



## **SUBDIVISION BY-LAW N° 449**

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**Codified version updated March 4, 2021**

Prepared by:

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PROVINCE OF QUEBEC  
VILLAGE OF SENNEVILLE

BY-LAW N° 449

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SUBDIVISION BY-LAW

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NOTICE OF MOTION:           MAY 26, 2014  
ADOPTION:                    JULY 21, 2014  
COMING INTO FORCE:         NOVEMBER 10, 2014

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**By-law modifications**

<b>By-law number</b>	<b>Coming into force</b>
449-1	JULY 2, 2015
449-2	JANUARY 26, 2017
449-3	NOVEMBER 26, 2020

**THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:**





## **SUBDIVISION BY-LAW N° 449**

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Prepared by:



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## **SUBDIVISION BY-LAW N° 449**

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### **CHAPTER 1:**

#### **Declaratory, Administrative and Interpretative Provisions**

Prepared by:



**Chapter 1:  
Declaratory, Administrative and Interpretative Provisions**

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**Division 1.1 Declaratory Provisions**

**1.1.1 Title of the By-Law**

This by-law bears the title « *Subdivision By-Law* » and carries the number 449.

**1.1.2 Repeal**

The present by-law repeals By-Law number 309, entitled « *Subdivision By-Law* » and By-Law number 308, entitled « *Zoning By-Law* », and all its amendments, as well as any other incompatible provision in another by-law in force.

This repeal does not affect legally-issued permits issued under the authority of the replaced by-law nor the rights acquired from before the coming into force of the present by-law.

**1.1.3 Scope of the by-law and subject territory**

The present by-law, of which the provisions are imposed on all persons, is applied to the entire territory of the Village of Senneville.

**1.1.4 Incompatibility with other by-laws or laws**

Conforming to the present by-law does not exempt from the obligation to comply with the laws of the provincial or federal government as well as any other applicable municipal by-law.

**1.1.5 Part-by-part adoption**

The municipal Council of Village of Senneville hereby declares that it is adopting the present by-law, chapter by chapter, division by division, section by section, paragraph by paragraph, sub-paragraph by sub-paragraph, so that if a part of the present by-law were to be declared null and void by a tribunal, such a decision would have no effect on the other parts of the by-law, except in cases where the significance and scope of the by-law or of one of its provisions should be altered or modified as a result.

**Chapter 1:**  
**Declaratory, Administrative and Interpretative Provisions**

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**Division 1.2      Administrative Provisions**

**1.2.1      Administration and application of the by-law**

The administration and application of the present by-law are entrusted to any person nominated as a « designated official », by a resolution of the Municipal Council.

**1.2.2      Powers of the designated official**

The powers of the designated official are stated in the *Permits and Certificates By-Law*.

**1.2.3      Subject interventions**

All cadastral operations must be compliant with provisions of the present by-law and subject to a subdivision permit. However, certain exemptions are provided for in the present by-law.

The terms and conditions for the issuance of subdivision permits are defined in the *Permits and Certificates By-Law*.

**Chapter 1:  
Declaratory, Administrative and Interpretative Provisions**

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**Division 1.3 Interpretative Provisions**

**1.3.1 Interpretation of provisions**

When 2 standards or provisions of the present by-law apply to a use, building, lot or any other object governed by the present by-law, the following rule applies:

1. A specific standard or provision prevails over a general provision;
2. The most restrictive provision prevails;

Unless the context specifies otherwise, it is understood that:

3. The use of the words « MUST » and « SHALL » implies an absolute obligation;
4. The use of the verb « CAN » implies a non-obligatory option, except in the expression « CANNOT » which means « MUST NOT »;
5. The word « WHOMEVER » includes individuals and corporations.

The table of contents and the chapter titles, the divisions and the sections of the present by-law are provided to improve the text's readability. In the case of contradiction between the text and the concerned title(s) or the table of contents, the text prevails.

