VILLAGE OF SAYWARD

BYLAW NO. 145 Village of Sayward Subdivision Bylaw, 1984 (Consolidated)

A BYLAW TO REGULATE THE SUBDIVISION OF LAND WITHIN THE VILLAGE OF SAYWARD

The following is a consolidated version of Bylaw No. 145, Village of Sayward Subdivision Bylaw, 1984 and includes the following amendment bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
330	Village of Sayward Subdivision Bylaw No. 145, 1984, Amendment Bylaw No. 1	May 12, 2004	To amend Part 3 (17), addition of item (3) and Part 3 (18), addition of item (4)
489	Village of Sayward Subdivision Amendment Bylaw No. 489, 2022	August 16, 2022	To amend Part 8, Application Fee

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VILLAGE OF SAYWARD

BYLAW NO. 145

A BYLAW TO REGULATE THE SUBDIVISION OF LAND WITHIN THE VILLAGE OF SAYWARD

The Council of the Village of Sayward in open meeting assembled enact as follows:

PART 1 – INTERPRETATION AND ADMINISTRATION

TITLE

1. This Bylaw may be cited as the "Village of Sayward Subdivision Bylaw No. 145, 1984".

DEFINITIONS

2. In the Bylaw, when the context otherwise requires:

APPLICANT means a person applying in writing for the approval of a subdivision whether as the owner of the property proposed to be subdivided or duly authorized for the owner.

APPROVING OFFICER means the Approving Officer appointed as such under the Land Titles Act.

AREA means the total horizontal area within the boundaries of a parcel created by subdivision.

BUILDABLE AREA Usable site area (buildable area) – means the area of a lot taken in a horizontal plane between the lot boundaries, excluding land in excess of a 25% slope and natural bodies of water comprising in excess of 10% of the total lot area.

COUNCIL means the council of the Village of Sayward.

COMMUNITY SEWER SYSTEM means a common sewer, or a system of sewerage or sewage disposal, which is owned, operated and maintained by the Village of Sayward.

COMMUNITY WATER SYSTEM means a system of waterworks within the meaning of Section 21 of the Health Act, which is owned, operated and maintained by the Village of Sayward.

CUL-DE-SAC means a length of highway made for vehicular use, the end of which is designed to be permanently closed.

FRONTAGE means that length of a parcel boundary which immediately adjoins a highway other than a lane or a walkway, and where two or more sides of a lot adjoin a highway, only one side being the shortest side shall be considered as frontage.

MAJOR ROAD means a road, which has been designated as such by the Council and the Ministry of Transportation and Highways.

NATURAL BOUNDARY means the visible high-water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to the vegetation as well as in respect to the nature of the soil itself.

OWNER means any person registered in the records of the Land Title Office as the owner of land or of any charge on land, whether entitled thereto in his own right on in a representative capacity or otherwise and includes “registered owner”.

PARCEL means any lot, block or other area in which land is held, or into which land is subdivided.

PROFESSIONAL ENGINEER means a person who is registered or duly licensed as such under the provisions of the “Engineers Act”.

PROVEN WATER SOURCE means a well or a licensed source of water capable of producing 500 gallons (2200 liters) of potable water per day to each residential lot.

PUBLIC WATER SYSTEM means a publicly owned water utility and for the purposes of this Bylaw shall include Water Improvement District Systems and “Community Water Systems”.

STREET means a highway as defined in the Land Titles Act and includes a public street, path, walkway, trail, lane, bridge, roads, thoroughfare or any other public way.

SUBDIVISION means the division of land into two or more parcels, whether by plan, by descriptive words or otherwise.

WATER DISTRICT means any Water Improvement District of Water District authorized to distribute water within the Village of Sayward.

ZONES means zones established in the Zoning Bylaw of the Village of Sayward.

ZONING BYLAW means the Zoning Bylaw of the Village of Sayward.

ADMINISTRATION

3. (1) The Village clerk or other person appointed as Approving Officer by the Council shall administer this Bylaw.

(2) The Approving Officer or his appointees, may enter at all reasonable times upon the land for which an application to subdivide has been made for the purpose of administering or enforcing the Bylaw.

(3) No person shall prevent or obstruct any such official from the carrying out of his duties under this Bylaw.

PROHIBITION

4. (1) No land shall be subdivided within the Village of Sayward unless and until the subdivision has received the approval of the Approving Officer.

SEVERABILITY

5. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

UNIT OF MEASURE

6. (1) Metric units are used for all measurements in this Bylaw.

