
**PROVINCE OF QUEBEC
MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON**

**BY-LAW NUMBER 258-2016 ON SITE
PLANNING AND ARCHITECTURAL
INTEGRATION PROGRAM (SPAIP)**

It is decided and ordered, by By-Law of the Council
Of the Municipality, as follows:

PROVINCE OF QUEBEC
REGIONAL COUNTY OF MUNICIPALITY OF ARGENTEUIL
MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON

**By-Law number 258-2016 on Site Planning and
Architectural Integration Program (SPAIP)**

WHEREAS that the Municipality of the Township of Harrington is modifying its urban plan in order to add specific provisions and implementation tools such as a SPAIP on the lands of the Harrington Valley, the sloping lands, the sides and the summits of mountains;

WHEREAS it is expedient to adopt a by-law on site planning and architectural integration (SPAIP) in order to reflect the new provisions of the urban plan;

WHEREAS a draft by-law was previously tabled at the meeting of June 13, 2016;

WHEREAS this by-law was preceded by a public consultation meeting on June 29, 2016, held in accordance with the Act respecting land use planning and development;

WHEREAS a notice of motion was given on June 13, 2016;

WHEREAS each of the council members acknowledges having received a copy of the by-law, declares having read it and waives its reading;

THEREFORE, the Municipality of the Township of Harrington decrees the following:

1 DECLARATORY AND INTERPRETATIVE PROVISIONS

1.1 TITLE

This By-Law is entitled "By-Law on site planning and architectural integration".

1.2 SUBJECT TERRITORY

This By-Law applies to the entire territory of the Municipality of the Township of Harrington. This covers all buildings located within the zones specified in the specifications grid forming an integral part of zoning By-Law number 192-2012.

1.3 RELATED DOCUMENTS

- a) is an integral part of this By-Law for all legal purposes, the By-Law on permits and certificates number 195-2012 as well as its future amendments;
- b) is an integral part of this By-Law for all legal purposes, the plan of the **SPAIP sectors**, attached to this By-Law as appendix "A";

1.4 CONSTRUCTION AND AFFECTED LAND

- a) buildings or parts of buildings and structures or parts of buildings erected after the entry into force of this By-Law must be erected in accordance with the provisions of this By-Law;
- b) buildings or parts of buildings and constructions or parts of constructions erected before the entry into force of this By-Law may not be reconstructed, transformed, enlarged, repaired or renovated except in accordance with the provisions of this By-Law;
- c) works and / or structures such as tree felling, forestry work, backfilling and excavation, construction of new streets, construction of new private entrances, landscaping may not be built, rebuilt, transformed, extended, repaired or renovated only in accordance with the provisions of this By-Law;
- d) signs may only be installed, modified, enlarged or replaced in accordance with the provisions of this By-Law.

1.5 PEOPLE AFFECTED

These By-Laws affect any natural or legal person.

1.6 VALIDITY

The Council decrees that this By-Law as a whole and also chapter by chapter, article by article and paragraph by paragraph, so that if a chapter, an article, a paragraph or a subparagraph was or should be declared void, the other provisions of the By-Law continue to apply.

1.7 COMPLIANCE WITH THE BY-LAWS

The issuance of a permit or certificate, the approval of plans and specifications as well as the inspections carried out by the designated official in no way frees the owner or the applicant to comply with the requirements of this by-law or any other applicable by-law.

1.8 INTERPRETATION

The interpretative provisions provided for in this by-law are prescribed by the by-law on permits and certificates number 195-2012 and they apply to be valid as if they were set out here at length.

1.9 COMING INTO FORCE

This By-Law will come into force in accordance with the Law.

2 ADMINISTRATIVE PROVISIONS

2.1 PROPOSAL REQUEST

An approval from Council of a work proposal, according to the requests defined under each SPAIP sector, is mandatory prior to the issuance of any authorization certificate or construction permit for the following work:

- a) the subdivision of land;
- b) the construction of a new building;
- c) the modification of any existing building by adding a floor or by an expansion equivalent to more than 50% of the existing floor area;
- d) the installation and modification to a sign;
- e) all work and any structure having an impact on the exterior visual appearance of a main building, accessory building, fence, wall;
- f) works and / or structures such as tree felling, forestry, backfill and clearing, construction of new streets, construction of new private entrances, landscaping.

2.2 DOCUMENTS REQUIRED FOR THE STUDY OF AN APPLICATION

Any request for approval of a site planning and architectural integration plan must be submitted in three (3) hard copies and one (1) computer copy to the designated official and must include the following information and documents in addition to the documents required by the By-Law on permits and certificates.

