

SUBDIVISION BY-LAW

MUNICIPALITY OF LOW

INDEX

CHAPTER I: STATED PROVISIONS

- 1.1 Title of By-law
- 1.2 Objectives of By-law
- 1.3 Enters into Force
- 1.4 By-laws repealed
- 1.5 Area where applicable
- 1.6 Persons affected
- 1.7 Validity
- 1.8 The By-law and the Law
- 1.9 Storage of the By-law

CHAPTER II: EXPLANATORY PROVISIONS

- 2.1 Explanation of text
- 2.2 Definitions and terminology

CHAPTER III: ADMINISTRATIVE PROVISIONS

- 3.1 Method (terms) of application
- 3.2 Method (terms) for issuing a subdivision permit

CHAPTER IV: SPECIFIC PROVISIONS

- 4.1 Privilege to subdivide
- 4.2 Acquired rights to subdivide a parcel of land
already constructed on
- 4.3 Specific provisions concerning enlargement of a
non-conforming lot
- 4.4 Specific provisions concerning those enclosed
parcels of land which are non-conforming to this
by-law
- 4.5 Specific provisions concerning those parcels of
land which become non-conforming because of the

effect of a forced expropriation

- 4.6 An enclosed parcel of land between a road, a street and a water course

CHAPTER V: GENERAL PROVISIONS

- 5.1 Approval of a cadastral plan
- 5.2 Modification of a parcel of land already constructed on
- 5.3 Subdivision of a parcel of land partially constructed
- 5.4 Easements (right of way)
- 5.5 Provisions relative to cadastral operations

CHAPTER VI: LAY OUT OF STREETS

- 6.1 Conformity of street lay-outs
- 6.1.1 Outline of new streets in terms of soil types
- 6.1.2 Outline of streets in terms of physical surrounding
- 6.1.3 Outline of new streets in terms of topography
- 6.1.4 Intersection turning angles and visibility
- 6.1.5 Intersection junction curves
- 6.1.6 Dead-end street
- 6.1.7 Localized pipe head type street
- 6.2 Building of streets
- 6.3 Identification of private streets
- 6.4 Street allowance
- 6.5 Culvert and bridge type entrance
- 6.5.1 Installation of a bridge type entrance
- 6.5.1.1 Installation of a culvert
- 6.5.2 Certificate of authorization

CHAPTER VII: PROVISIONS APPLICABLE TO THE AREA AND THE DIMENSIONS OF LOTS OR PARCELS OF LAND

- 7.1 General rules
- 7.2 Minimum area and dimensions of lots
- 7.2.1 Area and dimensions of interior lots within the

- dominant zone "Perimetre d'urbanisation" (u)
- 7.2.1.1 Unserviced corner-lot
 - 7.2.1.2 Unserviced interior lot
 - 7.2.1.3 Partially serviced corner lot (water or sewer)
 - 7.2.1.4 Partially serviced interior lot (water or sewer)
 - 7.2.1.5 Services corner lot (water and sewer)
 - 7.2.1.6 Services interior lot (water and sewer)
 - 7.2.2 Area and dimensions of lots within the dominant zone "Peripherique" (p)
 - 7.2.2.1 Partially serviced lot (water or sewer)
 - 7.2.2.2 Unserviced lot
 - 7.2.3 Area and dimensions of lots within the dominant zone "villegiature" (v)
 - 7.2.3.1 Serviced lot (water and sewer)
 - 7.2.3.2 Partially serviced lot (water or sewer)
 - 7.2.3.3 Unserviced lot
 - 7.2.4 Minimum area and dimensions of lots within the dominant zone "Agricole" (a)
 - 7.2.4.1 Partially serviced lot
 - 7.2.4.2 Unserviced lot
 - 7.2.5 Minimum area and dimensions of lots within the dominant zone "Forestier" (f)
 - 7.2.5.1 Partially serviced lot (water or sewer)
 - 7.2.5.2 Unserviced lot next to a yearly maintained public road
 - 7.2.5.3 Partially serviced lot (water or sewer) which is not next to a yearly maintained public road
 - 7.2.6 Minimum areas and dimensions of lots within the dominant zone "Conversation" (c)
 - 7.2.6.1 Minimum areas and dimensions of lots within the dominant zone "Conservation" (c)
 - 7.2.6.2 Minimum areas and dimensions of lots within the dominant zone "conservation" where the use is matched to "Public interest-faunique" (b4)
 - 7.3 Special provisions relative to subdivisions

