

# **Subdivision By-law No. 5208**

## **Being a By-law to Control the Subdivision of Land**

THE COUNCIL OF THE CITY OF VANCOUVER in open meeting assembled, enacts as follows:

### **1 Short Title**

1.1 This By-law may be cited as the “Subdivision By-law.”

### **2 Definitions**

2.1 In this By-law, unless the context otherwise requires, the words and expressions noted below shall mean as follows, except that any word or expression not defined in this section but defined in the Land Title Act shall have the meaning there defined, or if not defined in the Land Title Act but used in the Vancouver Charter, shall have the same meaning as in the Vancouver Charter:

- (a) “Street” includes a public road, highway, bridge, viaduct, lane, sidewalk, and any other way normally open to the use of the public, but does not include a private right-of-way on private property.
- (b) “Lane” means in the case of District Lot 185 any street of 33 feet (10.058 m) or less in width, and in all other cases any street less than 33 feet (10.058 m) in width.
- (c) “Local street” means a street, but does not include a lane, which is designed or used principally to provide travel and access to the parcels in the area being subdivided.
- (d) “Collector street” means a street which collects traffic from local streets or lanes and distributes it to a major street or arterial street system.
- (e) “Major street” means a street which forms, or is designed to form, part of the arterial street system of the City with a significant portion of its vehicular traffic both originating and terminating outside the area being subdivided.
- (f) “Parcel” means any lot, block, or other area in which real property is held or into which real property is subdivided, but does not include a street, or any portion thereof.
- (g) “Day care” means the use of premises operated as a community care facility by one or more persons licensed under the Community Care and Assisted Living Act of British Columbia, on a not for profit basis, for “group day care”, “preschool”, “special needs day care”, “emergency care”, “child minding”, or “out of school care”, in accordance with Child Care Licensing Regulation B.C. Reg. No. 319/89, and may include the use of flexible space operated for child services as determined by the Director of Social Planning but does not include premises operated for “family child care.”;
- (h) “For-profit affordable rental housing” means three or more new dwelling units in the same building or project, determined by the City Manager to be affordable, but does not include alterations of such units;
- (i) “Social housing” means rental housing:
  - (i) in which at least 30% of the dwelling units are occupied by households with incomes below housing income limits, as set out in the current “Housing Income Limits” table published by the British Columbia Housing Management Commission, or equivalent publication;
  - (ii) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and
  - (iii) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situated has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require;

except that in the HA-2 district; in the area of the FC-1 district located north of National Avenue; in the area of the M-1, I-2, RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive; in the Downtown-Eastside Oppenheimer district; and in the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; social housing means rental housing:

- (iv) in which at least one third of the dwelling units are occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security pension and Guaranteed Income Supplement and are rented at rates no higher than the shelter component of Income Assistance;
- (v) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and
- (vi) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situate has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require;
- (j) “Heritage value” means historical, cultural, aesthetic, scientific or educational worth or usefulness of property or an area; and
- (k) “Protected heritage property” means “protected heritage property” as defined in the Vancouver Charter.

**2.2** Whenever in this By-law words are used importing the subdividing or subdivision of land, those words shall be deemed to refer to 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 so be deemed to include a plan consolidating two or more parcels into a single parcel.

### **3 Approving Officer**

**3.1** For the purposes of the Land Title Act of British Columbia and this By-law, Council, by resolution, may appoint from time to time:

- (a) an approving officer who must be the municipal engineer, chief planning officer, some other employee of the city, or a person under contract with the city; and
- (b) a deputy approving officer who must be an employee of the city or a person under contract with the city.

### **4 General Provisions**

**4.1** No land shall be subdivided within the City of Vancouver for the purpose of conveying the parcels so created or for their registration unless and until the subdivision has been approved by the Approving Officer.

**4.2** An application to subdivide shall be in the form prescribed by Section 6 and may be preceded by a Preliminary Proposal in the form prescribed by Section 5.

**4.3** The Approving Officer shall not consider approving an application for subdivision unless and until all requirements of this By-law have been observed.

