



Municipality of Shawville

By-law number 418
Subdivision By-law

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Chapter 1 DECLARATORY AND INTERPRETATIVE PROVISIONS

1.1 Title of the By-law

By-law Number 418 is entitled: "Subdivision By-law". The rules of interpretation and administration of the planning by-laws governing this By-law are included in By-law Number 416 enacting the By-law for the Interpretation and Administration of the Planning By-laws.

1.2 Context of the By-law

This By-law constitutes a means of implementation, as part of a rational development policy for the physical development of the municipal territory. Thus, it is in conformity with By-law Number 415 enacting the Planning Program of the Municipality of Shawville.

1.3 Purpose of this By-law

To provide a framework for the various initiatives of both residents and non-residents of this Municipality, this By-law establishes certain requirements which will encourage the desirable evolution of human settlement by determining certain principles for the subdivision of lots and streets.

1.4 Coming into Effect

This by-law shall become effective in accordance with the provisions of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

1.5 Applicable Territory

This By-law, whose provisions are binding on individuals and legal entities in public or private law, applies to all the territory under the jurisdiction of the Municipality of Shawville.

1.6 Amended By-laws

By-law Number 350 enacting the Subdivision By-law and its amendments are amended for all intents and purposes by this By-law. All municipal by-laws presently in force in the Municipality, which are incompatible with this By-law, are hereby amended for all intents and purposes and replaced by this By-law.

All other regulatory provisions incompatible with this By-law are also amended. These replacements do not affect proceedings instituted under the authority of the by-

laws thus replaced, which will continue under the authority of the said replaced by-laws until final ruling and execution. They do not affect permits issued under the authority of the by-laws thus replaced.

1.7 Validity of the By-law

Council shall adopt this By-law in its entirety and also part by part, chapter by chapter, division by division, sub-division by sub-division, section by section, paragraph by paragraph, sub-paragraph by sub-paragraph, line by line and word by word, in such manner that if a part, a chapter, a division, a sub-division, a section, a paragraph, a sub-paragraph, a line or a word of this By-law is or should be declared null and void, the other provisions contained in this By-law shall continue to apply.

1.8 Amendment Procedure

The provisions in this By-law may only be adopted, amended or repealed by an approved by-law pursuant to sections 123 to 137 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

Chapter 2 RULES GOVERNING INTERPRETATION

2.1 Interpretation of the Text

The titles contained in this By-law constitute, for all legal purposes, an integral part of this By-law. In the case of contradiction between the text proper and the titles, the text prevails:

- the singular includes the plural and vice versa, unless the phraseology clearly implies that this cannot be the case;
- the use of the word " MUST " or "WILL" assumes an absolute obligation;
- the word "MAY" retains a possibility of choice;
- the word "WHOEVER" includes all persons, moral or physical;
- the word "MUNICIPALITY" designates the Municipality of Shawville;
- the word "COUNCIL" designates the Council of the Municipality of Shawville.

A uniform numeration system is used through all this By-law. The first number indicates the chapter of the by-law. The second number refers to the division of this chapter. The third number refers to the sub-division of this division. The fourth number identifies the section referred to the sub-division in question.

- 1. Chapter
- 1.1 Division
- 1.1.1 Sub-division
- 1.1.1.1 Section

All measurements mentioned in this By-law are expressed according to the International System of Units, the metric system.

2.2 Interpretation of Tables, Diagrams, Graphics and Symbols

Tables, diagrams, graphics and symbols and any other forms of expressions other than the proper text, to which it is referred in this By-law, are an integral part of this By-law for all intents and purposes.

In the event of inconsistency between the text and the tables, diagrams, graphics, symbols and any other forms of expressions, the text shall prevail. In the event of inconsistency between a table and a graphic, the data contained in the table shall prevail.

When a restriction or prohibition contained in this By-law, or any of its provisions is found to be incompatible or in contradiction with another provision of this By-law, the most restrictive or prohibitive provision shall apply.

