

*TOWN OF ANTIGONISH
SUBDIVISION BY-LAW*

As adopted by Town Council on January 19, 2009
And approved by the Provincial Director of Planning on xxxx, 2009

TABLE OF CONTENTS

SHORT TITLE1

INTERPRETATION & DEFINITIONS2

GENERAL PROVISIONS3

 Lot Requirements3

 Public Streets13

PRELIMINARY PLANS OF SUBDIVISION20

 Requirements20

 Procedure21

CONCEPT PLANS26

 Requirements26

 Procedure29

TENTATIVE PLANS OF SUBDIVISION38

 Requirements38

 Procedure40

FINAL PLANS OF SUBDIVISION48

 Requirements48

 Procedure50

REPEAL OF A SUBDIVISION77

Schedule A - Application For Subdivision Approval

Schedule C - Notice of Approval

Schedule E - Application for Repeal of a Subdivision

Schedule F - Repeal of a Subdivision

Schedule G - Site Stopping Distance Form

January 19, 2009, Amendment to Subdivision By-law

The Subdivision By-law of the Town of Antigonish is hereby amended as follows:

- Replace Section 12 in its entirety as follows:
 - Section 12 (1) Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).
 - Section 12 (2) All proposed lots must be designed to contain a circle beginning at the front lot line with a diameter equal to the minimum lot frontage required by the Land Use By-law.
 - Section 12 (3) For all proposed lots, it shall be possible to draw a straight line, contained entirely on the lot, from the center of the front lot line to the center of the rear lot line and in the case of an irregular lot with no rear lot line, to the center of a line drawn parallel to the front lot line and located 30' from the rearmost limit of the lot.

SHORT TITLE

- 1 These regulations may be cited as the "Subdivision Bylaw" for the Town of Antigonish.

INTERPRETATION

- 2 In these regulations,
- (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 8;
 - (c) "engineer" means the engineer of the municipality and includes a person acting under the supervision and direction of the engineer;
 - (d) "lot" means any parcel to be created by the filing of a plan of subdivision or the registering of an instrument of subdivision;
 - (e) "municipal public street" means any street or road owned and maintained by a municipality;
 - (f) "private road" means any road which
 - (i) is not public,
 - (ii) is shown on an approved plan of subdivision,
 - (iii) extends to and has access to a public street, and
 - (iv) where not totally located within the area of land being subdivided, has 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, and includes any private road
 - (v) approved by the Department of Transportation and Public Works, and
 - (vi) shown on a plan of subdivision approved prior to the first day of August, 1987 and filed in the registry of deeds;

- (fa) "proposed lot" means any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot;
- (g) "Province" means Her Majesty the Queen in right of the Province of Nova Scotia;
- (h) "Provincial public street" means any street or road owned and maintained by the Department of Transportation and Public Works excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*;
- (i) "registry of deeds" means the office of the registrar of deeds for the registration district in which the area of land being subdivided is situate;
- (j) "Schedule "B" road" means a road approved by a district, county or regional municipality for indexing in a schedule of its subdivision by-law for the purpose of allowing subdivision on that road and includes any road which had been indexed in Schedule "B" of previous provincial subdivision regulations and listed in Schedule "B" of these regulations;
- (k) "subdivider" means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent;
- (l) "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.

GENERAL PROVISIONS

Lot Requirements

- 3 All lots shall abut a public street;
- 4 Where a land use by-law is in effect
 - (a) all lots shall meet the applicable requirements contained in such by-law; and
 - (b) Sections 5, 6, 8, 9, and 11 are inoperative and do not apply unless the land-use by-law permits development on any lot created pursuant to these sections and the municipal planning strategy provides for both the subdivision and development of such lots.
- 5 **Omitted**
- 6 (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 and the lot frontage requirements of clause 4(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.
- 7 (1) Notwithstanding Section 3 and the lot area and frontage requirements of clause 4(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 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 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 49(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 its regulations:

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

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

8 Omitted

- 9 (1) Notwithstanding the lot area and frontage requirements of clause 4(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 7(2) shall apply.

10 Omitted

- 11 (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 clause 4(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 sanitary sewer or meets the applicable requirements of the Department of the Environment and Labour.

