

# Richmond County

## Subdivision By-law

### SHORT TITLE

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

### INTERPRETATION

2. In this By-law,

(a) "Act" means the *Municipal Government Act*;

(b) "Area of land" means any lot or parcel as described by its boundaries.

For the purposes of Section 19 "area of land" means:

(i) any lot or parcel described in a deed executed on or before August 6, 1984 less any subsequent conveyances prior to August 6, 1984, or

(ii) any lot or parcel shown on a FINAL plan of subdivision filed in the Registry of Deeds before August 6, 1984 or

(iii) any lot or parcel described in a deed executed on or subsequent to August 6, 1984, by means of Section 268(2) of the *Act*.

(c) "Central system" means a system of piping and plant for the collection, transportation and treatment of sewage or water of such design and installation as to satisfy the requirements of all agencies concerned both Provincial and Municipal.

(d) "Frontage" means

in an area 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 18, 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

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

(e) "Island" means an area of land completely surrounded by water at low tide;

- (f) "Lot" means any parcel to be created by the filing of an approved final plan of subdivision;
- (g) "Municipal engineer" means an engineer licensed to practise professional engineering in Nova Scotia and appointed by the municipality;
- (h) "Municipality" means the Municipality of the County of Richmond;
- (i) "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;
- (j) "Private Road Right-of-Way" means any road right-of-way 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 right-of-way shall have an easement for right-of-way and access which has been clearly surveyed and granted by deed, registered in the registry of deeds, and
  - (ii) includes any private road approved by the Department of Transportation and Communications and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the registry of deeds;
- (k) "Province" means Her Majesty the Queen in right of the Province of Nova Scotia;
- (l) "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 any street or road owned and maintained by the Department of Transportation and Communications of the Province excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*,
- (m) "Registry of Deeds" means the office of the registrar of deeds for the registration district in which the area of land being subdivided is located;
- (n) "Right-of-way easement" means an easement for right-of-way and access, extending to and having access to a public street or highway, and where not totally located within the area of land proposed to be subdivided the right-of-way easement shall be clearly surveyed and granted by deed, registered in the Registry of Deeds for the County of Richmond:
- (i) prior to August 6, 1984, having a minimum width of 3 metres (9.8 feet),  
or

(ii) subsequent to August 6, 1984, having a minimum width of 6 metres (19.7 feet);

(o) "Subdivider" means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent;

(p) "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.

## **GENERAL PROVISIONS**

### **A - Procedure**

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

4. The development officer shall comply with the notification and approval provisions of the *Act*.

5. The development officer shall forward a copy of the subdivision plan to

(a) in areas not served by a central sewer, the Department of the Environment of the Province to determine compliance with the "Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems";

(b) in areas served by a central sewer, the authority having jurisdiction for central sewers;

(c) in areas served by a central water supply, the village commission or other authority having jurisdiction for water services;

(d) the authority having jurisdiction for public streets; and

(e) any other agency of the Province or the municipality which the development officer deems necessary.

6. Any agency which has been forwarded a copy of the plan of subdivision pursuant to Section 5 shall forward a written report of their assessment or recommendations to the development officer.

7. Approval of a plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Communications or of any other agency of the Province or the municipality unless the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province, including any applicable requirements for lot area and lot frontage contained in a Land Use By-law.

8. (1) At the time of application, the subdivider shall submit

(a) the fees contained in the *Costs and Fees Act*, and regulations made thereunder, for

(i) filing the endorsed FINAL plan of subdivision, certifying a copy of the plan and registering a notice of approval of the plan, or

(ii) registering a repeal of a plan of subdivision; and

(b) a processing fee of \$200.00 per plan plus \$25.00 per lot for each lot above five (5) for which approval is being requested on a FINAL plan of subdivision for review and approval of the subdivision, or for repeal of a plan of subdivision; or

(c) a processing fee of \$50.00 for review and approval of a TENTATIVE plan of subdivision.

