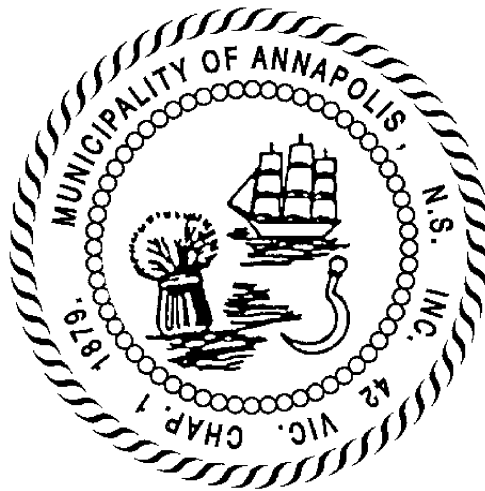


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**MUNICIPALITY OF THE COUNTY  
OF ANNAPOLIS**



**SUBDIVISION BY-LAW  
FOR ANNAPOLIS COUNTY**

Effective Date July 28, 2011

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**SUBDIVISION BY-LAW FOR  
THE MUNICIPALITY OF THE COUNTY OF ANNAPOLIS**

**TABLE OF CONTENTS**

<b>PART 1</b>	<b>Title .....</b>	<b>1</b>
<b>PART 2</b>	<b>Interpretation .....</b>	<b>1</b>
<b>PART 3</b>	<b>Definitions .....</b>	<b>1</b>
<b>PART 4</b>	<b>General Provisions .....</b>	<b>4</b>
<b>PART 5</b>	<b>Preliminary Plan of Subdivision Requirements .....</b>	<b>7</b>
<b>PART 6</b>	<b>Preliminary Plan of Subdivision Approval Procedure .....</b>	<b>9</b>
<b>PART 7</b>	<b>Tentative Plan of Subdivision Requirements .....</b>	<b>10</b>
<b>PART 8</b>	<b>Tentative Plan of Subdivision Approval Procedure .....</b>	<b>13</b>
<b>PART 9</b>	<b>Final Plan of Subdivision Requirements .....</b>	<b>15</b>
<b>PART 10</b>	<b>Final Plan of Subdivision Approval Procedure .....</b>	<b>17</b>
<b>PART 11</b>	<b>Repeal of a Plan or Instrument of Subdivision .....</b>	<b>21</b>
<b>PART 12</b>	<b>Municipal Streets .....</b>	<b>22</b>
<b>PART 13</b>	<b>Private Roads .....</b>	<b>23</b>
<b>PART 14</b>	<b>Sanitary Sewerage &amp; Water Distribution Systems .....</b>	<b>24</b>
<b>PART 15</b>	<b>Servicing Agreements .....</b>	<b>25</b>
<b>PART 16</b>	<b>Performance Sureties .....</b>	<b>25</b>
<b>PART 17</b>	<b>Acceptance Requirements .....</b>	<b>26</b>
<b>PART 18</b>	<b>Parks Levy .....</b>	<b>27</b>

**Schedules A - O**

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**SUBDIVISION BY-LAW FOR  
THE MUNICIPALITY OF THE COUNTY OF ANNAPOLIS**

**PART 1: TITLE**

1. This by-law shall be known as and may be cited as the long title: *Subdivision By-law for the Municipality of the County of Annapolis* or this bylaw may be cited as the short title: *Annapolis County Subdivision By-law or AC S/D By-law*.

**PART 2: INTERPRETATION**

2. For the purposes of this By-law, the word "*shall*" is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated and words used in the plural shall include the singular. All other words shall carry their customary meaning except those defined in Part 3, hereinafter.

Also and for the purposes of this by-law, throughout this By-law the metric system of measurement has been used followed by the approximate Imperial equivalents in brackets. Should any case arise in which there appears to be a discrepancy between the two figures, the metric figure shall prevail.

**PART 3: DEFINITIONS**

3. (a) **ACT** means the *Municipal Government Act*.
  - (b) **AREA OF LAND** means any existing lot or parcel as described by its boundaries, except an area of land defined in Section 27 of this By-law.
  - (c) **DEVELOPMENT OFFICER** means the Development Officer appointed, in accordance with the *Act*, and charged with the duty of administering this By-law.
  - (d) **EQUIVALENT VALUE** includes cash or facilities, services or other value in kind, related to parks, playgrounds and similar public purposes or any combination thereof, determined by the Municipality to be equivalent to the value of the land as determined by the assessor.
  - (e) **EXISTING** means legally existing as of the effective date of this By-law, except for the area of land defined in Section 27 of this By-law.
  - (f) **EXISTING STREET OR HIGHWAY** means any public street or highway legally existing as of the effective date of this By-law.
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- (g) **FRONTAGE** means: *in an area not covered by a land use by-law*
- (i) the horizontal distance between the side lines of a lot measured along a public street or private road, except in Section 8 or 27; 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 10 metres (32.8 ft.) from such street or private road; or

*Frontage in an area covered by a land use by-law means:*

- (iii) the frontage measured as required in such land use by-law.
- (h) **LOT** means any parcel to be created by the filing/registering/recording of a Final Plan of Subdivision.
- (j) **PROPOSED LOT** means any lot being proposed to be created by a Final Plan of Subdivision, including a remainder lot.
- (k) **MUNICIPAL ENGINEER** means the engineer of the Municipality and includes a person acting under the supervision of the Municipal Engineer.
- (l) **MUNICIPAL PUBLIC STREET** means any street or road owned and maintained by the Municipality.
- (m) **MUNICIPALITY** means the Municipality of the County of Annapolis.
- (n) **PRIVATE ROAD** means any road which is not public shown on an approved plan of subdivision approved on or after the first day of August, 1987 and:
- (i) extends to and has access to a public street and where not totally located within the area of land proposed to be subdivided, where permitted, it shall be an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, filed/registered/recorded in the Land Registration Office for this Municipality;
  - (ii) where the Department of Transportation and Infrastructure Renewal has approved the intersection of the private road with the public street;

and includes any private road approved by the Department of Transportation and Infrastructure Renewal and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Registry of Deeds for this Municipality.

