

This bylaw was presented at
the regular sitting of council
held on May 13th, 2024

BYLAW 2024-002

**AMENDING ZONING BYLAW NO. 2012-002 OF THE MUNICIPALITY OF
GROSSE-ÎLE TO ENSURE CONFORMITY WITH THE URBAN PLAN
MODIFIED BY BYLAW NO. 2024-001, WHICH AIMS FOR CONFORMITY
WITH BYLAW CM-2023-04 MODIFYING THE SCHÉMA D'AMÉNAGEMENT
ET DE DÉVELOPPEMENT OF THE MARITIME COMMUNITY OF THE
MAGDALEN ISLANDS**

- WHEREAS** the municipality of Grosse-Île has adopted zoning bylaw 2012-002;
- WHEREAS** in virtue of the provisions foreseen in the *Act Respecting Land Use Planning (RLRQ, chapter A-19-1)*, the council may amend its zoning bylaw;
- WHEREAS** the council of the Maritime Community of the Magdalen Islands has adopted Bylaw CM-2023-04, amending Bylaw No. A-2010-07 regarding the Schéma d'Aménagement et de Développement, which includes the necessary provisions related to the addition of a land use zone for wind energy production in the municipality of Grosse-Île;
- WHEREAS** the council of the municipality has adopted Bylaw 2024-001, which aims to align the urban plan with the Schéma d'Aménagement et de Développement of the Maritime Community of the Magdalen Islands;
- WHEREAS** the council of the municipality must adopt an amendment to its zoning bylaw No. 2012-002 to ensure conformity with the urban plan No. 2012-001;
- WHEREAS** a notice of motion was given at the sitting of council held May 13th, 2024 and a bylaw was also tabled and presented at this same sitting;
- WHEREAS** the draft of this bylaw has been submitted to a public consultation on June 10th, 2024 conforming to the dispositions of an *Act Respecting Land Use Planning (RLRQ chapter A-19-1)*;
- WHEREAS** a copy of this present bylaw was submitted to the members of council at least 72 hours before the present sitting;
- WHEREAS** the members of council declare having read this present draft bylaw;
- WHEREAS** during the course of the sitting, the Assistant Clerk-Treasurer, mentions the content and scope of the draft bylaw;

THEREFORE

It is proposed by Nancy Clark
Seconded by Miranda Matthew
And unanimously approved by the councillor's present

THAT the following bylaw 2024-002 amending the zoning bylaw 2012-002 of the Municipality of Grosse Ile to ensure the conformity with urban plan n°2012-001 be hereby adopted as presented.

THAT the following bylaw 2024-002 is hereby ordered and decreed by the following:

CHAPTER 1

DECLARATORY AND INTERPRETATIVE DISPOSITIONS

Article 1.1 PREAMBULE

The preamble to this present bylaw is an integral part of the aforementioned.

Article 1.2 TITLE AND NUMBER OF BYLAW

The bylaw number 2024-002 is titled “Bylaw Amending Zoning Bylaw No. 2012-002 of the Municipality of Grosse Île to Ensure Conformity with the Urban Plan Modified by Bylaw No. 2024-001, Which Aims for Conformity with Bylaw CM-2023-04 Modifying the Schéma D’aménagement et De Développement of the Maritime Community of the Magdalen Islands”

Article 1.3 PURPOSE OF THE BYLAW

The purpose of this bylaw is to modify the zoning to incorporate provisions that allow and regulate wind energy production.

CHAPTER 2

MODIFICATIONS TO CHAPTER 3 “DIVISION OF THE TERRITORY”

Article 2.1 DIVISION OF THE TERRITORY IN ZONES

The line “Industrial zone” of article 3.1 “DIVISION OF THE TERRITORY IN ZONES” is modified by:

- Adding the zone variant 'Ie' to the end of the list of industrial zone variants.

CHAPTER 3

MODIFICATIONS TO CHAPTER 4 “CLASSIFICATION OF USES”

Article 3.1 CLASSES OF USES

In article 4.1 “CATEGORIES AND CLASSES OF USES”, the classes of uses belonging to the “Industry” group are modified by:

- Adding the use “I5”, titled “Industry related to wind energy production”.

