

MUNICIPALITY OF THE DISTRICT OF CLARE  
SUBDIVISION BY-LAW

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## **PART 1 - TITLE**

- 1.01 This By-law may be cited as the Subdivision By-law for the Municipality of the District of Clare which shall apply to all lands within the Municipality.

## **PART 2 - INTERPRETATION**

- 2.01 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 and words used in the plural number shall include the singular. All other words shall carry their customary meaning except those defined hereinafter. In the event of a conflict or inconsistency with another By-law of the Municipality of the District of Clare, the provisions in this By-law shall prevail.

## **PART 3 - DEFINITIONS**

- 3.01 **Act** means the *Municipal Government Act*, Chapter 18 of the Statutes of Nova Scotia and amendments thereto.
- 3.02 **Agreement** means a written contract entered into between the subdivider and the Municipality relating to the design and construction of municipal public roads as outlined in this By-Law.
- 3.03 **Area of Land** means any existing lot or parcel as described by its boundaries.
- 3.04 **CAO** means the Chief Administrative Officer of the Municipality of the District of Clare.
- 3.05 **Council** means the Council of the Municipality of the District of Clare.
- 3.06 **Department of the Environment** means Nova Scotia Environment.
- 3.07 **Department of Transportation** means Nova Scotia Transportation and Infrastructure Renewal.
- 3.08 **Development Officer** means those person(s), appointed by the Council pursuant to the **Act**, and having the power and duty to administer this By-law.
- 3.09 **Engineer** means any engineer under contract with the Municipality of the District of Clare and includes a person acting under the supervision and direction of the engineer.
- 3.10 **Frontage** shall be measured the same as required in the Land Use By-law.
- 3.11 **Instrument of Subdivision** means an instrument subdividing lots which was designed to facilitate the occasional single lot transfer within a community in rural areas. They have been banned or severely restricted in many rural municipalities, and their municipal approval does not warrant the size, location, boundaries or parcel access of the lots depicted in the instrument. It is possible, and has occurred regularly in the past, within the Municipality, that lots have been approved by Instrument of Subdivision where no land even exists, and the municipal development officer who approves the

subdivision has no duty to verify the information. Anyone considering a subdivision is encouraged to have the subdivision surveyed. The Municipality reserves the right to limit the use of Instruments of Subdivision where the lots cannot be reasonably located using natural boundaries and existing structures, and where the possibility of future litigation may be increased.

- 3.12 **"K" Road** means a public road owned but not maintained by the Province and identified in Appendix "A" of this By-law, which list may not be comprehensive.
- 3.13 **Land Use By-law** means the Land Use By-law for the Municipality of the District of Clare.
- 3.14 **Lot** means any parcel to be created by the filing of a plan or instrument of subdivision.
- 3.15 **Lot Lines** means lot lines as defined in the Land Use By-law.
- 3.16 **Minister** means the Minister of Municipal Affairs.
- 3.17 **Mobile Home Park Sanitary Sewer** means a sewer and any appurtenances thereof which are privately owned and maintained by the park owner and which may be connected to a municipal sewer.
- 3.18 **Municipality** means the Municipality of the District of Clare.
- 3.19 **Municipal Planning Strategy** means the Municipal Planning Strategy for the Municipality of the District of Clare.
- 3.20 **Municipal Sewer** means a sewer controlled by the Municipality.
- 3.21 **Private Road** means any road which is not public shown on a plan of subdivision which:
- a) extends to and has access to a public road and where not totally located within the area of land being subdivided, the private road shall have an easement for right-of-way and access which has been clearly granted by deed, registered in the Land Registration Office for the County of Digby; and
  - b) includes any private road approved by the Department of Transportation and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Land Registration Office; and
  - c) includes any private road which extends to and has access to a K road, provided a license or other permit is issued by the province.
- 3.22 **Professional Engineer** means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- 3.23 **A Proposed lot** means any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot.
- 3.24 **Province** means Her Majesty the Queen in right of the Province of Nova Scotia.

- 3.25 **Public Road** includes any road owned and maintained by the Municipality or the Province; and
- a) Municipal Public Road means any road owned and maintained by the Municipality;
  - b) Provincial Public Road means any road owned and maintained by the Department of Transportation excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act.
- 3.26 **Land Registration Office** means the Land Registration Office for the County of Digby.
- 3.27 **Right-of-Way** means an easement or a permit for a right-of-way and access extending to and having access to a K road, public road or water frontage.
- 3.28 **Roadway** means the actual width of driveable road and does not include any ditch or drainage culvert abutting a road.
- 3.29 **Sanitary Sewer** means a sewer receiving and carrying liquid and water carried
- 3.30 **Sewer** means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, clearwater sewers, storm drains and combined sewers vested in, or under the control of the municipality but does not include a mobile home park sewer.
- 3.31 **Subdivider** means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.
- 3.32 **Subdivision** means the division of any area of land into two or more parcels and includes a re-subdivision or a consolidation of two or more parcels.
- 3.33 **Surveyor** means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.
- 3.34 **Water Frontage** shall be measured the same as required in the Land Use By-law.

## **PART 4 - PROCEDURE FOR APPROVAL OF PLANS OR INSTRUMENTS OF SUBDIVISION**

### **General**

- 4.01 Application for approval of a plan or instrument of subdivision shall be made to the Development Officer in the form specified in Schedule "A" of this By-law.
- 4.02 The Development Officer shall comply with the notification and approval provisions of the **Act**.
- 4.03 A copy of a plan or instrument of subdivision shall be forwarded to:
- a) in areas not served by municipal sewer, the Department of the Environment to determine compliance with the **On-site Sewage Disposal Systems Regulations** except where the proposed lot:

- i) is greater than 9000 square metres (96,878.4 square feet);
    - ii) has a width of 76 metres (249.3 feet) or more; and
    - iii) the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system; or
    - iv) 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 subclause (i);
  - b) in areas served by a municipal sewer, the authority having jurisdiction for municipal sewer;
  - c) the authority having jurisdiction for public roads; and
  - d) any other agency of the Province or the Municipality which the Development Officer deems necessary.
- 4.03A A plan or instrument of subdivision that shows a proposed lot referred to in Sections 6.06, 7.06C, 8.05B and 8A.06B shall be forwarded to the Department of Environment for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.
- 4.04 Any agency which has been forwarded a copy of the plan or instrument of subdivision pursuant to Section 4.03 shall forward a written report of their assessments or recommendations to the Development Officer.
- 4.05 Approval of a plan or instrument of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation or any other agency of the Province or the Municipality unless the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province, including any applicable requirements for lot area and lot frontage contained in the Land Use By-law.

