

Town of Hantsport

Subdivision Bylaw

Adopted by Council on September 14, 2010

I acknowledge receipt of this Subdivision Bylaw adopted at a meeting of the Council of the Town of Hantsport held on September 14, 2010 .

I have reviewed the documents pursuant to Section 208 of the *Municipal Government Act* and have not determined that the documents fall within any of the categories requiring approval listed in subsection 208(3), therefore the documents are not subject to the approval of the Minister of Service Nova Scotia and Municipal Relations.



Dave Smith
Assistant Provincial Director of Planning

Dated: NOV 19 2010

Subdivision By-law

for

The Town of Hantsport

Final

September, 2010

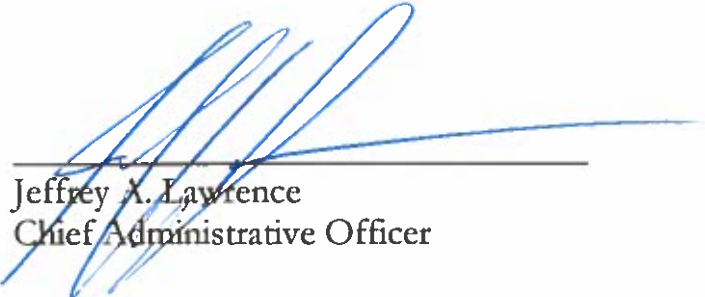


A Haven of Hospitality

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TOWN OF HANTSPORT
CERTIFIED COPY OF
THE SUBDIVISION BY LAW

I, Jeffrey A. Lawrence, Chief Administrative Office for the Town of Hantsport, Province of Nova Scotia, do hereby certify this is a true copy of the Subdivision By-law adopted by the Council of the Town of Hantsport at a duly assembled meeting held on the 14th day of September, 2010.



Jeffrey A. Lawrence
Chief Administrative Officer

Table of Contents

Part 1 Title 3

Part 2 Interpretation3

Part 3 Definitions3

Part 4 Preliminary Plans of Subdivision

 A. Procedure

 A. Requirements5

Part 5 Tentative Plans of Subdivision

 A. Procedure6

 B. Requirements7

Part 6 Final Plans of Subdivision

 A. Procedure9

 B. Requirements 11

Part 7 General Requirements.....13

Part 8 New Municipal Services15

Part 9 Repeal of a Subdivision 19

SCHEDULE A - APPLICATION FOR SUBDIVISION APPROVAL

SCHEDULE B - NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION

SCHEDULE C - APPLICATION OF REPEAL OF A SUBDIVISION

SCHEDULE D - REPEAL OF A SUBDIVISION

Part 1: Title

This By-law may be cited as the Subdivision By-law for the Town of Hantsport and shall apply to the Town of Hantsport.

Part 2: Interpretation

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

Part 3: Definitions

Area of Land means any existing lot or parcel as described by its boundaries.

Central public wastewater system means an assembly of pipes, conduits, and appurtenances (including manholes and lift stations) owned by the Town which carries wastewater to a treatment plant, of such design and installation as to satisfy the requirements of all agencies concerned both provincial and municipal.

Central public wastewater system means an assembly of pipes, conduits, and appurtenances (including manholes and lift stations) owned by the Town which distribute potable water for consumption and fire protection, of such design and installation as to satisfy the requirements of all agencies concerned both provincial and municipal.

Development Officer means that person appointed by Council pursuant to the *Municipal Government Act*, and having the power and duty to administer this By-law.

Engineer means the engineer of the Town, either a town employee or a designate, and includes a person acting under the supervision and direction of the engineer.

Frontage means the same as defined in the Land Use By-law.

Land Use By-law means the Land use By-law of the Town of Hantsport.

Lot means any parcel to be created by the filing of a plan of subdivision.

Public street means any street or road owned and maintained by the Town or the province.

Registry of deeds means the office of the registrar of deeds for the registration district in which the area of land being subdivided is situate.

Standard Specifications for Municipal Services means the document prepared by the Nova Scotia Road Builders Association (NSRBA) and the Nova Scotia Consulting Engineers Association (NSCEA) Joint Committee on Contract Documents.

Subdivider means the owner 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 two or more parcels, and includes a resubdivision or a consolidation of two or more parcels.

