

# **SUBDIVISION BYLAW**

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*In the case of discrepancy between the English version and the French version of this bylaw, only the French version is considered valid for the application of the law.*

**Bylaw 2012-003**

**Subdivision**

WHEREAS on May 11<sup>th</sup>, 2010, the Îles-de-la-Madeleine Agglomeration Council adopted a revised Land Use Planning and Development draft which came into force on June 25<sup>th</sup>, 2010;

WHEREAS following the adoption of the abovementioned Land Use Planning and Development Plan, the Municipality of Grosse Ile is obligated to adopt or revise its subdivision bylaw in order to conform to the revised plan;

WHEREAS in accordance with the provisions of the Act Respecting Land Use Planning, this bylaw was submitted for consultation during a public meeting held on June 11, 2012;

WHEREAS a notice of motion was given at the sitting of council held on April 2, 2012 regarding the presentation of a bylaw as such;

WHEREAS a copy of this bylaw was given to all members of council two (2) working days before this meeting;

WHEREAS the members of council present declare having read the bylaw;

WHEREAS during the course of the sitting, the purpose and scope of the bylaw were briefly summarized;

THEREFORE

It is moved by Miles Clarke

Seconded by Geraldine Burke

And unanimously approved by the councillors present

THAT bylaw number 2012-003, be adopted and that the following is ordered and decreed by the said bylaw:

## Chapter 1

### **DECLARATORY PROVISIONS**

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#### **Article 1.1 TITLE AND NUMBER OF THE BYLAW**

The bylaw number 2012-003 is entitled “Subdivision Bylaw”.

#### **Article 1.2 PREAMBLE AND ANNEXES**

The preamble and the annexes of this bylaw are an integral part thereof.

#### **Article 1.3 PURPOSE OF THE BYLAW**

The purpose of this bylaw is to ensure a rational, harmonious and integrated development of the Municipality of Grosse Ile, while ensuring optimal use of public services by controlling population density and the use of land.

This bylaw constitutes a means to implement a rational policy for the physical development of the municipality.

#### **Article 1.4 TERRITORY OF APPLICATION**

This bylaw applies to the entire territory under the jurisdiction of the Municipality of Grosse Ile.

#### **Article 1.5 AREA OF APPLICATION**

The provisions of this chapter apply to:

- the minimum dimensions of lots;
- the dimensions of traffic routes;
- land sites to be ceded for parks and playground purposes.

#### **Article 1.6 PERSONS SUBJECT TO THIS BYLAW**

Any individual or corporation, association or society is subject to this bylaw.

#### **Article 1.7 THE BYLAW AND ARTICLES**

No article of this bylaw would be known to have an effect to exclude any person from enforcing a law from Canada or the province of Quebec.

#### **Article 1.8 PROVISIONS OF OTHER BYLAWS**

Any building that is erected, set up, reconstructed, enlarged, renovated or altered and any parcel of land or building occupied or used for authorized purposes, and in the manner dictated by this bylaw are, furthermore, subject to the specific provisions of other municipal bylaws that relate to them.

**Article 1.9 REPLACED BYLAWS**

This bylaw replaces the subdivision bylaw of the Municipality of Grosse Ile.

**CHAPTER 2**

**INTERPRETATIVE PROVISIONS**

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**Article 2.1 DIVERGENCE WITH THE BYLAWS**

If, in the interpretation of this bylaw, a divergence occurs with the texts of the zoning, construction, subdivision or the issuing of permits and certificates bylaws, the provisions of each of these bylaws will prevail as follows:

- If it is a question of localization of a structure or the category to which this structure belongs or the use to which it is put, in relation to the zones determined in the zoning plan, the zoning bylaw will apply;
- If it is a question of materials or the ordering of materials that must be part of the structure, the construction bylaw will apply;
- If it is a question of the layout of lots, roads and parks, the subdivision bylaw will apply;
- If it is a question of conditions to respect prior to the construction phase, the bylaw concerning the issuing of permits and certificates will apply.

**Article 2.2 DIMENSIONS AND MEASUREMENTS**

All the dimensions and measurements used in this bylaw are expressed according to the units of the International System (IS) and converted into the English System.

1 meter = 3,2808 feet  
1 centimeter = 0.39 inches  
1 square meter = 10,763 sq. feet

In case of dispute, the dimensions and measurements of the International System (IS) prevail.

