



201 (| Municipality of Cumberland
Subdivision Regulations

THE MUNICIPALITY OF THE COUNTY OF CUMBERLAND

SUBDIVISION REGULATIONS



Consolidated copy with all amendments in effect to >i bY+, 20%* .

For accurate reference, recourse must be made to original documents.

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**THE MUNICIPALITY OF THE COUNTY OF
CUMBERLAND BY-LAW 08-03**

SUBDIVISION



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1 TITLE

This By-Law may be cited as the Subdivision By-Law.

2 INTERPRETATION

2.1 In this By-Law,

- (a) “Act” means the Municipal Government Act;
- (b) “area of land” means any existing lot or parcel as described by its boundaries, except in Section 3.5;
- (c) “engineer” means the engineer of the municipality and includes a person acting under the supervision and direction of the engineer;
- (d) “lot” means any parcel to be created by the filing of a plan of subdivision or the registering of an instrument of subdivision;
- (e) "municipal public street" means any street or road owned and maintained by a municipality;
- (f) “municipality” means the Municipality of the County of Cumberland
- (g) “private road” means any road which
 - (i) is not public, 
 - (ii) is shown on an approved plan of subdivision,
 - (iii) extends to and has access to a public street, and
 - (iv) where not totally located within the land owned by the subdivider, has an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the registry of deeds except where a private road crosses an unmaintained public road in which case a permit to cross, obtained from the Department of Transportation and Infrastructure Renewal, shall be acceptable,and includes any private road
 - (v) approved by the Department of Transportation and Infrastructure Renewal, and

- (vi) shown on a plan of subdivision approved prior to the first day of August, 1987 and filed in the registry of deeds;
- (h) “proposed lot” means any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot;
- (i) “Province” means Her Majesty the Queen in right of the Province of Nova Scotia;
- (j) "Provincial public street" means any street or road owned and maintained by the Department of Transportation and Infrastructure Renewal excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act;
- (k) “serviced area” means a lot with access to a public sewer or public water system, including a privately owned system serving more than one building or development on more than one lot;
- (l) “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;
- (m) “Schedule “B” road” means a road approved by a district, county or regional municipality for indexing in a schedule of its subdivision By-Law for the purpose of allowing subdivision on that road and includes any road which had been indexed in Schedule "B" of previous provincial subdivision regulations or municipal By-Law and listed in Schedule "B" of this By-Law;
- (n) “subdivider” means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent;
- (o) “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;
- (p) “watercourse” means any lake, river, stream, ocean or other body of water.

3 LOT REQUIREMENTS

3.1 Road Frontage

3.1.1 All lots shall abut and have access to

- (a) a public street;
- (b) a private road; or
- (c) a Schedule "B" road.

3.2 Land Use By-Law

3.2.1 All lots shall meet the applicable requirements contained in the Land Use By-Law; and

- (a) Sections 3.1.1(a) and 3.1.1(b), and Sections 3.2.1(c), 3.3.2, 3.3, 3.5, 3.6, and 3.7 are inoperative and do not apply unless the Land Use By-Law permits development on any lot created pursuant to these Sections and the Municipal Planning Strategy provides for both the subdivision and development of such lots.
- (b) Lots shall not be subdivided to create a width or depth of less than 6 metres.

3.2.2 (a) Notwithstanding the lot area and frontage requirements of Section 3.2.1, the development officer may approve a maximum of two lots, shown on a plan or instrument of subdivision, in accordance with Section 279 of the Act provided all other requirements of this By-Law are met.

- (b) Section 3.2.2(a) does not apply if the area requirements established by the Department of the Environment in the *On-site Sewage Disposal Systems Regulations* are not met.

3.3 Islands

3.3.1 For the purposes of this Section, "water frontage" means the distance measured as a straight line between the two points where the side lot lines meet a watercourse.

3.3.2 Notwithstanding Section 3.1 and the lot frontage requirements of Section 3.2.1, the development officer may approve a subdivision on an island which does not contain a public street or private road provided each lot has water frontage of 6 metres or more.

3.4 Boundary Alterations

3.4.1 Notwithstanding Section 3.1 and the lot area and frontage requirements of Section 3.2.1, the development officer may approve a subdivision altering the boundaries of two or more areas of land where

- (a) no additional lots are created;
- (b) each resulting lot
 - (i) meets the minimum dimension for lot frontage of the Land Use By-Law, or
 - (ii) has not had its frontage, if any, reduced; and
- (c) each resulting lot
 - (i) meets the minimum requirement for lot area of the Land Use By-Law, or
 - (ii) has not had its area reduced.

3.4.2 Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to Section 3.4.1 shall

- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line;
- (b) notwithstanding Section 14.2(b), other than the new boundaries which have been surveyed pursuant to 3.4.2(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 *Land Surveyors Act* and its regulations:

"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."

3.5 Access Exemption

3.5.1 For purposes of this Section, "area of land" means any lot or parcel as described by its boundaries as they existed on August 1, 1987 notwithstanding that the area of land has been subdivided subsequent to that date.

3.5.2 One lot that does not meet Section 3.1 and the lot frontage requirements of Section 3.2.1 may be created within an area of land, provided no such lot has been approved within the area of land since August 1, 1987.

3.5.3 Notwithstanding the limitation to one lot contained in Section 3.5.2, two lots may be created, including any remainder lot, where

- (a) the area of land does not abut a public street, a private road, or a Schedule "B" road; or
- (b) the area of land has less than 6 metres of frontage on a public street, a private road, or a Schedule "B" road.

3.6 Encroachments

3.6.1 Notwithstanding the lot area and frontage requirements of Section 3.2.1, where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land, the development officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.

3.6.2 Where a lot created pursuant to Section 3.6.1 is not surveyed, the provisions of Section 3.4.2 shall apply.

3.7 More than One Main Building

3.7.1 For the purposes of Section 3.7.2, "main building" is a building which is not an accessory building to another building on the area of land.

3.7.2 Notwithstanding the lot area and frontage requirements of Section 3.2.1, where an area of land contains more than one main building built or placed on the land prior to August 6, 1984, the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of the Environment.

4 MUNICIPAL PUBLIC STREETS

4.1 Approval of a Public Street

4.1.1 A Municipal Public Street shall be approved as a separate lot shown on a Final Plan of Subdivision and is deemed to meet minimum lot area and lot frontage requirements of Sections 3.2.2 and 3.3.1.

4.2 Servicing Agreement

4.2.1 Where a Municipal Public Street is proposed to be constructed, either before approval of the Final Plan of Subdivision is granted or after approval of the Final Plan of Subdivision is granted, the subdivider shall enter into a servicing agreement, as per Section 7 of this By-Law, with the Municipality.

4.3 Public Road Requirements

4.3.1 All proposed Municipal Public Streets shall:

- (a) be approved only as a separate lot and shown on a Final Plan of Subdivision;
- (b) be designed in accordance with the *Municipal Public Road Policy*;
- (c) be constructed in accordance with the *Municipal Public Road Policy*;
- (d) be certified in accordance with the *Municipal Public Road Policy*.

