JUN 01 2004

Mr. Kyle Hiltz
Clerk Treasurer
Town of Mahone Bay
PO Box 530
493 Main Street
Mahone Bay, NS B0J 2E0

Dear Mr. Hiltz:

Re: Amendments to the Subdivision Bylaw

These Subdivision Bylaw amendments were adopted at a meeting of Town Council held on May 11, 2004. I have reviewed the documents pursuant to Section 208 of the Municipal Government Act and have determined that the documents fall within any of the categories requiring approval listed in subsection 208(3), therefore the documents are not subject to approval by the Minister of Service Nova Scotia and Municipal Relations. Enclosed please find two copies of the documents for your records.

Subsection 208(8) requires that Council cause a notice to be published in a local newspaper advising that the documents are in effect as of the date of the notice and stating where the documents may be inspected.

Yours truly,

Brant Woshart
Provincial Director of Planning

BW/dms

cc: Geoff MacDonald, Director of Planning
Town of Mahone Bay
Amendments to the Subdivision Bylaw

Adopted by Town Council on May 11, 2004

I acknowledge receipt of these amendments to the Subdivision Bylaw, adopted at a meeting of Town Council held on May 11, 2004.

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

[Signature]
Braun Wishart
Provincial Director of Planning

Dated: JUN 01 2004
1.0 INTRODUCTION

On 3 June 2003, the Minister of Service Nova Scotia and Municipal Relations prescribed amendments to the Provincial Subdivision Regulations. These amendments were chiefly housekeeping in nature, correcting reference errors, typographical errors, etc. The substantial amendments were made to match amendments in the On-site Sewage Disposal Regulations which speed up the processing time for large lots. Under Section 270(6) of The Municipal Government Act the Provincial Subdivision Regulations over-ride the provisions of the Municipal Subdivision By-law. The effect of this is that the Development Officer has to have both the amendments to the Regulations and the unamended Subdivision By-law in hand in order to figure out the requirements for any subdivision application, and we can’t give people a consolidated single document setting out the rules of the game.

It is time to amend the Subdivision By-law to conform with the Regulations. It is also time to correct a few typographical errors of our own in the Subdivision By-law.

2.0 SUBDIVISION BY-LAW

The attached draft 1 of the amended Subdivision By-law dated 26 March 2004 1 shows those sections of the Subdivision By-law which require change. The text to be deleted is shown this way, in strikeout, and the text to be inserted is shown this way, in shadow text.

The substantial amendments are these:
2.1 To match the Provincial Regulations and speed up processing time: for Preliminary Plans, Sections 50(5), 51(3)(a); for Tentative Plans, Sections 54(7), 55(3); for Final Plans, Sections 56(7), 57(3); and for Instruments of Subdivision, Sections 71(7), 72(3).

3.0 RECOMMENDATIONS

It is recommended that Council adopt the amendments to the Subdivision By-law shown in the attached Amendment Draft 1 dated 26 March 2004.

26 March 2004

[Signature]

Geoff MacDonald
Planning Director
TOWN OF MAHONE BAY

SUBDIVISION BY-LAW

Effective 17 April 2002

Amendment Draft 1
26 March 2004

NOTE:

These amendments have been prepared by staff for the review of the Planning Advisory Committee and Council. They do not necessarily reflect Council's policy.
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PART 1  AUTHORITY AND TITLE

1 This By-law is enacted by the Council of the Town of Mahone Bay under the provisions of Sections 271-274 of the Municipal Government Act (S.N.S. 1998, ch. 18)

2 This By-law may be cited as the "Subdivision By-law" of the Town of Mahone Bay.

PART 2  ADMINISTRATION

3 This By-law shall be administered by the Municipal Development Officer of the Town appointed under the authority of the Municipal Government Act.

4 In the absence or incapacity of the Development Officer, the acting Development Officer appointed by Council shall act in the Development Officer's stead.

PART 3  INTERPRETATION

5 The Metric System of measurement is used throughout this By-law. Imperial Measurements are approximate only, for convenience only, and in all cases of conflict between Imperial Measure and Metric Measure, the Metric Measure shall prevail.

PART 4  DEFINITIONS

6 In this By-law:

(a) Act means the Municipal Government Act;

(b) Area of land means any existing lot or parcel as described by its boundaries, except in Section 13;

(c) Council means the Council of the Town;

(d) Central sewer system means a system of pipes and associated facilities for the collection and disposal of sewage from two (2) or more lots.

