

CANADA  
PROVINCE OF QUEBEC  
BROME-MISSISQUOI RCM  
MUNICIPALITY OF WEST BOLTON

**BY-LAW NUMBER 359-2019  
ON SITE LAYOUT AND ARCHITECTURAL INTEGRATION PLANS**

- WHEREAS the municipal council may adopt a by-law on site layout and architectural integration plans under the *Act respecting land use planning and development*;
- WHEREAS this by-law does not contain any provision that needs to be approved by referendum;
- WHEREAS a notice of motion was given on May 4, 2019 and the draft by-law has been filed;
- WHEREAS the public consultation meeting is scheduled for May 25, 2019;

**COUNCIL DECREES AS FOLLOWS:**

# **Municipality of West Bolton**

## **Site Layout and Architectural Integration Plan (SLAIP) By-law number 359-2019**

<b>By-law number</b>	<b>Notice of motion</b>	<b>Adoption of the draft</b>	<b>Adoption of the by-law</b>	<b>Entry into force</b>
359-2019	2019-05-04	2019-05-04	2019-06-10	

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## **CHAPTER 1: GENERAL PROVISIONS**

### **SECTION 1: DECLARATORY PROVISIONS**

#### **Article 1: Title and number of the by-law**

This by-law shall be cited as the "Site Layout and Architectural Integration Plans By-law" of the municipality of West Bolton and bears the number 359-2019.

#### **Article 2: Geographic scope**

This by-law applies to the areas or sectors identified in Chapter 3.

#### **Article 3: Purpose of the by-law**

The purpose of this by-law is to subject the issue of a permit or certificate to the approval by the municipal council of the layout and architectural plans of structures and constructions or land development and work related to it. The work involved must be evaluated on the basis of the objectives and criteria set out in this by-law.

#### **Article 4: Validity of the by-law**

Council shall adopt this by-law as a whole and also article by article, paragraph by paragraph, subparagraph by subparagraph, so that if an article, a paragraph or a subparagraph is ever declared to be void, the other provisions of this By-law will continue to apply.

#### **Article 5: Enabling Act**

This by-law is adopted in accordance with the *Act respecting land use planning and development* (RSQ A-19.1) and in particular under sections 145.15 to 145.20.1.

#### **Article 6: Entry into force**

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

## **SECTION 2: INTERPRETATIVE PROVISIONS**

### **Article 7: Scope**

This by-law applies to any legal person established in the public interest or for a private interest, and any natural person. Nothing in this by-law shall be considered as an exemption by any owner, lessee or occupier of an immovable to respect the obligations incumbent upon such an owner, particularly with regard to neighbours, under the provisions of the Civil Code of Quebec or any provision of another law.

### **Article 8: Interpretation of the text**

The following rules of interpretation apply to this by-law:

1. Regardless the verb tense used in this by-law, the by-law shall be in force at all times and in all circumstances where it can be applied;
2. The singular form extends to several persons or several things of the same kind whenever the context lends itself to this extension;
3. The masculine gender includes the feminine gender, unless the context indicates otherwise;
4. Whenever it is prescribed that something will be done or should be done, the obligation to do it is absolute, but when it is said that something “may” or “can” be done, it is optional to do it;
5. The authorization to do something includes all the powers necessary for this purpose.

### **Article 9: Rules of precedence of the provisions**

In this by-law, in the event of contradiction and unless otherwise indicated, the following rules apply:

1. Between the text and a title, the text prevails;
2. Between the text and other forms of expression, the text prevails;
3. Between two provisions of this by-law or between a provision of this by-law and a provision contained in another by-law, the normative provision prevails over the discretionary provision.

In the event of an inconsistency between two provisions of this by-law or between a provision of this by-law and a provision contained in another by-law, the specific provision shall prevail over the general provision.

In the event of any inconsistency between the restrictive or prohibitive provisions contained in this by-law or in the event of any inconsistency between a restrictive or prohibitive provision contained in this by-law and a provision contained in any other by-law, the most restrictive or prohibitive provision applies, unless indicated otherwise.

**Article 10: References**

All references to another by-law contained in this by-law are open. Thus, any amendments to the by-law that may arise after the entry into force of this by-law are to be included in the references.

**Article 11: Terminology**

Unless the context indicates otherwise, any word or expression that is not subsequently defined has the meaning given to it in Schedule A of the Zoning By-law that is in effect. If a word or expression is not specifically defined in this by-law, it shall be interpreted based on its dictionary definition.

