



Bienvenue à
Baie-D'Urfe!

**SUBDIVISION
BY-LAW
NO. 1111**

PROVINCE OF QUEBEC
TOWN OF BAIE-D'URFÉ

BY-LAW NO. 1111

SUBDIVISION BY-LAW

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Amendments to the By-law

By-law number	Effective Date

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

TABLE OF CONTENTS

CHAPTER 1 : DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS..... 5

Division 1.1 : Declaratory provisions 5

1.1.1 :	Title of the by-law.....	5
1.1.2 :	Replacement.....	5
1.1.3 :	Territory and persons subject to it	5
1.1.4 :	Compliance with other regulations, by-laws or laws.....	5
1.1.5 :	References.....	5
1.1.6 :	Amendment.....	6
1.1.7 :	Adoption in parts.....	6

Division 1.2 : Interpretive provisions..... 7

1.2.1 :	By-law structure	7
1.2.2 :	Interpretation of the provisions	7
1.2.3 :	Terminology	8

Division 1.3 : Administrative provisions 9

1.3.1 :	Administration and application of the by-law	9
1.3.2 :	Powers of the competent authority	9
1.3.3 :	Offences and penalties	9
1.3.4 :	Civil remedies	9

CHAPTER 2 : PRE-REQUISITE CONDITIONS FOR A CADASTRAL OPERATION 10

Division 2.1 : Activities covered..... 10

2.1.1 :	Activities covered	10
---------	--------------------------	----

Division 2.2 : General provisions 11

2.2.1 :	Plan relating to a cadastral operation	11
2.2.2 :	Transfer of thoroughfare rights-of-way and servitudes of access	11
2.2.3 :	Indication of the private character of streets, paths or access roads ...	11
2.2.4 :	Servitudes	11
2.2.5 :	Payment of municipal taxes.....	11
2.2.6 :	Archeological heritage	12

Division 2.3 : Provisions respecting the contribution for parks, playgrounds or natural areas 13

2.3.1 :	Scope.....	13
2.3.2 :	General provisions	13
2.3.3 :	Chartered appraiser's fees.....	13
2.3.4 :	Location of the landsites to be transferred	13
2.3.5 :	Exemptions from transferring or contributing amounts of money for parks, playgrounds or natural areas	14
2.3.6 :	Rules of computation	15
2.3.7 :	Contesting the value of the land	15

TABLE OF CONTENTS

2.3.8 :	Previous contribution	15
2.3.9 :	Notarized agreement	16
2.3.10 :	Special fund	16
2.3.11 :	Special requirements for land transfers.....	17
 CHAPTER 3 : PROVISIONS RESPECTING STREETS, LOTS AND BLOCKS.....		18
Division 3.1 : Provisions respecting streets		18
3.1.1 :	General provisions	18
3.1.2 :	Street routes based on soil type	18
3.1.3 :	Street routes based on topography	18
3.1.4 :	Rights-of-way of public thoroughfares	18
3.1.5 :	Distance between intersections	18
3.1.6 :	Angles of intersection	19
3.1.7 :	Transition curves	19
3.1.8 :	Dead-end streets	19
3.1.9 :	Footpaths, bicycle paths and servitudes	19
3.1.10 :	Private streets.....	20
Division 3.2 : Provisions respecting lots		21
3.2.1 :	Scope.....	21
3.2.2 :	Minimum lot dimensions and areas	21
3.2.3 :	Specific provisions respecting the minimum dimensions and areas of a lot near to lake Saint Louis	24
3.2.4 :	Provisions applicable to a lot located in more than one zone	25
3.2.5 :	Co-owned properties and vertical cadastre	25
3.2.6 :	Measurement of the minimum depth of a lot	26
3.2.7 :	Shape of lots.....	28
3.2.8 :	Prohibited lot locations.....	29
3.2.9 :	Exemptions on the application of minimum subdivision standards	29
Division 3.3 : Provisions respecting blocks		30
3.3.1 :	Width of blocks.....	30
3.3.2 :	Length of blocks.....	30
3.3.3 :	Orientation of blocks	30
Division 3.4 : Provisions relating to a wetland and its protection.....		31
3.4.1 :	Prohibition on encroaching on wetlands.....	31
 CHAPTER 4 : PROVISIONS RESPECTING NON-CONFORMING LOTS.....		32
Division 4.1 : General provisions		32
4.1.1 :	Scope.....	32
4.1.2 :	Modification of a non-Conforming lot protected by acquired rights	32
Division 4.2 : Subdivision privileges		34
4.2.1 :	Non-conforming vacant landsites	34
4.2.2 :	Non-conforming built land.....	34
4.2.3 :	Remainder of a non-conforming landsite.....	34
4.2.4 :	Non-conforming lot subdivision.....	35

TABLE OF CONTENTS

CHAPTER 5 : FINAL PROVISIONS	37
Division 5.1 : Coming into force.....	37
5.1.1 : Effective date	37

FIGURES

Figure 1 Illustration of Co-owned properties and vertical cadastre	26
Figure 2 Illustrations of examples of measurement of the minimum depth of a lot	26
Figure 3 Illustration of a modification of a non-Conforming lot protected by acquired rights	33

TABLES

Table 1 Offences and penalties for a naturel or legal person.....	9
Table 2 Minimum Lot Dimensions and Areas	22
Table 3 Minimum Dimensions and Areas of a Lot Served Solely by the Water Supply System between Lakeshore Road and Lake Saint Louis	24
Table 4 Minimum Dimensions and Areas of a Lot Served Solely by the Water Supply System Not Located between Lakeshore Road and Lake Saint Louis	24

CHAPTER 1 : DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

Division 1.1 : Declaratory provisions

1.1.1 : Title of the by-law

This By-Law bears the title of "*Subdivision By-Law*" and the number 1111.

1.1.2 : Replacement

This By-Law replaces by-law number 876, entitled "*Subdivision By-Law of the Town of Baie-d'Urfé*" as modified by all its amendments as well as any other incompatible provision of another by-law in effect.

It also replaces Interim control By-laws No. 1084 and 1084-1.

This replacement does not affect the permits and certificates that were legally issued under the authority of the by-law replaced hereby, nor the rights acquired before this By-Law came into force.

In all cases where a natural or legal person contravenes, on the date of entry into force of this By-Law, "*Subdivision By-Law of the Town of Baie-d'Urfé*" number 876, the replacement of said By-Law does not have the effect of canceling this situation of contravention or of confer acquired rights enforceable against this regulation.

