

# Municipality of Bristol

## By-Law Concerning Specific Construction, Alteration or Occupancy proposals for an Immovable -

No. 305



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# CHAPTER 1. DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

## 1.1 **TITLE OF BY-LAW**

This By-Law is entitled « By-Law # 305 Concerning Specific Construction, Alteration or Occupancy of a Building ». The interpretation and the administrative rules of this By-Law are defined in the current version of the « Administration and Interpretation of Planning By-Law ».

## 1.2 **OBJECTIVES**

The by-law on Concerning Specific Construction, Alteration or Occupancy proposals for an Immovable (SCAOI) is intended to allow, under certain conditions, a project being realized despite the fact that it derogates from any of the planning by-laws of the municipality.

## 1.3 **TERRITORY AFFECTED**

This by-law applies to the entire territory under the jurisdiction of the Municipality of Bristol.

## 1.4 **SCOPE**

The by-law applies in the zones mentioned in Chapter 3 of this current by-law document.

## 1.5 **USE GROUPS AND TARGETTED ZONES**

Groups of uses and zones covered by this by-law correspond to groups of uses and zones identified existing zoning by-laws.

## **1.6 VALIDITY**

The Council decrees this by-law as a whole and also chapter by chapter, article by article, paragraph by paragraph and subparagraph by subparagraph so that if a chapter, article a paragraph or subparagraph of this regulation was or were to be declared invalid by a court having jurisdiction in the matter the other provisions of this by-law continue to apply.

## **1.7 APPENDICES**

Any schedule attached hereto forms an integral part for all purposes of the law.

## **1.8 BY-LAW REGULATIONS COVERED**

The Council may authorize, upon application and requirements of this regulation, a special project on the territory of the Municipality of Bristol, which derogates from the regulations provided for in Chapter IV of An Act respecting Land Use Planning and Development (Chapter, C. A-19.1).

## **1.9 ACTS AND OTHER REGULATIONS**

No provision of the by-law can be interpreted as having the effect of removing a person from the application of a law or a provincial or federal regulations and any provision of another law.

## **1.10 TABLES, GRAPHS AND SYMBOLS**

A table, graph, symbol or any expression other than the text itself, contained therein or to which it refers is part of the by-law.

## **1.11 UNITS OF MEASURE**

All dimensions and measures used in the by-law are expressed in the International System of Units (SI).

## **1.12 CROSS-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 occur in another regulation which is being made after the entry into force of this by-law.

## **1.13 PRECEDENCE OF A PROVISION**

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

1. In case of contradiction between the text and title, the text shall prevail;
2. In case of contradiction between the text and any other form of expression, the text shall prevail.

## **1.14 TERMINOLOGY**

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

1. « Council » refers to the Municipal Council of the Municipality of Bristol;
2. « Committee » refers to the Planning Advisory Committee of the Municipality of Bristol;
3. « Specific Project » refers to specific construction, alteration or occupancy of a building;
4. « Street » refers to public streets, private, range roads, highways and roadways open to traffic;
5. « By-law » refers to this present by-law.

For the interpretation of the regulation, unless the context indicates otherwise, any word or expression has the meaning ascribed to it are defined in the current version of the document entitled *Administration and Interpretation of Planning By-Law*. If a

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word or phrase is not specifically defined in this chapter, it is then necessary to refer to common sense as defined in the dictionary.

## **1.15 ADMINISTRATION OF BY-LAW**

The administration of this by-law falls within the responsibility of the Designated Officer appointed by a resolution of the Council.

## **1.16 APPLICATION OF BY-LAW**

The implementation, monitoring and control of the by-law fall within the responsibility of the Designated Officer appointed by a resolution of the Council.

## **1.17 POWERS AND DUTIES OF THE DESIGNATED OFFICIAL**

The powers and duties of the Designated Officer are defined in the current version of the document entitled *Administration and Interpretation of Planning By-Law*.

## **1.18 FINES, PENALTIES, REMEDIES AND PROSECUTION**

Any natural or legal person who fails to comply with any provision of this Regulation is subject to the remedies provided by law. The provisions relating to a contravention, a penalty, an appeal or prosecution in respect of the current version of the document entitled *Administration and Interpretation of Planning By-Law*.

## CHAPTER 2. **HANDLING OF AN APPLICATION**

### **2.1 OBLIGATION OF THE APPLICANT**

Specific projects covered by this by-law are subject to approval by Council.

In addition, the applicant must comply fully with the conditions attached to the authorization obtained by the adopted municipal resolution and to submit to the Designated Officer any request that would amend the occupation of the building or that would result in a change of one or more elements, criteria, objectives or development conditions contained in this by-law or in the adopted municipal resolution authorizing the particular project.