#### **Approval of Tentative and Final Plans or Instruments of Subdivision**

- 4.06 The Development Officer shall:
- a) forward a copy of the approved tentative plan of subdivision to the applicant and the surveyor;
  - b) where the lots cannot be reasonably located using natural boundaries and existing structures, and where the possibility of future litigation may be increased, consult with the surveyor and the applicant's lawyer prior to approving an instrument of subdivision; and
  - c) forward an endorsed copy of the final plan or instrument to the applicant and surveyor.

#### **Refusal of Tentative and Final Plans or Instruments of Subdivision**

- 4.07 Where the Development Officer refuses to approve a tentative or final plan or instrument of subdivision, the Development Officer shall:
- a) notify the applicant pursuant to Section 277(3) of the Act, give reasons for refusal and advise the applicant of the appeal provisions of Section 284 of the Act; and

- b) give notice of the refusal to all agencies which were forwarded a plan or instrument of subdivision pursuant to Section 4.03.

### **Execution of Other Conveyances Before Approval of Final Plans of Subdivision**

- 4.08 A final plan of subdivision showing lots to be approved pursuant to Section 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 Land Registration Office.

### **Fees**

- 4.09 At the time of final application, the subdivider shall submit to the Development Officer the fees contained in the **Land Registration Act** and regulations made thereunder and, in the case of Subsection (c), pursuant to the **Act**, for
- a) The fee for approval or refusal shall be Three Hundred and Fifty Dollars (\$350.00) plus applicable taxes, per final subdivision plan approval.
  - b) The fee for the appeal of a refusal shall be based on the time spent with the legal department and court appearances but shall not exceed Six Hundred Dollars (\$600.00) plus applicable taxes and expenses.
  - c) The fee for concept plans, preliminary plans and tentative plans shall be One Hundred and Eighty-Five Dollars (\$185.00) plus applicable taxes.
  - d) Clients shall be billed on a cost recovery basis (fees, expenses, and applicable taxes).
- 4.10 Where the Development Officer refuses to approve a final plan or instrument of subdivision or an amendment or repeal of a plan or instrument of subdivision, the Development Officer shall return the fees referred to in Section 4.09 (a), (b) and (c) to the subdivider.

## **PART 5 - GENERAL PROVISIONS**

### **Lots Access Requirements**

- 5.01 In accordance with the zones established in the Land Use By-law, lots to be subdivided shall abut and front upon a public road, private road, "K" road; or
- a) are served by an existing right-of-way and where a new right-of-way is created, it shall have a minimum width of 20 feet where:
    - i) a maximum of one lot is created within an area of land which abuts a public road, private road, "K" road; or
    - ii) a maximum of two lots are created, both approved or one approved and one a remainder, within an area of land which does not abut a public road, private road, "K" road; or
  - b) have water frontage of a minimum width of 20 feet or are served by a right-of-way of a minimum width of 20 feet to water frontage where:
    - i) a maximum of two lots are created, both approved or one approved and one a remainder, within an area of land which is landlocked, and the lots are not to be accessed other than by water; or



- ii) the lots are created on an island that does not contain public roads, private roads or rights-of-way.
- c) It should be noted that the specifications outlined in 5.01(a) and (b) are the minimum required and in certain circumstances, higher standards may be applicable.

5.02 For the purposes of Clauses 5.01(a) and (b), "area of land" means any lot or parcel described by its boundaries as they existed on December 31, 2018, whether or not there has been any alteration to said boundaries subsequent to the aforementioned date.

### **Minimum Lot Requirements**

5.03 All lots shall meet the applicable dimensions for minimum lot area and lot frontage contained in the Land Use By-law, or in the absence of any provisions related to minimum lot area and lot frontage in the Land Use By-law, as contained in the Provincial Subdivision Regulations.

### **Lots Deemed to Meet Minimum Lot Area Requirements**

5.04 Notwithstanding the minimum lot area requirements of Section 5.03, the Development Officer may approve a final plan of subdivision, where an authorized person of the Department of the Environment has assessed the proposed lots shown on a final plan of subdivision and approved such lots for the installation of on-site sewage disposal systems, such lots shall be deemed to meet the lot area requirements contained in the Land Use By-law.

### **Relaxation of Minimum Lot Area and Frontage Requirements**

5.05 Notwithstanding Section 5.03, the Development Officer may approve a maximum of two lots, shown on a final plan of subdivision, in accordance with Section 279 of the Act, having:

- a) areas or frontages or both not less than 90 percent of the minimum required by the Land Use By-law provided the lots are served by a municipal sewer system; or
- b) frontages not less than 90 percent of the minimum lot frontage required by the Land Use By-law provided the lots are served by on-site sewage disposal systems; and
- c) provided, in all cases, that all other requirements of this By-law are met.

### **Lots for Special Uses**

5.06 The Development Officer may approve a final plan of subdivision for a lot which is a maximum of 5,005 square feet in area for a special use permitted by the Land Use By-law, provided the lot does not contain an existing on-site sewage disposal system or is not to be connected to municipal sewer or a mobile home park sewer.

### **Lot Boundary Alterations**

5.07 Notwithstanding Sections 5.01, 5.02 and 5.03 the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:

- a) no additional lots are created; and

- b) each lot meets the minimum dimensions for lot frontage as required by the Land Use By-law or has not had its frontage, if any, reduced; and
- c) each lot meets the minimum dimension for lot area as required by the Land Use By-law or has not had its area reduced.

5.08 Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to Section 5.07 shall:

- a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line;
- b) notwithstanding Section 8.03(b), other than the new boundaries which have been surveyed pursuant to Clause (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and
- c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the Nova Scotia Land Surveyors Act and regulations made under the **Act**:

*“NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of \_\_\_\_\_. The common boundary between the existing areas of land identified by \_\_\_\_\_ and \_\_\_\_\_, which is shown by a heavy broken line, is hereby certified as having been the common boundary. The remaining boundaries of resulting 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.”*

### **Encroachment Conditions**

5.09 Notwithstanding Section 5.03, where a development component of a permanent nature such as a building, structure, well, on-site sewage disposal system or drive-way 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.

5.10 Where the lots created pursuant to Section 5.09 are not surveyed, the provisions of Section 5.08 shall apply.

### **Two (2) or More Main Buildings**

5.11 Notwithstanding Section 5.03, where an area of land contains more than one more main building built or placed on the land prior to December 16, 1985, the Development Officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided:

- a) each lot containing a main building shall have the approval of the Department of Environment pursuant to Section 5.04; or
- b) each lot containing a main building shall be evaluated by the Department of Environment pursuant to Section 5.05; or

- c) where required, each lot containing a main building shall be served by a municipal sewer; and
- d) each lot containing a main building shall, as close as is practicable, comply with the minimum lot frontage requirements of the Land Use By-law; and
- e) the common lot line or lines between lots containing a main building shall, as close as is practicable, comply with the minimum yard requirements of the Land Use By-law.

