

MUNICIPALITY OF PONTIAC

M.R.C. DES COLLINES-DE-L'OUTAOUAIS

BYLAW 177-01-02-2018

BYLAW 177-01-02-2018 MODIFYING BYLAW 177-01 PERTAINING TO ZONING, IN ORDER TO MODIFY THE STANDARDS FOR NON-COMPLIANT LOTS, BUILDINGS, AND USES AND TO MODIFY THE SIGNAGE STANDARDS

WHEREAS the Municipality of Pontiac is authorized to amend its urban planning bylaws;

WHEREAS this Council deems it necessary to make changes to bylaw number 177-01 regarding zoning, in order to better regulate the standards pertaining to non-compliant lots, buildings and uses;

WHEREAS the Council has the power to regulate the standards pertaining to acquired rights and signage;

WHEREAS a notice of motion for the bylaw was given at the meeting of July 10, 2018;

WHEREAS a copy of the bylaw was given to the Council members no later than 2 working days before the meeting and all the present Council members declare having read it and waive its reading at this time;

It is

Moved by : Susan McKay
Seconded by : Scott McDonald

AND RESOLVED THAT the Council decrees and adopts the following:

Section 1 Section 6.1.2 of the bylaw 177-01 pertaining to zoning is modified by abrogating the subparagraphs 5 and 6;

Section 2 Section 6.1.3 of the bylaw 177-01 pertaining to zoning is replaced with the following:

6.1.3 CONSTRUCTION ON A NON-COMPLIANT LOT OR LAND MEETING THE REQUIREMENTS OF SECTIONS 6.1.1, AND 6.1.2 OF THE PRESENT BYLAW

A construction, reconstruction or renovation permit on a lot or a land referred to in sections 6.1.1 and 6.1.2 may be issued as long as it meets the provisions of chapter 6 and the other conditions for issuing permits and certificates.

Section 3 The bylaw 177-01 pertaining to zoning is modified by adding, after section 6.1.3, the following section:

6.1.4 MODIFICATION OF A NON-COMPLIANT LOT

A non-compliant lot which is protected by acquired rights may be modified, as long as this modification does not render the width, the depth or the surface area of the lot non-compliant. The modification shall not make an existing non-compliant situation, pertaining to the width, depth or the surface area, worse.

A non-compliant lot can be modified without reaching the required minimal sizes and surface areas in this bylaw, under the following conditions:

- Reaching the minimum requirements of the present bylaw is impossible;
- The projected cadastral operation cannot result in decreasing the surface area, the width and the depth of an adjacent lot because of the minimum requirements of the present bylaw;
- The projected cadastral operation cannot result in decreasing the space that must remain free between the buildings and the boundaries of the lot, on an adjacent lot, because of the minimum requirements of the present bylaw.

Section 4 The bylaw number 177-01 pertaining to zoning is modified by adding, after section 6.1.4, the following section:

6.1.5 PRIVILEGE TO THE CADASTRE OF A LAND HAVING BEEN THE OBJECT OF AN EXPROPRIATION

A permit authorizing a cadastral operation cannot be refused for the sole reason that the surface area or the size of the lot does not allow it to meet the requirements of the subdivision bylaw regarding a land which constitutes the residual of a land, if the following conditions are met:

- Part of the land was acquired for public use by a public organization or by an individual having the power of expropriation;
- Immediately before this acquisition, this land had a surface area and sufficient dimensions to meet the regulation in effect at the time, or could have been the object of a cadastral operation according to the present section;
- Only one lot is the result of the cadastral operation, except if the land is included in several originating lots, in which case, only one lot per originating lot results from the cadastral operation.

Section 5 Section 6.2.1 of the bylaw number 177-01 pertaining to zoning is replaced by the following section:

6.2.1 DEFINITION

Non-compliant building: Existing building, non-compliant with the provisions of the construction bylaw or with the provisions of the present bylaw regarding the establishment of buildings in the zone where it is located and, which was compliant with the municipal regulations in effect at the moment of its construction. Such a non-compliant building is protected by an acquired right.

