

PROVINCE OF QUEBEC
CITY OF BEACONSFIELD

BY-LAW NO. BEAC-043
SUBDIVISION BY-LAW

CONSOLIDATED

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(BEAC-128) 2019-06-17

Adopted at the Municipal Council's extraordinary
meeting held on Thursday, June 25, 2009

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At the extraordinary meeting of the municipal council of the City of Beaconsfield, held in the Council Chamber, 303, Beaconsfield Boulevard, Beaconsfield, Quebec, on Thursday, June 25, 2009 at 8:00 a.m.

WERE PRESENT: His Honour Mayor Bob Benedetti, Councillors, Karen Messier, Wade Staddon, Roy Baird and David Pollock.

ABSENT: Councillors Jimmy Shiro Hasegawa and Kate Coulter.

WHEREAS a notice of motion of the presentation of this by-law was given at the meeting of said Council duly called and held on Monday, April 27, 2009;

WHEREAS a public consultation meeting on the said draft by-law was duly called and held by Council on Monday, May 25, 2009;

CONSIDERING section 118 of the Act respecting land use and planning (R.S.Q., chapter A-19.1) ;

On motion of Councillor K. Messier, seconded by Councillor W. Staddon and UNANIMOUSLY RESOLVED;

The Municipal Council of the City of Beaconsfield enacts as follows:

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CHAPTER 1 DECLARATORY AND INTERPRETATIVES PROVISIONS

1.1 **Coming into force**

This by-law shall come into force in accordance with the provisions of an Act Respecting Land Use Planning and Development (R.S.Q., chapter A-19.1).

1.2 **By-law applicability**

Compliances with the provisions of this by-law are incumbent on both natural and legal persons.

1.3 **Scope of application**

The following elements shall meet the provisions of this by-law:

- a) Any landsite, or portion thereof;
- b) Any building, or portion thereof, to be erected or used;
- c) Any structure, or portion thereof, to be erected or used;
- d) Any cadastral operation plan, regardless of whether or not the plan involves creating thoroughfares.

1.4 **Validity**

The Council enacts this by-law in its entirety, as well as chapter by chapter, section by section, paragraph by paragraph, and subparagraph by subparagraph so that the repeal or declaration of nullity of any chapter, section, paragraph, or subparagraph, or part thereof, shall not affect the validity of other chapters, sections, paragraphs or subparagraphs of this by-law.

1.5 **Attached documents**

The following documents form an integral part of this by-law:

- a) The Terminology Index of the Zoning by-law;
- b) The specifications schedule, including its amendments, as annex V.P.11;
- c) The Zoning Plan of the Zoning by-law, including its amendments, as annex V.P. 10.

1.6 **Conformity to all applicable by-laws**

The issuance of a building permit or a certificate of authorization, approved plans and specifications, and inspections carried out by the officer in charge shall not release the owner or the applicant from the obligation to execute, or have the work executed, in conformity with the requirements of this by-law or with any other applicable by-laws.

1.7 **Precedence over other by-laws**

The provisions of this by-law shall take precedence over:

- a) Any similar provision contained in other by-law regarding the subdivision;
- b) Any provision of any other by-law that is inconsistent with the provisions of this by-law.

1.8 Repeal

By-law no. 721, entitled "Subdivision by-law" and its amendments is hereby repealed and replaced by the present by-law. The repealed by-law shall nevertheless remain in force and shall be applied in its entirety to any situation where any person, company, corporation, institution, or other entity contravenes any of its provisions, prior to the coming into force of this by-law. Moreover, this repeal shall not affect permits legally issued, pursuant to the authority of the repealed provisions, nor shall it affect any rights acquired prior to the coming into force of this by-law.

1.9 Text interpretation

The present rules of interpretation apply to this by-law:

- a) Regardless of the verb tense used in this by-law, every provision is held to be in force during every time period and in all circumstances;
- b) The singular shall extend to several people or things of a same nature, each time that the context allows for this extension;
- c) The masculine form includes the feminine, unless the context indicates otherwise;
- d) Between the French version and the English version, the French version prevails;
- e) The use of the verbal auxiliary "shall" indicates an absolute obligation, while the verbal auxiliary "may" indicates a choice;
- f) The authorization to do something includes all the powers necessary to this end.

