



## PUBLIC NOTICE

### APPLICATION TO OPEN A REGISTRY IN VIEW OF APPROVAL BY WAY OF REFERENDUM SCAOPI – 360 CLARKE – SECOND DRAFT RESOLUTION

**PUBLIC NOTICE** is hereby given of the following:

1. Following the public consultation held on January 22, 2020, the Municipal Council adopted by resolution at its regular meeting held on February 3, 2020, the second draft resolution No. 2020-02-27 concerning an immovable bearing the civic address 360 Clarke Avenue located on lot 2 626 404 of the Quebec cadaster (hereinafter referred to as the **IMMOVABLE**), the whole in virtue of *By-law 1489 concerning specific construction, alteration or occupancy proposals for an immovable (S.C.A.O.P.I.) of the City of Westmount.*
2. This second draft resolution contains seven (7) provisions subject to approval by way of referendum:
  - a) Grant a variance to section 8.4.1.5 of By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the 5% or 92.9 m<sup>2</sup> restriction imposed for the area of an enlargement to an assembly building appearing in Table 4 of Division 8, an enlargement of approximately 2,120 m<sup>2</sup>;
  - b) Grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the maximum site coverage authorized of 30% for this assembly building appearing in Table 4 of Division 8, a site coverage of approximately 37%;
  - c) Grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the maximum floor area ratio of 0.90 authorized for this assembly building appearing in Table 4 of Division 8, a floor area ratio of approximately 1.14;
  - d) Grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the maximum construction height permitted in the physical and spatial specification grid for zone R3-23-01 of the City's zoning plan, a height of approximately 1.25 m (4'-1¼") in excess of the authorized 10.668 m (35'-0");
  - e) Grant a variance to section 5.5.9.2 of By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the maximum permitted mineral surface rate of 30% for a building in a residential area, a ratio of mineral surfaces of approximately 84% for the school yard;
  - f) Grant a variance to section 6.2.1 of By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the requirements for the location of a fence in the front yard of a lot, a fence at the proposed location in the landscaping; and
  - g) Grant a variance to section 6.2.4 of By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the requirements for the maximum height of a fence in the front yard of a lot, a fence between 1.8 and 2.1 metres high proposed in the landscaping drawings.



In addition to this brief description, a copy of the second draft Resolution No. 2020-02-27 may be obtained upon request at the Office of the City Clerk located at 4333 Sherbrooke Street West in Westmount during regular business hours.

3. Any interested person from the concerned zone or one of the contiguous zones, may sign an application to open a registry in view of submitting a provision of the second draft resolution, subject to approval by way referendum, to the approval of certain qualified voters.
4. An application requiring that a provision of the second draft resolution be submitted to the approval of qualified voters may originate from the concerned zone R3-23-01 or from the following contiguous zones: R2-22-02, R3-21-04, R4-23-04, R5-34-06, and R9-23-02. The sketch of the concerned sector is reproduced hereafter.



The sketch of the zones may be consulted at City Hall or on the City's website at the following address:

[http://westmount.org/wp-content/uploads/2016/01/Plan\\_zonage\\_09-01-2015.pdf](http://westmount.org/wp-content/uploads/2016/01/Plan_zonage_09-01-2015.pdf)

5. In order to be deemed valid, an application to open the registry must:
  - be signed by at least 12 interested persons of the zone from which it originates or by a majority of them if their number does not exceed 21;
  - state clearly the provision to which it refers and the zone from which it originates;
  - be received by the Office of the City Clerk, no later than **February 19, 2020, at 4:30 p.m.**
6. Is an interested person:
  - Any person who is not disqualified from voting and who fulfils the following conditions as of February 3, 2020:
    - is domiciled in the City of Westmount;
    - has been domiciled in Québec for at least six months.



- Any sole owner of an immovable or sole occupant of a business establishment who is not disqualified from voting and who fulfils the following conditions as of February 3, 2020:
  - has been, for at least 12 months, owner of an immovable or occupant of a business establishment situated in the City of Westmount;
  - has filed or files at the same time as the application, a document signed by the owner or the occupant requesting to be entered on the referendum list, as the case may be.
- Any undivided co-owner of an immovable or co-occupant of a business establishment who is not disqualified from voting and who fulfils the following conditions as of February 3, 2020:
  - has been, for at least 12 months, undivided co-owner of an immovable or co-occupant of a business establishment situated in the City of Westmount;
  - is designated, by way of a power of attorney signed by the majority of persons who have been co-owners or co-occupants for at least 12 months, as the person having the right to sign the application in their name and to be entered on the referendum list, as the case may be. The power of attorney must have been filed or be filed with the application.

In the case of a natural person, he or she must be of full age, a Canadian citizen and not be under curatorship.

In the case of a legal person, one must:

- have designated by resolution, from amongst its members, directors or employees, a person who, as of February 3, 2020, is of full age, a Canadian citizen, who is not under curatorship and who is not disqualified from voting;
- have filed or file at the same time as the application, the resolution designating the person authorized to sign the application and to be entered on the referendum list, as the case may be.

Except in the case of a person designated as the representative of a legal person, no one may be considered an interested person in more than one capacity, in accordance with section 531 of *An Act respecting elections and referendums in municipalities* (CQLR, chapter E-2.2).

7. The provisions in respect to which no valid application are received, may be included in a resolution that is not required to be submitted to the approval of qualified voters.

GIVEN at Westmount, this February 11, 2020.

  
**Me Andrew Brownstein**  
City Clerk