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**ZONING BY-LAW OF THE CITY OF  
CÔTE SAINT-LUC**

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At a Regular Monthly Meeting of the Municipal Council of the City of Côte Saint-Luc, held at the City Hall, 5801 Cavendish Boulevard, on December 4, 2000, at which were present:

His Worship the Mayor Robert Libman, OAQ, presiding

Councillor D. Berku, B.C.L.

Councillor M. Brownstein, B. Comm., B.C.L., L.L.B.

Councillor I. Goldberg

Councillor H. Greenspon, C.A.

Councillor R. Kovac

Councillor A.J. Levine, B.Sc., M.A.

Councillor G.J. Nashen

Councillor R. Schwartz, C.A.

**ALSO PRESENT:**

Mr. J.G. Butler, C.A., City Manager

Mr. R. Lafrenière, Assistant City Manager

Mr. B. Champagne, Eng., City Engineer

Mrs. J. Habra, City Clerk, acted as Secretary of the meeting.

**IT IS ENACTED AND ORDAINED** as By-Law No. 2217 entitled "ZONING BY-LAW OF THE CITY OF CÔTE SAINT-LUC" as follows:

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## **CHAPTER 1**

### *LEGAL, INTERPRETATIVE AND ADMINISTRATIVE PROVISIONS*

#### **1-1 Title And Effect**

The present By-Law is entitled the "*Zoning By-Law of the City of Côte Saint-Luc*" and bears Number 2217.

#### **1-2 Application**

The present By-Law shall apply to the territory of the City of Côte Saint-Luc.

#### **1-3 Interpretation**

In the present By-Law, the masculine gender includes the feminine gender and the singular includes the plural, unless indicated otherwise by the context.

All dimensions and measures employed herein are given in metric measures (international system). The equivalent English dimension and measure is provided, if need be, for information purposes only and in case of a contradiction, the dimensions or measures of the international system shall prevail.

All plans, annexes, tables, charts, diagrams, graphs, symbols and all forms of expression other than the text proper and contained herein, with the exception of the Table of Contents and text headings (which are provided for information purposes only) shall form an integral part hereof.

As such, the zoning plan (hereafter called "Zoning Plan") shall be integrated into the present By-Law as Annex A, the Table of Uses and Norms (hereafter called "Table of Uses and Norms") as Annex B and the table entitled "Complementary Norms of Establishment and Ratios to Annex B", as Annex C, to form an integral part thereof.

#### **1-4 Application Of The Present By-Law**

The application of the present By-Law is entrusted to the Director.

The Director, his assistants and any building inspector employed by the Building Inspection Department of the City, may, at any time deemed reasonable, visit any immovable or movable property in order to ensure that the provisions of the present By-Law are respected therein. They may issue a notice or a statement of offence to the owner, tenant, occupant or their representative requesting corrective measures to a dangerous situation or to what constitutes an infraction to the present By-Law. They may also give notice to the owner, tenant, occupant or their representative to suspend dangerous work and to prohibit a use contravening the present By-Law and may also take all necessary measures to cease a contravention to the said By-Law. It shall be illegal for any person to prevent the said officials from carrying out the official duties entrusted to them under the present By-Law or to hamper them in the performance of the aforesaid duties.

#### **1-5 Zoning Plan**

##### a) Division of the area into zones

For the purposes of the present By-Law, the area contained within the limits of the City of Côte Saint-Luc is divided into zones as indicated on the Zoning Plan prepared by Mr. Benoît Champagne, Eng., City Engineer, on November 23, 2000.

b) Interpretation of zone boundaries

Unless indicated otherwise, the zone boundaries shown on the Zoning Plan shall coincide with the centre line of the streets or other throughways, the centre line of the railway utilities, the limits of the cadastered lots or the limits of the territory of the City; where a boundary does not coincide with any such feature and where no measurement is indicated, distances shall be measured to scale on the Plan; in this event, it shall be presumed that the exact boundary of a zone follows the centre of the line separating it from the adjacent zone.

c) Identification of zones

For purposes of identification and reference, each zone is designated by a code making it possible to refer to the different provisions of the present By-Law.

## **1-6 Repeal**

The present By-Law repeals By-Law Number 2090 of the City of Côte Saint-Luc as modified by all the amendments thereto.

This repeal shall not affect the permits legally issued under the By-Laws thus repealed nor the rights acquired prior to the coming in effect of the present By-Law.

## **1-7 Incompatibility With Other By-Laws**

Where the present By-Law or any one of its provisions sets a restriction or an interdiction conflicting or incompatible with another By-Law or any one of the provisions of the said By-Law, the most restrictive or prohibitive of the provisions shall apply.

## **1-8 Conformity To The Building By-Law**

No one may erect, restore, renovate, transform, repair, modify, arrange, occupy, use, demolish or replace a construction or a parcel of land without the prior issue of a permit or a certificate in conformity with the Building By-Law of the City.

## **1-9 Definitions**

Unless the context requires a different meaning, the words or expressions whose definitions are given below shall have the meaning which the aforesaid definition gives them.

### **Accessory Building (*Bâtiment accessoire*)**

A building subordinate to the main building, whether detached or not of the said building, located on the same land, and intended only for complementary uses to the main use; corresponding to this definition are garages, carports, sheds and greenhouses.

### **Antenna (*Antenne*)**

A conductor (or a group of conductors) used for the transmission or reception of all electronic signals conveyed by means of electromagnetic waves, including the structure that supports it. This includes, notably "Satellite antennae" and "Tower antennae".

**Area Of Building (*Superficie de bâtiment*)**

The greatest horizontal projected area of a building at or above grade within the outside perimeter of the exterior walls and the centre line of the fire walls.

**Balcony (*Balcon*)**

A projecting exterior platform on the face of one or several walls of a building, overhanging or supported by poles or consoles and usually enclosed by a railing, with or without access to the ground.

**Basement (*Sous-sol*)**

That part of the storey of a building which is partly under grade, but of which at least one-half of the height, from floor to ceiling, is above grade. A basement shall not be counted as a storey in determining the height of a building except for provisions contrary to the present By-Law.

**Bay or Bow Window (*Fenêtre en saillie*)**

A window which projects beyond the wall line of a building and does not increase the net habitable floor area taking into account that the height of the interior wall located between the floor and the permanently fixed bearing shelf measures at least 450 mm (1.48 ft.). A bay or bow window shall not be supported by a cantilevered floor, a balcony floor, piers, walls, columns or pilasters.

**Boarding House (*Maison de pension*)**

A building where room and board is provided for a stipulated price and for a specific period of time.

**Building (*Bâtiment*)**

A structure, whether or not erected on site, with a roof supported by walls or columns and intended to shelter persons, animals or objects. When the context allows it, means both main and accessory buildings.

**Cadastral Operation (*Opération cadastrale*)**

A division, subdivision, new subdivision, re-division, cancellation, correction, addition or replacement of lot numbers, carried out pursuant to the *Loi sur le cadastre* or the *Code civil du Québec*.

**Carport (*Abri d'auto*)**

A permanent structure made up of a roof fixed to the building on an opposite side, completely open and unobstructed on the three (3) sides other than the building wall. The carport may only be used as a parking space for motor vehicles.

**Cellar (*Cave*)**

The storey of a building which is partly or completely underground and which has more than half of its height below grade. A cellar shall not be counted as a storey in determining the height of a building except for provisions contrary to the present By-Law.

**City (*Cité*)**

The City of Côte Saint-Luc.

**Commercial Centre (*Centre commercial*)**

A development composed of a minimum of ten (10) commercial establishments characterised by the architectural unity of all the buildings as well as by the presence of several varied retail sales establishments and of a common parking facility. A commercial centre may also include offices as a complement.

**Complementary Use (*Usage complémentaire*)**

Any use of buildings or parcels of land which is accessory, results from or serves to facilitate or improve the main use.

**Construction (*Construction*)**

The orderly assembly of materials deposited on or connected to the ground or attached to any object connected to the ground and including but not limited to, buildings, posters, signs, billboards, tanks, gas pumps, fences, swimming-pools, etc.

**Corner Land (*Terrain de coin*)**

A land which fronts on streets on two adjacent sides.

**Council (*Conseil*)**

The Municipal Council of the City of Côte Saint-Luc.

**Deck (*Terrasse en bois*)**

An exterior platform supported by columns and usually not protected by a guard.

**Deck For Above-Ground Swimming Pool (*Terrasse en bois pour piscine hors-terre*)**

An exterior platform adjacent to an above-ground swimming-pool and supported by posts or consoles and protected by a guard.

**Detached Single-Family Dwelling (*Habitation unifamiliale isolée*)**

Dwelling made up of one (1) dwelling unit.

**Detached Two-Family Dwelling (*Habitation bifamiliale isolée*)**

Dwelling containing two (2) dwelling units, one on top of the other.

**Driveway (*Accès véhiculaire*)**

A private passage along which vehicles may be driven or parked.

**Dwelling (*Habitation*)**

Any building containing one (1) or more dwelling units.

**Dwelling In A Row (*Habitation en rangée*)**

Building made up of at least three (3) and at the most seven (7) juxtaposed dwelling units, where one or both of the two lateral walls are common to those of the adjacent dwelling units, the whole forming a continuous strip.

**Dwelling Unit (*Logement*)**

A dwelling unit, occupied or intended to be occupied by one person or more living as a single household, to which one can have access directly from the outside or by passing through a vestibule but without having to cross in whole or in part any other dwelling unit, and having a bathroom as well as cooking, eating and sleeping facilities.

**Extensive Commerce (*Commerce extensif*)**

Establishment whose main activity is the sale of wholesale goods for reselling purposes or the sale of large quantities of goods to businesses, industries or institutions.

**Floor Area Of A Dwelling (*Superficie de plancher d'un logement*)**

Horizontal area of the floor of a dwelling, excluding the area of the interior or exterior balcony or mezzanine floors, of a contiguous garage or an accessory building. The said horizontal area shall be measured from the interior face of all the walls.

**Floor Area, Gross (*Superficie brute de plancher*)**

The cumulative area of each storey of a building, including a penthouse, but excluding the basement, cellar and open balconies, measured from the exterior face of the walls of the said building.

**Floor Area, Net Habitable (*Superficie nette de plancher habitable*)**

The gross floor area of a building, excluding public areas such as corridors, service stairs, elevator shafts, ventilation shafts, lobbies, pools, public amenity areas, garage and storage areas.

**Floor Space Index (*Coefficient d'occupation du sol {COS}*)**

Ratio between the net habitable floor area of the building and the total area of the land.

**Front Land Line (*Ligne avant du terrain*)**

The land line adjacent to the street.

**Front Setback (*Marge de recul avant*)**

Distance calculated perpendicularly at any point of the front land line and defining the boundary beyond which the most advanced part of the front wall of the building may not encroach, subject to the norms relating to structures and uses authorised in yards under the present By-Law.

**Front Wall (*Mur avant*)**

Wall of a building where the facade and front entrance are located.

**Front Yard (*Cour avant*)**

An area of land extending over the whole width of a land contained between the front land line and a line running along the front wall of the main building and extending to the lateral lines.

**Gas Station (*Poste d'essence*)**

An establishment serving only for the sale of gas and, secondarily, other products required for the operation of motor vehicles.

**Gazebo (*Gazebo*)**

A free-standing structure with a roof and open on the sides or partially enclosed by a guard or a screen.

**Grade (*Niveau moyen du sol adjacent*)**

The average surface of the natural or finished levels of the ground adjoining all the walls of a building. The average of the said levels must, in all cases, be located at the most 0,90m (3 ft.) above or below the City sidewalk or curb level adjacent to the land lines.

**Ground Floor (*Rez-de-chaussée*)**

The first floor above grade.

**Height (*Hauteur*)**

Where it is employed in relation to fences and hedges, this word shall mean the vertical distance from the surrounding ground level up to the top of the fence or the hedge, as the case may be.

**Height Of A Building (*Hauteur {d'un bâtiment}*)**

Vertical distance calculated from the average level of the City sidewalk or curb adjacent to the building and the highest part of the building. In the case of a gable roof, the highest part of the building is defined by the top of the ridge of the roof. Where it is employed in relation to antennae, this term shall mean the vertical distance between the highest point of the antenna, when the latter is in an operational position, and its lowest point which is defined as being the ground level of the property or of the roof of the building on which the aforesaid antenna tower is installed.

**Height Of A Multifamily Dwelling (Multiple Storeys) (*Hauteur d'une habitation multifamiliale {à étages multiples}*)**

The number of storeys above the average grade, including the mezzanine but excluding the floor of the terrace-apartment (penthouse) and the penthouse for mechanical material.

**Immovable (*Immeuble*)**

The land and the building(s) built therein.

**Integrated Project (*Projet intégré*)**

An integrated project is a grouping of construction on a same parcel of land, generally characterised by a certain architectural homogeneity. In certain cases, the integrated project may include common facilities, such as parking areas and recreational equipment. In an integrated project, there is unity of property; the different constructions are either held by a same owner and leased to different occupants, or held in joint ownership. The integrated project formula makes it possible to develop residential complexes based on quality development, the optimal orientation of the buildings and intimacy, by relieving the designer of the requirement of establishing each construction on a land made of distinct lots adjacent to a public street.

**Interior Land (*Terrain intérieur*)**

Any land other than a corner land or a through land.

**Irregular Land (*Terrain irrégulier*)**

A land which has two (2) non-parallel opposite sides varying by at least ten (10) degrees.

**Land (*Terrain*)**

Lot or group of lots serving or which could serve as a single main use.

**Land Coverage (*Coefficient d'emprise au sol {CES}*)**

Percentage indicating the ratio between the area occupied by the building and that of the entire land, including the cantilevered parts, porches, enclosed stairways, verandas, heated greenhouses, ventilation and lighting shafts as well as chimneys.

**Land Depth (*Profondeur de terrain*)**

In the case where the front and rear lines of the land are parallel, the minimum distance from the front to the rear constitutes the depth of the land. In the case where the front and rear lines of the land are not parallel, the average distance between the front and rear land lines shall constitute the land depth.

**Land Line (*Ligne de terrain*)**

Line separating a land from another.

**Lateral Setback (*Marge de recul latérale*)**

Distance calculated perpendicularly at any point of the lateral line of a land and defining the boundary beyond which the most advanced part of the lateral wall of the building may not encroach, subject to the norms relating to structures and uses authorised in yards under the present By-Law.

**Lateral Yard (*Cour latérale*)**

A residual area of land bounded by the front yard and the rear yard and bounded on either side of the main building by lateral lines and lines running along the side walls of the main building.

**Loading And Unloading Dock (*Quai de chargement et de déchargement*)**

Any part of a building located off-street and intended for the transfer of goods or pieces of equipment between a building and a transport vehicle; furthermore, in a commercial or industrial establishment, the notion of loading and unloading dock includes any door (garage or other) used for receiving or shipping purposes.

**Lot (*Lot*)**

A parcel of land cadastered separately and registered as such on the Official Plan and Book of Reference of the Parish of Montreal [or Saint-Laurent], or if renovated, on the Quebec cadastre, except where the said parcel of land consists of parts of different original cadastre lots.

**Main Building (*Bâtiment principal*)**

The building assigned for the main use of the land on which it is located. The main building includes permanent carports and garages adjacent thereto.

**Main Use (*Usage principal*)**

Dominant use for which is intended a land or a building by exclusion of complementary uses.

**Mixed Dwelling (*Habitation mixte*)**

Except for a specific provision incompatible with the present definition, mixed dwellings are those where the ground floor may be occupied by one or more permitted commercial uses (or having acquired rights as a derogatory use) and where the storey or storeys are occupied by one or more dwellings.

**Mobile Home (*Maison mobile*)**

Single-Family dwelling unit factory-built and transportable, laid out as a dwelling and designed to be moved on wheels to the land for which it is intended and which can be installed on wheels, jacks, poles, pillars or a foundation, for a more or less long period of time. All mobile homes shall have a minimum width of 3,5m (11.48 ft.) and a minimum length of 15m (49.21 ft.).

**Multifamily Dwelling (*Habitation multifamiliale*)**

Dwelling of three (3) dwelling units or more, at least three (3) storeys and having common exterior entrances for all dwellings.

**Patio (*Patio*)**

A paved surface (usually paved in patio slabs, paving stones or concrete) on the ground and intended for exterior activities.

**Penthouse For Mechanical Equipment (*Construction hors-toit pour équipement mécanique*)**

A non-habitable area located at the top of a building and intended to house mechanical equipment.

**Pergola (*Pergola*)**

Small garden structure, generally of wood, made up of an assembly of overhead open framework joists supported by columns.

**Professional (*Professionnel*)**

A member of one of the recognised professional corporations listed in Annex 1 of the *Code des professions du Québec*.

**Property (*Propriété*)**

See immovable.

**Public Building (*Édifice public*)**

A public building within the meaning ascribed to it by the “*Loi sur la sécurité dans les édifices publics*” (Act governing safety in public buildings) and designating churches, chapels, buildings used for worship, monasteries, noviciates, retreats, seminaries, colleges, convents, school-houses, kindergartens, day nurseries, infant asylums, charity work-rooms, orphan asylums, church guild buildings (patronages), fresh air camps, hospitals, clinics, convalescent or rest homes, asylums, shelters, hotels, restaurants, rooming houses of ten or more rooms, apartment buildings having more than two (2) storeys and more than eight (8) dwellings, clubs, cabarets, concert-cafes, music-halls, cinemas, theatres or halls used for similar purposes, outdoor cinemas, halls for public meetings, lectures or public amusements, municipal halls, building used for exhibitions, fairs, kermesses, stands on race-courses or used for public amusement, arenas for wrestling, boxing or hockey or used for other sports, buildings of more than two storeys used as offices, stores having a floor area of over 300m<sup>2</sup>, (3,229 sq.ft.) railway, tramway and bus stations, registry offices and public libraries, museums and public baths as well as mechanical lifts and mechanical games.

