

Subdivision Application Guide

An Introduction to the Subdivision Process

This information brochure provides a general overview of Delta's subdivision review process. This brochure is not a legal document and the wording in the brochure may depart from legal and technical wording in the *Land Title Act*, *Condominium Act*, *Local Government Act*, any regulations there under, and applicable municipal bylaws. Applicants should not rely solely on the information in this brochure. You may wish to seek independent advice concerning applicable statutes, regulations and bylaws.

This information is for general information about development procedures. Following these procedures does not guarantee development approvals.

1. Introduction to Subdivision:

Subdivision is the process of dividing one or more parcels of land into two or more parcels by plan and also includes the adjustment of existing lot boundaries.

Subdivision is regulated by various statutes including the *Local Government Act*, *Land Title Act*, *Condominium Act*, any regulations there under, and Delta bylaws which regulate subdivision of land.

"Delta Subdivision Bylaw No. 5100, 1994" currently regulates subdivisions in Delta, and sets out standards for subdivision layout, design and construction of roads, water supply, sanitary and storm sewage, and other utilities.

Minimum parcel size standards vary according to the requirements of the zoning for a property as designated in "Delta Zoning Bylaw No. 2750, 1977". Land must be subdivided into parcels having minimum frontage, depth and area which satisfy the bylaw requirements set out in "Delta Zoning Bylaw No. 2750, 1977". A table of current minimum parcel sizes is shown in Appendix 'A'. If your proposed subdivision does not meet zoning requirements, a Development Variance Permit is required and is subject to Council approval.

2. Types of Subdivision:

You must obtain approval from Delta's Approving Officer for the following types of subdivisions:

- a. **Fee Simple Subdivision:** A Fee Simple Subdivision includes all subdivisions under the provisions of the Land Title Act.
- b. **Bare Land Strata Subdivision:** A Bare Land Strata Subdivision includes subdivisions under the provisions of the Condominium Act and the Bare Land Strata Regulations.
- c. **Phased Strata Title Development:** If a strata development is to be constructed in phases, approval of a Phased Strata Plan is required by the Approving Officer.

The phased strata title plan approval must include adequate provisions for utilities, services and vehicular access to all phases. You are encouraged to discuss proposed phased strata title plan applications with Delta before you make an application.

You will be required to deposit a financial security if you plan to register a phased strata plan, including common facilities to be constructed in a later phase to secure the completion to benefit all property owners. This security must be in a form acceptable to the Approving Officer.

- d. **Strata Title Conversion:** You may apply to strata title an existing building, and/or a duplex or apartment building which has been previously occupied.

All strata title conversions must be approved by Delta Council under Section 242 of the *Strata Property Act*.



To convert an existing building to a strata, the building must satisfy the provisions of all bylaws and regulations of Delta, and the BC Building Code. Council may also consider:

- priority of rental accommodation over privately-owned housing;
- proposals of the owner/developer to relocate occupants of the building;
- building life expectancy;
- projected increases in maintenance costs in consideration of building condition; and
- any other matters that are considered relevant by Delta Council.

e. **Air Space Plans:** An Air Space Plan is a complex form of subdivision and may include the creation of two or more parcels within a building or a parcel of land which includes a three dimensional drawing of the Air Space parcels. Each parcel is contained with an 'envelope' described by the plans in the subdivision plan.

3. Subdivision Inquiries:

You can make an inquiry about subdividing your property in person at the Community Planning & Development Department at Delta Municipal Hall, by submitting an application, accompanied by a non-refundable subdivision application fee and the following documentation.

