

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

PART 4

SUBDIVISION REGULATIONS

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4.1 Subdivision Districts

- 1) For the purpose of this Bylaw, the area described in the section of this Bylaw entitled **Application** is hereby divided into subdivision districts as provided in Schedule '4B'.
- 2) The extent of each subdivision district is shown on Schedule '4A'.
- 3) Where a subdivision district boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule '4A'.
- 4) Where a subdivision district boundary is designated as following a highway or watercourse, the centreline of the highway or the natural boundary of the watercourse or centreline of a creek shall be the subdivision district boundary.
- 5) Any land not included in any subdivision district by Schedule '4A' shall be deemed to be in Subdivision District A.

4.2 Prohibition

Land shall not be subdivided contrary to this Bylaw.

Subdivision Standards

4.3 Parcel Size

- 1) Minimum parcel size requirements for each subdivision district shall be in accordance with Schedule '4B'.
- 2) A panhandle shall not be considered part of a parcel for the purpose of calculating parcel size in any subdivision district described in this Bylaw.
- 3) The minimum parcel size shall be increased as necessary:
 - a) to suit the topography; and
 - b) to ensure that the gradient of an access driveway or a panhandle to service the proposed lots shall not exceed 20%.
- 4) Parcels within land to be subdivided may be reduced to 80% of the size otherwise permitted in the applicable subdivision district, provided that:¹
 - a) a maximum of 50% of the proposed parcels within the land to be subdivided may be reduced in size, unless a higher percentage has been approved by way of a development variance permit; and
 - b) the average parcel size of all parcels within the subdivision conforms with the parcel size permitted in the applicable subdivision district; and
 - c) a restrictive covenant in favour of the Regional District is registered against all parcels in the subdivision prohibiting further subdivision of the land unless the largest parcel created within the subdivision is less than twice the minimum parcel size applicable to that parcel at the time of subdivision.

¹ Bylaw No. 500.13, adopted October 13, 1987

4.4 Parcels Exempt from Minimum Parcel Size Requirements

- 1) Where the requirements of the authority having jurisdiction are met with respect to the provisions of water and method of sewage disposal, minimum parcel size and parcel servicing regulations shall not apply to a subdivision:
 - a) combining 2 or more parcels into a single parcel;
 - b) where the effect of subdivision would not be to increase the number of parcels, but to adjust the boundary between existing parcels, provided that the boundary change does not result in the reduction of either parcel by 20% or more of its original size;
 - c) adding an accretion to a parcel.

- 2) Parcels which consist of 2 or more parts physically separated by:
 - a) a highway which was dedicated prior to the adoption of this Bylaw;
 - b) the Nanaimo River, the Englishman River, the Little Qualicum River, or the Qualicum River;
 - c) a railway under jurisdiction of the applicable **Railway Act** and amendments thereto; may be subdivided along the dividing highway, the natural boundaries of the noted rivers, or the railway even when the newly created parcels fail to meet the minimum parcel size requirements of this Bylaw, provided the requirements of the authorities having jurisdiction are met with respect to the provision of water, method of sewage disposal and access.

- 3) Parcels proposed for subdivision pursuant to Section 946 of the **Local Government Act** shall be permitted provided that:¹
 - a) all requirements of provincial legislation are satisfied; and
 - b) the new parcel being created by subdivision is a minimum of 1.0 ha²; except where the parent parcel was connected to a community water service prior to the adoption, on June 10, 2003 of the “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309, 2002”, then the minimum parcel size shall be no less than 2500m²; and
 - c) the size of the remainder of the parcel is the minimum size required under Schedule '4A' and '4B' of this Bylaw; and
 - d) all other requirements of this Bylaw are met.

Design and Servicing Standards

4.5 Parcel Shape and Dimensions

- 1) The depth of each parcel of land in a subdivision shall not exceed 40% of the length of the perimeter of the parcel, excluding any panhandle, unless the proposed subdivision will create parcels substantially closer to compliance with this provision than the existing parcel.

- 2) Unless the pattern of existing subdivision precludes it, side lot lines shall, wherever practicable, be created perpendicular or radial to the adjoining highway.

¹ Bylaw No. 500.69, adopted September 8, 1992

² Bylaw No. 500.320, adopted November 22, 2005

- 3) No panhandle shall be created:
 - a) narrower than 10.0 m where further subdivision of the parcel is possible; or
 - b) narrower than 6.0 m where further subdivision is not possible.

