
Halifax Regional Council

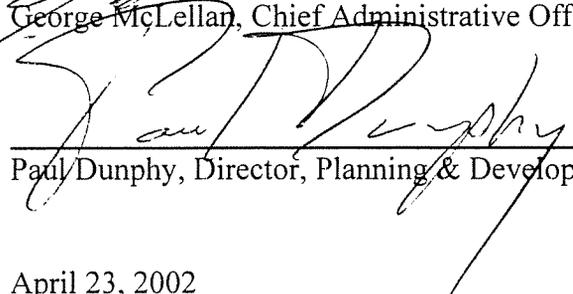
May 7, 2002

May 14, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Paul Dunphy, Director, Planning & Development Services

DATE: April 23, 2002

SUBJECT: Lot Grading By-Law Amendments

ORIGIN

On September 18, 2001, Regional Council instructed staff to review the Lot Grading By-Law that currently applies in the former Halifax County area and to bring it forward for adoption in Halifax and Dartmouth as an interim step; and, in the longer term, that staff review the By-law and see how it applies throughout HRM.

RECOMMENDATION

It is recommended that :

Halifax Regional Council approve in principle the amendments to By-law 70, the Lot Grading and Drainage By-law (attached) and also give Notice of Motion to begin the formal adoption process.

BACKGROUND

- Lot grading and drainage activities for large scale developments are generally regulated through development agreements. Lot Grading By-laws on the other hand are used to regulate as-of-right development (both large and small scale). In either case, development is regulated with respect to lot grading, drainage, erosion control, and other environmental issues depending on the circumstance.
- Existing lot grading by-laws are in place in the former County and Bedford areas. The Bedford by-law regulates all lot grading activities whether connected to new development or not. The County's by-law only applies to new low density (1 & 2 unit) residential construction, which is connected to a central sewer system.
- The Halifax and Dartmouth areas have no lot grading by-law. A substantial amount of development in both areas is subject to development agreements. Consequently, large scale "greenfield" developments have not created a significant problem with respect to lot grading and drainage.
- Problems have arisen during the development of "in-fill" or "remnant" parcels in established urban neighbourhoods, where established drainage patterns are altered. In addition to drainage problems, undesirable slopes or retaining walls between surrounding lots are often created.
- On September 18, 2001, Council instructed staff to bring forward the County Lot Grading By-law for adoption in the Halifax and Dartmouth areas. At a later date a more fundamental review of the Bedford and County by-laws will be undertaken with a view to developing a consistent harmonized by-law for all of HRM. Undertaking this now however would be time consuming and would delay resolution of the problems being experienced in Halifax/Dartmouth.
- By-law L-301 is therefore proposed in order to get controls quickly in place for Halifax & Dartmouth. By-law L-301 also contains administrative "housekeeping" amendments to By-law 70 which are discussed below.

DISCUSSION

The proposed by-law will extend the County By-law so that it applies to Dartmouth and Halifax. As with the County by-law, it will exempt developments which are regulated by development agreement since the agreements will specify the appropriate lot grading controls. A review of drainage complaints received since 1996 indicates that less than 10% of complaints are in areas which have development agreements.

The proposed By-law will not change the current lot grading & drainage regulations in the former County area. In addition, the Bedford Grade Alteration By-law will remain in effect in that area.

The proposed amendments were developed jointly with industry, through consultation with the Development Liaison Group and are intended as an interim solution only, until adoption of a Regional Lot Grading Policy.

Housekeeping Amendments

The proposed By-law also contains housekeeping amendments such as changing the definition of the "Municipality" and removing references to "Halifax County Municipality".

In addition, it is proposed to remove the requirement for a security deposit prior to issuance of a Building Permit. Obtaining the security at this point is often premature since winter and spring construction often means that lot grading cannot be adequately done until summer or fall. Staff have found that it is more effective to require a security deposit prior to issuance of an Occupancy Permit in the event that the lot grading cannot be completed, due to the weather or other seasonal conditions.