(e) Central water system means a system of reservoirs and pipes which supplies potable water to two (2) or more lots;

(f) Engineer means the engineer of the Town and includes a person acting under the supervision and direction of the engineer;

(g) Lot means any parcel to be created by the filing of a plan of subdivision or the registering of an instrument of subdivision;

(h) Province means Her Majesty the Queen in right of the Province of Nova Scotia;

(ha) Proposed lot means any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot;

(i) Public highway means any street or road owned and maintained by the Town, a municipality or the Province excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act;
(j) *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;

(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) *town* means the Town of Mahone Bay.

(n) *Service Specifications* means the specifications for design and construction of *public highways, central sewer systems* and *central water systems* adopted by Council.

**PART 5 LOT ACCESS**

7 **ROAD ACCESS**
All *lots* shall abut a *public highway*.

8 **LAND USE BY-LAW**
Where a land use by-law is in effect

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

(b) Sections 9, 11, 12 and 13 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*.

9 **10% VARIANCE**

(1) Notwithstanding the *lot* area and frontage requirements of clause 8 (a) the development officer may approve a maximum of two *lots*, shown on a plan of *subdivision*, in accordance with Section 279 of the *Act* provided all other requirements of these *regulations*—this by-law are met.

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

10 **BOUNDARY ALTERATION**

(1) Notwithstanding Section 7 and the *lot* area and frontage requirements of clause 8 (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 39 (2)(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."

11 ACCESS EXEMPTION - ONE LOT

(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 7 and the lot frontage requirements of clause 8 (a) may be created within an area of land, provided no such lot has already been subdivided within the area of land, and provided the lot has access to the street by means of a right-of-way no less than 6 metres (19.7 feet) wide.

(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 highway; or

(b) the area of land has less than 6 metres (19.7 feet) of frontage on a public highway.

12 ENOCROACHMENTS
(1) Notwithstanding the lot area and frontage requirements of clause 8 (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 10 (2) shall apply.

13 MAIN BUILDING
(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 8 (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 the Environment and Labour.

14 LOT SHAPE
Lots shall not be subdivided to create a width or depth of less than 6 metres (19.7 feet).
PART 6 PUBLIC HIGHWAYS

15 CONTINUE EXISTING ROADS
Any public highway on a plan of subdivision submitted for approval shall, if reasonably possible and not in violation of this By-law, be laid out in prolongation of any public highway which abuts the boundaries of the land to be subdivided.

16 CONNECT PROPERTIES
A right-of-way for a Public Highway shown on a plan of subdivision submitted for approval shall, if reasonably possible, extend to adjacent properties and adjacent watercourses at a minimum of every 400 metres (1312 feet) along the boundary of the adjacent property and watercourse.

17 APPROVAL
(1) All proposed municipal public highways shall be approved by the engineer in accordance with the service specifications adopted by Council.

(2) Where a proposed municipal Public highway intersects a provincial public highway, that intersection shall be approved by the Department of Transportation and Public Works.

18 LOT ACCESS
(1) A proposed lot which abuts a Public highway shall have access to a Public highway approved by the authority having jurisdiction for the Public highway which will be accessed.

(2) This section does not apply to proposed lots which have an existing access to a Public highway.

19 AUTHORITY TO IDENTIFY
Where a plan shows a proposed lot abutting an existing Public highway, the authority having jurisdiction shall verify that the street or road is a Public highway.

PART 7 WATER SUPPLY

20 Where two (2) or more lots are to be served by a common water supply, the subdivider shall design, lay out and construct a central water system to service every proposed lot in conformance with the requirements of the service Specifications.

PART 8 SANITARY SEWERS

21 Where two (2) or more lots are to be served by a common sewage system, the subdivider shall design, layout and construct all central sewer systems to service each proposed lot in conformance with the requirements of the service Specifications and where possible connect these sewers with an existing Town central sewer system.

22 Where a proposed lot contains a dwelling, either the lot shall be large enough for on-site sewage disposal as determined by a qualified person under the Nova Scotia "On-site Sewage Disposal Regulations" or the dwelling shall be connected to an approved sewer system.