within an area prone to flooding

7.3.1 Serviced lot (water and sewer)

7.3.2 Partially serviced lot (water or sewer)

7.3.3 Unserviced lot

7.4 Specific provisions for islands

7.5 Specific provisions concerning the public service
corridor

CHAPTER VIII: FINAL PROVISIONS

8.1 Amendments to this by-law

8.2 Coming into force of this by-law

CHAPTER I

STATED PROVISIONS

1.1 TITLE OF BY-LAW

The present by-law is identified by the title of "subdivision by-law #000-00.

1.2 OBJECTIVES OF BY-LAW

This by-law aims towards the harmonious development of the territory of the Municipality of Low. It aims to make the division of building lots conform to the stated objectives of the urbanism plan and complimentary documents forming part of the master plan of the M.R.C. de la Vallée de la Gatineau.

1.3 COMING INTO FORCE

This by-law comes into force conforming to the land use and urbanism law and will not be modified or repealed except by the procedures here-in established.

1.4 BY-LAWS REPEALED

All provisions contrary to this by-law, contained in all other municipal by-laws are repealed by this by-law, specifically by-law #000-00 in addition to any amendments to this by-law. However, these obligations do not affect the intended projects which are under way according to the authority of the repealed by-laws. These intended projects must be judged to be completed according to the by-laws which have been repealed. This repeal does not affect the permits which have been legally issued under authority of the by-laws hereby repealed.

1.5 AFFECTED AREA

This by-law applies to the entire territory under the control of the Municipality of Low.

1.6 **PERSONS GOVERNED BY THIS BY-LAW**

This by-law affects the public and private rights to all moral and physical persons within the territory of the Municipality of Low.

1.7 **VALIDITY**

The Municipal Council will adopt this by-law part by part, chapter by chapter, article by article, paragraph by paragraph, sub-paragraph by sub-paragraph and line by line. However, if a part, chapter, article, paragraph, sub-paragraph or a line of a provision of this by-law has been or could be declared void or inapplicable by the court or a lawsuit for whatever reasons, at any time, all other provisions of this by-law continues to apply.

1.8 **THE BY-LAW AND THE LAW**

No article of this by-law will have the affect of removing anyone from the controls of a Canadian or Quebec lay or of a by-law adopted under their regime.

1.9 **STORAGE OF BY-LAW**

A certified copy which conforms to this by-law and it's amendments will be permanently stored at the municipal office.

CHAPTER II

EXPLANATORY PROVISIONS

2.1

EXPLANATION OF TEXT

The headings contained in this by-law form an integral part to the final law. In a case of contradiction between the actual text and the headings, the text takes precedence.

Unless there is a contrary statement or unless there is a difference in context the expressions, terms and words used in this by-law carry their customary meaning.

Whenever a verb is used within a provision in this by-law this provision is held to be in place for all time (past, present, future) and in all circumstances where it is to be applied.

In this by-law the masculine gender includes the feminine gender unless the context is indicated differently.

In this by-law, each time it is ordered that a matter should be, or will be done, the obligation to do it is absolute; if it is said that maybe a matter should be done, it is optional whether this matter is addressed.

In this by-law, the authorization to do something is comprised of all the powers necessary to this end.

The work "who so ever", "anyone" within this by-law includes all persons moral or physical.

2.2

DEFINITION AND TERMINOLOGY

Unless the text of this by-law is opposed or it is

otherwise in some manner specific, the words or expressions contained in this by-law carry the meaning given to them by Chapter II of the zoning by-law #000-00 of the Municipality of Low.

CHAPTER III

ADMINISTRATIVE PROVISIONS

3.1 TERMS OF ENFORCEMENT

The terms of enforcement in Chapter 3 of by-law #000-00 concerning the issuing of permits and certificates, land use by-law #000-00 of the Municipality of Low, applies to this by-law and forms an integral part when this chapter is reproduced in total.

