



TOWN OF WOLFVILLE  
**DRAFT SUBDIVISION BY-LAW**

**VERSION 2 – DRAFT 1**

7 JUNE 2016

*Town of Wolfville*  
*Subdivision By-law*

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Appendices:

- A Application for Subdivision Approval
- B Application for Repeal of a Subdivision
- C Servicing Agreement Template
- D Nova Scotia Road Builders Association Municipal Specifications

General notes: Overall re-organisation reflects Bridgwater format. References to “Planning Act” removed and updated with MGA references. References to ‘Clerk’ removed throughout. References to “zoning” and “Zoning bylaw” updated to “Land Use By-law” throughout. Notation for metres and feet made consistent throughout.

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## **1. TITLE**

- 1.1 **NEW** This By-law may be cited as the Town of Wolfville Subdivision By-law and shall apply to the subdivision of all land within the Town of Wolfville (the “Town”).

## **2. INTERPRETATION**

- 2.1 **NEW** 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 shall include the singular. All other words shall carry their customary meaning except those defined in Part 3.

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### **3. DEFINITIONS**

- 3.1 **NEW ACT** means the *Municipal Government Act, 1998*.
- 3.2 **DEVELOPMENT** means development as defined in Section 191 (c) of the *Municipal Government Act, 1998*.
- 3.3 **DEVELOPMENT OFFICER** means the development officer for the Town of Wolfville.
- 3.4 **NEW FRONTAGE** means the lot frontage and shall be measured in the same manner as required in the *Land Use By-law*.
- 3.5 **NEW LAND USE BY-LAW** means the *Town of Wolfville Land Use By-law*.
- 3.6 **NEW MUNICIPAL PLANNING STRATEGY** means the Town of Wolfville Municipal Planning Strategy.
- 3.7 **NEW MUNICIPAL SPECIFICATIONS** means the *Town of Wolfville Design and Construction Standards* and the current issue of the Nova Scotia Road Builders Association, Consulting Engineers of Nova Scotia Joint Committee on Contract Documents' *Standard Specifications for Municipal Services*.
- 3.8 **NEW PUBLIC STREET** means any street or road owned and maintained by the Town or the Province, and
- a) Town Public Road means any street or road owned and maintained by the Town; and
  - b) Provincial Public Street means any street road owned and maintained by the Department of Transportation, excluding designated controlled access highways pursuant to Section 21 of the *Public Highways Act*.
- 3.9 **NEW PRIVATE STREET or LANE** means...
- 3.10 **NEW REMAINDER LOT** means a lot for which subdivision approval is not requested or granted but which results from the approval of lots shown on a plan of subdivision.
- 3.11 **SUBDIVISION** means any subdivision as defined in the Section 191 (q) of the *Municipal Government Act, 1998*.
- 3.12 **SUBDIVIDER** means any owner or developer of land, who is engaged in the creation of a Subdivision or a development.
- 3.13 **TOWN** means the Town of Wolfville.

## **4. GENERAL PROVISIONS**

### **4.1 Procedures**

- 4.1.1. **NEW** Application for approval of a plan of subdivision shall be made to the Development Officer in the form specified in Schedule A of this By-law.
- 4.1.2. **NEW** The Development Officer shall comply with the notification and approval provisions of the *Act*.
- 4.1.3. **AMENDED** A development permit shall not be issued with respect to land to be developed or redeveloped until a Subdivider has complied with the provisions in this by-law, and/or entered into an agreement satisfactory to the Town with respect to the land. (*Formerly 14*)
- 4.1.4. An applicant for a subdivision approval shall pay a fee to the Town of Wolfville for approval of said subdivision based on the following schedule: (*Formerly 15*)
  - a) <require updating?> For a consolidation or boundary line adjustment or subdivision creating one (1) new lot – a fee of \$45.00;
  - b) <require updating?> For each additional new lot, beyond one (1), approved on a plan of subdivision – a fee of \$5.00

