

Chapter 2 ADMINISTRATIVE PROVISIONS

Submission of applications

- 17.** Any application for the approval of a site planning and architectural integration program according to this by-law, as well as all supporting documents, shall be submitted to the Director. Any project submitted for approval under the provisions of the present site planning and architectural integration programs by-law must demonstrate, both in its content and its presentation, an obvious intention to abide by the objectives and criteria set in the present by-law.

Application for preliminary review

- 18.** In the case of the construction of a new building or an addition to or alteration of an existing building, the applicant may submit preliminary sketches of his project to obtain a preliminary advice and recommendations of the Committee before continuing in the preparation of the detailed documents required hereinafter. This preliminary step shall not affect the procedure nor the delays established hereinafter.
- 19.** The sketches submitted for a preliminary review shall be drawn to scale and must include plans and elevations as well as precise indications as to the finishing materials to be used.

Documents and information

- 20.** The documents and information to be submitted for review according to the procedure set hereinafter and which, once approved, shall constitute the site planning and architectural integration program, are the following:
1. In the case of a subdivision permit,
 - i) the documents required by the permits and certificates by-law for a subdivision permit;
 - ii) a plan showing the exact location of any mature tree;
 - iii) preliminary sketches of the building to be erected on the landsite, showing the approximate dimensions of the structure (width, depth and height), the roof-shape, the roof and wall materials and the approximate location on the landsite;
 - iv) in the case of a cadastral operation related to a consolidation, preliminary sketches of the additions or the alterations to the existing buildings, as the case may be.
 2. In the case of a permit or certificate of authorization to demolish or move a building,
 - i) a well supported demonstration as to why the building should be demolished or moved, showing among other things, in the case of a demolition, that the structure has reached a state where it cannot be renovated and that it does not contribute to the particular character of the area,

- ii) a programme of reutilization of the vacated land which includes the following documents and information:
 - a description of the construction or re-development works which are foreseen in replacement of the structure to be demolished or moved;
 - as the case may be, the plans and specifications of the projected structure intended to replace the structure to be demolished or moved, including any and all documents required by the present by-law for a building permit for a new construction;
 - as the case may be, the plans and specifications of the projected landscaping works intended to replace the structure to be demolished or moved, said plans and specifications having been prepared and signed by a member of the Québec Landscape Architects Association.
 - a commitment, accompanied by a timetable, stating that the works related to the reutilization of the vacated land, as here above described, will begin and be completed within 6 months from the date of the issuance of the certificate of authorization pertaining to the demolition or moving of the structure to be demolished or moved;
 - iii) an indication of the technical means that will be used for the demolition or the moving;
 - iv) a photograph of each of the elevations of the structure to be demolished.
3. In the case of a building permit for a new building or an addition or modification to an existing building affecting the exterior aspect of a building,
- i) the documents required by the permits and certificates by-law for the building permit or the certificate of authorization,
 - ii) a plan showing the exact location of any mature tree to be felled,
 - iii) samples of the exact colour and texture of the facing materials to be used on the building,
 - iv) In the case of a building permit for an extension or a certificate of authorization for an alteration affecting the outside appearance of a building, photographs of the existing building.
4. In the case of a certificate of authorization to fell a mature tree for reasons other than the construction of a new building or the extension of an existing building, a well supported demonstration that:
- i) the tree is already dead or that it cannot be saved by reason of an advanced disease, or
 - ii) the risk of its fall or the fall of one or many of its branches is such that its felling is necessary so as to preserve the safety of persons and property, or

- iii) maintaining it will aggravate observed damage by roots to foundations or property, to underground conduits or to sidewalks or paving.
5. In the case of a certificate of authorization to landscape a property or modify the landscaping of a property including, where required according to the present by-law, the installation of a fence or wall, the planting of a tree or a hedge, or the development of a parking area, the documents required according to the permits and certificates by-law.

Any other document deemed appropriate by the applicant to support his application, such as texts, maps, plans, architectural sketches, models, visual simulations, perspective drawings and audio-visuals, are an integral part of the site planning and architectural integration program, together with the documents mentioned in the first paragraph.

Study of the application by the Director

- 21.** When the Director has received all the documents required above, he shall proceed to study the application and report to the Committee.

The duties and powers of the Director include, among other things, ensuring:

- i) that all the formalities stipulated in this by-law are observed;
- ii) that all the required documents have been submitted;
- iii) that the application conforms to the planning program and to all other applicable by-laws.

The Director may make any observation to the Committee he deems fit.

Study of the application by the Planning Advisory Committee

- 22.** The duties and powers of the Committee include, among other things, assessing the application and making a recommendation to Council as to whether the application is admissible on the basis of the objectives and criteria of this by-law.

If it sees fit, the Committee may convene the applicant and/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.

The Committee may recommend to accept the application, with or without conditions, or recommend to reject it, while proposing or not certain modifications to be made before resubmitting the application.

Approval or refusal of the application by Council

- 23.** The report of the Committee shall be forwarded to Council and Council shall either approve or reject the application.

Obligatory nature of a site planning and architectural integration program

- 24.** Any site planning and architectural integration program approved by Council under the provisions of this by-law binds the applicant to the same extent as a subdivision or a building permit or a certificate of authorization, as the case may be, which means that all the works must be carried out in strict conformity with the approved site planning and architectural program.

Once the site planning and architectural integration program has been approved by Council, any modification considered to any part of the project subject to this by-law must be submitted for review and approval according to the procedure of the present Chapter 2.

In the case where the permit or the certificate for which the prior approval of a site planning and architectural program was required would become null and void according to the provisions of the permits and certificates by-law, the site planning and architectural integration program would also be considered as null and void.

Final provisions

- 25.** Anyone who proceeds with an activity subject to this by-law without prior approval according to the procedure described herein and/or anyone who contravenes the conditions of approval of his application commits an infraction and is liable, not including the costs, to a fine of:
1. for a first infraction, a minimum of \$500 if the offender is a physical person and \$1,000 and if the offender is a legal person and a maximum of:
 - i) \$1,000 if the offender is a physical person;
 - ii) \$2,000 if the offender is a legal person;
 2. for a repeat infraction, a minimum of \$1,000 if the offender is a physical person and \$2,000 if the offender is a legal person and a maximum of:
 - i) \$2,000 if the offender is a physical person;
 - ii) \$4,000 if the offender is a legal person;

Upon being notified by the Director, one must suspend the work and submit an application according to the procedure set herein or, as the case may be, comply with the conditions of approval of the application.

In addition to obtaining recourse by imposing penalties, the City may, before the Courts entertaining jurisdiction, exercise any legal recourse against any natural or legal person, to enforce compliance with the provisions of this by-law, including, among others,

1. to prevent the registration of a subdivision plan;
2. to prevent or halt the felling of a tree undertaken in violation of the provisions of this by-law;

3. to prevent or halt any construction or development work undertaken in violation of the provisions of this by-law;
4. to obtain the demolition of any building, addition or alteration made in violation of the provisions of this by-law;
5. to obtain the reconstruction of any building or structure demolished, extended or modified in any other way in violation of the provisions of this by-law;
6. to obtain the replacement of any mature tree felled in violation of the provisions of this by-law.