



City of Vernon

***SUBDIVISION &
DEVELOPMENT
SERVICING BYLAW***

#3843

Consolidated for Convenience

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3843

AMENDMENTS

BYLAW NO.	ADOPTION	AMENDMENT
3917	April 5, 1993	<ul style="list-style-type: none"> ▪ Amending Section 8: “Administration and Enforcement” by replacing Section 8.01 – “Application Fee”.
3929	June 28, 1993	<ul style="list-style-type: none"> ▪ Amendments to Schedule B – Table B.9 “Highway Cross-Sections”; Section 4.04 “Crushed Granular Base Course”, Table B.10 “Gradation of Crushed Granular Aggregate for Asphaltic Concrete”; Table B.11 “Type of Asphalt”; Table B.12 “Asphaltic Concrete”, ▪ Add Section 4.06 (b) “Primer” ▪ Amend Section 4.10 (b) and (d) “For Sub-base and Base Course Construction” for hot mix asphalt pavement production and placement. ▪ Add Section 4.11 “Chain Link Fence”
3978	September 20, 1993	<ul style="list-style-type: none"> ▪ Amend Schedule B “Regulations, Standards and Specifications for the Design and Construction of Highways”, by replacing Section 4.03 “Granular Sub-base Course”
4019	April 18, 1994	<ul style="list-style-type: none"> ▪ Amend Schedule B “Regulations, Standards and Specifications for the Design and Construction of Highways”, by adding Table B.5A “Design Criteria for Adverse Topographic Conditions”
4046	July 25, 1994	<ul style="list-style-type: none"> ▪ Amending Section 7 “Servicing Requirements for Highways Abutting a Site being Subdivided or Developed” by replacing Section 7.01.
4087	November 14, 1994	<ul style="list-style-type: none"> ▪ Amending Section 7 “Servicing Requirements for Highways Abutting a Site being Subdivided or Developed” by replacing Section 7.01 b) (i)
4108	February 6, 1995	<ul style="list-style-type: none"> ▪ Deleting (vi) and (viii) Section 7.01 (b) 2 “Servicing Requirements for Highways Abutting a Site being Subdivided or Developed”; ▪ Amending Table B.2 “Highway Grades”, of Schedule B “Regulations, Standards and Specifications for the Design and Construction of Highways” ▪ Amending Section 3.04 “Vertical Curves” and Section 4.03 “Granular Sub-base Course” of Schedule B “Regulations, Standards and

BYLAW NO.	ADOPTION	AMENDMENT
		<p>Specifications for the Design and Construction of Highways”</p> <ul style="list-style-type: none"> ▪ Amending third paragraph of Section 3.01 of Schedule E “Regulations, Standards and Specifications for the Design and Construction of Sanitary Sewers” ▪ Amending Section 3.01 of Schedule F “Regulations, Standards and Specifications for the Design and Installation of Drainage Systems” ▪ Amending Section 3.02 of Schedule G “Regulations, Standards and Specifications for the Installation of Street Lighting”
4145	May 1, 1995	<ul style="list-style-type: none"> ▪ Addition of Section 4.14 “Works within existing Right-of-ways” to Section 4 “Provision of Services in Subdivision and Developments”
4157	July 24, 1995	<ul style="list-style-type: none"> ▪ Replacing Table A2 – Part I “Required Minimum Highway Standards” of Schedule A “Level of Service” ▪ Replacing Tables B.1 “Design Speed”, B.2 “Highway Grades”, B.3 “Vertical Curve Design”, B.4 “Minimum Centerline Radius” and B.5 “Intersection Curves” of Schedule B “Regulations, Standards and Specifications for the Design and Construction of Highways” ▪ Replacing Section 3.06 “Curb Return Radii” of Schedule B “Regulations, Standards and Specifications for the Design and Construction of Highways”
4263	July 8, 1996	<ul style="list-style-type: none"> ▪ Amending Schedule A “Level of Service” Table A.1, Column 6 (Wiring) – “Underground”
4278	September 16, 1996	<ul style="list-style-type: none"> ▪ Amending Schedule D “Water Systems” – Section 3.07 “Corporation Stops” and Section 3.08 “Curb Stop and Boxes”
4326	March 3, 1997	<ul style="list-style-type: none"> ▪ Amending Section 4 “Provision of Services in Subdivisions and Developments” by the addition of Part 4.15 “Exception for Property Boundary Adjustments”
4341	April 14, 1997	<ul style="list-style-type: none"> ▪ Replacing Section 4.04 (a) – “Bonding and Development Agreement Required”; ▪ Replacing Section 4.06 (a) (b) (c) and (d) “Right of Way Agreement”; ▪ Amendment to Section 4.07 “Design and Field Review of Construction by a Professional Engineer” by adding a) and b);

BYLAW NO.	ADOPTION	AMENDMENT
		<ul style="list-style-type: none"> ▪ Replacing Section 8.01, "Application Fee"; ▪ Addition of new Section 9.01 "Application Fee"; ▪ Amending Schedule J, subsections D, C. 7, 10, 11 and 12 "Development Agreement"; ▪ Addition of Schedule P "Warranty Agreement for Subdivision"; ▪ Addition of Schedule Q "Warranty Agreements for Development other than Subdivision"; ▪ Addition of Schedule R "Development Agreement for Development other than Subdivision"
4377	July 7, 1997	<ul style="list-style-type: none"> ▪ Amendment to Section 8 "Administration & Enforcement, by replacing subsection 8.01 – Subdivision Application Fee Schedule
4423	March 2, 1998	<ul style="list-style-type: none"> ▪ Amendment to Schedule G "Regulations, Standards and Specifications for the Installation of Street Lighting"; ▪ Amendment to Section 4 "Provision of Services in Subdivisions and Developments, subsection 4.04 (a) (i) and 4.04 (b) (i) ▪ Addition of new Section 8.10 "Authorization" ▪ Restore Section 9.01 "Repeal of Previous Bylaw"
4484	February 1, 1999	<ul style="list-style-type: none"> ▪ Amendment to Section 8 "Administration and Enforcement" by including new subsection 8.02.3 in "Preliminary Layout Approval"
4496	April 26, 1999	<ul style="list-style-type: none"> ▪ Amending Section 2 "Interpretation" -Definition of "Lane"
4515	June 21, 1999	<ul style="list-style-type: none"> ▪ Replacing Schedule D "Regulations, Standards and Specifications for the Design and Installation of Water Systems"
4572	Feb 28, 2000	<ul style="list-style-type: none"> ▪ Replacing Table A.1 "Required Minimum Level of Service for Sanitary Sewer, Drainage, street Lighting and Wiring" and Table A.2, Part I and II "Required Minimum Highway Standards", both of Schedule A "Level of Service"; ▪ Addition of subsection 4.16 "Exception for Property Boundary Adjustments" in Section 4 "Provision of Services in Subdivisions and Developments.
4650	April 9, 2001	<ul style="list-style-type: none"> ▪ Amending Section 7 "Servicing Requirements for Highways Abutting a site being Subdivided or Developed" by deleting 7.01 (b) (i) (2) (i) and replacing 7.01 (b) (i) (2) (vi)
4662	June 4, 2001	<ul style="list-style-type: none"> ▪ Amending Schedule A "Level of Service", Table

