

Consultation version

In case of discrepancy, the French version shall prevail

**CANADA
PROVINCE OF QUEBEC
TOWN OF BROME LAKE**

**BY-LAW 406 RESPECTING SPECIAL PROJECTS FOR THE CONSTRUCTION,
ALTERATION OR OCCUPANCY OF AN IMMOVABLE IN THE TOWN OF LAC-BROME.**

CONSIDERING the relevant sections of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) concerning specific construction, alteration or occupancy projects;

CONSIDERING THAT a notice of motion of the present by-law with the exemption of its reading was given at the regular meeting of the municipal council held March 7, 2005;

CONSIDERING THAT all Councillors have received a copy of this draft by-law with the notice of motion, that they have read it and renounced to its reading;

THEREFORE, it is hereby decreed as follows:

**CHAPTER I
GENERAL PROVISIONS**

SECTION I - DEFINITIONS

1. In these regulations, the following words mean :

"committee" : the urban planning advisory committee;

"council" : the Town of Brome Lake council;

"inspector" : the municipal inspector responsible for the application of this by-law;

"construction": a building or structure resulting from the assembly of materials whose use requires a location on the ground or which is attached to something requiring a location on the ground.

SECTION II -

2. The Council may authorize, upon request and subject to the conditions stipulated in this by-law, a specific construction, alteration or occupancy project for an immovable located on the territory of Town of Brome Lake that derogates from any of the by-laws provided for in Chapter IV of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

SECTION III - AUTHORIZATION APPLICATION PROCEDURE

3. In order to obtain the authorization provided for in Article 2, an application must be submitted to the inspector as follows:

1° the form provided by the Town for this purpose must be completed in full and signed by the owner of the immovable or his representative;

2° the fee set out in the Town's annual fees by-law for the study of such a request must be paid;

3° the following documents must be provided, as applicable:

a) an authentic copy of any title establishing that the applicant is the owner of this land or a document establishing that he holds an option to purchase this land;

b) the power of attorney establishing the authority of any person authorized to act on behalf of the owner;

- c) a statement signed by the owner or the owner's agent, setting out the types of occupancy of any building affected by the particular project;
 - d) if residential occupancy has been established in accordance with paragraph d), a list of tenants for the 12 months preceding the application, rental amounts, lease expiry dates and a statement of the measures planned for the relocation and compensation of tenants in accordance with the law;
 - e) a survey plan of the property involved in the specific project or a certificate of location for any existing construction on the property, including the technical designation;
 - f) the layout of existing and future buildings on the site, and their integration into the urban fabric;
 - g) types of occupancy planned for the site and existing or future structures;
 - h) the density, in terms of floor area index, of existing or future buildings on the site;
 - i) the general massing and height of existing and future buildings on the site, and their integration into the built environment;
 - j) public domain occupancy requirements;
 - k) proposals for the integration or demolition of existing buildings, or for the conservation and enhancement of original architectural features;
 - l) proposed landscaping, enhancement and protection of existing and planned planting;
 - m) vehicular access, pedestrian and vehicle signage, parking spaces, loading bays and barrier-free access;
 - n) studies required to assess the project in terms of sunlight, wind, traffic and, where applicable, noise and fumes;
 - o) an indication of the risks of soil contamination by identifying previous occupations of the land affected by the project, based among other things on available cartographic documents.
4. Applicants may attach any documents they deem useful in support of the project they are submitting.
 5. In addition to the information provided for in Article 3, the inspector may require the applicant to submit an additional study or expert opinion on an aspect of the project.
 6. Where, by notice given in writing to the applicant for the particular project, at the applicant's address indicated on the application for authorization, the inspector has required the applicant to complete, clarify or correct the required documents and the notice has not been acted upon within 120 days of the date it was sent, the application for authorization lapses.
 7. Documents provided pursuant to this section remain the property of Town of Brome Lake.
 8. Where an application for authorization has lapsed by virtue of Article 6, the applicant may submit a new application on condition that he complies with all the requirements of Article 3, including payment of the fee.

