



Municipality of the County of Colchester

Subdivision Bylaw

(Consolidated Edition)

Revisions Adopted by Council
January 28, 2010

Effective Date
March 31, 2010

Text Amendments:

Fee changes – February 2020

Amendments regarding Cemeteries - June 2020

Municipality of the County of Colchester

Subdivision Bylaw

Certification

I, Dan McDougall, of Truro, in the County of Colchester and Province of Nova Scotia, Municipal Clerk of the Municipality of the County of Colchester, do hereby certify that within the attached Subdivision Bylaw is a true and correct copy of that Subdivision Bylaw as passed by the Municipal Council of the Municipality of the County of Colchester at a special meeting duly called for that purpose and held on January 28, 2010 in accordance with the Municipal Government Act of Nova Scotia.

February 4, 2010

Dan McDougall
Municipal Clerk

TABLE OF CONTENTS

Title.....	1
Interpretation.....	1
Definitions.....	1
General Provisions for Lot Size & Access.....	4
Water and Sanitary Sewer Systems.....	13
Preliminary Plans of Subdivision	16
Tentative Plans of Subdivision.....	18
Final Plans of Subdivision.....	23
Requirements for Endorsement & Filing.....	28
Fees.....	30
Public Open Space.....	31
Repeal of Subdivision.....	34

Schedules and Appendices:

Schedule "A" -	Subdivision Areas
Schedule "B" -	Application for Subdivision Approval
Schedule "C" -	Notice of Subdivision Approval for Registry of Deed Plans
Schedule "D" -	Land Registration Form 28 for Subdivision Approval
Schedule "E" -	Application for Repeal of Subdivision
Schedule "F" -	Notice of Repeal of Final Plan of Subdivision
Appendix "A" -	Extract From the Municipal Government Act
Appendix "B" -	Standard Specifications for the Design and Construction of Municipal Services in Colchester County and Addendum #1

Municipality of the County of Colchester

SUBDIVISION BYLAW

SHORT TITLE

1. This Bylaw may be cited as the Subdivision Bylaw for the Municipality of the County of Colchester and shall apply to the Municipality of the County of Colchester.

INTERPRETATION

2. In this Bylaw the work "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.

DEFINITIONS

3. In these regulations:
 - (a) *ACT* means the *Municipal Government Act*.
 - (b) *AREA OF LAND* means any existing lot or parcel as described by its boundaries.
 - (c) *BOARD* means the Nova Scotia Utility and Review Board.
 - (d) *CEMETERY* means land that is set apart or used as a place for the burial of human remains and, for greater certainty, includes all tombstones, gravemarkers and other monuments located thereon and any buildings or structures located thereon for the permanent placement of human remains.
 - (e) *CLERK* means the Clerk of the Municipality of the County of Colchester.
 - (f) *COUNCIL* means the Council of the Municipality of the County of Colchester.

- (g) DEPARTMENT OF ENVIRONMENT means the Nova Scotia Department of Environment, or its successor.
- (h) DEPARTMENT OF TRANSPORTATION means the Nova Scotia Department of Transportation and Infrastructure Renewal, or its successor.
- (i) DEVELOPMENT OFFICER means that person, appointed by the Council pursuant to Part 8 of the *Municipal Government Act* of Nova Scotia, and having the power and duty to administer this Bylaw.
- (j) EXISTING STREET OR HIGHWAY means any public street or public highway.
- (k) LAND USE BYLAW means a Land Use Bylaw for the Municipality of the County of Colchester or portion thereof, if such is in effect.
- (l) LOT means any parcel to be created by the filing of a plan of subdivision, including a remainder lot.
- (m) LOT FRONTAGE means in areas not covered by a land use bylaw:
 - (i) the distance between the side lines of a lot or parcel measured along a public street or highway or a private road except in Section 7; or
 - (ii) where a lot is located on a curve on a public street or highway or a private road, the distance may be measured along a line joining points on the side lines of the lot or parcel which points are 10 metres (32.8 feet) from such street, highway, or road, or in areas covered by a land use bylaw;
 - (iii) frontage shall be measured the same as required in such bylaws.
- (n) LOT LINES are defined as follows:
 - (i) Front Lot Line means the line dividing the lot from the public street or public highway; in the case of a corner lot the shorter boundary line abutting the street or road shall be deemed the front lot line and where such lot lines are of equal length the front lot line shall be deemed to be the front lot line as established in the block of prior construction. In the case of a through lot the longer boundary dividing the lot from the street or road shall be deemed to be the front lot line and the opposite, shorter boundary shall be deemed to be the rear lot line, and where such lot lines are of equal length the front lot line shall be deemed to be the front lot line as established in the block of prior construction.

- (ii) Rear Lot Line means the lot line furthest from or opposite to the front lot line.
- (iii) Side Lot Line means a lot line other than a front or rear lot line.
- (iv) Flanking Lot Line means a side lot line which abuts the street or road on a corner lot.

- (o) MAIN BUILDING means the building in which is carried on the principal purpose for which the building lot is used.
- (p) MAINTENANCE AGREEMENT is an agreement between the developer of a subdivision and the Municipality for the maintenance of the municipal public infrastructure including road, sewer, water and storm drainage system installed in the sub-division during the period of agreement.
- (q) MUNICIPAL PLANNING STRATEGY means a Municipal Planning Strategy for the Municipality or portion thereof, if such is in effect.
- (r) MUNICIPAL ENGINEER means the Director of Public Works of the County of Colchester or his/her designate.
- (s) MUNICIPALITY means the Municipality of the County of Colchester.
- (t) PRIVATE ROAD means any street or road, other than a Public Street or Public Highway, which meets the requirements of this Bylaw and for which the subdivider shall have appropriate title or right of way.
- (u) PROFESSIONAL ENGINEER means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- (v) PUBLIC CENTRAL SEWER SYSTEM means any central sewer system which is owned by an incorporated village or is owned by the Municipality.
- (w) PUBLIC STREET OR PUBLIC HIGHWAY means any highway or street highway owned and maintained by the Department of Transportation, a street owned and maintained by the Municipality of the County of Colchester, or street owned and maintained by the Town of Truro. This excludes designated controlled access highways pursuant to Section 21 of the *Public Highways Act* of Nova Scotia.
- (x) PUBLIC CENTRAL WATER SYSTEM means any central water system which is owned by an incorporated village, town, water utility or the Municipality.

