

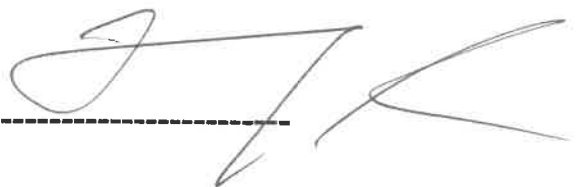
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**MUNICIPALITY OF WALTHAM**

**SUBDIVISION BY-LAW**

**02-2003**

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**SUBDIVISION BY-LAW**

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Sketch on frontage on water front lots

**VALIDITY**

Council shall adopt this by-law No. 02-2003 in its entirety and also part by part, chapter by chapter, section by section, paragraph by paragraph, sub-paragraph by sub-paragraph, line by line and word by word, in such manner that if a part, a chapter, a section, a paragraph, a sub-paragraph, a line or a word of this by-law was or should be declared null & void, the other provisions contained in this by-law shall continue to apply.

## **CHAPTER 1 : DECLARATORY AND INTERPRETIVE PROVISIONS**

### **1.1 TITLE OF BY-LAW**

The present by-law bearing number 02-2003 is entitled "Subdivision By-law" of the Municipality of Waltham . The rules of interpretation and administration of the planning by-laws govern this by-law.

### **1.2 OBJECTIVES**

This by-law is intended to ensure consistent development of the municipality's territory through rational subdivision of land.

It is intended specifically to ensure that each structure or primary use occupies a separate lot to facilitate sound administration of the municipality with regard to the zoning by-law and construction by-law and establishment of assessment procedures for taxation.

### **1.3 SUBJECT TERRITORY**

This by-law, whose provisions are binding on individuals and legal entities in public or private law, applies to all territory under the jurisdiction of the Municipality of Waltham.

### **1.4 BY-LAW REPLACED**

All by-laws or any parts of by-laws governing construction building are repealed for all intents and purposes and replaced by this by-law.

All other regulatory provisions incompatible with this by-law are also repealed.

These replacements do not affect proceedings instituted under the authority of the by-laws thus replaced, which will continue under the authority of the said replaced by-laws until final ruling and execution. They do not affect permits issued under the authority of the by-laws thus replaced.

### **1.5 AMENDMENT PROCEDURE**

The provisions of this by-law may only be adopted, amended or repealed by an approved by-law pursuant to sections 123 to 137 of the Act respecting land use planning and development.

## **1.6 RULES OF INTERPRETATION**

Chapter 2 of the rules governing the interpretation and administration of the land-use planning and development By-law applies fully to this present By-law. That chapter contains sections about the interpretation of wording, interpretation of tables and the terminology.

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## **Chapter 2 Rules of interpretation**

### **2.1 Interpretation of the text.**

The titles contained in this by-law are an integral part of the by-law. In case of contradiction between the title and the text, the text will prevail:

- A- The use of a verb in the present tense includes the future;
- B- The singular also includes the plural and vice versa unless the meaning is otherwise clear and that it cannot be logically challenged;
- C- The word "must" and "shall" indicates an absolute obligation, the words "may" indicates an optional meaning. ;
- D- The word anyone includes all persons either physical or moral
- E- The words municipality means the municipality of Waltham
- F- The word council means the municipal council of Waltham
- G- A numbering technique has been applied to the whole document

The first number means the chapter

The second shows the section

The third shows a sub-section

The fourth the article of this section .

All measures are in the international system SI (Metric system).

### **2.2 Interpretation of the graphs**

All Tables, diagrams, graphics, or other means of expression other than the text themselves, included in this by-law, are an integral parts of it for all purposes and intent..

In case of contradiction between any text and the graphics, symbols or other forms of expression the text will prevail. In case of contradiction between graphics and tables the contents of the tables will prevail.

When a restriction or other from the present by-law is incompatible with another by-law, it is the by-law that is most restrictive that applies.

### **2.3 Terminology**

Section 2.3 of the administration interpretation rules contained in the urbanization by-law fully applies to this present by-law,

## **CHAPTER 3 : PROVISIONS ON STREETS AND SERVICES**

### **3.1 PRECONDITIONS FOR APPROVAL OF A PLAN FOR A CADASTRAL OPERATION**

Any cadastral operation in a sector must provide for preservation of natural elements that give the environment its character.

