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Item No.
Community Planning and Economic Standing Committee
May 19, 2016

TO: Chair and Members of Community Planning and Economic Standing Committee

SUBMITTED BY: Original Signed by:
Bob Bjerke, Chief Planner and Director of Planning and Development

DATE: March 30, 2016

SUBJECT: **Case 19507: Amendments to the Regional Subdivision By-law**

ORIGIN

February 11, 2014, Regional Council initiation of the Regional Subdivision By-law amendment process

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter)

- Part IX "Subdivision"; and
- 60 (1)(c)(iii) The Council may make policies setting and amending the fees to be paid for permits, applications and approvals required to be obtained from the Municipality or an employee of the Municipality pursuant to a by-law of the Municipality or an enactment,

RECOMMENDATION

It is recommended that the Community Planning and Economic Standing Committee recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Regional Subdivision By-law as set out in Attachment A of this report, and schedule a public hearing;

2. Approve the proposed amendments to the Regional Subdivision By-law as contained in Attachment A of this report; and

3. Approve the proposed amendments to Administrative Order Number 15 Respecting License, Permit and Processing Fees as contained in Attachment B.

BACKGROUND

In 2006, concurrent with the adoption of the Regional Plan, Regional Council approved a Regional Subdivision By-law (By-law) to replace the four by-laws regulating subdivision in the four former municipal units (Dartmouth, Halifax, Bedford and County of Halifax). That document was a general harmonization of all former regulations and served to standardize the subdivision process across HRM. Now that the By-law has been in operation for over 9 years, staff and the development industry have advised that it is now appropriate to consider specific amendments to help clarify certain provisions and to improve the subdivision approval process. On February 11, 2014, Regional Council directed staff to initiate the process to consider amendments to the By-law as outlined in the staff report dated December 27, 2013[1]. The origin of the specific topics to be reviewed fall into 3 categories:

1. Those identified by the development industry;
2. Those matters identified by staff; and
3. Items identified by Regional Council.

This report outlines and provides recommendations on the topics of the By-law which Council has asked staff to review and discusses the consultation that was undertaken with the public and the development industry.

Topics for review:

Development Industry:

To receive initial input from the Development Industry, staff met with the Development Liaison Group (DLG). This ad hoc group which comprises staff, government agencies and representatives of the development industry, has been active in HRM for many years and has a mandate to develop and maintain business processes and practices which facilitate the design and construction of safe, affordable development throughout HRM. Its focus is on the impact to our “common clients”: the owners and users of buildings. In discussions with the DLG, a number of topics have been identified for review as follows:

- LED Streetlights: Review HRM standards, fees, and processes for LED streetlights and consider best practices of other municipalities;
- Audit Inspections: Presently, HRM collects and audit inspection fee equal to 2% of the estimated costs of subdivision construction. Staff wishes to review the amount of the fee to determine if it is appropriate or excessive for all situations;
- Parkland Dedication: Review parkland dedication requirements required for all types of development and contexts and the need for clarification between Parkland vs. Conservation Land;
- Utility Companies: Review the role of utility companies, including Heritage Gas, in the subdivision approval process;
- Street trees and landscaping requirements: Due to damages that occur during home construction, review best practices and consider the appropriate timing and installation of trees and landscaping in new subdivisions; and
- Warranty Security: Consider extending warranty security for new HRM infrastructure due to performance and damage that occurs after the current one year period.

[1] Staff report available on HRM website at: http://www.halifax.ca/council/agendasc/documents/140211ca1112.pdf

HRM Staff:

- review of existing subdivision fees;
- review of park accessibility standards; and
- clarification by way of housekeeping amendments to ensure accurate references and corrections including:
    - updating review agency references so that they do not require future amendment to address name changes;
    - changes to ensure the By-law is consistent with provisions in the Land Use By-laws;
    - additional definitions to clarify By-law intent;
    - removal of exhausted grandfathering provisions;
    - removal of redundant engineering requirements; and
    - removal of fees from the By-law and subsequent amendments to Administration Order Number 15 Respecting License, Permit and Processing Fees (included as Attachment B);

Regional Council:

Through the process of considering a separate amendment filed under Case 19282[2] to clarify the By-law's requirements for cash-in-lieu of parkland dedication, general discussion by members of Council raised questions concerning park dedication provisions. Those items were beyond the scope of Case 19282, however, staff advised that the larger By-law amendment exercise could respond to the following topics:

- review the possibility of allocating parkland fees to develop and/or enhance off-site (but nearby) parkland and playground sites;
- enable the prorating of parkland fees to be assessed in phases as development is started or to be applied as a lien on the properties designated for the proposed development; and
- consideration of the assessment of parkland fees to any change in use or for large redevelopments whereby new PIDs are created or lots consolidated.

DISCUSSION

To evaluate the topics, staff has conducted best practice research, implemented Council's approved public participation program (see Attachment C), and consulted with the DLG before making its recommendations on each topic as follows:

Development Industry Topics:

Review of LED Streetlight Installation Process and Responsibility

Topic: The installation of streetlight bulbs by HRM has caused delays to the development industry due to the lack of standardization of streetlight bulbs and the costs for varying types of streetlight bulbs are higher than what industry could secure through their suppliers.

Public Feedback and Review: During the public consultation process, development industry representatives identified that they wished to have full responsibility and control over the installation and timing of streetlights. This position was based on industry's ability to better schedule the ordering and timing of installation, which in turn reduces costs. This approach would align the bulb installation with the current process for all other new street infrastructure and places risk and responsibility in industry's

[2] See staff report on HRM website at: http://www.halifax.ca/council/agendasc/documents/140610ca11111.pdf

control. Since Council's initiation in February of 2014, streetlight bulbs have been standardized and the process has improved, but both the Municipality and industry agree that the private sector can capitalize on economies of scale and alignment of this aspect of street construction will streamline the process and be more efficient for both the developer and the Municipality.

DLG's Position: Supports industry takeover of street light installation.

Recommendation: The By-law should be amended so that developers assume responsibility for installation of streetlights and to remove the requirement that a street lighting fee be submitted to the Municipality as a requirement of final subdivision approval.

Appropriateness of Audit Inspection Fees

Topic: In most cases, the 2% audit inspection fee required by the By-law for new infrastructure (i.e., roads) is higher than the amount currently needed to offset the cost of providing this service. To date, only a portion of the fee is used to recover the cost of HRM's inspections, with most of the fee being returned to the developer once the new infrastructure is constructed.

Public Feedback and Review: An internal and external review of received and refunded audit inspection amounts was conducted, and is included as Attachment D. This review indicates that an average of 0.59% of the estimated construction costs is used to cover inspections and that slightly more than half of the reviewed projects would still receive a refund. Through the public consultation process, staff heard strong support from industry for a lower fee to more closely align with the actual cost of providing the service.

DLG's Position: Supported the lowering of the audit inspection fee to a percentage closer to the actual cost of the fees. The by-law currently permits HRM to recover additional costs prior to acceptance of new infrastructure.

Recommendation: The By-law should be amended to require a 0.5% audit inspection fee, with the ability to reconcile the required fees prior to acceptance of new infrastructure. Attachment B contains proposed amendments to Administrative Order 15 to include this reduced fee.

Role of Utility Companies in the Subdivision Process

Topic: Heritage Gas wishes to be recognized as a required review agency in the subdivision process. Thus, they would have the ability to review and comment on subdivision engineering plans to ensure their distribution system is implemented efficiently. The By-law currently requires that, prior to approving a plan of subdivision, that the Development Officer distribute plans and require comments from essential utilities such as Halifax Water. The By-law identifies natural gas as a utility and requires that any such service be designed and installed as per the utility company's specification. However, natural gas is not an essential municipal service, therefore the By-law does not require it to be provided in new subdivisions. This is the case for other services such as telephone, power and cable.

Public Feedback and Review: To meet the commercial objectives of the utility, the request to include Heritage Gas as a required review agency could interfere with the intent of the By-law to require that essential municipal services be provided to service new subdivisions. The Development Officer is required to consider feedback from the agencies responsible for regulating municipal infrastructure as well as any other agencies as may be deemed necessary to effectively service the development. In order to achieve the By-law's objectives, non-essential utilities and agencies should not be included as approval agencies; this discretion should remain with the Development Officer.

Last June, Regional Council approved a new Municipal Operating Access Agreement with Heritage Gas. That document contains terms implementing a business process whereby subdivision applications are referred for review by Heritage Gas to assess the benefits of participating in and providing natural gas

service for proposed subdivisions. Where the utility commits to providing natural gas, the developer will be obligated to incorporate such infrastructure in their design drawings.

DLG's position: Supports the status quo.

Recommendation: The By-law should not be amended to include Heritage Gas as a required review agency. The business process of referral to determine interest and then requiring the provision of a system design is supported by the existing language contained within the By-law.

Warranty Security Period

Topic: Review the length of the warranty security period required for any defects in the performance of newly installed street infrastructure.

Public Feedback and Review: The feedback from the public consultation process indicated that the general public was in favour of extending the warranty period. However, the development industry indicated that such a change would impact costs and was not needed as most of the items addressed under the warranty are the result of contractor practices on site and not material defects. They suggest that the matter should be addressed by having developers working more closely with contractors to address damages to infrastructure than by increasing the warranty period. Capital projects undertaken by HRM require a minimum of 2 year warranty period, as do other benchmark cities in Canada. Additionally, a two year warranty period allows for review of infrastructure after two seasonal cycles, ensuring material issues are addressed.

DLG's position: Supports the status quo (no extension to the warranty period).

Recommendation: The By-law should be amended to extend the warranty period to 2 years to make it consistent with the industry standard used by HRM and Halifax Water for their capital works projects as well as by other Canadian cities.

Street Tree and Landscaping Installation and Timing

Topic: Street trees, sodding and other landscaping elements are frequently damaged during the warranty period and during home construction, and are required to be replaced.

Public Feedback and Review: The feedback from the consultation process indicated that the development industry would like to see amendments to the By-law that allow for posting of security for trees and landscaping until 80% of the new homes on the street were completed. The intent behind this position was that it would reduce damage and subsequent replacement during construction. However, due to the length of time for subdivision build-out to occur, it is possible that the amount of the security held could be insufficient and no longer cover the cost of the trees and landscaping. In this scenario, existing built homes would be occupied for long periods of time without proper trees and sodding. Without sodding to aid in uptake of rainwater, stormwater runoff could also become an issue. Installation of the trees and sod could take place at the end of the current warranty period, which is proposed to be extended (see the previous topic); this is the practice in other municipalities. However, developers can delay the installation of the trees and sod within the current structure of the By-law by requesting a reduced security and receiving a partial secondary takeover.

DLG's position: Supports delaying the installation of street trees and sodding in order to prevent damage and subsequent replacement of these elements.

Staff's Recommendation: The By-law should not be amended to enable security options for street trees and landscaping installation as industry best practice can address the performance issue and existing By-law provisions already enable the delay installation of trees and sod.

Parkland Dedication

Topic: Clarification of the acceptability of passive, open or 'conservation' land as parkland dedication; and the review of a possible reduction of required parkland dedication in unique situations.

Public Feedback and Review: Staff received strong feedback at both the public information sessions and the DLG meetings for the idea of HRM having the ability to accept passive open space, or conservation land as public parkland. This type of dedication would be proposed in addition to the typical active parkland dedications that are currently required by the By-law. The *HRM Charter* doesn't provide the Municipality the authority to obtain and manage this type of additional land acquisition through the subdivision process as parkland dedication. The current intent of the By-law is that parkland acquired through the subdivision process be of a certain quality and composition.

During the consultation process, staff received feedback from industry that the amount of parkland (10% of the gross land area) was too high and should be reduced back to 5%. Staff indicated that the adoption of the Regional Plan in 2006 and the more recent re-adoption of the Plan in 2014 indicate that the municipality would not be returning to a 5% parkland dedication. However, staff and the DLG discussed the possibility of a reduction of required parkland dedication in unique situations. One such situation is the requirement (percentage) for parkland on only commercial and industrial lands.

DLG's position: Supports the position that the specifications for park infrastructure be viewed more as a guideline, so that where the specifics (<1 metre grade differential at park entrance, for example) are very onerous due to site conditions, that a relaxation at the discretion of the Development Officer in consultation with the Parkland Planner could be considered. The DLG also supported the position that a reduction of parkland dedication be applied for land proposed for commercial or industrial uses exclusively. Further study of this proposal and the possible ramifications should be considered through the Halifax Green Network Plan.

Staff's Recommendation: The By-law is currently clear that open space, conservation land, riparian buffers, wetland areas, and other similar features are not acceptable parkland dedication, and so amendments are not required. The By-law does, however, enable staff to waive the parkland quality of land criteria where a proposed park parcel exhibits or provides access to unique physical, ecological, cultural or heritage characteristics or features which are valuable for public access and interpretation.

The Halifax Green Network Plan will establish a strategy and implementation framework for developing and managing an interconnected network of open space resources across the region and within communities. One of the objectives of the Plan is to proactively respond to developing communities and development projects by planning for an adequate amount, quality and character of open space. If Council wishes to allow conservation type land to be included as parkland, this could be considered through the development of the Plan. To provide a comprehensive framework that considers development in all contexts, staff further recommends that the Green Network Plan should consider the effects of reducing the parkland dedication for lands within exclusively commercial or industrial zones. Such a change would impact the amount of land and monies received through parkland dedication in these areas. Any alterations to the parkland dedication program would be premature while the Green Network policy study is underway.

Topics Raised by HRM Staff

Housekeeping Amendments

HRM staff has identified a number of housekeeping amendments to the By-law that help to clarify regulations without changing its context or outcomes, to align the By-law with outcomes of the 5-year review of the Regional Plan, and to update terminology as outlined in Attachment A to this report. For ease of reading, a strikeout/insert version of the proposed amendments within the full text of the By-law is

available on the HRM webpage at http://www.halifax.ca/planning/applications/Case19507Details.php.

Park Accessibility Standards

Several existing parks have been identified by HRM Transportation and Public Works staff as having sub-standard accessibility due to a lack of curb cuts, driveways, parking areas and unstable pedestrian surfaces. These parks were acquired prior to the adoption of the 2006 version of the Regional Subdivision By-law and as such were not subject to the current parkland quality criteria standards which support accessibility conditions. Upgrades of older, less accessible parks is a matter that cannot be addressed through amendment to the current By-law but which may be addressed through future capital improvements for these sites.

Fee Review

As part of the Planning and Development Renewal program, to determine how fees relate to the actual costs of providing our services, a review of existing development-related fees is being undertaken. Recommendations on establishing guiding principles and policies for setting fees will be presented to Council for consideration in late spring 2016. Should Council approve of an altered fee program, any resulting changes would likely not come into effect until later this year.

Part of the amendment process was a review of administrative fees under the By-law. Staff recommends that all application fees and other related fees be removed from the By-law and incorporated in Administrative Order Number 15 (Respecting License, Permit and Processing Fees). By including all of the administrative fees under the Administrative Order 15, Council is able to review and alter its fees with greater efficiency in the future. Attachment B contains the fees to be removed from the By-law and included within Administrative Order 15.

Topics Raised by Regional Council

Staff has investigated the possibility of creating policy to support the parkland dedication matters raised during Council's June 10, 2014 discussion concerning Amendments to the Regional Subdivision By-law regarding Park Dedication (Case 19282). It has been determined that all three topics require an amendment to the *HRM Charter* for the following reasons:

1. ***review the possibility of allocating parkland fees to develop and/or enhance off-site (but nearby) parkland and playground sites***
   The *HRM Charter* doesn't currently give the Municipality the authority through the By-law to direct cash-in-lieu of parkland dedications to improve off-site parks. Council can use funds acquired as cash paid in lieu of transferring parkland for the acquisition of, and capital improvements to, parks, playgrounds and similar public purposes. Presently, a developer may request that Council accept a park dedication outside of the area being subdivided, but there is no ability to incorporate such a discretionary decision into the as-of-right process as set out in the By-law.

2. ***enable the prorating of parkland fees to be assessed in phases as development is started or to be applied as a lien on the properties designated for the proposed development***
   The *HRM Charter* doesn't currently give the Municipality the authority to consider prorating cash-in-lieu of land dedications. Parkland dedication is required at the time of final subdivision approval. To defer dedication until some point after lot endorsement would increase the difficulty in acquiring the required dedication as the developer may no longer maintain ownership of the affected lands. If dedication were delayed, and as property assessments increase, this option could potentially make it more expensive to provide the required dedication.

3. consideration of the assessment of parkland fees to any change in use or for large redevelopments whereby new PIDs are created or lots consolidated
The *HRM Charter* doesn't currently give the Municipality the authority to consider assigning parkland dedication to development other than subdivision.

While the *HRM Charter* does not presently enable these topics to be considered, the Halifax Green Network Plan will provide a strategic vision and decision-making framework for future open space protection and use. The Plan itself will not contain new zoning or regulation but rather it will provide the necessary land evaluation, public policy direction, and implementation tools and priorities to shape future community planning process. Following that exercise, staff will be in a position to provide Council with implementation options for any changes to the park dedication program which may include amendments to the Regional Subdivision By-law.

Conclusion

The process used to review the Regional Subdivision By-law has allowed industry, the public, and staff to review possible changes to the By-law with the intent of clarifying and improving the subdivision approval process. There is agreement on a number of the topics raised but not all and others need further review. Despite not achieving agreement on all topics, the changes proposed in this report will have a positive impact on the subdivision approval process. Therefore, staff recommends that Regional Council approve the proposed amendments to the Regional Subdivision By-law as contained in Attachment A and to Administrative Order Number 15 Respecting License, Permit and Processing Fees as contained in Attachment B of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. While the reduced audit inspection fees will result in smaller fees being collected and deposited as revenue initially, there will be no net effect to the operating budget as additional or surplus fees will continue to be charged or refunded to developers based on the actual costs of HRM's inspections.

RISK CONSIDERATIONS

There are no significant risks associated with the recommendations in this report. The risks considered rate low. To reach this conclusion, consideration was given to operational, financial, and strategic risks.

COMMUNITY ENGAGEMENT

Staff has consulted with the public and industry stakeholders in accordance with the public participation program approved by Regional Council on February 11, 2014, included as Attachment C to this report. The public participation program included information sharing and consultation through:

- an online survey on HRM's website held from August 6 to September 5, 2014, the results of which are included as Attachment E;
- three information meetings held across the municipality, the minutes of which are included as Attachment F; and
- meetings with the Development Liaison Group.

The results of the survey and information meetings were presented to the DLG for feedback and review of the proposed changes have been vetted through both internal (Traffic Services, Development Approvals, Civic Addressing, TPW), and external (HRWC) agencies. The results of the community engagement process largely informed the origins of the review topics and the recommendations included in this report.

Prior to considering the approval of any Regional Subdivision By-law amendments, Regional Council

must hold a public hearing. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, the HRM website will be updated to include notice of the public hearing.

The proposed amendments to the Regional Subdivision By-law will potentially impact developers and property owners.

ENVIRONMENTAL IMPLICATIONS

None associated with this report.

