



## **Planning Advisory / Heritage Committee Meeting**

Tuesday, April 16<sup>th</sup>, 2024, 6:30 p.m.

Council Chambers

### **AGENDA**

1. Call to order
2. Items Added / Approval of the Agenda
3. Review of Minutes re:
  - a) February 20<sup>th</sup>, 2024
4. Staff Reports
  - a) Variance Notification Procedures
5. Building Permits Fees- Discussion
6. Items Added to the Agenda
7. Next Meeting Date
8. Adjournment



## **Planning Advisory / Heritage Committee Meeting**

February 20<sup>th</sup>, 2024

**Location:** Council Chambers

**Present:** Councillor Brent Sampson, Deputy Warden Shawn Samson, Councillor Melanie Sampson (Virtual), Doug Begg, Appointed Member, Carolyn Clackdoyle, Appointed Member

**Also Present:** Kristen Knudskov, Planner/Development Officer, Eastern District Planning Commission (EDPC), Troy MacCulloch, CAO (Virtual), Shelley David, Municipal Clerk

**Call to Order:**

Councillor Brent Sampson called the meeting to order at 6:30 P.M

**Items Added to the Agenda (Approval of the Agenda)**

Moved by Deputy Warden Shawn Samson, seconded by appointed member Doug Begg that the agenda be approved.  
Motion carried.

**Review of Minutes re:**

a) January 16<sup>th</sup>, 2024

Moved by appointed member Carolyn Clackdoyle, seconded by Councillor Melanie Sampson that the Planning Advisory/Heritage Committee meeting minutes for January 16<sup>th</sup>, 2024.

Motion carried.

**Amendments to the Central Richmond Secondary Plan and Land Use By-Law to allow former institutional buildings to be converted into dwelling units.**

Kristen Knudskov reviewed the proposed amendments to the Central Richmond Municipal Planning Strategy and Land Use By-Law to allow former institutional buildings to be converted into dwelling units, where the number of units are not otherwise permitted by the zone in effect, subject to provisions of the Land Use By-Law (as outlined in Appendices A & B).



Moved by appointed member Doug Begg, seconded by Councillor Melanie Sampson that the Planning Advisory/Heritage Committee recommend to Council to approve the proposed amendments to the Central Richmond Municipal Planning Strategy and Land Use By-Law to allow former institutional buildings to be converted into dwelling units, where the number of units are not otherwise permitted by the zone in effect, subject to provisions of the Land Use By-Law (as outlined in Appendices A & B).

Motion carried.

**Items Added to the Agenda:**

No additional items added.

**Next Meeting Date**

It was the consensus of the Committee to schedule the next Planning Advisory/Heritage Committee meeting for March 19<sup>th</sup>, 2024, at 6:30 p.m.

**Adjournment**

There being no further business, the meeting was adjourned at 6:51 p.m.

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**Municipal Clerk**

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**Chairperson**

To: **Richmond Planning Advisory Committee  
Richmond County Council**

From: **Planning Staff (EDPC)**

Date: **April 16<sup>th</sup>, 2024**

Reference: **Review of Variance Notification Procedures and Amendments to the Richmond County Subdivision By-law**

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**Recommendations:**

1. That no change be made to the Variance notification process. No motion is required; and
2. That Council approves the proposed amendments to the *Richmond County Subdivision By-law* as laid out in Appendix B of the Staff Report that remove the term “clearly surveyed” for clarity.

**Background Information:**

On December 19, 2023, Planning Advisory Committee asked the Eastern District Planning Commission to review its variance procedure to potentially implement the use of registered mail as opposed ordinary mail to serve neighbour notifications regarding variances and to review the Richmond County Subdivision By-law and propose options to improve clarity, specifically the following terms: “right-of-way” and “clearly surveyed”.

Like many other municipal planning departments within the Province, the Eastern District Planning Commission uses the variance procedure laid out by the *Municipal Government Act (MGA)*. All Municipalities are legally required to follow the *MGA’s* variance procedure at a minimum.

**Analysis:**

***Variance Procedure Review***

A policy analysis was conducted that examined the Land Use By-laws of twenty rural municipalities (not including the other municipalities serviced by the Eastern District Planning Commission) in the Province of Nova Scotia. It should be noted that there are some municipalities that have more than one plan area (secondary plan areas) and that there is not always consistency among the policies in each plan area, similar to Richmond County. The Table in Appendix A summarizes the findings.

Of the twenty rural municipalities examined, two currently do not have planning documents for developments aside from wind turbine developments and one municipality did not mention variances in its planning documents at all. All remaining rural municipalities, the other seventeen, have sections on variances in either their Municipal Planning Strategy or Land Use By-law or both

that in some way defers to the *Municipal Government Act* regarding the process of administering a variance.

Seven of the seventeen, or approximately 40%, of the rural municipalities specifically state that the method of notification regarding variances shall be the procedure laid out by the *Municipal Government Act*. Three of these seven municipalities specify and reiterate, as per the variance procedure of the MGA, that notification will be served by ordinary mail.

Only two municipalities of the seventeen added extra procedure to the standard MGA variance procedure. In both cases, this additional policy was not about the type of mail delivery but increased the notification radius from 30 m (100 feet) to 60 m (200 feet).

The American Planning Association Rhode Island Chapter (APA -RI) published a document titled "*Better Land Use 2021: APA RI's Recommendations for Improved Land Use in Rhode Island*". The document contains the organization's recommendations for improved efficient land-use regulation. Part H of the Process and Procedure chapter examines the use of certified mail for the delivery of planning notices. Certified mail in the US is equivalent to registered mail in Canada. The findings refer to certified mail as "more expensive and complicated" when compared to the use of other mailing options and less effective in achieving the desired public notification result. The General Assembly recommended and approved the use of mailings which eliminated the need for requiring a recipient's signature. This was because "*when no adult is home, a notification card is left in the mailbox indicating the need for the owner to pick up certified mail at the local post office. It was recognized that the actual success rate of meeting the notice requirement has decreased over the years due to a decreasing number of homes with an adult present during the day. The result has been a decreasing number of residents being notified of pending public hearings for zoning changes, variances and special use permits*" (APA -RI, 2021).

Regarding registered mail in Canada, the procedure is the same. If an adult is not home to sign for the registered mail, a notification card is left, and the mail is taken to the local post office for pickup because a signature is required. In the rural areas this is another barrier to notification. Instead of a variance notification letter being left in the mailbox at home for the property owner to pickup, they must now go out of their way to travel to the local post office. In some cases, this would potentially result in delays in arranging pickup such that they miss the timelines specified in the notice.

Finally, regardless of when the mail is received and if it is signed for or not, the variance notification letter would still be considered delivered three days after it was sent in accordance with the *Municipal Government Act*. Besides being an additional barrier for notification, registered mail costs more than ordinary mail, which places an extra financial burden on a variance applicant for an arguably inferior result.

Staff therefore recommend that there be no changes made to the variance notification process.

***Richmond County Subdivision By-law Review***

Council has several options in how they would like to address changes, if any, to the *Richmond County Subdivision By-law*:

1. *Approve the proposed amendments to the Richmond County Subdivision By-law as laid out in Appendix B of the Staff Report that remove the term “clearly surveyed” for clarity.*

In the *Municipal Government Act’s Provincial Subdivision Regulations*, there is no listed definition of “easement”, “right-of-way” or “right of-way easement”. However, Section 2(f)(iv) states:

“(f) “private road” means any road which  
...  
(iv) where not totally located within the area of land being subdivided, has an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the registry of deeds,  
...”