1.10 Plans, tables, graphs, symbols, annexes, specification schedules and all other means of expression

Plans, tables, graphs, symbols, annexes, specification schedules and any other means of expression included in this by-law, other than words, shall form an integral part thereof.

1.11 Interpretation in case of a conflict

In case of a conflict between provisions in this by-law, unless otherwise provided, the following rules apply:

- a) Between the text and a title, the text prevails;
- b) Between the text and any other means of expression, except for the specification schedules, the text prevails;
- c) Between a table and a graph, the table prevails;
- d) Between the specification schedules and the Zoning Plan, the specification schedules prevail;
- e) Between the text and the specification schedules, the specification schedules prevail;

1.12 Interpretation of general and specific provisions

In case of incompatibility between two provisions in this by-law, or between this by-law and another by-law, the specific provision shall prevail over the general provision.

When a restriction or a prohibition prescribed by this by-law or any one of its provisions conflicts with, or is inconsistent with, any other

by-law or another provision of this by-law, unless otherwise stated, the more restrictive or prohibitive provision shall apply.

1.13 Unit of measure

All dimensions specified in this by-law shall refer to the International System of Units (SI)

1.14 Terminology

For the purpose of interpreting this by-law, unless the context indicates otherwise, any word or expression has the meaning and the significance attributed to it in the Terminology Index of the Zoning by-law which forms an integral part thereof. If a word or a term is not specifically indicated in this index, it is used in its commonly attributed meaning.

1.15 Activities covered

Only cadastral operations that comply with the provisions of this by-law are permitted.

CHAPTER 2 ADMINISTRATIVE PROVISIONS

2.1 Administrative responsibility

The responsibility for the administration and application of this by-law is incumbent to the Director of the Urban Planning and Municipal Patrol Department of the City of Beaconsfield, under the title of officer in charge.

Any employee of the Urban Planning and Municipal Patrol Department and any employee of the Public Works Department of the City of Beaconsfield, any employee of the Service de Sécurité Incendie de Montréal (Fire Security Department), and of the City of Montreal Police Service is considered as an assistant to the Director of the Urban Planning and Municipal Patrol Department of the City of Beaconsfield.

The Council may, by resolution, appoint other natural or legal persons, in addition to those mentioned in the present section, for the application of the current by-law.

2.2 Functions and powers of the officer in charge

The officer in charge and his assistants exercise all powers conferred upon them under this by-law, such as:

- a) Issue permits and certificates stipulated in this by-law;
- b) Visit and examine, at any reasonable hour and presenting an identity card, any immovable property, to ascertain if it conforms with this by-law;
- c) Issue to the owner, tenant, occupant or any other person in charge, a notice requiring the correction of a dangerous situation or any situation contravening this by-law;
- d) Recommend to Council any measure necessary to put an end to any situation in breach of this by-law;
- e) Issue a statement of offence to the owner, tenant, occupant or any other person in charge;
- f) Take legal action in the name of the City regarding a breach of this by-law.

2.3 Breach of this by-law

Commits an infraction, any person who:

- a) Occupies or uses a lot, landsite, building or structure, or part of a lot, landsite, building, or structure, in breach of this by-law;
- b) Authorizes the occupation or use of a lot, landsite, building or structure, or part of a lot, landsite, building or structure on a non conform lot, in breach of this by-law;
- c) Erects or permits the erection of a structure on a non-conforming lot in breach of this by-law;
- d) Refuses to allow the officer in charge to visit and examine, at any reasonable hour and presenting an identity card, an immovable property of which he is the owner, tenant or occupant, to ascertain if this by-law and the other municipal by-laws are respected;
- e) Does not comply with an order issued by the officer in charge.

2.4 Issuance of a statement of offence

The director of Urban Planning and Municipal Patrol, the division head of Urban Planning and Permits, the technical agent in Urban planning, the Urban Planning and Municipal patrol inspector, the Municipal patrol agents, any other employee of the Urban Planning Department, the Public Works foremen and inspectors, the members of the City of Montreal Police Department and of the Service de Sécurité Incendie de Montréal (Fire Safety Department) are authorized to issue a statement of offence regarding any offence under this by-law.