**Public Right-Of-Way (*Emprise publique*)**

The width of a land intended to accommodate a motor vehicle or railway right-of-way, a sidewalk and various public service networks.

**Rear Setback (*Marge de recul arrière*)**

Distance calculated perpendicularly at any point of the rear line of a land and defining the boundary beyond which the most advanced part of the rear wall of the building may not encroach, subject to the norms relating to the structures and uses authorised in yards under the present By-Law.

**Rear yard (*Cour arrière*)**

An area of land extending over the whole width of a land contained between the rear land line and a line running along the rear wall of the main building and extending to the lateral lines.

**Responsible Authority (*Autorité compétente*)**

The Director of Building Inspection or his duly authorised representative.

**Retail Commerce (*Commerce de détail*)**

Establishment whose main activity is the sale of goods in small quantities intended for the sole consumption of the buyer.

**Rooming House (*Maison de chambre*)**

A building where room only is provided for a stipulated price.

**Secondary Front Land Line (*Ligne de terrain avant secondaire*)**

The land line of a corner land which is parallel to the side wall of the building adjacent to the street.

**Secondary Front Setback (*Marge de recul avant secondaire*)**

Distance calculated perpendicularly at any point of the secondary front land line, and defining the boundary beyond which the most advanced part of the wall parallel to the secondary front land line may not encroach, subject to the norms relating to structures and uses authorised in yards under the present By-Law.

**Secondary Front Yard (*Cour avant secondaire*)**

A residual area of land bounded by the front and rear yard and bounded by the wall parallel to the secondary front land line of a corner land and this same line.

**Semi-detached Single-Family Dwelling (*Habitation unifamiliale jumelée*)**

Dwelling made up of one (1) dwelling unit, separated from another similar dwelling by a common wall.

**Semi-detached Two-Family Dwelling (*Habitation bifamiliale jumelée*)**

Dwelling containing two (2) dwelling units one on top of the other, separated from another similar dwelling by a common wall.

**Senior Citizens Home (*Habitation pour personnes âgées*)**

Dwelling specially designed for the purposes of admitting, housing, supporting, keeping under observation, treating and (or) readapting persons because of their age.

**Service Commerce (*Commerce de services*)**

Establishment whose main activity is the maintenance of personal or household objects, the care of persons, financial services, public services and various services.

**Service Station (*Station-service*)**

An establishment serving at the same time for the sale of gas, fuel for diesel motors, natural compressed gas or propane gas and other products needed for the operation of motor vehicles (oil, grease, batteries, tires and other accessories) and also for light maintenance work on motor vehicles and including for such purpose at least one service bay intended for the diagnosis of mechanical problems, the repair of tires (except re-treading), the replacement of defective parts not requiring major repairs, washing, greasing and minor emergency repairs of leisure motor vehicles or, occasionally, commercial vehicles of less than five (5) ton total loaded charge.

**Sign (*Enseigne*)**

Any printing, drawing, writing, painting, lithograph or representation of any process whatsoever, whether temporary or not, placed so as to be seen by the public and used as a notice or for announcement, advertisement or publicity purposes and including billboards, placards, posters, bulletin boards, crests, flags and banners.

**Sign, Election (*Enseigne électorale*)**

Any sign, poster, billboard, banner or advertisement erected or installed for the purpose of promoting the election of any person who is a candidate for election to any school board or to any Municipal, Provincial or Federal office.

**Sign, Flashing (*Enseigne clignotante*)**

A luminous sign producing an intermittent light effect.

**Sign, Free-standing (*Enseigne auto-supportante*)**

A sign which is not attached or secured to a building.

**Sign, Luminous (*Enseigne lumineuse*)**

A sign illuminated by electricity or other means and/or covered with a reflecting paint or coating.

**Sign, Moveable or Portable (*Enseigne mobile ou portative*)**

A temporary sign which is not firmly secured to the ground or to a building and which can be readily relocated.

**Sign, Temporary (*Enseigne temporaire*)**

A sign advertising special events or information for a limited period of time.

**Single-Family Garden-Apartment Dwelling (*Habitation unifamiliale appartement-jardin*)**

A building of two (2) storeys at the most, including dwelling units, all of which are served by a common corridor on the ground floor and which have a direct access to the exterior from the ground floor.

**Solarium (*Solarium*)**

An unheated space similar to a greenhouse, adjoining a dwelling and used as a living area.

**Storey (*Étage*)**

The distance between the floor and the ceiling of all the rooms on the same level of a building, excluding a cellar, a basement or a garden-terrace (penthouse), subject to any provision to the contrary, considering these parts of building as a storey in the calculation of number of storeys.

**Street (*Rue*)**

Any road, highway, thoroughfare or homologous space, opened or acquired by the City for the use of the public, and intended as a principal means of access to contiguous property.

**Swimming Pool (*Piscine*)**

Signifies a structure, a basin, a chamber or a reservoir containing or intended to contain a volume of water, and which is used for swimming, recreation, bathing, diving, wading, for healing or therapeutic purposes, religious rites or for other purposes, and includes the buildings, equipment and facilities used in relation to its operation.

**Temporary Building (*Bâtiment temporaire*)**

A building erected for a special purpose and for a limited time period.

**Temporary Car Shelter (*Abri d'auto temporaire*)**

A temporary structure made of polyethylene synthetic fibre or other type of canvas, mounted on a tubular metallic structure, intended to shelter motor vehicles.

**Terrace (*Terrasse*)**

A raised level space made up of earth or crushed stone and adjoining the main building, intended for exterior activities.

**Terrace Apartment (Penthouse) (*Appartement-terrasse {penthouse}*)**

A one-storey closed habitable area, located above the top storey of a building.

**Trailer (*Roulotte*)**

A vehicle which can be registered, is factory-built in accordance with the standards of the Canadian Standards Association (C.S.A.), whether or not mounted on wheels, designed and used as a seasonal dwelling where persons may live, eat and (or) sleep and built in such a fashion that it may be attached to a motor vehicle or be pushed, or pulled by such a vehicle at any time.

**Transversal Land (*Terrain transversal*)**

A land other than a corner land, fronting on two (2) streets at opposite ends.

**Triangle Of Visibility (*Triangle de visibilité*)**

The triangle of visibility is, in each corner of a two-street intersection, the triangle at ground level of which two sides are formed by segments of the intersecting pavement limits; the length of the said two sides is 9m (29.6 ft.) measured from their intersecting point (imaginary when the corner is rounded).

**Two-Family Dwelling In A Row (*Habitation bifamiliale en rangée*)**

Dwellings in a row each including two (2) dwelling units built one on top of the other.

**Use (*Usage*)**

Real or intended use of a building, a construction, a sign, a local, a lot, a land or one of the parts thereof.

## CHAPTER 2

### CLASSIFICATION OF MAIN AND PROHIBITED USES

#### 2-1 Classification Of Main Uses

For the purposes of the present By-Law, certain uses are grouped into classes of use, which are grouped within a group of use in accordance with their dominance. The list of authorised uses in each class is exhaustive. In a given zone, only the uses or classes of use specifically authorised in the Table of Uses and Norms are permitted. Where there is a restrictive enumeration of the permitted constructions or uses, this signifies that all constructions and uses which are not enumerated are implicitly prohibited, to the extent that no total prohibition of a use or construction not authorised by an accredited provision is created as a result of this article. All uses non specifically authorised in the present Chapter may be permitted in Zone IN-1 (Carré Décarie).

Each class of use is autonomous and exclusive. A class of use whose designation is higher than that of another class does not include the uses of the inferior class of use, unless there is a mention to such effect.

#### 2-1-1 Uses Authorised In All Zones

Notwithstanding any provision to the contrary, the following uses are authorised in all zones and are not subject to the norms prescribing the minimum dimensions of lands or buildings, the whole subject to Article 4-6 of the present By-Law.

- bus shelters under the authority of a public transportation organisation;
- telephone booths;
- Canada Post mail boxes, subject to the approval of the competent authority as to their placement;
- newspaper distributing boxes, subject to the approval of the competent authority as to their placement.

#### 2-1-2 Group and Class of Use

##### GROUP OF USE

The residential group

##### CLASS OF USE

- **single-family dwelling**
  - detached
  - semi-detached
  - row, maximum two (2) storeys (hereinafter “single-family dwelling in a row”)
  - garden-apartment, maximum two (2) storeys (hereinafter “single-family garden-apartment dwelling”)
- **two-family dwelling**
  - detached
  - semi-detached
  - row, maximum three (3) storeys (hereinafter “two-family dwelling in a row”)

- **multifamily dwelling**
  - minimum three (3) storeys and maximum five (5) storeys
  - minimum six (6) storeys and maximum eight (8) storeys
  - minimum nine (9) storeys and maximum fifteen (15) storeys
  - minimum sixteen (16) storeys and maximum twenty (20) storeys
- **mixed dwelling**

**GROUP OF USE**

**CLASS OF USE**

The Commerce and Service group

- **retail commerce**
  - retail commerce - 1
  - retail commerce - 2
  - retail commerce - 3
  - retail commerce - 4
  - retail commerce - 5
  - retail commerce - 6
- **service commerce**
  - neighbourhood professional services
  - financial services
  - personal services
  - services intended for the public
- **lodging and catering service**
  - hotel services
  - restaurant - 1
  - restaurant - 2
  - restaurant - 3
  - restaurant - 4
  - car and curb services
- **recreational commerce**
  - recreational, without incidence - 1
  - recreational, without incidence - 2
  - recreational, without incidence - 3
  - recreational - exterior - 1
  - recreational - exterior - 2
  - recreational - exterior - 3
- **automobile commerce**
  - motor vehicles - 1
  - motor vehicles - 2
  - motor vehicles - 3
  - motor vehicles - 4
  - motor vehicles - 5
  - motor vehicles - 6
  - motor vehicles - 7
  - motor vehicles - 8

|                            |   |
|----------------------------|---|
|                            | <ul style="list-style-type: none"> <li>- <b>extensive commerce</b> <ul style="list-style-type: none"> <li>• extensive commerce - 1</li> <li>• extensive commerce - 2</li> </ul> </li> <li>- <b>commercial centre</b></li> </ul>   |
| <b><u>GROUP OF USE</u></b> | <b><u>CLASS OF USE</u></b>  |
| Industry group             | <ul style="list-style-type: none"> <li>- <b>industry</b> <ul style="list-style-type: none"> <li>• category 1</li> <li>• category 2</li> </ul> </li> </ul>   |
| Public group               | <ul style="list-style-type: none"> <li>- <b>parks, green spaces, recreational and municipal facilities</b></li> <li>- <b>public utilities</b></li> <li>- <b>major public utilities</b></li> </ul>   |
| Institutional group        | <ul style="list-style-type: none"> <li>- <b>culture, religion, education, health</b> <ul style="list-style-type: none"> <li>• category 1 - culture</li> <li>• category 2 - religion</li> <li>• category 3 - education</li> <li>• category 4 - health</li> </ul> </li> </ul> |

**2-2 Definitions Of Certain Classes Of Use**

**2-2-1 Commerce And Services Group**

**RETAIL COMMERCE**

**2-2-1-1 Retail commerce - 1**

Of this class, are the following commercial uses:

- arts and crafts boutiques;
- book stores;
- antique shops;
- art galleries;
- artists' or craftsmen's workshops or studios;
- decoration shops;
- pharmacies;
- union or political party offices;
- photo studios;
- retail postal outlets;
- childcare services in a nursery, day-care facility or a kindergarten.

**2-2-1-2 Retail commerce - 2**

Of this class, are the following commercial uses:

- jewellery stores;
- haberdasheries;
- florists;

- hardware stores;
- office equipment stores;
- record stores;
- video stores;
- stationery stores;
- furniture and household appliances stores;
- pet shops;
- fabric stores;
- shoe stores;
- sports equipment and accessories stores;
- Société des Alcools du Québec stores;
- catalogue sales services;
- costume rental services.

**2-2-1-3 Retail commerce – 3**

Of this class, are the following commercial uses:

- "convenience" type stores, tobacco shops and news-stands;
- food markets;
- coffee stores;
- natural foods stores;
- pastry shops;
- caterers;
- butcher shops;
- bakeries;
- delicatessens;
- fruit stores;
- interior fruit and vegetable markets;

**2-2-1-4 Retail commerce - 4**

Of this class, are the following commercial uses:

- laundries;
- shops and workshops occupied by one of the following specialties: cleaner-dyer, tailor, shoemaker, upholsterer, milliner, radio, television and other household or electronic appliance repair.
- recording studios, musicians' studios, sewing workshops, private schools such as music or dance schools.

**2-2-1-5 Retail commerce - 5**

Of this class, are the following commercial uses:

- hairdressing, barber shops or beauty parlours;
- health studios;
- sun-tanning studios;
- massage parlours.

**2-2-1-6 Retail commerce - 6**

Of this class, are the following commercial uses:

- shops selling erotic products, which includes in particular erotic type lingerie products, erotic magazines, erotic videos and erotic accessories;
- commerces selling extermination products and generally offering home extermination services;
- funeral homes;

- leasing of equipment, material and light tools for industrial, construction and handiwork, such as compressors, floor waxing equipment, soldering equipment, garden equipment, generators, woodwork, tools, paint, drills, plumbing, floor sanding, etc., The said equipment and light tools can be carried and used by hand and can be electric or gas operated but if so, no motor shall be operated at the exterior of the building. Excluded are vehicles, heavy vehicles and tool vehicles.

## **SERVICE COMMERCE**

### **2-2-1-7 Neighbourhood Professional Services**

Of this class, are the following commercial uses:

- uses where the main activities are business management, accounting, correspondence, filing of documents, data processing, light assembly of forensic technology equipment and computer consoles, brokerage (real estate, stocks and shares);
- the offices of professionals recognised under the Quebec Code of Professions;
- medical clinics;
- customer services medical laboratories;
- psychiatric clinics;
- veterinary clinics (small pets);
- offices or clinics called "alternative medicine" (homeopathy, osteopathy, massotherapy, etc.);

### **2-2-1-8 Financial services**

Of this class, are the following commercial uses:

- banks;
- caisses populaires;
- savings banks;
- finance companies.

### **2-2-1-9 Personal services**

Of this class, are the following commercial uses:

- taxi stations;
- driving schools;
- travel agencies;
- personnel placement services.

### **2-2-1-10 Services intended for the public**

Of this class, are the following commercial uses:

- post offices;
- government or para-government departments or services which imply only office activities;
- telephone or power company offices and those of other public utilities.

## **LODGING AND CATERING COMMERCE**

### **2-2-1-11 Hotel services**

Of this class, are the following commercial uses:

- hotel establishments where the main activity is the housing of a passing and short stay clientele, such as hotels, motels and inns;
- over-night lodging, bed and breakfast.

### **2-2-1-12 Restaurant - 1**

Of this class, are the following commercial uses:

- establishments where the main activity is the serving of meals to be eaten on the premises, i.e.: restaurants, dining rooms, cafeterias, tea rooms as well as coffee shops and terrace-cafes.

### **2-2-1-13 Restaurant - 2**

Of this class, are the following commercial uses:

- ice cream parlours and milk bars.

### **2-2-1-14 Restaurant - 3**

Of this class, are the following commercial uses:

- reception rooms.

### **2-2-1-15 Restaurant - 4**

Of this class, are the following commercial uses:

- bars, breweries, terrace-cafes, taverns and alcoholic beverage establishments with or without entertainment and as a complement to such uses, video-lottery machines, arcades, amusement equipment in accordance with the meaning of the Act concerning lotteries, publicity contests and game machines, S.R.Q., c.L-6.

### **2-2-1-16 Car or curb services**

Of this class, are the following commercial uses:

- car or curb service establishments, any service or commerce for which an individual does not have to leave his vehicle to be served, all establishments providing counter service of food prepared for fast consumption at the counter, in the car or elsewhere than in the establishment, establishments offering prepared take-out food.

## **RECREATIONAL COMMERCE**

### **2-2-1-17 Recreational without incidence - 1**

Of this class, are the following commercial uses:

- establishments where the main activity consists in the presentation of entertainment of a cultural nature, such as cinemas and theatres;
- entertainment halls, dance halls;
- social clubs.

**2-2-1-18 Recreational without incidence - 2**

Of this class, are the following commercial uses:

- small interior recreation facilities such as a gymnasium and games room.

**2-2-1-19 Recreational without incidence – 3**

Of this class, are the following commercial uses:

- large interior recreation facilities such as gymnasiums, arenas, swimming pools, tennis, squash or racquetball courts, curling clubs, bowling alleys, including, as a complement, restaurants, dining rooms, bars and specialised clothing and equipment shops.

**2-2-1-20 Exterior recreational - 1**

Of this class, are the following commercial uses:

- small exterior recreation facilities, such as a mini-golf.

**2-2-1-21 Exterior recreational - 2**

Of this class, are the following commercial uses:

- large exterior recreation facilities such as golf courses and clubs, golf practice grounds including, as a complement, restaurants, dining rooms, bars, reception rooms and specialised clothing and equipment shops.

**2-2-1-22 Exterior recreational - 3**

Of this class, are the following commercial uses:

- fair and amusement park.

**AUTOMOBILE COMMERCE**

**2-2-1-23 Motor vehicles - 1**

Of this class, are the following commercial uses:

- gas stations and combination "convenience" type store and gas station establishments.

**2-2-1-24 Motor vehicles - 2**

Of this class, are the following commercial uses:

- service stations.

