



VILLE DE / TOWN OF

**BARKMERE**

**TOWN OF BARKMERE**

**SUBDIVISION BYLAW N° 202**

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This consolidation has not been officially adopted by the Town of Barkmere

The original by-law and its amendments should be consulted for all purposes of the law.

June 13, 2009



PROVINCE OF QUEBEC  
TOWN OF BARKMERE

BYLAW NO. 202

SUBDIVISION BYLAW

NOTICE OF MOTION : 9 MAY, 2009

ADOPTION : 13 JUNE, 2009

ENTRY INTO FORCE : 5 DECEMBER 2009

Bylaw Amendments	
Bylaw Number	Entry into Force
284 – BY-LAW OF CONCORDANCE	MARCH 25 <sup>TH</sup> 2025

The municipal council of the Town of Barkmere orders as follows:





VILLE DE / TOWN OF

**BARKMERE**

**TOWN OF BARKMERE**

**SUBDIVISION BYLAW N° 202**

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**CHAPTER 1 :**

**Declaratory, administrative and interpretive provisions**



CHAPTER 1  
Declarative, Administrative and Interpretive Provision

**Section 1.1 : Declaratory provision**

**1.1.1 : Title of the bylaw**

This bylaw is titled *Subdivision Bylaw* and is numbered 202.

**1.1.2 : Repeal**

1. This bylaw repeals bylaw number 90, titled *Subdivision Bylaw*, as altered by all its amendments, as well as any provision irreconcilable with another bylaw in force;
2. This repeal does not affect permits or certificates issued legally under the authority of the bylaw hereby replaced nor the rights acquired prior to this bylaw coming into force.

**1.1.3 : Scope of the bylaw and the territory covered**

This bylaw, the provisions of which cover individual persons as well as corporate entities under public law or private law, applies to the entire territory of the Town of Barkmere.

**1.1.4 : Conflict with other bylaws or laws**

Complying with this bylaw does not remove the obligation to comply with any other law or bylaw of the provincial or federal government or with any other municipal bylaw applicable in this matter.

**1.1.5 : Part-by-part adoption**

The Municipal Council of the Town of Barkmere hereby states that it is adopting this bylaw chapter by chapter, section by section, article by article, sub-clause by sub-clause and paragraph by paragraph so that, if part of this bylaw were to be declared null and void by a court, the ruling would have no effect on the other parts of the bylaw, except in cases where the meaning and scope of the bylaw, or of one of its provisions, could be altered or modified.

CHAPTER 1  
Declarative, Administrative and Interpretive Provision

**Section 1.2 : Administrative provisions**

**1.2.1 : Administration and application of the bylaw**

Administration and application of this bylaw is entrusted to any person named hereafter as a “designated officer” by resolution of the Municipal Council.

**1.2.2 : Powers of the designated officer**

The powers of the designated officer are set out in the *Permit and Certificate Bylaw*.

**1.2.3 : Actions covered**

Any cadastral operation must comply with the provisions of this bylaw and must be the subject of a subdivision permit, except for a cadastral operation involving the cancellation or correction of a lot number not resulting in an increased number of lots.

The terms and conditions of issuance of subdivision permits are set out in the *Permit and Certificate Bylaw*.

**1.2.4 : Infractions and penalties**

1. Anyone violating the provisions of this bylaw commits an infraction;
2. An infraction of this bylaw makes the violator subject to the following fines:

	Individuals		Corporate Entities	
	Minimum	Maximum	Minimum	Maximum
<b>First Fine</b>	200 \$	1 000 \$	400 \$	2 000 \$
<b>Repeat Offence</b>	400 \$	2 000 \$	800 \$	4 000 \$

3. In all cases, the costs of prosecution are over and above the fines;
4. Time limits for payment of fines and costs imposed pursuant to this bylaw, and the consequences of failure to pay the said fines and costs within the prescribed time, are set out in the *Quebec Code of Penal Procedure* (R.S.Q., c. C-25.1);
5. If an infraction lasts more than one day, the infraction committed on each day constitutes a separate infraction, and the penalties decreed for each of the infractions may be imposed for each day the infraction lasts, under this article.