2.5 Fines

Any person who contravenes any of the provisions of this by-law commits an offence and is liable to a minimum fine, for a first offence, of two hundred dollars (\$200) plus costs if the offender is a natural person and four hundred dollars (\$400) plus costs if the offender is a legal person.

For a second offence, the minimum fine is three hundred dollars (\$300) plus costs if the offender is a natural person and six hundred dollars (\$600) plus costs if the offender is a legal person.

In case of subsequent offences, the minimum applicable fine is four hundred dollars (\$400) plus costs if the offender is a natural person and six hundred dollars (\$600) plus costs if the offender is a legal person.

If the offence is continuous, each day constitutes a separate offence and the penalty imposed for this offence may be imposed for each day that the offence is not corrected.

CHAPTER 3 CADASTRAL OPERATION

3.1 Cadastral operation projects

Any property owner wishing to carry out any cadastral operation shall first submit a plan for such cadastral operation, whether or not that plan provides for streets, for approval by the officer in charge.

3.2 Transfer of street right-of-ways

In order for a plan relating to a cadastral operation to be approved by the City, the property owner shall agree in writing to the officer in charge, to transfer to the City, free of charge, the street right-of-ways, walkways and pedestrian paths, shown on the plan and intended for public use.

3.3 Minimum and maximum sizes of lots

For each zone noted in the Zoning Plan, attached hereto and to the Zoning by-law as Annex "V.P. 10", the lots shall conform to the minimum and maximum sizes of lots specified in the specifications schedules, attached to the Zoning by-law as Annex "V.P. 11".

3.4 Repealed

(BEAC-128, c. 1, par. 7, sub-par. 1^o)

3.5 Repealed

(BEAC-128, c. 1, par. 7, sub-par. 1^o)

3.6 Servitudes

As a precondition for approving a plan relating to a cadastral operation by the officer in charge, the property owner shall indicate on a plan annexed thereto the lots subject to servitudes of right-of-way for power supply and communication transmission.

3.7 Payment of municipal taxes

As a precondition for approving a plan relating to a cadastral operation by the officer in charge, the property owner shall pay the municipal taxes owing and unpaid in respect of the immovables defined in the plan.

3.8 Prohibited cadastral operation

The following cadastral operations are prohibited:

- a) Those that do not conform to the intended layout of public streets provided in the planning program and special planning program;
- b) Those that have the effect of reducing the area or dimensions of a buildable landsite in such a way that such landsite or any structure erected upon it shall become non-conforming;
- c) Those that have the effect of rendering non-conforming, or aggravating the degree of non-conformity of, a structure, landsite, use;
- d) Those that have the effect of creating an enclaved landsite.

CHAPTER 4 GENERAL SUBDIVISION STANDARDS

4.1 Street layouts

4.1.1 General provisions

Any portion of land intended for vehicular traffic is deemed to be a public street with the exception of streets servicing integrated projects which may be private.

4.1.2 Street right-of-way

a) Public street

In any proposed new subdivision operation providing for the creation or extension of a street to be transferred to the City, the minimum right-of-way shall be fifteen (15) metres in the case of a local street, 20 metres in the case of a collector street, and twenty-five (25) metres in the case of a main artery.

b) Private street

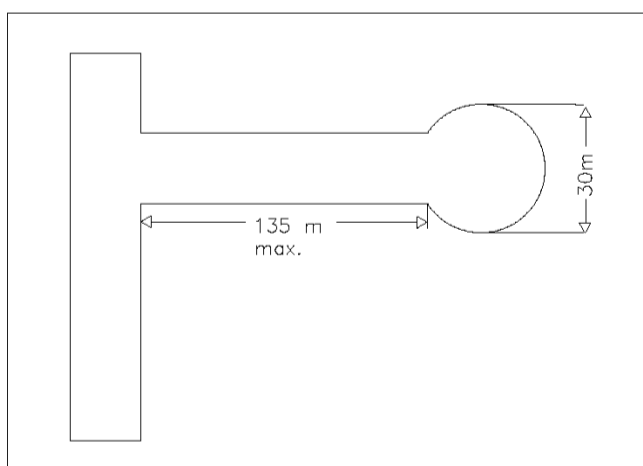
Private streets are permitted only in an integrated project.

