



MUNICIPALITY *of the*
COUNTY *of* KINGS

BY-LAW 114

SUBDIVISION BY-LAW

Adopted by Municipal Council:

December XX, 2025

**Amended and Approved by the Minister of
Municipal Affairs:**

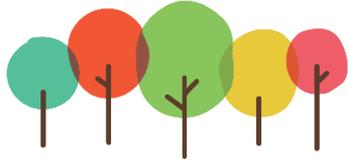
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MUNICIPALITY *of the*
COUNTY *of* **KINGS**

PART 1 GENERAL

Section 1 ADMINISTRATION

Section 2 INTERPRETATION

SECTION 1 ADMINISTRATION

1.1 Authority and Title

- 1.1.1 This By-law is enacted by Council of the Municipality under the provisions of sections 271-274 *Municipal Government Act* (S.N.S. 1998, ch. 18) hereinafter the "Act".
- 1.1.2 This By-law may be cited as the "Subdivision By-law" of the Municipality of the County of Kings.
- 1.1.3 This By-law may also be cited as "By-law" when used in a self-referential manner within the text.
- 1.1.4 All former Subdivision By-laws of the Municipality are repealed upon the effective date of this By-law.

1.2 Administration

- 1.2.1 This By-law shall be administered by the Development Officer of the Municipality appointed under the authority of the *Act*.
- 1.2.2 Technical specifications related to creation of new infrastructure within a subdivision shall be administered through the Municipal Service Systems Specifications Manual, based on the manual's version in effect at the time of the subdivision application.
- 1.2.3 The Municipal Service Systems Specifications Manual, referred to throughout this By-law, is administered by the Municipal Engineer appointed by Council. These Municipal Specifications may be reviewed and amended by the Municipal Engineer in accordance with section 211(1)(a) of the *Act* and accepted current engineering practices.

1.3 Effective Date

- 1.3.1 This By-law is effective at the date of publication of provincial approval by the Municipal Clerk in accordance with the *Act*.

1.4 Severability

- 1.4.1 The invalidity or unenforceability of any provision of this By-law, as determined by a court of competent jurisdiction, shall not affect the validity or enforceability of any other provision, and any invalid provision will be severable.

1.5 Compliance with Other Legislation

- 1.5.1 Nothing in this By-law shall exempt any applicant or property owner from compliance with any other applicable municipal, provincial or federal legislation or from any license, permission, permit authority or approval required by this or any other By-law of the Municipality, or other lawful authority. Where the provisions of this By-Law conflict with those of any other Government regulation, By-law or Code, the most stringent requirements shall prevail.

SECTION 2 INTERPRETATION

2.1 Measurement

- 2.1.1 The metric system of measurement is used throughout this By-law. Imperial Measurement conversions are identified in brackets and rounded up to the nearest whole number, for convenience only, and in all cases of conflict between Imperial Measure and Metric Measure, the Metric Measure shall prevail.

2.2 General Interpretation

- 2.2.1 Unless otherwise provided, any enactments referenced herein are to the *Act* and the Provincial Subdivision Regulations as amended, revised, consolidated or replaced from time to time. Any By-law referenced herein is to an enactment of the Municipality of the County of Kings Council, as amended, revised, consolidated or replaced from time to time.

2.3 Rules of Interpretation

- 2.3.1 Compliance with the regulations in this By-law shall be interpreted and applied as follows:

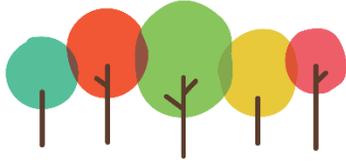
- a) "shall" is mandatory;
- b) "may" is discretionary.

- 2.3.2 Where a regulation involves two or more conditions, provisions or events connected by a conjunction, the following shall apply:

- a) "and" means all the connected items shall apply in combination;
- b) "or" indicates that the connected items may apply singly or in combination.

- 2.3.3 Words shall have the same meaning as:

- a) Per definition in this By-law;
- b) In the absence of the above, as per definition in the Provincial Subdivision Regulations;
- c) In the absence of the above two cases, as per definition in the Land Use By-law;
- d) In the absence of the above three cases, as per definition in the *Act*, or,
- e) In the absence of the above four cases, as per its customary meaning.



MUNICIPALITY *of the*
COUNTY *of* KINGS

PART 2 SUBDIVISION REQUIREMENTS

Section 3 LOT REQUIREMENTS

Section 4 ROAD DEVELOPMENT

SECTION 3 LOT REQUIREMENTS

3.1 Land Use By-law

3.1.1 All lots shall meet the applicable lot area and lot frontage requirements contained in the Land Use By-law, unless otherwise provided for in this By-Law.

3.2 Lots to Abut Roads

3.2.1 All lots to be approved on a plan of subdivision shall, along their lot frontage, abut on:

- a) A public road; or,
- b) A private road.