### **4.2 Lot Requirements**

- 4.2.1. The Subdivider shall not prejudice the proper subdivision of adjoining lands and if such adjoining land is or may be suitable for subdivision the Subdivider may be required to make provision for projection of streets into adjacent areas. (*Formerly 33*)
- 4.2.2. Reverse frontage lots may be used in order to provide separation from major traffic arteries. Each reverse frontage lot shall have only one access and shall not have direct access to an arterial street. (*Formerly 28*)
- 4.2.3. Side lot lines shall be as near to right angles to street lines as possible and shall be radial to a curved line. The rear lot lines of a series of adjoining lots shall be a continuous straight or veered line and not stepped or jogged. (*Formerly 29*)
- 4.2.4. Blocks shall be of sufficient depth to accommodate two tiers of lots except in the case of reverse frontage lots or where prohibited by the size, shape, topographical conditions or other inherent physical conditions of property. (*Formerly 30*)
- 4.2.5. Corner lots shall have a frontage width at least ten percent (10%) greater than the minimum required frontage width of adjoining interior lots. (*Formerly 31*)
- 4.2.6. Approval may be given to the subdivision of land into lots all or some of which do not meet the requirements for lots in the Land Use By-law if: (*Formerly 32*)
  - a) Any undersized lot is added to and becomes part of another lot which meets the lot requirements of the Land Use By-law and which appears on a registered plan or deed; and if
  - b) The remaining parcel or parcels meet the lot requirements of the Land Use By-law.

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## **5. STREETS AND SIDEWALKS**

- 5.1 No plan of subdivision shall be approved if any of the lots shown therein do not front upon or about a public street. *(Formerly 13)*
- 5.2 AMENDED – SPLIT All public streets proposed on a plan of subdivision shall be constructed by the Subdivider to a "Paved Street Standard" as specified on the Town of Wolfville Typical Road Cross Section dated April, 1986 attached hereto as Schedule "D" <Update reference to Road Builders Specifications> together with such additional standards and specifications as may be required by the Development Officer in his sole discretion, in particular circumstances and shall include an underground storm drainage system. *(Formerly 4)*
- 5.3 AMENDED – SPLIT All costs for street and storm sewer construction shall be borne by the Subdivider. *(Formerly 4)*
- 5.4 AMENDED – SPLIT Temporary turning circles of at least twenty (20) metres (65 feet) shall be provided on any dead-end street intended for extension at a future date. *(Formerly 20)*

### *Rights-of-Way*

- 5.5 AMENDED Any new street or road or extension of any existing street or road must have a right-of-way of at least sixteen (16) metres (52 feet) for Local 1 and Local 2 Streets and twenty-five (25) metres (82 feet) for a Collector Street as designated by the Municipal Planning Strategy. *(Formerly 14)*

### *Intersections*

- 5.6 There shall be no more than four (4) street approaches in an intersection. *(Formerly 18)*
- 5.7 "T" or three-legged intersections shall be employed wherever possible provided that the overall continuity of the street system is not lessened. *(Formerly 25)*
- 5.8 All streets shall intersect at right angles or as near to right angles as possible. However, at no time shall this angle of intersection be less than seventy-five (75) degrees or more than one hundred and five (105) degrees. *(Formerly 24)*
- 5.9 AMENDED – SPLIT No intersection shall be located on or near a sharp road curve or below the crest of a hill. *(Formerly 17)*
- 5.10 Intersections of local streets on the same or opposite side of a local street shall not be closer than sixty (60) metres (197 feet) measured between the two closest right-of-way lines. *(Formerly 26)*
- 5.11 The minimum distance between intersections on the same or opposite sides of an arterial street shall be two hundred and fifty (250) metres (820 feet). This distance may be lowered to one hundred and fifty (150) metres (492 feet) where satisfying the above requirements would make the subdivision of land impossible provided, however, that every effort has been made to connect to other streets and the permission of the relevant provincial or Town departments has been obtained. *(Formerly 27)*
- 5.12 AMENDED – SPLIT Continuous street frontage between street intersections shall not exceed four hundred (400) metres (1312 feet). This distance however, may be increased up to maximum of five hundred (500) metres (1640 feet) if a public pedestrian walkway



is provided near the mid-point giving direct access to an adjacent road or community facility. *(Formerly 22.1)*

