



**MUNICIPALITY OF THE TOWNSHIP OF
WENTWORTH**

SUBDIVISION BY-LAW NUMBER 2018-008

The English version is a translation and has no legal value as the French version always takes precedence.

September 4, 2018

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CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 –LEGAL PROVISIONS

1. By-Law Title and Number

The title of the present By-Law is the Subdivision By-Law whose number is 2018-008.

2. Superseded By-Laws

The present By-Law supersedes and repeals, for all legal purposes, Subdivision By-Law Number 103 of the Municipality of the Township of Wentworth and its amendments.

Such replacements and repeals do not modify the penal procedures instituted under the authority of the superseded or repealed By-Laws, which will continue under the authority of said superseded or repealed By-Laws until final judgement and execution.

3. Territory Covered

The present By-Law governs the entire territory under the jurisdiction of the Municipality of the Township of Wentworth.

4. Persons Concerned

The present By-Law concerns any physical or corporate person.

5. Partial Nullity of the By-Law

In the event that one section, clause or provision would be declared null and void by a recognized tribunal, the validity of all other sections, clauses or provisions would not be questioned.

The Council has adopted this By-Law, article by article, and would have decreed the remainder of the By-Law, even if one section or all of one or numerous articles were null and void.

6. The By-Law and Laws

No article of this By-Law can exclude a person from the application of a Canada or Quebec Law.

7. Precedence

When a provision of this By-Law is inconsistent with any other municipal By-Law, the most restrictive or prohibitive provision must apply. When provisions of this By-Law are incompatible, the specific provision applies in relation to the general provision.

SECTION 1.2 – ADMINISTRATIVE PROVISIONS

8. Administration and Application of the By-Law

The administration and application of this By-Law shall be entrusted, by resolution of the Municipal Council, to any person hereinafter referred to as a "designated officer".

9. Duties of the Designated Officer

The duties of the designated officer are set out in the Planning Administration By-Law.

SECTION 1.3 – INTERPRETIVE PROVISIONS

10. General Rule

The general rules of interpretation of the By-Law are:

- 1) the present tense of a verb includes the future tense;
- 2) the singular includes the plural and vice-versa unless the meaning clearly shows that it is not logical;
- 3) with the use of the word "must", the obligation is absolute; the word "can" has an elective meaning;
- 4) the word "whoever" includes any natural person or corporate person;
- 5) the masculine gender includes the two (2) sexes unless the context shows otherwise.

11. Specific Rule in the event of Contradiction

Unless otherwise indicated, the following specific rules apply in the event of contradiction:

- 1) between two standards or provisions within this By-Law or a Planning By-Law, the most specific or restrictive provision applies;
- 2) between the text and a title, the text has precedence;
- 3) between the text and any other form of expression, the text has precedence;
- 4) between a chart and a graph or sketch, the chart has precedence;
- 5) between the text and a specification grid, the grid has precedence;

6) between the specification grid and the Zoning Plan, the grid has precedence.

12. Unit of Measurement

All dimensions given in this By-Law are indicated in metric measurement.

13. Terminology

For the purposes of comprehension of all the terms used, reference must be made to the rules of interpretation described in the Zoning By-Law.

CHAPTER 2 GENERAL CONDITIONS FOR A CADASTRAL OPERATION

SECTION 2.1 – GENERAL PROVISIONS

14. General Provisions

Any cadastral operation that does not comply with the provisions of this By-Law is prohibited.

15. Cadastral Operation Plan

The owner of any lot must first submit, to the designated officer, for approval, any plan for a cadastral operation, whether or not the plan provides for roads.

16. Cessation of Road Beds

As a condition precedent to approval of a cadastral operation plan, the owner must commit, in the application for approval of a cadastral operation, to transfer, free of charge, the road bed or any travel lane or one such category as shown on the plan and to be used by the public.

The roadbed must be free of any mortgage or any lien whatsoever.

Before being transferred to the Municipality, the base of any circulation lane or one such category as shown on the plan, and to be used by the public, must be the subject of a cadastral operation.

This promise of transfer does not, in any way, bind the Municipality to the acquisition of the travel artery.

17. Servitudes

The owner of the property must, as a condition preceding the approval of a cadastral operation plan, undertake to grant any servitude required for the passage of energy transport and communication transmission structure installations, trails or other public service infrastructure (overhead or underground).

