

**BY-LAW 2009-05
CONCERNING SUBDIVISION**

**VILLAGE
OF AYER'S CLIFF**



**l'Esprit des Cantons
the Spirit of the Townships**

September 2009

TABLE OF CONTENTS

CHAPTER I.....	5
DECLARATORY AND INTERPRETIVE PROVISIONS.....	5
<i>Section I: Declaratory provisions.....</i>	<i>5</i>
TITLE	5
TERRITORY COVERED.....	5
REPEAL OF EARLIER BY-LAWS	5
<i>Section II: Interpretive provisions.....</i>	<i>6</i>
SYSTEM OF MEASUREMENT.....	6
TERMINOLOGY	6
INTERPRETATION OF THE TABLES.....	6
SPECIFIC DEFINITIONS.....	6
CHAPTER II	9
ADMINISTRATIVE PROVISIONS.....	9
<i>Section I: Administration and application of the by-law.....</i>	<i>9</i>
ADMINISTRATION OF THE BY-LAW.....	9
APPLICATION OF THE BY-LAW	9
POWERS OF THE PERSON IN CHARGE OF APPLYING THE BY-LAW	9
OBLIGATION TO ALLOW ENTRY	10
<i>Section II: Contraventions and sanctions.....</i>	<i>10</i>
INFRACTIONS AND PENALTIES.....	10
CONTINUING INFRACTION.....	11
REPEATED OFFENSES.....	11
CIVIL RECOURSE	11
COSTS	11
CHAPTER III.....	12
PROVISIONS RELATED TO ACQUIRED RIGHTS.....	12
GENERAL ACQUIRED RIGHTS	12
ENLARGEMENT OR MODIFICATION OF A NON-CONFORMING LOT OR PROPERTY PROTECTED BY ACQUIRED RIGHTS	12
SUBDIVISION PRIVILEGES	12
CHAPTER IV	14
PRIOR CONDITIONS FOR APPROVAL OF A PLAN	14
FOR A CADASTRAL OPERATION.....	14
PLAN FOR A CADASTRAL OPERATION.....	14
MUNICIPAL TAXES.....	14
CESSION OF THE ROAD BED	14
PARCELLING PLAN.....	14
PARKS, PLAYGROUNDS AND NATURAL SPACES.....	15
SPECIAL FUNDS AND CEDED LAND.....	17
SERVITUDES FOR PUBLIC INFRASTRUCTURES	18
CHAPTER V.....	19
SUBDIVISION NORMS.....	19
<i>Section I: Roads.....</i>	<i>19</i>
GENERAL PROVISIONS.....	19
CADASTERED ROADS	19
WIDTHS OF THE ROADS.....	19
DEAD-END ROADS.....	19
ACCESS FROM EXISTING ROADS.....	19

INTERSECTION OF ROADS.....	19
SLOPES OF THE ROAD	20
PEDESTRIAN FOOTPATHS AND CYCLE TRAILS	20
ROAD NEAR A LAKE OR WATERCOURSE	20
SPECIFIC NORMS FOR THE CONSTRUCTION OF NEW ROADS	21
<i>Section II: Lots or parcels of land</i>	22
GENERAL PROVISIONS	22
MINIMUM DIMENSIONS OF PARCELS OF LAND WITH WATER AND SEWAGE SERVICES.....	23
Table I: Minimum area and dimensions of serviced lots or parcels of land	23
(water and sewage).....	23
MINIMUM DIMENSIONS OF PARCELS OF LAND OR LOTS PARTIALLY SERVICED WITH WATER AND SEWAGE	24
Table II: Minimum area and dimensions of lots or parcels of land partially serviced by a water or sewage system.....	24
MINIMUM DIMENSIONS OF PARCELS OF LAND OR UNSERVICED LOTS (NO WATER OR SEWAGE).....	25
Table III: Minimum area and dimensions of unserviced lots or parcels of land (without water or sewage treatment systems)	25
FLEXIBILITY FOR LOTS OR PARCELS OF LAND SITUATED ON A CURVE.....	26
COMPREHENSIVE DEVELOPMENT PROJECT	26
PARCEL OF LAND WITH MIXED USES SITUATED WITHIN THE VILLAGE LIMITS	26
SPECIAL PROVISIONS FOR WATERFRONT AND CUT-OFF LOTS	27
PROHIBITED CADASTRAL OPERATIONS.....	27
APPENDICES, SUBDIVISION BY-LAW	29
DEAD-END ROAD	30
ANGLE OF INTERSECTION.....	31
INTERSECTION IN A CURVE.....	31
DISTANCE BETWEEN INTERSECTIONS	32

**PROVINCE DE QUÉBEC
M.R.C. MEMPHRÉMAGOG
VILLAGE D'AYER'S CLIFF**

SUBDIVISION BY-LAW

At a regular meeting of the council of the Municipality, held at École Saint-Barthélemy, on September 8, 2009, in accordance with the law, and at which are present councillors Patrick Proulx, Roger Dumouchel, Isabel Marcotte and France Coulombe-Goodsell, forming a quorum under the chairmanship of the mayor Vincent Gérin.

