

4130

CITY OF PORT ALBERNI

BYLAW NO. 4130

A BYLAW TO REGULATE AND REQUIRE THE PROVISION OF WORKS AND SERVICES IN RESPECT OF THE SUBDIVISION AND DEVELOPMENT OF LAND

1.0 CITATION

1.1 This bylaw may be cited as the "Subdivision and Development Bylaw".

2.0 PROHIBITION AND EXEMPTION

2.1 No person shall subdivide or develop land in the City contrary to the provisions of this bylaw.

3.0 PRELIMINARY LAYOUT CONSIDERATION

3.1 An applicant for subdivision approval may, before preparing a plan of subdivision to be submitted for approval pursuant to the provisions of the Land Title Act, ask the Approving Officer for preliminary layout consideration.

3.2 This request shall be accompanied by sketch plans of the proposal and include information that the Approving Officer may require to determine whether or not the proposed subdivision will meet the requirements of this bylaw.

3.3 This request for preliminary layout consideration is preliminary to and shall not be considered to be an application for subdivision in a form satisfactory to the Approving officer under Section 993 of the Municipal Act.

3.4 Preliminary layout considerations of any subdivision shall not be construed as approval of the proposed subdivision for land registration or any other purpose and no fee shall be payable for preliminary considerations.

3.5 Preliminary layout consideration shall not be considered as acceptance by the Municipality or its Approving Officer of anything except the general layout of the proposed subdivision, and a list of minimum conditions which would be taken into consideration of an application for approval.

- 3.6 Preliminary layout consideration is revocable by the Approving Officer at any time before approval is granted, and in no case will extend beyond 90 days.

4.0 APPLICATION FOR SUBDIVISION APPROVAL AND FEE

- 4.1 Application for subdivision approval shall be submitted on the form as prescribed by the Approving Officer.
- 4.2 An applicant for subdivision approval or preliminary layout consideration shall, on his application or request, state the use to which he intends to put the land following its subdivision.
- 4.3 An applicant for subdivision approval shall submit with his application for approval a fee in the amount prescribed in the current Fees and Charges Bylaw.

5.0 HIGHWAY DIMENSIONS, LOCATIONS, ALIGNMENT AND GRADIENT

- 5.1 A highway proposed to be dedicated by a plan of subdivision shall not be shown on the plan, dedicated, laid out or constructed unless the dimensions, location, alignment and gradient meet the requirements for highways prescribed by the City of Port Alberni Engineering Department Standards and Specifications which are attached hereto and form part of this Bylaw and are hereinafter referred to as Schedule "B".

6.0 COST OF WORKS AND SERVICES

- 6.1 The works and services required by this bylaw shall be provided, located and constructed at the expense of the owner of the land proposed to be subdivided.

7.0 WORKS AND SERVICES REQUIRED WITHIN A SUBDIVISION

- 7.1 The works and services outlined in the "Works and Services Table", (which is attached hereto and forms part of this Bylaw and is hereinafter referred to as Schedule "A"), shall be provided for all subdivisions and developments by and at the expense of the applicant for subdivision or development.
- 7.2 All works and services required under Section 7 shall be provided, located and constructed in accordance with the applicable standards prescribed in Schedule "B".

- 7.3 Where the City operates a community water or sewer system, or a drainage collection system, the water distribution, sewage collection and drainage collection systems, where required in the subdivision or development pursuant to Section 7, shall be connected by mains to the system of the City in accordance with the standards prescribed in Schedule "B".
- 7.4 Notwithstanding the provisions of Section 7.3, in zoning categories permitting Service Level I works and services under Schedule "A", and where a community water and/or sewer system is not available to service the subdivision or development, each parcel to be created or developed shall have a proven supply of potable water and an approved sewage disposal system.

8.0 EXCESS CAPACITY

- 8.1 For the purpose of Section 990(8) of the Municipal Act, the rate of interest shall be at the prime rate plus one percent (1%). Unless otherwise provided for by agreement, the excess or extended service shall be deemed to be completed on the date the subdivision plan received final approval by the Approving Officer or the date the building permit is issued.
- 8.2 Where oversize services are required to be installed, reimbursement for such oversizing may be provided as outlined in Schedule "B".

9.0 SECURITY AND SERVICING

- 9.1 A security to be deposited under Section 991(a) of the Municipal Act shall be in cash, certified cheque, or by an irrevocable letter of credit generally in the form prescribed in Schedule "B" hereto. The security shall be in the amount of 100 percent of the cost of engineering, construction, and installation of the works and services required to be installed as estimated by the City Engineer.

10.0 OWNERSHIP OF WORKS AND SERVICES

- 10.1 All works and services constructed under this bylaw shall, upon their acceptance by the City, be free and clear of all encumbrances.

11.0 WORKS AND SERVICE REQUIRED ADJACENT TO A SUBDIVISION

11.1 An owner of land who applies for subdivision approval or the issue of a building permit shall provide, as a condition of subdivision approval or of the issue of the building permit, whichever is applicable:

- (a) on the highway immediately adjacent to the land, being subdivided or developed up to the centre line of the highway, and
- (b) on the land itself

the works and services that are required to be provided under Section 7.0 of this bylaw as if

- (c) the highway immediately adjacent to the land is within the boundaries of the land being subdivided, or
- (d) the land itself is being subdivided.

