

PROVINCIAL SUBDIVISION REGULATIONS FOR

THE TOWN OF SPRINGHILL

PART 1: TITLE

These regulations may be cited as the "Provincial Subdivision Regulations" for the Town of Springhill.

PART 2: INTERPRETATION

In these regulations 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. (a) Area of Land means any lot or parcel as described by its boundaries.
- (b) Director means the Provincial Director of Planning;
- (c) Existing Street means any public street;
- (d) Frontage means the horizontal distance between the side lot lines of the lot or parcel measured along an existing street;
- (e) Public Street means any street owned and maintained by the Town;
- (f) Subdivider means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with his written consent.
- (g) 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;
- (h) Town means the Town of Springhill.

PART 4: PROCEDURE FOR APPROVAL OF TENTATIVE PLANS OF SUBDIVISION

3. The subdivider proposing to subdivide an area of land shall submit to the Development Officer for approval an application in the form specified in Schedule "A" of these regulations together with 6 copies of the tentative plan of the proposed subdivision meeting the requirements of Part 5 of these regulations.
4. Notwithstanding Section 3, the Development Officer may waive the requirement that tentative application and plan of subdivision be submitted, where:
 - (a) the lots abut an existing street, and
 - (b) no public water or sewer services are to be installed,

provided that, if required, a preliminary assessment of the lots has been completed pursuant to the Regulations Respecting Subdivision of Land to be Serviced by On-site Disposal Systems by the Department of Health and the Development Officer is advised in writing that the Department of Health is satisfied with the proposed lot sizes.

5. When the Development Officer is satisfied that an application and tentative plan of subdivision are complete he shall, if applicable, forward a copy of the application and tentative plan of subdivision to the Committee on Streets, the Town Engineer, the Department of Health and any other agency of the Province or Town the Development Officer deems necessary.
6. The Development Officer shall comply with the notification and approval provisions of Section 96(2) and (3) of The Planning Act hereto attached as Appendix "A".
7. 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 Health, the Committee on Streets, the Town Engineer or any other agency of the Province or the Town unless the tentative plan of subdivision is clearly contrary to a law of the Province or by-law of the Town made pursuant to a law of the Province.
8. The following information shall be stamped 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:

- (c) folded to approximately 21x29.7cm (8.27x 11.69 in.) with the face of the folded print being the title block which is located in the lower righthand corner of the tentative plan of subdivision.
- (2) Tentative plans of subdivision shall show the following:
- (a) name of the subdivision, if any, and the name of the owner of the property,
 - (b) names of all owners of all properties abutting the proposed subdivision,
 - (c) a location map, drawn to a scale not smaller than 1:10,000 (such scale to be shown on the map), with the same orientation as the area of land, located at the top right-hand corner of the tentative plan of subdivision,
 - (d) the words "TENTATIVE PLAN" located above the title block,
 - (e) a clear space for stamping measuring at least 15 centimetres (5.90 in.) wide by 15 centimetres (5.90 in.) high,
 - (f) the approximate dimensions of the area of land proposed to be subdivided,
 - (g) the proposed dimensions and shape of lots and blocks,
 - (h) the area of each lot including the approximate area of the remainder lot, if any,
 - (i) each lot numbered for identification with no duplication of numbers, and where a parcel is being added to or subtracted from an existing lot, the new lot, or where a lot shown on a plan of subdivision is being divided, the resulting lots, shall be identified by the previous lot number and a letter,
 - (j) approximate locations for all existing buildings,

- (k) the boundary lines of existing lots being re-subdivided, consolidated or both as broken lines with the new boundaries of these lots shown with solid lines,
 - (l) the scale to which the tentative plan of subdivision is drawn,
 - (m) the width and location of proposed public streets, and the width and location of proposed intersections and turning circles,
 - (n) the proposed public street names,
 - (o) the location of existing water and sewer services,
 - (p) the width and location of existing streets and railroads,
 - (q) the width, location and nature of any easements or rights-of-way affecting the area of land proposed to be subdivided,
 - (r) north point,
 - (s) the date on which the tentative plan of subdivision was drawn and the date of any revisions,
 - (t) 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
 - (u) any other information which the Development Officer deems necessary to determine whether a tentative plan of subdivision conforms to these subdivision regulations.
- (3) In addition to meeting the requirements of subsections (1) and (2) a tentative plan of subdivision submitted for approval to the Development Officer showing lots fronting on a proposed public street shall:

- (a) show a boundary survey of the area of land to be subdivided excluding the remainder lot certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Nova Scotia Land Surveyors Act and the Regulations made thereunder,
- (b) show contours at 2-metre (5 foot) intervals and final drainage patterns,
- (c) be accompanied by two copies of a plan showing the center line profiles of the proposed public streets, and
- (d) be accompanied by any other information which the Development Officer deems necessary to determine whether the application is complete and conforms to these regulations.

PART 6: PROCEDURE FOR APPROVAL OF FINAL PLANS OF SUBDIVISION

- 11. The subdivider proposing to subdivide an area of land shall submit an application in the form specified in Schedule "A" of these regulations and 6 copies of the final plan of subdivision meeting requirements of Part 6 of these regulations to the Development Officer for approval.
- 12. The Development Officer shall comply with the notification and approval provisions of Section 96(2) and (3) of The Planning Act, hereto attached as Appendix "A".
- 13. When the Development Officer is satisfied that an application and final plan of subdivision are complete he shall, if applicable, forward a copy of the application and final plan of subdivision to the Committee on Streets, the Town Engineer, the Department of Health and any other agency of the Province or the Town the Development Officer deems necessary.
- 14. 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 Health, the Committee on Streets, the Town Engineer or any other agency of the Province or the Town unless the final plan of subdivision is clearly contrary to a law of the Province or by-law of the Town made pursuant to a law of the Province.