BY-LAW 2009-05

WHEREAS the Municipality has the power, by virtue of the Law, to adopt, modify or repeal a by-law concerning construction on its territory;

WHEREAS the revised land use planning and development program (the “schéma d'aménagement”) is being rewritten and a document on the objectives of the revision has been produced;

WHEREAS it is timely to redraft the by-laws governing subdivision as part of the revision of the Planning Program;

WHEREAS the applicable adoption has been duly followed;

FOR THESE REASONS, the council orders and decrees as follows:

CHAPTER I

DECLARATORY AND INTERPRETIVE PROVISIONS

Section I: Declaratory provisions

	TITLE	1
This by-law is entitled the Subdivision By-law.		
	TERRITORY COVERED	2
This by-law applies to the entire territory of the Municipality of the Village of Ayer's Cliff.		
	REPEAL OF EARLIER BY-LAWS	3
Any provision in earlier municipal by-laws that is incompatible with this by-law is repealed by this by-law.		
Without limiting the generality of the preceding, this by-law repeals and replaces by-law 99-006 and its amendments.		

Section II: Interpretive provisions

SYSTEM OF MEASUREMENT 4

Dimensions in this by-law are indicated in the International System (IS). The equivalent measurement in the English measurement system is given for information only.

TERMINOLOGY 5

The words and expressions used in this by-law have the meaning given to them, in the following order of precedence:

- (1) This by-law;
- (2) The Zoning By-law;
- (3) The Building By-law;
- (4) The Permits and Certificates By-law;
- (5) The by-law respecting the conditions for issuing building permits.

INTERPRETATION OF THE TABLES 6

The tables, graphic diagrams, symbols and all forms of expression other than the text itself, contained in this by-law or to which it refers, form an integral part of it, for all legal purposes. In the case of contradiction between the text and the tables, diagrams, graphic elements, symbols or other forms of expression, the text prevails.

SPECIFIC DEFINITIONS 7

Unless the context indicates a different meaning, the following are understood to mean:

«*Largeur moyenne (LM)*» - *Average width (L.M.)*: The average of the distance between the lateral lot or property lines measured for the entire depth of the property.

«Largeur mesurée sur la ligne avant (LA)» - The width measured along the front property line (LA) or frontage: The distance between the lateral lines of a lot or property measured along the front property line.

«Largeur mesurée sur la ligne des hautes eaux (LH)» - The width measured at the high water line: The distance between the lateral lines measured along the straight line starting from the point where it meets the lateral line and the high water line.

«Ligne arrière» - The rear property or lot line: The dividing line between a lot and a neighbouring lot having no point of intersection with the front lot line.

«Ligne avant» - The front lot or property line: The dividing line between a property and the street or road.

«Ligne latérale» - The lateral lot or property line: The dividing line between two lots.

«Lot » - Lot: Land identified by a distinct number and delineated by a cadastral plan prepared and presented in accordance with the Civil Code or the Cadastre Act.

«Lot de coin (d'angle)» - Corner lot: The lot situated at the intersection of two or several streets, which, at their point of intersection, form an angle no greater than 135°.

«Lot intérieur» - Interior lot: A property other than a corner lot or a through lot.

«Lot transversal» - Through lot: Interior lot with a facade on two streets.

«Plan de morcellement» - Parcelling plan: A plan showing the proposed cutting up of a property, which is submitted to the municipality for approval.

«Pente» - Slope: Angle measured on a vertical plane between the straight line joining two points situated a given distance apart on the surface of a lot and the horizontal plane.

«Périmètre d'urbanisation» - Village limits or boundaries: The planned limit of the future extension of

the urban habitat as shown on the zoning plan that forms an integral part of the zoning plan.

«Plan de l'opération cadastrale» - Plan for a cadastral operation: Plan giving a graphical representation of the lot or lots resulting from a cadastral operation, on which is indicated a specific number for each lot. This plan is prepared by a land-surveyor and is intended to be presented to the Cadastre Service.

«Profondeur» - Depth: The average distance between the front and rear lot or property lines measured over the entire width. In the absence of a rear lot line, it is determined by dividing the area by the width of the lot or property.

«Rue» - Street or road: Land or structure used for automobile traffic. The term "street" includes every road, highway, concession road or laneway, whether private or public, unless it is specified to the contrary.

«Rue privée» - Private road: A road that does not belong to the municipality or to a higher level of government, allowing access, starting from the public road or another private road, to the properties that depend on it.

«Rue publique» - Public road: Road belonging to the municipality or to a higher level of government.

CHAPTER II

ADMINISTRATIVE PROVISIONS

Section I: Administration and application of the by-law

ADMINISTRATION OF THE BY-LAW 8

The secretary-treasurer and director general of the municipality is responsible for the administration of the by-law.

APPLICATION OF THE BY-LAW 9

The inspector is charged with applying this by-law. He is specifically authorized to give a report of infraction related to any infraction to this by-law.

