

**REGION OF QUEENS
MUNICIPALITY
SUBDIVISION BYLAW**

SEPTEMBER 1998

**REGION OF QUEENS MUNICIPALITY
SUBDIVISION BYLAW**

Adopted by Council for Region of Queens Municipality on September 21, 1998

The Subdivision Bylaw for Region of Queens Municipality adopted at a meeting of Council held on September 21, 1998 is approved, pursuant to Section 29 of the Municipal Affairs Act, with the following amendments:

- 1 Section 3.1 is amended on page 2 by inserting the following definition after clause (p):

“(pa) **Municipal Services Specifications Manual of the Region of Queens Municipality** is a manual containing design and construction specifications for municipal services adopted by resolution of Council.”

- 2 Clause 5.5(a)(i) on page 11 is amended by adding “as contained in the **Municipal Services Specification Manual of the Region of Queens Municipality**” to the end thereof.

- 3 Section 10.1 on page 24 is amended by striking out “10.2” and substituting “10.12.2”.

- 4 The following section is added after Section 10.12.2 on page 27:

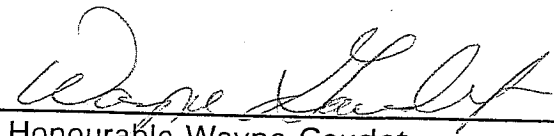
“10.12.2A ADDITIONAL INFORMATION

Where the plan of subdivision is to be forwarded to the Department of the Environment the following additional information is required:

- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- (b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
- (c) the surface slopes and directions;
- (d) an explanation of the extent, volume and type of usage to which the system will be subjected;

- (e) if required by the **On-site Sewage Disposal Systems Regulations**, an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and
 - (f) any other information necessary to determine whether the subdivision meets the **On-Site Sewage disposal Systems Regulations.**
- 5 Section **10.13.1** on page 27 is amended by striking out "Health" in the third line and substituting "Environment".

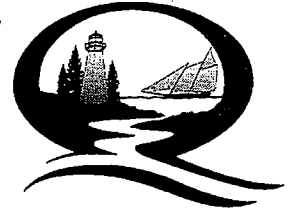
Dated at Halifax, Halifax Regional Municipality,
Nova Scotia this 3 day of *November*, 1998.



Honourable Wayne Gaudet
Minister of Housing and Municipal Affairs

Region of Queens Municipality

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Region of Queens Municipality

DOCUMENT CERTIFICATION

I, Chris McNeill, Clerk of the Region of Queens Municipality, in the County of Queens, and the Province of Nova Scotia, do hereby certify that this is a true copy of the Region of Queens Municipality Subdivision Bylaw, adopted by a majority vote of the Whole Council of the Region of Queens Municipality at a meeting duly called and held on the 21st day of September, A.D. 1998.

Chris McNeill

Regional Clerk

Dated this 20th day of September
1998.

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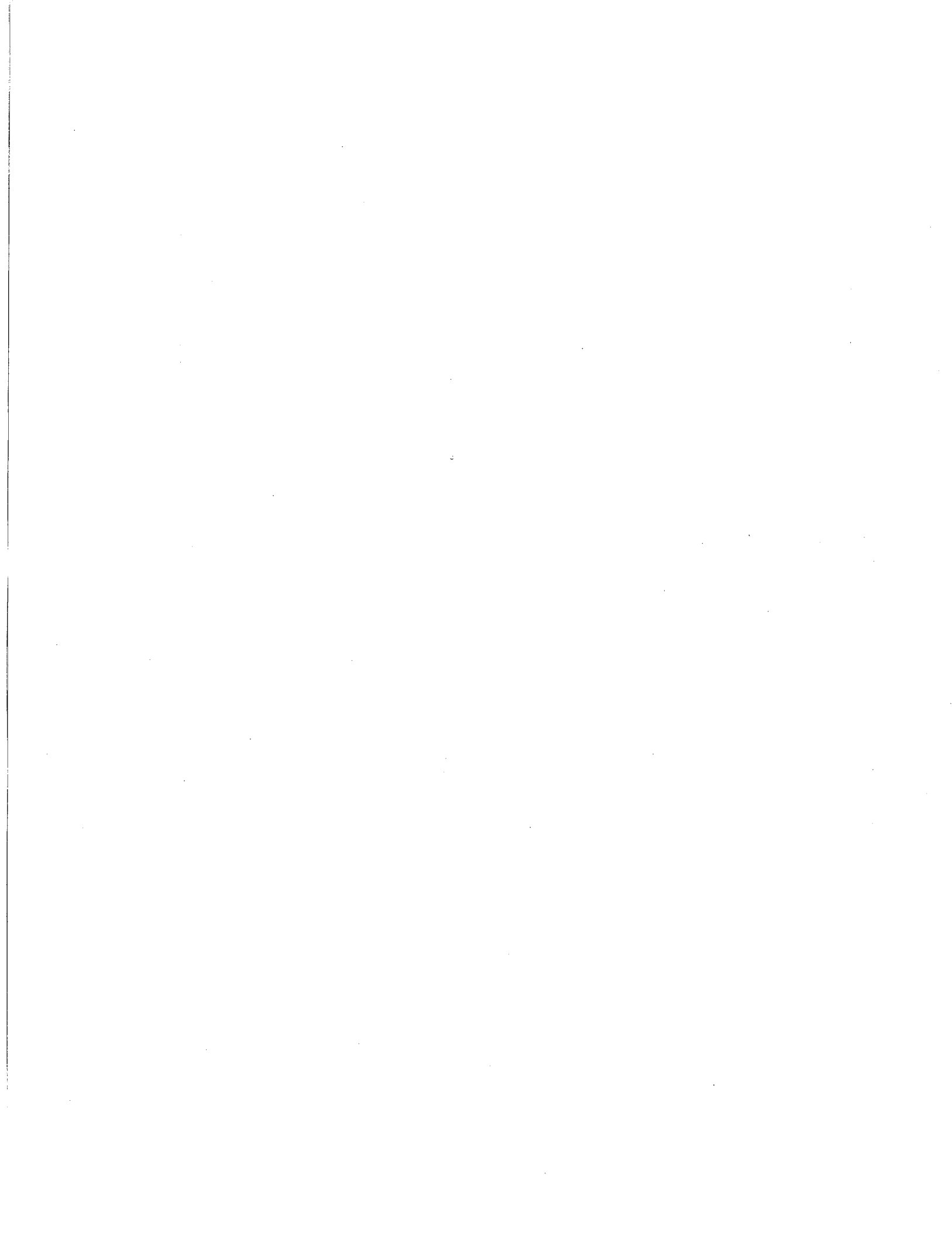
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July 1998

SUBDIVISION BYLAW FOR THE
REGION OF QUEENS MUNICIPALITY

PART 1: TITLE

This Bylaw may be cited as the Subdivision Bylaw for the Region of Queens Municipality.

PART 2: INTERPRETATION

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

PART 3: DEFINITIONS

3.1 In this Bylaw:

- (a) **Act** means the Nova Scotia Planning Act.
- (b) **Area of Land** means any existing lot or parcel as described by its boundaries except in subsection 4.8.
- (c) **Agreement** means a legal contract entered into between the subdivider and Council relating to the provisions of services as outlined in this Bylaw.
- (d) **Board** means the Nova Scotia Utility and Review Board.
- (e) **Clerk** means the Regional Clerk of the Region of Queens Municipality.
- (f) **Council** means the Municipal Council of the Region of Queens Municipality.
- (g) **Cul-de-sac** means a street having only one entrance/exit.
- (h) **Department of the Environment** means the Department of the Environment for the Province of Nova Scotia.
- (i) **Department of Transportation and Public Works** means the Nova Scotia Department of Transportation and Public works.
- (j) **Development Officer** means the Development Officer appointed by Council to administer the provisions of this Bylaw.
- (k) **Director** means the Provincial Director of Planning.
- (l) **Frontage** means:
 - in an area not covered by a land use Bylaw
 - (i) the distance between the side lines of a lot measured along a public street or highway right-of-way, a private road right-of-way, except in Section 4.5; or
 - (ii) where a lot is located on a curve on a public street or private road, the distance may be measured along a line joining points on the side lines of the lot which points are ten metres (32.8) feet from such street or private road; or in an area covered by a Land Use Bylaw
 - (iii) the frontage measured as required in such Bylaw.
- (m) **Growth Areas** means any area that is serviced by a public sewer system and/or a public water system.
- (n) **Minister** means the Minister of Housing and Municipal Affairs.
- (o) **Municipality** means the Region of Queens Municipality.
- (p) **Municipal Engineer** means the Engineer licensed to practice Professional Engineering in Nova Scotia and appointed by the Municipality.

