



100 Old Chelsea Road, Chelsea, Quebec J9B 1C1

MUNICIPALITY OF CHELSEA

By-law Number 637-05 Respecting Subdivisions

"In the case of a difference and/or an incompatibility between the French and English texts of any provision of this By-law, the French text shall prevail".

EFFECTIVE DATE: June 28, 2005
Administrative Compilation Number 10 Effective September 26, 2019

ADMINISTRATIVE COMPILATION

This current edition of the By-law respecting Subdivisions N° 637-05 of the Municipality of Chelsea contains all of the regulatory texts that have been adopted since its effective date of June 28, 2005. The following table illustrates the amendments made as of this date: **September 26, 2019**.

| Update No. | Notice of motion | By-law No. | Description | Effective Date |
|------------|------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1 | January 7, 2008 | 705-07 | Provisions respecting road layouts, pedestrian pathways and their minimum rights-of-way as well as those of land areas and minimum lot frontages | March 19, 2009 |
| 2 | October 4, 2010 | 772-10 | Respect the construction limits with matters concerning landslide zones in the boundaries of the Chelsea Creek Domain project | January 24, 2011 |
| 3 | August 16, 2011 | 798-11 | Ensure the concordance with the adoption of the SPP for the Centre-Village of Chelsea | February 8, 2012 |
| 4 | July 2, 2012 | 832-12 | Include provisions regarding the size of right-of-ways, to cul-de-sacs, and to the size of lots located in CDP zones | Sept. 23, 2013 |
| 5 | June 2, 2014 | 891-14 | Provision relating to classifying streets and roads and width of thoroughfares | October 9, 2014 |
| 6 | May 2, 2016 | 965-16 | Provisions relating to classifying streets and roads and width of thoroughfares | June 15, 2016 |
| 7 | December 5, 2017 | 972-16 | Provisions regarding the minimal size of lots located in the Centre-Village multi-purpose area | September 25, 2017 |

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BY-LAW RESPECTING SUBDIVISIONS
NUMBER 637-05

| Update No. | Notice of motion | By-law No. | Description | Effective Date |
|------------|------------------|------------|----------------------------------------------------------------------------------------------------|--------------------|
| 8 | June 5, 2017 | 1016-17 | Provisions to revoke specific subdivision standards applicable to the Chelsea Creek Estate project | September 25, 2017 |
| 9 | October 2, 2017 | 1042-17 | Provisions concerning the width of thoroughfares | January 4, 2018 |
| 10 | May 7, 2019 | 1121-19 | Adjust a provision for the protection of the aquifer | September 26, 2019 |

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1. LEGISLATIVE AND INTERPRETIVE CLAUSES

1.1 TITLE OF THE BY-LAW

This by-law bears number 637-05 and shall be known as the Municipality of Chelsea Subdivision By-law.

1.2 OBJECTIVES

This by-law applies in whole and in part to urban planning regulations and serves as a means to implement a rational development policy for the Municipality and for the region. The by-law is therefore based on the Municipality of Chelsea Master Plan and the MRC des Collines de l'Outaouais Development Plan and harmonizes with the other elements for implementation of said plans.

The by-law is designed to foster the harmonious development of Municipal land and ensure that said land is parcelled out in a rational manner. This by-law is also designed to encourage, in a pre-determined part of the territory, the establishment, maintenance, and development of parks and playgrounds and the preservation of green space.

In an effort to ensure proper Municipal administration of zoning and construction by-laws and for tax purposes, each building or main land use must occupy a separate lot.

1.3 SUBJECT TERRITORY

This by-law, whose provisions apply to all individuals and legal persons established in the public or private interest, applies to all land within Municipality of Chelsea territorial boundaries.

1.4 REPEALED BY-LAWS

The by-law listed hereinafter and all afferent amendments are hereby repealed and replaced by this by-law:

- a. Municipality of Chelsea Subdivision By-law Number 508-99 and its amendments.
- b. All other afferent regulations inconsistent with this by-law are also repealed.

1.5 AMENDING PROCEDURE

The provisions of this by-law will only be approved, modified, derogated or abrogated by an approved regulation pursuant to the provisions of the *Land Use Planning and Development Act*.

1.6 ATTACHED DOCUMENTS

Forming legal part and parcel of this by-law:

- a. All tables, specification grids, graphs, and symbols contained in this by-law and its appendices;
- b. Aquifer protection zone map (PU-635-05-4), prepared by the MRC des Collines-de-l'Outaouais geomatics department.

1.7 VALIDITY

Municipal Council approves this by-law in its entirety, as well as chapter by chapter, section by section, sub-section by sub-section and article by article. In the event that any portion of this by-law is declared null and void, all other portions shall remain in effect.

