

PROVINCE OF QUEBEC
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2862

BY-LAW RESPECTING
COMPREHENSIVE DEVELOPMENT
PLANS

In force on February 22, 2017

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
FEBRUARY 7, 2017, AT 7:30 P.M.

PRESENT: Councillors C. Homan, k. Thorstad-Cullen, P. Bissonnette,
J.-P. Grenier and D. Smith chaired by His Worship Mayor Morris
Trudeau forming a quorum of council.

ABSENT: Councillors J. Beaumont, C. Cousineau and A. Iermieri

AMONGST OTHER BUSINESS TRANSACTED AT SAID
MEETING WAS THE FOLLOWING:

BY-LAW NUMBER: PC-2862

RESOLUTION NUMBER: 2017-073

PROPOSED BY COUNCILLOR SMITH

SECONDED BY COUNCILLOR GRENIER

AND RESOLVED:

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

Chapter 1 **GENERAL PROVISIONS AND PROCEDURE**

Zones covered

1. The provisions of this by-law apply to Zones Re51, Re52 and Re53.
These zones are identified in Appendix 2 – Zoning Plan, forming an integral part of Zoning By-Law PC-2775, as modified.

Applicability

2. In the zones identified in section 1 and upon acceptance of a comprehensive development plan (CPD) that meets the development conditions and criteria set out in this by-law, Council agrees to initiate the procedure to amend the zoning by-law in force.

Purpose of the by-law

3. This criteria-based approach to project evaluation encourages the search for innovative solutions through open exchanges between the Planning Department, City Council and developers.
To this end, this by-law contains a general section describing the procedure for an application and the documents that must be submitted with an application, and appendixes for each zone subject to this by-law with specific evaluation criteria applicable to the zone in question.

Persons covered

4. The provisions of this by-law apply both to individuals and to corporations governed by public or private law.

Definitions

5. Unless the context gives them a different meaning, the words or expressions defined in Appendix 1 (Definitions) of the Zoning By-Law have the meaning assigned to them in that appendix.

Submitting applications

6. Any application for authorization of a comprehensive development plan must be submitted to the Director of the Planning Department.
The application must be presented jointly by all zone owners, or by just one of them wanting to carry out a comprehensive development plan for the entire zone, or by their representative duly authorized by written proxy.
If the application is complete, the comprehensive development plan is submitted to the Planning Advisory Committee (PAC) in accordance with articles 8 and 9.
The PAC studies the application and provides its recommendation to Council in accordance with articles 10 and 11

Documents and information

7. The following documents must be submitted by the applicant in support of his/her application for authorization of a comprehensive development plan.
- a) A comprehensive development plan, prepared by a qualified and recognized professional, that includes:
 - i) the current cadastral map indicating the owners' names, the dimensions of each lot and the easements or other encumbrances against each lot;
 - ii) the location and placement of existing and planned constructions;
 - iii) the delineation of the various phases of the project, if applicable;
 - iv) the location, shape and dimensions of parking lots, parking spaces and lanes for vehicle, bicycle and pedestrian traffic;
 - v) the location and width of access ways to the street;
 - vi) the proposed landscaping, including ground levels in relation to the level of the sidewalk, curb or centre of the street, the location of trees and shrubs to be planted, walls, fencing, percentage of green space, waste and recycling management and any other landscaping aspect;
 - vii) the ground cover materials.
 - b) A document describing all the development and usage data of the comprehensive development plan, namely:
 - i) dimensions of constructions, lot coverage, construction densities,
 - ii) description of planned uses, floor space per use,
 - iii) number of floors, number of dwellings, number of parking spaces, both indoor and outdoor,
 - c) A schedule of the planned work, including:
 - i) the number of phases planned for the project;
 - ii) the time anticipated for each phase;
 - iii) the order in which the project phases will be carried out, in reference to the development plan.
 - d) A written statement explaining how the project achieves this by-law's objectives and what features have been incorporated into the project to meet the criteria of this by-law.
 - e) Any other related document that can support and justify the application, such as texts, maps, plans, architectural sketches, perspectives or audio-visual material, and any data or information demonstrating how the project complies with the provisions of this by-law.
 - f) A proxy duly signed by any owner of a landsite that is not owned by the applicant and that is included in the comprehensive development plan, authorizing the presentation of an application for such plan, in accordance with the form supplied by the Planning Department to that effect.

