VILLE DE MONTRÉAL
BOROUGH OF BEACONSFIELD/BAIE D'URFÉ

BY-LAW NO. 728

BY-LAW ON SPECIFIC CONSTRUCTION, ALTERATION OR OCCUPANCY PROPOSALS FOR AN IMMOVABLE IN THE BOROUGH OF BEACONSFIELD/BAIE D'URFÉ

CONSOLIDATED

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(By-law 728-01 – 2025-02-24)

Adopted at the regular meeting
of the Borough Council
held on May 6, 2003.

BY-LAWNO. 728

"BY-LAW ON SPECIFIC CONSTRUCTION, ALTERATION OR OCCUPANCY PROPOSALS FOR AN IMMOVABLE IN THE BOROUGH OF BEACONSFIELD/BAIE D'URFÉ"

At the regular meeting of the Borough Council of the Borough of Beaconsfield/Baie-d'Urfé, held Tuesday, May 6, 2003 at 8:00 pm in the Borough Office council room located at 303 Beaconsfield Blvd., Beaconsfield, Montréal, Québec.

PRESENT: Borough Chair, Roy Kemp and Councillor Anne-Marie Parent.

On motion of Councillor A.M. Parent, seconded by Borough Chair R. Kemp, it is UNANTh10USL Y RESOLVED that:

WHEREAS the notice of motion of this by-law was given at the duly convened adjourned meeting of the Borough Council held on April 22, 2003;

WHEREAS a draft by-law entitled "By-law on Specific Construction, Alteration or Occupancy Proposals for an Immovable in the Borough of Beaconsfield/Baie d'Urfé" was adopted by a resolution of the Council at the duly convened adjourned meeting _and held on Tuesday, April 22, 2003;

WHEREAS a duly convened public consultation meeting pertaining to this by-law was held by the Council on Tuesday, May 6, 2003;

WHEREAS on June 14, 2002, Bill 106 entitled *An Act to amend various legislative provisions concerning municipal affairs* (2002, Chapter 37) was approved by the National Assembly;

IN VIEW OF sections 145.36 and 145.37 of Division XI of *An Act respecting land use planning and development,* RSQ, c. A-19.1 conceming specific construction, alteration or occupancy proposals;

THE COUNCIL ADOPTS THE FOLLOWING PROVISIONS:

CHAPTER I

INTERPRETATION

SECTION 1. In this by-law, the following words mean:

Committee: The advisory committee on urban planning;

Council: The Council of the Borough of Beaconsfield/Baie d'Urfé;

Director: The director of the Urban Planning and Business Services division of the Borough of Beaconsfield/Baie d'Urfé;

CHAPTER II

SUBJECT

SECTION 2. The Council may authorize, upon request and under the conditions provided herein, a specific construction, alteration or occupancy proposal for an immovable located within the limits of the borough, which is at variance with one or more by-laws provided under Chapter *N* of *An Act respecting land use planning and development,* RSQ, c. A-19.1.

CHAPTER III

AUTHORIZATION APPLICATION PROCEDURE

SECTION 3. An application for authorization, pursuant to s. 2, must be submitted to the appropriate director, as follows:

I. The application must be submitted on the form provided by the Borough, be fully completed and be signed by the owner of the immovable or by the latter's representative;

2. The fees in effect in the Borough for reviewing this application, as specified in By-law 723 concerning permits and certificates for any applications submitted to the advisory committee on urban planning, must be paid;

3. The following documents must be provided:

a) A survey of the land pertaining to the specific proposal or a certificate of location for any structure built on the land, including its technical description;

b) A certified copy of any deed establishing that the applicant owns this land or a document establishing that the applicant holds an option to purchase the land or, if the land in question belongs to the City of Montréal, a proof of intent to purchase approved by the director of the Borough Office or a director of a City division;

c) A power of attorney, where applicable, authorizing a representative to act on behalf of the owner;

d) A statement signed by the owner or by the owner's agent, specifying the intended uses of any building covered by the specific proposal;

e) A document outlining the purposes of the application and a summary description of the proposal in question.

SECTION 4 The application for authorization shall not be considered if the applicant has failed to file a specific proposal application in compliance with s. 7.

SECTION 5 If an application for authorization has not been considered pursuant to s. 4, the applicant may file a new application on the condition that it complies with all requirements of s. 3.

SECTION 6 The date of reception of the application for authorization under s. 7 is the date on which it was duly completed and filed with the Urban Planning and Business Services Division.

