



City of Pointe-Claire Subdivision By-Law

PROVINCE OF QUEBEC
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2774

BY-LAW RESPECTING THE SUBDIVISION

In force on March 1st, 2011

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE HELD AT THE CITY HALL, 451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON **NOVEMBER 15, 2010** AT 7:30 P.M.

PRESENT: His Worship the Mayor Bill McMurchie and Councillors P. Bissonnette, R. Geller, J.-P. Grenier, A. Iermieri, J.R. Labbé, D. Smith, E. Sztuka and M. Trudeau, being all members of Council.

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING, WAS THE FOLLOWING:

BY-LAW NUMBER: PC-2774

Resolution number: 2010-632

PROPOSED BY COUNCILLOR IERMIERI

SECONDED BY COUNCILLOR GRENIER

AND RESOLVED:

*Modified May 14, 2014 – By-Law PC-2774-1
Modified June 11, 2014 – By-Law PC-2774-2
Modified November 12, 2014 – By-Law PC-2774-3
Modified December 17, 2015 – By-Law PC-2774-4
Modified August 15, 2018 – By-Law PC-2774-5*

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1.1 Title and Coming into Force

- a) This by-law is the "Subdivision By-Law of the City of Pointe-Claire".
- b) This by-law will come into force according to Law.

1.2 Adoption in Parts

Council hereby declares that it adopts this by-law part by part, such that any judgement rendered by a court to the effect that any part hereof is null and void shall have no effect on any other parts contained herein.

1.3 Repeals

This by-law repeals by-law Number 2495B, entitled "Subdivision By-Law", together with all its amendments. by-law Number 2495B, as amended, shall nevertheless remain in force and shall be applied in full with respect to any case in which any natural or legal person is in violation, on the date the present by-law comes into force, of one or more of the provisions of by-law number 2495B; furthermore, the repeal of by-law number 2495B shall not have effect with respect to permits legally issued under its provisions, nor shall the repeal affect acquired rights existing prior to the present by-law coming into force.

1.4 Area of Application

Compliance with the provisions of this by-law is incumbent on both physical and legal persons under public or private Law and said by-law shall apply to the entire area within the limits of the City of Pointe-Claire.

1.5 Violations, Penalties and Recourse

- a) Anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to the following fine:
 - i) for a first infraction : a minimum of \$100 and a maximum of \$1,000 if the offender is a natural person or a minimum of \$100 and a maximum of \$2,000 if the offender is a legal person;
 - ii) for a repeat infraction : a minimum of \$200 and a maximum of \$2,000 if the offender is a natural person or a minimum of \$200 and a maximum of \$4,000 if the offender is a legal person.
- b) In addition to obtaining recourse by imposing penalties, the City may, before the Courts entertaining jurisdiction, exercise any legal recourse against any natural or legal person, owner, tenant or occupant, to enforce compliance with the provisions of this by-law, including, among others, for purposes of cancelling any cadastral operation registered in violation of this by-law.

1.6 Interpretation

- a) Unless specifically stated otherwise, or unless the context indicates a different interpretation, the expressions, terms and words defined in Appendix "1" of the Zoning By-Law of the City of Pointe-Claire shall be given the meaning and application assigned to them in the said Appendix "1", which also forms an integral part of this by-law.
- b) Irrespective of the tenses employed in any of the provisions contained in this by-law, such provisions shall be considered to have effect during any periods or under any circumstances in which they may apply.

- c) In this by-law, use of the masculine shall include the feminine, unless otherwise indicated by the context in which it is used.
- d) In this by-law, use of the singular shall include the plural, unless the context indicates otherwise.
- e) All dimensions and measures employed herein are given in the international (metric) system, accompanied at times with their equivalents in English dimensions and measures given between parentheses; equivalences in English dimensions and measures are given for purposes of information only; dimensions or measures of the metric system shall prevail (except in the case of an obvious typographical error) in the event of any contradiction between the two systems.
- f) All plans, appendices, tables, charts, diagrams, graphs, symbols and all forms of expression other than the text proper and contained herein, shall form an integral part hereof, with the exception of the Table of Contents and the text headings.