- (q) **Private Road** means any street or road which is not public, which:
 - (i) includes any private road approved by the Department of Transportation and Public Works and shown on an approved plan of Subdivision prior to the first day of August 1987 and filed in the Registry of Deeds; and
 - (ii) extends to and has access and egress to a public street or highway and where not totally located within the area of land proposed to be subdivided it shall be an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for the Region; and
 - (iii) includes any private road not owned by either the Region of Queens Municipality or Department of Transportation and Public Works.
- (r) **Professional Engineer** means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- (s) **Province** means Her Majesty the Queen in the right of the Province of Nova Scotia.
- (t) **Public Street or Highway** includes any street or road owned and maintained by a Municipality or the Province;
 - (i) **municipal public street** means any street or highway owned and maintained by a Regional Municipality.
 - (ii) **provincial public street** means any street or highway owned and maintained by the Department of Transportation and Public Works of the Province, excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act.
- (u) **Public Sewer System** means any sewer system which is owned by the Region of Queens Municipality .
- (v) **Public Storm Drainage System** means any drainage system whether above or below ground constructed to collect, control and transport storm water from the area of land being subdivided to a point of discharge and owned and maintained by the Region of Queens Municipality.
- (w) **Public Water System** means any water system which is owned by the Region of Queens Municipality.
- (x) **Registry of Deeds** means the office of the Registrar of Deeds for the registration district in which the area of land being subdivided is located.
- (y) **Road Right-of Way** means an area of land that is legally described in a registered deed for the provision of providing access and egress on which there is a public street or private road.
- (z) **Road Surface Width** means an area of land on which vehicles travel and includes the side shoulder where vehicles are allowed to stop.
- (aa) **Sanitary Sewer System** means any sewer system which is owned by the Region of Queens Municipality.

- (bb) **Serviced Area** means an area serviced by a public sewer system and/or public water system.
- (cc) **Subdivider** means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with the owner(s) written consent.
- (dd) **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.
- (ee) **Surveyor** means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.
- (ff) **Travel Surface Width** means an area of land on which vehicles travel.
- (gg) **Water Frontage** means the distance measured as a straight line, between the two points where the side lot lines meet a water course.

PART 4: LOT SIZE AND ACCESS

4.1 ROAD FRONTAGE

All lots shall abut:

- (a) a public street or highway right-of-way, or
- (b) a private road right-of-way

4.2 AREA AND FRONTAGE

4.2.1 Subject to **Section 4.2.2** all lots shall meet the requirements for minimum lot area, and lot frontage contained in **Schedule "B"** of this Bylaw.

4.2.2 Notwithstanding **Subsection 4.2.1**, where an authorized person of the Department of Environment has assessed the proposed lots shown on a final plan of subdivision and approved such lots for the installation of an on-site disposal system, such lots shall be deemed to meet the lot area requirements contained in **Schedule "B"** of this Bylaw.

4.3 LAND USE BYLAW

Where a Land Use Bylaw is in effect:

- (a) notwithstanding **Section 4.2.**, all lots shall meet any applicable dimensions for minimum lot area and lot frontage contained in such Bylaw; and
- (b) **Sections 4.1(b), 4.2, 4.4, 4.5, 4.7, 4.8 and 4.9** are inoperative and do not apply unless the Land Use Bylaw 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.

4.4 10% VARIANCE

4.4.1 Notwithstanding **Sections 4.2.1** and **4.3(a)**, the Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with **Section 107** of the **Planning Act**, provided all other requirements of this Bylaw are met.

4.4.2 **Subsection 4.4.1** shall not vary the dimension for frontage below 6 metres (19.7 feet) or the minimum dimension for area in the case of lots serviced by an on-site sewage disposal system.

4.5 ISLANDS

4.5.1 For the purpose 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.

4.5.2 Notwithstanding **Section 4.1.**, the development officer may approve the subdivision of an island which does not contain a public highway or private road, provided all lots have a minimum water frontage of 6 metres (19.7 feet)

4.6 BOUNDARY ALTERATIONS

4.6.1 Notwithstanding **Sections 4.1, 4.2, and 4.3(a)**, the Development Officer may approve a subdivision altering the boundaries of two or more lots where:

- (a) no additional lots are created, and
- (b) each lot:
 - (i) meets the frontage requirements of **Section 4.2**, or any applicable dimensions for minimum lot frontage contained in any applicable Land Use Bylaw, or
 - (ii) has not had its frontage, if any, reduced, and
- (c) each lot:
 - (i) meets the lot area requirements of **Section 4.2** or any applicable dimensions for minimum lot area contained in any applicable Land Use Bylaw, or
 - (iii) has not had its area reduced.

4.6.2 Where the proposed lot is not surveyed, the Final Plan of Subdivision prepared pursuant to **Subsection 4.6.1** shall:

- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line;
- (b) notwithstanding **clause 10.12.1(b)**, other than the new boundaries which have been surveyed pursuant to clause (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and
- (c) have the following notation or words to similar effect affixed to the plan adjacent to the certification required by the Nova Scotia Land Surveyors Act and Regulations made thereunder, such notation to be signed by the surveyor:

Note: The only boundaries shown on this plan which have been surveyed are the boundaries of _____. The common boundary between the existing lots 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 lots _____ 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”.

4.7 ENCROACHMENTS

- 4.7.1 Notwithstanding the lot area and frontage requirements of **Section 4.2** and **4.3**, 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 lot, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.

4.8 ACCESS EXEMPTION

- 4.8.1 For the purpose of this section "area of land" means any lot as described by its boundaries as they existed on August 1, 1987, whether or not there has been any alteration to said boundaries subsequent to the aforementioned date.
- 4.8.2 One lot that does not meet the requirements of **Section 4.1** and the lot frontage requirements of **subsection 4.2.1** and **clause 4.3(a)** may be created within an area of land.
- 4.8.3 Notwithstanding that the area of land has been subdivided subsequent to August 1, 1987 with all lots meeting the requirements of **Section 4.1** and the lot frontage requirements of **subsection 4.2.1** and of **clause 4.3(a)**, the remainder lot, if any, shall be eligible for one such lot.
- 4.8.4 Notwithstanding **Sections 4.8.2** and **4.8.3**, two lots may be created 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 6 metres (19.7 feet) of frontage on a public street or private road.

4.9 SMALL LOT

Notwithstanding the lot area requirements of **Section 4.2** and **4.3(a)**, the Development Officer may approve lots on a plan of subdivision, which do not contain an on-site sewage disposal system or any part thereof and which have a maximum area of 465 square metres (5005 square feet). There shall be no further subdivision of these lots unless the requirements of this Section or **Sections 4.2** or **4.3** respectively are met.

4.10 LOT SHAPES

- 4.10.1 Wherever possible, side lot lines shall be substantially at right angles to a public street or private road.
- 4.10.2 Wherever appropriate, the rear lot lines of a series of adjoining lots shall be continuous, rather than being stepped or jagged.
- 4.10.3 Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).

