

**SUBDIVISION BYLAW**  
**EAST HANTS OFFICIAL COMMUNITY PLAN**  
**BYLAW P-600**



**EAST HANTS**

**DRAFT**



The Municipality of East Hants recognizes the input members of the Plan Review Citizens Panel devoted to the development of the 2016 Official Community Plan:

Brad Hodgins  
Linda Graham  
Jo Ann Fewer  
Eli Chiasson

Stacey Ingraham  
Pam MacInnis  
Michael Gaudet  
Blair Oickle

The Municipality would also like to recognize the many stakeholders and residents who shared their thoughts and aspirations for our Municipality through the process of developing this Plan.

# Repeal

The Subdivision Bylaw of the District of East Hants, approved by the Minister of Municipal Affairs and Housing and effective on the 24<sup>th</sup> day of ~~August, 2000~~ and amendments thereto, is hereby repealed and this Bylaw substituted therefore.

# Certification

I, Kim Ramsay, Chief Administrative Officer and Municipal Clerk of the Municipality of the District of East Hants, do hereby certify that the following is a true copy of the Municipality of the District of East Hants' Subdivision Bylaw which was duly passed by Council of the Municipality of the District of East Hants at a meeting held on the \_\_\_\_ day of \_\_\_\_ A.D., 20\_\_.

DATED at Elmsdale, Nova Scotia, this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

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Kim Ramsay  
Chief Administrative Officer & Municipal Clerk

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# 1. Title

This Bylaw may be cited as the "Subdivision Bylaw" of the Municipality of East Hants.

## 2. Interpretation and Administration

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.

Nothing in this Bylaw shall exempt any person from complying with the requirements of any Land Use Bylaw or any other bylaw in force within the Municipality of East Hants or from obtaining any license, permission, permit, authority, or approval required by any other bylaw of the Municipality of East Hants or statute or regulation of the Province of Nova Scotia.

Where the provisions of this Bylaw conflict with those of any other Municipal or Provincial regulation, Bylaw or code, the higher or more stringent requirements shall prevail, except where the conflict is with the provisions of the Land Use Bylaw, in which case the requirements of the Land Use Bylaw shall prevail. This Bylaw shall apply to the Subdivision of all land within the Municipality of East Hants and shall be administered by the Municipal Development Officer.

Policy	Amendment Date	Description

### 3. Definitions

**Agreement** means a contract between the Subdivider and the Municipality of East Hants which describes the responsibilities of each party with respect to the subdivision and servicing of land.

**Area of Land** means any *existing* lot or parcel as described by its boundaries. For the purposes of Section 9, area of land means:

- a) any lot or parcel described in a deed executed on or before August 6, 1991 less any subsequent conveyances prior to August 6, 1991; or
- b) any lot or parcel shown on a final plan of Subdivision filed in the Registry of Deeds before August 6, 1991; or
- c) any lot or parcel described in a deed executed on or subsequent to August 6, 1991, by means of Section 268 of the *Municipal Government Act*.

**Nova Scotia Environment and Climate Change** means the regional office of Nova Scotia Environment and Climate Change, or its successor.

**Nova Scotia Public Works** means the local or regional office of Nova Scotia Public Works, or its successor.

**Development Officer** means the Municipal Development Officer appointed by Council to administer the provision of this Bylaw

~~**Flag Lot** means a lot with a configuration that resembles an outstretched flag at the top of a flag pole. For lots where central service laterals are to be extended from the public street, the 'pole' of the lot shall not exceed 76 m. For unserviced lots, the 'pole' shall not exceed 230 m. For serviced and unserviced lots, the 'flag' portion of the lot shall contain the required minimum lot area specified in the applicable zone and the minimum width of the 'pole' shall be 6 m. See *East Hants Land Use Bylaw Definition*.~~

**Land Surveyor** means a land surveyor who is a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.

**Land Use Bylaw** means the Municipality of East Hants Land Use Bylaw, part of the East Hants Official Community Plan.

**Lot Area** means the total area within the property lines of a lot. In the case of lots abutting private roads, lot area shall not include any portion of the lot located within the private road and in the case of flag lots lot area shall not include the pole of the flag lot.

**Lot Frontage** shall be the same as required in the Land Use Bylaw in effect for the proposed lot(s) to be subdivided.

***Municipal Engineer** means the engineer designated by the Municipality to act as the engineer for the Municipality as per the MGA and includes a person acting under the supervision and direction of the engineer.*

**Municipal Government Act (MGA)** means the *Municipal Government Act* (MGA), Statutes of Nova Scotia, the enabling legislation for municipal planning in Nova Scotia.

**Municipal Planning Strategy** means the Municipal of East Hants Municipal Planning Strategy, part of the East Hants Official Community Plan.

**Municipal Wastewater System** means a system which is owned and maintained by the Municipality of East

Hants and consists of pipes or conduits receiving and carrying water-borne wastes and includes any trunk sewers, pumping stations, and treatment plants.

**Municipal Water System** means a system which is owned and maintained by a public water utility consisting of pipes and equipment carrying and distributing potable water for domestic and/or fire protection purposes and includes any pumping stations and reservoirs.

**Municipality** means the Municipality of the District of East Hants.

**Private Road** means any road, which is not public, where:

- a) the design of the road has been reviewed by the Municipality of East Hants pursuant to the *Municipal Government Act*;
- b) the road extends to and has access to a public street or highway;
- c) the road must be its own parcel and shall not be a right-of-way easement; and
- d) the road has a minimum right-of-way width of 20 m.

**Professional Engineer** means a registered or licensed member, in good standing, of Engineers Nova Scotia.

**Public Street or Highway** means any street or highway owned and maintained by Nova Scotia Public Works or the Municipality of East Hants but excluding designated controlled access highways pursuant to the *Public Highways Act*.

**Right-of-Way Easement** means an easement that extends to and abuts a public street or highway, reserved to access lots created for uses permitted by the Land Use Bylaw. The right-of-way easement shall be clearly granted by deed, registered in the Office of the Registrar of Deeds for Hants County:

- a) prior to August 6, 1984, having a minimum width of 3 m, or
- b) subsequent to August 6, 1984, having a minimum width of 6m.

**Stormwater System** means any drainage system, whether above or below ground, constructed to collect, control, and transport stormwater from the area of land being subdivided to a point of discharge.

**Subdivider** means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.

**Subdivision** means the division of any area of land into 2 or more parcels, and includes a re-subdivision and a consolidation of 2 or more parcels.

Definition	Amendment Date	Description
Private Road	July 26, 2017	Amendments approved as part of the one year review



## 4. Requirements for Evaluation of Preliminary Plans of Subdivision

- 4.1. An application for an evaluation of a preliminary plan of Subdivision shall be made to the Development Officer together with **8 2** paper copies and a digital copy of the preliminary plan of the Subdivision meeting the requirements of Part 4 of this Bylaw.
- 4.2. The Development Officer shall comply with the notification provisions of the *Municipal Government Act*.
- 4.3. When the Development Officer is satisfied that the application and preliminary plan of Subdivision are complete he, or she, shall, where applicable, forward a copy of the preliminary plan of Subdivision to the following:
  - a) Nova Scotia Environment and Climate Change and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations in areas not served by a **central Municipal** wastewater system, except where the proposed lot:
    - i) is greater than 9000 m<sup>2</sup> having a width of 76 m, or more, and the applicant has certified on the application form that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system; or
    - ii) contains an on-site sewage disposal system and is being increased in size; provided all other proposed lots shown on the preliminary plan meet the requirements listed in i. above; and
  - b) the authority having jurisdiction for **central Municipal** wastewater in areas served by a **central Municipal** wastewater system;
  - c) the authority having jurisdiction for public streets; and
  - d) any other agency of the Province or Municipality that the Development Officer deems necessary.
- 4.4. The Development Officer shall forward any preliminary plan of Subdivision to Nova Scotia Environment and Climate Change and Climate Change that shows a proposed lot 9000 m<sup>2</sup> or less in area or with a width of less than 76 m, and the applicant has certified on the application form that the proposed lot is being created for a purpose that will not require an on-site sewage disposal system, for confirmation that the department is in agreement that the proposed lot does not require an on-site sewage disposal system.
- 4.5. Any agency that has been forwarded a copy of the preliminary plan of Subdivision pursuant to Section 4.3 shall forward a written report of their assessments and recommendations to the Development Officer.
- 4.6. The Development Officer shall notify the Subdivider in writing of the results of the evaluation of the preliminary plan of Subdivision.
- 4.7. Preliminary plans of Subdivision are optional but are recommended:
  - a) where a new public road is being constructed;
  - b) where Municipal wastewater, stormwater, and/or water systems are being extended; and/or
  - c) where a new phase is being added to an existing Subdivision.
- 4.8. The Subdivider proposing to subdivide property shall submit to the Development Officer **8 2** copies and a digital copy of a preliminary plan of Subdivision drawn in the metric system together with the following information and documentation:

- a) name and address of the owner of the area of land to be subdivided;
- b) name and address of all owners, or the lot identifiers of all properties, abutting the area of land to be subdivided; and
- c) a plan of the area of land to be subdivided to scale or scales sufficient for clarity of all particulars on the plan showing:
  - i) the words "Preliminary Plan of Subdivision" marked in the right-hand margin of the plan;
  - ii) the shape, dimensions and area of the total area of land to be subdivided;
  - iii) the shape, dimensions and area of the proposed lots;
  - iv) the approximate location of watercourses and/or other natural features on the area of land to be subdivided that might affect the number of proposed lots;
  - v) a key plan in the lower right hand corner and at a scale not smaller than 1:50,000 showing the general location of the area of land and the true north;
  - vi) the location, length, and width of all existing and proposed roads and right-of-ways; and
  - vii) any other information necessary to determine whether the Subdivision conforms to the requirements of this Bylaw.

4.9. Where the area of land to be subdivided is in an area not serviced by a **Municipal** wastewater system, the following additional information shall be part of, or included with, the preliminary plan.

- a) the location of watercourses, wetlands marine, waterbodies, and other features that may influence the design of the on-site sewage disposal system, including ditches, roads, driveways, and easements;

4.10. The Development Officer shall, if applicable, forward a copy of all material received pursuant to Part 4 to:

- a) Nova Scotia Environment and Climate Change and Climate Change for an evaluation to determine what lot size is generally appropriate to meet the requirements of the On-Site Sewage Disposal Systems Regulations;
- b) Nova Scotia Public Works for preliminary review; and
- c) any other agency of the Province or the Municipality, the Development Officer deems necessary to ensure that their requirements and all requirements of this Bylaw are met.

4.11. Nova Scotia Environment and Climate Change and Climate Change, Nova Scotia Public Works and any other agency of the Province or Municipality that has been forwarded a copy of the Preliminary Plan shall forward a written report of their assessments and recommendations to the Development Officer.

4.12. The Development Officer shall inform the Subdivider in writing of the results of the evaluation of the preliminary plan of Subdivision.