Town means the Town of Hantsport.

PART 4: PRELIMINARY PLANS OF SUBDIVISION

(Optional First Step)

A. Procedure

- 4.1 Application for an evaluation of a preliminary plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of this bylaw.
- 4.2 The Development Officer shall comply with the notification and appeal provisions of the *Municipal Government Act*.
- 4.3 The Development Officer shall forward a copy of the preliminary plan of subdivision to:
 - (a) the Superintendent of Public Works, and
 - (b) any other agency of the Province or the Town which the Development Officer deems necessary.
- 4.4 Any agency which has been forwarded a copy of the preliminary plan of subdivision pursuant to Section 4.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 4.5 The Development Officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.

B. Requirements

- 4.6 A subdivider proposing to subdivide an area of land may submit to the Development Officer four copies of a preliminary plan of subdivision drawn to scale showing:
- 4.6.1 the name of the owner of the area of land proposed to be subdivided;
 - 4.6.2 the names of all owners or the lot identifiers of all properties abutting the land being subdivided;
 - 4.6.3 the civic number of the main buildings on the area of land being subdivided;
 - 4.6.4 a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
 - 4.6.5 the shape, dimensions and area of the lots being created;
 - 4.6.6 each proposed lot being identified by a number except in cases where a parcel is being added to or subtracted from an existing area of land in which case the parcel shall be identified by a letter, and the new lot identified by the existing area of land identifier, where available, and the letter;
 - 4.6.7 no duplication of lot identifiers;
 - 4.6.8 the approximate location of railways and railway rights-of-way;
 - 4.6.9 the location of existing and proposed public streets;
 - 4.6.10 the name of existing and proposed public streets (and the public street number if applicable) as issued pursuant to the civic addressing system;
 - 4.6.11 the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
 - 4.6.12 the location of existing buildings within ten (10) meters (32.8 ft.) of a property line;
 - 4.6.13 the general location of watercourses and wetlands;
 - 4.6.14 the north point;
 - 4.6.15 the scale, and;

4.6.16 any other information necessary to determine whether or not the subdivision conforms to this subdivision by-law.

PART 5: TENTATIVE PLANS OF SUBDIVISION

A Procedure

- 5.1 Application for approval of a tentative plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of this bylaw.
- 5.2 The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.
- 5.3 The Development Officer shall forward a copy of the tentative plan of subdivision to:
- (a) the Superintendent of Public Works, and
 - (b) any other agency of the Province or the Town which the Development Officer deems necessary.
- 5.4 Any agency which has been forwarded a copy of the tentative plan of subdivision pursuant to section 5.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 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 any agency of the Province of the Town, unless the tentative plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 5.6 Where the Development Officer refuses to approve a tentative plan of subdivision, the Development Officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of section 284 of the *Municipal Government Act*.
- 5.7 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:
- 5.7.1 "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";

5.7.2 the date of the approval of the tentative plan; and

5.7.3 "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 has been filed by him/her in the Registry of Deeds."

B. Requirements

5.8 A subdivider proposing to subdivide an area of land may submit to the Development Officer eight (8) copies of the tentative plan of the proposed subdivision meeting the requirements of Sections 5.9 and 5.10 of this by-law.

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

5.9.1 drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision,

5.9.2 based on a description of the property to be subdivided, preferably but not necessarily as surveyed, and

5.9.3 folded to approximately 8 x 12 inches (20 x 30 centimetres) 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.

5.10 Tentative plans of subdivision shall show the following:

5.10.1 the name of the subdivision if any, and the name of the owner of the area of land;

5.10.2 the unique parcel identifier (PID) of all areas of land being subdivided;

5.10.3 the civic number of the main building(s) on the area of land being subdivided.