4.11 INTERSECTIONS

There shall not be more than four (4) public street or private road approaches in an intersection.

4.12 ADJACENT ACCESS

A right-of-way for a public street or private road shown on a plan of subdivision submitted for approval shall, if reasonably feasible, extend to adjacent properties at a maximum of every 400 metres (1312 feet) along the boundary of the adjacent properties.

4.13 RIGHT-OF-WAY SHOWN

Where public street and/or private roads are required by any Section of this Bylaw, the entire length of the right-of-way shall be shown and identified on the plan as being intended to provide access to the proposed lots.

PART 5: PUBLIC STREET AND PRIVATE ROADS

5.1 APPROVAL OF STREETS

The Municipal Engineer shall approve all Municipal public streets and highways shown on plan of subdivision prior to final approval being given by the Development Officer pursuant to **Section 108** of the **Planning Act**.

5.2 PUBLIC STREET REQUIREMENTS

5.2.1 Requirements

All proposed Municipal public streets or highways within the Municipality shown on a final plan of subdivision approved in accordance with **Section 108** of the **Planning Act** shall be constructed, in addition to the following requirements, in accordance with the **Municipal Services Specification Manual of the Region of Queens Municipality** and the deed conveying title of such public streets or public highways to the Municipality be accepted by the Municipality prior to the endorsement of approval on a final plan of subdivision by the Development Officer:

- (i) the minimum width of a proposed street shown on a plan of subdivision shall be 20 meters (66 feet) or such lesser width, not less than 15 meters (50 feet) as determined by the Municipal Engineer and in accordance to the **Municipal Services Specification Manual of the Region of Queens Municipality**.
- (ii) all proposed lots which abut a public street shall have an access point to the public street which meets the stopping sight requirements of the Municipality and/or the Department of Transportation and Public Works. This does not apply to proposed lots which have an existing access to a public street.

5.2.2 Agreement Alternative

As an alternative to the complete construction and acceptance requirements for Municipal Public Streets, and the subdivider may enter into a written agreement with the Municipality pursuant to the requirements of **Section 5.2.1, 5.2.3, 5.3 and 5.4**.

5.2.3 Agreement Provisions

Agreements entered into between a subdivider and the Municipality in accordance with **Section 5.2.2** shall contain reasonable provisions with respect to any or all of the following:

- (i) the time within which any Municipal Public Street construction shall be commenced and completed; and
- (ii) the phasing of any street construction; and
- (iii) the acceptance of any street by the Municipality; and
- (iv) the provision and acceptance of easements and rights-of-way; and
- (v) any other matter related to the requirements for street construction.

5.3 BONDING FOR STREET COMPLETION

Where a subdivider proposes to complete construction of any Municipal Public Street after receiving approval of any final plan of subdivision the following shall be required:

- (i) the subdivider shall post a performance bond in the amount of one hundred and twenty (120) percent of the estimated cost to complete the street; and
- (ii) the subdivider shall submit to the Development Officer for approval an estimate of costs to complete the construction of the street and the Development Officer may revise the estimate if it is, in the opinion of the Municipal Engineer, inadequate. Such estimates shall include all construction related costs including, but not limited to, professional engineering contract management and site supervision and inspection of all construction and work; and
- (iii) the performance bond shall be posted before endorsement of approval of any final plan of subdivision being given; and
- (iv) the performance bond and the maintenance bond referred to in 5.3 and 5.4 shall be in the favour of the Municipality and may be in the form of cash, certified cheque or letter of credit or bond issued by a surety or guarantee company licensed by the Province of Nova Scotia and conditional on the execution and completion of the agreement in accordance with the terms of the agreement and the requirements of this Bylaw and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work.

5.4 STREET ACCEPTANCE REQUIREMENTS

Following completion of any Municipal Public Street and prior to acceptance by the Municipality of any street, the subdivider shall:

- (i) post a maintenance bond in the amount of ten (10) percent of the actual cost of construction of the street for a period of twelve (12) months; and
- (ii) provide "as-built", reproducible engineering design drawings for the street including plan and profile of streets drawn to the required scale and certified by a professional engineer; and
- (iii) provide four (4) copies of the final plan of subdivision showing the Municipal Public Street and all drainage right-of-way outlined in red, road reserves outlined in yellow and easements outlined in green; and
- (iv) provide legal conveyance of ownership of the right-of-way for the Municipal Public Street, road reserve and easement to the Municipality. This conveyance shall be in the form of a warranty deed and the subdivider shall, through his legal counsel, certify that all property to be conveyed is free from all encumbrances; and
- (v) be responsible for all registration and other costs associated with the requirements of this section.

5.5 PRIVATE ROAD REQUIREMENTS

- (a) All proposed private roads within the Municipality shall be shown on a final plan of subdivision approved in accordance with **Section 108** of the Planning Act and meet the following requirements:
- (i) the minimum width of a proposed street shown on a plan of subdivision shall be 20 meters (66 feet) or such lesser width, not less than 15 meters (50 feet).
 - (ii) all proposed lots which abut a private road shall have an access point to the public street which meets the stopping sight requirements of the Municipality and/or the Department of Transportation and Public Works. This does not apply to proposed lots which have an existing access to a public street.
 - (iii) the Minister of Transportation and Public Works has approved the intersection as shown on the plan of subdivision, of such private road with highways owned by the Province.
 - (iv) the Municipal Engineer has approved the intersection, as shown on the plan of subdivision, or such private road owned by the Region.

5.6 REQUEST FOR A PUBLIC STREET

Council may upon the request of the subdivider consider the reclassification of a private road to a public street upon the subdivider meeting the requirements of the **Municipal Services Specification Manual of the Region of Queens Municipality**, a **Resolution of Acceptance of Council**, and **Part Five** of this By-law.

5.7 DISTANCE BETWEEN INTERSECTIONS

The distance between public street, highway or private road intersections, a combination thereof shall not be less than 61 metres (200 feet) measured from the nearest rights-of-way, or such greater distance as may be required by the Department of Transportation and Public Works and/or the Municipality to meet their specifications.

5.8 MAXIMUM FOUR APPROACHES

There shall not be more than four public street or highway or private road approaches or any thereof in an intersection.

5.9 CONTINUOUS FRONTAGE

Continuous street frontage shall not exceed 366 metres (1,200 feet) in growth areas.

5.10 CUL-DE-SAC

A cul-de-sac not exceeding 366 metres (1,200 feet) in length may be used in the development of land in Growth areas. (See drawing #2 - **Municipal Services Specification Manual of the Region of Queens Municipality**)

5.11 SUBDIVIDER'S REQUIREMENTS

- (a) Where **Sections 5.2** is applicable, the subdivider shall be responsible for the following:
 - (i) for complete geotechnical inspection(s) and testing prior to and during various stages of construction by the subdividers' consulting engineer; and
 - (ii) advise the municipal Director of Engineering and Works of proposed test dates, sites and times; and
 - (iii) allow the Municipal Director of Engineering and Works to inspect the construction at any stage or to verify or confirm any required tests.
- (b) Within thirty (30) days of completion of construction, the subdivider shall provide to the Director of Engineering and Works the following:
 - (i) the reproducible record drawings of engineering design showing all the actual constructed systems including storm drainage; and
 - (ii) the results of all inspection test reports.

5.12 PUBLIC STREET AND PRIVATE ROAD SIGNAGE

All road signage, signals and markings will be in accordance with the **Uniform Traffic Control Devices for Canada Manual and the Municipal Services Specification Manual of the Region of the Region of Queens**. All road signage will be placed in the right-of-way. No signage will be placed in the public right-of-way without the approval of the Department of Transportation or the Municipal Engineer.

- (i) Stop Signs

Stop signs will be placed within all intersections. Intersections with equal traffic for all approaches may be designated as a four way stop, subject to approval by the Department of Transportation or the Municipal Engineer.