Existing or required servitudes must appear in the plan relating to a cadastral operation.

18. Supplementary Plans Required

As a prerequisite for the approval of a cadastral operation plan, the applicant must submit, where applicable, the following plans:

1. a plan indicating, on lots subject to the cadastral operation, existing or required servitudes for the passage of energy transportation and communications transmission structures;
- 2) a land parcelling plan for a territory greater than the land shown in the plan and owned by the person who is asking for the approval.

19. Payment of Municipal Taxes

As a condition precedent to the approval of a plan relating to a cadastral operation, the owner must settle the payable and unpaid municipal taxes, for the immovables included in the plan.

20. Subdivision Conception Principles

The conception of a subdivision leading to one or more cadastral operations must be carried out on the basis of the following principles (these principles apply equally to any integrated project):

- (1) it must permit the construction, on each lot, of uses for which the property is intended, according to the zoning requirements;
- 2) it must provide continuity in the lot limit lines in relation to existing or planned adjacent lots;
- 3) it must ensure the integration of the proposed travel lanes into the network of major travel lanes for the entire municipal territory;
- 4) it must ensure the integration of the required public utility services into the various existing networks, if applicable;
- 5) it must ensure that all lots created can be surveyed and registered;
- 6) for information purposes, it must be economically profitable for the Municipality;
- 7) for information purposes, it must generally enhance or protect certain sites and landscapes;
- 8) for information purposes, it should promote the orientation of roads and buildings, to optimize the sunlight in private outdoor spaces and the use of radiant energy.

SECTION 2.2 – CONTRIBUTION OF LAND DESTINED FOR PARKS, PLAYGROUNDS OR NATURAL SPACES

21. Contribution Application

As a condition precedent to the approval of a plan for a cadastral operation involving the creation of more than 5 lots, the owner must either:

- 1) transfer to the Municipality, free of charge, land that represents 10% of the total area of all the lots included in the plan relating to the cadastral operation and, which is situated at a location which, in the opinion of the Council, is appropriate for the establishment or expansion of a park, playground, or to maintain a natural area;
- 2) pay the Municipality a sum of money which must represent 10% of the value of all the lots included in the plan relating to the cadastral operation;
- (3) transfer to the Municipality, free of charge, land included in the plan relating to the cadastral operation and situated in a location that, in the opinion of the Council, is appropriate for the establishment or extension of a park, playground, or to maintain a natural space and, pays the Municipality a sum of money representing part of the total value of all the lots included in the plan relating to the cadastral operation. The value of the land surrendered, free of charge, and the sum

of money paid, must represent 10% of the total value of all the lots included in the plan relating to the cadastral operation.

22. Contribution of Another Lot

The Municipality may accept, by agreement, a contribution of another site located in the Municipality, but which is not included in the site. In this case, the rules for calculating the contribution and the maximum percentage of the area or value that are defined above, do not apply.

23. Exempted Cadastral Operations

When applying for a subdivision permit, the following cadastral operations are not subject to the provisions of this section relative to the contribution for the purposes of parks, playgrounds or natural areas:

- 1) A cadastral operation involving a cancellation, a correction or replacement of a lot number, resulting in no increase in the number of lots;
- 2) The cadastral identification of the official cadastral plan of an immovable, constructed or not, already fragmented but described by boundary and abuttal;
- 3) The cancellation of a subdivision after the cadastral renovation;
- 4) The vertical cadastre required and effected when constituting or converting a divided co-owned building (with the exception of private and communal units as part of an integrated project and the horizontal cadastre);
- 5) The new cadastral identification of an existing lot, as a result of the modification of its boundaries, without creating a new building lot, i.e. a lot having the minimum area and dimensions prescribed in the Zoning By-Law or in this By-Law and where a building can be erected;
- 6) Land intended to become a travel lane;
- 7) The cadastral operation made necessary in the context of an expropriation;
- 8) A cadastral operation involving land used for parks, playgrounds or natural areas or any other use under the auspices of the Municipality of the Township of Wentworth;
- 9) The cadastral identification of parcels for public purposes.

24. Contribution Calculation Rules

The value of the site is considered on the date that the cadastral plan is deposited at the Municipality, using the expropriation land value concepts.

