



SUBDIVISION BY-LAW

MUNICIPALITY OF THE COUNTY OF VICTORIA

THIS IS TO CERTIFY that the Subdivision By-law, of which this is a true copy, was passed at a duly called meeting of, and by a majority vote of the whole of the Municipal Council of the Municipality of the County of Victoria on the 27th day of June, 2016 A.D.

Given under the hand of the Chief Administrative Officer and under seal of the Municipality of the County of Victoria this 28th day of June, 2016 A.D.

Mr. Sandy Hudson, CAO

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Adopted by Municipal Council for Victoria County on June 27, 2016

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SHORT TITLE

- 1 This By-law may be cited as the subdivision By-law for the Municipality of the County of Victoria and shall apply to all lands within the Municipality.

INTERPRETATION

- 2 (1) In this by-law,
- (a) “Act” means the *Municipal Government Act*;
 - (b) “area of land” means any existing lot or parcel as described by its boundaries, except in Section 20;
 - (c) “Department of Environment” means the Nova Scotia Department of Environment and its successors
 - (d) “Department of Transportation” means the Nova Scotia Department of Transportation and Infrastructure Renewal and its successors;
 - (e) “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;
 - (f) “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 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 ten metres (32.8 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;
 - (g) “Island” means an area of land completely surrounded by water at low tide;
 - (h) “lot” means any parcel to be created by the filing of a plan of subdivision or the registering of an instrument of subdivision;
 - (i) “municipal engineer” means an engineer licensed to practise professional engineering in Nova Scotia and appointed by the municipality;
 - (j) “municipal public street” means any street or road owned and maintained by a municipality,
 - (k) “municipality” means the Municipality of the County of Victoria;
 - (l) “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;

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- (m) “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 which has been clearly granted by deed, registered in the registry of deeds, and
 - (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 registry of deeds;
 - (n) “Province” means Her Majesty the Queen in right of the Province of Nova Scotia;
 - (o) “provincial public street” means any street or road owned by the Department of Transportation of the Province and identified as a street for the purposes of subdivision excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*;
 - (p) “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;
 - (q) “Right-of-way easement” means an easement for right-of-way and access unrestricted in use extending to and having access to a public street, and where not totally located within the area of land proposed to be subdivided, the right-of-way easement shall be assignable and perpetual and clearly granted by deed or easement registered in the Registry of Deeds for this Municipality, or declared to exist for the benefit of the land proposed to be subdivided by order of a court of competent jurisdiction, and in either case the easement shall:
 - (i) if created or declared to have been created prior to August 6, 1984, have a minimum width of 3 meters (9.8 feet), or
 - (ii) if created or declared to have been created on or after April 16, 1987, have a minimum width of 6.1 meters (20 feet);
 - (r) “subdivider” means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner’s written consent;
 - (s) “subdivision” means the division of any area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels.
 - (t) “unmaintained public street” means any public street that is not maintained by the Department of Transportation or the municipality that owns it;
- (2) In this by-law, the Metric System of measurement is used. Imperial Measurements are approximate only, for convenience only, and in all cases of conflict between Imperial Measure and Metric Measure, the Metric Measure shall prevail.
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GENERAL PROVISIONS

A - Procedure

- 3 Application for approval of a plan or instrument 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 plan or instrument of subdivision 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) the authority having jurisdiction for public streets; and
 - (d) 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 or instrument of subdivision pursuant to Section 5 shall forward a written report of their assessments or recommendations to the development officer.
- 7 Approval of a plan or 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 plan or instrument 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 final application, the subdivider shall submit to the development officer
- (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,
 - (ii) registering an instrument of subdivision, or
 - (iii) registering a repeal of a plan or instrument of subdivision;
 - (b) a 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; and
 - (c) a fee of \$50.00 for review and approval of a tentative plan of subdivision.
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- (2) Where the development officer refuses to approve or repeal a final plan or instrument of subdivision, the development officer shall return the fees referred to in clause (1)(a) 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 or instrument of subdivision to the subdivider and the surveyor.
- 11 Where the development officer refuses to approve a tentative plan, final plan, or instrument of subdivision, the development officer shall give notice of the refusal to all agencies which were forwarded a plan or instrument pursuant to Section 5.
- 12 Where the development officer refuses to approve a tentative plan, final plan, or instrument of subdivision, the development officer shall notify the subdivider pursuant to clause 277(3) of the *Act*, give reasons for refusal, and advise the subdivider of the appeal provisions of Section 284 of the *Act*.
- 13 A final plan or instrument of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the *Act* by special note on the plan shall
 - (a) identify such lots;
 - (b) state the names of the grantor and the grantee of such lots; and
 - (c) state the date, book and page number of the conveyance of such lots as recorded in the registry of deeds.

