


SUBDIVISION BY-LAW

2021





TOWN OF LUNENBURG SUBDIVISION BY-LAW, 2021

First Reading: June 22, 2021

Second Reading: July 27, 2021

Approved by the Minister of Municipal Affairs: September 1, 2021

Notice of Effect: September 22, 2021

With Amendments to: N/A



Table of Contents

1	Authority and Title	1
2	Administration	2
3	Interpretation.....	3
3.1	Measurement.....	3
3.2	Specifications and Standards.....	3
4	Definitions.....	4
5	Lot Requirements	6
5.1	Abut Public Street	6
5.2	Land Use By-law.....	6
5.3	10% Variance.....	6
5.4	Boundary Alteration	6
5.5	Encroachments	8
5.6	Main Building	8
5.7	Lot Shape.....	9
6	Streets	10
6.1	Private Roads.....	10
6.2	Continuation of Existing Streets and Connections to Abutting Properties.....	10
6.3	Approval of Public Streets	10
6.4	Lot Access	10
6.5	Identification of Public Street.....	10
7	Water Supply.....	11
8	Sanitary Sewers	12
9	Public Open Space	13
9.1	Dedication Required.....	13
9.2	Waiver.....	13
10	Construction of Services	14
10.1	Inspection	14
10.2	Deviations	14
10.3	Duty on Completion.....	14
10.4	Construction Agreement and Bond.....	15



11	General Requirements for Applications	16
11.1	Application Form.....	16
11.2	Agencies to Forward Recommendations	16
11.3	Additional Information.....	16
11.4	Plan Contrary to Provincial Law or Regulation	17
11.5	Notification of Land Registration Office.....	17
11.6	Notification of Subdivider	18
11.7	Fees	18
12	Concept Plans	19
12.1	Concept Plan Optional	19
12.2	Concept Plan Requirements.....	19
12.3	Concept Plan Procedure.....	20
12.4	Stamps to Appear on Concept Plan	20
13	Preliminary Plans of Subdivision.....	21
13.1	Preliminary Plan Optional.....	21
13.2	Preliminary Plan Requirements.....	21
13.3	Preliminary Plan Procedure	22
14	Tentative Plans of Subdivision	24
14.1	Tentative Plan Optional.....	24
14.2	Tentative Plan Requirements	24
14.3	Tentative Plan Procedure	27
14.4	Stamps to Appear on Tentative Plan.....	27
15	Final Plans of Subdivision.....	29
15.1	Final Plan Requirements.....	29
15.2	Public Open Space.....	31
15.3	Final Plan Procedure.....	31
15.4	Public Open Space Contribution Required	32
15.5	Sewer and Water Approvals Required	32
15.6	Public Street Construction or Agreement Required.....	32
15.7	Approval of Consolidation or Addition.....	33
15.8	Approval after Conveyance.....	33
15.9	Stamps to Appear on Final Plan.....	33



16	Repeal of Subdivision.....	35
16.1	Approval May be Repealed.....	35
16.2	Application to Repeal	35
16.3	Provisions Applicable.....	35
16.4	Agency Assessments.....	35
16.5	No Violation of By-laws	36
16.6	Approval Notification.....	36



1 Authority and Title

- 1.1.1 This By-law is enacted by the Council of the Town of Lunenburg under the provisions of sections 271-274 of the *Municipal Government Act* (S.N.S. 1998, ch. 18)
- 1.1.2 This By-law may be cited as the "Subdivision By-law" of the Town of Lunenburg.
- 1.1.3 This Subdivision 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 Town of Lunenburg are hereby repealed.



2 Administration

- 2.1.1 This By-law shall be administered by the Development Officer of the Town appointed under the authority of the *Municipal Government Act*.
- 2.1.2 In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.



3 Interpretation

3.1 Measurement

3.1.1 The metric system of measurement is used throughout this By-law. Imperial measurements are approximate only, for convenience only, and in all cases of conflict between imperial measure and metric measure, the metric measure shall prevail.

3.2 Specifications and Standards

3.2.1 The Specifications and Standards referred to throughout this By-law and the accompanying Specifications may be adjusted by the Town Engineer in exceptional circumstances and in accordance with accepted engineering practices.

4 Definitions

- 4.1.1 For the purposes of this By-law, all words shall carry their customary meaning except for those defined as follows:

Act means the *Municipal Government Act*.

Area of Land means any existing lot or parcel as described by its boundaries, except in Section 5.6 (Main Building).