In the case of an integrated project requiring the opening of a private street, the minimum right-of-way shall be nine (9) metres.

4.1.3 Cul-de-sac

The following general provisions apply to a cul-de-sac:

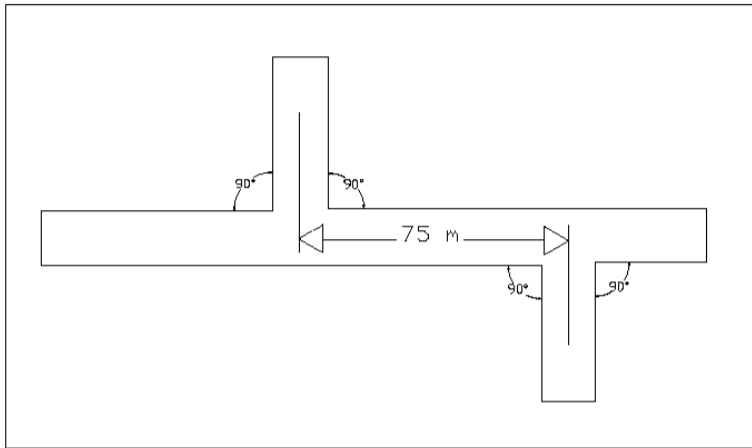
- a) Only local streets having a minimum right-of-way of fifteen (15) metres may end in a cul-de-sac;
- b) There shall be turning circle at the closed end of all cul-de-sacs and its right-of-way shall not be less than thirty (30) metres;
- c) The maximum length of a cul-de-sac shall be one hundred and thirty-five (135) metres, measured from the turning circle.



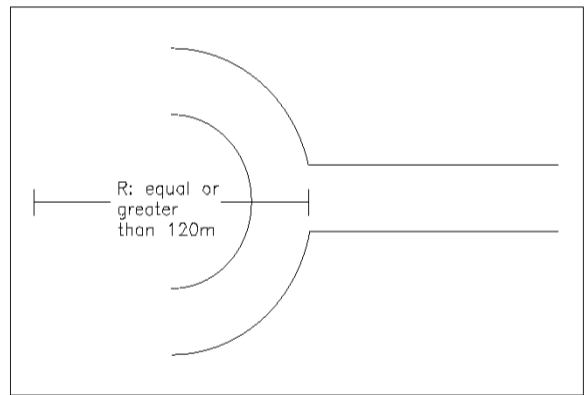
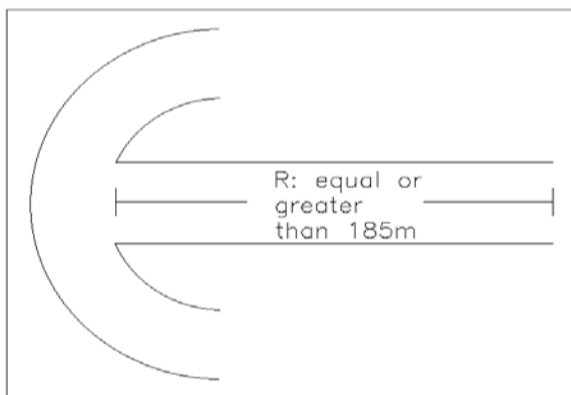
4.1.4 Intersections

The following general provisions apply to an intersection:

- a) On a same street, the distance between the center lines of two (2) intersections shall be at least seventy-five (75) metres;



- b) There shall be no intersection in the inner side of a curve whose inner radius is less than one hundred and eighty-five (185) metres, nor in the outer side of a curve whose outer radius is less than one hundred and twenty (120) metres;



- c) No intersection shall be closer than (thirty-five (35) metres from a curve whose inner radius is less than one hundred and eighty-five (185) metres.

4.1.5 Orientation of a cross-street corner

The junction point at the intersection of two (2) cross-streets shall be at a right angle (90°).

