

ATTACHMENT D

Proposed Amendments to the Halifax Regional Subdivision Bylaw

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Halifax *Regional Subdivision Bylaw* is hereby further amended as follows:

1. Amending Schedule B – Service Requirement Map (Revised on Sept. 30, 2017) to revise the Urban Service Area and the Water Service Area as shown on Schedules D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, D-9, D-10, D-11, and D-12 attached hereto.
2. Amending Clause 3(e), definition of “Construction”, as shown below in **bold**, by adding the text “and subdivision grading as per By-law G-200, Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time” after the text “secondary services” and before the text “for a subdivision”.

“Construction” means activities involved in the installation of primary and secondary services **and grading as per By-law G-200, Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time**, for a subdivision and includes, but is not limited to, tree removal, grubbing, excavation and blasting.

3. Amending Clause 3(n), definition of “Flag lot”, as shown below in **bold**, by adding the text “, but excluding lots created pursuant to frontage exemptions in Sections 38, 43, 43A, 45, 49, 50, 52, 53, 59, 60, 62, 63, Clause 63(a), and Sections 64, and 65.” after the text “section 24 of this by-law”.

(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, **but excluding lots created pursuant to frontage exemptions in Sections 38, 43, 43A, 45, 49, 50, 52, 53, 59, 60, 62, 63, Clause 63(a), Sections 64, and 65.**

4. Amending Subsection 10(1), as shown below in **bold**, by adding the text “and Central/Eastern Growth Management Area” after the text “Growth Management Area” and before “identified on”.

Within the Interim Growth Management Area **and Central/Eastern Growth Management Area** identified on Schedule “H”

5. Amending Section 34 as shown below in **bold**, by adding the text “at any point” after the word “contiguous” and before the text “to each other”.

The Development Officer may approve a plan of subdivision creating no more than 3 flag lots which are contiguous **at any point** to each other.

6. Amend Table B under Subsection 83(1), as shown below in **bold** and ~~strikeout~~, by deleting the text “First 1/3rd maximum 5% Remaining 2/3rds average 5%” and adding the text “Maximum grade of 5%” under the second column titled “Neighbourhood Park (NP)” and the fifth row titled “topography”.

Table B - Parkland Quality of Land Criteria

	Parkland Type			
Criteria	Neighbourhood Park (NP)	Community Park (CP)	District Park (DP)	Regional Park (RP)
typical area	Size Range rural - 0.4 ha to 1.2 ha urban/suburban - 0.1 ha	Size Range 0.1 ha urban pocket park to 6 ha sports facility	Size Range 1 ha trail head to 10 ha multi purpose facility	Size Range varies from a single point of interest to a multi-purpose recreation, cultural heritage, or wilderness preservation area
minimum dimensions & property configuration	Road Frontage 30 metres Water Frontage 30 metres Configuration block	Road Frontage minimum of 30 m for the first ha & 2 additional metres/ 1000 square metres of additional land (20 m/ha) Water Frontage 30 metres Configuration block or linear	Road Frontage minimum of 30 m for the first ha & 2 additional metres/1000 square metres of additional land Water Frontage 30 metres Configuration block or linear	Road & Water Frontage and Configuration to be determined by use & purpose
location	- outside an existing HRM NP service area - frontage on local road	- outside an existing HRM CP service area - main entrance frontage on collector road - secondary pedestrian access on local road	- outside an existing HRM DP service area - main entrance frontage on collector or arterial road - secondary pedestrian and vehicle access on local or collector road	regionally significant recreation, natural environment, cultural heritage, wilderness preservation feature dependant
topography	Road Frontage +/- 1 metre of finished road grade Maximum grade of 5% ~~First 1/3rd maximum 5%~~ ~~Remaining 2/3rds average 5%~~	Road Frontage +/- 1 metre of finished road grade Passive First 1/3rd maximum 5% Remaining 2/3rds average 10% Active First 1/3rd maximum 5% Remaining 2/3rds average 5%	Road Frontage +/- 1 metre of finished road grade Passive First 1/3rd maximum 5% Remaining 2/3rds average 10% Active First 1/3rd maximum 5% Remaining 2/3rds average 5%	Road Frontage +/- 1 metre of finished road grade Passive First 1/3rd maximum 5% Remaining 2/3rds average 10% Active First 1/3rd maximum 5% Remaining 2/3rds average 5%
hydrology	sufficient land outside 1 in 10 year flood plain to accommodate intended park use			
vegetation	Retain a minimum of 25% natural vegetation Disturbed areas to be reinstated with 150mm topsoil and sod or approved equivalent	Designated Passive areas to retain minimum of 75% natural vegetation Designated Active areas to retain minimum of 25% natural vegetation Disturbed areas to be reinstated with 150 mm of topsoil and sod or approved equivalent		Recreation same as CP & DP Conservation silviculture can occur Preservation no alteration if pristine or reinstated to desired state if previously altered

7. Amending Clause 83(1)(d) as shown below in **bold** and ~~strikeout~~, by:
- Adding the text “encumbrances except public” after the text “include any” and before the text “engineering infrastructure”;
 - Deleting the text “except” after the text “engineering infrastructure” and before the text “where the construction”;
 - Deleting the text “is complementary to the parkland; and” after the text “operational use”

- d. Adding the text “.” after the text “operational use”; and
- e. Inserting new subclauses i) and ii) immediately below clause (d);

(d) not include any **encumbrances except public** engineering infrastructure ~~except where the construction material and operational use: is complementary to the parkland; and~~

i) does not impede the use of the public parkland; and

ii) does not materially interfere with the use and enjoyment of the park as determined by the development officer in consultation with Parkland Planning; and

- 8. Amending Subsection 87(1), as shown below in **bold** and ~~strikeout~~, by deleting the text “12 copies” and replacing with the text “an electronic copy” after the text “together with” and before “of a preliminary plan”.

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, together with **an electronic copy** ~~12 copies~~ of a preliminary plan of subdivision.

- 9. Amending Clause 88(c), as shown below in **bold** and ~~strikeout~~, by repealing Subclauses (i), (ii), and (iii) and inserting new Subclauses (iv) and (v).

(c) in areas not serviced by a central sewer, NS Environment to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot: (RC-Jun 21/16;E-Jul 30/16) ~~(i) is more than 9000 m²;~~

~~(ii) has a width of 75 m or more; and~~

~~(iii) is to be used for a purpose which does not require an on-site sewage disposal system; and~~

(iv) is greater than 9000 square metres, has a width of 76 metres or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system; or
(ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (iv); and

- 10. Amending Subsection 91(1), as shown below in **bold** and ~~strikeout~~, by:
 - a. Repealing Clause (a);
 - b. Repealing Clause (b);
 - c. Deleting the word “and” in Clause (d);
 - d. Adding a semicolon and the word “and” in Clause (d); and
 - e. Inserting new Clause (e).

~~(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 accordance with Administrative Order 15 Respecting License, Permit and Processing Fees; ~~and~~

(e) where requested by the development officer, paper copies of the concept plan, in the size and quantity requested by the development officer.

11. Amending Section 94, as shown below in **bold** and ~~strikeout~~, by:
- a. Adding the word “and” in Clause (a); and
 - b. Repealing Clause (b).
- (a) drawn to a scale sufficient for clarity of all particulars of the plan; **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 concept plan; and~~
- (c) prepared by a Nova Scotia Land Surveyor or Professional Engineer and be based on the best available mapping or aerial photos.