### **Minimum Lot Width and Depth**

5.12 Lots shall not be subdivided to create a width or depth of less than 20 feet.

### **Public Roads**

5.13 All proposed municipal public roads shall be shown on a final plan of subdivision and shall be approved by the Municipal engineer.

5.14 All proposed municipal public roads shown on a final plan of subdivision approved in accordance with Section 5.13 shall be designed and constructed in accordance with Part 13 of this By-law and the deed accepted by the Municipality prior to the endorsement of approval on a final plan of subdivision by the Development Officer.

5.15 The minimum width of the right-of-way of a proposed municipal public road shown on a plan of subdivision shall be 66 feet, unless a lesser width is accepted pursuant to Section 13.02.

5.16 Where a proposed municipal public road intersects a provincial public road, that intersection shall be approved by the Department of Transportation.

5.17 All proposed lots which abut a public road shall have an access point to the public road which meets the stopping sight requirements of the Department of Transportation.

Where lots abut:

- a) a provincial public road or "K" road, access shall be approved by the Department of Transportation.
- b) a municipal public road, the developer shall provide the municipal engineer with written certification that access meets the requirements of the Department of Transportation.

5.18 Where a plan or instrument of subdivision shows a proposed lot abutting an existing public road, the authority having jurisdiction shall verify that the road is a public road.

### **Private Roads**

- 5.19
  - a) A private road may be approved as a separate lot and is deemed to meet minimum lot area and lot frontage requirements of Section 5.03.
  - b) Where the boundary of a private road shown on a plan of subdivision is not intended to be a lot boundary, it shall be shown as a lighter solid line or a dashed line.
  - c) No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements.

- 5.20 The intersection of a private road with a public road shall be approved by the authority having jurisdiction over the public road.
- 5.21 All proposed private roads or extensions to existing private roads shall be shown on a final plan of subdivision and shall be designed and constructed in accordance with Part 14 of this By-law prior to the endorsement of approval of a final plan of subdivision by the Development Officer.
- 5.22 All proposed lots which abut a private road shall have an access point to the private road which meets the stopping site requirements of the Department of Transportation. The subdivider shall provide the municipal engineer with written certification that access meets the requirements of the Department of Transportation.

### **Intersections**

- 5.23 There shall not be more than four public road or private road approaches or any combination thereof in an intersection.

### **Adjoining Subdivision**

- 5.24 Where a public road in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, a public road in the latter shall, if reasonably feasible, be laid out in prolongation of such public road unless it would be in violation of this By-law.
- 5.25 Where a private road in an adjoining subdivision abuts the boundaries of a plan of subdivision which is to be served by a private road submitted for approval, the private road in the latter shall, if reasonably feasible, be laid out in prolongation of such private road unless it would be in violation of this By-law.

### **Side Lot Lines at Right Angles**

- 5.26 Wherever possible, side lot lines shall be substantially at right angles to a public road, private road or "K" road, or radial to a curved public road, private road or "K" road.

### **Continuous Rear Lot Lines**

- 5.27 Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.

## **PART 6 - PRELIMINARY PLANS OF SUBDIVISION (OPTIONAL)**

### **Procedure**

- 6.01 The procedure for processing an application for approval of a preliminary plan of subdivision is contained in Part 4 of this By-law.

### **Plan Requirements**

- 6.02 The person proposing to subdivide an area of land may submit to the Development Officer four copies of the preliminary plan of subdivision drawn to scale showing the following:
- a) the name of the owner of the area of land being subdivided;

- b) the names of all owners of all properties abutting the area of land being subdivided;
- c) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- d) the civic number of main buildings on the area of land being subdivided;
- e) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
- f) the shape, dimensions and area of the proposed lots;
- g) each proposed lot identified by a number except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available and the letter.
- h) no duplication of lot identifiers;
- i) the approximate location of railway easements;
- j) the location of existing and proposed public roads and private roads;
- k) the name of existing "K" roads, existing and proposed public roads (and the public road number) and private roads as approved by the Municipality;
- l) the graphic representation of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- m) the location of existing buildings and structures within 15 metres (49.2 feet) of a property line;
- n) the general location of watercourses and wetlands;
- o) the north point;
- p) the scale;
- q) any other information necessary to determine whether this subdivision conforms to this By-law.

6.03 Where a preliminary plan of subdivision is to be forwarded to the Department of Environment pursuant to Section 4.03(a), the information listed in Section 6.04 is required for the following proposed lots:

- a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
- b) a proposed lot being divided from an existing area of land, contains an on-site sewage disposal system; and
  - i) is 9000 square metres (96,878.4 square feet) or less in area; or
  - ii) has a width of less than 76 metres (249.3 feet).

6.04 Unless the information already has been submitted to the Department of Environment, the following additional information is required for proposed lots referred to in Section 6.03:

- a) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;
- b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
- c) the surface slopes and directions;
- d) the location of any test pit;
- e) the proposed on-site sewage disposal system, selected or designed;

- f) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
- g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
- h) any other information necessary to determine whether the subdivision meets the **On-site Sewage Disposal Systems Regulations**.

6.05 For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

6.06 For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule "A" must be completed.

## **PART 7 - TENTATIVE PLANS OF SUBDIVISION**

### **Procedure**

7.01 The procedure for processing an application for approval of a tentative plan of subdivision is contained in Part 4 of this By-law.

### **Plan Requirements**

7.02 The person proposing to subdivide an area of land shall submit to the Development Officer 8 copies of the tentative plan of the proposed subdivision meeting the requirements of Sections 7.04 through 7.06C inclusive of this By-law.

7.03 Notwithstanding Section 7.02, the Development Officer may waive the requirement that tentative application and plan of subdivision be submitted, where:

- a) lots abut an existing public road, "K" roads or private road, except where lots are created without frontage pursuant to Sections 5.01, 5.02, 5.07 and 5.08;
- b) a municipal sewer is not being installed; and
- c) all lots to be served by on-site sewage disposal systems are 9,000 square metres (96,878.4 square feet) or more in area; or have been evaluated by an authorized person of the Department of the Environment and the Development Officer has been informed in writing by the authorized person that the information already provided by the subdivider is satisfactory.