2.3 Definitions and Interpretations

Unless an opposite express statement or unless the context point out a different meaning, the definitions and interpretations included in By-law Number 416 enacting the By-law for the Interpretation and Administration of the Planning By-laws are applicable to this By-law as it is quoted to the full extent.

Chapter 3 REGULATIONS ON GEOMETRY OF LOTS AND STREETS

3.1 Lots Size

3.1.1 Lots Serviced with Water and Sewer

3.1.1.1 Residential Uses

Within the urbanization perimeter, minimum dimensions of residential lots serviced with water and sewer are those included in the following table.

TYPE OF DWELLING	INTERIOR LOT			CORNER LOT		
	Width	Depth	Area	Width	Depth	Area
Detached	20 m	30 m	600 m ²	30 m	30 m	900 m ²
Semi-detached	12 m	30 m	360 m ²	16 m	30 m	480 m ²
Attached ¹	6 m	30 m	180 m ²	10 m	30 m	300 m ²

1. Containing 3 family units, having separate entrances.

However, land subdivision may be approved and a permit issued for any other lot in compliance with the following:

- serviced by water and sewer facilities; and
- located bordering a street; and
- where one or more adjoining vacant lots are owned by someone other than the owner of the lot to be subdivided, the deed of ownership having been registered before the effective date of this By-law; and
- on which a building with a floor area of at least 50 m² may be constructed in accordance with the other provisions of this By-law.

Notwithstanding the above, within the urbanization perimeter, minimum dimensions of residential lots serviced with water and sewer along lakes and watercourses are the following:

ANY TYPE OF DWELLING	Less than 100 m from a permanent watercourse or 300 m from a lake ¹
Width	25 m
Depth	55 m
Area	1,375 m ²

1. Also includes any other body of water surrounded by land, such as marshes, swamps and bogs.

3.1.1.2 Commercial, Industrial and Public Uses

Within the urbanization perimeter, minimum dimensions of lots serviced with water and sewer are those included in the following table.

TYPE OF USE	Width	Depth	Area
Commercial	15 m	25 m	375 m ²
Industrial	50 m	50 m	2,500 m ²
Public	15 m	20 m	300 m ²

3.1.2 Lots Not Serviced with Water and Sewer

3.1.2.1 Residential, Commercial, Industrial and Public Uses

Minimum dimensions of lots not serviced with water and sewer are those included in the following table.

TYPE OF USE	Less than 100 m from a permanent watercourse or 300 m from a lake ¹			More than 100 m from a permanent watercourse or 300 m from a lake ¹		
	Width	Depth	Area	Width	Depth	Area
Residential	45 m	60 m	3,700 m ²	45 m	60 m	2,700 m ²
Commercial	45 m	60 m	3,700 m ²	45 m	60 m	2,700 m ²
Industrial	55 m	70 m	3,850 m ²	55 m	70 m	3,850 m ²
Public	55 m	70 m	3,850 m ²	55 m	70 m	3,850 m ²

1. Also includes any other body of water surrounded by land, such as marshes, swamps and bogs.

Residential and commercial uses which lots are not serviced with water and sewer and located at less than 100 m from a permanent watercourse or 300 m from a lake must first meet the minimum area.

3.1.2.2 Lots Situated on Highways 148 and 303

Minimum dimensions of lots situated on Highway 148, whether they are serviced or not with water and sewer, are those included in the following table. In Zones RE71 and RE72, as shown on the Zoning Plan Number 417, the minimum dimensions of lots situated on Centre Street (Highway 303), whether they are serviced or not with water and sewer, are the same as those included in the following table.

TYPE OF USE	Width	Depth	Area
Residential	45 m	60 m	2,700 m ²
Commercial	45 m	60 m	2,700 m ²
Industrial	55 m	70 m	3,850 m ²
Public	55 m	70 m	3,850 m ²

3.1.4. Parcelling Out of a Lot by Alienation

As long as the residue of the parcelling out of a lot made by alienation remains in conformity with the subdivision standards included in this By-law, than parcelling out is allowed when its purpose is to bring into conformity, or to bring closer to conformity, or if the conformity with this By-law is not affected, of the plot of the owner acquiring the parcel or parcels. For the same purpose, a lot or part of a lot, can be simultaneously parcelled out to more than one owner and leave no residue.