- a) the surname, first name and domicile of the owner or his authorized representative;
- b) the name, first name and address of the professional or professionals who worked on the preparation of the plans and documents;
- c) the cadastral identification of the existing lot (s), dimensions and areas;
- d) the date, title, astronomical north and scale of the plans;
- e) the natural characteristics of the land (watercourse, swamp, wooded area, etc.), if applicable;
- f) a lighting plan;
- g) any other document required by this By-Law.

2.3 ADDITIONAL DOCUMENTS

- a) The site plan for a new construction ;
- b) the current state of the land and its planned development;
- c) an architectural sketch of any proposed building or a photograph of the existing building, as the case may be;
- d) photographs illustrating the relationship between the proposed buildings and those nearby, if applicable;
- e) the sample of the exterior finishing materials used, the main characteristics as well as the colors, in the case of a planned building or a building whose exterior finishing is modified;
- f) a plan showing the position of any mature tree that is to be felled as well as a replacement plan for that tree showing the proposed location of the tree replacing it;

- g) the schedule for carrying out the planned work ;
- h) any other information deemed necessary for the assessment of the request.

2.4 PROCEDURE

2.4.1 REQUEST ADDRESSED TO THE DESIGNATED OFFICER

The applicant for a permit or certificate referred to in the preceding article must accompany his application with all the documents relating to the study of a site planning and architectural integration plan and send it to the designated official.

2.4.2 REQUEST REFERRED TO THE PLANNING ADVISORY COMMITTEE

Once the request for a building permit or certificate of authorization is deemed to comply with the Municipality's planning regulations by the designated official, the latter transmits the request to the Planning Advisory Committee.

2.4.3 STUDY OF THE REQUEST BY THE PLANNING ADVISORY COMMITTEE

The Committee assesses the request on the basis of the objectives and criteria applicable to the siting and architecture of buildings or to land development. The Committee may also, in the exercise of its functions:

- a) ask the applicant for additional information in order to complete their study;
- b) visit the building for which a permit or certificate is requested.

The Committee, after examining the request, recommends to the Council its approval or rejection. If he considers that he cannot recommend the approval of the request, he can suggest to the applicant the desired modifications. The applicant can then submit an amended request to the designated official who resubmits it to the Committee for further study.

2.4.4 DECISION BY THE COUNCIL

Following the recommendation of the Committee, the Council, by resolution, approves the plans, if it considers them to be in conformity with this By-Law, or disapproves them in the contrary case. The resolution disapproving of the plans must be motivated.

2.4.5 CONDITIONS OF APPROVAL BY THE COUNCIL

Council may require, as a condition of approval of a site planning and architectural integration plan, that the owner:

- a) modifies or undertakes to modify its project according to the recommendations of the Council;
- b) bear the cost of certain elements of the plans, in particular that of infrastructure and equipment;
- c) carry out its project within a set time limit;
- d) fournisse les garanties financières qu'il détermine.

2.4.6 MODIFICATION TO PLANS AND DOCUMENTS

Any modification to the plans and documents of the site planning and architectural integration plan after Council approval, in accordance with this By-Law, requires the presentation of a new request.

2.4.7 ISSUANCE OF PERMIT OR CERTIFICATE OF AUTHORIZATION

Following the adoption of the resolution approving the plans, the designated official issues the permit or the certificate of authorization insofar as the request also complies with the other By-Laws of the Municipality.

2.5 FINES AND PENALTIES

Anyone who contravenes to one or more of the provisions of this By-Law or who, being the owner, allows or tolerates the commission on his property of such an offense is liable, for a first offense, to a fine which cannot be less than one thousand dollars (\$ 1,000) and not exceeding two thousand dollars (\$ 2,000) for an individual and which cannot be less than two thousand dollars (\$ 2,000) and not exceeding four thousand dollars (\$ 4,000) for a legal person.

In the event of a subsequent offense, she is liable to a fine which may increase from two thousand dollars (\$ 2,000) to four thousand dollars (\$ 4,000) for an individual and from four thousand dollars (\$ 4,000) to eight thousand dollars (\$ 8,000) for a corporation plus costs.

If the offense is of a continuous nature, it constitutes a separate offense day by day and the offender is liable to the above fine for each day during which the offense continues.

