



BY-LAW NO. 512-1-2010

BY-LAW NO. 512-1-2010 ESTABLISHING ST. JAMES CEMETERY AS A HERITAGE SITE

WHEREAS under section 84 of the Cultural Property Act (RSQ, c. B-4), a municipality may, by by-law of its council and after obtaining the advice of the planning advisory committee: *Comité consultatif d'urbanisme*, establish as a heritage site all or part of its territory where immovable cultural property is situated and where the architectural landscape is of aesthetic or historic interest;

WHEREAS the St. James Cemetery constitutes one of the regions's oldest cemeteries, with gravesites dating back to 1820;

WHEREAS the importance of St. James Cemetery is due not only to its antiquity but also to the historic personages interred there, such as the region's founders and pioneers including Philemon Wright, founder of Hull Township;

WHEREAS this cemetery comprises a remarkable funerary heritage, unique in the region, which merits protection and valorization due to its state of degradation;

WHEREAS the *Comité consultatif d'urbanisme* analyzed the request and recommended the establishment of St. James Cemetery as a heritage site at its April 14 2010 meeting;

WHEREAS the notice of motion no. AP-2010-1064, which must precede the Approval of the by-law was given at the meeting of this municipal council held on November 9 2010:

NOW THEREFORE THE COUNCIL OF VILLE DE GATINEAU DECREES AS FOLLOWS:

CHAPTER 1 DECLARATORY, INTERPRETATIVE AND ADMINISTRATIVE PROVISIONS

SECTION 1 DECLARATORY PROVISIONS

1. BY-LAW TITLE

The by-law entitled « By-Law Establishing St. James Cemetery as a Heritage Site ».

2. BY-LAW OBJECTIVE

The by-law is to ensure the conservation and enhancement of the characteristics of St. James Cemetery, which constitutes one of the region's oldest cemeteries, with gravesites dating back to 1820.

3. ESTABLISHMENT OF HERITAGE SITE

Is established as a heritage site that will be designated by the term « St. James Cemetery Heritage Site », St. James Cemetery consisting of lot 1 286 680 in the Québec cadastre, bounded on the East, on the West and the South by the *Université du Québec en Outaouais* terrain and the North by Alexandre Taché boulevard, as far as Scott and Viger streets.

4. ACTS AND BY-LAWS

No by-law provision can be interpreted as exempting any person from the purposes of a provincial or federal government act or by-law.

Nothing in the by-law can be understood to exempt any natural or legal person from complying with the requirements of any other municipal by-law currently in force or from obtaining any permit, certificate, license, authorization or approval required by one of the City's by-laws, unless expressly provided.

5. ANNEXED DOCUMENTS

The plan entitled « Perimeter Designation of the St. James Cemetery Heritage Site, as illustrated on plan No. 1 annexed to the by-law under the title Schedule "I", is an integral part of the by-law as if it were here reproduced in full.

6. TABLES, GRAPHS, SYMBOLS

A table, graph, symbol or any form of expression other than the text itself, contained therein or being referred to, is an integral part of the by-law.

SECTION 2 INTERPRETATIVE PROVISIONS

7. UNITS OF MEASUREMENT

Any unit of measurement used in the by-law are given in SI (International System of Units) metric.

8. PRECEDENCE RULE PROVISIONS

Unless otherwise indicated in the by-law, the following precedence rules apply:

- 1) Where there is inconsistency between the text and title, the text prevails.
- 2) Where there is inconsistency between two provisions of the by-law or between one provision of the by-law and a provision of another by-law, the more specific provision prevails over the general provision.
- 3) Where there is inconsistency between the text and any other form of expression, the text prevails.
- 4) Where there is inconsistency between restrictive or prohibitive provisions in the by-law or if there is a conflict or inconsistency between a restrictive or prohibitive provision in the by-law and a provision of any other by-law, the provision that is the most restrictive or prohibitive applies.

9. REFERENCES

Every reference made in this by-law to another by-law is open, which means that that it extends to any modification to the by-law being referred to subsequent to the coming into effect of the by-law.

10. TERMINOLOGY

In this by-law, unless the context indicates a different meaning, every term and expression has the meaning assigned to it in chapter 3 of the zoning by-law currently in force. Where a word or an expression is not specifically defined in the zoning by-law, it has the definition most commonly found in dictionaries.

11. TERMINOLOGY EXCEPTIONS

For the interpretation of the by-law, the following terms and expressions are defined as described in this section, with the exception of Section 10.

