

TOWN OF STEWIACKE
SUBDIVISION BYLAW

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SUBDIVISION BY-LAW FOR THE TOWN OF STEWIACKE

PART 1: TITLE AND APPLICATION

This Bylaw may be cited as the SUBDIVISION BY-LAW OF THE TOWN OF STEWIACKE and shall apply to all lands within the Town of Stewiacke.

PART 2: INTERPRETATION

In this Bylaw, the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated, and words used in the plural number shall include the singular. All other words shall carry their customary meaning except those defined hereinafter.

PART 3: DEFINITIONS

- 3.1 AREA OF LAND means any lot or parcel as described by its boundaries.
- 3.2 COUNCIL means the Council of the Town of Stewiacke.
- 3.3 DEPARTMENT OF ENVIRONMENT means the Nova Scotia Department of the Environment and Labour.
- 3.4 DEPARTMENT OF TRANSPORTATION means the Nova Scotia Department of Transportation and Public Works.
- 3.5 DEVELOPMENT OFFICER means that person, appointed by the Council pursuant to the *Municipal Government Act* of Nova Scotia, and having the power and duty to administer this Bylaw.
- 3.6 ENGINEER means the engineer of the Town, either a Town employee or a designate, and includes a person acting under the supervision and direction of the engineer.
- 3.7 LAND USE BYLAW means a Land Use Bylaw for the Town of Stewiacke.
- 3.8 LOT means any parcel to be created by the filing of a plan of subdivision.
- 3.9 LOT FRONTAGE means the same as defined in the Land Use Bylaw.
- 3.10 MAIN BUILDING means the building in which is carried on the principal purpose for which the building lot is used.

- 3.11 PROFESSIONAL ENGINEER means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- 3.12 PUBLIC WASTEWATER SYSTEM means any wastewater system which is owned by the Town of Stewiacke.
- 3.13 PUBLIC WATER SYSTEM means any water system which is owned by the Town of Stewiacke.
- 3.14 PUBLIC STREET or PUBLIC HIGHWAY means:
- 3.14.1 any street or highway owned and maintained by the Department of Transportation & Public Works excluding designated controlled access highways pursuant to Section 21 of *The Public Highways Act*, or
- 3.14.2 any street owned and maintained by the Town of Stewiacke.
- 3.15 SUBDIVIDER means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with written consent of the owner.
- 3.16 SUBDIVISION means the division of any area of land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels.
- 3.17 SURVEYOR means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.
- 3.18 TOWN means the Town of Stewiacke

PART 4: PRELIMINARY PLANS OF SUBDIVISION
(Optional First Step)

A. Procedure

- 4.1 Application for an evaluation of a preliminary plan of subdivision shall be made to the development officer in the form specified in Schedule “A” of this bylaw.
- 4.2 The Development Officer shall comply with the notification and appeal provisions of the *Municipal Government Act*.
- 4.3 The Development Officer shall forward a copy of the preliminary plan of subdivision to:
- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On Site Sewage Disposal System Regulations*, except where the proposed lot:

- (i) is more than 9000 square meters (96,878.4 square feet);
 - (ii) has a width of 76 meters (249.3 feet) or more, and
 - (iii) is to be used for a purpose which does not require an on-site sewage disposal system;
- (b) the Superintendent of Public Works, and
 - (c) any other agency of the Province or the Town which the Development Officer deems necessary.
- 4.4 Any agency which has been forwarded a copy of the preliminary plan of subdivision pursuant to Section 4.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 4.5 The Development Officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.