1.1.3 : Territory and persons subject to it

This By-Law, whose provisions are enforceable upon natural persons and legal persons of public or private law, applies to the entire territory of the Town of Baie-D'Urfé.

1.1.4 : Compliance with other regulations, by-laws or laws

Compliance with this By-Law shall not exempt a person from compliance with any other law or regulation of the provincial or federal government as well as any other applicable municipal by-law.

1.1.5 : References

All references to another by-law contained in this By-Law are open, such that they include any amendment that may be made to any other by-law referred to herein after the by-law has come into force.

1.1.6 : Amendment

The *Subdivision By-Law* may be amended or repealed, according to the procedures established by the *Act respecting Land Use Planning and Development*.

1.1.7 : Adoption in parts

The Municipal Council of the Town of Baie-D'Urfé hereby declares that it adopts this By-Law chapter by chapter, division by division and section by section, paragraph by paragraph, and sub-paragraph by sub-paragraph, such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other parts of the By-Law, unless the meaning and the scope of the By-Law or one of its provisions is altered or modified thereby.

Division 1.2 : Interpretive provisions

1.2.1 : By-law structure

The numbering method used in this By-Law is the following (when the text of a section does not include numbering for a sub-paragraph or a clause, it is a paragraph):

1. Chapter

1.1 Division

1.1.1 Section

Paragraph

1. Sub-paragraph

a) Clause

1.2.2 : Interpretation of the provisions

When two standards or provisions in this By-Law apply to a use, building, landsite or other object governed by this By-Law, the following rules apply:

1. The particular standard or provision shall prevail over the general provision;
2. The more restrictive provision shall prevail;
3. Unless otherwise indicated by the context, it is agreed that:
 - a) use of the verb "MUST" or "SHALL" indicates an absolute obligation;
 - b) use of the verb "MAY" implies an option, except in the expression "MAY NOT," which means "MUST NOT" or "SHALL NOT";
 - c) The word "WHOEVER" includes any natural or legal person.
4. Irrespective of the verb tense used in this By-Law, all provisions shall be considered to have effect during any period and under any circumstance;
5. Words importing the singular include the plural and words importing the plural include the singular, wherever the context lends itself to said extension;
6. Words importing the masculine gender shall include the feminine gender, unless otherwise indicated by the context;

7. The table of contents and the titles of the chapters, divisions and sections of this By-Law are given to improve comprehension of the text. In case of contradiction between the text and the title(s) concerned or the table of contents, the text prevails;
8. The maps, appendices, tables, charts and symbols and any form of expression other than the actual text and content in this By-Law form an integral part hereof for all legal purposes;
9. In case of contradiction between a table, a chart and the text, the data in the table or the chart prevail;
10. In case of a contradiction between the specifications schedule, the text and the zoning map, the specifications schedule or the more restrictive provision prevails;
11. In the event of a discrepancy between the English version and the French version of this By-Law, the French version shall prevail;
12. The dimensions, areas and other measurements stated in the By-Law are expressed in the international system of units (metres, centimetres, etc.). For reference purposes, imperial system units are provided in parentheses next to the international system units.

1.2.3 : Terminology

Unless specifically indicated otherwise or unless otherwise indicated by the context, expressions, terms and words have the meaning and the application assigned by the *By-Law on the Administration of Town Planning Regulations and on the Issuance of Permits and Certificates*.

Division 1.3 : Administrative provisions

1.3.1 : Administration and application of the by-law

This By-Law is administered and applied by any person referred to hereinafter as “competent authority,” by resolution of the Municipal Council.

1.3.2 : Powers of the competent authority

The powers of the competent authority are stated in the *By-Law on the Administration of Town Planning Regulations and on the Issuance of Permits and Certificates*.

1.3.3 : Offences and penalties

Whoever violates the provisions of this By-Law commits an offence.

An offence under this By-Law shall render the offender liable to the following fines (in all cases, the costs of proceedings shall be in addition):

Table 1 Offences and penalties for a naturel or legal person

	Natural person		Legal person	
	Minimum	Maximum	Minimum	Maximum
First fine	\$200	\$1,000	\$400	\$2,000
Repeat offence	\$400	\$2,000	\$800	\$4,000

The deadlines for paying the fines and fees charged under this By-Law, and the consequences for failing to pay the said fines and fees by the prescribed deadlines shall be established in accordance with the *Code of Penal Procedure of Quebec* (R.S.Q., c. C-25.1).

If an offence lasts longer than a day, the offence committed on each of the days shall constitute a separate offence and the penalties issued for each offence may be imposed for each day that the offence endures, in accordance with this Section.

1.3.4 : Civil remedies

In addition to penal remedies, the Town may exercise all civil remedies at its disposal before the courts to ensure that the provisions of this By-Law are observed.

CHAPTER 2 : PRE-REQUISITE CONDITIONS FOR A CADASTRAL OPERATION

Division 2.1 : Activities covered

2.1.1 : Activities covered

All cadastral operations shall comply with the provisions of this By-Law and shall be subject to a subdivision permit. However, certain exemptions are provided in this By-Law.

The terms and conditions for the issuance of subdivision permits are defined in the *By-Law on the Administration of Town Planning Regulations and on the Issuance of Permits and Certificates*.

Division 2.2 : General provisions

2.2.1 : Plan relating to a cadastral operation

All plans relating to a cadastral operation shall meet the conditions set out in this By-Law and the conditions set out in the *By-Law on Permits and Certificates* in relation to a subdivision permit application.

All cadastral operations shall have been authorized by the competent authority through the issuance of a subdivision permit.

2.2.2 : Transfer of thoroughfare rights-of-way and servitudes of access

The owner shall commit in writing to transfer, free of charge, to the Town of Baie-D'Urfé, the bicycle paths, footpaths, servitudes and thoroughfare rights-of-way or part thereof, as the case may be, as a pre-requisite condition for the approval of a plan relating to a cadastral operation involving the creation of new thoroughfares. All public streets shall have a separate cadastral identification.

2.2.3 : Indication of the private character of streets, paths or access roads

Any project plan including a private access road, street, alley or footpath shall identify them respectively, as the case may be, as "private street," "private path," "private alley" or "private footpath."

2.2.4 : Servitudes

The owner of the landsite shall, as a pre-requisite condition for the approval of a plan relating to a cadastral operation, undertake to grant any servitude required for the passage of power or communications transmission facilities, for the development of pathways or for any other (elevated or underground) public service infrastructure.

Existing or required servitudes shall appear in the plan relating to a cadastral operation, where applicable.