5.10.4 the names of all owners or the lot identifiers of all properties abutting the area of land proposed to be subdivided;

- 5.10.5 a location map, drawn to a scale not smaller than 1:20,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;
- 5.10.6 the words "TENTATIVE PLAN" located above the title block;
- 5.10.7 a clear space for stamping measuring at least 6 inches wide x 6 inches high (15 centimetres x 15 centimetres);
- 5.10.8 the approximate dimensions of the area of land proposed to be subdivided;
- 5.10.9 the proposed dimensions and shape of lots;
- 5.10.10 the area of each lot including the approximate area of the remainder lot, if any;
- 5.10.11 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;
- 5.10.12 the approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical location for all buildings within 9.8 feet (3 metres) either side of the boundaries of the proposed lot;
- 5.10.13 the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing lots being re-subdivided, consolidated or both, shown as broken lines;
- 5.10.14 the scale to which the tentative plan of subdivision is drawn;
- 5.10.15 the width and location of railroads, and existing and proposed public streets, including intersections and turning circles;
- 5.10.16 the names of existing and proposed public streets;
- 5.10.17 a notation stating whether or not the lots for which approval is requested are serviced by central sewer and water systems;
- 5.10.18 the width, location and nature of any easements or rights-of-way on or affecting the area of land proposed to be subdivided;
- 5.10.19 the north point;

- 5.10.20 the date on which the tentative plan of subdivision was drawn and the date of any revisions;
- 5.10.21 the location of any watercourse, prominent rock formation, area subject to flooding and any other prominent natural features which might affect the layout or provision of public streets and services to the area where the subdivision is to be located; and
- 5.10.22 any other information which the Development Officer deems necessary to determine whether or not a tentative plan of subdivision conforms to these subdivision regulations.

5.11 Where a new public street is proposed, a tentative plan of subdivision shall:

- 5.11.1 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;
- 5.11.2 be accompanied by engineering information which meets the requirements of Part 8; and
- 5.12.3 be accompanied by any other information that the Development Officer deems necessary to determine whether the plan conforms to this bylaw.

PART 6: FINAL PLANS OF SUBDIVISION

A. Procedure

- 6.1 Application for approval of a final plan of subdivision shall be made to the development officer in the form specified in the form specified in Schedule "A" of this bylaw.
- 6.2 The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.
- 6.3 The Development Officer shall forward a copy of the Final Plan of Subdivision
Officer shall forward a copy of the tentative plan of subdivision to:
 - (a) the Superintendent of Public Works, and
 - (b) any other agency of the Province or the Town which the Development Officer deems necessary.

- 6.4 Any agency which has been forwarded a copy of the Final Plan of Subdivision pursuant to Section 6.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 6.5 Approval of a Final Plan of Subdivision may not be refused or withheld unless the Final Plan of Subdivision is clearly contrary to a law of the Province or a bylaw of the Town made pursuant to a law of the Province, including any applicable dimensions for lot area and lot frontage contained in a land use bylaw of the Town.
- 6.6 Before approving a Final Plan of Subdivision that adds or consolidates areas or parcels of land in different ownership, the Development Officer shall have received:
- 6.6.1 the executed deeds suitable for registering to effect the addition or consolidation;
 - 6.6.2 the fees for registering the deeds;
 - 6.6.3 the affidavit of value including particulars of any exemption pursuant to Part V of the *Municipal Government Act*; and
 - 6.6.4 where applicable, the deed transfer tax.
- 6.7 (1) The development officer shall forward an approved copy of the final plan of subdivision to the subdivider and the surveyor.
- (2) Where the Development Officer refuses to approve a final plan of subdivision, the Development Officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the *Municipal Government Act*.
- 6.8 A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall
- (a) identify such lots;
 - (b) state the names of the grantor and the grantee of such lots; and
 - (c) state the date, book and page number of the conveyance of such lots as recorded in the registry of deeds.
- 6.9 The following information shall be stamped or written by the development officer on any final plan of subdivision which is approved:

"This final plan of subdivision is approved for Lots _____";

6.10 Within seven days of approving the plan, the development officer shall forward to the registry of deeds

6.10.1 two (2) approved copies of the final plan of subdivision and a notice of approval in the form specified in Schedule "B" of these regulations; and

6.10.2 if applicable, the items required by subsection 6.6 of these regulations.

B Requirements

6.11 Final plans of subdivision submitted to the Development Officer shall be:

6.11.1 drawn to a scale or scales sufficient for clarity of all particulars on the final plan of subdivision,

6.11.2 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 this bylaw, and

6.11.3 folded to approximately 8 inches by 12 inches (20 x 30 centimetres) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.