BYLAW NO.	ADOPTION	AMENDMENT
		A2 – Part I and II “Required Minimum Highway Standards”
4666	June 18, 2001	<ul style="list-style-type: none"> ▪ Amending Schedule C “Regulations, Standards and Specifications for the Design and Construction of Curbs and Gutters, Sidewalks and Boulevards” by replacing subsection 1.03 “Curb, Gutter and Sidewalk Requirements”
4707	June 24, 2002	<ul style="list-style-type: none"> ▪ Amending Schedule A “Level of Service”, by replacing Table A.1 “Required Minimum Level of Service for Sanitary Sewer, Drainage, Street Lighting and Wiring”, Table A.2 – Part I and Part II “Required Minimum Highway Standards”
4846	June 14, 2004	<ul style="list-style-type: none"> ▪ Replacing subsection 5.02 “Sidewalks, Curbs and Gutters” of Section 5 “Servicing Requirements for Subdivision under Land Title Act” ▪ Amending Section 7 “Servicing Requirements for Highways Abutting a Site Being Subdivided or Developed” by adding subsection 7.01 (b) (iii)
4876	Sept. 27, 2004	<ul style="list-style-type: none"> ▪ Amending Schedule B as follows: ▪ Deleting Table B5A – design Criteria for Adverse Topographic Conditions; ▪ Adding Subsection 3.11 ▪ Adding Table B.9A – Hillside Road Standards ▪ Adding to Schedule “O”, Schedule B – Highways, the following seven drawings for Hillside Standards: 100-1H – Major Arterial Road, 100-3H – Minor Arterial Road, 100-4H – Collector Road, 100-6H – Local Road, 100-7H – Private Road, 100-8H – Public Lane and 100-9H – Emergency Access Lane.
4874	Nov 22, 2004	<ul style="list-style-type: none"> ▪ Amend Schedule C by adding new Subsection 2.09 “Pedestrian Railway Crossings” to Section 2.00 “Design Criteria” ▪ Adding Drawing 200-6 to listing in 5.00 “Standard Drawings” ▪ Adding Drawing 200-6 to Schedule “O”
5125	February 25, 2008	<ul style="list-style-type: none"> ▪ Amendments to Schedule F “Regulations, Standards and Specifications for the Design and Installation of Drainage Systems”.
5163	November 24, 2008	<ul style="list-style-type: none"> ▪ Amendments to Schedule G “Regulations,

BYLAW NO.	ADOPTION	AMENDMENT
		<p>Standards and Specifications for the installation of Street Lighting</p> <ul style="list-style-type: none"> ▪ Replace Drawings 600-1 and 600-2 (Sched. O)
5167	January 26, 2009	<ul style="list-style-type: none"> ▪ Amendment to Schedule E “Regulations, Standards and Specifications for the Design and Construction of Sanitary Sewers’ (replaced) ▪ Amendment to Schedule O Section 4.00 ‘Drawings for Schedule E – Construction of Sanitary Service’ ▪ Removed and Replaced old drawings 400-5 and 400-6
5170	February 9, 2009	<ul style="list-style-type: none"> ▪ Amendment to Schedule O ‘STANDARD DRAWINGS’ for following sections: 3.00 – Drawings for Schedule D – Water Systems 2.00 – Drawings for Schedule C – Curbs, Sidewalks, Boulevards 4.00 – Drawings for Schedule E – Construction of Sanitary Sewers 6.00 – Drawings for Schedule G – Street Lighting Add new drawing 500-2 Standard Catch Basin to Section 4.00 Drawings for Schedule E – Construction of Sanitary Sewers Remove drawings found in Schedule O, Section 6.00 – Drawings for Schedule G – Street Lighting
5199	May 11, 2009	<ul style="list-style-type: none"> ▪ Replace Schedule ‘H’ ‘Regulations, Standards and Specifications for the Design and Construction of Sanitary Sewers’ ▪ Add two new standard drawings to Schedule ‘O’, as 100-16 and 100-17 ▪ Replace Table A.1 in Schedule A – Level of Service to amend Column 6 to require underground wiring for all but Agricultural / Small Holdings
5204	June 22, 2009	<ul style="list-style-type: none"> ▪ Replace Schedule ‘L’ ‘Confirmation of Commitment by Owner’ ▪ Replace Schedule ‘M’ ‘Confirmation of Professional Assurance’
5205	June 22, 2009	<ul style="list-style-type: none"> ▪ Replace Schedule ‘J’ ‘Standard Development Agreement Document’ ▪ Replace Section 4 – ‘Provision of Services in Subdivisions and Developments’ ▪ Replace Section 8 – ‘Administration and Enforcement’ ▪ Delete Schedule ‘R’ ‘Development Agreement for

BYLAW NO.	ADOPTION	AMENDMENT
		Development other than Subdivision <ul style="list-style-type: none"> ▪ Delete Schedule 'P' 'Warranty Agreement for Subdivision' ▪ Delete Schedule 'Q' 'Warranty Agreement for Development other than Subdivision'
5225	October 26, 2009	<ul style="list-style-type: none"> ▪ Replace Schedule 'I' 'Standard For The Preparation Of Engineering Drawings'
5254	May 25, 2010	<ul style="list-style-type: none"> ▪ Amend Section 7 – 'Servicing Requirements For Highways Abutting A Site Being Subdivided Or Developed', Subsection 7.01 to add reference to address offsite works where the value of a Building Permit is less than \$50,000 ▪ Replace Subsection 7.01 B)(i)2.(iv)
5355	February 27, 2012	<ul style="list-style-type: none"> ▪ Amend Sections 3.02 and 3.06 of Schedule G by adding the requirements of anti-theft hand hole cover plates and anti-theft junction box lids in order to provide theft and vandalism protection
5360	July 23, 2012	<ul style="list-style-type: none"> ▪ Replace Schedule 'A' 'Level of Service'
5379	August 13, 2012	<ul style="list-style-type: none"> ▪ Replace Schedule 'K' 'Standard Statutory Right-of-Way Document'
5398	December 10, 2012	<ul style="list-style-type: none"> ▪ Amend Section 7 - 'Service Requirements for Highways Abutting a Site Being Subdivided or Developed', Subsection 7.01 a) to add new subsection iii. ▪ Amend Section 7 - 'Servicing Requirements for Highways Abutting a Site Being Subdivided or Developed', Subsection 7.01 b) iii) to replace "a cash deposit shall instead be deposited with the City" with: "shall instead enter into a Works Contribution Agreement and provide a cash deposit equal to 125% of the estimated cost of the works. The estimate shall be provided by City staff for all works related to infill development adjacent to existing City roads within OCP Development Districts 1 and 2." ▪ Amend Section 7 - 'Servicing Requirements for Highways Abutting a Site Being Subdivided or Developed' - Subsection 7.01 e) to add new subsection i) ▪ Amend Section 7 - 'Servicing Requirements for Highways Abutting a Site Being Subdivided or Developed' - Subsection 7.01 f) to add new subsection i)

