

By-Law Number 246-2018 Repealing and Replacing By-Law Number 211-2015 enacting an Interim Control By-Law aiming to Allow Complementary Non-Agricultural Uses to Dwellings in the Dynamic Agricultural, Viable Agricultural, and Agroforestry Land Use Designations of the Land Use and Development Plan of the Regional County Municipality of Pontiac

- WHEREAS the revised Land Use and Development Plan of Pontiac County became effective on February 23, 2001, as per the Land Use Planning and Development Act;
- WHEREAS Pontiac County amended in 2016 the Land Use and Development Plan in order to include new land use designations following the characterization of the agricultural zone and the application of collective scope according to the provisions of Article 59 of the Preservation of Agricultural Land and Agricultural Activities Act, thus facilitating the implementation of its Agricultural Zone Development Plan;
- WHEREAS agriculture and agri-food are key socio-economic development sectors within Pontiac County, and that the development of this key sector is a priority, as mentioned in Pontiac 2020 Strategic Vision;
- WHEREAS the gross farm revenues of Pontiac County's registered farm businesses are assessed up to \$28M;
- WHEREAS the majority of Pontiac County's 264 farm businesses (59.5%) have a gross farm revenue of \$50,000 or less;
- WHEREAS the Land Use and Development Plan currently in effect includes a planning guideline that consists of diversifying the activities in marginal agricultural areas in order to revitalize the agricultural zone by authorizing uses other than agriculture and enhancing the parts of land with low potential for agriculture;
- WHEREAS the agroforestry land use designation of the Land Use and Development Plan consists of areas where the soil potential for agriculture is low, soils are little used for agriculture, and wooded areas represent 75% of the land or more;
- WHEREAS for the agroforestry land use designation of the Land Use and Development Plan, one planning guideline aims at allowing the diversification of activities other than agriculture by considering the local reality;
- WHEREAS maple stands are not numerous within Pontiac County's agricultural zone;
- WHEREAS the shared vision statement of the Agricultural Zone Development Plan reads as follows: "In 2020, Pontiac County is a destination that will not be ignored for agricultural establishment, new generations of farmers and visitors. Agribusinesses will be based on diversified traditional agriculture, prosperous and in a environment-friendly manner. It will be completed with new

emerging and innovating agricultural businesses. It will be a bountiful land counting on the secondary and tertiary processing, targeting the local and international markets. Its unique agricultural landscapes will be preserved and highlighted. It will be a reference in terms of exchanges of good practices with the other regions in Quebec.”;

WHEREAS the Action Plan of the Agricultural Zone Development Plan is being closely monitored during the meetings of the Agricultural Zone Development Plan follow-up committee;

WHEREAS agritourism and farm-based processing activities are already allowed in the Land Use and Development Plan within all three agricultural land use designations;

WHEREAS Pontiac County recognizes the importance of agritourism, gourmet tourism, and farm-based processing activities, since these activities are beneficial for farmers as much as for consumers, and contribute to Pontiac’s tourist development;

WHEREAS the tourist accommodation capacity of the Pontiac is limited and this fact is recognized by all stakeholders of the local tourist industry;

WHEREAS Pontiac County Agricultural Advisory Committee was consulted at its February 20, 2018 meeting and issued a favourable opinion;

WHEREAS this by-law aims at allowing uses already existing on the land, promoting entrepreneurship and local employment, allowing farmers and forest producers to benefit from an additional income, and increasing the tourist accommodation capacity of the Pontiac;

THEREFORE, this by-law ORDERS, ADJUDICATES AND ENACTS the following, to wit:

Article 1 - Preamble

The preamble of this by-law is an integral part of it.

Article 2 - Title of the By-Law

This by-law, identified by number 246-2018, is entitled: “By-Law Repealing and Replacing By-Law Number 211-2015 enacting an Interim Control By-Law aiming to Allow Complementary Non-Agricultural Uses to Dwellings in the Dynamic Agricultural, Viable Agricultural, and Agroforestry Land Use Designations of the Land Use and Development Plan of the Regional County Municipality of Pontiac”.

Article 3 - Area of Application

This by-law applies to the following municipalities: Allumettes Island, Bristol, Campbell’s Bay, Chichester, Clarendon, Grand Calumet Island, Litchfield, Mansfield-Pontefract, Otter Lake, Shawville, Sheenboro, Thorne, and Waltham.

