

# TOWN OF PORT HAWKESBURY

## Subdivision By-law

### PART 1: TITLE AND APPLICATION

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1. This By-law may be cited as the subdivision By-law for the Town of Port Hawkesbury and shall apply to all lands within the town.

### PART 2: INTERPRETATION

2. 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.

### PART 3: DEFINITIONS

2A. (a) Area of land means any lot or parcel as described by its boundaries;

(b) Department of Health means the Department of Health and Fitness;

(c) Department of Transportation means the Department of Transportation and Communications;

(d) Director means the Provincial Director of Planning;

(e) Existing street means any public street;

(f) Frontage means

(i) the distance between the side lines of a lot or parcel measured along a public street, or

(ii) where a lot or part thereof abuts an outside curve on a public street, the distance measured along a line joining points on the side lines of the lot or parcel which points are six metres (19.7 feet) from such street;

(g) Public street means any street owned and maintained by the Town;

(h) Subdivider means the owner or owners of the area of land proposed to be subdivided and includes anyone acting with his written consent;

(i) Subdivision means the division of any area of land into two or more parcels.

### PART 3A: PRELIMINARY PLANS OF SUBDIVISION (Optional First Step)

2B. (1) The subdivider proposing to subdivide an area of land may submit to the Development Officer four

copies of the preliminary plan of subdivision drawn to scale showing:

- (a) the name of the owner of the area of land being subdivided;
- (b) the names of all owners of all properties abutting the area of land being subdivided;
- (c) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;
- (d) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
- (e) the shape, dimensions, and area of the lots being created;
- (f) 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;
- (g) no duplication of lot identifiers;
- (h) the approximate location of railways;
- (i) the location of existing and proposed public streets;
- (j) the name of existing and proposed public streets (and the public street number) as issued by the civic addressing system;
- (k) the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (l) the location of existing buildings within 10 metres (32.8) feet of a property line;
- (m) the general location of watercourses;
- (n) the north point;
- (o) the scale;
- (p) any other information necessary to determine whether this subdivision conforms to this by-law.

(2) The Development Officer shall, if applicable, forward a copy of all material received pursuant to subsection (1) to

- (a) the Department of Health for an evaluation to determine what lot size is generally appropriate to meet the requirements of the provincial Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal

Systems,

(b) the Committee on Streets, Town Engineer, and

(c) any other agency of the Province or the Town the Development Officer deems necessary.

(3) The Department of Health, the Committee on Streets, Town Engineer and any other agency of the Province or Town which has been forwarded a copy of the Preliminary Plan shall forward a written report of their findings to the subdivider and the Development Officer. The Development Officer shall then report to the subdivider regarding the status of the subdivider's application.

#### **PART 4: PROCEDURE FOR APPROVAL OF TENTATIVE PLANS OF SUBDIVISION**

3. The subdivider proposing to subdivide an area of land shall submit to the Development Officer for approval an application in the form specified in Schedule "A" of these regulations together with eight copies of the tentative plan of the proposed subdivision meeting the requirements of Part 5 of this by-law.

4. Notwithstanding Section 3, the Development Officer may waive the requirement that tentative application and plan of subdivision be submitted where

(a) lots abut an existing street;

(b) a central water or sewer system is not being installed; and

(c) all lots to be served by on-site sewage disposal systems

(i) are 9290 square metres (100,000 square feet) or more in area;

(ii) have been evaluated by an authorized person of the Department of the Environment and the Development Officer has been informed in writing by the authorized person that the information already provided by the subdivider is satisfactory; or

(iii) do not require an assessment by virtue of the exception contained in clause 2.(1)(c) of the Regulations Respecting Subdivision of Land to be Served by On-Site Sewage Disposal Systems.

5. When the Development Officer is satisfied that an application and tentative plan of subdivision are complete, he shall, if applicable, forward a copy to the Department of Health, the Committee on Streets, Town Engineer and any other agency of the Province or Town the Development Officer deems necessary.

6. The Development Officer shall comply with the notification and approval provisions of Section 105(2) and (3) of the Planning Act.

7. Approval of a tentative plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of Health, the Committee On Streets, Town Engineer or any other agency of the Province or the Town unless the tentative plan of subdivision is clearly contrary to a law of the Province or By-law of the Town made pursuant to a law of the Province, including any

applicable dimensions for lot area and lot frontage contained in a land use By-law of the Town.