3.2.2 A proposed lot planned to have access from a public road shall have that road access approved by the authority having jurisdiction, unless it is an existing lot with an existing access to a public road.

3.3 Provincial On-site Sewage Disposal Systems Regulations

3.3.1 Notwithstanding any other provision of this By-law, any lot that is not serviced by an approved central wastewater collection and treatment system needs to comply with minimum lot requirements as per *On-site Sewage Disposal Systems Regulations* under the *Environment Act* as amended.

3.4 Remainder Lots

3.4.1 For the purposes of this By-law, remainder lots are considered approved lots. Remainder lots need not be surveyed but the plan of subdivision shall demonstrate that remainder lot(s) meet all requirements applicable to lots seeking formal approval.

3.5 Confirmation of Responsibility on Existing Roads

3.5.1 Where a proposed lot abuts an existing public road, the authority having jurisdiction shall verify the ownership of the road and its maintenance commitment to the road prior to the Development Officer approving the plan.

3.6 Lot Area and Frontage Variance

3.6.1 Notwithstanding the provisions of Subsection 3.1.1, and subject to Section 279 of the *Act*, the Development Officer may approve a Plan of Subdivision showing no more than two lots that do not meet the lot frontage and lot area requirements, provided that the lot frontage and area are not less than ninety (90%) per cent of the required minimums.

3.7 Lot Boundary Alteration

3.7.1 Notwithstanding any other provision of this By-law, the Development Officer may approve a Plan of Subdivision altering the boundaries of two or more parcels which do not abut a public road or do not meet the requirements of the Land Use By-law where:

- a) no additional lots are created;

- b) each resulting lot:
 - (i) meets the minimum frontage requirement, or
 - (ii) has not had its frontage reduced;

and,

- c) each resulting lot:
 - (i) meets the minimum lot area requirement, or
 - (ii) has not had its lot area reduced.

3.8 Islands

- 3.8.1 Notwithstanding the lot frontage requirement of Subsection 3.1.1, the Development Officer may approve a Plan of Subdivision showing lots on an island which does not contain public streets or public highways, provided each lot has water frontage equal or greater than the lot frontage requirement of the applicable zone.

3.9 Rectification of Encroachments

- 3.9.1 Notwithstanding the lot area and frontage requirements of Subsection 3.1.1 where a development component of a permanent nature such as an existing 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.
- 3.9.2 Where a lot created in accordance with Subsection 3.9.1 is not surveyed, the provisions of Subsection 9.1.9, shall apply.

3.10 Lot shapes and geometry

- 3.10.1 Lots shall not be subdivided to create a width or depth of less than 6 metres (20 feet).
- 3.10.2 Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.
- 3.10.3 Wherever possible, side lot lines shall be substantially at right angles to a public street or private road, or radial to a curved public street or private road.

3.11 Subdivision limitations by calendar year

- 3.11.1 Within the Agricultural (A1) Zone as shown in the Land Use By-law, 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.
- 3.11.2 Within the Lakeshore Limited Development (S2) Zone as shown in the Land Use By-law, 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.

SECTION 4 ROAD DEVELOPMENT

4.1 Limitations on Creation of New Roads

- 4.1.1 The Development Officer shall not approve a plan of subdivision showing a proposed road to be created by the same plan of subdivision, except for:
- a) Public roads in areas designated as 'Growth Centres' on Schedule A (Municipal Structure Map) of the Municipal Planning Strategy;
 - b) Public roads in areas zoned as Country Residential (A4) Zone on Map 13 (Rural Zoning) of the Land Use By-law; or,
 - c) Private roads in areas zoned as Lakeshore Residential (S1), Lakeshore Limited Development (S2), Tidal Shoreland (T1) or Tidal Commercial (T2) Zones on Map 13 (Rural Zoning) of the Land Use By-law.

4.2 Approval of Roads

- 4.2.1 All proposed roads shall meet the standards of the Municipal Service Systems Specifications Manual as confirmed by the Municipal Engineer.
- 4.2.2 The Municipal Service Systems Specifications Manual regulates the installation of infrastructure within the right-of-way of proposed roads.
- 4.2.3 Roads proposed on a plan of subdivision may be required to include water, sewer, stormwater management and/or active transportation infrastructure, as determined by the Municipality depending on the location. The Municipal Engineer shall consult with and seek approval from authorities having jurisdiction.

4.3 Public Roads

- 4.3.1 Where they are permitted, public roads shall:
- a) be shown on tentative and final plans of subdivision;
 - b) be designed in accordance with the Municipal Service Systems Specifications Manual and the requirements of this section; and,
 - c) be constructed in accordance with the Municipal Service Systems Specifications Manual prior to acceptance by the Municipal Engineer and granting of final approval by the Development Officer.
- 4.3.2 The minimum width of a proposed public road shown on a plan of subdivision shall be 20 metres (65.6 feet) or such lesser width, not less than 16 metres (52.5 feet), as determined by the Municipal Engineer depending on the location and its requirements.
- 4.3.3 Where a proposed municipal public road intersects a provincial public highway, that intersection shall be approved by the Provincial authority having jurisdiction.