15. (1) Upon approval by the Development Officer of the final plan of subdivision, the Development Officer shall notify in writing the subdivider, and where applicable, the Committee on Streets, Town Engineer, Department of Health or any other agency of the Province or Town the Development Officer requested to review the plan, of his decision to approve the final plan.
- (2) Where a Development Officer refuses to approve a final plan of subdivision, he shall notify the subdivider pursuant to section 96 (3)(c) of the The Planning Act, hereto attached as Appendix "A", advising the subdivider of the appeal provisions of Section 103 of The Planning Act hereto attached as Appendix "A".

PART 7: FINAL PLAN OF SUBDIVISION REQUIREMENTS

16. (1) Final plans of subdivision submitted to the Development Officer shall be:
- (a) drawn to a minimum scale of 1:1,000 or to a scale or scales sufficient for clarity of all particulars on the final plan of subdivision,
 - (b) certified and stamped by a Nova Scotia Land Surveyor that the lots requesting approval have been surveyed in the manner required by the Nova Scotia Land Surveyors Act and the regulations made thereunder,
 - (c) folded to approximately 21x29.7cm (8.27x 11.69 in.) 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) name of the subdivision, if any, and the name of the owner of the property,
 - (b) a location map, drawn to a scale not smaller than 1:10,000 (such scale to be shown on the map), with the same orientation as the parcel, located at the top right-hand corner of the final plan of subdivision,

- (c) the length and bearings of the boundary lines 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,
- (d) names of all owners of all properties abutting the proposed subdivision,
- (e) a clear space for stamping measuring at least 15 centimetres (5.90 in.) wide by 15 centimetres (5.90 in.) high,
- (f) the dimensions of the area of land proposed to be subdivided,
- (g) approximate location of existing buildings on the area of land proposed to be subdivided with the graphic and mathematical locations for all buildings within 3 metres (9.8 feet) of the boundaries of the property,
- (h) the shape, dimensions and area of lots, blocks, and the remainder lot, if any,
- (i) each lot numbered for identification with no duplication of numbers, and where a parcel is being added to or subtracted from an existing lot, the new lot, or where a lot shown on a plan of subdivision is being divided, the resulting lots, shall be identified by the previous lot number and a letter,
- (j) the date of any lots shown on the plan that have been finally approved,
- (k) the location and width of proposed public streets, intersections and turning circles,
- (l) the boundary lines of existing lots being re-subdivided, consolidated, or both as broken lines with the new boundaries of these lots shown with solid lines,
- (m) the location (and dimensions) of existing municipal water and sewer services,

- (n) the location and width of existing streets and railroads,
- (o) the width, location and nature of any easements or rights-of-way affecting the area of land proposed to be subdivided,
- (p) the date on which the final plan of subdivision was certified with all revisions to be certified,
- (q) north point,
- (r) the scale to which the final plan of subdivision is drawn,
- (s) the proposed public street names, and
- (t) any other information which the Development Officer deems necessary to determine whether a final plan of subdivision conforms to these subdivision regulations.

PART 8: GENERAL PROVISIONS

- 17. (1) All lots to be approved on a final plan of subdivision shall abut a public street.
- (2) A proposed public street shown on a final plan of subdivision shall have a minimum right-of-way of 15.24 metres (50 feet).
- (3) The deed to any proposed public streets shown on a final plan of subdivision shall be accepted by the Town prior to the endorsement of approval on a final plan of subdivision by a Development Officer.
- 18. (1) All lots to be approved 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 Schedule "B" of these regulations.
- (2) Notwithstanding subsection (1), where dealt with in a land use by-law, all lots to be approved 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 applicable land use by-law.

19. Notwithstanding Sections 17, 18 and 20, the Development Officer may approve a final plan of subdivision increasing the size of an existing parcel described in a deed or approved on a final plan of subdivision provided that the remainder lot for which no approval is requested meets the minimum lot area and lot frontage requirements contained in Schedule "B" of these regulations.
20. All lots to be approved on a tentative or final plan of subdivision shall have a minimum width and minimum length of at least 8 metres (26.2 feet) unless a lesser width and length are permitted by an applicable land use by-law.
21. A public street, unbroken by an intersection shall not exceed 365 metres (1,197.51 feet) in length unless such would prejudice the proper subdivision of land or adjoining land.
22. There shall not be more than four public street approaches in an intersection.
23. No intersection shall be located on or within 46 metres (150.92 feet) of a sharp curve in the public street.
24. The distance between public street intersections shall not be less than 61 metres (200.13 feet).
25.
 - (1) The length of a cul-de-sac shall not exceed 107 metres (351.05 feet) from an intersection to the turning circle, unless there exists an emergency exit of 3 metres (9.8 feet) wide to a public street, then the length of the cul-de-sac shall not exceed 228 metres (748.03 feet).
 - (2) Cul-de-sac or other dead-end public streets shall have a turnaround with a minimum radius of 16.5 metres (54.13 feet) from the centre of the cul-de-sac.
26. The grade of a public street measured for at least 30 metres (98.43 feet) shall be a maximum of 6% and a minimum of 0.5%.
27. Where a public street in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, the public street in the latter shall, if reasonably feasible, be laid out in prolongation of such public streets, unless it would be in violation of these regulations.
28. Wherever possible, side lot lines shall be substantially at right angles to a public street, or radial to a curved public street.
29. Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.

30. (1) An application to amend or repeal an endorsed plan of subdivision or a plan of subdivision drawn prior to August 6, 1984, shall be in accordance with Section 102 of The Planning Act, hereto attached as Appendix "A" and shall satisfy the requirements of these regulations concerning approvals of final plans of subdivision.
- (2) 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 of Deeds.