Plans, appendices, tables, graphics, and symbols and all forms of expression aside from the text, contained in the present by-law, are an integral part of the by-law for all legal purposes. In case of contradiction between a table, a graphic and the text, the data in the table or in the graphic prevails.

In case of contradiction between the schedule of uses and standards, which is integral to the *Zoning by-law*, and the text of the present by-law in terms of minimum lot area and dimensions, the most restrictive provision applies.

The dimensions, areas and other measures stated in the by-law are expressed in the International System of units.

**1.3.2 Numbering**

The numbering method used in this by-law is the following (when the section's text does not contain numbering related to a paragraph or sub-paragraph, it is referred to as an indented line):

- 1. Chapter
- 1.1 Division
- 1.1.1 Section
- Indented line
- 1. Paragraph
- a) Sub-paragraph

**Chapter 1:**  
**Declaratory, Administrative and Interpretative Provisions**

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**1.3.3 Terminology**

Unless otherwise explicitly indicated or unless the context indicates otherwise, the expressions, terms and words have the meaning and application attributed to them in the *Permit and Certificate By-Law*.



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### **CHAPTER 2:**

#### **Preconditions for a Cadastral Operation**

Prepared by:





**Chapter 2:  
Preconditions for a Cadastral Operation**

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**Division 2.1      General Provisions**

**2.1.1      Plan for a cadastral operation**

Any plan for a cadastral operation must meet the conditions prescribed in the present by-law and those prescribed in the *Permits and Certificates By-Law* relating to a request for a subdivision permit.

**2.1.2      Transfer of public streets**

No cadastral operation involving the creation of new public streets shall be approved until the Village has obtained from the owner(s) of the lot(s) to make up the right-of-way of the concerned street(s), a commitment to cede these streets free of charge to the Village at the moment the Village requests this transfer in conformity with the *By-Law Concerning Agreements in regard to Municipal Works*. The street(s) must be free of any real property right. Furthermore, the Village is not obliged to accept the transfer of the proposed street(s), if it does not deem the transfer appropriate.

**2.1.3      Servitudes**

The owner of the lot must, as a precondition for the approval of a cadastral operation plan, commit to granting any servitude required for the passage of installations for energy transport and transmission of communications, for the layout of pathways or for any other public service infrastructures (aerial or underground).

Existing or required servitudes must be shown on the cadastral operation plan.

**2.1.4      Payment of municipal taxes**

The owner of the lot must, as a precondition to the approval of a cadastral operation plan, pay outstanding municipal taxes that are due and unpaid for the immovables included in the plan.

**Chapter 2:  
Preconditions for a Cadastral Operation**

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**Division 2.2 Provisions Relating to the Contribution for Parks, Playgrounds  
or Natural Spaces**

**2.2.1 General provisions**

A cadastral operation cannot be approved, unless the owner, at the municipal council's sole discretion:

1. Transfers to the Village, at no charge, a lot representing 10 % of the total area of the lots included in the plan relating to the cadastral operation and that is situated in a location that, in the opinion of Council, is appropriate for the establishment or the extension of a park, a playground, or the preservation of a natural space;
2. Pays to the Village a sum of money representing 10 % of the municipal evaluation of lots included in the cadastral operation plan;
3. Transfers to the Village, at no charge, a lot included in the cadastral operation plan and in a location that, in the opinion of Council, is appropriate for the establishment or the extension of a park, a playground, or the preservation of a natural space and pays to the Village a sum of money representing a portion of the total value of all lots included in the cadastral operation plan. The municipal evaluation of the lot ceded at no charge and the amount paid must represent 10 % of the total value of all lots included in the cadastral operation plan.

**2.2.2 Location of lots to transfer**

A lot transferred by the owner at no charge in compliance with section 2.2.1 can be a lot that is not included in the cadastral operation plan, if there is an agreement between the owner of all lots included in the cadastral operation plan and the Village.

The lot in the agreement must be part of the territory of the Village of Senneville.