Policy	Amendment Date	Description

## 5. Procedure for Approval of Tentative Plans of Subdivision

- 5.1. An application for approval of a tentative plan of Subdivision shall be made to the Development Officer together with ~~10~~ 5 paper copies and a digital copy of the tentative plan of Subdivision meeting the requirements of Part 6 of this Bylaw.
- 5.2. Notwithstanding Section 5.1, a tentative plan of Subdivision is optional, where:
  - a) the lots abut an existing public street or highway, or an approved private road, or a right-of-way easement; and
  - b) no Municipal wastewater and/or water **services systems** are to be installed provided that, where required, an assessment of the lots has been completed pursuant to the On-Site Sewage Disposal Systems Regulations by Nova Scotia Environment and Climate Change, and provided that the Development Officer is advised in writing by Nova Scotia Environment and Climate Change of the classification of such lots pursuant to Nova Scotia Environment and Climate Change regulations.
- 5.3. When the Development Officer is satisfied that an application and tentative plan of Subdivision are complete he or she shall, where applicable, forward a copy to Nova Scotia Environment and Climate Change, Nova Scotia Public Works, and any other agency of the Province or Municipality that the Development Officer deems necessary.
- 5.4. Approval of a tentative plan of Subdivision may not be refused or withheld as a result of the assessment or recommendations made by Nova Scotia Environment and Climate Change, Nova Scotia Public Works, or any other agency of the Province or Municipality unless the tentative plan of Subdivision is clearly contrary to the Subdivision Bylaw and/or Section 278(1) of the *Municipal Government Act*.
- 5.5. 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 years of the date of the approval of the Tentative Plan"; and
  - b) The date of approval and
  - c) "This Tentative Plan of Subdivision shall not be filed in the Registry of Deeds as conveyances are only based on an approved Final Plan a of Subdivision endorsed by the Development Officer".
- 5.6. Upon approval of the 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, Nova Scotia Public Works, Nova Scotia Environment and Climate Change, and any other agency of the Province or Municipality that the Development Officer requested review the plan, of his or her decision to approve the tentative plan.
- 5.7. Where the Development Officer refuses to approve a tentative plan of Subdivision, he or she shall notify the Subdivider of the reasons for the refusal in writing pursuant to the *Municipal Government Act*, advising the Subdivider of the appeal provisions of the *Municipal Government Act*.

Policy	Amendment Date	Description

## 6. Requirements for Approval of Tentative Plans of Subdivision

- 6.1.** Tentative plans of Subdivision submitted to the Development Officer shall be:
- a)** drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of Subdivision;
  - b)** based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
  - c)** folded to approximately 20 cm x 30 cm 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 be drawn in the metric system and shall show the following:
- a)** the name of the Subdivision, if any, and the name of the owner of the area of land and/or the unique parcel identifier (PID) of all areas of land to be 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;
  - c)** the civic number of main buildings on the area of land to be subdivided;
  - d)** the names of all owners or the parcel identifiers of all properties abutting the proposed Subdivision;
  - e)** 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;
  - f)** the words "PLAN OF SUBDIVISION" located in the title block;
  - g)** the words "TENTATIVE PLAN" located above the title block;
  - h)** a clear space for stamping measuring at least 15 cm wide by 20 cm high;
  - i)** the approximate dimensions of the area of land proposed to be subdivided;
  - j)** the dimensions, shape and area of proposed lots and blocks;
  - k)** the approximate area of the remainder lot, if any;
  - l)** each proposed lot individually identified by a number without duplication of lot identifiers, and where practicable, where a parcel is being added to or subtracted from an existing area of land or where a lot shown on a plan of Subdivision is being divided, the proposed lot or lots shall be identified by the existing area of land identifier and a letter;
  - m)** the approximate location of existing main buildings on the area of land proposed to be subdivided, and the geographical and mathematical location for all buildings within 3 m of any boundary of the proposed lot(s);
  - n)** the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing lots being resubdivided, consolidated or both, shown as broken lines;
  - o)** the width and location of railroads, and railway rights-of-way and existing and proposed public streets or highways, and private roads, including intersections and turning circles;
  - p)** the names of existing and proposed public streets or highways or private roads as issued pursuant to the civic addressing system;
  - q)** a notation stating whether or not the lots for which approval is requested are serviced by wastewater, stormwater, and water systems;
  - r)** the width, location, and nature of any right-of-way easements, and other easements on or affecting the area of land proposed to be subdivided;
  - s)** the north point;

- t) the date on which the tentative plan of Subdivision was drawn and the date of any revision;
- u) the location, dimensions, and area of any land to be conveyed to the Municipality for open space or similar public purposes;
- v) the general location of watercourses, wetlands, areas subject to flooding, or prominent rock features which might affect the layout or provision of public streets or highways or private roads and services to the area of land to be subdivided;
- w) the scale to which the tentative plan of Subdivision is drawn; and
- x) any other information which the Development Officer deems necessary.

6.3. In addition to meeting the requirements of Part 6.1 and 6.2 of this Bylaw, where the proposed lots front upon a proposed public street or highway or proposed private road, a tentative plan of Subdivision shall:

- a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Land Surveyor in the manner required by the Nova Scotia *Land Surveyors Act*, and the regulations made thereunder.
- b) be accompanied by 6 1 paper copies copy and a digital copy of a plan showing:
  - i) contours at 2 m intervals and drainage patterns;
  - ii) the width and location of existing and proposed public streets or highways, private roads, including intersections and turning circles; and
  - iii) the location of existing and proposed wastewater, stormwater, and water systems and proposed connections thereto.
  - iv) the location of street trees;
  - v) the location of street lights;
- c) be accompanied by 6 1 paper copies copy and a digital copy of center line profiles and cross sections of proposed public streets or highways or private roads.

6.4. In addition to meeting the requirements of this Part of the Bylaw, where the proposed Subdivision is located within an area where Municipal piped services are available and where the proposed Subdivision involves connections to piped services, the tentative plan of Subdivision shall be accompanied by 4 paper copies and a digital copy of plans showing:

- a) the location of existing Municipal wastewater, stormwater, and water services systems;
- b) the layout of proposed Municipal wastewater, stormwater, and water systems; and
- c) the location of proposed connections to the existing Municipal wastewater, stormwater and water services systems.

6.5. Plans of layout of proposed Municipal wastewater, stormwater, water systems and connections thereto pursuant to Section 6.4, and Municipal standards, and centerline profiles and cross sections for proposed public or private roads pursuant to Section 6.3, and Municipal standards, shall be prepared by or under the supervision of a Professional Engineer, and signed and sealed by the Professional Engineer in accordance with the *Engineering Profession Act*.

6.6. Where the area of land to be subdivided is in an area not serviced by a Municipal wastewater system the following additional information shall be part of, or included with, the tentative plan:

- a) the location of watercourses, wetlands, marine waterbodies, and other features that may influence the design of the on-site sewage disposal system, including ditches, roads and driveways or easements;
- b) the surface slopes and directions;

- c) any other information necessary to determine whether the Subdivision meets the On-Site Sewage Disposal Systems Regulations.

**6.7.** Where the area of land to be subdivided is in an area not serviced by a wastewater system the following additional information shall be part of, or included with, the tentative plan:

- a) the lot layout including proposed buildings, on-site sewage disposal system, driveways and wells;
- b) the location of any test pit;
- c) the proposed on-site sewage disposal system.

Policy	Amendment Date	Description

## 7. Procedure for Approval of Final Plans of Subdivision

- 7.1. An application for approval of a final plan of Subdivision shall be made to the Development Officer together with **14 5** paper copies and a digital copy of the final plan of Subdivision meeting requirements of Part 8 of this Bylaw.
- 7.2. The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.
- 7.3. When the Development Officer is satisfied that an application and final plan of Subdivision are complete he or she shall, if applicable, forward a copy to Nova Scotia Environment and Climate Change, Nova Scotia Public Works, and any other agency of the Province or Municipality the Development Officer deems necessary.
- 7.4. **Submission of final plan of Subdivision is not required to be forwarded to Nova Scotia Environment and Climate Change, to determine compliance with the On-site Sewage Disposal Systems Regulations in areas not served by a Municipal wastewater system, where the proposed lot:**
  - a) **is greater than 9000 m<sup>2</sup> having a width of 76 m, or more, and the applicant has certified on the application form that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system; or**
  - b) **contains an on-site sewage disposal system and is being increased in size; provided all other proposed lots shown on the plan meet the requirements listed in a) above.**
- 7.5. Approval of a final plan of Subdivision may not be refused or withheld as a result of the assessment and recommendations made by Nova Scotia Environment and Climate Change, Nova Scotia Public Works, or any other agency of the Province or Municipality unless the final plan of Subdivision is clearly contrary to the Subdivision Bylaw and/or Section 278(1) of the *Municipal Government Act*.
- 7.6. Upon approval of the final plan of Subdivision, the Development Officer shall forward a copy of the approved final plan to the Subdivider and notify in writing, and where applicable, Nova Scotia Public Works, Nova Scotia Environment and Climate Change, and any other agency of the Province or Municipality that the Development Officer requested to review the plan, of his or her decision to approve the final plan.
- 7.7. Where the Development Officer refuses to approve the final plan of Subdivision, the Development Officer shall give notice of the refusal to Nova Scotia Public Works, Nova Scotia Environment and Climate Change and any other agency of the Province or Municipality that the Development Officer requested to review the plan, of his or her decision to refuse the final plan.
- 7.8. Where the Development Officer refuses to approve a final plan of Subdivision, he or she shall notify the Subdivider of the reasons for the refusal in writing pursuant to the *Municipal Government Act*, advising the Subdivider of the appeal provisions of the *Municipal Government Act*.

Policy	Amendment Date	Description



## 8. Requirements for Approval of Final Plans of Subdivision

- 8.1.** Final plans of Subdivision submitted to the Development Officer shall be:
- a) drawn to a scale or scales sufficient for clarity of all particulars on the final plan of Subdivision;
  - b) certified and stamped by a Land Surveyor that the lots for which approval is requested and any proposed street and road have been surveyed in the manner required by the Nova Scotia Land Surveyors Act and the regulations made thereunder, except for a final plan of Subdivision prepared pursuant to Section 9.6 9.7 of this Bylaw; and
  - c) folded to approximately 20 cm x 30 cm with the face of the folded print being the title block which is located on the lower right hand corner of the final plan of Subdivision.
- 8.2.** Final plans of Subdivision shall be drawn in the metric system and shall show the following:
- a) the name of the Subdivision, if any, and the name of the owner of the area of land and/or the unique Parcel Identifier (PID) of all areas of land being subdivided;
  - b) the words "PLAN OF SUBDIVISION" located in the title block;
  - c) 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;
  - d) the civic number of main buildings on the area of land being subdivided;
  - e) a location map, drawn to 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;
  - f) the length of the boundaries of all existing and proposed lots, streets, highways, private roads, right-of-way easements including the length of arc, points of curvature and radius in the case of curved lines;
  - g) the bearings of the boundaries of proposed lots;
  - h) names of all owners or parcel identifiers of all properties abutting the proposed Subdivision;
  - i) a clear space for stamping measuring at least 15 cm wide by 20 cm high;
  - j) the dimensions of the area of land being subdivided;
  - k) the approximate location of existing main buildings on the area of land being subdivided, and the geographical and mathematical location for all buildings within 3 m of any boundary;
  - l) the shape, dimensions and area of lots, blocks, and the remainder lot, if any;
  - m) each proposed lot individually identified by a number without duplication of lot identifiers, and where practicable, where a parcel is being added to or subtracted from an existing area of land or where a lot shown on a plan of Subdivision is being divided, the proposed lot or lots shall be identified by the existing area of land identifier and a letter;
  - n) the width and location of railroads and railway rights-of-way, and existing and proposed public streets or highways, and private roads, including intersections and turning circles;
  - o) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing lots being resubdivided, consolidated or both, shown as broken lines;
  - p) where applicable, a notation stating whether or not the lots for which approval is requested are serviced by wastewater, stormwater, and/or water systems;
  - q) the location, dimensions and area of any land to be conveyed to the Municipality for parks, playgrounds or similar public purposes, subject to Part 13 of this Bylaw;



- r) the general location of watercourses, wetlands, areas subject to flooding, or prominent rock features which might affect the layout or provision of public streets or highways or private roads and services to the area of land to be subdivided;
- s) the width, location and nature of any right-of-way easements, and easements on or affecting the area of land being subdivided;
- t) the date on which the final plan of Subdivision was certified with all revisions to be identified, dated and initialled;
- u) the north point;
- v) the scale to which the final plan of Subdivision is drawn;
- w) the names of existing and proposed public streets or highways or private roads as issued pursuant to the civic addressing system;
- x) the mean high water mark for waterfront lots for the purposes of calculating lot area; and
- y) any other information which the Development Officer deems necessary.