(2) Where the development officer refuses, to approve a TENTATIVE or FINAL plan, or to repeal a FINAL plan of subdivision or where the applicant withdraws the application, the fees referred to in clause (1)(a) and 50% of the fees referred to in clauses 1(b) or 1(c), shall be returned to the subdivider.

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

10. The development officer shall forward an endorsed copy of the FINAL plan of subdivision to the subdivider and the surveyor.

11. Where the development officer refuses to approve a TENTATIVE plan or FINAL plan of subdivision, the development officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to Section 5.

12. Where the development officer refuses to approve a TENTATIVE plan or FINAL plan of subdivision, the development officer shall notify the subdivider pursuant to the requirements of the *Act*, give reasons for refusal, and advise the subdivider of the appeal provisions of the *Act*.

13. 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 should

(a) identify such lots;

(b) state the name(s) of the grantee of such lots; and

(c) state the date, PID number, book and page number of the conveyance of such lots as recorded in the registry of deeds.

## **B - Lot Requirements**

14. ~~All lots shall abut:~~

1. All lots to be approved on a plan of subdivision shall abut and will access directly to:

(a) a public street or;

(b) a private road.

2. Notwithstanding the definition of "private road", a private road that must cross an unmaintained public street to extend and have access to a public street may be treated as continuous for the purposes of subsection (1) if the owner has a permit to cross the

unmaintained public street that is issued by the Department of Transportation or the municipality and is assignable and has no fixed duration.

15. (1) Subject to Subsections (2) and (3) all lots for which approval is requested and the remainder lot, if any, shall meet the requirements for minimum lot area and minimum lot frontage contained in Schedule "B".

(2) Where an authorized person of the Department of the Environment of the Province has assessed the proposed lots shown on a FINAL plan of subdivision and approved such lots for the installation of on-site sewage disposal systems, such lots shall be deemed to meet the lot area requirements contained in Schedule "B".

16. Where a Land Use By-law is in effect

(a) notwithstanding Section 15, all lots for which approval is being requested and the remainder lot, if any, shall meet the applicable requirements for minimum lot area and minimum lot frontage contained in such By-law; and

(b) clause 14(b), and Sections 17, 18, 19, and 22 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 allows for the subdivision and development of such lots.

17. (1) Notwithstanding the lot area and frontage requirements of this 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 By-law are met.

(2) Subsection (1) shall not vary the dimension for frontage below 6 metres (19.7 feet) or the minimum requirement for area for a lot served by an on-site sewage disposal system.

18. (1) For the purposes of this section, "water frontage" means the distance measured along the Ordinary High Water Mark as defined in the Nova Scotia Land Surveyors Regulations.

(2) Notwithstanding Section 14 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 provided each lot has water frontage of 6 metres (19.7 feet) or more and:

(a) the subdivider provides a parking area measuring not less than 3 x 6 metres (9.8 x 19.6 feet) for the exclusive use of each lot so subdivided, and

(b) the parking area is within 300 metres (984.25 feet) of the navigable watercourse on which the lots shown on the plan of subdivision abut, and

(c) the subdivider provides an easement for right-of-way and access, clearly surveyed and granted by deed registered in the Registry of Deeds having minimum width of 15 metres

(49.2 feet) extending from a public street or highway or a private road to the parking area and to the shoreline of the navigable watercourse where there exists suitable boat launching facilities, and

(d) the parking area, easement for right-of-way and the boat launching facilities are clearly identified on the FINAL plan of subdivision.

19. (1) Notwithstanding the lot frontage requirements of this By-law, the Development Officer may approve a FINAL plan of subdivision showing the subdivision of an existing area of land into two lots only, or one lot and a remainder lot for which no approval is requested, provided that each proposed lot and the remainder lot, if any:

(a) (i) has minimum lot frontage of 6 metres (19.7 feet), or

(ii) notwithstanding Section 14, is served by a right-of way easement as defined in clause 2(n), and

(b) meets the lot area requirements contained in Schedule "B" of this By-law.

