



REGIONAL SUBDIVISION BY-LAW

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HALIFAX REGIONAL MUNICIPALITY
SUBDIVISION BY-LAW**

**REGIONAL
SUBDIVISION BY-LAW**

THIS IS TO CERTIFY that this is a true copy of the Halifax Regional Subdivision By-law which was passed by a majority vote of the Council of Halifax Regional Municipality on the (enter date of Council approval), and approved by the Minister of Municipal Affairs on the (enter date of approval

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this _____ day of _____, 2014, A.D.

Cathy Mellett
Municipal Clerk

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TITLE

- 1** This by-law may be cited as the "Subdivision By-law" of the Halifax Regional Municipality.

APPLICATION AND ADMINISTRATION

- 2** (1) This by-law shall apply to the subdivision of land within all of the Halifax Regional Municipality and shall be administered by the Development Officers of the Municipality.
- (2) Appendixes 1 through 8 do not constitute part of this by-law but are included for information purposes only.

DEFINITIONS

- 3** In this by-law,
- (a) "Agreement" means a written contract between the subdivider and the Halifax Regional Municipality which describes the responsibilities of each party with respect to the subdivision and servicing of land as outlined in this by-law.
 - (b) "Area of land" means any lot or parcel as described by its boundaries, or as otherwise defined in a section of this By-law, but shall not include a private road.
 - (c) "Capital costs" means the costs of providing new or expanded infrastructure systems needed to service the charge area. Capital costs may include necessary infrastructure external to the charge area. Cost estimates may be used. Costs may include design, construction, materials and cost escalators, interest during construction, financial costs, legal, surveying and land costs.
 - (d) "Charge area" means an area which has been designated by Council by amendment to this by-law in which infrastructure charges are to be levied.
 - (e) "Construction" means activities involved in the installation of primary and secondary services for a subdivision and includes, but is not limited to, tree removal, grubbing, excavation and blasting.
 - (f) "Council" means the Council of the Halifax Regional Municipality or any Community Council where applicable.
 - (g) "Department of the Environment and Labour" means the Nova Scotia Department of the Environment and Labour.
 - (h) "Department of Transportation and Public Works" means the Nova Scotia Department of Transportation and Public Works.
 - (i) "Design Guidelines" means the latest edition of the Municipality's specification document comprised of three parts: Part A - Design Guidelines; Part B - Standard Details and Part C - Drafting Standards as adopted by Council.
 - (j) "Development Officer" means the Development Officers appointed by Council to administer this by-law.
 - (k) "Encumbrances" mean, for the purposes of park dedication, legal, environmental, or physical constraints on the property that may limit its use and management or present unreasonable development or remediation costs to the Municipality.
 - (l) "Engineer" means the Municipal Engineers responsible for the approval of subdivision infrastructure and includes a person acting under the supervision and direction of the Engineer.

- (m) "Equivalent value" means, for the purposes of park dedication, cash, site preparation, site development or any combination of land, cash, site preparation and site development.
- (n) "Flag lot" means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the "pole" portion of the lot contains the required lot frontage and lot access route.
- (o) "Frontage" means:
 - (i) the distance between the side lines of a lot measured along a public street or highway, private road, or Schedule "A" road; and
 - (ii) where a lot is located on the outside of a curve on a public street or highway or private road the distance measured along a line joining points on the side lines of the lot which points are 6.1m from such street or road, or as otherwise provided for in a land use by-law.
- (p) "Halifax Regional Water Commission Design and Construction Specifications" means the latest edition of the specifications approved by the Commission Board in accordance with the *Halifax Regional Water Commission Act* and containing the minimum design standards and specifications for all municipal water distribution systems required by this by-law.
- (q) "Infrastructure charge" means a charge levied on a subdivider as a condition of subdivision approval within a charge area for the purpose of recovering capital costs associated with new or expanded infrastructure related to centralized water, sanitary and storm sewer systems, streets and intersections, traffic signs, signals and bus bays as well as other related or required infrastructure to service the charge area both on and off-site, along with any costs associated with land acquisition, surveying, studies or legal services.
- (r) "Island" means an area of land which is completely surrounded by navigable water at the ordinary high water mark.
- (s) "Lot area" means the total area within the lot lines of a lot. In the case of lots abutting private roads or Schedule "A" roads, lot area shall not include any portion of the lot located within the private road or Schedule "A" road right of way.
- (t) "Municipality" means the Halifax Regional Municipality, body corporate, as established under the *Municipal Government Act*.
- (u) "Park dedication" means a useable parcel of land for public recreation purposes, or equivalent value. As outlined in Table A of section 83, all parkland shall be classified as one of the following classes: neighbourhood park, community park, district park, or regional park.
- (v) "Primary services" means those services which must be installed and accepted by the authority having jurisdiction prior to accepting a public street or highway and include park dedication, sanitary sewer, storm sewer, separated storm and sanitary sewer lateral, storm surface drainage, water system, valves and hydrants, water service laterals up to and including the lateral shut off valve, dry hydrants in areas without a water distribution system, street construction including all gravel layers and base lift of asphaltic concrete or Portland cement concrete pavement including curb and gutter backfilled, permanent stabilization of all exposed areas, driveways, guiderails, electrical and communication distribution system including underground conduit, street name signs and sign base and standards, and street lighting system.
- (w) "Primary services stage I" means those primary services which include sanitary sewer, storm sewer, separated storm and sanitary sewer lateral, street construction

to sub-grade including anti-dust gravel, driveways, surface drainage, water system, valves and hydrants, and water service laterals up to and including the lateral shut off valve and dry hydrants in areas without a water distribution system.

- (x) "Primary services stage II" means all primary services other than primary services stage I and include park dedication, street construction including base lift of asphaltic concrete or Portland cement concrete pavement including curb and gutter backfilled, guiderails, power poles, electrical and communication distribution systems, street name signs and sign base and standard for erecting traffic control signs, and street lighting system.
- (y) "Private road" means any street or road, approved after December 31, 1984, which is not part of the street or highway network accepted by the Municipality or the Province, where:
 - (i) the right-of-way, alignment and gradient of the road are approved by the Municipality;
 - (ii) the road extends to and has access to a public street or highway and where not totally located within the area of land proposed to be subdivided it shall be an easement for access which has been clearly granted to the subdivider by deed, registered in the Office of the Registrar of Deeds for the County of Halifax; and
 - (iii) the access with the existing public street or highway has been approved by the Municipality or the Department of Transportation & Public Works.
- (z) "Professional Engineer" means a registered or licensed member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- (aa) "Public street or highway" means any road, street or highway which has been accepted and maintained by the Municipality or the Province of Nova Scotia but excluding a walkway as defined by this by-law or designated controlled access highways pursuant to Section 20 of the *Public Highways Act*.
- (ab) "Rural street" means a public street or highway which is characterized as having a paved surface, gravel shoulder, non-piped storm sewer system and street lights.
- (ac) "Sanitary sewer system" means a complete and properly functioning system owned and maintained by the Municipality consisting of pipes or conduits, lateral lines from the pipes or conduits to street lines and appurtenances receiving and carrying water-borne wastes and includes any trunk sewers, pumping stations and treatment plants.
- (ad) "Schedule "A" road" means a private right-of-way as identified in Schedule "A" of this by-law.
- (ae) "Secondary services" means all services other than primary services and includes top lift of asphaltic concrete or Portland cement concrete pavement, sidewalks, park dedication site development, walkways with approved surface, sodding, seeding, walkway lights and street trees.
- (af) "Security" means cash, certified cheque or an irrevocable letter of credit issued by a recognized financial institution in a format acceptable to the Halifax Regional Municipality.
- (ag) "Service requirement map" means the map identified as Schedule "B" of this by-law which lists the necessary elements of the primary and secondary services required for a subdivision depending on its geographic location.
- (ah) "Sidewalk" means that portion of a street between the curb line and adjacent property line or any part of a street specifically designated for pedestrian travel and separated from the travelled way.

- (ai) "Site development" means for the purposes of park dedication, the provision of a finished recreation facility product ready for public use.
- (aj) "Site improvements" means the construction required to eliminate any environmental or physical encumbrances on land to be provided as the park dedication.
- (ak) "Site preparation" means for the purposes of park dedication, the construction of a sub-base for the development of a future recreation facility. This includes any proportionate mass works, hydrology and erosion and sedimentation control measures.
- (al) "Storm drainage system" means a complete and properly functioning system receiving, carrying and controlling discharges in response to rain and snow which includes overland flow, subsurface flow, ground water flow and snow melt, consisting of ditches, culverts, swales, subsurface interceptor drains, roadways, water courses, flood plains, canals, ravines, gullies, springs and creeks, and where applicable, curb and gutters, catch basins, manholes, pipes or conduits, control facilities, and lateral lines to the lots from the pipes or conduits to street lines.
- (am) "Street line" means the boundary of a street.
- (an) "Subdivider" means the owner of the lands proposed to be subdivided and includes anyone acting with written consent of the owner.
- (ao) "Subdivision" means the division of an area of land into two or more parcels and includes any re-subdivision of an existing lot or a consolidation of two or more parcels.
- (ap) "Surveyor" means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.
- (aq) "Urban street" means a public street or highway which is characterized as having a paved surface, curbs, a piped storm sewer system, sidewalk, street trees and street lights.
- (ar) "Useable" means, for the purposes of park dedication, a parcel of land which meets the requirements of section 83, is free of encumbrances and is naturally suitable or designed and constructed to be suitable for park dedication purposes.
- (as) "Utility company" means any corporation which supplies an essential public service including, but not limited to power, telecommunications and natural gas.
- (at) "Walkway" means a constructed walkway and land, other than land forming part of a public street or highway right of way, to be conveyed to the Halifax Regional Municipality to facilitate generally local pedestrian traffic not associated with recreation uses.
- (au) "Water Commission" means the Halifax Regional Water Commission.
- (av) "Watercourse" means a lake, river, stream, ocean or other natural body of water.
- (aw) "Water distribution system" means a complete and properly functioning system which is owned and maintained by the Halifax Regional Water Commission and which consists of water mains, valves, hydrants and water service laterals from the water main to the lateral shut off valve, and appurtenances carrying and distributing potable water for domestic or fire protection purposes and includes any pumping stations, pressure control facilities and reservoirs.

3A The Municipal Design Guidelines 2013 are hereby adopted and ratified by the Council.

GENERAL REQUIREMENTS

- 4 Words used in the present tense include the future. Words used in the singular include the plural and words used in the plural include the singular unless otherwise indicated. All other words carry their customary meaning except those defined herein.
- 5 Nothing in this by-law shall exempt any person from complying with the requirements of any land use by-law or any other by-law in force within Halifax Regional Municipality or from obtaining any license, permission, permit, authority or approval required by any other by-law of the Halifax Regional Municipality or statute or regulation of the Province of Nova Scotia.
- 6 Where the provisions of this by-law conflict with those of any other municipal or provincial regulation, by-law or code, the higher or more stringent requirements shall prevail, except where the conflict is with the provisions of a land use by-law, in which case the requirements of the land use by-law shall prevail.
- 7 Lots to be approved on a final plan of subdivision, and any remainder for which no approval is requested, shall meet the minimum lot area and frontage requirements contained in the applicable land use by-law, or where there are no such requirements in a land use by-law, as required by this by-law. Where a subdivision is being developed in phases, the minimum required frontage for the remainder shall be 20 metres for a rural street and 16 metres for an urban street.
- 8 All lots shall abut a public street or highway.
- 9
- (1) No subdivision which creates lots for residential uses on new public streets or highways shall be approved within the areas designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Commuter, Harbour, outside of the Urban Service Area as shown on Schedule "B", Rural Resource, Agricultural and Open Space and Natural Resources except as provided for in Sections 10, 11 and 12 of this By-law and on new roads identified as "Future Subdivision Connectors on Map 1 of the Regional Municipal Planning Strategy.
 - (2) Except where otherwise provided in this by-law, lots shall have frontage on existing public streets or highways, private roads or Schedule "A" roads.
 - (3) For the purposes of subsection (2), "existing" includes:
 - (i) all public streets or highways or private roads or Schedule "A" roads in existence on August 26, 2006;
 - (ii) within the Interim Growth Management Area identified on Schedule "H", those public streets or highways or private roads for which an active completed application for tentative or final subdivision approval was on file prior to January 22, 2004;
 - (iii) those public streets or highways or private roads created in accordance with section 10 and subsections (2) and (3) of section 11;
 - (iv) within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area, those public streets or highways for which an active completed application for tentative or final subdivision approval was on file on or before August 26, 2006; and
 - (v) within the Rural Area and the Central/Eastern Growth Management Area identified on Schedule "H", those public streets or highways or private roads for which an active completed application for tentative or final

subdivision approval was on file on or before August 26, 2006.

- 10**
- (1) Notwithstanding subsection (1) of section 9, within the Interim Growth Management Area identified on Schedule "H", a subdivision which creates lots for residential uses involving new public streets or highways or private roads shown on completed concept plan applications on file prior to January 22, 2004, shall be permitted subject to meeting the following requirements:
 - (a) no more than 25 lots plus a remainder lot shall be approved per one year period; and
 - (b) the proposed lots must be contiguous and be designed to maximize the lot frontage of the street based on the applicable minimum required lot frontage.
 - (2) Where in the opinion of the Development Officer, it is necessary to provide for efficient street connections, the requirements of clause (1)(b) may be relaxed.
 - (3) Where a tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to subsection (1) has not been submitted prior to April 29, 2006, any subsequent subdivision application for these lands shall comply with the requirements of this by-law.
 - (4) Notwithstanding the January 22, 2004 date of subsection (1) and notwithstanding subsection (3), the subdivision of Lands of J. E. F. Hallett in Fall River (PID No's. 00506857 and 00506840), Lands of Atlantic East Properties Ltd. (Abbecombec Village) in Clam Bay (PID No. 41054024) and Lands of Kellswater Holdings Limited in Lake Echo (PID No's. 40168478 and 40881484) shall be permitted. Where a tentative or final subdivision application, for the initial phase of subdivision construction, has not been submitted by April 29, 2007, any subsequent subdivision application for these lands shall comply with the requirements of this by-law.
- 11**
- (1) As provided for in the Regional Municipal Planning Strategy, within the Beaver Bank and Hammonds Plains Growth Control Areas identified on Schedule "J", and notwithstanding section 12, no subdivision which creates lots for residential uses shall be approved which includes a new public street or highway.
 - (2) Notwithstanding section 9, within the portions of the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area outside of the areas identified on Schedule "J", a subdivision which creates lots for residential uses involving new public streets or highways shown on completed concept plan applications on file prior to April 29, 2006, shall be permitted subject to meeting the following requirements:
 - (a) no more than 25 lots plus a remainder lot shall be approved per one year period; and
 - (b) the proposed lots must be contiguous and be designed to maximize the lot frontage of the street based on the applicable minimum required lot frontage.
 - (3) Where in the opinion of the Development Officer, it is necessary to provide for efficient street connections, the requirements of clause (3)(b) may be relaxed.
 - (4) Where a tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to subsection (3) has not been submitted by April 29, 2007, any subsequent subdivision application for these lands shall conform to the requirements of sections 9 and 12 of this by-law.

- 12** Notwithstanding section 9, within the areas designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Commuter and Rural Resource, a subdivision which creates lots for residential uses involving new public streets or highways, shall be permitted subject to meeting the following requirements:
- (a) no street shall intersect with the trunk and route highways identified on Schedule "K", except within the areas designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Resource or Open Space and Natural Resources;
 - (b) no more than 8 lots plus a remainder lot shall have frontage on any new public street or highway within any area of land:
 - (i) with a minimum of 20 m of frontage on an existing street; and
 - (ii) that existed on or before August 26, 2006;
 - (c) the proposed lots must be contiguous and be designed to maximize the lot frontage of the public street or highway based on the applicable minimum required lot frontage; and
 - (d) no new public street or highway shall extend beyond the limit of the new lots being created.
- 13** (1) All proposed lots which abut a public street or highway shall have their access to a public street or highway approved in accordance with the requirements of the Municipality or the Province.
- (2) Subsection (1) does not apply to a proposed lot that abuts a public street or highway and has an existing access to the public street or highway, except where the proposed use of the lot being created requires a more restrictive access.
- 14** (1) For lots to be approved on a final plan of subdivision the subdivider shall provide the primary and secondary services in compliance with Schedule "B", the service requirement map. The subdivider shall, at its cost, design and construct all primary and secondary services to the subdivision boundary in accordance with the specifications and procedures as outlined in the current Design Guidelines and Halifax Regional Water Commission Design and Construction Specifications and as outlined by the appropriate utility company.
- (2) Notwithstanding subsection (1), within the Herring Cove Serviceable Area as identified in the Chebucto Peninsula (former Halifax County Municipality Planning District 5) Municipal Planning Strategy, the Development Officer may approve lots serviced by on-site sewage disposal and water systems with frontage on existing public streets or highways, prior to the installation of central sewer and water services by the Municipality.
- 15** Notwithstanding Schedule "B", within the areas surrounding Kearney Lake Road and designated on the Generalized Future Land Use Map in the Halifax Municipal Planning Strategy as Residential Environments, the subdivider may provide the primary and secondary services in compliance with Urban Service Area requirements.
- 15A** Notwithstanding Schedule "B", for Business and Industrial Parks operated by the Municipality within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Urban Settlement and Business/Industrial Park, the subdivider may provide the primary and secondary services in compliance with Urban

Service Area requirements.

- 16** Boundaries between service requirement areas shown on Schedule "B" shall be determined as follows:
- (a) where a service boundary is depicted as approximately following lot lines, the boundary shall follow such lot lines;
 - (b) where a service boundary is depicted as following a street or highway, the boundary shall be the centre line of such street or highway;
 - (c) where a railroad right-of-way, electrical transmission line right-of-way or watercourse is included on the Schedule and serves as a boundary between two or more different areas, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between areas unless specifically indicated otherwise; or
 - (d) where none of the above provisions apply, the boundary shall be as determined by the Development Officer.
- 17** (1) Where the lots being created front on an existing public street or highway and the creation of these lots will not affect the overall adequacy of the existing services, such primary and secondary services as are unnecessary for the proper development of the subdivision are waived.
- (2) For the purposes of subsection (1), it is the responsibility of the subdivider to demonstrate the adequacy of the existing service systems. The methodology and analysis must meet the requirements of the Design Guidelines.
- (3) If, in the opinion of the Engineer, the existing services are not adequate to accommodate the needs of the proposed subdivision, it shall be the responsibility of the subdivider to install, upgrade or reconstruct the existing services to accommodate the proposed subdivision.
- 18** Where the proposed subdivision includes an extension of an existing public street or private road and the renaming or renumbering of the existing public street or private road is required by the Civic Addressing By-law, the subdivider shall be responsible for all associated costs. These costs shall be paid to the Municipality by the subdivider prior to construction.
- 19** Construction of primary or secondary services shall not take place until the requirements of section 126 of this by-law are met.

INFRASTRUCTURE CHARGES

- 20** Where a charge area has been established by Council, an infrastructure charge shall be paid by the subdivider in accordance with Schedules "F", "G", "L", **M and N**.
- 21** Final subdivision approval shall not be granted unless the infrastructure charge established under this by-law is paid or the subdivider has entered into an agreement with the Municipality deferring the payment of the infrastructure charge until such time as the Municipality has accepted the primary service system.
- 22** The Municipality and the subdivider may enter into an infrastructure charges agreement

which may contain reasonable provisions with respect to any or all of the following:

- (a) the payment of infrastructure charges in installments;
- (b) the subdivider's provision of certain services in lieu of the payment of all, or part, of the charges;
- (c) the provision of security to ensure that the infrastructure charges are paid when due; or
- (d) any other matter necessary or desirable to effect the agreement.

MUNICIPAL SERVICE AND STREET DESIGN REQUIREMENTS

- 23** The design of all public streets or highways in a subdivision shall be approved by the Engineer and shall be designated as one of the following classes of streets:
- (a) local street
 - (b) local industrial
 - (c) minor collector street
 - (d) major collector street
 - (e) arterial street
- 24** The characteristics of the street classification shall be as defined in the Design Guidelines.
- 25** Intersections shall be designed to meet the requirements of the Design Guidelines. No variance from the Design Guidelines shall be approved relating to the vertical alignment of intersection approaches.
- 26** Minor collector or higher classification streets shall be required where, in the opinion of the Engineer, based on accepted engineering practice:
- (a) the density in the proposed subdivision necessitates such streets; or
 - (b) the proposed subdivision, which may be included within a charge area, is part of a larger development area within which the density will necessitate such streets.
- 27** Subdivisions shall be designed to accommodate the transportation corridors shown on Schedule "I".
- 28**
- (1) Where an existing public street or highway in an adjoining subdivision abuts the boundaries of an area of land shown on a plan of subdivision submitted for approval, the proposed public street or highway on the plan submitted shall be laid out and constructed as a prolongation of the existing public street or highway and the existing street shall be connected to the new street.
 - (2) Where adjacent land is undeveloped, the proposed public streets or highways on the submitted subdivision plan must be laid out and constructed in a manner which, in the opinion of the Development Officer, does not prejudice the development of the adjacent land.
- 29** Bus bays shall be provided along all new arterial streets and major collector streets in accordance with the Design Guidelines.

- 30** All sewer services shall be constructed within a public street or highway. Utility easements may be considered where the option of locating a public street or highway over a servicing corridor is not practical, or when required by the Water Commission to facilitate looping and service redundancy requirements.
- 30A** Where any public street is constructed within an Urban Service Area after this By-law becoming effective, electrical power and telecommunication wires shall be installed underground from the utility pole within the street right of way to the individual properties and shall:
- (1) be located in underground conduits from the utility pole to the street line;
 - (2) be installed in accordance with Utility company requirements; and
 - (3) include utility terminal points that are either within a designated easement area on private property or at the boundary where the street line meets the private property line and, in either case, the terminal points shall be in the form of termination/connection boxes.

LOT DESIGN REQUIREMENTS

- 31** (1) The lot frontage and lot area requirements of the land use by-law apply except as varied by this by-law.
- (2) Notwithstanding sections 6 and 7, within the areas designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Commuter, Rural Resource, Agricultural, Open Space and Natural Resource and Harbour, outside of the Urban Service Area and Water Service Area identified on Schedule "B", lots fronting the trunk and route highways identified in Schedule "K" shall have a minimum lot frontage of 61 m.
- 32** Within the former City of Dartmouth Plan Area where a minimum lot area and lot frontage are not specified in the land use by-law for residential uses, the following requirements shall apply for any lot:
- (a) where a lot is proposed to be serviced by sanitary sewer and water distribution systems, it shall have:
 - (i) a minimum lot area of 464.5 m²; and
 - (ii) a minimum frontage of 15.24 m, except when a lot faces on the outside of a curve in a street, in which case the minimum frontage may be reduced to 7.62m.
 - (b) where a lot is proposed to be serviced by an on-site sewage disposal system and either an on-site water system or a water distribution system, it shall have:
 - (i) a minimum lot area of 2700 m²; and
 - (ii) a minimum frontage of 45.72 m.
- 33** Lots shall not be subdivided to create a width or depth of less than 6 m unless a lesser width or depth are permitted by an applicable land use by-law.
- 34** The Development Officer may approve a plan of subdivision creating no more than 3 flag

lots which are contiguous to each other. Flag lots shall be designed to meet the following requirements:

- (a) to be capable of being serviced efficiently, based on sound engineering principles as approved by the Engineer and shall include easements for the common driveway route (if any) and for the applicable utilities;
- (b) to have a minimum width and depth of 6.1m and a minimum angle of intersection with the street line of 30 degrees; and
- (c) so that the area of the "flag" portion of the lot shall meet the lot area requirements of the applicable land use by-law.

35 Section 34 does not apply to applications for preliminary subdivision examination or tentative or final subdivision approval on file with the Municipality between May 20, 1997, and March 13, 2004.

36 All lots shall be designed to accommodate and not impede the transportation corridors as shown on Schedule "I".

Defining Area of Land

- 37** (1) For the purposes of section 38, "area of land" means:
- (a) any lot or parcel described by its boundaries as they existed on August 1, 1987; or
 - (b) the remainder of any lot or parcel subdivided since August 1, 1987 for which the lot frontage exemptions of section 38 (former Halifax County Municipality Subdivision By-law section 14.1) were never applied; or
 - (c) areas of land which met the requirements of clause (a) or (b) which did not alter the general dimensional characteristics of the parcel nor utilize the provisions of section 38.
- (2) Notwithstanding the August 1, 1987 date of subsection (1), for the purposes of defining area of land, the date prior to April 29, 2006 shall apply to lands within the areas identified on Schedule "J" and the Open Space and Natural Resources designation as shown on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy.

Lot Frontage Exemption

- 38** (1) Notwithstanding section 8 and subsection (2) of section 31, an area of land may be subdivided into 2 lots only, or one lot plus a remainder lot, where either one or both lots do not meet the lot frontage requirements of sections 7, 8 and 31.
- (2) Where a lot subdivided pursuant to subsection (1) does not abut a public street or highway, private road or Schedule "A" road, the proposed access to the lot, from its point of intersection with the public street or highway or private road to the lot, shall be shown on the subdivision plan.

Lot Frontage Exemption Ineligibility

- 39** Section 38 shall not apply:

- (a) within the areas of the Sackville, Timberlea/Lakeside/Beechville, Cole Harbour/Westphal, Eastern Passage/Cow Bay, and the Musquodoboit Valley - Dutch Settlement Plan Areas that are serviced with a sanitary sewer system;
- (b) within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Areas that are serviced by central sewer or water;
- (c) to properties which have frontage on Highway No. 207, within the Lawrencetown Plan Area;
- (d) within specified zones within individual Plan Areas as follows:
 - (i) properties zoned for commercial, industrial or community facility purposes within the Sackville Plan Area, Timberlea/Lakeside/Beechville Plan Area, Eastern Passage/Cow Bay Plan Area, and Cole Harbour/Westphal Plan Area;
 - (ii) properties zoned for commercial or institutional purposes within the North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston Plan Area;
 - (iii) properties zoned R-1 (Single Unit Dwelling), P-2 (Community Facility), C-2 (General Business), C-4 (Highway Commercial), I-1 (Mixed Industrial, I-4 (former Sanitary Landfill Site) within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area;
 - (vii) to commercial, industrial or community uses within the RR-1 (Rural Residential) zone within the Lawrencetown Plan Area;
- (e) within the former City of Halifax, City of Dartmouth and Town of Bedford Plan Areas; and
- (f) within the Chebucto Peninsula (Planning District 5) Plan Area.

