

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. 7162, 2015" 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. 7600, 2017". Land must be subdivided into parcels having minimum frontage, depth and area which satisfy the bylaw requirements set out in "Delta Zoning Bylaw No. 7600, 2017". A table of current minimum parcel sizes is shown in Appendix 'A', attached. 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. (Please refer to form ST-4 Strata Title Conversion)



- 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 Application:

Please refer to the handout titled “ [Land Use and Development Application Requirements](#)” for a listing of required submissions. Additional information may be requested by staff or other agencies.

### 4. 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:
  - 4 full sized paper prints of the subdivision plan
  - 4 copies of the Application to Deposit Plan (Electronic and Paper form)

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.

### 5. Subdivision Review Process:

Review of the subdivision application includes the following:

- review of your proposed subdivision plan by several departments, including: Engineering, Community Planning & Development and Parks, Recreation and Culture;
- if your property is adjacent to a controlled access highway referral to the Ministry of Transportation and Infrastructure may be required;
- review by the Community Planning & 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.



### 6. 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 security in an amount acceptable to Delta for all of the works with Delta; or
- c. for two lot subdivisions pay a fee to Delta in amount prescribed in the City's bylaws in lieu of performing the works

### 7. 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.

### 8. Refusal of Subdivision:

Subdivision applications may be refused under the relevant provisions of "Delta Subdivision Bylaw No. 7162, 2015", 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.

### 9. Further Information:

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

A completed copy of the Consolidated Subdivision Bylaw No. 7162 may be reviewed at Delta City 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 & Development Department at 604-946-3380 or [CPD@delta.ca](mailto:CPD@delta.ca)**



### Appendix “A” Minimum Lot Sizes

Zone	Minimum Area	Minimum Frontage	Minimum Depth
A1 (Agricultural)	8 hectares	N.A.	N.A.
A3 (Golf Course and Agriculture)	8 hectares	N.A.	N.A.
HC (Health Care)	825 m <sup>2</sup>	22 m	N.A.
HS (Health Care Services)	825 m <sup>2</sup>	22 m	N.A.
RS1 (Single Family Residential [SF])	4000 m <sup>2</sup>	30 m	30 m
RS2 (SF)	4000 m <sup>2</sup>	30 m	30 m
RS3 (SF)	4000 m <sup>2</sup>	30 m	30 m
RS4 (SF-610 m <sup>2</sup> )	610 m <sup>2</sup>	20 m	30 m
RS4A (SF-610 m <sup>2</sup> )	610 m <sup>2</sup>	20 m	30 m
RS5 (SF-460 m <sup>2</sup> )	550 m <sup>2</sup> / 460 m <sup>2</sup>	16 m / 15 m	30 m
RS6 (SF-390 m <sup>2</sup> )	390 m <sup>2</sup>	13 m	30 m
RS7 (SF-335 m <sup>2</sup> )	335 m <sup>2</sup>	12 m	30 m
RSC (SF-330 m <sup>2</sup> )	330 m <sup>2</sup>	10 m	33 m
RD1 (Duplex)	836 m <sup>2</sup>	22 m	30 m
RD2 (Duplex – SF)	836 m <sup>2</sup>	22 m	30 m
RD3 (Duplex – SF)	836 m <sup>2</sup>	22 m	30 m
RH40 (Strata House)	836 m <sup>2</sup>	22 m	30 m
RT40 (Townhouse)	2000 m <sup>2</sup>	30 m	30 m
RT50 (Townhouse)	1.5 ha	80 m	150 m
RA20 (Apartment)	1100 m <sup>2</sup>	30 m	30 m
RA112 (Apartment)	2000 m <sup>2</sup>	30 m	30 m
RA120 (Apartment)	2000 m <sup>2</sup>	30 m	30 m
C1 (Core Commercial [CC])	300 m <sup>2</sup>	N.A.	N.A.
C1A (Core Commercial – A)	300 m <sup>2</sup>	N.A.	N.A.
C2	300 m <sup>2</sup>	N.A.	N.A.
C2 A	610 m <sup>2</sup>	20 m	30 m
C3	900 m <sup>2</sup>	N.A.	N.A.
C4	900 m <sup>2</sup>	N.A.	N.A.
C4A	900 m <sup>2</sup>	N.A.	N.A.
C4C	900 m <sup>2</sup>	N.A.	N.A.
C5	550 m <sup>2</sup>	N.A.	N.A.
C5A	2 ha	N.A.	N.A.
CS1	550 m <sup>2</sup>	N.A.	N.A.
CS2	550 m <sup>2</sup>	N.A.	N.A.
MULW (Mixed Use Ladner Waterfront)	500 m <sup>2</sup>	24 m	N.A.
MPGE (Mixed Use Port Guichon East)	4000 m <sup>2</sup>	20 m	30 m



# Subdivision Application Guide

## An Introduction to the Subdivision Process



Zone	Minimum Area	Minimum Frontage	Minimum Depth
I1 (Light Industrial)	N.A.*	N.A.	N.A.
I1S (Low Impact Industrial)	N.A.	N.A.	N.A.
I2 (Medium Industrial)	N.A.*	N.A.	N.A.
I3 (Extraction)	N.A.	N.A.	N.A.
I4 (Marine)	N.A.	N.A.	N.A.
I5 (River)	N.A.	N.A.	N.A.
I6 (Waterfront)	N.A.	N.A.	N.A.
I7 (High Impact)	N.A.	N.A.	N.A.
I8 (Airport)	N.A.	N.A.	N.A.

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

