

**BY-LAW 2003-09  
CONCERNING SPECIAL IMMOVABLE PROJECTS  
OR PROJECTS TO MODIFY OR OCCUPY AN IMMOVABLE  
“The PPCMOI”**



**l'Esprit des Cantons  
the Spirit of the Townships**

**VILLAGE  
OF AYER'S CLIFF**

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**PROVINCE DE QUÉBEC  
M.R.C. MEMPHRÉMAGOG  
VILLAGE DE AYER'S CLIFF**

**BY-LAW RESPECTING SPECIAL IMMOVABLE PROJECTS  
AND PROJECTS TO  
MODIFY OR OCCUPY AN IMMOVABLE**

At a regular meeting of the council of the Municipality held at École Saint-Barthélemy, on September 8, 2009, in accordance with the law, at which are present councillors Patrick Proulx, Roger Dumouchel, Isabel Marcotte and France Coulombe-Goodsell, forming a quorum under the chairmanship of the Mayor, Mr. Vincent Gérin.

**BY-LAW 2009-11**

**WHEREAS** the municipality has the power, by virtue of the *Land Use Planning and Development Act (LAU article 145.36)* to adopt a by-law related to special construction projects or modification of use of an immovable;

**WHEREAS** the limits of the built-up area of the village of Ayer's Cliff constitute a territory where it is important to promote interventions tailored to meet the needs of special projects;

**WHEREAS** the municipality has a Planning Advisory Committee in accordance with the *Land Use Planning and Development Act (LAU article 146)*;

**WHEREAS** the application of the technique of a by-law governing special immovable construction projects or the modification or use of an immovable on this territory is seen as a relevant complement to the existing planning by-laws;

**WHEREAS** the applicable adoption procedure has been duly followed;

**FOR THESE REASONS**, the council decrees as follows:

CHAPTER 1

**GENERAL PROVISIONS**

**SECTION I: Declaratory provisions**

	<b>TITLE</b>	<b>1</b>
This by-law is entitled “By-law concerning special construction, modification or occupation projects for an immovable”.		
	<b>TERRITORY COVERED</b>	<b>2</b>
This by-law applies to land situated within the limits of the built-up area of the village as delineated in the Zoning map, which forms an integral part of the Zoning By-law, with the exception of flood risk zones also identified on the Zoning map.		
	<b>TERMINOLOGY</b>	<b>3</b>
The words and expressions used in this by-law have the specific meaning attributed to them, in order of precedence, as follows:  (1) This by-law; (2) The Zoning By-law; (3) The Subdivision By-law		
	<b>SPECIFIC DEFINITIONS</b>	<b>4</b>
Unless the context indicates a different meaning, the following terms are understood to mean:  <b>« un ensemble résidentiel » - a residential ensemble or grouping:</b> A project made up of at least 3 principal buildings having a residential vocation or a single building with 5 dwelling units or more.  <b>« secteur de revitalisation du centre du village » - renewal sector in the village centre:</b> Land situated within zones « Com-3, Com-4, Ppc-2 and Pub-3 » as delineated on the Zoning map. (By-law 2009-11)		
	<b>SYSTEM OF MEASUREMENT</b>	<b>5</b>
All dimensions in this by-law are given in metric units according to the International System (IS). (By-law 2009-11)		

CHAPTER II

ADMINISTRATIVE PROVISIONS

SECTION I: **Application of the by-law**

The secretary-treasurer *and director general* is responsible for administering this by-law. **(By-law 2009-11)**

**ADMINISTRATION  
OF THE BY-LAW 6**

The inspector is charged with the application of this by-law. *He is specifically authorized to issue a report of infraction related to any infraction of this by-law.* **(By-law 2009-11)**

**APPLICATION 7**

The council may, by resolution or by-law, authorize any other person to give out a report of infraction related to an infraction of this by-law.

