

PROVINCE OF QUEBEC
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2946

INTERIM CONTROL BY-LAW PC-2946 IN
RELATION TO THE REVISION OF THE PLANNING
PROGRAM AND URBAN PLANNING BY-LAWS

In force on May 6, 2022

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT
CITY HALL, 451, SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON MAY 3, 2022 AT
7:00 P.M.

PRESENT: Councillors C. Homan, T. Stainforth, E. Tedford, P. Bissonnette, B. Cowan,
E. Stork and B. Tremblay forming quorum under the chairmanship of Mayor
Tim Thomas.

ABSENT: Councillor K. Thorstad-Cullen

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING WAS
THE FOLLOWING:

BY-LAW NUMBER: PC-2946

RESOLUTION NUMBER: 2022-266

PROPOSED BY COUNCILLOR COWAN

SECONDED BY COUNCILLOR TREMBLAY

AND RESOLVED:

WHEREAS the City of Pointe-Claire is subject to the provisions of the Act respecting land use planning and development;

WHEREAS the City has undertaken the revision of its urban plan and regulations in accordance with the provisions of the Act respecting land use planning and development and wishes to implement an interim control by-law to exercise and modulate a freeze effect on the planning and development of certain parts of the territory during the revision process of the said regulatory tools;

WHEREAS by virtue of the precautionary principle, an interim control regime is necessary for the City to proceed with studies, analyses, planning and the establishment of a regulatory framework necessary to guarantee the quality of life of its citizens;

WHEREAS pursuant to Division VII of the Community Planning Act, the City of Pointe-Claire may prohibit new uses of the land, new structures, demolitions, applications for cadastral operations or the parcelling out of lots by alienation;

WHEREAS a notice of motion was given at the meeting of March 8, 2022 and a draft by-law was tabled on April 19, 2022.

CONSEQUENTLY THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

1 Declaratory provisions

1.1 Preamble

The preamble forms part of this Interim Control By-law.

1.2 Title of the By-law

The present By-Law is entitled «Interim Control By-law PC-2946 in relation to the revision of the Planning Program and urban planning by-laws».

1.3 Purpose of the By-law

This by-law establishes rules applicable to certain development or urban redevelopment projects located in the following zones or areas:

- a) Zones C and Cb in the City Centre Area as delineated in the Special Planning Program (SPP) for the City Centre PC-2768;
- b) Shopping centres located in the C-1 and C-8 zones as delineated in Zoning Plan included in the Zoning By-Law PC-2775;
- c) Zones Re and Rf as delineated in the Zoning Plan included in the Zoning By-law PC-2775;
- d) The zones Mu1 and Mu2 as delineated on the Zoning Plan included in Zoning by-law PC-2775;
- e) The Pointe-Claire Village Core;
- f) The Valois Village Core;
- g) Zone Pb-1 as delineated on the Zoning Plan included in Zoning by-law PC-2775;
- h) Zone Rc-22 as delineated on the Zoning Plan included in Zoning by-law PC-2775.

1.4 Replacement

This by-law replaces, for all intents and purposes, the by-law entitled «Interim Control By-Law respecting the implementation of mixed-use or residential projects in certain areas of the Municipality PC-2892» as well as the applicable amending by-laws.

Such replacement does not affect proceedings instituted under the authority of the by-laws so replaced, and this, until final and binding judgment.

1.5 By-law's scope

Provisions for this by-law is incumbent on both natural and legal persons under public or private law.

1.6 Territory of application

This by-law applies to the entire City of Pointe-Claire.

1.7 Subject to intervention

Land, parts of land, buildings, structures and works to be excavated, erected, occupied, altered, converted, enlarged, repaired, developed, demolished or relocated shall be done in accordance with the applicable by-law. Similarly, any land, part of land, building, structure or work whose occupancy or use is changed shall do so in accordance with the provisions of the applicable by-law.

1.8 Adoption in parts

Council enacts that this by-law be passed as a whole and also, chapter by chapter, section by section, subsection by subsection, article by article, indent by indent, paragraph by paragraph and subparagraph by subparagraph, so that if any chapter, section, subsection, article, indent, paragraph, or subparagraph thereof shall be or be declared to be invalid, the remaining provisions of this by-law shall continue to apply to the extent possible.

1.9 Documents in appendices

The following appendices are part of the present by-law:

Appendix 1: C and Cb Zones located in the City Center Area as delineated in the Special Planning Program PC-2768;

Appendix 2: C1 and C8 Zone as delineated in the Zoning Plan included in the Zoning By-Law PC-2775;

Appendix 3: Re and Rf Zones as delineated in the Zoning Plan included in the Zoning By-Law PC-2775;

Appendix 4: Zones Mu1 and Mu2 as delineated in the Zoning Plan included in the Zoning By-Law PC-2775;

Appendix 5: The Pointe-Claire Village Core

Appendix 6: The Valois Village Core

Appendix 7: Zone Pb-1 as delineated in the Zoning Plan included in the Zoning By-Law PC-2775;

Appendix 8: Zone Rc-22 as delineated in the Zoning Plan included in the Zoning By-Law PC-2775.

2 Interpretative provisions

2.1 Interpretative rules of the By-Law

In general, the provisions of this by-law shall be interpreted in accordance with the following rules:

- a) The use of verbs in the present tense includes the future tense;
- b) The use of the masculine gender includes the feminine gender, unless the context indicates otherwise;
- c) The use of the singular includes the plural, unless the context indicates otherwise;
- d) A specific provision of this by-law prevails over a conflicting general provision;
- e) In the event of any inconsistency between any provision of the English and French versions of this by-law, the provision or provisions of the French version shall prevail.

2.2 Interpretation of the By-law in case of contradiction

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

- f) In the event of any inconsistency between the text and a heading, table, chart, graph, symbol or other form of expression, the text shall prevail;
- g) In the event of any inconsistency between the text and any other form of expression, the text shall prevail;
- h) In the event of any inconsistency between the text and a document annexed to this by-law, the annexed document prevails.

2.3 Precedence of the By-law

In the event of a conflict between the provisions of this by-law and any applicable provisions of the City's By-Law, the more stringent provision shall prevail.

2.4 Units of measurement

Measurements in this by-law are given in units of the International (SI) metric system and in units of the imperial system (feet and inches). In the event of a discrepancy, the International System (SI) metric shall prevail.

2.5 Zones and Landscape Units

The Zoning Map appended to Zoning By-law PC-2775 and the Landscape Unit Plan appended to Village Code PC-2880 are an integral part of this by-law.

Each landscape unit identified on the Landscape Unit Plan shall be considered one zone.

2.6 Lots in more than one zone

Where a lot straddles a zone boundary or zone area boundary, the specific provisions that apply to the principal building shall be those of the zone or area in which the majority of the principal building is located. However, the provisions relating to the development and use of outdoor spaces shall be complied with in the respective zone or zone area, regardless of where the principal building is located.

2.7 Correspondance to the Particular Provisions Table of the Zoning By-Law

Each zone identified on the Zoning Plan or Landscape Unit Plan corresponds to a column or columns in the Particular Provisions Table of Zoning By-Law PC-2775 where the specific provisions for each zone are set out.

2.8 Terminology and definitions

For the interpretation of this by-law, unless the context indicates a different meaning, any word or expression has the meaning assigned to it in Appendix 1 of Zoning By-Law PC-2775. The following terms are exceptions to the rule:

Addition of a building: Construction of an additional building attached to the existing building or otherwise, on a landsite already occupied by a building.

Extension: Action aimed at increasing the volume of an existing structure or ground floor area of the structure: by association, « extension » shall also be taken to mean the product of such action.

Shopping centre: Commercial building or use combining more than six (6) establishments.

Principal structure: The structure intended for a principal use.

Improvement cutting: A cutting made in a stand past the sapling stage to improve composition and quality through the removal of less desirable trees of any species.

Improvement cutting in a maple grove: Harvesting of undesirable commercial species or individuals of a lower quality in a maple grove cultivated for their sap or destined for this purpose in order to improve the quality of the stand by ensuring its long-term maple syrup production.

Sanitation cutting: The removal of dead, damaged, or susceptible trees, essentially to prevent the spread of pests or pathogens and so promote forest hygiene.

Thinning: A partial cutting or spacing operation made in an immature forest stand to accelerate the growth of the remaining trees and to improve or preserve the overall quality of the stand.

Selection cutting: Annual or periodic felling of trees selected individually or in small groups in an uneven-aged stand, in order to realize the yield and establish a balanced selection structure through cultural operations required to ensure tree growth. Felling is uniformly spread out across the forest floor. The removal of the trees' basal area does not exceed 30% over a 25-year period.

Height of building: Vertical distance between the average adjacent ground level and the highest point of the building. In cases of peaked roofs, the highest part of the building is the top of the peak.

Modification: Alteration, other than a repair, brought to a structure with the result of modifying its shape, its volume or its appearance, be it on the inside or the outside.

Transformation: Alteration, other than a repair, brought to a structure with the result of modifying its shape, its volume or its appearance, be it on the inside or on the outside.

When a word or an expression is not specifically defined in the Zoning By-Law or in this by-law, then it refers to its common meaning as defined in the dictionary.

2.9 Classification of uses

For the interpretation of this by-law, unless the context indicates a different meaning, the classification of uses is available in Appendix 4 of the Zoning By-Law PC-2775.

3 Administrative Provisions

3.1 Administration and Enforcement

The administration and enforcement of this by-law shall be entrusted to the officers designated by resolution of City Council.

3.2 Duties of Designated Officer

The designated officer in the performance of his or her duties shall exercise the powers conferred upon him or her under the Permits and Certificates By-Law PC-2788.

3.3 Duties of an owner, tenant, occupant or applicant

Without limiting the obligation to comply with all applicable provisions of the by-law in force, the owner, lessee or occupant of land, a building, a construction or a work or the applicant for a permit issued or a certificate issued pursuant to this by-law shall:

- a) Submit any information, plan, report, certificate or other document required by the designated officer in the performance of his or her duties;
- b) Obtain any permit or certificate before commencing work for which such a document is required;
- c) Carry out the work in accordance with the permit or certificate issued and the regulatory provisions in force;
- d) Notify the designated officer before making any changes to the authorized work and obtain his authorization before proceeding with the changes;
- e) Allow the designated officer to visit or examine the building at any stage of the work.

3.4 Interference with an Inspector

No person shall interfere with an officer designated under this by-law in the performance of his or her duties. In particular, no person shall mislead or attempt to mislead the officer by withholding information or by making false statements. An official shall, if required, identify himself or herself and produce a document attesting to his or her status.

4 Normative provisions

4.1 General provisions

In accordance with the provisions of Section 112 of the Act respecting land use planning and development, the prohibitions listed in Section 4 of this by-law do not apply to the following:

- a) New constructions, applications for subdivisions:
 - 1° For the purposes of the installation, by a municipality, of water or sewer services in an existing public street in execution of an order made under the Environment Quality Act (chapter Q-2);
 - 2° For the purposes of the installation of electricity, gas, telecommunication or cable distribution networks;
 - 3° For the purposes of a forest management activity or of a wildlife management activity on lands in the domain of the State.
- b) Applications for cadastral operations required by a declaration of co-ownership made under article 1038 of the Civil Code or by the alienation of part of a building requiring the partitioning of the land on which it is situated.

4.2 Provisions applicable to zones C and Cb of the City Center Area

4.2.1 Territory covered

The zones covered by this section are the C and Cb zones delineated in Appendix 1, which is an integral part of this by-law and within which the following uses may be authorized as conditional uses in accordance with the Conditional Uses By-Law PC-2791 or as uses specifically permitted in accordance with Zoning By-Law PC-2775:

- a) Class C-1 and class C-2 residential uses;
- b) Class C-1 commercial uses

4.2.2 General Prohibitions

The following is strictly prohibited in the zones mentioned in Article 4.2.1:

- a) Any cadastral operation, any new main construction as well as any extension, modification or transformation of an existing building for the purpose of authorizing the following:
 - 1° A multi-family dwelling, namely a residential building containing more than four (4) dwellings, including rental buildings;
 - 2° Cooperative housing;
 - 3° Condominiums or undivided co-ownerships;
 - 4° Affordable rental buildings;
 - 5° Residences for autonomous seniors.
- b) Any new subdivision as well as any main construction, extension, modification or transformation of an existing building for the purpose of authorizing an inn keeping establishment or hotel facility, as defined in Class C-1 of article A-4.2 of Appendix 4 of the Zoning By-Law, that is to say, in which the principal activity consists of lodging transient and short-term clients, such as hotels, motels and inns when the said use is permitted within the framework of the Conditional Uses By-Law PC-2791.

4.2.3 Specific prohibitions applicable to zones C-5 and C-6

In zone C-5 and C-6, any alteration to an existing main building is specifically prohibited when:

- 1° The floor area added by the proposed work is greater than 1 000 m²,
- 2° The total number of storeys is greater than 3.

4.2.4 Exclusions

The following buildings are not subject to the application of section 4.2.2:

- a) Lot 2 527 393 (1-243 Place Frontenac)
- b) Lot 3 913 229 (17 Place de la Triade)
- c) Lot 2 527 349 (990 Saint-Jean). This exclusion ceases if a minor variance from the by-laws in force is required for the implementation of the project as proposed.
- d) Lot 2 527 350

PC-2946-3 a. 1

4.3 Provisions applicable to shopping centers located in the C-1 and C-8 zones

4.3.1 Territory covered

The zones covered by this section are the C-1 and C-8 zones delineated on Appendix 2, which is an integral part of this by-law.

4.3.2 Prohibitions

Any cadastral operation, as well as any new main construction, extension, modification or transformation of an existing building is specifically prohibited in the zones mentioned in Article 4.3.1 when:

- 1° The floor area added by the proposed work is greater than 1 000 m²,
- 2° The total number of storeys is greater than 3.

4.4 Provisions applicable to the Re and Rf zones

4.4.1 Applicable area

The zones covered by this section are the Re and Rf zones delineated on Appendix 3, which is an integral part of this by-law.

4.4.2 Prohibitions

Any cadastral operation, as well as any new main construction, expansion, modification or conversion of an existing building in order to authorize a new "residential" use that is part of class C-1 or C-2 as defined in the article A-4.1 of Appendix 4 of the Zoning By-Law PC-2275, is strictly prohibited in the zones mentioned in section 4.4.1.

However, when authorized in the Particular Provisions Table in Appendix 3, which is an integral part of Zoning By-law PC-2775, multifamily dwellings in the form of single- or bi-family townhouses on a single landsite are permitted.

The construction of a building that is ancillary to a principal use that is part of class C-1 or C-2 as defined in article A-4.1 of Appendix 4 of Zoning By-Law PC-2275 is also permitted.

4.4.3 Exclusions

Excluded from the application of section 4.4.2 is any expansion, modification or conversion of an existing multi-family dwelling on the condition that the work complies with the planning by-laws in force.

Also excluded from the application of section 4.4.2 are the following properties:

- a) The lots 2 528 136 and 2 528 413 (275 Hymus);
- b) The lot 2 528 138 (325 Hymus);
- c) The lots of the Quartier One West project, being part of zone Re34;
- d) The lots of the Livéo by Sotramont project, being part of zone Rf5.

PC-2946-1 a. 3, PC-2946-2 a. 1

4.5 Provisions applicable to Zones Mu1 and Mu2

4.5.1 Territory covered

This section applies to zones Mu1 and Mu2 as delineated on the Zoning Plan forming an integral part of Zoning By-Law PC-2775 and reproduced on Appendix 4 of this by-law.

4.5.2 Prohibitions

Any subdivision as well as the construction of any new principal building for the purpose of authorizing a use listed in the Particular Provisions Table (Appendix 3) applicable to zones Mu1 and Mu2, which is an integral part of Zoning By-law PC-2775, is specifically prohibited.

4.5.3 Exclusions

The following constructions, works and undertakings are not subject to section 4.5.2:

- a) Those that contribute to the development and maintenance of existing woodlands and natural environments such as the following works:
 - 1° Improvement cutting
 - 2° Improvement cutting in a maple grove:
 - 3° Sanitation cutting
 - 4° Thinning
 - 5° Selection cutting
 - 6° Cutting for wildlife management as well as extensive recreational and tourism development, such as the building of trails and installations for recreation, recreational tourism, interpretation or constructions (building for reception, services, interpretation, etc.), provided that the surface area felled is limited to the minimum space needed for implementation and suitable use;
 - 7° Cutting required for conservation, protection and promotion of wildlife habitats, including maintenance and development work on waterways.
- b) Those that allow for the realization of extensive recreational activities on the condition that the interventions carried out do not result in significant modifications to the topography, drainage and environmental characteristics of the sector.
- c) Those required for the development of the Pointe-Claire station of the Réseau Express Métropolitain (REM).
- d) Those required to allow the modification, extension or transformation of an existing building located in the Mu1 zone. The following conditions apply to authorized work:
 - 1° The floor area added by the work must be equal to or less than 1,000 m²;
 - 2° The total number of floors must be less than 3;
 - 3° There is no change to the use of the building affected by the work.

PC-2946-1 a. 4

4.6 Provisions applicable to the Pointe-Claire Village Core

4.6.1 Territory covered

This section applies to the zones or parts of zones situated within the village core of Pointe-Claire as delineated in Appendix 5 which is an integral part of this by-law.

4.6.2 Prohibitions

The following is strictly prohibited in the territory delimited in section 4.6.1:

- a) The construction of any new principal building as well as any extension, modification or conversion of an existing building for the purpose of authorizing a multi-family dwelling that is part of residential class C-1 or C-2 as defined in article A-4.1 of Appendix 4 of Zoning By-Law PC-2275;
- b) The construction of any new principal building as well as any extension, modification or conversion of an existing building for the purpose of authorizing a commercial use that is part of commercial class C-1 as defined in article A-4.2 of Appendix 4 of Zoning By-Law PC-2275.

4.7 Provisions applicable to the Valois Village Core

4.7.1 Territory covered

This section applies to the zones situated within of the Valois Village Core as delineated in Appendix 6, which is an integral part of the present by-law.

4.7.2 Prohibitions

The construction of any new principal building as well as any extension, modification or transformation of an existing building for the purpose of authorizing a multi-family dwelling of residential class C-1 or C-2 as defined in article A-4.1 of Appendix 4 of Zoning By-Law PC-2275 is specifically prohibited in the territory delimited in section 4.7.1;

4.8 Provisions applicable to the Zone Pb-1

4.8.1 Territory covered

This section applies to the zone Pb-1 as delineated in the Zoning Plan forming an integral part of Zoning By-Law PC-2275 and reproduced in Appendix 7 of this by-law.

4.8.2 Prohibitions

Are strictly prohibited in zone Pb-1 any subdivision, construction of any new principal building as well as any extension, modification or transformation of an existing building in order to authorize the following:

- a) Facility offering products or services related to culture, arts or recreation, or food products;
- b) Arts or crafts shop or studio, arts or crafts store, art gallery, bookstore;
- c) Music or dance school; private school;
- d) Health and wellness centre;
- e) Establishment which use is complementary to a public class "A" use (parks and playgrounds) or to a public class "B" use (institutions);
- f) Restaurant, café, reception hall;
- g) Cultural facility, concert hall, theater;
- h) Inn, hostel or short-stay accommodation;
- i) Commercial establishment that is operated by or for a public, community or non-profit organisation

4.9 Provisions applicables to zone Rc-22

4.9.1 Territory covered

This section applies to zone Rc-22 as delineated in the Zoning Plan forming an integral part of the Zoning By-Law PC-2275 and reproduced on Appendix 8 of this by-law.

4.9.2 Prohibitions

Any demolition as well as any modification, transformation or improvement of an existing building are specifically prohibited in the territory delimited in section 4.9.1. If such modification, transformation or improvement is intended to replace all or part of an existing commercial use with a residential use.

5 Provisions relating to certificates of authorization and permits

5.1 Conditions for issuing a permit or certificate

A permit or certificate may only be issued in accordance with the regulations in force. If there is a fee attached to the issuance of a permit or certificate, then the fee must be paid prior to the issuance of the permit or certificate.

5.2 Processing of an application for a permit or certificate

The processing of an application for a permit or certificate shall be in accordance with the Permits and Certificates By-Law PC-2788.

5.3 Validity of a permit or certificate

The conditions of validity of a permit or certificate shall be as set out in the Permits and Certificates By-Law PC-2788.

5.4 Permit and certificate fee

The fee for a permit or certificate shall be as set out in By-law PC-2933, in effect at the time the application for a permit or certificate is processed, prescribing the fees payable for the financing of goods, services and activities provided by the City of Pointe-Claire.

6 Infractions, Penalties and Remedies

6.1 Infractions

Any person who contravenes any provision of this by-law or any other applicable planning by-law is guilty of an offence.

In case of emergency or when an infraction poses a public danger, and if the offender does not immediately follow the notice of the designated officer, the latter shall, as soon as possible, stop the work through the police force.

Where a designated officer finds that a person has refused to comply with the provisions of the notice, he or she may cause the corrective work at the expense of the offender.

6.2 Notice by Designated Officer

Where any person commits an offence under this by-law, the designated officer shall issue a written notice to the owner of the nature of the offence and requiring the owner to comply with the by-law. A copy of such notice shall be filed in the property file.

6.3 Initiative to prosecute

Should the owner, tenant, occupant or offender fail to comply with a written notice to comply with this by-law within the time limit indicated, the designated officer is authorized to issue a statement of offence.

Should the owner, occupant, lessee or offender fails to comply with the notice of violation within the time and in the manner prescribed, Council may take appropriate action against the person concerned in the Municipal Court or in another court of competent jurisdiction. This may order the cessation of any land use or construction that is inconsistent with this by-law or any other by-law applicable to the case.

Council may exercise all civil remedies necessary to enforce the provisions of this by-law in the courts of civil jurisdiction.

The City may, for the purpose of enforcing the provisions of this by-law, exercise cumulatively or alternatively with the remedies provided for in this by-law, any other appropriate remedy of a civil or criminal nature. Similarly, and without limitation, the City may exercise all the remedies provided for in the relevant sections of the *Act respecting land use planning and development* (L.R.Q. c. A-19.1).

6.4 General Sanctions

Any person who commits an offence under this by-law is liable, in addition to costs, to a fine as indicated in the following table:

Table 1

Type of offender	Minimum amount	Maximum amount
1° First offence		
a) Natural person	\$ 500	\$ 1 000
b) Legal person	\$ 2 000	\$ 2 000
2° In the case of a second offence		
a) Natural person	\$ 1 000	\$ 2 000
b) Legal person	\$ 4 000	\$ 4 000

6.5 Continuing Offence

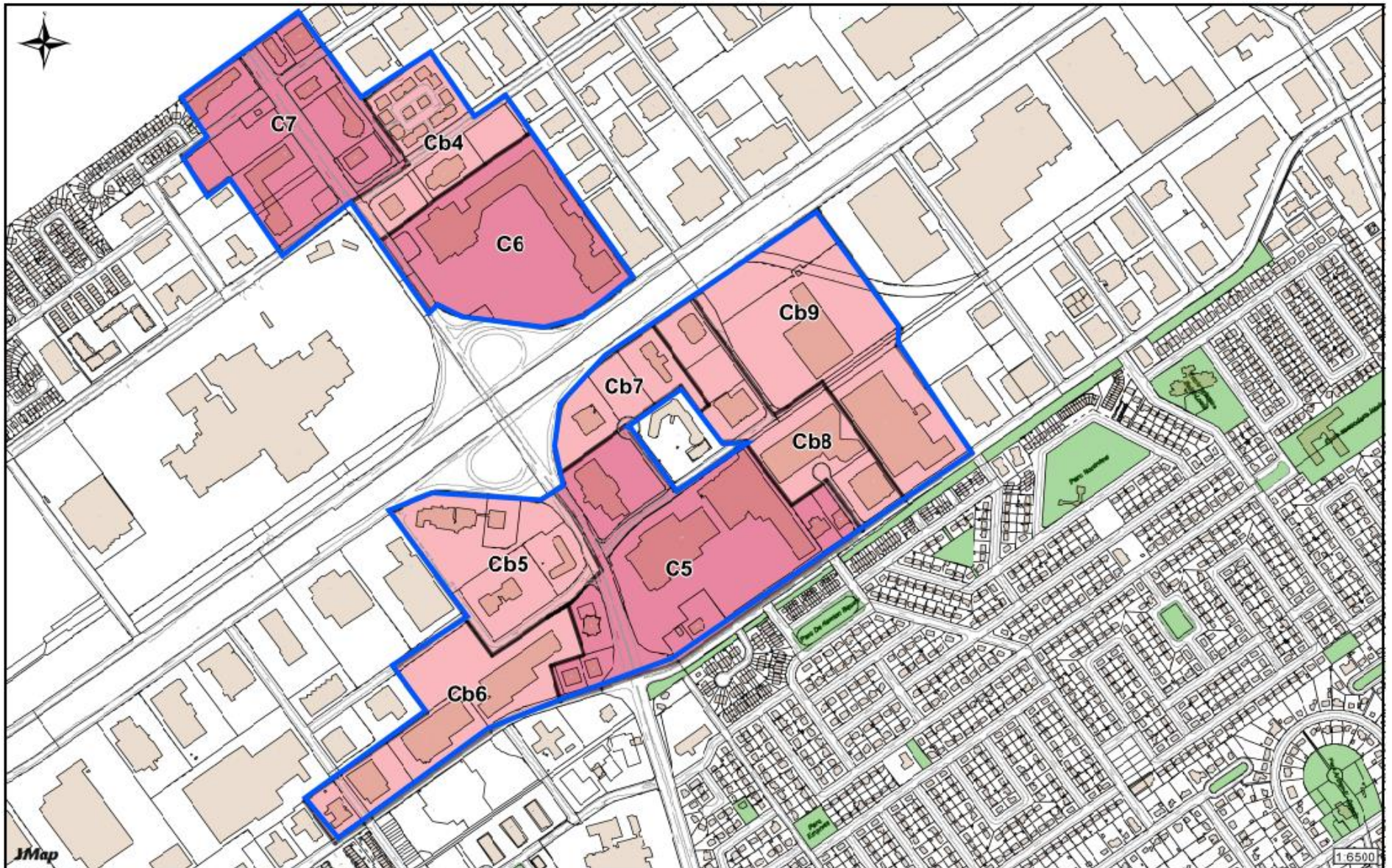
If the offence is a continuing offence, it is a separate offence on a day-by-day basis and therefore the fine for that offence may be imposed for each day that the offence continues.

7 Coming Into Force


This by-law shall come into force in accordance with the law.

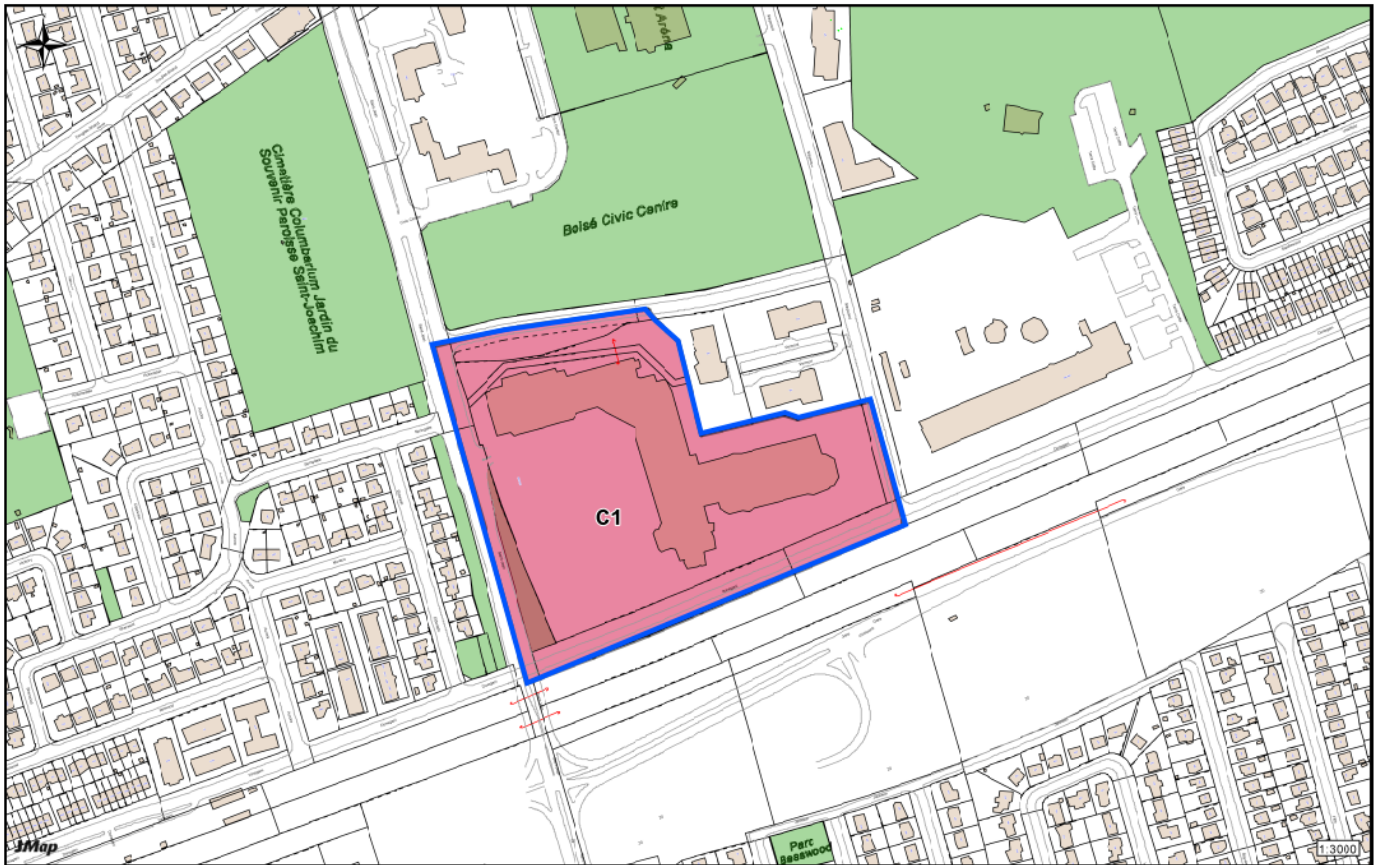
Tim Thomas, Mayor

Danielle Gutierrez, Assistant City Clerk



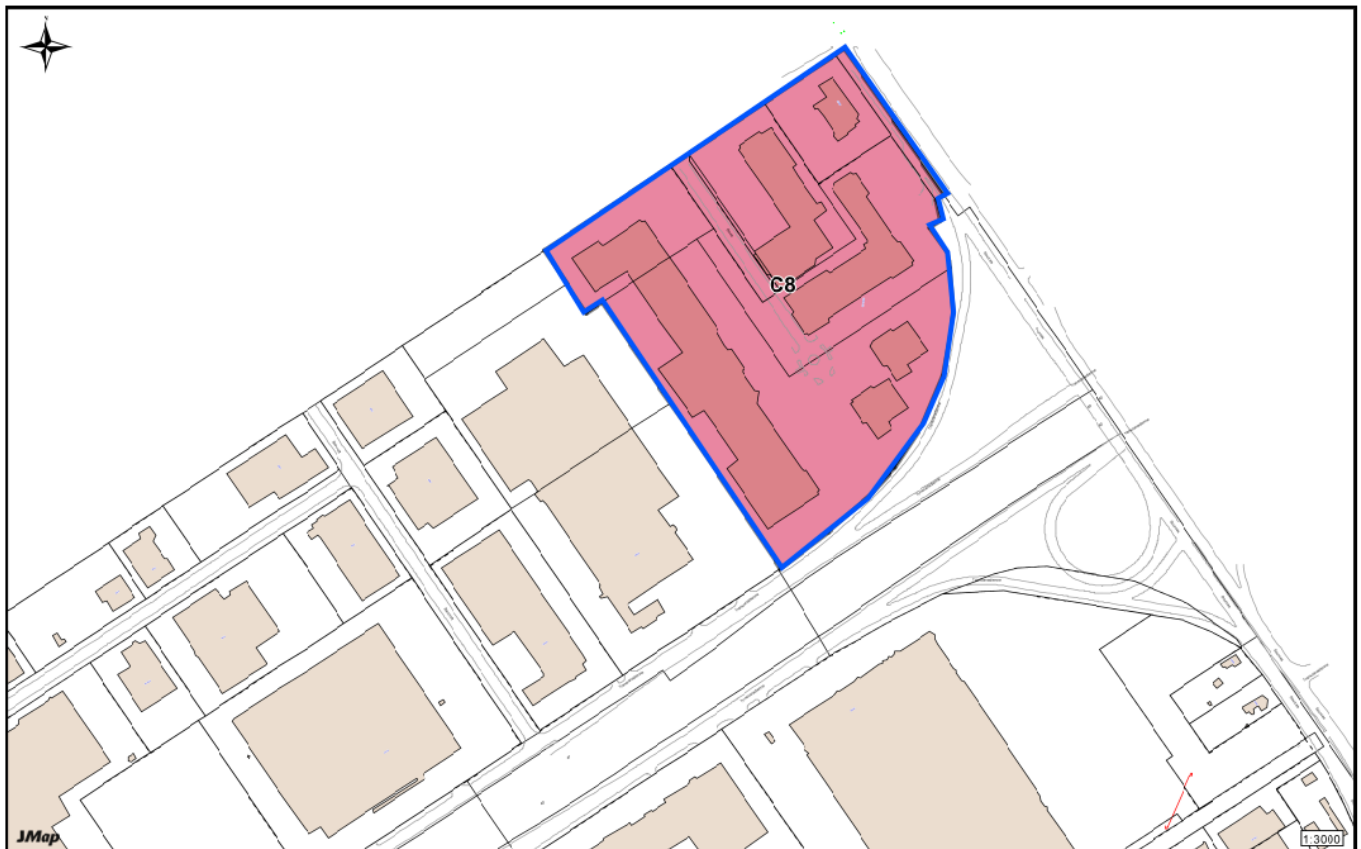
Légende / Legend

-  Zones C et Cb localisées dans le secteur Centre-Ville
C and Cb zones in the City Center



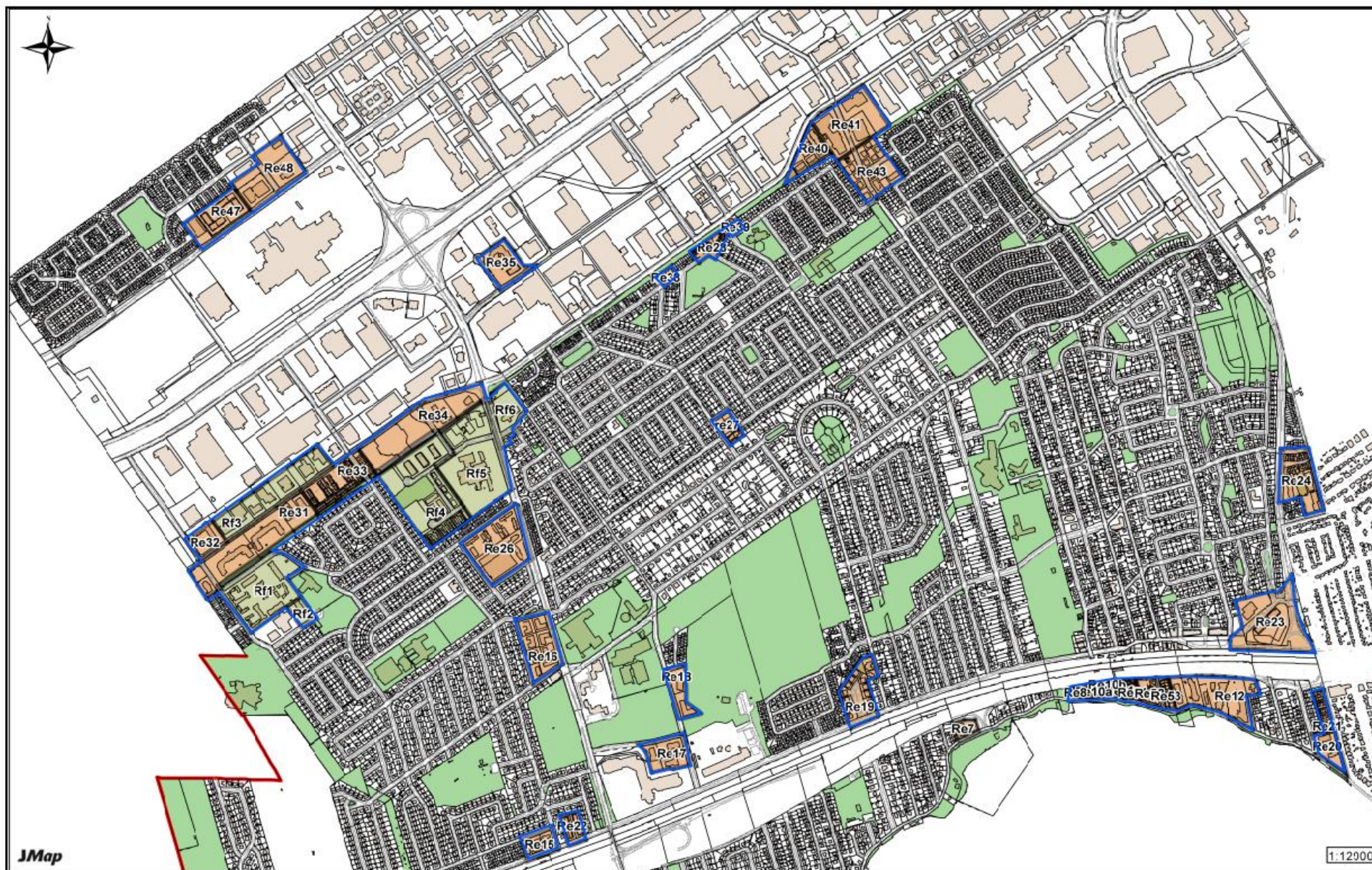
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Zone C1



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Zone C8



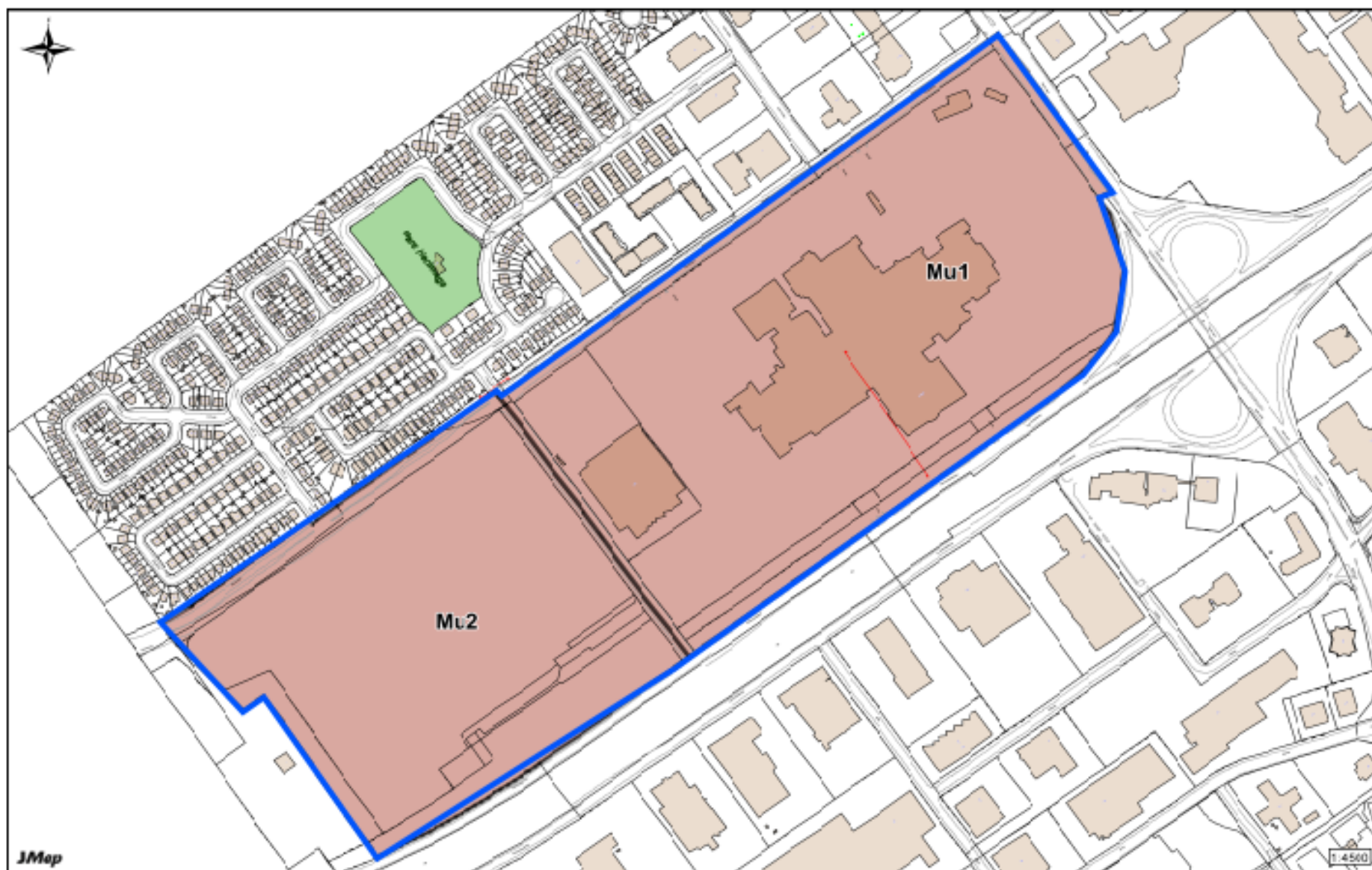
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 Zones Re et Rf



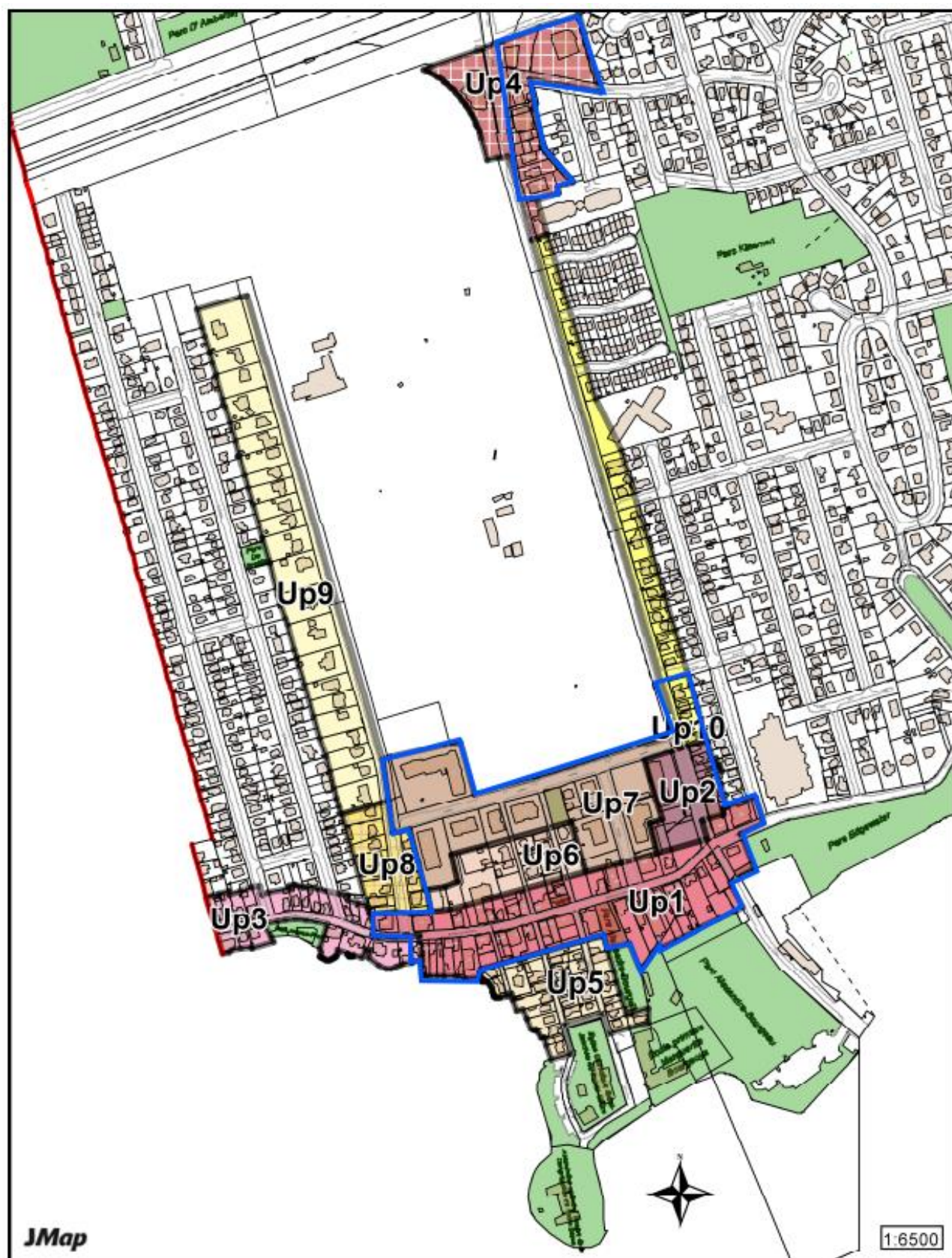
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 Zones Re et Rf




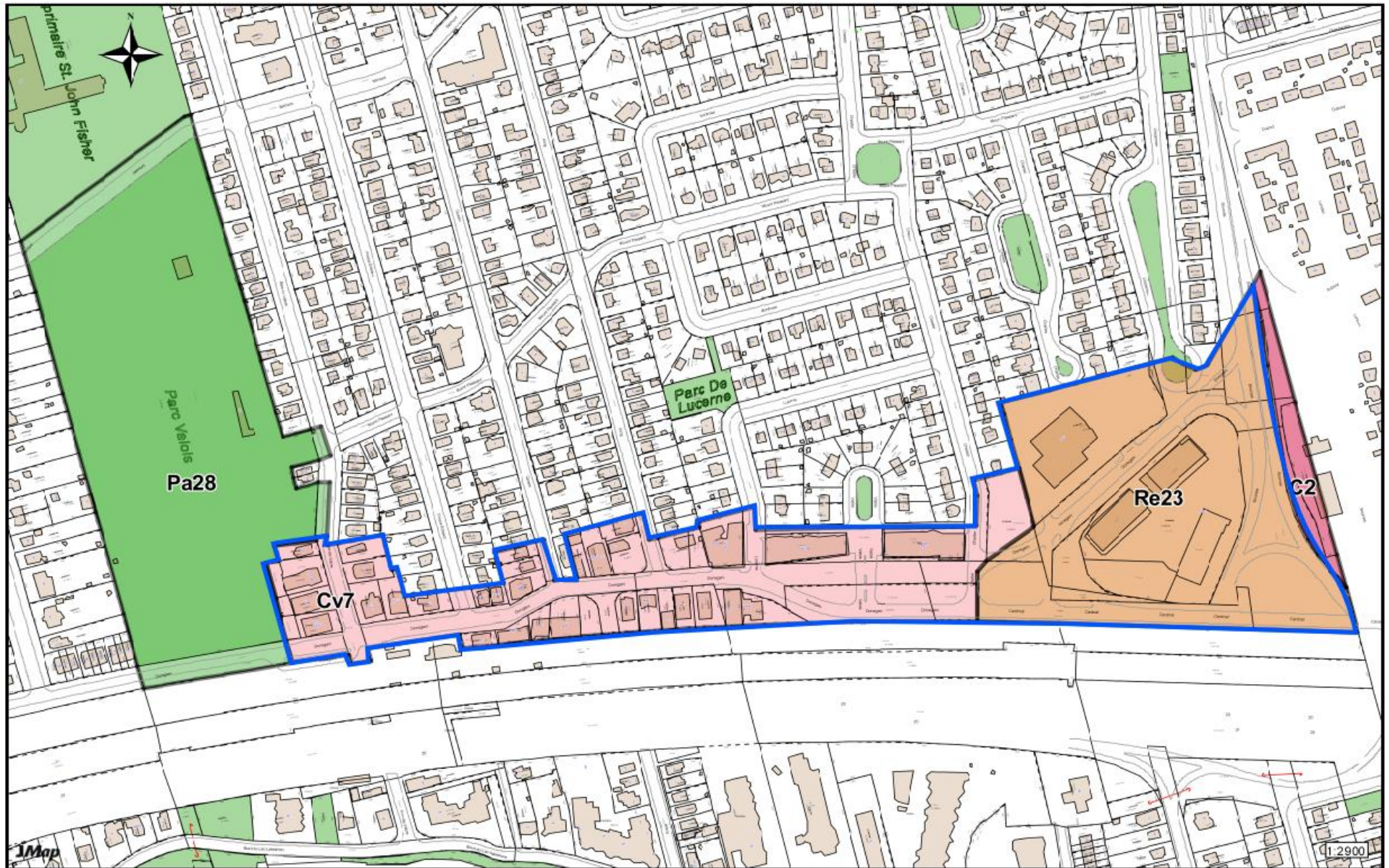
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Zones Mu1 et Mu2



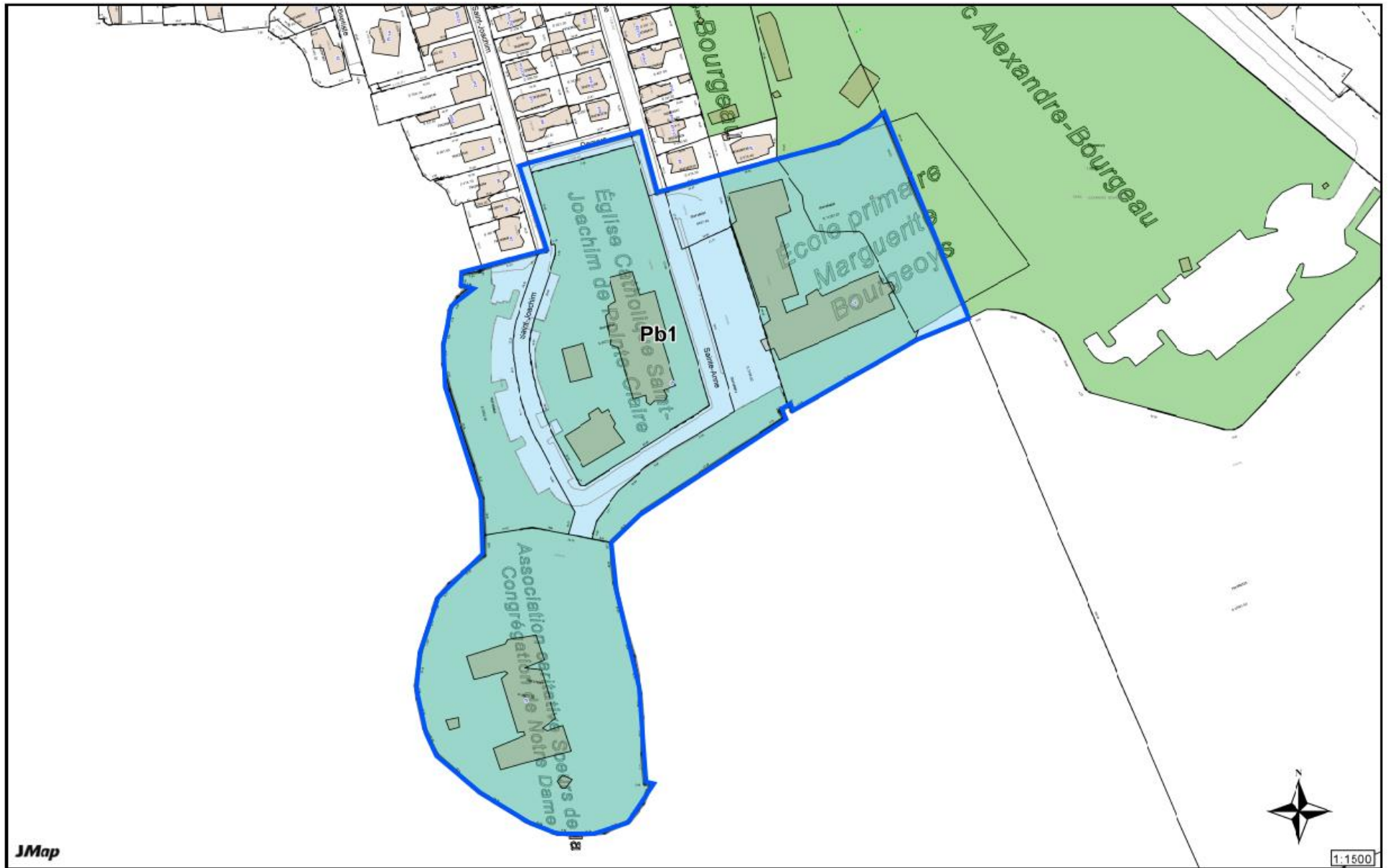
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 Noyau villageois de Pointe-Claire / Pointe-Claire Village Core



Légende / Legend

Noyau villageois Valois / Valois Village Core




Légende / Legend

Zone Pb1

Appendix 8



Légende / Legend

 Zone Rc22