2. INTERPRETATION

2.1 INTERPRETING THE TEXT

The headings in this by-law form part and parcel of this text for legal purposes. In the event of a contradiction between headings and the text, the text shall prevail:

- a. Verbs in present tense include future tense;
- b. The use of the singular includes the plural and vice versa, unless indicated by context;
- c. The use of the words SHALL, WILL or MUST indicates an absolute obligation; the use of the words COULD or MAY indicates an option;
- d. The words WHOSOEVER or ANY PERSON include all moral and physical persons;
- e. The words CORPORATION and MUNICIPALITY refer to the Municipality of Chelsea;
- f. The word COUNCIL refers to Chelsea Municipal Council;
- g. The abbreviation PSDAC refers to the Planning and Sustainable Development Advisory Committee of the Municipality of Chelsea;
- h. The expression MASTER PLAN refers to the Municipal of Chelsea urban plan pursuant to the provisions of the Quebec Land Use Planning and Development Act;
- i. A standard numbering system has been used for all by-laws. The first number refers to the chapter of the by-law, the second to the section of said chapter, the third to the sub-section, and the fourth to the article of the sub-section in question. For example only, the headings are numbered as follows:

1. CHAPTER

1.5 SECTION

1.5.1 Sub-section

1.5.1.1 Article

All measurements are expressed in units of the International System of Units (IS, metric system).

2.2 INTERPRETING TABLES

The tables, diagrams, specification grids, symbols and other forms of expression other than the actual text referring to said items, are legal part and parcel of this document.

In the event of a contradiction between the text and tables, diagrams, graphs, symbols, and other forms of expression, the text shall prevail. In the event of a contradiction between a table and a graph, the graphic data shall prevail.

In the event that the restrictions or prohibitions in this by-law or any of its provisions prove to be inconsistent with or contradict any other provision of this by-law, the more stringent provision shall apply.

2.3 TERMINOLOGY

For the purposes of interpreting this by-law, unless otherwise indicated by context, all words and/or expressions shall be interpreted according to the significance given in Section 1.10 of Zoning By-law No. 636-05 and its amendments, with the exception of the following:

FRONTAGE. Measurement between the side lot lines along the right-of-way of a public or private road, existing or proposed; in the case of a waterfront lot, frontage refers to the straight line between the two (2) side lot lines at the average high water mark; for a lot located at the intersection of two (2) streets or roads, the measurement shall be taken from a single side lot line to the intersection.

CADASTRE OPERATION. The overall procedure designed to divide, subdivide, replace, correct, or cancel. Initiated by the property owner or by the ministry responsible for the cadastre, a cadastre operation is performed by a professional land surveyor in accordance with the instructions from the ministry responsible.

DEROGATED LOT. Lot whose surface area and/or dimensions are inconsistent with the current Subdivision By-law.

DEROGATED PROPERTY. Parcel of non cadastred land whose surface area or dimensions are inconsistent with the prescriptions of the Subdivision By-law.

LOT. A lot is a parcel of land identified by a distinct number on the official cadastre plan.

LOT DEPTH. Average distance between the front and rear lot lines of a parcel. Where no rear line exists, the distance is calculated using an imaginary line parallel to the front lot line and transecting the lot with minimum length of sixty percent (60%) of the minimum required frontage.

PARTIALLY SERVICED LOT. Lot serviced by only one service, either by a water system or a sewer system, duly approved by the *ministère du Développement durable, de l'Environnement et des Parcs*.⁽³⁾

PORTION OF A LOT. Part of a piece of land described by metes and bounds, not represented separately on an official cadastre plan.

SERVICED LOT. Lot serviced by water and sewer systems, both approved by the *ministère du Développement durable, de l'Environnement et des Parcs*.⁽³⁾

SUBDIVIDE. To partition.

SUBDIVISION. Action designed to divide land into building lots for development.

(3) Introduced by **By-law Number 798-11** (effective February 8, 2012)

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SUBDIVISION PLAN. Plan prepared by a certified land surveyor and showing a cadastre operation(s) involving lots or roads pursuant to this by-law (see also SUBDIVISION).

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3. ADMINISTERING AUTHORITY

3.1 ADMINISTERING AUTHORITY

Responsibility for application of this by-law is entrusted to the Technical Services Director or to any other official designated for this purpose.

3.2 DUTIES AND AUTHORITY

The administering authority, his representative or deputy, duly authorized by Council, is responsible for monitoring and supervising buildings and uses. To this end, said individual is entrusted with the following:

- a. Issues any required permit or certificate pursuant to current urban planning regulations. Denies permits and certificates for non-compliant projects. Submits any applications for minor variance or by-law amendments to the Planning and Sustainable Development Advisory Committee or Council, as required. At PSDAC or Council request, provides any and all information required to analyze a file regarding non-compliant projects.
- b. Inspects or visits any building, structure, or part of a structure under construction, modification, or repair, relocation, or demolition, as well as existing buildings when the application of by-laws calls for a visit or inspection. The owner or tenant of the site(s) visited must allow the administering authority or other duly authorized person access and/or answer any and all questions regarding enforcement of the by-law.
- c. Prepares a list of permits and certificates issued, as well as any contraventions, to be included in a monthly report to Council or by request from Council.
- d. Notifies the property owner of any proposed or ongoing use and/or construction that violates construction by-laws. Oversees the demolition or restoration of any non-compliant building or portion thereof.
- e. Oversees the demolition or restoration, as required, of any non-compliant building or portion thereof pursuant to a court order.
- f. In accordance with a court order, the administering authority will see that any building that could pose a threat to human life is evacuated as a precautionary measure and reports immediately to Council. May require any reinforcement needed to ensure public safety.
- g. Will use every necessary means to ensure the safety of the buildings or structures where poor construction presents a danger.

