

Municipalité de Waltham

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

By-law number 1001-V

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**Municipality of Waltham
2020**

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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 Waltham 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 Waltham agrees with the provisions adopted by the MRC;

WHEREAS

that under the regulations adopted by the MRC, the Municipality of Waltham has no destructured tracts

WHEREAS

under the by-laws adopted by the MRC, the Municipality of Waltham has two destructured tracts type 1 islets and two agroforestry agricultural zones;

WHEREAS

the first draft of these regulations was adopted on October 5, 2020;

WHEREAS

public consultation on this by-law took place on October 19, 2020

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.

1.2 Title of the by-law

The present by-law bears the title of " By-Law amending urbanism by-laws regarding the destructured tracts and new residences to be built on areas of ten hectares or more" and bears the number 1001-V.

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 Waltham 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.

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 Waltham 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

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.

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.

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.

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.

2.2 Measurement units

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

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 04-2003 under the name of "By-law on Permits and certificates". These definitions apply to stand as if they were here long reproduced.

This chapter amends certain articles of the by-law number 04-2003 under the name of "By-law on Permits and certificates".

Chapter XVIII of the zoning by-law of the Municipality of Waltham 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.

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 destructured 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.

MDDELCC

Department of Sustainable Development, the Environment and the Fight Against Climate Change

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 1

Destructured tracts, according to the mapping attached to this by-law, identified in decision number 377560 of the CPTAQ, are as follows:

Type 1 destructured tracts: land units can be parcelled out according to this by-law;

There is no type 2 destructured tracts in Waltham

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 urbanisation plan

3.1 Modifications to the urbanisation plan

This chapter amends certain articles of the by-law number 05-2003 under the name of "Urbanisation plan".

3.2 Objectives in agricultural zones

Article 3.4 of the town planning plan of the Municipality of Waltham number 05-2003 is modified and should henceforth read as follows:

3.4 Consolidate the agricultural vocation of the municipality

- To determine and define in the urbanisation plan a specific area where the major affection of the soils would be agricultural;
- To foresee areas favorable to construction for agricultural activities and other unfavourable for anything but agricultural;
- Adopt the rules of concordance as prescribed in by-law 227-2016 of the MRC of Pontiac;
- Adopt appropriate rules according to the type of agricultural sub-zone.

3.3 Agricultural (AG)

Article 4.7 of the town planning plan of the Municipality of Waltham number 05-2003 is modified and should henceforth read as follows:

4.7 Agricultural (AG)

Territorial unit included in the agricultural zone defined by the « Loi sur la protection du territoire et des activités agricoles ». The agricultural zone is subject to the provisions applicable to agricultural uses of the agro-forestry type and to destructured tracts when applicable.

Integration of decision number 377560 of the CPTAQ into the Urbanisation Plan

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. In addition, the maps presented in the two appendices to this by-law illustrate the destructured tracts as well as the three uses linked to the permanent agricultural zone and form an integral part of the Urbanisation plan.

CHAPTER 4 Amendments to the By-law on Permits and certificates

4.1 Amendments to the By-law on Permits and certificates

This chapter amends certain articles of the by-law number 04-2003 under the name of "By-law on Permits and certificates".

4.2 Responsibility for the iussuance of permits and certificates

Article 3.1 of the by-law on permits and certificates of the Municipality of Waltham number 04-2003 is modified and should henceforth read as follows:

3.1 RESPONSIBILITY FOR THE ISSUANCE OF PERMITS AND CERTIFICATES

Responsibility for issuing permits and certificates from urbanism by-laws rests with the municipal official or officials designated for this purpose by the Municipal Council by by-law in accordance with article 119, 7th paragraph of the Planning Act. and town planning as well as amendments to the said regulations, including, in particular, by-law number 1001-V known as the "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 Functions of the designated officer

Article 3.1.1 of the by-law on permits and certificates of the Municipality of Waltham number 04-2003 is modified and should henceforth read as follows:

3.1.1 Functions of the designated officer

The designated officer, his or her representative or any assistant duly authorized by Council shall monitor and supervise the respect of the provisions of all urbanism by-laws. He exercises control and surveillance of buildings, occupations, uses and roads. 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. to administer and to apply land-use planning and development regulations
2. The designated officer shall only issue a permit or certificate of authorization if it complies with the provisions of the urbanism by-laws.