**8.3.** Where the design or layout of the Subdivision was created 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 nature of the work performed shall be shown in the title block of the final plan of Subdivision.

Policy	Amendment Date	Description

## 9. General Requirements

9.1. Unless otherwise stated in this Bylaw all lots for which approval is requested as shown on a final plan of Subdivision shall have frontage upon:

- a) a public street or highway; or
- b) a private road

9.2.

- a) ***In areas of the Municipality where minimum lot and frontage requirements of the Land Use Bylaw are in effect*** All lots for which approval is requested shown on a final plan of Subdivision and the remainder lot, if any, for which no approval is requested, shall meet the applicable requirements for minimum lot area and lot frontage contained in the Land Use Bylaw, unless otherwise specified in this Bylaw.
- b) ~~In areas of the Municipality where minimum lot and frontage requirements of the Land Use Bylaw are not in effect, all lots for which approval is requested shown on a final plan of Subdivision and the remainder lot, if any, for which no approval is requested, shall meet Nova Scotia Environment and Climate Change's minimum lot area requirements and minimum frontage requirements.~~
- c) ~~Notwithstanding the lot area and frontage requirements contained in subsection 9.2(b), in areas of the Municipality where minimum lot and frontage requirements of the Land Use Bylaw are not in effect, a parcel of land containing less than the required frontage and area may be approved by the Development Officer. Such parcels shall be marked "Not for Development" on the final plan of Subdivision.~~
- d) Where ~~the Land Use Bylaw is in effect and the~~ land is zoned Agricultural Reserve (AR), a maximum division of 2 lots or 1 lot and a remainder lot shall be permitted during a calendar year; notwithstanding the forgoing, Section 9.2(~~d b~~) shall not prevent the consolidation of parcels.
- e) Where ~~the Land Use Bylaw is in effect and the~~ land is zoned Rural Use (RU), no new ~~public~~ **public** streets or private roads shall be permitted.
- f) ***Where the land is zoned Milford Groundwater Overlay (MGW) Zone, a maximum division of 4 lots or 3 lots and a remainder lot shall be permitted unless otherwise permitted by development agreement. Notwithstanding the foregoing, Section 9.2(d) shall not prevent the consolidation of parcels.***

9.3.

- a) All lots created in a Growth Management Area or a Growth Reserve Area, as defined in the Land Use Bylaw, shall have frontage on a public street or highway unless otherwise permitted by this Bylaw.
- b) Proposed lots in the Regional Commercial (RC) Zone, in Elmsdale, and Village Core (VC) Zone shall be permitted on a private road or right-of-way easement provided that the following requirements are met:
  - i) The private road or right-of-way easement shall be built to Municipal standards for paved roads;
  - ii) The frontage of proposed lots abutting a private road or right-of-way easement shall meet the minimum lot frontage dimensions of the applicable zone;
  - iii) Where Municipal wastewater and water **services systems** are available, the services shall be constructed in accordance with Municipal standards and the Subdivider shall enter into an agreement with the Municipality pursuant to Part 14 of this Bylaw; and
  - iv) The limitation of a maximum of 2 lots being created on a right-of-way easement shall not apply.
- c) The Development Officer may approve a final plan of subdivision where a new lot has frontage on

an existing right-of-way easement provided that:

- i) the proposed lot is not located in a Growth Management Area or a Growth Reserve Area, ***unless the new lot has been created in accordance with 9.3.b) of this Bylaw.***
- ii) each proposed lot meets the minimum applicable lot frontage and area requirements as specified in the Land Use Bylaw, with lot frontage being located along the right-of-way easement; and
- iii) the right-of-way easement is not permitted to be extended; and
- iv) no new right-of-way easements are permitted.

- 9.4. For the purposes of Section 9.4 “water frontage” shall mean the distance measured as a straight line between the two points where the side lot lines of a lot meet the mean high water mark of a navigable watercourse, and shall be deemed to be the lot frontage required by Section 9.2.

The Development Officer may approve a final plan of Subdivision from an area of land showing either:

- a) a maximum of 3 lots, or 2 lots and a remainder lot, if any, where there is no public street or highway or private road within 1000 m of the area of land; or
- b) a maximum of 6 lots, or 5 lots and a remainder lot, if any, where the area of land abuts the shoreline of a navigable watercourse where there is no public street or highway or private road within 500 m of the area of land, and where:
  - i) each of the lots has water frontage;

- 9.5. ***One lot that does not meet Section 9.2 may be created in an area of land provided no such lot has already been subdivided within the area of land. The Development Officer may approve a final plan of Subdivision where*** a division of an existing area of land into 2 lots only, or 1 lot and a remainder lot for which no approval is requested, provided the following:

- i) the approved lot has a minimum lot frontage of 6 m, and the second lot a minimum frontage of 18 m, except that all unserviced lots require a minimum frontage of 30 m; or
- ii) the approved lots are served by a right-of-way easement as defined in this Bylaw;
- iii) and
- iv) each proposed lot meets the applicable lot area requirements of Section 9.2.

- 9.6. Notwithstanding Section 9.2, where an existing area of land contains more than one main building built or placed prior to April 30, 1991, the Development Officer may approve a final plan of Subdivision containing up to 2 lots, or one lot and a remainder for which no approval is requested, having less than the required frontage or having access by right-of-way easement provided that:

- a) it is not otherwise possible to subdivide the existing area of land to create one lot for each main building that would meet the minimum applicable frontage requirements as specified in the Land Use Bylaw;
- b) the total number of lots created will be less than or equal to the number of main buildings built or placed on the existing area of land prior to April 30th, 1991;
- c) each proposed lot has a minimum frontage of 6 m or has access by a right-of-way easement;
- d) each proposed lot is served by a wastewater system or meets the applicable requirements of Nova Scotia Environment and Climate Change; and
- e) each proposed lot meets the minimum applicable lot area requirements as specified in the Land Use Bylaw.

- 9.7. The Development Officer may approve a final plan of Subdivision increasing the size of an existing area of land provided that:

- a) the proposed lot:
  - i) has minimum lot frontage of 6 m; or
  - ii) is served by a right-of-way easement as defined in this Bylaw; and
- b) the remainder lot for which no approval is requested meets the minimum width and depth requirements as specified in the Land Use Bylaw ~~where in effect, or meets the minimum lot area requirements of Nova Scotia Environment and Climate Change's minimum lot area requirements.~~

The final plan of Subdivision prepared pursuant to Section 9.6 shall:

- a) be certified and stamped by a 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 that the common boundary between the existing lots is surveyed and certified as being the common boundary shown as a heavy broken line;
- b) notwithstanding Sections 8.1(b) and 8.2(g) other than the new boundaries which have been surveyed pursuant to Section 9.6, show the remaining boundaries of the resulting lot for which approval is requested and the area described graphically as shown by a lighter solid line; and
- c) have the following notation affixed to the plan adjacent to the certification required by the Nova Scotia Land Surveyors Act and regulations made there under, and such notation is signed by the Surveyor:

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

The remaining boundaries of resulting Lot \_\_\_\_\_ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey".

- 9.8. All lots to be approved on a tentative or final plan of Subdivision shall have a minimum width and minimum depth of at least 6 m.
- 9.9. Wherever possible, side lot lines shall be substantially at right angles to a public street or highway or private road, or radial to a curved public street or highway or private road.
- 9.10. Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.
- 9.11. An application to amend or repeal an endorsed plan of Subdivision drawn prior to December 1, 1960 shall be in accordance with Section 289 of the Municipal Government Act, and shall satisfy the requirements of this Bylaw concerning approvals of final plans of Subdivision.

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 Registry of Deeds for the Municipality.

Policy	Amendment Date	Description
9.2(e)	July 26, 2017	Amendments approved as part of the one year review

# 10. Lot Access and Transportation Requirements

- 10.1. Where a proposed street intersects a Provincial road, that intersection shall be approved by Nova Scotia Public Works.
- 10.2. All proposed public streets or highways shown on a final plan of Subdivision shall be designed and constructed in compliance with Municipal standards and the deed accepted by the Municipality prior to the endorsement of approval on a final plan of Subdivision by the Development Officer.
- 10.3. All proposed private roads shown on a tentative or final plan of Subdivision shall:
  - a) provide frontage to the last abutting lot on the proposed road;
  - b) be designed and constructed in accordance with Municipal standards for private roads;
  - c) be certified by a Professional Engineer to be in compliance with the design and construction requirements of Municipal standards for private roads.
- 10.4. All proposed lots abutting a Provincial road shall require the approval of Nova Scotia Public Works, pursuant to the *Municipal Government Act*.
- 10.5. All roads shown on a final plan of subdivision must comply with the following requirements:

Subdivision Location	Road Requirements
Growth Management Areas with Municipal Water and/or Wastewater <b>Services Systems</b>	<ul style="list-style-type: none"> <li>• All proposed <b>roads public streets</b> shown on a final plan of Subdivision shall be built to Municipal standards for paved roads.</li> <li>• All proposed <b>roads public streets</b>; with the exception of permanent cul-de-sacs, permanent dead end streets, loop streets and crescent streets containing 30 lots or less and roads within the Business Park (BP) Designation as shown on the GFLUM of the Municipal Planning Strategy, shown on a final plan of Subdivision, shall be constructed with sidewalks along one side for the full length of the <b>road street</b> in accordance with Municipal standards. <b>All roads streets that are proposed to be prolonged, and in total contain more than 30 lots, shall be constructed with sidewalks along one side for the full length of the proposed road in accordance with Municipal standards.</b></li> <li>• <b>All proposed public streets where the proposed street becomes part of an active transportation route, as determined by the Municipal Development Officer and Municipal Engineer, shall be constructed with both a sidewalk and active transportation sidewalk on either side of the street and in accordance with Municipal standards.</b></li> </ul>

	<ul style="list-style-type: none"> <li>All proposed <b>roads public streets</b>, with the exception of roads within the Business Park (BP) Designation as shown on the GFLUM of the Municipal Planning Strategy shown on a final plan of Subdivision, shall be built with a buried stormwater system in accordance with Municipal standards.</li> </ul>
Mount Uniacke Growth Management Area	<ul style="list-style-type: none"> <li>All proposed <b>roads public streets</b> shown on a final plan of Subdivision shall be built to Municipal standards for paved roads.</li> <li>A final plan of Subdivision having lots fronting on an existing private road or right-of-way easement may be approved provided that no extension of the private road or right-of-way easement shall be permitted.</li> </ul>
Growth Reserve Areas	<ul style="list-style-type: none"> <li>All proposed <b>roads public streets</b> shown on a final plan of Subdivision shall be built to Municipal standards for paved roads.</li> </ul>
Land not located within in a Growth Management Area or Growth Reserve Area	<ul style="list-style-type: none"> <li>All proposed public <b>roads streets</b> shown on a final plan of Subdivision shall be built to Municipal standards for paved or unpaved roads.</li> <li>All proposed private roads shown on a final plan of Subdivision shall be built to Municipal standards for private roads.</li> <li>A final plan of Subdivision having lots fronting on an <del>existing</del> right-of-way easement <b>existing as of September 21, 2016, the date the 2016 East Hants Official Community Plan came into effect</b>, may be approved provided that there is no extension of the right-of-way easement.</li> <li>No new <b>roads public streets or private roads</b> shall be permitted in the Rural Use (RU) Zone except for lands located in the Rural Subdivision Development Area as shown on Appendix E.</li> </ul>

**10.6.** The ownership of all roads in the Growth Management and Growth Reserve Areas which are built to Municipal standards for paved roads and the ownership of all roads outside the Growth Management Area and Growth Reserve Areas which are built to Municipal standards for paved and unpaved roads shall be assumed by the Municipality provided that the road connects to an existing public street or highway and all other applicable provisions under this Bylaw are met.