1) BURIAL PLACE

Place where the body of a person or the bodies of people from the same family are buried, and on which may be found such funeral monuments associated with this person or family.

2) COMMEMORATIVE SYMBOLS

Objects, symbols or images used to commemorate an event or pay tribute to a person.

SECTION 3 ADMINISTRATIVE PROVISIONS

12. APPLICATION OF THE BY-LAW

The application of the by-law is the jurisdiction of the designated official named according to the administration provisions of the urban by-laws currently in place.

13. POWERS AND DUTIES

The designated official must:

- 1) Ensure that provisions of the by-law are respected.
- 2) Analyze requests.
- 3) Ask the applicant to provide any information necessary for the study of the request.
- 4) Conserve a copy of all documents related to a request for a permit or certificate of approval.
- 5) Issue a violation offense notice for any noncompliance to one or more of the by-law's provisions.

14. OBLIGATIONS OF THE APPLICANT

Whoever desires to carry out work in the St. James Cemetery Heritage Site must:

- 1) Make a request to the designated official.

- 2) Supply any information and plan required by the designated official for his analysis of the request.
- 3) Advise the designated official before making any modifications to an approved diagram or authorized construction.
- 4) Carry out or have done work in conformity with the conditions issued by the official designated by the City Council.

CHAPTER 2

EFFECTS OF THE ESTABLISHMENT OF A HERITAGE SITE

15. EFFECTS OF THE ESTABLISHMENT

Every person shall comply with the conditions relating to the conservation of the characteristics of the architectural landscape of the heritage site to which the council may subject him, in addition to the municipal by-laws, where on a heritage site that person:

- 1) Divides, subdivides, redivides or parcels out land;
- 2) Modifies the topography or vegetation;
- 3) Modifies the topography or vegetation;
- 4) Erects a new construction, alters, restores, repairs a building/structure or modifies its exterior appearance in any manner;
- 5) Erects a new sign or alters, replaces or demolishes a sign.

16. NOTICE

No person may perform any of the acts described in section 15, without giving at least 45 days' notice to the designated official. Where a permit is required, the application for the permit stands in lieu of the notice.

17. *COMITÉ CONSULTATIF D'URBANISME* (planning advisory committee)

Before deciding on an authorization request, the council must take into account the opinion of the *Comité consultatif d'urbanisme*.

18. CONDITIONS

Before imposing conditions, the Council must take into account the opinion of the *Comité consultatif d'urbanisme*.

A copy of the resolution must accompany the permit or certificate of approval authorizing the work.

19. DEMOLITION

No one can, without the council's authorization, demolish all or part of a building/structure situated on the St. James Cemetery Heritage Site without prior authorization of the Council.

Any person who carries out a demolition must comply with the conditions issued by the council.

CHAPTER 4
CONSERVATION CONDITIONS, ACCEPTANCE OF WORK AND ENHANCEMENTS

20. CONSERVATION

Work contemplating the addition of a building, construction or service elements or work to buildings, existing constructions or significant elements, must be carried out in a way as to ensure the conservation of characteristics of the architectural landscape of the St. James Cemetery Heritage Site.

The characteristics of the architectural landscape having to be preserved at that site are as follows:

- 1) Cemetery monuments.
- 2) Fences and low walls.
- 3) Topography.
- 4) Vegetation.
- 5) Pathways and stairs.

21. APPROVAL CRITERIA FOR ENHANCEMENT WORK

Interventions relative to the work mentioned in section 20 must comply with all the criteria set forth and specific to each intervention.

22. CEMETARY MONUMENTS

Work related to tomb stones and carried out at the St. James Cemetery Heritage Site must comply with the following criteria, when applicable:

- 1) New construction:
 - a) The height and form of any new cemetery monument must fit in with the landscaping and existing monuments;
 - b) The materials, textures, shades and decoration must be carefully chosen and applied so as to not detract from or affect the appearance of surrounding monuments.
- 2) Renovations, repairs, modifications or restorations:
 - a) Any renovations, repairs, modification or restoration of a funeral monument must have the effect of re-establishing the authenticity of the monument with respect to identity and decoration;
 - b) Commemorative symbols must be conserved or reproduced;
 - c) An expert report ruling on the need to renovate, repair, modify or restore all or part of a funeral monument must be prepared by a person specializing in the restoration of old or heritage cemetery monuments and be attached to the permit or authorization certificate request. The renovation, repair, modification or restoration work must be carried out according to the specialist's recommendations.