CHAPTER 1  
Declarative, Administrative and Interpretive Provision

### Section 1.3 : Interpretive Provisions

#### 1.3.1 : Interpretation of the Provisions

1. When two (2) standards or provisions in this bylaw apply to a use, building, lot or other item governed by this bylaw, the following rules apply:
  - a) a particular standard or provision prevails over a general provision;
  - b) the more restrictive provision prevails.
2. Unless the context indicates a different meaning, it is agreed that:
  - c) the singular includes the plural, and vice versa;
  - d) the masculine includes the feminine, and vice versa;
  - e) use of the word "MUST" implies an absolute obligation;
  - f) use of the word "MAY" preserves an optional meaning;
  - g) the word "ANYONE" includes any physical person or corporate entity;
3. The table of contents and the titles of chapters, sections and articles in this bylaw are provided to enhance understanding of the text. In case of contradiction between the text and the title(s) concerned or the table of contents, the text prevails;
4. Maps, appendices, tables, specification grids, graphs and symbols, and any form of expression other than the actual text contained in this bylaw, form an integral part of this bylaw for all purposes under law;
5. In case of contradiction between a table, graph and the text, the data in the table or graph prevail;
6. In case of contradiction between the specification grid forming part of the Zoning bylaw with respect to the minimum area and dimensions of lots and the text of this bylaw, the more restrictive provision applies;
7. The dimensions, areas and other measurements set out in the bylaw are expressed in units under the international system.

#### 1.3.2 : Numbering

The form of numbering used in this bylaw is as follows (when the text of an article is not numbered in relation to a paragraph or sub-paragraph, it is a sub-clause):

- 1. Chapter
  - 1.1 Section
    - 1.1.1 Article
      - 1. Paragraph
      - a) Sub-paragraph

#### 1.3.3 : Terminology

Unless there is a specific mention to the contrary, or unless the context indicates a different meaning, the expressions, terms and words have the meaning and application attributed to them by the bylaw on permits and certificates.





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**CHAPTER 2 :**

**Conditions Required for a Cadastral Operation**





CHAPTER 2  
Conditions Required for a Cadastral Operation

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**Section 2.1 : General Provisions**

**2.1.0 : Cadastral Operations in Bark Lake Watershed**

In the Bark Lake watershed, as illustrated in Appendix 1 and subject to the exceptions provided for in paragraph 2 of section 62 of the Act respecting land use planning and development, all cadastral operations for the creation of a new road or the extension of an existing road are prohibited.

*Added, R. 284, a. 1, March 25 2025*

**2.1.1 : Plans relating to a Cadastral Operation**

A plan related to a cadastral operation must be submitted prior to approval of the operation. This plan must meet the conditions set out in this bylaw and those set out in the bylaw on permits and certificates related to applications for subdivision permits.

In the case of an application for a subdivision permit covering a cadastral operation on two (2) or more lots, the plan related to a cadastral operation must present a land division project covering a territory larger than the piece of land covered in the plan.

*Amended, R. 284, a. 2, March 25 2025*

**2.1.2 : Easement (Right of Way)**

The landowner must, as a prior condition for approval of a plan related to a cadastral operation, agree to grant any easement required for the passage of energy transmission or communications transmission facilities, for the development of trails, or for any other public service infrastructure (aerial or underground).

Existing or required easements must appear on plans related to cadastral operations.

**2.1.3 : Payment of Municipal Taxes**

The landowner must, as a prior condition for approval of a plan related to a cadastral operation, pay the applicable unpaid municipal taxes on the property in question.

CHAPTER 2  
Conditions Required for a Cadastral Operation

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**Section 2.2 : Provisions related to conveyance for Parks, Playgrounds or Natural Spaces**

**2.2.1 : General Provisions**

A cadastral operation related to a subdivision cannot be approved unless the owner, at the discretion of the Municipal Council:

- 1 Transfers free of charge to the Town a piece of land representing 10% of the total area of all lots included in the plan related to the cadastral operation and located in a place which, in the Council's opinion, is suitable for establishing or expanding a park or playground or for maintaining a natural space;
- 2 Pays to the Town a sum of money that must represent 10% of the value of all lots included in the plan related to the cadastral operation;
- 3 Transfers free of charge to the Town a piece of land included in the plan related to the cadastral operation and located in a place which, in the Council's opinion, is suitable for establishing or expanding a park or playground or for maintaining a natural space and pays to the Town a sum of money representing part of the total value of all the lots included in the plan related to a cadastral operation. The value of the land that is transferred free of charge and the sums of money paid must represent 10% of the total value of all the lots included in the plan related to a cadastral operation.

**2.2.2 : Location of the land to be transferred**

The land transferred free of charge by the owner pursuant to Article 2.2.1 may be a piece of land that is not included in the plan related to the cadastral operation if there is an agreement to this effect between the owner of all the lots included in the plan related to the cadastral operation and the Town.

The land covered in the agreement must lie in the territory of the Town of Barkmere.

**2.2.3 : Land not covered in the transfer**

The land transferred free of charge by the owner pursuant to Article 2.2.1 may not be pieces of land or parts thereof including a wetland, lake or stream, including their protective strip as determined in the *Zoning Bylaw*.

