



Municipality of Sheenboro

By-Law amending urbanism by-laws regarding
new residences to be built on areas of ten hectares
or more

By-law number 2021-003

Notice of motion : June 7th, 2021
Adoption of first draft By-Law : June 7th, 2021
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Coming into force :

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Municipality of Sheenboro
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PREFACE

- WHEREAS** the MRC Pontiac, hereafter called the MRC, adopted on June 25, 2013, resolution no. 2013-06-11 in order to make an application for the implementation of residences on its agricultural land, according to the provisions stated at Article 59 of an Act respecting the Preservation of Agricultural Land and Agricultural Activities, hereafter called the LPTAA;
- WHEREAS** the application concerned the two sections of Article 59 of the LPTAA, that is to say the destructured tracts of land in the agricultural zone (section 1), and the sectors, within the agricultural zone, comprising lots having an area sufficient to avoid destructuring the agricultural zone (section 2);
- WHEREAS** on June 17, 2015, the CPTAQ issue its decision no. 377560 regarding the implementation of new residences in the agricultural zone;
- WHEREAS** the current MRC Land Use and Development plan is effective since February 23, 2001, in accordance with an Act respecting Land Use Planning and Development, hereafter called the LAU;
- WHEREAS** on May 17, 2016, the Quebec Deputy Minister for Municipal Affairs and Land Occupancy, Mr. Sylvain Boucher, sent the notice of conformity in regards to the provincial planning guidelines for interim control by-laws no. 221-2016 and 222-2016 of the MRC Pontiac that concern the implementation of new residences in the permanent agricultural zone;
- WHEREAS** the provisions of these two regulations have been incorporated into the Land Use and Development Plan through regulation 227-2016;
- WHEREAS** the Municipality of Sheenboro must adopt concordance by-laws in order to integrate the provisions of by-law 227-2016 into its planning by-laws;
- WHEREAS** the Municipality of Sheenboro agrees with the provisions adopted by the MRC;
- WHEREAS** that under the regulations adopted by the MRC, the Municipality of Sheenboro has no destructured tracts
- WHEREAS** that under the regulations adopted by the MRC, the Municipality of Sheenboro has dynamic agricultural, viable agricultural and agro-forestry designations;
- WHEREAS** the first draft of these regulations was adopted on June 7th, 2021;
- WHEREAS** public consultation on this by-law took place on June 16th-30th, 2021

THEREFORE, the present by-law **ORDERS, STATES AND DECREES** the following,
namely:

CHAPTER 1 Declaratory provisions

1.1 Preface

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

F Harvey 3-9-20 11:49 AM

Comment [1]: 227-2016
Article 1.1

1.2 Title of the by-law

The present by-law bears the title of " By-Law amending urbanism by-laws regarding new residences to be built on areas of ten hectares or more" and bears the number 2021-003.

F Harvey 3-9-20 11:50 AM

Comment [2]: 227-2016
Article 1.2

1.3 Purpose of this by-law

The purpose of this by-law, without limitation, is to bring the by-laws of the Municipality of Sheenboro into conformity with the "By-Law number 227-2016 amending the Land Use and Development Plan regarding the Destructured Tracts and New Residences to Be Built on Areas of Ten Hectares or More" bearing the number 227-2016 of the MRC of Pontiac.

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Comment [3]: 227-2016
Article 1.3

In accordance with by-law number 227-2016 of the MRC of Pontiac, this by-law aims at allowing the implementation of new residences in the permanent agricultural zone under the conditions set forth by the Commission de protection du territoire agricole du Québec (CPTAQ) in its decision no. 377560 issued on June 17, 2015. This decision comes after the application of collective scope presented by the MRC Pontiac on June 25, 2013, in accordance with the provisions of Article 59 of an Act respecting the Preservation of Agricultural Land and Agricultural Activities (LPTAA). The by-law number 227-2016 of the MRC of Pontiac comprises most of the provisions included in the interim control by-laws no. 221-2016 and 222-2016, for which the notice of conformity in regards to the provincial planning guidelines was issued on May 17, 2016. The present by-law is an exercise in compliance with regulations 227-2016. Furthermore, this by-law aims at modifying the land use designation names of the land uses associated with the permanent agricultural zone in order to match the designation names with those used by the CPTAQ and the Agricultural Zone Development Plan (PDZA) adopted by the MRC of Pontiac.