### **3.1.1      Transfer of land for development of parks or playgrounds**

As a precondition for approval of a plan for a cadastral operation other than a cancellation, correction or replacement, whether or not it provides for streets, the owner of the land covered by the plan must transfer to the municipality free of charge for development of one or more parks or playgrounds an area equal to five percent (5%) of the land area contained in the proposed plan. The land thus transferred must be located in an area which, in the opinion of the designated officer, is suited to the establishment of one or more parks or playgrounds.

#### **3.1.1.1      Monetary compensation**

- a) In lieu of the land required above, the municipal council may demand from the land owner payment of a sum of money equal to five percent (5%) of the registered value on the assessment roll for the land contained in the plan for the cadastral operation. The value of the land for purposes of collecting this sum is obtained from the value entered on the assessment roll of the regional county municipality.

Depending on the needs of the municipal corporation, the municipal council may require that the owner pay part of the compensation due in money and the balance in transferred land, provided the total turned over to the municipal corporation is equal to either of the requirements stipulated in the preceding sections.

- b) The proceeds of this payment must be placed in the special fund which shall only be used for the purchase or development of parks or playgrounds, and the lands transferred to the municipality shall only be used for parks or playgrounds. The municipality is permitted to sell at auction, by public tender or in any other way approved by the Commission municipale du Québec lands acquired under subsection 2.1.1 if not required for development of parks or playgrounds, and the proceeds from this sale must be placed in this special fund.

#### **3.1.1.2      Registration fee**

Registration fee for the transfer of land for parks and playgrounds to the municipality are paid by the owner.

### **3.1.1.2      Cases not requiring transfer of land or monetary compensation**

In the following cases, no transfer of land or monetary compensation is required for:

- a) cadastral operations for cancellation, correction or replacement executed pursuant to sections 2174 and 2174A of the Civil Code;
  - b) cadastral identification of parks and playgrounds for public purposes;
  - c) cadastral identification of parcels of land for public purposes filed by the municipality or any other government agency, after an agreement with the municipal council;
  - d) lands for which the space required for parks and playgrounds has already been transferred to the municipality or for which the monetary compensation has been paid;
  - e) cadastral operations for "lot additions" pursuant to sections 2174 and 2174A of the Civil Code and section 7 of the Cadastre Act;
  - f) cadastral identification of a built-up parcel and new cadastral identification of a built-up site cadastre subsequent to a change in boundaries that does not create a new building lot;
  - g) new cadastral identification of a vacant site cadastre subsequent to a change in its boundaries that does not create a new building lot.
- 
- h) cadastral operations of less than 4 lots.

### **3.1.2      Existing or required easements**

Existing or required easements for passage of energy or communications transmission facilities must be shown on an attached plan showing the subject lots.

### **3.1.3      Responsibility for construction of streets, highways and roads**

All new thoroughfares located in a residential subdivision must be built at the developer's expense to the specifications of these planning by-laws.

#### **3.1.4 Street maintenance**

All new streets in a residential subdivision must be maintained by the developer and/or the residents in compliance with the standards and requirements set by Council.

The municipality shall take on the responsibility for a new street only when at least 50 percent of the lots served by this new street or road are built up or under construction, or if there is a signed agreement between the developer and the municipality regarding street maintenance. In all cases, the reader should refer to chapter 4 of the rules of interpretation and administration of planning by-laws 04-2003.

#### **3.1.5 Cadastre streets**

No street allowance will be approved by the municipality unless it has first been cadastre by and at the expense of the property owner.

#### **3.1.6 Municipal taxes due**

The property owner must pay the unpaid municipal taxes due for real property included in the plan.

### **3.2 PROVISIONS ON THOROUGHFARES**

Street, highway and road allowances must be designed in such a way that their assigned function in the municipal plan complies with the Municipal Code and Public Streets Act (RSQ 1964, Chapter 179 and amendments).

All other geometric characteristics of streets, highways and roads other than those identified in this chapter must meet the standards of the Roads and Transportation Association of Canada. "Rights of Way" are subject to the same regulatory requirements as streets, highways and roads, except for the width of the road surface.

#### **3.2.1 Layout of streets, highways and roads based on soil type**

The layout of streets, highways and roads will avoid woods, peat bogs, swamps, unstable land and any land with poor drainage or subject to flooding, landslides and settling.

#### **3.2.2 Layout of streets, highways and roads based on topography**

.1 The gradient of any street or road must not exceed ten percent (10%).

- .2 If only one layout is possible and if safe for motorists, the municipality may grant special authorization for gradients up to fifteen percent (15%). An engineer's report justifying this special measure will be required and this part of the roadway must be asphalted.
- .2 All gradients within thirty (30) meters of an intersection must not exceed five percent (5%).