**2-2-1-25 Motor vehicles - 3**

Of this class, are the following commercial uses:

- car wash facilities - hand or automatic.

**2-2-1-26 Motor vehicles - 4**

Of this class, are the following commercial uses:

- establishments selling new motor vehicles (automobiles, motorcycles, snowmobiles and boats) where the leasing, maintenance of vehicles and resale of used vehicles are only accessory to the sale of new vehicles;

- establishments renting motor vehicles, including trailers;
- establishments selling and installing automobile parts and accessories (mufflers, shock absorbers, tires, trailer attachments or other);
- stores offering new automobile parts and accessories (excluding gas stations, service stations and establishments intended for the maintenance or repair of motor vehicles or the installation of motor vehicle parts or equipment).

**2-2-1-27 Motor vehicles - 5**

Of this class, are the following commercial uses:

- maintenance shops for motor vehicles with a floor area of less than 600 m<sup>2</sup> (6,458.56 sq.ft.) and general mechanical work.

**2-2-1-28 Motor vehicles - 6**

Of this class, are the following commercial uses:

- parking areas and parking garages.

**2-2-1-29 Motor vehicles - 7**

Of this class, are the following commercial uses:

- establishments for the sale of used motor vehicles, establishments for the sale, rental or storage of heavy vehicles (new or used) such as trucks, tractors, trailers, semi-trailers or containers and establishments selling, leasing or storing trailers, caravans, motor homes or other recreational vehicles of the same type, whether new or used.

**2-2-1-30 Motor vehicles - 8**

Of this class, are the following commercial uses:

- gas stations.

**EXTENSIVE COMMERCE**

**2-2-1-31 Extensive commerce - 1**

Of this class, are the following commercial uses:

- establishments where the main activity is the selling of wholesale equipment and goods to businesses, industries or public or semi-public uses, including institutions;
- establishments selling new construction materials and electricity, plumbing, heating, air-conditioning appliances and equipment and other mechanical systems;
- depot sites for building contractors (general contractors, electricians, plumbers and other specialties), excavation, embankment or landscaping work;
- woodworking, machining, soldering, mechanical, electrical workshops;

- establishments selling, leasing or maintaining heavy machinery (heavy vehicles and tool-carrying vehicles as well as golf carts, toy motor vehicles which can carry a person, snowmobiles, garden tractors, motor mowers which can carry a person, etc.) and building site material (formwork, tools, trailers, tubular and motorised scaffolding), establishments for the sale of mobile homes, prefab houses, trailers, in-ground pre-cast swimming pools, petroleum products depots and dry cleaning workshops having a rental floor area of more than 200 m<sup>2</sup> (2 153 sq.ft.);

**2-2-1-32 Extensive commerce – 2**

Of this class, are the following commercial uses:

- commercial greenhouses and tree nurseries

**2-2-1-33 Commercial Centre**

**2-2-2 Industry Group**

**2-2-2-1 Category - 1 industry**

Of this class are the following para-industrial uses and industries:

- vehicle painting and bodyshop;
- storage buildings or deposits of miscellaneous materials;
- contractor (all types);
- canning, packing or bottling firm;
- various types of manufacturing;
- research laboratory;
- laundry, dry cleaning, dyeing service, in premises having a rental area of more than 200m<sup>2</sup> (2,153 sq.ft.);
- sale of fuel;
- sale and repair of machinery and equipment;
- any other enterprise whose main activity consists in:
  - a) preparing semi-finished or finished products;
  - b) manufacturing semi-finished or finished products;
  - c) transforming rough or semi-finished products into semi-finished or finished products.

The uses included in this class shall meet the following conditions:

1. the intensity of the noise generated by the use shall not be greater than the average intensity of the normal street or traffic noise at the limits of the land;
2. no dust or smoke ash shall be generated by the use;
3. no odour or gas shall be emitted beyond the boundaries of the land;
4. no blinding light, direct or reflected by the sky or otherwise, coming from electric arcs, acetylene torches, light beams, blast or smelting furnaces or other industrial equipment of similar nature shall be visible at any point located outside the limits of the land;
5. no heat emanating from an industrial process shall be felt at the limits of the land;
6. no ground vibration shall be perceptible at the limits of the land.

**2-2-2-2 Category - 2 industry**

Of this class, are the following industrial uses:

- canning, packing or bottling firm;
- various types of manufacturing;
- research laboratory;
- salvage materials;

The uses included in this class shall meet the following conditions:

1. the intensity of the noise generated by the use shall not be greater than the average intensity of the normal street or traffic noise at the limits of the land;
1. no dust or smoke ash shall be generated by the use;
2. no odour or gas shall be emitted beyond the boundaries of the land;
3. no blinding light, direct or reflected by the sky or otherwise, coming from electric arcs, acetylene torches, light beams, blast or smelting furnaces or other industrial equipment of similar nature shall be visible at any point located outside the limits of the land;
4. no heat emanating from an industrial process shall be felt at the limits of the land;
5. no ground vibration shall be perceptible at the limits of the land.
6. no ground vibration shall be perceptible at the limits of the land.

**2-2-3 Public Group**

**2-2-3-1 Parks, green spaces, recreational and municipal facilities**

Of this class, are the following public uses:

- parks and green leisure spaces without equipment;
- parks, playgrounds or other green spaces under the authority of a public body, including sports, recreational and cultural functions, buildings and equipment, as well as tourist information booths;
- sports facilities which are of the public domain, such as playgrounds, trails and lawns, swimming and wading pools, exterior skating rinks and stadiums, arenas and recreational centres;
- the municipal facilities which include in particular City Hall, municipal shops and garages, libraries which come under the public domain;
- pumping stations;
- waste snow dumps.

**2-2-3-2 Public Utilities**

Of this class, are the following public uses:

- electric stations and sub-stations;
- railways.

**2-2-3-3 Major Public Utilities**

Of this class, are the following public uses:

- railway sorting station.

## **2-2-4 The Institutional Group (Culture, Religion, Education, Health)**

### **2-2-4-1 Category 1 - Culture**

Of this class, are the following institutional uses:

- concert halls, opera halls, theatres, libraries, exhibition halls, painting, sculpture, photography galleries, museums and community centres.

### **2-2-4-2 Category 2 - Religion**

Of this class, are the following institutional uses:

- places of worship, including notably churches and synagogues and community residences of the clergy.

### **2-2-4-3 Category 3 - Education**

Of this class, are the following institutional uses:

- establishments intended for education, such as nursery school, elementary, secondary, college or university establishments.

### **2-2-4-4 Category 4 - Health**

Of this class, are the following institutional uses:

- health establishment, such as hospitals and senior citizens homes.

## **2-3 Classification Of Prohibited Uses And Constructions**

The classification of uses for the purposes of the present By-Law may not be interpreted as authorising a prohibited use on the entire territory of the City of Côte Saint-Luc. Particularly prohibited on the entire territory of the City are the following uses:

- a) plants treating rubber and bituminous cotton manufacturers;
- b) soap, glue, candle, paraffin, pitch, chemical fertilisers, creosote and creosote products, linoleum and varnish manufacturers;
- c) alcoholic beverage plants and plants where wood, vinegar, starch, potato flour and other products of the same nature are distilled;
- d) explosives, tar and gum resin plants, lime kilns, gas plants, petroleum refineries, plants where benzene, naphtha, gasoline, turpentine and their sub-products are treated or stored, as well as any other easily flammable substances and incinerators;
- e) foundries, such as tallow foundries, the plants where bones are burnt or boiled, bone black, gelatine glue manufacturers, tanneries, fish oil refineries, bone, fertiliser or raw hide depots, and generally speaking, plants where animal or putrescible substances are treated or accumulated;
- f) any use involving the slaughter and conditioning of meat, poultry or fish; livestock enclosures, breeding of livestock and poultry, bee-keeping and any other form of breeding;

- g) any use involving the elimination of used products or substances or the reprocessing or recycling of paper, garbage or refuse, and any use involving the storing, cleaning or maintenance of vehicles or materials used for the collection, storage or transportation of garbage or refuse;
- h) any chemical industry involving the production, storage or distribution of large quantities of industrial chemical products which may be dangerous or toxic;
- i) the accumulation and use of toxic products or of products which could in some manner present a risk for the health or well-being of the population, in particular any use involving the destruction, recycling, treatment, use or storage of polychlorinated biphenyl products (PCBs) or of any dangerous waste, as defined in the Regulation governing dangerous wastes, such as any flammable, corrosive, leachable, radioactive, reactive or toxic waste as well as any waste mentioned in Annex 1 of the said regulation;
- j) uses for the extraction, handling, storing, refining or transformation of loose deposits, namely the exploitation of deposits of black soil, arable soil, sand (sand pits) or gravel (gravel pits), stone extraction (quarries) and the transformation uses normally associated with the said uses, such as cement, concrete or asphalt plants, whether the materials are extracted on site or imported;
- k) automobile scrap yards and other motor vehicle salvaging establishments (automobiles, trucks, trailer-trucks, tractors, motorcycles etc.,) or of vehicle bodies or parts;
- l) with reserve to article 4-10, any exterior storage of bulk materials, in particular heaps of soil, except for municipal purposes and except for a construction operation, after the permit has been issued or for the purpose of usual maintenance of the property;
- m) any installation for permanent, temporary or occasional sales purposes, on public or private property, other than those specifically authorised by the present By-Law, in particular the sale of flowers or of specialised products, even during special occasions;
- n) car-wash drives for fundraisers (wash-o-thon) other than in a car-wash establishment or if they take place under the authority of a non-profit organisation;
- o) structures in trees;
- p) shooting ranges and galleries;
- q) manufacture or treatment of sauerkraut, vinegar or yeast;
- r) paint factories;
- s) exterior pumps dispensing gas or other petroleum products, except where gas stations and service stations are authorised;
- t) interior pumps dispensing gas and other petroleum products, except for the exclusive use of the commercial occupant, provided the said gas or said other petroleum products not be sold commercially;
- u) rooming and boarding houses;

- v) buildings or structures having the shape of a human, an animal, a fruit, a vegetable, a stove, a reservoir or any other similar object; buildings whose exterior facing acts as a self-supporting framework; scrap iron yards, automobile, motorcycle or snowmobile race tracks, bituminous concrete plants, snowmobile race tracks; abandoned vehicles such as railroad wagons, tramway, bus, airplanes; trucks and trailers used in a permanent fashion for publicity purposes.

## CHAPTER 3

### *DIVISION OF TERRITORY INTO ZONES*

#### 3-1 Category Of Zones

The territory of the City is divided into zones defined on the Zoning Plan. The types of zones are identified on the basis of the dominance of classes of uses which are authorised there. The first two letters of the code which identifies the zone indicate its dominance. The figure which appears on the zoning plan after the code is given solely as an indication and serves as a guide when referring to the Table of Uses and Norms.

| <b>CATEGORY OF ZONES</b>   | <b>CODES</b>      |
|--|-------------------|
| <b>Zones with a residential dominance</b>  |                   |
| <ul style="list-style-type: none"> <li>- <b>single-family</b> <ul style="list-style-type: none"> <li>• detached</li> <li>• semi-detached</li> <li>• row, maximum two (2) storeys</li> <li>• garden-apartment, maximum two (2) storeys</li> </ul> </li> </ul> <p>* added to RU code indicates specific norms provided in Article 4-4-4.</p>   | <p><b>R U</b></p> |
| <ul style="list-style-type: none"> <li>- <b>two-family</b> <ul style="list-style-type: none"> <li>• detached</li> <li>• semi-detached</li> <li>• row, maximum three (3) storeys</li> </ul> </li> </ul>   | <p><b>R B</b></p> |
| <ul style="list-style-type: none"> <li>- <b>multifamily</b> <ul style="list-style-type: none"> <li>• from three (3) storeys to a maximum of five (5) storeys</li> <li>• from six (6) storeys to a maximum of eight (8) storeys</li> <li>• from nine (9) storeys to a maximum of fifteen (15) storeys</li> <li>• from sixteen (16) storeys to a maximum of twenty (20) storeys</li> </ul> </li> </ul> <p>* added to RM code indicates special complementary uses provided in Article 5-1.</p> | <p><b>R M</b></p> |
| <ul style="list-style-type: none"> <li>- <b>mixed dwelling</b></li> </ul>  | <p><b>H M</b></p> |
| <b>Zones having a commercial and service dominance</b>   |                   |
| <ul style="list-style-type: none"> <li>- <b>retail commerce and services</b> <ul style="list-style-type: none"> <li>• Retail commerce - 1</li> <li>• Retail commerce - 2</li> <li>• Retail commerce - 3</li> <li>• Retail commerce - 4</li> <li>• Retail commerce - 5</li> <li>• Retail commerce - 6</li> <li>• Professional neighbourhood services</li> <li>• Financial services</li> <li>• Personal services</li> <li>• Services intended for the public</li> </ul> </li> </ul>            | <p><b>C D</b></p> |

- Hotel services
  - Restaurant - 1
  - Restaurant - 2
  - Restaurant - 3
  - Restaurant - 4
  - Car and curb services
- **recreational commerce** **C R**
- Recreational, without incidence - 1
  - Recreational, without incidence - 2
  - Recreational, without incidence - 3
  - Exterior recreational - 1
  - Exterior recreational - 2
  - Exterior recreational - 3
- **automobile commerce** **C A**
- Motor vehicles - 1
  - Motor vehicles - 2
  - Motor vehicles - 3
  - Motor vehicles - 4
  - Motor vehicles - 5
  - Motor vehicles - 6
  - Motor vehicles - 7
  - Motor vehicles - 8
- **extensive commerce** **C E**
- Extensive commerce - 1
  - Extensive commerce - 2
- **commercial Centre** **C C**
- Zones with an industrial dominance**
- **industry** **I N**
- Category 1
  - Category 2
- Zones with a public dominance**
- **parks, green spaces, recreational and municipal facilities** **P M**
- **public utilities** **P E**
- Zones with an institutional dominance**
- **culture, religion, education, health** **I R**
- Category 1 - Culture
  - Category 2 - Religion
  - Category 3 - Education
  - Category 4 - Health

## **CHAPTER 4**

### *PROVISIONS RELATING TO MAIN BUILDINGS AND USES*

#### **4-1 Main Use**

##### **4-1-1 Main Use Per Land**

There can be only one main use per land. A land may have a main use without there being a main building on the said land. If a land has a main building, the main use of the said land shall correspond to that of the said building.

There may not be more than one main building per land, subject to the right of submitting an integrated project for the zones where are authorised the class of use "Multifamily" dwelling and the uses "Single-Family dwelling in a row" and "Single-Family Garden-Apartment dwelling " and the "Commerce and Services Group" uses. In certain cases provided by the By-Law, a main building may have a mixed residential and commercial use. In all other cases, only one main use is authorised in the main building (or buildings) established on the land.

##### **4-1-2 Subdivision Of Lot -vs- Building Permit**

No building permit may be issued unless the land on which the building is to be erected has been subdivided or re-subdivided into a single distinct lot or into the smallest possible number of distinct lots when the said land is located in more than one cadastre.

#### **4-2 Norms Relating To Setbacks**

##### **4-2-1 Application Of Setbacks**

###### **4-2-1-1 Establishment of setbacks**

The front, lateral and rear setbacks are given in the different provisions of the present By-Law, in particular in the Table of Uses and Norms and the chapters regrouping the provisions applicable to certain uses or certain activities.

The setbacks are determined in conformity with the definitions provided in the present By-Law. However, in the case of a corner land, the setbacks are determined in relation to the front land line.

###### **4-2-1-2 Extension or addition to a semi-detached building**

Any extension or any addition on the common side of a semi-detached building shall respect the minimum lateral setback shown on the Table of Uses and Norms (the smallest where there are two), unless the common wall is extended and the same extension or addition is made at the same time for the two buildings.

**4-2-1-3 Permanency of setbacks**

The setback requirements established under the present By-Law have a continuous and prevailing compulsory nature as long as the use for which they are required lasts. In the case of an expropriation, any land transaction implying a reduction of a setback below the minimum required constitutes a contravention rendering the delinquent liable to the penalties and other recourses provided in the present By-Law. Moreover, no building permit or certificate of authorisation may be issued for a use or extension of a proposed use requiring a lot or a part of a land having been the object of such an operation.

**4-2-1-4 Quebec Civil Code**

When any provision of the present By-Law permits a setback inferior to that which is required under the Quebec Civil Code or an encroachment in a setback, this provision would not take precedence over the provision in the Quebec Civil Code.

**4-2-2 Encroachment In Setbacks**

Subject to their being in conformity with the norms provided in Table 1 as well as the imperative provisions set in the Quebec Civil Code, encroachments shall not be taken into account in the calculation of minimum yards.

**TABLE 1**

| Type of encroachment  | Setbacks                                    | Maximum encroachment permitted   |
|---|---|--|
| A cornice, eaves, a frieze, a bay or bow window, a threshold, or elements of a building which may project for architectural embellishment purposes or for functional purposes, provided the volume of the dwelling is not increased | Front<br>Rear<br>Lateral<br>Secondary Front | 0,762m (30 in.)<br>0,762m (30 in.)<br>0,61m (24 in.)<br>0,762m (30 in.)  |
| Canopy  | Front<br>Rear<br>Lateral<br>Secondary Front | 1,524m (60 in.)<br>1,524m (60 in.)<br>0,61m (24 in.)<br>1,524m (60 in.)  |
| Chimney   | All   | 0,51m (20 in.)   |
| A porch or an open roofless balcony   | Front<br>Rear<br>Lateral<br>Secondary Front | 2,13m (7 ft.)<br>3,05m (10 ft.) (for ground floors) 2,13m (7 ft.) (for the other floors)<br>1,22m (4 ft.) (single-family and two-family dwellings)<br>2,13m (7 ft.) for all the other classes<br>2,13m (7 ft.) |

#### **4-2-2-1 Special provisions applying to exterior stairways**

Where the "Single-Family dwelling" and "Two-Family dwelling" classes apply, stairways at ground floor level may not be erected, even partly, inside a minimum distance of 3,65m (12 ft.) calculated from the side of the City sidewalk or curb facing the building, towards the interior of the land, provided that all of the stair structure of the said stairway is located outside the public right-of-way, namely on private property, in conformity with Article 4-6 of the present By-Law.