B. Requirements

- 4.6 A subdivider 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:
- 4.6.1 the name of the owner of the area of land proposed to be subdivided;
 - 4.6.2 the names of all owners or the lot identifiers of all properties abutting the land being subdivided;
 - 4.6.3 the civic number of the main buildings on the area of land being subdivided;
 - 4.6.4 a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
 - 4.6.5 the shape, dimensions and area of the lots being created;
 - 4.6.6 each proposed lot being 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;
 - 4.6.7 no duplication of lot identifiers;

- 4.6.8 the approximate location of railways and railway rights-of-way;
 - 4.6.9 the location of existing and proposed public streets;
 - 4.6.10 the name of existing and proposed public streets (and the public street number if applicable) as issued pursuant to the civic addressing system;
 - 4.6.11 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;
 - 4.6.12 the location of existing buildings within ten (10) meters (32.8 ft.) of a property line;
 - 4.6.13 the general location of watercourses and wetlands;
 - 4.6.14 the north point;
 - 4.6.15 the scale, and;
 - 4.6.16 any other information necessary to determine whether the subdivision conforms to this subdivision by-law.
- 4.7 Where the preliminary plan of subdivision is to be forwarded to the Department of the Environment, the following additional information, if required, by the Department of the Environment, shall be part of, or included with, the preliminary plan:
- 4.7.1 the lot layout, including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
 - 4.7.2 the location of watercourses, wetlands, and other features that may influence the design of the system, including ditches, roads and driveways;
 - 4.7.3 the surface slopes and directions;
 - 4.7.4 an explanation of the extent, volume and type of usage to which the system will be subjected;
 - 4.7.5 an assessment report of the lot respecting its suitability to support an on site sewage disposal system, including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and

- 4.7.6 any other information necessary to determine where the subdivision meets the On-Site Sewage Disposal Systems Regulations.

PART 5: TENTATIVE PLANS OF SUBDIVISION (Optional)

A Procedure

- 5.1 Application for approval of a tentative plan of subdivision shall be made to the development officer in the form specified in Schedule “A” of this bylaw.
- 5.2 The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.
- 5.3 The Development Officer shall forward a copy of the tentative plan of subdivision to:
- 5.3.1 in areas not served by a central sewer, the Department of the Environment, to determine compliance with the On Site Sewage Disposal Systems Regulations, except where the proposed lot:
- (i) is more than 9000 square meters (96,878.4 square feet);
 - (ii) has a width of 76 meters (249.3) feet or more, and
 - (iii) is to be used for a purpose which does not require on on-site sewage disposal system.
- 5.3.2 in areas served by a central sewer, the Public Works Department
- 5.3.3 the authority having jurisdiction for public streets; and
- 5.3.4 any other agency of the Province or the Town which the Development Officer deems necessary.
- 5.4 Any agency which has been forwarded a copy of the tentative plan of subdivision pursuant to section 5.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 5.5 Approval of a tentative plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Public Works, or of any other agency of the Province of the Town, 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.

- 5.6 Where the Development Officer refuses to approve a tentative 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 *Municipal Government Act*.
- 5.7 The following information shall be stamped or written 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:
- 5.7.1 "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";
- 5.7.2 the date of the approval of the tentative plan; and
- 5.7.3 "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 has been filed by him/her in the Registry of Deeds."

B. Requirements

- 5.8 A subdivider 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 Sections 5.9 and 5.10 of this by-law.
- 5.9 Tentative plans of subdivision submitted to the Development Officer shall be:
- 5.9.1 drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision,
- 5.9.2 based on a description of the property to be subdivided, preferably but not necessarily as surveyed, and
- 5.9.3 folded to approximately 8 x 12 inches (20 x 30 centimetres) 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.
- 5.10 Tentative plans of subdivision shall show the following:
- 5.10.1 the name of the subdivision if any, and the name of the owner of the area of land;
- 5.10.2 the unique parcel identifier (PID) of all areas of land being subdivided;