7.04 A tentative plan of subdivision submitted to the Development Officer shall be:

- a) drawn to a scale or scales sufficient for clarity all particulars on the tentative plan of subdivision;
- b) based on a description of the area of land to be divided, preferably but not necessarily as surveyed; and
- c) folded to approximately 20 x 30 cm (8 x 12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the

tentative plan of subdivision.

- 7.05 A tentative plan of subdivision shall show the following:
- a) the words "PLAN OF SUBDIVISION" located in the title block;
  - b) the words "TENTATIVE PLAN" located above in the title block;
  - c) a clear space for stamping being a minimum of 225 centimetres square (36 sq. in.) with a minimum width of 8 centimetres (3 in.);
  - d) the name of the subdivision, if any, and the name of the owner of the area of land;
  - e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office;
  - f) the unique Parcel Identifier (PID) of all areas of land being subdivided;
  - g) the civic number of main buildings on the area of land being subdivided;
  - h) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
  - i) 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,
  - j) the shape, dimensions, and area of the proposed lots;
  - k) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
  - l) no duplication of lot identifiers;
  - m) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing area of land being re-subdivided, consolidated or both, shown as broken lines;
  - n) the location of existing buildings and structures within 15 metres (49.2 ft.) of a property boundary;
  - o) the location of existing and proposed public roads and private roads and existing "K" roads;
  - p) the name of existing "K" roads, existing and proposed public roads (and the public road number) and private roads as approved by the Municipality;
  - q) the width and location of railway easements;
  - r) the general location of any watercourse, wetland, or prominent rock formation;
  - s) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
  - t) where applicable, a notation stating the lots are serviced by municipal sewer;
  - u) the north point;
  - v) the date on which the plan of subdivision was drawn and the date of any revisions;
  - w) the scale to which the plan of subdivision is drawn, and
  - x) any other information necessary to determine whether or not the tentative plan of subdivision conforms to this By-law.

- 7.06 Where a tentative plan of subdivision is to be forwarded to the Department of Environment pursuant to Section 4.03 (a), the information listed in Section 7.06A is required for the following proposed lots:

- a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or
- b) a proposed lot being divided from an existing area of land, contains an on-site sewage disposal system; and
  - i) is 9000 square metres (96,878.4 square feet) or less in area; or
  - ii) has a width of less than 76 metres (249.3 feet).

7.06A Unless the information already has been submitted to the Department of Environment, the following additional information is required for proposed lots referred to in Section 7.06:

- a) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;
- b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
- c) the surface slopes and directions;
- d) the location of any test pit;
- e) the proposed on-site sewage disposal system, selected or designed;
- f) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
- g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
- h) any other information necessary to determine whether the subdivision meets the **On-site Sewage Disposal Systems Regulations**.

7.06B For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

7.06C For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule "A" must be completed

7.07 In addition to meeting the requirements of Sections 7.04 through 7.06C inclusive, where the proposed lots front on a proposed public road or proposed private road, a tentative plan of subdivision:

- a) shall show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the **Nova Scotia Land Surveyors Act** and the Regulations made thereunder;
- b) shall:
  - i) show contours at 2 meters or 5 foot intervals and drainage patterns only in the case of proposed public roads, and
  - ii) show the width and location of proposed public roads or private roads and their intersection with existing public roads, K roads or private roads, and



iii) show the location of existing and proposed municipal central sewer systems and proposed connections thereto;

iv) be accompanied by two (2) copies of centreline profiles of proposed public roads together with the necessary cross sections.

c) only where plans or drawings or centreline profiles are prepared by or under the supervision of a professional engineer, they may be signed and sealed by the professional engineer in accordance with **the Engineering Profession Act**.

7.07A For a proposed lot that will have access to a public road, the tentative plan of subdivision may be accompanied by or show stopping sight distances information in the form specified in Schedule "F" completed by a Nova Scotia Land Surveyor.

7.08 The following information shall be stamped or written and completed by the Development Officer 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.";

b) the date of the approval of the tentative plan; and

c) "This tentative plan of subdivision shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is endorsed by the Development Officer and filed in the Land Registration Office."

## **PART 8 - FINAL PLANS OF SUBDIVISION**

### **Procedure**

8.01 The procedure for processing an application for approval of a final plan of subdivision is contained in Part 4 of this By-law.

### **Plan Requirements**

8.02 The subdivider proposing to subdivide an area of land shall submit to the Development Officer twelve (12) copies of the final plan of subdivision meeting the requirements of Section 8.03 of this By-law.

8.03 A final plan of subdivision submitted to the Development Officer shall be:

a) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;

b) certified and stamped by a Nova Scotia Surveyor that the lots for which approval is requested and any proposed street and road have been surveyed in the manner required by the **Land Surveyors Act** and its regulations, except for a final plan of subdivision prepared pursuant to Sections 5.07 and 5.08 of this By-law.

8.04 Before approving a final plan of subdivision that adds or consolidates parcels or areas of land in different ownership the Development Officer shall have received:

- a) the executed deeds suitable for registering to effect the addition or consolidation;
  - b) the fees for registering the deeds; and
  - c) the affidavit of value including particulars of any exemption pursuant to Part V of the **Act**.
- 8.05 A final plan of subdivision shall meet the requirements of Section 7.05 through 7.06A inclusive except that:
- a) clause 7.05(b) does not apply;
  - b) proposed public roads or private roads shall be surveyed; and
  - c) the geographical and mathematical location of all permanent buildings and structures within 15 metres (49.2 feet) of a proposed boundary shall be shown.
- 8.05A For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.
- 8.05B For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule “A” must be completed.
- 8.05C For a proposed lot that will have access to a public road, the final plan of subdivision may be accompanied by or show stopping sight distances information in the form specified in Schedule F completed by a Nova Scotia Land Surveyor.
- 8.06 Where plans or drawings or centreline profiles are prepared by or under the supervision of a professional engineer, they shall be signed and sealed by the professional engineer in accordance with the **Engineering Profession Act**.
- 8.07 A final plan of subdivision shall be accompanied by a copy of the agreement, entered into between the Municipality and the subdivider pursuant to Section 10.02 outlining the terms for the installation of the services.
- 8.08 The following information shall be stamped or written and completed by the Development Officer on any final plan of subdivision which is endorsed:
- a) “This final plan of subdivision is approved for Lots \_\_\_\_\_”;
  - b) where applicable,
    - i) “(Lot(s) approved and/or remainder) (is, are) suitable for the construction or installation of an on-site sewage disposal system for (Purpose used), and any conditions which apply are contained in a report dated \_\_\_\_\_ and available from the Department of the Environment” or
    - ii) “**IMPORTANT NOTICE**  
(Lot(s) approved and/or remainder) (has, have) been created for a purpose which (Lot(s) approved and/or remainder) does not require an on-site sewage disposal system and will not be eligible for a

permit to install a system unless the requirements of the Department of the Environment are met”.

