

By-Law Number 255-2019 enacting an Interim Control By-Law regarding Non-Single Family Dwellings within Local Centre Land Use Designations

WHEREAS the current RCM land use and development plan is effective since February 23, 2001, in accordance with an Act respecting land use planning and development (L.R.Q., c. A-19.1), hereafter called the LAU;

WHEREAS the RCM has started the land use and development plan revision process, in accordance with article 54 of the LAU;

WHEREAS article 64 of the LAU allows the RCM council, through by-law, on its whole territory or any part thereof, to prescribe special rules in the matters of zoning, subdivision or building and of issuance of permits and certificates;

WHEREAS there is a need to review uses and authorized activities within Local Centre land use designations in order to allow their consolidation and addressing housing needs;

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

I. DECLARATORY PROVISIONS

Article 1.1 Preface

The preface of this by-law is an integral part thereof.

Article 1.2 Title of the By-Law

This by-law is identified by number 255-2019 and is entitled: “By-Law Number 255-2019 enacting an Interim Control By-Law regarding Non-Single Family Dwellings within Local Centre Land Use Designations”.

Article 1.3 By-Law Object

This by-law is intended to allow the establishment of non-single family dwellings within Local Centre land use designations as identified in the current land use and development plan and its amendments.

Article 1.4 Area of Application

This by-law applies to the following municipalities: Alleyn-Cawood, Bristol, Chichester, Litchfield, Rapides-des-Joachims, Sheenboro, Thorne, and Waltham.

Article 1.5 Partial Nullity of the By-Law

In the event where a provision or part of this by-law is declared null by a deemed court of law, the other parts or provisions remain valid.

The Council adopts each article of this by-law and enacts the remainder of the by-law notwithstanding the nullity of portions or entire articles.

Article 1.6 Persons Affected

This by-law applies to all individuals and legal persons. The government, its departments, and its representatives are submitted to the application of this by-law in accordance with the LAU provisions (L.R.Q., c. A-19.1).

Article 1.7 Precedence and Effects of the By-Law

This by-law has 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.

II. INTERPRETIVE PROVISIONS

Article 2.1 Interpretation of Text

The titles listed in this by-law are an integral part of it. In case of contradiction between the text and the titles, the text shall prevail.

It is understood that the present verb tense encompasses the future.

The singular form also refers to the plural form, and vice-versa, unless the meaning clearly shows that it cannot logically apply.

The male gender includes the female gender, unless the context indicates otherwise.

With the use of the words “should” or “shall”, the obligation is definite. The word “may” carries the meaning of a possibility.

Article 2.2 Measurement Units

All measurement units in this by-law are indicated under the international unit system, i.e. the Metric System.

Article 2.3 Definitions

For interpretation purposes of this by-law, the words or expressions below carry the meaning indicated in this article, unless stated otherwise.

LAKESHORES AND WATERCOURSE SHORES

Strip of land bordering a lake or watercourse. For a lake, the depth of the shoreline area is 300 metres, whereas the depth of the shoreline area for a watercourse is 100 metres. Any wetland contiguous to a lake or watercourse is an integral part of it.

CURRENT LAND USE AND DEVELOPMENT PLAN

By-law number 65-99 enacting the revised land development plan of the Pontiac RCM, effective since February 23, 2001.

DWELLING

A building or part of a building intended for sheltering a household as a place of residence. This building or part of building encompasses one or various dwellings.

NON-SINGLE FAMILY DWELLING

Family-type building encompassing more than one dwelling.

FAMILY-TYPE DWELLING

Building encompassing one or various dwellings intended for sheltering one or various households. When the building encompasses two dwellings or more, they have distinct entrances on the outside of the building, whether directly, or through a common hallway.

LAU

An Act respecting land use planning and development.

LOT

Land real property identified and delimited on a cadastral plan made in accordance with articles 3036 and 3037 of the Quebec Civil Code.

LAKESIDE OR RIVERSIDE LOT

Lot contiguous to a lake or watercourse.

WETLAND

Flooded area or area saturated in water content during a time period long enough to influence soil and vegetation composition.

Ponds, marshes, swamps and peatlands, without being limited, are considered as the main wetlands. They distinguish one from another by the vegetation type one can find in a given wetland.

LOCAL MUNICIPALITY

Municipality referred to in this by-law.

RCM

Pontiac Regional County Municipality.

III. ADMINISTRATIVE PROVISIONS

Article 3.1 Application of This By-Law

Article 3.1.1 Designated Officer

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

Article 3.1.2 Functions and Authority of the Designated Officer

The designated officer ensures compliance to this by-law in the area 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 area 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 area 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.

Article 3.1.3 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 3.2 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 other 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.