In this case, a definition for an “easement for right-of-way (and access)” is defined within the definition of “private road”. In this definition, an easement for right-of-way and access only needs to be granted by deed and registered in the Registry of Deeds. There is no mention of the easement for right-of-way and access to be “clearly surveyed”. Removing the wording “clearly surveyed” from the *Richmond County Subdivision By-law* would bring the document closer in conformity with the *MGA’s Provincial Subdivision Regulations*.

Additionally, whether a right-of-way is surveyed or not, should not be a determining factor of whether an “easement/right-of-way” exists. If an “easement/right-of-way” is in a deed, then it exists. Requiring a survey showing the “easement/right-of-way” as a determinant for an “easement/right-of-way” to be required for subdivision is an added unnecessary hurdle. It potentially removes a property owner’s legal right where an “easement/right-of-way” in a deed lawfully exists, due to a technicality in the municipal *Subdivision By-law*.

For these reasons, removing the wording “clearly surveyed” from the *Richmond County Subdivision By-law* is Staff’s recommended option.

2. *Remove the right-of-way easement requirement to subdivide a landlocked parcel altogether.*

The *Municipal Government Act’s Provincial Subdivision Regulations* originally permitted the creation of a lot from a landlocked parcel so long as each lot or lot and remainder were served by a right-of-way easement. The condition of service by right-of-way easement has since been removed. Removing the requirement of a right-of-way easement in order to create a lot from a landlocked parcel from the *Richmond County Subdivision By-law* is an option as *the Municipal Government Act’s Provincial Subdivision Regulations* has done this already.

The expectation would still be that property owners secure a right-of-way easement, but we would not require it. Removing this requirement, however, would not guarantee that the property owner secures an easement. Additionally, it would be possible for land locked lots without right-of-way easements to receive a Building/Development Permit depending on the wording of the corresponding Plan Area's Planning Documents. Going with this option may also lead to an increase in civil disputes.

While this is an option open to Council staff believe the drawbacks outweigh the benefits and therefore do not recommend this option.

3. *Add the definition of "clearly surveyed"*

"Clearly surveyed" was intended to mean an easement shown on a survey that was surveyed to the accepted standard of the day. This meaning ties the required survey to the standards and regulations of the profession while allowing for flexibility for amendments and changes over time. Defining "clearly surveyed" would also better clarify the definition and requirements of "right-of-way easement". Staff are of the opinion that the definition is already clear and, with only one exception, has been the accepted interpretation of the by-law.

4. *Keep the Richmond County Subdivision By-law unchanged*

Council may keep the *Richmond County Subdivision By-law* as it is. This option is self explanatory.

**Conclusion:**

Staff are of the opinion that the Eastern District Planning Commission's procedural policy for variance notification is standard and in line with rural municipalities within the province. Furthermore, Staff find that there appears to be little to no benefit in using registered mail for variance notification. If anything, the use of registered mail for variance notification creates more barriers for both neighbouring property owners of a development and the variance applicant.

Council has a few different options with how they could proceed from this Staff Report with respect to the *Subdivision By-law*, however staff recommend simply removing the term "clearly surveyed" from the *By-law* and replacing it with wording, consistent with the Provincial Subdivision By-law regulations, as laid out in Appendix B. This recommended amendment removes an unnecessary requirement thus cutting some of the red tape associated with land development in Richmond County.

**Proposed Motions for the Planning Advisory Committee:**

Based upon the staff recommendation, the proposed motions for PAC are:

1. *That the Planning Advisory Committee recommend that Municipal Council approve the proposed amendments to the Richmond County Subdivision By-law as laid out in Appendix B that remove the term “clearly surveyed” for clarity; and  
That Municipal Council give First Reading and schedule a Public Hearing.*

**Proposed Motions for Council:**

Based upon a positive recommendation from the PAC, the proposed motions for Council are:

FIRST READING AND SETTING A PUBLIC HEARING DATE:

1. *That Municipal Council give First Reading and schedule a Public Hearing regarding approving amendments to the Richmond County Subdivision By-law as laid out in Appendix B that remove the term “clearly surveyed” for clarity.*

SECOND READING AND APPROVAL:

1. *That Municipal Council give Second Reading and approve amendments to the Richmond County Subdivision By-law as laid out in Appendix B that remove the term “clearly surveyed” for clarity.*

**Appendices:**

Appendix A: Nova Scotia Variance Policy Analysis (20 Rural Municipalities)

Appendix B: Amending Pages

**Appendix A: Nova Scotia Variance Policy Analysis (20 Rural Municipalities) Tables**

<b>Nova Scotia Variance Policy Analysis (20 Rural Municipalities)</b>		
<b>Municipality</b>	<b>MPS &amp; LUB Policy</b>	<b>Notes on Notification Policies</b>
Cape Breton Regional Municipality	LUB defers to MGA	No
Queens Regional	Defers to MGA	Urban Service Area - 30 m Rural Development Area & Hamlets - 60 m
West Hants Regional	LUB defers to MGA	Specifically defers to MGA
Annapolis County	Reiterates/Defers to MGA	No
Colchester County	MPS defers to MGA	No
Cumberland County	LUB defers to MGA	No
Kings County	LUB defers to MGA	No
Pictou County	N/A (No General Municipal Planning Strategy & Land Use By-law)	
District of Argyle	No MGA References	No
District of Barrington	MPS defers to MGA	No
District of Chester	Defers to MGA	60 m (200 feet) Notification Radius Specifies "ordinary mail" Specifically defers to MGA
District of Clare	Does not mention Variances	No
District of Digby	Defers to MGA	Specifically defers to MGA
District of East Hants	Defers to MGA	No
District of Guysborough	Defers to MGA	Specifically defers to MGA
District of Lunenburg	Defers to MGA	Specifies "ordinary mail" Specifically defers to MGA
District of Shelburne	N/A (No General Municipal Planning Strategy & Land Use By-law)	
District of St. Mary's	Defers to MGA	Specifies "ordinary mail" Specifically defers to MGA
District of Yarmouth	Defers to MGA	Specifically defers to MGA Reiterates MGA 30 m radius

Appendix B: Amending Pages

**A BYLAW TO AMEND THE RICHMOND COUNTY SUBDIVISION BY-LAW  
FOR THE MUNICIPALITY OF THE COUNTY OF RICHMOND**

The Richmond County Subdivision By-law for Municipality of Richmond County is hereby amended by:

1. Part 2: "Interpretation" of the Subdivision By-law is hereby amended by removing the following text in strikethrough and adding the text in **bold** to Subsection (j)(i) "Private Road Right-of-Way":

...

- (i) extends to and has access to a public street and where not totally located within the area of land being subdivided, the private road right-of-way shall have an easement for right-of-way and access ~~which has been clearly surveyed and~~ **that is assignable and perpetual and has been clearly granted by deed,** registered in the registry of deeds, and

...

2. Part 2: "Interpretation" of the Subdivision By-law is hereby amended by removing the following text in strikethrough and adding the text in **bold** to Subsection (n):

...