- (o) **PROVINCE** means Her Majesty the Queen in the right of the Province of Nova Scotia.
-

- (p) **PROVINCIAL PUBLIC STREET** means any street, highway or road owned and maintained by Department of Transportation and Infrastructure Renewal, excluding designated controlled access highways pursuant to the *Public Highways Act*.
  - (q) **PUBLIC STREET** means a municipal public street or a provincial public street.
  - (r) **LAND REGISTRATION OFFICE** means the Land Registration Office established pursuant to the *Land Registration Act* for the registration district in which the area of land being subdivided is situate and includes the registry of deeds or the office of the registrar of deeds.
  - (s) **SERVICE SYSTEM** means any water, sanitary sewer, street, drainage and/or storm sewer system.
  - (t) **SERVICED AREA** means an area serviced by municipally owned and operated municipal sanitary sewer system.
  - (u) **SPECIFICATIONS FOR MUNICIPAL WATER AND SEWER SYSTEMS, ROADS AND DRAINAGE** means the latest edition of the specifications approved by resolution of Council and containing the minimum engineering and other specifications for all municipal service systems installed under this by-law.
  - (v) **SUBDIVIDER** means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent to make the application for the approval of a final plan subdivision. However, only the registered owner of the area of land proposed to be subdivided, and not someone acting with the owner's written consent, can enter into a servicing agreement with the Municipality or post any surety, bond or payment option required by this By-law.
  - (w) **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.
  - (y) **UNMAINTAINED PUBLIC STREET** means any public street that is owned but not maintained by the Department of Transportation and Infrastructure Renewal or the Municipality.
  - (z) **WATERCOURSE** means any lake, river, stream, ocean or other body of water.
-

**PART 4: GENERAL PROVISIONS**

4. (1) All lots shall abut:
    - (a) a public street; or
    - (b) a private road.
  - (2) Despite the definition of a “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 and Infrastructure Renewal or the Municipality and is assignable and has no fixed duration.
  5. All lots shall meet the requirements for minimum lot area and lot frontage contained in Schedule "C" of this By-law.
  6. Where a *land use by-law* is in effect:
    - (a) all lots shall meet the applicable requirements contained in the land use by-law; and
    - (b) Sections 4 (1) (b), 7, 8, 10, 11 and 27 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.
  7. (1) Notwithstanding the lot area and frontage requirements of Section 5 and 6(a), the Development Officer may approve a maximum of two (2) lots, shown on a *Final Plan of Subdivision*, in accordance with Section 279 of the *Municipal Government Act*, provided all other requirements of this By-law are met.
  - (2) Section 7(1) shall not apply if the area requirements established by the Department of Environment for the construction or installation of an on-site sewage disposal system are not met.
  8. (1) For the purposes of this Section "water frontage" shall mean the distance measured as a straight line, between the two points where the side lot lines meet a watercourse.
  - (2) Notwithstanding Section 4 and the lot frontage requirements of Section 6(a), the Development Officer may approve the subdivision on an island which does not contain a public street or a private road, provided each lot has water frontage of six (6) metres (19.7 ft.) or more.
-

9. (1) Notwithstanding Section 4 and the lot area and frontage requirements of Section 5 and 6(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 dimensions for lot frontage of this By-law, or where a land use by-law is in effect, the land use by-law, or
    - (ii) has not had its frontage, if any reduced; and
  - (c) each resulting lot:
    - (i) meets the minimum requirements 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, 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 shown as a heavy broken line;
  - (b) notwithstanding Section 33(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 are described graphically shown 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 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."

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10. (1) Notwithstanding the lot area and frontage requirements of Section 5 and 6 (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 Final 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 Section 9 (2) shall apply.
  11. (1) For purposes of Section 11 (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 Sections 5 and 6(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 Environment.
  12. Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 ft.).
- 

***Section 27 Lots:***

27. (1) For the purposes of this Section "***area of land***" shall mean any lot or parcel as described by its boundaries as they existed on August 1, 1987, notwithstanding that the area of land has been subdivided subsequent to August 1, 1987 to create a lot that meets the requirements of Section 4.1.
  - (2) One lot that does not meet the requirements of Section 4 and the lot frontage requirements of Section 5 and 6(a) may be created within an area of land.
  - (3) Notwithstanding the limitation to one lot contained in Section 27(2), two lots may be created, including any remainder lot, where:
    - (a) the area of land does not abut a public street or a private road; or
    - (b) the area of land has less than six (6) metres (19.7 ft.) of frontage on a public street or a private road.
-



**PART 5: PRELIMINARY PLAN OF SUBDIVISION REQUIREMENTS (Optional)**

13. (1) A person proposing to subdivide an area of land may submit to the Development Officer four (4) copies of the Preliminary Plan of Subdivision showing:
- (a) the name of the owner of the area of land being subdivided;
  - (b) the names of all owners of all properties abutting the area of land being subdivided;
  - (c) the unique Parcel Identifier (PID) of all areas of land being subdivided;
  - (d) the civic number of main buildings on the area of land being subdivided;
  - (e) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
  - (f) the shape, dimensions, and area of the proposed lots;
  - (g) each proposed lot identified by a number except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available, and the letter;
  - (h) no duplication of lot identifiers;
  - (j) the approximate location of railways and railway rights-of-way;
  - (k) the location of existing and proposed public streets and private roads;
  - (l) the name of existing and proposed public streets (and the public street number) and private roads, as issued pursuant to the civic addressing system;
  - (m) 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;
  - (n) the location of existing buildings within 10 metres (32.8 ft) of a property line;
  - (o) the general location of watercourses and wetlands;
  - (p) the north point;
  - (q) the scale; and
  - (r) any other information the Development Officer deems necessary to determine whether or not this subdivision conforms to this By-law.
- (2) Where a Preliminary Plan of Subdivision is to be forwarded to the Department of Environment pursuant to Section 16(a), the information listed in subsection (3) is required for the following proposed lots:
- (a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
  - (b) a proposed lot being divided from an existing area of land, contains an on-site sewage disposal system; and
    - (i) is 9000 square metres (96,878.4 square feet) or less in area; or
    - (ii) has a width of less than 76 metres (249.3 feet).
-

