (f) Each lot being approved identified by a number except where a parcel is being added to or subtracted from an existing area of land, 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.
 - (g) No duplication of lot identifiers.
 - (h) The approximate location of railways.
 - (i) The location and name of existing private roads, public streets or public highways and the public highway number.
 - (j) The boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines.
 - (k) General location of all main buildings.

- (l) General location of watercourses.
 - (m) North point.
 - (n) The scale to which the preliminary plan of subdivision is drawn, and
 - (o) Any other information which the Development Officer deems necessary to determine whether this preliminary plan conforms to this Subdivision Bylaw.
- 5 (2) The Development Officer shall, if applicable, forward a copy of all material received pursuant to Subsection (1) to:
- (a) The Department of the Environment for an evaluation to determine if the lots shown are generally appropriate to meet the requirements of the Provincial regulations respecting subdivision of land to be serviced by on-site sewage disposal systems.
 - (b) The Department of Transportation and Communications and/or the Municipal Engineer for preliminary review; and
 - (c) Any other agency of the Province or the Municipality or incorporated village in which the subdivision is located, which the Development Officer deems necessary.
- 5 (3) The Department of the Environment, the Department of Transportation and Communications and/or the Municipality and any other agency of the Province or Municipality or incorporated village who has been forwarded a copy of the preliminary plan shall forward a written report of their findings to the Development Officer. The Development Officer shall then report to the subdivider regarding the status of his application.

PART 6: TENTATIVE PLANS OF SUBDIVISION

A - PROCEDURE FOR APPROVAL OF TENTATIVE PLANS OF SUBDIVISION

- 6 (1) The subdivider proposing to subdivide an area of land shall submit an application on the approved form to the Development Officer for approval together with 12 copies of the tentative plan of the proposed subdivision meeting the requirements of Section 6 (8) of this Bylaw.
- 6 (2) Notwithstanding Section 6 (1), the Development Officer may waive the requirements that tentative application and plan of subdivision be submitted where:

- (a) The lots abut an existing public street or public highway or private road.
 - (b) No central water or sewer services are to be installed.
 - (c) The lots are to be approved pursuant to Sections 4 (15) or 4 (16).
 - (d) The lots have been evaluated by an authorized person of the Department of the Environment and the development Officer has been informed in writing that the information already provided by the subdivider is satisfactory.
- 6 (3) When the Development Officer is satisfied that an application and tentative plan of subdivision are complete he shall, if applicable, forward a copy to the Department of the Environment, the Department of Transportation and Communications and/or the Municipal Engineer and any other agency of the Province or Municipality or incorporated village which the Development Officer deems necessary.
- 6 (4) The Development Officer shall comply with the notification and approval provisions of Section 105 (2) and (3) of the Planning Act.
- 6 (5) 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, the Department of Transportation and Communications and/or the Municipal Engineer or any other agency of the Province or the Municipality or incorporated village 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, including any applicable dimensions for lot area and lot frontage contained in the Land Use Bylaw.
- 6 (6) The following information shall be stamped or written on any tentative plan of subdivision which is approved together with any other information 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."
 - (b) The date of the approval of the tentative plan.
 - (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

endorsed by the Development Officer and has been filed by him in the Registry of Deeds.”

- 6 (7) (a) Within 5 days of approving a tentative plan of subdivision, the Development Officer shall forward a copy of the approved tentative plan to the subdivider and notify, in writing, where applicable, the Department of Transportation and Communications, Department of the Environment, and any other agency of the Province or Municipality or incorporated village which the Development Officer requested to review the plan, of his decision to approve the tentative plan.
- (b) Where the Development Officer refuses to approve a tentative plan of subdivision, he shall notify the subdivider pursuant to Section 105 (3) (c) of the Planning Act, advising the subdivider of the appeal provisions of Section 115 of the Planning Act.

