

SECTION 7 GENERAL PROVISIONS FOR SUBDIVIDING LAND

7.1 SCOPE

- .1 These provisions for subdividing land Shall be the minimum requirement for the protection of public health, safety, and welfare, and are intended to protect the public and provide a wholesome community environment, adequate Municipal Services and safe Streets.
- .2 This section Shall not apply to any Lot or Lots forming part of a Subdivision created and recorded prior to the effective date of this By-law, nor is it intended to repeal, abrogate, annul or in any way impair or interfere with Existing provisions of other by-laws or regulations, except those specifically repealed by this By-law; or with private restrictions placed upon property by deed, covenant, or other private agreement; or with restrictive covenants running with the land to which the City is a party.
- .3 Where this By-law imposes a greater restriction upon land than is imposed or required by earlier Existing provisions of law, regulation, contract or deed, the provisions of this By-law Shall supersede those imposed by other legislation or agreement.

7.2 SERVICING

Where Municipal Services are available in the opinion of the Director of Public Services, no Subdivision approval Shall be issued except where the Subdivision is provided with such services.

7.3 SUBDIVISION AND CONSOLIDATION OF LOTS

- .1 No Person Shall subdivide a Lot, tract, or parcel of land or consolidate two (2) or more Lots, tracts or parcels of land except as provided herein and in conformity with this By-law and any Provincial Minimum Lot Size Standards as interpreted by the Development Officer.
- .2 Preliminary Subdivision or Lot consolidation approval Shall be required before an application for final approval and:
 - (a) the Development Officer May waive the requirement for preliminary subdivision or Lot consolidation approval for subdivisions of four (4) lots and under;
 - (b) every Person proposing to subdivide or consolidate land Shall first apply to the Development Officer for preliminary approval prior to a land surveyor planning the Subdivision or consolidation on the ground. The proponent Shall submit four (4) copies of the preliminary plan of the proposed Subdivision which Shall meet the requirements set out in subsection 7.3.3;
 - (c) such application Shall meet the requirements as stated in this subsection as well as the Provincial Minimum Lot Size Standards;
 - (d) when the Development Officer is satisfied that an application and preliminary Plan of Subdivision or Lot consolidation are complete, and when the Development Officer deems it appropriate, the applicant Shall forward a copy of the preliminary plan to any other department or agency of the Province or City or to the Planning Board which the Development Officer deems necessary;
 - (e) unless the preliminary Plan of Subdivision or Lot consolidation is clearly contrary to laws, by-laws, or regulations of the Province or City, approval May not be refused or withheld as a result of the assessment or recommendations made by departments or agencies to which it is circulated;
 - (f) the Development Officer Shall review such application and Shall advise the applicant in writing within fourteen (14) calendar days from the receipt of such application that the Subdivision or consolidation proposal has received preliminary approval or that it cannot be approved under the provisions of this By-law and/or the Provincial Minimum Lot Size Standards;
 - (g) the Development Officer May, where a Lot or Lots are subdivided from a parent parcel, waive the requirement for a survey of any remnant parcel which is greater than 0.6 hectares (1.5 acres);
 - (h) preliminary approval of any proposed Subdivision or consolidation Shall not be construed as final approval of such Subdivision or consolidation for land registration purposes or for legal conveyance; and
 - (i) preliminary approval Shall be effective for a period of twelve (12) months unless, upon application, an extension is granted. If an application for final approval is not tendered to the Development Officer within this period of time, an application for preliminary approval Shall be resubmitted.

