

Town of Westville Subdivision By-law

# **Town of Westville Subdivision By-law**

**Council's Approval:**  
**Effective Date:**

**Date: 2011**

**This office consolidation is prepared for the purpose of convenience only. For accurate reference, recourse should be had with the official volumes.**

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**BE IT RESOLVED** by the Council of the Town of Westville, that the Town of Westville Subdivision By-Law, hereto attached, was read twice and adopted by the said Council.

**BE IT FURTHER RESOLVED** that the Chief Administrative Officer forward four (4) copies of the same, duly certified and sealed, to the Provincial Director of Planning with a request for the approval of the Minister of Service Nova Scotia and Municipal Relations.

**AND BE IT FURTHER RESOLVED** that upon the approval of the Minister of the said Subdivision By-Law, the existing Provincial Subdivision Regulations by-law, which came into force April 1st, 1999, be repealed.

**THIS IS TO CERTIFY** that the following is a true copy of the Town of Westville's Sub-Division By-Law as adopted at a duly called meeting of the Town Council of the Town of Westville duly held on the 25 day of July, 2011.

**GIVEN** under the hand of the Town Chief Administrative Officer and under the Corporate Seal of the Town this 3 day of Aug, 2011.



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Scott Fraser  
Town Chief Administrative Officer  
Town of Westville

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**SUBDIVISION BY-LAW FOR THE TOWN OF WESTVILLE**

**SECTION 1: SHORT TITLE**

- 1.1 This By-Law may be cited as the "Subdivision By-Law" for the Town of Westville and shall apply to all lands within the Town of Westville.

**SECTION 2: INTERPRETATION**

- 2.1 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.
- 2.2 SCHEDULES "A", "B", "C", "D", "E" and "F" attached hereto are adopted by Resolution of Council and hereby declared to form part of this Bylaw.
- 2.3 This By-Law shall apply to the subdivision of all land within the Town of Westville and shall be administered by the Municipal Development Officer.

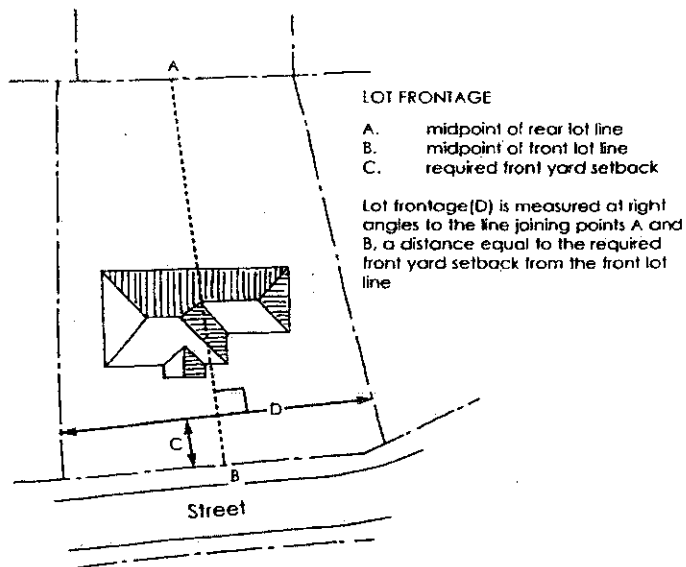
**SECTION 3: DEFINITIONS**

- 3.1 In these regulations,
1. "Act" means the Municipal Government Act (MGA), c. 18, Statutes of Nova Scotia, 1998, as amended.
  2. "Approved Subdivision Drainage and Grading Plan," means a grading plan approved as part of a final plan of subdivision under this by-law, which is approved by the Town Engineer and illustrates the drainage systems and patterns common to a subdivision of land resulting in four (4) or more lots. The Approved Subdivision Drainage and Grading Plan shall be retained by the Town, and may be amended from time to time to reflect revisions arising from lot and building construction. At a minimum, such a plan shall include proposed lot corner elevations, proposed elevations for buildings at grade level, drainage systems, and any other measures outlining how surface water and storm water flows will not adversely affect abutting and nearby properties, municipal streets and storm water systems, and other lands;
  3. "Area of land" means any existing lot or parcel as described by its boundaries.
  4. "Board" means the Nova Scotia Utility and Review Board;

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5. "C.A.O." means the Chief Administrative Officer for the Town of Westville
6. "Council" means the Council of the Town of Westville.
7. "Department of the Environment" means the Nova Scotia Department of the Environment.
8. "Department of Transportation " means the Nova Scotia Department of Transportation and Infrastructure Renewal.
9. "Development Officer" means that person appointed by Council pursuant to the Municipal Government Act and having the power and duty to administer the provisions of this Subdivision Bylaw.
10. "Director" means the Provincial Director of Planning.
11. "Drainage plan" means a detailed plan, prepared by an engineer, of storm-water runoff and the courses and channels of it, including floodplains, for one or more parts of an area of drainage for all lands tributary to, or carrying drainage from, land that is proposed to be subdivided.
12. "Engineer" means the appointed engineer for the Public Works for the Town of Westville and includes any person acting under the supervision and direction of the appointed Engineer of Public Works.
13. "Lot" means a parcel of land described in a deed or as shown on a registered plan of subdivision and includes any parcel to be created by filing of a plan of subdivision.
14. "Lot Area" means the total horizontal area within the lot lines of a lot.
15. "Lot, Frontage" means the length of a line joining the side lot lines and parallel to the front lot line. Calculation of Lot Frontage for irregularly shaped lots shall be the horizontal distance between the side lot lines as measured at a point, where a line drawn perpendicular to a line joining the midpoint of the rear lot line and the midpoint of the front lot line at a point equal to the required front yard. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used. Calculation of lot frontage for corner lots shall be the horizontal distance between the side lot line and the flanking lot line.
16. "Main building" means a building which is not an accessory building to another building on the area of land.

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17. "Municipal Planning Strategy and Land Use By-Law" means the Municipal Planning Strategy and Land Use By-Law for the Town of Westville.
18. "Professional Engineer" means a registered member in good standing of the Association of Professional Engineers of Nova Scotia and entitled to carry on the active practice of engineering in Nova Scotia.
19. "Province" means Her Majesty the Queen in right of the Province of Nova Scotia.
20. "Public Sewer System" means any sanitary sewer system that is owned and maintained by the Town of Westville.
21. "Public Storm Sewer System" means any storm sewer system that is owned and maintained by the Town of Westville.
22. "Public Water System" means any water system that is owned and maintained by the Town of Westville.
23. "Public Street or Highway" means any street or highway owned and maintained by the Department of Transportation and Infrastructure Renewal or the Town of Westville.
24. "Registry of Deeds" means the Land Registration Office for the registration district of Pictou.

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25. "Servicing Agreement" means a written contract entered into between the subdivider and the Town of Westville, which describes the responsibilities of each party with respect to the subdivision, and servicing of land as set out in this Bylaw.
26. "Sewer" means a pipe or conduit for carrying sewage, groundwater, storm-water or surface runoff, and includes all sewer drains, storm sewers, clearwater sewers, storm drains and combined sewers.
27. "Standard Specification" means the Town of Westville Municipal Service Standard Specifications, containing the specifications and requirements for water systems, sewer systems, roads, utilities, storm drainage systems, sidewalks/ramps, curbs and gutters, etc., as amended from time to time by or under the authority of the Town Engineer.
28. "Subdivider" means the owner(s) of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.
29. "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.
30. "Subdivision Drainage and Grading Plan" means a grading plan submitted as part of a final plan of subdivision under this by-law, which must meet the approval of the Town Engineer and illustrates the drainage systems and patterns common to a subdivision of land resulting in four (4) or more lots. At a minimum, such a plan shall include proposed lot corner elevations, proposed elevations for buildings at grade level, drainage systems, and any other measures outlining how surface water and storm water flows will not adversely affect abutting and nearby properties, municipal streets and storm water systems, and other lands; (see definition of Approved Subdivision Grading Plan);
31. "Surveyor" means a registered member in good standing of the Association of Nova Scotia Land Surveyors.
32. "Town" means the Town of Westville.
33. "Wastewater system" means a sewer receiving and carrying liquid and water-carried wastes and to which storm, surface or ground waters are not intentionally admitted;
34. "Water system" means the source, structure, pipes, hydrants, meters, devices, equipment or other things used, or intended for the collection, transportation, pumping or treatment of water.