ALTERNATIVES

1) Halifax Regional Council may choose to approve the proposed amendments to the Regional Subdivision By-law subject to modifications. This may necessitate further review, a supplementary staff report and an additional public hearing. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. A decision of Council to approve amendments to the Regional Subdivision By-law is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter.*

2) Halifax Regional Council may choose to refuse to approve the proposed amendments to the Regional Subdivision By-law as provided in Attachment A of this report. A decision of Council to refuse amendments to the Regional Subdivision By-law is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A:	Proposed Amendments to the Regional Subdivision By-law
Attachment B:	Proposed Amendments to Administrative Order Number 15 Respecting License, Permit and Processing Fees
Attachment C:	Public Participation Program for Amendments to Regional Subdivision By-law
Attachment D:	Audit Inspection Fee Research
Attachment E:	Online Survey Results
Attachment F:	Public Information Session Minutes

A copy of this report can be obtained online at http://www.halifax.ca/commcoun/index.php then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Report Approved by: Original Signed by:
Kelly Denty, Manager of Development Approvals, 902.490.4800

Attachment A

Proposed Amendments to the Regional Subdivision By-law

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the *Regional Subdivision By-law*, which was adopted by the Council of the Halifax Regional Municipality on the 25th day of June, 2014 and approved by the Minister of Municipal Affairs on the 18th day of October, 2014, as amended, is hereby further amended as follows:

1. In the Table of Contents, directly after 'Schedule "A3" Patriquin Lane', by inserting text as shown in bold, as follows:

   Schedule "A4" – Downey Simmonds Lane

2. In the Table of Contents, directly after 'Schedule "A3" Patriquin Lane', by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

   Schedule "A~~4~~**5**" – Subdivision Application form

3. In the Table of Contents, directly after 'Schedule "A4" – Subdivision Application form', by inserting text as shown in bold, as follows:

   Schedule "A6" – Form HRMSD-1

4. In the Table of Contents, directly after 'Service Requirement Map', by inserting text as shown in bold, as follows:

   Schedule "B" – Service Requirement Map **(as revised on [INSERT DATE])**

5. In the Table of Contents , after the words 'Appendix 1 - Subdivision Agreement', by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

   ~~Appendix 2 - Water Services Agreement 106~~ **DELETED**

6. Section 1 Title, subsection (1) is amended by deleting text as shown in strikeout:

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

7. Section 2 Application and Administration is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

   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~~**9** do not constitute part of this by-law but are included for information purposes only.

8. Section 3 Definitions, clause (a) is amended by deleting text as shown in strikeout, as follows:

(a) "Agreement" means a written contact 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 the by-law.

9. In section 3 Definitions, clause (b) is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

(b) "Area of land" means any lot or parcel **of land** as described by its boundaries, or as otherwise defined in a section of this ~~By-law~~ **by-law**, but shall not include a private road.

10. In section 3 Definitions, clause (ba) is added after clause (b), as follows:

(ba) "Building Official" means a building official or building officials appointed by the Council to administer and enforce the Building Code Act in the Municipality.

11. In section 3 Definitions, clause (d) is amended by inserting text as shown in bold, as follows:

(d) "Charge area" means an area which has been designated by Council, **or in the case of Halifax Water by the Nova Scotia Utility and Review Board,** by amendment to this by-law, in which infrastructure charges are to be levied.

12. In section 3 Definitions, clause (f) is amended by deleting text as shown in strikeout, as follows:

(f) "Council" means the Council of the ~~Halifax Regional~~ Municipality or any Community Council where applicable.

13. In section 3 Definitions, clause (fa) is added after clause (f), as follows:

(fa) "Curve" means a deviation from a straight line without sharp breaks or angularity having a maximum radius of 100 m.

14. In section 3 Definitions, clauses (g), (h) and (i) are deleted, as shown in strikeout, and are amended by inserting text as shown in bold, as follows:

(g) ~~"Department of the Environment and Labour" means the Nova Scotia Department of the Environment and Labour.~~ **DELETED**

(h) ~~"Department of Transportation and Public Works" means the Nova Scotia Department of Transportation and Public Works.~~ **DELETED**

(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.~~ **DELETED**

15. In section 3, Definitions, clause (j) is amended by deleting text as shown in strikeout and nserting text as shown in bold, as follows:

(j) "Development Officer" means the ~~Development Officers~~ **person or persons** appointed by Council to administer this by-law.

16. In section 3, Definitions, clause (k) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(k) "Encumbrances" mean~~, for the purposes of park dedication,~~ **any** legal, environmental, or physical constraint**(**s**)** on ~~the property~~ **land that is intended for future use as park dedication, public street or walkway,** that may limit its use and management or present unreasonable development or remediation costs to the Municipality.

17. In section 3 Definitions, clause (la) is added directly after clause (l), as follows:

(la) "Engineering Regulations" means the latest edition of the Municipal Design Guidelines as approved by Council and/or the Halifax Regional Water Commission Design and Construction Specifications.

18. In section 3 Definitions, section (n) is amended by inserting text shown as bold, as follows:

(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 **and which is designed to meet the requirements of section 34 of this by-law.**

19. In section 3 Definitions, clauses (oa) and (ob) are added directly after clause (o), as follows:

(oa) "*HRM Charter*" means the *Halifax Regional Municipality Charter*, 2008, S.N.S., c. 39, as amended from time to time.

(ob) "Halifax Water" means the Halifax Regional Water Commission and its successors.

20. In section 3 Definitions, clause (p) is amended by inserting text shown as bold, as follows:

(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, **sanitary sewer systems and stormwater systems** required by this by-law.

21. In section 3 Definitions, clause (t) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

    (t) "Municipality" means the Halifax Regional Municipality, body corporate, as ~~established~~ **continued** under the ~~*Municipal Government Act*~~ ***HRM Charter.***

22. In section 3 Definitions, clauses (ta), (tb) and (tc) are added directly after section (t), as follows:

    (ta) "Municipal 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.

    (tb) "NS Environment" means Nova Scotia Environment (formerly the Nova Scotia Department of Environment and Labour) and its successors.

    (tc) "NSTIR" means the Nova Scotia Department of Transportation and Infrastructure Renewal (formerly the Department of Transportation and Public Works) and its successors.

23. In section 3 Definitions, clause (v) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

    (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 sanitary sewer, storm sewer, separated storm and sanitary sewer ~~lateral~~ **laterals**, 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.

24. In section 3 Definitions, clause (w) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

    (w) "Primary services stage I" means those primary services which include sanitary sewer, storm sewer, separated storm and sanitary sewer ~~lateral~~ **laterals**, 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.

25. In section 3 Definitions, clause (y), subclause (i) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

    (i) the right-of-way, alignment and gradient of the road ~~are~~ **were** approved by the Municipality **or the Province**;

26. In section 3 Definitions, clause (y), subclause (ii) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

    (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~~ **grant of easement**, registered in the Office of the Registrar of Deeds for the County of Halifax; and

27. In section 3 Definitions, clause (z) is amended by deleting text as shown in strikeout, as follows:

    (z) "Professional Engineer" means a registered or licensed member, in good standing, of ~~the Association of Professional~~ Engineers ~~of~~ Nova Scotia.

28. In section 3 Definitions, clauses (za) and (zab) are added directly after section (z), as follows:

    (za) "Project Specification" means job specific supplementary specifications for any engineered device that is not addressed in the Engineering Regulations.

    (zab) "Province" means the Province of Nova Scotia.

29. In section 3 Definitions, clause (aa) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

    (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~~ **21** of the *Public Highways Act* **and the HRM By-law S-900, the Controlled Access Streets By-law**.

30. In section 3 Definitions, clause (aaa) is added directly after section (aa), as follows:

    (aaa) "Remainder" means the remaining portion(s) of an area of land for which no subdivision approval is required.

31. In section 3 Definitions, clause (ac) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(ac) "Sanitary sewer system" means a complete and properly functioning system owned and maintained by ~~the Municipality~~ **Halifax Water** 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.

32. In section 3 Definitions, clause (af) is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

(af) "Security" means cash, certified cheque, **bank draft** or an irrevocable letter of credit issued by a recognized financial institution in a format acceptable to the ~~Halifax Regional~~ Municipality.

33. In section 3 Definitions, clause (aj) is amended by inserting text shown as bold, as follows:

(aj) "Site improvements" means, **for the purposes of park dedication,** the construction required to eliminate any environmental or physical encumbrances on land to be provided as the park dedication.

34. In section 3 Definitions, clause (al) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(al) "~~Storm drainage~~ **Stormwater** 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 **ice 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.

35. In section 3 Definitions, clause (au) is amended by deleting text shown as strikeout and inserting text as shown in bold, as follows:

(au) ~~"Water Commission" means the Halifax Regional Water Commission.~~ **DELETED**

36. In section 3 Definitions, clause (aw) is amended by deleting text shown as strikeout, as follows:

(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.

37. Section 4 of General Requirements is amended by inserting text as shown in bold, as follows:

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 **or defined by the *HRM Charter* or the *Interpretation Act*, *1989 R.S.N.S c.245,* as amended**.

38. Section 5 of General Requirements is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

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~~ **the** 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~~.

39. Section 6 of General Requirements is amended by inserting text as shown in bold, as follows:

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 **applicable** land use by-law shall prevail.

40. In section 9 of General Requirements, subsection (1) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(1) **Unless otherwise provided for in sections 10, 11 or 12 of this by-law, ~~N~~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~~ **Community** Connector~~s~~**”** on Map 1 of the Regional Municipal Planning Strategy.

41. In section 9 of General Requirements, subsection (3) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(3) For the purposes of subsection (2) **of this section,** and section 17, "existing" includes:…

(iii) those public streets or highways or private roads created in accordance with section 10 and subsections (2), ~~and~~ (3) **and (4)** of section 11;

42. In section 10 of General Requirements, subsection (1) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(1) ~~Notwithstanding subsection (1) of section 9, w~~**W**ithin 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~~ **a completed application for concept approval** 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.

43. In section 10 of General Requirements, subsection (4) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(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 **in accordance with concept plans approved on February 23, 2007 and April 24, 2007, respectively.** ~~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.~~

44. In section 11 of General Requirements, subsection (1a) is added directly after subsection (1), as follows:

(1a) Notwithstanding subsection (1), within the areas identified on Schedule "J", a subdivision which creates lots for residential uses involving new public streets or highways may be approved where an active completed application for tentative or final subdivision approval was on file on or before April 26, 2006.

45. In section 11, subsection (2) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(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 2~~9~~**6**, 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.

46. In section 11 of General Requirements, subsection (3) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(3) Where in the opinion of the Development Officer, it is necessary to provide for efficient street connections, the requirements of clause (~~3~~**2**)(b) may be relaxed.

47. In section 11 of General Requirements, subsection (4) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(4) Where a tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to subsection (~~3~~**2**) ~~has~~ **was** not ~~been~~ submitted ~~by~~ **on or before** April 2~~9~~**6**, 2007, any subsequent subdivision application for these lands shall conform to the requirements of sections 9 and 12 of this by-law.

48. Section 12 of General Requirements is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

12 ~~Notwithstanding section 9, w~~**W**ithin the areas designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Commuter and Rural Resource, **but excluding the area identified as Rural Area Designation under the Municipal Planning Strategy in the Eastern Passage/ Cow Bay plan area,** 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~~ **a public street that existed on April 26, 2006, from which access will be gained; or**

(ia) with a minimum 20 m frontage on a road reserve owned by NSTIR or the Municipality, that existed on April 26, 2006, that is capable of being upgraded to public street standards; and

(ii) that existed on or before ~~August~~ **April** 26, 2006;

(ba) lots proposed to be created pursuant to lot frontage exemptions of this by-law are subject to the requirements of subsection (b), unless

the required minimum frontage is achieved on an existing public street or highway;

(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;

(d) no new public street or highway shall extend beyond the limit of the new lots being created~~.~~; and

(e) **For greater certainty, this section shall not apply within areas designated as Rural Commuter under the Regional Municipal Planning Strategy and designated as Rural Area Designation under the Municipal Planning Strategy in the Eastern Passage/Cow Bay plan area.**

49. Section 14 of Service Area Requirements is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

SERVICED AREA REQUIREMENTS

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.

(1a) Where lands to be subdivided are within the Urban Service Area, Water Service Area and the Serviced (sewer only) area, as identified on Schedule B, have frontage on an existing public street or highway which does not have Municipal sewer and/or water in that portion of the street or highway, the subdivider shall, at its cost, design and construct all primary and secondary services at least to the mid-point of the frontage of the last lot to be created by the proposed subdivision.

(2) Notwithstanding subsection**s** (1) **& (1a)**, 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~~ **Halifax Water**.

50. In Section 17 of Service Area Requirements, clause (4) is added directly after clause (3), as follows:

(4) For the purposes of this section, existing is defined in subsection 9(3).

51. In section 23 of Municipal Service and Street Design Requirements, clause (b) is amended by inserting text shown as bold, as follows:

(b) local industrial **street**

52. Section 24 of Municipal Service and Street Design Requirements is amended by inserting text shown as bold, as follows:

24 The characteristics of the street classification shall be as defined in the **Municipal** Design Guidelines.

53. Section 25 of Municipal Service and Street Design Requirements is deleted and text is inserted as shown in bold, as follows:

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.~~ **DELETED**

54. Sections 29 and 30 are deleted and text is inserted as shown as strikeout, as follows:

29 ~~Bus bays shall be provided along all new arterial streets and major collector streets in accordance with the Design Guidelines.~~ **DELETED**

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.~~ **DELETED**

55. Section 30A is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

Where any public street is constructed within an Urban Service Area after this ~~By-law~~ **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**:**

…

56. In section 32, clause (a), subclause (ii) is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

(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~~.~~**, provided the lot measures a minimum distance of 15.24 m along a line joining points on the side lot lines which points are 6.1 m from the street or road**.

57. In section 32, clause (a), subclause (iii) is added directly after subclause (ii), as follows:

(iii) notwithstanding subclause 32(a)(ii), where the proposed subdivision subdivides a semi-detached dwelling, the minimum frontage for each unit shall be 7.62 m, except when the lot faces on the outside of a curve in a street, in which case the minimum frontage may be reduced to 3.81 m for each unit, provided the lot measures a minimum distance of 7.62 m along a line joining points on the side lot lines which points are 6.1 m from the street or road.

58. In section 32, clause (b), subsubclause (ii) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(ii) a minimum frontage of 45.72 m~~.~~**, except when the lot faces on the outside of a curve, in which case the minimum frontage may be reduced to 22.86 m - provided the lot measures a minimum distance of 45.72 m along a line joining points on the side lot lines which points are 6.1 m from the street or road**.

59. Section 33 is amended by inserting text as shown in bold, as follows:

33. Lots shall not be subdivided to create a width or depth of less than 6**.1** m unless a lesser width or depth is permitted by an applicable land use by-law.

60. In section 37, clause (c) is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

(c) areas of land which met the requirements of clause (a) or (b) which **have had their boundaries altered, but such alteration** did not ~~alter~~ **change** the general dimensional characteristics of the parcel, ~~nor~~ **and which have not** utilized the provisions of section 38.

61. In section 39, clause (d), subclause (i) is amended by deleting text as shown in strikeout and inserting text shown as bold, 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 **and the Planning District 4 (Prospect) Plan Area**;

62. In section 40, subsection (4) is amended by deleting text as shown in strikeout and

inserting text shown as bold, as follows:

(4) Notwithstanding the lot area requirements of sections 7 and 31, where an area of land contains more than one main building, **built or placed on the land prior to the effective date of the respective land use by-law**, the Development Officer may approve a final plan of subdivision showing the same number or fewer lots as there are **main** 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~~ **Official**, with respect to spatial separation.

63. Section 43 is amended by inserting text shown as bold, as follows:

43 Within the **Planning District 4 (**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 **creating lots for residential use,** showing a maximum of 3 lots having a minimum frontage of 6.1 m.

64. In section 47(A), clause (d) is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

(d) has been reviewed by the Development Engineer, Building ~~Inspector~~ **Official** and the Development Officer is notified in writing that they will have no objection to the proposed subdivision.

65. Section 48 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

48 Within the ~~Lawrencetowm~~ **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~~ **is not less than 30.48m**.

66. Section 50 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

50 Within the Lake Echo/Porters Lake Plan Area, where more than one main building exists on ~~a~~ **an** 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 **main** 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~~ **Official** 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.

67. Section 52 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

52 Within the Eastern Shore (West) Plan Area, where more than one main building exists on ~~a~~ **an** 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 **main** buildings, and a remainder ~~lot~~, provided that each proposed lot:

(a) has a minimum frontage of 6.1 m;

(b) is approved **by the Building Official and** 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~~ **their** 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.

68. Section 59 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

59 Within the Eastern Shore (East) Plan Area, where more than one main building exists on ~~a~~ **an** 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 **main** buildings, and a remainder ~~lot~~, provided that each proposed lot:

(a) has a minimum frontage of 6.1 m;

(b) is approved by **the Building Official and** 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~~ **their** 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.

69. Section 62 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

62 Within the Musquodoboit Valley-Dutch Settlement Plan Area, where more than 1 main building exists on ~~a~~ **an** 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 **main** buildings, plus a remainder ~~lot~~, provided that each proposed lot:

(a) has a minimum frontage of 6.1 m;

(b) is approved by **the Building Official and** 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~~ **their** 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.

70. Section 63 is amended by inserting text shown as bold, as follows:

63 Within the Musquodoboit Valley-Dutch Settlement Plan Area and notwithstanding section 34 and the lot frontage requirements of section**s** 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. **This section does not preclude the application of Section 38 to any eligible area of land**.

71. Section 64 is amended by inserting text shown as bold, as follows:

64 (1) Within the Musquodoboit Valley-Dutch Settlement Plan Area and notwithstanding the lot frontage requirements of section**s** 7 **and 31(2)**, where ~~a~~ **an** 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 **and subsection 31(2). This section does not preclude the application of Section 38 to any eligible area of land.**

(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 **final** plan of subdivision. In

addition, the subdivider must convey such right(s)-of-way concurrently with the conveyance of the lot(s).

72. Section 65 is amended by inserting text shown as bold, as follows:

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 **on the area of land** 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 the Building Official has notified the Development Officer in writing of their approval, and 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 **distribution** system.

73. Section 66 is amended by inserting text shown as bold, as follows:

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 **the subdivision of** 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 m^2 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.

74. Section 67 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

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 **the subdivision of** 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 m^2, 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~~ **parallel** 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.

75. In section 79, subsection (1) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(1) Within the **Planning Districts 14 & 17 (**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~~ **shall be** approved **as of the effective date of** ~~under~~ the 1984 Subdivision By-law for Halifax County Municipality **(December 31, 1984)**~~, shall be approved~~.

76. In section 79, subsection (3) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(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~~ **grant-of-easement**, registered in the Office of the Registrar of Deeds for the County of Halifax.