- (ii) Road Names

All Provincial public street or highway names will be approved by the Department of Transportation and Public Works prior to final approval being given by the Development Officer.

All private road names and municipal public street names will be approved by the Council of the Region of Queens Municipality

- (iii) Road Name Signage

Road name signage will be placed for each road intersection by the subdivider and at the cost of the subdivider.

- (iv) Other Road Signage

Other directional, speed rating and cautionary signage will be placed in the right-of-way, as warranted.

PART 6: WATER AND SEWER SYSTEMS

6.1 WATER SYSTEM REQUIREMENTS

- (a) A subdivider who proposes to locate a subdivision in a serviced area or abuts existing services shall provide a water system for the said subdivision and shall connect the said water system to the existing public water system.
- (b) When a proposed subdivision is subject to the requirements of **subsection 6.1 (a)**, the subdivider shall design and install a water system including mains and laterals to the boundaries of the proposed lots and any such system shall be designed by a professional engineer and shall comply with the specifications as set forth in the **Municipal Services Specification Manual of the Region of Queens Municipality**.
- (c) The subdivider shall install a storm drainage system properly designed, by a professional engineer licensed to practice in Nova Scotia, to remove any surface drainage that may enter the area being subdivided, be generated within the proposed subdivision, an adequate method of disposal of the waters so as not to negatively affect any downstream properties. All storm drainage systems shall be designed to the requirements of the **Municipal Services Specification Manual of the Region of Queens Municipality**.

6.2 SEWER SYSTEM REQUIREMENTS

- (a) A subdivider who proposes to locate a subdivision in a serviced area or abuts existing services shall provide a sewer system for the said subdivision and shall connect the said sewer system to the existing public sewer system.
- (b) When a proposed subdivision is subject to the requirements of **subsection 6.2(a)**, the subdivider shall design and install a central sanitary sewer system including collectors and laterals to the boundaries of the proposed lots, and any such system shall be designed by a Professional Engineer and shall comply with the specifications as set forth in the **Municipal Services Specification Manual of the Region of Queens Municipality**.
- (c) The subdivider shall install a storm drainage system properly designed, by a professional engineer licensed to practice in Nova Scotia, to remove any surface drainage that may enter the area being subdivided, be generated within the proposed subdivision, an adequate method of disposal of the waters so as not to negatively affect any down stream properties. All storm drainage systems shall be designed to the requirements of the **Municipal Services Specification Manual of the Region of Queens Municipality**.

6.3 ALTERNATIVES

As alternatives to 6.1 and 6.2, the Council may, upon request by the subdivider, agree to install the required water and/or sewer system. In such cases, the subdivider shall supply to the Municipality, a certified cheque in an amount sufficient to cover 125% of the estimated cost of design and installation of the system(s) as determined by the Municipality.

-- or --

The Council may accept from the subdivider the following:

- (a) A properly executed agreement obligating the subdivider to construct a central sanitary sewer system and a water system if required, pursuant to the requirements of this Bylaw.

- (b) The said agreement shall set out commencement and completion dates for each project.
- (c) The subdivider shall arrange and pay for engineering design specifications for each system compatible with the specifications in this Bylaw.
- (d) The agreement is to be accompanied by a bond of indemnity acceptable to Council, cash deposit or a certified cheque in the amount sufficient to cover 125% of the estimated costs of installation of the system(s) as determined by the Municipality.

6.4 TRANSFER OF OWNERSHIP

Regardless of which of the above options is chosen by the subdivider, the ownership of any water or sewer system constructed pursuant to this Bylaw is to be assigned, free of encumbrances, from the subdivider to the Municipality, at no cost to the Municipality; and the subdivider shall be responsible for 100% of actual costs and shall, upon completion of the system(s), pay any cost over and above estimated costs. If actual costs are lower than the amount of the certified cheque or bond or deposit, the balance shall be refunded to the subdivider. The subdivider shall arrange and pay for and have assigned to the Municipality any necessary easements for the water and/or sewer systems over adjoining properties.

6.5 SUBDIVIDER'S REQUIREMENTS

- (a) Where **Sections 6.1** and **6.2** are applicable, the subdivider shall be responsible for the following:
 - (i) complete inspection(s) and testing of the installation of any such service(s) installation at various stages by the subdivider's Consulting Engineer; and
 - (ii) advise the Director of Engineering and Works of proposed test dates, sites and times; and
 - (iii) allow the Director of Engineering and Works to inspect the installation at any stage or to verify or confirm any required tests.
- (b) Within thirty (30) days of completion of installation of any services, the subdivider shall provide to the Director of Engineering and Works the following:
 - (i) the reproducible record drawings of engineering design showing all the actual constructed systems including sanitary sewers, water systems and storm drainage.
 - (ii) the results of all test reports; and
 - (iii) deeds or assignments to the Municipality, free of encumbrances relating to infrastructure, land, services and easements as required by the Municipality; and
 - (iv) a maintenance bond in a satisfactory form or certified cheque posted in favour of the Municipality in an amount equal to 10% of the actual costs of construction and installation of services. The bond shall be for a period of one (1) year and shall state that it is a guarantee against deficiencies in the construction and installation of services.

PART 7: PUBLIC OPEN SPACE

7.1 USEABLE LAND

For the purpose of Part 7, "Useable land" means land which:

- (a) has a minimum lot size of 929 square metres (10,000 sq. ft.); and
- (b) has at least 6 metres (20 feet) frontage on a Public Street/Highway or a Private Road and in the case of an island which does not contain a Public Street or Highway, on a watercourse; and
- (c) is not subject to any easement for electrical power transmission lines; and
- (d) meets or exceeds the overall minimum score on the evaluation sheet attached as **Schedule "F"** or, in lieu of satisfying that requirement, contains such unique physical, cultural or historical characteristics from the following list as determined by the Development Officer and Director of Recreation and Community Facilities to provide unique and valuable recreation opportunities:
 - (i) steep slopes and run-out areas suitable for sport skiing;
 - (ii) marshland suitable for waterfowl feeding and breeding areas as an interpretive nature reserve with a minimum of 1 hectare (2.5 acres) in area;
 - (iii) beaches suitable for public swimming
 - (iv) vehicular access to navigable water, suitable for boat launching and retrieval;
 - (v) land containing structures or buildings of significant historical value to the community and usable for public purpose
- (e) shall be certified, in a form acceptable to the Region, as being free of all encumbrances.

7.2 5% REQUIRED

Prior to endorsement of approval on the final plan of subdivision, the subdivider shall transfer to the Region; for park, playground and similar public purposes; an area of useable land of good and marketable title equal to five percent (5%) of the total area of the lots for which approval is requested and/or required as shown on the final plan of subdivision excluding streets, roads and the residue of land owned by the subdivider, and/or cash in lieu of equivalent value subject to the provisions of **Sections 7.5 and 7.6** .

7.3 WAIVER

Section 7.2 of this Bylaw does not apply where:

- (a) no new vacant lots are being created except the remainder lot; or
- (b) the subdivision is the consolidation of two or more lots; or

- (c) lot boundaries are changed but no new vacant lots are created; or
- (d) the subdivision creates no more than 9 lots and no approval under this Bylaw has been given since the adoption of this Bylaw in the area of land, subject to **clause (e)**.
- (e) the subdivision creates no more than 4 lots, within 75 feet of the high water mark of a water body, and no approval under this Bylaw has been given since the adoption of this Bylaw in the area of land.
- (f) the subdivision of land zoned Commercial or Industrial in the Region's Land Use By-laws.

7.4 WATER FRONTAGE REQUIREMENT

Notwithstanding **Clause 7.3 (e)**, where more than 4 lots are created, lands transferred to the Region, must abut the water body which is subject to the plan of subdivision.