**2.2.3 Cadastral operations not subject to permits**

Upon request of a subdivision permit, the following cadastral operations are not subject to provisions of the present division relating to the contribution for parks, playgrounds or natural spaces:

1. Cadastral operation serving a cancellation, correction or replacement of a lot number, without increasing the number of lots;
  2. Cadastral identification in the official cadastre of an immovable, built or not, already parceled and having a physical description;
  3. Cancellation of a subdivision following the cadastral renovation;
  4. Vertical cadastre required and carried out upon the constitution or conversion of an immovable in divided co-ownership;
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**Chapter 2:  
Preconditions for a Cadastral Operation**

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5. New cadastral identification of an existing location following a modification of its limits without creating a new constructible lot, namely a lot having the minimum area and dimensions prescribed in the *Zoning By-Law* or in the present by-law and where a structure may be erected;
6. A lot set to become a roadway or street;
7. Cadastral operation required in the context of an expropriation;
8. A cadastral operation involving lots intended to be used as parks, playgrounds or natural spaces to which the general public will have access for recreational purposes;
9. The cadastral identification by a legal person of public law of parcels of lots intended solely for public use and to which the general public will have access.

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Modified by Bylaw no. 449-1 in force on July 2, 2015.

**2.2.4 Calculation rules**

In terms of the present by-law, the total value of the set of lots included in the cadastral operation plan is considered at the date of reception by the Village of the cadastral operation plan deemed compliant with the urban planning by-laws.

The value must be established, at the owner's expense, by an accredited appraiser mandated by the Village, according to the concepts applicable in reference to expropriation.

The rules of calculation must take into account, to the credit of the owner, all transfer or payment made at the time of a previous cadastral operation concerning the whole or a part of lots included in the cadastral operation plan, in the case of a phased project or not.

Municipal Council can decide to modify the mode of contribution in subsequent phases of the project or upon a new applicable cadastral operation on the concerned property.

**2.2.5 Notarized contract**

Fees for the notarized contract of transfer for parks, playgrounds or natural spaces are at the expense of the transferor, including, if required, the technical description.





## **SUBDIVISION BY-LAW N° 449**

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### **CHAPTER 3:**

#### **Specific Provisions Relating to Streets and Lots**

Prepared by:



**Chapter 3:  
Specific Provisions Relating to Streets and Lots**

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**Division 3.1 Provisions Relating to Streets**

**3.1.1 General provisions**

The present division applies to public streets.

Private streets are prohibited on the entire territory of the Village of Senneville.

**3.1.2 Path of a street near a watercourse or a lake**

Within a riparian corridor, the minimum distance between a roadway and a watercourse or a lake is sixty (60) meters, calculated from the high water mark for a sector that is not serviced ( no aqueduct nor sewer) or partially serviced (aqueduct or sewer). In a serviced sector (both aqueduct and sewer), this distance is set at forty-five (45) meters.

The distance set in the preceding paragraph may be reduced to twenty (20) meters if the area between the roadway and the watercourse or the lake is zoned for the purposes of a public park.

The distance set in the first paragraph may be reduced to fifteen (15) meters if such roadway constitutes the end of a network and only if the area between the roadway and the watercourse or the lake is not subject to construction.

In the case of a roadway that is perpendicular to watercourse or a lake, without being crossed, the distance set in the first paragraph may be reduced to fifteen (15) meters.

The provisions of the present section do not apply to a street leading to a boat launch, a bridge or a structure allowing the crossing of a watercourse.

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Modified by Bylaw no. 449-1 in force on July 2, 2015.

**3.1.3 Design standards**

The following design standards apply to streets:

1. The minimum width of the street right-of-way is set at 15 meters; Within the right-of-way, the minimum width of the vehicle tread surface is 6 meters;
  2. The minimum longitudinal slope of a street is set at 0.5%. The maximum longitudinal slope of a street is set at 8%;
  3. The intersection angle between two streets must be within an angle of 75° and 105°. In all cases where the physical characteristics of intersections allow, the intersections must be at a right angle (90°);
  4. Two distinct streets both intersecting with the same street must be located at a minimum distance of 50 meters from one another;
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**Chapter 3:  
Specific Provisions Relating to Streets and Lots**

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5. The minimum radius of a connecting curve is set at 8 meters.

