



100 Old Chelsea Road, Chelsea, Quebec J9B 1C1

MUNICIPALITY OF CHELSEA

By-law No. 640-05 respecting Comprehensive Development Programmes

“ In the case of a difference and/or an incompatibility between the French and English texts of any provision of this By-law, the French text shall prevail ”.

EFFECTIVE DATE: JUNE 28, 2005
ADMINISTRATIVE COMPILATION 2

ADMINISTRATIVE COMPILATION

This current edition of the By-law with respect to Comprehensive Development Programmes N° 640-05 of the Municipality of Chelsea contains all of the regulatory texts that have been adopted since its effective date of June 28, 2005. The following table illustrates the amendments made as of this date: **February 17, 2012**.

Update No.	Notice of Motion	By-law No.	Description	Effective Date
1	October 4, 2010	773-10	Repeal zone PAE-220 following an amendment of the Planning By-laws, namely repealing all reference to zone PAE-220 pertaining to zoning	December 16, 2010
2	August 16, 2011	800-11	Incorporate the Special Planning Programme for the Centre-Village of Chelsea	January 24, 2012

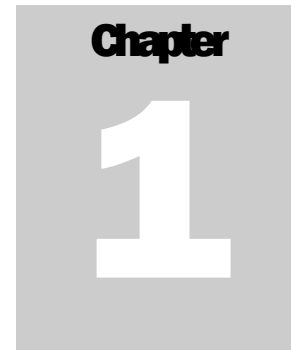
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BY-LAW RESPECTING COMPREHENSIVE DEVELOPMENT PROGRAMMES (CDP)

1.1 TITLE

This by-law bears number 640-05 and shall be known as the *Municipality of Chelsea Comprehensive Development Programmes By-law*.

1.2 SUBJECT TERRITORY

This by-law, whose provisions apply to all individuals and legal persons established in the public or private interest, applies to all land within Municipality of Chelsea territorial boundaries.

1.3 TERMINOLOGY

For the purposes of interpreting this by-law, unless otherwise indicated by context, all words and/or expressions shall be interpreted according to the significance noted in Section 1.10 of Zoning By-law 636-05 and its amendments.

GROSS DENSITY. Refers to the total number of dwellings included within a zone divided by the number of hectares involved, including, in this zone, roads and other land assigned for public or institutional use.

NET DENSITY. Refers to the number of dwellings included within a hectare of land specifically assigned to residential use, excluding any public or private roads and any land assigned for public or institutional use.

RURAL VILLAGE IMAGE. Refers to a predominantly residential form of development with low density population, woodlots, peaceful atmosphere, and generally small-scale constructed environment with a variety of architectural styles.

1.4 OBLIGATION TO PRODUCE A COMPREHENSIVE DEVELOPMENT PROGRAMME

Any person wishing to obtain an exception to Zoning By-law 636-05 or Subdivision By-law 637-05 within a CDP zone pursuant to the Zoning By-law is obligated to produce a Comprehensive Development Programme (CDP) for the area in question, pursuant to the stipulations of the present by-law.

The zones subject to CDP regulations are identified in Zoning By-law 636-05 and on Zoning Plan PZ-636-05-01.

1.5 PROCEDURE

1.5.1 SUBMITTING A REQUEST

Any requests under Section 1.4 of this by-law and all afferent documents must be submitted to Chelsea Technical Services.

1.5.2 PLANNING AND SUSTAINABLE DEVELOPMENT ADVISORY COMMITTEE REVIEW

The Planning and Sustainable Development Advisory Committee (PSDAC) is responsible for evaluating all requests based on the evaluation criteria established by this by-law.

Said committee shall transmit its evaluations of all requests to Municipal Council in writing. The evaluation shall include a recommendation to approve or deny the plans submitted and, in the event of recommendation to deny a request, an explanation of the committee's reasons for its recommendation. The PSDAC recommendation may also suggest amendments to render the plans acceptable under this by-law.

To draft a recommendation, the PSDAC may contact any Council committee, for example the Recreation and Culture, Roads and Sustainable Development, Fire and Public Security committees or the Watershed sub-committee.

1.5.3 MUNICIPAL COUNCIL APPROVAL

Following the PSDAC evaluation, Municipal Council will pass a resolution to approve or reject the plan application, as appropriate.

Once Council has approved the CDP, Council will then amend planning by-laws to include the CDP.

Reasons for a Council resolution to reject a plan request must be detailed and may suggest amendments needed to render the plan acceptable.

A copy of the resolution will be forwarded to the applicant.

1.5.4 OTHER CONDITIONS FOR APPROVAL

As a condition to general development plan approval, Municipal Council may require one or more of the following:

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- a. The applicant will cover the costs for certain elements of the plan, for example infrastructures or facilities;
- b. Work related to the submitted plan will be completed within a pre-established timeframe;
- c. The applicant will post a performance bond to ensure execution in compliance with the project as approved pursuant to this by-law;
- d. Any other conditions that Municipal Council may deem reasonable.

