



**MUNICIPALITY OF THE
TOWNSHIP OF WENTWORTH**

**SPECIFIC CONSTRUCTION, ALTERATION OR
OCCUPANCY PROPOSALS FOR AN IMMOVABLE
(SCAOPI) BY-LAW
NUMBER 2022-008**

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CHAPTER I DECLARATORY, ADMINISTRATIVE AND INTERPRETIVE PROVISIONS

SECTION A – DECLARATORY PROVISIONS

1. By-Law Title

The present By-Law is entitled “Specific Construction, Alteration or Occupancy Proposals for an Immovable (SCAOPI) By-Law Number 2022-008”.

2. Territory of Application and Persons Subject to this By-Law

This By-Law applies to all persons and to the entire territory of the Municipality of the Township of Wentworth.

3. Purpose of the By-Law

The purpose of this By-Law is to enable persons to apply for authorization of a specific construction, alteration or occupancy proposal for an immovable if the proposal is at variance with one or more planning by-laws, and to enable the Municipal Council to grant or refuse this special proposal based on the evaluation criteria set forth herein.

4. Compliance

Compliance with this by-law does not diminish the obligation of complying with any other provincial or federal government law or regulation in force or any other municipal by-law applicable in the case at hand.

5. Adoption by Parts

This By-Law has been adopted chapter by chapter, section by section, article by article, and paragraph by paragraph such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other part contained herein, except where the meaning or scope of the By-Law or one of its provisions is altered or modified.

SECTION B – ADMINISTRATIVE PROVISIONS

6. Administration of the By-Law

The administration and application of this By-Law are entrusted, by resolution of the Municipal Council, to any person hereinafter referred to as a “designated officer”. The duties of the designated officer are set out in the *Planning Administration By-Law*.

SECTION C – INTERPRETIVE PROVISIONS

7. Rules of Interpretation and Precedence

The following rules of interpretation apply to this By-Law in the event of a contradiction between two or more provisions:

1. A specific provision prevails over a contradictory general provision;
2. The most restrictive provision prevails;
3. In the event of contradiction between a chart, a diagram or a title and the text, the text prevails.

8. Unit of measure

All dimensions given in this By-Law are indicated in metric measure.

9. Numbering

The numbering method used in this By-Law is as follows:

Chapter I : Chapter

Section A – Section

1. Article

Paragraph

1. Paragraph

a) Subparagraph

10. Definition

Unless the context indicates a different meaning, all words and expressions have the meaning assigned to them in the *Zoning By-Law*. If a word or expression is not defined, it is understood to have its common dictionary definition.

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CHAPTER II PROCEDURAL PROVISIONS

SECTION A – ADMISSIBILITY OF AN APPLICATION

11. Evaluation of the Admissibility of an Application for Authorization of a Specific Proposal

The designated officer shall assess whether an application for authorization of a specific construction, alteration or occupancy proposal for an immovable is admissible for the procedure set out in this section.

If the designated officer concludes that the application is not admissible, he shall inform the applicant in writing of the reasons for the decision within 60 days following the submission of the application.

12. Admissible Area

An application for authorization of a specific proposal may be granted in all areas within the territory of the Municipality, with the exception of areas subject to special constraints for reasons of public safety.

13. Provisions that may be the Subject of an Application for Authorization of a Specific Proposal

The provisions of the municipal planning by-laws may be the subject of an application for authorization of a specific proposal, with the exception of provisions relating to:

1. Safety and construction standards prescribed in the *Construction By-Law*;
2. The contribution for parks, playgrounds or natural areas;
3. The terms of the *Planning Administration By-Law*.

14. Compliance with the MRC's Revised Land Use and Development Plan

An application for authorization of a specific proposal must be consistent with the objectives of the revised land use and development plan of the MRC d'Argenteuil and the provisions of the complementary document to that plan.

To determine admissibility, the designated officer may request a preliminary opinion from the MRC.

SECTION B – CONTENTS OF THE APPLICATION

15. Submitting the Application for Authorization of a Specific Proposal

The person applying for authorization of a specific proposal must submit the application to the designated officer by completing and signing the form provided for that purpose.

The application, submitted in one (1) paper copy and one (1) digital copy (PDF), must be accompanied by the following plans and documents:

1. The full contact information of the applicant and, where applicable, a power of attorney from the owner of the immovable;
2. A site plan of the project, prepared by a land surveyor, illustrating the existing and proposed structures and works including all features having an impact on the project (e.g., wetlands and waterways, wooded areas, constraints, easements, etc.);
3. A document describing, for each of the variations requested for the specific proposal, the nature of the variant, its impact, and compliance with the evaluation criteria set out herein;

4. The current and projected capacity of the septic system and the water withdrawal system;
5. An illustration of the work to be done using one or more visual perspectives (at a minimum, from the street);
6. If applicable, the project schedule and phasing;
7. Any other information deemed necessary for the assessment of the immovable's compliance with planning by-laws;
8. Any other information deemed necessary for the assessment of the application with regard to the criteria set forth herein

16. Study and publication fees

Fees for the study of an application for authorization of a specific proposal and for the publication of public notices are set out in the *Planning Administration By-Law*.

In all cases, these fees are non-refundable and do not cover the charges for issuing a permit or certificate.

17. Completed Application

An application for authorization of a specific proposal is considered complete when all required documents and plans have been filed with the designated officer and the study fees have been paid.

SECTION C – APPLICATION PROCEDURE

18. Verification of the Application for Authorization of a Specific Proposal

The designated officer shall verify the compliance of the application with planning by-laws. At the request of the designated officer, the applicant must provide any additional information required for a clear understanding of the application.