BYLAW NO.	ADOPTION	AMENDMENT
5511	September 8, 2014	<ul style="list-style-type: none"> ▪ Amend Section 4 – ‘Provision of Services In Subdivisions And Development’ – Subsection 4.02, to add new paragraph at end ▪ Amend Section 7 – ‘Servicing Requirements for Highways Abutting a Site Being Subdivided or Developed’, Subsection 7.01 a) ii) to add <u>or connection to the City’s storm sewer system</u>, Subsection 7.01 b)i)2.iv) to remove the word ‘and’ at the end of the paragraph, Subsection 7.01 b)i)2. to add vi) and vii).
5549	March 23, 2015	<ul style="list-style-type: none"> ▪ Amend Section 4 – ‘Provision of Services In Subdivisions And Developments’ – Subsection 4.14(b), to remove reference to fees set out in Subsection 8.01(b)(ii) ▪ Amend Section 8 – ‘Administration and Enforcement’ – Subsection 8.01 a) ii) and b) iii), to indicate fees are referenced in the Fees and Charges Bylaw. ▪ Amend Schedule J – ‘Standard Development Agreement Document’ – Subsection 10, to indicate fees are referenced in the Fees and Charges Bylaw.
5625	April 10, 2017	<ul style="list-style-type: none"> ▪ Amend Schedule A, Table A.1 to add RST2 – Residential Single and Two Family and CD5 – Comprehensive Development Area 5 to the zone listing AND to add criteria for overhead servicing for RLD – Residential – Low Density designated infill development.
5658	November 14, 2017	<ul style="list-style-type: none"> ▪ Amend various Section of Schedule G regarding the updating of street lighting standards to be consistent with new Light Emitting Diode (LED) technology ▪ Delete Standard Drawings 600-1 – Standard Light Pole Base and 600-2 – Standard Street Light Pole from Schedule O
5690	September 4, 2018	<ul style="list-style-type: none"> ▪ Amend Schedule A, Table A.1 to add wording allowing overhead servicing for designated infill development.
5717	September 24, 2018	<ul style="list-style-type: none"> ▪ Amend Schedule F – Design & Installation of Drainage Systems ▪ Replace Drawing 500-1, Schedule O, Standard Drawings – ‘Rainfall Intensity Duration Frequency Curves’
5718	September 24, 2018	<ul style="list-style-type: none"> ▪ Amend Schedule A – Level of Service, Table A.2 – Part I and II ▪ Amend Schedule B – Design & Construction of Highways ▪ Add NEW Schedule B1 – MMCD addendums
5737	March 11, 2019	<ul style="list-style-type: none"> ▪ Amend Section 8 – Administration and

BYLAW NO.	ADOPTION	AMENDMENT
		Enforcement, Preliminary Layout Approval, 8.02.3 – timelines associated with subdivisions.
5779	September 16, 2019	<ul style="list-style-type: none"> ▪ <u>Amend</u> Schedule C – Curbs, Gutter, Sidewalks and Boulevards ▪ <u>Amend</u> Schedule O – Standard Drawings to remove 200-2, 200-3, 200-4 and rename 200-1
5797	January 27, 2020	<ul style="list-style-type: none"> ▪ <u>Amend</u> Schedule O – Standard Drawings & Index. 1.00 Drawings for Schedule B – replace 100-1, 100-2, 100-3, 100-4, 100-5 and 100-6, remove all remaining drawings; 2.00 Drawings for Schedule C – rename 200-1 and remove all remaining drawings; 3.00 Drawings for Schedule D – remove drawings 100-12, 100-14, 100-15, 400-7 and 400-8 and renumber all remaining drawings; 4.00 Drawings for Schedule E – remove drawings 100-14, 100-15, 400-1, 400-2, 400-3, 400-7, 400-8, 500-2, 500-3, 500-4 and renumber remaining drawings; 5.00 Drawings for Schedule F – remove all drawings with the exception of 500-1 and rename 400-1; 6.00 Drawings for Schedule G remove all drawings with the exception of 600-1; 7.00 Drawings for Schedule H – remove Sanitary Sewers title ▪ <u>Amend</u> Schedule B – Highways – remove drawings 100-7, 100-11, 100-12 and replace with 100-1, 100-2, 100-3, 100-4, 100-5 and 100-6 ▪ <u>Amend</u> Schedule D – Water – remove drawings 100-12, 100-14, 100-15, 400-7 and 400-8 ▪ <u>Amend</u> Schedule E – Sanitary Sewers – add drawings S1, S2, S3, S5, S6, S7 and S9, remove drawings 100-14 and 100-15 and renumber remaining drawings ▪ <u>Amend</u> Schedule F – Drainage – renumber Drawing 400-4 ▪ <u>Amend</u> Schedule G – Streetlighting – remove drawings 100-1, 100-2, 100-3, 100-4, 100-5, 100-6, 100-1H, 100-3H, 100-4H and 100-6H and renumber 600-3.
5800	February 24, 2020	<ul style="list-style-type: none"> ▪ <u>Amend</u> Schedule B – Transportation, 1. General, 2. Road Classifications, 3. Design Parameters, 4. Highway Design Criteria and 5. Standard Drawings.

TABLE OF CONTENTS

SECTION 1	TITLE	12
SECTION 2	INTERPRETATION	13
SECTION 3	SUBDIVISION AND DEVELOPMENT REQUIREMENTS AND.....	18
SECTION 4	PROVISION OF SERVICES IN SUBDIVISIONS AND DEVELOPMENTS.....	8
SECTION 5	SERVICING REQUIREMENTS FOR SUBDIVISIONS UNDER LAND TITLE ACT.....	28
SECTION 6	SERVICING REQUIREMENTS FOR DEVELOPMENTS NOT REQUIRING SUBDIVISION	30
SECTION 7	SERVICING REQUIREMENTS FOR HIGHWAYS ABUTTING A SITE.....	32
SECTION 8	ADMINISTRATION AND ENFORCEMENT	26
SECTION 9	ENACTMENT	40

ATTACHMENTS:

SCHEDULE

TITLE

SCHEDULE A	Level of Service
SCHEDULE B	Design and Construction of Highways
SCHEDULE C	Design and Construction of Curbs and Gutters, Sidewalks and Boulevards
SCHEDULE D	Design and Installation of Water Systems
SCHEDULE E	Design and Construction of Sanitary Sewers
SCHEDULE F	Design and Installation of Drainage Systems
SCHEDULE G	Installation of Street Lighting
SCHEDULE H	Installation of Electrical and Communications Wiring and Gas Distribution System

ATTACHMENTS:

SCHEDULE

TITLE

SCHEDULE I	Standards for The Preparation of Engineering Drawings
SCHEDULE J	Standard Development Agreement Document
SCHEDULE K	Standard Statutory Right-of-Way Document
SCHEDULE L	Confirmation of Commitment By Owner
SCHEDULE M	Confirmation of Professional Assurance
SCHEDULE N	Installation of Integrated Survey Monuments
SCHEDULE O	Standards Drawings

THE CORPORATION OF THE CITY OF VERNON

Subdivision and Development
Servicing Bylaw No. 3843, 1992

WHEREAS the City of Vernon wishes to revise the provisions of the present Subdivision Control Bylaw No. 2629;

AND WHEREAS pursuant to Division 7 of Part 29 of the *Municipal Act*, a local government, may by bylaw, regulate and require the provision of works and services in respect of the subdivision or development of land;

NOW THEREFORE, the Council of the City of Vernon, in open meeting assembled, enacts as follows:

SECTION I - TITLE

This bylaw may be cited as the “City of Vernon Subdivision and Development Servicing bylaw No. 3843, 1992”.

SECTION 2 INTERPRETATION

In this bylaw, unless the context requires otherwise:

"Act" means Municipal Act, Land Title Act, Health Act, and any other Act named in this Bylaw and found in the Revised Statutes of British Columbia, 1979, as amended from time to time both before and after the date of this Bylaw.

"Applicant" means a person applying for the approval of a subdivision, pursuant to the provision of the Land Title Act, or a person applying for development other than subdivision, whether as the owner of the property proposed to be subdivided or developed or as agent for the owner or his contractor.