- (y) RIGHT OF WAY means an easement that extends to and abuts a public road, reserved to access lots created for uses permitted by a land use bylaw.
- (z) "STANDARD SPECIFICATIONS" FOR THE DESIGN AND CONSTRUCTION OF MUNICIPAL SERVICES IN COLCHESTER COUNTY means the specifications and requirements for water systems, sewer systems, roads, utilities, storm drainage systems, sidewalks / ramps, curbs and gutters, etc. adopted by a resolution of Council as amended from time to time.
- (aa) SUBDIVIDER means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.
- (bb) 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.
- (cc) SURVEYOR means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.
- (dd) UNMAINTAINED PUBLIC STREET means any public street that is not maintained by the Department of Transportation and Infrastructure Renewal.
- (ee) WATERCOURSE means a lake, river, stream, ocean or other body of water.
- (ff) WATER FRONTAGE shall mean the distance measured as a straight line, between the two points where the side lot lines meet a watercourse.

GENERAL PROVISIONS FOR LOT SIZE AND ACCESS

A. Lot Requirements

- 4. All lots shall abut:
 - (1) a public street or public highway; or

- (2) a private road in the area identified as "Area 2" hereto attached as Schedule "A" of this Bylaw; or
 - (3) a right of way in the area identified as "Area 1" hereto attached as Schedule "A" of this Bylaw.
5. (1) All lots shall meet the applicable dimensions for minimum lot area and lot frontage contained in a Land Use Bylaw, if such a Bylaw is in effect, including remaining lands, if any.
- (2) Subject to Section 5 (3) where no Land Use Bylaw is in effect, all lots for which approval is requested as well as the remainder lot, if any, which are shown on a final plan of subdivision shall meet the following requirements for minimum lot area and lot frontage:

<i>TYPE OF LOT</i>	<i>MINIMUM LOT AREA</i>	<i>MIN. LOT FRONTAGE</i>
Lots not serviced by central water and central sewer systems (See Note 1)	2700 sq. m. (29,063 sq. ft.)	30 metres (98.4 feet)
Lots serviced by a central water system (see Note 1)	1116 sq. m. (12,000 sq. ft.)	30 metres (98.4 feet)
Lots serviced by a central sewer system	600 sq. m. (6458.9 sq. ft.)	20 metres (65.6 feet)
Lots serviced by a central sewer and water system	600 sq. m. (6458.9 sq. ft.)	20 metres (65.6 feet)

Note 1: All lots not serviced by a central sewer system shall have sufficient dimensions that would permit the lot to contain a 30 metre (98.4 ft.) diameter circle within its boundaries. Notwithstanding the above, a lot not serviced by a central sewer system, any part of which is within 60 metres (197 feet) of a watercourse, requires a minimum lot area of 3716 square metres (40,000 sq. ft.) and dimensions that would

permit the lot to contain a circle of 45 metres (148 ft.) in diameter within its boundaries.

- (3) Where under the *On-site Sewage Disposal Systems Regulations*, a lot must be assessed by a qualified person as certified by the Department of Environment in order to be subdivided. No plan of subdivision shall be approved for such lot until the lot has been approved by the Department of Environment.
 - (4) For the purposes of this Section, applications for subdivision approval filed prior to January 1, 2010 may be assessed according to minimum lot area and lot frontage sizes as required by this bylaw as amended to November 29, 1995, subject to Department of Environment approval for on-site sewage disposal.
6. (1) Notwithstanding Section 5, 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 this Bylaw are met.
- (2) Section 6 (1) shall not vary the dimension for lot frontage below 6 metres (19.7 feet) or the minimum dimension for area and width for lots served by an on site sewage disposal system.
7. Notwithstanding Section 4 and the lot frontage requirements of Section 5, the Development Officer may approve a subdivision on an island which does not contain a public street or private road, provided each lot has water frontage of at least 6 metres (19.7 feet).
8. Notwithstanding Sections 4 and 5, the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:
- (1) no additional lots are created;
 - (2) each lot meets the minimum dimensions for lot frontage as required by section 5 or has not had its lot frontage, if any, reduced; and
 - (3) each lot meets the minimum dimension for lot area as required by section 5 or has not had its area reduced.
9. Where the proposed lot is not surveyed pursuant to Sections 58 through 66, the final plan of subdivision prepared pursuant to Section 8 shall:

- (1) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel proposed to be added to the existing area of land have been surveyed, shown as a heavy solid line, except the common boundary between the existing areas of land is surveyed and certified as being the common boundary shown as a heavy broken line;
- (2) notwithstanding sections 58 through 66, other than the new boundaries which have been surveyed pursuant to Section 9 (1), shown the remaining boundaries of the resulting lot for which approval is requested graphically as a lighter solid line; and
- (3) have the following notation affixed to the plan adjacent to the certification required by the Nova Scotia Land Surveyor's Act and regulations made thereunder, and such notation is signed by the surveyor:

"NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of _____. The common boundary between the existing areas of land identified by _____ and _____ which is shown by a heavy broken line is hereby certified as having been the common boundary.

The remaining boundaries of resulting lot _____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey."

