

Note : In the case of any discrepancy between the French and the English version of this by-law, the French version prevails.

**CANADA
PROVINCE OF QUEBEC
TOWN OF DORVAL ISLAND**

**By-law C-07-0002
BY-LAW CONCERNING SITE PLANNING AND ARCHITECTURAL INTEGRATION
PROGRAM**

SUMMARY OF ADOPTION PROCEDURE

**NOTICE OF MOTION: August 30, 2006
ADOPTION OF PROPOSED BY-LAW: February 13, 2007
PUBLIC MEETING: September 28, 2007
ADOPTION OF BY-LAW: February 27, 2008
EFFECTIVE: March 2008**

In its session on February 27, 2008, the Council of the Town of Dorval Island decrees:

CHAPTER I

PURPOSE, INTERPRETATIVE AND ADMINISTRATIVE PROVISIONS

1. APPLICABLE AREA

1.1 Title and Effective Date

- a) This by-law can be referred to as the “By-law on Site Planning and Architectural Integration Program of the Town of Dorval Island” or “S.P.A.I.P.”
- b) This by-law will take effect as provided by law.

1.2 Validity

The Council decrees the adoption of this by-law both in its entirety and article by article. In the event any given article is declared null and void, the other articles will not be affected.

1.3 Applicable Area

This by-law applies to all zones under the jurisdiction of the Town of Dorval Island.

1.4 Jurisdiction

A lot or a part thereof, a piece of land, a building or a structure must be built or occupied in accordance with the provisions of the Zoning By-law (Number 51) and of the Construction By-law (Number 52).

1.5 Interpretation

- a) Unless otherwise stated, any word or expression has the meaning and significance attributed thereto in this by-law. If a word or expression is not specifically defined in this by-law, it has the meaning as defined in the Zoning By-law or, in its absence, it is used in the sense generally attributed thereto.
- b) All sizes and measures used are expressed in units of the international system (metric) with equivalents, in brackets, in the British system. This equivalence is only given as a guide and in the case of any discrepancy, the international system prevails.
- c) Any plans, schedules and other forms of expression other than the text itself that are included in this by-law are an integral part thereof, with the exception of the table of contents.
- d) In the case of any discrepancy between the text and any other form of expression, the text prevails; in the case of any discrepancy between the French and the English version of this by-law, the French version prevails.
- e) In the case of any inconsistency between two provisions in this by-law or between this by-law and another by-law, the specific provision takes precedence over the general provision; in the same way, unless otherwise indicated, the most restrictive and prohibitive provision must be applied.

1.6 Provisions of the laws and other by-laws

Any person who occupies or uses a lot, a structure, a building or any part thereof, who erects a building or a structure, or who undertakes work on a lot, building or structure must comply with the provisions of this by-law as well as any legislative or regulatory provision, Federal and Provincial, and any provision of another municipal by-law, and must ensure that the lot, building, structure or renovations be occupied, used, erected or executed, as the case may be, in compliance with such provisions and those in this by-law.

1.7 Building Inspector

In order to manage and enforce this by-law, the Council will appoint a Building Inspector, whose obligations, powers, duties and functions are outlined in the Permits and Certificates By-law of the Town of Dorval Island.

1.8 Permits and Certificates

- a) Any person who wishes to build, expand, renovate or demolish a building, build or erect a swimming pool or occupy a lot, must first submit all plans and required documents to the

Building Inspector and to the Council for approval and obtain the necessary permit or certificate.

- b) The terms and conditions for issuing permits and certificates of authorization are outlined in the Permits and Certificates By-law of the Town of Dorval Island.

1.9 Violation, Penalty and Appeal

- a) Without prejudice to other municipal proceedings, any person who violates any of the provisions of this by-law commits an offence and is subject to a fine, with or without costs.
- b) The amount of this fine is set at the discretion of the Court having competent jurisdiction that hears the case; the amount of this fine must not exceed \$1,000 nor be less than \$25.
- c) A violation of any of the provisions of this by-law constitutes, day by day, a separate and distinct violation.
- d) In order to enforce the provisions of this by-law, the City may proceed to any other appropriate civil or penal recourse, cumulatively or alternatively, in conjunction with those provided for in this by-law.

CHAPTER II

2. PROVISIONS WITH RESPECT TO THE APPROVAL OF A S.P.A.I.P.

An application for a subdivision permit, building permit or a certificate of authorization in all areas identified in the zoning plan which is part of the Zoning By-law is subject to approval of a S.P.A.I.P. by City Council.

3. FILING AN APPLICATION FOR APPROVAL OF A S.P.A.I.P.

Applicants for approval of a S.P.A.I.P., or their duly authorized agent, must present a written application to the Building Inspector appointed by the Town Council.

4. CONTENT OF THE APPLICATION

An application for the approval of a S.P.A.I.P. must include the following documents and information:

- a) the last name, given name and address of the applicant, agent (if applicable) and professionals hired to prepare the S.P.A.I.P.
- b) 3 copies of a layout plan on a scale of at least 1:250, including the information required in this by-law.
- c) 3 copies of an architectural plan (elevation drawing of each side of the building, the roof, etc.) illustrating the proposal and nature of the work.

d) 3 copies of the building plan or of any part of the building where work is to be carried out.

e) In the case of land development, 3 copies of a scale plan, showing the whole building and indicating precisely the location and nature of the work outlined in the application.

f) In the case of relocation of a structure, 3 copies of a plan indicating the present and proposed location of the structure.

g) In the case of repairs to a structure, 3 copies of a document explaining the nature of the proposed repair work and the materials to be used.

h) At least 3 photos showing the land and the building referred to in the application, as well as neighbouring land and buildings.

i) At least 3 copies of a layout plan showing, for the location involved, the following information:

1) the boundaries and size of the lot and, if applicable, the existing roads and their connection to the adjacent road system;

2) all existing and proposed structures;

3) the smallest distance between a structure and a property line;

4) any outdoor landscaping (plantations, trees, lawns, footpath, stone and concrete paving, lighting, retaining wall, swimming pools and related equipment, etc.);

5) the drainage of the lot showing the proposed geodesic level after backfilling or excavation, the direction of the drainage of surface water and the difference in the geodesic level with neighbouring lots and the crown of the street;

6) any mechanical HVAC equipment located outside the building;

7) any equipment and structure for garbage storage;

8) the level of the top of the ground floor as compared to:

- the crown of the street, measured at the centre of the property line directly leading to the main entrance of the building, in the case of a building located outside the area liable to be flooded;

- the centenary recurrent flood rating in the case of a building located inside the area liable to be flooded;

9) the location of all water inlet valves,

10) the line of high water;

- 11) the boundaries of the area liable to be flooded.
- j) At least 3 copies of the perspective of the building or an elevation drawing of the front of the building.

The plans accompanying an application for approval of a S.P.A.I.P. should be on a scale of 1:500 or on a scale which will ensure that the project will be understood.

The Building Inspector verifies the contents of the application. The applicant must provide any additional information required by the Inspector to clarify the application as per this by-law.

5. FEES

The amount required for examining an application for approval of a S.P.A.I.P. covers the analytical costs incurred by the Town.

6. STUDY OF APPLICATIONS BY THE BUILDING INSPECTOR

The Building Inspector examines the application and verifies that all the required information and documents have been provided and that the project complies with the provisions of municipal by-laws.

If the required information and documents are incomplete or inaccurate, examination of the application is suspended until the necessary information and documents have been provided by the applicant. The application is then considered to have been received on the date when the additional information and documents were received.

If the project described in the application does not comply with the provisions of another municipal by-law, the Building Inspector will inform the applicant thereof, within thirty (30) days following the received date, mentioning those elements that are non-compliant.

If the project described in the application is complete and complies with the provisions of other municipal by-laws, the Inspector will send the application to the Advisory Committee on Planning within 30 days of receiving the application.

7. STUDY OF THE APPLICATION BY THE ADVISORY COMMITTEE ON PLANNING AND TRANSFER TO TOWN COUNCIL

The Advisory Committee on Planning has thirty (30) days following receipt of the application to evaluate its compliance with the objectives and criteria related to a S.P.A.I.P. set forth in Articles 11 and 12 and to formulate its recommendations by resolution to the City Council.

8. STUDY AND DECISION BY COUNCIL

The Council renders its decision by resolution at the next regular session after having received the recommendation from the Advisory Committee on Planning. A copy of this resolution shall be sent to the applicant.

The Council shall approve the application if it complies with this by-law. The Council may apply one or several conditions to this approval.

In the event that the application does not comply with this by-law, the Council shall reject the application and must give reasons for this rejection.

9. ISSUE OF THE PERMIT

Upon presentation of a copy of the resolution granting the application for approval of a S.P.A.I.P., the Building Inspector will deliver the necessary permit or certificate to the applicant as provided for by municipal by-laws.

10. DEADLINE FOR THE EXECUTION OF WORK

The applicant has a period of two (2) years following the date of adoption of the resolution by which the Council approved the S.P.A.I.P. to complete the work referred to in the application. If the applicant does not complete this work within the specified period, the rights granted by the resolution are rescinded and a new application for approval of a S.P.A.I.P. must be filed.

CHAPTER III

OBJECTIVES AND CRITERIA

11. OBJECTIVES

The objectives relevant to the layout and architecture of the buildings targeted by this by-law are:

- a) to preserve the rustic nature of the area
- b) to maintain and enhance the original features of existing buildings
- c) to preserve the distinctiveness of the original built environment
- d) to ensure that new buildings will be integrated into the existing built environment by minimizing their effect on neighbouring buildings, especially by their architecture (volume measurement) and their layout (ground clearance)
- e) to ensure that all secondary buildings fit into the style of the main building
- f) to preserve the distinct original landscaping which is noted for its vegetation, mature trees, lawns, shrubs and hedges
- g) to preserve the natural topography of the land and the setup of the original land register

12. CRITERIA

The following criteria must be considered in order to verify that the objectives listed in Article 11 have been respected:

a) Alignment of Construction:

The proposed alignment must be consistent with neighbouring lots.

b) Architecture of the Main Building

Preference must be given to the use of wood cladding materials as an exterior coating.

The proposed architectural style should be inspired by the existing rustic style.

In the case of modifications to an existing building, the result should blend with the architectural style of the existing building, bearing in mind the layout of the openings, the exterior coating materials and the type of roof.

The dimensions and volume measurement of the building should not differ greatly from neighbouring buildings.

c) Architecture and Location of Secondary Buildings

Any secondary building should be discreet and hidden from the street as much as possible, and its architecture should be similar to that of the main building.

d) Equipment related to building systems

All equipment related to building systems, including but not restricted to, antennas; heating, ventilation, air conditioning (HVAC); solar and wind power installations; etc.; must be installed discreetly and/or obscured within the landscaping in order to integrate with the building and its surroundings

e) Subdivision

Lots must be similar to each other in terms of size (width, depth and area).

f) Land Development

Land in the natural state or large grassy areas must clearly predominate over surfaces covered in hard materials.

It is important to preserve mature trees; protective measures must be taken if work is undertaken close by.

Any part of a lot that is not used for construction must be planted with a variety of plants similar to those found in the natural environment.

CHAPTER IV

FINAL PROVISIONS

13. EFFECTIVE DATE

This by-law takes effect in accordance with the law.