**2.2.4 : Cadastral operations not covered**

In an application for a subdivision permit, the following cadastral operations are not subject to the provisions of this section related to the transfer of land for parks, playgrounds or natural spaces:

- 1 A cadastral operation involving a cancellation, correction or replacement of a lot number and not resulting in an increased number of lots;
- 2 Cadastral identification in the official cadastre plan for a piece of land where a main building is erected;
- 3 Cadastral identification covering a consolidation of lots resulting from the cadastral change;
- 4 Cancellation of a subdivision after the cadastral change;
- 5 A vertical cadastre required and conducted in constituting or converting a building into divided co-ownership;
- 6 A new cadastral identification of an existing site following alteration of its limits without creating a new building lot, in other words a lot with the minimum area and dimensions set out in this bylaw;

**CHAPTER 2**  
**Conditions Required for a Cadastral Operation**

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- 7 A cadastral operation made necessary in the context of an expropriation;
- 8 A cadastral operation involving land used for parks, playgrounds or natural spaces or for any other use under the aegis of the Town of Barkmere;
- 9 A cadastral identification of parcels for public purposes.

**2.2.5 : Construction following a cadastral change**

The issuance of a construction permit regarding the establishment of a new main building on a property of which the registration as a separate lot was not covered by the issuance of a subdivision permit because it resulted from a cadastral change is subject to a contribution for parks, playgrounds or natural spaces under the conditions set out in this bylaw, taking account of the necessary adaptations.

**2.2.6 : Calculation rules**

4. Under the meaning of this bylaw, the total value of all lots included in the plan related to a cadastral operation is regarded on the date the Town receives the plan as being judged in compliance with the Urbanism Bylaws and is established according to the value registered in the Town's property appraisal roll;
5. If a piece of land, including the site (all the lots included in the plan related to a cadastral operation), with a value that is to be established, constitutes, on the date set out in Paragraph 1, an appraisal unit listed on the roll or part of such a unit the value of which is listed separately on the roll, its value for the purposes of this bylaw is the product obtained by taking the unit's value as listed on the roll or a portion thereof corresponding to the piece of land the value of which is to be established, if need be, and multiplying it by the factor of the roll established under Article 264 of the Act respecting municipal taxation (R.S.Q., c. F-2.1);
3. If the conditions set out in Paragraph 2 are not met, the value must be established, at the owner's expense, by an accredited appraiser mandated by the Town, according to the concepts that apply to expropriation;
4. The calculation rules must take into account, to the owner's credit, any transfer or any payment made in a previous cadastral operation involving all or part of the set of lots included in the plan related to a cadastral operation, whether or not the project is conducted in phases. The Municipal Council may decide to modify the form of contribution in subsequent phases of the project or in a new cadastral operation that applies to the land in question.

**2.2.7 : Notarized contracts**

The costs of a notarized contract for a land transfer for a park, playground or natural space are at the transferor's expense, including, if need be, the technical description.





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**CHAPTER 3 :**

*Repealed, R. 284, a. 4, March 25 2025*



CHAPTER 3  
Provisions related to Private Roads

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**CHAPTER 4 :**

**Provisions relating to a Lot**



**CHAPTER 4 :**  
**Provisions relating to a Lot**

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**Section 4.1 : Provisions related to a lot**

**4.1.1 : Minimum dimension of a lot**

The area, frontage and depth of lots are indicated in the specification table appended to the *Zoning Bylaw*.

Notwithstanding the standards shown in the specification grid, lots must comply with the following minimum dimensions and areas (in case of contradiction, the larger area and dimensions apply):

Location of a Lot	Minimum Area	Minimum Frontage	Minimum Depth
A lot situated outside of a shoreline sector	3 000 m <sup>2</sup>	50 m	30 m
A lot situated within a shoreline sector	4 000 m <sup>2</sup>	50 m	60 m
A lot situated within a shoreline sector on Bark Lake	8 000 m <sup>2</sup>	125 m	66,6 m
A lot situated on an island	8 000 m <sup>2</sup>	50 m	n.a.
A lot on Bark Lake situated within the biological corridor, the Exceptional Forestry Ecosystem, the Virginia White-Tail Deer yards or the Areas of High Ecological Value	10 000 m <sup>2</sup>	125 m	75 m
A lot situated within the Conservation Zones	32 000 m <sup>2</sup>	125 m	75 m

If the average slope of the land exceeds 30%, the size and dimensions of the land are increased by 1.5 times the minimum area required.