1.4 Area of application

This by-law subjects the entire municipal territory of the Municipality of Sheenboro and all the zones provided for in the "Zoning By-law" and its amendments in force in the territory. More precisely, this by-law applies to the whole agricultural zone enacted in accordance with an Act respecting the

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Comment [4]: 227-2016
Article 1.4

Preservation of Agricultural Land and Agricultural Activities, and included in the territory of the Municipality of Thorne.

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.

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Comment [5]: 227-2016
Article 1.5

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.

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Comment [6]: 227-2016
Article 1.6

1.7 Applicable law

Without limitation, this by-law aims to manage the various elements provided for in the "Loi sur l'aménagement et l'urbanisme" L.R.Q., chapter A-19.1.

1.8 General principles of interpretation

This by-law is drawn up in accordance with the principles set out in the "Loi d'interprétation" (L.R.Q., chap. I-16). Consequently, the text of this by-law must be interpreted in light of the provisions of this law.

1.9 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 affected 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.

F Harvey [2] 4-21-20 11:33 PM

Comment [7]: 227-2016
Article 1.7

CHAPTER 2 Interpretive provisions

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.

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Comment [8]: 227-2016
Article 2.1

2.2 Measurement units

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

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Comment [9]: 227-2016
Article 2.2

2.3 Terminology

In this by-law, unless a specific definition or the context indicates a different meaning, the following words or expressions have the meaning of the meaning assigned to them in the section provided for this purpose in the by-law number 17-2003 under the name of “Permits and certificates by-law”. These definitions apply to stand as if they were here long reproduced.

Chapter XVIII of the zoning by-law of the Municipality of Sheenboro number 14-2003 relating to terminologies is modified with the additions and adaptations with respect to the definitions below:

For the interpretation of this by-law, unless the context calls for a different interpretation, the following words and expressions shall have the sense and meaning attributed to them in this article.

LAKE AND WATER STREAM SHORELINE

Strip of land alongside a lake or water stream. Commonly referred to as waterfront, it has a depth of 300 metres when alongside a lake and a depth of 100 metres when alongside a water stream. Any wetland contiguous to a lake or water stream is an integral part of it.

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Comment [10]: 227-2016
Article 2.3

CULTIVATED FIELD

Patch of land used, among other things, to grow hay, grains, small berries, fruit trees, grape vines or as grazing land for livestock on which land-farming can be done.

WATER STREAM

All streams of water of steady or intermittent flow, including those that have been created or modified by human intervention.

Are included in this definition: road ditches, party ditches, as defined in Article 1002 of the Quebec Civil Code, and drainage ditches that meet the following conditions:

- Used only for drainage and irrigation;
- Only exists due to human intervention;
- Has a watershed surface area of less than 100 hectares.

CPTAQ

Commission de protection du territoire agricole du Québec.

DESTRUCTURED TRACT

Isolated area of limited size and restructured due to the addition over time of non-agricultural uses and within which there are rare vacant lots that are closed off and cannot be recovered for agricultural purposes.

LAU

Act respecting Land Use Planning and Development.

LOT

Parcel of land identified and delineated on a cadastral map and submitted in accordance with Articles 3036 and 3037 of the Quebec Civil Code.

LPTAA

Act respecting the Preservation of Agricultural Land and Agricultural Activities (“Loi sur la protection du territoire et des activités agricoles”)

MDDELCC

Department of Sustainable Development, the Environment and the Fight Against Climate Change (“Ministère du développement durable et de la lutte contre les changements climatiques”)

WETLAND

Area that is inundated or saturated with water for a sufficiently long period of time to influence the nature of the soil and the composition of vegetation.

