



## Subdivision By-law

**Cape Breton Regional Municipality**

June 2023



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The background of the slide is a photograph of a town, featuring a prominent church with a tall steeple in the distance. In the foreground, there are various buildings, including a large white industrial-style building and a smaller building with a sign that reads "HAWAIIAN FISH MARKET". A tall utility pole is visible on the right side. A large yellow geometric shape, consisting of a triangle and a parallelogram, is overlaid on the left side of the image.

# Part 1.

## Introduction and Administration

## **1.1. AUTHORITY AND TITLE**

This By-law shall be called the Subdivision By-law of the Cape Breton Regional Municipality (CBRM) and maybe cited as Subdivision By-law, No. S-500, 2023. It was adopted by the Council of the CBRM under the authority of the *Municipal Government Act*. All schedules attached hereto are deemed to be part of this By-law.

## **1.2. ADMINISTRATION AND INTERPRETATION**

- a) This By-law shall be administered by the Development Officer of the Cape Breton Regional Municipality appointed by Council under the authority of the *Municipal Government Act*, or anyone appointed by Council to act in the Development Officer's stead.
- b) Wherever the requirements of the By-law are inconsistent with those of a CBRM Land Use By-law, the higher or more stringent requirements shall prevail.

## **1.3. JURISDICTION**

This By-law is in effect throughout the whole of the Cape Breton Regional Municipality.

## **1.4. PREVIOUS BY-LAW REPEALED**

- a. By-law No. S – 500, cited as Subdivision By-law, No. S-500, 1998 and all amendments thereto are hereby repealed.

## **1.5. INTERPRETATION OF CERTAIN WORDS**

In this By-law, words used in the present tense include future, words in the singular number include the plural, words in the plural include the singular number, and the word(s) "used" includes "arranged", "designed or intended to be used", the word shall is mandatory and not permissive.

The background of the slide is a photograph of a coastal town, likely in the UK, featuring a mix of traditional stone buildings and modern structures. A large, bright yellow geometric shape, consisting of a triangle and a parallelogram, is overlaid on the left side of the image. The text is centered in the upper half of the slide.

# Part 2.

## General Provisions

## 2.1. STANDARD LOT PARCEL AREA AND FRONTAGE REQUIREMENTS

- a) All lot parcels in a plan of subdivision approved by the Development Officer shall abut a street or road listed in this sub-section below, ***unless the exception provisions described in sections 2.6 to 2.14 of this By-law are met:***
  - i. public street/road (refer to definition); or
  - ii. A private road that meets the definition for private road in the Definitions Part of this By-law;
- b) All lot parcels in a plan of subdivision approved by the Development Officer shall comply with the street/road frontage requirements found in the CBRM Land Use By-law in effect, unless the exception provisions described in Sections 2.6 to 2.14 of this Part are met.
- c) All lot parcels in a plan of subdivision approved by the Development Officer shall either comply with:
  - i. the lot parcel area requirements found in the CBRM Land Use By-law in effect; or
  - ii. the pertinent requirements of Nova Scotia Environment in a plan of subdivision to be serviced by an on-site sewage disposal system;***unless the exception provisions described in 2.6 to 2.14 of this By-law are met.***
- d) Lots may not be subdivided to create a width of less than 6 meters measured along the line dividing the lot from the public street/road upon which it fronts. Lots shall not be subdivided to create a width or depth of less than 6 meters.

## 2.2. STREETS AND ROADS IN A PLAN OF SUBDIVISION

- a) All proposed new public streets/roads, and proposed extensions of existing **public streets/roads**, shown on a plan of subdivision shall be conveyed to CBRM for use as public streets/roads and designed and constructed in compliance with Schedule A of this By-law titled "Specifications for the Design and Construction of Public streets/roads".
- b) Proposed **new private roads** in a plan of subdivision shall be designed and constructed in compliance with Schedule E titled "Specifications for Private Streets and Roads".
- c) Proposed extensions of existing streets/roads owned by CBRM in a plan of subdivision will only be approved to create a cul-de-sac turning circle subject to the conditions of Schedule C. The cul-de-sac turning circle shall be designed and

constructed in compliance with Schedule A of this By-law titled "Specifications for the Design and Construction of Public Streets/Roads".

- d) The **minimum width shall be 15 meters** for any proposed public street/road parcel to be classified as Level 5 in the CBRM public street/road hierarchy (refer to definition). CBRM Engineering Services may require a greater width for a higher Level public street/road or because of topography. The **minimum width for any private road parcel shall be 20 meters**.
- e) **A minimum of 6 meters** of the surface of all proposed new public streets/roads, and extensions of existing public streets/roads, in a subdivision NOT connected to, and serviced by, a CBRM sanitary sewer system shall be **paved** in asphalt concrete. **A minimum of 8 meters** of the surface width shall be paved in asphalt concrete in a subdivision connected to, and serviced by a CBRM sanitary sewer system.
- f) The **intersection** of a proposed new public street/road, or a proposed new private road, on a plan of subdivision with **an existing Provincial public street/road** shall be approved by the Nova Scotia Department of Public Works.
- g) For adequate provision of access to future subdivision development phases or to avoid prejudicing development on adjacent properties, no plan of subdivision shall result in a public street/road or a private road exceed 365 meters in length without intersecting another public street/road, or private road, respectively. Should a public street/road or a private road not exist, an allowance for a Future Street shall be made which extends to the boundary of the Developer's property in such a manner as to not prejudice future development of adjacent properties.
- h) No plan of subdivision shall result in more than four public street/road, or private road, approaches to an intersection.
- i) Proposed public streets/roads, or private roads, in a plan of subdivision shall, if reasonably feasible, be designed in prolongation of any existing public street/road abutting any boundary of the plan of subdivision, unless it would be a violation of this By-law.
- j) Where a plan of subdivision shows a proposed lot parcel abutting an existing public street/road, the Traffic Authority or designate for that sector of the public street/road shall verify that it is a public street/road.
- k) Proposed lot parcels abutting a public street/road shall have a motor vehicle driveway intersection which is in compliance with the pertinent requirements of the Traffic Authority having jurisdiction. This provision is not in effect for proposed lot parcels which already have an existing motor vehicle driveway intersection with a



public street/road approved by the Traffic Authority having jurisdiction.

- l) **Private roads** designed and constructed pursuant to this By-law
- m) **Private roads must intersect a public street/road** or have a legal easement, registered at the Registry of Deeds, across another private road which intersects a public street/road.
- n) A **private road** lot parcel shall NOT be included in the calculation of lot parcel area for the purposes of meeting the lot area requirements referenced in Section 2.1 of this Part.
- o) Any **private road** approved on a plan of subdivision **shall not be conveyed to the CBRM or receive any CBRM services** unless the private road in question has been redesigned and reconstructed in compliance with all provisions of this By-law which apply to a public street/road, and a deed to the lot parcel has been accepted by CBRM in accordance with this By-law.

## 2.3. SANITARY SEWER SERVICING REQUIREMENTS

- a) All lot parcels in a plan of subdivision approved by the Development Officer shall be serviced with either:
  - i. a CBRM sanitary sewer main; or
  - ii. an on-site sewage disposal system approved by Nova Scotia Environment.

***unless the exception provisions described in Sections 2.6 to 2.14 of this Part are met.***

- b) Where any part of a plan of subdivision is within 30 meters of a CBRM sanitary sewer system, the subdivider shall construct a sanitary sewer system, including collectors. Where such construction is required, the owner shall install laterals to the boundaries of the proposed lot parcels.
- c) No plan of subdivision to be serviced by a sanitary sewer system to be owned and maintained by the CBRM shall be approved by the Development Officer unless it is designed by a professional engineer and constructed in compliance with the specifications in Schedule B of this By-law and the submittals referenced in Part 5 of this By-law are accepted by the CBRM Engineering Services.
- d) CBRM Engineering Services may make an exception to sub-section “b” above where topographic conditions make it impossible to connect the proposed plan of subdivision to a CBRM sanitary sewer system without the use of pumping stations.



## 2.4. STORM WATER SERVICING REQUIREMENTS

A plan of subdivision approved by the Development Officer shall include a storm water drainage plan in compliance with the specifications in Schedule B of this By-law when a new public street/road is to be conveyed to the CBRM or when the Development Officer deems one necessary.

## 2.5. WATER SERVICING REQUIREMENTS

- a) Where any part of a plan of subdivision is within 30 meters of a CBRM water system, the subdivider shall construct a water system, including mains and hydrants, and where such construction is required, the subdivider shall install laterals to the boundaries of the proposed lot parcels.
- b) No plan of subdivision to be serviced by a water system to be owned and maintained by the CBRM shall be approved by the Development Officer unless it is designed by a professional engineer and constructed in compliance with the specifications in Schedule B of this By-law and the submittals referenced in Part 5 of this By-law are accepted by the CBRM Engineering Services.
- c) The Development Officer is not responsible to ensure lot parcels in a plan of subdivision which are not to be serviced by a CBRM water main will have a private drinking water source supplying an adequate volume of water and a healthy quality of water. Subdividers are advised to consult Nova Scotia Environment on such matters.

The following Sections identify and describe the circumstances whereby a plan of subdivision may be approved by the Development Officer because of an exemption from the standard provisions of the first five Sections above. No exemption provision is to be used to circumvent a provision of this By-law other than the provision it was clearly intended to waive.

## 2.6. VARIANCES ALLOWED BY THE ACT

Section 279 of the *Municipal Government Act* gives the Development Officer the authority to approve no more than two lot parcels in a plan of subdivision which do not meet the minimum lot area and street/road frontage requirements referenced in Section 2.1 of this Part, provided the area and frontage approved for both lot parcels is no less than 90% of the required minimums. However, this Section shall not vary the area requirements established by Nova Scotia Environment for the construction or installation of an on-site

sewage disposal system.

## **2.7. ISLAND SUBDIVISIONS**

The Municipal Planning Strategy gives the Development Officer the authority to approve lot parcels in a plan of subdivision on an island which is not serviced by a public street/road provided:

- each lot parcel has at least 6 meters of water frontage defined as the distance measured as a straight line between two points where the lot parcel boundary along the shore intersects with two other lot parcel boundaries; and
- the Land Use By-law in effect permits development on such lot parcels.

## **2.8. BOUNDARY ADJUSTMENTS**

The Development Officer may approve a plan of subdivision altering the boundaries of two or more lot parcels where some or all of the lot parcels do not comply with the minimum lot parcel area and street/road frontage requirements referenced in Section 2.1 of this Part provided:

- no additional lot parcels are created; and
- any lot parcel area and street/road frontage which did not comply with the minimum requirements referenced in Section 2.1 are not further reduced.