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**SECTION 4: GENERAL PROVISIONS**

**4.1 Lot Requirements**

- 1) All lots approved on a final plan of subdivision shall abut a public street.

**4.2** Where a Land Use By-law is in effect, all lots shall meet the applicable requirements contained in such by-law.

**4.3 (1)** Notwithstanding the lot area and frontage requirements of Section 4.2, the development officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with Section 279 of the Act provided all other requirements of these regulations are met. Any person requesting a variation shall submit to the development officer an application in the form specified in Schedule "C".

- (2) Subsection (1) does not apply if the area requirements established by the Department of the Environment for the construction or installation of an on-site sewage disposal system are not met.

**4.4 (1)** Notwithstanding Section 4.1 and the lot area and frontage requirements of Section 4.2, 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.

**4.5** Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to Section 4.4 (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

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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 clause 17.2 (b) and 17.3, 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 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 that are subject to a field survey."

- 4.6 (1) Notwithstanding the lot area and frontage requirements of Section 4.2, 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.
- (2) Where a lot created pursuant to subsection (1) is not surveyed, the provisions of subsection 4.5 shall apply
- 4.7 (1) For purposes of subsection (2) below, "main building" is a building which is not an accessory building to another building on the area of land.
- (2) Notwithstanding the lot area and frontage requirements of Clause 4.2, 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

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provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of the Environment.

- 4.8** Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).

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**SECTION 5: LOT ACCESS AND TRANSPORTATION PROVISIONS**

- 5.1 Notwithstanding any other provisions of this by-law, all streets shall be public streets.
- 5.2 All proposed public streets shall be:
- a) shown on a final plan of subdivision;
  - b) designed in accordance with this Part and the Standard Specifications;
  - c) approved by the Engineer.
- 5.3 Where a proposed public street is being considered:
- (a) The specifications referred to in subsections 5 (2)(b) of this section may be waived, in part or in whole, by the Engineer in accordance with accepted engineering practice.
  - (b) Any waivers granted under subsections 5 (2)(b) of this section are, and shall be deemed to be, case-specific, and of no precedential value in considering other waivers.
  - (c) Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Department of Transportation.
  - (d) There shall not be more that four public street or public highway approaches or any combination thereof in an intersection.
  - (e) Where a public street in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, a public street in the latter, if reasonably feasible, in the opinion of the Engineer, shall be laid out in a prolongation of such existing public streets or public highways, unless it would be in violation of this By-law.
  - (f) Where, in the opinion of the Engineer, traffic flows or estimated traffic flows permit, a cul-de-sac may be used in the development of land. The length of a cul-de-sac shall not exceed 107 metres (351.05 feet) in length measured from the closest boundary of an intersection to the center of the turning circle except where an emergency exit of 3 metres (9.8 feet) to a public street is provided for. In such cases the cul-de sac may be 228 metres (748.03 feet) in length.

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- 5.4 A proposed lot, which abuts a public street, shall have access to a public street approved by the authority having jurisdiction for the public street, which will be accessed.
- (a) This section does not apply to a proposed lot, which abuts a public street and has an existing access to the public street.
- 5.5 Where a plan of subdivision shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street is a public street.
- 5.6 Prior to approval of the final plan of subdivision by the development officer, the subdivider shall provide a certificate to the Engineer and to the Development Officer from a professional engineer, which certifies that the public road has been constructed in compliance with the design and construction requirements of this Part, and the Standard Specifications.
- 5.7 The subdivider shall be responsible for the following:
- 1) Arranging for complete testing of the installation of a street at various stages as required by the Standard Specification and any directions from the Engineer; and
  - 2) Giving reasonable notice to the Engineer of the proposed test date, site and time; and
  - 3) Allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test; and
  - 4) Maintaining records of all tests in such a fashion that the Engineer, whether or not he attended any such test, can ascertain that the test was carried out in accordance with this Part and with the Standard Specification and with any direction of the Engineer.
- 5.9 As an alternative to the complete construction and acceptance of a municipal public street as required by Sections 5.1, 5.4, 5.8, and 9, the subdivider may, before approval of the final plan is given, enter into a written servicing agreement with the Town in accordance with Section 7, and post a performance surety in accordance with Section 8.
- 5.10 Wherever possible, side lot lines shall be substantially at right angles to a public street, or radial to a curved public street.
- 5.11 Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.

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**SECTION 6: WATER, SEWER AND OTHER SERVICES**

- 6.1** A subdivider shall be exempt from the following requirements for the installation of public water, sewer and storm sewer systems where:
- (1) roads and services intended to serve the proposed lots are currently owned and maintained by the Town, or
  - (2) public water, sewer and storm sewer systems are not provided at the property line of the area of land proposed to be subdivided.
- 6.2** Where any proposed subdivision contemplates connection to a public water system or to a public sewer system, or both, no subdivision shall be approved unless, at the time application is made for subdivision approval, there exists capacity on the public water system, or a public wastewater system, as the case may be, to which the proposed subdivision shall be connected, sufficient to accommodate the proposed subdivision's load on that system
- 6.3** Whether the capacity referred to in subsection 6.2 exists or not, no subdivision plan which contemplates connection to a public water system or to a public wastewater system or to both, shall be approved until the Town agrees in writing to allocate sufficient capacity on that public water system or public wastewater system to the proposed subdivision
- 6.4** The approval in subsection 6.2 of this section, if granted:
- 1) For connection to a public wastewater system shall be considered on the basis of the subdivider's written estimate of the number of user units, calculated under the Town's Sewer By-law and expressed upon a per lot basis, that will be required to service the proposed subdivision to a public wastewater system; and
  - 2) For connection to a public water system, shall be considered on the basis of the subdivider's written estimate of the volume of water required to service the proposed subdivision by connection to a public water system
  - 3) Any allocation of capacity to a subdivision on a public wastewater system or on a public water system lapses and becomes void unless the lot or lots shown on the tentative plan of subdivision are approved at the final plan of subdivision stage.
- 6.5** Where a proposed subdivision is within an area serviced by Town sewer and water;
- 1) The subdivider, prior to approval of the final plan of subdivision by the development officer, shall construct and connect to the public wastewater system, a wastewater system including collectors and laterals to the boundary of the proposed lots.