**10.7.** Where road or walkway paving is required, pursuant to this Bylaw, the Subdivider shall:

- a) undertake all requirements for road or walkway paving not sooner than 2 years and not later than 3 years after the date that the Municipality granted approval of a final plan of Subdivision; and
- b) prior to receiving approval of a final plan of Subdivision, provide to the Municipality either a bank

draft or certified cheque, in the amount of 115% of the estimated cost for road or walkway paving as determined by the Municipality. At the discretion of the Municipality, an irrevocable standby letter of credit may be accepted in lieu of a bank draft or certified cheque provided that the letter of credit expiration date shall be automatically extended unless written notice to the contrary is received by the Municipality 30 days prior to the then current expiration date.

Failure to extend the expiration date will lead the Municipality to call on the irrevocable standby letter of credit for the amount of the obligation. Monies held by the Municipality under this Section do not earn interest.

- 10.8.** Notwithstanding clause 10.7, where a buried stormwater system is required, pursuant to this Bylaw the Subdivider shall:
- a) prior to receiving approval of a final plan of Subdivision, apply one coat of asphalt to all Subdivision roads;
  - b) prior to receiving approval of a final plan of Subdivision, provide to the Municipality either a bond or certified cheque in the amount of 125% for the estimated cost of completing road paving as determined by the Municipality. At the discretion of the Municipality an irrevocable letter of credit may be accepted in lieu of a bond or a certified cheque subject to the conditions listed in 10.9 (b) above; and
  - c) complete all paving requirements not sooner than 2 years and not later than 3 years after the date that the Municipality granted approval of a final plan of Subdivision.
- 10.9.** Where a street unbroken by ~~an~~ **a road** intersection exceeds 325 m in length, a walkway shall be provided.
- 10.10.** In no instance shall a street unbroken by ~~an~~ **a road** intersection exceed 475 m in length in an area serviced with Municipal wastewater or 800 m in length in an area without Municipal wastewater. ***For the purpose of 10.9 and 10.10 a road length shall mean the distance between the two nearest intersections measured from the closest edge of the road right-of-way.***
- 10.11.** Where a walkway is required, pursuant to Section 10.9, it shall be located in close proximity to the center of the block, and shall provide a pedestrian linkage to at least 2 neighbouring streets, and shall and shall be built to Municipal standards.
- 10.12.** Where a residential Subdivision ~~abuts~~ **is within 200 m of** a school property, the Subdivider shall construct sidewalks along one side of all primary and secondary Subdivision roads in accordance with Municipal standards.
- 10.13.** Where a school property abuts an arterial or collector road, the developer of the school shall construct sidewalks along the full length of the property line and in accordance with Municipal standards.
- 10.14.** There shall not be more than 4 public street, highway, or private road approaches in an intersection.
- 10.15.** Where a public street, highway or private road in an adjoining Subdivision abuts the boundaries of a plan of Subdivision submitted for approval, the public street, highway, or private road in the latter shall, if reasonably feasible, be laid out in prolongation of such public streets, highways, or private roads, unless it would be in violation of this Bylaw.
- 10.16.** No more than 100 lots and a remainder shall be serviced by a single road access to a collector or arterial street.

Notwithstanding 10.16, the Municipality may permit more than 100 lots with a single road street to



a collector or arterial street if the development is subject to a development agreement, master plan, Comprehensive Development District, or phased Subdivision application which requires that a second road access to a collector or arterial street will be built in a future phase of development, in a manner and timeframe acceptable to the Municipality.

- 10.17.** Where a Subdivision or development proposal abuts a vacant parcel, undeveloped remainder parcel, or a parcel with a high likelihood for future infill development, redevelopment or intensification, the street layout of the proposed Subdivision must provide for adequate future road and walkway connections to the adjacent undeveloped or underdeveloped lands. Required **public** road and walkway reserves shall be built to the property line in accordance with Municipal standards and deeded to the Municipality. **Required private road and walkway reserves shall be built to the property line. Private roads shall be built in accordance with the Municipal standard for private roads and walkway reserves shall be built to the Municipal standards, and both shall be included within the private road parcel.**
- 10.18.** Where a Subdivision or development proposal abuts an existing or approved Subdivision the street network in the proposed Subdivision must connect to all existing or approved stub streets, dead end streets, and transportation reserves that abut the subject property(s) except where deemed unfeasible by the Development Officer. The Subdivider shall be required to upgrade existing road reserves to Municipal standards.
- 10.19.** Where an application for Subdivision includes or abuts lands that contain all of or a portion of a required transportation connection identified on the Required Future Transportation Connections Map, the street network of the Subdivision shall be laid out to provide a road connection from one end of the Required Transportation Connection to the other or to the boundary of the lands subject to the Subdivision application.
- 10.20.** Where an application for Subdivision is subject to ~~10-18~~ **10.19**, the Required Transportation Connection is not required to adhere to the design portrayed on the Required Future Transportation Connections Map (Appendix **D**), but the street layout of the Subdivision must provide a potential vehicle route from one end of the required connection to the other or to the boundary of the Subdivision at a location that will, in the opinion of the Development Officer, permit the future continuation and completion of the Required Future Road Connection.
- 10.21.** All proposed public streets or highways shown on a final plan of Subdivision, located in a Streetlight Serviced Area, shall require streetlights in accordance with the Municipal Street Lighting Policy.
- 10.22.** All proposed private roads and right-of-way easements shown on a final plan of subdivision, located in a Streetlight Serviced Area, shall require streetlights in accordance with the Municipal Street Lighting Policy.
- 10.23.** Where a subdivision involves the extension or connection to a road abutting an existing Streetlight Serviced Area, Sections **10.20** ~~10.21~~ and ~~10.21~~ **10.22** shall apply as if the development were located in the Streetlight Serviced Area.
- 10.24.** Where sidewalks are required, pursuant to this Bylaw, the Subdivider shall provide 1 approved street tree per lot which abuts the sidewalk.
- 10.25.** Where an application for Subdivision includes or abuts lands that contain all of or a portion of a required pedestrian connection identified on the Required Future Pedestrian Connections Map, the network of the Subdivision shall be laid out to provide a continuous route for walkways and/or sidewalks from one end of the Required Pedestrian Connection to the other or to the boundary of the lands subject to the Subdivision application.



**10.26.** An application for Subdivision must be reasonably consistent with the intent and requirements of Schedule S1 - Subdivision Design Manual ~~except where~~, except where deemed unfeasible by the Development Officer.

Policy	Amendment Date	Description
10.5 and 10.12	July 26, 2017	Amendments approved as part of the one year review

# 11. Wastewater and Water Systems

- 11.1.** Where Municipal wastewater and/or water services are available, as identified on the Generalized Future Land Use Map of the Municipal Planning Strategy, a plan of Subdivision shall not receive endorsement of approval except where wastewater and/or water systems are provided to each lot for which Subdivision approval is requested; *unless otherwise approved by the Municipal Engineer.*
- 11.2.** When a proposed Subdivision is subject to the requirements of Section 11.1, any **Municipal** wastewater and/or water system shall be designed prior to receiving approval of the tentative plan of Subdivision and shall be constructed prior to receiving endorsement of approval of the final plan of Subdivision in compliance with the following:
- a) the Subdivider shall enter into an agreement with the Municipality pursuant to Part 14 of this Bylaw; and
  - b) the design and installation of the wastewater and water systems shall be in accordance with Municipal standards.
- 11.3.** *Tentative approval shall only be granted to a proposed subdivision connecting to a **public Municipal** water system and/or to a **public Municipal** wastewater system where the Municipal Engineer determines that sufficient capacity exists on the **public Municipal** water system and/or a **public Municipal** wastewater system, as the case may be, to which the proposed subdivision shall be connected.*
- a) *In determining whether sufficient capacity exists the Municipality shall take into consideration:*
    - i) *existing system usage;*
    - ii) *the anticipated usage of the proposed subdivision;*
    - iii) *capacity allocated to approved but not yet built development;*
    - iv) *capacity required for other municipal priorities such as economic development; and*
    - v) *any other criteria the Municipality considers to be relevant.*
  - b) *Notwithstanding subsection a) of Section 11.3, the Municipality may withhold tentative approval for some of the requested lots where the Municipality does not have confidence that the subdivider will utilize all requested capacity within five years from the application date of tentative approval.*
- 11.4.** Prior to receiving endorsement of approval of the final plan of Subdivision, the Subdivider shall:
- a) construct the **Municipal** wastewater and/or water system in accordance with the design plans as reviewed by the Municipality, and any agreement pursuant to Part 14 of this Bylaw;
  - b) arrange for complete testing of the systems, and advise the Municipality of the proposed test dates, sites and times;
  - c) allow the Municipality to inspect the installation at any time; and
  - d) enter into an agreement with the Municipality pursuant to Part 14 of this Bylaw.
- 11.5.** Infrastructure charges shall be paid to the Municipality pursuant to Section 11.5, and such charges shall apply to all serviced areas within the Municipality, as identified on the Generalized Future Land Use Map of the Municipal Planning Strategy.
- 11.6.** Upon approval of the final plan of Subdivision, infrastructure charges for **Municipal** wastewater and **Municipal** water services shall be payable to the Municipality in accordance with Appendix A.

Policy	Amendment Date	Description
11.3	July 29, 2020	Ability to refuse tentative subdivision approval based on capacity.