7.5 REFERRAL

Where a subdivider proposes to convey useable land in accordance with **Section 7.2**, the Development Officer shall refer such proposals to the Director of Recreation and Community Facilities of the Region of Queens Municipality for comments.

7.6 OUTSIDE OPEN SPACE

A subdivider may, in lieu of complying with **Section 7.2** and **7.4** 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 Region.

7.7 CASH IN LIEU

A subdivider may, in lieu of complying with section 7.2. offer to the Council and the council may accept as an alternative a sum of money equal to five (5) percent of the estimated assessed value of all newly created lots at the time of approval; excluding Public Roads and Streets and the remainder of the land owned by the subdivider. Cash-in-lieu is to be paid by cash or by certified cheque.

7.8 COMBINATION

A subdivider may, in lieu of complying with **Section 7.2, 7.6, or 7.7**, offer to the Council and the Council may accept, a combination of **7.2, 7.6 or 7.7** that is equal to the value of the land being subdivided.

PART 8: PRELIMINARY PLANS OF SUBDIVISION (Optional First Step)

8.1 PRELIMINARY PLAN

The subdivider proposing to subdivide an area of land may submit to the Development Officer an application in the form specified in **Schedules "A" and "H"** of this Bylaw together with six (6) copies of the preliminary plan of subdivision drawn to scale shown in either metric or Imperial and shall show the following:

- (a) name of the owner of the area of land being subdivided;
- (b) if applicable, the book and page number of the deed to the area of the land as recorded in the name of the owner in the Registry of Deeds for the Municipality;
- (c) the name of all owners and parcel identifier (PID) of all properties abutting the area of land being subdivided;
- (d) the civic number of the main building on the area of land being subdivided;
- (e) a location plan showing the approximate distance between area of land being subdivided and the nearest prominent landmark;
- (f) the shape, dimensions and area of the lots being created;
- (g) each 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, and where available, the letter;
- (h) no duplication of lot identifiers;
- (i) the approximate location of railways;
- (j) the name of existing and proposed public streets (and the public street number), and private roads as issued by the civic addressing system;
- (k) the boundaries of lots being created shown by solid lines; and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (l) the location of all main buildings within 10 metres (32.8 feet) of a property line;
- (m) the general location of watercourses and wet lands;
- (n) the north point;
- (o) the scale to which the preliminary plan of subdivision is drawn;
- (p) any other information necessary to determine whether this subdivision conforms to this Subdivision Bylaw.

8.2 PROCEDURE

8.2.1 The Development Officer shall comply with the notification and approval provisions of the **NS Planning Act**.

8.2.2 The Development Officer shall forward a copy of the material referred to in **Section 8.1** to:

- (a) areas not serviced by a central sewer, the Department of Environment of the Province to determine compliance with the **Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems**;
- (b) areas serviced by central sewer, the Municipal Engineer;
- (c) the Department of Transportation and Public Works;
- (d) any other agency of the Province or the Region, the Development Officer deems necessary;

8.2.2.1 In addition, the plan of subdivision being forwarded to the Department of the Environment must contain the following additional information:

- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- (b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
- (c) the surface slopes and directions;
- (d) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (e) if required by the **Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems**, an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and
- (f) any other information necessary to determine whether the subdivision meets the **On-Site Sewage Disposal Systems Regulations**.

8.2.3 Any agency which has been forwarded a copy of the Preliminary Plan pursuant to **Subsection 8.2.2**, shall forward a written report of their assessments or recommendations to the subdivider and the Development Officer. The Development Officer shall then report to the subdivider regarding the status of this application.

PART 9: TENTATIVE PLAN OF SUBDIVISION

9.1 REQUIRED TO APPLY

The subdivider proposing to subdivide an area of land shall submit to the Development Officer for approval an application in the form of **Schedules "A" and "H"** of this Bylaw together with twelve (12) copies of the tentative plan of the proposed subdivision meeting the requirements of **Section 9.9** of this Bylaw.

9.2 WAIVER

Notwithstanding **Section 9.1**, the Development Officer may waive the requirement that tentative application and plan of subdivision be submitted, where no central water or sanitary sewer systems are to be installed; and

- (a) the lots abut an existing public street or highway or existing private road;
- (b) the lots are to approved pursuant to **Sections 4.5, 4.6 or 4.8**;
- (c) all lots to be serviced by on-site sewage disposal:
 - (i) are 9000 square metres (96,878.4 square feet) or more in area; or
 - (ii) have been evaluated by an authorized person of the Department of the Environment, and the Development Officer has been informed in writing by the authorized person that the information already provided by the subdivider is satisfactory.

9.3 PUBLIC OPEN SPACE

Where a transfer, to the Region, of land for Public Open Space is required by **Section 7.2**, the application for Tentative approval shall be accompanied by or shall show on the Tentative Plan a proposal which satisfies the requirements of **Section 7.2**, and the Development Officer shall forward such proposal or plans to the Director of Recreation and Community Facilities.

9.4 REFERRAL

When the Development Officer is satisfied that an application and tentative plan of subdivision are complete he/she shall, if applicable, forward a copy to the Department of Environment, Department of Transportation and any other agency of the Province or Region, the Development Officer deems necessary.

9.5 PLANNING ACT

The Development Officer shall comply with the notification and approval provisions of the **NS Planning Act**.

9.6 APPROVAL NOT WITHHELD

Approval of a tentative plan of subdivision may neither be refused nor withheld as a result of the assessment or recommendations made by the Department of Environment, the Department of Transportation or any other agency of the Province or the Municipality unless the tentative plan of subdivision is clearly contrary to a law of the Province or to a Regulation or Bylaw made pursuant to a law of the Province.

9.7 STAMPS

The following information shall be stamped or written on any tentative plan of subdivision which is approved together with any other information necessary for the tentative plan to proceed to the final plan stage:

- (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 (2) years of the date of the approval of the tentative plan"
- (b) the date of the approval of the tentative plan.
- (c) "This tentative plan of subdivision shall not be filed in the Registry of Deeds as no subdivision takes effect until a final plan of subdivision is endorsed by the Development Officer and has been filed in the Registry of Deeds."

9.8 NOTIFICATION

9.8.1 Within ten (10) days of approving a tentative plan of subdivision, the Development Officer shall forward a copy of the approved tentative plan to the subdivider and notify in writing, where applicable, the Department of Transportation, Department of Environment, and any other agency of the Province or the Region, the Development Officer had requested to review the plan, of his decision to approve the tentative plan.

9.8.2 Where the Development Officer refuses to approve a tentative plan of subdivision, he/she shall so notify the subdivider, advising the subdivider of the appeal provisions of the NS Planning Act.

9.9 TENTATIVE PLAN REQUIREMENTS

9.9.1 PLAN CHARACTERISTICS

Tentative plans of subdivision submitted to the Development Officer shall be shown in metric and/or imperial scale and shall be:

- (a) drawn to scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
- (b) based on a description of the property to be subdivided, preferably, but not necessarily, as surveyed; and
- (c) folded to approximately 20 x 30 cm (8 x 12 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.

