

DISTRICT OF PEACHLAND
SUBDIVISION AND DEVELOPMENT
SERVICING BYLAW NO. 1230, July, 1993

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WHEREAS the District of Peachland wishes to revise the provisions of the present Subdivision Control Bylaw No. 1023;

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 District of Peachland, in open meeting assembled, enacts as follows:

DISTRICT OF PEACHLAND
SUBDIVISION AND DEVELOPMENT
SERVICING BYLAW NO. July, 1993

Table of Contents

	<u>Page</u>
BYLAW	ii
 <u>Sections</u> 	
Section 1 - Title	1
Section 2 - Interpretation	2
Section 3 - Subdivision and Development Requirements and Regulations	6
Section 4 - Provision of Services in Subdivision	7
Section 5 - Servicing Requirements For Subdivisions Under Land Title Act	12
Section 6 - Servicing Requirements For Developments Not Requiring Subdivision	14
Section 7 - Servicing Requirements For Phased Strata or Bareland Strata	16
Section 8 - Servicing Requirements For Highways Abutting a Site Being Subdivided or Developed	18
Section 9 - Application, Administration and Enforcement	19
Section 10 - Enactment	23

Schedules

SCHEDULE A -	Level Of Service
SCHEDULE B -	Regulations, Standards, and Specifications For The Design and Construction of Highways
SCHEDULE C -	Regulations, Standards, and Specifications For The Design and Construction of Curbs and Gutters, Sidewalks, and Boulevards
SCHEDULE D -	Regulations, Standards, and Specifications For The Design and Installation of Water Systems

Table of Contents (cont'd)

Page

SCHEDULE E -	Regulations, Standards, and Specifications For The Design and Construction of Sanitary Sewers	
SCHEDULE F -	Regulations, Standards, and Specifications For The Design and Installation of Drainage Systems	
SCHEDULE G -	Regulations, Standards, and Specifications For The Installation of Street Lighting	
SCHEDULE H -	Regulations, Standards, and Specifications For The Installation of Electrical and Communications Wiring and Gas Distribution System	
SCHEDULE I -	Standards for the Preparation of Engineering Drawings	
SCHEDULE J -	Standard Development Agreement Document Fee Simple Subdivisions	
SCHEDULE K -	Subdivision Application Fee Schedule	
SCHEDULE L -	Confirmation of Commitment by Owner	
SCHEDULE M -	Confirmation of Professional Assurance	
SCHEDULE N -	Application For Approval To Subdivide Land	
APPENDIX 1	Standard Drawings	

SECTION 1 - TITLE

This bylaw may be cited as the District of Peachland Subdivision and Development Servicing Bylaw No.1230 July, 1993.

SECTION 2 - INTERPRETATION

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.

"Bonding Period" means the period of time as specified in Schedule J of this Bylaw that the applicant is required to leave on deposit with the District an irrevocable letter of credit as specified in Schedule J of this Bylaw.

"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 District of Peachland.

"Building Regulations" means the District of Peachland Building Bylaw No. 3283 as amended.

"Communications wiring" means Telephone or Cable TV wiring or both.

"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 Council of the Corporation of the District of Peachland.

"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.

"Design 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.

"Developer" means the owner of land proposed to be subdivided or his representative.

"Development" means an activity that requires a Building Permit.

"District" means the District of Peachland.

"District Engineer" means the person or persons designated from time to time by Council to fulfill the duties assigned by this Bylaw.

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

"Easement" means the authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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

"Gradient or Grade" expressed as a percentage is determined by dividing the vertical height from the lowest to highest elevation on the lot by the horizontal distance between the lowest and highest point.

"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 highway more than 3 metres but not greater than 8 metres in width, intended to provide secondary access to parcels of land. A lane is not to be considered a partial street.

"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.

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

"Lot Line, Front" means the boundary line of the lot and the street on which the lot abuts. In the case of a corner lot where two lot lines abut streets, the lot line of the shortest length shall be the front lot line. In the case of a through lot, the lot line abutting two parallel or approximately parallel streets shall both be considered as front lot lines.

"Lot Line, Side" means a lot line marking the boundary between two lots, or between a lot and a line, or between a lot and the public street in the case of a corner lot, of which one or both ends intersect a front lot line.

"Lot Width" means the horizontal distance between side lot lines measured at right angles to the line having the shortest horizontal length between the front and rear lot lines and measured at a distance of six metres from the front lot line.

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

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

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

"Panhandle Parcel" means any parcel which is serviced and gains highway frontage through the use of a narrow strip of land which is an integral part of the parcel (hereinafter called the "Access Strip").

"Parcel" means any lot, block or other area in which land is held or subdivided, but does not include a highway or portion thereof.