1.5.5 AMENDING A COMPREHENSIVE DEVELOPMENT PROGRAMME

Once Council has approved a CDP it cannot be amended. Applicants must submit a new CDP pursuant to the provisions of this by-law to effect any changes.

1.6 CONTENTS OF A COMPREHENSIVE DEVELOPMENT PROGRAMME

Any and all CDP submitted to Chelsea Technical Services for approval must be submitted in three (3) copies and contain at least the following:

A 1:1000 or greater scale map containing the following information:

- e. identification of cadastre of the lot in question;
- b. names, first and last, and addresses of applicant and any other person(s) involved in preparation of the CDP, if any;
- c. identification of the zone in question;
- d. site dimensions and surface area;
- e. natural features of the site, such as relief shown on a topographical map with equidistant contours at one (1) meter, waterways, wetlands, surface drainage, flood plains, landslide areas, and wooded areas;
- f. the environmental impact study including an inventory of animal and plant species and an estimate of their vulnerability and sensitivity;
- g. existing structures;
- h. servitudes and rights-of-way;
- i. public utilities, such as electrical wires;
- j. proposed uses with respective locations and surface areas;
- k. the various proposed structures, according to use, surface area, and footprint;

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- l. proposed subdivision;
- m. minimum dimensions and surface areas of properties by land use category;
- n. height of buildings;
- o. number of housing units per building;
- p. minimum front, side, and rear set-backs;
- q. location and surface area of open space;
- r. number, dimensions, and locations of parking spaces and traffic lanes;
- s. trajectory and total width of roads and pathways;
- t. building elevation plans showing selected architectural style;
- u. anticipated phases of development;
- v. professional opinions regarding wastewater treatment systems;
- w. professional opinions regarding potable water supply. The statement will include at least the following:
 1. a location and description of the project zone (physical and human environment, area land use)
 2. a description of the local geology of superficial deposits and bedrock (with references)
 3. a geophysical description (to include instrumentation used, findings and figures and maps of survey sites, strata cuts, granulometry, occurrence of water, etc.)
 4. a hydro-geological description (to include information on the location and flow of underground water) and a characterization of the hydrodynamic parameters (to include a 72-hour pump test)
 5. a description of impact on other users and on the environment
 6. recommendations
 7. references

Notwithstanding the foregoing, the applicant shall also provide any and all information and/or documents required to ensure understanding of and compliance with the evaluation criteria.

17 EVALUATION CRITERIA

All CDP must demonstrate that the development project is consistent with the development objectives cited in this section.

This by-law prescribes three groups of evaluation criteria, based on:

- a. Protection of environmental integrity
- b. Preservation of Chelsea's rural village image
- c. Harmonious development of land use and construction

17.1 GENERAL CRITERIA

CDP evaluation criteria:

Natural environment

- a. Protect the water system with planned measures to ensure the integrity of the waterfront and wetland areas and environment friendly management of surface drainage.

Surface drainage and any change to the general development profile must be performed to avoid erosion and pollution of the waterways;
- b. Protect and consolidate the Chelsea Creek nature corridor, as applicable;
- c. Preserve ecological integrity. The project must also limit the negative impact of human occupation on the environment;
- d. Preserve existing woodlots or plan reforestation to ensure project harmony with its environment. Also, as much as possible, plan to plant and/or preserve trees along roadways;
- e. Demonstrate the availability of groundwater to satisfy the anticipated land use for this project, limiting impact on existing land use on the periphery. More specifically, demonstrate that the project will not cause a reduction in groundwater levels for either the site in question or for adjacent properties;
- f. Demonstrate the compatibility of planned use in terms of generally recognized constraints to human use, particularly landslide areas, flood plains and soil contamination;
- g. Demonstrate the feasibility of an environment friendly wastewater treatment system;
- h. Design housing units to stress water conservation and demonstrate optimum management of this resource;

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- i. Design housing units to permit optimum energy consumption and help to reduce greenhouse gas emissions.
- j. Design exterior lighting to optimize energy use and respect the privacy of the properties by limiting visual pollution;

Design urban furnishings must be designed to maintain the rural village image of the sector;

Rural village image of Chelsea

- k. Reinforce the visual lines of the Old Chelsea sector near Highway 5 to preserve the rural village image of the area. Pay particular attention to the characteristics of buildings and construction to plan for architecture, scale and density consistent with the development vision for this sector;
- l. The residential landscape will include forest cover to maintain the low-density image;
- m. Exterior materials must harmonize with the natural landscape.

