

**Public Notice**



**PUBLIC CONSULTATION MEETING**

**DRAFT BY-LAW CA29 0045 ON SPECIFIC CONSTRUCTION, ALTERATION OR OCCUPANCY PROPOSALS FOR AN IMMOVABLE**

NOTICE is hereby given by the undersigned:

THAT Borough Council of Pierrefonds-Roxboro adopted at its regular sitting of March 4, 2013 the draft by-law mentioned hereinabove.

THAT in conformity with the provisions of the Act respecting land use planning and development (R.S.Q. c. A-19.1) there will be a public consultation on **Tuesday, April 2, 2013, at 6:30 p.m.**, at the Borough Hall in the council room located at 13665, boulevard de Pierrefonds.

THAT the object of this draft by-law is to permit the Council to authorize, upon application and under the conditions provided for in this by-law, a specific construction, alteration or occupancy proposal in respect of an immovable within the territory of the borough, which is at variance with a by-law under Chapter IV of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) except for the provisions of the zoning and subdivision by-laws on parks, playgrounds and natural areas adopted under Section II.1 of Chapter IV of Title I of this Act and except for construction by-law adopted by virtue of Section III of Chapter IV of Title I of this Act.

THAT in the course of this public meeting, the Mayor of the Borough or any member of the Council designated by him will explain the draft by-law and the consequences of its adoption, and also hear parties who wish to express their concerns.

THAT the draft by-law is available for consultation at the Borough Secretary's Office, Monday to Thursday, during opening hours, from 8 a.m. to noon and from 1 p.m. to 4:45 p.m. and Friday from 8 a.m. to noon, as well as on the Borough's website at the following e-mail address: <http://ville.montreal.qc.ca/pierrefonds-roxboro>.

**GIVEN AT MONTREAL, BOROUGH OF PIERREFONDS-ROXBORO**  
this twenty-second day of March of the year two thousand thirteen.

Suzanne Corbeil, Attorney  
Director of the Borough Office and  
Secretary of the Borough

/sr

PROVINCE DE QUÉBEC

VILLE DE MONTRÉAL  
ARRONDISSEMENT DE PIERREFONDS-ROXBORO

DRAFT BY-LAW CA29 0045

BY-LAW ON SPECIFIC CONSTRUCTION, ALTERATION OR OCCUPANCY  
PROPOSALS FOR AN IMMOVABLE

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At the Borough of Pierrefonds-Roxboro regular council sitting held in the borough hall situated at 13665, boulevard de Pierrefonds, in the said borough, on March 4, 2013, at 7 p.m., in conformity with the Cities and Towns Act (L.R.Q., Chapter C-19), at which were present:

Acting Mayor of the Borough  
Councillors

Catherine Clément-Talbot  
Dimitrios (Jim) Beis  
Christian G. Dubois  
Bertrand A. Ward

all members of the Council and forming a quorum under the chairmanship of the Acting Mayor of the Borough, Mrs. Catherine Clément-Talbot.

Was also present Mr. Jacques Chan, Director of the Borough, who was acting as substitute Secretary of the Borough in the absence of M<sup>e</sup> Suzanne Corbeil.

Councillor Mrs. Catherine Clément-Talbot was acting as Mayor of the Borough in the absence of Mrs. Monique Worth.

**BY VIRTUE OF** Section 131 of the Charter of Ville de Montréal;

**BY VIRTUE OF** Sections 145.36 and 145.37 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) ;

THE BOROUGH COUNCIL ENACTS THE FOLLOWING:

**SECTION I**  
**DEFINITIONS**

1. In this by-law the following words mean:

- “Committee”: the Urban Planning Advisory Committee;  
“Council”: the Borough Council;  
“Director”: the Director of Urban Planning and Business Services of the Borough of Pierrefonds-Roxboro.

## **SECTION II**

### **OBJECT**

2. The Council may authorize, upon application and under the conditions provided for in this by-law, a specific construction, alteration or occupancy proposal in respect of an immovable within the territory of the borough, which is at variance with a by-law under Chapter IV of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) except for:
  - 1° the provisions of the zoning and subdivision by-laws on parks, playgrounds and natural areas adopted under Section II.1 of Chapter IV of Title I of this Act;
  - 2° construction by-law adopted by virtue of Section III of Chapter IV of Title I of this Act.

## **SECTION III**

### **APPLICATION FOR AUTHORIZATION PROCEDURE**

3. For the authorization provided for in Article 2, an application must be submitted to the Director as follows:
  - 1° the form provided by the Borough for this purpose must be completed in full and must be signed by the owner of the immovable or his representative;
  - 2° the rate set out in the annual by-law on the Borough's rates for the study of such an application must be paid;
  - 3° the following documents must be provided:
    - a) the survey plan of the land covered by the specific proposal;
    - b) an authentic copy of any title stating that the applicant is the owner of the land or a document showing that he has an option to purchase the land or, if it is a land owned by Ville de Montréal, proof of intent to purchase approved by the Director of one of the city's services;
    - c) the certificate of location relating to any structure erected on the land, including the technical designation;
    - d) if applicable, the proxy establishing the mandate of any person authorized to act on behalf of the owner;
    - e) a statement signed by the owner or his representative establishing the types of occupancy of any building covered by the specific proposal;
    - f) where a rental occupancy of housing type was established pursuant to subsection e), the list of tenants 12 months preceding the application, the amount of rents, the lease term and a statement of the measures provided for relocation and compensation for tenants in accordance with the law;

g) a document explaining the reasons for the application and a brief description of the specific proposal.

