

**UNORGANIZED TERRITORY
OF LAC NILGAUT**

SUBDIVISION BY-LAW

BY-LAW NUMBER 156-2010

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SUBDIVISION BY-LAW
OF THE UNORGANIZED TERRITORY OF LAC NILGAUT

TNO-2011-05-07

WHEREAS the Council of the Regional County Municipality of Pontiac is presumed to be the council of a local municipality with regard to its unorganized territory, hereafter called the TNO Lac Nilgaut, in accordance with Section 8 of the Municipal Territorial Organization Act (R.S.Q., c. O-9);

WHEREAS the Council of the Regional County Municipality of Pontiac may adopt by-laws with regard to the TNO Lac Nilgaut, in accordance with Section 9 of the said Act;

WHEREAS the Council of the Regional County Municipality of Pontiac established a local committee of elected officials for the TNO Lac Nilgaut, hereafter called the Council of the TNO Lac Nilgaut, in accordance with Section 10 of the said Act;

WHEREAS it is necessary to revise the planning by-laws of the TNO Lac Nilgaut, in force since October 26, 1993;

WHEREAS the provisions in Sections 123 to 137, 137.15 and 137.17 of the Land Use Planning and Development Act (R.S.Q., c. A-19.1);

WHEREAS a notice of motion with dispense with reading was given by Mr. William Stewart at a regular meeting of the Council of the TNO Lac Nilgaut held on March 22, 2011, in accordance with Section 445 of the Québec Municipal Code (R.S.Q., c.-27.1);

THEREFORE, it is moved by Mr. William Stewart and resolved to adopt By-law Number 156-2010 enacting the Subdivision By-law of the TNO Lac Nilgaut, and Council enacts what follows, to wit:

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DIVISION 1 DECLARATORY PROVISIONS

1.1 Title

This By-law, which number is 156-2010, is cited as the “Subdivision By-law of the Unorganized Territory of Lac Nilgaut”. The rules for the administration of this By-law are included in By-law Number 153-2010 enacting the By-law for the Administration of the Planning By-laws of the Unorganized Territory of Lac Nilgaut.

1.2 Scope

This By-law aims at a harmonious development of the unorganized territory by minimally controlling the uses and constructions considering the physical characteristics of the territory.

It also provides that each main construction or use occupies a separate location in order to secure the good administration of the unorganized territory in regard to the zoning and construction by-laws for taxation purposes.

1.3 Context

This By-law is consistent with the implementation of a rational policy for the land use and development of the unorganized territory. This By-law follows from the general aims of land development policy, as well as the general policies on land use for the various parts of the unorganized territory included in the land use planning and development plan of the Regional County Municipality of Pontiac. It also harmonizes with the elements of implementing the Regional Plan for Public Land Development of the Outaouais, the Regional Plan for Public Land Development of the Outaouais, and the recreational activities development plans of the controlled zones.

1.4 Effective Date

This By-law shall come into force according to the provisions of the Land Use Planning and Development Act (R.S.Q., c. A-19.1).

1.5 Defined Area

This By-law, whose provisions are binding on individuals and legal entities in public or private law, applies to all the Unorganized Territory of Lac Nilgaut under the jurisdiction of the Regional County Municipality of Pontiac.

1.6 Repeal of Existing By-laws

This By-law abrogates and replaces By-law Number 12-93 cited as the "Subdivision By-law", as well as its amendments.

All other provisions incompatible with this By-law are also abrogated and replaced.

The repeal of those by-laws does not affect proceedings instituted under the authority of the by-laws thus replaced, nor the permits and certificates issued or acquired rights before the implementation of this By-law.

1.7 Provisions of Other By-laws

Any building erected, installed, rebuilt, enlarged, renovated or transformed and any parcel of land or any building occupied or used for the authorized purposes and in the manner provided for in the planning by-laws, are also subjected to the specific provisions of the other by-laws of the unorganized territory which affect it.

When a restriction or prohibition stipulated by the planning by-laws or any one of their provisions is considered to be incompatible or in disagreement with any other by-law or with any other provision of the planning by-laws, the most restrictive or prohibitive provision shall apply.

1.8 Field of Application

Any lot or part of lot, and any land or part of land intended for occupancy, as well as any building or part of building, and any structure or part of structure, shall be erected in accordance with the provisions of this By-law. As well, any building, structure or land for which the occupancy or use is planned for modification shall conform to the requirements of this By-law.

1.9 Partial Invalidity

Council shall adopt this By-law in its entirety and also part by part, division by division, section by section, subsection by subsection, paragraph by paragraph and subparagraph by subparagraph, in such manner that if a part, a division, a section, a paragraph or a subparagraph should be declared null and void by a competent tribunal, the other provisions contained in this By-law shall continue to apply.

1.10 Federal and Provincial Laws and Regulations

No section of this By-law shall have effect to escape any individual or legal entity from the application of the laws and regulations of Canada or the Province of Québec.

DIVISION 2 INTERPRETATIVE PROVISIONS

2.1 Text and Words

Except for words hereafter defined, all words used in this By-law keep their usual meaning.

