

CONSOLIDATION OF BY-LAW NO. 1434 WITH RESPECT TO PLANNING ADVISORY COMMITTEE

Updated to : March 7, 2018

(Amended by by-law 1431-1)

CHAPTER I DECLARATIVE AND INTERPRETIVE PROVISIONS

DIVISION I DECLARATIVE PROVISIONS

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| Territory covered | 1. This by-law covers the entire territory under the jurisdiction of Town of Mount Royal. |
| Persons affected | 2. This by-law applies to any public or private artificial or natural person. |
| Invalidity of the by-law | 3. Should any chapter, division, subdivision or section of this by-law be deemed invalid by a recognized court of law, all other chapters, divisions, subdivisions, and sections hereof shall continue to apply. |

DIVISION II INTERPRETIVE PROVISIONS

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| Interpretation of the text | <p>4. In general, the text shall be interpreted in accordance with the following rules:</p> <ol style="list-style-type: none"> (1) the titles contained herein form an integral part hereof. In the event of a contradiction between the text and the title, the text shall have precedence. In the event of a contradiction between the text and any other form of expression, the text shall have precedence; (2) irrespective of the verb tense used herein, all provisions are considered as being in force and effect at all times and under all circumstances; (3) the verb “shall” is used to indicate an absolute obligation and the verb “may” is used to indicate option except in the expression “may not”, which means “shall not”; (4) words written in the singular include the plural and the plural includes the singular whenever the context lends itself to this extension; (5) any specific provision hereof shall have precedence over a contradictory general provision; (6) when a restriction or an prohibition prescribed hereby is found to be incompatible with or contradictory to any other by-law or another provision hereof, the more restrictive or prohibitive of the two shall apply; (7) the word “person” refer to any artificial or natural person; (8) the masculine gender includes the feminine gender unless the context indicates otherwise; (9) the authority to do something carries with it all the power necessary to do so. |
| Terminology | 5. The expressions, terms and words used herein shall have the meaning and significance given to them in the terminology chapter of the Town of Mount Royal zoning by-law in effect. |

6. The undefined expressions, terms and words used in the terminology chapter of the zoning by-law have their usual meaning.

7. In this by-law, unless the context indicates otherwise:

“Committee” means the Planning Advisory Committee of Town of Mount Royal;

“Council” means the Council of Town of Mount Royal.

CHAPTER II THE PLANNING ADVISORY COMMITTEE

DIVISION I ADMINISTRATIVE PROVISIONS

Creation of a
planning
advisory
committee

8. A planning advisory committee is created with the name “Planning Advisory Committee (C.C.U.) of Town of Mount Royal”.

Composition
of the
Planning
Advisory
Committee

9. The Committee is comprised of six members, namely:

(1) a Council member;

(2) four members chosen from among Town residents for their educational background and expertise in the fields of urban planning, architecture, and landscape architecture. These members shall be members of the Ordre des architectes du Québec, the Ordre des urbanistes du Québec, or the Association des architectes paysagistes du Québec. Of the professional members, at least three shall be architects who are members of the Ordre des architectes du Québec;

(3) a citizen residing in Town of Mount Royal.

(2018) 1434-1, s. 1

Recruitment
of members

10. New members may be recruited by publishing a notice of public interest.

11. An ad hoc committee comprised of the mayor, two Council members, including the member who sits on the Planning Advisory Committee, the Town manager, and the head of the Town of Mount Royal Urban Planning and Inspection Division, establishes a selection process taking the following points into account:

(1) the member shall be chosen from among Town residents;

(2) the candidate’s interest in urban planning, land-use planning, architecture, and heritage issues, either through his training, professional or paraprofessional activities in these fields, or involvement in municipal or other affairs;

(3) the candidate’s impartiality and ability to study applications in the interest of the community;

(4) the candidate’s availability;

(5) the diversity and complementarity of the members in order to ensure better representativeness of the interests of the public.