10. (1) Notwithstanding the lot area requirements of Section 5, the Development Officer may approve a lot, on a plan of subdivision which does not contain an on-site sewage disposal system or any part thereof which has a maximum area of 465 sq. metres (5005 sq. feet). There shall be no further subdivision of this lot unless the requirements of this Section or Section 5 are met.
 - (2) Notwithstanding the lot area and frontage requirements contained in Section 5 of the Subdivision By-law, in areas of the Municipality where minimum lot and frontage requirements of the Land Use Bylaw are not in effect, a parcel of land containing a Cemetery having less than the required frontage and area may be approved by the Development Officer. Such parcels shall be marked "Not for Development" on the final plan of Subdivision and shall not contain an on-site sewage disposal system or any part thereof. There shall be no further subdivision of this lot.
11. (1) Notwithstanding Sections 20 and 21, where a final plan of subdivision

divides an area of land on which there are two or more main buildings which were erected prior to the effective date of this bylaw, into two or more lots, the plan of subdivision may be approved if all of the following conditions are met:

- (2) each resulting lot shall have a main building on it and if any such building or buildings contains a system as defined under the *On-site Sewage Disposal Systems Regulations* of the Department of Environment, then each lot being approved to accommodate each such main building shall also wholly contain the components of the said system for each said building. Where two or more main buildings share such a system, the system shall be altered prior to approval such that each main building has its own separate system on its own lot.
 - (3) each such resulting lot shall:
 - (i) meet the applicable requirements of the Department of Environment and be approved for the installation of an on-site sewage disposal system, or,
 - (ii) or, where not intended for development purposes, meet the requirements of Part 1, Section 5 (b) of the *On-site Sewage Disposal Systems Regulations*.
 - (iii) be connected to a public central sewer system.
 - (4) Unless otherwise provided for in a Land Use Bylaw, each resulting lot shall have a minimum frontage of 6 metres (19.7 feet) on a public road:
 - (5) the common lot line(s) between the resulting lots shall, if possible, comply with the yard requirements of a Land Use Bylaw if such a Bylaw is in effect.
12. (1) For the purpose of this Section "area of land" shall mean any lot or parcel as described by its boundaries as they existed on January 1, 1994.
- (2) One lot that does not meet the frontage requirements of Section 5 (2) may be approved provided that;
 - (i) the lot being created has frontage on a public street or highway a minimum of 6 metres (19.7 feet); and

- (ii) the minimum frontage requirement of Section 5 (2) is met a distance no greater than 228 metres (748 feet) from the public street or highway; and
 - (iii) the lot shall have sufficient dimensions that would permit the lot to contain a 37 metre (121 ft.) circle within its boundaries.
 - (3) Notwithstanding that the area of land has been subdivided subsequent to January 1, 1994, with all lots meeting the requirements of Section 4, the remainder lot, if any, shall be eligible for one such lot, as referred to in sub-section (2), hereof.
13. Where a plan of subdivision involves the construction of new public roads, the subdivider shall arrange to service each lot for which approval is being requested with electricity.
 14. Unless otherwise provided for in a Land Use Bylaw, lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).
 15. Wherever possible, side lot lines shall be substantially at right angles to a public street or public highway or private road, or radial to a curved public street or public highway or private road.
 16. Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.
 17. Continuous street frontage shall not exceed 400 metres (1312 feet) in length where a wastewater system is to be provided, and shall not exceed 600 metres (1969 feet) where a public wastewater system is not to be provided.
 18. Corner lots should have sufficient extra width to permit appropriate building setback from both streets. (for information purposes only)
 19. Where applicable, a survey plan for a proposed subdivision shall display all designated Environmental Zones and Conditions required by the Land Use Bylaw.
 20.
 - (1) An application to amend a plan of subdivision shall be in accordance with Section 288 of the *Act*, and shall satisfy the requirements of this By-law concerning approvals of final plans of subdivision.
 - (2) The application to amend a plan of subdivision shall refer to the plan of subdivision as originally endorsed and such reference shall include the file

number or registration identifier of the earlier subdivision plan filed or recorded at the office of the Registry of Deeds for Colchester County.

B. Public Roads

21. All proposed municipal public streets shall be shown on a final plan of subdivision and shall be approved by the Municipal Engineer pursuant to Section 280(1) of the *Act*.
22. (1) All proposed municipal public streets shown on a final plan of subdivision approved in accordance with Section 280 (1) of the *Act*, shall conform to the requirements of the Standard Specifications and the deed accepted by the Municipality prior to endorsement of approval on a final plan of subdivision by the Development Officer. Paving, if required, must be completed prior to the expiration of the Maintenance Agreement.
 - (2) As an alternative to the requirements of Section 22 (1) the Development Officer may endorse approval on a plan of subdivision provided the subdivider has entered into an agreement with the Municipality to construct all proposed roads shown on the final plan of subdivision, a deed for the road right of way accepted by the Municipality, and with the following:
 - (i) A properly executed agreement obligating the subdivider to construct all proposed roads if required pursuant to the requirements of this Bylaw.
 - (ii) The said agreement shall set out commencement and completion dates.
 - (iii) The subdivider shall arrange and pay for engineering design specifications for all proposed roads compatible with the specifications in this Bylaw and the Standard Specifications.
 - (iv) The agreement is to be accompanied by security being a bond of indemnity acceptable to the Municipality or a cash deposit or a certified cheque in the amount sufficient to cover 125% of the estimated costs of construction of all proposed roads as determined by the Municipality and the security shall be updated from time to time to ensure it remains a current to the estimated costs as set out herein.

23. (1) There shall not be more than four public street or public highway or private road approaches or any combination thereof in an intersection.
- (2) Where a public street or public highway in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, a public street or public highway in the latter shall, if reasonably feasible, be laid out in a prolongation of such existing public streets or public highways, unless it would be in violation of this Bylaw.
- (3) 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 or other physical limitations.
- (4) A right-of-way access to adjacent property must be provided and deeded to the Municipality. These access roads shall be no greater than 400 metres (1312 feet) apart in areas with serviced by central sewer or 600 metres (1969 feet) in non-serviced areas, except where this requirement would prejudice the proper subdivision of the land proposed to be subdivided or the adjacent land.
- (5) Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate to the Municipal Engineer 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.
- (6) 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.