B - TENTATIVE PLAN REQUIREMENTS

- 6 (8) (a) Tentative plans of subdivision submitted to the Development Officer shall be:
- (i) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision; and
 - (ii) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
 - (iii) 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.
- 6 (8) (b) Tentative plans of subdivision shall show the following:
- (i) the words “PLAN OF SUBDIVISION” located in the title block; and
 - (ii) the words “TENTATIVE PLAN” located above the title block; and
 - (iii) a clear space for stamping being a minimum of 225 centimeters square (36 sq. in.) with a minimum width of 8 centimeters (3 in.); and

- (iv) name of the subdivision, if any, and the name of the owner of the area of land; and
- (v) 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 for this Municipality; and
- (vi) names of all owners or the identifiers of all properties abutting the proposed subdivision; and
- (vii) 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; and
- (viii) the scale, dimensions, and area of the lots being created; and
- (ix) each lot being approved identified by a number except where a parcel is being added to or subtracted from an existing area of land, 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; and
- (x) no duplication of lot identifiers; and
- (xi) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines; and
- (xii) general location of existing main buildings; and
- (xiii) the location and name of existing public streets or highways and the public highway number or private roads; and
- (xiv) the width and location of proposed public streets or highways and proposed private roads; and
- (xv) the width and location of railroads; and

- (xvi) the location of any watercourse, prominent rock formation, marsh, or swamp which might affect the layout or provision of public streets or highways or private roads and services to the area where the subdivision is to be located; and
 - (xvii) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and
 - (xviii) where applicable, a notation stating the lots are serviced by a public sewer and/or water system; and
 - (xix) north point; and
 - (xx) the date on which the tentative plan of subdivision was drawn and the date of any revisions; and
 - (xxi) the scale to which the tentative plan of subdivision is drawn; and
 - (xxii) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist, the assessment account number may be shown; and where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided, and
 - (xxiii) any other information which the Development Officer deems necessary to determine whether a tentative plan of subdivision conforms to this Subdivision Bylaw.
- 6 (8) (c) In addition to meeting the requirements of subsection 6 (8) (a) and (b), where the proposed lots front on a proposed public street or public highway or proposed private road, a tentative plan of subdivision shall:
- (i) show a boundary survey of the area of land proposed to be subdivided, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Nova Scotia Land Surveyors Act and the Regulations made thereunder; and
 - (ii) except for private roads, be accompanied by four copies of a plan showing:

- contours at 2 metre (5 foot) intervals, and drainage patterns; and
 - the width and location of proposed public streets or public highways and their intersection with existing public streets or public highways; and
 - the location of existing and proposed central sewer and water systems and proposed connections thereto; and
- (iii) be accompanied by two copies of centre line profiles of proposed public streets or public highways.
- (iv) be accompanied by four copies of a storm drainage plan applying acceptable engineering practices for the proper removal of surface drainage from the proposed subdivision and in compliance with Section 8 (1) (c) of this Bylaw.
- 6 (8) (d) Where plans or drawings or centre line profiles are prepared by or under the supervision of a professional engineer, they shall be signed and sealed by the professional engineer in accordance with the Engineering Profession Act.

PART 7: FINAL PLANS OF SUBDIVISION

A - PROCEDURE FOR APPROVAL OF FINAL PLANS OF SUBDIVISION

- 7 (1) The subdivider proposing to subdivide an area of land shall submit an application on the approved form to the Development Officer and 12 copies of the final plan of subdivision meeting requirements of Section 7 (6) of this Bylaw.
- 7 (2) The Development Officer shall comply with the notification and approval provisions of Section 105 (2) and (3) of the Planning Act.
- 7 (3) When the Development Officer is satisfied that an application and final plan of subdivision are complete he shall, if applicable, forward a copy to the Department of the Environment, the Department of Transportation and Communications and/or the Municipal Engineer and any other agency of the Province or Municipality or incorporated village which the Development Officer deems necessary.

- 7 (4) 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 the Environment, the Department of Transportation and Communications or any other agency of the Province or Municipality or incorporated village unless the final plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province, including any applicable dimensions for lot area and lot frontage contained in the Land Use Bylaw of the Municipality.
- 7 (5) (a) Upon approval by the Development Officer of the final plan of subdivision, the Development Officer shall notify in writing the subdivider and where applicable, the Department of Transportation and Communications, the Department of the Environment and any other Agency of the Province or Municipality or incorporated village which the Development Officer requested to review the plan, of his decision to approve the final plan.
- (b) Where a Development Officer refuses to approve a final plan of subdivision, he shall notify the subdivider pursuant to Section 105 (3) (c) of the Planning Act, advising the subdivider of the appeal provisions of Section 115 of the Planning Act.