- 5.10.3 the civic number of the main building(s) on the area of land being subdivided.
- 5.10.4 the names of all owners or the lot identifiers of all properties abutting the area of land proposed to be subdivided;
- 5.10.5 a location map, drawn to a scale not smaller than 1:20,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;
- 5.10.6 the words "TENTATIVE PLAN" located above the title block;
- 5.10.7 a clear space for stamping measuring at least 6 inches wide x 6 inches high (15 centimetres x 15 centimetres);
- 5.10.8 the approximate dimensions of the area of land proposed to be subdivided;
- 5.10.9 the proposed dimensions and shape of lots;
- 5.10.10 the area of each lot including the approximate area of the remainder lot, if any;
- 5.10.11 each proposed lot individually identified without duplication of lot identifiers and where practicable, where a parcel is being added to or subtracted from an existing lot or where a lot shown on a plan of subdivision is being divided, the proposed lot or lots shall be identified by the existing lot identifier and a letter;
- 5.10.12 the approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical location for all buildings within 9.8 feet (3 metres) either side of the boundaries of the proposed lot;
- 5.10.13 the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing lots being re-subdivided, consolidated or both, shown as broken lines;
- 5.10.14 the scale to which the tentative plan of subdivision is drawn;
- 5.10.15 the width and location of railroads, and existing and proposed public streets, including intersections and turning circles;
- 5.10.16 the names of existing and proposed public streets;

- 5.10.17 a notation stating whether or not the lots for which approval is requested are serviced by central sewer and water systems;
 - 5.10.18 the width, location and nature of any easements or rights-of-way on or affecting the area of land proposed to be subdivided;
 - 5.10.19 the north point;
 - 5.10.20 the date on which the tentative plan of subdivision was drawn and the date of any revisions;
 - 5.10.21 the location of any watercourse, prominent rock formation, area subject to flooding and any other prominent natural features which might affect the layout or provision of public streets and services to the area where the subdivision is to be located; and
 - 5.10.22 any other information which the Development Officer deems necessary to determine whether a tentative plan of subdivision conforms to this subdivision by-law.
- 5.11 Where the tentative plan of subdivision is to be forwarded to the Department of Environment, the following additional information, if required by the Department of the Environment, shall be part of or included with, the tentative plan;
- 5.11.1 The lot layout, including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
 - 5.11.2 The location of watercourses, wet lands and other features that may influence the design of the system, including ditches, roads and driveways;
 - 5.11.3 the surface slopes and directions;
 - 5.11.4 an explanation of the extent, volume and type of usage to which the system will be subjected;
 - 5.11.5 an assessment report of the lot respecting its suitability to support an on-site sewage disposal system, including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and
 - 5.11.6 any other information necessary to determine whether the subdivision meets the *On-Site Sewage Disposal Systems Regulations*.

- 5.12 In addition to meeting the requirements of Subsections 5.9, 5.10, and 5.11 of this PART, where the proposed lots front on a proposed public street, a tentative plan of subdivision shall:
- 5.12.1 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,
 - 5.12.2 be accompanied by four copies of a plan showing:
 - (a) contours at 2 metres (6.6 feet) intervals and drainage
 - (b) the width and location of existing and proposed public streets, including intersections and turning circles, and
 - (c) the location of existing and proposed central sewer and water systems and proposed connections thereto.
 - 5.12.3 be accompanied by four (4) copies of a plan showing the center line profiles of the proposed streets, and
 - 5.12.4 be accompanied by any other information that the Development Officer deems necessary to determine whether the plan and drawing referred to in Subsections 5.12.2 and 5.12.3 conform to this bylaw.
- 5.13 Where plans or drawings or centre-line profiles are prepared by or under the supervision of a professional engineer, they shall be signed and sealed by the professional engineer in accordance with *The Engineering Profession Act*.

PART 6: FINAL PLANS OF SUBDIVISION

A. Procedure

- 6.1 Application for approval of a final plan of subdivision shall be made to the development officer in the form specified in the form specified in Schedule "A" of this bylaw.
- 6.2 The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.