**4.4** The Approving Officer may request further information from an applicant at any time, including satisfactory evidence that notification has been carried out in compliance with Section 7 and that the other provisions of this By-law have been complied with.

**4.5** Notwithstanding the provisions of Section 4.3, the Approving Officer may approve an application for subdivision which does not comply with a requirement of this By-law where in the Approving Officer's opinion:

- (a) the subdivision is solely for the purpose of dedicating land for street purposes; or
- (b) the subdivision is solely for the purpose of consolidating former street with one or more parcels; or
- (c) the subdivision alters a common boundary between two parcels, the anticipated development of which would not injuriously affect the established amenities of adjoining or reasonable adjacent properties; and
- (d) all other requirements of this By-law have been complied with.

## **5 Preliminary Proposal**

**5.1** An application to subdivide land in the form of a preliminary proposal may be submitted by an owner of the land or the owner's authorized agent to the Approving Officer and shall:

- (a) be accompanied by the applicable fee, which shall be non-refundable, as prescribed in Schedule F;
- (b) identify by full legal description every parcel proposed to be subdivided;
- (c) contain a sketch plan, which need not be prepared by a Land Surveyor, showing approximate dimensions of every parcel proposed to be subdivided, every new parcel proposed to be created, streets and lanes, both existing and proposed, and the approximate position of any existing buildings on the land;
- (d) state the proposed method of subdivision;
- (e) state the use for which the subdivision is intended; and
- (f) identify any building proposed to be retained after subdivision.

**5.2** The Approving Officer may either accept or reject the preliminary proposal and shall advise the applicant in writing of the Approving Officer's decision, including reasons for rejecting the proposal.

**5.3** Acceptance of a preliminary proposal shall be valid for no more than 180 days from the date of acceptance, and thereafter a new application pursuant to Subsection 5.1 shall be required.

**5.4** Acceptance of a preliminary proposal shall not be construed as approval of an application for subdivision approval made pursuant to Section 6, and acceptance or rejection of a preliminary proposal may be revoked by the Approving Officer at any time.

**5.5** The Approving Officer may allow an extension or extensions of the period specified in section 5.3 for additional periods if the same is warranted by the circumstances.

## **6 Application for Approval of a Subdivision**

**6.1** An application for approval shall be in writing addressed to the Approving Officer, shall be made by the registered owner of the land or by an agent authorized by the owner to act on the owner's behalf, and shall:

- (a) include the applicable fee, which shall be non-refundable, as prescribed in Schedule F, unless a Preliminary Proposal pursuant to Section 5 has been accepted and remains valid;
- (b) identify by full legal description every parcel proposed to be subdivided;
- (c) state the proposed method of subdivision;
- (d) state the use for which the subdivision is intended; and
- (e) state whether any existing buildings are proposed to be retained after subdivision.

**6.2** Every application for approval of a subdivision plan shall include an electronic plan image affixed to a digitally signed Survey Plan Certification form, prepared by a BC Land Surveyor, with the accompanying Application to Deposit form in accordance with Land Title Office electronic filing (E-filing) requirements.

**6.3** In the case of an application by an agent authorized to act on behalf of an owner, the Approving Officer may, before dealing with the application, require confirmation as to the validity of the authorization.

**6.4** Where the purpose of an application to subdivide is to accommodate existing buildings or uses through adjustment of parcel boundaries, or where existing buildings or uses are intended to remain on parcels being subdivided, the Approving Officer may require the applicant to produce a plan or sketch verified by a British Columbia Land Surveyor, showing the location of buildings or uses with reference to the existing or proposed parcel boundaries.

## **7 Notification**

**7.1** Where the Approving Officer is of the opinion that any adjoining or neighbouring lands may be detrimentally affected by a proposal for subdivision, the Approving Officer may require the applicant to furnish satisfactory evidence that the owners of such adjoining or neighbouring lands have been notified by the applicant and are aware of the applicant's proposal and either agree or disagree with the proposal, including reasons.

