

PROVINCE OF QUEBEC
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2628-10

BY-LAW ON SITE PLANNING AND
ARCHITECTURAL INTEGRATION PROGRAM
FOR CERTAIN COMMERCIAL ZONES AND
CERTAIN APARTMENT ZONES AND FOR
LARGE AND MEDIUM-SIZED BUSINESSES
WITHIN THE WHOLE TERRITORY OF
POINTE-CLAIRE REPLACING BY-LAWS
2628-1, 2628-3, 2628-5, CA-2628-6, CA-2628-7
AND PC-2628-8

In force on October 10, 2007

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE
HELD AT THE CITY HALL, 451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE,
QUEBEC, ON **MONDAY, OCTOBER 1ST, 2007** AT 7:30 P.M.

PRESENT : Councillors P. Bissonnette, R. Geller, J.-P. Grenier, A. Iermieri, J.R.
Labbé, D. Smith and M. Trudeau, forming a quorum of Council.

ABSENT: His Worship the Mayor Mr. Bill McMurchie and councillor E. Sztuka.

In the absence of His Worship the Mayor, councillor Aldo Iermieri, Pro-
Mayor, presides the meeting.

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

BY-LAW NUMBER : PC-2628-10

Resolution number : 2007-426

PROPOSED BY COUNCILLOR GRENIER

SECONDED BY COUNCILLOR BISSONNETTE

AND RESOLVED:

WHEREAS a notice of motion of the present by-law has been given beforehand.

CONSEQUENTLY IT IS DECREED AS FOLLOWS:

Article 1. The texts of by-laws PC-2628-1, 2628-3, 2628-5, CA-2628-6, CA-2628-7 and PC-2628-8, and their amendments, are replaced by the following text:

Chapter 1
GENERAL PROVISIONS

Title

1. The present by-law is cited as the "SPAIP by-law for certain commercial or apartment sectors or projects".

Adoption by parts

2. Council hereby declares that it adopts this by-law part by part, such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other parts contained herein.

Repeals

3. This by-law replaces the following by-laws:
 1. By-law number 2628-1 entitled "By-law respecting site planning and architectural integration programs for the North-West quadrant of the Sources/A40 interchange";
 2. By-law number 2628-3 entitled "By-law respecting site planning and architectural integration programs for zones A177, C178 and C179 (Donegani, Drake and Maywood area)";
 3. By-law number 2628-5 "respecting site planning and architectural integration programs for apartment buildings and/or complexes in the regional sub-centre";
 4. By-law number CA-2628-6 entitled "By-law respecting site planning and architectural integration programs for Hymus West residential sector",
 5. By-law number CA-2628-7 "pertaining to site planning and architectural integration programs applicable to Zone Rd191 (Donegani Avenue, North side, between Aurora and Eldorado Avenues)";
 6. By-law number PC-2628-8 entitled: "Site planning and architectural integration program by-law for certain commercial zones and certain apartment zones and for large and medium-sized businesses within the whole territory of Pointe-Claire".

as well as all their amendments.

Persons subject to the application of the by-law

4. Compliance with the provisions of this by-law applies to both natural and legal persons under public or private law.

Area and properties subject to the application of the by-law

5. The present by-law applies to any property located within a sector identified as subject to the application of this by-law according to the "Plan of the areas subject to the by-law", appended hereto as Appendix "1" to form an integral part hereof, as well as to any large or medium-sized commercial project; to any parking structure project; and to any other project subject to any provisions of the present by-law.

Activities covered, objectives and criteria

6. The activities for which the delivery of a permit or certificate of authorization is subject to prior approval, by Council, of a site planning and architectural program, as well as the objectives and criteria according to which the applications shall be assessed are given in the various chapters of this by-law.

Other laws, by-laws and servitudes

7. Compliance with this by-law shall not diminish the obligation of complying with any other law or by-law where applicable, including, in particular, the Civil Code of the Province of Québec, as well as the Zoning By-Law and the other planning by-laws applicable to the territory of the City of Pointe-Claire.
8. The present by-law cannot be utilized to directly restrict potentials allowed by the other planning by-laws, in particular uses and densities. It is nevertheless recognized that the application of the criteria in this by-law can make it impossible for the applicant to achieve maximums permitted in the other by-laws, particularly with regard to lot coverage ratios, floor space indices, setbacks, heights, materials and/or building types.
9. Compliance with the objectives and/or the criteria of this by-law cannot be invoked in order to allow an exemption from the provisions of other planning by-laws other than by an amendment or a minor variance, in accordance with the by-law provisions governing these matters.