### **3.2.3      Layout of streets, highways and roads based on lakes and watercourses**

No street, highway or road may be located less than seventy (70) meters from the natural high water mark of perennial watercourses or lakes. In areas subject to flooding, the layout of streets, highways and roads should avoid the 0-20 year flood zone. The natural high water mark is that observed when there is no flooding.

In sectors already built up or areas which represent important physical constraints (topography), the street or road may be set up at a minimum of thirty (30) meters of the limit of the high water mark of watercourses or lakes with permanent outflow.

Notwithstanding the previous paragraph in flood zones the zoning by-law rules applies. No construction of roads, streets, of any kind

### **3.2.4      Classification and width of streets**

The municipal system of thoroughfares is ordered and classified by the characteristics, primary function and importance of the thoroughfares that make up the system.

Any street appearing on a draft project must be classified by the designated officer in one of the two street categories set out below.

#### **3.2.4.1      Rights of way**

Thoroughfare belonging to a property owner or certified as a right of way. This right of way giving access to only one property that would otherwise be boxed in. As soon as a second residence is established or to be allowed to use this right of way, this right of way must be enlarged to 20 meters and will be considered a rural collector road.

#### **3.2.4.2      Rural collector road**

Thoroughfare belonging to the road system whose primary function is to serve as a collector for the local street system, linking it to the arterial road or major street system while providing access to bordering properties; characterized by a medium-width allowance and in general by a straighter and more direct route than local streets.

#### **3.2.4.3 Rural arterial road**

Thoroughfare belonging to the road system consisting of the most important streets, those designed to handle the heaviest traffic loads. Its primary duty is to provide the fastest and smoothest possible flow of traffic from one part of the municipal territory to another.

#### **3.2.4.4 Width of thoroughfare allowances**

Based on the classification described in sections 3.2.4.1, 3.2.4.2 and 3.2.4.3 all thoroughfares must respect the following characteristics:

##### Allowance width in meters

	<u>Minimum</u>	<u>Maximum</u>
a) right of way	6 m	-
rural collector road	20 m	24 m
rural arterial road	24 m	none

- b) The width of the road surface must not be less than six (6) meters except for parking lot access roads, which must comply with the provisions on parking lots, access roads and service entrances.

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#### **3.2.5 Sidewalks and walkways**

Where sidewalks are required, they must be at least one decimal two meters (1.2 m) wide. However, for all thoroughfares with an allowance of more than twenty-three (23) meters, this minimum is increased to one decimal five meters (1.5 m).

#### **3.2.6 Curves, intersections and visibility**

Intersections and curves must comply with the standards set out in "Geometric Design Standards for Canadian Roads and Streets" distributed by the Geometric Design Committee, Canadian Good Roads Association, latest edition.

However, the following prescriptions must be respected:

- a) intersections of more than two thoroughfares must be avoided (Figure A);  
    "T" intersections are desirable (Figure B);

Figure A. INTERSECTION TO BE AVOIDED

Fig. A INTERSECTION NOT RECOMMENDED

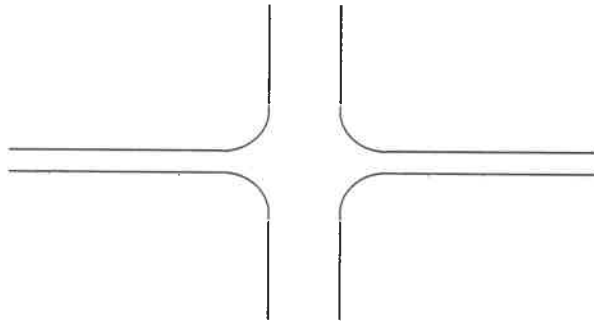
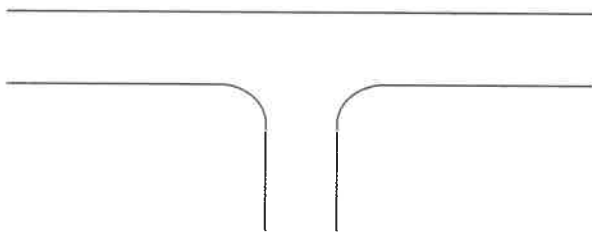
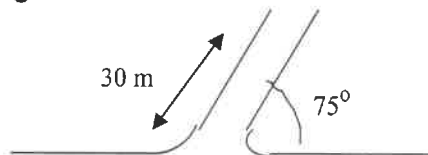


Fig. B RECOMMENDED INTERSECTION (« T »)



- b) the angle of intersection should not be less than seventy-five (75) degrees, and right-angle intersections are desirable. The alignment must be maintained over a distance of thirty (30) meters (Figure C);

Figure C.