2.2.5 : Payment of municipal taxes

No cadastral operation may be approved if the owner has not paid the municipal taxes that are due and unpaid in respect of immovables included in the plan of the proposed cadastral operation.

This Section does not apply to cadastral operations that concern only lot identification.

2.2.6 : Archeological heritage

No cadastral operation that aims to create a public right-of-way in the sector of archeological interest, i.e. the part of the territory of Baie-D'Urfé located between Lakeshore Road and Lake Saint Louis, may be approved unless the applicant has submitted the archeological potential study required under *By-Law on the Administration of Town Planning Regulations and on the Issuance of Permits and Certificates*.

Furthermore, the cadastral operation may not be approved if the project has not been the subject of a site planning and architectural integration program in accordance with the procedure provided in the *Site Planning and Architectural Integration By-Law* in force.

Division 2.3 : Provisions respecting the contribution for parks, playgrounds or natural areas

2.3.1 : Scope

The provisions of this Division apply to the entire territory of the Town of Baie-D'Urfé.

2.3.2 : General provisions

A cadastral operation may not be approved, unless the owner:

1. transfers, free of charge, to the Town one or more landsites or a servitude that represent 10% of the total area of the immovable concerned and that are located at a site which the Council considers suitable for the establishment or enlargement of a park, playground, public water access point or the maintenance of a natural area. Before being transferred to the Town, the land area dedicated to the purposes of parks, playgrounds or natural areas shall have been the subject of a cadastral operation;
2. Pay to the City a sum of money which must represent 10% of the value determined by the assessment of a chartered appraiser, established in accordance with the calculation rules provided for in this by-law;
3. transfers to the Town a landsite contemplated in the first sub-paragraph or pays the Town an amount contemplated in the second sub-paragraph. The value of the landsite assigned free of charge and the amounts of money paid shall represent 10% of the value determined by the assessment of a chartered appraiser. However, the amounts of money paid shall be used to purchase a landsite of an area equal to or greater than the area that must be filled in order to reach the area established in sub-paragraph 1 to be used for parks, playgrounds or natural areas.

The Council decides, in each case, which of the three (3) previously stated conditions shall apply.

2.3.3 : Chartered appraiser's fees

All fees relating to the determination of the value by the chartered appraiser are the responsibility of the owner.

2.3.4 : Location of the landsites to be transferred

The location of the landsite shall be considered by the Council to be suitable for establishing parks or playgrounds and comply with the urban planning program and, where applicable, the special planning program, the comprehensive development

program or the applicable site planning and architectural integration program. The landsite transferred free of charge by the owner under section 2.2.2 may be a landsite that is not included in the plan relating to the cadastral operation, if there is an agreement to this effect between the owner of all lots included in the plan relating to the cadastral operation and the Town. Such agreement may be greater than 10% of the area of the landsite concerned by the cadastral operation in consideration of the future cadastral operation.

The landsite contemplated by the agreement shall be located within the territory of the Town of Baie-D'Urfé and shall be recorded in the cadastral plan.

2.3.5 : Exemptions from transferring or contributing amounts of money for parks, playgrounds or natural areas

When applying for subdivision permits, the following cadastral operations are not subject to the provisions of this Division with respect to the contribution to be used for parks, playgrounds or natural areas:

1. A cadastral operation relating to a cancellation, correction or renumbering of lots that does not result in any increase in the number of lots;
2. A cadastral operation intended solely to assign a separate cadastral number, for a landsite designated up until then as part of a lot if, on November 30, 1982, said landsite was the site of a principal residence erected and used in accordance with the by-laws in force at that time;
3. The cadastral identification in the official cadastral plan of an immovable, whether built or not, already divided up but described by metes and bounds before this By-Law comes into force;
4. The new cadastral identification of an existing site whose boundaries have been modified without creating a new building lot, i.e. a lot with the minimum area and dimensions prescribed in the Zoning By-Law or in this By-Law and where a structure may be erected;
5. The grouping of several lots recorded in the cadastral plan;
6. The vertical or horizontal cadastre performed when a condominium is converted;
7. Cadastral operations made necessary due to an expropriation by the Town;
8. Cadastral operations that are the subject of a landsite that the Town, the government of Quebec or the government of Canada acquires;
9. Cadastral operations respecting a park, a playground, a natural area or a street;

10. Cadastral operations respecting a landsite on which the construction of any building is not authorized under urban planning by-laws;
11. The cancellation of a subdivision after the cadastral renewal;
12. The new cadastral identification, after the grouping of several parcels identified by separate numbers, in accordance with the Civil Code of Quebec.

2.3.6 : Rules of computation

In the case of a payment of money, the value of the land is determined as follows:

1. In the case of a payment of an amount of money to be used for parks, playgrounds or natural areas, the value of the land or the site is considered on the date when the Town receives the building permit application or the plan relating to the cadastral operation and is established by the product of the value entered on the assessment roll of the Town multiplied by the factor of the roll established in accordance with section 264 of the Act respecting Municipal Taxation (R.S.Q., c. F-2.1).
2. If the land is not such a unit of assessment or part of a unit of assessment, the value is established, at the expense of the owner, by a chartered appraiser hired by the Town, according to the principles applicable to expropriation.

2.3.7 : Contesting the value of the land

Any contestation of the value of the land or the site does not exempt the owner from paying the amount and, as the case may be, transferring the area of the land required by the municipality on the basis of the value established by the appraiser. Said contestation shall be made according to the provisions set out for that purpose in sections 117.7 to 117.14 of the Act respecting the Land Use Planning and Development (C.Q.L.R., c. A-19.1)

2.3.8 : Previous contribution

When the site or part of the site has already been the subject of compensation required under the provisions of this regulation or under the provisions for the same purposes enacted in a previous regulation, in the form of a transfer of land or payment of a sum of money, the following provisions apply:

1. In the case of a transfer of land: an exemption from transfer or payment is granted, either:
 - a) Completely if the transfer already carried out covered the entire site;
 - b) Partially and proportionally if the transfer already carried out only covered part of the site.

2. In the case of payment of a compensatory sum: the owner must pay the difference between the sum already paid and the sum due.

It is up to the owner to demonstrate that an area of land has already been the subject of a transfer of land or payment of a compensatory sum. Failing this, compensation is payable.

2.3.9 : Notarized agreement

Any agreement that must be notarized under this Division shall be notarized before a notary designated and appointed by resolution of the Municipal Council. The cost of the notarized land transfer agreement or undertaking to transfer land to be used as a park, playground or natural area shall be borne by the transferor, including, where appropriate, the technical description.

