

PROVINCE OF QUEBEC
CITY OF DORVAL

BY-LAW N° RCM-60H-2024

BY-LAW RESPECTING COMPREHENSIVE DEVELOPMENT PROGRAMS (CDP)

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CHAPTER 1 DECLARATORY, EXPLANATORY AND ADMINISTRATIVE PROVISIONS

Section 1 Declaratory provisions

Article 1.1.1 Territory and subject persons

This By-law applies to the zones listed in Chapter 3 and identified in the zoning plan appended to the zoning by-law in force.

The provisions of this By-law apply to normal and legal persons, both public and private.

Article 1.1.2 Regulation interaction

This By-law constitutes an integral part of the urban planning by-laws and is interrelated with the other urban planning by-laws adopted by the City within the framework of the Act Respecting Land Use planning and Development (RLRQ, c. A-19.1).

Article 1.1.3 Purpose of the By-law

The purpose of the By-law is to establish a procedure to allow a development project that deviates from the applicable urban planning by-laws by establishing objectives and evaluation criteria for projects located within zones subject to a CDP.

The City Council is empowered to authorize, upon request and under certain conditions, any construction or subdivision project located partly or entirely in a zone subject to this By-law that involves the amendment of a provision of the current subdivision or the zoning by-law in force.

Article 1.1.4 Regulations and laws

No article or provision of this By-law shall have the effect of exempting any person from the application of any provincial or federal law or regulation, or from any provision of any other municipal by-law.

Article 1.1.5 Entry into force

This By-law comes into force in accordance with the law.

Section 2 Explanatory provisions

Article 1.2.1 Division of the text

The interpretation of this by-law must consider account the following hierarchy between the divisions of the text: chapters, sections, articles, indentation, paragraphs, subparagraphs and hyphens. As an illustration, the typography used to distinguish the divisions of the by-law corresponds to the following model:

Chapter #
Section #
Article #.#.#
Indentation
 1° Paragraph
 a) Subparagraph
 - hyphen

Article 1.2.2 Interpretation of the text

Interpretation of the text of this by-law must comply with the following rules:

1. Verbs in the present tense include the future tense, and vice versa;
2. Use of the singular includes the plural and use of the plural includes the singular, whenever the context so requires;
3. Use of the verb **MUST** indicates an absolute obligation; while the use of the verb **CAN** retains an optional meaning, except in the expression “**CAN NOT**” which means “**MUST NOT**”;
4. When two or more provisions of this by-law apply to a use, building, land or other object governed by this by-law, the following rules apply:
 - a) The specific provision prevails over the general provision;
 - b) The most restrictive provision prevails;
5. Any reference to another by-law or to an Act is open-ended, that is to say it extends to any modification that such a by-law or Act may undergo following the entry into force of this by-law;
6. All measurements in this by-law are those of the international system (SI);
7. The table of contents and the title of the chapters, sections and articles of this by-law are given to improve understanding of the text. In the event of contradiction between the text and the title(s) concerned or the table of contents, the text shall prevail;
8. Plans, appendices, tables, graphs, figures, illustrations and symbols and any form of expression other than the text itself and contained in this by-law are an integral part of it for all legal purposes;
9. When a separation distance is mentioned between two uses or constructions, this distance applies reciprocally for each of these uses or constructions.

Article 1.2.3 Interpretation in case of contradiction

In this by-law, unless otherwise indicated, the following rules apply:

1. In the event of a contradiction between the text and a title, the text prevails;
2. In the event of a contradiction between the text and any other form of expression, the text prevails;
3. In the event of a contradiction between the data in a table and a chart, the data in the table prevails;
4. In the event of a contradiction between the text and the specifications grid, the grid prevails;
5. In the event of a contradiction between the specifications grid and the zoning plan, the grid prevails.

Article 1.2.4 Terminology

For the interpretation of the by-law, the following words and expressions shall have the following meaning:

1. “Competent authority” means the Director of the Urban Planning Department.
2. “City” means the City of Dorval;
3. “Council” means the municipal council of the City of Dorval;
4. “Committee” means the Planning Advisory Committee of the City of Dorval;
5. “Director” means the Director of the Urban Planning Department;
6. “CDP” means Comprehensive Development Program;
7. “By-law” means this by-law;
8. “Urban planning by-laws” means the zoning by-laws and the subdivision by-laws in force.

