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PART 1: TITLE

- 1.1 This bylaw may be cited as the "Subdivision Bylaw" for the Town of Pictou.

PART 2: INTERPRETATION

- 2.1 In this bylaw the word "**shall**" is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated and words used in the plural number shall include the singular. All other words shall carry their customary meaning except those defined hereinafter.
- 2.2 SCHEDULES "A", "B", "C", "D" and "E" attached hereto are adopted by Resolution of Council and hereby declared to form part of this Bylaw.
- 2.3 SCHEDULE "F" attached hereto is a checklist intended to assist the subdivider with the application approval process; and SCHEDULE "G" attached hereto contains excerpts from the Planning Act referenced in this Bylaw.
- 2.4 Where both metric and imperial measurements are specified, the metric measurements shall prevail should there be any discrepancy between the two measurements.

PART 3: DEFINITIONS

- 3.1 .1 **AGREEMENT** means a written contract entered into between the subdivider and the Town of Pictou which describes the responsibilities of each party with respect to the subdivision and servicing of land as set out in this Bylaw.
- .2 **AREA OF LAND** means any lot or parcel as described by its boundaries;
- .3 **COUNCIL** means the Council of the Town of Pictou;
- .4 **DIRECTOR** means the Provincial Director of Planning;
- .5 **DEPARTMENT OF ENVIRONMENT** means the Provincial Department of Environment responsible for approval of on-site sewage disposal systems and municipal sanitary and storm sewer systems.
- .6 **DEVELOPMENT OFFICER** means the officer who is charged with the duty of administering this Subdivision Bylaw.
- .7 **EXISTING STREET** means any public street;
- .8 **EXISTING AREA OF LAND** means any lot or parcel as described by its boundaries, in existence on the effective date of this Bylaw;
- .9 **FRONT LOT LINE** means the boundary line of a lot that abuts the street;
- .10 **FRONTAGE** means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard as contained in the Land-Use Bylaw for the Town.
- .11 **LOT** means any parcel, described by its boundaries, to be created by the filing of a plan of subdivision;
- .12 **PROFESSIONAL ENGINEER** means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia;
- .13 **PUBLIC SEWER SYSTEM** means any sanitary sewer system which is owned by the Town;
- .14 **PUBLIC STORM SEWER SYSTEM** means any storm sewer system which is owned by the Town;

- .15 **PUBLIC STREET** means any street owned and maintained by the Town;
- .16 **PUBLIC WATER SYSTEM** means any water system which is owned by the Town;
- .17 **SUBDIVIDER** means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with his written consent;
- .18 **SUBDIVISION** means the division of any area of land into two or more lots, and includes a re-subdivision or a consolidation of two or more lots;
- .19 **TOWN** means the Town of Pictou;

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

4.1 The subdivider proposing to subdivide property **may** submit to the Development Officer an application in the form specified in Schedule "A" together with **FIVE (5)** copies of a preliminary plan of the proposed subdivision together with the following information and documentation:

- .1 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,
- .2 the book and page number of the deed to the area of land, if recorded in the Registry of Deeds;
- .3 names of all owners of all properties abutting the land proposed to be subdivided, and
- .4 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:
 - .1 the dimensions and area of the area of land to be subdivided,
 - .2 the dimensions and area of each lot and each lot identified by a number,
 - .3 the approximate location of watercourses or other natural features on the land proposed to be subdivided, and
 - .4 the approximate location of railways;
 - .5 the location and name of existing public streets on highways;
 - .6 the general location of all main buildings;
 - .7 the north point and scale; and
 - .8 a location map at a scale not smaller than 1:50,000 showing the general location of the area of land and the nearest prominent landmark.

4.2 The Development Officer **shall**, if applicable, forward a copy of all material received pursuant to section (4.1) to :

- .1 The Department of Environment, the Committee on Streets, Recreation Committee, Town Public Works Superintendent 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 Development Officer.

.2 any other agency of the Province or the Town the Development Officer deems necessary.