C. Private Roads

24. For the purposes of this Bylaw, private roads will only be permitted in areas identified as "Area 2" hereto attached as Schedule "A". All proposed private roads shown on a tentative or final plan of subdivision shall be designed and built to the requirements of the Standard Specifications.
25. All proposed private roads shall be shown on a tentative or final plan of subdivision and shall satisfy the following requirements prior to the endorsement of approval on a final plan of subdivision by the Development Officer:

- (1) any private road system extends to and has access to a public street or public highway and where not totally located within the area of land proposed to be subdivided there shall be an easement for right-of-way and access which has been clearly granted by deed, registered in the Registry of Deeds for this Municipality. A private road that must cross an unmaintained public street to extend to and have access to a public street may be treated as a continuous private road for the purposes of Section 4, if the owner has a permit to cross the unmaintained public street that is issued by the Department of Transportation and is assignable and has no fixed duration.
 - (2) the Department of Transportation or the Municipal Engineer has approved all intersections of any private road with any public street or public highway.
 - (3) the Municipal Engineer has approved the road system design of the private road.
26. All private roads shown on a final plan of subdivision shall be located entirely within the limits of the private road right of way shown on the plan of subdivision, prior to the endorsement of approval on a final plan of subdivision by the Development Officer.
 27. Notwithstanding the provisions of Sections 24, 25, 26 and 4, a private road shown on an approved plan of subdivision prior to January 1, 1994 shall be eligible for subdivision.
 28. Notwithstanding Section 24, the road construction requirement shall be waived where a private road provides access to eight (8) or fewer lots.
 29. Any new private road shall be approved as a separate parcel and is deemed to meet minimum lot area and frontage requirements of this By-law.
 30. Any road approved on a plan as a private road shall not be acquired by the Municipality or receive any municipal services unless the road in question has been redesigned and reconstructed in compliance with all provisions of this Bylaw and the Standard Specifications which apply to public roads, and a deed to the street has been accepted by the Municipality in accordance with this bylaw.

D. Public Street and Private Road Naming and Signage

31. All proposed public and private road names shall be in accordance with the *Municipal Policy on Naming and Re-naming Municipal Streets*. The name must be approved by the Municipality prior to final subdivision approval being given by the Development Officer. All provincial public streets or highway names will be approved by the Department of Transportation prior to final approval being given by the Development Officer.

WATER AND SANITARY SEWER SYSTEMS

32. When a public water system is proposed, the subdivider shall design and install a system including mains and laterals to the boundaries of the proposed lots and any such system shall be designed by a Professional Engineer in accordance with the Standard Specifications.
33.
 - (1) A subdivider who proposes to locate a subdivision within a Municipal Sewer District shall provide a sewer system for the said subdivision and shall connect the said sewer system to the existing public central sewer system.
 - (2) When a proposed subdivision is subject to the requirements of 33 (1), the subdivider shall design and install a central sanitary sewer system including collectors and laterals to the boundaries of the proposed lots, and including new treatment facilities or modification of existing facilities as applicable, and any such system shall be designed by a Professional Engineer in accordance with the Standard Specifications.
34. As an alternative to 32 and 33 in areas identified as "Area 1" hereto attached as Schedule "A", the Municipality may, upon request by the subdivider and prior to endorsement of the final plan of subdivision by the Development Officer, accept from the subdivider the following:
 - (1) A properly executed agreement obligating the subdivider to construct a central sanitary sewer system and a water system if required pursuant to the requirements of this Bylaw.
 - (2) The said agreement shall set out commencement and completion dates for each project.
 - (3) The subdivider shall arrange and pay for engineering design specifications for each system compatible with the specifications in this Bylaw and the Standard Specifications.

- (4) The agreement is to be accompanied by security being a bond of indemnity acceptable to the Municipality or a cash deposit or a certified cheque in the amount sufficient to cover 125% of the estimated costs of installation of the system(s) as determined by the Municipality and the security shall be updated from time to time to ensure it remains a current to the estimated costs as set out herein.
35. The Development Officer shall endorse a final plan of subdivision when the provisions of Sections 32, 33 or 34 and all other conditions required by this Bylaw have been met.
36. The ownership of any water or sewer system constructed pursuant to this By-law is to be assigned, free of encumbrances, from the subdivider to the Municipality at no cost to the Municipality. The subdivider shall be responsible for 100% of actual costs related to the construction and transfer of any water or sewer system as referred to herein. The subdivider shall also arrange and pay for and have assigned to the Municipality any necessary easements for the water and/or sewer systems over adjoining properties.
37. Where Sections 32 and/or 33 are applicable, the subdivider shall be responsible for the following:
 - (1) arranging for complete testing of the installation of any such service(s) at various stages as required by the Standard Specifications, and any direction of the Municipal Engineer; and
 - (2) giving reasonable notice to the Municipal Engineer of proposed test dates, site and times; and
 - (3) allowing the Municipal Engineer or a consulting engineer to inspect the installation at any stage or to verify or confirm any required tests; and
 - (4) maintaining records of all tests in such a fashion that the Municipal Engineer, whether having 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 Municipal Engineer.
38. Upon the installation of any services, the subdivider shall provide to the Municipality the following information in accordance with the Standard Specifications.
 - (1) the reproducible record drawings of the engineering design showing the

actual constructed system;

- (2) the results of all test reports;
 - (3) deeds or assignments to the Municipality, free of encumbrances relating to infrastructure, land, services and easements as required by the Municipality, along with any necessary fees and legal forms to record these documents; and
 - (4) a maintenance agreement is to be signed and a maintenance bond in a satisfactory form or certified cheque posted in favour of the Municipality in an amount equal to 10% of the estimated costs of construction and installation of services as approved by the Municipal Engineer. The bond shall be for a period of one (1) year and shall state that it is a guarantee against deficiencies in the construction and installation of services.
39. Where any sewer or water system is to be connected to a system owned by an incorporated village, the following word replacement shall take effect for Sections 32 through 38 of this Bylaw.
- (1) The word "Council" be replaced by the words "Village Commission of the Village of _____."
 - (2) The words "Clerk" be replaced by the words "Village Clerk" or "Village Chief Administrative Officer" if such an appointment is applicable.
 - (3) The words "Municipality" be replaced by the words "Village Commission of the Village of _____."