## 12. Stormwater Management

- 12.1.** Prior to receiving approval of a tentative plan of Subdivision in all Growth Management and Growth Reserve Areas, the Subdivider shall be required to prepare a stormwater management plan based on the following requirements:
- a) the stormwater management plan shall apply to the entire area of land to be subdivided;
  - b) the stormwater management plan shall include a drainage plan to address all drainage patterns within the Subdivision area and shall prescribe a method for the proper drainage and collection of stormwater based on the full development of the site;
  - c) the stormwater management plan shall include a grading plan to address the conveyance of all surface runoff from the developed Subdivision area to a stable outlet or established drainage area in accordance with Municipal standards;
  - d) the stormwater management plan shall meet all specific requirements under Municipal standards;
  - e) the stormwater management plan shall be stamped by a Professional Engineer and shall be subject to review by Nova Scotia Environment and Climate Change and the Municipality;
  - f) this requirement shall only apply where approval is being sought for 3 lots or more (including 2 lots and a remainder) from an existing area of land.
- 12.2.** Where an application for subdivision includes land which drains to the Nine Mile River, a stormwater management plan shall be submitted based on the requirements in Section 12.1 and shall demonstrate that development of the land will not increase peak runoff flows.
- 12.3.** Section 12.1 notwithstanding, the stormwater management plan shall:
- a) provide for the safe and convenient use of streets, sidewalks, walkways and lots following a storm;
  - b) protect structures and property from damage due to a major storm event;
  - c) preserve natural watercourses and other natural features and minimize the long-term effect of development on receiving watercourses and groundwater; and
  - d) convey stormwater from upstream and on-site sources, and mitigate the adverse effects of such flow on downstream properties.
- 12.4.** A buried stormwater system shall be required for all proposed Subdivision roads shown on a final plan of Subdivision in Growth Management Areas with Municipal wastewater **services systems** and shall be designed and constructed in accordance with Municipal standards.
- 12.5.** Notwithstanding Section 12.4, a buried stormwater system shall not be required for roads within the Business Park (BP) Designation as shown on the GFLUM of the Municipal Planning Strategy,
- 12.6.** All paved public roads within the Growth Management and Growth Reserve Areas that are not required to have a buried stormwater system, shall be designed and constructed with an open-ditch stormwater drainage system in accordance with Municipal standards.
- 12.7.** The Subdivider shall be required to:
- a) provide at no cost to the Municipality, a drainage easement from public roads to the nearest watercourse or public road, where such drainage paths are specified in the Stormwater Management Plan; and
  - b) transfer to the Municipality, any land, that may be necessary to operate and maintain stormwater systems.

Policy	Amendment Date	Description

## 13. Public Open Space

- 13.1.** At the time of endorsement of approval of a final plan of Subdivision, the Subdivider shall reserve and convey to the Municipality free of encumbrances, for open space and public use, an area of useable land (as determined to be acceptable by the Municipality) equal to 10% the area of land shown on the final plan of Subdivision, exclusive of existing and proposed public and private roads and any remainder lot.
- 13.2.** Notwithstanding Section 13.1, at the time of endorsement of approval of a final plan of Subdivision where Municipally approved wastewater and/or water **services systems** are not available, the Subdivider shall reserve and convey to the Municipality free of encumbrances, for open space and public use, an area of useable land (as determined to be acceptable by the Municipality) equal to 5% of the area of land shown on the final plan of Subdivision, exclusive of existing and proposed public and private roads and any remainder lot.
- 13.3.** Further to Sections 13.1 and 13.2, land to be transferred to the Municipality shall be useable for recreational and/or conservation purposes, and shall meet the following definition of "useable" land:
- a) is capable of supporting one or more of:
    - i) active recreational facilities and uses such as sports fields and playgrounds;
    - ii) formal public parks and gardens;
    - iii) passive recreational opportunities such as walkways, hiking trails and natural and generally undeveloped park areas; and
    - iv) conservation and, where appropriate, interpretation of environmentally sensitive or significant natural areas or features, as determined to be acceptable by the Municipality;
  - b) has a minimum lot area of 930 m<sup>2</sup> except where the land is to be utilized as a natural green-space, or for tree retention purposes, or walkways or pathways, in which case such land parcels under 930 m<sup>2</sup> in area shall total no more than 50% of the total land transfer required;
  - c) has a maximum average slope of 10% unless, at the discretion of the Municipality, more steeply-sloping terrain is deemed appropriate in light of intended recreational, interpretive and/or conservation uses;
  - d) is not subject to flooding unless intended for water-based recreational activities or for low-intensity recreational uses such as trails or for conservation; and
  - e) is accessible to all residents within the Subdivision through direct road frontage or through access to a Subdivision road by a right-of-way easement, consistent with the following conditions:
    - i) ~~where a Land Use Bylaw is in effect,~~ the minimum road frontage or width of the right-of-way easement must meet the minimum lot frontage requirements for the corresponding zone;
    - ii) ~~where a Land Use Bylaw is not in effect, the minimum lot frontage requirement is 30 m;~~
    - iii) where the minimum lot frontage requirements set out in the preceding subsection proves difficult to incorporate into the Subdivision plan, the Subdivider may seek to negotiate a reduction in the road frontage standard where it may be possible, on balance and in the opinion of the Municipality, to maintain consistency with the spirit and purpose Section 13.3; and
    - iv) open space parcels used for active recreation shall have sufficient road frontage to maintain visibility from adjoining streets to ensure safety of park users.
- 13.4.** Further to Section 13.3, where the land being subdivided abuts a lake, the Bay of Fundy Shoreline or a watercourse 0.5 m or greater in width and where the Subdivision results in 6 lots or more (5 lots and a remainder or more) **and the Municipal Development Officer has determined that the land is useable,**

a portion of the lands transferred to the Municipality under Section 13.1 and 13.2 shall meet all of the following criteria:

- a) transferred lands shall provide at least one point of access to the shoreline, which is useable for water- based recreational activities;
- b) transferred lands must have access to a public road or private road through a right-of-way easement in favour of the Municipality or through direct road frontage; and
- c) transferred lands must have a minimum of 10 % of direct frontage of the total lake or Bay of Fundy Shoreline or watercourse frontage to be subdivided.

13.5. The requirements under Section 13.3 and 13.4 may be waived where the land exhibits unique physical, cultural, or heritage characteristics with potential to provide valuable open space or public opportunities according to the following criteria:

- a) land of significant historical or archaeological value and useable for interpretive purposes, as determined by the Municipality; and or
- b) land containing structure(s) of significant heritage value to the community and useable for public purposes, as determined by the Municipality.

13.6. As an alternative to ***Notwithstanding*** Section 13.1 and 13.2, and at the discretion of the Municipality ***may accept from the Subdivider or may require that*** the Subdivider may transfer an “equivalent value” of cash, facilities, services, work in kind, or any combination thereof in lieu of the corresponding land transfer requirement, and the equivalent value amount shall be determined by an assessor based on the assessed value of the proposed lots excluding streets, and the remaining lands of the Subdivider. ***to the Municipality:***

- a) ***only an equivalent value of cash, facilities, services, work in kind, or any combination thereof, or***
- b) ***only a combination of equivalent value and land, in lieu of the land transfer requirement, in the following circumstances:***
  - i) ***there is sufficient open space or recreational resources existing, in the immediate surrounding geographical area, which would be accessible to the proposed Subdivision, or***
  - ii) ***the character and amount of natural green space of the proposed Subdivision would not be negatively affected as a result, or***
  - iii) ***the equivalent value contribution could be used, to greater net positive effect, to enhance recreational opportunities in the immediate surrounding geographic area, and the equivalent value amount shall be determined by an assessor based on the assessed value of the proposed lots excluding streets, and the remaining lands of the Subdivider.***

***The Municipality shall determine whether the circumstances set out in s. 13.6.b) (i), (ii) or (iii) exist.***

13.7. The Municipality may accept a combination of land and equivalent value, pursuant to this Bylaw, equal to the total amount of the transfer required:

13.8. Notwithstanding Section 13.6, an equivalent value contribution, whether in lieu of all or part of the required land conveyance, shall be accepted, only in the following instances:

- a) there is sufficient open space or recreational resources existing, in the immediate surrounding geographical area, which would be accessible to the proposed Subdivision; or
- b) the character and amount of natural green space of the proposed Subdivision would not be negatively affected as a result; or
- c) the equivalent value contribution could be used, to greater net positive effect, to enhance recreational opportunities in the immediate surrounding geographic area.

- 13.9.** As an alternative to Section 13.1 and 13.2, and at the discretion of the Municipality, a Subdivider may transfer an area of land outside of the proposed area of the Subdivision.
- 13.10.** A Subdivider may provide a bond, or other security acceptable to the Municipality, or a registered agreement for the conveyance of land, or equivalent value, pursuant to this Bylaw in a future phase of the Subdivision as an alternative to conveying land or equivalent value from the approved phase of the Subdivision.
- 13.11.** The requirements of Section 13 shall be waived for:
- a) consolidation of existing lots;
  - b) any proposed lot which contains a building;
  - c) plans of Subdivision showing the creation of 3 lots or less where Municipal wastewater and/or water ~~services~~ **systems** are available, except where the lot(s) are phased lot approvals of a more extensive Subdivision or a continuation of an existing Subdivision shown on an approved tentative plan of Subdivision.
  - d) plans of Subdivision showing the creation of 5 lots or less where Municipal wastewater and/or water ~~services~~ **systems** are not available, except where the lot(s) are phased lot approvals of a more extensive Subdivision or a continuation of an existing Subdivision shown on an approved tentative plan of Subdivision or where the land being subdivided abuts a lake or the Bay of Fundy Shoreline or a watercourse of 0.5 m or more in width.
  - e) plans of Subdivision showing the creation of 10 lots or less where the land is located in the Rural Subdivisions Development Area (attached as Appendix E), except where the lot(s) are phased lot approvals of a more extensive Subdivision or a continuation of an existing Subdivision shown on an approved tentative plan of Subdivision or where the land being subdivided abuts a lake or the Bay of Fundy shoreline or a watercourse of 0.5 m or more in width.

Policy	Amendment Date	Description
13.3(e)	July 26, 2017	Amendments approved as part of the one year review
13.6	January 29, 2020	Amendments to SUB that make it clear that there are circumstances where the municipality will require an equivalent value contribution in lieu of land.



# 14. Agreements

**14.1.** Agreements entered into between a Subdivider and the Municipality pursuant to this Bylaw may contain reasonable provisions with respect to any or all of the following:

- a) the time within which any service system or road shall be commenced and completed;
- b) the acceptance of any service system or road by the Municipality;
- c) the provision and acceptance of easements and land services;
- d) the conveyance of open space dedication in accordance with Part 13; and
- e) any other matter related to the requirements of this Bylaw relative to the Subdivision and servicing of land.

Policy	Amendment Date	Description

# 15. Maintenance and Obligations

15.1. Following completion of any required Municipal service system or public road and before acceptance of same by the Municipality the Subdivider shall:

- a) ~~post a maintenance bond in the amount of 10% of the cost of construction of the service system or road to ensure the proper operation of such system or road for a period of 12 months in the case of service systems and 24 months in the case of roads following the date that the Municipality granted final Subdivision approval;~~ **post a maintenance bond in the amount of 10% of the cost of construction of the Municipal wastewater and/or water systems, or road to ensure the proper operation of such system or road for a period of 12 months in the case of Municipal wastewater and/or water systems and 24 months in the case of roads following the date that the Municipality granted final Subdivision approval. At the discretion of the Municipality an irrevocable letter of credit may be accepted in lieu of a bond;**
- b) **in accordance with the Municipal standards,** provide electronic ~~and plastic film~~ reproducible engineering record drawings for each service system and road stamped by a Professional Engineer;
- c) provide all operating and maintenance manuals for each service system;
- d) provide the results of all tests required by the Municipality to show proof that the service system or road has been constructed and is operating in accordance with Municipal standards;
- e) provide all easements and land required for service systems; and
- f) convey each service system and road free from all encumbrances.