## **2.9. ELIMINATING ENCROACHMENTS**

The Development Officer may approve a plan of subdivision reducing the area, or street/road frontage, of a lot parcel which:

- already does not comply with the minimum requirements referenced in Section 2.1 of this Part; or
- would not comply as a result of eliminating the encroachment;

to the extent necessary and practical to eliminate an encroachment of a tangible development such as a structure, driveway, well, or on-site sewage disposal system used by the owner of an adjacent lot parcel. In areas not serviced by a piped CBRM sanitary sewer system this exemption provision is only in effect provided Nova Scotia Environment approves it, or waives its approval. The purpose of the subdivision shall only be to consolidate the part of the lot parcel subject to the encroachment with the relevant adjacent lot parcel.

## **2.10. LOT PARCELS FOR CBRM PURPOSES**

The Development Officer may approve a plan of subdivision creating lot parcels which are

not in compliance with the minimum requirements referenced in Section 2.1 of this Part provided:

- any lot parcel which does not comply with the minimum requirements is to be owned by CBRM, and used to provide a CBRM service; and
- any remainder lot parcel not owned, nor to be conveyed, to the CBRM, does comply with the requirements of the Land Use By-law in effect.

## 2.11. UNDERSIZED LOT PARCELS ON WHICH NO DEVELOPMENT IS PERMITTED

The Development Officer may approve a plan of subdivision creating additional lots that are not in compliance with the minimum lot parcel area and street/road frontage requirements referenced in Section 2.1 of this Part in areas more than 30 meters from a CBRM sanitary sewer main provided the additional lot parcel created:

- does not contain an on-site sewage disposal system or any part thereof; and
- does not have an area greater than 1,000 square meters; and
- having a minimum frontage as prescribed by the Land Use By-law along a public street/road or a private road; and
- has been clearly identified on a plan of subdivision as a “NO-DEVELOPMENT” lot parcel.

The final plan of subdivision shall contain a notation indicating the lot parcel is a no-development lot parcel and approval of the plan of subdivision **does not bestow upon the landowner any rights to a Development Permit** under the Land Use By-law with respect to any future development of the lot parcel requiring the installation of an on-site sewage disposal system.

## 2.12. DIVISION BETWEEN A BODY OF WATER AND A RAILWAY

The Development Officer may approve a plan of subdivision creating a maximum of one additional lot parcel with no public street/road frontage provided:

- the lot parcel subject to the plan of subdivision is not the result of a subdivision, as defined by this By-law, since August 1st, 1987;
- the lot parcel subject to the plan of subdivision is located between a navigable water body and a lot parcel occupied by a railway; and
- no public street/road exists between the railway and the navigable water body of the lot parcel subject to the plan of subdivision; and
- the lot parcel subject to the plan of subdivision does not front along, or will not have access to an unlisted road (as defined by this By-law) to provide motor vehicle access to a public street/road.
- any lot parcel created pursuant to this Section has access to a public street/road by means of an easement granted by deed and shown on the Final plan of subdivision,

registered at the Registry of Deeds, over all necessary lands other than the lot parcel occupied by the railway, for which no proof of access is required.

## **2.13. DIVISION CREATING LANDLOCKED LOT PARCEL**

The Development Officer may approve a plan of subdivision creating a maximum of one additional lot parcel with no public street/road frontage provided:

- the lot parcel subject to the plan of subdivision is not the result of a subdivision, as defined by this By-law, since August 1st, 1987;
- no public street/road exists within 500 meters of the lot parcel created (other than the remainder lot parcel);
- the lot parcel subject to the plan of subdivision does not front along, or will not have access to an unlisted road (as defined by this By-law) to provide motor vehicle access to a public street/road.
- any lot parcel created pursuant to this Section shall have access to a public street/road by means of an easement granted by deed and shown on the Final plan of subdivision, registered at the Registry of Deeds, over all necessary lands.

## **2.14. RESOLVING MORE THAN ONE MAIN BUILDING ON A LOT PROBLEM**

The Development Officer may approve a plan of subdivision creating lot parcels which are not in compliance with the lot parcel area and street/road frontage requirements referenced in Section 2.1 of this Part provided:

- the lot parcel subject to the plan of subdivision is occupied by two or more dwellings comprised of no more than 1 or two dwelling units each;
- each of the dwellings was constructed on the lot parcel subject to the plan of subdivision prior to August 6, 1984;
- the number of lot parcels created does not exceed the number of dwellings on the subject lot;
- the dwellings are connected by lateral to a main that is part of a CBRM sanitary sewer system; or
- in areas not serviced by a piped CBRM sanitary sewer system, provided Nova Scotia Environment approves it, or waives its approval.



# Part 3.

## Preliminary Plans of Subdivision

**This is an optional first step for the subdivider. It is usually only recommended if and when new public streets/roads, or extensions of public streets/roads, are proposed and/or the installation of sanitary sewer and/or water mains are to be connected to the CBRM systems.**

## **WHAT THE SUBDIVIDER IS REQUIRED TO SUBMIT**

### **3.1. SUBMISSION OF COMPLETED APPLICATION**

- a) Application for approval of a Preliminary plan of subdivision shall be made to the Development Officer, together with one digital copy of the Preliminary plan of subdivision. The submission of an application for approval of a Preliminary plan of subdivision will be subject to the application fee.
- b) A Preliminary plan of subdivision shall be:
  - i. drawn to a scale or scales sufficient for clarity of all particulars on the Preliminary plan of subdivision;
  - ii. based on a description of the lot parcel(s) to be subdivided, preferably but not necessarily as surveyed;

### **3.2. WHAT IS TO BE SHOWN ON THE PRELIMINARY PLAN OF SUBDIVISION**

- a) The following should be shown on the Preliminary plan of subdivision
  - i. the name of the owner of the lot parcel(s) being subdivided;
  - ii. the names of the owners of all properties abutting the lot parcel (s) being subdivided;
  - iii. the civic numbers of main buildings on the lot parcel (s) being subdivided;
  - iv. a location plan showing the approximate distance between the lot parcel (s) being subdivided and the nearest prominent landmark;
  - v. the shape, dimensions, and area of the lot parcels being created;
  - vi. each proposed lot parcel identified by a number except in cases where a parcel is being added to or subtracted from an existing lot parcel, in which case the parcel shall be identified by a letter and the new lot parcel identified by the existing lot parcel (s) identifier, where available, and the letter;
  - vii. no duplication of lot parcel identifiers;
  - viii. the approximate location of railways;
  - ix. the location and name of all existing and proposed public streets/roads or private roads;
  - x. the name(s) of all existing and proposed public streets/roads or private roads;
  - xi. the graphic representation of lot parcels being created shown by solid lines, and the vanishing boundaries of existing lot parcels being re-subdivided,

- consolidated, or both, shown as broken lines;
- xii. the location of existing buildings within 3 meters of any lot parcel boundary which is being created, deleted, or relocated;
- xiii. the general location of watercourses;
- xiv. the north point;
- xv. the scale;
- xvi. the location of any proposed connection to CBRM Piped Services; and
- xvii. any other information necessary to determine whether this subdivision conforms to this Subdivision By-law.

b) Where the Preliminary plan of subdivision is to be forwarded to **Nova Scotia Environment** the following additional information is required:

- i. the lot parcel layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- ii. the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
- iii. the surface slopes and directions;
- iv. an explanation of the extent, volume and type of usage to which the system will be subjected;
- v. if required by the On-site Sewage Disposal Systems Regulations, an assessment report of the lot parcel respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by Nova Scotia Environment; and
- vi. any other information necessary to determine whether the subdivision meets the Provinces On-site Sewage Disposal Systems Regulations.

## HOW APPLICATION IS TO BE PROCESSED

### 3.3. DEVELOPMENT OFFICER AND THE MUNICIPAL GOVERNMENT ACT

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

### 3.4. REFERRALS

The Development Officer shall forward a copy of the plan of subdivision to:

- a) Nova Scotia Environment if the proposed subdivision WILL NOT BE connected to, and serviced by, a CBRM sanitary sewer system.
- b) CBRM Engineering Services if the proposed subdivision WILL BE:



- i. connected to, and serviced by, a CBRM sanitary sewer system and/or a CBRM water system;
  - ii. serviced by a CBRM public street/road.
- c) Nova Scotia Department of Public Works if the proposed subdivision includes lot parcels fronting on a public street/road owned and maintained by the Province and that Department.
- d) Any agency or department of the Province or CBRM which the Development Officer deems necessary.

### **3.5. RESPONSIBILITY OF REFERRAL AGENCY OR DEPARTMENT**

- a) Any agency or department in receipt of a copy of the plan of subdivision circulated by the Development Officer pursuant to Section 3.4 of this Part shall reply back to the Development Officer with a written report of their assessments or recommendations. Any such report shall include a reference to the legal grounds for any recommended approval or refusal.
- b) Approval of a plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by any referral agency or department unless the plan of subdivision is clearly contrary to an Act of the Province, or a Regulation or By-law pursuant to an Act of the Province.

### **3.6. WHO GETS NOTICE OF APPROVAL OF PRELIMINARY PLAN OF SUBDIVISION**

The Development Officer shall forward written approval to the subdivider.



# Part 4.

## Tentative Plans of Subdivision

## WHAT THE SUBDIVIDER IS REQUIRED TO SUBMIT

### 4.1. SUBMISSION OF COMPLETED APPLICATION

- a) Application for approval of a Tentative plan of subdivision shall be made to the Development Officer, together with one digital copy of the Tentative plan of subdivision. The submission of an application for approval of a Tentative plan of subdivision will be subject to the application fee.
- b) A Tentative plan of subdivision shall be:
  - i. drawn to a scale or scales sufficient for clarity of all particulars on the Tentative plan of subdivision; and
  - ii. based on a description of the lot parcel (s) to be subdivided, preferably but not necessarily as surveyed.