6.12 Final plans of subdivision shall show the following:

6.12.1 the words "Plan of Subdivision" located in the title block;

6.12.2 the name of the subdivision, if any, and the name of the owner of the area of land;

6.12.3 the unique parcel identifier (PID) of all areas of land being subdivided;

6.12.4 the civic number of the main building(s) on the area of land being subdivided;

6.12.5 a location map drawn to a scale not smaller than 1:20,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;

- 6.12.6 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'
- 6.12.7 length of the boundaries of all existing and proposed lots, streets, rights-of-way and easements including the length of arc, points of curvature and radius in the case of curved lines;
- 6.12.8 names of all owners or the lot identifiers of all properties abutting the proposed subdivision;
- 6.12.9 a clear space for stamping measuring at least 6 inches wide by 6 inches high (15 centimetres by 15 centimetres);
- 6.12.10 dimensions of the area of land proposed to be subdivided;
- 6.12.11 approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical location for all buildings within 9.8 feet (3 metres) either side of the boundaries of the proposed lot;
- 6.12.12 the shape, dimensions and area of proposed lots, and the remainder lot, if any;
- 6.12.13 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;
- 6.12.14 no duplication of lot identifiers;
- 6.12.15 the bearings or azimuths of the boundaries of proposed lots;
- 6.12.16 the width and location of railroads and existing and proposed public streets, including intersections and turning circles;
- 6.12.17 the boundaries of proposed lots shown by solid lines and the vanishing boundaries of existing lots being re-subdivided, consolidated or both, shown as broken lines;
- 6.12.18 the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- 6.12.19 the geographical and mathematical location of all buildings within 3 meters (9.8 feet) of a proposed boundary;

- 6.12.20 a notation stating whether or not the lots for which approval is requested are serviced by central sewer and water systems;
- 6.12.21 the width, location and nature of any easements or rights -way on or affecting the area of land proposed to be subdivided;
- 6.12.22 the date on which the final plan of subdivision was certified with all revisions to be identified, dated and initialed;
- 6.12.23 the north point;
- 6.12.24 the scale to which the final plan of subdivision is drawn;
- 6.12.25 the names of existing and proposed public streets; and any other information which the Development Officer deems necessary to determine whether or not a final plan of subdivision conforms to these subdivision regulations.

6.13 (1) At the time of application for approval of a final plan of *subdivision*, the *subdivider* shall submit to the development officer

- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of *subdivision* and registering a notice of approval of the plan; and
- (b) a processing fee of \$100.00 per application for approval of a final plan of *subdivision*.

(2) Where the development officer refuses to approve a final plan of *subdivision*, the development officer shall return the fees referred to in clause (1)(a) to the *subdivider*.

PART 7: GENERAL REQUIREMENTS

7.1 All lots shall abut a public street.

7.2 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 requirements for minimum lot area and lot frontage contained in the Land Use By-law.

- 7.3 Notwithstanding Section 7.1 and 7.2 the Development Officer may approve a maximum of two lots in accordance with Section 271 of *The Municipal Government Act*, provided all other requirements of this by-law are met.
- 7.4 Notwithstanding Section 7.1 and 7.2 where a development component of a permanent nature such as a structure or driveway 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.
- 7.5 Notwithstanding Sections 7.1 and 7.2 the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:
- 7.5.1 no additional lots are created, and
- 7.5.2 each lot:
- (a) meets the minimum dimensions for lot frontage in the land use by-law, or
 - (b) has not had its frontage reduced; and
- 7.5.3 each lot:
- (a) meets the minimum dimensions for lot area in the land use by-law, or
 - (b) has not had its area reduced.
- 7.6 When the proposed lot is not surveyed a final plan of subdivision prepared pursuant to Section 7.5 shall:
- 7.6.1 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; said boundaries shall be shown as a heavy solid line, except the common boundary between the existing lots which shall be shown as a heavy broken line and certified as being the common boundary,
- 7.6.2 other than the new boundaries which have been surveyed pursuant to clause 7.6.1 show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line, and

- 7.6.3 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 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."

- 7.8 Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).
- 7.9 Wherever possible, side lot lines shall be substantially at right angles to a public street or radial to a curved public street.
- 7.10 Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.
- 7.11 Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.
- 7.12 An 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 the Town.

PART 8: NEW MUNICIPAL SERVICES

- 8.1 Where a new public street is proposed the services identified in subsection 8.2 shall apply.
- 8.2 The subdivider shall

- design, construct and pave the street,
- design and install a water system,
- design and install a wastewater system,
- design and install a stormwater system,

in the area of land being subdivided.