PRELIMINARY PLANS OF SUBDIVISION (Optional)

40. The subdivider proposing to subdivide an area of land may, as an option, submit an application form, as specified in Schedule "B" to the Development Officer together with six (6) hard copies and one copy in an acceptable digital format of the preliminary plan of subdivision drawn to scale showing the following:
- (1) Name of the owner of the area of land being subdivided.
 - (2) the unique Parcel Identifier (PID) of all areas of land being subdivided.

- (3) If applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Registry of Deeds for this Municipality.
 - (4) Names of all owners of all properties abutting the land being subdivided.
 - (5) A location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark.
 - (6) The shape, dimensions and area of the lots being created.
 - (7) Each lot being approved identified by a number except where a parcel is being added to or subtracted from an existing area of land, 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.
 - (8) No duplication of lot identifiers.
 - (9) The approximate location of railways and railway rights-of-way.
 - (10) The location and name of existing private roads, public streets or public highways and the public highway number.
 - (11) 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.
 - (12) General location of all main buildings and their civic addresses.
 - (13) General location of watercourses, wetlands and marine water bodies and areas designated as Environmental Zones and/or Conditions by the Land Use Bylaw or applicable provincial legislation or regulation.
 - (14) North point.
 - (15) The scale to which the preliminary plan of subdivision is drawn, and
 - (16) Any other information which the Development Officer deems necessary to determine whether this preliminary plan conforms to this Subdivision By-law.
41. The Development Officer shall, if applicable, forward a copy of all material received pursuant to Section 40 to:

- (1) The Department of Environment to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot:
 - i) is more than 9000 m²;
 - ii) has a width of 75 m or more; and
 - iii) is to be used for a purpose which does not require an on-site sewage disposal system.
 - (2) The Department of Transportation for preliminary review; and
 - (3) The Municipal Engineer for preliminary review; and
 - (4) Any other agency of the Province or the Municipality or incorporated village in which the subdivision is located, which the Development Officer deems necessary.
42. Prior to approval of any subdivision plan, the Development Officer must receive written reports of findings from the Department of Environment, the Municipal Engineer, the Department of Transportation and any other agency of the Province or Municipality or incorporated village who has been forwarded a copy of the preliminary plan for review. The Development Officer shall then report to the subdivider regarding the status of the application.

TENTATIVE PLANS OF SUBDIVISION

A. Procedure for Approval Of Tentative Plans Of Subdivision

43. The subdivider proposing to subdivide an area of land shall submit an application form as specified in Schedule "B", to the Development Officer for approval together with 8 copies and one copy in an acceptable digital format of the tentative plan of the proposed subdivision, meeting the requirements of Sections 50 and 51 of this Bylaw.
44. Notwithstanding Section 43, the Development Officer may waive the requirements that tentative application and plan of subdivision be submitted where:
 - (1) The lots abut an existing public street or public highway or private road;

and

- (2) No central water or sewer services are to be installed; or
 - (3) The lots are to be approved pursuant to Sections 7 and/or 8.
45. The Development Officer shall, when satisfied that an application and tentative plan of subdivision are complete and if applicable, forward a copy to:
- (1) The Department of Environment to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot:
 - i) is more than 9000 m²;
 - ii) has a width of 75 m or more; and
 - iii) is to be used for a purpose which does not require an on-site sewage disposal system.
 - (2) The Department of Transportation; and
 - (3) The Municipal Engineer; and
 - (4) Any other agency of the Province or the Municipality or incorporated village in which the subdivision is located, which the Development Officer deems necessary.
46. The Development Officer shall comply with the notification and approval provisions of Section 277 (1) and (2) of the *Act*.
47. 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 Environment, the Municipal Engineer, the Department of Transportation or any other agency of the Province or the Municipality or incorporated village 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, including any applicable dimensions for lot area and lot frontage contained in a Land Use Bylaw of the Municipality.
48. The following information shall be stamped or written on any tentative plan of subdivision which is approved together with any other information necessary for the tentative plan to proceed to the final plan stage:

- (1) "This tentative plan of subdivision is approved for lots _____. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan".
 - (2) The date of the approval of the tentative plan.
 - (3) "This tentative plan of subdivision shall not be filed in the Registry of Deeds as no subdivision takes effect until a final plan of subdivision is endorsed by the Development Officer and has been filed in the Registry of Deeds."
49. (1) The Development Officer shall forward a copy of the approved tentative plan to the subdivider and surveyor.
- (2) Where the Development Officer refuses to approve a tentative plan of subdivision, the subdivider shall be notified pursuant to Section 277 (3) of the *Act*, advising the subdivider of the appeal provisions of Section 284 of the *Act*.