3.1.5 Subdivision - Uses Not Requiring Sanitary Installation

The subdivision standards included in this By-law do not apply when the proposed and authorised land use does not involve, because of its nature, the need for a sanitary installation. As an example, the following uses meet that criterion: streets, electricity, telecommunication, cable-distribution, water, sewers or municipal recreation.

Notwithstanding the above, uses or constructions are only allowed on distinct lots or parcel of land made up of distinct lots.

Chapter 4 GEOMETRY OF STREETS

4.1 Street Classification

Any street appearing on a draft cadastral plan shall be classified by the designated official under one of the following street classification categories:

- a) Local or service streets: streets belonging to the municipal road system, including any private street approved for public use, whose major function is to provide direct access to neighbouring properties, particularly in residential sectors where they serve only those vehicles going to a comparatively small number of dwellings; such streets are characterised by a narrow easement and a discontinuous or curved layout designed to limit traffic speed and volume.
- b) Distributor streets: streets belonging to the municipal road system, whose function is to connect local or service streets to each other or to the arterial streets and major traffic roads while providing access to neighbouring properties; generally, such streets may connect residential sectors to community facilities.
- c) Arterial streets: major streets belonging to the municipal road system, whose major function is to serve as an exit from the local or service and distributor streets by linking them to the provincial road system or to major parts of the Municipality while providing access to properties on either side; such streets

are characterised by an easement of average width and a generally more rectilinear and continuous layout than local or service streets.

- d) Major traffic roads: roads belonging to the provincial highway system, whose function is to connect various communities and to serve large volumes of comparatively long-distance, fast moving traffic; such roads are characterised by a large easement and a more rectilinear and continuous layout to ensure the traffic fluidity between communities.

4.2 Street Width

All streets thus assigned by the Municipality to one of these four categories shall have the following characteristics:

- a) The widths of easement for each one of the street categories are the following:

Street Category	Minimum	Maximum
Local or service street	15 m	20 m
Distributor street	20 m	24 m
Artery street	24 m	None
Major traffic road	Provincial standard	Provincial standard

- b) All the above mentioned widths may be increased up to twelve additional (12) metres over a distance of sixty (60) metres from an intersection;
- c) However, the finished width of pavement may be no less than seven (7) metres, the exception being lanes providing access to parking lots which shall comply with the provisions relating to parking lots, access lanes and driveways.

4.3 Curves, Intersection Angles and Visibility

Intersections and curves shall comply with the Canadian standards for the geometric design of roads.

However, the following prescriptions shall be observed:

- a) The angle of the intersection shall be no less than seventy-five (75) degrees, and angle intersections are preferred.
- b) Any intersection on a street with an easement of twenty (20) metres or more in width shall provide a range of road visibility of at least sixty (60) metres, and all intersections on streets with an easement at least fifteen (15) metres in width shall provide a range of road visibility of at least thirty-five (35)

metres.

- c) On the same street, the centre of two intersections shall be at a minimum of sixty (60) metres.

4.4 Dead-End Streets

4.4.1 Restrictions

- a) The systematic use of dead-end streets is prohibited. However, dead-ends may be used as a practical or economical solution for the development of a lot whose shape, topography or location is not suited to thoroughfares. The entrance and exit of the dead-end turning circle shall follow a twenty (20) metres curve.
- b) The length of a dead-end street shall not exceed three-hundred (300) metres in areas serviced with water and sewer, four hundred (400) metres in areas not serviced with sewer and water facilities, and shall end in a turning circle whose diameter shall be not less than thirty-one (31) metres. **amendment to be made*

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Chapter 5 CONVEYANCE OF STREETS AND PARKS

5.1 Preconditions for the Approval of a Plan Relating to a Cadastral Operation

Any cadastral operation must provide for the preservation of natural elements that give the environment its character.