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- 2) The public wastewater system required by subsection (1) of this section shall be designed by a professional engineer and shall comply with the Standard Specifications, and any directions of the Engineer.
  - 3) Where, in a proposed subdivision served or to be served by a new public water system, the subdivider, prior to approval of the final plan of subdivision by the development officer, shall construct and connect to the public water system, a water system to the boundary of the proposed lots.
  - 4) The water system required by subsection (3) of this section shall be designed by a professional engineer and shall comply with the specifications contained in the Standard Specifications, and with any directions of the Engineer.
  - 5) The subdivider, prior to the approval of the final plan of subdivision by the development officer, shall install a storm drainage system in conformance with a drainage plan, filed with and approved by the Engineer, to remove any surface drainage that may enter the area being subdivided or be generated within the proposed subdivision, and to adequately dispose of the waters so as not to negatively affect any downstream properties.
  - 6) Any drainage plan and storm drainage system shall comply with the Standard Specifications, and any direction of the Engineer.
  - 7) The specifications referred to in subsections (2), (4) and (6) of this section, may be waived or varied by the Engineer in accordance with accepted engineering practice.
  - 8) Any waiver or variation granted under this section shall be, and shall be deemed to be, case-specific, and of no precedential value in considering other waivers or variations.
- 6.6 Prior to approval of the final plan of subdivision by the development officer, the subdivider shall provide a certificate to the Development Officer from a professional engineer, which certifies that the developer has complied with the design and construction requirements of section 6.5.
- 6.7 The subdivider shall be responsible for the following:
- (a) arranging for complete testing of the installation of the water, sewer and storm drainage systems at various stages as required by the Standard Specifications, and any direction of the Engineer; and
  - (b) giving reasonable notice to the Engineer of the proposed test date, site and time; and
  - (c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test; and

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- (d) maintaining records of all tests in such a fashion that the Engineer, whether he attended any such test or not, can ascertain that the test was carried out in accordance with this Part and with the Standard Specifications and with any direction of the Engineer.

As an alternative to the complete construction and acceptance requirements for water, sewer and storm drainage systems, as contained in Sections 6.5, 6.6, 6.7, and 9, the subdivider may, before endorsement of approval of the final plan is given, enter into a written servicing agreement with the Town as provided for in Section 7 and post a performance surety as provided for in Section 8.

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**SECTION 7: SERVICING AGREEMENT**

- 7.1 Where a servicing agreement is entered into, the servicing agreement shall contain provisions satisfactory to the Town with respect to any or all of the following:
- 1) the time within which any construction of streets and water and sewer services and drainage systems shall be commenced and completed;
  - 2) the time at which all municipal rates, taxes, and charges, of any kind shall be paid;
  - 3) the time at which the allocation of capacity on any public water system or public sanitary sewer system lapses or becomes void if the construction of streets and services is not commenced and completed within the time limited therefore;
  - 4) the phasing of any construction of streets and water and sewer services and drainage systems;
  - 5) the acceptance of any streets, water and sewer services and drainage systems by the Town;
  - 6) the provision and acceptance of easements and rights-of-way; and
  - 7) the subdivider shall arrange and pay for engineering design specifications for each system compatible with specifications in this by-law these standard specifications
  - 8) every servicing agreement shall be accompanied by a performance surety as set out in Section 8
  - 9) any other matter related to the requirements of this by-law and any applicable Municipal Planning Strategy and Land Use By-law relating to the subdivision and servicing of land.

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**SECTION 8: PERFORMANCE SURETY**

- 8.1 Where a subdivider proposes to complete construction of any streets, sewer or water services and drainage system, after receiving approval of any final plan of subdivision, the following shall be required:
- 1) the subdivider shall post a performance surety, in the nature of security in the form and on terms satisfactory to the Town, in the amount of one hundred and twenty-five percent (125%) of the estimated costs to complete the streets and water and sewer services and drainage systems and the estimated costs of all municipal rates, charges and taxes as of the scheduled completion date;
  - 2) the subdivider shall submit to the development officer for approval an estimate of costs to complete the construction of the streets and water or sewer services, drainage system and the estimated costs of all municipal rates, charges and taxes as of the scheduled completion date, and the development officer may revise the estimate if it is, in the opinion of the Engineer, inadequate, and the decision of the Engineer shall be final. Such estimates shall also include all construction related costs including but not limited to professional engineering contract management and site supervision and inspection of all construction and work;
  - 3) the performance surety shall be posted before approval of any final plan of subdivision is given by the Development Officer;
  - 4) the performance surety shall be in favor of the Town and may be in the form of cash, certified cheque or irrevocable letter of credit or bond issued by a bank, surety or guarantee company licensed by the Province of Nova Scotia and acceptable to the Town, and shall be conditional on the execution and completion of the servicing agreement in accordance with terms of the servicing agreement and the requirements of this by-law and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work.
  - 5) where the performance surety is paid in cash or by certified cheque, the cheque will be cashed and all monies paid in cash will be held by the Town and returned without interest to the subdivider upon completion of the work;
  - 6) where the Engineer determines that the work is substantially complete, the Town may, in its sole discretion, return a portion of the performance surety, less any amount held back for deficiencies, prior to complete construction and acceptance by the Town; and
  - 7) where construction of the proposed streets or water or sewer service or drainage system does not commence within twelve (12) months of the date of approval of the final plan of subdivision or is not completed according to the approved time schedule, the subdivider

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shall forfeit the performance surety.

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**SECTION 9: ACCEPTANCE REQUIREMENTS:**

- 9.1** Within thirty (30) days following completion of any public streets and water or sewer services or drainage systems, and prior to acceptance by the Town of any streets and services, the subdivider shall:
- 1) post a maintenance security agreement, in the nature of security in the form and terms satisfactory to the Town, in the amount of ten percent (10%) of the actual cost of construction of the streets and services including water and sewer services and drainage system(s). The maintenance security shall be in favor of the Town and may be in the form of cash, certified cheque, irrevocable letter of credit, or bond issued by a bank, surety or guarantee company licensed by the Province of Nova Scotia. The maintenance security shall be for a period of twenty-four (24) months and shall state that it is a guarantee against deficiencies in the construction and installation of streets and water and sewer services and drainage systems. Where the maintenance security is paid in cash or by certified cheque, the cheque will be cashed and all monies paid in cash will be held by the Town and returned without interest to the subdivider;
  - 2) provide the reproducible record drawings of engineering design showing all the actual constructed systems including sanitary sewers, water systems and storm drainage;
  - 3) provide "as built" reproducible engineering design drawings for the streets including plan and profile of streets drawn to the required scale and certified by a professional engineer;
  - 4) provide the results of all test reports, and all operating and procedural manuals for each public water or public sewer system, demonstrating that the required streets and systems have been constructed and are operating according to the standards as set out in this By-law, in the Standard Specification, and in accordance with any direction given by the Engineer;
  - 5) provide four (4) copies of the final plan of subdivision showing the Town public streets and all drainage rights-of-way outlined in red, road services outlined in yellow and easements outlined in green;
  - 6) pay all document registration and other costs associated with the requirements of this section.