The council may, by resolution or by-law, authorize any other person to issue a report of infraction related to an infraction to this present by-law.

POWERS OF THE PERSON IN CHARGE OF APPLYING THE BY-LAW 10

The person responsible for the application of this by-law exercises the powers conferred on him by this by-law, specifically:

(1) He may: visit and inspect a movable or immovable property as well as the interior or exterior of any house or building between the hours of 7 am and 7 pm, to verify that the by-laws and other municipal regulations are being respected, to check any information or ascertain any fact needed for the exercise by the municipality of the power conferred on it by the law or a by-law, deliver a permit, issue a notice of compliance for an application, give an authorization or any other form of permission. In this context, the person charged with applying the by-law may take measurements, photograph the premises and collect any samples as required. In a territory decreed a permanent agricultural zone by the *Act respecting the*

preservation of agricultural lands and activities (the LPTAAQ), gather any information or to ascertain any fact necessary for the application of the norms for distances separating incompatible activities, the inspector may be assisted by an agronomist, a veterinarian, a professional technologist or a land surveyor;

(2) give notice for the temporary evacuation of any building the condition of which could endanger the lives of any person;

(3) give notice to carry out any work or repairs that appear necessary to him for the safety of the construction, and recommend to the council any emergency measure;

(4) give notice to rectify any situation constituting a contravention of this by-law;

(5) recommend to council to take any measure necessary to halt construction, or the use of a part of a lot, a parcel of land, a building or a construction that is not compatible with this by-law.

**OBLIGATION TO
ALLOW ENTRY 11**

The owner, tenant or occupant of a movable or immovable property, a house or a building must allow the inspector or his assistant, as the case might be, to enter to inspect or check, between the hours of 7 am and 7 pm, related to carrying out or respect for this by-law, other by-laws or resolutions of the council.

Section II: Contraventions and sanctions

**INFRACTIONS AND
PENALTIES 12**

Whoever contravenes a provision of this by-law commits an infraction and is liable:

(1) For a first infraction, to a fine of \$500 to \$1,000, in the case of a physical person (an individual) or a fine of \$1,000 to \$2,000 in the case of a moral person (a company);

(2) In the case of a repeated offense, to a fine of \$1,000 to \$2,000 in the case of a physical person or a fine of \$2,000 to \$4,000 in the case of a moral person.

**CONTINUING
INFRACTION 13**

When an infraction has continued for more than one day, the penalty is applied for each of the days or fractions of a day that the infraction continues.

REPEATED OFFENSES 14

When the by-law contemplates a more severe penalty in the case of repeated offenses, it may only be applied if the repeated offense has taken place within two years of the declaration of the offender's guilt for an infraction against the same provision for which a more severe fine is being sought.

CIVIL RECOURSE 15

In addition to penal recourse, the municipality may exercise any other civil recourse before the courts to ensure that the provisions of this by-law are observed.

COSTS 16

Costs are added to the penalties provided in this by-law. They include the costs attached to execution of the judgement.

CHAPTER III

PROVISIONS RELATED TO ACQUIRED RIGHTS

GENERAL ACQUIRED RIGHTS 17

A non-conforming property, made up of one or several separate lots that exist at the time of the coming into force of this by-law, benefits from acquired rights for the use or uses for which it was formed, in accordance with the Subdivision By-law then in force.

In the case of a use for which it was formed and which is no longer authorized in the zone according to the Zoning By-law, this property no longer has acquired rights for this use. The principal use, however, be used for the principal use allowed in the zone insofar as the area and the dimensions are in accordance with the applicable norms for this use. If no principal use is permitted in terms of these norms, the permitted use is that for which the dimensions most closely approach the dimensions of the lot or non-conforming property.

ENLARGEMENT OR MODIFICATION OF A NON-CONFORMING LOT OR PROPERTY PROTECTED BY ACQUIRED RIGHTS 18

Every separate lot which is non-conforming and protected by acquired rights, may be enlarged or modified without making it more non-conforming in any of its dimensions provided that this enlargement or modification reduces the difference between the existing dimensions of the lot and the applicable norms in the regulation then in force. This operation may not in any case make the other properties or lots non-conforming or more non-conforming.

SUBDIVISION PRIVILEGES 19

Articles 256.1, 256.2 and 256.3 of the *Land Use Planning and Development Act (LAU)*, authorize a cadastral operation to identify the properties that are neither large

enough or of suitable dimensions that would make it possible to respect the requirements of this by-law, following the conditions defined in it.

CHAPTER IV

PRIOR CONDITIONS FOR APPROVAL OF A PLAN FOR A CADASTRAL OPERATION

PLAN FOR A CADASTRAL OPERATION 20

Any person wishing to carry out a cadastral operation shall first submit for approval by the inspector a plan for the cadastral operation, whether or not the plan includes roads, before it is presented to the Ministère des Ressources naturelles, Land Register.

MUNICIPAL TAXES 21

As a prior condition for approval of a plan for a cadastral operation, the property owner shall pay the municipal taxes that are required and that remain unpaid, for the immovable included in the plan.