If By-law L-301 is adopted, Council will also be asked to approve a resolution which makes housekeeping amendments to the Lot Grading and Drainage General Specifications.

BUDGET IMPLICATIONS

There are no additional staffing requirements as a result of the adoption of this by-law as drafted.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve Budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council could decide to maintain the status quo, until the adoption of a Regional Lot Grading Policy. Staff do not recommend this alternative.

ATTACHMENTS

By-Law No. 70 - Existing Halifax County Lot Grading & Drainage By-Law
Proposed By-Law L-301 Respecting Lot Grading and Drainage

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Peter Duncan, P.Eng., Manager, Development Engineering

LOT GRADING AND DRAINAGE BY-LAW

By-Law 70

HALIFAX COUNTY MUNICIPALITY

BE IT RESOLVED that the following be and the same is hereby adopted as a by-law of Halifax County Municipality if and when the same has received the approval of the Minister of Municipal Affairs, and has been published in accordance with the Halifax County Charter.

1996

BY-LAW NO. _____

A BY-LAW RESPECTING LOT GRADING AND DRAINAGE

WHEREAS the Council of Halifax County Municipality is concerned about the unsatisfactory lot grading and drainage practices within some areas of the County;

AND WHEREAS the Council of Halifax County Municipality deems it prudent for the Municipality to have a by-law to regulate lot grading and drainage to avoid problems associated with stormwater drainage;

AND WHEREAS the Council of Halifax County Municipality is empowered under Section 195 of the Halifax County Charter to pass by-laws with respect to lot grading and drainage;

PART 1 : SHORT TITLE

1.1 This By-law shall be known and may be cited as the Lot Grading By-law.

PART 2 : DEFINITIONS

In this By-law,

- 2.1 "Applicant" is an individual or entity applying for a permit under the provisions of this By-law or the Building By-law.
- 2.2 "Applicant Undertaking for Completion" is a written undertaking by the Applicant with respect to completion of construction requirements identified in the Deficiency Report.
- 2.3 "Approved Subdivision Grading Plan" means a grading plan filed after the effective date of this By-law, by an applicant for final approval of a subdivision, which is approved by the Municipality and illustrates the drainage systems and patterns common to two or more lots in a subdivision. The Approved Subdivision Grading Plan shall be retained by the Municipality and amended from time to time as required to reflect revisions arising from lot and building construction. For the purposes of this By-law, the subdivision grading plans listed in Schedule 'A' shall be considered Approved Subdivision Grading Plans.

- 2.4 "Council" means the Council of the Municipality.
- 2.5 "Deficiency Report" means a report prepared by a Nova Scotia Land Surveyor, a Landscape Architect, or a Professional Engineer describing the uncompleted construction requirements, as related to the grading and drainage works shown on the Lot Grading Plan.
- 2.6 "development" includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures as defined within the Planning Act, R.S.N.S. 1989, C.346, as may be amended from time to time.
- 2.7 "drainage" means a system of natural or artificial drains.
- 2.8 (a) "dwelling" means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.
- (b) "dwelling unit" means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent or separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.
- (c) "dwelling, single unit" means a building which is a completely detached dwelling unit and having a minimum width of any main wall of not less than twenty (20) feet (6.1m), and shall include a mobile dwelling where mobile dwellings are specifically provided for within a land use by-law.
- (d) "dwelling, two unit" means a building containing two dwelling units.
- (e) "dwelling, mobile" means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flat bed or other trailer, and arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes or modular dwellings having any main walls with a width less than twenty (20) feet (6.1m). This By-law shall apply to mobile homes installed on permanent foundations only and shall exclude replacement of existing mobile homes.
- 2.9 "Engineer" means the Director of Engineering and Works of the Municipality, and includes a person acting under the supervision and direction of the Director.
- 2.10 "grading" means the alteration of land levels, including the addition or removal of topsoil or other material of any kind.