Relaxation of Lot Frontage and Area Requirements

- 40**
- (1) The Development Officer may approve a plan of subdivision creating not more than two lots which do not meet the requirements of sections 7 and 31 provided that the lot area and dimensions are not less than 90% of the required minimums. This provision shall not apply to the minimum lot area for lots served by an on-site sewage disposal system unless the Department of the Environment and Labour has approved such lots for the installation of on-site sewage disposal systems.
 - (2) Notwithstanding section 7, for any lot in existence prior to November 20, 1992 within the Timberlea/Lakeside/Beechville Plan Area, June 16, 1994 within the Sackville Plan Area, March 3, 1993 within the Cole Harbour/Westphal Plan Area and October 5, 1992 within the Eastern Passage/Cow Bay Plan Area that has less than 36.576 m of frontage and abuts a street in which sewer and water services are available, the minimum lot frontage requirement is 15.24 m and the minimum lot area requirement is 464.5 m².
 - (3) Notwithstanding the lot area requirements of section 7, for any serviced area of land in existence prior to March 22, 1993 within the North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston Plan Area with a lot area of less than 1114.84 m², the minimum lot area requirement is 464.5 m².
 - (4) Notwithstanding the lot area requirements of sections 7 and 31, where an area of land contains more than one main building, the Development Officer may approve a final plan of subdivision showing the same number or fewer lots as there are buildings, provided that each proposed lot is approved by the Department of the

Environment and Labour or the Engineer, with respect to servicing and the Building Inspector, with respect to spatial separation.

- (5) Subsections (1), (2) and (3) shall not apply unless the land use by-law permits development on any lot created pursuant to these provisions.

Subdivision Permitted to Alter Lot Boundaries

- 41** (1) Notwithstanding sections 7, 8 and 31, the Development Officer may approve a plan of subdivision altering the boundaries of two or more areas of land where no additional lots are created and where:
- (a) each lot meets the minimum dimensions for lot frontage of this by-law, or where a land use by-law is in effect, the land use by-law, or
 - (b) will not have its frontage, if any, reduced; and
 - (c) each lot meets minimum dimensions for lot area of this by-law, or where a land use by-law is in effect, the requirements of the land use by-law, or
 - (d) will not have its lot area reduced.
- (2) Notwithstanding the requirements of clauses (1)(c) and (d), where the Department of the Environment and Labour has informed the Development Officer in writing that all proposed lots shown on a plan of subdivision meet the requirements of the On-site Sewage Disposal Systems Regulations such lots shall be deemed to meet the lot area requirements contained in sections 7 and 31 of this by-law.

Subdivision Permitted to Rectify Encroachments

- 42** Notwithstanding sections 7, 8, 31 and 41, the Development Officer may approve a plan of subdivision 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 to the extent necessary and practical to remove the encroachment.

LOT DESIGN REQUIREMENTS APPLICABLE TO INDIVIDUAL PLAN AREAS

Prospect Plan Area

(former Halifax County Municipality Planning District 4)

Lots Permitted with 6.1 m of Frontage

- 43** Within the Prospect Plan Area (former Halifax County Municipality Planning District 4) and notwithstanding the lot frontage requirements of section 7 and subsection 31(2), within the boundaries of any area of land that existed on March 3, 1995, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots having a minimum frontage of 6.1 m.

Fish & Boat Shed Lots

- 44** Within the Prospect Plan Area and notwithstanding the lot area requirements of section 7 and the frontage requirements of subsection 31(2), the Development Officer may approve a lot of any size, for the accommodation of fish and boat sheds that existed on March 3, 1995 subject to the following conditions:
- (a) the lots shall only be created on lands designated Residential B, Rural Residential A, Rural Residential B, Rural Residential C, Rural Residential D, Rural Residential E and the Mixed Use Designation; and
 - (b) the lot created shall not contain an on-site sewage disposal system or any part thereof.

Chebucto Peninsula Plan Area (former Halifax County Municipality Planning District 5)

Lots Permitted with Reduced Frontage

- 45** (1) Within the Chebucto Peninsula Plan Area (former Halifax County Municipality Planning District 5) and notwithstanding the lot frontage requirements of section 7 and subsection 31(2), the Development Officer may approve a plan of subdivision showing not more than 3 lots, or 2 lots plus a remainder, where one or more of the lots do not meet the lot frontage requirements of the Land Use By-law for Chebucto Peninsula (former Halifax County Municipality Planning District 5) for an area of land :
- (a) located outside the Urban Service Area; or
 - (b) zoned Herring Cove Residential (HCR) or Fishing Village (F-1) zone.
- (2) Where a lot subdivided pursuant to subsection (1) does not abut a public street or highway or private road, the proposed access to the lot and any required utility or service easements shall be shown on the subdivision plan.
- (3) For the purposes of this section, “area of land” means:
- (a) a lot or parcel that existed on February 9, 1995 and has the same boundaries as they existed on that date; or
 - (b) the remainder of any lot or parcel subdivided since February 9, 1995 for which the lot frontage exemptions of subsection(1) of this section were never applied; or
 - (c) the lot or parcel has undergone an alteration since February 9, 1995 and, in the opinion of the Development Officer, such alteration did not substantially alter the dimensions of the lot or parcel.
- 46** Within the Chebucto Peninsula Plan Area, no subdivision on new or extended public streets or highways within the Herring Cove Residential (HCR) Zone or the Fishing Village (F-1) Zone shall be permitted unless a development agreement is approved pursuant to the relevant MPS policies.

Eastern Passage/Cow Bay Plan Area

One Lot Per Area of Land per Calendar Year

- 47** On any area of land within the Eastern Passage/Cow Bay Plan Area which is within the Rural Area Designation, the subdivision of new lots shall be limited to one lot per calendar year per area of land.

Eastern Passage/Cow Bay Plan Area and Cole Harbour/Westphal Plan Area

Same Number of Fewer Lots Than There Are Dwellings

- 47(A)** Within the Eastern Passage/Cow Bay Plan Area and Cole Harbour/Westphal Plan Area, where an area of land contains more than one dwelling which was built or placed prior to June 22, 1992 the Development Officer may approve a final plan of subdivision showing the same number or fewer lots than there are dwellings provided that each lot:
- (a) has a separate right-of-way to a public street or highway;
 - (b) has a minimum width of 6.1 metres;
 - (c) is serviced by a separate sanitary sewer system and a separate water distribution system; and
 - (d) has been reviewed by the Development Engineer, Building Inspector and the Development Officer is notified in writing that they will have no objection to the proposed subdivision.

Lawrencetown Plan Area

Lots Permitted on Highway No. 207 with 30.48 m of Frontage

- 48** Within the Lawrencetown Plan Area and notwithstanding the lot frontage requirements of the Land Use By-law for Lawrencetown and subsection 31(2), where an area of land which existed on November 29, 1990 has frontage on Highway No. 207, the Development Officer may approve a plan of subdivision showing not more than two lots or one lot and a remainder which do not meet the lot frontage requirements of that land use by-law, provided the lot frontage requirements of clause 32(b) of this by-law are met.

Lake Echo/Porters Lake Plan Area

(former Halifax County Municipality Planning Districts 8 & 9)

Lots Permitted with 6.1 m of Frontage

- 49** Within the Lake Echo/Porters Lake Plan Area (former Halifax County Municipality Planning Districts 8 & 9) and notwithstanding the lot frontage requirements of section 7 and subsection 31(2), within the boundaries of any area of land that existed on March 10, 1989, in any zone within the Mixed Use Designation, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots having a minimum frontage of 6.1 m.

Same Number or Fewer Lots Than There Are Buildings

- 50** Within the Lake Echo/Porters Lake Plan Area, where more than one main building exists on a area of land which existed on March 10, 1989, the Development Officer may approve a plan of subdivision showing the same number or fewer lots than there are buildings, and a remainder lot, provided that each proposed lot:
- (a) has a minimum frontage of 6.1 m;
 - (b) has been reviewed by the Department of the Environment and Labour and the Building Inspector and the Development Officer is notified in writing that they have no objection to the proposed subdivision; and
 - (c) the remainder lot, if any, meets the lot area requirements of section 7, and has a minimum frontage of 6.1 m.

Fish and Boat Shed Lots

- 51** Within the Lake Echo/Porters Lake Plan Area and notwithstanding the lot area requirements of section 7 and the frontage requirements of subsection 31(2), the Development Officer may approve a lot on a plan of subdivision, which does not contain an on-site sewage disposal system or any part thereof, and which has a maximum area of 465 m², and which is located on land zoned RE or MR having frontage on the Atlantic Ocean or its inlets or Porter's Lake south of Middle Porter's Lake Road.

Eastern Shore (West) Plan Area

Same Number or Fewer Lots Than There Are Buildings

- 52** Within the Eastern Shore (West) Plan Area, where more than one main building exists on a area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing the same number or fewer lots than there are buildings, and a remainder lot, provided that each proposed lot:
- (a) has a minimum frontage of 6.1 m;
 - (b) is approved by the Department of the Environment and Labour for the installation of an on-site sewage disposal system and the Development Officer is notified in writing of such approval; and
 - (c) the remainder lot, if any, meets the lot area requirements of section 7, and has a minimum frontage of 6.1 m.

Lots Permitted with 6.1 m of Frontage

- 53** Within the Eastern Shore (West) Plan Area and notwithstanding the lot frontage requirements of section 7, within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing a maximum of three lots having a minimum frontage of 6.1m which are located on land zoned MU, R-6, FI or FV. This provision shall not apply to lots which front on Highway No. 7 or Highway No. 357.

Lots Permitted on Highway No. 7 or Highway No. 357 with 30.48 m of Frontage

- 54** Within the Eastern Shore (West) Plan Area and notwithstanding the lot frontage requirements of the Land Use By-law for Eastern Shore (West) and subsection 31(2), where an area of land which existed on March 29, 1996 has frontage on Highway No. 7 or Highway No. 357, the Development Officer may approve a plan of subdivision showing a maximum of 2 lots or one lot and a remainder having a minimum lot frontage of 30.48 m.

Lots Permitted with an Area of 1858 m²

- 55** Within the Eastern Shore (West) Plan Area and notwithstanding the lot area requirements of section 7, within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots each having a minimum lot area of 1,858 m² which are located on land zoned MU, R-6, FI or FV.

Fish and Boat Shed Lots

- 56** Within the Eastern Shore (West) Plan Area and notwithstanding the lot area requirements of section 7 and the frontage requirements of subsection 31(2), the Development Officer may approve a lot on a plan of subdivision which does not contain an on-site sewage disposal system or any part thereof, and which has a maximum area of 465 m², and which is located on land zoned FV, FI or MU having frontage on a navigable watercourse.

Waterfront Lots

- 57** Within the Eastern Shore (West) Plan Area, within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing not more than 6 lots, or 5 lots plus a remainder, where the area of land abuts the shoreline of a navigable watercourse, provided that each proposed lot:
- (a) has water frontage on a navigable watercourse;
 - (b) is located at least 2 km measured over land from any public street or highway or private road;
 - (c) has a minimum lot area of 4,645 m²;
 - (d) has a minimum water frontage width of 45.72 m measured in a straight line from where the side lot lines meet the watercourse; and
 - (e) has a minimum lot width of 30.48 m measured between the side lot lines.

Lots Permitted with 6.1 m of Waterfrontage

- 58** Within the Eastern Shore (West) Plan Area, within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots each having a minimum waterfront lot width of 6.1 m which are located on land zoned MU, R-6, FI, or FV.

Eastern Shore (East) Plan Area

Same Number or Fewer Lots Than There Are Buildings

- 59** Within the Eastern Shore (East) Plan Area, where more than one main building exists on a area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing the same number or fewer lots than there are buildings, and a remainder lot, provided that each proposed lot:
- (a) has a minimum frontage of 6.1 m;
 - (b) is approved by the Department of the Environment and Labour for the installation of an on-site sewage disposal system and the Development Officer is notified in writing of such approval; and
 - (c) the remainder lot, if any, meets the lot area requirements of section 7, and has a minimum frontage of 6.1 m.

Lots Permitted with 6.1 m of Frontage

- 60** Within the Eastern Shore (East) Plan Area and notwithstanding the lot frontage requirements of section 7 and subsections 31(2), within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots having a minimum frontage of 6.1 m which are located on land zoned MU, R-6A, or RE.

Fish & Boat Shed Lots

- 61** Within the Eastern Shore (East) Plan Area and notwithstanding the lot area requirements of section 7 and the frontage requirements of subsection 31(2), the Development Officer may approve a lot on a plan of subdivision showing a lot(s) which does not contain an on-site sewage disposal system or any part thereof, and which has a maximum area of 465 m², and which is located on land zoned MU or RE having frontage on the Atlantic Ocean or its inlets.

Musquodoboit Valley - Dutch Settlement Plan Area

Same Number or Fewer Lots Than There Are Buildings

- 62** Within the Musquodoboit Valley-Dutch Settlement Plan Area, where more than 1 main building exists on a area of land which existed on May 3, 1996, the Development Officer may approve a plan of subdivision showing the same number or fewer lots than there are buildings, plus a remainder lot, provided that each proposed lot:
- (a) has a minimum frontage of 6.1 m;
 - (b) is approved by the Department of the Environment and Labour for the installation of an on-site sewage disposal system and the Development Officer is notified in writing of such approval; and
 - (c) the remainder lot, if any, meets the lot area requirements of section 7, and has a minimum frontage of 6.1 m.

Lots Permitted With 6.1 m of Frontage

- 63** Within the Musquodoboit Valley-Dutch Settlement Plan Area and notwithstanding section 34 and the lot frontage requirements of section 7 and subsection 31(2), within the boundaries of any area of land in existence on May 3, 1996 and located within the Mixed Use Designation, the Development Officer may approve a plan of subdivision showing a maximum of 5 lots having a minimum frontage of 6.1 m and one lot having no frontage on a public street or highway.

Lots Permitted With Reduced Frontage

- 64** (1) Within the Musquodoboit Valley-Dutch Settlement Plan Area and notwithstanding the lot frontage requirements of section 7, where a area of land was in existence on May 3, 1996, the Development Officer may approve a plan of subdivision showing not more than two lots, or one lot plus a remainder, where either one or both lots do not meet the lot frontage requirements of the Land Use By-law for Musquodoboit Valley-Dutch Settlement Area and section 7.
- (2) Where any lot or remainder is created pursuant to subsection (1) without frontage on a public street or highway, a minimum 6.1 m wide right-of-way easement, extending from that lot to its point of intersection with the public street or highway, must be shown on the plan of subdivision. In addition, the subdivider must convey such right(s)-of-way concurrently with the conveyance of the lot(s).

Former City of Dartmouth Plan Area

Same Number or Fewer Lots Than There Are Main Buildings

- 65** Within the former City of Dartmouth Plan Area and notwithstanding section 32, where an area of land contains more than one main building which was built or placed prior to January 1, 1967, the Development Officer may approve a final plan of subdivision showing the same number or fewer lots than there are main buildings provided that each lot:
- (a) has a separate right-of-way to a public street or highway,
 - (b) has a minimum width of 6.1 m; and
 - (c) is serviced by a separate sanitary sewer system and a separate water system.

Loon Lake Developments Ltd. (Montague Estates)

- 65A** Notwithstanding the requirements of section 8, the subdivision of Lands of Loon Lake Developments Ltd. (PID No's. 40698748 and 41188806) in Dartmouth shall be permitted with a maximum of 13 lots abutting Highway 107.

Former Town of Bedford Plan Area

Subdivision of Lots Having Less Than 36.576 m of Frontage

- 66** Within the former Town of Bedford Plan Area and notwithstanding the requirements of section 7, the Development Officer may approve a plan of subdivision showing a vacant lot located within an RSU or RTU zone held in separate ownership from adjoining parcels, prior to October 9, 1991, having less than 36.576 m of frontage, to create two lots, each of which shall have a frontage of not less than 15.24 m and a lot area of not less than 557.4 m² provided that each lot is serviced with municipal sewer and water services. This option does not apply to a lot which is occupied by a non-conforming or illegal use.

Subdivision of Lots Containing Existing Dwellings

- 67** Within the former Town of Bedford Plan Area and notwithstanding the requirements of section 7, the Development Officer may approve a plan of subdivision showing a lot located within an RSU or RTU Zone containing an existing dwelling and held in separate ownership from adjoining parcels prior to October 9, 1991 to create two lots, each of which shall have a frontage of not less than 15.24 m and a lot area of not less than 557.4 m², provided that each lot created is serviced with municipal central water and sewer services, and the common boundary line is located no closer than a hypothetical line extending from the front lot line to the rear lot line drawn perpendicular to the nearest main wall of the existing dwelling or attached garage at a distance specified by the minimum applicable yard requirement for the zone in which the lot is located. This option does not apply to a lot which is occupied by a non-conforming or illegal use.

Subdivision of Unserviced Lots

- 68** Within the former Town of Bedford Plan Area and notwithstanding the requirements of section 7, the Development Officer may approve a plan of subdivision showing an unserviced lot located in an area zoned Residential Reserve (RR) provided that there was a dwelling on the lot prior to October 9, 1991. The newly created lots shall each have a minimum frontage of 36.576 m on a street which was public on or before October 9, 1991 and a minimum lot area of 4,047 m².

PRIVATE ROAD PROVISIONS AND REQUIREMENTS

- 69**
- (1) Notwithstanding section 8, subdivision on private roads shall be permitted only where the proposed lots have frontage on an existing private road or Schedule "A" road.
 - (2) For the purposes of subsection (1), "existing" includes any private road for which an active completed application, in accordance with the requirements of this by-law, for tentative or final subdivision approval, was on file with the Municipality prior to January 22, 2004, and any application pursuant to section 10.
 - (3) Where a land use by-law is in effect, subdivision on private roads and Schedule "A" roads shall not be permitted unless the land use by-law permits development on lots which abut private roads or Schedule "A" roads.
- 70**
- (1) A private road may be approved as a separate parcel for the purpose of conveyance.
 - (2) Where the boundary of a private road shown on a plan of subdivision is not intended to be a lot boundary, it shall be shown as a lighter solid line or a broken line.
 - (3) No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of section 7.
- 71**
- (1) All proposed private roads shall be designed by a Professional Engineer to meet the applicable requirements for public streets or highways except that benching shall not be permitted in the design. All private roads shown on a final plan of subdivision shall be constructed in accordance with the following minimum requirements:
 - (a) roots, stumps, moss, sod and all other organic material shall not be placed in roadway fills or allowed to remain under roadway fills, except that an undisturbed natural ground surface may be allowed to remain under a roadway fill where such surface is covered by at least 1.5 m of non-organic fill;
 - (b) the minimum roadbed width inclusive of shoulders is 6.7 m, the minimum width of the travelled surface is 5.5 m and the road shall be centred within the right of way;
 - (c) the travelled surface shall have a base course of crushed, screened or pit run Class "C" gravel to a minimum thickness of 150 mm; the travelled surface may be paved in a manner acceptable to the Development Officer;
 - (d) the maximum road grade shall generally be 12%, except within 15 m of the intersection with a public street or highway in which case the maximum grade shall be 2%;

- (e) culverts shall be constructed of steel or concrete pipe, have a minimum diameter of 500 mm, be buried a minimum of 500 mm below the road surface and shall be placed substantially at right angles to the road centreline; and
 - (f) all bridges shall be constructed to current Canadian Standards Association specifications.
 - (2) A drainage plan shall be submitted showing drainage of the as-constructed private road right of way through the use of culverts, ditches and natural watercourses of appropriate capacity. The subdivider shall be responsible for the effects of downstream flow onto other properties.
- 72 (1) Prior to approval of a final plan of subdivision which shows a private road, the subdivider shall:
- (a) provide certification from a Professional Engineer which certifies compliance with the construction requirements of section 71;
 - (b) comply with the requirements of the Civic Addressing By-law relative to the installation of street name signs; and
 - (c) where the renaming or renumbering of an existing private road is required by the Civic Addressing By-law, the subdivider shall submit to the Municipality payment for the costs associated with renaming or renumbering the existing private road.

Approval of Lots on Schedule "A" Roads

- 73 Notwithstanding the requirements of section 8, the Development Officer may approve a final subdivision plan showing lots on a right-of-way which the Municipality has indexed in Schedule "A".

PRIVATE ROAD PROVISIONS APPLICABLE TO INDIVIDUAL PLAN AREAS

St. Margarets Bay Plan Area (former Halifax County Municipality Planning Districts 1 & 3), Prospect (former Halifax County Municipality Planning District 4) Plan Area and Eastern Shore (West) Plan Area

- 74 Within the St. Margarets Bay (former Halifax County Municipality Planning Districts 1 & 3), Prospect (former Halifax County Municipality Planning District 4) and Eastern Shore (West) Plan Areas, the subdivision of lots with frontage on existing private roads shall be permitted, with no restrictions on the number of lots created.

Chebucto Peninsula Plan Area (former Halifax County Municipality Planning District 5)

- 75 Within the Chebucto Peninsula Plan Area (former Halifax County Municipality Planning District 5), the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 10. Where a private road was approved between December 31, 1984 and February 9, 1995 under the Subdivision By-law for Halifax County Municipality, there is no limit on the number of lots which may be created.

Lawrencetown Plan Area and Eastern Shore (East) Plan Area

- 76 Within the Lawrencetown and Eastern Shore (East) Plan Areas, the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 6.

Lake Echo/Porters Lake Plan Area

(former Halifax County Municipality Planning Districts 8 & 9)

- 77 Within the Lake Echo/Porters Lake Plan Area (former Halifax County Municipality Planning Districts 8 & 9) within the boundaries of any area of land in existence on March 10, 1989 and located within the Mixed Use Designation the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 10.

North Preston/Lake Major/Lake Loon/Cherry Brook and East Preston Plan Area

- 78 Within the North Preston/Lake Major/Lake Loon/Cherry Brook and East Preston Plan Area the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 10.

Shubenacadie Lakes Plan Area

(former Halifax County Municipality Planning Districts 14 and 17)

- 79
- (1) Within the Shubenacadie Lakes Plan Area (former Halifax County Municipality Planning Districts 14 and 17) the subdivision of lots with frontage on existing private roads shall be permitted provided no more than 10 additional lots fronting on an existing private road approved under the 1984 Subdivision By-law for Halifax County Municipality, shall be approved.
 - (2) The creation of lots having frontage on roads indexed in Schedule "A" of this by-law shall be limited to 3 lots per calendar year for each parcel of land having frontage on such a road.
 - (3) For McGuire Lane as listed in Schedule "A" of this by-law, any plan of subdivision showing lots with a minimum frontage of 30.48 m on the Lane, shall also show access to a public street or highway either by the lot abutting the public street or highway or where an easement for access has been clearly granted to the subdivider by deed, registered in the Office of the Registrar of Deeds for the County of Halifax.
 - (4) Further to subsection (3), the access shall have a minimum width of 6.1 m.

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

- 80 Within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area within the boundaries of any area of land which existed on November 9, 1999 the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 10, unless the lots to be created are in excess of 4 hectares, in which case there is no limit on the number of lots created.

Musquodoboit Valley-Dutch Settlement Area Plan Area

81 Within the Musquodoboit Valley-Dutch Settlement Area Plan Area:

- (a) the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road shall not exceed 10; and
- (b) the creation of lots having frontage on a private road shall be limited to 3 lots per calendar year for each area of land having frontage on such a private road.

PARK DEDICATION REQUIREMENTS

General Requirements

- 82 (1) Before receiving approval of a final plan of subdivision, the subdivider shall provide a park dedication to the Municipality which:
- (a) if in the form of land, shall be equal to at least 10% of the total area of all newly created lots, including any proposed parkland, but excluding proposed public streets or highways, private roads, walkways and the remainder of land owned by the subdivider; and
 - (b) if in the form of equivalent value, shall be equal to 10% of the estimated assessed market value of all newly created lots, excluding public streets or highways, private roads and walkways and the remainder of land owned by the subdivider.
- (2) Notwithstanding the 10% park dedication requirements of subsection (1), the subdivider shall provide a 5% park dedication before receiving approval of a final plan of subdivision pursuant to:
- (a) clause (v) of subsection (3) of section 9;
 - (b) section 10;
 - (c) subsection (3) of section 11; or
 - (d) an active completed application for concept subdivision approval on file on or before August 26, 2006 within the Serviceable Areas identified on Schedule "H".
- (3) The park dedication may be in the form of land, cash or equivalent value or a combination of land, cash and equivalent value, as determined by the Development Officer, as follows:
- (a) land, where a deficiency in parkland exists;
 - (b) cash, where sufficient parkland or recreation facilities are available;
 - (c) site development, where sufficient parkland is available but a deficiency in recreation facilities exists; or
 - (d) a combination of land, cash and site development, where the land dedication required by section 83 will result in more than sufficient parkland to serve the surrounding area.
- (4) Notwithstanding subsection (3), within the former Town of Bedford Plan Area, where a developed area of land is subdivided which is less than 11,148 m² in area, the park dedication shall be in the form of cash.
- (5) Notwithstanding the 10% park dedication requirements of subsection (1), the subdivider shall provide a 5% park dedication for the first three lots subdivided from an area of land in existence on June 16, 2007 within the Halifax Regional

Municipality.