8. (1) The following information shall be stamped or written on any tentative plan of subdivision which is approved together with any other information necessary for the tentative plan to proceed to the final plan stage:

(a) "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.";

(b) the date of the approval of the tentative plan; and

(c) "This tentative plan of subdivision shall not be filed in the Registry of Deeds as no subdivision takes effect until a final plan of subdivision is endorsed by the Development Officer and has been filed by him in the Registry of Deeds."

9. (1) Within five days of approving a tentative plan of subdivision, the Development Officer shall forward a copy of the approved tentative plan to the subdivider and notify in writing, where applicable, the Committee on Streets, Town Engineer, Department of Health, and any other agency of the Province or Town which the Development Officer requested to review the plan, of his decision to approve the tentative plan.

(2) Where the Development Officer refuses to approve a tentative plan of subdivision, he shall notify the subdivider pursuant to Section 105(3)(c) of the Planning Act, and advise the subdivider of the appeal provisions of Section 115 of the Planning Act.

## **PART 5: TENTATIVE PLAN OF SUBDIVISION REQUIREMENTS**

10. (1) Tentative plans of subdivision submitted to the Development Officer shall be

(a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision,

(b) based on a description of the property to be subdivided, preferably but not necessarily as surveyed, and

(c) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.

(2) Tentative plans of subdivision shall show the following:

(a) the name of the subdivision, if any, and the name of the owner of the area of land;

(b) the names of all owners or the lot identifiers of all properties abutting the area of land proposed to be subdivided;

(c) 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;

(d) the words "TENTATIVE PLAN" located above the title block;

(e) a clear space for stamping measuring at least 15 centimetres (5.90 inches) wide by 15 centimetres (5.90 inches) high;

(f) the approximate dimensions of the area of land proposed to be subdivided;

(fa) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;

(fb) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;

(g) the proposed dimensions and shape of lots and blocks;

(h) the area of each lot including the approximate area of the remainder lot, if any;

(i) each proposed lot individually identified without duplication of lot identifiers and where practicable, 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;

(j) the approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical location for all buildings with in 3 metres (9.8 feet) either side of the boundaries of the proposed lot;

(k) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing lots being re-subdivided, consolidated or both, shown as broken lines;

(l) the scale to which the tentative plan of subdivision is drawn;

(m) the width and location of railroads, and existing and proposed public streets, including intersections and turning circles;

(n) the names of existing and proposed public streets;

(o) a notation stating whether or not the lots for which approval is requested are serviced by central sewer and water systems;

(p) the width, location and nature of any easements or rights-of-way on or affecting the area of land proposed to be subdivided;

(q) the north point;

(r) the date on which the tentative plan of subdivision was drawn and the date of any revisions;

(s) the location of any watercourse, prominent rock formation, area subject to flooding and any other prominent natural features which might affect the layout or provision of public streets and services to the area where the subdivision is to be located; and

(u) any other information which the Development Officer deems necessary to determine whether a tentative plan of subdivision conforms to this by-law.

(3) In addition to meeting the requirements of subsections (1) and (2) where the proposed lots front on a proposed public street, a tentative plan of subdivision shall

(a) 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 Nova Scotia Land Surveyors Act and the Regulations made thereunder,

(b) be accompanied by four copies of a plan showing

(i) contours at 2 metre (5 foot) intervals and drainage patterns,

(ii) the width and location of existing and proposed public streets, including intersections and turning circles, and

(iii) the location of existing and proposed central sewer and water systems and proposed connections thereto,

(c) be accompanied by two copies of a plan showing the center line profiles of the proposed public streets, and

(d) be accompanied by any other information which the Development Officer deems necessary to determine whether the plan and drawing referred to in subsections (b) and (c) conform to this by-law.

(4) Where plans or drawings or centre-line profiles are prepared by or under the supervision of a professional engineer, they shall be signed and sealed by the professional engineer in accordance with the Engineering Profession Act.

## **PART 6: PROCEDURE FOR APPROVAL OF FINAL PLANS OF SUBDIVISION**

11. The subdivider proposing to subdivide an area of land shall submit an application in the form specified in Schedule "A" of this By-law and eight copies of the final plan of subdivision meeting requirements of Part 7 of this By-law to the Development Officer for approval.