A certified evaluator, mandated by the Municipality, at the owner's expense, established this value.

However, this value may be established using the evaluation role when there is a distinct unit for the lot including the site, or a distinct part of this unit, on the date of reception of the cadastral plan by the Municipality. The value is calculated by using the value on the evaluation role and

multiplying by the comparative role factor according to article 264 of the *Loi sur la fiscalité municipale* (chapter F.-2.1). If the land is not such a unit or part of such a unit, the two preceding paragraphs apply.

A percentage credit of the contribution, must be granted to an owner for transfers or payment made for a cadastral plan, involving all or part of the site.

25. Cadastral Operation Obligation

Before being transferred to the Municipality, the area of land, for park or playground purposes, must have been the subject of a cadastral operation.

26. Locations in the Planning Program By-Law

Where applicable, the location of any park, playground, natural area or recreation trail must conform to the locations projected in the Planning Program By-Law.

Thus, when land is identified in the Planning Program By-Law for park, green space or recreational trail purposes, the park, green space or recreation trail is judged essential to the network, although its location may be slightly modified.

CHAPTER 3 ROADS AND LOTS

SECTION 3.1 – ROAD STANDARDS**27. General Provisions**

The provisions of this section apply to private and public roads.

Public or private roads existing on January 7, 2005 are considered to comply with this By-Law.

28. Restriction for Opening Roads

Within rural zones (RU), the planning and construction of a new private road, including the extension of an existing private road or its loopback, is prohibited.

The ban intended in the first paragraph does not apply in reserve development zones as identified on the Zoning Plan annexed to the Zoning By-Law.

29. Calculation Rule

Unless otherwise specified, or unless the meaning suggests otherwise, any measure (distance, curve radius, intersection angle) shall be calculated from the center line of the roads.

30. Road Layout

Roads must avoid peat bogs, wetlands, unstable terrain and any terrain that is difficult to drain or exposed to floods, landslides and sinking. It must also avoid rocky outcrops and, in general, any terrain that does not provide sufficient depth of loose deposits or gravel-type rock for digging ditches necessary for the passage of public utility pipes.

In general, the layout of the roads must circumvent woodlots, groves, rows of trees and any natural site of interest to pass through primarily cleared woodlands.

Where applicable, the layout of any road must conform to the sites proposed in the Planning Program By-Law.

Thus, when a road is proposed, or a connection indicated in the Planning Program By-Law, said road or connection is deemed to be essential to the network, although its location may be slightly modified.

Measures must be taken to avoid the transport of sediment into lakes and watercourses.

The proposed road allowance includes the extra width necessary to ensure vegetation regrowth on slopes created on either side of the roadway, shoulders and ditches.

The project must provide accessibility to the site, at all times, by emergency or public utility services.

31. Road Slope

The slope of any road must not be less than 0.5% nor greater than 15%.

The slope of a turning circle at the end of a cul-de-sac must not exceed 5%.

The slope of a road, within 30 meters of an intersection, must not exceed 5% for both roads forming the intersection.

32. Road Allowance

The minimum road allowance of any road must be:

1) collector road: minimum of 20 meters;

2) local road: minimum of 15 meters.

33. Turns, Intersection Angles and Visibility

Intersections and turns must comply with the following requirements:

- 1) An intersection must be at right angles; in the case where the physical characteristics do not permit it, an intersection may be at an angle varying between 75° and 105°;
- 2) The alignment of the intersection must be maintained for a minimum distance of 30 meters from the road allowance limit;
- 3) There shall be no intersection on the inside of a curve, whose interior radius is less than 185 meters, nor on the outer side of a curve whose exterior radius is less than 120 meters;
- 4) There shall be no interior radius curve less than 92 meters at less than 32 meters from an intersection;
- 5) On the same road, the center-to-center distance between 2 intersections must be a minimum of 75 meters;
- 6) On a corner lot, a visibility triangle whose sides are 6 meters measured from the intersection of the road allowance lines along them, must be provided. This triangle must be free of any obstacle higher than 0.60 meters from the road level.