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- h. Keeps up-to-date records of all applications received and permits and certificates issued, inspections and tests performed, reports submitted and received, and keeps copies of all papers and documents related to the performance of his duties.

3.3 SITE INSPECTION

In performing his duties, the administering authority has the right to visit and inspect a site between 7 AM and 7 PM daily, any property including the interior and exterior of houses, buildings, or other structures to ensure by visual inspection that the provisions of this by-law have been observed. Owners, tenants, or occupants of the sites visited are required to give the officer access and to answer any and all questions regarding the observance of urban planning regulations.

When it is possible to do so, the administering authority will advise owners of his visit at least 48 hours before the anticipated date of the inspection.

3.4 LIMITATIONS

The administering authority must answer any and all relevant questions regarding the provisions of this by-law.

However, except to provide general information regarding design, the administering authority will not participate in the preparation of plans or act as an engineering or architectural consultant.

3.5 SPECIFIC AUTHORITY

In performing his duties, the administering authority may specifically, without reserve, carry out the following with respect to application of the Construction By-law:

- a. Notify any owner or applicant in writing to request correction of any situation constituting a violation of said by-law;
- b. Order any owner or applicant to suspend work that violates this by-law or poses a hazard;
- c. Order testing to be performed on any material, device, construction method, operational or structural component of construction, or on the condition of foundations, at the expense of the owner or applicant;
- d. Require the owner or applicant to provide, at their expense, adequate proof that a material, construction device, condition of foundations, structure or building complies with this by-law;
- e. Revoke or refuse to issue a permit in the event that the tests noted in sub-paragraph c) are unsatisfactory or the proof mentioned in sub-paragraph d) is inadequate;
- f. Revoke a permit in the event of a violation of any or all of the provisions of this by-law or of any or all of the conditions established on the permit;
- g. Initiate criminal proceedings against offenders with respect to any provision of this by-law; and, to do so deliver notices of violation.

4. PROVISIONS RESPECTING PARKS, PLAYGROUNDS AND NATURAL AREAS

4.1 TRANSFERRING LAND FOR PARKS, PLAYGROUNDS AND NATURAL AREAS

As a pre-condition to the approval of a plan involving a cadastre operation, the owner of the property in question must transfer to the Municipality, free of charge, a surface area equal to ten percent (10%) of the total surface area of the land covered by the proposed plan, for the purpose of developing a park, playground, or natural area.

Said transferred land must be located in an area that Municipal Council deems suitable for the establishment of a park, playground, or natural area.

4.2 CASH IN LIEU

In lieu of the land transfer noted above in Section 4.1, Municipal Council may require the property owner to pay an amount of cash equal to ten percent (10%) of the recorded property value according to the municipal assessment roll for the land involved in the cadastre operation. For collection purposes, the value of the land is obtained by multiplying the figure recorded on the MRC des Collines-de-l'Outaouais tax assessment roll by the comparative factor established pursuant to Section 264 of the *Municipal Tax Act*.

During a cadastre operation, the value of the property to be used as a basis for calculations is that of the new lots created, with the exception of those specified in Section 4.4 of this by-law.

Furthermore, depending upon the specific needs of the Municipality, Municipal Council may require the owner to pay a portion of the amount due in cash with the remainder in the form of a land transfer upon condition that the total value transferred or paid to the Municipality is equal to one or more of the requirements stated in the foregoing sections.

Said revenue shall be deposited into a special fund to be used uniquely for the acquisition and/or development of parks, playgrounds, or natural areas and the land transferred to the Municipality can be used only for parks, playgrounds, or environmental protection areas.

The Municipality may sell the land acquired pursuant to Section 4.1 at auction, by public tender, or by other means approved by the *Code municipal du Québec* in the event that said land is no longer required for the establishment of parks, playgrounds, or natural areas. Any revenues resulting from the sale shall be deposited in the special fund.

4.3 REGISTERED CONTRACT

For any and all land subdivision requiring land transfer for the purpose of establishing a park, playground, or natural area, the owner must agree in writing to transfer the designated property to the Municipality free of charge. The land transfer will take place as soon as possible following completion of the cadastre operation involving these lots.

The owner-land transferor will cover all notarial fees and any other expenses related to land transfer for parks, playgrounds, and/or natural area.

