



## **Subdivision By-law**

**for**

**The Municipality of the District of Digby**

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December 11, 2008

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## **Part 1: Title**

This By-law may be cited as the Subdivision By-law for the Municipality of the District of Digby and shall apply to the Municipality of the District of Digby.

## **Part 2: Interpretation**

In this By-law, the word shall is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated. All other words shall carry their customary meaning except those defined hereinafter. Words that are defined are shown in italics in the main body of this By-law.

## **Part 3: Definitions**

- 3.1 Area of Land** means any existing lot or parcel as described by its boundaries, except in Section 4.1.11.
- 3.2 Council** means the Council of the Municipality of the District of Digby.
- 3.3 Central public wastewater system** means a system of piping and plant owned and maintained by the *Municipality* for the collection, transportation and treatment of sewage of such design and installation as to satisfy the requirements of all agencies concerned, both Provincial and Municipal.
- 3.4 Department of Environment** means the Nova Scotia Department of Environment.
- 3.5 Department of Transportation** means the Nova Scotia Department of Transportation and Infrastructure Renewal.
- 3.6 Development Officer** means that person appointed by Council pursuant to the *Municipal Government Act*, and having the power and duty to administer this By-law.
- 3.7 Engineer** means a professional engineer eligible to practice in Nova Scotia who is acting on behalf of the *subdivider*.
- 3.8 Frontage** means
- in an area not covered by a Land Use By-law
- (i) the distance between the side lines of a lot measured along a public street or private road except in Section 4.1.7, or

(ii) where a lot is located on a curve on a public street or private road the distance may be measured along a line joining points on the side lines of the lot which points are eight metres (26.3 feet) from such street or private road; or

in an area covered by a Land Use By-law requiring lot *frontage*

(iii) the *frontage* measured as required in such By-laws;

- 3.9 Island** means an area of land completely surrounded by water at low tide;
- 3.10 Lot** means any parcel to be created by the filing of an approved final plan of subdivision or the registering of an instrument of subdivision;
- 3.11 Main Building** means a building which is not an accessory building to another building on the *area of land*
- 3.12 Municipality** means the Municipality of the District of Digby;
- 3.13 Nova Scotia Land Surveyor** means a member licensed to practice in Nova Scotia who is in good standing with the Association of Nova Scotia Land Surveyors;
- 3.14 Private road** means any road which is not public shown on a plan of subdivision which
- (i) extends to and has access to a public street and where not totally located within the *area of land* being subdivided, the private road shall
    - have an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the registry of deeds, or
    - subject to Section 4.1.1(1) if it uses an unmaintained public street to extend to and have access to a public street, the owner has a permit for the private road to cross the unmaintained public street that is issued by the *Department of Transportation* and is assignable and of indefinite duration,
  - (ii) includes any private road approved by the *Department of Transportation* and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Land Registration Office;
- 3.15 Public street** includes any street or road owned and maintained by a municipality or the province; and
- i) **municipal public street** means any street or road owned and maintained by a municipality,

(ii) **provincial public street** means, unless the context requires otherwise, any street or road owned and maintained by the *Department of Transportation* excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*;

- 3.16 **Schedule “B” road** means a road approved by the *municipality* for indexing in a schedule of this subdivision by-law for the purpose of allowing subdivision on that road.
- 3.17 **Subdivider** means the owner of the *area of land* proposed to be subdivided and includes anyone acting with the owner's written consent;
- 3.1.8 **Subdivision** means the division of any *area of land* into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels;
- 3.1.9 **Unmaintained public street** means any street or road owned by the Department of Transportation and Infrastructure Renewal that is not maintained by the Department.

## Part 4      **General Provisions**

### 4.1      **Lot Requirements**

- 4.1.1 (1)      All *lots* shall abut
- (a) a *public street*;
  - (b) a *private road*, or
  - (c) a Schedule “B” road.
- (2)      For purposes of Section 4.1.1 (1), a private road that must cross an unmaintained public street to extend to and have access to a public street may be treated as a continuous private road, provided the owner has a permit to cross the unmaintained public street issued by the Department of Transportation and Infrastructure Renewal that is assignable and of indefinite duration.
- 4.1.2      A proposed *lot* which abuts a *public street* shall have any access approved by the authority having jurisdiction for the *public street* which will be accessed, based on adequate stopping sight distance as determined by the authority having jurisdiction.

4.1.3 Where a plan of *subdivision* shows a proposed *lot* abutting an existing *public street*, the authority having jurisdiction shall verify that the street is a *public street*.

4.1.4 (1) In an area where *lot frontage* and *lot area* are not regulated by a Land Use By-law all *lots* served by a *central public wastewater system* shall meet the following requirements:

- Minimum *lot frontage* 23 metres (75.4 feet)
- Minimum *lot area* 930 square metres (10,010 square feet)

(2) In an area where *lot frontage* and *lot area* are not regulated by a Land Use By-law all *lots* served by a *central public wastewater system* and a central public water system shall meet the following requirements:

- Minimum *lot frontage* 18 metres (59.1 feet)
- Minimum *lot area* 560 square metres (6027.9 square feet)

4.1.5 Where a Land Use By-law is in effect

(a) all *lots* shall meet the applicable requirements contained in such By-law; and

(b) Clauses 4.1.1 (b) and (c), and Sections 4.1.6, 4.1.7, 4.1.9, 4.1.10, and 4.1.11, are inoperative and do not apply unless the Land Use By-law permits development on any *lot* created pursuant to these Sections.

4.1.6 (1) Notwithstanding the *lot area* and *frontage* requirements of Sections 4.1.4 and 4.1.5, the development officer may approve a maximum of two *lots*, shown on a plan or instrument of *subdivision*, in accordance with Section 279 of the *Municipal Government Act* provided all other requirements of this By-law are met.

(2) Subsection (1) does not apply if the area requirements established by the Department of the Environment for the construction or installation of an on-site sewage disposal system are not met.

4.1.7 (1) For the purposes of this Section, “water frontage” means the distance measured as a straight line between the two points where the side *lot* lines meet a watercourse.

(2) Notwithstanding Section 3.8 and the *lot frontage* requirements of this By-law, the development officer may approve a *subdivision* on an *island* which does not contain a *public street* or *private road* provided each *lot* has water frontage of 6 metres (19.7 feet) or more.

4.1.8 (1) Notwithstanding Section 4.1.1, and the *lot* area and *frontage* requirements of this 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 this By-law or where a Land Use By-law is in effect, the Land Use By-law, or

(ii) has not had its *frontage*, if any, reduced; and

(c) each resulting *lot*

(i) meets the minimum requirement for *lot* area of this By-law or where a Land Use By-law is in effect, the Land Use By-law, or

(ii) has not had its area reduced.

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

(a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or *area of land* proposed to be added to the existing *area of land* have been surveyed and shown 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;

(b) notwithstanding clause 8.1.2 (b), other than the new boundaries which have been surveyed pursuant to clause (a), show the remaining boundaries of the resulting *lot* for which approval is requested described graphically as a lighter solid line; and

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

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



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

4.1.9 (1) Notwithstanding the *lot* area and *frontage* requirements of this By-law, where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent *area of land*, the development officer may approve a plan of *subdivision* to the extent necessary and practical to remove the encroachment.

(2) Where a *lot* created pursuant to subsection (1) is not surveyed, the provisions of Subsection 4.1.8(2) shall apply.

4.1.10 Notwithstanding the *lot* area and *frontage* requirements of this By-law, where an area of land contains more than one *main building* built or placed on the land prior to August 6, 1984, the development officer may approve a final plan of *subdivision* creating the same number of *lots* or fewer as there are *main buildings* provided that each proposed *lot* has minimum *frontage* of 6 metres (19.7 feet).

4.1.11 (1) For purposes of this Section, "area of land" means any *lot* or parcel as described by its boundaries as they existed on the effective date of this by-law, notwithstanding that the area of land may be subdivided subsequent to that date.

(2) One *lot* that does not meet Section 4.1.1 and the *lot frontage* requirements of Section 4.1.4 and clause 4.1.5 (a) may be created within an area of land, provided no such *lot* has already been subdivided within the area of land.