PART 9 PUBLIC OPEN SPACE

23 USEABLE LAND
For the purposes of this Part, "Useable land" means land which:

a) has a minimum lot size of 1300 square metres (14,000 sq. ft.); and

Town of Mahone Bay SDB ... 7
b) has at least 6 metres (20 ft.) frontage on a Public Highway or on a right-of-way at least 6 metres (20 feet) wide to a public highway; and

c) is not subject to any easement which has a detrimental effect on its suitability for recreation purposes; and

d) is not subject to any known environmental contamination which would have a detrimental effect on its suitability for recreational purposes; and

e) meets or exceeds the overall minimum score on the evaluation sheet attached as Schedule "E" or, in lieu of satisfying that requirement, contains such unique physical, cultural or historical characteristics from the following list as determined by the Development Officer to provide unique and valuable recreation opportunities:

   i) steep slopes and run-out areas suitable for the sport of skiing;
   ii) waterfowl feeding and breeding areas or other environmentally sensitive areas suitable as an interpretive natural reserve with a minimum of 1 hectare (2 acres) in area;
   iii) beaches suitable for public swimming;
   iv) vehicular access to navigable water, suitable for boat launching and retrieval;
   v) land containing structures or buildings of significant historical value to the community and useable for public purposes.

24 5% REQUIRED
Prior to endorsement of approval on the final plan of subdivision, the subdivider shall transfer to the Town for park, playground and similar public purposes an area of useable land of good and marketable title equal to five percent (5%) of the area subdivided in the final plan of subdivision excluding streets, roads and the residue of land owned by the subdivider, or cash in lieu of equivalent value, subject to the provisions of Sections 26 and 27.

25 WAIVER
Council hereby waives the requirements of Section 24 of this By-law, where:

   a) No new vacant lots are created except the remainder lot; or
   b) The subdivision is the consolidation of two or more lots; or
   c) lot boundaries are changed but no new vacant lots are created.

26 COMBINATION
Council may accept, under Section 24, a combination of useable land and cash in lieu of land equal to the amount of the transfer required.

27 OUTSIDE OPEN SPACE
A subdivider may offer to the council, and the council may accept, an area of useable land of equivalent value outside the area being subdivided and within the boundaries of the Town.
PART 10 CONSTRUCTION OF SERVICES

28 INSPECTION
The subdivider shall permit the Town Engineer to inspect the construction of roads and services at any reasonable time, and shall advise the Town Engineer of the dates, sites and times of any required inspection or testing of water systems, sewer systems, or roads.

29 DEVIATIONS
No deviation from the plans, drawings and specifications required by Subsection 32 (1) shall take place during construction unless such deviation is approved by the Town Engineer.

30 DUTY ON COMPLETION
When the Town Engineer has determined that the new Public Highways, central water systems, and central sewer systems have been constructed as required by this By-law, and within thirty (30) days of being notified of such determination, the subdivider shall:

a) Provide the Town Clerk with the "as built" reproducible engineering drawings conforming with the applicable requirements of the Municipal Specifications; and

b) Provide the Town Clerk with all necessary operating and procedural manuals for each water or sanitary sewer system; and

c) Provide the Town Clerk with reports of all required tests to indicate that the central water and central sewer systems are operating to the standard required by the Municipal Specifications.

d) Post for one (1) year a maintenance bond or other security acceptable to the council in an amount equal to ten percent (10%) of the actual cost of construction; and

e) Transfer to the Town title in fee simple to all plants and assets necessary to the operation of the public highways, central water systems and central sewer systems together with easements sufficient for the maintenance of all services, public highways and Public highway drainage systems, such title and easements to be conveyed free of encumbrances and at no cost to the Town.

31 CONSTRUCTION AGREEMENT AND BOND
(1) Where the subdivider wishes the subdivision plan to be approved prior to construction of roads or services, the subdivider shall, with the consent of Town council, enter into an agreement with the Town to carry out and complete the required construction according to the requirements of this By-law within a period of time as set out in the agreement and shall also post a performance bond or other security acceptable to the Town to guarantee such agreement, in the amount of one hundred twenty-five percent (125%) of the total estimated cost of supplying such construction.

(2) The estimated cost required by Subsection (1) shall include a detailed cost breakdown and be prepared over the stamp of a Professional Engineer.

(3) The Town Engineer shall review the estimate and shall advise Council of the adequacy of the size of the performance bond or other security.

