

**Règlement no 2023-10
modifiant le règlement de PIIA no 2009-09**

At a regular sitting of the Council of the Municipality of Ayer's Cliff, held at the Community Centre located at 176 Rosedale Street, on July 3rd 2023 at 7 p.m., at which time there was quorum.

WHEREAS the Municipality of Ayer's Cliff has the power, by virtue of the Act, to amend its Site Planning and Architectural Integration Programme By-law (hereinafter referred to as SPAIP);

WHEREAS it is desirable to modify the subject permits or certificates

WHEREAS the Rec-5 zone is a strategic zone for the Municipality in terms of socio-economic impact and its location near the shores of Lake Massawippi is exceptional

WHEREAS the Municipality is concerned about the unpredictability of the various perspectives for occupying the land to be developed in the Rec-5 zone

WHEREAS the Municipality intends to ensure an adequate occupation of the site in terms of architectural integration and shoreline landscape in this Rec-5 zone

WHEREAS a Notice of Motion concerning the removal of the Rec-5 zone from the SPAIP-5 to integrate this zone into a SPAIP-9 specific to this zone, was duly given on May 1, 2023;

WHEREAS a notice of motion to introduce this by-law was duly given on June 5, 2023;

In consequence,

**Proposed by
seconded by**

And unanimously resolved

That a by-law of this Council bearing number 2023-10, be and is hereby adopted and that the following be statued and decreed, as follows

Article 1: The preamble forms an integral part of this by-law.

Article 2: Section 10 of SPAIP By-law No. 2009-09 of the Municipality of Ayer's Cliff, concerning permits or certificates subject to, is modified as follows

- a) By inserting in the 1st paragraph, paragraph 2o and subparagraph b), between the words "The replacement of roofing materials with similar materials" and the

words "or with black, brown, grey or dark green asphalt shingles, provided that the roof [...]", the words ", with architectural sheet metal"

b) By adding new subparagraphs 4 and 5 to the 1st paragraph, to read as follows

" 4° Tree cutting, where one or more evaluation criteria apply to such work under the applicable SPAIP type;

5° backfilling and excavation work, where one or more assessment criteria apply to such work under the applicable SPAIP type;

Article 3: Article 12 of this SPAIP by-law, concerning the accompanying documents for a building permit and a certificate of authorization, is amended as follows:

a) By adding to the 1st paragraph and to paragraph 1o, a subparagraph e) that reads as follows

"e) In the Rec-5 zone, an overall concept plan for the entire zone (except for detached single-family residential buildings or lots devoted to a main single-family residential use) must be submitted for analysis in accordance with the evaluation criteria set out in By-law PIIA-9. The overall concept plan adopted by Council by resolution will serve as the basis for any subsequent building permit, which must comply with this plan. This scaled plan must be sufficiently detailed to allow assessment against the criteria set out in the by-law. In particular, the plan must include :

- Existing green areas and wooded areas, trees that will be retained and those that will be felled, as well as trees that will be planted (type of species) with the final percentage of woodland cover;
- Visual perspectives showing a model of the buildings in its location and in relation to the road and neighbouring properties, so that the scale of the buildings can be clearly seen in its location;
- The number of existing accommodation units and the number of additional accommodation units sought, giving the total number of units on the site at the end of the works;
- The percentages of building occupancy on the ground in relation to the site as a whole;
- The distances between the buildings and the distances of the buildings from the lake, the property boundaries and the road;
- Landscaping and accessory buildings and their positioning on the site, as well as siting standards;
- Any other information relevant to the evaluation criteria;

b) By adding a subparagraph e) to the 1st paragraph and to paragraph 2, to read as follows

"e) In the Rec-5 zone, an overall concept plan for the entire zone (except for detached single-family residential buildings or lots devoted to a main single-family residential use) must be submitted for analysis in accordance with the evaluation criteria set out in By-law PIIA-9. The overall concept plan adopted by Council by

resolution will serve as the basis for any subsequent building permit, which must comply with this plan. This scaled plan must be sufficiently detailed to allow assessment against the criteria set out in the by-law. In particular, the plan must include :

- Existing green areas and woodland, the trees to be retained and felled, and the trees to be planted (type of species), with the final percentage of woodland cover;
- Visual perspectives showing a model of the buildings in its location and in relation to the road and neighbouring properties, so that the scale of the buildings can be clearly seen in its location;
- The number of existing accommodation units and the number of additional accommodation units sought, giving the total number of units on the site at the end of the works;
- The percentages of building occupancy on the ground in relation to the site as a whole;
- The distances between the buildings and the distances of the buildings from the lake, the property boundaries and the road;
- Landscaping and accessory buildings and their positioning on the site, as well as siting standards;
- Any other information relevant to the evaluation criteria;

Article 4: Section 23 of the SPAIP by-law, concerning types of SPAIPs, is amended as follows:

a) The name of PIIA-5 is modified by adding the following text at the end :

"with the exception of lots and buildings covered by PIIA-9";

b) By adding after PIIA-8, the type of PIIA-9, which reads as follows:

"PIIA-9: Buildings and lots located in the Rec-5 zone, with the exception of detached single-family residential buildings or lots devoted to a principal single-family residential use";

Article 5: Section 28 of this SPAIP by-law, concerning SPAIP-5 (Buildings and land bordering Lake Massawippi or the Tomifobia River), is amended as follows

a) By adding in the title the words "with the exception of land and buildings covered by PIIA-9";

b) By inserting in the 1st paragraph, between the words "Land and buildings bordering Lake Massawippi and the Tomifobia River used for residential purposes or commercial accommodation other than camping" and the words "as well as an accessory building having less than [...]", the words :