The Municipality may, for the purposes of ensuring that the provisions of this By-Law are complied with, cumulatively or alternatively, with those provided for in this By-Law, any other appropriate recourse of a civil or penal nature and, without limitation, the Municipality may exercise any recourse provided for in the articles. 227 and following of the Act respecting land use planning and development (LRQ, c. A-19.1)

3 SPAIP-01 APPLYING TO SLOPING LANDS, SIDES AND SUMMITS OF MOUNTAINS

3.1 APPLICABLE AREA

This chapter applies to all buildings located in the zones concerned by the SPAIP-01, as specified in the specifications table of the zoning by-law and as illustrated in the plan of the **SPAIP sectors**, attached to this by-law as Annex A";

3.2 MAIN OBJECTIVE

The main objective of the By-Law is to ensure the protection and enhancement of certain areas of special interest, in particular sloping terrain, mountain sides and peaks. The By-Law aims to orient the shape and layout of the land, the layout of the streets, the layout and the architectural integration of the buildings in such a way as to minimize the impact on the natural environment and the landscape (e.g. felling of trees , backfill / excavation work) on sloping terrain, mountain peaks and slopes.

3.3 SPECIFIC OBJECTIVES AND EVALUATION CRITERIA

To ensure respect for the landscape and integration into the environment, the Municipality assesses the performance of subdivision or construction projects on mountain sides and peaks with regard to the following objectives and evaluation criteria:

GOAL 1

Harmonize **cadastral operations** with this particular environment by respecting the following criteria:

- 1) the land areas take into account the preservation of wooded areas and preventing excessive runoff;
- 2) natural features, such as woodlands, wetlands, streams, and rock faces located within the project are protected and enhanced;
- 3) the shape and size of the land allow a construction to be erected on a portion of land with a slope of less than 15%;
- 4) the shape and size of the land favor a construction set back and not very visible from the lake and / or the watercourse and neighboring properties;
- 5) the shape and dimensions of the land are adapted to the topography;
- 6) When applicable, the alignment of traffic lanes is planned in areas of naturally low to medium slopes, avoiding fragile areas such as thin soils, wetlands and watercourses. The traffic lanes are oriented in the same direction as the contour lines of the natural terrain.

GOAL 2

Harmonize **the layout of the buildings** and the **layout of the land** with the natural environment, respecting the following criteria:

- 1) minimize land clearing in order to reduce the visual impact and to naturally ensure erosion control;
- 2) limit deforestation only to areas intended for the construction of main and accessory buildings, driveways, parking areas, as well as septic and water collection systems (well);
- 3) conserve natural woodlots in areas of medium to steep natural slopes;
- 4) preserve vegetation downstream and upstream of the slope;
- 5) retain the natural drainage patterns, but where this is not possible, promote the drainage of runoff water to drainage ditches and to sedimentation basins, even from landscaping;

- 6) promote controlled and well-planned drainage to minimize soil erosion;
- 7) favor the siting of constructions that match the natural topography as much as possible and minimize filling and backfilling;
- 8) develop the streets, parking areas and driveways while respecting the natural relief of the land, so as to reduce and control the flow of rainwater off site;
- 9) harmonize any retaining wall with the natural environment by planting appropriate vegetation to minimize its visual impact;
- 10) when necessary, low intensity ambient lighting (sober) is preferred, respecting the following criteria: the lighting components integrate into the surrounding natural environment.

GOAL 3

Harmonize the elements **of the built** environment with the natural environment, respecting the following criteria:

- 1) orient the profile of the building as well as the ridge of the roof parallel to the contour lines;
- 2) respect the topography of the land in order to minimize backfill and excavation work during construction, while maintaining the natural characteristics of the land;
- 3) locate the building on a part of the land with naturally low slopes, without ever exceeding 15%;
- 4) locate the building on the site in such a way as to minimize its visual impact;
- 5) favor materials such as wood and stone, harmonizing with the natural environment;
- 6) favor somber colors of shades and gradations of brown, beige, green, gray and rust that blend into the natural environment;
- 7) avoid straight roofs and walls by favoring different reliefs in the building;
- 8) recommend a roof with a slope equal to or greater than 6:12 and which has at least 2 slopes;
- 9) favor split-level constructions to reduce the height;
- 10) integrate the height of a construction to 2/3 of the tops of neighboring trees growing at the same elevation without exceeding 10 meters;
- 11) mechanical equipment must be concealed by an architectural screen or landscaping or be located in a non-visible place;
- 12) when necessary, low intensity ambient lighting (somber) is preferred, respecting the following criteria: the lighting components are integrated into the architecture of the building.

4 SPAIP-02 APPLYING TO LANDS INCLUDED WITHIN THE BOUNDARIES OF HARRINGTON VALLEY

4.1 APPLICABLE ZONE

This chapter applies to all buildings located in the zones concerned by the SPAIP-02, as specified in the specifications grid of the zoning By-Law and as illustrated in the plan of the **SPAIP sectors**, attached to this By-Law as Annex A";

4.2 HISTORY AND CHARACTERISTICS OF THE SECTOR

As specified in the urban plan: The Harrington Valley has managed to preserve most of its visual openness and its past characteristics. It is characterized in particular and without being restrictive, by its hilly pastures, its silos, its barns, its dwellings set back from the road as well as its cemetery. All these elements participate in the composition of these landscapes of these remarkable landscapes in terms of heritage. The challenge is therefore to maintain the exceptional character of the Harrington Valley as a landscape to be protected.