1.7 Activities Covered

Within the limits of the City of Pointe-Claire, no one shall proceed with a cadastral operation which does not comply with the provisions of this by-law.

1.8 Requirement of a Subdivision Permit and Condition of Issue

- a) Within the limits of the City of Pointe-Claire, no one shall proceed with a cadastral operation, including streets or not, without submitting beforehand for the approval of the Director a plan for the projected cadastral operation, and without obtaining from the Director a subdivision permit.
- b) The conditions governing the issue of subdivision permits are stipulated in the Permits and Certificates By-Law of the City of Pointe-Claire.

1.9 Zoning Plan

The Zoning Plan, described in article 1.11 of the Zoning By-Law of the City of Pointe-Claire and appended thereto as Appendix "2" forming an integral part thereof, also forms an integral part of this by-law.

1.10 Particular Provisions Table

The Particular Provisions Table described in article 1.12 of the Zoning By-Law of the City of Pointe-Claire and appended thereto as Appendix "3" forming an integral part thereof, also form an integral part of this by-law.

1.11 Village Code

Subdivision standards described in Section 1.11.2 of the Village Code form an integral part of this by-law

Amendment PC-2774-5 (August 15, 2018)

2.1 Conformity to the By-Laws and Planning Programme

No cadastral operation may be approved if the application contravenes a provision of this by-law or any other applicable by-law, if it does not conform to the Planning Programme for the City of Pointe-Claire, or if it causes a non-conforming situation to this by-law or to any applicable by-law.

2.2 Conveying of the Rights-of-way of Thoroughfares

- a) No cadastral operation involving the creation of new thoroughfares may be approved before the City of Pointe-Claire is granted, by the owner(s) of the land comprised within the rights-of-way of the proposed thoroughfares, a commitment to convey the rights-of-ways of the said thoroughfares upon request by the City.
- b) In the case where the applicant for the subdivision permit does not own all the land comprised within the rights-of-way of the proposed thoroughfares, the applicant shall obtain the commitments from the other owners, as required according to paragraph a), or shall commit himself to assume the costs of expropriation.

However, the commitment of the applicant to assume the costs of expropriation shall not bind the City to proceed with such expropriation.

2.3 Prerequisite condition for the approval of a plan relating to a cadastral operation

To promote the establishment, maintenance and improvement of parks and playgrounds and the preservation of natural areas, the approval of a plan relating to a cadastral operation shall be subject to the conditions that follow.

- a) Council's decision

The prerequisite condition prescribed in virtue of the first paragraph of the present article may be any of the following, with Council deciding in each case which obligation is applicable:

- i) That the owner undertakes to transfer, free of charge, to the municipality a parcel of land which, in the opinion of the Council, is suitable for the establishment or enlargement of a park or playground or for the preservation of a natural area, or ;
- ii) That the owner pays an amount to the municipality, or ;
- iii) That the owner makes both the undertaking mentioned under sub-paragraph i) and the payment of an amount, as mentioned in sub-paragraph ii).

In any case where the owner must transfer land, such land may be part of the site or be located elsewhere on the territory of the municipality. For the purposes of article 2.3, the word "site" means the land included in the plan referred to in the first paragraph of the present article.

None of the conditions set out in the first paragraph may be imposed in the case of cancellation, correction or replacement of lot numbers which does not result in an increase of the number of lots.

This condition set out in paragraph a) applies also in the case of a cadastral operation aimed at forming a vertical divided co-ownership, even if the lots that are hence created do not serve to identify or delimit a piece of land.

Amendment PC-2774-3, November 12, 2014

b) Rules of calculating

The area of the land to be transferred and the amount paid shall be equal to 10% of the area and value of the site, respectively.

However, where the owner is to make both an undertaking and a payment, the total of the value of the land to be transferred and of the amount paid shall be equal to 10% of the value of the site.

The rules prescribed in the first two paragraphs shall apply by taking into account, in favour of the owner, any payment or transfer made at the time of a previous cadastral operation concerning the whole or part of the site.