**3.1.4 Streets as a cul-de-sac, P-loop and in semi-circle**

The construction of a cul-de-sac street is authorized and the following provisions apply:

1. The minimum length of a street, before the beginning of the turning circle, is set at 30 meters;
2. A cul-de-sac must end with a turning circle with the right-of-way having a minimum diameter of 28 meters.

The construction of a P-loop street is authorized.

The construction of a semi-circle (crescent) is authorized. The distance between the 2 intersections is set at 50 meters. The central island (in a semi-circle shape) must serve as green space.



**Chapter 3:  
Specific Provisions Relating to Streets and Lots**

**Division 3.2 Provisions Relating to Lots**

**3.2.1 Minimum lot area and dimensions**

The minimum dimensions (façade length and depth) and the minimum area of lots are the following (in case of a contradiction between the standards of this table and those of the Schedule of Uses and Standards, the most restrictive standard prevails):

Level of service :	Lot situated outside a riparian corridor	Lot situated within a riparian corridor and adjacent to a lake or watercourse	Lot situated within a riparian corridor but not adjacent to a lake or watercourse
<b>Serviced lot :</b>			
Minimal area :	Refer to the Schedule of Uses and Standards	Refer to the Schedule of Uses and Standards	Refer to the Schedule of Uses and Standards
Minimal width:	Refer to the Schedule of Uses and Standards	Refer to the Schedule of Uses and Standards	Refer to the Schedule of Uses and Standards
Minimal depth:	Refer to the Schedule of Uses and Standards	45 meters	Refer to the Schedule of Uses and Standards
<b>Partially serviced lot:</b>			
Minimal area :	2 000 mètres carrés	2 000 square meters	2 000 square meters
Minimal width:	30 mètres	30 meters	30 meters
Minimal depth:	Refer to the Schedule of Uses and Standards	60 meters	Refer to the Schedule of Uses and Standards
<b>Non serviced lot :</b>			
Minimal area :	4 000 mètres carrés	4 000 square meters	4 000 square mètres
Minimal width:	45 mètres	45 meters	45 meters
Minimal depth:	Refer to the Schedule of Uses and Standards	60 meters	Refer to the Schedule of Uses and Standards

Modified by Bylaw no. 449-1 in force on July 2, 2015.

**Chapter 3:  
Specific Provisions Relating to Streets and Lots**

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**3.2.2 Specific provisions for lots located on the exterior of a street bend**

Lots located entirely on the exterior of a street bend having an angle of less than 135 degrees, the facade length (frontage) can be reduced up to 50% of the minimum required facade length, without ever being less than 20 meters if the lot is not situated within a riparian corridor and is serviced or is partially serviced by the municipal sewer. This exception also applies to serviced lots situated within a riparian corridor. For zone R-04, the minimum required façade length can never be less than fifteen (15) meters.

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Modified by Bylaw no. 449-1 in force on July 2, 2015.  
Modified by Bylaw no. 449-2 in force on January 26, 2017.  
Modified by By-law no. 449-3 in force on November 26, 2020.