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**SECTION 10: PUBLIC OPEN SPACE**

- 10.1** (1) Before endorsement of approval on the final plan of subdivision by the Development Officer, the subdivider shall reserve and convey to the Town free of encumbrances, for park, playground or similar public purposes an area of useable land, as defined below, equal to 5% of the area of land shown on the final plan of subdivision exclusive of public streets, walkways and the remainder lot, or a sum of money equal to 5% of the assessed value of the new lots created exclusive of public streets and the remainder lot, if any.
- (2) In the alternative to section (10.1), before endorsement of approval on the final plan of subdivision a subdivider may offer to Council, and at Council's option the Chief Administrative Officer may accept an amount of usable land of equivalent value to that required under subsection (1), outside the area of land to be subdivided and within the boundaries of the Town.
- 10.2** At the option of Council, a combination of land and cash may be accepted by the Chief Administrative Officer on behalf of the Town provided that its combined value is equivalent in value to that required under subsection (1).
- 10.3** Following the completion of parkland transfers under Sections (10.1) or (10.2), the Town shall forward a letter of acceptance to the Development Officer.
- 10.4** The requirements of sections (10.1) and (10.2) and are waived when the applicant is requesting approval for:
- (1) the consolidation or re-subdivision of existing lots; or
- (2) the subdivision of an existing area of land, to a maximum of two (2) lots, where said area of land fronts on or has access to an existing public street.
- (3) for purposes of this section, "area of land" means any lot or parcel as described by its boundaries as they existed on (date: by-law adopted) notwithstanding, that the area of land had been subdivided subsequent to (date:).
- 10.5** USEABLE LAND for the purpose of parkland transfers, means:
- a. land that is not less than the minimum lot requirement for park, playground and similar public purposes in the Land Use By-law for the Town, and
- b. land that is accessible by all residents through direct road frontage or through access by public right of way;

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- c. land that can be utilized for passive purposes such as nature trails, picnic sites, leisure park area, the protection of environmentally significant or sensitive areas or other public purposes (historical/cultural), or
- d. land that can accommodate active purposes such as playing fields, playgrounds, etc., providing that such acquisition is not premature or inappropriate in terms of the capability of the Town to absorb any costs relating to future development needs.

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**SECTION 11: REQUIREMENTS FOR PRELIMINARY PLANS OF SUBDIVISION  
(Optional First Step)**

- 11.1** A subdivider proposing to subdivide an area of land may submit to the Development Officer four (4) 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) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;
  - (d) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
  - (e) the shape, dimensions, and area of the lots being created;
  - (f) 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;
  - (g) no duplication of lot identifiers;
  - (h) the approximate location of railways and railway rights-of-way;
  - (i) the location of existing and proposed public streets;
  - (j) the name of existing and proposed public streets, as issued pursuant to the civic addressing system;
  - (k) the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
  - (l) the location of existing buildings within 10 metres (32.8 feet) of a property line;
  - (m) the general location of watercourses and wetlands;
  - (n) the north point;

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- (o) the scale; and
- (p) any other information necessary to determine whether this subdivision conforms to these subdivision regulations.

11.2 Where the preliminary plan of subdivision is to be forwarded to the Department of the Environment, the following additional information, if required by the Department of the Environment, shall be part of, or included with, the preliminary plan:

- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- (b) the location of watercourses, wetlands, and other features that may influence the design of the system, including ditches, roads and driveways;
- (c) the surface slopes and directions;
- (a) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (e) 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, except where the assessment report is to be prepared by the Department of the Environment; and
- (f) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.

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**SECTION 12: PROCEDURE FOR PRELIMINARY PLANS OF SUBDIVISION  
(Optional First Step)**

- 12.1 Application for an evaluation of a preliminary plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of this by-law.
- 12.2 The Development Officer shall comply with the notification provisions of the Act.
- 12.3 The Development Officer shall forward a copy of the preliminary plan of subdivision 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:
    - (i) is more than 9000 square metres (96,878.4 square feet),
    - (ii) has a width of 75 metres (246.1 feet) or more, and
    - (iii) is to be used for a purpose that does not require an on-site sewage disposal system;
  - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) the authority having jurisdiction for public streets;
  - (d) the authority having jurisdiction for recreational facilities; and
  - (e) any other agency of the Province or the Town that the development officer deems necessary.
- 12.4 Any agency that has been forwarded a copy of the preliminary plan of subdivision pursuant to Section 12.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 12.5 The development officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.

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**SECTION 13: REQUIREMENTS FOR CONCEPT PLANS OF SUBDIVISION  
(Optional)**

- 13.1 Where an area of land is being subdivided in phases and will contain new streets, a subdivider may submit to the Development Officer eight (8) copies of a concept plan of the entire area of land.
- 13.2 Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:
- (a) the words "Concept Plan" located in the title block;
  - (b) name of property owner(s) and name of all abutting landowners;
  - (c) the proposed internal street system with connections to existing streets;
  - (d) the proposed location of public open space;
  - (e) the location of existing development, if any;
  - (f) the location of any municipal service boundary;
  - (g) an approximate estimated lot yield figure, based on zoning requirements or requirements of the Department of the Environment;
  - (h) the north point; and
  - (i) contours at five metre (16.4 ft.) intervals;
  - (j) any other information necessary to determine if the subdivision meets with municipal standards and accepted engineering practice as determined by the engineer.

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**SECTION 14: PROCEDURE FOR APPROVAL OF CONCEPT PLANS OF SUBDIVISION (Optional)**

- 14.1 Application for approval of a concept plan shall be made to the Development Officer in the form specified in Schedule "A" of this by-law.
- 14.2 The Development Officer shall comply with the notification and approval provisions of the Act.
- 14.3 The Development Officer shall forward the concept plan and any supplementary information to appropriate agencies in order to evaluate the concept plan in terms of:
- (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:
    - (i) is more than 9000 square metres (96,878.4 square feet),
    - (ii) has a width of 75 metres (246.1 feet) or more, and
    - (iii) is to be used for a purpose that does not require an on-site sewage disposal system;
  - (b) the authority having jurisdiction for public streets;
    - (i) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale;
  - (c) in areas served by a central sewer, the authority having jurisdiction for central sewers;
    - (i) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable;
  - (d) the authority having jurisdiction for recreational facilities;
    - (i) public open space; and
  - (e) any other agency of the Province or the Town that the Development Officer deems necessary;

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- 14.4** Any agency that has been forwarded a copy of the concept plan pursuant to section 14.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 14.5** Approval of a concept plan 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 Town unless the concept plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 14.6** Where the Development Officer either approves or refuses to approve a concept plan, the Development Officer shall give notice of the approval or refusal to all agencies that were forwarded a concept plan pursuant to section (14.3).
- 14.7** Where the Development Officer refuses to approve a concept plan, 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.
- 14.8** The following information shall be stamped or written and completed by the Development Officer on any concept plan which is approved:
- (a) "This concept plan is approved."
  - (b) the date of the approval of the concept plan; and
  - (c) "This concept plan 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 Land Registration Office."
- 14.9** The Development Officer shall forward an approved copy of the concept plan to the subdivider.

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**SECTION 15: REQUIREMENTS FOR TENTATIVE PLANS OF SUBDIVISION**

- 15.1 A subdivider proposing to subdivide an area of land shall submit to the Development Officer eight (8) copies of the tentative plan of the proposed subdivision meeting the requirements of this Section.
- 15.2 Notwithstanding Section 15.1, the Development Officer may waive the requirement that tentative application and plan of subdivision be submitted where:
- (a) lots abut an existing public street;
  - (b) a central water or sewer system is not being installed; and
  - (c) all lots to be served by on-site sewage disposal systems
    - (i) are 9000 square metres (96,878.4 square feet) or more in area; or
    - (ii) 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.
- 15.3 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 (8x12 in.) with the face of the folded print being the title block that is located in the lower right-hand corner of the tentative plan of subdivision.
- 15.4 Tentative plans of subdivision shall show the following:
- (a) the words "PLAN OF SUBDIVISION" located in the title block;
  - (f) the words "TENTATIVE PLAN" located above the title block; a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);

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- (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 lots being created;
- (k) each lot being approved 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 lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (o) the location of existing and proposed public streets;
- (p) the name of existing and proposed public streets 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;

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- (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 necessary to determine whether or not the plan of subdivision conforms to these regulations.

**15.5** Where the tentative plan of subdivision is to be forwarded to the Department of the Environment the following additional information, if required by the Department of the Environment, shall be part of, or included with, the tentative plan:

- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- (b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
- (c) the surface slopes and directions;
- (d) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (e) 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, except where the assessment report is to be prepared by the Department of the Environment; and
- (f) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.