The value of the credit attributable to a previous cadastral operation shall be established as a percentage of the area of the site that has been subject to said cadastral operation. All cession of land shall be credited as such. All payment made in lieu of a land cession shall be deemed equal to the area of land that the payment replaced as a cession.¹

c) Importance of an agreement

Any agreement of the undertaking to transfer a parcel of land not included in the site entered into under the second section of paragraph a) shall prevail over any calculation rule established under paragraph b).

d) Value of land

For the purposes of paragraph b), the value of land to be transferred or of the site is considered on the date of receipt by the municipality of the plan relating to the cadastral operation and is established according to the principles applicable to expropriation. Such value is established at the owner's expense by a chartered appraiser commissioned by the municipality.

2.4 Servitudes for Energy Transport or the Transmission of Communications

No cadastral operation may be approved if the applicant does not submit, with the plan of the projected cadastral operation, an annexed plan showing the existing or required servitudes of right-of-way for power supply and communications transmission, if needed.

2.5 Master plan

No cadastral operation relating to a subdivision aimed only at a part of the properties of the applicant may be approved if the applicant does not present, with his application, a parcelling plan for all of his properties surrounding the area covered by his application, indicating the route of the projected thoroughfares, the approximate dimensions of each of the lots and the type of use for which each is destined.

2.6 Tax arrears

No cadastral operation may be approved if the owner has not paid the municipal taxes which are due and unpaid in respect of the immovable comprised in the plan for the projected cadastral operation.

2.7 Relocation of Components of the Water Supply or Sewer Systems

In the case of a subdivision or of a renumbering of lots, no cadastral operation may be approved if the applicant does not provide financial guarantees sufficient to cover, if needed, the costs of relocating some components of the water supply or sewer systems, such as hydrants and connexions.

3.1 Minimum dimensions of lots

For any of the zones shown on the zoning plan, all lots shall comply with the minimum dimensions stipulated in the Particular Provisions Table of the appendix "3" of the Zoning By-Law of the City of Pointe-Claire or in the Village Code. Amendment PC-2774-5 (August 15, 2018)

No cadastral operation may be approved if it creates, directly or indirectly, one or several landsites when their dimensions are inferior to those prescribed in the Particular Provisions Table. This paragraph does not apply to:

- i) Pumping, metering or distribution facilities within water, sewer, gas or telephone networks, serving only the area within the limits of the City.
- ii) Uses permitted in public zones.
- iii) Lots or landsites being a street right-of-way for which the relevant provisions are set forth under paragraphs b) to d) of article 3.3.

Notwithstanding the preceding paragraphs, a subdivision permit may be issued in respect of any cadastral operation submitted in order to complete the cadastral identification of a landsite, even when a lot shown in the plan pertaining to such cadastral operation does not meet the minimum dimensions stipulated in the Particular Provisions Table (appendix "3") of the Zoning By-Law of the City or in the Village Code. Amendment PC-2774-5 (August 15, 2018)

3.1.1 Distance to Lake Saint-Louis

For all lot that are adjacent to Lake Saint-Louis, provided with private or public water and sewer connections installed in accordance with the Environment Quality Act, the subdivision standards regarding distance to Lake Saint-Louis are as follows:

- a) The minimum depth of a lot is 45 metres (147.6 feet) measured from the high-water line.
- b) For lots which depth is parallel to the shoreline and where the automobile thoroughfare is perpendicular to the lake, there is no minimum depth that applies. However a lot width of at least 55 metres (180.4 feet) measured at the front property line is required to insure that the riverbank is protected.
- c) In the case where the automobile thoroughfare bordering the lot was built before December 21st, 1983, the minimal depth of the lot is 30 metres (98.4 feet). In the case of a lot which depth is parallel to the shoreline and where the thoroughfare is perpendicular to the lake, there is no minimum depth that applies, however the minimum street frontage is 40 metres (131.2 feet).

The above provisions do not apply to a cadastral operation for municipal purposes or public utility which does not require independent or municipal service connections to water main and sewers.