"Approval, Final" means the Approving Officer's affixation of his signature to the subdivision plan pursuant to Section 88 of the Land Title Act.

"Approval, Preliminary Layout" means written notification of a review of information presented to the Approving Officer previous to submission of a subdivision plan for final approval.

"Approving Officer" means any person duly authorized by the Municipal Council to act as Approving Officer pursuant to the provisions of the Land Title Act.

"Boulevard" means that portion of a highway between the curb lines or the lateral boundary lines of a roadway and the adjoining property or between curbs on median strips or islands, but does not include curbs, sidewalks, ditches, or driveways.

"Building Inspector" means the Building Inspector of the City of Vernon.

BYLAW NUMBER 3843

"Building Regulations" means the City of Vernon Building Bylaw No. 3283 as amended.

"City Engineer" means the Engineer of the City of Vernon appointed as such by the Municipal Council, or his designate.

"Community Sewer System" means a sanitary sewer or a system of sewage disposal works which is owned, operated and maintained by the municipality.

"Community Water System" means a system of waterworks within the meaning of Section 21 of the Health Act which is owned, operated and maintained by the Municipality, an Improvement District under the Water Act or the Municipal Act, or which is regulated under the Water Utilities Act, and authorized by the Municipal Council.

"Council" means the Municipal Council of the Corporation of the City of Vernon.

"Cul-de-sac" means a highway with only one point of intersection with another highway and which terminates in a vehicle-turning area and is designed to be permanently closed except for a lane or a walkway, by the pattern of subdivision.

"Developer's Engineer" means the Professional Engineer engaged by the developer to design and prepare drawings for construction of works in a subdivision or development, or his authorized representative.

"Development" means an activity that requires a Building Permit or that alters the existing surficial characteristics of the land.

"Drainage System" means a system of works designed and constructed to control the flow of storm water and/or ground water.

BYLAW NUMBER 3843

"Frontage" means the length of a lot boundary which immediately adjoins a highway other than a lane or a walkway.

"Highway" includes a street, road, lane, walkway, bridge, viaduct, and any other way open to public use. Except for highways created under Section 4 of the Highways Act, the width of a highway is measured from lot line to lot line. A highway does not include private easements on private property.

"Highway, Arterial" means a street used primarily by fast or heavy traffic of which a significant portion has both its origin and destination outside of the subdivision area.

"Highway, Collector" means a street which carries traffic from local streets to arterial streets and includes the principal entrance streets for circulation of traffic within such a subdivision.

"Highway, Local" means a street used primarily for travel and access to and from the parcels of land contiguous thereto.

"Irrigation District" means an irrigation district incorporated under the Municipal Act or in the Water Act.

"Lane" means a public thoroughfare or way having a width of less than 7 m (22.97 ft.) which affords only a secondary means of access to a lot at the side or rear. (Bylaw No. 4496, Apr. 26, 1999)

"Lot" means an area of land designated as a separate, distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office, and having a principal frontage upon a public street or road.

"Lot Depth" means the shortest horizontal distance between the front and rear lot lines.

BYLAW NUMBER 3843

"Lot Line" means a legally defined boundary of any lot.

"Lot Width" means the horizontal distance between the side lot lines measured at right angles to the lot depth.

"Medical Health Officer" means the Medical Health Officer appointed under the Health Act.

"Municipality" means the City of Vernon or the area within the municipal boundaries thereof as the context may require.

"Owner" shall be interpreted as defined in the Municipal Act.

"Potable Water" means water which is approved for drinking purposes by the Medical Health Officer.

"Professional Engineer" means a person who is registered or duly licensed as such under the provisions of the Engineers Act of British Columbia.

"Proven Supply" means that a supply of potable water is available and proven with respect to volume, delivery and continuity of supply from an on-site groundwater system, a source requiring a water license from the Ministry of Environment or a community water system.

"Roadway" means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic.

BYLAW NUMBER 3843

"Service Level" means the standard of municipal services required for development of subdivisions and other developments not requiring subdivision under the provisions of this bylaw.

"Street" means a highway except a lane, trail, or walkway.

"Subdivision" means the division of land into two or more parcels by plan or apt descriptive words.

"Top of Slope, Embankment or Escarpment" means the natural defined top edge of a slope, embankment or escarpment; or, where a gradual steepening exists, the point at which the slope exceeds 30% grade.

"Walkway" means a highway intended to carry pedestrian and non- motorized traffic.

"Watercourse" means any natural or man-made drainage course or source of water, whether usually containing water or not, and includes any lake, river, creek, spring, ravine, swamp, gulch, or source of ground water, whether enclosed in a conduit or not, or as required by a designated official of the Ministry of Environment, Lands and Parks of the Province of British Columbia.

"Zone" means an area created by the Zoning By law of the City of Vernon as amended or as replaced from time to time both before and after the effective date of this bylaw.

BYLAW NUMBER 3843

SECTION 3 SUBDIVISION AND DEVELOPMENT REQUIREMENTS AND REGULATIONS

Compliance with Bylaw

3.01 No person shall subdivide or undertake development of land in the City of Vernon except in compliance with the provisions of this Bylaw.

General Requirements for Design of Subdivisions

3.02 No subdivision of land shall be approved which:

- a) is not suited to the configuration of land being subdivided;
- b) is not suited to the use to which it is intended; or
- c) will make impracticable the future subdivision of the land within the proposed subdivision or of any adjacent land.

BYLAW NUMBER 3843

SECTION 4 PROVISION OF SERVICES IN SUBDIVISIONS AND DEVELOPMENTS

Level of Service

- 4.01 Unless otherwise approved by a Development Variance Permit issued by the Council pursuant to Section 922 of the Local Government Act, all subdivisions and developments shall be provided with services as prescribed in Schedule A of this Bylaw and the level of services required may be different for different zones as established by the Zoning Bylaw in accordance with the provisions of Schedule A of this Bylaw.

Subdivisions and Developments Where Servicing Requirements May Be Waived

- 4.02 Notwithstanding Subsection 4.01, the servicing requirements prescribed in Schedule A of this Bylaw may be waived where the lot created or developed is to be used solely for the unattended equipment necessary for the operation of:

- a) a community water system;
- b) a community sewer system;
- c) a community gas distribution system;
- d) a community radio or television receiving antennas;
- e) a radio or television broadcasting antenna;
- f) a telecommunications relay station;
- g) an automatic telephone exchange;
- h) an air or marine navigational aid;
- i) electrical substations or generating stations; or
- j) any other similar public service or quasi public service facility or utility.

Notwithstanding Subsection 4.01, the servicing requirements prescribed in Schedule A pertaining to provision of community sanitary sewer system, community water supply system, storm sewer system or street lighting are not required for consolidations or boundary lot adjustments.

Notwithstanding Subsection 4.01, connection to the City's storm sewer system may be waived for building permits relating to interior renovations and reconstruction of damaged buildings. Further, building permits for new single and two family homes, where no storm main is directly adjacent, as well as additions to single and two family homes may be waived where a registered professional has verified that an on-site storm disposal system is adequate. *(Bylaw 5511, Sept 8/14)*

BYLAW NUMBER 3843

Expense of Services To Be Borne By Owner

- 4.03 Unless otherwise provided in this Bylaw, all works and services required in this Bylaw shall be constructed and installed at the expense of the Applicant.