Land Dedication Requirements

- 83 (1) Where the park dedication is to be provided in the form of land, it shall:
- (a) serve to carry out the intent of public recreation policies as approved by Council;
 - (b) meet the requirements for the specific class of parkland as outlined in Table A as follows;

Table A - Parkland Classification & Service Delivery Criteria

| Criteria | Parkland Type | | | |
|--|--|---|---|---|
| | Neighbourhood Park (NP) | Community Park (CP) | District Park (DP) | Regional Park (RP) |
| typical service area | 300 +/- people 500 metre service radius 10 minute walk | 1200 +/- people 2 km service radius Elementary or Junior High school | 10 000 +/- people 5 km service radius Junior or Senior High school | will vary depending on unique physical or cultural heritage features |
| typical active and passive recreation facilities | play structures, footpath & trails, play meadow, watercourse access, paved court, gazebo shelter, drinking fountain, outdoor spray pool & skating rink, benches, picnic area, etc. | similar to NP plus sports fields, parking lots, watercourse access & engineered beach, washroom, etc. | similar to CP plus indoor/outdoor skating rink, change room, etc. | similar to DP plus indoor/outdoor sports complex, campground, etc. |
| typical complementary municipal facilities | mailbox, applicable primary and secondary municipal services | community mailbox, bulletin board, bus stop, applicable primary and secondary municipal services | community mailboxes, bus shelter, applicable primary and secondary municipal services | library, transit station, applicable primary and secondary municipal services |

- (c) be designed to take into account topography, hydrology, vegetation and property configuration and meet the quality of land criteria as outlined in Table B as follows;

Table B - Parkland Quality of Land Criteria

| Criteria | Parkland Type | | | |
|---|--|--|--|---|
| | Neighbourhood Park (NP) | Community Park (CP) | District Park (DP) | Regional Park (RP) |
| typical area | Size Range rural - 0.4 ha to 1.2 ha urban/suburban - 0.1 ha | Size Range 0.1 ha urban pocket park to 6 ha sports facility | Size Range 1 ha trail head to 10 ha multi purpose facility | Size Range varies from a single point of interest to a multi-purpose recreation, cultural heritage, or wilderness preservation area |
| minimum dimensions & property configuration | Road Frontage 30 metres Water Frontage 30 metres | Road Frontage minimum of 30 m for the first ha & 2 additional metres/ 1000 square metres of additional land (20 m/ha) Water Frontage | Road Frontage minimum of 30 m for the first ha & 2 additional metres/1000 square metres of additional land Water Frontage 30 metres | Road & Water Frontage and Configuration to be determined by use & purpose |

| | Configuration block | 30 metres Configuration block or linear | Configuration block or linear | |
|------------|--|---|--|--|
| location | - outside an existing HRM NP service area - frontage on local road | - outside an existing HRM CP service area - main entrance frontage on collector road - secondary pedestrian access on local road | - outside an existing HRM DP service area - main entrance frontage on collector or arterial road - secondary pedestrian and vehicle access on local or collector road | regionally significant recreation, natural environment, cultural heritage, wilderness preservation feature dependant |
| topography | Road Frontage +/- 1 metre of finished road grade First 1/3rd maximum 5% Remaining 2/3rds average 5% | Road Frontage +/- 1 metre of finished road grade Passive First 1/3rd maximum 5% Remaining 2/3rds average 10% Active First 1/3rd maximum 5% Remaining 2/3rds average 5% | Road Frontage +/- 1 metre of finished road grade Passive First 1/3rd maximum 5% Remaining 2/3rds average 10% Active First 1/3rd maximum 5% Remaining 2/3rds average 5% | Road Frontage +/- 1 metre of finished road grade Passive First 1/3rd maximum 5% Remaining 2/3rds average 10% Active First 1/3rd maximum 5% Remaining 2/3rds average 5% |
| hydrology | sufficient land outside 1 in 10 year flood plain to accommodate intended park use | | | |
| vegetation | Retain a minimum of 25% natural vegetation Disturbed areas to be reinstated with 150mm topsoil and sod or approved equivalent | Designated Passive areas to retain minimum of 75% natural vegetation Designated Active areas to retain minimum of 25% natural vegetation Disturbed areas to be reinstated with 150 mm of topsoil and sod or approved equivalent | | Recreation same as CP & DP Conservation silviculture can occur Preservation no alteration if pristine or reinstated to desired state if previously altered |

- (d) not include any engineering infrastructure except where the construction material and operational use is complementary to the parkland; and
- (e) at the time of conveyance to the Municipality be certified, in a form acceptable to the Municipality, as being free of all legal encumbrances.
- (2) In addition to the requirements of subsection (1), where the presence of wetlands, bogs, contaminated soils, acid bearing slates or other environmental conditions serve to limit the useability of the parkland dedication, an environmental-assessment report may be required to determine if any negative impacts of these conditions are able to be mitigated by the subdivider.
- (3) In addition to the requirements of subsection (1), within the former Town of Bedford Plan Area, where an area of land is subdivided which is more than 11,148 m² in area, the park dedication shall be in the form of land.
- (4) In addition to the requirements of subsection (1), where the land being subdivided abuts a natural watercourse, a portion of the lands to be dedicated to the Municipality shall provide at least one point of access to the shoreline which is useable for water-based recreational purposes.
- (5) The Development Officer may waive the requirements of subsection (1), where the land exhibits or provides access to unique physical, ecological, cultural or heritage characteristics or features which are valuable for public access and interpretation.

Combination of Land and Equivalent Value

- 84 Where the park dedication is to include site development, prior to construction or the approval of the final plan of subdivision by the Development Officer, the subdivider shall enter into an agreement with the Municipality which shall:
- (a) identify the particular parcel of land to be developed;
 - (b) include design drawings, provided by the applicant for the required development and where necessary, include detailed construction drawings, site plans, specifications, and cost estimates of the proposed work; and
 - (c) identify the required process and conditions for supervision and acceptance of the proposed site development before the land is conveyed to the Municipality as the park dedication for the subdivision.

Park Dedication Agreement

- 85 Notwithstanding section 82, in the alternative to conveying land prior to approval of a final plan of subdivision and where there is an approved concept plan in place, the Development Officer may permit the subdivider to post security and enter into an agreement with the Municipality to guarantee the park dedication in a future phase of the development. The agreement shall be generally of the form exhibited in Appendix 2.

Park Dedication Exemptions

- 86 Section 82 of this by-law shall not apply to:
- (a) the subdivision of land where no additional lots are created;
 - (b) the re-subdivision of land for individual semi-detached or townhouse dwelling units; and
 - (c) the subdivision of land owned by the Municipality, in a business or industrial park.

GROUNDWATER ASSESSMENTS FOR SUBDIVISIONS SERVICED BY PRIVATE WELLS

- 86A A ground water assessment must be provided for land eligible to be subdivided if:
- (a) any area of land has been approved for residential lot development under an approved concept plan submitted pursuant to Sections 10 or 11 of this By-law; and
 - (b) the concept plan proposes ten (10) or more residential lots.
- 86B A final application must be accompanied by:
- (a) a report prepared in accordance with the *Guide to Groundwater Assessments for Subdivisions Serviced by Private Wells*, prepared by Nova Scotia Environment, July 2011, as may be amended from time to time (“the Groundwater Assessment Guidelines”); and
 - (b) an opinion, prepared by a qualified independent hydrogeologist as defined by the

Groundwater Assessment Guidelines, that the conclusions and recommendations contained in the report, prepared under clause (a) are valid and in accordance with the Groundwater Assessment Guidelines.

- 86C No subdivision approval for any lot shall be granted unless a positive recommendation has been provided through both the report and opinion provided under Section 86A.
- 86D No groundwater assessment shall be required for any completed final subdivision application received by the Municipality on or before Council's first notice of intention to adopt this By-law.

PRELIMINARY SUBDIVISION APPLICATION REQUIREMENTS - Optional

- 87 Where new public streets or highways or private roads are not to be constructed, the subdivider may submit an application for evaluation of a preliminary plan of subdivision to the Development Officer and 12 copies of a preliminary plan of subdivision. The plan shall be drawn to scale, on one piece of paper and shall show the following information and documentation:
- (a) the name and address of the owner;
 - (b) the name of each abutting subdivision or the names of the owners of all abutting land;
 - (c) the approximate dimensions and area of each proposed lot including the approximate frontage;
 - (d) each proposed lot, numbered for identification purposes, with no duplication of numbers, and where a parcel is being added to or subtracted from an existing lot, the new lot, or where a lot shown on a plan of subdivision is being divided, the resulting lots shall be identified by the existing lot identifier and a number or letter;
 - (e) each remainder lot identified by the letter "R" and a number;
 - (f) all existing structures on each proposed lot;
 - (g) the identification, location, approximate dimensions and approximate area of land proposed to be reserved for park dedication and similar public recreation purposes;
 - (h) the approximate location, dimension and name of all existing and proposed public streets or highways, private roads and Schedule "A" roads;
 - (i) the approximate location and dimension of any proposed easement for shared driveway accesses, if any;
 - (j) the approximate location and dimension of any existing right-of-way, easement, railway line and utility line affecting the area of land proposed to be subdivided and any access to an existing public street or highway or private road;
 - (k) the approximate location of any watercourse, wetland, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the number of lots on the area proposed to be subdivided;
 - (l) the North Point;
 - (m) the scale to which the plan is drawn;
 - (n) a key plan located on the top right-hand corner of the plan, with the same orientation as the area of land, showing the general location of the proposed subdivision with respect to the community within or closest to which it is located;
 - (o) any other information required by the Development Officer in order to provide an

evaluation.

- 88 The Development Officer shall forward a copy of the preliminary plan of subdivision to:
- (a) in areas served by primary or secondary services, the authorities having jurisdiction;
 - (b) the authorities having jurisdiction for public streets or highways;
 - (c) in areas not serviced 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 than 9000 m²;
 - (ii) has a width of 75 m or more; and
 - (iii) is to be used for a purpose which does not require an on-site sewage disposal system; and
 - (d) any other agency of the Province, the Municipality, or utility company which the Development Officer deems necessary.
- 89 Any agency forwarded a copy of the preliminary plan of subdivision pursuant to section 88 shall provide, if requested, a written report of its assessment or recommendation to the Development Officer.
- 90 The Development Officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.

CONCEPT SUBDIVISION APPLICATION REQUIREMENTS

- 91 Where new public streets or highways are to be constructed in an area(s) of land being subdivided under the ownership of the subdivider, and where no concept plan has previously been provided, the subdivider shall submit an application accompanied by the following information:
- (a) 18 copies of a concept plan for the entire area of land;
 - (b) 1 reduced copy (28 cm by 43 cm) of the concept plan;
 - (c) an electronic version of the concept plan in an acceptable file format; and
 - (d) a processing fee payable to the Municipality in the amount of \$250 total.
- 92 Section 91 does not apply to subdivision applications involving new public streets or highways pursuant to the provisions of section 12.
- 93
- (1) Upon approval of the concept plan by the Development Officer, tentative or final subdivision applications may be submitted provided that all other requirements of this by-law are met.
 - (2) Where the area of land is being subdivided in one phase, the completed tentative or final subdivision application shall satisfy the requirements of concept plan approval.
- 94 The concept plan shall be at a scale sufficient for clarity of all particulars of the plan. The concept plan shall be prepared by a Nova Scotia Land Surveyor or Professional Engineer

and be based on the best available mapping or aerial photos. The plan shall illustrate:

- (a) the name of the proposed subdivision and of the owner of the area of land if different from the subdivision name, including the book and page number of the deed for the area of land as recorded in the name of the owner in the Registry of Deeds or Land Registration Office;
- (b) the name of each abutting subdivision or the names of the owners of all abutting land;
- (c) a key plan drawn to a scale not smaller than 1:50 000 located on the top right-hand corner of the plan, with the same orientation as the area of land, showing the scale to which the key plan is drawn and the community within or closest to which the proposed subdivision is located;
- (d) the North point;
- (e) the scale to which the plan is drawn;
- (f) the internal street system of the development with connections to abutting public streets or highways and private roads, and anticipated major pedestrian traffic patterns;
- (g) the location of all watercourses and wetlands within and adjacent to the area of land, any prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of sanitary sewer systems, storm sewer systems, water distribution systems, or public streets or highways and private roads;
- (h) the proposed street names in accordance with the Civic Addressing By-law;
- (i) the words "Concept Plan" above the title block along with an estimated lot yield figure, based on zoning and the Department of Environment and Labour's lot size requirements, if applicable;
- (j) a clear space for stamping, measuring at least 10 cm wide by 25 cm high and located in the lower left-hand corner of the plan;
- (k) the proposed subdivision phasing sequence;
- (l) the proposed location of the park dedication in the form of land, including the delineation of any 1 in 10 year floodplain within the site;
- (m) existing on-site development, and existing and proposed community and commercial uses;
- (n) all existing registered easements and rights-of-way;
- (o) contours at a 5m interval minimum;
- (p) the location of any municipal service boundary on the site; and
- (q) any other information required by the Development Officer to determine if the concept plan conforms to this by-law.

95 Where the concept plan includes land under multiple ownership, the application must be accompanied by a letter of permission from all property owners.

96 The concept plan shall be accompanied by a traffic impact analysis, prepared by a Professional Engineer in accordance with the current version of the Municipality's Guidelines for the Preparation of Transportation Impact Studies, the level of detail of which shall be relative to the scope of the development.

97 Where the proposed subdivision is to be serviced by a sanitary sewer system, storm sewer

system or water distribution system, the concept plan is to be accompanied by 8 copies of a concept plan servicing schematic, prepared by a Professional Engineer in accordance with the Municipal Service Systems Design Guidelines, which in the context of the proposed street system and park land dedication shows:

- (a) the existing and proposed site drainage patterns including the approximate total area of:
 - (i) the proposed subdivision; and
 - (ii) the land tributary to the proposed subdivision;
- (b) the appropriate run-off coefficients;
- (c) the existing and proposed sanitary sewer system, including pipe sizes, pumping stations and pressure sewers, and, a preliminary design summary in tabular form including development densities and sewer generation estimates which support the proposed sewer system;
- (d) the existing and proposed water distribution system, including pipe sizes;
- (e) the existing and proposed storm sewer system, including pipe sizes; and
- (f) any other information required by the Development Officer to determine if the concept plan servicing schematic conforms to this by-law.

98 The Development Officer shall forward the concept plan and all supplementary information to appropriate departments in order to evaluate the plan in terms of:

- (a) the design's consideration of topography, natural features, and other site constraints and restrictions;
- (b) street layout, pedestrian routes, phasing sequence and connections with existing and proposed transportation links on a local and regional scale;
- (c) the feasibility of the servicing plan, and the effect of the development on existing municipal services and the provision of future municipal services where applicable;
- (d) the new or expanded infrastructure which will be required by the subdivision;
- (e) location of the proposed park dedication and open space;
- (f) location of any proposed community and commercial uses; and
- (g) location of any postal service boxes as proposed by Canada Post.

TENTATIVE SUBDIVISION APPLICATION REQUIREMENTS - Optional

99 The subdivider may submit an application for approval of a tentative plan of subdivision which shall be consistent with the approved concept plan, if applicable. Where the tentative plan of subdivision is inconsistent with the approved concept plan or subdivision phasing sequence, the subdivider must first obtain approval of a new concept plan.

100 A subdivider who wishes to submit an application for approval of a tentative plan of subdivision shall submit to the Development Officer an application accompanied by the following information:

- (a) 18 copies of a tentative plan meeting the requirements of this by-law;
- (b) an electronic version of the tentative plan in an acceptable file format; and
- (c) a processing fee payable to the Municipality in the amount of \$250 total.

101 Tentative subdivision plans shall be:

- (a) drawn to a scale sufficient to fully illustrate the information required; and
- (b) folded to approximately 22 cm by 28 cm with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative subdivision plan.

102 Tentative subdivision plans shall show:

- (a) the boundary of the area of land to be subdivided based on a description of the area of land to be subdivided;
- (b) notwithstanding clause (a) where the tentative plan shows lots fronting on a proposed public street or highway or proposed private road, the plan shall show a boundary survey of the portion of the area of land to be subdivided, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Nova Scotia Land Surveyor's Act* and the Regulations made thereunder;
- (c) the approximate dimensions of the remainder lot, based on a description of the entire parcel, preferably but not necessarily as surveyed;
- (d) the common name of the proposed subdivision and the name of the owner of the area of land, including the book and page number of the title document for the area of land as recorded in the name of the owner in the Registry of Deeds or Land Registration Office;
- (e) the name of each abutting subdivision or the names of the owners of all abutting land;
- (f) a key plan drawn to a scale not smaller than 1:50 000 located on the top right-hand corner of the plan, with the same orientation as the area of land, showing the scale to which the key plan is drawn and the community within or closest to which the proposed subdivision is located;
- (g) the words "Tentative Plan" located above the title block;
- (h) a clear space for stamping, measuring at least 10 cm wide by 25 cm high and located in the lower left-hand corner of the plan;
- (i) the North Point;
- (j) the scale to which the plan is drawn;
- (k) the date on which the plan was certified;
- (l) the date of revision, if any, and the reason for revision;
- (m) the approximate dimensions and total area of the area of land to be subdivided and the approximate dimensions and area of each proposed lot including the approximate frontage of each proposed lot according to clause 3(o);
- (n) the boundary lines of existing lots being re-subdivided, consolidated or both shown as broken lines, with the new boundaries of these lots shown as solid lines;
- (o) each proposed lot, individually identified without duplication of lot identifiers, and where a parcel is being added to or subtracted from an existing lot or where a lot shown on a plan of subdivision is being divided the proposed lot or lots shall be identified by the existing lot identifier and a letter;
- (p) each remainder lot identified by the letter "R" and a number;
- (q) the identification, location and dimensions of the area of land proposed to be reserved for park dedication, including the delineation of any 1 in 10 year floodplain within the site;
- (r) the locations of any community postal service box and telecommunication box;
- (s) the location, dimensions and name of all existing and proposed public streets or highways, private roads and Schedule "A" roads; and the proposed street names in

- accordance with the Civic Addressing By-law;
- (t) the approximate location and dimension of any proposed easement for shared driveway accesses, if any;
- (u) the location and dimensions of any existing & proposed right-of-way, easement, railway line and utility line, including utility easements, affecting the area proposed to be subdivided and access to an existing public street or highway, walkway or private road;
- (v) all existing structures on each proposed lot, including civic numbers;
- (w) the location of all watercourses and wetlands within and adjacent to the area of land, any prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the number of lots or the provision or layout of sanitary sewer systems, storm sewer systems, water distribution systems or public streets or highways or private roads;
- (x) the unique parcel identifier (PID) for all areas of land being subdivided; and
- (y) any other information which the Development Officer deems necessary to determine if the tentative subdivision plan conforms to this by-law.

Drainage Plan

- 103 Where a proposed subdivision is to be serviced with primary or secondary services or by a private road, the subdivider shall provide 8 copies of the complete drainage plan, prepared by a Professional Engineer in accordance with the Design Guidelines, showing the following:
- (a) the location of the proposed subdivision within the drainage area;
 - (b) the location and direction of flow of every watercourse;
 - (c) the receiving water of the proposed storm drainage system;
 - (d) the approximate total area of:
 - (i) the proposed subdivision; and
 - (ii) the land tributary to the proposed subdivision and the appropriate run-off coefficients;
 - (e) contour lines at 2 m intervals or as otherwise required by the Engineer in order to determine site drainage patterns; and
 - (f) any other information required by the Development Officer to determine if the tentative subdivision plan conforms to this by-law.

Schematics

- 104 Where primary or secondary services or a private road is to be constructed, the Development Officer shall require the owner to provide 8 copies of schematics, prepared by a Professional Engineer in accordance with the Design Guidelines, showing the following, in the context of the proposed lots and park land dedication, where applicable:
- (a) the existing and proposed water distribution systems;
 - (b) the existing and proposed sanitary sewer systems, including pumping stations and force mains and indicating the minimum slope of the sanitary sewer system;
 - (c) the existing and proposed storm sewer system;

- (d) the existing and proposed public streets or highways or private roads within the proposed subdivision;
- (e) a layout and description of existing and proposed utilities including:
 - (i) street and walkway lighting;
 - (ii) electrical distribution systems, including underground conduits and power poles;
 - (iii) telecommunication systems;
 - (iv) natural gas distribution system;
 - (v) any other required utility;
 - (vi) location of postal service boxes; and
 - (vii) street trees.
- (f) the proposed method of servicing if public central water and sewer services are not available;
- (g) where there is a proposed public street or highway or private road to be constructed, the owner shall provide 8 copies of the centre line profiles; and
- (h) any other information required by the Development Officer to determine if the subdivision plan conforms to this by-law.

FINAL SUBDIVISION APPLICATION REQUIREMENTS

- 105 The subdivider shall submit an application for approval of a final plan of subdivision which must be consistent with the approved concept plan and tentative plan, if applicable. Where, in the opinion of the Development Officer, the final plan of subdivision is inconsistent with the approved concept plan or subdivision phasing sequence, the subdivider must first obtain approval of a new concept plan.
- 106 The subdivider shall submit to the Development Officer an application accompanied by the following:
- (a) 18 copies of a final plan of subdivision meeting the requirements of this by-law;
 - (b) an electronic version of the final plan in an acceptable file format;
 - (c) a processing fee payable to the Municipality based on the total number of lots requested for final approval, as follows:
 - (i) for up to 10 lots, \$250 total;
 - (ii) for up to 20 lots, \$500 total;
 - (iii) for up to 50 lots, \$1000 total;
 - (iv) for over 50 lots, \$1500 total; and
 - (d) the fees contained in the *Costs and Fees Act*, and its regulations, for registering subdivision plans, agreements, deeds, easements and all related documents of conveyance.

Additions or Consolidations

- 107 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

- (d) the *Municipal Government Act*; and
where applicable, the deed transfer tax.
- 108 (1) Where primary or secondary services are to be installed, an audit inspection fee of 2% of the approved cost estimates, in accordance with section 120, shall be received by the Development Officer prior to construction.
- (2) Prior to the acceptance of the primary or secondary services, the audit inspection fee shall be adjusted so that:
- (a) any fee received below the actual cost of audit inspection incurred by the Municipality or the Water Commission shall be assessed to the subdivider; and
- (b) any fee received in excess of the actual cost of audit inspection incurred by the Municipality and the Water Commission shall be refunded to the subdivider.
- (3) Where new street lights, street signs and traffic signs are to be installed, the fees for these fixtures shall be received by the Development Officer prior to construction.
- 109 Where the proposed subdivision forms part of a larger area of land under the same ownership as the proposed subdivision, the final plan of subdivision shall show any remaining public street or highway and private road frontage and the dimensions of the remainder lot, based on a description of the property to be subdivided, preferably, but not necessarily as surveyed.
- 110 (1) Final subdivision plans shall be:
- (a) drawn to a scale sufficient to fully illustrate the information required;
- (b) folded to approximately 22 cm by 28 cm, with the face of the folded print being the title block which is located in the lower right-hand corner of the final subdivision plan; and
- (c) certified and stamped by a Nova Scotia Land Surveyor that the lot(s) for which approval is requested have been surveyed in the manner required by the *Nova Scotia Land Surveyor's Act* and the regulations made thereunder.
- (2) Notwithstanding the requirements of clause (1)(c), where Options A or C of subsection 126(2) are used, the certification may be waived until such time as the subdivision plan is to be granted final approval.
- 111 Final subdivision plans shall show:
- (a) the name of the proposed subdivision and the owner of the area of land if different from the subdivision name including the book and page number of the deed for the area of land as recorded in the name of the owner in the Registry of Deeds or Land Registration Office;
- (b) the name of each abutting subdivision or the names of the owners of all abutting land;
- (c) a key plan drawn to a scale not smaller than 1:50 000 located on the top right-hand corner of the plan, with the same orientation as the area of land, showing the scale to which the key plan is drawn and the community within or closest to which the proposed subdivision is located;
- (d) a clear space for stamping, measuring at least 10 cm wide by 25 cm high, and located in the lower left-hand corner of the plan;

- (e) the North Point;
- (f) the scale to which the plan is drawn;
- (g) the date on which the plan was certified;
- (h) the date of revision, if any, and the reason for the revision;
- (i) the dimensions and total area of the area of land to be subdivided and the dimensions and area of each proposed lot, including the frontage of each proposed lot according to clause 3(o);
- (j) the boundary lines of existing lots being re-subdivided, consolidated or both shown as broken lines, with the new boundaries of these lots shown as solid lines;
- (k) each proposed lot, individually identified without duplication of lot identifiers, and where a parcel is being added to or subtracted from an existing lot or where a lot shown on a plan of subdivision is being divided the proposed lot or lots shall be identified by the existing lot identifier and a number or letter;
- (l) each remainder lot identified by the letter "R" and a number;
- (m) the identification, location and dimensions of the area of land proposed to be reserved for park dedication, including the delineation of any 1 in 10 year floodplain within the site;
- (n) the locations of any community postal service box and telecommunication box;
- (o) the location, dimensions and name of all existing and proposed public streets or highways, private roads and Schedule "A" roads; and the proposed street names in accordance with the Civic Addressing By-law;
- (p) the approximate location and dimension of any proposed easement for shared driveway accesses, if any;
- (q) the location and dimensions and purpose of any existing and proposed right-of-way, easement, railway line and utility line, including power poles, affecting the area proposed to be subdivided and access to an existing public street or highway or private road;
- (r) the approximate location of all existing buildings, including civic numbers, on the area of land proposed to be subdivided in addition to the graphical and mathematical locations for all buildings within 3 m of the boundaries of the property;
- (s) within and adjacent to the area of land, the location of all watercourses and wetlands, and including other areas prone to flooding;
- (t) the unique parcel identifier (PID) for all areas of land being subdivided;
- (u) the lengths and bearings of the boundary lines of each proposed lot, public street or highway or private road, right-of-way, and easement, including the lengths of arcs, points of curvature and radii in the case of curved lines;
- (v) the length and bearing of each tie line which connects at least one point on the boundary of the subdivision to the Nova Scotia co-ordinate system, as per the *Nova Scotia Land Surveyors Act*; and
- (w) any other information which the Development Officer requires to determine if the final plan of subdivision conforms to this by-law.

112 Notwithstanding clauses 110(1)(c) and 111(i), (j) and (u), the final plan of subdivision prepared pursuant to section 41 shall:

- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the

parcel proposed to be added to the existing area of land have been surveyed, shown as a solid heavy line, except the common boundary between the existing lots is surveyed and certified as being the common boundary shown as a heavy broken line; and

- (b) notwithstanding clauses 110(1)(c) and 111(i) and the bearings provision of clause 111(u), 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 affixed to the plan adjacent to the certification required by the *Nova Scotia Land Surveyor's Act* and Regulations made thereunder, and such notation is signed by the surveyor:

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

The remaining boundaries of the 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."

- 113 Where the lot frontage exemption of section 38 is used, the final plan shall bear a notation referencing the instrument that created the area of land. Where the area of land was not created as a result of an approved final plan of subdivision, the subdivision plan shall bear the following notation:
 - (a) "Lot ____ is described in Bk ____ at Pg ____ recorded at the Registry of Deeds on _____. This exemption has not previously been used for this area of land."
 - (b) Where the citation in clause (a) does not meet the area of land requirements of section 37, the following words are to be added to the end of the first sentence "... and is the same area of land described in Bk ____ at Pg ____ recorded at the Registry of Deeds on _____."
- 114 The complete engineering drawings and design shall be signed and stamped by a Professional Engineer registered to practice in the Province of Nova Scotia.
- 115 Engineering plans shall be prepared and submitted in accordance with the Design Guidelines.
- 116 The details of the engineering design and specifications shall include all necessary information required to bid upon and construct the services and shall conform to the Halifax Regional Municipality standards and procedures.

Required Engineering Design

- 117 Where primary or secondary services are required to be constructed, the Development Officer shall require the subdivider to provide 8 copies of engineering drawings and reports, prepared in accordance with the Design Guidelines, showing all applicable systems

as follows:

Sanitary Sewer Systems

- (a) General information including an overall plan indicating tributary service areas, the existing and proposed sanitary sewer system, including the location of manholes, size of pipes, direction of flow and means of disposal of effluent, specifications and contract documents.
 - (i) Gravity Systems:
 - (A) plan and profile drawings;
 - (B) cross-section and detail drawings; and
 - (C) design calculations, including a tabulation of calculations for population density, peak flow, design flow, pipe size, flow velocity (minimum and maximum) and depth of flow or percent full for each pipe.
 - (ii) Pumping Station and Forcemain:
 - (A) design calculations and system curves;
 - (B) minimum, average and peak flow rates;
 - (C) pipe size and flow velocity in forcemain;
 - (D) capacity of selected pumps with flow rates and pump curves;
 - (E) motor horsepower;
 - (F) pump cycle and detention times;
 - (G) wet well size and capacity; and
 - (H) detail of auxiliary power supply unit and building, if applicable.