3.2 TERMS FOR ISSUING SUBDIVISION PERMITS

Under reserve of the articles of this by-law, the terms for issuing subdivision permits are stated in the Land use by-law #000-00 relative to issuance of permit and certificates.

CHAPTER IV

SPECIFIC PROVISIONS

4.1 PRIVILEGE TO SUBDIVIDE

In spite of the provisions of this by-law, a subdivision permit may not be refused in regards to a building lot which, on February 11, 1984, does not form one or several separate lots on the official cadastral plan or where the metes and bound which are described in one or several registered deeds or where there is a lease registered with the Minister of Energy and Resources on this date, on the sole grounds that the area and/or the dimensions of the lot do not allow it to respect the subject requirements of this by-law, if the following conditions are not respected.

- a) a single lot resulting from a cadastral operation, if the land is comprised of several original lots, in which case a single original lot results from the cadastral operation.
- b) the construction of this building lot is subject to provisions of the planning by-law other than those which relate to the area and dimensions of building lots.

4.2 ACQUIRED RIGHTS TO SUBDIVIDE ON A BUILDING LOT ALREADY CONSTRUCTED

In spite of the provisions of this by-law, a subdivision permit will not be refused in regards to a piece of land which, on February 11, 1984, did not form one or more separate lots on the official cadastral plan or where were found one or more principal buildings on the sole grounds that the area or the dimensions of this piece of land do not permit it to meet the requirements of this by-law if the following conditions are met:

- a) a single lot results from the cadastral

operation, except if the land is made up of one or more original lots, in which case a single original lot for each principal dwelling on the land will result from the cadastral operation.

4.3 Specific Provisions concerning enlargement of a non-conforming lot

A cadastral operation for the sole purpose of increasing the dimensions and area of a non-conforming lot and consequently of reducing the variance between the lot and the dimension and area requirements of this by-law is authorized with the following conditions:

- a) the lot and the additional land will form a single original lot, as well, no other parcel of land will be made non-conforming in area or dimensions because of this cadastral operation.

4.4 Specific provisions concerning enclosed (surrounded) parcels of land which are non-conforming to this by-law

In spite of the provisions of this by-law, a permit to execute a cadastral operation may not be refused in the following case provided that the sole reason that the area or the dimensions of this parcel of land does not permit this land to respect the requirements of this by-law is:

- a) the parcel of land is situated between 2 parcels of land on which exist principal dwellings constructed before February 11, 1984;
- b) the construction on this parcel of land is subject to the provisions of the planning by-law of the Municipality other than those provisions related to area and dimensions of these parcels of land.

4.5

Specific provisions concerning those parcels of land which become non-conforming because of a forced expropriation

In spite of the provisions of this by-law a permit authorizing a cadastral operation may not be refused for the sole reason that the dimensions or the area of a parcel of land do not permit it to respect the requirements of this by-law in regards to a parcel of land which constitutes the residue of a property:

- 1) part of which was required for a public utility by a public organization or by some other person possessing power to expropriate, and,
- 2) which immediately before this acquisition had sufficient area and dimensions to respect the by-law then in place of was possible to be the object of a cadastral operation.

4.6

Parcels of land enclosed (surrounded) between a road a street and a water course

In spite of the provisions of this by-law, a permit authorizing a cadastral operation to a parcel of land situated between a road or street existing before February 11, 1984 and a water course may not be refused on the sole reason that the depth of this parcel of land does not meet the requirements of this by-law provided that:

- a) the edge (allowance) of the road or street is less than 10 m (33').
- b) the average depth of the parcel of land is not reduced by more than 25% of the average depth required by this by-law for the zone or sector where this parcel of land is situated.
- c) the minimum area required by this by-law is respected.
- d) the construction on this parcel of land is subject to the provisions of the municipal

planning by-law other than those provisions relating to the depth of a parcel of land.

CHAPTER V

GENERAL PROVISIONS

5.1 Approval of cadastral plans

All cadastral plans, whether the plan does or does not provide for streets, will be approved by the building inspector before being deposited with the Department of Energy & Resources.