- 4) No parcel shall be created which is divided into 2 or more non-contiguous portions of land not included within the parcel or remainder, except a remainder which is divided into non-contiguous portions by the width of a highway allowance, provided that:
 - a) such a highway was in existence prior to the subdivision; and
 - b) it is impracticable to establish the non-contiguous portions as separate parcels.

4.6 Highway Requirements

- 1) No proposed highway to be dedicated by a plan of subdivision shall be shown on a plan, dedicated, laid out or constructed unless the design, dimensions, locations, alignment and gradient meet the requirements for highways, as established from time to time, by the Ministry of Transportation.

- 2) Additional dedicated rights of way of up to 6.0 m may be required for bus stop areas near key intersections.

- 3) A subdivision pursuant to the **Strata Property Act** and amendments thereto the following minimum access route standards shall apply along with any further requirements by the Ministry of Transportation:¹

PAVED WIDTH	PARKING
6.0 m	On street parking not permitted - parking provided in accordance with Schedule '3B'
8.5 m	On street parking permitted on one side

4.7 Sewage Disposal

- 1) Where a parcel is created and is not served by a community sewer system the authority having jurisdiction must be satisfied as to the sewage disposal capability of the parcel.

- 2) Any community sewer system, or part thereof, provided within the subdivision, to service the subdivision or to connect the sewage collection system within the subdivision to a Regional District trunk sewage main shall, if constructed after the enactment of this Bylaw, be constructed and installed at the expense of the owner of the land being subdivided and shall be carried out in accordance with the standards and specifications set out in Schedule '4D'.

- 3) Notwithstanding Section 4.7 (1), for lands within the Lakes District and Schooner Cove Community Water and Sewer Standards Area, all parcels shall be serviced by a community sewer system.²

- 4) Notwithstanding Section 4.7 (2), for lands within the Lakes District and Schooner Cove Community Water and Sewer Standards Area, any community sewer system, or part thereof, provided within the subdivision, to service the subdivision or to connect the sewage collection system within the subdivision to a Regional District trunk sewage main

¹ Bylaw No. 500.61, adopted March 27, 1990

² Bylaw No. 500.388, adopted July 22, 2014

shall, be constructed and installed at the expense of the owner of the land being subdivided and shall be carried out in accordance with the standards and specifications set out in Schedule '4D1'.¹

4.8 Water Supply

- 1) Where a parcel to be created is not to be served by a community water system and is less than 5.0 ha in area, the applicant shall provide reasonable proof to the satisfaction of the Approving Officer that a minimum year-round potable water supply of 3.5 m³ per day can be provided for each parcel being created.
- 2) Any community water system, or part thereof, provided within the subdivision, to service the subdivision or to connect the water distribution system within the subdivision to a Regional District trunk water main shall, if constructed after the enactment of this Bylaw, be constructed and installed at the expense of the owner of the land being subdivided and shall be carried out in accordance with the standards and specifications set out in Schedule '4C'.
- 3) Notwithstanding Section 4.8 (1), for lands within the Lakes District and Schooner Cove Community Water and Sewer Standards Area, all parcels shall be serviced by a community water system.²
- 4) Notwithstanding Section 4.8 (2), for lands within the Lakes District and Schooner Cove Community Water and Sewer Standards Area any community water system, or part thereof, provided within the subdivision, to service the subdivision or to connect the water distribution system within the subdivision to a Regional District trunk water main shall, be constructed and installed at the expense of the owner of the land being subdivided and shall be carried out in accordance with the standards and specifications set out in Schedule '4C1'.³
- 5) The standards and specifications set out in Schedule '4C' do not apply to community water system owned, operated and maintained by a municipality or an improvement district, or a community water system which is operated by a person required to hold a certificate of public convenience and necessity under the **Water Utility Act**.⁴

4.9 Exception

Subdivision regulations to not apply to:

- a) parcels to be used solely for unattended public utility use;
- b) park.

¹ Bylaw No. 500.388, adopted July 22, 2014

² Bylaw No. 500.388, adopted July 22, 2014

³ Bylaw No. 500.388, adopted July 22, 2014

⁴ Bylaw No. 500.238, adopted February 10, 1998