### 4.2. WHAT IS TO BE SHOWN ON THE TENTATIVE PLAN OF SUBDIVISION

- a) The following should be shown on all Tentative plans of subdivision
  - i. the words "PLAN OF SUBDIVISION" located in the title block;
  - ii. the words "TENTATIVE" located above the title block;
  - iii. a clear space for stamping being a minimum of 225 square centimeters with a minimum width of 7 centimeters;
  - iv. the name of the subdivision, if any, and the name of the owner of the lot parcel(s);
  - v. if applicable, the book and page number of the deed to the lot parcel (s) as recorded in the name of the owner in the Registry of Deeds;
  - vi. the unique Parcel Identifier (PID #) as assigned by Service Nova Scotia & Municipal Relations for all existing areas of land prior to being subdivided;
  - vii. the civic numbers of main buildings on the lot parcel(s) being subdivided;
  - viii. the names of all owners or the identifiers of all properties abutting the proposed subdivision;
  - ix. a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the lot parcel (s);
  - x. the shape, dimensions, and area of the lot parcels being created;
  - xi. each lot parcel being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing lot parcel(s), in which case the parcel shall be identified by a letter and the new lot parcel identified by the existing lot parcel(s) identifier, where applicable, and the letter;
  - xii. no duplication of lot parcel identifiers;
  - xiii. the boundaries of lot parcels being created shown by solid lines, and the

- vanishing boundaries of existing lot parcels being re-subdivided, consolidated or both, shown as broken lines;
  - xiv. the location of all existing buildings located within the lot parcels being created except, where impractical, the remainder lot parcel and the location of all other existing buildings within 3 meters of any lot parcel boundary shown on the plan;
  - xv. the location of all existing and proposed public streets/roads or private roads;
  - xvi. the names(s) of all existing and proposed public streets/roads or private roads as they appear in the Municipality's master street/road index;
  - xvii. the width and location of railroads;
  - xviii. the location of any watercourse, prominent rock formation, marsh, or swamp which might affect the layout or provision of streets/roads, and services to the area where the subdivision is to be located;
  - xix. the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided
  - xx. where applicable, a notation stating the lot parcels are serviced or to be serviced by a CBRM sanitary sewer, storm sewer, and/or water system;
  - xxi. the north point;
  - xxii. the date on which the Tentative plan of subdivision was drawn and the date of any revisions;
  - xxiii. the scale to which the Tentative plan of subdivision is drawn; and
  - xxiv. any other information necessary to determine whether or not the Tentative plan of subdivision conforms to this By-law.
- b) In addition to what is required in sub-section "a" above, where the proposed lot parcels front on a proposed new public street/road, or private road, or a proposed extension of a public street/road, or a private road, a Tentative plan of subdivision shall also:
- i. show a boundary survey of the lot parcel(s) proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Nova Scotia Land Surveyors Act and the regulations made thereunder be accompanied by:
  - ii. one digital copy of a plan showing\*:
    - o contours at 2 meter intervals, and drainage patterns;
    - o the width and location of proposed public streets/roads, or private roads, and their intersections with existing public street/roads and private roads; and
    - o the location of existing and proposed CBRM sanitary sewer, storm sewer, and/or water system and proposed connections thereto; and
  - iii. one digital copy of centerline profiles of proposed public streets/roads, or private roads, or extensions to existing public streets/roads, or private roads. Where the profile indicates a finished public street/road elevation change

(from existing) of greater than 3 meters, cross sectional drawings are required.\*

\* If the subdivider elects to submit a paper Form referenced in Section 1, they will be required to submit four (4) paper copies of a plan referenced in Subsections (i) above along with one digital copy and submit two (2) paper copies of the centerline profiles referenced in Subsections (ii) above along with one digital copy.

- c) Where the Tentative plan of subdivision is to be forwarded to Nova Scotia Environment the following additional information is required:
  - i. the lot parcel layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
  - ii. the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
  - iii. the surface slopes and directions;
  - iv. an explanation of the extent, volume and type of usage to which the system will be subjected;
  - v. if required by the On-site Sewage Disposal Systems Regulations, an assessment report of the lot parcel respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by Nova Scotia Environment; and
  - vi. any other information necessary to determine whether the subdivision meets the Province's On-site Sewage Disposal Systems Regulations.

## HOW THE APPLICATION IS TO BE PROCESSED

### 4.3. DEVELOPMENT OFFICER AND THE MUNICIPAL GOVERNMENT ACT

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

### 4.4. REFERRALS

The Development Officer shall forward a copy of the plan of subdivision to:

- a) Nova Scotia Environment if the proposed subdivision **WILL NOT BE** connected to, and serviced by, a CBRM sanitary sewer system.
- b) CBRM Engineering Services if the proposed subdivision **WILL BE**:
  - i. connected to, and serviced by, a CBRM sanitary sewer system and/or a CBRM water system;
  - ii. serviced by a CBRM public street/road.

- c) Nova Scotia Department of Public Works if the proposed subdivision includes lot parcels fronting on a public street/road owned and maintained by the Province and that Department.
- d) Any agency or department of the Province or CBRM which the Development Officer deems necessary.

#### **4.5. RESPONSIBILITY OF REFERRAL AGENCY OR DEPARTMENT**

- a) Any agency or department in receipt of a copy of the plan of subdivision circulated by the Development Officer pursuant to Section 4.4 of this Part shall reply back to the Development Officer with a written report of their assessments or recommendations. Any such report shall include a reference to the legal grounds for any recommended approval or refusal.
- b) Approval of a plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by any referral agency or department unless the plan of subdivision is clearly contrary to an Act of the Province, or a Regulation or By-law pursuant to an Act of the Province.

#### **4.6. WHEN THE APPLICATION CAN BE WAIVED**

The Development Officer may waive the requirement that an application for Tentative plan of subdivision be submitted where:

- lot parcels abut an existing public street/road,; or
- where lot parcels are created pursuant to subsections 2.8 and 2.9 or
- a CBRM water or sewer system is not being installed.

#### **4.7. WHAT IS TO BE STAMPED ON A TENTATIVE PLAN OF SUBDIVISION**

The following information shall be stamped or written and completed by the Development Officer on any Tentative plan of subdivision which is approved together with any other information necessary for the tentative plan to proceed to the final plan stage.

**1. "This Tentative plan of subdivision is approved for lot**

parcels\_\_\_\_\_.

Such approval lapses if the lot parcels are not shown on a plan of subdivision approved within two years of the date of the approval of the Tentative plan.”

2. The date of approval of the Tentative plan of subdivision; and
3. “This Tentative plan of subdivision shall not be filed in the Registry of Deeds as no subdivision takes effect until Final plan of subdivision is endorsed by the Development Officer and filed in the Registry of Deeds.”

#### **4.8. WHO GETS A COPY OF THE APPROVED TENTATIVE PLAN OF SUBDIVISION**

The Development Officer shall forward a copy of the approved Tentative plan of subdivision to the subdivider.



The background of the slide is a photograph of a town, featuring a prominent church with a tall steeple on a hill. In the foreground, there are residential houses and a large, light-colored building. A tall utility pole is visible on the right side. A large, bright yellow geometric shape, consisting of a triangle and a parallelogram, is overlaid on the left side of the image.

# Part 5.

## Final Plans of Subdivision

## WHAT THE SUBDIVIDER IS REQUIRED TO SUBMIT

### 5.1. SUBMISSION OF COMPLETED APPLICATION

- a) Application for approval of a Final plan of subdivision shall be made to the Development Officer, together with one digital copy of the Final plan of subdivision. The submission of an application for approval of a Final plan of subdivision will be subject to the application fee.
- b) A Final plan of subdivision shall be:
  - i. drawn to a scale or scales sufficient for clarity of all particulars on the Final plan of subdivision; and
  - ii. certified (by means of the surveyor's original signature) and stamped by a Nova Scotia Land Surveyor that all of the lot parcels for which approval is requested have been surveyed in the manner required by the Nova Scotia Land Surveyor's Act and the Regulations made thereunder.

### 5.2. WHAT IS TO BE SHOWN ON THE FINAL PLAN OF SUBDIVISION

Final plans of subdivision shall include what is to be shown on a Tentative plan of subdivision (refer to Part 4, Section 4.2) except that:

- Clause a) ii. shall not apply;
- all proposed streets/roads shall be surveyed;
- the geographic and mathematical location of all buildings within 3 meters (9.84 ft.) of a proposed lot parcel boundary shall be shown.

### 5.3. ENGINEERING CONSTRUCTION PACKAGE FOR PUBLIC STREETS/ROADS

An Engineering Construction Package shall be required where the proposed lot parcels front on a proposed public street/road, on a proposed extension of an existing public street/road, and/or when municipal sewer or water infrastructure is being extended. An Engineering Construction Package shall be required, which includes:

- One digital copy of the Engineering Design Drawings issued for construction. If the subdivider elects to submit paper drawings, they will be required to submit three (3) paper copies of the Engineering Design Drawings along with one digital copy; and
- Approval from Nova Scotia Environment for construction.

### 5.4. APPLICATION FEE

When the application for Final Approval of a plan of subdivision is submitted to the

Development Officer the subdivider shall include the application fee. This specified Fee includes the CBRM's processing Fee and the Fees charged by the Province under the Costs and Fees Act for filing an approved plan of subdivision in the Registry of Deeds.

## HOW THE APPLICATION IS TO BE PROCESSED

### 5.5. DEVELOPMENT OFFICER AND THE MUNICIPAL GOVERNMENT ACT

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

### 5.6. REFERRALS

The Development Officer shall forward a copy of the plan of subdivision to:

- a) Nova Scotia Environment if the proposed subdivision **WILL NOT BE** connected to, and serviced by, a CBRM sanitary sewer system.
- b) CBRM Engineering Services if the proposed subdivision **WILL BE**:
  - i. connected to, and serviced by, a CBRM sanitary sewer system and/or a CBRM water system;
  - ii. serviced by a CBRM public street/road.
- c) Nova Scotia Department of Public Works if the proposed subdivision includes lot parcels fronting on a public street/road owned and maintained by the Province and that Department.
- d) Any agency or department of the Province or CBRM which the Development Officer deems necessary.

### 5.7. RESPONSIBILITY OF REFERRAL AGENCY OR DEPARTMENT

- a) Any agency or department in receipt of a copy of the plan of subdivision circulated by the Development Officer pursuant to Section 6 of this Part shall reply back to the Development Officer with a written report of their assessments or recommendations. Any such report shall include a reference to the legal grounds for any recommended approval or refusal.
- b) Approval of a plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by any referral agency or department unless the plan of subdivision is clearly contrary to an Act of the Province, or a Regulation or By-law pursuant to an Act of the Province.

## 5.8. WHEN A NEW PUBLIC STREET/ROAD IS PROPOSED

Where a Final plan of subdivision application proposes a new public street/road, proposes an extension of an existing public street/road, or proposes the extension of municipal sewer and/or water, there are 3 stages involved in the approval process as described below.