- 3 Preliminary plans of Subdivision or Lot consolidation submitted to the Development Officer Shall:
- (a) be drawn to a minimum scale or scales sufficient for clarity of all particulars on the preliminary Plan of Subdivision;
 - (b) be based on a boundary survey of the property to be subdivided;
 - (c) be folded to approximately 20 cm (7.9 in.) by 30 cm (11.8 in.) with the face of the folded print being the title Block which is located in the lower right hand corner of the preliminary Plan of Subdivision;
 - (d) include a digital copy of the survey plan, DXF file format in ATS77 P.E.I. Stereographic Projection; and
 - (e) show the following:
 - i. name of Subdivision, if any, and the name of the Owner of the area of land;
 - ii. names of all Owners or the Lot identifiers of all properties abutting the area of land proposed to be subdivided;
 - iii. a location map, drawn to scale no smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;
 - iv. the words "Preliminary Plan" located above the title Block;
 - v. a clear space for stamping by the City which measures at least 10 cm (3.9 in.) by 10 cm (3.9 in.);
 - vi. the dimensions of the area of land to be subdivided;
 - vii. the proposed dimensions and shape of Lots and Blocks;
 - viii. the area of each Lot including the approximate area of the remainder Lot, if any, and the Provincial Property Identification Number (PID #) of the parent Lot;
 - ix. the purpose for which the land is to be Used and its conformity to this By-law;
 - x. each proposed Lot individually identified without duplication of Lot identifiers, and where a parcel is being added to or subtracted from an Existing Lot, or where a Lot shown on a Plan of Subdivision is being divided, the proposed Lot or Lots Shall be identified by the Existing Lot identifier and a letter;
 - xi. approximate locations of all Existing Main Buildings on the area of land proposed to be subdivided with the graphic location for all Buildings within 10.0 m (32.8 ft.) of either side of the boundaries of the proposed Lot;
 - xii. the boundary lines of proposed Lots shown by solid lines, and the vanishing boundaries of Existing Lots being re-subdivided, consolidated, or both, shown as broken lines;
 - xiii. the scale to which the preliminary Plan of Subdivision is drawn;
 - xiv. the width and location of all right-of-ways and Existing and proposed public Streets, including pedestrian walkways, intersections and turning circles;
 - xv. the names of Existing and proposed public Streets;
 - xvi. a plan showing the centre line profiles of the proposed public Streets;
 - xvii. Existing contours at 2.0 m (6.6 ft.) intervals, proposed spot elevations, and drainage patterns;
 - xviii. a site drainage plan prepared by a qualified Professional Engineer which must meet the provisions of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and any regulations or amendments thereto, showing the erosion control measures on lands that drain directly into streams, rivers, harbours, or any Existing Watercourses;
 - xix. the location of Existing and proposed public sanitary and storm sewers, and public water systems, and the proposed connections thereto;
 - xx. the identification, location, dimensions, and area of land proposed to be reserved for Park, playground, and similar public purposes;
 - xxi. the width, location, and nature of any Easements or rights-of-way affecting the area of land proposed to be subdivided;
 - xxii. the north arrow or point;
 - xxiii. the date on which the preliminary Plan of Subdivision was drawn, and the date of any revisions;
 - xxiv. the location of any Watercourse, prominent rock formation, slope which is greater than eight (8) degrees, area subject to flooding, and any other prominent natural or environmentally sensitive features which might affect the orientation of Buildings or the layout or provision of public Streets and public sanitary and storm sewers and public water systems to the area where the Subdivision is to be located;
 - xxv. a boundary survey of the area of land proposed to be subdivided, with the remainder Lot shown on the plan with dimensions, certified and stamped by a P.E.I. land surveyor in the manner required by the *P.E.I. Land Surveyors Act* and any regulations or amendments thereto; and
 - xxvi. any other information which the Development Officer deems necessary to determine whether a preliminary Plan of Subdivision conforms to this By-law.