B - Lot Requirements

- 14 (1) All lots shall abut
 - (a) a municipal public street; or
 - (b) a provincial public street; or
 - (c) a private road.
- (2) Despite the definition of “private road”, 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 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 shall meet the requirements for minimum lot area and minimum lot frontage contained in Schedule “B” of this by-law.
- (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

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for the installation of on-site sewage disposal systems, such lots shall be deemed to meet the lot area requirements contained in Schedule "B" of this by-law.

- (3) Where an authorized person of the Department of the Environment of the Province has informed the development officer in writing that all proposed lots shown on a plan of subdivision do not require an assessment by virtue of the exemption contained in clause 2.(l)(c) of the *Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems*, such lots shall be deemed to meet the lot area requirements contained in Schedule "B" of this by-law.
- 16 Where a land use By-law is in effect
- (a) notwithstanding Section 15, all lots shall meet the applicable requirements for minimum lot area and minimum lot frontage contained in such by-law; and
- (b) clauses 14(1)(b) and Sections 17, 18, 20, 21, 22, and 23 are inoperative and do not apply unless the land use By-law permits development on any lot created pursuant to these sections and the municipal planning strategy provides for both the subdivision and development of such lots.
- 17 (1) Notwithstanding the lot area and frontage requirements of Section 15 and Section 16, 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 as a straight line between the two points where the side lot lines meet a watercourse.
- (2) Notwithstanding Section 14 and the lot frontage requirements of subsection 15(1) and of clause 16(a), 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.
- 19 (1) Notwithstanding Section 14, and the lot area and frontage requirements of subsection 15(1) and of clause 16(a), 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
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- (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 40(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 *Nova Scotia 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.”

- 20 (1) For purposes of this Section, “area of land” means any lot or parcel as described by its boundaries as they existed on August 1, 1987.
- (2) One lot that does not meet Section 14 and the lot frontage requirements of subsection 15(1) and of clause 16(a) may be created within an area of land provided the lot is served by a right-of-way easement as defined in clause 2(1)(q), and provided no such lot has already been subdivided within the area of land.
- (3) Notwithstanding that the area of land has been subdivided subsequent to August 1, 1987, with all lots meeting Section 14 and the lot frontage requirements of subsection 15(1) and of clause 16(a), the remainder lot, if any, shall be eligible for one such lot provided the lot is served by a right-of-way easement as defined in clause 2(1)(q).

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- (4) Notwithstanding the limitation to one lot contained in subsection (2), two lots may be created, both lots approved or one approved and one a remainder, provided that each lot is served by a right-of-way easement as defined in clause 2(1)(q) where
- (a) the area of land does not abut a public street or private road; or
 - (b) the area of land has less than 6 metres (19.7 feet) of frontage on a public street or a private road.
- (5) Where an area of land cannot 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, if all other requirements of this section have been met, subdivision approval maybe granted, provided that the lot(s) created have access by a right-of-way easement as defined in Clause 2(1)(q), 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 shall be sufficient.
- 21 (1) Notwithstanding the lot area and frontage requirements of subsection 15(1) and of clause 16(a), 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 19 (2) shall apply.
- 22 Notwithstanding the lot area requirements of subsection 15(1) and of clause 16(a), 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 (5,005.3 square feet).
- 23 (1) For purposes of subsection (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 subsection 15(1) and of clause 16(a), 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 is served by a central sewer and has minimum frontage of 6 metres (19.7) feet.
- 24 (1) Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).
- (2) Wherever possible, side lot lines shall be substantially at right angles to a public street or private road, or radial to a curved public street or private road.
- (3) Wherever possible, the rear lot lines of a series of adjoining lots shall be contiguous, not jagged or stepped.
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C - Public Streets

