

**ADMINISTRATIVE COMPILATION
BYLAW 11-23**

**BYLAW CONCERNING SPECIFIC CONSTRUCTION, ALTERATION OR
OCCUPANCY PROPOSAL FOR AN IMMOVABLE (SCAOP)**

Adopted by the Municipal Council on December ~~1~~², 2023
Entry into force on xx

Name and/or number of bylaw, politic, resolution	Date of Council's approval	Coming into force	Status

PREFACE

The reader is hereby advised that any errors or omissions that may be identified in the text below do not affect the enforceability of the regulations and amendments referred to therein, as sanctioned in their original version.

THEREFORE, it is moved by Councillor Dr. Jean Amyotte and seconded by Councillor Chantal Allen.

AND RESOLVED THAT Council decrees and adopts the following:

CHAPTER 1: DECLARATORY, INTERPRETATIVE AND ADMINISTRATIVE PROVISIONS

Section 1 Declaratory provisions

1. Title

This bylaw is entitled "*Bylaw concerning specific construction, alteration or occupancy of an immovable*".

2. Validity

The Council adopts the present bylaw as a whole and also chapter by chapter, section by section, article by article, paragraph by paragraph, subparagraph by subparagraph and indent by indent. If any chapter, section, article, paragraph, subparagraph or indent of the present bylaw is declared null and void by an authorized body, the remainder of the bylaw shall continue to apply to the fullest extent possible.

3. Purpose of the bylaw and scope of application

The purpose of the present bylaw is to empower the Council to authorize, upon request and subject to certain conditions, on a specific site located within a zone, without, however, covering the entire zone, a specific project for the construction of a new building, the modification of an immovable or the occupation of an immovable which derogates from one or more provisions of one or more of the following bylaws:

1. The current zoning bylaw;
2. The current subdivision bylaw;
3. Building bylaw in force.

4. Covered territory

This bylaw applies to the entire territory of the Municipality of Pontiac.

5. Application of the bylaw

The designated official is responsible for the application of this bylaw as established in the Permits and Certificates bylaw in force.

CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF PONTIAC

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REGULAR meeting of the Council of the Municipality of Pontiac, held on xxx, 2023, at 7:30 p.m., at the Luskville Community Centre, at which meeting were present:

The Mayor, Mr. Roger Larose

The Council Members:

Caryl McCann
Garry Dagenais
Serge Laforest
Chantal Allen
Jean Amyotte

Council members and being a quorum.

WHEREAS, pursuant to sections 145.36 to 145.40 of the Act respecting land use planning and development (RLRQ, chapter A-19.1), any local municipality may adopt a bylaw respecting specific construction, alteration or occupancy projects to allow, under certain conditions, a project to be carried out even though it derogates from one or other of the municipality's planning bylaws;

WHEREAS the Municipal Council considers that it is in the public interest to adopt such a bylaw, particularly to authorize projects that deviate from municipal bylaws but whose characteristics and proposed interventions respect the objectives of the Master Plan;

WHEREAS the Municipality of Pontiac set up a Planning Advisory Committee several years ago;

WHEREAS several requests have been made to the Municipality of Pontiac, but that the channel for this type of request does not exist in Pontiac;

WHEREAS the Municipal Council deems it necessary and in the public interest to establish standards for the occupancy and maintenance of buildings;

WHEREAS a notice of motion of the present bylaw was previously given at the regular Council meeting of November 14, 2023;

WHEREAS members of Council received a copy of the 1st draft bylaw at the meeting of November 14, 2023, are in possession of a copy of the present bylaw, declare having read it and renounce to its reading by the Acting Director General;

6. Fines

Anyone who commits an offence is liable to a fine of not less than \$300 and not more than \$1,000 in the case of a natural person, or not less than \$600 and not more than \$2,000 in the case of a legal person.

In the case of a repeat offence, the offender is liable to a fine of not less than \$600 and not more than \$2,000 in the case of a natural person, or not less than \$1,200 and not more than \$4,000 in the case of a legal person.

Any continuous infringement of a provision of the planning bylaws constitutes, day by day, a separate and distinct infringement.

7. Powers and duties of the designated officer

The powers and duties of the designated officer are defined in the current Permits and Certificates bylaw.

8. Contraventions, penalties, remedies and legal proceedings

The provisions relating to fines, penalties, remedies and legal proceedings with respect to the bylaw are those set out in the Permits and Certificates bylaw in force.

9. Tables, graphs, symbols and the like

A table, graph, symbol or any form of expression other than the text appearing in this bylaw forms an integral part thereof.