- 2.11 "Landscape Architect" means a person who has successfully completed a program in landscape architecture accredited by the Canadian Society of Landscape Architects or approved by the Atlantic Provinces Association of Landscape Architects, and who through this education, training, and experience, is skilled in the principles and practice of landscape architecture.
- 2.12 "Lot Grading and Drainage General Specification" means the latest edition of the specifications approved by a resolution of the Council and containing the objectives, design requirements, information requirements, and administrative procedures with respect to this By-law.
- 2.13 "Lot Grading Certificate" means a plan and/or report, prepared in accordance with the Lot Grading and Drainage General Specification, depicting the recorded grading and drainage works on a lot of land as proposed on the Lot Grading Plan.
- 2.14 "Lot Grading Permit" means a permit issued under the provisions of the Lot Grading By-law.
- 2.15 "Lot Grading Plan" means a plan of final grading of land for an individual lot of land prepared in accordance with the Lot Grading and Drainage General Specification.
- 2.16 "Municipality" means Halifax County Municipality.
- 2.17 "Nova Scotia Land Surveyor" is a registered or licensed member, in good standing, of the Association of Nova Scotia Land Surveyors of Nova Scotia.
- 2.18 "Professional Engineer" is a registered or licensed member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- 2.19 "sanitary sewerage system" means a system which is publicly owned and maintained and which consists of pipes or conduits receiving or carrying water-borne wastes and includes any trunk sewers, pumping stations and treatment plants.
- 2.20 "subdivision" means the division of any area of land into two or more parcels, and includes a resubdivision and a consolidation of two or more parcels as defined within the Planning Act, R.S.N.S. 1989, C.346, as may be amended from time to time.
- 2.21 "water distribution system" means a system which is owned and maintained by a public water utility and which consists of pipes and appurtenances carrying and distributing potable water for domestic and/or fire protection purposes and includes any pumping stations and reservoirs.

PART 3: APPLICATION AND ADMINISTRATION

- 3.1 This By-law shall apply to, and a Lot Grading Permit is required for, the development of all lots, designed and intended for new single and two unit dwellings, for which a building permit is required, and which are located within an area where a sanitary sewerage system and water distribution system or a sanitary sewerage system only is provided or is to be provided.
- 3.2 Notwithstanding Section 3.1, this By-law does not apply to the development of lots where a building permit is required for the following developments:
- (a) a renovation of an existing building, or
 - (b) an accessory building on a residential lot, or
 - (c) an addition to a single or two unit dwelling.
 - (d) new building construction other than for single or two unit dwellings.

PART 4 : GENERAL REQUIREMENTS

- 4.1 Nothing in this By-law shall exempt any person from complying with any other by-law or requirement of the Municipality, or from obtaining any license, permission, permit, authority or approval required by any other by-law of the Municipality or statute or regulation of the Province of Nova Scotia.
- 4.2 Where the provisions of this by-law conflict with those of any other by-law of the Municipality or any statute or regulation of the Province of Nova Scotia, the higher or more stringent requirements shall prevail.

PART 5: LOT GRADING PERMIT APPLICATION PROCEDURE

- 5.1 No lot to which this By-law applies shall be developed unless a Lot Grading Permit has been issued by the Municipality.
- 5.2 An application for a Lot Grading Permit shall be made at the time of application for a building permit. The procedure that will be followed shall be as provided for in the Building By-law. The application for a Lot Grading Permit shall include the following:
- (a) a Lot Grading Plan, prepared in accordance with the Lot Grading and Drainage General Specification, by qualified individuals as follows:

- (i) where an Approved Subdivision Grading Plan exists, and the drainage patterns depicted on the Approved Subdivision Grading Plan are to be preserved, the Lot Grading Plan is to be prepared by a Nova Scotia Land Surveyor, a Landscape Architect, or a Professional Engineer; or
 - (ii) where an Approved Subdivision Grading Plan does not exist, or the drainage patterns depicted on the Approved Subdivision Grading Plan are to be varied, the Lot Grading Plan is to be prepared by a Professional Engineer; and
- (b) a security deposit of \$1,000.00 in a form acceptable to the Municipality which shall be returned to the Applicant when the Applicant provides the Municipality with a Lot Grading Certificate for the applicable lot.