- a) **Staff Review** – CBRM staff and any other agency the Development Officer deems necessary (e.g. N.S. Environment, N.S., Department of Public Works) shall review the application for compliance with the CBRM Subdivision By-law.
- b) **Construction and Inspections** - Once the review of the Engineering Construction Drawings is complete and approved by CBRM Engineering Services, a letter to the subdivider is sent by the Development Officer indicating the plan of subdivision is approved to permit the start of construction of services (as per sub-section 1 to 5 below) and they shall give written notification to CBRM Engineering Services for the mandatory inspections listed in sub-section “6” below.
  - i. If the subdivision is to be serviced by a sanitary sewer system to be owned and operated by the CBRM, the subdivider shall construct it at this stage, including collectors, and where such construction is required, the owner shall install laterals to the boundaries of the proposed lot parcels. The system shall be designed by a professional engineer and comply with the specifications as set forth in Schedule B;
  - ii. If the subdivision is to be serviced by water system to be owned and operated by the CBRM, the subdivider shall construct it at this stage, including mains and hydrants, and where such construction is required, the subdivider shall install laterals to the boundaries of the proposed lot parcels. The system shall be designed by a professional engineer and comply with the specifications as set forth in Schedule B;
  - iii. If the subdivision is **NOT** to be connected to, and serviced by, a CBRM sanitary sewer system, the subdivider shall lay out and construct all intended public streets/roads and walkways, including storm drainage ditches.
  - iv. If the subdivision **IS** to be connected to and serviced by a CBRM sanitary sewer system, the subdivider shall lay out and construct all intended public streets/roads and walkways, including a piped storm drainage system and concrete curbs and gutters.
  - v. Works outlined in sub-section iii and iv above are to be constructed in accordance with Part 2, section 2.2 (i.e. General Provisions) of this By-law and the specifications in Schedules A and B.
  - vi. Written notification to CBRM Engineering Services must be given for **the following inspections:**
    - clearing and grubbing
    - prior to any gravel being applied

- when pipe installation begins
  - prior to surfacing gravels being applied
  - prior to paving
  - prior to water main and manhole pressure tests
  - final Inspection prior to CBRM takeover of services
- vii. After completion of all services, streets/roads and walkways, the subdivider shall deposit a certified cheque to the CBRM in the amount of 10% of the actual cost of construction and installation of all services to be conveyed to the CBRM to safeguard such services for a period of one year.
- viii. The subdivider shall provide to the Development Officer the Engineering Package for acceptance of services listed in “c) iv” below.
- c) **Endorsement of plan of subdivision** – Once construction is complete in compliance with the Engineering Construction Drawings, the following package shall be submitted to the Development Officer:
  - i. Deeds, duly executed (with proper N.S. Land Registry (LR) Forms), conveying to the CBRM the title of all public streets/roads, services and required easements.
  - ii. N.S. Registry Fees payable to the Registry of Deeds.
  - iii. A certified cheque representing 10% of the actual cost of construction and installation of services by the subdivider (amount confirmed by CBRM Engineering Services) to safeguard such services for a 1 year period.
  - iv. **Engineering package for acceptance of services including:**
    - USB flash drive containing both PDF and AutoCAD copy of Record Drawings. GPS coordinates shall be provided as per the CBRM Engineering Services Record Drawing requirements. Dimensioned swing ties to be provided for all water valves, service shut-offs, and end caps.
    - Sanitary and storm sewer video inspection report.
    - Final compaction tests
    - Final asphalt tests
    - Final concrete tests
    - Water quality reports including a quantitative result for the bacteria count
    - Certification by a professional engineer that all public streets/roads and services have been constructed according to the approved plans and specifications of this By-law.
    - A surveyor’s certificate confirming that all underground services are located within the boundaries of a public street/road reserve or an approved easement

## **5.9. WHO GETS A COPY OF THE APPROVED FINAL PLAN OF SUBDIVISION**

- a) The Development Officer shall forward endorsed copy(s) of the Final plan of subdivision to the Registry of Deeds in accordance with the *Municipal Government Act*.
- b) The Development Officer shall forward one (1) Endorsed copy of the Final plan of subdivision to the subdivider.

## **5.10. FEES RETURNED IF PLAN OF SUBDIVISION REFUSED**

If the Development Officer refuses to approve or repeal a Final plan of subdivision, the Development Officer shall return the submitted fees charged by the Province under the *Costs and Fees Act* for filing an approved plan of subdivision in the Registry of Deeds back to the subdivider after the appeal period has lapsed.



# Part 6.

Repeal of a Plan of  
Subdivision



## **6.1. SUBMISSION OF COMPLETED APPLICATION**

Any person requesting the repeal of a plan of subdivision shall submit an application to Repeal of a plan of subdivision to the Development Officer.

The Fee for an application for Repeal of a plan of subdivision is the same as the Fee for an application for Final subdivision approval.

## **6.2. DEVELOPMENT OFFICER AND THE MUNICIPAL GOVERNMENT ACT**

- a) The Development Officer shall comply with the notification and approval provisions of the *Municipal Government Act* which apply to the repeal of a plan of subdivision.
- b) Except as provided in subsection “c” below, the notification and approval provisions of the Act which apply to the approval of a plan or instrument of subdivision shall also apply to a repeal.
- c) The notification and approval provisions of the Act do not apply to a repeal of a plan of subdivision or instrument of subdivision that consolidates 2 or more parcels and for which no deed to affect the consolidation has been registered in the Registry of Deeds or Land Registration Office, if the subdivider certifies that to the subdivider’s knowledge no deed to affect the consolidation exists.

## **6.3. REFERRALS**

- a) When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency or department who provided an assessment or recommendations on the original plan of subdivision.
- b) The Repeal of a plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by Nova Scotia Environment, the Department of Public Works or any other agency of the Province or the Municipality unless the repeal of the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

## **6.4. BUILDINGS ERECTED AFTER ORIGINAL PLAN OF SUBDIVISION**

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 regulations of the Building Code Act or land use by-laws, or on-site sewage disposal systems regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the Registry of Deeds on the same day as the repeal is filed.

## **6.5. PARTS OF THIS BY-LAW NOT APPLICABLE**

Part 2 of this by-law does not apply to the repeal of a plan of subdivision.

## **6.6. WHO GETS A COPY OF THE REPEALED PLAN OF SUBDIVISION**

- a. The Development Officer shall forward the application to Repeal of a plan of subdivision to the Registry of Deeds.
- b. The Development Officer shall forward a copy of the repeal referred to in sub-section "a" above to:
  - the subdivider;
  - any agency or department who provided an assessment or recommendations on the original plan of subdivision.

## **6.7. WHEN APPLICATION TO REPEAL IS REFUSED**

- a. Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall give notice of the refusal to all agencies which were forwarded the application for repeal pursuant to Section 6.3 of this Part.
- b. Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall notify the subdivider, give reasons for the refusal, and advise the subdivider of the appeal provisions of the *Municipal Government Act*.
- c. Where the Development Officer refuses to repeal a subdivision, the Development Officer shall return the submitted fees charged by the Province under the *Costs and Fees Act* for filing an approved plan of subdivision in the Registry of Deeds.



# Schedule A

**Specifications For Design and  
Construction of Public Streets  
and Roads**

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## SCHEDULE A SPECIFICATIONS FOR DESIGN AND CONSTRUCTION OF PUBLIC STREETS/ROADS

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### Section 1 Intent

The intent of these specifications is to ensure the design and construction of the subdivision in such a manner as to permit the Cape Breton Regional Municipality to list and maintain the streets/roads therein.

### Section 2 General Subdivision Road Design Specifications

- a. These specifications are to cover the more common aspects of design encountered in subdivision development. Where situations arise which are not covered by these specifications, the "Geometric Design Standards for Canadian Roads and Streets" as published by the Roads and Transportation Association of Canada, shall apply.
- b. Prior to detailed lot parcel and roadway layout in the field the subdivider shall submit a function scheme showing the proposed layout, approximate grades, drainage patterns and property boundaries to the CBRM Engineering Services. Cross sections may also be required.
- c. The street/road reserve width will normally be 15 or 20 meters, depending on the level of servicing. In certain instances, CBRM Engineering Services may require a greater width of the street/road reserve to facilitate traffic, construction and / or maintenance requirements, such decisions to be made at the time of tentative application.
- d. Any property susceptible to damage as a result of construction must be within the street/road reserve. All slopes (either in cuts or fills), which will not be eventually eliminated by changes in lot parcel elevations, must be included within the street/road reserve.

**Base Course** Base course shall conform to Type 2 gravel of the Standard Specifications for Municipal Services. The base course must be applied to a minimum thickness of 200 millimeters. The results of laboratory and field density tests shall be submitted to CBRM Engineering Services. At least one field density test shall be taken for every 50 meters of street/roadway.

**Surfacing** The surfacing shall conform to Type 1 gravel of the Standard Specification for Municipal Services. Surfacing must be applied to a minimum thickness of 100 millimeters. The results of laboratory

and field density tests shall be submitted to CBRM Engineering Services. At least one field density test shall be taken for every 50 meters of street/roadway.

An acceptable easement to adjacent property must be provided and deeded to the Municipality. These future streets/roads must not be more than 365 meters apart. These future streets/roads shall extend to the boundary of the Developer's property in such a manner as to not prejudice future development of adjacent properties.

- e. Where subdivision streets/roads meet existing classes of Provincial or CBRM streets/roads, the minimum distance between these intersections shall be:

- **Local Streets and Roads: 75 metres**
- **Collector Street/ Roads: 150 metres**
- **Arterial Streets/ Roads: 300 metres**

and shall be located in such a manner as to satisfy sight distance requirements. In general, offset intersections, including pedestrian sidewalks and bike ways shall be no less than 50 meters apart, measured centerline to centerline. This standard may only be varied for proposed intersections accessing Provincial streets/roads and only when approval in writing has been received for the variance from the Province's Department of Transportation and Infrastructure Renewal.

- f. Streets/roads must be laid out where reasonably possible in prolongations of other streets/roads, either in the same subdivision or in adjacent subdivisions.
- g. Due to maintenance problems, all cul-de-sacs must end in a permanent turnaround area constructed as per Schedule C, or a temporary turnaround area as approved by the Engineer. The grade of the bulb of a permanent cul-de-sac shall not exceed 4%.
- h. Unless otherwise authorized by CBRM Engineering Services in writing, an acceptable storm drainage study and design must be carried out by a Professional Engineer. This authority will only be given for the most basic subdivision and drainage patterns. The minimum design for major drainage systems such as brooks, streams and rivers must be based on a 1 in 100 year storm. The minimum design for minor drainage systems such as ditches, culverts etc. will be based on a 1 in 10 year frequency.

In no case shall any street/roadway culvert be less than 450 millimeters in diameter. All street/roadway culverts must have a minimum cover of 450 millimeters.

All pipe under the street/roadway shall be satisfactory to CBRM Engineering Services. Catch basins will be a maximum of 100 meters apart, and must conform to Standard Specifications for Municipal Services.

No drainage is to be carried on, through or over private property, within the subdivision, other than by unconfined natural water course, by excavated ditch, or storm sewer.

To ensure access to drainage systems, an easement of ample width shall be deeded to the Cape Breton Regional Municipality in the following cases:

- Excavated ditches or storm sewers within the boundary of the subdivision.
- Where a need is identified to accommodate future upstream drainage, a drainage easement shall be provided from the street/road reserve to the upstream limits of the subdivision and may be required for excavated off take ditches or storm sewers adjacent to and immediately downstream of the subdivision that are required to ensure proper functioning of the subdivision drainage system.

A drainage easement will not normally be required for an unconfined natural watercourse.

A plan must be submitted to the Municipality showing upstream drainage that must be accommodated, the final drainage pattern within the subdivision and indicating the drainage pattern of subdivision runoff outside the subdivision as it affects abutting land. Where subdivision drainage flows from the subdivision onto abutting property other than in a natural water course, an easement from the owner(s) affected, must be filed with the CBRM and recorded in the Registry of Deeds. Natural water courses shall not normally be carried in roadway ditches or storm sewers.

