



SUBDIVISION REGULATIONS

SECTION 6

6.1 Prohibition

Land shall not be subdivided contrary to this bylaw.

6.2 Exception

Subdivision regulations to not apply to:

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

6.3 General

An application for subdivision shall:

- a) be completed upon the sample form provided by the Regional District set out in “Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002”; and
- b) include all information as set out in “Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002”; and
- c) include the required application fee in the amount as set out in “Regional District of Nanaimo Planning Services and Fees Bylaw No. 1259, 2002”.

6.4 Minimum Lot Sizes

1. Minimum lot sizes, as established in Section 4 of this bylaw, shall be considered the minimum lot size requirement at the time of subdivision of land.
2. Where a zone 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 ‘B’.
3. Where a zone 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.
4. A panhandle shall not be considered part of a lot for the purpose of calculating the lot size of a lot proposed to be created.

6.5 Minimum Frontage Requirements

1. Minimum frontage requirements, as established in Section 4 of this bylaw, shall be considered the minimum frontage requirement at the time of subdivision of land.



2. Where a proposed lot or the proposed remainder of a lot cannot meet the minimum frontage requirements, the Regional Board may consider a request from the registered owner of the land to relax the minimum frontage requirement.
3. In taking into consideration a request for the relaxation of a minimum frontage requirement, the Regional Board shall consider the following criteria:
 - a) the suitability of the lot configuration is restricted by the topography of the proposed lot;
 - b) to improve access to the proposed lot provided the maximum gradient of an access driveway or panhandle which serves the proposed lot does not exceed 20%;
 - c) in the case of a panhandle lot, no two panhandle lots are adjacent; or
 - d) the proposed lots front a cul-de-sac road.

6.6 Lot and Shape Dimensions

1. Unless the pattern of existing subdivision precludes it, side lot lines shall, wherever practical, be created perpendicular or radial to the adjoining highway.
2. No panhandle shall be created:
 - a) narrower than 10 metres where further subdivision of the parent lot is possible; or
 - b) narrower than 6 metres where further subdivision of the parent lot is not possible; and
 - c) without the approval of the Regional Board.

6.7 Lots Exempt from Minimum Lot Size Requirements

1. Where the requirements of the authority having jurisdiction are met with respect to the provision of water and method of sewage disposal, minimum lot size and lot servicing requirements shall not apply to a subdivision:
 - a) that combines 2 or more lots into a single lot;
 - b) where the effect of subdivision would not be to increase the number of lots, but adjust the boundary between existing lots, provided that the boundary change does not result in the reduction of either lot by 20% or more of its original size; or
 - c) that adds an accretion to a lot.
2. Proposed lots within land to be subdivided may be reduced to 80% of the size otherwise permitted in the applicable zone provided that:
 - a) a maximum of 50% of the proposed lots 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;



- b) the average lot size of all lots within the subdivision conforms with the lot size permitted in the applicable zone; and
 - c) a Section 219 covenant in favour of the Regional District is registered against all lots in the subdivision prohibiting further subdivision of the land.
3. Lots that consist of 2 or more parts physically separated by the following:
- a) a highway which was dedicated prior to the adoption of this Bylaw;
 - b) the Englishman River, the portions of French Creek north of Highway 4A, or the Little Qualicum River;
 - c) a railway under the jurisdiction of the **Railway Act** and amendments thereto;
- may be subdivided along the dividing highway, the natural boundary of the noted streams, or the railway in spite of the fact that the newly created lots fail to meet the minimum lot size requirements of this bylaw, provided that requirements of the authority having jurisdiction are met with respect to the provision of water, method of sewage disposal, and access.
4. Lots proposed for subdivision pursuant to Section 946 of the **Local Government Act** shall be permitted provided that:
- a) all requirements of provincial legislation can be satisfied;
 - b) the lot proposed to be created by subdivision is a minimum of 1 ha in lot size;
 - c) the minimum size of the proposed remainder of the parent lot will meet the minimum lot size requirement under Section 4 of this bylaw; and
 - d) all other requirements of this bylaw can be met.
5. No lot shall be created which is divided into 2 or more non-contiguous portions of land, 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 lots.

6.8 Servicing Requirements - General

The Regional District of Nanaimo hereby adopts the Master Municipal Construction Documents (MMCD) as its specifications for all works and services required pursuant to this bylaw.



6.9 Sewage Disposal

1. Where a lot is proposed to be created and not served by a community sewer system, the authority having jurisdiction must be satisfied with the sewage disposal capability of the lot.
2. Any community sewer system, or part thereof, provided within the subdivision, to service the subdivision, or to connect the community sewage collection system within the subdivision to a trunk sewage main shall be designed, constructed, and installed at the expense of the owner of the land being subdivided and shall be carried out in accordance with the engineering and environmental standards as outlined in the MMCD.

6.10 Water Supply

1. Where a lot to be created is not served by a community water system, 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 lot being created.
2. Any community water system, or part thereof, provided within the subdivision, to service the subdivision or to connect the community water distribution system to a trunk water main shall be designed, constructed and installed at the expense of the owner of the land being subdivided and all public works shall meet the engineering and environmental standards as outlined in the MMCD.

6.11 Storm Water

Any community storm water management and drainage works, or part thereof, provided within the subdivision, to service the subdivision or to connect the community storm water and drainage system to a trunk storm water main shall be designed, constructed and installed at the expense of the owner of the land being subdivided and all public works shall meet the engineering and environmental standards as outlined in the MMCD.