- 6.3 The Development Officer shall forward a copy of the final plan of subdivision to:
- 6.3.1 in areas not served by a central sewer, the Department of the Environment to determine compliance with the On Site Sewage Disposal System Regulations, except where the proposed lot:
 - (i) is more than 9000 square meters (96,878.4 square feet);
 - (ii) has a width of 76 meters (249.3) feet;
 - (iii) is to be used for a purpose which does not require an on-site sewage disposal system;
 - 6.3.2 in areas served by a central sewer, the Public Works Department;
 - 6.3.3 The authority having jurisdiction for public streets; and
 - 6.3.4 any other agency of the Province of the municipality which the Development Officer deems necessary.
- 6.4 Any agency which has been forwarded a copy of the final plan of subdivision pursuant to Section 6.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 6.5 Approval of a final plan of subdivision may not be refused or withheld unless the final plan of subdivision is clearly contrary to a law of the Province or a bylaw of the Town made pursuant to a law of the Province, including any applicable dimensions for lot area and lot frontage contained in a land use bylaw of the Town.
- 6.6 Before approving a final plan of subdivision that adds or consolidates areas or parcels of land in different ownership, the Development Officer shall have received:
- 6.6.1 the executed deeds suitable for registering to effect the addition or consolidation;
 - 6.6.2 the fees for registering the deeds;
 - 6.6.3 the affidavit of value including particulars of any exemption pursuant to Part V of the *Municipal Government Act*; and
 - 6.6.4 where applicable, the deed transfer tax.

- 6.7 The Development Officer shall forward an approved copy of the final plan of subdivision to the subdivider and the surveyor.
- 6.8 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 *Municipal Government Act*.
- 6.9 A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the *Municipal Government Act* by special note on the plan shall
- (a) identify such lots;
 - (b) state the names of the grantor and the grantee of such lots; and
 - (c) state the date, book and page number of the conveyance of such lots as recorded in the registry of deeds.
- 6.10 The following information shall be stamped or written and completed by the Development Officer on any final plan of subdivision which is approved:
- (a) "This final plan of subdivision is approved for Lots _____";
 - (b) where applicable,
 - “(i) _____ (is, are) suitable for the construction or installation of an on-site sewage disposal system and any conditions that apply are contained in a report dated _____ and available from the Department of Environment;
 - (ii) **IMPORTANT NOTICE**
 _____ (has, have) been created for a purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of the Environment are met; or
 - (iii) _____ (is, are) served by an existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of Environment is required;
 - (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; and
- (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.

B Requirements

- 6.11 Final plans of subdivision submitted to the Development Officer shall be:
 - 6.11.1 drawn to a scale or scales sufficient for clarity of all particulars on the final plan of subdivision,
 - 6.11.2 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 this bylaw, and
 - 6.11.3 folded to approximately 8 inches by 12 inches (20 x 30 centimetres) 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.
- 6.12 Final plans of subdivision shall show the following:
 - 6.12.1 the words “Plan of Subdivision” located in the title block;
 - 6.12.2 the name of the subdivision, if any, and the name of the owner of the area of land;
 - 6.12.3 the unique parcel identifier (PID) of all areas of land being subdivided;
 - 6.12.4 the civic number of the main building(s) on the area of land being subdivided;
 - 6.12.5 a location map drawn to a scale not smaller than 1:20,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;

- 6.12.6 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’
- 6.12.7 length of the boundaries of all existing and proposed lots, streets, rights-of-way and easements including the length of arc, points of curvature and radius in the case of curved lines;
- 6.12.8 names of all owners or the lot identifiers of all properties abutting the proposed subdivision;
- 6.12.9 a clear space for stamping measuring at least 6 inches wide by 6 inches high (15 centimetres by 15 centimetres);
- 6.12.10 dimensions of the area of land proposed to be subdivided;
- 6.12.11 approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical location for all buildings within 9.8 feet (3 metres) either side of the boundaries of the proposed lot;
- 6.12.12 the shape, dimensions and area of proposed lots, and the remainder lot, if any;
- 6.12.13 each proposed lot individually identified without duplication of lot identifiers and, where practicable, where a parcel is being added to or subtracted from an existing lot or where a lot shown on a plan of subdivision is being divided, the proposed lot or lots shall be identified by the existing lot identifier and a letter;
- 6.12.14 no duplication of lot identifiers;
- 6.12.15 the bearings or azimuths of the boundaries of proposed lots;
- 6.12.16 the width and location of railroads and existing and proposed public streets, including intersections and turning circles;
- 6.12.17 the boundaries of proposed lots shown by solid lines and the vanishing boundaries of existing lots being re-subdivided, consolidated or both, shown as broken lines;
- 6.12.18 the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- 6.12.19 the geographical and mathematical location of all buildings within 3 meters (9.8 feet) of a proposed boundary;