- (3) Unless the information already has been submitted to the Department of Environment, the following additional information is required for proposed lots referred to in subsection (2):
- (a) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;
  - (b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
  - (c) the surface slopes and directions;
  - (d) the location of any test pit;
  - (e) the proposed on-site sewage disposal system, selected or designed;
  - (f) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
  - (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
  - (h) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.
- (4) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.
- (5) For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule “A” must be completed.
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**PART 6: PRELIMINARY PLAN OF SUBDIVISION APPROVAL PROCEDURE**

14. Application for an evaluation of a Preliminary Plan of Subdivision shall be made to the Development Officer in the form specified in Schedule “A” of this By-law.
  15. The Development Officer shall comply with the notification and approval provisions of the Act.
  16. A copy of the Preliminary Plan of Subdivision shall be forwarded to
    - (a) in areas not served by a central sewer, the Department of Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
      - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or
      - (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (i);
    - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
    - (c) any authority having jurisdiction for public streets within 500 metres (1,640 feet) of the boundary of the proposed lots; and
    - (d) any other agency of the Province or the Municipality which the Development Officer deems necessary.
  17. A Preliminary Plan of Subdivision that shows a proposed lot referred to in Section 13(5) shall be forwarded to the Department of Environment for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.
  18. Any agency which has been forwarded a copy of the Preliminary Plan of Subdivision pursuant to Section 16 shall forward a written report of their assessments or recommendations to the Development Officer.
  19. The Development Officer shall inform the applicant in writing of the results of the evaluation of the Preliminary Plan of Subdivision.
-

**PART 7: TENTATIVE PLAN OF SUBDIVISION REQUIREMENTS**

20. A subdivider proposing to subdivide an area of land shall submit eight (8) copies of the tentative plan of the proposed subdivision meeting the requirements of Section 21 of this By-law to the Development Officer for approval.
21. (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 subdivision name, 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 being subdivided as registered/recorded in the Land Registration Office;
  - (f) the unique Parcel Identifier (PID) of all areas of land being subdivided;
  - (g) the civic number of main buildings on the area of land being subdivided;
  - (h) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
  - (j) 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;
  - (k) the shape, dimensions, and area of the proposed lots;
  - (l) 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;
  - (m) no duplication of lot identifiers;
  - (n) 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;
  - (o) the location of buildings within 10 metres (32.8 feet) of a property boundary;
  - (p) the location of existing and proposed public streets and private roads;
-

- (q) the name of existing and proposed public streets (and the public street number) and private roads, as issued pursuant to the civic addressing system;
  - (r) the width and location of railroads and railway rights-of-way;
  - (s) the general location of watercourses, wetlands, or prominent rock formations;
  - (t) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
  - (u) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
  - (v) the north point;
  - (w) the date on which the tentative plan of subdivision was drawn and the date of any revisions;
  - (x) the scale to which the tentative plan of subdivision is drawn; and
  - (y) any other information the Development Officer deems necessary to determine whether or not the plan of subdivision conforms to this By-law.
- (3) Where a Tentative Plan of Subdivision is to be forwarded to the Department of Environment pursuant to clause 24(a), the information listed in subsection (4) is required for the following proposed lots:
- (a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
  - (b) a proposed lot being divided from an existing area of land, contains an on-site sewage disposal system; and
    - (i) is 9000 square metres (96,878.4 square feet) or less in area; or
    - (ii) has a width of less than 76 metres (249.3 feet).
- (4) Unless the information already has been submitted to the Department of Environment, the following additional information is required for proposed lots referred to in subsection (3):
- (a) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;
  - (b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
  - (c) the surface slopes and directions;
  - (d) the location of any test pit;
  - (e) the proposed on-site sewage disposal system, selected or designed;
  - (f) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
  - (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
  - (h) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.
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- (5) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.
  - (6) For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule “A” must be completed.
  - (7) 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 a proposed private road, a Tentative Plan of Subdivision shall:
    - (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Land Surveyors Act* and its regulations;
    - (b) be accompanied by four copies 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 private roads and their intersection with existing public streets or existing private 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 street or proposed private roads and.
  - (8) For a proposed lot that will have access to a provincial public street, the Tentative Plan of Subdivision may be accompanied by or show stopping sight distances information in the form specified in Schedule “B” completed by a Nova Scotia Land Surveyor.
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**PART 8: TENTATIVE PLAN OF SUBDIVISION APPROVAL PROCEDURE**

22. Application for approval of a Tentative Plan of Subdivision shall be made to the Development Officer in the form specified in Schedule “A” of this By-law.
  23. The Development Officer shall comply with the notification and approval provisions of the Act.
  24. A copy of the Tentative Plan of Subdivision shall be forwarded to
    - (a) in areas not served by a central sewer, the Department of Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
      - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or
      - (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (i);
    - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
    - (c) any authority having jurisdiction for public streets within 500 metres (1,640 feet) of the boundary of the proposed lots; and
    - (d) any other agency of the Province or the Municipality which the Development Officer deems necessary.
  25. A Tentative Plan of Subdivision that shows a proposed lot referred to in Section 21(6) shall be forwarded to the Department of Environment for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.
  26. Any agency which has been forwarded a copy of a Tentative Plan of Subdivision pursuant to Section 24 shall forward a written report of their assessments or recommendations to the Development Officer.
  28. 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 Environment, the Department of Transportation and Infrastructure Renewal or of any other agency of the Province or the Municipality unless the Tentative Plan of Subdivision is clearly contrary to a by-law of the Municipality or law of the Province or regulation made pursuant to a law of the Province.
-