B. Tentative Plan Requirements

50. Tentative plans of subdivision submitted to the Development Officer shall be:
- (1) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
 - (2) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
 - (3) folded to approximately 20 X 30 cm. (8 X 12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.
51. Tentative plans of subdivision shall show the following:
- (1) the words "PLAN OF SUBDIVISION" located in the title block;
 - (2) the words "TENTATIVE PLAN" located above the title block;
 - (3) a clear space for stamping being a minimum of 25 cm (9.8 in.) in length with a minimum width of 10 cm (3.9 in.);

- (4) name of the subdivision, if any, and the name of the owner of the area of land;
- (5) the unique Parcel Identifier (PID), of all areas of land being subdivided;
- (6) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Registry of Deeds for this Municipality;
- (7) names of all owners of all properties abutting the proposed subdivision;
- (8) 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;
- (9) the shape, dimensions, and area of the lots being created;
- (10) the shape, dimensions, and area of any land to be dedicated to the Municipality for recreation purposes;
- (11) each proposed lot identified by a number except where a parcel is being added to or subtracted from an existing area of land, 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;
- (12) no duplication of lot identifiers;
- (13) 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;
- (14) general location of existing main buildings and their civic addresses;
- (15) the location and name of existing private roads and public streets or highways and the public highway number;
- (16) the width, location, and approved name, in accordance with the Municipality's *Policy on Naming and Re-naming Municipal Streets*, of proposed public streets or highways and proposed private roads;
- (17) the width and location of railways;

- (18) the location of any watercourse, prominent rock formation, wetlands and marine water bodies and areas designated as Environmental Zones and/or Conditions of the Land Use Bylaw, and any applicable provincial legislation or regulations, and any other natural prominent feature which might affect the layout or provision of public streets or highways or private roads and services to the area where the subdivision is to be located;
 - (19) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
 - (20) where applicable, a notation stating the lots are serviced by a public sewer and/or water system;
 - (21) the location of existing and proposed central sewer and water systems and proposed connections thereto;
 - (22) north arrow;
 - (23) the date on which the tentative plan of subdivision was drawn and the date of any revisions;
 - (24) the scale to which the tentative plan of subdivision is drawn; and
 - (25) any other information which the Development Officer deems necessary to determine whether a tentative plan of subdivision conforms to this Subdivision Bylaw.
52. In addition to meeting the requirements of Sections 50 and 51, where the proposed lots front on a proposed public street or public highway or proposed private road, or where a public central sewer system and/or a public central water system are to be installed, a tentative plan of subdivision shall:
- (1) Show a boundary survey of the area of land proposed to be subdivided, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Nova Scotia Land Surveyors Act* and the Regulations made thereunder;
 - (2) Be accompanied by two (2) paper copies of a plan and one copy in an acceptable digital format, in form and substance acceptable to the Municipal Engineer, showing drawings, details and specifications, prepared in accordance with the Standard Specifications.

53. Where tentative subdivision plans or drawings are prepared by an engineer, they shall be signed and sealed by the professional engineer in accordance with the *Engineering Profession Act*.

FINAL PLANS OF SUBDIVISION

A Procedure for Approval of Final Plans of Subdivision

54. The subdivider proposing to subdivide an area of land shall submit an application on the form specified in Schedule "B" to the Development Officer, two copies of final "As-Built" engineering plans for any public central sewer system and/or public central water system, and 13 copies of the final plan of subdivision meeting requirements of Sections 61 and 62 of this Bylaw. Every Final Application shall be accompanied by one copy of the final plan in an acceptable digital format.
55. The Development Officer shall comply with the notification and approval provisions of Section 277 of the *Act*.
56. The Development Officer shall, when satisfied that an application and final plan of subdivision are complete and if applicable, forward a copy to:
- (1) The Department of Environment to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot:
 - i) is more than 9000 m²;
 - ii) has a width of 75 m or more; and
 - iii) is to be used for a purpose which does not require an on-site sewage disposal system.
 - (2) The Department of Transportation; and
 - (3) The Municipal Engineer; and
 - (4) Any other agency of the Province or the Municipality or incorporated village in which the subdivision is located, which the Development Officer deems necessary.

57. 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 Environment, the Municipal Engineer, the Department of Transportation or any other agency of the Province or Municipality or incorporated village unless the final plan of subdivision is clearly contrary to a law of the Province, including any applicable dimensions for lot area and lot frontage contained in a Land Use Bylaw of the Municipality.
58. Upon approval by the Development Officer of the final plan of subdivision, the Development Officer shall notify in writing the subdivider and, where applicable, the Department of Environment, the Municipal Engineer, the Department of Transportation, and any other agency of the Province or Municipality or incorporated village which the Development Officer requested to review the plan, of the decision to approve the final plan.
59. Where a Development Officer refuses to approve a final plan of subdivision, he/she shall notify the subdivider pursuant to Section 277 (3) of the *Act*, advising the subdivider of the appeal provisions of Section 284 of the *Act*.
60. Before approving a final plan of subdivision that consolidates parcels or areas of land in different ownerships the Development Officer shall have received:
 - (1) the executed deeds suitable for registering to effect the consolidation;
 - (2) the fees for registering the deeds;
 - (3) the affidavit of value (in triplicate) and if applicable, the deed transfer tax; and,
 - (4) any necessary completed forms as required under the Land Registration Act.

B *Final Plan Requirements*

61. Final plans of subdivision submitted to the Development Officer shall be:
 - (1) drawn to a scale or scales sufficient for clarity of all particulars on the final plan of subdivision;
 - (2) certified and stamped by a Nova Scotia Land Surveyor that all lots for which approval is requested have been surveyed in the manner required by the *Nova Scotia Land Surveyor's Act* and the regulations made thereunder; and

- (3) folded to approximately 20 X 30 cm. (8 X 12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.