5.2 Modification of a parcel of land already constructed

All constructed parcels of land having dimensions and surface area equal to or less than those prescribed by this by-law may not be modified, parcelled or subdivided so as to render it non-conforming or more non-conforming. All property already constructed having dimensions and a surface area greater than those prescribed by this by-law may be modified. However, these modifications may not render the parcel of land where the building is situated non-conforming to this by-law.

5.3 Subdivision of a parcel of land partially constructed

All plans relating to a cadastral operation of a parcel of land on which there is already one or more building, will be made in conformity with the requirements of the municipal planning by-law specifically the permits and certificates by-law #000-00.

5.4 Easements (right of way)

On all plans relative to a cadastral operation, it shall be indicated on the plan all existing or required easements (right of way) reserved for the installation of energy, communication, or cablevision distribution lines.

5.5 Provisions relating to cadastral operations

Unless it is otherwise specified, no parcel of land may be modified, parcelled or subdivided so as to render it non-conforming or more non-conforming to this by-law.

CHAPTER VI

LAYOUT OF STREETS

6.1 Conformity of street lay-outs

Street lay-outs shall be conforming to the regulations of this by-law.

6.1.1 Lay-out of new streets in terms of soil types

The lay-out of a new street which is an extension to an existing street must evade bogs, swamp land, instable lots, areas prone to land slides and areas prone to floods.

The lay-out of new street shall also evade surface flag rock and generally anywhere that doesn't have a depth of soil or small stone so as to be able at a reasonable cost, to make the necessary drainage ditches and or bury the public utility lines.

6.1.2 Lay-out of new streets in terms of hydrous (water) surroundings

Exceptions made for those places where overflowing of a water course is anticipated or there are outstanding or exceptional conditions, all new streets shall be situated at not less than 60 m (197') from all water course.

Notwithstanding the previous paragraph, streets giving access to a landing site, a launching site ramp, marinas or public wharves are authorized the same as all streets leading to public works such as water or filtration plants, dams and other similar works.

6.1.3 Lay-out of streets in terms of topography

The grade of all new motor vehicle roads shall not exceed 15%, within a 30m radius at an intersection, the grade shall not exceed 5%.

6.1.4 Intersection turning angles and visibility

Street intersection shall be at right angles (90%) with an acceptable variance of 10%. This angle shall be maintained for at least 30m.

Check 2nd paragraph pg. 16, see drawing pg. 16

All local intersections public or private shall have a minimum field of view of 50m (164')

See drawing pg. 17 (top)

Centre to centre of 2 streets joining another shall have a minimum distance of 60m (200') between them

See pg. 17 drawing (bottom)

On all numbered provincial highways, centre to centre of street joining will have a minimum distance of 120 m (394') between them.

See pg. 18 drawing.

6.1.5 Intersection junction curves

The minimum of intersection junction curves shall be constructed as follows:

- 30m (100') at the junction of 2 streets
- 12m (39') at the junction of a street and a numbered provincial highway
- 10m (33') at the junction of a street and a collector street
- 6m (20') at the junction of 2 collector streets

In zones or sectors of zones in which industrial usage is authorized, all streets, collector streets or provincial highways included in this zone or sector of zone shall have intersection junction curves of not less than 12m (40').

See page 19 drawing.

6.1.6 Localized dead-end street

All localized dead-end streets shall end with a turning circle where the widest diameter is not less than 25m (82').

6.2 Street construction

Private streets donated or verbalized as well as roads on municipal land shall be constructed according to municipal standards. Private streets which are to be verbalized shall be built so as to meet the minimum size and conditions required by the Municipality. In the case of existing private roads, the new subdivision for an extension shall give the land necessary on the edge of the road to make the new lay-out conform to the requirements of the municipal by-law.

The municipal building inspector shall be informed seven (7) days before the street construction begins so as to allow him to make his inspections before and during the construction.

6.3 Identification of private streets

All owners of private streets within the Municipality shall indicate by means of a sign that the street is private and that it does not belong to the Municipality.

6.4 Allowance required for streets

All new streets or roads or all extensions of an existing localized street or road shall have a minimum allowance of 12m (39'). The width available for driving on may not be less than 6m (20'). The allowance required for a collector street shall not be less than 18m (59') with a driving surface of not less than 7m (23'). This allowance of land must form

one or more distinct lots on the official cadastral plan, as well the allowance shall be marked out.

