

THE CORPORATION OF THE DISTRICT OF BURNABY
BYLAW NO. 5953

A BYLAW to regulate subdivision of land.

(CONSOLIDATED FOR CONVENIENCE WITH BYLAWS Nos. 6230, 6356, 6402, 6567, 9806, 10575, 10831, 10890, 11063, 11195, 11337, 11482, 11667, 11849, 12036, 12185, 12371, 12547, 12629, 12726, 12884, 12897, 13042, 13165, 13263, 13406, 13535, 13664, 13796 and 13937)

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This By-Law may be cited as "**BURNABY SUBDIVISION CONTROL BYLAW 1971**".
2. Every subdivision shall
 - (a) be suited to the configuration of the land being subdivided; and
 - (b) be suited to the use to which it is intended; and
 - (c) shall not make impracticable the future subdivision of the land within the proposed subdivision or any adjacent land.
3. Without limiting the generality of Section 2, approval of any subdivision may be refused if it
 - (a) contains land which is subject to erosion; or
 - (b) contains land which is subject to flooding so as to render it unsuitable for the use to which it is intended.
4. The area, shape and dimensions of parcels of land created by subdivision plan shall conform to the requirements set out in the Zoning By-Law of the Municipality for the particular zone in which the said parcels are situated.
5. The subdivider shall:
 - (a) clear, drain, and surface highways within the subdivision, including the construction of sidewalks, boulevards and transit bays,
 - (b) provide a sewage collection system for the subdivision and make provision for the connection of the said system with the established sewage system of the City,
 - (c) provide the subdivision with a community water supply system connected to the existing municipal waterworks system,

- (d) where the nearest boundary of the land proposed to be subdivided is 2,000 feet or more in distance from an established trunk water main, provide for the installation of the water mains including trunk water mains from such established trunk water main in and to the proposed subdivision,
- (e) where the nearest boundary of the land proposed to be subdivided is 2,000 feet or more in distance from an established trunk sanitary sewer, provide for the installation of sanitary sewers including trunk sanitary sewers from such established trunk sanitary sewer in and to the proposed subdivision,
- (f) install underground wiring, and
- (g) install street lighting within and adjacent to the subdivision,

all in accordance with and to the standards set out in the City's Design Criteria Manual (DCM), as prescribed, replaced or amended from time to time by the City's Director Engineering.

(BYLAW NO. 13937)

6. The cost of providing, constructing and installing all of the works and services required to be provided pursuant to this By-Law shall be borne by the subdivider.
7. By-Law No. 3609 is hereby repealed.
8.
 - (a) An applicant for approval of a subdivision shall submit with the application fees as specified in the Burnaby Planning and Building Fees Bylaw.
 - (b) Where the purpose of the subdivision application is to create a parcel or parcels of land for non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, the fees payable under this section may be deferred until the earlier of:
 - (i) The date which is 24 months after the date upon which the subdivision is approved by the Approving Officer; and
 - (ii) The date upon which the occupation of any part of the non-market housing commences,and on such terms and conditions as the City's Director Planning and Building may require.

(BYLAW NO. 13796)
9. The Council does hereby delegate to the Approving Officer its powers under subsection (2) of Section 944 of the *Local Government Act*.

-
10. (1) Where
- (a) the owner of a parcel of land designated under Burnaby Zoning Bylaw 1965 as being in the (R12) Residential District makes application for
 - (i) the approval of a subdivision in respect of that land, or
 - (ii) the issuance of a building permit for the construction of a new or additional dwelling unit on that land or for work on that land the value of which exceeds Fifty Thousand (\$50,000.00) Dollars as determined by the City's Chief Building Inspector,
 - (b) the owner is subject to a requirement under section 938(6) of the Municipal Act to provide works and services, in accordance with the standards established in this bylaw, on that portion of the highway immediately adjacent to that parcel of land up to the centre line of the highway as a condition of approval of the subdivision or the issuance of the building permit, and
 - (c) the City's Director Engineering considers that the provision of the works and services up to the centre line of the highway immediately adjacent to that parcel of land should be deferred to allow for the more orderly provision of such works and services generally along a larger section of that highway that includes the portion of the highway immediately adjacent to that parcel of land,
- the owner shall satisfy the requirement to provide those works and services on the adjacent highway by paying to the City an amount of money equal to the cost of providing those works and services as estimated by the City's Director Engineering.
- (2) The money paid to the City by an owner under subsection (1) shall be used by the City on behalf of the owner to pay for the cost of providing the works and services referred to in subsection (1).
 - (3) In this section the expression "dwelling unit" means one or more habitable rooms constituting one self-contained living unit.
11. The Approving Officer is hereby designated as the municipal officer for the purposes of Section 943 (b) of the *Local Government Act*. (BYLAW NO. 12897)

Read a first time this 13th day of September, 1971

Read a second time this 13th day of September, 1971

Read a third time this 13th day of September, 1971

Reconsidered and adopted this 20th day of September, 1971

(Signed) "Robert W. Prittie"
MAYOR

(Signed) "J. H. SHAW"
CLERK

(Schedules "A" to "E" deleted – BYLAW NO. 13937)