SECTION IV - EVALUATION CRITERIA

9. The criteria used to evaluate a request for authorization for a particular project are as follows:
 - 1° compliance with Town of Brome Lake urban plan objectives;
 - 2° compatibility of the project's occupancies with the surrounding environment;
 - 3° the project's integration qualities in terms of layout, massing, density and landscaping;
 - 4° advantages of proposals for the integration or demolition of existing constructions and those for the conservation or enhancement of original architectural elements;
 - 5° advantages of proposals for enhancing outdoor spaces and planting;
 - 6° the project's environmental impact, particularly in terms of sunlight, wind, noise, emissions and traffic;

- 7° quality of the project's functional organization, particularly with regard to parking, loading bays, access and safety;
- 8° benefits of the project's cultural or social components;
- 9° project feasibility and schedule;
- 10° qualities of integration into heritage environments;
 - a) qualities of integration in relation to panoramic views and the historical and heritage aspect of the area;
 - b) quality of facade materials;

SECTION V - CONSULTATIONS

- 10. After studying the specific project, the inspector forwards a copy of the project to the committee, with or without comments.
- 11. After studying the specific project, the Committee submits its opinion and recommendation to the Council, with or without conditions, as to whether to grant or refuse the request for authorization.
- 12. The inspector forwards a copy of the specific project to the Council, along with his or her recommendation to grant, with or without conditions, the request for authorization or to refuse it.

CHAPTER II MONETARY GUARANTEE

- 13. The council may, by resolution, require a monetary guarantee for the execution of a specific construction, alteration or occupancy project for an immovable, prior to the issuance of a permit, which may not exceed 20% of the value on the property assessment roll. This monetary guarantee is submitted to the municipal inspector and, at the applicant's option, consists of one or other of the following values:
 - 1° a letter of guarantee;
 - 2° bearer bonds issued by the Government of Québec or Canada or by a Québec municipality;
 - 3° a guarantee issued by an insurer duly authorized to transact insurance in Quebec under the Insurance Act (R.S.Q., c.A-32).
- 14. The monetary guarantee must remain in effect until the expiry of sixty (60) days following the anticipated date of completion of the work stipulated in the permit. It must include a provision requiring the issuer to notify the inspector of its cancellation.
- 15. If the work is not completed within the set time, the council may have it carried out and recover the costs from the owner or, at the council's discretion, execute the monetary guarantee. If it recovers the owner's costs, they constitute, after registration, a preferential charge on the immovable.

CHAPTER III

PENAL PROVISIONS

16. Any person who occupies or uses part of a lot, a lot, land or a construction, authorizes the occupation or use thereof, or erects or permits the erection of a construction, in contravention of any of the provisions of a resolution respecting specific construction, alteration or occupancy projects for an immovable, commits an offence and is liable to the penalty provided for in section 24.
17. Any person who contravenes the present by-law commits an offence and is liable:
 - 1^o For a first offence, a fine of \$300 to \$1,000 in the case of a natural person, or a fine of \$1,000 to \$2,000 in the case of a legal person;
 - 2^o In the case of a repeat offence, a fine of \$600 to \$2,000 in the case of a natural person, or \$2,000 to \$4,000 in the case of a legal person.
18. When an offence has lasted more than one day, the penalty is applied for each day or fraction of a day that the offence has lasted.
19. Where the by-law provides for a heavier penalty in the event of a repeat offence, it may only be imposed if the repeat offence took place within two years of the offender's conviction for an offence under the same provision as that for which the heavier penalty is sought.
20. In addition to penal recourses, the Town may exercise before the courts all civil recourses at its disposal to ensure compliance with the provisions of the present by-law.
21. Costs are in addition to the penalties provided for in the present by-law. They include costs relating to the execution of the judgment.

CHAPTER III ENTRY INTO FORCE

22. The present by-law shall come into force in accordance with the law.

DONE AND ADOPTED at the regular session of June 6, 2005 .

George Bristol
Deputy Mayor

Me Alain R. Roy, M.A., LL.B.
clerk

FOLLOW-UP :

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| Notice of motion | April 4th, 2005 |
| Adoption 1 st draft | May 2, 2005 |
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| 2nd project adopted | June 6, 2005 |
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