- In case of refusal, the designated officer shall notify in writing the reasons for refusing to issue the permit or certificate of authorization.
3. Inside 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;
 4. 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;
 5. Maintain an up-to-date file for each permit or certificate of authorization request;
 6. to supervise and monitor the lay-out of streets and subdivisions, land use, landscape development and overall design;
 7. to supervise and monitor structures, occupancy of buildings and land use;
 8. to keep records with respect to:
 - a) all applications pertaining to the performance of these land-use planning and development by-laws;
 - b) all inspections and all tests;
 - c) all permits and orders issued.
 9. to retain copies of all documents pertaining to the administration of this by-law. These documents will be part of public records and municipal archives.
 10. to revoke a permit:
 - a. when one of the conditions necessary for its issuance constitutes a violation;
 - b. when the permit has been granted in error; or
 - c. when the permit has been granted on the basis of inaccurate information.
 11. Inside 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.

4.4 Powers of the designated officer

Article 3.1.2 of the by-law on permits and certificates of the Municipality of Waltham number 04-2003 is modified and should henceforth read as follows:

3.1.2 Powers of the designated officer

The designated officer may

1. 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.

2. Write a report to the municipal council regarding any violation to any urbanism by-law and make recommendations to correct the problem and, following the council's decision, issue an infraction notice under this by-law;
3. Notify the owner or occupant to cease any activity or work in violation to any urbanism by-law and order any owner, occupant or other party having responsibility for the site to suspend any occupancy or any work on the building when the use or the work contravene this land-use planning and development by-law, or when the building is considered to be dangerous;
4. Notify the owner or occupant to implement corrective actions in order to address the issues of complying practices or activities as they relate to any urbanism by-law;
5. 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;
6. extend the time period normally provided under the terms of this land-use planning and development by-law for the restoration to use, the repair or the demolition of a dangerous or run-down structure, by issuing a special authorization when there is evidence that the work will be performed, but valid reasons prevent the completion of the work within the time limits normally allowed under this by-law;
7. require that the owner submit, at his or her own expense, any or all of the following studies prepared by an engineer who is a member in good standing of the "Ordre des ingenieurs du Quebec", or by an inspecting engineer duly authorized by the Quebec "Ministère de l'Environnement":
 - a. percolation study;
 - b. granulometric study;
 - c. phreatic layer level;
 - d. loose material layer;
 - e. proximity to existing wells;
 - f. load-bearing capacity of the ground;
 - g. tests on materials used;
8. order the stoppage of work or to refuse to issue an occupancy certificate when the results of the tests mentioned in section 3.1.2.5 are not satisfactory;
9. issue any permit stipulated in chapter 4 for work which conforms to this by-law, and to refuse to issue any permit for work which does not conform to these land-use planning and development by-laws;
10. require, from any and all owners, for valid reasons, a certificate of location issued by an accredited surveyor.

4.5 Provisions regarding the Quebec Department of Transport Highway Road Network (Ministère des Transports du Québec)

Article 4.1.0 is added following article 4.1 of the by-law on permits and certificates of the Municipality of Waltham number 04-2003 and should henceforth read as follows:

4.1.0 Provisions regarding the Quebec Department of Transport Highway Road Network (Ministère des Transports du Québec)

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.

4.6 Legal Action

Article 7.2 of the by-law on permits and certificates of the Municipality of Waltham number 04-2003 is replaced by the provisions below and should henceforth read as follows:

7.2 Legal action

Under this by-law, Council authorizes the designated officer to initiate legal proceedings against any person who violated any provision to any urbanism 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 Offence punishable by a fine

Article 7.3 of the by-law on permits and certificates of the Municipality of Waltham number 04-2003 is replaced by the provisions below and should henceforth read as follows:

7.3 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.

