

CITY OF PRINCE RUPERT

BY-LAW NO. 2045

A BY-LAW TO REGULATE THE SUBDIVISION OF LAND

WHEREAS the Council deems it desirable to regulate the subdivision of land and set standards for streets and the works and services to promote the harmonious, orderly and economical development of the City, to preserve the established amenities and to protect the public interest;

NOW THEREFORE the Council of City of Prince Rupert in open meeting assembled enacts as follows:

1. APPLICATION

Within the limitations of any statute the subdivision of all lands in City of Prince Rupert shall be regulated under this By-Law.

2. INTERPRETATION

Unless otherwise defined herein any word or expression in this By-Law shall have the meaning assigned to it in the Municipal Act or Land Registry Act, and

"Applicant" means a person who has applied for approval of a proposed subdivision whether as the owner or as an agent for the owner of the land included therein and shall also mean the Contractor who contracts to carry out the work in the subdivision.

"Approving Officer" means the Municipal Engineer, or in his absence, the Clerk of City of Prince Rupert.

"City Engineer" means the Engineer of City of Prince Rupert or any person appointed by Council to serve in that capacity and will be referred to herein as the City Engineer.

"Community Plan" means an expression of Council policy for any use or uses of land including the surface of water in the pattern of subdivision of land and it may be expressed in maps, plans, reports, or any combination thereof.

"Cul-de-sac" means a dead-end street with a turning space at the dead-end.

"Footpath" shall mean a highway designated for pedestrian traffic only.

"Lane" means a highway designated for vehicular traffic less than forty-five (45) feet wide.

"Major Street" means a street which, in addition to serving local needs, is, or is designed to form, part of the major or arterial street system of the City wherein a significant portion of the traffic along the same has both its origin and destination outside the subdivision area.

"Minor Street" means a street used primarily for travel and access to and from the parcels contiguous thereto created in the subdivision.

"Owner" and "Registered Owner" means the person registered in the books at the Land Registry Office as owner of the land or of any charge on the land being subdivided whether entitled thereto in his own right or in a representation capacity or otherwise.

"Parcel" means any lot, block, or area in which land is held or into which land is subdivided but does not include any portion of highway.

"Street" includes an avenue, highway, road, square, thoroughfare and any other public way but does not include a lane, trail, footpath, bridge or road, or path on private property.

"Subdivision" means the division of land into two or more parcels by plan, metes and bounds description or otherwise or the consolidation of two or more parcels into one parcel by subdivision plan.

3. Without limiting any discretionary powers conferred upon the Approving Officer by the Land Registry Act and the Municipal Act, the Approving Officer in considering an application for subdivision shall have due regard for the following considerations:
 - (a) The effect of the proposed subdivision upon other properties;
 - (b) The convenience of access, circulation, control and traffic safety;
 - (c) The efficient and economic use of the land and the compatibility of the plan with the topography, existing and future development and other features;
 - (d) The interests of the public.
4. Where adjacent lands are, or may be, detrimentally affected by a proposed subdivision, the applicant shall submit to the Approving Officer evidence that the owner or owners of the adjacent lands have been provided with written notice of the proposed subdivision and have been made fully aware of all aspects of the scheme and that the owner or owners have been given a reasonable opportunity to express their opinion to the Approving Officer. The Approving Officer may also solicit the opinion of the adjacent property owners whenever he deems it necessary.
5. No subdivision shall be permitted where the location of any building or structure in relation to any new parcel to be created by the subdivision would not be in conformity with the Building, Zoning or any other By-Law, Statute or regulation and, as a condition for approval, the Approving Officer may require the removal of a non-conforming building or structure or a building or structure which would become non-conforming by reason of the subdivision.
6. An applicant may apply for preliminary approval of a subdivision with sketch plans drawn to a suitable scale showing the proposed subdivision layout with the dimensions of the parcels and highways, the proposed uses, and such additional information on services, water courses, easements, contours and elevations, or other details which may be required by the Approving Officer.