### Section 3            General Construction Specifications

- a. All streets/roads shall be constructed in accordance with the **Standard Specifications for Municipal Services**, unless specified otherwise.
- b. CBRM Engineering Services must be notified before construction work begins on any subdivision street/road. Inspections may be carried out at any time. CBRM Engineering Services is required to be notified for inspections at the following stages:
  - after clearing and grubbing (pre culvert and drains);
  - prior to any gravel being applied;
  - prior to surfacing gravels being applied;
  - prior to paving
  - final, prior to CBRM takeover of street/road.
- c. **Street/roadway Culvert and Drainage.** Street/roadway culverts, underdrains, driveway culverts and storm drainage systems where required, will be provided and placed by the subdivider.

- d. **Sloped Landscaping.** Slope protection is required to; meet both Nova Scotia Environment and CBRM Engineering and Public Works Department requirements.
- e. **Access to individual lots.** The subdivider shall install suitable culverts as determined by a Professional Engineer, to all lot parcels prior to final approval.
- f. **All Utilities.** All sewers, water mains, electrical, telephone and such utilities located in the street/road reserve must have CBRM Engineering Services approval with respect to location prior to their installation.
- g. **Guard Rail.** Guard rail shall be required on fills 2 meters or greater (unless a slope of 6:1 can be provided) and in other hazardous areas.

## Section 4      **Paving construction specifications for streets/roads not serviced with an underground storm sewer system**

- a. **Street/roadbed.** The street/road bed will have a top width of 10 meters after gravel has been applied. On sections where guard rail is required the street/roadbed width will be increased by 1 meter on the side the guard rail is to be installed. The street/roadbed will be constructed concentric to the centerline of the street/road reserve, except in areas where extra street/road reserve may be required and will be graded to the satisfaction of the Municipality.
- b. The typical crown of the street/roadbed shall be at least 3%.
- c. **Base Course.** Base course shall conform to Type 2 gravel of the Standard Specification for Municipal Services. The base course must be applied to a minimum thickness of 200 millimeters. The results of laboratory and field density tests shall be submitted to CBRM Engineering Services. At least one field density test shall be taken for every 50 meters of street/roadway.
- d. **Surfacing.** The surfacing shall conform to Type 1 gravel of the Standard Specification for Municipal Services. Surfacing must be applied to a minimum thickness of 100 millimeters. The results of laboratory and field density tests shall be submitted to CBRM Engineering Services. At least one field density test shall be taken for every 50 meters of street/roadway.
- e. **Prime Coat.** Prior to laying of asphalt concrete, when directed by a Professional Engineer, liquid asphalt shall be applied upon the prepared sub grade.  
**Tack coat.** No more than 24 hours prior to the laying of asphalt concrete upon an existing asphalt directed by a Professional Engineer.
- f. **Paving.** The asphalt concrete shall be placed to a minimum thickness of 75 millimeters and minimum width of 6 meters where there is no curb or gutter,



and 8 meters where there is curb and gutter. The maximum thickness per lift is 75 millimeters, any thickness above 75 millimeters must be placed in multiple lifts. CBRM may require an affidavit to state that the hot mix asphalt concrete plant conforms to the Standard Specification for Municipal Services.

- g. **Inspection.** In addition to the above, a minimum of one series of tests per day shall be performed for each 500 t of asphalt concrete. Every individual street/road shall have at least one series of tests.

The series of tests shall include all of the following:

1. Marshall Stability kN
2. Marshall Flow x 0.25 millimeters
3. Air Voids %
4. VMA %
5. Asphalt Cement Content %
6. Gradation of Extracted Aggregate

There shall be at least one density test per day for each 50 meters of linear road surface of asphalt concrete placed. Each lift for every individual street/road shall have at least one field density test taken.

All test results shall be recorded and forwarded to the Engineer.

- h. **Curbing.** Portland cement concrete curbs and gutter shall conform to the Standard Specification for Municipal Services or as approved by CBRM Engineering Services. Asphalt curbs are not permitted. Curbing must be placed prior to the spread of asphalt. The quantity per cubic meter of all ingredients in the concrete may be required by CBRM Engineering Services prior to the start of curbing. At least one set (3) of concrete test cylinders 100 millimeters x 200 millimeters) shall be taken for every 100 meters (linear) of curbing and tested for compressive strength at 7 days (1) and 28 (2). These results will be forwarded to CBRM Engineering Services. All residential and commercial driveway openings shall conform to the requirements of the applicable Land Use By-law.

## Section 5      **Paving construction specifications for streets/roads serviced with an underground storm sewer system**

- a. **Street/roadbed**
- The street/roadbed will have a minimum top width of 10 meters after gravel has been applied. The street/roadbed will be constructed concentric to the centerline of the street/road reserve except in area where extra

street/roadway width is required or extra street/road reserve may be required and will be graded to the satisfaction of the Municipality.

- The typical crown of the street/roadbed shall be at least be 2%-3%.
- b. **Base Course.** Base course shall conform to Type 2 gravel of the Standard Specification for Municipal Services. The base course must be applied to a minimum thickness of 200 millimeters. The results of laboratory and field density tests shall be submitted to the Engineer. At least one field density test shall be taken for every 50 meters of street/roadway.
- c. **Surfacing.** The surfacing shall conform to Type 1 gravel of the Standard Specifications for Municipal Services. Surfacing must be applied to a minimum thickness of 100 millimeters. The results of laboratory and field density tests shall be submitted to the Engineer. At least one field density test shall be taken for every 50 meters of street/roadway.
- d. **Prime Coat.** Prior to laying asphalt concrete, when directed by a Professional Engineer, liquid asphalt shall be applied upon the prepared sub grade.
- e. **Tack Coat.** No more than 24 hours prior to the laying of asphalt concrete upon an existing asphalt directed by a Professional Engineer.
- f. **Paving.** The asphalt concrete shall be placed to a minimum thickness of 75 millimeters and minimum width of 8 meters. The maximum thickness per lift is 75 millimeters, any thickness above 75 millimeters must be placed in multiple lifts. CBRM may require an affidavit to state that the hot mix asphalt concrete plant conforms to the Standard Specification for Municipal Services.
- g. **Inspection.** In addition to the above, a minimum of one series of tests per day shall be performed for each 500 t of asphalt concrete. Every individual street/road shall have at least one series of tests.
  - The series of tests shall include all of the following:
  - Marshall Stability kN
  - Marshall Flow x 0.25 millimeters
  - Air Voids %
  - VMA %
  - Asphalt Cement Content %
  - Gradation of Extracted Aggregate

There shall be at least one field density test per day for each 50 meters of linear road surface of asphalt concrete placed. Each lift for every individual road shall have at least one field density test taken.

All test results shall be recorded and forwarded to CBRM Engineering Services.

- h. **Curbing** Portland Cement concrete curbs and gutters shall conform to the latest version of the Standard Specification for Municipal Services or as approved by CBRM Engineering Services. Asphalt curbs are not permitted.

Curbs and gutters must be placed prior to the first spread of asphalt. The quantity per cubic meter of all ingredients in the concrete shall be forwarded to CBRM Engineering Services prior to the start of curbing. All residential and commercial driveway openings shall conform to the requirements of the applicable Land Use By-law.

At least one set (3) of concrete test cylinders ( 100 millimeters x 200 millimeters ) shall be taken for every 100 meters (linear ) of curbing and tested for their compressive strength at 7 days (1) and 28 days (2 ). These results will be forwarded to CBRM Engineering Services.

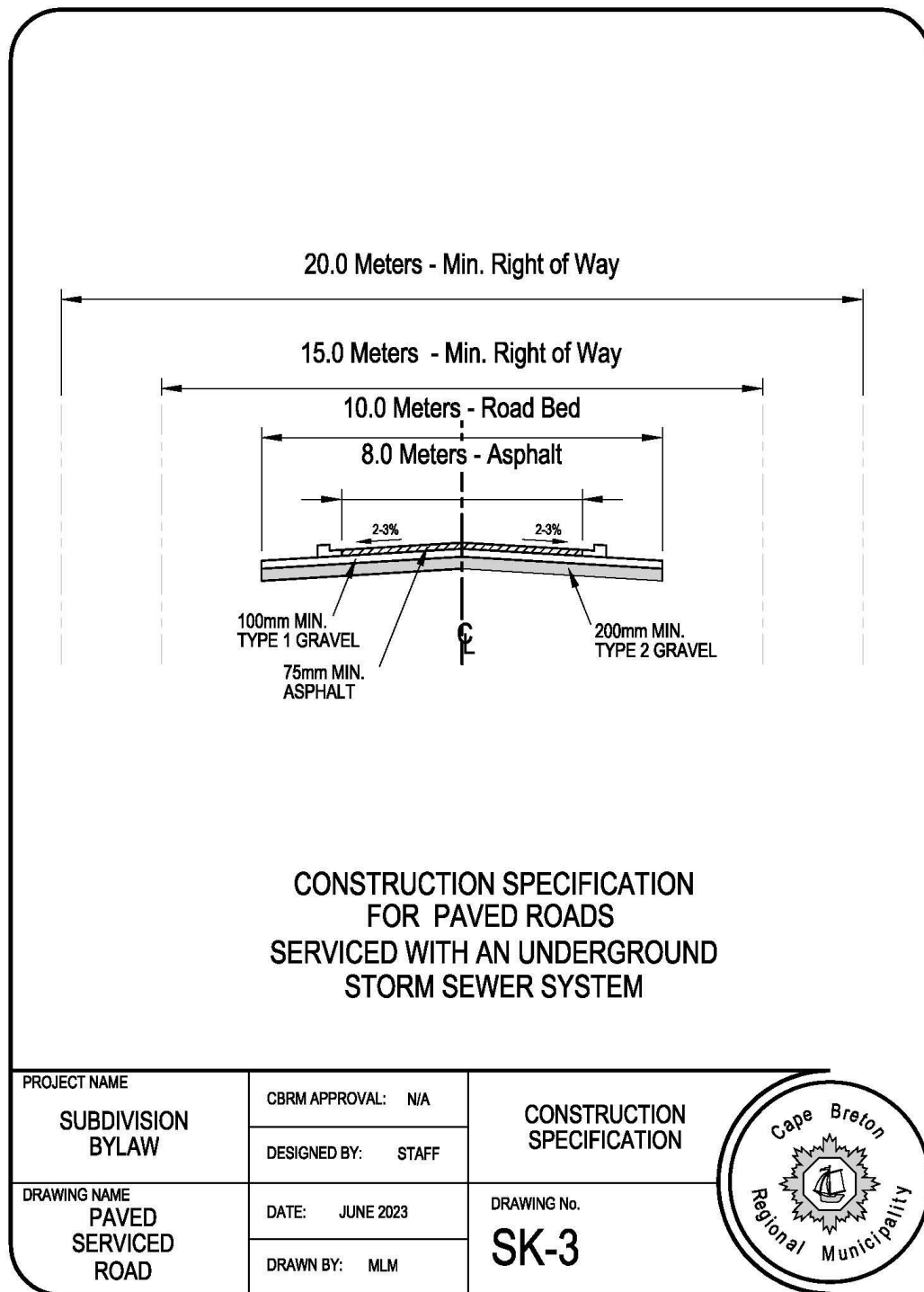
- i. **Storm Sewers** All underground storm sewer systems will be provided and placed in accordance with the CBRM specifications for storm sewers.