4.4 Public Road Approval

- 4.4.1 Following completion of any municipal public road and prior to acceptance by the Municipality of any road, the subdivider shall:
- a) post a maintenance bond in the amount of ten (10) per cent of the cost of construction of the street for a minimum period of twenty-four (24) months. This bond amount shall be determined by the Municipal Engineer and be based upon all construction related costs for the road and underground infrastructure

including, but not limited to, professional engineering contract management and site supervision and inspection of all construction and work and;

- b) 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;
- c) provide a digital copy of the final plan of subdivision showing the location and extent of the municipal public road surface within the right-of-way and easements;
- d) provide legal conveyance of ownership of the right-of-way for the municipal public road, road reserve(s) and easement(s) to the Municipality. This conveyance shall be in the form of a warranty deed and the subdivider shall, through their legal counsel, certify that all property to be conveyed is free from all encumbrances; and
- e) be responsible for all registration and other costs associated with the requirements of this section.

4.4.2 As an alternative to the complete construction and acceptance requirements of Subsection 4.3.1, the subdivider may enter into a written agreement with the Municipality pursuant to the requirements of Subsections 4.2.1, 4.4.3, 4.4.1 and 4.4.4.

4.4.3 Agreements entered into between a subdivider and the Municipality shall contain provisions with respect to any or all of the following:

- a) the time within which any municipal public road construction shall be completed;
- b) the phasing of any street construction;
- c) the acceptance of any street by the Municipality;
- d) the provision and acceptance of easements and rights-of-way; and,
- e) any other matter related to the requirements for road construction.

4.4.4 Where a subdivider proposes to complete construction of any municipal public road after receiving approval of any final plan of subdivision the following shall be required:

- a) the subdivider shall post a performance bond in the amount of one hundred and fifty (150) per cent of the estimated cost to complete the infrastructure for a period of twenty-four (24) months;
- b) the subdivider shall submit to the Development Officer for approval an estimate of costs to complete the construction of the road and if in the opinion of the Municipal Engineer, the estimate value is inadequate, the Municipal Engineer may seek clarification from the design engineer. Such estimates shall be submitted by the design Engineer and 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;
- c) the subdivider shall construct the asphalt of the road in two lifts: Type B -HF to be applied at initial construction and 2nd lift type C-HF to be applied at substantial completion as detailed in Service Systems Specification Manual; and,
- d) the performance bond shall be posted before endorsement of approval of any final plan of subdivision being given.

4.4.5 The performance bond and the maintenance bond shall be in the favour of the "Municipality of the County of Kings" 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 By-law and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work.

4.5 Private Roads

4.5.1 Where permitted, private roads:

- a) shall be identified on tentative and final plan of subdivision;
- b) shall be designed in accordance with the Municipal Service Systems Specifications Manual and the requirements of this section.

4.5.2 Private roads may be approved as a separate lot on a plan of subdivision. The lot to be used as a private road right-of-way is exempt from all minimum lot area, frontage or dimension requirements, except for those requirements specifically applying to private roads and listed in this Subsection.

4.5.3 The minimum width of the right-of-way of a private road shall be 20 metres (66 feet).

4.5.4 All private roads shall be built to provide a clear travelled surface having a minimum width of 7.3 metres,(24ft) with that travelled surface being fully contained within the road right-of-way.

4.5.5 Where a proposed private road intersects a public road, that intersection shall be approved by the authority having jurisdiction over the public road.

4.5.6 The subdivider shall demonstrate clear access rights from the new Private Road to a public road and confirm the access rights are transferable to infant parcels. Where all private roads involved in this access route to a public road have been created on or after April 01, 1999 (i.e. the effective date of the *Act*), this requirement shall be deemed satisfied pursuant to s.280(2) of the *Act*.

4.5.7 The Municipal Engineer shall be satisfied that the requirements of this section have been met prior to the approval of the final plan of subdivision by the Development Officer.

4.6 System Design and Connectivity

4.6.1 All proposed roads and subdivision designs shall connect to existing roads.

4.6.2 The maximum number of approaches to any proposed intersection shall be four (4).

4.6.3 A right-of-way road reserve in compliance with the requirements of Subsection 4.3.2 is required to provide access to at least one adjacent property and where required, must be conveyed to the Municipality. Where practical, these accesses shall be no greater than 400 metres (1,313 feet) apart except where this requirement would prejudice the proper subdivision of the land proposed to be subdivided or the adjacent land.

4.6.4 Where a public road in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, a public road or public highway in the latter shall, if reasonably feasible, be laid out in a prolongation of such public roads or public highways, unless it would be in violation of this By-law.