PART 9: REQUIREMENTS FOR ENDORSEMENT AND FILING
OF FINAL PLANS OF SUBDIVISION

31. When the requirements of The Planning Act, these provincial subdivision regulations and the Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems pursuant to the Health Act have been met and the final plan of subdivision has been approved by the Development Officer, approval shall be endorsed on the final plan of subdivision by the Development Officer.
32. The following information shall be written or stamped on any final plan of subdivision which is endorsed:
- (a) "This final plan of subdivision is approved for lots _____";
- (b) the classification of each lot within one of the classes A, B, C or D specified in Schedule "A" to the Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems or "Lots _____ are serviced with a public sewer".
33. Pursuant to Section 100(2) of The Planning Act, hereto attached as Appendix "A", the Development Officer shall forward by certified mail or hand deliver one endorsed copy of the final plan of subdivision to the office of the Registrar of Deeds for the registration district in which the land is located, and pay the fees required under Part 10 of these regulations to file the final plan.
34. Pursuant to and in addition to Section 100(5) of The Planning Act, hereto attached as Appendix "A", the Development Officer shall give notice of the endorsement of approval on the final plan of subdivision to:

- (a) the Council of the Town in which the land is located,
- (b) the Director,
- (c) the surveyor, and
- (d) any other department or agency of the Province or of the Town who has been requested to review the plan of subdivision.

35. The Development Officer shall forward a copy of the endorsed final plan of subdivision to the subdivider.

PART 10: FEES FOR FILING A FINAL PLAN OF SUBDIVISION

- 36. (1) The subdivider shall pay the fees for filing contained in the Costs and Fees Act, R.S.N.S. 1967, c.63 and two dollars for postage costs for filing the final plan of subdivision.
- (2) The fee referred to in subsection (1) shall be paid at the time of application for final approval by certified cheque or money order made payable to the Minister of Finance.
- (3) Where the final plan of subdivision does not receive endorsement of approval by the Development Officer, the subdivider shall be entitled to a refund of the filing and postage fee if the final plan of subdivision is not filed.

PART 11: EFFECTIVE DATE, REPEAL

37. These Subdivision Regulations are effective August 6, 1984.

Prescribed this 1st day of August, 1984.


THOMAS J. MCINNIS
MINISTER OF MUNICIPAL AFFAIRS

SCHEDULE "B"

TYPE	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE
<p>Lots or parcels not serviced by municipal water and sewer services.</p> <p>NOTE: A LOT OF THIS TYPE, ANY PART OF WHICH IS WITHIN 22 METRES (72.17 FEET) OF A WATERCOURSE REQUIRES A MINIMUM AREA OF 3716 METRES SQUARE (40,000 square feet) AND A MINIMUM FRONTAGE OF 45 METRES (147.63 feet).</p>	<p>1858 square metres (20,000 square feet)</p>	<p>30 metres (98.42 feet)</p>
<p>Lots or parcels serviced only by a municipal water system.</p> <p>NOTE: A LOT OF THIS TYPE, ANY PART OF WHICH IS WITHIN 22 METRES (72.17 FEET) OF A WATERCOURSE REQUIRES A MINIMUM AREA OF 3716 METRES SQUARE (40,000 square feet) AND A MINIMUM FRONTAGE OF 45 METRES (147.63 feet).</p>	<p>1100 square metres (11,840.6 square feet)</p>	<p>30 metres (98.42 feet)</p>
<p>Lots or parcels serviced only by a municipal sewer service.</p>	<p>929 square metres (10,000 square feet)</p>	<p>22 metres (72.17 feet)</p>
<p>Lots or parcels serviced with both municipal water and sewer services.</p>	<p>465 square metres (5,005.38 square feet)</p>	<p>15 metres (49.21 feet)</p>

APPENDIX "A"

This Appendix contains Sections 88 to 103 inclusive of the Planning Act, Chapter 9, Statutes of Nova Scotia 1983 dealing with the subdivision of land. The Appendix is contained in the regulations for convenience only. For accurate reference, recourse should be had to the official volumes.

- 88 (1) The Minister shall prescribe provincial regulations for the subdivision of land.
- (2) Provincial subdivision regulations shall include
- (a) procedure for the approval of tentative plans of subdivision including the form of application for approval;
 - (b) requirements for approval of tentative plans;
 - (c) procedure for the approval of final plans of subdivision including the form of application for approval;
 - (d) requirements for approval and registration of plans of subdivision;
 - (e) fees to be charged for the registration of final plans;
 - (f) referral of plans of subdivision to the Department of Health under the Health Act;
 - (g) referral of plans of subdivision to the Department of Transportation for approval pursuant to Section 99; and
 - (h) requirements for the right of way, alignment and gradients of proposed streets or roads, whether or not they are to be owned or maintained by the Province, an incorporated town or a city, and provided that the town or city does not have requirements applicable to the streets or roads.
- (3) Provincial subdivision regulations may include
- (a) waivers from compliance with certain requirements of regulations enacted pursuant to subsection (2);
 - (b) reasonable fees to be charged for the processing by a provincial development officer of plans of subdivision;
 - (c) minimum lot sizes and minimum lot frontages which apply where no applicable land-use by-law deals with these matters;

(d) referral of a plan of subdivision to any other department or agency of the Province or of a municipality;

(e) provisions for the limitation of the number of lots that can be subdivided from an area of land where the lots are not on a street or road owned or maintained by the Province, a city or a town;

(f) notwithstanding clause (r) of Section 3, defining "subdivision" to mean, for the purposes of this Act and any regulations thereunder, the division of any area of land into four or more parcels;

(g) any other matter necessary to carry out the intent of a provincial land-use policy with respect to the subdivision of land.