**3.2.3 Minimum width of a lot's rear limit line**

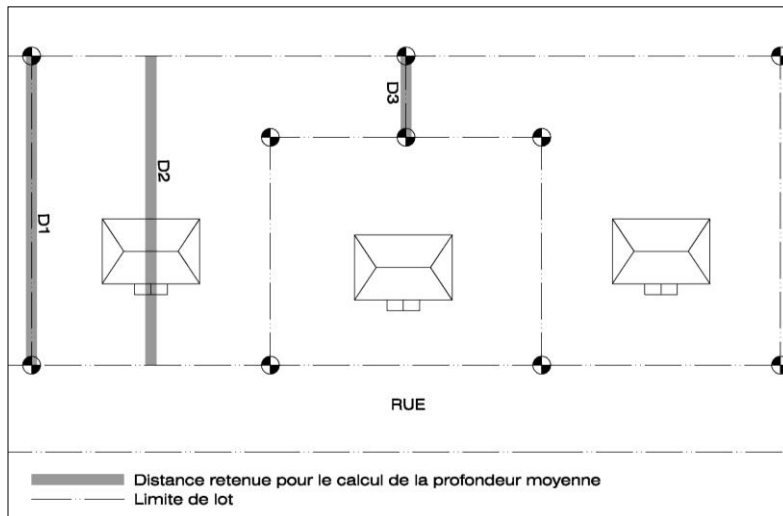
The width of a lot's rear limit line shall not be less than 7.5 meters.

**3.2.4 Calculation of the minimum depth of lot**

When applicable, the minimum lot depth is calculated in the following manner:

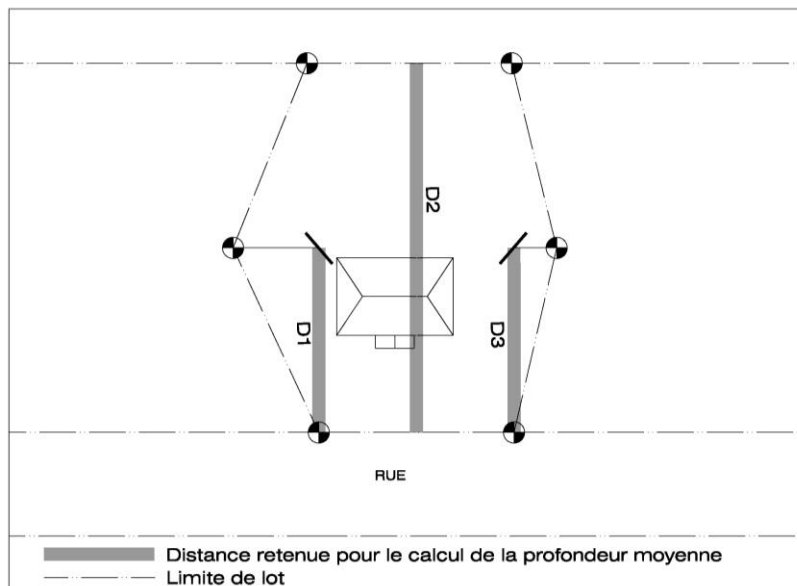
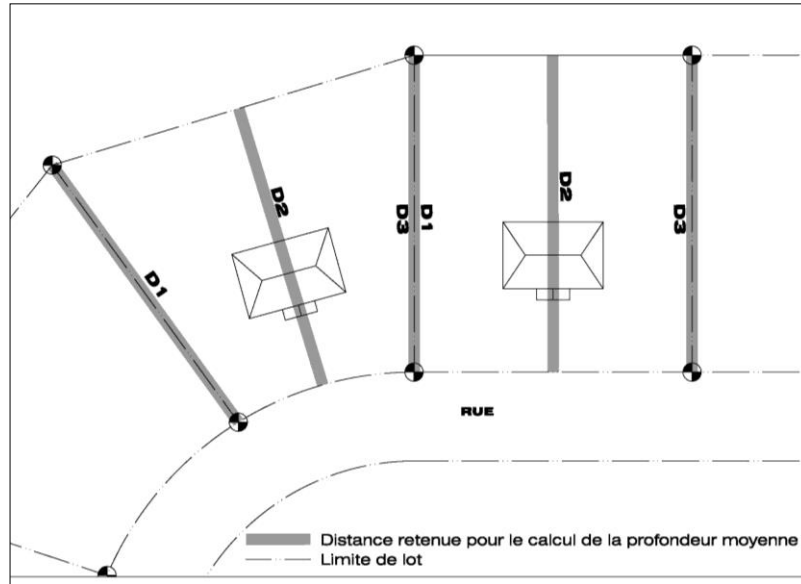
$$\text{Lot depth} = \frac{(D1 + D2 + D3)}{3}$$