- .4 Final approval of a Subdivision or Lot consolidation Shall be subject to the following requirements:
- (a) The Development Officer May grant final approval to Subdivisions which comply with this By-law and the Provincial Minimum Lot Size Standards, and give approval for Lot consolidations where a Dwelling May be constructed in a R-1 or R-2 Zone;
 - (b) An application for final Subdivision approval or a consolidation of two (2) Existing Lots into one (1) large Lot May be submitted to the Planning Board by the Development Officer for review;
 - (c) Eight (8) copies of the final plan of the proposed Subdivision which meets the requirements of subsection 7.3.2 above Shall be submitted;
 - (d) When the Development Officer or Planning Board is satisfied that an application and final Plan of Subdivision are complete, a copy of the application and final Plan of Subdivision May be circulated to any department or agency of the Province or the City as is deemed necessary;
 - (e) Unless the final Plan of Subdivision or Lot consolidation is clearly contrary to laws, by-laws, or regulations of the Province or the City, approval May not be refused or withheld as a result of the assessment or recommendations made by departments or agencies to which it is circulated;
- .5 Notice to property owners within 100 meters of the subject property is required to consolidate properties in the R-3 and R-4 zones.
- .6 The Council Shall make the final decision on the application and if the application for a final Subdivision plan or consolidation is refused, the Development Officer Shall notify the applicant in writing of the decision and the reason for refusal within fourteen (14) calendar days.
- .7 Final plans of Subdivision Shall:
- (a) be drawn to a minimum scale or scales sufficient for clarity of all particulars on the final Plan of Subdivision;
 - (b) be stamped by a P.E.I. land surveyor who Shall certify that the Lots for which approval is requested have been surveyed in the manner required by the *P.E.I. Land Surveyors Act* and any regulations and amendments thereto;
 - (c) be folded to approximately 20 cm (7.9 in.) by 30 cm (11.8 in.) with the face of the folded print being the title Block which is located in the lower right hand corner of the Plan of Subdivision;
 - (d) show the following information:
 - i. name of the Subdivision, if any, and the name of the Owner of the area of land;
 - ii. names of all Owners or the Lot identifiers of all properties abutting the area of land proposed to be subdivided;
 - iii. a location map, drawn to a scale no smaller than 1:50,000 with such scale to be shown on the map, preferably with the same orientation as the area of land;
 - iv. the length of the boundaries of all Existing and proposed Lots, Streets, right-of-ways and Easements including the length or arc, points or curvature and radius in the case of curved lines;
 - v. a clear space for stamping by the City measuring at least 10 cm (3.9 in.) by 10 cm (3.9 in.);
 - vi. the dimensions of the area of land to be subdivided;
 - vii. the shape, dimensions, and area of Lots, Blocks, and the remainder Lot, if any, and the Provincial Property Identification Number (PID #) of the parent Lot;
 - viii. each proposed Lot individually identified without duplication of Lot identifiers, and where a parcel is being added to or subtracted from an Existing Lot or where a Lot shown on a Plan of Subdivision is being divided, the proposed Lot or Lots Shall be identified by the Existing Lot identifier and a letter;
 - ix. locations of all Existing Main Buildings on the area of land proposed to be subdivided with the graphic location for all Buildings within 10.0 m (32.8 ft.) of either side of the boundaries of the proposed Lot;
 - x. the bearings of the boundaries of the Lots;
 - xi. the boundary lines of proposed Lots shown by solid lines, and the vanishing boundaries of Existing Lots being re-subdivided, consolidated, or both, shown as broken lines;
 - xii. the scale to which the final Plan of Subdivision is drawn;
 - xiii. the names of Existing and proposed public Streets, recognizing that the City has the final approval of all Street names;
 - xiv. the width and location of all rights-of-way and Existing and proposed public Streets including intersections and turning circles, and these Shall meet the City