29. 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*.
30. 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 of Subdivision to proceed to the Final Plan of Subdivision 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/registered/recorded in the Land Registration Office as no subdivision takes effect until a Final Plan of Subdivision is approved by the Development Officer and filed/registered/recorded in the Land Registration Office."
31. The Development Officer shall forward a copy of the approved Tentative Plan of Subdivision to the applicant and the surveyor.
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**PART 9: FINAL PLAN OF SUBDIVISION REQUIREMENTS**

32. 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 33 of this By-law to the Development Officer for approval.
33. (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 9(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 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 subdivision name, 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 being subdivided as registered/recorded in the Land Registration Office;
  - (e) the unique Parcel Identifier (PID) of all areas of land being subdivided;
  - (f) the civic number of main buildings on the area of land being subdivided;
  - (g) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
  - (h) a location map, drawn to a scale not smaller than 1:50,000, 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 buildings within 10 metres (32.8 feet) of a property boundary;
  - (o) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
-

- (p) the location of existing and proposed public streets and private roads;
  - (q) the name of existing and proposed public streets (and the public street number) and private roads, as issued pursuant to the civic addressing system;
  - (r) the width and location of railroads and railway rights-of-way;
  - (s) the general location of watercourses, wetlands, or prominent rock formations;
  - (t) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
  - (u) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
  - (v) the north point;
  - (w) the date on which the plan of subdivision was drawn and the date of any revisions;
  - (x) the scale to which the plan of subdivision is drawn; and
  - (y) any other information the Development Officer deems necessary to determine whether or not the plan of subdivision conforms to this By-law.
- (3) Where a Final Plan of Subdivision is to be forwarded to the Department of Environment pursuant to Section 36(a), the information listed in subsection (4) is required for the following proposed lots:
- (a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
  - (b) a proposed lot being divided from an existing area of land, contains an on-site sewage disposal system; and
    - (i) is 9000 square metres (96,878.4 square feet) or less in area; or
    - (ii) has a width of less than 76 metres (249.3 feet).
- (4) Unless the information already has been submitted to the Department of Environment, the following additional information is required for proposed lots referred to in subsection (3):
- (a) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;
  - (b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
  - (c) the surface slopes and directions;
  - (d) the location of any test pit;
  - (e) the proposed on-site sewage disposal system, selected or designed;
  - (f) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
  - (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
  - (h) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.
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- (5) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.
- (6) For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule “A” must be completed.
- (7) For a proposed lot that will have access to a provincial public highway, the Final Plan of Subdivision must be accompanied by or show stopping sight distances information in the form specified in Schedule “B” completed by a Nova Scotia Land Surveyor or by the authority having jurisdiction for the public street abutting the lot.
- (8) Unless they have already been submitted, the final engineering design drawings for any services, including streets, to be conveyed to the Municipality shall accompany the Final Plan of Subdivision.

**PART 10: FINAL PLAN OF SUBDIVISION APPROVAL PROCEDURE**

- 34. Application for approval of a Final Plan of Subdivision shall be made to the Development Officer in the form specified in Schedule “A” of this By-law.
  - 35. The Development Officer shall comply with the notification/approval provisions of the Act.
  - 36. A copy of the Final Plan of Subdivision shall be forwarded to
    - (a) in areas not served by a central sewer, the Department of Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
      - (i) is greater than 9000 square metres (96,878.4 square feet), -has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or
      - (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the Final Plan of Subdivision meet the requirements listed in subclause (i);
    - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers:
    - (c) any authority having jurisdiction for public streets within 500 metres (1,640 feet) of the boundary of the proposed lots; and
    - (d) any other agency of the Province or the Municipality which the Development Officer deems necessary.
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37. A Final Plan of Subdivision that shows a proposed lot referred to in Section 33(6) shall be forwarded to the Department of Environment for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.
  38. Any agency which has been forwarded a copy of the Final Plan of Subdivision pursuant to Section 36 shall forward a written report of their assessments or recommendations to the Development Officer.
  39. 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 Environment, the Department of Transportation and Infrastructure Renewal or of any other agency of the Province or the Municipality unless the Final Plan of Subdivision is clearly contrary to a by-law of the Municipality or a law of the Province or regulation made pursuant to a law of the Province.
  40.
    - (1) At the time of application for approval of a Final Plan of Subdivision, the subdivider shall submit to the Development Officer a subdivision processing fee and the Land Registration Office fees contained in the *Costs and Fees Act* and its regulations for filing/registering/recording the approved Final Plan of Subdivision and the Land Registration Office applicable forms and, where applicable, the fees for registering a Notice of Approval of the Final Plan of Subdivision.
    - (2) Where the Development Officer refuses to approve a Final Plan of Subdivision, the Development Officer shall return the Land Registration Office fees referred to in subsection (1) to the subdivider.
  41. 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 filing/registering/recording to effect the addition or consolidation;
    - (b) the Land Registration Office forms and fees necessary to register/record the deeds;
    - (c) the affidavit of value including particulars of any exemption, pursuant to Part V of the *Municipal Government Act*; and
    - (d) where applicable, the deed transfer tax.
  42. The Development Officer shall forward an approved copy of the Final Plan of Subdivision to the subdivider and the surveyor.
  43. 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 36.
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44. 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.
45. 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.
46. 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  
(lot(s) approved and/or remainder)  
construction or installation of an on-site sewage disposal system  
for \_\_\_\_\_ and any conditions which apply are  
(proposed use)  
contained in a report dated \_\_\_\_\_ and available from the  
Department of Environment.”;
    - (ii) “**IMPORTANT NOTICE**  
\_\_\_\_\_ (has, have) been created for a  
(lot(s) approved and/or remainder)  
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 Department of Environment are met.”; or
    - (iii) “ \_\_\_\_\_ (is, are) served by an  
(lot(s) approved and/or remainder)  
existing on-site system and should a replacement system become  
necessary in future, approval of the replacement system from the  
Department of Environment is required”.
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- (c) where applicable,
    - (i) a notation stating that access to the public street as shown has been approved for the lots created by this Final Plan and any conditions which apply are listed on the plan or are contained in a report dated \_\_\_\_\_, available from the authority having jurisdiction for public streets;
    - (ii) where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted; and
    - (iii) a notation stating which lots abut a private road and that no provincial or municipal services shall be provided to these lots.
47. Within seven days of approving the Final Plan of Subdivision, the Development Officer shall forward to the Land Registration Office.
- (a) four (4) approved copies of the Final Plan of Subdivision, the Land Registration Office applicable forms and fees and, where applicable, a notice of approval in the form specified in Schedule "D", where applicable, of this By-law; and
  - (b) if applicable, the items required by Section 41 of this By-law.
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**PART 11: REPEAL OF A PLAN OR INSTRUMENT OF SUBDIVISION**