2.3.10 : Special fund

Every amount received by the Town of Baie-D'Urfé pursuant to this Division shall form part of a special fund. This fund may be used only to acquire or develop land or servitudes to be used for parks, playgrounds, public water access points or natural areas or to acquire plants and plant them on the immovables the Town owns or on the site of a servitude it holds. It may also be used for the payment of expenditures of the Montreal Urban Agglomeration that are related to a regional park. For the purposes of this Section, the development of land or of the site of a servitude includes the construction on it of a building or of an infrastructure or other equipment the use of which is inherent in the use or maintenance of a park, playground, public water access point or natural area;

The Town of Baie-D'Urfé may however dispose of, for a charge, the lands that it has acquired under this Division, provided they are no longer required for the purposes of establishing parks, playgrounds or natural areas, and the proceeds from the sale shall be paid into this special fund. Amounts paid pursuant to a provision enacted under this Section do not constitute a tax, compensation or a mode of tariffing.

Notwithstanding the previous paragraphs, the Town may, to comply with its obligations under sections 272.10 and 272.12 of the *Education Act* (chapter I-13.1):

1. transfer any land referred to in the first paragraph to a school service centre;
2. use the amounts paid into the special fund to acquire an immovable with a view to transferring it to a school service centre or to pay the amount owing to the school service centre that has acquired an immovable in its place.

2.3.11 : Special requirements for land transfers

A land transferred under this By-Law shall be free of any encumbrance, priority or hypothec, and shall form one or more separate lots.

CHAPTER 3 : PROVISIONS RESPECTING STREETS, LOTS AND BLOCKS

Division 3.1 : Provisions respecting streets

3.1.1 : General provisions

This Division applies to any new public or private street.

The route of thoroughfares shall comply with the urban planning program and other provisions of this By-Law.

3.1.2 : Street routes based on soil type

The route taken by streets shall avoid wetlands, wooded areas and any land unfit for drainage or exposed to floods, rockfalls and sinkholes. To the extent possible, the route taken by thoroughfares shall respect woods and rows of trees.

3.1.3 : Street routes based on topography

No street may have a slope greater than 8%.

3.1.4 : Rights-of-way of public thoroughfares

The minimum width of a street right-of-way is set at 15 metres.

However, the right-of-way of a local street intended to connect two (2) existing local streets may be identical to the right-of-way of the existing streets that are to be connected.

Notwithstanding the previous standards:

1. No section of Morgan Road or Boulevard which had been subdivided prior to December 31, 1987 with a right-of-way of 24.5 metres or less in width may be modified to further reduce its width compared to what it was on December 31, 1987;
2. No section of the right-of-way of Morgan Road or Boulevard that would not have been subdivided on December 31, 1987 may be subdivided with a right-of-way of less than 24.5 metres in width.

3.1.5 : Distance between intersections

The minimum distance between two (2) intersections of streets is set at 55 metres, calculated between the closest limits of the street rights-of-way.

3.1.6 : Angles of intersection

In all cases where the physical characteristics of intersections permit it, the intersections shall be at right angles (90°) with an eligible maximum deviation of ten (10) degrees.

However, where required by the situation due to natural or anthropogenic constraints or the existing urban fabric, the angle of intersection may be less than 90°, provided it has a minimum angle of 75°.

3.1.7 : Transition curves

Any intersection of two (2) street lines shall be made with a minimum radius of curvature of six (6) metres.

3.1.8 : Dead-end streets

The construction of a dead-end street shall meet the following conditions:

1. Only local thoroughfares may have a dead end;
2. A path with a minimum width of five (5) metres serving both as a footpath and an emergency lane shall connect the dead-end street directly to a neighbouring street when the location of the premises permits this;
3. A dead-end street shall be completed with a roundabout, whose right-of-way diameter may not be less than 38 metres;
4. The maximum street length from the intersection to the centre of the roundabout is 325 metres.

3.1.9 : Footpaths, bicycle paths and servitudes

The Town may require footpaths or bicycle paths wherever it sees fit, in particular to improve access to schools or community facilities.

The Town may require servitudes wherever it sees fit for the purposes of public utilities (sewer, water supply, power and communications transmission facilities or other public utilities).

All footpaths shall have a minimum width of five (5) metres.

3.1.10 : Private streets

For the purposes of the provisions of this By-Law, any private street existing at the time when this By-Law comes into force is deemed to comply with the requirements in this By-Law.

Division 3.2 : Provisions respecting lots

3.2.1 : Scope

Except for parking areas connected to public transit systems and except for uses for utilities that do not require autonomous or municipal water supply and wastewater removal systems, no cadastral operation may be approved if it creates, directly or indirectly, one or more lots or landsites that do not comply with the following provisions on the minimum dimensions of lots and landsites.

3.2.2 : Minimum lot dimensions and areas

The minimum dimensions (facade length and depth) and the minimum area of lots are prescribed in the following tables.

The minimum dimensions and areas are provided for a lot served, partially served or not served and vary depending on whether or not the lot is on the waterfront and located outside or inside a waterfront corridor.

Where "see the specifications schedule" is indicated, this means that the minimum dimensions and area are entered in the specifications schedule appended to the *Zoning By-Law*.

Where more restrictive, the provisions of this Section prevail over the minimum dimensions and areas entered in the specifications schedule.

No land which has been filled into Lake Saint Louis may be counted in the calculation of lot areas and dimensions for the purposes of this By-Law.

Table 2 Minimum Lot Dimensions and Areas

	Lot located outside a waterfront corridor	Non-waterfront lot located inside a waterfront corridor ⁽⁵⁾	Waterfront lot located inside a waterfront corridor ⁽⁵⁾
Lot served			
Minimum area:	See the specifications schedule	See the specifications schedule	See the specifications schedule
Minimum width:			See the specifications schedule ⁽⁴⁾
Minimum depth ⁽¹⁾ :			45 ⁽²⁾⁽⁴⁾
Distance between a road and a watercourse or a lake ⁽¹⁾ :	/	/	45 ⁽³⁾
Lot partially served			
Minimum area:	1,500 square metres	2,000 square metres	2,000 square metres
Minimum width:	25 metres	25 metres	30 metres ⁽⁴⁾
Minimum depth ⁽¹⁾ :	See the specifications schedule	See the specifications schedule	75 metres ⁽⁴⁾
Distance between a road and a watercourse or a lake ⁽¹⁾ :	/	/	75 metres ⁽³⁾
Lot not served			
Minimum area:	3,000 square metres	4,000 square metres	4,000 square metres
Minimum width:	50 metres	50 metres	50 metres
Minimum depth ⁽¹⁾ :	See the specifications schedule	See the specifications schedule	75 metres ⁽⁴⁾
Distance between a road and a watercourse or a lake ⁽¹⁾ :	/	/	75 metres ⁽³⁾