**Article 2.3 TERMINOLOGY**

For the enforcement of this bylaw, the definitions in article 2.3 TERMINOLOGY of the zoning bylaw number 2012-002 are applicable and valid as if they were integrally duplicated herein.

**CHAPTER 3**

**SUBDIVISION PROVISIONS**

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**Article 3.1 MINIMUM AREA AND DIMENSIONS OF LOTS**

**General Rule**

In the Municipality of Grosse Ile subdivision must respect the following minimum area and dimension norms.

**Table 3.1.1 – Minimum norms**

LOT	No services	Partially-serviced	Serviced
<b>Minimum Area</b>	<b>3000 sq. m</b> (32 289 sq. ft.)	<b>1500 sq. m</b> (16 144 sq. ft.)	<b>900 sq. m</b> (9 684 sq. ft.)
<b>Frontage</b>	<b>45 m</b> (147 ft)	<b>25 meters</b> (82 ft.)	<b>25 meters</b> (82 ft.)

**Notes:**

1. A lot with no services means that there is no municipal water and sewer services.
2. A partially serviced lot has municipal water service.
3. A serviced lot has municipal sewer and water services.

Notwithstanding the area and dimensions indicated in table 3.1.1, in agricultural or forestry zones, a lot can not be subdivided into lots with an area and dimensions less than those stipulated in the following table:

**Table 3.1.2 – Minimum norms in agricultural A or forestry F zones**

ZONE	Agriculture	Forestry
<b>Minimum Area</b>	<b>10 000 sq. m</b> (107 642 sq. ft.)	<b>10 000 sq. m</b> (107 642 sq. ft.)
<b>Frontage</b>	<b>45 meters</b> (147 ft.)	<b>45 meters</b> (147 ft.)

**Article 3.2 PROVISIONS RELATIVE TO MINIMUM DIMENSIONS OF LOTS INCLUDED IN A WATERSIDE CORRIDOR**

**Table 3.2.1- Minimum norms according to services**

	Area	Frontage	Depth	Distance between a highway, road, street, waterway or lake
Adjacent lot without water and sewer	3700 sq. m. (39 590 sq. ft.)	45 m. (148 ft.)	60 m. (197 ft.)	60 m (197 ft.)
Non-adjacent lot without water and sewer	3700 sq. m. (39 590 sq. ft.)	45 m. (148 ft.)	-	-

Adjacent lot with water or sewer	1875 sq. m. (20 062 sq. ft.)	30 m (148 ft.)	60 m (197 ft.)	60 m (197 ft.)
Non-adjacent lot with water or sewer	1875 sq. m. (20 062 sq.ft.)	25 m (82 ft.)	-	-
Adjacent lot with water and sewer	-	-	45 m (148 ft.)	45 m (148 ft.)
Non-adjacent lot with water and sewer	-	-	-	-

Notes:

1. In the case of waterside lots, the depth or the distance between a highway, street, road or any other vehicle traffic route and a waterway or lake is measured from the high water mark.
2. The waterside corridor is a strip of land that borders lakes and waterways. This corridor extends inland from the high water mark; its width is measured horizontally. It is a distance of 300 meters along the edge of lakes and 100 meters along the edge of the Gulf of St.Lawrence, a lagoon, an inside bay or any other waterway with a regular flow.
3. The permanent agriculture zone is the decreed zone in virtue of the Act respecting the protection of the territory and agricultural activities. The particularities associated with this zone take into account the recognition of acquired rights given to the farmer in regards to lot division on a maximum area of a half a hectare (5000 sq. m.).
4. When referring to water and sewer services, they are private (except for a treatment system of an isolated residence) or public infrastructures set up in accordance with the Act respecting the quality of the environment.
5. A municipal sewer system is a public infrastructure.
6. The public health objective is generally reached by the presence of a sewer network. However, the Municipalité must ensure minimum distances between wells to ensure a sufficient quantity of water and to prevent over-pumping of the geo-hydrology formations.
7. An overall plan must demonstrate that we can replace the minimum subdivision norms while ensuring public health and guaranteeing the supply of water in quality and in quantity. The elements of the overall plan are:
  - the replacement of the minimum subdivision norms is only permitted outside of the waterside corridor.
  - the development of an overall plan must be supported by a geo-hydrological study and one that ensures the optimal treatment of liquid waste. This plan must be applicable to the entire territory that could be affected by the project of replacing the minimum subdivision norms. Therefore, it is not a lot by lot study, but rather a study focused on the section of territory where the Municipalité plans to replace the minimum subdivision norms.