- 5.13 Daylighting or sight triangles shall be provided on all corner lots in accordance with the requirements of the Land Use By-law. *(Formerly 23)*

*Street Grades*

- 5.14 Street grades measured for at least thirty-two (32) metres (105 feet) shall be provided as follows: *(Formerly 15)*

Street Grade	Collector	Local
Maximum	5.0%	10.0%
Minimum	0.5%	0.5%

- 5.15 The maximum grade of any intersection approach measured along a distance of at least thirty-two (32) metres (105 feet) from the centre of the street intersection shall be two (2) percent. *(Formerly 16)*
- 5.16 AMENDED – SPLIT Street intersections shall not have a grade greater than set out in Section 5.14. *(Formerly 17)*.
- 5.17 AMENDED – SPLIT Streets shall not run perpendicularly to slope gradients where steep grades may result. *(Formerly 19)*
- 5.18 AMENDED – SPLIT Streets shall be designed to facilitate drainage. *(Formerly 19)*

*Cul-de-Sacs*

- 5.19 AMENDED – SPLIT Maximum use shall be made of loop streets where the primary function of such streets is to provide access to individual lots and to discourage through traffic. *(Formerly 21)*
- 5.20 AMENDED – SPLIT A cul-de-sac may be used to develop odd shaped parcels and shall be properly oriented to facilitate drainage. The use of cul-de-sac, however, shall be discouraged where street maintenance or provision of services becomes hampered. *(Formerly 21)*
- 5.21 AMENDED – SPLIT Turning circles of at least twenty (20) metres (65 feet) in radius shall be provided on all cul-de-sacs. No turning circle shall terminate at an adjacent road. *(Formerly 20)*
- 5.22 The maximum length of a cul-de-sac shall be one hundred (100) metres (328 feet) to the entrance of the turning circle, or one hundred fifty (150) metres (492 feet) to the entrance of the turning circle where a pathway is provided that is: *(Formerly 22.2)*
- a. A minimum of six (6) metres (20 feet) of continuous width;
  - b. Designed and constructed to accommodate the passage of pedestrians and emergency vehicles; and
  - c. Connected to an adjacent street.

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- 5.22. All pedestrian walkways as specified in Section 5.21 shall have a right-of-way of at least three (3) metres (10 feet) in width, and shall have a walkway of at least one and three-quarters (1.75) metres (5.75 feet) in width which shall be composed of a dust-free surface; either gravel or paved materials. (*Formerly 22.3*)

*Private Streets*

- 5.23 REGULATIONS TO BE ADDED.

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## **6. WATER AND SEWER SYSTEMS**

- 6.1. The Subdivider shall provide all lots approved on a final plan of subdivision with municipal water and sewer services to the property line to the minimum stands and specifications as specified in the Town of Wolfville Minimum Standards attached hereto as Schedule "B" <is this being replaced with the Road Builders Specifications?> together with such additional standards and specifications as may be required by the Development Officer in his sole discretion in particular circumstances. (*Formerly 5*)

### *Stormwater*

- 6.2. **NEW** Subdividers shall provide a stormwater management plan. Stormwater management plans shall be approved by the Town Engineer or Development Officer at the time of development, and shall
- a) Address all stormwater on-site;
  - b) Demonstrate that no additional run-off shall be generated over pre-development levels;
  - c) Include stormwater treatment facilities in the form of settlement ponds;
  - d) Address the quality of any stormwater leaving the site
- 6.3. **NEW** Where settlement ponds are proposed, they shall not be counted as parkland dedication.