(3) Notwithstanding the limitation to one *lot* contained in subsection (2), two *lots* may be created, including any remainder *lot*, where

(a) the area of land does not abut a *public street*, a *private road*, or a Schedule "B" road; or

(b) the area of land has less than 6 metre (19.7 feet) of *frontage* on a *public street*, a *private road*, or a Schedule 'B' road.

4.1.12 *Lots* shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).

## 4.2 *Private Roads*

4.2.1 (1) All proposed *private roads* shall

(a) be shown on a tentative or final plan of *subdivision*;

(b) be designed by the *engineer* to meet the specifications for municipal *public streets* contained in “Standard Specifications for Municipal Services” prepared by the Nova Scotia Road Builders Association (NSRBA) and the Nova Scotia Consulting Engineers Association (NSCEA) Joint Committee on Contract Documents;

(c) have a minimum right-of-way width of 20 metres (65.6 feet);  
and

(d) be constructed in accordance with Section 4.2.2 and 4.2.3  
except where a *private road* provides access to six or fewer *lots*.

(2) The intersection of a *private road* with a *public street* shall be approved by the authority having jurisdiction over the *public street*.

(3) A *private road* may be approved as a separate *lot*. Minimum *lot* area and *lot frontage* requirements of this By-law shall not apply to a *private road*.

**4.2.2** All proposed *private roads* in the *Municipality* except areas shown on the Serviced Areas Maps attached as Schedule H shall be constructed in accordance with the following:

(1) Roots, stumps, moss, sod and all other organic material shall not be placed in roadway fills or allowed to remain under roadway fills, and

(2) Notwithstanding (1) above, an undisturbed natural ground surface may be allowed to remain under a roadway fill only where such surface is covered by at least 1.5 metres (4.9 feet) of non-organic fill, and

(3) the minimum road surface width, inclusive of shoulders, is 7.5 metres (24.6 feet), and

(4) the minimum width of the traveled surface is 5.5 metres (18 feet), and

(5) the traveled surface shall have a base course of crushed, screened or pit run gravel to a minimum thickness of 10 centimetres (4 inches), the crown to be 3%, and the road may be paved in a manner acceptable to the *engineer*, and

(6) the maximum road grade shall be eight (8) percent or a higher percentage acceptable to the *engineer*, except within 15 metres (49.2 feet) of the intersection with a public highway in which case the maximum grade shall be two (2) per cent, and

(7) ditches shall have a maximum road slope and a maximum backslope of 1:2 or 1:4, and

(8) culverts shall be constructed and installed in a manner acceptable to the *engineer*;

(9) all bridges shall be certified by a the engineer as having been constructed to current Canadian Standards Association specifications, and

(10) the minimum road surface width required under (3) shall be located entirely within the right-of-way; and

(11) provision shall be made for surface drainage in a manner acceptable to the *engineer*; and

(12) all road construction shall be carried out in accordance with procedures contained in the *Erosion and Sedimentation Control Handbook* as updated from time to time by the Department of the Environment.

**4.2.3** All proposed *private roads* in areas shown on the Serviced Areas Map attached as Schedule H shall be constructed in accordance with the following:

(1) Roots, stumps, moss, sod and all other organic material shall not be placed in roadway fills or allowed to remain under roadway fills, and

(2) Notwithstanding (1) above, an undisturbed natural ground surface may be allowed to remain under a roadway fill only where such surface is covered by at least 1.5 metres (4.9 feet) of non-organic fill, and

(3) the minimum road surface width, inclusive of shoulders, is 7.5 metres (24.6 feet), and

(4) the minimum width of the travelled surface is 5.5 metres (18 feet), and

(5) the travelled surface shall have a base course of crushed, screened or pit run gravel to a minimum thickness of 20 centimetres (8 inches), and may be paved in a manner acceptable to the *engineer*, and

(6) the maximum road grade shall be eight (8) percent, except within 15 metres (49.2 feet) of the intersection with a public highway in which case the maximum grade shall be two (2) per cent, and

(7) ditches shall have a maximum road slope and a maximum backslope of fifty (50) percent, and

(8) culverts shall be constructed of steel concrete pipe or high density polyethylene double wall culvert, shall have a minimum diameter of 46 centimetres (18 inches), shall be buried a minimum of 46 centimetres (18 inches)

below the road surface, and shall be placed substantially at right angles to the road centreline, and

(9) all bridges shall be certified by a Professional engineer as having been constructed to current Canadian Standards Association specifications, and

(10) the minimum road surface width required under (3) shall be located entirely within the right-of-way, and

(11) provision shall be made for surface drainage of the right-of-way through the use of culverts, ditches, and natural watercourses of appropriate capacity, and the *subdivider* is responsible for the effects of any downstream flow onto other properties, and

(12) all road construction shall be carried out in accordance with procedures contained in the *Erosion and Sedimentation Control Handbook* as updated from time to time by the Department of the Environment.

**4.2.4** Sections 4.2.2 and 4.2.3 shall be waived where a *private road* provides access to six or fewer *lots*, including remainder *lots* and *lots* which have a right-of way to a private road.

**4.2.5** Construction of a proposed *private road* shall be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *Municipality*. The cost of the inspections shall be the responsibility of the subdivider.

**4.2.6** Where the boundary of a *private road* shown on a plan of *subdivision* is not intended to be a *lot* boundary, it shall be shown as a lighter solid line or a dashed line.

**4.2.7** No part of a *private road* shall be included in the calculation of *lot* area for the purpose of meeting the *lot* area requirements of Sections 4.1.4 and 4.1.5.

**4.2.8** For greater certainty the design and construction requirements for *private roads* shall not apply to existing *private roads* established prior to the adoption of this By-law.

**4.2.9** The engineer shall certify in writing that all *private road* design and construction requirements have been met.

### **4.3 Municipal Public Roads**

**4.3.1** *Subdivisions* showing *lots* abutting a proposed municipal public road shall not be permitted within the *Municipality*.

## Part 5 Preliminary Plans of *Subdivision* – Optional

### 5.1 Requirements

5.1.1 The *subdivider* proposing to subdivide an *area of land* may submit to the development officer four copies of the preliminary plan of *subdivision* drawn to scale showing

- (a) the name of the owner of the *area of land* being subdivided;
- (b) the names of all owners of all properties abutting the *area of land* being subdivided;
- (c) the unique Parcel Identifier of all areas of land being subdivided;
- (d) the civic number of *main buildings* on the *area of land* being subdivided;
- (e) a location plan showing the approximate distance between the *area of land* being subdivided and the nearest prominent landmark;
- (f) the shape, dimensions, and area of the *lots* 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;
- (h) no duplication of *lot* identifiers;
- (i) the approximate location of railways;
- (j) the approximate location of any easements or any rights-of-way;
- (k) the location of existing and proposed *public streets* and *private road* right-of-ways;
- (l) the name of existing and proposed *public streets* (and the *public street* number) and *private road* right-of-ways as issued by the civic addressing system;
- (m) the graphic representation of *lots* being created shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;

(n) the approximate location of existing buildings within 10 metres (32.8 feet) of a property line;

(o) the general location of watercourses;

(p) the north point;

(q) the scale;

(r) any other information necessary to determine whether this *subdivision* conforms to this *subdivision* By-law.

**5.1.2** Where a preliminary plan of *subdivision* is to be forwarded to the *Department of Environment* pursuant to clause 5.2.3(a), the information listed in Section 5.1.3 is required for the following proposed *lots*:

- (a) a proposed *lot* which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
- (b) a proposed *lot* being divided from an existing *area of land*, contains an on-site sewage disposal system; and
  - (i) is 9000 square metres (96,878.4 square feet) or less in area; or
  - (ii) has a width of less than 76 metres (249.3 feet).

**5.1.3** Unless the information already has been submitted to the *Department of Environment*, the following additional information is required for proposed *lots* referred to in Section 5.1.2:

- (a) the *lot* layout including any proposed building, on-site sewage disposal system, driveway and water well;
- (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, 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 on-site sewage disposal 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*.

5.1.4 For a proposed *lot* that is being divided from an existing *area of land*, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the *lot* layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

5.1.5 For a proposed *lot* 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule "A" of this By-law must be completed.