For the interpretation of this by-law, unless the context indicates otherwise, any word or expression has the meaning assigned to it in the terminology in chapter 13 of the Zoning by-law in force. If a word or expression is not specifically defined, it retains its usual meaning.

Section 3 Administrative Provisions

Article 1.3.1 Administration and application of the by-law

The administration and application of this by-law are entrusted to the Director of the Urban Planning Department. The Council may also appoint one or more deputies responsible for assisting and replacing the Director if necessary.

Article 1.3.2 Powers and duties of the Director

The Director is responsible for ensuring compliance with this by-law and, as such, exercises all powers entrusted to him.

Article 1.3.3 Contraventions, sanctions, appeals and prosecutions

Any person who does not comply with a provision of this by-law commits an offence.

Any person who contravenes a provision of this by-law or allows such a contravention commits an offence and is liable to a fine of at least \$500 and not exceeding \$1,000 for a natural person or to a fine of at least \$1,000 and not exceeding \$2,000 for a legal person.

Any continued violation of a provision of these regulations constitutes, on a day-to-day basis, a separate and distinct violation.

The City may, for the purposes of enforcing the provisions of this by-law, exercise cumulatively or alternatively with those provided for in this by-law, any other appropriate recourse of a civil or penal nature.

Article 1.3.4 Issuance of a statement of offence

The Director and Division Head are authorized to issue a statement of offence relating to any violation of this by-law.

The Council may, by resolution, authorize any other person to issue a statement of offence relating to any violation of this by-law.

CHAPTER 2 PROVISIONS FOR SUBMITTING AN APPLICATION

Section 1 Application Process

Article 2.1.1 Submission of an application

In zones subject to this by-law, the presentation of a Comprehensive Development Program (CDP) is a preliminary requirement for any request to amend the urban planning by-laws, all in compliance with the provisions defined by this by-law.

An application for approval of a C.D.P. must be submitted to the Urban Planning Department. The application must be signed by the applicant or, where applicable, his or her authorized representative, and must be accompanied by the information, plans and documents required by this by-law.

The C.D.P. is subject to the adoption of a resolution by which the City Council approves the application submitted by an applicant and, if the resolution so provides, to the signing of an agreement with the applicant, indicating any conditions provided for in the resolution.

Article 2.1.2 Content of an application

- A Comprehensive Development Program (CDP) application must contain the following information:
1. A written document (1 PDF copy and 1 DOCX copy) presenting the following information about the project:
 - a) The name, address, telephone number and email address of the applicant. If the applicant is not the owner of the building concerned, he must enclose a power of attorney from the owner;
 - b) The name and contact details of the professionals working on the project and their respective roles;
 - c) The planning and development objectives pursued;
 - d) An explanation demonstrating that the applicable criteria of the present by-law have been met;
 - e) A summary table presenting the surface of the site and of each development phases, the land areas allocated to each use and their relation to the total land area, the number of housing units and gross residential density, the number of units by type of use;
 - f) The construction schedule (infrastructure, buildings, etc.) and projected investments for each development phase;
 - g) Architectural sketches of the planned buildings demonstrating the desired architectural style, volume and size of the constructions;
 - h) The projected economic benefits and approximate costs for the City;
 - i) Any other information necessary for understanding the project;
 2. One or more plans (1 PDF copy and 1 DWG copy) covering the entire CDP area and showing, with respect to the current situation, the following information:
 - a) The cadastral boundaries and identification of each owner, with a table indicating the lot numbers and the total area of land owned by each;
 - b) Servitudes, rights of way and other encumbrances on each lot;
 - c) Existing contour lines equidistant by no more than 0.5 meters (prepared by a land surveyor). Site topography with indications of slope classes (less than 3%, 3% to 10%, 11% to 25%, 26% and more);
 - d) A survey of buildings, infrastructure (storm sewer, aqueduct, sanitary sewer, etc.), street right-of-way, parking areas, outdoor facilities, power and telecommunications lines, etc.;
 - e) The natural high-water mark and the shoreline riparian strips of waterways and wetlands as well as the route of existing drainage ditches;
 - f) Existing woodlands and trees;
 - g) The nature and thickness of unconsolidated sediment deposits and rocky outcrops;