5.3 When a Lot Grading Plan is prepared for a lot shown on the grading plans listed in Schedule 'A':

- (i) the qualified individual who prepares the Lot Grading Plan is to confirm in writing that the grading and drainage patterns in the area of the subject individual lot are consistent with the applicable grading plan listed in Schedule 'A' relative to the manner that they affect the subject individual lot; or
- (ii) if the grading and drainage patterns in the area of the subject lot are not consistent with the applicable grading plan listed in Schedule 'A' relative to the manner that they affect the subject individual lot, then the Lot Grading Plan shall be prepared in accordance with Section 5.2. (a) (ii).

5.4 Where an Applicant fails to comply with the By-law or the Lot Grading Permit, the Municipality may use all or a portion of the security to bring the lot into compliance with the By-law and the Lot Grading Permit.

5.5 Where an Approved Subdivision Grading Plan exists, the Lot Grading Plan shall be consistent with the Approved Subdivision Grading Plan, subject to variations approved by the Municipality.

5.6 A Lot Grading Plan is deemed to be approved when it meets the requirements of this By-law and a Lot Grading Permit has been issued by the Municipality.

PART 6: OCCUPANCY PERMIT

6.1 Consistent with the Building By-law, no Occupancy Permit shall be issued unless:

- (a) A Lot Grading Certificate is submitted to the Municipality confirming that the lot has been constructed in accordance with the Lot Grading Plan as approved by the Engineer, or the requirements of Section 6.2 are met. The Lot Grading Certificate shall be prepared by qualified individuals, as follows:
 - (i) Where variations depicted on the Lot Grading Plan do not exist, the Lot Grading Certificate shall be prepared by a Nova Scotia Land Surveyor, a Landscape Architect, or a Professional Engineer.
 - (ii) Where variations depicted on the Lot Grading Plan exist, the Lot Grading Certificate shall be prepared by a Nova Scotia Land Surveyor, a Landscape Architect, or a Professional Engineer. Variations from the Lot Grading Plan shall be subject to review and approval by the Municipality prior to issuance of the Occupancy Permit.

6.2 Notwithstanding 6.1, an Occupancy Permit may be issued prior to receipt of a Lot Grading Certificate where the Applicant files the following with the Municipality:

- (a) a Deficiency Report prepared by a Nova Scotia Land Surveyor, a Landscape Architect, or a Professional Engineer setting forth details of the work to be completed; and
- (b) an Applicant Undertaking for Completion stating that the uncompleted work required by the Lot Grading Plan and the Deficiency Report will be completed within a period of nine (9) months.

6.3 Where an Occupancy Permit has been issued in accordance with the procedures set out in 6.2, and the Applicant fails to complete the work and file a Lot Grading Certificate within the nine month period, the Municipality shall be entitled to undertake the completion of work and all costs incurred in so doing shall be recovered from such security. Where the amount recovered from such security is not sufficient to cover the cost of completing the work, the Applicant shall be responsible to pay the amount of the deficiency to the Municipality immediately upon demand.

6.4 Where security is provided under Section 5.2 (b) by an Applicant for more than one lot in areas subject to this By-law, the following shall apply:

- (a) for up to five lots at any one time, the maximum total security shall be \$5,000.
- (b) for more than five lots but less than twenty-five lots at any one time, the maximum total security shall be \$10,000.

- (c) for more than twenty-five lots at any one time, the maximum total security shall be \$15,000.

PART 7: PERMIT FEES

- 7.1 An application for a Lot Grading Permit shall be accompanied by a payment in the sum of twenty-five (\$25.) dollars.
- 7.2 Notwithstanding the provision of Section 7.1, no Lot Grading Permit fee as described in Section 7.1 shall be required where the Applicant for the Lot Grading Permit is Halifax County Municipality.