Review of the application by the Director of the Planning Department

8. As soon as the director receives all documents required under section 7, he must review the application and report to the Planning Advisory Committee no later than the Committee's first meeting following a period of thirty (30) days starting from the date that the duly completed application is received.

9. The director's duties and powers include:
- a) Ensuring that all the formalities set out in this by-law are met.
 - b) Ensuring that all required documents are provided.
 - c) Ensuring that the application complies with the Planning Program and any other applicable by-laws.
 - d) Making all relevant observations first to the Committee and then to Council.

Review of the application by the Planning Advisory Committee

10. As soon as the Committee receives the director's report, it must diligently review the application and report to Council.
11. The duties and powers of the Committee include:
- a) Evaluating the application and making a recommendation to Council about the eligibility of the application against the criteria of this by-law.
 - b) If it so desires, inviting the applicant or, with authorization from and at the expense of the applicant, inviting any professional who worked on the project, in order to obtain any clarification or additional information that it considers necessary for understanding the application better.
 - c) Recommending that the application be accepted, with or without conditions, or recommending that it be rejected, with or without suggesting changes for re-submitting the application.

Council's acceptance or rejection of the application

12. The Committee's report is issued to Council at a regular meeting following the Committee meeting at which the latter made a final recommendation about the application for authorization of a comprehensive development plan.
13. After reviewing the Committee's recommendations, Council expresses an opinion about the application, by resolution, during a public meeting.
14. Council may require, as a condition for approval of a comprehensive development plan, that the owners of the buildings located in the zone covered by the plan:
- a) bear the cost of certain aspects of the plan, such as infrastructure and equipment;
 - b) carry out the plan within the time frame that it allots;
 - c) provide the financial guarantees indicated, which are intended to ensure a certain performance guarantee or compensation in the event of the conditions for approval not being met;
 - d) provide a conservation easement;
 - e) integrate all properties included in a zone.
15. A copy of Council's resolution approving or refusing to approve the application is sent to the applicant within 15 days of its adoption.

Incorporating the CDP into the City's planning by-laws

16. Following approval of a comprehensive development plan by Council, the latter may, as per the provisions of the *Act Respecting Land Use Planning and Development* (CQLR c A-19.1), initiate the procedure to amend planning by-laws to include the comprehensive development plan.

General criteria

17. The acceptability of a comprehensive development plan will be evaluated according to the following criteria:
- a) The comprehensive development plan meets environmental standards and incorporates the objectives of sustainable development and living.
 - b) The proposed development plan provides recreational green spaces and easy access to pedestrian and bicycle path networks.
 - c) The number of parking spaces is enough to adequately meet the needs of all residents, disabled people, visitors and employees, and allows access for delivery and supply vehicles without jeopardizing the quality of life of neighbourhood residents.
 - d) The buildings' orientation and placement maximize sunshine on indoor and outdoor private spaces, use of solar energy as well as panoramic views, as the case may be.
 - e) The comprehensive development plan must take into account the quality of life of all residents affected by the plan

Specific conditions

18. For each zone subject to a comprehensive development plan, an appendix forming an integral part of this by-law includes specific context information, identifies building densities and permitted uses as well as specific criteria to guide the evaluation of plans submitted for the site.

Chapitre 1 **FINAL PROVISIONS**

Enforcement of planning by-laws

19. Approval of a comprehensive development plan and the resulting by-law changes in no way release the person who submitted the plan from the obligation to comply with planning by-laws.

Changes to the comprehensive development plan

20. An approved comprehensive development plan cannot be substantially altered. If changes are required, a new application for approval of a comprehensive development plan must be submitted.

