

Town of Pictou Subdivision By-Law

Council's Approval: May 22nd, 2012
Effective Date: July 18, 2012

THIS IS TO CERTIFY that the following is a true copy of the Town of Pictou Sub-Division By-Law as adopted at a duly called meeting of the Council of the Town of Pictou held on the 22nd day of May, 2012.

GIVEN under the hand of the Chief Administrative Officer and under the Corporate Seal of the Town this 28th day of May, 2012.

Scott Conrod
Chief Administrative Officer
Town of Pictou

Town of Pictou Subdivision By-law

CONTENTS

SECTION 1: SHORT TITLE	1
SECTION 2: INTERPRETATION.....	1
SECTION 3: DEFINITIONS.....	1
SECTION 4: GENERAL PROVISIONS	6
SECTION 5: LOT ACCESS AND TRANSPORTATION PROVISIONS.....	9
SECTION 6: WATER, SEWER AND OTHER SERVICES	11
SECTION 7: SERVICING AGREEMENT.....	14
SECTION 8: PERFORMANCE SURETY	15
SECTION 9: ACCEPTANCE REQUIREMENTS	16
SECTION 10: PUBLIC OPEN SPACE	17
SECTION 11: REQUIREMENTS FOR PRELIMINARY PLANS OF SUBDIVISION (Optional First Step)	19
SECTION 12: PROCEDURE FOR PRELIMINARY PLANS OF SUBDIVISION	21
SECTION 13: REQUIREMENTS FOR CONCEPT PLANS OF SUBDIVISION	22
SECTION 14: PROCEDURE FOR APPROVAL OF CONCEPT PLANS OF SUBDIVISION	24
SECTION 15: REQUIREMENTS FOR TENTATIVE PLANS OF SUBDIVISION	26
SECTION 16: PROCEDURE FOR APPROVAL OF TENTATIVE PLANS OF SUBDIVISION	30
SECTION 17: REQUIREMENTS FOR FINAL PLANS OF SUBDIVISION.....	32
SECTION 18: PROCEDURE FOR APPROVAL OF FINAL PLANS OF SUBDIVISION.....	35
SECTION 19: REPEAL OF A SUBDIVISION.....	39
SECTION 20: REPEAL OF FORMER BY-LAW	40
SECTION 21: CAO ANNOTATION.....	40

Town of Pictou Subdivision By-law

LIST OF SCHEDULES

SCHEDULE "A" – APPLICATION FOR SUBDIVISION APPROVAL	41
SCHEDULE "B" - NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION IN ACCORDANCE WITH SUBSECTIONS 285(3) AND 285(4) OF THE MUNICIPAL GOVERNMENT ACT.....	42
SCHEDULE "C"- APPLICATION FOR APPROVAL OF LOTS NOT MEETING REQUIREMENTS.....	43
SCHEDULE "D" - APPLICATION FOR REPEAL OF A SUBDIVISION	44
SCHEDULE "E" - REPEAL OF A SUBDIVISION	45
SCHEDULE “F” – CERTIFICATE OF COMPLIANCE WITH SECTIONS(S) 5 THRU 9 OF THE SUBDIVISION BY-LAW	46
OF THE SUBDIVISION BY-LAW	46
SCHEDULE G – SPECIFICATIONS FOR THE INSTALLATION OF STREETS, WATER, SEWER AND OTHER SERVICES	47

Town of Pictou Subdivision By-law

SECTION 1: SHORT TITLE

- 1.1** This By-Law may be cited as the “Subdivision By-Law” for the Town of Pictou and shall apply to all lands within the Town of Pictou.

SECTION 2: INTERPRETATION

- 2.1** In this By-Law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated and words used in the plural number shall include the singular. All other words shall carry their customary meaning except those defined hereinafter.
- 2.2** SCHEDULES "A", "B", "C", "D", "E", "F" and "G" attached hereto are adopted by Resolution of Council and hereby declared to form part of this By-law.
- 2.3** This By-Law shall apply to the subdivision of all land within the Town of Pictou and shall be administered by the Municipal Development Officer.

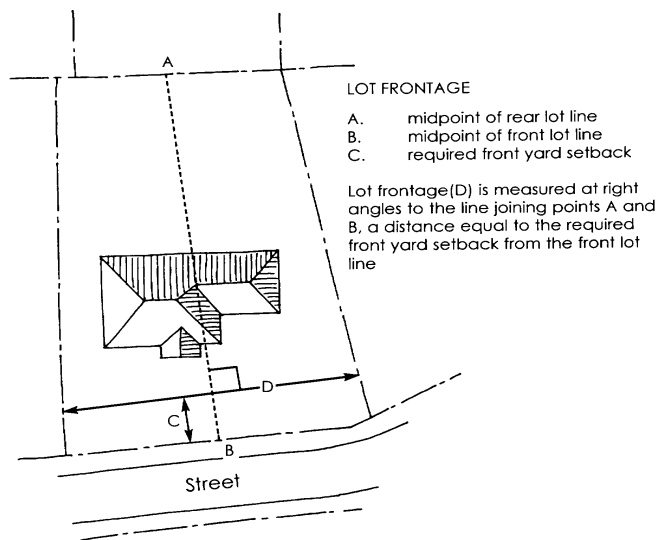
SECTION 3: DEFINITIONS

- 3.1** In these regulations,
1. **“Act”** means the Municipal Government Act (MGA), c. 18, Statutes of Nova Scotia, 1998, as amended.
 2. **“Approved Subdivision Drainage and Grading Plan”** means a grading plan approved as part of a final plan of Subdivision under this by-law, which is approved by the Engineer and illustrates the drainage systems and patterns common to a Subdivision of land resulting in four (4) or more Lots. The Approved Subdivision Drainage and Grading Plan shall be retained by the Town, and may be amended from time to time to reflect revisions arising from Lot and building construction. At a minimum, such a plan shall include proposed Lot corner elevations, proposed elevations for buildings at grade level, drainage systems, and any other measures outlining how Storm Sewer flows will not adversely affect abutting and nearby properties, municipal streets and Storm Sewers, and other lands.
 3. **“Authority Having Jurisdiction”** means the authority, whether the Town, Province, public utility, agency, or other similar Authority Having Jurisdiction or ownership over a particular property, area, land parcel, service, or amenity.
 4. **“Area Of Land”** means any existing Lot or parcel as described by its boundaries.

Town of Pictou Subdivision By-law

5. **“Board”** means the Nova Scotia Utility and Review Board.
6. **“C.A.O.”** means the Chief Administrative Officer for the Town of Pictou.
7. **“Council”** means the Council of the Town of Pictou.
8. **“N.S.E.”** means the Nova Scotia Environment.
9. **“D.O.T.”** means the Nova Scotia Department of Transportation and Infrastructure Renewal.
10. **“Development Officer”** means that person appointed by Council pursuant to the Municipal Government Act and having the power and duty to administer the provisions of this Subdivision By-law.
11. **“Director”** means the Provincial Director of Planning.
12. **“Drainage Plan”** means a detailed plan, prepared by a Professional Engineer, of storm-water runoff and the courses and channels of it, including floodplains, for one or more parts of an area of drainage for all lands tributary to, or carrying drainage from, land that is proposed to be subdivided, and includes a Subdivision Drainage and Grading Plan.
13. **“Engineer”** means the Town Engineer and/or Superintendent of Public Works for the Town of Pictou and includes a person acting under the supervision and direction of the Engineer and/or Superintendent of Public Works.
14. **“Lot”** means a parcel of land described in a deed or as shown on a registered plan of Subdivision and includes any parcel to be created by filing of a plan of Subdivision.
15. **“Lot Area”** means the total horizontal area within the Lot lines of a Lot.
16. **“Lot Frontage”** means the length of a line joining the side Lot lines and parallel to the front Lot line. Calculation of Lot Frontage for irregularly shaped Lots shall be the horizontal distance between the side Lot lines as measured at a point, where a line drawn perpendicular to a line joining the midpoint of the rear Lot line and the midpoint of the front Lot line at a point equal to the required front yard. In determining yard measurements the minimum horizontal distance from the respective Lot lines shall be used. Calculation of Lot Frontage for corner Lots shall be the horizontal distance between the side Lot line and the flanking Lot line.

Town of Pictou Subdivision By-law



17. **“Municipal Planning Strategy and Land Use By-Law”** means the Municipal Planning Strategy and Land Use By-Law for the Town of Pictou.
18. **“Professional Engineer”** means a registered member in good standing of the Association of Professional Engineers of Nova Scotia and entitled to carry on the active practice of engineering in Nova Scotia.
19. **“Province”** means Her Majesty the Queen in right of the Province of Nova Scotia.
20. **“Public Sewer”** means any Sanitary Sewer System that is owned and maintained by the Town of Pictou which feeds into the Wastewater System.
21. **“Public Storm Sewer”** means any Storm Sewer that is owned and maintained by the Town of Pictou.
22. **“Public Water System”** means any Water System that is owned and maintained by the Town of Pictou.
23. **“Public Street or Highway”** means any street or highway owned and maintained by the D.O.T. or the Town of Pictou.
24. **“Registry of Deeds”** means the Land Registration Office for the registration district of Pictou.

Town of Pictou Subdivision By-law

25. **“Sanitary Sewage”** shall mean water-carried wastes from residences, commercial buildings or premises, institutions and industrial establishments, but excluding Storm Sewage.
26. **“Sanitary Sewer System”** means a sewer receiving and carrying Sanitary Sewage and to which Storm Sewer are not intentionally admitted.
27. **“Servicing Agreement”** means a written contract entered into between the Subdivider and the Town of Pictou, which describes the responsibilities of each party with respect to the Subdivision, and servicing of land as set out in this By-law.
28. **“Sewer”** means a pipe or conduit for carrying Sanitary Sewage, Storm Sewer, and includes all Sewer drains, Storm Sewers, Clearwater Sewers, storm drains and combined Sewers.
29. **“Standard Specifications”** means the Town of Pictou Municipal Specifications for the Installation of Water, Sewer and Other Services, and also known as “Standard Specifications” or “Engineering Specifications”, containing the specifications and requirements for Public Water System, Sanitary Sewers, roads, utilities, Public Storm Sewers, sidewalks/ramps, curbs and gutters, etc., as amended from time to time by or under the authority of the Engineer.
30. **“Storm Sewer”** shall mean a Sewer which carries storm and surface water, industrial cooling water, or unpolluted process waters, but excludes Sanitary Sewage.
31. **“Subdivider”** means the owner(s) of the Area Of Land proposed to be subdivided and includes anyone acting with the owner's written consent.
32. **“Subdivision”** means the division of any Area Of Land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels.
33. **“Subdivision Drainage and Grading Plan”** means a grading plan submitted as part of a final plan of Subdivision under this by-law, which must meet the approval of the Engineer and illustrates the drainage systems and patterns common to a Subdivision of land resulting in four (4) or more Lots. At a minimum, such a plan shall include proposed Lot corner elevations, proposed elevations for buildings at grade level, drainage systems, and any other measures outlining how Storm Sewer flows will not adversely affect abutting and nearby properties, municipal streets and Public Storm Sewers, and other lands; (see definition of Approved Subdivision Grading Plan).
34. **“Surveyor”** means a registered member in good standing of the Association of Nova Scotia Land Surveyors.

Town of Pictou Subdivision By-law

35. **“Storm Sewer”** shall mean a Sewer which carries storm and surface water, industrial cooling water, or unpolluted process waters, but excludes Sanitary Sewage.
36. **“Town”** means the Town of Pictou.
37. **“Wastewater System”** means the wastewater treatment plant and conveyance system completed during the fiscal year ending March 31, 2011.
38. **“Water System”** means the source, structure, pipes, hydrants, meters, devices, equipment or other things used, or intended for the collection, transportation, pumping or treatment of water.

Town of Pictou Subdivision By-law

SECTION 4: GENERAL PROVISIONS

4.1 Lot Requirements

- (1) All Lots approved on a final plan of Subdivision shall abut a Public Street or Highway.

4.2 Where a Land Use By-law is in effect, all Lots shall meet the applicable requirements contained in such by-law.

4.3 (1) Notwithstanding the Lot Area and frontage requirements of Section 4.2, the Development Officer may approve a relaxation of requirements for a maximum of two (2) Lots, provided that the Lot dimensions and area are not less than ninety (90) percent of the required minimums, in accordance with Section 279 of the Act, shown on a plan of Subdivision, provided all other requirements of these regulations are met. Any person requesting a relaxation under Section 279 of the Act shall submit to the Development Officer an application in the form specified in Schedule “C”.

- (2) Subsection (1) does not apply if the area requirements established by N.S.E. for the construction or installation of an on-site sewage disposal system are not met.

4.4 (1) Notwithstanding Section 4.1 and the Lot Area and frontage requirements of Section 4.2, the Development Officer may approve a Subdivision altering the boundaries of two (2) or more areas of land where:

- (a) no additional Lots are created;
- (b) each resulting Lot:
 - (i) meets the minimum dimension for Lot Frontage of the land-use by-law, or
 - (ii) has not had its frontage, if any, reduced; and
- (c) each resulting Lot
 - (i) meets the minimum requirement for Lot Area of the land-use by-law, or
 - (ii) has not had its area reduced.

4.5 Where the proposed Lot is not surveyed, the final plan of Subdivision prepared pursuant to Section 4.4 (1) shall:

Town of Pictou Subdivision By-law

- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or Area Of Land proposed to be added to the existing Area Of Land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line;
- (b) notwithstanding clause 17.2 (2) and 17.3, other than the new boundaries which have been surveyed pursuant to clause (a), show the remaining boundaries of the resulting Lot for which approval is requested described graphically as a lighter solid line; and
- (c) have the following notation, completed and signed by the Surveyor, affixed to the plan adjacent to the certification required by the Land Surveyors Act and its regulations:

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

The remaining boundaries of resulting Lot _____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the Lot boundaries that are subject to a field survey."

- 4.6** (1) Notwithstanding the Lot Area and frontage requirements of Section 4.2, where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent Area Of Land, the Development Officer may approve a plan of Subdivision to the extent necessary and practical to remove the encroachment.
- (2) Where a Lot created pursuant to subsection (1) is not surveyed, the provisions of subsection 4.5 shall apply.
- 4.7** (1) For purposes of subsection (2) below, "main building" is a building which is not an accessory building to another building on the Area Of Land.
- (2) Notwithstanding the Lot Area and frontage requirements of Clause 4.2, where an Area Of Land contains more than one main building built or placed on the land

Town of Pictou Subdivision By-law

prior to August 6, 1984, the Development Officer may approve a final plan of Subdivision creating the same number of Lots or fewer as there are main buildings provided that each proposed Lot is served by a central sanitary Sewer or meets the applicable requirements of the N.S.E.

- 4.8** Lots shall not be subdivided to create a width or depth of less than six (6) metres (19.7 feet).

Town of Pictou Subdivision By-law

SECTION 5: LOT ACCESS AND TRANSPORTATION PROVISIONS

5.1 Notwithstanding any other provisions of this by-law, all streets shall be Public Street or Highways.

5.2 All proposed Public Street or Highways shall be:

- (1) shown on a final plan of Subdivision;
- (2) designed in accordance with this Part and the Standard Specifications; and
- (3) approved by the Engineer.

5.3 Where a proposed Public Street or Highway is being considered:

- (1) The specifications referred to in subsection 5.2 (2) may be waived, in part or in whole, by the Engineer in accordance with accepted engineering practice.
- (2) Any waivers granted under subsection 5.2 (2) are, and shall be deemed to be, case-specific, and of no precedential value in considering other waivers.
- (3) Where a proposed municipal Public Street or Highway intersects a provincial Public Street or Highway, that intersection shall be approved by the D.O.T.
- (4) There shall not be more than four Public Street or Highway or public highway approaches or any combination thereof in an intersection.
- (5) Where a Public Street or Highway in an adjoining Subdivision abuts the boundaries of a plan of Subdivision submitted for approval, a Public Street or Highway in the latter, if reasonably feasible, in the opinion of the Engineer, shall be laid out in a prolongation of such existing Public Streets or Highways, unless it would be in violation of this By-law.
- (6) The length of a proposed cul-de-sac shall not exceed 150 meters (500 feet) from an intersection to the turning circle. Proposed cul-de-sacs or other dead-end Public Street or Highways shall have a turnaround with a minimum radius of 14.0 meters (45 feet, 11 inches) from the center of the proposed cul-de-sac. For further clarification, refer to Schedule “G” of this By-law.

5.4 A proposed Lot, which abuts a Public Street or Highway, shall have access to a Public Street or Highway approved by the Authority Having Jurisdiction for the Public Street or Highway. This section does not apply to a proposed Lot which abuts a Public Street or Highway and has an existing access to the Public Street or Highway.

Town of Pictou Subdivision By-law

- 5.5** Where a plan of Subdivision shows a proposed Lot abutting an existing Public Street or Highway, the Authority Having Jurisdiction shall verify that the street is a Public Street or Highway.
- 5.6** Prior to approval of the final plan of Subdivision by the Development Officer, the Engineer shall provide a positive report the Development Officer certifying that the public road has been constructed in compliance with the design and construction requirements of this Part, and the Standard Specifications. The Engineer will have based the report on staged inspections of the road and related infrastructure.
- 5.7** The Subdivider shall be responsible for the following:
- (1) Arranging for complete testing of the installation of a street at various stages as required by the Standard Specifications and any directions from the Engineer;
 - (2) Giving reasonable notice to the Engineer of the proposed test date, site and time;
 - (3) Allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test; and
 - (4) Maintaining records of all tests in such a manner that the Engineer, whether or not he attended any such test, can ascertain that the test was carried out in accordance with this Part and with the Standard Specifications, and with any direction of the Engineer.
- 5.8** As an alternative to the complete construction and acceptance of a municipal Public Street or Highway as required by Sections 5.3 through 5.7, the Subdivider may, before approval of the final plan is given, enter into a written Servicing Agreement with the Town in accordance with Section 7, and post a performance surety in accordance with Section 8.
- 5.9** Wherever possible, side Lot lines shall be substantially at right angles to a Public Street or Highway, or radial to a curved Public Street or Highway.
- 5.10** Wherever possible, the rear Lot lines of a series of adjoining Lots shall be continuous, and not stepped or jogged.

Town of Pictou Subdivision By-law

SECTION 6: WATER, SEWER AND OTHER SERVICES

- 6.1** A Subdivider shall be exempt from the following requirements for the installation of Public Water, Sewer and Storm Sewer Systems where, as outlined under Section 271(3) (d) of the *Municipal Government Act*:
- (1) roads and services intended to serve the proposed Lots are currently owned and maintained by the Town, or
 - (2) Public Water, Sewer and Storm Sewer Systems are not provided for by the Town at the property line of the Area Of Land proposed to be subdivided, and with the approval of the Town.
- 6.2** Where any proposed Subdivision contemplates connection to a Public Water System or to a Public Sewer, or both, no Subdivision shall be approved unless, at the time application is made for Subdivision approval, there exists capacity on the Public Water System, or a Public Sewer, as the case may be, to which the proposed Subdivision shall be connected, sufficient to accommodate the proposed Subdivision's load on that system.
- 6.3** Whether the capacity referred to in subsection 6.2 exists or not, no Subdivision plan which contemplates connection to a Public Water System, or to a Public Sewer, or to both, shall be approved until the Town agrees in writing to allocate sufficient capacity on that Public Water System or Public Sewer to the proposed Subdivision.
- 6.4** The approval in subsection 6.2 of this section, if granted:
- (1) For connection to a Public Sewer shall be considered on the basis of the Subdivider's written estimate of the number of user units, calculated under the Town's Sewer By-law and expressed upon a per Lot basis, that will be required to service the proposed Subdivision to a Public Sewer;
 - (2) For connection to a Public Water System, shall be considered on the basis of the Town's estimate of the volume of water required to service the proposed Subdivision by connection to a Public Water System; and
 - (3) Any allocation of capacity to a Subdivision on a Public Sewer or on a Public Water System lapses and becomes void unless the Lot or Lots shown on the tentative plan of Subdivision are approved at the final plan of Subdivision stage, or where development of the lands subject to the Subdivision has not commenced within twenty-four (24) months of the date of approval of the final plan of Subdivision.