iii) “(Lot(s) approved and/or remainder) (is, are) served by an existing on-site sewage disposal system and should a replacement system become necessary in future, approval of the replacement system from the Department of the Environment is required.”

c) where applicable:

i) a notation stating that access to the public road as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated \_\_\_\_\_ available from the authority having jurisdiction for public roads;

ii) where a lot which abuts a public road does not have an approved access point along the road, a notation stating that direct access to the road is not permitted; and

iii) a notation stating which lots abut a “K” road or private road and that no provincial or municipal services shall be provided to these lots.

d) where there are public roads which are to be owned and maintained by the Province, the words "The following roads and highways are owned and maintained by the Department of Transportation of the Province of Nova Scotia:

e) where there are municipal public roads which are to be owned and maintained by the Municipality, the words "The following roads are owned and maintained by the Municipality of Clare.”

f) private roads, the words "The following roads are private roads and are not entitled to any municipal services including grading, ditching, snow plowing, gravelling, garbage collection or street lighting unless otherwise provided.”

g) where there are "K" roads, the words "The following roads are "K" roads and are not entitled to any municipal services including grading, ditching, snowplowing, gravelling, garbage collection or street lighting unless otherwise provided.”

8.09 Within seven (7) days of approving the final plan of subdivision, the Development Officer shall forward to the Land Registration Office:

a) one (1) approved copy of the final plan of subdivision and a notice of approval in the form specified in Schedule “B” of this By-law; and

b) if applicable, the items required by Section 8.04 of this Bylaw.

## **PART 8A - INSTRUMENT OF SUBDIVISION**

### **Procedure**

8A.01 The procedure for processing an instrument of subdivision is contained in Part 4 of this By-law.

### **Instrument Requirements**

8A.02 A subdivider may subdivide an area of land by an instrument of subdivision so as to create not more than three new lots from any larger lot or parcel where that lot or parcel existed on or prior to the effective date of this section of the by-law, where:

- a) each lot has a minimum of 100,000 sq. ft. (9,290 sq. metres) and dimensions that would permit it to contain a circle of a diameter of 76 metres (249.3 ft.) within its boundaries; or
- b) an existing lot is being increased in size; and
- c) the lot being decreased in size, if any, meets the requirements of this By-law other than those contained in clause (a).

8A.03 All lots created by instrument of subdivision are required to be approved.

8A.04 Before approving an instrument of subdivision that adds or consolidates parcels or areas of land in different ownership the development officer shall have received:

- a) 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**.

8A.05 In addition to the application form required by Section 4.01, the subdivider proposing to subdivide an area of land by instrument of subdivision shall submit to the Development Officer a completed instrument of subdivision in the form specified in Schedule “C” of this By-law.

8A.06 The graphic representation included as part of Schedule “C” shall meet the requirements of Section 7.05(d) to (u) inclusive and Section 7.06 and 7.06A of this By-law.

8A.06A For a proposed lot that is being divided from an existing area of land and contains an existing on-site sewage disposal system, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

8A.06B For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application in the form specified in Schedule “A” must be completed.

8A.07 The following information shall be stamped or written and completed by Development Officer on any instrument of subdivision which is approved:

- a) where applicable,
  - i) “(Lot(s) approved and/or remainder) (is, are) suitable for the construction or installation of an on-site sewage disposal system for (Purpose used), and any conditions which apply are contained in a report dated \_\_\_\_\_ and available from the Department of the Environment” or
  - ii) “IMPORTANT NOTICE  
(Lot(s) approved and/or remainder) (has, have) been created for a purpose which (Lot(s) approved and/or remainder) does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of the Environment are met”.

iii) “(Lot(s) approved and/or remainder) (is, are) served by an existing on-site sewage disposal system and should a replacement system become necessary in future, approval of the replacement system from the Department of the Environment is required.”

b) where applicable:

i) a notation stating that access to the public road as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated \_\_\_\_\_ available from the authority having jurisdiction for public roads;

ii) where a lot which abuts a public road does not have an approved access point along the road, a notation stating that direct access to the road is not permitted; and

iii) a notation stating which lots abut a “K” road or private road and that no provincial or municipal services shall be provided to these lots.

8A.08 Within seven (7) days of approving the instrument of subdivision, the Development Officer shall forward to the Land Registration Office:

a) one (1) approved copy of the instrument of subdivision; and

b) if applicable, the items required by 8A.04 of this By-law

## **PART 9 - REPEAL OF A PLAN OR INSTRUMENT OF SUBDIVISION**

9.01 Where a plan or instrument of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan or instrument of subdivision.

9.02 Any person requesting a repeal shall submit to the Development Officer an application in the form specified in Schedule “D”.

9.03 The notification and approval provisions of the Act which apply to the approval of a plan or instrument of subdivision shall also apply to a repeal.

9.04 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 or instrument of subdivision.

9.05 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 or instrument of subdivision filed at the Land Registration Office on the same day as the repeal is filed.

9.06 Parts 5 to 8A inclusive of this By-law do not apply to the repeal of a plan or instrument of subdivision.

9.07 The Development Officer shall forward to the Land Registration Office the repeal in the form specified in Schedule “E”.

- 9.08 The Development Officer shall forward a copy of the repeal referred to in Section 9.07 to the subdivider, and any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.
- 9.09 At the time of application for the repeal of a subdivision the subdivider shall submit to the Development Officer the fees contained in Section 4.09.
- 9.10 Where the Development Officer refuses to repeal a subdivision, the Development Officer shall return the fees referred to in clause 9.09 to the subdivider.
- 9.11 Where the Development Officer refuses to repeal a subdivision, the Development Officer shall give notice of the refusal to all agencies which were forwarded the application for repeal pursuant to Section 9.08.