- c) no intersection shall be located on the convex (inside) side of a curve with a radius of less than one hundred eighty (180) metros (Figure D) or on the concave (outside) side of a curve with a radius of less than one hundred twenty (120) meters (Figure E);

Figure D. Convex side

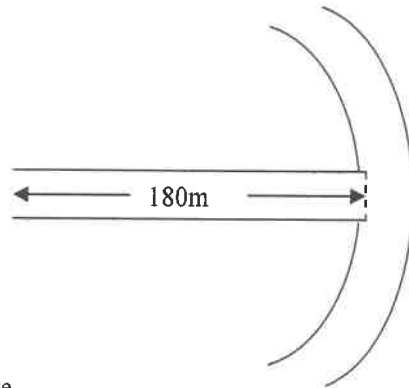
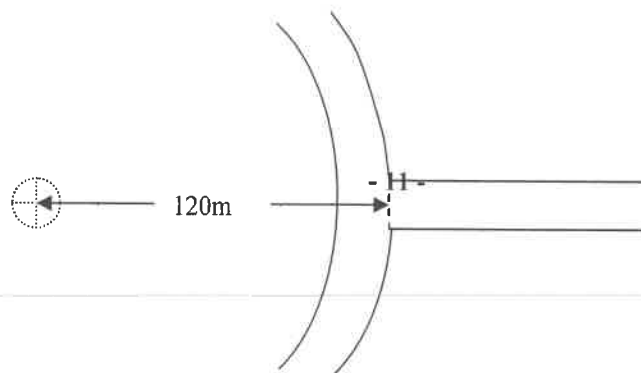
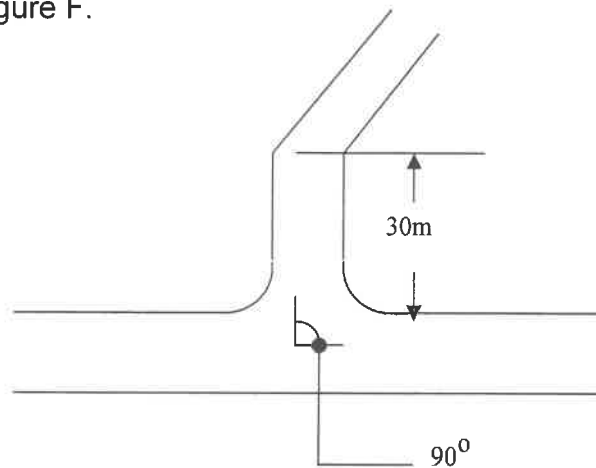


Fig. E Côté concave



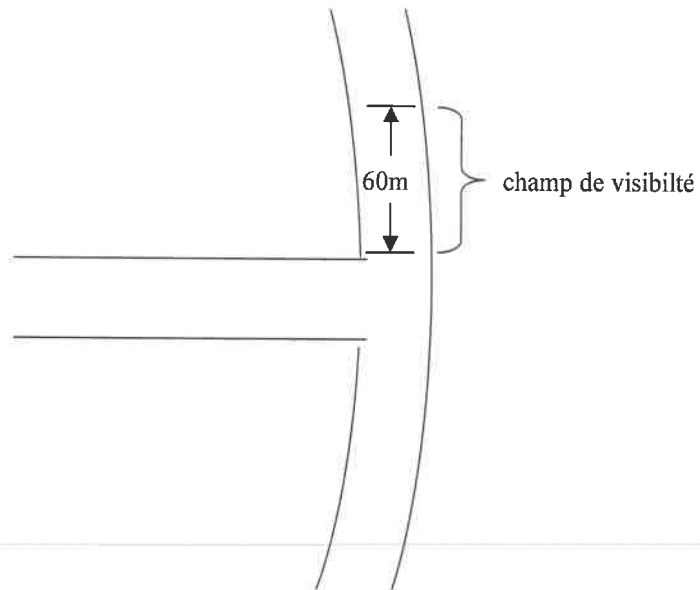
- d) in general, no curve is allowed within thirty (30) meters of a thoroughfare intersecting an existing or proposed thoroughfare and the angle of intersection with that thoroughfare must be ninety (90) degrees (Figure F);

Figure F.