## 5.2 Procedure

5.2.1 Application for an evaluation of a preliminary plan of *subdivision* shall be made to the development officer in the form specified in Schedule "A" of this By-law.

5.2.2 The development officer shall comply with the notification and approval provisions of the *Municipal Government Act*.

5.2.3 A copy of the preliminary plan of *subdivision* shall be forwarded to

- (a) in areas not served by a central sewer, the *Department of Environment* to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed *lot*
  - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed *lot* is not intended for a purpose requiring an on-site sewage disposal system, or
  - (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed *lots* shown on the plan meet the requirements listed in subclause (ii);

- (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
- (c) any authority having jurisdiction for the *public streets* within 500 metres of the proposed *lots*; and
- (d) any other agency of the Province or the *municipality* which the development officer deems necessary.

**5.2.4** A preliminary plan of *subdivision* that shows a proposed *lot* referred to in Section 5.1.5 shall be forwarded to the *Department of Environment* for confirmation that the Department is in agreement that the proposed *lot* does not require an on-site sewage disposal system.

**5.2.5** Any agency which has been forwarded a copy of the preliminary plan of *subdivision* pursuant to Section 5.2.3 shall forward a written report of their assessments or recommendations to the development officer.

**5.2.6** The development officer shall inform the applicant in writing of the results of the evaluation of the preliminary plan of *subdivision*.

## **Part 6      Concept Plans - Optional**

### **6.1      Requirements**

**6.1.1** Where an *area of land* is being subdivided in phases and will contain new streets, a person may submit to the development officer eight (8) copies of a concept plan of the entire *area of land*.

**6.1.2** Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:

- (a) the words "Concept Plan" located in the title block;
- (b) name of property owner(s) and name of all abutting land owners;
- (c) the proposed internal street system with connections to existing streets;
- (d) the proposed location of public open space;
- (e) the location of existing development, if any;
- (f) the location of any municipal service boundary;
- (g) the north point;



- (h) contours at five metre (16.4 foot) intervals, and
- (i) any other information necessary to determine if the *subdivision* meets with municipal standards and accepted engineering practice as determined by the *engineer*.

## 6.2 Procedure

- 6.2.1 Application for approval of a concept plan shall be made to the development officer in the form specified in Schedule "A" of this By-law.
- 6.2.2 The development officer shall comply with the notification and approval provisions of the *Municipal Government Act*.
- 6.2.3 The development officer shall forward the concept plan and any supplementary information to appropriate agencies in order to evaluate 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.
- 6.2.4 Any agency which has been forwarded a copy of the concept plan pursuant to Section 6.2.3 shall forward a written report of their assessments or recommendations to the development officer.
- 6.2.5 Approval of a concept plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the *Department of Transportation* or of any other agency of the Province or the *municipality* unless the concept plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 6.2.6 Where the development officer refuses to approve a concept plan, the development officer shall give notice of the refusal to all agencies which were forwarded a concept plan pursuant to Section 6.2.3.

- 6.2.7 Where the development officer refuses to approve a concept plan, the development officer shall inform the applicant of the reasons for the refusal in writing and advise the applicant of the appeal provisions of Section 284 of the *Municipal Government Act*.
- 6.2.8 The following information shall be stamped or written and completed by the development officer on any concept plan which is approved:
- (a) "This concept plan is approved."
  - (b) the date of the approval of the concept plan; and
  - (c) "This concept plan shall not be filed in the 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."
- 6.2.9 The development officer shall forward an approved copy of the concept plan to the applicant.

## **Part 7 Tentative Plans of *Subdivision* – Optional**

### **7.1 Requirements**

- 7.1.1 A person proposing to subdivide an *area of land* may submit to the development officer eight (8) copies of the tentative plan of the proposed *subdivision* meeting the requirements of Section 7.1.2 and 7.1.3 of this By-law.
- 7.1.2 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; and
  - (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*.
- 7.1.3 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*;
- (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 of *main buildings* on the *area of land* being subdivided;
- (h) the names of all owners or the identifiers of all properties abutting the proposed *subdivision*;
- (i) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the *area of land* and, if possible, showing the location of the closest community to the *area of land* proposed to be subdivided;
- (j) the shape, dimensions, and area of the proposed *lots*;
- (k) each proposed *lot* identified by a number, except in cases where a parcel is being added to or subtracted from an existing *area of land*, in which case the parcel shall be identified by a letter and the new *lot* identified by the existing *area of land* identifier, where applicable, and the letter;
- (l) no duplication of *lot* identifiers;
- (m) the boundaries of 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 location of existing and proposed *public streets*, *private roads*, and Schedule "B" roads;

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

**7.1.4** Where a tentative plan of *subdivision* is to be forwarded to the *Department of Environment* pursuant to clause 7.2.3(a), the information listed in Section 7.1.5 is required for the following proposed *lots*:

- (a) a proposed *lot* which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
- (b) a proposed *lot* being divided from an existing *area of land*, contains an on-site sewage disposal system; and
  - (i) is 9000 square metres (96,878.4 square feet) or less in area; or
  - (ii) has a width of less than 76 metres (249.3 feet).

**7.1.5** Unless the information already has been submitted to the *Department of Environment*, the following additional information is required for proposed *lots* referred to in Section 7.1.4:

- (a) the *lot* layout including any proposed building, on-site sewage disposal system, driveway and water well;

- (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, 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 on-site sewage disposal 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*.

7.1.6 For a proposed *lot* that is being divided from an existing *area of land*, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the *lot* layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

7.1.7 For a proposed *lot* 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule "A" must be completed.

7.1.8 Where the proposed *lots* front on a proposed *private road*, a tentative plan of *subdivision* shall

- (a) show a boundary survey of the *area of land* proposed to be subdivided, excluding the remainder *lot*, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Land Surveyors Act* and its regulations;
- (b) be accompanied by four copies engineering plans showing the design of the private road as required by Section 4.2.1(1); and
- (c) in the serviced areas of the municipality four copies of engineering plans showing the design of the extension of the central public

wastewater system required by Section 11.2 and, if applicable, the design of the extension of the water system as required by Section 12.1.

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

## 7.2 Procedure

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

7.2.2 The development officer shall comply with the notification and approval provisions of the *Municipal Government Act*.

7.2.3 A copy of the tentative plan of *subdivision* shall be forwarded to

- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed *lot*
  - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed *lot* is not intended for a purpose requiring an on-site sewage disposal system, or
  - (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed *lots* shown on the plan meet the requirements listed in subclause (i);
- (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
- (c) any authority having jurisdiction for the *public streets* within 500 metres of the proposed *lots*; and
- (d) any other agency of the Province or the *municipality* which the development officer deems necessary.

7.2.4 A tentative plan of *subdivision* that shows a proposed *lot* referred to in Section 7.1.7 shall be forwarded to the *Department of Environment* for confirmation that the Department is in agreement that the proposed *lot* does not require an on-site sewage disposal system.

- 7.2.5 Any agency which has been forwarded a copy of a tentative plan of *subdivision* pursuant to Section 7.2.3 shall forward a written report of their assessments or recommendations to the development officer.
- 7.2.6 Approval of a tentative plan of *subdivision* may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the *Department of Transportation* or of any other agency of the Province or the *municipality* unless the tentative plan of *subdivision* is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 7.2.7 Where the development officer refuses to approve a tentative plan of *subdivision*, the development officer shall inform the applicant of the reasons for the refusal in writing and advise the applicant of the appeal provisions of Section 284 of the *Municipal Government Act*.
- 7.2.8 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; and
  - (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."
- 7.2.9 The development officer shall forward a copy of the approved tentative plan of *subdivision* to the applicant and the surveyor.

## **Part 8 Final Plans of Subdivision**

### **8.1 Requirements**

- 8.1.1 A *subdivider* proposing to subdivide an *area of land* shall submit twelve (12) copies of the final plan of *subdivision* meeting the requirements of Section 8.1.2 of this By-law to the development officer for approval.

8.1.2 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 street and road have been surveyed in the manner required by the *Land Surveyors Act* and its regulations, except for a final plan of *subdivision* prepared pursuant to Section 4.1.8 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*.