- h) A survey of existing pedestrian and recreational trails on the site;
 - i) Aerial photographs (taken within the year preceding the application) in order to obtain an overall image of the intervention territory;
 - j) Identification and location of any other constraining or potential features of the site;
3. One or more plans (1 PDF copy and 1 DWG copy) covering the entire CDP area and showing, with respect to the projected situation, the following information:
- a) The distribution of planned uses;
 - b) Land occupation density (housing per hectare);
 - c) The natural high-water mark and the riparian strips of conserved waterways and wetlands;
 - d) Preserved woodlands and trees;
 - e) Identification of any modification to natural constraints, topography and runoff water;
 - f) Any other information necessary for understanding the project;
4. An approximate plan (1 PDF copy and 1 DWG copy) illustrating the entire CDP area and showing, with respect to the projected situation, the following information :
- a) Cadastral boundaries and identification of each of the planned lots with a table indicating the lot numbers and the total area of lots to be created;
 - b) Servitudes and rights of way;
 - c) Projected layout of streets, sidewalks, recreational paths and bicycle lanes;
 - d) A description of the intended use of each lot, as well as a table indicating the total area occupied for each use (residential, commercial, public, street, etc.);
 - e) The proposed location of parks and other public spaces (specifying the spaces to be ceded in accordance with the by-laws);
 - f) Implantation of retention basins, rain gardens, ditches, vegetated swales, etc.;
 - g) Location of required buffer zones and required fences;
 - h) Ground layout of the proposed buildings and their foot print, floor area and story height;
 - i) Planned parking areas (number of spaces) and vehicular access;
 - j) Areas and equipment for collecting waste, recyclable material and composting;
 - k) A master plan of equipment and infrastructure (storm sewer, aqueduct, sanitary sewer, etc.) located within the area covered by the CDP illustrating, where applicable, their connection to existing infrastructure;
 - l) Projected layout of power transmission and telecommunications networks;
 - m) Projected contour lines equidistant at most 0.5 meters including the implantation of projected embankments and retaining walls;
 - n) Development phases, including projected number of housing units and gross density;
 - o) Location of planned buildings and their elevation relative to street level;
 - p) Elevation of the land level between the street right-of-way line and the rear lot line;
 - q) Any other information necessary to understand the project;
5. The following studies and analyses:
- a) Characterization, inventory and value (ecological and hydraulic) of waterways and wetlands (fauna and flora) carried out by a professional (biologist, forest engineer, etc.). This characterization must be carried out in accordance with the requirements and methodologies of the zoning by-law in force and of the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (MELCCFP);
 - b) Characterization , inventory and ecological value of forest stands by a professional (biologist, forest engineer, etc.);
 - c) Erosion control and overland flow management methods;
 - d) Action plan for rock extraction (storage, crushing, etc.);

- e) Traffic circulation study to determine the impact of the project on the local and municipal road network;
- f) An infrastructure service and capacity study (storm sewer, aqueduct, sanitary sewer, etc.). This study covers local service as well as impacts, additions and modifications on networks located outside the CDP area;
- g) Study of the projected economic benefits and approximate costs for the City related to the implementation of the CDP;
- h) Any other information deemed necessary for the evaluation of the application.

The plans provided for a CDP authorization application must be at a scale of 1:500 to 1:2,500 or at a scale to be determined by the City to ensure understanding of the project;

The CDP must be prepared and signed by competent land-use planning professionals, depending on the scale of intervention (architect, landscape architect, civil engineer, biologist, urban planner, etc.).

Despite the above, the Director may indicate to the applicant that a document is not required if he deems that it is not relevant due to the type of project, the environment in which it takes place or the particular physical characteristics of the site.

Article 2.1.3 Fees applicable to an application

The fees applicable to a CDP application are those provided for an application to modify the zoning by-law according to the By-law Respecting Fees for Municipal Services in force. These fees are non-refundable. Additional fees for the issuance of different permits and certificates may also be applicable.

Article 2.1.4 Municipal Taxes

Taxes, rates, transfer duties or any other municipal charges must be up to date and not include any arrears.

Article 2.1.5 Processing of the application by the Director

The Director ensures that the CDP application complies with this by-law. He/she also ensures that all applicable fees have been paid.

Article 2.1.6 Admissible application

If the application is complete and complies with this by-law, the Director considers the application “admissible”. The application is then deemed to have been received on the date the application was filed.

Article 2.1.7 Inadmissible application

If the application is incomplete or does not comply with this by-law, the Director will consider the application “inadmissible” and will inform the applicant giving with the necessary justifications. In such case, the applicant has 30 days following receipt of the Director's notice to provide the required modifications, information or documents. Following receipt of this new information, the Director will re-examine the application.