4.6.5 The minimum length of road which is eligible for road acceptance by the Municipality is 150 metres (492 feet), not including permanent cul-de-sacs, unless otherwise deemed acceptable by the Municipal Engineer.

4.6.6 Cul-de sac street endings are not permitted on streets measuring more than 230 metres (755 feet) in length from the closest intersection unless deemed acceptable by the Municipal Engineer due to topography.

4.6.7 Where a cul-de-sac length of more than 230 metres (755 feet) is deemed acceptable by the Municipal Engineer, it requires a second access as approved by the Municipal Engineer to address emergency response and active transportation, connecting to an existing nearby public road from that cul-de-sac's right-of-way.

SECTION 5 PUBLIC OPEN SPACE

5.1 Dedication Required

- 5.1.1 Before endorsement of approval on the final plan of subdivision by the Development Officer, and in accordance with the *Act*, the subdivider shall reserve and convey to the Municipality, free of encumbrances, for recreation, active transportation, protection of natural resources or similar public purposes, an area of land equaling at a minimum 5% of the cumulative area of the new lots being created as shown on the final plan of subdivision.
- 5.1.2 Where there is no useable land free of all encumbrances, or where the subdivider so desires, the Municipality shall accept, in accordance with the *Act*, for park, playground or similar public purposes, a sum of money equal to 5% of the cumulative assessed value of the new lots being created as shown on the final plan of subdivision.
- 5.1.3 Newly created lots referred to in Subsections 5.1.1 and 5.1.2 shall include new remainder lots that have a lot area of less than 200% of the minimum lot area requirement from Subsection 3.1.1.
- 5.1.4 For the purposes of dedication calculations, lots intended for road rights-of-way and remainder land containing 200% or more of the minimum lot area requirement from Subsection 3.1.1 shall be excluded.
- 5.1.5 As an alternative to the requirements of Subsections 5.1.1 and 5.1.2, before endorsement of approval on the final plan of subdivision, a subdivider may offer to the Municipality, and at the Municipal Engineer's option the Municipality may accept, an amount of useable land of equivalent value or area to that required in Subsections 5.1.1 and 5.1.2, outside the area of land to be subdivided but within the boundaries of the Municipality.
- 5.1.6 At the option of the Municipality, a combination of land and money may be accepted by the Municipality provided that it is equivalent in value to that required in 5.1.1 and 5.1.2.

5.2 Waiver

- 5.2.1 The requirements of Subsection 5.1 shall be waived where:
- lot boundaries are changed but no new vacant lots are created;
 - The proposed lot on the final plan of subdivision contains a dwelling which was in existence before the effective date of this By-law;
 - the subdivision is the result of a devise of land by will executed on or before January 1, 2000; or
 - the subdivider is a Federal Government Department or Agency, Provincial Government Department or Agency, or the Municipality.

5.3 Open Space Standards

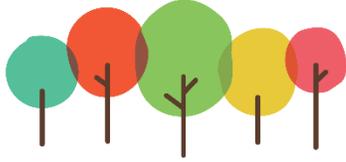
- 5.3.1 Public Open Space dedicated in accordance with Subsection 5.1.1 shall comply with the following requirements:
- consist of a parcel(s) having an area of 2,000 m² (21,528 ft²) or more;
 - shall fully consist of land that is usable by the general public for recreation or active transportation purposes, or contains historically or culturally important areas;
 - notwithstanding Clause b), may include up to 50% of dedication to natural heritage features such as natural landmarks, floodplains, wetlands or rare species habitats; and,
 - excepting natural heritage features, shall abut a public road.

5.3.2 In Growth Centres, as shown on Schedule A of the Municipal Planning Strategy, the following lands shall be prioritized for public dedication:

- a) lands that provide public access to scenic and culturally significant points of interest, including but not limited to views and historic sites;
- b) lands that link residential areas to destinations and contribute to an active transportation network, in particular related to access to trails;
- c) lands that provide recreational value and also protect the natural landscape, including but not limited to storm drainage ways, ravines, watercourses, and wellfields;
- d) lands on the outer edges of Growth Centres that provide recreational value as well as a physical separation to reduce land use conflict between residential uses and agricultural, resource, or forestry uses; or,
- e) where applicable, priority areas identified in a Secondary Plan of the Municipal Planning Strategy.

5.3.3 Outside of Growth Centres, as shown on Schedule A of the Municipal Planning Strategy, the following lands shall be prioritized for public dedication:

- a) lands that provide public access to scenic and culturally significant points of interest, including but not limited to views and historic sites;
- b) lands that provide public access to a lake;
- c) lands that build on existing assets and partnerships with the Provincial government, Federal government, villages or community groups;
- d) lands connecting areas of interest and contributing to an active transportation network;
- e) lands that prioritize the acquisition, development, and support of parks and trails that provide public access to the water and scenic features along the Fundy Shore, Minas Basin and other watercourses; or,
- f) land creating multiple points of public access on Aylesford, Gaspereau, and Black River lakes.