- 25 (1) All proposed public streets shall be
- (a) shown on a final plan of subdivision;
 - (b) designed in accordance with “Specifications for Subdivision Roads in Urban and Rural Areas” prepared by the Department of Transportation or specifications adopted by the municipality including a paved standard for roads in areas serviced by municipal sewer;
 - (c) 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
 - (d) approved by the municipal engineer.
- (2) The specifications referred to in clauses (b) and (c) may be waived or varied in accordance with accepted engineering practise.
- (3) In a rural municipality, the minimum width of the right-of-way of a proposed public street shown on a plan of subdivision shall be 20 metres (65.6 feet).
- (4) Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Nova Scotia Department of Transportation.
- 26 (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 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.
- 27 Where a plan or instrument of subdivision shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street is a public street.
- 27A Prior to approval of a final plan of subdivision proposing a Municipal public street, the subdivider shall provide the Development Officer with a certificate from a professional engineer which certifies that the public street has been constructed in compliance with the design and construction requirements of Section 25(1) (b) and (c).
- 27B As an alternative to the complete construction and acceptance of a municipal public street as required by Sections 25 and 40, the subdivider may, before approval of the final plan is given, enter into a written agreement with the Municipality in accordance with Section 27C, and post a performance surety in accordance with Part 27D.
- 27C Where an agreement is entered into between the subdivider and the Municipality pursuant to Sections 27A and 27B, the agreement shall contain provisions satisfactory to the Municipality with respect to any or all of the following:
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- (a) the time within which any construction of streets and services shall be commenced and completed;
- (b) the phasing of any construction of streets and services;
- (c) the acceptance of any streets and services by the Municipality;
- (d) the provision and acceptance of easements and rights-of-way;
- (e) any other matter related to the requirements of this By-law and an applicable Municipal Planning Strategy and Land Use By-law relative to the subdivision and servicing of land; and
- (f) cost estimates provided by the subdivider's engineer.

27D Where a subdivider proposes to complete construction of any streets, sewer, water or storm drainage systems after receiving approval of any final plan of subdivision, the following shall be required:

- (a) the subdivider shall post a performance surety, satisfactory to the Municipality, in the amount of one hundred and fifteen percent (115%) of the estimated cost to complete the streets and services;
- (b) the subdivider's engineer shall submit to the Development Officer for approval an estimate of costs to complete the construction of the streets and services and the Development Officer may revise the estimate if it is, in the opinion of the municipal engineer inadequate, and the decision of the municipal engineer shall be final. Such estimates shall include all construction related costs including but not limited to professional engineering contract management and site supervision and inspection of all construction and work;
- (c) the performance surety shall be posted before approval of any final plan of subdivision is given by the Development Officer;
- (d) the performance surety shall be in favour of the Municipality and may be in the form of cash, certified cheque or letter of credit or bond issued by a bank, surety or guarantee company licensed by the Province of Nova Scotia and conditional on the execution and completion of the agreement in accordance with terms of the agreement and the requirements of this By-law and it shall not be subject to cancellation, termination or expiration during the period of time for completion of the work;
- (e) where the performance surety is paid in cash or by certified cheque, the cheque will be cashed and all monies paid in cash will be held by the Municipality and returned without interest to the subdivider one year following completion of the work;
- (f) where the municipal engineer determines that the work is substantially complete, the Municipality may, in its sole discretion, return a portion of the performance surety, less any amount held back for deficiencies, prior to complete construction and acceptance by the Municipality; and

- (g) where construction of the proposed streets and services does not commence within twelve (12) months, as determined by the municipal engineer, or is not substantially completed within fifteen (15) months, as determined by the municipal engineer, of the date of approval of the final plan of subdivision and according to the approved time schedule, the subdivider shall forfeit the performance surety.

D - Private Roads

- 28 A private road may be approved as a separate lot and is deemed to meet minimum lot area and lot frontage requirements of subsection 15(1) and of clause 16(a).
- 29 A private road shall have a minimum width of 20 metres (65.6 feet).
- 30 The intersection of a private road with a public street shall be approved by the authority having jurisdiction over the public street.
- 31
 - (1) 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.
 - (2) No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of subsection 15(1) and of clause 16(a).