7. No ruling or decision made on a preliminary application shall be binding on either the Approving Officer or the applicant and neither the City nor the Approving Officer shall be responsible or liable in any way whatsoever to any person for any loss occasioned or expense incurred as a result of any person acting upon or pursuant to the preliminary approval given by the Approving Officer.
8. The Approving Officer shall examine the preliminary application and shall advise the applicant in writing whether the subdivision could be approved or would not be approved stating the reasons therefore and any conditions that may be required for approval.
9. Preliminary approval will be valid for a period of not more than six months but may be renewed for a further period, or periods, not exceeding three months each upon written application to the Approving Officer.
10. Applications for final approval shall be made in writing addressed to the Approving Officer and shall be accompanied by:
 - (a) (i) the subdivision survey plans, or, where a survey plan is not required, a description of the proposed method of subdivision with a sketch showing the division of the parcel and the legal description;
 - (ii) plans and specifications of all highways, drainage, sewer and water systems and other services prepared by a qualified person acceptable to the Approving Officer wherever any of these works may be required;
 - (iii) the amount of any fee required under the Land Registry Act;
 - (iv) a certificate that all taxes assessed on the land to be subdivided have been paid.
- (b) The application for final approval shall conform substantially to the preliminary application as passed by the Approving Officer but at the request of the applicant the Approving Officer may grant approval to only a portion of the lands included in the preliminary plan.

11. The Approving Officer shall examine the application for final approval and render his decision in writing as soon as can reasonably be expected as to whether the subdivision will be approved or rejected stating any conditions for approval or reasons for rejection..

12. The general rules for subdivision of parcels shall be as follows:

- (a) Every parcel shall have its frontage upon a developed street.
- (b) Wherever possible the side lines shall be at right angles to or radial to the street line.
- (c) Lots fronting on more than one street, triangular or irregular shaped lots and residential lots with a depth of less than eighty feet or more than one hundred and twenty feet shall be avoided wherever possible.
- (d) The minimum dimensions and areas for lots shall be:

	<u>Frontage</u>	<u>Area</u>
<u>Residential Zones:</u>		
single family dwelling	40'	3,200
two family dwelling	50'	4,800
multiple family dwelling	60'	6,000
semi detached housing		
Z2R zone	25'	2,500
Z3R - Z6R zones -		
interior units	20'	1,600
end units	25'	2,000
Z4R zone	150'	12,000

<u>Commercial Zones:</u>		
Z1C	25'	2,500
Z2C	200'	16,000
Z3C	100'	8,000
Z4C	500'	50,000
Z5C	100'	10,000
Z6C	150'	12,000

13. In consideration of the highway system in a proposed subdivision the Approving Officer shall have due regard to all aspects of traffic within and without the proposed subdivision and any foreseeable future developments that may have a bearing on his decision and without limiting the generality of the foregoing the principles and standards to be observed are as follows:

- (a) All highways shall be cleared, grubbed, drained, constructed, graded, surfaced and completed to meet the requirements of this By-Law and the specifications of the City Engineer.

- (b) No highway designated for vehicular traffic shall have a grade of more than 8 % along the centre line of such highway.
- (c) No highway designated for pedestrian traffic only shall have a grade of more than 12 % along the centre line of such highway except where stairs which conform to the requirements of the National Building Code of Canada of concrete or other inorganic material acceptable to the Engineer, are provided.
- (d) Major streets shall be continued through the subdivision without jogs with a width of not less than seventy-two feet.
- (e) Minor streets shall have a width of not less than fifty feet.
- (f) Cul-de-sacs shall have a width of not less than fifty feet, a length of not more than five hundred feet with a circular turning area having a radius of not less than fifty feet within which there shall be no parking at any time and the central portion of which shall be kept free for snow removal purposes.
- (g) Lanes shall have a width of not less than twenty feet for one-way traffic and not less than thirty feet for two-way traffic.
- (h) Footpaths shall have a width of not less than ten feet.
- (i) Vehicular access to residential lots shall ordinarily be from the street fronting in which case lanes will be avoided and any requirement for services at the rear of properties will be by way of a registered easement of not less than ten feet in width over the property served except where two abutting properties are served the easement width may straddle the two properties.