48. Where a Final Plan of Subdivision or an Instrument of Subdivision has been approved, the approval may be repealed for any or all of lots created by the Plan of Subdivision or Instrument of Subdivision.
49. Any person requesting a repeal shall submit to the Development Officer an application in the form specified in Schedule "E1" or "E2".
50. (1) Except as provided in subsection (2), the notification and approval provisions of the *Act* which apply to the approval of a Final Plan of Subdivision shall also apply to a repeal.  
(2) The notification and approval provisions of the *Act* do not apply to a repeal of a Final Plan of Subdivision or an Instrument of Subdivision that consolidates 2 or more parcels and for which no deed to effect the consolidation has been filed/registered/recorded in the Land Registration Office, if the applicant certifies that to the applicant's knowledge no deed to effect the consolidation exists.
51. 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 Final Plan of Subdivision or Instrument of Subdivision.
52. 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 Final Plan of Subdivision filed/registered/recorded at the Land Registration Office on the same day as the repeal is filed.
53. Sections 4 to 47 inclusive of this By-law do not apply to the repeal of a Final Plan of Subdivision or an Instrument of Subdivision.
54. The Development Officer shall forward to the Land Registration Office 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 the applicant and any agency which provided an assessment or recommendations on the original Final Plan of Subdivision or Instrument of Subdivision.
56. (1) At the time of application for the repeal of a subdivision the applicant shall submit to the Development Officer the application for repeal referred to in Section 49, the applicable processing fee and the Land Registration Office fees contained in the *Costs and Fees Act*, and its regulations, for filing/registering/recording a repeal of a Final Plan of Subdivision or an Instrument of Subdivision and, where applicable, the required Land Registration Office applicable forms.  
(2) Where the Development Officer refuses to repeal a subdivision, the Development Officer shall return the Land Registration Office fees referred to in subsection (1) to the applicant.
57. Where the Development Officer refuses to repeal a subdivision, the Development Officer shall give notice of the refusal to the applicant and to those agencies which were forwarded the application for repeal pursuant to Section 55.
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**PART 12: MUNICIPAL PUBLIC STREETS**

58. A Municipal Public Street is deemed to meet the minimum lot area and lot frontage requirements of Sections 5 and 6 (a).
59. A Municipal Public Street *shall* only be approved on land within the following areas:
- (a) on lands within the Planning Area established by the Annapolis County East End Area Municipal Planning Strategy and Land Use By-law;
  - (b) on lands within the Planning Area established by the Upper Clements Area Municipal Planning Strategy and Land Use By-law;
  - (c) on lands within the Planning Area as established by the Cornwallis Park Municipal Planning Strategy and Land Use By-law;
  - (d) on lands within a Serviced Area, as identified in Schedules "G", "H", "I", "J", "K", "L", "M", "N" and "O", of this By-law;
  - (e) on lands within a five kilometre radius of another municipal public street.
60. (1) Where a Municipal Public Street is proposed to be constructed before approval of the Final Plan of Subdivision is granted, the subdivider shall enter into a servicing agreement, as per Part 15 of this By-law, with the Municipality.
- (2) Where a Municipal Public Street is proposed to be constructed after approval of the Final Plan of Subdivision is granted, the subdivider shall enter into a servicing agreement, as per Part 15 of this By-law, with the Municipality.
61. (1) All proposed Municipal Public Streets *shall be*:
- (a) approved only as a separate lot and shown on a Final Plan of Subdivision;
  - (b) designed in accordance with or exceeding the "*Road and Street Standards Manual, Municipality of Annapolis County*" and the "*Drainage Works Standards Manual, Municipality of Annapolis County*" and the design shall be approved by the Municipal Engineer;
  - (c) be constructed in accordance with or exceeding the "*Road and Street Standards Manual, Municipality of Annapolis County*" and the "*Drainage Works Standards Manual, Municipality of Annapolis County*"; and
  - (d) certified by the subdivider's engineer that the proposed municipal public street is constructed in accordance with the approved design.
- (2) The specifications standards referred to in section (1) (b) & (c) may be varied in accordance with accepted engineering practice, subject to the approval of the Municipal Engineer.
62. The minimum width of the right-of-way of a proposed Municipal Public Street shown on a Final Plan of Subdivision shall be in accordance with the "*Road and Street Standards Manual, Municipality of Annapolis County*".
63. Where a proposed Municipal Public Street intersects a provincial public street, that intersection shall be approved by the Department of Transportation and Infrastructure Renewal.
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**PART 13: PRIVATE ROADS**

