

# CITY OF PRINCE ALBERT

# BYLAW NO. 15 OF 2020



## Disclaimer:

This consolidation is not an Official Copy of the Bylaw. Amendments have been incorporated solely for research convenience purposes only. Original Bylaw and amendments are available from the City Clerk's Office and must be consulted for purposes of interpretation and application of the law.

**OFFICE CONSOLIDATION**

**Subdivision Bylaw**

**BYLAW NO. 15 OF 2020**

Including the Following Amendments:

**AMENDMENTS**

**DATE PASSED**

# City of Prince Albert Bylaw No. 15 of 2020

*A Bylaw of The City of Prince Albert to regulate the  
subdivision of land.*

**Whereas** *The Planning and Development Act, 2007* provides that the Council, may by Bylaw, make regulations not inconsistent with said Act for controlling the subdivision of land.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:**

## **Title and Interpretation**

1. This bylaw shall be known as “The City of Prince Albert Subdivision Bylaw” and may be cited as the “Subdivision Bylaw”.
2. For the purposes of this bylaw, words in the present tense include the future tense; words in the singular include the plural; and words in the plural include the singular. The expression “shall” is to be construed as imperative, and the expression “may” as permissive. The words “used” or “occupied” shall also mean “intended” or “arranged” and “designed to be used or occupied”. Words in the masculine gender shall include the feminine gender or any gender identity, as required.

## **Scope**

3. (1) The regulations contained in this Bylaw shall apply to all land located within the corporate limits of the City of Prince Albert.
- (2) All approved applications shall conform to the provisions of this Bylaw, the Zoning Bylaw, the Act and any other relevant policy, bylaw, or legislation.

## **Definitions**

4. (1) In this Bylaw:
  - a) “Act” means *The Planning and Development Act, 2007*, as may be amended from time to time;
  - b) “Approving Authority” means the Development Officer, City Manager or their designate, or City Council, as the context requires;

- c) “City of Prince Albert, The City of Prince Albert, or City” means the urban municipality of the City of Prince Albert or the land lying within the corporate limits of the City of Prince Albert, as the context requires;
- d) “City Council” means the Council of the City of Prince Albert;
- e) “City Clerk” means the City Clerk for the City of Prince Albert and anyone acting or authorized to act on the City Clerk’s behalf;
- f) “Dedicated Lands Regulations” means *The Dedicated Lands Regulations, 2009*, as may be amended from time to time;
- g) “Descriptive Plan Type II” means a Descriptive Plan Type II as defined in *The Land Surveys Act*, as may be amended from time to time;
- h) “Development Officer” means the Director of Planning and Development Services, or anyone authorized by the Director of Planning and Development Services to administer this Bylaw;
- i) “Letter of Approval” means the official document issued to an applicant upon successful completion of a subdivision application;
- j) “lot” means a lot as defined in the Zoning Bylaw;
- k) “parcel tie” means a parcel tie as defined in the Act;
- l) “Plan of Proposed Subdivision” means a graphical plan prepared in accordance with this bylaw and may be referred to as a PPS;
- m) “Plan of Survey” means a plan of survey as defined by the *Land Surveys Act, 2000*;
- n) “Regulations” means *The Subdivision Regulations, 2014*, as may be amended from time to time;
- o) “standing body of water” means a lake, pond, reservoir, lagoon, swamp, marsh or any other area containing standing surface water, either permanently or intermittently;
- p) “subdivision” means the subdivision of land as defined by the Act, which includes consolidation and the creation or elimination of parcel ties;
- q) “utility line” means a water or gas transmission pipe, an electrical supply cable, a telecommunications transmission line or a sewage pipe, whether privately or publicly owned, providing service to property in the municipality or in an immediately adjacent area and located in the ground or overhead, and includes any facilities that are required to enable the local delivery of the utility;

r) “watercourse” means a river, stream, creek, gully, ravine, spring, coulee, valley floor, drainage ditch or any other channel having a bed and sides or banks in which water flows either permanently or intermittently; and

s) “Zoning Bylaw” means *The City of Prince Albert Zoning Bylaw No. 1 of 2019* as may be amended from time to time.

(2) Unless the context otherwise requires and subject to Subsection (1), terms and expressions used in this Bylaw shall have the same meaning as in the Act or the Zoning Bylaw.

### **Register**

5. The Development Officer shall maintain a register of subdivision applications.

### **Compliance with Other Legislation**

6. Compliance with any of the requirements in this Bylaw does not exempt or preclude compliance with:

a) The requirements of any other relevant federal, provincial or municipal legislation or regulation; or

b) Any order, permit, license, permission, approval, easement, covenant, agreement, contract, or similar legal document affecting a development.