### **BRIDGEWATER APPROACH:**

<Question: Does the Town want to include requirements similar to those below (From Bridgewater) for sewer and water systems?>

**33. (a)** Where a proposed subdivision is in an area or immediately adjacent to an area serviced by a municipal sewer and water, and where a new public street is proposed, the subdivider shall, prior to approval of the final plan of subdivision by the Development Officer:

(i) construct a sanitary sewer system including collectors and laterals to the boundary of the proposed lots and connect to the existing central sanitary sewer system;

(ii) construct a water system including mains and laterals to the boundary of the proposed lots and connect to the central water system; and

(iii) all sanitary sewer systems and water systems required by Clauses (a)(i) and (ii) shall be designed by a professional engineer and shall comply with the Municipal Specifications.

(b) The subdivider shall install a storm water system in conformance with a drainage plan, properly designed by a professional engineer, to remove 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. All drainage plans and storm drainage systems shall comply with the Municipal Specifications.

(c) The specifications referred to in Clause (a)(iii) and Subsection (b) herein may be waived or varied by the Engineer in accordance with accepted engineering practice.

**34.** 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 Clause 33(a)(iii) and Subsections (b) and (c).

**35.** The subdivider shall be responsible for the following:

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- (a) arranging for complete testing of the installation of the water, sewer, and storm drainage systems at various stages as required by the Municipal Specifications; and
- (b) giving reasonable notice to the Engineer of the proposed test date, site, and time; and
- (c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test.

**36.** As an alternative to the complete construction and acceptance requirements for water, sewer and storm drainage systems, as contained in Sections 33, 34, 35 and 39, the subdivider may, before endorsement of approval of the final plan is given, enter into a written agreement with the Town as provided for in Part 7, and post a performance surety as provided for in Part 8.

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## **7. SERVICING AGREEMENTS**

- 7.1. Before approval is endorsed on the final plan of subdivision, the Development Officer shall have received joint approval of the water, sanitary sewer, and storm drainage systems from the Department of Health and the Department of the Environment.  
*(Formerly 7)*
- 7.2. The Subdivider satisfy the requirements to provide streets and services under this By-law by one of the following: *(Formerly 8)*
- a) By written agreement with the Town, the Subdivider shall agree to install the required services and construct the public streets before approval is endorsed on the final plan of subdivision; or
  - b) By written agreement with the Town, the Subdivider shall agree to install the required services and construct the public streets after approval is endorsed on the final plan of subdivision and shall deposit with the Clerk, before such endorsement,
    - i. cash, or
    - ii. a certified cheque, or
    - iii. a bond, or
    - iv. a first mortgage on a lot (or lots) approved in the plan of subdivision, or
    - v. an irrevocable letter of credit from a chartered bank, or
    - vi. other security, approved by Council, in an amount of 150% or the estimated installation costs of the required services, such estimates to be approved by the Development Officer. The value of a lot (or lots) used for security, per section b) shall be determined by the assessed value of the lot (or lots) by the Nova Scotia Provincial Assessment Office.
- 7.3. An agreement entered into between the Town and the Subdivider under Section 7.2 shall be executed in duplicate, signed by the Mayor and the Clerk on behalf of the Town, and by the Subdivider and shall be given to the Clerk and the Subdivider before approval is endorsed on the final plan of subdivision. *(Formerly 9.1)*
- 7.4. An agreement entered into between the Town and the Subdivider under Section 7.2 shall contain terms with respect to: *(Formerly 9.2)*
- a) commencement and completion dates for the construction and installation of services and public streets;
  - b) such phasing as may be agreed upon by the subdivider and the Town;
  - c) the terms and conditions of any bond or other security posted with the Town;
  - d) the provision and acceptance of easements and rights-of-way associated with the services; and
  - e) any other matter required by the provisions of this by-law.
- 7.5. In addition to Sections 7.3 and 7.4, the Subdivider shall: *(Formerly 10)*
- a) arrange and pay for engineering design specifications for the services in accordance with the specifications of the Town for such services;
  - b) arrange for complete testing of the systems, and shall advise the Town Engineer of proposed test dates, sites and times;
  - c) allow the Town to inspect the construction and installation at any stage; and

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- d) following completion of the sanitary sewer and water systems and the construction of all public streets, convey the services free of encumbrances from the Subdivider to the Town, at no cost to the Town.