Section 2 Interpretative provisions

10. Terminology

In the present bylaw, unless the context indicates otherwise, any term has the meaning attributed to it in the terminology index in Appendix 1 of the current zoning bylaw.

If a term is not specifically defined in the terminology index, it must be understood in the common sense.

11. System of measurement

Dimensions in the present bylaw are in the International System (SI).

12. Priority of application

In the event of any inconsistency between two provisions of the bylaw or between a provision of the bylaw and a provision contained in another bylaw, the specific provision takes precedence over the general provision.

In the event of any inconsistency between restrictive or prohibitive provisions contained in the bylaw or in the event of any inconsistency between a restrictive or prohibitive provision contained in the bylaw and a provision contained in any other bylaw, the more restrictive or prohibitive provision shall apply.

13. References

All cross-references to other regulations contained in this bylaw are open, meaning they extend to any changes that may be made to the regulation to which the cross-reference refers after the regulation comes into force.

Section 3 Administrative provisions

14. Application of the bylaw

The designated officer is responsible for enforcing this bylaw as set out in the current Permits and Certificates bylaw.

15. Powers and duties of the designated officer

The powers and duties of the designated officer are defined in the Permits and Certificates bylaw.

16. Contraventions, penalties, remedies and legal proceedings

The provisions relating to a contravention, penalty, recourse or legal proceedings in respect of the bylaw are those set out in the current Permits and Certificates bylaw.

CHAPTER 2 : ELIGIBILITY, ASSESSMENT AND PROCESSING OF AN APPLICATION FOR A SCAOPI

17. Eligibility of the application for SCAOPI

An application for approval of a particular project must be forwarded by the applicant or his authorized agent to the designated officer to determine its eligibility. It must be signed by the applicant or his authorized agent and accompanied by the required information and documents.

18. Information required for an application for approval of a specific project

An application for a specific construction, alteration or occupancy project must be accompanied by the following documents and information:

- 1° A duly completed "SCAOPI application" form;
- 2° Payment of application fees;
- 3° All documents and information required under the Permits and Certificates bylaw in effect, depending on the nature of the SCAOPI submitted.

19. Documents required for an application for approval of a specific project

An application for approval of a specific project must be accompanied by the following information and documents:

- 1) The full name, address and telephone number of the owner and of the occupant, if different from the owner;
- 2) The address and cadastral number of the site covered by the application;
- 3) When requested by the official, two (2) copies of a report prepared by a biologist including the delineation and characterization of plant formations and wetlands, a survey of water bodies and watercourses and their high-water marks, an inventory of plants of precarious status and an inventory of wildlife species of precarious status. If the site has none of these features, a document prepared and signed by a biologist must confirm this. The requirements of this paragraph do not apply to a site located within an urbanization perimeter, which has no wooded areas and where a simple visual examination reveals the absence of the natural elements referred to in this paragraph;
- 4) Two (2) copies of a certificate of location showing, for the site in question, the following information :
 - a) The boundaries, dimensions and area of the lots forming the site, as well as their cadastral numbers;
 - b) Any existing construction;
 - c) The distance between any existing construction and a site boundary;
 - d) Location and width of any vehicular access;
 - e) Any landscaped areas and their dimensions;
 - f) Terrain contours equidistant by no more than two metres;
 - g) Any existing easements;
 - h) Location of existing water bodies, lakes and watercourses;
 - i) The location of wetlands;
 - j) Location of wooded areas and isolated mature trees.
- 5) When requested by the official, two (2) copies of a site plan or subdivision plan showing, for the site concerned, the following information and details :
 - a) Boundaries, dimensions and area of the lot;
 - b) Existing or planned servitudes on the lot;
 - c) The location of any equipment or above-ground street furniture or utilities located on the public thoroughfare facing the lot;