- (n) "Right-of-way easement" means an easement for right-of-way and access, extending to and having access to a public street or highway, and where not totally located within the area of land proposed to be subdivided the right-of-way easement shall be ~~clearly surveyed and~~ **assignable and perpetual and clearly** granted by deed, registered in the Registry of Deeds for the County of Richmond:

...

3. Part 18 of the Subdivision By-law (Subdivision of an Island) is hereby amended by removing the following text in strikethrough and adding the text in **bold** to Subsection (2)(c):

...

- (c) the subdivider provides an easement for right-of-way and access, ~~clearly surveyed and~~ **assignable and perpetual and clearly** granted by deed registered in the Registry of Deeds having minimum width of 15 metres (49.2 feet) extending from a public street or highway or a private road to the parking area and to the shoreline of the navigable watercourse where there exists suitable boat launching facilities, and

...

This consolidation is unofficial and is for reference only. For the official version of the regulations, consult the original documents on file with the Office of the Registrar of Regulations, or refer to the Royal Gazette Part II.

Regulations are amended frequently. Please check the list of Regulations by Act to see if there are any recent amendments to these regulations filed with our office that are not yet included in this consolidation.

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**Provincial Subdivision Regulations  
made under Section 270 of the  
*Municipal Government Act*  
S.N.S. 1998, c. 18  
N.S. Reg. 38/99 (effective April 1, 1999)  
as amended up to N.S. Reg. 440/2008 (effective December 4, 2008)**

**Table of Contents**

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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Schedule "F" - Repeal of a Subdivision

Schedule "G" - Stopping Sight Distances

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Subdivision approval is given pursuant to the municipal subdivision by-law and not these *Provincial Subdivision Regulations*.

### Short title

1 These regulations may be cited as the *Provincial Subdivision Regulations*.

### Interpretation

2 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, except in Section 8;
- (c) “engineer” means the engineer of the municipality and includes a person acting under the supervision and direction of the engineer;
- (d) “lot” means any parcel to be created by the filing of a plan of subdivision or the registering of an instrument of subdivision;
- (e) “municipal public street” means any street or road owned and maintained by a municipality;
- (f) “private road” means any road which
  - (i) is not public,
  - (ii) is shown on an approved plan of subdivision,
  - (iii) extends to and has access to a public street, and
  - (iv) where not totally located within the area of land being subdivided, has an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the registry of deeds,and includes any private road
  - (v) approved by the Department of Transportation and Infrastructure Renewal, and
  - (vi) shown on a plan of subdivision approved prior to the first day of August, 1987 and filed in the registry of deeds;
- (fa) “proposed lot” means any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot;
- (g) “Province” means Her Majesty the Queen in right of the Province of Nova Scotia;
- (h) “Provincial public street” means any street or road owned and maintained by the Department of Transportation and Infrastructure Renewal excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*;

- (ha) “public street” means a municipal public street or a provincial public street;
- (i) “registry of deeds” means the office of the registrar of deeds for the registration district in which the area of land being subdivided is situate;
- (j) “Schedule “B” road” means a road approved by a district, county or regional municipality for indexing in a schedule of its subdivision by-law for the purpose of allowing subdivision on that road and includes any road which had been indexed in Schedule “B” of previous provincial subdivision regulations and listed in Schedule “B” of these regulations;
- (k) “subdivider” means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent;
- (l) “subdivision” means the division of any area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels;
- (m) “unmaintained public street” means any public street that is not maintained by the Department of Transportation and Infrastructure Renewal or the municipality that owns it;

## **General Provisions**

### **A - Lot requirements**

**3 (1)** All lots shall abut

(a) a public street;

or in a district, county or regional municipality,

(b) a public street;

(c) a private road; or

(d) a Schedule “B” road.

**(2)** Despite the definition of “private road”, 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 subsection (1) if the owner has a permit to cross the unmaintained public street that is issued by the Department of Transportation and Infrastructure Renewal or the municipality and is assignable and has no fixed duration.

### **4 Where a land use by-law is in effect**

(a) all lots shall meet the applicable requirements contained in such by-law; and

(b) clauses 3(1)(c) and (d), and Sections 5, 6, 8, 9, and 11 are inoperative and do not apply unless the land-use by-law permits development on any lot created pursuant to these sections and the municipal planning strategy provides for both the subdivision and development of such lots.

- 5 (1) Notwithstanding the lot area and frontage requirements of clause 4(a), the development officer may approve a maximum of two lots, shown on a plan or instrument of subdivision, in accordance with Section 279 of the Act provided all other requirements of these regulations are met.
- (2) Subsection (1) does not apply if the area requirements established by the Department of Environment for the construction or installation of an on-site sewage disposal system are not met.
- 6 (1) For the purposes of this Section, “water frontage” means the distance measured as a straight line between the two points where the side lot lines meet a watercourse.
- (2) Notwithstanding Section 3 and the lot frontage requirements of clause 4(a), the development officer may approve a subdivision on an island which does not contain a public street or private road provided each lot has water frontage of 6 metres (19.7 feet) or more.
- 7 (1) Notwithstanding Section 3 and the lot area and frontage requirements of clause 4(a), 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.
- (2) Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to subsection (1) shall
- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line;
- (b) notwithstanding clause 49(1)(b), other than the new boundaries which have been surveyed pursuant to clause (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and
- (c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the *Land Surveyors Act* and its regulations:
- “NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of . The common boundary between the existing areas of land identified by

and , which is shown by a heavy broken line, is hereby certified as having been the common boundary.

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

- 8** (1) For purposes of this Section, “area of land” means any lot or parcel as described by its boundaries as they existed on August 1, 1987 notwithstanding that the area of land has been subdivided subsequent to August 1.
- (2) One lot that does not meet Section 3 and the lot frontage requirements of clause 4(a) may be created within an area of land, provided no such lot has already been subdivided within the area of land.
- (3) Notwithstanding the limitation to one lot contained in subsection (2), two lots may be created, including any remainder lot, where
- (a) the area of land does not abut a public street, a private road, or a Schedule “B” road; or
- (b) the area of land has less than 6 metres (19.7 feet) of frontage on a public street, a private road, or a Schedule “B” road.
- 9** (1) Notwithstanding the lot area and frontage requirements of clause 4(a), 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 7(2) shall apply.
- 10** [repealed]
- 11** (1) For purposes of subsection (2), “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(a), where an area of land contains more than one main building built or placed on the land prior to August 6, 1984, the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of Environment.
- 12** **Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).**

#### **B - Public streets**

- 13** (1) All proposed municipal public streets shall be approved by the engineer.
- (2) Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Department of Transportation and Infrastructure Renewal.
- 14** **A proposed lot that abuts a public street shall have any access to the public street approved by the authority having jurisdiction for the public street, based on adequate stopping sight distance**

as determined by the authority having jurisdiction.

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

#### **C - Private roads**

- 16** A private road may be approved as a separate lot on a plan of subdivision and is deemed to meet minimum lot area and lot frontage requirements of clause 4(a).
- 17** A private road shall have a minimum width of 20 metres (65.6 feet), or such lesser width as adopted by the municipality.
- 18** The intersection of a private road with a public street shall be approved by the authority having jurisdiction for the public street.
- 19** (1) Where the boundary of a private road shown on a plan of subdivision is not intended to be a lot boundary, it shall be shown as a lighter solid line or a dashed line.
- (2) No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of clause 4(a).