In all cases, we refer to average lot depth. Distance « D2 » must be taken from the centre of the length of the lot's facade, as illustrated below:



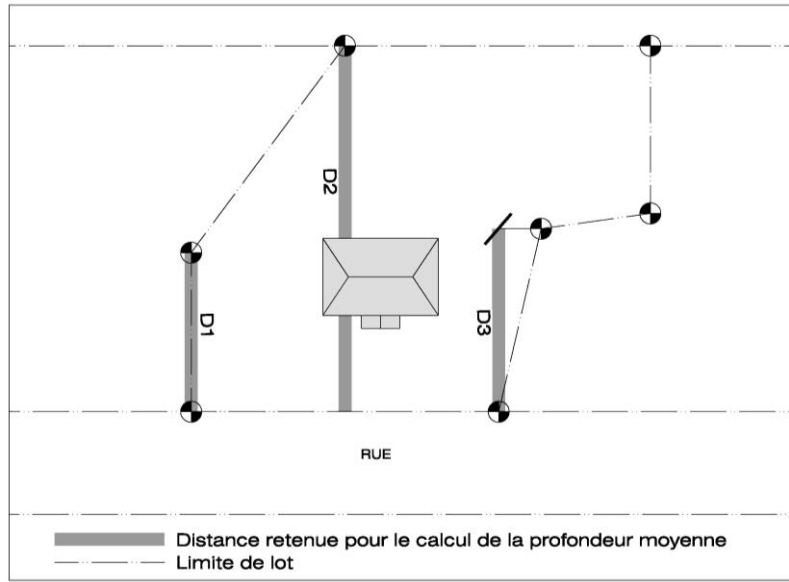
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Specific Provisions Relating to Streets and Lots

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**Chapter 3:  
Specific Provisions Relating to Streets and Lots**

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### 3.2.5 Lots shapes

Lateral lot lines must be perpendicular to the street line.

However, in order to soften slopes, to level the lot area, to open up vantage points or to create cul-de-sac or semi-circle streets, the lateral lot lines can form an angle varying between 75 degrees and 105 degrees with the street line.

Lots must have a regular shape, with right angles or angles varying between 75 and 105 degrees. In the case where topography requires it, because of specific constraints, because of the original cadastre, the lot could present broken lines.

In all cases, the minimum facade length must be respected in order to avoid the creation of a lot where the main building would be either located behind another lot, isolated or not from the road or enclaved between 2 lots.

### 3.2.6 Exemptions to the application of minimum subdivision standards

The minimum subdivision dimensions in the present division do not apply in the following cases:

1. Cadastral operations relating to the cancellation or correction of a lot number not resulting in an increase in the number of lots;
2. Cadastral operations required for networks or stations for electricity, gas, telecommunications, cable distribution, aqueduct or sewer, not requiring a water supply system nor a waste water system or the erection of main or accessory buildings of more than 20 square meters;

**Chapter 3:**  
**Specific Provisions Relating to Streets and Lots**

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3. Cadastral operations required for municipal or public purposes including parks, green spaces and pathways not requiring a water supply system nor a waste water system;
4. Cadastral operations required for circulation lanes;
5. Cadastral operations identifying part of a building or a lot requiring a declaration of co-ownership, whether it be vertical, horizontal or in a row prepared in compliance with the *Civil Code of Quebec* in which declaration, only a or the buildings or lots may be divided into exclusive parts;
6. Cadastral operations identifying part of a property required by alienation for part of a building requiring partition of the property located directly below it;
7. Cadastral operations for alienation and serving a plan for merging of titles with an adjacent property compliant with the present by-law following the plan for merging of titles (cadastral operation). The plan for merging of titles must be submitted to the designated official upon application for a permit.