#### **4-2-2-2 Canopy**

Notwithstanding the preceding, with respect to Multifamily dwellings, the canopies erected alongside a street may encroach within the setback with the condition that they be at least 1,52m ( 5 ft.) from the land line.

#### **4-2-2-3 Special provisions applying to underground garages**

Where the class of use "Multifamily dwelling", "Single-Family dwelling in a row" and "Single-Family garden-apartments dwelling" are permitted, the establishment of an underground garage is permitted inside the land lines in accordance with the applicable provisions of the present By-Law.

### **4-3 Space Under Balconies**

In the case of Single-Family and Two-Family dwellings, the space under the front stairways and the balcony leading to the ground floor may serve as a cold room and (or) a storage room.

The space under the rear balconies of the ground floor may be enclosed and used as a basement room provided the enclosure does not project by more than 2,44m (8 ft.) inside the minimum rear yard, stops at 0,30m (1 ft.) at least from the edge of the balcony and provided the floor of the said balcony not rise more than 1,52m (5 ft.) above the surrounding ground.

### **4-4 Use Of Yards**

Yards are determined in conformity with the definitions provided in the present By-Law. However, in the case of a land on which is established a Single-Family or Two-Family dwelling in a row, a Single-Family garden-apartment or integrated project, the yards are determined in relation to the front facade and main entrance to the building.

#### **4-4-1 Front Yard And Secondary Front Yard**

No use or construction is permitted in the front yard and secondary front yard, except the following and, this, subject to the applicable provisions stipulated by the present By-Law:

- a) the constructions listed in Article 4-2-2 of the present By-Law and for which the encroachment is permitted in the front setback, in accordance with the norms provided therein;
- b) sidewalks, alleys, garage entrances, exterior stairways leading to the ground floor and loading and unloading areas;
- c) ramps for the handicapped integrated into the architecture of the building and developed within a landscaping arrangement;

- d) light standards, masts, mail boxes, flower boxes and landscaping arrangements, with the exception of aquatic gardens and artificial ponds;
- e) fences and hedges;
- f) signs;
- g) gas pumps;
- h) temporary buildings and uses;
- i) antennae;
- j) temporary car shelter.

#### **4-4-2 Lateral Yards**

No use or construction is permitted in the lateral yards, except the following, and is subject to the applicable provisions stipulated in the present By-Law:

- a) the constructions enumerated at Article 4-2-2 of the present By-Law and for which the encroachment is permitted in the lateral setbacks, in conformity with the norms provided therein;
- b) sidewalks, alleys, garage entrances, exterior stairways leading to the ground floor and loading, unloading and parking areas;
- c) light standards, masts and landscaping arrangements;
- d) antennae;
- e) storage of firewood, provided it be corded and that the cords of wood not be more than 1,5m (5 ft.) high;
- f) storage in Zones PGE and IN;
- g) swimming pools including their accessories;
- h) parking of a leisure boat, leisure trailer, tent trailer, motor home, heavy vehicle or trailer with an axle of a maximum capacity of 1134 kg (2500 lbs.);
- i) game components such as swings, slides, doll houses and other similar elements provided they be located at least 0,60m (2 ft.) from the land lines;
- j) propane gas tanks;
- k) heating and air-conditioning compressors;
- l) accessory buildings, only for Single-Family and Two-Family dwellings in a row, Single-Family garden-apartment dwellings, integrated projects and corner lands. In the latter, accessory buildings must be located in the lateral yard;
- m) signs;
- n) the ramps for the handicapped integrated into the architecture of the building and developed within a landscaping arrangement;
- o) decks, patios, terraces, pergolas, gazebos and solariums.

#### **4-4-3 Rear Yards**

No use or construction is permitted in the rear yard, except the following, and is subject to the applicable provisions stipulated by the present By-Law:

- a) the constructions enumerated in Article 4-2-2 of the present By-Law and for which the encroachment is permitted in the rear setback, in accordance with the norms provided therein, as well as all the uses and constructions permitted in the lateral yards;
- b) accessory buildings;
- c) fireplaces and ovens provided they be located at least 2m (6.5 ft.) from the land lines, that their height not exceed 2m (6.5 ft.) and they be equipped with a fireguard;
- d) clothes lines subject to the provisions of the present By-Law;
- e) terrace cafes;
- f) aquatic gardens and artificial ponds.

#### **4-4-4 Special Provisions Applicable to RU\* Zones**

In RU\* zones, the following specific norms apply:

- a) a change of plane of not less than 0,30m (1 ft.) in the facade of the building is required after a maximum of four (4) units in a row;
- b) within the front and rear yard depths, privacy areas of at least 3,65m (12 ft.) shall be provided;
- c) in integrated projects of more than forty (40) dwellings of two (2) bedrooms or more, playgrounds and play equipment shall be provided for children, on the basis of at least 1,85 m<sup>2</sup> (20 sq.ft.) per bedroom other than the master bedroom. The play area may be a part of the amenity area.

#### **4-4-5 Balcony, Deck, Patio, Terrace, Pergola, Gazebo And Solarium**

Provisions relative to balconies, decks, patios and terraces, for the classes of use "Single-Family dwelling", "Two-Family dwelling" and "Multifamily dwelling" types.

##### **a) Balcony**

For the classes of use "Single-Family dwelling" and "Two-Family dwelling", the balcony shall be located at a minimum distance of 3,05 (10 ft.) m from the rear land line. As to the "Multifamily dwelling" class of use, the balcony shall be erected at a minimum distance of 6,09m (20 ft.) from the rear land line.

A balcony located at the rear of the main building shall be located at a minimum distance of 2,0m (6 ft.6 in.) from the lateral land lines, except in the case of a semi-detached dwelling where such balcony shall be located at a minimum distance of 0,6m (2 ft.) from the common land line, and this notwithstanding any provision contrary to the present By-Law.

A balcony located in the lateral yard may be extended by a maximum of 1,2m (4 ft.) in the rear yard, notwithstanding the distance of 2,0m (6 ft. 6 in.) provided in the preceding paragraph.

##### **b) Deck**

A single deck may be erected on a land on which the main building is erected.

The deck shall be located at the rear of the main building and be built on the ground with a minimum lateral setback of 2,0m (6 ft.6 in.), except in the case of a semi-detached dwelling where the said deck shall be located at a minimum distance of 0,6m (2 ft.) from the common land line. In all cases, the deck shall be located at a minimum distance of 3,05m (10 ft.) from the rear land line.

The maximum height of a deck may not exceed 0,60m (2 ft.) above the surrounding ground, such measurement to be taken inside a perimeter of 0,91m (3 ft.) around the deck.

The location of a deck shall in no case hamper the drainage of the property nor divert the surface waters towards the neighbouring properties.

**c) Patio**

A single patio may be erected on a land on which a main building is erected.

The patio shall be located at the rear of the main building and built on the ground with minimum lateral and rear setbacks of 0,91m (3 ft.). In the case where the patio is adjacent to a swimming pool, it shall be located at a minimum distance of 0,60m (2 ft.) from the land line when the said swimming pool is located at 1,83m (6 ft.) or less from the said land line and shall be located at a minimum distance of 0,91m (3 ft.) when it is adjacent to a swimming pool located at more than 1,83m (6 ft.) from the said land line.

The location of a patio shall in no case hamper the drainage of the property nor divert the surface waters towards the neighbouring properties.

**d) Terrace**

A single terrace may be erected on a land on which a main building is erected.

The terrace shall be located at the rear of the main building and adjoining the rear wall of the main building. Two of the terrace sides shall be subject to a landscaping arrangement. The terrace shall be located at a minimum distance of 4,57m (15 ft.) from the lateral land lines and 6,10m (20 ft.) from the rear land line.

**e) Pergola**

Only one pergola may be erected on land on which a main building is erected.

The pergola shall be located in the rear yard of the main building with a minimum lateral and rear setback of 0,91m (3 ft.), except if it is located above a deck or a balcony. In such case, it shall be located at a minimum distance of 2,0m (6 ft.6 in.) from the lateral land line and 3,05m (10 ft.) from the rear land line.

The area covered by a pergola shall not exceed 11,61 m<sup>2</sup> (125 sq.ft.).

**f) Gazebo**

Only one gazebo may be erected on land on which a main building is erected.

The gazebo shall be located in the rear yard and erected on the ground, on a deck or on a patio.

The gazebo shall be located at a minimum distance of 0,91m (3 ft.) from the lateral and rear land lines when it is erected on the ground or on a patio.

It shall be located at a minimum distance of 2,0m (6 ft.6 in.) from the lateral land line and of 3,05m (10 ft.) from the rear land line if erected on a deck.

The area covered by a gazebo shall not exceed 11,61 m<sup>2</sup> (125 sq.ft.).

**g) Solarium**

Only one solarium may be erected on land on which a main building is erected.

The solarium shall be located at the rear of the main building, attached to the main building and erected on a deck or a balcony whose foundations are in conformity with the Building By-Law of the City.

The solarium shall be located at a minimum distance of 2,0m (6 ft.6 in.) from the lateral land lines and 3,05m (10 ft.) from the rear land line.

The area covered by a solarium shall not exceed 11,61 m<sup>2</sup> (125 sq.ft.)

**4-4-6 Total Area**

The total area in square meters covered by a combination of balcony, deck, patio, gazebo, pergola, terrace, deck for an above-ground swimming pool or a solarium in the rear yard of a main building, may not exceed 50% of the area of the said rear yard.

**4-5 Use Of The Public Right-Of-Way**

Subject to Articles 8-1 and 11-2 b), no construction, sign, landscaping arrangement or private planting is permitted in the public right-of-way. Only grass-covered land, access ramps, sidewalks and borders no more than 15 cm (6 in.) high are permitted inside the public right-of-way. Borders adjacent to private walkways shall in no case be located closer than 0,60m (2 ft.) from the City sidewalk.

However, the permanent occupancy of a part of the public street right-of-way for encroachment, aerial or underground passage purposes, for an underground vault or for the purposes of Article 2-1-1 of the present By-Law may be authorised by the Municipal Council on the recommendation of the Director and in consideration of the payment of a fixed sum or of a rent determined by Council. Such a permission may be revoked at any time. Whomever has obtained such a permission from Council is responsible for any accident or damage resulting from this occupancy. He shall indemnify and hold harmless the municipality with regard to any law suit, judgement or claim taken out against the City, including any costs resulting from such accidents or damages.

**4-6 Architecture**

**4-6-1 Height Of Buildings And Ground Floor**

- a) The maximum height of all Single-Family and Two-Family dwellings shall be 12,19m (40 ft.) above the City sidewalk level adjacent to the said dwelling;
- b) The ground floor of all Single-Family and Two-Family dwellings shall not be higher than 2,13m (7 ft.) above the City sidewalk level adjacent to the said dwelling;

Notwithstanding the above, the ground floor of Single-Family dwellings in a row and that of Single-Family garden-apartment dwellings shall not be higher than 1,52m (5 ft.) above the City sidewalk level adjacent to the said dwellings;

- c) The ground floor of all buildings other than those mentioned above shall not be higher than 1,52m (5 ft.) above the City sidewalk level adjacent to the said dwellings.

**4-6-2 Height Of Underground Structures**

No part of an underground structure of a Multifamily dwelling projecting into the minimum yard areas shall be higher than 0,46m (1 ft.6 in.) above the average level of the City sidewalk located in front of the aforesaid land. Furthermore, the slope of the area of the strip of land 3,05m (10 ft.) deep, running along the City sidewalk shall not exceed 3%.

**4-6-3 Exterior Stairways And Fire Escapes**

No type of exterior stairways shall be installed above the ground floor, except the ladders providing access to the penthouse structure housing the mechanical equipment of a high rise building.

**4-6-4 Exterior Doors Leading To The Basement**

No more than one exterior door leading to the basement of a Single-Family or a Two-Family dwelling shall be permitted, provided that the said door not front onto a street, even if it is located at an angle of the said street.

Notwithstanding the preceding, in all zones where the "detached Single-Family dwelling" and "semi-detached Single-Family dwelling" uses are permitted, an exterior door leading to the space under the front balcony and stairs may be permitted provided that the said space does not provide an access to the basement of the dwelling.

**4-6-5 Common Concrete Blocks**

Common concrete blocks shall not be used as exterior finishing material.

**4-6-6 Exposed Foundation Walls**

No building shall be established having more than 0,30m (1 ft.) of concrete exposed above ground level except where such concrete is given special architectural treatment suited to the design of the building or is located under the rear balconies or is at the same level as the existing building in the case of an extension of the said building.

**4-6-7 Landscaping**

No building shall be established at any location unless the land on which it stands has been landscaped and grass has been laid in the open areas. In the case of all buildings, except Single-Family and Two-Family dwellings, a landscaping plan shall be submitted for approval.

**4-6-8 Clothes Line**

No clothes line shall be installed except at the rear of a dwelling and, in no case, shall be at less than 7,62m (25 ft.) from any street.

In the case of a dwelling whose rear land line is contiguous to the west side of Cavendish Boulevard, the 7,62m (25 ft.) restriction does not apply.

#### **4-6-9 Exterior Finish**

All buildings shall be covered with an exterior finish as specified in the present By-Law. The materials listed below are specifically prohibited as facing for the exterior walls of any part of a main or accessory building over the entire territory of the City.

- a) tar or mineralised paper and similar papers;
- b) paper or any other material imitating or intending to imitate stone, brick, wood or other natural materials;
- c) concrete blocks not covered with a finishing material;
- d) mortar paints or coatings imitating or intending to imitate other materials;
- e) non architectural sheet metal which is not pre-painted, nor pre-baked at the plant and not anodised or not given any equivalent treatment (enamelled steel or aluminum cladding being permitted);
- f) galvanised sheet metal;
- g) polyurethane and polystyrene;
- h) wood shavings or chipboard panels;
- i) asphalt shingles on a vertical plane or at an angle inferior to twenty degrees (20°) in relation to the vertical;
- j) materials generally used as thermal insulation such as, though not limited to, urethane, polystyrene, rigid or board-type insulation;
- k) wood not weatherproofed with paint, dye and other similar products;
- l) non-architectural panels and concrete blocks;
- m) paint applied to a masonry wall.

#### **4-6-10 Maintenance Of Buildings**

The owner shall maintain his buildings, both main and accessory, as well as the open spaces on the land, free of all nuisance or uses non-conforming to the provisions of the present By-Law. The cladding or exterior finish materials shall be maintained in order to preserve their original appearance. The exterior wood surfaces of all buildings shall be weatherproofed with paint, varnish, oil or any other recognised protective material. This condition does not apply to cedar wood which may remain natural.

#### **4-6-11 Exterior Finish - Extension**

In cases of an extension of the facade of a building, such extension of a facade shall be made of a finish consisting of the same material(s) covering the existing part of the facade or of a material of a superior class provided it not be a material prohibited by the By-Law and provided the extension not affect a proportion exceeding 25% of the area of the resulting facade following the works.

**4-6-12 Exterior Finish - Replacement Or Repair**

Any replacement or any repair of the exterior finish of a building shall be made with the same materials as those used in the construction of the building or of the structure, subject to the requirements of the Building By-Law.

**4-6-13 Exterior Finish - Corner Building**

The two walls of a corner facing the two streets shall be covered with the same material.

**4-7 Additional Use**

Where Single-Family or Two-Family dwellings are permitted, the offices of professionals recognised under the Code of Professions may be established in the basement, and in no more than two (2) rooms on the ground floor of the dwelling which such professional person occupies, provided the total area of such offices does not exceed 46,45 m<sup>2</sup> (500 sq.ft.).

**4-8 Dwellings In Cellars And Basements**

Dwellings are permitted in basements and cellars with the following conditions:

- a) that the basements and cellars be counted as an entire storey in determining the class of use;
- b) that in Zones RU and RB, the total number of dwelling units does not exceed those permitted in said zones;
- c) that the number of parking spaces required be conform to the present By-Law.

**4-9 Particular Provisions Applying To Multifamily Dwellings**

**4-9-1 Area Of Dwellings**

No Multifamily dwelling shall be erected unless the dwelling units which are found therein are in conformity with the following floor area requirements:

| Number of bedrooms | Number of m <sup>2</sup> (sq.ft.) floor area/dwelling unit |
|--------------------|--|
| 0                  | 37,16 m <sup>2</sup> (400 sq.ft.)                          |
| 1                  | 51,09 m <sup>2</sup> (550 sq.ft.)                          |
| 2                  | 65,03 m <sup>2</sup> (700 sq.ft.)                          |
| 3                  | 78,96 m <sup>2</sup> (850 sq.ft.)                          |
| 4                  | 92,90 m <sup>2</sup> (1 000 sq.ft.)                        |

Where a dwelling unit includes more than four (4) bedrooms, the minimum floor area of the said dwelling unit is increased by 11,15 m<sup>2</sup> (120 sq.ft.) per additional bedroom.

**4-9-2 Extension**

The extension of Multifamily dwellings is prohibited when such extension requires the re-subdivision of the original lot.

**4-9-3 Balconies**

Multifamily dwellings shall include balconies for all the units located above the ground floor.