Article 3.2 THE INDUSTRIAL CATEGORY (I)

Article 4.1.3 “Industrial category (I)” is modified by :

- Adding the usage group “Industry related to wind energy production (I5)” and the following provisions :

“Industry related to wind energy production (I5)

General Characteristics:

This group includes activities related to the production of wind energy.

Basic Requirements

Prior to the issuance of a permit for the installation of wind turbines, an analysis report of the project must be submitted to the inspector's office, and this report must address the following:

- Social acceptability
- Involvement and public consultation
- Vulnerable faunal and floral species
- Avian fauna
- Marine environments (fauna and flora)
- Recreational sites and trails
- Cultural and heritage sites
- Scenic routes
- Radio communication and broadcasting services
- Aerial safety
- Access to public land
- Noise and other nuisances

Authorized Uses

- Wind energy production parks exceeding 500 kW, provided that they meet the specific requirements set forth in Article 5.16 of this bylaw.

Also included in this class of uses are establishments and activities that, while not listed in a sub-category, are similar to these establishments or activities and meet the basic requirements mentioned above.”

Article 3.3 USAGE CLASS BY ZONE

The table in article 4.2 “CATEGORY OF USE BY ZONES”, is modified by:

- Adding the zone type "Ie" under the "TYPE OF ZONES" column, in the "Industrial (I)" category;
- Adding the authorized uses "I5" under the "AUTHORIZED USES" column, in the corresponding cell for the "Ie" zone.

CHAPTER 4

MODIFICATIONS TO CHAPTER 5 “SPECIFIC AND PARTICULAR PROVISIONS IN REGARD TO CERTAIN SITES, ZONES, USES AND SECTORS”

Article 4.1 SPECIFIC PROVISIONS RELATED TO WIND ENERGY PRODUCTION

Chapter 5, "SPECIFIC AND PARTICULAR PROVISIONS RELATING TO CERTAIN SITES, ZONES, USES OR SECTORS," is amended by adding the following article:

“Article 5.17 SPECIFIC PROVISIONS RELATED TO WIND ENERGY PRODUCTION

5.17.1 Location

A wind turbine used for industrial energy production is only permitted in zones where use I5 is specifically authorized, under the following conditions:

- It must not be installed in a lake, pond, bay, lagoon, in the Gulf of St. Lawrence, or within a strip 50 meters (164 feet) wide measured from the high water line;
- It must not be installed within 500 meters (1,640 feet) of a dwelling;
- The base of the turbine must not be installed within 150 meters (492.1 feet) of a national, regional, or collector road to ensure that its placement does not pose a risk to the road's functionality or the safety of its users. However, this requirement may be waived by the council if the following conditions are met:
 - 1) The developer must submit an engineering report demonstrating that the wind turbine or wind park does not disrupt the safe use of the road;
 - 2) The developer must submit a study showing that the wind turbine or wind park integrates and harmonizes with the visual environment of the location to the satisfaction of the council;
 - 3) In all cases, the minimum distance between a wind turbine and a road cannot be less than 30 meters (98.4 feet).
 - It must not be installed within 3,000 meters (9,842.5 feet) of an area used for airport purposes;
 - It must not be installed within 30 meters (98.4 feet) of a snowmobile, ATV, or any other multi-functional trail. However, this requirement may be waived by the council if the following conditions are met:
 - 1) The developer must submit an engineering report demonstrating that the wind turbine or wind park does not disrupt the safe use of the trail;
 - 2) Should the safe use be disrupted, the developer must propose harmonization and mitigation measures to the satisfaction of the council;
 - 3) In all cases, a wind turbine located near a trail must be marked with appropriate warning and signage. This signage must be maintained by the developer.
 - It must be installed so that the tip of the blades is always more than 2.5 meters (8.2 feet) from the property boundary.

5.17.2 Electrical Connection Linking Wind Turbines

The cables connecting the wind turbines must be underground. Exceptionally, the connection can be aerial if it cannot be otherwise due to the nature of the soil or the presence of a lake, watercourse, marshy area, or any other type of physical constraint.

The burial of wires connecting the wind turbines must be done within the bounds of the permanent access road arranged for the maintenance of the turbines, in order to limit environmental impacts.