12. Amending Section 97, as shown below in **bold** and ~~strikeout~~, by deleting the text “8 copies” and replacing with the text “an electronic copy, and where requested by the development officer, paper copies” after the text “accompanied by” and before the text “of a concept”.

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 **an electronic copy, and where requested by the development officer, paper copies, 8 copies** of a concept plan servicing schematic, prepared by a Professional Engineer in accordance with the Engineering Regulations, which in the context of the proposed street system and park land dedication shows:

13. Amending Section 100, as shown below in **bold** and ~~strikeout~~, by:
- a. Repealing clause (a);
 - b. Deleting the text “and” in clause (b);
 - c. Adding a semicolon and the text “and” in clause (c); and
 - d. Inserting new Clause (d).
- (a) ~~18 copies of a tentative plan meeting the requirements of this by law;~~
- (b) an electronic version of the tentative plan in an acceptable file format; **and**
- (c) a processing fee payable to the Municipality in accordance with Administrative Order 15 Respecting License, Permit and Processing Fees; **and**
- (d) **where requested by the development officer, paper copies of the tentative plan, in the size and quantity requested by the development officer.**

14. Amending Section 101, as shown below in **bold** and ~~strikeout~~, by:
- a. Adding the text “and” in Clause (a);
 - b. Adding a period, deleting the semicolon, and deleting the text “and” in clause (aa); and
 - c. Repealing Clause (b).
- (a) prepared by a Nova Scotia Land Surveyor; **and**
- (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.~~

15. Amending Section 103, as shown below in **bold** and ~~strikeout~~, by adding the text “an electronic copy, and where requested by the development officer, paper copies,” and deleting the text “8 copies” after the text “shall provide” and before the text “of the complete”.

Where a proposed subdivision is to be serviced with primary or secondary services or by a private road, the subdivider shall provide **an electronic copy, and where**

requested by the development officer, paper copies, 8 copies of the complete drainage plan, prepared by a Professional Engineer in accordance with the Engineering Regulations, showing the following:

16. Amending Section 104, as shown in **bold** and ~~strikeout~~, by deleting the text “8 copies” and adding the text “an electronic copy, and where requested by the development officer, paper copies,” after the text “owner to provide” and before the text “of schematics”.

Where primary or secondary services or a private road is to be constructed, the Development Officer shall require the owner to provide **an electronic copy, and where requested by the development officer, paper copies, 8 copies** of schematics, prepared by a Professional Engineer in accordance with the Engineering Regulations, showing the following, in the context of the proposed lots and park land dedication, where applicable:

17. Amending Clause 104(g), as shown below in **bold** and ~~strikeout~~, by deleting the text “8 copies” and replacing with the text “an electronic copy, and where requested by the development officer, paper copies,” after the text “shall provide” and before the text “of the centre line”.

(g) where there is a proposed public street or highway or private road to be constructed, the owner shall provide **an electronic copy, and where requested by the development officer, paper copies, 8 copies** of the centre line profiles; and

18. Amending Section 106, as shown in **bold** and ~~strikeout~~, by:

- a. Repealing Clause (a);
- b. Deleting the text “, and” in Clause (c);
- c. Adding the text “and” and semicolon in Clause (d); and
- d. Inserting new Clause (e).

(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~~;

(i) Deleted

(ii) Deleted

(iii) Deleted

(iv) 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; **and**

(e) where requested by the development officer, paper copies of the final plan of subdivision, in the size and quantity requested by the development officer.

19. Amending Subsection 110(1), as shown below in **bold** and ~~strikeout~~, by:

- a. Adding the text “and” and semicolon to Clause (a); and
- b. Repealing Clause (b).

(a) drawn to a scale sufficient to fully illustrate the information required; **and**

(b) ~~folded to approximately 22 cm by 28 cm, with the face of the folded print being the title block which is located in the lower right hand corner of the final subdivision plan; and~~

20. Amending Clause 111(c), as shown below in **bold** and ~~strikeout~~, by deleting the text “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” and adding the text “the location of the lot(s) or parcel(s) being surveyed, in terms of street, city, county and province or highway, district, county and province or in similar terms” after the text “drawn to a scale”.

(c) a key plan drawn to a scale **the location of the lot(s) or parcel(s) being surveyed, in terms of street, city, county and province or highway, district, county and province or in similar terms** ~~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;~~

21. Amending Clause 111(sb), as shown below in **bold**, by adding the text “for applications where primary and secondary services are required” after the text “flood limits”.

(sb) the 1 in 100 year flood limits **for applications where primary and secondary services are required;**

22. Amending Section 117, as shown below in **bold** and ~~strikeout~~, by deleting the text “8 copies” and adding the text “an electronic copy, and where requested by the development officer, paper copies,” before the text “subdivider to provide” and after the text “of engineering drawings” and delete the text “8 copies” before the text “subdivider to provide” and after the text “of engineering drawings”.

Where primary or secondary services are required to be constructed, the Development Officer shall require the subdivider to provide **an electronic copy, and where requested by the development officer, paper copies,** ~~8 copies~~ of engineering drawings and reports, prepared in accordance with the Engineering Regulations, showing all applicable systems as follows:

23. Amending Clause 124(c), as shown in **bold** and ~~strikeout~~, by:
- Repealing Subclauses (i), (ii), (iii) and (iv); and
 - Inserting new Subclauses (v) and (vi)

(c) in areas not serviced by a central sewer, NS Environment to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot: (RC-Jun 21/16;E-Jul 30/16)

~~(i) is more than 9000 m²;~~

~~(ii) has a width of 75m or more;~~

~~(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;~~

(v) is greater than 9000 square metres, has a width of 76 metres or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, or

(vi) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (v);

24. Amending Section 129, as shown below in **bold** and ~~strikeout~~, by:
- a. adding the text or “work of equivalent value on parkland dedication, as applicable,” after the text “Halifax Water” and before the text “warranty security”;
 - b. Deleting the text “8” and replacing with the text “9” in clause (a) after the text “Appendix”; and
 - c. Adding the text “work of equivalent value on parkland” after the text “services or” and before the text “and shall be” in Clause (b);
 - d. Adding the text “or work of equivalent value on parkland dedication;” after the text “actual cost of the services installed”.

