

PROVINCE OF QUÉBEC

CITY OF DORVAL

BY-LAW CONCERNING CONDITIONAL USES

NO RCM-60D-2015

NOTICE OF MOTION	:	November 17, 2014
ADOPTION OF FIRST DRAFT	:	January 12, 2015
ADOPTION OF SECOND DRAFT:		June 15, 2015
ADOPTION :		August 17, 2015
EFFEFFECTIVE	:	October 22, 2015

THE COUNCIL OF THE CITY OF DORVAL DECLARES AS FOLLOWS:

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CHAPTER 1. APPLICATION, INTENT, INTERPRETATION AND ADMINISTRATIVE PROVISIONS

SECTION 1. APPLICATION AND INTENT

1. TERRITORY AFFECTED

The By-law applies to the whole territory of the City of Dorval.

2. SCOPE OF APPLICATION

The By-law applies to the zones mentioned in Chapter 3 of the present By-law.

SECTION 2. INTERPRETATION

3. LAWS AND OTHER REGULATIONS

No provision in this By-law shall be construed as having the effect of exempting a person from the application of a provincial or federal law or regulation, or of any provision in another municipal by-law.

4. TABLES, GRAPHICS AND SYMBOLS

Any table, graphic, symbol or other form of expression other than the text itself contained in the By-law, or to which it makes reference, forms an integral part of this By-law.

5. UNITS OF MEASUREMENT

All dimensions and measurements used in this By-law are expressed in units of the Metric System.

6. REFERENCES

All references to other by-laws given in this By-law remain open, that is to say they extend to cover any modification, made after the coming into force of the By-law, to which the By-law may be subject.

7. RULES OF PRECEDENCE FOR THE PROVISIONS

In the By-law, unless otherwise indicated, the following rules of precedence apply:

- 1° In the case of incompatibility between the text and a title, the text takes precedence;
- 2° In the case of incompatibility between the text and any other form of expression, the text takes precedence.

8. RULES OF PRECEDENCE OF PROVISIONS OVER THOSE IN THE ZONING BY-LAW

Any use permitted under the zoning bylaw and identified as a conditional use must, to be exercised, be permitted under the present bylaw.

9. TERMINOLOGY

For the interpretation of this By-law, these words and expressions shall have the following meanings:

- 1° “Council” means the Municipal Council of the City of Dorval;
- 2° “Committee” means the Planning Advisory Committee of the City of Dorval;
- 3° “Street” means public streets, private roads and thoroughfares open to traffic;
- 4° “By-law” means the present By-law.

In the interpretation of this By-law, all words or expressions shall be given the meaning they are ascribed in the list of definitions in Chapter 13 of the Zoning By-law in force, unless otherwise indicated by the context. Any word or term not specifically mentioned in said list shall have the meaning commonly given to this word or term.

SECTION 3. ADMINISTRATIVE PROVISIONS

10. MANAGEMENT AND APPLICATION OF THE BY-LAW

The management and application of the present By-law falls under the jurisdiction of the Urban Planning Service Director.

The City Council can also nominate one or more person to assist and replace the Director if necessary.

11. POWERS AND DUTIES OF DIRECTOR

The Director is responsible for enforcing these regulations and as such exercise any power entrusted to him.

12. FINES, SANCTIONS, APPEALS AND PROSECUTION

Every person commits an offense if they do not comply with a provision of this bylaw.

Whoever contravenes a condition of this bylaw or allows such contravention commits an infraction and is subject to the imposition of a fine not exceeding \$1,000 and not less than \$500, if a private individual, or a fine not exceeding \$2,000 and not less than \$1,000, if a legal person.

The City may, for the purposes of enforcing the provisions of this bylaw, exercise concurrently or alternatively, with those specified in this bylaw, all appropriate remedies, civil or criminal in nature.

13. ISSUING OF A STATEMENT OF OFFENSE

The Director and the Head of division are authorised to issue a fine for any infraction to this bylaw.

The Council may, by resolution, authorize any other person to issue a fine for any infraction to this bylaw.

CHAPTER 2. APPLICATION PROCESS

SECTION 1. PROCEDURE

14. FILING AN APPLICATION

An application for approval of a conditional use must be sent by the applicant or his authorized representative to the officer in charge.

15. INFORMATION AND DOCUMENTS REQUIRED FOR AN APPLICATION

An application for approval of a conditional use must be accompanied by the information and documents required in the Permits and Certificates By-law.

16. STUDY OF THE APPLICATION BY THE URBAN PLANNING DEPARTMENT

The Urban Planning Department shall study the proposal submitted for a conditional use and verify its compliance with the Zoning By-law in force. The officer in charge may, if deemed necessary, request additional information or documents for the consideration of the application.