**4-9-4 Elevators**

No Multifamily dwelling of three (3) storeys or more may be established unless it is equipped with at least one elevator.

**4-9-5 Laundry**

No Multifamily dwelling may be erected unless it is equipped with laundry facilities sufficient to meet the needs of the tenants.

**4-9-6 Terrace-Apartments (Penthouse)**

Where the "Multifamily" class of use is permitted, one storey of terrace-apartment (penthouse) may be added provided it does not cover more than 60% of the area of the top storey and provided it is set back by 2,44m (8 ft.) from the perimeter of the building. Staircases are exempt from this setback requirement.

**4-10 Norms Relating To Exterior Storage And Norms Relating To Refuse**

The storage of unprocessed or manufactured products is authorised in the zones with an industrial dominance. All exterior storage shall be completely hidden with a fence, a thick conifer hedge, landscaping or a berm, or any combination of the above elements with a minimum height of at least 2m (6.5 ft.). A fence required in accordance with this article may be open work in a proportion not to exceed 20% and, in such case, the spacing of the elements may not be greater than 100 mm (4 in.).

In the zones where a commercial dominance is permitted, the uses complementary to commercial establishments, such as the storage of merchandise or materials and sales offices are permitted only within the body of the main building, in annexes or in accessory buildings. Only establishments selling motor vehicles, recreational vehicles, boats as well as greenhouses, tree nurseries, building and gardening material stores are authorised to store their products, vehicles and materials outside, providing these be located in the lateral and rear yards of such establishments. Notwithstanding the provisions of the present Article, establishments selling motor vehicles are authorised to park their vehicles in the front yard.

In the zones having a residential dominance, notwithstanding Articles 4-4-2 and 4-4-3 of the present By-Law but subject to the application of Paragraph e) of Article 4-4-2, storage is prohibited on any vacant or occupied land, whether or not developed, or waiting for a development, the whole subject to the application of Article 2-3 l) of the present By-Law.

For all classes of use, except the "Detached and Semi-Detached Single-Family", "Detached and Semi-Detached Two-Family", "Parks, green spaces, recreational facilities and municipal equipment" and "Public utilities", no building shall be established unless all merchandise as well as garbage, refuse and other substances are placed inside the said buildings at all times and that appropriate measures to achieve this purpose are taken.

## **4-11 Special Provisions Applying To Commercial Uses**

### **4-11-1 Compulsory Screen**

Any land on which a commercial building is erected and which is contiguous to a zone having a residential dominance or a public dominance shall be equipped, on the sides adjacent to the said zone, with a decorative fence respecting the provisions of the present By-Law unless the contiguous residential or public lands are already surrounded by such a fence.

### **4-11-2 Terrace-Cafes**

- a) The area of exterior or partly covered spaces shall not be greater than 25% of the floor area of the hotel, brewery or restaurant establishment where the terrace-cafe is established, without ever exceeding 50 m<sup>2</sup> (538 sq.ft.);
- b) They shall be attached to the main building and consist of a flat, horizontal surface of wood, stone or raised masonry elements area having a minimum height of 150 mm (6 in.) in relation to the ground level under an awning, canopy or parasol;
- c) The establishment of the terrace-cafe shall in no way reduce the number of parking spaces required for the existing establishment(s);
- d) The terrace-cafe installation and more specifically the roof and structure supporting the said roof shall be removed each year between November 15 and April 15;
- e) The terrace-cafe installation shall be located at least 1m (3.28 ft.) from the street line and the land lines.
- f) Terrace-cafes may be established in the zones where classes of use Restaurant - 1 and Restaurant - 4 are permitted.

### **4-11-3 Exterior Landscaping**

The front and lateral yards shall be landscaped as follows within the commercial zones:

- The front yard of any commercial land shall include a strip of grass at least 3m (10 ft.) deep between the sidewalk or the street pavement and the parking lot and extending over the entire width of the land except for the automobile and pedestrian access ways;
- The aforesaid strips of land shall be enclosed within a concrete border of a minimum width of 150 mm (6 in.) and emerging above ground at least 150 mm (6 in.). This concrete border shall be solidly attached.

### **4-11-4 Noise**

In the case where a car-wash establishment is adjacent to a residential zone, the wall adjacent to the said zone shall be extended 3m (10 ft.) so as to provide a wall-screen erected with the same materials as those used for the car-wash establishment.

#### **4-11-5 Veterinary Clinics**

Where veterinary clinics and pet shops may be established, no exterior kennel shall be installed. The buildings shall be sound-proofed in a satisfactory fashion; the floor of the said buildings shall be built of concrete and equipped with a drain having a diameter of at least 0,12m (5 in.), and an automatic ventilation system with exhaust shafts above the roof providing at least fifteen (15) air changes per hour.

#### **4-11-6 Health Studios**

Where health studios may be established, they shall have an area of at least 696,75 m<sup>2</sup> (7 500 sq.ft.) and be located inside a commercial centre composed of at least fifteen (15) stores.

#### **4-11-7 Facade And Main Entrance Of Commercial Establishments**

Where classes of use of the Commerce and Services Group are permitted, the business and commercial establishments located on the ground floor of buildings erected on lands at the intersection of commercial and residential streets, shall have their facade and main entrance on the commercial street or at the corner of the two streets, but their display windows may be provided on residential streets, and a door intended for receiving or shipping purposes may be installed at the rear of the building.

#### **4-12 Facade And Main Entrance Of Certain Buildings**

Any main building must have its front facade as well as its main entrance fronting the front line of the land, on the wall parallel to the said line, the whole, subject to Article 4-11-7;

The present article does not apply to "Single-Family dwellings in a row" or "Two-Family dwellings in a row", "Single-Family garden-apartment dwelling", "Multifamily dwelling" and to Integrated Projects, provided that such buildings not be situated so that the rear wall face the street. For the sole purpose of setback calculations, the lateral wall of these buildings facing the street is considered as the front wall of the building.

## CHAPTER 5

### *PROVISIONS RELATING TO ACCESSORY BUILDINGS AND COMPLEMENTARY USES AS WELL AS TEMPORARY BUILDINGS AND USES*

#### **5-1 General Standards**

The authorisation of a main use automatically includes the authorisation of the uses which are normally complementary and their buildings that are accessory thereto, in as much as they respect all the provisions of the present By-Law. For the purposes of the present By-Law, complementary is any use of buildings or land which is accessory and which serves to facilitate or improve the main use. A complementary use or accessory building may not exist without a main use on the land.

Uses complementary to residential are those which serve to improve or make pleasant the residential function such as swimming pools, tennis courts, gardens, detached garages, sheds, storage buildings and solariums.

The main uses other than residential may also have complementary uses or accessory buildings; these are considered as such by the present By-Law, provided they be a normal and logical extension of the main use functions.

In the RM\* zones, apart from the aforementioned uses complementary to housing, the following specific complementary uses are authorised on the ground floor or basement:

- dining room and kitchen;
- place of worship;
- uses included in the following use classes:
  - financial services
  - retail commerce - 4
  - recreational, without incidence - 2

In the zones where the category 2 - Culture, religion, education, health is authorised, the following specific complementary uses are authorised:

- presbytery;
- basement and cellar dwelling used for the purposes of the main use.

#### **5-1-1 Accessory Buildings And Complementary Uses**

##### **a) Private garage**

A single private detached garage may be erected on land on which a main building is erected.

Private detached garages are permitted only in the zones where detached or semi-detached Single-Family dwellings are permitted.

Where it is permitted to erect a detached or semi-detached Single-Family dwelling, a private garage detached from the main building may be erected. Its maximum area may not exceed 27,87 m<sup>2</sup> (300 sq.ft.) and its maximum height is limited to 3,65m (12 ft.) and, in no case, may exceed that of the main building.

A private garage detached from the main building may be erected up to 0,91m (3 ft.) from the lateral and rear lines of the land on which the main building is erected, providing no part of the garage be located at less than 3,05m (10 ft.) from the aforesaid main building.

A private garage attached or incorporated to the main building is considered as part of the said building and is subject to the norms applicable to the said building, as defined in the Table of Uses and Norms.

**b) Shed or storage building**

Only one shed or storage building may be erected on land on which a main building is erected.

The shed or storage building must be located at the rear of the main building with a minimum lateral or rear setback of 0,91m (3 ft.); in the case of a corner land, a shed or storage building shall be situated behind the side street land setback.

The shed or storage building may not have an area exceeding 9,29 m<sup>2</sup> (100 sq.ft.), nor a height of more than 3,05m (10 ft.) above the ground.

If the shed or storage building is attached to the main building, there shall not be any direct access between the buildings; if it is detached, it must be at least 3,05m (10 ft.) away from the main building.

**c) Swimming pool**

Any swimming pool shall be located on the land of the main use which it serves.

Any exterior swimming pool shall be located so that its exterior edge or coping shall not be less than 1,52m (5 ft.) from any land line and be away from the main building by a distance equivalent to at least the depth of the foundations of the said building, located under ground level.

An exterior swimming pool may, however, be built closer to a building if a competent engineer certifies in writing to the Director that the swimming pool is located, designed and built in such a fashion that the stability of the building will not be jeopardised by it, and that the pool walls are designed so as to support the additional load resulting from the proximity of the building.

Wherever a swimming pool encroaches upon or touches water supply pipes, sewers, electric cables or other utilities, the owner of the said swimming pool shall first obtain from the competent authorities all the permits required to remove, relocate elsewhere or otherwise alter the said services, the cost of such work to be entirely at the said owner's expense.

Swimming pools and wading pools whether or not in operation shall be maintained in good condition, clean and odour-free.

The drainage or flow of water from the swimming pools onto the property of others shall not be permitted in any case.

**d) Deck for above-ground swimming pool**

An above-ground swimming pool can be served by only one deck per above-ground swimming pool.

The deck for an above-ground swimming pool shall be erected above the ground and located at a minimum distance of 2,0m (6 ft. 6 in.) from the lateral and rear land lines. The section of the deck for an above-ground swimming pool located around the rear half of the swimming pool may not exceed a width of 0,91m (3 ft.). The deck and the guard for an above-ground swimming pool shall be in accordance with the City By-Law concerning swimming pools and wading pools.

**e) Carport**

Where the “detached Single-Family dwelling”, “semi-detached Single-Family dwelling”, “detached Two-Family dwelling” and “semi-detached Two-Family dwelling” uses are permitted, a carport may not be established unless it is in conformity with the following:

- a) A carport may be built for dwellings having either an interior garage or no garage, provided the total width of the two existing and (or) new driveways not exceed 5,49m (18 ft.);
- b) The carport may not project beyond the rear and front foundation walls of the building;
- c) The carport shall have unobstructed minimum interior dimensions of 2,74m (9 ft.) in width and 6,10m (20 ft.) in length where the carport is supported by two (2) columns or unobstructed minimum interior dimensions of 3,05m (10 ft.) in width and 6,10m (20 ft.) in length when the carport is supported by three (3) columns;
- d) The columns of the carport shall be located at a minimum distance of 0,61m (2 ft.) from the land line;
- e) The roof edge of the carport shall have a gutter which shall be located at least 0,30m (1 ft.) from the lateral land line. Any drainage from the roof shall be directed towards the street and not towards the lateral yard;
- f) A carport may not be used, altered or developed for storage purposes or as a dwelling.

#### **5-1-2 Temporary Buildings And Uses**

No temporary building other than construction sheds, trailers and mobile homes during the erection of a main building and/or sales offices, rental of dwelling units inside a specific project or the temporary dwelling on the land to be built shall be established. Such buildings shall be demolished or removed within the thirty (30) days following the end of the construction of the main building.

Subject to the preceding paragraph, trailers and mobile homes are only authorised as temporary buildings and may not be used as a dwelling.

The display and sale of goods outside a business are authorised at a minimum distance of 1m (3.3 ft.) from the land lines provided the said use be complementary to a building in conformity by its use with the requirements of the present By-Law and that it not have the effect of encroaching on the parking units required for the main building. This temporary use, in order to be exercised, is subject to the prior issue by the Director of a certificate of authorisation and may not last more than three (3) weeks per calendar year.

#### **5-1-3 Temporary Car Shelter**

- a) Notwithstanding the provisions set out in Article 5-1-2, it shall be permissible where Zones RU apply, to erect no more than one temporary car shelter on an existing, conforming driveway for dwellings having no indoor parking garages or permanent carports;
- b) Temporary car shelters may be permitted to remain in place between November 1 of a year and April 1 of the next year;
- c) Temporary car shelters shall be composed of a fibrous synthetic polyethylene or other type of canvas in a shade of translucent white with clear windows, fitted with a dismantable tubular metallic frame erected on a paved driveway and fixed firmly by anchoring their reinforcements in the ground or by using counterweights;

- d) Temporary car shelters must be located at a minimum distance of 1,98m (6 ft. 6 in.) from a fire hydrant; at a minimum distance of 0,99m (3 ft. 3 in.) from the rear edge of the City sidewalk; at a minimum distance of 1,52m (5 ft.) from the City roadway pavement where no sidewalk exists; and at a minimum distance of 4,88m (16 ft.) from the curve of the roadway at an intersection;
- e) Temporary car shelters must bear on each side, less than 1,83m (6 ft.) from the opening providing access to them, a transparent window with an area of at least 0,56m<sup>2</sup> (6 sq. ft.);
- f) A plan showing the location, the shape and materials must be submitted to the City for approval, and a renewable annual building permit will be required. The cost of the permit shall be \$30.00 to be paid as a one-time fee for the duration of the current ownership of the dwelling . A new permit with an additional fee of \$30.00 will be required if the ownership of the dwelling changes.

## CHAPTER 6

### *PROVISIONS RELATING TO PARKING AND TO LOADING AND UNLOADING AREAS*

#### **6-1 General Rules**

Loading and unloading areas are required where there is one or more storage bays.

The loading and unloading area shall have a minimum width of 4,25m (13.5 ft.).

#### **6-2 Location Of The Loading And Unloading Areas**

The loading and unloading area ramp shall be located entirely in the lateral or rear yard.

However, in predominantly Industrial zones the loading and unloading area may be permitted in the front yard and in the front of the main building when the loading and unloading door or doors are located at more than 22m (72.2 ft.) from the street.

Any area intended for the parking of transport vehicles and manoeuvring for loading and unloading shall be paved. If it has an area of more than 4 000 m<sup>2</sup> (43,057 sq.ft.), it shall be drained by means of a drainage system connected to the storm sewer.

It shall in no way be permitted to carry out the loading or unloading of the trucks within the public right of way.

#### **6-3 Handling Area**

Any industrial establishment must be provided with areas in the lateral or rear yards for the transfer of merchandise, handling or other service activities. The said areas shall be located entirely on the land occupied by the building and none of the above activities may be made from the street, nor obstruct in any fashion whatsoever access to a lane, sidewalk, alley or a parking space. The handling areas include the actual loading or unloading platforms and the parking units. A handling area shall be established for the first 460 m<sup>2</sup> (4 950 sq.ft.) of interior storage and another for each additional 3 700 m<sup>2</sup> (39,815 sq.ft.) of interior storage.

## CHAPTER 7

### PARKING

#### 7-1 Generalities

No building shall be established or enlarged unless it is provided with the following minimum parking areas on the land on which it is located.

This requirement is in force as long as the use remains in existence and requires parking spaces. When a building includes several uses, the number of parking spaces required for each use corresponds to the total of the required number for each use, except in the case of a commercial centre or an integrated project. When the calculations of the number of parking spaces required are established by the number of parking spaces per a given floor area, then all the interior surfaces utilised by the extension must be calculated. In the case of an enlargement or a change in use, the number of spaces required must be increased, if the case arises, in such a way as to respect the required norms for the new area of the establishment or new use.

#### 7-2 Residential Group

##### 7-2-1 Parking Required For Single-Family And Two-Family Dwellings

Where the “Single-Family detached dwelling”, “Single-Family semi-detached dwelling”, “Two-Family detached dwelling”, “Two-Family semi-detached dwelling” and “Two-Family dwelling in a row” uses are permitted, interior parking shall be provided on the following basis:

- a) for the “Single-Family detached dwelling” and “Single-Family semi-detached dwelling” uses, one (1) parking space per dwelling unit having an area less than 167,22 m<sup>2</sup> (1,800 sq. ft.) excluding the area of the garage and of the basement floor, and two (2) parking spaces for all other dwelling units;
- b) for the “Two-Family detached dwelling”, “Two-Family semi-detached dwelling” and “Two-Family dwelling in a row”, two (2) parking spaces per dwelling unit.

##### 7-2-2 Width Of Driveway

Where the “Single-Family detached dwelling”, “Single-Family semi-detached dwelling”, “Two-Family detached dwelling”, “Two-Family semi-detached dwelling”, “Single-Family dwelling in a row” in Zone RU-56 only and “Two-Family dwelling in a row” uses are permitted, the maximum driveway width shall be 5,49m (18 ft.).

In the case of irregular lands where the front land line is shorter than the rear land line, the maximum driveway width shall be 4,27m (14 ft.) between the street and the land line, after which it may widen to a width of 5,49m (18 ft.), for a maximum length of 6,09m (20 ft.) in front of the garage door and shall be subject to the requirements of Article 7-2-3, paragraphs b, c, g, h & i.

There shall be a distance of at least 0,91m (3 ft.) between the driveways of newly constructed semi-detached buildings.