PRELIMINARY PLANS OF SUBDIVISION (Optional First Step)

A - Requirements

- 32 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 location of existing and proposed public streets and/or private roads;

- (j) the name of existing and proposed public streets (and the public street number) and/or private roads as issued by the civic addressing system;
- (k) the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (l) the location of existing buildings within 10 metres (32.8 feet) of a property line;
- (m) the general location of watercourses;
- (n) the north point;
- (o) the scale;
- (p) any other information necessary to determine whether this subdivision conforms to this subdivision by-law.

B - Procedure

- 33 The procedure for processing preliminary plans of subdivision is contained in the GENERAL PROVISIONS.

TENTATIVE PLANS OF SUBDIVISION

A - Requirements

- 34 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 36 of this by-law.
- 35 Notwithstanding Section 34, 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*.
- 36 (1) Tentative plans of subdivision submitted to the development officer shall be
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- (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.
- (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) 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 shape, dimensions, and area of the lots being created;
 - (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 resubdivided, consolidated or both, shown as broken lines;
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- (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 and/or private roads;
 - (p) the name of existing and proposed public streets (and the public street number) and/or private roads 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 roads 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; and
 - (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, 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 *Nova Scotia Land Surveyors Act* and the regulations made thereunder;
 - (b) except for private roads, be accompanied by four copies of a plan showing
 - (i) contours at 2 metres (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.
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B - Procedure

- 37 The procedure for processing tentative plans of subdivision is contained in the GENERAL PROVISIONS.
- 38 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

- 39 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 40 of this By-law to the development officer for approval.
- 40 (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 *Nova Scotia Land Surveyors Act* and the regulations made thereunder, except for a final plan of subdivision prepared pursuant to subsection 19(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 36(2) except that
- (a) clause 36(2)(b) does not apply,
 - (b) proposed streets and roads shall be surveyed, and

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

B - Procedure

- 41 The procedure for processing a final plan 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 final plan of subdivision which is endorsed:
 - (a) “This final plan of subdivision is approved for Lots _____”;
 - (b) where applicable, the classification of each lot within one of the classes A, B, C, or D, including the definition of such class, specified in Schedule “A” to the *Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems* or a note stating that the lots have not been assessed pursuant to clause 2.(1)(c) of said regulations;
 - (c) where there are public streets which are to be owned and maintained by the Province, the words “The following streets and highways are owned and maintained by the Department of Transportation and Infrastructure Renewal of the Province of Nova Scotia: _____
_____”;
 - (d) where there are municipal public streets which are to be owned and maintained by the municipality, the words “The following streets and roads are owned and maintained by _____:
(Name of Municipality)
_____”; and
(Name of Streets)
 - (e) a notation stating which lots abut a private road and that no provincial or municipal services shall be provided to these lots.
- 43 The Development Officer shall forward to the Registry of Deeds the number of approved copies of the final plan of subdivision and any other documentation pursuant to the *Land Registration Act* and if applicable, a Notice of Approval in the form specified in Schedule “C” of this By-law.

SUBDIVISION BY INSTRUMENT

A - Requirements

- 44 (1) In a rural municipality 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
 - (iii) the requirements of this By-law are met.
- (2) All lots created by instrument of subdivision are required to be approved.
- (3) In addition to the application form required by Section 3, 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.
- (4) The graphic representation included as part of Schedule "D" shall meet the requirements of clause 36(2)(d) to clause 36(2)(u) inclusive of this by-law.

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B - Procedure

- 45 The procedure for processing an instrument 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 instrument of subdivision:
- (a) where applicable, the classification of each lot within one of the classes A, B, C, or D, including the definition of such class, specified in Schedule "A" to the *Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems* or a note stating that the lots have not been assessed pursuant to clause 2.(1)(c) of said regulations;
 - (b) where there are provincial public streets which are to be owned and maintained by the Province, the words "The following streets and roads are owned and maintained by the Department of Transportation and Infrastructure Renewal of the Province of Nova Scotia: _____
_____";
 - (c) where there are municipal public streets which are to be owned and maintained by the municipality, the words "The following streets and roads are owned and maintained by _____:
(Name of Municipality)
_____"; and
(Name of Streets)
 - (d) 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 instrument of subdivision.