**7.2** The Approving Officer may notify any owner of land or other person where of the opinion they may be detrimentally affected by a proposal for subdivision, and may make any enquiries the Approving Officer deems necessary in order to determine the probable effect of the proposal upon adjoining or neighbouring lands.

## **8 Action by Approving Officer**

**8.1** Within sixty (60) days after the date of an application for subdivision pursuant to Section 6, or within sixty (60) days after the receipt of further information requested by the Approving Officer, the Approving Officer shall either approve or reject the proposed subdivision.

**8.2** When a subdivision plan is approved, the Approving Officer shall sign and date the plan and registration copies pursuant to the provisions of the Land Title Act and shall return them to the applicant.

**8.3** When a subdivision by description is approved, the Approving Officer shall sign and date a certificate of approval which shall be returned to the applicant.

**8.4** Where an approved plan of subdivision or certificate of approval has not been registered within the time allowed and has therefore been revoked pursuant to the provisions of the Land Title Act, and no more than twelve (12) months have elapsed since the date of approval, the Approving Officer may, on application in writing, reapprove the subdivision pursuant to Subsection 8.2 or 8.3.

**8.5** Where an approved plan of subdivision or certificate of approval has not been registered and more than twelve (12) months have elapsed since the date of approval, the subdivision shall not be reapproved and a new application shall be required.

**8.6** No approval shall remain valid beyond the 31st day of December of the same year unless all taxes and charges levied against the lands to be subdivided have been paid.

- 8.7** If rejecting an application for subdivision, the Approving Officer shall advise the applicant in writing stating the reasons for the refusal and shall return the plan or document submitted together with all copies except for two (2) paper print copies.
- 8.8** If an application for subdivision has not been approved within the time prescribed in Section 8.1, approval of the subdivision shall be deemed to have been refused.

## **9 Minimum Standards**

- 9.1** No land shall be subdivided into parcels and no parcel shall be created having a lesser width, as measured at the required building line, or lesser area than the minimum prescribed in Table 1 of Schedule A, except that the Approving Officer may approve a subdivision which creates parcels having a lesser width or lesser area than the minimum prescribed in Table 1 of Schedule A provided that the parcel to be subdivided is on record as such in the Land Title Office prior to January 19, 1988 and is located in the R1-1 Zoning District and provided further that:
- (a) the parcels to be created by the subdivision will have not less than 80 percent of either the minimum parcel width or area prescribed in Table 1; or
  - (b) the already established lawful development in the blockface containing the parcel to be subdivided occurs on parcels having a lesser width or area than the minimums prescribed in Table 1 of Schedule A and the parcels to be created by the subdivision would be consistent in width and area with those parcels, except that no parcel created shall have a width less than 24 feet (7.315 m) as measured at the required building line.
- 9.2** Notwithstanding Section 9.1, the Approving Officer may approve a subdivision of two or more adjoining parcels located in the R1-1 Zoning District, which creates parcels having a lesser width or area than the minimum prescribed in Table 1 of Schedule A, and provided that:
- (a) the already established lawful development in the blockface containing the parcels to be subdivided occurs on parcels having a lesser width or area than the minimums prescribed in Table 1 of Schedule A, and the parcels to be created by the subdivision would be consistent in width and area with those parcels, except that no parcel created shall have a width less than 7.315 m as measured at the required building line; or
  - (b) the parcels to be created by the subdivision would be consistent in width and area and the number of parcels to be created by the subdivision could otherwise be considered pursuant to Section 9.1.
- 9.3** Where the already established lawful development in the immediate vicinity occurs on parcels having a lesser width or lesser area than the minimum prescribed in Table 1 of Schedule A, and where the Approving Officer is satisfied that a reasonable standard of accommodation can be provided on a parcel of similar dimensions having regard to its proposed development and use, the Approving Officer may approve a subdivision which creates parcels having a lesser width or lesser area than the minimum prescribed in Table 1 of Schedule A, except that no parcel so created shall have a lesser width, as measured at the required building line, or lesser area than the minimum prescribed in Table 2 of Schedule A.
- 9.4** Notwithstanding Section 9.3, the Approving Officer may approve a subdivision which creates parcels having a lesser width or area than the minimum prescribed in Table 2 of Schedule A, provided that the already established lawful development in the blockface containing the parcel to be subdivided occurs on parcels having a lesser width or area than the minimums prescribed in Table 2 of Schedule A and the parcels to be created by the subdivision would be consistent in width and area with those parcels.
- 9.5** Notwithstanding Sections 9.3 and 9.4, the Approving Officer may approve a subdivision, which creates parcels having a lesser width or area than the minimums prescribed in Table 2 of