"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.

"Right-of-Way" includes land or any interest in land acquired for the purpose of:

- a) public rights of passage with or without vehicles; or
- b) constructing, maintaining, or operating any railway;
- c) erecting and maintaining any pole-line;
- d) laying, placing, and maintaining drains, ditches, pipes, transmission lines, or wires, for the conveyance, transmission, or transportation of water, electric power, communication, or for the disposal of sewage;
- e) the operation and maintenance of vehicular traffic and as registered as a public right-of-way.

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

"Service Level" means the standard of municipal services required for development of subdivisions 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 and may include a lot line adjustment, consolidation or Highway widening.

"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.

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

SECTION 3 - SUBDIVISION AND DEVELOPMENT REQUIREMENTS AND REGULATIONS

1.0 Compliance with Bylaw

No person shall subdivide or develop land in the District of Peachland except in compliance with the provisions of this Bylaw.

2.0 General Requirements for Design of Subdivisions

No subdivision of land shall be approved which:

- .1 is not suited to the configuration of land being subdivided;
- .2 is not suited to the use to which it is intended; or
- .3 will make impracticable the future subdivision of the land within the proposed subdivision or of any adjacent land.

SECTION 4 - PROVISION OF SERVICES IN SUBDIVISIONS

1.0 Level of Service

Unless otherwise approved by a Development Variance Permit issued by the Council pursuant to Section 974 of the Municipal Act, all subdivisions and developments shall be provided with services as prescribed in Schedule A of this Bylaw. 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.

2.0 Subdivisions Where Servicing Requirements May Be Waived

Notwithstanding Subsection 1 of this section, the servicing requirements prescribed in Schedule A of this Bylaw may be waived where the lot created is to be used solely for the unattended equipment necessary for the operation of:

- .1 a community water system;
 - .2 a community sewer system;
 - .3 a community gas distribution system;
 - .4 a community radio or television receiving antennas;
 - .5 a radio or television broadcasting antenna;
 - .6 a telecommunications relay station;
 - .7 an automatic telephone exchange;
 - .8 an air or marine navigational aid;
 - .9 electrical substations or generating stations; or
 - .10 any other similar public service or quasi public service facility or utility.
- Note - a public park is not considered to be a public service facility where servicing requirements may be waived.

3.0 Expense of Services To Be Borne By Applicant

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.

4.0 Bonding and Development Agreement Required

All works and services to be constructed and installed to serve any proposed subdivision of any lands shall be constructed and installed as prescribed in Schedules A to H hereto at the expense of the Applicant prior to the approval of such subdivision by the Approving Officer. A plan of subdivision may be finally approved prior to the completion of the construction and installation of the required works and services where the Applicant deposits with the District of Peachland the security as specified in Schedule J and enters into a form of agreement with the District as contained in Schedule J hereto for subdivisions pursuant to the Land Title Act of the Province of British Columbia and provides professional assurance in accordance with Schedule L, to do all things required to carry out and construct the necessary works and services.

5.0 Excess or Extended Capacity

Pursuant to Section 990 of the Municipal Act, the District may require that the Applicant provide excess or extended services to provide access to or service land other than the land being subdivided or developed.

6.0 Right-of-Way Agreement

Where the provisions of this bylaw require an Applicant to grant a utility or drainage right-of-way to the District of Peachland, the Applicant shall be required to enter into an agreement as prescribed in Schedule L of this Bylaw and shall pay all associated costs.8.0

7.0 Staging

- .1 On plan and profile clearly show subdivision development staging and the order in which each portion of the project will be developed.
- .2 Where deemed necessary by the District Engineer, show future subdivision development plans for properties not being developed but adjacent to or affecting the subject properties.

8.0 Design and Field Review of Construction by a Professional Engineer

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

The Applicant shall engage a professional engineer to carry out all necessary field reviews and inspections during the construction of works and services required as a condition of subdivision approval. The Professional Engineer 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 District of Peachland.

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 has been engaged to carry out all necessary design works and undertake all field services for the subdivision.

- .2 Prior to placement of the road base gravel, curb & gutters, sidewalks and asphalt the applicant's professional engineer shall undertake an interim inspection of all works and utilities and provide a report to the District Engineer. The report shall include the following:

- confirmation that all works and utilities are in conformance with the requirements of the Bylaw and a list detailing any deficiencies;
- copies of all materials tests and a statement that all materials testing is in conformance with the requirements of the Bylaw.

Once the applicant's engineer has submitted the report the District Engineer shall conduct an inspection and provide the applicant's engineer with authorization to proceed with completion of the surface works.