Bonding and Development Agreement Required

- 4.04 a) All works and services to be constructed and installed to serve any proposed subdivision of any lands shall be constructed and installed at the expense of the applicant as prescribed in Schedules A to H herein and be subject to a warranty period of one (1) year for Works and two (2) years for landscaping, or such further period as provided herein, from the date of the inspection and acceptance by the City Engineer of the aforesaid Works and services as completed (hereinafter referred to as the "Acceptance of the Works") prior to the approval of such subdivision by the Approving Officer. A plan of subdivision may be finally approved prior to:
- i) the expiry of the Warranty Period of the required Works and services and after Acceptance of the Works, where the applicant deposits with the City letter of credit, or other security in a form acceptable to the Manager of Finance, prior to the final approval of the subdivision by the Approving Officer, in an amount equal to 10% of the cost of installing and constructing all of the aforesaid Works and services for the subdivision and, notwithstanding the above, the security amount shall not be less than \$10,000.00 or more than \$75,000.00 for each \$1,000,000.00 or portion thereof of cost and to enter into a form of Agreement with the City as set out in Schedule J herein. Any security provided under Section 4.14(b) of this bylaw for the same works will be credited to any Agreements under this subsection.
 - ii) the Acceptance of the Works as required by this bylaw where the applicant deposits security in a form acceptable to the Manager of Finance in an amount equal to 150% of the cost of underground sanitary sewer and storm sewer works, including services and trench backfill plus 125% of the cost of all other works required to be constructed and installed by the Owner as required by the Approving Officer before the subdivision plan is finally approved by the Approving Officer and to enter into a form of Agreement with the City as contained in Schedule J herein.

BYLAW NUMBER 3843

- b) All works and services to be constructed and installed to serve any proposed development that does not require a subdivision of any lands shall be constructed and installed at the expense of the applicant as prescribed in Schedules A to H herein and be subject to a warranty period of one (1) year for Works and two (2) years for

landscaping, or such further period as provided herein, from the date of Acceptance of the Works prior to the approval of such development by the City. A development may be finally approved prior to:

- i) the expiry of the Warranty Period of the required Works and services and after Acceptance of the Works, where the applicant deposits with the City letter of credit, or other security in a form acceptable to the Manager of Finance, in an amount equal to 10% of the cost of installing and constructing all of the aforesaid works and services for the development and notwithstanding the above, the security amount shall not be less than \$10,000.00 or more than \$75,000.00 for each \$1,000,000.00 or portion thereof of cost and to enter into a form of Agreement with the City as set out in Schedule J herein. Any security provided under Section 4.14(b) of this bylaw for the same works will be credited to any Agreements under this subsection.
- ii) the Acceptance of the Works as required under this bylaw where the applicant deposits a letter of credit or other security in a form acceptable to the Manager of Finance in an amount equal to 150% of the cost of underground sanitary sewer and storm sewer works, including services and trench backfill plus 125% of the cost of all other works required to be constructed and installed by the Owner as required by the City Engineer before the development is finally approved by the City and to enter into a form of Agreement with the City as contained in Schedule J herein;
- c) The City will reduce the amount of security deposited pursuant to provisions of this bylaw herein from time to time and in accordance with the following:
- i) the credit reduction will be equal to the cost of the work completed and approved by the City Engineer;

BYLAW NUMBER 3843

- ii) no reduction will be allowed for any amount less than 10% of the total cost of the construction and installation of the work;
- iii) upon completion of the works and services required herein, the provisions of Section 4.07 have been complied with respect to provision of as-built drawings and service cards in paper and acceptable electronic formats;
- iv) notwithstanding sub-paragraphs (i) and (ii) above, the City will not refund an amount whichever is the lesser of 10% of the total cost of the constructing and installing of the work or \$75,000.00 for each \$1,000,000.00 or part thereof of the cost of the construction and installation of the works and services required herein until the expiry of the warranty period or such further term as provided herein following the Acceptance of the Works. Notwithstanding the above, the minimum deposit required to be held shall be not less than \$5,000.00;
- v) the warranty period provided for herein will be extended by the following periods of time if any of the following occurs:
 - a) from the time a deficiency is discovered until the time it is repaired; and
 - b) if a deficiency is repaired and the sufficiency of that repair cannot be determined due to weather or soil conditions until such time as the City Engineer, acting reasonably, is able to determine the deficiency of the repair of the Work;

Notwithstanding the above, the City Engineer may waive the requirement to extend the warranty period as set out above in whole or in part;

- vi) Upon the expiry of the aforesaid warranty period or such further term as provided herein and provided that the Owner is not then in default under any of his covenants herein contained, and upon final approval of the Work by the City Engineer, the City will, as soon as possible, reduce the remaining security to zero (nil).

Excess or Extended Capacity

4.05

Pursuant to Section 939 of the Local Government Act, the City may require that the Applicant provide excess or extended services to provide

BYLAW NUMBER 3843

access to or service land other than the land being subdivided or developed.

Right-of-Way Agreement

4.06 Where the provisions of this bylaw require an Applicant to grant a utility or drainage Right-of-Way to the City of Vernon, the Applicant shall be required to:

- a) enter into an Agreement substantially in the form prescribed in Schedule K of this Bylaw, as amended;
- b) provide that the Statutory Right-of-Way Agreement will be registered free and clear of any financial charges, options, rights of first refusal or any other encumbrances that in the opinion of the City's solicitors may jeopardize the attachment of the Statutory Right-of-way to the lands;
- c) either allow the City to register the Statutory Right-of-way in the Land Title Office against the lands of the applicant at the expense of the applicant or, at the option of the applicant, have the applicant's solicitor provide an undertaking to register same on terms acceptable to the City's solicitors;
- d) pay all associated costs in preparing and registering the Statutory Right-of-Way Agreement, including legal costs.

Design and Field Review of Construction by a Professional Engineer and Geoscientist

4.07 All engineering drawings required in this bylaw for works and services, shall be prepared by a Professional Engineer and Geoscientist registered to practice in the Province of British Columbia.

The Applicant shall engage a Professional Engineer and Geoscientist to carry out all necessary field reviews and inspections during the construction of works and services required as a condition of subdivision approval. The City requires full time inspection during the construction and installation of all underground works. The Professionals shall submit a report in the format set out in Schedule M of this bylaw certifying that the works and services have been carried out in compliance with this bylaw and the plans, drawings and supporting documents submitted in support of the subdivision application which were accepted by the City of Vernon.

All applications for subdivision shall include a letter of commitment from the Applicant in the format set out in Schedule L of this bylaw, that a Professional Engineer and Geoscientist have been engaged to carry out

BYLAW NUMBER 3843

all necessary design works and undertake all field services for the subdivision.

- a) Upon completion of the works and services, the applicant shall provide to the City Engineer final, as-built drawings and service cards in paper and electronic acceptable formats signed and sealed by a professional engineer of all work constructed or installed pursuant to the application.
- b) If there are any deficient or missing drawings or service cards upon completion of the work, any refund due will be debited in the amount of \$2,500.00 per asbuilt sheet and \$500 per service card.

Exception For Service Connection

- 4.08 Notwithstanding Section 4.07 above, in a subdivision where only service connections to existing works and services are required, the City may not require that the Applicant engage a Professional Engineer or Geoscientist to design those service connections where service grade, elevation and pipe size are not an issue.