Schedule A, if the proposed development consists of freehold rowhouses with shared party walls located on proposed common boundaries, provided that:

- (a) the proposed development complies with the Zoning and Development By-law, the Parking By-law, and any applicable official development plan;
- (b) the proposed development complies with the Building By-law to the satisfaction of the City Building Inspector;
- (c) the parcel width of the proposed development is sufficient to accommodate all city works and services, existing street trees, and third party utilities, to the satisfaction of the General Manager of Engineering, except that all parcels must have a minimum width of 16.4 feet (5.0 m), measured from the required building line; and
- (d) party wall agreements, in a form and on terms satisfactory to the Director of Legal Services, must be registered on title.

**9.6** No parcel shall be created which does not have a minimum of 24 feet (7.315 m) abutting onto a street not being a lane, except for the following:

- (a) If the land being subdivided is owned by the Crown, the Approving Officer may, after consultation with the Director of Legal Services and City Engineer, approve a subdivision which creates a parcel or parcels which do not abut a public street provided the Approving Officer is satisfied that Crown lands sufficient to provide the required public streets will be conveyed or dedicated to the City within a reasonable time following approval of the subdivision;
- (b) If the land is being subdivided by a bare land strata plan and one or more proposed lots do not abut a public street, the Approving Officer may, after consultation with the City Engineer, approve such strata plan, provided that the Approving Officer is of the opinion that necessary and reasonable access can be provided to each strata lot;
- (c) If the land is being subdivided by a leasehold subdivision plan under section 99(1)(k) of the Land Title Act, or successor section, and one or more proposed leasehold parcels do not abut a public street, the Approving Officer may, after consultation with the City Engineer, approve such leasehold subdivision plan, provided that the Approving Officer is of the opinion that necessary and reasonable access can be provided to each leasehold parcel;
- (d) If the land is being subdivided by an air space subdivision plan under Part 9 of the Land Title Act, or successor section, and one or more proposed air space parcels do not abut a public street, the Approving Officer may, after consultation with the City Engineer, approve such air space subdivision plan, provided that the Approving Officer is of the opinion that necessary and reasonable access can be provided to each air space parcel;
- (e) that land referred to in By-law No. 4526 and By-law No. 6747;
- (f) that land designated as sub-area “A” or sub-area “B” on the maps attached to and forming part of Schedule A of this By-law; and
- (g) land on which the proposed development consists of freehold rowhouses with shared party walls located on proposed common boundaries, except that such parcels must have a minimum width of 16.4 feet (5.0 m) abutting on a street not being a lane.

**9.7** The Approving Officer may refuse to approve a subdivision where any parcel is proposed with any of the following configurations, although it otherwise complies with the minimum standards prescribed above, and where the Approving Officer is of the opinion that a more satisfactory subdivision is possible:

- (a) the parcel has only three boundaries;
- (b) the parcel fronts on two streets and is not a corner parcel;
- (c) the parcel is less than 90 feet (27.432 m) or more than 150 feet (45.720 m) in depth.

**9.8** The Approving Officer may refuse to approve a subdivision where in the Approving Officer’s opinion the proposed subdivision:

- (a) is not suited to the configuration of the land being subdivided;
- (b) is not suited to the use for which it is intended;
- (c) makes impracticable the future subdivision of land within the proposed subdivision or of any adjacent land;
- (d) involves land zoned CD-1 (Comprehensive Development) District and where the proposal is not compatible with an approved form of development or where there is no approved form of development; or
- (e) would result in the demolition or the loss of the heritage value of protected heritage property or a building or site on the Vancouver Heritage Register.