CESSION OF THE ROAD BED 22

When a plan for a cadastral operation shows and describes the thoroughfares that are to be public, the owner, as a prior condition for approval of the plan for the cadastral operation, shall agree to cede the roadbed for these thoroughfares to the municipality, without charge.

PARCELLING PLAN 23

As a prior condition for the approval of a plan related to a cadastral operation, the property owner of the land situated in a zone other than the agricultural zone shown in the decree by virtue of the Act respecting the preservation of agricultural lands and activities, shall present a parcelling plan for the land for a larger area than the parcel of land contemplated in the plan, including the lands that belong to him that are contiguous to that for which a cadastral operation is planned.

As a prior condition for approval of the plan for a cadastral operation, whether or not roads are contemplated in the cadastral operation, to promote the establishment, maintenance and improvement of parks and playgrounds, and the preservation of natural spaces, the property owner shall do one of the following:

(1) Agree to cede to the municipality, without charge, a parcel of land which is, in the opinion of the council, suitable for the establishment or enlargement of a park or playground or for the maintenance of a natural area. This parcel of land shall correspond to 5 % of the total area of the site;

(2) Instead of ceding this parcel of land, pay a sum of money. This sum is equal to 5 % of the value of the site, with the exception of the value attributed to the area of the parcel of land which corresponds to the residual part of the site, if this residual part can be subdivided into two buildable lots and also respect the norms set in this by-law;

(3) Agree to both cede land and make a payment. In this case, the total of the value of the land to be ceded and the sum to be paid shall together correspond to 5 % of the value of the site.

The council will decide in each case which of these requirements (paragraphs 1 to 3 above) applies. To determine the area of the land to be ceded to the municipality, the amount to be paid or a combination of both, any cession of land or payment made as part of an earlier cadastral operation concerning all or part of the site shall be taken into account, to the benefit of the property owner.

The first section does not apply to the following cadastral operations:

(1) A cancellation, correction or the replacement of a lot number that results in no increase in the number of lots;

(2) A cadastral operation carried out for a lot situated in an industrial or agricultural zone or a zone for parks, green spaces and recreation;

(3) A cadastral operation intended to form one lot for the purposes of alienation to meet the requirements of the Quebec Civil Code in an area where the cadastral reform has taken place, provided that the result of this alienation is intended to enlarge an adjacent property that already has a building. The residual part, when in compliance with the norms that apply is subject to the rules set out in the first section. Furthermore, the non-conforming residual part, as the case might be, shall be joined to a contiguous lot, in which case, if there is not already a building, it is subject to the first paragraph;

(4) A cadastral operation carried out at the request of the municipality and to which the property owner agrees, except if the cadastral operation must be carried out by virtue of a legislative or regulatory requirement;

(5) A cadastral operation to form 4 lots covering the total area of the parcel of land, where no one of these lots can be subdivided again in compliance with the minimum dimensions required for a use by the planning by-laws;

(6) A cadastral operation for the formation of 2 or 3 lots covering the total area of the parcel of land and where one or several lots so formed is/are still able to be subdivided in compliance with this by-law and where the total number of lots that could result is not more than 4 lots.

The land which the property owner agrees to cede shall be part of the site. However, the municipality and the property owner may come to an agreement that the ceded land could be a parcel of land within the municipality which is not part of the site.

An agreement between the municipality and a property owner about the ceding of a parcel of land which is not part of the site, takes precedence over any calculation rule or maximum set out in this article.

Notwithstanding the 3 first paragraphs of article 117.6 of

the Land Use Planning and Development Act (R.S.Q.,ch. A-19.1), the assessment roll for the shall be used to set the property value of the land being ceded or the site. In such a case, if a parcel of land, including the site for which the value must be determined, constitutes, on the date of the reception by the municipality of the application for approval of the plan for the cadastral operation, an assessment unit registered on the roll or part of such a unit whose value is separately listed on the roll. Its value for the purposes of this section is the product obtained by multiplying the value for the unit on the roll and the corresponding part of the land, the value of which shall be set, on a case by case basis, by the comparative factor used for the roll set in accordance with article 264 of the Municipal Taxation Act (R.S.Q.c. F-2.1). If the land is not such a unit or part of a unit, the value is established as follows:

- (1) The value is considered on the date of reception of the application for approval of the cadastral operation plan by the Municipality;
- (2) The value is set according to the concepts that apply in the case of expropriation;
- (3) The value is set, at the property owner's expense, by a certified evaluator mandated by the municipality;

Paragraphs 1, 2 and 3 of the preceding section apply for the purposes of setting the value of any other land that must be ceded off-site, if this value must be calculated for the application of calculation rules set out in this section.

**SPECIAL FUNDS AND
CEDED LAND**

25

A parcel of land that is ceded and any sum paid under article 24 as well as any sum received by the municipality in return for a property ceded earlier under the provisions of article 24, shall be used in accordance with the provisions of the Land Use Planning and Development Act.