4. Subdivision Application:

Your subdivision application must include:

- Completed application form, signed by the registered owner(s), together with a Project Information form. These forms are available at the Planning Department counter, or at www.corp.delta.bc.ca under Municipal Hall → Forms and Applications → Development Forms.
- Application and Public Hearing fees (there may be other required fees due later in the process which must be paid by the applicant);
- Application fee.
- Written consent from the property owner authorizing an agent, if applicable (*Schedule D*).
- Acknowledgement and Consent Form from owner of drawings.
- Contaminated Site Profile.
- 3 copies of a sketch of the proposed development prepared by a BC Land Surveyor that includes a site plan showing the location of all proposed buildings and parking layouts, building elevations, trees, details of all proposed signs, and setbacks of adjacent buildings, all of which clearly indicate the scope of the requested variances.
- 1 additional copy of plans reduced to 11" x 17".
- A written brief outlining the purpose of the proposal including a description of the property, an outline of the existing and proposed uses, the reasons for the request and any benefits to the community.
- A *Certified Arborist's Report* is required if there are trees on or adjacent to the subject site that may be affected by the proposed development. The report must include the species and condition of the trees, and the location shown on a site survey plan. If any trees are to be removed, a tree replacement plan will also need to be submitted. **Note:** *The Corporation of Delta has in place a tree protection bylaw – Bylaw No. 6336.*
- Single Family Design Scheme prepared by a design consultant or 1 set of standard building plans and reduced copies to 11"x17" and 8 ½" x 11" (note: must be readable) including all building elevations. Building elevations must be labelled "north", "south", "east" or "west". The site plan must show a north arrow. Refer to Single Family Residential Application Guide for detailed information.

5. Final Subdivision Approval:

A final subdivision approval is a formal acceptance of surveyed subdivision plans. As the developer you may request approval of the subdivision after obtaining a tentative approval from Delta. A final subdivision approval must include the following information:

- a descriptive letter describing the nature of the subdivision application;
- a subdivision plan prepared by a B.C. Land Surveyor including:
 - 1 original linen
 - 1 mylar
 - 12 paper prints (4 to be returned to the applicant by the Approving Officer).

The Approving Officer will give final approval to the proposed subdivision subject to satisfying all conditions stated in the Tentative Letter of Approval. This includes payment of all financial charges, taxes and fees, submission of a letter of credit or cash to secure construction of services and completion of all legal agreements where required. Any right-of-way plans that are to be registered at the Land Title Office must also be presented at that time.

6. Subdivision Review Process:

Review of the subdivision application includes the following:

- review of your proposed subdivision plan by several departments, including: Engineering, Buildings and Inspections, Community Planning and Development and Parks, Recreation and Culture;
- if your property is adjacent to a controlled access highway referral to the Ministry of Transportation may be required;
- review by the Community Planning and Development department to assess Development Cost Charges payable at time of subdivision;
- for a Bare Land Strata Subdivision, the Approving Officer may refer the proposed subdivision application to property owners, who may be affected.

When we have received comments from municipal departments and other referrals, the Approving Officer will prepare a letter which either rejects your subdivision or tentatively approves it subject to satisfying requirements as set out in the letter.

It is your responsibility as owner to comply with all of the conditions in the letter before the plan can be approved and deposited in the New Westminster Land Title Office.

7. Timing of Subdivision Approval:

Smaller straightforward subdivisions are usually processed within four weeks, while complex subdivisions involving larger land areas, Bare Land Strata subdivisions and Air Space Parcels often require negotiation of legal agreements, subdivision design, servicing issues and may require a longer approval process.

Applicants should note a subdivisions plan cannot be approved unless the property is appropriately zoned for the proposed subdivision (see Section 8 below), and:

- a. all works and services required to accommodate the subdivision are constructed to municipal standards; or
- b. you enter into a subdivision servicing agreement and/or development agreement, and deposit a security in the amount of 115% of the cost of all works with Delta to secure completion of required works and services.

8. Rezoning and Subdivision:

If your property must be rezoned before it can be subdivided, you will be required to provide all required information for the rezoning application. Staff will prepare a report recommending approval, rejection or further review of the proposed rezoning for Council's consideration. If the Zoning Amendment Bylaw is given third reading by Council, you will receive a Tentative Letter of Approval describing all outstanding requirements to complete rezoning prior to subdivision.

9. Refusal of Subdivision:

Subdivision applications may be refused under the relevant provisions of "Delta Subdivision Bylaw No. 5100, 1994", the *Local Government Act*, the *Land Title Act*, or the *Strata Property Act*, as the case may be. The Approving Officer (or the approving authority in the case of a Strata Title Subdivision Conversion) must state the reasons for refusing the application.