- xv. requirements for snow removal and fire protection services;
 - xvi. the identification, location, dimensions, and area of land proposed to be reserved for Park, playground, and similar public purposes;
 - xvii. the width, location and nature of any Easements or rights-of-way affecting the area of land proposed to be subdivided;
 - xviii. north arrow or point;
 - xix. the location of any Watercourse, prominent rock formation, slope which is greater than eight (8) degrees, area subject to flooding, and any other prominent natural or environmentally sensitive features which might affect the orientation of Buildings or the layout or provision of public Streets, public sanitary and storm sewers, and public water systems to the area where the Subdivision is to be located;
 - xx. the date on which the final Plan of Subdivision was certified, with all revisions to be identified, dated, and initialled;
 - xxi. where the Subdivision was Designed by an individual or firm other than the professional land surveyor who has certified the final Plan of Subdivision, the name of such individual or firm and the nature of the work performed Shall be shown in the title Block of the final Plan of Subdivision; and
 - xxii. any other information which the Development Officer deems necessary to determine whether a final Plan of Subdivision conforms to this By-law.
- (e) The Owner or Developer Shall show in the case of a subdivision of more than four (4) Lots and where new Streets are to be constructed, an overall surface water plan. This plan or a new plan Shall show for each Lot, proposed top of foundation elevations for all new main Buildings to be Erected on a Lot.
- .8 In addition to the requirements set out in this subsection, the drawings Shall show the location and dimensions of Existing public water, sanitary, and storm sewer systems to which the proposed underground systems for the Subdivision will connect.
- .9 A Subdivider who proposes to lay out and construct Streets or install public services on lands that drain directly into lakes, streams, rivers, or any Existing Watercourses Shall submit a drainage plan and an erosion control plan that complies with the City's specifications and meets the requirements of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, and any regulations or amendments thereto.
- .10 A Subdivider shall be required:
- (a) to pay the cost of preparing a traffic study, where required, in accordance with terms of reference and standards established by the Development Officer from time to time;
 - (b) to pay all or any part of the cost of:
 - i. upgrading any existing Street which does not meet City standards and forms part of the proposed Subdivision or which provides Street access and egress to the Subdivision;
 - ii. constructing any new Streets within the proposed Subdivision;
 - iii. constructing a new Street which meets City standards or upgrading an existing Street to City standards in order to connect the proposed Subdivision to an existing Street in the vicinity of the proposed Subdivision which meets City standards;
 - iv. access points or upgrading the existing Street network in the vicinity of the proposed Subdivision including, but not limited to, traffic signals, widening of intersections and access turning lanes.
- .11 Final approval of Subdivision shall not commit the City to extending or connecting Municipal Services to that Subdivision.
- .12 Where an existing Street does not meet City standards, or Municipal Services are not installed to serve an existing Street, the Council Shall require the Subdivider, Developer or Owner, as the case may be, to enter into a Subdivision Roads and Services Agreement which provides that the Subdivider, Developer or Owner, as the case may be, shall, where required, pay the cost of a traffic study, upgrading of Streets to City standards and the installation of Municipal Services

including the acquisition of any land, easement or right-of-way required for Street or Municipal Services purposes.

- .13 The City Shall not be committed to extend or connect Municipal Services until the Subdivider enters into a “Subdivision Roads and Services Agreement” which outlines the terms for the installation of public services and construction of public Streets and the extension or connection of Municipal Services as follows:
 - (a) The Subdivision Roads and Services Agreement Shall be accompanied by detailed engineering Design drawings for the construction of public Streets, which are prepared in accordance with the City’s specifications and Signed and stamped by a qualified Professional Engineer licensed to practice on P.E.I.;
 - (b) The Subdivision Roads and Services Agreement Shall be accompanied by detailed engineering Design drawings for the public water, sanitary, and storm sewer systems to be installed, which are prepared in accordance with the City’s specifications and stamped by a qualified Professional Engineer licensed to practice on P.E.I.; and
 - (c) The Subdivision Roads and Services Agreement, where there are sidewalks, pedestrian walkways, right-of-ways, Street lighting, curbs, traffic Signals or other Municipal Services in the area Shall include this as part of the detailed engineering Design in accordance with any City specification and the drawing Shall be stamped by a qualified Professional Engineer licensed to practice on P.E.I.

7.4 APPROVAL NOTIFICATION

- .1 The Development Officer Shall approve a Plan of Subdivision or consolidation where it meets the requirements of this section.
- .2 When a Plan of Subdivision has been approved, the Development Officer (or Designate) Shall affix a stamp with the City of Charlottetown crest and his or her Signature and date approved to the plan and the following statements May form part of the stamp. As well, the Development Officer May attach other written notices or conditions to the approval (eg. Lot must be consolidated with adjoining Lot, previous Plans were registered, Municipal Services are not available, deeds must reflect this Plan, no building on this Lot).