4.3 The Development Officer shall forward copies of all written reports to the applicant to assist with the preparation of subsequent of tentative and/or final plans of subdivision.

PART 5: PROCEDURE FOR APPROVAL OF TENTATIVE PLANS OF SUBDIVISION

- 5.1 A 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 this bylaw together with **EIGHT (8)** copies of the tentative plan of the proposed subdivision meeting the requirements of Part 6 of this Bylaw.
- 5.2 Notwithstanding Section 5.1, the Development Officer **may** waive the requirement that tentative application and plan of subdivision be submitted, where:
- .1 the lots abut an existing street, and
 - .2 no public sanitary or storm sewer or water systems are to be installed,
provided that, if required an assessment of the lots has been completed by the Department of Environment respecting on-site sewage disposal systems and the Development Officer is advised in writing of the classification of such lots.
- 5.3 When the Development Officer is satisfied that an application and tentative plan of subdivision are complete and when the Development Officer deems it applicable, the Development Officer **shall**, forward a copy to the Committee on Streets, the Recreation Committee, the Town Public Works Superintendent, the Department of Environment and any other agency of the Province or Town the Development Officer deems necessary.
- 5.4 The Development Officer **shall** comply with the notification and approval provisions of Section 105 (2) and (3) of the PLANNING ACT.
- 5.5 Approval of a tentative plan of subdivision **may** not be refused or withheld as a result of the assessment or recommendations made by the Department of Environment, the Committee on Streets, Recreation Committee, the Town Public Works Superintendent 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 bylaw of the Town made pursuant to a law of the Province.
- 5.6 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:

.1 **"This tentative plan of subdivision is approved for lots _____. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan."**

.2 the date of the approval of the tentative plan.

.3 **"This tentative plan of subdivision shall not be filed in the Registry of Deeds as no subdivision takes effect until a final plan of subdivision is endorsed by the Development Officer and filed in the Registry of Deeds."**

5.7.

.1 Within 5 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 Committee on Streets, the Recreation Committee, the Town Public Works Superintendent, the Department of the Environment and any other agency of the Province or Town, the Development Officer requested to review the plan, of the decision to approve the tentative plan.

.2 Where the Development Officer **refuses** to approve a tentative plan of subdivision, the Development Officer **shall** notify the subdivider pursuant to section 105 (3) (c) of THE PLANNING ACT, advising the subdivider of the appeal provisions of Section 115 of THE PLANNING ACT.

PART 6: TENTATIVE PLAN OF SUBDIVISION REQUIREMENTS

6.1 Tentative plans of subdivision submitted to the Development Officer **shall** be:

- .1 drawn to a minimum scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision,
- .2 based on a boundary survey of the property to be subdivided,
- .3 folded to approximately 20 x 30 cm (8x12in.) 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.

6.2 Tentative plans of subdivision **shall** show the following:

- .1 name of the subdivision, if any, and the name of the owner of the area of land,
- .2 names of all owners or the lot identifiers of all properties abutting the area of land proposed to be subdivided,
- .3 a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferable with the same orientation as the area of land, showing the location of the closest community to the area of land proposed to be subdivided,
- .4 the words "**TENTATIVE PLAN**" located above the title block,
- .5 a clear space for stamping, measuring at least 15 centimetres (5.90 in.) wide by 15 centimetres (5.90 in.) high,
- .6 the dimensions and bearings of the area of land proposed to be subdivided,
- .7 the proposed shape, dimensions of lots being created,
- .8 the area of each lot including the approximate area and frontage of the remainder lot, if any,