Storm Drainage Systems

- (b) (i) Drainage Plan:
 - (A) scale of plan;
 - (B) site layout including proposed Street and lots;
 - (C) pre and post development contours or spot elevations, at intervals not exceeding 2 m or based on the best available mapping;
 - (D) the location of every watercourse and its direction of flow;
 - (E) the location and layout of storm sewers (pipes, minor drainage system) including manholes, catch basins, pipe size, grade and direction of flow;
 - (F) boundaries of pre-development and post-development sub-drainage areas tributary to each set of catch basins or pipes, including the size of the area in hectares with pre and post development run-off coefficients tributary to the point of discharge;
 - (G) the location and size of post development, retention or detention areas, if proposed;
 - (H) the predominant direction of surface flow including the route of flow of the major drainage system; and
 - (I) any other information required by the Development Officer to determine if the final subdivision plan conforms to this by-law.
- (ii) System Design:
 - (A) an overall plan indicating the contributing area, the area tributary to each inlet, the existing and proposed storm sewer system, including the location of manholes and catch basins, the size of pipes, all culverts and the direction of flow;

- (B) specifications and contract documents;
 - (C) storm drainage report complete with drainage plan;
 - (D) plan and profile drawings;
 - (E) cross-section and detail drawings; and
 - (F) where the installation of services is to be carried out in phases, a plan shall be submitted indicating a method to deal with runoff from the later phases onto or through areas being developed earlier.
- (iii) Design Calculations:
- Calculations are required including a tabulation of runoff to each inlet, design flow, pipe or channel size, flow velocity (minimum and maximum), depth of flow or percent full for each pipe, and energy losses at manholes during peak flow conditions. Where a computer model has been used, the design calculations shall include a summary output which gives the main steps of the simulation and the main results (peak discharge, time to peak and volumetric runoff coefficient) at key points of the system. This information shall be provided complete with a map indicating sub-watersheds and schematization of the system for pre-development conditions, post-development conditions and all stormwater management alternatives.

Subdivision Grading Plan

- (c) (i) General:
- (A) the subdivision grading plan shall be drawn at a scale of 1:500;
 - (B) a title block shall be used indicating the following:
 - (I) the name of the subdivision and community;
 - (II) lot numbers;
 - (III) the name, firm and address of the designer;
 - (IV) scale; and
 - (V) date (original and revisions) with revision information clearly identified;
 - (C) a grid north arrow shall be shown;
 - (D) existing and proposed elevations are to be related to geodetic datum;
 - (E) a legend giving an explanation of symbols is to be provided;
 - (F) appropriate notes relative to construction requirements are to be provided;
 - (G) all lots and blocks within the subdivision are to be shown on one or more drawing sheets and are to be numbered in accordance with the plan of subdivision proposed for registration; and
 - (H) the grading and drainage system construction to be performed by the subdivider prior to final subdivision approval is to be clearly indicated as well as systems to be constructed by subsequent lot owners.

- (ii) Existing Conditions:
 - (A) existing information, to be field collected and representative of conditions at the time of design, is to be expressed as spot elevations or contours at maximum 1 m intervals on the specific lots and adjacent properties to adequately illustrate the drainage interrelation between properties with common property lines and the existing topography. As a minimum, existing elevation information is to extend 6.1 m onto adjacent properties;
 - (B) centreline street elevations and related to the chainage on the profile record drawings where such drawings exist;
 - (C) top of curb elevations at sideline extensions and driveway cuts;
 - (D) existing storm drainage system elements, e.g., catchbasins, swales;
 - (E) public and private easements or rights of way;
 - (F) utility poles, fire hydrants, traffic signs, or other surface features adjacent to the lot;
 - (G) where a lot is adjacent to a watercourse or a major drain system exists on the lot, the normal water elevations and the 1 in 100 year water levels;
 - (H) where buildings exist on adjacent lots, the elevation at the adjoining corners of the building if located within 10 m of the lot limit; and
 - (I) any other items affecting storm water drainage.
- (iii) Proposed Grading and Drainage Systems:
 - (A) proposed road centreline elevations are to be shown in accordance with the chainage of the profile drawings;
 - (B) the proposed elevations for all lot corners as well as intermediate points of grade change on all lot lines and sloped surfaces. The frequency of proposed elevations shall depend upon the degree of development (with developed areas requiring more detailed information) and also upon the topography;
 - (C) all swales along with proposed elevations at all lot lines or changes in direction of slope of the swale;
 - (D) all catchbasins, or other drainage structures, within and adjacent to the lots along with the grade elevation of the catchbasin and the invert of all inlet and outlet pipes;
 - (E) all areas that are to be left in an undisturbed condition;
 - (F) significant proposed slopes steeper than 4:1 (H:V);
 - (G) proposed surface treatment of disturbed areas is to be indicated;
 - (H) direction of surface flow to be indicated by arrows so that the proposed drainage patterns on all areas of the lot are clearly indicated;
 - (I) split in drainage direction is to be shown;
 - (J) proposed grading and design details of any retaining walls; and
 - (K) design details and location information for any other drainage appurtenances.

Street System

- (d) The existing and proposed public street or highway systems abutting and within the proposed subdivision including:
 - (i) plan and profile drawings showing the centreline profiles of proposed public streets or highways and walkways;
 - (ii) design calculations including horizontal and vertical curve information; and
 - (iii) for rural streets, cross sections shall be provided at 30 m spacings or as otherwise required by the Development Officer.

Park Dedication

- (e) Details of any proposed grading and site development, site improvements and site preparation for any park dedication in the form of land.

118 Drawings of the existing and proposed water distribution system shall be submitted including the size of the pipes, location of valves, services and fire hydrants, and also calculations used to determine the hydraulic capacity of the system, all in conformance with the Halifax Regional Water Commission Design and Construction Specifications.

Drawing Requirements

119 The complete engineering drawings and design shall comply with the Design Guidelines and shall be signed and stamped by a Professional Engineer.

Plan and Profile

- (a) The plan and profile drawings shall be drawn to:
 - (i) a horizontal scale of 1:500 or 1:200 where greater detail is required; and
 - (ii) a vertical scale which is a ratio of the horizontal scale (vertical to horizontal) of 1:10.
- (b) The plan portion of the engineering drawings shall include:
 - (i) the location and dimensions of all existing and proposed public streets or highways and shall have the name of each road printed outside the road lines;
 - (ii) the proposed lot lines;
 - (iii) the chainage at 30 m intervals;
 - (iv) the control monuments and bench marks within the area of the plan;
 - (v) the sanitary sewer system and storm drainage system showing the lengths, sizes and types of all pipes and the direction of flows;
 - (vi) the water distribution system including all valves, hydrants, tees, bends and services and all other fittings, showing the lengths, sizes and types of all pipes as per the requirements of the Halifax Regional Water Commission;
 - (vii) separate sanitary and storm drainage hook-ups and water service pipes to proposed and existing lots;
 - (viii) the surface drainage and related structures;
 - (ix) the major and minor storm drainage systems;
 - (x) trees;
 - (xi) the proposed park dedication, if in the form of land;
 - (xii) curbs, gutters and sidewalks;
 - (xiii) location of driveways;
 - (xiv) catch basins and inlet or outlet pipes;

- (xv) street lighting services;
- (xvi) any other structures within the public street or highway including street name and regulatory signs, electrical underground locations, telecommunications, power poles and other utility company infrastructure;
- (xvii) Canada Post Community Mail Box locations; and
- (xviii) any other information required by the Development Officer.
- (c) The profile portion of the engineering drawings shall include the existing and proposed location and vertical alignment and slope of:
 - (i) the centreline of any public street or highway or easement;
 - (ii) the complete sanitary sewer system and storm drainage system including all appurtenances and pipe lengths, sizes, types, classifications and slopes;
 - (iii) the complete water distribution system including all appurtenances and pipe lengths, sizes, types and classifications; and
 - (iv) any other underground services and appurtenances.
- (d) The information required on plan and profile drawings shall be shown:
 - (i) at intervals based on sound engineering principles;
 - (ii) to a distance of 6.1 m beyond each public street or highway boundary line; and
 - (iii) for a distance of 50 m where future road extensions may occur in which case only the existing and proposed grade of the street at centreline are required.

Cross Section and Details

- (e) The cross section and detail portions shall fully illustrate the subject matter. The cross section portion of the engineering drawings shall include existing and proposed:
 - (i) ground conditions;
 - (ii) public streets or highways; and
 - (iii) service systems.

Standard Drawing Sizes

- (f) Engineering plans, including subdivision grading plans, shall be on white process paper and shall comply with the drawing requirements of the Design Guidelines.

Cost Estimates

- 120 The subdivider shall submit cost estimates prepared in accordance with Appendixes 3, 4, 5 and 6.

Construction Specifications

- 121 Each submission shall include a copy of the Project Specification which shall include any supplements to the Design Guidelines.

GENERAL PROCEDURE FOR SUBDIVISION APPLICATION REVIEW

- 122 Application for approval of a concept, tentative or final plan of subdivision shall be made to the Development Officer.

- 123 The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act*.
- 124 The Development Officer shall forward a copy of the plan of subdivision, the required engineering design drawings and cost estimates to:
- (a) in areas served by primary or secondary services, the authorities having jurisdiction;
 - (b) the authorities having jurisdiction for public streets or highways and private roads;
 - (c) in areas not serviced 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 than 9000 m²;
 - (ii) has a width of 75m or more, and
 - (iii) is to be used for a purpose which does not require an on-site sewage disposal system; and
 - (d) any other agency of the Province, the Municipality, or utility company which the Development Officer deems necessary.
- 125 Any agency forwarded the information pursuant to section 124 shall provide, if requested, a written report of its assessment or recommendation to the Development Officer.

AGREEMENTS AND SECURITY

Subdivision Agreement

- 126 (1) Prior to the installation of any primary or secondary services or the approval of the final plan of subdivision by the Development Officer, the subdivider shall enter into an agreement with the Municipality. Upon execution, this agreement shall be filed with the Registry of Deeds.
- (2) The agreement referenced in subsection (1) shall be generally of the form exhibited in Appendix 1 and shall include the following options:
- (a) "Option A" - Upon execution of the agreement, the subdivider may commence construction of the primary services; however, no lots shall receive final approval nor shall Building Permits be issued until acceptance of the primary services and until receipt of performance security, in the amount of 110% of the approved estimated costs for the installation of the secondary services, to guarantee their installation.
 - (b) "Option B" - Upon execution of the agreement, the subdivider may commence construction of the primary and secondary services and shall deposit, with the Municipality, performance security, in the amount of 110% of the approved estimated costs for the installation of the primary and secondary services, to guarantee their installation. Upon receipt of the performance security by the Municipality, lots within the subdivision may be approved and Building Permits issued, however, Occupancy Permits shall not be issued until acceptance of the primary services.
 - (c) "Option C" - Upon execution of the agreement, the subdivider may commence construction of the primary and secondary services. No lots shall receive final approval nor shall Building Permits be issued until acceptance of the primary and secondary services.

- 127 (1) The agreement shall include terms and conditions respecting:
- (a) the scheduling of construction of primary and secondary services including the date of commencement and the date of completion; and the schedule may include construction in stages;
 - (b) the requirement to enter into a water services agreement with the Halifax Regional Water Commission;
 - (c) terms and conditions regarding submission, reduction and release of security in accordance with this by-law;
 - (d) the acceptance of any primary or secondary services, including the requirement of warranty security in accordance with section 129 of this by-law;
 - (e) the procedure for the acceptance of services;
 - (f) the supervision and full time inspection of construction by a Professional Engineer;
 - (g) the supplying of a copy of the agreement to every purchaser of land in the subdivision, if Option "B" is exercised;
 - (h) the forfeiture of the security;
 - (i) an inspection of services deposit in the amount of 2% of the approved cost estimates for costs of services as per section 120;
 - (j) penalties for non-compliance with the approved time table for the construction of primary and secondary services;
 - (k) procedure for accepting the park dedication;
 - (l) conveyance of streets, walkways and easements and ownership of all primary or secondary services contained therein to the applicable authority;
 - (m) requirements for certificate of title confirming no encumbrances;
 - (n) requirements for permission from adjacent property owners where storm water is directed on to their property;
 - (o) placement of subdivision entrance signs and lot identifiers;
 - (p) the removal of topsoil and site disturbance;
 - (q) street light fee;
 - (r) street and traffic sign fee;
 - (s) confirmation of approval from the Department of the Environment and Labour;
 - (t) the placing of monuments and markers for the control and layout of the subdivision and its services to be installed under the supervision of a Nova Scotia Land Surveyor.
- (2) The agreement may include terms and conditions respecting:
- (a) implementation of development agreements as approved by Council;
 - (b) infrastructure charges;
 - (c) special design conditions;
 - (d) tree retention programs;
 - (e) encroachment licenses;
 - (f) costs associated with renaming or renumbering existing public streets or highways;
 - (g) long term security for specialized equipment; and
 - (h) park dedication development.

Securities

- 128 (1) Securities shall be of a type and format specified in Appendix 8;
- (2) Reductions to securities may be considered by the Municipality at the following stages:
- (a) upon satisfactory completion of primary services - stage I;
 - (b) upon satisfactory completion of primary services - stage II; and
 - (c) upon satisfactory completion of mass earthworks.
- (3) The following information shall be submitted for consideration of security reductions at the designated stages:
- (a) primary services stage I:
 - (i) results of pipe testing - sewers;
 - (ii) Geo-technical Engineer's report of infilling and backfilling of select material used;
 - (iii) compaction tests for trench bedding, backfill;
 - (iv) surveyor's certificate;
 - (v) water system pressure test;
 - (vi) letter of consent from the Water Commission;
 - (vii) consultant's report; and
 - (viii) any other information required by the Development Officer to ensure that the primary services meet the requirements of this by-law.
 - (b) primary services stage II:
 - (i) results of pipe and lateral sewer tests, video tests;
 - (ii) Engineer's report, tests, Regional Operations approval, if pumping station constructed;
 - (iii) letters of approval from the applicable utility companies;
 - (iv) granular and compaction tests for laterals, trenches;
 - (v) Geo-technical Engineer's report if select backfill material is used;
 - (vi) granular, compaction asphalt and concrete tests for street construction;
 - (vii) consultant's report;
 - (viii) surveyor's certificate;
 - (ix) certification of park dedication site development and site preparation;
 - (x) water system bacteriological test report;
 - (xi) letter of consent from the Water Commission; and
 - (xii) any other information required by the Development Officer to ensure that the primary services meet the requirements of this by-law.
- (4) The amount of the security shall at no time be less than 110% of the estimated cost of uncompleted services plus 10% of the estimated cost of completed services.

Warranty Security

- 129 Upon completion of construction and acceptance of any primary or secondary services by Halifax Regional Municipality of the Halifax Regional Water Commission, warranty security shall be required as indicated:

- (a) warranty security shall be of a type and format specified in Appendix 8;
- (b) the warranty security shall remain in effect for a period of one year from the date of acceptance of the primary or secondary services and shall be in the amount of 10% of the actual cost of the services installed;
- (c) this security shall guarantee the correction or repair by the subdivider of any defect in or failure of the installed services that may occur within the one year warranty period; and
- (d) a final inspection will be done by the Municipality and the Water Commission prior to the expiration date and any deficiencies noted shall be corrected prior to the expiration of the security.

MUNICIPAL SERVICE ACCEPTANCE REQUIREMENTS

130 Upon completion of primary services, the subdivider shall:

- (a) apply in writing to the Development Officer for acceptance;
- (b) apply in writing to the Development Officer to request the release of the security for primary services;
- (c) simultaneously provide the Development Officer with the necessary information including:
 - (i) three (3) copies of record drawings, certified by a Professional Engineer, in 3 mil Mylar and in an acceptable electronic file format, of the primary services prepared in accordance with the record drawing procedures contained within the Design Guidelines and including calculations for redesigned services;
 - (ii) for sanitary sewer systems, the following shall be provided:
 - (A) video inspection (CCTV) and report, complete with mandrel testing (required also immediately prior to end of warranty security period);
 - (B) pipe test report including laterals to the property lines;
 - (C) manhole test and inspection report;
 - (D) sewer lateral cards in the Municipality's format;
 - (E) 3 copies of Design, Operation and Maintenance Manuals for pumping stations which include:
 - (I) system description;
 - (II) design parameters, system hydraulics & design calculations (including system curves);
 - (III) as constructed civil, mechanical and electrical drawings;
 - (IV) pump literature, pump curves and operating instructions;
 - (V) manufacturer's operation and maintenance instructions for all equipment;
 - (VI) name, address, telephone number for all equipment suppliers and installers; and
 - (VII) all manufacturer's warranties;
 - (F) special tools and standard spare parts for pumping station equipment; and
 - (G) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used.
 - (iii) for storm drainage systems, the following shall be required:

- (A) video inspection (CCTV) and report, including catch basin leads (required also immediately prior to end of warranty security period);
 - (B) pipe test report, if requested by the Development Officer;
 - (C) manhole and catchbasin report;
 - (D) sewer lateral cards in the Municipality's format; and
 - (E) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used.
- (iv) for streets, the following shall be required:
- (A) Professional Engineer's certification of inspection and completion at the following stages of street construction:
 - (I) after clearing (pre-construction);
 - (II) after grubbing (before culvert and drain installation);
 - (III) at subgrade, prior to the application of any gravels;
 - (IV) prior to surfacing gravel being applied;
 - (V) prior to paving; and
 - (VI) final (prior to acceptance of services by the Municipality);
 - (B) copies of laboratory and field tests of materials (sieve analysis, density tests, concrete compressive strength tests, etc.);
 - (C) Professional Engineer's Certification of asphalt mix, materials and plant compliance with specification requirements; and
 - (D) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill material were used.
- (v) for the subdivision grading plan, the following shall be required:
- (A) record drawing of the subdivision grading plan showing as-built elevations of those components of the grading and drainage systems identified as being the responsibility of the subdivider to construct, measured in accordance with the "tolerances" section below;
 - (B) subdivision grading certificate, in the Municipality's form, prepared and signed by a Professional Engineer, confirming that those components of the grading and drainage systems identified as being the responsibility of the subdivider have been constructed in substantial conformance with the approved subdivision grading plan and the Lot Grading By-law;
 - (C) tolerances - proposed grading and slope information is to be confirmed as being constructed on the subdivision grading plan as follows:
 - (I) where the as-built design elevation or slope is within the indicated tolerance, a graphical or written confirmation is acceptable;
 - (II) where the as-built design elevation or slope is not within the indicated tolerance, the as-built result is to be specifically shown;
 - (III) constructed elevation at lot lines shall match the proposed elevation as indicated on the approved subdivision grading plan within 5 cm;
 - (IV) grades along sloped surfaces or swales that are at minimum or maximum allowable grades shall match grades indicated

- on the approved subdivision grading plan, or deviate to the permitted side of the minimum or maximum; and
 - (V) additional elevations or slopes not covered above are to be confirmed by the Inspector as meeting the intent of the approved subdivision grading plan.
 - (vi) copies of documentation required by the Water Commission to be submitted for acceptance of systems as detailed in the Halifax Regional Water Commission Design and Construction Specifications;
 - (vii) detailed records of all actual construction costs and quantities breakdown;
 - (viii) warranty security for one year in the amount of 10% of the actual costs of the primary services;
 - (ix) a surveyor's certificate stating that all services have been installed within the limits of the survey markers defining the street or easements, walkways and any other land(s) reserved for public purposes, and that the as-constructed centreline aligns with the final subdivision plan of the public street or highway;
 - (x) Certificate of Compliance from a Professional Engineer certifying that all works have been inspected and completed according to the approved engineering drawings and specifications;
 - (xi) confirmation from a Professional Engineer that all deficiencies have been corrected with details on remedial action taken;
 - (xii) performance security for the secondary services in the amount of 110% of the approved estimated costs for their installation if Option A is used; and
 - (xiii) written assurance from the utility companies and the Water Commission that all specifications and procedures as referenced in section 14 have been fulfilled and that acceptance of the water main has been recommended.

131 Upon completion of the secondary services, the subdivider shall:

- (a) apply in writing to the Development Officer for acceptance;
- (b) request the release of security on secondary services; and
- (c) simultaneously provide the Development Officer with the necessary information including:
 - (i) 3 copies of record drawings, certified by a Professional Engineer, in 3 mil Mylar and in an acceptable electronic file format, of the secondary services prepared in accordance with the record drawing procedures contained with the Design Guidelines;
 - (ii) copies of laboratory and field test of materials (sieve analysis, density tests, concrete compressive strength tests, etc.), confirming that the specified standards for the materials were achieved;
 - (iii) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used;
 - (iv) detailed records of actual construction costs and quantities breakdown;
 - (v) one year maintenance security in the amount of 10% of the actual costs of the secondary services;
 - (vi) a certificate of title prepared by a solicitor, in the specified form, certifying that the conveyed lands are free from encumbrances, with the exception of utility company easements;

- (vii) all warranty deeds, in the specified form, for streets, walkways, easements and park dedication to be conveyed to the Municipality at no cost to the Municipality;
- (viii) certification by a Nova Scotia Land Surveyor stating that all services have been installed within the limits of the survey markers for the streets, easements and walkways to be conveyed to the Municipality;
- (ix) Certificate of Compliance from a Professional Engineer certifying that all works are completed according to the approved engineering drawings and specifications; and
- (x) confirmation from a Professional Engineer that all deficiencies have been corrected, including a list of all deficiencies with remedial action taken.

GENERAL PROCEDURE FOR SUBDIVISION APPROVAL AND REGISTRATION

- 132 A concept, tentative or final plan of subdivision may be refused 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 any other agency of the Province or the Municipality, where the subdivision plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 133 The Development Officer shall forward a copy of the approved concept, tentative or final plan of subdivision to the owner, the surveyor and any agency which provided an assessment or recommendation regarding the original plan of subdivision.
- 134 In an area that requires infrastructure charges, the subdivider shall pay that amount prior to final subdivision approval.
- 135 Where the Development Officer refuses to approve a concept, tentative or final plan of subdivision, the Development Officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to section 124 and shall notify the subdivider, give reasons for refusal, and advise the subdivider of the appeal provisions of Part IX of the *Municipal Government Act*.
- 136 Where the Development Officer refuses to approve a final plan of subdivision, the Development Officer shall return the fees referred to in clause 106(d) to the subdivider.

Stamping of Concept Plans

- 137 The following information shall be stamped or written on any concept plan of subdivision 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."

Stamping of Tentative Plans

- 138 The following information shall be stamped or written 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 subdivision stage:
- (a) "This tentative plan of subdivision is approved for Lots _____. Such approval lapses if the complete application for final subdivision plan approval is not received within two years of the date of the approval of the tentative plan.";
 - (b) the date of 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."

Stamping of Final Plans

- 139 The following information shall be stamped or written on any final plan of subdivision which is approved and endorsed:
- (a) Approval Stamp:
"This final plan of subdivision is approved for Lots _____"
 - (b) On-site Services:
As applicable:
 - (i) "(Lot(s) approved or remainder) _____ (is/are) approved for the construction or installation of an on-site sewage disposal system for (proposed use) _____ with the following conditions:
The design of the septic systems and their placement must be done by a private consultant (Qualified Person) and submitted to the NS Dept. of Environment and Labour for review prior to lot development ."; or
 - (ii) "IMPORTANT NOTICE
(Lot(s) approved or remainder) _____
(has/have) been created for a purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of the Environment and Labour are met."; or
 - (iii) "(Lot(s) approved or remainder) _____ (is/are) served by an existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of the Environment and Labour is required."
 - (c) Private Roads:
A notation stating which lots abut a private road and that no municipal or provincial services shall be provided to these lots,

"The following roads are not owned and maintained by either the Halifax Regional Municipality or the Department of Transportation and Public Works and these roads are not entitled to any Provincial or Municipal service or maintenance including grading, ditching, snow ploughing, gravelling, school busing and garbage collection:

-
- (d) No Guarantee of Right of Way:

Where lots do not have frontage on a public street or highway,

"The approval of this plan of subdivision does not include or imply that any effort has been made to verify either the physical existence or legal status of the access shown for lot(s)_____."

- (e) Fish and Boat Shed Lots:

- (i) Where lots are created pursuant to section 44, the words, " Lot(s)

_____ can be used only for the purposes of aquaculture or fishery support uses as provided for in subsection 4.5(b) and Parts 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of the Land Use By-law for Prospect."

- (ii) Where lots are created pursuant to section 51, the words, " Lot(s)

_____ can be used only for the purposes of storing or repairing boats and fishing equipment as provided for in sections 14.4 and 15.4 of the Land Use By-law for Lake Echo/Porters Lake."

- (iii) Where lots are created pursuant to section 56, the words, " Lot(s)

_____ can be used only for the purpose of a fish shed or boat shed as provided for in sections 6.17, 8.5 and 9.5 of the Land Use By-law for the Eastern Shore (West) Plan Area."

- (iv) Where lots are created pursuant to section 61, the words, " Lot(s)

_____ can be used only for the purpose of a fish shed or boat shed as provided for in sections 6.13 and 9.12 of the Land Use By-law for the Eastern Shore (East) Plan Area."

- (f) Others:

The final plan of subdivision shall include any other stamp required by the Development Officer to provide information to the public.

- 140 (1) 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 "C" of this by-law; and
(b) if applicable, the items required by section 107.

- (2) Where the plan is to be filed in the Land Registration Office, instead of the information required by clause 1(a), the Development Officer shall forward one (1) approved copy of the final plan of subdivision and the forms required by the *Land Registration Administration Regulations* to the Land Registration Office.

REPEAL OF A FINAL PLAN OF SUBDIVISION

- 141 Any person requesting the repeal of a plan of subdivision or a portion of a plan of subdivision shall submit the following to the Development Officer:

- (a) an application in the form specified in Schedule "D";
(b) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a notice of repeal of a plan of subdivision; and
(c) a processing fee of \$250.00 per application for repeal of a subdivision.

- 142 The Development Officer shall comply with the notification and approval provisions of the

Municipal Government Act which apply to the repeal of a plan of subdivision.