4.3.2 The minimum width of the right-of-way of a proposed Municipal Public Street shown on a Plan of Subdivision shall be in accordance with the *Municipal Public Road Policy*.

4.4 Frontage and Ownership of Public Streets

4.4.1 A proposed lot which abuts a public street shall have adequate stopping site distance approved by the authority having jurisdiction for the public street which will be accessed.

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

5 PRIVATE ROADS

5.1 Private Road Requirements

A proposed Private Road shall be:

- (a) approved as a separate lot on a Final Plan of Subdivision and is deemed to meet minimum lot area and lot frontage requirements of Section 3.2.1.
 - (b) designed in accordance with the “*Road and Street Standards Manual, Municipality of the County of Cumberland*”;
 - (c) constructed in accordance with the “*Road and Street Standards Manual, Municipality of the County of Cumberland*”;
 - (d) constructed prior to approval of the final plan of subdivision being granted by the Development Officer; and
 - (e) certified by a professional engineer that the proposed Private Road is constructed in accordance with the approved design. Such certification to be in the form and to meet the requirements of the “*Road and Street Standards Manual, Municipality of the County of Cumberland*”.
- 5.1.2** The minimum width of the right-of-way of a proposed Private Road shown on a Plan or Instrument of Subdivision shall be in accordance with the “*Road and Street Standards Manual, Municipality of the County of Cumberland*”.
- 5.1.3** Were a proposed Private Road intersects a municipal public street or a provincial public street, that intersection shall be approved by the authority having jurisdiction over the public street or highway.
- 5.1.4** No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of Section 3.2.1.

6 SANITARY SEWERAGE AND WATER DISTRIBUTION SYSTEMS

6.1 Construction of Sanitary Sewer System Required

6.1.1 Within a Serviced Area and where the proposed lots are adjacent to any area of land serviced by a municipally owned sanitary sewer system, no Final Plan of Subdivision shall be approved by the Development Officer, except where the subdivider constructs or proposes to construct a sanitary sewer system to connect to the municipal system;

6.2 Construction of Water System Required

6.2.1 Within a Serviced Area and where the proposed lots are adjacent to any area of land serviced by a municipally owned water system, no Final Plan of Subdivision shall be approved by the Development Officer, except where the subdivider constructs or proposes to construct a water system to connect to the municipal system.

6.1 Sewer / Water System Requirements

6.1.1 All proposed sanitary sewer and/or water distribution systems shall:

- (a) receive approval to construct the proposed system from the Department of Environment;
- (b) be designed in accordance with or exceeding the “*Standard Specification for Municipal Services*” as developed by the Nova Scotia Road Builders Association.
- (c) be constructed in accordance with or exceeding the “*Standard Specification for Municipal Services*” as developed by the Nova Scotia Road Builders Association.
- (d) be certified by a professional engineer that the proposed system is constructed in accordance with the design as approved by the Department of Environment.

6.3.2 The specification standard referred to in Section 6.1.1 (b) & (c) may be varied in accordance with accepted engineering practice, subject to the approval of the Municipal Engineer.

6.4 Servicing Agreement for Construction of Sewer/ Water System

6.4.1 Where a subdivider proposes to construct a sanitary sewer system and /or water distribution system, whether before or after approval of the Final Plan of subdivision is granted the subdivider shall enter into a servicing agreement, as per Section 7 of this By-Law, with the Municipality.

7 SERVICING AGREEMENTS

7.1 Requirements of Servicing Agreements

7.1.1 Servicing Agreements entered into with one or more Municipalities in accordance with the provisions of Sections 4 and/or Section 6 of this By-Law may include, but not be limited to, any or all of the following terms and conditions:

- (a) the timing in which any water distribution system, sanitary sewer system, municipal street, storm sewer or drainage system shall be commenced and completed;
- (b) the phasing of any water distribution system, sanitary sewer system, municipal street, storm sewer or drainage system;
- (c) the terms, conditions and/or requirements concerning performance sureties for any proposed water distribution system, sanitary sewer system, municipal street, storm sewer system or drainage system as set out in Section 8 of this By-law;
- (d) the terms, conditions and/or requirements concerning the acceptance of any water distribution system, sanitary sewer system, municipal street, storm sewer system or drainage system by the Municipality/Municipalities, as set out in Section 9 of this By-Law;
- (e) the provision and acceptance of easements and right-of-ways for services; and
- (f) any other matter related to the requirements of this By-Law and an applicable Municipal Planning Strategy and Land Use By-Law relative to the subdivision and servicing of land.

8 PERFORMANCE SURETIES

- 8.1** Where a subdivider proposes to construct any municipal street and drainage system, sanitary sewerage system, or water distribution system after approval of the Final Plan of Subdivision is granted, the subdivider shall post a performance surety in the amount of one hundred twenty five per cent (125 %) of the total estimated cost of constructing such a street or service system.
- 8.2** The subdivider shall submit to the Development Officer for approval an estimate of the costs of constructing the proposed municipal street or service system and the Development Officer may revise the estimate if the estimate is, in the opinion of the Municipal Engineer, inadequate.
- 8.3** The subdivider may require the Municipality to submit the revised estimate to arbitration in accordance with the provisions of the Arbitration Act, Statutes of Nova Scotia.
- 8.4** The performance surety shall be in the favour of the Municipality and may be in the form of cash, certified cheque or letter of credit or performance bond issued by a surety or guarantee company licensed by the Province of Nova Scotia and 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 for completion of the work.

9 ACCEPTANCE REQUIREMENTS

9.1 Following completion of any required service systems or municipal street and before the acceptance any municipal street or service system by the Municipality, the subdivider shall:

- (a) post a maintenance surety in the amount of ten per-cent (10%) of the actual cost of construction of the municipal street or service system to ensure the proper operation of the municipal street or service system for a period of twelve (12) months;
- (b) provide record drawings in a reproducible form, including both electronic and hard copy formats for each municipal street or service system including, where applicable, mains and service laterals drawn to the required scale, and certified by a professional engineer;
- (c) provide all operating and procedures manuals for each service system;
- (d) provide the results of all tests required to show proof that the service system has been constructed and is operating according to the standards of the system design;
- (e) provide all easements and right-of ways for service systems; and
- (f) convey each municipal street or service system free from all encumbrances;
- (g) comply with any other requirements defined in an applicable servicing agreement entered into with the Municipality, pursuant to Section 7 of this By-Law.

10 PRELIMINARY PLAN REQUIREMENTS

- 10.1** A person 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
- (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 railways and railway rights-of-way;
 - (j) the location of existing and proposed public streets, private roads, and Schedule "B" roads;
 - (k) the name of existing and proposed public streets (and the public street number), private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
 - (l) the graphic representation of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
 - (m) the location of existing buildings within 10 metres of a property line;

- (n) the general location of watercourses and wetlands;
- (o) the north point;
- (p) the scale; and
- (q) any other information necessary to determine whether this subdivision conforms to this subdivision By-Law.

