



**MORIN-HEIGHTS
1855**

**By-Law 648-2022
Regarding Specific Construction, Alteration, or
Occupancy Proposals for an Immovable
(SCAOPI)**

Entry into force on February 27th 2023

In case of contradiction between the French version and the English version of the urban planning regulations, the provisions of the French version prevail

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CHAPTER I: DECLARATORY, ADMINISTRATIVE, AND INTERPRETIVE PROVISIONS

DIVISION A – DECLARATORY PROVISIONS

1. Title of the by-law

This by-law shall be known as “By-Law 648-2022 Regarding Specific Construction, Alteration, or Occupancy Proposals for an Immovable (SCAOPI).”

2. Scope

This by-law applies to all people and throughout the entire territory of the Municipality of Morin-Heights.

3. Purpose of the by-law

The purpose of this by-law is to allow a person to submit a request for a specific construction, modification or occupancy project for a building that does not comply with certain town planning by-laws. It allows the municipal council, after having received the opinion of the urban planning advisory committee, to assess the advisability of authorizing this particular project with regard to the evaluation criteria set out in this by-law and to subject this authorization to the conditions that he determines.

4. Compliance with legislation

Compliance with this by-law does not release any person from the obligation to comply with any other provincial or federal legislation or any other municipal by-laws applicable to the matter.

5. Adoption in parts

This by-law is enacted chapter by chapter, division by division, section by section, paragraph by paragraph, and subparagraph by subparagraph so that if any part of this by-law is declared null and void by a court of law, the decision shall not affect the remaining parts of the by-law except to the extent that the meaning and scope of the by-law or any of its provisions are thereby altered or modified.

6. Entry into force

This by-law shall come into force in accordance with the law.

DIVISION B – ADMINISTRATIVE PROVISIONS

7. Administration of the by-law

The administration and enforcement of this by-law shall be the responsibility of the designated official, whose powers are detailed in the *By-Law Regarding Permits and Certificates*.

8. Infractions and penalties

Any person who contravenes, or permits or tolerates the contravention, of any provision of this by-law; performs construction without a permit; or maintains a condition that requires a certificate without having first obtained one is guilty of an infraction. Individuals who commit such infractions shall be liable to a fine of not less than \$1,000; legal persons who commit such infractions shall be liable to a fine of not less than \$2,000.

For repeat infractions, individuals shall be liable to a fine of \$2,000 plus costs and legal persons shall be liable to a fine of \$4,000 plus costs.

If the infraction is of a continuous nature, it shall constitute a separate infraction each day and the offender shall be liable to the forementioned fine for each day on which the infraction continues.

DIVISION C – INTERPRETIVE PROVISIONS**9. Rules of interpretation**

The following rules of interpretation shall apply to this by-law in the event of conflicting provisions:

1. The most specific of the restrictions shall prevail.
2. The most restrictive of the provisions shall prevail.
3. In the event of a discrepancy between a table, an illustration, or a title and the text, the text shall prevail.

10. Structure

This by-law is structured as follows:

Chapter I: Chapter

Division A – Division

1. Section

Paragraph

1. Subparagraph

a) Clause

11. Definition

Unless the context otherwise dictates, words and phrases have the meaning assigned to them in the *By-Law Regarding Permits and Certificates*. If a word or expression is not defined, it is understood to have its common dictionary meaning.

CHAPTER II: PROCEDURAL PROVISIONS

DIVISION A – ELIGIBILITY

12. Eligibility of specific proposal applications

The designated official shall evaluate whether applications for specific proposals regarding the construction, alteration, or occupancy of immovables are eligible for the procedure in this division.

If the designated official concludes that an application is not eligible, they shall inform the applicant in writing of the reasons for their decision within 60 days of the application being filed.