B - FINAL PLAN REQUIREMENTS

- 7 (6) (a) Final plans of subdivision submitted to the Development Officer shall be:
- (i) drawn to a scale or scales sufficient for clarity of all particulars on the final plan of subdivision; and
 - (ii) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested have been surveyed in the manner required by the Nova Scotia Land Surveyors' Act and the regulations made thereunder, except for a final plan of subdivision prepared pursuant to Section 4 (15) of this Bylaw; and
 - (iii) 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 final plan of subdivision.

- 7 (6) (b) Final plans of subdivision shall show the following:
- (i) the words "PLAN OF SUBDIVISION" located in the title block; and
 - (ii) a clear space for stamping, being a minimum of 225 centimeters square (36 sq. in.) with a minimum width of 8 centimeters (3 in.); and
 - (iii) name of the subdivision, if any, and the name of the owner of the area of land; and
 - (iv) 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 for this Municipality; and
 - (v) names of all owners or the lot identifiers of all properties abutting the proposed subdivision; and
 - (vi) 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; and
 - (vii) the shape, dimensions, and area of the lots being created; and
 - (viii) the bearings of the boundaries of the lots for which approval is requested; and
 - (ix) each lot being approved identified by a number except where a parcel is being added to or subtracted from an existing area of land, 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; and
 - (x) no duplication of lot identifiers; and
 - (xi) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines; and

- (xii) approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical and mathematical location for all buildings within 3 meters (9.8 feet) of any boundary of the proposed lot; and
- (xiii) the location and name of existing private roads, public streets or public highways and the public highway number; and
- (xiv) the width, location, and bearings of the boundaries of proposed public streets or public highways and proposed private roads; and
- (xv) the width and location of railroads; and
- (xvi) the location of any watercourse; and
- (xvii) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and
- (xviii) where applicable, a notation stating the lots are serviced by a public sewer and/or water system; and
- (xix) north point; and
- (xx) the date on which the final plan of subdivision was drawn and the date of any revisions; and
- (xxi) the scale to which the final plan of subdivision is drawn; and
- (xxii) a notation stating whether or not apple trees are located in the area of land proposed to be subdivided; and
- (xxiii) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided or where this property mapping does not exist, the assessment account number may be shown; and, where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided, and
- (xxiv) any other information which the Development Officer deems necessary to determine whether a final plan of subdivision conforms to this Subdivision Bylaw.

- 7 (6) (c) Where the proposed lot is not surveyed pursuant to Sections 7 (6) (a) (ii) and 7 (6) (b) (viii), the final plan of subdivision prepared pursuant to Section 4 (15) (a) shall:
- (i) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel proposed to be added to the existing area of land have been surveyed, shown as a heavy solid line, except the common boundary between the existing areas of land is surveyed and certified as being the common boundary shown as a heavy broken line; and
 - (ii) notwithstanding Sections 7 (6) (a) (ii) and 7 (6) (b) (viii) other than the new boundaries which have been surveyed pursuant to clause (i), show the remaining boundaries of the resulting lot for which approval is requested are described graphically shown as a lighter solid line; and
 - (iii) have the following notation affixed to the plan adjacent to the certification required by the Nova Scotia Land Surveyors' Act and regulations made thereunder, and such notation is signed by the surveyor:

"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."

- 7 (6) (d) A final plan of subdivision showing lots approved pursuant to Section 111 (3) of the Planning Act, by special note on the plan shall:
- (i) identify such lots; and
 - (ii) state the names of the grantor and the grantee of such lots; and