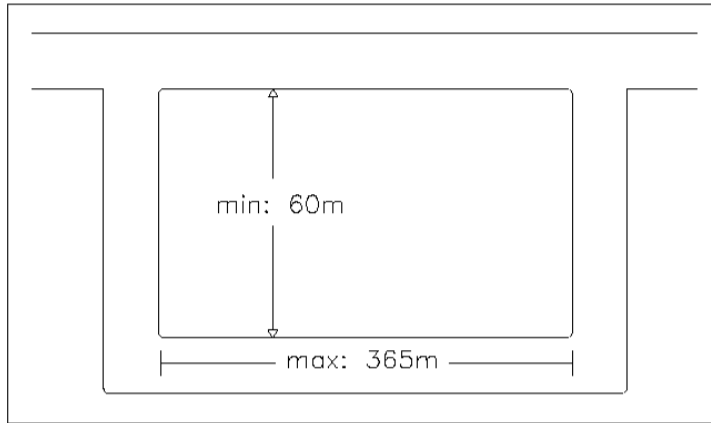
4.2 Blocks

4.2.1 Length of a block

No residential block shall measure more than three hundred and sixty-five (365) metres.

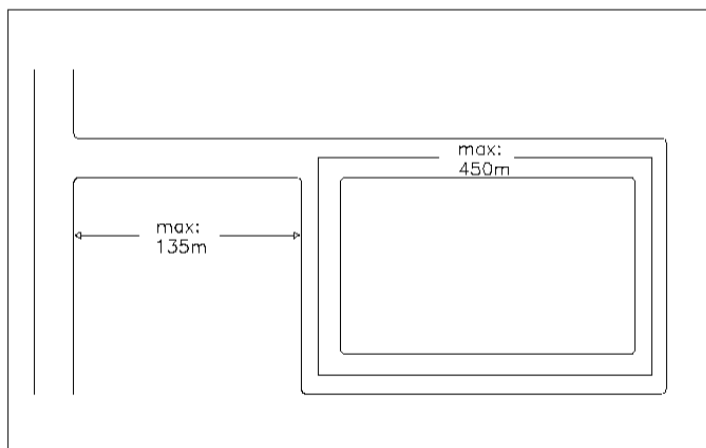
4.2.2 Width of a block

No residential block shall be narrower than sixty (60) metres, except where through landsites are planned.



4.2.3 P-loops

- The maximum length of the access street shall be no more than one hundred and thirty-five (135) metres;
- The maximum length of the loop shall not exceed four hundred and fifty (450) metres.



4.3 Walkways

Where a walkway is required in the planning program, the minimum wide is four (4) metres.

4.4 Pathways and servitudes

The City may require pathways for pedestrians or cyclists anywhere that it sees fit, especially to facilitate access to schools, parks and municipal services.

The City may require servitudes, anywhere that it sees fit, for public utilities (sewage, water, power transmitting installations, communications transmission, and other).

4.5 Landsite

4.5.1 Minimum and maximum area and width of a landsite serviced by a waterworks and a sanitary sewer

For each zone provided in the Zoning by-law, the Specifications schedule prescribes the minimum and maximum area and width of landsites in accordance with the categories of usages and the types of building groups.

If more than one column of the Specifications schedule applies to a given zone, the minimum and maximum area and width of landsites shall only be established using all of the limitations from the same column.

Any landsite serviced or about to be serviced by the waterworks and a sanitary sewer shall comply with the requirements in the Specifications schedule.

4.5.2 Minimum area and width of a landsite serviced by a waterworks or a sanitary sewer

In the case of a landsite serviced either by the waterworks or by a sanitary sewer, the minimum area and width applicable to a cadastral operation are as follows:

- a) Minimum area: 1500 square metres;
- b) Minimum width: 25 metres.

4.5.3 Orientation of landsite

The angle between side landsite lines and the street line or its tangent shall be at a right angle (90°). It may vary in exceptional cases but in no event shall such an angle ever be less than 60° nor more than 120° .

4.5.4 Minimum frontage of landsite

The frontage of a landsite shall always be equal to or greater than the minimum width of a landsite according to the applicable zone and type of building set out in the Specifications schedule, except as otherwise provided in this by-law.