4.4 EXEMPTIONS TO LAND TRANSFER OBLIGATION

No land transfer or cash in lieu is required in the following instances, i.e.:

- a. Cadastre operations involving cancellation and correction;
- b. Cadastre identification of parks, playgrounds, or green space for public use;
- c. Cadastre identification of parcels of land for public use, submitted by the Municipality or other government agency with Municipal Council approval;
- d. Property for which park and/or playground space has been transferred previously to the municipality or cash in lieu previously paid;
- e. New cadastre identification of a vacant, cadastred lot following revision of its boundaries without creating a new building lot.

5. PROVISIONS RESPECTING THOROUGHFARES

5.1 DEFINITIONS

The width of streets and roads will be determined according to their function pursuant to the Master Plan.

Any geometric characteristics of street and roads, other than those presented in this chapter, must comply with the Municipal streets and roads construction standards guidelines, Private streets and road construction standards guidelines, and the Canadian geometric road design standards of the *Association québécoise des transports et des routes inc.*

When a street or road configuration is detailed in the transportation plan, said thoroughfare will be deemed essential to proper road system operation.

5.2 STREET AND ROAD CONFIGURATION BY SOIL TYPE

Streets and roads must avoid woodlots, peat bogs, swampland, and unstable land as well as any improperly drained or flood-prone land, rock falls and cave-ins.

5.3 STREET AND ROAD CONFIGURATION IN WATERFRONT AREAS

No street or road will be built within seventy (70) metres of the high water mark of any permanent lake or waterway. However, in built-up sectors or sectors presenting significant physical constraints (problematic topography), the street or road may be built within a minimum of thirty (30) metres of the high water mark of any permanent lake or waterway.

Notwithstanding the preceding paragraph, the following rules apply to flood zones identified in the Zoning By-law: No street or road will be built on a 0-20-year high risk flood plain. In a 0-20-year low-risk flood plain, all thoroughfares will be built above the 100-year flood mark. Where no flooding has occurred, the high water mark shall prevail.

5.4 STREET AND ROAD CONFIGURATION NEAR RAIL LINES

In general, avoid building a residential street or road parallel to or near a rail line.

Where said street or road is adjacent to a rail line, it must be located at least fifteen (15) metres from the outer edge of the railway right-of-way to the outer edge of the thoroughfare. Under these circumstances, the space between the two rights-of-way must remain construction free.

5.5 STREET AND ROAD CONFIGURATION IN HIGH TRAFFIC AREAS

In general, construction of residential streets and roads parallel or adjacent to a high traffic thoroughfare (with speeds of 80+ km/h) should be avoided, except in the instance of collector lanes.

5.6 CONNECTING TO DIVIDED HIGHWAYS AND REGIONAL ROADS

Access to divided highways and regional roads must only be via intersections designated for this purpose. As much as possible, subdivision project designs must limit access to highways and regional roads.

5.7 CLASSIFYING STREETS AND ROADS

The municipal road system is organized and classified according to the following features, main function and importance of its constituent thoroughfares.

The administering authority shall classify any streets or roads appearing on a preliminary proposal into one of the following four categories.

Main artery. Road used primarily for heavy, high speed traffic. These roads are mainly used for transit between major centres. Their predominant function is the rapid, uninterrupted flow of traffic from one sector to another of the Municipality

Main collector road. Road serving local streets and local collector roads. These roads access waterfront properties as well as providing transportation between local roads and main arteries.

Local or neighbourhood collector road.⁽⁵⁾ The main function of these roads is to provide access to residential waterfront lots whose configuration, stops, reduced speed, and local traffic are such that they are of little interest to outside traffic. A local or neighbourhood collector road can be urban or rural depending on its location inside or outside of an urban perimeter.⁽⁶⁾

Private road. Private property thoroughfare located in the grip of a separate lot and cadastral survey for this purpose for the movement of vehicles. Any new private road must be built according to the standard guidelines for the road construction of private roads and provide service a minimum of two (2) separate lots and a maximum of three (3) separate lots. This definition excludes driveways, plotted right-of-ways, or plotted servitude for a right-of-way.⁽⁵⁾ A private road can be urban or rural depending on its location inside or outside of an urban perimeter.⁽⁶⁾

(5) Amended by **By-law Number 891-14** (effective October 9, 2014)

(6) Introduced by **By-law Number 965-16** (effective June 15, 2016)

(6) Introduced by **By-law Number 965-16** (effective June 15, 2016)

5.8 WIDTH OF THOROUGHFARE ⁽⁵⁾⁽⁶⁾⁽⁹⁾

Any thoroughfare according to the classification listed in this chapter must meet the following specifications:

| Width of thoroughfare in metres | |
|-----------------------------------------------|----------------------|
| Main artery | 20.0 metres minimum |
| Main collector road | 20.0 metres minimum |
| Local or neighbourhood collector road (rural) | 20.0 metres minimum |
| Local or neighbourhood collector road (urban) | 12.0 metres minimum* |
| Private road (rural) | 20.0 metres minimum |
| Private road (urban) | 10.0 metres minimum |

* piped ditches

5.8.1 ⁽¹⁾⁽³⁾⁽⁴⁾⁽⁵⁾

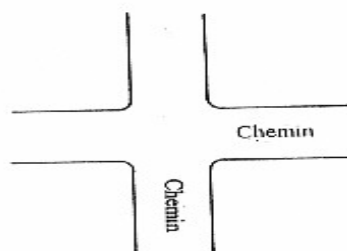
5.9 TURNS, ANGLES OF INTERSECTION, AND VISIBILITY

Intersections and turning lanes must comply with the *Association québécoise du transport et des routes inc.* document, *Normes canadiennes de conception géométrique des routes* (Canadian geometric road design standards).