A conditional use proposal will not be put on the agenda of a Planning Advisory Committee meeting:

- 1° If the file is incomplete 14 days prior to the Committee meeting;
- 2° If the file does not comply with the provisions in the Zoning By-law in force at least 7 days prior to the Committee meeting.

17. SUSPENDED STUDY

If the required information and documents are incomplete or imprecise, the study of the application shall be suspended until the necessary information and documents are furnished by the applicant, and the application shall then be deemed to have been received on the date of receipt of the said additional information and documents.

18. STUDY BY THE PLANNING ADVISORY COMMITTEE

The Planning Advisory Committee shall study the conditional use and verify its compliance with the present By-law. The Committee may, if deemed necessary, request additional information or documents for the consideration of the application.

Following the consideration of the application, the Committee shall present, in writing, its views and recommendations to Council.

19. PUBLIC NOTICE

The Clerk of the Council must, at least 15 days prior to the holding of the session in which Council will come to a decision on an application for authorization for a conditional use, post a public notice in compliance with the *Cities and Towns Act (R.S.Q., c. C-19)* and a notice or sign placed in an easily viewed location on the site involved in the application, announcing the date, time, place, nature of the application and the right of any interested person to be heard during the session, in regard to the application.

The notice must show the location of the immovable involved in the application by stating the name of the public thoroughfare and the civic number of the immovable, or failing this, the lot number.

20. DECISION BY COUNCIL

The issuing of a permit or certificate for a conditional use subject to the By-law is subject to approval by the Municipal Council.

After consultation with the Planning Advisory Committee, the Municipal Council must approve or refuse the application for a conditional use presented to it, in compliance with this By-law.

A resolution by which Council approves the application for a conditional use must include any condition, in view of the jurisdiction of the City, that must be met regarding the installation or exploitation of the use.

A resolution by which Council refuses an application must list the motives for refusal.

21. TRANSMISSION OF THE DECISION BY COUNCIL

As soon as possible following the adoption of the resolution, the Clerk shall send a certified true copy to the applicant.

22. PERMITS AND CERTIFICATES

Upon presentation of a certified true copy in compliance with the resolution by which Council approved the application for authorization for a conditional use, the officer in charge shall deliver the permit or certificate as long as the standards listed in the planning by-laws are met, and subject to all conditions being met at the time the permit or certificate was issued and in virtue of the resolution by Council approving the application for the conditional use.

CHAPTER 3. CONDITIONAL USES AND EVALUATION CRITERIA

SECTION 1. INTERGENERATIONAL DWELLING

23. ZONES OF APPLICATION

The provisions in the present section apply in all zones of the Housing (H) group where detached single-family dwellings are authorized.

24. CONDITIONAL USE THAT MAY BE AUTHORIZED

Unless otherwise indicated, the only conditional use that may be authorized under this By-law is the additional dwelling unit for a single-family, detached home, authorized in the zone in virtue of the Zoning By-law in force.

25. EVALUATION CRITERIA APPLICABLE

An application for authorization for a conditional use targeted in the present section must be evaluated by considering the following criteria:

- 1° The main building must maintain the appearance of a single-family home;
- 2° The architecture, the size and the height of the building must respect the characteristics of the surrounding built environment;
- 3° The addition of an intergenerational dwelling unit, involving the enlargement of the main building, must be carried out with respect for the architectural characteristics of the existing home;
- 4° Exterior installations, including parking areas, verandas, porches, balconies, patios, sheds, fences and other accessory structures must be similar to what is normally constructed or installed for a single-family home.

SECTION 2. DWELLING LOCATED ON THE GROUND FLOOR OF A BUILDING IN THE OLD-VILLAGE AREA

26. ZONES OF APPLICATION

The provisions in the present section apply to a use in the “Residential (v1)” class in the Old-Village (V) group, installed on the ground floor of a building.

27. CONDITIONAL USE THAT MAY BE AUTHORIZED

Unless otherwise indicated, the only conditional use that may be authorized under this By-law is a use in the “Residential (v1)” class of uses in the Old-Village group, authorized in the zone in virtue of the Zoning By-law in force.

28. EVALUATION CRITERIA APPLICABLE

The evaluation criteria for an application for authorization for a conditional use targeted in the present section are as follows:

- 1° The conditional use offers no more than three dwelling units;
- 2° The conditional use does not replace an existing building that is occupied by a business, in part or in whole.

SECTION 3. BAR AND NIGHTCLUB

29. ZONES OF APPLICATION

The provisions of the present section apply in all zones where the uses “20931 Microbrewery”, “5821 Establishment where drinks (alcoholic beverages) are sold”, “5822 Establishment where the main activity is dancing (discotheque)” and “5823 Nightclub” are authorized as a main use.