8.1.3 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*;
- (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 of *main buildings* on the *area of land* being subdivided;
- (g) the names of all owners or the identifiers of all properties abutting the proposed *subdivision*;
- (h) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the *area of land* and, if possible, showing the location of the closest community to the *area of land* proposed to be subdivided;
- (i) the shape, dimensions, and area of the proposed *lots*;



- (j) each proposed *lot* identified by a number, except in cases where a parcel is being added to or subtracted from an existing *area of land*, in which case the parcel shall be identified by a letter and the new *lot* identified by the existing *area of land* identifier, where applicable, and the letter;
- (k) no duplication of *lot* identifiers;
- (l) the boundaries of proposed *lots* shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (m) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (n) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
- (o) the location of existing and proposed *public streets*, *private roads*, and Schedule "B" roads;
- (p) the name of existing and proposed *public streets* (and the *public street* number) *private roads*, and Schedule "B" roads as issued pursuant to the civic addressing system;
- (q) the width and location of railroads and railway rights-of-way;
- (r) the general location of watercourses, wetlands, or prominent rock formations;
- (s) the width, location, and nature of any easements on or affecting the *area of land* proposed to be subdivided;
- (t) where applicable, a notation stating the *lots* are serviced by a central sewer and/or water system;
- (u) the north point;
- (v) the date on which the plan of *subdivision* was drawn and the date of any revisions;
- (w) the scale to which the plan of *subdivision* is drawn; and
- (x) any other information necessary to determine whether or not the plan of *subdivision* conforms to this By-law.

**8.1.4** Where a final plan of *subdivision* is to be forwarded to the *Department of Environment* pursuant to clause 8.2.3(a), the information listed in Section 8.1.5 is required for the following proposed *lots*:

- (a) a proposed *lot* which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
- (b) a proposed *lot* being divided from an existing *area of land*, contains an on-site sewage disposal system; and
  - (i) is 9000 square metres (96,878.4 square feet) or less in area; or
  - (ii) has a width of less than 76 metres (249.3 feet).

**8.1.5** Unless the information already has been submitted to the *Department of Environment*, the following additional information is required for proposed *lots* referred to in Section 8.1.4:

- (a) the *lot* layout including any proposed building, on-site sewage disposal system, driveway and water well;
- (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, 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 on-site sewage disposal 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*.

**8.1.6** For a proposed *lot* that is being divided from an existing *area of land*, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the

*lot* layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

- 8.1.7 For a proposed *lot* 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule "A" must be completed.
- 8.1.8 For a proposed *lot* that will have access to a provincial public highway, the final plan of *subdivision* may be accompanied by or show stopping sight distances information in the form specified in Schedule "G" completed by a Nova Scotia Land Surveyor.
- 8.1.9 Unless they have already been submitted, final engineering design drawings for any services shall accompany the final plan of *subdivision*.

## 8.2 Procedure

- 8.2.1 Application for approval of a final plan of *subdivision* shall be made to the development officer in the form specified in Schedule "A" of this By-law.
- 8.2.2 The development officer shall comply with the notification and approval provisions of the *Municipal Government Act*.
- 8.2.3 A copy of the final plan of *subdivision* shall be forwarded to
- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed *lot*
    - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed *lot* is not intended for a purpose requiring an on-site sewage disposal system, or
    - (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed *lots* shown on the plan meet the requirements listed in subclause(i);
  - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) any authority having jurisdiction for the *public streets* within 500 metres of the proposed *lots*; and

- (d) any other agency of the Province or the *municipality* which the development officer deems necessary.
- 8.2.4 A final plan of *subdivision* that shows a proposed *lot* referred to in Section 8.1.7 shall be forwarded to the *Department of Environment* for confirmation that the Department is in agreement that the proposed *lot* does not require an on-site sewage disposal system.
- 8.2.5 Any agency which has been forwarded a copy of a final plan of *subdivision* pursuant to Section 8.2.3 shall forward a written report of their assessments or recommendations to the development officer.
- 8.2.6 Approval of a final plan of *subdivision* may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the *Department of Transportation* or of any other agency of the Province or the *municipality* unless the final plan of *subdivision* is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 8.2.7 (1) At the time of application for approval of a final plan of *subdivision*, the *subdivider* shall submit to the development officer
- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of *subdivision* and registering a notice of approval of the plan; and
  - (b) a processing fee of \$350.00 per application for approval of a final plan of *subdivision*.
- (2) Where the development officer refuses to approve a final plan of *subdivision*, the development officer shall return the fees referred to in clause (1)(a) to the *subdivider*.
- 8.2.8 Before approving a final plan of *subdivision* that adds or consolidates parcels or areas of land in different ownerships the development officer shall have received
- (a) the executed deeds suitable for registering to effect the addition or consolidation;
  - (b) the fees for registering the deeds;
  - (c) the affidavit of value including particulars of any exemption, pursuant to Part V of the *Municipal Government Act*; and
  - (d) where applicable, the deed transfer tax.

- 8.2.9 The development officer shall forward an approved copy of the final plan of *subdivision* to the *subdivider* and the surveyor.
- 8.2.10 Where the development officer refuses to approve a final plan of *subdivision*, the development officer shall inform the applicant of the reasons for the refusal in writing and advise the applicant of the appeal provisions of Section 284 of the *Municipal Government Act*.
- 8.2.11 Where the development officer refuses to approve a final plan of *subdivision*, the development officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to Section 8.2.3.
- 8.2.12 A final plan of *subdivision* showing *lots* to be approved under circumstances described in subsection 287(3) of the *Municipal Government 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.
- 8.2.13 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)“ \_\_\_\_\_ (is, are) suitable for the construction or installation of an on-site sewage disposal system for \_\_\_\_\_ and any conditions which apply are contained in a report dated \_\_\_\_\_ and available from the Department of the Environment.”;
    - (ii)“ **IMPORTANT NOTICE**  
 \_\_\_\_\_ (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* are met.”; or
    - (iii)“ \_\_\_\_\_ (is, are) served by an exist-

(lot(s) approved and/or remainder)

ing on-site system and should a replacement system become necessary in future, approval of the replacement system from the *Department of Environment* is required.”.

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

**8.2.14** Within seven days of approving the plan, the development officer shall forward to the Land Registration Office

- (a) two (2) approved copy of the final plan of *subdivision* and a notice of approval in the form specified in Schedule "C" of this By-law; and
- (b) if applicable, the items required by Section 8.2.8 of this By-law.

## **Part 9 Subdivision by Instrument**

### **9.1 Requirements**

**9.1.1** A *subdivider* may subdivide an *area of land* by an instrument of *subdivision* where

- (i) each *lot* has a minimum area of 9,290 square metres (100,000 square feet) and dimensions that would permit it to contain a circle of a diameter of 76 metres (249.3 feet) within its boundaries, or
- (ii) an existing *lot* is being increased in size, and the *lot* being decreased in size, if any, meets the requirements of this By-law regulations other than those contained in clause(i).

- 9.1.2 All *lots* created by instrument of *subdivision* are required to be approved.
- 9.1.3 In addition to the application form required by Section 9.2.1, the *subdivider* proposing to subdivide an *area of land* by instrument of *subdivision* shall submit to the development officer a completed instrument of *subdivision* in the form specified in Schedule "D" of this By-law.
- 9.1.4 The graphic representation included as part of Schedule "D" shall show
- (a) the name of the *subdivision*, if any, and the name of the owner of the *area of land*;
  - (b) if applicable, the book and page number of the deed to the *area of land* as recorded in the name of the owner in the Land Registration Office;
  - (c) the unique Parcel Identifier (PID) of all areas of land being subdivided;
  - (d) the civic number of *main buildings* on the *area of land* being subdivided;
  - (e) the names of all owners or the identifiers of all properties abutting the proposed *subdivision*;
  - (f) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the *area of land* and, if possible, showing the location of the closest community to the *area of land* proposed to be subdivided;
  - (g) the shape, dimensions, and area of the proposed *lots*;
  - (h) 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;
  - (i) no duplication of *lot* identifiers;
  - (j) 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;

- (k) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (l) the location of existing *public streets*, *private roads*, and Schedule "B" roads;
- (m) the name of existing *public streets* (and the *public street* number) *private roads*, and Schedule "B" roads as issued pursuant to the civic addressing system;
- (n) the width and location of railroads and railway rights-of-way;
- (o) the general location of watercourses, wetlands, or prominent rock formations;
- (p) the width, location, and nature of any easements on or affecting the *area of land* proposed to be subdivided;
- (q) where applicable, a notation stating the *lots* are serviced by a public sewer and/or water system;
- (r) the north point;
- (s) the date on which the instrument of *subdivision* was drawn and the date of any revisions;
- (t) the scale to which the instrument of *subdivision* is drawn; and
- (u) any other information necessary to determine whether or not the instrument of *subdivision* conforms to this By-law.