Back Flow Prevention means a device or method which prevents backflow.

Council means the Council of the Town of Lunenburg.

Central Sewer System means a system of pipes and associated facilities owned by the Town for the collection and disposal of sewage from two (2) or more lots.

Central Water System means a system of reservoirs and pipes owned by the Town which supplies potable water to two (2) or more lots.

Lot means any parcel created by the filing of a plan or instrument of subdivision.

Proposed Lot means any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot.

Province means the Province of Nova Scotia.

Public Street means any street or road owned and maintained by the Town, a municipality, or the Province excluding designated controlled access highways pursuant to section 21 of the *Public Highways Act*.

Land Registration Office means the office of the registration district in which the area of land being subdivided is situate.

Service Specifications means the specifications for design and construction of public streets, central sewer systems, and central water systems adopted by Council.

Subdivider means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.



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.

Town means the Town of Lunenburg.

Town Engineer means the Engineer appointed by the Town and includes a person acting under the supervision and direction of the Town Engineer.

Usable Land means:

- (a) land that:
 - i. contains an average slope of land not greater than the average slope of the land being subdivided;
 - ii. is not comprised of lands subject to flooding or classified as wetlands;
 - iii. has a minimum area of 550 square metres; and
 - iv. has frontage on a public street or access to a public street by means of abutting publicly-owned lands; or

- (b) land that:
 - i. has frontage on the ocean; and
 - ii. has frontage on a public street or access to a public street by means of abutting publicly-owned lands.



5 Lot Requirements

5.1 Abut Public Street

5.1.1 All lots shall abut a public street.

5.2 Land Use By-law

5.2.1 All lots shall meet the applicable requirements contained in the Land Use By-law.

5.2.2 Sections 5.3 (10% Variance), 5.5 (Encroachments), and 5.6 (Main Building) are inoperative and do not apply unless the Land Use By-law permits development on any lot created pursuant to these sections and the Municipal Planning Strategy provides for both the subdivision and development of such lots.

5.3 10% Variance


5.3.1 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law) the Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with Section 279 of the Act provided all other requirements of this Subdivision By-law are met.

5.3.2 Subsection 5.3.1 does not apply if the area requirements established by the Department of Environment and Climate Change for the construction or installation of an on-site sewage disposal system are not met.

5.4 Boundary Alteration


5.4.1 Notwithstanding Section 5.1 (Abut Public Street), and the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law), the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:

- (a) no additional lots are created;
- (b) each resulting lot:
 - i. meets the minimum dimension for lot frontage of the Land Use By-law, or
 - ii. has not had its frontage, if any, reduced;

- 
- (c) each resulting lot:
 - i. meets the maximum dimension for lot frontage of the Land Use By-law, or
 - ii. has not had its frontage, if any, increased;
 - (d) each resulting lot:
 - i. meets the minimum requirement for lot area of the Land Use By-law, or
 - ii. has not had its area reduced; and
 - (e) each resulting lot:
 - i. meets the maximum requirement for lot area of the Land Use By-law, or
 - ii. has not had its area increased.

5.4.2 Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to Subsection 5.4.1 shall:

- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line; and
- (b) notwithstanding Clause 15.1.2(b), other than the new boundaries which have been surveyed pursuant to Clause 5.4.2(a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and

- 
- (c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the Land Surveyors Act and its regulations:

"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."

5.5 Encroachments

- 5.5.1 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 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 prior to October 25, 2007, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.
- 5.5.2 Where a lot created pursuant to Subsection 5.5.1 is not surveyed, the provisions of Subsection 5.4.2, (Boundary Alteration), shall apply.

5.6 Main Building

- 5.6.1 For purposes of Subsection 5.6.2, "main building" means a building that is not an accessory building to another building on the area of land.
- 5.6.2 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law), where an area of land contains more than one main building built or placed on the land and used as a main building prior to November 4, 1966, (the date of the first Subdivision Regulations in the Town of Lunenburg) the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of the Environment for on-site sewage disposal systems.



5.7 Lot Shape

- 5.7.1 Lots shall not be subdivided to create a width or depth of less than 6 metres (20 feet).

6 Streets

6.1 Private Roads

6.1.1 The development of new private roads shall not be permitted.

6.2 Continuation of Existing Streets and Connections to Abutting Properties

6.2.1 All proposed public streets and subdivision designs shall connect to existing streets and provide connections to abutting properties in conformance with the requirements of Part 6 of the Specifications for Subdivision.

