

SUBDIVISION REGULATIONS
FOR THE TOWN OF STELLARTON

IN THE MATTER of the Planning Act, and in the Matter of the Town of Stellarton the Council of the Town of Stellarton having requested the Minister of Municipal Affairs to prescribe regulations with respect to subdivisions, the Minister, pursuant to Section 49 of Chapter 16 of the Acts of 1969, the Planning Act, hereby prescribes for the Town of Stellarton the following regulations respecting subdivisions of land.

SUBDIVISION REGULATIONS

(Prescribed under Section 49 of Chapter 16 of the Acts of 1969, the Planning Act.)

1. Persons proposing to subdivide property shall submit ten (10) copies of tentative plans of the proposed subdivision to the development officer for approval. Where the plan of subdivision divides land into four lots or less, and where no roads and no central water and sewer services are required to be constructed, the development officer may waive the requirement that tentative plans be submitted.
2. The development officer or where there is no development officer the clerk, pursuant to Section 49 (3) of the Planning Act, shall approve the tentative plan or notify in writing the person submitting it the objectionable features of it.
3. Tentative plans submitted must be drawn to a scale of not smaller than 50 feet to 1 inch, may be based on deed description of the property to be subdivided, preferable but not necessarily as surveyed, shall conform to the lot specifications of the zoning by-law, shall be accompanied by a location map of a scale not smaller than 1:50,000 and shall

show the following: -

- (a) Name of the subdivision and names and addresses of the subdivider, and the surveyor or engineer;
- (b) name and address of owner if he is not the subdivider or the applicant;
- (c) names of owners of all abutting properties and existing uses of the properties;
- (d) acreage of proposed subdivided site and existing use, and any existing buildings;
- (e) proposed number, size, shape and area of lots and blocks;
- (f) each lot numbered for identification;
- (g) proposed use of each block and lot;
- (h) proposed width, grade and location of existing and proposed streets, intersections and turning circles;
- (i) availability and nature of water supply;
- (j) existing and proposed sewage facilities;
- (k) location of existing streets, highways, railroads and utility lines and access to existing streets and highways;
- (l) contours at five (5) foot intervals as may be necessary to determine grade of roads and drainage pattern;
- (m) areas, if any, reserved or dedicated for public purposes;
- (n) north point, scale and date;

- (o) lakes, streams, water courses, swamps, rocky areas, wooded areas, areas subject to flooding or other natural features which might affect the layout or the provision of services to the area where the subdivision is located;
- (p) any other information which the development officer deems necessary to determine whether a plan of subdivision satisfies these subdivision regulations.

4. (1) When the Development Officer or the clerk, as the case may be, is satisfied that a tentative plan contains the information required by Section 3 he shall forward a copy of the plan to the following for their comments and recommendations:

- (a) Board of Health
- (b) Department of the Environment
- (c) Town Superintendent

(2) No approval of a tentative or final plan of subdivision may be refused or withheld as a result of comments or recommendations made under subsection (1) unless the plan is clearly contrary to a law or regulation of the Province of Nova Scotia, the regulations in the regional plan, or to a by-law of the Town.

Procedure to be adopted for the approval of final plans.

5. A final plan of subdivision submitted for approval shall be accompanied by: -

- (a) a request in writing of the owners of the land shown on such final plan for approval of the subdivision, and

- (b) a statement signed by the applicant that he is the owner or duly qualified agent of the owner of the land to be subdivided, and
- (c) if and to the extent that a subdivision by-law requires, a written agreement duly executed by the owner of the property that he will meet all the requirements of the zoning by-law, will construct all streets shown on the said plan, and will, where municipal sewer and water services are available, lay water and sewer mains in such streets, all according to the appropriate specifications relating thereto, and within five (5) days after having been so requested, will convey the facilities and any land reserved for public purposes to the Town and
- (d) any security or bonds required to be posted under the subdivision by-law and proof of having met the requirements of the subdivision by-law.

6. Ten (10) copies of a final plan of subdivision shall be submitted for approval. The requirements in Section 3 and the following additional information shall be shown on any final plans of subdivision

- (a) name and address of applicant;
- (b) the boundaries of the property surveyed, with accurate distances and bearings as determined by survey in the field, under the Nova Scotia Coordinate Survey System if possible, with closure error not exceeding one unit per thousand units by compass and one unit per thousand units by transit;

- (c) the length and bearings of the boundary lines of all lots, streets, rights-of-way and easements as laid out, length of arc, degrees and points of curvature, radii, and tangent bearings in the case of curved lines;
- (d) the width of all streets and right-of-way;
- (e) the accurate location of one or more permanent monuments;
- (f) the proposed lot numbers, and street names;
- (g) any reservations, private or otherwise;
- (h) contours for road grades and drainage;
- (i) location of streets, houses and buildings on adjoining properties;
- (j) north point (true or magnetic) scale and date;
- (k) building lines, being lines showing the position of a building in relation to the street side line.