Amendment PC-2774-4, Dec. 17, 2015

3.2 Acquired Rights

- a) Dimensions of Conforming Lots as at December 20, 1983

Notwithstanding the provisions applicable to the minimum dimensions of lots, one shall not refuse the authorisation for a cadastral operation in respect of a tract of land which, on December 20, 1983, did not form one or several separate lots on the official cadastral plans and the metes and bounds of which

are described in one or several acts registered to that date, on the sole ground that the area or the dimensions of the land do not allow it to satisfy the applicable requirements of this by-law, if the following conditions are observed:

- i) On December 20, 1983, the area and the dimensions of the property allowed it to satisfy the requirements of by-law Number 2023, entitled "BYLAW CONCERNING CADASTRAL OPERATIONS" then applicable in the zone where is located the property;
 - ii) A single lot results from the cadastral operation.
- b) Structure either Conforming or with Acquired Rights as at December 20, 1983

Notwithstanding the provisions applicable to the minimum dimensions of lots, one shall not refuse the authorisation for a cadastral operation in respect of a tract of land which, on December 20, 1983, did not form one or several separated lots on the official cadastral plans and the metes and bounds of which are described in one or several acts registered to that date, on the sole ground that the area or the dimensions of the land do not allow it to satisfy the applicable requirements of this by-law, if the following conditions are observed:

- i) On December 20, 1983, the property was already occupied by a structure built and used in conformity with the current bylaw or having acquired rights;
- ii) A single lot results from the cadastral operation, except where the tract of land is comprised within several original lots, in which case a single lot for each original lot results from the cadastral operation.

For the purposes of this by-law, the provisions of paragraph i) shall even apply in the case where the structure is burned down after December 20, 1983.

c) Land Remaining From an Expropriation

Notwithstanding the provisions applicable to the minimum dimensions of lots, one shall not refuse the authorisation for a cadastral operation in respect of a tract of land which is the remaining of a larger tract of land of which a part was acquired for public purposes by a public body or by any other person empowered to expropriate, on the sole ground that the area or the dimensions of the land do not allow it to satisfy the application requirements of this by-law, if the following conditions are observed:

- i) At the moment of the acquisition or expropriation, either the dimensions and surface area of the property were in conformity with the applicable bylaw, or the owner had the possibility to proceed to a cadastral operation in accordance with the provisions of paragraphs a) and b) of the present article;
- ii) A single lot results from the cadastral operation, except where the tract of land is comprised within several original lots, in which case a single lot for each original lot results from the cadastral operation.

d) Reduction of the Non-conformity of a Property

Notwithstanding the provisions applicable to the minimum dimensions of lots, one shall not refuse the authorisation for a cadastral operation aimed at increasing the dimensions and the area of a non-conforming lot (or of a property which could be subdivided according to paragraph a) of the present article), in order to bring them closer to the dimensions and the minimum areas required by this by-law, if the following conditions are observed:

- i) A single lot per original lot results from the combination of the two tracts of land;
- ii) The operation does not have the effect to render another lot or property non-conforming with regard to its dimensions and/or area.

3.3 Cadastral Operation Relating to a Subdivision

a) Compliance with the Planning Programme

Any cadastral operation relating to a subdivision must be comply with the Planning Programme in force for the entire City or for the part of the municipal territory concerned.

b) Width of streets

Any local street shall have a right-of-way of at least 15 metres (49.2 feet) in width. Any street identified as collector, distributor or arterial road in the Planning Programme shall have a right-of-way of at least 24.5 metres (80.3 feet) in width.

c) Gradient of streets

- i) The longitudinal gradient of any street or section thereof, whatever its length, shall not exceed 12%.
- ii) Notwithstanding the provisions of paragraph i), the longitudinal gradient of any section of a street within a radius of 30 metres (98.4 feet) from any intersection, shall not exceed 3%.

d) Dead-end streets

Any dead-end street shall be completed with a roundabout. The minimum diameter of the right-of-way of the roundabout is 38 metres (124.7 feet).

e) Intersections

- i) Any intersection of any two streets shall be at right angle, with a maximum variance of ten (10) degrees.
- ii) Any intersection of any two right-of-way boundaries shall be rounded with a curved radius of a least 6 m (19.7').
- iii) The minimum distance between any two intersections of any two streets is 55 metres (180.5 feet); such distance shall be measured between the closest right-of-way boundaries of the said streets.
- iv) Notwithstanding the provisions of paragraph iii), in the case of opposite "T" shape intersections of local streets with another local street, or a collector or distributor, the minimum distance shall be 30.0 metres (98.4 feet)

f) Pathways and easements

The City may require pathways for pedestrians or cyclists anywhere that it sees fit, especially to facilitate access to schools or to community facilities.