6.3 Approval of Public Streets

6.3.1 All proposed municipal public streets shall be approved by the Town Engineer in accordance with the Specifications for Subdivision adopted by Council.

6.3.2 Where a proposed municipal public street intersects a provincial public highway, that intersection shall be approved by the Department of Transportation and Active Transit.

6.4 Lot Access

6.4.1 A proposed lot that abuts a public street shall have any new access to the public street approved by the authority having jurisdiction for that public street.

6.5 Identification of Public Street

6.5.1 Where a plan shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street or road is a public street.



7 Water Supply

- 7.1.1 Any new lot within 30.5 metres (100 feet) of the existing Town central water supply system shall be connected to the Town central water supply system.
- 7.1.2 Where lots are not to be served by the Town central water supply system, the subdivider shall design, lay out and construct a water supply system to service every proposed lot in conformance with the standards of the Nova Scotia Department of Environment and Climate Change.



8 Sanitary Sewers

- 8.1.1 Any new lot within 30.5 metres (100 feet) of the existing Town central sanitary sewer system shall be connected to the Town central sanitary sewer system.
- 8.1.2 Where lots are not to be served by the Town central sanitary system, the subdivider shall design, lay out and construct a sewage disposal system to service every proposed lot in conformance with the standards of the Nova Scotia Department of Environment and Climate Change.

9 Public Open Space

9.1 Dedication Required

- 9.1.1 Where the area of land proposed to be subdivided has frontage on the ocean, prior to endorsement of approval on a final plan of subdivision, the subdivider shall transfer to the Town, free of encumbrances, for park, playground and similar public purposes, an area of usable land with frontage on the ocean and is equal to at least 10% of the area of all new lots created by the plan.
- 9.1.2 Where the area of land proposed to be subdivided does not have frontage on the ocean and is within a 400 metre radius of an existing municipal park or parkland dedication, prior to endorsement of approval on a final plan of subdivision, the subdivider shall convey to the Town for park, playground, and similar public purposes cash-in-lieu in the amount of at least 10% of the assessed value of the lots created by the plan.
- 9.1.3 Where the area of land proposed to be subdivided does not have frontage on the ocean and is not within a 400 metre radius of an existing municipal park or parkland dedication, prior to endorsement of approval on a final plan of subdivision, the subdivider shall convey to the Town for park, playground, and similar public purposes usable land equal to at least 10% of the area of all new lots created by the plan, free of encumbrances.
- 9.1.4 For the purposes of public dedication calculations, remainder land and lots for street right-of-ways shall be excluded.

9.2 Waiver

- 9.2.1 Council hereby waives the requirements of section 9.1 (Dedication Required), where:
- (a) fewer than three vacant lots are created from an area of land, including the remainder lot;
 - (b) the subdivision is the consolidation of two or more lots;
 - (c) lot boundaries are changed but no new vacant lots are created;
 - (d) the subdivision is the result of a devise of land by will executed on or before January 1, 2000; or
 - (e) the subdivision is undertaken by a government body.

10 Construction of Services

10.1 Inspection


10.1.1 The subdivider shall permit the Town Engineer to inspect the construction of streets and services at any reasonable time, and shall advise the Town Engineer of the dates, sites and times of any required inspection or testing of water systems, sewer systems, or streets.

10.2 Deviations

10.2.1 No deviation from the plans, drawings, and specifications required by Subsections 6.3 (Approval of Public Streets), 7.1.2 (Water Supply) and 8.1.2 (Sanitary Sewers) shall take place during construction unless such deviation is approved by the Town Engineer.

10.3 Duty on Completion

- 10.3.1 Within thirty (30) days of being notified that the Town Engineer has determined that the new public streets, central water systems, and central sewer systems have been constructed as required by this By-law, the subdivider shall:
- (a) Provide the Town Engineer with the "as built" reproducible engineering drawings conforming with the applicable requirements of the Service Specifications; and
 - (b) Provide the Town Engineer with all necessary operating and procedural manuals for each water or sanitary sewer system; and
 - (c) Provide the Town Engineer with reports of all required tests to indicate that the central water and central sewer systems are operating to the standard required by the Service Specifications; and
 - (d) Post for one (1) year a maintenance bond or other security acceptable to the Town Engineer or Development Officer in an amount equal to ten percent (10%) of the actual cost of construction; and

- 
- (e) Transfer to the Town title in fee simple to all public streets and to all plants and assets necessary to the operation of the public streets, central water systems and central sewer systems together with easements sufficient for the maintenance of all services and public street drainage systems, such title and easements to be conveyed free of encumbrances and at no cost to the Town.