9.0 Slope Stability Geotechnical

Geotechnical reports are required prior to land use redesignation, subdivision, development and/or building approval. A report is required wherever the slope of the subject lands, or portions thereof exceed 25 percent or where past filling, subsidence, excavations, slippage or seepage is evidenced in the vicinity of the site.

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

- 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 set-back 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 set-back line shall be no closer to the top of the 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 District of Peachland Zoning Bylaw No. 1004, 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 where the S.F. <1.5 may be considered for development by the District 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 Engineer experienced in Geotechnical or Geological work.
 - 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.

10.0 Traffic Impact Analysis

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

11.0 Off-Site Utilities Impact Analysis

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

12.0 Environmental Impact Assessment

The Approving Officer may require the Applicant to provide an environmental impact assessment report.

13.0 Site Preparation

In no case shall land be cleared, excavated, filled, paved or gravelled or the surface features of land otherwise be altered for the purpose of development without subdivision approval.

SECTION 5 - SERVICING REQUIREMENTS FOR SUBDIVISIONS
UNDER LAND TITLE ACT

1.0 Highways

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

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

2.0 Sidewalks, Curbs and Gutters

In subdivisions where highways are created, sidewalks and 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.

3.0 Street Lighting

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.

4.0 Electrical and Communications Wiring and Gas Distribution

In subdivisions where parcels are created, each parcel shall be provided with electrical and communications 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.

5.0 Water Distribution System

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.

6.0 Sanitary Sewer

In subdivisions where parcels are created, each parcel shall be:

- .1 provided with a complete sewage collection system and connected to the community sanitary sewer system where available, or
- .2 at the discretion of the Approving Officer, 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.

7.0 Drainage System

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.

SECTION 6 - SERVICING REQUIREMENTS FOR DEVELOPMENTS NOT REQUIRING SUBDIVISION

1.0 Developments Not Requiring Subdivision

As a condition of the issuance of a building permit on a site being developed, the District of Peachland requires the Applicant to 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 District of Peachland requires 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 roadway immediately adjacent to the site. All site servicing plans are to be approved by the District Engineer.

Domestic Water

- .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 District Engineer and the provision of Schedule D of this Bylaw.

Sanitary Sewer

- .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 District Engineer and the provision of Schedule E of this Bylaw.

Site Drainage

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

Access Roads and Parking

- .4 For developments where on-site parking, access roads or on-site loading facilities are required, the development shall be provided with vehicle access from a highway or highways in accordance to Schedule B of this Bylaw and with an access permit and a site servicing plan approved by the District Engineer.

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.

Power and Communications Wiring

- .5 Where the provisions of Schedule A require underground wiring, all power and communications wiring shall be installed underground consistent with the provisions of Schedule H of this Bylaw.

2.0 Exceptions for Developments Not Requiring Subdivision

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:

- .1 Materials

Materials supplied other than those specified in this Bylaw are acceptable subject to the approval of the District Engineer.

SECTION 7 - SERVICING REQUIREMENTS FOR PHASED STRATA OR BARELAND STRATA

1.0 Developments Not Requiring Subdivision

As a condition of the issuance of a building permit on a site being developed, the District of Peachland requires the Applicant to 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 District of Peachland requires 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 roadway immediately adjacent to the site. All site servicing plans are to be approved by the District Engineer.

Domestic Water

- .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 District Engineer and the provision of Schedule D of this Bylaw.

Sanitary Sewer

- .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 District Engineer and the provision of Schedule E of this Bylaw.

Site Drainage

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

Access Roads and Parking

- .4 For developments where on-site parking, access roads or on-site loading facilities are required, the development shall be provided with vehicle access from a highway or highways in accordance to Schedule B of this Bylaw and with an access permit and a site servicing plan approved by the District Engineer.

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.

Power and Communications Wiring

- .5 Where the provisions of Schedule A require underground wiring, all power and communications wiring shall be installed underground consistent with the provisions of Schedule H of this Bylaw.

2.0 Exceptions for Developments Not Requiring Subdivision

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:

- .1 Materials

Materials supplied other than those specified in this Bylaw are acceptable subject to the approval of the District Engineer.

SECTION 8 - SERVICING REQUIREMENTS FOR HIGHWAYS ABUTTING
A SITE BEING SUBDIVIDED OR DEVELOPED

1.0 Servicing Requirements For Highways Abutting A Site Being Subdivided or Developed

As a condition of the approval of a subdivision or the issuance of a Building Permit, the District of Peachland may 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. Works and services which may be required include:

- .1 Highway improvements including clearing, grading and surfacing in accordance with the standards set out in Schedules A and B of this Bylaw.
- .2 Sidewalk, curb and gutter improvements in accordance with the standards set out in Schedules A and C of this Bylaw.
- .3 Water system improvements including construction of water distribution components in accordance with the standards set out in Schedule D of this Bylaw.
- .4 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.
- .5 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.
- .6 Underground street lighting in accordance with Schedule G of this Bylaw.