(2) Where an area of land can not be subdivided in accordance with the provisions of this section because the access to it is required to cross a railway right-of-way and no easement for the right-of way and access can be obtained ~~from the railway~~, if all other requirements of this section have been met, subdivision approval may be granted, provided that the lot(s) created have access by a right-of-way easement as defined in clause 2 (4)(n), except that with regard to that portion of the right-of-way easement which crosses the railway right-of way, a license for right-of-way and access ~~from the railway~~ or permit to cross shall be sufficient.

20. (1) Notwithstanding Section 14, 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 20(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 44(1)(b), other than the new boundaries which have been surveyed pursuant to clause (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and

(c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the *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.

21. (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 21(1) is not surveyed, the provisions of Subsection 20(2) shall apply.

22. Notwithstanding the lot area requirements of this By-law, the development officer may approve a lot on a plan of subdivision which

(a) does not contain an on-site sewage disposal system or any part thereof; and

(b) which has a maximum area of 465 square metres (5005.3 square feet).

23. (1) For purposes of Subsection 23(2), "main building" is a building which is not an accessory building to another building on the area of land.

(2) Notwithstanding the lot area and frontage requirements of 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).

24. Where an area of land contains any buildings, the property shall be subdivided such as to retain the spatial separation distances required by the National Building Code.

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

26. There shall not be more than four public street or highway or private road approaches in an intersection.

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

28. Wherever possible, side lot lines shall be substantially at right angles to a public street or highway or private road, or radial to a curved public street or highway or private road.

29. Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.

### **C - Public Streets**

30. (1) All proposed public streets shall

(a) be shown on a FINAL plan of subdivision;

(b) be designed in accordance with "Specifications for Subdivision Roads in Urban and Rural Areas" prepared by the Department of Transportation and Communications of the Province, or specifications adopted by the municipality;

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

(d) be constructed prior to endorsement in accordance with "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, or specifications adopted by the municipality; and

(e) be approved by the municipal engineer.

(2) The specifications referred to in clauses (b), (c) and (d) may be varied in accordance with accepted engineering practise and the requirements of the *Act*.

(3) Construction of a proposed public street shall be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the Municipality and such inspections shall be committed to through the use of Letters of Undertaking, Schedule "F" and verified through the use of Certificates of Field Review, Schedule "G" before endorsement of approval of the FINAL plan.

(4) Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Nova Scotia Department of Transportation and Communications of the Province.

31. (1) All proposed lots which abut a public street shall have an access point to the public street which meets the stopping sight requirements of the Department of Transportation and Communications of the Province or requirements adopted by a municipality where the proposed lots abut a municipal public street.

(2) This section does not apply to proposed lots which have an existing access to a public street.



32. 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.

#### **D - Private Roads Right-of-Ways**

33 (1) All proposed private road right-of-ways shall

(a) be shown on a TENTATIVE or FINAL plan of subdivision;

(b) have a maximum sustained pre-construction grade of twelve (12) percent, and may have a maximum intermittent pre-construction grades of fifteen (15) percent for maximum distances of sixty-one (61) metres (200.1 feet), except within 15 metres (49.2 feet) of the intersection with a public street, in which case the intersection shall be approved by the authority having jurisdiction over the public street;

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

(d) have internal intersection alignments depicted in accordance with the provisions of the "Specifications for Subdivision Roads in Urban and Rural Areas" prepared by the Department of Transportation and Public Works,

(e) have the name of the private road right-of-ways as issued by the civic addressing system. (*amended June 18, 2001*)

(2) The specifications referred to in Section 33(1)(b) and (c) may be varied in accordance with accepted engineering practise and the requirements of the *Act*, where the sections of the private road right-of-way for which a variance is being proposed, is designed by a professional engineer.

34 (1) The intersection of a private road right-of-way with a public street shall be approved by the authority having jurisdiction over the public street.

(2) A private road right-of-way shall be approved as a separate lot and is deemed to meet minimum lot area and frontage requirements of this By-law.