13. Eligible zones

Specific proposal applications are valid throughout the municipality, with the exception of:

1. A request for an immovable located in an area subject to special constraints for reasons of public safety.

14. Provisions to which specific proposal applications may apply

Specific proposal applications may apply to any provision of the town planning by-laws, except those relating to:

1. Safety and construction standards pursuant to the *By-Law Regarding Construction*;
2. Terms of contributions for parks, playgrounds, and natural areas.

15. Compliance with the RCM's land use and development plan

Specific proposal applications must align with the objectives of the RCM of Les Pays-d'en-Haut's land use and development plan, as well as the provisions of the complementary document to this plan.

To determine eligibility, the designated official may request a preliminary opinion from the RCM.

DIVISION B – CONTENT

16. Filing of a specific proposal application

To file a specific proposal application, applicants must complete and sign the application form, then submit it to the designated official.

The application, submitted as one (1) hard copy and one (1) digital (PDF) copy, must be accompanied by the following plans and documents (certain plans and documents may, in the opinion of the Designated Official, not be required depending on the nature of the particular project):

1. Full contact information for the applicant and, if applicable, a mandate from the immovable's owner;
2. A description of the particular project indicating, in a non-limiting way, the nature of the use and the planned activities, the buildings and constructions required, the parking spaces required, the outdoor facilities and the planned signs;
3. A document justifying, for each exemption requested for the specific proposal, the nature and impact of the exemptions and their compliance with the evaluation criteria set forth in this by-law;

4. A document identifying the measures proposed to achieve the evaluation criteria set out in these rules;
5. A concept plan illustrating the surrounding sector in which the particular project fits, illustrating the existing constructions and structures and all elements having an impact on the project (e.g. streets, trails, wetlands and bodies of water, woods, constraints, easements, etc.);
6. A site plan of the specific proposal, prepared by a land surveyor, illustrating the existing and planned structures and works, including all elements that have an impact on the project (such as streets, trails, wetlands and waterways, woodlands, constraints, or easements);
7. Plans of the specific proposal, including the details of which make it possible to understand the components of the project in terms of constructions, outdoor spaces and land development (volume, architecture, materials, natural spaces, parking, etc.);
8. Measures for the sustainable construction of the building, measures for the sustainable development of the land and measures for the sustainable management of the construction site;
9. The current and projected capacity of the septic and water withdrawal systems;
10. Illustrations of the proposed activity using one or more visual perspectives (including at least a street view);
11. A section view illustrating the height and floor levels of a projected building in relation to neighboring buildings;
12. If applicable, the project schedule and phasing;
13. Any other information deemed necessary to evaluate the immovable's compliance with the town planning by-laws;
14. Any other information deemed necessary to determine whether the application meets the by-law criteria.

17. Review and publication fees

The fees for the review of specific proposal applications and the publication of public notices are provided in the *By-Law Regarding Taxes, Tariffs, Service and Compensation Costs*.

These fees are always non-refundable and do not cover the fees for obtaining a permit or certificate.

18. Completion

Specific proposal applications are considered complete when all required documents and plans have been filed with the designated official and the review fees have been paid.

DIVISION C – APPLICATION PROCESS

19. Verification of specific proposal applications

When the application is complete, the designated official shall verify that specific proposal applications comply with the town planning by-laws. Upon request, applicants must provide any additional information needed to interpret their applications.

If the plans and documents provided by an applicant are inaccurate, erroneous, insufficient, or non-compliant, the designated official shall notify the applicant that the verification process is being paused so that they can provide accurate, corrected, and sufficient information, plans, and documents for verification.

Once verified, applications shall be sent to the Town Planning Advisory Committee.

20. Recommendation of the Town Planning Advisory Committee

The Town Planning Advisory Committee shall issue recommendations on specific proposal applications as they relate to the evaluation criteria set out in this by-law. If deemed appropriate, the Committee may suggest conditions of approval, provided those conditions fall within the municipality's jurisdiction, which must be completed in relation to carrying out the project.