- (iii) state the date, book and page number of the conveyance of such lots as recorded in the Registry of Deeds.
- 7 (6) (e) Where the design or layout of the subdivision was designed by an individual or firm other than the individual or firm of the professional land surveyor who has certified the final plan of subdivision, the name of such individual or firm and the nature of the work performed shall be shown in the title block of the final plan of subdivision.
- 7 (7) (a) When the requirements of the Planning Act, this Subdivision Bylaw and the Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems have been met and the final plan of subdivision has been approved by the Development Officer, approval shall be endorsed on the final plan of subdivision by the Development Officer.
- 7 (7) (b) The Development Officer shall forward a copy of the endorsed final plan of subdivision to the subdivider.
- 7 (7) (c) The Development Officer shall give notice of the endorsement of approval on the final plan of subdivision to:
 - (i) the Department of Transportation and Communications; and
 - (ii) the Department of the Environment; and
 - (iii) the surveyor; and
 - (iv) any other department or agency of the Province or the Municipality or incorporated village who has been requested to review the final plan of subdivision.
- 7 (8) The following information shall be written or stamped on any final plan of subdivision which is endorsed:
 - (a) "This final plan of subdivision is approved for Lots _____."
 - (b) Where applicable, the classification of each lot within one of the classes A, B, C or D, including the definition of such class, specified in Schedule "A" to the Regulations Respecting Subdivision of Land to be Serviced by On-Site

Sewage Disposal Systems or a note stating that the lots have not been assessed pursuant to Section 2 (1) (c) of said regulations.

- (c) (i) where there are public streets and public highways which are to be owned and maintained by the Province, the words "The following streets and highways are owned and maintained by the Department of Transportation and Communications:

_____."

- (ii) where there are municipal public streets which are to be owned and maintained by the Municipality, the words, "The following streets and highways owned and maintained by the Municipality".

- (d) Where there are private roads, the following words:

- (i) "The following roads are private roads and are not owned by the Department of Transportation and Communications or the Municipality and are not entitled to any provincial or municipal services including grading, ditching, snow plowing, gravelling, school busing, and garbage collection.

_____."

- (e) "This certificate, although endorsed as final approval, applies only to those laws, bylaws, and regulations administered directly by the Municipality and does not grant or imply other permissions or licenses that may be required, such as permission for access to a public highway from the Department of Transportation and Communication or the Municipality."

- 7 (9) (a) Pursuant to Section 110 (2) of the Planning Act, the Development Officer shall forward by certified mail or hand deliver one endorsed copy of the final plan of subdivision to the office of the Registrar of Deeds for Kings County and forward the fees required in Section 7 (10) of this Bylaw.

- (b) Pursuant to Section 110 (4) of the Planning Act, the Development Officer shall register a notice, in the form specified in Schedule "A", in the Registry of Deeds which indicates approval of the final plan of subdivision and forward the fees required in Section 7 (10) of this Bylaw.

D - FEES

- 7 (10) (a) (i) the subdivider shall pay the fees contained in the Costs and Fees Act, R.S.N.S., 1989 or regulations made thereunder for filing the endorsed final plan of subdivision, certifying a copy of the plan and registering a notice of approval of the plan; and
- (ii) the subdivider shall pay a fee of \$50.00 per plan plus \$2.00 per lot for which approval is being requested on a final plan of subdivision for review and approval of the subdivision; and
- (iii) the subdivider shall pay a fee of \$25.00 for review and approval of a tentative plan of subdivision.
- (b) The fee referred to in subsection (a) shall be paid at the time of application for approval of the plan of subdivision by cheque or money order made payable to the Municipality or in a form acceptable to the Municipality.
- (c) Where the plan of subdivision does not receive endorsement of approval by the Development Officer, the subdivider shall be entitled to the return of the cheque or money order referred to in subsection (b) or a refund for any other method of payment.

PART 8: WATER AND SEWER SYSTEMS

- 8 (1) (a) Subject to the exception described in subsection 8 (7), a subdivider who proposes to locate a subdivision in a serviced area or adjacent to existing services shall provide a water system for the said subdivision and shall connect the said water system to the existing public water system.
- (b) When a proposed subdivision is subject to the requirements of subsection 8 (1) (a), the subdivider shall design and install a water system including mains and laterals to the boundaries of the proposed lots and any such system shall be designed by a professional

engineer and shall comply with the specifications as set forth in the Municipal Services Specification Manual.