Appointment

12. The Committee members are appointed by resolution of the Council.

Vacancy	<p>13. A Committee member who is absent for more than four consecutive meetings is considered to have resigned from his position, and his seat becomes vacant. However, Council may also decree that this does not result in the termination of the term of the member should his failure to attend statutory meetings be due to serious reasons beyond his control and in no way harm the other Committee members.</p> <p>14. A Committee member who, pursuant to section 38 hereof, must leave meetings on more than two occasions during his term, ceases to be a member of the Committee and consequently loses his rights. However, if the same application is submitted at more than one Committee meeting, the resulting absences shall be considered a single absence.</p>
Resignation	<p>15. If a seat becomes vacant due to a resignation, death or any other reason, Council appoints a replacement to fill the vacant position for the remainder of the term. The replacement may be recruited by publishing a notice of public interest.</p>
Resource person	<p>16. The Committee appoints as a resource person the Town manager or the head of the Town of Mount Royal Urban Planning and Inspection Division and any other employee identified by the latter. Moreover, any person appointed by the Town may take part in the activities of the Planning Advisory Committee as an expert. The resource persons are not members of the Committee and do not have the right to vote.</p> <p>The Town manager may attend the meetings of the Committee <i>ex officio</i>.</p>
Quorum and right to vote	<p>17. Quorum is obtained when at least four voting members of the Committee, including at least one Council member, are present.</p> <p>18. Each member of the Committee has one vote.</p> <p>19. The decisions of the Committee are taken by the majority of the votes of the members present. In the event of a tie-vote, the chair has the deciding vote.</p>
Internal management	<p>20. The Council member is the chair of the Committee.</p> <p>21. If the chair is absent or unable to act, the deputy chair directs the deliberations of the Committee.</p> <p>22. No Committee member may be sued due to an official act carried out in good faith hereunder.</p>
Secretary of the Planning Advisory Committee	<p>23. The head of the Urban Planning and Inspection Division or his representative acts as Committee secretary.</p> <p>24. The secretary calls the Committee meetings. He is also responsible (alone or in cooperation with other Town personnel) for preparing the agendas, drafting the minutes of Committee meetings, handling correspondence, and following up on files.</p>
<i>In camera</i> sitting	<p>25. All meetings of the Planning Advisory Committee are held <i>in camera</i>.</p>

Minutes of meeting and recommendation

26. The minutes of meeting and official documents of the Committee are placed in the Town archives.

27. Reasons shall be provided for any negative decision of the Committee.

Operating budget of the committee

28. Council may vote by resolution and make available to the Committee such sums of money as it needs to carry out its functions. Moreover, Council may, if appropriate, allocate honoraria for the professional services required by the Committee.

Fiscal year

29. The fiscal year of the Committee is the same as that of the Town.

Term of office

30. Excepting the terms of office of the citizen and of the Council member, the term of office of the appointed Committee members is two years after the adoption of their appointment by resolution of Council. To maintain a degree of stability within the Committee, two of the appointed members are replaced in even-numbered years and the other three members are replaced in odd-numbered years. To this end, for the first appointment made following the adoption hereof, the term of the two members to be replaced in even-numbered years shall be one year in length.

31. The term of office of the citizen is eighteen months after the adoption of his appointment by resolution of Council.

32. The term of office of the Council member is twenty-four months after the adoption of his appointment by resolution of Council.

33. A Committee member who is a Council member ceases to be a Committee member if he ceases to be a Council member.

34. By resolution of Council, the term of any Committee member other than the Council member may be renewed up to three times and is revocable at any time.

