

PROVINCE OF QUÉBEC

CITY OF DORVAL

BY-LAW CONCERNING SPECIFIC CONSTRUCTION,
ALTERATION OR OCCUPANCY PROPOSALS
FOR IMMOVABLES (SCAOPI)

NO RCM-60E-2015

NOTICE OF MOTION : November 17, 2014

ADOPTION OF DRAFT BY-LAW : January 12, 2015

ADOPTION OF BY-LAW : June 15, 2015

EFFECTIVE : October 9, 2015

THE COUNCIL OF THE CITY OF DORVAL DECLARES AS FOLLOWS:

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CHAPTER 1. APPLICATION, INTENT, INTERPRETATION AND ADMINISTRATIVE PROVISIONS

SECTION 1. APPLICATION AND INTENT

1. APPLICABLE AREA

This By-law applies to the area contained within the municipal boundaries of the City of Dorval.

2. SCOPE OF APPLICATION

This By-law applies to the zones listed in Chapter 3 of the present By-law.

3. GROUPS OF USES AND ZONES CONCERNED

The groups of uses and zones targeted by the present By-law are those identified in the Zoning By-law currently in force.

4. BY-LAWS CONCERNED

The Council may authorize, upon request and under the conditions given in the present By-law, a specific project located within the territory of the City that is in variance to the following by-laws:

- 1° Construction By-law in force;
- 2° Subdivision By-law in force;
- 3° Zoning By-law in force.

SECTION 2. INTERPRETATION

5. LAWS AND OTHER REGULATIONS

No provision of the By-law shall be construed as having the effect of exempting a person from the application of a provincial or federal law or regulation, or from any provisions of another municipal by-law.

6. TABLES, DIAGRAMS AND SYMBOLS

All tables, diagrams, symbols and any forms of expression other than the text itself which are contained in this By-law or referred to by this By-law shall form an integral part hereof unless otherwise indicated.

7. MEASUREMENTS

All dimensions and measurements used in this By-law are expressed in units of the Metric System.

8. REFERENCES

All references to other regulations contained in this By-law shall be open, that is to say they extend to any changes that may be subject to these regulations, created after the coming into force of this By-law.

9. PRECEDENCE OF A PROVISION

In this By-law, unless otherwise specified, the following rules apply:

- 1° In case of contradiction between the text and the title, the text takes precedence;
- 2° In case of contradiction between the text and any other form of expression, the text takes precedence.

10. TERMINOLOGY

For the interpretation of this By-law, the words and expressions below shall have the following meanings:

- 1° “Council” means the Municipal Council of the City of Dorval;
- 2° “Committee” means the Planning Advisory Committee of the City of Dorval;
- 3° “Specific Proposal” means a specific construction, alteration or occupancy proposal for an immovable;

4° “Street” means a public street, private road or thoroughfare open to traffic;

5° “By-law” means this By-law.

In the interpretation of this By-law, all words or expressions shall be given the meaning they are ascribed in the list of definitions in Chapter 13 of the Zoning By-law in force. Any word or term not specifically mentioned in said list shall have the meaning commonly given to this word or term.

SECTION 3. ADMINISTRATIVE PROVISIONS

11. MANAGEMENT AND APPLICATION OF THE BY-LAW

The management and application of the present By-law falls under the jurisdiction of the Urban Planning Service Director.

The City Council can also nominate one or more person to assist and replace the Director if necessary.

12. POWERS AND DUTIES OF DIRECTOR

The Director is responsible for enforcing these regulations and as such exercise any power entrusted to him.

13. FINES, SANCTIONS, APPEALS AND PROSECUTION

Every person commits an offense if they do not comply with a provision of this bylaw.

Whoever contravenes a condition of this bylaw or allows such contravention commits an infraction and is subject to the imposition of a fine not exceeding \$1,000 and not less than \$500, if a private individual, or a fine not exceeding \$2,000 and not less than \$1,000, if a legal person.

The City may, for the purposes of enforcing the provisions of this bylaw, exercise concurrently or alternatively, with those specified in this bylaw, all appropriate remedies, civil or criminal in nature.

14. ISSUING OF A STATEMENT OF OFFENSE

The Director and the Head of division are authorised to issue a fine for any infraction to this bylaw.

The Council may, by resolution, authorize any other person to issue a fine for any infraction to this bylaw.

CHAPTER 2. APPLICATION PROCESS

SECTION 1. DUTIES OF THE APPLICANT

15. GENERAL

A specific proposal targeted by this By-law is subject to approval by the Municipal Council.

Moreover, the applicant must respect fully the conditions relative to authorization granted through the municipal resolution adopted, and must submit to the Urban Planning Department any application aimed at changing the use of the immovable or that would have the effect of modifying one or more elements, criteria, objectives or development conditions listed in this By-law or in the municipal resolution adopted to authorize the specific proposal.