Article 4 - Precedence and Effects of the By-Law

This by-law takes precedence over all provisions stated in the zoning, subdivision, building or other municipal planning by-laws of the referred municipalities of this by-law.

No permit or certificate of authorization shall be issued under these by-laws, unless they fully comply with the requirements of this by-law.

Article 5 - Application of this By-Law

Article 5.1 - Designated Officer

The administration of this by-law is assigned to the designated officer responsible for issuing permits and certificates under planning by-laws in the local municipalities referred to in this by-law.

Article 5.2 - Functions and Authority of the Designated Officer

The designated officer ensures compliance to this by-law in the territory under his jurisdiction. He sees that permit and certificate of authorization requests are managed and processed, and conducts field inspections. More specifically, the officer is responsible for coordinating the application of this by-law, and in doing so, he shall:

- a) Issue or refuse to issue permits and certificates of authorization required under this by-law for the territory under his jurisdiction;
- b) Keep a log of permits and certificates of authorization officially issued or refused under this by-law, and the reasons that support his decision in case of refusal;
- c) Maintain an up-to-date file for each permit or certificate of authorization request;
- d) Write a report to the municipal council regarding any violation to this by-law and make recommendations to correct the problem and, following the council's decision, issue an infraction notice under this by-law;
- e) Notify the owner or occupant to cease any activity or work in violation of this by-law;
- f) Notify the owner or occupant to implement corrective actions in order to address the issues of complying practices or activities as they relate to this by-law;
- g) In the case of ongoing violations, instruct the person at fault to immediately cease the violation in the territory under his jurisdiction, and inform the person that violating the regulatory provisions exposes him to legal penalties for each day of violation, in addition to possible civil actions under the law;
- h) He reports to the County any difficulty of enforcement or interpretation of this by-law, if any, and sends, once a year, a logbook of permits and certificates issued under Article 6.2 of this by-law.

Article 5.3 - Visitation Rights

In performing his duties, the designated officer has the right to visit and examine, between seven (7) a.m. and seven (7) p.m., any property or moveable property to ascertain if the requirements of this by-law are met. Owners, tenants or agents of the

premises must receive the designated officer to answer any questions regarding the application of this by-law. The designated officer may be accompanied by any expert or peace officer to carry out the required verifications.

Article 5.4 - Delivery of Permits and Certificates of Authorization

The designated officer shall only issue a permit or certificate of authorization if it complies with the provisions of this by-law and the planning by-laws of the local municipality.

In case of refusal, the designated officer shall notify in writing the reasons for refusing to issue the permit or certificate of authorization.

Article 5.5 - Complementarity with the Application of Collective Scope

This by-law is complementary with the application of collective scope of Pontiac County (file 377560). Thus, existing or projected residences within the agricultural zone shall abide by this application of collective scope and the Quebec Act on Preservation of Agricultural Land and Agricultural Activities.

Article 5.6 - Annual Report regarding Article 6.2

The County shall, once a year, prepare an annual report regarding permits and certificates issued under Article 6.2 of this by-law and transmit it to its Agricultural Advisory Committee, UPA Pontiac, UPA Outaouais-Laurentians, and MAPAQ regional office. These informations are sent beforehand to the County by the designated officer in each of the local municipalities referred to in this by-law.

Article 6 - Complementary Non-Agricultural Uses to Dwellings

In addition to the allowed activities identified in the last revised Land Use and Development Plan (by-law number 65-99, effective since February 23, 2001), the complementary non-agricultural uses to dwellings listed in Article 6.1 are authorized in the dynamic agricultural, viable agricultural, and agroforestry land use designations, whereas those listed in Article 6.2 are authorized in the agroforestry land use designation.

A complementary non-agricultural use to dwelling is an allowed non-agricultural use other than the main use, and that must be practised on the same property where the main residential use is located. It corresponds to a complementary use to dwelling within main residence, which is a commercial use practised in a single-family home, or a complementary use to dwelling within a complementary building of the main residence, which is generally a small business operated by the occupants of a single-family home in a complementary building and that requires no outside storage nor any particular external features.