DIVISION II
FUNCTIONS, DUTIES, AND POWERS

Functions	<p>35. The Committee is responsible for:</p> <ol style="list-style-type: none">(1) carrying out studies and assisting Council by providing it with its recommendations and observations regarding its urban plan and land use and development in Town of Mount Royal;(2) studying, in general, all questions related to urban planning and land use and development, such as those related to the zoning, subdivision, and building by-laws, which are submitted to it by Council and reporting back to Council regarding them;(3) studying and making recommendations to Council regarding:<ol style="list-style-type: none">(a) permit and certificate applications based on the objectives and criteria contained in the Site Planning and Architectural By-law in effect;(b) applications for minor variances;(c) applications for conditional use;(4) to provide to Council its opinion regarding any other question related to the citation of monuments, the identification of a part of the intangible heritage or of a person, event, or historic site, and the designation of heritage cultural landscapes in conformance with the Cultural Heritage Act (chapter P-9.002).
Secret and <i>in camera</i> meetings	<p>36. The information made known to the Committee members regarding the applications and requests submitted at Committee meetings are confidential, and no Committee member or other person attending the Committee meetings shall disclose them.</p> <p>37. Sittings must be <i>in camera</i> at all times. Any person whose presence could be useful for properly understanding a project or assessing its impact on its surrounding environment may meet with the Committee as needed. Although such persons may share with the Committee the information at their disposal, they may not be present during deliberations.</p>
Interest	<p>38. A Committee member may not vote, take part in debates, take a position or express his opinion regarding an application in which he has or may have an interest or the appearance of an interest and, more specifically and without restricting the generality of the following, in which:</p> <ol style="list-style-type: none">(1) he has a family relationship with the applicant;(2) he has a personal, professional or other interest in whether the application, directly or indirectly, current or future, is accepted or refused;(3) the fulfillment of duties and obligations toward the public interest is compromised. <p>In such cases, the member shall disclose his interest and leave the meeting for the entire duration of the deliberations and vote on the application.</p>
Application	<p>39. The resource person is subject to the same duties and obligations as a member but may hold a position or a contract with the Town. The fact that a resource person is a Town employee or holds a professional consulting contract with the Town shall not be construed as constituting a conflict of interest.</p>
Values	<p>40. The Committee subscribes to values based on integrity, prudence in serving the public interest, respect toward employees, Town elected officials, and citizens, loyalty to the municipality, the pursuit of fairness, and honour.</p>

Rules of
conduct

41. The Committee members shall:

- (1) carry out their duties in the public interest and take all necessary action to assert this interest;
- (2) assume their functions in conformance with the applicable laws, in particular the by-laws and regulations in effect in Town of Mount Royal;
- (3) subscribe and adhere to the principles of sound management and sound municipal administration;
- (4) carry out their functions and duties with integrity, dignity, and impartiality;
- (5) not take part in any activity incompatible with their functions, avoid any conflict of interest, and prevent any situation likely to call into doubt their objectivity or impartiality;
- (6) avoid soliciting or holding, for themselves or any artificial person in which they hold a substantial interest, a responsibility or a contract with the Town;
- (7) refuse to take part in Committee meetings regarding any case when they are aware of a reason for them not to take part;
- (8) as soon as they realize they are in a real or apparent conflict of interest situation, inform the Committee chair and not take part in discussions and recommendations related to the case.

Duties

42. The Committee members shall:

- (1) help maintain and defend the reputation of the Committee, Council and the Town;
- (2) be available and demonstrate due diligence and a complete willingness to cooperate in carrying out the mandates given to the Committee;
- (3) demonstrate respect and courtesy in their relationships with other persons;
- (4) seek to build a relationship of trust toward themselves and with the other members and resource persons;
- (5) comply with the legal and administrative rules governing the decision-making process.

Demeaning
practices

43. The following practices are demeaning to the dignity of a Committee member:

- (1) the use or disposal, other than for authorized purposes, of monies, securities, or property entrusted to the Committee or to a member in carrying out his functions;
- (2) the act of disclosing or commenting on any information or document from the Committee, unless such information or document has been made public by the relevant authority;
- (3) the act, in carrying out his activities as a member, of knowingly committing or taking part in the commission of an illegal or fraudulent act;
- (4) the act of colluding with any other natural or artificial person in order to obtain, directly or indirectly, an advantage, a benefit, or any type of gratuity for himself or another person;
- (5) the act of unduly penalizing or favouring or of encouraging a member to penalize or favour the project or application, or any natural or artificial person who submits a project or application, other than due to its advantages, disadvantages, or impact on the Town;
- (6) the act of taking part in the study of a case in which he knows he has a conflict of interest.

DIVISION IV
TRANSITIONAL PROVISIONS

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| Compliance with by-laws | 44. The granting of a permit, the approval of plans and drawings, and the inspections made by the head of the Urban Planning and Inspection Division or his representatives do not in any way free the property owner or applicant from the obligation of carrying out or causing to be carried out the work in conformity with the requirements of this by-law or any other applicable by-law. |
| Replaced by-law | 45. This by-law replaces Town of Mount Royal Planning Advisory Committee By-law No. 1314 and all its amendments. |
| | 46. This by-law shall come into effect according to law. |