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## PART 6 – SUBDIVISION REGULATIONS

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### LOT AREA, SHAPE, AND DIMENSIONS

- 6.1 The lot size regulations of this Bylaw shall not apply to:
- .1 a *lot* described in Section 11(1)(b) of B.C. Reg. 334/79, being an access *lot* for a *subdivision* containing *lots* not fronting on a *highway*;
  - .2 a *lot* being created for natural *open space*, *highway*, park, public square, *public utility*, fire hall, ambulance station or police station, provided a covenant complying with Sections 2.6 and 2.7 of this Bylaw is registered on title that restricts the *use* of that *lot* to the purpose for which it is being created or the property is designated as *highway*, park or public square on a plan of *subdivision* registered in the Land Title Office;
  - .3 the consolidation of two (2) or more *lots* into one (1) *lot*;
  - .4 *subdivision* solely for the purpose of adding natural accretion to a *lot* or *subdivision* solely to remove areas of natural erosion from a *lot*; or
  - .5 *subdivision* solely for the purpose of dedicating land to the Crown.
- 6.2 *Lot* boundary adjustments shall be permitted subject to the following regulations:
- .1 no additional *lots* are created or could be created as a result of the boundary adjustment,
  - .2 the area of the new *lots* is no less than the minimum *lot area* for that *zone*,
  - .3 if the *lot area* of any of the existing *lots* subject to the boundary adjustment is less than the minimum *lot area* for that *zone* that no further deficiency is created.
- 6.3 For the purposes of this Bylaw, the total number of *lots* that can be created by *subdivision* is determined by dividing the total area of the parent *parcel* less any area for *highways* required by this Bylaw or Provincial Statute, by the minimum average *lot area* or if there is no average by the minimum *lot area*.
- 6.4 The minimum *lot* frontage on a *highway* shall be 10% of the perimeter of the *lot*.

**Information Note:** *An exemption to this regulation from Council may be sought.*

- 6.5 The creation of *lots* double fronting on a *highway* is prohibited, except in cases where such lots would be created as a result of topographic conditions.
- 6.6 If a *lot* lies within two or more *zones*, the minimum and average *lot area* requirements specified in this Bylaw apply to the portions of the *lot* lying within each *zone* as if the portions were separate *lots*.
- 6.7 No new *lots* lying within two or more *zones* may be created, except where a *subdivision* consolidates lots or readjusts property lines.
- 6.8 If a *lot* is divided into two or more portions by other land or a *highway*, the minimum and average *lot area* requirements specified in this Bylaw apply to the portions as if they were separate *lots*.
- 6.9 No new *lots* divided into two or more portions, i.e. hooked *lots*, may be created, except when there is no other practical means to subdivide a *lot*.
- 6.10 No *lot* having an area less than twice the area specified by the average *lot* size for the *zone* that the *lot* lies within, or twice the size of the minimum *lot* size if no average *lot* size applies, may be subdivided under Section 946 of the Local Government Act, unless the *lot* is entirely within the Agricultural Land Reserve.
- 6.11 When a *subdivision* is proposed that yields the maximum number of *lots* permitted by the applicable average *lot area* specified by this Bylaw, and one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot area*; the applicant must grant a covenant complying with Sections 2.6 and 2.7 of this Bylaw in respect of every such *lot* prohibiting further *subdivision* of the *lot*.
- 6.12 Where a *subdivision* is proposed that yields fewer than the maximum number of *lots* permitted by the applicable average *lot areas* specified by this Bylaw, and one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot area*; the applicant must grant a covenant complying with Sections 2.6 and 2.7 of this Bylaw in respect of every such *lot* prohibiting the further *subdivision* of the *lot* beyond the maximum number of *lots* that could have been created under the first *subdivision*, so that a greater total number of *lots* is not created than would have been created had the first *subdivision* created the maximum number of *lots* permitted by the applicable minimum and average *lot areas* specified by this Bylaw.
- 6.13 If the approval of a bare land strata plan would create common property on which this Bylaw would permit the construction of a residential *dwelling unit*, the applicant must grant a covenant complying with Sections 2.6 and 2.7 of this Bylaw in respect of the common property prohibiting the further *subdivision* of the common property, the construction of any *dwelling unit* on the common property, and the disposition of the common property separately from the strata *lots*.

- 6.14 If a *panhandle lot* is not capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point must be 6 metres.
- 6.15 If a *panhandle lot* is capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point must be at least 10 metres, and may need to be increased to no more than 20 metres depending on the *subdivision* potential of adjacent *parcels*.

## WATER SUPPLY

- 6.16 No new *community water system* may be established or existing *community water system* expanded to serve more than 1 *lot* without completion of a water management review undertaken by an *Engineer* with experience in the field of water management which examines the following:
- the options available for water supply given the development density;
  - the potential impacts of each water system option on existing *potable* water sources, ground-water supplies and watersheds, both in the short and long term;
  - the operational characteristics of the system;
  - the costs of installing, maintaining and operating such systems;
  - the management requirements to maintain such a system;
  - the feasibility, consequences and remedies available in the event of a failure of the water supply; and
  - the recharge capability of the water source relative to anticipated maximum water demand of the proposed system;

and which concludes that given these factors that the best means for delivery of *potable* water is through a *community water system*.