- 143 When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency who provided an assessment or recommendations on the original plan of subdivision.
- 144 Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, land use by-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the Registry of Deeds on the same day as the repeal is filed.
- 145 Sections 4 to 140 of this by-law do not apply to the repeal of a plan of subdivision.
- 146 A repeal of a plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment and Labour, the Department of Transportation and Public Works or of any other agency of the Province or Municipality unless the repeal of the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the province.
- 147 The Development Officer shall forward to the Registry of Deeds the repeal notice in the form specified in Schedule "E".
- 148 The Development Officer shall forward a copy of the repeal notice to:
- (a) the subdivider;
 - (b) any agency which provided an assessment or recommendations on the original plan of subdivision; and
 - (c) the surveyor.
- 149 Where the Development Officer refuses to repeal a plan of 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 148.
- 150 Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall return the fees referred to in clause 141(b) to the subdivider.

AMENDED FINAL PLAN OF SUBDIVISION

- 151 Any person requesting the approval of an amended final plan of subdivision shall submit the following to the Development Officer:
- (a) an application in the form specified in Schedule "A4";
 - (b) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a plan of subdivision; and
 - (c) a processing fee of \$250.00 per application for approval of an amended plan of subdivision.
- 152 The Development Officer shall comply with the notification and approval provisions of the

Municipal Government Act which apply to the approval of a plan of subdivision.

- 153 When the Development Officer is satisfied that an application for approval of an amended final plan of subdivision is complete, the Development Officer may forward a copy to any agency who provided an assessment or recommendations on the original plan of subdivision.
- 154 An amended final plan of subdivision shall meet the same requirements as a final plan of subdivision as required by sections 105 through 113 and shall show:
- (a) the title block bearing the words, "Amended Plan of Subdivision";
 - (b) the date on which the plan was certified, which shall supersede the certification date of the original approved plan; and
 - (c) the following note:
"This plan supersedes the plan dated _____ and approved on _____ for the purposes of (state the reason for the amendment) _____ only.
This amendment is not intended to affect the validity of any deed, mortgage, lease or other instrument executed as a result of the original subdivision approval."
- 155 The approval of an amended 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 Municipality unless the approval of the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the province.
- 156 The Development Officer shall forward to the Registry of Deeds one (1) approved copy of the amended final plan of subdivision and a notice of approval in the form specified in Schedule "C" of this by-law.
- 157 The Development Officer shall forward a copy of the approved amended plan to the subdivider, the surveyor and any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.
- 158 Where the Development Officer refuses to approve an amended final plan of subdivision, the Development Officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for approval pursuant to section 153.

REPEAL

- 159 The Regional Subdivision By-law passed by a majority vote of the Council of Halifax Regional Municipality on the 27th day of June, 2006 and all amendments thereto are hereby repealed.

SCHEDULE "A"

In accordance with section 73, the Development Officer may give approval to a subdivision plan showing lots abutting the lengths of rights-of-way listed below, provided that all other requirements of this by-law are met:

| Road and Location | Approximate Length from Intersection with the Public Street Right of Way |
|--------------------------|---|
|--------------------------|---|

Eastern Passage

| | |
|------------------------------------|----------|
| Hornes Lane | 213.36 m |
| Maple Lane (Hornes Lane Extension) | 91.44 m |
| Vivian Lane | 121.92 m |
| Kilgar (Gallant) Lane | 213.36 m |
| Miller Lane | 121.92 m |
| Myers Lane | 182.88 m |
| Langille Lane | 91.44 m |
| Henneberry Lane | 182.88 m |
| Silver Lane | 274.32 m |
| Edwards Lane | 91.44 m |
| McCormack Lane | 213.36 m |
| York Lane | 213.36 m |
| Ocean View Lane | 106.68 m |
| Hillside Lane | 91.44 m |

Lakeside

| | |
|-----------------|----------|
| Nicholson Drive | 228.60 m |
| Church Street | 121.92 m |
| Lakeside Drive | 213.36 m |
| Power Terrace | 106.68 m |
| Rockcliff Drive | 106.68 m |
| Poirier Lane | 152.40 m |

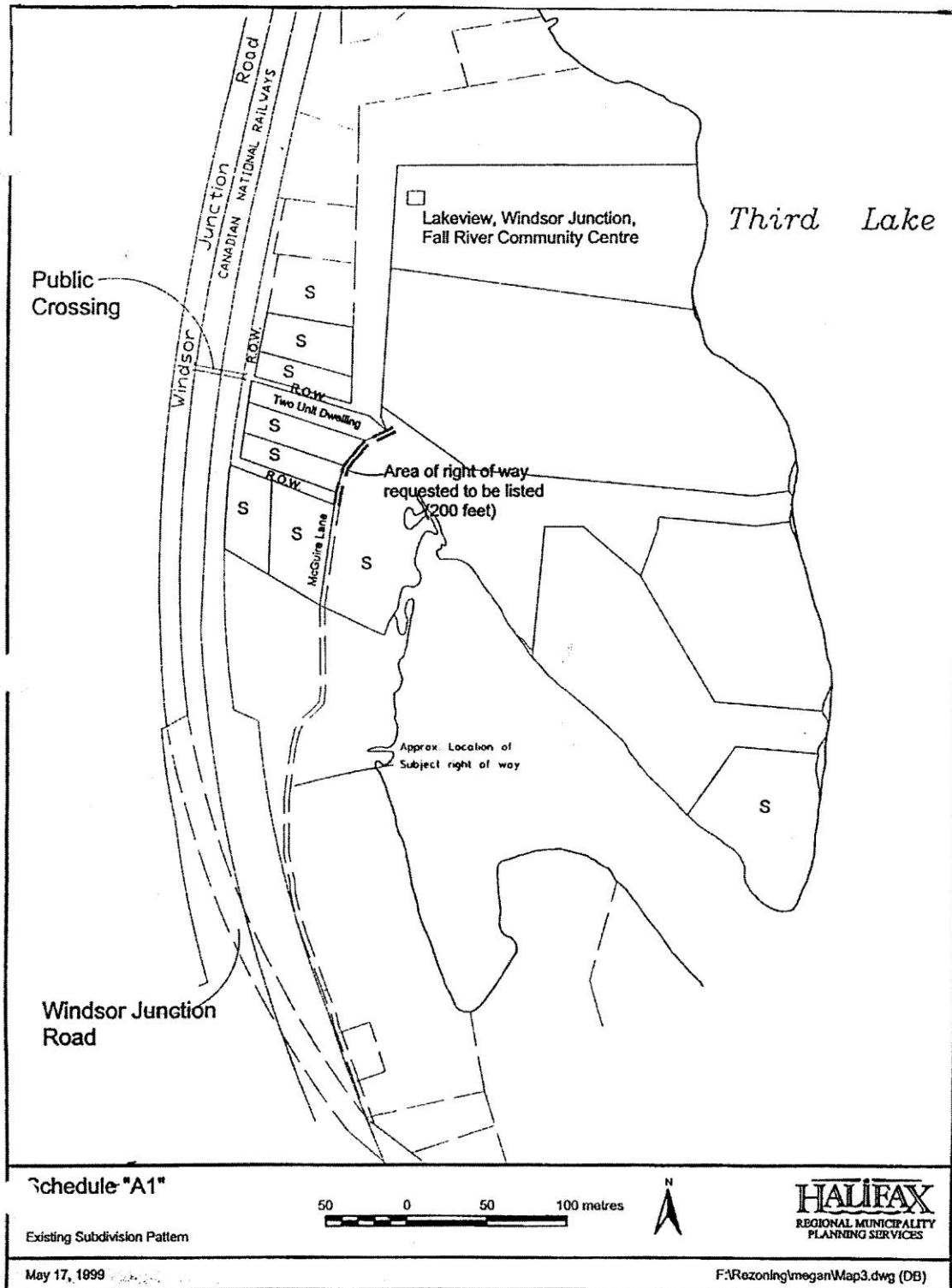
North Preston

| | |
|----------------------|----------|
| Simmonds Loop | 259.08 m |
| Downey-Simmonds Lane | 45.72 m |

Windsor Junction

| | |
|------------------------|------------------------------|
| McGuire Lane | 60.96 m as shown on Sch. A1 |
| Lawrence Robinson Lane | 89.92 m as shown on Sch. A2 |
| Patriquin Lane | 134.42 m as shown on Sch. A3 |

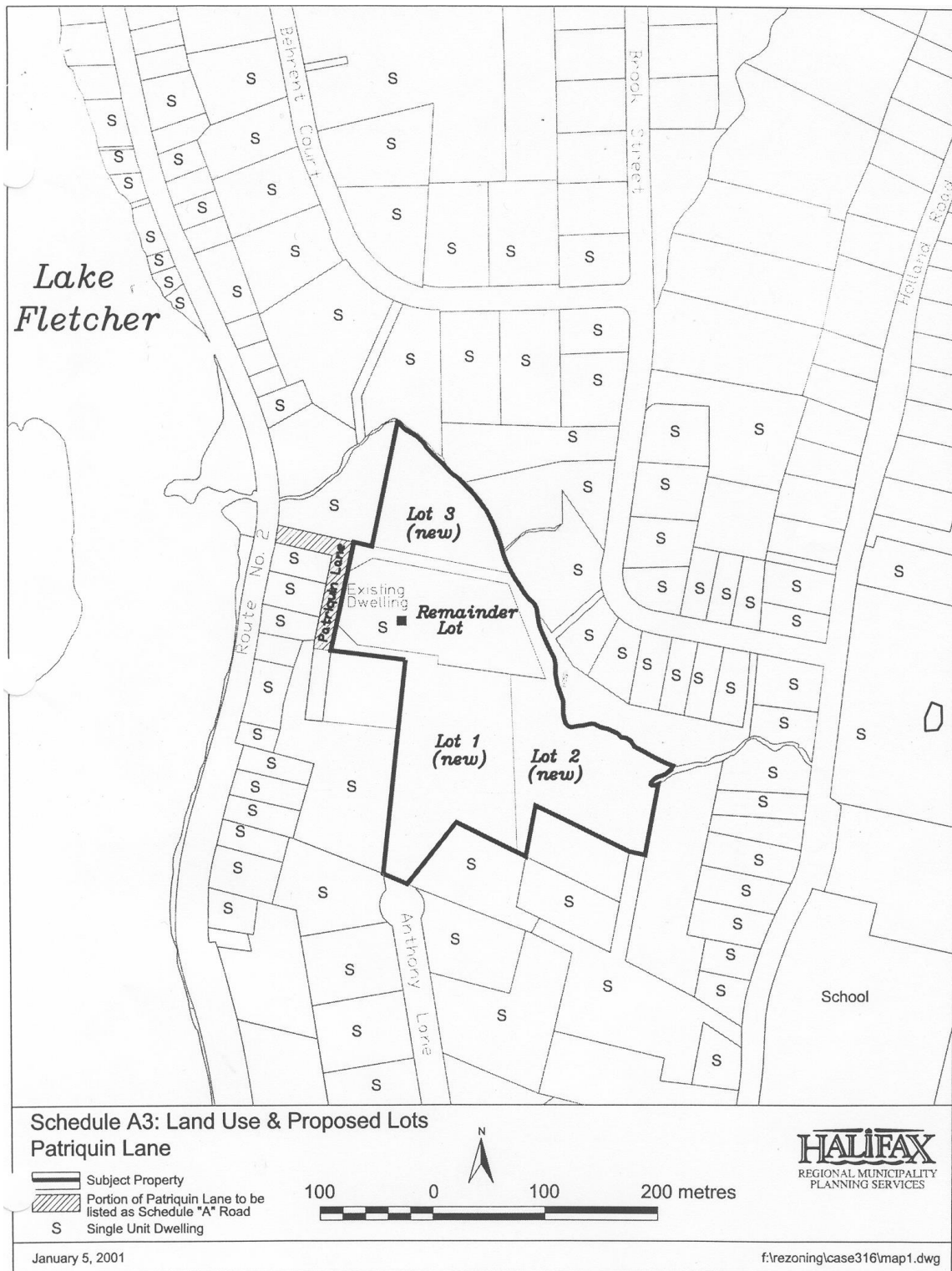
SCHEDULE "A1" - McGuire Lane



SCHEDULE "A2" - Lawrence Robinson Lane



SCHEDULE "A3" - Patriquin Lane



SCHEDULE "A4" - Subdivision Application Form

PO Box 1749



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

APPLICATION FOR SUBDIVISION APPROVAL

| | | | | |
|-----------------------------------|--------------------------------------|----------------------------------|------------------------------------|--------------------------------|
| Application Type | <input type="checkbox"/> Preliminary | <input type="checkbox"/> Concept | <input type="checkbox"/> Tentative | <input type="checkbox"/> Final |
| Subdivision Legal Name | | | | |
| Subdivision Common Name | | | | |
| Description of Proposed Lot(s) | | | | |
| Proposed # of Lots | | # of Plans Submitted | | |
| Surveyor | | Certification Date | | |
| Water Service | | Receiving Staff | | |
| Sanitary Service | | Receiving Office | | |
| Existing Structures | | Processing Fee | | |
| Existing Land Use | | Registration Fee | | |
| Proposed Land Use | | Total Fees | | |
| Park Dedication Intent (Describe) | | | | |

Primary Property

| | | |
|-----|---------------|---------------|
| PID | Civic Address | Owner(s) Name |
| | | |

Other Property(s) affected

| | | |
|-----|-----|-----|
| PID | PID | PID |
| | | |

I certify that I am submitting the above referenced plan of subdivision for approval with the consent of the owner(s) of the subject property(s). The owner(s) has/have seen the proposed plan and have authorized me to act as the applicant for this subdivision.

| | |
|----------------------------|-------------------------|
| Applicant Signature | Application Date |
| | |
| Applicant Name | |
| Mailing Address | |
| Phone | Cell |
| Fax | |
| | |
| Application Comments | |
| | |

SCHEDULE "B" - Service Requirement Map

SCHEDULE "C" - Notice of Approval of a Plan of Subdivision

NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION

IN ACCORDANCE WITH SECTIONS 285(3) AND (4)
OF THE *MUNICIPAL GOVERNMENT ACT*, C. 18 OF THE ACTS OF 1998

The following information is based on the information supplied to the Municipality at the time of subdivision approval:

NAME OF THE OWNER(S): _____

NAME OF SUBDIVISION: _____

LOCATION: _____

FILE #: _____

SURVEYOR: _____

DATE OF PLAN CERTIFICATION: _____

DATE OF APPROVAL: _____

FOR LOT(S): _____

DATED THIS ____ DAY OF _____, 20__

DEVELOPMENT OFFICER

PLAN NUMBER AT THE
REGISTRY OF DEEDS: Plan #_____ Drawer #_____

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

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

SCHEDULE "D" - Subdivision Repeal Application Form

**APPLICATION FOR REPEAL OF PLAN OF SUBDIVISION
HALIFAX REGIONAL MUNICIPALITY**

Date _____

Name of Owner(s) _____

Address of Owner(s) _____

Phone Number _____

Documents and Correspondence to be returned to

**INFORMATION RELATED TO THE APPROVED PLAN OF SUBDIVISION SOUGHT TO BE
REPEALED:**

Name of applicant for Subdivision approval _____

Location of property _____

The Plan of Subdivision was approved on the ____ day of _____, _____, and is filed in the Registry of
Deeds at Halifax for Halifax County as Plan Number _____.

Lot(s) _____ was/were approved.

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 Plan of
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

Signature of owner/agent

Date

Signature of owner/agent

Date

SCHEDULE "E" - Notice of Repeal of a Plan of Subdivision

NOTICE OF REPEAL OF A PLAN OF SUBDIVISION

NAME OF OWNER(S): _____

LEGAL SUBDIVISION NAME: _____

LOCATION: _____

SURVEYOR: _____

DATE OF PLAN OF
SUBDIVISION: _____

DATE OF APPROVAL OF
PLAN OF SUBDIVISION: _____

DATE OF FILING OF APPROVED
PLAN OF SUBDIVISION AT THE
REGISTRY OF DEEDS: _____

PLAN NUMBER AT THE
REGISTRY OF DEEDS: Plan # _____ Drawer # _____

**THIS PLAN WHICH APPROVED LOT(S) _____ IS REPEALED UPON
FILING OF THIS NOTICE IN THE REGISTRY OF DEEDS FOR HALIFAX COUNTY.**

DATED THIS ____ DAY OF _____, ____ A.D.

DEVELOPMENT OFFICER

SCHEDULE "F" - The Wentworth Charge Area

1. The area known as the Wentworth charge area is designated as a charge area in which an infrastructure charge is to be levied (At the Wentworth charge area@).
2. The Wentworth charge area includes all undeveloped lands within the area generally bounded by the Bicentennial Highway (Highway No. 102) to the west, the boundary of the former Town of Bedford to the north, the Bedford Highway (Highway No. 1) to the east and Royale Hemlocks Subdivision to the south, being the boundaries more particularly illustrated on Figure A-1.
3. The infrastructure charge within the Wentworth charge area is levied to recover capital costs associated with new streets and street intersections, traffic signs and signals, stormwater systems and wastewater facilities required to service the Wentworth charge area.

4. (1) The infrastructure charge for the Wentworth charge area shall be \$10,893 per acre based on an average density of 20 persons per acre and is adjusted for the estimated density of land being subdivided in accordance with the following formula:


$$\text{Infrastructure Charge} = \$10,893/\text{per acre} \times \text{Gross Area} \times \frac{\text{Population Density}}{20 \text{ persons per acre}}$$

- (2) For the purposes of subsection (1):
 - (a) Gross Area means the area in acres within the external boundaries of the lands (including streets, walkways and park parcels) proposed for each phase of subdivision approval;
 - (b) Population Density means the Total Projected Population divided by the Gross Area; and
 - (c) the Total Projected Population within the Gross Area shall be calculated based on the following table:

| Land Use | Projected Population |
|--|--|
| Single Unit, Two Unit or Town House Unit | 3.35 persons/unit |
| Multiple Dwelling Unit Building | 2.25 persons/unit |
| General Commercial Building | 50 persons per acre, or part thereof, for each lot |
| Community Commercial, Community Facility, Institutional or Mixed Use/Business Campus | 30 persons per acre, or part thereof, for each lot |



Figure A-1
Wentworth
Infrastructure Charge Area

 Lands subject to an
Infrastructure Charge

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

Note:
HRM does not guarantee the accuracy
of any representation on this plan.



500 0 500 1000 Feet

25 October 2002

file: /home/planning/hilary/projmaps/infrastructure_sched2.apr (HEC)

SCHEDULE "G" - The Bedford South Charge Area

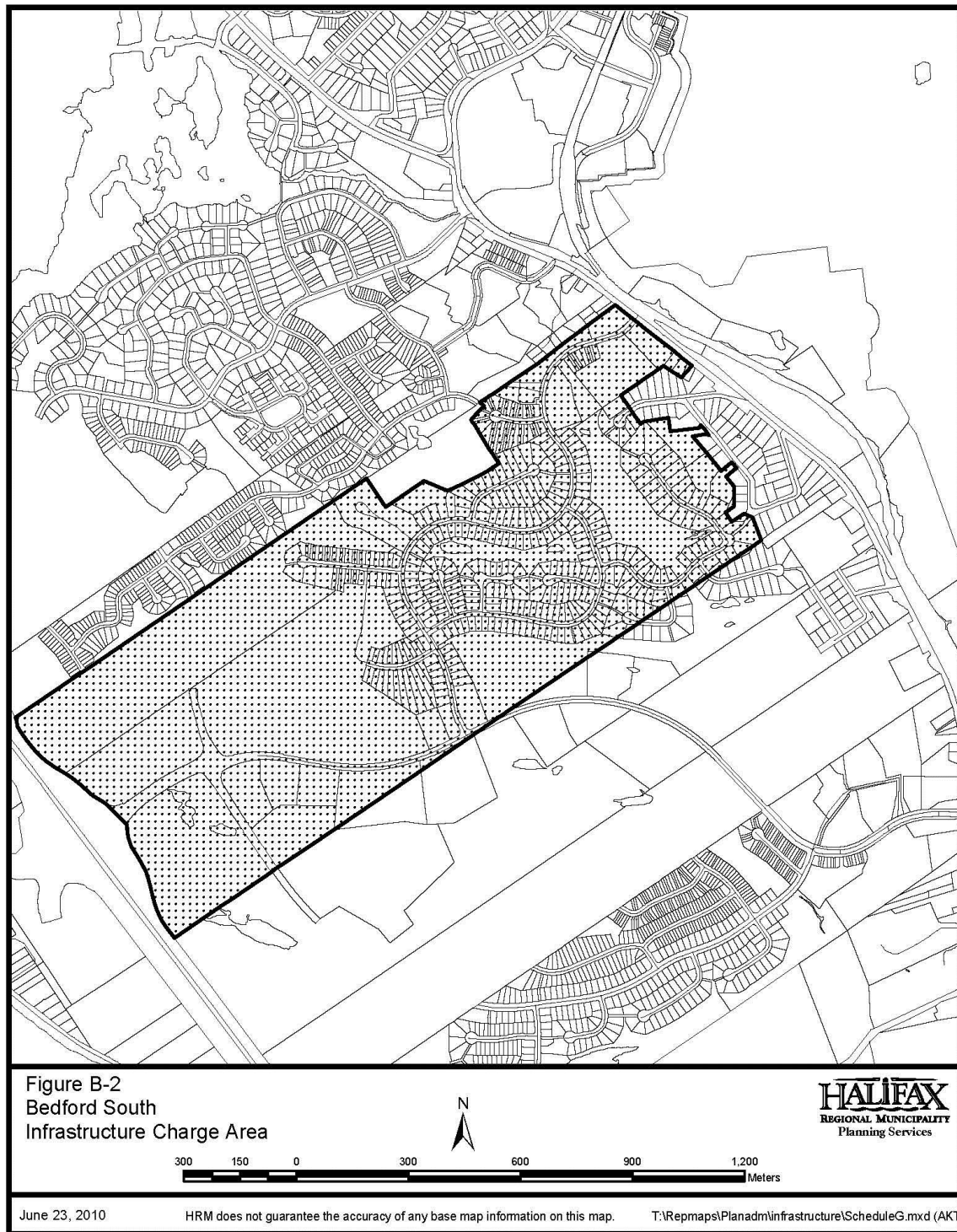
1. The area known as the Bedford South charge area is designated as a charge area in which an infrastructure charge is to be levied (Athe Bedford South charge area@).
2. The Bedford South charge area includes all undeveloped lands within the area generally bounded by the Bicentennial Highway (Highway No. 102) to the west, Crestview Subdivision to the north, the Bedford Highway (Highway No. 1) to the east and the boundary of the former City of Halifax to the south, as more particularly illustrated on Figure B-2.
3. The infrastructure charge for the Bedford South charge area is levied to recover capital costs associated with new streets and street intersections, traffic signs and signals, stormwater systems and wastewater facilities required to service the Bedford South charge area.
4. (1) The infrastructure charge for the Bedford South charge area shall be \$10,893 per acre based on an average density of 20 persons per acre and is adjusted for the estimated density of land being subdivided in accordance with the following formula:

$$\text{Infrastructure Charge} = \$10,893/\text{per acre} \times \text{Gross Area} \times \frac{\text{Population Density}}{20 \text{ persons per acre}}$$

- (2) For the purposes of subsection (1):
 - (a) Gross Area means the area in acres within the external boundaries of the lands (including streets, walkways and park parcels) proposed for each phase of subdivision approval;
 - (b) Population Density means the Total Projected Population divided by the Gross Area; and
 - (c) the Total Projected Population within the Gross Area shall be calculated based on the following table:

| Land Use | Projected Population |
|--|--|
| Single Unit, Two Unit or Town House Unit | 3.35 persons/unit |
| Multiple Dwelling Unit Building | 2.25 persons/unit |
| General Commercial Building | 50 persons per acre, or part thereof, for each lot |
| Community Commercial, Community Facility, Institutional or Mixed Use/Business Campus | 30 persons per acre, or part thereof, for each lot |

SCHEDULE G



SCHEDULE "H" - Interim Growth Management Area

SCHEDULE "I" - Future Transportation Routes

SCHEDULE "J" - Beaver Bank and Hammonds Plains Growth Control Areas

SCHEDULE "K" - Trunk and Route Highways

Trunk 1

Trunk 2

Trunk 3

Trunk 7

Route 207 (Cole Harbour Road)

Route 213 (Hammonds Plains Road)

Route 253 (Purcell's Cove Road)

Route 224

Route 277

Route 306 (Old Sambro Road)

Route 318 (Waverley Road)

Route 322 (Cow Bay Road)

Route 328 (Ross Road)

Route 333 (Prospect Road/Peggy's Cove Road)

Route 336

Route 349 (Herring Cove Road/Ketch Harbour Road)

Route 354 (Beaver Bank Road)