**SECTION 3: ADMINISTRATIVE PROVISIONS**

**Article 12: Administration of the by-law**

The officer designated by Municipal Council resolution is responsible for the application of this by-law.

For this purpose, he is authorized to visit and examine, between 7 am and 7 pm, any movable or immovable property, as well as the interior or exterior of any house, building or construction of any kind to ascertain whether this by-law or any other by-law entrusted to him by Council is being respected.

The owner, lessee or occupier of such property is required to receive the designated officer and to answer any questions asked regarding the implementation of this by-law.

**Article 13: Violation**

Anyone who violates any provision of this by-law is deemed to have committed an offense and is liable to the penalties identified in the by-law. Moreover, if an offense lasts more than one day, it constitutes a separate and distinct offense day after day.

**Article 14: Sanction and recourse**

Where a violation of any of the provisions of this by-law is established by the designated officer, a stop work and/or activity order shall be served on the owner, in writing, by posting it at the place of the offense. This order must justify the reasons for stopping the work and/or the activity.

As soon as possible after having ordered the work and/or activity to be stopped, a violation notice shall be sent to the owner. This notice must be served by registered mail with a copy sent to the Municipal Council. The violation notice must contain at least information on the nature of the offense as well as the necessary work or steps to be carried out in order to comply with this by-law. A reasonable extension must be allowed.

If, after the expiry of the prescribed period, the offense still persists, the municipality may take legal action in accordance with the law.

Notwithstanding the foregoing, where the offender is still in breach after the prescribed period has expired, but is showing real and marked progress in complying, only one additional extension may be allowed.

Violation of any of the provisions of this by-law will entail the following penalties:

1. For a first offense, a fine of \$500 to \$1,000 in the case of a natural person or \$1,000 to \$2,000 in the case of a legal person;
2. In case of a repeat offense, a fine of \$1,000 to \$2,000 in the case of a natural person or \$2,000 to \$4,000 in the case of a legal person.

In all cases, the costs of the lawsuit are extra.

Notwithstanding the foregoing, the Municipality may also undertake, at the same time, any other remedy envisaged under the *Act respecting land use planning and development* (chapter A-19.1), as well as any other civil or criminal remedy.

## **CHAPTER 2: PROCESSING A PLANS APPROVAL REQUEST**

### **SECTION 1: THE PLANS APPROVAL REQUEST PROCESS**

#### **Article 15: Filing the application**

An applicant for approval of layout and architectural integration plans under this by-law must file an application with the designated officer. The content of the application is prescribed in section 2 of this chapter.

#### **Article 16: Verification of the application**

The designated officer checks whether the application is complete and whether the application complies with the planning by-law.

The application for approval of plans is considered complete when the designated fee has been paid and all required documents and plans have been filed with the designated officer.

At the request of the designated officer, the applicant must provide any additional information required to further clarify the application.

Where the proposed intervention does not comply with the planning by-law, the designated officer shall notify the applicant within 30 days of filing the complete application.

When the information, plans and documents provided by the applicant are inaccurate, incorrect or inadequate, the designated officer shall notify the applicant that the verification process prior to transmission to the Planning Advisory committee is interrupted so that the applicant can provide accurate, correct and sufficient information, plans and documents that are required to verify the application.

The applicant shall, within 90 days of receiving the notice from the designated officer, submit amended plans to make them conform or, if appropriate, submit a request for minor exemption or modification of the planning by-laws, and provide information, plans and documents that are accurate, corrected and sufficient for the verification of the application. At the end of this period, if the application remains unchanged and no new information has been obtained, the application will be considered as "abandoned". Any new request will have to resume the initial process, including fees.

**Article 17: Transmission of the request to the Planning Advisory Committee**

When the application is complete and the designated officer has verified that the request is compliant, it is forwarded to the Planning Advisory Committee for an opinion that should be issued within 60 days after the request has been validated.

**Article 18: Study and recommendation by the Planning Advisory Committee**

The Planning Advisory Committee formulates its opinion in writing as a recommendation taking into account the relevant objectives and assessment criteria prescribed in this by-law and transmits the opinion to the Municipal Council.

The attainment of the objectives is evaluated, in a non-limiting way, based on the evaluation criteria listed in this by-law, when applicable to the intended intervention.

**Article 19: Public consultation meeting**

The Municipal Council may request that the project for which an application for approval of plans is presented under this by-law be submitted to a public consultation meeting in accordance with the procedure provided for in the *Act respecting land use planning and development* (RSQ, chapter A-19.1) which applies considering the necessary modifications. The costs of publishing the public notice are included in the fees provided for in section 2.