**POWERS OF  
THE PERSON  
CHARGED  
WITH APPLYING  
THE BY-LAW 8**

The person charged with applying the by-law exercises the power conferred on him, by this by-law, specifically, he may:

(1) visit and inspect a movable or immovable property as well as the interior or exterior of any house or building between the hours of 7 am and 7 pm, to verify that the by-laws and other municipal regulations are being respected, to verify any information or ascertain any fact needed for the exercise by the municipality of the power conferred on it by the law or a by-law, deliver a permit, issue a notice of compliance for an application, give an authorization or any other form of permission. **(By-law 2009-11)**

(2) give notice for the temporary evacuation of any building the condition of which could endanger the lives of any person;

(3) give notice to carry out any work or repairs that he deems necessary for the safety of the construction, and recommend to the council any emergency measure;

(4) give notice to rectify any situation constituting a contravention of this by-law;

(5) recommend to council any measure necessary to halt construction or the use of a part of a lot, a parcel of land, a building or construction that is not compatible with this by-law.

**OBLIGATION TO  
ALLOW ENTRY 9**

The owner, tenant or occupant of a movable or immovable property, a house or a building must allow the inspector or his assistant, as the case might be, to enter between the hours of 7 am and 7 pm, for the purpose of verifying that this by-law and other by-laws or resolutions of the council are being followed or respected. **(By-law 2009-11)**

**SECTION II: Application for authorization of a special project  
and processing of the application**

**TYPES OF PROJECTS  
ELIGIBLE 10**

The types of projects listed below are eligible for an application for a special project that does not fit within the applicable planning by-laws:

- A residential ensemble or grouping;
- The conversion of principal buildings;
- Any construction in the renewal sector in the village centre.

**APPLICATION FOR  
AUTHORIZATION  
FOR A SPECIAL  
PROJECT THAT DOES  
NOT FIT WITHIN THE  
APPLICABLE PLANNING  
BY-LAWS 11**

Any person who wishes to depart from the applicable planning by-laws for a construction, modification or use of an immovable for a type of project identified in article 10 shall submit a formal application in writing, accompanied by the required documents listed in article 12.

**MINIMUM CONTENT OF  
THE DOCUMENTS 12**

The supporting documents related to an application for an exemption to the applicable planning by-law for special construction or modification project or the use of an immovable shall contain the following elements:

- (1) A plan showing the planned land use of the parcel of land covered by the application for authorization and the use of neighbouring parcels of land, including properties situated across the road, should this be the case. Neighbouring parcels of land are understood to mean all the parcels of land situated less than 100 m from the limits of the property which is covered by the application;
- (2) Photos of the immovable or the parcel of land covered by the application as well as the neighbouring properties (within 100 m);
- (3) A plan showing the types of land use contemplated on the parcel of land and the existing constructions to be preserved or put up;
- (4) Sketches showing the elevations of the various existing building facades that have been modified or the buildings planned, including elevations of buildings or neighbouring immovables situated less than 100 m away (in colour);
- (5) The general volumetry, the height of existing structures and those to be built on the land and their integration into the surrounding built environment;
- (6) Proposals for the integration or demolition, existing constructions and the highlighting of architectural or known significant aspects;
- (7) A plan showing the actual levels of the land, and, depending on the situation, the high water line and the flood codes set in the Zoning By-law, and the finished levels of the parcel of land. A representative cross section shall accompany this plan;
- (8) A plan showing the landscaping proposals for the outdoor spaces, the development and protection of existing and planned plantings;

(9) A plan showing automobile access, parking areas, spaces set aside for garbage skips, and, if necessary, for access to watercourses, the winter storage area for docks and craft;

(10) The studies needed for the assessment of the environmental impacts related to sunlight orientation, drainage of surface waters and control of erosion during and after the work;

(11) The total estimate of costs of completing the work, both by item (buildings only, final landscaping and planting, signage...) as well as a timetable for the work to be completed.

**APPLICABLE  
PROCEDURE  
FOR PROCESSING THE  
APPLICATION 13**

All plans, documents and information required by this by-law shall be given to the building inspector with the application for authorization, subject to this by-law.

**EXEMPTION FROM THE  
PLANNING BY-LAWS 14**

The building inspector is responsible for verifying that the application is complete. When the application is complete, the building inspector identifies any elements that are not in compliance with the applicable by-laws, in a written report and shall forward this analysis to the Planning Advisory Committee (the CCU) within a maximum period of time of sixty (60) days from the presentation of the duly completed application.