### **Preliminary Plans of Subdivision - Optional**

#### **A - Requirements**

- 20** (1) A person proposing to subdivide an area of land may submit to the development officer four copies of a preliminary plan of subdivision drawn to scale showing
- (a) the name of the owner of the area of land being subdivided;
  - (b) the names of all owners of all properties abutting the area of land being subdivided;
  - (ba) the unique parcel identifier (PID) of all areas of land being subdivided;
  - (c) 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 proposed lots;
  - (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, private roads, and Schedule "B" roads;

- (j) the name of existing and proposed public streets (and the public street number), private roads, and Schedule “B” roads as issued pursuant to the civic addressing system;
  - (k) the graphic representation of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
  - (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;
  - (o) the scale; and
  - (p) any other information necessary to determine whether this subdivision conforms to these subdivision regulations.
- (2)** Where a preliminary plan of subdivision is to be forwarded to the Department of Environment pursuant to clause 23(a), the information required by subsection (3) is required for the following proposed lots:
- (a) a proposed lot that is being created for a purpose that will require the construction of an on-site sewage disposal system; or
  - (b) a proposed lot that is being divided from an existing area of land, contains an on-site system, and
    - (i) is 9000 square metres (96,878.4 square feet) or less in area, or
    - (ii) has a width of less than 76 metres (249.3 feet).
- (3)** Unless the information already has been submitted to the Department of Environment, the following additional information is required for proposed lots referred to in subsection (2):
- (a) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;
  - (b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
  - (c) the surface slopes and directions;
  - (d) the location of any test pit;
  - (e) the proposed on-site sewage disposal system, selected or designed;
  - (f) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;

- (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
  - (h) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.
- (4) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.
- (5) For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application form must be completed.

## **B - Procedure**

- 21 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 these regulations.**
- 22 The development officer shall comply with the notification and approval provisions of the Act.**
- 23 A copy of the preliminary plan of subdivision shall be forwarded to**
- (a) in areas not served by a central sewer, the Department of Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
    - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or
    - (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (i);
  - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) any authority having jurisdiction for public streets within 500 metres of the boundary of the proposed lots; and
  - (d) any other agency of the Province or the municipality which the development officer deems necessary.
- 23A A preliminary plan of subdivision that shows a proposed lot referred to in subsection 20(5) shall be forwarded to the Department of Environment for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.**
- 24 Any agency which has been forwarded a copy of the preliminary plan of subdivision pursuant to Section 23 shall forward a written report of their assessments or recommendations to the development officer.**

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

### **Concept Plans - Optional**

#### **A - Requirements**

- 26 Where an area of land is being subdivided in phases and will contain new streets, a person may submit to the development officer eight (8) copies of a concept plan of the entire area of land.**
- 27 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 land owners;
  - (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) the north point;
  - (h) contours at five metre (16.4 foot) intervals; and
  - (i) any other information necessary to determine if the subdivision meets with municipal standards and accepted engineering practice as determined by the engineer.
- 28 A subdivision by-law need not provide for concept plans.**

#### **B - Procedure**

- 29 Application for approval of a concept plan shall be made to the development officer in the form specified in Schedule “A” of these regulations.**
- 30 The development officer shall comply with the notification and approval provisions of the Act.**
- 31 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) the design’s consideration of topography, natural features, and other site constraints and restrictions;
  - (b) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale;
  - (c) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable;

- (d) public open space; and
- (e) any proposed community and commercial uses.

- 32 Any agency which has been forwarded a copy of the concept plan pursuant to Section 31 shall forward a written report of their assessments or recommendations to the development officer.**
- 33 Approval of a concept plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of Environment, the Department of Transportation and Infrastructure Renewal or of any other agency of the Province or the municipality unless the concept plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.**
- 34 Where the development officer refuses to approve a concept plan, the development officer shall give notice of the refusal to all agencies which were forwarded a concept plan pursuant to Section 31.**
- 35 Where the development officer refuses to approve a concept plan, the development officer shall inform the applicant of the reasons for the refusal in writing and advise the applicant of the appeal provisions of Section 284 of the Act.**
- 36 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 registry of deeds.”
- 37 The development officer shall forward an approved copy of the concept plan to the applicant.**

### **Tentative Plans of Subdivision - Optional**

#### **A - Requirements**

- 38 A person proposing to subdivide an area of land may submit to the development officer eight (8) copies of the tentative plan of the proposed subdivision meeting the requirements of Section 39 of these regulations.**
- 39 (1) Tentative plans of subdivision submitted to the development officer shall be**
- (a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
  - (b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
  - (c) folded to approximately 20x30 cm (8x12 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.

- (2) Tentative plans of subdivision shall show the following
- (a) the words “PLAN OF SUBDIVISION” located in the title block;
  - (b) the words “TENTATIVE PLAN” located above the title block;
  - (c) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
  - (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 registry of deeds;
  - (f) the unique parcel identifier (PID) of all areas of land being subdivided;
  - (g) the civic number of main buildings on the area of land being subdivided;
  - (h) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
  - (i) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
  - (j) the shape, dimensions, and area of the proposed lots;
  - (k) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
  - (l) no duplication of lot identifiers;
  - (m) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, 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, private roads, and Schedule “B” roads;
  - (p) the name of existing and proposed public streets (and the public street number) private roads, and Schedule “B” roads as issued pursuant to the civic addressing system;
  - (q) the width and location of railroads and railway rights-of-way;
  - (r) the general location of watercourses, wetlands, or prominent rock formations;

- (s) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
  - (t) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
  - (u) the north point;
  - (v) the date on which the plan of subdivision was drawn and the date of any revisions;
  - (w) the scale to which the plan of subdivision is drawn; and
  - (x) any other information necessary to determine whether or not the plan of subdivision conforms to these regulations.
- (3)** Where a tentative plan of subdivision is to be forwarded to the Department of Environment pursuant to clause 42(a), the information listed in subsection (4) is required for the following proposed lots:
- (a) a proposed lot that is being created for a purpose that will require the construction of an on-site sewage disposal system; or
  - (b) a proposed lot that is being divided from an existing area of land, contains an on-site sewage disposal system, and
    - (i) is 9000 square metres (96,878.4 square feet) or less in area, or
    - (ii) has a width of less than 76 metres (249.3 feet).
- (4)** Unless the information already has been submitted to the Department of Environment, the following additional information is required for proposed lots referred to in subsection (3):
- (a) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;
  - (b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
  - (c) the surface slopes and directions;
  - (d) the location of any test pit;
  - (e) the proposed on-site sewage disposal system, selected or designed;
  - (f) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
  - (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and

- (h) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.
- (5) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.
- (6) For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application form must be completed.
- (7) In addition to meeting the requirements of subsections (1), (2), (3), (4), (5) or (6), where the proposed lots front on a proposed public street or proposed private road, a tentative plan of subdivision shall
  - (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Land Surveyors Act* and its regulations;
  - (b) except for private roads, be accompanied by four copies of a plan showing
    - (i) contours at 2 metre (6.6 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.
- (8) [repealed]

## **B - Procedure**

- 40 Application for approval of a tentative plan of subdivision shall be made to the development officer in the form specified in Schedule “A” of these regulations.**
- 41 The development officer shall comply with the notification and approval provisions of the Act.**
- 42 A copy of the tentative plan of subdivision shall be forwarded to**
  - (a) in areas not served by a central sewer, the Department of Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
    - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or

- (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (i);
- (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
- (c) any authority having jurisdiction for public streets within 500 metres of the boundary of the proposed lots; and
- (d) any other agency of the Province or the municipality which the development officer deems necessary.