9.1.5 Where an instrument of *subdivision* is to be forwarded to the *Department of Environment* pursuant to clause 9.2.3(a), the information listed in Section 9.1.6 is required for the following proposed *lots*:

- (a) a proposed *lot* which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
- (b) a proposed *lot* being divided from an existing *area of land*, contains an on-site sewage disposal system; and
  - (i) is 9000 square metres (96,878.4 square feet) or less in area; or
  - (ii) has a width of less than 76 metres (249.3 feet).



9.1.6 Unless the information already has been submitted to the *Department of Environment*, the following additional information is required for proposed *lots* referred to in Section 9.1.5:

- (a) the *lot* layout including any proposed building, on-site sewage disposal system, driveway and water well;
- (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, 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 on-site sewage disposal 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*.

9.1.7 For a proposed *lot* that is being divided from an existing *area of land*, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the *lot* layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

9.1.8 For a proposed *lot* 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule "A" must be completed.

## Procedure

9.2.1 Application for approval of an instrument of *subdivision* shall be made to the development officer in the form specified in Schedule "A" of this By-law.

- 9.2.2 The development officer shall comply with the notification and approval provisions of the *Municipal Government Act*.
- 9.2.3 A copy of the instrument of *subdivision* shall be forwarded to
- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed *lot*
    - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed *lot* is not intended for a purpose requiring an on-site sewage disposal system, or
    - (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed *lots* shown on the plan meet the requirements listed in subclause (i);
  - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) the authority having jurisdiction for *public streets*; and
  - (d) any other agency of the Province or the *municipality* which the development officer deems necessary.
- 9.2.4 An instrument of *subdivision* that shows a proposed *lot* referred to in Section 9.1.8 shall be forwarded to the *Department of Environment* for confirmation that the Department is in agreement that the proposed *lot* does not require an on-site sewage disposal system.
- 9.2.5 Any agency which has been forwarded a copy of an instrument of *subdivision* pursuant to Section 9.2.3 shall forward a written report of their assessments or recommendations to the development officer.
- 9.2.6 Approval of an instrument of *subdivision* may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the *Department of Transportation* or of any other agency of the Province or the *municipality* unless the final plan of *subdivision* is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 9.2.7 (1) At the time of application for approval of an instrument of *subdivision*, the *subdivider* shall submit to the development officer

- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of *subdivision* and registering a notice of approval of the plan; and
    - (b) a processing fee of \$350.00 per application for approval of an instrument of *subdivision*.
  - (2) Where the development officer refuses to approve a final plan of *subdivision*, the development officer shall return the fees referred to in clause (1)(a) to the *subdivider*.
- 9.2.8 Before approving an instrument of *subdivision* that adds or consolidates parcels or areas of land in different ownerships the development officer shall have received
- (a) the executed deeds suitable for registering to effect the addition or consolidation;
  - (b) the fees for registering the deeds;
  - (c) the affidavit of value including particulars of any exemption, pursuant to Part V of the *Municipal Government Act*; and
  - (e) where applicable, the deed transfer tax.
- 9.2.9 The development officer shall forward an approved copy of the instrument of *subdivision* to the *subdivider* and the surveyor.
- 9.2.10 Where the development officer refuses to approve an instrument of *subdivision*, the development officer shall inform the applicant of the reasons for the refusal in writing and advise the applicant of the appeal provisions of Section 284 of the *Municipal Government Act*.
- 9.2.11 Where the development officer refuses to approve an instrument of *subdivision*, the development officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to Section 9.2.3.
- 9.2.12 An instrument of *subdivision* showing *lots* to be approved under circumstances described in subsection 287(3) of the *Municipal Government 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.

9.2.13 The following information shall be stamped or written and completed by the development officer on any instrument of *subdivision* which is approved:

(a) where applicable,

(i)“ \_\_\_\_\_ (is, are) suitable for the construction or installation of an on-site sewage disposal system for \_\_\_\_\_ and any conditions which apply are contained in a report dated \_\_\_\_\_ and available from the Department of Environment.”;

(lot(s) approved and/or remainder)  
(proposed use)

(ii)“ **IMPORTANT NOTICE**

\_\_\_\_\_ (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* are met.”; or

(lot(s) approved and/or remainder)

(iii)“ \_\_\_\_\_ (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* is required.”.

(lot(s) approved and/or remainder)

(b) where applicable,

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

9.2.14 Within seven days of approving the plan, the development officer shall forward to the Land Registration Office

- (a) two (2) approved copies of the instrument of *subdivision*; and
- (b) if applicable, the items required by Section 8.2.8 of this By-law.

## Part 10 Repeal of a Subdivision

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

10.2 Any person requesting a repeal of a *subdivision* shall submit to the development officer an application in the form specified in Schedule "E1" or "E-2".

10.3 Notwithstanding Section 79, the notification and approval provisions of the *Municipal Government Act* do not apply to a repeal respecting a plan of *subdivision* or instrument of *subdivision* to consolidate two or more parcels for which no deed to effect the consolidation has been registered in the Registry of Deeds or Land Registration Office, provided that the applicant certifies that to the applicant's knowledge no deed to effect the consolidation exists."

10.4 (1) The notification and approval provisions of the *Municipal Government Act* which apply to the approval of a plan or instrument of *subdivision* shall also apply to a repeal.

(2) Notwithstanding Section 10.4(1), the notification and approval provisions of the Act do not apply to a repeal respecting a plan of subdivision or instrument of subdivision to consolidate two or more parcels for which no deed to effect the consolidation has been registered in the Registry of Deeds or Land Registration Office, provided that the applicant certifies that to the applicant's knowledge no deed to effect the consolidation exists

10.5 When the development officer is satisfied that an application for repeal is complete, the development officer may forward a copy to any agency which provided an assessment or recommendations on the original plan or instrument of *subdivision*.

10.6 Where buildings have been erected on the subject lands after the date of the *subdivision* approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, land-use by-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan or instrument of *subdivision* filed at the Land Registration Office on the same day as the repeal is filed.

- 10.7 Part 3 to Part 9 inclusive of this By-law do not apply to the repeal of a plan or instrument of *subdivision*.
- 10.8 The development officer shall forward to the Land Registration Office the repeal in the form specified in Schedule "F".
- 10.9 The development officer shall forward a copy of the repeal referred to in Section 10.7 to
- (a) the *subdivider*, and
  - (b) any agency which provided an assessment or recommendations on the original plan or instrument of *subdivision*.
- 10.10 (1) At the time of application for the repeal of a *subdivision* the *subdivider* shall submit to the development officer
- (a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan or instrument of *subdivision*; and
  - (b) a processing fee of \$350.00 per final application for repeal of a *subdivision*.
- (2) Where the development officer refuses to repeal a *subdivision*, the development officer shall return the fees referred to in clause (1)(a) to the *subdivider*.
- 10.11 Where the development officer refuses to repeal a *subdivision*, the development officer shall give notice of the refusal to the *subdivider* and to all agencies which were forwarded the application for repeal pursuant to Section 10.9.

## **Part 11 Extensions to *Central Public Wastewater Systems***

- 11.1 A proposed *subdivision* on a new *private road* in an area adjacent to a central public sewer system shall design and install a wastewater system in the *area of land* being subdivided, provided the existing municipal system has the capacity to accommodate the *subdivision*, as determined by the *engineer*.
- 11.2 The system required by Section 11.1 shall be designed by an *engineer* and shall meet the design and construction requirements of the "Standard Specifications for Municipal Services" prepared by the Nova Scotia Road Builders Association (NSRBA) and the Nova Scotia Consulting Engineers Association (NSCEA) Joint Committee on Contract Documents.