(4) The agreement required by Subsection (1) shall require the subdivider to transfer to the Town title in fee simple to all plants and assets necessary to the operation of central sewer systems, together with easements sufficient for the maintenance of all services, such title and easements to be conveyed free of encumbrances and at no cost to the Town.
The agreement required by Subsection (1) shall require the subdivider to transfer to the Town title in fee simple to all plants and assets necessary to the operation of central water systems which are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all services, such title and easements to be conveyed free of encumbrances and at no cost to the Town.

The agreement required by Subsection (1) shall require the subdivider to transfer to the Town title in fee simple to all road rights-of-way and roadbeds necessary to the operation of Public Highways which are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all associated road drainage systems, such title and easements to be conveyed free of encumbrances and at no cost to the Town.

32 PLAN APPROVAL
(1) Where new Town public highways, central water systems or central sewer systems are required, the Development Officer shall not approve a Tentative Plan of subdivision until the subdivider has submitted plans, drawings and specifications which satisfy the requirements of Subsection 37 (5) and the Municipal Specifications.

(2) Where a new Town public highway, central water system or a central sewer system is required, the Development Officer shall not approve a final plan of subdivision, until the requirements of Section 30 or of Section 31 have been met.

PART 11 PRELIMINARY PLANS OF SUBDIVISION - Optional

33 REQUIREMENTS
(1) A subdivider 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) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;

(d) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;

(e) the shape, dimensions, and area of the proposed lots being created;

(f) each proposed lot identified by a number except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available, and the letter;

(g) no duplication of lot identifiers;

(h) the approximate location of railways and railway rights-of-way;
(i) the location of existing and proposed public highways, private roads, and Schedule “B” roads;

(j) the name of existing and proposed public highways (and the authority number), private roads, and Schedule “B” roads as issued pursuant to the civic addressing system;

(k) the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being 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 and Labour pursuant to clause 33 (3) the information listed in subsection (3) below is required for the following proposed lots:

(a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or

(b) a proposed lot which is being divided from an existing area of land, contains an on-site sewage disposal system, and

   (i) is 9,000 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 and Labour, the following additional information is required for proposed lots referred to in subsection (2) above:

(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 System Regulations.

(4) For a proposed lot that is bing divided from an existing area of land, contains an existing on-site sewage disposal system, and is more than 9,000 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, driveways, on-site sewage disposal system and well shall be provided.

(5) For a proposed lot, 9,000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 square 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 in the form specified in Schedule "A" must be completed.

34 PROCEDURE

(1) Application for an evaluation of a preliminary plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.

(2) The development officer shall comply with the notification and approval provisions of the Act.

(3) The development officer shall forward a copy of the preliminary plan of subdivision to

(a) in areas not served by a central sewer, the Department of the Environment and Labour to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot

(i) is more greater than 9000 square metres (96,878.4 square feet), (ii) has a width of 76 metres (249.3 feet) or more, and (iii) is to be used for a purpose which does not require 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) above;

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

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

(d) any other agency of the Province or the Town which the development officer deems necessary.
(4) A preliminary plan of subdivision that shows a proposed lot referred to in subsection 50 (5) shall be forwarded to the Department of Environment and Labour for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.

(4) (5) Any agency which has been forwarded a copy of the preliminary plan of subdivision pursuant to Subsection 34 (3) shall forward a written report of their assessments or recommendations to the development officer.

(5) (6) The development officer shall inform the subdivider applicant in writing of the results of the evaluation of the preliminary plan of subdivision.

PART 12 CONCEPT PLANS - Optional

35 REQUIREMENTS

(1) Where an area of land is being subdivided in phases and will contain new streets, a subdivider person may submit to the development officer eight (8) copies of a concept plan of the entire area of land.

(2) Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:

(a) the words "Concept Plan" located in the title block;
(b) name of property owner(s) and name of all abutting 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.

36 PROCEDURE

(1) Application for approval of a concept plan shall be made to the development officer in the form specified in Schedule "A" of these regulations.

(2) The development officer shall comply with the notification and approval provisions of the Act.

(3) The development officer shall forward the concept plan and any supplementary information to appropriate agencies in order to evaluate the concept plan in terms of:
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.

(4) Any agency which has been forwarded a copy of the concept plan pursuant to Subsection 53 (3) shall forward a written report of their assessments or recommendations to the development officer.