**42A A tentative plan of subdivision that shows a proposed lot referred to in subsection 39(6) shall be forwarded to the Department of Environment for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.**

**43 Any agency which has been forwarded a copy of a tentative plan of subdivision pursuant to Section 42 shall forward a written report of their assessments or recommendations to the development officer.**

**44 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 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.**

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

**46 The following information shall be stamped or written and completed by the development officer on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final plan stage.**

- (a) “This tentative plan of subdivision is approved for Lots \_\_\_\_\_. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan.”;
- (b) the date of the approval of the tentative plan; and
- (c) “This tentative plan of subdivision shall not be filed in the registry of deeds as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the registry of deeds.”

**47 The development officer shall forward a copy of the approved tentative plan of subdivision to the applicant and the surveyor.**

## **Final Plans of Subdivision**

### **A - Requirements**

**48 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 49 of these regulations to the development officer for approval.**

- 49 (1)** 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 7(2) of these regulations; and
  - (c) folded to approximately 20x30 centimetres (8x12 inches) 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.

**(2)**Final plans of subdivision shall show the following:

- (a) the words “PLAN OF SUBDIVISION” located in the title block;
- (b) a clear space for stamping 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 registry of deeds;
- (e) the unique parcel identifier (PID) of all areas of land being subdivided;
- (f) the civic number of main buildings on the area of land being subdivided;
- (g) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
- (h) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- (i) the shape, dimensions, and area of the proposed lots;
- (j) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
- (k) no duplication of lot identifiers;

- (l) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
  - (m) the location of existing buildings within 10 metres (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, private roads, and Schedule “B” roads;
  - (p) the name of existing and proposed public streets (and the public street number) private roads, and Schedule “B” roads as issued pursuant to the civic addressing system;
  - (q) the width and location of railroads and railway rights-of-way;
  - (r) the general location of watercourses, wetlands, or prominent rock formations;
  - (s) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
  - (t) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
  - (u) the north point;
  - (v) the date on which the plan of subdivision was drawn and the date of any revisions;
  - (w) the scale to which the plan of subdivision is drawn; and
  - (x) any other information necessary to determine whether or not the plan of subdivision conforms to these regulations.
- (3)** Where a final plan of subdivision is to be forwarded to the Department of Environment pursuant to clause 52(a), the information listed in subsection (4) is required for the following proposed lots:
- (a) a proposed lot that is being created for a purpose that will require the construction of an on-site sewage disposal system; or
  - (b) a proposed lot that is being divided from an existing area of land, contains an on-site sewage disposal system, and
    - (i) is 9000 square metres (96,878.4 square feet) or less in area, or
    - (ii) has a width of less than 76 metres (249.3 feet).
- (4)** Unless the information already has been submitted to the Department of Environment, the following additional information is required for proposed lots referred to in subsection (3):
- (a) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;

- (b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
  - (c) the surface slopes and directions;
  - (d) the location of any test pit;
  - (e) the proposed on-site sewage disposal system, selected or designed;
  - (f) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
  - (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
  - (h) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.
- (5) For a proposed lot that is being divided from an existing area of land, contains an existing on-site sewage disposal system and is more than 9000 square metres (96,878.4 square feet) in area with a width of 76 metres (249.3 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.
- (6) For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application form must be completed.
- (7) For a proposed lot that will have access to a provincial public highway, the final plan of subdivision must be accompanied by or show stopping sight distances information in the form specified in Schedule “G” completed by a Nova Scotia Land Surveyor or by the authority having jurisdiction for the public streets abutting the lot.
- (8) Unless they have already been submitted, final engineering design drawings for any services, including streets, to be conveyed to the municipality shall accompany the final plan of subdivision.

## **B - Procedure**

**50 Application for approval of a final plan of subdivision shall be made to the development officer in the form specified in Schedule “A” of these regulations.**

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

**52 A copy of the final plan of subdivision shall be forwarded to**

- (a) in areas not served by a central sewer, the Department of Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
  - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application

that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or

- (ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (i);
- (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
- (c) any authority having jurisdiction for public streets within 500 metres of the boundary of the proposed lots; and
- (d) any other agency of the Province or the municipality which the development officer deems necessary.

**52A A final plan of subdivision that shows a proposed lot referred to in subsection 49(6) shall be forwarded to the Department of Environment for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.**

**53 Any agency which has been forwarded a copy of the final plan of subdivision pursuant to Section 52 shall forward a written report of their assessments or recommendations to the development officer.**

**54 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 Department of Transportation and Infrastructure Renewal or of any other agency of the Province or the municipality unless the final plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.**

- 55**
- (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 \$50.00 per application for approval of a final plan of subdivision.
  - (2) Where the development officer refuses to approve a final plan of subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.

**56 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; and
- (d) where applicable, the deed transfer tax.

- 57 **The development officer shall forward an approved copy of the final plan of subdivision to the subdivider and the surveyor.**
- 58 **Where the development officer refuses to approve a final plan of subdivision, the development officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to Section 52.**
- 59 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.
- 60 **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
  - (c) state the date, book and page number of the conveyance of such lots as recorded in the registry of deeds.
- 61 **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  
(lot(s) approved and/or remainder)  
construction or installation of an on-site sewage disposal system  
for \_\_\_\_\_ and any conditions which apply are  
(proposed use)  
contained in a report dated \_\_\_\_\_ and available from the Department of  
Environment.”;
    - (ii) “**IMPORTANT NOTICE**  
 \_\_\_\_\_ (has, have) been created  
(lot(s) approved and/or remainder)  
for a purpose which does not require an on-site sewage disposal system and will  
not be eligible for a permit to install a system unless the requirements of the  
Department of Environment are met.”; or
    - (iii) “ \_\_\_\_\_ (is, are) served by an  
(lot(s) approved and/or remainder)  
existing on-site system and should a replacement system become necessary in  
future, approval of the replacement system from the Department of  
Environment is required”.
  - (c) where applicable,

- (i) a notation stating that access to the public street as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated \_\_\_\_\_, available from the authority having jurisdiction for public streets;
- (ii) where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted; and
- (iii) a notation stating which lots abut a private road and that no provincial or municipal services shall be provided to these lots.

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

- (a) two (2) approved copies of the final plan of subdivision and a notice of approval in the form specified in Schedule “C” of these regulations; and
- (b) if applicable, the items required by Section 56 of these regulations.

**Subdivision by Instrument**

**A - Requirements**

**63 (1)** In a district or county municipality a subdivider may subdivide an area of land by an instrument of subdivision where

- (i) each lot has a minimum area of 9,290 square metres (100,000 square feet) and dimensions that would permit it to contain a circle of a diameter of 76 metres (249.3 feet) within its boundaries, or
- (ii) an existing lot is being increased in size, and

the lot being decreased in size, if any, meets the requirements of these regulations other than those contained in clause (i).