5.1.1 Transfer of Land for the Development of Parks, Playgrounds or Natural Areas

The applicant must, as a precondition to the approval of a plan relating to a cadastral operation, other than a cancellation or correction, whether it provides for streets or not, convey to the Municipality, for park, playground or natural area purposes, an area of land not exceeding ten per cent (10 %) of the land comprised in the plan and situated at a place which, in the opinion of Council, is suitable for the establishment of parks, playgrounds or natural areas.

5.1.1.1 Monetary Compensation

Instead of conveying such area of land required above, Council may demand from the land owner payment of a sum of money equal to ten percent (10 %) of the registered value on the assessment roll for the land contained in the plan relating to the cadastral

operation. The value of the land for purposes of collecting this sum is obtained from the value entered on the assessment roll of the Regional County Municipality of Pontiac.

Depending on the specific needs of the Municipality, Council may require that the owner pay part of the compensation due in money and the balance in transferred land provided the total turned over to the Municipality is equal to either of the requirements stipulated in the preceding paragraph.

The proceeds of this payment must be placed in a special fund which shall only be used for the purchase or development of parks, playgrounds or natural areas. The lands transferred to the Municipality shall only be used for parks, playgrounds or natural spaces. The Municipality is permitted to sell at auction, by public tender, or in any other way approved by the *Commission Municipale du Québec*, lands acquired under Subdivision 5.1.1 of this By-law, if not required for the development of parks, playgrounds or natural areas. The proceeds from this sale must be placed in the special fund of the Municipality.

Once the subdivision is developed with 50% of the homes, as specified in the above paragraphs, the park must be realized. For any new sub-division, the lot for the park must be designated ahead of time.

5.1.1.2 Registered Contract

The owner is liable for the costs of the registered contract for the assignment of parks, playgrounds and natural areas.

5.1.1.3 Cases Not Requiring Transfer of Land or Monetary Compensation

In the following cases, no transfer of land or monetary compensation is required for:

- a) The cadastral operations for cancellation, correction or replacement executed pursuant to Section 3043 of the Québec Civil Code.
- b) The cadastral identification of parks, playgrounds and natural areas for public purposes.
- c) The cadastral identification of parcels of land for public purposes filed by the Municipality or any other government agency, after an agreement with Council.
- d) Lands for which the space required for parks, playgrounds and natural areas has already been transferred to the Municipality or for which the monetary compensation has been paid.
- e) The cadastral operations for lot additions pursuant to Section 3043 of the Québec Civil Code.

- f) The cadastral identification of a built-up lot and the new cadastral identification of a built-up site registered subsequent to a change in boundaries that does not create a new building lot.
- g) The new cadastral identification of a vacant site registered subsequent to a change in its boundaries that does not create a new building lot.

5.1.2 Existing or Required Easements

Existing or required easements for passage of energy or communications transmission facilities must be shown on an attached plan showing the subject lots.

5.1.3 Responsibility for the Construction of Streets

All new streets located in a residential subdivision must be built at the developer's expense to the specifications of the existing planning by-laws.

5.1.4 Street Maintenance

All new streets in a residential subdivision must be maintained by the developer and/or the residents in compliance with the standards and requirements set by Council. The Municipality shall take on the responsibility for a new street only when at least fifty percent (50 %) of the lots served by this new street are built up or under construction, or if there is a signed agreement between the developer and the Municipality regarding street maintenance. In all cases, the By-law Number 416 enacting the By-law for the Interpretation and Administration of the Planning By-laws do apply.

5.1.5 Registered Streets

No street allowance will be approved by the Municipality unless it has first been registered by and at the expense of the owner of the property.

5.1.6 Municipal Taxes Due

The owner of the property must pay the unpaid municipal taxes due for real property included in the plan relating to a cadastral operation.