



PUBLIC NOTICE

APPLICATION TO OPEN A REGISTRY IN VIEW OF APPROVAL BY WAY OF REFERENDUM SCAOPI – 1-3 HILLSIDE – SECOND DRAFT RESOLUTION

PUBLIC NOTICE is hereby given of the following:

1. Following the public consultation held on December 13, 2022, the Municipal Council adopted by resolution at its regular meeting held on January 16, 2023, the second draft resolution No. 2023-01-13 concerning an immovable bearing the civic address 1-3 Hillside Avenue located on lot 4 142 847 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 ten (10) 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 maximum height of three (3) storeys permitted for a building appearing in the physical and spatial specifications grid for the Zone R6-34-14 of the zoning plan, a building with a maximum height of 6 storeys (including the storey of the above-roof structure for mechanical equipment and for roof access);
 - 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 R6-34-14 of the zoning plan, a building with a maximum height of 77'-0";
 - 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 R6-34-14 of the zoning plan, a floor area ratio of 3.7;
 - 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 R6-34-14 of the zoning plan, a site ratio of 83%;
 - Grant a variance to Subdivision 5.2.3 of By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing the placement of the front wall (facing Hillside Avenue) at a minimum distance of 6'-0" from the front lot line and the placement of the underground parking lot at a distance of up to 0'-0" from said front lot line, whereas an open space of 10'-0" is required between the building line on Hillside Avenue and the front lot line;
 - Grant a variance to Subdivision 5.2.3 of By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing the placement of front stairs (facing Hillside Avenue) up to 0'-0" from the front lot line, whereas a minimum distance of 6'-0" from the front lot line is required;



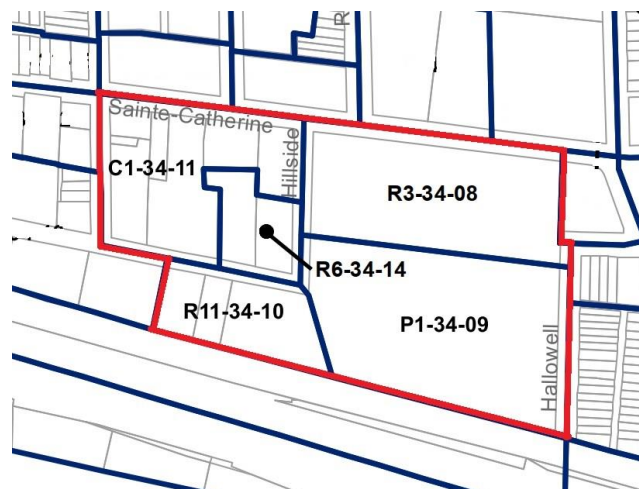
- Grant a variance to Subdivision 5.2.3 of By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing the placement of the building at a minimum distance of 8'-0" (at the rear wall of the turret) from the rear lot line and at a minimum distance of 11'-0" (at the main rear wall) from said rear lot line, whereas a minimum open space of 35'-0" is required in the case of a rear wall of more than 45'-0";
- 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 a minimum percentage of vegetated area of 41% in the rear yard, while vegetated areas must occupy at least 60% of the rear yard area;
- 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 a minimum percentage of planted area of 63% in the front yard, whereas planted areas must occupy at least 70% of the front yard area;
- Grant a variance to Section 5.5.3.4 of By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, by allowing a driveway with a maximum width of 18'-2", while the maximum driveway width is 10'-0".

In addition to this brief description, a copy of the second draft Resolution No. 2023-01-13 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 of 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 R6-34-14 or from the following contiguous zones: C1-34-11, P1-34-09, R3-34-08 et R11-34-10.

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 **February 1, 2023, 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 January 16, 2023:
 - 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 January 16, 2023:
 - 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 January 16, 2023:
 - 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 January 16, 2023, 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 January 24, 2023.

Denis Ferland
City Clerk