If the application is then complete and compliant, the Director considers the application “admissible” and informs the applicant. The application is then deemed to have been received on the latest filing date.

After the deadline, if the application is still incomplete or non-compliant, processing of the application is suspended. Any new application must be started from the beginning, including payment of applicable fees.

Article 2.1.8 Transmission of the application to the Urban Planning Advisory Committee

When the Director deems an application “admissible”, he transmits the application to the Urban Planning Advisory Committee for analysis and recommendation. He may attach to the application any document, comment or analysis that he considers relevant.

Article 2.1.9 Analysis of the application by the Urban Planning Advisory Committee

During a session after receipt of the application, the Urban Planning Advisory Committee analyzes it. This analysis must consider the applicable criteria indicated in Chapter 3 and propose, where applicable, any conditions that may be appropriate in the circumstances.

The CCU may hear or request from the applicant or the Director any additional information that it deems relevant to its analysis. In addition, the Committee may proceed to visit the premises which

are subject of the application. It may also postpone its decision to a subsequent session in order to complete the analysis.

Article 2.1.10 Recommendation of the Urban Planning Advisory Committee

After its analysis, the Urban Planning Advisory Committee formulates its recommendations in writing and transmits them to the City Council.

Article 2.1.11 Analysis of the application by the City Council

After studying the Comprehensive Development Program and the recommendation of the Urban Planning Advisory Committee, the City Council approves or disapproves, by resolution, the Comprehensive Development Program (CDP).

Article 2.1.12 Favourable decision by the City Council

The City Council, after receiving the recommendations of the Urban Planning Advisory Committee, can approve the CDP. The resolution by which the City Council grants the application may stipulate any conditions provided in article 2.13, which must be met for approval of the CDP.

Article 2.1.13 Conditions of approval

The City Council may require, as a condition of approval of a CDP, that the owners of buildings located in the zone(s) covered by the plan undertake to:

1. Bear the cost of some elements of the plan, in particular infrastructure (storm sewer, aqueduct, sanitary sewer, etc.), parks development and facilities (electrical network, postal box areas, bus shelters, etc.);
2. Complete the project within the deadline set by the City Council;
3. Provide the financial guarantees determined by the City Council;

Conditions are indicated in the resolution adopted by the City Council to this effect.

Article 2.1.14 Unfavorable decision of the City Council

The City Council, after receiving the recommendations of the Urban Planning Advisory Committee, may refuse the CDP. The resolution by which the City Council refuses the application must specify the reasons for the refusal.

Article 2.1.15 Transmission of the City Council decision

As soon as possible after the adoption of the resolution, the City Clerk or Secretary-treasurer sends a certified copy to the applicant and the Director.

Article 2.1.16 Amendment to urban planning by-laws

Following approval of the CDP, the City Council may adopt a by-law amending the urban planning by-laws to integrate the CDP. However, approval of the CDP in no way commits the City Council to amending the urban planning by-laws. If an amendment to the urban planning by-laws is required, no permit can be issued before said amendment has come into force.

Article 2.1.17 Modification to the CDP

Once approved by the City Council, the approved Comprehensive Development Program cannot be modified before, during or after the work.

Any modification made to the Comprehensive Development Program after the approval by the City Council, in accordance with this by-law, requires the presentation of a new complete application and the required fees apply.

Section 2 Financial guarantees

Article 2.2.1 Financial guarantee deposit

A financial guarantee deposit in the form of a letter of guarantee or certified cheque must be made if the approval of a CDP is subject to such a deposit.

The amount of this financial guarantee is established according to the nature of the CDP.

The financial guarantee deposit must be made prior to the issuance of any permit or certificate related to the CDP.

Article 2.2.2 Collection of the security deposit

In case of failure to respect the completion deadlines or any other requirement related to the CDP, the City may cash the bank guarantee letter or cheque it holds, without notice or delay.

Article 2.2.3 Reimbursement of guarantee deposits

Within 30 days following completion of the work, the sums paid as guarantee will be reimbursed:

1. When the required documents have been filed;
2. When the conditions and requirements related to the CDP have been met;
3. When the work has been carried out to the satisfaction of the City or when it has been established that no damage has been caused to public structures and equipment.