## **SUBDIVISION BY-LAW N° 449**

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### **CHAPTER 4:**

#### **Provisions Relating to Non-Conforming Lots**

Prepared by:





**Chapter 4:  
Provisions Relating to Derogatory Lots**

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**Division 4.1      General Provisions**

**4.1.1      Scope of application**

Is considered a non-conforming lot, any lot having an area or whose dimensions are non-compliant with the present by-law.

A non-conforming lot is protected by acquired rights if the lot's area and dimensions were compliant with the by-law in force upon its creation or created before the first applicable by-law.

**4.1.2      Modification or extension of a non-conforming lot protected by acquired rights**

For the purposes of the present section, the modification of a non-conforming lot protected by acquired rights means the modification of the facade length and lot depth without modifying the lot area.

A cadastral operation serving to modify or extend a non-conforming lot protected by acquired rights is authorized provided the cadastral operation does not aggravate the non-compliance of the concerned lot in terms of facade length, depth or area. Furthermore, this cadastral operation must not render non-conforming the structures erected on the lot nor any adjacent lot.

If applicable, a plan for the merging of lot titles must be submitted at the same time as the permit application.

**Chapter 4:  
Provisions Relating to Derogatory Lots**

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**Division 4.2 Right to Subdivision**

**4.2.1 Non-conforming vacant lot**

A permit authorizing a cadastral operation cannot be refused for a parcel which did not, on December 20<sup>th</sup>, 1983, form one or more distinct lots on official cadastral plans and for which metes and bounds have been defined in one or more registered acts, for the sole reason that the area or dimensions of the parcel do not respect the applicable requirements of the *Subdivision By-Law*, if the two following conditions are respected:

1. At the aforementioned date, the area and dimensions of the parcel allowed it to meet the applicable requirements of the *Subdivision By-Law* where the parcel is located, had an application been made;
2. A single lot is produced by the cadastral operation, unless a lot is included in several original lots in which case, a single lot per original lot is produced by the cadastral operation.

**4.2.2 Non-conforming built parcel**

A permit authorizing a cadastral operation cannot be refused for the sole reason that the area or dimensions of the parcel do not allow it to comply with the applicable requirements contained in the *Subdivision By-Law*, provided that the said parcel respects the following conditions:

1. On December 20<sup>th</sup>, 1983, this parcel did not constitute one or more distinct lots on official cadastral plans;
2. On December 20<sup>th</sup>, 1983, this parcel had a structure built on it and being used in compliance with the by-laws then in force, if applicable, or protected by acquired rights.

In order to be authorized, a cadastral operation must result in the creation of a single lot or, when the parcel spans several original lots, in the creation of a single lot per original lot.

The present section also applies in the case where a structure has been destroyed or damaged after its date of application.

**4.2.3 Non-conforming residual parcel**

A permit authorizing a cadastral operation concerning a residual parcel cannot be refused for the sole reason that the area or dimensions of the parcel do not allow it to comply with the applicable requirements contained in the *Subdivision By-Law*, with respect to a lot that constitutes the residual parcel of a lot:

1. Of which a part has been acquired for public utility purposes by a public organization or by another person having the power of expropriation and,
  2. Immediately before this acquisition, had a sufficient area and dimensions in order to respect the by-laws then in force or could have undergone a cadastral operation in compliance with the standards in force.
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**Chapter 4:**  
**Provisions Relating to Derogatory Lots**

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In order to be permitted, the cadastral operation must result in the creation of a single lot or, when the parcel spans several original lots, in the creation of a single lot per original lot. The present section also applies in the case where a structure has been destroyed or damaged after its date of application.





## **SUBDIVISION BY-LAW N° 449**

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### **CHAPTER 5:**

### **Final Provisions**

Prepared by:



**Chapter 5:  
Final Provisions**

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**Division 5.1 Penal Provisions and Coming into Force**

**5.1.1 Fines and penalties**

The provisions relating to fines and penalties in the case of infraction(s) to the present by-law are provided in the *Certificates and Permits By-Law*.

**5.1.2 Coming into force**

The present by-law comes into force in compliance with the law.

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**Mayor**

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**Town Clerk**