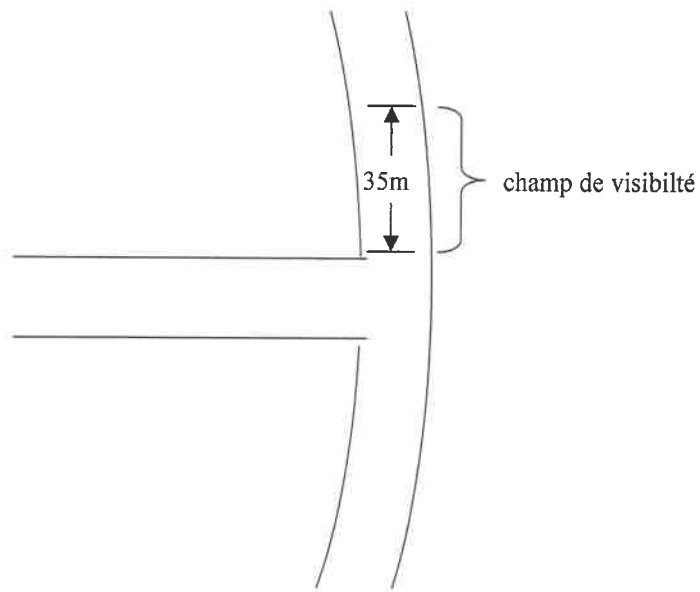


- e) all intersections on a street with an easement of twenty (20) meters or more must have a field of visibility along the street of at least sixty (60) meters

Fig. G Rue de 20 m d'emprise

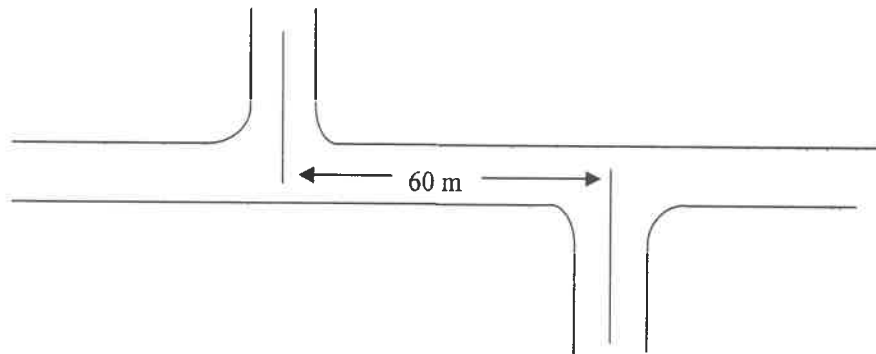


Every intersection on a street of 15 meters of road allowance must have a visibility of 35 meters  
See figure H.



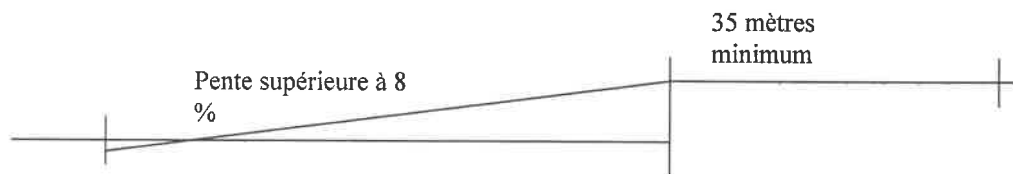
- f) on a given thoroughfare, the centers of two intersections must be spaced a minimum of sixty (60) meters apart (Figure I);

Figure I.



- g) no intersection is allowed on thoroughfares with a gradient of more than eight percent (8%). A field of visibility of thirty-five (35) meters must be provided between the top of the gradient and any intersection (Figure J);

Figure J.



### 3.2.7

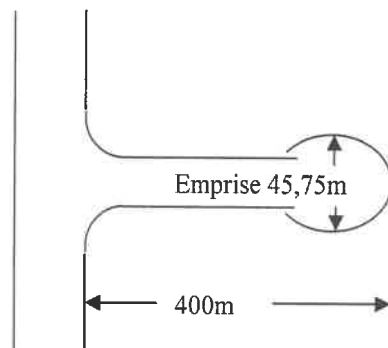
#### Cul-de-sacs

- a) The systematic use of cul-de-sacs is prohibited. However, cul-de-sacs shall be used where they provide a practical or economic solution for using a lot with a form, relief or location not suited to the use of a through street. The circle of the cul-de-sac must have an allowance of forty-five decimal seventy-five (45.75)

meters in diameter and the paved surface must have a minimum radius of ten (10) meters, (as indicated in Figure K);

Figure K.