MUNICIPALITY *of the*
COUNTY *of* **KINGS**

PART 3 PROCEDURE

Section 6	GENERAL REQUIREMENTS FOR APPLICATIONS
Section 7	CONCEPT PLANS
Section 8	TENTATIVE PLANS OF SUBDIVISION
Section 9	FINAL PLANS OF SUBDIVISION
Section 10	REPEAL OF SUBDIVISION

SECTION 6 GENERAL REQUIREMENTS FOR APPLICATIONS

6.1 Application Form

- 6.1.1 Any application for approval of a concept, tentative or final plan of subdivision shall be made to the Development Officer in the form specified in Schedule A of this Subdivision By-law.
- 6.1.2 The Development Officer shall comply with all notification and approval provisions of the Act.

6.2 Agencies to Forward Recommendations

- 6.2.1 Any agency that has been forwarded a copy of a concept, tentative or final plan shall forward a written report of its assessments or recommendations to the Development Officer. A copy of any repeal shall be sent to the relevant agency.

6.3 Additional Information

- 6.3.1 Where the concept, tentative, or final plan of subdivision is to be forwarded to the Department of Environment and Climate Change, the following additional information, if required by the Department of Environment and Climate Change, shall be part of, or included with, the plan:
 - a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway, and water wells;
 - b) the location of any watercourse, wetland, marine water body, and other features that may influence the design of the on-site sewage disposal system, including any ditch, road and driveway, or easement;
 - c) the surface slopes and directions;
 - d) the location of any test pit;
 - e) the proposed on-site sewage disposal system, selected or designed;
 - f) an explanation of the extent, volume and type of usage to which the system will be subjected;
 - g) 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
 - h) any other information necessary to determine whether the subdivision meets the Provincial On-site Sewage Disposal Systems Regulations.

6.4 Plan Contrary to Provincial Law or Regulation

- 6.4.1 Approval of a concept, tentative, or final plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of Environment and Climate Change, the Department of Public Works or of any other agency of the Province or the Municipality unless the plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

6.5 Notification of Land Registration Office

- 6.5.1 For final plans of subdivision, the Development Officer shall forward to the Land Registration Office:
 - a) within seven (7) days of approving the plan, two (2) approved copies of the final plan of subdivision, the form necessary to record and, if applicable, a notice of approval in the form specified in Schedule 'B' of this By-law; and

b) if applicable, the items required by Subsection 9.6 (Approval of Consolidation or Addition) of this By-law.

6.5.2 For Repeals of Subdivision, the Development Officer shall forward to the Land Registration Office a Notice of Repeal as outlined in the Provincial Subdivision Regulations.

6.6 Notification of Subdivider

6.6.1 The Development Officer shall forward an approved copy of the concept, tentative, or final plan or Notice of Repeal to the subdivider.

6.6.2 Where the Development Officer refuses to approve a tentative, or final plan, or a repeal of subdivision, the Development Officer shall:

- a) give notice of the refusal to all agencies which were forwarded a plan; and
- b) 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*.

6.7 Fees

6.7.1 At the time of application for approval of a 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 at the Land Registration Office; and the fee set by Council.

SECTION 7 CONCEPT PLANS

7.1 Concept Plan (Optional)

7.1.1 Concept Plans shall be optional, but are recommended:

- a) where a new road (public or private) is being proposed;
- b) where municipal wastewater, stormwater, and/or water systems are being extended and/or;
- c) where a new phase is being added to an existing subdivision.

7.2 Concept Plan Requirements

7.2.1 A subdivider proposing to subdivide an area of land may submit to the Development Officer one (1) digital copy of a concept plan drawn to scale and 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 civic number of main buildings on the area of land being subdivided and the unique Parcel Identifier (PID) of all the areas of land being subdivided;
- d) the approximate location of railways and railway rights-of-way;
- e) existing and proposed public and private roads;
- f) the shape, dimensions, and area of the lots being created;
- 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. There shall be no duplication of lot identifiers;
- h) the graphic representation 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;
- i) the location of existing buildings within 10 metres (32.8 feet) of a property line;
- j) the general location of watercourses and wetlands;
- k) contours at 5-metre (16.4-foot) intervals
- l) a location plan showing the approximate distance between the area of land being subdivided;
- m) the north point;
- n) the scale to which the plan of subdivision is drawn;
- o) the location of any proposed public open space; and,
- p) any other information necessary to determine whether this plan of subdivision may conform to this Subdivision By-law.

7.2.2 Where the concept plan is to be forwarded to the Department of Environment and Climate Change, the additional information required by the Department of Environment and Climate Change shall be part of, or included with, the application.

7.3 Concept Plan Procedure

7.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the concept plan to:

- a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed due to the following:
 - (i) the proposed lot is more than 9,000 square metres (96,876 square feet) in area;
 - (ii) the proposed lot has a width of 76 metres (250 feet) or more; and
 - (iii) the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;
- b) the authority having jurisdiction for public roads shown on the plan;
- c) the Municipal Engineer where private roads are proposed; and,
- d) any other agency the Development Officer deems necessary.