Any complementary non-agricultural use to dwelling must be authorized by the *Commission de protection du territoire agricole du Québec* (CPTAQ).

Article 6.1 - Complementary Uses to Dwellings within Main Residences

In order not to affect the opportunities to develop, increase or diversify the agricultural activities, the complementary use to dwelling within main residence must respect all the following conditions:

- 1° It must be practised in a main residential building;
- 2° Up to five people living somewhere else than in the main residential building can work in the said building due to the operation of a business as a complementary use;
- 3° The maximum floor area used for the complementary use must not exceed 25% of the dwelling floor area;
- 4° The complementary use must be practised in the basement and/or on the ground floor of the residence, with a separate entrance from the dwelling;
- 5° The modification of the outside architecture of the building, for the operation of the complementary use, is not allowed;
- 6° The additional buildings, such as a garage, a shed or a wood shed, must be used only for the main residential use;
- 7° The outside storage or display of merchandises is strictly forbidden;
- 8° Only one complementary use per main residential building is allowed;
- 9° The value of the parameter used for the use factor must be the same as a dwelling (0.5); the reference point for the calculation of the separating distances with regard to the management of odours in the agricultural zone must be the main residential building.

The following uses are allowed as guidelines:

- Bed and breakfast;
- Food caterer;
- Artist studio;
- Professional services;
- Beauty, hair, and other salons;
- Daycare.

Despite the above, conditions 3° and 4° do not apply to bed and breakfasts.

Furthermore, up to five rooms are authorized for bed and breakfasts.

Despite the above, conditions 6° and 7° do not apply to artist studios.

Article 6.2 - Complementary Uses to Dwellings within Complementary Buildings of Main Residences

In order not to affect the opportunities to develop, increase or diversify the agricultural activities, the complementary use to dwelling within complementary building of main residence must respect all the following conditions:

- 1° This use must be practised in a complementary building to a main residential building;
- 2° All the activities must be practised inside the complementary building;
- 3° The total area of the complementary building(s) must not exceed 300 square metres;
- 4° The outside storage or display of merchandises is strictly forbidden;
- 5° Up to five people living somewhere else than in the main residential building can work in the complementary building due to the operation of the business;

- 6° The value of the parameter used for the use factor must be the same as a dwelling (0.5); the reference point for the calculation of the separating distances with regard to the management of odours in the agricultural zone must be the main residential building;
- 7° The complementary building to a main residential building, where the non-agricultural use is practised, cannot be, in any case, considered as a protected immovable for the calculation of the separating distances with regards to the management of odours in the agricultural zone.

The following uses are allowed as guidelines:

- Artisan workshop;
- Tourist home;
- Tourist hut;
- Tourist rustic shelter;
- Yurts, teepees, tree houses, rustic camping (tents) with or without platforms, suspended tents, and other unusual accommodations;
- Mechanic repair workshop.

It is possible to build these uses on a separate area from the authorization of residential use given by CPTAQ or the municipality.

The following table shows the quotas for these uses for each municipality referred to in this by-law:

Municipality	Maximum Number of Complementary Uses Authorized within the Agroforestry Land Use Designation*
Bristol	32
Campbell’s Bay	0
Chichester	21
Clarendon	43
Grand Calumet Island	6
Allumettes Island	26
Litchfield	8
Mansfield-Pontefract	15
Otter Lake	7
Shawville	0
Sheenboro	8
Thorne	5
Waltham	10

* The quotas were established by using the following formula: 0.5 complementary use per km² of agroforestry land use designation

Despite the above, conditions 1°, 2°, and 4° do not apply to yurts, teepees, tree houses, rustic camping (tents) with or without platforms, suspended tents, and other unusual accommodations. Besides, in addition of abiding by condition 3°, a maximum of ten units is allowed for these uses.

For each application submitted under this article, the Agricultural Advisory Committee and the affected municipality shall give their opinion, and may express recommendations and additional conditions to those mentioned above.

Article 7 - Coming into Force

This by-law shall come into force as per the provisions of the Land Use Planning and Development Act.

Jane Toller
Warden

Bernard Roy
Executive Director and Secretary-Treasurer

Notice of motion	:	May 16, 2018
Adoption of draft by-law	:	May 16, 2018
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By-Law