**15.6** In addition to meeting the requirements of Sections 15.3, 15.4, and 15.5, where the proposed lots front on a proposed public street, 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

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Surveyor in the manner required by the Land Surveyors Act and its regulations;

- (b) be accompanied by four (4) copies of a plan, signed and sealed by a professional engineer, showing:
  - (i) contours at 2 metre (5 foot) 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; and
- (c) be accompanied by two (2) copies of centerline profiles of proposed public streets.

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**SECTION 16: PROCEDURE FOR APPROVAL OF TENTATIVE PLANS OF SUBDIVISION**

- 16.1** Application for approval of a tentative plan of subdivision shall be made to the Development Officer in the form specified in Schedule "A" of this by-law.
- 16.2** The Development Officer shall comply with the notification and approval provisions of the Act.
- 16.3** The Development Officer shall forward a copy of the tentative plan of subdivision 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:
    - (i) is more than 9000 square metres (96,878.4 square feet),
    - (ii) has a width of 75 metres (246.1 feet) or more, and
    - (iii) is to be used for a purpose that does not require an on-site sewage disposal system;
  - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) the authority having jurisdiction for public streets;
  - (d) the authority having jurisdiction for recreational facilities; and
  - (e) any other agency of the Province or the municipality that the Development Officer deems necessary.
- 16.4** Any agency that has been forwarded a copy of a tentative plan of subdivision pursuant to Section 16.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 16.5** 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 or regulation made pursuant to a law of the Province.
- 16.6** Where the Development Officer either approves or refuses to approve a final plan of subdivision, the development officer shall give notice of the approval or refusal to all agencies that were forwarded a plan pursuant to Section 16.3.

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- 16.7 Where the development officer refuses to approve a tentative plan of subdivision, the development officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the Act.
- 16.8 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 Land Registration Officer as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Land Registration Office."
- 16.9 The Development Officer shall forward a copy of the approved tentative plan of subdivision to the subdivider and the surveyor.

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**SECTION 17: REQUIREMENTS FOR FINAL PLANS OF SUBDIVISION**

- 17.1 A subdivider proposing to subdivide an area of land shall submit twelve (12) copies of the final plan of subdivision meeting the requirements of section 17.2 of these regulations to the Development Officer for approval.
- 17.2 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 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 subsection 4.5 of this bylaw; and
  - (c) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block that is located in the lower right-hand corner of the final plan of subdivision.
- 17.3 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 being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
  - (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 of the deed to the area of land as recorded in the name of the owner in the Land Registration Office;
  - (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 identifiers of all properties abutting the proposed subdivision;

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- (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 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 lots being created;
- (j) each lot being approved 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 lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (m) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (n) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
- (o) the location of existing and proposed public streets;
- (p) the name of existing and proposed public streets;
- (q) the width and location of railroads and railway rights-of-way;
- (r) the general location of watercourses, wetlands, or prominent rock formations;
- (s) in the case of an application to subdivide land that will result in the creation of four (4) or more lots, a Subdivision Drainage and Grading Plan must be submitted for review and approval the Town Engineer;
- (t) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;

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- (u) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
- (v) the north point;
- (w) the date on which the plan of subdivision was drawn and the date of any revisions;
- (x) the scale to which the plan of subdivision is drawn; and
- (y) any other information necessary to determine whether or not the plan of subdivision conforms to these regulations.

17.4 Where the final plan of subdivision is to be forwarded to the Department of the Environment the following additional information, if required by the Department of the Environment, shall be part of, or included with, the final plan:

- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- (b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
- (c) the surface slopes and directions;
- (d) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (e) 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, except where the assessment report is to be prepared by the Department of the Environment; and
- (f) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.

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**SECTION 18: PROCEDURE FOR APPROVAL OF FINAL PLANS OF SUBDIVISION**

- 18.1** Application for approval of a final plan of subdivision shall be made to the Development Officer in the form specified in Schedule "A" of this bylaw.
- 18.2** The Development Officer shall comply with the notification and approval provisions of the Act.
- 18.3** The Development Officer shall forward a copy of the final plan of subdivision 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:
    - (i) is more than 9000 square metres (96,878.4 square feet),
    - (ii) has a width of 75 metres (246.1 feet) or more, and
    - (iii) is to be used for a purpose that does not require an on-site sewage disposal system;
  - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) the authority having jurisdiction for public streets;
  - (d) the authority having jurisdiction for recreational facilities; and
  - (e) any other agency of the Province or the Town that the Development Officer deems necessary.
- 18.4** Any agency that has been forwarded a copy of the final plan of subdivision pursuant to section 18.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 18.5** 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 Town unless the final plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

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- 18.6 (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 of \$100.00 per application for approval of a final plan of subdivision.
- 18.7 Where the Development Officer refuses to approve a final plan of subdivision, the Development Officer shall return the fees referred to in clause 18.6 (1) (a) to the subdivider.
- 18.8 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;
  - (b) the fees for registering the deeds;
  - (c) the affidavit of value including particulars of any exemption, pursuant to Part V of the Act.
- 18.9 The Development Officer shall forward an approved copy of the final plan of subdivision to the subdivider and the surveyor.
- 18.10 Where the Development Officer either approves or refuses to approve a final plan of subdivision, the Development Officer shall give notice of the approval or refusal to all agencies that were forwarded a plan pursuant to Section 18.3.
- 18.11 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.
- 18.12 A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall:
- (a) identify such lots;
  - (b) state the names of the grantor and the grantee of such lots; and

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- (c) state the date, book and page number of the conveyance of such lots as recorded in the Land Registration Office.
- 18.13 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 installation of an on-site sewage disposal system for \_\_\_\_\_ and any conditions that apply are \_\_\_\_\_ (proposed use) contained in a report dated \_\_\_\_\_ and available from the Department of the Environment.";
- (ii) "**IMPORTANT NOTICE**  
 \_\_\_\_\_ (has, have) been created for a \_\_\_\_\_ (lot(s) approved and/or remainder) purpose that 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."; or
- (iii) " \_\_\_\_\_ (is, are) served by an existing on-site 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) "Public Streets  
The following street(s) (is) (are) owned and maintained  
By the \_\_\_\_\_ of \_\_\_\_\_."
- (ii) Lot(s) \_\_\_\_\_ (is)(are) serviced by central sewer and water.

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- 18.14** The Development Officer shall forward to the Land Registration Office:
- (a) Three (3) approved copies of the final plan of subdivision and a notice of approval in the form specified in Schedule "B" of this bylaw; and
  - (b) if applicable, the items required by Section 18.8 of this by-law.
- 18.15** The subdivider shall pay the fees contained in the COSTS AND FEES ACT, R.S.N.S., 1989, c. 104, for filing the endorsed final plan of subdivision and certification of a copy of the plan and registering a notice of approval of the plan.
- (a) The fees referred to in subsection (1) shall be paid at the time of application for approval of the final plan of subdivision by cheque or money order made payable to the Registry of Deeds.
  - (b) Where the final plan of subdivision does not receive endorsement of approval by the Development Officer, the subdivider shall be entitled to the return of the cheque or money order referred to in subsection (2).
  - (c) A processing fee of \$100.00 per application for approval of a final plan of subdivision.