PART 8: PENALTY

- 8.1 A person who violates any provision of this By-law or any agreement made pursuant to this By-law is guilty of an offence and is liable on summary conviction to a fine not exceeding five thousand dollars (\$5,000.) and in default of payment to imprisonment for a term not exceeding six (6) months and in case of a continuing offence to a further fine not exceeding five hundred dollars (\$500.) for each day during which the offence continues and in default of payment to imprisonment for a term not exceeding thirty (30) days.

PART 9 : COMING INTO FORCE

- 9.1 This By-law shall come into force upon the placement of an advertisement advising the general public of approval of this By-law by the Municipality and the Minister of Municipal Affairs.

THIS IS TO CERTIFY that the By-law of which this is a true copy was duly passed at duly called meeting of Council of Halifax County Municipality held on the 26th day of February, A.D. 1994

GIVEN under the hand of the Municipal Clerk and under corporate seal of the said Municipality this 29th day of February, A.D. 1996

[Signature]
Municipal Clerk

Halifax County Municipality
Lot Grading and Drainage By-law

DEPARTMENT OF MUNICIPAL AFFAIRS

Recommended for
approval of the Minister

Cayleen O'Grady
.....
Departmental Secretary

APPROVED this *29th* day
of *March* 19*96*

[Signature]
.....
Minister of Municipal Affairs

SCHEDULE "A" - APPROVED SUBDIVISION GRADING PLANS

TITLE	PLAN NO. / DATE	REVISION NO. / DATE
1. ALBANY ESTATES - ALBANY TERRACE - DUPLEX GRADING PLAN (PREPARED BY ALDERNEY CONSULTANTS LTD)	3819-11 OCT. 23. 1987	SEPT. 3. 1993
2. ARMCREST ESTATES - PHASE 3A - FINAL GRADING PLAN (PREPARED BY ALDERNEY CONSULTANTS LTD.)	890217-43 NOV. 28. 1990	MAR. 14. 1991
3. BISSETT LAKE FARM - LOT GRADING PLAN (PHASE 1) (PREPARED BY WASHBURN AND GILLIS ASSOCIATES LIMITED)	PAL 91-1 107 DEC. 1990	REV. NO. 5 MAY 5. 1992
4. BISSETT LAKE FARM - LOT GRADING PLAN (PHASE 2) (PREPARED BY WASHBURN AND GILLIS ASSOCIATES LIMITED)	BLF 33.2 - 108 APR. 1993	APR. 21. 1993
5. CARLISLE PLACE - GRADING PLAN - SHERWOOD STREET EXTENSION (PREPARED BY CLAYTON DEVELOPMENTS LIMITED)	CP92001 - 4 SEPT. 16. 1992	REV. NO. 5 JAN. 13. 1993
6. CARLISLE PLACE - GRADING PLAN - HAMPSTEAD COURT (PREPARED BY CLAYTON DEVELOPMENTS LIMITED)	CP93002 - 4a FEB. 1993	REV. NO. 7 JUNE 17. 1993
7. CARLISLE PLACE - PHASE 3 - GRADING PLAN (PREPARED BY MAC WILLIAMS ENGINEERING LIMITED)	93635 - P6 OCT. 30. 1992	REV. NO. 3 FEB. 7. 1994
8. COLBY SOUTH - PHASE 1A - COLE HARBOUR. N.S. - LOT GRADING PLAN (PREPARED BY MAC WILLIAMS ENGINEERING LIMITED)	95515-F05 APRIL 1995	REV. NO. 2 JULY 18. 1995
9. PHASE 15 - COLBY VILLAGE - CASTLEWOOD DRIVE AND CARNABY CRESCENT - MASTER SITING PLAN (PREPARED BY CLAYTON DEVELOPMENTS LIMITED)	NO PLAN NO. DEC. 1990	NOV. 3. 1988
10. SITE DRAINAGE PLAN - COLBY DEVELOPMENTS - NOVA TERRACE AND DEGANIS DRIVE (PREPARED BY K.W. ROBB AND ASSOCIATES LIMITED AND D.S. JENKINS. P.ENG.)	NO PLAN NO. FEB. 22. 1989	FEB. 7. 1991
11. NOVA SCOTIA DEPARTMENT OF HOUSING AND CONSUMER AFFAIRS - GRADING AND DRAINAGE PLAN PHASE 10E - THE FOREST HILLS LAND ASSEMBLY PROJECT	NO PLAN NO. (2 PLANS)	
12. NOVA SCOTIA DEPARTMENT OF HOUSING AND CONSUMER AFFAIRS - GRADING AND DRAINAGE PLAN PHASE 11 - THE FOREST HILLS LAND ASSEMBLY PROJECT	NO PLAN NO. (2 PLANS)	
13. GLENGARRY ESTATES - PHASE 1A - SUBDIVISION GRADING PLAN - LOTS 102-109, 123-129 (PREPARED BY WALLACE MACDONALD & LIVELY LTD.)	17-93/PH1-05 JAN. 12. 1995	REV. NO. 8 DEC. 8. 1995