(4) Provincial subdivision regulations may apply to all or part of the Province and there may be different regulations for different parts of the Province.

(5) The provincial subdivision regulations shall be administered by such provincial development officers as the Minister may designate.

89 (1) At least ninety days before prescribing provincial subdivision regulations, the Minister shall

(a) give written notice of his intention to each council affected by the proposed regulation, and seek the comments of each council; and

(b) give public notice of his intention by advertisement in a newspaper circulating in the area affected, which notice shall state where the proposed regulations may be inspected and invite written comments.

(2) Where at the date of the coming into force of this Section there are in respect of any part of the Province subdivision regulations but not subdivision by-law in force, subsection (1) does not apply to a regulation made pursuant to clause (f) of subsection (3) of Section 88.

90 (1) Where provincial subdivision regulations are in effect, a municipality may adopt a subdivision by-law, which shall not be inconsistent with the subdivision regulations which apply to the municipality at the date of adoption of the by-law.

(2) When a subdivision by-law comes into effect

(a) the provincial subdivision regulations shall no longer apply to the municipality; and

(b) notwithstanding subsection (1) and notwithstanding that the provincial subdivision regulations have defined subdivision, subdivision shall have the meaning given to it in Section 3.

(3) A subdivision by-law shall apply to the entire municipality, but there may be different requirements for different parts of the municipality.

(4) Before adopting or amending a subdivision by-law, the council shall follow the procedure for amendment of a land-use by-law, and Section 42 applies mutatis mutandis to the amendment.

(5) A subdivision by-law and any amendment thereto comes into effect on, and not before, approval by the Minister.

91 (1) Subject to subsection (2) of Section 9D, a subdivision by-law shall include any requirements of provincial subdivision regulations applicable to the municipality, but these requirements may be waived or varied where

(a) the municipality adopts a more stringent requirement; or

(b) the requirements are dealt with in a municipal planning strategy or land-use by-law.

(2) Subject to subsection (1), a subdivision by-law may

(a) where not dealt with in a land-use by-law, require areas to be reserved for public purposes;

(b) where not dealt with in a land-use by-law, regulate the minimum lot frontages and building lines, and the size and shape of blocks and lots;

(c) in the case of a city or incorporated town, set standards and requirements regarding the construction, width, gradients and location of streets and roads, and the widening and modifying of existing streets and roads;

(d) set standards and requirements regarding the construction and installation of water services, sanitary or storm sewers, and other services and utilities;

(e) require the transfer to the municipality of useable land or payment of cash in lieu of equivalent value for park, playground and similar public purposes, provided that the land required to be transferred does not exceed five per cent of the area shown on the final plan of subdivision;

(f) where the municipal planning strategy so provides, limit the number of lots that may be subdivided from an area of land in a calendar year;

(g) provide for waivers from compliance with certain requirements of the by-law.

(3) A subdivision by-law may require a subdivider before approval is endorsed on a final plan of subdivision

(a) to install water, sewer and other services;

(b) to construct, lay out, grade and pave, or any of them, any proposed street in the subdivision,

or, in the alternative to clauses (a) and (b),

(c) to enter into a bond or other security satisfactory to the council to install and provide the streets, sewer, water and other services to the standards set out in the by-law;

(d) to provide a bond or other security for the maintenance of the installations, for a maximum period of one year from the date of installation.

(4) A subdivision by-law may prescribe a schedule of reasonable fees to be paid by the applicant for the review and approval of a plan of subdivision.

92 (1) A council may accept, under clause (e) of subsection (2) of Section 91, a combination of land and cash in lieu of land equal to the amount of the transfer required.

(2) The size of an open-space transfer required by a subdivision by-law shall be calculated on the basis of the area shown in the final plan of subdivision, excluding streets, roads and the residue of land owned by the subdivider.

(3) The amount of the cash in lieu of the open-space transfers shall be calculated on the assessed value of the new lots created, excluding streets, roads and the residue of land owned by the subdivider.

(4) Any cash contributions made pursuant to the subdivision by-law shall be used by the council for the acquisition of the capital improvements to park, playground and public open-space areas.

(5) A subdivider may, in lieu of complying with a by-law made pursuant to clause (e) of subsection (2) of Section 91, offer to the council, and the council may accept, an area of land of equivalent value outside the area being subdivided and within the boundaries of the municipality.

93 (1) For greater certainty, this Act also applies to

(a) a partition of land pursuant to the Partition Act or the Probate Act; and

(b) a division of land resulting from a sale of land for taxes pursuant to the Assessment Act.

(2) Notwithstanding subsection (1), this Act does not apply to

(a) a division of land resulting from a devise of real property by a testamentary instrument;

(b) a division of land resulting from an expropriation;

(c) a division of land resulting from an acquisition of real property by any means whatsoever by Her Majesty in the right of the Province or by any agency thereof;

(d) a division of a cemetery into burial lots;

(e) a division of land resulting from an acquisition or disposal of real property by a municipality where the instrument creating the division expressly and bona fide states therein that the acquisition or disposal is for the purpose of altering the boundaries of an existing or creating a new public street or walkway;

(f) a division of land resulting from a lease of real property for, directly or by entitlement to renewal, a term of twenty years or less;

(g) a subdivision in respect of the creation of any parcel in excess of twenty-five acres in area; or

(h) a division of land where there is no provincial subdivision regulations or subdivision by-law of a municipality in force in respect of that land at the time of the division.

(3) Where an affidavit of the person making a transfer purports to verify that the transfer relates to a parcel in excess of twenty-five acres in area, the parcel is deemed to come within the exemption contained in clause (g) of subsection (2).