Fig. K CULS-DE-SAC



## **CHAPTER 4 : STANDARDS FOR BLOCKS AND LOTS**

### **4.1 BLOCK GEOMETRY**

#### **4.1.1 Block width**

Block width must be set in keeping with the provisions of this by-law regarding minimum lot depth and minimum distance between street intersections. For residential blocks, this width must be sufficient to allow two back-to-back rows.

#### **4.1.2 Block length**

Maximum block length is set at five hundred forty (540) meters.

#### **4.1.3 Block orientation**

To promote maximum sun exposure, blocks should be oriented within thirty (30) degrees of an east-west axis.

#### **4.1.4 Lot line orientation**

In general, the side lot lines should be perpendicular to the street line.

To ease gradients, equalize lot areas or open up a view, side lot lines may be oblique to street lines but under no circumstances shall this

deviation be justified by the fact that lot centre lines described in the official cadastre are also oblique to the street line.

**4.1.5 Walkpaths and right of way**

On request from the municipality owners must transfer to the municipality without cost walkpaths of 3 meters minimum width for access. The municipal officer decides where to locate these access to public buildings, parks, and playgrounds. Additional walkpaths can be requested by the municipality for every section over 230 meters.

**4.1.6 Damage to survey markers**

Anyone damaging or moving a municipal survey marker in any way must notify the municipality immediately and cover the cost of replacement.

**4.1.7 Lot servicing**

No dwelling shall be erected on a lot without direct access to a street.

**4.2 PROVISIONS ON LOTS**

**4.2.1 Lot frontages on curves**

The frontage of lots with side lot lines converging toward the street because of a curve in the street or a physical constraint may be reduced to a minimum of fifty percent (50%) of the prescribed standard provided the area complies with all other applicable provisions of this by-law..

**4.2.2 Lot dimensions in cadastral operations**

The sub-division standards edicted in this by-law do not apply when the proposed and authorized land use does not involve, because of its nature, the need for a septic installation. As an example, the following uses meet that criterion: streets, telecommunication, cable-distribution, water, sewers or municipal recreation.

Notwithstanding the preceding, land use or construction will only be permitted on distinct lots or plots made up of existing lots. All subdivision of land must be subject to cadastral registration in the Book of Reference.

No subdivision permit shall be issued unless each lot meets the following standards.

#### 4.2.2.1 Dimensions of new subdivisions

	USES	
	RÉSIDENTIAL AND COMMERCIAL	INDUSTRIAL AND INSTITUTIONNAL
1. LOT SERVICED IN URBAN AREA	CONDITIONS SET IN URBANISATION BY-LAW	
2. Lot serviced Situated <b>less</b> than 100 meters from a water course or less than 300 meters from a lake  A. Width B. Depth C. Area Surface  Situated at <b>more</b> than 100 meters from a water course or less than 300 meters from a lake  A. Width B. Depth C. Area Surface	30 meters 61 meters 1 858 meters <sup>2</sup>	50 meters 61 meters 3000 meters <sup>2</sup>
A. Width B. Depth C. Area Surface	22.86 meters --- 1 393 meters <sup>2</sup>	22.86 meters --- 1 393 meters <sup>2</sup>
3. Non serviced lot Situated less than 100 meters from a water course and less than 300 meters from a lake  A. Width B. Depth C. Area Surface	45.72 meters 61 meters 3 716 meters <sup>2</sup>	50 meters 61 meters 3 716 meters <sup>2</sup>

Lot situated at more than 100 meters from a water course or less than 300 meters from a lake		
A. Width.	45,72 meters	50 meters
B. Depth	---	---
C. Area Surface	2 787 meters <sup>2</sup>	3 700 meters <sup>2</sup>
Forestry affectation		
A. Width	61 meters	---
B. Depth	152 meters	---
C. Area Surface	5 905 meters <sup>2</sup>	---
4. lot situated near a free way		
A. Width	45.72 meters	50 meters
B. Depth	---	---
C. Area Surface	2 787 meters <sup>2</sup>	3 700 meters <sup>2</sup>

Note these prescription don't apply when the construction don't implicate a septic system

The prescriptions concerning non serviced lots situated in the Forest zone on the private lots on the banks of the Ottawa and Black River , Lakes or main highways The prescription to apply is the same has the other non serviced lots.