Policy	Amendment Date	Description

## 16. Requirements for Endorsement of Filing of Approved Final Plans of Subdivision

- 16.1.** When the requirements of the *Municipal Government Act*, this Subdivision Bylaw and the On-Site Sewage Disposal Systems Regulations pursuant to the Environment Act have been met the Development Officer shall approve the final plan of Subdivision.
- 16.2.** The Development Officer shall forward an endorsed copy of the approved final plan of Subdivision to the Subdivider.
- 16.3.** Pursuant to and in addition to Section 285 of the *Municipal Government Act*, the Development Officer shall give notice of the approval of the final plan of Subdivision to:
- the Surveyor; and
  - any department or agency of the Province or the Municipality who has been requested to review the final plan of Subdivision.
- 16.4.** In accordance with Section 285 of the *Municipal Government Act*, the Development Officer shall register an endorsed copy of the approved final plan of Subdivision and a notice of the approved final plan of Subdivision at the Registry of Deeds for the Municipality.
- 16.5.** The following information shall be written or stamped on the final plan of Subdivision.
- "This final plan of Subdivision is approved for lot(s)\_\_\_\_\_".
  - This/These lot(s) is/are to be serviced by on-site sewage systems and are classified as \_\_\_\_\_".
  - "This/These lot(s) is/are to be serviced by a Municipal wastewater system".
  - Where there are public roads which are to be owned and maintained by the Province or by the Municipality of East Hants, the words "The following roads are owned and maintained by Nova Scotia Public Works / the Municipality of East Hants: \_\_\_\_\_".
  - Where there are private roads which are not to be owned and maintained by Nova Scotia Public Works or the Municipality of East Hants, the words "The following roads (Private/Right of Way Easements) \_\_\_\_\_ are not owned or maintained by Nova Scotia Public Works or the Municipality of East Hants and these private roads are not entitled to any Provincial or Municipal services including grading, ditching, snowplowing, gravelling, school busing and garbage collection."
- 16.6.**
- The Subdivider shall pay the fees for filing contained in the *Costs and Fees Act*.
  - The fees referred to in (a) shall be paid by the applicant by cheque or money order made payable to the Registry of Deeds and the Development Officer shall transmit the filing fee with endorsed copies of the approved final plan of Subdivision and the notice of the approved plan of Subdivision to the Registry of Deeds for the Municipality.
  - Where the final plan of Subdivision does not receive approval by the Development Officer, the Subdivider shall be entitled to the return of cheque or money order referred to in subsection (b).
- 16.7.** Before approving a final plan of Subdivision that adds or consolidates parcels to areas of land in different ownerships the Development Officer must receive:
- the executed deeds suitable for registering to effect the addition or consolidation;

- b)** the fees for registering the deeds;
- c)** the affidavit of value including particulars of any exemption, pursuant to Part V of the Act; and
- d)** where applicable, the deed transfer tax.

Policy	Amendment Date	Description

## 17. Repeal of Final Plan of Subdivision

- 17.1.** Where a final plan of Subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan of Subdivision.
- 17.2.** Any person requesting the repeal of a final plan of Subdivision shall submit the following to the Development Officer:
- a)** an application in the form specified in Appendix B;
  - b)** the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan of Subdivision; and
  - c)** a processing fee of \$100 per application for repeal of Subdivision.
- 17.3.** The Development Officer shall comply with the notification and approval provisions of the Municipal Government Act which also apply to the repeal of a plan of Subdivision.
- 17.4.** When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency which provided an assessment or recommendations on the original plan of Subdivision.
- 17.5.** Where buildings have been erected on the subject lands after the date of the Subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, land use bylaw, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan of Subdivision filed at the Registry of Deeds on the same day as the repeal is filed.
- 17.6.** Sections 4 to 16 inclusive of this Bylaw do not apply to the repeal of a plan of Subdivision.
- 17.7.** A repeal of a plan of Subdivision may not be refused or withheld as a result of the assessment or recommendations made by Nova Scotia Public Works or Nova Scotia Environment and Climate Change or of any other agency of the Province or Municipality unless the repeal of the plan of Subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the province.
- 17.8.** The Development Officer shall forward to the Registry of Deeds the Repeal in the form specified in Appendix C.
- 17.9.** The Development Officer shall forward a copy of the Repeal referred to in Section 17.8 to:
- a)** the Subdivider;
  - b)** any agency, which provided an assessment or recommendation on the original plan of Subdivision, and
  - c)** the surveyor.
- 17.10.** Where the Development Officer refuses to repeal a Subdivision, the Development Officer shall give notice of the refusal to the Subdivider and to all agencies, which were forwarded the application for repeal pursuant to Section 17.4.
- 17.11.** Where the Development Officer refuses to repeal a plan of Subdivision, the Development Officer shall return the fees referred to in Section 17.2(b) to the Subdivider.

Policy	Amendment Date	Description

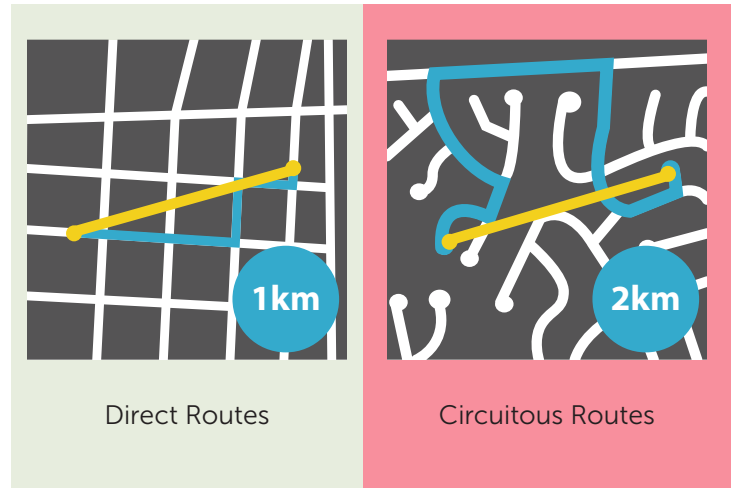
# Schedule S1 - Subdivision Design Manual

## Introduction

East Hants has generally seen the development of a curvilinear, large block street network development pattern. Large blocks discourage pedestrian connectivity and activity, while short blocks do the opposite.

A well connected network has many short street links, numerous intersections, and **minimal no** cul-de-sacs. Well connected networks provide more direct routes, and limit disconnected connections.

This design manual establishes general layout and design standards for subdivision in East Hants. The purpose of this document is to create a functional street network by influencing individual developments.

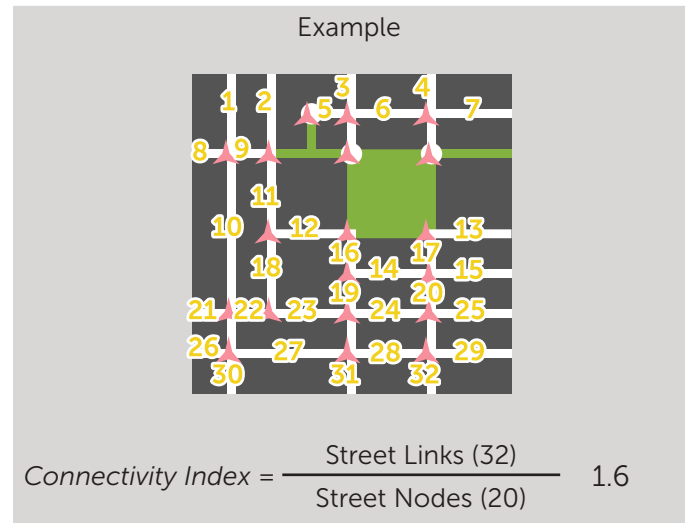


## Connectivity Index

When evaluating a subdivision’s connectivity, the Municipality may consider the connectivity index rating for the proposed streets, as calculated below. The connectivity index may be calculated separately or together for vehicular and active transportation paths. A index rating of 1.2 is seen as the minimum, where a rating of 1.6 or higher is generally considered to be well-connected.

- Street links include relatively straight sections of road, including road reserves.
- Nodes include intersections, cul-de-sacs, and sharp curves

$$\text{Connectivity Index} = \frac{\text{Street Links}}{\text{Street Nodes}}$$

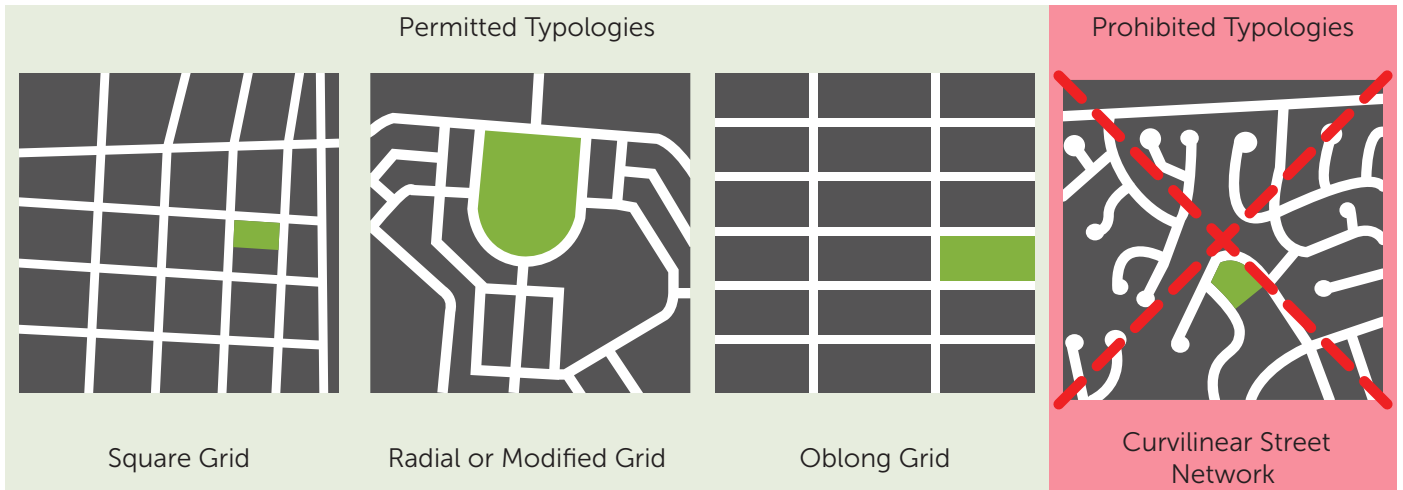


## Growth Management Areas & Growth Reserve Areas

East Hants has recognized the need to develop a well connected network within growth management areas, and retain the potential of a well connected network in growth reserve areas. In these areas:

- The proposed street network should allow for safe and convenient routes for pedestrians, cyclists and vehicles.
- Ideal street network design should promote views to public open spaces and facilities by providing significant street frontage for these elements.
- Street network design must develop clear, understandable street patterns that promote easy navigation and convenient access to community facilities and the broader street network.