- d) The natural high-water mark of any body of water, lake or watercourse as defined by the *Politique de protection des rives, du littoral et des plaines inondables* (Q-2, r. 35);
 - e) The delimitation of the area to be cleared for construction purposes, including buildings, driveways, septic installations and amenity areas;
 - f) The location of any existing or planned construction on the lot, including any mechanical equipment on the ground, and its distance from the lot limits;
 - g) The location of any existing or planned exterior service area, including a handling space or dock and a space reserved for waste storage;
 - h) The location and dimensions of parking spaces, driveways, access aisles and entrances to any outdoor parking area. If parking spaces reserved for the disabled are planned, they must be identified on the plan;
 - i) The location and dimensions of any circulation or manoeuvring area intended for use by trucks or heavy vehicles;
 - j) The location and dimensions of any sidewalk or circulation area intended for pedestrians or cyclists;
 - k) Location and dimensions of any outdoor storage or display area and surrounding fence, with indication of height and type of fence;
 - l) The location and dimensions of any area planted or intended to be planted with grass, shrubs or trees;
 - m) Location and dimensions of any amenity area;
 - n) The finished grade around any building, the grade at the top of the foundation, the grade of the driveway and the grade of the public thoroughfare facing the property where the work is to be carried out;
 - o) Invert water and sewer services in front of lots, when required.
- 6) When requested by the officer, two (2) copies of architect's, engineer's or building technologist's plans of any main or accessory building including:
- a) When requested by the officer, plans of all floors showing perimeter and openings;
 - b) When requested by the officer, elevations of all exterior walls, showing the type and colour of all materials visible from the outside;
 - c) When requested by the officer, sections and architectural details necessary to ensure understanding of the project.
- 7) When requested by the officer, two (2) copies of a document and accompanying plans explaining the overall concept recommended for stormwater drainage, including proposed retention structures, where applicable;

- 8) When the proposed work is to be carried out in an environment characterized by the presence of one or more other main buildings, recent photographs or an architectural survey of existing buildings on the site and on neighbouring sites;
- 9) When requested by the official and when the proposed work is likely to have a visual impact on the quality of natural landscapes, the location of the main building must be identified on the site concerned by means of benchmarks set by a land surveyor;
- 10) When requested by the official and when the planned work is to be carried out in a wooded area, the work and deforestation zones must be identified on the site concerned using markers such as stakes, ribbons or paint marks.

20. Compliance with urban plan objectives

To be authorized, a specific construction, alteration or occupancy project must comply with the objectives of the urban plan.

21. Sectors where SCAOPI is prohibited

A specific construction, alteration or occupancy project may not be authorized in a sector where land use is subject to special constraints for reasons of public safety.

CHAPTER 3 - CRITERIA FOR ASSESSING A SPECIFIC PROJECT APPLICATION

22. General assessment criteria

The general criteria used to evaluate a request for authorization for a specific project are as follows:

- 1) The project must meet the objectives of the current urban plan, as well as those of municipal policies on urban planning, housing, development, architecture and design;
- 2) Planned occupancies must be compatible with the surrounding environment;
- 3) When the planned occupations are non-residential and are planned in or near a residential environment, the potential nuisance to residents must be negligible, particularly regarding noise;
- 4) If the project involves the construction of a new building or the modification of an existing building, its architecture must be in keeping with the surrounding environment;
- 5) The architectural concept must demonstrate an effort of design and architectural research favouring an architecture adapted to the receiving environment;

- 6) The siting of a building on a site must adapt to the natural topography of the land, favouring its integration with the natural character of the environment and maximum preservation of existing mature trees on the site, where applicable;
- 7) The location of the building(s) on the site must be planned in such a way as to minimize its visual impact;
- 8) Buildings must be sited in such a way as to reduce the length of access aisles and the disturbance to the environment resulting from their construction;
- 9) The project must contribute to enriching the town's natural, architectural and landscape heritage;
- 10) When the project involves lodging, restaurant or recreational activities, it must contribute to the improvement and diversification of the recreation and tourism offer;
- 11) Priority should be given to projects that preserve natural landscapes and features of natural interest;
- 12) Projects and constructions must contribute to sustainable stormwater management. Lot drainage must be considered during initial planning and should preferably include ecological stormwater management on new lots, notably through retention and natural infiltration.

23. Assessment criteria for a project located within an urbanization perimeter

In addition to the general criteria, the criteria used to evaluate an application for authorization of a specific project located within an urbanization perimeter are as follows:

- 1) When the project is located on a vacant site contiguous to one or more other vacant sites, consideration must be given to the potential development of neighbouring sites, particularly regarding vehicular and pedestrian traffic networks and the extension of public water supply and sanitary sewer systems;
- 2) Public water and sanitary sewer services must be provided for the project. In cases where this is technically impossible, dependent on the prior completion of another project or too costly and does not jeopardize the potential service to adjacent or nearby sectors, an alternative may be proposed. In this case, solutions involving shared facilities are to be preferred to individual facilities.

24. Application process for SCAOPI

Adoption of the draft or 1st draft bylaw (Section 124 LAU)

Adoption of a draft resolution granting or refusing the request for authorization of the SCAOPI. As soon as possible after the adoption of the SCAOPI, the clerk or clerk-treasurer of the Municipality forwards to the Regional County Municipality a certified copy of the SCAOPI and the resolution by which it is adopted.