21. Resolutions to authorize or reject proposals

After receiving the recommendation of the Town Planning Advisory Committee, the Municipal Council shall authorize or reject specific proposal applications by resolution.

The resolution by which the Municipal Council authorizes a specific proposal application may indicate any conditions that must be met in order for the project to proceed, provided those conditions fall within the municipality's jurisdiction.

Resolutions rejecting applications must state the reasons for rejection.

Copies of the resolutions shall be sent to the applicants.

22. Approval procedure for specific proposal resolutions

The approval procedure for specific proposal resolutions is that described in section 145.38 of the *Act respecting land use planning and development* (CQLR c. A-19.1).

In addition, and subject to the provisions of the Act, first draft resolutions must be tabled at a public meeting and, if they contain provisions subject to approval by referendum, the second draft resolutions must be submitted for approval by qualified voters. Specific proposal resolutions must also be submitted to the RCM Council for a regional compliance review.

23. Display

As soon as practicable after the passing of a draft resolution granting authorization for a specific proposal, the Clerk-Treasurer shall post a notice on the website indicating the nature of the application and the place where interested parties may obtain information relating to the specific proposal.

24. Coming into force of specific proposal resolutions

The resolution regarding specific proposals comes into force in accordance with the *Act respecting land use planning and development* (CQLR c. A-19.1).

As soon as practicable after a resolution comes into force, the Clerk-Treasurer shall send a certified copy of the resolution to the applicant.

25. Effect of specific proposal resolutions

The resolution by which the Municipal Council authorizes a specific proposal shall identify the areas in which the proposal derogates and, if applicable, the conditions for approval. The resolution must also state that, in addition to the exemptions and conditions, the town planning by-laws apply to the immovable in question.

The resolution shall apply to the immovable in question or part of it and complements or is added to the existing town planning by-laws.

26. Issuance of permits or certificates

After submitting an application for a permit or certificate in accordance with the Permits and Certificates By-law, the designated official shall issue a relevant permit or certificate if the following conditions are met:

1. A certified copy of the resolution by which the Council has authorized the specific proposal has been presented;

2. The conditions listed in the resolution have been met at the time of issuance, or will be met thereafter if provided for in the resolution;
3. The proposal complies with the *By-Law Regarding Permits and Certificates*, with the exception of any exemptions granted.

27. Amendment of specific proposals

Any amendments or modifications to the provisions included in the resolution regarding a specific proposal, including the conditions for approval, must be approved by the Municipal Council, following the procedure set out in this by-law.

28. Expiry of specific proposal resolutions

The resolution authorizing the project shall be rendered null and void if the applicant does not request a permit or certificate within 12 months of the date of the resolution. The resolution authorizing the project shall also be rendered null and void if the permit or certificate holder does not perform the work within the timeframe allotted by the By-Law Regarding Permits and Certificates.

DIVISION D – EVALUATION CRITERIA

29. Criteria for evaluating specific proposal applications

The planning advisory committee and the municipal council evaluate a request for a specific project based on the following criteria:

1. Compliance with the objectives of the *By-Law Regarding Town Planning & Development Plan* i.e. all the intentions that are explicitly provided for therein, but also the principles resulting from all of its elements;
2. The added value of the specific proposal for the environment, considering the exemptions requested in terms of innovation, sustainable development, architectural quality and contribution to cultural and social components;
3. Compatibility of the planned uses with the surrounding environment;
4. The qualities of integration of the project into the built, architectural and natural landscape in which it is inserted;
5. Integration qualities of in terms of layout, volume, density and layout of the premises;
6. Benefits in terms of the outdoor spaces and landscaping;
7. Benefits in terms of the integration or demolition of existing structures, as well as the conservation or enhancement of original architectural elements;
8. Effects on the environment, natural areas, and water management;
9. Effects on sunlight, wind, noise, fumes, and traffic;
10. Quality of the layout in terms of parking, access, and security, among others.