### **Approving Authority**

7. (1) The Subdivision Bylaw shall be interpreted and applied by the Development Officer.

(2) The approval of subdivision applications shall be in accordance with the following:

a) A subdivision application requiring a Descriptive Plan Type II shall be approved by the Development Officer;

b) A subdivision application requiring a plan of survey for up to two (2) lots shall be approved by the City Manager; and

c) A subdivision application requiring a plan of survey for three (3) or more lots shall approved by City Council.

## **Approval Required**

8. (1) Before the owner of a parcel land may alter the physical or legal boundaries of a parcel, an approved subdivision application shall be required in accordance with this Bylaw.
- (2) If any documentation related to a subdivision application expires and can no longer be renewed, a new application may be required.

## **Letter of Approval**

9. (1) A Letter of Approval shall be issued to an applicant once the application has been approved and all requirements have been met.
- (2) A Letter of Approval shall be valid for a period of twenty-four (24) months from the date of issuance.
- (3) Should the Letter of Approval expire, it may be reissued once, subject to review by the Development Officer and payment of the applicable fees.

## **Exemptions**

10. At the discretion of the Approving Authority, relief from compliance, in whole or in part, with any requirement of this Bylaw may be provided in accordance with Section 133 of the Act.

## **Fees**

11. (1) The fees for a subdivision application requiring a Plan of Proposed Subdivision or Plan of Survey shall be as follows:
  - a) An application fee of \$300.00; and
  - b) A review fee for each lot created of \$150.00.
- (2) The fee for a Descriptive Plan Type II subdivision application is \$150.00.
- (3) The fee for the reissuance of a Letter of Approval is \$150.00.
- (4) All fees are non-refundable.

## **Inspections**

12. Any land included in a subdivision application is subject to inspection by the Development Officer, who may, at any reasonable time, enter onto the land for the purpose of obtaining information pertaining to the proposed subdivision.

## **Application Requirements**

13. (1) An application for a subdivision shall include the following:
- a) a subdivision application form;
  - b) a Plan of Proposed Subdivision (PPS) that includes the information detailed in Section 20 of this Bylaw or a Descriptive Plan Type II;
  - c) the appropriate fees; and
  - d) at the discretion of the Development Officer:
    - i. a current copy of the title; or
    - ii. a digital copy of the PPS.
- (2) In addition to Subsection (1), an application for the removal or creation of a parcel tie may require written justification.
- (3) In addition to Subsections (1) and (2), for the subdivision of land on which a ministry, government agency or Crown corporation has an interest, or a responsibility for, the Development Officer may request that the applicant provide proof of consultation or a letter of approval regarding the proposed subdivision.

## **Incomplete Application**

14. (1) If the Development Officer deems an application incomplete, the Development Officer shall request the required information, and the review process may be held until the information is submitted.
- (2) If the Development Officer does not receive the required information within three (3) months of the date of the initial request, the Development Officer shall notify the applicant in writing, that:
- a) the application remains incomplete; and
  - b) the applicant has 30 days to provide the required information or the subdivision application may be refused.

## **Application Submission, Review and Consideration**

15. (1) An application shall be submitted to the Development Officer for processing and review as follows:
- a) The Development Officer shall verify that all the required information has been submitted prior to the commencement of the review. Incomplete applications shall be in accordance with Section 14 of this Bylaw;

b) The Development Officer shall review the application in accordance with the regulations contained in this Bylaw;

c) The Development Officer may forward the application and any related information to other City departments, or any agency deemed necessary, for review and comment; and

d) Upon successful completion of the review process, the Development Officer may request that the Plan of Survey be submitted for final consideration and execution, and the application shall be deemed complete.

(2) The Approving Authority shall render a decision regarding a complete application within ninety (90) days from the date on which the application was considered complete.

(3) The Approving Authority shall consider the application's conformity to the regulations contained in this Bylaw, the Act, and any comments provided by other City departments or any other party or agency that participated in the review of the application.

(4) The Approving Authority may approve, approve in part, approve with conditions, or refuse an application in accordance with Section 128 of the Act.

(5) A Letter of Approval will be issued to the applicant and the Plan of Survey shall be executed.

(6) Once the Letter of Approval has been issued and the Plan of Survey executed, the applicant shall be responsible for submitting the necessary information to Information Services Corporation for processing.

(7) An interest that details the conditions of approval or any exemptions to this Bylaw may be registered with Information Services Corporation.