REPEAL OF A PLAN OR INSTRUMENT OF SUBDIVISION

- 48 Any person requesting the repeal of a plan or instrument of subdivision shall submit to the development officer an application in the form specified in Schedule “E”.
- 49 The development officer shall comply with the notification and approval provisions of the *Act* which apply to the repeal of a plan or instrument 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 or instrument 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 or instrument 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 or instrument of subdivision.
- 53 A plan or 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 repeal of the plan or instrument 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 “F”.
- 55 The development officer shall forward a copy of the repeal referred to in Section 54 to
- (a) the subdivider, and
 - (b) any agency who provided an assessment or recommendations on the original plan or instrument of subdivision.
- 56 Where the development officer refuses to repeal a plan or instrument 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 or instrument of subdivision, the development officer shall notify the subdivider pursuant to subsection 277(3) of the *Act*, give reasons for refusal, and advise the subdivider of the appeal provisions of Section 284 of the *Act*.

Subdivision By-law
Schedules

SCHEDULE "B"
LOT SIZE REQUIREMENTS

TYPE OF LOT	DIMENSIONAL REQUIREMENTS	
	Frontage	Area
Lots not serviced by public water and sewer services•	6.0 metres (19.7 feet)	1858 square metres (20,000 square feet) having dimensions that would permit the lot to contain a 30 metres (98.4 foot) diameter circle within its boundaries

A lot of this type, any part of which is within 22 metres (72.2 feet) of a watercourse requires a minimum area of 3,716 square metres (40,000 square feet) and dimensions that would permit it to contain a 45 metres (147.6 foot) diameter circle within its boundaries

Lots serviced only by a public water system	6.0 metres (19.7 feet)	1100 square metres (11,840.6 square feet) having dimensions that would permit the lot to contain a 30 metres (98.4 foot) diameter circle within its boundaries
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A lot of this type, any part of which is within 22 metres (72.2 feet) of a watercourse requires a minimum area of 3,716 square metres (40,000 square feet) and dimensions that would permit it to contain a 45 metres (147.6 foot) diameter circle within its boundaries.

Lots serviced only by a central sewer service	6.0 metres (19.7 feet)	929 square metres (10,000 square feet) having dimensions that would permit it to contain a 15 metres (49.2) foot diameter circle
Lots serviced with both central water and sewer services	6.0 metres (19.7 feet)	465 square metres (5,005.3 square feet) having dimensions that would permit it to contain a 15 metres (49.2) foot diameter circle

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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 _____, _____
(month) (year)

Development Officer

Plan of Subdivision filed in the registry of deeds as Plan # _____

Dated this _____ day of _____, _____
(month) (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 public sewer and water systems.
3. Information indicating whether or not the lots abut a public street or private road.

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SCHEDULE "D" – INSTRUMENT OF SUBDIVISION

AN INSTRUMENT RESPECTING THE SUBDIVISION OF LAND IN ACCORDANCE WITH SECTION 269 OF THE MUNICIPAL GOVERNMENT ACT FOR THE MUNICIPALITY OF THE COUNTY OF VICTORIA

OF 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 its 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., _____)
(month) (year))
_____)

Commissioner of Oaths
Province of Nova Scotia

Owner(s) Signature(s)

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	LOCATION MAP
	TITLE BLOCK INSTRUMENT OF SUBDIVISION Lands of :

SCALE:

I certify that the above graphic representation accurately represents my property:

Owner(s') Signature(s)

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SCHEDULE "E"

APPLICATION FOR REPEAL OF A SUBDIVISION

Plan of Subdivision or Instrument of Subdivision File No. _____

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 _____, 19____, and is filed in the Registry of Deeds at in the Municipality of the County of _____ as Plan # _____.

Lot(s) # _____ was/were approved. 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 Plan of 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

Co-Signers Date

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SCHEDULE "F"

REPEAL OF A SUBDIVISION

Plan of Subdivision or Instrument of Subdivision

PURSUANT TO SECTION 113 OF THE *PLANNING ACT*

Name of Owner(s) _____

Name of Subdivision _____

Location _____

Surveyor _____ Date of Plan _____

Date of Approval of the Subdivision _____

Being Registration # _____ at the Registry of Deeds.

THIS PLAN OF SUBDIVISION IS REPEALED

Entire Plan or Instrument or only Lots # _____

Dated at _____ in the Municipality of _____,

Province of Nova Scotia, this _____ day of _____, _____.

Development Officer

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