Section 6 Section 6.2.2 of the bylaw number 177-01 pertaining to zoning is replaced by the following section:

6.2.2 DESTRUCTION OF A NON-COMPLIANT BUILDING

In the case of a main building, the provisions of the following paragraph are applicable:

- When a main non-compliant building, protected by an acquired right, is destroyed or becomes dangerous, or has lost more than half its value on the assessment role, following a fire or for any other cause, including the voluntary destruction, authorized through a permit or a certificate, it can be rebuilt on the same foundations or at the same location of the previous building, provided that the non-compliance is not made worse.
- Any reconstruction on the lot must be done according to the provisions of the building bylaw, as per the procedures established by the interpretation and administrative bylaw and the zoning bylaw, with the exception of the respect of setbacks.
- Any reconstruction work of a non-compliant building must be done within a 24-month period following its destruction.
- Nothing in the present section can be interpreted in such a way as to forbid the reconstruction of a building on the same land, all while diminishing the non-compliant nature of its establishment.

Section 7 Section 6.2.3 of the bylaw number 177-01 pertaining to zoning is replaced by the following:

6.2.3 MODIFICATION OR EXPANSION OF A NON-COMPLIANT BUILDING

A non-compliant building can be modified or expanded. The expansion of its existing walls is allowed as long as the expansion is not located closer to the property line than the existing building. When the main building is located in the riparian protection strip, all work must be in compliance with section 4.12.1.2 of the present zoning bylaw. No expansion is allowed in a side or rear setback when the existing building is located within less than 2 metres of the property limits. It is permitted to carry out repair work for the purpose of maintaining the building in good condition.

Section 8 Section 6.3.3 of the bylaw number 177-01 pertaining to zoning is replaced by the following:

6.3.3 EXTENSION OR EXPANSION OF A NON-COMPLIANT USE

The extension of a non-compliant use which is protected by acquired rights can be done only by expanding the main building.

This extension can be done only once, under the following conditions:

- The extension is in compliance with all of the requirements of the present bylaw, other than those identifying the authorized uses;
- The extension does not exceed 50% of the existing floor surface area in the non-compliant use;
- The extension of the use must be done on the same land of the non-compliant use protected by acquired rights, without exceeding the boundaries of this land, as they existed at the date which the acquired rights arose and did not exceed the limits of the property as they were at the time of the extension.
- No extension or expansion of an outdoor storage space, as part of a non-compliant use protected by acquired rights, is authorized.

Section 9 Section 6.3.4 of the bylaw number 177-01 pertaining to zoning is replaced by the following:

6.3.4 INTERRUPTION OR ABANDONMENT OF A NON-COMPLIANT USE

There is loss of acquired rights when the non-compliant use of a building, a land or a lot has ceased or has been abandoned for a period of twelve (12) consecutive months. In this case, any subsequent occupation of the building must be compliant with the present bylaw.

In the case of an extraction and a residential use, all acquired rights are lost in the case of termination or abandonment of activities during a period of twenty-four (24) consecutive months.

Section 10 The bylaw number 177-01 pertaining to zoning is modified by adding the following section after section 6.3.4:

6.4 NON-COMPLIANT SIGN

6.4.1 DEFINITION

A sign is non-compliant when it corresponds to one or the other of the following signs:

- A sign which is non-compliant with a provision of the bylaw.
- A sign which refers to a use that was terminated, abandoned or interrupted for a period of 12 consecutive months.
- A billboard which has not been used for a period of 12 consecutive months.

Regarding the enforcement of the present section, the term sign includes the sign, its support and all elements and accessories, attached to it.

6.4.2 NON-COMPLIANT SIGN PROTECTED BY ACQUIRED RIGHTS

A non-compliant sign is protected by acquired rights if, at the time of its installation, it was in compliance with the provisions of the urban planning regulation related to signs.