10.2 For a proposed lot that that does not contain an on-site sewage disposal system, and 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 form specified by the Development Officer must be completed.

11 PRELIMINARY PLAN PROCEDURE

11.1 Application for an evaluation of a preliminary plan of subdivision shall be made to the development officer in the form specified by the development officer.

11.2 The development officer shall comply with the notification and approval provisions of the Act.

11.3 A copy of the preliminary plan of subdivision shall be forwarded to

- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot is specifically exempted from this requirement by those regulations.
- (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
- (c) in areas accessing a public street, the authority having jurisdiction for public streets;
- (d) any other agency of the Province or the municipality which the development officer deems necessary.

11.4 Any agency which has been forwarded a copy of the preliminary plan of subdivision pursuant to Section 11.3 shall forward a written report of their assessments or recommendations to the development officer.

11.5 The development officer shall inform the applicant in writing of the results of the evaluation of the preliminary plan of subdivision.

12 TENTATIVE PLAN REQUIREMENTS

12.1 A person 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 Section 12.2 of this By-Law.

- 12.2**
- (1) Tentative plans of subdivision submitted to the development officer shall be
 - (a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
 - (b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
 - (c) folded to approximately 20x30 cm with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.

12.3 Tentative plans of subdivision shall show the following

- (a) the words "PLAN OF SUBDIVISION" located in the title block;
- (b) the words "TENTATIVE PLAN" located above the title block;
- (c) a clear space for stamping with a minimum width of 10 centimetres and a minimum height of 18 centimetres;
- (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 or registration number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;
- (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 Parcel Identifier (PID) 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, a north point 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 areas of land being resubdivided, consolidated or both, shown as broken lines;
 - (n) the location of existing buildings within 10 metres of a property boundary;
 - (o) the location of existing and proposed public streets, private roads, and Schedule "B" roads;
 - (p) the name of existing and proposed public streets (and the public street number) private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
 - (q) the width and location of railroads and railway rights-of-way;
 - (r) the general location of watercourses, wetlands, or prominent rock formations;
 - (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 a central sewer and/or water system;
 - (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 the Development officer deems necessary to determine whether or not the plan of subdivision conforms to this By-Law.

12.4 For a proposed lot that that does not contain an on-site sewage disposal system, and 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 form specified by the Development Officer must be completed.

12.5 In addition to meeting the requirements of Sections 12.2, 12.3, or 12.4 where the proposed lots front on a proposed public street or proposed private road, a tentative plan of subdivision shall

- (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Land Surveyors Act* and its regulations;
- (b) except for private roads, be accompanied by four copies of a plan showing
 - (i) contours at 2 metre intervals, and drainage patterns,
 - (ii) the width and location of proposed public streets and their intersection with existing public streets, and
 - (iii) the location of existing and proposed central sewer and water systems and proposed connections thereto.

13 TENTATIVE PLAN PROCEDURE

13.1 Application for approval of a tentative plan of subdivision shall be made to the development officer in the form specified by the development officer.

13.2 The development officer shall comply with the notification and approval provisions of the Act.

13.3 A copy of the tentative plan of subdivision shall be forwarded to

- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot is specifically exempted from this requirement by those regulations.
- (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
- (c) in areas accessing a public street, the authority having jurisdiction for public streets

- (d) any other agency of the Province or the municipality which the development officer deems necessary.

13.4 Any agency which has been forwarded a copy of a tentative plan of subdivision pursuant to Section 13.3 shall forward a written report of their assessments or recommendations to the development officer.

13.5 Approval of a tentative plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Infrastructure Renewal or of any other agency of the Province or the municipality unless the tentative plan of subdivision is clearly contrary to a law of the Province, a regulation made pursuant to a law of the Province, or a By-Law of the Municipality.

13.6 Where the development officer refuses to approve a tentative plan of subdivision, the development officer shall inform the applicant of the reasons for the refusal in writing and advise the applicant of the appeal provisions of Section 284 of the Act.

13.7 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, including conditions, 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 registry of deeds as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the registry of deeds."

13.8 The development officer shall forward a copy of the approved tentative plan of subdivision to the applicant.

14 FINAL PLAN REQUIREMENTS

14.1 A subdivider proposing to subdivide an area of land shall submit eight (8) copies of the final plan of subdivision meeting the requirements of section 14.2 of this By-Law to the development officer for approval.

14.2 Final plans 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 Land Surveyor that the lots for which approval is requested and any proposed streets 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 Section 3.4.2 of this By-Law; and
- (c) folded to approximately 20x30 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.

14.2 Final plans of subdivision shall show the following:

- (a) the words "PLAN OF SUBDIVISION" located in the title block;
- (b) a clear space for stamping with a minimum width of 10 centimetres and a minimum height of 18 centimetres;
- (c) the name of the subdivision, if any, and the name of the owner of the area of land;
- (d) if applicable, the book and page number or registration number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;
- (e) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- (f) the civic number of main buildings on the area of land being subdivided;
- (g) the names of all owners or the Parcel Identifier (PID) of all properties abutting the proposed subdivision;
- (h) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land, a north point and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;

- (i) the shape, dimensions, and area of the proposed lots;
- (j) 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;
- (k) no duplication of lot identifiers;
- (l) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (m) the location of existing buildings within 10 metres of a property boundary;
- (n) the geographical and mathematical location of all buildings within 3 metres of a proposed boundary;
- (o) the location of existing and proposed public streets, private roads, and Schedule "B" roads;
- (p) the name of existing and proposed public streets (and the public street number), private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
- (q) the width and location of railroads and railway rights-of-way;
- (r) the general location of watercourses, wetlands, or prominent rock formations;
- (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 a central sewer and/or water system;
- (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 the Development Officer deems necessary to determine if the plan of subdivision conforms to this By-Law.

14.4 Where a final plan of subdivision is to be forwarded to the Department of Environment pursuant to *On-site Sewage Disposal Systems*

Regulations, all information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.

- 14.5** Unless they have already been submitted, final engineering design drawings for any services, including streets, to be conveyed to the municipality shall accompany the final plan of subdivision.
- 14.6** Where the proposed lots front on a proposed public street, a final plan of subdivision shall be accompanied by four copies of a plan showing
- (i) contours at 2 metre intervals, and drainage patterns,
 - (ii) the width and location of proposed public streets and their intersection with existing public streets, and
 - (iii) the location of existing and proposed central sewer and water systems and proposed connections thereto.