- 11.3 The requirements of Section 11.2 above may be varied in accordance with accepted engineering practice.
- 11.4 Following completion of the system the *subdivider* shall:
- (a) post a maintenance bond in the amount of ten (10) percent of the actual cost of construction of the system for twelve (12) months,
  - (b) provide “as built” reproducible engineering design drawings, in digital and hard copy format, of the system. “As built” information shall be located with a survey;
  - (c) provide legal conveyance of an easement to the system to the *Municipality*; and
  - (e) be responsible for all registration and other costs associated with the requirements of this section.
- 11.5 The *engineer* shall certify in writing that the wastewater system has been designed and constructed in accordance with the requirements of this by-law.

## **PART 12 Extensions to Public Water System**

- 12.1 Proposed *subdivisions* which include extending the water system owned the Town of Digby shall meet the design and construction requirements of the Town.

## **Part 13 Open Space**

- 13.1 Before endorsement of approval on a final plan of *subdivision* by the Development Officer, the *subdivider* shall reserve and convey to the *municipality* free of encumbrances, for park, playground or similar public purposes an area of useable land, equal to five (5) percent of the area of the new *lots* created on the FINAL plan of *subdivision* exclusive of roads.
- 13.2 Section 13.1 shall apply to *subdivisions* creating new roads where the road provides access to 20 or more *lots*.
- 13.3 For the purposes of Section 13.1, useable land shall be defined as land that:
- (a) has an average slope over the entire parcel of not more than fifteen percent (15%), provided that any part of the parcel with a slope of fifteen percent (15%) or more shall not exceed one-quarter of the area of the entire parcel;
  - (b) has *frontage* on a *public street* or *private road*;

- (c) is not a clearing and grubbing disposal area;
- (d) is not swampland or subject to flooding; and
- (e) does not contain an electrical transmission corridor.

**13.4** This part shall apply only to the serviced areas of the *Municipality* as shown on Schedule H.

#### **Part 14      Effective Date, Repeal**

**14.1** This By-law is effective on \_\_\_\_\_, 20 , and the existing Subdivision By-law is repealed.



MUNICIPALITY OF THE DISTRICT OF DIGBY

APPLICATION FOR SUBDIVISION APPROVAL

SCHEDULE "A"

**FOR OFFICE USE ONLY**  
 File \_\_\_\_\_  
 No: \_\_\_\_\_

**OWNER RELATED INFORMATION**

NAME OF LAND OWNER(S) \_\_\_\_\_  
 ADDRESS OF LAND OWNER(S) \_\_\_\_\_  
 POSTAL CODE \_\_\_\_\_ PHONE NO. \_\_\_\_\_  
 SUBDIVISION NAME (IF DIFFERENT FROM OWNER) \_\_\_\_\_  
 DOCUMENTS TO BE RETURNED TO \_\_\_\_\_  
 CORRESPONDENCE TO BE DIRECTED TO \_\_\_\_\_

**LAND TO BE SUBDIVIDED**

LOCATION \_\_\_\_\_  
 PARCEL IDENTIFIER \_\_\_\_\_  
 TYPE OF APPLICATION    Preliminary (Optional)    Concept (Optional)    Tentative (Optional)    Final    Instrument  
 FEES ATTACHED    Yes    No  
 APPROVAL REQUESTED FOR LOT (S) # \_\_\_\_\_  
 IS THERE A REMAINDER LOT?    Yes    No  
 TYPE OF DEVELOPMENT PROPOSED    Single unit dwelling    Other (specify) \_\_\_\_\_

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

(This applies to all proposed lots including remainder lots)

I certify that \_\_\_\_\_ (Lot(s) being approved and/or remainder lot) (is, are) being created for a purpose ( \_\_\_\_\_ (Specify purpose) )  
 that will not require the installation of an on-site sewage disposal system.

SIGNATURE \_\_\_\_\_

**WATER SERVICES**

Existing Proposed  
 CENTRAL SYSTEM  
 DRILLED WELL  
 DUG WELL  
 OTHER (SPECIFY) \_\_\_\_\_

**SEWER SERVICES**

Existing Proposed  
 CENTRAL SYSTEM  
 ON-SITE

**ACCESS**

Existing  
 MUNICIPAL PUBLIC STREET  
 PROVINCIAL PUBLIC STREET  
 PRIVATE ROAD Existing Proposed  
 OTHER (SPECIFY) \_\_\_\_\_

I certify that I am the owner or am acting with the owner's written consent (pertains only to final and instrument applications).

SIGNATURE OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

SCHEDULE "B" ROADS

SCHEDULE "C"

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

Name of Owner(s) \_\_\_\_\_

Name of Subdivision \_\_\_\_\_

Location \_\_\_\_\_

Date of Approval \_\_\_\_\_ For Lot(s) \_\_\_\_\_

Surveyor \_\_\_\_\_ Date of Plan \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
Development Officer

\_\_\_\_\_

Plan of Subdivision filed in the registry of deeds as Plan # \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_  
(DATE) (YEAR)

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

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

INSTRUMENT OF SUBDIVISION

AN INSTRUMENT RESPECTING THE SUBDIVISION OF LAND IN ACCORDANCE WITH SECTION 269 OF THE *MUNICIPAL GOVERNMENT ACT* .

LANDS OF

LOCATED AT

Based on the information contained in this Instrument of Subdivision, Lots \_\_\_\_\_ are APPROVED.

IMPORTANT NOTICE:

This approval does not warrant the size, location, or boundaries of the lots described in the instrument and the development officer has no duty to verify the information submitted by the applicant as to the size, location, or boundaries of the lots.

The information shown on this instrument may not be acceptable to municipal development officers or building inspectors for any building or development permits.

DEVELOPMENT OFFICER

DATE

DECLARATION

I, We \_\_\_\_\_ of \_\_\_\_\_  
in the County of \_\_\_\_\_, Province of Nova Scotia, do solemnly declare:

1. THAT (I, we) (am, are) the owner(s) of the area(s) of land as shown on the graphic representation (sketch).

2. THAT (I, we) have shown the registry of deeds book and page numbers of the area(s) of land on the graphic representation.

3. THAT (I, we) intend to subdivide the area(s) of land as shown on the graphic representation in this instrument into Lots \_\_\_\_\_.

4. THAT (I, we) make this solemn declaration conscientiously believing the same to be true and to have the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at \_\_\_\_\_,)

in the County of \_\_\_\_\_,)

Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_,)

\_\_\_\_\_, A. D. \_\_\_\_\_ ,)  
(DATE) (YEAR)

\_\_\_\_\_,)

Commissioner of Oaths  
Province of Nova Scotia

Owner(s) Signature(s)

	LOCATION MAP
--	--------------

**TITLE BLOCK  
INSTRUMENT OF SUBDIVISION**

**Lands of:**

**SCALE:**



SCHEDULE "E1"

APPLICATION FOR REPEAL OF A SUBDIVISION

Plan of Subdivision  or Instrument of Subdivision  File Number \_\_\_\_\_

APPLICANT RELATED INFORMATION

Name of Land Owner(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address of Land Owner(s) \_\_\_\_\_ Postal Code \_\_\_\_\_

Documents To Be Returned To \_\_\_\_\_

Correspondence To Be Directed To \_\_\_\_\_

INFORMATION RELATED TO THE SUBDIVISION SOUGHT TO BE REPEALED

Name of applicant for subdivision approval \_\_\_\_\_

Location \_\_\_\_\_ Municipality \_\_\_\_\_

The subdivision was approved on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(YEAR)

and is filed in the Registry of Deeds at \_\_\_\_\_ in the Municipality of

the County of \_\_\_\_\_ as # \_\_\_\_\_

Lot(s) # \_\_\_\_\_ was/were approved and repeal is sought for approval of Lot(s) # \_\_\_\_\_

Registration fee submitted.