CHAPTER 3 CRITERIA FOR EVALUATING AN APPLICATION

Section 1 Comprehensive Development Program for zone H01-07

Article 3.1.1 Scope of application

In zone H01-07, a Comprehensive Development Plan (CDP) must be produced, in accordance with the procedures of this by-law, when an application for amendment of the urban planning by-laws is made.

Any CDP must comply with the guidelines of the urban plan and the evaluation criteria in this section.

Article 3.1.2 General objective

The application of the CDP for this sector aims to regulate the implementation of a quality living environment taking into account the characteristics of the site. This living environment must be economically and socially viable, acceptable for all and respectful of the environment.

Article 3.1.3 Authorized Uses

Uses applicable to the CDP are those authorized by the zoning by-laws in force.

Article 3.1.4 Density applicable to the CDP

The gross residential occupancy density must meet the density thresholds determined in the urban plan.

Article 3.1.5 Criteria relating to subdivision

Subdivision is evaluated based on the following criteria:

1. The subdivision plan provides buildable areas adequate for conservation of mature trees on the site;
2. The size of the lots on the perimeter of Garden Crescent must match that of the existing lots to ensure continuity;
3. The shape of the lots allows development of visual openings through the central island of the crescent;
4. Establishment of a continuous network of active links (cycle paths, trails, multifunctional, sidewalks, etc.) and public spaces (parks, green spaces, public squares) as well as equitable sharing between these modes and the automobile is prioritized.
5. The width of lots along public roads is closely related to the buildings constructed there, so as to ensure the creation of a dense but friendly urban setting;
6. For a subdivision, the orientation, surface area and dimensions of the lots must maximize the number of lots facing public roads based on the type of use and the surface areas of the buildings, so as to create a continuous built frontage and to ensure a rhythm of facades at the pedestrian level.

Article 3.1.6 Criteria relating to location, built environment and architectural quality

The location, built environment and architectural quality are evaluated based on the following criteria:

1. Architectural styles (volumetry, height, roof shape, covering materials, composition of facades) of the proposed buildings are compatible with existing buildings and offer an appropriate transition in scale with the surrounding neighbourhoods;
2. Location aims to maximize sunshine and natural lighting inside the building, but also in exterior spaces, taking into account the summer and winter solstices;
3. Location of new buildings around the crescent must respect the alignment of existing buildings;
4. Location of buildings allows creation of outdoor community spaces or private amenities contributing to support social exchanges;
5. Location of buildings on existing outdoor parking areas is preferred;
6. Integration of interior parking in buildings is encouraged;

- 7. Electrical transformers and other similar equipment installed at ground level must be incorporated into structures whose materials are similar to those of the main buildings;
- 8. Areas and equipment for collecting waste, recyclable material and composting are arranged and visually integrated into the built complexes, or barely visible from the street if they cannot be integrated.

Article 3.1.7 Criteria relating to land development

Land development is evaluated based on the following criteria:

- 1. At least 50% of the currently vacant lots on Garden Crescent must be maintained as green space accessible to residents;
- 2. The project must include the development of at least one public space including play areas and equipment for children;
- 3. Proposed constructions and facilities promote conservation of existing mature trees;
- 4. Proposed landscaping includes planting trees throughout the site to increase the canopy;
- 5. Landscaping favors naturally planted spaces rather than impermeable surfaces;
- 6. For safety purposes, facilities must be developed in such a way as to avoid creating blind spots, both on private land and in public spaces;
- 7. Off-street parking areas, if such cannot be avoided, or for spaces for people with reduced mobility, or for visitors, must be set up in a side or rear yard and be arranged in such a way as to reduce their visibility from the street. They must also be configured to allow the flow of rainwater to natural retention sites (rain garden, strip of filtering vegetation, swales, etc.);
- 8. Measures and developments allowing natural infiltration of surface runoff are to be encouraged;
- 9. Sidewalks are built to facilitate universal accessibility to buildings.

Article 3.1.8 Criteria relating to housing typologies

Housing typologies are evaluated based on the following criteria:

- 1. The project provides for varied typologies of housing responding to diverse clienteles (families, students, single people, seniors, young professionals, etc.);
- 2. Social diversity according to age, health, family composition, income (e.g. availability of low-cost rental housing in a condominium building) is encouraged;
- 3. The project includes the development of adapted housing on the ground floor.

MAYOR

ASSISTANT CITY CLERK