Town of Pictou Subdivision By-law

6.5 Where a proposed Subdivision is within an area serviced by Town Sewer and water;

- (1) The Subdivider, prior to approval of the final plan of Subdivision by the Development Officer, shall construct and connect to the Sanitary Sewer System, a Public Sewer including collectors and laterals to the boundary of the proposed Lots.
- (2) The Public Storm Sewer and Sewer Systems required by subsection (1) of this section shall be designed by a Professional Engineer and shall comply with the Standard Specifications, and any directions of the Engineer.
- (3) Where, in a proposed Subdivision served or to be served by a new Public Water System, the Subdivider, prior to approval of the final plan of Subdivision by the Development Officer, shall construct and connect to the Public Water System, at the boundary of the proposed Lots.
- (4) The Public Water System required by subsection (3) of this section shall be designed by a Professional Engineer and shall comply with the specifications contained in the Standard Specifications, and with any directions of the Engineer.
- (5) The Subdivider, prior to the approval of the final plan of Subdivision by the Development Officer, shall install a Storm Sewer drainage system in conformance with an Approved Subdivision Drainage and Grading Plan (as defined in Section 3), filed with and approved by the Engineer, to address any surface drainage that may enter the area being subdivided or be generated within the proposed Subdivision, and to adequately dispose of the waters so as not to negatively affect any downstream properties.
- (6) Any Drainage Plan and Storm Sewer drainage system shall comply with the Standard Specifications, and any direction of the Engineer.
- (7) The specifications referred to in subsections (2), (4), (5) and (6) of this section, may be waived or varied by the Engineer in accordance with accepted engineering practice.
- (8) Any waiver or variation granted under this section shall be, and shall be deemed to be, case-specific, and of no precedential value in considering other waivers or variations.

6.6 Prior to approval of the final plan of Subdivision by the Development Officer, the Subdivider shall provide a certificate to the Development Officer from a Professional Engineer, which certifies that the developer has complied with the design and construction requirements of section 6.5.

Town of Pictou Subdivision By-law

6.7 The Subdivider shall be responsible for the following:

- (1) arranging for complete testing of the installation of the Public Water System, Sewer and Storm Sewer drainage systems at various stages as required by the Standard Specifications, and any direction of the Engineer;
- (2) giving reasonable notice to the Engineer of the proposed test date, site and time;
- (3) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test; and
- (4) maintaining records of all tests in such a fashion that the Engineer, whether he attended any such test or not, can ascertain that the test was carried out in accordance with this Part and with the Standard Specifications and with any direction of the Engineer.

As an alternative to the complete construction and acceptance requirements for Public Water, Sewer and Storm Sewer drainage systems, as contained in Sections 6.5, 6.6, and 6.7, the Subdivider may, before endorsement of approval of the final plan is given, enter into a written Servicing Agreement with the Town as provided for in Section 7 and post a performance surety as provided for in Section 8.

Town of Pictou Subdivision By-law

SECTION 7: SERVICING AGREEMENT

- 7.1** Where a Servicing Agreement is entered into, the Servicing Agreement shall contain provisions satisfactory to the Town with respect to any or all of the following:
- (1) the time within which any construction of streets, water and/or Sewer services and drainage systems shall be commenced and completed;
 - (2) the time at which the allocation of capacity on any Public Water System or Public Sewer lapses or becomes void if the construction of streets and services is not commenced and completed within the time limited therefore;
 - (3) the phasing of any construction of streets and water and Sewer services and drainage systems;
 - (4) the acceptance of any streets, water and/or Sewer services and drainage systems by the Town;
 - (5) the provision and acceptance of easements and rights-of-way, whether on or off-site; and
 - (6) any other matter related to the requirements of this by-law and any applicable Municipal Planning Strategy and Land Use By-law requirements relating to the Subdivision and servicing of land.

Town of Pictou Subdivision By-law

SECTION 8: PERFORMANCE SURETY

- 8.1** Where a Subdivider proposes to complete construction of any streets, Sewer or water services and/or drainage system, after receiving approval of any final plan of Subdivision, the following shall be required:
- (1) the Subdivider shall post a performance surety, in the nature of security in the form and on terms satisfactory to the Town, in the amount of one hundred and twenty-five percent (125%) of the estimated costs to complete the remaining work for the streets and water and Sewer services and/or drainage systems,
 - (2) the Subdivider shall submit to the Development Officer, for approval, an estimate of costs to complete the construction of the streets and water or Sewer services, and/or drainage system, and the Development Officer may revise the estimate if it is, in the opinion of the Engineer, inadequate, and the decision of the Engineer shall be final. Such estimates shall also include all construction related costs including but not limited to Professional Engineering contract management and site supervision and inspection of all construction and work;
 - (3) the performance surety shall be posted with the Town before approval of any final plan of Subdivision is given by the Development Officer;
 - (4) the performance surety shall be in favor of the Town and may be in the form of cash, certified cheque, irrevocable letter of credit or bond issued by a bank, surety or guarantee company licensed by the Province, or other surety and acceptable to the Town, and shall be conditional on the execution and completion of the Servicing Agreement in accordance with terms of the Servicing Agreement and the requirements of this by-law, and shall not be subject to cancellation, termination or expiration during the period of time for completion of the work;
 - (5) where the performance surety is paid in cash or by certified cheque, the cheque will be cashed and all monies paid in cash will be held by the Town and returned without interest to the Subdivider upon completion of the work;
 - (6) where the Engineer determines that the work is substantially complete, the Town may, in its sole discretion, return a portion of the performance surety, less any amount held back for deficiencies, prior to complete construction and acceptance by the Town; and
 - (7) where construction of the proposed streets or water or Sewer service or drainage system does not commence within twelve (12) months of the date of approval of the final plan of Subdivision or is not completed according to the approved time schedule, the Subdivider shall forfeit the performance surety.

Town of Pictou Subdivision By-law

SECTION 9: ACCEPTANCE REQUIREMENTS

- 9.1** Within thirty (30) days following completion of any Public Street or Highways and water or Sewer services or drainage systems, and prior to acceptance by the Town of any streets and services, the Subdivider shall:
- (1) provide the reproducible record drawings of engineering design showing all the actual constructed systems including Public Sewers, Water Systems and Storm Sewer drainage;
 - (2) provide “as built” reproducible engineering design drawings (including a copy in electronic format acceptable to the Town), for the streets including plan and profile of streets drawn to the required scale and certified by a Professional Engineer;
 - (3) provide the results of all test reports, and all operating and procedural manuals for each public water or Public Sewer, demonstrating that the required streets and systems have been constructed and are operating according to the standards as set out in this By-law, including in the Standard Specifications, and in accordance with any direction given by the Engineer;
 - (4) provide four (4) copies of the final plan of Subdivision showing the Town Public Street or Highways and all drainage rights-of-way outlined in red, road services outlined in yellow and easements outlined in green; and
 - (5) pay all document registration and other costs associated with the requirements of this section.

Town of Pictou Subdivision By-law

SECTION 10: PUBLIC OPEN SPACE

- 10.1** (1) Before endorsement of approval on the final plan of Subdivision by the Development Officer, the Subdivider shall reserve and convey to the Town free of encumbrances, for park, playground or similar public purposes an area of *useable land*, as defined below, equal to five (5)% of the Area Of Land shown on the final plan of Subdivision exclusive of Public Street or Highways, walkways and the remainder Lot, or a sum of money equal to five (5)% of the assessed value of the new Lots created exclusive of Public Street or Highways and the remainder Lot, if any.
- (2) In the alternative to section (10.1), before endorsement of approval on the final plan of Subdivision a Subdivider may offer to Council, and at Council's option the C.A.O. may accept an amount of usable land of equivalent value to that required under subsection (1), outside the Area Of Land to be subdivided and within the boundaries of the Town.
- 10.2** At the option of Council, a combination of land and cash may be accepted by the C.A.O. on behalf of the Town provided that its combined value is equivalent in value to that required under subsection 10.1.
- 10.3** Following the completion of parkland transfers under Sections 10.1 or 10.2, the Town shall forward a letter of acceptance to the Development Officer.
- 10.4** The requirements of sections 10.1 and 10.2 and are waived when the applicant is requesting approval for:
- (1) the consolidation or re-Subdivision of existing Lots; or
- (2) the Subdivision of an existing Area Of Land, to a maximum of two (2) Lots, where said Area Of Land fronts on or has access to an existing Public Street or Highway.

For purposes of this section, “Area Of Land” means any Lot or parcel as described by its boundaries as they existed on May 22nd, 2012 notwithstanding, that the Area Of Land had been subdivided subsequent to _____ (effective date of by-law).

- 10.5** USEABLE LAND for the purpose of parkland transfers, means:

- (1) land that is not less than the minimum Lot requirement for park, playground and similar public purposes in the Land Use By-law for the Town, and

Town of Pictou Subdivision By-law

- (2) land that is accessible by all residents through direct road frontage or through access by public right of way;
 - (3) land that can be utilized for passive purposes such as nature trails, picnic sites, leisure park area, the protection of environmentally significant or sensitive areas or other public purposes (historical/cultural), or
 - (4) land that can accommodate active purposes such as playing fields, playgrounds, etc., providing that such acquisition is not premature or inappropriate in terms of the capability of the Town to absorb any costs relating to future development needs.
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Town of Pictou Subdivision By-law

SECTION 11: REQUIREMENTS FOR PRELIMINARY PLANS OF SUBDIVISION
(Optional First Step)

11.1 A Subdivider proposing to subdivide an Area Of Land may submit to the Development Officer four (4) copies of a preliminary plan of Subdivision drawn to scale showing:

- (1) the name of the owner of the Area Of Land being subdivided;
- (2) the names of all owners of all properties abutting the Area Of Land being subdivided;
- (3) where a civic addressing system is in place, the proposed civic numbers of main buildings on the Area Of Land being subdivided;
- (4) a location plan showing the approximate distance between the Area Of Land being subdivided and the nearest prominent landmark;
- (5) the shape, dimensions, and area of the Lots being created;
- (6) each proposed Lot identified by a number except in cases where a parcel is being added to or subtracted from an existing Area Of Land, in which case the parcel shall be identified by a letter and the new Lot identified by the existing Area Of Land identifier, where available, and the letter;
- (7) no duplication of Lot identifiers;
- (8) the approximate location of railways and railway rights-of-way;
- (9) the location of existing and proposed Public Street or Highways;
- (10) the name of existing and proposed Public Street or Highways, as issued pursuant to the civic addressing system;
- (11) the graphic representation of Lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (12) the location of existing buildings within ten (10) metres (32.8 feet) of a property line;
- (13) the general location of watercourses and wetlands;
- (14) the north point;

Town of Pictou Subdivision By-law

- (15) the scale; and
- (16) any other information necessary to determine whether this Subdivision conforms to these Subdivision regulations.

11.2 Where the preliminary plan of Subdivision is to be forwarded to N.S.E., the following additional information, if required by N.S.E., shall be part of, or included with, the preliminary plan:

- (1) the Lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- (2) the location of watercourses, and other features that may influence the design of the system, including ditches, roads and driveways;
- (3) the surface slopes and directions;
- (4) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (5) an assessment report of the Lot 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 N.S.E.; and
- (6) any other information necessary to determine whether the Subdivision meets the On-site Sewage Disposal Systems Regulations.

Town of Pictou Subdivision By-law

SECTION 12: PROCEDURE FOR PRELIMINARY PLANS OF SUBDIVISION
(Optional First Step)

- 12.1** Application for an evaluation of a preliminary plan of Subdivision shall be made to the Development Officer in the form specified in Schedule "A" of this by-law.
- 12.2** The Development Officer shall comply with the notification provisions of the Act.
- 12.3** The Development Officer shall forward a copy of the preliminary plan of Subdivision to:
- (1) in areas not served by a central Sewer, to N.S.E. to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed Lot:
 - (a) is more than 9000 square metres (96,878.4 square feet);
 - (b) has a width of 75 metres (246.1 feet) or more; and
 - (c) is to be used for a purpose that does not require an on-site sewage disposal system;
 - (2) in areas served by a central Sewer, the Authority Having Jurisdiction for central Sewers;
 - (3) the Authority Having Jurisdiction for Public Street or Highways;
 - (4) the Authority Having Jurisdiction for recreational facilities; and
 - (5) any other agency of the Province or the Town that the Development Officer deems necessary.
- 12.4** Any agency that has been forwarded a copy of the preliminary plan of Subdivision pursuant to Section 12.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 12.5** The Development Officer shall inform the Subdivider in writing of the results of the evaluation of the preliminary plan of Subdivision.

Town of Pictou Subdivision By-law

SECTION 13: REQUIREMENTS FOR CONCEPT PLANS OF SUBDIVISION

- 13.1** Where an Area Of Land is being proposed to be subdivided, a Subdivider shall submit a Concept Plan in addition to a Preliminary Plan of Subdivision. Further, a sub-divider shall submit to the Development Officer four (4) paper copies and one electronic copy in a format acceptable to the Town, of a concept plan of the entire Area Of Land, or an Area Of Land greater than the subject lands, if determined to be required under Section 13.2 (10).

Notwithstanding, the Town may waive this requirement when, in the opinion of the Engineer, this requirement is deemed unnecessary as the proposed Subdivision will not adversely affect Storm Sewer drainage, Public Sewer, Water System, road development, traffic generation, provision of electrical or telecommunication services, access to adjacent land parcels, or anything that may adversely affect the proper development of lands in the general area, or if the requirement for a Drainage Plan or Subdivision Drainage And Grading Plan will sufficiently address drainage.

(Note: The concept plan shall be for internal circulation for commentary only, and shall not be forwarded to outside agencies or departments of government. The purpose of a concept plan is to ascertain if the Town and/or Planning staff are supportive of the proposed overall conceptual development proposal for subject lands. Further, Planning, Engineering and other Town staff will review the submitted concept plan to ensure that the proposal is in keeping with the Municipal Planning Strategy, Land Use By-law, Subdivision By-law, Integrated Community sustainability Plan, and generally promoting sustainable development practices).

- 13.2** Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:

- (1) the words “Concept Plan” located in the title block;
- (2) name of property owner(s) and name of all abutting landowners;
- (3) the proposed internal street system with connections to existing streets, connectivity with adjacent parcels, and connectivity to the existing Public Water System, Storm Sewer and Public Sewer System;
- (4) the proposed location of public open space;
- (5) the location of existing development, proposed development and land uses, and proposed roads, Public Water System, Storm Water and Public Sewers (in general terms – detailed engineering drawings are not required at this stage) if any;
- (6) proposed method for addressing Storm Sewer drainage (in general terms – detailed engineering drawings are not required at this stage);
- (7) the location of any municipal service boundary;

Town of Pictou Subdivision By-law

- (8) an approximate estimated Lot yield figure, based on zoning requirements or requirements of N.S.E.;
- (9) the north point; and
- (10) contours at two (2) metre (6.56 ft.) intervals;
- (11) any other information necessary to determine if the Subdivision meets with municipal Standard Specifications (and accepted engineering practice) as determined by the Engineer. This may include the requirement to submit a concept plan for an Area Of Land greater than the subject parcel(s), in cases where:
 - a) a Subdivision Drainage And Grading Plan is required under this by-law; or
 - b) in the opinion of the Engineer, lands outside of the subject parcel(s) may be adversely affected by Storm Sewer drainage, Public Sewer, Water System, road development, traffic generation, provision of electrical or telecommunication services, access to adjacent land parcels, or anything that may adversely affect the proper development of lands in the general area, and such a concept shall show how such matters are to be addressed.

Town of Pictou Subdivision By-law

SECTION 14: PROCEDURE FOR APPROVAL OF CONCEPT PLANS OF SUBDIVISION

- 14.1** Application for approval of a concept plan shall be made to the Development Officer in the form specified in Schedule "A" of this by-law.
- 14.2** The Development Officer shall comply with the notification and approval provisions of the Act.
- 14.3** The Development Officer shall forward the concept plan and any supplementary information to appropriate agencies in order to evaluate the concept plan in terms of:
- (1) in areas not served by a central Sewer, to N.S.E. to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed Lot:
 - (a) is more than 9000 square metres (96,878.4 square feet);
 - (b) has a width of 75 metres (246.1 feet) or more, and
 - (c) is to be used for a purpose that does not require an on-site sewage disposal system;
 - (2) the Authority Having Jurisdiction for Public Street or Highways;
 - (a) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale;
 - (3) in areas served by a central Sewer, the Authority Having Jurisdiction for central Sewers;
 - (a) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable;
 - (4) the Authority Having Jurisdiction for recreational facilities;
 - (a) public open space; and
 - (5) any other agency of the Province or the Town that the Development Officer deems necessary.
- 14.4** Any agency that has been forwarded a copy of the concept plan pursuant to section 14.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 14.5** Where the Development Officer either approves or refuses to approve a concept plan, the Development Officer shall give notice of the approval or refusal to all agencies that were forwarded a concept plan pursuant to section 14.3.

Town of Pictou Subdivision By-law

- 14.6** Where the Development Officer refuses to approve a concept plan, the Development Officer shall inform the Subdivider of the reasons for the refusal in writing and advise the Subdivider of the appeal provisions of Section 284 of the Act.
- 14.7** The following information shall be stamped or written and completed by the Development Officer on any concept plan which is approved:
- (1) "This concept plan is approved";
 - (2) the date of the approval of the concept plan; and
 - (3) "This concept plan shall not be filed in the Registry of Deeds as no Subdivision takes effect until a final plan of Subdivision is approved by the Development Officer and filed in the Land Registration Office."
- 14.8** The Development Officer shall forward an approved copy of the concept plan to the Subdivider.