30. CONDITIONAL USE THAT MAY BE AUTHORIZED

Unless otherwise indicated, the only conditional uses that may be authorized under this By-law are the uses “20931 Microbrewery”, “5821 Establishment where drinks (alcoholic beverages) are sold”, “5822 Establishment where the main activity is dancing (discotheque)” and “5823 Nightclub”, authorized in the zone in virtue of the Zoning Bylaw in force.

31. EVALUATION CRITERIA APPLICABLE

The evaluation criteria for an application for authorization for a conditional use targeted in the present section are as follows:

- 1° The establishment must not have a negative impact on the ambiance of the street on which it is installed;
- 2° The project must integrate into the surrounding environment in terms of the exterior appearance of the building, and the layout and use of the outdoor areas;
- 3° Measures are taken to limit any nuisances created that will affect the immediate vicinity;
- 4° Entrances and exits used or likely to be used by customers must be located so as to minimize any disadvantages for the occupants of dwelling units in the vicinity.

SECTION 4. FITNESS CENTRE

32. ZONES OF APPLICATION

The provisions of the present section apply in all zones in the Highway Business Park (D) group or the Industrial Park (I) group where the use “7425 Fitness Centre” is authorized as the main use.

33. CONDITIONAL USE THAT MAY BE AUTHORIZED

Unless otherwise indicated, the only conditional use that may be authorized under this By-law is the use “7425 Fitness Centre”, authorized in the zone in virtue of the Zoning By-law in force.

34. EVALUATION CRITERIA APPLICABLE

The evaluation criteria for an application for authorization for a conditional use targeted in the present section are as follows:

- 1° The parking lot for the establishment has sufficient capacity to accommodate all the occupants in order to avoid on-street parking;
- 2° The project must integrate into the surrounding environment in terms of the exterior appearance of the building, and the layout and use of the outdoor areas.

SECTION 5. OFFICE NOT RELATED TO AN INDUSTRIAL USE

35. ZONES OF APPLICATION

The provisions of the present section apply in all zones in the Industrial Park (I) group where the use “6000 Office and Head Office for a business or organization” is authorized.

36. CONDITIONAL USE THAT MAY BE AUTHORIZED

Unless otherwise indicated, the only conditional use that may be authorized under this By-law is the use “6000 Office and Head Office for a business or organization”, authorized in the zone in virtue of the Zoning By-law in force and not related to an industrial use in the same building.

37. EVALUATION CRITERIA APPLICABLE

The evaluation criteria for an application for authorization for a conditional use targeted in the present section are as follows:

- 1° The parking lot for the establishment has sufficient capacity to accommodate all the occupants in order to avoid on-street parking;
- 2° The project must not have the effect of marginalizing the industrial vocation of the area.

SECTION 6. RESTAURANT IN AN INDUSTRIAL ZONE

38. ZONES OF APPLICATION

The provisions of the present section apply in all zones in the Highway Business Park (D) and Industrial Park (I) groups, where the use “5811 Restaurant and place where meals are served” is authorized.

39. CONDITIONAL USE THAT MAY BE AUTHORIZED

Unless otherwise indicated, the only conditional use that may be authorized under this By-law is the use “5811 Restaurant and place where meals are served, authorized in the zone in virtue of the Zoning By-law in force.

40. EVALUATION CRITERIA APPLICABLE

The evaluation criteria for an application for authorization for a conditional use targeted in the present section are as follows:

- 1° The project must be integrated into an existing industrial building;
- 2° An extra parking lot must be included for the restaurant.

SECTION 7. COMMUNICATION TOWERS LESS THAN 15 M HIGH

41. ZONES OF APPLICATION

The provisions in the present section apply in all zones of the Zoning By-law in force.

42. CONDITIONAL USE THAT MAY BE AUTHORIZED

An antenna, communication tower or antenna structure with a height of less than 15 m above the adjacent grade level, is a conditional use that may be authorized under the present By-law.

Notwithstanding the first paragraph, the present By-law is not aimed at:

- 1° A parabolic dish antenna;
- 2° An antenna or communication equipment attached directly to the wall or roof of a building.

43. EVALUATION CRITERIA APPLICABLE

The evaluation criteria for an application for authorization for a conditional use targeted in the present section are as follows:

- 1° The addition of new antenna structures must be justified by the technical impossibility of using existing structures or buildings to support the communication equipment;
- 2° Choices in terms of locations, landscaping, and the colour and shape of antenna structures must lessen the visual impact;
- 3° The equipment is placed so as not to obstruct a visual opening or a view towards an interesting landscape;
- 4° The equipment is placed so as to have the least impact for residential areas and other sensitive uses.

CHAPTER 4. FINAL PROVISIONS

44. COMING INTO FORCE

This By-law shall come into force as provided by Law.

APPROVED _____ MAYOR

APPROVED _____ ASSISTANT CITY CLERK