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## **8. PERFORMANCE SURETY**

- 8.1. In addition to Sections 7.3, 7.4 and 7.5, where the Subdivider posts a bond or other security with the Town, the following conditions shall be met: *(Formerly 11)*
- a) The bond or other security shall be made in favour of the Town, conditioned on the execution and completion of the agreement in accordance with its terms and the terms of this by-law, and shall not be subject to cancellation, termination, or expiration during the period of time for completion of the services;
  - b) Where installation of the services and construction of the public streets are not completed in accordance with all of the terms of the agreement with the Town and of this by-law, the Subdivider shall forfeit forthwith to the Town the cash or certified cheque deposit, the bond, or the other security.
- 8.2. **NEW** Subdivider shall post a bond to the Town in the amount of 120% of the work?
- 8.3. **NEW** Primary vs. Secondary bonding.
- 8.4. **NEW** Placeholder for procedures around bonding.

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## **9. PARKLAND DEDICATION**

- 9.1. **AMENDED – SPLIT** Every Subdivider shall, at the time subdivision approval of a plan of subdivision is granted by the development officer, convey to the Town usable land for park, playground and similar public purposes equal to ten per cent (10%) of the area shown on the final plan of the subdivision, exclusive of streets, roads, walkways and the residue to land owned by Subdivider. (*Formerly 2*)
- 9.2. **AMENDED – SPLIT** Useable Land shall be defined as land that: (*Formerly 2*)
- a) Has a minimum frontage on a Public Street of twenty (20) metres (65 feet);
  - b) Has a minimum area of 1,000 square metres (0.25 acres);
  - c) Has a maximum slope of five per cent (5%);
  - d) Is free from wet or swampy areas, or areas covered by water;
  - e) **NEW** Is not subject to any known environmental contamination;
  - f) **NEW** Is not required as part of a stormwater treatment pond; and
  - g) **NEW** Is not an electrical transmission corridor.
- 9.3. **NEW** The criteria in Section 9.2 may be waived if the land to be transferred is considered unique by the Development Officer in that the parcel is:
- a) Suitable for preservation as a natural reserve based on the opinion of a qualified professional;
  - b) Of significant historical or archaeological value to the Town;
  - c) Has unique physical, cultural or historical characteristics which are of value for parks, playgrounds or similar public purposes(*Formerly 2*);
  - d) Adjacent to parkland or open space owned by the Town with a minimum area of 500 square metres (0.12 acres); or
  - e) Land deemed to be required for recreational purposes, for example to connect existing trails.
- 9.4. Failing mutual agreement between the Town and the subdivider, on the location of the lands to be conveyed to the Town pursuant to Sections 9.1, 9.2 and 9.3, the Subdivider shall, in lieu of conveying the said land, pay to the Town a sum of money equal to ten percent (10%) of the assessed value of the new lots created in the final plan of subdivision excluding streets, roads and the residue of land owned by the Subdivider.(*Formerly 3*)
- 9.5. **NEW** Placeholder for regulations for Parkland Dedication within the Core Area.
- 9.6. **AMENDED – SPLIT** These requirements shall not apply to any subdivision or portion thereof, that: (*Formerly 2*)
- a) Is a consolidation of two or more parcels;
  - b) Changes the boundary lines of any parcels and which does not result in the creation of any additional parcels; and
  - c) **NEW** is a subdivision of land owned by the Town.

## **10.ACCEPTANCE REQUIREMENTS**



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- 10.1. After construction and installation of the required services and before they are accepted by the Town, the Subdivider shall: *(Formerly 12)*
- a) provide the "as built" reproducible engineering drawings for all services stamped by a Professional Engineer;
  - b) provide all operating and procedural manuals for each water or sanitary sewer system;
  - c) provide the results of all required test reports of the systems demonstrating that the required systems have been constructed and are operating according to the standards of the agreement and this by-law;
  - d) provide all easements and rights-of-way associated with the services; and
  - e) post a maintenance bond acceptable to the Council made in favour of the Town in an amount equal to ten per cent (10%) of the actual costs of construction and installation of services, such bond to be posted for one (1) year.
- 10.2. The deed to any proposed public street shown on a final plan of subdivision shall be accepted by the Town free of encumbrances before approval is endorsed on the final plan of subdivision by the Development Officer. *(Formerly 13)*

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## **11. NEW CONCEPT PLANS OF SUBDIVISION**

<Provisions in this section borrowed from Bridgewater’s approach>

- 11.1 **NEW** Where an area of land is being subdivided in phases or will contain new public streets, a person shall submit to the Development Officer for approval an application in the form specified in Schedule A, together with five (5) printed copies and one (1) digital copy of a concept plan of the entire area to be subdivided.
- 11.2 **NEW** Concept Plans shall be at a scale sufficient for clarity of all aspects of the plan, and shall show the following:
- a) The words “Concept Plan” in the title block, along with an estimated lot yield;
  - b) The name(s) of the property owner(s) and names of all abutting land owners;
  - c) The unique parcel identifier (PID) for all areas of land being subdivided;
  - d) The proposed internal street system with connections to existing streets and adjacent lands;
  - e) The location of all watercourses and wetlands within and adjacent to the area of land, any prominent natural features, including wooded areas, areas subject to flooding, or steep slopes (>20%) that may affect the provision or layout of sewer, storm water, or central water systems, or public streets;
  - f) The proposed location of public open space;
  - g) The location of existing development, if any;
  - h) North point, scale and date;
  - i) Contours at five (5) metre intervals; and
  - j) Any other information that the Development Officer deems necessary to determine if the subdivision meets Town standards and accepted engineering practice as determined by the Town Engineer.
- 11.3 **NEW** The concept plan shall be accompanied by a traffic impact analysis, prepared by a professional engineer, the level of detail of which shall be relative to the scope of the development.
- 11.4 **NEW** Approval of a concept plan lapses if a complete application for tentative or final subdivision plan approval is not received within two (2) years of the date of approval of the concept plan.
- 11.5 **NEW** Where a concept plan is required under this By-law:
- a) no tentative or final plan of subdivision shall be considered for approval unless the Development Officer has granted approval of the concept plan; and
  - b) no tentative or final plan of subdivision shall be approved that is inconsistent with the approved concept plan.

<Bridgewater also includes a separate section with Procedures for processing concept plans – below. Is this an approach the Town would like to take?>

### **B – Procedure**

**48.** The procedure for processing concept plans of subdivision is contained in PART 4: General Provisions.

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**49.** The following information shall be stamped or written and completed by the Development Officer on any concept plan which is approved:

- (a) "This concept plan is approved. Such approval lapses if a tentative or final subdivision plan is not submitted for approval within two years of the date of approval of the concept plan."
- (b) the date of the approval of the concept plan; and
- (c) "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 Registry of Deeds."