TITLE	PLAN NO. / DATE	REVISION NO. / DATE
14. GLENGARRY ESTATES - PHASE 2A - SUBDIVISION GRADING PLAN - LOTS 210-219, 234-249, 263-265, AND 220A/B-233A/B (PREPARED BY WALLACE MACDONALD & LIVELY LTD.)	17-93/PH2-06 17-93/PH2-07 JAN. 12, 1995	REV. NO. 6 DEC. 13, 1995
15. GLENGARRY ESTATES - PHASE 3A - SUBDIVISION GRADING PLAN - LOTS 301A/B-325A/B, 370-399 AND 401-409 (PREPARED BY WALLACE MACDONALD & LIVELY LTD.)	17-93/PH3-10 17-93/PH3-11 JAN. 12, 1995	REV. NO. 7 REV. NO. 8 DEC. 13, 1995
16. MONTEBELLO DEVELOPMENTS LTD. - GLENGARRY ESTATES - GRADING PLAN - ASHDALE CRESCENT AND BIRCHDALE AVENUE (PREPARED BY ALDERNEY CONSULTANTS)	3800-26	REV. NO. 7 REV. NO. 8 DEC. 13, 1995
17. GREENWOOD HEIGHTS EXTENSION SUBDIVISION - LOT GRADING PLAN - LOT 62 & LOTS 84-101 (PREPARED BY WAUGH ASSOCIATES LTD.)	93096 SHEET 2 OF 5 FEB. 1994	REV. NO. 3 JUNE 27, 1994
18. HERITAGE HILLS - PHASE 4A - SUBDIVISION GRADING PLAN - LOTS 200-251, 260-299, 400-402 AND 443-460 (PREPARED BY WALLACE MACDONALD & LIVELY LTD.)	95058-10 95058-11 95058-12 FEB. 20, 1995	REV. NO. 6 NOV. 22, 1995 REV. NO. 5 REV. NO. 5 NOV. 13, 1995
19. KIEL DEVELOPMENTS - SANDALWOOD - LOT GRADING PLAN (PREPARED BY CBCL LIMITED)	88546 - 1A APR. 1989	REV. NO. 3 OCT. 18, 1990
20. NOVA SCOTIA DEPARTMENT OF HOUSING AND CONSUMER AFFAIRS - GRADING AND DRAINAGE PLAN - PHASE 2C - MFM - 4 - MILLWOOD	NO PLAN NO. OCT. 93	
21. PARCEL MF M-6 - PHASE 3 - MILLWOOD LAND LAND ASSEMBLY - GRADING AND LATERAL LOCATION PLAN - LOTS M-601 TO M-643 (PREPARED BY ALDERNEY CONSULTANTS LIMITED)	944102-16 AUG. 31, 1994	FEB. 21, 1995
22. NOVA SCOTIA DEPARTMENT OF HOUSING AND CONSUMER AFFAIRS - GRADING AND DRAINAGE PLAN - PHASE 4 - MILLWOOD LAND ASSEMBLY PROJECT	NO PLAN NO. (2 PLANS) JAN. 4, 1994	
23. MONT ROYAL DEVELOPMENTS - BLOCK MFM - 2R - MILLWOOD - MILLWOOD DRIVE - LOTS M-201 TO M-217 - GRADING PLAN (PREPARED BY ALDERNEY CONSULTANTS LIMITED)	944102-10 AUG. 17, 1994	NOV. 2, 1994
24. OKNAH PARK SUBDIVISION (PHASE 4) - SITE GRADING PLAN - AMETHYST CRESCENT AND PEARL DRIVE (PREPARED BY K.W. ROBB AND ASSOCIATES LTD. AND D.S. JENKINS, P.ENG.)	NO PLAN NO. OCT. 4, 1993	NOV. 19, 1993