6.5 Culvert and bridge type entrance

6.5.1 Installation of a bridge type entrance

Any person desiring to install a bridge type entrance allowing access to a lot from an automobile road shall install and maintain it at his own expense.

The installation of this bridge type entrance shall be done in a manner which will not hinder the life span or the maintenance of the automobile road covering (pavement, etc.).

In no case can the volume of the drainage ditch be reduced by more than 30% in so far as the work required to permit access to the property.

6.5.1.1 Installation of a culvert

Whenever a bridge type entrance requires installation of a culvert composed of a drainage pipe, this pipe may not be less than 30cm (12") in diameter.

6.5.2 Certificate of authorization

Installation of a bridge type entrance with or without a culvert requires the obtention of a certificate of authorization.

CHAPTER VII

PROVISIONS APPLICABLE TO THE
SURFACE AREA AND THE DIMENSIONS
OF LOTS AND PARCELS OF LAND

7.1 General rules

No cadastral operation shall be carried out and no subdivision permit issued if the dimensions and the surface area of a lot is less than the sizes regulated in the following articles. As well, those non-cadastered residual lots resulting from a cadastral operation must also conform to the regulations of this by-law.

Notwithstanding the regulations of the preceding paragraph, the space necessary for roads, parks, play-ground and public service corridors, as well as their equipments are not held to respect the minimum prescribed dimensions and area within the zone where they are formed.

7.2 Minimum dimensions and surface area of lots

The subdividing of parcels of land shall be accomplished on those lots having the following minimum area and dimensions for each zone, so as to not invite the deterioration of the surroundings and assure a reasonable free space between constructions as well as offering interesting possibilities for planning control of the land.

7.2.1 Surface area and dimensions for interior lots within the dominant zone "perimetre d'urbanization (u)"

7.2.1.1 Unserviced corner lot

Width of lot: 51m (167')

Average depth of lot: 58m (190')

Minimum surface area of lot: 3,100m² (33,369¹²)

7.2.1.2 Unserviced interior lot

Width of lot: 49m (160')

Average depth of lot: 58m (190')

Minimum surface area of lot: $3,000\text{m}^2$ ($32,293^{12}$)

7.2.1.3 Partially serviced corner lot (water or sewer)

Width of lot: 27m (88.6')

Average depth of lot: 58m (190')

Minimum surface area of lot: $1,600\text{m}^2$ ($17,223^{12}$)

7.2.1.4 Interior Lot partially serviced (water or sewer)

Width of Lot: 24m. (78.7')

Average depth of lot: 58m. (190')

Minimum surface of area of lot: 1,500m.sq. (16,146 sq.')

7.2.1.5 Serviced corner lot (water and sewer)

Width of lot: 18m. (59')

Average depth of lot: 28m. (92')

Minimum surface area of lot: 550m. sq. (5,920 sq.')

7.2.1.6 Serviced interior lot (water and sewer)

Width of lot: 15m. (49.2')

Average depth of lot: 28m. (92')

Minimum surface area of lot: 450m. sq. (4 844 sq.')

7.2.2. Surface area and dimensions for lots within the dominant zone "Peripheric" (P)

7.2.2.1 Partially serviced lot (water or sewer)

Width of lot: 25m. (82')

Average depth of lot: 60m. (197')

Minimum surface area of lot: 1,850m. sq.
(19,914 sq.')

7.2.2.2 Unserviced lot

Width of lot: 60m (197')

Average depth of lot: 60m (197')

Minimum surface area of lot: $3,715\text{m}^2$ ($39,989^{12}$)

7.2.3 Surface area and dimensions for lots within the dominant zone "villegiature" (V)

7.2.3.1 Serviced lot (water and sewer)

Width of lot: 27m (88.6')

Average depth of Lot: 35m (115')

Minimum surface area of lot: $1,000\text{m}^2$ ($10,764^{12}$)

7.2.3.2 Partially serviced lot (water or sewer)

Width of lot: 27m (88.6')

Average depth of lot: 60m (197')

Minimum surface area of lot: $1,850\text{m}^2$ ($19,914^{12}$)