CERTIFICATION OF FACTS

(Reasons For Repeal)

(If more space required, attach additional sheet)

**OWNER'S CERTIFICATE**

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

Signature of owner/agent \_\_\_\_\_ Date \_\_\_\_\_  
Co-signer \_\_\_\_\_ Date \_\_\_\_\_

SCHEDULE "E2"

**APPLICATION FOR REPEAL OF A SUBDIVISION  
PURSUANT TO SECTION 10.3**

Plan of Subdivision: or Instrument of Subdivision:  
File Number: \_\_\_\_\_

**APPLICANT RELATED INFORMATION**

Name of Land Owner(s): \_\_\_\_\_ Phone: \_\_\_\_\_  
Address of Land Owner(s): \_\_\_\_\_  
Postal Code: \_\_\_\_\_

Documents to be Returned to: \_\_\_\_\_  
Correspondence to be Directed to: \_\_\_\_\_

**SUBDIVISION RELATED INFORMATION**

Name of Applicant for Subdivision Approval: \_\_\_\_\_

Location of Subdivision: \_\_\_\_\_

The Subdivision was approved on (Date): \_\_\_\_\_, and filed in the Registry of Deeds at:  
\_\_\_\_\_ in the Municipality of: \_\_\_\_\_  
\_\_\_\_\_ in the County of: \_\_\_\_\_

as #: \_\_\_\_\_

Lot(s) #: \_\_\_\_\_ were approved and repeal is sought for Lot(s) #:  
\_\_\_\_\_

Registration Fee Submitted:

**CERTIFICATION OF FACTS (Reason for repeal)**  
(If more space is required attach an additional sheet)

**OWNERS CERTIFICATE**

I certify that the information in this application is true and complete and to my knowledge no deed to effect the consolidation of the lots mentioned exists.

\_\_\_\_\_  
(Signature of owner/agent)

\_\_\_\_\_  
(Date)

SCHEDULE "F"

**REPEAL OF A SUBDIVISION**

Plan of Subdivision or Instrument of Subdivision

Name of Owner(s) \_\_\_\_\_

Name of Subdivision

\_\_\_\_\_  
\_\_\_\_\_

Location

\_\_\_\_\_  
\_\_\_\_\_

Date of Approval of the Subdivision

\_\_\_\_\_

Being Registration #

\_\_\_\_\_ at the registry of deeds.

THIS SUBDIVISION IS REPEALED

Entire Plan or Instrument

or

Only Lots #

\_\_\_\_\_

Dated at

\_\_\_\_\_

in the

\_\_\_\_\_

Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_

(DATE)

(YEAR)

\_\_\_\_\_

Development Officer

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

SCHEDULE "G"

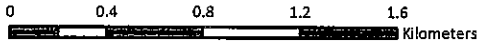
STOPPING SIGHT DISTANCES								
LOT NO.	SPEED ZONE	DISTANCE FROM LOT CORNER LEFT/RIGHT	LEFT		RIGHT		PASS OR FAIL*	COMMENT
			GRADE	DISTANCE	GRADE	DISTANCE		

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

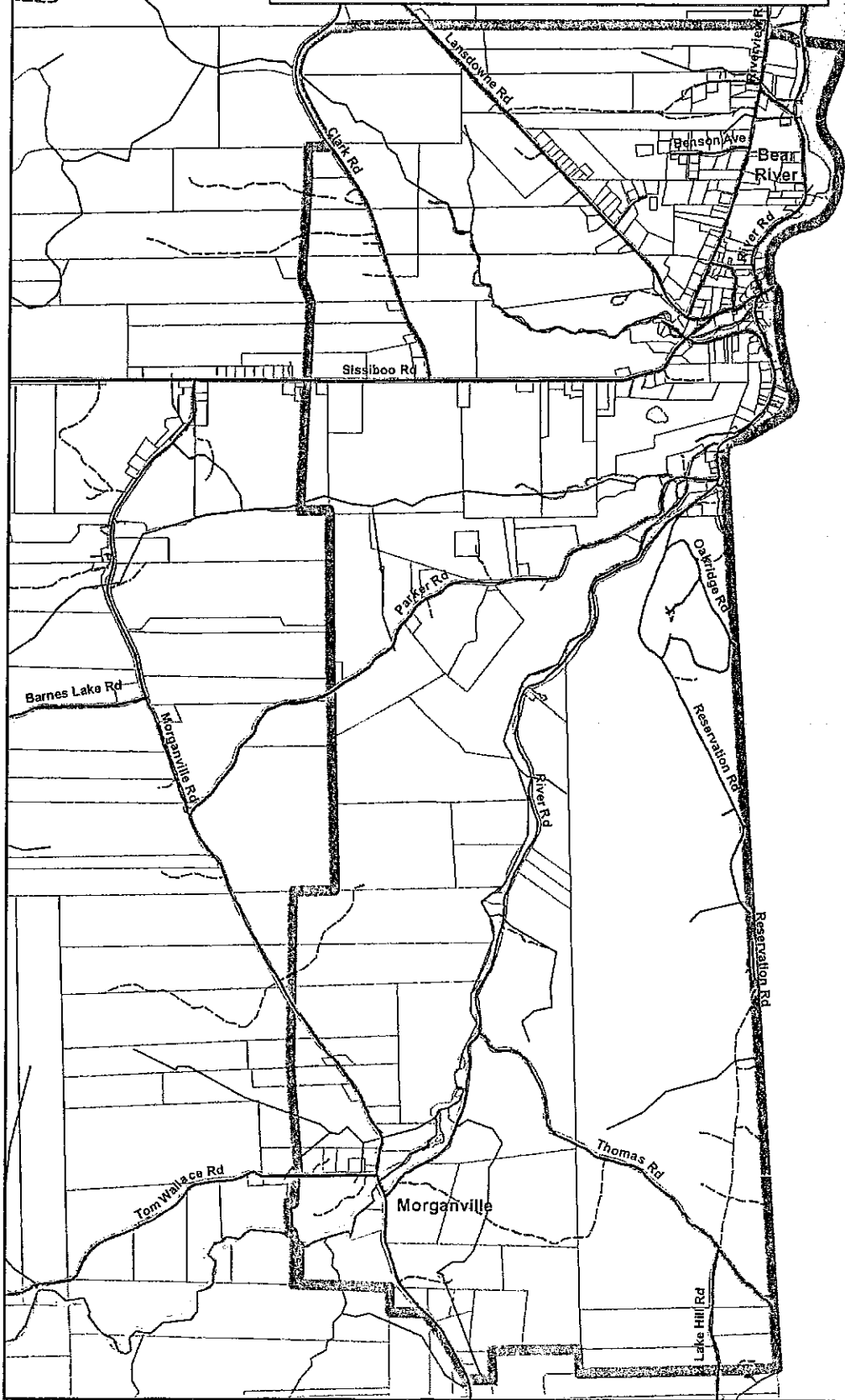
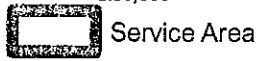
Signed: \_\_\_\_\_

*Nova Scotia Land Surveyor*

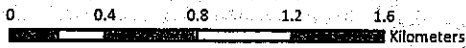
# SCHEDULE H1 - BEAR RIVER SERVICED AREA