- .9 each proposed lot individually identified without duplication of lot identifiers, and 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,
- .10 approximate locations of all existing main buildings on the area of land proposed to be subdivided with the graphic location for all building within 3 metres (9.8 feet) either side of the boundaries of the proposed lot,
- .11 the boundary lines of proposed lots shown by solid lines, and the vanishing boundaries of existing lots being re-subdivided, consolidated or both, shown as broken lines,
- .12 the scale to which the tentative plan of subdivision is drawn,
- .13 the width and location of railroads, and existing and proposed public streets, including intersections and turning circles,
- .14 the width, location and names of existing and proposed public streets,
- .15 a notation stating whether or not the lots for which approval is requested are serviced by public sanitary and storm sewers and public water systems,
- .16 the identification, location, dimensions, and area of land proposed to be reserved for park, playground, and similar public purposes,
- .17 the width, location, and nature of any easements or rights-of-way affecting the area of land proposed to be subdivided,
- .18 north point,
- .19 the date on which the tentative plan of subdivision was drawn and the date of any revisions,
- .20 the location of any watercourse, prominent rock formation, area subject to flooding and any other prominent natural or environmentally sensitive features which might affect the layout or provision of public streets and public sanitary and storm sewers and public water systems to the area where the subdivision is to be located, and

- .21 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,
- .22 any other information which the Development Officer deems necessary to determine whether a tentative plan of subdivision conforms to this Subdivision Bylaw.

6.3 In addition to meeting the requirements of sections 6.1 and 6.2, a tentative plan of subdivision **shall**:

- .1 show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Nova Scotia Land Surveyors Act and the Regulations made thereunder,
- .2 be accompanied by **FOUR (4)** copies of a plan showing
 - .1 existing contours at 2 metre (5 foot) intervals, spot elevations and drainage patterns, and
 - .2 the width and location of existing and proposed public streets, including intersections and turning circles, and
 - .3 the location of existing and proposed public sanitary and storm sewers and public water systems, and proposed connections thereto, and
- .3 be accompanied by **TWO (2)** copies of a plan showing the center line profiles of the proposed public streets,
- .4 be accompanied by **TWO (2)** copies of a site drainage plan, prepared by a qualified professional in accordance with Schedule "D", showing the erosion control measures on lands that drain directly into streams, rivers, harbour or any existing water courses, and
- .5 be accompanied by any other information which the Development Officer deems necessary to determine whether the plans referred to in clauses (6.3.2) and (6.3.3) conform to this Subdivision Bylaw.

6.4 Plans or drawings or centre-line profiles prepared by or under the supervision of a professional engineer, shall be signed and sealed by that professional engineer.

PART 7: PROCEDURE FOR APPROVAL OF FINAL PLANS OF SUBDIVISION

- 7.1 The subdivider proposing to subdivide an area of land **shall** submit an application in the form specified in Schedule "A" of this Bylaw and **TEN (10)** copies of the final plan of subdivision meeting requirements of Part 8 of this Bylaw to the Development Officer for approval.
- 7.2 The Development Officer **shall** comply with the notification and approval provisions of Section 105 (2) and (3) of THE PLANNING ACT.
- 7.3 When the Development Officer is satisfied that an application and final plan of subdivision are complete and when the Development Officer deems it applicable, the Development Officer **shall** forward a copy of the application and final plan of subdivision to the Committee on Streets, the Recreation Committee, the Town Public Works Superintendent, the Department of the Environment and any other agency of the Province or the Town the Development Officer deems necessary.
- 7.4 Approval of final plan of subdivision **shall** not be refused or withheld as a result of the assessment or recommendations made by, the Department of the Environment, the N. S. Land Information Centre, the Committee on Streets, Recreation Committee, the Town Public Works Superintendent 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.
- 7.5 Where a Development Officer refuses to approve a final plan of subdivision, the Development Officer **shall** notify the subdivider pursuant to section 105 (3) (c) of THE PLANNING ACT, advising the subdivider of the appeal provisions of Section 115 of THE PLANNING ACT.
- 7.6 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/Public Works Superintendent, the Recreation Committee/Recreation Coordinator, the Department of Environment and any other agency of the Province or Town which the Development Officer requested to review the final plan, of the decision to approve the final plan