“ This final Plan of Subdivision is approved for Lot(s) _____ and has been approved on _____ and forwarded to be registered in the Queens County Registry Office.”

or

“ This preliminary Plan of Subdivision is approved for Lot(s) _____ on _____ , and no sale of Lots May occur until a final Plan of Subdivision is approved and a ‘Subdivision Roads and Services Agreement’ is Signed.”

7.5 ENFORCEMENT

- .1 **Recording of Plan:** no Plan of Subdivision Shall be entitled to be recorded in the City of Charlottetown or Queens County Registry Office, or have any validity, until it has been approved in the manner prescribed herein. In the event an unapproved plan is recorded, it Shall be considered invalid and the City Shall institute proceedings to have the plan stricken from its records.
- .2 **Sale of Land in Subdivision:** no Owner, or agent of the Owner, of any land located within a Subdivision Shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the Use of a Plan of Subdivision before such plan has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this subsection of the By-law is, at the City’s option, voidable and Shall allow the City to apply to a court of competent jurisdiction for equitable relief. The description of such Lot or parcel by metes and bounds in the instrument of transfer, or other documents Used in the process of selling or transferring, Shall not exempt the transaction from the provisions of this By-law.
- .3 **Public Improvements:** the City and the authority approving sewer and water supply hereby state that all public improvements will be withheld, including the Maintenance of Streets and supplying water and wastewater service, from all Subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the Council in the manner prescribed herein.

- .4 Revision to Plan after Approval: no changes, erasures, modifications, or revisions, Shall be made in any plan or a Subdivision after approval has been given (approval stamp and Signed) by the City unless said plan is first re-submitted to the City for approval.

7.6 GENERAL PROVISIONS FOR SUBDIVISION

Requirements for a Plan of Subdivision Shall include:

.1 Streets:

- (a) a Subdivider who proposes to subdivide an area of land Shall lay out and construct all proposed public Streets as shown on the Street plan;
- (b) Streets Shall not run perpendicular to slope gradients where steep Grades May result. The Grade of a proposed public Street Shall be a maximum of 8.0 degrees with 4.0 degrees being the maximum for 30 m (98.4 ft.) from the intersection of two (2) centre lines. The minimum Grade of any Street Shall be 0.5 degrees. All proposed public Streets Shall have a 2.0 degree crown along the centre line;
- (c) all Streets Shall be Designed specifying adequate water drainage. Work Shall be certified by a Professional Engineer qualified to practice in the Province of Prince Edward Island;
- (d) turning circles of at least 20.75 m radius(42.5 m diameter) for streets with piped storm Shall be provided on all cul-de-sacs. Temporary turning circles of the same radius as indicated above Shall be provided on any dead-end Street intended for extension at a future date, or the Manager of Public Works may approve a T-type or branch type turnaround. No turning circle Shall terminate at an adjacent Road;
- (e) cul-de-sacs May be Used to develop odd-shaped parcels and Shall be properly oriented to facilitate drainage. The Use of cul-de-sacs, however, Shall be discouraged where Street Maintenance or provision of services becomes hampered;
- (f) the maximum length of a cul-de-sac Shall be that which the Public Works and Fire Department of the City approve;
- (g) all pedestrian walkways Shall have a width of at least 1.5 m (4.9 ft.) which Shall be composed of a dust-free surface which is either gravel, concrete or paved materials, and this Shall be 1 m (3.3 ft.) from the travelled portion of a Street;
- (h) all Lots on a final Plan of Subdivision Shall abut a public Street;
- (i) a proposed public Street shown on a final Plan of Subdivision Shall have a minimum right-of-way of 18.3 m (60.0 ft.) unless otherwise approved for infill residential subdivision upon the review of the City's Public Works, Fire and Utility Departments;
- (j) a public Street, unbroken by an intersection, Shall not exceed 365 m (1,197.5 ft.) in length unless it would prejudice the proper Subdivision of land or adjoining land;
- (k) there Shall be no more than four (4) public Street approaches in an intersection;
- (l) all intersecting Streets must intersect at an angle of 70 to 90 degrees for a minimum distance of 30 m (98.4 ft.) from the intersection measured from the respective centre lines;
- (m) where a public Street in an adjoining Subdivision abuts the boundaries of a Plan of Subdivision submitted for approval, the public Street in the latter Shall, if reasonably feasible, be laid out in prolongation of such public Streets unless it would be in violation of the By-law;
- (n) all Streets Shall be deeded to the City before commencement of sewer work;
- (o) the cost of paving, engineering, and construction Shall be paid in full by the Subdivider;
- (p) the Council reserves the right to name Streets within the City; and
- (q) the cost of all Street lighting Shall be borne by Developer or Owner of the Subdivision.
- (r) The Public Works Department of the City of Charlottetown may update their right-of-way requirements from time to time and these newer standards shall be in effect as of the date the Public Works Committee approve them.