#### **E- Non-surveyed Plans of Subdivision**

35. (1) As an alternative to a FINAL plan of subdivision, the Development Officer may approve a non-surveyed plan to create a subdivision where:

(a) all other requirements of this By-law are met, and

(b) the plan shows only lots having a minimum area of 2 hectares (4.9 acres) including the remainder lot, if any, or

(c) two or more areas of land are being consolidated into one lot, and

(d) the plan is prepared, stamped and signed by a member in good standing of the Association of Nova Scotia Land Surveyors but is not certified in accordance with the Land Surveyors Act and the regulations made thereunder, and

(e) the plan meets the requirements of clause 40(2)(c) to 40(2)(x) inclusive except the reference to a survey in clauses 40(2)(j) and 40(2)(n) does not apply."

(2) The plan of subdivision submitted to the Development Officer for approval pursuant to Subsection (1) shall have the following affixed thereto immediately above the title block:

"The boundaries shown on this plan are a graphic representation only and do not represent the accurate shape or position of lot boundaries. The accurate locations of all boundaries shown are subject to a field survey prepared in accordance with *Land Surveyors Act* and the Regulations made thereunder."

(3) The plan shall be subject to the same stamps as those required by Section 46 except the words "FINAL plan of subdivision" shall be changed to "plan to create a subdivision".

## **PRELIMINARY PLANS OF SUBDIVISION (Optional First Step)**

### **A - Requirements**

36. 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) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;
- (d) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
- (e) the shape, dimensions, and area of the lots being created;
- (f) each 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;
- (g) no duplication of lot identifiers;
- (h) the approximate location of railways;
- (i) the approximate location of any easements or any rights-of-way;
- (j) the location of existing and proposed public streets and private road right-of-ways;
- (k) 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;
- (l) 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;

- (m) the approximate location of existing buildings within 10 metres (32.8 feet) of a property line;
- (n) the general location of watercourses;
- (o) the north point;
- (p) the scale;
- (q) any other information necessary to determine whether this subdivision conforms to this subdivision By-law.

## **B - Procedure**

37. The procedure for processing PRELIMINARY plans of subdivision is contained in the GENERAL PROVISIONS.

## **TENTATIVE PLANS OF SUBDIVISION**

### **A - Requirements**

38. The subdivider proposing to subdivide an area of land shall submit to the development officer eight (8) copies of the TENTATIVE plan of the proposed subdivision meeting the requirements of Section 40 of this By-law.

39. Notwithstanding Section 38, the development officer may waive the requirement that TENTATIVE application and plan of subdivision be submitted where

- (a) lots abut an existing public street or an existing private road, except where lots are created without frontage pursuant to Sections 18, 19, or 20;
- (b) a central water or sewer system is not being installed; and
- (c) all lots to be served by on-site sewage disposal systems
  - (i) are 9290 square metres (100,000 square feet) or more in area;
  - (ii) have been evaluated by an authorized person of the Department of the Environment and the development officer has been informed in writing by the authorized person that the information already provided by the subdivider is satisfactory; or
  - (iii) do not require an assessment by virtue of the exception contained in clause 2.(1)(c) of the "Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems".

40. (1) TENTATIVE plans of subdivision submitted to the development officer shall be

- (a) drawn to a scale or scales sufficient for clarity of all particulars on the TENTATIVE plan of subdivision;

(b) based on a description of the area of land to be subdivided, including a survey of the perimeter of the lot to be subdivided; 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.

(2) 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 registry of deeds;

(f) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID number) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;

(g) where a civic addressing system is in place, 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 approximate shape, dimensions, and area of the lots being created; based on a survey of the perimeter of the lot to be subdivided;

(k) each lot being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;

(l) no duplication of lot identifiers;

(m) the boundaries of lots 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 boundary; based on a survey of the perimeter of the lot to be subdivided;
- (o) the location of existing and proposed public streets and private road right-of-ways;
- (p) 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;
- (q) the width and location of railroads;
- (r) the location of any watercourse, prominent rock formation, marsh, or swamp which might affect the layout or provision of public streets or private road right-of-ways and services to the area where the subdivision is to be located;
- (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 public 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;
- (x) any other information necessary to determine whether or not the plan of subdivision conforms to this By-law.