SECTION 9 - APPLICATION, ADMINISTRATION AND ENFORCEMENT

1.0 Application Fee

An applicant for subdivision approval shall submit with the application fee as prescribed in Schedule K. The remainder of the application fee will be submitted at the time of application for final subdivision approval as indicated in article 3.1 of this section.

2.0 Preliminary Layout Approval

.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.

.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 under Section 993 of the Municipal 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.

3.0 Application for Final Subdivisions Approval

.1 Upon completion of the construction of the required utilities, roads and services as approved by the District Engineer, the applicant may make application for final subdivision approval and shall provide but is not limited to the following requirements.

.1 Written approval from the District Engineer stating the date the District Engineer deems construction of all required utilities and roads to be fully and finally completed. The applicant shall provide but is not limited to the following prior to the issuance of the written approval;

- confirmation of professional assurance as required by schedule M of this Bylaw and including as-built mylar drawings, service cards, all materials testing reports, all other test results, and a copy of the street lighting permit from the Provincial Electrical Inspection Branch.
- Final Certificate of Approval from the Province of British Columbia Ministry of Health regarding the water system.

- .2 deposit with the District a security in the form of an unconditional letter of credit drawn on a chartered bank in Canada in the amount of 5% of the cost of construction of the roads and utilities or a minimum of \$2,000, whichever is the greater amount as estimated by the District Engineer. The length of the deposit shall be for a period of one year commencing on the date the District Engineer deems construction of all required road and utilities to be fully and finally completed;
 - .3 payment to the District of the application fee as prescribed in Schedule K;
 - .4 payment to the District of the charges for the inspection of the works in the amount equal to 3% of the estimated cost of constructing the utilities and roads as estimated by the District Engineer or a minimum of \$500, whichever is the greater amount;
 - .5 payment to the District of all arrears of property taxes chargeable against the land and all current assessed taxes levied against the land by the District;
 - .6 the mylar print of the final legal plan and twelve (12) paper prints of the legal plan;
 - .7 three (3) copies of the documents and the mylar print(s) of all statutory rights-of-way and easements; and six (6) paper prints of each right-of-way and easement;
 - .8 three (3) copies of all restrictive covenants duly executed;
 - .9 one copy of any building restrictions and building scheme.
- .2 The applicant may make application for final approval of the subdivision prior to the completion of the construction and installation of the required utilities, roads and services where the applicant deposits with the District, the security as specified in Schedule J and enters into a form of agreement with the District as contained in Schedule J hereto for subdivisions pursuant to the Land Title Act of the Province of British Columbia and provides professional assurance in accordance with Schedule L, to do all things required to carry out and construct the necessary utilities, roads and services.

4.0 Authorization To Enter On Lands Being Subdivided

Officers of the District 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.

5.0 Violation

Every person who:

- .1 violates any of the provisions of this bylaw;
- .2 causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- .3 neglects or omits to do anything required under this Bylaw;
- .4 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;
- .5 fails to comply with an order, direction or notice given under this Bylaw;
- .6 prevents or obstructs or attempts to prevent or obstruct the authorized entry of an officer on property under Section 4;

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

6.0 Offence

Each day's continuance of an offence under Section 5 constitutes a new and distinct offence.

7.0 Penalty

Any person who violates any of the provisions of this Bylaw shall, on summary conviction, be liable to a penalty not exceeding \$2,000 plus the cost of prosecution for each offence.

8.0 Completion

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 and services at the expense of the person in default, and the expense thereof, with interest at the Canadian Chartered Bank rate of prime plus 2% per annum with costs, may be recovered in like manner as municipal taxes.

9.0 Severability

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.

10.0 Schedules Form Part Of Bylaw

Schedules "A" through "M" are attached to and form part of this Bylaw.

SECTION 10 - ENACTMENT

Repeal of Previous Bylaw

1. Subdivision Control Bylaw Number 1023, 1988 and all amendments thereto, is hereby repealed.

Bylaw Adoption

2. This Bylaw shall take effect upon adoption by the Council of the District of Peachland.

Read a FIRST time this 13th day of July, 1993.

Read a SECOND time this 10th day of August, 1993.

Read a THIRD time this 10th day of August, 1993.

RECONSIDERED AND FINALLY ADOPTED this ___ day of _____, 1993.

Mayor

Clerk

Certified to be a true and correct copy of Bylaw No. 1230. cited as Subdivision and Development Servicing Bylaw No. 1230___ July, 1993.

Dated this ___ day of _____, 1993.