### **Reapplication**

16. In the event that an application is approved with conditions, refused or revoked, and the decision is not appealed in accordance with Subsection 26 of this Bylaw, no subsequent application for the same site, which in the opinion of the Development Officer is substantially the same or similar, may be submitted within six (6) months of the date of the original decision.

### **Limitations on Approval**

17. Limitations on approval shall be in accordance with Section 128 of the Act.

## **Revocation of Approval**

18. Revocation of approval shall be in accordance with Section 132 of the Act.

## **Subdivision, Development and Servicing Agreements**

19. If it is determined by the Approving Authority that a Servicing Agreement is required, the agreement shall be written in accordance with the regulations contained in Sections 172 to 176 of the Act.

## **Plan of Proposed Subdivision, Plan of Survey and Descriptive Plan Type II**

20. (1) A PPS shall be prepared in accordance with the following:

- a) A PPS shall be prepared and approved by:
  - i. A Saskatchewan land surveyor as defined in *The Land Surveyors and Professional Surveyors Act*, or
  - ii. A registered professional planner as defined in *The Community Planning Profession Act, 2013*;
- b) A PPS shall provide the following information:
  - i. The area, location, dimensions and boundaries of the land to be subdivided, which includes any parcel being created or modified;
  - ii. The location and dimensions of adjacent parcels and registered plans, including all streets, lanes and blocks with their designations;
  - iii. Any distances in metres and decimals thereof;
  - iv. Any area in square metres or hectares, whichever is more appropriate for the scale of the subdivision;
  - v. Any parcel numbers and the full legal descriptions for the land to be subdivided and the remainder parcel;
  - vi. The orientation of true north; and
  - vii. The date of the preliminary survey;
- c) A PPS shall show the following as it pertains to the application:
  - i. The location of existing permanent buildings and other developments;

- ii. Any registered easements located on the land to be subdivided and the remainder parcel;
  - iii. Any watercourses and standing bodies of water, the level of water at the date of preliminary survey, and all titled and current banks;
  - iv. The approximate outline of wooded areas;
  - v. The location of existing water wells and on-site sewage disposal systems, including any effluent discharge points;
  - vi. The approximate location of all existing and proposed bridges and road crossings over a watercourse;
  - vii. The location, dimensions, area and boundaries of the following:
    - A. dedicated land, if any;
    - B. all existing or proposed utility lines and the right-of-way for each utility line;
    - C. all existing or proposed railway lines or spur tracks;
    - D. all provincial highways and public highways;
    - E. all streets, roads and lanes; and
  - viii. The proposed or eventual interchange, service road or road widening if the proposed subdivision abuts:
    - A. a provincial highway that is designated by the minister responsible for the administration of *The Highways and Transportation Act, 1997* for an interchange, service road or road widening; or
    - B. a public highway that is designated by the municipality for an interchange, service road or road widening;
  - ix. Spot elevations or contours, located at critical points across the parcel and on any abutting parcels as required; and
- d) At the discretion of the Development Officer, any other information considered relevant to the subdivision application.

- (2) A Plan of Survey shall be titled "Plan of Survey" and include:
- a) The same information required for the PPS;
  - b) The words:  
  
"Examined and approved under the provisions of Bylaw No. \_\_\_\_ of \_\_\_\_\_  
of the City of Prince Albert, this \_\_\_\_\_ day of \_\_\_\_\_, A.D."; and
  - c) An appropriate amount of space for the signatures of the Mayor and City Clerk, as well as the City's corporate seal.
- (3) A Descriptive Plan Type II application form, as provided by Information Services Corporation, shall be completed in full upon submission.

### **Site Suitability Criteria**

21. (1) The Approving Authority shall consider the following as it pertains to the feasibility of the proposed subdivision:
- a) topography and soil characteristics;
  - b) the management of surface and subsurface drainage;
  - c) any potential flooding, subsidence, landslides and erosion;
  - d) the availability, adequacy and economic provision of municipal services, which includes but is not limited to, water, sewer and storm water infrastructure;
  - e) the existing and prospective uses of land in the vicinity;
  - f) the provision for land for access, streets, and lanes;
  - g) the protection of provincial highways and major roads;
  - h) the separation of pedestrian and vehicular traffic and of traffic flow between major and minor streets and the protection of public safety by ensuring adequate sight distances at intersections;
  - i) the design and orientation of the subdivision, including the size and shape of each parcel;
  - j) the need to minimize the likelihood of air, water, source water or soil pollution by the subdivision or the need to protect the subdivision from such pollution by outside influences;

- k) the anticipated need on municipal reserve for school sites, recreational facilities and parks;
- l) the proposed storage, use or transmission of chemicals, flammable liquids or radioactive materials licensed by the Canadian Nuclear Safety Commission;
- m) the protection of critical fish and wildlife habitat;
- n) the protection of significant natural, historical, cultural or heritage features;
- o) the locations, separations and buffering for the proposed uses with respect to:
  - i. transportation infrastructure, including highways, railways, distribution lines and airports; and
  - ii. landfills, water and waste water treatment facilities; and
- p) distribution lines and airports.