5.17.3 Electrical Substation Connecting Wind Turbines

The placement of a wind turbine substation is prohibited within a radius of 300 meters (984.2 feet) from any dwelling. An opaque fence must surround the substation as soon as it becomes operational.

5.17.4 Height, Shape, and Color

No wind turbine should be of a height that could interfere with an aerial navigation corridor or violate a federal or provincial regulation or law.

To minimize visual impact on the landscape, wind turbines must be slender and tubular and painted white or gray. No advertising, other than the logo of the manufacturer and promoters placed on the nacelle, is permitted on the turbines, but non-promotional information for the safety of the site may be posted.

5.17.5 Wind Measurement Mast

No wind measurement mast may be installed within 150 meters (492.1 feet) of a dwelling.

5.17.6 Access Road

An access road leading to a wind turbine must meet the following requirements:

- Maximum width of 12.2 meters (40 feet);
- In cases where it is necessary during construction to develop an access road wider than 12.2 meters (40 feet), the width must be reduced to its maximum permitted width once the installations are completed;
- A distance of 1.5 meters (4.9 feet) must be maintained between the access road and the property line;
- When built on public land, the access road must comply with relevant governmental requirements;
- When built on private land, the access road must be constructed in a way that avoids any significant contribution of surface water to the ditches of regional, collector, and local roads, which could deteriorate these road infrastructures.

5.17.7 Reciprocity of Installation Near a Wind Turbine

Any new infrastructure, equipment, or use specified in Article 5.17.1 must be installed in accordance with the distances and other conditions prescribed in the aforementioned article.

5.17.8 Dismantling

After the cessation of operation of the wind turbine or wind farm, certain measures must be taken by the owner of these facilities:

- The installations must be dismantled within a period of 24 months. At the time of permit issuance, the Municipality may require a written dismantling commitment provided by the developer;
- The concrete base of the wind turbine must be removed to a minimum depth of 1 meter, and the excavation must be filled and seeded to ensure its stabilization;
- A restoration of the entire site must be performed at the end of the works using seeding and anti-erosion measures to stabilize the soil and allow it to regain its natural appearance.”

ZONING PLAN

Article 5.1 ZONING PLAN AMENDMENT

The zoning plan is amended to incorporate two new industrial zones named Ie1 and Ie2, as shown on the map titled "Zoning Plan" in Annex A of this bylaw. The lots affected by the zoning change are listed in the following table:

Lot number	Previous zoning	New zoning
3 776 841	Ib1	Ib1/Ie2
3 779 986	Ib1	Ib1/Ie2
6 532 017	Ib1	Ib1/Ie2
3 779 977	Ib1	Ie2
3 779 978	Ib1	Ie2
3 776 840	Ib1	Ie2

CHAPTER 6

FINAL PROVISIONS

Article 6.1 INCOMPATIBLE PROVISIONS

All provisions that are incompatible and irreconcilable with this bylaw are and shall remain repealed.

Article 6.2 ENTRY INTO FORCE

This bylaw shall come into force in accordance with the provisions of the Land Use Planning and Development Act (RLRQ, c.A-19.1).