- (1) For lots adjacent to watercourses, the depth or the distance between a road, a street, a drive or any vehicular traffic route and a watercourse is measured from the high water mark;
- (2) In the case where the road, the drive, the street or any vehicular traffic route was already built on December 21, 1983, the minimum lot depth may be reduced to 30

CHAPTER 3:
PROVISIONS RESPECTING STREETS, LOTS AND ISLANDS

metres or an unspecified depth for sectors identified as having specific physical constraints, such as a cliff and a railway line;

- (3) Said distance may be reduced to 20 metres if the space between said route and the watercourse is zoned for a park.

The distance between a road, a drive, a street or any vehicular traffic route and a watercourse or a lake may be reduced to 15 metres if such route constitutes the completion of a network and provided that the space between the route and the watercourse is not built upon.

However, the route shall never encroach upon a riparian strip of 15 metres.

The distance between a road, a drive, a street or any vehicular traffic route and a watercourse or a lake may be reduced to a depth imposed by a constraint for sectors identified as having specific physical constraints (e.g. railway line, cliff, etc.).

For roads that run perpendicular to the watercourse but do not cross it, the distance may be reduced to 15 metres;

- (4) For roads that run perpendicular to the lake or the watercourse, there is no minimum depth for lots adjacent to said lake or said watercourse if the lots are laid out parallel to the riverbank. In such cases, for lots that are wholly, partially or not served, the width of the lot measured on the front line shall then be added to the width of the riverbank to ensure protection of the riparian strip;
- (5) For all watercourses with a catch basin of less than 20 km², the waterfront corridor standards may be applied only to the lots that are adjacent to the watercourse. The standards applicable to outside the waterfront corridor apply to non-adjacent lots.

3.2.3 : Specific provisions respecting the minimum dimensions and areas of a lot near to lake Saint Louis

The minimum dimensions (facade length and depth) and the minimum area of lots located within a waterfront corridor adjacent to Lake Saint Louis that are subject to specific provisions are specified in the table in this Section.

Where a standard is more restrictive than the standard indicated in the preceding section or in the applicable zoning table, the standard in this Section prevails.

Table 3 Minimum Dimensions and Areas of a Lot Served Solely by the Water Supply System between Lakeshore Road and Lake Saint Louis

	Waterfront lot located inside a waterfront corridor	Non-waterfront lot located inside a waterfront corridor
Lot served solely by the water supply system		
Lot located between Lakeshore Road and Lake Saint Louis		
Minimum area:	4,000 square metres	4,000 square metres
Minimum width:	50 metres	50 metres
Minimum depth ⁽¹⁾ :	75 metres ⁽²⁾	-
Distance between a road and a watercourse or a lake ⁽¹⁾ :	75 metres ⁽³⁾	75 metres ⁽³⁾

Table 4 Minimum Dimensions and Areas of a Lot Served Solely by the Water Supply System Not Located between Lakeshore Road and Lake Saint Louis

	Non-waterfront lot located more than 100 m from the lake inside a waterfront corridor	Non-waterfront lot located less than 100 m from the lake inside a waterfront corridor
Lot served solely by the water supply system		
Lot not located between Lakeshore Road and Lake Saint Louis		
Minimum area:	2,000 square metres	2,000 square metres
Minimum width:	25 metres	50 metres
Minimum depth ⁽¹⁾ :	-	-
Distance between a road and a watercourse or a lake ⁽¹⁾ :	75 metres ⁽³⁾	75 metres ⁽³⁾

- (1) For lots adjacent to watercourses, the depth or distance between a road, a street, a drive or any vehicular traffic route and a watercourse is measured from the high water mark;

CHAPTER 3:
PROVISIONS RESPECTING STREETS, LOTS AND ISLANDS

- (2) For roads that run perpendicular to the lake or the watercourse, there is no minimum depth for lots adjacent to said lake or said watercourse if the lots are laid out parallel to the riverbank. In such cases, for lots that are wholly, partially or not served, the width of the lot measured on the front line shall then be added to the width of the riverbank to ensure protection of the riparian strip;
- (3) This distance may be reduced to 20 metres if the space between said route and the watercourse is zoned for a park.

The distance between a road, a drive, a street or any vehicular traffic route and a watercourse or a lake may be reduced to 15 metres if such route constitutes the completion of a network and provided that the space between the route and the watercourse is not built upon.

However, the route shall never encroach upon a riparian strip of 15 metres.

The distance between a road, a drive, a street or any vehicular traffic route and a watercourse or a lake may be reduced to a depth imposed by a constraint for sectors identified as having specific physical constraints (e.g. railway line, cliff, etc.)

For roads that run perpendicular to the watercourse but do not cross it, the distance may be reduced to 15 metres.

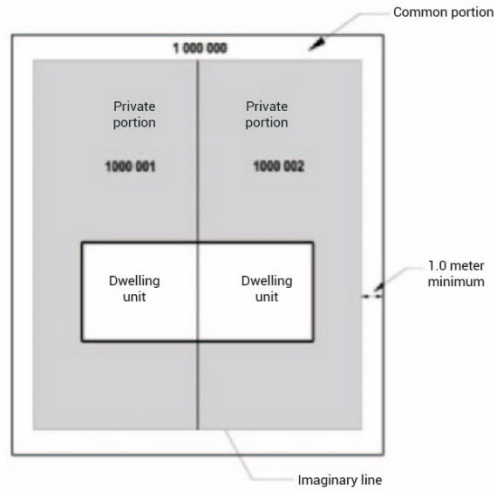
3.2.4 : Provisions applicable to a lot located in more than one zone

When a lot is located in more than one zone, where the requirements for minimum lot areas or dimensions are different, it shall have an area and dimensions that comply with the strictest requirements.

3.2.5 : Co-owned properties and vertical cadastre

Any cadastral operation involving a landsite held in divided co-ownership may concern only one (1) single lot for the common portion, which shall encircle all lots and determine the private portions, and one (1) single lot per private portion demarcates the occupancy of the principal building(s). In such cases, the minimum dimensions applicable in this By-Law apply to the lot that includes most of the co-owned property.