(5) Approval of a concept plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Public Works or of any other agency of the Province or the Town unless the concept plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

(6) 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 Subsection 36 (3).

(7) Where the development officer refuses to approve a concept plan, the development officer shall inform the reasons for the refusal in writing and advise the of the appeal provisions of Section 284 of the Act.

(8) The following information shall be stamped or written and completed by the development officer on any concept plan which is approved:

(a) "This concept plan is approved."

(b) the date of the approval of the concept plan; and

(c) "This concept plan shall not be filed in the registry of deeds as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the registry of deeds."

(9) The development officer shall forward an approved copy of the concept plan to the subdivider applicant.

PART 13 TENTATIVE PLANS OF SUBDIVISION - Optional

37 REQUIREMENTS

(1) A subdivider applicant 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 this Section.

(2) 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.

(3) Tentative plans of subdivision shall show the following

(a) the words "PLAN OF SUBDIVISION" located in the title block;

(b) the words "TENTATIVE PLAN" located above the title block;

(c) a clear space for stamping 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) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;

(g) where a civic addressing system is in place, the civic number and location 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 being created;

(k) each proposed lot being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;

(l) no duplication of lot identifiers;

(m) the boundaries of proposed lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;

(n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
(o) the location of existing and proposed public highways, private roads, and Schedule "B" roads;

(p) the name of existing and proposed public highways (and the authority 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) the location of any existing access from a proposed lot to a Public highway;

(y) any other information necessary to determine whether or not the plan of subdivision conforms to these regulations.

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

(a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;

(b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;

(c) the surface slopes and directions;

(d) an explanation of the extent, volume and type of usage to which the system will be subjected;

(e) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and

(f) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.
(4) Where a tentative plan of subdivision is to be forwarded to the Department of Environment and Labour pursuant to clause 55 (3) the information listed in subsection (5) below is required for the following proposed lots:

(a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or

(b) a proposed lot which is being divided from an existing area of land, contains an on-site sewage disposal system, and

   (i) is 9,000 square metres (96,878.4 square feet) or less in area, or

   (ii) has a width of less than 76 metres (249.3 feet);

(5) Unless the information already has been submitted to the Department of Environment and Labour, the following additional information is required for proposed lots referred to in subsection (4) above:

(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 System Regulations.

(6) 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 9,000 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, driveways, on-site sewage disposal system and well shall be provided.

(7) For a proposed lot 9,000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 square 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 in the form specified in Schedule "A" must be completed.

(5) In addition to meeting the requirements of Subsections (2), (3), and (4) and (3) where the proposed lots front on a proposed public highway 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) 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 highways and their intersection with existing public highways, 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 highways.

(9) For a proposed lot that will have access to a public street, the tentative plan of subdivision shall be accompanied by or show stopping sight distances information in the form specified in Schedule "F" completed by a Nova Scotia Land Surveyor.

PROCEDURE

(1) Application for approval of a tentative plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.

(2) The development officer shall comply with the notification and approval provisions of the Act.

(3) The development officer shall forward a copy of the tentative plan of subdivision to

(a) in areas not served by a central sewer, the Department of the Environment and Labour to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot

(i) is more greater than 9000 square metres (96,878.4 square feet), (ii) has a width of 76 metres (249.3 feet) or more, and (iii) is to be used for a purpose which does not require the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;

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

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

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

(3a) A tentative plan of subdivision that shows a proposed lot referred to in Subsection 37 (7) above shall be forwarded to the Department of Environment and Labour for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.

(4) Any agency which has been forwarded a copy of a tentative plan of subdivision pursuant to Subsection (3) shall forward a written report of their assessments or recommendations to the development officer.

(5) Approval of a tentative plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment and Labour, the Department of Transportation and Public Works or of any other agency of the Province or the Town 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.

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

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

(a) "This tentative plan of subdivision is approved for Lots __________. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan."

(b) the date of the approval of the tentative plan; and

(c) "This tentative plan of subdivision shall not be filed in the registry of deeds as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the registry of deeds."

(8) The development officer shall forward a copy of the approved tentative plan of subdivision to the subdivider applicant and the surveyor.

PART 14 FINAL PLANS OF SUBDIVISION

39 REQUIREMENTS

(1) A subdivider proposing to subdivide an area of land shall submit twelve (12) copies of the final plan of subdivision meeting the requirements of this Section to the development officer for approval.