9.9.2 PLAN CONTENTS

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 sq. in.) with a minimum width of 10 centimetres (4 in.),
- (d) name of subdivision, if any, and the name of the owner of the area of land,
- (e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Registry of Deeds,
- (f) names of all owners, and the parcel identifiers (PID), of all properties abutting the proposed subdivision,
- (g) 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,
- (h) the shape, dimensions, and area of the lots being created, including any remainder lands,
- (i) each lot to be created identified by a number, except, where a parcel is being added to or subtracted from an existing area of land, such parcel shall be identified by a letter and the new lots identified by the identifier, where available, of the existing area of land, and the number,
- (j) no duplication of identifiers,
- (k) the boundaries of the lots being created shown by solid lines, and the vanishing boundaries of existing areas of land re-subdivided, consolidated or both, shown as broken lines,
- (l) general location and civic number of existing main buildings,
- (m) the location and name of existing private roads and existing public roads together with the public road authority number, if existing,
- (n) the width, location, and names of proposed public roads and/or proposed private roads,
- (o) the width and location of railroads and railroad right-of-ways,
- (p) the location of any watercourse, prominent rock formation, marsh, or swamp which might affect the layout or provision of public roads or private roads and services to the area where the subdivision is to be located,
- (q) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided,

- (r) identification of which lots are serviced by central sewer systems, and which by central water systems,
- (s) north point,
- (t) the date on which the tentative plan of subdivision was drawn and the date of any revisions,
- (u) the scale to which the tentative plan of subdivision is drawn,
- (v) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, and where a civic addressing system is in place, the civic number of the main building on the area of land being subdivided;
- (w) as shown in the form specified in **Schedule "G"**, all survey plans shall have the Stopping Sight Distances for all proposed lots, including remainder lots which abut a public highway, as well as all intersections of proposed private roads with a public highway.
- (x) any other information which the Development Officer deems necessary to determine whether a tentative plan of subdivision conforms to this Subdivision Bylaw.

9.9.3 ADDITIONAL INFORMATION

9.9.3.1 In addition to meet the requirements of **subsection 9.9.1** and **9.9.2**, where the proposed lots front on a proposed public street or highway, a tentative plan of subdivision shall:

- (a) show or be accompanied by 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 Surveyors Act and the Regulations made thereunder; and
- (b) be accompanied by four (4) copies of a plan showing:
 - (i) contours at 2 metre (5 foot) intervals, and drainage patterns, and
 - (ii) the width and location of proposed public roads and private roads, and their intersections with existing public roads, and
 - (iii) the location of existing and proposed central sewer and water systems and proposed connections thereto; and
- (c) be accompanied by two (2) copies of centre line profiles and cross sections of the proposed public road stamped and signed by a registered Professional Engineer.

9.9.3.2 Where the plan of subdivision is to be forwarded to the Department of the Environment the following additional information is required:

- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- (b) the location of water courses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
- (c) the surface slopes and directions;
- (d) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (e) if required by the **On-Site Sewage Disposal Systems Regulations**, an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and
- (f) any other information necessary to determine whether the subdivision meets the **On-Site Sewage Disposal Systems Regulations**.

PART 10: FINAL PLAN OF SUBDIVISION

10.1 REQUIRED TO APPLY

The subdivider proposing to subdivide an area of land shall submit an application in the form specified in **Schedules "A" and "H"** of this Bylaw together with twelve (12) copies of the final plan of subdivision meeting the requirements of **Section 10.2** of this Bylaw.

10.2 PLANNING ACT

The Development Officer shall comply with the notification and approval provisions of the **Nova Scotia Planning Act**.

10.3 REFERRAL

When the Development Officer is satisfied that an application and Final Plan of Subdivision are complete he/she shall, if applicable, forward a copy to the Department of Environment, Department of Transportation and Public Works and any other agency of the Province or Municipality the Development Officer deems necessary.

10.4 PUBLIC OPEN SPACE

Where a transfer to the Region of land for Public Open Space is required by **Section 7.2**, the application for final approval shall be accompanied by or shall show on the Final Plan of Subdivision a proposal which satisfies the requirements of **Section 7.2**, and the Development Officer shall forward such proposal or plans to the Director of Recreation and Community Facilities.

10.5 LAND USE BY-LAW/BUILDING CODE BY-LAW

Where buildings are shown on a plan of subdivision within 10 meters (32.8 ft.) of a new lot boundary, the Development Officer shall forward a copy of the plan to the Building Inspector and to the Development Officer administering the relevant Land Use Bylaw, asking them to identify any violation of the Land Use Bylaw of the National Building Code.

10.6 CONSTRUCTION AGREEMENT REQUIRED

No approval of a Final Plan may be given unless the subdivider either has laid out and constructed the public road, and any other services required in accordance with the provisions of **Sections 5.1, 5.2, 5.3, 5.4, and Part 6** or has entered into an agreement with the Region according **Sections 5.2, 5.3, 5.4, and Part 6**

10.7 CONVEY PUBLIC OPEN SPACE

No approval of a Final Plan of Subdivision may be given unless the subdivider has conveyed to the Region an area of land which satisfies the requirements of **Part 7**.

10.8 SURVEY REQUIRED

No approval may be given to any lot shown on a Final Plan of Subdivision unless that lot has been surveyed in accordance with **clause 10.12.1(b)**.

10.9 APPROVAL NOT WITHHELD

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, Department of Transportation and Public Works or any other agency of the Province or the Municipality unless the Final Plan of Subdivision is clearly contrary to a law of the Province or to a regulation or bylaw made pursuant to a law of the Province.

10.10 BY-LAW VIOLATION

Approval of a Final Plan of Subdivision may not be refused or withheld as a result of a violation of Land Use Bylaw or a Building Code Bylaw unless the proposed subdivision creates such a violation.

10.11 APPROVAL REFUSED

Where a Development Officer refuses to approve a Final Plan of Subdivision, he shall so notify the subdivider, advising the subdivider of the appeal provisions under the Nova Scotia Planning Act.

10.12 FINAL PLAN REQUIREMENTS

10.12.1 PLAN CHARACTERISTICS

Final Plans of Subdivision submitted to the Development Officer shall be shown in either Metric or Imperial Scale and shall be:

- (a) drawn to scale or scales sufficient for clarity of all particulars on the final plan of subdivision; and
- (b) certified and stamped by a Nova Scotia Land Surveyor that all lots for which approval is requested have been surveyed in the manner required by the Nova Scotia Land Surveyors Act and the regulations made thereunder, except for a final plan of subdivision prepared pursuant to Subsection 4.6.2 of this Bylaw; and
- (c) folded to approximately 20 x 30 cm (8 x 12 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; and
- (d) accompanied by two copies of the final version of any required engineering drawings referred to in **Section 5** and **6**.
- (e) in consultation with the Development Officer, the surveyor shall provide, if possible, the Region with a digital copy of the Final Plans of Subdivision for use in the Region's Geographical Information System. The digital file shall meet the **Region of Queens Municipality General Mapping Specifications** in the **Municipal Services Specification Manual**.

10.12.2 PLAN CONTENTS

Final Plan of subdivision shall show the following:

- (a) the words "**Final Plan of Subdivision**" located in the title block;
- (b) a clear space for stamping, having a minimum area of 225 square centimetres (36 square inches) with a minimum width of 10 centimetres (4 inches);
- (c) the name of the subdivision, if any, and the name of the owner(s) of the land;
- (d) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Registry of Deeds;
- (e) where Nova Scotia property mapping exists, the unique Parcel Identifier (PAID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;
- (f) the civic number of the main buildings on the area of land being subdivided;
- (g) the names of all owners or the lot identifiers of all properties abutting the proposed subdivision;
- (h) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land being subdivided;
- (i) the shape, dimensions, and area of the lots being created;
- (j) each lot created identified by a number, except, 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 lots identified by the existing area of land identifier, where applicable, and the letter;
- (k) no duplication of lot identifiers;
- (l) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (m) the location of existing buildings within 3 meters (9.8) feet of a property boundary;
- (n) the location of existing public streets (and public street authority number) and private roads, as issued by the civic addressing system;
- (o) proposed public and private streets and roads shall be surveyed;
- (p) the width and location of rail lines;
- (q) the location of any watercourses, wetlands, or prominent rock formations;
- (r) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (s) the north point;

- (t) where applicable, a notation stating the lots are serviced by a public sewer and/or water system;
- (u) the date on which the plan was drawn and the date of any revisions;
- (v) the scale to which the plan of subdivision is drawn;
- (w) where applicable, the shape, dimension, area and bearings of the boundaries of lots accepted by Council as Public Open Space under the provisions of **Part 7** of this Bylaw;
- (x) As shown in the form specified in **Schedule "G"** all survey plans shall have the Stopping Sight Distances for all proposed lots, including remainder lots which abut a public highway, as well as all intersecting proposed private roads with a public highway.
- (y) any other information which the Development Officer deems necessary to determine whether the final plan of subdivision conforms to this Bylaw.