SECTION 7 The applicant must file with the director of the division the specific proposal covered by this application when applying for authorization. The applicant must accordingly provide the following information in writing:

1. Building coverage of structures that exist and that are to be built on the lot and a description of how they fit into the urban environment;

2. The size of the lot and the total land area;

3. Front, rear and side setbacks of the building;

4. Setbacks from neighbouring buildings;

5. Sufficient data on natural land levels to indicate topography.

6. Natural levels of adjacent land measured 1 metre beyond the property line;

7. Gable elevation of the proposed building;

8. Ground floor elevations of adjacent immovables and the proposed immovable;

9. Exterior dimensions of the foundations and the total surface area;

10. Types of intended uses for the lot and existing or planned structures on it;

11. Land coverage ratio of existing and planned structures;

12. Overall cubic dimensions and height of existing and planned structures on the lot and how they will fit within the urban context;

13. Anticipated public domain uses;

14. Proposals to integrate or demolish existing structures, or to preserve or enhance original architectural features;

15. Proposals to develop outdoor spaces, to enhance and protect existing planted areas and the locations and diameters of all existing trees;

16. Vehicular access, pedestrian and vehicular signage, parking spaces, unobstructed access ways;

17. In the case of residential or commercial immovables that exceed the maximum heights provided in the zoning by-law, the necessary studies must be planned to assess the proposal in terms of sunlighting, wind and traffic. The necessary noise and emission studies must also be planned in the case of industrial immovables;

18. Identification of soil contamination risks through identification of prior uses of the lot covered by the proposal based on information such as available cartographic documents.

The applicant may include any documents deemed to be pertinent in supporting the proposal that is submitted.

In addition to the information specified in the first subsection, the director may require that the applicant conduct a study or obtain an additional expert report pertaining to some aspect of the proposal. The director shall set a deadline of no more than 30 days, as of the date on which the director notifies the applicant of this requirement, for the production of such a study or expert report.

Documents submitted pursuant to this section shall remain the property of the City of Montréal.

SECTION 8 For the purposes of s. 10, the date on which a specific proposal is submitted is the date on which the applicant has provided all of the information required in s. 7. The director shall notify the applicant of this date.

CHAPTER IV

ASSESSMENT CRITERIA

CHAPTER 9 The application for authorization shall be assessed on the basis of the following criteria:

1. Compliance with the City of Montréal's urban development plan;

2. Compatibility of the uses provided in the proposal with the surrounding environment;

3. The quality of the proposal for integrating or demolishing existing structures;

4. The quality of proposal for preserving or enhancing original architectural features;

5. The proposal's potential for enhancing outdoor spaces and planted areas;

6. Where necessary, the proposal's environmental aspects, particularly in terms of sunlighting, wind, noise, emissions and traffic, as stated in s. 7;

7. The quality of the proposal's functional organization, particularly in terms of parking, access and safety;

8. Benefits of the social and cultural components of the proposal.

9. Universal accessibility of a building so as to reduce the height differences between the public road and the ground floor of a building, provide an access path whose slopes are minimized and provided with sufficient lighting and provide parking spaces reserved for people with reduced mobility near the access doors.

(728-01, sec. 1)

CHAPTER

APPROVAL PROCEDURE FOR A SPECIFIC PROPOSAL

SECTION 10 Within 90 days of the filing date of a complete application for a specific proposal pursuant to the requirements of s. 3 and all of the information provided in s. 7, the director will transmit a copy of the proposal to the Committee, with or without comment.

SECTION 11 Following review of the specific proposal, the Committee shall submit its opinion to the Council and its recommendation on whether to conditionally or unconditionally grant or reject the application for authorization.

SECTION 12 The director shall transmit a copy of the specific proposal application to the Council, accompanied by his or her recommendation on conditionally or unconditionally granting or on rejecting the application for authorization.

SECTION 13 The Council shall adopt a resolution granting or rejecting the application for authorization for a specific proposal submitted to it.

The resolution under which the Council approves the application shall stipulate any conditions that must be met when carrying out the proposal. The Council shall set a deadline of no more than 18 months for the proposal to be carried out once the certificate of authorization has come into effect.

SECTION 14 Modes of consultation, approval by way of referendum and assessments of conformity as stipulated in *An Act respecting Land use planning and development,* RSQ, c. A-19.1, shall apply, in view of necessary modifications with respect to the resolution under which the Council grants the request.

CHAPTER VI

COMING INTO FORCE

SECTION 15 This by-law shall come into force pursuant to existing law.

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BOROUGH PRESIDENT

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BOROUGH SECRETARY