Harmonious land use and construction development

- n. Only isolated single-family dwelling are permitted pursuant to Subdivision By-law 637-05 (net density one unit per 4,000 square metres or one unit per 8,000 square metres, as applicable);
- o. Plan and develop parks to encourage use by various age groups (multigenerational access);
- p. Plan roads, pathways, and constructions to encourage non-motorized transit and allow adequate space for this purpose;
- q. Plan roads to favour interconnectivity with existing roads;
- r. Develop parking areas to blend into the landscape. Preferably, place parking areas on side or back yards and include partitions and landscaped boulevards;
- s. Vary building architecture and use exterior materials that blend well with the natural landscape.

1.72 SPECIFIC CRITERIA BY ZONE

In addition to the general CDP evaluation criteria, the following additional criteria apply in specific zones:

1.7.2.1 Zone 13 (1) (2)

Specific criteria:

- a. The CDP will propose a mix of housing types to favour structures adapted to the housing needs of seniors and retirees;

This mix must also favour accessibility to housing to suit various personal or family incomes. ⁽¹⁾

- b. Increased land use density will be permitted if the availability of potable water and the feasibility of a community wastewater treatment system are demonstrated.

Gross occupation density must not exceed one unit per 2,000 square meters. Cluster-type housing is favoured in an effort to maintain the rural village image of the Municipality. Net density and final subdivision standards will be determined based on the approved CDP.

1.7.2.2 Zones 145 and 146

Specific criterion:

- a. Zones 145 and 146 are reserved exclusively for the development of recreation and leisure activities highlighting the natural features of the site.

1.7.2.3 Zone 310

Specific criteria:

- a. The use of isolated, single-family dwellings for commercial activities focussing on professional services, personal health services and retail food sales is permitted.
- b. Subdivision standards are established in Subdivision By-law 637-05 (net density one unit per 4,000 square metres or one unit per 8,000 square metres, as applicable).

18 COMPREHENSIVE DEVELOPMENT PROGRAMME COMPLIANCE

Any and all projects, especially in terms of subdivision, use and construction, must be completed according to the CDP included in the urban planning regulations.

⁽¹⁾ Amended by **By-law N° 773-10** (effective December 16, 2010)

⁽²⁾ Amended by **By-law N° 800-11** (effective January 24, 2012)

1.9 OBTAINING LICENCES AND CERTIFICATES

Approval of a CDP does not release the applicant from the obligation to obtain any licences, permits, or certificates required by legislation or regulation.

1.10 SUBMITTING A SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMME

Approval of a CDP does not release the applicant from the obligation to submit a Site Planning and Architectural Integration Programme (SPAI) when Site Planning and Architectural Integration Programme By-law 641-05 also applies to the zone in question.

1.11 ADMINISTERING AUTHORITY

Responsibility for application of this by-law is entrusted to the Technical Services Director or to any other official designated for this purpose.

The administering authority may also initiate criminal proceedings against offenders with respect to any provision of this by-law; and, to do so deliver notices of violation.

1.12 PENALTIES AND SANCTIONS

Any person or persons who contravenes any or all of the provisions of this by-law is guilty of an offence and, in addition to paying the costs for each infraction, is liable to a set fine of ONE THOUSAND DOLLARS (\$1,000) if the offender is a physical person, or a set fine of TWO THOUSAND DOLLARS (\$2,000) if the offender is a corporation or other legal entity.

In the event of a repeat offence committed within two years of declaration of guilt for the same infraction, the offender, in addition to paying the costs for each infraction, is liable to a set fine of TWO THOUSAND DOLLARS (\$2,000) if the offender is a physical person, or a set fine of FOUR THOUSAND DOLLARS (\$4,000) if the offender is a corporation or other legal entity.

If an infraction continues for more than one (1) day, it shall constitute a separate offence for each day during which it continues, and may be detailed in a single charge.

Without prejudice to proceedings under the criminal justice system, Council may institute any proceedings necessary under civil jurisdiction to enforce compliance with the provisions of this by-law.

1.13 FORCE AND EFFECT

This by-law will come into force according to the law.

GIVEN AT CHELSEA, QUEBEC this 19th day of the month of April 2005

**BY-LAW N°640-05 RESPECTING
COMPREHENSIVE DEVELOPMENT
PROGRAMMES (CDP)**

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Secretary-Treasurer

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Mayor

NOTICE OF MOTION DATE:	February 7, 2005
ADOPTION DATE OF DRAFT BY-LAW:	January 25, 2005
RESOLUTION NUMBER:	21-05
PUBLIC CONSULTATION DATE:	April 4, 2005
ADOPTION DATE OF BY-LAW:	April 19, 2005
RESOLUTION NUMBER:	82-05
CERTIFICATE OF COMPLIANCE:	June 28, 2005
DATE OF ENTRY INTO FORCE:	June 25, 2005