

**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.**

**TABLE OF CONTENTS**

PART 1 AUTHORITY AND TITLE ..... 3

PART 2 ADMINISTRATION ..... 3

PART 3 INTERPRETATION ..... 3

PART 4 DEFINITIONS ..... 3

PART 5 LOT ACCESS ..... 4

PART 6 PUBLIC HIGHWAYS ..... 7

PART 7 WATER SUPPLY ..... 7

PART 8 SANITARY SEWERS ..... 7

PART 9 PUBLIC OPEN SPACE ..... 7

PART 10 CONSTRUCTION OF SERVICES ..... 9

PART 11 PRELIMINARY PLANS OF SUBDIVISION - Optional ..... 10

PART 12 CONCEPT PLANS - Optional ..... 12

PART 13 TENTATIVE PLANS OF SUBDIVISION - Optional ..... 13

PART 14 FINAL PLANS OF SUBDIVISION ..... 17

PART 15 REPEAL OF A SUBDIVISION ..... 22

Schedule A - Application for Subdivision Approval

Schedule B - Notice of Approval

Schedule C - Application for Repeal of a Subdivision

Schedule D - Repeal of a Subdivision

Schedule E - Public Open Space Evaluation

## 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 ENCROACHMENTS

- (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

- 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*.

- (5) 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*.
- (6) 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 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.
- (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:

- (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.
- (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 of 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) (8) In addition to meeting the requirements of Subsections (2), (3), and (4) and (5) 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.

### 38 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 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 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 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 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.

**42 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.

**43 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.

**44 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.

**45 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.

**45A 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.

**46 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*.

**47 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*.

**48 CONSOLIDATION OR ADDITION**

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.

**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 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 the Environment.";

(ii) **IMPORTANT NOTICE**

\_\_\_\_\_ (has, have) been created for a (lot(s) approved and/or remainder) 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-  
(lot(s) approved and/or remainder)  
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".

- 61 The development officer shall forward a copy of the repeal referred to in Section 60 to
- (a) the *subdivider*, and
  - (b) any agency which provided an assessment or recommendations on the original plan or instrument of *subdivision*.
- 62 (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*.
- 63 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.

**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

Co-Signer

Date

**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.

**SCHEDULE "E"**  
**PUBLIC OPEN SPACE EVALUATION**

**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.

<u>SECTION</u>	<u>CHARACTERISTIC</u>	<u>ASSIGNED</u> <u>VALUE</u>	<u>SCORE</u>
1. Grades	over 50% of <i>lot</i> area with 0-4% slopes	+1	
	over 25% of <i>lot</i> area with over 4-12% slopes	0	
	over 25% of <i>lot</i> area with 12%+ slopes	<u>-1</u>	
	Minimum Score	0	
2. Soil & Water	over 25% of the <i>lot</i> area with swamp or bog	-1	
	over 25% of the <i>lot</i> area flood plain	-1	
	over 25% of the <i>lot</i> area wetland	-1	
	subject to damage by storm drainage	<u>-1</u>	
	Minimum Score	0	
3. Location	central to <i>subdivision</i> or under supervision of neighbour	+1	
	linked to other recreation lands	+1	
	coastal, lake, river or perennial stream waterfrontage	<u>+1</u>	
	Minimum Score	+1	
4.	OVERALL MINIMUM SCORE	+2	

**SCHEDULE "F"**  
**STOPPING SIGHT DISTANCES**

STOPPING SIGHT DISTANCES								
LOT NO.	SPEED ZONE	DISTANCE FROM LOT CORNER LEFT/RIGHT	LEFT		RIGHT		PASS OR FAIL*	COMMENT
			GRADE	DISTANCE	GRADE	DISTANCE		

\* According to the Government of Nova Scotia Management Manual 23, Department of Transportation and Public Works Management, Chapter 8, Construction and Maintenance.

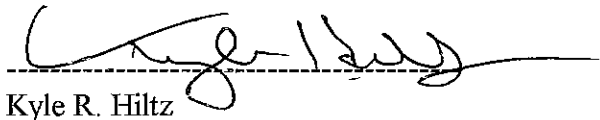
Signed: \_\_\_\_\_

Nova Scotia Land Surveyor

February 16, 2004E:\TEXT\MAB\MABPRJ\SDBamends04\SDB2004-1.txt.wpd

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 14<sup>th</sup> day of May, A.D. 2004.

A handwritten signature in cursive script, appearing to read "Kyle R. Hiltz", written over a horizontal dashed line.

Kyle R. Hiltz  
Town Clerk