

PROVINCE OF QUÉBEC

CITY OF DORVAL

ADMINISTRATIVE CODIFICATION

SUBDIVISION BY-LAW
NO RCM-60B-2015

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THE COUNCIL OF THE CITY OF DORVAL DECLARES AS FOLLOWS:

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CHAPTER 1. APPLICATION, INTENT, INTERPRETATION AND ADMINISTRATIVE PROVISIONS

SECTION 1. APPLICATION AND INTENT

1. APPLICABLE AREA

This By-law applies to the area contained within the municipal boundaries of the City of Dorval.

2. FIELD OF APPLICATION

Any cadastral operation must be done in conformity with the provisions in the By-law, with the exception of:

- 1° A cadastral operation, the purpose of which is to provide for the registration of private and common parties in the framework of a declaration of co-ownership or shared use as included in sections 1038 and 3030 of the Québec Civil Code in regard to a co-owned property divided vertically and consisting of the main structure of a building;
- 2° Cadastral identification of a lot resulting from a cadastral renewal plan prepared in the application of the *Act to promote the reform of the cadastre in Québec (R.S.Q., c. R-3.1)* and any subsequent correction required due to an omission or error made in the production of such a plan;
- 3° A cadastral operation related to a cancelation, replacement, modification or correction of a lot number, or to the addition of an omitted lot number, as long as the new lot, or modification of the dimensions of an existing lot, does not result from a cadastral operation.

SECTION 2. INTERPRETATION

3. LAWS AND OTHER REGULATIONS

No provision in this Bylaw may be construed as having the effect of exempting a person from the application of a provincial or federal law or regulation.

4. TABLES, DIAGRAMS AND SYMBOLS

All tables, diagrams, symbols and any forms of expression other than the text itself, which are contained in this By-law or referred to by this By-law, shall form an integral part hereof unless otherwise indicated.

In the case of incompatibility between a table, graphic, symbol or any form of expression other than text, the text takes precedence.

5. MEASUREMENTS

All dimensions and measurements used in this By-law are expressed in units of the Metric System.

6. REFERENCES

All references to other regulations contained in this By-law shall be open, that is to say they extend to any changes that may be subject to these regulations, created after the coming into force of this By-law.

7. INCOMPATIBILITY BETWEEN GENERAL AND SPECIFIC PROVISIONS

In the event two provisions within this By-law or between this By-law and another by-law are incompatible with each other, the more specific provision of the two shall prevail over the more general.

In the event that any restriction or prohibition prescribed by this By-law or by any of its provisions should prove to be incompatible or disagree with any other by-law or with any other provision of this By-law, the most restrictive or prohibitive of the two provisions shall apply unless otherwise indicated.

8. TERMINOLOGY

In the interpretation of this By-law, all words or expressions shall be given the meaning they are ascribed in the list of definitions in Chapter 13 of the Zoning By-law in effect, unless otherwise indicated by the context. Any word or term not specifically mentioned in said list shall have the meaning commonly given to this word or term.

SECTION 3. ADMINISTRATIVE PROVISIONS

9. MANAGEMENT AND APPLICATION OF THE BY-LAW

The management and application of the present By-law falls under the jurisdiction of the Urban Planning Service Director.

The City Council can also nominate one or more person to assist and replace the Director if necessary.

10. POWERS AND DUTIES OF DIRECTOR

The Director is responsible for enforcing these regulations and as such exercise any power entrusted to him.

11. FINES, SANCTIONS, APPEALS AND PROSECUTION

Every person commits an offense if they do not comply with a provision of this bylaw.

Whoever contravenes a condition of this bylaw or allows such contravention commits an infraction and is subject to the imposition of a fine not exceeding \$1,000 and not less than \$500, if a private individual, or a fine not exceeding \$2,000 and not less than \$1,000, if a legal person.

The City may, for the purposes of enforcing the provisions of this bylaw, exercise concurrently or alternatively, with those specified in this bylaw, all appropriate remedies, civil or criminal in nature.

12. ISSUING OF A STATEMENT OF OFFENSE

The Director and the Head of division are authorised to issue a fine for any infraction to this bylaw.

The Council may, by resolution, authorize any other person to issue a fine for any infraction to this bylaw.

CHAPTER 2. CONDITIONS PRIOR TO A CADASTRAL OPERATION

SECTION 1. GENERAL PROVISIONS

13. CONFORMITY WITH THE BY-LAW

Subject to Article 2, a plan relative to a cadastral operation may not be approved if this cadastral operation violates a provision of the By-law.

14. TRANSFER OF ROADS

As a prior condition for the approval of a plan relative to a cadastral operation, the property owner must transfer, or agree to transfer, free of charge, the easement of any road shown on the plan and destined to be a public thoroughfare, as well as any infrastructure installed in this easement. The easement for the thoroughfare must be in conformity with the provisions in the By-law and be subject to a cadastral operation prior to the transfer.

Should a thoroughfare destined to become public be subject to By-law RCM-37-2011 concerning agreements on municipal work necessary for the construction of residential projects, the agreement must be made in the forms agreed on and under the conditions listed in this By-law.

In all other cases, the transfer agreement must be included in a letter of agreement, signed before a witness by the lot owner and the City.

15. EASEMENTS FOR PUBLIC SERVICES

As a prior condition for its approval, a plan relative to a cadastral operation must be accompanied by an attached plan, prepared by a land surveyor, showing any existing or proposed easement for the passage of power and communication infrastructure or for the passage of a water supply or sewer pipe.

16. CONTRIBUTION FOR THE PURPOSES OF PARKS, PLAYGROUNDS AND NATURAL AREAS

As a prior condition for the approval of a plan relative to a cadastral operation, the property owner must meet the requirements of Section 2 for the purpose of establishing, maintaining and improving parks and playgrounds, and preserving natural areas.

17. MUNICIPAL TAXES DUE

As a prior condition for approval of a plan relative to a cadastral operation, the property owner must pay any municipal taxes, due and outstanding, for the lot on the plan.

SECTION 2. CONTRIBUTION REQUIRED FOR THE PURPOSES OF PARKS, PLAYGROUNDS AND NATURAL AREAS (MODIFIED BY RCM-60B-1-2022)

18. OBLIGATION TO PROVIDE COMPENSATION

The owner of a lot must, as a precondition to the approval of a plan relating to a cadastral operation, at the option of City council:

1° undertake to transfer to the municipality, free of charge, 10% of the site which, in the opinion of the council, is suitable for the establishment or enlargement of a park or playground or for the preservation of a natural area; or

2° pay the municipality an amount equal to 10% of the value of the site; or

3° make both the undertaking and the payment, provided that the amount paid does not exceed 10% of the value of the site.

For the purposes of this section, the word "site" refers to the land included in the plan referred to in the first paragraph.

19. LOCATION OF THE LOT TO BE TRANSFERRED

The land which the owner undertakes to transfer to the municipality must form part of the site.

However, the municipality and the owner may agree that the undertaking pertains to land which forms part of the territory of the municipality but not included in the site.

An agreement to convey land not included in the site shall prevail over any calculation rule established or maximum amount fixed under Article 22.

20. EXEMPTIONS

Article 18 does not apply in the following cases:

1° A cancellation, correction, change or replacement of lot numbers which does not result in an increase of the number of lots.

2° The cadastral identification of an already built lot.

3° The cadastral identification of lot in respect of which compensation for parks, playgrounds or natural areas has already been made under the provisions of the present by-law or under provisions for the same purpose enacted in a previous by-law. This exemption applies even if the percentage set out in the previous by-law was less than the percentage set out in the present by-law.

4° A new cadastral identification of an already built lot whose limits have been modified providing that the cadastral operation does not create a new buildable lot.

5° The cadastral identification of a park, playground or natural area.

6° The cadastral identification of land used for public utility purposes.

7° The cadastral identification of a lot on which the construction of a building is expressly prohibited by the zoning by-law in force.

8° The identification of land occupied by a childcare center that is operated in accordance with the Educational Childcare Act (RSQ., c. S-4.1.1).

9° Advance compensation has been provided in accordance with Article 22.

21. ESTABLISHING THE VALUE OF THE LOT

For the application of subparagraphs 2° and 3° of the first paragraph of Article 18, the value of the site is considered on the date of receipt by the City, of the plan relating to the cadastral operation.

It is established by one of the following methods:

1° If, on the applicable date, the lot subject to a cadastral operation constitutes a unit of assessment entered on the assessment roll, or a portion of such a unit, the value of which is entered separately on the roll, its value for the purposes of calculating the compensation is the product of the value entered on the roll for the unit or part thereof corresponding to the land whose value must be established, as the case may be, multiplied by the factor of the roll established in accordance with section 264 of the Act respecting municipal taxation (RSQ., c. F-2.1)

2° If the lot subject to the cadastral operation is not a unit of assessment or part of a unit of assessment, its value must be established at the owner's expense, by a chartered appraiser commissioned by the municipality, in accordance with the principles applicable to expropriation.

22. ADVANCE COMPENSATION

The owner of a land subject to the provisions of this section, by reason of a project developed in phases or a project that is to be the subject of more than one subdivision permit may, in advance, transfer to the municipality all the lands intended for the establishment of parks or playgrounds or for the preservation of natural areas for the entire land included in the redevelopment project.

Where the owner undertakes, under the terms prescribed in Article 18, to transfer all the lands intended for the establishment of parks or playgrounds or for the preservation of natural areas for the entire land included in the project, either immediately or in stages agreed upon with the municipality, the owner shall be deemed to have paid advance compensation in land.

The advance compensation shall be credited to the owner in respect of any cadastral operation prepared at the request of the owner or a subsequent owner that involves land included in the said project.

CHAPTER 3. PROVISIONS APPLICABLE TO STREETS

SECTION 1. GENERAL PROVISIONS

23. PUBLIC STREET EASEMENT

The minimum width of an easement for a public street is 15 m.

SECTION 2. STANDARDS APPLICABLE TO FOOTPATHS, RECREATIONAL LINKS AND BIKE PATHS

24. GENERAL PROVISIONS

The City reserves the right to require footpaths, recreational links and bike paths, wherever it deems them appropriate, to encourage pedestrian and bicycle traffic, especially where these active transportation routes facilitate access to schools, parks and community facilities, or facilitate the installation of infrastructures such as sewers, water supply or public utility services.

25. RIGHTS OF PASSAGE AND EASEMENTS

The City reserves the right to require easements and rights of passage, wherever it deems them opportune, when they prove to be a beneficial solution, economically, aesthetically or for public utility purposes. These easements may not under any circumstances be less than 1.5 metres wide for the passage of overhead services, and 3 metres wide for the passage of underground services.

SECTION 3. STANDARDS APPLICABLE TO RIVERS AND LAKES

26. MINIMUM DISTANCE OF ROADWAY FROM A RIVER OR LAKE

The minimum distance from any roadway to the high water mark of a river or lake, except a bicycle path is 45 metres.

For any roadway along a river or lake, the distance can be reduced to 20 metres, if the space between this path and the water is zoned for park purposes.

The distance between a roadway and a river or lake may be reduced to 15 metres if the roadway constitutes the finishing of a network, since the space between the roadway and the waterway is not the object of construction. However, the roadway should not in any way encroach on a buffer strip of 15 metres.

In the case of roadways that are perpendicular to the lake or river but not cross the waterway, the distance may be reduced to 15 metres.

CHAPTER 4. MINIMUM LOT DIMENSIONS

SECTION 1. GENERAL PROVISIONS

27. LOT LOCATED IN MORE THAN ONE ZONE

A plan relative to a cadastral operation cannot be approved if the cadastral operation is included in more than one zone, with different requirements in regard to minimum areas, minimum dimensions and uses in each zone.

SECTION 2. MINIMUM LOT AREAS AND DIMENSIONS

28. GENERAL PROVISIONS

A lot must have the minimum area, minimum depth and minimum width listed, per zone, in the specification charts in the Zoning By-law in force.

The minimum area and the minimum dimensions may vary depending on the type of lot, the use for which it is occupied or destined to be occupied, or the zone in which it is located.

Notwithstanding the first clause, the minimum area, minimum depth and minimum width of a serviced lot must be sufficient to meet all the requirements in the Zoning By-law in force.

29. STANDARDS FOR CADASTRAL OPERATIONS NEAR A WATERWAY

Notwithstanding the schedule of uses and standards of existing zoning regulations, any newly created lot within 100 meters of Bouchard creek or within 300 meters of Lake St-Louis must have a minimum depth of 45 meters.

In the case of lots adjacent to the waterway, the depth is measured from the high water mark.

In the case of roadways perpendicular to the lake or river, there is no minimum depth other than that indicated in the schedule of uses and standards for lots adjacent to the lake or waterway, if the alignment of the lots is parallel to the shoreline. In this case, the lot width measured at the front line must be increased by the width of the riverbank to ensure the protection of the shoreline.

30. CADASTRAL OPERATIONS IN AN AREA OF ARCHAEOLOGICAL INTEREST

For any land forming part of a designated area of archaeological interest or on the Archaeological Areas of Interest map of the sustainable urban master plan in force during the subdivision permit application, aimed at creating a public right, a analysis based on the following criteria must be made to evaluate the enhancement of archaeological remains found there, if any:

- 1° The layout of the entire roadway must minimize its impact on mature vegetation and respect as much as possible the natural topography;
- 2° Existing historical and archaeological data concerning the site must be provided by the applicant;
- 3° A plan indicating the characterization of archaeological potential must be prepared by the applicant;
- 4° An intervention strategy must be prepared and approved by the City of Dorval.

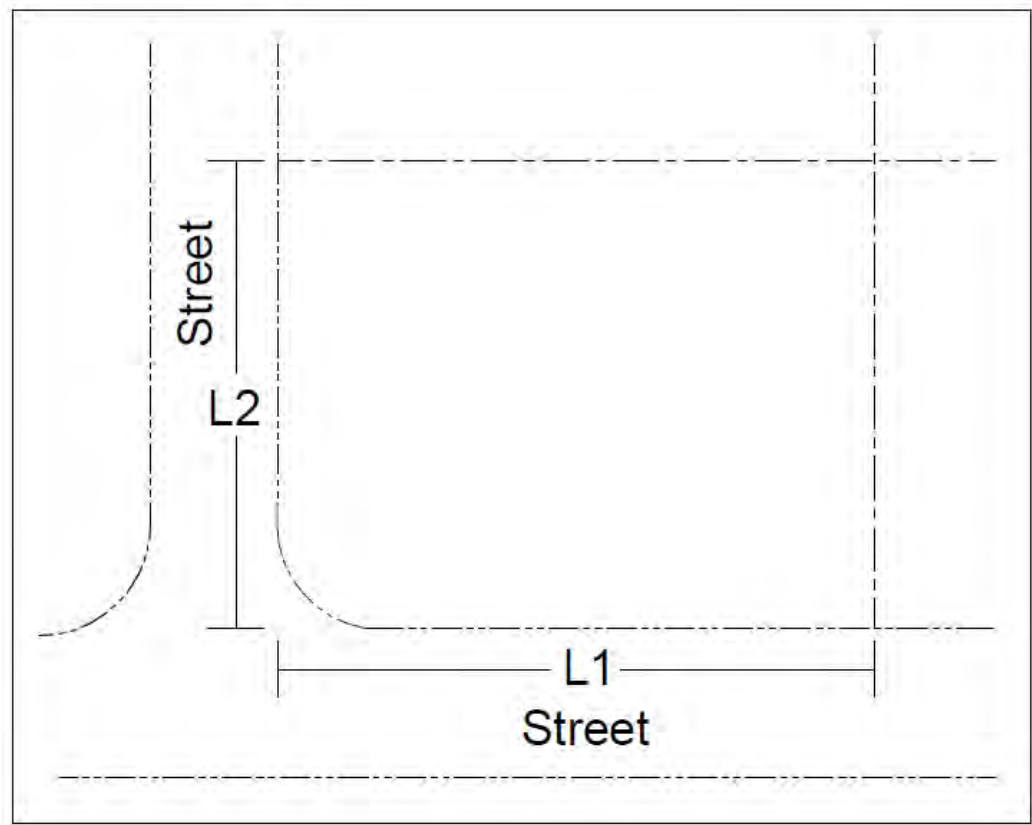
31. CADASTRAL OPERATIONS IN ZONES AND P01-37 P01-70

No cadastral operation is permitted in zones P01-37 and P01-70 (large-scale heritage property of an institutional character) unless it is a parceling made necessary in order to preserve the character of the place. Such provision will be treated as part of a Site Planning and Architectural Integration Program (SPAIP or PIIA).

32. LOT WITH A BOUNDARY ON A CURVED STREET LINE

When a lot is bounded by one or more streets and two of the street lines are joined by an arc, the length of each street line is equal to the length of the line “L1” or the line “L2”, whichever is applicable, as if the roads were not joined by an arc, all as shown in the illustration below (Figure 32).

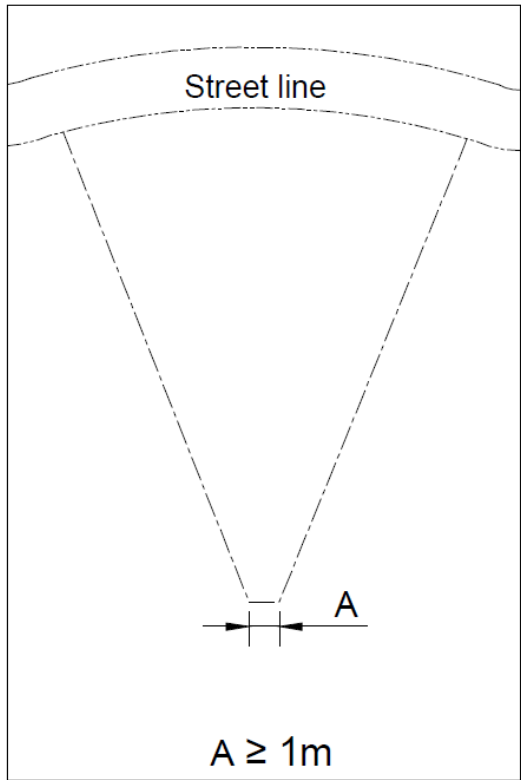
Figure 32. Lot with a boundary on a curved street line



33. LOT WITH A CONVEX FRONT BOUNDARY LINE

For a lot with a convex front boundary line due to the curve of the street, the lot width measured along the rear boundary line shall not be less than 1 m (see Figure 33).

Figure 33. Lot with a convex front boundary line



34. PARCELLING NOT SUBJECT TO CERTAIN MINIMUM STANDARDS

The minimum requirements pertaining to areas and dimensions do not apply to a lot created for one of the following purposes:

- 1° To install a piece of equipment, infrastructure or a structure for a public service, for the purpose of a use described in Section 2 of chapter 3 of the Zoning By-law in force, as long as this building only houses equipment and does not contain any sanitary facilities;
- 2° To allow the partition of a portion of the lot in a sector subject to a cadastral renewal, provided that the provisions in Article 43 are respected.

SECTION 3. RESTRICTIONS IN THE CADASTRAL OPERATIONS

35. NON-CONFORMING REMAINDER LANDSITE OR STRUCTURE

A cadastral operation cannot be authorized if it has one of the following effects:

- 1° It renders another lot or landsite not in conformity with the minimum requirements in the By-law;
- 2° It produces a remainder landsite that is not in conformity with the minimum requirements in the By-law;
- 3° It increases the non-conformity of a dimension or an area on another lot or piece of landsite;
- 4° It renders a structure or installation not in conformity with the provisions in the Zoning By-law in force or the Construction By-law in force.

CHAPTER 5. PROVISIONS RELATIVE TO ACQUIRED RIGHTS

36. DEFINITION OF A NON-CONFORMING LOT

A non-conforming lot is a lot on which the area or one of the dimensions does not conform to a provision in the By-law.

37. EXISTENCE OF ACQUIRED RIGHTS FOR A NON-CONFORMING LOT

A non-conforming lot is protected by acquired rights if, at the time it was submitted to the ministry responsible for the cadastre, it was in conformity with the regulations for subdivision in force at that time.

38. MODIFICATION OF A NON-CONFORMING LOT

A non-conforming lot may be modified as long as the enlargement does not render one of the dimensions of the lot not in conformity, or worsen an existing non-conformity in regard to the dimensions of the lot.

A non-conforming lot may be enlarged even if the enlargement does not render the area or the dimensions of the lot in conformity with the provisions of the By-law.

39. CADASTRAL PRIVILEGE FOLLOWING AN EXPROPRIATION

A permit relative to a cadastral operation in regard to a landsite that constitutes the remainder of a landsite, a part of which was acquired for public utility purposes by a public organization or by another person having the power to expropriate it, may not be refused for the sole reason that the minimum area and dimensions of the landsite do not allow it to meet the requirements in this matter of an interim control by-law or of a subdivision by-law, if the following conditions are met:

- 1° Immediately prior to this acquisition, the area and dimensions of the landsite were in conformity with the provisions of the by-laws then in force;
- 2° A single lot results from the cadastral operation except when the landsite is comprised of several original lots, in which case a single lot per original lot results from the cadastral operation.

CHAPTER 6. FINAL PROVISIONS

40. REPLACEMENT

For all legal purposes, this By-law replaces Subdivision By-law no. 1391-B-91 and all its amendments.

41. COMING INTO FORCE

The By-law shall come into force as provided by Law.

APPROVED_____MAYOR

APPROVED_____CITY CLERK