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

(2) All proposed lots must be designed to contain a circle beginning at the front lot line with a diameter equal to the minimum lot frontage required by the Land Use By-law.

(3) For all proposed lots, it shall be possible to draw a straight line, contained entirely on the lot, from the center of the front lot line to the center of the rear lot line and in the case of an irregular lot with no rear lot line, to the center of a line drawn parallel to the front lot line and located 30' from the rearmost limit of the lot.

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

Public Streets

- 13 (1) All proposed municipal public streets shall be approved by the engineer.
- (2) Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Department of Transportation and Public Works.
- 14 A proposed lot which abuts a public street shall have access to a public street approved by the authority having jurisdiction for the public street which will be accessed.
- 15 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.

Private Roads (inapplicable within the Town)

- 16 Omitted
- 17 Omitted
- 18 Omitted
- 19 Omitted

PRELIMINARY PLANS OF SUBDIVISION - Optional

Requirements

- 20 (1) A person proposing to subdivide an area of land may submit to the development officer four copies of a 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;
 - (ba) the unique Parcel Identifier (PID) of all areas of land being subdivided;
 - (c) 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 proposed lots;
 - (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 and railway rights-of-way;
 - (i) the location of existing and proposed public streets;

- (j) the name of existing and proposed public streets as issued pursuant to the civic addressing system;
- (k) the graphic representation 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;
- (l) the location of existing buildings within 10 metres (32.8 feet) of a property line;
- (m) the general location of watercourses and wetlands;
- (n) the north point;
- (o) the scale; and
- (p) any other information necessary to determine whether this subdivision conforms to these subdivision regulations.

(2)Omitted

Procedure

- 21 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 these regulations.
- 22 The development officer shall comply with the notification and approval provisions of the Act.
- 23 A copy of the preliminary plan of subdivision shall be forwarded to
 - (a)Omitted
 - (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.
- 24 Any agency which has been forwarded a copy of the preliminary plan of subdivision pursuant to Section 23 shall forward a written report of their assessments or recommendations to the development officer.
- 25 The development officer shall inform the applicant in writing of the results of the evaluation of the preliminary plan of subdivision.

CONCEPT PLANS - Optional

Requirements

- 26 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.
- 27 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.

28 Omitted

Procedure

- 29** Application for approval of a concept plan shall be made to the development officer in the form specified in Schedule "A" of these regulations.
- 30** The development officer shall comply with the notification and approval provisions of the Act.
- 31** 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.
- 32** Any agency which has been forwarded a copy of the concept plan pursuant to Section 31 shall forward a written report of their assessments or recommendations to the development officer.
- 33** 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 and Labour, the Department of Transportation and Public Works 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.
- 34** 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 31.
- 35** 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 Act.
- 36** 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 registry of deeds as no subdivision takes effect until a final plan

of subdivision is approved by the development officer and filed in the registry of deeds."

- 37 The development officer shall forward an approved copy of the concept plan to the applicant.

TENTATIVE PLANS OF SUBDIVISION - Optional

Requirements

- 38 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 39 of these regulations.

- 39 (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, 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) 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;

- (p) the name of existing and proposed public streets 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 these regulations.
- (3) Omitted
- (4) Omitted
- (5) Omitted
- (6) Omitted
- (7) In addition to meeting the requirements of subsections (1), (2), (3), (4), (5), or (6) 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 *Land Surveyors Act* and its regulations;
 - (b) be accompanied by four copies of a plan showing
 - (i) contours at 2 metre (6.6 foot) intervals, and drainage patterns,
 - (ii) the width and location of proposed public streets and their intersection with existing public streets, 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.
- (8) 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.

Procedure

- 40 Application for approval of a tentative plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.

- 41 The development officer shall comply with the notification and approval provisions of the Act.
- 42 A copy of the tentative plan of subdivision shall be forwarded to
- (a) Omitted;
 - (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.
- 43 Any agency which has been forwarded a copy of a tentative plan of subdivision pursuant to Section 42 shall forward a written report of their assessments or recommendations to the development officer.
- 44 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 and Labour, the Department of Transportation and Public Works 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.
- 45 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 Act.
- 46 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 registry of deeds as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the registry of deeds."
- 47 The development officer shall forward a copy of the approved tentative plan of subdivision to the applicant and the surveyor.