(Section 145.38 LAU)

The resolution by which the Council grants the request specifies any conditions, with respect to the Municipality's jurisdiction, that must be met in order to carry out the SCAOPI.

The resolution by which the Council refuses the request specifies the reasons for the refusal.

Display on the lot

(Section 145.39 LAU)

As soon as possible after the adoption, under section 124, of a draft resolution granting an application for authorization of a SCAOPI, the clerk or clerk-treasurer of the Municipality must, by means of a poster or sign placed in a prominent location on the site covered by the application, announce the nature of the application and the place where any interested person may obtain information relating to the SCAOPI project.

This obligation ceases when Council adopts the resolution granting the request for authorization or waives it. However, if the resolution adopted must be approved by persons entitled to vote, the obligation ceases when the referendum process ends.

Public notice announcing a public meeting

(Section 126 LAU)

No later than the seventh day prior to the public meeting, the clerk or clerk-treasurer of the municipality posts a notice of the date, time, place and purpose of the meeting at the office of the municipality and publishes the notice in a newspaper circulated within its territory.

Public consultation

(Section 125 LAU)

The Municipality holds a public meeting on the SCAOPI through the Mayor or another Council member designated by the Mayor.

Council sets the date, time and place of the meeting; it may delegate all or part of this power to the Clerk or Clerk-treasurer of the Municipality.

If the draft contains a provision specific to a bylaw subject to referendum acceptance

Adoption 2nd draft

(Section 128 LAU)

After a public meeting has been held regarding a SCAOPI having a provision specific to a bylaw subject to referendum approval, the Council of the Municipality adopts, with or without changes, a second draft resolution. The second draft resolution may only contain such a provision relating to a subject if that subject was the subject of such a provision contained in the first draft resolution.

Public notice indicating the possibility of applying for referendum approval of the project

(Section 132 LAU)

Following the adoption of the second draft resolution, the Clerk or Clerk-treasurer gives, in accordance with the law governing the Municipality in this matter, a public notice indicating

to interested persons the possibility of applying for referendum approval of the SCAOPI.

If the Municipality receives a valid request, the provisions of the LAU and the LERM must be followed to ensure the continuation of the adoption process of the SCAOPI

Finale adoption

(Section 135 LAU)

The Municipal Council adopts the SCAOPI

Transmission to the MRC

(Section 137.2 LAU)

As soon as possible after adoption, the Clerk or Clerk-treasurer forwards a certified copy of the SCAOPI and the resolution by which it was adopted to the Regional County Municipality whose territory includes that of the Municipality.

Approval of the SCAOPI by the MRC

(Section 137.3 LAU)

Within 120 days of the transmission provided for in section 137.2, the Council of the Regional County Municipality must approve the SCAOPI, if it complies with the objectives of the MRC's plan and the provisions of the complementary document or disapprove it if it does not.

Coming into force of the SCAOPI

(Section 137.15 LAU)

The SCAOPI comes into force on the date the MRC issues its certificate of conformity. It is deemed to comply with the objectives of the MRC's plan and the provisions of the complementary document.

Issuance of permit and transmission to applicant

(Section 145.40 LAU)

When the Council's resolution authorizes the specific construction, alteration or occupancy project requested, the officer may then issue the required building permit, subdivision permit or certificate of authorization, provided the application complies with the application filed by the applicant, with the Council's conditions set out in the resolution granting the special building, immovable alteration or occupancy project, and with all other provisions of the urban planning bylaws with the exception of that which was the subject of the special building, immovable alteration or occupancy project.

As soon as possible after the resolution comes into force, the Clerk or Clerk-treasurer forwards a certified copy to the applicant.

CHAPTER IV - FINAL PROVISIONS

25. Coming into force

The present bylaw will come into force once all the formalities required by law have been completed.

GIVEN AT PONTIAC, this December 14, 2023.



Louis-Alexandre Monast
Assistant Director General,
Clerk and Secretary-treasurer



Roger Larose
Mayor

<u>Notice of motion :</u>	November 14, 2023
<u>Tabling of the draft bylaw</u>	November 14, 2023
<u>Adoption of the bylaw :</u>	December 12, 2023
<u>Resolution:</u>	23-12-5143
<u>MRC certificate of compliance:</u>	
<u>Date of publication</u>	
<u>And coming into force :</u>	xxx