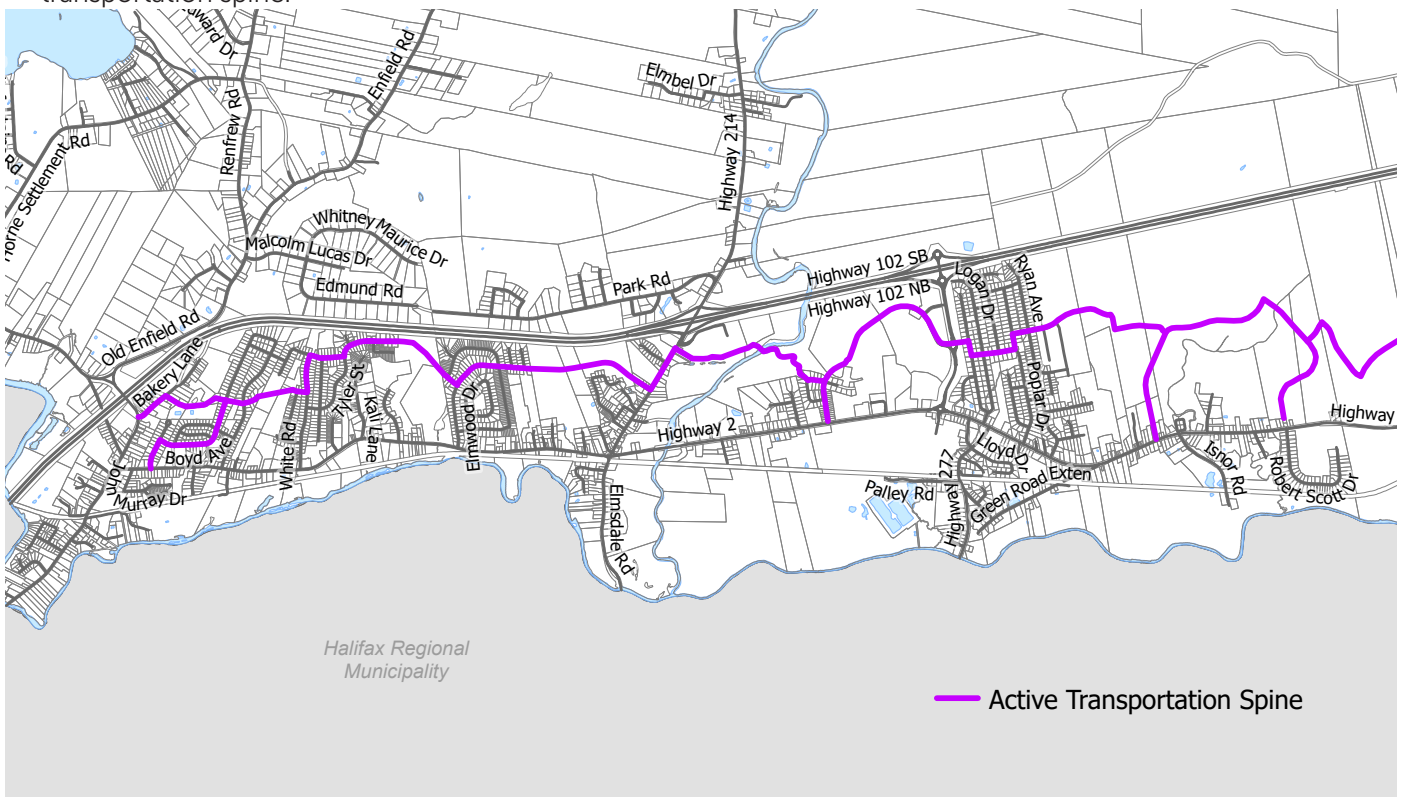
In order to realize the above points, block lengths should generally be of a regular shape. Exceptions to this to create visual interest shall be permitted, such as for a modified grid street network style.



### Growth Management Areas - Active Transportation Spine

East Hants has recognized the need to develop a dedicated active transportation spine throughout the corridor area. In these areas:

- Proposed open space and street network designs must accommodate future development of the active transportation spine.



Policy	Amendment Date	Description

# Appendix A - Infrastructure Charges

## 1.1. GENERAL

1.2. The purpose of infrastructure charges is to offset the cost of upgrading existing and oversizing new water and wastewater infrastructure that is attributable to new development. Infrastructure charges may be used to pay capital costs and costs for land, planning, studies, engineering, surveying, legal and financing incurred with respect to said infrastructure. Nothing contained in this Appendix shall be construed as requiring the Municipality to extend Municipal services to a property. Where such services do not currently exist, it is the responsibility of the property owner to install and pay for such extensions in accordance with Municipal standards.

1.3. Infrastructure charges shall be due and payable to the Municipality as follows:

- a) On each lot approved for Established Residential Neighbourhood (R1) Zone or Two Unit Dwelling Residential (R2) Zone upon final Subdivision approval.

1.4. Infrastructure charges shall not apply to the following:

- a) Remainder lots until a request to be serviced is made; and
- b) Amendments to existing lots where minor boundary adjustments are made; and
- c) Lot consolidations; and
- d) Subdivision of semi-detached lots provided that a building permit for two dwelling units has been previously issued.

1.5. The charges levied under this Appendix are first liens on the real property and may be collected in the same manner as other charges. The lien becomes effective when the charges become due and payable as outlined in Section 1.2 and 1.3 herein.

## 1.6. INFRASTRUCTURE CHARGES - RATES

1.7. Infrastructure charges shall be applied to lands within the South Corridor and Commercial Growth Management Area and Shubenacadie Growth Management Area for ~~water and wastewater service~~ **the Municipal water system and the Municipal wastewater system** and within the Milford Growth Management Area for **the Municipal** wastewater ~~service system~~ **service system** only according to ~~the following rates:~~ **Bylaw IO-200, Infrastructure Charges.**

### **Rates**

#### ~~Water Infrastructure Charges~~

- ~~i) Water infrastructure charges shall be applied at the rate of \$3,000 per lot.~~

#### ~~Sewer Infrastructure Charges~~

- ~~ii) Sewer infrastructure charges shall be applied at the rate of \$3,000 per lot.~~



# Appendix B - Application for Repeal of Final Plan of Subdivision

File Number: \_\_\_\_\_

## APPLICANT RELATED INFORMATION

Name of Land Owner(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Address of Land Owner(s): \_\_\_\_\_ Postal Code: \_\_\_\_\_

Documents to be Returned to: \_\_\_\_\_

Correspondence to be Directed to: \_\_\_\_\_

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

Name of applicant for Subdivision approval: \_\_\_\_\_

Location: \_\_\_\_\_ Municipality: \_\_\_\_\_

The plan of Subdivision was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

and is filed in the Registry of Deeds at \_\_\_\_\_ in the Municipality of \_\_\_\_\_

the County of \_\_\_\_\_ as # \_\_\_\_\_ .

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 Subdivision with the full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

Signature of Owner/Agent \_\_\_\_\_ Date \_\_\_\_\_

Co-signer \_\_\_\_\_ Date \_\_\_\_\_

# Appendix C - Repeal of a Final Plan of Subdivision

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

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

Location: \_\_\_\_\_  
\_\_\_\_\_

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

Being Registration # \_\_\_\_\_ at the Registry of Deeds.

**THIS PLAN OF SUBDIVISION IS REPEALED**

- Entire Plan
- Only Lot(s) # \_\_\_\_\_

Dated at \_\_\_\_\_ in the \_\_\_\_\_  
community municipality

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

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

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

# **Appendix D - Required Future Transportation Connections Maps**



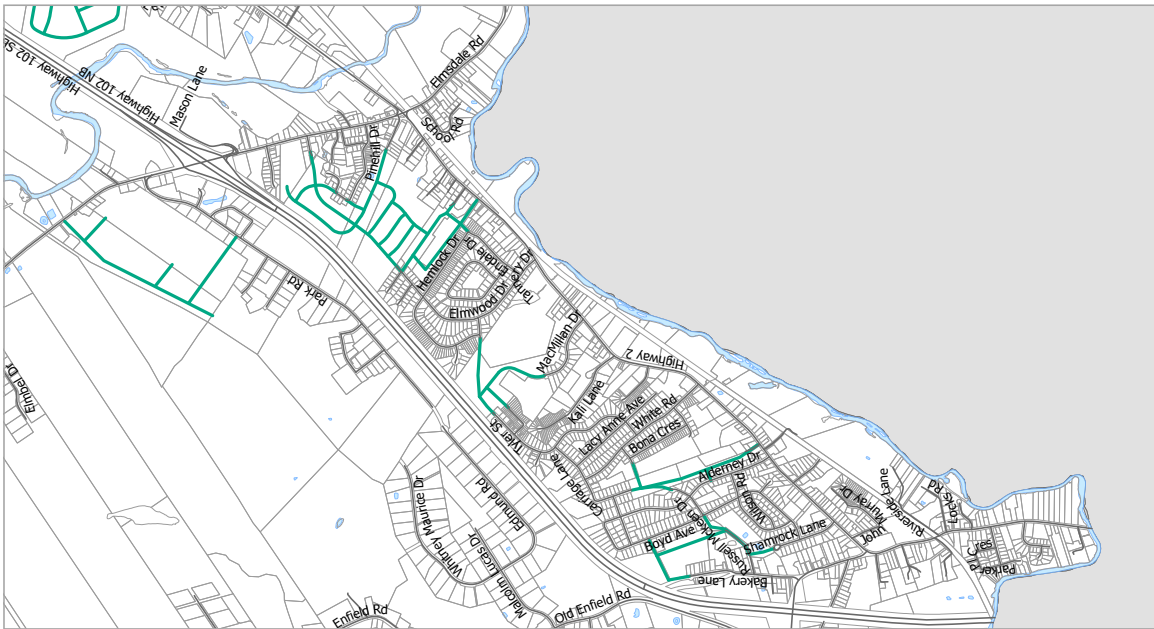
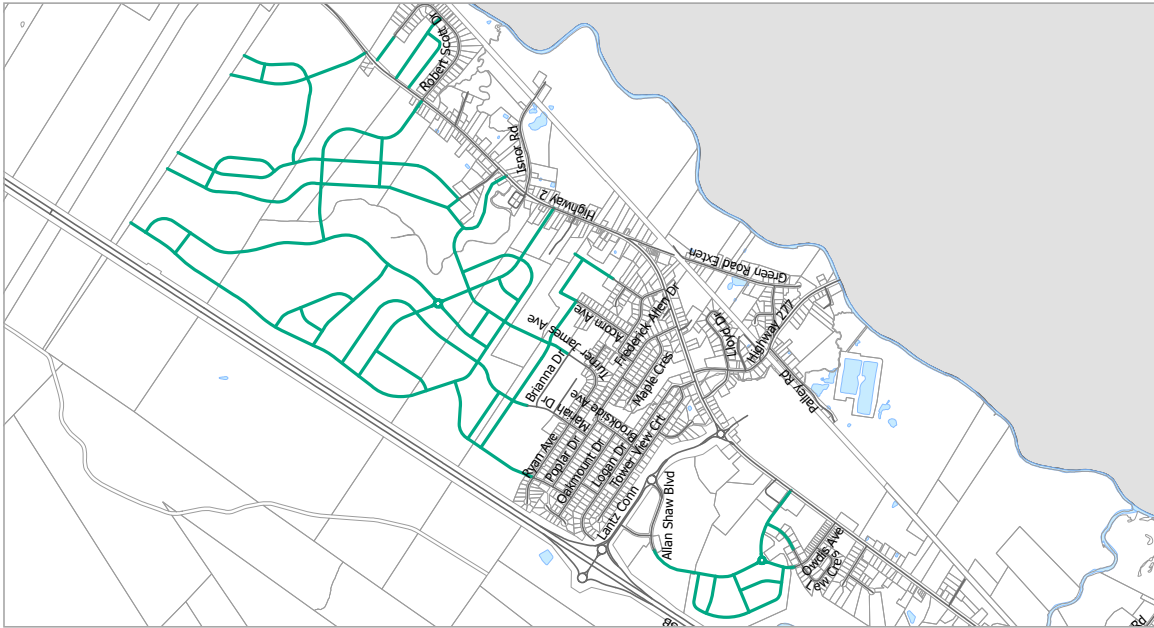
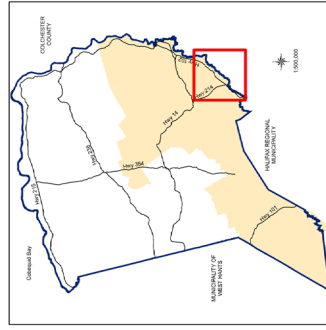
EAST HANTS