**9.9** The Approving Officer shall consider the provision for on-site parking and loading facilities, including access thereto, for all parcels proposed to be created by subdivision and may refuse to approve the subdivision if, in the Approving Officer's opinion, lane access or other accommodation is not adequate for these facilities.

**9.10** Where existing buildings are proposed to be retained after subdivision, the Approving Officer shall consider any applicable provisions of the Zoning and Development By-law, the Parking By-law or any by-law adopting an official development plan and in addition any advice from the City Building Inspector with respect to the Vancouver Building By-law, and may refuse to approve the subdivision, if, in the Approving Officer's opinion, the existing buildings, after subdivision, will not comply with the provisions of these By-laws.

**9.11** Where existing buildings are proposed to be retained after subdivision, the Approving Officer's shall consider the existing services and the provision made to provide each building with independent connections of all services and utilities as are or would normally be available to the parcels resulting from this subdivision, and may refuse to approve the subdivision if, in the Approving Officer's opinion, adequate provision has not been made for those services and utilities.

## **10 Streets and Lanes**

**10.1** In examining any proposed plan of subdivision the Approving Officer shall consider the location and design of the proposed street and lane system and shall determine its suitability and adequacy with respect to the anticipated traffic and utility requirements within the area being subdivided, the street system already established in adjoining subdivided areas, and the general street pattern of the City. Without limiting the generality of the foregoing, the Approving Officer shall be guided by any recommendations of the City Engineer and by the basic standards set forth in Schedule B, and may refuse to approve a subdivision if, in the Approving Officer's opinion, the proposed street or lane system is unsuitable or insufficient.

**10.2** Where the Approving Officer, after consultation with the City Engineer, is of the opinion that a dedicated street or lane which exists along the boundary of the area being subdivided is of insufficient width, the Approving Officer may require that an equitable proportion of the difference between the present width of such street or lane and a width that he considers satisfactory be dedicated for street or lane purposes.

**10.3** Where the Approving Officer is of the opinion that the remaining half of a proposed street or lane which is required along the boundary of any area being subdivided can be acquired by the City as a condition of approval of the subdivision of the adjoining property, the Approving Officer may approve a subdivision which creates the new street or lane at one-half its normal width.

**10.4** All new parcels shall be provided with secondary access by means of a lane, except that where the Approving Officer is satisfied that the parcel size is sufficient to accommodate necessary vehicular access and an adequate on-site turning area or that alternate provision has been made for such turning area and the City Engineer is satisfied that adequate provision for municipal

and utility services, ordinarily supplied to such parcel, had been made, the Approving Officer may approve the subdivision without requiring a lane to serve the new parcel.