64. Where an area of land is proposed to be subdivided in such a way that a private road is required and the area of land proposed to be subdivided:
- (a) has frontage on a public street, the Private Road shall be approved as a separate lot shown on a Final Plan of Subdivision and is deemed to meet minimum lot area and lot frontage requirements of Sections 5 and 6 (a).
  - (b) does not have frontage on a public street;
    - (i) the Private Road on the area of land proposed to be subdivided shall be approved as a separate lot shown on a Final Plan of Subdivision and that portion of the Private Road is deemed to meet the minimum lot area and lot frontage requirements of Sections 5 and 6; and
    - (ii) the Private Road, where it is not to be located on the area of land proposed to be subdivided, shall be approved within a private right-of-way, shown on a Final Plan of Subdivision, that fully joins to the Private Road, as defined in Section 64(b)(i), and extends to and has approved access to a public street provided that the private right-of-way is an easement for right-of-way and access that is assignable and perpetual, clearly provides for the construction and maintenance of the Private Road and has been clearly granted by deed that is filed/registered/recorded in the Land Registration Office.
65. (1) All proposed Private Roads *shall* be:
- (a) approved only as a separate lot and shown on a Final Plan of Subdivision, except for a Private Road as defined in Section 64(b)(ii);
  - (b) designed in accordance with or exceeding the “*Road and Street Standards Manual, Municipality of Annapolis County*” and the “*Drainage Works Standards Manual, Municipality of Annapolis County*”, and the design shall be approved by the Municipal Engineer for the Municipality;
  - (c) constructed in accordance with or exceeding the “*Road and Street Standards Manual, Municipality of Annapolis County*” and the “*Drainage Works Standards Manual, Municipality of Annapolis County*”;
  - (d) constructed prior to approval of the Final Plan of Subdivision being granted by the Development Officer; and
  - (e) certified by the subdivider’s engineer that the proposed Private Road is constructed in accordance with the approved design.
- (2) The specifications referred to in subsection (1) (b) & (c) may be varied in accordance with accepted engineering practice, subject to the approval of the Municipal Engineer.
66. The minimum width of the right-of-way of a proposed Private Road shown on a Final Plan of Subdivision shall be in accordance with the “*Road and Street Standards Manual, Municipality of Annapolis County*”.
67. Where a proposed Private Road intersects a municipal public street or a provincial public street, that intersection shall be approved by the authority having jurisdiction over the public street.
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**PART 14: SANITARY SEWERAGE AND WATER DISTRIBUTION SYSTEMS**

68. (1) Within a Serviced Area as identified in Schedules "G", "H", "I", "J", "K", "L", "M", "N" and "O" of this By-law and where the proposed lots are adjacent to an area of land serviced by a municipally owned sanitary sewer system, no Final Plan of Subdivision shall be approved by the Development Officer, except where the subdivider constructs or proposes to construct a sanitary sewer system to serve the proposed lots;
- (2) Within a Serviced Area as identified in Schedules "G", "H", "I", "J", "K", "L", "M", "N" and "O" of this By-law and where the proposed lots are adjacent to any area of land serviced by a municipally owned water system, no Final Plan of Subdivision shall be approved by the Development Officer, except where the subdivider constructs or proposes to construct a water system to serve the proposed lots.
69. (1) All proposed sanitary sewer system and/or water distribution systems *shall*:
- (a) receive approval to construct the proposed sanitary sewer system and/or water distribution system from the Department of Environment;
  - (b) be designed in accordance with or exceeding the "*Sanitary Sewerage Works System, Municipality of Annapolis County*" and "*Water Works Standards Manual, Municipality of Annapolis County*" and the design shall be approved by the Municipal Engineer;
  - (c) be constructed in accordance with or exceeding the "*Sanitary Sewerage Works System, Municipality of Annapolis County*" and "*Water Works Standards Manual, Municipality of Annapolis County*"; and
  - (d) be certified by the subdivider's engineer that the proposed sanitary sewer system and/or water distribution system is constructed in accordance with the approved design.
- (2) The specifications standards referred to in subsection (1) (b) & (c) may be varied in accordance with accepted engineering practice, subject to the approval of the Municipal Engineer.
70. (1) Where a sanitary sewer system and/or water distribution system is proposed to be constructed before approval of the Final Plan of Subdivision is granted the subdivider shall enter into a servicing agreement, as per Part 15 of this By-law, with the Municipality.
- (2) Where a sanitary sewer system and/or water distribution system is proposed to be constructed after approval of the Final Plan of Subdivision is granted the subdivider shall enter into a servicing agreement, as per Part 15 of this By-law, with the Municipality.
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**PART 15: SERVICING AGREEMENTS**

71. Servicing Agreements entered into with the Municipality in accordance with the provisions of Part 12 and/or Part 14 of this By-law may include, but not be limited to, any or all of the following terms and conditions, as determined by the Municipality:
- (a) the timing in which any water distribution system, sanitary sewer system, municipal street, storm sewer or drainage system shall be commenced and completed;
  - (b) the phasing of any water distribution system, sanitary sewer system, municipal street, storm sewer or drainage system;
  - (c) the terms, conditions and/or requirements concerning performance sureties for any proposed water distribution system, sanitary sewer system, municipal street, storm sewer system or drainage system as set out in Part 16 of this By-law;
  - (d) the terms, conditions and/or requirements concerning the acceptance of any water distribution system, sanitary sewer system, municipal street, storm sewer system or drainage system by the Municipality, as set out in Part 17 of this By-law;
  - (e) the phasing and acceptance of public open space or cash in lieu;
  - (f) the provision and acceptance of easements and right-of-ways for services; and
  - (g) 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.