4. The application for authorization shall lapse if the applicant has not submitted a specific proposal in accordance with Article 7 within the time prescribed in this article.

In regard to the first paragraph, the documents provided by the applicant for the purposes of Article 3 are given back to him.

5. When an application for authorization has lapsed by virtue of the first paragraph of Article 4, the applicant may submit a new application providing it is complying with all the requirements of Article 3, including the payment of rate.
6. For the purposes of Article 7, the date of receipt of the application for authorization is the one which has been duly completed in accordance with all the requirements of Article 3. The Director shall notify this date, in writing, to the applicant.
7. Within 120 days from the date of receipt of the application for authorization, the applicant shall submit to the Director the specific proposal for this application. For that purpose, he must provide the following written information:
- 1° the floor surface area of the existing structures and to be erected on the land, as well as their integration into the urban pattern;
  - 2° the expected types of occupancy of the land and of the existing or to be erected structures;
  - 3° the density, in terms of floor space ratio, of the existing structures or to be erected on the land;
  - 4° the general volume and height of the existing structures and to be erected on the land, and their integration in the context of the built environment;
  - 5° the occupancies of the public domain to be planned;
  - 6° proposals for integration or demolition of existing structures, preservation and enhancement of the original architectural elements;
  - 7° proposals for the development of outdoor spaces, enhancement and protection of existing and planned plantations;
  - 8° vehicular accesses, signalling modes for pedestrians and vehicles, parking spaces, accesses without obstacle;
  - 9° studies necessary to evaluate the proposal in relation to the sun, wind, traffic and, where applicable, noise and fumes;
  - 10° an indication of the risk of soil contamination by identifying previous occupancies of the land covered by the proposal, based among other things on available cartographic documents.

The applicant may attach any document he deems necessary to support the proposal he deposits. This document will be discussed within the time period provided for in this by-law for the evaluation of the programme.

In addition to the information referred to in the first paragraph, the Director may require from the applicant a study or a complementary expertise on an aspect of the proposal. He must set for the production of such a study or expertise a time limit of 120 days, which begins on the date on which the Director shall notify the applicant of this requirement.

The documents provided under this Article shall remain the property of Ville de Montréal.

8. For the purposes of Article 10, the filing date of the specific proposal is the date on which the applicant has provided all the information required in Article 7. The Director shall notify that date to the applicant.

#### **SECTION IV EVALUATION CRITERIA**

9. The criteria under which the evaluation is made of the application for authorization of a specific proposal are:
  - 1° compliance with Ville de Montréal Master Plan;
  - 2° the compatibility of occupancies provided for in the proposal with the host environment;
  - 3° integration features of the proposal in terms of layout, volume, density and site development;
  - 4° benefits of proposals for integration or demolition of existing structures and those for the preservation or enhancement of the original architectural elements;
  - 5° benefits of the proposals for the development of outdoor spaces and plantations;
  - 6° environmental impacts of the proposal, particularly in terms of sunshine, wind, noise, fumes and traffic;
  - 7° quality of the functional organization of the proposal, particularly with regard to parking, access and security;
  - 8° benefits of cultural and social components of the proposal;
  - 9° feasibility of the proposal according to the planned implementation schedule.

**SECTION V  
CONSULTATIONS**

10. Within 90 days of the filing date of a specific proposal, the Director shall forward a copy of the proposal to the Committee, with or without comments.
11. After studying the specific proposal, the Committee shall submit the Council its advice and recommendation to the effect of granting, with or without conditions, the application for authorization or to refuse stating the reasons for its refusal.
12. The Director shall transmit a copy of the specific proposal to the Council with his recommendation to the effect of granting, with or without conditions, an application for authorization or refuse stating the reasons for its refusal.

**SECTION VI  
PENAL PROVISIONS**

13. The non-compliance with a requirement in the resolution by which the Council grants the authorization referred to in Article 2 constitutes an offence.
14. Anyone who commits an offence under section 13 is liable:
  - 1° in the case of an individual:
    - a) for a first offence, to a fine of \$100 to \$1,000;
    - b) for a second offence, to a fine of \$500 to \$1,500;
    - c) for any subsequent offence, to a fine of \$1,000 to \$2,000;
  - 2° in the case of a corporation:
    - a) for a first offence, to a fine de \$300 \$ à \$2.000;
    - b) for a second offence, to a fine of \$1,000 \$ to \$3,000;
    - c) for any subsequent offence, to a fine of \$2,000 to \$4,000.

**SECTION VII  
COMING INTO FORCE**

15. The present by-law comes into force according to law.