7. Such final plans of subdivision shall also: -

- (a) have a clear space of binding margin of at least one inch in width;
- (b) confirm to the requirements for registration in the Registry of Deeds;
- (c) be certified by a Nova Scotia Land Surveyor in the manner required by the Registry Act and any other Act in force at any time of application for approval of subdivision.

8. When a final plan has been approved but the requirements of Section 49 (5) of the Planning Act or of the Subdivision by-law of the Town have not been met, the development officer or the clerk, as the case may be;

- (a) shall notify in writing the applicant that his plan has been approved subject to such requirements, and
- (b) give the required notices, under Section 49 (6) of the Planning Act, of such approval.

9. When the requirements of Section 49 (5) of the Planning Act, the subdivision regulations and the subdivision by-law of the Town are met, approval of a final plan of subdivision shall be endorsed by the development officer or clerk as the case may be, on one copy of the final plan and this shall be returned to the applicant.

General Provisions.

10. Any street or road, whether a new street or road, or an extension of an existing street or road, must have a right-of-way of at least fifty feet.

11. Cul-de-sac streets shall have a turn-round with a minimum radius of 45 feet from the center of the cul-de-sac. Minimum use shall be made of cul-de-sac and loop streets.

12. The length of a cul-de-sac shall not exceed 350 feet to the turning circle.

13. Streets shall intersect one another at right angles, or as nearly at right angles as possible and shall not have a grade greater than eight percent. No intersection shall be located on or near a sharp road curve or below the crest of a steep hill or rise.

14. Where the grade of a street exceeds six per cent a letter of approval from the Town Superintendent of the streets in the plan shall also be required.

15. Continuous street frontage shall not exceed 1200 feet in length.

16. There shall not be more than four street approaches in an intersection.

17. A street shall not enter or intersect a highway or an arterial street if there is another street so intersecting it within a distance of one thousand feet.
18. The distance between street or road intersections on the same or opposite sides of a local traffic street or road shall not be less than 200 feet measured between the closest right-of-way lines.
19. Where a street in an adjoining subdivision abuts the boundaries of a subdivision submitted for approval, a street in the latter shall, if reasonably feasible, be laid out in prolongation of such street unless it would be in violation of these regulations.
20. All streets or roads in a subdivision must meet the requirements of the Town Engineers Department.
21. No plan of Subdivision shall be approved unless all the lots in the plan meet the requirements of the zoning by-law for the Town of Stellarton.
22. Lots having road frontage and access at both the front and rear lot line shall be prohibited except where essential due to restrictions imposed by topography, other physical limitations or to provide separation from major traffic streets.
23. Sidelines of lots shall be substantially at right angles to street line or radial to curved street lines.
24. The rear lines of a series of adjoining lots shall be a continuous straight or veered line and not steeped or jogged.
25. Corner lots for residential use shall have sufficient extra width to permit appropriate building setback from both streets.
26. Where other laws, regulations or by-laws apply, a plan of subdivision and all lots in the plan must conform to such regulations or by-laws and shall not be contrary to the Regional Plan.

27. Where the type of sewage disposal proposed for a subdivision is by septic tank and disposal field, the subdivider will be responsible for arranging for soil tests of the lots to be subdivided, and shall submit with his application for final approval the results of the tests and recommendations by a professional engineer or a sanitary health inspector.

28. (1) All lots approved in a plan of subdivision shall abut a public road.

(2) Notwithstanding subsection (1) a lot which does not abut a public road may be approved where the Council is satisfied that it is not feasible to lay out a new street or extend an existing street, and the lot is served by a private right-of-way, fifty (50) feet wide.

29. Approval may be given to the subdivision of land into lots all or some of which do not meet the requirements of Sections 21 and 25 inclusive, if: -

(a) any undersized lot so formed is to be added to and become part of another lot which meets the requirements of Sections 21 to 25 or which appears on a registered plan or deed, and if

(b) any remaining parcel or parcels meet the requirements of Sections 21 to 25.

30. Land shall not be subdivided in such a manner as to prejudice the proper subdivision of adjoining land, and a subdivision shall be required to make provision for projection of streets into adjacent areas.

31. An application to amend or appeal a plan of subdivision shall be in accordance with Section 50 of the Planning Act and shall satisfy the requirements of these regulations concerning approvals of final plans

of subdivision. In addition, such application shall refer to the subdivision as originally approved, and such reference shall include the file number of the earlier subdivision plan filed at the office of the Registrar of Deeds for the County of Pictou.

Recommended to the Minister

E. Robertson
.....
DEPARTMENTAL SOLICITOR

Prescribed this *28th* day of *October*, 19*46*.

[Signature]
.....
MINISTER OF MUNICIPAL AFFAIRS
[Signature]

THIS IS TO CERTIFY that the resolution
of which the foregoing is a true copy
was duly passed at a duly called meeting
of the Town Council of the Town of Steel
arton duly held on the *4th* day of
August A.D., 1975.

GIVEN under the hands of the Mayor and
Town Clerk and under the corporate seal o
the said Town this *9* day of
August A.D., 1975.

[Signature]
.....
MAYOR

[Signature]
.....
TOWN CLERK