23. FENCES, LOW WALLS AND OTHER ELEMENTS USED TO DEMARCATÉ THE BURIAL PLACE

Construction at the St. James Cemetery Heritage Site relating to fences, low walls and other elements used to demarcate a burial place must meet the following criteria when applicable:

- 1) New Construction:

- a) The construction of a new fence, low wall or other element demarcating the site must respect the historical architectural composition of the site;
 - b) The materials and height must be in keeping with the dominant components of the immediate environment.
- 2) Replacement, renovation, reparation, modification or restoration work:
- a) Elements of a fence or low wall being replaced, renovated, repaired or restored must duplicate the architectural characteristics and materials of the originals;
 - b) Replacement or restoration work must not alter work must not alter the existing layout;
 - c) An expert report ruling on the need to renovate, repair, modify or restore all or part of a fence or low wall or any other element used to demarcate a burial place must be prepared by a monument restoration or heritage specialist and be attached to the permit or authorization certificate request. The renovations, repairs, modifications or restorations must be carried out according to the specialist's recommendations.

24. LANDSCAPING AND TOPOGRAPHY

Work involving the landscape or topography of the St. James Cemetery Heritage Site must meet the following criteria when applicable:

- 1) **Excavation and Landfill:**
Excavation or landfill work must not alter the natural topography of the site.
- 2) **Vegetation:**
 - a) Tree cutting is prohibited, unless proven by expert assessment that the tree is dead, sick or contaminated;
 - b) Where the cutting of a tree is necessary, it is imperative that the dead tree be replaced by a similar one;
 - c) Any added vegetation must reinforce the landscape and original nature of the site.

25. PATHWAYS AND STAIRS

Work related to the installation of pathways or stairs in the St. James Cemetery Heritage Site must meet the following criteria:

- 1) Construction or extension of a pathway must be executed in the existing style and using the same materials.
- 2) The original orientation of the lay-out must be maintained.
- 3) The development of new trails must be coordinated with existing landscaped trails.

26. STREET FURNITURE

Interventions related to the addition, repair, alteration or replacement of street furniture such as, and not limited to, benches, garbage receptacles, lighting fixtures, etc. must meet the following criteria:

- 1) Street furniture must be incorporated into the historical and landscape values of the site.
- 2) Only wood, wrought iron and stone materials are permitted for use in street furniture (with the exception of lighting fixtures).
- 3) Vegetation must complement and enhance the street furniture.

27. INTERPRETIVE PANELS AND SIGNS

Interventions related to the addition, repair, alteration or replacement of interpretive panels or signs must meet the following criteria:

- 1) The addition and installation must be carried out with respect to the natural layout of the cemetery garden landscape.
- 2) The shape, height, materials and size of interpretive panels and signs must be considered carefully, be plain and on a scale with the site.
- 3) Only wood, ornamental stone and iron work are authorized as composition structural materials.
- 4) No signage illuminated by « luminescence » or « translucence » is authorized. Signs or interpretive panels may, however, be illuminated by indirect lighting « by reflection ».

CHAPTER 5

SPECIFIC LAYOUT AND INTEGRATION CONDITIONS FOR AN INTERVENTION ON A SUBDIVISION OF LOT "1.286.680" OF THE QUEBEC CADASTRE

28. JURISDICTION – APPLICATION DOMAIN

The provisions set forth in this chapter apply to an intervention at the St. James Cemetery Heritage Site, in particular on part of lot 1 286 680 of the Quebec cadastre or any subdivision thereof, located in the south-west of St. James Cemetery Heritage Site, such as illustrated on the official cadastre plan number 1 attached to the by-law under the title Annex « 1 » are an integral part of the by-law as if it was here reproduced in full.

29. APPLICABLE INTERVENTIONS

Applicable interventions in this chapter are:

- 1) A project that involves construction, renovation or alteration of a principal building.
- 2) Any construction or landscaping project that involves the felling of one or more trees.
- 3) Any project that involves altering the natural level of the land.

30. GENERAL OBJECTIVES

Any intervention project must have the following aims:

- 1) Respect the site as a « commemorative landscape site » of which it is necessary to preserve the cultural framework and « cemetery-garden » character devoted to memorializing and meditation.
- 2) Conceive any intervention project in the spirit of enhancement and conservation of the urban natural characteristics of St. James Cemetery Heritage Site.
- 3) Any intervention project must be conceived as a plan of seamless integration with the St. James Cemetery Heritage Site and not as a real estate development plan.
- 4) Ensure that every intervention plan exhibits carefully planned, superior architectural quality with respect to St. James Cemetery Heritage Site.