15 FINAL PLAN PROCEDURE

- 15.1** Application for approval of a final plan of subdivision shall be made to the development officer in the form specified by the development officer.
- 15.2** The development officer shall comply with the notification and approval provisions of the Act.
- 15.3** A copy of the final plan of subdivision shall be forwarded to
- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot is specifically exempted from this requirement by those regulations.
 - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
 - (c) in areas accessing a public street, the authority having jurisdiction for public streets; and
 - (d) any other agency of the Province or the municipality which the development officer deems necessary.
- 15.4** Any agency which has been forwarded a copy of the final plan of subdivision pursuant to Section 15.3 shall forward a written report of their assessments or recommendations to the development officer.
- 15.5** Approval Not Withheld

Approval of a final plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Infrastructure Renewal or of any other agency of the Province or the municipality unless the final plan of subdivision is clearly contrary to a law of the Province, a regulation made pursuant to a law of the Province, or a By-Law of the Municipality.

15.6 Submission Requirements

15.6.1 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 as set by the Municipality by policy

15.6.2 The fees referred to in Section 15.6(b) shall be paid to the Municipality at the time of application for approval of the plan of subdivision.

15.6.3 Where the development officer refuses to approve a final plan of subdivision, the development officer shall return the fees referred to in Section 15.6.1(a) to the subdivider.

15.7 Before approving a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships the development officer shall have received

- (a) the executed deeds suitable for registering to effect the addition or consolidation, together with any forms necessary for registration;
- (b) the fees for registering the deeds;
- (c) the affidavit of value including particulars of any exemption, pursuant to Part V of the Act; and
- (d) if applicable, the deed transfer tax.

15.8 The development officer shall forward an approved copy of the final plan of subdivision to the applicant.

15.9 Where the development officer refuses to approve a final plan of subdivision, the development officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to Section 15.3.

15.10 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 Act.

15.11 A final plan of subdivision showing lots to be approved under circumstances described in 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 registry of deeds.

15.12 The following information shall be stamped or written and completed by the development officer on any final plan of subdivision which is approved:

- (a) "This final plan of subdivision is approved for Lots _____";
- (b) where applicable,
 - (i) " _____ (is, are) suitable for the construction or
(lot(s) approved and/or remainder)
Installation of an on-site sewage disposal system for
_____ and any conditions which apply are contained in a
(proposed use)
report dated _____ and available from the Department of
Environment.";
 - (ii) "IMPORTANT NOTICE
_____ (has, have) been created for a
(lot(s) approved and/or remainder)
Purpose which does not require an on-site sewage disposal
system and will not be eligible for a permit to install a
system unless the requirements of the Department of
Environment are met."; or
 - (iii) " _____ (is, are) served by an existing on-site
(lot(s) approved and/or remainder)
system and should a replacement system become
necessary in future, approval of the replacement system
from the Department of Environment is required".
- (c) where applicable,
 - (i) a notation stating that access to the public street 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 streets;

- (ii) where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted; and
- (iii) a notation stating which lots abut a private road and that no provincial or municipal services shall be provided to these lots.

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

- (a) two (2) approved copies of the final plan of subdivision and a notice of approval in the form specified in Schedule "A" of this By-Law; and
- (b) if applicable, the items required by Section 15.7 of this By-Law.

16 INSTRUMENT OF SUBDIVISION REQUIREMENTS

16.1 A subdivider may subdivide an area of land by an instrument of subdivision where

- (a) each lot has a minimum area of 10,000 square metres and dimensions that would permit it to contain a circle of a diameter of 76 metres within its boundaries, or
- (b) an existing lot is being increased in size, and the lot being decreased in size, if any, meets the requirements of this By-Law.
- (c) no proposed lots are within a Serviced Area or adjacent to any area of land serviced by a municipally owned system.

16.2 All lots created by instrument of subdivision are required to be approved.

16.3 In addition to the application form required by Section 17.1 of this By-Law, 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 by the development officer.

16.4 The graphic representation of the subdivision shall show

- (a) the name of the subdivision, if any, and the name of the owner of the area of land;
- (b) if applicable, the book and page number, or registration number of the deed, to the area of land as recorded in the name of the owner in the registry of deeds;
- (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) the names of all owners or the Parcel Identifier (PID) of all properties abutting the proposed subdivision;
- (f) 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, a north point and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- (g) the shape, dimensions, and area of the proposed lots;

- (h) 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;
- (i) no duplication of lot identifiers;
- (j) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (k) the location of existing buildings within 10 metres of a property boundary;
- (l) the location of existing public streets, private roads, and Schedule "B" roads;
- (m) the name of existing public streets (and the public street number) private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
- (n) the width and location of railroads and railway rights-of-way;
- (o) the general location of watercourses, wetlands, or prominent rock formations;
- (p) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (q) where applicable, a notation stating the lots are serviced by a public sewer and/or water system;
- (r) the north point;
- (s) the date on which the instrument of subdivision was drawn and the date of any revisions;
- (t) the scale to which the instrument of subdivision is drawn; and
- (u) any other information necessary to determine whether or not the instrument of subdivision conforms to this By-Law.

16.5 Where an instrument of subdivision is to be forwarded to the Department of Environment pursuant to *On-site Sewage Disposal Systems Regulations*, all information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations* shall be submitted with the application.

16.6 The graphic representation of the subdivision must be prepared, stamped and signed by a member in good standing of the Association

of Nova Scotia Land Surveyors but is not certified in accordance with the *Land Surveyors Act*, R.S., c. 249, s. 1 and the Regulations made thereunder.

17 INSTRUMENT OF SUBDIVISION PROCEDURE

- 17.1** Application for approval of an instrument of subdivision shall be made to the development officer in the form specified by the development officer.
- 17.2** The development officer shall comply with the notification and approval provisions of the Act.
- 17.3** A copy of the instrument of subdivision shall be forwarded to
- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot is specifically exempted from this requirement by those regulations.
 - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
 - (c) the authority having jurisdiction for public streets; and
 - (d) any other agency of the Province or the municipality which the development officer deems necessary.
- 17.4** Any agency which has been forwarded a copy of the instrument of subdivision pursuant to Section 17.3 shall forward a written report of their assessments or recommendations to the development officer.
- 17.5** Approval of an 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 and Infrastructure Renewal or of any other agency of the Province or the municipality unless the instrument of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 17.6** At the time of application for approval of an instrument of subdivision, the subdivider shall submit to the development officer
- (a) the fees contained in the Costs and Fees Act, and its regulations, for registering an instrument of subdivision; and
 - (b) a processing fee as set by the Municipality by policy.