Geotechnical / Slope Stability

- 4.09 A geotechnical report(s) on slope stability is required prior to land use re-designation, subdivision, development and/or building permit approval. A report is required wherever the slope of the subject lands, or portions thereof exceed 15 percent or where past subsidence, slippage or seepage is evidenced in the vicinity of the site. Lands in excess of 30% slope are not to be developed unless otherwise approved for development as part of an adjoining larger area of 30% or less slope as per the Hillside Guidelines.

The requirement for a geotechnical report for slope stability may be waived by written authorization from the City Engineer. The City Engineer may also require a Geotechnical report for sites with soil conditions, groundwater, or other such conditions which, in the opinion of the City Engineer, require special attention.

- A) Slope stability reports shall contain a minimum of the following information:
 - i) Existing property lines shown on plan(s).
 - ii) Top of slope, embankment or escarpment; and toe of slope.
 - iii) Contour mapping as required by the Geotechnical Engineer.

BYLAW NUMBER 3843

- iv) Stability Limit (S.L.) line(s) shown on plan(s). The S.L line is defined as the line that corresponds to a slope stability Safety Factor (S.F.) of 1.5 and delineates the Developable Area where S.F. is greater than 1.5, from the Undevelopable Area where the S.F. is less than 1.5. To define the S.L. line, the slope is to be analyzed in the existing natural condition

using the highest expected groundwater condition, both natural and man-made.
 - v) The effect of and extent of slope failure on the subject land and adjacent properties and the methods for protection of the lands.
 - vi) A setback line, drawn in relation to the S.L. Line and within the developable area, which shall define the point nearest the S.L. line that structures (including streets, underground utilities, building foundations, swimming pools, etc.) can be constructed without jeopardizing the slope stability at the S.L. line. The building setback line shall be no closer to the top of slope than:
 - a) that line determined by a Geotechnical Engineer using the method described in this section, or
 - b) the "rear yard setback" distance as specified in the City of Vernon Zoning Bylaw No. 5000, as amended measured from the top of the slope, embankment or escarpment.
 - vii) Identification of proposed fill areas and development of a filling plan addressing ultimate topography, fill materials, methodology, inspection, testing, revegetation, slope stability and setbacks as defined in this section.
 - viii) Assessment and recommendations regarding the effects of rainfall, runoff and irrigation.
- B) Existing lands within areas of 30% slope or less where the S.F. < 1.5 may be considered for development by the City Engineer if the existing slope is modified using recognized remedial procedures which will yield a S.F. greater than 1.5.
- C) Slope stability reports shall be prepared by a Professional Geotechnical or Geological Engineer.

BYLAW NUMBER 3843

- D) It is the responsibility of the developer to ensure that slope stability reports are initiated and that development conforms to the recommendations in the report.
- E) All rock removal and rock blasting are to be designed and field reviewed by a Professional Geotechnical or Geological Engineer.
- F) An erosion/sedimentation control plan must be prepared by a Professional Geotechnical or Geological Engineer that addresses dust, erosion and sediment control at all stages of development. The plan must be implemented and measures maintained at the Applicant's expense until the Acceptance of Works.

Traffic Impact Analysis

- 4.10 The Approving Officer may require the Applicant to provide a traffic impact analysis.

Off-Site Utilities Impact Analysis

- 4.11 The Approving Officer may require the Applicant to provide an off-site utilities impact analysis.

Site Preparation

- 4.12 In no case shall land be excavated, filled, paved or graveled or the surface features of land otherwise be altered for the purpose of development without the prior written approval of the Approving Officer or City Engineer.

Off-Site Services

- 4.13 The Applicant may be required to contribute towards the cost of upgrading or upsizing off-site roads and utilities.

Works within existing Right-of-ways)

- 4.14 Where a subdivision or development must construct works within a City road or right-of-way, the following is required:
 - a) Provide engineering drawings for the works in accordance with the provisions of this bylaw.
 - b) Provide security in a form acceptable to the Director of Financial Services in the amount of 150% of the cost of underground sanitary sewer and storm sewer works, including services and trench backfill

BYLAW NUMBER 3843

plus 125% of the cost of all other works required to be constructed within the City road or right-of-way plus engineering development review and inspection fee in accordance with the City of Vernon's current Fees and Charges Bylaw. If the applicant has entered into an Agreement pursuant to Subsection 4.04(a)(ii) or 4.04(b)(ii), the above security can be credited against the security for the same works provided for in the above mentioned Agreement.

(March 23/15, Bylaw 5549)

- c) Obtain a Permit from the City for construction within a Right-of-way.

Exception for Property Boundary Adjustments

4.15 Notwithstanding Subsection 4.01 of this Bylaw, subdivisions involving only property boundary adjustments where the number of lots is not increased shall not be subject to the requirements of this Bylaw, except in the following cases:

1. Where road dedication is required, all dedication for future road widening shall be obtained at the time of the property boundary adjustment application.
2. Any unprotected or existing servicing that encroaches on adjustment parcels shall be protected by means of easement or statutory Right-of-Way or relocated as required by the City Engineer. Any relocation of services shall be governed by the regulations of this Bylaw.

The applicant must provide a plan showing the location of all existing structures, road and utilities in order to demonstrate compliance with the above requirements.

4.16 In those areas within Plan Vernon designated as a development permit area because of fire hazard, the Approving Officer will require a fire hazard assessment from a registered professional forester.

BYLAW NUMBER 3843

SECTION 5 - SERVICING REQUIREMENTS FOR SUBDIVISIONS UNDER LAND TITLE ACT

Highways

5.01 All highways created by plan of subdivision, including the widening of highways, shall:

- a) comply with the dimensions, location, alignment, drainage, and gradient requirements set out in Schedules A, B and F of this Bylaw; and;
- b) be cleared, graded and surfaced in accordance with standards set out in Schedules A and B of this Bylaw.

Sidewalks, Curbs and Gutters *(June 14/04, Bylaw No. 4846)*

5.02 (a) In subdivisions where highways are created, sidewalks, curbs and gutters shall be provided as required in Schedule A and constructed in accordance with the standards set out in Schedule C of this Bylaw.

- (b) Where in the opinion of the City the construction of curb, gutter and sidewalk improvements would be impractical at the time of subdivision, a cash deposit shall instead be deposited with the City in accordance with the conditions and requirements of paragraph 7.01 (b) (iii) of this Bylaw, to be used by the City for the future construction of curb, gutter and sidewalk improvements on the highway adjacent to the lands being subdivided.

Street Lighting

5.03 In subdivisions where highways are created, street lighting shall be provided as required in Schedule A and constructed in accordance with the standards set out in Schedule G of this Bylaw.

Electrical and Communications Wiring and Gas Distribution System

5.04 In subdivisions where parcels are created, each parcel shall be provided with power supply consistent with the standards set out in Schedule A and Schedule H of this Bylaw. Where cablevision and gas service are to be provided, such services shall be provided consistent with the standards set out in Schedule A and Schedule H of this Bylaw.

BYLAW NUMBER 3843

Water Distribution System

- 5.05 In subdivisions where parcels are created, each parcel shall be supplied with a complete water distribution system connected to a community water system as required in Schedule A, and all system components shall be installed in accordance with the standards set out in Schedule D of this Bylaw.

Sanitary Sewer

- 5.06 In subdivisions where parcels are created, each parcel shall be:
- a) provided with a complete sewage collection system connected to the community sanitary sewer system, or
 - b) provided with an on-site sewage disposal system; as required in Schedule A of this Bylaw and all system components shall be installed in accordance with the standards set out in Schedule E of this Bylaw.