#### **4.2.2.2 Subdivision**

The above dispositions are to insure the efficient control on the soil uses has well has it's density whether we have services or not , and whether we are near a lake or water course

#### **4.2.2.2.1 Mandatory to obtain a subdivision permit**

Before any cadastral operation a sub-division permit must be obtain from the municipality

#### **4.2.2.3 Calculation of part adjacent to lakes or watercourses**

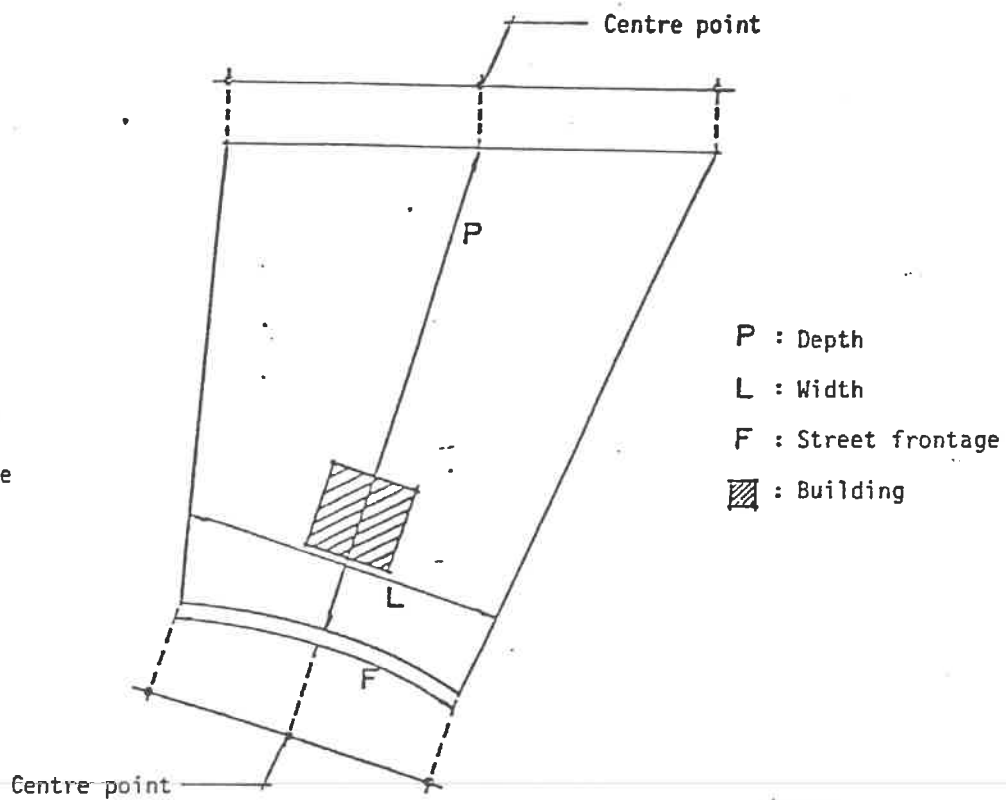
Along lakes or watercourses, the following subdivision rules apply:

- .1 lots must have an average width of forty-five (45) meters;

- .2 side lot lines must be perpendicular to the shore as much as possible;
  - .3 lots must have a minimum frontage of forty-five (45) meters abutting the shore. This width is measured along a straight line between the points where the two side lot lines touch the shore at the natural high water mark (see drawings);
  - .4 lots may have more than four sides and the front line may consist of more than one side. The front lot line and the shoreline will be a straight line over a minimum length of forty-five (45) meters. The distance to the centre of the lot must never be less than thirty (30) meters and the distance to the lot line abutting the street allowance must never be less than twenty (20) meters.
-

EXAMPLE "A"