- 17.7** Where the development officer refuses to approve an instrument of subdivision, the development officer shall return the fees referred to in Section 17.6(a) to the subdivider.
- 17.8** Before approving an instrument of subdivision that adds or consolidates parcels or areas of land in different ownerships the development officer shall have received
- (a) the executed deeds suitable for registering to effect the addition or consolidation together with all forms required for registration;
 - (b) the fees for registering the deeds;
 - (c) the affidavit of value including particulars of any exemption, pursuant to Part V of the Act; and
 - (d) if applicable, the deed transfer tax.
- 17.9** The development officer shall forward an approved copy of the instrument of subdivision to the applicant.
- 17.10** Where the development officer refuses to approve an instrument of subdivision, the development officer shall give notice of the refusal to all agencies which were forwarded a instrument pursuant to Section 17.3.
- 17.11** Where the development officer refuses to approve an instrument 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 Act.
- 17.12** An instrument of subdivision showing lots to be approved under circumstances described in Section 287(3) of the Act by special note on the instrument 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.
- 17.13** The following information shall be stamped or written and completed by the development officer on any instrument of subdivision which is approved:
- a) where applicable

- (i) " _____ (is, are) suitable for the (lot(s) approved and/or remainder) construction or installation of an on-site sewage disposal system for _____ and any conditions which apply are (proposed use) contained in a report dated _____ and available from the Department of Environment.";
 - (ii) " IMPORTANT NOTICE _____ (has, have) been created (lot(s) approved and/or remainder) for a purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of Environment are met."; or
 - (iii) " _____ (is, are) served by an (lot(s) approved and/or remainder) existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of Environment is required."
- (b) where applicable,
- (i) a notation stating that access to the public street as shown has been approved for the lots created by this instrument of subdivision and any conditions which apply are listed on the instrument or are contained in a report dated _____, available from the authority having jurisdiction for public streets;
 - (ii) where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted; and
 - (iii) a notation stating which lots abut a private road and that no provincial or municipal services shall be provided to these lots.

17.14 Within seven days of approving the instrument, the development officer shall forward to the registry of deeds

- (a) one (1) approved copy of the instrument of subdivision; and
- (b) if applicable, the items required by Section 17.8 of this By-Law.

18 REPEAL OF A SUBDIVISION

- 18.1** 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.
- 18.2** Any person requesting a repeal shall submit to the development officer an application in the form specified by the development officer.
- 18.3** 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.
- 18.4** Notwithstanding Section 18.3, the notification and approval provisions of the Act do not apply to a repeal respecting a plan of subdivision or instrument of subdivision to consolidate two or more parcels for which no deed conveying any of the lots in question 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 conveying any of the lots in question exists.
- 18.5** 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.
- 18.6** 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 registry of deeds on the same day as the repeal is filed.
- 18.7** Sections 3 to 17 inclusive of this By-Law do not apply to the repeal of a plan or instrument of subdivision.
- 18.8** The development officer shall forward a repeal of subdivision form to the registry of deeds.
- 18.9** The development officer shall forward a copy of the repeal referred to in Section 18.8 to
- (a) the subdivider, and
 - (b) any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.

18.10 Submission Requirements

18.10.1 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 or instrument of subdivision; and
- (b) a processing fee as set by the Municipality by policy

18.10.2 Where the development officer refuses to repeal a subdivision, the development officer shall return the fees referred to in Section 18.10.1(a) to the subdivider.

18.11 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 18.9.

19 EFFECTIVE DATE, REPEAL

19.1 This Municipal Subdivision By-Law is effective on August 8, 2008.

19.2 On the effective date of this By-Law any previous Subdivision By-Laws of the Municipality are repealed.

SCHEDULE "A" NOTICE OF APPROVAL



The Municipality of the County of Cumberland
Upper Nappan
Cumberland County, Nova

**NOTIFICATION 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): _____
Subdivision Name: _____

Subdivision Number: _____
Location: _____
Surveyor: _____
Date of Plan: _____
Date of Approval: _____
For Lots: _____

Dated this ____ day of _____, _____
_____ Development Officer

Plan of Subdivision filed in the Registry of Deeds as Plan No. _____
Dated: _____

This plan of subdivision also contains 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 "B" LIST OF SCHEDULE "B" ROADS

1. Smith Point Road (also known as Craib Lands Road), Fox Harbour from the intersection with Fox Harbour Road, northward a total length of 1681 meters.
2. Maple Drive, Sutherland Lake, from the intersection with North End Road, northward a total length of 563 meters.
3. Old Farm Road, Greenhill from the end of the section owned and maintained by the Nova Scotia Department of Transportation and Infrastructure renewal southward to the intersection with Cove Road.
4. Cove Road, Greenhill from the intersection with Old Farm Road eastward a total length of 878 meters.

Municipality of the County of Cumberland

Subdivision Fees Policy

General

1. This policy is entitled “Subdivision Fees Policy”
2. The purposes of this Policy is to establish a policy for fees charged by the Municipality related to the application and approval of subdivisions.
3. Subdivision application fees shall be as follows
 - (a) Preliminary Plan of Subdivision application: No Charge
 - (b) Tentative Plan of Subdivision application: \$75.00
 - (c) Final Plan of Subdivision application: \$75.00
 - (d) Instrument of Subdivision application: \$75.00
 - (e) Repeal of Subdivision application: \$75.00
 - (f) Where a public or private road is to be approved on a Plan of Subdivision: \$200.00
4. Recreation Fee
In addition to the application fees listed in Section 3, a Recreation Fee in the amount of: \$100 per lot for which approval is being requested on a final plan of subdivision or Instrument of Subdivision. This fee to be used by the Municipality in the manner described in Section 273 (5) of the Municipal Government Act.
5. This policy shall be administered by the Development Officer.

Municipality of Cumberland Policy 00-01

Municipal Public Road Policy

1. PURPOSE

This policy is intended to set out the conditions and standards which must be met before the Municipality (Council) will accept ownership of any Municipal Public Road.

2. DESIGN AND CONSTRUCTION

2.1 Where a proposed Municipal Public Road intersects with a road owned by the province of Nova Scotia, the intersection must be approved by the Nova Scotia Department of Transportation and Public Works (NSDOT).

2.2 Where a proposed Municipal Public Road intersects with an existing Municipal Public Road, the intersection must be approved by the Municipality. The criteria used by the NSDOT when approving similar intersections will be used by the Municipality. Modifications made from time to time in the NSDOT policy will be used by the Municipality.

2.3 All Municipal Public Roads shall be designed and constructed to the requirements of NSDOT's "Specifications for Subdivision Roads in Urban and Rural Areas" as they may be varied from time to time, and to the "Standard Specification for Municipal Services, as published by the Nova Scotia Road Builders Association/Nova Scotia Consulting Engineers Association Joint Committee on Contract Documents.

2.4 Notwithstanding section 2.3 above, the right of way width for a new Municipal Road may be reduced from 66 feet to a width not less than 50 feet if approved by Council. Certification by a Professional Engineer that all components of the road, including the drainage system and backslopes have been designed and constructed within the lesser width right of way, will be required. This provision may only be applied if permitted by the Subdivision Bylaw.