(2) The approximate equivalent of metric units is included for convenience only does not form part of this Bylaw.

PRELIMINARY SUBDIVISION APPROVAL

7. **APPLICATION FOR APPROVAL**

(1) Prior to the preparation of survey plans and the placing of survey posts upon the land for the purpose of subdivision, the owner of the land or his duly authorized agent should apply to the Approving Officer for preliminary subdivision approval.

APPLICATION

(2) An application for preliminary approval shall contain the following:

(a) the name and address of the applicant;

(b) the full legal description of the land proposed to be subdivided;

(c) two copies of a sketch plan (the proposed plan of subdivision) drawn to a metric scale of not less than 1:1250 (or any other scale acceptable to the Approving Officer) clearly indicating:

(i) the dimensions of the existing and the proposed lot lines;

(ii) the approximate location and use of all existing buildings and structures;

(iii) the relationship of the proposed subdivision onto any adjacent existing or proposed roads;

(iv) existing property lines and streets to be eliminated by the proposed subdivision;

(v) utility and other easements located and identified;

(vi) watercourses and water frontages;

(vii) the intended use of each parcel to be created by the subdivision including any remaining portion of land;

(viii) scale and north arrow;

(ix) red outline of the subject property or properties

(d) where the applicant is not the REGISTERED owner of the property for which subdivision is sought, a statement signed by the registered owners, indicating that the subdivision application is made within his full knowledge and consent.

TIME LIMIT FOR APPROVAL

(3) The Approving Officer shall consider all application for preliminary approval and shall notify the applicant of his decision within 60 days of the date of application, or of furnishing, by the applicant, of any additional information the Approving Officer may require.

PRELIMINARY APPROVAL

(4) Preliminary Approval of any subdivision shall not be construed as final approval for land registration or any other purpose and shall be valid for a period of four months unless, upon written application, the Approving Officer grants an extension. Such extension shall not exceed a period of four months per extension.

Bylaw 489, 2022

APPLICATION FEE

8. Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Village of Sayward Fees and Charges Bylaw.

ADDITIONAL INFORMATION

9. **Overall Plan of Development**

(1) If the Approving Officer has reason to anticipate a further subdivision of the subject lands, the applicant, at the request of the Approving Officer, shall furnish a sketch plan showing the ultimate layout and servicing of such subdivision.

(2) Where the Approving Officer anticipates that flooding, settlement or other unusual soil or drainage conditions will occur on part or all of the subdivision area, the Approving Officer may require the applicant to furnish such surveys, engineering studies or designs as may be necessary to satisfy the Approving Officer that these conditions can be accommodated without detriment to the proposed subdivision, to adjacent properties, or to adjacent public or private works or facilities.

Topographical Details

(3) The Approving Officer may require the applicant to furnish profiles of every proposed new street, lane, or walkway, and such other topographical details as may be necessary to indicate the engineering problems to be dealt with in designing and constructing all the said street, lands or walkways, either within or furnishing necessary access to the subdivision.

Survey Data

(4) The Approving Officer may require the applicant to provide a plan verified by a British Columbia Land Surveyor, or a professional engineer showing the location and natural boundary, or elevation of all buildings, structures, steep banks, watercourses, high water levels and areas of unstable soil or excessively high water levels and areas of unstable soil or excessively high water table situated upon the land to be subdivided and on land immediately adjacent thereto.

AGRICULTURAL LAND RESERVE

10. Where land covered by this Bylaw has been designated as "Agricultural Land Reserve" by the Provincial Agricultural Land Commission pursuant to the Agricultural Land Commission Act, the Bylaw shall be binding only so far as it is not, in any manner, inconsistent with, or repugnant to the Agricultural Land Commission Act, or in the Regulations thereunder, or to any order of the Commission.

PART 2 – GENERAL PROVISIONS

SUITABILITY

11. Notwithstanding any other provision of the Bylaw, no lot shall be subdivided:

(1) unless the proposed subdivision is suited to the configuration of the land being subdivided.

(2) unless the lots created by the subdivision are suited to the use to which they are intended.

(3) in such a manner as to make impracticable the future subdivision of the lots being created by the subdivision or of any adjacent land.

. (4) unless it complies with the provisions of all applicable bylaws of the municipality

SUBDIVISION NOT APPROVABLE

12. Without limiting the generality of Section 11 approval of any subdivision may be refused if:

(1) a) it contains land which is subject to erosion; or

b) it contains land which may slip when developed, used or occupied; or

c) it contains land which, when developed, used, or occupied, may cause land on an adjacent parcel to slip; or

d) it contains land which is subject to flooding so as to render it unsuitable for use to which it is intended; or

e) it contains land which because of inadequate drainage, is not suitable for the use to which it is intended.