**4.1.2 : Calculating the depth of a lot**

In applying the standard as concerns the depth of a lot, the minimum standard corresponds to the average depth of a lot. The depth is equal to the sum of the depth of the lot on the lateral lot lines and a depth calculated in the centre of the lot, divided by three (3).

**4.1.3 : Relaxation of standards for lots located outside the curve of a street**

Regardless of the provisions in Article 4.1.1, a relaxation of subdivision standards for the frontage of lots located on the outer curve of a street is authorized under the following conditions:

1. With a curve that has a radius of thirty (30) metres or less on its outer side, the frontage of a lot measured on the street line may be reduced by up to 50%.
2. With a curve that has a radius of more than thirty (30) metres but not more than one hundred (100) metres, the frontage of a lot measured on the street line may be reduced by up to 25%

**CHAPTER 4 :**  
**Provisions relating to a Lot**

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In no case may the frontage be less than 37.5 metres. In applying this article, at least 50% of the frontage of a lot must be included in the radius of the street curvature to benefit from the relaxation of standards.

**4.1.4: Exemptions in applying minimum subdivision standards**

The minimum dimensions for subdivision in the current section do not apply in the following cases:

- 1 Cadastral operations required for municipal or public purposes or for public utilities, such as parks, green spaces, trails, or infrastructure networks for gas, telecommunications, electricity or cable;
- 2 Cadastral operations identifying part of a building or lot made necessary by a declaration of co-ownership of the vertical, horizontal or row type pursuant to the Civil Code of Quebec, with only the building(s) or lot(s) being the subject of exclusive portions in the declaration;
- 3 Cadastral operations identifying part of a lot made necessary by the alienation of part of a building requiring partition of the land located exclusively beneath it;
- 4 Lots benefiting from acquired rights or subdivision privileges, under Chapter 5 of this bylaw;
- 5 Land in the public domain, except in cases of work or structures by persons who have acquired rights to this land;
- 6 Cadastral operations for purposes of alienation with the aim of coming under a plan to consolidate a lot with one or more adjacent lots that will comply with this bylaw as a consequence of the consolidation plan (cadastral operation). The consolidation plan must be submitted to the designated official when applying for the permit.

In the cases described in the first paragraph, the minimum dimensions do not apply when there is a main or accessory building on the lot with an area of less than thirty-eight (38) square metres (does not include docks and boathouses). If not, a cadastral operation must be conducted for the lot intended to receive these buildings under this bylaw.

*Amended, R. 284, a. 5, March 25<sup>th</sup>, 2025*

**4.1.5: Orientation of lots**

The lateral lines of the lot must be perpendicular, forming a 90-degree angle with the right-of-way line of the street or with the lake.

However, with the aim of reducing slopes, levelling the surface of a lot, clearing a view, creating curves in a street or respecting the shape of the lake, the lateral lines of the lot may form an angle in relation to the right-of-way of the street or of the lake varying between 60 and 120 degrees.

CHAPTER 4 :  
Provisions relating to a Lot

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4.1.6 : Shapes of lots

Lots must have a regular shape, at right angles or at angles varying between 60 and 120 degrees. In exceptional cases, where required by the topography, because of natural constraints or because of the original cadastre, the lot may have broken lines.

In all cases, the minimum frontage must be observed so as not to create a lot on which the layout of the main building is situated behind another lot, whether isolated or not from the street or confined between two (2) lots.

4.1.7 : Lots on which animals will be raised or kept

Where authorized in the *Zoning Bylaw*, the minimum land area required for raising and keeping farm animals (code of practice A102) is 20,000 square meters.





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**CHAPTER 5 :**

**Provisions relating to Non-conforming Lots, Land Sites and Roads**

*Amended, R. 284, a. 6, March 25 2025*





CHAPTER 5 :  
Provisions relating to Non-conforming Lots and Landsites

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**Section 5.1 : General Provisions**

**5.1.1 : Scope**

A lot is considered non-conforming if its area or one of its dimensions does not comply with this bylaw.

A non-conforming lot is protected by acquired rights if its area and dimensions complied with the bylaw in force when it was constituted or was created prior to the first applicable set of regulations.

**5.1.2 : Enlargement of a non-conforming lot**

A cadastral operation aimed at enlarging a non-conforming lot may be authorized provided that this operation does not have the effect of making it non-conforming to a greater degree in terms of frontage or depth or in terms of the area to be respected.

Moreover, enlarging a non-conforming lot is authorized under the following conditions:

- 1 The area of the new lot must exceed that of the non-conforming lot the area of which is affected. The frontage and depth of this lot may not be reduced to less than the standards set out in this bylaw;
- 2 The cadastral operation may not have the effect of making an adjacent lot non-conforming or, as the case may be, non-conforming to a greater degree;
- 3 A cadastral operation or operations resulting from this article may not have the effect of making the existing layout(s) on the adjacent lot(s) in question non-compliant with the *Zoning Bylaw* or, if they are non-conforming but protected by acquired rights, making them non-conforming to a greater degree.