34. Dead-end Road

As a general rule, any dead-end road should be avoided. However, one can be used when it presents an aesthetic and/or economic solution for the exploitation of a lot whose shape, relief or location does not lend itself to the use of a road that continues. Any dead-end road must have a turning circle with a minimum diameter of 30 meters, a "turning tee" or a "p-loop" with a minimum allowance of 15 meters.

In the case of a temporary dead-end road, the same dimensions must be respected, even if the dead-end is later moved or cancelled when the road is extended.

35. Distance Between a Road and a Lake or Watercourse

The distance between a road and a lake or watercourse must respect a minimum distance of 75 meters between the road allowance of this road and the natural high-water line.

In the case of a logging road, the distance established in the first paragraph may be reduced to 60 meters.

The distance established in the first paragraph does not apply to any project for the completion of a road network allowing access to a body of water or a watercourse crossing. In the latter case, a minimum distance of 300 meters is provided between 2 watercourse crossings.

36. Ditches

To the extent that soil conditions permit, any new public or private roads must be equipped with road ditches or other structures to ensure optimal management of runoff and effective drainage of the road.

SECTION 3.2 – STANDARDS APPLICABLE TO LOTS

37. General Provisions

In general, the lateral lines of lots must be perpendicular to the road line.

However, in order to flatten slopes, even out lot surfaces, open up perspectives, ensure more adequate sunlight and energy conservation, divisions lines can be oblique in relation to the road lines.

Crown land is exempted from the application of the minimum standards of this by-law, except for works or constructions by persons having acquired rights on these lands.

Wherever possible, the minimum depth of an islet must be sufficient to allow two (2) rows of lots back to back, to prevent lots from being at right angles.

38. Area and Dimensions

The minimum lot area and dimensions are prescribed in the Uses and Standards Specification Grids annexed to the Zoning By-Law and are an integral part of the present By-Law.

are prescribed according to the areas of the zoning plan at the grids of the specifications of uses and the standards annexed to the Zoning By-law, which form an integral part of this by-law.

39. Minimum Width of a Non-serviced Lot Situated in a Curve

The minimum width of a non-serviced lot, measured on the road line, may be reduced to 50% of the width prescribed by the Planning Program By-Law, when it is on the outside of a road curve, provided that the lot area is consistent with the minimum area prescribed. However, the width of a lot measured on the front line must never be less than 45 meters.

40. Minimum Width of an Irregularly-Shaped Lot

The minimum width of an irregularly shaped lot may be reduced by up to 60% of the minimum width of a lot prescribed in the zone use Specification Grid. However, the width of the lot measured on the front line, must never be less than 45 meters, the minimum area of the lot must be respected. However, the average depth of the lot must not be less than 75 meters for a lot within 100 meters of a watercourse and within 300 meters of a lake.

41. Exemptions for the Application of Minimum Subdivision Standards:

The provisions of the present Subdivision By-Law do not apply:

1) to cadastral operations required for municipal, public or public utility purposes, such as waterworks, sewer, gas, electricity, telecommunication, electricity or cable networks and terminals, as well as public or private roads, rights of way or servitudes, a hiking, cross-country ski or snowmobile trail network or parts thereof;

2) a cadastral operation identifying part of a building or lot, required by a declaration of joint ownership of a vertical, horizontal or row type, made under the authority of the *Code civil du Québec*, and in said declaration, only the buildings or lots may be subject to exclusive parts (subject to the special provisions applicable to integrated projects included in the Zoning By-Law);

3) a cadastral operation identifying part of a property, required by the disposition of part of a building, requiring the partition of the land situated directly below it.

Cadastral operations for division, and with the goal being the object of a consolidation plan with an adjacent property that will conform to this By-Law, following the consolidation plan (cadastral operation). The consolidation plan must be filed with the designated officer upon application for the permit.

CHAPTER 4 ACQUIRED RIGHTS AND SUBDIVISION PRIVILEGES

SECTION 4.1 – ACQUIRED RIGHTS

42. General Provisions

Any lot whose area, or one of its dimensions, does not conform to this By-Law, is considered to be a derogatory lot.

A derogatory lot is protected by acquired rights, if the surface and the dimensions of the lot were in conformity with the By-Law in force at the time of its constitution or before the first applicable By-Law.

43. Enlargement and Modification of a Derogatory Lot Protected by Acquired Rights

For the purposes of this section, the modification of a derogatory lot protected by acquired rights, corresponds to the modification of the length of frontage and the depth of a lot, without causing a change in lot area.