### 7-2-3 Enlargement Of Driveway

Subject to the provisions of Article 7-2-2, where the uses “Single-Family detached dwelling”, “Single-Family semi-detached dwelling”, “Two-Family detached dwelling”, “Two-Family semi-detached dwelling” and “Single-Family dwelling in a row” in Zone RU-56 only, “Single-Family semi-detached dwelling” and “Two-Family dwelling in a row” are permitted, it shall be permissible to enlarge an existing driveway by either widening it, by adding a contiguous and parallel paved surface or by adding a separate area provided the width of the total paved area does not exceed 5,49m (18 ft.) with a minimum depth of 6,09m (20 ft.). Such enlargement shall be subject to the following conditions:

- a) For a building without a garage;

The distance between the paved area and the lateral land line or the rear land line in the case of a corner land shall be at least 0,60m (2 ft.)

The paved area shall not project beyond the line of the rear foundation wall of the building.

- b) For a building with a garage at grade;

The distance between the paved area of the lateral land line or the rear land line in the case of a corner land, shall be at least 0,60m (2 ft.), except in the case of the construction of a semi-detached building where the space between the paved portion of one driveway and a driveway serving the other part of the semi-detached building shall not be less than 0,91m (3 ft.).

The paved area shall not project beyond the line of the front foundation wall of the building.

- c) For a building with a garage below grade;

The distance between the paved area and the lateral land line or the rear land line in the case of a corner land, shall be at least 0,91m (3 ft.) except in the case of semi-detached buildings where the space between the paved portion of one driveway and a driveway serving the other part of the semi-detached building shall not be less than 0,91m (3 ft.).

The paved area shall not project beyond the line of the front foundation wall of the building.

- d) For a building with a garage below grade level, where the additional paved area is at grade level;

The distance between the paved area and the lateral land line or the rear land line in the case of a corner land, shall be at least 0,91m (3 ft.).

The width of the additional paved area shall be at least 2,13m (7 ft.).

The additional paved area shall be finished in a material other than asphalt or concrete patio blocks.

The paved area shall not project beyond the line of the front foundation wall of the building.

- e) For a building with a garage above or below grade, where the additional paved area is not contiguous;

The same requirements as those set out at paragraph d) above apply.

- f) In no case is the widening of any existing driveway permitted which will require the removal of a tree on City property without special permission from Council.
- g) In no case shall a driveway be built closer than 0,91m (3 ft.), if finished in asphalt, or 0,60m (2 ft.), if finished in paving blocks, from the trunk edge of any City tree.
- h) In no case shall any driveway curb be built closer to the inside City sidewalk line than 0,60m (2 ft.).
- i) In no case shall a driveway be built contiguous to a private walkway. It shall be separated by a strip of grass or a permanent structure such as a flower box of at least 0,76m (2 ft.6 in.) in width over at least 80% of the said driveway length.

#### **7-2-4 Conversion Of Parking Space**

Where there is indoor parking, it shall be unlawful to convert the parking space to any other purpose or to render it in any way unusable for the parking of an automobile.

#### **7-2-5 Parking Required For Multifamily Dwellings**

Where the "Multifamily dwelling" use is permitted, the following interior parking provisions shall apply :

- a) 1 parking space per unit for bachelor and one-bedroom units;
- b) 1,5 parking spaces per unit for two-bedroom units;
- c) 2 parking spaces per unit for dwellings with more than two bedrooms.

For the purposes of paragraphs a), b) and c) above, a den shall be considered as a bedroom.

Further parking spaces equal to 5% of the total required shall be provided outdoors exclusively for visitors, and in no case shall there be less than 10 parking spaces, this area shall be clearly identified by a sign as "Visitors Parking". In addition, off-street parking space for delivery trucks shall be provided at a ratio of one per fifty (50) dwelling units.

#### **7-2-6 Parking Required For Mixed Dwellings**

Where the "Mixed dwelling" class is permitted, in addition to the above-mentioned requirements relating to "Multifamily dwellings", an additional parking space shall be provided for each 85,46 m<sup>2</sup>. (920 sq.ft.) of gross office floor area.

In addition, an extra number of parking spaces equivalent to 20% of the total parking spaces required in relation to the gross office floor area shall be provided and identified as being reserved for visitors. In all cases, the number of parking spaces provided for such purpose shall not be less than ten (10).

#### **7-2-7 Parking Required For Garden-Apartments & Dwellings In A Row**

Where the "Single-Family Garden-Apartment dwelling", and "Single-Family dwelling in a row", uses are permitted:

- a) 1 parking space shall be provided for each bachelor, one or two bedroom units;
- b) 1.5 parking spaces shall be provided for each dwelling unit of three or four bedrooms;
- c) 2 parking spaces for each dwelling unit of more than four bedrooms.

In addition, a further parking area of 10% of the aggregate of such parking spaces shall also be provided, exclusively for visitors, outdoors, in an area clearly identified by a sign as "Visitors Parking".

Furthermore, where the "Single-Family Garden-Apartment dwelling", and "Single-Family dwelling in a row" uses are permitted, parking spaces shall be provided in an underground covered structure common to the dwelling units.

For the purposes of paragraphs a), b) and c) above, a den shall be considered a bedroom.

#### **7-2-8 Maximum Total Area For Exterior Parking**

Where the "Multifamily dwelling" class and the "Single-Family Garden-Apartment dwelling" use and "Single-Family dwelling in a row" are permitted, the total area provided for the outside parking shall not exceed 20% of the gross land area.

#### **7-2-9 Arrangement Of Exterior Parking**

Where the "Multifamily dwelling" class of use, the "Single-Family Garden-Apartment dwelling" and "Single-Family dwelling in a row" uses are permitted, no parking area shall be provided at less than 1,82m (6 ft.) of the land limits, and at 3,04m (10 ft.) of the ground floor walls with window openings.

In addition, the outside parking areas shall be arranged so as to ensure adequate means of headlight screening, and prevent headlights from disturbing neighbours.

#### **7-2-10 Parking Of Heavy Vehicles**

The off-street parking of only one heavy vehicle with no more than two (2) axles, is permitted on a residential land. Moreover, the off-street parking of power shovels, trenchers, back-diggers, graders, power rams and any similar equipment is prohibited on residential lands.

#### **7-2-11 Emergency Vehicle Driveway**

No building three (3) storeys high or more or where the area of the ground floor is greater than 929 m<sup>2</sup> (10 000 sq.ft.) and no commercial or industrial building shall be established without an appropriate driveway for emergency vehicles, in conformity with the applicable requirements of the building and fire prevention codes.

**7-3 Non Residential Groups**

**7-3-1 Required Parking For All Groups Of Use, Except Residential and Industrial Groups**

For all groups of uses, except the Residential and Industrial Groups, the following parking areas shall be provided:

**TABLE 2**

| <b>Group of use</b>   | <b>Parking area</b>  |
|---|--|
| <b>Retail and motor vehicle commerces – 4</b>   | One (1) parking space per 27,87 m <sup>2</sup> . (300 sq.ft.) of gross floor area.   |
| <b>Service commerce</b>   | One (1) parking space per 46,45 m <sup>2</sup> (500 sq.ft.) of gross floor area  |
| <b>Catering and lodging commerce</b>  | One (1) parking space per four (4) sitting guests, plus one (1) parking space per five (5) employees for the catering commerce and one (1) parking space per room, plus one (1) parking space per five (5) employees for the lodging commerce  |
| <b>Recreation commerce without incidence – 1, Culture, religion, education, health – Category 1 for the concert hall, opera hall and theatre hall uses;</b><br><br><b>Culture, religion, education, health – Category 2, and Public Group for stadiums, arenas or similar place of assembly</b> | One (1) parking space per ten (10) seats or per each 50,8 cm (20 in.) length of bench.   |
| <b>Bowling alley</b>  | Three (3) parking spaces per alley   |
| <b>Culture, religion, education, health – Category 4</b>  | One (1) parking space per 92,9 m <sup>2</sup> (1 000 sq.ft.) of gross floor area for hospitals<br><br>One (1) parking space per six (6) sick beds plus one (1) parking space per six (6) employees, for convalescent homes and other similar institutions<br><br>One (1) parking space per three (3) dwelling units, or one (1) parking space per ten (10) residents for senior citizens homes |
| <b>Culture, religion, education, health – Category 3</b>  | One (1) parking space per one and a half employees   |
| <b>Medical clinic and dental clinic</b>   | One (1) parking space per 18,58 m <sup>2</sup> (200 sq.ft.) of gross floor area less than 278,7 m <sup>2</sup> (3 000 sq.ft.), plus one (1) parking space per 46,45 m <sup>2</sup> (500 sq.ft.) of gross floor area more than 278,7 m <sup>2</sup> (3 000 sq.ft.)  |

| Group of use  | Parking area  |
|---|---|
| <b>Culture, religion, education, health – Category 1, except the uses previously excluded</b> | One (1) parking space per 139,5 m <sup>2</sup> (1 500 sq.ft.) of gross floor area of the main building. |
| <b>Commercial centre</b>  | 5.5 cars per 92,9m <sup>2</sup> (1 000 sq.ft.) of gross leasable floor space area.                      |
| <b>Uses not provided for above</b>  | One (1) parking space per 46,45 m <sup>2</sup> (500 sq.ft.) of gross floor area of the main building.   |

**7-3-2 Total Number Of Parking Spaces For Commerce And Services Group & Institutional Group**

Where the Commerce and Services Group and the Institutional Group classes apply, the number of parking spaces required for an established building which includes more than one of the occupancies listed at Article 7-3-1 above, shall correspond to the aggregate of the spaces required under the present By-Law for each occupancy. Where such a building at different moments is used for different occupancies, the number of parking spaces required shall correspond to that of the occupancy requiring the highest number of spaces.

**7-4 Industrial Group**

**7-4-1 Parking Required**

One (1) parking space per 185,8m<sup>2</sup> (2 000 sq.ft.) of gross floor area shall be provided in an industrial zone.

**7-5 All Classes**

**7-5-1 Dimension Of Parking Spaces**

Subject to contrary provisions, for the purposes of the present By-Law, a parking space shall be 6,09m (20 ft.) minimum in length and 2,43m (8 ft.) minimum in width and so arranged that each automobile may be driven in or out without causing any other vehicle to be moved. Where a parking space is flanked on both sides by a wall or column, the unobstructed width of the entire parking space shall be 3,04m (10 ft.) and where the parking space is flanked on one side only by a wall or column, the unobstructed width of the parking space shall be 2,74m (9 ft.) where Zones CC-1 to CC-5 apply, the width of an exterior parking space must be at least 2,74m (9 ft.).

**7-5-2 Tandem Parking**

Notwithstanding the preceding, for classes of “Single-Family detached dwelling”, “Single-Family semi-detached dwelling”, “Two-Family detached dwelling”, “Two-Family semi-detached dwelling” and “Single-Family dwelling in a row”, in Zone RU-56 only and “Two-Family dwelling in a row”, tandem parking shall be authorised.

**7-5-3 Width Of Aisle And Parking Angle**

For the purposes of the present By-Law, for all classes except “Single-Family detached dwelling”, “Single-Family semi-detached dwelling”, “Two-Family detached dwelling”, “Two-Family semi-detached dwelling” and “Single-Family dwelling in a row” in Zone RU-56 only and “Two-Family dwelling in a row”, a parking aisle shall have a minimum width of 5,48m (18 ft.) except where parking is provided at a lesser angle to the aisle than sixty degrees (60°) and access is one way only, in which case the following aisle widths shall apply.

| <u>Parking angle</u> | <u>Width of aisle</u> |
|----------------------|-----------------------|
| 30 degrees           | 3,35m (11 ft.)        |
| 45 degrees           | 3,96m (13 ft.)        |

**7-5-4 Minimum Width Of Driveways**

For the purposes of the present By-Law, the minimum width, independent of any walkway, of a driveway serving no more than four (4) dwelling units shall be 2,43m (8 ft.). The minimum width of a driveway serving more than four (4) dwelling units shall be 5,48m (18 ft.).

**7-5-5 Plan Required For Parking Spaces And Aisles**

No building shall be established unless the parking spaces and the parking aisles are indicated on a plan submitted to the Director at the time of the application for a building permit.

**7-5-6 Paving And Maintenance Of Parking**

No building shall be established unless the parking spaces, parking aisles and driveways provided therefor for parking are covered with asphalt, concrete or interlocking pavers. The parking surfaces must hence be covered within the twelve (12) months following the finish of the construction work or extension of the building. No parking lots greater than 100m<sup>2</sup> (1,076 sq. ft.) must drain towards the street and must have a surface drainage system or an underground drainage system conforming to a plan approved by an engineer and, if the case arises, have an adequate water retention basin.

**7-5-7 Parking Area – vs- Public Street**

No parking area shall be established unless it is provided with a driveway accessible to a public street.

**7-5-8 Driveway Slope For Dwellings Other Than Single-Family**

All driveways serving buildings other than Single-Family dwellings shall have a slope which shall not exceed 3% for the first 4,57m (15 ft.) behind the sidewalk, after which the maximum slope shall be 10%.

**7-5-9 Driveway Slope For Single-Family Dwellings**

Driveways for Single-Family dwellings on the below-named streets shall have a slope which shall not exceed 3%.

|           |                |         |
|-----------|----------------|---------|
| Cavendish | Côte Saint-Luc | Kildare |
| Mackle    | Westminster    | Heywood |
| Guelph    | Parkhaven      | Kellert |

On all other streets, the maximum slope for driveways serving Single-Family residences shall not exceed 10%.

## CHAPTER 8

### FENCES

#### 8-1 Permitted Locations

Fences as well as shrubs and/or hedges are permitted to be erected (on land lines) along streets and public places, on lateral and rear lines and within the front yard area.

Notwithstanding the preceding, on public property located between the City sidewalk and the land line, it is permitted to plant shrubs or hedges, which shall not be planted at a distance of less than 1m (3 ft. 3 in.) from the City sidewalk or curb. No person shall plant any shrubs or hedges on public property, unless the public property is between the City sidewalk or curb and the private property.

#### 8-2 Maximum Height In Front Yard & Corner Lands

When fences, shrubs and/or hedges are erected on the front land line, or within the first 4,57m (15 ft.) from the front land line, they shall be no more than 0,91m (3 ft.) in height above sidewalk or curb level.

On corner lands, fences, shrubs and/or hedges shall not be higher than 1,82m (6 ft.) above sidewalk or curb level; however, for a distance of 9,14m (30 ft.) in both directions along the street side adjacent to the City sidewalk or curb, the height shall not be more than 0,60m (2 ft.).

Fences, shrubs and/or hedges may not be closer than 0,91m (3 ft.) from a fire hydrant which must always be visible from the street.

#### 8-3 Maximum Height Between Different Zones

The maximum height of fences is 1,82m (6 ft.), except in the following cases where a maximum of 3,04m (10 ft.) is permitted:

- a) Between any Zone and a railway property;
- b) Between a residential and an industrial Zone;
- c) Between a residential and a commercial and services Zone;
- d) Between a residential and an institutional Zone;
- e) Between any industrial, commercial or institutional Zone.

#### 8-4 Maximum & Minimum Heights Around Swimming Pools

A fence or other solid structure shall be erected around any exterior swimming pool area at least at 1,22m (4 ft.) from the exterior edge of the swimming pool, be maintained at all times, and shall have a minimum height of 1,82m (6 ft.) and a maximum height of 2,43m (8 ft.) with a maximum space of 100 mm (4 in.) between the bottom of the fence and the ground.

A fence shall not be equipped with any fixture, projecting element or open parts enabling it to be climbed. A fence may, however, have open parts provided a spherical object 100 mm (4 in.) in diameter may not pass through it or, in the case of a chain-link fence, that each link measures no more than 50 mm (2 in.).

An opening providing access through a fence or an enclosure around a swimming pool shall be protected by a gate of the same height as the fence or enclosure, be equipped with a self-closing device equipped with a self-locking device installed inside the gate at not less than 1,50m (5 ft.) above the ground level and which can be locked.

A fence surrounding the swimming pool area is not required in the case of above-ground swimming pools provided the conditions listed below are met.

A fence built above and around the exterior edge of the swimming pool shall have a minimum height of 1,82m (6 ft.) measured from the ground level at the base of the swimming pool up to the top of the fence. The fence shall meet the conditions set out in this article.

Above-ground swimming pools with decks erected at the level of the exterior edge shall include a fence having a minimum height of 0,91m (3 ft.), installed around the deck and shall have a minimum height of 1,82m (6 ft.) measured from the ground level at the base of the swimming pool up to the top of the fence. The fence shall meet the conditions set out in this article.

A stairway providing access to the swimming pool shall be protected and (or) enclosed by a fence having a minimum height of 1,82m (6 ft.) and be equipped with a self-closing and self-locking gate. The fence shall meet the conditions set out in this article. The exterior semi-private and public swimming pools shall be protected by a fence surrounding the swimming pool area but not less than the said area. The fence shall meet the conditions set out in this article.

The exterior semi-private and public swimming pools shall be protected by a fence surrounding the swimming pool area but not less than the said area. The fence shall meet the conditions set out in this article.

#### **8-5 Minimum Height Around An Open Storage Yard**

Privately-owned open storage yards shall be enclosed with solid fences of a minimum height of 1,82m (6 ft.).

#### **8-6 Barbed Wire**

Barbed wire fences are prohibited. Barbed wire may be installed at least 1,82m (6 ft.) above the ground only on wire mesh fences enclosing public utilities and industrial sites.

#### **8-7 Maintenance Of Fence, Hedge And/Or Retaining Wall**

All fences, hedges or retaining walls shall be maintained in good condition; fence shall be painted according to need.

#### **8-8 Exceptions**

Notwithstanding the above, the following fences shall be permitted:

1. It shall be permitted to erect a 1,82m (6 ft.) high fence on the land lines right up to the corner of the land, in order to enclose a swimming pool area, at 6000-6010 Cavendish.
2. It shall be permitted to erect a fence having a height greater than 1,82m (6 ft.) from the sidewalk level at the rear of the dwellings in a row located along the Eastern land line, provided the fence itself does not have a height greater than 1,22m (4 ft.), at 5515 to 5573 Ashdale.