The following prescriptions will also apply:

- a) Intersection with more than two lanes;

Fig. A



(6) Amended by **By-law Number 965-16** (effective June 15, 2016)

(9) Amended by **By-law Number 1042-17** (effective January 4, 2018)

(1) Introduced by **By-law Number 705-07** (effective March 19, 2009)

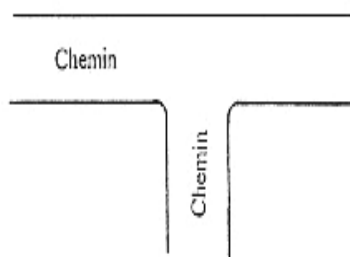
(3) Amended by **By-law Number 798-11** (effective February 8, 2012)

(4) Amended by **By-law Number 832-12** (effective September 23, 2013)

(5) Revoked by **By-law Number 891-14** (effective October 9, 2014)

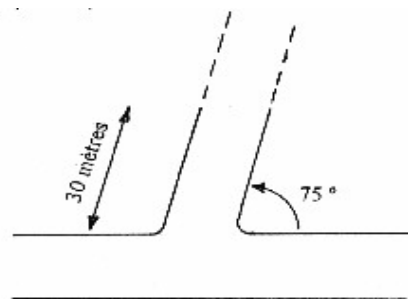
- b) "T" junctions are the preferred option;

Fig. B



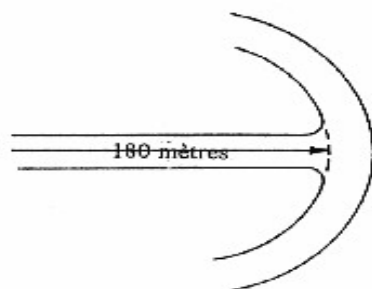
- c) The angle of the intersection must not be less than seventy-five degrees (75°) and right-angled intersections are the preferred option. Alignment must be maintained over a minimum distance of thirty (30) metres;

Fig. C



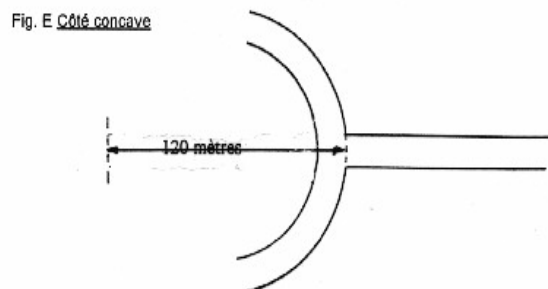
- d) No intersection shall be located on the interior (convex) edge of a curve with radius of less than one-hundred eighty (180) metres.

Fig. D



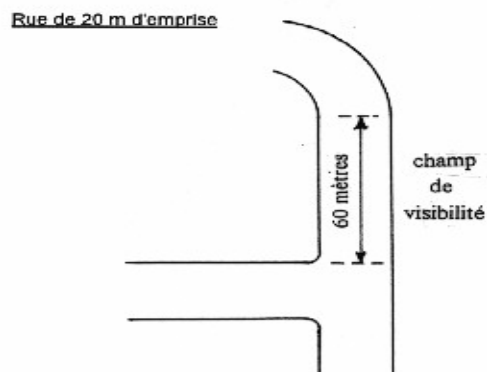
- e) No intersection shall be located on the concave (exterior) edge of a curve with radius less than one hundred twenty (120) metres;
- f) In general, no curve will be approved within the first thirty (30) metres of a thoroughfare that intersects with an existing or proposed thoroughfare and the angle of intersection must be ninety (90°) degrees.

Fig. F



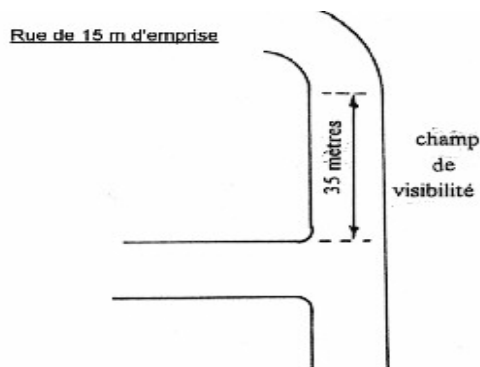
- g) Any intersection with a road twenty (20) metres or more in width must have a minimum of sixty (60) metres of visibility.