7.2.3.3 Unserviced lot

Width of lot: 60m (197')

Average depth of lot: 60m (197')

Minimum surface area of lot: $3,715\text{m}^2$ ($39,989^{12}$)

7.2.4 Minimum surface area and dimensions for lots within the dominant zone "Agricole" (A)

7.2.4.1 Partially serviced lot

Width of lot: 27m (88.6')

Average depth of lot: 60m (197')

Minimum surface area of lot; $1,850\text{m}^2$ ($19,914^{12}$)

7.2.4.2 Unserviced lot

Width of lot: 60m (197')

Average depth of lot: 60m (197')

Minimum surface area of lot: $3,715\text{m}^2$ ($39,989^{12}$)

7.2.5 Minimum surface area of lots within the dominant zone "Forestière" (F)

7.2.5.1 Partially serviced lot (water or sewer) on the edge of a yearly maintained public road

Width of lot: 27m (88.6')

Average depth of lot: 60m (197')

Minimum surface area of lot: $1,850\text{m}^2$ ($39,989^{12}$)

7.2.5.2 Unserviced lot bordering on the edge of a public road maintained year-round

Width of lot: 60m. (197')

Average depth of lot: 60m. (197')

Minimum surface area of lot 3,715m. sq. (39,989 sq.')

7.2.5.3 Partially serviced lot (water and sewer) or unserviced lot that does not border on the edge of a public road maintained year-round

Width of lot: 125 m.

Average depth of lot: 150 m.

Minimum surface area of lot: 20 000 sq. m.

7.2.6 Minimum surface areas and dimensions on lots within the dominant zone "conservation" (c)

7.2.6.1 Minimum surface areas and dimensions of lots within the dominant zone "conservation" (c) numbered 113, 177 and 179

Within the dominant zone "conservation" (c) it doesn't matter which other use is authorized the surface area and dimensions of lots are as follows:

Width of lot: 120m (394')

Average depth of lot: 120m (394')

Minimum surface area of a lot: 15,000m² (161,464¹²),
(3.7 acres)

7.2.6.2 Minimum surface areas and dimensions of lots within the dominant zone "conservation" where the use is matched to "public interest - wildlife" (B4)

Within the dominant zone "conservation" (c), numbered 122, 138, 159, 160, 161, 162, 163, 164E, 165 identified on zoning map #78230 which forms an integral part of this bylaw doesn't matter what other use is authorized the surface areas and dimensions of lots are as follows:

7.2.6.2.1 Unserviced lot, partially serviced lot bordering or not on a yearly maintained public road

Width of lot: 125m (410')

Average depth of lot: 200m (656')

Minimum surface area of lot: 30,000m² (322,928 sq. ')
(7.4 acres).

7.3 Special provisions relative to subdivision within an area prone to flooding

No matter which zone and the use within these zones, where an area prone to flooding is formed and illustrated on maps #78230-3, the minimum surface area for lots partially or entirely affected by a flood prone area within a dominant zone shall be increased by 30%.

Notwithstanding the preceding paragraph, the minimum surface area for projected lots within the dominant zones "Périmètre d'urbanisation" (u) and "périphérique" (P) where an area prone to flooding is found shall be increased in the following manner:

7.3.1 Serviced lot (water and sewer)

Minimum surface area required plus 50% of the minimum surface area.

7.3.2 Partially serviced lot (water or sewer)

Minimum required surface area plus 40% of the minimum surface area.

7.3.3 Unserviced lot

Minimum surface area of the parcel of land plus 30% of the minimum surface area required.

7.4 Specific provisions for islands

Within the Municipality of Low, all cadastrale operations (subdivisions) are prohibited.

7.5 Specific provisions concerning a public service corridor

Within the public service space identified on zoning map 78230 and representing the expropriated space of

the discontinued railway line, no parcelling serving to reduce this expropriated space to less than 25m (82') in width is authorized except for a public works construction or acquisition authorized by the zoning by-law at the Municipality of Low.

CHAPTER VIII

FINAL PROVISIONS

8.1 Amendment of present by-law

The provision of this by-law may not modified or abolished without conforming to the law.

8.2 Coming into force of this by-law

This by-law will come into force _____ and conforms to the provisions of the law.