10.4 Construction Agreement and Bond

- 10.4.1 Where the subdivider wishes the subdivision plan to be approved prior to construction of public streets or services, the subdivider shall, with the consent of Town Council, enter into an agreement with the Town to carry out and complete the required construction according to the requirements of this By-law within a period of time set out in the agreement and shall also post a performance bond or other security acceptable to the Town to guarantee such agreement, in the amount of one hundred twenty-five percent (125%) of the total estimated cost of supplying such construction.
- 10.4.2 The estimated cost required by Subsection 10.4.1 shall include a detailed cost breakdown and be prepared over the stamp of a Professional Engineer, at the subdivider's cost.
- 10.4.3 The Town Engineer shall review the estimate and shall advise Council of the adequacy of the size of the performance bond or other security.
- 10.4.4 The agreement required by Subsection 10.4.1 shall require the subdivider to transfer to the Town, free of encumbrances and at no cost to the Town, title in fee simple to:
 - (a) all plants and assets necessary to the operation of central sewer systems, together with easements sufficient for the maintenance of all services; and
 - (b) all plants and assets necessary to the operation of central water systems that are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all services; and
 - (c) all proposed public streets that are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all associated drainage systems.

11 General Requirements for Applications

11.1 Application Form


- 11.1.1 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.
- 11.1.2 The development officer shall comply with all notification and approval provisions of the Act.

11.2 Agencies to Forward Recommendations

- 11.2.1 Any agency that has been forwarded a copy of a concept, tentative or final plan pursuant to Sections 12.3 (Concept Plan Procedure), 13.3 (Preliminary Plan Procedure), 14.3 (Tentative Plan Procedure), or 15.3 (Final Plan Procedure) shall forward a written report of its assessments or recommendations to the Development Officer. A copy of any report shall be sent to the relevant agency.

11.3 Additional Information

- 11.3.1 Where the concept, preliminary, 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, street 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 On-site Sewage Disposal Systems Regulations.

11.4 Plan Contrary to Provincial Law or Regulation

- 11.4.1 Approval of a concept, preliminary, 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 Transportation and Active Transit or of any other agency of the Province or the Town unless the plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

11.5 Notification of Land Registration Office

- 11.5.1 For final plans of subdivision, the Development Officer shall forward to the Land Registration Office:
 - (a) within seven (7) days of approving the plan, one (1) approved copy of the final plan of subdivision and a notice of approval in the form specified in Schedule 'B' of this By-law; and
 - (b) if applicable, the items required by Section 15.7 (Approval of Consolidation or Additions) of this By-law.
- 11.5.2 For repeals of subdivision, the Development Officer shall forward to the Land Registration Office a notice of repeal in the form specified in Schedule D of this By-law.



11.6 Notification of Subdivider

- 11.6.1 The Development Officer shall forward an approved copy of the concept, preliminary, tentative, or final plan or notice of repeal to the subdivider.
- 11.6.2 Where the Development Officer refuses to approve a concept, preliminary, 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 pursuant to Sections 12.3 (Concept Plan Procedure), 13.3 (Preliminary Plan Procedure), 14.3 (Tentative Plan Procedure), or 15.3 (Final Plan Procedure); 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.

11.7 Fees

- 11.7.1 At the time of application for approval of a tentative 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
 - (b) the processing fee set by Council.
- 11.7.2 Where the development officer refuses to approve a tentative or final plan of subdivision or a repeal of subdivision, the Development Officer shall return the fees referred to in Clause 11.7.1(a) to the subdivider.

12 Concept Plans

12.1 Concept Plan Optional

12.1.1 Concept Plans shall be optional, at the subdivider's discretion.

12.2 Concept Plan Requirements

12.2.1 A subdivider proposing to subdivide an area of land in phases which will contain new streets may submit to the development officer eight (8) printed copies and one (1) digital copy of a concept plan of the entire area of land. Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:

- (a) the words "Concept Plan" located in the title block;
- (b) the name of the owner of the area of land being subdivided;
- (c) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- (d) the names of all owners of all properties abutting the area of land being subdivided;
- (e) the proposed internal street system with connections to existing public streets;
- (f) the proposed location of public open space;
- (g) the location of existing development, if any;
- (h) the location of any municipal service boundary;
- (i) the north point;
- (j) contours at 5-metre intervals; and
- (k) any other information necessary to determine if the subdivision meets the Service Specifications and accepted engineering practice as determined by the Town Engineer.