3. APPROVAL AND ACCEPTANCE REQUIREMENTS

3.1 Prior to commencing construction the Developer must submit two copies of the proposed road design including plan and profile drawings indicating the following:

- a) existing and proposed profiles of road centerline,
 - b) proposed ditch profiles,
-

*Municipality of the County of Cumberland
Policy 00-01: Municipal Public Road*

- c) proposed grades (%),
 - d) horizontal and vertical curve data sufficient to ensure compliance with this policy, and
 - e) detail showing proposed road cross section elements; along with two copies of a boundary survey of the proposed right of way for the road.
 - 3.2 The Developer shall arrange for and pay all costs associated with testing of the road.
 - 3.3 The Developer shall provide the Municipality with written certification from a Professional Engineer that the road construction has been inspected at the below indicated intervals, and that it meets or exceeds the minimum standards referenced herein:
 - a) after clearing (pre-construction),
 - b) after grubbing (pre culvert and drains),
 - c) prior to any gravels being applied,
 - d) prior to paving (where applicable), and
 - e) upon project completion.
 - 3.4 Notification shall be given to the Municipality at least 24 hours in advance to gravels being applied and prior to paving, to allow the Municipality or its representative to carry out inspections.
 - 3.5 The Developer must supply certification from a Professional Engineer that all elements of the road have been constructed in accordance with the submitted (approved) plans and the specifications referenced herein.
 - 3.6 The Developer must supply the Municipality with written confirmation from the Nova Scotia Department of the Environment that all their requirements have been met.
 - 3.7 The Municipality will not consider accepting any road unless at least one residential or commercial development is in existence for each two hundred meters of road to be accepted.
 - 3.8 When the foregoing requirements have been met, the Developer may formally apply to the Municipality to accept the road. The application shall be accompanied by the following:
-

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Policy 00-01: Municipal Public Road

- a) 2 copies of the final plan for the road, as built,
- b) 2 additional copies of a complete survey of the road right of way,
- c) a warranty deed conveying all rights of way to the Municipality,
- d) a warranty and bond or irrevocable letter of credit in the amount of 110% of the construction cost of the road, to cover three years from the date of formal application, and
- e) the Developer's written undertaking to perform all required maintenance on the road for a period of one year following Municipal acceptance (this undertaking must also be covered by the bond or letter of credit submitted in support of the warranty).

4. PREVIOUSLY BUILT ROADS

- 4.1 In the case of roads which have been substantially constructed prior to the adoption of this policy, in anticipation of Provincial or Municipal takeover, the design, construction, survey, and deed provisions of this Policy must still be complied with, however the other approval, acceptance, warranty, and maintenance provisions may be varied by the Municipality if it appears (in the sole discretion of the Municipality) to be reasonable to do so.

AS AMENDED

Date: January 5, 2000 Section 4.1

Road and Street Standards Manual

Municipality of the County of Cumberland

PURSUANT TO THE SUBDIVISION BY-LAW



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1 TITLE

This policy may be cited as the *Road and Street Standards Manual*, Municipality of the County of Cumberland.

2 PURPOSE

This policy is intended to set out the conditions and standards which must be met before the Municipality will approve a Private Road. The Municipality assumes no liability or responsibility for Private Roads. The approval of Private Roads by the Municipality is to serve the following purposes:

- (a) To determine if lot access requirements are met for subdivision approval and other zoning requirements; and
- (b) To make as certain as possible that fire and other emergency equipment can service properties from the road.

3 INTERPRETATION

In this policy,

- (a) “Municipal engineer” means the engineer of the Municipality as appointed under section 39 of the Municipal Government Act and includes a person acting under the supervision and direction of the Municipal engineer;
- (b) “private road” means any road which
 - (i) is not public,
 - (ii) is shown on an approved plan of subdivision,
 - (iii) extends to and has access to a public street, and

and includes any private road

- (v) approved by the Department of Transportation and Infrastructure Renewal, and
- (vi) shown on a plan of subdivision approved prior to the first day of August, 1987 and filed in the registry of deeds;

- (c) "Provincial public street" means any street or road owned and maintained by the Department of Transportation and Infrastructure Renewal excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act;
- (d) "Schedule "B" road" means a road approved by the municipality for indexing in a schedule of its subdivision bylaw for the purpose of allowing subdivision on that road and includes any road which had been indexed in Schedule "B" of previous provincial subdivision regulations and listed in Schedule "B" of this Policy;

4 PRIVATE ROAD GENERAL REQUIREMENTS

All Private Roads shall:

- (a) be approved only as a separate lot on a plan of subdivision and are deemed to meet minimum lot area and lot frontage requirements of the Land Use By-Law;
- (b) be constructed prior to approval of the final plan of subdivision being granted by the Development Officer;
- (c) be constructed completely within the road parcel described in Section 4 (a); and
- (d) have names approved by the Municipality prior to approval.

5 INTERSECTIONS

- 5.1** Were a proposed Private Road intersects a municipal public street or a provincial public street, that intersection shall be approved by the authority having jurisdiction over the public street or highway.
- 5.2** There shall not be more than four public street or private road approaches, or any combination thereof, in an intersection.

6 MINIMUM LOT WIDTH FOR ROAD PARCEL

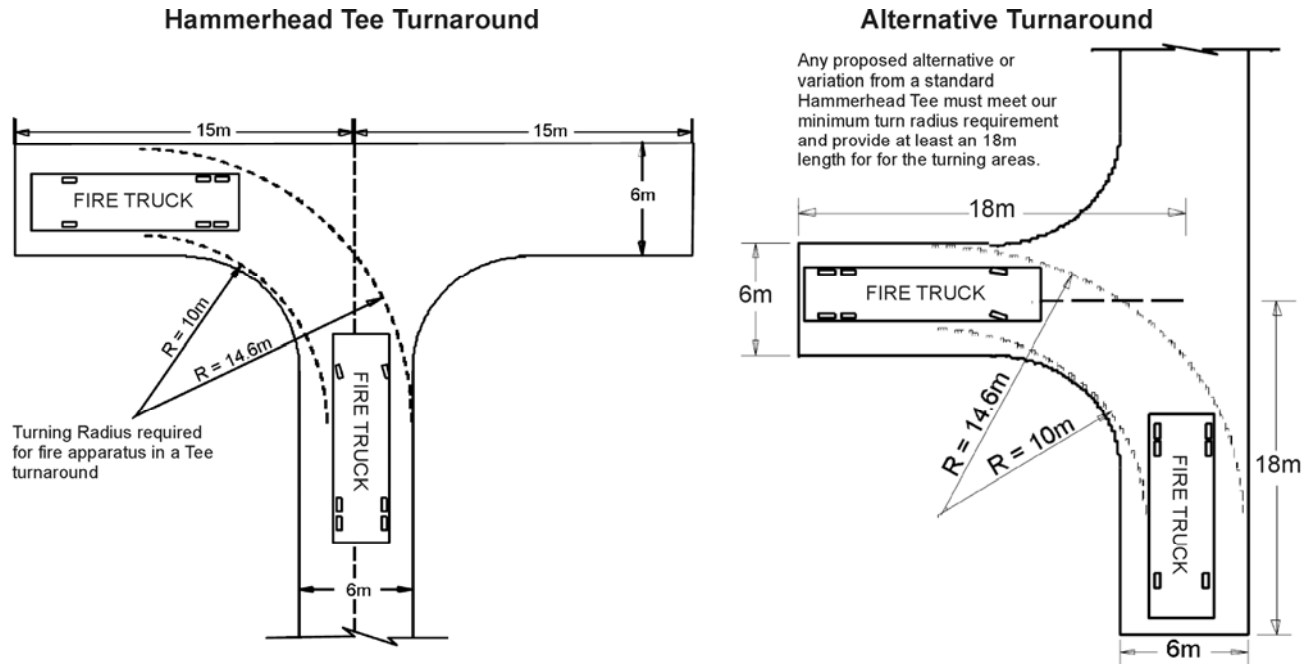
- 6.1** The minimum width of the road parcel for a proposed Private Road shown on a Plan of Subdivision shall be 20 meters (65.6 feet) over the entire length of the private road.
- 6.2** Notwithstanding Section 6.1, where the applicant is unable to maintain a 20 meter (65.6 feet) road parcel width over the entire length of the private road, the lot width may be reduced to 15 meters (49.2 feet) providing:
- (a) the reduction is necessary due to restrictions caused by property ownership, existing easements, built structures or physical site limitations that impact road construction; and
 - (b) reducing the width of the road parcel has no adverse affects on the safety, durability, drainage, erosion control, or the all-weather access aspects of the road.