A cadastral operation that aims to modify or enlarge a derogatory lot protected by acquired rights is authorized under the following conditions:

- 1) the cadastral operation does not have the effect of aggravating the derogatory situation, in terms of width, depth and area;
- 2) the cadastral operation must not have the effect of rendering an adjacent lot derogatory or rendering the erected buildings derogatory;

In this case, a lot consolidation plan must be filed at the same time as the permit application.

SECTION 4.2 – SUBDIVISION PRIVILEGES

44. Lots Benefiting from Acquired Rights or Cadastral Operation Privileges

A cadastral operation may not be refused in respect of any lot that, on a date preceding March 22, 1984, does not form one or more separate lots on the official cadastral plans and whose boundary and abuttal are described on one or more registered deeds on the above applicable date, for the sole reason that the area or dimensions of the lot, does not allow it to meet the requirements of a subdivision By-Law if the following conditions are met:

- (1) on the above-mentioned date, the size and dimensions of the lot allowed it to respect, where applicable, the requirements in this matter of a subdivision By-Law applicable on that date, on the territory where the lot is located;
- 2) a single lot of the cadastral operation, except if the lot is included in numerous original lots, in which case, only one lot per original lot results from the cadastral operation.

45. Cadastral Operation Provisions on a Derogatory Lot

A permit authorizing a cadastral operation, cannot be refused on the sole grounds that the area or dimensions of the lot do not allow it to respect the requirements of a subdivision By-Law, pertaining to a lot which does not respect the following conditions:

- 1) on March 22, 1984, this lot did not form one or more separate lots on the official cadastral plan, and;
- 2) on the date applicable on the authority of the preceding paragraph, this lot was the base of a construction erected and used in accordance with the By-Laws then in force, or protected, where relevant, by acquired rights.

To be permitted, the cadastral operation must result in the creation of a single lot or, where the lot is included in several original lots, of only one lot per original lot.

This article applies even in the case where the construction is destroyed by a natural disaster after the applicable date.

46. Cadastral Operation Provisions on the Residual Part of a Derogatory Lot

A permit authorizing a cadastral operation may not be refused, on the sole grounds that the size or dimensions of the lot do not allow it to respect the requirements of a subdivision By-Law, pertaining to a lot that constitutes the residue of a lot:

- 1) a part of which was acquired for public utility by a public body, or by another person having the power of expropriation and,
- 2) which, immediately before this acquisition, was of sufficient area and dimensions to comply with the By-Laws then in force, or which could have been the subject of a cadastral operation in accordance with the standards in force.

To be permitted, the cadastral operation must result in the creation of a single lot or, where the land is included in several original lots, only one lot per original lot.

This article applies even in the case where the construction is destroyed by a natural disaster after the applicable date.

CHAPTER 5 FINAL PROVISIONS

SECTION 5.1 – SANCTIONS AND PENALTIES

47. Sanctions

Any person who contravenes one of the provisions of this By-Law, commits an infraction.

An offense under this By-Law, renders the offender liable to the following fines (in all cases, the legal costs are extra):

	Physical Person		Corporate Person	
	Minimum	Maximum	Minimum	Maximum
First Infraction:	\$300	\$1,000	\$600	\$2,000
Repeat Infraction:	\$600	\$2,000	\$1,200	\$4,000

The deadline for the payment of fines and fees imposed under this By-Law, and the consequences of failure to pay such fines and fees within the prescribed time, are established in accordance with the *Code de Procédure pénale du Québec* (RSQ, c. 25.1).

If an offense continues for more than one day, the offense committed on each day constitutes a separate offense, and the penalties imposed for each offense may be imposed for each day that the offense continues, in accordance with this section.

48. Civil Law Recourse

Notwithstanding the recourse through penal action, the Municipality may exercise, before tribunals of jurisdiction, all civil law recourse necessary to enforce the provisions of this By-Law, when the Council deems it necessary, or may exercise all these recourses cumulatively.

49. Penal Actions

The person designated to this end, by a resolution of the Council, institutes penal actions for and in the name of the Municipality.

SECTION 5.2 – EFFECTIVE DATE

50. Effective Date

This By-Law comes into force in accordance with the law.