**SERVITUDES FOR
PUBLIC
INFRASTRUCTURES**

26

As a prior condition for the approval of a plan related to a cadastral operation, the existing or required servitudes for the passage of energy transportation or communications transmission installations must be shown on the attached plan showing the lots concerned.

+

CHAPTER V

SUBDIVISION NORMS

Section I: Roads

No cadastral operation related to traffic lanes may be carried out if it does not agree with norms related to dimensions as contemplated in this by-law, except for existing thoroughfares or traffic lanes at the time of the coming into force of this by-law. Any cadastral operation for a traffic lane is forbidden if it does not agree with the route shown in the Planning Program. Finally, any cadastral operation for a new road in zone Rec-5 is banned.

GENERAL PROVISIONS 27

Every new public or private road shall be cadastered.

CADASTERED ROADS 28

In all zones of the municipality, lots or land used as a road shall have a minimum width of 15 m.

WIDTHS OF THE ROADS 29

Any dead-end road shall end in a turning circle of at least 35 m in diameter. The maximum length of such a dead-end road, excluding the turning circle, is 350 m (see sketch in Appendix I).

DEAD-END ROADS 30

Any plan for a cadastral operation that contemplates 30 buildable lots or parcels of land or more shall have at least 2 access points to existing roads.

ACCESS FROM EXISTING ROADS 31

Every road intersection shall be at a minimum angle of 70° and a maximum angle of 110°. The alignment shall be maintained over a distance of at least 30 m, as presented in figure A in Appendix II hereto attached and

INTERSECTION OF ROADS 32

forming an integral part of this by-law. Notwithstanding the foregoing, in all cases where the physical characteristics of the intersections so permit, the intersections shall be at a right angle (90°).

An intersection is permitted between two roads, one of which is a curve, provided that the interior side of the curve has an inside radius of at least 180 m and the exterior side, and outside radius is at least 120 m. This is as shown in figures B and C in Appendix II joined hereto and forming an integral part of this by-law.

The intersections of all roads shall be at least 45 m from each other; this distance is calculated between the nearest edges of the road right of way. Furthermore, all intersections of two road right of way lines shall be made with a radius of the curve of at least 6 m, as shown in figure D in Appendix II attached hereto and forming an integral part of this by-law.

SLOPES OF THE ROAD 33

The slopes of all roads measured over a length of 10 m shall not be greater than 12%. The slope of a road over a distance of 50 m from an intersection shall not exceed 6%. The combination of slopes and steep curves shall be avoided.

**PEDESTRIAN
FOOTPATHS AND
CYCLE TRAILS 34**

The right of way of any off-road pedestrian footpath or cycle trail shall be a minimum width of 5 m.

**ROAD NEAR A LAKE OR
WATERCOURSE 35**

The minimum distance between a road and a watercourse or lake (except for traffic lanes leading to loading or unloading or drop-off points or allowing a water-crossing) is 75 m. Furthermore, a minimum distance of 300 m is required between two access lanes at a water-crossing. Notwithstanding the preceding, in the sectors serviced by water and sewage systems, the minimum distance is 45 m. Furthermore, a minimum distance of 300 m is required between two access lanes making it possible to cross a watercourse.

**SPECIFIC NORMS FOR
THE CONSTRUCTION
OF NEW ROADS**

36

Every new public or private road shall:

(1) Have a minimum roadbed (traffic lane and shoulder) before gravelling of at least 8 m. This shall be cleared of topsoil and tree roots covering it and shall be compacted. This roadbed may be reduced to 6 m in the case of a private road;

(2) Have 2 ditches of 30 cm wide at the base and which at the bottom is an average of 60 cm lower than the roadbed.

Section II: Lots or parcels of land

GENERAL PROVISIONS 37

Every new lot that results from a cadastral operation for the parcelling out of property shall be in compliance with the provisions of this by-law for the zones, and the presence or absence of service infrastructures such as water or sewer systems, and shall respect the location of the proposed route of new roads and pedestrian paths in the Planning Program as the case might be. In addition, the residual part remaining, should that be the case, shall also be in compliance with the norms or be grouped with a conforming or non-conforming neighbouring property protected by acquired rights to benefit from the privilege of enlarging, as provided for in this by-law.

Any existing parcel of land formed of more than one separate lot is considered to conform to the by-law if the dimensions and areas meet the minimum norms set out in the by-law.

**MINIMUM DIMENSIONS
OF PARCELS OF LAND
WITH WATER AND
SEWAGE SERVICES**

For any serviced land or lot (water and sewage services), it is necessary to refer to table I below, for the minimum area and dimensions.