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**SECTION 19: REPEAL OF A SUBDIVISION**

- 19.1 Where a plan of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan of subdivision.
- 19.2 Any person requesting a repeal shall submit to the development officer an application in the form specified in Schedule "D".
- 19.3 The notification and approval provisions of the Act that apply to the approval of a plan shall also apply to a repeal.
- 19.4 When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency which provided an assessment or recommendations on the original plan of subdivision.
- 19.5 Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any Building Code regulations, Land Use By-law, or on-site sewage disposal regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the Land Registration Office on the same day as the repeal is filed.
- 19.6 Sections 4 to 18 inclusive of this bylaw do not apply to the repeal of a plan.
- 19.7 The Development Officer shall forward to the Land Registration Office the repeal in the form specified in Schedule "D".
- 19.8 The Development Officer shall forward a copy of the repeal referred to in section 19.7 to:
- (a) the subdivider, and
  - (b) any agency that provided an assessment or recommendations on the original plan of subdivision.
- 19.9 (1) At the time of application for the repeal of a subdivision the subdivider shall submit to the Development Officer:
- a) the fees contained in the Costs and Fees Act, and its regulations, for registering a repeal of a plan of subdivision; and
  - (b) a processing fee of \$100.00 per final application for repeal of a subdivision.
- (2) Where the Development Officer refuses to repeal a subdivision, the Development Officer shall return the fees referred to in clause 19.9 (1)(a) to the subdivider.

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**19.10** Where the Development Officer refuses to repeal a subdivision, the Development Officer shall give notice of the refusal to all agencies that were forwarded the application for repeal pursuant to Section 19.4.

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SCHEDULE "B"

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

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

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

Location \_\_\_\_\_

Date of Approval \_\_\_\_\_ For Lot(s) \_\_\_\_\_

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ Development Officer

\_\_\_\_\_, \_\_\_\_\_  
(DATE) (YEAR)

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_  
(DATE) (YEAR)

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

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

**APPLICATION FOR APPROVAL OF LOTS NOT MEETING REQUIREMENTS**

This application form should be completed in full and forwarded to the Development Officer for the Town of Westville. The applicant is applying under the provisions of Section 4.3 of this Subdivision Bylaw and Section 279 of the Municipal Government Act, R.S.N.S., 1998, C. 18, as amended for a variance on the minimum lot dimensions or lot area required by the Land-Use Bylaw and said variance is within the following guidelines:

1. The request involves a maximum of two (2) lots.
2. The lots are/or are not intended to be served by municipal sewer and water services.
3. The difficulty experienced is not general to the properties in the area or resulting from the intentional disregard of the requirements of this Subdivision Bylaw.
4. The proposed lot area and dimensions are no less than ninety percent of the required minimums for the lot area and dimension.

Name of Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Name of Applicant (if not owner): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Location of lot/lots for which a variance is requested:

Lot #1:	<u>Required</u>	<u>Proposed</u>	Lot #2:	<u>Required</u>	<u>Proposed</u>
Area	_____	_____		_____	_____
Lot lines:					
Front	_____	_____		_____	_____
R. Side	_____	_____		_____	_____
L. Side	_____	_____		_____	_____
Rear	_____	_____		_____	_____

Why is it not possible to comply with the provisions of this Bylaw?

Has a relaxation ever been applied for on these lots?      YES      NO

If yes, describe briefly: \_\_\_\_\_

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

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Town of Westville Subdivision By-law

SCHEDULE "D"

APPLICATION FOR REPEAL OF A SUBDIVISION

Plan of Subdivision

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

APPLICANT RELATED INFORMATION

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

Phone \_\_\_\_\_

Address of Land Owner(s) \_\_\_\_\_

Postal Code \_\_\_\_\_

Documents To Be Returned To \_\_\_\_\_

Correspondence To Be Directed To \_\_\_\_\_

INFORMATION RELATED TO THE 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 in the Land Registration Office at \_\_\_\_\_ in the Municipality of \_\_\_\_\_

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 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 \_\_\_\_\_

REPEAL OF A SUBDIVISION

Plan of Subdivision

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

\_\_\_\_\_

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

\_\_\_\_\_

Location \_\_\_\_\_

\_\_\_\_\_

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

Being Registration # \_\_\_\_\_ at the Land Registration Office.

THIS SUBDIVISION IS REPEALED

Entire Plan  or Only Lots # \_\_\_\_\_

Dated at \_\_\_\_\_

in the Province of Nova Scotia, this \_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_

(DATE)

(YEAR)

\_\_\_\_\_

Development Officer

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

TOWN OF WESTVILLE

CERTIFICATE OF COMPLIANCE WITH SECTION(S) 5 THRU 9  
OF THE SUBDIVISION BYLAW

Application file no. \_\_\_\_\_

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

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

Location \_\_\_\_\_

This is to certify that the Subdivider has provided the following as provided by Section 14.11 of the Town of Westville Subdivision Bylaw.

	Comments:	Initial:
1. Professional Engineering Certificate	_____	_____
2. As Built Drawings	_____	_____
3. Operating and Procedural Manuals	_____	_____
4. Public Systems Test Reports	_____	_____
5. Easements and Rights-of-way	_____	_____
6. Maintenance Bond	_____	_____
7. Other (list)	_____	_____

Notwithstanding this certificate, Section(s) 5 thru 9 of the Town's Subdivision Bylaw provides that the maintenance bond be posted for a period of two (2) years.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Town Engineer



## PRELIMINARY TECHNICAL REPORT

**TO:** Westville PAC  
**FROM:** Planning Staff  
**RE:** Subdivision Bylaw Review - Status  
**DATE:** October 21<sup>st</sup>, 2010

The Town of Westville Subdivision Bylaw review has been an ongoing, stop and start process since 2006. The initial review work was undertaken thru PAC during the tenure of C.A.O Dave Smith. Following his departure, Acting C.A.O. B. Funke P.Eng. had the subdivision bylaw review resuscitated. B. Funke, P.Eng. was shortly replaced by Don Smeltzer who was the third C.A.O to host discussions on the subdivision bylaw. These discussions where limited. During the above timeframes the review process was never completed in a cohesive fashion. Subsequently the document made some headway earlier in October of 2009. However, again it was delayed.

To date, planning staff thru PAC has brought forward some preliminary discussions on the need for a new subdivision by-law for Westville. This resulted in a draft dated Oct. 2009. The current draft (dated Sept. 2010) does needs to be brought to PAC again for discussion as a few items and approaches have evolved since the 2009 draft. Additionally, the need for review and comments by key staff will also be required for the new draft (i.e. municipal engineer, C.A.O., solicitor).

It should be noted that the current draft mentioned above is intended to be flexible so as to create an environment where developers and the Town can engage in discussion/negotiation (within a spelled-out framework) around proposed developments. This is different from the usual approach where design and engineering standards have no room for variation regardless of the site context. The above can be expanded upon for PAC.

Under the current C.A.O. Scott Fraser there is an opportunity to complete the subdivision by-law review process and bring a final before Council. They key outstanding items to complete the review are the re-circulation of the revised draft to Town Solicitor (specifically sections 7, 8 and 9) and Town Engineer and the legal approval steps. Upon receipt of any comments from key staff, the revised draft can be taken back to PAC (with a summary of changes). Should PAC be satisfied, it is being suggested by planning staff that the draft undergo the final legally required approval process as outlined below.

## **Approval Process**

The adoption of a subdivision bylaw is subject to the Municipal Government Act (MGA). A subdivision bylaw is considered a "planning document" and is therefore required to go through a number of steps. A flow chart entitled "*Planning Document Approval Process*" is attached here indicating each step along the way as well as the requirements (notifications etc.) associated with each step. It should be noted that the PAC step is absent here as it is not a "legal" requirement. However, it is a vital first step in building support for the document and ensuring the intent is what serves the Town best.