- 6.12.20 a notation stating whether or not the lots for which approval is requested are serviced by central sewer and water systems;
 - 6.12.21 the width, location and nature of any easements or rights-of-way on or affecting the area of land proposed to be subdivided;
 - 6.12.22 the date on which the final plan of subdivision was certified with all revisions to be identified, dated and initialed;
 - 6.12.23 the north point;
 - 6.12.24 the scale to which the final plan of subdivision is drawn;
 - 6.12.25 the names of existing and proposed public streets; and
 - 6.12.26 any other information which the Development Officer deems necessary to determine whether a final plan of subdivision conforms to this subdivision by-law.
- 6.13 Where the final plan of subdivision is to be forwarded to the Department of the Environment, the following additional information, if required by the Department of the Environment, shall be part of, or included with, the final plan;
- 6.13.1 The lot layout, including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
 - 6.13.2 The location of watercourses, wet lands and other features that may influence the design of the system, including ditches, roads and driveways;
 - 6.13.3 the surface slopes and directions;
 - 6.13.4 an explanation of the extent, volume and type of usage to which the system will be subjected;
 - 6.13.5 an assessment report of the lot respecting its suitability to support an on-site sewage disposal system, including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and
 - 6.13.6 any other information necessary to determine whether the subdivision meets the *On-Site Sewage Disposal Systems Regulations*.

PART 7: GENERAL PROVISIONS

- 7.1 All lots shall abut a public street.
- 7.1A Lot Served by Right-of-Way
- (1) Notwithstanding Section 7.1, a lot may be created without public road frontage from PID# 20309191 provided that:
 - (a) the lot is served by a right-of-way to a public street
 - (b) the right-of-way has a minimum width of 6 metres
 - (c) the lot includes the site occupied by Prestige Homes Ltd as of April 19, 2011; and
 - (d) the lot area and yards meet the requirements of the Land Use By-law.
 - (2) the lot created by subdivision (1) is deemed to be serviced by the Town's water and wastewater system which can be accessed by the right-of-way at the cost of the owner.
- 7.2 All lots for which approval is requested shown on a final plan of subdivision and the remainder lot, if any, for which no approval is requested shall meet the requirements for minimum lot area and lot frontage contained in the Land Use By-law.
- 7.3 Where a lot is not serviced by water and sewer, lot requirements must meet the *On Site Sewage Disposal Regulations*.
- 7.4 Notwithstanding Section 7.2 where an area of land contains more than one main building built, or placed prior to August 24, 1988, the Development Officer may approve a final plan of subdivision showing the same number of lots, or fewer, as there are main buildings, and a remainder lot, if any, for which no approval is requested, provided that:
- 7.4.1 each proposed lot has a minimum frontage of 6 metres(19.7 feet); and
 - 7.4.2 each proposed lot is serviced by
 - (a) a central sewage system, or,
 - (b) an approved on-site sewage disposal system and the Development Officer is notified in writing of such approval, and
 - 7.4.3 the remainder lot, if any, meets the lot area and lot frontage requirements of the Land Use Bylaw.

- 7.5 Notwithstanding Section 7.2, the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:
- 7.5.1 no additional lots are created, and
 - 7.5.2 each lot:
 - (a) meets the minimum dimensions for lot frontage in the land use by-law, or
 - (b) has not had its frontage reduced; and
 - 7.5.3 each lot:
 - (a) meets the minimum dimensions for lot area in the land use by-law, or
 - (b) has not had its area reduced.
- 7.6 When the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to Section 7.5 shall
- 7.6.1 Be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel proposed to be added to the existing area of land have been surveyed; said boundaries shall be shown as a heavy solid line, except the common boundary between the existing lots which shall be shown as a heavy broken line and certified as being the common boundary,
 - 7.6.2 Notwithstanding subsection 6.11.2 other than the new boundaries which have been surveyed pursuant to clause 7.6.1 show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line, and
 - 7.6.3 Have the following notation affixed to the plan adjacent to the certification required by *The Nova Scotia Land Surveyors Act* and regulations made thereunder, and such notation is signed by the surveyor:

"NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of Parcel _____. The common boundary between existing Lots _____ 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."