Table I: Minimum area and dimensions of serviced lots or parcels of land (water and sewage)

TYPE OF CONSTRUCTION	MINIMUM AREA (m²)	MINIMUM WIDTH (LM) (m)	MINIMUM DEPTH ⁽²⁾ (m)
Single family residence Duplex	750 ⁽¹⁾	25 ⁽¹⁾	30
Semi-detached residence	600 ⁽¹⁾	20 ⁽¹⁾	30
Multifamily unit (isolated) (3 dwelling units (d.u.) or more)	900 ⁽¹⁾ plus 100/d.u. starting from the 4th d.u.	30 ⁽¹⁾	30
Commercial	900 ⁽³⁾	30	30
Industrial	1 500	30	35
Building for public purposes	---	---	---

Note :

- (1) For corner lots, the minimum area is increased by 50 m² and the minimum width is increased by 1 m.
- (2) For waterfront lots on the shore or a watercourse, the minimum depth is 45 m. This depth may be reduced to 30 m when it is a matter of a property situated between the high water line and an existing road at the coming into force of the regional land use planning and development plan.
- (3) For the hotel complex situated in zone Rec-5, the minimum area is 20,000 m².

**MINIMUM DIMENSIONS
OF PARCELS OF LAND
OR LOTS PARTIALLY
SERVICED WITH
WATER AND SEWAGE**

For every property or lot partially serviced with water and sewage, refer to Table II to establish the minimum area and dimensions.

Table II: Minimum area and dimensions of lots or parcels of land partially serviced by a water or sewage system

PARTIALLY SERVICED LOTS OR PARCELS OF LAND		MINIMUM AREA (m ²)	MINIMUM WIDTH (m)			MINIMUM DEPTH (m)
			LM	LA	LH	
Situating in whole or in part less than 100 m from a water course or 300 m from Lake Massawippi	Waterfront land	2000	30	30	30	75
	Non-waterfront land	2000	25	25	---	50
Situating in its entirety more than 100 m from a watercourse or 300 m from Lake Massawippi		1500	25	25	---	50

The exception to this rule is any parcel of land or lot used for public utility services

The abbreviations LM, LA and LH refer respectively to the definitions: minimum width (LM), width measured along the front lot line (LA) and the width measured at the high water line (LH).

**MINIMUM DIMENSIONS
OF PARCELS OF LAND
OR UNSERVICED LOTS
(NO WATER OR
SEWAGE)**

40

For any unserviced parcel of land or lot, refer to table III which follows to determine the minimum area and dimensions.

Table III: Minimum area and dimensions of unserviced lots or parcels of land (without water or sewage treatment systems)

UNSERVICED LOTS OR PARCELS OF LAND		MINIMUM AREA (m ²)	MINIMUM WIDTH (m)			MINIMUM DEPTH (m)
			LM	LA	LH	
Situating in whole or in part less than 100 m from a watercourse or 300 m from Lake Massawippi	Waterfront property	4000	50	50	30	75
	Non-waterfront property	4000	50	50	---	50
Situating entirely more than 100 m from a watercourse or 300 m Lake Massawippi		3000	50	50	---	50
Situating in the rural area outside the village limits	Outside the agricultural zone	6000	50	50	---	---
	Agricultural zone	100 000 ^{1,2,3}	250 ^{1,2,3}	250 ^{1,2,3}	---	---

An exception to this rule is any parcel of land or lot used for public utility services

The abbreviations LM, LA and LH refer respectively to the definitions: minimum width (LM), width measured along the front property line (LA) and width measured at the high water mark (LH).

- (1) Does not apply to a cadastral operation intended to take advantage of an authorization already given by the CPTAQ before the coming into force of this by-law.
- (2) The cadastral operation may not be granted if it results in cutting off part of the land or if the part of the land that has not been cadastered cannot itself meet the minimum rules.
- (3) Only operations situating along existing roads when the revised regional land use and development plan 8-98 came into force and new public roads are eligible.

**FLEXIBILITY FOR LOTS
OR PARCELS OF LAND
SITUATED ON A CURVE** 41

Notwithstanding the norms related to the width of lots measured along the front property line, for any lot situated outside a curve where the angle of deflection is greater than 45°, this lot may have a minimum width measured along the front property line that is less than the minimum norm required, provided that this norm is respected for the minimum setback required by the Zoning By-law for this property. This rule does not apply, however, in zones Agr-1 and Agr-2.

**COMPREHENSIVE
DEVELOPMENT
PROJECT** 42

For a comprehensive development project on a single, separate lot, the minimum applicable dimensions for parcels of land shall be respected, by taking into account the total number of dwelling units included in the comprehensive development project and their characteristics. For a comprehensive development project with several separate lots, lots may be created that have no frontage on the road.

Furthermore, notwithstanding the articles dealing with minimum dimensions, the area and minimum dimensions for each lot do not apply for the comprehensive development project. Nevertheless, the parcel of land made up of these separate lots shall have the minimum applicable area, taking into account the total number of dwelling units in the comprehensive development project depending on their classification.

**PARCEL OF LAND WITH
MIXED USES SITUATED
WITHIN THE VILLAGE
LIMITS** 43

In the case of a property or lot intended for more than one use (mixed use) except in the case of a principal use and a secondary use related to it, the minimum area required is the sum of the minimum areas for each use and the minimum dimensions are the highest of the uses in

question. The areas and dimensions used in this article are those shown in Table I in article 38.