4.3 MAIN FINDINGS

The buildings in the Harrington Valley reveal several architectural features expressing the agricultural way of life. This chapter aims to maintain the typical character of buildings and landscapes next to construction projects and certain works affecting the appearance of land and buildings.

4.3.1 GENERAL OBJECTIVE

The main objective of the By-Law is to ensure the protection and enhancement of certain areas of special interest, particularly the land within the limit of the Harrington Valley. The By-Law aims to orient the shape and layout of the land, the layout of the streets, the layout and the architectural integration of the buildings in such a way as to minimize the impact on the natural environment and the landscape (e.g. felling of trees , backfill / excavation work) on the lots in the Harrington Valley.

4.4 SPECIFIC OBJECTIVES AND EVALUATION CRITERIA

To ensure respect for the landscape and integration into the environment, the Municipality evaluates the performance of subdivision or construction projects on lands in the Harrington Valley with regard to the following objectives and evaluation criteria:

GOAL 1

Harmonize **cadastral operations** with this particular environment by respecting the following criteria:

- 1) the land areas take into account the preservation of wooded areas and preventing excessive runoff;
- 2) natural features, such as woodlands, wetlands, streams, and rock faces located within the project are protected and enhanced;
- 3) the shape and size of the land allow a construction to be erected on a portion of land with a slope of less than 15%;
- 4) the shape and size of the land favor a construction set back and not very visible from the lake and / or the watercourse and neighboring properties;
- 5) the shape and dimensions of the land are adapted to the topography;
- 6) when applicable, the alignment of traffic lanes is planned in areas of naturally low to medium slopes, avoiding fragile areas such as thin soils, wetlands and watercourses. The traffic lanes are oriented in the same direction as the contour lines of the natural terrain.

GOAL 2

Harmonize the **layout of the buildings** and the **layout of the land** with the natural environment, respecting the following criteria:

- 1) minimize land clearing in order to mitigate the visual impact and to naturally ensure erosion control;
- 2) limit deforestation only to areas intended for the construction of main and accessory buildings, driveways, parking areas, as well as septic and water collection systems;
- 3) conserve natural woodlots in areas of medium to steep natural slopes;
- 4) preserve vegetation downstream and upstream of the slope;
- 5) maintain the natural drainage patterns, but when this is not possible, promote the drainage of runoff water to drainage ditches and to sedimentation basins, even from landscaping;
- 6) promote controlled and well-planned drainage to minimize soil erosion;
- 7) favor the siting of constructions that match the natural topography as much as possible and minimize backfill and cuttings;
- 8) develop the streets, parking areas and driveways while respecting the natural relief of the land, so as to reduce and control the flow of rainwater off site;
- 9) harmonize any retaining wall with the natural environment by planting appropriate vegetation to minimize its visual impact;
- 10) when necessary, low intensity ambient lighting (somber) is preferred, respecting the following criteria: the lighting components integrate into the surrounding natural environment.

GOAL 3

Harmonize the elements of the built environment with the natural environment, respecting the following criteria:

- 1) orient the profile of the building as well as the ridge of the roof parallel to the contour lines;
- 2) respect the topography of the land in order to minimize backfill and excavation work during construction, while maintaining the natural characteristics of the land;
- 3) locate the building on a part of the land with naturally low slopes, without ever exceeding 15%;
- 4) locate the building on the site in such a way as to minimize its visual impact;
- 5) favor materials such as wood and stone, harmonizing with the natural environment;
- 6) favor somber colors of shades and gradations of brown, beige, green, gray and rust that blend into the natural environment;
- 7) avoid straight roofs and walls by favoring different reliefs in the building;
- 8) recommend a roof with a slope equal to or greater than 6:12 and which has at least 2 slopes;
- 9) favor split-level constructions to reduce the height;
- 10) integrate the height of a construction to 2/3 of the tops of neighboring trees growing at the same elevation without exceeding 10 meters;
- 11) mechanical equipment must be concealed by an architectural screen or landscaping or be located in a non-visible place;

- 12) when necessary, low intensity ambient lighting (somber) is preferred, respecting the following criteria: the lighting components are integrated into the architecture of the building.

COPIE CERTIFIÉE CONFORME

Marc Beaulieu
Directeur général et
Secrétaire trésorier