(2) The cost to the Municipality of providing Municipal works and services would be excessive.

(3) The anticipated development of the subdivision would injuriously affect the establishment of amenities of adjoining or adjacent properties or would be against the public interest.

LAND SUBJECT TO FLOODING

13. The Approving Officer shall not approve a plan of subdivision where the land being subdivided is subject, or could reasonable be expected to be subject, to flooding, without the prior consent of the Deputy Minister of Environment.

COVENANT

14. Notwithstanding the requirements of Section 12, the subdivision of land which is subject to any of the conditions described in Section 12 may be approved, provided that the owner agrees in writing to registering a condition or covenant under Section 215 of the Land Titles Act in favour of the municipality at the time of subdivision. Such condition or covenant shall be satisfactory to the Approving Officer and shall restrict or prohibit the construction of buildings or structures on, and/or the use of any parcel or part of such parcel which is subject to any of the conditions described in Section 12.

OTHER REGULATIONS

15. (1) Nothing contained in this Bylaw shall relieve the owner of a subdivision from the responsibility to seek out and comply with the legislation applicable to his subdivision.

(2) No subdivision shall be approved which would cause any existing building or structure or sewage disposal installation or used source of potable water, to contravene any building, zoning or other regulation in force on the parcel under consideration.

SUBDIVISION WITHOUT PLAN

16. Where it is intended to effect subdivision without a plan (as provided in Section 99 of the Land Titles Act):

(1) The application for approval of the subdivision shall contain a description of the parcel or parcels to be created by the subdivision sufficient to identify such parcel or parcels;

(2) The Approving Officer shall be guided by the same principles and requirements as apply to the examination of subdivisions being made by subdivision plan.

PART 3 – LOTS/PARCELS

MINIMUM LOT AREA

17. (1) Each lot shall have a minimum lot area as prescribed in Schedule "A" except when a lot is to be dedicated for park and public use.

(2) For the purpose of calculating lot area the area required for 6 metre (20ft.) radius corner cut-offs shall be considered part of the lot.

Bylaw 330, 2004 - Adds (3) - May 12, 2004

(3) The minimum lot size requirement shall not apply where lot lines are relocated or removed to facilitate an existing development or improve a subdivision pattern provided:

a) no additional lots are created;

b) the lots are contiguous;

c) for lots not within the Agricultural Land Reserve, the lot line change is minor in nature and would involve a change in area of no more than 25% of the smaller lot involved prior to subdivision unless otherwise approved by the Chief Administrative Officer.

MINIMUM LOT FRONTAGE

18. (1) Each lot shall have a minimum frontage as prescribed in Schedule "A" except where:

a) the proposed lot is located on a cul-de-sac in which case the minimum frontage shall be 11 m (36 ft.).

b) the proposed lot is located on the outside curve of a road in which case the minimum frontage shall be 12 m (40 ft.).

(2) Notwithstanding (1) each lot shall have a minimum of 10% of its perimeter fronting on a highway.

(3) The council may, by an affirmative vote of at least 2/3 of its members, exempt a person form the minimum frontage requirements prescribed by this Bylaw.

Bylaw 330, 2004 - Adds (4) - May 12, 2004

(4) Notwithstanding the above, the Council, pursuant to Section 176(1)(e) of the *Local Government Act*, delegates to the Chief Administrative Officer the authority to reduce the required minimum frontage in the following situations provided, all other applicable requirements of this bylaw can be satisfied as a result of the reduced size:

a) where a parcel features unusual terrain or configuration;

b) where additional road dedication is required above and beyond the roads necessary to serve the proposed lots;

c) where the required road dedication would prohibit subdivision otherwise permitted by the specified minimum lot area.

BUILDING AREA

19. Each residential lot shall have a buildable area of at least 9 m by 12 m (30 ft. by 40 ft.) exclusive of the required yard setbacks of the Zoning Bylaw.

PANHANDLE LOTS

20. Where the parcel is a panhandle lot, the access strip or panhandle shall not be calculated as part of the minimum parcel area. Such panhandle shall be a minimum of six metres (20 ft.) in width.

LOT DESIGN

21. The Approving Officer may refuse to approve the following if satisfactory alternatives are possible:

a) parcels which have more than one front parcel line abutting a street;

b) parcels where lot lines form angles containing less than sixty degrees;

c) parcels unduly irregular in shape.