(2) Final plans of subdivision submitted to the development officer shall be...
(a) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;

(b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed street and road have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of subdivision prepared pursuant to Section 11 of these regulations Section 10 of this by-law; 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.

(3) Final plans of subdivision shall show the following:

(a) the words "PLAN OF SUBDIVISION" located in the title block;

(b) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);

(c) the name of the subdivision, if any, and the name of the owner of the area of land;

(d) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;

(e) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;

(f) where a civic addressing system is in place, the civic number and the location 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 being created;

(j) each lot being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;

(k) no duplication of lot identifiers;

(l) the boundaries of proposed lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;

(m) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
(n) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;

(o) the location of existing and proposed public highways, private roads, and Schedule “B” roads;

(p) the name of existing and proposed public highways (and the authority number) private roads, and Schedule “B” roads as issued pursuant to the civic addressing system;

(q) the width and location of railroad tracks 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) the location of any existing access from a proposed lot to a Public highway;

(y) any other information necessary to determine whether or not the plan of subdivision conforms to these regulations.

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

(a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;

(b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;

(c) the surface slopes and directions;

(d) an explanation of the extent, volume and type of usage to which the system will be subjected;

(e) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and

(f) any other information necessary to determine whether the subdivision meets the On-site Sewage-Disposal Systems Regulations.
Where the final plan of subdivision is to be forwarded to the Department of Environment and Labour pursuant to clause 40(3) the information listed in subsection (5) below is required for the following proposed lots:

(a) a proposed lot which is being created for a purpose that will require the construction of an on-site sewage disposal system; or

(b) a proposed lot which is being divided from an existing area of land, contains an on-site sewage disposal system, and
   (i) is 9,000 square metres (96,878.4 square feet) or less in area, or
   (ii) has a width of less than 76 metres (249.3 feet);

(5) Unless the information already has been submitted to the Department of Environment and Labour, the following additional information is required for proposed lots referred to in subsection (4) above:

(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 System Regulations.

(6) 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 9,000 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, driveways, on-site sewage disposal system and well shall be provided.

(7) For a proposed lot 9,000 square metres (96,878.4 square feet) or less in area or with a width of less than 76 metres (249.3 square 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 in the form specified in Schedule “A” must be completed.

(8) For a proposed lot that will have access to a public highway, the final plan of subdivision shall be accompanied by or show stopping sight distances information in the form specified in Schedule “F” completed by a Nova Scotia Land Surveyor.

(5)(9) Unless they have already been submitted, final engineering drawings for any services, including streets, to be conveyed to the Town shall accompany the final plan of subdivision.

40 PROCEDURE
(1) Application for approval of a final plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.

(2) The development officer shall comply with the notification and approval provisions of the Act.

(3) The development officer shall forward a copy of the final plan of subdivision to

(a) in areas not served by a central sewer, the Department of Environment and Labour to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot

(i) is more greater than 9000 square metres (96,878.4 square feet), (ii) has a width of 76 metres (249.3 feet) or more, and (iii) is to be used for a purpose which does not require 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 that all other proposed lots shown on the plan meet the requirements listed in subclause (i) above;

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

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

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

(4) Any agency which has been forwarded a copy of the final plan of subdivision pursuant to Subsection (3) shall forward a written report of their assessments or recommendations to the development officer.

(5) A final plan of subdivision that shows a proposed lot referred to in subsection 39(7) shall be forwarded to the Department of Environment and Labour for confirmation that the Department is in agreement that the proposed lot does not require an on-site sewage disposal system.

41 PUBLIC OPEN SPACE
Where a transfer to the *Town* of land or cash in lieu of land for Public Open Space is required by Section 24, the application for final approval shall be accompanied by or shall show on the Final Plan a proposal which satisfies the requirements of Section 24, and the Development Officer shall forward such proposal or plans to the Recreation Director of the *Town* for comments.

**LAND USE BY-LAW/BUILDING CODE BY-LAW**
Where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary, the Development officer shall forward a copy of the plan to the Building Inspector and to the Development officer administering the relevant Land Use By-law, asking them to identify any violation of the Land Use By-law or of the National Building Code.

**SEWER AND WATER APPROVALS**
Where a central water system, or a central sewer system is required by Sections 20 and 21, no approval of the Final Plan may be given until the applicant has obtained the required approvals of these systems from the appropriate provincial authority.