4.5.5 Landsite fronting on curved streets

In the case of landsite fronting on curved streets or having two (2) non-parallel landsite side lines varying by at least 10° , the width may vary from the minimum requirements set forth in sections 4.5.1 and 4.5.2. However, in no event shall the landsite width, measured at a distance of six (6) metres from a convex street line or at a distance of fifteen (15) metres from a concave street line and parallel to a tangent to the street line at the centre of the landsite frontage, be less than the minimum width according to the applicable zone and type of building set out in the Specifications Schedule.

Notwithstanding the above mentioned provisions, in no event shall the minimum street frontage be less than 10,6 metres for a single family detached residence.

CHAPTER 5 SUBDIVISION STANDARDS RESPECTING LAKEFRONT LANDSITES

5.1 Street layout

The minimum distance between a street and the natural high waterline of Lake St-Louis is forty-five (45) metres, except as otherwise provided in this by-law.

5.2 Distance between a street and the natural high waterline of Lake St-Louis - exceptions

The provisions of section 5.1 shall not apply:

- a) To the layout of a proposed street on a development plan that has already been approved by the City as of the coming into force of this by-law ;
- b) To the widening of an existing street as of the coming into force of this by-law, including a proposed cul-de-sac, that does not encroach on the bank of Lake St-Louis;
- c) To the continuation, for a short distance, of a non-conforming street so that it connects to a conforming street;
- d) To a street leading to a boat ramp or allowing for the crossing of the Lake;
- e) Where a major natural obstacle makes it impossible to meet the standards prescribed in section 5.1, without encroaching on the bank of Lake St-Louis;
- f) Where the layout of a proposed street is designed to avoid a developed sector and where the standards prescribed in section 5.1 cannot be met.

CHAPITRE 6 NON-CONFORMING LANDSITES PROTECTED BY ACQUIRED RIGHTS

6.1 Permit allowing a cadastral operation

A structure may be erected on a non-conforming landsite protected by acquired rights if the proposed structure meets all the siting standards provided for in applicable by-laws.

However, no permit authorizing a cadastral operation may be refused in respect of:

- a) A landsite, that on December 21, 1983 did not form one or several separate lots on the official plans of the cadastre and the metres and bounds of which are described in one or several acts registered on that date, on the sole ground that the area or the dimensions of the land did not allow it to satisfy the pertinent requirements of this subdivision by-law, if the following conditions are observed:
 - i) if, on the above-mentioned date, the area and the dimensions of the land met the pertinent regulatory requirements applicable on that date regarding cadastral operations;
 - ii) a single lot was created by the cadastral operation, or where the landsite was comprised of several original lots, a single lot for each original lot was created.

- b) If, on December 21, 1983 a landsite did not form one or several separate lots on the official cadastre plans and was the site of a structure built and used in accordance with the by-laws in force at that time, or was protected by acquired rights.

To be authorized, the cadastral operation must create a single lot or, where the landsite is comprised in several original lots, a single lot for each original lot.

The sub-section (a) above applies even if the structure is destroyed by a disaster after the above-mentioned date.

- c) A landsite that is the remainder of a landsite:
- i) part of which has been acquired for purposes of a public utility by a public body or some other legal entity having powers of expropriation;
 - ii) which, at the time of the acquisition, had a sufficient area and dimensions to conform to the by-laws in force at that time or could have been the subject of a cadastral operation pursuant to paragraphs a) or b) of this section.

To be authorized, the cadastral operation must create a single lot or, where the landsite is comprised of several original lots, a single lot for each original lot.

6.2 Widening of a non-conforming landsite protected by acquired rights

Any cadastral operation which aims to increase the area of a non-conforming landsite protected by acquired rights is authorized if it creates a single lot or, where the landsite is comprised of several original lots, a single lot for each original lot, and if it does not make an adjacent landsite or structure even more non-conforming, or render a conforming adjacent landsite or structure non-conforming.

Furthermore, at the time of the cadastral operation, a portion of the non-conforming landsite protected by acquired rights may be removed from that landsite provided that the area of this portion is smaller than the one that is added to the non-conforming landsite.

MAYOR

CITY CLERK