4.8 Alternative recourses

Article 7.5 is added after article 7.4 of the by-law on permits and certificates of the Municipality of Waltham number 01-2003 and should henceforth read as follows:

7.5 Alternative Recourses

In addition to legal prosecution, the Municipality may exercise before the civil courts, all other proceedings necessary to enforce the provisions of any urbanism 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 any urbanism by-law and execute the required work, including demolition of any buildings and re-establishment of the land.

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.

4.9 Person party to the offence

Article 7.6 is added following article 7.5 of the by-law on permits and certificates of the Municipality of Waltham number 01-2003 and should henceforth read as follows:

7.6 Person party to the offence

A person who does or omits to do anything to help a person commit an offence under any urbanism 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.

4.10 Aiding and abetting

Article 7.7 is added after article 7.6 of the by-law on permits and certificates of the Municipality of Waltham number 01-2003 and should henceforth read as follows:

Article 7.7 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 any urbanism by-law commits an offence and is liable to the same fine.

4.11 Misrepresentation

Article 7.8 is added after article 7.7 of the by-law on permits and certificates of the Municipality of Waltham number 01-2003 and should henceforth read as follows:

Article 7.8 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 any urbanism by-law.

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 01-2003 under the name of " Zoning By-law of the Municipality of Waltham ".

5.2 Modification of the appended documents

Article 1.8 of the zoning by-law of the Municipality of Waltham number 01-2003 is modified and should henceforth read as follows:

1.8 Appended documents

For all legal purposes, the following documents form an integral portion of this by-law:

- The text and plan of the Land-Use and Development Plan for the Municipality of Waltham;
- The zoning plan, made up of leaflets duly authenticated by the Mayor and the Municipal-Director, as well as the symbols, codes and other indications which it contains;
- The tables, graphs and symbols contained in this by-law and in its appendices;
- The specification chart;
- The regulations set by the Minister of the Environment of Quebec pertaining to "septic facilities", and the amendments to these regulations;
- The maps contained in the graphic matrix for cadastral identifications.
- The map relating to the Municipality of Waltham which makes it possible to locate the agricultural uses that can be found in the appendix to by-law number 227-2016 of the MRC of Pontiac;
- The map relating to the Municipality of Waltham which makes it possible to locate the unstructured islets numbers 84070-01 and 84070-02 which can be found in the appendix to by-law number 227-2016 of the MRC of Pontiac;

5.3 Modification of the terminology for assignments in the permanent agricultural zone

Article 6.6 of the zoning by-law of the Municipality of Waltham number 01-2003 is modified and should henceforth read as follows:

6.6 Agricultural zones

The permanent agricultural zone is divided into two different sub-areas, the abbreviation of which in parentheses for each can be found in the plans annexed to this by-law. These plans make it possible to geographically locate the limits of these subzones. The two subzones are:

- Agro-forestry agricultural (AF)
- Destructured tracts (ID).

The agricultural zones are those that the main occupation of the soil is agriculture the allowed uses are those described in the first section on the law of agriculture (Loi sur la protection du territoire et des activités agricole) and any other activities allowed by the CPTAQ authorisation certificate that is indicated on the specific grid.

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

5.4 Provisions for the establishment of new residences within the agro-forestry designations

Article 6.6.1 is added following article 6.6.0 of the zoning by-law of the Municipality of Waltham number 01-2003 and should henceforth read as follows:

Article 6.6.1 Provisions for the establishment of new residences within the agro-forestry designations

No new residences are allowed within the agro-forestry designations, identified in appendix of the this by-law, except:

1. In the destructured tracts identified in appendice of this by-law
2. 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;
3. For the construction of residences having already obtained authorizations from the CPTAQ;
4. 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;
5. 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;
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, 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;
7. 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.

5.5 Modification of the specification grids

In the specification grid annexed to zoning by-law 01-2003, all agricultural zones of the "Agricultural (AG)" type, which means zones AG7, AG8 and AG15 are modified.

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

e) Use authorized in accordance with article 6.6.1 of this by-law and article 4.2.2.1.0 of the subdivision by-law.