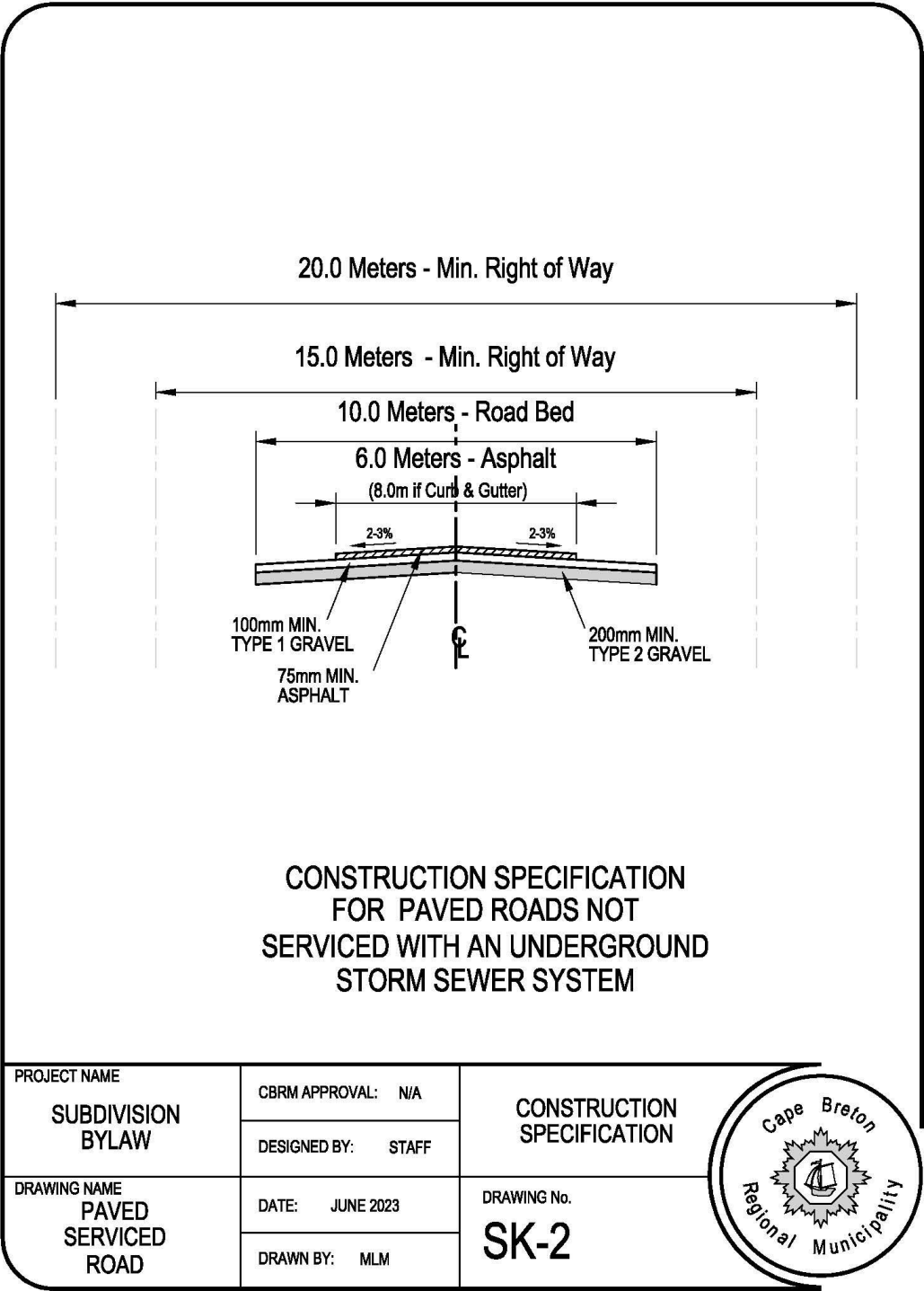
## Section 6 Variations in Commercial/ Industrial Areas

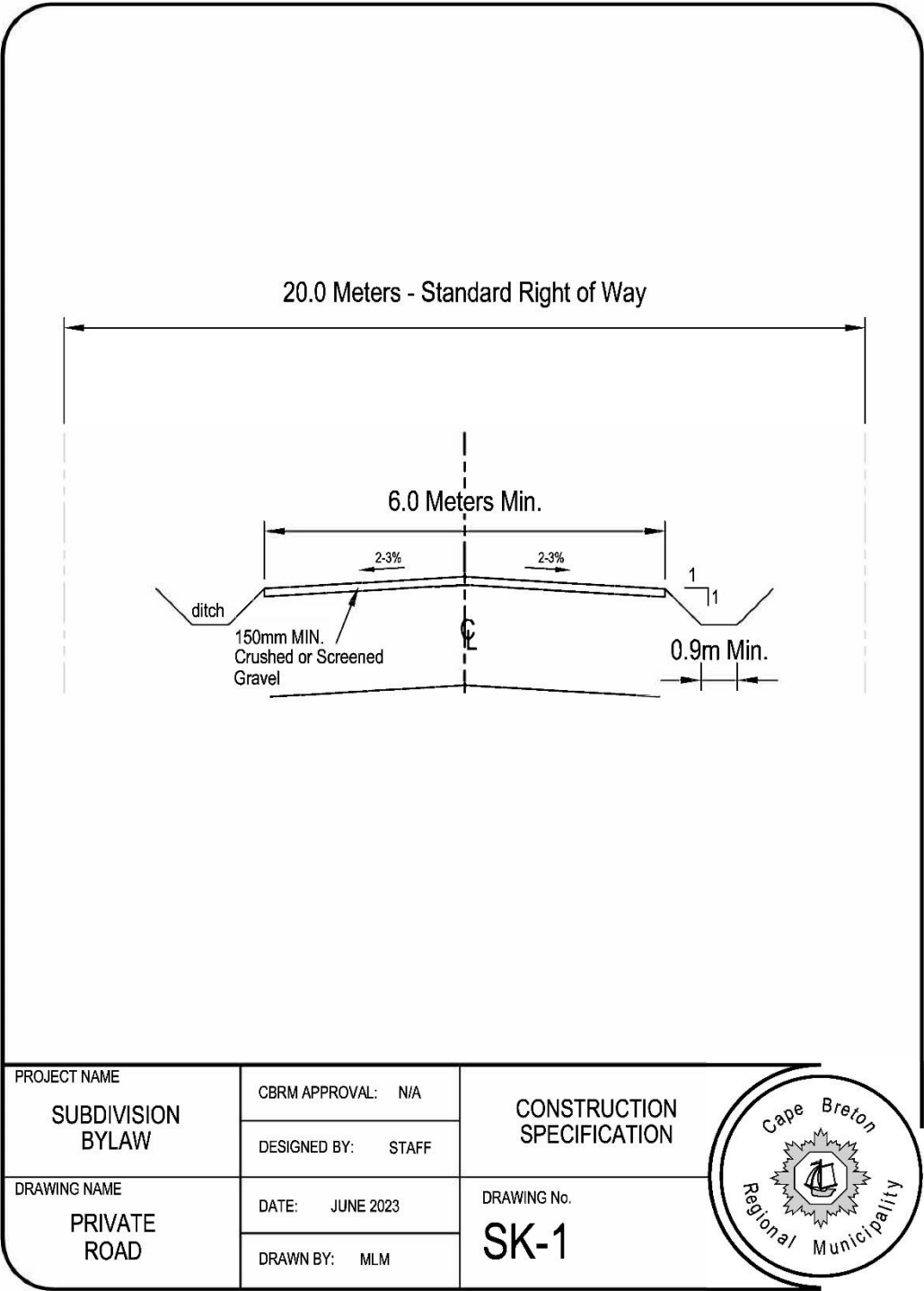
Variations to these specifications may be required by CBRM in situations where traffic volume and vehicle loads are expected to require a modified pavement and gravel base design. CBRM Engineering Services to be engaged during pavement design discussions.

## Section 7 Listing Procedure

- a. Before the constructed streets/roads are accepted for listing, CBRM must receive confirmation from Nova Scotia Environment that all their requirements have been met. In addition, a certification may be required from a Professional Engineer confirming the streets/roads and drainage systems with the subdivision have constructed in accordance with the approved plans and these specifications.
- b. **Listing Procedures.** When the preceding specifications have been satisfactorily adhered to, the subdivider may then officially request CBRM take over the street/road system in the subdivision. The request shall be accompanied a final plan showing the entire subdivision, its boundaries, street/road and drainage layout as outlined in Part 4 of this By-law. The subdivider will also have a deed prepared deeding all street/road reserves to CBRM. At this time CBRM will require record plans and profiles as per Part 5, subsection 5.8(c)(iv)







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**c. Landscaping and Walkway Specifications**

1. Excavated and/or fill areas shall be evenly graded and compacted to 100 millimeters below finished grade.
2. Topsoil, lime, fertilizer, and sods shall be provided in accordance with the Standard Specification for Municipal Services.
3. Sods shall be placed in the area within one (1) meter of the curb.
4. In curbed areas, the area between the sodding and the edge of the street/road reserve shall be covered with topsoil and seeded in accordance with the Standard Specification for Municipal Services.
5. For areas where no curbing is to be provided, all exposed areas with the street/road reserve other than the actual street/road and street/road shoulder shall be hydroseeded.
6. The minimum width of a walkway easement shall be 5 meters, unless it is to be used as a sewer or water easement in which case a larger minimum width may be required.
7. As much as possible, the constructed portion of the walkway shall be centrally located within the walkway easement.
8. Where possible, all access covers and water appurtenances shall be to the sides of the walkway.
9. The total width of the walkway easement shall be graded in such a way as to control surface and watercourse drainage within the easement and adjacent properties. This can be accomplished using culverts, drains, swales and/or catch basins.
10. The walkway shall be constructed as follows:
  - 150 millimeters Type 1 gravel base, 2400 millimeters wide and compacted to 95% standard proctor density.
  - 50 millimeters thickness of Type B hot mix asphalt, 1800 millimeters wide.
  - The maximum grade for a walkway shall not exceed 15%.
  - All walkways in residential and commercial areas shall be fenced on both sides for the entire length of the walkway easement. Fencing shall be chain link a minimum height of 1.2 meters.
  - Both sides of the asphalt walkway shall be sodded in accordance with the Standard Specification for Municipal Services from the edge of the walkway to the edge of the disturbed soil.
  - All recessed structures within the walkway easement shall be adjusted to within 6 millimeters of finished grade.
  - All walkways shall be constructed at the time of the installation of the services and streets/roads. Natural vegetation of the area shall be preserved during walkway construction, where possible. Mature trees and shrubbery shall remain and clearing and grubbing shall be restricted to the construction.
  - Walkways shall be oriented so as to make use of the existing street/road lighting, where possible.