- The verbs used in the present tense include the future tense;
- The singular includes the plural and vice versa, unless the phraseology clearly implies that cannot be the case;
- The use of the word “shall” or “will” assumes an absolute obligation; the word “may” retains a possibility of choice;
- The word “whoever” includes all individuals and legal entities in public or private law;
- The word “municipality” or “regional county municipality” designates the Regional County Municipality of Pontiac;
- The word “council” designates the Council of Mayors of the Regional County Municipality of Pontiac or the Council of the TNO of Lac Nilgaut;
- A uniform numbering system is used for the entire by-law. The first number indicates the division of the by-law. The second number refers to the section of the by-law. The section is preceded by a dot following the number of the division. It can be divided up into subsections, which are preceded by no number or calling letter. A subsection can be divided up into paragraphs, identified by an Arabic numeral followed by the symbol of degree. A paragraph can be divided up into subparagraphs, identified by lowercase letters followed by a right parenthesis.

- 1. DIVISION**
- 1.1 Section**
 - Subsection
 - 1° Paragraph
 - a) Subparagraph

2.2 Tables, Diagrams, Graphs and Symbols

Tables, diagrams, graphics, symbols or any other form of expression other than the proper text, to which it is referred to in this By-law, are integral parts of this By-law for all intents and purposes.

In the event of inconsistency with the proper text, this one shall prevail on the tables, diagrams, graphs, symbols or any other form of expression contained in this By-law. In the event of inconsistency between the table and a graph, the data in the table shall prevail.

Where a restriction or prohibition shown in this By-law or any of the provisions is proved to be incompatible or in disagreement with another provision contained in this By-law, the most restrictive or prohibitive provision shall apply.

2.3 Measurement Units

All measurements mentioned in this By-law are expressed using the International System of Units (IS), the metric system.

2.4 Terminology

Unless the text indicates otherwise, the words and expressions used in this By-law have the meaning attributed to in Appendix A of By-law Number 155-2010 enacting the Zoning By-law.

DIVISION 3 APPLICATION OF BY-LAWS

3.1 Application of By-laws

Division 3 of By-law Number 154 relating to the Issuing of Permits and Certificates in the Unorganized Territory of Lac Nilgaut is an integral part of this By-law as if it was hereafter repeated in full.

DIVISION 4 PREREQUISITES FOR A CADASTRAL OPERATION OR PARCELING OUT OF LAND BY ALIENATION

4.1 Obligation to Submit a Plan

The landowner of all property shall first submit for approval by the Building and Environment Inspector, any plan for a cadastral operation or parceling out of land by alienation.

4.2 Prohibited Cadastral Operation

Any cadastral operation may not be authorized if, for creating a lot or land conforming to the conditions in the current regulation, it has as an effect to make another lot or land already occupied by a building nonconforming.

4.3 Parceling Out of Land by Alienation

Any parceling out of a lot by alienation shall occur on an area larger than the land subject to the plan and belong to the applicant requesting approval.

DIVISION 5 PROVISIONS PERTAINING TO ROADS

5.1 Rights of Way

All roadways, except multi-purpose roads, shall have a right of way of at least 20 metres in width. The roadway shall have a maximum width of 5 metres.

5.2 Distance from a Lake or Watercourse

The construction or improvement of all roads is prohibited within the 60 metres surrounding lakes, watercourses with permanent flow, marshes and riparian wetlands, as well as in the 30 metres surrounding watercourses with intermittent flow. The distance prescribed is calculated from the high water mark.

5.3 Layout of a Road

The layout of a road shall avoid unstable, at-risk areas, such as isolated wetlands, floodplains, and areas with landslides and rockslides.

DIVISION 6 MINIMUM LOT DIMENSIONS

6.1 Area and Dimensions

All lots or land on which the construction of a building is planned, where the location, usage or activity is susceptible to the emission, deposit or discharge of waste water into the environment, shall have an area with the following minimum dimensions:

1° Less than 100 metres from a watercourse or 300 metres from a lake:

	<u>Residential</u>	<u>Commercial</u>
a) Width	60 m	60 m
b) Depth	80 m	80 m
c) Area	5,905 m ²	5,905 m ²

2° More than 100 metres from a watercourse and 300 metres from a lake:

	<u>Residential</u>	<u>Commercial</u>
a) Width	60 m	60 m
b) Depth	80 m	80 m
c) Area	5,905 m ²	5,905 m ²

In By-law Number 155-2010 enacting the Zoning By-law of the Unorganized Territory of Lac Nilgaut, the specification chart may identify different areas and dimensions by zone.

In Zones 301 to 310 inclusively shown on the zoning map PZ-155-2010, all land on which the construction of a main building is planned shall have a maximum area of 8,000 m².