The City may require easements, anywhere that it sees fit, for public utilities (sewage, water, power supply, communications transmission, or other).

g) Distance to Lake Saint-Louis

- i) The minimum distance between the Lake and an automobile thoroughfare 45 metres (147.6 feet) measured from the high-water line.
- ii) This distance is 20 metres (65.6 feet) if the space between the lake and this thoroughfare is a 'Pa' zone (parks).
- iii) In the case of automobile thoroughfares that are perpendicular to the lake, this distance is 15 metres (49.2 feet).

Amendment PC-2774-4, Dec. 17, 2015

4.1 Obligation to Register as a Separate lot

Except within a landsite upon which class "D" public uses are permitted, no building permit for a new principal building shall be issued unless the landsite on which the planned construction, including its dependencies, is to be built, is formed out of one or more separate lots on the official cadastral plans and is conforming to the subdivision by-law, including the Particular Provisions Table.

Amendment PC-2774-2, June 11, 2014

For that purpose a shopping center constituted of two or several buildings on a same property (landsite) shall be considered as one single construction.

A building permit can however be issued with regard to a landsite forming one or more distinct lots but whose dimensions do not respect the minimal dimensions prescribed by the Particular Provisions Table provided that the construction respects all other applicable provision of the planning by-laws.

4.2 Landsite Adjacent to a Street

Except in the case of a reconstruction, within six (6) months of the event, of a burned, demolished or damaged structure, and except in the case of a modification or an addition to an existing structure, no building permit may be issued unless the landsite on which the construction is to be built is adjacent to a public street, or to a tract of land acquired by the City or by the Provincial Government to widen such street.

4.3 Conveying of land for parks

a) Cadastral reform

No building permit can be issued for an existing or proposed principal building on a landsite for which no subdivision permit was issued for its registration as a distinct lot, due to the fact that a new lot number resulted from the cadastral reform, unless the owner complies with the provisions of article 2.3 of the present by-law with respect to the transfer of land for parks and playgrounds purposes, under the same condition as though it was a subdivision.

b) Redevelopment project

- i) To promote the establishment, maintenance and improvement of parks and playgrounds and the preservation of natural areas, no building permit can be issued as part of a redevelopment project unless the owner transfers, free of charge, to the City a parcel of land or pays an amount of money or, as chosen by Council, transfers a parcel of land and pays an amount of money, in accordance with the provisions of article 2.3 of the present by-law.
- ii) The provisions of sub-paragraph i) apply even if the landsite is formed out of one or more separate lots and has already been subject to a transfer of land or payment at the issuance of the subdivision permit.
- iii) If the landsite is subject to a new subdivision permit as a prerequisite condition for the issuance of the building permit referred to in sub-paragraph i), the land to be transferred or the payment required in accordance with sub-paragraph i), is considered as fulfilling the requirements of article 2.3 of the present by-law.

c) Definition of redevelopment project

- i) For the purposes of paragraph b), any development project or construction project on a landsite built, used or occupied by a residential, commercial, industrial or public use, or that was built, used or occupied in the past for such uses, that results in an increase in the number of dwelling units (of more than 10% for a landsite that is already residential) constitutes a redevelopment project, even if this landsite is formed out of one or more separate lots.
- ii) For the purposes of the foregoing, the act of detaching a separate lot in order to build on it a single-family dwelling, from a landsite formed of several separate lots occupied or meant to be occupied by a single-family dwelling, does not constitute a redevelopment project.

4.4 Water and Sewage Services

- d) No building permit may be issued unless the waterworks and sewer services for which an authorisation has been received or a permit issued under the law are installed in the street on which the structure is planned, or unless the by-law ordering their installation is in force.
- e) The provisions of paragraph (a) shall not apply to uses which do not require water supply or sewer services according to the Quebec Plumbing Code.

4.5 The present by-law shall come into force according to the law.

Bill McMurchie, Mayor

Lucie Tousignant, City Clerk