77. In section 82, subsection (1), clause (a) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(a) if in the form of land, shall ~~be equal to at least~~ **not be less than** 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

78. In section 82, subsection (3), clause (c) is amended by inserting text shown as bold, as follows:

(c) site development, where sufficient parkland is available but a deficiency in recreation facilities, **as outlined in Table A of section 83 of this bylaw, or similar facilities as determined by the Development Officer,** exists; or

79. In section 82, subsection (4) is amended by deleting text shown as strikeout, as follows:

(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 m^2 in area, the park dedication shall be in the form of cash.

80. In section 82, subsection (4a) is added directly after subsection (4), as follows:

(4a) Notwithstanding subsection (3), within the Bedford Plan Area, where an area of land which is more than 11,148 m² in area is subdivided, the park dedication shall be in the form of land.

81. Section 83 is amended by deleting subsection (3) as shown below in strikeout and by inserting text as shown in bold, as follows:

(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 m^2 in area, the park dedication shall be in the form of land.~~ **DELETED**

82. In section 83, subsection (5) is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

(5) The Development Officer may waive **some or all of** 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 or interpretation.

83. The title of section 84 is amended by inserting text as shown in bold, as follows:

Combination of Land and Equivalent Value **(Site Development)**

84. Section 84 is amended by adding section 84A directly after subsection (c), as follows:

84A Where there is an approved concept plan in place for the proposed subdivision, which includes more than one phase to be developed, should the park dedication (land/equivalent value) in the phase of the subdivision being developed exceed the minimum park dedication required for that phase of the development, the additional park dedication shall be credited to a future phase(s) of the development.

85. Section 85 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

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 **in a form and amount satisfactory of the Municipality and generally in the form exhibited in Appendix 9** 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~~ **3**.

86. Section 86 is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

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~~.~~**, or**

(d) the subdivision of an area of land for which park dedication, in the form of land, has previously been dedicated.

87. Section 87 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

87**(1)** 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~~ **together with** 12 copies of a preliminary plan of subdivision.

87(2) The **preliminary** plan **of subdivision** 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 **and any Remainder(s)**;

(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~~ **arrow**;

(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; **and**

(o) any other information required by the Development Officer in order to provide an evaluation.

88. Section 91 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

91**(1)** **Within the Urban Service Area as shown on Schedule B**, ~~W~~**w**here 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~~ **approved, or where subsection 2 of this section applies**, 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~~ **accordance with Administrative Order 15 Respecting License, Permit and Processing Fees**.

89. Section 92 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

92 ~~Section 91 does not apply to subdivision applications involving new public streets or highways pursuant to the provisions of section 12.~~ **Upon approval of the concept plan by the Development Officer, tentative or final subdivision applications may be submitted to the Municipality provided that all other requirements of this by-law are met.**

90. Section 93 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

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.~~ DELETED

(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.

(3) Where the area of land is being subdivided pursuant to the provisions of section 12 of this by-law, a completed tentative or final subdivision application shall satisfy the requirements of concept plan approval.

91. Section 94 and 94A are amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

94 The concept plan shall be:

(a) ~~at~~ drawn to a scale sufficient for clarity of all particulars of the plan;

(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 concept plan; and

(c) ~~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.

94A The **concept** 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~~ **arrow**;

(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;

(ga) watercourse buffers, in accordance with the requirements of the applicable land use bylaw. Where a wetland is contiguous with a watercourse the watercourse buffer shall be measured from the edge of the wetland;

(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 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;

(la) a table showing calculation of the approximate amount of park dedication required;

(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.

92. Section 97 is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

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~~ **Engineering Regulations**, which in the context of the proposed street system and park land dedication shows:

93. In section 100, clause (c) is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

(c) a processing fee payable to the Municipality in ~~the amount of $250 total~~ **accordance with Administrative Order 15 Respecting License, Permit and Processing Fees.**

94. Section 101 is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

101 Tentative subdivision plans shall be:

(a) prepared by a Nova Scotia Land Surveyor;

(~~a~~aa) 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.

95. In section 102, clauses (i) and (p) are amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

(i) the North ~~Point~~ **arrow**;

(p) each remainder ~~lot~~ identified by the letter `R`and a number;

96. In section 102, clause (v) is amended by inserting text as shown in bold, as follows:

(v) all existing structures on each proposed lot **and the Remainder, if any**, including civic numbers;

97. In section 102, clause (wa) is added directly after clause (w), by inserting text as shown in bold, as follows:

(wa) watercourse buffers, in accordance with the requirements of the applicable land use bylaw. Where a wetland is contiguous with a watercourse the watercourse buffer shall be measured from the edge of the wetland. In addition, the watercourse buffer shall be shown graphically on the remainder;

98. In section 103 Drainage Plan, clause (c) is amended by deleting text as shown in strikeout

and inserting text shown as bold, as follows:

(c) the receiving water of the proposed ~~storm drainage~~ **stormwater** system;

99. Section 104 of Schematics is amended by deleting text as shown in strikeout and inserting text shown as bold, as follows:

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~~ **Engineering Regulations**, showing the following, in the context of the proposed lots and park land dedication, where applicable:

…

100. Section 106 is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

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**;**

(aa) a completed HRMSD-1 form, as specified in Schedule A6;

(b) an electronic version of the final plan in an acceptable file format;

(c) a processing fee payable to the Municipality **in accordance with Administrative Order Number 15 Respecting License, Permit and Processing Fees, and;** ~~based on the total number of lots requested for final approval, as follows:~~

(i) ~~for up to 10 lots, $250 total;~~ **DELETED**

(ii) ~~for up to 20 lots, $500 total;~~ **DELETED**

(iii) ~~for up to 50 lots, $1000 total;~~ **DELETED**

(iv) ~~for over 50 lots, $1500 total; and~~ **DELETED**

(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.

101. Section 107 is amended by adding clause (aa) directly after clause (a), by inserting text as shown in bold, as follows:

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;

(aa) the applicable completed forms for Land Registration (if required);

(b) the fees for registering the deeds;

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

(d) where applicable, the deed transfer tax.

102. In section 108, subsection (1) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(1) Where primary or secondary services are to be installed, an audit inspection fee of ~~2~~**0.5**% of the approved cost estimates, in accordance with section 120, shall be received by the Development Officer prior to construction.

103. In section 108, subsection (2) is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

(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~~ **Halifax** 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~~ **Halifax** Water ~~Commission~~ shall be refunded to the subdivider.

104. Section 108, subsection (3) is amended by deleting text shown as strikeout, as follows:

(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.

105. Section 109 is amended by deleting text shown as strikeout, as follows:

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.

106. Section 111 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

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 **the document number as recorded at** the 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~~ **arrow**;

(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;

(ka) each parcel being added to or subtracted from an existing lot shall be identified by a letter;

(l) ~~each remainder lot~~ **the approximate dimensions and area of the Remainder,** identified by the letter "R" and **the parent parcel identifier or** 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 **and water shut-off valves**;

(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, **public or private** 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;

(qa) the location and dimensions of any proposed easement for a temporary turning "T", where the area proposed to be subdivided is part of a phased subdivision;

(r) the approximate location of all existing buildings, including civic numbers, on the area of land proposed to be subdivided **(including the Remainder)** 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;

(sa) watercourse buffers, in accordance with the requirements of the applicable land use bylaw. Where a wetland is contiguous with a watercourse the watercourse buffer shall be measured from the edge of the wetland. In addition, the watercourse buffer shall be shown graphically on the Remainder;

(sb) the 1 in 100 year flood limits;

(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.

107. Section 113 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

113 Where ~~the~~ **a** lot frontage, **lot area or lot width** exemption of section**s** 38**, 43, 44, 45, 48, 49, 50, 52, 53, 54, 55, 57, 58, 59, 60, 62, 63, 64, 66 or 67 or subsections 40(2) or 40(3)** 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) **"Approval of Lot(s) _____ is requested pursuant to Section ____of the Regional Subdivision By-law.** 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 applicable exemption**, the following words are to be added to the end of the ~~first~~ **second** sentence "... and is the same area of land described in Bk___ at Pg___recorded at the Registry of Deeds on _____."

108. Sections 114, 115 and 116 are deleted, as shown in strikeout and are amended by inserting text as shown in bold, as follows:

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.~~ **DELETED**

115 ~~Engineering plans shall be prepared and submitted in accordance with the Design Guidelines.~~ **DELETED**

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.~~ **DELETED**

109. Section 117 is amended by deleting text shown as strikeout and inserting text shown as bold, as follows:

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.~~ **Drawings of the existing and proposed sanitary sewer system shall be submitted including the size of the pipes, location of manholes, direction of flow and means of disposal of effluent, specifications and contract documents, all in conformance with the Halifax Water Design and Construction Specifications.**

(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.~~ **DELETED**

(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.~~ **DELETED**

Water Distribution System

(b) Drawings of the existing and proposed water distribution system shall be submitted including:

(i) the size of the pipes;

(ii) location of valves, services and fire hydrants, and

(iii) the calculations used to determine the hydraulic capacity of the system, all in conformance with the Halifax Water Design and Construction Specifications.

~~Storm Drainage~~ **Stormwater** Systems

(~~b~~**c**) (i) Drainage Plan:

(A) ~~scale of plan~~ **drawn to a scale that is sufficient, in the opinion of the Engineer, to fully illustrate the information required**;

(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.

<u>Subdivision Grading Plan</u>

(~~c~~**d**) (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~~ **stormwater** 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 **the** related ~~to the chainage~~ **stations** on the profile record drawings where such drawings exist;

(C) top of curb elevations at sideline extensions and driveway cuts;

(D) existing ~~storm drainage~~ **stormwater** 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~~ **Stormwater** Systems:

(A) proposed road centreline elevations are to be shown in accordance with the ~~chainage~~ **stations** 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;

(DA) **notation shall be clearly provided on the subdivision grading plan(s) indicating that it is the responsibility of the Developer (subdivider) to fully construct, to final elevations, including proposed surface treatment, all private and public drainage easements, corridors and necessary components, prior to primary service acceptance.**

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

110. Sections 117A, 117B and 117C are added directly after section 117, by inserting text as shown in bold, as follows:

117A The complete engineering drawings and design shall be signed and stamped by a Professional Engineer.

117B Engineering plans shall be prepared and submitted in accordance with the Engineering Regulations.

117C 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 Municipality's standards and procedures.

111. Section 118 is deleted, and text is inserted as shown in bold, as follows:

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.~~ **DELETED**

112. In section 119, clause (b), subclause (iii), (iv) and (v) are amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(b) (iii) the ~~chainage~~ **station** at 30m intervals;

(iv) the control monuments and bench marks within the area of the plan;

(v) the sanitary sewer system and ~~storm drainage~~ **stormwater** system showing the lengths, sizes and types of all pipes and the direction of flows;

113. In section 119, clause (b), subclause (vi) is amended by deleting text as shown in strikeout, as follows:

(vi) the water distribution system including all valves, hydrants, tees, bends and services and all other requirements of ~~the~~ Halifax ~~Regional~~ Water ~~Commission~~;

114. In section 119, clause (c), subclause (ii) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(ii) the complete sanitary sewer system and ~~storm drainage~~ **stormwater** system including all appurtenances and pipe lengths, sizes, types, classifications and slopes;

115. Section 123 is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

The Development Officer shall comply with the notification and approval provisions of the ~~*Municipal Government Act*~~ ***HRM Charter***.

116. Section 124 is amended by inserting text as shown in bold, as follows:

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 NS Environment to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot(s):

(i) is more than 9000 m^2;

(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

(iv) is proposed to be enlarged and has an existing on-site sewage disposal system;

(d) any other agency of the Province, the Municipality, or utility company which the Development Officer deems necessary.

117. Section 126, subsection (1) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

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 or the acceptance of the parkland dedication by the Municipality, the subdivider shall enter into an agreement with the Municipality. Upon execution, this agreement shall be filed ~~with the Registry of Deeds~~ **in the Land Registration Office**.

118. Section 126, subsection (2) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(2) The agreement referenced in subsection (1) shall be generally ~~of the~~ **in a** form ~~exhibited in Appendix 1~~ **acceptable to the Municipality,** and shall include the following options:

119. In section 127, subsection (1), clause (b) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(b) the requirement to enter into a ~~water~~ services agreement **for water, sanitary sewer or stormwater systems** with ~~the~~ Halifax ~~Regional~~ Water ~~Commission~~;

120. In section 127, subsection (1), clause (e), inserting text as shown in bold, as follows:

(e) the procedure for the acceptance of the **primary or secondary** services;

121. In section 127, subsection(1), clause (i), deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(i) an inspection of services deposit in ~~the amount of 2% of~~ **accordance with Administrative Order Number 15 Respecting License, Permit and Processing Fees, based on** the approved cost estimates for costs of services as per section 120;

122. In section 127, subsection (1), deleting clause (q) and inserting text as shown in bold, as follows:

(q) ~~street light fee;~~ **DELETED**

123. In section 127, subsection (t), by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(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~~.~~**; and**

124. In section 127, subsection (1), adding clause (u) directly after clause (t), by inserting text as shown in bold, as follows:

(u) terms and conditions for renewal or extension of the agreement if construction has not been completed within the timeframe specified in the approved construction schedule.

125. In section 127, subsection (2), clause (h), is amended by inserting text as shown in bold, as follows:

(h) park dedication **site** development.

126. In section 128, subsection (1) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(1) Securities shall be ~~of a~~ **generally in the** type and format specified in ~~Appendix~~ **Appendices** 8 **and 9**;

127. In section 128, subsection (3), clause (a), subclause (vi) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(vi) letter of consent from ~~the~~ **Halifax** Water ~~Commission~~;

128. Section 129 Warranty Security is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

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

(a) warranty security shall be **generally in a form as** ~~of a type and format~~ specified in Appendix 8;

(b) the warranty security shall remain in effect for a period of ~~one year~~ **two years** 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~~ **two year** warranty period; and

(d) a final inspection will be done by the Municipality and ~~the~~ **Halifax** Water ~~Commission~~ prior to the expiration date and any deficiencies noted shall be corrected prior to the expiration of the security.

129. In section 130, clause (c) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(c) simultaneously provide the Development Officer with the necessary information including:

(i) three (3) copies of record drawings, certified by a Professional Engineer~~,~~ **(one** in 3 mil Mylar, **one paper copy** and **one 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:~~ **copies of documentation required by Halifax Water to be submitted for acceptance of systems as detailed in the Halifax Water Design and Construction Specifications;**

~~(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.~~ **DELETED**

(iii) for ~~storm drainage~~ **stormwater** systems, ~~the following shall be required:~~ **copies of documentation required by Halifax Water to be submitted prior to acceptance of systems as set out in the Halifax Water Design and Construction Specifications;**

~~(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.~~ **DELETED**

(iv) for streets, ~~the following shall be required:~~ **copies of documentation required by the Engineer to be submitted prior to acceptance of the streets as set out in the Municipal Design Guidelines;**

~~(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.~~ **DELETED**

(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~~ **road centreline elevations and elevations of the grading and drainage systems identified on the Subdivision Grading Plan, "Issued for Construction", as being the responsibility of the Subdivider to construct, measured in accordance with the 'tolerances' as outlined in subsection (C) of this section**;

(B) **a** subdivision grading certificate, ~~in the Municipality's form,~~ prepared and **stamped/**signed by a Professional Engineer, confirming ~~that those components of the~~ **road centreline elevations and elevations of the** grading and drainage systems identified as being the responsibility of the Subdivider **to construct,** ~~have~~ **having** been constructed in substantial conformance with the **"Issued for Construction"** ~~approved~~ subdivision grading plan and the **provisions of 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) **for water distribution systems,** copies of documentation required by ~~the~~ **Halifax** 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~~ **two years** in the amount of 10% of the actual costs of the primary services;

(viiia) all warranty deeds for streets, walkways, park dedication and easements in the applicable form, to be conveyed to the Municipality and all warranty deeds for utility parcels and easements in the applicable form, to be conveyed to Halifax Water at no cost to the Municipality and Halifax Water;

(viiib) 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;

(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 and **performance security** for the parkland dedication in the amount of 110% of the estimated assessed value of the parkland dedication if Option A is used; and

(xiii) written assurance from the utility companies and ~~the~~ **Halifax** Water ~~Commission~~ that all specifications and procedures as referenced in

section 14 have been fulfilled and that acceptance of the water, **sanitary sewer** ~~main~~ **and stormwater systems** ~~has~~ **have** been recommended.

130. In section 131, clause (c) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

(c) simultaneously provide the Development Officer with the necessary information including:

(i) 3 copies of record drawings, certified by a Professional Engineer, **(one** in 3 mil Mylar, **one paper copy**, and **one** in an acceptable electronic file format), of the secondary services prepared in accordance with the record drawing procedures contained with the **Municipal** 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;~~ **DELETED**

(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;~~ **DELETED**

(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.

131. Section 135 is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

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*~~ ***HRM Charter***.

132. In section 137, clause (c) is amended by inserting text as shown in bold, as follows:

    (c) "This concept plan shall not be filed in the Registry of Deeds **or Land Registration Office** as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Registry of Deeds **or Land Registration Office.**"

133. In section 138, clause (c) is amended by inserting text as shown in bold, as follows:

    (c) "This tentative plan of subdivision shall not be filed in the Registry of Deeds **or Land Registration Office** as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Registry of Deeds **or Land Registration Office**."

134. In section 139, clause (c) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

    (c) **Approved** Private Roads:

    A notation stating which lots abut ~~a~~ **an approved** 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:

135. In section 141, clause (c) is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

    (c) a processing fee ~~of $250.00 per application~~ **in accordance with Administrative Order Number 15 Respecting License, Permit and Processing Fees,** for repeal of a subdivision.

136. Section 142 is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

    142 The Development Officer shall comply with the notification and approval provisions of the ~~*Municipal Government Act*~~ ***HRM Charter*** which apply to the repeal of a plan of subdivision.

137. Section 144 is amended by inserting text as shown in bold, as follows:

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**/Land Registration Office** on the same day as the repeal is filed.

138. Section 147 is amended by inserting text as shown in bold, as follows:

147 The Development Officer shall forward to the Registry of Deeds **or Land Registration Office** the repeal notice in the form specified in Schedule "E".

139. Section 149 is amended by inserting text as shown in bold, as follows:

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~~**143**.

140. Section 151 is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

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~~**A5**";

(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~~ **in accordance with Administrative Order Number 15 Respecting License, Permit and Processing Fees,** for approval of an amended plan of subdivision.

141. Section 152 is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

152 The Development Officer shall comply with the notification and approval provisions of the ~~*Municipal Government Act*~~ ***HRM Charter*** which apply to the approval of a plan of subdivision.