14. All lots shall be provided with a separate storm sewer pipe connection not less than six inches in diameter of sufficient capacity to contain the flow of the maximum run off anticipated and all natural water courses shall be maintained, preserved and protected to the requirements of the Engineer.
15. All lots shall be provided with a separate sanitary sewer pipe connection, not less than four inches in diameter, of sufficient capacity to contain the flow of the maximum quantity of sewage to be generated from the lot.
16. All lots shall be provided with a separate water pipe connection, not less than three-quarters of an inch in diameter, of sufficient capacity to serve all requirements for potable water.
17. Except where existing overhead electrical supply is provided to the property, all electrical service shall be by underground wiring and all lots shall be provided with a separate underground electrical service connection with sufficient capacity to serve the anticipated demand for electrical service.
18. Where underground electrical service is provided, all lots shall be provided with a separate underground telephone service connection.
19. Except as may be otherwise provided by statute or under special circumstances which may be considered by the City Council, the applicant for a subdivision shall:
 - (a) Provide, without compensation, land for all highways easements or rights-of-way as required in the subdivision.
 - (b) Provide, without compensation, preliminary drawings, construction drawings and "as constructed" drawings to meet the requirements of this By-Law and the City Engineer.

- (c) Remove all structures encroaching upon and obstructions located on any highway, easement or parcel created by the subdivision. The City Engineer may require grading or shaping of some or all lots within a subdivision.
 - (d) Provide at no cost to the City the complete installation of all sanitary sewer, water, underground electrical and ornamental street lighting services and all highway construction completed, and provide facilities for underground telephone wiring, all of which works and materials shall conform to the standards and specifications prescribed by the City Engineer.
20. An applicant for subdivision shall submit with his application a fee of twenty-five dollars (\$25.00) for the first parcel to be created and ten dollars (~~\$~~10.00) for each additional parcel.
21. The City Engineer may, within the limits of recognized good engineering practice and within the limits of the general intent of this By-Law, amend, alter, or update the specifications and standards of engineering designs to be used in City of Prince Rupert to meet specific circumstances, special construction problems, or to provide for new and changing types of construction materials and methods.
22. (a) During the construction period and until the City has issued the "Notice of Acceptance" the applicant shall, unless specifically stated otherwise, be solely responsible for the maintenance of the works including materials and equipment incorporated into the works or otherwise and any part of the works constructed by himself or any existing utility, piping, structures, travelled or untravelled surfaces and properties other than his own which are affected in any way by his work and for any works as may be detailed in the specifications established by the City Engineer.
- (b) The applicant shall maintain all highways, piping, equipment and materials provided or installed in the subdivision until the date of issuance of the "Notice of Acceptance" by the City and he shall replace materials and rectify any defects or failures, including those resulting from settlement, that occur during the maintenance period.

- (c) Any repair or replacement required in accordance with the above stipulated maintenance shall be carried out by the applicant without delay on the request by the City. In the event that repair or replacement must be carried out immediately to prevent serious damage or loss the City may, at its own discretion, take whatever action is deemed necessary to prevent such damage or loss. This action by the City shall in no way relieve the applicant from his responsibilities.
 - (d) The applicant shall carry out all repairs and replacements in accordance with the standards and specifications prescribed by the City Engineer.
 - (e) All costs resulting from work required to do maintenance under the construction and maintenance period whether it is done by the City or the applicant or others shall be borne by the applicant and he shall make good to the City all expenses, losses, or damages incurred during the maintenance period in consequence of any defect, omission, or mistake of the applicant. The value of such expenses, losses or damages shall be determined by the City Engineer.
23. Upon receipt of written notice from the applicant that the work is completed and ready for acceptance, the City Engineer shall issue a "Notice of Acceptance" if he is satisfied that:
- (a) the applicant has deposited with the City an acceptable Maintenance Bond to cover the maintenance period;
 - (b) the applicant's consulting engineer has stated in writing that all work is acceptable under the terms of the contract and that the contract has been fully performed and including a comprehensive breakdown of the final cost of the work;
 - (c) the applicant has provided to the City Engineer complete "as constructed" drawings, records and service cards of all work performed within the subdivision;
 - (d) that the applicant shall advise each purchaser of land within the subdivision that the City will not issue an Occupancy Permit under the provisions of the Building By-law until the "Notice of Acceptance"