The main types of wetlands include, but are not limited to, ponds, marshes, swamps and peatlands; they differ mainly in the type of vegetation they contain.

FRAGMENTATION

Division of a territory or land into several lots.

MRC

Pontiac Regional County Municipality.

REPLOTTING

Regrouping of contiguous lots or parts of lots to form a single piece of land.

RESIDENCE

Building that is intended for human habitation with only one dwelling (single-family detached residence, including summer cottages, but excluding hunting camps and basic shelters).

PUBLIC ROAD

Piece of land owned by the federal or provincial governments, or by the municipality, and used for vehicular traffic.

PRIVATE ROAD

Any road that is not under the jurisdiction of a municipality or the government and that gives access to properties that depend on them.

TAQ

Tribunal administratif du Québec.

LAND UNIT

One or more contiguous lots or parts of lots, or that would be contiguous according to Articles 28 and 29 of the LPTAA, and that are part of the same estate.

VACANT LAND UNIT

Land unit on which there is no immovable property intended for residential purposes (residence or cottage), but that can include a basic shelter, one or more ancillary residential buildings, farm, commercial, industrial or institutional buildings.

UPA

Union des producteurs agricoles / Quebec Farmers' Association.

SECTION 2

Dynamic agricultural, viable agricultural and agro-forestry designations corresponding respectively to the dynamic agricultural, viable agricultural and agro-forestry environments of the permanent agricultural zone according to the mapping attached to this by-law and as identified in decision number 377560 of the CPTAQ, which stipulates that the establishment of new residences is possible on vacant land units, as of June 25 2013, that have sufficient surface areas to avoid destructuring of the agricultural zone.

Designations are established as follows:

Dynamic agricultural Vacant land unit of 100 hectares or more;
Dynamic agricultural environment

Viable agricultural Vacant land unit of 10 hectares or more;
Viable agricultural environment

Agro-forestry Vacant land unit of 10 hectares or more.
Agro-forestry environment

PERMANENT AGRICULTURAL ZONE

Part of a local municipality's territory within the MRC, described in the technical plans and descriptions developed and adopted in accordance with Articles 49 and 50 of the LPTAA.

CHAPTER 3 Modifications to the planning programme by-law

3.1 Modifications to the planning programme by-law

This chapter amends certain articles of the by-law number 13-2003 under the name of "Planning programme".

3.2 Objectives in agricultural zones

Article 2.5 of the planning programme by-law of Sheenboro number 13-2003 is modified and should henceforth read as follows:

2.5 PERMANENT AGRICULTURAL ZONE

The Pontiac MRC made an application of collective scope on both sections of Article 59 of the LPTAA, namely the destructured tracts of the agricultural zone (section 1) and the sectors, within the agricultural zone, in which new residences can be built on lots of a sufficient surface area to avoid destructuring of the agricultural zone (section 2). To this end, the Commission de protection du territoire agricole du Québec (CPTAQ) rendered its decision number 377560 on June 17, 2015, thus authorizing the establishment of new residences in the permanent agricultural zone according to the terms and conditions of Section 4.6 – Application of Collective Scope Provisions (Decision No. 377560 of the CPTAQ) of the Land Use and Development Plan Complementary Document. Moreover, the map presented in Appendix E shows the destructured tracts as well as the three designations related to the permanent agricultural zone and is an integral part of the Land Use and Development Plan. These provisions are included in the urbanism by-laws.

For the territory of the Municipality of Sheenboro, there are no destructured tracts. On the other hand, we find there the three other types of agricultural sub-zones, namely the dynamic agricultural, viable agricultural and agro-forestry. The map presented in the appendix to this by-law illustrates the three allocations related to the permanent agricultural area and is an integral part of the planning programme by-law.

While acknowledging the importance of giving priority to the maintenance and development of agricultural activities and operations on agricultural land protected by law, the municipality would want that some lots, with forestry dominance and located in zones with steep slopes, are removed from the agricultural zone. These lots are the following: lots 33B, 34B and 35B of range 2, lot 24, lots 52A, 53A, 57A and 58A of range 3, as well as lots 25, 26, 27, 28B and 29 of range 5. Although the Commission for the protection of agricultural land and activities (CPTAQ) has already stated its opposition to such a project,

F Harvey [2] 4-21-20 11:44 PM

Comment [11]: Est-ce le vrai nom en anglais du règlement ou bien c'est urban plan ?