Coming into force

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

Morris Trudeau, Mayor

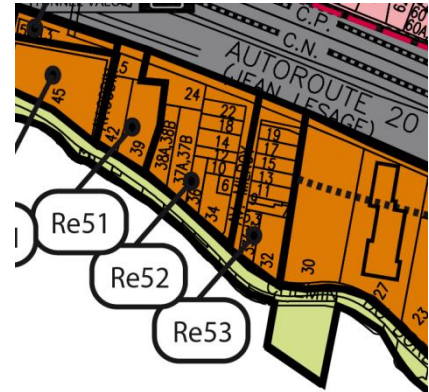
Jean-Denis Jacob, City clerk

Appendix 1 GODIN-MILROY SECTOR

Land subject to the provisions of Appendix 1

1. Appendix 1 applies to residential zones Re51, Re52 and Re53 of the Zoning Plan. This sector is bounded to the north by Highway 20, to the east by the western boundary of the property at 30 Bord-du-Lac—Lakeshore Road and to the west by Godin Avenue, all of which are shown in the following excerpt from the Zoning Plan.

Council may approve a comprehensive development plan that covers all of zones Re51, Re52 and Re53 or that covers only one of these zones or any combination of these three zones if it deems that such a plan also meets the objective and criteria that follow.



Context information

2. Zones Re51, Re52 and Re53 are composed of several properties upon which are built single family homes. It is located between two high density multi-family buildings, one of 8 to 9 storeys to the West (45 Bord-du-Lac—Lakeshore Road) and one of 13 storeys to the East (30 Bord-du-Lac—Lakeshore Road).

The existing single family homes, in each zone, will have to be demolished or moved elsewhere in order to permit redevelopment of the zone where they are located.

The properties located in the zone belong to several property owners, making it more difficult to redevelop the zone in a manner that would maximize its potential.

Use and density

3. In each of these zones, residential uses as well as retail and services that are complementary to residential are authorized.
4. In each of these zones, a comprehensive development plan must propose at least 40 dwellings per net hectare, with a maximum Floor Space Index of 2.3.

Objective

5. The objective according to which an application for approval of a comprehensive development plan must be evaluated is the following:

To refurbish a low-density residential sector, ensuring it is redeveloped into a high-quality multi-family residential neighbourhood that respects the existing built volume, the natural topography and the specific character of Bord-du-Lac—Lakeshore Road; the project is to be carried out in such a way as to minimize the impact on the quality of life of the residents who will continue to live in existing dwellings.

Criteria specific to this sector

6. The acceptability of a comprehensive development plan will be evaluated according to the following criteria:
 - a) A plan demonstrates that the existing single-family homes will be demolished or moved elsewhere in order to permit the redevelopment of the zone, or zones as the case may be, contemplated by such plan.
 - b) The site plan is designed to protect the forest cover and wooded areas separating the various construction phases from each other and separating the sector from Highway 20.
 - c) The buildings' orientation and placement allow for open views toward Lake Saint Louis from Highway 20.
 - d) The buildings' volume is such as to maximize the number of dwellings that have a view toward Lake Saint-Louis or a patio with a southern orientation.
 - e) Access ways to the street for vehicles are located and arranged so as to ensure safety and not hinder traffic flow on Bord-du-Lac—Lakeshore Road, and so that semi-circle drop-off points are included in each zone.
 - f) The main front yards giving on Bord-du-Lac—Lakeshore Road will be designed as open landscaped spaces with views toward Lake Saint-Louis.
 - g) The phasing-in for the plan and the landscaping (including the landscaping of public space) will be scheduled so as to minimize the impact of the construction of the first development phases for the residents who will continue to live in existing dwellings until all projects of the comprehensive development plan are completed.
 - h) With the aim of minimizing the surface area taken up by paved or asphalt-covered areas and optimizing the use of open and recreational areas for the benefit of the sector's future residents, the development plan provides for overall organization and common use of the service areas and access ways, and may incorporate the right-of-way of Milroy Avenue into the private development.
 - i) An existing access easement is maintained in the development plan, which allows access to the rear parking lot of the property at 30 Lakeshore Road.
 - j) In the case where the plan submitted would contemplate the redevelopment of only one or two zones among zones Re51, Re52 and Re53, a reasonable and realistic timeframe is proposed within which the redevelopment of the whole sector can be completed, in accordance with the present by-law and any and all applicable city regulations.
7. In conjunction with the approval of a CDP, the qualitative aspects of the placement and architecture of the buildings and of the landscaping are governed by the Site Planning and Architectural Integration Program (SPAIP) By-Law.