Drainage System

- 5.07 In subdivisions where parcels are created, each parcel shall be provided with a complete and fully operative drainage system as required in Schedule A of this Bylaw and constructed in accordance with the standards set out in Schedule F of this Bylaw.

BYLAW NUMBER 3843

SECTION 6 - SERVICING REQUIREMENTS FOR DEVELOPMENTS NOT REQUIRING SUBDIVISION

Developments Not Requiring Subdivision

- 6.01 As a condition of the issuance of a building permit on a site being developed, the City of Vernon may require that the Applicant provide works and services which are directly attributable to the development consistent with the provisions of this section.

Prior to issuing a building permit on a site being developed, the City of Vernon may require the Applicant to prepare a site servicing plan and details prepared by a Professional Engineer which shall identify how the Applicant intends to construct services on the site. All site servicing plans are to be approved by the City Engineer.

Domestic Water

- 6.01.1 Where the provisions of Schedule A require a parcel containing a development to be served by a community water system, the water distribution system on the parcel shall be constructed and connected to the community water system consistent with a site servicing plan approved by the City Engineer and the provision of Schedule D of this Bylaw.

Sanitary Sewer

- 6.01.2 Where the provisions of Schedule A require a parcel containing a development to be served by a community sewer system, the sewage collection system on the parcel shall be constructed and connected to the community sewer system consistent with a site servicing plan approved by the City Engineer and the provision of Schedule E of this Bylaw.

Site Drainage

- 6.01.3 The development shall be provided with site drainage collection and disposal facilities in accordance with a site servicing plan approved by the City Engineer and the provision of Schedule F of this Bylaw.

- 6.01.4 For developments where on-site parking or on-site loading facilities are required, the development shall be provided with vehicle access from a highway or highways in accordance with an access permit and a site servicing plan approved by the City Engineer.

BYLAW NUMBER 3843

For developments located on sites fronting on a controlled access highway designated pursuant to the Highway Act, the proposed method of providing access to the site shall also be subject to the approval of the Ministry of Transportation and Highways.

Hydro, Telephone and Cablevision Wiring

- 6.01.5 Where the provisions of Schedule A require underground wiring, all hydro, telephone and cablevision wiring shall be installed underground consistent with the provisions of Schedule H of this Bylaw.

Exceptions for Developments Not Requiring Subdivision

- 6.02 Notwithstanding the requirements of Section 6.1 above, the following exceptions to the servicing standards set out in this bylaw may be permitted for developments not requiring subdivision:

Water Service Pipe

- 6.02.1 Polyethylene series 160 water service piping shall be accepted as an alternative to Type K copper. Corporation stops and curb stops shall be required for each lot or unit serviced.

Trench Backfill

- 6.02.2 Gravel backfill is the preferred material. Native backfill may be allowed in non-roadway areas only provided that the following is provided by the Developer and approved by the City Engineer prior to backfilling any trenches or excavations:

- engineering design for a modified road structure;
- engineering report for a procedure and equipment required to compact native material to requirements specified;
- test results to the satisfaction of the City Engineer to confirm the level of compaction has been achieved.

- 6.02.2 No road work shall be constructed until the test results have been reviewed and approved by the City Engineer.

Materials

- 6.02.3 Materials suppliers and manufacturers other than those specified in this Bylaw are acceptable subject to the approval of the City Engineer.

BYLAW NUMBER 3843

**SECTION 7 - SERVICING REQUIREMENTS FOR HIGHWAYS ABUTTING A SITE
BEING SUBDIVIDED OR DEVELOPED**

(June 25/94, Bylaw 4046)

7.01

As a condition of the approval of a subdivision or development or the issuance of a Building Permit, the City of Vernon shall require that the Applicant provide works and services directly attributable to the development on that portion of a highway immediately adjacent to the site being subdivided or developed up to the centerline of the highway for items (a) and (b) below only. Where the value of a Building Permit is less than \$50,000 the applicant will be required to conduct the necessary offsite works adjacent to the site up to the centerline up to the maximum value of 10% of the building permit value, with a cumulative maximum value being equal to the estimated total value of works required to conform to current bylaw standards at the time of application. Works and services which are required include:

a)

i) Where there is no existing work, highway improvements including clearing, grading, drainage and surfacing in accordance with the standards set out in Schedules A and B of this Bylaw.

ii) Where existing works are deemed adequate for the development proposed, no highway improvements, **or connection to the City's storm sewer system** shall be required. *(Sept 8/14, Bylaw 5511)*

iii) Residential low and medium density development with adjacent lanes is required only to widen the lane structure to the minimum widths defined in Schedules A and B. Where the Public Works Manager deems the surface condition of the existing lane unacceptable to accommodate additional use resulting from new development, the applicant may be required to re-grade and chip seal the portion of the lane being utilized. *(Dec 10/12, Bylaw 5398)*

b)

i) Sidewalk, curb and gutter improvements in accordance with the standards set out in Schedules A and C of this Bylaw subject to the following: *(April 9/01, Bylaw 4650)*

1. The construction of a sidewalk may also include without limiting the generalities of the foregoing, the construction of additional off-site works such as curbs, gutters, catch basin, storm sewer main extensions, handrails and retaining walls so that the sidewalk can be properly installed and maintained.

BYLAW NUMBER 3843

Such additional off-site works shall be constructed in accordance with the standards contained within Subdivision and Development Servicing Bylaw #3843 as amended. The City Engineer is to confirm the extent and details of the additional off-site construction works associated with a required sidewalk;

2. Sidewalks are not required to be constructed within the City road right-of-way adjacent to a property for which a Building Permit or Subdivision application has been submitted under the following conditions:
 - i) A sidewalk has not been designated by the authority having jurisdiction for the side of the road right-of-way adjacent to the subject property under application;
 - ii) A sidewalk is not required as per Table A.2 of Subdivision and Development Servicing Bylaw #3843 as amended;
 - iii) Where the Subdivision Plan only involves a consolidation of lots or road dedication or road closure or phased building strata or lease plan;
 - iv) Where the Building Permit application only involves signs or internal renovations or exterior renovations without additions or accessory buildings or small public utility structures such as pumphouses and park washrooms or portable classroom and washroom structures;
 - v) Where the road right of way adjacent to the subject property under application is insufficient in width to accommodate the designed sidewalk and where the right of way acquisition is not part of the application approval provisions.
 - vi) Where the building permit application is for renovations or reconstruction of an existing building as a result of a fire or other catastrophe, at the discretion of the City Engineer, provided there is no change in use, or

BYLAW NUMBER 3843

vii) Notwithstanding 7.01 of this Bylaw, where a building permit application for single or two family home involves an addition to a primary structure that will not ultimately increase the demand on the existing City infrastructure and provided there is no change in use. *(Sept. 8/14, Bylaw 5511)*

ii) Where the existing works are deemed adequate for the development proposed, no improvements will be required.

iii) Where in the opinion of the City the construction of curb, gutter and sidewalk improvements would be impractical at the time of subdivision or development, shall instead enter into a Works Contribution Agreement and provide a cash deposit equal to 125% of the estimated cost of the works. The estimate shall be provided by City staff for all works related to infill development adjacent to existing City roads within OCP Development Districts 1 and 2 to be used by the City for the future construction of curb, gutter and sidewalk improvements on the highway adjacent to the lands being subdivided or developed. The provision of the cash deposit shall be subject to the following: *(June 14/04, Bylaw 4846, Dec 10/12, Bylaw 5398)*

a. the amount of the cash deposit shall be equal to the total estimated costs of constructing the required curb, gutter and sidewalk improvements, as determined by the City, based upon the City's then current unit rates for such construction and the requirements of Table A2 of Schedule A and Schedule C of this Bylaw;

b. without limiting the generality of (a), the construction of the curb, gutter and sidewalk improvements shall include all additional and ancillary works including, but not limited to such items as base, and sub-base material, catch basins, storm sewer main extensions, steps, handrails and retaining walls needed for the proper installation of the curb, gutter and sidewalk improvements;

c. the City shall hold the cash deposit in trust and only use it for the future construction of curb, gutter and