142. Section 156 is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

156 The Development Officer shall forward**:**

(a) 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~~.~~**;**

(b) to the Land Registration Office, one (1) approved copy of the amended final plans of subdivision and the forms required by the *Land Registration Administration Regulations.*

143. Deleting Schedule “A” and replacing it with the attached ‘Schedule A”

144. Deleting Schedule “A4” and replacing it with the attached “Schedule “A4”- Downey Simmonds Lane”.

145. Inserting the attached “Schedule “A5”- Subdivision Application Form” after Schedule A4.

146. Inserting the attached “Schedule “A6”- Form HRMSD” after Schedule A5.

147. In Schedule “C” “Notice of Approval of a Plan of Subdivision”, deleting text as shown in strikeout and inserting text as shown in bold, as follows:

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

NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION

IN ACCORDANCE WITH SECTIONS ~~285~~ **297**(3) AND (4)
OF THE ~~*MUNICIPAL GOVERNMENT ACT*~~ ***HRM CHARTER***, C. ~~18~~ **39** OF THE ACTS OF ~~1998~~ **2008**

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

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

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

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.

148. Deleting “Schedule “K”- Trunk and Route Highways and replacing with the attached “Schedule K”.

149. Deleting “Appendix 1: Subdivision Agreement” and replacing it with the attached “Appendix 1”.

150. Deleting ‘Appendix 2: Water Services Agreement’.

151. The Regional Subdivision By-law is hereby further amended as follows:

Deleting the words “the Department of Environment and Labour” in all instances where they appear, with the exception of the instance within the Table of Contents, and replacing them with the words “NS Environment”.

152. The Regional Subdivision By-law is hereby further amended as follows:

Deleting the words ‘the Department of Transportation and Public Works’ in all instances where they appear, with the exception of the instance within the Table of Contents, and replacing them with the words ‘NSTIR”

153. The Regional Subdivision By-law is hereby further amended as follows:

Deleting the words “Design Guidelines” in all instances where they appear, with the exception of the instance within the Table of Contents, and replacing them with the words “Engineering Regulations”.

154. The Regional Subdivision By-law is hereby further amended as follows:

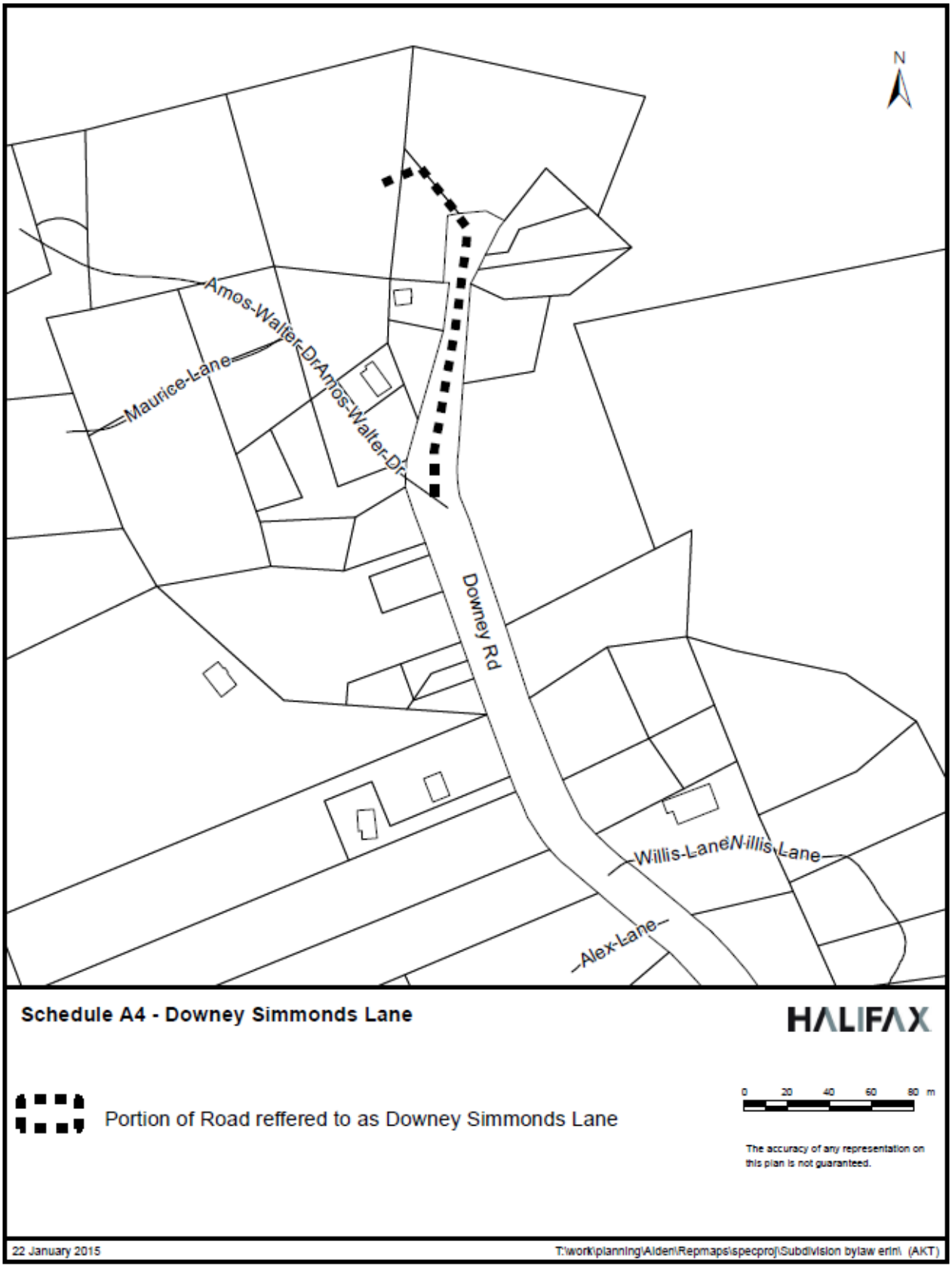
Deleting the word “remainder” in all instances where it appears, with the exception of the instance within the Table of Contents, and replacing it with the word “Remainder”.

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 Drive	91.44 m
Vivian Lane	121.92 m
Kilgar Road	213.36 m
Millers Road	121.92 m
Myers Lane	182.88 m
Langilles Lane	91.44 m
Henneberry Drive	182.88 m
Silvers Lane	274.32 m
Edwards Drive	91.44 m
McCormacks Lane	entire right of way
Yorks Lane	213.36 m
Oceanview School Road	106.68 m
Hillside Lane	91.44 m
Lakeside	
Nicholson Drive	228.60 m
Church Drive	121.92 m
Lakeside Drive	213.36 m
Power Terrace	106.68 m
Rockcliffe Drive	106.68 m
Poirier Lane (road name retired)	152.40 m
North Preston	
Amelia Court	259.08 m
Downey-Simmonds Lane	45.72 m, as shown on Sch. A4
Windsor Junction	
McGuire Lane	60.96 m as shown on Sch. A1
Lawrence Robinson Lane	89.92 m as shown on Sch. A2
Fletchers Lake	
Patriquin Lane	134.42 m as shown on Sch. A3

Schedule A4- Downey-Simmonds Lane



Schedule A5- Subdivision Application Form

APPLICATION FOR SUBDIVISION APPROVAL

Application Type	Preliminary	Concept	Tentative	Final
Subdivision Legal Name				
Subdivision Common Name				
Description of Proposed Lot(s)				

Proposed # of Lots		# of Plans Submitted	
Existing # Residential Units		Proposed # Residential Units	
Surveyor		Certification Date	
Water Service		Receiving Staff	
Sanitary Service		Receiving Office	
Existing Structures		Processing Fee	
Existing Land Use		Registration Fee	(separate cheque to Minister of Finance)
Proposed Land Use (be specific)		Total Fees	

Primary Property

PID	Civic Address	Owner(s) Name

Other Property(s) affected

PID	PID	PID

Supporting Documents

Title	Date	# of copies

I certify that I am submitting the above referenced plan of subdivision, including all of the required information indicated on the checklist on the back of this form, 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 request.

Applicant Signature	Application Date
Applicant Name	
Mailing Address	
Email Address	

Phone	Cell	Fax
Application Comments		

Schedule "A6"- Form HRMSD-1

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5
halifax.ca

Community and Recreation Services- Development Approvals

Final Subdivision Application Statement of Plan Registration Location and Request to Not Consolidate Underlying Lots **(Form HRMDS-1)**

This form is to be completed by a Nova Scotia Land Surveyor and must accompany all application to the Municipality for approval of a final plan of subdivision.

Subdivision Name			
Location			
Plan Date		**Plan No.**	
Description of Proposed Lot(s)			

Check only one- Subdivision Plan and parcels to be recorded in:

○ **LAND REGISTRATION**	**Specify Trigger**
	☐ subdivision results in 3 or more parcels
	☐ subdivision involves both Land Registration & non Land Registration parcels
☐ Proof of conversion for existing parcels is attached	☐ voluntary
	☐ other

OR

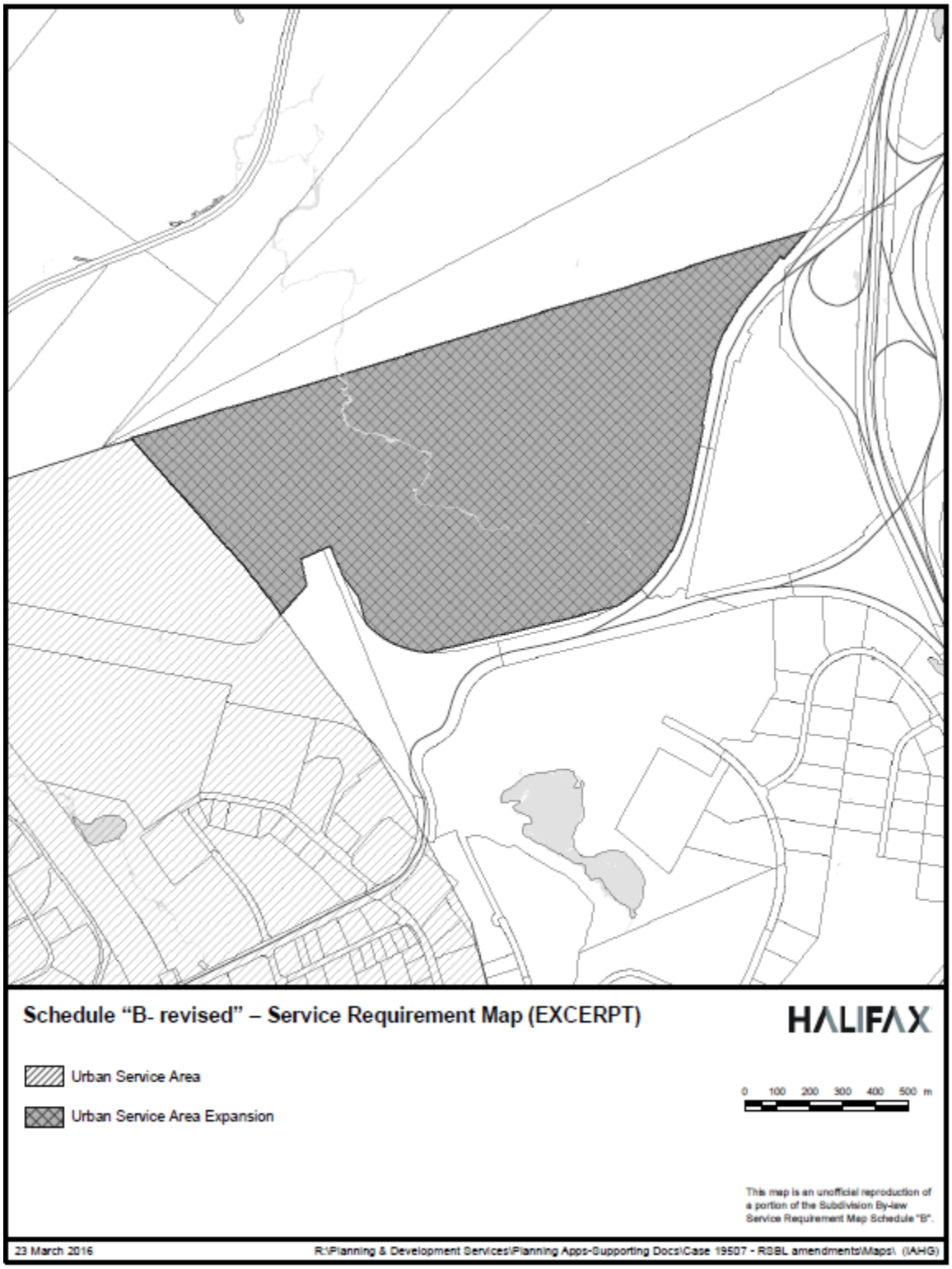
○ **REGISTRY OF DEEDS**	**Specify Exemption**
	☐ subdivision results in less than 3 parcels
	☐ subdivision solely for the purpose of gifting to family ☐ completed Affidavit of Family Gifting is attached
	☐ other

Check only if applicable- Consolidation of Underlying Lots

☐ Where this subdivision plan shows a remainder lot that is made up of the remainder of two or more underlying lots that have not been consolidated, this is to verify that the underlying lots are not to be consolidated as per the provisions of Section 292 of the *HRM Charter*.

Surveyor Signature		**Date**	
Surveyor Name			

Schedule “B**- revised**” – Service Requirement Map *(EXCERPT)*



SCHEDULE "K" - Trunk and Route Highways

Trunk 1

Trunk 2

Trunk 3

Trunk 7

Route 207- **From Morash Dr, Cole Harbour to Highway 7, Porters Lake**

Route 213

Route 224

Route 253

Route 277

Route 306

Route 318 **- From Lake Charles Drive to Rocky Lake Dr**

Route 322

Route 328

Route 333

Route 336

Route 349

Route 354

Route 357

Lucasville Rd

Appendix 1

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:

(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;

(e) “Inspector” means a representative of the 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; and

(iii) “Option C” means 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;

(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; and

(m) “Warranty Period” means the period of 24 months commencing on the date of acceptance of the primary or secondary services by the Municipality.

1A. References and terms used in this agreement carry the meaning as defined in the Regional Subdivision By-law, as amended from time to time, unless otherwise defined herein.

Halifax Water Service Agreement

2. The Subdivider agrees:

(a) that where a water, wastewater and/or stormwater 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 service agreement with Halifax Water; and

(b) the water service agreement shall form Appendix “1” of this agreement and shall be duly executed prior to the execution of this agreement;

Pre-construction Requirements

3. The Subdivider agrees not to start construction until:

(a) a preconstruction meeting with the Municipality, Halifax Water and the utility companies has been held;

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

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

(d) audit inspection fees (0.5% of the approved cost estimates) have been submitted; and

(e) the Subdivider has obtained the Certificate to Construct from NS Environment.

Construction of Primary and Secondary Services

4. The Subdivider agrees to:

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

(b) 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;

(c) 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.

Deposit for Construction of Primary and Secondary Services

5. (1) The Subdivider agrees to:

(a) Deposit with the Municipality an audit inspection of services fee of 0.5% of the approved estimated costs for services in the amount of $_____, such amount to be deposited with the Development Officer prior to construction;

(b) Submit a street and traffic sign fee to the Municipality in the amount of $_____ for the signs required for the Subdivision;

(c) Submit $_____ to the Municipality as payment for the costs associated with renaming or renumbering the existing Public Street, _____;

(d) Submit an infrastructure charge to the Municipality in the amount of $_____;

(2) 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 5(1) (d) of this agreement;

Costs of Services

6. The Subdivider agrees 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.

7. The Subdivider agrees that the 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.

Inspection and Acceptance

8. The Subdivider agrees that:

(a) 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; and

(b) 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;

(c) that prior to the application of the top lift of asphalt, to submit to the Development Officer/Halifax Water videos of the water, sanitary sewer and storm systems for review and pre-acceptance inspection of the services;

(d) that prior to the application of the top lift of asphalt, to make any repairs or adjustments that may be required as identified as the result of the pre-acceptance review and inspection.

9. The Subdivider agrees that prior to acceptance of the services, the inspection of services fees will be adjusted in accordance with the *Regional Subdivision By-law*

Payment of Infrastructure Charge

10. The Subdivider agrees that payment of the infrastructure charge pursuant to clause 5 (1)(d) and subsection 5 (2) 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.

Option A

11. (1) The Subdivider agrees that if Option A is exercised, upon completion and acceptance of the parkland dedication and the primary services, the Subdivider shall deposit with the Municipality performance security to guarantee installation and completion of secondary services in the following amounts:

(a) secondary services: $_____._____

(b) miscellaneous work: $_____._____

(c) parkland dedication: $_____._____

(2) All the amounts in subsection (1) of this section represent 110% of the approved estimated costs for installation of the services and such security shall be deposited with the Development Officer prior to approval of the final plan of subdivision.

12. The Subdivider further agrees that if Option A is exercised:

(a) 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

(b) 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.

Option B

13. (1) The Subdivider agrees that if Option B is exercised, the Subdivider shall deposit with the Municipality performance security, for parkland dedication and for primary and secondary services, in the following amounts:

(a) primary services: $_____._____

(b) secondary services: $_____.____
(c) parkland dedication: $_____.____

(d) miscellaneous work: $_____.____

(2) All the amounts in subsection (1) of this section, 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.

14. The Subdivider further agrees that if Option B is exercised:

(a) 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

(b) 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.

Option C

15. If Option C is exercised, no performance security is required.

Completion of Primary Services

16. (1) Upon completion of primary services, the Subdivider agrees that the Subdivider shall:

(a) apply in writing to the Development Officer for acceptance; and

(b) apply in writing to the Development Officer to request the release of the security for primary services.

(2) The Subdivider agrees to simultaneously with subsection (1) of this section provide the Development Officer with the necessary information including:

(a) three (3) copies of record drawings, certified by a Professional Engineer (one in 3 ml Mylar, one paper copy and one in an acceptable electronic file format) of the primary services prepared in accordance with the record drawing procedures contained within the Engineering Regulations and including calculations for redesigned services;

(b) detailed records of all actual construction costs and quantities breakdown;

(c) warranty security for two years in the amount of 10% of the actual costs of the primary services;

(d) 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 clause 5(1) (e) and subsection 5(2) of this agreement;

(e) 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;

(f) 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 coincides with the final legal Subdivision plans of the Public Street;

(g) Certificate of Compliance from a Professional Engineer certifying that all works have been inspected and completed according to the approved engineering drawings and specifications;

(h) confirmation from a Professional Engineer that all deficiencies have been corrected with details on remedial action taken;

(i) performance security for the secondary services in the amount of 110% of the approved estimated costs for their installation and in the amount of 110% of the estimated value of the parkland dedication if Option A is used; and

(j) 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, wasterwater sewer and stormwater sewer systems have been recommended;

(k) for storm drainage systems, the information in subsection 4 of this section;

(l) for streets, the information in subsection 4 of this section; and

(m) for a grading plan, the information in subsection 5 of this section.

(3) For storm drainage systems, the Subdivider agrees to provide the following:

(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) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used; and

(d) where applicable, easements, in the form attached as Schedule "C", for the consent to discharge stormwater.