**CONSTRUCTION OR AGREEMENT REQUIRED**
No approval of a Final Plan may be given unless the subdivider either has laid out and constructed roads, and any other services required in accordance with the provisions of Section 30 or has entered into an agreement with the *Town* according to Section 31.

**CONVEY PUBLIC OPEN SPACE**
No approval of a Final Plan may be given unless the subdivider has conveyed to the *Town* an area of land, or cash in lieu, or a combination of land and cash, which satisfies the requirements of Sections 24 and 25.

**STOPPING SIGHT DISTANCE**
Where the stopping sight distance information provided in accordance with Subsection 39(8) records a “fail” for a proposed entrance, no approval of a Final Plan may be given without the consent of the Town Engineer.

**APPROVAL REQUESTED REFUSED**
Approval of a final plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment and Labour, the Department of Transportation and Public Works or of any other agency of the Province or the Town unless the final plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

**FEES**
(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) the processing fee set by the authority having jurisdiction.

(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.

**CONSOLIDATION OR ADDITION**
Before approving a final plan of subdivision that adds or consolidates parcels or areas of land in different ownership, 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.

49 APPROVED PLAN
The development officer shall forward an approved copy of the final plan of subdivision to the subdivider and the surveyor.

50 REFUSAL
(1) 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 57.

(2) 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.

51 APPROVAL AFTER CONVEYANCE
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.

52 STAMPS
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 con-
struction 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 the Environment.";

(ii) IMPORTANT NOTICE
__________________________ (has, have) been created for a
(proposed use)
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 the Environment and Labour are met."; or
(iii) "_________________________(is, are) served by an exist-
(ing) on-site system and should a replacement system become necessary
in future, approval of the replacement system from the Department of the
Environment and Labour is required".

(c) where applicable,

(i) a notation stating that access to the public highway 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 highways;

(ii) where a lot which abuts a public highway 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.

53 REGISTRY OF DEEDS
Within seven days of approving the plan, the development officer shall forward to the registry of deeds

(a) one (1) approved copy of the final plan of subdivision and a notice of approval in the form
specified in Schedule "B" of these regulations; and

(b) if applicable, the items required by Section 48 of these regulations.

PART 15 REPEAL OF A SUBDIVISION

54 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.

55 Any person requesting a repeal shall submit to the development officer an application in the form specified in
Schedule "C".

56 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.

57 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.

58 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.

59 Sections 7 to 53 inclusive of this by-law do not apply to the repeal of a plan or instrument of subdivision.

60 The development officer shall forward to the registry of deeds the repeal in the form specified in Schedule
"D".

Town of Mahone Bay SDB ... 26
The development officer shall forward a copy of the repeal referred to in Section 57 on 60 to

(a) the subdivider, and

(b) any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.

(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) the processing fee set by the authority having jurisdiction

(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.

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 57.
APPLICATION FOR SUBDIVISION APPROVAL

SUBDIVISION 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 (Optional) □ Tentative (Optional) □ Final

$200.00 Application Fee Attached (pay to Town of Mahone Bay) □ Yes □ No

$150.00 Registration Fee Attached (Final Applications only, payable to Registry of deeds) □ Yes □ No

Type Of Development Proposed □ Single Unit Dwelling □ Other __________________________ (Specify)

Approval Requested For Lot(s) # ______________________________________________________

Assessment Requested From Department Of The Environment □ Yes □ No

Is There A Remainder Lot? □ Yes □ No

CERTIFICATION - ON-SITE SYSTEM NOT REQUIRED (unserviced 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 ____________________________________________

WATER SERVICES

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<tr>
<th>Existing</th>
<th>Proposed</th>
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SEWER SERVICES

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ACCESS

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<tr>
<th>Town Public Street</th>
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<tbody>
<tr>
<td>Existing</td>
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</tbody>
</table>
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 highway or private road.
SCHEDULE C

APPLICATION FOR REPEAL OF A SUBDIVISION

Plan of Subdivision

File Number

APPLICANT RELATED INFORMATION

Name of Land Owner(s)

Phone

Address of Land Owner(s)

Postal Code

Documents To Be Returned To

Correspondence To Be Directed To

INFORMATION RELATED TO THE SUBDIVISION SOUGHT TO BE REPEALED

Name of applicant for subdivision approval

Location

Municipality

The subdivision was approved on the day of

(YEAR)

and is filed in the Registry of deeds at

in the Municipality of

the County of as

Lot(s) # was/were approved and repeal is

sought for approval of Lot(s) #

Registration fee submitted.

