

**BY-LAW 25-13**

**BY-LAW No. 25-13 AMENDING ZONING BY-LAW No. 177-01 TO INCORPORATE NEW STANDARDS FOR THE PROTECTION OF SHORES, LITTORAL ZONES AND FLOODPLAINS**

**WHEREAS** the municipal council wishes to adjust the provisions of Zoning By-law No. 177-01 regarding the standards for the protection of shores, littoral zones and floodplains to reflect the provisions of the MRC des Collines-de-l'Outaouais' Land Use and Development Plan on this matter;

**WHEREAS** a notice of motion was filed by Councillor Inès Pontiroli at the special meeting of March 4<sup>th</sup> 2014;

**WHEREAS** the by-law was submitted to the Special Meeting of March 4<sup>th</sup> 2014;

**CONSEQUENTLY**, it is resolved that by-law no. 25-13 be adopted by council, as follows:

Moved by: Inès Pontiroli  
Seconded by: Brian Middlemiss

**ARTICLE 1**

Zoning By-law No. 177-01 is amended to include the Ottawa River flood risk map, as well as the Quyon River's benchmarks for 20 and 100-year recurring flood events map, which are attached herewith forming an integral part of this amended by-law.

**ARTICLE 2**

Section 1.8 of Zoning By-law No. 177-01 is amended to include references to the Ottawa River flood risk map, as well as to the Quyon River's benchmarks for 20 and 100-year recurring flood events map, and will now read as follows:

**1.8 APPENDED DOCUMENTS**

The following documents form part of the urban planning by-laws, for all legal purposes:

The Municipality of Pontiac Zoning Plans number PZ-01-01 and PZ-01-02, prepared by P.U.R.E., urban planning consultant, including the graphic register of the MRC des Collines-de-l'Outaouais;

The map titled "Municipality of Pontiac Mass Movement Zones", number ZMM-01-01, prepared by P.U.R.E., urban planning consultant, digitized at the MRC des Collines-de-l'Outaouais;

The map titled " Ottawa River flood risk";

The map titled " Quyon River's benchmarks for 20 and 100-year recurring flood events";

The tables, graphics, symbols and all documents appended to this by-law.

The zoning standards grid.

**ARTICLE 3**

Section 4.12 " Standards governing activities alongside lakes and watercourses" and its subsections 4.12.1 to 4.12.16, which is part of Zoning By-law No. 177-01, is repealed and replaced with the following:

#### **4.12 PROVISIONS REGARDING THE PROTECTION OF SHORES, LITTORAL ZONES AND FLOODPLAINS**

##### **4.12.1 RIPARIAN STRIP**

###### **4.12.1.1 Prohibited undertakings**

Notwithstanding the provisions of subsection 4.12.1.2, any undertaking, structure, construction and change to vegetation, including deforestation or tree cutting, all vegetation control, lawn and grass cutting, brush clearing, as well as waste snow disposal are prohibited on a strip of land measuring 15 metres and extending inland from the natural high water line.

###### **4.12.1.2 Authorized undertakings**

Notwithstanding the provisions of subsection 4.12.1.1, the following projects, structures and undertakings are authorized in the riparian strip, as long as they are designed and carried out in a way that respects the condition and natural aspect of the area, does not interfere with drainage and does not cause erosion or pollution:

- Maintenance, repair and demolition of existing constructions or structures that are not used for municipal, commercial, industrial, public or public access purposes.
- Constructions, structures and undertakings for municipal, commercial, industrial, public or public access purposes, including their maintenance, repair and demolition, for which an authorization has been obtained in accordance with the Environment Quality Act.
- Construction or extension of a main building not used for municipal, commercial, industrial, public or public access purposes, subject to the following conditions:
  - The size of the lot no longer allows for the construction or extension of this main building because of the establishment of the riparian strip and cannot reasonably take place elsewhere on the parcel of land.
  - The subdivision was done before the coming into force of the first applicable municipal by-law that prohibits construction on the lakeshore or riverbank.
  - The lot is not located in a high-risk erosion or landslide area.
  - A buffer strip of at least 5 metres will have to be returned to its natural state if it has not been maintained has such.
- Construction or erection of an auxiliary or complementary building such as a garage, a garden shed, a shed or a pool, can only take place on the part of a lakeshore or riverbank that is no longer in its natural state provided that:
  - The size of the lot no longer allows for the construction or extension of this auxiliary or complementary building because of the establishment of the riparian strip.
  - The subdivision was done before the coming into force of the first applicable municipal by-law that prohibits construction on the lakeshore or riverbank.