(4) For streets, the Subdivider agrees to provide the following:

(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 HRM asphalt specification requirements including penalty payment, where applicable ; 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;

(5) For the Subdivision grading plan, the Subdivider agrees to provide the following:

(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 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*;

(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 5cm;

(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;

Completion of Secondary Services

17. Upon completion of the secondary services, the Subdivider agrees to:

(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) three (3) copies of record drawings, certified by a Professional Engineer, (one in 3 ml Mylar and one 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;

(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) two years warranty security in the amount of 10% of the actual costs of the secondary services;

(vi) where not provided pursuant to sections 12 or 14 of this agreement, 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;

(vii) where not provided pursuant to sections 12 or 14 of this agreement, 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;

(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, and that pipes have been installed in the centre of an easement;

(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.

Acceptance of Primary and Secondary Services

18. The Subdivider agrees that:

(a) 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 claim in respect thereof.

(b) 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 section 35 hereof or otherwise.

(c) 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

19. The Subdivider agrees 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.

Entry and Use

20. The Subdivider agrees that:

(a) 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;

(b) the terms of the “temporary right-of-use” shall continue for the term of the construction time schedule;

(c) 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 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; and

(d) 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 _____.

Restricting Use

21. 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.

Indemnity

22. 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.

Insurance

23. 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;

Copies

24. The Subdivider agrees 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;

Signs

25. The Subdivider agrees:

(a) 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:

(b) to construct lot identifier signs on each lot within the Subdivision; and,

(c) 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

26. The Subdivider agrees to reductions in the amount of the performance securities may only be considered in accordance with Section 128 of the *Regional Subdivision By-law*.

Options A, B or C

27. (1) The Municipality agrees that:

(a) if Option A is used, upon completion and acceptance of the parkland dedication and 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) if Option B is used, upon compliance by the Subdivider with all the requirements of the *Regional Subdivision By-law* including parkland dedication, this agreement and the filing of the required securities, the Development Officer shall approve the final Plan of Subdivision; and

(c) if Option C is used, upon completion and acceptance of the parkland dedication and the primary and secondary services and the filing of the required securities, the Development Officer shall approve the final Plan of Subdivision.

(2) The Municipality further agrees 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 sections 11, 13 or 15 hereof.

Release of Performance Security

28. The Municipality agrees 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*.

Services are Ready for Acceptance

29. The Subdivider agrees to notify the Development Officer, in writing, when services are ready for acceptance by the Municipality and the Water Commission.

Acceptance of Primary Services

30. The Municipality agrees:

(a) upon acceptance of the primary services, the Municipality will provide snow ploughing, garbage collection, police and fire protection;

(b) to provide bonus payment in accordance with HRM asphalt specification requirements, where applicable;

(c) if Option A is used, upon acceptance of the parkland dedication and 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;

(d) 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; and

(e) if Option C is used, upon acceptance of the parkland dedication and 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.

Warranty Period

31. The Subdivider agrees that 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.

32. 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.

33. (1) The Subdivider agrees that 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 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.

(2) The Subdivider agrees that 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.

34. (1) The Subdivider agrees that 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 storm drainage system and provide to the Engineer a video tape in an acceptable electronic format with respect to such inspections.

(2) The Subdivider agrees that:

(a) if, as of a result of the closed circuit television inspections, conducted pursuant to the preceding subsection or if at any other time within the Warranty Period, the Engineer determines that any repairs or alterations to the 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; and

(b) 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

35. The Subdivider agrees that if Options A or B are used, the Subdivider shall:

(a) 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;

(b) 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; and

(c) (i) without limiting the generality of the Subdivider's responsibility to indemnify the Municipality, maintain and pay all premiums for general public liability insurance with a minimum coverage of $2,000,000, with the Municipality named as a joint insured party; and

(ii) furnish to the Municipality satisfactory written evidence that such insurance is in force and effect prior to approval of the final plan of subdivision.

36. 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 (including negligence), 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.

Rights and Remedies on Default

37. The Subdivider agrees that:

(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;

(b) upon ~~such~~ notice being issued by the Development Officer under clause (a) of this section, 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;

(c) 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 under clause (a) of this section by the Development Officer; and

(d) all administrative and other costs incurred by the Municipality in connection with any termination or cessation of the work pursuant to this section shall be the responsibility of the Subdivider who shall forthwith reimburse the Municipality for such costs upon demand by the Municipality.

38. (1) The parties agrees that 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;

(2) The parties further agrees that 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:

(a) 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;

(b) 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 sections 10 or 12 of this agreement;

(c) 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;

(d) 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;

(e) 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;

(f) bring an action to compel the complete performance of all or part of this agreement or for damages; and

(g) 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*.

(3) It is understood and agreed between the parties that such entry upon the land under subsection 2 of this section shall be as an agent for the Subdivider and shall not be deemed as acceptance or assumption of the service of the Municipality.

(4) Notwithstanding subsection 2 of this section, the parties agree that, 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.

General Provisions

39. 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.

40. Time shall be the essence of this agreement.

41. 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:_____

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

Schedule "A" – FORM-
(Construction Schedule)

Construction Time Schedule

Stage	Month	Month	Month	Month	Month
Primary Services					
Clearing					
Grubbing					
Drill & Blast					
Servicing					
Subgrade					
Gravel					
Curb & Gutter					
Base Lift of Asphalt					
Pre-acceptance package for Halifax Water					
Secondary Services					
Top lift of Asphalt					
Sidewalk					
Sod & Trees					
Clean Up					
Other					
Park Site Preparation/Development					

Scheduled Commencement Date _____

Scheduled Completion Date _____

Subdivision File #:
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;

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

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

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

THIS INDENTURE made this_____ day of_____, A.D. 20___.

BETWEEN: _____,
hereinafter called the ``Grantor``

OF THE ONE PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a body corporate
hereinafter called the ``Grantee``

OF THE OTHER PART

WHEREAS the Grantor is the owner of the lands and premises described in Schedule ``A`` 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 A 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 A 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 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 “A” 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

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

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: _____

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

Attach executed Water Services Agreement here

Indicate if not applicable

I HEREBY CERTIFY that the amendments to the Regional Subdivision By-law as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the _____day of _____, 2016.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____day of _____, 2016.

_____
Kevin Arjoon
Municipal Clerk

Attachment B

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15
Respecting License, Permit And Processing Fees

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order 15, the *License, Permits and Processing Fees Administrative Order*, is further amended as follows:

1. Section 22 is added after section 21 as follows:

Subdivision Application Fees

By-law	Fee type	Section	Fee
	Concept Application Processing Fee	**91(d)**	**$250**
	Tentative Application Processing Fee	**100(c)**	**$250**
	Final Application Processing Fee	**106(c), subsections (i) to (iv) incl.**	**for up to and including 10 lots, $250 total**
			for 11 to 20 lots, $500 total;
			for 21 to 50 lots, $1000 total;
			for over 50 lots, $1500 total
	Repeal of a Subdivision Processing Fee	**141(c)**	**$250**
	Amended Final Plan of Subdivision Processing Fee	**151(c)**	**$250**

Done and passed in Council this day of , 2016.

_____
Mayor

_____
Municipal Clerk

Attachment C

Public Participation Program for Amendments to Regional Subdivision By-law

Purpose:

To obtain input from the development industry and the public at large on topic-based amendments to the Regional Subdivision By-law in order to clarify and improve the subdivision approval process.

Jurisdiction:

The proposed amendments to the Regional Subdivision By-law will impact subdivision activity region-wide, and will require a public hearing prior to Regional Council considering the approval of any amendments. All amendments to the Regional Subdivision By-law are within the sole jurisdiction of Regional Council. To ensure the amendments are handled consistently throughout HRM, feedback and discussion by councillors will be done through Regional Council, and not Community Councils.

Process:

A region-wide program for public consultation is required to ensure the proposed topics for amendment under the Regional Subdivision By-law are presented, discussed and adopted as a comprehensive package. Steps in the process are as follows:

- Consult the general public and industry stakeholders through a minimum of three public information sessions to be held in each of the three administrative regions (Western, Central and Eastern). Staff would present the proposed topics for amendments to receive feedback and chair the meetings. Members of Community Council and Planning Advisory Committees will be notified of the meetings in their applicable area.
- Use of the HRM website to provide information to the public and development industry and receive feedback through the use of an on-line survey.
- Meetings with the Development Liaison Group to discuss the proposed topics for amendments to the Regional Subdivision By-law and the results of the public participation process.
- Conduct further review of the topics with internal and external agencies (e.g. Department of Service Nova Scotia & Municipal Relations).
- Prepare wording of proposed amendments to the Regional Subdivision By-law and other documents, where needed.
- Prepare a staff report outlining the results of the public participation process and staff`s recommendation, including all required amendments, for implementing changes to the Regional Subdivision By-law.
- Present staff report to Community Planning and Economic Development Standing Committee prior to going to Regional Council.

Attachment D
Audit Inspection Fee Research

Estimated Construction Costs	2% collected	Amount refunded	Amount Used to Cover Inspections	% of Construction Cost Used to Cover Inspections
Internal Audit:				
4,845,750	96,915	74,279	22,636	0.46
1,530,500	30,610	29,165	1,445	0.09
253,100	5,062	4,464	598	0.23
628,600	12,572	10,780	1,792	0.28
External Audit:				
2,594,950	51,899	41,697	10,202	0.39
168,000	3,360	986	2,374	1.4
458,000	9,160	6,750	2,410	0.53
702,300	14,046	10,773	3,273	0.46
376,500	7,530	4,109	3,421	0.9
473,900	9,478	1,314	8,164	1.7
760,300	15,206	12,224	2,982	0.39
505,850	10,117	6,610	3,507	0.69
295,800	5,916	3,896	2,020	0.68
1,666,500	33,330	28,757	4,573	0.27
778,800	15,576	11,901	3,675	0.47
774,950	15,499	11,209	4,290	0.55
			Average:	**0.59**

Attachment E
Online Survey Results

LED Streetlights

- 97% of respondents supported adjustment to the regulation to clarify timing and responsibility
- Majority felt that the developer should be responsible for installation
- Concerns were expressed regarding the length of time the installation takes with the current process
- Developer assuming responsibility for installation may reduce costs
- Streetlights are no different than any other element of road infrastructure, should be treated as such, within the same process as other elements
- Opinions expressed regarding safety of LED lights, that the street lighting be of service to all road users (pedestrians, cyclists, etc)
- Minority of respondents felt that NSP should be responsible for installation and there was some support for status quo

Audit Inspection Fees

- 97% support for reduction of inspection fees
- Comments strongly support the fee being commensurate with what is historically required to cover costs

Utility Companies

- Majority of respondents indicated that utilities' with commercial interests should not have approval and/or refusal abilities within the subdivision process
- Perceived advantages of utilities' involvement in the subdivision process included better coordination, and better planning, so that new road infrastructure is not being cut into for late installations
- Perceived disadvantages: delay of application approval
- Support for a common trench

Street Tree and Landscaping Installation and Timing

- Majority of respondents have experienced dead or damaged street trees and landscaping in new subdivisions
- Support was expressed for a change to the specifications to which the elements are installed (soil depth, species variation, etc.
- Support was expressed for delaying the installation until after the houses are constructed, or 2 years after the road's construction is complete

Parkland Dedication

- 88% of respondents supported addition of definitions to clarify parkland typologies
- Concern expressed regarding the state of newly accepted parkland
- Desire was expressed for more passive parkland, for open space, for leisure, for wetland and watercourse buffers, to protect floodplains from development, as look offs
- Recent parkland is more useable than in previous decades, undergoes appropriate screening prior to acceptance
- Support expressed for a more varied range of type of parkland
- Support expressed for a more comprehensive approach to parkland and to get away from a small piece of land with limited use associated with a small new subdivision
- Regulations regarding parkland need to be more variable, more responsive to market conditions
- Comments expressed that current parkland dedication amount is insufficient, that passive land should be required in excess of the current minimum - opposing comments expressed that passive land should be dedicated in addition to the current requirements

Warranty Period

- 67% of respondents supported an extension to the warranty period to 2 years
- Concern was expressed that an extension would be financially burdensome for the development industry, and shouldn't be entertained unless there is proof that an extension is required to address performance failures
- Concern was expressed that the warranty period is not used appropriately, is used to correct issues not intended to be covered by warranty

Attachment F
Public Information Session Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 19507

Monday, August-11-14
7:00 p.m.
Stewart Hall Room, Cole Harbour Place

STAFF IN ATTENDANCE:	Erin MacIntyre, Planner, HRM Planning Services Alden Thurston, Planning Technician, HRM Planning Services Tara Couvrette, Planning Controller, HRM Planning Services Rosemary MacNeil, Development Officer Hugh Morrison, Development Engineer Kurt Pyle, Operations Manager
ALSO IN ATTENDANCE:	Councillor David Hendsbee Councillor Darren Fisher, Deputy Mayor Councillor Steve Craig
PUBLIC IN ATTENDANCE:	Approximately 10

The meeting commenced at approximately 7:05 p.m.

1. Call to order, purpose of meeting – Erin MacIntyre

Case 19507: this specific application is for amendment to Municipality- wide legislation, the Regional Subdivision By-law. In February of this year, an initiation report appeared before Regional Council to address key issues identified by HRM Development Approvals' staff and those brought to staff's attention by The Development Liaison Group (the DLG). These items are meant to clarify the by-law to enable a more efficient subdivision process. The amendment package delivered for council's consideration will also contain any necessary amendments to other legislative documents (Municipal Specifications, fees by-law) as necessary. The amendments to the RSBL will apply regionally.

2. Introductions and overview of planning process – Erin MacIntyre

Introductions:

- Erin MacIntyre, Planner 1
- Rosemary MacNeil, Development Officer
- Hugh Morrison, Development Engineer
- Alden Thurston, Planning Technician
- Tara Couvrette, Planning Controller
- Kurt Pyle, Operations Manager

Planning process:

- HRM Regional Council has initiated an application.
- I am here to provide background on the proposal.
- We would then like to receive feedback.
- **NO DECISIONS WILL BE MADE TONIGHT**

3. Presentation of Proposal – Erin MacIntyre

Mrs. MacIntyre pointed out what the key issues were:

- LED Streetlights
- Audit Inspections
- Parkland Dedication
- Utility Companies
- Street tree/ landscaping installation
- Warranty Security
- Housekeeping amendments

LED Streetlights

The first key issue surrounds LED streetlight installation practice and process. In the spring of 2013 the Province mandated conversion to LED streetlights, and accordingly, any new roadway being constructed and deeded to HRM required LED instead of incandescent streetlight bulbs. Currently, HRM receives the costs from the developer and orders the lights from NSP, and the installation is made by HRM. The change in process and the lack of standardization of the bulb type, and the amount charged by HRM are under review as part of the application. We're considering best practices of other Municipalities across the country, will be reviewing current practices with our Engineering and Design and Construction staff and considering industry's perspective and recommendations.

Audit Inspections

Over the course of construction of a new road, Engineering staff visit the site periodically to inspect the work being done. The RSBL directs the Development Officer to collect 2% of the construction costs from which to charge the fees for those inspections. With very few exceptions, considerably less than the 2% is used, and so review of that amount is being undertaken.

Parkland Dedication

Parkland dedication is required for any subdivision that creates an increase in the number of lots. A 10% dedication is required, in the form of land, site development, or cash-in-lieu of land, or some combination. Lack of clarity in types of dedicated parkland and the specifications to which that park must be developed can cause difficulty and delay in the acceptance of the parkland. Review is being undertaken to provide direction and clarity in the types of parkland, intended only to expand on the discussion of current requirements.

Utility Companies

Utility companies such as, HRWC, Eastlink. Aliant, NSP, Heritage Gas and others, have identified a wish to be more entrenched in the subdivision process. Currently, most utilities are 'information only' agencies: they are informed of applications but don't make recommendations or comments on them. Consideration of the addition of utilities so that they are approval agencies, able to provide comment that could result in revision to applications is being undertaken.

Street Trees/Landscaping Requirements

Concern that trees, sod and other landscaping elements are being replaced due to damage during home construction is Topic 5. This may require addition of specification in the by-law to which the trees must be planted, or there's possibility that HRM could request the cost of the installation up-front and install the trees at a later date, once construction is complete, or simply amendment surrounding street tree species, or timing.

Warranty Security

For one year after the acceptance of the newly constructed right-of-way and associated infrastructure, the RSBL requires developers post 10% of the cost of construction as security for any project failures. The issue is damage and failure to perform regularly occurs after the one-year warranty period. For review and possible amendment is the extension of the warranty period for damaged or failed infrastructure.

Mrs. MacIntyre advised that feedback is hoped to be gained via an online survey that can be completed anytime up until September 5th, or on a laptop that was setup in the room Printed copies of the survey are available that could be completed at home and mailed or faxed in, Any questions or comments made here tonight will be documented in the minutes .

Kurt Pyle, Operations Manager - explained that the issues that are raised here tonight are not raised by staff they are raised by industry. We work with the industry, the DLG (Development Liaison Group) which is made up of a wide range of components of the development industry from the construction industry and engineers: the guys that actually fill in the road itself. It is a multifaceted group and that group they gave us feedback. We asked them, 'what are your top things, if we were going to look at the subdivision by-law, what would they be', and these topics are what we received. It is very specific and it is not staff or municipality driven, this was industry saying we have been dealing with these issues, they have been headaches to us, can you try to fix them and we said yes. We brought them to Council and said to Council, these issues need to be addressed and let's move them forward to address these issues. They are very targeted, this is really what council wanted the focus for, to keep the industry moving at a better pace. The housekeeping amendments themselves are ones where we are just clarifying terms and wording within the documents which do have an effect on the industry in a positive way sometimes and sometimes in a negative way. We just want to clarify certain aspects and outdated terms, as terminology has changed since the by-law's adoption in 2006. These are issues we want we want to get your feedback on.

4. Questions/Comments

Tristan Cleveland – HRM Alliance – I am curious about the parkland dedication. I saw in the survey that in addition to the four kinds of dedication that are currently available there is interest in creating a conservation type?

Erin MacIntyre – We're looking at clarity surrounding definitions, whether or not a definition is required and to address the standard of that type of passive dedication, something that is not going to be developed and doesn't necessarily need to be accessible, that kind of thing. If we need to create a specification or definition in order to clarify, I don't know that we are necessarily creating another category. We're attempting to address issues that staff and industry get tangled up over at the last stage of a subdivision that tends to bog it down.

Tristan Cleveland - **HRM Alliance** – So it's for lands that where you are not looking at recreational value you are not keeping it for people to go biking for whatever it's for the ineffectual nature itself.

Erin MacIntyre – Yes, that's my understanding. The parkland piece specifically would be reviewed by the development officers by the parkland planner to make sure it captures and addresses whatever those confusions are.

David Patriquin (WRWEC) – How will that process unfold? When you say it's a review, I just find it hard to make comments on it because there's no detail. Time-wise, how is this unfolding and what opportunities will there be to look at then provide subsequent feedback?

Erin MacIntyre – We are looking to gain your feedback on something that is highly technical that we don't yet have entirely solidified answers for yet. The public participation programs are designed this way. We will come to

the public out front and do our best to inform you about what the applications are about. In this case, we don't have the answers to the questions yet but we are trying to highlight and bring you in on the front end. We will create the amendment package in concert with the DLG and with HRM staff and then as it roles forward to Regional Council there will be a public hearing and there will be notification of that. The public hearing and staff report will go up on the webpage, and that is your chance to review and then you can bring your thoughts and feelings to Council during the hearing.