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## **12. TENTATIVE PLANS OF SUBDIVISION**

- 12.1. **NEW** A 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 this by-law.
- 12.2. **AMENDED – SPLIT** Persons proposing to subdivide property shall submit five (5) copies of tentative plans of the proposed subdivision to the development officer for approval. *(Formerly 1)*
- 12.3. **AMENDED – SPLIT** Where the plan of subdivision divides land into four (4) lots or less, and where no roads and no water and sewer services are required to be constructed, the Development Officer may waive the requirement that tentative plans be submitted. *(Formerly 1)*
- 12.4. Tentative plans submitted must be drawn to a scale of not smaller than ten (10) metres to one (1) centimetre, may be based on deed description of the property to be subdivided, preferably but not necessarily as surveyed, shall be accompanied by a location or key map of a scale not less than 1:50,000 and shall show the following: *(Formerly 3)*
- a) Name of the subdivision and names and addresses of the Subdivider, and the surveyor or engineer.
  - b) Name and address of owner if they are not the Subdivider or the applicant.
  - c) Name of owners of all abutting properties and existing uses of the properties.
  - d) Area in square metres of proposed subdivided site and existing use, and any existing buildings.
  - e) Proposed number, size, shape and area of lots and blocks.
  - f) Each lot number for identification.
  - g) Proposed use of each block and lot.
  - h) Proposed width, grade and location of existing and proposed streets; intersections and turning circles.
  - i) Availability and nature of water supply.
  - j) Existing and proposed sewage facilities.
  - k) Location of existing streets, highways, railroads and utility lines and access to existing streets and highways.
  - l) Contours at one (1) metre intervals as may be necessary to determine grade of roads and drainage patterns.
  - m) Areas which may be required to be reserved or dedicated for public purposes under Policy X of the Municipal Planning Strategy, and Section 271 (3) h of the *Act*.
  - n) North point, scale and date.
  - o) Lakes, streams, water courses, swamps, rocky areas, wooded areas, areas subject to flooding or other natural features which might affect the layout or the provision of services to the area where the subdivision is located.
- 12.5. **NEW** In addition to meeting the requirements in Section 12.4, where the proposed lots front on a proposed public street, a tentative plan of subdivision shall:

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- a) show a boundary survey of the area of land proposed to be subdivided, except the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Land Surveyors Act* and its regulations;
  - b) show contours at two (2) metre (6.5 feet) intervals and drainage patterns;
  - c) show the width and location of proposed public streets and their intersection with existing public streets and connection to adjacent lands;
  - d) show the location of existing and proposed central sewer and water systems and proposed connections to these;
  - e) be accompanied by a storm drainage plan that meets the requirements of Part 6.
- 12.6. AMENDED When the Development Officer is satisfied that a tentative plan contains the information required in Sections 12.1, 12.2, 12.3, 12.4 and 12.5, a copy of the Tentative Plan of Subdivision shall be forwarded to the following for their comments and recommendations: (*Formerly 4.1*)
- a) Town Engineer
  - b) Chairman of Park and Tree Commission
  - c) Fire Marshall for the Town of Wolfville
  - d) Traffic Authority
- 12.7. The Development Officer, pursuant to Section 49 (3) of the Planning Act, shall approve the tentative plans or notify in writing the person submitting the tentative plan of any objectionable features. (*Formerly 2*)
- 12.8. No approval of a tentative or final plan of subdivision may be refused or withheld as a result of comments or recommendations made under Section 12.6 unless the plan is clearly contrary to a law or regulation of the Province of Nova Scotia, the regional plan, or to a By-law of the Town. (*Formerly 4.2*)