- A buffer strip of at least 5 metres will have to be returned to its natural state if it has not been maintained has such.
- The auxiliary or complementary building will rest on the landsite without excavation or fill.
- The following vegetation-related undertakings:
  - Forest management activities subject to the Forest Act and its regulations.
  - Sanitation cutting.
  - Harvesting of trees with 50 percent of stems 10 centimetres or more in diameter, provided at least 50 percent of the forest cover is maintained on private woodlots used for forestry or agricultural purposes.
  - Cutting required for an authorized structure or undertaking.
  - Cutting required to create a 5-metre wide access to a body of water when the shore has a slope of less than 30 percent.
  - Pruning and trimming required to create a 5-metre wide view window when the shore has a slope greater than 30 percent, or to build a trail or stairs giving access to the body of water.
  - Planting or seeding of plants, trees or shrubs and all related work for the purpose of restoring a permanent and sustainable vegetation cover.
  - All methods used to harvest herbaceous vegetation when the shore has a slope of less than 30 percent, and only at the top of the bank when the shore has a slope greater than 30 percent.
- Soil cultivation for agricultural purposes is allowed provided a vegetation strip at least 3 metres wide measured from the natural high water line is maintained. In addition, when there is a bank whose top is located less than 3 metres from the natural high water line, the width of the vegetation strip to be maintained must include at least 1 metre at the top of the bank.
- The following undertakings and work:
  - Installation of fences.
  - Setting up or completion of outlets for subsurface and surface drainage systems and pumping stations.
  - Setting up of water crossing structures for wading crossings, culverts and bridges and of their access roads.
  - Equipment needed for aquaculture.
  - Septic installations meeting the requirements of the Regulation respecting waste water disposal systems for isolated dwellings enacted pursuant to the Environment Quality Act.
  - Stabilization structures or undertakings using vegetation or mechanical means such as riprap, gabions or retaining walls giving preference to the technique most likely to promote the eventual establishment of natural plant growth when the slope, soil type and site conditions prevent the restoration of vegetation cover and the return of the shore to its natural state.

- Private wells.
- Reconstruction or widening of an existing road including farm and logging roads.
- Structures and work required for the completion of constructions, structures and undertakings authorized in the littoral zones pursuant to subsection 4.12.2.2.
- Forest management activities subject to the Forest Act and its Regulation pertaining to standards of forest management for forests in the domain of the State.

#### **4.12.2 LITTORAL ZONE**

##### **4.12.2.1 Prohibited undertakings**

Subject to subsection 4.12.2.2, any undertaking, structure or construction is prohibited in the area that extends from the natural high water line to the center of a body of water.

##### **4.12.2.2 Authorized undertakings**

Notwithstanding the provisions of subsection 4.12.2.1, the following undertakings are authorized in the littoral zone provided they are compatible with other protection measures recommended for floodplains:

- Docks, shelters or landings on pilings or made of floating platforms.
- Setting up of water crossing structures for wading crossings, culverts and bridges.
- Equipment needed for aquaculture.
- Water intakes.
- Construction for agricultural purposes of approach or bypass channels for the catchment of water in cases where such a construction requires obtaining an authorization pursuant to the Environment Quality Act.
- Encroachment on the littoral zone that is required for completion of work authorized on the shore.
- Cleanup and maintenance work, without clearing, carried out in watercourses by a municipal authority pursuant to the powers and duties granted by law.
- Constructions, structures and undertakings for municipal, industrial, commercial, public or public access purposes, including their maintenance, repair and demolition, for which an authorization has been obtained pursuant to the Environment Quality Act, the Act Respecting the Conservation and Development of Wildlife (CQLR c C-61.1), the Watercourses Act (CQLR c R-13), or any other act.
- Maintenance, repair and demolition of existing constructions or structures that are not used for municipal, industrial, commercial, public or public access purposes.

#### **4.12.3 FLOODPLAINS**

##### **4.12.3.1 Delimitation of floodplains**

Floodplains correspond to the portion of the territory located below the 100-year recurring flood mark.

The Ottawa River flood risk map, as well as the Quyon River's benchmarks for 20 and 100-year recurring flood events map appended to this by-law serve as the official reference for enforcement of the provisions relating to the 20-year and 100-year flood elevations.

Delimitation of a floodplain by a land surveyor may be requested by the designated officer.

#### **4.12.3.2 High-velocity zone**

The high-velocity zone corresponds to the part of a floodplain that may be flooded during a 20-year recurring flood event.

All constructions, structures and undertakings are, in principle, prohibited in the high-velocity zone, subject to the measures outlined in the following paragraph.