62. Final plans of subdivision shall show the following:

- (1) the words "PLAN OF SUBDIVISION" located in the title block;
- (2) name of subdivision, if any, and the name of the owner(s) of the area of land; as well as Lot Identifier(s), and any street/ highway names, in the title block;
- (3) a clear space for stamping being a minimum of 25 cm (9.8 in.) in length with a minimum width of 10 cm (3.9 in.);
- (4) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Registry of Deeds for this Municipality;
- (5) the unique Parcel Identifier (PID), of all areas of land being subdivided;
- (6) names of all owners of all properties abutting the proposed subdivision;
- (7) 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 areas of land proposed to be subdivided;
- (8) the shape, dimensions, and area of the lots being created;
- (9) the shape, dimensions, and area of any land to be dedicated to the Municipality for recreation purposes;
- (10) the bearings of the boundaries of the lots for which approval is requested;
- (11) each lot being approved individually identified by a number, and where practical, where a parcel is being added to or subtracted from an existing area of land, the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier and the letter;
- (12) no duplication of lot identifiers;

- (13) 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;
- (14) approximate location of existing main buildings on the areas of land proposed to be subdivided with the graphic representation of location and mathematical location for all buildings and/or structures within 3 metres (9.8 feet) of any boundary of the proposed lot;
- (15) the location and name of existing private roads, public streets or public highways and the public highway number;
- (16) the width, location, approved name and bearings of the boundaries of proposed public streets or public highways and proposed private roads;
- (17) the width and location of railroads;
- (18) the location of any watercourse, wetlands and marine water bodies and areas designated as Environmental Zones and/or Conditions as identified in the Land Use Bylaw and any applicable provincial legislation or regulation;
- (19) width, location, and nature of any easements on or effecting the area of land proposed to be subdivided;
- (20) where applicable, a notation stating the lots are serviced by a public sewer and/or water system;
- (21) north arrow;
- (22) the date on which the final plan of subdivision was drawn and the date of any revisions;
- (23) the scale to which the final plan of subdivision is drawn;
- (24) a notation stating whether or not the lots for which approval is requested are serviced by central sewer and water systems;
- (25) the date on which the final plan of subdivision was certified with all revisions to be identified, dated and initialed;
- (26) the ordinary high water mark for waterfront lots for the purposes of calculating lots area;

- (27) include:
 - i) the lengths and bearings of the boundary lines of each proposed highway or private road, right-of-way and easement, including the lengths of arcs, points of curvature and radii in the case of curved lines;
 - ii) however, existing rights-of-way and easements for which no specific location is defined in a deed nor physical evidence exists, are excluded from meeting the requirements of i) above if no information is readily available;
 - (28) the length and bearing of each line of any traverse which connects at least one point on the boundary of the Subdivision to the control monument as per the *Nova Scotia Land Surveyors Act*, and
 - (29) any other information which the Development Officer deems necessary to determine whether a final plan of subdivision conforms to the Subdivision Bylaw.
63. A final plan of subdivision showing lots approved pursuant to Section 287 (3) of the *Act*, by special note on the plan shall:
- (1) identify such lots; and
 - (2) state the names of the grantor and the grantee of such lots; and
 - (3) state the date, book and page number of the conveyance of such lots as recorded in the Registry of Deeds.
64. Where the design or layout of the subdivision was designed by an individual or firm other than the individual or firm of the professional land surveyor who has certified the final plan of subdivision, the name of such individual or firm and the nature of the work performed shall be shown in the title block of the final plan of subdivision.
65. In addition to meeting the requirements of Sections 61, 62, 63 and 64, where a proposed central sewer and/or water system is to be installed, the final plan of subdivision shall be accompanied by drawings, details, and specifications prepared in accordance with Sections 32 – 39 of this Bylaw and the Standard Specifications.

C Requirements for Endorsement and Filing of Final Plans

66. When the requirements of Part 9 of the *Act*, this Subdivision Bylaw and the Regulations Respecting On-site Sewage Disposal Systems pursuant to the *Environment Act*, have been met and the final plan of subdivision has been approved by the Development Officer, approval shall be endorsed on the final plan of subdivision by the Development Officer.
67. The Development Officer shall forward a copy of the endorsed final plan of subdivision to the subdivider.
68. The Development Officer shall give notice of endorsement of approval on the final plan of subdivision to:
- (1) the Municipal Engineer,
 - (2) the Department of Transportation;
 - (3) the Department of Environment;
 - (4) the Surveyor; and
 - (5) any other department or agency of the Province or the Municipality or incorporated village who has been requested to review the final plan of subdivision.
69. The following information shall be written or stamped on any final plan of subdivision which is endorsed:
- (1) "This final plan of subdivision is approved for Lots _____."
- "This certificate, although endorsed as final approval, applies only to those laws, bylaws, and regulations administered directly by the Municipality and does not grant or imply other permissions or licenses that may be required, such as permission for access to a public highway from the Department of Transportation or the Municipality."
- (2) "Lots _____ (is, are) suitable for the construction or installation of an on-site disposal system for _____ and any conditions which apply are contained in a report dated _____ and available from the Department of Environment. Report # _____."

(3) Where there are public streets and public highways which are to be owned and maintained by the Province and/or the Municipality, the words "The following streets and highways are owned and maintained by the Department of Transportation and/or the Municipality of the County of Colchester.":

(4) Where there are private roads, the following words:

"The following roads are private roads and are not owned by Department of Transportation or the Municipality of the County of Colchester and are not entitled to any provincial or municipal services including grading, ditching, snow plowing, gravelling, school busing, and garbage collection:

70. Pursuant to Section 285 (2) of the *Act*, the Development Officer shall register a notice, in the form specified in Schedule "C", in the Registry of Deeds which indicates approval of the final plan of subdivision and forward one endorsed copy of the final plan of subdivision, together with the fees required in Section 71 of this Bylaw, to the Registry of Deeds.

D Fees

71. The following fees shall be paid to the Municipality at the time of application for subdivision approval:

(1) the subdivider shall pay the fees contained in the *Costs and Fees Act*, R.S.N.S., c. 104.s.1 1989 or regulations made thereunder for filing the endorsed final plan of subdivision, certifying a copy of the plan and registering a notice of approval of the plan;

(2) All permit fees, licenses and other charges referred to in this By-law will be determined by policy.

72. The fees referred to in Section 71 shall be paid at the time of application for approval of the plan of subdivision by cheque or money order made payable to the Municipality or in a form acceptable to the Municipality.