### **3.2.2 Authorized Flexibilities Inside a Waterside Corridor**

The minimum subdivision norms are applicable to all lakes and waterways with a regular flow (irregular waterways are not included in these norms).

The notion of waterside corridor does not apply to waterways in which the drainage basin is less than 20 sq. km. The increased area and depth norms are only applicable to adjacent lots of the waterways.

For the establishment of lots located in the interior of a waterside corridor, the required depth of the adjacent lots to lakes and waterways with a regular flow is 60 m. However, in a case where the road already exists, the minimum depth of the lots can be of that corresponding to the distance between the easement of the road and the high-water mark, without being inferior to 30 m.

In the case where the highway, road, street or any other vehicle traffic route is already built and where the water and sewer services are already in place at the time when the bylaw comes into force, the minimum depth

of the lots can be reduced to 30 m or to an unspecified depth for sectors identified as having particular physical constraints such as the presence of a permanent route (railway) and fragmented zoning.

The distance between a highway, road, street or any other vehicle traffic route and a waterway or a lake can be reduced to 20 m if a road as such passes on lots zoned for public park purposes, and this, for a distance of 20 m.

The distance between a highway, road, street or any other vehicle traffic route and a waterway or a lake can be reduced to 15 m if a traffic route as such constitutes a completion of a network and to the extent where the space included between the traffic route and the body of water is not the object of a construction. However, the traffic route must not, in any case, encroach on the waterside strip of 15 m.

### **Article 3.3 Exceptions to the General Rule**

A subdivision that would not respect the minimum norms indicated in this chapter could, however, be authorized if it was carried out in order to enlarge an already existent lot, or to bring a non-conforming lot up to standard, on the condition that it does not cause the landsite from which the part is taken to become non-conforming to the provisions listed above.

A non-conforming lot which was improved by adding additional surface area can not return to a non-conforming status.

A subdivision project may not be refused for the sole reason of insufficient area and dimensions in regards to the landsite from which a part was acquired for public utility purposes by a public organization or by another person having the power of expropriation and who immediately before the acquisition had sufficient area and dimensions to respect the regulations then in force.

## **CHAPTER 4**

### **TRAFFIC ROUTE PROVISIONS**

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#### **Article 4.1 EASEMENT OF A ROAD**

The easement of any new public road must be a minimum width of 12 m (39,4 ft) and its layout (paving and shoulder) must have a minimal width of 8,5 m (28 ft).

#### **Article 4.2 DEAD ENDS**

Systematically creating roads with a dead end is prohibited. Exceptionally, a subdivision creating a road ending with a dead end may be authorized when it is proved to be an esthetic or economical solution for the development of a lot in which the shape, relief or the localization doesn't coincide advantageously with the development of a continuous road.

Any road ending in a dead end must have a turning radius of a minimum diameter of 33.5 m (109,9 ft) wide.

#### **Article 4.3 TURNING, INTERSECTION ANGLES AND VISIBILITY**

Intersection angles must not be less than 75 degrees. In general, right-angled intersections would be preferred.

An intersection cannot be situated on the interior side of a curve in which the radius is less than 183 m (600 ft), or the exterior side of a curve in which the radius is less than 122 m (400 ft).

An exterior curve with a radius of less than 122 m (400 ft) must be at least 61 m (200 ft) from an intersection.

Any intersection on a new road with an easement of 12 m (39,4 ft) or more, must have a minimum visibility field of 37 m (121,4 ft).

The centers of 2 intersections on a road must be at a minimum distance of 61 m (200 ft).

## **CHAPTER 5**

### **PROVISIONS RELATIVE TO LANDSITES TO BE CEDED FOR PARKS AND PLAYGROUND PURPOSES**

#### **Article 5.1 OBLIGATION TO CEDE LANDSITES FOR PARKS AND PLAYGROUND PURPOSES**

Before approval is given for a plan relative to a cadastral operation creating 10 or more lots, other than a cancellation, a correction or a replacement of lot numbers, whether roads are planned or not, the owner must cede an area of land equivalent to 5% of the land included in the plan submitted to the Municipality to be used for parks or playgrounds.