Fig. G



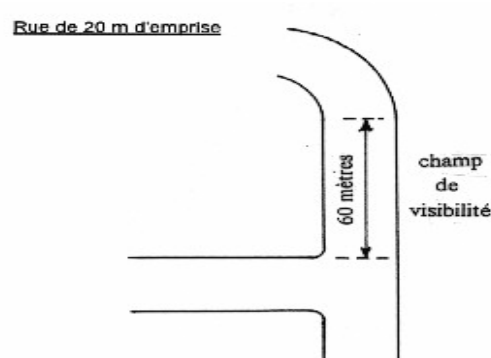
- h) Any intersection with a road fifteen (15) metres or more in width must have a minimum of thirty-five (35) metres of visibility.

Fig. H



- i) The centre points of two (2) intersections on the same road must be at least sixty (60) metres apart.

Fig. I



- j) No intersection will be approved for a thoroughfare having a grade of more than eight percent (8%). Furthermore, a minimum field of vision of thirty metres (30) must be allowed between the top of the slope and the future intersection.

Fig. J



5.10 CUL-DE-SAC⁽⁵⁾⁽⁶⁾

The systematic use of cul-de-sac is prohibited. Any new development must have at least two exits on existing roads and the layout must be developed to ensure public safety, continuity and connectivity of the road network. However, the cul-de-sac can be used for the operation of land whose topography or location make it impossible to use a continuous thoroughfare.

When relevant, a cul-de-sac must possess a grip of thirty-six meters (36.00 m) in diameter where the thoroughfare must not have a radius of less than thirteen meters and fifty centimeters (13.50 m) in a rural sector and fourteen meters and fifty centimeters (14.50 m) in an urban sector. The Municipality may allow a "T" shape cul-de-sac when the topography or location make it impossible to use a circular cul-de-sac.

5.10.1⁽¹⁾⁽²⁾⁽⁴⁾⁽⁸⁾

(5) Amended by **By-law Number 891-14** (effective October 9, 2014)

(6) Amended by **By-law Number 965-16** (effective June 15, 2016)

(1) Introduced by **By-law Number 705-07** (effective March 19, 2009)

(2) Amended by **By-law Number 772-10** (effective January 24, 2011)

(4) Amended by **By-law Number 832-12** (effective September 23, 2013)

(8) Revoked by **By-law Number 1016-17** (effective September 25, 2017)

5.11 SUBDIVISION STANDARDS

5.11.1 Minimum lot area and frontage

Any new lot created for the construction of a main building must have a minimum surface area of four thousand square metres (4,000 m²), with minimum frontage of forty-five (45) metres, adjacent to a road.

However, when a proposed lot is located in whole or in part within an aquifer protection zone, the minimum surface area shall be eight thousand square metres (8,000 m²) and minimum frontage shall be forty-five (45) metres, adjacent to a road.

Nevertheless, when a proposed lot is located in whole or in part within an aquifer protection zone, and said lot is serviced by an aqueduct system, the minimum surface area applicable is four thousand square metres (4,000 m²), with a minimum frontage of forty-five (45) metres, adjacent to a road.⁽⁷⁾

Nonetheless, if several lots are created simultaneously on a property, the minimum lot area may be 4,000 square meters, whatever the case, but on the condition that all of these lots respect the density applicable to the entire land and that all authorized uses do not compromise whatsoever the objective of protecting the aquifer.

In addition, any residual land beyond the maximum density authorized for all of the original land can not be the subject of an application for a building permit for a main building or for a subdivision permit application. the exception of a subdivision that creates no new building lot.⁽¹⁰⁾

5.11.1.1^{(1) (2) (8)}

5.11.1.2 Minimum lot size in the Centre-Village multi-purpose area⁽³⁾

Subject to the provision of article 5.11.1.1, the areas and minimum frontages that follow are applicable to the serviced lands located in the Centre-Village multi-purpose area as identified in Sub-section 2.1.1 of the Zoning By-law Number 636-05, as amended, according to the use to be put in place:

| Uses | Minimum Area (square metres) | Minimum Frontage (metres) |
|------------------------------------------------------|---------------------------------|------------------------------|
| Isolated single-detached dwelling | 350 | 10 |
| Multi-unit dwelling | 650 | 16 |
| Community housing | 650 | 16 |
| Attached single-family dwelling | 250 | 8 ⁽⁷⁾ |
| Public Utility Services, parks and community gardens | 0 | 0 |

⁽⁷⁾ Introduced by **By-law Number 972-16** (effective September 25, 2017)

⁽¹⁰⁾ Amended by **By-law Number 1121-19** (effective September 26, 2019)

⁽⁸⁾ Revoked by **By-law Number 1016-17** (effective September 25, 2017)

⁽³⁾ Introduced by **By-law Number 798-11** (effective February 8, 2012)

⁽⁷⁾ Amended by **By-law Number 972-16** (effective September 25, 2017)

| | | |
|------------------------------------------------------------------------------------------------------------|-----|----|
| Other uses (including lands offering a mix of residential and commercial uses) in a detached dwelling unit | 400 | 10 |
| Other uses (including lands offering a mix of residential and commercial uses) in semi-detached buildings | 325 | 10 |