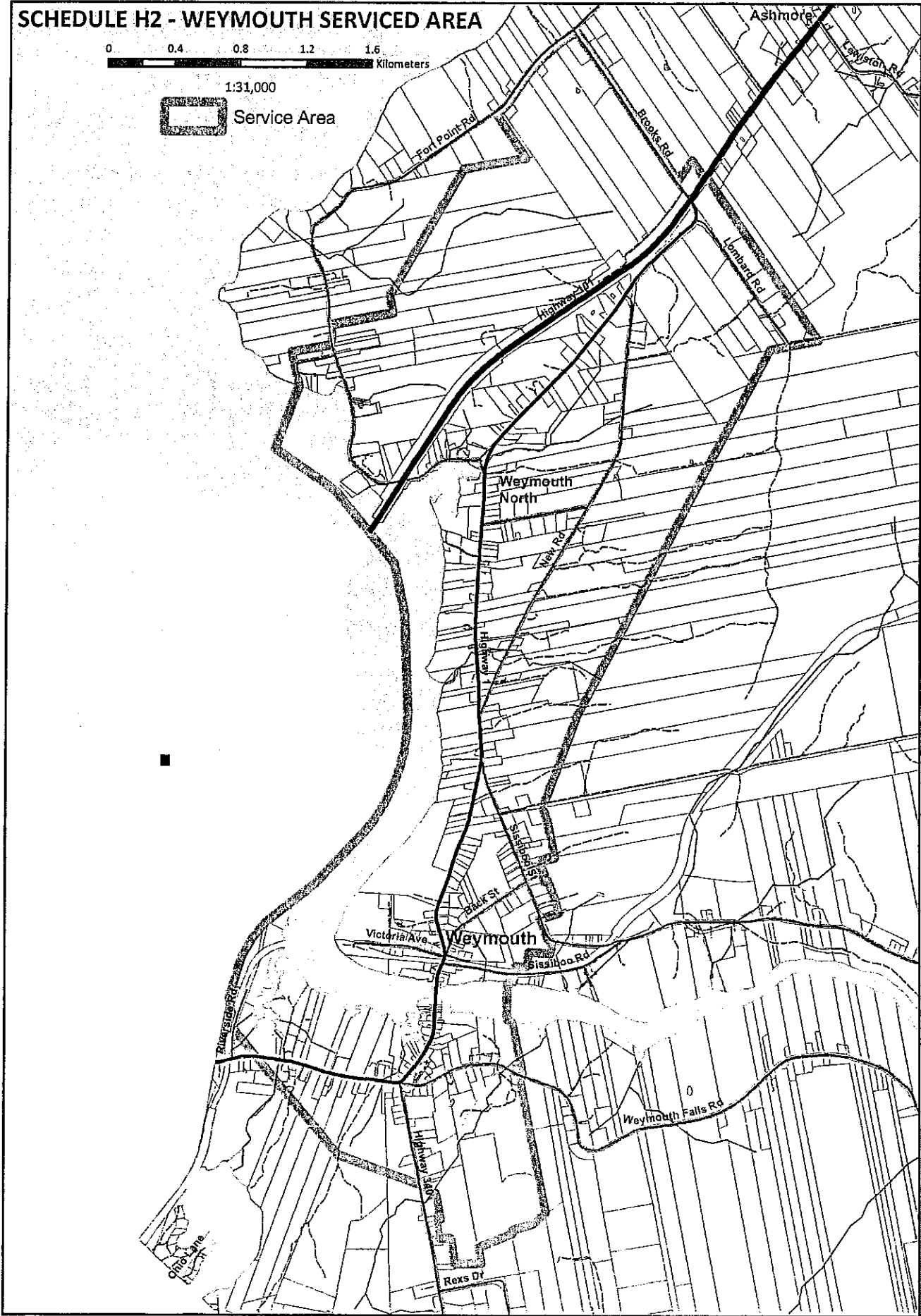
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# SCHEDULE H2 - WEYMOUTH SERVICED AREA

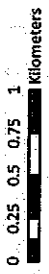


1:31,000





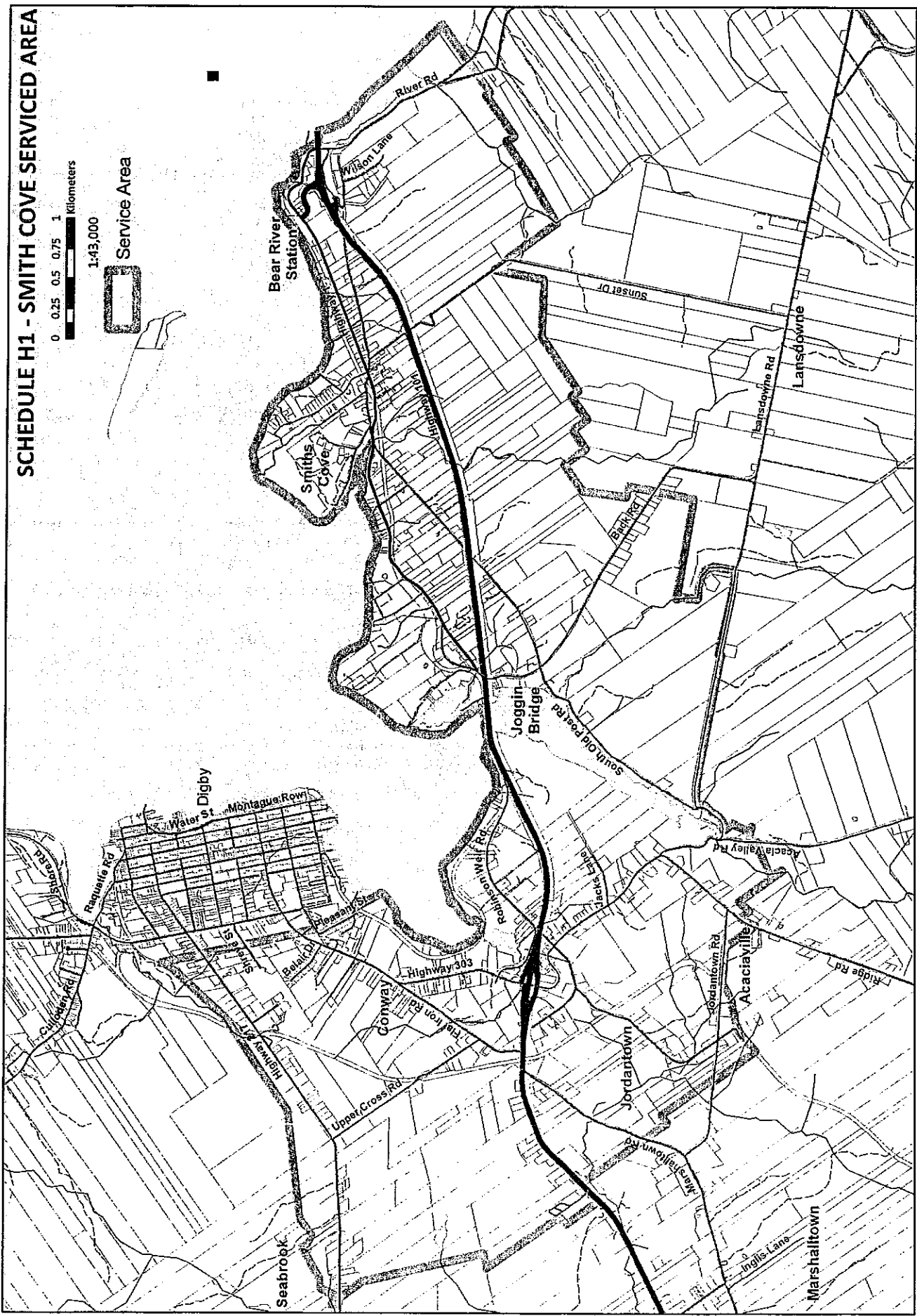
# SCHEDULE H1 - SMITH COVE SERVICED AREA



1:43,000



Service Area



This is to certify that the By-law of which this is a true copy was duly passed at a duly called meeting of the Council of the Municipality of the District of Digby, held the 15<sup>th</sup> day of December, 2008.

Given under the hands of the Municipal Clerk and under the seal of the Municipality of the District of Digby this 19<sup>th</sup> day of December, 2008.



Linda Fraser, CAO/ MUNICIPAL CLERK

<b>FIRST READING</b>	<b>NOVEMBER 24, 2008</b>
<b>NOTICE OF INTENT PUBLICATION</b>	<b>DECEMBER 3, 2008</b>
<b>SECOND PUBLICATION</b>	<b>DECEMBER 11, 2008</b>
<b>SECOND READING</b>	<b>DECEMBER 15, 2008</b>
<b>FORWARDED TO MINISTER</b>	<b>DECEMBER 19, 2008</b>
<b>DATE OF PUBLISHING</b>	<i>FEBRUARY 24, 2009.</i>

**Municipality of the District of Digby  
Subdivision Bylaw**

**Adopted by Council on December 15, 2008**

I acknowledge receipt of the Subdivision Bylaw for the Municipality of the District of Digby, adopted at a meeting of the Council of the Municipality of the District of Digby, held on December 15, 2008.

I have reviewed the documents pursuant to Section 208 of the *Municipal Government Act* and have not determined that the documents fall within any of the categories requiring approval listed in subsection 208(3), therefore the documents are not subject to the approval of the Minister of Service Nova Scotia and Municipal Relations.



Dave Smith  
Assistant Provincial Director of Planning

Dated: JAN 21 2009