**Article 20: Municipal Council decision**

After studying the request, the opinion of the planning advisory committee and, if necessary, the holding of the public consultation meeting, the Municipal Council approves or disapproves the site layout and architectural integration plan by resolution. The resolution disapproving the plans must be motivated.

A copy of the resolution is sent to the applicant.



**Article 21: Condition of approval**

As a condition for approving the plans, the Municipal Council may require that the owner agree to:

1. Assume the cost of certain elements of the plan, in particular that of infrastructure or equipment;
2. Realize the project within a fixed timeframe;
3. Provide financial guarantees.

**Article 22: Issuance of the permit or certificate**

The permit or certificate may be issued by the designated officer only after obtaining a certified copy of the Municipal Council resolution approving the application.

The designated officer shall issue the permit or certificate in accordance with the provisions of the Permits and certificates by-law and, where applicable, in accordance with the conditions set out in the approval resolution.

**Article 23: Modification of plans**

Any change to the plans after they have been approved by the Municipal Council requires the submission of a new application in accordance with this by-law.

**Article 24: Validity of the approval resolution**

The resolution approving the plans is null and void if the authorized work is not started within 24 months of the Municipal Council decision.

**SECTION 2: CONTENT OF THE APPLICATION FOR THE APPROVAL OF PLANS**

**Article 25: Plans and documents**

The applicant for an approval of plans must file the following plans and documents in two (2) hard copies and one electronic (PDF) version:

1. The plans and documents required when applying for a permit or certificate under this by-law, include the following (this list is non-exhaustive; please also refer to the Permits and certificates by-law):
  - a) Environmental characterization in the case of a development project;
  - b) Plans and documents for steep slope areas;
  - c) The soil and storm water management plan;
  - d) Plans and documents for backfilling and excavation work;
  - e) Plans and documents for the layout of a street (drainage, ditch, etc.);

- f) Construction plans of buildings, the area to be cleared, the access road, the parking area, etc.;
  - g) When required, a copy of the authorization under the *Environment Quality Act*.
2. A demonstration, using convincing documents (plans, analysis of the site, etc.), produced by a professional or a competent person in environmental matters (e.g.: biologist) that the choice of the project (subdivision, location, area to be cleared) takes into account the least impact on the environmental and natural components of the site (topography, natural slope, woodland, wetlands and water, wildlife) and, where necessary, environmental characterization. If applicable, it should include mitigation measures;
  3. A overall plan of the intervention site showing, in a non-limiting way, the environmental and natural components, the subdivision, the layout of constructions, streets, access roads, spaces intended for septic installations and water sampling installations, etc. (the main distances between buildings and structures must be indicated on the plan);
  4. An illustration of the impact of constructions on the landscape, including visual perspectives that help to situate the insertion of the project on the environment (e.g. photomontage, simulation model). The demonstration must be made from several views, close-up and distant;
  5. Recent photographs, taken in the three (3) months preceding the application, of the buildings, structures or land involved in the project as well as constructions located on the surrounding area in order to obtain an overall image of the area of intervention;
  6. Details of the materials and the colors selected for the construction;
  7. A detailed management plan including, but not limited to, existing trees, natural spaces, open spaces, trees to be felled, trees to be planted, revegetation measures, etc.;
  8. The placement of lighting equipment, including the rationale for choice as to the direction, color, intensity and period so as to contribute to natural night lighting;
  9. The estimated time and cost of the work and, if applicable, the development phases;
  10. Explanatory text demonstrating the integration of the planned project into its environment according to the objectives and criteria;
  11. Any other information deemed necessary for the evaluation of the application with regard to the objectives and criteria that are stated.

The plans provided for an application for approval must be made on an adequate scale to ensure that the project is well understood.

#### **Article 26: Power of attorney**

If the applicant for the approval of the plans is not the owner of the building or project to which the application relates, a power of attorney signed by the owner authorizing him to submit an application must be filed with the application.