Town of Pictou Subdivision By-law

SECTION 15: REQUIREMENTS FOR TENTATIVE PLANS OF SUBDIVISION

- 15.1** A Subdivider proposing to subdivide an Area Of Land shall submit to the Development Officer eight (8) copies of the tentative plan of the proposed Subdivision meeting the requirements of this Section.
- 15.2** Notwithstanding Section 15.1, the Development Officer may waive the requirement that tentative application and plan of Subdivision be submitted where:
- (1) Lots abut an existing Public Street or Highway;
 - (2) a central water or Sewer system is not being installed; and
 - (3) all Lots to be served by on-site sewage disposal systems
 - (a) are 9000 square metres (96,878.4 square feet) or more in area; or
 - (b) have been evaluated by an authorized person of N.S.E. and the Development Officer has been informed in writing by the authorized person that the information already provided by the Subdivider is satisfactory.
- 15.3** Tentative plans of Subdivision submitted to the Development Officer shall be:
- (1) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of Subdivision;
 - (2) based on a description of the Area Of Land to be subdivided, preferably but not necessarily as surveyed; and
 - (3) folded to approximately 20x30 cm (8x12 in.) with the face of the folded print being the title block that is located in the lower right-hand corner of the tentative plan of Subdivision.
- 15.4** Tentative plans of Subdivision shall show the following:
- (1) the words "PLAN OF SUBDIVISION" located in the title block;
 - (2) the words "TENTATIVE PLAN" located above the title block; a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);

Town of Pictou Subdivision By-law

- (3) the name of the Subdivision, if any, and the name of the owner of the Area Of Land;
- (4) if applicable, the book and page number of the deed to the Area Of Land as recorded in the name of the owner in the Land Registration Office;
- (5) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- (6) the proposed civic numbers of main buildings on the Area Of Land being subdivided;
- (7) the names of all owners or the identifiers of all properties abutting the proposed Subdivision;
- (8) 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 Area Of Land and, if possible, showing the location of the closest community to the Area Of Land proposed to be subdivided;
- (9) the shape, dimensions, and area of the Lots being created;
- (10) each Lot being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing Area Of Land, in which case the parcel shall be identified by a letter and the new Lot identified by the existing Area Of Land identifier, where applicable, and the letter;
- (11) no duplication of Lot identifiers;
- (12) the boundaries of Lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (13) the location of existing buildings within ten (10) metres (32.8 feet) of a property boundary;
- (14) the location of existing and proposed Public Street or Highways;
- (15) the name of existing and proposed Public Street or Highways as issued pursuant to the civic addressing system;
- (16) the width and location of railroads and railway rights-of-way;
- (17) the general location of watercourses, wetlands, or prominent rock formations;

Town of Pictou Subdivision By-law

- (18) the width, location, and nature of any easements on or affecting the Area Of Land proposed to be subdivided;
- (19) where applicable, a notation stating the Lots are serviced by a Public Sewer and/or Public Water System;
- (20) the north point;
- (21) the date on which the plan of Subdivision was drawn and the date of any revisions;
- (22) the scale to which the plan of Subdivision is drawn; and
- (23) any other information necessary to determine whether or not the plan of Subdivision conforms to these regulations.

15.5 Where the tentative plan of Subdivision is to be forwarded to N.S.E the following additional information, if required by N.S.E., shall be part of, or included with, the tentative plan:

- (1) the Lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- (2) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
- (3) the surface slopes and directions;
- (4) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (5) an assessment report of the Lot 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 N.S.E.; and
- (6) any other information necessary to determine whether the Subdivision meets the On-site Sewage Disposal Systems Regulations.

15.6 In addition to meeting the requirements of Sections 15.3, 15.4, and 15.5, where the proposed Lots front on a proposed Public Street or Highway, a tentative plan of Subdivision shall:

- (1) show a boundary survey of the Area Of Land proposed to be subdivided, excluding the remainder Lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Land Surveyors Act and its regulations;

Town of Pictou Subdivision By-law

- (2) be accompanied by four (4) copies of a plan, signed and sealed by a Professional Engineer, showing:
 - (a) contours at two (2) metres (5 foot) intervals, and drainage patterns;
 - (b) the width and location of proposed Public Street or Highways and their intersection with existing Public Street or Highways; and
 - (c) the location of existing and Public Sewer and Water Systems and proposed connections thereto; and
- (3) be accompanied by two (2) copies of centerline profiles of proposed Public Street or Highways.

Town of Pictou Subdivision By-law

SECTION 16: PROCEDURE FOR APPROVAL OF TENTATIVE PLANS OF SUBDIVISION

- 16.1** Application for approval of a tentative plan of Subdivision shall be made to the Development Officer in the form specified in Schedule "A" of this by-law.
- 16.2** The Development Officer shall comply with the notification and approval provisions of the Act.
- 16.3** The Development Officer shall forward a copy of the tentative plan of Subdivision to:
- (1) in areas not served by a central Sewer, to N.S.E. to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed Lot:
 - (a) is more than 9000 square metres (96,878.4 square feet);
 - (b) has a width of 75 metres (246.1 feet) or more; and
 - (c) is to be used for a purpose that does not require an on-site sewage disposal system;
 - (2) in areas served by a central Sewer, the Authority Having Jurisdiction for central Sewers;
 - (3) the Authority Having Jurisdiction for Public Street or Highways;
 - (4) the Authority Having Jurisdiction for recreational facilities; and
 - (5) any other agency of the Province or the municipality that the Development Officer deems necessary.
- 16.4** Any agency that has been forwarded a copy of a tentative plan of Subdivision pursuant to Section 16.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 16.5** Approval of a tentative plan of Subdivision may not be refused or withheld as a result of the assessment or recommendations made by N.S.E., the D.O.T. or of any other agency of the Province or the municipality unless the tentative plan of Subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 16.6** Where the Development Officer either approves or refuses to approve a final plan of Subdivision, the Development Officer shall give notice of the approval or refusal to all agencies that were forwarded a plan pursuant to Section 16.3.

Town of Pictou Subdivision By-law

- 16.7** Where the Development Officer refuses to approve a tentative plan of Subdivision, the Development Officer shall inform the Subdivider of the reasons for the refusal in writing and advise the Subdivider of the appeal provisions of Section 284 of the Act (to the Board).
- 16.8** 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, including conditions, necessary for the tentative plan to proceed to the final plan stage.
- (1) "This tentative plan of Subdivision is approved for Lots _____. Such approval lapses if the Lots are not shown on a final plan of Subdivision approved within two years of the date of the approval of the tentative plan.";
 - (2) the date of the approval of the tentative plan; and
 - (3) "This tentative plan of Subdivision shall not be filed in the Land Registration Officer as no Subdivision takes effect until a final plan of Subdivision is approved by the Development Officer and filed in the Land Registration Office."
- 16.9** The Development Officer shall forward a copy of the approved tentative plan of Subdivision to the Subdivider and the Surveyor.

Town of Pictou Subdivision By-law

SECTION 17: REQUIREMENTS FOR FINAL PLANS OF SUBDIVISION

- 17.1** A Subdivider proposing to subdivide an Area Of Land shall submit twelve (12) copies of the final plan of Subdivision meeting the requirements of section 17.2 of these regulations to the Development Officer for approval.
- 17.2** Final plans of Subdivision submitted to the Development Officer shall be:
- (1) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of Subdivision;
 - (2) certified and stamped by a Nova Scotia Land Surveyor that the Lots for which approval is requested and any proposed street and road have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of Subdivision prepared pursuant to subsection 4.4 and 4.5 of this By-law; and
 - (3) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block that is located in the lower right-hand corner of the final plan of Subdivision.
- 17.3** Final plans of Subdivision shall show the following:
- (1) the words "PLAN OF SUBDIVISION" located in the title block;
 - (2) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
 - (3) the name of the Subdivision, if any, and the name of the owner of the Area Of Land;
 - (4) if applicable, the book and page number of the deed to the Area Of Land as recorded in the name of the owner in the Land Registration Office;
 - (5) the unique Parcel Identifier (PID) of all areas of land being subdivided;
 - (6) the proposed civic numbers of main buildings on the Area Of Land being subdivided;
 - (7) the names of all owners or the identifiers of all properties abutting the proposed Subdivision;

Town of Pictou Subdivision By-law

- (8) 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 Area Of Land and, if possible, showing the location of the closest community to the Area Of Land proposed to be subdivided;
- (9) the shape, dimensions, and Lot Area being created;
- (10) each Lot being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing Area Of Land, in which case the parcel shall be identified by a letter and the new Lot identified by the existing Area Of Land identifier, where applicable, and the letter;
- (11) no duplication of Lot identifiers;
- (12) the boundaries of Lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being re-subdivided, consolidated or both, shown as broken lines;
- (13) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (14) the geographical and mathematical location of all buildings within three (3) metres (9.8 feet) of a proposed boundary;
- (15) the location of existing and proposed Public Street or Highways;
- (16) the name of existing and proposed Public Street or Highways;
- (17) the width and location of railroads and railway rights-of-way;
- (18) the general location of watercourses, wetlands, or prominent rock formations;
- (19) in the case of an application to subdivide land that will result in the creation of four (4) or more Lots, a Subdivision Drainage And Grading Plan must be submitted for review and approval the Engineer;
- (20) the width, location, and nature of any easements on or affecting the Area Of Land proposed to be subdivided;
- (21) where applicable, a notation stating the Lots are serviced by a Public Sewer and/or Public Water System;

Town of Pictou Subdivision By-law

- (22) the north point;
- (23) the date on which the plan of Subdivision was drawn and the date of any revisions;
- (24) the scale to which the plan of Subdivision is drawn; and
- (25) any other information necessary to determine whether or not the plan of Subdivision conforms to these regulations.

17.4 Where the final plan of Subdivision is to be forwarded to N.S.E. the following additional information, if required by N.S.E., shall be part of, or included with, the final plan:

- (1) the Lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
- (2) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
- (3) the surface slopes and directions;
- (4) an explanation of the extent, volume and type of usage to which the system will be subjected;
- (5) an assessment report of the Lot 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 N.S.E.; and
- (6) any other information necessary to determine whether the Subdivision meets the On-site Sewage Disposal Systems Regulations.

Town of Pictou Subdivision By-law

SECTION 18: PROCEDURE FOR APPROVAL OF FINAL PLANS OF SUBDIVISION

- 18.1** Application for approval of a final plan of Subdivision shall be made to the Development Officer in the form specified in Schedule "A" of this By-law.
- 18.2** The Development Officer shall comply with the notification and approval provisions of the Act.
- 18.3** The Development Officer shall forward a copy of the final plan of Subdivision to:
- (1) in areas not served by a central Sewer, to N.S.E. to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed Lot:
 - (a) is more than 9000 square metres (96,878.4 square feet);
 - (b) has a width of 75 metres (246.1 feet) or more; and
 - (c) is to be used for a purpose that does not require an on-site sewage disposal system;
 - (2) in areas served by a central Sewer, the Authority Having Jurisdiction for central Sewers;
 - (3) the Authority Having Jurisdiction for Public Street or Highways;
 - (4) the Authority Having Jurisdiction for recreational facilities; and
 - (5) any other agency of the Province or the Town that the Development Officer deems necessary.
- 18.4** Any agency that has been forwarded a copy of the final plan of Subdivision pursuant to section 18.3 shall forward a written report of their assessments or recommendations to the Development Officer.
- 18.5** Approval of a final plan of Subdivision may not be refused or withheld as a result of the assessment or recommendations made by N.S.E., the D.O.T. or of any other agency of the Province or the Town unless the final plan of Subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 18.6** At the time of application for approval of a final plan of Subdivision, the Subdivider shall submit to the Development Officer:

Town of Pictou Subdivision By-law

- (1) the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of Subdivision and registering a notice of approval of the plan; and
 - (2) a processing fee of \$100.00 per application for approval of a final plan of Subdivision.
- 18.7** Where the Development Officer refuses to approve a final plan of Subdivision, the Development Officer shall return the fees referred to in clause 18.6 (1) to the Subdivider.
- 18.8** Before approving a final plan of Subdivision that adds or consolidates parcels or areas of land in different ownerships, the Development Officer shall have received:
 - (1) the executed deeds suitable for registering to effect the addition or consolidation;
 - (2) the fees for registering the deeds;
 - (3) the affidavit of value including particulars of any exemption, pursuant to Part V of the Act.
- 18.9** The Development Officer shall forward an approved copy of the final plan of Subdivision to the Subdivider and the Surveyor.
- 18.10** Where the Development Officer either approves or refuses to approve a final plan of Subdivision, the Development Officer shall give notice of the approval or refusal to all agencies that were forwarded a plan pursuant to Section 18.3.
- 18.11** Where the Development Officer refuses to approve a final plan of Subdivision, the Development Officer shall inform the Subdivider of the reasons for the refusal in writing and advise the Subdivider of the appeal provisions of Section 284 of the Act (to the Board).
- 18.12** A final plan of Subdivision showing Lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall:
 - (1) identify such Lots;
 - (2) state the names of the grantor and the grantee of such Lots; and
 - (3) state the date, book and page number of the conveyance of such Lots as recorded in the Land Registration Office.

Town of Pictou Subdivision By-law

18.13 The following information shall be stamped or written and completed by the Development Officer on any final plan of Subdivision which is approved:

- (1) "This final plan of Subdivision is approved for Lots _____";
- (2) where applicable,
 - (a) “ _____ (is, are) suitable for the construction
(Lot(s) approved and/or remainder)
or installation of an on-site sewage disposal system
for _____ and any conditions that apply are contained
(proposed use)
in a report dated _____ and available from N.S.E.”;
 - (b) “**IMPORTANT NOTICE**
_____ (has, have) been created for a
(Lot(s) approved and/or remainder)
purpose that does not require an on-site sewage disposal system and will
not be eligible for a permit to install a system unless the requirements of
N.S.E. are met.”; or
 - (c) “ _____ (is, are) served by an existing
(Lot(s) approved and/or remainder)
on-site system and should a replacement system become necessary in
future, approval of the replacement system from N.S.E. is required”.
- (3) where applicable,
 - (a) "Public Street or Highways
The following street(s) (is) (are) owned and maintained
By the _____ of _____.”
 - (b) Lot(s) _____ (is) (are) serviced by central Sewer
and water.

18.14 The Development Officer shall forward to the Land Registration Office:

- (1) Three (3) approved copies of the final plan of Subdivision and a notice of approval in the form specified in Schedule "B" of this By-law; and
- (2) if applicable, the items required by Section 18.8 of this by-law.

Town of Pictou Subdivision By-law

18.15 The Subdivider shall pay the fees contained in the COSTS AND FEES ACT, R.S.N.S., 1989, c. 104, for filing the endorsed final plan of Subdivision and certification of a copy of the plan and registering a notice of approval of the plan.

- (1) The fees referred to in subsection (1) shall be paid at the time of application for approval of the final plan of Subdivision by cheque or money order made payable to the Registry of Deeds.
- (2) Where the final plan of Subdivision does not receive endorsement of approval by the Development Officer, the Subdivider shall be entitled to the return of the cheque or money order referred to in subsection (2).
- (3) A processing fee of \$100.00 per application for approval of a final plan of Subdivision.

SECTION 19: REPEAL OF A SUBDIVISION

- 19.1** Where a plan of Subdivision has been approved, the approval may be repealed for any or all of the Lots created by the plan of Subdivision.
- 19.2** Any person requesting a repeal shall submit to the Development Officer an application in the form specified in Schedule “D”.
- 19.3** The notification and approval provisions of the Act that apply to the approval of a plan shall also apply to a repeal.
- 19.4** When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency which provided an assessment or recommendations on the original plan of Subdivision.
- 19.5** Where buildings have been erected on the subject lands after the date of the Subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any Building Code regulations, Land Use By-law, or on-site sewage disposal regulations unless the violation can be rectified by the approval of a new plan of Subdivision filed at the Land Registration Office on the same day as the repeal is filed.
- 19.6** Sections 4 to 18 (inclusive) of this By-law do not apply to the repeal of a plan.
- 19.7** The Development Officer shall forward to the Land Registration Office the repeal in the form specified in Schedule "D".
- 19.8** The Development Officer shall forward a copy of the repeal referred to in section 19.7 to:
- (1) the Subdivider; and
 - (2) any agency that provided an assessment or recommendations on the original plan of Subdivision.
- 19.9** (1) At the time of application for the repeal of a Subdivision the Subdivider shall submit to the Development Officer:
- (a) the fees contained in the Costs and Fees Act, and its regulations, for registering a repeal of a plan of Subdivision; and
 - (b) a processing fee of \$100.00 per final application for repeal of a Subdivision.
- (2) Where the Development Officer refuses to repeal a Subdivision, the Development Officer shall return the fees referred to in clause 19.9(1) (a) to the Subdivider.

Town of Pictou Subdivision By-law

19.10 Where the Development Officer refuses to repeal a Subdivision, the Development Officer shall give notice of the refusal to all agencies that were forwarded the application for repeal pursuant to Section 19.4.

SECTION 20: REPEAL OF FORMER BY-LAW

20.1 The Town of Pictou Subdivision By-law, dated the 3rd day of June, 1994 as approved by the Minister of Municipal Affairs and any amendments thereto, is hereby repealed.

SECTION 21: CAO ANNOTATION

Date of First Reading:

Date of advertisement of Notice of Intent to Consider:

Date of Second Reading:

Date of advertisement of Passage of By-law:

Date of mailing to Minister a certified copy of By-law:

I certify that the above SUB-DIVISION BY-LAW was duly adopted by Pictou Town Council at duly called meetings and was published as indicated above.

Chief Administrative Officer

SCHEDULE "A" – APPLICATION FOR SUBDIVISION APPROVAL

41

Town of Pictou Subdivision By-law

**SCHEDULE "B" - NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION IN
ACCORDANCE WITH SUBSECTIONS 285(3) AND 285(4) OF THE MUNICIPAL
GOVERNMENT ACT**

Name of Owner(s) _____

Name of Subdivision _____

Location _____

Date of Approval _____ For Lot(s) _____

Surveyor _____ Date of Plan _____

Dated this _____ day of _____
(DAY) Development Officer
_____, _____
(MONTH) (YEAR)

Plan of Subdivision filed in the Registry of Deeds as Plan # _____

Dated this _____ day of _____
(DAY)
_____, _____
(MONTH) (YEAR)

This plan of Subdivision may also contain information regarding the Lots approved on this plan with respect to one or more of the following:

1. The lots' eligibility for on-site sewage disposal systems.
2. The availability of Public Sewer and Water Systems.
3. Information indicating whether or not the Lots abut a Public Street or Highway.

Town of Pictou Subdivision By-law

**SCHEDULE "C"- APPLICATION FOR APPROVAL OF LOTS NOT MEETING
REQUIREMENTS**

This application form should be completed in full and forwarded to the Development Officer for the Town of Pictou. The applicant is applying under the provisions of Section 4.3 of this Subdivision By-law and Section 279 of the *Municipal Government Act*, R.S.N.S., 1998, C. 18, as amended for a relaxation of the minimum Lot dimensions or Lot Area required by the Land-Use By-law and said variance is within the following guidelines:

1. The request involves a maximum of **two** (2) Lots.
2. The Lots are/or are not intended to be served by municipal Sewer and water services.
3. The difficulty experienced is not general to the properties in the area or resulting from the intentional disregard of the requirements of this Subdivision By-law.
4. The proposed Lot Area and dimensions are no less than ninety percent of the required minimums for the Lot Area and dimension.

Name of Property Owner: _____

Address: _____

_____ Phone: _____

Name of Applicant (if not owner): _____

Address: _____

_____ Phone: _____

Location of Lot/Lots for which a variance is requested:

	Lot #1:		Lot #2:	
	<u>Required</u>	<u>Proposed</u>	<u>Required</u>	<u>Proposed</u>
Area	_____	_____	_____	_____
Lot lines:				
Front	_____	_____	_____	_____
R. Side	_____	_____	_____	_____
L. Side	_____	_____	_____	_____
Rear	_____	_____	_____	_____

Why is it not possible to comply with the provisions of this By-law?

Has a relaxation ever been applied for on these lots? YES NO

If yes, describe briefly: _____

I certify that I am the owner or am acting with the owner's written consent.

Signature of Applicant _____ Date _____

Town of Pictou Subdivision By-law

SCHEDULE "D" - APPLICATION FOR REPEAL OF A SUBDIVISION

Plan of Subdivision ☐

File Number _____

APPLICANT RELATED INFORMATION

Name of Land Owner(s) _____ Phone _____

Address of Land Owner(s) _____ Postal Code _____

Documents To Be Returned To _____

Correspondence To Be Directed To _____

**INFORMATION RELATED TO THE SUBDIVISION
SOUGHT TO BE REPEALED**

Name of applicant for Subdivision approval _____

Location _____ Municipality _____

The subdivision was approved on the _____ day of _____ , _____
(DAY) (MONTH) (YEAR)
and is filed in the Land Registration Office at _____ in the Municipality of

_____, in the County of _____ as # _____.

Lot(s) # _____ was/were approved and repeal is sought for approval
of Lot(s) # _____.