- (c) The subdivider shall install a storm drainage system properly designed, by a professional engineer licensed to practice in Nova Scotia, to remove any surface drainage that may enter the area being subdivided, be generated within the proposed subdivision, and adequate method of disposal of the waters so not to negatively affect any down stream properties. All storm drainage systems shall be designed to the requirements of the Municipal Services Specification Manual.
- 8 (2)
- (a) Subject to the exception described in subsection 8 (7), a subdivider who proposes to locate a subdivision in a serviced area or adjacent to existing services shall provide a sewer system for the said subdivision and shall connect the said sewer system to the existing public sewer system.
 - (b) When a proposed subdivision is subject to the requirements of 8 (2) (a), the subdivider shall design and install a central sanitary sewer system including collectors and laterals to the boundaries of the proposed lots, and any such system shall be designed by a Professional Engineer and shall comply with the specifications as set forth in the Municipal Services Specification Manual.
- 8 (3) As alternatives to 8 (1) and 8 (2), the Council may, upon request by the subdivider, agree to install the required water and/or sewer system. In such cases, the subdivider shall supply to the Municipality, a certified cheque in an amount sufficient to cover 125% of the estimated cost of design and installation of the system(s) as determined by the Municipality.

- or -

The Council may accept from the subdivider the following:

- (a) A properly executed agreement obligating the subdivider to construct a central sanitary sewer system and a water system if required, pursuant to the requirements of this Bylaw.
- (b) The said agreement shall set out commencement and completion dates for each project.

- (c) The subdivider shall arrange and pay for engineering design specifications for each system compatible with the specifications in this Bylaw.
 - (d) The agreement is to be accompanied by a bond of indemnity acceptable to Council, cash deposit or a certified cheque in the amount sufficient to cover 125% of the estimated costs of installation of the system(s) as determined by the Municipality.
- 8 (4) Regardless of which of the above options is chosen by the subdivider, the ownership of any water or sewer system constructed pursuant to this Bylaw is to be assigned, free of encumbrances, from the subdivider to the County, at no cost to the County; and the subdivider shall be responsible for 100% of actual costs and shall, upon completion of the system(s), pay any cost over and above estimated costs. If actual costs are lower than the amount of the certified cheque or bond or deposit, the balance shall be refunded to the subdivider. The subdivider shall arrange and pay for and have assigned to the Municipality any necessary easements for the water and/or sewer systems over adjoining properties.
- 8 (5) (a) Where Sections 8 (1) and 8 (2) are applicable, the subdivider shall be responsible for the following:
- (i) arrange for complete testing of the installation of any such service(s) installation at various stages; and
 - (ii) advise the Director of Environmental Services of proposed test dates, sites and times; and
 - (iii) allow the Director of Environmental Services or its consulting engineer to inspect the installation at any stage or to verify or confirm any required tests.
- (b) Within thirty (30) days of completion of installation of any services, the subdivider shall provide to the Director of Environmental Services the following:
- (i) the reproducible record drawings of engineering design showing all the actual constructed systems including sanitary sewers, water systems and storm drainage.
 - (ii) the results of all test reports; and

- (iii) deeds or assignments to the Municipality, free of encumbrances relating to infrastructure, land, services and easements as required by the Municipality; and
 - (iv) a maintenance bond in a satisfactory form or certified cheque posted in favour of the Municipality in an amount equal to 10% of the actual costs of construction and installation of services. The bond shall be for a period of one (1) year and shall state that it is a guarantee against deficiencies in the construction and installation of services.
- 8 (6) Where any sewer or water system is to be connected to a system owned by an incorporated village, the following word replacements shall take effect for all part 8 of this Bylaw:
- (a) The word "Council" be replaced by the words "Village Commission of the Village of _____."
 - (b) The words "Chief Administrator" be replaced by the words "Village Clerk".
 - (c) The words "Municipality" and "Director of Environmental Services" be replaced by the word "Village Commission of the Village of _____."
- 8 (7) When a subdivision is proposed to be located within an unserviced portion of the development boundary of a Growth Centre or a serviced hamlet, a subdivider shall not be under any obligation to install sewer or water systems on lots abutting existing roads provided that such roads are listed by the Department of Transportation prior to August 6, 1992. Utilization of a septic disposal system on such lots shall be allowed.