A lot consolidation plan must be submitted at the same time as the permit application.

**5.1.3 : Enlargement of non-conforming land site**

A cadastral operation aimed at increasing the area of a non-conforming piece of land existing on January 10, 2004, is authorized provided that this operation does not have the effect of making the piece of land concerned non-conforming to a greater degree in terms of frontage or depth or in terms of area.

Moreover, enlarging a non-conforming piece of land is authorized under the following conditions:

1. The area of the new piece of land must exceed that of the non-conforming land the area of which is affected. The frontage and depth of this landsite may not be reduced to less than the standards set out in this bylaw;
2. The cadastral operation must not have the effect of making an adjacent piece of land non-conforming or, as the case may be, non-conforming to a greater degree;
3. Where the cadastral operation(s) resulting from this article may not have the effect of making the existing layout(s) on the adjacent piece(s) of land non-conforming or, if they do not comply with the *Zoning Bylaw*, or if they are non-conforming but protected by acquired rights, non-conforming to a greater degree;
4. Allowing the creation of a single compliant lot or, when the piece of land is included within more than one original lot, of a single lot for each original lot.

CHAPTER 5 :  
Provisions relating to Non-conforming Lots and Landsites

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**Section 5.2 : Subdivision privileges**

**5.2.1 : Non-conforming vacant lot**

A permit authorizing a cadastral operation may not be refused for a piece of land that, on April 2, 1984, did not form one or more separate lots in the official cadastre plans, and whose boundaries were described in one or more official documents published on this date, for the sole reason that the area or dimensions of this land prevented it from meeting the requirements of the *Subdivision Bylaw* in this matter, if the two following conditions are observed:

1. On the above-mentioned date, the area and dimensions of this land would have met, if this had been applicable, the requirements of the *Subdivision Bylaw* in this matter where the land is located;
2. A single lot results from the cadastral operation, unless the land is included in more than one original lot, in which case a single lot per original lot results from the operation.

**5.2.2 : Non- conforming built-up land**

A permit authorizing a cadastral operation may not be refused for the sole reason that the area or dimensions of the land prevented it from meeting the requirements of the *Subdivision Bylaw* in this matter with respect to a piece of land that meets the following conditions:

- 1 On April 2, 1984, this land did not form one or more separate lots in the official cadastre plans;
- 2 On April 2, 1984, this land sat beneath a structure erected and used in compliance with the regulations then in force or, as the case may be, protected by acquired rights.

For the cadastral operation to be allowed, it must result in the creation of a single lot or, when the land is included in more than one original lot, of a single lot for each original lot.

This article applies even in cases where the structure was destroyed by a disaster after its date of application.

**5.2.3 : Remaining parts of a non-compliant lot**

A permit authorizing a cadastral operation may not be refused for the sole reason that the area or dimensions of the land prevent it from meeting the requirements of the *Subdivision Bylaw* in this matter with respect to a piece of land forming a remaining part of a piece of land:

- 1 Part of which was acquired for public purposes by a public body or by any other entity with power of expropriation and,
- 2 That immediately prior to this acquisition was of sufficient area and dimensions to meet the regulations then in force or could be the subject of a cadastral operation pursuant to Article 5.2.1 or 5.2.3

For the cadastral operation to be allowed, it must result in the creation of a single lot or, when the land is included in more than one original lot, of one lot for each original lot. This article applies even in cases where the structure was destroyed by a disaster after its date of application.

**Section 5.3 : Non-conforming Road**

**5.3.1 Modification of a Road**

Renovation or repair of a road protected by acquired rights is permitted subject to compliance with construction standards applicable at the time of its construction.

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**CHAPTER 5 :**  
**Provisions relating to Non-conforming Lots and Landsites**

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The renovation or repair of a road may not have the effect of rendering it non-conforming to the Zoning By-law or Subdivision By-law, or if it is non-conforming but protected by acquired rights, of increasing that non-conformity.

*Added, R. 284, a. 7, March 25, 2025*





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**CHAPTER 6 :**

**Final Provisions**



CHAPTER 6  
Final Provisions

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**Section 6.1 : Entry into Force**

**6.1.1 : Entry into Force**

This bylaw shall enter into force in compliance with the law.

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**Mayor**

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**Director General**



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**Appendix 1: Area of Application**

*Modified, R. 284, a. 8, March 25 2025*