5.6 Separating distances for the management of odours not applicable to destructured tracts

Article 5.2.0 is added after article 5.2 of the zoning by-law of the Municipality of Waltham number 01-2003 and should henceforth read as follows:

Article 5.2.0 Separating distances for the management of odours not applicable to destructured tracts

A destructured tract does not impose any additional constraints to farming on neighbouring lots with respect to an existing residence, located within that tract. Therefore, it cannot be a factor to calculate separating distances for the management of farming odours. The provisions of articles 5.2.1 and following are therefore not applicable within a sub-zone of the "destructured tracts (ID)" type.

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

Article 5.2.0.1 is added following article 5.2.0 of the zoning by-law of the Municipality of Waltham number 01-2003 and should henceforth read as follows:

Article 5.2.0.1 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 farming facilities. These separating distances are defined in the following table: These separating distances take precedence over the provisions of articles 5.2.1 to 5.2.7.1 and are 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.

CHAPTER 6 Modifications to the subdivision by-law

6.1 Modifications to the subdivision by-law

This chapter amends certain articles of the by-law bearing number 02-2003 under the name of "Subdivision by-law".

6.2 Provisions for the establishment of new residences within Type 1 destructured tracts (with fragmentation)

Article 4.2.2.1.0 is added following article 4.2.2.1 of the subdivision by-law of the Municipality of Waltham number 02-2003 and should henceforth read as follows:

Article 4.2.2.1.0 Provisions for the establishment of new residences within Type 1 destructured tracts (with fragmentation)

In type 1 destructured tracts (with fragmentation), identified in appendices of the zoning by-law, the subdivision, alienation and use for residential purposes in order to build a residence are authorized. The minimum subdivision surface areas and dimensions are defined in the following table:

	UNSERVICED LOT (neither aqueduct nor sewer)
MINIMUM LOT SURFACE AREA	2,787 square metres
MINIMUM LOT WIDTH (MEASURED ON THE FRONT LINE)	45.72 metres

Notwithstanding the foregoing, the minimum subdivision surface areas and dimensions along lakes and water streams are the ones defined in article 4.2.2.1.

No new roads, public or private, are authorized within type 1 destructured tracts (with fragmentation).

When fragmentation is done to create residential spaces, an access in front of the public road, of a minimum width of 15 metres, shall not be detached from the remainder of the land unit if the latter has a depth of more than 60 metres and a surface area of more than 4 hectares. The width of the access in front of the public road can, by derogation, have a minimum width of 12 metres in case it would be demonstrated that a width of 15 metres is impossible to guarantee given the nature of the land.

CHAPTER 7 Finals provisions

7.1 Amendments

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

7.2 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.