### **13.FINAL PLANS OF SUBDIVISION**

- 13.1. **NEW** A 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 this by-law.
- 13.2. A final plan of subdivision submitted for approval shall be accompanied by: *(Formerly 5)*
- a) a request in writing from the owners of the land shown on such final plan for the approval of the subdivision, and
  - b) a statement signed by the applicant that he is the owner or duly appointed agent of the owner of the land to be subdivided, and
  - c) If and to the extent that a subdivision by law requires a written agreement duly executed by the owner of the property, that he will meet all the requirements of the property, that he will meet all the requirements of the Land Use By-law, will construct all streets shown on the said plan, and will, where municipal sewer and water services are available, lay water and sewer mains in such streets, all according to the appropriate specifications relating thereto, and within five (5) days after having been so requested, will convey the facilities and any land reserved for public purposes to the Town, and
  - d) any security or bonds required to be posted under Part 8 of the Subdivision By-law and proof of having met the requirements of Part 8 of the Subdivision By-law.
- 13.3. Five (5) copies of a final plan of subdivision must be submitted for approval. The requirements in Part 12 and the following additional information shall be shown on any final plans of subdivision: *(Formerly 6)*
- a) name and address of applicant;
  - b) the boundaries of the property surveyed, with accurate distances and bearings as determined by survey in the field, under the Nova Scotia Co-ordinate Survey System if possible;
  - c) the length and bearings of the boundary lines of all lots, streets, rights-of-way and easements as laid out, length or arc., degrees and points of curvature, radii and tangent bearings in the case of curved lines;
  - d) the width of all streets and rights-of-way;
  - e) the accurate location of one or more permanent monuments;
  - f) the proposed lot numbers, and street names;
  - g) contours for road grades and drainage;
  - h) any reservations, private or otherwise;
  - i) Location of streets, houses and buildings on adjoining properties;
  - j) North Point (True or Magnetic) scale and date;
  - k) Building lines, being lines showing the position of a building in relation to the official street line;
  - l) Location of sewers, watermains, storm drainage facilities, culverts, pipe sizes, direction of flow and other utilities, all of which may be indicated on a separate map or diagram.
- 13.4. Such final plans of subdivision shall also: *(Formerly 7)*

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- a) have a clear space of binding margin of at least two and one-half (2.5) centimetres (1 inch) in width;
  - b) conform to the requirements for registration in the Registry of Deeds Office;
  - c) be certified by a Nova Scotia Land Surveyor in the manner required by the Registry Act and any other Act in force at the time of application for approval of subdivision.
- 13.5. Where a final plan has been approved but the requirements of Section 49(5) of the Planning Act <What is the correct reference in the MGA for this?> or of the Subdivision By-law of the Town have not been met, the Development Officer or the Clerk, as the case may be: *(Formerly 8)*
- a) shall notify in writing the applicant that his plan has been approved subject to such requirements, and
  - b) give the required notices, under Section 49 (6) of the Planning Act, <What is the correct reference in the MGA for this?> of such approval.
- 13.6. When the requirements of Section 49 (5) of the Planning Act, <What is the correct reference in the MGA for this?> subdivision regulations and the Subdivision By-law of the Town are met, approval of a final plan of subdivision shall be endorsed by the Development Officer on one copy of the final plan and this shall be returned to the applicant. *(Formerly 9)*
- 13.7. No plan of subdivision shall be approved where the lot sizes of all lots shown on the plan do not meet the requirements of the Land Use By-law. *(Formerly 10)*
- 13.8. No subdivision shall be approved which does not conform with the regional development plan. *(Formerly 11)* <remove?>
- 13.9. Where these subdivision regulations are in conflict with the regulations or requirements of any provincial department pertaining to construction, land use, safety of persons or property and of the Municipal Development Plan, Land Use By-law, Building Code and any related By-law of the Town of Wolfville, the higher or more stringent requirements shall prevail. *(Formerly 12)*

## **14. REPEAL OF PLANS OF SUBDIVISION**

- 14.1. **NEW** 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.
- 14.2. **NEW** Any person requesting the repeal of a plan of subdivision shall submit to the Development Officer an application in the form specified in Schedule B.
- 14.3. **AMENDED** An application to amend ~~or repeal~~ a plan of subdivision shall:
- a) be in accordance with Section 288 of the *Act*; <Reference to *Act* for repeals? 288 only references amendments>
  - b) satisfy the requirements of these regulations concerning approvals of final plans of subdivision;
  - c) refer to the subdivision as originally approved, including the file number of the earlier subdivision plan filed at the Office of the Registry of Deeds for the County of Kings. (*Formerly 34*)

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**15. REPEAL OF BY-LAW**

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