12. The Development Officer shall comply with the notification and approval provisions of Section 105(2) and (3) of the Planning Act.

13. When the Development Officer is satisfied that an application and final plan of subdivision are complete, he shall, if applicable, forward a copy to the Department of Health, the Committee on Streets,

Town Engineer and any other agency of the Province or Town which the Development Officer deems necessary.

14. Approval of a final plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of Health, the Committee on Streets, Town Engineer or any other agency of the Province or Town unless the final plan of subdivision is clearly contrary to a law of the Province or By-law of the Town made pursuant to a law of the Province, including any applicable dimensions for lot area and lot frontage contained in a land use By-law of the Town.

15. (1) Upon approval by the Development Officer of the final plan of subdivision, the Development Officer shall notify in writing the subdivider and, where applicable, the Committee on Streets, Town Engineer, the Department of Health and any other agency of the Province or Town which the Development Officer requested to review the plan, of his decision to approve the final plan.

(2) Where a Development Officer refuses to approve a final plan of subdivision, he shall notify the subdivider pursuant to Section 105(3)(c) of the Planning Act, and advise the subdivider of the appeal provisions of Section 115 of the Planning Act.

## **PART 7: FINAL PLAN OF SUBDIVISION REQUIREMENTS**

16. (1) Final plans of subdivision submitted to the Development Officer shall be

(a) drawn to a scale or scales sufficient for clarity of all particulars on the final plan of subdivision,

(b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested have been surveyed in the manner required by the Nova Scotia Land Surveyors Act and the regulations made thereunder, except for a final plan of subdivision prepared pursuant to Section 19(2) of these regulation, and

(c) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of the subdivision.

(2) Final plans of subdivision shall show the following:

(a) the name of the subdivision, if any, and the name of the owner of the area of land;

(b) 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;

(c) the length of the boundaries of all existing and proposed lots, streets, rights-of-way and easements including the length of arc, points of curvature and radius in the case of curved lines;

(d) the names of all owners or the lot identifiers of all properties abutting the proposed subdivision;

- (e) a clear space for stamping measuring at least 15 centimetres (5.90 inches) wide by 15 centimetres (5.90 inches) high;
- (f) the dimensions of the area of land proposed to be subdivided;
- (fa) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;
- (fb) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;
- (g) the approximate location of existing main buildings on the area of land proposed to be subdivided with the graphical location for all buildings within 3 metres (9.8 feet) either side of the boundaries of the proposed lot;
- (h) the shape, dimensions and area of lots, blocks, and the remainder lot, if any;
- (i) each proposed lot individually identified without duplication of lot identifiers and, where practicable, 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;
- (j) the bearings of the boundaries of proposed lots;
- (k) the width and location of railroads and existing and proposed public streets, including intersections and turning circles;
- (l) the boundaries of proposed lots shown by solid lines and the vanishing boundaries of existing lots being re-subdivided, consolidated or both, shown as broken lines;
- (m) a notation stating whether or not the lots for which approval is requested are serviced by central sewer and water systems;
- (n) the width, location and nature of any easements or rights-of-way on or affecting the area of land proposed to be subdivided;
- (o) the date on which the final plan of subdivision was certified with all revisions to be identified, dated and initialed;
- (p) the north point;
- (q) the scale to which the final plan of subdivision is drawn;
- (r) the names of existing and proposed public streets; and
- (s) any other information which the Development Officer deems necessary



to determine whether a final plan of subdivision conforms to this by-law.

(3) Where the design or layout of the subdivision was designed by an individual or firm other than the individual or firm of 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.

## **PART 8: GENERAL PROVISIONS**

17. (1) All lots to be approved on a final plan of subdivision shall abut a public street.

(2) A proposed public street shown on a final plan of subdivision shall have a minimum right-of-way of 15.24 metres (50 feet).

(3) The approval of the Development Officer shall not be endorsed on a final plan of subdivision showing any proposed public street until the deed to such proposed street has been accepted by the Town.

(4) All proposed public roads shall be

(a) designed in accordance with "Specifications for Subdivision Roads in Urban and Rural Areas" prepared by the Department of Transportation and Communications of the Province, or specifications adopted by the municipality; and

(b) constructed prior to endorsement in accordance with "Standard Specifications for Municipal Services" prepared by the Nova Scotia Road Builders Association (NSRBA) and the Nova Scotia Consulting Engineers Association (NSCEA) Joint Committee on Contract Documents, or specifications adopted by the municipality.

(5) The specifications referred to in clauses (a) and (b) may be waived or varied in accordance with accepted engineering practice.

(6) (a) All proposed lots which abut a public street shall have an access point to the public street which meets the stopping sight requirements of the Department of Transportation and Communications of the Province or requirements adopted by a municipality where the proposed lots abut a municipal street.

(7) Where a plan of subdivision shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street is a public street.

17A. Where a land use By-law is in effect, Sections 18A, 19A, and 19B are inoperative and do not apply unless the land use by-law permits development on any lot created pursuant to these Sections and the municipal planning strategy provides for both the subdivision and development of such lots.

18. (1) All lots for which approval is requested shown on a final plan of subdivision and the remainder lot, if any, for which no approval is requested shall meet the requirements for minimum lot area and lot frontage contained in Schedule "B" of this by-law.

(2) Notwithstanding the lot area requirements contained in subsection (1), where an

authorized person of the Department of Health has assessed the proposed lots shown on a final plan of subdivision and approved such lots for the installation of on-site sewage disposal systems, such lots shall be deemed to meet the lot area requirements contained in Schedule "B" of these Regulations.

(3) Notwithstanding Subsections (1) and (2), where a land use by-law is in effect, all lots for which approval is requested shown on a final plan of subdivision and the remainder lot, if any, for which no approval is requested, shall meet the applicable dimensions for minimum lot area and lot frontage contained in such by-law.

18A. Notwithstanding Section 18, where an area of land contains more than one main building built or placed prior to August 6, 1984, the Development Officer may approve a final plan of subdivision showing the same number of lots or fewer as there are main buildings and a remainder lot, if any, for which no approval is requested, provided that

(a) each proposed lot has minimum lot frontage of six metres (19.7 feet), and

(b) each proposed lot

(i) is served by a central sewage system and meets the lot area requirements of Section 18(1) where there is no land use by-law in effect or 18(3) where there is a land use by-law in effect, or

(ii) is approved by the Department of Health for the installation of an on-site sewage disposal system and the Development Officer is notified in writing of such approval, and

(c) the remainder lot, if any, meets the lot area and lot frontage requirements of 18(1) where there is no land use by-law in effect or 18(3) where there is a land use by-law in effect.

19. (1) Notwithstanding Sections 17(1) and 18, the Development Officer may approve a plan of subdivision altering the boundaries of two or more areas of land where

(a) no additional lots are created,

(b) each lot

(i) meets the minimum dimensions for lot frontage of these regulations or, where a land use by-law is in effect, of the land use by-law, or

(ii) has not had its frontage, if any, reduced, and

(c) each lot

(i) meets the dimensions for lot area of this by-law or, where a land use by-law is in effect, of the land use by-law, or

(ii) has not had its area reduced.

(2) When the proposed lot is not surveyed pursuant to clauses 16(1)(b) and 16(2)(j), the

final plan of subdivision prepared pursuant to subsection (1) shall

(a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel proposed to be added to the existing area of land have been surveyed; said boundaries shall be shown as a heavy solid line, except the common boundary between the existing lots which shall be shown as a heavy broken line and certified as being the common boundary,

(b) notwithstanding clauses 16(1)(b) and 16(2)(j) 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 affixed to the plan adjacent to the certification required by the Nova Scotia Land Surveyors Act and regulations made thereunder, and such notation is signed by the surveyor:

"NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of Parcel \_\_\_\_\_. The common boundary between existing Lots \_\_\_\_\_ 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 which are subject to a field survey."

19A. (1) Notwithstanding Section 18(1) and 18(3), the Development Officer may approve the maximum of two lots in accordance with Section 107 of the Planning Act, provided all other requirements of this by-law are met.

(2) Subsection (1) shall not vary the minimum Dimensional Requirements for lot area as contained in Schedule "B" for lots served or to be served by an on-site sewage disposal system.

19B. (1) Notwithstanding the lot area and frontage requirements of Section 18, where a development component of a permanent nature such as a structure, driveway, 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.

(2) Where the lots created pursuant to subsection (1) are not surveyed in accordance with Sections 16(1)(b) and 16(2)(j) and (1), the provisions of Section 19(2) shall apply.

20. All lots to be approved on a tentative or final plan of subdivision, and a remainder lot if any, shall have a minimum width and minimum depth of at least 6 metres (19.7 feet).

21. A public street unbroken by an intersection shall not exceed 365 metres (1,197.51 feet) in length unless such would prejudice the proper subdivision of land or adjoining land.

22. There shall be no more than four public street approaches in an intersection.
23. Where a proposed public street intersects a public street, the minimum sight distance along the public street shall be 65 metres (213.3 feet).
24. The distance between public street intersections shall not be less than 61 metres (200.13 feet).
25. (1) Unless otherwise approved by the Town Engineer, the length of a proposed cul-de-sac shall not exceed 200 metres from an intersection to the turning circle.
- (2) Proposed cul-de-sacs or other dead-end public streets shall have a turnabout with a minimum radius of 16.5 metres (54.13 feet) from the centre of the proposed cul-de-sac.
26. The grade of a proposed public street measured for at least 30 metres (98.43 feet) shall be a maximum of 8% and a minimum of 0.5%
- 26A. All proposed intersecting streets must intersect at an angle of 70 to 90 degrees for a minimum distance of 30 metres (98.43 feet) from the intersection measured from the respective centre lines.
27. 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 each public streets, unless it would be in violation of this by-law.
28. Wherever possible, side lot lines shall be substantially at right angles to a public street or radial to a curved public street.
29. Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.
30. (1) An application to amend or repeal a plan of subdivision shall be in accordance with Section 113 of the Planning.
- (2) The application to amend shall refer to the plan of subdivision as originally endorsed or drawn and such reference shall include the file number of the earlier subdivision plan filed at the office of the Registrar of Deeds for this Town.

## **PART 9: REQUIREMENTS FOR ENDORSEMENT AND FILING OF FINAL PLANS OF SUBDIVISION**

31. (1) When the requirements of the Planning Act, these Provincial Subdivision Regulations and the Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems pursuant to the Health Act have been met and the final plan of subdivision has been approved by the Development Officer, approval shall be endorsed on the final plan of subdivision by the Development Officer.
- (2) The Development Officer shall forward a copy of the endorsed final plan of subdivision to the subdivider.
- (3) Pursuant to and in addition to Section 110(8) of the Planning Act, the Development Officer shall give notice of the endorsement of approval on the final plan of subdivision to

(a) the surveyor, and

(b) any other department or agency of the Province or the Town which has been requested to review the final plan of subdivision.

32. The following information shall be written or stamped on any final plan of subdivision which is endorsed:

(a) "This final plan of subdivision is approved for lots \_\_\_\_\_"; and

(b) the classification of each lot within one of the classes A, B, C or D, including the definition of such class, specified in Schedule "A" to the Regulations Respecting Subdivision of Land to be Serviced by On-Site Sewage Disposal Systems, or "Lots \_\_\_\_\_ are serviced with central sewer".

33. Pursuant to Section 110(2) of the Planning Act, the Development Officer shall forward by certified mail or hand deliver one endorsed copy of the final plan of subdivision to the office of the Registrar of Deeds for the registration district in which the land is located and pay the fees required under Part 10 of this By-law to file the final plan.

33A. In accordance with Section 110(4) of the Planning Act, the Development Officer shall registrar a notice, in the form specified in Schedule "C", in the Registry of Deeds which indicates approval of the final plan of subdivision and shall forward to the Registrar of Deeds the fees required to be paid by the subdivider pursuant to Section 34 of this by-law.

#### **PART 10: FEES FOR THE FILING AND PROCESSING OF A FINAL PLAN OF SUBDIVISION**

34. (1) (a) the subdivider shall pay the fees contained in the Cost and Fees Act, R.S., c. 104, s. 1. or regulations made thereunder for filing the endorsed final plan of subdivision, certifying a copy of the plan and registering a notice of the approval of the plan; and

(b) the subdivider shall pay a fee of \$200.00 per plan plus \$25.00 per lot for each lot above five (5) for which approval is being requested on a final plan of subdivision for review and approval of the subdivision; and

(c) the subdivider shall pay a fee of \$50.00 for review and approval of a tentative plan of subdivision.

(2) 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.

(3) 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).