7 CONSTRUCTION REQUIREMENTS

- 7.1** All Private Roads shall be constructed and approved in accordance with the requirements of Section 7.3.
- 7.2** Construction and approval requirements:
- (a) If the Private Road accesses another Private Road or Schedule “B” Road, the intersection must be designed for an average daily traffic volume of 200 vehicles.
 - (b) The minimum travel surface width of the Private Road as constructed shall be 6 meters (19.6 feet).
 - (c) The maximum permissible road grade shall be twelve percent (12%).
 - (d) All bridges must be certified as having been designed and constructed to Canadian Standards Association specifications “*S6 Design of Highway Bridges*”.
 - (e) The travel surface must have a base course of gravel, meeting NSTIR Type I gravel specifications, a minimum thickness of 150 mm (6 inches) overlying a sub base course of gravel, meeting NSTIR Type II gravel specifications, a minimum thickness of 250 mm (10 inches).

- (f) The road surface must have adequate crown or cross-slope of 2% to get water off the roadway.
- (g) Provision must be made for surface drainage of the private road through the use of culverts, ditches, and natural watercourses of appropriate capacity, and the subdivider shall be responsible for the effects of any downstream flow onto other properties.
- (h) The centerline radius of the road must not be less than 90 meters (295 feet); and
- (i) Overhead and side clearances as measured from the limit of the traveled surface must not be less than 5 meters (16.4 feet).
- (j) The road surface and bed must be capable of supporting the expected loads imposed by emergency and service vehicles.
- (k) Roots, stumps, moss, sod and all other organic or material prone to degradation must not be placed in roadway fills or allowed to remain under roadway fills.
- (l) Ditches must have a maximum road slope and back slope of 50 percent (50%); and
- (m) Culverts must be buried a minimum of 50 cm below the road surface, and be placed substantially at 90 degrees to the roadway centerline.
- (n) Where the length of the road is greater than 50 meters (164 feet), a cul-de-sac or other turnaround for emergency and service vehicles shall be provided, which meets the following requirements:
 - i) the maximum grade of turnaround areas is 3%;
 - ii) the minimum radius for cul-de-sac is 15 meters (49.2 feet);
 - iii) The minimum turn radius for a turnaround is 10 meters (32.8 feet);
 - iv) The minimum turning length for a turnaround is 18 meters (59 feet); and
 - v) NO PARKING signs must be installed in the turnaround.

Note: The following diagrams have been provided for information and assistance only. They do not form part of the policy.



- (o) The following signage must be erected prior to approval:
- (i) Stop Signs to be erected at any intersection of the Private Road and another Private Road, a Schedule “B” Road, an unmaintained public Road (K-Class Road), or a Public Road. Stop signs must be 600mm x 600 mm reflective on a 150mm x 150mm pressure treated post being 2.4 meters from the road surface to the centreline of the sign.
 - (ii) Street name signs must be erected at any intersection of the Private Road and another Private Road, an unmaintained public road (K-Class Road), or a Public Road as determined by the Municipality. Street name signs are to be of a colour and type as specified by the Municipality.

8 NOT PERMITTED IN SERVICED AREAS

Notwithstanding any other provision of this policy, no private roads shall be permitted where there is access to a Municipal sewer or water supply system.

9 PROFESSIONAL ENGINEER’S CERTIFICATE OF COMPLIANCE

Prior to approval of a final plan proposing a Private Road, the subdivider shall provide the Development Officer with a certificate stamped by a licensed professional engineer, registered to practice in the Province of Nova Scotia identifying each of the specific requirements of this Policy,

identifying the specific Private Roads, or portions of them, to which the certificate applies, and certifying that those Private Roads (or portions of them) have been constructed in accordance with each of the specific requirements of this Policy.

10 VARIANCES

A variance from the construction requirements set out in Section 7 may be approved by the Development Officer on the following conditions:

- (a) The variance must be in accordance with accepted engineering practice and standards.
- (b) The applicant must submit a written variance request and the relevant design particulars.
- (c) If deemed appropriate by the Municipal Engineer, the opinion of a Professional Engineer, registered to practice in the Province of Nova Scotia, regarding the proposed variance and draft conditions for approval, will be obtained at the expense of the applicant. Prior to obtaining this opinion, the applicant must deposit with the Municipality such funds as are estimated by the Municipal Engineer to be sufficient to pay the Professional Engineer's fees. After the Municipality has been invoiced for the opinion, the amount paid, or to be paid, by the Applicant shall be adjusted in keeping with the actual cost.

FORMS

PURSUANT TO THE SUBDIVISION BY-LAW





Upper Nappan Service Centre
 1395 Blair Lake Rd.,
 Upper Nappan, NS B4H 3Y4
 Phone (902) 667-2313
 Fax (902) 667-9557

Springhill Service Centre
 43 Main St., PO Box 1000,
 Springhill, NS B0M 1X0
 Phone (902) 597-3751
 Fax (902) 597-3637

File No.

Toll Free: 1-888-756-6262
 cumberlandcounty.ns.ca
 permits@cumberlandcounty.ns.ca

Application for Subdivision Approval

LAND TO BE SUBDIVIDED

Property Location _____

Subdivision Name _____

PIDs of affected lots _____

PROPERTY OWNERS

Name _____

Address: _____

Postal Code: _____ Phone: _____

APPLICANT (Correspondence and plans will be sent to applicant)

Name _____

Address: _____

Postal Code: _____ Phone: _____

Email: _____

LAWYER (Responsible for migration, submitting PDCA's & Deeds)

Name _____

Phone: _____ Email _____

SUBDIVISION AND PARCELS TO BE RECORDED IN: Please check () appropriate box

Land Registration (Specify reason below) **OR**

Results in 3 or more newly configured parcels.

Subdivision involves LR and Non LR parcels.