- (2) All lots created by instrument of subdivision are required to be approved.
- (3) In addition to the application form required by Section 64, the subdivider proposing to subdivide an area of land by instrument of subdivision shall submit to the development officer a completed instrument of subdivision in the form specified in Schedule “D” of these regulations.
- (4) The graphic representation included as part of Schedule “D” shall show
  - (a) the name of the subdivision, if any, and the name of the owner of the area of land;
  - (b) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;
  - (c) the unique parcel identifier (PID) of all areas of land being subdivided;

- (d) the civic number of main buildings on the area of land being subdivided;
- (e) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
- (f) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- (g) the shape, dimensions, and area of the proposed lots;
- (h) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
- (i) no duplication of lot identifiers;
- (j) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (k) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (l) the location of existing public streets, private roads, and Schedule "B" roads;
- (m) the name of existing public streets (and the public street number) private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
- (n) the width and location of railroads and railway rights-of-way;
- (o) the general location of watercourses, wetlands, or prominent rock formations;
- (p) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (q) where applicable, a notation stating the lots are serviced by a public sewer and/or water system;
- (r) the north point;
- (s) the date on which the instrument of subdivision was drawn and the date of any revisions;
- (t) the scale to which the instrument of subdivision is drawn; and
- (u) any other information necessary to determine whether or not the instrument of subdivision conforms to these regulations.

**(5)** Where an instrument of subdivision is to be forwarded to the Department of Environment pursuant to clause 66(a), the information listed in subsection (6) is required for a proposed lot

that is being created for a purpose that will require the construction of an on-site sewage disposal system.

- (6) Unless the information already has been submitted to the Department of Environment, the following additional information is required for proposed lots referred to in subsection (5):
- (a) the lot layout including any proposed building, on-site sewage disposal system, driveway and water well;
  - (b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, road, driveway or easement;
  - (c) the surface slopes and directions;
  - (d) the location of any test pit;
  - (e) the proposed on-site sewage disposal system, selected or designed;
  - (f) an explanation of the extent, volume and type of usage to which the on-site sewage disposal system will be subjected;
  - (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
  - (h) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.
- (7) For a proposed lot that is being divided from an existing area of land and contains an existing on-site sewage disposal system, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.
- (8) For a proposed lot 9000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application form must be completed.

## **B - Procedure**

**64 Application for approval of an instrument of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.**

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

**66 A copy of the instrument of subdivision shall be forwarded to**

- (a) in areas not served by a central sewer, the Department of Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
  - (i) is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application

that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or

(ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (i);

(b) in areas served by a central sewer, the authority having jurisdiction for central sewers;

(c) the authority having jurisdiction for public streets; and

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

**66A An instrument of subdivision that shows a proposed lot referred to in subsection 63(8) shall be forwarded to the Department of Environment for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.**

**67 Any agency which has been forwarded a copy of the instrument of subdivision pursuant to Section 66 shall forward a written report of their assessments or recommendations to the development officer.**

**68 Approval of an instrument of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of Environment, the Department of Transportation and Infrastructure Renewal or of any other agency of the Province or the municipality unless the instrument of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.**

**69 (1)** At the time of application for approval of an instrument of subdivision, the subdivider shall submit to the development officer

(a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering an instrument of subdivision; and

(b) a processing fee of \$50.00 per final application for subdivision approval or for repeal.

**(2)** Where the development officer refuses to approve an instrument of subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.

**70 Before approving an instrument of subdivision that adds or consolidates parcels or areas of land in different ownerships the development officer shall have received**

(a) the executed deeds suitable for registering to effect the addition or consolidation;

(b) the fees for registering the deeds;

(c) the affidavit of value including particulars of any exemption, pursuant to Part V of the Act; and

(d) where applicable, the deed transfer tax.

- 71 **The development officer shall forward an approved copy of the instrument of subdivision to the subdivider.**
- 72 **Where the development officer refuses to approve an instrument of subdivision, the development officer shall give notice of the refusal to all agencies which were forwarded a instrument pursuant to Section 66.**
- 73 **Where the development officer refuses to approve an instrument of subdivision, the development officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the Act.**
- 74 **An instrument of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the instrument shall**
- (a) identify such lots;
  - (b) state the names of the grantor and the grantee of such lots; and
  - (c) state the date, book and page number of the conveyance of such lots as recorded in the registry of deeds.
- 75 **The following information shall be stamped or written and completed by the development officer on any instrument of subdivision which is approved:**
- (a) where applicable
    - (i) “ \_\_\_\_\_ (is, are) suitable for the  
(lot(s) approved and/or remainder)  
construction or installation of an on-site sewage disposal system  
for \_\_\_\_\_ and any conditions which apply are  
(proposed use)  
contained in a report dated \_\_\_\_\_ and available from the Department of  
Environment.”;
    - (ii) “ **IMPORTANT NOTICE**  
\_\_\_\_\_ (has, have) been created  
(lot(s) approved and/or remainder)  
for a purpose which does not require an on-site sewage disposal system and will  
not be eligible for a permit to install a system unless the requirements of the  
Department of Environment are met.”; or
    - (iii) “ \_\_\_\_\_ (is, are) served by an  
(lot(s) approved and/or remainder)  
existing on-site system and should a replacement system become necessary in  
future, approval of the replacement system from the Department of  
Environment is required.”
  - (b) where applicable,
    - (i) a notation stating that access to the public street as shown has been approved for  
the lots created by this instrument of subdivision and any conditions which  
apply are listed on the instrument or are contained in a report dated

\_\_\_\_\_, available from the authority having jurisdiction for public streets;

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

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

- (a) two (2) approved copies of the instrument of subdivision; and
- (b) if applicable, the items required by Section 70 of these regulations.

**Repeal of a Subdivision**

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

**78 Any person requesting a repeal shall submit to the development officer an application in the form specified in Schedule “E1” or “E2”.**

- 79**
- (1) Except as provided in subsection (2), the notification and approval provisions of the Act which apply to the approval of a plan or instrument of subdivision shall also apply to a repeal.
  - (2) The notification and approval provisions of the Act do not apply to a repeal of a plan of subdivision or instrument of subdivision that consolidates 2 or more parcels and for which no deed to effect the consolidation has been registered in the Registry of Deeds or Land Registration Office, if the applicant certifies that to the applicant’s knowledge no deed to effect the consolidation exists.

**80 When the development officer is satisfied that an application for repeal is complete, the development officer may forward a copy to any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.**

**81 Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, land-use by-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan or instrument of subdivision filed at the registry of deeds on the same day as the repeal is filed.**

**82 Sections 3 to 76 inclusive of these regulations do not apply to the repeal of a plan or instrument of subdivision.**

**83 The development officer shall forward to the registry of deeds the repeal in the form specified in Schedule “F”.**

**84 The development officer shall forward a copy of the repeal referred to in Section 83 to**

- (a) the subdivider, and
- (b) any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.

**85 (1)** At the time of application for the repeal of a subdivision the subdivider shall submit to the development officer

- (a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan or instrument of subdivision; and
- (b) a processing fee of \$50.00 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 (1)(a) to the subdivider.

**86** **Where the development officer refuses to repeal a subdivision, the development officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal pursuant to Section 84.**

**Effective Date, Repeal**

**87 (1)** These *Provincial Subdivision Regulations* are effective on April 1, 1999, or the date of prescription, whichever is later in time.