**EXAMINATION BY  
THE PLANNING  
ADVISORY  
COMMITTEE 15**

The Planning Advisory Committee is charged with evaluating the application using the assessment criteria set out in the framework for this by-law. If the Planning Advisory Committee believes it would be useful, it can require a meeting with the applicant and may visit the site or premises. The Planning Advisory Committee is charged with forwarding its assessment in writing to the Council. This assessment shall include a recommendation to either approve or disapprove the application for authorization for the special project, and in the case of a refusal, an indication of the reasons that the committee

recommended refusing the application. The Planning Advisory Committee's recommendations may also suggest conditions that should be met related to carrying out the special project and modifications intended to make the application acceptable, in terms of the criteria set out in this by-law. In this case, these modifications shall be approved by the applicant before the Council makes its decision.

**DECISION BY  
COUNCIL 16**

Following an assessment by the Planning Advisory Committee, the Council shall, by resolution, either give its authorization for the special project or refuse it. The resolution by which the council accepts the application gives any conditions that must be met in carrying out the project, taking into account all conditions related to municipal powers.

When the resolution indicates that the council refuses the application, this resolution shall also list the reasons for this refusal.

**ADOPTION  
PROCEDURE  
AND COMING  
INTO FORCE OF  
THE RESOLUTION  
GIVING THE  
AUTHORIZATION  
FOR THE SPECIAL  
PROJECT 17**

The resolution giving authorization for the special project is subject to the procedure established for the adoption and coming into force of by-laws described in section V of chapter I, Title I of the *Land Use Planning Act (the LAU)*, taking into account any necessary adaptations.

**SECTION III: Contraventions and sanctions**

**INFRACTION AND  
PENALTIES 18**

Whoever contravenes a provision of this by-law commits an infraction and is liable:

(1) For a first infraction, to a fine of \$500 to \$1,000, in the case of a physical person or a fine of \$1,000 to \$2,000 in the case of a moral person. **(By-law 2009-11)**

(2) In the case of a repeated offense, to a fine of \$1,000 to \$2,000 in the case of a physical person or a fine of \$2,000 to \$ 4,000 in the case of a moral person. **(By-law 2009-11)**

**ONGOING  
INFRACTION 19**

When an infraction continues for more than a day, the penalty is applied for each of the days or fractions of a day that the infraction continues.

**REPEATED  
OFFENSES 20**

When the by-law calls for a larger fine in the case of a repeated offence, it may not be imposed unless the repeated offense has taken place within two years of the declaration of the offender's guilt for an infraction against the same provision for which a more severe fine is being sought.

**CIVIL  
RECOURSE 21**

In addition to penal recourse, the Municipality may exercise any other civil recourse at its disposal before the courts to ensure that the provisions of this by-law are observed.

**COSTS 22**

Costs are added to the penalties called for in this by-law. They include the costs attached to execution of the judgement.

CHAPTER III

ASSESSMENT CRITERIA

**PRIOR  
CONDITIONS 23**

The special construction project or project to modify or occupy an immovable shall respect the objectives of the planning program to receive authorization.

**ASSESSMENT  
CRITERIA 24**

The special project for which an application for authorization is made will be evaluated based on the assessment criteria defined below for all types of eligible projects as defined in article 10:

- (1) The compatibility of land uses contemplated, in relation to the surrounding environment;
- (2) The quality of the project's integration in terms of siting, volumetry, density, layout and landscaping, and, as the case might be, its acceptability under the applicable PIIA;
- (3) The advantages of proposals for integration or demolition of existing constructions and those for conservation or highlighting original, recognized architectural elements;
- (4) The advantages of proposals for developing exterior open spaces and special plantings, particularly when situated on lakefront properties on Lake Massawippi or in the renewal area in the village centre;
- (5) The environmental impacts of the project including sunlight orientation, drainage, erosion;
- (6) The quality of the functional organization of the project; parking, access, security, garbage bins, accessory buildings, storage of docks and boats during the winter season, as the case might be;
- (6) The feasibility of the project according to the completion timeframe contemplated.

## COMING INTO FORCE

This by-law comes into force in accordance with the law.

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Vincent Gérin, mayor

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Ghislaine Poulin-Doherty, director-general and secretary-treasurer

Notice of motion: July 6, 2009, 3 August, 2009 and August 10, 2009

Adoption of the draft by-law: July 6, 2009

Public consultation meeting: July 27, 2009

Adoption of the by-law: September 8, 2009

Opening of the register: \_\_\_\_\_

Notice of conformity from the MRC: \_\_\_\_\_

Notice of the coming into force: \_\_\_\_\_