PART 8: FINAL PLAN OF SUBDIVISION REQUIREMENTS

- 8.1 Final plans of subdivision submitted to the Development Officer **shall** be:
- .1 drawn to a minimum scale or scales sufficient for clarity of all particulars on the final plan of subdivision,
 - .2 certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested have been surveyed in the manner required by the Nova Scotia Land Surveyors Act and the regulations made thereunder, except for a final plan of subdivision prepared pursuant to Section 9.5.2 of this Bylaw.
 - .3 folded to approximately 20x30cm. (8x12in.) with the face of the print being the title block which is located in the lower right-hand corner of the final plan of subdivision.
- 8.2 .1 Final plans of subdivision **shall** show the following:
- .1 the words "PLAN OF SUBDIVISION" located in the title block,
 - .2 a clear space for stamping, measuring at least 15 centimetres (5.90 in.) wide by 15 centimetres (5.90 in.) high,
 - .3 name of the subdivision, if any, and the name of the owner of the property,
 - .4 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,
 - .5 a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferable with the same orientation as the area of land, showing the location of the closest community to the area of land proposed to be subdivided,
 - .6 the length of the boundaries of all existing and proposed lots, streets, rights-of-way, and easements including the length or arc, points or curvature and radius in the case of curved lines,

- .7 names of all owners or the lot identifiers of all properties abutting the proposed subdivision,
- .8 the shape, dimensions and area of the area of lots being created, and the remainder lot, if any,
- .9 the bearings of the boundaries of the lots for which approval is requested,
- .10 location of existing main buildings on the area of land proposed to be subdivided with the graphic location for all buildings within 3 metre (9.8 feet) either side of the boundaries of the proposed lot,
- .11 each proposed lot individually identified without duplication of lot identifiers, and where practicable, where a parcel is being added to or subtracted from an existing lot or where a lot shown on a plan of subdivision is being divided, the proposed lot or lots **shall** be identified by the existing lot identifier and a letter,
- .12 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,
- .13 the width and location of railroads,
- .14 the width, location, and bearings of the boundaries of proposed public streets,
- .15 the location and name of existing public streets or highways,
- .16 a notation stating whether or not the lots for which approval is requested are serviced by public sanitary and storm sewers and public water systems,
- .17 the location of any watercourses,
- .18 the identification, location, dimensions, and area of land proposed to be reserved for park, playground, and similar public purposes,

- .19 the width, location and nature of any easements or right-of-way on or affecting the area of land proposed to be subdivided,
 - .20 the date on which the final plan of subdivision was certified with all revisions to be identified, dated and initialed,
 - .21 north point,
 - .22 the scale to which the final plan of subdivision is drawn, and
 - .24 any other information which the Development Officer deems necessary to determine whether a final plan of subdivision conforms to this Subdivision Bylaw.
- .2 A final plan of subdivision showing lots pursuant to Part II: Parkland Transfers by special note on the plan shall:
- .1 identify such lots,
 - .2 state the names of the grantor and grantee,
 - .3 state the book and page number of the conveyance of such lots as recorded in the Registry of Deeds.
- .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.
- 8.3 Where the requirements of Sections 10.3, 10.4, 10.5 and 10.6 apply:
- .1 Final plans of subdivision **shall** be accompanied by detailed engineering design drawings for the public water, sanitary and storm sewer systems to be installed
 - .1 prepared in accordance with the specifications contained in **SCHEDULE "D"** of this Bylaw and
 - .2 stamped by a Professional Engineer,
 - .2 In addition to the requirements in subsection (.1) the drawings **shall**

show the location and dimensions of existing public water, sanitary and storm sewer systems to which the proposed public water, sanitary and storm sewer systems will connect.

- .3 Final plans of subdivision **shall** be accompanied by detailed engineering design drawings for the public streets to be constructed:
 - .1 prepared in accordance with the specifications contained in **SCHEDULE "D"** of this Bylaw, and
 - .2 signed and stamped by a Professional Engineer.
- .4 Final plans of subdivision **shall** be accompanied by a copy of the agreement, entered into between the Town and the subdivider pursuant to Section 10.9, outlining the terms for the installation of the public services and construction of the public streets.