"and with the exception of lots and buildings covered by SPAIP-9,";

c) By inserting in the 1st paragraph and in subparagraph 1, between the words "The purpose of SPAIP-5 is to regulate the siting of buildings and the development

of land used for residential purposes or commercial accommodation and bordering Lake Massawippi" and the words "in such a way as to favour an architectural style [...]", the words "with the exception of lands and buildings covered by SPAIP-9,";

Article 6: By inserting a new Section 32 in said SPAIP by-law, to read as follows

"32 - PIIA-9, Commercial buildings and lots in the REC-5 zone

Commercial properties and main and accessory buildings in the Rec-5 zone are covered by PIIA-9. The related objectives and evaluation criteria are defined below:

1° The purpose of the PIIA-9 is to provide a framework for the siting of buildings and development of commercial land and the implementation of an integrated overall concept, so as to encourage architecture that is adapted to the resort environment surrounding bodies of water - in particular through a judicious choice of sizes with reasonable occupancy densities, openings, cladding materials and their colours - to ensure integration into the surrounding environment and limit the ecological footprint, while allowing the expression of a certain originality. This SPAIP is also intended to encourage the return of the land to a more natural state (renaturalization, shrubs, trees) to camouflage urbanized elements as much as possible (main and accessory buildings, lawns, air conditioning or heating units) and, more specifically, to increase the density of shoreline vegetation.

In addition, the evaluation criteria described below deal with the general aspects to be taken into account when adding new buildings and when renovating, converting, repairing or extending buildings in order to promote the homogeneity of each property. These evaluation criteria also deal with land development, as well as accessory buildings and equipment.

First, however, an overall concept of occupancy must be established for the entire zone (except for detached single-family residential buildings or lots devoted to a primary single-family residential use). This concept aims to achieve an occupation adapted to the front-line insertion environment and to the entire riparian corridor of Lake Massawippi in this sector. The land within this corridor is an exceptional environment where it is essential to limit the ecological footprint. This means reducing tree felling and maintaining green areas: a significant canopy spread over the entire area is sought. It also aims to limit hard surfaces and the volume of buildings in relation to the residential neighbourhood. The aim is therefore to establish an integrated overall concept before issuing any new planning permission, in order to ensure that the site is put to the best possible use in terms of the desired objectives.

2° Criteria relating to the overall concept of occupation for the zone as a whole:

- a) Buildings must be sited in such a way as to protect the shoreline of Lake Massawippi, leaving sufficient space or room to manoeuvre to avoid occupying the shoreline with machinery before, during and after construction work;

- b) Buildings must be sited with a view to preserving green areas (wooded and landscaped) throughout the zone and in relation to neighbouring properties. Care should be taken to preserve existing mature trees;
- c) Buildings should be set relatively far from the vehicular thoroughfare, which acts as a street. A reasonable distance (similar to the front setback required in the zone) must be left between the planned new buildings and the line determining the right-of-way acting as a thoroughfare between the two sections of Ripple Cove Road;
- d) Buildings in the vicinity of Lake Massawippi, neighbouring properties, Ripple Cove Road and the right-of-way serving as a thoroughfare must be less imposing;
- e) A density of occupation respectful of the unique site, close to Lake Massawippi and the low-density residential neighbourhood, is sought. The overall concept plan must provide a view of all the buildings planned for the Rec-5 zone. The views must allow the buildings to be seen in space and in relation to the road, neighbouring properties and the lake;

3° Criteria relating to buildings:

- a) Each building must be considered as a homogeneous whole. Each building must be in keeping with the overall occupancy concept for the zone as a whole. Exterior cladding should be predominantly of one material, with secondary cladding only as an accessory. The dominant material is preferably wood clapboard or fibre cement. The main body of the building should preferably have a multi-sloped roof. Galleries must have a roof whose shape is significantly related to that of the main body of the building;
- b) The occupation of the building on the site must be such that a significant part of the site remains natural;
- c) The colours of the cladding must blend easily into the immediate natural environment. Bright colours should be avoided;
- d) Walls with no openings should be avoided on the lake side, to help soften the effect of blind walls.

4° Landscaping criteria :

- a) The rear yard (in relation to the vehicular traffic lane) must be left as natural as possible, thus camouflaging the building from the lake;
- b) Where the terrain is uneven, the rear yard must be kept as close to its original state as possible. A path may be created to access the water feature. This must be landscaped;
- c) The rear and side yards must be landscaped with trees and flowerbeds, mainly along the rear facade of the building;

d) Service areas (parking and driveways) must not dominate the side yard. Areas without vegetation in the rear yard must be limited.

5° Criteria relating to detached accessory buildings and equipment :

- a) Accessory buildings and accessory equipment must be sited so that their presence is unobtrusive;
- b) The volume of an accessory building must be less than that of the main building and its height must be limited to 1 storey;
- c) The choice of architectural type for an accessory building is secondary, but the choice of materials and especially their colour must be judicious in order to minimise the visual impact of the accessory building on the property and promote a certain harmonious visual link with the main building;
- d) Green spaces should also be created between the main building and accessory buildings to visually separate them;
- e) Landscaping must conceal the accessory building so that it is barely visible from the water;

Article 7: This by-law will come into force in accordance with the Act.

Maire
Simon Roy

Directrice générale
Abelle L'Écuyer-Legault

Avis de motion spécifique	1 ^{er} mai 2023
Avis de motion général :	5 juin 2023
Adoption du projet :	5 juin 2023
Avis public ass. de consultation :	8 juin 2023
Assemblée de consultation :	19 juin 2023
Adoption du règlement final	3 juillet 2023
Certificat d'approbation de la MRC et entrée en vigueur :	3 août 2023

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