## CHAPTER 9

### SIGNS

#### 9-1 Permitted And Prohibited Signs

##### 9-1-1 Establishment Of Sign

No sign shall be established anywhere in the City except as specifically set forth and authorised by the present By-Law.

##### 9-1-2 Location Of Permitted Signs

Signs may only be established where Commercial uses, Industrial uses or Right-of-Way uses are authorised.

##### 9-1-3 Types Of Signs Permitted

Notwithstanding the above, the following signs may be established in all classes of use:

- a) signs placed inside a building which are not attached to the exterior;
- b) historical inscriptions and commemorative tablets;
- c) signs belonging to the Federal, Provincial and/or Municipal governments;
- d) non-luminous signs having an area of not more than 1,11 m<sup>2</sup> (12 sq.ft.) placed on a building situated in an institutional zone where Categories 2 or 3 are authorised;
- e) signs required by Law;
- f) non-luminous signs of not more than 0,92 m<sup>2</sup> (10 sq.ft.) in area, advertising the renting or sale of a Single-Family or duplex dwelling and 1,85 m<sup>2</sup> (20 sq.ft.) for any other building provided that such signs refer only to the building or property on which they are placed;
- g) non-luminous signs or posters of not more than 2,97 m<sup>2</sup> (32 sq.ft.) in area, placed on a vacant parcel of land and advertising the rental or sale of said parcel of land. Such signs shall be located at least 6,09m (20 ft.) from the line of every street and at least 3,04m (10 ft.) from the line of any adjacent property. There shall be no more than one such sign on the said parcel of land. The maximum size of such sign may be increased to 5,94 m<sup>2</sup> (64 sq.ft.) if the sign is placed at least 15,24m (50 ft.) back from all land lines.
- h) directional signs having an area of not more than 0,18 m<sup>2</sup> (2 sq.ft.);
- i) a professional nameplate not more than 0,09 m<sup>2</sup> (1 sq.ft.) to designate a professional office contained within a dwelling, and announcing strictly the occupant's name, academic degrees and profession.

- j) a sign, free-standing or on the building identifying the name and address, or the name only of the Multifamily dwellings, Single-Family dwellings in a row or Single-Family Garden-Apartment dwelling, having an area of not more than 1,85 m<sup>2</sup> (20 sq.ft.).

#### **9-1-4 Prohibited Signs**

The following signs are prohibited:

- i. Signs projecting in such a way that the sign is not parallel to the face of the building or surface to which it is attached;
- ii. Signs projecting above the roof of a building;
- iii. Flashing or moving signs;
- iv. Signs which advertise something other than the name or address of the building or of an establishment located on the same land as the one where the signs are installed;
- v. Signs painted on fences, walls or on blinds, awnings, canopies or screens attached to the building;
- vi. Free-standing signs except in the following cases:
  - a) directional signs;
  - b) municipal signs;
  - c) signs advertising the rent or sale of buildings or of vacant land;
  - d) temporary signs;
  - e) signs advertising commercial centres of more than ten (10) stores;
  - f) gas station and service station signs. Such signs attached to a pole or post shall not be lower than 3,04m (10 ft.) nor higher than 6,09m (20 ft.) from the sidewalk level, and not closer than 1,52m (5 ft.) from the street line. There shall be no more than one (1) free-standing sign per gas station;
  - g) signs identifying the name and address of a Multifamily dwelling, Single-Family dwellings in a row or Single-Family Garden-Apartment dwellings;
- vii. Signs advertising the sale of used cars, directly displayed near the vehicles or upon such used cars;
- viii. Moveable or portable signs.

#### **9-2 Number Of Signs Per Building**

Where permitted, no more than one (1) sign may be established per building except in the following cases:

- a) Where a building is situated on a corner land, in which case two (2) signs may be established, one on each street;
- b) Where the second sign is a symbol or crest extensively used by the particular firm;
- c) In the case of a commercial centre, provided all signs are an integral part of the design of the centre and are in accordance with an approved overall master plan for signs;

- d) In the case of a strip commercial development where each establishment forming part thereof may have its own sign provided it is in conformity with an overall approved pattern of signs.
- e) Where the second sign is advertising the renting or sale of such building or property.

### **9-3 Area Of Signs**

#### **9-3-1 Calculation Of Sign Area**

In calculating the area of a sign, each letter shall not be measured separately, but the lettering and/or design, as the case may be, shall be measured as a whole, with its or their necessary intervening spaces. When a luminous border not forming part of the design exists on the edge of the sign, it shall be taken into account as forming part of the area of the sign.

A symbol, crest or logo shall be integrated within the permitted area of the sign.

#### **9-3-2 Maximum Area**

Unless otherwise specified in the present By-Law, the maximum area of any individual sign shall not exceed 1,85 m<sup>2</sup> (20 sq.ft.).

#### **9-3-3 Length Of Sign**

In no case shall a sign be greater in length than the frontage of a given commercial establishment.

### **9-4 Height Of Signs**

The height of any sign mounted on a building of not more than three (3) storeys, shall not exceed 76,2 cm (30 in.). The maximum height of a sign can be increased by 25,4 cm (10 in.) for each additional building storey above three, up to a maximum of 152 cm (60 in.).

### **9-5 Luminous Signs**

#### **9-5-1 Types Of Luminous Signs**

Luminous signs shall be either:

- a) of the externally lighted type using Tungsten electric lamps of glass, or lamps of an equivalent illuminating power; or
- b) of the integrally lighted type using transparent glass letters or design; or
- c) of the type of glass or quartz tubes containing a gas rendered luminous by the introduction of an electrical current in the said tubes.

#### **9-5-2 Lighting Of Signs**

It shall not be permitted to erect on any canopy, marquee or wall of a building to which the Commerce and Service group zoning applies, signs outwardly lighted by projection from a system of lamps overhanging from the brackets attached to said canopy, marquee or wall.

Where signs may be illuminated, such illumination shall be provided in such a manner as to not disturb any neighbours.

### **9-6 Temporary Signs**

The permit for a temporary sign is valid for six (6) months. In no case shall the area of a temporary sign exceed 9,29 m<sup>2</sup> (100 sq.ft.).

### **9-7 Free-Standing Signs**

Where free-standing signs are allowed, their area shall not exceed 9,29 m<sup>2</sup> (100 sq.ft.), and their height shall not exceed 6,09m (20 ft.). If they are illuminated signs, all wiring must be underground.

### **9-8 Construction Of Signs**

#### **9-8-1 Support And Braces**

The supports and braces of all permanent signs shall be entirely of metal. Said signs shall be firmly attached to the building and shall be constructed as not to expose passers-by to any danger. The supports and braces of temporary signs may be in wood or other materials.

#### **9-8-2 Hazard To Public Safety**

The following shall constitute a hazard to public safety: Any posters, billboards, explanatory panels, placards, bills, advertisements, signs illuminated or not, of any kind whatsoever, which, because of their design, appearance, location, colour, or for any other reason, are of such a nature, that they may be mistaken for traffic, stop or parking lights, signs or signals, or are such that they might affect the visibility of motor vehicle drivers at the intersection of public streets.

### **9-9 Exceptions**

Notwithstanding the above the following signs shall be permitted:

#### **9-9-1 6951 Côte Saint-Luc Road**

One (1) illuminated sign on each of the south and north elevations of the Commercial sector of the building located at 6951 Côte Saint-Luc Road. Each illuminated sign shall have a maximum height of 0,50m (1 ft. 8 in.) and a maximum length of 5,48m (18 ft.). It shall also be permitted to erect in front of the building a two faced sign, free-standing on a pole. The dimensions of each of the sign faces may not exceed 1,52m (5 ft.) in height and 1,52m (5 ft.) in width.

#### **9-9-2 5501-5505 Cavendish**

Two (2) free-standing, luminous signs, of a size of 0,30m (12 in.) high by 3,65m (12 ft.) long, on the parapet wall facing the street at 5501 to 5505 Cavendish, one sign facing Cavendish Blvd., and the other facing Côte Saint-Luc Road.

### **9-9-3 Cavendish Mall**

Circular illuminated signs on the building, provided:

- a) their total number does not exceed forty-eight (48); and
- b) no more than five (5) such signs are within any one group;
- c) the diameter of such signs is not greater than 1,52m (5 ft.).

Free-standing illuminated entrance signs to be no more than 2,13m (7 ft.) high and 2,43m (8 ft.) wide, at each street entrance to the parking lot.

## **9-10 Enforcement**

### **9-10-1 Contravention**

Signs erected in contravention with the provisions of the present By-Law shall be removed, displaced or modified by their owner or the person using them or responsible for their care, within a period not exceeding ten (10) days from the date of mailing of a notice by the Director, registered or certified mail or telegram, demanding their removal, displacement or modification.

### **9-10-2 Installation**

No one shall erect, install or mount a new sign, and no one shall restore, alter, repair, modify, arrange or move an existing sign, without a prior written permit issued by the Director or his duly authorized representative. The application for such a permit shall be written on the forms supplied by the City, and signed by the owner or his representative. Triplicate drawings and description of the sign, including types of material and lighting processes, shall also be submitted with the application. If the sign conforms with the requirements listed hereinabove, the permit shall be delivered after payment of the amount specified in the Building By-Law.

### **9-10-3 Dismantling**

No one shall dismantle an existing sign without a written permit issued by the Director. Such permit shall be requested in writing, signed by the owner of the sign, which writing shall set out a description of the sign, its specific location, the date, time and manner in which it is proposed to dismantle the sign, and the reason why it is to be dismantled. The owner shall comply with all requests and conditions made and set by the Director with regards to dismantling the sign. The cost of such permit shall be that specified in the Building By-Law.

## **9-11 Election Signs**

No person shall, prior to the conclusion of the voting for any Municipal, Provincial or Federal election, remove, deface or destroy an election sign of any candidate for that election unless so authorised by the candidate whose election sign is being removed, defaced or destroyed.

Any person on whose behalf election signs were erected or installed shall remove all election signs promoting his or her election by not later than the end of the tenth day following voting day.

The present By-Law shall not be interpreted so as to apply to election signs except to the extent necessary to enforce the provisions of the present article.

## **CHAPTER 10**

### *ANTENNAE*

#### **10-1 Antennae**

##### **10-1-1 Certificate Required**

No person shall install, erect, construct, reconstruct, alter or modify any antenna unless and until the certificate has been issued by the Director.

##### **10-1-2 Application For Certificate**

The application for a certificate shall be submitted by the owner of the property (immovable) upon which the proposed antenna is to be established, on forms provided for such purpose by the City.

##### **10-1-3 Plans And Specifications**

This application shall be accompanied by adequate plans and specifications (in three (3) copies), showing all details of the proposed antenna in relation to building and land lines.

#### **10-2 Issuance Of Certificate**

##### **10-2-1 Verification Of The Director**

Before issuing a certificate, the Director shall:

- a) Satisfy himself that the immovable upon which work relating to an antenna is proposed, is capable of safely supporting the installation;
- b) Ascertain that the proposed works comply with the provisions of the present By-Law and of all other applicable By-Laws.

##### **10-2-2 Possible Requirements Of The Director**

Whenever the Director considers it to be necessary, he may require, as a condition to the issue of the certificate, that a Professional Engineer certify in writing at the expense of the applicant that the immovable is capable of safely supporting the proposed antenna and that its installation complies with the terms and technical requirements of the present By-Law.

#### **10-3 Responsibility Of The Owner**

Neither the approval of plans and specifications, the issuance of the certificate, nor any inspection made by the Building Inspector, shall in any way relieve the owner of the building, premises, or land on which the antenna is to be installed, from full responsibility for the carrying out the work in strict compliance with the provisions of the present By-Law and of all other applicable By-Laws, or for the stability or safety of the installation.

## **10-4 Installation Of Antennae**

### **10-4-1 Wind Resistance**

Every antenna shall be installed in such a manner and with such materials as to withstand the force of a 160,90 km per hour (100 mph) wind.

### **10-4-2 Concrete Foundation**

Every antenna installed on the ground shall be erected on a proper concrete foundation having a minimum depth of 1,37m (4 ft. 6 in.) below ground.

### **10-4-3 Wiring Cables**

All wiring and cables shall be installed underground whenever possible.

### **10-4-4 Grounding Of Antennae**

Every antenna shall be adequately grounded for protection against a direct stroke of lightning.

### **10-4-5 Prohibited Installation**

It is unlawful to use a chimney or any other installation located on the roof to install, secure or anchor an antenna.

### **10-4-6 Prohibited Advertising On Antennae**

Antennae shall not contain advertising of any kind.

### **10-4-7 Light Permitted On Antennae**

The only lights permitted on antennae or support structures are those required by the Federal Ministry of Transport.

### **10-4-8 Maintenance Of Antennae**

Every antenna shall be properly maintained at all times and the installation, as well as the maintenance of the antenna, shall conform to the provisions of all applicable municipal, provincial and federal By-Laws.

### **10-4-9 Antenna On Vacant Land**

It is unlawful to install any antennae on vacant land.

## **10-5 Requirements Of Tower Antennae**

In addition to the above, tower antennae shall be subject to the following requirements:

- a) It is unlawful to have more than one (1) tower antenna for each Single-Family dwelling or each Multifamily dwelling, and to have more than two (2) tower antennae for each Two-Family dwelling;
- b) Tower antennae may be installed on the ground or on the roof of main buildings. The maximum horizontal spread of tower antennae is 3,05m (10 ft.);

- c) Tower antennae installed on the ground shall be located at the rear of the property only. They shall not be installed less than 6,09m (20 ft.) from the rear land line, nor less than 4,57m (15 ft.) from the lateral land lines. Their total height shall not exceed 13,70m (45 ft.);
- d) Tower antennae installed on the roof of buildings shall be located on the rear half portion of the roof, and mounted on a platform or plate designed to adequately transfer the stresses to the structural system of the roof. Tower antennae shall not exceed the highest point of the roof by more than 6,09m (20 ft.);

## **10-6 Licensed Amateur Radio Station**

Notwithstanding the provisions of Article 10-5, the following shall apply to Licensed Amateur Radio Stations only;

- a) (i) Operators of Licensed Amateur Radio Stations may have one (1) additional tower antenna as well as a wire antenna per building, provided that such operator shall have first obtained a certificate for same from the City;
- (ii) Such certificate shall be valid for a term of one (1) year, shall be renewable, and shall be issued by the Director for the annual fee that may be fixed from time to time by resolution of the Municipal Council;
- (iii) Any tower antenna not conforming to Article 10-5 of the present By-Law and wire antennae, shall be removed within thirty (30) days of the expiry date of the certificate referred to in the two preceding paragraphs, unless the certificate has been renewed.
- b) Tower antennae for these stations may be installed on the ground or on the roof of main buildings. The maximum horizontal spread of the antenna elements is 10,67m (35 ft.);
- c) Tower antennae for these stations installed on the ground shall be located at the rear of the buildings only. They shall not be installed less than 6,09m (20 ft.) from the rear land line, nor less than 4,57m (15 ft.) from the lateral land lines. Their total height shall not exceed 24,38m (80 ft.);
- d) Tower antennae for these stations installed on the roof of low rise (up to two storeys) Single-Family and Two-Family dwellings, shall be located on the rear half portion of the roof, and mounted on a platform or plate designed to adequately transfer the stress to the structural system of the roof. The maximum height of these antenna systems shall not exceed the highest point of the roof by more than 6,09m (20 ft.);
- e) Tower antennae for these stations installed on the roof of high rise buildings (three storeys or more), shall be located at least 4,57m (15 ft.) away from the perimeter of the building, and secured so as to maintain the structural integrity of the building and weather resistance of the roof system under the conditions specified in Articles 10-4-1, 10-4-4 and 10-4-5 above. The maximum height of these antenna systems shall not exceed the highest point of the roof by more than 9,14m (30 ft.);
- f) The vertical projection, on the surface of the ground, of any horizontal element of an antenna system forming part of a tower antenna, shall not approach any land line closer than 1,52m (5 ft.);

- g) Wire antennae used by these stations may be mounted, at some point of their length, on the structure used to support the tower antenna system. Support for the free end(s) of these antennae shall use existing or natural objects. Under no circumstances may an artificial support be installed specifically for this purpose. No component of a wire antenna shall extend beyond any land line.

## **10-7 Requirements For Satellite Antennae**

### **10-7-1 Satellite Antennae With A Diameter Greater Than 0,91m (36 in.)**

For all zones, except for zones with a public dominance, the following provisions shall apply at the time of the installation of a satellite antenna equipped with a mesh perforated reflector or solid surface reflector having a diameter greater than 0,91m (36 in.), in addition to those provided elsewhere in the present By-Law:

- a) It is unlawful to have more than one satellite antenna for each main building;
- b) Satellite antennae with mesh, perforated or wire surface reflectors shall not have a diameter in excess of 3,05m (10 ft.);
- c) Satellite antennae with solid surface reflectors shall not have a diameter in excess of 2,44m (8 ft.);
- d) The satellite antenna together with its supporting structures, shall not exceed a height of 3,66m (12 ft.) above grade level;
- e) Satellite antennae shall be installed on the ground only;
- f) Notwithstanding paragraph (e) above, satellite antennae may be installed on the roof of Multifamily dwellings having eight (8) storeys or more, and on the roof of any building to which the Industrial, Commerce and Service and Institutional zoning applies;
- g) Satellite antennae installed on the ground shall be located at the rear of the building only;
- h) Satellite antennae shall not be installed less than 4,57m (15 ft.) from the rear land line;
- i) Satellite antennae shall not be installed less than 4,57m (15 ft.) from the lateral land lines;
- j) The distance or setback of an antenna in relation to the land line shall be measured horizontally from the axis of its supporting structure perpendicularly to the land line;
- k) Notwithstanding paragraph (i) above, the satellite antenna dish shall not exceed, in any position, the principal plane of the building when viewed from the street, or the longitudinal extension of that wall, up to the land line;
- l) Satellite antennae installed on the roof of buildings shall be located at least 4,57m (15 ft.) away from the perimeter of the building and be screened with materials compatible with the exterior walls of the building;
- m) Solid surface and/or mesh surface reflectors of satellite antennae shall be white, black or grey in colour.