PART 9: GENERAL PROVISIONS

- 9.1 All lots to be approved on a final plan of subdivision **shall** abut a public street.
- 9.2 A proposed public street shown on a final plan of subdivision shall have a minimum right-of-way width of 15.24 metres (50 feet).
- 9.3 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 the Land-Use Bylaw for the Town.
- 9.4 Notwithstanding Sections 9.1 and 9.3, 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:
- .1 each proposed lot has minimum lot frontage of 6 metres (19.7 feet), and
 - .2 each proposed lot:
 - .1 is served by a central sewage system and meets the lot area requirements of Section 9.3, or
 - .2 is approved by the Department of Environment for the installation of an on-site sewage disposal system and the Development Officer is notified in writing of such approval, and
 - .3 the remainder lot, if any, meets the lot area and lot frontage requirements of Section 9.3.
- 9.5 .1 Notwithstanding Sections 9.1 and 9.3, the Development Officer **may** approve a final plan of subdivision altering the boundaries of two or more areas of land where:
- .1 no additional lots are created, and
 - .2 each lot:
 - .1 meets the minimum dimensions for lot frontage of the Land-Use Bylaw for the Town, or
 - .2 has not had its frontage, if any reduced, and

- .3 each lot:
 - .1 meets the minimum dimensions for lot area of the Land-Use Bylaw for the Town, or
 - .2 has not had its area reduced.

- .2 The final plan of subdivision prepared pursuant to section 8.1 **shall:**
 - .1 be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel proposed to be added to the existing area of land have been surveyed, shown as a heavy solid line, except the common boundary between the existing lots which is surveyed and certified as being the common boundary and is shown as a heavy broken line, and
 - .2 notwithstanding sections 8.1.2 and 8.2, other than the new boundaries which have been surveyed pursuant to the clause .1 of this subsection, show the remaining boundaries of the resulting lot, for which approval is requested, described graphically and shown as a lighter solid line, and
 - .3 have the following notation affixed to the plan adjacent to the certification required by the Nova Scotia Land Surveyors Act and Regulations made thereunder, and such notation is signed by the surveyor:

"NOTE: The only boundaries shown on this Plan which have been surveyed are the boundaries of Parcel _____. The Common Boundary between existing Lots _____ and _____ which is shown by a heavy broken line is hereby certified as having been the common boundary.

The remaining boundaries of resulting 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."

- 9.6 .1 Notwithstanding Section 9.3, the Development Officer may approve a maximum of two lots in accordance with Section 107 of the Planning Act, provided all other requirements of this Bylaw are met.
- .2 Subsection (1) shall not vary the minimum dimensions for area for lots served by an on-site sewage disposal system.
- .3 An application pursuant to subsection (1) shall be made using the 'Minor Variance' application form in Schedule "C".
- 9.7 .1 Notwithstanding Section 9.3, where a development component of a permanent nature such as a structure, driveway, well, or septic tank is encroaching in or upon an immediately adjacent area of land, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.
- .2 Where the lots created pursuant to subsection .1 are not surveyed in accordance with Section 8.1.2 and 8.2.8, the provisions of Section 9.5.2 shall apply.
- 9.8 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.
- 9.9 There **shall** be no more than four public street approaches in an intersection.
- 9.10 Where a proposed public street intersects an existing public street, the minimum sight distance along the public street **shall** be 65 metres (213.3 feet).
- 9.11 The distance between public street intersections **shall** not be less than 61 metres (200.13 feet).
- 9.12 .1 The length of a proposed 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 Proposed cul-de-sacs or other dead-end public streets **shall** be constructed with a turnaround with a minimum radius of 15.24 metres (50 feet) from the centre of the proposed cul-de-sac.