.2 Lot Configuration:

- (a) wherever possible, Side Lot Lines Shall be substantially at right angles to a public Street or radial to a curved public Street; and
- (b) wherever possible, the Rear Lot Lines of a series of adjoining Lots Shall be continuous and not stepped or jogged.

.3 Water, Sewer, and Other Services:

- (a) water and sewer plans Shall be submitted to the City for approval of the Utilities Department;
- (b) the cost of water and sewer installation Shall be required to be borne by the Person subdividing or developing land;
- (c) a Person who proposes to subdivide an area of land in the City Shall install a public water system for the area of land proposed to be subdivided;
- (d) the public water system Shall include mains and laterals to the boundaries of the proposed Lots, and the system Shall be Designed by a Professional Engineer and comply with the City's specifications;
- (e) a Person who proposes to subdivide an area of land in the City Shall install a public sanitary sewer system for the area of land proposed to be subdivided;
- (f) the public sanitary sewer system Shall include collectors and any laterals to the boundaries of the proposed Lots, and the system Shall be Designed by a Professional Engineer and comply with the City's specifications;
- (g) a Person who proposes to subdivide an area of land in the City Shall install a public storm sewer system for the area of land proposed to be subdivided unless waived by the City where there is no connection to an available piped storm system, or where surface drainage such as ditches, swales, holding ponds, silt traps, and the like of the Subdivision does not present undue stress on the environment;
- (h) the public piped storm sewer system Shall include collectors and laterals to the boundaries of the proposed Lots, and the system Shall be Designed by a Professional Engineer and comply with the City's specifications. Where possible, the Subdivider of the Subdivision Shall be encouraged to incorporate swales in the Design of the public storm sewer system;
- (i) the public storm sewer system Shall be Designed to discharge into Existing streams and brooks utilizing natural run-off channels. Connections May only be made to Existing storm sewers with prior approval from the City, and approval Shall only be refused if the Existing storm sewer is inadequate; and
- (j) public Streets Shall include all Roadway culverts and drainage ditches, Easements, pedestrian walkways and Shall be Designed by a Professional Engineer and comply with the City's specifications.

.4 Land for Public Purposes:

The City, at its discretion, Shall accept one of the following or a combination of the following:

- (a) any Person who subdivides more than one (1) Lot from the parent parcel as of the date of this By-law in the City Shall set aside and convey to the City an amount of land which is acceptable to the City, equal to ten percent (10%) of the land to be subdivided for public purposes; or
- (b) in lieu of setting aside land for public purposes, the Council May accept payment to the City of money equal to ten percent (10%) of the fair market value of the Lots severed for Subdivision.

7.7 PERFORMANCE GUARANTEES AND CONVEYANCE OF PUBLIC SERVICES

.1 The Subdivider Shall satisfy the requirements of Subdivision approval by entering into a Subdivision agreement as follows:

- (a) the Subdivider Shall agree by Subdivision agreement to install the required systems as stipulated by the City, which May include: Streets, sidewalks, water supply, sewage collection, fire hydrants, storm drainage, Street lighting, curbing, Landscaping and traffic control systems, and the Developer or Owner Shall deposit with the Chief Administrative Officer cash, a certified cheque, indemnity, or other security acceptable to the Chief Administrative Officer which Shall be sufficient to cover 25% of the estimated installation costs of the required systems, and such estimates Shall be subject to the approval of the Director of Public Services;
- (b) an agreement entered into between the City and the Developer or Owner Shall be executed in triplicate, Signed by the Mayor and Chief Administrative Officer on behalf of the City and by the Developer or Owner;
- (c) the agreement Shall contain terms with respect to:
 - i. commencement and completion dates for construction of public Streets and installation of public water, sanitary and storm sewer systems or other systems;
 - ii. provision of general automobile liability insurance;
 - iii. description of the work to be carried out within the Subdivision;
 - iv. furnishing of security to the City as faithful performance Maintenance of the