Route 357

Lucasville Road

SCHEDULE "L" - The Russell Lake West Infrastructure Area

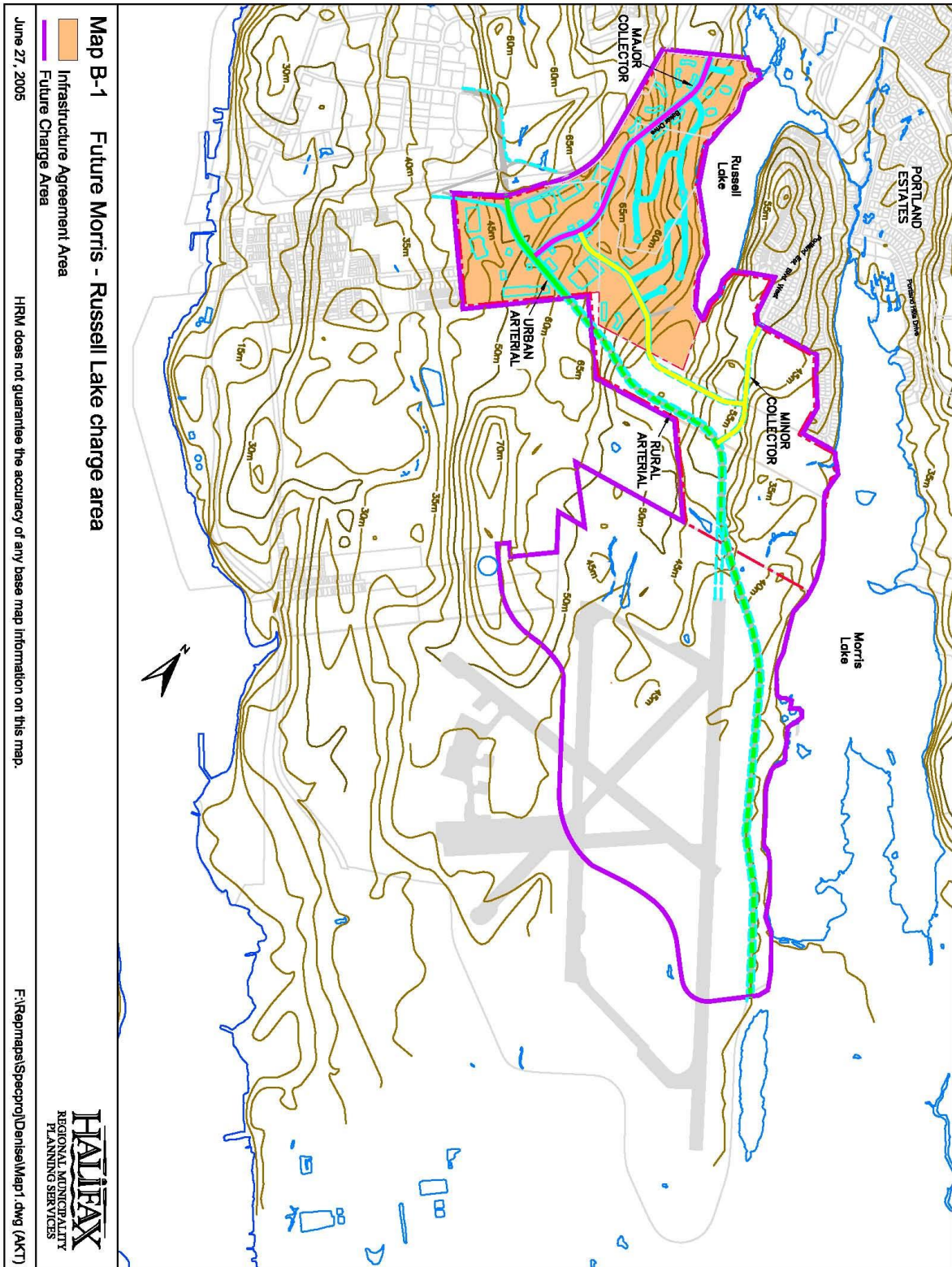
1. The area known as the Russell Lake West infrastructure area is designated as an infrastructure agreement area in which an infrastructure charge is to be levied.
2. The Russell Lake West infrastructure area includes all undeveloped lands to the east of Highway 111, to the west of Russell Lake, and to the north of the Imperial Oil lands, being the boundaries more particularly illustrated on Map B-1 as the shaded area.
3. The infrastructure charge within the future Morris-Russell Lake charge area is levied to recover capital costs associated with new streets and street intersections, traffic signs and signals, and wastewater facilities required to service the Russell Lake West lands.
4. (1) The infrastructure charge for the Russell Lake West infrastructure area shall be \$15,733 per acre based on an average density of 26.1 persons per acre and is adjusted for the estimated density of land being subdivided in accordance with the following formula:

$$\text{Infrastructure Charge} = \$15,733/\text{per acre} \times \text{Gross Area} \times \frac{\text{Population Density}}{26.1 \text{ persons per acre}}$$

- (2) For the purposes of subsection (1):
 - (a) Gross Area means the area in acres within the external boundaries of the lands (including streets, walkways and park parcels) proposed for each phase of subdivision approval;
 - (b) Population Density means the Total Projected Population divided by the Gross Area; and
 - (c) the Total Projected Population within the Gross Area shall be calculated based on the following table:

| Land Use | Projected Population |
|--|--|
| Single Unit, Two Unit or Town House Unit | 3.35 persons/unit |
| Multiple Dwelling Unit Building | 2.25 persons/unit |
| General and Local Commercial Building | 40 persons per acre, or part thereof, for each lot |

SCHEDULE “L” – Future Morris – Russell Lake Charge Area



SCHEDULE "M" - The Portland Hills Capital Cost Contribution Area

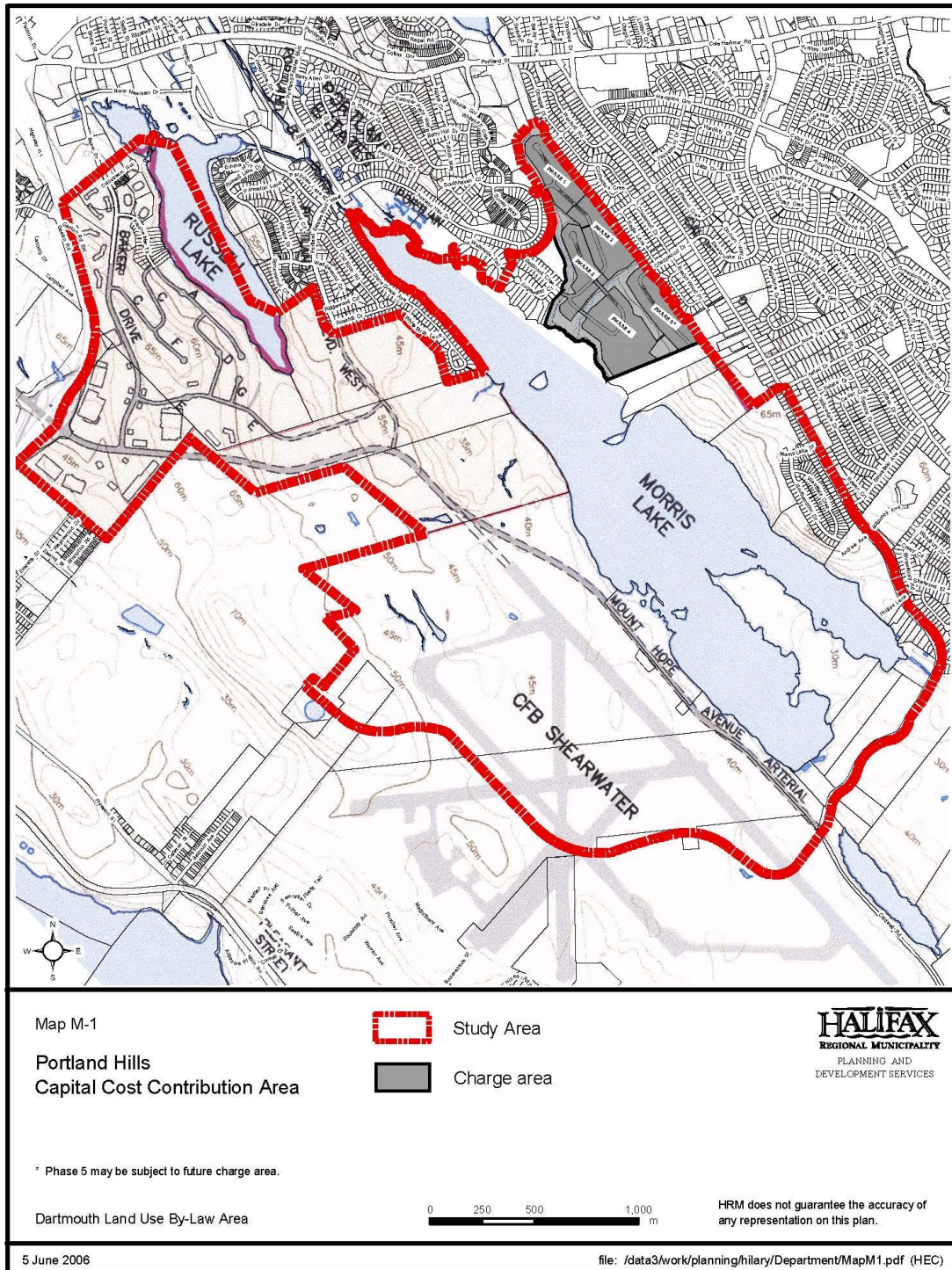
1. The area known as the Portland Hills Capital Cost Contribution Area is designated as a capital cost contribution area in which an infrastructure charge is to be levied.
2. The Portland Hills Capital Cost Contribution Area includes lands bounded by Morris Lake on the west, Bell Brook and the first phases of the Portland Hills Subdivision on the north, the Innishowen subdivision on the east and undeveloped lands to the south being the boundaries more particularly illustrated on Map M -1 as the shaded area.
3. The infrastructure charge within the future Portland Hills Charge Area is levied to recover capital costs associated with new streets and street intersections, traffic signs and signals, and wastewater facilities required to service the Portland Hills lands.
4. (1) The infrastructure charge for the Portland Hills Capital Cost Contribution Area shall be \$7,939 per acre based on an average density of 18.5 persons per acre and is adjusted for the estimated density of land being subdivided in accordance with the following formula:

$$\text{Infrastructure Charge} = \$7,939/\text{per acre} \times \text{Gross Area} \times \frac{\text{Population Density}}{18.5 \text{ persons per acre}}$$

- (2) For the purposes of subsection (1):
 - (a) Gross Area means the area in acres within the external boundaries of the lands (including streets, walkways and park parcels) proposed for each phase of subdivision approval;
 - (b) Population Density means the Total Projected Population divided by the Gross Area; and
 - (c) the Total Projected Population within the Gross Area shall be calculated based on the following table:

| Land Use | Projected Population |
|--|-----------------------------|
| Single Unit, Two Unit or Town House Unit | 3.35persons/unit |
| Multiple Dwelling Unit Building | 2.25 persons/unit |

Schedule M-1 - The Portland Hills Capital Cost Contribution Area

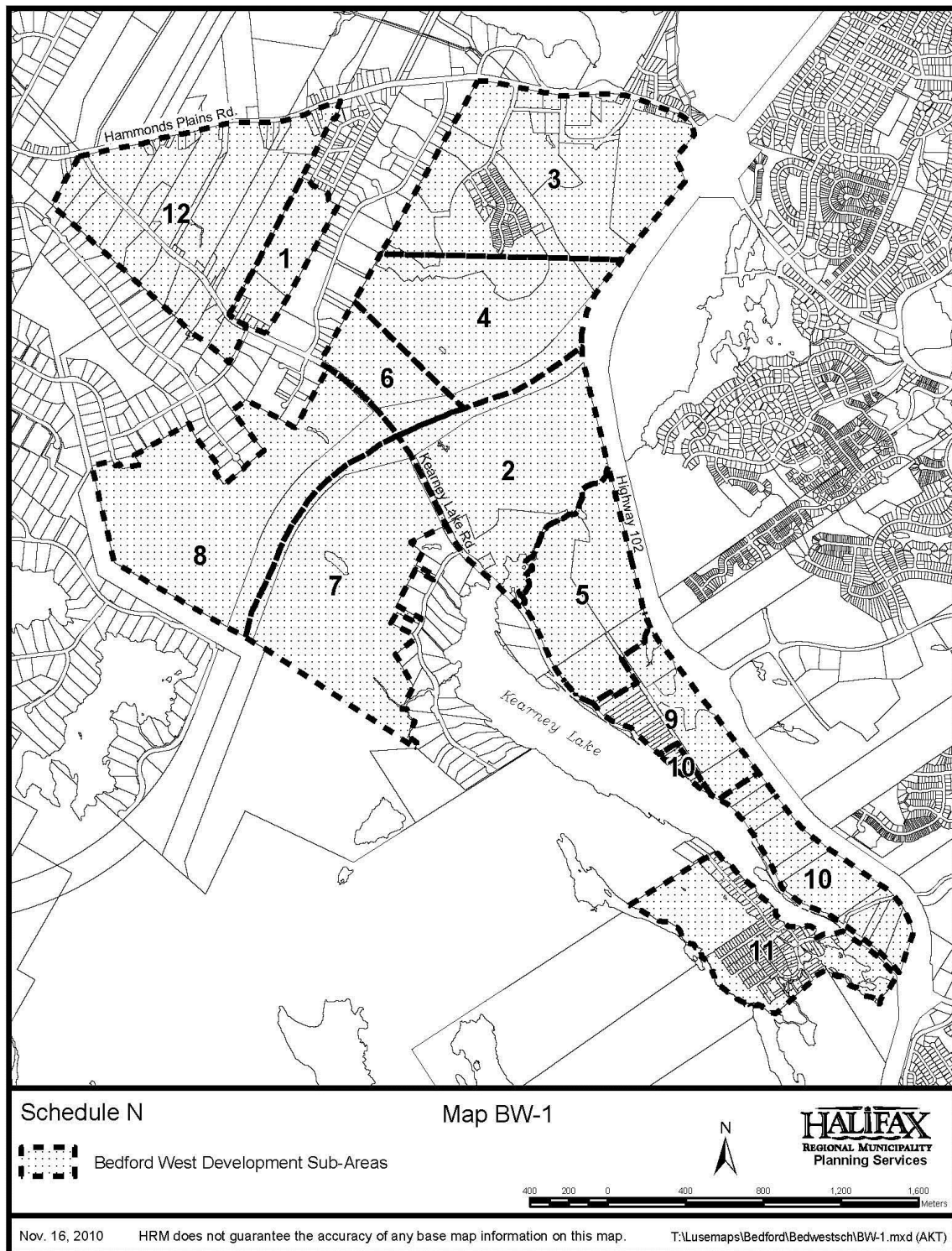


SCHEDULE "N" - Bedford West Charge Area

1. The area known as the Bedford West charge area is designated as a charge area in which an infrastructure charge is to be levied.
2. The Bedford West charge area includes lands bounded by Hammonds Plains Road to the north, Highway 102 to the east, and Kearney Lake Road to the south and west, and includes approximately 131 acres south of Kearney Lake, more particularly illustrated on map BW-1.
3. The infrastructure charge within the Bedford West Charge Area is levied to recover capital costs associated with new streets and street intersections and traffic signs and signals required to service the Bedford West charge area.
4.
 - (1) The infrastructure charge for the Bedford West charge area shall be \$ 5,486 per acre for sub-areas 1, 4, 5, 11. (RC-Mar 15/11;E-May 28/11)
 - (2) The infrastructure charge for the Bedford West charge area shall be \$9,956 per acre for sub-areas 2, 3, 7, 8, 10, and 12.
 - (3) The infrastructure charge for the Bedford West charge area shall be \$29,969. per acre for sub area 6. (RC-Mar 15/11;E-May 28/11)
 - (4) The infrastructure charge for the Bedford West charge area shall be \$ 21,702. per acre for sub area 9. (RC-Mar 15/11;E-May 28/11)
5. The Capital Cost Charges prescribed in this by-law shall be indexed without amendment to this by-law on April 1, 2010, and in each subsequent year on April 1, in accordance with the indexing set out in the Consumer Price Index for Halifax as published by Statistics Canada for the immediate preceding month, as it relates to the same month in the immediate preceding year.

The fees indexed in this manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.5 and shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.5.
6. For the purposes of section 4 ASub-area@ means the sub-areas illustrated on Map BW-1 and the charge per sub-area shall be applied to all lands within the external boundaries of the sub-area including any proposed public streets or highways, walkways and parkland dedications, watercourses, open space areas or environmental reserves.
7. No subdivision approvals shall be granted until infrastructure charges for sewer and water services have been approved and are in effect.

Insert Schedule N - Development Sub-Areas Bedford West



SUBDIVISION AGREEMENT

THIS AGREEMENT made this ____ day of _____, 20 ____.

BETWEEN:

_____,
(hereinafter called the "Subdivider")

of the First Part

- and -

HALIFAX REGIONAL MUNICIPALITY,
(hereinafter called the "Municipality")

of the Second Part

WHEREAS the Subdivider has applied to the Municipality for approval of the subdivision of certain lands which are more particularly described herein and as filed with the Halifax Regional Municipality Planning and Development Services Department as File No. _____, in connection therewith, the Subdivider has agreed to enter into this agreement for the provision of certain municipal services/parkland pursuant to the provisions of the *Regional Subdivision By-law*.

IN CONSIDERATION of the sum of One Dollar (\$1.00), the mutual covenants and agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties covenant, promise and agree as follows:

1. In this agreement all words shall carry their customary meaning except those defined in the *Regional Subdivision By-law* and, unless the context otherwise requires, the following words shall have the following meanings:
 - (a) "Applicable Laws" means any law, rule, regulation, by-law, requirement, guideline, judgement or order of any federal, provincial or municipal government, governmental body or agency or court having jurisdiction, applicable from time to time to the design, construction, installation or operation of the primary or secondary services.
 - (b) "By-law" means the Halifax Regional Municipality's *Regional Subdivision By-law*.

- (c) "Drawings" means the drawings submitted to the Municipality by the Subdivider in respect of the primary or secondary services prepared by _____ on behalf of _____ and as listed below:
 - (i)
 - (ii)
- (d) "Final Record Drawings" means the Drawings and the Subdivision Grading Plans to scale showing the actual constructed primary or secondary services including plan and profile, elevations, lengths, materials, fittings, dimensions and any other construction information including valves, manholes, service laterals and other servicing appurtenances complete with swing tie data from power poles, hydrants, or other easily located surface features in a form acceptable to the Engineer or Chief Engineer.
- (e) "Inspector" means a representative of the Engineer or Chief Engineer.
- (f) "Lot Grading and Servicing Information" means the Subdivision Grading Plan and the service lateral information sheet.
- (g) Options:
 - (i) "Option A" means upon execution of the agreement, the Subdivider may commence construction of the primary services; however, no lots shall receive final approval nor shall Building Permits be issued until acceptance of the primary services and until receipt of performance security, in the amount of 110% of the approved estimated costs for the installation of the secondary services, to guarantee their installation.
 - (ii) "Option B" means that, upon execution of the agreement, the Subdivider may commence construction of the primary and secondary services and shall deposit, with the Municipality, performance security, in the amount of 110% of the approved estimated costs for the installation of the primary and secondary services, to guarantee their installation. Upon receipt of the performance security by the Municipality, lots within the Subdivision may be approved and Building Permits issued, however, Occupancy Permits shall not be issued until acceptance of the primary services.
 - (iii) "Option C" means upon execution of the agreement, the Subdivider may

commence construction of the primary and secondary services. No lots

Subdivision File #:
Subdivision Name:

shall receive final approval nor shall Building Permits be issued until acceptance of the primary and secondary services.

- (h) "Plan of Subdivision" means the plan showing the proposed Subdivision of the Property dated _____ prepared by _____, NSLS and entitled, " _____".
- (i) "Property" means the land comprising the Subdivision as shown on the Plans of Subdivision.
- (j) "Public Streets" means the complete and properly functioning public streets or highways providing land access to the Subdivision and includes the land area as shown on the Plan of Subdivision constructed in accordance with the Specifications and Drawings and the provisions of this agreement.
- (k) "Subdivision" means the Subdivision proposed in the Plan of Subdivision.
- (l) "Subdivision Grading Plans" means the plans illustrating the grading and drainage systems proposed for the Subdivision, as shown on drawing number _____, which identify the grading and drainage work which will be responsibility of the Subdivider and which identifies generally the grading and drainage work which will be the responsibility of others.
- (m) "Warranty Period" means the period of 12 months commencing on the date of acceptance of the primary or secondary services by the Municipality.

2. The Subdivider agrees:

- (a) that where a water distribution system is to be constructed by the Subdivider prior to receiving final approval of a Plan of Subdivision, the Subdivider shall enter into a water services agreement with the Water Commission. Said agreement shall form Appendix "1" of this agreement and shall be duly executed prior to the execution of this agreement;
- (b) not to start construction until:
 - (i) a preconstruction meeting with the Municipality, the Water Commission

and the utility companies has been held;

(ii) a Streets and Services permit has been issued;

Subdivision File #:
Subdivision Name:

(iii) a letter of undertaking from the Subdivider's Engineer has been submitted and all applicable permits have been issued;

(iv) audit inspection fees (2% of the approved cost estimates) have been submitted; and

(v) the Subdivider has obtained the Certificate to Construct from the Department of the Environment and Labour.

(c) to install and construct the primary or secondary services at their own cost in a good and workmanlike manner in accordance with the Design Guidelines, the Drawings and in compliance with all Applicable Laws;

(d) to commence and complete construction of the primary or secondary services in accordance with the construction time schedule as outlined in Schedule "A" attached hereto, or as otherwise agreed between the Subdivider and the Municipality;

(e) to engage the services of a Professional Engineer and to file with the Development Officer a written undertaking from him/her as follows:

(i) that the Professional Engineer has been engaged by the Subdivider to supervise and set out the work;

(ii) that the work will be done in accordance with the approved final Plan of Subdivision and all other provisions of this agreement; and

(iii) that the installation of services shall be subject to full time inspection and approval by the Professional Engineer or their representative.

(f)

(i) To deposit with the Municipality an audit inspection of services fee of 2%

of the approved estimated costs for services in the amount of \$_____, such amount to be deposited with the Development Officer prior to construction.

- (ii) To submit a street light fee to the Municipality in the amount of \$_____ for the _____ street lights shown on the plan;
- (iii) To submit a street and traffic sign fee to the Municipality in the amount of \$_____ for the signs required for the Subdivision;

Subdivision File #:
Subdivision Name:

- (iv) To submit \$_____ to the Municipality as payment for the costs associated with renaming or renumbering the existing Public Street, _____;
- (v) To submit an infrastructure charge to the Municipality in the amount of \$_____;
- (vi) That, in the alternative to submitting payment of the infrastructure charge prior to approval of the final plan of Subdivision, the Subdivider may defer payment until the acceptance by the Municipality of the primary services, provided the Subdivider deposits with the Municipality performance security, in the amount of \$_____, which is equal to the amount of the infrastructure charge pursuant to clause 2(f)(v) of this agreement;
- (vii) To submit to the Development Officer an estimate of cost and the time schedule required to complete each service by individual street, or part thereof, as required by Section 120 of the *Regional Subdivision By-law*;
- (viii) That prior to acceptance of the services, the inspection of services fees will be adjusted in accordance with the *Regional Subdivision By-law*;
- (ix) That actual construction costs shall be submitted by the Subdivider to the Development Officer for approval by the Engineer as outlined in the *Regional Subdivision By-law*;
- (x) In order to carry out his work, the Inspector may, from time to time, and at any reasonable time, enter upon the land of the Subdivision for the purpose of performing his/her duty;

- (xi) That refusing the inspector entry upon the land or obstructing him/her to the discharge of his/her duty thereon shall constitute a breach of this agreement.
- (g) That payment of the infrastructure charge pursuant to clauses 2(f)(v) and (vi) of this agreement is a condition of final approval of the Plan of Subdivision and the Municipality is under no obligation to the Subdivider or any third party to grant final approval of the Plan of Subdivision unless and until the Subdivider has paid the infrastructure charge to the Municipality.

Subdivision File #:
Subdivision Name:

- (h) If Option A is exercised, upon completion and acceptance of the primary services, the Subdivider shall deposit with the Municipality:

- (i) performance security to guarantee installation and completion of secondary services in the following amounts:

(A) secondary services: \$_____.

(B) miscellaneous work: \$_____.

These amounts represent 110% of the approved estimated costs for installation of the services. Such security is to be deposited with the Development Officer prior to approval of the final plan of subdivision.

- (ii) all warranty deeds for streets, walkways and park dedication and easements, in the form attached as Schedule "B", to be conveyed to the Municipality at no cost to the Municipality; and
 - (iii) a certificate of title prepared by a solicitor, in the form attached as Schedule "D", certifying that the conveyed lands are free from encumbrances, with the exception of utility company easements.
- (i) If Option B is exercised, the Subdivider shall deposit with the Municipality:
 - (i) performance security, for primary and secondary services, in the following amounts:

(A) primary services: \$_____.

(B) secondary services: \$_____.

(C) miscellaneous work: \$_____.

These amounts represent 110% of the approved estimated costs for installation of the services. Such security is to be deposited with the Development Officer prior to approval of the final Plan of Subdivision.

- (ii) all warranty deeds for streets, walkways and park dedication and easements, in the form attached as Schedule "B", to be conveyed to the Municipality at no cost to the Municipality; and

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- (iii) a certificate of title prepared by a solicitor, in the form attached as Schedule "D", certifying that the conveyed lands are free from encumbrances, with the exception of utility company easements.
- (j) If Option C is exercised, no performance security is required.
 - (k) Upon completion of primary services, the Subdivider shall:
 - (i) apply in writing to the Development Officer for acceptance;
 - (ii) apply in writing to the Development Officer to request the release of the security for primary services;
 - (iii) simultaneously provide the Development Officer with the necessary information including:
 - (A) three (3) copies of record drawings, certified by a Professional Engineer, in 3 ml Mylar and in an acceptable electronic file format, of the primary services prepared in accordance with the record drawing procedures contained within the Design Guidelines and including calculations for redesigned services;

(B) for sanitary sewer systems, the following shall be provided:

- I) video inspection (CCTV) and report, complete with mandrel testing (required also immediately prior to end of warranty security period);
- II) pipe test report including laterals to the property lines;
- III) manhole test and inspection report;
- IV) sewer lateral cards in the Municipality's format;
- V) three (3) copies of Design, Operation and Maintenance Manuals for Pumping Stations which include:
 - a. system description;
 - b. design parameters, system hydraulics & design calculations (including system curves);

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- c. all constructed civil, mechanical and electrical drawings;
 - d. pump literature, pump curves and operating instructions;
 - e. Manufacturer's operation and maintenance instructions for all equipment;
 - f. name, address, telephone number for all equipment suppliers and installers; and
 - g. all manufacturer's warranties;
- VI) special tools and standard spare parts for pumping station equipment; and
- VII) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used;

(C) for storm drainage systems, the following shall be required:

- I) video inspection (CCTV) and report, including catch basin leads (required also immediately prior to end of warranty

security period);

- II) pipe test report, if requested by the Development Officer;
- III) manhole and catchbasin report;
- IV) sewer lateral cards in the Municipality's format;
- V) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used; and
- VI) where applicable, easements, in the form attached as Schedule "C", for the consent to discharge stormwater;

(D) for streets, the following shall be required:

- I) Professional Engineer's Certification of Inspection and Completion at the following stages of street construction:

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- a. after clearing (pre-construction);
 - b. after grubbing (before culvert and drain installation);
 - c. at subgrade, prior to the application of any gravels;
 - d. prior to surfacing gravel being applied;
 - e. prior to paving; and
 - f. final (prior to acceptance of services by the Municipality);
- II) copies of laboratory and field tests of materials (sieve analysis, density tests, concrete compressive strength tests, etc.);
- III) Professional Engineer's Certification of asphalt mix, materials and plant compliance with HRM asphalt specification requirements including penalty payment, where applicable ; and
- IV) copies of reports from a Geo-technical Engineer where soft

ground conditions were encountered or where select fill or backfill material were used;

(E) for the Subdivision grading plan, the following shall be required:

- I) record drawing of the Subdivision Grading Plan showing as-built elevations of those components of the grading and drainage systems identified as being the responsibility of the Subdivider to construct, measured in accordance with the "Tolerances" section below;
- II) subdivision grading certificate, in the specified form, prepared and signed by a Professional Engineer, confirming that those components of the grading and drainage systems identified as being the responsibility of the Subdivider have been constructed in substantial conformance with the approved Subdivision Grading Plan and the *Lot Grading By-law*;
- III) tolerances - proposed grading and slope information is to be confirmed as being constructed on the Subdivision Grading Plan as follows:

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- a. where the as-built design elevation or slope is within the indicated tolerance, a graphical or written confirmation is acceptable;
- b. where the as-built design elevation or slope is not within the indicated tolerance, the as-built result is to be specifically shown;
- c. constructed elevation at lot lines shall match the proposed elevation as indicated on the approved Subdivision Grading Plan within 5cm;
- d. grades along sloped surfaces or swales that are at minimum or maximum allowable grades shall match grades indicated on the approved Subdivision Grading Plan, or deviate to the permitted side of the minimum or maximum; and
- e. additional elevations or slopes not covered above are to be confirmed by the Inspector as meeting the

intent of the approved Subdivision Grading Plan;

- (F) copies of inspection reports for the water system, including pressure and bacteriological test reports, as required by the Water Commission;
- (G) detailed records of all actual construction costs and quantities breakdown;
- (H) warranty security for one year in the amount of 10% of the actual costs of the primary services;
- (I) where the infrastructure charge has not been paid prior to the acceptance of the primary services, to submit to the Municipality a certified cheque payable to the order of the Halifax Regional Municipality in the amount of \$_____, representing the infrastructure charge payable by the Subdivider to the Municipality pursuant to clauses 2(f)(v) and (vi) of this agreement;
- (J) a reproducible 28 cm by 43 cm maximum size copy of the Plan of Subdivision showing the land to be conveyed to the Municipality highlighted;
- (K) a surveyor's certificate stating that all services have been installed within the limits of the survey markers defining the street or

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easements, walkways and any other land(s) reserved for public purposes, and that the as-constructed centreline coincides with the final legal Subdivision plans of the Public Street;

- (L) Certificate of Compliance from a Professional Engineer certifying that all works have been inspected and completed according to the approved engineering drawings and specifications;
- (M) confirmation from a Professional Engineer that all deficiencies have been corrected with details on remedial action taken;
- (N) performance security for the secondary services in the amount of 110% of the approved estimated costs for their installation if Option A is used; and
- (O) written assurance from the utility companies and the Water

Commission that all specifications and procedures as referenced in Section 14 of the *Regional Subdivision By-law* have been fulfilled and that acceptance of the water main has been recommended.