☐ Registration fee submitted.

CERTIFICATION OF FACTS

(Reasons For Repeal)

(If more space required, attach additional sheet)

OWNER'S CERTIFICATE

I certify that the information in this application is true and complete, that I am applying for repeal of this Subdivision with the full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

Signature of owner/agent

Date

Co-Signer

Date

Town of Pictou Subdivision By-law

SCHEDULE "E" - REPEAL OF A SUBDIVISION

Plan of Subdivision ☐

Name of Owner(s) _____

Name of Subdivision _____

Location _____

Date of Approval of the Subdivision _____

Being Registration # _____ at the Land Registration Office.

THIS SUBDIVISION IS REPEALED

Entire Plan ☐ or Only Lots # _____

Dated at _____ in the Province of Nova Scotia, this
_____ day of _____, _____.
(DAY) (MONTH) (YEAR)

Development Officer

Please note: Any Lot or parcel created by this repeal may not be eligible for development.

Town of Pictou Subdivision By-law

**SCHEDULE “F” – CERTIFICATE OF COMPLIANCE WITH SECTIONS(S) 5 THRU 9
OF THE SUBDIVISION BY-LAW**

TOWN OF PICTOU

**CERTIFICATE OF COMPLIANCE WITH SECTION(S) 5 THRU 9
OF THE SUBDIVISION BY-LAW**

Application file no. _____

Name of Owner(s) _____

Name of Subdivision _____

Location _____

This is to certify that the Subdivider has provided the following as provided by Section 14.11 of the Town of Pictou Subdivision By-law.

	Comments:	Initial:
1. Professional Engineering Certificate	_____	_____
2. As Built Drawings	_____	_____
3. Operating and Procedural Manuals	_____	_____
4. Public Systems Test Reports	_____	_____
5. Easements and Rights-of-way	_____	_____
6. Maintenance Bond	_____	_____
7. Other (list)	_____	_____

Notwithstanding this certificate, Section(s) 5 thru 9 of the Town’s Subdivision By-law provides that the maintenance bond be posted for a period of two (2) years.

C.A.O.

Engineer

Town of Pictou Subdivision By-law

**SCHEDULE G – SPECIFICATIONS FOR THE INSTALLATION OF STREETS,
WATER, SEWER AND OTHER SERVICES**

**Specifications for the Installation of Streets, Water, Sewer and Other Services
(Engineering or Standard Specifications)**



Town of Pictou

DWG #: SD 1(a)

Standard Drawing Detail

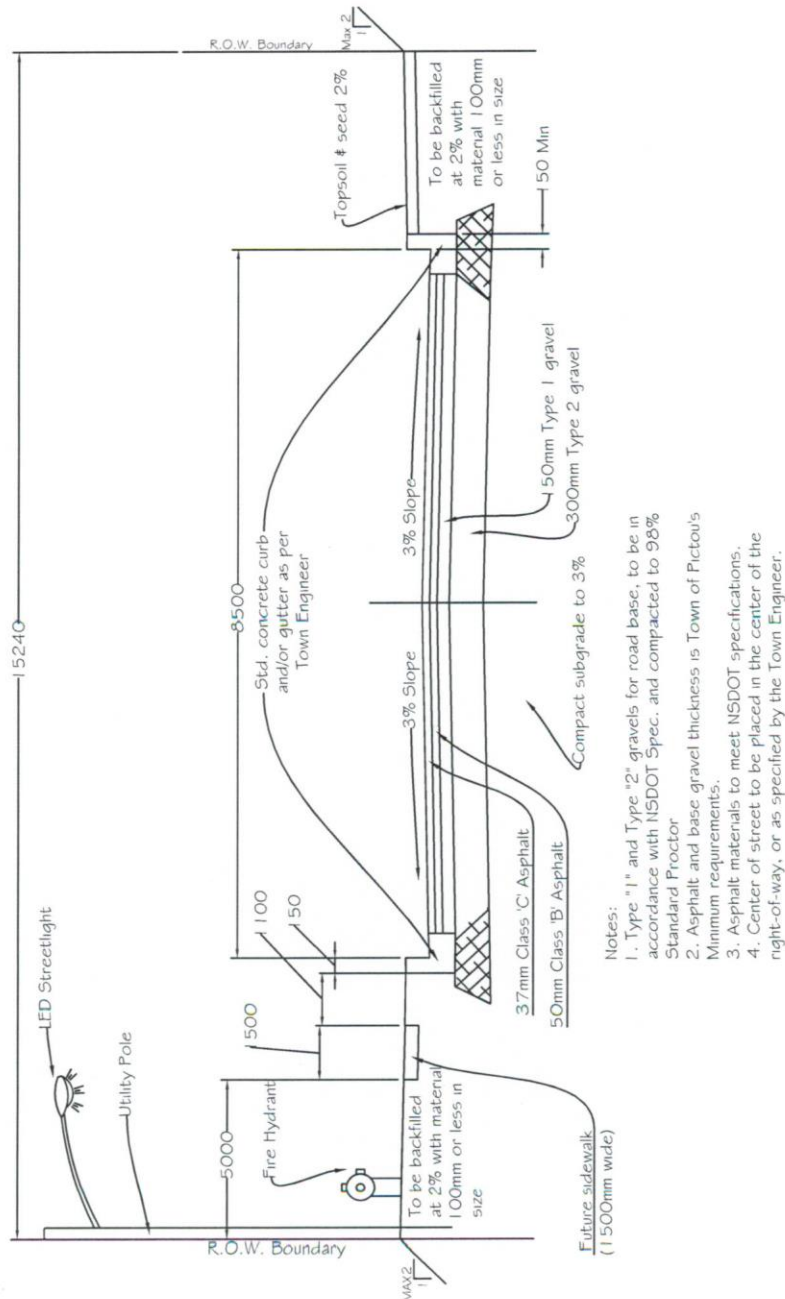
Date: 11/01/11

DWG:

Residential Street with curbing

Scale: Not to Scale

App. *A. R. Foulke P. Eng.*



Notes:

1. Type "1" and Type "2" gravels for road base, to be in accordance with NSDOT Spec. and compacted to 98% Standard Proctor
2. Asphalt and base gravel thickness is Town of Pictou's Minimum requirements.
3. Asphalt materials to meet NSDOT specifications.
4. Center of street to be placed in the center of the right-of-way, or as specified by the Town Engineer.



Town of Pictou

DWG #: SD 1(b)

Date: 11/01/11

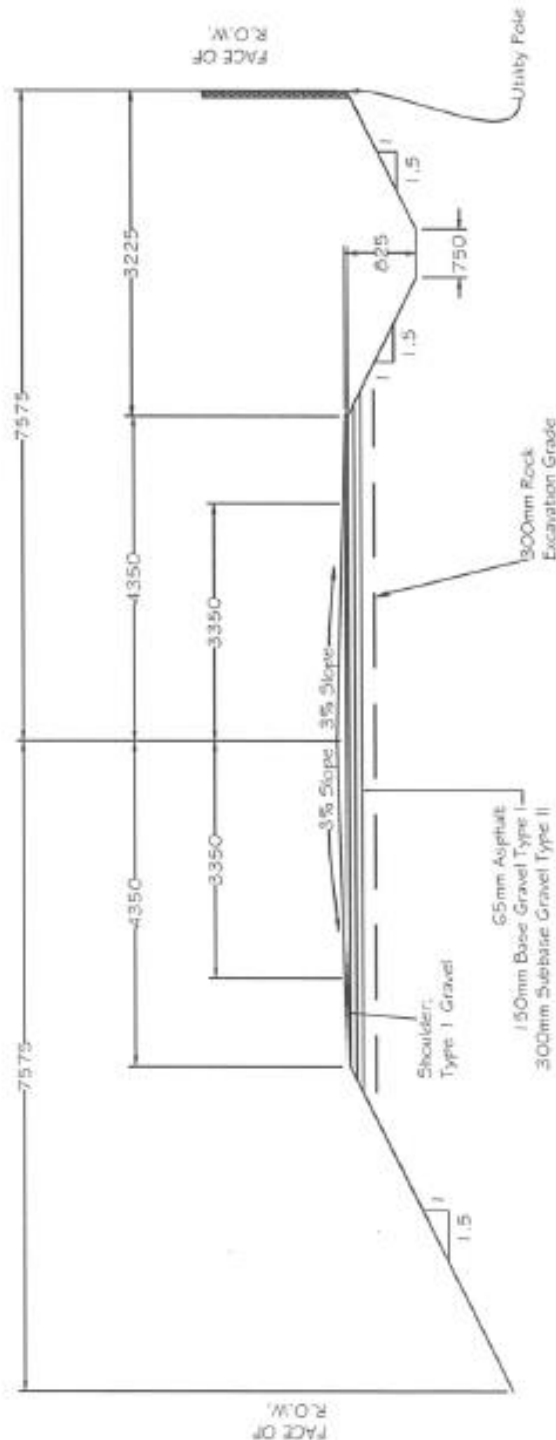
Standard Drawing Detail

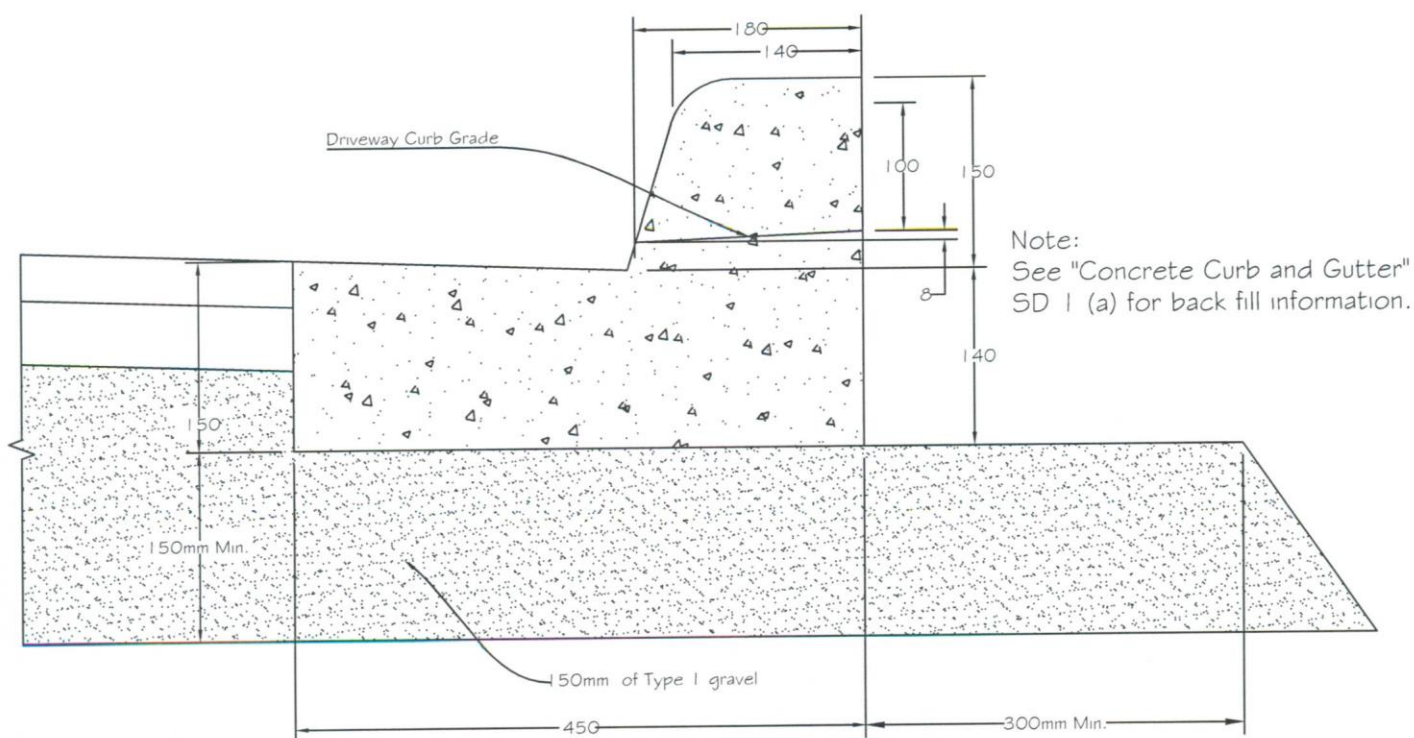
Scale: Not to Scale

DWG:

Residential Street
without curb


App: *[Signature]*

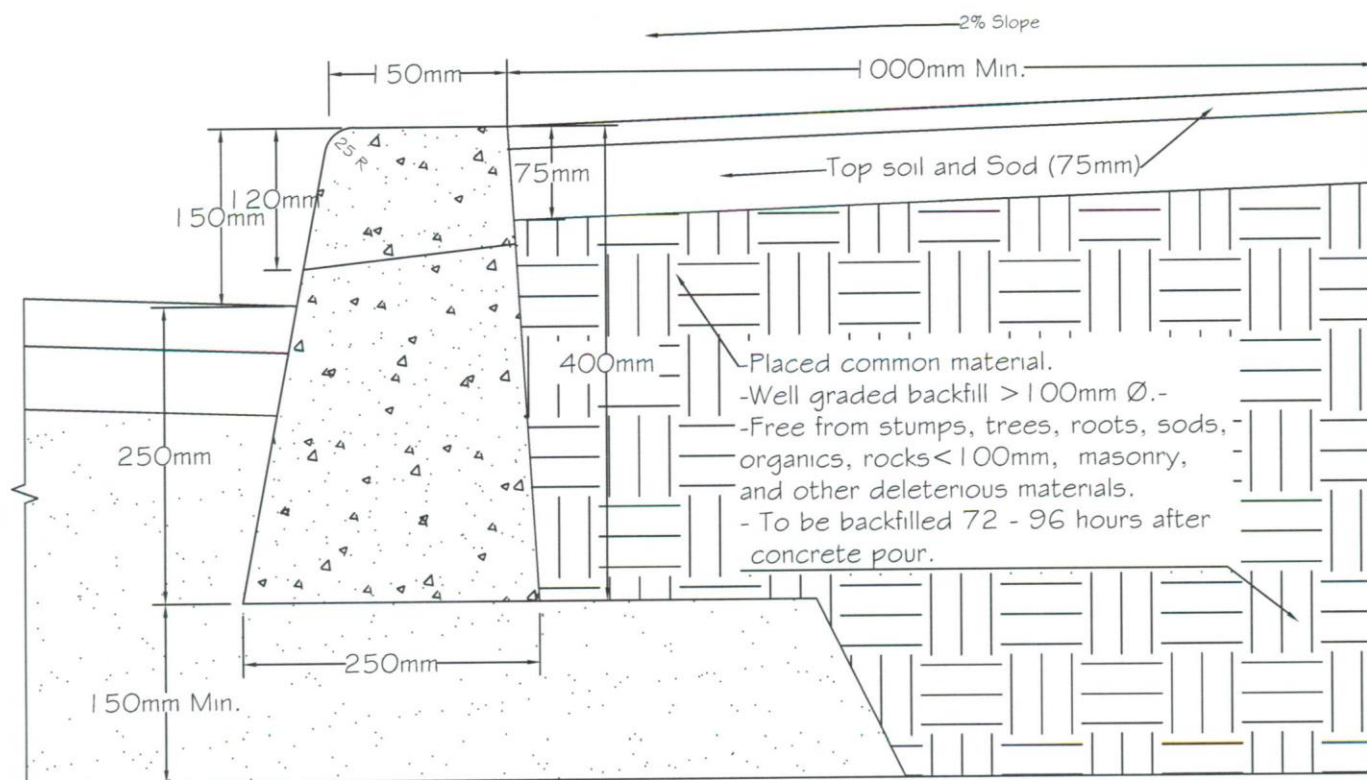




Notes:

1. Curb and gutter shall be built on an approved granular base having a minimum depth of 150mm.
2. The mechanical extruder for the curb machine must be approved by the Town Engineer before use.
3. Units in Millimeters.

	Town of Pictou	DWG #: SD 3
		Date: 11/01/11
	Standard Drawing Detail	Scale: Not to Scale
	DWG: Concrete Barrier Curb	App: <i>AREnda PEng</i>



NOTES:

1. Curbs and curb and gutter shall be built on an approved granular base having a minimum depth of 150mm type 1 material.

2. Exposed edges shall be finished with a rounded tool to produce a 25mm radius or as shown.

3. All dimensions are in millimeters.

4. Exposed Curb face to be 150mm as shown. (As per Nova Scotia DOT and PW)



Town of Pictou

Standard Drawing Detail

DWG:

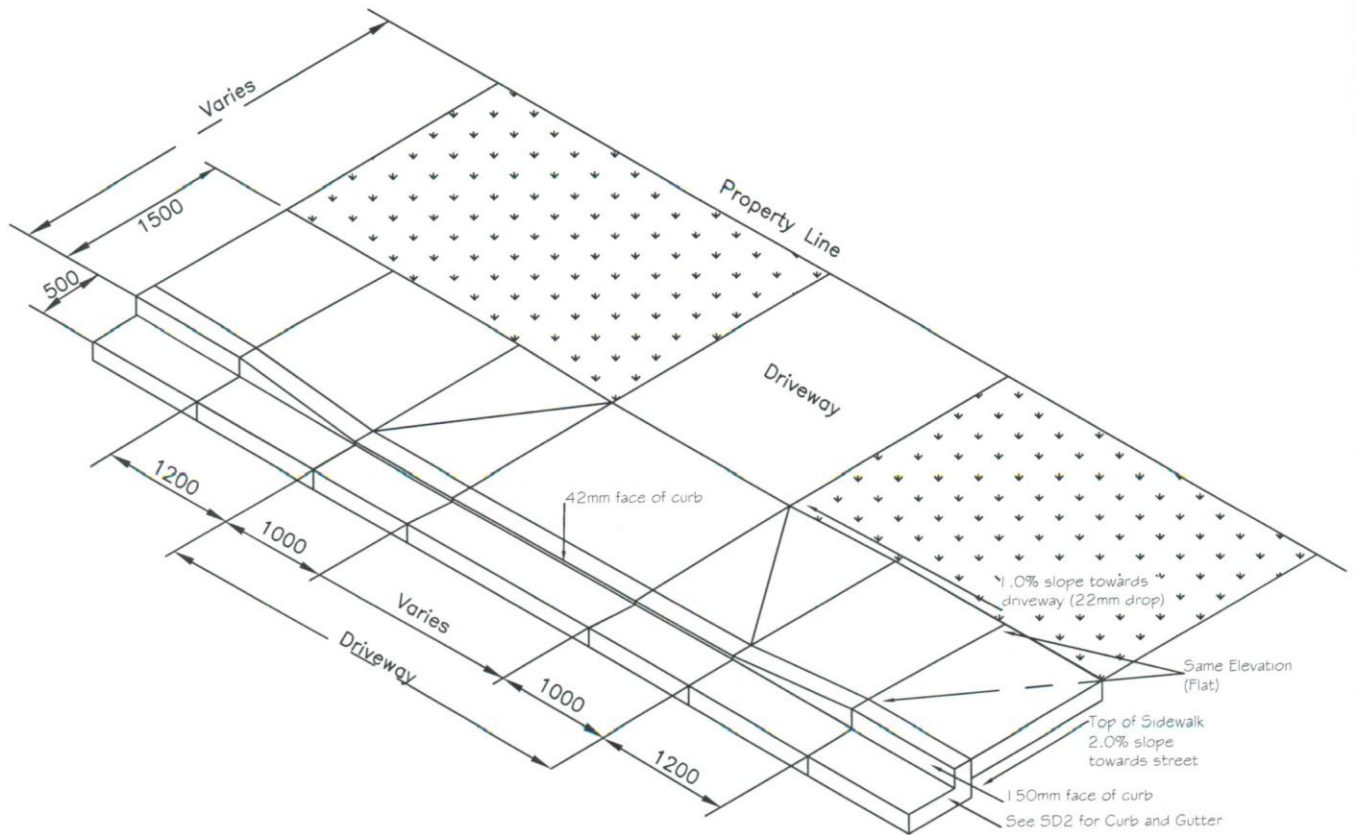
Watercourse Catchbasin

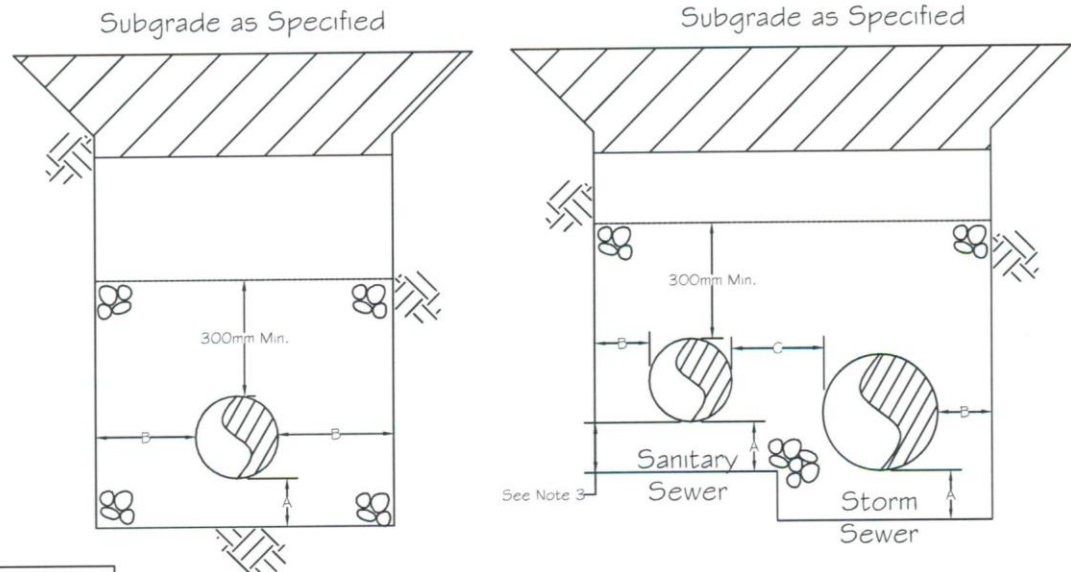
DWG #: SD 4

Date: 11/01/11

Scale: Not to Scale

App: *Arthur Pley*



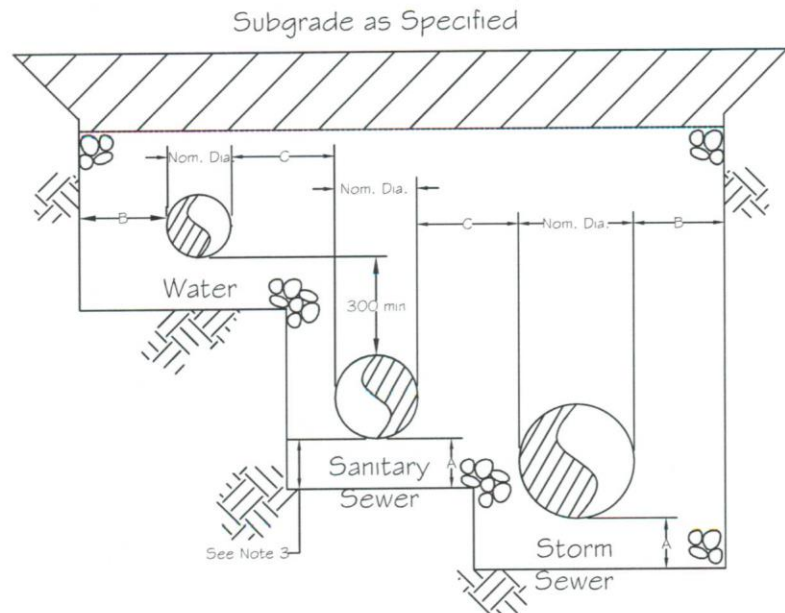


Pipe Size	Dimensions	
Nom. Dia.	B	C
Up to 375	300	500
376 to 500	300	600
501 to 750	400	600
751 to 1200	400	750
Over 1200	See Project Drawings	

Dimension "A" is 25% of the Nominal pipe Diameter or 150mm (whichever is greater)

Legend

	Undisturbed Native Soil
	Type I Gravel
	Selected Site Material

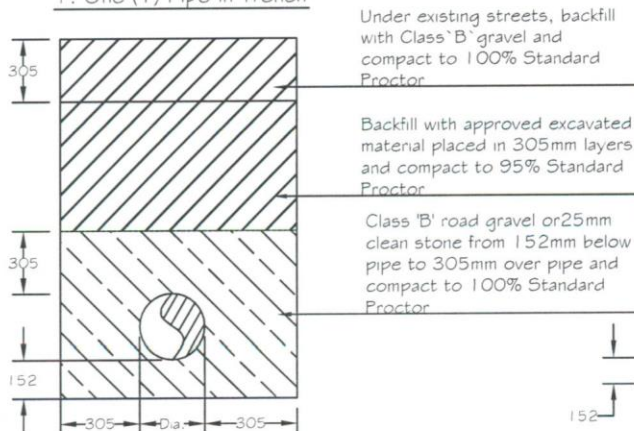


Note:

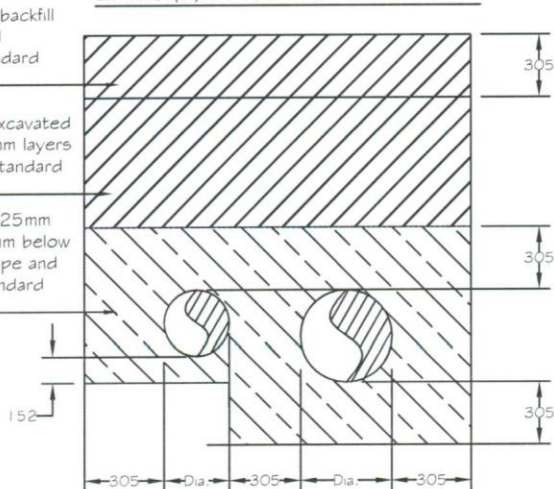
1. Dimensions are governed by the larger adjacent pipes.
2. Actual elevations of all pipe to be shown on profiles.
3. Lateral trench pay width one meter for maximum combined pipe diameter up to 300mm.
4. Payment width for structures to be 300mm outside the outer wall of structures.
5. Dimensions given for payment purposes only. Actual construction widths shall be in accordance with the regulations and the requirements of the Department of Labour.

Pipe Sewers

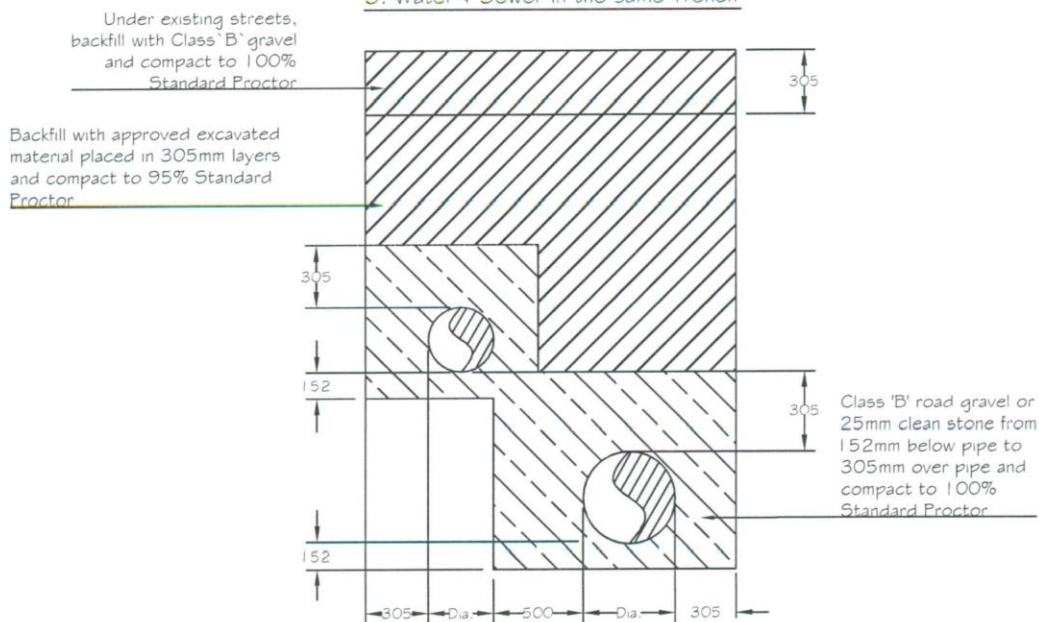
1. One (1) Pipe in Trench



2. Two (2) Sewers in the same Trench

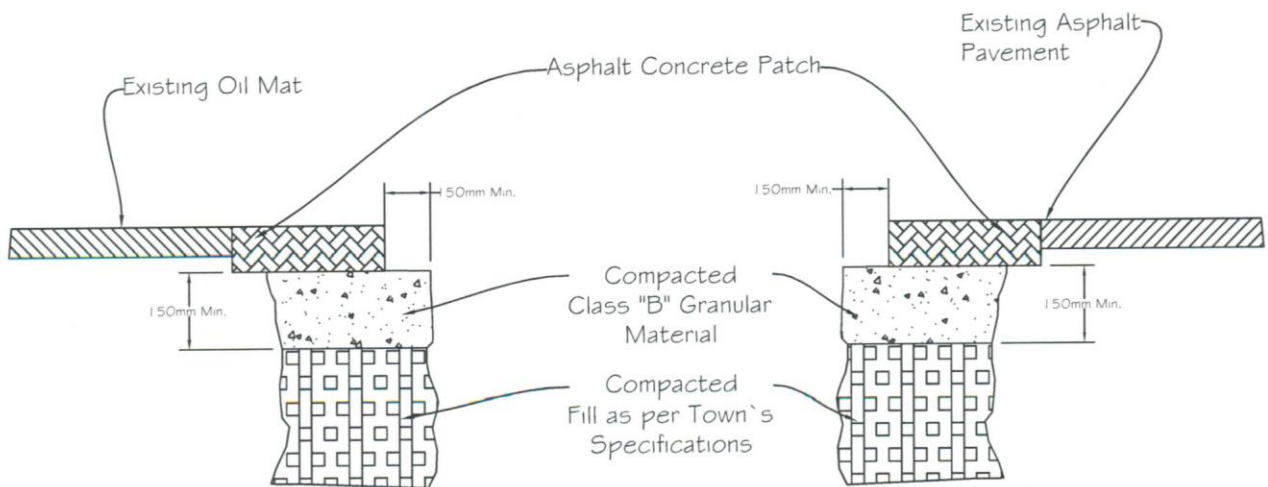


3. Water & Sewer in the same Trench



Note:

- For 3 pipes in one trench, combine trench sections 2 & 3. Granular bedding should fill the entire trench Width.
- Refer to Department of Health Specifications for distances between watermain & Sanitary Sewer.



Notes:

1. All Asphalt edges to be cut vertically straight, a minimum of 150mm back from trench edge onto stable conditions. Under no circumstances will areas which have been undermined be asphalt patched.
2. Asphalt patches will be 25mm thicker than existing asphalt pavement or oil mat maximum thickness of 125mm.
3. All edges to be cleaned and tacked



Town of Pictou

DWG #: SD 8

Date: 11/01/11

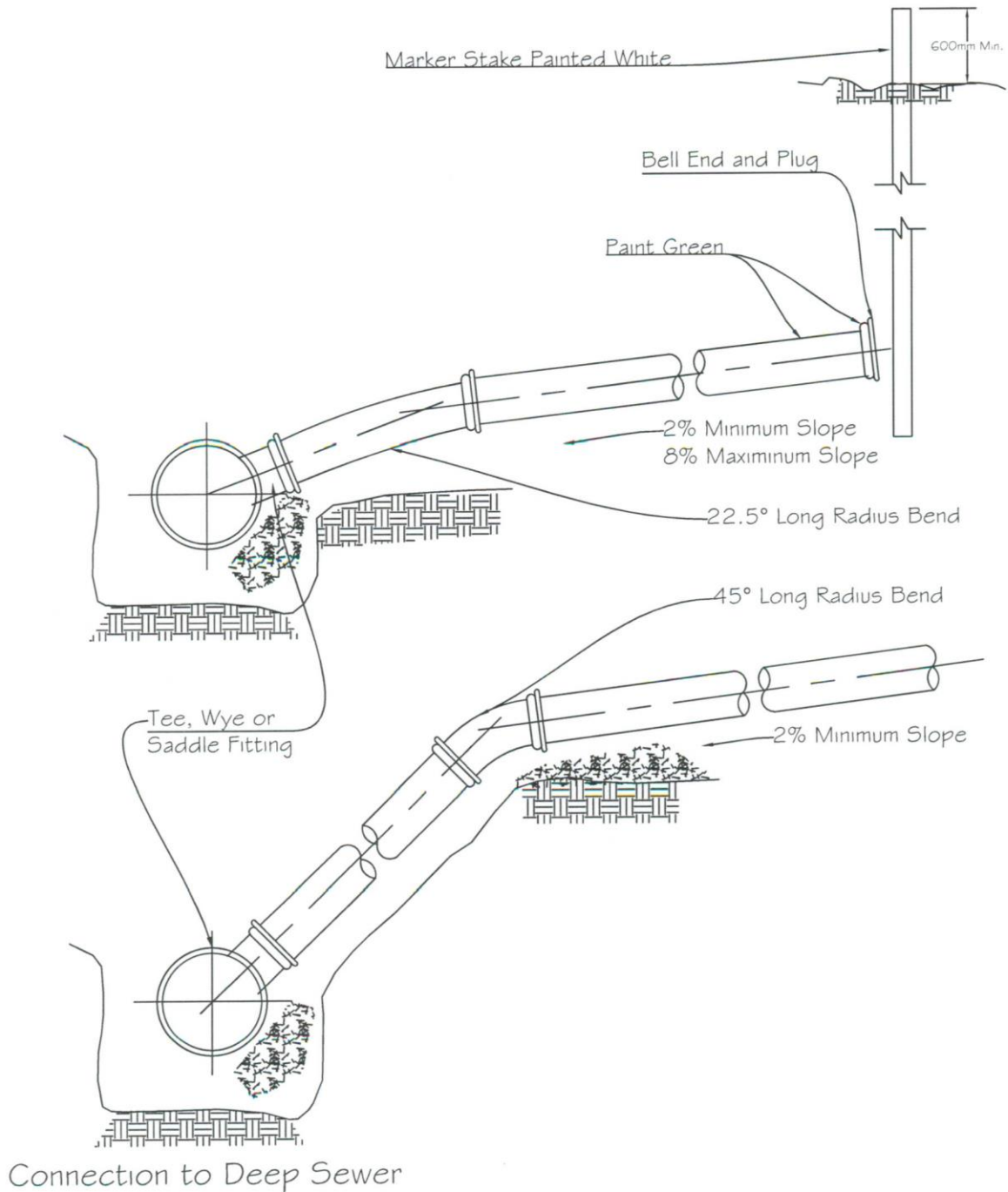
Standard Drawing Detail

Scale: Not to Scale

DWG:

Storm Sewer Service Connection

App: *AR Miller P.Eng.*





Town of Pictou

DWG #: SD 9

Date: 11/01/11

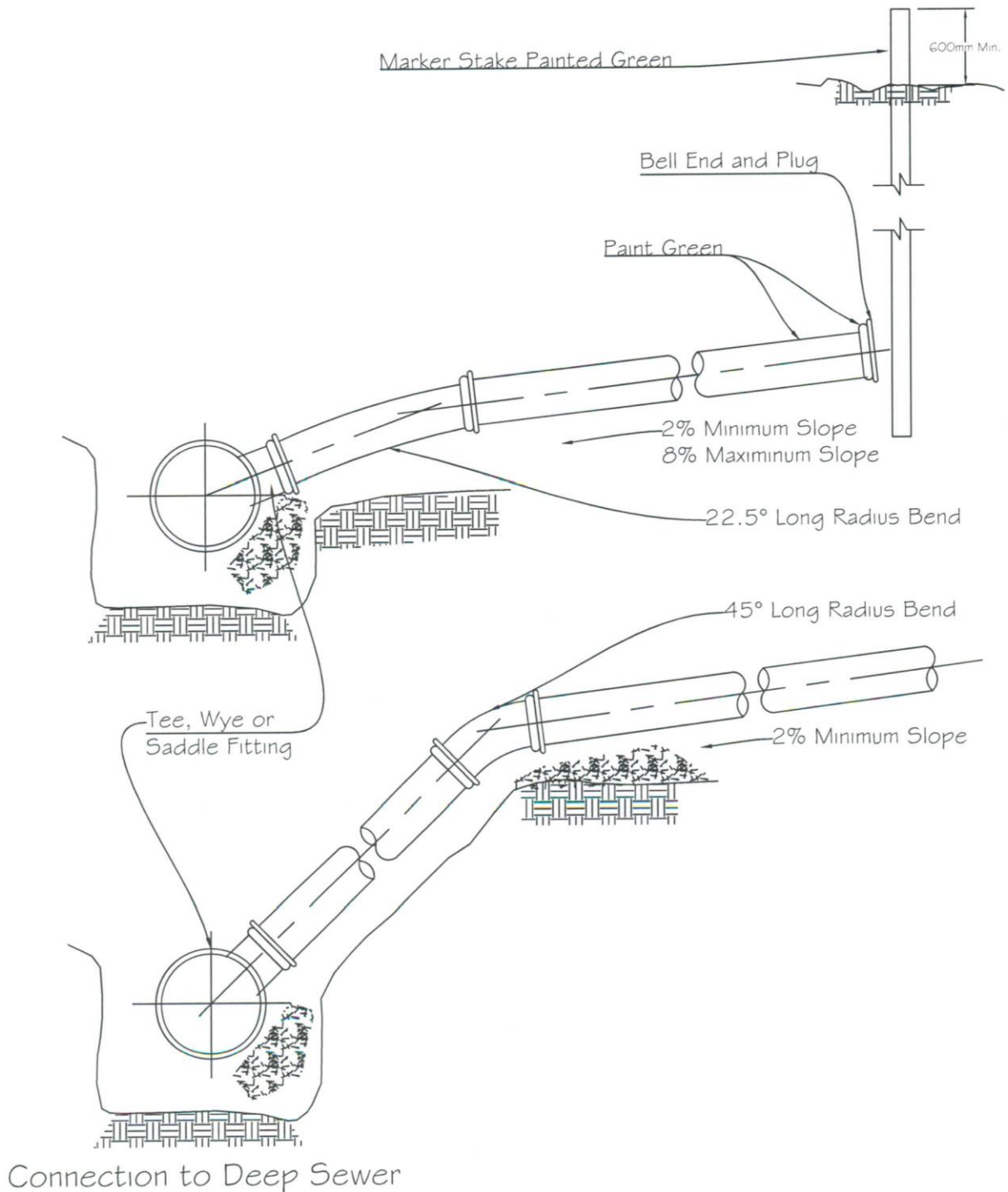
Standard Drawing Detail

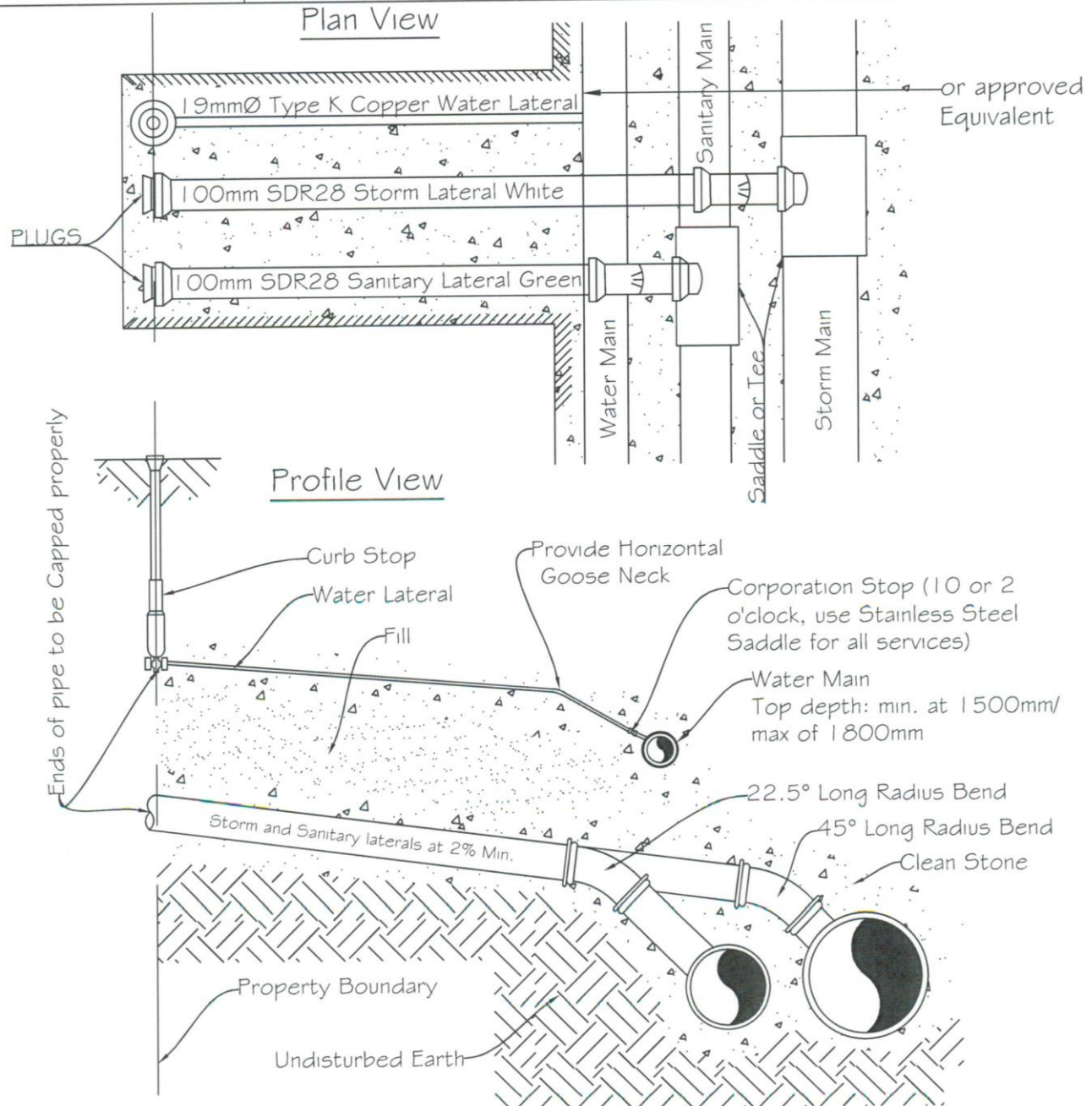
Scale: Not to Scale

DWG:

Sanitary Service Connection

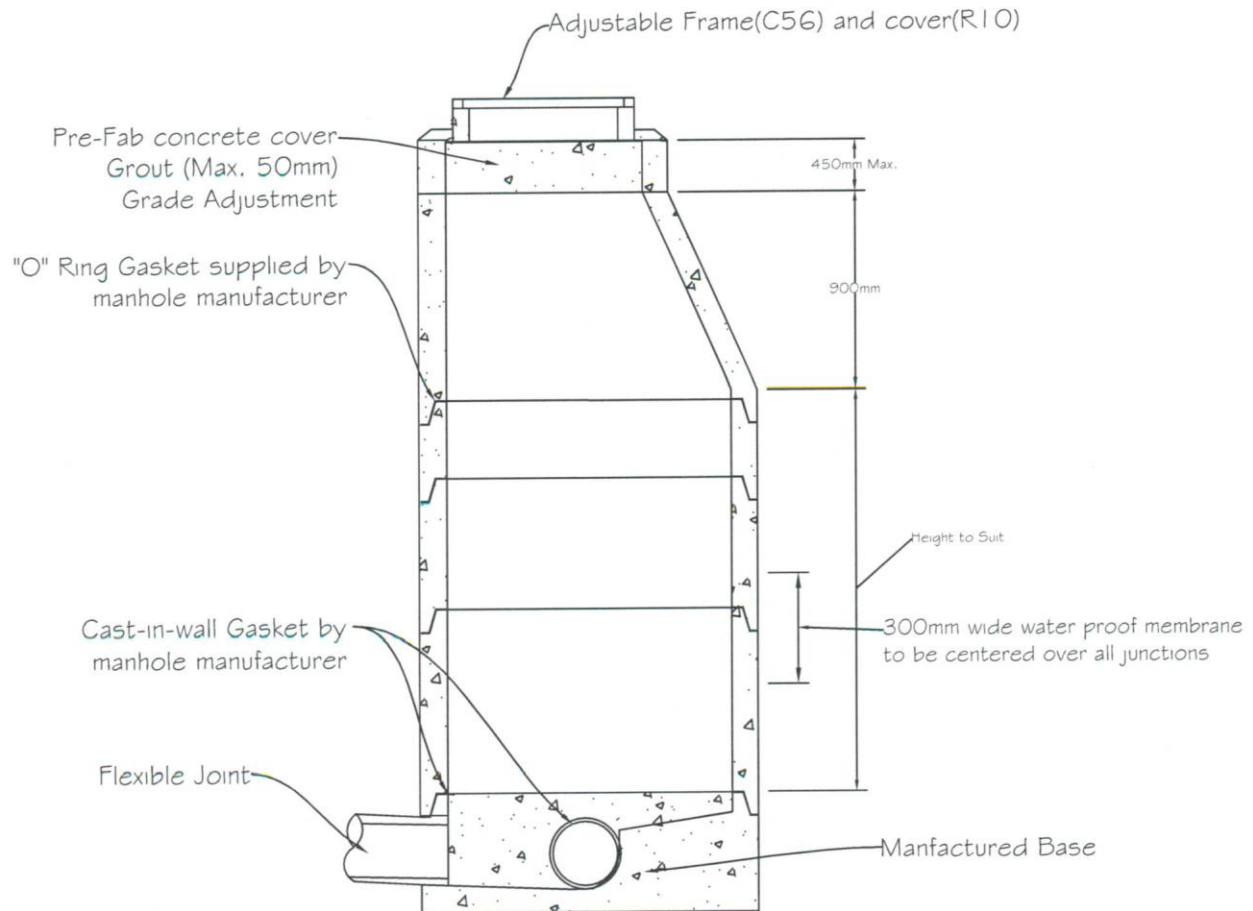
App: *AR Full PR*





Notes:

1. Only 22.5° and 45° long radius bends MUST be used.
2. A 48mm x 96mm marker MUST be placed at the end of services extending to 600mm above finished grade.
3. Laterals to be Sanitary: SDR 35 Green, Storm SDR 35 White.
4. For PVC main, Service saddle MUST be installed.
5. Water Laterals to be type K copper or approved equivalent.



Notes:

1. All Manhole sections to be manufactured by L.E. Shaw or approved equivalent.
2. Prior to Manhole fabrication, shop drawings MUST be supplied to Engineering for approval.

Maximum Pipe Size Chart

	1050mm MH 114mm wall	1200mm MH 127mm wall	1500mm MH 152mm wall	1800mm MH 196mm wall	2100mm MH 222mm wall	2400mm MH 260mm wall
Max Pipe O.D. Straight through to 45° Deflection	475mm O.D. 375mm R.C. Pipe	750mm O.D. 600mm R.C. Pipe	1050mm O.D. 900mm R.C. Pipe	1200mm O.D. 1050mm R.C. Pipe	1500mm O.D. 1200mm R.C. Pipe	1800mm O.D. 1500mm R.C. Pipe
Max Pipe O.D. 90° Deflection	475mm O.D. 375mm R.C. Pipe	575mm O.D. 450mm R.C. Pipe	900mm O.D. 750mm R.C. Pipe	1050mm O.D. 750mm R.C. Pipe	1500mm O.D. 900mm R.C. Pipe	1200mm O.D. 1050mm R.C. Pipe

Town of Pictou

DWG #: SD12

Date: 11/01/11

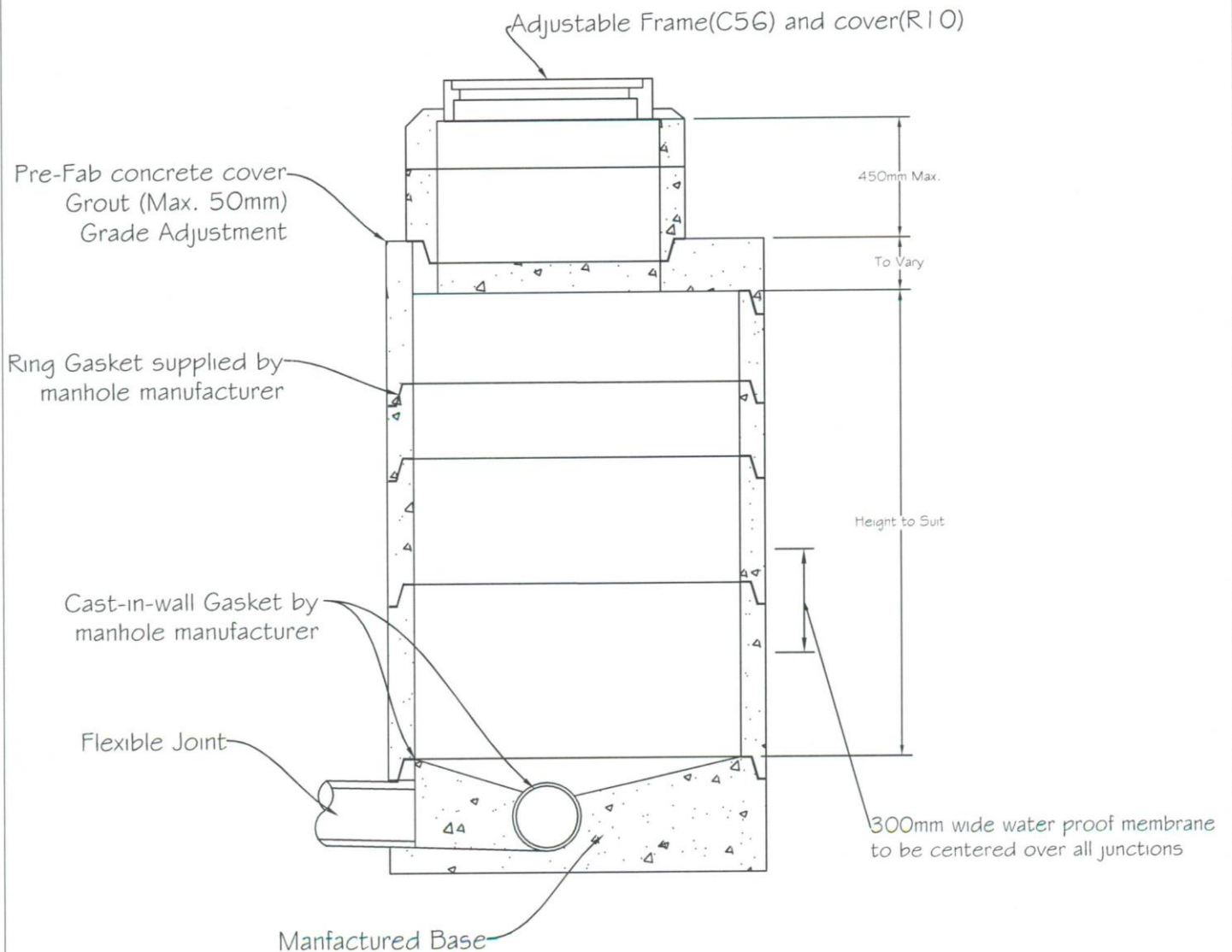
Standard Drawing Detail

Scale: Not to Scale

DWG:

1050 Ø Precast Manhole
with Flat Section

App *ARRE PR*



Notes:

1. All Manhole sections to be manufactured by L.E. Shaw or approved equivalent.
2. Prior to Manhole fabrication, shop drawings MUST be supplied to Engineering for approval.

Town of Pictou

DWG #: SD13

Date: 11/01/11

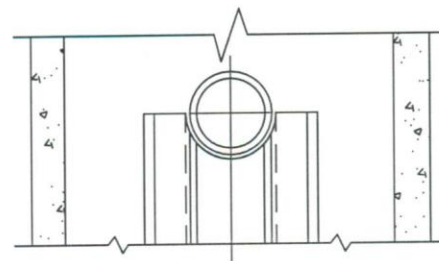
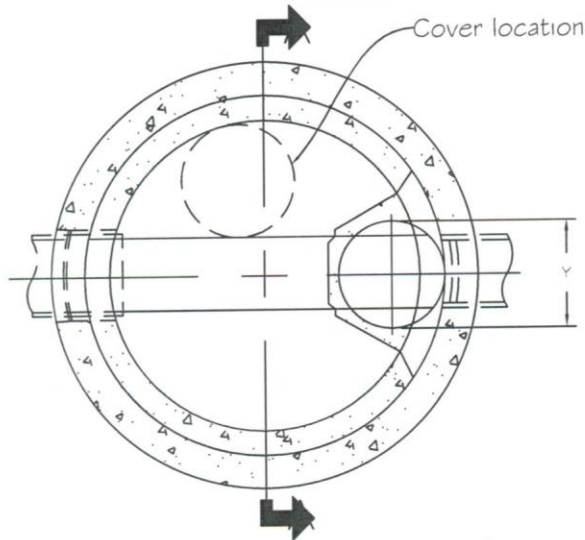
Standard Drawing Detail

Scale: Not to Scale

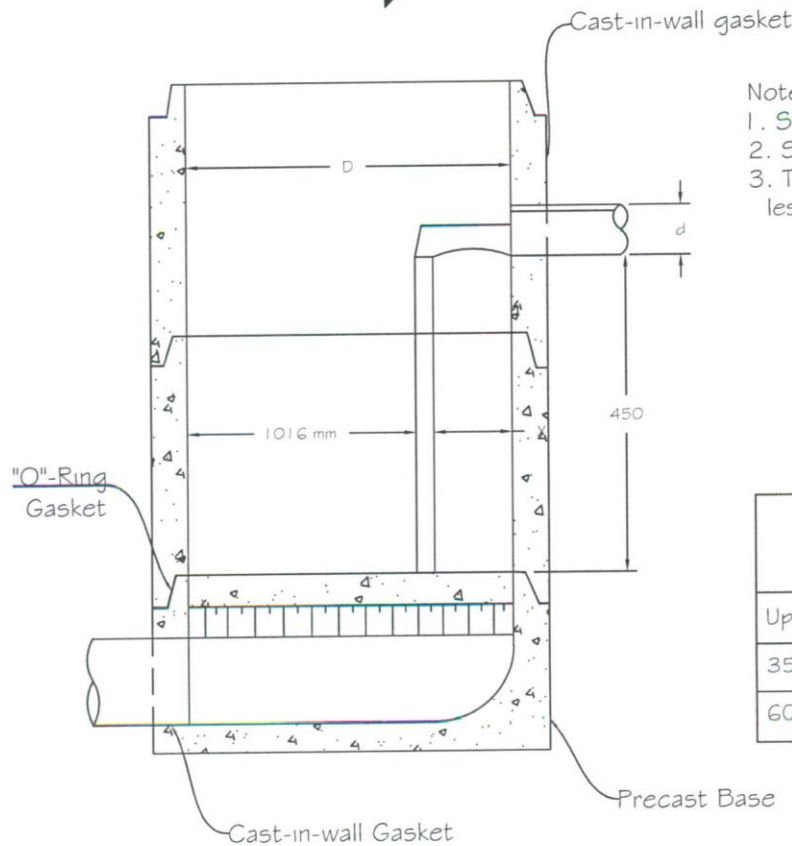
DWG:

Precast Manhole with
Inside Drop

App: *ARL*



Section A-A



Notes:

1. See SD12 and SD13 for additional details.
2. See SD14 for details of cast-in-place base.
3. Top of benching to inv. of pipe to be 450mm or less or int. or ext. drop to be constructed.

