

HOW TO REQUEST AN AMENDMENT TO A PLANNING BY-LAW

Presenting the request

An amendment request begins with a letter from the property owner to the Director of the Planning Department. This letter must be clear, concise and explain why the amendment is being requested. Plans and sketches, which provide further details about the request, are also required. A cheque for a non-refundable amount of \$750 or \$1500 (depending on the by-law to modify), payable to the City of Pointe-Claire, must be included with the letter.

Planning Advisory Committee

The Director presents the request at a Planning Advisory Committee (P.A.C.) meeting. These closed-door meetings take place every 4 to 5 weeks throughout the year. The P.A.C., which is comprised of citizens, a Council member, a planning consultant and various department directors, will review the request. Following this meeting, a recommendation will be presented to Council for consideration during a Committee caucus meeting.

Council's decision based on PAC recommendations

Council can then decide:

- To request additional information. The property owner will be contacted and will be asked to submit the necessary documents; or
- To agree to continue the amendment procedure. The property owner will receive a written response and will be asked to submit an additional \$ 750 or \$ 1500 (non-refundable); or
- Not to agree to continue with the amendment procedure. The property owner will receive a written response as to why the request was refused.

Publication and adoption of the by-law by Council

Once the additional \$ 750 or \$ 1500, as the case may be, has been paid, a draft by-law is prepared. The procedure starts with the adoption of a first draft by-law by Council; a notice of motion is also given. A public notice published on the City of Pointe-Claire website provides a summary of the by-law and announces the time and date of the public consultation.

Without referendum process: After this public consultation, and if the first draft by-law does not include any provision susceptible to approval by referendum, the Council may adopt a second draft by-law, with or without any modification and, in a subsequent meeting, the final by-law. A notice is published on the City of Pointe-Claire website advising the citizens of the adoption of the by-law and of its coming into force.

With a referendum process: Following the public consultation, and if the first draft by-law includes any provision susceptible to approval by referendum, Council must adopt a second draft by-law, with or without modification from the first draft by-law. A new public notice in a local newspaper advises qualified voters in the concerned zone, and wherever it is required, in the contiguous zones, of their right to request that the by-law, including such provisions, be submitted to the referendum process. The written application must clearly state the provision to which it refers and the zone from which it originates, and be signed by at least 12 qualified voters or by a majority if the number of voters is less than 21. This application must be received by the City Clerk no later than the eighth (8th) day following the day on which the notice is published. Should no



application be presented by the qualified voters or if their number is not sufficient, the procedure shall be continued.

Council adopts the final by-law during a regular meeting. A notice is published on the City of Pointe-Claire website advising the citizens of its adoption, and whenever it is the case, of its coming into force.

Should a valid application be presented from the qualified voters of the concerned zone and, whenever applicable, from the qualified voters of any contiguous zone, a register will be held after the adoption of the by-law and at the date set by the City Clerk in a public notice published in a newspaper to that effect (additional fees to be paid by the property owner). On the given date, the qualified voters may present themselves to City Hall to sign the register so as to ask that the by-law be submitted to a referendum. Should a sufficient number of qualified voters sign the register, Council would have to hold a referendum or they may decide to withdraw the by-law.

Important points to consider before making an application:

- There is no guarantee that a zoning amendment request will be granted by Council
- The zoning amendment procedure takes 4 to 6 months, or more, to complete
- The non-refundable cost of \$ 750 to \$ 3000, as the case may be