Voluntary

FEES

Application Fees: (payable to the Municipality of Cumberland)

Preliminary Plan (No fee)

Tentative Plan \$ 75.00

Final Plan or Instrument of Subdivision \$ 75.00

Public or Private road to be approved on a plan \$ 200.00

Recreation Fee (\$100 per lot being approved) _____

Total Application Fees: _____

Registration Fees*: (cheque payable to Minister of Finance)

Instrument of Subdivision \$100.00

Final Plan - Migrated Property \$113.35

Final Plan - Non-Migrated Property \$213.35

NS Environment Fees*: (cheque payable to Minister of Finance)

Under 3 lots - Free, 3-10 lots - \$232.35, 11+ lots - \$630.45

Applications must be accompanied by cheques to cover all fees. The Municipality may return applications deemed incomplete.

If consolidating deeds are required to be submitted along with the subdivision application, they must be accompanied by registration forms, an affidavit of value and a cheques covering registration fees and any applicable deed transfer tax.

*** External fees are subject to change, applicant is responsible for ensuring accuracy of external fees.**

WATER SERVICES

	Existing	Proposed
Municipal System	<input type="checkbox"/>	<input type="checkbox"/>
Drilled Well	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____		

SEWER SERVICES

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

ROAD ACCESS

	Existing	Proposed
Public Road	<input type="checkbox"/>	<input type="checkbox"/>
Private Road	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____		

ON-SITE SEWAGE DISPOSAL

One of the following conditions must be met for each lot shown on this subdivision plan, **including any remainders.**

Lot has access to existing Municipal sewer system (requires confirmation from the Municipality) **OR**

Lot is accompanied by a Soil Assessment Report **OR**

Lot is over 9000m², can contain a 75m diameter circle **AND** the owner has certified an on-site sewage system is not required (below)

CERTIFICATION IF ON-SITE SEWAGE DISPOSAL SYSTEM IS NOT REQUIRED

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

Signature _____

SIGNATURE(S) OF ALL PROPERTY OWNERS

Signature _____	Date _____	Signature _____	Date _____
Signature _____	Date _____	Signature _____	Date _____
Signature _____	Date _____	Signature _____	Date _____

Office Use Only

Date Received _____ District _____

Processing Fee Received

Registration Fee Received

Receipt No. _____

Notes: _____

Tips for faster subdivision approval:

- ◆ **Plan well ahead** – plans take at least four to six weeks to be approved.
- ◆ **Read instructions carefully**, missing information will cause delays.
- ◆ Send in **one complete package** with plans, signed application forms, cheques to cover fees, soil assessments, and any consolidating deeds. Incomplete applications cause delays and may be returned to the applicant.
- ◆ Choose one contact person (owner, surveyor or lawyer) and indicate this on the application form. All correspondence will be directed to the contact person.
- ◆ Speak to the Department of Environment or a Qualified Person regarding on-site septic requirements. We will not forward incomplete files to Department of Environment.
- ◆ Soil assessments (QPII Reports) should be sent to this office, NOT Department of Environment. An incomplete file may be on hold waiting for the report.
- ◆ All landowners identified in the title block must sign the application form.
- ◆ Signed original documents are required, a fax is **not** sufficient for final approval. If you send an application by fax, please indicate that the original will follow by mail.
- ◆ Be sure to include fees and cover page for any consolidating deeds.
- ◆ Have file number ready when making inquiries about the application.
- ◆ During peak time (May to October) processing will take longer.
- ◆ Feel free to check the status of a subdivision application after four weeks
- ◆ Files are processed in the order they are received.
- ◆ Applications **MUST** be complete within 90 days unless the applicant and the Municipality agree in writing to an extension.

Instrument of Subdivision

An Instrument Respecting The Subdivision Of Land In Accordance With Section 269 Of The Municipal Government Act
And The Subdivision By-law Of The Municipality Of The County Of Cumberland.

LANDS OF: _____

LOCATED AT: _____

Based on the information contained in this Instrument of Subdivision,

Lots _____ are APPROVED.

IMPORTANT NOTICE:

This approval does not warrant the size, location, or boundaries of the lots described in the Instrument and the Development Officer has no duty to verify the information submitted by the applicant as to the size, location, or boundaries of the lots.

As a result, these lots may not have access to a public street or highway.

This approval does not in any way imply that the lots created by this Instrument would be eligible for any or all of the following permits:

1. Municipal Building Permit
2. Department of Transportation Access and Building Permit
3. Department of Environment Permit to install an on-site sewage disposal system
4. Municipal Development Permit

DATE

DEVELOPMENT OFFICER

Declaration

I, We _____ of _____
in the County of _____, Province of Nova Scotia, do solemnly declare:

1. THAT _____ the owner(s) of the area of land as shown on the sketch which is _____ of the lands described in a conveyance
I am, we are from _____ all, a portion _____
to _____
dated _____ and Recorded in the Registry of Deeds for the registration district of Cumberland in Book _____ at Page _____.
2. THAT _____ intend to subdivide the area of land as shown on the sketch in this Instrument.
I, we.
3. THAT _____ intend to acquire from _____ the parcel shown
I, we. on the sketch as Parcel _____ to be added to _____ areas of land to form Lot _____
my, our
4. THAT _____ make this solemn declaration conscientiously believing the same to be true and to have the same force and effect as if made
I, we under oath and by virtue of the Canada Evidence Act.

Declared before me at _____)
In the County of _____)
Province of Nova Scotia, this _____ day of)
_____, A.D., _____)
_____)

X _____
X _____
X _____
X _____

Commissioner of Oaths
Stamp or print name

LOCATION MAP

TITLE BLOCK
INSTRUMENT OF SUBDIVISION
Lands of:

Date: _____

Plan No: _____

I certify that the above sketch accurately represents my property.

(OWNER(S))

SCALE:



Municipality of Cumberland Application for Repeal of Subdivision

For Office Use Only

Date Received _____ Received By _____ Fee _____ Receipt No. _____ File No: _____

APPLICANT

Name of land owner(s) _____

Address of land owner(s) _____

Province _____ Postal Code _____ Phone _____ Email/Fax _____

Documents to be returned to _____

Correspondence to be directed to _____ Phone _____
(Complete mailing address)

INFORMATION RELATED TO THE SUBDIVISION SOUGHT TO BE REPEALED

Plan of Subdivision OR Instrument of Subdivision Municipal File Number: _____

Name of applicant for subdivision approval: _____

Location _____

The subdivision was approved on the _____ day of _____, _____ and is filed in the Registry of Deeds at Amherst in the County of Cumberland as No. _____

Lot(s) _____ was/were approved

Repeal is sought for approval of lot(s) _____

FEES

Application fee (\$156.08)

CERTIFICATION OF FACTS (Reason for Repeal)

(If more space required, attach additional sheet)

OWNERS' CERTIFICATE

I/we certify that I/we are the legal owners of all lands affected by this application, the information in this application is true and complete, that I am/we are 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(s) **X** _____ Date: _____

Co-Signer **X** _____ Date: _____