**Article 27: Fees**

The fees applicable to the study of an application for approval of plans are as follows:

<b>Intervention:</b>	<b>Fee:</b>
1. Interventions in an area with a steep slope	\$200
2. Cadastral operation	\$200
3. Work on a street	\$200
4. New main building	\$200
5. Expansion of a main building	\$50
6. New accessory building	\$50
7. Extension of an accessory building	\$25
8. Backfilling or excavation work	\$50
9. Driveway, parking space and driveway entrance	\$50
10. Overall project <sup>(1)</sup>	\$200
11. Modification of approved plans	Half the initial cost

<sup>(1)</sup> For the purposes of this section, "overall project" means the simultaneous study of a project consisting of several components on the same lot, for example, the main building, access roads, accessory buildings and structures.

The fees for studying an application for approval of plans are non-refundable. These do not cover fees required for the issuance of permits or certificates under the Permits and certificates by-law.

## CHAPTER 3: OBJECTIVES AND EVALUATION CRITERIA

### SECTION 1: SLAIP-01 - MOUNT-FOSTER

#### Article 28: Territory covered

This section (SLAIP-01) applies to the "Mount Foster" sector as set out in Schedule A to this by-law.

#### Article 29: Items covered

Approval of plans is required for any of the following actions when applying for a permit or certificate under the Permits and certificates by-law:

1. A cadastral operation in order to create a lot where a construction will be erected;
2. A cadastral operation for a street;
3. The construction and expansion of a main building;
4. The construction and expansion of an accessory building;
5. The layout of an access road;
6. The development of a parking space;
7. Work on a street;
8. Excavation and backfilling work.

The first paragraph notwithstanding, in an area with steep slopes (30% or more), the approval of plans is required for all buildings, structures or works on a permit or certificate under the Permits and certificates by-law.

#### Article 30: Objective and criteria for areas with steep slopes

Objective: Reduce excessive water runoff and erosion problems in areas with steep slopes (30% or more).

For the evaluation of this objective, the following criteria apply (the project must be evaluated taking into account the length and degree of the slope where the intervention is planned, i.e. the expected actions may be proportional to the degree of the slope):

1. The intervention is planned so as to move as far as possible from steep slopes, while minimizing bared or stripped areas;
2. The intervention respects the natural drainage (flow patterns) of the environment as much as possible, so as to minimize the impact on runoff and sediment transport;
3. The cutting of trees required to set up any building, structure or project, including access by machinery, is limited to the minimum required to maintain the highest possible percentage of forest cover;
4. The conservation of vegetated strips is preferred at the foot and top of the embankment;

5. A construction is located as close as possible to the thoroughfares in order to minimize the felling of trees on the ground and the impacts on the vegetation (shrub and tree species);
6. The layout of the thoroughfares or the recreational network integrates with the host environment and is located in such a way as to have the least impact on runoff by keeping as far as possible from the slope area, vegetated bands, rocky outcrops, areas unsuitable for drainage and shrub and tree surfaces;
7. The width of the thoroughfares right-of-way is minimized while allowing for the passage of emergency vehicles;
8. Runoff and drainage outflows are subject to retention measures to prevent them from being directed to the embankments and the drainage system;
9. Runoff from any building and any extension of a building, regardless of the floor area, is directed to one or more rainwater retention structures (barrel, tank or collector) of sufficient capacity;
10. Any work, structure or construction prioritizes rainwater management which favours the infiltration and capture of rainwater on the site and limits surfaces intended for waterproofed spaces to a minimum;
11. The integration of retention basins with landscaping is favoured to allow the infiltration of runoff water;
12. Excavation or backfilling work is reduced to a minimum and excavation work is preferred to backfilling work;
13. Heightening and backfilling are avoided as much as possible, especially around existing trees, to avoid creating erosion sites;
14. The use of materials with major characteristics of durability and permeability are prioritized in order to facilitate the rain water infiltration and prevent soil erosion;
15. The subdivision is adapted to the topography of the land;
16. The subdivision provides sufficient area for the implementation of water management measures and erosion control;
17. The subdivision provides sufficient space for the optimal location of buildings, constructions and the access road, or in part of the lot of lesser impact for water management and erosion control.

**Article 31: Subdivision objective and criteria**

Objective: Design a subdivision project that takes into account the natural components.

The following criteria apply for the evaluation of this objective:

1. The subdivision project carried out as part of a development project takes into account the results of the environmental characterization;
2. The subdivision project takes into account the natural and physical constraints that favour environmentally friendly development;
3. The subdivision is adapted to the topography of the land;
4. The shape and boundaries of the land preserve existing forested land between buildings located on the land and between adjacent lands (fragmentation of woodlots is minimized and impact on wildlife corridors is reduced);
5. The subdivision provides sufficient area for the implementation of water management measures and erosion control necessary for the type of intervention;
6. The subdivision provides sufficient space for the optimal location of buildings, constructions and an access road; that is, in a part of the lot with less impact (visual and environmental);
7. The shape and boundaries of the terrain involve exposure to the south and the use of passive solar energy;
8. The subdivision project takes into account existing and projected easements in the planning of uses and constructions.

