



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

538

APPROVED AND ORDERED 16 FEB 1976

Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA 16 FEB 1976

Pursuant to the Municipal Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that the By-law of the Regional District of Comox-Strathcona cited as "District 71 Subdivision Control By-law, 1976" be approved in the form of by-law hereto attached.

Minister of Municipal Affairs.

Presiding Member of the Executive Council.

A By-law to regulate the Subdivision of Land

The Board of the Regional District of Comox-Strathcona, in open meeting assembled enacts as follows:-

PART 1 TITLE

This By-law may be cited for all purposes as the "District 71 Subdivision Control By-law, 1976".

PART 2 PURPOSE

The purpose of this By-law is to guide subdivision development in District 71 for the ultimate benefit of the district as a whole by ensuring that land is subdivided in an orderly and economical way to produce an efficient, convenient and healthful environment and to preserve and enhance the natural amenities of the land.

PART 3 APPLICATION

This By-law shall be applicable to all of Electoral Area "A" (Baynes Sound-Islands) with the exception of Denman and Hornby Islands; Electoral Area "B" (Comox North); and Electoral Area "C" (Black Creek-Puntledge) with the exception of those lands situated within the Rural 2 zone of the "Black Creek-Puntledge Interim Zoning By-law, 1974".

PART 4 INTERPRETATION

"APPLICANT" means a person applying for the approval of a subdivision, whether as the owner of the property proposed to be subdivided or as the agent of the owner;

"APPROVAL" means approval in writing from the authority having jurisdiction;

"LOT" see Parcel.

"LOT AREA" means the area of land within the boundaries of the lot, but excludes the area of a panhandle;

"PARCEL" means any lot, block, or other area in which the land is held or into which land is subdivided or any remaining portion of the land being subdivided.

"REGIONAL DISTRICT" means the Regional District of Comox-Strathcona.

"SUBDIVISION" means the division of land into two or more parcels, whether by plan or by metes and bounds description or otherwise, except that the words "subdivision plan" shall also be deemed to include a plan consolidating two or more parcels into a single plan;

Unless otherwise defined herein, any word or expression in this By-law shall have the same meaning as any similar word or expression in the Land Registry Act;

PART 5 BASIC PROVISIONS

501 No land within the area described in part 3 shall be subdivided unless and until the subdivision has first received the approval of the Approving Officer.

- 502 To obtain such approval, an applicant shall apply to the Department of Highways, Courtenay, B. C.
- 503 The Approving Officer may refuse to approve the subdivision of any parcel of land unless all the requirements of this and any other applicable regulations under the Health Act and those of Improvement Districts, and other relevant agencies have been observed.
- 504 The Approving Officer may refuse to approve the subdivision of any parcel should the subdivision make any existing use on that parcel non-conforming in respect to any other By-law of the Regional District.
- 505 The Approving Officer may refuse to approve any subdivision of land:
- a) if the proposed subdivision:
 - i) is not suited to the configuration of the land being subdivided
 - ii) is not suited to the use for which it is intended
 - iii) makes impracticable the future subdivision of the land within the proposed subdivision, or of any adjacent land.
 - b) if, in his opinion, the anticipated development of the subdivision would injuriously affect the established amenities of adjoining or adjacent properties, or would be against the public interest.
- 506 At the request of the regional district, the Approving Officer may require:
- a) the submission of a sketch plan showing that the parcels into which the land is proposed to be subdivided can conveniently be subdivided into further small parcels.
 - b) The submission of plans, including appropriate contour plans, and data on the measures necessary to remedy wet conditions, surface water discharge, or liability to flood.
 - c) the submission of subdivision design drawings bearing the seal of a Professional Engineer and/or Planner.
- 507 Where the proposed subdivision is situated within a water service specified area, the regional district as a condition of subdivision may require the applicant or owners of the proposed subdivision to install, at his own expense and at no cost to the Regional District and under the supervision of the Regional District, or their representative, all water mains, fire hydrants meters and other fittings and appurtenances deemed necessary by the Regional District to provide an adequate supply of water for domestic and commercial use and fire protection for the future growth or expansion of said subdivision, and shall pay for all engineering costs; the said water mains, hydrants, meters, fittings and appurtenances shall become the property of the Regional District.

PART 6 GENERAL REQUIREMENTS

- 601 For the purpose of this By-law, the territorial area of District 71 is deemed to be divided into the following Subdivision Control District:-

SUBDIVISION CONTROL DISTRICT "A"
SUBDIVISION CONTROL DISTRICT "B"
SUBDIVISION CONTROL DISTRICT "C"

- 602 The extent of each Subdivision Control District is shown on Schedules A-1, A-2, A-3 and A-4, which are attached to and form part of this By-law.
- 603 a) Within each such Subdivision Control District, subdivision shall conform to the requirements of the respective Subdivision Control Districts as follows:- .

<u>Subdivision Control District</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage*</u>
"A"	14,500 sq. ft.	120 feet
"B"	28,000 sq. ft.	120 feet
"C"	20 acres	10% of lot perimeter

* In special circumstances this provision may be relaxed at the discretion of the Approving Officer.

- b) No minimum lot size shall apply where the lot is intended for a non-sewage generating use such as unattended utility or navigational structures, public and public service uses, parks, and where a restrictive covenant is registered satisfactory to the Approving Officer which prohibits the construction of buildings and structures and/or the use of a parcel.
- c) Where a proposed subdivision is to be serviced by both a publicly owned and operated sanitary sewer and water system, the minimum lot size requirements shall be those of the Provincial Subdivision Regulations.
- d) Notwithstanding the provisions of this By-law the Approving Officer may approve the subdivision of parcels subject to the requirements of section 713A of the Municipal Act.

PART 7 SUBDIVISION APPROVAL PROCEDURE

- 701 The approval procedure and all other subdivision requirements shall be those as enforced by the Department of Highways.
- 702 Notwithstanding the provisions of this By-law the Approving Officer may allow the completion of earlier submitted subdivision applications for which written preliminary approval was issued as of the date of first reading of this By-law.

PART 8 SEVERABILITY

- 801 If any provision of this By-law is found invalid, such provision is severable.

READ A FIRST TIME THIS 29th DAY OF December, 1975.

READ A SECOND TIME THIS 29th DAY OF December, 1975.


READ A THIRD TIME THIS 29th DAY OF December, 1975.

Approved by the Lieutenant-Governor in Council this day of , 197 .

RECONSIDERED AND ADOPTED THIS DAY OF 197 .

I hereby certify the foregoing to be a true and correct copy of "District 71 Subdivision Control By-law, 1976" as read a third time by the Regional Board of the Regional District of Comox-Strathcona on the 29th day of December, 1975.

Dated at Courtenay the 31st day of December, 1975.


Secretary

Chairman

Secretary-Treasurer



INFORMATION

FILE DOCUMENT PAGE _____

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OVERSIZE PLAN POOR QUALITY

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PROVINCE OF B.C.

DO NOT PHOTOCOPY/USE BLACK PEN.