The minimum dimensions that follow are applicable to lands partially serviced located within the Centre-Village multi-purpose area as identified in Sub-section 2.1.1 of the Zoning By-law Number 636-05, as amended:

| Land | Minimum Area (square metres) | Minimum Frontage (metres) |
|--------------------|---------------------------------|------------------------------|
| Partially serviced | 2000 | 30 |

Notwithstanding the foregoing, for serviced or partially serviced lands in zones RA-78, RA-203, RA-205, RA-207, RA-214, CA-217, RA-221, RA-222, RA-223, CB-227, RA-229, RA-230, RA-231, RA-239, RA-245, LA-246, RA-263, RA-265, RA-269 and CA-270, as identified on the Zoning Map of the Zoning By-law Number 636-05, the minimum areas and frontages of Subdivision 5.11.1 apply. ⁽⁷⁾

5.11.2 Cadastre identification

One or more lots with dimensions other than those enumerated in sub-section 5.11.1 may be created pursuant to this by-law subject to one of the following conditions:

- a. The cadastre operation involves the creation of a lot for realty transaction purposes and not for construction purposes;
- b. The cadastre operation is designed to identify a property for which an entry existed in the registry prior to the effective date of the initial by-law establishing Municipality of Chelsea subdivision standards;
- c. The cadastre operation involves a residual lot following duly approved subdivision;
- d. The cadastre operation results from a special procedure, such as survey marking, court order, or ministerial correction.

Cadastre operations do not confer any rights on the lots created by this process, and in no way commit the Municipality to issuing any construction or land use permit whatsoever.

5.11.3 Frontage of properties on a cul-de-sac⁽³⁾

The frontage of a lot in a dead-end street where the side lot lines converge toward the street can be reduced to a minimum of 15 metres, at the condition that the total area of the lot is in conformity with all other applicable provisions of the Planning By-laws.

Notwithstanding the preceding paragraph, for serviced lands located in the Centre-Village multi-purpose area as defined in Sub-section 2.1.1. of the Zoning By-law Number 636-05, as amended, the frontage of a lot in a

(7) Introduced by **By-law Number 972-17** (effective September 25, 2017)

(3) Amended by **By-law Number 798-11** (effective February 8, 2012)

dead-end street where the side lot lines converge toward the street can be reduced to a minimum of 10 metres.

5.11.4 Subdivision adjacent to lakes, waterways, and wetlands

To avoid excessive strain on lakes and waterways, the following subdivision rules apply:

- As much as possible, side lot lines must be perpendicular to the river;
- Minimum frontage of a waterfront lot shall be thirty (30) metres;
- Minimum frontage on the road shall be forty-five (45) metres.

5.11.5 Orientation of lot lines

In general, side lot lines shall be perpendicular to the direction of the road.

However, in an effort to reduce grades, level lots, or clear a view, side lot lines may be at an oblique angle to the road; however, in no instance will this variance be justified by the fact that shared lot lines identified on the official cadastre plan are themselves at an oblique angle to the road.

5.11.6 Pedestrian pathways and rights-of-way

When the preliminary subdivision proposal is submitted the owner, at Council request, must transfer to the Municipality by title deed, cost to be covered by the Municipality, three (3) metre wide space for pedestrian pathways. Council will identify the location for the pedestrian pathways in an effort to encourage non-motorized traffic and favour access to public buildings, playgrounds, parks, and other areas of public interest.

A pathway is required when the depth of an island designated for residential use exceeds two hundred thirty (230) metres; the number of additional pathways required is equal to the number of existing two hundred thirty (230) metre sections.

5.11.6.1 ⁽¹⁾ ⁽²⁾ ⁽³⁾

Notwithstanding the preceding paragraph, for the serviced lands located in the Centre-Village multi-purpose area as defined in Sub-section 2.1.1 of the Zoning By-law Number 636-05, as amended, the minimum width of pedestrian pathways is set at two and a half metres (2.50 m).

5.11.7 Damage to survey markers

Whosoever damages or moves in any way whatsoever a survey marker belonging to the Municipality, must advise the Municipality immediately and assume expenses incurred to correct the situation.

(1) Introduced by **By-law Number 705-07** (effective March 19, 2009)

(2) Amended by **By-law Number 772-10** (effective January 24, 2011)

(3) Amended by **By-law Number 798-11** (effective February 8, 2012)

6. DEROGATED PROPERTIES AND LOTS WITH ACQUIRED RIGHTS

6.1 DEROGATED PROPERTIES AND LOTS WITH ACQUIRED RIGHTS

A derogated property or lot is deemed to have acquired rights subject to one or more of the following conditions:

- a. A lot registered prior to the effective date of this subdivision by-law and the cadastral subdivision was performed in compliance with the legislation and regulations in effect on the date of the cadastre operation;
- b. Property that as of September 22, 1992, formed by one or more portions of the lots described in a registered land title subject to the following condition:
 - A single lot results from the cadastre operation and said lot meets subdivision standards as closely as possible.