TITLE	PLAN NO. / DATE	REVISION NO. / DATE
25. W. CHATER SUBDIVISION - GRADING PLAN (PREPARED BY ALDERNEY CONSULTANTS LIMITED)	944122 - 7 944122 - 8 944122 - 9 944122 - 10 AUG. 11, 1984	MAR. 17, 1995 JAN. 20, 1995 JUNE 28, 1995 JAN. 20, 1995
26. WILLOWDALE ESTATES SUBDIVISION - ROADS AND SERVICES - PHASE 2 - LOT GRADING PLAN - PHASE 2 (PREPARED BY CBCL LIMITED)	89566B - 3 JUNE 1990	REV. NO. 5 MAY 21, 1993
27. WILLOWDALE ESTATES SUBDIVISION - ROADS AND SERVICES - PHASE 3 - LOT GRADING PLAN - PHASE 3 (PREPARED BY CBCL LIMITED)	83533 - 8 JULY 1993	REV. NO. 4 MAY 28, 1993

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER L-301

RESPECTING LOT GRADING AND DRAINAGE

Be It Enacted by the Council for the Halifax Regional Municipality that By-law No. 70 of the former Halifax County Municipality be amended as follows:

1. The preamble or whereas clauses of By-law 70 are repealed.
2. Section 2.16 of By-law 70 is amended by deleting the word “County” and substituting therefore the word “Regional”.
3. Section 3.1 of By-law 70 is amended by inserting between the word “provided” and the period at the end of the section the following ; “anywhere in the Municipality except for that area which prior to April 1, 1996 constituted the Town of Bedford”.
4. Section 3.2 of By-law 70 is amended by adding the following clauses:

“(e) new building construction where lot grading is regulated by a Development Agreement;

(f) any area regulated by a Development Agreement in existence on the date this by-law takes effect in those areas of the municipality which prior to April 1, 1996 constituted the cities of Halifax and Dartmouth.”
5. Clause (b) of Section 5.2 and Section 5.4 of By-law 70 are repealed.
6. Section 6.2 of By-law 70 is amended by adding the word and figure “,and” to clause (b) and by adding clause (c) as follows:

“(c) a security deposit in the amount of \$1,000 in a form acceptable to the Municipality which shall be returned to the applicant on the receipt by the Municipality of a lot grading certificate for the lot.
7. A new section 6.2A is added immediately following section 6.2 as follows:

“when the applicant fails to present a lot grading certificate within 9 months, the Municipality may use the security to bring the lot into compliance with the by-law and the lot grading permit.”

8. Section 7.2 is amended by deleting the words “Halifax County Municipality” and substituting therefore the words “the Municipality”.
9. By-law 70 is renumbered as By-law L-300.

Done and passed by Council this day of , 2002.

MAYOR

MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on , 2002.

Vi Carmichael, Municipal Clerk