The public participation requirement indicated in the chart involves a public participation resolution. Planning staff is unsure as to the status of such a resolution by Council. A draft was forwarded and Council may have adopted it previously. This can be confirmed by planning staff.

It is prudent in the process to have comments from key staff (as indicated above) vetted prior to adoption to ensure a clear and quality document as the end product. That being said, planning staff is recommending that the public hearing step include any further changes stemming from key staff comments. This ensures that all comments and the final document have been before the public prior to adoption.

## ***Recommendation***

Planning staff is recommending that a document summary be presented to PAC at the next meeting (date to be determined). This summary should include those comments from key municipal staff (i.e. Engineer and Solicitor). This request for comments should include a timeframe to ensure no further delays. Upon acceptance of the draft document from PAC, the document can then be vetted thru the required approval process as indicated on the attached chart.

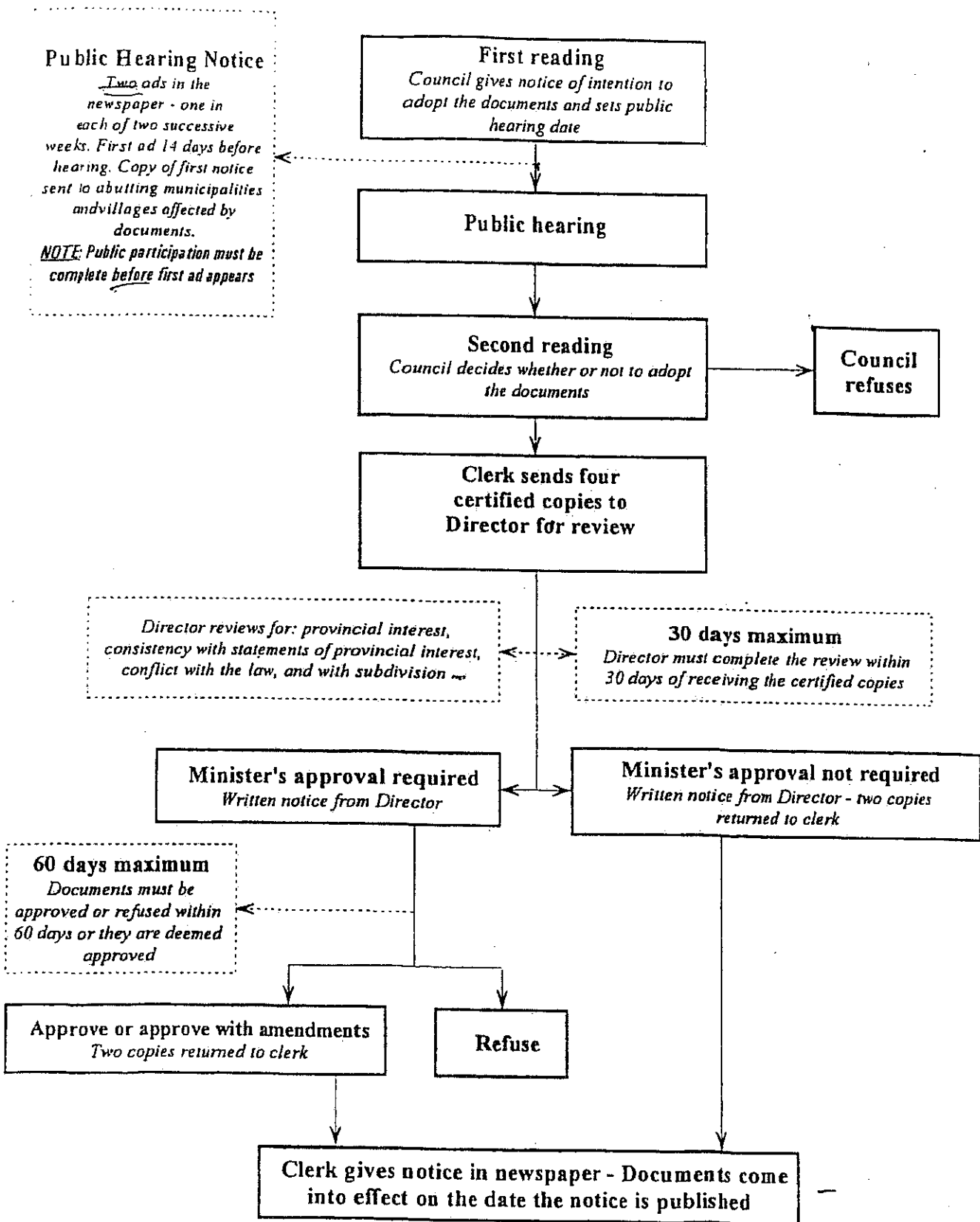
**Respectfully submitted:**

  
\_\_\_\_\_  
**Jeffrey Turnbull**  
**Planner**

## **Attachments:**

Planning Document Approval Process Chart  
Public Participation Resolution

# Charter - Planning Document Approval Process



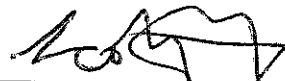
Shaded boxes indicate that the process has come to an end.  
Source: MGA sections 205, 206 and 208.

## Public Participation Resolution

BE IT RESOLVED by the Town Council for the Town of Westville that with respect to the adoption or amendment to the Town of Westville Municipal Planning Strategy, Land Use By-law and Subdivision By-law, Council shall require the Planning Advisory Committee to hold an informal public meeting or meetings prior to the Public Hearing required under the Municipal Government Act. The Committee shall consider the draft documents; hear any comments from interested citizens regarding the draft planning documents and take into consideration these comments; and make a recommendation to Council concerning the adoption of the draft Municipal Planning Strategy, Land Use By-law and Subdivision By-law, or the amendment of the Municipal Planning Strategy, Land Use By-law and Subdivision By-law as the case may be.

This is to certify that the forgoing resolution was passed by the Town Council of the Town of Westville at a duly called meeting held on the 28<sup>th</sup> day of July 2010,  
A.D. 2010

Given under the hand of the Town Chief Administrative Officer and under the seal of the said Town this 3<sup>rd</sup> day of Aug A.D. 2010



Scott Fraser  
Chief Administrative Officer  
Town of Westville



## SUPPLEMENTAL TECHNICAL REPORT

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TO: Westville Planning Advisory Committee  
FROM: Planning Staff  
RE: Subdivision Bylaw Review  
DATE: May 16<sup>th</sup>, 2011

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Planning staff has provided here a draft Subdivision By-law for the Town of Westville as well as a summary of its' content in as brief a fashion as possible. The intent here is to not outline every single change, as this process would not be a good use of PAC time and energy. Instead what is offered is an broad overview. Essentially the draft presented here includes the following:

- **Sections 1 & 2: Short Title & Interpretation:**

Front-end portions of draft document (including title page/TOC) have had text, appearance updated with minor changes.

- **Section 3: Defintions:**

Greatly expanded/updated to provide clarity of terms used throughout various sections of draft. Inclusion of graphics where applicable.

- **Section 4: General Provisions:**

The General Provisions Section speaks to the subdivision of land generally regarding the need for frontage, adherence to LUB, Dept. of Environment and Labour requirements (where applicable), graphical information to be displayed in plans of subdivision etc. The Section has been located at the front end for ease of reference

- **Sections 5 & 6: Lot Access & Transportation Provisions/ Water, Sewer and Other Services:**

The proposed draft addressed the above not with a schedule of specifications, but excludes them here and instead references "Standard Specifications". "Standard Specifications" are defined with the draft as:

"Standard Specification" means the Town of Westville Municipal Service Standard Specifications, containing the specifications and requirements for water systems, sewer systems, roads, utilities, storm drainage systems, sidewalks/ramps, curbs and gutters, etc., as

amended from time to time by or under the authority of the Town Engineer.”