31. URBAN PLANNING CRITERIA

Any intervention project must respect the following urban planning criterion:

Ground Plan:

- 1) The ground plan for a new construction must be carried out in such a way as to conserve the natural topography of the St. James Cemetery Heritage Site and minimize excavation and landfill activities.
- 2) The building layout must provide for a North-South orientation of the principle facades.
- 3) The building layout must provide for a detached space between the building and the space reserved for the St. James Cemetery to promote a transitional space unifying the landscape.
- 4) The building layout must provide for an opening onto the cemetery as a transitional space between the building and the surroundings. A landscaping plan will have to be proposed to distinguish the transitional space from the St. James Cemetery.

Volume Measurement:

- 5) The volume measurement of a new construction must take into account the land topography and the visual perspective given by the hill at St. James Cemetery.
- 6) The building proportions must respect « human scale » development perspective as appropriate to public spaces as well as a gradual transition with the St. James Cemetery.

Access:

- 7) The land use planning of new accesses must take into account the transition between the St. James Cemetery and the surroundings.
- 8) The principal entrances to the building must be planned for the North and South facades
- 9) The principal entrances must be accentuated with integrated landscaping and fit in well with the surroundings.
- 10) No access or alley providing access for motor vehicles may be installed adjacent to the St. James cemetery.

32. ARCHITECTURAL INTEGRATION CRITERIA

Any intervention project must respect the following criteria concerning architectural integration:

Architectural Design:

- 1) Any new construction must be integrated with the surroundings and complement the St. James Cemetery landscape.
- 2) The openings around the building must be such that they suggest movement from outside to inside spaces.
- 3) The design of the building must be such that natural light is still shed on the St. James Cemetery site.
- 4) No external or internal feature of the building may create a visual or physical obstacle between this latter and the St. James cemetery.
- 5) The architectural treatment must contribute to the urban quality of the surrounding area through careful integration planning.
- 6) The ground plan arrangement of gardens on the roof of a new construction must be planned on the St. James Cemetery side

Surfacing Materials:

- 7) The use of stone, iron and wood must be emphasized.
- 8) Surfacing materials must be in harmony with the buildings on the university campus.

33. PUBLIC INTERFACE CRITERIA

Every intervention project must respect the following criterion as regards the interface for the public:

Pedestrian Interface:

- 1) Ensure transition through human-scale development using new construction to make the slope to the flat area of the St. James Cemetery more gradual.
- 2) Create public areas devoted to peace and quiet and reflection within the periphery of St. James Cemetery.

Lighting:

- 3) The lighting must be considered as being integrated with the university campus.
- 4) The lighting should highlight the significance of the new building taking into account the existing lighting of the St. James Cemetery Heritage Site.

34. LANDSCAPING INTEGRATION CRITERIA

Any intervention project must respect the following landscape integration criteria:

Landscape Characteristics:

- 1) The project must preserve and accentuate the landscape characteristics of St. James Cemetery with an eye to unification.

- 2) Preserve groups of plants and trees that are valuable to the landscaping and integral characteristics of the St. James Heritage Cemetery Site.

Landscaping:

- 3) The topographical characteristics of the St. James Cemetery Heritage Site must be used to advantage and factored into solutions concerning any future problems that may arise from sloped land and water runoff.
- 4) The landscaping must unite harmoniously with the topography.
- 5) The landscaping should be used as a means of concealing the side of a building façade visible from the cemetery.
- 6) Diversify plantations so as to ensure an aesthetic composition that varies with the seasons.
- 7) Promote areas with vegetation visible from the St. James Cemetery such as garden-terraces, etc.

CHAPTER 6
SANCTIONS AND RECOURSE

35. PENAL PROVISIONS AND SANCTIONS

Any person who contravenes a provision of section 15 and 16 of this bylaw commits an offence and is liable to procedures of recourse, sanctions and fines intended for similar offenses under the Cultural Property Act (LRQ ChapterB-4).

In all cases, the court costs are in addition. The time limits for the payment of the fines and the costs imposed under this section, and the consequences of failure to pay said fines and costs within the proscribed deadlines, are established according to the Code of Penal Procedure of Québec (RSQ, c. C-25.1).

36. CONTINUED OFFENSE

Where an offense has continued, it shall be counted as a number of distinct offenses equal to the number of days or parts of a day during which the offense has continued.

37. COMING INTO FORCE

This By-law shall come into force according to law.