Figure 1 Illustration of Co-owned properties and vertical cadastre



3.2.6 : Measurement of the minimum depth of a lot

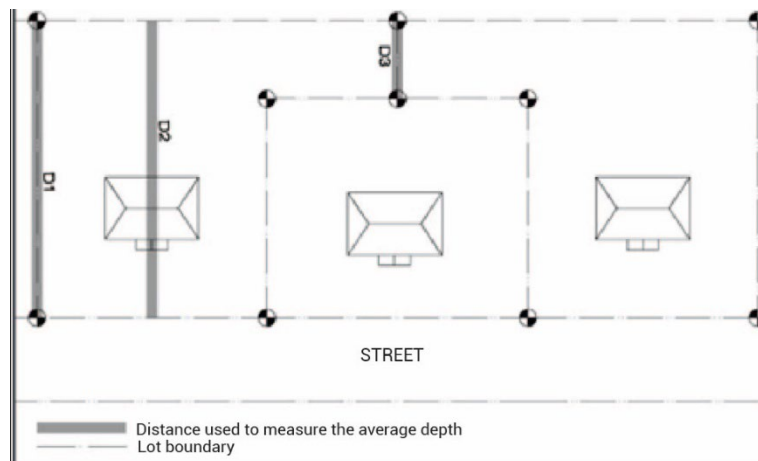
Where applicable, the minimum depth of a lot is measured in the following manner:

Depth of a lot = $(D1 + D2 + D3)$

3

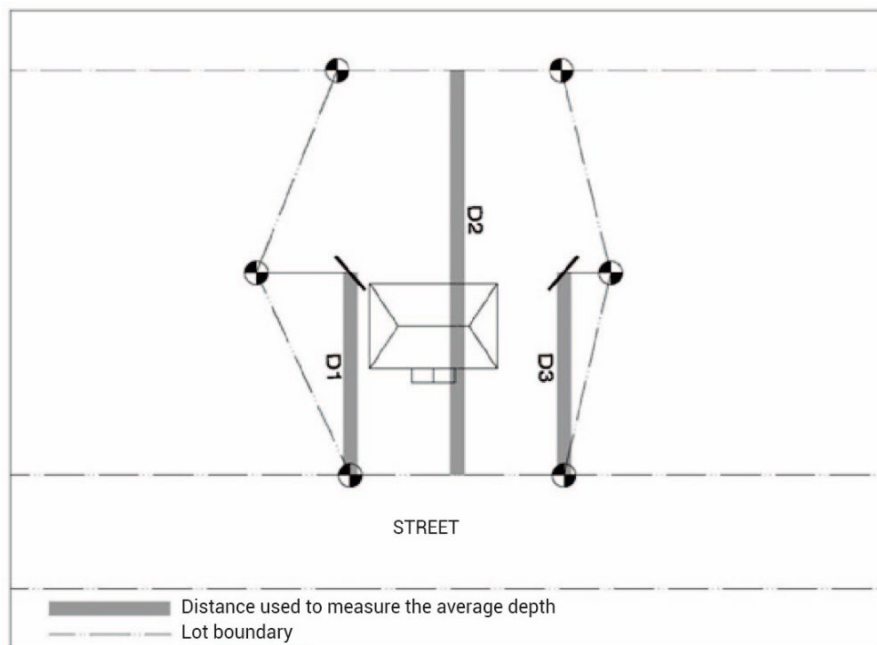
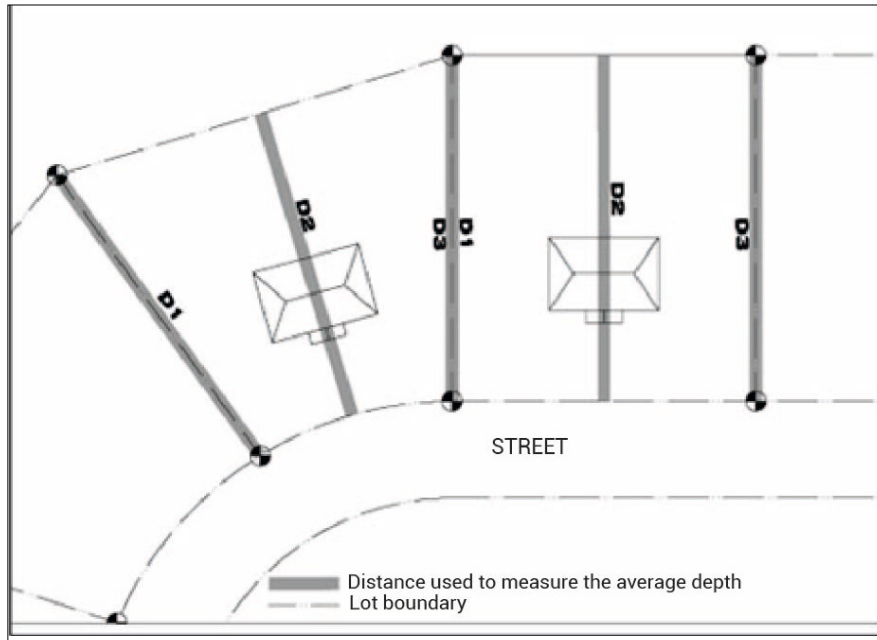
In all cases, this is the average depth of the lot. The “D2” distance shall be taken from the centre of the length of the lot facade, as illustrated in the following figures:

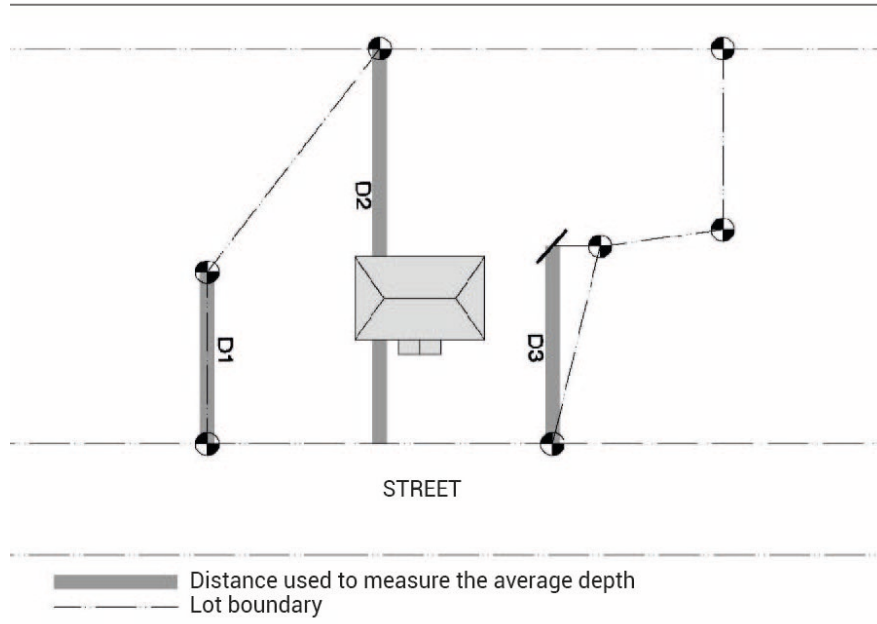
Figure 2 Illustrations of examples of measurement of the minimum depth of a lot