CERTIFICATION OF FACTS
(Reasons For Repeal)
(If more space required, attach additional sheet)

OWNER'S CERTIFICATE

I certify that the information in this application is true and complete, that I am applying for repeal of this subdivision with the full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

______________________________

Signature of owner/agent

______________________________

Date

______________________________

Town of Mahone Bay SDB ... 30
SCHEDULE "D"

REPEAL OF A SUBDIVISION

Plan of Subdivision __
Name of Owner(s) _______________________________________________________

Name of Subdivision ______________________________________________________

Location _________________________________________________________________

Date of Approval of the Subdivision _______________________________________

Being Registration # ____________________________ at the registry of deeds.

THIS SUBDIVISION IS REPEALED

Entire Plan ___ or Only Lots # ________________________________

Dated at __________________________ in the ________________________________

Province of Nova Scotia, this ____ day of __________________________, ________.
(DATE) (YEAR)

__________________________
Development Officer

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

Separately evaluate each lot proposed for Public Open Space by inspecting the lot itself and all other available information about the lot. Evaluate each of the characteristics listed below. If the lot has the characteristic, enter the assigned value in the "score" column. If not, enter 0 in the "score" column. Add the scores in each section to get subtotals. Then add Section scores together to get a total score. To satisfy the definition of "useable land" the score must meet or exceed the minimum score shown for each Section, as well as the overall minimum score.

<table>
<thead>
<tr>
<th>SECTION CHARACTERISTIC</th>
<th>ASIGNED VALUE</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Grades</td>
<td></td>
<td></td>
</tr>
<tr>
<td>over 50% of lot area with 0-4% slopes</td>
<td>+1</td>
<td></td>
</tr>
<tr>
<td>over 25% of lot area with over 4-12% slopes</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>over 25% of lot area with 12%+ slopes</td>
<td>-1</td>
<td></td>
</tr>
<tr>
<td>Minimum Score</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>2. Soil &amp; Water</td>
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<td></td>
</tr>
<tr>
<td>over 25% of the lot area with swamp or bog</td>
<td>-1</td>
<td></td>
</tr>
<tr>
<td>over 25% of the lot area flood plain</td>
<td>-1</td>
<td></td>
</tr>
<tr>
<td>over 25% of the lot area wetland</td>
<td>-1</td>
<td></td>
</tr>
<tr>
<td>subject to damage by storm drainage</td>
<td>-1</td>
<td></td>
</tr>
<tr>
<td>Minimum Score</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>3. Location</td>
<td></td>
<td></td>
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<tr>
<td>central to subdivision or under supervision of neighbour</td>
<td>+1</td>
<td></td>
</tr>
<tr>
<td>linked to other recreation lands</td>
<td>+1</td>
<td></td>
</tr>
<tr>
<td>coastal, lake, river or perennial stream waterfront</td>
<td>+1</td>
<td></td>
</tr>
<tr>
<td>Minimum Score</td>
<td>+1</td>
<td></td>
</tr>
<tr>
<td>4. OVERALL MINIMUM SCORE</td>
<td>+2</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE "F"
STopping sight distAnces

<table>
<thead>
<tr>
<th>LOT NO.</th>
<th>SPEED ZONE</th>
<th>DISTANCE FROM LOT CORNER LEFT/RIGHT</th>
<th>LEFT</th>
<th>RIGHT</th>
<th>PASS OR FAIL*</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>GRADE</td>
<td>DISTANCE</td>
<td>GRADE</td>
<td>DISTANCE</td>
</tr>
</tbody>
</table>


Signed: _____________________________

Nova Scotia Land Surveyor

February 16, 2004

Town of Mahone Bay SDB ... 33
THIS IS TO CERTIFY that the amendments to the Subdivision By-Law of which the foregoing is a true copy were duly passed at a duly called meeting of the Council of the Town of Mahone Bay held on May 11, 2004.

GIVEN under the hand of the Town Clerk and under the corporate seal of the said Town this 14th day of May, A.D. 2004.

Kyle R. Hiltz
Town Clerk