- 6.17 All proposed *lots* not required to be served by a *community water system* must have proof of a *potable* water supply.
- 6.18 Where a *community water system* is proposed, the water system must be metred and comply in all respects with applicable Provincial Regulations and *Bowen Island Municipality* bylaws, and the applicant must provide the written certification and seal of an *Engineer* with experience in groundwater hydrology that there is in respect of each *building, structure, or use* of land permitted by this Bylaw on each proposed *lot* an available supply of *potable* water in the amounts set out in Table 6-1, and that the proposed *community water system* will not adversely affect the quantity or quality of water obtainable from any existing well or surface water supply when used as a source of *potable* water or water supply for fire protection, or lead to salt water intrusion into the groundwater table.
- 6.19 Where a water source other than a *community water system* is proposed as a source of *potable* water for a proposed *subdivision*, the applicant must provide to the *Municipality* the written certification under seal of an *Engineer* with experience in groundwater hydrology that there is in respect of each *building, structure, or use* of land permitted by this Bylaw on each proposed *lot* an available supply of *potable* water in the amounts set out in Table 6-1, and that

the extraction from the groundwater table or diversion from a spring of that amount of water in respect of each permitted *building, structure* or *use* will not adversely affect the quantity or quality of *potable* water or water supply for fire protection obtainable from any existing well, spring or surface water, or lead to salt water intrusion into the groundwater table.

<b>TABLE 6-1: POTABLE WATER SUPPLY STANDARDS</b>	
<b>USE</b>	<b>VOLUME (litres per day)</b>
<i>Dwelling excluding Bed and Breakfast.</i>	1100
<i>Commercial excluding Guest House, Retreat Centre, Restaurants or Pubs.</i>	1670
<i>Industrial, Restaurant, Pub.</i>	2670
<i>Guest House, Bed and Breakfast, Retreat Centre</i>	1100 plus an additional 440 litres per day for each guest bedroom
<i>All other uses</i>	1670

- 6.20 The Approving Officer may deny the approval of *subdivision* if the water supply certification is deemed insufficient on the grounds of the duration or location of testing or is otherwise unacceptable.
- 6.21 The certification referred to in Section 6.19 shall be provided to the *building inspector* if an application for a *building* permit is made, or to the *Municipality* if there is a change of *use* where no *building* permit is required, and the certification has not previously been provided in respect of the *subdivision* of the *lot* on which the *building* is proposed to be constructed, and the provisions of Sections 6.22 and 6.23 apply, except that the certification need only be provided in respect of the *building* that is the subject of the permit application or to the *use* if no *building* permit is required in accordance with the standards of Table 6-1.
- 6.22 If the certification referred to in Section 6.19 cannot be made, the approving officer may nonetheless approve the *subdivision* in the following circumstances:
- .1 if the applicant provides a *community water system* complying with the requirements of this Bylaw; or
  - .2 if the applicant grants a covenant to the *Municipality* restricting the development of the *subdivision* to the *buildings, structures* and *uses* in respect of which a certification has been made under Section 6.21.
- 6.23 For the purposes of the certification referred to in Section 6.19, the *Engineer* must supply supporting documentation and if a pump test has been conducted

the *Engineer* must indicate that the test was of sufficient duration to establish in accordance with generally accepted hydrological engineering practice the long term reliability of the water supply.

- 6.24 If an *Engineer* provides a certification under Section 6.19 as to the quality of a proposed source of *potable* water, the certificate must include a plan of the proposed *subdivision* indicating the location where each water sample was taken, and a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.

## SEWAGE DISPOSAL STANDARDS

- 6.25 Each *lot* proposed shall contain an area or areas of sufficient size and appropriate characteristics to satisfy the requirements of the Sewage Disposal Regulation under the Health Act for conventional septic tank or package treatment plant sewage disposal systems in respect of the *buildings, structures* and *uses* that are permitted on the *lot* by this Bylaw.
- 6.27 Where a *community sewer system* is proposed for a *subdivision*, Section 6.25 shall not apply, and the sewer system must comply in all respects with applicable Provincial Regulations and *Bowen Island Municipality Bylaws*.
- 6.28 Information regarding the location and size of the area referred to in Section 6.25 must be provided to the *building inspector* where an application for a *building* permit is made and has not previously been provided in respect of the *subdivision* of the *lot* on which the *building* is proposed to be constructed, except that it need only be provided in respect of the *building* or *structure* that is the subject of the permit application.
- 6.29 No new ocean out-fall may be established without completion of a liquid waste management review as outlined below. Discharge from an ocean out-fall shall only be permitted from community sewage disposal systems provided the system includes advanced secondary and tertiary treatment, or equivalent levels of treatment through innovative technology. The liquid waste management plan must be undertaken by an *Engineer* with experience in the field of liquid waste management, and it must examine and find the following:
- that soil conditions demonstrate that land-based disposal methods would, on balance, be inferior to ocean outfall;
  - alternative disposal measures are found to be unsatisfactory;
  - there will be improved overall public health and environmental quality when compared to land based systems;
  - the system capacity will not exceed the requirements generated by permitted uses and lot density; and
  - effluent will not be embayed or directed into land oriented currents.
- 6.30 No sewage may be disposed of on a *lot* other than on which it was generated, except where:

- .1 the *lot* is used only for the purpose of sewage disposal or for acceptably designed outdoor recreation, or
- .2 where the owner of the second *lot* grants an easement on terms satisfactory to the *Municipality* to the owner of the *building lot* to provide permanent access to the sewage disposal facilities, and grants to the *Municipality* a covenant subject to Sections 2.6 and 2.7 restricting the use of the easement area to sewage disposal facilities for the *building lot*.

## STORM DRAINAGE STANDARDS

- 6.31 Every *subdivision* shall be designed and constructed so as to maximize the proportion of precipitation which is percolated into the ground and to minimize direct overland runoff and the erosion of ditch banks.
- 6.32 Every surface drainage system shall be designed to provide for the continuity of any existing surface drainage system serving the drainage basin in which the *lot* to be subdivided is located.
- 6.33 Every surface drainage system shall be designed to convey the peak rate of runoff from a 1:100 year storm event from the proposed *subdivision* or development to the system outfall of the drainage basin, under written certification and seal of an *Engineer*.
- 6.34 All drainage works, ditches, culverts and appurtenances, other than those servicing a *lot* or a strata plan exclusively, shall be located in statutory rights-of-way granted to the *Municipality*, or in dedicated *highways*.
- 6.35 If storm water is discharged from the surface drainage system to the ocean or a *watercourse* on or adjacent to the land being subdivided or developed, the system shall be constructed and designed to retain storm water for the period of time necessary to allow for the settling of silt and other suspended solids through the use of surge tanks, dry wells, holding ponds or other similar engineered devices and to meet Provincial and Federal regulations.
- 6.36 Every applicant for *subdivision* shall provide the written certification under seal of an *Engineer* with experience in drainage engineering that the drainage system for the *subdivision* has been designed in accordance with the requirements of Sections 6.33 through 6.37.
- 6.37 The certification required in Section 6.38 shall be provided to the *building inspector* if an application for *building* permit is made and the certification has not previously been provided in respect of the *subdivision* of the *lot* on which the *building* is proposed to be constructed, and the provisions of Sections 6.33 through 6.37 apply, except that the certification need only be provided in respect of the *lot* that is the subject of the permit application.

## HIGHWAY AND STREET STANDARDS

- 6.38 The minimum width of a *highway*, excluding access routes as part of a bare land strata plan, dedicated in connection with the *subdivision* of land is 15 metres and the minimum width of an access route as part of a bare land strata plan is 8 metres. The minimum width may be increased to accommodate bicycle, equestrian and pedestrian traffic, and may be varied by the Approving Officer based on the Letter of Agreement between the Ministry of Transportation and Highways and Islands Trust on Road Standards and Classification dated October 20, 1992.
- 6.39 A *highway* may be dedicated having one-half or more of the width specified in Section 6.40 along the boundary of a *lot* if the regulations contained in this Bylaw allow for the *subdivision* of an adjacent *lot* which will result in the dedication of the remaining portion of the *highway* right of way.
- 6.40 The minimum diameter of the terminal end of any cul de sac is 14 metres.

**Information Note:** *Highway and street widths in this Section may be varied by development variance permit issued by Council. This Section will be reviewed upon completion of new Municipal highway and street standards.*

- 6.41 *Streets* shall be constructed to meet *Bowen Island Municipality* road standards and specifications and the Land Title Act.
- 6.42 No *street* may be located or constructed so as to connect any island subject to this Bylaw to any other island.
- 6.43 Where access to a *lot* is to be provided by an easement registered in the Land Title Office, *Bowen Island Municipality* must be a party to the easement.
- 6.44 If a *subdivision* with water access only is approved on an island within *Bowen Island Municipality*, the owner of land being subdivided must provide *parking spaces* in accordance with Part 5 of this Bylaw for each *dwelling* permitted by this Bylaw in respect of each *lot* being created.
- .1 Such *parking spaces* must be located at the most reasonable location on Bowen Island giving access by water to the island, and
  - .2 the owner of the *lot* on which the *parking spaces* are provided must grant to the owner of the *lot* in respect of which the spaces are required a licence on terms satisfactory to the *Bowen Island Municipality* ensuring that:
    - i) a *parking space* deficit is not created for the Bowen Island *lot*; and
    - ii) that the licence shall not be cancelled without *parking* requirements for the *dwelling* being met elsewhere.

## OWNER'S COSTS

- 6.45 All works and services shall be constructed and installed in accordance with the requirements of Part 6 at the expense of the owner of the *lots* proposed to be subdivided.
- 6.46 Where an easement, right-of-way or covenant is required, the *lot* owner shall pay all costs associated with the preparation, execution and regulation of the instrument.