**PART 16: PERFORMANCE SURETIES**

72. (1) Where a subdivider proposes to construct any municipal street and drainage system, sanitary sewerage system, or water distribution system after approval of the Final Plan of Subdivision is granted, the subdivider shall post a performance surety, in a form acceptable to the Municipality, in the amount of one hundred and twenty-five per cent (125 %) of the total estimated cost of constructing such a street or service system.
- (2) Where a subdivider has started construction of, and proposes to complete the construction of any municipal street and drainage system, sanitary sewerage system, or water distribution system after approval of the Final Plan of Subdivision is granted, the subdivider shall post a performance surety, in a form acceptable to the Municipality, in the amount of one hundred and twenty-five per cent (125 %) of the total estimated cost of completing the construction of such a street or service system.
- (3) The subdivider shall submit to the Development Officer for approval an estimate of the costs of constructing the proposed municipal street or service system and the Development Officer may revise the estimate if the estimate is, in the opinion of the Municipal Engineer, inadequate.
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- (4) The subdivider may require Council to submit the revised estimate to arbitration in accordance with the provisions of the Arbitration Act, Statutes of Nova Scotia.
- (5) The performance surety shall be in a form acceptable to the Municipality as determined by the Municipality and shall be in the favor of the Municipality and may be in the form of cash, certified cheque or letter of credit or performance bond issued by a surety or guarantee company licensed by the Province of Nova Scotia and conditioned on the execution and completion of the agreement in accordance with the terms of the servicing agreement and with the provisions of this By-law and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work, as determined by the Municipality.

### **PART 17: ACCEPTANCE REQUIREMENTS**

73. Following completion of any required service systems or municipal street and before the acceptance any municipal street or service system by the Municipality, the subdivider *shall*:
- (a) post a maintenance surety, in a form acceptable to the Municipality, in the amount of ten per-cent (10%) of the actual cost of construction of the municipal street or service system to ensure the proper operation of the municipal street or service system for a period of twenty-four (24) months;
  - (b) provide record drawings in a reproducible form, and in accordance with the requirements of the Municipal Engineer, for each municipal street or service system including, where applicable, mains and service laterals drawn to the required scale, and certified by a professional engineer;
  - (c) provide all operating and procedures manuals for each service system;
  - (d) provide the results of all tests required to show proof that the service system has been constructed and is operating according to the standards of the system design;
  - (e) provide all easements and right-of ways for service systems; and
  - (f) convey each municipal street or service system and/or any associated right-of-ways or easements free from all encumbrances;
  - (g) comply with any other requirements defined in an applicable servicing agreement entered into with the Municipality, pursuant to Part 15 of this By-law.
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**PART 18: PARKS LEVY**

74. (1) Prior to approving a Final Plan of Subdivision, the subdivider shall convey title to the Municipality for open space purposes an area of land equal to five percent (5%) of the area of lots approved on a Final Plan of Subdivision.
- (2) Pursuant to the Municipal Government Act, the subdivider may provide land, equivalent value or a combination of land and equivalent value equal to the value of the land required to be transferred to the Municipality under Section 74 (1).
- (3) Pursuant to the Municipal Government Act, the subdivider, with the approval of Council, may convey to the Municipality an area of land, within the boundaries of the Municipality, of equal value to the land required by Section 74 (1) outside of the area being subdivided, in lieu of land within the area being subdivided.
- (4) Pursuant to the Municipal Government Act, the subdivider may provide a bond or other security acceptable to the Council for the conveyance to the Municipality of land in a future phase of the subdivision rather than conveying land from the approved phase of the subdivision or equivalent value.
75. (1) Any land to be transferred to the Municipality as a condition of subdivision *shall*:
- (a) be shown on a Final Plan of Subdivision as land to be conveyed to the Municipality as part of the open space requirements;
- (b) be capable of supporting an on-site sewage disposal system;
- (c) have an average slope of 15% or less; and
- (d) not be swampy or subject to flooding.
- (2) The criteria in Section 75 (1) (b), (c) and (d) may be waived if the land to be transferred to the Municipality exhibits any of following unique physical, cultural, or historic characteristics:
- (a) marshlands or natural areas suitable for preservation, embankments, cliffs or ravines or lands valuable as a source of fossils;
- (b) lands of significant historical or archeological value to the Municipality;
- (c) lands containing structures or buildings of significant historical or archeological value to the Municipality;
- (d) lands that have frontage on a watercourse;
- (3) The criteria in Section 75 (1) (b) may be waived if the land to be transferred to the Municipality is serviced by a municipally owned sanitary sewer service.
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76. Land deeded to the Municipality for open space purposes shall abut a public street and have access to a public street within the frontage of the lot approved by the jurisdiction having authority for the public street.
77. Section 76 may be waived if the land to be transferred to the Municipality for open space purposes pursuant to Section 75 (2) has access to a public street by way of a private right-of-way, shown on a Final Plan of Subdivision, a minimum of 15 metres (49.2 feet) in width that fully joins and extends to the Public Street and has an access to a public street within the frontage of the right-of-way approved by the jurisdiction having authority for the public street. For the purposes of this section, the private right-of-way shall be an easement for right-of-way and access that is assignable and perpetual, clearly provides for the construction and maintenance of the private driveway and has been clearly granted by deed that is filed/registered/recorded in the Land Registration Office.
78. Section 76 may be waived if the land to be transferred to the Municipality for open space purposes pursuant to Section 74 (3) has access to a public street by way of a private right-of-way a minimum of 15 metres (49.2 feet) in width that fully joins and extends to the Public Street and has an access to a public street within the frontage of the private right-of-way approved by the jurisdiction having authority for the public street. For the purposes of this section, the private right-of-way shall be an easement for right-of-way and access that is assignable and perpetual, clearly provides for the construction and maintenance of the private driveway and has been clearly granted by deed that is filed/registered/recorded in the Land Registration Office.
79. The Section 74 **shall** not apply to:
- (1) the consolidation or resubdivision of land where no additional lots are created;
  - (2) the subdivision of land where the lot created contains an existing main building;
  - (3) the subdivision of land where the remainder lot created is in excess of ten (10) acres;
  - (4) the subdivision of land where a lot is created for a municipal purpose; and/or
  - (5) the subdivision of land where only two lots are created.
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Schedule "A": APPLICATION FOR SUBDIVISION APPROVAL