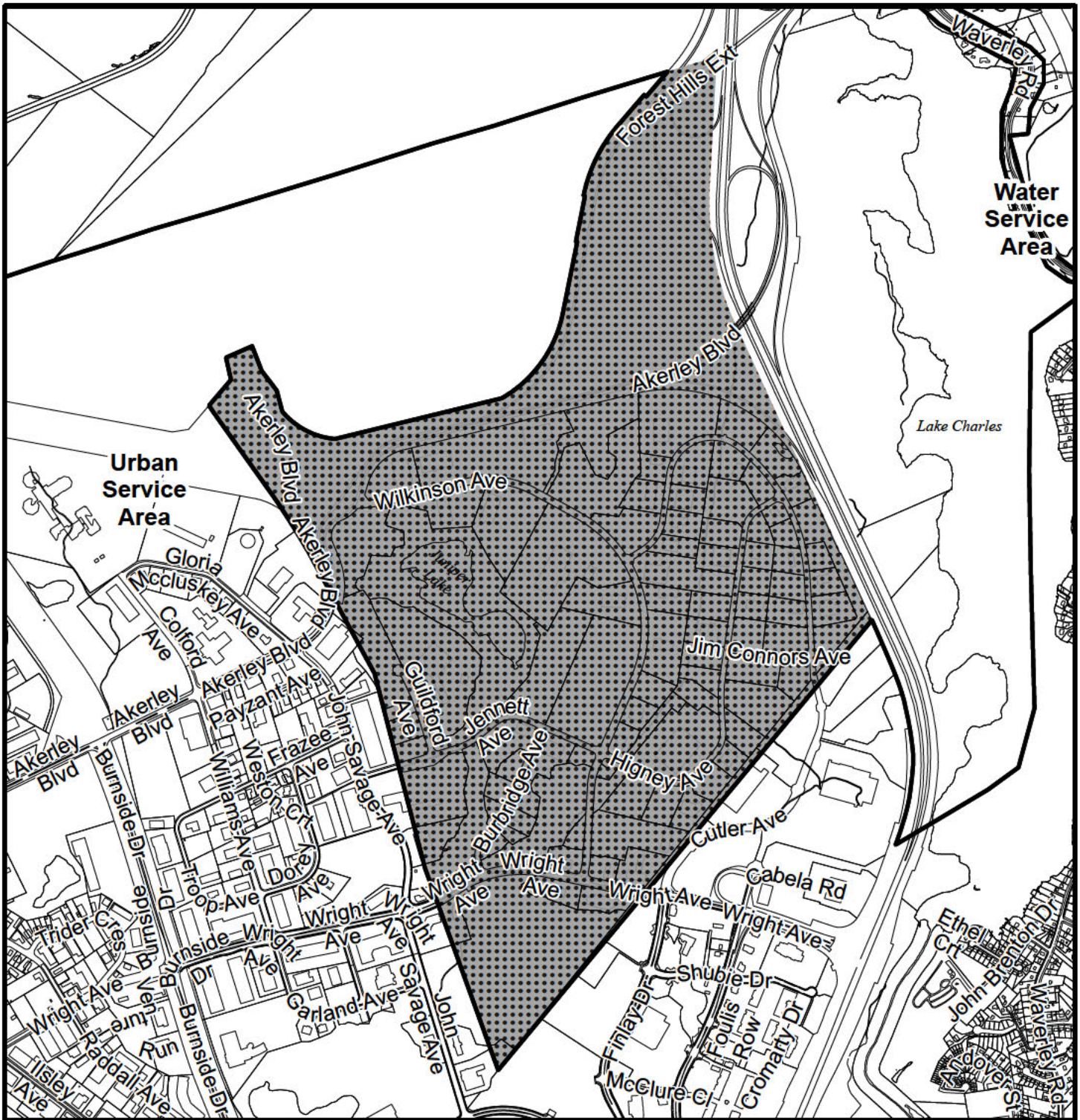
129 Upon completion of construction and acceptance of any primary or secondary services by the Municipality or Halifax Water **or work of equivalent value on parkland dedication as applicable**, warranty security shall be required as indicated:

- (a) warranty security shall be **generally in a form as** specified in Appendix 8 **9; (RC-Jun 21/16;E-Jul 30/16)**
- (b) the warranty security shall remain in effect for a period of **two years** from the date of acceptance of the primary or secondary services or **work of equivalent value on parkland** and shall be in the amount of 10% of the actual cost of the services installed **or work of equivalent value on parkland dedication; (RC-Jun 21/16;E-Jul 30/16)**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk



Schedule D-1

Burnside, Dartmouth

 Area designated Urban Service Area



HALIFAX

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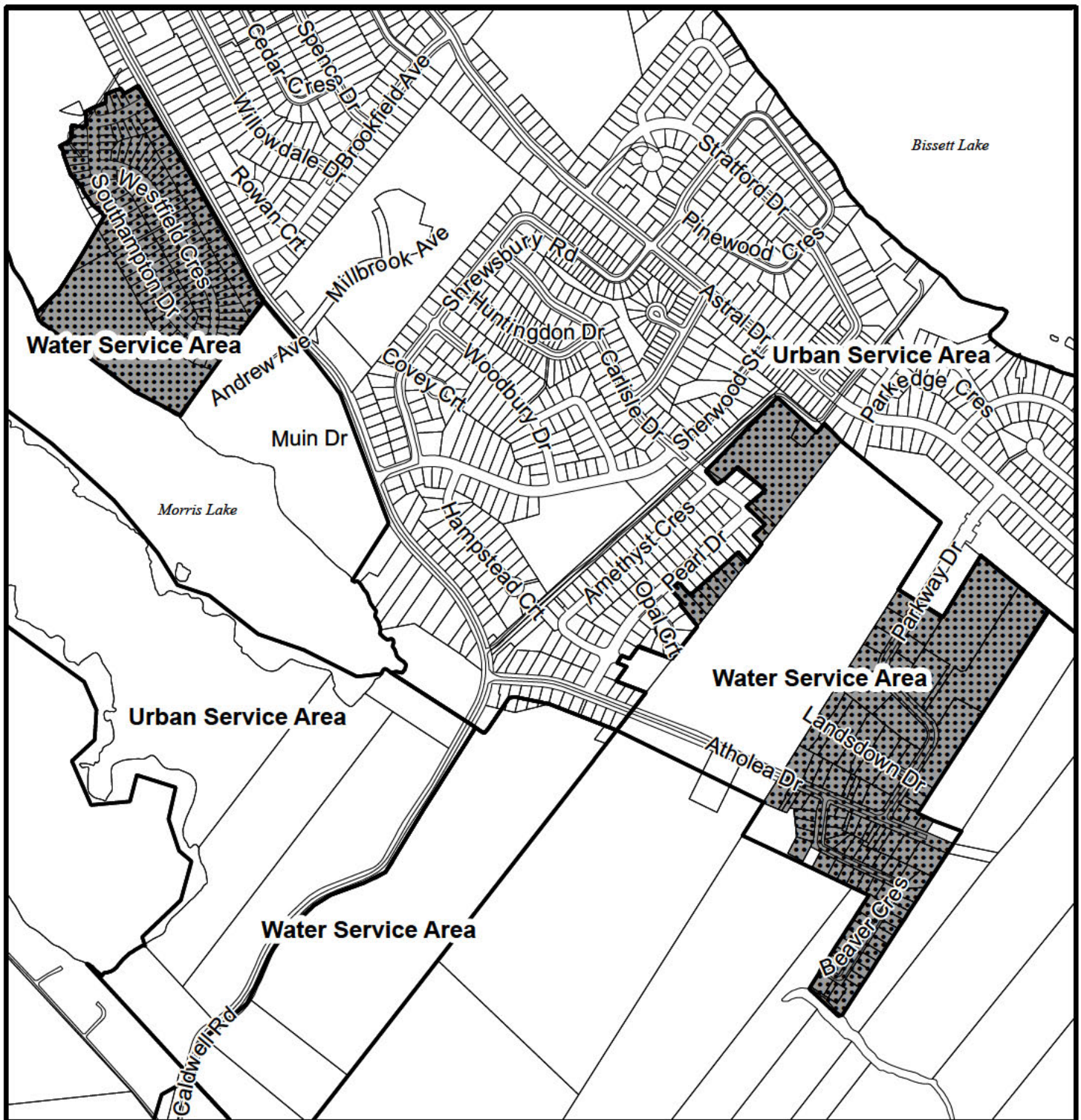
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Regional Subdivision By-Law
Schedule B

20 June 2022

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Schedule D-2

C009 - Cole Harbour

 Area redesignated from Water Service Area to Urban Service Area

Regional Subdivision By-law
Schedule B

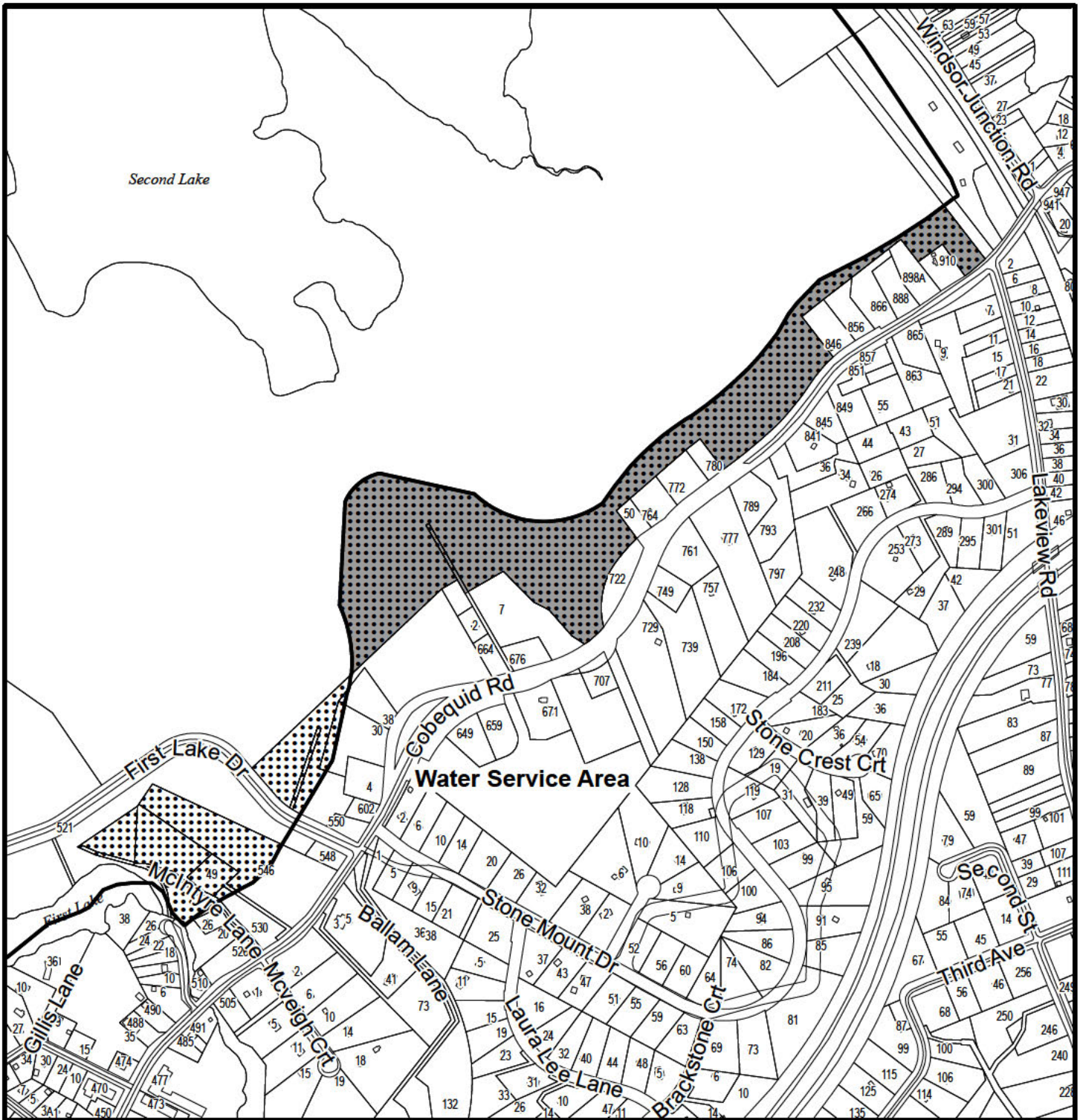


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Schedule D-3

C060 - Lands on First Lake Drive, Lower Sackville

-  Area designated Water Service Area
-  Area removed from Water Service Area designation

Regional Subdivision By-law
Schedule B

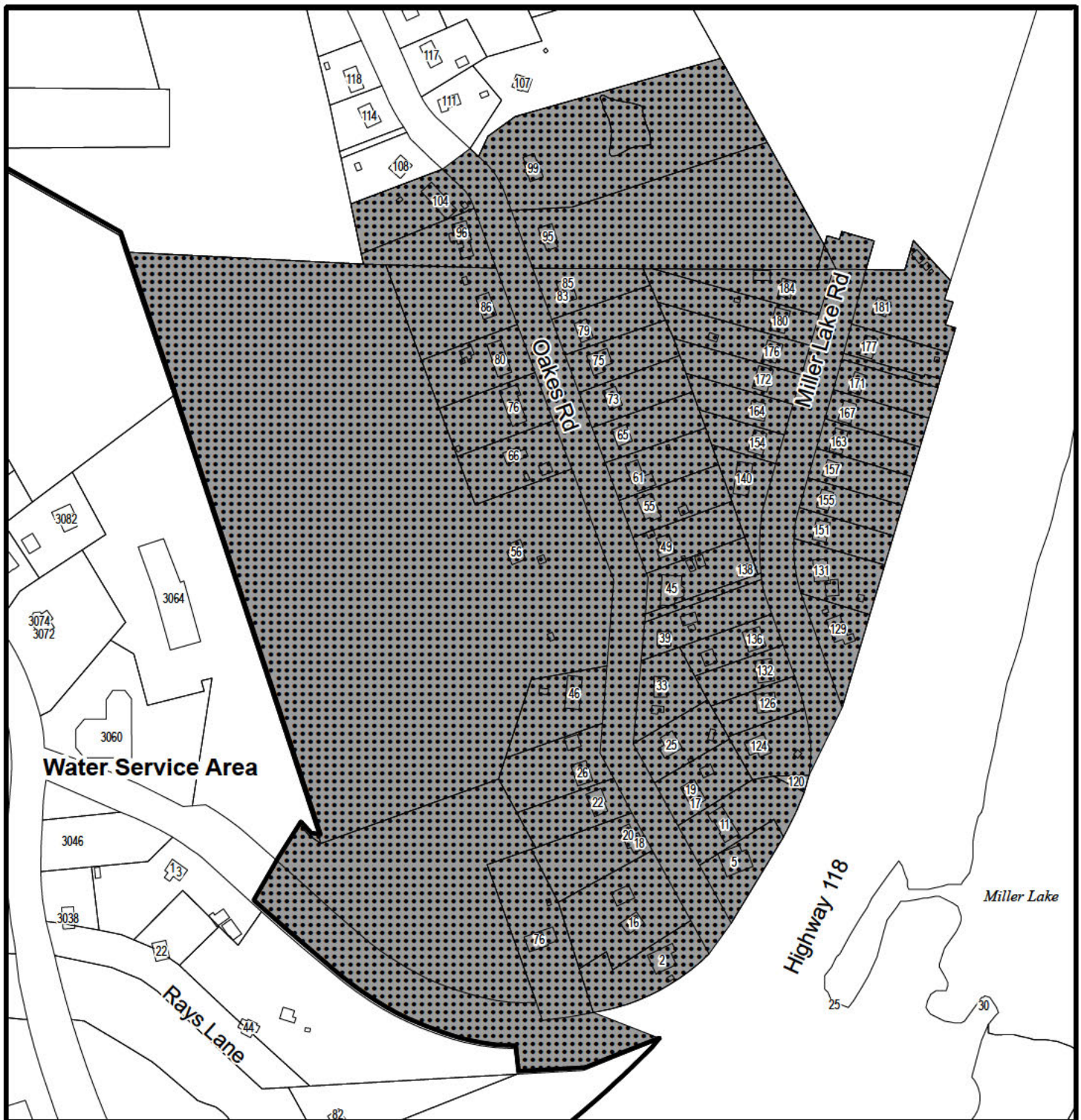


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Schedule D-4

Fall River

 Area designated Water Service Area

Regional Subdivision By-law
Schedule B

20 June 2022



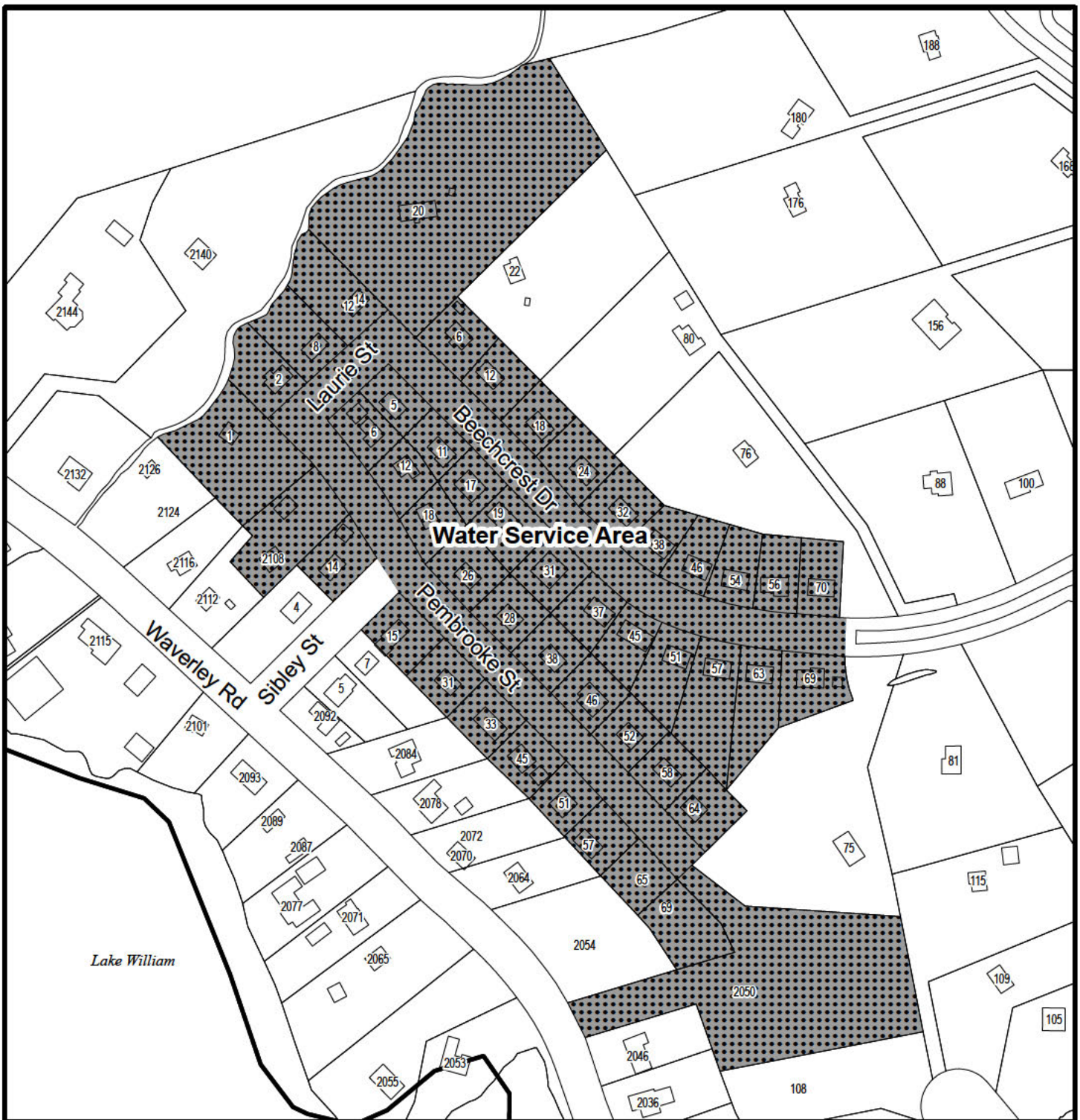
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Schedule D-6

Waverley

 Area redesignated from Water Service Area to Urban Service Area



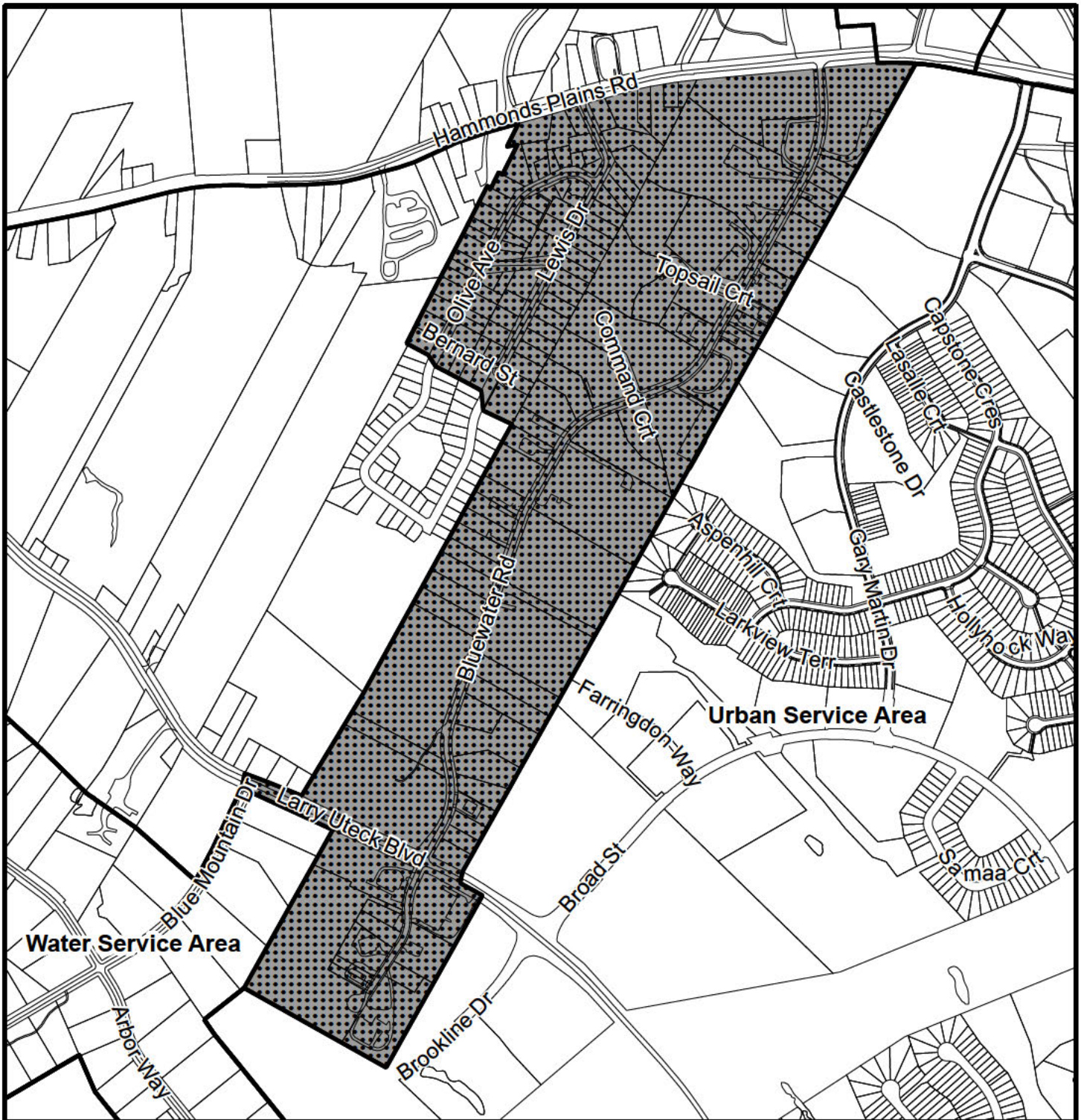
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Regional Subdivision By-law
Schedule B

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Schedule D-7

Atlantic Acres (Bluewater)

 Area designated Urban Service Area



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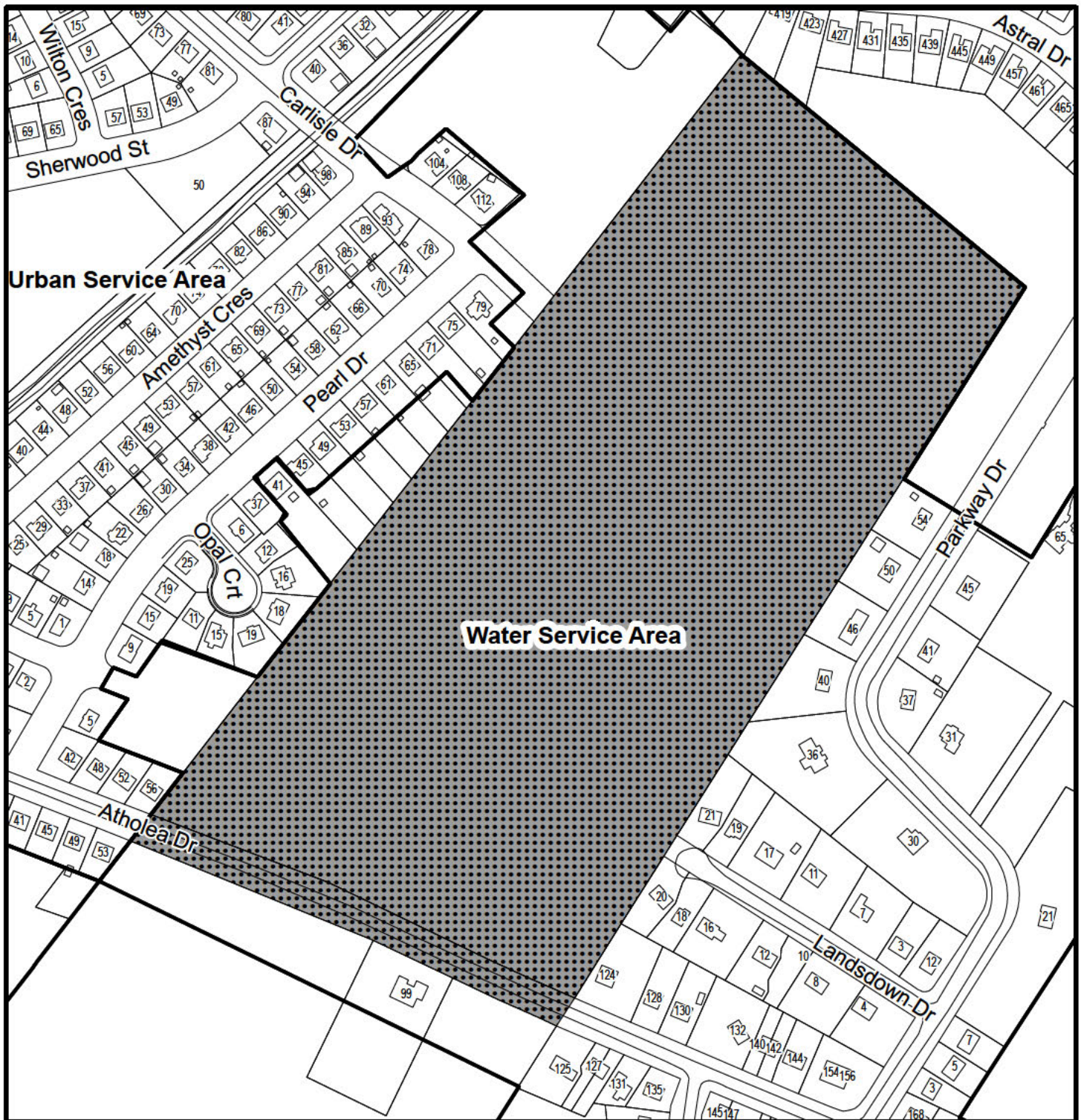
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Regional Subdivision By-law
Schedule B