**(2)** On the effective date of these regulations the *Provincial Subdivision Regulations* which became effective on April 7, 1995, are repealed.

**Schedule "A" - Application for Subdivision Approval**

**FOR OFFICE USE ONLY**  
**File No:**  
 \_\_\_\_\_

**SCHEDULE "A"**

**SUBDIVIDER RELATED INFORMATION**

NAME OF LAND OWNER(S)

ADDRESS OF LAND OWNER(S)

POSTAL CODE PHONE NO.

SUBDIVISION NAME (IF DIFFERENT FROM OWNER)

DOCUMENTS TO BE RETURNED TO

CORRESPONDENCE TO BE DIRECTED TO

**LAND TO BE SUBDIVIDED**

LOCATION MUNICIPALITY

PARCEL IDENTIFIER

TYPE OF APPLICATION  Preliminary (Optional)  Concept  Tentative (Optional)  Final  Instrument

FEES ATTACHED  YES  NO

TYPE OF DEVELOPMENT PROPOSED  Single unit dwelling  Other (specify)

APPROVAL REQUESTED FOR LOT(S) #

ASSESSMENT REQUESTED FROM DEPT OF ENVIRONMENT  Yes  No

IS THERE A REMAINDER LOT?  Yes  No

**CERTIFICATION - ON-SITE SYSTEM NOT REQUIRED (unserved areas)**

I certify that \_\_\_\_\_ (is, are) being subdivided for a purpose (\_\_\_\_\_)

(lot(s) being approved and/or remainder lot)(specify purpose)

which will not require the installation of an on-site sewage disposal system.

SIGNATURE \_\_\_\_\_

<b>WATER SERVICES</b>		<b>SEWER SERVICES</b>		<b>ACCESS</b>	
Proposed	Existing	Proposed	Existing	Existing	Proposed
CENTRAL SYSTEM	<input type="checkbox"/>	CENTRAL SYSTEM	<input type="checkbox"/>	MUNICIPAL PUBLIC	
DRILLED WELL	<input type="checkbox"/>	ON-SITE	<input type="checkbox"/>	STREET	<input type="checkbox"/>
DUG WELL	<input type="checkbox"/>			PROVINCIAL PUBLIC	
				STREET	<input type="checkbox"/>
				PRIVATE ROAD	<input type="checkbox"/>

OTHER (SPECIFY)  
\_\_\_\_\_

OTHER (SPECIFY) \_\_\_\_\_

I certify that I am the owner or am acting with the owner's written consent. (Pertains only to final and instrument applications.)

SIGNATURE OF SUBDIVIDER DATE

## Schedule “B” - Schedule “B” Roads

### Length

1. Peninsula Road, Freda's Peninsula, Municipality of the District of Chester from the end of the listed public road named Peninsula Road to a distance of 970 feet.
2. Douglas Road (also known as Vaughn Road), Western Shore, Municipality of the District of Chester from the intersection of that road with the Lawrence Hatt Road for a distance of + 152 metres intended to be to the end of the central sewer line located within the Douglas Road.
3. First Road, Clark's Harbour, from its intersection with the public road for a distance of 368 feet.

**Schedule "C" - 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 or private road.

## ITEM ADDED TO AGENDA

**ITEM:** Building Permit - Discussion

### **BACKGROUND:**

Define/explain issue:

Eastern District Planning Commission (EDPC) sent correspondence in 2022 regarding an update to the building permit fee structure. This correspondence has an incomplete action item.

Outcome Requested:

Discussion and recommendation.

### **STAFF COMMENTS:**



# Eastern District Planning Commission

606 Reeves Street, Unit 3,  
Port Hawkesbury, Nova Scotia  
B9A 2R7

Tel: 902-625-5361  
Fax: 902-625-1559  
1-888-625-5361

To: Karen Malcolm, Acting Chief Administrative Officer  
Municipality of the County of Richmond

From: John D. Bain, Director

Reference: Building Permits Fees

Date: June 3, 2022

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## Background:

At our last District Planning Commission Board meeting a motion to increase the building permit fees charged by the Commission, effective July 1, 2022 was passed unanimously by the Board. To pass a motion of the Commission's Board our Inter-Municipal Services Agreement requires that: "A passing vote shall be a majority of votes at a properly constituted meeting where the majority includes a vote cast by a representative of each participating municipality." The Inter-Municipal Services Agreement also states the following with respect to Building Permit Fees:

30. *Without limiting the foregoing, the Commission shall provide building and fire inspection services to the participating municipalities in return for which each participating municipality shall pay to the Commission, in addition to the regular contribution pursuant to Section 28 above, the amounts received by that participating municipality from fees charged for building permits.*
31. *In the event a participating municipality does not charge fees for building permits at least equal to the Commission's prescribed scale of fees, that participating municipality shall pay to the Commission, in addition to its regular contribution pursuant to Section 28 above, an amount equal to the building permit fees that would have been receivable had the participating municipality charged fees based on the Commission's prescribed scale of fees.*

## Information:

As part of the discussions with the Chief Administrative Officers from our member units, relative to our 2022-2023 budget the issue of building permit fees was raised. Presently the fee for a building permit is based on a fee per square foot. Building permit fees have been unchanged since April 1, 2012 yet the value of construction has increased substantially. The Statistics Canada New housing price index for the Atlantic Region over the last ten years has increased by 21.9% but

# APPENDIX "B"

## MUNICIPALITY OF THE COUNTY OF RICHMOND

POLICY NAME: POLICY TO AMEND BY-LAW #61, BUILDING PERMIT FEES BY-LAW

APPROVAL DATE:

1. This Policy is entitled "Policy to Amend By-Law # 61, Building Permit Fees By-Law"
2. Effective April 1, 2012
  - (1) The fees for an application for and the issuance of a building permit shall be as follows:
    - (a) For residential construction, including modular and mobile homes:  
**Forty Dollars (\$40) plus: \$0.16 per square foot, per floor**
    - (c) For commercial, industrial or institutional construction:  
**Forty Dollars (\$40) plus: \$0.20 per square foot**
    - (d) For agricultural buildings:  
**Forty Dollars (\$40) plus: \$0.10 per square foot**
    - (e) Accessory Buildings (Buildings which are accessory, and less than 55 square metres in area, and only one storey in height):  
**Fifty Dollars (\$50) flat fee**
    - (f) For additions to, or alterations of, existing buildings:  
**Forty Dollars (\$40) plus: \$2.75 per One Thousand Dollars (\$1000) value of the construction.**
  - (2) Where any construction, repairs or alterations are commenced without issuance of a building permit, as required by the *Act* and the *Building Code Regulations*, the fee for issuance of a permit shall be double the amounts set out in subsection (1).
  - (3) The fee for issuance of a renewal of a building permit, a development permit, or a demolition permit shall be \$40.00. No fee shall be charged for issuance of an occupancy permit.
  - (4) Where a permit issued under this section is not used, and an application for a refund is made in writing to the building official within 30 days of issuance of the permit, the applicant shall receive a refund of 50% of the fee paid.