SECTION 2. PROCEDURES

16. FILING AN APPLICATION

An application for approval of a specific proposal must be filed by the applicant or by his authorized representative.

17. INFORMATION AND DOCUMENTS REQUIRED FOR AN APPLICATION

An application for approval of a specific proposal must include the information and documents required in the Permits and Certificates By-law.

18. STUDY OF THE APPLICATION BY THE URBAN PLANNING DEPARTMENT

The Urban Planning Department shall study the specific proposal submitted and verify its compliance with the Zoning By-law in force. The designated officer may, if deemed necessary, request additional information or documents for the consideration of the application.

No specific proposal will be put on the agenda of a Planning Advisory Committee meeting if the file is incomplete 14 days prior to the Committee meeting.

19. SUSPENDED STUDY

If the required information and documents are incomplete or imprecise, the study of the application will be suspended until the applicant provides the necessary information and documents, and the application will then be deemed to have been received on the date of receipt of said additional information and documents.

20. STUDY BY THE PLANNING ADVISORY COMMITTEE

The Planning Advisory Committee shall review the specific proposal and verifies its compliance with the present By-law. The Committee may, if deemed necessary.

Following the review of the application, the Committee shall present, in writing, its opinion and recommendations to Council.

21. DECISION BY COUNCIL

After consultation with the Planning Advisory Committee, the Municipal must approve or refuse the specific proposal application presented to it, in compliance with this By-law.

The draft resolution by which Council approves the application for a specific proposal must include any condition, in view of the jurisdiction of the City, that must be met regarding the installation or exploitation of the use.

A resolution by which Council refuses an application must list the motives for refusal.

22. PUBLIC CONSULTATION MEETING

Following the adoption of the draft resolution by which Council approves the specific proposal application, the City will hold a public consultation on the proposal, in compliance with sections 124 to 127 of the *Act respecting Land-use Planning and Development* (R.S.Q., c.A-19.1).

23. PUBLIC NOTICE

The Clerk of the Council must, at least 15 days prior to the holding of the session in which the Council will be adopting the resolution authorizing a SCAOPI, post a public notice showing compliance with the *Cities and Towns Act* (R.S.Q., c. C-19) and a notice or sign placed in an easily viewed location on the site involved in the application, announcing the date, time, place, nature of the application and the right of any interested person to be heard during the session, in regard to the application.

The notice must show the location of the immovable involved in the application by stating the name of the public thoroughfare and the civic number of the immovable, or failing this, the lot number.

24. TRANSMISSION OF THE DECISION BY COUNCIL

As soon as possible following the adoption of the resolution, the Clerk will send a certified true copy to the applicant.

25. PERMITS AND CERTIFICATES

Upon presentation of a certified true copy of the resolution by which Council approved the application for authorization for a specific proposal, the designated officer shall deliver the permit or the certificate as long as the standards listed in the planning by-laws are met and subject to all conditions being met at the time the permit or certificate was issued and in virtue of the resolution by Council approving the specific proposal application.

CHAPTER 3. TYPES OF PROJECTS ADMISSIBLE AND EVALUATION CRITERIA

SECTION 1. TYPES OF PROJECTS ADMISSIBLE

26. GROUPS OF USES CONCERNED

An application for authorization for a specific proposal may concern any group of uses.

27. TYPES OF PROJECTS ADMISSIBLE

The following types of projects are admissible for an application for authorization for a specific proposal:

- 1° Construction of a new main building;
- 2° Extension of a main building;
- 3° Conversion of a main building.

SECTION 2. EVALUATION CRITERIA

28. APPLICABLE EVALUATION CRITERIA

A specific proposal application is evaluated in terms of the following criteria:

- 1° Respect for the objectives in the Master Plan;
- 2° Compatibility of planned uses in the proposal with the insertion environment;
- 3° Integration qualities of the proposal in terms of construction, volumetry, density and site layout;
- 4° Benefits of the proposal in terms of developing the outdoor areas and planting;
- 5° Environmental impacts of the proposal, particularly in terms of exposure to sunlight, wind, noise, emissions and traffic;
- 6° Integration of sustainable construction features in the proposal, borne out by a recognized organization;

- 7° Quality of the proposal's organizational functionality, particularly in terms of parking, access, safety and universal access (reduced level of ground floor, secure and torch lit pathways leading to the building entrance, parking spaces close to the building entrance, etc.);
- 8° Contribution of the proposal to the dynamism and commercial diversification of the central urban area, as applicable;
- 9° Feasibility of the proposal in terms of the construction schedule.

CHAPTER 4. FINAL PROVISIONS

29. COMING INTO FORCE

This By-law shall come into force as provided by Law.

APPROVED _____ MAYOR

APPROVED _____ CITY CLERK