BY-LAW APPROVED AT THE MEETING OF FEBRUARY 8, 2011

M. PATRICE MARTIN
COUNCILLOR AND COUNCIL
CHAIR

M^e SUZANNE OUELLET
CITY CLERK

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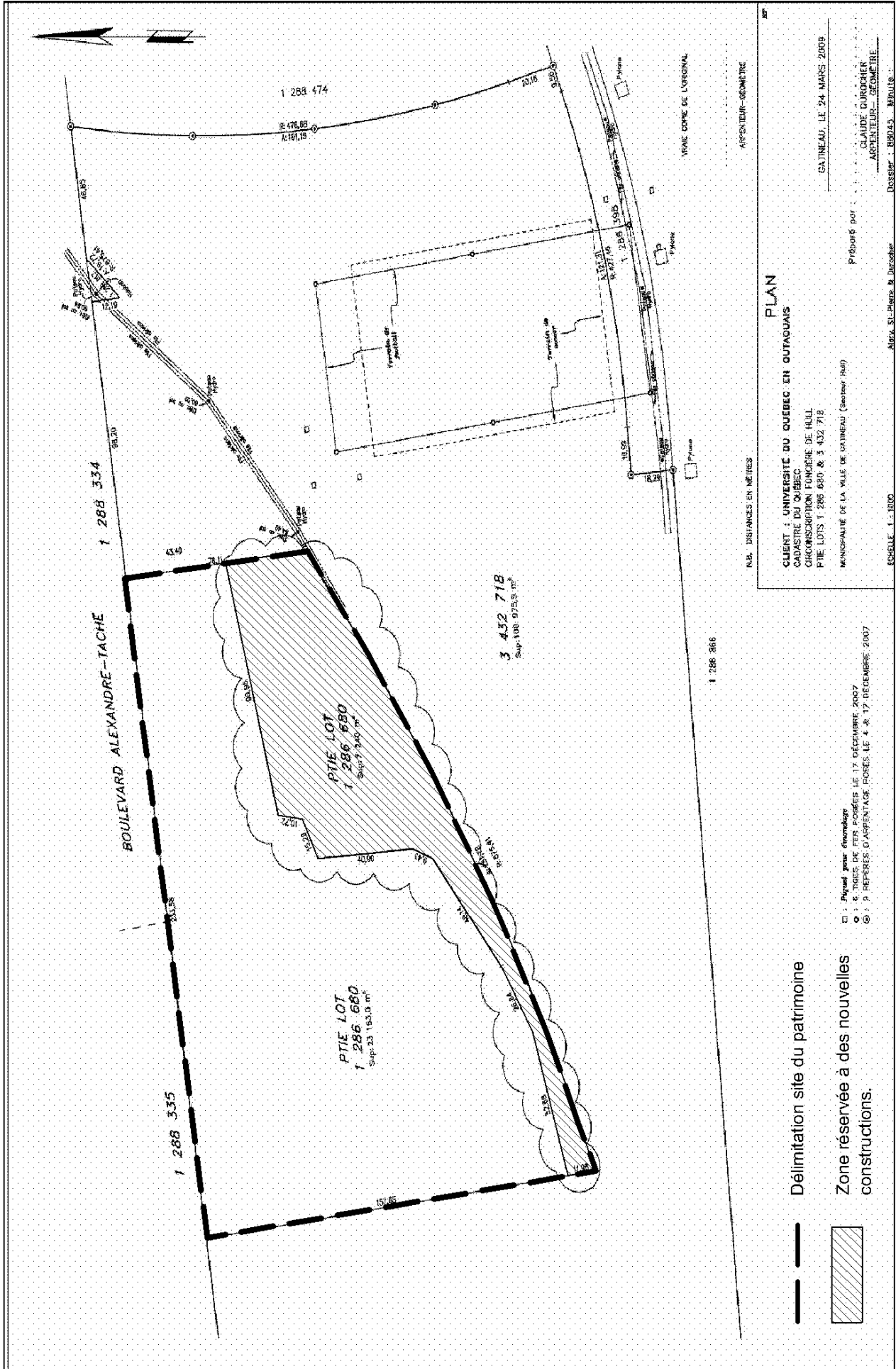
Department of Planning and Sustainable Development (Service de l'urbanisme et du développement durable)
Regulatory section/Sector?

ANNEX I

PLAN « PERIMETER DESIGNATION OF THE ST. JAMES CEMETERY HERITAGE SITE »

R-512-1-2010

(2010-08-30)



BY-LAW NUMBER 512-1-2010

PERIMETER DESIGNATION OF THE ST. JAMES CEMETERY HERITAGE SITE

Date : 2010-08-30