SUBDIVISION BY-LAW NO. 1111
TOWN OF BAIE-D'URFÉ

CHAPTER 3:
PROVISIONS RESPECTING STREETS, LOTS AND ISLANDS





In the case of a corner lot, the front line of the lot that faces the secondary facade of the building shall be considered in the measurement of the depth of a lot.

3.2.7 : Shape of lots

The following conditions apply to the shape of lots:

1. Lateral lot lines shall be perpendicular to the right-of-way line. However, with the goal of softening lot slopes, equalizing lot sizes, clearing views or creating streets that are developed without any side setback, lateral lot lines may be diagonal to the street right-of-way line. However, this exemption may not be justified solely by the fact that the lines separating the original lots are themselves diagonal to the street line;
2. Lots shall have a regular shape, at a right angle or at an angle that ranges from 60 to 135 degrees. Where required by the topography, due to natural constraints or the original cadastre, the lot may have broken lines, provided the minimum facade width is respected;
3. Any lot shall be adjacent to a public street or a private street that complies with the standards, dimensions and other conditions required of existing public or private streets under this By-Law.

3.2.8 : Prohibited lot locations

No lot or street may be created that would result in any lot or landsite fronting on two streets which do not intersect at said lot or said landsite.

3.2.9 : Exemptions on the application of minimum subdivision standards

The minimum subdivision dimensions of this Division do not apply in the following cases:

1. Cadastral operations relating to the cancellation or correction of a lot number that do not result in increasing the number of lots;
2. Cadastral operations relating to a cadastral designation of private portions and common portions, where necessary to establish the description of the fractions required within the framework of the declaration of co-ownership;
3. Cadastral operations required by gas, electricity, telephone and cable network distribution, water supply or sewer systems and stations, which do not require a drinking water supply system or a wastewater removal system;
4. Cadastral operations required for municipal or public purposes including parks, green spaces and footpaths that do not require a drinking water supply system or a wastewater removal system;
5. Cadastral operations relating to an acquisition by mutual agreement by a public body or by expropriation for public utility as specified in article 3042 of the Civil Code of Quebec, in respect of the expropriated part and the remainder of the lot resulting from the expropriation;
6. Cadastral operations intended solely for the cadastral identification of a lot that has been built upon;
7. Cadastral operations intended solely for the cadastral identification of a landsite bounded by separate lots, lots that have been built upon or public thoroughfares;
8. Cadastral operations that serve the purposes of alienation and are part of a consolidation plan including an adjacent landsite that will comply with this By-Law pursuant to the consolidation plan (cadastral operation). The consolidation plan shall be submitted to the competent authority upon application for a permit.

Division 3.3 : Provisions respecting blocks

3.3.1 : Width of blocks

The width of blocks intended for the building of dwellings shall be sufficient to allow two (2) rows of sites built up against each other; said width shall be twice (2) the minimum depth of sites required in this By-Law.

3.3.2 : Length of blocks

To the extent possible, the length of a block may not be less than 200 metres, nor more than 500 metres.

Notwithstanding the content of this Section, the length of a block may exceed 500 metres if a footpath with a minimum width of five (5) metres is provided toward the middle of the block to allow direct access to a neighbouring street.

3.3.3 : Orientation of blocks

Blocks shall be oriented in such a manner that favours maximum energy conservation and ensures maximum sunlight penetration in as many windows as possible.

Furthermore, blocks oriented toward spaces reserved for public uses shall be favoured and their orientation shall maximize direct views of a feature of natural interest such as a watercourse.

Division 3.4 : Provisions relating to a wetland and its protection

3.4.1 : Prohibition on encroaching on wetlands

Notwithstanding a provision to the contrary, in a wetland to be protected or restored and in its protection area, identified in Appendix "4" – Natural and anthropogenic constraints plan of the current Zoning By-law, any lot subdivision is prohibited, except:

1. A lot division necessitated by a declaration of co-ownership made under article 1038 of the Civil Code of Québec, or by the alienation of part of a building requiring the partition of the land on which it is located;
2. Division of a lot for the purpose of conserving green space or creating a park;
3. Lot division that does not create a new lot boundary within a wetland to be protected or restored, or within its protection area;
4. For the widening of an existing roadway;
5. For the installation of electricity, gas, telecommunications, cable TV, water or sewage services, or a railroad;
6. For the purposes of the implementation of a major road project or a public transit infrastructure projected in the Schéma or a facility of metropolitan interest projected in the Plan métropolitain d'aménagement et de développement de la Communauté métropolitaine de Montréal or of agglomeration interest projected in the Schéma;
7. For the implementation of infrastructure or equipment for which an agreement has been reached before December 21, 2023;
8. For the purposes of maintaining, restoring or creating a wetland or protected area.

The delimitation of a wetland of interest to be protected or restored and of a protection area resulting from a characterization study takes precedence over that of a wetland to be protected or restored and of a protection area identified in Appendix "4" - Plan of natural and anthropogenic constraints of the current Zoning By-law.

CHAPTER 4 : PROVISIONS RESPECTING NON-CONFORMING LOTS

Division 4.1 : General provisions

4.1.1 : Scope

A non-conforming lot is considered any lot whose area or dimensions do not comply with this By-Law.

A non-conforming lot is protected by acquired rights if the area and dimensions of the lot complied with the by-law in force upon its constitution or it was created before the first applicable by-law.