7.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the concept plan to:

- a) the authority having jurisdiction for public roads shown on the plan;
- b) the authority having jurisdiction over central services; and
- c) any other agency the Development Officer deems necessary.

7.3.3 The Development Officer shall inform the subdivider in writing of the results of the evaluation of the concept plan.

SECTION 8 TENTATIVE PLANS OF SUBDIVISION

8.1 Tentative Plan

8.1.1 Tentative Plans shall be mandatory with any installation of infrastructure such as water, wastewater or roads but are optional where:

- a) the lots being created about an existing public road or an existing private road; and,
- b) no central (public) wastewater and/or water systems are to be installed.

8.2 Tentative Plan Requirements

8.2.1 A subdivider proposing to subdivide an area of land shall submit to the Development Officer one (1) digital copy of the tentative plan of the proposed subdivision meeting the requirements of this section.

8.2.2 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;
- c) if in paper format, folded to approximately 20x30 centimetres (8x12 inches) 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.

8.2.3 Tentative plans of subdivision shall show the following:

- a) the words "Plan of Subdivision" located in 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 (35 square inches) with a minimum width of 8 centimetres (4 inches);
- d) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided;

- 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 Land Registration Office;
- f) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- g) the civic number and location of main buildings on the area of land being subdivided;
- h) the names of all owners or the identifiers of all properties abutting the area of land being subdivided;
- i) existing and proposed public roads and private roads, if applicable including proposed names as approved pursuant to the civic addressing system;
- j) elevation profiles of intersections with existing public roads;
- k) the width and location of railroads and railway rights-of-way;
- l) the shape, dimensions, and area of the proposed lots;
- m) 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. There shall be no duplication of lot identifiers;
- n) 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;
- o) the location of existing buildings within 10 metres (33 feet) of a property boundary;
- p) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
- q) the general location of watercourses, wetlands, or prominent rock formations;
- r) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
- s) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- t) the location of any existing access from a proposed lot to a public road;
- u) the date on which the plan of subdivision was drawn and the date of any revisions;
- v) 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;
- w) the north point;
- x) the scale to which the plan of subdivision is drawn; and
- y) any other information necessary to determine whether the plan of subdivision conforms to this Subdivision By-law.

- 8.2.4 Where applicable, a copy of the permit to construct from Department of Environment and Climate Change for services under their jurisdiction shall be included in the application and is required prior to tentative approval.
- 8.2.5 Where the tentative plan of subdivision is to be forwarded to the Department of Environment and Climate Change additional information listed in Subsection 6.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the tentative plan.
- 8.2.6 Where the proposed lots front on a proposed public road, a tentative subdivision application shall include:
- a) One (1) digital copy of 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) One (1) digital copy of a plan showing:
 - (i) contours at 2-metre (6.6 feet) intervals;
 - (ii) drainage patterns pre and post-design;

- (iii) the width and location of proposed public roads and their intersection with existing public roads;
- (iv) if applicable, the location of existing and proposed central sewer and water systems and proposed connections thereto; and
- (v) centerline profiles of proposed public roads.

8.3 Tentative Plan Procedure

- 8.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the tentative plan of subdivision to:
- a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed due to the following:
 - (i) the proposed lot is more than 9,000 square metres (96,876 square feet) in area;
 - (ii) the proposed lot has a width of 76 metres (250 feet) or more; and
 - (iii) the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;
 - (iv) the Municipal Engineer where private roads are proposed;
 - (v) the authority having jurisdiction for public roads shown on the plan; and
 - (vi) any other agency the Development Officer deems necessary.
 - b) In areas serviced by central sewer, the Development Officer shall forward a copy of the tentative plan of subdivision to:
 - (i) the Municipal Engineer or the Utility having jurisdiction for approval of the design of the system;
 - (ii) the authority having jurisdiction for public roads shown on the plan;
 - (iii) if a private road, the Municipal Engineer for confirmation design the requirements of this By-law and the Municipal Service Systems Specifications Manual; and
 - (iv) any other agency the Development Officer deems necessary.
- 8.3.2 Where new municipal public or private roads, central water systems, or central sewer systems are required, the Development Officer shall not approve a tentative plan of subdivision until the subdivider has submitted plans, drawings and specifications that satisfy the requirements of Subsections 4.2 and the Municipal Service Systems Specifications Manual as determined by the Municipal Engineer.

8.4 Stamps to Appear on Tentative Plan

- 8.4.1 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";
 - b) the date of the approval of the tentative plan;
 - c) "This tentative plan of subdivision shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Land Registration Office."