- 8.3 The services require by Section 8.2 shall be designed by a professional engineer and shall meet the requirements of the *Standard Specifications for Municipal Services* and the following requirements.
- 8.4 The engineer shall approve all proposed public streets shown on a plan of subdivision prior to final approval being given by the Development Officer pursuant to section 280 of the *Municipal Government Act*.
- 8.5 The distance between public streets intersections shall not be less than 61 meters (200.1 feet) measured from the nearest rights of way, or such greater distance as may be required by the Town to meet their specifications.
- 8.6 There shall not be more than four public street or highway approaches in an intersection.
- 8.7 Continuous street frontage shall not exceed 366 meters (1200.7 feet) between intersections.
- 8.8 A cul-de-sac shall not exceed 150 metres (492.1 feet) in length, measured to the turning circle.
- 8.9 The subdivider shall provide a storm water management plan for the area of land being subdivided.
- 8.10 As an alternative to the complete construction the services required by Section 8.2 before receiving subdivision approval, the subdivider may enter into a written agreement with the Town containing the following provisions:
- (a) the time within which the services must be constructed;
 - (b) the phasing of any construction;
 - (c) the matters referred to in Sections 8.11, 8.12, 8.13 and 8.14; and

(d) any other matter related to the requirements for construction.

8.11 Pursuant to Section 8.10 the subdivider shall

8.11.1 post a performance bond in the amount of

125% of the estimated cost to complete the services; and

8.11.2 submit to the Development Officer for approval

an estimate of costs to complete the construction of the services and the Development Officer may revise the estimate if it is, in the opinion of the engineer, inadequate. Such estimates shall include all construction related costs including but not limited to: professional engineering, contract management, site supervision and inspection of all construction and work;

8.11.3 post the performance bond before approval of any final plan of subdivision is given; and the performance bond shall be in the form of cash, certified cheque or letter of credit or bond issued by a surety or guarantee company licensed by the Province of Nova Scotia and conditional upon the execution and completion of the agreement in accordance with the Terms of Agreement and the requirements of this bylaw, and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work.

8.12 Following completion of the services the subdivider shall:

8.12.1 post a maintenance bond in the amount of ten (10) percent of the actual cost of construction of the street for a period of twelve (12) months, and;

8.12.2 provide "as built" reproducible engineering design drawings, in digital and hard copy format, for the street including plan and profile of streets drawn to the required scale and certified by a professional engineer. "As built" information shall be located with a survey; and

8.12.3 provide four (4) copies of a plan showing the public street and all drainage rights of way, outlined in red; road reserves outlined in yellow; and easements outlined in green;

- 8.12.4 provide legal conveyance of ownership of the right of way for the public street, road reserve and easement to the Town. This conveyance shall be in the form of a warranty deed and the subdivider shall, through his legal counsel, certify that all property to be conveyed is free from all encumbrances; and;
- 8.12.5 be responsible for all registration and other costs associated with the requirements of this section.
- 8.13 The subdivider shall be responsible for the following:
- 8.13.1 complete geotechnical inspections and testing of the street and associated infrastructure prior to and during various stages of construction by the subdivider's consulting engineer, and;
- 8.13.2 advise the engineer of proposed test dates, sites and times, and;
- 8.13.3 allow the engineer to inspect the construction at any stage, or to verify or confirm any required tests.
- 8.14 Within thirty (30) days of completion of construction the Subdivider shall provide to the Superintendent of Public Works, the following:
- (a) the reproducible record drawings of engineering design, in digital and hard copy format, showing all the actual constructed systems including storm drainage, and;
- (b) the results of all inspection tests reports.
- 8.15 All road signage, signals and markings will be in accordance with the Standard Specifications for Municipal Services.
- 8.16 All road signage will be placed within the right of way. No signage will be placed within the public right of way without the approval of the Town Engineer.
- 8.17 Stop Signs will be placed within all intersections. Intersections with equal traffic for all approaches may be designated as a four (4) way stop to the approval of the Town Engineer.
- 8.18 All Town Public Street names will be approved by the Town Council of the Town of Hantsport.
- 8.19 Street Name Signage will be provided to a standard consistent with existing signage.