Pipe Size "d"	Min. Dimensions		
	D	X	Y
Up to 300mm	1200	300	700
350mm to 530mm	1500	375	900
600mm to 750mm	1800	500	1100

Town of Pictou

Standard Drawing Detail

DWG:

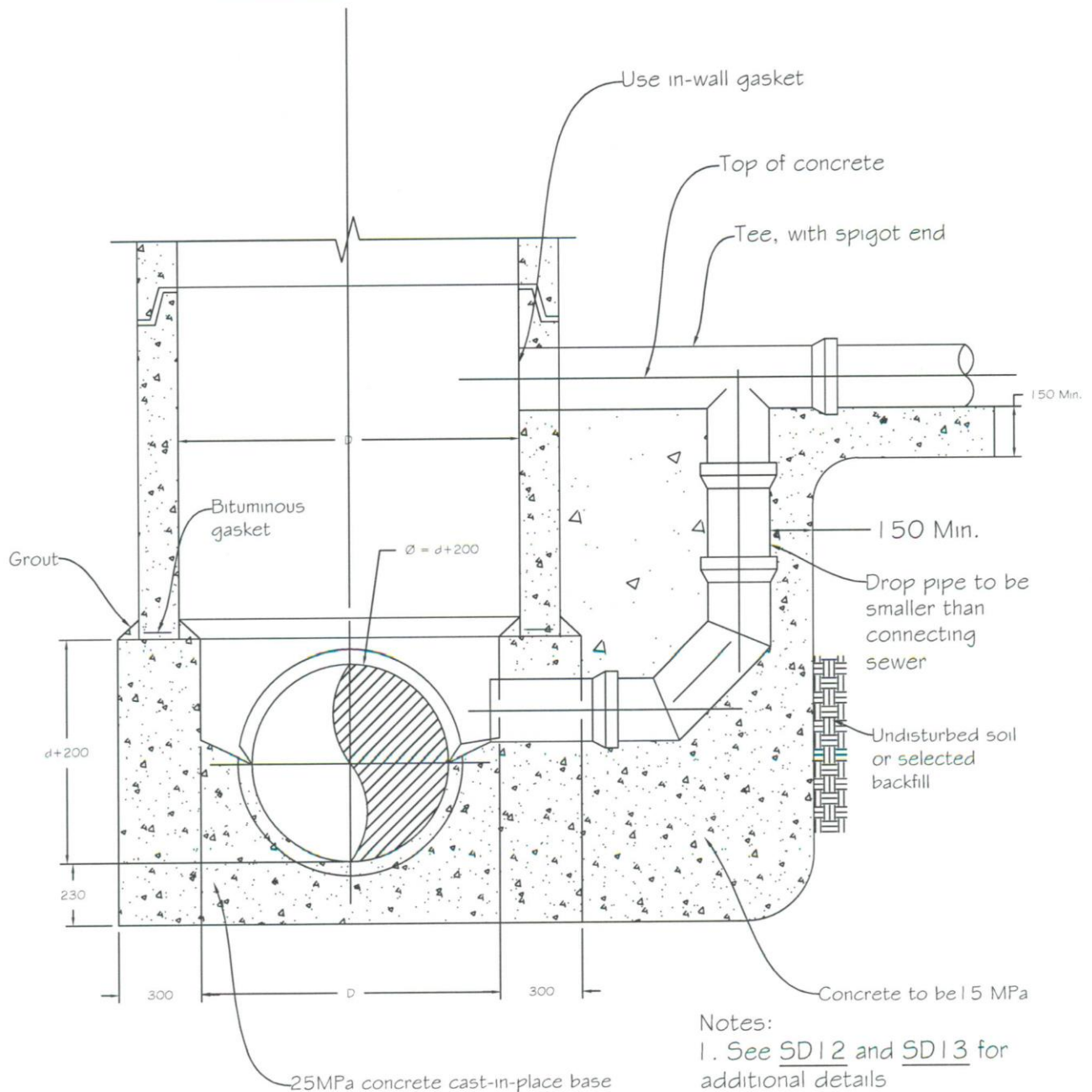
Precast Manhole with
Outside Drop

DWG #: SD14

Date: 11/01/11

Scale: Not to Scale

App: *ARW PEY*



Town of Pictou

Standard Drawing Detail

DWG:

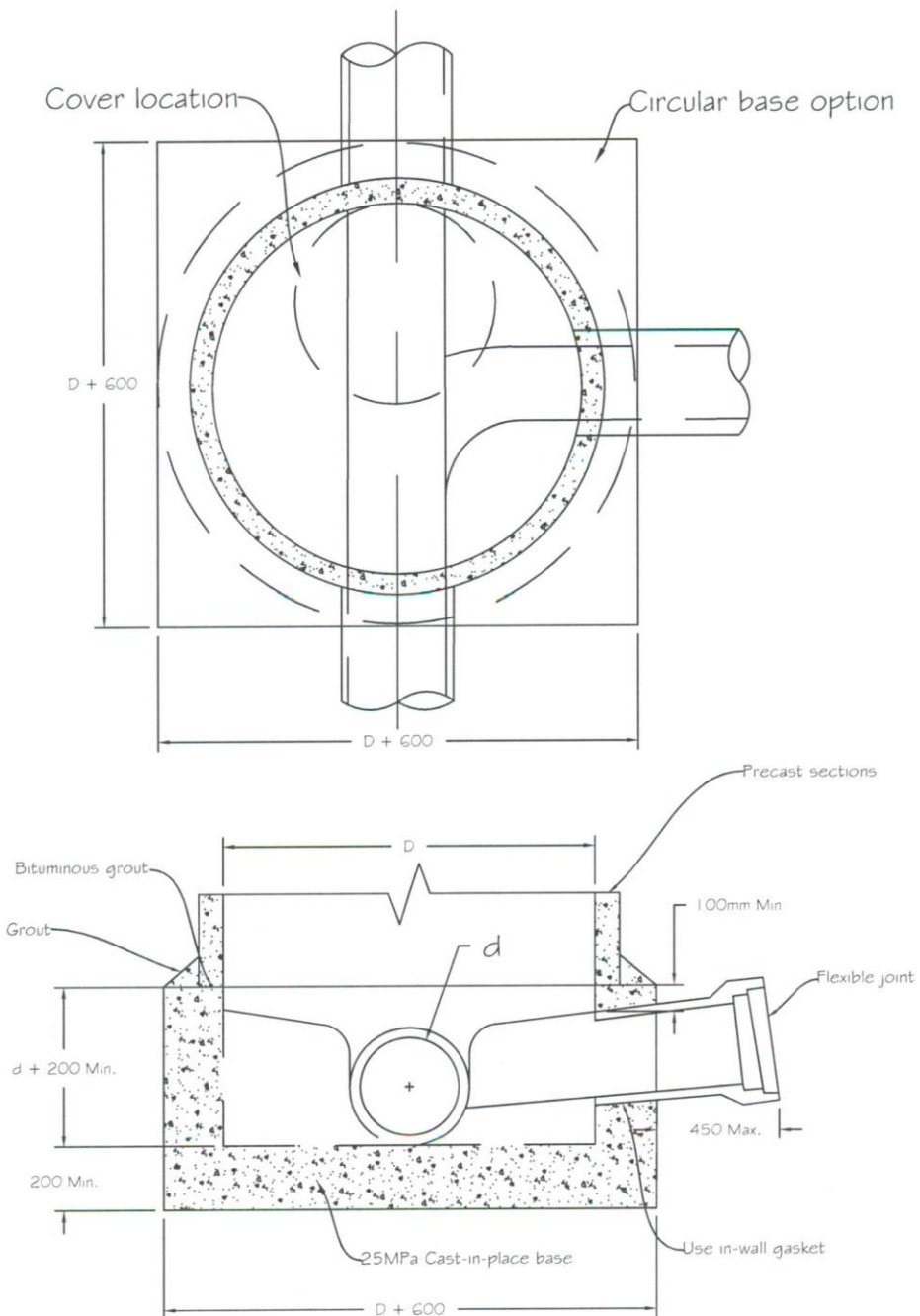
Cast-in-place Base for
Precast Manhole

DWG #: SD 15

Date: 11/01/11

Scale: Not to Scale

App *A R Fene Pen*





Town of Pictou

DWG #: SD 16

Date: 11/01/11

Standard Drawing Detail

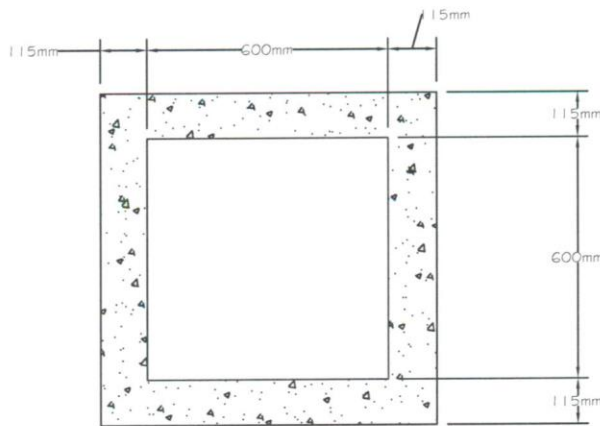
Scale: Not to Scale

DWG:

Precast Catchbasin
600mm Sq.

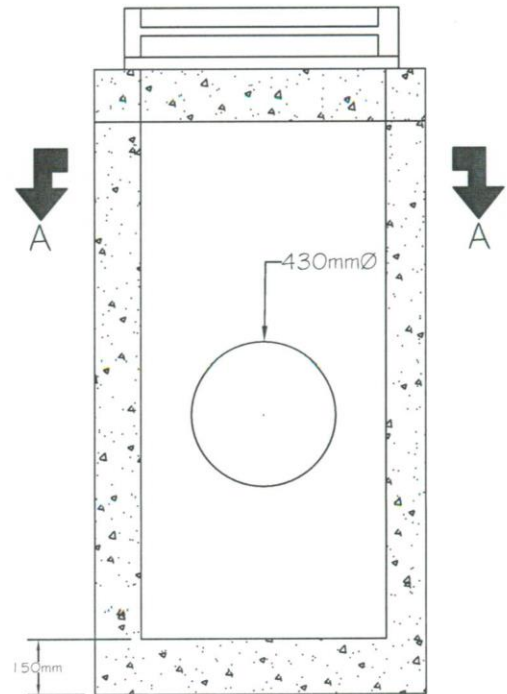
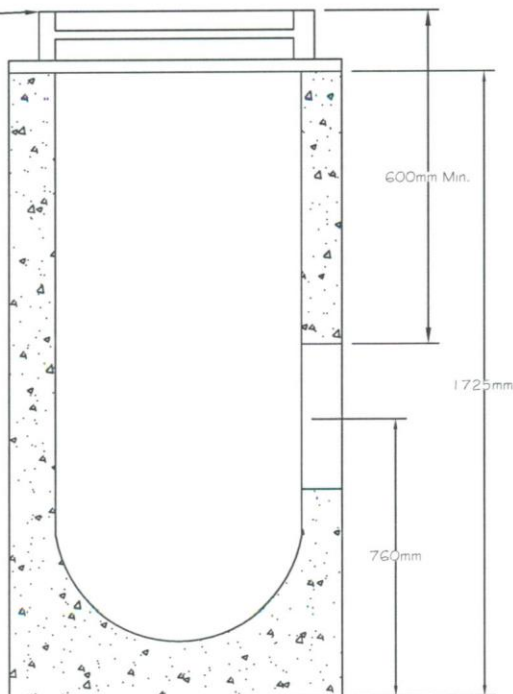
App: *AR* *Per*

Section A-A



Elevations

Frame and
Grate as
Indicated





Town of Pictou

Standard Drawing Detail

DWG:

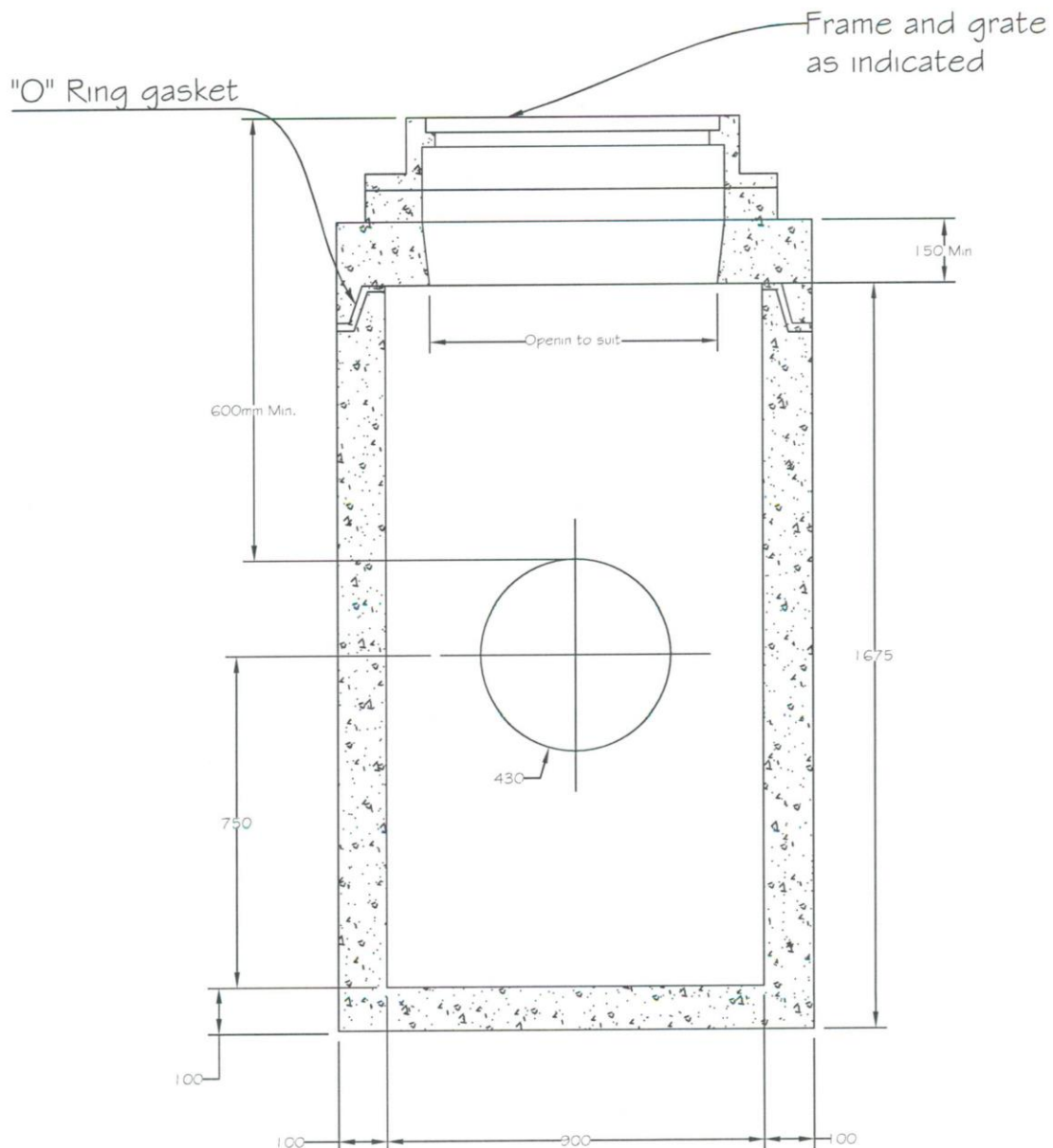
Precast Catchbasin
900mm Sq.

DWG #: SD 17

Date: 11/01/11

Scale: Not to Scale

Appr ARELL PR





Town of Pictou

DWG #: SD 18 (a)

Date: 11/01/11

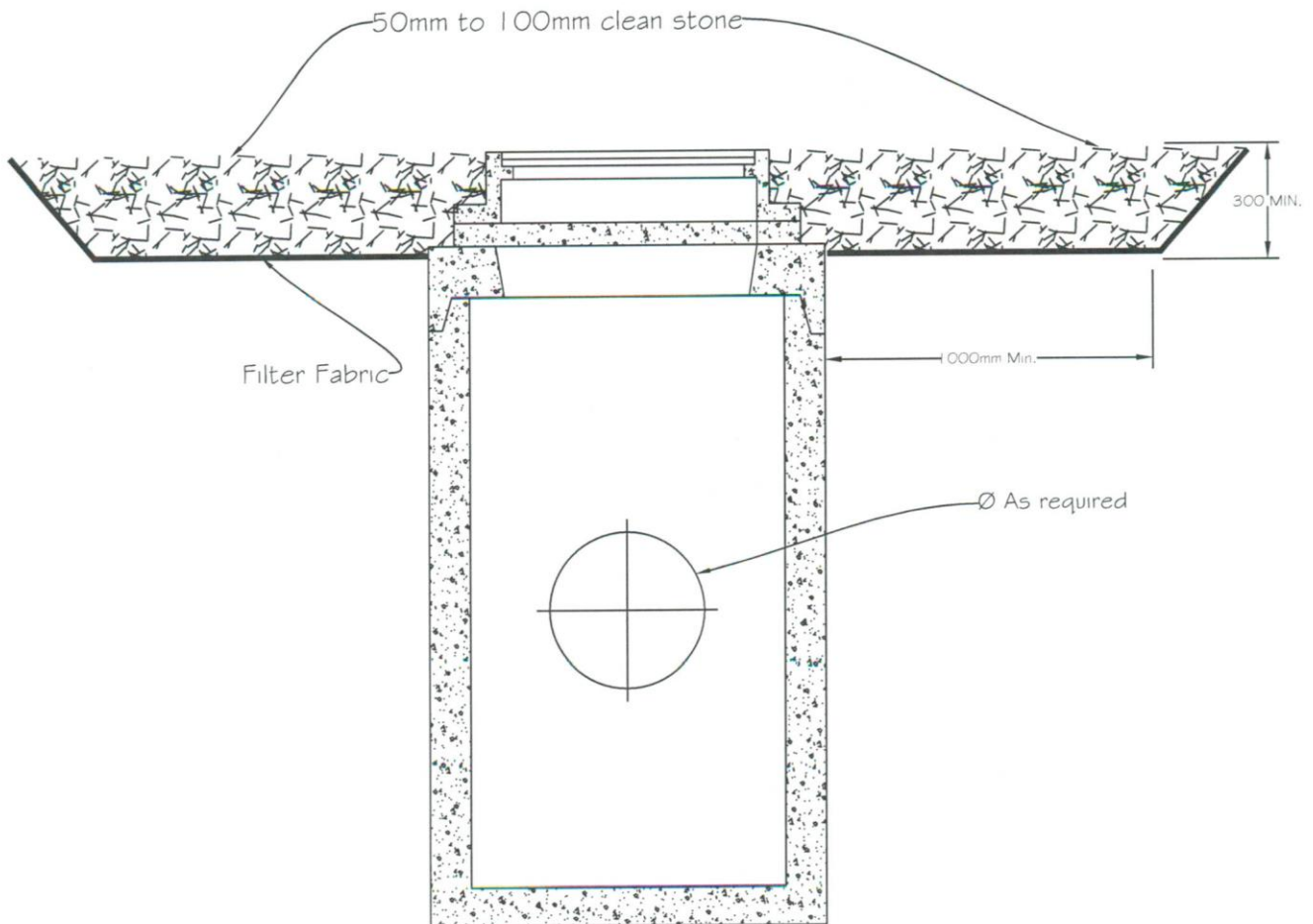
Standard Drawing Detail

Scale: Not to Scale

DWG:

Catchbasin Silt Trap

App: *[Signature]*



Notes:

1. See SD17 and SD18 for catchbasin details



Town of Pictou

DWG #: SD 18 (b)

Date: 11/01/11

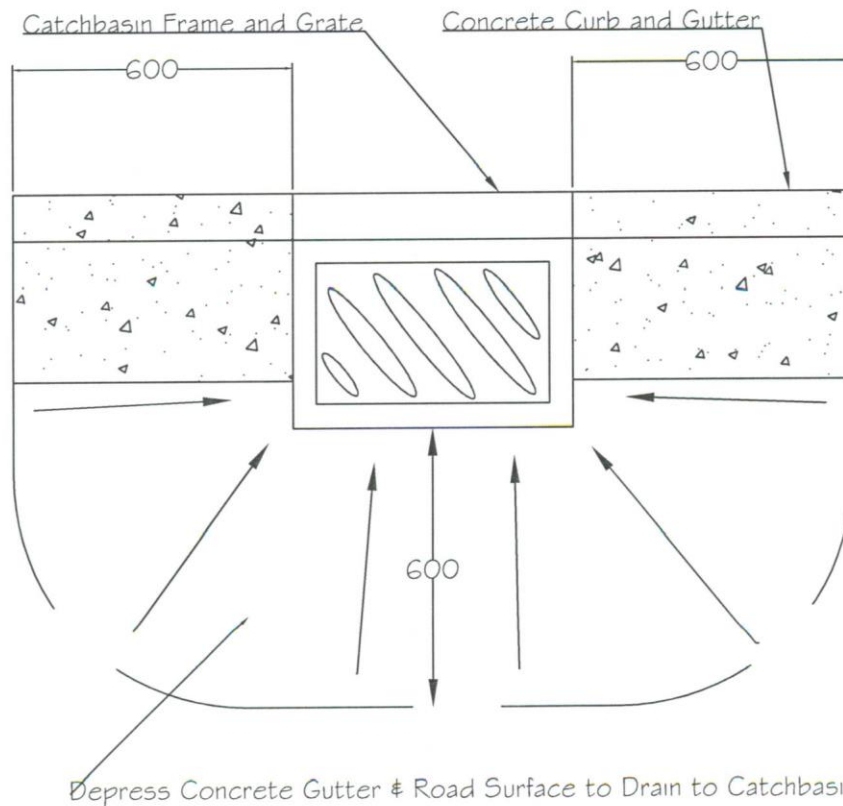
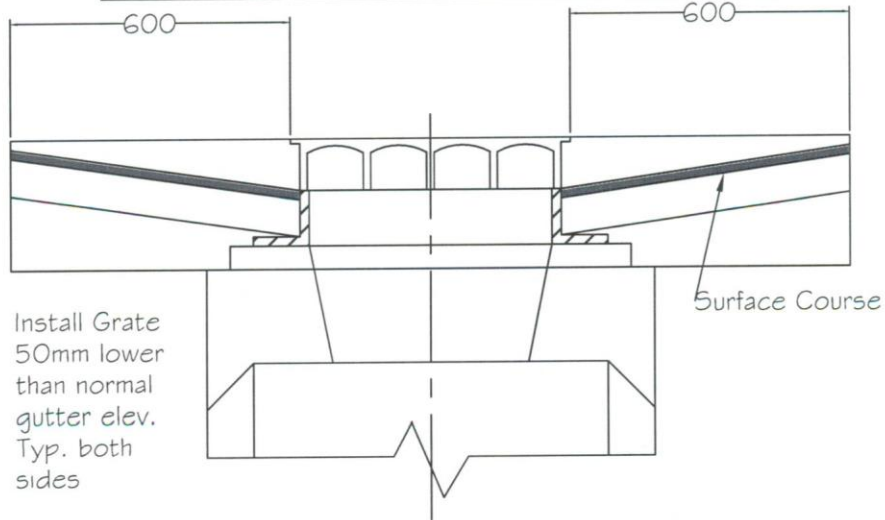
Standard Drawing Detail

Scale: Not to Scale

DWG:

Precast Catchbasin
600mm Sq.