David Patriquin (WRWEC) – What is the timeframe for that? Is it 3 months or a year?

Erin MacIntyre – We are hoping for October but I don't know how realistic that is. I think we are aiming to be back to Council within a year. I am hoping December or January at this point.

Councilor Darren Fisher – So with regards to the utility companies, the DLG came forward the development people came forward with suggestions for clarity. Is there any discussion with utilities companies with regards to common trenching? Can we move forward in that direction or is the development industry still against common trenches?

Erin MacIntyre – I recently attended a utility coordination committee meeting, to advise that we are considering this topic. I know that it's in their interest to gain some traction and understand what we are doing. I can tell you that common trenching came up; I would suggest that it might be outside of the scope of what we are trying to do here.

Councilor Darren Fisher – It is just interesting that they want input yet they don't seems to necessarily want to have that progressive thinking that common trench provides.

Kurt Pyle – The biggest issue that really spawned this issue from the DLG was Heritage Gas. They want to make sure that their gas lines are accommodated when new subdivisions go in. However, there is a delay in terms of getting a response, and under our by-law right now it is not a mandatory requirement. We send the information to them for information purposes but that's it. In large cases the contractors and developers just want to keep on going because they know that natural gas isn't going to be there for a fair bit of time and they are going to want to move on and they are bypassing them. They want to have that more interrelated connection between the two processes.

Councilor Darren Fisher – So that's the biggest portion of the utilities factor?

Kurt Pyle – Right.

Erin MacIntyre - The common trench, requires an enormous amount of cooperation. That's challenging. There are a lot of people that have to be represented in that trench.

Councilor Darren Fisher – Yes, but you mentioned them all and I saw them in a full sum list there, I thought maybe that may be a sign.

Kurt Pyle – Angus Doyle is our utility person with HRM. We are still working with all the utilities on that idea of common trenching. I am not sure how it is going, last time I heard it wasn't going well but the idea is still being floated out there.

Erin MacIntyre – This brought it all up again.

Councilor Darren Fisher – The upfront cost is significant but the long term savings would purely be a benefit.

Councilor David Hendsbee – With the LED street lights and stuff now that we are buying all the NS inventory and transferring them over to LED standard, would we not want the developer to buy the same light that we are using and servicing? I would hate to see the standard going out there, and then transfer it over to us and we may not even service that type of bulb. We have competition now for different fixtures and stuff and I am just curious now should there be standard fixtures, or do they order their streetlight through us to be installed.

Erin MacIntyre – Of all of the topics this is the one I have received the most feedback on in advance of the public meetings. It is largely because it has been approved by Council in late July and it is on people's radar. This list would have been developed last fall and so I think we have made some big strides towards standardization of process in the meantime and we are still working through that. Development Engineers are working closely with Designing Construction Services to understand what we do when HRM undertakes capital infrastructure projects and how that works and how it is that they can better service the development industry in terms of what it is that we're requiring.

Hugh Morrison – We are trying to standardize, but it is related to procurement. I think our traffic group is still trying to move towards that so hopefully we don't have as many different types of LED lights out there.

Councillor Darren Fisher - Until we have a standing offer and standing tenders.

Councilor David Hendsbee – Now with the audit inspection, I'm just curious, when hear audit I think of financial.

Erin MacIntyre – It is a construction audit.

Councilor David Hendsbee – Were you talking about the pre-backfill**,** the electrical, and the pre-drywall.

Erin MacIntyre – Not of home construction, but the same idea in regards to road infrastructure construction.

Hugh Morrison – This is specific to road construction and roads that the developer is going to build and then hand over to the municipality. They are required to have a consultant certify all the construction but also staff do go out and do audit inspections of the construction. We aren't out there full time but we are out there during the construction process to ensure that the municipality does get a good product at the end of the day.

Councilor David Hendsbee – Tied to that the warranty / security, that's almost like you're trying to cut into their holdback on the contractor or whoever did the work. The developer contracts the company that does the work, usually holding back 5% on the construction for a warranty period, and now you're asking for a 10% security on top, so that's a 15% kind of thing they have to play with. I am curious how that's going to work; do you take over the hold back provision from the developer or the contractors guarantee?

Hugh Morrison - We don't have any connection with the contractor; our contract is strictly with the developer. So it's insuring that our responsibilities are met through that contract that we have.

Kurt Pyle – We don't deal with the contractors. That is a separate deal between the contractors and the developer.

Councilor David Hendsbee – And what if the contractor should go out of business whatever, are you still going to hold the developer liable regardless. Hopefully the certified engineer stamp has been on that stuff.

Hugh Morrison - And the things that could possibly go wrong within the one year maintenance period.

Erin MacIntyre – The request on the floor from the DLG from the report is to reduce the audit inspection amount. We take 2% and we almost never use anywhere near that. We are looking to be less burdensome in that regard. Understand that the warranty inspection extension, should it be something we end up rolling forward, it would be work in opposition to the reduction in the audit fee.

Councilor David Hendsbee – What about those special projects where they are trying to be environmentally advanced by using recyclable materials like using scrap tire aggregate for a floating road base, the unique features and stuff that we normally don't have in our standards. How are we going to deal with those types of projects?

Kurt Pyle – That still would be through our engineering group in terms of our road construction it wouldn't be dealt with in the audit inspection.

Erin MacIntyre – That's just based purely on the estimated construction cost. So whatever the estimated cost, we charge a 2% hold and release that at the end, whatever it is that we don't use. We are not using very much at all of that money so we are trying to reduce the amount we take and hold that they have to secure with us.

Councilor Darren Fisher - You release the amount that you don't use?

Erin – Yes.

Councilor Darren Fisher - Okay, I didn't catch that in the recommendation.

Erin MacIntyre – We were looking at our internal audit was showing roughly 0.4% of the construction cost estimate was being used for the fees and that's on average. The Development Liaison Group has submitted some of their numbers and it's looking like they're a little higher than that. But in neither case were they anywhere near 1%, and we're taking 2%.

Councilor David Hendsbee – You think of a 10 million dollar road construction project, 2% is a lot of money to be tied up.

Erin MacIntyre – The only ones who seem to be anywhere near the 2% are usually ones where they had to come in through the subdivision process to do something very specific and small, so their cost was small and the 2% actually did end up getting used up in the couple of inspections that were required. There are these unique exceptional situations and circumstances.

Councilor Darren Fisher – Could the holdback be in the form of a bond? So that the money is ties up by the company but the money is gaining interest in a bank somewhere.

Rosemary MacNeil – Bonds are not acceptable.

Erin MacIntyre – On the off chance that it takes them so lengthy period of time to complete the construction we need something that we know we are going to be able to draw from in the future.

John Cascadden, **McDonald Lake Residence Association, Five Bridge Wilderness Heritage Trust and HRM Alliance** – Two topics: Firstly, on the parkland, having gone through this ourselves with our own small community neighborhood park, what was left by the developer was essentially a monster to make it safe for anybody to use as a park. It would be good if staff examined what was going to be offered as a park and have some initial access. Like if there is a lake there and the thought is there is going to be a path down to the lake, have the contractor put that in there upfront so that it's done at the beginning. It cost us almost $150,000 to develop what probably should have cost us $50,000.

Kurt Pyle – When was your subdivision built?

John Cascadden – Our subdivision is probably 25 years old.

Erin MacIntyre – In 2006, we adopted the subdivision by-law. The Regional Plan brought in specifications to address exactly that. If you are looking at a piece of land that was pre 2006 we were doing the best we could without any tools. 2006 forward we do have specifications and sometimes even then we choose to take a piece of land that is a little more substantial and eat into site development ability just because there is a long term plan that we are hoping to be able to do something with it. That is a diligent and thoughtful things we are trying to do. Anything pre 2006 was a bit of a mess.

John Cascadden – If there was say, like a lake access thought, to have that developed upfront so it is available immediately for the community to use rather than waiting 5-10 years for the community to get geared up to make the push to develop their own park. It gets that facility and usability of the common resource available. The other item that I was interested in has to do with street trees: is the plan to use the Urban Forest Master Plan as the actual specification guideline for ensuring that they tow the line?

Erin MacIntyre – It`s definitely what we are looking at. I have a copy of that and I have been digesting it and have met with John Charles. We're looking at how that relates to the municipal spec and the subdivision by-law and whether that is something we can use. We haven't definitively made that decision yet but I have read it and it looks great. I know there has been a lot of work that has gone into it.

Kurt Pyle – The main focus on the street trees and the landscaping is during construction, the trees go in and some contractor tries to develop the lot, the landscaping is damaged, and the trees are backed into by some forklift and it's gone. When to put the trees in, when to do the landscaping is the issue. If you put it in at the end then all that soil going to wash, so the landscaping's not done, and the grading's not done so you could be flooding the next property over. That's something that Hugh, as our Engineer, has dealt with a lot in terms of grading, in terms of those issues, especially old ones, where the grading wasn't done right at the start. There are a lot of drainage issues.

John Cascadden – I know that your documentation in order to track or follow how things are going, is going to be a bit of a nightmare I would think. I could see how the trees that are actually there, if there is some old growth forest, is maintained and protected, but how to track those trees is where the mission is.

Erin MacIntyre – That part of the Forest Master Plan is outside of the scope of this project. I understand there is initiative out there to track installation of new trees as we continue to try to catalog what we do have within the right-of-way. We're going to GPS by size, estimated age, species, condition and try to get that into design and constructions hands so we are all coordinated but that's a big step to take.

John Cascadden – The Urban Forest Master Plan is a very contained document that doesn't actually translate out into the new subdivisions being built.

Tristin Cleveland, **Fusion Urban Development Team** – You mentioned that there is a possibility of adding things to the list, there is some interest in the team of having more rules in the subdivision by-law for how the streets are implemented, the grid pattern too, so that it works for effectively with active transportation and with transit. I am curious as if this is the right place for something like that. My understanding was that the city is trying to move away from having developers build private roads and then have the city later adopt them. This document seems to more deal with private roads that the developers are building rather than roads that the city are building.

Kurt Pyle – We don`t allow new private roads.

Erin MacIntyre – This is all regarding public road, the majority of the conversation with be in regards to infrastructure that's going to come into public domain.

Councilor Darren Fisher – Which we will have a stake in.

Councilor David Hendsbee – Any private roads out there existing that will have to be brought to these standards?

Rosemary MacNeil – Any roads being taken over as public – Yes.

Tristin Cleveland – Is there a place in this by-law for any regulations on shape or structure of roads?

Rosemary MacNeil – Are we talking road classification?

Erin MacIntyre – I think we're talking about the layout in connection with adjacent subdivisions. It's not impossible but it's nothing we have been considering.

Hugh Morrison - Right now all of our road designs are done through our red book, our Municipal Design Guidelines. There are a lot of engineering standards but we have to rely on developers. They are coming from places all over. We always do our best to try use good engineering design to ensure that roads meet up in proper ways and have the right classification of roads and solid connections. That's more through our design guidelines and not necessarily through the subdivision by-laws.

Councillor Darren Fisher – I have said numerous times at Council that we need to have a transit planner in the room whenever we design a subdivision.

Councilor David Hendsbee – What about the crusher dust trails out at Seven Lakes have we got that standard yet?

Kurt Pyle – No we do not. The Municipal Standards does allow for variances and that can be considered as a variance.

Councilor David Hendsbee – A million developers could be coming in attaching to that.

Erin MacIntyre – There is kind of two tools that we have to address that kind of planning. We have the Regional Plan which then informs our local community plans so we can create and propose policy to Council to say, 'Here, these are the kinds of things we want to see considered'. When were aren't in an as-of-right application, we are going to take some specific application to Council, these are the types of things we can consider. We can write those types of things into policy so that there is negotiation of those sorts of things. Those are specific, sometimes a Development Agreement where all policy statements are met. What we are talking about here under the subdivision by-law is the as-of-right processes, so somebody could roll in to the front counter and say,"Does this meet the rules?". The rules are more in regards to safety; we have the ability to gain a parkland dedication, but the master planning kind of concept is really not available under the as-of-right process.

Kurt Pyle – With policy, you have to remember two things, subdivisions that are occurring now, the bigger subdivisions, the as-of-right subdivisions, are basically grandfathered, they have been predated before 2006. So if it's not related to one of those, it's a new road and you are going to have a maximum of 8 lots on it.

Rosemary MacNeil – In rural areas. In service areas, there are still by-right possibilities.

Kurt Pyle – But those area are getting thinner and thinner and smaller and smaller in terms of the amount of development. Most of those areas are done through a contract process that goes through Council.

John Cascadden – When it comes to roads, of course the topic that's contentious is sidewalks. The term is, one wants communities to be 'walkable' and easy to move around in and unfortunately as soon as winter time comes that goes right out the window unless there's adequate space allowed and cleared for people and vehicles to move along in a safe manner. If the kids are within the one kilometer radius of where they are supposed to be walking to school, the parents will not walk them to school they will drive them to school because it's just not safe. How is that being addressed because as far as I know it is not being looked at in a big way but it should be. If walkability is an issue and if I know that sidewalk clearing is the big ugly bug that people don't like to hear, how will the walkability issue be addressed?

Erin MacIntyre – It's definitely not on our list. I think that would require adjustment to the road profile. They have a specification in the Municipal Specifications that shows how wide, how far apart up, down, back and forth exactly what each type of road would have to look like. That is where that would come from.

Hugh Morrison – The snowplowing would be a little bit more of an operation.

Kurt Pyle – That is our Municipal Standards Book, or the Redbook, as we call it, and it would be more of an amendment to that document and not this one.

John Cascadden – Quite often the road's shoulder narrows and then you have a culvert for storm water drainage or whatever. Once that's in place it's hard to go bigger. So if it's not in the preplanning stages as an issue it's just not going to get addressed.

Councilor David Hendsbee – Back in the parkland conservation areas is that also taking in the engineering of wetlands or any wetland areas for drainage?

Erin MacIntyre – I would suspect not likely. That is more of an infrastructure piece were we've got something that is functioning as collection or retention of storm water. That's dealt with more as an infrastructure that needs to be built, engineered and designed and has more of a specific function. It sometimes acts as open space in a neighbourhood that may or may not be publicly owned, but isn't coming to us to address that parkland dedication that is required.

Hugh Morrison – There are conversations ongoing about that with Department of Environment, Halifax Water and HRM, about the subject of engineered wetlands. That is an ongoing conversation that just wouldn't be within something like the subdivision by-laws.

Kurt Pyle – What are wetlands, what is conservation lands, what really is parkland? That's the issue we want to work on, so we can have good useable land that we can put facilities in neighbourhoods or in communities that we could put structures on that people can actually use. The big thing for developers is they have pieces of land leftover that they don't want to keep, they don't want to pay the taxes on it and it has little to no benefit to anybody so they want to say we will give it to you as part of the parkland and we say no, we don't want it.

Councilor David Hendsbee – Then the question is, why are we taxing conservation land? The debate would be we want green belting, we want connectivity, and we want natural habitats and stuff. There's probably going to be a need to take the conservation land to meet our green goals as well as having the connectivity not everything is going to be recreational land.

Kurt Pyle – I think that would be something definitely for the Regional Plan, to clarify the green belt better, in terms of what it actually wants to achieve in terms of content. That may be amendment to the Regional Plan, or it may be in a separate document with a separate approach.

Councilor David Hendsbee – When they do some of these surveys, the environmental assessment of the properties for old grow forest or any special species of plant life, if things like that are found, will those areas be identified as conservation no touch zone and be part of the parkland site?

Kurt Pyle – In rural areas – yes, because of the open conservation design standards those would be protected.

Councilor David Hendsbee – Would we take that over as parkland or conservation land?

Kurt Pyle – Depending on the operation, it could be maintained with the developer through the condominium.

Rosemary MacNeil – It may never be taken over as public in those situations, because often the entire street and green space is privately managed through the conservation design. It ends up being owned by the condominium organization, so sometimes there's no public plan developed. Sometimes we take conservation or pieces of land that have conservation quality to them that may be wetlands that are not considered unusable but may be attached to a piece of land that is very usable. So the developer may not get credit for that but they may just want to get rid of it and sometimes we will take it. We have to be sure that we are taking land that the public can actually use. For a long time we have been taking land that is not that great, we are trying harder to get better land. It's a battle sometime to get good land for recreation.

Councilor David Hendsbee – The question though is for conservation purposes, if there is an old growth hemlock stand out there that qualifies as a special place in legislation, why would you not want to protect it?

Rosemary MacNeil - There are things in the by-law now that talk about special places so it would be something that would certainly be considered now. But they have to look at what the community needs too, and the parkland part would look at that and determine if it is something the community needs.

Councilor David Hendsbee – Well with the parkland dedication, we are not taking any land we are just taking the cash-in-lieu. Could we put that as lien-able against the property instead of paying it all up front? Should they not be able to charge that or pay that in as the lots get developed or sold?

Kurt Pyle – We don't have the ability under the Charter to do that. I know you asked a question to Council and unfortunately that is the answer that came back. We don't have the authority under the Charter to do that.

Councilor David Hendsbee – But it could be something you could ask for.

Kurt Pyle – Could it be on the list of things we could ask for, yes.

Erin MacIntyre – I can ask for lateral documents to be amended according but it is very difficult to push a subdivision amendment that requires Charter. It would first of all stall this enormously. It is not our book we would be recommending that the Province first change the Charter.

John Cascadden – Another one on utility: the Regional Plan, I believe, was it not, that the recommendation was the lines from the pole to the house would be buried and only if the developer had it required as part of the development agreement. There was no effort to create incentive to try to get them to stop putting up poles in subdivisions.

Erin MacIntyre – Yes, there's no requirement that you underground. It is a possibility, something that you can propose and if it's approvable and it works, we could consider it, but we are not requiring that we underground currently.

Councilor David Hendsbee – We've discussed our solar city initiative and wind power initiatives. Regardless of street alignments, streetscapes or house positioning, orientation of the sun, I was kind of curious if these activities are going to have a change in the street alignment or even the house design?

Erin MacIntyre – Interesting comment, but not that I have heard, no. It is an interesting thought. I know anecdotally just in conversation with developers over the years I have heard of them trying to align so that people's backyards are going to be south-facing. That's what everybody wants but not necessarily specifically in regards to solar panel installation.

Tristan Cleveland – In terms of the parkland dedication again, in the natural heritage system in Ontario there is a requirement that the portion of land that the developer doesn't develop on, if it's in a natural heritage corridor, that they contribute to that corridor. So some of the developments that we look at now that have 60% of land not built on. It's patchwork; it does not actually contribute to a larger corridor. Even if we are not talking about large scale major corridor, we are just talking about recreation, connectivity with other recreation spaces is really crucial to the actual effectiveness of those parks. What rules can we get in there to acquire connectivity and a comprehensive analysis with the surrounding?