F Harvey [2] 4-22-20 2:15 PM

Comment [12]: 227-2016
Article 4.2

the municipality wants to table a new application for exclusion, because it considers that this land has a low potential for agriculture and would be more adapted for the development of residences and holiday cottages. To this end, the zoning by-law of the municipality would be amended if the CPTAQ ruled in favour of this application, in order to authorise uses related to dwellings.

The municipality intends on the other end, to consolidate the agricultural vocation of the land offering the greatest potential for the practice of agriculture. To that end, the municipality intends to complete the characterisation of its agricultural zone in order to be better able to target its actions. The upkeep of a record of agricultural operations will facilitate the enforcement of the new policy of government in matters of protection of agricultural land and activities.

3.3 Consolidation and harmonization in agricultural sub-zones

Article 3.5 of the planning programme by-law of Sheenboro number 13-2003 is modified and should henceforth read as follows:

3.5 CONSOLIDATE THE DEVELOPMENT OF AGRICULTURAL ACTIVITIES ON LAND OFFERING A HIGH AGRICULTURAL POTENTIAL AND PROVIDE FOR AN HARMONIOUS COHABITATION BETWEEN AGRICULTURAL USES AND NON-AGRICULTURAL USES

- Enhance the operation of good quality agricultural lots;
- Apply the standards of separation distances in order to minimise nuisances between agricultural and non-agricultural uses;
- Facilitate the practice of agricultural activities on agricultural land of lesser value;
- Apply to the CPTAQ for the exclusion of some lots located in zones of constraints and having a low potential for the development of agriculture.

3.4 The agricultural policy on land use

Article 6.3 of the town plan of Sheenboro number 13-2003 is modified and should henceforth read as follows:

6.3 THE AGRICULTURAL POLICY ON LAND USE (A)

The designation "Agricultural (A)" corresponds to the sectors located in the agricultural zone decreed under the "Loi sur la protection du territoire et des activités agricoles" in Quebec.

More specifically, this assignment corresponds to the three assignments that can be found in the appendix of the present by-law:

- Dynamic agricultural (AD);
- Viable agricultural (AV);
- Agro-forestry agricultural (AF).

CHAPTER 4 Amendments to the permits and certificates by-law

4.1 Amendments to the permits and certificates by-law

This chapter amends certain articles of the by-law number 17-2003 under the name of "Permits and certificates by-law".

4.2 Application of urbanism by-laws

Article 8 of the by-law on permits and certificates of the Municipality of Sheenboro number 17-2003 is modified and should henceforth read as follows:

8 Application of urbanism by-laws

The administration and implementation of by-law number 14-2003 concerning zoning, of subdivision by-law number 15-2003, of building by-law number 16-2003 and of this by-law are the responsibility of the designated official, appointed by resolution of Council as well as the amendments to said by-laws including, in particular, by-law number 1001-V known as " By-Law amending urbanism by-laws regarding the destructured tracts and new residences to be built on areas of ten hectares or more".

4.3 Powers and duties of designated official

Article 9 of the by-law on permits and certificates of the Municipality of Sheenboro number 17-2003 is modified and should henceforth read as follows:

9 Powers and duties of designated official

The designated official, his representative or his assistant duly authorized by the Council, ensures compliance with the provisions of this by-law and all of the urbanism by-laws. He exercises control and surveillance of buildings and uses. 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:

1. Makes sure that the provisions of the planning by-laws are respected;
2. Provides information on the provisions of the planning by-laws;
3. Analyses the applications for permits and certificates, verifies the conformity with the planning by-laws of any plan, report, application or other document submitted by an applicant or in his name and delivers

F Harvey 3-9-20 3:42 PM

Comment [13]: 227-2016

Article 3.1.1

Article 3.2

Article 3.1.3

any permit, certificate or authorisation provided for in the planning by-laws;

4. 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 municipality.