(3) In addition to meeting the requirements of Subsections (1) and (2), where the proposed lots front on a proposed public street or proposed private road right-of-way, 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 the regulations made thereunder;
- (b) except for private road right-of-ways, be accompanied by four copies of a plan showing
  - (i) contours at 2 metre (5 foot) intervals, and drainage patterns,
  - (ii) the width and location of proposed public streets or highways and their intersection with existing public roads, and
  - (iii) the location of existing and proposed central sewer and water systems and proposed connections thereto; and
- (c) be accompanied by two (2) copies of centerline profiles of proposed public streets or proposed private road right-of-way.

## **B - Procedure**

41. The procedure for processing TENTATIVE plans of subdivision is contained in the GENERAL PROVISIONS.

42. 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 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 registry of deeds as no subdivision takes effect until a FINAL plan of subdivision is endorsed by the development officer and filed in the registry of deeds."

## **FINAL PLANS OF SUBDIVISION**

### **A - Requirements**

43. The subdivider proposing to subdivide an area of land shall submit twelve (12) copies of the FINAL plan of subdivision meeting the requirements of Section 44 of this By-law to the development officer for approval.

44. (1) FINAL plans of subdivision submitted to the development officer shall be

(a) drawn to a scale or scales sufficient for clarity of all particulars of the FINAL plan of subdivision;

(b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested have been surveyed in the manner required by the *Land Surveyors Act* and the regulations made thereunder, except for a FINAL plan of subdivision prepared pursuant to Subsection 20(2) 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.

(2) FINAL plans of subdivision shall meet the plan content requirements of Subsection 40(2) except that

(a) clause 40(2)(b) does not apply,

(b) proposed streets and roads shall be surveyed, and

(c) the geographical and mathematical location of all buildings within 3 metres(9.8 feet) of a proposed boundary shall be shown.

## **B - Procedure**

45. The procedure for processing a FINAL plan of subdivision is contained in the GENERAL PROVISIONS.

46. The following information shall be stamped or written and completed by the development officer on any FINAL plan of subdivision which is endorsed:

(a) "This FINAL plan of subdivision is approved for Lots \_\_\_\_\_";

(b) where applicable,

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

(ii) **IMPORTANT NOTICE**

\_\_\_\_\_ (has, have) been created (lot(s) approved and/or remainder) 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 the Environment are met."; or

(iii) \_\_\_\_\_ (is, are) served by an (lot(s) approved and/or remainder) existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of the 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."

47. The development officer shall forward to the registry of deeds one(1) endorsed copy of the FINAL plan of subdivision and a notice of approval in the form specified in Schedule "C" of this By-law.

## **REPEAL OF A PLAN OF SUBDIVISION**

48. Any person requesting the repeal of a plan of subdivision shall submit to the development officer an application in the form specified in Schedule "D".

49. The development officer shall comply with the notification and approval provisions of the *Act* which apply to the repeal of a plan of subdivision.

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

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

52. Sections 14 to 47 inclusive of this By-law do not apply to the repeal of a plan of subdivision.

53. A plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Communications or of any other agency of the Province or the municipality unless the repeal of the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

54. The development officer shall forward to the registry of deeds the repeal in the form specified in Schedule "E".

55. The development officer shall forward a copy of the repeal referred to in Section 54 to

(a) the subdivider,

(b) any agency who provided an assessment or recommendations on the original plan of subdivision, and

(c) the surveyor.

56. Where the development officer refuses to repeal a plan of subdivision, the development officer shall give notice of the refusal to all agencies which were forwarded the application for repeal pursuant to Section 50.

57. Where the development officer refuses to repeal a plan of subdivision, the development officer shall notify the subdivider, give reasons for refusal, pursuant to the notification and approval provisions of the *Act*, and advise the subdivider of the appeal provisions of the *Act*.