The background of the cover is a photograph of a coastal town, likely in the Philippines, featuring a body of water, distant hills, and several buildings with red-tiled roofs. A large, bright yellow geometric shape, consisting of a triangle and a parallelogram, is overlaid on the left side of the image.

# **Schedule B**

**Specifications For the Design  
and Construction of CBRM  
Piped Systems**

## **Section 1        Sewer Systems**

- a. All sanitary sewer systems including pumping stations, treatment plants and outfall sewers are to be designed and constructed in accordance with the Standard Specification for Municipal Services and designed and constructed in accordance with the Standard Specification for Municipal Services and the ACWWA Atlantic Canada Wastewater Guidelines. Any variance from these specifications shall be done only with the written approval of CBRM Engineering Services.
- b. Design of storm drainage systems shall include consideration of both minor and major drainage systems. The design of the complete storm drainage system, including the minor system (1 in 10) and the major system (1 in 100) shall be carried out so as to provide a minimum level of protection based on a design storm frequency of 1 in 100 years.
- c. All sewer systems and extensions thereto shall be designed by a professional engineer.

d.        **Storm Drainage**

Minor Drainage System. The minor drainage system shall be designed to carry surface runoff from the more frequent, less intense storms thereby providing safe and convenient use of streets/roads, lot parcel areas and other components. The minor drainage system shall consist of the following components:

- Swales, subsurface interceptor drains (i.e. French drain, etc.), curbs and gutters, catch basins, manholes, pipes or conduits and lateral lines to the lot parcels from the pipes or conduits to street/road lines in those areas where a piped storm drainage system is required; or
- Ditches, swales, subsurface interceptor drains (i.e. French drain, etc.) and driveway culverts in those areas where an open channel drainage system is required.

Major Drainage System. The major drainage system shall be designed to prevent loss of life and to protect structures and property from damage due to a major storm event. The capacity of the major drainage system shall be adequate to carry the discharge from a major storm event when the capacity of the minor drainage system is exceeded. The major drainage system shall consist of the following components.

- Ditches, open drainage channels, swales, roadways, retention ponds,

watercourses, flood plains, canals, ravines, gullies, springs and creeks in those areas where a piped storm drainage system is required for the minor drainage system; or

- Ditches, open drainage channels, swales, roadways, watercourses, flood plains, canals, ravines, gullies, springs and creeks in those areas where an open channel storm drainage system is required for the minor drainage system.

Design Storm Frequencies. The following frequencies are required:

- minor drainage systems = 1 in 10 years
- major drainage systems = 1 in 100 years

Design Parameters

- Designs shall be based on the state of development expected to exist for both the area under design and upstream areas. Estimates for upstream development shall be obtained from CBRM Engineering Services.
- Design flows for ordinary residential, commercial, or industrial land uses shall be based on annual (year round) rainfall data.
- Discharge from new development shall not exceed the capacity of the downstream system.

## Section 2 Water Systems

- a. Water system means an assembly of pipes, fittings, control valves and appurtenances owned by CBRM and which conveys water to water service pipes and hydrants.
- b. Water service pipe means a pipe that conveys water from a water system to the inner side of the wall through which the pipe enters the building.
- c. All water systems and associated appurtenances are to be designed and constructed in accordance with the Standard Specification for Municipal Services and the ACWWA Atlantic Canada Water Supply Guidelines.

- d. **Transfer of Plants**

At the completion of the approved installation of the water system and the water service pipes within the street/road lines, the subdivider shall convey the same, and any and all rights enjoyed by the subdivider, to CBRM.

- e. **Design Criteria**

1. **Dead Ends**

The water system shall be designed so as to exclude any dead-ended pipe

where practical.

2. **Size of Water Pipes**

The usual size of pipe shall be 200 millimeters, with the minimum size being 150 millimeters for short connections between pipes in the system.

3. **Depth of Cover**

All water pipes shall have a minimum cover of 1.5 meters.

4. **Location of Water Pipes**

- Water lines may be in the same trench as a sewer, provided that it must be laid in accordance with the Standard Specifications for Municipal Services.
- Where a water pipe is to be laid in a separate trench, other than in a public street/road, the subdivider shall grant to the CBRM by deed and plan, at his cost, title to the easement. Such an easement shall be wide enough to meet provincial Department of Labour for back slopes and to provide sufficient space for soil storage during excavation and in no case shall be less than 6 meters in width.

5. **Location of Valves**

- a. Valves at street/road intersections shall be located in the street/roadway at street/road line intersection.
- b. Three valves shall be required at each normal four-way street/road intersection. If there are more or less than four streets/roads meeting at any intersection, the appropriate number of valves shall be installed to allow complete isolation of the system, with at least one valve wherever water lines intersect.
- c. On straight runs the maximum distance between valves will be the same as the maximum distance between street/road intersections specified elsewhere in this By-law.

6. **Valve Chambers**

All valves shall be enclosed in a standard telescopic type valve box. The valve of the box shall have the word "WATER" imprinted on it for valves in the water system.

7. **Hydrants**

- a. Hydrants shall be placed on the extension of the boundary line between two lot parcels in such location that there will be a minimum distance of 45 centimeters from the outermost part of the hydrant to the face of the proposed or existing curb and hydrants shall be spaced not more than 140 meters apart, or as approved by the Engineer.
- b. Hydrants shall be installed so that the top of the standpipe flange will be from 100-105 millimeters above the finished curb grade.
- c. The branch pipe to the hydrant shall be 150 millimeters in diameter and

shall include a 150 millimeter branch valve located approximately one meter from the centerline of the water pipe in the street/road.

- d. If unusual conditions exist and warrant the installation of a dead-ended pipe, a hydrant shall be installed in its proper location off the dead end water pipe.
- f. Electrical grounding to water mains and services is not permitted.
- g. **Water Service Pipe**
  - 1. The size of water service pipes and the materials used in the manufacture of water service pipes shall be specified in the Standard Specification for Municipal Services, and in no case shall any water service pipe be less than 19 millimeters in diameter.
  - 2. Depth of cover shall be required by the Standard Specification for Municipal Services.
  - 3. Water service pipes on private property must be installed so that there will always be a minimum cover of 1.5 meters both prior to and immediately following landscaping.
  - 4. Hydrostatic testing shall be carried out in accordance with the Standard Specification for Municipal Services.
  - 5. Water service pipes shall not be used for grounding purposes.
- h. **Connections to Existing Water Systems**
  - 1. A connection of the subdivider's water system to any part of the existing water system must be carried out with the least interruption to existing service and each such connection and the scheduling of that connection must be approved by CBRM Engineering Services.
  - 2. Whenever an existing water pipe is within reasonable distance from a proposed subdivision, and an interconnection is practical, the subdivider shall be required to deed to the CBRM an easement to facilitate such a connection, and to actually connect the two systems, at the subdivider's cost, in cases where the distance involved is less than 30 meters.
  - 3. No pipe or water service cross-connection will be made from the existing water system to a water system in a subdivision which is connected to some other source of supply.
  - 4. All services to dwellings must be taken off distribution mains which are at least 150 millimeters in diameter. All dwelling connections must be taken off the main at right angles with the exception of permanent dead end streets/roads where laterals at the end of the dead end street/road run to the property boundary.
- i. Types of Pipe and Special Fittings to be used

All types of pipes, hydrants and special fittings used must meet the minimum specifications permissible under the Standard Specification for Municipal

Services.

**j. System Water Volume Demand**

1. Domestic Volume Demand shall be established in accordance with the following:
  - Average daily demand – 300 liters per capita per day
  - Peak daily demand – 600 liters per capita per day
  - Peak hourly demand – 1,150 liters per capita per day.
2. Fire Volume Demand shall be established in accordance with the latest published requirements contained in “Water Supply for Public Fire Protection – A Guide to Recommended Practice” prepared by Fire Underwriters Survey (FUS) administered by CGI Insurance Business Services.
3. Water distribution system must be designed and sized in order to provide and maintain a minimum residual pressure of 200 kpa, measured at the main, at all points along the distribution system during Peak Hourly Demand conditions.