APPENDIX D  
REQUIRED FUTURE TRANSPORTATION CONNECTOR MAP 1

55  
Road (Major / Minor Route)  
Road Reserve



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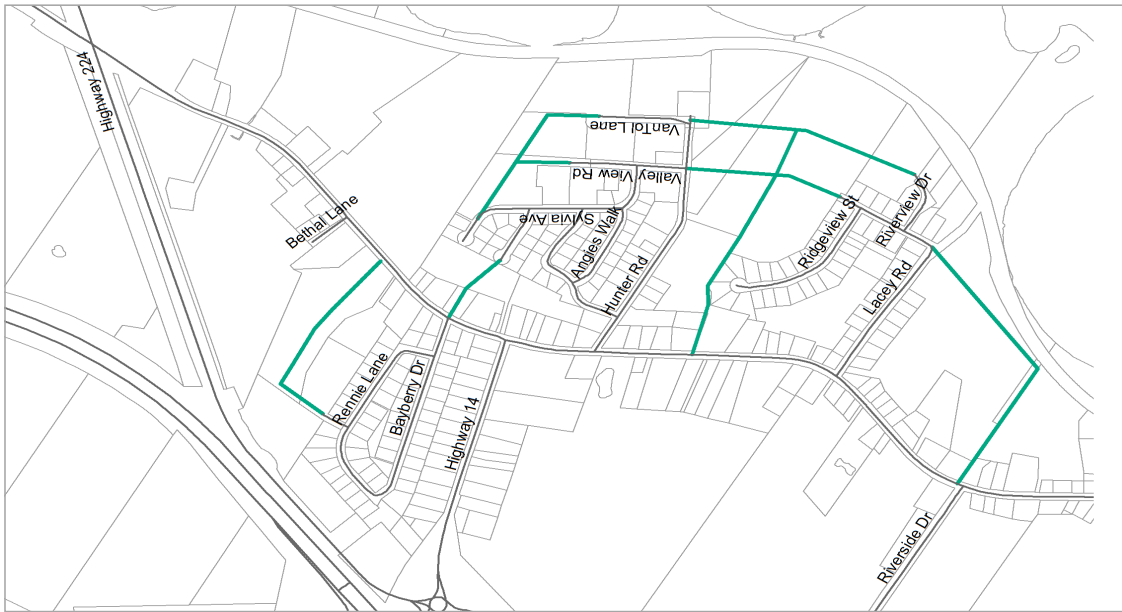
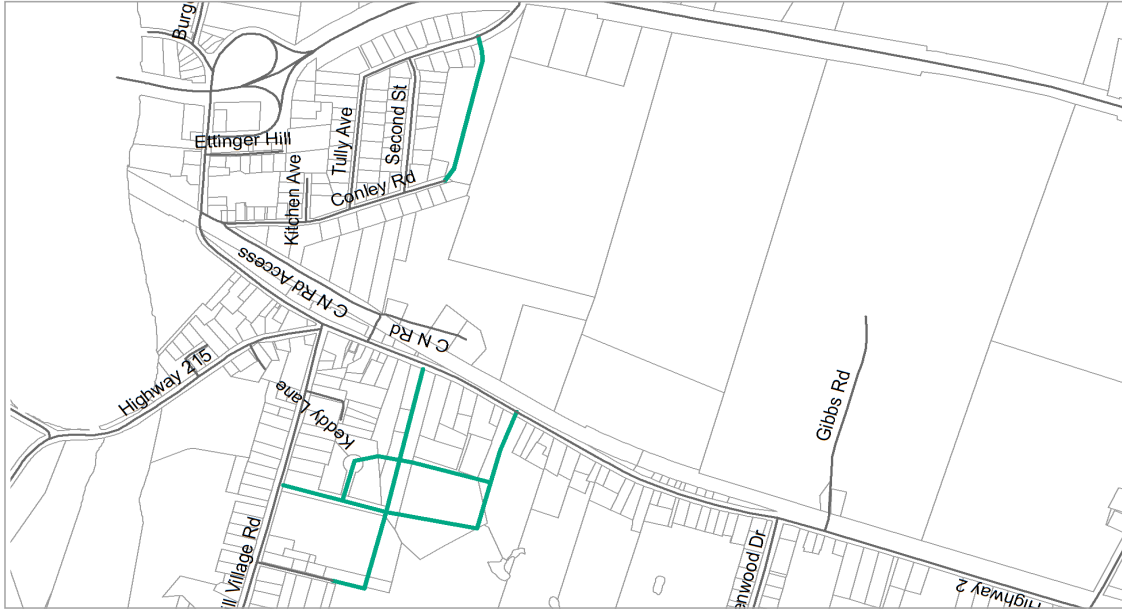


Alternative transportation connections will be considered where connectively objectives are meant.



EAST HANTS

APPENDIX D  
REQUIRED FUTURE TRANSPORTATION CONNECTION MAP 2



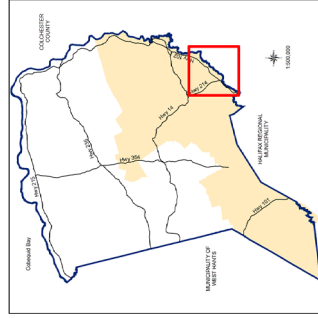
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Road (Major / Minor Route)

Road Reserve



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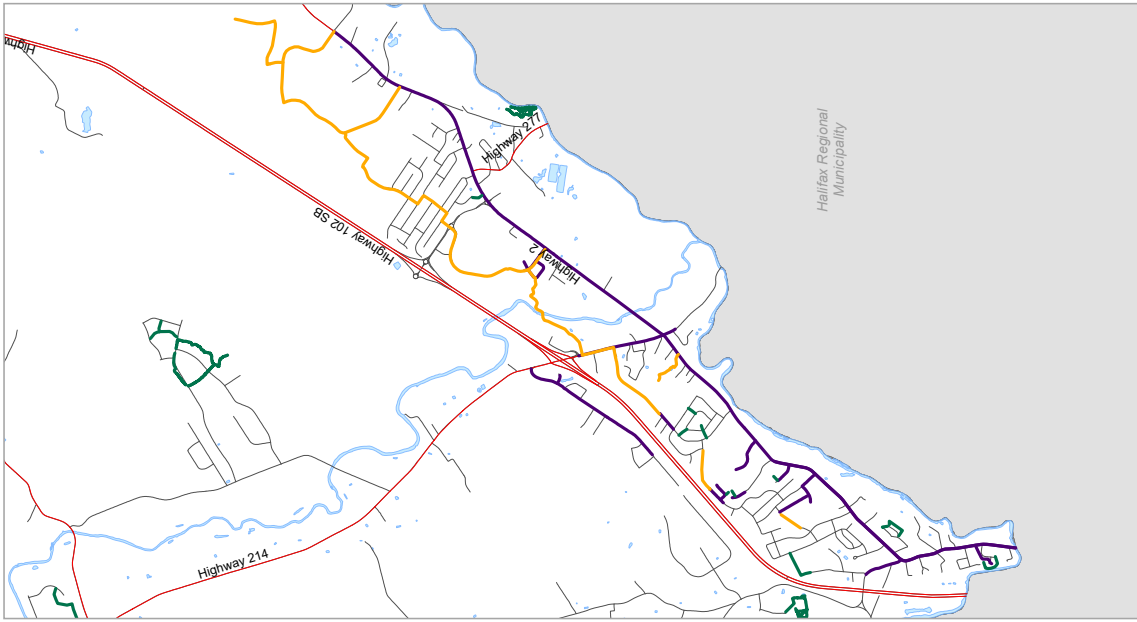
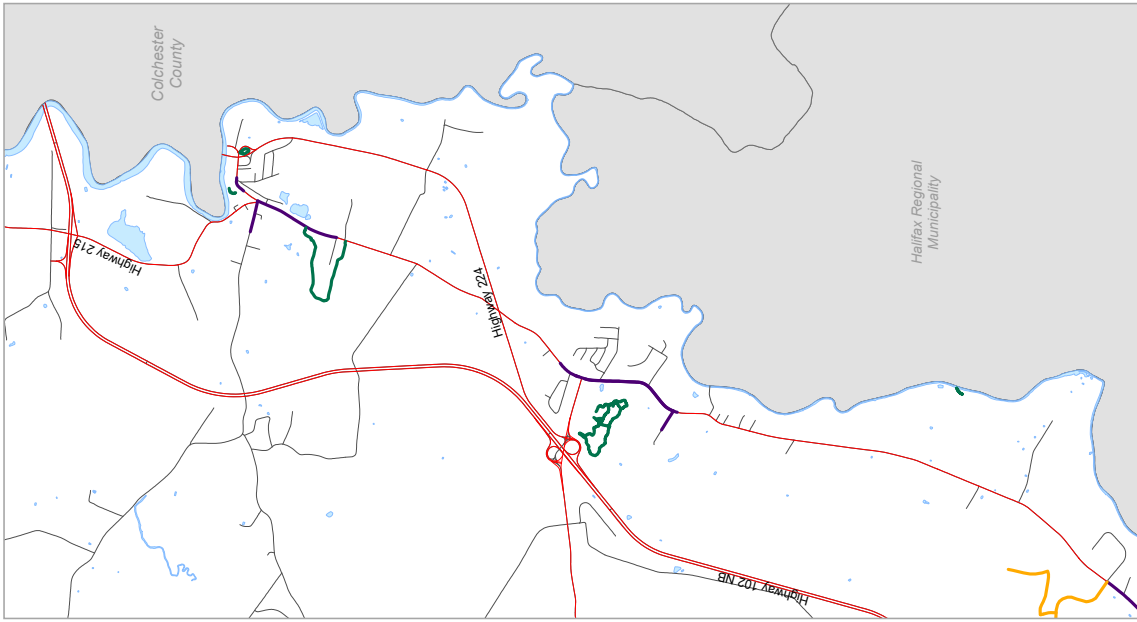
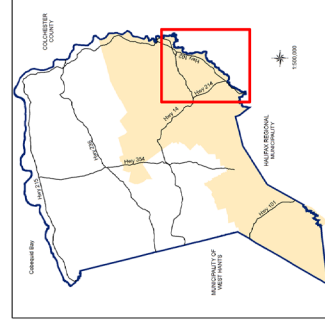
# EAST HANTS

## APPENDIX D REQUIRED FUTURE PEDESTRIAN CONNECTION MAP

- Highway (Major Route)
- Road (Minor Route)
- Existing Walkway/Trail
- Existing Sidewalk
- Required Pedestrian Connection



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Alternative transportation connections will be considered where connectively objectives are meant.

# Appendix E - Rural Subdivisions Development Area