- 7.7.1 Notwithstanding Section 7.2, the Development Officer may approve a maximum of two lots in accordance with Section 279 of the *Municipal Government Act*, provided all other requirements of this subdivision by-law.
- 7.7.2 Subsection 7.7.1 shall not vary the minimum dimensional requirements for lot area for lots served or to be served by an on-site sewage disposal system.
- 7.8. Notwithstanding the lot area and frontage requirements of Section 7.2 where a development component of a permanent nature such as a structure, driveway, well, or septic tank 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.
- 7.9 Where the lots created pursuant to Section 7.8 are not surveyed, the provisions of Section 7.6 shall apply.
- 7.10 All lots to be approved on a tentative or final plan of subdivision, and a remainder lot if any, shall have a minimum width and minimum depth of at least 6 metres (19.7 feet).
- 7.11 Wherever possible, side lot lines shall be substantially at right angles to a public street or radial to a curved public street.
- 7.12 Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.
- 7.13 The application to amend shall refer to the plan of subdivision as originally endorsed or drawn and such reference shall include the file number of the earlier subdivision plan filed at the office of the Registrar Deeds for the Town.

PART 8: PUBLIC STREET SYSTEM

- 8.1 The engineer shall approve all proposed Town public streets shown on a plan of subdivision prior to final approval being given by the Development Officer pursuant to Section 280 of the *Municipal Government Act*.

- 8.2 All proposed Town public streets shown on the final plan of subdivision shall be constructed, in addition to the following requirements, in accordance with the Standard Specifications for Municipal Services.
- 8.3 The distance between public street intersections shall not be less than 61 meters (200.1 feet) measured from the nearest right of way, or such greater distance as may be required by the Department of Transportation & Public Works and/or the Town to meet their specifications.
- 8.4 There shall not be more than four public street or highway approaches in an intersection.
- 8.5 Continuous street frontage shall not exceed 366 meters (1200.7 feet) between intersections.
- 8.6 A cul-de-sac shall not exceed 365 metres (1197.5 feet) in length, measured to the turning circle.
- 8.7 All proposed public streets shall be properly drained in accordance with with Standard Specifications for Municipal Services.
- 8.8 As an alternative to the complete construction of a Town public street before receiving subdivision approval as required by Section 8.2, the subdivider may enter into a written agreement with the Town containing the following provisions:
- (a) the time within which any Town Public Street must be constructed;
 - (b) the phasing of any street construction;
 - (c) the matters referred to in Sections 8.10, 8.11 and 8.12; and
 - (d) any other matter related to the requirements for street construction.
- 8.9 Where a subdivider proposes to complete construction of any Town public street after receiving approval of any final plan of subdivision, the following shall be required:
- 8.9.1 the subdivider shall post a performance bond in the amount of 125% of the estimated cost to complete the street; and
 - 8.9.2 the subdivider shall submit to the Development Officer for approval an estimate of costs to complete the construction of the street and the Development Officer may revise the estimate if it is, in the opinion of

the Town Engineer, inadequate. Such estimates shall include all construction related costs including but not limited to: professional engineering, contract management, site supervision and inspection of all construction and work;