## **PART 10 - REQUIREMENTS OF SUBDIVIDER**

- 10.01 The subdivider shall, before endorsement of a final plan of subdivision is given by the Development Officer:
- a) construct any proposed municipal public road in accordance with Part 13 of this By-law; or
  - b) construct any proposed private road in accordance with Part 14 of this By-law.
  - c) construct and connect to the municipal sewer, any proposed sanitary sewer including collectors and laterals to the boundaries of the proposed lots in accordance with Part 15 of this By-law.
- 10.02 Notwithstanding Section 10.01 (a) and (c), the Development Officer may endorse approval of a final plan of subdivision prior to the construction of a municipal public road and/or a sanitary sewer only where the subdivider enters into an agreement with the Council which states that the subdivider:
- a) shall construct the municipal public road and/or a sanitary sewer in accordance with Part 13 and 15 of this By-law within a period of time set out in the agreement; and
  - b) shall convey title of such road and/or a sanitary sewer in fee simple free of all encumbrances to the Municipality within a period of time set out in the agreement; and
  - c) shall post a performance bond or certified cheque pursuant to Part 11 to assure that the road and/or a sanitary sewer will be constructed in accordance with Part 13 and 15 of this By-law.
- 10.03 No municipal public road and/or a sanitary sewer constructed pursuant to Section 10.01 and no agreement pursuant to Section 10.02 shall be entered into with the Council prior to the issuance of all required approvals by any authority having jurisdiction.
- 10.04 The subdivider shall provide to the Municipality, prior to acceptance of any municipal public road and/or sanitary sewer:
- a) the "as built" reproducible engineering drawings for the municipal public road and/or sanitary sewer signed by a professional engineer; and
  - b) the results of all required test reports; and
  - c) all operating and procedural manuals for sanitary sewer; and

- d) the warranty deeds for municipal public roads, rights-of-way and easements associated with sanitary sewer.

## **PART 11 - PERFORMANCE BOND**

- 11.01 Where Section 10.02 applies, the subdivider shall post a performance bond or certified cheque in the amount of one hundred and twenty-five (125) percent of the total estimated cost of constructing a municipal public road and/or installing a sanitary sewer.
- 11.02 The performance bond or certified cheque shall be posted prior to the endorsement of approval of the final plan of subdivision.
- 11.03
  - a) The subdivider shall submit to the Council for approval an estimate of the cost of constructing a municipal public road and/or installing a sanitary sewer.
  - b) The Council, on the advice of the municipal engineer, may revise the estimate if the estimate is, in the opinion of the municipal engineer, inadequate and shall advise the subdivider of the effect upon the amount of the performance bond or certified cheque.
  - c) The subdivider may require Council to submit the revised estimate to arbitration in accordance with the provisions of the Arbitration Act.
- 11.04 The performance bond or certified cheque shall be in favour of the Municipality, duly executed by the subdivider and by an approved guarantor company, conditioned on the execution and completion of the agreement in accordance with the terms of the agreement, and with the provisions of this By-law and shall not be subject to cancellation, termination or expiration during the period of time required for the completion of the work.
- 11.05 Construction of a municipal public road and/or the installation of a sanitary sewer shall commence within twelve (12) months of the date of the endorsement of approval of the final plan of subdivision by the Development Officer, and shall be complete in accordance with the agreement of Section of 10.02 or the performance bond or certified cheque shall be forfeited.

## **PART 12 - MAINTENANCE BOND**

- 12.01 After completion of a municipal public road and/or sanitary sewer prior to acceptance by the Municipality the subdivider shall post a maintenance bond in the amount of ten (10) percent of the actual cost of constructing a municipal public road and/or installing a sanitary sewer to safeguard such road and sewer for a period of two (2) years.

## **PART 13 - MUNICIPAL PUBLIC ROAD SPECIFICATIONS**

### **Design**

- 13.01 Municipal public roads shall be designed in accordance with **Specifications for Subdivision Roads in Urban and Rural Areas** prepared by the Department of Transportation.
- 13.02 Notwithstanding Section 13.01, where Council accepts road construction to a reduced standard under Section 13.04, Council may, upon the recommendation of the municipal engineer, accept a right-of-way width of less than 66 feet provided:

- a) that the accepted right-of-way is part of the municipal “Beach Access Project”, which has received prior approval by council and is listed in Schedule “G”;
- B) that the right-of-way width is sufficient to contain street slopes, ditches and back slopes; and
- b) that the Roadway width is not less than 20 feet.

### **Construction**

- 13.03 Municipal public roads shall be constructed in accordance with **Specifications for Subdivision Roads in Urban and Rural Areas** published by the Department of Transportation.
- 13.04 Notwithstanding Section 13.03, but in keeping with the restrictions in 13.02, the minimum construction standard for a Municipal public road may be waived provided the road meets the following criteria:
  - a) a design speed of 40 km/hr.;
  - b) a two-lane, two-way Roadway not less than 20 feet in width;
  - c) street drainage is constructed in accordance with the road design under Section 13.02 (b);
  - d) clearing, grubbing, construction procedure, inspection procedures and construction materials shall be in accordance with **Specifications for Subdivision Roads in Urban and Rural Areas** published by the Department of Transportation.

## **PART 14 - PRIVATE ROAD SPECIFICATIONS**

### **Construction**

- 14.01 The Roadway width for the private road shall not be less than 20 feet.
- 14.02 The construction of the private road shall meet the following criteria:
  - a) a design speed of 40 km/hr.,
  - b) a two-lane, two-way Roadway not less than 20 feet in width.
- 14.03 The centre line of the private road shall be concentric with the centre line of the right-of-way.
- 14.04 The Roadway shall be cleared and grubbed. Cuttings, roots, stumps, moss and all other vegetation resulting from the clearing and grubbing operations shall be removed from the Roadway and shall not be used in Roadway fills.

## **PART 15 - SANITARY SEWER SPECIFICATIONS**

### **Design**

- 15.01 Sanitary sewer shall be designed in accordance with the **Nova Scotia Standards and Guidelines Manual for Collection, Treatment and Disposal of Sanitary Sewage** by the Nova Scotia Department of the Environment, 1992 edition, as may be amended.

### **Specifications**

- 15.02 Sanitary sewer shall be installed in accordance with the latest edition of the **Standard Specifications for Municipal Services** as developed and published by the NSRBA and



NSCEA Joint Committee on Contract Documents.

15.03 Sanitary sewer shall connect directly into the municipal sewer

**THIS IS TO CERTIFY** that the forgoing is a true and correct copy of the Subdivision By-Law adopted and in full force in the Municipality of the District of Clare.