A subdivision permit for the purpose of cadastral identification of a derogated property with acquired rights cannot be refused.

In addition, a subdivision permit cannot be refused in the case of extension of a derogated lot protected by acquired rights even if the resulting lot does not meet general subdivision standards. This type of extension must not result in the derogation of a lot that is currently compliant with this by-law.

For a lot that has been registered as a separate lot during the cadastral revision and does not meet minimum measurements established in sub-section 5.11.1 of this by-law, no acquired rights exist for said lot if the property to which it belongs is inconsistent with the content of paragraphs a or b of this sub-section.

6.2 PROPERTY CONSTITUTING A RESIDUAL PARCEL

A subdivision permit cannot be refused simply because the surface area or dimensions of the property do not meet related requirements in this by-law; with respect to a property constituting a residual parcel:

- a. Of which a portion was acquired for public utilities by a public agency or by another legal or moral person having power to expropriate, and
- b. That immediately prior to said acquisition had adequate surface area or dimensions to satisfy regulations in effect at the time or that could be subject to a cadastre operation pursuant to the subdivision standards of this by-law.

6.3 EXISTING PROPERTY CONTAINING A MAIN BUILDING

A subdivision permit cannot be refused with respect to a property whose metes and bounds are identified in one or more title deeds registered prior to November 30, 1982, and that on said date was the site of a building meeting the following requirements:

- a. The structure must be a main building (not a secondary building);
- b. The structure must have been erected legally and used in compliance with regulations in effect at the time of acquired rights, as applicable.

This provision also applies in the event that a building is destroyed by fire after the effective date.

7. PENALTIES AND SANCTIONS

7.1 PENALTIES

In the event that an offender refuses or neglects to comply in all or in part with any provision of this by-law or with any order issued by the administering authority, the appropriate authority may petition the Quebec Superior Court pursuant to the Land Use Planning and Development Act (RSQ, Ch. A-19.1) to:

- a. Issue a stop-work order with respect to any work or use failing to comply with this by-law;
- b. Order, at the owner's expense, execution of work required to render the use or construction compliant with this by-law or, failing the existence of a workable solution, order the demolition of the structure and restoration of the property;
- c. Authorize the Municipality to carry out the required work, demolition, or restoration, in lieu of the property or building owner and to proceed within the prescribed timeframe, and to recover incurred costs from the owner via a lien registered on the tax assessment roll.

Furthermore, any and all offenders are also subject to the sanctions prescribed in this by-law, as well as to any and all penalties and sanctions prescribed by legislation and regulations currently in effect in the Municipality of Chelsea.

7.2 GENERAL SANCTIONS

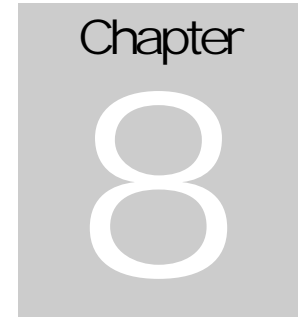
Any person or persons who contravenes any or all of the provisions of this by-law is guilty of an offence and, in addition to paying the costs for each infraction, is liable to a set fine of ONE THOUSAND DOLLARS (\$1000) if the offender is a physical person, or a set fine of TWO THOUSAND DOLLARS (\$2,000) if the offender is a corporation or other legal entity.

In the event of a repeat offence committed within two years of declaration of guilt for the same infraction, the offender, in addition to paying the costs for each infraction, is liable to a set fine of TWO THOUSAND DOLLARS (\$2,000) if the offender is a physical person, or a set fine of FOUR THOUSAND DOLLARS (\$4,000) if the offender is a corporation or other legal entity.

If an infraction continues for more than one (1) day, it shall constitute a separate offence for each day during which it continues, and may be detailed in a single charge.

7.3 CIVIL JURISDICTION

Without prejudice to proceedings under the criminal justice system, Council may institute any proceedings necessary under civil jurisdiction to enforce compliance with the provisions of this by-law.



8. FORCE AND EFFECT

8.1 FORCE AND EFFECT

This by-law will come into force according to the law.

GIVEN AT CHELSEA, QUEBEC this 19th day of the month of April 2005.

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Secretary-Treasurer

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Mayor

| | |
|-------------------------------------|------------------|
| NOTICE OF MOTION: | February 7, 2005 |
| ADOPTION OF THE FIRST DRAFT BY-LAW: | January 25, 2005 |
| RESOLUTION NUMBER: | 18-05 |
| PUBLIC CONSULTATION: | April 4, 2005 |
| ADOPTION OF THE BY-LAW: | April 19, 2005 |
| RESOLUTION NUMBER: | 79-05 |
| CERTIFICATE OF COMPLIANCE: | June 28, 2005 |
| DATE OF EFFECT: | June 28, 2005 |