IV. INTERIM CONTROL PROVISIONS

Article 4.1 Provisions Regarding Non-Single Family Dwellings within Local Centre Land Use Designations

In addition to uses and activities already authorized within Local Centre land use designations, non-single family dwellings are authorized under the following conditions:

- The building shall not encompass more than four dwellings;
- The building shall not have more than two storeys, ground floor included.

Non-single family dwellings shall respect applicable provisions of the Environment Quality Act and its regulations.

Article 4.2 Provisions Regarding Minimal Areas and Minimal Dimensions of the Residential Lots within Local Centre Land Use Designations

Within Local Centre land use designations, minimal areas and minimal dimensions of the residential lots are defined in the following table:

	SERVED LOT (aqueduct <u>and</u> sewer)	PARTIALLY SERVED LOT (aqueduct <u>or</u> sewer)	NON-SERVED LOT (<u>neither</u> aqueduct <u>nor</u> sewer)
LOT MINIMAL AREA	1 500 square metres	2 000 square metres	3 000 square metres
LOT MINIMAL WIDTH	25 metres	30 metres	50 metres

Despite the above, minimal areas and minimal dimensions of the residential lots bordering lakes and watercourses are the ones indicated in the following table:

	SERVED LOT (aqueduct <u>and</u> sewer)	PARTIALLY SERVED LOT (aqueduct <u>or</u> sewer)	NON-SERVED LOT (<u>neither</u> aqueduct <u>nor</u> sewer)
LOT MINIMAL AREA	2 000 square metres	3 000 square metres	4 000 square metres
LOT MINIMAL WIDTH	30 metres	40 metres	50 metres
LOT MINIMAL DEPTH	45 metres (lakeside or riverside lot only)	75 metres (lakeside or riverside lot only)	75 metres (lakeside or riverside lot only)

Furthermore, for any lot contiguous to the right of way of the Quebec Department of Transport highway road network, it is necessary to get a permit from the said Department before any subdivision, work or construction may be undertaken. This permit shall indeed be granted before a local municipality may give a subdivision permit or a building permit related to the establishment of a principal building.

V. FINAL PROVISIONS

Article 5.1 Legal Action

Under this by-law, Council authorizes the designated officer to initiate legal proceedings against any person who violated any provision of this by-law, and therefore generally allows these officers to issue infraction notices necessary for this purpose; as they are responsible for enforcing this by-law.

Article 5.2 Offence Punishable by a Fine

Anyone who violates any provision of this by-law commits an offence and is liable to a fine.

First offence:

- A minimum fine of \$ 300 if the offender is an individual and \$ 500 if the offender is a legal person;
- The maximum fine that may be imposed is \$ 1 000 if the offender is an individual, and \$ 2 000 if the offender is a legal person;

Subsequent offences:

- A minimum fine of \$ 500 for a subsequent offence if the offender is an individual, and a minimum fine of \$ 2 000 for a subsequent offence if the offender is a legal person;
- The maximum fine for each subsequent offence is \$ 2 000 if the offender is an individual and \$ 4 000 if the offender is a legal person.

In all cases, the costs of prosecution are extra.

The deadlines for payment of fines and fees imposed under this article, and the consequences of failure to pay those fines and fees on time, are prepared in accordance with the Quebec Code of Penal Procedure.

If an offence lasts more than one day, the offence committed each day constitutes a separate offence and the penalties imposed for each offence may be imposed for each day the offence continues under this article.

Article 5.3 Alternative Recourses

In addition to legal prosecution, the RCM may exercise before the civil courts, all other proceedings necessary to enforce the provisions of this by-law.

More specifically, the RCM can obtain an order from the Quebec Superior Court to stop a use of land or construction project inconsistent with this by-law and execute the required work, including demolition of any buildings and re-establishment of the land.

The RCM may request permission to perform this work at the expense of the owner of the immovable. The cost of such work is applied against the immovable, all in accordance with the law.

Article 5.4 Person Party to the Offence

A person who does or omits to do anything to help a person commit an offence under this by-law or who advises, encourages or incites a person to commit an offence, also commits the offence and is liable to the same fine.

Article 5.5 Aiding and Abetting

A director or officer of a legal person who induces this legal person by an order, authorization, advice or encouragement to refuse or neglect to comply with this by-law commits an offence and is liable to the same fine.

Article 5.6 Misrepresentation

Also commits an offence and is punishable by fines a person who makes a false or misleading declaration to the designated officer in order to obtain a certificate of authorization, permit, permission or approval issued under this by-law.

Article 5.7 Amendments

The provisions of this by-law shall only be amended or repealed under the Act respecting land use planning and development.

Article 5.8 Coming into Force

This by-law shall come into force as per the provisions of the Act respecting land use planning and development.

Jane Toller
Warden

Bernard Roy
Executive Director and Secretary-Treasurer

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