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

5. Keeps a copy of any permit, certificate, authorisation, plan, report or other document related to the administration of planning by-laws;
6. Requests from the applicant any complementary information or document required for the analysis of an application for a permit or certificate or to deliver an authorisation;
7. Upon request by Council, reports on infractions, permits or certificates of authorisation delivered;
8. Keep a logbook 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;
9. Maintain an up-to-date file for each permit or certificate of authorization request;
10. In the permanent agricultural zone, issue or refuse to issue permits and certificates of authorization required under this by-law for the area under his jurisdiction, after having done a mandatory visit to the applicant's property;
11. In the permanent agricultural zone, he reports to the MRC 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 this by-law and containing relevant information related to the follow-up of the agreement reached with the CPTAQ and the UPA Outaouais-Laurentians, including lot numbers, cadastre, and land unit surface area.
12. Is authorised to visit and examine, at any reasonable hour, any immovable and movable property as well as the interior or exterior of a building or a structure to see if the planning by-laws and the other municipal by-laws are respected therein, to note any fact therein, to check any information necessary for the exercise of the power to deliver a permit or certificate, to give an authorisation or any other form of permission related to the implementation of planning by-laws or any other municipal by-law; he is authorised to be accompanied during his visit by any person employed by the municipality or paid by the municipality including the personnel related to the police department or the fire prevention department or to be accompanied by any expert likely to help him to evaluate the state of the premises or to ascertain a fact;
13. Is authorised, for the implementation of a provision of the Act for the protection Of agricultural land and activities (L.R.Q., chapter P-41.1) or

any other law related to separating distances in relation to an agricultural use or for the implementation of a provision of a municipal by-law related to such separating distances:

- a) To request in writing from the operator of an agricultural operation to transmit to him, within 30 days, any information related for that purpose.
 - b) Upon failure by the operator to transmit this information within the set deadline, he is authorised to exercise the powers provided for at paragraph 8 in order to collect any information or to note any fact necessary for the implementation of a standard separating distance and, for that purpose, to get the assistance of an agronomist, a veterinarian, professional technologist or a surveyor, all at the expense of the operator.
14. Notify the owner or occupant to cease any activity or work in violation of all the urbanism by-laws and orders him to stop all work executed in contravention of the planning by-laws and require that be corrected any situation that constitutes an infraction to the planning by-laws; the notice may also be given to any other person executing work on an immovable;
 15. Notify the owner or occupant to implement corrective actions in order to address the issues of complying practices or activities as they relate to all urbanism by-laws;
 16. 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;
 17. Issues a violation report related to an offence of planning by-laws;
 18. Write a report to the municipal council regarding any violation to all urbanism by-laws and make recommendations to correct the problem and, following the council's decision, issue an infraction notice under this by-law;
 19. Documents any infraction or offence to the planning by-laws;
 20. Recommends to Council any measure necessary to prevent any infraction to the planning by-laws;
 21. Demands the suspension of any activity dangerous to the safety of persons;
 22. Investigates and reports on any nuisance or any cause of insalubrities in an immovable, in conformity with section 76 and following of the Environment Quality Act (L.R.Q., chapter Q-2);
 23. Demands that a test or trial be made on materials or the mode of assembly of materials in a construction or a structure; demands the delivery of any certificate attesting that any materials or method of assembly of materials used in a construction or a structure are in conformity with the requirements of the building by-law;

24. Represents the Municipality and fights for its cause in any judicial proceedings undertaken to have the planning by-laws respected;
25. Follows up and ensures the execution of any decision of Council, of any order or decision made, with respect to the municipality, by government, a Minister or any other authorised person or authority, of any judgement made by a tribunal with respect to the planning by-laws.

4.4 Provisions regarding the Quebec Department of Transport Highway Road Network

Article 22.5 is added following article 22 of the by-law on permits and certificates of the Municipality of Sheenboro number 17-2003 and should henceforth read as follows:

22.5 Provisions regarding the Quebec Department of Transport Highway Road Network

For any land unit 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.