12.0 SECURITY FOR ADJACENT WORK AND SERVICES

12.1 The provisions of Section 9.0 of this bylaw respecting the deposit of security apply to the completion of works and services under Section 11.0.

13.0 EXTENDED SERVICE AND LATECOMER PAYMENTS

13.1 Where an owner is required to provide excess or extended services under Section 8.0 of this bylaw, the City shall:

- (a) determine the portion of the cost of providing the highway, or water, sewerage, or drainage facilities that it considers to be the excess or extended service;
- (b) determine which part of the excess or extended service will benefit each of the parcels of land that will be serviced by the excess or extended service; and
- (c) impose a charge as a condition of connecting to or using the excess or extended service which shall:
 - (i) include interest in accordance with Section 8.1 of the Bylaw.

- (ii) be collected from the date of completion of the works and services up to a mutually agreed upon date but not beyond 10 years.

13.2 The cost of providing excess or extended services shall be paid for by:

- (a) the municipality; or
- (b) the owner of the land being subdivided, where the municipality considers that its cost to provide the excess capacity in whole or in part are excessive. The City shall as and when collected pay over to the owner of the land required to provide excess or extended services the charges as specified in this section of this bylaw.

14.0 PARCEL FRONTAGE ON HIGHWAY

14.1 Where a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be the greater of:

- (a) 33 feet, or
- (b) 1/10 of the perimeter of the parcel.

14.2 The Approving Officer may exempt a parcel from the minimum frontage provided for in Section 14.1.

15.0 CONNECTION OF WORKS AND SERVICES

15.1 Where an owner of land proposed to be subdivided or developed provides, locates and constructs the works and services and excess or extended services, required by this bylaw, the owner shall not connect such works or services to any of the sewage, drainage, or water works of the City, and the City shall not accept the works constructed and installed by the owner or any part thereof, until:

- (a) the City Engineer has accepted the works and services;
- (b) the proposed subdivision has received Final Approval by the Approving Officer;

- (c) the owner has deposited with the City Engineer "as built" drawings of such works and services prepared by a Professional Engineer; and
- (d) the owner has concurrently with the approved subdivision plan caused to be registered in the Land Titles Office all rights-of-way required where such works and services cross private property, in the form of the right-of-way agreement prescribed in Schedule "B" and a copy of such subdivision plan and rights-of-way bearing evidence of registration is deposited with the municipality.

16.0 PROVISION OF PARK LAND

16.1 The land or payment referred to in Section 992 of the Municipal Act shall be dedicated or paid to the City:

- (a) prior to the date of final subdivision approval; or
- (b) at a date specified by the City by agreement. Notice of this agreement shall be registered in the Land Title Office as specified in s.992(10) of the Municipal Act.

17.0 REPEAL

17.1 Subdivision Bylaw No. 3191, as amended is repealed.

READ A FIRST TIME THIS 10TH DAY OF JANUARY, 1994.

READ A SECOND TIME THIS 10TH DAY OF JANUARY, 1994.

READ A THIRD TIME THIS 10TH DAY OF JANUARY, 1994.

RECONSIDERED AND FINALLY ADOPTED THIS 24TH DAY OF JANUARY, 1994.

Mayor

Clerk

SCHEDULE "A"

WORKS AND SERVICES TABLE

There is hereby established two levels of works and services as follows:

SERVICE LEVEL I	SERVICE LEVEL II
<p><u>Works & Services To Be Provided</u></p> <ul style="list-style-type: none"> - Paved roads with gravel shoulders, street and traffic signs. - Watermains and fire hydrants if connection to the City water system or other approved water system is available, or - A proven and approved supply of potable water on each lot if connection to an approved water system is not available. - Sanitary sewers and storm sewers if connection to the City sanitary and storm sewer is available, or - Approval for an on-site sewage disposal system for each lot, and - Surface drainage provided by ditches and culverts. - Overhead wiring and pole mounted streetlighting at intersections. 	<p><u>Works and Services To Be Provided</u></p> <ul style="list-style-type: none"> - Paved streets with curb and gutter, catch basins, sidewalk and street and traffic signs. - Watermains and fire hydrants connected to the City water system or other approved water system. - Sanitary and storm sewers connected to the City sanitary and storm sewer systems. - Surface drainage provided by site grading to storm water inlets. - Underground wiring and davit type street lighting.

Works and services corresponding to the prescribed service level shall be provided to all subdivisions and developments according to the Zoning of the land as hereinafter provided.

ZONING DISTRICT	SERVICE LEVEL REQUIRED
(A-1) Market Garden District (A-2) Urban Agricultural District (A-3) Future Development District (R-4) Semi-Rural Residential District	Service Level I
All other zoning districts designated by the City's Zoning Bylaw.	Service Level II