**Article 32: Objective and criteria relative to the implementation, volumetry and architecture**

Objective: Adapt the layout, volumetry and architecture to natural and landscape components.

For the evaluation of this objective, the following criteria apply:

1. The proposed implementation as part of a development project takes into account the results of the ecological characterization;
2. The layout of buildings on part of the land with the highest level of elevation is avoided to minimize their visual impact;
3. The proposed layout helps to minimize logging, fragmentation of woodlands and reduces the impact on wildlife movement corridors;
4. The proposed layout takes into account the topography of the terrain and natural slopes;
5. Spaces with low slopes are preferred (implementation is based on demonstrating the optimal location in the field);
6. The volumetry of the buildings (height and size) is related to the site of insertion and respects the natural environment, particularly regarding the proposed height (for example, below treetops);
7. The location of accessible buildings reduces the required deforestation area (concentration is favoured over sprawl);

8. The layout, size and architecture proposed (location, height, size, materials and colors) help attenuate the visibility of constructions from the street. Where appropriate, planting is proposed to limit the visual impact;
9. Split-level construction which adapts to the natural slope of the land (modulation of the levels) is preferred to reduce the height as well as backfilling and excavation work;
10. Natural materials and the sober colors that harmonize with the natural environment are preferred (contrasting colors or finishes that are clear, glossy or reflective are avoided);
11. Exterior lighting systems (on the building or grounds) are reduced to the minimum necessary for safety. The choice of lighting takes into account the orientation, color, intensity and the period, which contributes to natural night lighting;
12. A proposal featuring sustainable building construction measures (energy efficiency, sustainable materials, water recovery, green building certification, etc.).

**Article 33: Objective and criteria regarding the layout**

Objective: Minimize interventions to maintain the natural state of the intervention site.

The following criteria apply for the evaluation of this objective:

1. Tree cutting is limited to buildings and their edges. In all cases, the project proposes to maintain the existing herbaceous surfaces and surfaces using grass or low permeability materials are limited;
2. Outside of the area to be cleared, the land is kept in its natural state;
3. During construction, measures to delineate areas for conservation are put in place (protection perimeter);
4. In deforested or bare areas, the project proposes renaturalization based on the three layers of vegetation (tree, shrub and herbaceous) with native species. The development plan takes into account the natural conditions of the land and modifications as the work progresses;
5. The layout of access roads takes into account the topography of the terrain and natural slopes;
6. The path of access roads is reduced as much as possible (length and width), while favouring a sinuous layout adapted to the topography;
7. A common access road is promoted to minimize tree felling;
8. Mineralized and impervious layouts are avoided (access road, parking spaces, trails, etc.);
9. Measures to manage storm water and rain on the ground as well as erosion control measures are proposed. Structures are proposed for the retention and ground infiltration according to the conditions of the site, particularly near the access road;
10. The integration of retention ponds with landscaping is favoured to allow infiltration of runoff;
11. The use of fences is limited to safety requirements (pool). When present, tree felling is avoided so as not to create a barrier for the movement of wildlife (opaque fences are avoided);
12. The construction of retaining walls is limited to safety conditions. Where appropriate, they are covered with herbaceous or shrubby vegetation;

13. The installation of decorative walls (e.g.: large stones, wooden walls) is avoided.

In particular, the following criteria apply to street work:

14. The layout of the street and its surroundings meets stringent environmental requirements and appropriate measures are proposed by prioritizing techniques with the least impact on natural components during and after the work (water management and retention, erosion control, culvert stabilization, ditching, etc.);
15. The width of paved surfaces is reduced while ensuring user safety and the passage of emergency vehicles;
16. Street lighting is limited while ensuring user safety. The choice of lighting takes into account the orientation, color, intensity and period that contribute to natural night lighting;
17. The right of way of the street includes necessary curb lanes to ensure recovery of vegetation on slopes created from either side of the roadway, shoulders and drainage ditches.

Adopted in West Bolton on June 10, 2019.

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Jacques Drolet, Mayor

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Jean-François Grandmont, Director general and Secretary-treasurer



# Schedule A:

Territory subject to SLAIP-01 ("Mount Foster")