4.5 Offence punishable by a fine

Article 12 of the by-law on permits and certificates of the Municipality of Sheenboro number 17-2003 is replaced by the provisions below and should henceforth read as follows:

12 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:

F Harvey [2] 3-10-20 3:55 PM

Comment [15]: 227-2016
Article 4.3

F Harvey 3-13-20 3:11 PM

Comment [15]: 227-2016
Article 5.2

- 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.

4.6 Legal actions

Article 13 is added following article 12 of the by-law on permits and certificates of the Municipality of Sheenboro number 17-2003 and should henceforth read as follows:

13 Legal actions

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.

4.7 Alternative recourses

Article 14 is added following article 13 of the by-law on permits and certificates of the Municipality of Sheenboro number 14-2003 and should henceforth read as follows:

14 Alternative Recourses

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

More specifically, the Municipality 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.

F Harvey 3-13-20 3:11 PM

Comment [16]: 227-2016
Article 5.1

Cette disposition revient aussi à 4.3 comme dans le 227-2016.

F Harvey 4-1-20 3:36 PM

Comment [17]: 227-2016
Article 5.3

Article peu pertinent car c'est déjà prévu à la Loi.

Réponse Alexandre : Peut être retiré au choix

The Municipality 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.

4.8 Person party to the offence

Article 15 is added following article 14 of the by-law on permits and certificates of the Municipality of Sheenboro number 14-2003 and should henceforth read as follows:

15 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.

4.9 Aiding and abetting

Article 16 is added after article 15 of the by-law on permits and certificates of the Municipality of Sheenboro number 14-2003 and should henceforth read as follows:

16 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.

4.10 Misrepresentation

Article 17 is added after article 16 of the by-law on permits and certificates of the Municipality of Sheenboro number 14-2003 and should henceforth read as follows:

17 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.

F Harvey 3-13-20 3:11 PM

Comment [18]: 227-2016
Article 5.4

F Harvey 3-13-20 3:11 PM

Comment [19]: 227-2016
Article 5.5

F Harvey 3-13-20 3:11 PM

Comment [20]: 227-2016
Article 5.6

CHAPTER 5 Amendments to the zoning by-law

5.1 Amendments to the zoning by-law

This chapter amends certain articles of the by-law bearing number 14-2003 under the name of " Zoning By-law of the Municipality of Sheenboro ".

5.2 Modification of the annexed documents

Article 5 of the zoning by-law of the Municipality of Sheenboro number 14-2003 is modified and should henceforth read as follows:

5 Annexed documents

The following documents are an integral part of this by-law as well as the annexes that include them:

1. The zoning plan prepared by Daniel Arbour & Associates, duly authenticated by the Mayor and the Secretary-treasurer. This zoning plan is included as annex 1 which is an integral part of this by-law.
2. The specification grids prepared by Daniel Arbour & Associates. These grids are included as annex 2 which is an integral part of this by-law.
3. The map relating to the Municipality of Sheenboro which makes it possible to locate the agricultural sub-zones that can be found in the annex to by-law number 227-2016 of the MRC of Pontiac;

5.3 Modification of the title of chapter XVI

The title of chapter XVI of the zoning by-law of the Municipality of Sheenboro number 14-2003 is modified and should henceforth read as follows:

Chapter XVI: Provisions relating to "agricultural (A)" areas of use.

5.4 Separating distances for the management of odours applicable to new residences in the agricultural zone

Article 155.5 is added after article 155 of the Municipality of Sheenboro zoning by-law number 14-2003 and should henceforth read as follows:

155.5 Separating distances for the management of odours applicable to new residences in the agricultural zone

To promote cohesion of uses in the agricultural zone and reduce the inconveniences related to odours, the establishment of new residences in the agricultural zone is subject to minimum separating distances with regard to all

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farming facilities. These separating distances take precedence over the provisions of articles 156 to 164 defined in the following table:

Type of production	Livestock units*	Minimum required distance* (m)
Cattle or grain-fed calf	Up to 225	150
Cattle (fattening)	Up to 400	182
Milk	Up to 225	132
Swine (maternity, nursery)	Up to 225	236
Swine (fattening, farrowing, finishing)	Up to 599	267
Poultry (chicken, turkey, etc.)	Up to 400	236
Other productions	Distances provided in the provincial planning guidelines for 225 livestock units	150

* Number of livestock units used as basis to establish prescribed distances.