- v. proposed work;
 - vi. such phasing as May be agreed upon by the Developer or Owner and the City;
 - vii. the provision and acceptance of Easements and rights-of-way associated with the public Streets and underground systems; and
 - viii. any other matter required by the provisions of this By-law.
- (d) the Developer or Owner who is responsible for the construction of public Streets and the installation of public water, sanitary and storm sewer systems Shall:
- i. arrange and pay for engineering Design specifications for the public Streets, public water, sanitary and storm sewer specifications of the City;
 - ii. arrange for complete testing of the systems and Shall advise the City of proposed test dates, sites, and times;
 - iii. arrange for service installation inspection required in subsection 7.7 (1)(e) below; and
 - iv. allow the City to inspect the construction and installation at any stage.
- (e) following construction and installation of the required services, and before acceptance by the City of the public Streets, water, sanitary and storm sewer systems, the Developer or Owner Shall:
- i. provide “as built” reproducible engineering drawings for all public systems which Shall be stamped and Signed by a Professional Engineer. Included with the “as built” plans Shall be a digital plan copy, DXF format in ATS77 PEI Stereographic Projection;
 - ii. provide all operating and procedural manuals for each public water or sanitary or storm sewer system;
 - iii. provide the results of all required test reports of the public systems demonstrating that they have been constructed and are operating according to the Standards of the agreement and this By-law;
 - iv. provide all Easements and rights-of-way associated with the public Streets and underground systems; and
 - v. post a Maintenance bond or other security acceptable to the Chief Administrative Officer made in favour of the City in an amount equal to 12.5% of the actual costs of constructing the public Streets and installing the public water, and sanitary and storm sewer systems. This bond is to be posted for up to one (1) year from the date of a “Certificate of Provisional Acceptance” and then a further bond of 6.25% of the actual cost of construction Shall be posted for an additional year after “Final Acceptance” to allow for two (2) years of Maintenance bonds.
- (f) the Developer or Owner Shall convey to, and at no cost to, the City the public Streets, any Easements, water, sanitary and storm sewer systems, and Parkland which Shall be free of encumbrances or cash-in-lieu of said Parkland;
- (g) following completion of the public Streets, water, sanitary and storm sewer systems and any other requirements in the Subdivision agreement, a “Certificate of Provisional Acceptance” Shall be issued to the Developer or Owner by the City’s Director of Public Services or the Development Officer; and
- (h) following acceptance of the public Streets and all associated work, including final asphalt coat (C mix), water, sanitary and storm sewer systems, the City Shall provide a “Certificate of Final Acceptance” to the Owner. The Maintenance bond Shall remain in place for a period of up to two (2) years regardless if a “Certificate of Final Acceptance” is issued by the City.

7.8 EXEMPTIONS TO SUBDIVISION REQUIREMENTS

- .1 The Development Officer May approve an undersized Lot if an Existing undersized Lot is consolidated with another parcel in order to bring the new consolidated Lot closer to the minimum requirements of this By-law, provided that the remaining parcel or parcels meet the Lot requirements of this By-law or were lawfully Existing at the effective date of this By-law.
- .2 Where a Lot or parcel of land contains more than one Main Building lawfully Existing at the effective date of this By-law the Development Officer May approve a Plan of Subdivision for the Lot or parcel of land showing a Lot Designed for each of the Main Buildings provided that each Lot has a frontage of not less than 6 m and is served by Municipal Services.
- .3 Notwithstanding the Lot Area and frontage requirements of this By-law, where a Development component of a permanent nature such as a Structure, well, or septic tank 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.