FINAL PLANS OF SUBDIVISION

Requirements

- 48 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 49 of these regulations to the development officer for approval.
- 49 (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 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 subsection 7(2) of these regulations; and
 - (c) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.
- (2) 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 registry of deeds;
- (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;
- (p) the name of existing and proposed public streets 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 these regulations.

(3) Omitted

(4) Omitted

(5) Omitted

(6) Omitted

(7) 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) Unless they have already been submitted, final engineering design drawings for any services, including streets, to be conveyed to the municipality shall accompany the final plan of subdivision.

Procedure

- 50 Application for approval of a final plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.
- 51 The development officer shall comply with the notification and approval provisions of the Act.
- 52 A copy of the final plan of subdivision shall be forwarded to
- (a) Omitted;
 - (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.
- 53 Any agency which has been forwarded a copy of the final plan of subdivision pursuant to Section 52 shall forward a written report of their assessments or recommendations to the development officer.
- 54 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 and Labour, the Department of Transportation and Public Works 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.
- 55 (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 \$50.00 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.
- 56 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 Act; and
 - (d) where applicable, the deed transfer tax.
- 57 The development officer shall forward an approved copy of the final plan of subdivision to the subdivider and the surveyor.
- 58 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 52.
- 59 Where the development officer refuses to approve a final plan of subdivision, the development officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the Act.
- 60 A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall
- (a) identify such lots;
 - (b) state the names of the grantor and the grantee of such lots; and

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

61 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) Omitted

(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.

62 Within seven days of approving the plan, the development officer shall forward to the registry of deeds

(a) one (1) approved copy of the final plan of subdivision and a notice of approval in the form specified in Schedule "C" of these regulations; and

(b) if applicable, the items required by Section 56 of these regulations.

63 through 76 Omitted (*Instrument of Subdivision*)

REPEAL OF A SUBDIVISION

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

78 Any person requesting a repeal shall submit to the development officer an application in the form specified in Schedule "E".

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

80 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 of subdivision.

81 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.

82 Omitted.

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

84 The development officer shall forward a copy of the repeal referred to in Section 83 to

(a) the subdivider, and

(b) any agency which provided an assessment or recommendations on the original plan of subdivision.

- 85 (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 \$50.00 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.
- 86 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 84.

Date of First Reading:	<u>November 24, 2008</u>
Date of Advertisement of Notice of Intent to Consider:	<u>December 31, 2008</u>
Date of Second Reading:	<u>January 19, 2009</u>
Date of Advertisement of By-law Passage and Approval:	<u>January 28, 2009</u>
Date of Mailing Certified Copy to SNS & MR:	<u>January 22, 2009</u>

I certify that this Subdivision By-law was adopted by Council and published as indicated above.

Chief Administrative Officer

January 22, 2009
Date

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

MUNICIPALITY

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)

(This applies to all proposed lots including remainder lots)

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

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	<input type="checkbox"/>	<input type="checkbox"/>
DRILLED WELL	<input type="checkbox"/>	<input type="checkbox"/>
DUG WELL	<input type="checkbox"/>	<input type="checkbox"/>
OTHER (SPECIFY)		

SEWER SERVICES

	Existing	Proposed
CENTRAL SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>
ON-SITE	<input type="checkbox"/>	<input type="checkbox"/>

ACCESS

	Existing	Proposed
MUNICIPAL PUBLIC STREET	<input type="checkbox"/>	<input type="checkbox"/>
PROVINCIAL PUBLIC STREET	<input type="checkbox"/>	<input type="checkbox"/>
PRIVATE ROAD	<input type="checkbox"/>	<input type="checkbox"/>
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 "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 _____
_____ (DATE) _____ (YEAR) _____
Development Officer

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

Dated this _____ day of _____
_____ (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.

SCHEDULE "E"

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 "F"

REPEAL OF A 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 _____, _____
(YEAR) (DATE)

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