94 (1) Where the Minister has prescribed subdivision regulations and where, in the opinion of the Minister, an existing subdivision by-law is inconsistent with the regulations, the Minister shall provide for the amendment of the by-law, in accordance with this Section, to the extent necessary to make the by-law consistent with the regulations.

(2) Where the Minister proceeds pursuant to subsection (1), he shall

(a) advise the council of the particulars of the conflict; and

(b) request the council to submit proposals for resolution of the conflict within such number of days, not less than ninety, as the Minister determines.

(3) Where the council fails to respond to the notification of the Minister under subsection (2) or where, after consultation with the council, the Minister and the council cannot agree on a method to resolve the conflict, the Minister may direct the council to amend its subdivision by-law in the manner prescribed by the Minister.

(4) Where the council does not amend its subdivision by-law as directed, the Minister may amend it.

(5) Where the Minister has amended a subdivision by-law in accordance with subsection (4), the Minister shall

(a) file a copy of the amendment with the clerk of the municipality; and

(b) give notice of the amendment in a newspaper circulating in the municipality, which provides a synopsis of the amendment and provides where it can be inspected by interested persons.

95 (1) A council shall appoint a municipal development officer to administer its subdivision by-law and to approve plans of subdivision and endorse final plans of subdivision and file them in the office of the appropriate registrar of deeds.

(2) Where a municipality participates in a commission, the council may appoint a development officer in the employ of the commission to be the municipal development officer.

(3) A council may from time to time authorize any other person to act in the municipal development officer's stead.

96 (1) An application for approval of a plan of subdivision shall be made to the development officer.

(2) Within fifteen days of receiving an application pursuant to subsection (1), the development officer shall inform the applicant whether his application is complete.

(3) Within thirty days of receiving a completed application, the development officer shall

(a) approve the plan if it

(i) conforms to the subdivision regulations or by-law, and

(ii) has received all approvals, if any, of departments or agencies of the Province or of the municipality or an agency thereof in addition to those set out in the regulations or by-law, as the case may be;

(b) notify the applicant in writing of all approvals received and, where necessary, departments or agencies of the Province which have not approved the plan as submitted, where such approval is required; or

(c) notify the applicant in writing of his decision refusing to approve the plan as submitted, which decision shall contain the reasons for the refusal.

(4) Where a department or agency of the Province is required by an enactment to approve a final plan of subdivision and the decision by the department or agency has not been received by the development officer within six months from the date that the completed application for approval of the final plan was forwarded to the department or agency by the development officer, the department or agency is deemed to have approved the final plan.

(5) The approval of the lots shown on a tentative plan of subdivision 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.

97 (1) A municipal development officer may approve a plan of subdivision prepared to implement an agreement pursuant to Section 55 or 56, notwithstanding that it does not comply with the subdivision by-law, providing that it complies with the agreement.

(2) Where the approval of a plan of subdivision by a department or agency of the Province is required by an enactment, a plan prepared pursuant to subsection (1) shall also be subject to those approvals.

98 (1) Where a subdivision by-law or a land-use by-law is in effect which specifies a minimum lot frontage or lot area and either by-law so provides, the municipal development officer may approve a plan of subdivision which shows not more than two lots that do not meet these requirements provided that the lot area and frontage shown are no less than ninety per cent of the required minimum.

(2) No approval shall be granted pursuant to subsection (1) where the lot frontage or lot area is required by the Province.

(3) No approval shall be granted where the difficulty experienced is general to the properties in the area or results from the intentional disregard of the requirements of the subdivision by-law or the land-use by-law.

99 Unless a provincial subdivision regulation otherwise provides or did so provide prior to the adoption of a subdivision by-law, no plan of subdivision in a rural municipality shall be approved until the Minister of Transportation or an official in his department, nominated by him for the purpose, has approved

(a) all public streets and roads shown on the plan of subdivision, or part thereof to be approved, or on which lots on the plan of subdivision, or part thereof to be approved, abut; and

(b) the right-of-way, alignment and gradients of all proposed streets and roads that are not to be owned and maintained by the Province.

100 (1) No plan of subdivision shall be filed in the office of any registrar of deeds until the plan has been approved by a development officer in accordance with this Act, and no registrar of deeds shall accept or file any plan of subdivision until a certificate of approval is endorsed thereon by a development officer in accordance with this Act.

(2) A development officer shall endorse his approval on a final plan of subdivision and the final plan of subdivision in the office of the registrar of deeds for the registration district in which land is located, within thirty days after having been endorsed with his approval, unless the applicant has failed to comply with the subdivision regulations or subdivision by-law.

(3) The endorsement of approval on a plan of subdivision by the development officer shall indicate

(a) what other approvals have been granted or refused pursuant to any other enactment by other departments or agencies of the Province; and

(b) which streets and roads, if any, shown on the plan are to be owned and maintained by the Province.

(4) Where pursuant to subsection (4) of Section 96 there is a deemed approval by a department or agency of the Province of a final plan of subdivision, the endorsement of the development officer pursuant to subsection (3) shall indicate that the approval of the department or agency is a deemed approval pursuant to subsection (4) of Section 96.

(5) A provincial development officer shall give notice of the endorsement of approval on a final plan of subdivision to the council of the municipality in which the land which is the subject of the plan is located and to the Director within two days of the endorsement.

(6) When a final plan of subdivision has been approved, an applicant may lay out and construct streets, blocks, lots and land for public purposes, and any other services or utilities required, in such phases as may be agreed upon at the time of approval of the final plan and before endorsement of approval on the final plan.

101 (1) No subdivision of land takes effect except upon a plan of subdivision endorsed in accordance with Section 100 being filed in the office of the registrar of deeds for the registration district in which the subdivision is situate.