**SPECIAL PROVISIONS
FOR WATERFRONT AND
CUT-OFF LOTS 44**

In the case of an existing road on the date of the coming into force of this by-law, with water and sewer services, and situated less than 45 m from the high water line of a watercourse or lake, the lots situated between the high water line and the road may not have a minimum depth less than that prescribed in the preceding articles and never less than 30 m.

**PROHIBITED
CADASTRAL
OPERATIONS 45**

Notwithstanding the preceding articles, any cadastral operation on a property situated in whole or in part in a flood risk zone identified on the Zoning map, is prohibited.

Notwithstanding the preceding, a cadastral operation to identify a parcel of land formed before February 11, 1987, is permitted, as is a cadastral operation to replace several lots with a single lot, or by several lots where the number of lots that results from this operation is less than the number of lots existing before this operation.

COMING INTO FORCE

This by-law comes into force in accordance with the law.

Vincent Gérin, Mayor

Ghislaine Poulin-Doherty, Director general and secretary-treasurer

Notice of motion: July 6, 2009 and August 3, 2009

Adoption of draft by-law: July 6, 2009

Public consultation meeting: July 27, 2009

Adoption of the by-law: September 8, 2009

Holding of the register: _____

Notice of conformity of the MRC: _____

Notice of coming into force: _____

APPENDICES, SUBDIVISION BY-LAW

APPENDIX I

FIGURE A: DEAD-END ROAD (TURNING CIRCLE)