20 June 2022

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Schedule D-8

C047 - Lands near Atholea Drive,
Cole Harbour



Area redesignated from Water Service Area to
Urban Service Area

Regional Subdivision By-law
Schedule B

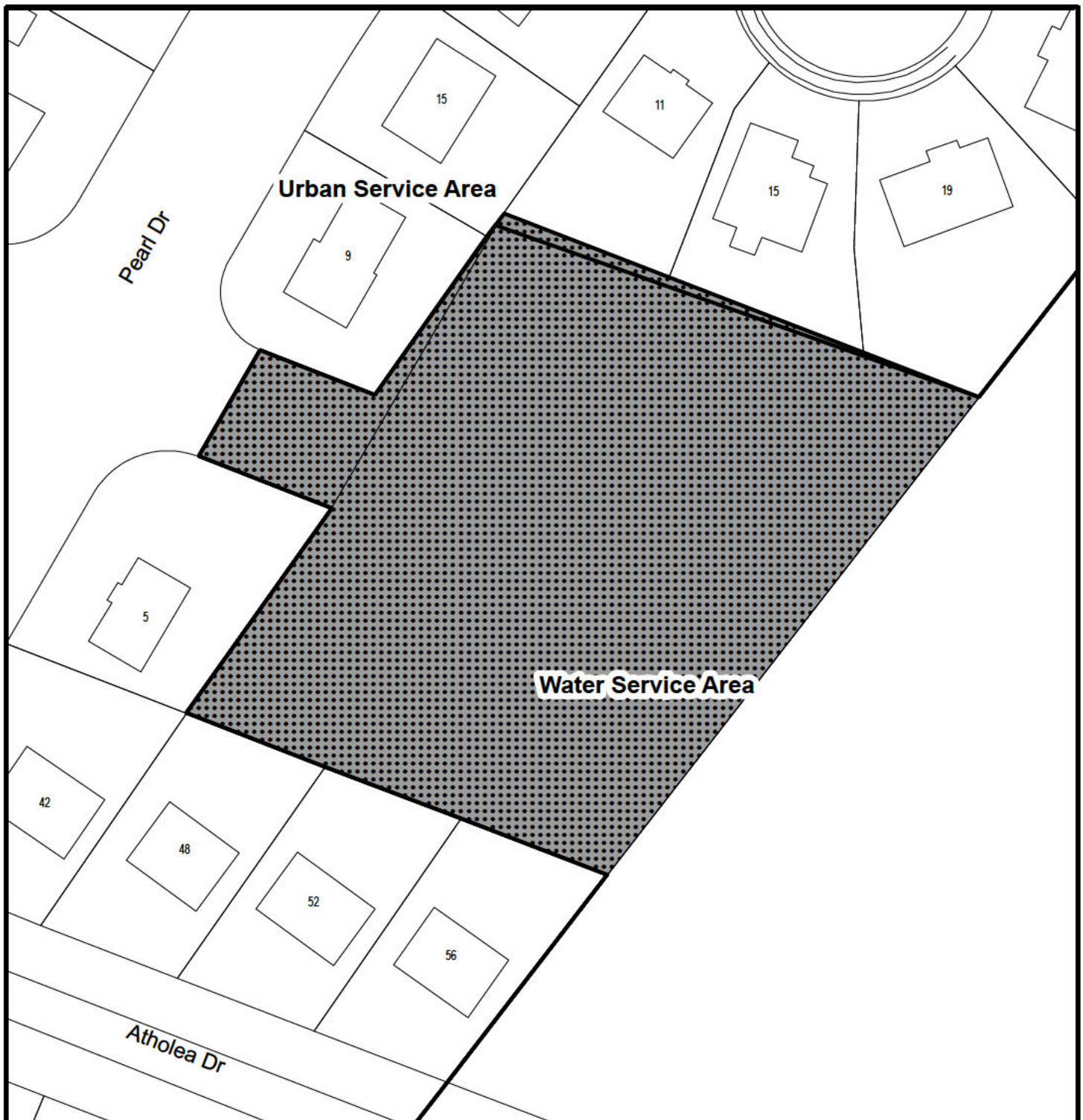


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Schedule D-9

C077 - Lands near Atholea Drive,
Cole Harbour



Area redesignated from Water Service Area to
Urban Service Area

Regional Subdivision By-law
Schedule B

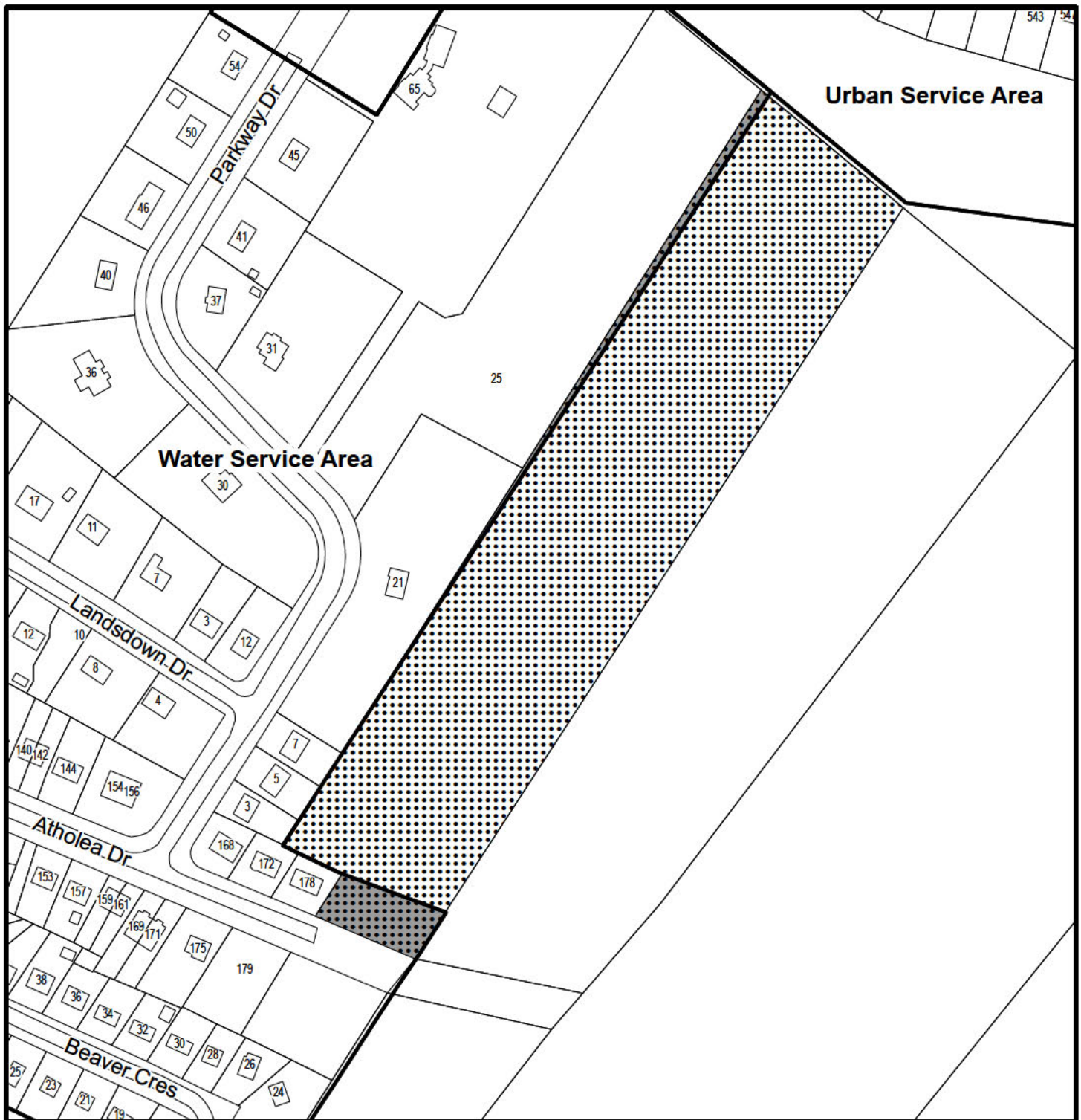


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Schedule D-10

C326 - Lands near Atholea Drive,
Cole Harbour

- Area designated Urban Service Area
- Area redesignated from Water Service Area to Urban Service Area