If you receive a letter of refusal from Delta, you may then file an appeal to the BC Supreme Court within the time period set out in the Provincial legislation. You should obtain legal advice concerning the procedure and time periods for lodging an appeal with the BC Supreme Court in respect of subdivision matters.

You may further appeal a decision of the BC Supreme Court to the BC Court of Appeal.

10. Further Information:

Applicants may obtain zoning, Development Permit and subdivision information, as well as engineering and servicing requirements from the Community Planning and Development counter at Delta Municipal Hall, or by calling (604) 946-3380.

A completed copy of the Consolidated Subdivision Bylaw No. 5100 may be reviewed at Delta Municipal Hall.

The brochure is intended as a general guide only and is not to be regarded as a right to development approval if the steps indicated are followed. For more detailed information, please contact the Community Planning and Development Department at (604) 946-3380.

**Appendix “A”
Minimum Lot Sizes**

Zone	Minimum Area (square metres)	Minimum Frontage (metres)	Minimum Depth (metres)
A1 (Agricultural)	8 hectares	N.A.	N.A.
A2 (Intensive Agricultural)	8 hectares	N.A.	N.A.
A3 (Golf Course Agricultural)	8 hectares	N.A.	N.A.
S1 (Personal Care)	825	22.75	N.A.
S2 (Personal Care II)	825	22.75	N.A.
S3 (Health Services)	825	22.75	N.A.
RS1 (Single Family Residential [SF])	0.40 hectares	30	30
RS1A	0.40 hectares	30	30
RS2 (SF)	0.40 hectares	30	30
RS3 (SF)	0.40 hectares	30	30
RS4 (SF-610 m ²)	610	20	30
RS5 (SF-550 m ²)	550	16	30
RS6 (SF-460 m ²)	460	15	30
RS7 (SF-335 m ²)	335	11	30
RS8 (SF-390 m ²)	390	13	30
RMH (Mobile Home Park-Residential)	2 hectares		
RD1 (Duplex Residential)			
• Duplex	836	22	30
• SF	670	22	30
RM1 (Duplex-SF)	0.40 hectares	30	30
RSH (Strata House [1])	836	22	30
RFH (Floating Home Residential)	N.A.	N.A.	N.A.
*RM3 Development	0.40 hectares	54	30
RM3 (Row House Dwelling Unit)	275	7.5	N.A.
RM4 (Row House Dwelling Unit)	230	7.5	N.A.
RM5 (Garden Apartment)	1,390	30	N.A.
RM6 (Apartment)	1,100	30	N.A.
RM6A	1,100	30	N.A.
C1 (Core Commercial [CC])	300	N.A.	N.A.
C1A (Core Commercial – A)	300	N.A.	N.A.
C1-L (CC Ladner)	300	N.A.	N.A.
C2	230	N.A.	N.A.
C3	900	N.A.	N.A.
C4	900	N.A.	N.A.
C4A	900	N.A.	N.A.
C4B	500	N.A.	N.A.
C5	550	N.A.	N.A.
C5A	N.A.	N.A.	N.A.
C6	900	N.A.	N.A.
CS1	550	N.A.	N.A.
CS2	550	N.A.	N.A.
CS2 (L)	200	N.A.	N.A.

Zone	Minimum Area (square metres)	Minimum Frontage (metres)	Minimum Depth (metres)
I1 (Light Industrial)	N.A.*	N.A.	N.A.
I2 (Heavy Industrial)	N.A.*	N.A.	N.A.
I2 (A)	N.A.*	N.A.	N.A.
I3	N.A.	N.A.	N.A.
I4	N.A.	N.A.	N.A.
I5	N.A.	N.A.	N.A.
I6	N.A.	N.A.	N.A.
I7	N.A.	N.A.	N.A.
I8	N.A.	N.A.	N.A.
I1 (S)	N.A.*	N.A.	N.A.
I2 (S)	N.A.*	N.A.	N.A.

*Note: Minimum Lot Area is 8 hectares for "Farm House Accommodation" or "Farm House Additional Accommodation".