ACCESS

22. No parcel shall be created by subdivision unless it abuts on a street except as otherwise provided in this Bylaw or Land Titles Act.

PART 4 – ROADS/STREETS

MINIMUM ROAD/STREET WIDTH

23. (1) The minimum width of any Road/Street in any proposed subdivision shall be 20m (66 ft.), except for a cul-de-sac road.

(2) Subject to Section 732(2) of the Municipal Act the Approving Officer may require the dedication of more than the minimum required in (1) in the event that local soil and terrain conditions are such that such additional dedication is necessary to properly drain, support and protect the roadway.

EASEMENTS

24. In addition to requirements for streets, the subdivider shall grant to the Municipality such easements or rights-of-ways as may be necessary to provide services, utilities, and pedestrian access in the area being subdivided.

CUL-DE-SAC (TURN AROUND AND LENGTH)

25. (1) Cul-de-sac turn arounds shall be circular with a minimum radius of 15 m (50 ft.) "Hammerhead" or the "Tee" type turn arounds are permitted provided that adequate road allowance is provided for the turn around and services to the satisfaction of the Approving Officer.

(2) Cul-de-sac roads shall not exceed 125 m (410 ft.) in length measured from the centre of the turning radius to the centre line of the intersecting road, provided, however, that the length may be increased to a maximum of 185 m (610 ft.) through the provision and construction of a 3 metre (10 ft.) walkway from the turn around area of the cul-de-sac to an adjacent street.

INTERSECTIONS

26. (1) The number of street intersections within a subdivision shall be kept to a minimum, and, where applicable

a) Y-shaped intersections shall be avoided;

b) T-shaped intersections shall be used when the intersecting highway is to carry a small amount of local traffic;

c) intersections with more than four legs shall be avoided;

d) intersections shall not be located in or near sharp curves or near the crest of any rise or hill.

(2) Wherever practicable, no intersection shall be less than 40 m (131 ft.) from any other intersection or likely future intersections measured from the points of intersection of their centre lines.

INTERSECTION ANGLE

27. Unless extremely difficult terrain or the pattern of existing subdivision precludes, a minimum of 15 m (49.21 ft.) of an intersecting leg shall be as close to right angles as practicable with the intersected street. This distance shall be measured at the boundary of the intersecting leg on the side of the contained angle.

INTERSECTING STREETS

28. Subject to the Land Titles Act, where any subdivision contains parcels less than 90 m (295.28 ft.) in width, intersecting streets shall be dedicated at intervals not greater than 402 m (1318.56 ft.) and on the same side of the street and beginning at any existing lateral street, except:

i) Where difficult terrain or other natural features render vehicle access impracticable; or

ii) Where the pattern of existing subdivision precludes the necessity of providing access.

CONSTRUCTION AND SERVICING OF ROADS/STREETS

29. Where streets are to be constructed, they shall be designed by a Professional Engineer in accordance with the accepted engineering standard and their construction inspected and certified by a Professional Engineer.

PART 5 – WORKS AND SERVICES

SERVICES REQUIRED

30. Unless otherwise specified in this Bylaw, all new parcels shall be serviced along their full road frontage within the following services for the zone in which they are located:

RURAL ZONES (RU-1, RR-1, RR-2)	pavement, ditch drainage, public water system or proven water source, sanitary sewer or septic disposal approval by Medical Health Officer.
RESIDENTIAL ZONES (R-1, R-3)	pavement, curb and gutter, storm sewer, sanitary sewer, public water system.
RESIDENTIAL MULTIPLE ZONES (R-2, R-3) COMMERCIAL ZONES (C-1, C-2)	pavement, curb and gutter, storm sewer, sanitary sewer, public water system or septic disposal approved by Medical Health Officer
INDUSTRIAL ZONE	pavement, curb and gutter, storm sewer, sanitary sewer or approved septic disposal, public water system.

SUBDIVISION ABUTTING EXISTING DEDICATED ROADS

31. (1) Where a subdivision abuts an existing dedicated, but unconstructed road allowance, the Approving Officer may refuse to grant approval:

If in his opinion:

a) The costs to the Municipality of providing public utilities and other Municipal works or services would be excessive and/or

b) Such subdivision is against the public interest.

(2) Section 31.(1) shall not apply to subdivision which abut road allowances that are constructed at least to the current road standard of the Municipality.

COSTS

32. All works required to be installed pursuant to this Bylaw shall be provided at the sole cost of the subdivider unless otherwise specified in this Bylaw.