### **2.2 SUBMITTING AN APPLICATION**

An application for approval of a specific project must be provided, in writing and signed by the applicant or his authorized representative, to the designated officer.

### **2.3 INFORMATION AND DOCUMENTS REQUIRED FOR AN APPLICATION**

Any request for approval of a specific project must include the following information and documents, to be submitted in triplicate:

1. Surname, first name, postal and email addresses, telephone and fax number of the applicant or their authorized representative, if any;
2. Where applicable, the power of attorney establishing the mandate of any person authorized to act on behalf of the owner;
3. Location of the specific project;
4. Detailed description of the specific project, including in particular, the current and projected uses;
5. Proposed timetable of the specific project;
6. Reasons for which the specific project cannot be realized in accordance with the applicable regulations;

7. Where necessary, a subdivision plan made by a land surveyor, describing the land on which will the specific project will be laid out;
8. A site plan, produced by a land surveyor, showing the location of existing buildings or planned which should appear when necessary, access for vehicles, roadways, parking areas, loading and unloading areas, existing or proposed features and the layout of existing surrounding buildings;
9. A document containing the following information:
  - a. Total floor area of existing and/or proposed buildings;
  - b. Measurements of the volume of existing and/or proposed buildings;
  - c. Height of the existing and proposed structures on the ground and, when required, on adjacent land;
10. When necessary, the plans, specifications, drawings, sketches, elevations, sections and other documents required to describe and illustrate:
  - a. The architectural appearance of the specific project;
  - b. Integration proposals or demolition of existing structures, conservation and enhancement of original architectural elements;
  - c. Proposals for conservation and enhancement of existing or original architectural elements;
  - d. Landscaping proposals for outdoor spaces, including retaining walls, enhancement and protection of existing and proposed planting;
  - e. Existing grade elevations prior to the specific project and finished grade elevations following completion of the specific project;
  - f. Building floor elevations;
  - g. Identification of parking areas, including signage and access;
  - h. the phases of the specific project, if applicable;
  - i. In the case of renovation, repair or alteration of a building, recent photographs of the latter as well as photographs of the facades of buildings on adjacent land;
11. The title of the applicant's property in respect of the land on which must be built the specific project or an offer to purchase the said land or, failing that, permission from the landowner to submit the application;
12. An overall assessment of the cost of specific project;
13. Any other documents necessary for a proper understanding of the specific project and for good measure, the impacts of said specific project.

## **2.4 REQUIRED FEES**

The person filing an application for a specific project must pay to the Municipality prior to the analysis of the file, the amount of 1500.00 dollars.

This sum covers the costs for the study of the application. It is not refundable, regardless of the outcome.

## **2.5 PAYMENT OF FEES**

An application for a specific project will not be considered unless the taxes on the land covered by the application have been paid.

## **2.6 STUDY OF THE APPLICATION BY THE DESIGNATED OFFICIAL**

The Designated Officer shall ensure that the application complies with the requirements of this by-law concerning the procedure for an application for a specific project. It will ensure in particular that all the information necessary for a proper understanding of the application had been submitted and that the fees were collected. The application will not be considered complete until all required documents have been provided.

The Designated Officer may request, if deemed necessary, additional information or documents for the consideration of the application.

## **2.7 DELAYED REVIEW**

If the information and documents required are incomplete and inaccurate, the review of the application is suspended until the information and documents required are provided by the applicant or authorized representative. The application is deemed to have been received on the date of reception of the additional information and documentation.

## **2.8 TRANSMITTING OF APPLICATION AND REVIEW BY THE PLANNING ADVISORY COMMITTEE**

The Designated Officer shall forward all admissible and complete applications to the Planning Advisory Committee within 30 days of its receipt accompanied by all relevant documents.

The Advisory Planning Committee (APC) reviews the specific project and verifies compliance with the present by-law. The Committee may request if deemed necessary, additional information or documents for consideration of the application.

The analysis of the application is carried out based on the criteria identified in this by-law. Any other consideration necessary for understanding the project and the specific conditions, which, although not provided for in planning by-laws, may be specified and required from the applicant or their authorized representative.

Within 30 days of receipt of the application by the Committee, which formulates in writing its views and recommendations to Council, taking into account the criteria prescribed in these rules, the Committee may suggest the conditions of approval of the project to Council. The opinion is transmitted to Council.