DATED at Little Brook, Nova Scotia this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Stéphane Cyr,  
Chief Administrative Officer

<b>Chief Administrative Officer’s Annotation for Official By-Law Book</b>	
Date of First Reading	
Date of First Publication	
Date of Hearing of Public Objections	
Date of Second Reading and Enactment	
Date of Final Publication Following Second Reading	
Date Sent to Nova Scotia Department of Municipal Affairs	

# SCHEDULE "A" - APPLICATION FOR APPROVAL OF A PLAN OR INSTRUMENT OF SUBDIVISION

<b>FOR OFFICE USE ONLY</b> File No: _____	Municipality of Clare 1185 Highway 1, Little Brook, NS, B0W 1Z0 Phone: (902) 769-2031, Fax: (902) 769-3773																																								
<b>OWNER RELATED INFORMATION</b> NAME OF LAND OWNER(S) _____ ADDRESS OF LAND OWNER(S) _____ POSTAL CODE _____ PHONE _____ SUBDIVISION NAME (IF DIFFERENT FROM OWNER) _____ DOCUMENTS TO BE RETURNED TO _____ CORRESPONDENCE TO BE DIRECTED TO _____																																									
<b>LAND TO BE SUBDIVIDED</b> LOCATION _____ MUNICIPALITY _____ PARCEL IDENTIFIER _____ TYPE OF APPLICATION <input type="checkbox"/> Preliminary (Optional) <input type="checkbox"/> Tentative (Optional) <input type="checkbox"/> Final <input type="checkbox"/> Instrument FEES ATTACHED <input type="checkbox"/> Yes <input type="checkbox"/> No APPROVAL REQUESTED FOR LOT(S)# _____ IS THERE A REMAINDER LOT? <input type="checkbox"/> Yes <input type="checkbox"/> No TYPE OF DEVELOPMENT PROPOSED <input type="checkbox"/> Single unit dwelling <input type="checkbox"/> Other (specify) _____ (This applies to all proposed lots including remainder lots)																																									
<b>CERTIFICATION-ON-SITE SYSTEM NOT REQUIRED (unserved areas)</b> I certify that _____ is/are being created for a purpose that will not require the installation of an on-site <small>(Lot(s) being approved and/or remainder lot) (Specify purpose)</small> sewage disposal system. SIGNATURE _____																																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">WATER SERVICES</th> <th style="text-align: center;">Existing</th> <th style="text-align: center;">Proposed</th> </tr> </thead> <tbody> <tr> <td>MUNICIPAL SYSTEM</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>DRILLED WELL</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>DUG WELL</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>OTHER (SPECIFY) _____</td> <td></td> <td></td> </tr> </tbody> </table>	WATER SERVICES	Existing	Proposed	MUNICIPAL SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>	DRILLED WELL	<input type="checkbox"/>	<input type="checkbox"/>	DUG WELL	<input type="checkbox"/>	<input type="checkbox"/>	OTHER (SPECIFY) _____			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">SEWER SERVICES</th> <th style="text-align: center;">Existing</th> <th style="text-align: center;">Proposed</th> </tr> </thead> <tbody> <tr> <td>MUNICIPAL SYSTEM</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>ON-SITE</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>	SEWER SERVICES	Existing	Proposed	MUNICIPAL SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>	ON-SITE	<input type="checkbox"/>	<input type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">ACCESS</th> <th style="text-align: center;">Existing</th> <th style="text-align: center;">Proposed</th> </tr> </thead> <tbody> <tr> <td>MUNICIPAL PUBLIC STREET</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>PROVINCIAL PUBLIC STREET</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>PRIVATE ROAD</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>OTHER (SPECIFY) _____</td> <td></td> <td></td> </tr> </tbody> </table>	ACCESS	Existing	Proposed	MUNICIPAL PUBLIC STREET	<input type="checkbox"/>	<input type="checkbox"/>	PROVINCIAL PUBLIC STREET	<input type="checkbox"/>	<input type="checkbox"/>	PRIVATE ROAD	<input type="checkbox"/>	<input type="checkbox"/>	OTHER (SPECIFY) _____		
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I certify that I am the owner or am acting with the owner's written consent (pertains only to final and instrument applications). SIGNATURE OF APPLICANT _____ DATE _____																																									

**SCHEDULE “B” – NOTICE OF APPROVAL**

**IN ACCORDANCE WITH SUBSECTIONS 110(4) AND 110(5) OF THE PLANNING ACT**

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

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

Location \_\_\_\_\_

Date of Approval \_\_\_\_\_ For Lots \_\_\_\_\_

Surveyor \_\_\_\_\_ Date of Plan \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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

Plan of Subdivision filed in the registry of deeds as Plan # \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_  
(Date) (Year)

(This is taken from the Digby Document)

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

**1. The lots’ eligibility for on-site sewage disposal systems.**

**2. The availability of public sewer and water systems.**

**3. Information indicating whether or not the lots abut a public street or private road.**

**SCHEDULE "C" – APPLICATION FOR INSTRUMENT OF SUBDIVISION**

**AN INSTRUMENT RESPECTING THE SUBDIVISION OF LAND IN ACCORDANCE WITH SECTION 269 OF THE *MUNICIPAL GOVERNMENT ACT* FOR THE MUNICIPALITY OF THE \_\_\_\_\_ OF \_\_\_\_\_ LANDS OF \_\_\_\_\_**

<p>SCALE:</p>  <p>I certify that the above graphic representation accurately represents my property</p> <p>_____</p> <p>_____</p> <p>Owner(s') Signature(s)</p>	<p>LOCATION MAP</p>
	<p>TITLE BLOCK INSTRUMENT OF SUBDIVISION Lands of:</p>

**SCHEDULE “D” – REQUEST FOR REPEAL OF SUBDIVISION**

**Plan of Subdivision**  **or** **Instrument 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 SUBDIVISION SOUGHT TO BE REPEALED**

Name of Applicant for Subdivision approval \_\_\_\_\_

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

The subdivision was approved on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_(year), and is filed at the Registry of Deeds at \_\_\_\_\_ in the Municipality of \_\_\_\_\_, in the County of \_\_\_\_\_ as # \_\_\_\_\_

Lot(s) # \_\_\_\_\_ was/were approved and repeal is sought for approval of lot(s) # \_\_\_\_\_.

Registration Fee Submitted.

**CERTIFICATION OF FACTS**

(Reasons for Repeal)

(If more space is 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

**SCHEDULE “E” – REPEAL OF SUBDIVISION**

**Plan of Subdivision**       **or**      **Instrument of Subdivision**

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

\_\_\_\_\_

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

\_\_\_\_\_

Location \_\_\_\_\_

\_\_\_\_\_

Date of Approval of Subdivision \_\_\_\_\_

Being Registration # \_\_\_\_\_ at the registry of deeds.

