



## PUBLIC NOTICE

### APPLICATION TO OPEN A REGISTRY IN VIEW OF APPROVAL BY WAY OF REFERENDUM SCAOPI – 4216 DORCHESTER – SECOND DRAFT RESOLUTION

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

1. Following the public consultation held on October 24, 2022, the Municipal Council adopted by resolution at its regular meeting held on December 5, 2022, the second draft resolution No. 2022-12-307 concerning an immovable bearing the civic address 4216 Dorchester Boulevard located on lot 4 142 956 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 six (6) provisions subject to approval by way of referendum:
  - Grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the imposed dimension of 35'-0" for the maximum height of a building appearing in the physical and spatial specifications grid for Zone R6-35-01 of the zoning plan, a building of approximately 59'-0" in height;
  - Grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the maximum height of three (3) storeys authorized for a building appearing in the physical and spatial specifications grid for Zone R6-35-01 of the zoning plan, a building of five (5) storeys in height;
  - 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 2 allowed in the physical and spatial specifications grid for Zone R6-35-01 of the zoning plan, a floor area ratio of 2.31;
  - Grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the maximum site ratio of 65% permitted in the physical and spatial specifications grid for Zone R6-35-01 of the zoning plan, a site ratio of 66%;
  - Grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the prohibition on encroachment into the space between a street and the building line set out in Subdivision 5.2.3, an underground parking area in the 12'-0" space between the street and the building line; and
  - Grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing, notwithstanding the 22'-0" length requirement for the maneuvering area between or in front of parking spaces required in Section 5.5.3.2, a maneuvering area of 19'-3 ½" to 21'-7 ¼" for parking spaces numbered 1 through 5.

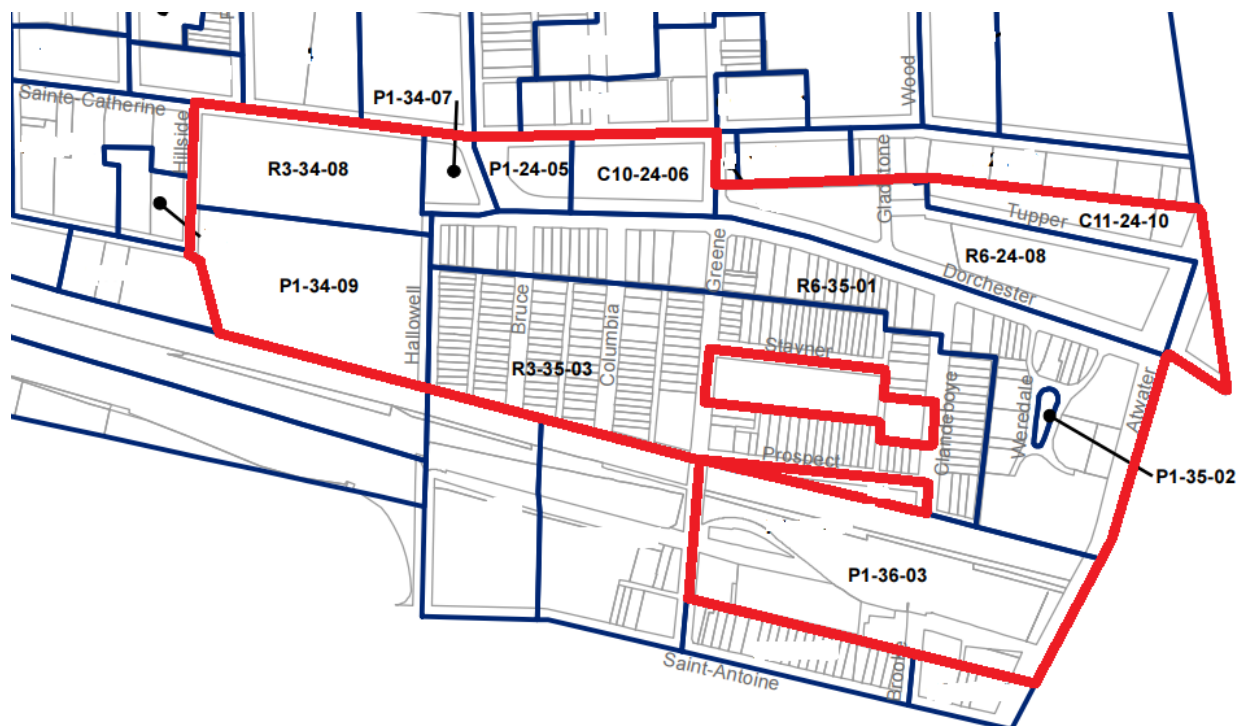


In addition to this brief description, a copy of the second draft Resolution No. 2022-12-307 may be obtained upon request at the Office of the City Clerk located at 4333 Sherbrooke Street West in Westmount during regular business hours.

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 R6-35-01 or from the following contiguous zones: C10-24-06, C11-24-10, P1-24-05, P1-34-09, P1-35-02, P1-36-03, P1-34-07, R3-34-08, R3-35-03, and R6-24-08.

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

<https://westmount.org/en/zoning-map/>



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 **December 21, 2022, 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 December 5, 2022:
  - 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 December 5, 2022:
  - 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 December 5, 2022:
  - 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 December 5, 2022, 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 provision in respect to which no valid application is received, may be included in a resolution that is not required to be submitted to the approval of qualified voters.

GIVEN at Westmount, this December 13, 2022.

A handwritten signature in blue ink, consisting of several loops and a vertical stroke.

**Denis Ferland**  
City Clerk