In the event that livestock units are greater than the values shown in the above table, the distances that do apply are those provided by the provincial planning guidelines.

In the event that the residence being established is located near a livestock production facility whose certificate of authorization from the Department of Sustainable Development, the Environment and the Fight Against Climate Change provides for a distance that is greater than the one indicated in the above table, it is the distance that the livestock production facility would have to comply with in the case of a new establishment that applies for the establishment of the residence.

A residence, established according to the conditions stated above, cannot restrict the development of a livestock production facility existing before its establishment. It will therefore not be taken into account in the calculation of the applicable separating distances for an extension or modification project for an existing livestock production facility on the date of issue of a permit or certificate of authorization.

5.5 Modification of the terminology for assignments in the permanent agricultural area

Article 164.0 is added following article 164 of the Municipality of Sheenboro zoning by-law number 14-2003 and should henceforth read as follows:

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164.0 Terminology of assignments in the permanent agricultural zone

The permanent agricultural zone is divided into three different sub-zones, the abbreviation of which in parentheses for each can be found on the plan in annex 3 to this by-law. This plan makes it possible to geographically locate the limits of these assignments. The three sub-zones are:

- Dynamic agricultural (AD);
- Viable agricultural (AV);
- Agro-forestry agricultural (AF).

The map in annex 3 must be used in conjunction with the zoning map.

5.6 Provisions relating to the establishment of new residences within a “dynamic agricultural (AD)” zone

Article 164.1 is added after article 164.0 of the Municipality of Sheenboro zoning by-law number 14-2003 and should henceforth read as follows:

164.1 Provisions relating to the establishment of new residences within a “dynamic agricultural (AD)” zone

No new residences are allowed within the “dynamic agricultural (AD)” type subzone identified in Annex 3 to this Regulation, identified in Appendix 3 of the Land Use and Development Plan, except:

1. to follow-up on a valid notice of compliance issued by the CPTAQ allowing the construction or reconstruction of a residence built in accordance with Articles 31.1 (single block vacant property of 100 hectares or more), 40 (farm residences), and 105 of the LPTAA;
2. for the construction of residences having already obtained authorizations from the CPTAQ as of June 25, 2013;
3. for the replacement of residences having an acquired right or privileges (personal rights) under Articles 31, 31.1, and 40 of the LPTAA, according to the provisions for the extinguishment of such rights under the Law;
4. to follow-up on the two types of applications for residential purposes still admissible at the CPTAQ, that is:
 - a. to move, on the same land unit, a residence authorized by the CPTAQ or having rights under Articles 101, 103, and 105 (acquired right) of the LPTAA, or Article 31 (the owner of a vacant lot as of the effective date of the Law could build a residence on a vacant lot between 1978 and 1988);

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- b. to allow the conversion for residential purposes of a parcel of land having an authorization or an acquired right other than residential under Articles 101 and 103 of the LPTAA.

5.7 Provisions for the Establishment of New Residences within the “Viable Agricultural (AV)” and “Agro-Forestry (AF)” sub-zones

Article 164.2 is added after article 164.1 of the Municipality of Sheenboro zoning by-law number 14-2003 and should henceforth read as follows:

164.2 Provisions for the Establishment of New Residences within the “Viable Agricultural (AV)” and “Agro-Forestry (AF)” sub-zones

No new residences are allowed within the “Viable Agricultural (AV)” and “Agro-Forestry (AF)” sub-zones identifier in appendix 3 of the Land use and development plan, except:

1. to follow-up on a valid notice of compliance issued by the CPTAQ allowing the construction or reconstruction of a residence built in accordance with Articles 31.1 (single block vacant property of 100 hectares or more), 40 (farm residences), and 105 of the LPTAA;
2. for the construction of residences having already obtained authorizations from the CPTAQ;
3. for the replacement of residences having an acquired right or privileges (personal rights) under Articles 31, 31.1, and 40 of the LPTAA, according to the provisions for the extinguishment of such rights under the Law;
4. to follow-up on the two types of applications for residential purposes still admissible at the CPTAQ, that is:
 - a) to move, on the same land unit, a residence authorized by the CPTAQ or having rights under Articles 101, 103, and 105 (acquired right) of the LPTAA, or Article 31 (the owner of a vacant lot as of the effective date of the Law could build a residence on a vacant lot between 1978 and 1988);
 - b) to allow the conversion for residential purposes of a parcel of land having an authorization or an acquired right other than residential under Articles 101 and 103 of the LPTAA;
5. to follow-up on an authorization issued by the CPTAQ for the construction of a single residence on a vacant land unit of 10 hectares or more, already established under the ownership titles published in the land register on June 25, 2013, and that remained vacant since that date;
 - a) the maximum surface area used for residential purposes is 3,000 square metres or 4,000 square metres along a lake or a water stream;
 - b) the side yard to comply with when building a residence is 30 metres from a neighbouring non-residential property line;

- c) a separating distance of at least 75 metres from the residence shall be observed relative to a cultivated field on a neighbouring property;
 - d) a minimum distance of 30 metres shall be observed between a well and a cultivated field;
6. to follow-up on an authorization issued by the CPTAQ for the construction of a single residence on a vacant land unit of 10 hectares or more, formed by the replotting of two or more vacant land units already established under the ownership titles published in the land register on June 25, 2013, and having all remained vacant since that date;
- a) the maximum surface area used for residential purposes is 3,000 square metres or 4,000 square metres along a lake or a water stream;
 - b) the side yard to comply with when building a residence is 30 metres from a neighbouring non-residential property line;
 - c) a separating distance of at least 75 metres from the residence shall be observed relative to a cultivated field on a neighbouring property;
 - d) a minimum distance of 30 metres shall be observed between a well and a cultivated field.

In the event that the residence is not being established along a public road, and an access road needs to be built to get to the residence, it can be added to the surface area of 3,000 square metres or 4,000 square metres along lakes and water streams, and shall be of a minimum width of 5 metres. In this case, the total surface area used for residential purposes shall not be more than 5,000 square metres, which includes the surface area of the access road.

When a land unit overlaps more than one designation, it is the total surface area of the property that must be calculated for the minimum required surface, but the residence and the overall authorized surface area mentioned in items 6 a) and 7 a) of the above section entitled "Provisions for the Establishment of New Residences within the Viable Agricultural and Agro-Forestry Designations" shall be within the viable agricultural designation or the agro-forestry designation.

5.8 Modification of the specification grids

In the specification grids annexed to zoning by-law 14-2003, all agricultural zones of the "Agricultural (AG)" type, which means zones A01, A02 and A03 are modified.

The modification consists in modifying the note "1" following the usage "Single-family" which now refers to the following mention:

1) Use authorized in accordance with articles 5.6. and 5.7, as the case may be,
of these regulations in accordance with the plan in annex 3.

CHAPTER 6 Finals provisions

6.1 Amendments

The provisions of this by-law can only be modified or repealed in accordance with the LAU.

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6.2 Abrogation and replacement

The present by-law abrogates and replaces any previous provision which can be found in another by-law of the Municipality and which would be incompatible with the provisions of this by-law.

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6.3 Entry into force

These regulations come into force in accordance with the provisions of the "Loi sur l'aménagement et l'urbanisme".

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Article 5.11

Ashlee Poirier
Director General, Secretary-Treasurer

Doris Ranger
Mayor

Annex added to zoning by-law number 14-2003

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Comment [28]: Note à la MRC : Avez-vous ce plan mais écrit en anglais ?