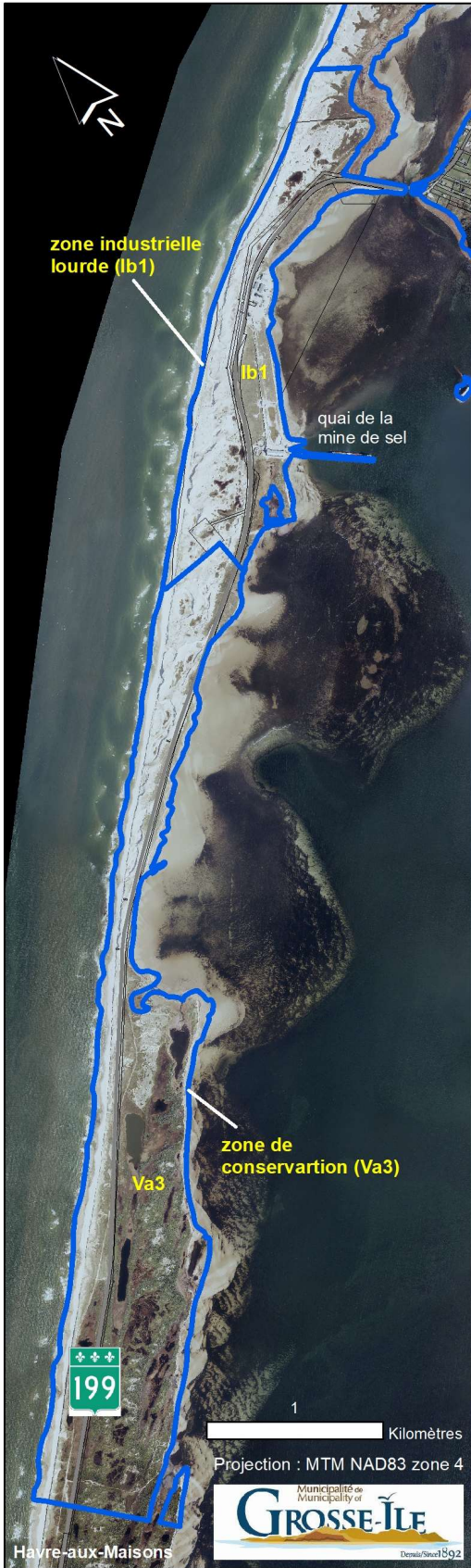
Gordon Burke
Mayor

Carole Lemieux
General Manager

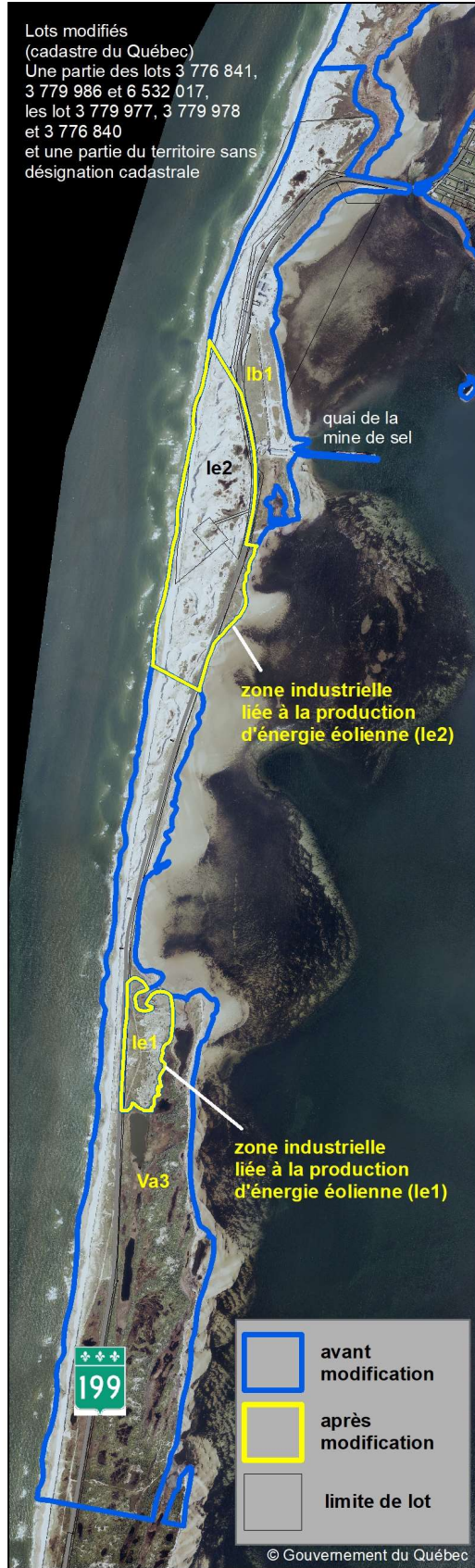
NOTICE OF MOTION : May 13th 2024
ADOPTION : December 2nd 2024
PUBLICATION : January 28th 2025

ANNEXE
Règlement 2024-002 modifiant le 2012-002

avant modification



après modification



Lots modifiés
(cadastré du Québec)
Une partie des lots 3 776 841,
3 779 986 et 6 532 017,
les lot 3 779 977, 3 779 978
et 3 776 840
et une partie du territoire sans
désignation cadastrale

- avant modification
- après modification
- limite de lot