

- (d) several fragmented parcels are adjacent to the parcel that is the subject of the proposed redesignation;
- (e) internal public roads would be required;
- (f) municipal services would need to be extended; or
- (g) it is required by the Development Authority.

## **SECTION 7 SUBDIVISION**

### **7.1 SUBDIVISION IN GENERAL**

- (1) Where the development of land requires the subdivision of land, no development permit shall be issued until the application for subdivision has been approved in accordance with the *MGA*;
- (2) where the development of a building requires the subdivision of condominium units, no development permit shall be issued until the application for subdivision has been approved in accordance with the *MGA* and the *Condominium Property Act, RSA 2000, Chapter C-22* as may be amended from time to time;
- (3) minimum dimensional standards for lots and all other requirements in this bylaw shall be as specified in the applicable land use district in Schedule 2;
- (4) an application for subdivision may be subject to the same requirements of Section 6.2 (Land Use District Redesignation) and Section 3.3 (Suitability of Sites), in addition to any other requirements considered necessary in order to make a decision on the application, as determined by the Subdivision Approving Authority;
- (5) all applications for subdivision shall be required to meet the design standards set out in Schedule 3 (General Standards of Development); and
- (6) notwithstanding sub-section (2), subdivision of land within the Residential Manufactured Home Community: R-MC land use district shall not be permitted unless accompanied by an adopted Area Concept Plan or Area Structure Plan.

### **7.2 SUBDIVISION APPLICATIONS**

- (1) An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A completed application shall consist of:
  - (a) an official application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;
  - (b) the applicable fees paid;
  - (c) an up-to-date and current copy of the Certificate of Title to the subject land;
  - (d) a surveyor's sketch or tentative subdivision plan with dimensions, structures, location of private sewage disposal system, professionally prepared;
  - (e) provincial abandoned gas well information;

- (f) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be privately serviced;
  - (g) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the Land Use Bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and
  - (h) the consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the *MGA* must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority;
- (2) in accordance with the *MGA*, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:
- (a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;
  - (b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority;
  - (c) in respect of sub-section (2)(b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice;
- (3) notwithstanding sub-section (2), the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *MGA* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete;
- (4) a determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

### **7.3 INCOMPLETE SUBDIVISION APPLICATIONS**

- (1) The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 7.2 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application;

- (2) if the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 7.2(2);
- (3) the notification provided for in Section 7.2(2)(b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the *MGA*.