If the plans and documents provided by the applicant are inaccurate, erroneous, insufficient or non-compliant, the designated officer shall notify the applicant that the application verification process has been suspended in order for the applicant to provide accurate, corrected and sufficient information, plans and documents for the verification of the application.

Once the designated officer has verified the compliance of the application, the application is transmitted to the Planning Advisory Committee.

19. Opinion of the Planning Advisory Committee

The Planning Advisory Committee shall issue an opinion on the application for authorization of a specific proposal based on the evaluation criteria set forth herein. If it deems it appropriate, the Committee may also suggest conditions for approval of the proposal with respect to the Municipality's jurisdiction.

20. Resolution to grant or refuse the specific proposal

After receiving the recommendation of the Planning Advisory Committee, the Municipal Council shall grant or refuse the application for authorization of a specific proposal by resolution.

A resolution by which the Municipal Council grants an application for authorization of a specific proposal may include any conditions with respect to the Municipality's jurisdiction that must be satisfied in carrying out the proposal.

A resolution by which the Council refuses an application shall state the grounds for the refusal.

A copy of the resolution shall be sent to the applicant.

21. Procedure for Approval of the Resolution Granting the Application for Authorization of a Specific Proposal

The procedure applicable to the authorization of a specific proposal is that set out 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, the first draft resolution must be the subject of a public consultation meeting and, if it contains provisions subject to approval by way of referendum, the second draft resolution must be submitted for approval by qualified voters. The resolution granting the application must also be submitted to the MRC Council for a regional compliance review.

22. Public Notice

As soon as practicable after the adoption of the first draft of the resolution, the Clerk-Treasurer shall, by means of a poster or sign placed in full view on the site to which the application relates, indicate the nature of the application and the place where any person interested may obtain information relating to the specific proposal.

23. Coming into force of the Resolution Granting Authorization of the Specific Proposal

The resolution adopted to authorize the specific proposal shall come into force after being approved by qualified voters and after issuance of the certificate of conformity by the MRC Council, in accordance with the terms set out in the *Act Respecting Land Use Planning and Development* (CQLR, c. A-19.1).

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

24. Effect of the Resolution Granting Authorization of the Specific Proposal

The resolution by which Council grants the application for authorization of the specific proposal shall identify the regulatory provisions with which the proposal is at variance and, where applicable, the conditions of approval. The resolution must also state that, in addition to the exemptions and conditions set out in the resolution, all planning by-laws apply to the immovable.

The resolution applies to the immovable that is the subject of the application and is in addition to the municipal planning by-laws in force.

25. Issue of the Permit or Certificate

The designated officer shall issue the permit or certificate once the following conditions are met:

1. On presentation of a certified copy of the resolution by which the Council grants the application for authorization of the specific proposal;
2. If the conditions listed in the resolution are met at the time of issuance, or thereafter in accordance with the terms set out in the resolution;
3. The application complies with the terms of the *Planning Administration By-Law* that are not the subject of the specific proposal authorization.

26. Modification of the Specific Proposal

The modification of the provisions included in the resolution granting authorization of a specific proposal must be approved by the Municipal Council in accordance with the procedure provided for herein.

27. Nullification of the Resolution Authorizing the Specific Proposal

If no permit or certificate relating to the implementation of the specific proposal is filed within the 12 months following the coming into force of the resolution authorizing the project, the resolution shall be null and void.

SECTION D – APPLICATION EVALUATION CRITERIA**28. Criteria for Evaluating an Application for Authorization of a Specific Proposal**

Applications for authorization of a specific proposal are evaluated according to the following criteria:

1. Compliance with the objectives of the *Urban Plan By-Law*;
2. Compatibility of the uses provided in the proposal with the surrounding environment;
3. Integration quality of the proposal in terms of construction, volumetry, density and site layout;
4. The proposal's potential for enhancing outdoor spaces and planted areas;
5. Benefits of the proposals for the integration or demolition of existing structures and those for the preservation or enhancement of original architectural features;
6. The project's impact on the environment, natural spaces and water management;
7. The project's impact on sunlight, wind, noise, emissions and traffic;
8. Quality of the project's functional organization, particularly in terms of parking, access and safety.

CHAPTER III FINAL PROVISIONS

29. Sanctions

Any person who contravenes or allows or tolerates the contravention of a provision of this By-Law, maintains construction work done without a permit, or maintains a state of affairs requiring a certificate without having first obtained one, commits an offence and is liable to a fine of \$300 to \$1,000 in the case of a natural person, and \$600 to \$2,000 in the case of a legal person.

In the event of a repeat offence, the fine is \$600 to \$2,000 if the offender is a natural person and \$1,200 to \$4,000 if the offender is a legal person, plus costs.

If the offence is of a continuous nature, it constitutes a separate offence with respect to each day, and the offender is liable to the fine mentioned above for each day during which the contravention continues.

The deadlines for the payment of fines and fees imposed under this By-Law and the consequences of failure to pay such fines and fees within the prescribed time, are established in accordance with the *Québec Code of Penal Procedure* (RSQ, c. C-25.1).

30. Civil Law Recourse

Notwithstanding recourse through penal actions, the Municipality may exercise, before tribunals of jurisdiction, all civil law recourse necessary to have the provisions of this By-Law respected, when the Council deems it necessary, or it may exercise all these recourses cumulatively.

31. Penal Actions

Penal sanctions are instituted, for and on behalf of the Municipality, by the person designated for that purpose by a resolution of the Council.

32. Coming into force

The present By-Law comes into force in accordance with the law.