In Zones 801 and 802 shown on the zoning map PZ-155-2010, all lots on which the construction of a building is planned, with an objective, use or activity susceptible to the emission, deposit or discharge of waste water into the environment, shall have the following minimum area and dimensions:

1° Less than 100 metres from a watercourse or 300 metres from a lake:

	<u>Residential</u>	<u>Commercial</u>
a) Width	50 m	50 m
b) Depth	65 m	65 m
c) Area	4,000 m ²	4,000 m ²

2° More than 100 metres from a watercourse and 300 metres from a lake:

	<u>Residential</u>	<u>Commercial</u>
a) Width	50 m	50 m
b) Depth	65 m	65 m
c) Area	4,000 m ²	4,000 m ²

SECTION 7 PROVISIONS PERTAINING TO ACQUIRED RIGHTS

7.1 Definition of a Derogatory Lot

A lot that derogates from the area or dimensions prescribed in this By-law.

7.2 Existence of Acquired Rights on a Derogatory Lot

A derogatory lot is protected by acquired rights if, at the moment it was deposited to the Minister responsible for the cadastre, it was conforming to the subdivision by-law then in force.

7.3 Enlargement or Modification of a Derogatory Lot

A derogatory lot may be enlarged or modified to the extent that the enlargement or modification does not bring any dimension of the lot into non-conformity or aggravate an existing derogation in regards to the dimensions of the lot.

A derogatory lot may be enlarged or modified even if the enlargement or modification does not render this lot area to comply with this By-law.

7.4 Right to Cadastre on Parceled Out Land (Vacant)

A subdivision permit relative to a cadastral operation with respect to land which, on October 31, 1983, did not form one or more separate lots on the official cadastre plans, may not be refused on the sole ground that the land does not comply with the provisions of this By-law relative to the area and dimensions of the lots, if :

- 1° the land is decreed by ins and outs in one or more acts published by that date;
- 2° the area or dimensions of the land does not allow it to comply with this By-law;
- 3° a single lot results from the cadastral operation, except if the lot is comprised of several original lots, in which case one lot per original lot results from the cadastral operation.

7.5 Right to Cadastre on Occupied Land (Built)

A subdivision permit relative to a cadastral operation with regards to a land which, October 31, 1983, did not form one or more distinct lots on the official cadastre plans, may not be refused on the sole ground that the land does not comply with the provisions of this By-law relative to the area and dimensions of the lots, if :

- 1° to that date, the land was the site of a construction and used in compliance to the regulations in force, or, where applicable, protected by acquired rights;
- 2° a single lot results from the cadastral operation, except if the lot is comprised of several original lots, in which case one lot per original lot results from the cadastral operation.

The rights in this Section shall remain even if the building is destroyed by a disaster after October 31, 1983.

7.6 Privilege to Cadastre Following Expropriation

A subdivision permit for a cadastral operation with regards to a land that constitutes a residue of land, part of which was acquired for public use by an organization or another person having expropriation power, may not be refused

on the sole ground that the land does not comply with the provisions of this regulation relative to the area and dimensions of the lots, if:

- 1° immediately before this acquisition, the land had an area and dimensions sufficient to respect the regulations in force or could be subject to a cadastral operation pursuant to Sections 7.4 and 7.5 of this By-law;
- 2° a single lot results from the cadastral operation, except if the lot is comprised of several original lots, in which case one lot per original lot results from the cadastral operation.

DIVISION 8 SANCTIONS, RECOURSES AND FINAL PROVISIONS

8.1 Violation to the By-law

Any person who acts in contravention to this By-law shall commit an infraction.

The Building and Environment Inspector shall prepare a notice of infraction, notify the offender and submit it to Council which may exercise any recourse under By-law Number 153-2010 enacting the By-law for the Administration of the Planning By-laws of the Unorganized Territory of Lac Nilgaut.

8.2 Sanctions and Penalties

Any infraction to this By-law shall make the offender liable to a fine specified in By-law Number 153-2010 enacting the By-law for the Administration of the Planning By-laws of the Unorganized Territory of Lac Nilgaut, as the case may be.

Each day of violation shall constitute a separate offence and the fines imposed for each offence may be imposed for each day the offence continues, in accordance with this Section.

Upon failing to pay immediately the fine and costs, the offender shall be liable to imprisonment for thirty (30) days which may end as soon the fine and costs are paid.

8.3 Legal Proceedings or Recourse to Civil Law

If the offender fails to conform within the time limit shown on the notice of infraction, the Building and Environment Inspector so inform Council which may mandate the attorney of the municipality to exercise all recourses in Civil and Criminal Courts necessary for making the provisions of this By-law be respected.

8.4 Motion for Annulment

A subdivision, cadastral operation or parceling out of land by alienation made in contravention to this By-law may be annulled by filing a motion before the Superior Court of Québec.

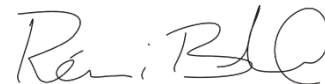
Adopted in Litchfield, Québec

This 24th of May 2011.

Notice of motion	:	March 22 nd , 2011
Adoption of By-law	:	May 24 th , 2011
Publication notice	:	June 1 st , 2011
Effective date	:	June 1 st , 2011



Michael McCrank
Warden



Rémi Bertrand
Secretary-treasurer