- 8.9.3 the performance bond shall be posted before approval of any final plan of subdivision is given; and
 - 8.9.4 the performance bond shall be in the form of cash, certified cheque or letter of credit or bond issued by a surety or guarantee company licensed by the Province of Nova Scotia and conditional upon the execution and completion of the agreement in accordance with the Terms of Agreement and the requirements of this bylaw, and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work.
- 8.10 Following completion of any Town public street the subdivider shall:
- 8.10.1 post a maintenance bond in the amount of ten (10) percent of the actual cost of construction of the street for a period of twelve (12) months, and;
 - 8.10.2 provide “as built” reproducible engineering design drawings, in digital and hard copy format, for the street including plan and profile of streets drawn to the required scale and certified by a professional engineer. “As built” information shall be located with a survey; and
 - 8.10.3 provide four (4) copies of a plan showing the Town public street and all drainage rights of way, outlined in red; road reserves outlined in yellow; and easements outlined in green;
 - 8.10.4 provide legal conveyance of ownership of the right of way for the Town Public Street, road reserve and easement to the Town. This conveyance shall be in the form of a warranty deed and the subdivider shall, through his legal counsel, certify that all property to be conveyed is free from all encumbrances; and;
 - 8.10.5 be responsible for all registration and other costs associated with the requirements of this section.
- 8.11 The subdivider shall be responsible for the following:
- 8.11.1 complete geotechnical inspections and testing of the street and associated infrastructure prior to and during various stages of construction by the subdivider’s consulting engineer, and;

- 8.11.2 advise the engineer of proposed test dates, sites and times, and;
- 8.11.3 allow the engineer to inspect the construction at any stage, or to verify or confirm any required tests.
- 8.12 Within thirty (30) days of completion of construction the Subdivider shall provide to the Superintendent of Public Works, the following:
 - (a) the reproducible record drawings of engineering design, indigital and hard copy format showing all the actual constructed systems including storm drainage, and;
 - (b) the results of all inspection tests reports.
- 8.13 All road signage, signals and markings will be in accordance with the Standard Specifications for Municipal Services.
- 8.14 All road signage will be placed within the right of way. No signage will be placed within the public right of way without the approval of the Department of Transportation or the Town Engineer.
- 8.15 Stop Signs will be placed within all intersections. Intersections with equal traffic for all approaches may be designated as a four (4) way stop to the approval of the Department of Transportation and public Works or the Town Engineer.
- 8.16 All Town public street names will be approved by the Town Council of the Town of Stewiacke.
- 8.17 Street name signage will be provided to a standard consistent with existing signage.
- 8.18 Other directional, speed rating or cautionary signage will be placed in the right of way as warranted.

PART 9: WATER, WASTEWATER, and STORM DRAINAGE SYSTEMS

- 9.1 A subdivider who proposes a subdivision involving a new public street in an area adjacent to the public water system shall design and install a water system for the said subdivision, and shall connect the said water system to the existing public water system.
- 9.2 The water system referred to in Section 9.1 shall include mains and laterals to the boundaries of the proposed lots shall be designed by a professional engineer and shall meet the requirements of the Standard Specifications for Municipal Services.

- 9.3 A subdivider who proposes a subdivision involving a new public street in an area adjacent to the public wastewater system shall design and install a wastewater system for the said subdivision, and shall connect the said water system to the existing public wastewater system.
- 9.4 The wastewater system referred to in Section 9.3 shall include mains and laterals to the boundaries of the proposed lots, shall include pumping stations, shall be designed by a professional engineer and shall meet the requirements of the Standard Specifications for Municipal Services.
- 9.5 A subdivider who proposes a subdivision involving a new public street shall design and construct a storm drainage system for the said subdivision meeting the requirements of the Standard Specifications for Municipal Services.
- 9.6 The subdivider shall provide a stormwater management plan for the area of land being subdivided.
- 9.7.1 A subdivider may receive approval of a final plan of subdivision before completing construction of the services required by this Part provided
- 9.7.1 an agreement as per Section 8.8 is entered into; and
- 9.7.2 the requirements of the agreement pertaining to public streets shall also, if applicable, apply to the services required by this part.
- 9.8 Within thirty (30) days of installation of any services, the subdivider shall provide to the Director of Engineering and Works the following:
- (i) the “as built” and record drawings, in digital and hard copy format, showing all the actual constructed systems, including sanitary sewers, water systems, and storm drainage;
 - (ii) the results of all test reports; and
 - (iii) deeds or assignments to the municipality, free of encumbrances related to infrastructure, land, services and easements as required by the municipality; and
 - (iv) a maintenance bond in a satisfactory form or certified cheque posted in favour of the Municipality in an amount equal to ten (10) percent of the actual cost of construction and installation of services. The bond shall be for a period of one (1) year and shall state that it is a guarantee against deficiencies in the in the construction and installation of services.