73. Where the plan of subdivision does not receive endorsement of approval by the Development Officer, the subdivider shall be entitled to the return of any fees made payable to the Municipality or in a form acceptable to the Municipality.

PUBLIC OPEN SPACE

74. Any proposed parkland must reflect the intent of public recreation policies as established in the MPS and the Municipal Parkland Strategy, and the Village of Bible Hill's recreation master plan for subdivision lands located within their boundary.
75. Prior to the endorsement of a plan of subdivision, the subdivider shall convey title, in fee simple and free of encumbrances, to the Municipality for open space purposes, an area of land equal to five percent of the area of land shown on the final plan of subdivision, exclusive of:
 - (1) public streets or highways; and
 - (2) private roads; and
 - (3) proposed streets, highways and private roads; and
 - (4) the remainder land, if any.
76. Notwithstanding Section 75, where there is no useable land free of encumbrances the Municipality shall accept, in accordance with the *Act*, for park, playground or similar public purposes, a sum of money equal to five percent of the assessed value of the new lots being created, exclusive of:
 - (1) public streets or highways; and
 - (2) private roads; and
 - (3) proposed streets, highways and private roads; and
 - (4) the remainder land, if any.

77. Pursuant to Section 273 (2) of the *Act*, a combination of land and money equal to the value of the land required to be transferred under Section 75 may be accepted by the Council. Any such transfer or payment shall be made prior to endorsement of the final plan of subdivision.
78. The open space dedication required by Section 75 may be satisfied by the transfer to the Municipality of an area of land of equivalent value outside the area being subdivided and within the boundaries of the Municipality, if acceptable to the Council.
79. Any land to be deeded to the Municipality under these sections shall:
- (1) not consist of any parcel having an area of less than 1000 sq. metres (10,765 sq. feet);
 - (2) not have an average slope exceeding 10%;
 - (3) not be subject to flooding, unless intended for water-based recreational activities or for passive park use such as trails or a natural reserve area;
 - (4) be capable of use for:
 - (i) passive recreational purposes such as walking trails, sites or passive park areas;
 - (ii) active purposes such as playing fields or tot lots;
 - (5) In lieu of the above, the Development Officer may consider other recreational opportunities, which, shall be determined by a mutually agreed upon expert opinion, contains such unique physical, cultural, or historical characteristics from the following list:
 - (i) land suitable for preservation and usable as an interpretive natural reserve, with a minimum area of 1000 sq. metres (10,765 sq. feet) in area;
 - (ii) land adjacent to parkland or open space owned by the Municipality, a minimum of 600 sq. metres (6458 sq. feet) in area;

- (iii) land of significant historical or structures or buildings of significant historical value to the Municipality, and useable for public purposes, a minimum of 600 sq. metres (6458 sq. feet) in area;
 - (iv) land to be used for walkways or trails having a minimum area of 1000 sq. metres (10,765 sq. feet) in area;
 - (v) land to be used for the purposes of storm water management and capable of being used for any use identified above.
80. Any land deeded to the Municipality other than those meeting the requirements of Section 79 shall meet the frontage requirements of Section 5 (2). Land deeded to the Municipality pursuant to the requirements of Section 79 {except 79 (5) (ii)} shall have a minimum frontage of 10 metres (32.8 feet) on a public street or a public highway.
81. Notwithstanding Sections 74, 75, 76 and 82, the Development Officer may approve a plan of subdivision where no open space transfers are considered where:
- (1) Lot boundaries are changed but no additional lots are created;
 - (2) Lots or parcels are consolidated but no additional lots are created;
 - (3) No new streets and/or central sewer and/or water services are to be installed.
82. In areas identified as "Area 2" hereto attached as Schedule "A" and notwithstanding Sections 74, 75 and 76, the Municipality shall accept, in accordance with the *Act* for park, playground or similar public purpose, a sum of money equal to two percent (2%) of the assessed value of the new lots being created exclusive of:
- (1) public streets or highways; and
 - (2) private roads; and
 - (3) proposed streets, highways, and private roads; and
 - (4) the remainder land, if any.

REPEAL OF A PLAN OF SUBDIVISION

83. Any person requesting the repeal of a plan of subdivision shall submit to the Development Officer an application form pursuant to the *Act*.
84. The Development Officer shall comply with the notification and approval provisions of the *Act* which apply to the repeal of a plan of subdivision.
85. The notification and approval provisions of the *Act* do not apply to a repeal of a plan of subdivision that consolidates 2 or more parcels and for which no deed to effect the consolidation has been registered in the Land Registration Office, if the applicant certifies that to the applicant's knowledge no deed to effect the consolidation exists.
86. When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency who provided an assessment or recommendations on the original plan of subdivision.
87. Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, Land Use By-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the registry of deeds on the same day as the repeal is filed.
88. Sections 4 to 82 inclusive of this By-law do not apply to the repeal of a plan of subdivision.
89. A 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 or of any other agency of the Province or the municipality unless the repeal of the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
90. The Development Officer shall forward to the registry of deeds the repeal in a form specified by the Municipality from time to time.

91. The Development Officer shall forward a copy of the repeal referred to in Section 84 to:
 - (1) the subdivider,
 - (2) any agency who provided an assessment or recommendations
 - (3) the surveyor.

92. At the time of application for the repeal of a subdivision the subdivider shall submit to the Development Officer:
 - (1) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan of subdivision; and

 - (2) a processing fee of \$50.00 per application for repeal of a subdivision.

93. Where the Development Officer refuses to repeal a subdivision, the fees referred to in Section 92 shall be returned to the subdivider.

94. Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall notify all agencies which were forwarded the application for repeal pursuant to Section 86 and the subdivider, give reasons for refusal, pursuant to the notification and approval provisions of the *Act*, and advise the subdivider of the appeal provisions of the *Act*.