has been issued.

24. Any person who is aggrieved by the decision of any official charged with the enforcement of this By-Law may appeal to the City Council by filing their appeal in writing with the City Clerk. The decision of the Council shall be final and binding.
25. Every person who violates or who causes to be violated any of the provisions of this By-Law shall be guilty of an offence against this By-Law and each day on which such violation occurs or is caused or allowed to continue shall constitute a separate offence.
26. The City Engineer, Approving Officer and other officials and employees may enter at all reasonable times upon the lands for which application has been made to subdivide in order to ascertain whether the provisions of this By-Law are being obeyed and it shall be an offence against this By-Law for any person to obstruct or interfere with any such official or employee in carrying out his duties.
27. Every person found guilty of an offence against this By-Law shall be liable upon Summary Conviction to a penalty not exceeding Five Hundred Dollars (\$500.00) for each offence.
28. This By-Law may be cited as "SUBDIVISION CONTROL BY-LAW NO. 2045, 1975".

READ THE FIRST TIME THIS 14th DAY OF JULY, A.D. 1975.

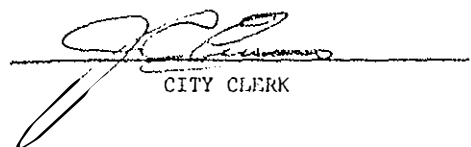
READ THE SECOND TIME THIS 14th DAY OF JULY, A.D. 1975.

READ THE THIRD TIME THIS 14th DAY OF JULY, A.D. 1975.

RECONSIDERED AND FINALLY ADOPTED THIS 28th DAY OF JULY, A.D. 1975.



MAYOR



CITY CLERK

CITY OF PRINCE RUPERT

BY-LAW NO. 2221

A BY-LAW TO AMEND SUBDIVISION CONTROL BY-LAW NO. 2045, 1975

The Council of City of Prince Rupert in open meeting assembled enacts as follows:

1. That subsection (d) of Section 12 of SUBDIVISION CONTROL BY-LAW NO. 2045, 1975, shall be amended by adding the words "Except as hereinafter provided" to the beginning of the sentence.
2. That a new subsection lettered (e) shall be added to Section 12 of the said By-Law to read as follows:

"(e) Where there is a subdivided lot or lots existing at the time of the passage of this By-Law capable of being subdivided in conformity with all statutes and by-laws a subdivision may be carried out which would create not more than two lots having a frontage at the street line of not less than thirty-seven and one-half (37 1/2) feet (11.25 m) and an area of not less than 3,000 square feet (278.7 m²)."
3. This By-Law may be cited as "SUBDIVISION CONTROL AMENDMENT BY-LAW NO. 2221, 1979".

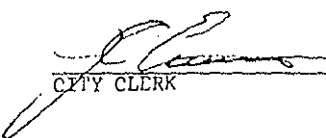
READ THE FIRST TIME THIS 10th DAY OF December A.D. 1979.

READ THE SECOND TIME THIS 10th DAY OF December A.D. 1979.

READ THE THIRD TIME THIS 10th DAY OF December A.D. 1979.

RECONSIDERED AND FINALLY ADOPTED THIS 17th DAY OF December A.D. 1979.


MAYOR


CITY CLERK