#### **Article 5.2 SITE OF THE CEDED LAND**

The location of the land ceded for parks or playgrounds is determined by the municipal council as being the most suited site for the establishment of such parks or playgrounds.

#### **Article 5.3 MONETARY COMPENSATION**

In place of the land required in the previous articles, the municipal council can require a payment from the owner equivalent to 5% of the value listed on the evaluation role for the land included in the plan relative to the cadastral operation.

Also, depending on the specific needs of the Municipality, the municipal council can require from the owner one part of the payment in money and the other part in ceded land.

The income from this payment must be placed in a special fund that can only be used for the purchasing or development of land to be used for parks or playgrounds and the land thus ceded to the Municipality in virtue of this article can only be used for parks or playgrounds.

However, the Municipality may dispose, in a manner foreseen in their governing law, of the acquired land in virtue of article 3.3 if the land is no longer required for the establishment of parks or playgrounds and the income must be placed in a special fund.

#### **Article 5.4 NOTARIZED CONTRACT REGISTRATION**

It is the responsibility of the owner ceding the land for parks and playground purposes to pay the fees associated with a notarized contract and its registration.

**Article 5.5 PEDESTRIAN TRAILS**

In order to ensure pedestrian circulation and accessibility to public buildings, playgrounds, parks, public areas and beaches, the Council can require that trails be a minimum width of 4,5 m (15 ft) if necessary.

When the length of an island intended to be inhabited exceeds 228 m (748 ft), at least one trail will be required.

**Article 5.6 LOTS AFFECTED BY SERVITUDES FOR THE PASSAGE OF VARIOUS SERVICES OR NETWORKS**

Council also has the liberty to require all right of ways deemed beneficial, from both an economical and esthetic perspective, for public service purposes such as water supply and electricity networks, sewer and telephone systems.

For the network supplying electricity and telephone lines, it must have spaces of at least 1,5 m (5 ft) wide on each side of the back and lateral lines of the sites where it is deemed necessary by Council.

However, for only the passage of electricity, telephone or television cables, an inferior space may be reserved on each side of the lateral lines where the passage of these cables is deemed necessary.

These servitudes may be granted free-of-charge for the benefit of the Municipality, who reserves the right to allow other public service utilities to use them if it is deemed necessary.

**CHAPTER 6**

**FINAL PROVISIONS**

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**Article 6.1 PENALTIES**

Anyone who violates one or another of the provisions in this bylaw commits an infraction and is liable to a penalty, with or without fees; the amount of this penalty is as follows:

1. If it is an individual:
  - For a first offence, a penalty of 100 \$ and maximum of 1000\$.
  - For a second offence within a one year period, a minimum penalty of 300\$ and maximum of 2000\$.
2. If it is a corporation:
  - For a first offence, a penalty of 600\$ and maximum of 2000\$.
  - For a second offence within a one year period, a minimum penalty of 1000\$ and maximum of 4000\$.

A continuous violation of one or another of the provisions of this bylaw constitutes, day-by-day, a separate and distinct infraction.

**Article 6.2 VIOLATION REPORT**

When the designated municipal officer notices a violation to this bylaw, he is authorized to issue a violation report. He forwards a copy to the offender.

**Article 6.3 LEGAL PROCEEDINGS**

The Municipalité can use the necessary legal action against anyone who violates this bylaw.

**Article 6.4 LEGAL PROCEEDINGS INITIATIVE**

Only the council is entitled to authorize legal proceedings.

**Article 6.5 CIVIL OR CRIMINAL COURT**

In order to respect the provisions of this bylaw, the Municipalité can exercise consecutively or alternately the proceedings foreseen in this bylaw, as well as any other appropriate civil or criminal legal action.

**Article 6.6 COMING INTO FORCE**

This bylaw will come into force conforming to the provisions of the Act Respecting Land Use Planning (L.R.Q.,c.A-19.1).

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Rose Elmonde Clarke  
Mayor

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Janice Turnbull  
Director General

NOTICE OF MOTION: April 2, 2012  
ADOPTION: November 5, 2012  
PUBLICATION: March 25, 2013