- 10.5** Where a proposed subdivision creates a new street or lane or portion thereof, as a condition precedent to the approval of the subdivision the applicant shall, at no cost to the City, remove or make arrangements to the satisfaction of the City Engineer and Director of Legal Services for the ultimate removal of structures encroaching upon the street or lane or obstructions of any kind to the free and uninterrupted use by the public of the full width and extent of the street or lane.
- 10.6** Where, by reason of the creation of any subdivision, the necessity arises for public street access across a railway right-of-way, the Approving Officer may require the owner to furnish, or cause to be furnished at the expense of the owner, an order of the Canadian Transportation Agency approving of such street crossing of the railway right-of-way, and may require surfacing of the crossing and such other provisions as the Approving Officer deems necessary before approving the subdivision.
- 10.7** An applicant for approval of a subdivision plan shall, unless excepted by the City Engineer, as a condition precedent to the approval of the plan enter into an agreement with the City that will ensure without cost to the City, the clearing, grading, draining and surfacing in accordance with Schedule C of all streets and lanes shown upon the plan.
- 10.8** Where cuts or fills are necessary to bring any new street or lane to a grade which, in the opinion of the City Engineer will be later established with respect thereto, an applicant for approval of a subdivision plan shall, unless excepted by the City Engineer, be required to make proper provision to support the new street or lane, or any lands adjoining them at that grade. Such provision may include the execution of a written agreement, satisfactory to the Director of Legal Services and registrable at the applicant's expense as a charge against the lands adjoining or affected by the cuts or fills whereby the City is granted the right, liberty and easement to construct and keep maintained at all times adequate support for the street, lane or adjoining lands at the established grade, or in the alternative to cause the same to be constructed and kept maintained at the expense of the owner. Adequate support for the street, lane or adjoining lands may include the following:
- (a) in the case of fills, the deposit or placing of an embankment consisting of earth, rock, gravel or some other suitable form;
  - (b) in the case of cuts, alteration of the contour of the adjoining lands to provide a slope from the boundary of the street or lane and extending over the adjoining lands to the extent necessary to prevent soil or other material from falling on or obstructing the street or lane;
  - (c) in either case, retaining walls constructed either on the adjoining lands or in the street or lane to the satisfaction of the City Engineer.
- 10.9** No application for approval of a subdivision pursuant to Section 6.0 shall be made unless and until Subsections 10.7 and 10.8 have been complied with.
- 10.10** Despite anything to the contrary in this By-law, the Approving Officer may approve a subdivision by way of a grant from the owner of real property to the city of an option to purchase a portion of such real property that the city may need for street in the future on terms and conditions satisfactory to the City Engineer and Director of Legal Services.
- 11 Other Works and Services**
- 11.1** All work required to be done hereunder in connection with the subdivision of any lands shall be carried out at the sole expense of the owner of such lands and to the satisfaction of the City



Engineer before approval of the subdivision, except that where there is execution of a written agreement between the owner and the City, satisfactory to the City Engineer and the Director of Legal Services and registrable as a charge against the adjoining lands, providing for the due performance of such work at a date subsequent to approval of the subdivision, the Approving Officer may approve of the subdivision prior to the completion of such work.

- 11.2** An applicant for approval of a subdivision shall, unless excepted by the City Engineer, as a condition precedent to the approval and to serve the parcels, enter into an agreement with the City that will:
- (a) ensure the installation and connection, at no cost to the City, of a water distribution system, a sanitary sewage collection system and a storm water collection system, or a combined collection system, in accordance with the standards set out in Schedules D and E of this By-law and in the Water Works By-law, and of a capacity or size satisfactory to the City Engineer, and all such distribution and collection systems shall become and be the property of the City of Vancouver except that in areas where, in the opinion of the Approving Officer after consultation with the City Engineer, it is impractical to install a sewage system, the applicant may, in lieu of the aforementioned agreement, enter into an agreement to provide a satisfactory alternative at no cost to the City; and
  - (b) ensure that all costs for improvements to the existing City water distribution, sewage and drainage collection systems which lie outside of the subdivision boundaries but are deemed necessary by the City Engineer to supply or serve the subdivision, shall be borne by the applicant.
- 11.3** Where a subdivision involves adjustment of the boundaries of existing parcels, no application for approval of a subdivision pursuant to Section 6 shall be made unless and until the City Engineer is satisfied that adequate arrangements have been made by the owner to provide for any alteration, enlargement or extension of the City sewer or water system which may be required thereby.
- 11.4** Where sanitary sewers are not available to serve every parcel being created by a proposed subdivision, no application for approval of a subdivision pursuant to Section 6 shall be made unless and until the City Engineer and the Medical Health Officer are satisfied that adequate arrangements have been made by the owner to provide for the proper disposal of any sewage or industrial waste which may result from the anticipated use of the parcels.
- 11.5** Where a subdivision involves land which is wet or subject to flooding, no application for approval of a subdivision pursuant to Section 6 shall be made unless and until the City Engineer is satisfied that adequate arrangements have been made by the owner to drain the land or otherwise remedy the wet or flooded condition.
- 11.6** Where, in the opinion of the Approving Officer, a right-of-way or easement for any sewer or other public utility or service is necessary for the economical and proper provision of such utility or service within the proposed subdivision, such right-of-way or easement in the name of the City shall be provided and registered to the satisfaction of the Director of Legal Services.
- 11.7** Subject to Section 11.8 and 11.9 hereof, as a condition precedent to the approval of any subdivision the applicant shall enter into an agreement with the City that will ensure that all power, telephone and other wire or cable within the subdivision shall be installed underground at no cost to the City.
- 11.8** The City Council may waive the requirements of Section 11.7 with respect to any particular wire or cable or to all wires or cables within a subdivision if the Council deems that the applicant would be put to an unreasonable expense in placing such wires or cables underground.