- (l) Upon completion of the secondary services, the Subdivider shall:
- (i) apply in writing to the Development Officer for acceptance;
 - (ii) request the release of security on secondary services; and
 - (iii) simultaneously provide the Development Officer with the necessary information including:
 - (A) three (3) copies of record drawings, certified by a Professional Engineer, in 3 ml Mylar and in an acceptable electronic file format, of the secondary services prepared in accordance with the record drawing procedures contained with the Municipal Services Systems Design Guidelines;
 - (B) copies of laboratory and field test of materials (sieve analysis, density tests, concrete compressive strength tests, etc.), confirming that the specified standards for the materials were achieved;
 - (C) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used;
 - (D) detailed records of actual construction costs and quantities breakdown;
 - (E) one year warranty security in the amount of 10% of the actual costs of the secondary services;
 - (F) where not provided pursuant to clauses 2(h) or (i), all warranty deeds for streets, walkways and park dedication and easements, in the form attached as Schedule "B", to be conveyed to the

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Municipality at no cost to the Municipality;

- (G) where not provided pursuant to clauses 2(h) or (i), a certificate of title prepared by a solicitor, in the form attached as Schedule "D", certifying that the conveyed lands are free from encumbrances, with the exception of utility company easements;
 - (H) certification by a Nova Scotia Land Surveyor stating that all services have been installed within the limits of the survey markers for the streets, easements and walkways to be conveyed to the Municipality;
 - (I) Certificate of Compliance from a Professional Engineer certifying that all works are completed according to the approved engineering drawings and specifications;
 - (J) confirmation from a Professional Engineer that all deficiencies have been corrected, including a list of all deficiencies with remedial action taken.
- (m) Upon acceptance by the Engineer of the documentation and materials submitted pursuant to the foregoing, the Development Officer shall make final decisions on the approvals and shall notify the Subdivider that the Municipality accepts the primary or secondary services whereupon all roadway, roadbed, base course, surfacing, paving, curb and gutter, pipes, mains, lines, pumping equipment, conduits, drains, manholes and other facilities, structures and equipment comprising the primary or secondary services shall automatically vest absolutely in the Municipality and the Subdivider shall have no further interest, right or

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claim in respect thereof. The acceptance by the Municipality of the primary or secondary services shall not, however, in any way limit or restrict the liability of the Subdivider in respect of its obligations under this agreement relating to the design, construction and maintenance of the primary or secondary services and the indemnification of the Municipality under clause 3(o) hereof or otherwise.

- (n) That until the acceptance of the primary services, the Subdivider shall:
- (i) make the roadway passable for emergency access vehicles;
 - (ii) place over the sub-grade of the roadway a 5 cm layer of anti-dust treated surfacing gravel;

- (iii) provide adequate surface drainage;
- (iv) place temporary street name signs;
- (v) provide a minimum cover of 1.5 m of back fill material over all water systems and water service pipes; and
- (vi) prevent damage to and maintain the interior of the sewer, building sewer and water systems clean and free of obstruction.

Park Dedication

- (o) That prior to approval of the final plan of Subdivision, the Subdivider shall provide a deed and certificate of title for Lot _____, as shown on the Plan of Subdivision, to the Municipality at no cost, as park dedication for the Subdivision if applicable;
- (p) The Subdivider shall retain a temporary right-of-use@ authorizing the Subdivider, its servants, agents, employees, contractors and sub-contractors, to enter upon the lands for the purpose of developing Lot _____ (hereinafter called the site@) in accordance with the approved design;
- (q) The terms of the temporary right-of-use@ shall continue for the term of the construction time schedule;
- (r) The Subdivider shall have the privilege at any time and from time to time during the term of this Agreement to enter upon, use and occupy Lot _____ for

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purposes of developing the site in accordance with the approved design for use as public parkland. The subdivider will be responsible for all costs related to any required preparation and development of the site;

- (s) HRM shall make the site available to the Subdivider on an **as is@** basis. The Subdivider shall erect barricades and temporary fencing around the site while under construction. In addition, prior to construction, the Subdivider shall implement all erosion and sediment control measures as outlined on Drawing No. _____, prepared by _____, dated _____;
- (t) The Subdivider agrees to indemnify HRM, its officers, employees, licensees,

tenants and invitees and save it harmless from and against any and all claims, actions, damages, liability and expenses in connection with loss of life, personal injury and/or damage to property arising from or out of the use of the site by the Subdivider, its servants, agents, employees, contractors and subcontractors except for any such claims, actions, damages, liability and expense arising from the negligence or wilful misconduct of HRM or those for whom it is in law responsible;

- (u) The Subdivider shall provide HRM with proof, satisfactory to HRM, that it carries and has in full force and effect, public liability insurance in respect of injury of one or more persons, and the property damage insurance in connection with the use of the site in an amount not less than \$2,000,000. HRM and its Agents shall be Named Additional Insured on all Tenant insurance certificates;
- (v) The Subdivider agrees to exercise due diligence with respect to properly restricting the use of the site by the public through the use of appropriate signage during stages of construction informing the public about the nature of the project and the construction duration.

Copies

- (w) To supply, upon request, a copy of this agreement and Subdivision Grading Plan, where applicable, but not including the Engineering Design Drawings to every purchaser of land within the Subdivision;

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Signs

- (x) To construct temporary signs at the entrance to the Subdivision showing the layout and identification of all streets, lots and public open spaces within the Subdivision;

- (i) to construct lot identifier signs on each lot within the Subdivision; and,
- (ii) that the Subdivision entrance signs shall not be less than 1.8 m by 1.2 m and the lot identifier signs shall not be less than 20 cm by 20 cm.

Security Reductions

- (y) Reductions in the amount of the performance securities may only be considered in accordance with Section 128 of the *Regional Subdivision By-law*;
- (z) To notify the Development Officer, in writing, when services are ready for acceptance by the Municipality and the Water Commission.

3. The Municipality Agrees:

- (a) That if Option A is used, upon completion and acceptance of the primary services and the filing of the security and upon compliance with all the requirements of the *Regional Subdivision By-law* and this agreement, the Development Officer shall approve the final Plan of Subdivision;
- (b) That if Option B is used, upon compliance by the Subdivider with all the requirements of the *Regional Subdivision By-law*, this agreement and the filing of the required securities, the Development Officer shall approve the final Plan of Subdivision;
- (c) That if Option C is used, upon completion and acceptance of primary and secondary services and the filing of the required securities, the Development Officer shall approve the final Plan of Subdivision;
- (d) That upon written request from the Subdivider, the Development Officer may allow the Subdivider to switch among Options A, B and C provided the owner deposits with the Municipality the performance security amounts specified in clauses 2(h) and (i) or (j) hereof;

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- (e) That upon written request from the Subdivider, the Development Officer may, from time to time, release a portion of the performance security, in accordance with the terms of Section 128 of the *Regional Subdivision By-law*;
- (f) That upon acceptance of the primary services, the Municipality will provide snow

ploughing, garbage collection, police and fire protection;

- (g) That if Option A is used, upon acceptance of the primary services, Building Permits will be issued upon application for construction on any of the approved lots, provided that all applicable codes, by-laws ordinances, etc., are met;
- (h) That if Option B is used, upon application, Building Permits will be issued for construction of any of the approved lots provided that all applicable codes, by-laws, ordinances, etc., are met. However, Occupancy Permits will not be issued until all primary services have been accepted by the Municipality;
- (i) That if Option C is used, upon acceptance of the primary and secondary services, Building Permits will be issued upon application for construction of any of the approved lots, provided that all acceptable codes, by-laws, ordinances, etc., are met.
- (j) To provide bonus payment in accordance with HRM asphalt specification requirements, where applicable

Warranty Period

- (k) During the Warranty Period, the Subdivider shall repair the primary or secondary services and make such alterations and repairs thereto as are necessary in the reasonable opinion of the Engineer to ensure that the primary or secondary services does and will function properly. The Subdivider further agrees to repair, replace or alter any part of the primary or secondary services that fails or is expected to fail to function properly in the reasonable opinion of the Engineer, or is damaged or destroyed by any cause whatsoever other than a wilful act of the Municipality or those for whom it is in law responsible.
- (l) If at any time during the Warranty Period, any of the primary or secondary services fails to function or fails to function properly or the Engineer determines that any repairs or alterations to the primary or secondary services are required to ensure that the primary or secondary services does and will function properly, the Subdivider shall, within thirty (30) days after receipt of notice in writing from the Engineer, make such repairs or alterations or construct such additional facilities as

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may be required and if the Subdivider fails to do so, the Municipality may, but shall not be obligated to, make such repairs or alterations or construct such additional facilities.

- (m) If the Municipality undertakes any such repairs or alterations or the construction

of any additional facilities, the Subdivider shall be responsible for the cost thereof and the Subdivider shall reimburse the amount expended by the Municipality within fourteen (14) days after demand therefor by the Municipality.

- (n) Not more than three (3) months and not less than two (2) months prior to the end of the Warranty Period, the Subdivider, at his or her own cost, shall conduct a closed circuit television inspection of the complete sanitary sewer system and the complete storm drainage system and provide to the Engineer a video tape in VHS format with respect to such inspections.
- (o) If as a result of the closed circuit television inspections, conducted pursuant to the preceding paragraphs or if at any other time within the Warranty Period, the Engineer determines that any repairs or alterations to the sanitary sewer system or storm drainage system are required or any additional swales, catch basins or other drainage facilities are required to eliminate a drainage problem, the Subdivider shall, within thirty (30) days after receipt of notice in writing from the Engineer, make such repairs or alterations or construct such additional facilities as may be required and if the Subdivider fails to do so, the Municipality may, but shall not be obligated to, make such repairs or alterations or construct such additional facilities. If the Municipality undertakes any such repairs or alterations or the construction of any additional facilities, the Subdivider shall be responsible for the cost thereof and the Subdivider shall reimburse the amount expended by the Municipality within fourteen (14) days after demand therefor by the Municipality.

Indemnity

- (p) That if Options A or B are used, the Subdivider shall maintain and repair all components of the primary and secondary services, including the provision of snow and ice removal and refuse collection, until such time as the Municipality has accepted the primary and secondary services in accordance with this agreement. The Subdivider shall indemnify the Municipality against all liabilities, costs, fines, suits, claims, demands and actions and causes of action of any kind for which the Municipality may be considered or become liable for by reason of the primary or secondary services not being completed and accepted. Without limiting the generality of the Subdivider's responsibility to indemnify the Municipality, the Subdivider shall maintain and pay all premiums for general

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public liability insurance with a minimum coverage of \$2 million, with the Municipality named as a joint insured party. The Subdivider shall furnish to the Municipality satisfactory written evidence that such insurance is in force and effect prior to approval of the final plan of subdivision.

- (q) The Subdivider hereby agrees to assume and does hereby assume liability for, and does hereby agree to indemnify, protect and save and keep harmless the Municipality, its agents, servants, employees and officers, from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, costs and expenses (including legal expenses) of whatsoever kind and nature imposed or assumed by, incurred by or asserted against the Municipality, or its agents, servants, employees or officers, in any way relating to or arising out of the failure by the Subdivider to observe or perform any condition, obligation, agreement, covenant or provision contained in this agreement to be observed or performed by the Subdivider or resulting from the breach of any representation or warranty contained herein on the part of the Subdivider.

4. Rights and Remedies on Default

- (a) If, during construction of the primary or secondary services, the Subdivider fails to observe or perform any of the conditions or requirements to be observed or performed by the Subdivider under this agreement, then the Development Officer may, in addition to any other remedy available to the Municipality, by notice in writing sent by prepaid registered mail to the Subdivider at the latest address known to the Development Officer, order the cessation of work on the primary or secondary services. Upon such notice being issued by the Development Officer, the Subdivider shall immediately cease work on the primary or secondary services and shall not resume such work until satisfactory arrangements are made with the Development Officer to rectify the default by the Subdivider under this agreement. The Municipality shall be entitled to apply for an injunction from any court of competent jurisdiction to restrain the Subdivider from continuing work after a notice has been issued by the Development Officer pursuant to this paragraph. All administrative and other costs incurred by the Municipality in connection with any termination or cessation of the work pursuant to this paragraph shall be the responsibility of the Subdivider who shall forthwith reimburse the Municipality for such costs upon demand by the Municipality.
- (b) If the Subdivider becomes insolvent or makes an assignment for the benefit of creditors, the Development Officer may declare that the Subdivider is in default of this agreement.

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- (c) Seven days after written notice of default signed by the Development Officer and sent to the Subdivider by certified mail, the Municipality may, at its option:
 - (i) enter upon the lands shown on the Plan of Subdivision and the Municipality, its servants, agents and contractors may complete any

services, repairs or maintenance, wholly or in part, required to be done by the Subdivider, and shall collect the cost thereof together with an engineering fee of 10% of the cost of such materials and works, from the Subdivider, or deduct the cost thereof from securities on deposit, or recover the same by auction;

- (ii) make any payment which ought to have been made by the Subdivider, and upon demand, collect the amount thereof from the Subdivider, or enforce any security available to the Municipality, including performance security for the infrastructure charge pursuant to clauses 2(f)(v) and (vi) of this agreement;
 - (iii) make any payment which ought to have been made by the Subdivider, and upon demand, collect the amount thereof from the Subdivider, or enforce any security available to the Municipality;
 - (iv) retain any sum of money heretofore paid by the Subdivider to the Municipality for any purpose and apply the same after taxes, in the payment or part payment, for any work which the Municipality may undertake;
 - (v) assume any work or services, at the option of the Municipality, whether the same are completed or not, and thereafter the Subdivider shall have no claim or title thereto or remuneration therefor;
 - (vi) bring an action to compel the complete performance of all or part of this agreement or for damages; and
 - (vii) exercise any other remedy granted to the Municipality under the terms of this agreement or available to the Municipality in law including the repeal of the final plan approval as outlined under the *Regional Subdivision By-law*.
- (d) It is understood and agreed between the parties hereto that such entry upon the land shall be as an agent for the Subdivider and shall not be deemed as acceptance or assumption of the service of the Municipality;

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- (e) Notwithstanding clause 4(c) herein, in the case of an emergency, as determined by the Development Officer, the Municipality shall have the right to enter upon the lands of the Subdivider and to carry out the necessary maintenance and repair without notice to the Subdivider;

- (f) The Subdivider agrees to indemnify and save harmless, and keep indemnified and saved harmless at all times hereafter, the Municipality, from and against all claims, demands, actions, suits or other legal proceedings by whomsoever made or brought against the Municipality, in connection with work required to be done herein by the Subdivider, his contractors, servant or agents;
- (g) Time shall be the essence of this agreement;
- (h) This agreement and everything contained herein shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF the parties have executed this agreement as of the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

(Subdivider)

Per: _____

Per: _____

**SEALED, DELIVERED AND
ATTESTED** to by the proper signing
officers of Halifax Regional Municipality,
duly authorized in that behalf, in the
presence of:

**HALIFAX REGIONAL
MUNICIPALITY**

Per: _____

Mayor

Per: _____

Clerk

Subdivision File #:
Subdivision Name:

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this ____ day of ____, A.D. 20____, before me, the subscriber personally came and appeared____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that____, _____ of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this day of____, A.D. 20____, before me, the subscriber personally came and appeared____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that____, Mayor and _____, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in h presence.

A Commissioner of the Supreme Court
of Nova Scotia

Subdivision File #:
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Schedule "A" - FORM

(Construction Schedule)

Construction Time Schedule

| Stage | Month | | | | Month | | | | Month | | | | Month | | | | Month | | | |
|-----------------------------------|-------|--|--|--|-------|--|--|--|-------|--|--|--|-------|--|--|--|-------|--|--|--|
| Primary Services | | | | | | | | | | | | | | | | | | | | |
| Clearing | | | | | | | | | | | | | | | | | | | | |
| Grubbing | | | | | | | | | | | | | | | | | | | | |
| Drill & Blast | | | | | | | | | | | | | | | | | | | | |
| Servicing | | | | | | | | | | | | | | | | | | | | |
| Subgrade | | | | | | | | | | | | | | | | | | | | |
| Secondary Services | | | | | | | | | | | | | | | | | | | | |
| Gravel | | | | | | | | | | | | | | | | | | | | |
| Curb & Gutter | | | | | | | | | | | | | | | | | | | | |
| Asphalt | | | | | | | | | | | | | | | | | | | | |
| Sidewalk | | | | | | | | | | | | | | | | | | | | |
| Sod & Trees | | | | | | | | | | | | | | | | | | | | |
| Clean Up | | | | | | | | | | | | | | | | | | | | |
| Park Site Preparation/Development | | | | | | | | | | | | | | | | | | | | |

Scheduled Commencement Date _____

Scheduled Completion Date _____

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Subdivision Name:

Schedule "B" - FORM
(Grant of Easement)

THIS GRANT OF EASEMENT made this ____ day of _____, A.D., 20__.

BETWEEN: _____,

hereinafter called the "GRANTOR"

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a body corporate,

hereinafter called the "GRANTEE"

OF THE SECOND PART

WHEREAS certain lands have been or may be graded or excavated in the future to facilitate the conveyance of storm water, sanitary sewage, potable water, or natural gas in the area of the Grantor's lands and which further may entail the installation of ditches, swales, pipelines, conduits, mains, manholes or catch basins to facilitate the conveyance of storm water, sanitary sewage, potable water or natural gas;

AND WHEREAS the above systems will benefit the lands in the area, including the Grantor's lands;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH THAT in consideration of the installation of the above system in the area of the Grantor's lands and the sum of One Dollar (\$1.00) receipt of which is hereby acknowledged the Grantor agrees as follows:

1. The Grantor hereby grants to the Grantee the right at any time to enter upon the lands described in Schedule "____" attached hereto to grade or excavate said lands and to construct, reconstruct, operate, remove, repair or maintain the aforementioned ditches, swales, pipelines, conduits, mains, manholes or catch basins for the conveyance of storm water, sanitary sewage, potable water or natural gas upon, over, in, across, through and under the said lands and of keeping and maintaining the same together with all necessary appurtenances thereto at all times in good condition and repair, for every such purpose the Grantee shall have access to the said lands at all times by its servants, agents, employees and workmen;

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2. The Grantor agrees that the Grantee shall have, at all times, the right of access to the said lands for the purposes of operating and maintaining the said system and to this end the Grantor will keep the said easement free and clear of all encumbrances and structures so as to afford access to the said system by the Grantee at all times and shall not without the Grantee's express permission alter the grades, soil and sodding situate within the aforesaid easement.
3. The Grantor agrees with the Grantee to at all times maintain the exterior portions of the aforementioned systems including any exterior appurtenances situate on the lands of the Grantor including but not limited to catch basins and pipe inlets.
4. This easement and the provisions contained herein are binding upon the parties hereto and enure to the benefit of and are binding upon their respective heirs, administrators, executors, successors and assigns.

IN WITNESS WHEREOF the Grantor has executed this agreement on the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

PROVINCE OF NOVA SCOTIA
HALIFAX REGIONAL Municipality SS

On this ____ day of _____, A.D., 20____, the subscribers personally came and appeared, _____ a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that _____, one of the parties thereto, signed, sealed and delivered the same in his presence.

A Commissioner of the Supreme Court
of Nova Scotia

Subdivision File #:
Subdivision Name:

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this day of_____, A.D. 20____, before me, the subscriber personally came and appeared_____the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that _____, Mayor and _____, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in the presence.

A Commissioner of the Supreme Court
of Nova Scotia

Subdivision File #:
Subdivision Name:

Schedule "C" - FORM
(Consent to Discharge Stormwater)

THIS INDENTURE made this _____ day of _____, A.D. 20____.

BETWEEN: _____,
hereinafter called the AGrantor@

OF THE ONE PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a body corporate
hereinafter called the AGrantee@

OF THE OTHER PART

WHEREAS the Grantor is the owner of the lands and premises described in Schedule AA@ which is located immediately to the _____ (North, South, East, West) Of _____ Subdivision, _____, Halifax Regional Municipality, Province of Nova Scotia.

AND WHEREAS the Grantor has agreed to grant the right to storm water drainage from the public streets or highways within the _____ Subdivision over the lands of the Grantor by entering into this agreement.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the sum of one dollar (\$1.00) now paid by the Grantee to the Grantor (receipt of which is hereby acknowledged) the Grantor does grant, convey, release, assign and confirm unto the Grantee, its successors and assigns the right to an easement and rights:

1. to allow storm water to flow onto the adjacent lands of the Grantor, more accurately described in Schedule AA@ attached hereto;
2. not to do or allow anything on the land to divert, obstruct or interfere with the flow of such storm water over the lands described in Schedule AA@ without the prior written consent of the Grantee.

The Grantee covenants that upon the creation of new public streets or highways upon the affected lands of the Grantor to the end that drainage from municipal streets or highways within _____ Subdivision can be directed into any storm drainage system approved by the Municipality within or under such new streets or highways on the said lands presently owned by

Subdivision File #:
Subdivision Name:

the Grantor or others, the grantee will upon presentation to it of a suitable form of release, relinquish its rights to drainage granted herein over all or a portion of the lands which are affected by the new public street or highway.

The Easement herein is declared to be appurtenant to and exists for the benefit of municipal public streets or highways of the Grantee within _____ Subdivision, and said lands of the Grantor described in Schedule AA@ hereto and referred to herein are made subject to this easement.

This easement and the provisions contained herein are binding upon the parties hereto and enure to the benefit of and are binding upon their respective heirs, administrators, executors, successors and assigns.

The lands to be affected by this easement are the lands described in Schedule "A" attached to this Indenture.

IN WITNESS WHEREOF the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

(Owner)

Per: _____

Per: _____

=====

**SEALED, DELIVERED AND
ATTESTED** to by the proper signing
officers of Halifax Regional Municipality,
duly authorized in that behalf, in the
presence of:

=====

**HALIFAX REGIONAL
MUNICIPALITY**

Per: _____

Mayor

Per: _____

Clerk

Subdivision File #:
Subdivision Name:

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in h presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that _____, Mayor and _____, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in h presence.

A Commissioner of the Supreme Court
of Nova Scotia

Subdivision File #:
Subdivision Name:

Schedule "D" - FORM
(Certificate of Title)

(LAWYER'S LETTERHEAD)

CERTIFICATE OF TITLE

TO: Halifax Regional Municipality

DATE: _____

RE: (Brief Description of Property)

_____ (the "Property")

OWNER: _____ (the "Owner")

We hereby certify that we have examined the title of the Owner to the Property by referring to the indices and records duly recorded at the Registry of Deeds / Land Registration Office in Halifax and have found that as of the date hereof the Owner has good and marketable title to the Property, free and clear of all judgements, charges, municipal taxes and other encumbrances so far as the indices and records show, subject to the following:

1. We have not examined the Property on the ground and consequently express no opinion and give no certificate as to the actual location of any buildings thereon or as to the actual boundaries of the Property or any encroachments therein;
2. Our Certificate is based solely on the records on file at the Registry of Deeds / Land Registration Office in Halifax and we do not certify as to any interests, easements or encumbrances obtained or imposed by possession, statute or other unregistered means;
3. Our Opinion is subject to any restrictive covenants, easements or rights-of-way for municipal services or other utilities which do not materially affect enjoyment of the Property;
4. No search, inquiry or verification has been undertaken with respect to the Subdivision status or zoning of the Property or compliance with building codes, municipal by-laws or federal or provincial laws regulating any buildings or structures on the Property or the use thereof;

5. Other qualifications, if any:

LAW FIRM: _____

PER: _____

Subdivision File #:
Subdivision Name:

**Appendix "1" - WATER SERVICES AGREEMENT
(SAMPLE OR COPY ONLY DO NOT ATTACH ORIGINAL DOCUMENT)**

Attach executed Water Services Agreement here

Indicate AN/A@ if not applicable

Appendix 2 - WATER SERVICES AGREEMENT (SAMPLE)

THIS AGREEMENT made this _____ day of _____, 20____.