WATER

33. (1) Where this Bylaw requires that new parcels be serviced by a public water system it shall be designed by a professional engineer in accordance with the accepted engineering standard and their construction inspected and certified by a Professional Engineer.

(2) Where the new parcels are to be serviced other than by means of public water system each such parcel shall be supplied by potable water in an amount not less than a minimum daily flow throughout the year of 2275 litres (500 gallons) per day.

SANITARY AND STORM SEWER

34. (1) Where this Bylaw requires that new parcels be serviced by sanitary and storm sewer systems, the system shall be designed by a professional engineer in accordance with the accepted engineering standard and their construction inspected and certified by a Professional Engineer.

(2) Where the new parcels are to be serviced by the septic tank disposal system, the system shall meet the requirements of the Health Act, Waste Management Act and Sewage Disposal Regulations.

(3) Where a discharge of sewage from or within the terms of the 'Waste Management Act', a provisional permit for that discharge shall be obtained before the subdivision is approved.

CURB, GUTTER AND SIDEWALKS

35. Where this Bylaw requires that curbs, gutters or sidewalks be provided, they shall be designed by a professional engineer in accordance with the accepted engineering standard and their construction inspected and certified by a professional engineer.

LAND FOR PARK AND PUBLIC USE

36. Subject to Section 729 (10) to (14) of the Municipal Act, the subdivider shall provide without compensation, land for public open space in the locations and to the extent required by the Approving Officer for the purpose of providing sufficient open space within the proposed subdivision for park and public use.

PART 7 – APPROVAL

APPROVAL

37. (1) The final subdivision plan shall conform substantially with the approved preliminary plan. Except in the case of the application for approval of a strata plan, the application for final approval need not cover the whole project in one application, however, if submitted in phases a separate application for final approval shall be made covering each section.

(2) Prior to final approval a subdivision where works and services are required to be installed or graded, the subdivider shall:

a) receive approval from the Approving Officer for all engineering design drawings;

b) provide and receive approval of a detained cost estimate for any required works;

c) enter into a subdivision maintenance agreement to ensure that all required works are constructed and functioning according to specifications. Such agreement shall be in force for one full year from the date of final completion and acceptance of the works and shall require the deposit with the Village of an irrevocable letter of credit or other acceptable security in the amount of 5% of the estimated cost of the required works as determined by the Approving Officer;

d) submit complete mylar "as constructed" drawings for any works construction.

(3) The Approving Officer may approve a plan of subdivision prior to completion of the construction and installation of works and services required by this Bylaw where the owner of the lands being subdivided:

a) deposits within the Municipality an irrevocable letter of credit or other acceptable security for an amount estimated by the subdivider and approved by the Approving Officer to be the cost + 25% of completing the said works and services, and

b) enters into an agreement with the Municipality that he will construct and install or cause to be constructed or installed the said works and services within six months or forfeit the amount secured by the bond to the Municipality for the purpose of completing said works and services. Such an agreement may be extended for an additional six months provided the Approving Officer is satisfied that the security is sufficient to complete the works.

This Bylaw shall come into force and take effect upon the adoption thereof.

READ A FIRST TIME this 8th day of November 1984.

READ A SECOND TIME this 8th day of November 1984.

READ A THIRD TIME this 8th day of November 1984.

RECONSIDERED AND ADOPTED by the Council this 22nd day of November 1984.

Original signed by "Dennis Brendeland"	Original signed by "Jean Phye"
Mayor	**Clerk**

SCHEDULE "A"

MINIMUM LOT SIZES AND DIMENSIONS

ZONE	MINIMUM AREA	MINIMUM FRONTAGE
Residential 1 – R-1	668 m^2 (7200 sq. ft.)	18 metres (59.0 ft.)
Residential 2 – R-2	185 m^2 (1900 sq. ft.)	18 metres (59.0 ft.)
Rural 1 Ru-1	.8 hectares (2 acres)	60 metres (196.0 ft.)
Commercial 1 – C-1	668 m^2 (7200 sq. ft.)	18 metres (59.0 ft.)
Commercial 2 – C-2	743 m^2 (8000 sq. ft.)	18 metres (59.0 ft.)
Industrial 1 – I-1	372 m^2 (4000 sq. ft.)	15 metres (49.0 ft.)
Rural Resource 1 – RR-1	8 hectares (20 acres)	60 metres (196.0 ft.)
Rural Resource 2 – RR-2	8 hectares (20 acres)	60 metres (196.0 ft.)

SEE ZONING BYLAW 131, 1983 FOR QUALIFICATIONS OF THESE STANDARDS.