FOR OFFICE USE ONLY  
 File No. \_\_\_\_\_  
 Receipt No. \_\_\_\_\_

<b>OWNER RELATED INFORMATION</b>																																																								
<input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Tentative Plan <input type="checkbox"/> Final Plan																																																								
Name of Applicant (s): _____ Mailing Address: _____ Phone: _____ _____ Postal Code: _____																																																								
<b>SPECIAL INSTRUCTIONS:</b>																																																								
Registered Owner (s) (if not applicant): _____ Documents to be Returned to: _____																																																								
<b>LAND TO BE SUBDIVIDED</b>																																																								
Location: _____ Municipality: _____ Parcel Identifier: _____ Civic: _____ Abutting Property Owner(s): _____ Approval Requested for Lot(s) # _____																																																								
Type of Development Proposed: <input type="checkbox"/> Single unit dwelling <input type="checkbox"/> Other (Specify) _____																																																								
Assessment Requested from Department of Environment: <input type="checkbox"/> Yes <input type="checkbox"/> No																																																								
Is there a remainder lot? <input type="checkbox"/> Yes <input type="checkbox"/> No																																																								
<b>CERTIFICATION - ON-SITE SYSTEM NOT REQUIRED (unserved areas)</b>																																																								
I certify that _____ (is, are) being created for a purpose ( _____ ) <small>(lot(s) being approved and/or remainder lot) (specify purpose)</small> that will not require the installation of an on-site sewage disposal system.																																																								
SIGNATURE _____																																																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center; padding: 2px;"><u>Water Services</u></th> </tr> <tr> <th style="width: 30%;"></th> <th style="width: 35%; text-align: center;">Existing</th> <th style="width: 35%; text-align: center;">Proposed</th> </tr> <tr> <td>Municipal</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Drilled</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Dug Well</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other (specify) _____</td> <td></td> <td></td> </tr> </table>	<u>Water Services</u>				Existing	Proposed	Municipal	<input type="checkbox"/>	<input type="checkbox"/>	Drilled	<input type="checkbox"/>	<input type="checkbox"/>	Dug Well	<input type="checkbox"/>	<input type="checkbox"/>	Other (specify) _____			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center; padding: 2px;"><u>Sewer Services</u></th> </tr> <tr> <th style="width: 30%;"></th> <th style="width: 35%; text-align: center;">Existing</th> <th style="width: 35%; text-align: center;">Proposed</th> </tr> <tr> <td>Municipal</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>On-site</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other (specify) _____</td> <td></td> <td></td> </tr> </table>	<u>Sewer Services</u>				Existing	Proposed	Municipal	<input type="checkbox"/>	<input type="checkbox"/>	On-site	<input type="checkbox"/>	<input type="checkbox"/>	Other (specify) _____			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center; padding: 2px;"><u>Access</u></th> </tr> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">Existing</th> <th style="width: 20%; text-align: center;">Proposed</th> </tr> <tr> <td>Public Road</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Municipal Road</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Private Road</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Private Right-of-Way</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Name of Road _____</td> <td></td> <td></td> </tr> </table>	<u>Access</u>				Existing	Proposed	Public Road	<input type="checkbox"/>	<input type="checkbox"/>	Municipal Road	<input type="checkbox"/>	<input type="checkbox"/>	Private Road	<input type="checkbox"/>	<input type="checkbox"/>	Private Right-of-Way	<input type="checkbox"/>	<input type="checkbox"/>	Name of Road _____		
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I certify that I am the owner or acting with the owner's written consent.																																																								
Signature of Applicant(s) _____ Date _____																																																								

Schedule "B"

**STOPPING SIGHT DISTANCES**

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 Infrastructure Renewal Management, Chapter 8, Construction and Maintenance.

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

Nova Scotia Land Surveyor



Schedule "C"

**LOT SIZE REQUIREMENTS**

TYPE OF LOT	DIMENSIONAL REQUIREMENTS	
	FRONTAGE	AREA
Lots serviced only by a central sewer service	22 metres (72.17 feet)	929 square metres (10,000 square feet)
Lots serviced with both central water and sewer services	15 metres (49.21 feet)	465 square metres (5,005.38 square feet)

Schedule "D"

**NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION  
IN ACCORDANCE WITH SECTIONS 285(3) and 285(b)  
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 \_\_\_\_\_, 20 \_\_\_\_\_  
\_\_\_\_\_ Development Officer

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS FILE # \_\_\_\_\_

PLAN OF SUBDIVISION REGISTERED IN THE LAND REGISTRATION OFFICE AS PLAN # \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

This Plan of Subdivision also contains 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 highway.

Schedule "E1":

**APPLICATION FOR REPEAL OF A SUBDIVISION**

Final 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: \_\_\_\_\_

This subdivision was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, and is filed in the Land Registration Office at **Lawrencetown** in the Municipality of the County of **Annapolis** as Plan # \_\_\_\_\_

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

Repeal Processing & Land Registration Office fees 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

\_\_\_\_\_  
Co-Signer

\_\_\_\_\_  
Date

Schedule "E2"

**APPLICATION FOR REPEAL OF A SUBDIVISION TO CONSOLIDATE TWO OR MORE PARCELS**

Final 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: \_\_\_\_\_

This subdivision was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, and is filed in the Land Registration Office at **Lawrencetown** in the Municipality of the County of **Annapolis** as Plan # \_\_\_\_\_

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

Repeal Processing & Land Registration Office fees 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 and to my knowledge no deed to effect the consolidation of the lots mentioned exists.

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

Schedule "F"

**REPEAL OF A SUBDIVISION**

Final Plan of Subdivision  or Instrument of Subdivision

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

\_\_\_\_\_

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

Location \_\_\_\_\_

\_\_\_\_\_

Date of Approval of the Subdivision: \_\_\_\_\_

Being Plan #: \_\_\_\_\_ at the Land Registration Office.

**THIS SUBDIVISION IS REPEALED**

Entire Plan or Instrument  or Only Lots #: \_\_\_\_\_

Dated at \_\_\_\_\_ in the \_\_\_\_\_

Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Development Officer

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

\_\_\_\_\_