PART 9: OPEN SPACE

- 9 (1) Before endorsement of approval on the final plan of subdivision by the Development Officer, and in accordance with the Planning Act of Nova Scotia, the subdivider shall reserve and convey to the Municipality, free of encumbrances, for park, playground or similar public purposes, an area of useable land equal to 5% of the area of land shown on the final plan of subdivision, exclusive of:
- (i) public streets or highways; and
 - (ii) private roads; and

- (iii) proposed streets, highways and private roads;
and
 - (iv) the remainder land, if any.
- 9 (2) Notwithstanding Section 9 (1), where there is no useable land free of all encumbrances, or where the subdivider so desires, the Municipality shall accept, in accordance with the Planning Act of Nova Scotia, for park, playground or similar public purposes, a sum of money equal to 5% of the assessed value of the new lots being created, exclusive of:
 - (a) public streets or highways;
 - (b) private roads;
 - (c) proposed streets, highways and private roads;
 - (d) the remainder land, if any.
- 9 (3) As an alternative to Section 9 (1) or 9 (2), before endorsement of approval on the final plan of subdivision, a subdivider may offer to the Municipality, and at Council's option the Municipality may accept, an amount of useable land of equivalent value or area to that required in Section 9 (1) and 9 (2), outside the area of land to be subdivided but within the boundaries of the Municipality.
- 9 (4) At the option of Council, a combination of land and money may be accepted by the Municipality provided that it is equivalent in value to that required in 9 (1) and 9 (2).
- 9 (5) The Development Officer shall waive any or all of the requirements of Part 9 of this Bylaw in the following cases:
 - (a) The final plan of subdivision shows a single new lot being created and the new lot does not require a public street or public highway to be constructed, and does not require construction of a sanitary sewer system or a water system, and where no final subdivision approval has been given to the same area of land in the same calendar year. For this purpose, area of land is that parcel that existed at January 1st of that calendar year.
 - (b) The proposed lot on the final plan of subdivision contains a dwelling or seasonal dwelling which was in existence before the effective date of this Bylaw.

- (c) The purpose is to change the size or shape of existing lots and any such change would be insufficient to permit further development. (Not applicable to lots created which would meet the requirements of the Land Use Bylaw for purposes of development).
- 9 (6) Any land to be conveyed to the Municipality under this Part shall:
- (a) Consist of a parcel having an area of ½ acre or more.
 - (b) Have an average slope less than 15% if intended for active recreational development.
 - (c) Not be subject to flooding unless intended for water based activities.
 - (d) Be capable of use for one or more of:
 - (i) purposes such as linear walking/hiking trails, scenic vistas or passive park areas;
 - (ii) active purposes such as sports fields or playgrounds;
 - (iii) an environmentally sensitive area or as a significant natural feature;
 - (e) In lieu of the requirements of subsection (d) above, contain such unique physical, cultural, historical, or locational characteristics from the following list which the development officer may determine to provide valuable recreational opportunities:
 - (i) land of an area not less than one acre suitable as an interpretative natural reserve area; or
 - (ii) land of an area not less than 5,000 square feet, containing structures or buildings of significant historical value to the Municipality, and useable for public purposes.
- 9 (7) Any land to be conveyed to the Municipality other than that meeting the requirements of Section 9 (6) (e) shall abut a public street or public highway or a private road. Land to be conveyed to the Municipality pursuant to the requirements of Section 9 (6) (e) shall be accessible by a public street or public highway or private road or by a public easement a minimum of 50 feet in width and providing a connection to a public street or public highway.

- 9 (8) The Subdivision Bylaw of the Municipality approved by the Minister on May 21, 1981 and any amendments thereto are hereby repealed.

SCHEDULE "A"

Notice of Approval of a Plan of Subdivision in
Accordance with Section 100 (2B) and (2C) of the Planning Act

Name of Owner(s) _____

Name of Subdivision _____

Location _____

Date of Approval _____ For Lot(s) # _____

Surveyor _____ Date of Plan _____

Dated this _____ day of
_____, 1995

Development Officer

Plan of Subdivision Filed in the Registry of Deeds as Plan # _____

Dated this _____ day of _____, 1995

This plan of subdivision also contains 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 public sewer and water systems.
3. Information indicating whether or not the lots abut a public street or highway.

History of this By-law

- Council Approval - September 5, 1995
- Ministerial Approval - October 26, 1995

- Amended - September 19, 1996
- July 17, 1997