(2) No deed, mortgage, lease or other instrument which would result in the subdivision of land has effect until subsection (1) is complied with.

102 (1) Where a final plan of subdivision has had approval endorsed thereon in accordance with this Act, the former Planning Act or a former Town Planning Act, it may be amended or repealed upon the application of the owner or the initiative of the council, where the council has a subdivision by-law in effect.

(2) The provisions of this Act with respect to the approval of a plan of subdivision apply to its amendment or repeal.

(3) Notwithstanding subsection (2), where the amendment or repeal of a plan of subdivision is being initiated by the council, the council shall cause

(a) thirty days notice to be given to the owner either by personal service or registered mail;

(b) a notice to be published in a newspaper published or circulating in the area affected at least once a week for two successive weeks, the first of such notices to be published at least three clear weeks before the date fixed for the hearing, at the time and place at which interested persons will be heard.

(4) Except as provided in subsection (3), no amendment of a plan of subdivision may be made without the consent in writing of the owner of the land.

(5) An amendment of a plan of subdivision does not affect the ownership of the land.

(6) An amendment to a plan of subdivision shall be approved and filed in the office of the registrar of deeds in the same manner as required for an original plan of subdivision, notwithstanding that the original plan was not approved and filed under this Act, and any original plan which is subject to amendment by this Section shall also be filed.

(7) No deed, mortgage, lease or other instrument which would result in the subdivision of land in accordance with an amending plan of subdivision has effect until subsection (6) is complied with.

(8) Where a deed, mortgage, lease or other instrument has been made which results in the subdivision of land in accordance with a plan of subdivision duly approved and filed in the office of the registrar of deeds, the amendment of that plan shall not restrict the right to the owner, mortgagee, lessee or other holder to execute other deeds, mortgages, leases or instruments in which property is described as in the deed, mortgage, lease or other instrument first herein mentioned.

103 (1) Where a development officer refuses to approve a plan of subdivision, the applicant therefor may appeal the decision to the Board.

(2) An appeal pursuant to subsection (1) shall be taken within fifteen days after the written decision of the development officer is served on the applicant.

(3) In considering an appeal pursuant to this Section, the Board shall determine whether the proposed plan of subdivision complies with the subdivision regulations or subdivision by-law, as the case may be.

(4) The Board shall

(a) confirm the decision of the development officer; or

(b) allow the appeal by directing the development officer to approve the plan of subdivision.

(5) Where and only where the plan of subdivision is in accordance with the subdivision regulations or the subdivision by-law, whichever is applicable, the Board shall allow the appeal.

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N.S. Reg. 93/86

ROYAL GAZETTE

Part II Regulations

N.S. Reg. 93/86
Made: April 16, 1986
Filed: May 5, 1986
Subdivision Regulations
- Town - Springhill

Order

Made Pursuant to

Section 88

the Planning Act

Town of Springhill

Amendments to Subdivision Regulations

The Subdivision Regulations for the Town of Springhill made on August 6, 1984 pursuant to Section 88 of Chapter 9 of the Acts of 1983, the Planning Act, are hereby amended as follows:

1. (1) Section 3 of Part 3 is renumbered as Section 2A, and

(2) Clause (d) thereof is repealed and the following clause is substituted therefor:

"(d) Frontage means

(i) the distance between the side lines of a lot or parcel measured along a public street, or

(ii) where a lot or part thereof abuts an outside curve on a public street, the distance measured along a line joining points on the side lines of the lot or parcel which points are 6 metres (19.7 ft.) from such street;"

2. The following title and Section are added immediately following Section 2A.

"PART 3A: PRELIMINARY PLANS OF SUBDIVISION (Optional First Step)

2B. (1) The subdivider proposing to subdivide property may submit to the Development Officer three (3) copies of a preliminary plan of the proposed subdivision together with the following information and documentation:

(a) name and address of the subdivider, and if the subdivider is not the owner of the area of land proposed to be subdivided, the name of the owner,

(b) names and addresses of all owners or the lot identifiers of all properties abutting the land proposed to be subdivided, and



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(c) a plan or sketch of the land proposed to be subdivided to scale or scales sufficient for clarity of all particulars on the plan showing:

(i) the dimensions and area of the area of land to be subdivided,

(ii) the nature of the proposed subdivision and the lots therein,

(iii) the approximate location of watercourses or other natural features on the land proposed to be subdivided that might affect the number of lots on the area proposed to be subdivided, and

(iv) a key plan at a scale not smaller than 1:50,000 showing the general location of the area of land and indicating the north point

(2) The Development Officer shall, if applicable, forward a copy of all material received pursuant to subsection (1) to:

(a) the Department of Health for an evaluation to determine what lot size is generally appropriate to meet the requirements of the provincial Regulations Respecting Subdivision of Land to be Served by On-Site Sewage Disposal Systems,

(b) the Committee on Streets, Town Engineer,

(c) any other agency of the Province of the Town the Development Officer deems necessary.

(3) The Department of Health, Committee on Streets, Town Engineer and any other agency of the Province or Town which has been forwarded a copy of the Preliminary Plan shall forward a written report of their findings to the subdivider and the Development Officer."

3. Section 3 is amended by deleting the number "6" in the fourth line thereof and substituting therefor the number "8".

4. (1) Clause (b) of Section 4 is amended by deleting the word "public" in the first line thereof and substituting therefor the word "central".

(2) Said Section 4 is further amended by deleting the words "a preliminary assessment" in the seventh line thereof and substituting therefor the words "an assessment",

(3) Said Section 4 is further amended by deleting the words "the Development Officer is advised in writing that the Department of Health is satisfied with the proposed lot sizes" in the tenth, eleventh, and twelfth lines thereof and substituting therefor the words "the Development Officer is advised in writing by the Department of Health of the classification of such lots pursuant to the Regulations."