12.3 Concept Plan Procedure

- 12.3.1 The Development Officer shall forward the concept plan and any supplementary information to appropriate agencies in order to request evaluation of the concept plan in terms of:
- (a) the design's consideration of topography, natural features, and other site constraints and restrictions;
 - (b) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale;
 - (c) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable;
 - (d) public open space; and
 - (e) any proposed community and commercial uses.

12.4 Stamps to Appear on Concept Plan

- 12.4.1 The following information shall be stamped or written and completed by the Development Officer on any concept plan that is approved:
- (a) "This concept plan is approved.";
 - (b) the date of the approval of the concept plan; and
 - (c) "This concept plan shall not be filed in the 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.".


13 Preliminary Plans of Subdivision

13.1 Preliminary Plan Optional

13.1.1 Preliminary Plans shall be optional, at the subdivider's discretion.

13.2 Preliminary Plan Requirements

- 13.2.1 A subdivider proposing to subdivide an area of land may submit to the development officer four (4) printed copies and one (1) digital copy of a preliminary plan of subdivision 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) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
 - (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) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
 - (l) the north point;
 - (m) the scale to which the plan of subdivision is drawn; and
 - (n) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.

13.2.2 Where the preliminary plan of subdivision is to be forwarded to the Department of Environment and Climate Change, the additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the plan.

13.3 Preliminary Plan Procedure

- 13.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the preliminary 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:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 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 streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.
- 13.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the preliminary plan of subdivision to:
- (a) the Town Engineer;
 - (b) the authority having jurisdiction for public streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.



13.3.3 The development officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.

14 Tentative Plans of Subdivision

14.1 Tentative Plan Optional

14.1.1 Tentative Plans shall be optional, at the subdivider's discretion.

14.2 Tentative Plan Requirements


14.2.1 A subdivider proposing to subdivide an area of land may submit to the Development Officer eight (8) printed copies and one (1) digital copy of the tentative plan of the proposed subdivision meeting the requirements of this section.

14.2.2 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) folded to approximately 20x30 cm (8x12 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.

14.2.3 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 (36 square inches) with a minimum width of 8 centimetres (3 inches);
- (d) the name of the subdivision, if any, and the name of the owner of the area of land 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) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
 - (j) the width and location of railroads and railway rights-of-way;
 - (k) the shape, dimensions, and area of the proposed lots;
 - (l) 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;
 - (m) 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;
 - (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
 - (o) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
 - (p) the general location of watercourses, wetlands, or prominent rock formations;
 - (q) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
 - (r) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
 - (s) the location of any existing access from a proposed lot to a public street;
 - (t) the date on which the plan of subdivision was drawn and the date of any revisions;
 - (u) 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;



- (v) the north point;
- (w) the scale to which the plan of subdivision is drawn; and
- (x) any other information necessary to determine whether the plan of subdivision conforms to this Subdivision By-law.

- 14.2.4 Where the tentative plan of subdivision is to be forwarded to the Department of Environment and Climate Change additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the tentative plan.
- 14.2.5 Where the proposed lots front on a proposed public street, a tentative plan of subdivision shall:
- (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Land Surveyors Act and its regulations;
 - (b) be accompanied by four copies of a plan showing:
 - i. contours at 2-metre intervals;
 - ii. drainage patterns;
 - iii. the width and location of proposed public streets and their intersection with existing public streets;
 - iv. the location of existing and proposed central sewer and water systems and proposed connections thereto; and
 - (c) be accompanied by two (2) copies of centerline profiles of proposed public streets.
- 14.2.6 Where new Town public streets, 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 Subsection 14.2.5 and the Service Specifications.



14.3 Tentative Plan Procedure

- 14.3.1 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:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 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 streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.
- 14.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the tentative plan of subdivision to:
- (a) the Town Engineer;
 - (b) the authority having jurisdiction for public streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.

14.4 Stamps to Appear on Tentative Plan

- 14.4.1 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."

14.4.2 The development officer shall forward a copy of the approved tentative plan of subdivision to the subdivider and the surveyor.