10.12.3 APPROVAL AFTER CONVEYANCE

A Final Plan of Subdivision showing lots to be approved pursuant to **Section 111 (3)** of the **Planning 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.

10.13 ENDORSEMENT OF FILING OF FINAL PLANS

10.13.1 ENDORSEMENT

When the requirements of the **Planning Act**, this Bylaw 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.

10.13.2 PLAN TO SUBDIVIDER

The Development Officer shall forward a copy of the endorsed Final Plan of Subdivision to the subdivider.

10.13.3 NOTIFICATION OF APPROVAL

The Development Officer shall give notice of the endorsement of approval on the Final Plan of Subdivision to:

- (a) the surveyor; and
- (b) the Department of Transportation; and
- (c) the Department of the Environment; and
- (d) the Assessment Department; and
- (e) the Registry of Deeds with a notice of approval in the form specified in **Schedule "C"** of this Bylaw; and
- (f) any other department or agency of the Province or the Region who had been requested to review the Final Plan of Subdivision.

10.13.4 STAMPS

The following information shall be stamped or written and completed by the Development Officer on any Final Plan of Subdivision which is endorsed:

- (a) "Region of Queens Municipality
This Final approval of subdivision is approved for lot(s) _____
Endorsed: _____ Development Officer
Date: _____";
- (b) where applicable:
 - (i) " Lot(s) nos. _____ (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 contained in a report
dated _____ and available from the Department of the Environment"; or
 - (ii) "IMPORTANT NOTICE"
Lot(s) _____ (has, have) been created for a purpose
(lot(s) approved and/or remainder)
which does not require an on-site sewage disposal system and will not be eligible
for a permit to install a system unless the requirements of the Department of the
Environment are met."
- (c) **Public Roads**

The following streets and highways are owned and Maintained by:
_____ Department of Transportation
_____ Region of Queens Municipality
Street Name(s): _____
- (d) The following roads are private and are not owned by The Department of Transportation
or the Region of Queens and are not entitled to any provincial or municipal services,
including grading, ditching, snow plowing, gravelling and school busing; _____

(e) MUNICIPAL SUBDIVISION FILE NO: _____

(f) Lot(s) _____ is/are in excess of 9000 meters squared.
The lot(s) was/were not assessed for an on-site sewage disposal system and will require approval of the Department of the Environment as stated in a letter dated _____.

(g) The Region of Queens Director of Public Works and Engineering has review the subdivision submission in accordance to the Region of Queens Municipality Subdivision Bylaw, Part 5.

Director of Engineering and Works Date

(h) Lot(s) _____ contained an existing on-site sewage disposal system(s),
Approved by the Department of the Environment as stated in a letter dated _____.

PART 11: FEES FOR THE FILING OF A FINAL PLAN OF SUBDIVISION

11.1 SUBDIVIDER PAYS

The subdivider shall pay fees specified in the Costs and Fees Act, for filing the endorsed Final Plan of Subdivision, certifying a copy of the Plan, and registering a notice of approval of the Plan.

11.2 FEE TO REGISTRY

The fee referred to in **Section 11.1** shall be paid at the time of application for approval of the Final Plan of Subdivision by cheque or money order made payable to the Registry of Deeds.

11.3 RETURN OF FEE

Where the Final Plan of Subdivision does not receive endorsement of approval by the Development Officer, the subdivider shall be entitled to the returned cheque or Money order referred to in **Section 11.1**.

11.4 REGION OF QUEENS MUNICIPALITY

The subdivider shall submit an application fee as outlined in the Region of Queens Municipality's **FEES FOR PLANNING SERVICES POLICY**.

PART 12: PLAN REPEAL PROCEDURE

12.1 REQUIRED TO APPLY

Any person requesting the repeal of an approved Plan of Subdivision shall submit an application to the Development Officer in the form specified in **Schedule "D"** of this Bylaw.

12.2 PLANNING ACT

The Development Officer shall comply with the notification and approval provisions of the **Planning Act** which apply to the repeal of a Plan of Subdivision.

12.3 REFERRAL

When the Development Officer is satisfied that an application is complete he shall forward a copy to the Department of Environment, Department of Transportation and any other agency of the Province or the Municipality which commented on the original Plan of Subdivision.

12.4 PROVISIONS NOT APPLICABLE

The provisions of **Parts 4 to 11** of this By-law do not apply to the repeal of an approved Plan of Subdivision.

12.5 STRUCTURES

Where buildings have been erected on the subject lands after the date of the subdivision approval which is sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any Building Code Regulation, Land Use Bylaw, or sewage disposal regulations unless a new Plan of Subdivision rectifying such violations is approved and filed in the Registry of Deeds on the same day as the repeal of the Plan of Subdivision is filed.

12.6 REPEAL NOT WITHHELD

Repeal of an approved Plan of Subdivision may not be refused or withheld as a result of the assessment or recommendation made by the Department of Environment, Department of Transportation or any other agency of the Province or the Municipality unless the repeal is clearly contrary to a law of the Province or to a regulation or bylaw made pursuant to a law of the Province.

12.7 NOTICE

When the requirements of the **Planning Act**, and this Bylaw have been met, the Development Officer shall complete and sign a notice in the form specified in **Schedule "E"** of this Bylaw, register the notice at the Registry of Deeds, and forward the fees required by **Section 12.10** of this Bylaw.

12.8 NOTIFICATION

The Development Officer shall forward a copy of the notice of the repeal of the Plan of Subdivision to:

- (a) the subdivider;
- (b) the surveyor;
- (c) the Department of Transportation;
- (d) the Department of Environment; and
- (e) the assessment office; and
- (f) any other department or agency of the Province or Municipality who reviewed the original application for subdivision approval.

12.9 REFUSAL

Where the Development Officer refuses to approve a plan of subdivision, the Development Officer shall notify the subdivider pursuant to the **Planning Act**, give reasons for refusal, and advise the subdivider of the appeal provisions of the **Planning Act**.

12.10 FEES APPLICABLE

The provisions of **Part 11** of this By-law apply to the repeal of an approved Plan of Subdivision as they do to the approval of a Final Plan of Subdivision.

PART 13: APPLICATION PROCEDURES

13.1 REQUIRED TO APPLY

Application for approval of a plan of subdivision shall be made to the Development Officer in the form specified in **Schedule "A"** of these regulations.

13.2 PLANNING ACT

The Development Officer shall comply with the notification and approval provisions of the Act.

13.3 REFERRAL

The Development Officer shall forward a copy of the plan of subdivision to:

- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the On-Site Sewage Disposal Systems Regulations, except where the proposed lot:
 - (i) is more than 9000 square metres (96,876.4 square feet);
 - (ii) has a width of 75 metres (264.1 feet) or more; or
 - (iii) is to be used for a purpose which does not require an onsite sewage disposal system.
- (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
- (c) the authority having jurisdiction for public streets; and
- (d) any other agency of the Province or the Region which the Development Officer deems necessary.