Regional Subdivision By-law
Schedule B

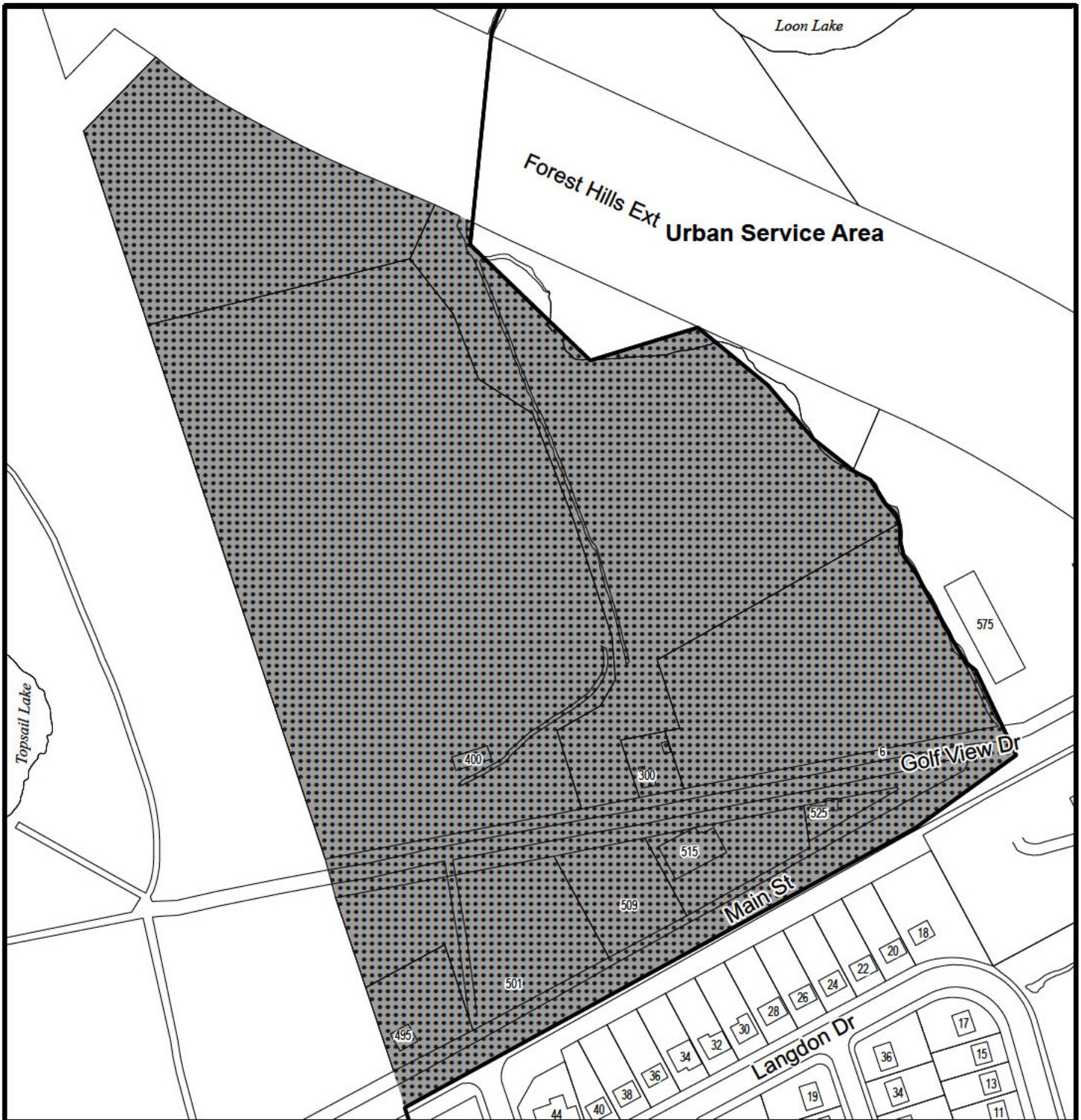


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Schedule D-11

C003 - Lake Loon Golf Centre lands,
on Main Street and Golf View Drive, Dartmouth

 Area included
in the Urban Service Area

Regional Subdivision By-law
Schedule B

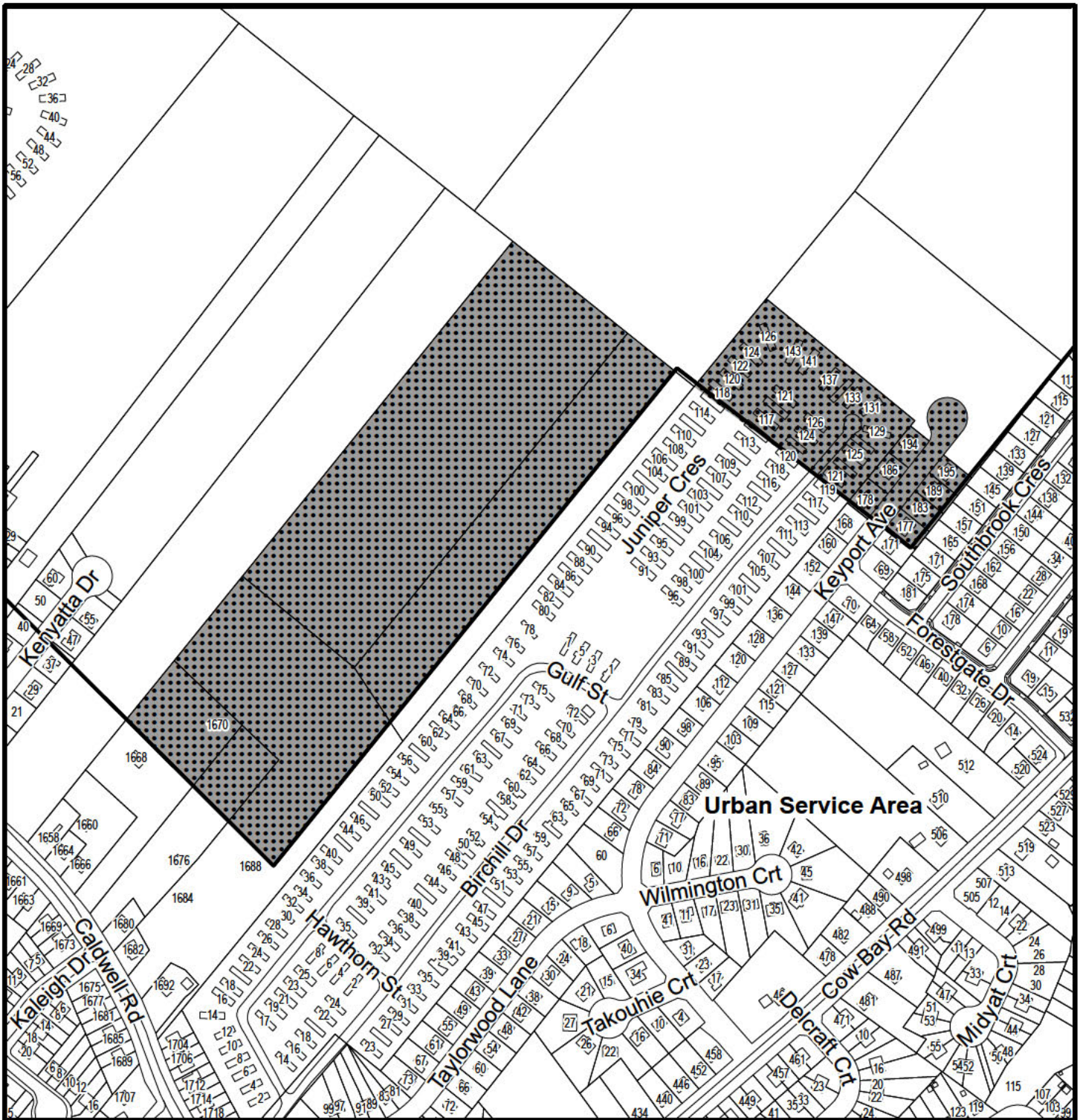


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Schedule D-12

C079 - Birch Hill Mobile Home Park, Eastern Passage

 Area designated
Urban Service Area

Regional Subdivision By-law
Schedule B



HALIFAX

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