**THIS SUBDIVISION IS REPEALED**

Entire Plan or Instrument       **or**      Only Lot(s) # \_\_\_\_\_

Dated at \_\_\_\_\_ in the \_\_\_\_\_

Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_

Development Officer

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

**SCHEDULE “F” – STOPPING DISTANCES**

**Amended  
July 27/04**

STOPPING SIGHT DISTANCES								
LOT NO.	SPEED ZONE	DISTANCE FROM LOT CORNER LEFT/RIGHT	LEFT		RIGHT		PASS OR FAIL*	COMMENT
			GRADE	DISTANCE	GRADE	DISTANCE		

**\*According to the Government of Nova Scotia Management Manual 23, Department of Transportation and Public Works Management, Chapter 8, Construction and Maintenance.**

**Signed:** \_\_\_\_\_  
**Nova Scotia Land Surveyor**



**SCHEDULE “G” – BEACH ACCESS PROJECT**

<b>PID</b>	<b>OWNER</b>	<b>CIVIC LOCATION</b>
30072227	Night and Day Fisheries Ltd. (Boundary Line Agreement)	46 Meteghan Shore Road
30060073	Nandana Prasad	Highway 1, Meteghan River
30059984	Edward J. Mccarty	Highway 1, Meteghan River
30059992	Edward J. Mccarty	Highway 1, Meteghan River
30205306	Ralph J Comeau Christopher J Comeau	10443 Highway 1, Saulnierville
30045157	Ralph J Comeau Christopher J Comeau	10443 Highway 1, Saulnierville
30279889	Rene Robicheau	10443 Highway 1, Saulnierville
30045173	Theodore J Murphy	10443 Highway 1, Saulnierville
30040216	Municipality of The District of Clare	Bourneuf Wharf Road, Grosses Coques
30084941	Edmond J Thibodeau Annette Thibodeau	Shore Lane
30084933	Michel R Comeau Elaine Saulnier Comeau	Shore Lane
30084909	Michelle Baker Andrew Murphy Philip Murphy Katherine Dawson	Shore Lane
30355556	Michelle Baker Andrew Murphy Philip Murphy Katherine Dawson	Shore Lane
30084867	Municipality of The District of Clare	Shore Lane
30343545	Municipality of The District of Clare	Shore Lane
30071112	Daniel & Dianne Pothier	Cannings Lane
30071146	Eileen Mary-Ann Boudreau Omer Alphonse Boudreau	Cannings Lane
30071153	Lois Rose Marie Pothier Lois Rose Marie Saulnier	Cannings Lane
30071104	Omer Alphonse Boudreau Eileen Mary-Ann Boudreau	Cannings Lane
30091193	Judith Ann Miller (Et Al)	Bear Cove Road, St. Alphonse
30001812	Gary R. Theriault	No 1 Highway, Belliveau Cove
30001796	Gary R. Theriault	No 1 Highway, Belliveau Cove
30200836	Municipality of The District of Clare	No 1 Highway, Belliveau Cove
30206973	Owner Unknown	10443 Highway 1, Saulnierville
30045165	Patricia M Comeau Maurice Leblanc Noel Despres	10443 Highway 1, Saulnierville
30208094	Municipality of The District of Clare	Placide Comeau Road, Meteghan River
30059406	Clara Ann Comeau Paul Joseph Comeau	Placide Comeau Road, Meteghan River
30059323	Francine Sullivan	Placide Comeau Road, Meteghan River

30059299	Gerald & Aurore Comeau	Placide Comeau Road, Meteghan River
30059315	Gerald J. Comeau Aurore R. Comeau	Placide Comeau Road, Meteghan River
30059331	James A Derbyshire Christopher Michaud	Placide Comeau Road, Meteghan River
30059455	Rita Saulnier Cecile Saulnier	Placide Comeau Road, Meteghan River
30040802	Ernest & Brenda Trahan	2655 Highway 1, Grosses Coques



## APPENDIX “A” – K ROADS

<b>ROAD NAME</b>	<b>ID NUMBER</b>	<b>YEAR</b>
BEAR COVE ROAD (Schoolhouse Branch)	DI 0580-002	1993
BONNENFANT ROAD	DI 0524-003	1993
BURRIDGE ROAD	DI 0601-006	1993
C.F. COMEAU ROAD	DI 0573-002	1993
CEDARWOOD LAKE ROAD	DI 0619-002	1993
COUTTREAU ROAD	DI 0532-002	1993
DEVEAU ROAD	DI 0600-005	1993
DEVEAU SHORE ROAD	DI 0583-002	1993
DUFFY ROAD	DI 0547-001	1993
DUFFY ROAD	DI 0547-003	2013
DUGAS ROAD	DI 0518-001	2013
DUGAS ROAD	DI 0518-003	1993
EAST CONCESSION ROAD	DI 0575-000	1993
EUSTACE COMEAU ROAD	DI 0549-004	1993
FELIX ROAD	DI 0589-002	1993
FOREMAN GAUDET ROAD	DI 0774-002	2013
FRANK COMEAU ROAD	DI 0570-002	1993
GREEN ROAD (Green Valley Loop)	DI 0668-004	1993
GRIFFITH'S ROAD	DI 0608-003	1993
GROSSES COQUES ROAD	DI 0521-003	1993
HASSETT ROAD	DI 0661-005	1993
ISADORE THIBEAU ROAD	DI 0523-001	2013
ISADORE THIBEAU ROAD	DI 0523-006	1993
JOHN COMEAU ROAD	DI 0550-002	1993
JOHN THIBODEAU ROAD	DI 0560-001	1993
JOHN THIBODEAU ROAD	DI 0560-004	1993
JOHN THIBODEAU ROAD	DI 0560-006	1993
JOPPA ROAD	DI 0561-002	1993
JOVITE ROAD	DI 0546-003	1993
MAJOR ROAD	DI 0515-003	1993
MAJOR ROAD	DI 0515-005	2013
MARK MELANSON ROAD	DI 0534-002	1993
MAXWELLTON ROAD	DI 0558-003	1993
MICHAEL ROAD	DI 0559-004	1993
PETER LEBLANC ROAD	DI 0564-002	1993
PLACIDE COMEAU ROAD	DI 0551-003	1993
PORTER ROAD	DI 0768-002	2013
REUBEN PERRY ROAD	DI 0595-001	1993
REUBEN PERRY ROAD	DI 0595-002	1993
S.F. COMEAU ROAD	DI 0531-003	1993
SCHOOLHOUSE ROAD	DI 0522-002	1993
SEARS MULLEN ROAD	DI 0615-002	1993
SECOND DIVISION ROAD	DI 0535-001	1993

Appendix "A" – K Roads Cont.

<b>ROAD NAME</b>	<b>ID NUMBER</b>	<b>YEAR</b>
THERIAULT SHORE ROAD	DI 0538-000	1993
THIBAULT ROAD	DI 0579-002	1993
THIMOT ROAD	DI 0539-001	1993
WALLACE DUGAS ROAD	DI 0516-002	1993
WILL MULLEN ROAD	DI 0614-005	1993