BETWEEN: _____

a body corporate
(hereinafter called "the Owner")

OF THE FIRST PART

- and -

HALIFAX REGIONAL WATER COMMISSION,

a body corporate
(hereinafter called "the Commission")

OF THE SECOND PART

WHEREAS the Owner is the beneficial Owner of the property (the Property) shown on a plan of survey of Lot _____, Lands of _____, at Halifax, Nova Scotia, prepared by _____, NSLS, and dated the ____th day of _____, 20____, a copy of which is attached as Appendix "A" (the Plan);

AND WHEREAS the Owner has applied to the Commission for permission to connect a local water distribution system, which will be constructed by the Owner partially on the Property and partially on other lands, to the Commission's central water distribution system;

AND WHEREAS the Owner has requested permission to transfer its interest in such local water distribution system to the Commission so as to allow central water service to be provided to the Property by the Commission;

AND WHEREAS the Commission has agreed to allow the connection and to accept a transfer of such local water distribution system as aforesaid subject to and in accordance with the terms and conditions of this agreement;

IN CONSIDERATION of the sum of One Dollar (\$1.00), the mutual covenants and agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties covenant, promise and agree as follows:

- (a) In this agreement, unless the context otherwise requires, the following words shall have the following meanings:
 - (a) "Applicable Laws" means any law, rule, regulation, by-law, requirement, guideline, judgement or order of any federal, provincial or municipal government, governmental body or agency or court having jurisdiction, applicable from time to time to the design, construction, installation or operation of the System;
 - (b) *(Where applicable)* A Capital Cost Contribution@ means a non-refundable contribution (except as provided in paragraph (o)(h) herein) to the capital cost of

- improvements which are required or may in the future be required to be made by the Commission to its central water system. The Capital Cost Contribution is payable by the Owner to the Halifax Regional Water Commission.
- (c) "Drawings" means the drawings submitted to the Halifax Regional Municipality by the Owner in respect of the System, and as listed below:
 - Drawing No. _____, prepared by _____, dated _____, 20__ and revision dated _____, 20__.
 - (d) "Engineer" means the Chief Engineer of the Halifax Regional Water Commission or his designate;
 - (e) "Final Record Drawings" means As Constructed Drawings to scale showing the actual constructed elevations, lengths, materials, fittings, dimensions and any other construction information including valves, manholes, service laterals and other servicing appurtenances complete with swing tie data from power poles, hydrants, or other easily located surface features in a form acceptable to the Engineer;
 - (f) "Maintenance security" means a letter of credit or letter of guarantee in a form acceptable to the Commission issued by a Canadian chartered bank or other financial, surety or insurance company licensed to carry on business in the Province of Nova Scotia acceptable to the Commission, for the purpose of ensuring the performance of the obligations of the Owner pursuant to paragraphs (s) and (t) of this agreement;
 - (g) "Maintenance Period" means the period of 12 (twelve) months commencing of the date of acceptance of the System by the Commission pursuant to paragraph (p) of this agreement;
 - (h) ANSURB@ means the Nova Scotia Utility and Review Board.
 - (i) "Plan of Subdivision" means the plans submitted to the Commission by the Owner with respect to the proposed Subdivision of the property prepared by _____, NSLS and as listed below:
Plans of survey of Lot(s) _____, Lands of _____, dated _____, 20__.
 - (j) "Professional Engineer" means a registered member in good standing of the Association of Professional Engineers of the Province of Nova Scotia;
 - (k) "Property" means the lands comprising the Subdivision as shown on the Plan of Subdivision;
 - (l) "Servicing Information" means the service lateral information sheet;
 - (m) "Specifications" means the construction specifications for the System approved by the Engineer as well as any standards and requirements applicable to such system contained or referred to in the most current edition of the Commission's Municipal Services Systems General Specifications;
 - (n) "Subdivision" means the Subdivision proposed in the Plan of Subdivision;
 - (o) "System" means the Water Distribution System servicing the Subdivision and includes the Commission Infrastructure described in paragraph 5 herein;
 - (p) "Water Distribution System" means a complete and properly functioning system for the distribution and supply of water for domestic use and fire protection purposes constructed in accordance with the Specifications and Drawings and the provisions of this agreement and is comprised of such pipes, water mains, lateral lines from the mains to street lines, pumping stations, fire hydrants, manholes, equipment and other structures, devices and facilities as are shown or referred to in the Drawings.

- (b) The Owner shall commence construction of the System on or before the _____ day of _____, 20____ and shall complete construction thereof on or before the ____ day of _____, 20____ .
- (c) With the exception of the Commission Infrastructure described in paragraph (e) herein, the Owner shall install and construct the System at its own cost in a good and workmanlike manner in accordance with the Specifications and Drawings and in compliance with all Applicable Laws.
- (d) The Owner shall obtain approval for the design of the System from the Department of The Environment and Labour for the Province of Nova Scotia and the Minister responsible for the *Environment Act* (Nova Scotia) and shall not commence construction of the System until such approvals have been obtained.
- (e) The Owner and the Commission agree that the construction of certain elements of the System is the financial responsibility of the Commission and will be constructed on behalf of the Commission by the Owner (hereinafter the elements of the System that are the financial responsibility of the Commission are collectively and individually referred to as ACommission Infrastructure®). For greater certainty, the Commission Infrastructure is comprised of and strictly limited to:
 - (a)
 - (f) (*Where applicable*) The Owner agrees that the additional cost to the Owner to construct the Commission Infrastructure which is fully and completely described in Paragraph (e)(a) above is _____ (inclusive of all applicable taxes) (hereinafter the AAgreed Cost®).
 - (g) (*Where applicable*) The Owner further agrees not to seek, invoice, bill, demand, charge, tender, collect or claim from the Commission any further monies, consideration, compensation, charges, costs, amounts, payments, expenses, debts, dues, taxes, or fees for the construction of the Commission Infrastructure other than the Agreed Cost identified and agreed to by the Owner pursuant to Paragraph (f) of this agreement and any and all additional costs to construct the Commission Infrastructure in excess of the Agreed Cost shall be borne by the Owner at no cost to the Commission.
 - (h) (*Where applicable*) The Owner acknowledges and agrees that the non-refundable Capital Cost Contribution (except as provided in Paragraph (o)(h) herein) payable by the Owner to the Commission for the Property is \$ _____ .
 - (i) (*Where applicable*) The Owner further acknowledges and agrees that payment of the Capital Cost Contribution pursuant to paragraph 8 of this agreement is a condition of acceptance of the System by the Commission and a condition of endorsement of final approval of the Plan of Subdivision by the Halifax Regional Municipality and neither the Commission or the Halifax Regional Municipality, as the case may be, is under any obligation whatsoever to the Owner or any third party to accept the System or grant endorsement of final approval of the Plan of Subdivision unless and until the Owner has paid the Capital Cost Contribution to the Commission.
 - (j) The Owner agrees that the construction of the System shall be carried out under the direction of a Professional Engineer who personally, or through his representative, shall on a daily basis inspect and supervise all aspects of the construction of the System including all pipe bedding, pipe laying and backfilling of trenches. The Owner further agrees to allow and make arrangements for any inspections by the

Engineer or his representative as may be required under the Municipal Services Systems, General Specifications and the policies from time to time of the Commission.

- (k) If during construction of the System, the Owner fails to observe or perform any of the conditions or requirements to be observed or performed by the Owner under this agreement, then, the Engineer, in addition to any other remedy available to the Commission may, by notice in writing sent by prepaid registered mail to the Owner at its latest address known to the Commission, order the cessation of work on the System. Upon such notice being issued by the Engineer, the Owner shall immediately cease work on the System and shall not resume such work until satisfactory arrangements are made with the Engineer to rectify the default by the Owner under this agreement. The Commission shall be entitled to apply for an injunction from any court of competent jurisdiction to restrain the Owner from continuing work after a notice has been issued by the Engineer pursuant to this paragraph. All administrative and other costs incurred by the Commission in connection with any termination or cessation of the work pursuant to this paragraph shall be the responsibility of the Owner who shall forthwith reimburse the Commission for such costs upon demand by the Commission.
- (l) With the exception of the Commission Infrastructure, if the Owner fails to construct or complete construction of the System or any part thereof in accordance with the provisions of this agreement, then the Commission may, but shall not be obligated to, construct or complete construction thereof and the Owner shall be responsible for all costs incurred by the Commission in doing so and shall reimburse the Commission therefor within thirty (30) days after demand by the Commission.
- (m) If the Owner fails to construct or complete construction of the Commission Infrastructure in accordance with the provisions of this agreement, then the Commission may, but shall not be obligated to, construct or complete construction thereof and if the cost to the Commission to construct the Commission Infrastructure in accordance with the provisions of this agreement exceeds the Agreed Cost identified and agreed to in paragraph (f) herein then the Owner shall be responsible for all costs in excess of the Agreed Cost and shall reimburse the Commission therefor within thirty (30) days after demand by the Commission.
- (n) Upon completion of the System in accordance with this agreement and prior to applying for final endorsement of the Plan of Subdivision, the Owner shall cause to be conducted by or under the supervision of a Professional Engineer, a thorough inspection of the System, as well as such tests as are contemplated by or required under the Specifications, Drawings or the Municipal Services Systems General Specifications and such other tests as may be necessary to ensure that the System meets all applicable functional and performance criteria contained in the Specifications and Drawings. Prior to conducting the tests, the Owner shall make arrangements with the Engineer for a mutually convenient date and time for the Engineer or his representative to attend to observe the tests. All such tests shall be conducted by or under the supervision of a Professional Engineer retained by the Owner and in the presence of the Engineer or his representative, unless the Engineer otherwise directs.
- (o) Upon completion of the System in accordance with this agreement and prior to acceptance of the System by the Commission and prior to endorsement of final

approval of the Plan of Subdivision by the Halifax Regional Municipality the Owner shall submit to the Engineer the following:

- (a) A Letter of Certification and certification inspection report signed by a Professional Engineer certifying that the System has been constructed, installed and tested in accordance with the Specifications and Drawings and the provisions of this agreement;
- (b) Two sets of Preliminary Record Drawings signed and sealed by a Professional Engineer as being prepared by him or under his direct supervision;
- (c) Satisfactory reports on the results of tests undertaken to determine the suitability of the water for human consumption;
- (d) A certificate of a Professional Engineer certifying the total cost of installation and construction of the System including engineering and consulting fees together with a cost breakdown according to individual streets and size of main, in a format acceptable to the Engineer;
- (e) Two sets of reproducible Final Record Drawings as well as fully completed service lateral information sheets on the form provided and approved by the Commission from time to time;
- (f) Maintenance security to ensure the performance of the on-going obligations of the Owner pursuant to paragraphs (s) and (t) hereof in the amount of 10% of the total cost of the construction and installation of the System according to the certificate submitted by the Engineer pursuant to paragraph (d) of this section. The security shall be effective for the length of the Maintenance Period as defined in paragraph 1(g) of this agreement. [In lieu of Maintenance security, the Owner may submit to the Commission a certified cheque payable to the Commission in an amount equal to 10% of the total cost of the construction and installation of the System according to the certificate submitted by the Owner's Professional Engineer pursuant to paragraph (d) of this section. The certified cheque shall be held by the Commission until the expiry of the Maintenance Period provided, however, that if the Owner shall neglect, fail or refuse to carry out any repairs, replacements or alterations to the System or take any other action as required by paragraphs (s) and (t) of this agreement within thirty (30) days after the Commission has issued notice to the Owner requiring such repairs, replacements or alterations to be made, or work to be done or action to be taken, then the Commission shall be entitled to negotiate the certified cheque, without notice to the Owner, and apply the proceeds thereof to the costs of making such repairs, replacements or alterations and any costs incidental thereto and the balance of such proceeds, if any, will be returned to the Owner without interest. Nothing done pursuant to this paragraph shall be construed as limiting the liability of the Owner pursuant to this agreement;
- (g) A grant or grants of easement in the form attached as Schedule "A", granting to the Commission an easement over all areas identified as "Easements" on either the Plan of Subdivision or any of the Drawings for the purpose of allowing the Commission access to maintain, repair, replace or alter the System;

- (h) *(Where applicable)* A certified cheque payable to the order of the Halifax Regional Water Commission in the amount of \$_____, representing the Capital Cost Contribution payable by the Owner to the Commission pursuant to paragraph (h) of this agreement. In the event the NSURB orders that a greater or lesser amount be paid by the Owner as a Capital Cost Contribution, the necessary refund or additional amount payable, as the case may be, shall be payable within thirty (30) days of the NSURB decision.
- (p) *(Where applicable)* Upon receipt of the Capital Cost Contribution by the Commission and approval by the Engineer of the other documentation and materials submitted pursuant to paragraph (o) of this agreement, the Engineer shall notify the Owner that the Commission accepts the System whereupon the Commission shall pay to the Owner the Agreed Cost pursuant to paragraph (f) herein to construct the Commission Infrastructure and all pipes, mains, lines, pumping equipment, conduits, drains, manholes, fire hydrants and other equipment comprising the System shall automatically vest absolutely in the Commission and the Owner shall have no further interest, right or claim in respect thereof. The acceptance by the Commission of the System shall not, however, in any way limit or restrict the liability of the Owner in respect of its obligations under this agreement relating to the design, construction and maintenance of the System and the indemnification of the Commission under paragraph (u) hereof or otherwise.
- (q) The Owner agrees to provide the Servicing information described in paragraph (a)(l) to every purchaser of any lot in the Subdivision.
- (r) The Owner represents and warrants to the Commission as follows:
 - (a) that the Owner is the beneficial and registered owner of the Property;
 - (b) that the designs of the System meet appropriate engineering standards having regard to the intended purposes of the System and are in all respects proper and adequate; and
 - (c) that the System will be constructed in a good and workmanlike manner in accordance with the Specifications and Drawings and the provisions of this agreement.
- (s) During the Maintenance Period, the Owner shall maintain and repair the System and make such alterations and repairs thereto as are necessary in the reasonable opinion of the Engineer to ensure that the System does and will function properly. The Owner further agrees to repair, replace or alter any part of the System that fails or is expected to fail to function properly in the reasonable opinion of the Engineer, or is damaged or destroyed by any cause whatsoever other than a wilful act of the Commission or those for whom it is in law responsible.
- (t) If at any time during the Maintenance Period, any of the System fails to function or fails to function properly or the Engineer determines that any repairs or alterations to the System are required to ensure that the System does and will function properly, the Owner shall, within thirty (30) days after receipt of notice in writing from the Engineer, make such repairs or alterations or construct such additional facilities as may be required and if the Owner fails to do so, the Commission may, but shall not be obligated to, make such repairs or alterations or construct such additional facilities. If the Commission undertakes any such repairs or alterations or the construction of any additional facilities, the Owner shall be responsible for the cost thereof and the Owner

shall reimburse the amount expended by the Commission within fourteen (14) days after demand therefor by the Commission.

- (u) The Owner hereby agrees to assume and does hereby assume liability for, and does hereby agree to indemnify, protect and save and keep harmless the Commission, its agents, servants, employees and officers, from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, costs and expenses (including legal expenses) of whatsoever kind and nature imposed or assumed by, incurred by or asserted against the Commission, or its agents, servants, employees or officers, in any way relating to or arising out of the failure by the Owner to observe or perform any condition, obligation, agreement, covenant or provision contained in this agreement which is to be observed or performed by the Owner or resulting from the breach of any representation or warranty contained herein on the part of the Owner.
- (v) The Owner declares, represents and covenants that no promise, inducement or agreement not expressed herein has been made to it and that this agreement constitutes the entire agreement between the parties. The Owner further acknowledges and agrees that all of the terms of this Agreement are contractual and are binding upon the Owner.
- (w) The Owner further agrees, represents, declares and covenants that this agreement may not be modified or amended without written agreement, signed by the General Manager and Chairman of the Commission and the undersigned representative or representatives of the Owner as the case may be.
- (x) The Owner represents, declares, covenants and agrees that it has read this agreement, has reviewed all of the terms, conditions and covenants of this agreement with its solicitor, fully understands the said terms, conditions and covenants at the time of execution of this agreement and does so freely without duress.
- (y) The Owner declares, represents, covenants and agrees that the undersigned representative or representatives, as the case may be, has full authority to execute this agreement for the Owner and that the Owner is bound by the terms of this agreement.
- (z) The Owner acknowledges and agrees that the parties to this agreement have expressly required that this agreement and all documents related thereto shall be drawn in the English language.
- (aa) The Owner acknowledges having received a true copy of this agreement.
- (bb) This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties have executed this agreement as of the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

=====

**SEALED, DELIVERED AND
ATTESTED** to by the proper signing
officers of Halifax Regional Water
Commission, duly authorized in that behalf,
in the presence of:

(Owner)

Per: _____

Per: _____

=====

**HALIFAX REGIONAL WATER
COMMISSION**

Per: _____

Per: _____

THIS AGREEMENT made this ____ day of _____, A.D., 20____.

BETWEEN:

(hereinafter called the "Subdivider")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Subdivider is the owner of certain lands within the Municipality forming part of the _____ Subdivision (hereinafter called "the Subdivision"), in _____, in Halifax County; which said lands are recorded at the Registry of Deeds for Halifax Regional Municipality as Document Number _____ in Book _____ at page _____;

AND WHEREAS the Subdivider has caused to be prepared a plan of Subdivision by _____, NSLS, dated _____ and showing thereon, inter alia, Lots _____, (hereinafter called the "Lots"), and also showing thereon, _____ as the public street or highway;

AND WHEREAS the Subdivider has submitted the said plan of Subdivision to the Municipality requesting endorsement of approval of the Lots as shown on the said plan;

AND WHEREAS the *Subdivision By-law* of the Municipality, pursuant to sections 271 and 273 of the *Municipal Government Act*, requires that an amount of land be reserved for park, playground and similar purposes;

WITNESS THAT in consideration of the sum of \$1.00 now paid by the Subdivider to the Municipality (the receipt of which is hereby acknowledged);

The Subdivider covenants and agrees:

1. To reserve a parcel of land of an area of no less than _____ m², for park dedication or similar public recreation purposes as provided for in section 82 of the *Subdivision By-law* and sections ____ and ____ of the *Municipal Government Act*, such lands hereinafter called the "Public Parkland"; This will satisfy the park dedication requirement for the Lots.

The Public Parkland must be located in an area of the Subdivision and be considered acceptable by the Municipality for recreational purposes. If the land is acceptable by the Municipality but requires upgrading, the cost of same will be solely the responsibility of the Subdivider.

2. To transfer and convey, where the Municipality agrees to accept, the Public Parkland by Warranty Deed on or before _____.
3. Notwithstanding the requirements of sections 1 and 2 of this agreement, the Subdivider agrees to post security in favour of the Municipality equal to 10% of the assessed market value of the Lots, in the amount of _____ at the time of signing this agreement. The said security may be in the form of cash, certified cheque, or letter of credit issued by a surety or guarantee company licensed by the Province of Nova Scotia, and shall be conditional upon the execution and completion of sections 1 and 2 hereof. The said security shall not be subject to cancellation, termination or expiration.
4. It is agreed by the parties hereto that in the event the Subdivider fails to comply with the requirements of sections 1 and 2 of this agreement on or before _____, the Municipality, without notice to the Subdivider, shall consider the security to have been forfeited in lieu of the agreed upon park dedication and this agreement shall be deemed to be null and void.

MATTERS INCIDENTAL TO THIS AGREEMENT

5. This agreement shall run with the land and be binding upon the Subdivider, his heirs, executors, administrators, assigns, mortgagees, lessees and successors.
6. The Subdivider shall pay all costs and expenses that arise as a result of this agreement.
7. The provisions of this agreement are severable from one another, and if any provision herein contravenes the law of Nova Scotia or of any jurisdiction where this agreement is to be performed, such provision shall be deemed not to be a part of this agreement, and such an event shall not void or affect any remaining provisions of this agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of:

=====

**SEALED, DELIVERED AND
ATTESTED** to by the proper signing
officers of Halifax Regional Municipality,
duly authorized in that behalf, in the presence
of:

(Owner)

Per: _____

Per: _____

=====

**HALIFAX REGIONAL
MUNICIPALITY**

Per: _____

Mayor

Per: _____

Clerk

Appendix 4

PRIMARY SERVICES - STAGE I

| Description | Units | Quantity | Unit Price | Total |
|---|-------|----------|------------|-------|
| Construction of concrete curb & gutter with 6" thick gravel base | | | | |
| Construction of asphalt curb | | | | |
| Street name signs, standards and bases | | | | |
| Traffic signs, standards and bases | | | | |
| Adjustment of existing street hardware structures: a) water valve b) manhole frame & cover c) catch basin, frame & cover | | | | |
| Supply, spread and compact roadway gravel base: a) ____@ Type 2 (2" size) b) ____@ Type 1(1" size) c) other | | | | |
| Supply & apply roadway primer | | | | |
| Supply, spread, compact & roll asphalt pavement: a) ____@ Mix Ivb b) ____@ Mix Ivc c) ____@ Mix Ivd d) other | | | | |
| Other Work: a) _____ b) _____ | | | | |
| <u>Streets (Subgrade):</u> | | | | |
| Fill, compact & grade with selected on-site materials | | | | |
| Fill compact & grade with selected off-site materials. | | | | |
| Supply, spread, compact & grade granulars Type 1 (1") Type 2 (2") | | | | |
| Supply and apply Type B asphalt | | | | |
| Supply and install driveway culverts | | | | |
| Supply & apply anti-dust roadway material | | | | |
| <u>Miscellaneous Work:</u> | | | | |

TOTAL \$ _____

Appendix 5

PRIMARY SERVICES - STAGE II

| Description | Units | Quantity | Unit Price | Total |
|---|-------|----------|------------|-------|
| Construction of concrete curb & gutter with 6" thick gravel base | | | | |
| Construction of asphalt curb | | | | |
| Street name signs, standards and bases | | | | |
| Traffic signs, standards and bases | | | | |
| Adjustment of existing street hardware structures: a) water valve b) manhole frame & cover c) catch basin, frame & cover | | | | |
| Supply, spread and compact roadway gravel base: a) ____@ Type 2 (2" size) b) ____@ Type 1(1" size) c) other | | | | |
| Supply & apply roadway primer | | | | |
| Supply, spread, compact & roll asphalt pavement: a) ____@ Mix Ivb b) ____@ Mix Ivc c) ____@ Mix Ivd d) other | | | | |
| Other Work: a) _____ b) _____ | | | | |
| <u>Street Lights:</u> Excavate, form and pour concrete bases | | | | |
| Excavate, supply, install & backfill underground conduit structure | | | | |
| Supply & Install ornamental poles | | | | |
| Supply & Install light fixtures | | | | |
| Supply & install wooden poles for street lights | | | | |
| Other Work: a) _____ b) _____ | | | | |

TOTAL \$ _____

Appendix 6

SECONDARY SERVICES

| Description | Units | Quantity | Unit Price | Total |
|---|-------|----------|------------|-------|
| <u>Sidewalks, Sodding & Bus Bays</u> | | | | |
| Filling with approved common material between curb & street line | | | | |
| Landscaping between curb & street line: a) sodding with 4" topsoil b) seeding with 6" topsoil c) trees (one per lot) | | | | |
| Construction of reinforced concrete bus bay pad | | | | |
| Construction of 5' wide 4" thick concrete sidewalk with 6" thick gravel base | | | | |
| Construction of 6" thick concrete sidewalk and driveway ramp with 6" thick gravel base | | | | |
| Other Work: a) _____ b) _____ | | | | |
| <u>Walkway:</u> Cutting & removal of trees | | | | |
| Clearing & grubbing | | | | |
| Excavation & grading | | | | |
| Filling & grading | | | | |
| Surface Treatment: a) 6" thick gravel at 12' width b) 2" thick asphalt incl. 6" thick gravel base at 6' width | | | | |
| c) 4" thick concrete incl. 6" thick gravel base at 6' width | | | | |
| Fencing (Type) a) Wood b) Street (chain link) c) Iron (ornamental) | | | | |
| Landscaping (3 ft. each side) a) sodding with 4" topsoil b) seeding with 6" topsoil | | | | |
| Park Site Development / Preparation | | | | |
| Drainage installations a) swale b) culvert c) catch basin | | | | |
| <u>Streets</u> Supply and apply Type C asphalt | | | | |
| Street lights | | | | |

TOTAL \$ _____

Appendix 7**COST ESTIMATES SUMMARY****Summary of Costs for the Construction of Subdivision Services**

Subdivision Name: _____.

Location: _____.

Plan No.s: _____.

Developer=s Name and Address: _____.

Owner=s Name and Address: _____.

| ITEM DESCRIPTION | COST (\$) |
|-----------------------------|-----------|
| Primary Services - Stage I | \$ |
| Primary Services - Stage II | \$ |
| Secondary Services | \$ |
| Engineering Services | \$ |
| HST | \$ |
| Miscellaneous Work | \$ |

Total Servicing Cost \$ _____

Contingency (10% of Total Servicing Cost) \$ _____

Total Value of Performance Security \$ _____

Consulting Engineer_____
Approved, Development Officer

First Reduction

This release of a portion of the security shall be conditional upon the satisfactory completion and verification of primary services - stage I.

The amount of this release shall be calculated as follows:

| | |
|---|----------|
| total cost of primary services - stage I x 110% | \$ _____ |
| minus: total cost of primary services - stage I x 10% | \$ _____ |
| equals: amount of first security reduction | \$ _____ |

Second Reduction

This release of a portion of the security shall be conditional upon the completion and acceptance of all primary services along with the submission of warranty security, representing 10% of the cost of all primary services.

The amount of this release shall be calculated as follows:

| | |
|--|----------|
| total cost of primary services - stage II x 110% | \$ _____ |
| plus: 10% hold back on cost of primary services - stage II | \$ _____ |
| equals: amount of second security reduction | \$ _____ |

Appendix 9

SECURITY FORMAT

Name of Bank: _____ Date Issued: _____
Branch: _____ Address: _____
Letter of Credit No. _____ Amount: _____

Issued subject to the Uniform Customs and Practices for Documentary Credits being ICC Publication UCP 500.

To: HALIFAX REGIONAL MUNICIPALITY
Address: P.O. Box 1749, Halifax, NS B3J 3A5

(Name of Bank), being a Schedule 1 or Schedule 2 chartered bank
for the account of _____ (Name of Customer)

UP TO AN AGGREGATE AMOUNT OF _____ Dollars (\$ _____) available on demand.

PURSUANT TO THE REQUEST OF our Customer: _____
we the _____ (Name of Bank)
hereby establish and give you an irrevocable Letter of Credit in your favour in the above amount which may be drawn on by you at any time and from time to time, upon written demand for payment made upon us by you which demand we shall honour without enquiring whether you have the right as between yourself and the said Customer to make such demand, and without recognizing any claim of our said Customer, or objection by it to payment by us.

DEMAND shall be by way of a Letter signed by the Clerk of the Municipality under the corporate seal attached to which shall be the original Letter of Credit. Presentation shall be made to the Bank at: _____ (Address)

THE LETTER OF CREDIT, we understand, relates to those obligations as set forth in the Subdivision By-law and a Subdivision agreement between _____ and the Halifax Regional Municipality.

THE AMOUNT of this Letter of Credit may be reduced from time to time as advised by notice in writing to the undersigned by the Clerk of the Municipality.

THIS LETTER OF CREDIT will continue in force for a period of one year, but shall be subject to the condition hereinafter set forth.

IT IS A CONDITION of this Letter of Credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing by registered mail that we elect not to consider this Letter of Credit to be renewable for any additional period.

DATED at _____, Nova Scotia this the ____ day of _____, 20____.

COUNTERSIGNED BY:
(NAME OF BANK)

per _____
Authorized Signing Officer