Erin MacIntyre – In terms of heritage corridors, or in terms of active transportation, when we're in an as-of-right process, it's the developer's suggestion that this is what they want to do and does it met the regulation. I think it is probably a little outside of the scale of what we are doing here, but perhaps something to put in that other list for consideration of where you can connect and where you can contribute. There's going to be sites that are somewhat isolated and don't have those types of connections to make.

Councillor Darren Fisher - Great suggestions for a secondary plan though.

Erin MacIntyre – It's a neat idea.

Councilor David Hendsbee – I have some examples coming up in my area about abutting lands or developable lands that are against crown land lots. Would that be part of the wilderness heritage areas or part of the conservations zones or just crown land lots? Why would it not be advantageous for us, if there is a chunk of land beside the crow land, why would we not have that as part of our parkland conservation zone because it adds to the overall inventory?

Rosemary MacNeil – We do that now.

Erin MacIntyre – We do that where we can, definitely. Sometimes it is inappropriate that the parkland planner to decide, we have X number of units and what we really need to service this community is a neighbourhood park, for example. So we will put this on a corner where there's lots of visible frontage and give them something after that they can do. Then we get into discussing, we may have a someday connection to something happening over here and maybe that would be valuable to get but what are we going to do for this community right now? It's in there but it doesn't always happen because we've spent our dedication doing something else, sometimes.

Kurt Pyle – You have a great idea, where Regional Planning is concerned moving down that road. We don't have that level of detail yet that Ontario did especially green-belting around Toronto. They did a lot of inventory to figure out where that belt should actually go. We haven't got to that stage yet, and until we get that, what we are looking for and what we want to achieve, we really haven't got to that level and the regional planning group is the one leading that charge. Someday it maybe in the subdivision by-law that if you are next to a provincial land or whatever a private corridor you can have them advances part of the fees or whatever. I don't think we are there yet.

Councilor David Hendsbee – I got involved in an area down by Ostrea Lake and as soon as I looked at the maps I saw that he is abutting a crow lot down there on the Petpeswick side, he cannot get access to it from the road from the other side of the lake. Why not take it over and abut it with the crown land?

Kurt Pyle – I think there needs to be an understanding that it is crown land, be it provincially or federally, and we're municipal and we aren't in a position to tell the Province what they should be doing on their land and we have difficulty yet in terms of dealing with that. The Province may sell it without even telling us. We may include parkland next to Provincial land and the province may just sell it and we have no way to tell them no. There's where we still have that amount of work and commitment were all three of us still have to work together.

Councilor David Hendsbee –I think that there's opportunity that people can imagine that they would dispose of crown assets. They should send it down through the hierarchy, saying 'Does the municipality have any interest, yes or no?'.

Kurt Pyle – Is there anyone else that has not talked yet before we get into our second round of questions?

Gerrie Irwin – When you look at audit inspections, you said that was just applicable to roads within a subdivision is it?

Erin Macintyre – It's for the overall construction amount when you are building a community that includes public roads. Whatever infrastructure that you install you need to propose a reasonable cost estimate to the Development Engineer. That gets reviewed, vetted and approved, and that audit inspection fee is based on the amount that it is going to cost you, so that includes all of that infrastructure.

Gerrie Irwin- Yes, I understand that, but my question was going to be about when an audit inspection is done, at what point? I will give you a specific example; recently Council agreed to a proposal about rezoning R-1 and R-2 lands out at Cow Bay and Shore Road in Eastern Passage. Under the Development Agreement they changed it to CDD and I think that had some wetland that residents were concerned about, I think. I go to the golf course often and I've passed by both those places ad there is an awful lot of clearing going on there right now and I was just wondering if somebody went out to audit that now so to ensure that the wetlands are being protected and drainage and whatnot because of the concerns that residents have?

Hugh Morrison – Staff have been out to that site in particular and have been doing audit inspections and have been dealing with the contractor out there.

Gerrie Irwin – Good, that's good to know.

Councillor Darren Fisher – And right now they aren't doing anything more than they can do as-of-right is that correct?

Hugh Morrison – Correct. They have an agreement in place for what they are allowed to do.

Erin MacIntyre – So Hugh, to the larger question is there, I think I know the answer to this question but, is there a set rollout of inspections that the technicians have to perform onsite?

Hugh Morrison – No.

Erin MacIntyre - It depends on when they see what's happening on site. Every schedule can be a little different depending on the scale and the nature and the timing of the construction.

Hugh Morrison – And we allow our staff to manage their own work. They understand because they have been in the construction industry for a long time, that at certain aspects and at certain stages they know they need to be there. We also rely on consultants to provide record drawings. They're the ones actually signing off and ensuring that we get proper assets.

John Cascadden – Storm water management in subdivisions: is it the developers responsibility to do the engineering upfront?

Erin MacIntyre – That's right.

John Cascadden – Does staff check their work?

Erin MacIntyre – Yes. Specifically, Hugh's group of engineering technicians in concert with Hugh.

Hugh Morrison – As well as Halifax Water staff.

Erin MacIntyre – My understanding Hugh, again tell me if I am wrong, anything over land flow is the responsibility of HRM through our development engineering group and the minute it hits a pipe or a system of some sort is HRWC's responsibility. The Water Commission is everything below ground so they will review those engineering specifications?

Hugh Morrison – Halifax Water took over all the assets that are involved with storm water, so all the pipes and physical ditches and things of that nature they would be reviewing those. We again review the whole thing as a whole feature.

John Cascadden – In our older subdivision, the way our ditches run down and then there's the storm water that goes down the easement straight to the lake, siltation takes place. Is there a specification for stopping that from occurring?

Hugh Morrison – Currently, right now we don't manage the quality of our storm water. We look more at the amount of storm water. No one is allowed to discharge things into the system and it can get tracked but we don't normally have ways of putting storm interceptors at the end of every outlet.

John Cascadden – My other question is about mailboxes, is that part of the actual development plan that there is dedicated space for mailboxes and is there a part of the lighting scheme requirement that there must be a pole with adequate lighting adjacent to that?

Erin MacIntyre – I would say yes on the first part. There has to be space allocated within the street right–of-way for those community mailboxes. We work closely with Canada Post. At the concept stage, before they come in for the their final, when they are off doing their engineering work, they are bringing in concept applications just to get the street layout, parkland dedication amount and area some of those big hard piece, before they go off and do the fine tuning to bring it in for final application. We will see those areas, we send those plans off to Canada Post and they work closely with their engineer to make sure that those are suitable sites. As for the light pole, I don't know if there is coordination with the lighting plan.

Kurt Pyle – That's a federal standard in terms of the standards they are coming up with for mailboxes, the light being in proximity to the mailboxes.

Hugh Morrison – We have general rules on illumination on what a roadway has to have, how it has to be illuminated. We do also have general rules where we normally have to a light at the end of where a walkway is coming in and things like that. A lot of these places will be lit up but it's not specifically in the regulations that you must have a light at the top of every mailbox.

John Cascadden – I suggest we should have.

Tristan Cleveland – In the survey there is a question about, well you are seeking clarification on it, who pays for LED lights and installation. There is a question whether the city should do it, the developers should do it or if residents should do it. I am curious about what motivated that and what your thinking is on that right now. Who is responsibility currently?

Erin MacIntyre – The developer puts up the cost and then we order from NSP and we install.

Tristan Cleveland – Sounds like a good system. Is there concern about how it's working right now?

Erin MacIntyre – Hugh, what is the change? Is it that it used to be that NSP installed?

Hugh Morrison – No, the big thing is that we are actually doing it and owing them now too.

Kurt Pyle – From the development community's perspective, the bigger developers, they could actually order and get it done quicker. That's the reason why they start looking for changes.

Hugh Morrison – They may be able to do it a little bit cheaper too.

Erin MacIntyre – If you submit your design and then we go off and figure out what bulbs are needed, and then get them ordered, then wait for them to arrive, assemble a crew, and get them out there, the developer is way out in advance of that tapping their foot waiting for us.

Councillor Steve Craig – I am curious about the request by the utilities and their desire to become part of the planning process. Certainly they would all have a need from that world, they are interested in the new subdivisions going in, they want to put in their own infrastructure, they want to get there from a competitive point of view, they have joint-use poles, they have all these other things that they work with now. So what is it specifically that they are looking for? I appreciate that Heritage Gas was probably the impetus to do this. Common trenching has all kinds of issues but, what feedback are you getting from the other utilities other than Heritage Gas that on their wish list and concerns?

Erin MacIntyre – I think it is just a consolidated approach. I think the impetus has come from one specific utility and everyone else is saying, yeah that would be great. I think that largely the cable companies, Eastlink and Aliant, I don't think we have received a specific request from them that they are having any specific trouble. It's still a work around for them, they are still coming in at the backend and they are up in the air so it is easier for them. It's the same thing on every site for them as well.

Kurt Pyle – It's more for natural gas where they are going to have to be buried in the ground and they are going into the cross-section of the street and having to tip toe around other pipes and make new arrangements and everything else. They are going to be more involved in the concept stage, one thing that Rosemary MacNeil here, our Development Officer does, is approve the Concept, so that at that stage they want to have feedback into the process. They make sure they can get their lines because they need to have certain arks. The grid streets are not always the best thing for them so they have to work within them and they want to have more feedback. Correct me if I am wrong Rosemary, you said right now to the utility companies are reviewing for information only. We say here it is, here is what's happening, we give them feedback, and so does Heritage Gas give them as well; they just want a little bit more input into the actual design. Because it is more of a bigger design factor then power and lights.

Councillor Steve Craig – They are not the standard that has been used for many, many years they are looking for a combination.

Kurt Pyle – Correct.

Councilor David Hendsbee – What about wireless technologies and pole locations, cell towers and stuff like that? If there is a coverage problem and we have the infrastructure, should that be a part of the process that we kind of pre-approve and have a plan in place so that when residents move in its 'buyer beware', there's a mono pole in your neighbourhood or a cell phone tower in your neighbourhood, it's part of the infrastructure.

Kurt Pyle – The jurisdiction for telecommunications is federal. Industry Canada dictates that and the industry does not put towers up in advance. They have to see what's there first and then they react to what's on the ground. What we have dealt with a number of times, we know that a number of higher buildings are going up in the area, here is the developers name and why don't you go off and talk to them and see if you can integrate it right into the building.

Councilor David Hendsbee – I'm just worried now with the new federal standard change and the under 15 meter requirement, lots of poles will now require public consultation or an information meeting.

Kurt Pyle – They have to inform us beforehand but they are still on the exempt list so they still can approve it without our consent. They just have to consult us about what they are doing. That is being addressed through a totally separate by-law that will hopefully come to Council before the end of the year.

John Cascadden – Just a clarification on the Heritage Gas side, when they put it in, are they bound by their development agreement to run a connection for each lot in the subdivision?

Erin MacIntyre – They are fully outside of our process. We don't regulate that necessarily, we would approve a streets and services permit but that's separate from the subdivision by-law. We're now all cleaned up and we're gone and now we're into new home construction and that's when they are coming in.

John Cascadden – So the road gets torn up all over the place.

Erin MacIntyre – Under a streets and services permit.

Hugh Morrison – Sometimes.

Councillor Darren Fisher – They will do a first and second lift.

Hugh Morrison – We would like them to go out and talk to the developers. They have to get their business case approved which is a different timeline than a developer's timeline. To get enough houses onboard so they can get approval to do it. The majority of the time, it does happen after the fact, but there are some times we have approved a couple of subdivisions where they come in and get dual stamped by Heritage Gas as well as the developer's consultant and sometimes it will go in up front.

John Cascadden – It would seems to be less expensive overall to have a conduit pipe run underneath the road at regular interval and each lot interval upfront.

Hugh Morrison – Ideally, construction-wise, it makes sense to run the gas lines upfront but it does have a lot more to do with their business cases and developing their business case.

Erin MacIntyre – Once you put those top lift down you are not allowed to cut it for two years. It's a race.

Councillor Darren Fisher – They still do though, they still cut into it before two years. They are not allowed to but they still do. If you have a ruptured pipes.

Erin MacIntyre – There are exceptions, for sure.

John Cascadden – Are you dealing at all with the actual construction of the properties with your by-law? Our big push is solid waste management, having recycling done and yet they are still not building houses that have

adequate storage in the kitchen/pantry type area to accommodate storage of this solid waste. How do we get that done?

Erin MacIntyre – I want to say the National Building Code, but I know that's not within the purview of that document, that's largely safety only. So now we are talking about design. If we are under a development agreement process we can do all kinds of different discretionary things if it's informed by policy so that's where we'd need to start.

John Cascadden – Especially in apartment buildings**,** they are the biggest offenders.

Erin MacIntyre – Under development agreement for apartment buildings because that is rarely as-of-right.

Kurt Pyle – So most house now are 2500 square feet. You can't find that room in 2500 square feet?

John Cascadden – It's not built in upfront then it depends on whether or not the home owner adds to it to make it happen.

Erin MacIntyre – Or, that the home designer affords for it upfront. I totally take your point. We are just not there yet.

5. Closing comments

Mrs. MacIntyre asked for any other questions, gave her contact information and reiterated about filling out the survey, and thanked everyone for attending the meeting.

6. Adjournment

The meeting adjourned at approximately 8:15 p.m.

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 19507

Monday, August-18-14
7:00 p.m.
BMO Centre

STAFF IN ATTENDANCE:
Erin MacIntyre, Planner, HRM Planning Services
Alden Thurston, Planning Technician, HRM Planning Services
Cara McFarlane, Planning Controller, HRM Planning Services
Rosemary MacNeil, Development Officer
Ashley Blissett, Development Engineer
Kurt Pyle, Operations Manager

ALSO IN ATTENDANCE: Councillor Steve Craig

PUBLIC IN ATTENDANCE: Approximately 4

The meeting commenced at approximately 7:00 p.m.

1. Call to order, purpose of meeting – Erin MacIntyre

This specific application (Case 19507) is for an amendment to Municipality-wide legislation, the Regional Subdivision By-law (RSBL). In February of this year, an initiation report appeared before Regional Council to address key issues identified by HRM Development Approvals' staff and those brought to staff's attention by The Development Liaison Group (DLG). These items are meant to clarify the by-law to enable a more efficient subdivision process. The amendment package delivered for Council's consideration will also contain any necessary amendments to other legislative documents (Municipal Specifications, fees, By-law) as necessary. The amendments to the RSBL will apply regionally.

2. Introductions and overview of planning process – Erin MacIntyre

Introductions:

- Erin MacIntyre, Planner 1
- Rosemary MacNeil, Development Officer
- Hugh Morrison, Development Engineer
- Alden Thurston, Planning Technician
- Tara Couvrette, Planning Controller
- Kurt Pyle, Operations Manager

2. Introductions and overview of planning process – Erin MacIntyre

Introductions:

- Erin MacIntyre, Planner 1
- Rosemary MacNeil, Development Officer
- Ashley Blissett, Development Engineer
- Alden Thurston, Planning Technician

- Cara McFarlane, Planning Controller
- Kurt Pyle, Operations Manager

Planning process:

- HRM Regional Council has initiated an application.
- I am here to provide background on the proposal.
- We would then like to receive feedback.
- **NO DECISIONS WILL BE MADE TONIGHT**

3. Presentation of Proposal – Erin MacIntyre

Mrs. MacIntyre pointed out what the key issues were:

- LED Streetlights
- Audit Inspections
- Parkland Dedication
- Utility Companies
- Street tree/ landscaping installation
- Warranty Security
- Housekeeping amendments

LED Streetlights

The first key issue surrounds LED streetlight installation practice and process. In the spring of 2013 the Province mandated conversion to LED streetlights, and accordingly, any new roadway being constructed and deeded to HRM required LED instead of incandescent streetlight bulbs. Currently, HRM receives the costs from the developer and orders the lights from NSP, and the installation is made by HRM. The change in process and the lack of standardization of the bulb type, and the amount charged by HRM are under review as part of the application. We're considering best practices of other Municipalities across the country, will be reviewing current practices with our Engineering and Design and Construction staff and considering industry's perspective and recommendations.

Audit Inspections

Over the course of construction of a new road, Engineering staff visit the site periodically to inspect the work being done. The RSBL directs the Development Officer to collect 2% of the construction costs from which to charge the fees for those inspections. With very few exceptions, considerably less than the 2% is used, and so review of that amount is being undertaken.

Parkland Dedication

Parkland dedication is required for any subdivision that creates an increase in the number of lots. A 10% dedication is required, in the form of land, site development, or cash-in-lieu of land, or some combination. Lack of clarity in types of dedicated parkland and the specifications to which that park must be developed can cause difficulty and delay in the acceptance of the parkland. Review is being undertaken to provide direction and clarity in the types of parkland, intended only to expand on the discussion of current requirements.

Utility Companies

Utility companies such as, HRWC, Eastlink. Aliant, NSP, Heritage Gas and others, have identified a wish to be more entrenched in the subdivision process. Currently, most utilities are 'information only' agencies: they are informed of applications but don't make recommendations or comments on them. Consideration of the addition of

utilities so that they are approval agencies, able to provide comment that could result in revision to applications is being undertaken.

Street Trees/Landscaping Requirements

Concern that trees, sod and other landscaping elements are being replaced due to damage during home construction is Topic 5. This may require addition of specification in the by-law to which the trees must be planted, or there's possibility that HRM could request the cost of the installation up-front and install the trees at a later date, once construction is complete, or simply amendment surrounding street tree species, or timing.

Warranty Security

For one year after the acceptance of the newly constructed right-of-way and associated infrastructure, the RSBL requires developers post 10% of the cost of construction as security for any project failures. The issue is damage and failure to perform regularly occurs after the one-year warranty period. For review and possible amendment is the extension of the warranty period for damaged or failed infrastructure.

Ms. MacIntyre advised that feedback is hoped to be gained via an online survey that can be completed anytime up until September 5th, or on a laptop that was setup in the room Printed copies of the survey are available that could be completed at home and mailed or faxed in, Any questions or comments made here tonight will be documented in the minutes.

4. Questions and Comments

Paul Pettipas, CEO, Nova Scotia Home Builders – Most of the issues have been discussed at the DLG: a) LED streetlights - they are great in principle, but they are directional which results in the loss of security; b) Audit inspections – when money is tied up from the developer, the homeowner will pay in the end. Staff has said that the money collected from the developer is too much. Why not look at that and ask for a realistic amount; c) Parkland dedication – there is a need to differentiate between parkland and conservation area; d) Utilities – NSP and Heritage Gas have always been on the DLG. They are of great importance and have to get involved especially with the underground services; e) Street trees and landscaping – trees and landscaping should take place after the house has been sold and a homeowner has moved in so the grass and trees can be taken care of and therefore not die; f) Warranty security – we can leave this to the developers to talk about; and g) Fee review - If fees are warranted, then charge, but if not, don't charge. People don't realize that when things are done in an inefficient manner, costs increase and someone has to pay for that. The DLG has worked on this for years and are glad they are being brought forward so the general public and Council can have a look at it.