General Case

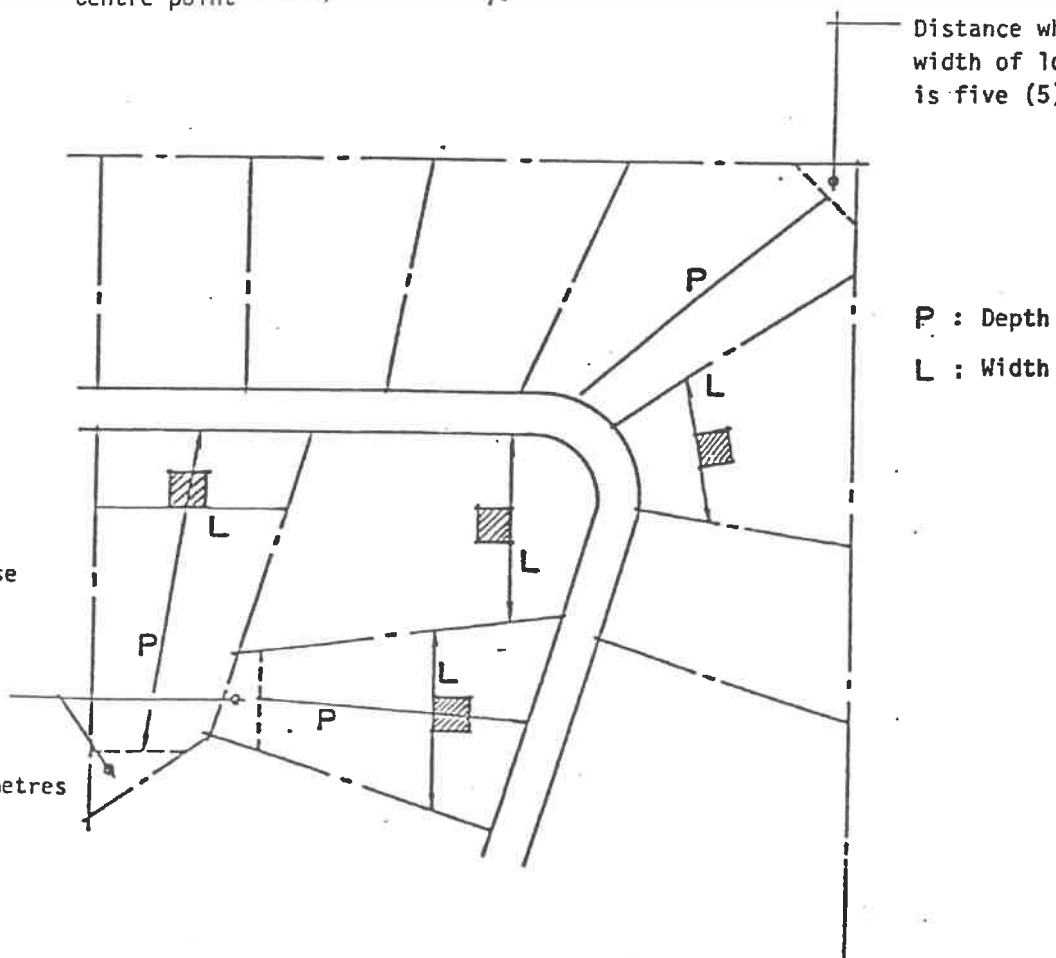


Distance where the  
width of lot  
is five (5) metres

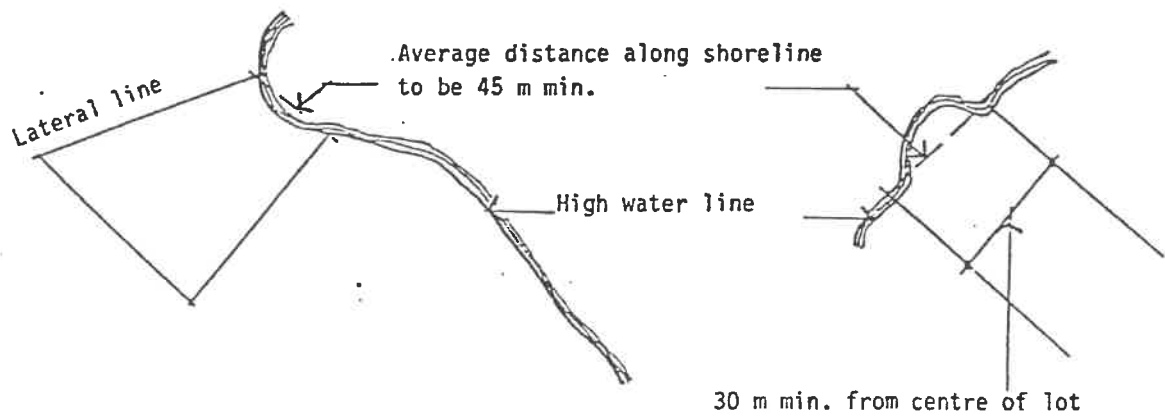
EXAMPLE "B"

Specific case

Distance  
where the  
width of lot  
is five (5) metres



Sketch 3.2.2.6 a)



Sketch 3.2.2.6 b)