\*\*\*\*\*

# BY-LAW #61

## MUNICIPALITY OF THE COUNTY OF RICHMOND

### A BY-LAW RESPECTING FEES IN REGARD TO BUILDING PERMITS

#### Short Title

1. This by-law shall be known and may be cited as the “*Building Permit Fees By-Law*”

#### Interpretation

2. In this by-law:
  - (a) “*Act*” means the *Building Code Act*;
  - (b) “*Accessory Building*” is a Building which is Accessory, and less than 55 square metres in area and only one storey in height;
  - (c) “*building official*” means the authority having jurisdiction in the Municipality under the Act and the Building Code Regulations of the Province of Nova Scotia;
  - (d) “*Council*” means the Council of the Municipality;
  - (e) “*Commercial, industrial or institutional construction*” means construction governed by Part 3 of the National Building Code;
  - (f) “*Municipality*” means the Municipality of the County of Richmond;
  - (g) “*Policy*” means a policy adopted by Council pursuant to Part III of the *Municipal Government Act*.
  - (h) “*Residential construction*” means construction governed by Part 9 of the National Building Code, and includes modular homes.

#### Fees

3. (1) The fees for an application for and the issuance of a building permit shall be as follows:
  - (a) For residential construction, including modular homes:  
**Twenty Dollars (\$20) plus: \$0.14 per square foot, per floor;**
  - (b) For mobile homes:  
**Seventy Five Dollars (\$75)**
  - (c) For commercial, industrial or institutional construction:  
**Twenty Dollars (\$20) plus: \$0.18 per square foot**

- (d) For agricultural buildings:  
**Twenty Dollars (\$20) plus: \$0.08 per square foot**
  - (e) For accessory buildings:  
**Fifty Dollars (\$50) flat fee**
  - (f) For additions to, or alterations of, existing buildings:  
**Twenty Dollars (\$20) plus: \$2.50 per One Thousand Dollars (\$1000) value of the construction.**
- (2) Where any construction, repairs or alterations are commenced without issuance of a building permit, as required by the *Act* and the *Building Code Regulations*, the fee for issuance of a permit shall be double the amounts set out in subsection (1).
  - (3) The fee for issuance of a renewal of a building permit, a development permit, or a demolition permit shall be \$20.00. No fee shall be charged for issuance of an occupancy permit.
  - (4) Where a permit issued under this section is not used, and an application for a refund is made in writing to the building official within 30 days of issuance of the permit, the applicant shall receive a refund of 50% of the fee paid.

#### **Effective date**

- 4. The fees prescribed in section 3 hereof shall be in effect in regard to all applications filed with the building official of the Municipality from and after the date upon which this by-law comes into force.

#### **Amendment of fees**

- 5. (1) Council may amend the fees fixed under section 3 by a policy adopted pursuant to paragraph 49(1)(c)(iii) of the *Municipal Government Act*.
- (2) A certified copy of a policy adopted under subsection (1) hereof shall be appended to the copy of this by-law maintained by the Municipality, and shall include the effective date of the amendment.

#### **Repeal**

- 6. That part of any previous by-law or policy of the Municipality respecting those fees fixed under section 3 is hereby repealed and of no further force.

antidotally the increase is much higher. Ten years ago, we would use \$125 per square foot to estimate the value of construction. The Altus Group 2021 Canadian Cost Guide estimates a custom-built single-family dwelling in Halifax to be between \$255 to \$505 per square foot. A typical 16x74 mini home is at a minimum of \$200k, which works out to be \$170.00 per square foot. Our inspectors estimate the cost of construction in our areas is between \$250 to \$300 per square foot. The price of 7/16 inch OSB board was \$9.00 a sheet in 2012. Now it sells between \$55.00 and \$68.00 a sheet. Therefore, the price of a building permit has actually decreased noticeably as a percentage of the total cost of construction. For a 2,500 square foot home the permit fee has decreased for 0.14 % of the total construction cost to 0.07%. The increase proposed would bring that percentage to 0.20% of the total cost of construction for a permit.

The last time we did an extensive review of building permit fees in 2001, the Nova Scotia Building Code Regulations required we inspect a building five times. Now the building code regulations require us to inspect a building seven times. While some of these inspections can be done in one visit, the norm for us is to inspect at each interval on a separate visit. Inspections are required more often for more complex buildings.

Presently two Municipalities use a value of construction number to calculate building permit fees. This was the approach used by District Planning as well before we converted to a price per square foot of construction. The Town of Lunenburg charges \$2.00 per thousand dollars of construction value. The Town of Bridgewater charges \$3.00 per thousand and \$2.10 per thousand for Mini Homes on surface mount foundations. The attached proposal would amend our permit structure to \$2.50 per \$1,000 + \$40 for the permit, with changes to the base fee in some instances.

One of the reasons that District Planning moved away from basing our permits on the value of construction was the common occurrence of contractors underestimating the actual cost of construction. With this proposal we are recommending that we use an industry standard cost per square foot of construction as published annually by Altus Group. Our recommendation would be to use the Altus Group Canadian Cost Guide low estimates for a custom-built single-family dwelling in Halifax. This year 2021 they have estimated this cost to be between \$255 to \$505 per square foot, which means we would use the \$255 figure until the new guide is published. Also, if a contractor or home owner is able to provide us with their contract price as opposed to an estimate, we would accept the substantiated value of construction.

**Recommendation:** That the Council of the Municipality of the County of Richmond in accordance with Section 49(1)(c)(ii) of the *Municipal Government Act* which states: “49 (1) *The council may make policies... (c) setting and amending the fees to be paid for... (ii) an inspection required or conducted pursuant to a by-law of the municipality or an enactment,*” adopt the attached fee structure effective July 1, 2022.

**Municipality of the County of Richmond  
Policy to Amend By-law #61, Building Permit Fees By-law**

Effective July 1, 2022

1. The fees for an application for and the issuance of a building permit shall be as follows:
  - a. Residential Construction: Including Modular and Mobile Homes (Part 9 National Building Code):  
**Forty Dollars (\$40.00) plus: \$2.00 per one thousand dollars (\$1,000) of construction value**
  - b. Commercial/Institutional/Industrial Construction (Assembly Buildings - Part 3 National Building Code):  
**Forty Dollars (\$40.00) plus: \$3.00 per one thousand dollars (\$1,000) of construction value**
  - c. Agricultural Buildings:  
**Forty Dollars (\$40.00) plus: \$1.50 per one thousand dollars (\$1,000) of construction value**
  - d. For additions to, or alterations of, existing buildings (Renovations):  
**Forty Dollars (\$40.00) plus: \$2.75 per one thousand dollars (\$1,000) of construction value**
  - e. Accessory Buildings (Buildings which are accessory, and less than 55 square metres in area, and only one storey in height):  
**One Hundred Dollars (\$100.00) Flat Fee**
2. Where any construction, repairs or alterations are commenced without issuance of a building permit, as required by the Act and the Building Code Regulations, the fee for issuance of a permit shall be double the amounts set out in subsection (1).
3. The fee for issuance of a renewal of a building permit, a development permit, or a demolition permit shall be a flat fee of \$40.00. No value of construction fee shall be charged.
4. Where a permit issued under this section is not used, and an application for a refund is made in writing to the building official within 30 days of issuance of the permit, the applicant shall receive a refund of 50% of the fee paid.
5. Residential construction value per square foot (including additions or alterations) is determined by using the annual *Altus Group Canadian Cost Guide* for the low end of the range for Custom Built Single Family Residential in Halifax or the contracted price of construction. All other construction prices per square foot will be based on the contracted price.