SCHEDULE "A"
REGION OF QUEENS MUNICIPALITY
APPLICATION FOR SUBDIVISION APPROVAL

FOR OFFICE USE ONLY

File No: _____

SUBDIVISION RELATED INFORMATION

Name of Land Owner(s) _____
 Address of Land Owner(s) _____
 Postal Code _____ Phone _____ Subdivision Name (if different from
 owner) _____ Documents To Be Returned To _____
 Correspondence To Be Directed To _____

LAND TO BE SUBDIVIDED

Location _____ Municipality _____
 Parcel Identifier _____ Community _____
 Type of Application Preliminary (Optional) Tentative Final
 Registration and Processing Fee Attached Yes No
 Type of Development Proposed Single Family Other (Specify) _____
 Approval Requested For Lot(s) # _____
 Is there a remainder lot? Yes No

WATER SERVICES

	Existing	Proposed
Municipal System	<input type="checkbox"/>	<input type="checkbox"/>
Drilled Well	<input type="checkbox"/>	<input type="checkbox"/>
Dug Well	<input type="checkbox"/>	<input type="checkbox"/>
Other (Specify) _____		

SEWER SERVICES

	Existing	Proposed
Municipal System	<input type="checkbox"/>	<input type="checkbox"/>
On-Site	<input type="checkbox"/>	<input type="checkbox"/>
Other (Specify) _____		

ACCESS

	Existing	Proposed
Public Road	<input type="checkbox"/>	<input type="checkbox"/>
Other (Specify) _____		

I certify that I am the owner or am acting with the owner's written consent.

Signature _____ Date _____

CERTIFICATION - ON - SITE SYSTEM NOT REQUIRED (UNSERVICED AREAS)

I certify that _____ (Is, are) being subdivided for a purpose (_____)
 which will not require the installation of an on-site sewage disposal system. (Specify purpose)

SCHEDULE "B"

**Minimum Lot Size Requirements for Single Unit
Detached Dwellings in Utilizing
On-Site Sewage Disposal Systems**

Category	Depth of permeable soil (mm)	Lot area (m ²)	Lot width (m)
1	greater than 900 (35.4')	2700 (29,052 sq.ft.)	37 (121.36 ft)
1	600 to 900 (23.6' to 35.4')	3150 (33,894 sq.ft.)	37 (121.36 ft)
1	greater than 600 (23.6') on a waterfront lot	3716 (39,984.2 sq.ft.)	45 (147.6 ft)
2	300 to 600 (11.8' to 23.6')	4500 (48,420 sq.ft.)	53 (173.84 ft)
3	150 to 300 (5.9' to 11.8')	6800 (73,168 sq.ft.)	60 (196.80 ft)
4	less than 150 (5.9')	9000 (96,840 sq.ft.)	76 (249.28 ft)

- Notes:**
- (1) "waterfront lot" means any lot containing a system any portion of which is within 60 m (196.8 ft.) of the shore of a lake, river, stream, or ocean.
 - (2) To meet the above categories, there must be sufficient soils of the type, permeability, depth and area to permit the installation of a system.
 - (3) "Lot width" means the minimum width of the lot measured at the centre of the proposed or existing system.
 - (4) "Permeable soil" means:
 - a) soil that, in its natural state, has a saturated hydraulic conductivity of greater than 3×10^{-6} m/sec (3×32.8 ft/sec) and less than 5×10^{-5} m/sec (5×32.8 -5 ft/sec.) as measured using an in situ soil permeability test as described in a publication entitled "On-site Sewage Disposal Technical Guidelines", as amended from time to time; or
 - b) in the absence of a soil permeability test and following inspection of one or more test pits, soil considered by an inspector to be permeable soil.

*Schedule "B" applies to systems with a maximum daily flow of up to 1000 l. (219.97 gallons) per day. For systems with greater than 1000 l. (219.97 gallons) per day flow, larger lot areas and lot widths may be required.

NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION IN
ACCORDANCE WITH SUBSECTIONS 110(4) AND 110(5) OF THE PLANNING ACT

Name of Owner(s) _____

Name of Subdivision _____

Location _____

Date of Approval _____ For Lot(s) _____

Surveyor _____ Date of Plan _____

Dated this ____ day of _____
_____, 19 ____
Development Officer

This plan of subdivision may also contain information regarding the lots approved on this plan with respect to one or more of the following:

1. The lots' eligibility for on-site sewage disposal systems.
2. The availability of public sewer and water systems.
3. Information indicating whether or not the lots abut a public street or private road.

APPLICATION FOR REPEAL OF A PLAN OF SUBDIVISION

File No. _____

APPLICANT RELATED INFORMATION

Name of Owner(s) _____ Phone _____
Address of Land Owner(s) _____ Postal Code _____
Documents To Be Returned To _____
Correspondence To Be Directed To _____

INFORMATION RELATED TO THE APPROVED PLAN OF SUBDIVISION
SOUGHT TO BE REPEALED

Name of applicant for subdivision approval _____
Location _____ Rural Mun./Town _____
The Plan of Subdivision was approved on the _____ day of _____, 19 ____, and
is filed in the Registry of Deeds at _____ in the Municipality of
the County of _____ as Plan # _____.

Lot(s) # _____ was/were approved.

Registration fee submitted.

CERTIFICATION OF FACTS

(Reasons For Repeal)

(If more space required, attach additional sheet)

OWNER'S CERTIFICATE

I certify that the information in this application is true and complete, that I am applying for repeal of this Plan of Subdivision with the full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

Date

Signature of Owner/Agent

Date

Signature of Owner/Agent

Date

Signature of Owner/Agent

REPEAL OF A PLAN OF SUBDIVISION PURSUANT TO
SECTION 113 OF THE PLANNING ACT

Name of Owner(s) _____

Name of Subdivision _____

Location _____

Surveyor _____ Date of Plan _____

Date of Approval of the Plan of Subdivision _____

Being Plan # _____ at the registry of deeds.

THIS PLAN OF SUBDIVISION IS REPEALED

Dated at _____ in the _____
Province of Nova Scotia, this _____ day of _____, 19 _____.

Development Officer

SCHEDULE "F"

Public Open Space Evaluation

INSTRUCTIONS:

Each lot proposed for public Open Space shall be separately evaluated by inspecting the lot itself and all other available information about the lot. Evaluate each of the characteristics listed below. If the lot has the characteristic, enter the assigned value in the "score" column. If not, enter 0 in the "score" column. Add the scores in each section to get subtotals. Then add Section scores together to get a total score. To satisfy the definition of "useable land" the score must meet or exceed the minimum score for each Section, as well as the overall minimum score.

<u>SECTION</u>	<u>CHARACTERISTIC</u>	<u>ASSIGNED</u>	<u>SCORE</u>
		<u>VALUE</u>	
1. Grades	over 50% of lot area with 0-8% slopes	+1	
	over 25% of lot area with over 8-12% slopes	0	
	over 25% of lot area with 12%+ slopes	-1	
	Minimum Score	0	
2. Soil & Water	over 25% of the lot area with swamp or bog	-1	
	over 25% of the lot area flood plain	-1	
	over 25% of the lot area wetland	-1	
	subject to damage by storm drainage	-1	
	Minimum Score	0	
3. Location	central to subdivision or adjacent to one or more approved lots	+1	
	linked to other recreation lands	+1	
	coastal, lake, river or perennial stream waterfrontage	+1	
	Minimum Score	+1	
4. OVERALL MINIMUM SCORE			+2

Region of Queens Municipality

249 White Point Road P.O. Box 1264, Liverpool, N.S. B0T 1K0 Phone (902) 354-3455 Fax (902)354-7473
e-mail : planning@atcon.com



Region of Queens Municipality

REGION OF QUEENS MUNICIPALITY ACKNOWLEDGEMENT OF SUBDIVISIONS PROVISIONS FORM

I, the undersigned, _____ being the Applicant herein, do hereby confirm that I have been made aware of the provisions concerning public streets and private roads of the Region of Queens Municipality Subdivision By-Law and I hereby acknowledge that I fully understand the impacts and legal effects of those provisions as they relate to the matter of my application.

DATED at _____, in the Municipality of Queens and the Province of Nova Scotia,
this _____ day of _____, A.D., _____.

Applicants' Signature

Development Officers' Signature