



**MORIN-HEIGHTS  
1855**

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

September 14, 2022

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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 enable applications for specific construction, alteration, or occupancy proposals for immovables that do not comply with certain town planning by-laws, and to permit the Municipal Council to authorize or deny specific proposals based on the evaluation criteria indicated herein.

#### **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 \$500 and not more than \$1,000; legal persons who commit such infractions shall be liable to a fine of not less than \$1,000 and not more than \$2,000.

For repeat infractions, individuals shall be liable to a fine of \$1,000 to \$2,000 plus costs and legal persons shall be liable to a fine of \$2,000 to \$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 aforementioned fine for each day on which the infraction continues.

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## **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 areas subject to special constraints for public safety reasons.

#### **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:

1. Full contact information for the applicant and, if applicable, a mandate from the immovable's owner;
2. 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 wetlands and waterways, woodlands, constraints, or easements);
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. The current and projected capacity of the septic and water withdrawal systems;
5. Illustrations of the proposed activity using one or more visual perspectives (including at least a street view);
6. If applicable, the project schedule and phasing;

7. Any other information deemed necessary to evaluate the immovable's compliance with the town planning by-laws;
8. 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**

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.

#### **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**

Resolutions regarding specific proposals come into force once they have been approved by qualified voters and once the certificate of conformity has been issued by the RCM Council, 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 and complement the existing town planning by-laws.

**26. Issuance of permits or certificates**

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 to the provisions included in the resolution regarding a specific proposal 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**

Specific project applications are evaluated based on the following criteria:

1. Compliance with the objectives of the *By-Law Regarding Town Planning & Development Plan*;
2. Compatibility of the planned uses with the surrounding environment;
3. Integration in terms of siting, massing, density, and layout of the site;



4. Benefits in terms of the outdoor spaces and landscaping;
5. Benefits in terms of the integration or demolition of existing structures, as well as the conservation or enhancement of original architectural elements;
6. Effects on the environment, natural areas, and water management;
7. Effects on sunlight, wind, noise, fumes, and traffic;
8. Quality of the layout in terms of parking, access, and security, among others.