Interpretation

10. Irrespective of the tenses employed in any of the provisions contained in this by-law, such provisions shall be considered to have effect during any periods or under any circumstances in which they may apply.
11. In this by-law, use of the masculine shall include the feminine, unless otherwise indicated by the context in which it is used.
12. In this by-law, use of the singular shall include the plural, unless the context indicates otherwise.

13. All plans, appendices, diagrams, graphs, and all forms of expression other than the text proper and contained herein, with the exception of the table of contents and text headings, shall form an integral part hereof.
14. In the event of contradiction between the English and the French versions of this by-law, the French version shall prevail.
15. All dimensions and measures employed herein are given in the international (metric) system, accompanied at times with their equivalents in English dimensions and measures given between parentheses; equivalences in English dimensions and measures are given for purposes of information only; dimensions or measures of the metric system (except in the case of an obvious typographical error) shall prevail in the event of any contradiction between the two systems.

Definitions

16. In this by-law, unless the context indicates otherwise, the following expressions, terms and words shall have the following meaning:

"APPLICATION":

An application for the approval of plans relating to site planning and architectural integration.

"ARCHITECTURAL TREATMENT OF A BUILDING":

The combination, applied to a building, of its materials, colours, shape, proportions, location of openings, projections and recesses, architectural details and decorative features such as railings, cornices and roof ornaments.

"ARCHITECTURAL VOCABULARY":

Set of components used in the architectural design of a building and of which the selection and combination result in the style of the building; are namely components of the architectural vocabulary the lines, the shapes, the materials, the colours and the decorative elements.

"CITY":

The City of Pointe-Claire.

"COMMITTEE or PLANNING ADVISORY COMMITTEE":

The Planning Advisory Committee of the City of Pointe-Claire.

"COUNCIL":

The Municipal Council of the City of Pointe-Claire.

"DIRECTOR":

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

"FLOOR AREA":

Sum of the area of all floors; floor area is measured inside the exterior walls and includes basements, elevator shafts and stair wells counted as such for each floor, mezzanines and mechanical areas where the floor-to-ceiling height is more than 2 metres (6.6 ft.); it does not include cellars, patios, steps, cornices, fire escapes, outside stairs and ramps and open-air loading docks.

"FOREST SURVEY":

The report entitled " *Recommandations au Service de l'aménagement urbain et services aux entreprises relativement au lot vacant propriété du collègue John-Abbott (à l'extrémité nord-ouest de l'arrondissement)*", appended to the present by-law as Appendix "2" to form an integral part hereof.

"FRONT YARD":

The area of land which extends between the front facade of the building (and its imaginary extension to the property lines), the side property lines and the street right-of-way.

"INTEGRATION TO THE NATURAL AND DEVELOPED LANDSCAPE":

The combination of measures taken to ensure a visual and functional complementarity with the buildings and the landscaping of the surrounding properties and to avoid causing any prejudice to those properties by depreciating them.

"LARGE OR MEDIUM-SIZED COMMERCIAL PROJECT":

A property including a retail establishment with a floor space of 4,000 m² (43,057 sq. ft.) or greater as well as a property that includes more than one retail establishment with a floor space of 1,000 m² (10,764 sq. ft.) or greater.

"MATURE TREE":

A tree at least 10 cm (4") in diameter measured at 1.0 metre (3.28') above ground level.

"PARKING STRUCTURE":

An above-ground structure intended for the parking of the passenger vehicles of the customers, visitors, personnel and/or residents of a commercial or municipal use, building or complex.

“PASSENGER VEHICLE”:

A motor vehicle that is used primarily for personal purposes and designed to carry no more than 9 occupants at a time.

“PROPERTY OR LANDSITE”:

Lot or grouping of lots making up a single unit of land area eligible for a single principal use; where the Zoning by-law allows it, such principal use may be made of one or several principal buildings grouped in a same ensemble.

“RENTAL FLOOR AREA”:

Building or shopping centre floor area intended for use by shops, stores and offices, including storage space, but excluding all halls, corridors, tunnels, stairs or elevators, public restrooms, loading docks, common space for heating, ventilation and air conditioning, and all common space in general.

“RESIDENTIAL COMPLEX”:

Use or group of structures, made of two or more multiple-family buildings systematically coordinated together on the same landsite and forming a visually integrated whole.

“SECTOR”:

A sector shown on the "Plan of the areas subject to the by-law", appended hereto as Appendix "1" to form an integral part hereof.

“ZONE”:

A zone on the Zoning Plan.

“ZONING PLAN”:

The Zoning Plan of the former City of Pointe-Claire, annexed to by-law number 2495A to form an integral part thereof.