5. Section 7 is amended by substituting a comma for the period at the end of the Section, and adding immediately following it the words and punctuation "including any applicable dimensions for lot area and lot frontage contained in a land use by-law of the Town".

6. (1) Clause (a) of Subsection 1 of Section 10 is amended by deleting the words and punctuation "to a minimum scale of 1:1,000 or" in the first line thereof.

(2) Clause (b) of said subsection 1 is amended by adding immediately following the comma at the end of the clause the word "and".

(3) Clause (c) of said subsection 1 is amended by deleting the numbers, letters, and punctuation "21 x 29.7 cm (8.27 x 11.69 in.)" in the first and second lines thereof and substituting therefor the numbers, letters, and punctuation "20 x 30 cm (8 x 12 in.)".

(4) Clause (a) of subsection (2) of said Section 10 is amended by deleting the word "property" in the second line thereof and substituting therefor the words "area of land".

(5) Clause (b) of subsection (2) of said Section 10 is amended by adding immediately following the words "names of all owners" the words "or the lot identifiers" in the first line thereof.

(6) Clause (c) of said subsection (2) is repealed and the following clause is substituted therefor:

"(c) 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,"

(7) Clauses (i) to (q) inclusive of said subsection (2) are repealed and the following clauses substituted therefor:

(i) 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,

(j) approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical location for all buildings within 3 metres (9.8 feet) either side of the boundaries of the proposed lot,

(k) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing lots being re-subdivided, consolidated or both, shown a broken lines,

(l) the scale to which the tentative plan of subdivision is drawn,

(m) the width and location of railroads, and existing and proposed public streets, including intersections and turning circles.

(n) the names of existing and proposed public streets,

(o) a notation stating whether or not the lots for which approval is requested are serviced by central sewer and water systems,

(q) the width, location and nature of any easements or rights-of-way on or affecting the area of land proposed to be subdivided,

(8) Subsection (3) of said Section 10 is repealed and the following subsection substituted therefor:

(3) In addition to meeting the requirements of subsections (1) and (2), where the proposed lots front on a proposed public street a tentative plan of subdivision shall:

(a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Nova Scotia Land Surveyors Act and the Regulations made thereunder,

(b) be accompanied by four copies of a plan showing

(i) contours at 2 metre (5 foot) intervals, and drainage patterns, and

(ii) the width and location of existing and proposed public streets, including intersections and turning circles, and

(iii) the location of existing and proposed central sewer and water systems and proposed connections thereto, and

(c) be accompanied by two copies of a plan showing the center line profiles of the proposed public streets, and

(d) be accompanied by any other information which the Development Officer deems necessary to determine whether the plan and drawing referred to in subsections (b) and (c) conform to these subdivision regulations".

(9) Said Section 10 is further amended by adding immediately following subsection (3) the following subsection:

"(4) 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."

7. (1) Section 11 is amended by deleting the number "6" in the third line thereof and substituting therefor the number "8".

(2) Said Section 11 is further amended by deleting the number "6" in the fourth line thereof and substituting therefor the number "7".

8. Section 14 is amended by substituting a comma for the period at the end of the Section, and adding immediately following it the words and punctuation "including any applicable dimensions for lot area and lot frontage contained in a land use by-law of the Town."

9. (1) Clause (a) of subsection (1) of Section 16 (b) is amended by deleting the numbers, words, and punctuation "to a minimum scale of 1:1000 or" in the first line thereof.

(2) Clause (b) of said subsection (1) is repealed and the following clause substituted therefor:

(b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested have been surveyed in the manner required by the Nova Scotia Land Surveyors Act and the regulations made thereunder, except for a final plan of subdivision prepared pursuant to Section 19(2) of these regulations,"

(3) Clause (c) of said subsection (1) is amended by deleting the numbers, letters, and punctuation "21 x 27.7 cm (8.27 x 11.69 in.) in the first and second line thereof and substituting therefor the numbers, letters and punctuation "20 x 30 cm (8 x 12 in.)".

(4) Clause (a) of subsection (2) of said Section 16 is amended by deleting the word "property" in the second line thereof and substituting therefor the words "area of land".

(5) Clause (b) of the said subsection (2) is repealed and the following clause substituted therefor:

(b) 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,"

(6) Clause (c) of said subsection (2) is amended by deleting the words "and bearings of the boundary lines" in the first and second lines thereof and substituting therefor the words "of the boundaries".

(7) Clause (d) of the said subsection (2) is amended by adding immediately following the words "names of all owners" in the first line thereof the words "or the lot identifiers".

(8) Clause (g) of the said subsection (2) is repealed and the following clause substituted therefor:

"(g) approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical location

for all buildings within 3 metres (9.8 feet) either side of the boundaries of the proposed lot,"

(9) Clauses (i) to (p) inclusive of said subsection (2) are repealed and the following clauses substituted therefor:

"(i) 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,

(j) the bearings of the boundaries of proposed lots,

(k) the width and location of railroads, and existing and proposed public streets, including intersections and turning circles,

(l) 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,

(m) a notation stating whether or not the lots for which approval is requested are serviced by central sewer and water systems,

(o) the width, location and nature of any easements or rights of way on or affecting the area of land proposed to be subdivided,

(p) the date on which the final plan of subdivision was certified with all revisions to be identified, dated and initialled,"

(10) Clause (s) of the said subsection (2) is repealed and the following clause substituted therefor:

"(s) the names of existing and proposed public streets, and"

(11) Said Section 16 is further amended by inserting immediately following subsection (2) the following subsection:

"(3) Where the design or layout of the subdivision was designed by an individual or firm other than the individual or firm of the professional land surveyor who has certified the final plan of subdivision, the name of such individual or firm and the nature of the work performed shall be shown in the title block of the final plan of subdivision."