- 9.13 The grade of a proposed public street shall be a maximum of 8% with 4% being the maximum for 30 metres (100 feet) from the intersection of two centre lines. The minimum grade of any street shall be 0.5%. All proposed public streets shall have a 2% crown along the center line in conformance with standard drawing SD-1, attached to Schedule "D".
- 9.14 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.
- 9.15 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 this Bylaw.
- 9.16 Wherever possible, side lot lines **shall** be substantially at right angles to a public street, or radial to a curved public street.
- 9.17 Wherever possible, the rear lot lines of a series of adjoining lots **shall** be continuous, not stepped or jogged.
- 9.18 Notwithstanding sections 9.4 and 9.6, 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).
- 9.19 .1 An application to amend or repeal an endorsed plan of subdivision or a plan of subdivision drawn prior to 27 January 1966, **shall** be in accordance with Section 113 of the PLANNING ACT, and **shall** satisfy the requirements of this Bylaw 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 for this Town.

PART 10: WATER, SEWER, AND OTHER SERVICES

- 10.1 A subdivider **shall** be exempt from the following requirements for the installation of public water, sanitary and storm sewer systems where:
- .1 roads and services intended to serve the proposed lots are currently owned and maintained by the Town, or
 - .2 public water, sanitary and storm sewer systems are not provided at the property line of the area of land proposed to be subdivided.
- 10.2 When not required to do so pursuant to Section 10.1, but where the subdivider wishes to install services, the subdivider **shall** agree in writing with the Town to construct the public streets and install the public water, sanitary and storm sewer systems prior to endorsement of approval on the final plan of subdivision in accordance with sections Schedule "D".
- 10.3 .1 Subject to Section 10.1, a subdivider who proposes to subdivide an area of land in the Town **shall** install a public water system for the area of land proposed to be subdivided.
- .2 The public water system **shall** include mains and laterals to the boundaries of the proposed lots and the system **shall** be designed by a Professional Engineer and **shall** comply with the specifications set forth in section 5 of **SCHEDULE "D"** of this Bylaw.
- 10.4 .1 Subject to Section 10.1, a subdivider who proposes to subdivide an area of land in the Town **shall** install a public sanitary sewer system for the area of land proposed to be subdivided.
- .2 The public sanitary sewer system **shall** include collectors and laterals to the boundaries of the proposed lots and the system **shall** be designed by a Professional Engineer and **shall** comply with the specifications set forth in Section 3 of **SCHEDULE "D"** of this Bylaw.
- 10.5 .1 Subject to Section 10.1, a subdivider who proposes to subdivide an area of land in the Town **shall** install a public storm sewer system for the area of land proposed to be subdivided.

- .2 The public storm sewer system shall include collectors and laterals to the boundaries of the proposed lots and the system shall be designed by a Professional Engineer and **shall** comply with the specifications set forth in Section 4 of **SCHEDULE "D"** of this Bylaw.
 - .3 The proposed storm sewer system shall be designed to discharge into existing streams and brooks utilizing the natural run-off channels. Connections may only be made to existing storm sewer with the prior approval of the Town Public Works Superintendent and approval shall only be refused if the existing storm sewer is inadequate.
- 10.6
- .1 A subdivider who proposes to subdivide an area of land **shall** layout and construct all proposed public streets as shown on the street plan.
 - .2 The public street **shall** include all roadway culverts and drainage ditches and the public street **shall** be designed by a Professional Engineer and **shall** comply with the specifications set forth in Section 2 of **SCHEDULE "D"** of this Bylaw.
- 10.7
- A subdivider who proposes to layout and construct streets and/or install public services on lands that drain directly into lakes, streams, rivers or any existing water courses **shall** submit a drainage plan that shall comply with the specifications set forth in Section 11 of **SCHEDULE "D"** of this Bylaw.
- 10.8
- The application for approval of a final plan of subdivision, submitted to the Development Officer, **shall** be accompanied by a copy of the approval of the drainage plan by the Public Works Superintendent, approval of the design of the public water system and a copy of the permit to construct and operate sanitary and storm sewer system from the Department of the Environment.
- 10.9
- The subdivider **shall** satisfy the requirements of Sections 10.3, 10.4, 10.5 and 10.6 and 10.7 by one of the following alternatives:
- .1 The subdivider shall agree in writing with the Town to install the required systems and construct the public streets **prior** to endorsement of approval on the final plan of subdivision, or