- 8.4.2 The Development Officer shall forward a copy of the approved tentative plan of subdivision to the subdivider and the surveyor and notify in writing, where applicable, Nova Scotia Public Works, Nova Scotia Environment and Climate Change, and any other agency that the Development Officer requested review the plan, of the decision to approve the tentative plan.
- 8.4.3 Where the Development Officer refuses a tentative plan of subdivision, they shall notify the subdivider and the surveyor of the reasons for the refusal in writing pursuant to the *Act*, advising the subdivider of the appeal provisions of the *Act*.

SECTION 9 FINAL PLANS OF SUBDIVISION

9.1 Final Plan Requirements

9.1.1 A subdivider proposing to subdivide an area of land shall submit one (1) digital copy of the final plan of subdivision meeting the requirements of this section to the Development Officer for approval.

9.1.2 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 public and/or private road have been surveyed in the manner required by the *Land Surveyors Act* and its regulations; and
- c) folded to approximately 20x30 centimetres (8x12 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.

9.1.3 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 (35 square inches) with a minimum width of 8 centimetres (4 inches);
- c) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided;
- 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 Land Registration Office;
- e) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- f) the civic number and the location of main buildings on all the areas of land being subdivided;
- g) the names of all owners or the identifiers of all properties abutting the area of land being subdivided;
- h) the name of existing and proposed public roads and private roads as pursuant to the civic addressing system;
- i) the width and location of railroads and railway rights-of-way;
- j) the location of any existing access from a proposed lot to a public road;
- k) the shape, dimensions, and area of the proposed lots and;
- l) if applicable, a notation of area and frontage of the remainder;
- m) 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. There shall be no duplication of lot identifiers;
- n) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- o) the location of existing buildings within 10 metres (33 feet) of a property boundary;
- p) the geographical and mathematical location of all buildings within 3 metres (10 feet) of a proposed boundary;
- q) where applicable, a notation stating the lots are serviced by a central sewer and/or water system; and
- r) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and

- s) the location of watercourses, wetlands, and prominent rock formations;
 - t) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
 - u) the date on which the plan of subdivision was drawn and the date of any revisions;
 - v) 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;
 - w) the north point;
 - x) the scale to which the plan of subdivision is drawn; and
 - y) any other information necessary to determine whether this plan of subdivision conforms to this By-law.
- 9.1.4 Where applicable, a copy of the permit to construct from Department of Environment and Climate Change for services under their jurisdiction shall be included in the application and is required prior to approval.
- 9.1.5 Where the final plan of subdivision is to be forwarded to the Department of Environment and Climate Change the additional information listed in Section 6.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the final plan.
- 9.1.6 Where the proposed lots front on a proposed public road, a final subdivision application shall include:
- a) One digital copy of a plan showing:
 - (i) road contours at 2-metre (6.6 feet) intervals;
 - (ii) drainage patterns pre and post-design;
 - (iii) the width and location of proposed public roads and their intersection with existing public roads;
 - (iv) if applicable, the location of existing and proposed central sewer and water systems and proposed connections thereto; and
 - (v) centerline profiles of proposed public roads.
- 9.1.7 The Development Officer shall not approve a Final Plan of Subdivision until all engineering drawings for any services, including roads, are conveyed to the Municipality in accordance with the requirements of the Municipal Service Specifications.
- 9.1.8 Where a new municipal public road, central water system or a central sewer system is required, the Development Officer shall not approve a final plan of subdivision until the requirements of Section 4.4 (Public Road) have been met.
- 9.1.9 Where a Final Plan of Subdivision is submitted for the purpose of boundary adjustment and not fully surveyed, the plan shall:
- a) 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;
 - b) show the remaining boundaries of the resulting lot for which approval is requested are described graphically shown as a lighter solid line; and,

- c) 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:

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.

9.2 Final Plan Procedure

9.2.1 The Development Officer shall forward a copy of the final plan of subdivision to:

- a) the Department of Environment and Climate Change, if not serviced by central sewer, to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed due to the following:
 - (i) the proposed lot is more than 9,000 square metres (96,876 square feet) in area;
 - (ii) the proposed lot has a width of 76 metres (250 feet) or more; and
 - (iii) the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;
- b) a Building Official, if applicable;
- c) the Municipal Engineer where private roads are proposed;
- d) the authority having jurisdiction for public roads shown on the plan; and
- e) any other agency the Development Officer deems necessary.

9.2.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the final plan of subdivision to:

- a) the authority having jurisdiction;
- b) the Building Official, if applicable;
- c) the authority having jurisdiction for public roads shown on the plan; and
- d) any other agency the Development Officer deems necessary.

9.3 Public Open Space Contribution Required

9.3.1 No approval of a final plan of subdivision shall be given unless the subdivider has conveyed to the Municipality land, or a combination of land or money, that satisfies the requirements of Section 5 (Public Open Space).

9.4 Sewer and Water Approvals Required

9.4.1 No approval of a final plan of subdivision shall be given until the subdivider has obtained the required approvals of any central water system or a central sewer system.