10. Subsection (3) of Section 17 is repealed and the following subsection is substituted therefor:

"(3) The approval of the Development officer shall not be endorsed on a final plan of subdivision showing any proposed public street until the deed to such proposed street has been accepted by the Town."

11. (1) Subsection (1) of Section 18 is amended by deleting the words "All lots to be approved" in the first line thereof and substituting therefor the words "All lots for which approval is requested shown".

(2) Subsection (2) of said Section 18 is repealed and the following subsections substituted therefor:

"(2) Notwithstanding the lot area requirements contained in subsection (1), where an authorized person of the Department of Health has assessed the proposed lots shown on a final plan of subdivision and approved such lots for the installation of on-site sewage disposal systems, such lots shall be deemed to meet the lot area requirements contained in Schedule "B" of these Regulations.

(3) Notwithstanding Subsection (1) and (2), where a land use by-law is in effect 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 applicable dimensions for minimum lot area and lot frontage contained in such by-law."

12. The following section is added immediately following Section 18:

"18A. Notwithstanding Section 18, where an area of land contains more than one main building built or placed prior to August 6, 1984 the Development Officer may approve a final plan of subdivision showing the same number or fewer of lots as there are main buildings and a remainder lot, if any, for which no approval is requested, provided that:

(a) each proposed lot has minimum lot frontage of 6 metres (19.7 feet), and

(b) each proposed lot:

(i) is served by a central sewage system and meets the lot area requirements of Section 18(1) where there is no land use by-law in effect or 18(3) where there is a land use by-law in effect, or

(ii) is approved by the Department of Health for the installation of an on-site sewage disposal system and the Development officer is notified in writing of such approval, and

(c) the remainder lot, if any, meets the lot area and lot frontage requirements of 18(1) where there is no land use by-law in effect or 18(3) where there is a land use by-law in effect."

13. Section 19 is repealed and the following Section substituted therefor:

"19. (1) Notwithstanding Section 18, the Development Officer may approve a final plan of subdivision increasing the size of an existing area of land provided that:

(a) the remainder lot meets the requirements of Section 18(1) where there is no land use by-law in effect or 18(3) where there is a land use by-law in effect, or

(b) the frontage of the remainder lot has not been reduced as a result of the proposed subdivision and the remainder lot meets the lot area requirements of Section 18(1) where there is no land use by-law in effect or 18(3) where there is a land use by-law in effect.

(2) 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 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 lots is surveyed and certified as being the common boundary shown as a heavy broken line, and

(b) notwithstanding clauses 18(1)(b), 18(2)(d), and (1), other than the new boundaries which have been surveyed pursuant to clause (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line, and

(c) have the following notation 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 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.”

14. Section 20 is repealed and the following Section substituted therefor:

“20. 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).”

15. Section 23 is repealed and the following Section substituted therefor:

"Where a proposed public street intersects a public street, the minimum sight distance along the public street shall be 65 metres (213.3 feet)".

16. Subsection (1) of Section 25 is amended by substituting a period for the comma immediately following the word "circle" in the second line and deleting the words and punctuation "unless there exists an emergency exit of 3 metres (9.8 feet) wide to a public street, then the length of the cul-de-sac shall not exceed 228 metres (748.03 feet)." in the third, fourth, and fifth lines thereof.

17. Section 26 is amended by deleting number "6" in the second line thereof and substituting therefor the number "8".

18. The following Section is added immediately following Section 26

"26A. All proposed intersecting streets must intersect at an angle of 70 to 90 degrees for a minimum distance of 30 metres (98.43 feet) from the intersection measured from the respective centre lines."

19. Section 31 is amended by adding the number and punctuation "(1)" immediately following the Section number and by adding thereto the following subsections:

"(2) The Development Officer shall forward a copy of the endorsed final plan of subdivision to the subdivider.

(3) Pursuant to and in addition to Section 100(5) of the Planning Act, hereto attached as Appendix "A", the Development Officer shall give notice of the endorsement of approval on the final plan of subdivision to:

- (a) the Council of the Town in which the land is located,
- (b) the Director,
- (c) the surveyor, and

(d) any other department or agency of the Province or the Town who has been requested to review the final plan of subdivision."

20. Section 34 is repealed and the following Section substituted therefor:

"34. (1) The subdivider shall pay the fees contained in the Costs and Fees Act, R.S.N.S., 1967, c.63, for filing the endorsed final plan of subdivision and certification of a copy of such plan.

(2) The fee referred to in subsection (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.

(3) Where the final plan of subdivision does not receive endorsement of approval by the Development Officer, the subdivider shall be entitled to the return of the cheque or money order referred to in subsection (2)."

21. Schedule "A" is amended by adding immediately beneath the words and punctuation "Signature of Subdivider" the words and punctuation "(Subdivider means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with his written consent.)".

22. (1) The NOTE of Schedule "B" is amended by deleting the word and punctuation "NOTE:" and substituting therefor the words and punctuation: "NOTE I:".

(2) The said NOTE is further amended by deleting the words "AND A MINIMUM FRONTAGE" and substituting therefor the words "AND A MINIMUM WIDTH".

(3) The said Schedule "B" is further amended by adding immediately following the NOTE:

"NOTE II: SMALLER AREA AND WIDTH MAY BE DEEMED ADEQUATE BY AN AUTHORIZED PERSON OF THE DEPARTMENT OF HEALTH."

Town of Springhill

Amendments to
Subdivision Regulations

These amendments to Subdivision Regulations are effective April 28, 1986.

Prescribed this 16th day of April, 1986.

David Nantes
Minister of Municipal Affairs