Specifically, in terms of Lot Access & Transportation Provisions –

- cul-de-sac length is provided for
- lot layout considerations (integrity of existing street configurations)
- intersection criteria/lot access
- servicing agreement and performance surety provisions and criteria are outlined in Sections 7&8. These replace the current agreement provisions

Specifically, in terms of Water, Sewer and Other Services

- connection requirements provided for
- storm water management requirements (included new drainage plan requirements as defined)
- as with streets/roads, servicing agreement/performance surety criteria outlined (sections 7&8)

Essentially, the usual Engineering Specifications and related Standard Drawings are now to be referenced to the Municipal Development Standard Specifications document (engineered standards reference). This provides the ability to have the authority having jurisdiction ensure development standards (i.e. street etc.) are met not in terms of “general standards” but more in terms of the physical context of any proposed development. Standards are still applied via the Municipal Development Standard Specifications, however they are applied on a case-by-case basis with provisions that each case is not precedential in nature. This ultimately results in flexibility that favours both the Town and the developer.

• **Sections 7,8 & 9: Servicing Agreement/Performance surety/Acceptance Requirements:**

In terms of servicing agreements, these Sections address those terms of an agreement for municipal infrastructure installation (what the developer/Town agree to (i.e. phasing/completion/any payment requirements/acceptance criteria). The performance surety criteria are concise and identified specifically for ease of reference and administration. The criteria include deposit amounts (125% of estimated cost) etc., timelines and other standards. As with the above, acceptance requirements are also separate and more concise for ease of administration and referencing. These requirements provide for bonding requirements (if applicable), drawings to be provided and other payment requirements.

- **Sections 10: Public Open Space:**

Provisions regarding open space are included here. This details the amount of land and/or cash the developer/sub-divider is to provide to the Town under certain circumstances (i.e. number of lots being created). A definition of usable land has also been included outlining possible uses and site criteria associated with physical features to support a greater variety of possible open space uses (area of land, LUB considerations etc).

- **Sections 11 thru 18: Requirements and Procedures for Plans and the Approval of Plans (Preliminary, Concept, Tentative, Final):**

These sections are standard and stem from Provincial regulation. They outline the required content to be included on a plan as well as the steps (comments required etc). The draft presented here contains all four types of subdivision.

- **Preliminary Plans (optional)** – these plans are not registered and are intended to essentially feel out the proposed subdivision development before committing to any greater cost associated with the concept/tentative type of plan.
- **Concept Plans** – Provides for the next level of information when a development is being considered (i.e. where streets are proposed, phasing if applicable). This type of plan is not included in current draft.
- **Tentative Plans** – A greater expansion on detail than the two previous types of plans. A tentative plan provides engineering drawings (road profiles etc.) This plan is registered and provides the stepping-stone to a final plan approval. It is good for two years in that the final plan must be submitted and be derived from the tentative plan.
- **Final Plans** – Provides for final approval. All key staff has reviewed proposed development by this stage. Plan is registered named deeds can be created from final plan and lots sold.

- **Sections 19: Repeal of Subdivision:**

Enabling provision to allow the repeal of a plan of subdivision once it has been registered. Specified here and includes fee and application form in the attached Schedule to document.

- **Sections 20: Fees for Filing Final Plan of Subdivision:**

Includes new permit and other fees as adopted by municipal units previously (Jan. 2010).

- **Schedules:**

Schedules are added at rear of the document for administration and reference. These schedules include:

- Schedule A: Application for Subdivision Approval
- Schedule B: Notice of Approval of a Plan of Subdivision

- Schedule C: Application for Approval of Lots Not Meeting Requirements
- Schedule D: Application for Repeal of a Subdivision
- Schedule E: Repeal of a Subdivision
- Schedule F: Certification of Compliance

***Comments:***

In terms of comments a copy of the draft document has been forwarded to the Town Solicitor. The key purpose of this review is to ensure that those provisions associated with performance surety's and acceptance requirements were worded in such a way as to not expose the Town to any risk. Further to legal comments, the Town Superintendent of Public Works has also reviewed the draft.

***Approval and Adoption:***

As indicated at the previous PAC, there is a need to confirm the scope of the required public participation. As suggested earlier, the Town of Westville does have a public participation resolution regarding the adoption of planning documents. Planning staff is suggesting an open house approach (two sessions) to be followed with the First Reading, Public Hearing and Second Reading. This will be in keeping with the public participation resolution. Final approval will be confirmed upon receipt of any comments from the Provincial Director of Planning.

***Recommendation:***

Planning staff is recommending PAC accept that draft document presented as per comments and as outlined above. It is also recommended that PAC forward to Council for First Reading the draft presented here to be preceded by a public open house session as suggested. Upon First Reading staff will undertake the legal review steps (public participation etc.) as required and as directed by PAC.

**Respectfully submitted:**

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**Jeffrey Turnbull MCIP, LPP  
Planner  
Pictou County Shared Services Authority**

## Summary of Application 04-10w

The Town of Westville has undertaken the preparation of a new subdivision by-law. Currently the Town utilizes the Provincial Subdivision Regulations, which provide for the minimum requirements. The draft prepared here is intended to provide both the Town and the development community with greater clarity on requirements to ensure the future development is done consistently with the best interest of the community in mind. Below is a brief summary of the draft prepared

- Updated procedures to conform to new Provincial Subdivision Regulations (2001);
- Changes made to account for requirements of the Municipal Government Act (1999);
- Engineering design specifications defined and referenced; Engineering design specifications referenced to the Standard Specification for Municipal Services manual.
  - Under the current subdivision by-law, engineering specifications are identified and entrenched within the document limiting the ability for alternative solutions to specific development requirements where the opportunity to explore alternatives present themselves. This limits opportunities for both the developer and the Town not only in regards to creating prohibitive cost but also opportunities to explore alternative options for development requirements such as the management of surface storm water and site drainage. The draft subdivision by-law references the Standard Specification for Municipal Services manual where a menu of option/solutions can be gleaned and applied to a specific site for development.
- Site Grading Requirements
  - Two prong site development requirements, one within the proposed subdivision by-law, the second within the building bylaw. Within the subdivision by-law, where four or more lots are proposed for subdivision, a grading plan is required as part of a final plan of subdivision. This plan must illustrate the drainage systems and patterns common to a subdivision. At a minimum, the plan shall include proposed lot corner elevations, proposed elevations for buildings at grade level, drainage systems and other measures outlining how surface water and storm water flows will not adversely affect abutting and nearby properties, municipal streets and storm water systems and other lands.

To Do: Public Hearing and Second Reading by Council,  
anticipated for June 27th, 6 pm 2011.

To Do: Effective Date notice to be published upon  
Ministerial review and approval

To Do: Subdivision By-law to come into effect on date of  
published notice.

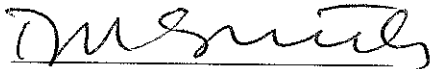
**Town of Westville**

**Subdivision Bylaw**

**Adopted by Council on July 25, 2011**

I acknowledge receipt of this Subdivision Bylaw dealing with revisions, updates and changes to the town's old Subdivision Bylaw. Adopted at a meeting of the Council for the Town of Westville held on July 25, 2011.

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



Dave Smith

Assistant Provincial Director of Planning

Dated: SEP 8 2011