App: *APR 11/11*





Town of Pictou

DWG #: SD 19

Date: 11/01/11

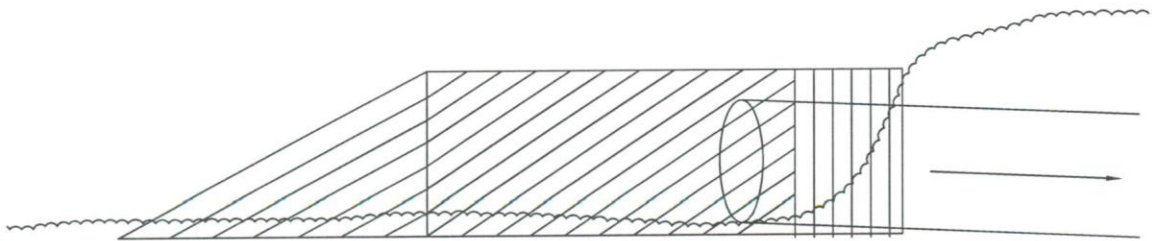
Standard Drawing Detail

Scale: Not to Scale

DWG:

Grate for water entering pipe

App: ~~AR~~ ~~FW~~ ~~PE~~



- 1. Bars are to be 15mm
- 2. All surface areas to be 2x pipe diameter



Town of Pictou

Standard Drawing Detail

DWG:

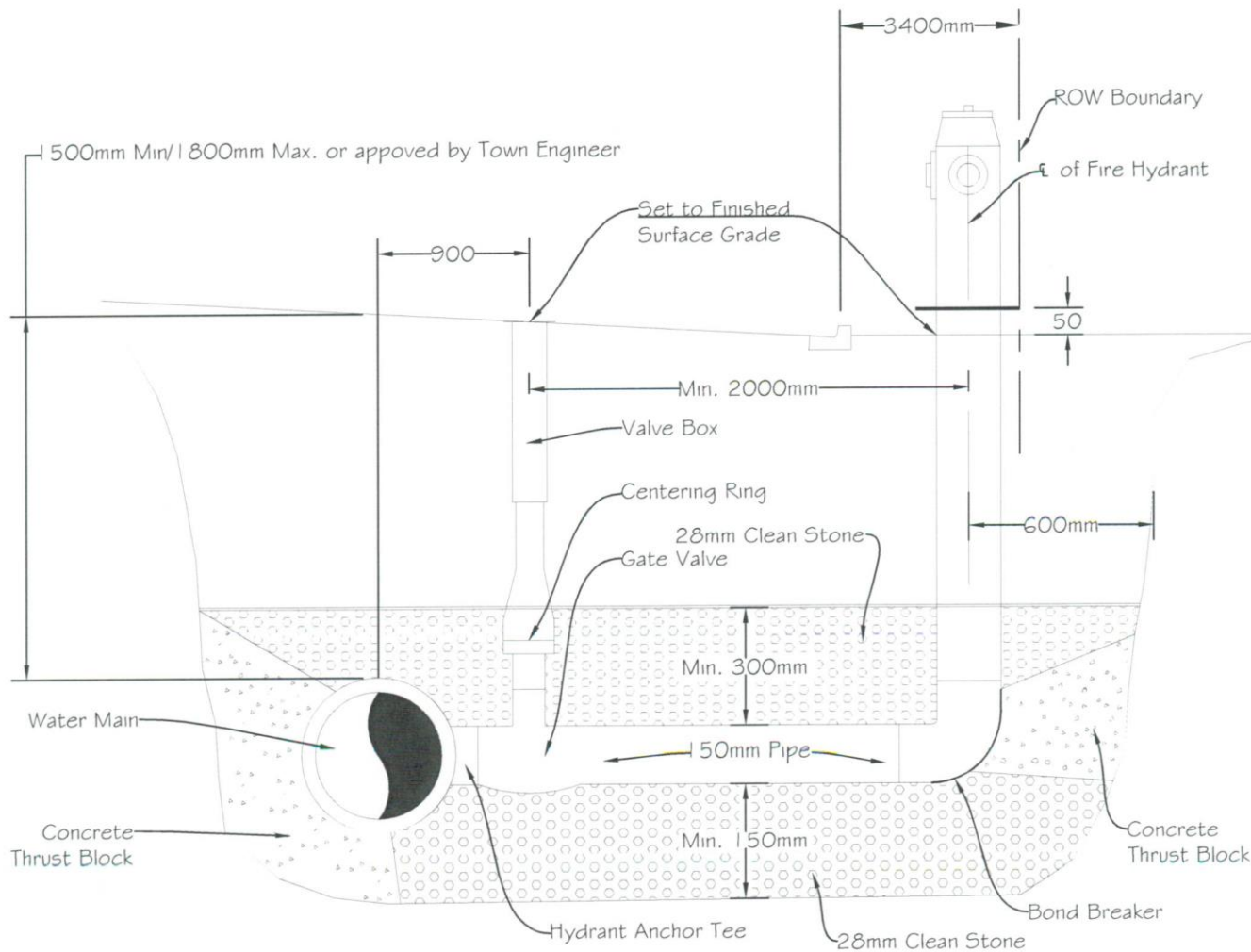
Fire Hydrant

DWG #: SD 20

Date: 11/01/11

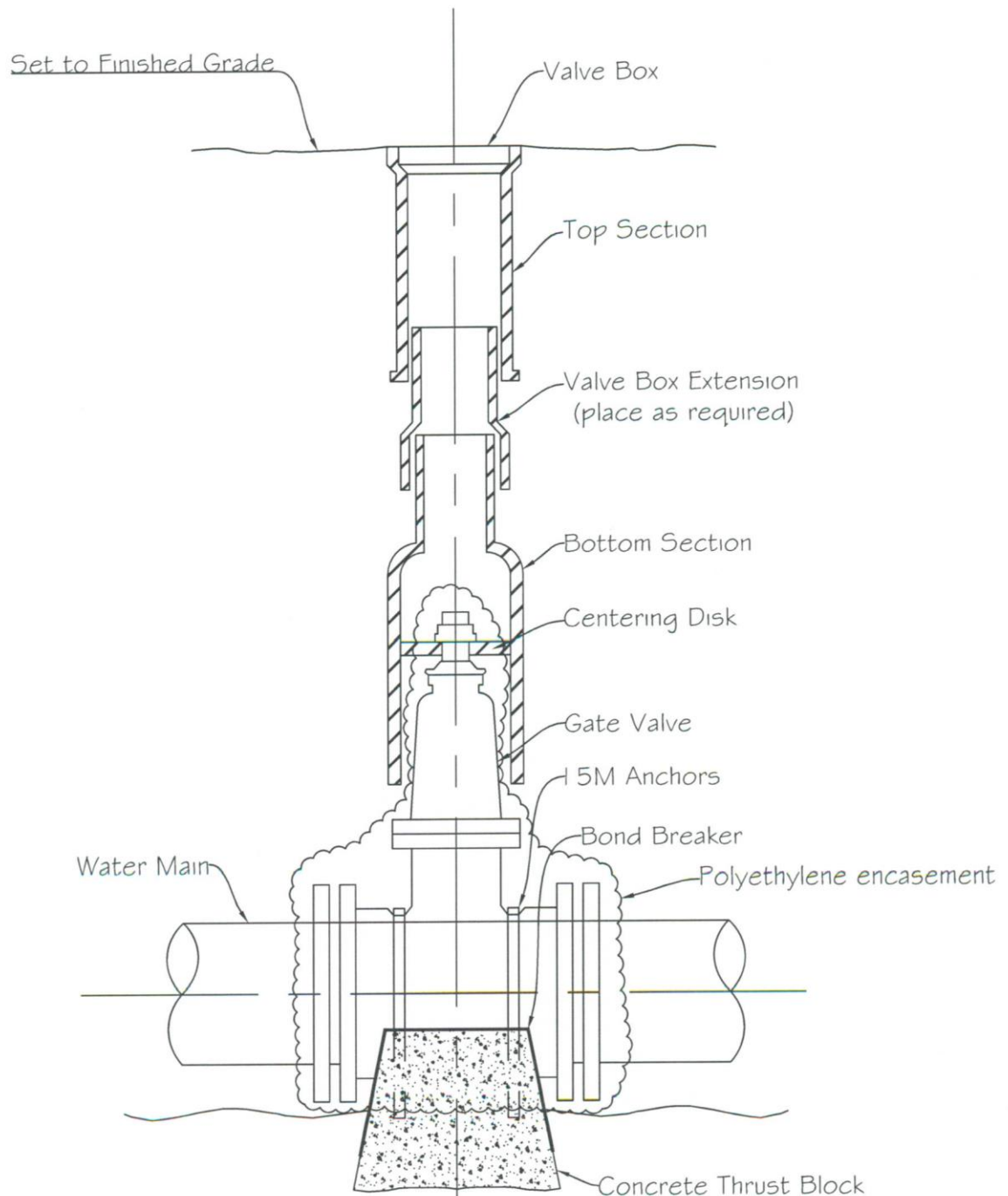
Scale: Not to Scale

App: *A. R. R. P. R.*



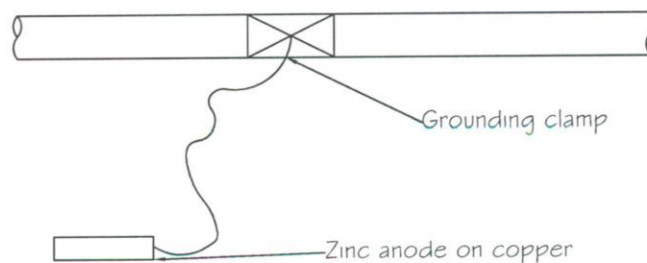
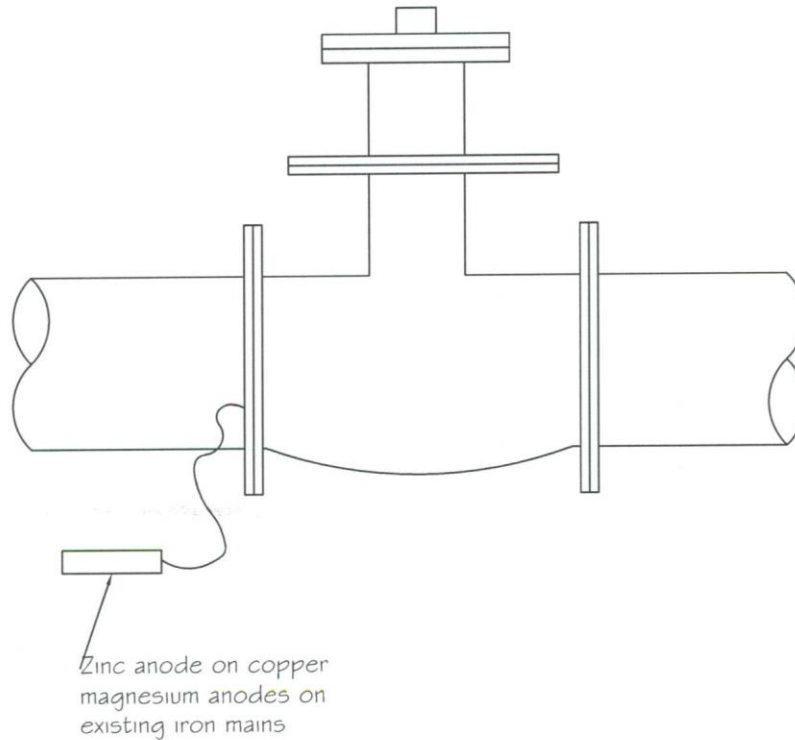
Notes:

1. See standard drawing # SD 4 for thrust block details.
2. Wrap all metal, except standpipe below grade, with 6mm polyethylene.
3. Hydrant Manufacturer to be McAvity or Mueller.
4. Units in Millimeters.
5. All valve boxes to be detectable with Town metal detection equipment



Note:

1. Concrete Thrust Block only Required for PVC Pipe greater than 150mm Ø.
2. All valve boxes to be detectable with Town metal detection equipment



Notes:

1. Separate anode and valve / service using 50mm thick rigid insulation if anode is installed directly adjacent to valve or service.
2. Wrap anode wire around bolt several times when anodes are attached to mechanical joint valves.
3. If push-on joint valves are installed, anode wire must be attached to valve with wire connector or cadweld. Apply bituminous coating to wire connector or cadweld
4. Galvanic protection to be approved by Town Engineer.



Town of Pictou

DWG #: SD 23

Date: 11/01/11

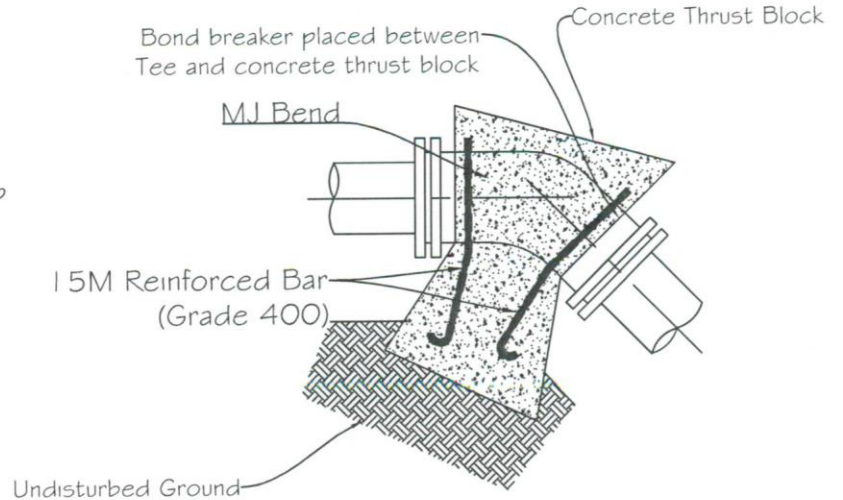
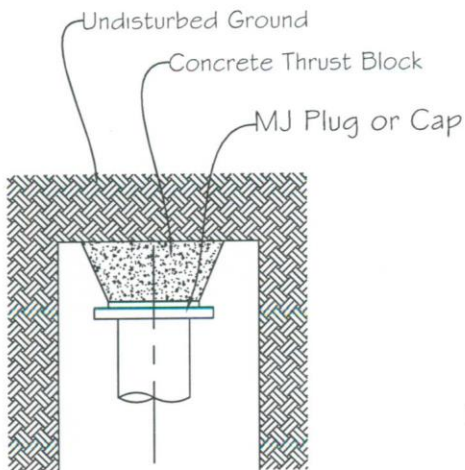
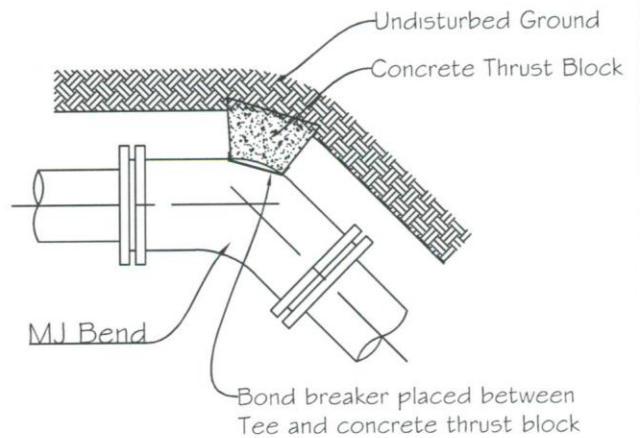
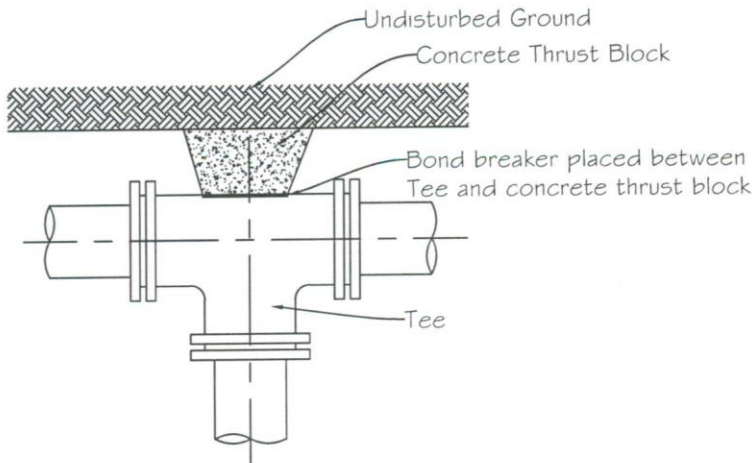
Standard Drawing Detail

Scale: Not to Scale



DWG:

Thrust Block Details

App: *AR Free Ry*



Note: Concrete Thrust Blocks are to be 20MPa

	Town of Pictou		DWG #: SD 24
			Date: 11/01/11
	Standard Drawing Detail		Scale: Not to Scale
	DWG: Thrust Block Requirements		App: 

Minimum contact areas for concrete thrust blocks

PIPE DIA. mm	Area, m ² for soil supporting capacity of 100 kpa					
	Cap/plug	tee	90° Bend	45° Bend	22.5° Bend	11.5° Bend
100	0.25	0.25	0.32	0.20	0.16	0.16
150	0.48	0.48	0.64	0.40	0.24	0.16
200	0.80	0.80	1.12	0.64	0.32	0.16
250	1.28	1.28	1.76	0.96	0.48	0.24
300	1.76	1.76	2.56	1.44	0.72	0.40

Minimum distance from fitting to undisturbed ground

PIPE DIA. mm	DISTANCE mm
100	450
150	450
200	450
250	600
300	750

Thrust block compensation by a concrete mass (m³)

PIPE DIA. mm	45° BEND	22.5° BEND	11.25° BEND
100	0.40	0.20	0.20
150	0.80	0.40	0.40
200	1.40	0.70	0.70
250	2.10	1.10	1.10
300	3.00	1.50	1.50

Tables based on soil supporting capacities of 100KPa and internal pipe pressure of 100KPa. Where different supporting capacities or internal pressures are encountered, contact areas should be calculated accordingly. Safe supporting capacity should be determined by the design Engineer and should include an appropriate factor of safety.