.2 The subdivider shall agree in writing with the Town to install the required systems and construct the public streets to the gravel base **prior** to endorsement and to complete paving and curbing **after** receiving endorsement of approval on the final plan of subdivision and shall deposit with the Clerk, prior to endorsement

- .1 cash, or
- .2 a certified cheque, or
- .3 a bond or indemnity acceptable to the Council.

in an estimated amount sufficient to cover 125% of installation costs of the required systems and 125% of construction costs of the public streets, such estimates to be approved by the Public Works Superintendent.

10.10 .1 An agreement entered into between the Town and the subdivider pursuant to Section 10.9 **shall** be executed in duplicate, signed by the Mayor and the Clerk on behalf of the Town and by the subdivider and **shall** be given to the Clerk and the subdivider prior to the subdivider applying for final approval of the plan of subdivision.

.2 The agreement **shall** contain terms with respect to:

- .1 commencement and completion dates for construction of public streets and installation of public water, sanitary and storm sewer systems,
- .2 such phasing as may be agreed upon by the subdivider and the Town,
- .3 the provision and acceptance of easements and rights-of-way associated with the public streets and systems, and
- .4 any other matter required by the provisions of this Bylaw.

10.11 In addition to section 10.10, the subdivider who is responsible for the construction of public streets and the installation of public water, sanitary and storm sewer systems, **shall:**

- .1 arrange and pay for engineering design specifications for the public streets, and public water, sanitary and storm sewer specifications set forth in **SCHEDULE "D"** of this Bylaw;

- .2 arrange for complete testing of the systems, and **shall** advise the Town Public Works Superintendent of proposed test dates, sites and times;
- .3 arrange for service installation inspection required by 10.12.1 and as provided for in Schedule "D", sections 3.14, 4.14, 5.16 and 6.1; and
- .4 allow the Town to inspect the construction and installation at any stage;

10.12 Following construction and installation of the required services and before acceptance by the Town of the public streets, water, sanitary and storm sewer systems, the subdivider **shall**:

- .1 provide the "**as built**" reproducible engineering drawings for all public systems stamped and signed by a Professional Engineer, and
- .2 provide all operating and procedural manuals for each public water or sanitary or storm sewer system, and
- .3 provide the results of all required test reports of the public systems demonstrating that the required systems have been constructed and are operating according to the standards of the agreement and this Bylaw, and
- .4 provide all easements and rights-of-way associated with the public streets and systems, and
- .5 post a maintenance bond acceptable to the Council made in favour of the Town in an amount equal to 10% of the actual costs of construction public streets and installation of public water, sanitary and storm sewer systems, such bond to be posted for one (1) year.

10.13 Following completion of the public streets, water, sanitary and storm sewer systems and prior to endorsement of the final plan, a **certificate of compliance**, in the form prescribed in Schedule "E", shall be issued by the Town Public Works Superintendent to the subdivider, copy to the Development Officer.

- 10.14 .1 Upon receipt of the certificate of compliance under section 10.13, the subdivider shall convey the public streets, water, sanitary and storm sewer systems to the Town free of encumbrances, at no cost to the Town.
- .2 Following acceptance of the public streets, water, sanitary and storm sewer systems under section 10.12, the Town shall forward a letter of acceptance to the Development Officer.