BYLAW NUMBER 3843

sidewalk improvements and ancillary components on the highway adjacent to the lands being subdivided or developed;

- d. the timing of the future construction of the curb, gutter and sidewalk improvements shall be at the sole discretion of the City; and
 - e. the provisions of the cash deposit shall constitute full and complete compliance with the requirements of subsections 7.01 (b) (i) and 5.02 (b) of this Bylaw and, where the actual costs of construction of the curb, gutter and sidewalk improvements vary from the amount of the cash deposit, no refund shall be payable by the City nor shall the applicant be responsible for the shortfall.
- c) Water system improvements including construction of water distribution components in accordance with the standards set out in Schedule D of this Bylaw as required to service the development.
 - d) Sewer system improvements including construction of sewage collection system components in accordance with the standards set out in Schedule E of this Bylaw where Schedule A of this Bylaw requires the development of a sewer system as required to service the development.
 - e) Drainage system improvements including the provision of drainage facilities as required in Schedule A of this Bylaw, and construction of specific drainage system improvements in accordance with the standards set out in Schedule F of this Bylaw as required to service the development.
 - i) Where residential infill construction requires extension of the storm sewer system, the cost of which is greater than 5% of the building permit value, installation of on-site storm systems, which have been designed by a qualified professional, may be permitted by the City Engineer, subject to the applicant entering into a Works Contribution Agreement to fund their benefitting share of the estimated storm extension cost. *(Dec 10/12, Bylaw 5398)*
 - f) Where the provisions of Schedule A require underground wiring, all hydro, telephone and cablevision, ducting and junction facilities shall be installed in accordance with the provisions of Schedule H of this Bylaw as required to service the development.

BYLAW NUMBER 3843

- i) Where residential infill construction requires provision of ground transformers or other works, the cost of which is greater than 5% of the building permit value, installation of a new overhead transformer or other works, excluding service to the building, may be permitted by the City Engineer, subject to the applicant entering into a Works Contribution Agreement to fund their benefitting share of the estimated ground transformer cost.

(Dec 10/12, Bylaw 5398)

BYLAW NUMBER 3843

SECTION 8 - ADMINISTRATION AND ENFORCEMENT

Application Fee

- 8.01 a) i) An applicant for subdivision approval shall submit with the application a fee in accordance with the City of Vernon's current Fees and Charges Bylaw. *(March 23/15, Bylaw 5549)*
- This application fee shall cover all processing and review of preliminary subdivision layout plans up to the issuance of a preliminary layout approval or the equivalent thereof;
- ii) Following the granting of a preliminary layout approval an applicant for subdivision shall submit an engineering development review and inspection fee in accordance with the City of Vernon's current Fees and Charges Bylaw. The estimated cost of the works shall be approved by the City Engineer. *(March 23/15, Bylaw 5549)*
- b) An applicant for development approval shall submit with the application a fee in accordance with the following:
- i) any fee payable under the Building and Plumbing Bylaw of the City at the time of application;
- ii) prior to the issuance of a permit where a permit is required or prior to construction where no permit is required, for engineering development review and inspection fee, an applicant for development shall submit a fee in accordance with the City of Vernon's current Fees and Charges Bylaw. The estimated costs of the works shall be approved by the City Engineer.
(March 23/15, Bylaw 5549)

Preliminary Layout Approval

- 8.02.1 An Applicant may, before causing a plan of subdivision to be prepared and submitted for approval pursuant to the provisions of the Land Title Act, make a submission for Preliminary Layout Approval. This submission shall be accompanied by preliminary plans of the proposal and shall include information as required by the Approving Officer to appraise the proposed subdivision.
- 8.02.2 Preliminary Layout Approval of any subdivision shall not be construed as final approval for land registration or any other purpose, nor is a submission for Preliminary Layout Approval considered an application

BYLAW NUMBER 3843

under Section 938 of the Local Government Act. This approval shall not be considered as acceptance by the Municipality or its Approving Officer of anything except the general layout of the proposed subdivision, and a list of minimum conditions which would be taken into consideration on an application for final approval. Preliminary Layout Approval is revocable by the Approving Officer at any time before final approval is granted.

- 8.02.3 The Preliminary Layout Approvals (PLA) approval period shall be a maximum of two (2) years with a maximum one (1) year re-approval period permitted wherein the re-approval conditions may vary from the initial approval conditions. *(Mar. 11/19, Bylaw 5737)*

Authorization To Enter On Lands Being Subdivided

- 8.03 Officers of the City of Vernon, or their designates are authorized to enter, at all reasonable times, upon the lands for which application to subdivide has been made, in order to ascertain whether the provisions of this Bylaw are being met.

Violation

- 8.04 Every person who:
- a) violates any of the provisions of this bylaw;
 - b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
 - c) neglects or omits to do anything required under this Bylaw;
 - d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw;
 - e) fails to comply with an order, direction or notice given under this Bylaw;
 - f) prevents or obstructs or attempts to prevent or obstruct the authorized entry of an officer on property under Section 2;

shall be deemed to be guilty upon summary conviction of an offence under this Bylaw.

BYLAW NUMBER 3843

Offence

- 8.05 Each day's continuance of an offence under Section 3 constitutes a new and distinct offence.
- 8.06 Any person who violates any of the provisions of this Bylaw shall, on summary conviction, be liable to a penalty not exceeding \$10,000 plus the cost of prosecution for each offence.

Completion

- 8.07 Should any person fail to construct or install any works or services required under this Bylaw, the municipality, its agents or servants may construct or install the works, services, asbuilts and service cards at the expense of the person in default, and the expense thereof, with interest at the rate of six percent (6%) per annum with costs, may be recovered in like manner from the bond or as municipal taxes.

Severability

- 8.08 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason deemed to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

Schedules Form Part Of Bylaw

- 8.09 Schedules "A" through "O" are attached to and form part of this Bylaw.

Authorization

- 8.10 a) The Manager of Engineering Services and or Manager of Engineering Development Services and Clerk are authorized to sign on behalf of the City the Agreement set out in Schedule J without further resolution of Council if such Agreement conforms with the provisions of this bylaw.

BYLAW NUMBER 3843

SECTION 9 - ENACTMENT

Repeal of Previous Bylaw (Bylaw No. 4423, March 2, 1998)

- 9.01 Subdivision Control Bylaw Number 2629, 1977 and all amendments thereto, are hereby repealed.

Bylaw Adoption

- 9.02 This Bylaw shall take effect upon adoption by the Council of the City of Vernon.

READ A FIRST TIME THIS 13th day of August, 1992.

READ A SECOND TIME THIS 13th day of August, 1992.

READ A THIRD TIME THIS 24th day of August, 1992, AS AMENDED.

RECONSIDERED AND FINALLY ADOPTED THIS 8th day of September, 1992

"Mayor Wayne McGrath"

Mayor

"Marg Bailey"

Clerk