Ms. MacIntyre – there was a specific public participation program that was adopted by Council for this application. Staff is taking the feedback from the public information meetings, will go through the minutes and itemize the comments. Questions left on the table will be presented to the DLG in due course.

Mr. Pettipas – the DLG meet on a regular basis and experts are brought in if needed.

Walter Regan, Sackville Rivers Association (SRA) – How difficult would it be to have a three-year warranty after the last home is built? If any trees or grass die, it would be covered. He believes every lot should be paying $50,000 servicing up front

Ms. MacIntyre - Under current legislation, staff may not have the ability to do that as it would be dependent on how quickly lots are being sold and houses being built.

Mr. Regan – What is the chance of turning water retention ponds into habitats?

Ms. MacIntyre said that staff would probably bring HRWC into to look at that. She is not sure if that would tie into this application.

Mr. Regan believes and demands there be a conservation zone that is over and above the required 10%.

Wetlands, floodplains, significant tree stands and slopes would be conservation lands and then over and above that take 10%. Active recreation should be 10%, conservation should be 50 to 60% and all buffers should be a minimum of 30 metres. **Ms. MacIntyre** said in some cases it is specific to the land that is being reviewed by the development officer and parkland planner but currently, if something is wet, it is excluded from the parkland dedication.

Mike Hanusiak, Clayton Developments – Where does the Red Book fit into everything now? Is it going to be part of the Subdivision By-law? On occasion the Red Book can be changed without significant amendment processes and public hearings. If it is incorporated into the Subdivision By-law, will it have to go through the public process. **Rosemary MacNeil** understands that it hasn't gone through the public process to date. **Ashley Blissett** explained that currently, with the Red Book, the majority of the public participation process is done. Every few years HRM sends out a notification to the development industry asking for comments on suggested updates that have come up through discussions throughout the previous year or two. The engineer can still do some minor variances.

Mr. Hanusiak – There is more demand for buffer zones and environmentally sensitive areas. The public wants those areas in public ownership but developers run into a problem when those areas are deemed "unusable" by the parkland planner. There has to be more flexibility.

Chris Millier – At the first PIM, Councillor Hendsbee put three more issues and a separate motion on the floor. Are those going to be incorporated into this application? Will a separate application be created for the motion relating to open space as it applies to dwelling units rather than subdivision and the transfer of credit and obligation outside of an application? He believes the other issue was deferred. **Ms. MacIntyre** said the motion actually read to identify whether or not it was in the scope of this application. Staff may respond to that motion in the report to Council but this application is simply to clarify process. She believes that what Councillor Hendsbee is trying to address is outside the scope of this specific application. **Mr. Millier** understands there is another amendment that relates to the definition of primary services. **Ms. MacIntyre** indicated that it is a separate application and to deal with all of them would be a much more complicated and timely process. **Mr. Millier** believes all these things are linked and should be taken care of at the same time or at least on the radar in the staff report and assessment.

John Cascadden, McDonald Lake Residents Association, Five Bridges Wilderness Heritage Trust and HRM Alliance – When the greenbelting plan, open space priority plan, is created, it could have a significant impact on the Subdivision By-law. When will this take place? **Ms. MacIntyre** wasn't sure but will check with Regional Plan. If an amendment will affect a lateral document, staff does their best to roll them forward together otherwise there is a broken link.

Mr. Regan believes prevention is the best restoration. What about the White Book and HRWC. Is staff talking to HRWC? **Ms. MacIntyre** explained that if any of this affects their specifications or processes, staff will vet that through them before taking the application to Council.

Mr. Regan – Any leftover money from the 2% that is collected for audit inspections should be redirected to active transportation.

Mr. Regan – The Red Book does not address silt runoff. When is HRM going to start charging HRWC for discharging the silt into the brooks through their systems? **Ms. MacIntyre** was not sure and that may not be in the scope of this application. That is an issue that comes up.

Mr. Regan - He asked for clarification on the process for the LED streetlights. **Ms. MacIntyre** explained that the developer does a design and proposes an estimated cost where HRM takes a real amount that represents only what is going to be needed to install the streetlights. HRM orders them from NSP and installs them in the end. This is causing a lag time. **Mr. Regan** asked what happens if there is a difference in price. Are they charged back? **Ms. MacIntyre** said that it was difficult for the industry to anticipate what those costs would be so it was standardized. She believes this was identified by the DLG last Fall.

Mr. Millier – The industry is putting the poles in and HRM installs the lights. In terms of takeover, that is very critical. A developer cannot submit a package until the streetlights are done, then a number of months go by before endorsement and anything can be sold. That is a huge challenge.

Mr. Hanusiak – Another issue is when the homeowners move in and the streetlights are not installed. This causes a safety issue as the homeowners are in total darkness. Developers are prepared to complete the site if allowed to do so. There are cost implications but the mechanics and logistics need to be looked at. **Ms. MacIntyre** said that this has been identified by Council as something to look at in the Subdivision By-law.

Mr. Pettipas – He believes that companies who have the lights in stock should install them, HRM does the inspection and have an engineer sign off on them. Currently, it is very expensive for the developers.

Mr. Regan – He would like any buffers that HRM disallows, to be given to public ownership to allow public access to watercourses. This has to be addressed. Trees cut on private property also has to be addressed. If it is all public ownership, HRM has control.

Mr. Regan – Can HRM ask the developer to do a floodplain and wetland study and turn that over to HRM? He believes this conservation area is in the public good.

Mr. Regan – Culverts are very important. It is important to get the cars and road over the brooks and streams, but it is equally important to get fish under the road. The Red Book should require effective fish passages be put in with warranties up to five and ten years. In a lot of cases, the culverts are not installed properly and either HRM has to replace them or SRA tries to raise money to do it themselves.

Mr. Regan – Some subdivision are not good for tree planting due to bedrock and poor soil conditions. Tree tanks should be included in the Red Book. Dig up the ground and put in a proper cement tank with topsoil. **Ms. MacIntyre** – Staff is looking at those specification. The Urban Forest Master Plan has some well researched information on soil depth requirements. **Mr. Regan** asked if HRM would ask environmentalist for their opinion on the Red and White Book at least once a year.

Mr. Hanusiak – The construction period is getting shorter all the time and the review process is delaying things. Internally, HRM has some measure of control but other agencies have no accountability. These outside agencies have to deliver within the first or second review. **Ms. MacIntyre** explained that the Subdivision By-law currently allows HRM to speak to those that provide a central service. Staff are trying to make sure that something is brought into the public domain that is safe and meets current specifications.

Councillor Craig – When HRM is using and tying up development money inappropriately then that is something that needs to be addressed. He has a great interest in making it as easy as possible for development to go forth.

Ms. MacIntyre – Provincial mandate for the LED streetlights is an important point. All will be converted to LED bulbs.

Mr. Millier – HRM has a lot of infrastructure that does not meet HRM's current standards. When it comes to safety, it is a different issue.

Mr. Hanusiak – A number of years ago, it was determined that the cost for HRM to maintain the LED streetlights was cheaper but the upfront cost is fronted by someone else. Another thing, with smaller developments, the ability to put those power poles in becomes compromised because of the smaller lots.

Mr. Millier – There is a degree of inconsistency throughout HRM's development officers. This may be included in the housekeeping matters. **Ms. MacIntyre** said there are now two instead of three administrative regions which will alleviate some of the inconsistencies. She asked that when people come across inconsistencies to please let the office know. **Mr. Pettipas** – suggested someone in management be available to review the inconsistency and make a decision on the interpretation so the development industry knows what to expect.

Mr. Regan – He doesn't necessarily agree with the interpretation of greenbelting. If greenbelting goes forward,

how does that apply to the developers? Will it be included in the guidelines? **Ms. MacIntyre** was not sure. At some point, policy has to marry up with a trigger and she is not certain how greenbelting will roll out or what the triggers will be.

5. Closing Comments

Ms. MacIntyre thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 7:55 p.m.

HALIFAX REGIONAL MUNICIPALITY
PUBLIC CONSULTATION MEETING
CASE NO. 19507

7:00 p.m.
Wednesday, August 20, 2014
Captain William Spry Centre
16 Sussex Street, Halifax

STAFF IN ATTENDANCE:

Erin MacIntyre, Planner
Hilary Campbell, Planning Technician
Jennifer Purdy, Planning Controller
Kurt Pyle, Operations Manager
Kevin Warner, Development Officer
Ashley Blissett, Engineering
Emily MacDonald, Development Technician

PUBLIC IN ATTENDANCE: Approximately 5

The meeting commenced at approximately 7:03 p.m.

2. Call to order, purpose of meeting – Erin MacIntyre

Case 19507: this specific application is for amendment to Municipality- wide legislation, the Regional Subdivision By-law. In February of this year, an initiation report appeared before Regional Council to address key issues identified by HRM Development Approvals' staff and those brought to staff's attention by The Development Liaison Group (the DLG). These items are meant to clarify the by-law to enable a more efficient subdivision process. The amendment package delivered for council's consideration will also contain any necessary amendments to other legislative documents (Municipal Specifications, fees by-law) as necessary. The amendments to the RSBL will apply regionally.

2. Introductions and overview of planning process – Erin MacIntyre

Introductions:

- Erin MacIntyre, Planner 1
- Kevin Warner, Development Officer
- Ashley Blissett, Development Engineer
- Hilary Campbell, Planning Technician
- Jennifer Purdy, Planning Controller
- Kurt Pyle, Operations Manager

Planning process:

- HRM Regional Council has initiated an application.
- I am here to provide background on the proposal.
- We would then like to receive feedback.

- **NO DECISIONS WILL BE MADE TONIGHT**

3. Presentation of Proposal – Erin MacIntyre

Mrs. MacIntyre pointed out what the key issues were:

- LED Streetlights
- Audit Inspections
- Parkland Dedication
- Utility Companies
- Street tree/ landscaping installation
- Warranty Security
- Housekeeping amendments

1) LED Streetlights: In the spring of 2013, the Province mandated conversion to LED streetlights, and accordingly, any new roadway being constructed and deeded to HRM required LED instead of incandescent streetlight bulbs. Currently, HRM receives the costs from the developer and orders the lights from Nova Scotia Power and they are installed by HRM. The change in process and the lack of standardization of the bulb type, and the amount charged by HRM are under review as part of this application. Staff are considering best practices of other Municipalities across the country, and will be reviewing current practices with HRM Engineering and Design and Construction staff to consider industry's perspective and recommendations.

2) Audit Inspections: Over the course of construction of a new road, Engineering staff visit the site periodically to inspect the work being done. The RSBL directs the Development Officer to collect 2% of the construction costs from which to charge the fees for those inspections. With very few exceptions, considerably less than the 2% is used, and so review of that amount is being undertaken.

3) Parkland Dedication: Parkland Dedication is required for any subdivision that creates an increase in the number of lots. A 10% dedication is required, in the form of land, site development, or cash-in-lieu of land, or some combination. Lack of clarity in types of dedicated parkland and the specifications to which that park must be developed can cause difficulty and delay in the acceptance of the parkland. Review is being undertaken to provide direction and clarity in the types of parkland, intended only to expand on the discussion of current requirements.

4) Utility Companies: Utility Companies such as HRWC, Eastlink, Aliant, NSP, Heritage Gas and others have identified a wish to be more entrenched in the subdivision process. Currently, most utilities are 'information only' agencies. They are informed of applications but don't make recommendations or comments on them. Consideration of the addition of utilities so that they are approval agencies, able to provide comment that could result in revision to applications is being undertaken. Ms. MacIntryre added that HRWC should possibly be removed from this list.

5) Street Trees/Landscaping Requirements: There has been some concern that trees, sod and other landscaping elements are being replaced due to damage during home construction. This may require addition of specification in the by-law to which the trees must be planted, or if there is a possibility that HRM could request the cost of the installation up-front and install the trees at a later date once construction is completed, or simply amendment surrounding street tree species, or timing.

6) Warranty Security: For one year after the acceptance of the newly constructed right-of-way and associated infrastructure, the RSBL requires developers post 10% of the cost of construction as security for any project failures. The issue is that damage and failure to perform regularly occurs after the one-year warranty period. Staff will be reviewing and possibly amending the extension of the warranty period for damaged or failed infrastructure.

Ms. MacIntyre added that they will be doing housekeeping amendments as well. Since the adoption of the Regional Plan in 2006, the Development Officers have been creating a list of things they would like have clarified for example: outdated language. They will be trying to address any inconsistencies.

Questions and Answers

Mr. Peter Lund, Glen Haven explained that prior to the meeting he was unsure what the changes were to be discussed and asked for clarification so he can understand if these amendments are to address the concerns that have been brought forward by developers, and he wanted to confirm that there is no intent to look at parkland dedication as cash-in-lieu vs. how large land dedication area is.

Ms. MacIntyre explained that this application has been brought forward by the development community and explained that the parkland dedication regarding cash-in-lieu vs land dedication is not being looked at within this application. This topic as well as some other issues and aspects in terms of parkland dedication will be discussed under another application.

Mr. Lund asked if there will be any change in the fee structure and explained that HRM is on the low end of the scale for development charges across the Country and feels that HRM should be raising the development fees to cover the infrastructure so the development costs aren't put on the backs of the general tax payers. He also asked for clarification to what "damaged or failed infrastructure" meant.

Ms. MacIntyre explained that at the end of the 'warranty period' during final inspections, there may be swales, for example, in private backyards or in the right-of-way that are not functioning properly. She gave an example of a swale that guided storm water drainage improperly which drained over a public path and froze and caused heaving during the winter. So in this scenario, they would get the developer in to remedy the issue or if they chose, HRM staff would take care of it on their behalf.

Mr. Lund asked if they would be looking at creating a downward slope off the developer's property.

Ms. MacIntyre explained that she is not sure if that is in the scope of what staff is looking at within this amendment. Staff is currently looking more at the public street right of way, and the infrastructure that is being created and whether it functions or not. She explained that these decisions will be reviewed by Engineering Staff to go through the specifics of what they need to remedy. Staff is looking at expanding the length of time prior to doing this particular inspection.

Mr. Lund explained that he is unsure about completing the survey.

Ms. MacIntyre explained that she does not want to discourage anybody to not complete the survey, as she would like to receive a large cross section of everyone's opinions.

Mr. John Cascadden, Five Bridges Wilderness Heritage Trust, MacDonald Lake Residents Association asked if someone suggests recommendations on the online survey that is out of scope for this particular endeavor, however may apply to something else, will these recommendations be passed onto the appropriate department and will it be communicated that they have been passed on.

Ms. MacIntyre explained that staff will review the notes taken from the public consultation meetings and the suggestions/comments received from the online survey and will separate those that fit within the scope of this exercise and the others that have been received. The other comments/suggestions will be included within a list of items that will be further reviewed. She added that it is Council who will have to decide to initiate review for possible amendments.

Mr. Chris Millier, Armco Capital explained that he had attended one of the previous meetings. For comments that are being captured outside of the scope of this application he wanted to add and to make it known that there are some other issues had in regards to the LED lights. He feels that the private sector should be taking

responsibility for completing this with a set standard from HRM to be followed. This would be much easier to be incorporated into their construction plan and to assign it to the contractors as it needs to be timed with the work that they are doing.

He explained that he doesn't feel that people appreciate the magnitude of the inspection fees. They have between three – four hundred thousand dollars in a two year construction period in outstanding inspection fees. The actual use ranges between 20% and 25%. Routinely they are rebated about 75%. He gave an example of a $100,000.00 fee; HRM consumes $25,000.00 of it in their work. He explained that having that money out is a big deal. He added that he has concerns that two different Development Officers are inconsistent in their approaches. The fee is calculated in some cases including HST and in others, HST is excluded. He is concerned with the accounting records through HRM Finance. He explained that it is a large amount of money that is not managed well. He also addressed concern regarding the process. He explained that Armco made an application in 2013 to have this part of the By-law amended and to drop it down to 0.05% vs. 2%, which is more realistic. He also suggested that this structure change so that they pay it as it is incurred. Developers pay upfront, some projects cost hundreds of thousands of dollars in fees and these projects will not complete construction for a long time, leaving them with a large amount of cash that is difficult to track and to receive accounting for. He explained that almost all of the time, the developer is receiving a refund that they have to request.

In regards to parkland, Mr. Millier explained that the typologies and the usability criteria and the issue as to what is parkland and what is conservation needs to be restructured. The public wants both, however, HRM Park Planners want cash. Mr. Millier suggested that HRM get back to what the intent of those enabling provisions that came from the Planning Act, MGA (the template for Charter) was. He explained that the intent of parkland is for a developer to provide amenity space in the subdivision for the needs of those people; what is currently happening is that a vast majority of parkland beyond bare neighbourhood requirements is being implemented through cash-in-lieu. That money is not benefiting that subdivision or that community which is a huge problem. The values are disproportionate to the impact that those people are creating both at the neighbourhood, community and regional level and this is a clear situation where the burden for deficiencies in regional parkland is being put on the shoulders of new development. He suggested HRM look at good community planning which includes amenity space, parkland and conservation. He gave an example of a new subdivision in Sackville creating 200 lots, which requires $1 million dollars' worth of parkland. These people are not generating that need and that is way the by-law is structured; the intent of this has been lost along the way and has a huge impact.

The issue with conservations land, developers used to give all their wasted land that no one would benefit from and now there are definitions for usability that tie developers hands. It is really tough to find usable land when looking at the criteria. There has to be a middle ground for the requirements of conservation lands. There are no enabling provisions in the Charter for compensation for dedication of conservation lands; developers would be interested in this. Otherwise, they just give up the lands and don't receive any credit for it. If there is a public good to be obtained, then there has to be compensation to those people from who you are taking those rights, and where you are obtaining that public good.

In regards to utilities, currently HRM gives utilities information out of courtesy and agreed that Halifax Water should not be included within that list. He suggests that staff review the Charter to see if there is going to be a direct role in the review and approval and the ability of utilities to be able to influence the process.

Mr. Millier explained that the developers have experienced issues where the builders are damaging the trees and landscaping. The developers have complied with the specification to have infrastructure taken over but then someone else comes in to build and these damages are happening at the builder's stage and not the developer's stage. He also explained that there are two other subdivision related processes: 1) Parkland and the definition of primary services and; 2) request for staff report online. These are issues that tie back to each other, that are aligned and should be considered together, but are not necessarily linked to this direct application.

The definition of primary services is of issue. It is working as a tax grab. This leads to approving and encouraging density without the ability to require parkland. Staff needs to make the right calls for those who ought to be

responsible for what costs. He added that sometimes taxes have to be increased in order to provide a public good.

He explained that the motion that staff recommended for the primary services amendment specifically excludes a public consultation. Because it is timely, an online site to allow people to make comment can be used, however, he feels that developers also have projects that are timely; there needs to be balance.

Ms. MacIntyre thanked Mr. Millier for his comments and explained that staff is moving forward with several things at once that are closely related and ensured him that they are doing their best to make sure nothing is missed.

Closing Comments

Ms. MacIntyre thanked everyone for attending. She encouraged anyone with further questions or comments to contact her.

Adjournment

The meeting adjourned at approximately 7:48p.m.