## **2.9 PUBLIC NOTICE**

The Clerk of the Municipality of Bristol must, at least 15 days prior to the meeting at which the Council must decide on the application for authorization of a Concerning Specific Construction, Alteration or Occupancy proposals for an Immovable (SCAOI, through a public notice in accordance with the Act cities and Towns (RSQ, C. C-19) and by means of a poster or sign placed in a conspicuous place on the site on which the application applies, publish:

1. The date, time and place of the meeting;
2. The nature of the application;
3. The designation of the building covered by the application, specifying the adjacent roadway, the street number, or failing that, the lot number;
4. The right of any person to be heard on the application at the Council meeting.

## **2.10 DECISION BY COUNCIL**

The issuance of a permit or a certificate for a specific project covered by the regulation is subject to approval by the City Council.

Council must, after consultation with the Planning Advisory Committee and after hearing any interested person, grant or deny the specific project application submitted to it in accordance with this by-law.

The resolution by which the Council grants the request for specific project should set conditions with regard to the jurisdiction of the municipality, which must be completed.

The resolution by which the Commission denies the request must specify the reasons for the refusal.

## **2.11 PUBLIC CONSULTATION MEETING**

Following the adoption of the resolution by which the Council grants the request of specific project, the municipality shall hold a public consultation meeting on the project in accordance with Sections 124 to 127 of the Land Use Planning and Development Act (RSQ, C. A-19.1).

## **2.12 TRANSMISSION OF THE COUNCIL DECISION**

As soon as possible after the adoption of the resolution, the clerk shall transmit a certified copy to the applicant.

## **2.13 PERMITS AND CERTIFICATES**

Upon presentation of a certified copy of the resolution by which the Council grants the application for authorization of a specific project, the Designated Officer shall issue the permit or certificate if the standards set out in the planning regulations are complied with, if required fees have been paid and subject to any condition to be fulfilled at the time of issuance of the permit or certificate and under the Council resolution granting the application for specific projects.

## **2.14 CHANGES TO PLANS AND DOCUMENTS**

Any changes to the plans and documents after the approval of the Council in accordance with this by-law, requires the submission of a new application.

## **2.15 PERIOD OF VALIDITY**

If the individual project authorized in the application has neither been achieved nor has it been realized within 12 months after the adoption of the resolution granting the specific project, this resolution is null and void.

A new request for specific project for the same item can be made.

## **2.16 MISREPRESENTATION**

Misrepresentation or producing false documents for one or more of the provisions of this by-law has the effect of invalidating any resolution, permit or certificate issued under this by-law relating to the application for the specific project under consideration.

## CHAPTER 3. TYPES OF ELIGIBLE PROJECTS AND EVALUATION CRITERIA

### **3.1 USE GROUPS TARGETTED**

An application for a specific project may involve project categories residential, commercial, industrial and complementary.

### **3.2 TYPES OF ELIGIBLE PROJECTS**

The Council may authorize, upon request and with the conditions laid down in this Regulation, a specific construction, alteration or occupancy of a building located in the territory, for any construction work or derogations from one or the other regulations under Chapter IV of the Land Use Planning and Development Act.

### **3.3 PARTS OF THE TERRITORY EXCLUDED**

The parts of the territory where the land is subject to specific constraints for public safety reasons cannot be subject to an application for a specific project.

### **3.4 APPLICABLE EVALUATION CRITERIA**

A specific project application is evaluated based on the following criteria:

1. Compliance with the Urban Master Plan objectives;
2. Compatibility of uses planned with the surrounding environment;
3. Overall improvement of the surrounding environment or providing an attractive alternative;
4. Integration of the project in terms of siting, massing, architecture, use, density and landscaping the surrounding area;
5. Landscaping is being enhanced through conservation or enrichment of vegetation and plantation;

6. Location of the building adapted to the natural topography of the land, integration to the natural character of the environment and the preservation of existing mature trees, if any;
7. Environmental impacts of the project in the surrounding environment, including the plan or map of sunshine, wind, noise, fumes and traffic;
8. Quality of the functional organization of the project, especially in view of the traffic, parking, access and safety;
9. Feasibility of the project according to the implementation schedule.

## CHAPTER 4. FINAL PROVISIONS

### 4.1 ENTRY INTO FORCE

This by-law shall enter into force in accordance with the provisions of the law.

BRISTOL, QUEBEC on this day June 1<sup>st</sup>, 2015

.....  
Brent Orr,  
Mayor

.....  
Christina Peck,  
Director General

Date of Adoption of the Draft By-Law: May 4<sup>th</sup>, 2015  
Date of Adoption of the By-Law: June 1<sup>st</sup>, 2015  
Date Receipt of the Certificate of Conformity: \_\_\_\_\_