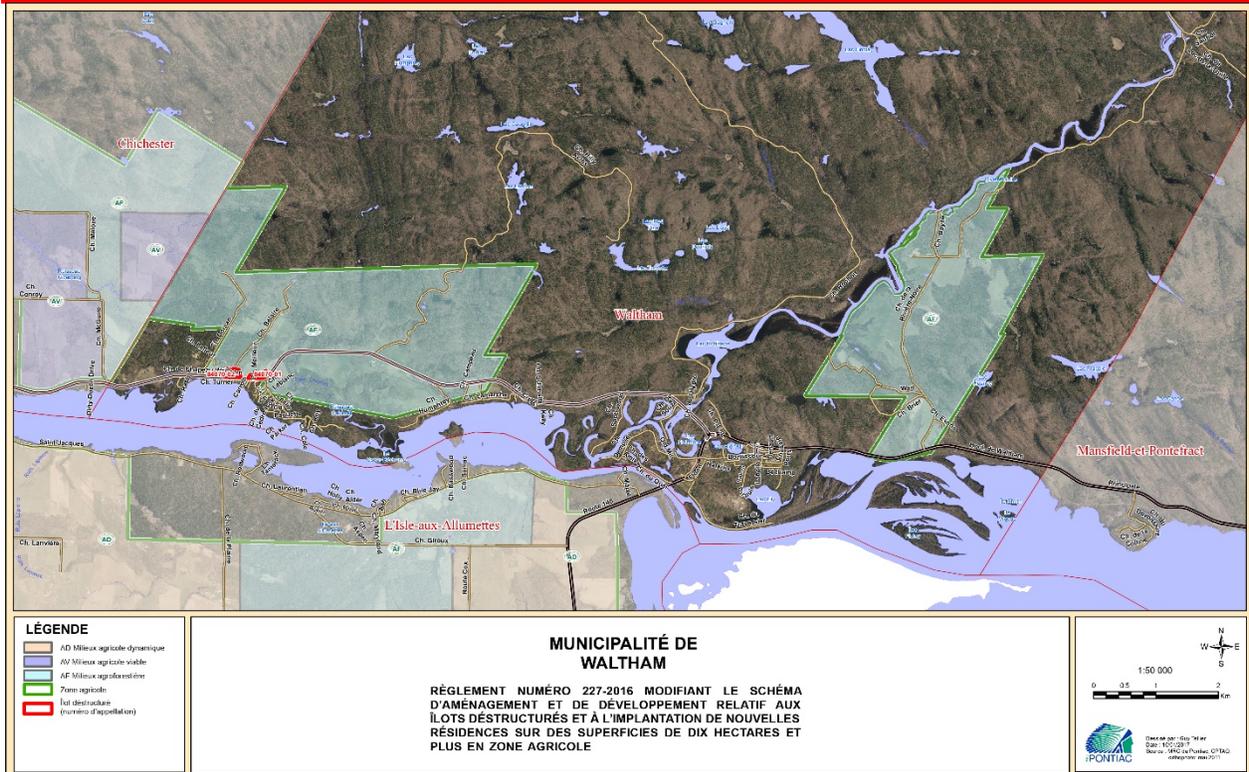
7.3 Entry into force

These regulations come into force in accordance with the provisions of the “Loi sur l’aménagement et l’urbanisme”.

Fernand Roy
Director General, Secretary-Treasurer

David Rochon
Mayor

Appendices added to zoning by-law number 01-2003



84070-01 - Carroll

RÈGLEMENT NUMÉRO 221-2016 ABROGEANT ET
REMPLAÇANT LE RÈGLEMENT NUMÉRO 212-2015 ÉDICTANT LE
RÈGLEMENT DE CONTRÔLE INTÉrimAIRE RELATIF À L'IMPLANTATION
DE NOUVELLES RÉSIDENCES EN ZONE AGRICOLE PERMANENTE

Code géographique	Municipalité	Lot	Type d'lot	Nombre de résidences existantes	Possibilités d'ajouts ¹	Usages mixtes	Superficie (ha)
84070	WALTHAM	84070-01	Avec morcellement (type 1)	5	1	0	2,2
		84070-02	Avec morcellement (type 1)	3	2	0	3,1
		Total		8	3	0	5,3

¹ Estimatoire Fédéral par le Service de l'aménagement de la MRC de Pontiac



- Cadastre non rénové
- 🏠 Résidence existante
- Îlots déstructurés type 1 (avec morcellement)
- Zone non agricole

1:2 500



Conçu par : Pierre Duchesne
Réalisé Par : Guy Tellier
Date : février 2016

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84070-02 - Chemin Chapeau-Waltham

RÈGLEMENT NUMÉRO 221-2016 ABROGEANT ET
REMPLAÇANT LE RÈGLEMENT NUMÉRO 212-2015 ÉDICTANT LE
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Code géographique	Municipalité	Lot	Type d'lot	Nombre de résidences existantes	Possibilités d'ajouts [*]	Usages mixtes	Superficie (ha)
84070	WALTHAM	84070-01	Avec morcellement (type 1)	5	1	0	2,2
		84070-02	Avec morcellement (type 2)	3	2	0	3,1
		Total		8	3	0	5,3

* Estimations faites par le Service de l'aménagement de la MRC de Pontiac



- Cadastre non rénové
- 🏠 Résidence existante
- 🏡 Usage mixte
- lots déstructurés type 1 (avec morcellement)
- Zone non agricole



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