Notwithstanding the last statement, it is mandatory for the protection of the acquired rights of the non-compliant sign that the message be in keeping with the use, the activity or the product developing on site, where the sign is located.

6.4.2.1 PROTECTION COVERAGE GRANTED TO A NON-COMPLIANT SIGN

It is permitted to do the regular repair and maintenance work necessary to keep the non-compliant sign protected by acquired rights in good condition.

6.4.2.2 EXTENSION OF ACQUIRED RIGHTS RELATED TO A SIGN

The acquired rights of a non-compliant sign are expired in the following cases:

- When it is modified, replaced or rebuilt after the present bylaw comes into effect, in order to make it compliant;
- When it promotes an establishment that has been abandoned or that has ceased or discontinued its operations during a period of at least twelve (12) months.
- As soon as the sign is removed, demolished or destroyed, including when the destruction is due to unforeseen events.

6.4.3 EXTENSION OR REPLACEMENT OF A NON-COMPLIANT SIGN

It is prohibited to replace a non-compliant sign with another non-compliant sign or to reinstall it somewhere else on the same property or at another location. The term "to replace a sign with another one" does not include changes within an existing casing.

A non-compliant sign can only be modified, extended or rebuilt to be in compliance with the present bylaw.

Section 11 Section 4.10.1 of the bylaw number 177-01 pertaining to zoning is replaced by the following section:

4.10.1 GENERAL RULES

When anyone wishes to install, rebuild, extend, modify, move, affix, complete a sign, this intervention must be done in total compliance with the provisions of section 4.10 and the following, and if needed, with the provisions of section 6.4 and the following, pertaining to non-compliant signs

Section 12 Section 4.10.4 of bylaw 177-01 pertaining to zoning is replaced by the following:

4.10.4 MAINTENANCE OF THE SIGNS

All signs, including its supports, posts and/or hanging mechanism must be kept clean, maintained by the owner and kept in good condition. Any signs not meeting these conditions must be removed within thirty (30) days.

Any signs promoting an establishment that no longer exists must be removed by its owner within thirty (30) days following the end of operation of the establishment or seven (7) days following the end of an event, including garage sales.

Section 13 Section 4.10.7 of the bylaw number 177-01 pertaining to zoning is replaced by the following:

4.10.7 HOUSING PROJECT

Two (2) signs on posts are authorized to identify either the subdivision and/or the construction of housing projects as long as they are installed on the land of the said project.

However, a directional sign of a maximum seventy-five centimetres (0.75 m) wide and twenty-five centimetres (0.25 m) high may be installed at the intersection of the project's main road and the closest municipal road, in order to indicate the direction to follow to get to this housing project.

The maximum surface area permitted for these two (2) signs is twelve square metres (12 m²), but if there is only one sign, it shall not be over ten square metres (10 m²).

All signs must be clean, well maintained and have no dilapidated or broken piece.

The use of advertising devices is strictly prohibited.

The sign and its structure must be removed from the lot as soon as one of the following happens:

- when 90 % of the lands have been built;
- after one year of inactivity on the project's site;
- five years after the beginning of the project.

Section 14 Section 4.10.10 of the bylaw number 177-01 pertaining to zoning is modified by replacing the 7th paragraph by the following paragraph:

No promotional sign can be affixed on a street light, a post for public purposes or any other post which is not specifically designed or installed to receive or support a sign, in accordance with the provision of the present bylaw. Despite what is mentioned above, electoral signs, however, are permitted on a street light or a post for public purposes.

The bylaw will come into effect according to the procedures provided by Law.

Carried

GIVEN IN PONTIAC (QUEBEC), this November 13, 2018


Benedikt Kuhn
Director General


Joannell Labadie
Mayor

Notice of motion : July 10, 2018

Adoption : November 13, 2018

Resolution: 18-11-3594