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

PART 9: Repeal of a Subdivision

- 9.1 Where a plan of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan of subdivision.
- 9.2 Any person requesting a repeal of a subdivision shall submit to the development officer in an application in the form specified in Schedule C.
- 9.3 (1) The notification and approval provisions of the *Municipal Government Act* which apply to the approval of a plan of subdivision shall also apply to a repeal.
- (2) Notwithstanding Section 9.3(1), the notification and approval provisions of the Act do not apply to a repeal respecting a plan of subdivision to consolidate two or more parcels for which no deed to effect the consolidation has been registered in the Registry of Deeds or Land Registration Office, provided that the applicant certifies that to the applicant's knowledge no deed to effect the consolidation exists
- 9.4 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.
- 9.5 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 by-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the Land Registration Office on the same day as the repeal is filed.
- 9.6 Part 3 to Part 9 inclusive of this By-law do not apply to the repeal of a plan of subdivision.
- 9.7 The development officer shall forward to the Land Registration Office the repeal in the form specified in Schedule "D".
- 9.8 The development officer shall forward a copy of the repeal referred to in Section 9.7 to

- (a) the subdivider, and
- (b) any agency which provided an assessment or recommendations on the original plan of subdivision.

9.9 (1) At the time of application for the repeal of a subdivision the subdivider shall submit to the development officer

(a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan of subdivision; and

(b) a processing fee of \$100.00 per final application for repeal of a subdivision.

(2) Where the development officer refuses to repeal a subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.

9.10 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 9.8.

PART 10: Effective Date, Repeal

10.1 This By-law is effective on _____, 20 , and the existing Subdivision By-law is repealed.

Schedule A

Town of Hantsport

Application for Subdivision Approval

File No: _____ Date: _____

Subdivider Information:

Name of Land Owner(s): _____

Address of Land Owner(s): _____

Postal Code: _____ Phone: _____ Fax: _____

Subdivision Name (if different from Owner): _____

Documents to be returned to: _____

Correspondence to be directed to: _____

Land to be Subdivided:

Location: _____

Parcel Identifier: _____

Survey Plan Number: _____ Prepared by: _____

Type of Application: Preliminary Tentative Final

The lots front on: Existing Public Street Proposed Public Street

Fees Attached: Yes No

Type of Development Proposed: Single Unit Dwelling

Other (specify): _____

(this applies to all proposed lots including remainder lots)

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

Signature of Applicant: _____ Date: _____

Office Use Only:

Subdivision Type: New Lot(s) Number of Lots _____

Boundary Adjustment Consolidation

SCHEDULE "B"

**NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION IN ACCORDANCE WITH SUBSECTIONS 285(3)
AND 285(4) OF THE MUNICIPAL GOVERNMENT ACT**

Name of Owner(s) _____

Name of Subdivision _____

Location _____

Date of Approval _____

For Lot(s) _____

Surveyor _____

Date of Plan _____

Dated this _____ day of _____

Development Officer

Plan of Subdivision filed in the registry of deeds as Plan # _____

(DATE)

(YEAR)

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

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

SCHEDULE "C"

APPLICATION FOR REPEAL OF A SUBDIVISION

PURSUANT TO SECTION 10.3

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: _____

SUBDIVISION RELATED INFORMATION

Name of Applicant for Subdivision Approval: _____

Location of Subdivision: _____

The Subdivision was approved on (Date): _____, and filed in the Registry of Deeds at:

_____ in the Municipality of: _____

_____ in the County of: _____

as #: _____.

Lot(s) #: _____ were approved and repeal is sought for Lot(s) #:

_____.

Registration Fee Submitted:

CERTIFICATION OF FACTS (Reason for repeal; if more space is required attach an additional sheet)

OWNERS CERTIFICATE

I certify that the information in this application is true and complete and to my knowledge no deed to effect the consolidation of the lots mentioned exists.

(Signature of owner/agent)

(Date)

REPEAL of a PLAN of SUBDIVISION

Name of Owner(s) _____

Name of Subdivision (if applicable) _____

Location _____

Date of Approval of the Subdivision _____

Being Registration # _____ at the registry of deeds.

THIS SUBDIVISION IS REPEALED

Entire Plan or Only Lots # _____

Dated at _____ in the _____,

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.