4.1.2 : Modification of a non-Conforming lot protected by acquired rights

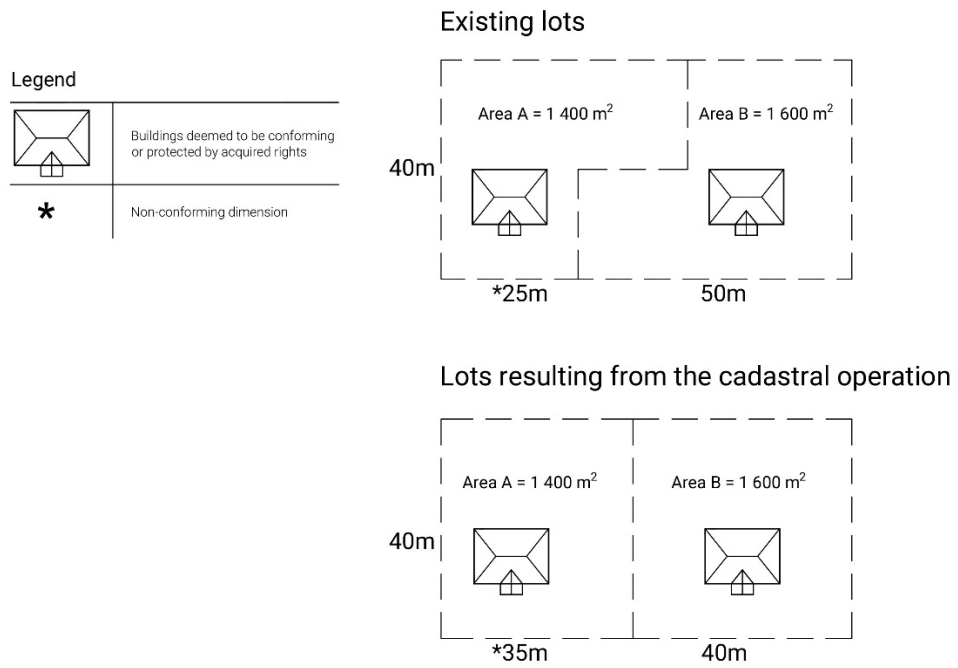
For the purposes of this Section, the modification of a non-conforming lot protected by acquired rights corresponds to the modification of the facade length and the depth of a lot without resulting in a modification of the area of the lot. *(See the figure below)*

A cadastral operation that aims to modify a non-conforming lot protected by acquired rights is authorized on the following conditions:

1. The modification of the facade length of the lot shall not increase the non-conformity of the facade length and depth of the lot concerned. However, such modification is not required to achieve the minimum values required under this By-Law;
2. The modification of the facade length of the lot shall not increase the non-conformity of the depth and facade length of the lot concerned. However, such modification is not required to achieve the minimum values of this By-Law;
3. The cadastral operation shall not cause the creation of an adjacent lot that does not comply with this By-Law;
4. The cadastral operation may not cause the existing siting or sitings on the lot or lots concerned or on an adjacent lot or lots to no longer comply with the Zoning By-Law or, if they are non-conforming but protected by acquired rights, increase their non-conformity.

CHAPTER 4:
PROVISIONS RESPECTING NON-CONFORMING LOTS

Figure 3 Illustration of a modification of a non-Conforming lot protected by acquired rights



Division 4.2 : Subdivision privileges

4.2.1 : Non-conforming vacant landsites

No permit authorizing a cadastral operation may be refused in respect of a tract of land that, on December 21, 1983, did not form one or several separate lots on the official cadastral plans and the metes and bounds of which are described in one or more acts published on that date, on the sole ground that the area or dimensions of said land do not allow it to satisfy the relevant requirements of the *Subdivision By-Law*, if the following two conditions are observed:

1. On the abovementioned date, the area and dimensions of said land allowed it to satisfy, where such was the case, the relevant requirements of the Subdivision By-Law applicable on that date in the territory where the land is located,
2. A single lot results from the cadastral operation, except where the tract of land is comprised within several original lots, in which case a single lot for each original lot results from the cadastral operation.

4.2.2 : Non-conforming built land

No permit authorizing a cadastral operation may be refused on the sole ground that the area or dimensions of a tract of land do not allow it to satisfy the relevant requirements of the *Subdivision By-Law*, with respect to a landsite that satisfies the following conditions:

1. On December 21, 1983, said land did not form one or several separate lots in the official cadastral plans;
2. On December 21, 1983, said land was the site of a structure built and used in accordance with the by-laws in force at that time, if such was the case, or protected by acquired rights.

To be authorized, the cadastral operation shall result in the creation of a single lot or, where the tract of land is comprised within several original lots, a single lot for each original lot.

This Section also applies in the case where the structure has been destroyed by a disaster after December 21, 1983.

4.2.3 : Remainder of a non-conforming landsite

No permit authorizing a cadastral operation may be refused on the sole ground that the area or dimensions of a tract of land do not allow it to satisfy the relevant requirements

of the *Subdivision By-Law* in respect of a tract of land that constitutes the remainder of a tract of land where:

1. part of said tract of land has been acquired for the purposes of public utility by a public body or some other person having powers of expropriation, and
2. which immediately before said acquisition had sufficient area and dimensions to comply with the by-laws in force at that time or could have been the subject of a cadastral operation pursuant to the standards in force at that time.

To be authorized, the cadastral operation shall result in the creation of a single lot or, where the tract of land is comprised within several original lots, a single lot for each original lot.

4.2.4 : Non-conforming lot subdivision

No permit authorizing a cadastral operation intended to subdivide a lot into two may be refused on the sole ground that the areas or dimensions of the tracts of land resulting from the subdivision do not allow them to satisfy the relevant requirements of the *Subdivision By-Law*, with respect to a landsite that satisfies the following conditions:

1. On December 21, 1983, said landsite was the site of a structure erected and used in accordance with the regulations and by-laws in force at that time or protected by acquired rights and said structure has since been recognized as a cultural property by the government of Quebec or by the Town of Baie d'Urfé;
2. The area and dimensions of the two lots that shall result from the cadastral operation comply with the most restrictive of the following requirements:
 - a) the requirements of by-laws respecting cadastral operations in effect on December 21, 1983;
 - b) the requirements of the complementary document of the Montreal Urban Agglomeration's *Land Use and Development Plan*, i.e. 2,000 m² of area, 30 m of frontage and 75 m of depth for all lots located in the waterfront corridor of Lake Saint Louis, or 1,500 m² of area and 25 m of frontage for all other lots.
3. One of the two lots so created is occupied by the said cultural property.

CHAPTER 5 : FINAL PROVISIONS

Division 5.1 : Coming into force

5.1.1 : Effective date

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

Heidi Ektvedt, Mayor

Marie-Hélène Brunet, Town clerk