9.5 Public Road Construction or Agreement Required

9.5.1 No approval of a final plan of subdivision shall be given unless the subdivider has either constructed public roads and any other services required or enter into a written agreement with the Municipality in accordance with the provisions of Section 4.4 (Public Road Acceptance).

9.6 Approval of Consolidation or Addition

9.6.1 No approval of a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships shall be given before the Development Officer has 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*;
- d) the municipal deed transfer tax applicable to the transaction, if any;
- e) the provincial deed transfer tax applicable to the transaction, if any; and,
- f) forms sufficient to meet the requirement of the *Land Registry Act*.

9.7 Approval after Conveyance

9.7.1 A final plan of subdivision showing lots to be approved under circumstances described in subsection 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, book and page number of the conveyance of such lots as recorded in the Land Registration Office.

9.8 Stamps to Appear on Final Plan

9.8.1 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) "This document, 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."

c) where applicable,

"[lot(s) approved and/or remainder] (is, are) suitable for the construction or installation of an on-site sewage disposal system for [proposed use] and any conditions which apply are contained in a report dated [date] and available from the Department of Environment and Climate Change.";

" IMPORTANT NOTICE [lot(s) approved and/or remainder] (has, have) been created for a 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 Climate Change are met.";

"[lot(s) approved and/or remainder] (is, are) served by an existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of Environment and Climate Change is required"; or

"lot(s) are serviced with central sanitary sewer; and

d) where applicable,

a notation stating that access to the public road as shown has been approved for the lots created by this final plan 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 roads; or

where a lot which abuts a public road does not have an approved access point along the road, a notation stating that direct access to the road is not permitted.

9.8.2 Where there are private roads. The following stamp shall appear:

Private Road Status: Lot(s) _____ abut a private road and no provincial or municipal services shall be provided to these lots.

SECTION 10 REPEAL OF SUBDIVISION

10.1 Approval May be Repealed

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

10.2 Application to Repeal

10.2.1 Any person requesting a repeal shall submit an application in the form specified in Schedule C to the Development Officer.

10.2.2 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 of subdivision; and
- b) the processing fee set by the Council.

10.3 Provisions Applicable

10.3.1 The Development Officer shall follow the provisions of the *Provincial Subdivision Regulations* for a repeal of subdivision.

10.4 Agency Assessments

10.4.1 When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency that provided an assessment or recommendations on the original plan of subdivision.

10.5 Compliance with By-laws

10.5.1 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 municipal or provincial By-law, or regulations unless the violation will be rectified by the approval of a new plan of subdivision filed at the Land Registration Office on the same day as the repeal is filed.

10.6 Approval Notification

10.6.1 The Development Officer shall forward the repeal in the form specified in the *Provincial Subdivision Regulations* to the Land Registration Office;



MUNICIPALITY *of the*
COUNTY *of* KINGS

PART 4 DEFINITIONS

DEFINITIONS

Act means the *Municipal Government Act*, Chapter 18 of the Acts of 1998.

Active Transportation Infrastructure means sidewalks, walkways, multi-use paths or any other similar facilities which allow for non-motorized modes of mobility.

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.

Area of land means any existing lot or parcel as described by its boundaries.

Authority having jurisdiction means the government body being in charge of the relevant piece of infrastructure.

Council means the Council of the Municipality of the County of Kings.

Cul-de-sac means a road having only one vehicular entrance and exit.

Department of Environment means the Department of Environment and Climate Change for the Province of Nova Scotia, including any future successor entities or bodies that fulfil the department's mandate.

Department of Public Works means the Department of Public Works for the Province of Nova Scotia, including any future successor entities or bodies that fulfil the department's mandate.

Development Officer means a municipal employee appointed by Council pursuant to the *Municipal Government Act* of Nova Scotia, and having the power and duty to administer this By-law.

Existing means legally in existence on the first date this By-law came into effect.

Growth Centres are areas so designated in the Municipal Planning Strategy.

Island means a landmass fully surrounded by a waterway, as measured by the Ordinary High Water Mark, that is not connected to lands beyond the waterway through any public or private road.

Land Use By-law means the Land Use Bylaw in effect for the Municipality of the County of Kings.

Municipal Planning Strategy means the Municipal Planning Strategy for the Municipality of the County of Kings.

Municipality means the Municipality of the County of Kings.

Private road means a private road as defined in the *Provincial Subdivision Regulations*.

Professional Engineer means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia.

Public road means any road or highway owned and maintained by a municipality or the Province of Nova Scotia excluding designated controlled access highways pursuant to section 21 of the *Public Highways Act*.

Subdivider means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with their written consent.

Subdivision means the division of any area of land into two (2) or more parcels and includes a re-subdivision or a consolidation of two (2) or more parcels into a lesser number of parcels.

Surveyor means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.

Water frontage means the distance measured as a straight line between the two points where the side lot lines meet a shoreline.