**Any variation from the above demand figures shall be done only with written approval of CBRM Engineering Services.**

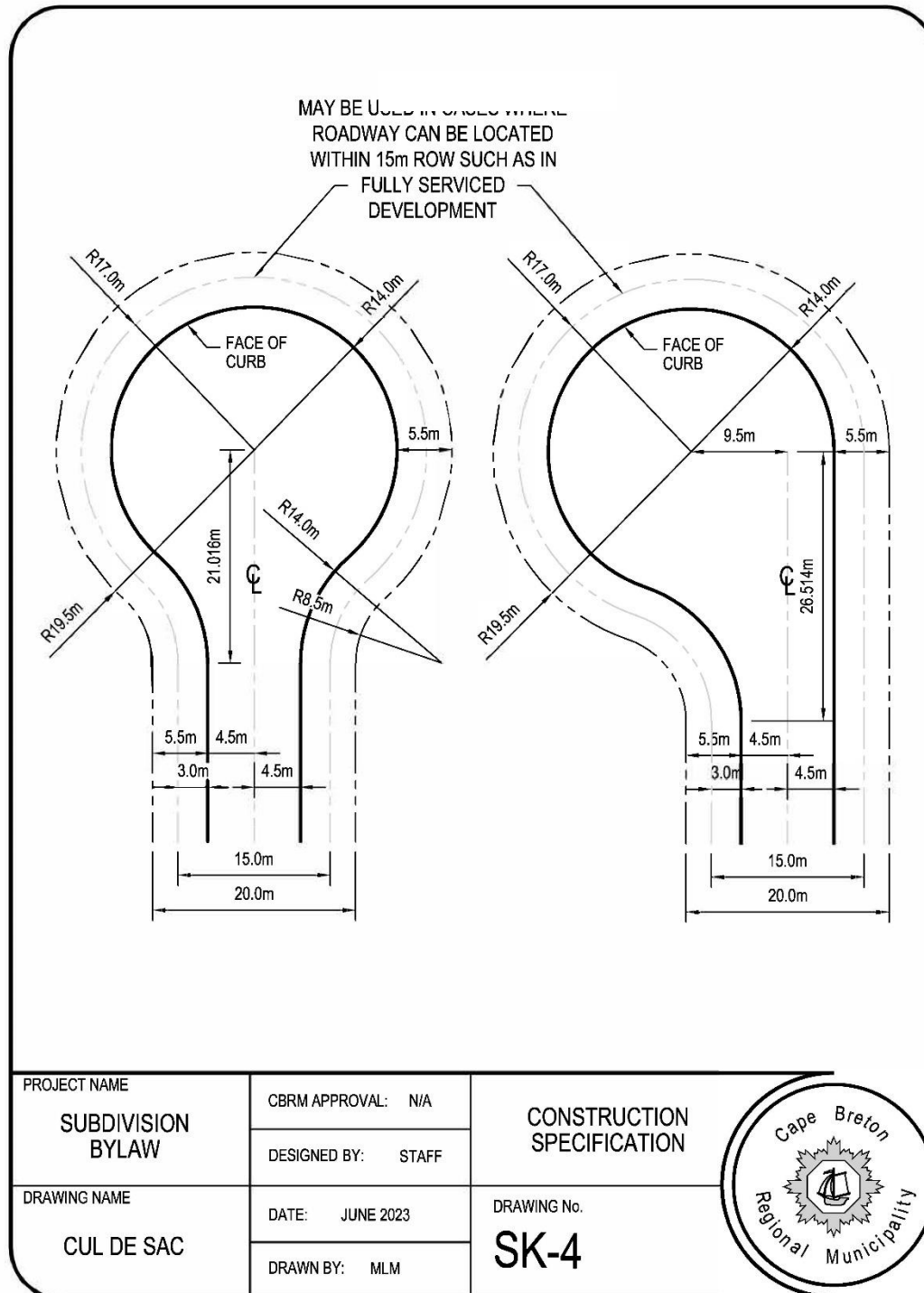


# Schedule C

## Cul-De-Sac Specifications



## SCHEDULE C CUL-DE-SAC SPECIFICATIONS



The background of the page is a photograph of a coastal town, likely Sydney, Australia, featuring a harbor, a bridge, and buildings. A large, bright yellow geometric shape, consisting of a triangle and a rectangle, is positioned on the left side of the page, partially overlapping the text.

# Schedule D

Sydport Roads

## SCHEDULE D SYDPORT ROADS





The background of the page is a photograph of a coastal town, likely in Scotland, featuring a large body of water (Firth of Clyde) and a town with several buildings, including a prominent church spire. A large, solid yellow geometric shape, resembling a stylized 'E' or a large triangle, is overlaid on the left side of the image, extending from the top to the bottom.

# Schedule E

Specifications For Private  
Streets and Roads

## **Section 1            Required to Build**

Where any private street/road provides access to one or more lot parcels, a private street/road shall be constructed in accordance with the following standards within the street/road reserve shown on the plan of subdivision. These standards are minimums and no variation or reduction in these standards is permitted.

## **Section 2            Construction Standards**

- a) Construction of a private road shall be the responsibility of the subdivider and shall be in accordance with the following requirements:
  - i. Wastes from the clearing and grubbing activities such as roots, stumps, sod, moss, and all other organic material shall not be placed in street/road fills or allowed to remain under street/road fills.
  - ii. The minimum traveled street/road surface width shall be 6 meters.
  - iii. The travel surface shall have a base course of crushed, screened or pit run gravel to be compacted to Standard Specifications for Municipal Services to a minimum thickness of 150 millimeters (i.e. 5.9 inches).
  - iv. The maximum street/road grade shall be 12% except at intersections with existing streets/roads where the Manual of Geometric Design Standards for Canadian Roads requires otherwise.
  - v. Certification provided by a professional engineer for all construction of roads, bridges, and/or structures.
  - vi. Provision shall be made for surface drainage of the private road through the use of culverts, ditches, and natural watercourses of appropriate capacity, and the subdivider shall be responsible for the effects of any downstream flow onto other properties.
- b) The intersection of a private road with a public street shall be approved by the authority having jurisdiction for the public street.
- c) The minimum width of the right-of-way of a proposed private road shown on a plan of subdivision shall be 20 meters (65.6 feet).

## **Section 3            Road Association**

New private roads are required to have Road Association registered on title. Proof of the establishment of a Road Association is required prior to receiving Final approval of the plan of subdivision.



# Part 7.

## Definitions





**CBRM** means the Cape Breton Regional Municipality.

**CBRM Engineering Services** means the Engineering Services Division of the Cape Breton Regional Municipality's Engineering and Public Works Department under the supervision of the CBRM Director of Engineering.

**CBRM piped service** means a sanitary sewer main, storm sewer main, or water main owned and operated by the Cape Breton Regional Municipality as part of a system of such services.

**CBRM sanitary sewer main** means the pipe in a CBRM sanitary sewer system to which a lateral from the plumbing system of a building would be connected.

**CBRM sanitary sewer system** means a network of sanitary sewer mains owned and operated by the Cape Breton Regional Municipality collecting wastewater and carrying it to a treatment facility or point of discharge.

**CBRM storm sewer** means a system of conduits owned and operated by the Cape Breton Regional Municipality that collects and carries surface water.

**CBRM water main** means the pipe that delivers water from a CBRM public water supply to a lateral that connects it with the plumbing system of a building.

**CBRM water system** means a network of water mains delivering water from a CBRM public water supply to the laterals connected to the plumbing system of any buildings serviced by the system.

**Consolidation** means combining two or more lot parcels, or parts of lot parcels, by approval of a plan of subdivision, which results in less lot parcels being created than the number existing prior to subdivision approval.

**Division** means the division, by approval of a plan of subdivision, of a lot parcel or lot parcels which results in more lot parcels being created than the number existing prior to subdivision approval.

**Frontage** means the minimum straight line distance between the intersection of the side lot lines and the front lot line along a public or private street.

**Future street/road** means a parcel of land, delineated on a subdivision plan as a "Future Street" which is to be used as a public street at some point in the future. The title to the land vests in the municipality upon the filing of the subdivision plan. The construction of a future street to a public street standard, as outlined by this By-law, shall be the responsibility of the developer not the municipality.

**Lot parcel** means any parcel of land described in a deed which created the lot parcel prior to April 16th, 1987, or a devise of land by will executed prior to January 1st, 2000, or as shown in a registered plan of subdivision

- **Corner lot** parcel means a lot parcel situated at the intersection of and abutting on two or more public street/roads.
- **Through Lot parcel** means a lot parcel bounded on two opposite sides by

- public streets/roads.
- **Lot parcel Area** means the total horizontal area within the lot parcel boundary.
- **Lot parcel Boundary** means the border line of the lot parcel.
- **Lot parcel Depth** means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines.
- **Lot line** means:
  - Any boundary of a lot.
  - Any boundary line of a lot.
  - The legally defined limits of any lot
- **Lot parcel width** means the average horizontal distance between the side lot lines. For a flag lot (see definition of flag lot), lot width shall be measured from the flag portion of the lot parcel.

**On-site sewage disposal system** means a privately owned and operated system for disposing of sewage on the same lot parcel/site as the building being served that is not directly connected to a CBRM sanitary sewer system, which meets the definition in the pertinent Regulations of Nova Scotia Environment.

**Parking area** means an area on a lot parcel(s) containing parking spaces including driveways, aisles, ramps and motor vehicle maneuvering areas. For purposes of clarification, a parking area also means any area used for the display of motor vehicles for retail or rental purposes.

**Parking space** means an area of not less than 7.4 square metres (180 sq.ft.) measuring 2.7 metres (9 feet) by 6 metres (20 feet) exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a public street/road by means of driveways, aisles or maneuvering areas.

**Private road** means any street or road which is not a public street/road but is shown as a separate lot parcel on a plan of subdivision approved by the Development Officer and filed in the Registry of Deeds pursuant to:

- this By-law; or
- a previous version of the CBRM Subdivision By-law; or
- a Subdivision By-law adopted by the Municipality.

**Professional engineer** means an engineer licenced to practice in the Province of Nova Scotia who is a member of the Association of Professional Engineers of Nova Scotia.

**Province** means Her Majesty the Queen in right of the Province of Nova Scotia.

**Public street/road means ....**

- any street or road owned by the CBRM and maintained by the CBRM's

- Engineering and Public Works Department; or
- any street or road owned by the Province and maintained by the Province's Department of Public Works; or
- a street or road owned by the Federal Government, or by a Federal Crown Corporation within the Sydport Industrial Park as of April 27th, 2002 and shown as a road on the map attached as Schedule D; or
- a street or road owned by the Membertou Development Corporation which:
  - a. intersects a street/road within the Membertou; or
  - b. intersects a CBRM public street/road which is directly connected to a street/road within the Membertou; or
  - c. intersects a street/road which is owned by the Province of Nova Scotia that is directly connected to a street/road within the Membertou; or
  - d. intersects a street/road which is owned by the Province of Nova Scotia that is contiguous with a street/road owned by CBRM that is directly connected to a street/road within the Membertou; or
  - e. intersects a street/road which is owned by CBRM that is contiguous with a street/road owned by the Province of Nova Scotia that is directly connected to a street/road within the Membertou.

**Public street/road hierarchy** means the public street/road network hierarchy as established in the CBRM Municipal Planning Strategy. There are 5 Levels in this hierarchy, with Level 1 public streets/roads having the highest priority and Level 5 public streets/roads having the lowest.

**Registry of Deeds** means a land registration office established pursuant to the Land Registration Act.

**Roadbed** means that portion of the roadway extending from shoulder line to shoulder line, (the subgrade and shoulders considered as a unit).

**Roadway** means the portion of highway included between the outside lines of gutters, or side ditches; including all the appertaining structures, and all slopes ditch channels, waterways, etc. necessary for proper drainage and protection.

**Subdivider** means the owner of the lot parcel(s) proposed to be subdivided or anyone acting with the owner's written consent.

**Subdivision** means the division of any lot parcel(s) into two or more lot parcels resulting in new additional lot parcels, and includes a consolidation of two or more lot parcels resulting in a lesser number of lot parcels, or a lot parcel boundary adjustment that results in the same number of lot parcels.

**Subgrade** means that portion of the roadbed upon which the base course is to be placed.

- Base Course means the crushed rock or aggregate which is placed immediately upon the subgrade;
- Surfacing means the crushed rock or aggregate which is placed immediately

upon the base course.

**Surveyor** means a professional surveyor licenced to practice in the Province of Nova Scotia.

**Traffic Authority** means the Department. of Engineering and Public Works for the CBRM where responsibility to maintain the public street/road is the Cape Breton Regional Municipality's and the Nova Scotia Department of Public Works when the responsibility to maintain the public street/road is the Province of Nova Scotia.

**Unlisted road** means any existing road, street, avenue, drive, lane, walk, place, or extension which is NOT:

- a public street/road as defined by this By-law; or
- a private road as defined by this By-law;

but it is used to provide motor vehicle access to lot parcels from its intersection with a public street/road with a range of civic addresses assigned to it for 911 purposes. Unlisted roads may or may not have a defined right-of-way reserve, may or may not be receiving public works services from CBRM, and the range of services can vary from one unlisted road to another.