**11.9** The City Council hereby waives the requirements of Section 11.7 in the following specific cases due to the unreasonable expense to which the applicant would be put in order to comply therewith:

- (a) subdivisions where the lots created thereby can be served directly from existing pole lines on abutting streets or lanes and where no wiring is required within the subdivision to bring such wires and cables to the lots thereby created;
- (b) subdivisions where the lots created are for industrial uses, where the local requirements for such cable and wire services and utilities cannot be determined and where easements for poles to carry such wires and cables can be provided at the rear of the lots created.

## **12 Public Land Conveyance**

**12.1** The subdivision of a parcel of land exceeding 20 acres (8.094 ha) shall be subject to the following conditions:

- 12.1.1 There shall be conveyed to the City, without compensation, a portion of the land, not exceeding 10 percent of the land in the subdivision, for park or recreational purposes other than streets.
- 12.1.2 The size, dimensions, and location of the portion of the land to be conveyed to the City shall be determined by the Approving Officer.
- 12.1.3 The Council, in its discretion, may accept in lieu of the conveyance to the City of the lands to which it is entitled hereunder, or any portion thereof, the payment of a sum of money equivalent to the actual value of such land or portion thereof immediately prior to the subdivision.
- 12.1.4 The conveyance to the City of the lands to which it is entitled hereunder shall contain a provision that such lands may be sold, leased, or otherwise alienated by the Council after the expiration of three years from the date of the conveyance.
- 12.1.5 A further subdivision of the lands included in a subdivision, a portion of which has been conveyed to the City for the purposes aforesaid, shall not be subject to the provisions of Section 12.
- 12.1.6 Notwithstanding Subsection 12.1.5, where a parcel of land exceeding 20 acres (8.094 ha) is to be subdivided in stages, the City may enter into an agreement with the owner of the land which includes provision for the following:
  - (a) that a proportionate part of the land to be conveyed to the City for park or recreational purposes pursuant to Subsection 12.1.1 shall be conveyed to the City at each stage of subdivision as agreed to between the City and the owner; and
  - (b) such other terms and conditions as the parties may agree and as are not inconsistent with this section.
- 12.1.7 All moneys received by the City pursuant to the provisions of Subsections 12.1.3 and 12.1.4 shall be held in trust and used only for the purpose of providing public park or recreational facilities.

## **13 Schedules**

**13.1** The following schedules are attached to and form part of this By-law:

- Schedule A - Standards for minimum parcel size and configurations.
- Schedule B - Standards for street configurations.

- Schedule C - Standards for street construction and maintenance.
- Schedule D - Standards for water distribution systems.
- Schedule E - Standards for sanitary sewage, storm water collection and combined sewer collection systems.
- Schedule F - Fees.

**14 Repeal**

- 14.1** By-law No. 3334, as amended is hereby repealed.

**15 Effective Date**

- 15.1** This By-law shall come into force and take effect on and after the date of the final passing hereof.

DONE AND PASSED in open Council this 31st day of October, 1978.

[signed] **John J. Volrich**  
**Mayor**

[signed] **R. Henry**  
**City Clerk**  
[Seal]

[This By-law is printed under and by authority of the Council of the City of Vancouver]