APPENDIX II

**FIGURE A: ANGLE OF INTERSECTION
FIGURES B AND C: INTERSECTION IN A CURVE
FIGURE D: DISTANCE BETWEEN INTERSECTIONS**

APPENDIX I

DEAD-END ROAD

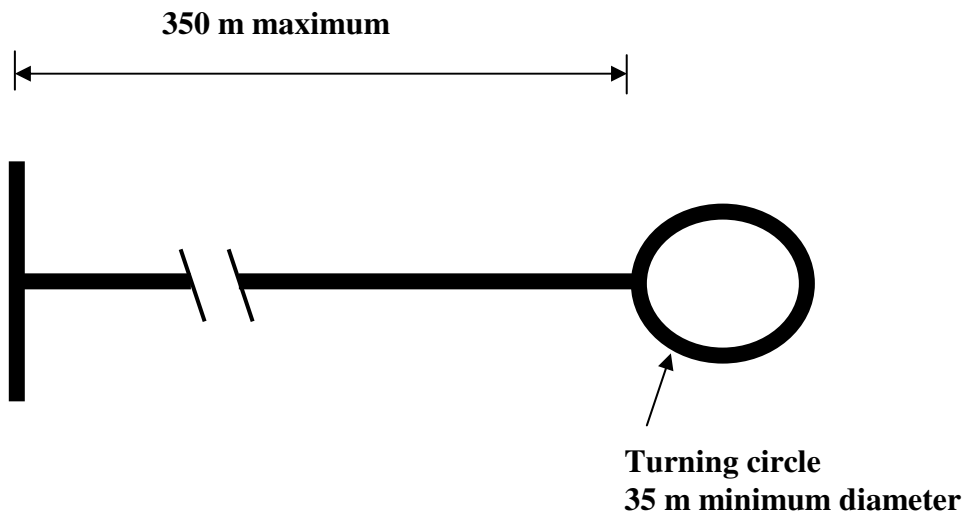


Figure A

APPENDIX II

ANGLE OF INTERSECTION

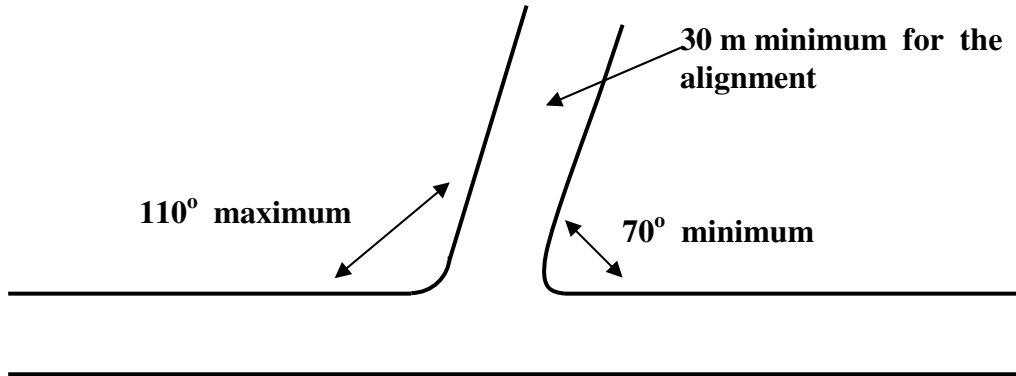


Figure A

INTERSECTION IN A CURVE

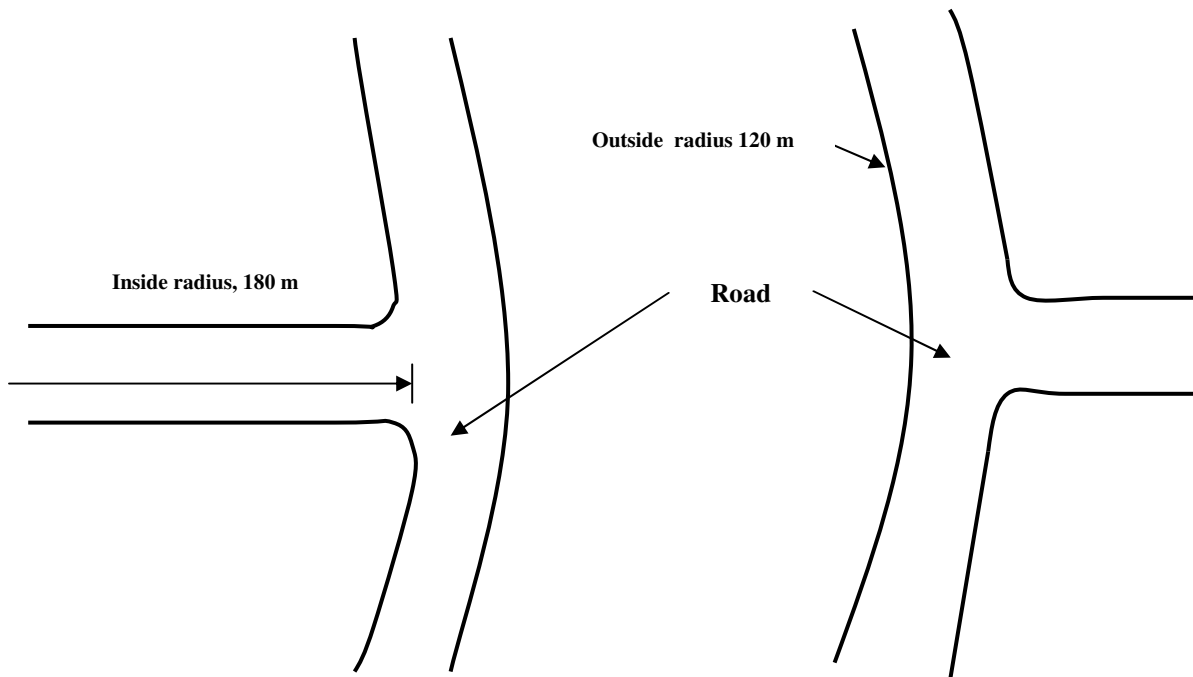


Figure B

Figure C

APPENDIX II

DISTANCE BETWEEN INTERSECTIONS

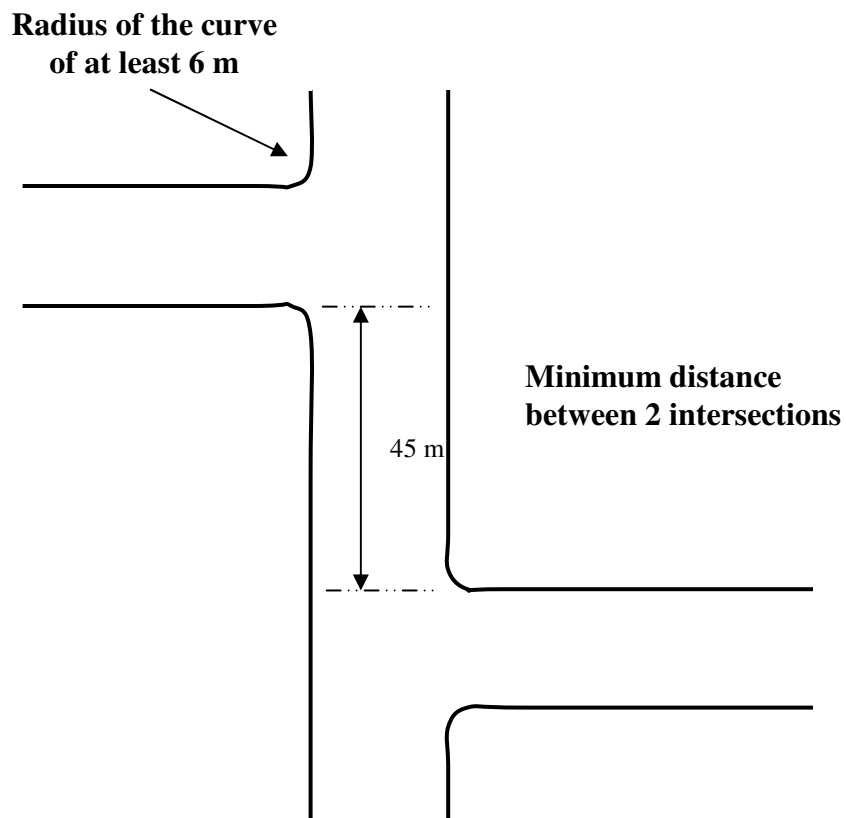


Figure D