(2) In addition to the regulations contained in Subsection (1), the subdivision of hazardous lands shall also be in accordance with Section 130 of the Act.

### **Street and Lane Design Criteria**

22. (1) Streets and lanes shall be designed and installed in accordance with the regulations contained in The City of Prince Albert Master Specifications, The City of Prince Albert Design Standards, and The City of Prince Albert Standard Detail Drawings.
- (2) Where required, streets and lanes shall be designed with chamfered corners, measured back three (3) metres from where the intersecting lines of the streets or lanes meet.

### **Lot and Block Design Criteria**

23. (1) Lots and blocks shall be designed to maximize the use of space, and for the ease of serviceability, as well as the movement of both vehicular and pedestrian traffic.
- (2) Lot width and area shall be in accordance with the applicable zoning district in the Zoning Bylaw for the subject parcel.
- (3) The maximum length of a lot located in a residential zoning district or in the RMU – Residential Mixed Use Zone shall not exceed three (3) times the width.

(4) The maximum length of a lot located in a commercial zoning district or in the CMU – Commercial Mixed Use Zoning District shall not exceed four (4) times the width.

(5) Notwithstanding Subsections (3) and (4), two unit dwellings that are subdivided along the common wall may have a maximum length of five (5) times the frontage.

(6) Except for in a residential or commercial zoning district, or in the RMU – Residential Mixed Use Zoning District or the CMU – Commercial Mixed Use Zoning District, there shall be no maximum lot length.

(7) Lots shall be designed to have lines that meet at 90 degrees. Exceptions may be made by the Approving Authority where topography does not facilitate this or where lots are required to accommodate typical street design.

(8) The creation of lots with double frontage or “through lots” shall be at the discretion of the Approving Authority and a buffer strip may be required in accordance with Section 4.5 of *The City of Prince Albert Zoning Bylaw*.

(9) Block length shall be in accordance with the regulations contained in The City of Prince Albert Design Standards.

### **Walkway Design Criteria**

24. (1) At the discretion of the Approving Authority, the installation of walkways may be required within a subdivision and, in accordance with the Act, walkways shall be held in the name of the Crown or the City.

(2) Walkways shall provide secondary, pedestrian access to parks, open space and schools, and facilitate convenient movement throughout a subdivision, and:

a) the location of walkways shall be at the discretion of the Approving Authority;

b) wherever possible, walkways shall accommodate public utilities and may accommodate dedicated land; and

c) walkways shall have a minimum width of seven (7) metres.

### **Dedicated Land**

25. Dedicated land shall be in accordance with Section 177 to 212 of the Act, the Dedicated Lands Regulations and the Zoning Bylaw.

## **Right to Appeal and Appeal Procedure**

26. (1) Applicants shall have the right to appeal in accordance with Section 228 of the Act.
- (2) Appeals shall be administered in accordance with Section 228 to 232 of the Act.
- (3) An application for an appeal may be submitted to the City Clerk within thirty (30) days of the date of the decision.

## **Offenses and Penalties**

27. (1) Failure to comply with the regulations contained in this Bylaw may result in the issuance of a Planning and Development Act Order to Remedy Contravention.
- (2) An Order to Remedy Contravention under this Bylaw shall be enforced in accordance with Sections 242 to 244 inclusive of the Act.

## **Repeal**

28. Bylaw No. 37 of 1960 is hereby repealed.

## **Coming into Force**

29. This Bylaw shall come into force and effect subject to approval by the Minister of Government Relations.

**INTRODUCED AND READ A FIRST TIME THIS 24<sup>th</sup> DAY OF August, A.D., 2020.**

**READ A SECOND TIME THIS 24<sup>th</sup> DAY OF August, A.D., 2020.**

**READ A THIRD TIME THIS 24<sup>th</sup> DAY OF August, A.D., 2020.**

\_\_\_\_\_  
"Greg Dionne"

**MAYOR**

\_\_\_\_\_  
"Sherry Person"

**CITY CLERK**