Despite the principle set out in the previous paragraph, the following constructions, structures and undertakings can be carried out in the high-velocity zone, provided they are compatible with the protection measures applicable to shores and littoral zones.

- Undertakings to maintain parcels of land in good condition, to maintain, repair, modernize or demolish existing constructions and structures, provided the flood-prone area of the property does not increase as a result of the undertaking. However, when work is carried out to modernize or reconstruct infrastructures associated with a public thoroughfare, the flood-prone area of the undertaking may be increased by 25 percent for public safety reasons or to bring the infrastructure into conformity with applicable standards. In all cases, major work on a construction or a structure should entail flood-proofing the entire construction or structure in accordance with subsection 4.12.3.4 of this by-law.
- Undertakings, constructions or structures for public access purposes or for municipal, industrial, commercial or public purposes that are essential to port activities, navigation or shipbuilding, in particular, wharves, breakwaters, canals, locks and fixed navigation aids, as well as their equipment and accessories. Flood-proofing measures should be applied to any part of an undertaking situated below the flood level of the 100-year recurring flood event, in accordance with subsection 4.12.3.4 of this by-law.
- Linear underground public utility facilities such as pipelines, power lines, telephone lines, water mains and sewers that have no service entrance for constructions and structures located in the high-velocity zone.
- Building of underground water or sewer systems in built-up areas not supplied by services with a view to connecting the constructions and structures already in place on the date of coming into force of the first municipal by-law prohibiting new undertakings.
- Septic installations for existing constructions or structures; the planned installation must be in conformity with the Regulation respecting waste water disposal systems for isolated dwellings enacted pursuant to the Environment Quality Act (chapter Q-2).
- Improvement or replacement of an existing domestic well or an existing well serving a business establishment by a tubular well. The well must be built so that the permanent sealing of the annular space with impervious materials eliminates all risk of contamination and is durable; it must also be built to prevent flooding.
- An open-air structure, other than a golf course, intended for recreational purposes that does not require cut or fill.
- Reconstruction when a structure or construction has been destroyed by a disaster other than a flood; all rebuilt structures or constructions should be flood-proofed in accordance with subsection 4.12.3.4 of this by-law.

- Development of wildlife habitats that do not require fill and of those that do, but in the latter case, only if an authorization must be obtained under the Environment Quality Act.
- Land drainage undertakings.
- Forest management activities that do not require cut or fill, and that are subject to the Sustainable Forest Development Act (chapter A-18.1) and its regulations.
- Agricultural activities that do not require cut or fill.

#### **4.12.3.3 Low-velocity zone**

The low-velocity zone corresponds to the part of a floodplain, beyond the limit of the high-velocity zone, that may be flooded during a 100-year recurring flood event.

The following are prohibited in the low-velocity zone:

- All structures or constructions that are not flood-proofed in accordance with subsection 4.12.3.4 of this by-law.
- All fill undertakings other than those required to flood-proof authorized constructions and structures.

In this zone, constructions, structures and undertakings with flood-proofing measures other than those listed in subsection 4.12.3.4 of this by-law may be permitted if these measures were deemed adequate pursuant to an exemption granted by the MRC des Collines-de-l'Outaouais in accordance with the provisions of the Act respecting land use planning and development (chapter A-19.1).

#### **4.12.3.4 Flood-proofing measures applicable to constructions, structures and undertakings in a floodplain**

When specified in this by-law, constructions, structures and undertakings allowed in floodplains will have to comply with the following flood-proofing measures, which will have to be adapted to the context of the infrastructure concerned:

- No opening (window, cellar window, access door, garage, etc.) can be lower than the 100-year flood elevation.
- No ground floor can be lower than the 100-year flood elevation.
- Drains must be equipped with check valves.
- For any structure or part thereof located under the 100-year flood elevation, a report that shows the structure's resistance to flooding must be produced. This report must include calculations relating to:
  - waterproofing
  - stability of the structure
  - required reinforcement
  - seepage water pumping capacity
  - compressive and tensile strengths of the concrete.

- The filling of the parcel of land is restricted to protecting the area immediately around the construction or structure concerned and should not extend to the entire property. The average slope downward from the top of the fill next to the protected construction or structure should not be less than 33⅓ percent (vertical to horizontal ratio of 1:3).

#### ARTICLE 4

This by-law will come into force upon completion of the formalities required by law.

Carried

  
MAYOR

  
ASSISTANT DIRECTOR GENERAL

Notice of motion: March 4, 2014

Adoption of by-law: April 8, 2014

Coming into force: