



City of Pointe-Claire Conditional Uses By-law

PROVINCE OF QUEBEC
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2791

CONDITIONAL USES BY-LAW

In force on October 19, 2011

AT THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE HELD AT THE CITY HALL,
451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON **OCTOBER 3, 2011** AT 7:30 P.M.

PRESENT: Councillors R. Geller, P. Bissonnette, J. Labbé, A. Iermieri, E. Sztuka J.-P. Grenier, D. Smith,
and M. Trudeau, presided by His Worship the Mayor Bill McMurchie, forming a quorum of
Council.

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING, WAS THE FOLLOWING:

BY-LAW NUMBER: PC-2791

Resolution number: 2011-413

PROPOSED BY COUNCILLOR IERMIERI

SECONDED BY COUNCILLOR SMITH

AND RESOLVED:

*Modified October 19, 2016 – By-Law PC-2791-1
Modified April 18, 2018 – By-Law PC-2791-2
Modified April 18, 2018 – By-Law PC-2791-4
Modified August 3, 2018 – By-Law PC-2791-3*

Table of contents ( [Ctrl + click to go to the article](#)) [[TEXTE EN FRANÇAIS](#)]

BY-LAW NUMBER:	PC-2791
Chapter 1	GENERAL PROVISIONS AND PROCEDURE	3
Chapter 2	RESIDENCES FOR THE ELDERLY IN RESIDENTIAL AREAS	6
Chapter 3	GAS STATIONS AND AUTOMOTIVE STORES AND SERVICES	7
Chapter 4	SUPPORT SERVICES IN THE INDUSTRIAL PARK	9
Chapter 5	CAR DEALERS	10
Chapter 6	SUBDIVISION OF INDUSTRIAL PREMISES	11
Chapter 6.1	ADDITIONAL USE IN A SINGLE FAMILY DETACHED HOME	12
Chapter 6.1.1	EXTENSIVE COMMERCIAL USE IN A MIXED-USE ZONE	14
Chapter 6.1.2	RECREATIONAL OR EXTENSIVE COMMERCIAL USE IN AN INDUSTRIAL ZONE	15
Chapter 6.1.3	MULTI-FAMILY RESIDENTIAL USE AND HOTELS IN A COMMERCIAL ZONE	16
Chapter 6.1.4	COMMUNITY ORIENTED COMMERCIAL USE IN THE HERITAGE SITE OF LA POINTE CLAIRE	19
Chapter 7	FINAL PROVISIONS	21

- 27. *Persons Subject to Application of this By-law*
 - 28. *Definitions*
 - 29. *Submission of Applications*
 - 30. *Documents and Information*
 - 31. *Study of the Application by the Director of the Planning Department*
 - 32. *Study of the Application by the Planning Advisory Committee*
 - 33. *Approval or Refusal of the Application by Council*
 - 34. *Public Notice*
-

Persons Subject to Application of this By-law

1. Compliance with the provisions of this by-law is incumbent on both natural and legal persons under public or private law.

Definitions

2. Unless the context indicates a different interpretation, the expressions and terms defined below shall be given the meaning assigned to them by the said definition.

Any other word or expression defined in [Appendix 1 \(Definitions\) of the Zoning By-law](#) shall be given the meaning assigned to them in the said Appendix.

DIRECTOR:

The Director of the Planning Department of the City of Pointe-Claire or any other person appointed by Council to oversee the administration of this by-law.

DAY-CARE CENTRE:

A childcare centre, day-care centre or educational childcare service governed by the [Educational Childcare Act](#).

RESIDENCE FOR THE ELDERLY:

A building that houses, mainly or exclusively, persons of at least 55 years of age, that has an architectural design adapted to the needs of persons of at least 55 years of age (room dimensions and layout, security systems and equipment, etc.), and that can integrate (but not necessarily) common rooms or equipment, security or surveillance services provided by medical or paramedical personnel, and personal care, laundry and housekeeping services.

ADDITIONAL USE:

Purpose for which a building, a construction or a landsite or a portion of these is used or could be used or occupied beside the principal use. Amendment PC-2791-1 (October 19, 2016)

Submission of Applications

3. Any application for authorisation of a conditional use shall be submitted to the Director of the Planning Department by the owner of the immovable to which the application relates or by his duly authorised representative by a written proxy.

Documents and Information

4. The documents to be submitted by the applicant in support of the application for authorisation of a conditional use are the following:
 - a) The documents required by the [Permits and Certificates By-law](#) for a building permit, a certificate of occupancy, or a certificate of authorisation to modify a landsite, as the case may be;

- b) The identification of the establishment(s) that will occupy the building, and a description of the conditional uses to be undertaken in the premises;
- c) The number of employees in each establishment and a calculation of the required parking spaces as per the Zoning By-law or the Village Code;
Amendment PC-2791-3 (August 3, 2018)
- d) The market research, statistical analyses and data, and business plan upon which the occupancy project is based;
- e) A land use plan showing:
 - i. The boundaries and the dimensions of the landsite;
 - ii. All existing servitudes on the landsite;
 - iii. The location of all existing and proposed structures;
 - iv. The location, shape and dimensions of all parking areas, parking spaces, and thoroughfares;
 - v. The location and width of each street access;
 - vi. The proposed landscaping, including the levels of the land in relation to the level of the sidewalk, street curb or centre of the street, and the location of trees and shrubs to be planted, walls, fences, and other landscaping features;
 - vii. The ground-cover materials;
- f) Any other related document to support and justify the application, such as texts, maps, plans, architectural sketches, models, perspective drawings and audio-visuals, and any data or information that would demonstrate that the project is in accordance with the provisions of this by-law.

Study of the Application by the Director of the Planning Department

- 5. As soon as the Director has received all the documents required by article 4, he shall proceed to study the application and report to the Planning Advisory Committee no later than at the first meeting held after a period of thirty (30) days from the date the duly completed application was received.
- 6. The duties and powers of the Director include:
 - a) Ensuring that all the formalities stipulated in this by-law are observed;
 - b) Ensuring that all the required documents have been submitted;
 - c) Ensuring that the application conforms to the Planning Program and to all other applicable by-laws;
 - d) Making any relevant observation to the Committee or Council.

Study of the Application by the Planning Advisory Committee

- 7. Upon receipt of the Director's report, the Committee shall diligently proceed to study the application and report to Council.
- 8. The duties and powers of the Committee include:
 - a) Assessing the application and making a recommendation to Council on the admissibility of the application based on the criteria of this by-law;
 - b) If it deems it necessary, convening the applicant or, with the applicant's approval and at the applicant's expense, any professional who worked on the application, in order to obtain any clarification or additional information it may deem useful in order to gain a better understanding of the application;

- c) Recommending to accept the application, with or without conditions, or recommending to reject it, while proposing or not certain modifications to be made before resubmitting the application.

Approval or Refusal of the Application by Council

- 9. The report of the Committee shall be forwarded to Council at a regular meeting following the meeting of the Committee during which the latter made a final recommendation respecting the application for authorisation of a conditional use.
- 10. After reviewing the Committee's recommendations, Council shall, by resolution, either approve or reject the application during a public meeting.
- 11. The City Clerk shall forward to the applicant a copy of the resolution of Council approving or rejecting the application.

Public Notice

- 12. Not later than 15 days before the holding of the meeting at which the Council is to rule on the application for authorisation of a conditional use, the City Clerk shall, by means of a public notice given in accordance with the Cities and Towns Act (R.S.Q., chapter C-19) and a sign placed in full view on the site to which the application relates, indicate the date, time and place of the meeting, the nature of the application and that any person interested may be heard at the meeting in relation to the application.
-

Territory Subject to the Provisions of this Chapter

13. In any residential zone identified by the letters « Re » or « Rf » on the [Zoning Plan](#), where Class C-1 residential uses are permitted, Council may grant, in addition to the authorisation to build or modify a building in such a way that it can be occupied by a residence for the elderly, a reduction of parking requirements appropriate to such residence, if it considers that such occupancy meets the following objective and criteria.

Objective

14. The objective upon which an application for authorisation of a conditional use shall be evaluated is the following:

Authorising new residences for the elderly when they are required to meet the needs of Pointe-Claire residents.

Criteria

15. The acceptability of a use shall be evaluated based on the following criteria:

- a) The application shall demonstrate that the project aims at meeting the needs of the local population, based on:
 - i. The vacancy rate of existing buildings;
 - ii. A demographic analysis;
 - iii. A business plan based on the needs and financial resources of Pointe-Claire residents.
 - b) There is the required number of parking spaces for a residence for the elderly as per [chapter 7 of the Zoning By-law](#) for a Class "C-2" residential use. However, it shall be demonstrated by a statistical analysis or a comparative study, based on the market conditions prevailing at the time the application is filed, that the proposed use provides a sufficient number of parking spaces to adequately meet the needs of all residents, visitors and employees of the residence, during peak hours, without being detrimental to the quality of life of area residents.
-

Territory Subject to the Provisions of this Chapter

16. In any commercial zone identified by the letter 'C', in any mixed-use zone identified by the letters 'Mu', and in any industrial zone identified by the letter 'N' on the [Zoning Plan](#), Council may authorise the occupancy, erection or modification of a building in such a way that it can be occupied by one of the following commercial uses: Amendment PC-2791-4 (April 18, 2018)

- a) A gas station, a service station, or a manual or automatic car wash;
- b) A vehicle maintenance workshop (mechanical, electrical, body work, painting, rust-proofing, etc.);
- c) An outlet selling and installing automotive parts and accessories (mufflers, shock absorbers, tires, trailer hitches and others),

if this use is not already authorised by the [Zoning By-law](#) and if it considers such occupancy meets the following criteria.

17. Repealed - Amendment PC-2791-4 (April 18, 2018):

17.1 In any residential zone identified by the letter "R" on the Zoning Plan, on a landsite already occupied by a Class 'F' commercial use (retail or service facilities for motor vehicles), Council may authorise the occupancy, erection or modification of a building in such a way that it can be occupied by a gas station, a service station, a convenience store, a car wash, if this use is not already authorised by the Zoning By-Law and if it meets the criteria indicated under article 18.

Amendment PC-2791-2 (April 18, 2018)

Criteria

18. The acceptability of a use shall be evaluated based on the following criteria:

- a) The implementation of the use will allow for the utilisation of a space that would be difficult to use for other purposes.
- b) For gas stations or service stations, the landsite is adjacent to a boulevard or a main thoroughfare, or is located at the intersection of two busy thoroughfares.
- c) For gas stations, service stations or car washes, there is no other establishment offering the same service in a radius of 500 metres of the proposed use.
- d) The proposed use is compatible with and complementary to the surrounding environment.
- e) The project integrates into the surrounding environment with respect to the external appearance of the structure, the landscaping and the development of the outdoor spaces.
- f) If the landsite is adjacent to a residential zone, the use is located far enough from dwellings, or separated from the dwellings by treatments that will reduce the negative visual and acoustic impacts, by taking into account:
 - i. The location of vehicular entrances on the landsite based on adjacent public thoroughfares and uses permitted on adjacent landsites;
 - ii. The location and design of building openings used for vehicle entrance and exit;
 - iii. The landscaping of the landsite and the presence of a visual screen and of an acoustic screen.
- g) For a use that entails storage or outdoor storage of vehicles, such as a garage or a vehicle maintenance workshop, spaces reserved for that purpose will be screened from adjacent properties, particularly from residential properties, to reduce the nuisance caused by the use (noise, odours, aesthetic nuisances, etc.).

- h) The outdoor retail, service or display area will harmonise with the urban environment. The layout and furniture shall be designed in such a way that facilitates their maintenance and conforms to the aspect of the area and of the surrounding buildings.
-

Territory Subject to the Provisions of this Chapter

19. In any industrial zone identified by the letter « N » on the [Zoning Plan](#) and in zone Rf3, Council may authorise the occupancy, erection or modification of a building in such a way that it can be occupied by a support service intended for employees of the industrial park or by a day-care centre, if this use is not already authorised by the [Zoning By-law](#) and if it considers such occupancy meets the following objectives and criteria.

Objectives

20. The objectives upon which an application for authorisation of a conditional use shall be evaluated are the following:

- a) *Providing services to workers and users of the Pointe-Claire industrial park by reducing the necessity to resort to motorised transportation to benefit from these common services, for example a day-care centre.*
- b) *Improving the allurement of the premises and buildings of the industrial park by making the industrial environment more dynamic.*
- c) *Stimulating the demand for vacant premises by offering the possibility to change their vocation.*

Criteria

21. The acceptability of a use shall be evaluated based on the following criteria:

- a) For commercial uses, the landsite is located at least 500 metres from a commercial zone.
 - b) Through a market research, the application shall demonstrate that the proposed use aims at meeting the needs of the employees, clientele and residents of the area where the landsite is located, and that the needs the use aims at meeting cannot be adequately met by services already offered in Pointe-Claire's commercial and public zones.
 - c) For a day-care centre, it shall be the only occupant of a building, to prevent the space from being shared with industrial uses with activities incompatible with a day-care centre. If this is not the case, the day-care centre shall be established and built, especially if it includes outdoor areas, in such a way that it is well isolated from any activity, industrial or other, that could pose safety risks or cause any other significant disadvantages for the children and staff.
 - d) The proposed use, since it is aimed at a local clientele, shall not cause an increase in vehicular traffic and excessive crowds detrimental to traffic fluidity on adjacent boulevards and service roads of the Trans-Canada Highway.
 - e) The proposed use is compatible with and complementary to the surrounding environment.
 - f) The project integrates into the surrounding environment with respect to the external appearance of the structure, the landscaping and the development of the outdoor spaces.
-

Area of Application

22. In any industrial zone and industrial zone sectors identified by the letter « N » on the [Zoning Plan](#), Council may authorise the modification of a property in such a way that it can be occupied by a group of car dealers, if it considers such an occupancy meets the following objective and criteria.
Amendment PC-2791-4 (April 18, 2018)

Additional Documents Required

23. In addition to the documents and information required by article 4, the application shall contain a written essay explaining how the project complies with the objectives of this chapter and which characteristics of the project ensure its compliance with the criteria set forth in this by-law.

Objective

24. The objective upon which an application for authorisation of a conditional use shall be evaluated is the following:

Redeveloping landsites located on Auto Plaza Avenue in residential zones identified by letter Rc28 or Re48 on the [Zoning Plan](#), landsites which have a residential vocation, by offering existing car dealers established on these landsites the possibility to relocate elsewhere in Pointe-Claire, in a unique sector designated for that purpose.

Criteria

25. The acceptability of a use shall be evaluated based on the following criteria:
- a) The project involves moving an existing Pointe-Claire car dealer so that the free land can be reused for the purposes set out in the Planning Program.
 - b) The goal of the project is to eventually group several dealers into a single development.
 - c) The proposed use is compatible with and complementary to the surrounding environment.
-

Area of Application

26. In any industrial zone identified by the letter « N » on the [Zoning Plan](#), Council may authorise the occupancy or modification of a building in such a way that it can be occupied by a greater number of industrial establishments, or by an establishment that is smaller than allowed in the [Zoning By-law](#), if it considers the project meets the following criteria.

Criteria

27. The acceptability of a use shall be evaluated based on the following criteria:

- a) The landsite upon which the building is located is adjacent to a service road of the Trans-Canada Highway or to Sources Boulevard.
 - b) The establishment(s) for which the building or the premises are intended are known, they are required in the market conditions prevailing at the time the application is filed, and to authorise their occupancy in the building will be to the benefit of the City, its residents and its businesses.
 - c) At the time the application is filed, there are no other appropriate premises for the establishment(s) that are available in other zones of the same sector where such industrial uses are already permitted;
 - d) In the case where the project aims at subdividing a premise or building that was formerly occupied by a certain type of industrial establishment, there is no other establishment of such type which is interested in occupying the building as it is, in the market conditions prevailing at the time the application is filed.
 - e) The premise or building is vacant and there is no reasonable hope of finding a buyer or tenant because it is too large.
 - f) Architectural improvements will be made to the building.
 - g) The fact of operating the establishment(s) in the building to which the application relates will have no significant negative impact on the traffic situation in Pointe-Claire's industrial park, and could even result in a reduction of heavy vehicle traffic.
 - h) The vehicular entrances and exits are or will be located and designed as not to hinder the traffic flow on the adjacent streets, especially the service roads of the Trans-Canada Highway.
 - i) The front setback will be landscaped with accessible green space provided for the benefit of the employees of the establishment(s).
 - j) The provisions of the [Zoning By-law](#) governing the treatment of outdoor spaces are complied with.
 - k) The ratio between the number of projected occupants and the area of the various premises is reasonable and logical;
 - l) There is sufficient parking for employee vehicles, delivery and courier vehicles, and visitor vehicles;
 - m) It is demonstrated that handling, loading and unloading activities will be minimal.
-

Territory subject to the provisions of this Chapter

27.1 In any residential zone identified by the letters “Ra”, where Class “A” residential use is permitted, Council may grant, the authorisation that a portion of the floor area could be occupied by an additional use, if it considers that such occupancy meets the criteria of the present chapter.

The additional use is for one the following uses:

- i) Administrative office: This use includes administrative activities necessary for operating a business. Principal activities related to the business are not executed on the property (ex: office of a general contractor);
- ii) Professional service: In addition to professionals under the “Professional Code” of Québec, this use includes, on an indicative basis, activities related to insurance, accounting, translation, computer support services, etc.;
- iii) Personnel service: This use includes, on an indicative basis, activities related to health care, hairdressing, tailoring, aesthetic and beauty services, photography, etc.;
- iv) Artisanal activity: This use includes, on an indicative basis, activities like sculpture, painting, etc.

Objective

27.2 The objectives upon which an application for authorisation of a conditional use shall be evaluated are the following:

- a) Attract active population by offering, according to certain criteria, the possibility to operate home-based business;
- b) Improve life quality of the residents of the least dense sectors by allowing the installation of some local services, thus reducing automobile travel.

Criteria

27.3 The acceptability of a use shall be evaluated based on the following criteria:

- a) The additional use is compatible with the surrounding environment;
- b) The additional use contributes to the improvement of the life quality of residents of Pointe-Claire and presents an additional value to the sector where it is proposed;
- c) The proposed additional use cannot be suitably located in a zone where this use is already permitted;
- d) The additional use is executed in the principal building;
- e) The space occupied by the additional use does not exceed one third of the floor area;
- f) Equipment or material related to the additional use is located inside the principal building;
- g) The additional use is operated by the occupant and generally does not require hiring additional employees;
- h) The additional use does not require modification to the outside appearance of the building in a way that compromises its residential character;

- i) The additional use is accessible through the main entrance or through a discrete separate entrance, located on a lateral or rear façade. The additional use is built in a way to allow a permanent access from and to the main use;
 - j) The additional use generates limited client traffic (one or two clients at a time);
 - k) Operating the additional use does not generate nuisance to the neighbouring homes;
 - l) The additional use does not propose any outdoor display or any display window;
 - m) Signage is limited to the sign allowed by the Zoning by-law for a home-based professional service;
 - n) Heavy vehicle related to the additional use cannot be parked or displayed on the property.
-

Territory subject to the provisions of this Chapter

- 27.3.1** In mixed-use zones ‘Mu’, Council may authorise the occupancy, erection or modification of a building in such a way that it can be occupied by one of the following commercial uses:
- Mega home renovation centres and establishments that sell construction material, equipment and swimming pools;
 - Nurseries and commercial greenhouses;
- if this use is not already authorised by the Zoning By-law and if such occupancy meets the following objectives and criteria.

Objectives

- 27.3.2** The objectives upon which an application for authorisation of a conditional use shall be evaluated are the following:
- a) *Allowing businesses of this nature already existing in the zone to continue to operate in new premises or a new location of the same zone or nearby, while insuring that the site planning of the new facilities integrate well in the city centre dynamic and a more densely built environment;*
 - b) *Maintaining a continuity of commercial activities along the street and ensuring a pleasant relationship between the commercial front and the public domain, contributing to create lively streets and a dynamic lifestyle in the city centre;*
 - c) *Optimizing land use for the commercial establishment while minimizing the land occupied and the negative impacts caused by service bays, loading and unloading areas, outdoor storage, vehicular access and parking.*

Criteria

- 27.3.3** The acceptability of a use shall be evaluated based on the following criteria:
- a) The composition of the store fronts facing the street or the public domain includes windows, openings or interesting architectural treatment;
 - b) The front yard of the store is set up as a welcoming and open space.
 - c) The entrances to the store are easily accessible for pedestrians, by clearly identified and safe routes, as well as from the parking area;
 - d) Bicycle parking areas are proposed and easily identifiable;
 - e) There are no blind walls overlooking the street or the public domain;
 - f) Other than a limited number of driveways, there are no breaks in the built continuity of the street. The location of the store does not compromise the urban liveliness on the street nor the friendliness of public places in the city centre;
 - g) The width of the store façade fronting the street or the public domain is not too large, so as not to take up too much space in the urban landscape, as perceived from the street;
 - h) Doors and service bays, vehicular accesses and loading areas are located out of the way and are hardly discernable from the busiest pedestrian and walkable areas, as well as from properties occupied by residential units;
 - i) The parking areas are remote or set back from the street and the public domain or not very visible from them.

Territory subject to the provisions of this Chapter

27.3.4 In industrial zones “N”, Council may authorise the occupancy, erection or modification of a building in such a way that it can be occupied by one of the following commercial uses:

- large indoor recreation facilities such as gymnasiums, arenas, swimming pools, racquet courts, curling clubs, indoor golf and bowling alleys;
- Mega home renovation centres and establishments facilities selling, leasing or maintaining construction equipment, material and swimming pools,
- Workshops and warehouses of construction contractors, landscaping or snow removal contractors, carpentry, machining, welding, mechanical and electrical shops and other specialties.
- Nurseries and commercial greenhouses.
- Veterinary clinics for large and small animals, fish farms, kennels and training facilities.

if this use is not already authorised by the Zoning By-law and if such occupancy meets the following objectives and criteria.

Objectives

27.3.5 The objectives upon which an application for authorisation of a conditional use shall be evaluated are the following:

- a) *Allowing the location of commercial businesses outside of established commercial zones, which, because of their character or activities, either require large land areas or are capable of creating a nuisance in the neighbourhood.*
- b) *Improving the attractiveness of the premises and buildings of the industrial park by making the industrial environment more dynamic.*
- c) *Stimulating the demand for vacant premises by offering the possibility to change their vocation.*

Criteria

27.3.6 The acceptability of a use shall be evaluated based on the following criteria:

- a) Through a market study, the application shall demonstrate that the proposed use aims at meeting the needs of the employees, clientele and residents of the area where the landsite is located, and that it is required in the market conditions prevailing at the time the application is filed, and to authorise its occupancy at that location will be to the benefit of the City, its residents and its businesses.
- b) At the time the application is filed, there are no other appropriate premises for the establishment that are available in other zones of the same sector where such uses are already permitted.
- c) The proposed use shall not cause an increase in vehicular traffic and excessive crowds detrimental to traffic fluidity on adjacent boulevards and service roads of the Trans-Canada Highway.
- d) The proposed use is compatible with and complementary to the surrounding environment.
- e) The project integrates into the surrounding environment with respect to the external appearance of the structure, the landscaping and the development of the outdoor spaces.

Territory subject to the provisions of this Chapter

27.3.7 In commercial zones “C” and “Cb” of the City Centre Sector, on the Zoning Plan, Council may authorise the occupancy, erection or modification of a building in such a way that it can be occupied by one of the following residential or commercial uses:

- Multi-family homes, namely residential buildings containing more than four (4) dwellings, including rental buildings, cooperative housing, condominiums or undivided co-ownerships, affordable rental buildings and residences for autonomous seniors ;
- Centres, homes and residences aimed principally for non-autonomous persons requiring special services and daily assistance, treatment or medical or paramedical care;
- Inn keeping establishments and hotel facilities in which the principal activity consists of lodging transient and short-term clients, such as hotels, motels and inns.

if this use is not already authorised by the Zoning By-law and if such occupancy meets the following objectives and criteria.

Objectives

27.3.8 The objectives upon which an application for authorisation of a conditional use shall be evaluated are the following:

- a) *Allowing the transformation of properties currently occupied by traditional, low-density shopping centers that are disconnected from their surroundings and difficult to access without a car, into mixed-use, dynamic human-scale environments, in synergy with their urban setting.*
- b) *Improving the urban dynamism, conviviality and diversity of the city centre while providing a greater quality of life to the residents of those mixed-use projects, within an enhanced environment and quality public spaces.*
- c) *Collaborating with developers to promote the use of strategies geared towards sustainable development, taking into consideration social, economic and environmental aspects, and relying on active transportation and the proximity to a multimodal transit station, in exchange for the permission to build mixed-use projects of greater density.*

Criteria

27.3.9 The acceptability of a use shall be evaluated based on the following criteria, as to the effort demonstrated to integrate active and public modes of transport in the project:

- a) The project facilitates the choice of transport alternatives to drive-alone mode, for example:
 - Direct and easy access to bus stops;
 - Shuttle service to public transit stations;
 - Good signalisation of and accessibility to the municipal bicycle network;
 - Well-located and easy-to-find bicycle parking;
 - Bicycle sharing system;
 - Designated parking for carsharing vehicles;
 - Facilities for electric vehicles;
- b) Pedestrian links facilitate direct, easy and safe access to different activities within the urban project (residences, shops, services, public transit);

- c) The layout of outdoor spaces is planned first and foremost for the benefit of alternative transport users (pedestrians, cyclists and users of public transit); and secondarily for vehicle access;
 - d) Areas for the piling of snow and maintenance operations against ice/slush are planned to avoid compromising the use of common areas and the network of pedestrian routes during the winter;
 - e) The project includes a grocery store or a fruits and vegetables and fresh produce market; or such commerce is located at a short walking distance from the project;
- 27.3.10** The acceptability of a use shall be evaluated based on the following criteria, as to the effort invested for sustainable building methods:
- a) The project proposes one or more innovative features: latest technology, sustainable construction methods, energy-efficient systems, renewable energy, recycling of greywater and rainwater, etc.
 - b) Roofs are eco-friendly and designed to enhance the landscape or serve as recreational or rest areas for the project's residents and users;
 - c) Ground cover materials are permeable and of high solar reflectance;
 - d) The project provides a waste management system that encourages residents and users to dispose of residual material in a responsible manner;
- 27.3.11** The acceptability of a use shall be evaluated based on the following criteria, as to the effort demonstrated to permit social diversity and strong community life:
- a) The dwelling units that are offered meet the needs of a diverse clientele and allow generational and social diversity, which is demonstrated by the variety of dwelling typologies and of habitable floor area per unit;
 - b) The project allows universal accessibility; it offers dwelling units that are adapted to special needs;
 - c) Part of the dwelling units will be offered to a specific clientele who can benefit from low cost or affordable housing. For example, the project could include a cooperative or a social economy enterprise, housing for students or young workers;
- 27.3.12** The acceptability of a use shall be evaluated based on the following criteria, as to the conviviality and quality in the development of exterior open space:
- a) The project contains green spaces, common areas, places that encourage and facilitate exchange, plazas and rest areas for residents and users, which help strengthen the sense of place and community;
 - b) The project includes a body of water or street furniture that is water-related (fountain, pond, landscaped water retention pond or other);
 - c) The site layout creates a lively environment, with multifunctional common areas, indoor and outdoor. It takes winter conditions into account, in support of a healthy and active lifestyle year-round;
 - d) The transition between the private property and the street is treated in a continuous and harmonious manner, through choice of paving material, absence of obstacles, universal accessibility, landscaping, continuity of pedestrian routes, etc.;
 - e) Outdoor parking areas at ground level are built according to the normative guide BNQ 3019-190, to counter the effect of urban heat islands;
 - f) The building heights and volumes in the project are planned to mitigate wind and air currents;
- 27.3.13** The acceptability of a use shall be evaluated based on the following criteria, as to the effort invested to increase the overall biodiversity of the property:

- a) The project offers an ecological storm water management system;
- b) Generous plantings and a tree canopy provide shaded areas for people and over parking areas;
- c) Original green spaces are available, such as urban agriculture, rooftop gardens...;
- d) Linear planting along the street alleviates the nuisance caused by motor vehicle traffic on public roads;
- e) The siting of the buildings allows for maximum sunlight on public and green spaces;

27.3.14 The acceptability of a use shall be evaluated based on the following criteria, as to the effort demonstrated to mitigate nuisances and protect public health:

- a) The siting of the buildings and location of the openings allow for well-lit and ventilated dwellings;
 - b) Measures are taken to mitigate noise and pollution caused by nearby boulevards;
 - c) The distance between dwelling units and a public road is sufficient to provide enough privacy to the residents of dwellings fronting the street; or the layout of this space is comprised of street furniture, walls and/or landscaping to provide that intimacy;
 - d) The site planning contributes to reduce the nuisances related to the collection of residual material and to services bays, loading and unloading areas;
 - e) The lighting is adequate, ensures a certain animation of the site, while avoiding light pollution at night;
 - f) Pedestrian safety is guaranteed by the separation of the different routes, the absence of obstacles, adequate lighting, the absence of blind walls overlooking walkable lanes and common areas, etc.;
 - g) Measures are taken to reduce the visual impact of electric and mechanical equipment; the overhead wires are buried.
-

Territory subject to the provisions of this Chapter

27.3.15 In public Zone “Pb1”, which constitutes the Heritage Site of La pointe Claire, Council may authorise the occupancy, erection or modification of a building in such a way that it can be occupied by one of the following community oriented commercial uses:

- 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

if this use is not already authorised by the Zoning By-law and if such occupancy meets the following objectives and criteria.

Objectives

27.3.16 The objectives upon which an application for authorisation of a conditional use shall be evaluated are the following:

- a) *Enable public diffusion of knowledge about the history and the characteristics of the heritage site, knowing that awareness and appreciation of its value will encourage its protection and preservation;*
- b) *Ensure public access to the site, the windmill and the shorelines, while preserving and respecting the religious, educational and contemplative nature and history of the point and its landscape;*
- c) *Maintain the vitality of the heritage site and facilitate its contemporary use, in the spirit of continuity and with respect for the site’s heritage values and unique characteristics;*
- d) *For the convent:*
 - i) *Focus on a new designation of a community, cultural or touristic nature, compatible with the heritage values associated with the site;*
 - ii) *Ensure the diffusion and transmission of the intangible heritage and memory of the nuns of the Notre-Dame Congregation. Transmit our knowledge of the nuns’ social contribution and way of life to future generations;*
- e) *Showcase the windmill, its prestige, its major role in the City’s heritage and its rich centuries old history.*
- f) *Make the village an attractive place and a choice destination in the West Island.*

Criteria

27.3.17 The acceptability of a use shall be evaluated based on the following criteria:

- a) The proposed use contains an element of openness to the community. The establishment does not serve an exclusive, limited or selective client base;
 - b) The use is of a community, cultural or touristic nature, and represents added value to the heritage site and to the village;
 - c) The use is compatible with the surrounding environment and will not compromise the original character and identity of the site;
 - d) The use is in accordance or in complementarity with the recreation vocation of Alexandre-Bourgeau Park and that of the village, and with its natural riverside environment;
 - e) The space used by the conditional commercial use takes at the most two thirds of the floor area of the building, the residual space being occupied by a use authorized by the Zoning By-law.
 - f) The operation of the use will not unduly disturb the residents of the village residential neighbourhood, nor the users of the religious and educational institutions;
 - g) The commercial use does not require modification to the architecture or to the outside appearance of the building in a way that will compromise its heritage character; On the contrary, it will allow the protection of the heritage site buildings by supporting their maintenance, preservation and restoration;
 - h) The arrangement of the space includes making available to the visitors and the public, knowledge and information tools for heritage and history interpretation such as interpretive panels, old photos, access to history related objects or places, a museum area, etc.;
 - i) The proposed land development will allow highlighting the history and exceptional landscape qualities of the heritage site, without obstructing the views on the lake, the windmill, and the heritage buildings;
 - j) Public access to the heritage site land and shorelines will not be jeopardized by the commercial occupancy;
 - k) The proposed parking strategy and organization will have minimum impact on the environment. To reduce nuisance related to vehicular traffic in the neighborhood, the establishment will offer means of alternative access, such as bicycle facilities, a shuttle service to public parking lots and bus or train stops, etc.
-

Repeals

28. This by-law repeals by-law Number CA-2700 on conditional uses, together with all its amendments.

Coming into Force

29. The present by-law comes into force according to the Law.

Bill McMurchie, Mayor

Jean-Denis Jacob, City Clerk