PART 11: PARKLAND TRANSFERS

- 11.1 .1 Before endorsement of approval on the final plan of subdivision by the Development Officer, the subdivider **shall** reserve and convey to the Town free of encumbrances, for park, playground or similar public purposes an area of useable land, as defined below, equal to 5% of the area of land shown on the final plan of subdivision exclusive of public streets, walkways and the remainder lot, or a sum of money equal to 5% of the assessed value of the new lots created.
- .2 Notwithstanding subsection (1), where 5% of the subdivided area is less than the minimum lot required for park, playground and similar public purposes as set out in the Town's Land-Use Bylaw, the Clerk shall accept, a sum of money equal to 5% of the assessed value of the new lots created, before endorsement of approval on the final plan of subdivision by the Development Officer. Any cash contributions shall be used by Council for the acquisition of and capital improvements to park, playground and public open-space areas.
- 11.2 In the alternative to Section 11.1, before endorsement of approval on the final plan of subdivision a subdivider **may** offer to Council, and at Council's option the Clerk **may** accept an amount of usable land of equivalent value to that required under Section 11.1, outside the area of land to be subdivided and within the boundaries of the Town.
- 11.3 At the option of Council, a combination of land and cash **may** be accepted by the Clerk on behalf of the Town provided that its combined value is equivalent in value to that required under Sections 11.1.
- 11.4 Following the completion of parkland transfers under sections 11.1, 11.2 or 11.3, the Town shall forward a letter of acceptance to the Development Officer.
- 11.5 The requirements of these sections 11.1 through 11.3 inclusive are waived when the applicant is requesting approval for:
- .1 the consolidation or re- subdivision of existing lots; or
- .2 the subdivision of an existing area of land, to a maximum of three (3) lots, where said area of land fronts on or has access to an existing public street.

USEABLE LAND for the purpose of parkland transfers, means that:

- the land area is not less than the minimum lot requirement for park, playground and similar public purposes in the Land Use By-law for the Town, and
- can be utilized for passive purposes such as nature trails, picnic sites, leisure park area, the protection of environmentally significant or sensitive areas or other public purposes, or
- active purposes such as playing fields, playgrounds, etc., providing that such acquisition is not premature or inappropriate in terms of the capability of the Town to absorb any costs relating to future development needs.

PART 12: REQUIREMENTS FOR ENDORSEMENT AND FILING OF FINAL PLANS OF SUBDIVISION

- 12.1 .1 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, letters of acceptance have been received 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.
- .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 110(8) of the PLANNING ACT, the Development Officer **shall** give notice of the endorsement of approval on the final plan of subdivision to:
- (.1) the Town,
 - (.2) the surveyor,
 - (.3) the Director,
 - (.4) the Regional Assessment Office, and
 - (.5) any other department or agency of the province or the Town who has been requested to review the final plan of subdivision.

12.2 The following information **shall** be written or stamped on any final plan of subdivision which is endorsed:

- .1 **"This final plan of subdivision is approved for lots**
_____";
- .2 where applicable, the classification of each lot within one of the classes A, B, C or D, including the definition of such class, specified in the Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems or a note stating that the lots have been assessed pursuant to Section 2(1)(c), or a note stating that **"Lots _____ are serviced with a public sewer."**

- 12.3 Pursuant to Section 110(2) of the PLANNING ACT, the Development Officer **shall** forward by certified mail or hand deliver two endorsed copies of the final plan of subdivision to the office of the Registrar of Deeds for the County of Pictou (one copy to be filed and one copy to be certified and returned to the Development Officer) together with the fee, submitted with the application as required under Part 13 of this Bylaw to file the final plan.
- 12.4 Pursuant to Section 110(4) of the Planning Act, the Development Officer **shall** register a notice, in the form specified in Schedule "B", in the Registry of Deeds which indicates approval of the final plan of subdivision and forward to the Registrar of Deeds with the fees required in Part 13 of this Bylaw.

PART 13: FEES FOR THE FILING OF A FINAL PLAN OF SUBDIVISION

- 13.1 .1 The subdivider **shall** pay the fees contained in the COSTS AND FEES ACT, R.S.N.S., 1989, c. 104, for filing the endorsed final plan of subdivision and certification of a copy of the plan and registering a notice of approval of the plan.
- .2 The fees 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).