PART 10. REQUIREMENTS FOR APPROVAL AND FILING OF FINAL PLANS OF SUBDIVISION

- 10.1 The Development Officer shall forward a copy of the endorsed final plan of subdivision to the subdivider.
- 10.2 The Development Officer shall give notice of approval on the final plan of subdivision to:
- 10.2.1 the surveyor, and
 - 10.2.2 any other department or agency of the Province or the Town which has been requested to review the final plan of subdivision.
- 10.3 The following information shall be written or stamped on any final plan of subdivision which is endorsed:
- 10.3.1 "This final plan of subdivision is approved for lots _____;
 - 10.3.2 where applicable
 - (i) _____ is suitable for the construction and installation of an on site sewage disposal system for (proposed use) _____
_____ and any conditions which apply are contained in a report dated _____ and are available from the Department of the Environment; or
 - (ii) **Important notice**
Lot(s) _____ has/have been created for a purpose which does not require an on site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of the Environment are met
 - 10.3.3 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.

10.4 The Development Officer shall register a notice in the form specified in Schedule "B", in the Registry of Deeds which indicates approval of the final plan of subdivision and shall forward to the Registrar of Deeds the fees required to be paid by the subdivider pursuant to Part 11 of this by-law.

10.5 The Development Officer shall forward a copy to the Registry of Deeds.

10.5.1 One (1) approved copy of the final plan of subdivision and a Notice of Approval in the form specified in Schedule "B" of this by-law;

10.5.2 If applicable, the items required under section 6.6 of this by-law.

PART 11 FEES

11.1 The subdivider shall pay the fees contained in the *Cost and Fees Act* and its regulations for filing the approved final plan of subdivision and for certification of a copy of the plan by the Registrar of Deeds and for registering a notice of approval of the plan.

11.2 The fee referred to in Subsection 11.1 shall be paid at the time of application for approval of the final plan of subdivision by cheque or money order made payable to the Registry of Deeds.

11.3 Where the final plan of subdivision does not receive approval by the Development Officer, the subdivider shall be entitled to the return of the cheque or money order referred to in Subsection 11.2

11.4 At the time of application for approval of a final plan of subdivision the subdivider shall also pay a non-refundable processing fee of \$50.00.

PART 12 PLAN REPEAL

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

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

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

- 12.4 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.
- 12.5 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 bylaw, or any 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 the repeal is filed.
- 12.6 Parts 1 to 11 of this Bylaw do not apply to the repeal of a plan of subdivision.
- 12.7 The Development Officer shall forward to the Registry of Deeds the repeal in the form specified in Schedule "D".
- 12.8 The Development Officer shall forward a copy of the repeal referred to in Section 12.7 to:
- (a) the subdivider, and
 - (b) any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.
- 12.9 At the time of application the subdivider for the repeal of a subdivision the subdivider shall submit to the Development Officer
- (a) The fees contained in the *Cost and Fees Act*, and its regulations, for registering a repeal or a plan or instrument of subdivision; and
 - (b) a processing fee of \$50.00 per application for repeal of a subdivision.
- 12.10 Where the Development Officer refuses to repeal a subdivision the Development Officer shall return the fees referred to in clause 12.9(a) to the subdivider.
- 12.11 Where the Development Officer refuses to repeal a subdivision, the development Officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal.

PART 13 EFFECTIVE DATE, REPEAL

- 13.1 The Subdivision Bylaw adopted on October 11, 1994 and amendments thereto are repealed on the effective date of this Bylaw.