15 Final Plans of Subdivision

15.1 Final Plan Requirements

- 15.1.1 A subdivider proposing to subdivide an area of land shall submit twelve (12) printed copies and one (1) digital copy of the final plan of subdivision meeting the requirements of this section to the Development Officer for approval.
- 15.1.2 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 street have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of subdivision prepared pursuant to Subsection 5.4.2 (Boundary Alteration), of this By-law; 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.
- 15.1.3 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 (36 square inches) with a minimum width of 8 centimetres (3 inches);
 - (c) the name of the subdivision, if any, and the name of the owner of the area of land 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 streets (and the authority number) and private roads as issued 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 street;
 - (k) the shape, dimensions, and area of the proposed lots;
 - (l) 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;
 - (m) 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;
 - (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
 - (o) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
 - (p) where applicable, a notation stating the lots are serviced by a central sewer and/or water system; and
 - (q) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and
 - (r) the general location of watercourses, wetlands, and prominent rock formations;
 - (s) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
 - (t) the date on which the plan of subdivision was drawn and the date of any revisions;
 - (u) 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;



- (v) the north point;
- (w) the scale to which the plan of subdivision is drawn; and
- (x) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.

- 15.1.4 Where the final plan of subdivision is to be forwarded to the Department of Environment and Climate Change the additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the final plan.
- 15.1.5 Unless they have already been submitted, final engineering drawings for any services, including streets, to be conveyed to the Town shall accompany the final plan of subdivision.
- 15.1.6 Where a new Town public street, 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 10.3 (Duty on Completion), or of Section 10.4 (Construction Agreement and Bond) have been met.

15.2 Public Open Space

- 15.2.1 Where a transfer to the Town of money for public open space is required by Section 9.1 (Dedication Required) the transfer shall take place prior to endorsement of the final plan.

15.3 Final Plan Procedure

- 15.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the final 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:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 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 Building Inspector, to identify any potential violation of the of the Town Building By-law, where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary;
- (c) the authority having jurisdiction for public streets shown on the plan; and
- (d) any other agency of the Province or the Town the Development Officer deems necessary.

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

- (a) the Town Engineer;
- (b) the Building Inspector, to identify any potential violation of the of the Town Building By-law, where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary;
- (c) the authority having jurisdiction for public streets shown on the plan; and
- (d) any other agency of the Province or the Town the Development Officer deems necessary.

15.4 Public Open Space Contribution Required

15.4.1 No approval of a final plan of subdivision may be given unless the subdivider has conveyed to the Town land, or a combination of land or money or value in kind, that satisfies the requirements of Part 9 (Public Open Space).

15.5 Sewer and Water Approvals Required

15.5.1 No approval of a final plan of subdivision may be given until the subdivider has obtained the required approvals from the Town Engineer of any central water system required by Part 7 (Water Supply) or a central sewer system required by Part 8 (Sanitary Sewers).

15.6 Public Street Construction or Agreement Required

15.6.1 No approval of a final plan of subdivision may be given unless the subdivider either has laid out and constructed public streets and any other services required in accordance with the provisions of Section 10.3 (Duty on Completion) or has entered into an agreement with the Town in accordance with Section 10.4 (Construction Agreement and Bond).



15.7 Approval of Consolidation or Addition

- 15.7.1 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 deed transfer tax applicable to the transaction, if any; and
 - (e) forms sufficient to meet the requirement of the *Land Registry Act*.

15.8 Approval after Conveyance

- 15.8.1 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.

15.9 Stamps to Appear on Final Plan

- 15.9.1 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) where applicable,
 - i. "[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.";



- ii. " 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.";
 - iii. "[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
 - iv. "lot(s) are serviced with central sanitary sewer; and
- (c) where applicable,
- i. a notation stating that access to the public street as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated _____, available from the authority having jurisdiction for public streets; or
 - ii. where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted.

16 Repeal of Subdivision

16.1 Approval May be Repealed

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

16.2 Application to Repeal

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

16.2.2 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.

16.3 Provisions Applicable

16.3.1 The notification and approval provisions of the Act which apply to the approval of a plan of subdivision shall also apply to a repeal.

16.3.2 Parts 5 to 15 inclusive of this By-law do not apply to the repeal of a plan of subdivision.

16.4 Agency Assessments

16.4.1 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.



16.5 No Violation of By-laws

16.5.1 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 the Town Building By-law, the Land Use By-law, or sewage disposal 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.

16.6 Approval Notification

16.6.1 The Development Officer shall forward the repeal in the form specified in Schedule 'D' to:

- (a) the Land Registration Office;
- (b) the subdivider, and
- (c) any agency that provided an assessment or recommendations on the original plan of subdivision.