**10-7-2 Satellite Antennae With Diameter Equal Or Inferior To 0,91m (36 in.)**

The following requirements shall apply to the installation of satellite antennae for which the diameter is equal or inferior to 0,91m (36 in.), in the case of the following buildings:

- a) For detached and semi-detached single and Two-Family buildings:
  - i) A maximum of one (1) satellite antenna is permitted per detached and semi-detached Single-Family residential building and of two (2) per Two-Family residential building;
  - ii) Where the satellite antenna is installed on the ground, it shall be located at the rear or side of the building at a minimum of 0,60m (2 ft.) from any land line and provided there be a minimum setback of 1,52m (5 ft.) from the front wall;
  - iii) Where the satellite antenna is installed on the roof of the main building, it may be installed only on the rear half portion of the said roof;
  - iv) A satellite antenna may be installed on the rear wall of a building as well as on the side walls thereof providing, however, that there be a 1,52m (5 ft.) setback from the front wall. A satellite antenna cannot be installed on the front wall of a building. However, it should be permitted to install an antenna on a front porch or balcony providing that it is not visible from the street;
  - v) A satellite antenna may not be attached to a building chimney this over its entire length or to any elements of a guard built around exterior balconies between 100mm (4 in.) and 900mm (36 in.) above the balcony floor in order to ensure that one cannot climb on it;
  - vi) For Single-Family residential dwellings, a second satellite antenna may be installed as per the above regulations, as long as that second satellite antenna is not visible from the street;
  - vii) For Two-Family residential dwellings, a second satellite antenna for each unit may be installed only on the roof of the dwellings as per the above regulations as long as that second satellite antenna is not visible from the street.
- b) For all zones except zones with a public dominance and zones authorising Single-Family dwellings and Two-Family dwellings or to which the industrial zoning applies:
  - i) A maximum of two (2) satellite antennae are permitted per main building in a zone with an institutional dominance. However, for "Multifamily dwelling", "Single-Family dwelling in a row" and "Single-Family Garden-Apartment dwellings", a maximum of one (1) satellite antenna per dwelling unit is permitted; in such case, the satellite antenna may be located on the dwelling unit walls, balconies {see (v)} and/or the roof;
  - ii) Where the satellite antenna is installed at ground level for Multifamily dwelling, Single-Family dwelling in a row and Single-Family Garden-Apartment dwellings, as well as per main building in a zone with an institutional dominance, the satellite antenna shall be located at the rear of the property and at a minimum of 0,60m (2 ft.) from any land line;

- iii) Where the satellite antenna is installed on the roof of the building for Multifamily dwelling, Single-Family dwelling in a row and Single-Family Garden-Apartment dwellings, as well as per main building in a zone with an institutional dominance, the satellite antenna shall be located at a minimum of 1,52m (5 ft.) from the perimeter of a building of four (4) storeys or more. In the case of a building of three (3) storeys or less, the satellite antenna shall be located only on the rear half portion of the said roof;
- iv) Where the satellite antennae are located in a zone with a commercial or industrial dominance, the antennae may be installed only on the roof, or on the lateral or rear facades of the building;  
  
Where the antennae are installed at ground level, they shall be installed at the rear of the property and at a minimum of 1,52m (5 ft.) from any land line;
- v) A satellite antenna may not be attached to a building chimney applicable over its entire length, or to any elements of a guard built around exterior balconies between 100mm (4 in.) and 900mm (36 in.) above the balcony floor in order to ensure that one cannot climb on it;
- vi) For Multifamily dwellings, groups of Single-Family dwellings in a row or Garden-Apartments a second satellite antenna for each unit may be installed only on the roof of the dwelling as per the above regulations as long as that second satellite antenna is not visible from the street.

#### **10-8 Exceptions To General Regulations For Contiguous Properties Or Those Located Within Hydro-Québec And C.P.R. Servitudes**

Notwithstanding the provisions of paragraph (h) of Article 10-7-1 above, the regulations listed below shall apply to the properties located at:

1. The north side of Baily, between Pinedale and Silverson;
  2. The north side of Baily, between Earle and Trent;
  3. The south side of Wavell, between Palmer and Emerald;
  4. The north side of Mather, between Wentworth and Palmer;
  5. The north side of Mackle, between McAlear and Eldridge;
  6. The north side of Louis Pasteur, having civic addresses 6819, 6821, 6823, 6825 and 6827;
  7. The east side of Freud between Louis Pasteur and Wallenberg;
  8. The north side of Wallenberg, east of Freud;
  9. The north side of Wallenberg, between Cavendish and Krieghoff;
  10. The east side of Krieghoff, between Wallenberg and Collins;
  11. The east side of Brandeis, between Aldrin and Mackle;
  12. The south side of Heywood, between Cavendish and Sabin;
  13. The east side of Sabin, between Heywood and Holland;
  14. The south side of Holland, between Sabin and Castlewood;
  15. The south side of Wavell, between Edgemore and Westminster;
- as follows:

- a) For the properties which are contiguous at the rear to properties owned by Canadian Pacific Railways or properties owned by Hydro-Quebec, or properties which are located within Hydro-Quebec servitudes, as long as the supporting structure and/or dish antenna is located wholly within the owner's property, satellite antennae may be established at the rear of those properties, without a rear setback;
- b) In cases where a satellite antenna is located within a Hydro-Quebec servitude, the owner shall submit to the Director, before the certificate may be issued, written authorisation from Hydro-Quebec.

### **10-9 Exceptions - Acquired Rights**

Notwithstanding any contrary provision in the present By-Law, satellite antennae already established as hereafter set forth may remain provided the following requirements and all other requirements of the present By-Law not inconsistent herewith are complied with, until the antenna shall cease to be so established or the antenna is destroyed or removed. No antenna shall hereafter be established contrary to the present By-Law.

- a) It shall be permissible for the Multifamily dwelling located at 5740 Rembrandt Avenue, on Lot 4879, to have two satellite antennae: one on the roof and one on the ground. It shall also be permissible for the antenna on the ground to be installed at a distance of approximately 3,05m (10 ft.) from the lateral land line and to have a height of approximately 7,62m (25 ft.).
- b) It shall be permissible for the Multifamily dwelling located at 5140 MacDonald Avenue, on Lot 4885, to have on the roof: three (3) tower antennae and four (4) satellite antennae.
- c) It shall be permissible for the Multifamily dwelling located at 6785 Korczak Crescent, on Lot 4904-1, to have a satellite antenna located on the ground, at the side of the building, with a diameter of approximately 3,65m (12 ft.) and a height of approximately 4,57m (15 ft.) above grade level.
- d) It shall be permissible for the Multifamily dwelling located at 5720 Rembrandt Avenue, on Lot 4894, to have two (2) satellite antennae: one on the roof, and one on the ground. It shall also be permissible for the antenna on the ground to be installed within the lateral yard to the north of the building, at a distance of approximately 6,40m (21 ft.) from the lateral land line and at a distance of approximately 17,0m (56 ft.) from the land line at Cavendish Boulevard.
- e)
  - i) It shall be permissible to install five (5) solid aluminum spun satellite dish antennae of a 3,04m (10 ft.) diameter, four (4) at ground level on steel poles anchored by a cement base and one (1) wall-mounted at ground level with a total height of each not to exceed 3,65m (12 ft.), on the property situated at 6800 MacDonald Avenue;
  - ii) It shall be permissible to install eight (8) off-air antennae installed on four (4) individual steel masts (2 antennae per mast) and four (4) off-air antennae with four (4) individual masts not exceeding 6,09m (20 ft.) in total height and 3,04m (10 ft.) in total horizontal spread, on top of the elevator penthouse on the roof of the Property;
  - iii) It shall be permissible to install nine (9) small parabolic microwave antennae of between 1,22m (4 ft.) and 1,82m (6 ft.) in diameter on the walls of the elevator penthouse on the roof of the Property;

**10-10 Compliance Of By-Law**

The owner and/or co-owners of any immovable property on which there is an antenna which was not installed in compliance with the By-Laws in force at the time it was installed shall cause such antenna to comply with the present By-Law, failing which they shall remove it or cause it to be removed within ten (10) days of a written demand to that effect from the Director.

**10-11 Antennae Used For Municipal Purposes**

The present By-Law shall not apply to antennae used for municipal purposes.

## CHAPTER 11

### *PLANTING, PROTECTION AND FELLING OF TREES AND SHRUBS*

#### **11-1 Definitions**

In the present chapter, unless the context indicates a different meaning, the following terms shall mean and include:

##### **Change in soil**

Compaction, upheaval of pedologic horizons, variation of drainage or of ground level or other change made to the soil following ground digging or filling, excavation or humus displacement work or earthworks.

##### **Construction work**

All work of, and all equipment and structures co-ordinated for, or used or intended to be used for construction, renovation, moving or demolishing of a building, sidewalk, driveway, street or other overhead or underground, temporary or permanent structure.

##### **Contaminant**

A solid, liquid or gaseous substance, a micro organism or an artificially created heat likely to alter in any way the healthy condition of a tree.

##### **Hedge**

A continuous row of interlocking shrubs or trees.

##### **Municipal land**

Any land or property owned by the City, including the residual part of a street right-of-way.

##### **Occupied lot**

- a) a parcel of land cadastered separately on the official plan and book of reference as a subdivision or re-division of an original lot;
- b) a part of any subdivided or re-divided lot and cadastered as such on the official plan and book of reference; or
- c) the whole or any part of an original or of a non-subdivided lot, whether or not cadastered separately on the official plan and book of reference;

upon which a main building has been established.

##### **Owner**

The person who owns, holds or occupies any property by any title whatsoever.

##### **Person**

A physical person, partnership, co-operative, corporation, or divided co-owners (condominium owners).

##### **Protection measure**

Any and all steps taken to protect a tree and its safety belt from damage it could sustain during the carrying out of any operation.

##### **Public tree**

A tree standing on a municipal land.

**Safety belt**

A portion of soil around a tree, generally round in shape, 1m (3 ft.3 in.) deep and with a radius equal to ten times the diameter of the tree.

**Shrubs**

A perennial woody plant with several viable stems growing from the base, with no main trunk.

**Tree**

A perennial woody plant with a single elongated stem or trunk with branches growing from it, and whose height and form vary according to species.

**Vacant land**

- a) a parcel of land cadastered separately on the official plan and book of reference as a subdivision or a re-division of an original lot;
- b) a part of any subdivided or re-divided lot cadastered as such on the official plan and book of reference; or
- c) the whole or any part of an original or of a non-subdivided lot whether or not cadastered separately on the official plan and book of reference;

upon which no main building has been established.

**11-2 Rules Concerning Planting**

- a) No tree may be planted on private property at less than 1m (3 ft.3 in.) from the municipal land line.
- b) No shrub may be planted such that it will encroach within 1m (3 ft.3 in.) of the City sidewalk or pavement edge where there is no sidewalk.
- c) No tree or shrub may be planted such that it will encroach within 1m (3 ft.3 in.) from any fire hydrant.
- d) No tree or shrub may be planted such that it will encroach within 1m (3 ft.3 in.) from any light standard.
- e) No fruit-producing tree shall be planted in such a place that the fruit thereof might fall on a public sidewalk or street.
- f) From and after the date the coming into force of the present By-Law, the planting of any one of the following varieties, namely:
  - i) Eastern cottonwoods (*populus deltoïdes*)
  - ii) Lombardy poplar (*populus nigra Italica*)
  - iii) Trembling poplar (*populus tremuloides*)
  - iv) Silver maple (*acer saccharinum*)
  - v) Manitoba maple (*acer negundo*)
  - vi) “Long-stemmed” willow (*Salix*)
  - vii) American elm (*ulmus americana*)
  - viii) All types of Aspens (*populus tremula*)

is prohibited beyond 20m (65 ft.8 in.) of any sidewalk, pavement foundation, underground public utility services infrastructure, or land line.

### **11-3 Powers And Duties**

#### **11-3-1 Responsibility**

The Director is responsible for the inventory, care, protection and planting of public trees, and the issuance of a certificate of authorisation.

#### **11-3-2 Planning Advisory Committee**

The Planning Advisory Committee may carry out studies but must also submit recommendations to Council relating to the inventory, care, felling, protection and planting of the trees on vacant land or on a municipal land.

#### **11-3-3 The Director**

- a) The Director is responsible for the application and administration of the present By-Law, and must submit his recommendations to the Planning Advisory Committee with respect to any application for the issuance of a certificate of authorisation.
- b) The Director is authorised to:
  - i) issue the certificates of authorisation to fell a tree;
  - ii) supervise or inspect the work carried out following the issuance of a certificate of authorisation;
  - iii) visit and examine the trees located on private vacant properties;
  - iv) evaluate the protection measures used.
- c) The functions set forth in sub-paragraphs a) and b) may also be exercised by any inspector of the City.

### **11-4 Rules Relating To All Trees Located On Vacant Land And Municipal Property**

#### **11-4-1 Protection Of Trees**

- a) Any person doing any construction work in the municipality, and any person having such work done, shall, to the greatest extent possible, protect the trees located near the work site, except for the trees referred to in Article 11-5-3 b).
- b) With the exception of works described in Article 11-7, the roots, trunk and branches of the trees located within 2m (6 ft.6 in.) of a building foundation, or other structure in the process of being built, must be protected effectively by temporary means preventing encroachment within a diameter defined by the projection at ground level of the tree branches.
- c) The placing of materials which could block the free circulation of air, water or nutrients at less than 3m (9 ft.10 in.) of a tree trunk is prohibited.
- d) A tree may not be used as a means of support at any time.
- e) During any fill or excavation work, the base of the trees and their roots must be protected.

#### **11-4-2 Certificate Of Authorisation Required**

No person may cut a tree of more than 5 cm (2 in.) in diameter at 30 cm (12 in.) from the ground, located on private vacant land without having first obtained a certificate of authorisation for such purpose from the Director.

#### **11-4-3 Pruning Of Trees**

When pruning trees, the following rules shall prevail:

- a) the preservation of the natural shape of the tree shall be the main consideration;
- b) no unduly severe pruning will be tolerated;
- c) no more than 25% of the tree top may be cut off during a pruning operation no more than once every two years;
- d) the use of "pole climbers" to do any operations on a living tree is strictly prohibited.

#### **11-4-4 Nuisance**

The fact of:

- a) felling, damaging or destroying a tree without the prior written authorisation of the City;
- b) altering the bark or cambium, cutting of roots of a tree or attaching an object to a tree in any way whatsoever;
- c) carrying out changes to the soil within a tree's safety belt, with the exception of works described in Article 11-7; or
- d) bringing a contaminant in contact with a tree or part hereof;

is hereby declared to be a nuisance and is prohibited.

#### **11-4-5 City Employee**

No person may cut a branch, trim, prune or fell a public tree, except a City employee in the performance of his duties or any other person authorised by the Director.

Notwithstanding the first paragraph hereof, after having received the written authorisation of the Director, a public utility service employee may prune a tree for the purpose of providing maintenance to utility services or installations.

### **11-5 Application Of Certificate Of Authorisation**

#### **11-5-1 Application To The Director**

Whoever requires a certificate of authorisation to fell a tree under the provisions of Article 11-4-2 of the present By-Law, shall submit an application therefor in writing to the Director before the date scheduled for the beginning of the tree cutting work.

#### **11-5-2 Required Information**

The said application shall include the following information:

- a) the name and address of the applicant;
- b) the name and address of the owner if they are different from the above;  
and;
- c) for each tree covered by the cutting operation:
  - a summary plan showing the location of the tree;
  - the species, diameter, approximate height of the tree;
  - the reason (or reasons) for felling the tree;
- d) In the event of an application covering a heavily treed land, the said application shall include the following information:
  - i) the name and address of the applicant;
  - ii) the name and address of the owner if different from the above;
  - iii) a summary plan showing the general location of the trees involved in the operation, their number, their species and diameter;
  - iv) the reason for the felling;
  - v) a tree replacement plan for the area affected.
- e) A copy of the application must be transmitted by the applicant to the owner of the premises, if not the applicant.

#### **11-5-3 Issuance Of Certificate Of Authorisation**

- a) After verification that the application for the certificate of authorisation is complete, the Director shall submit within a reasonable delay, the completed application and all supporting documents, together with his recommendations, if any, to the Planning Advisory Committee which, after study and examination thereof, shall submit its recommendations to the Municipal Council;
- b) Municipal Council, after reviewing the recommendations of the Planning Advisory Committee, shall, by resolution, approve the application and, subject to the terms of the other provisions of this chapter, shall instruct the Director to issue the certificate of authorisation provided, however, that each tree to be felled under the said application, shall meet at least one of the following conditions:
  - i) the tree is dead;
  - ii) the tree is afflicted by an incurable disease;
  - iii) the tree is infested with a pathogenic element and represents a risk of infestation or epidemic;
  - iv) the tree constitutes a public danger for the health and safety of the citizens;
  - v) the tree inflicts considerable damage to private or public property or is in danger of falling;
  - vi) the tree must necessarily be felled for the carrying out public works or for the maintenance of public utility network;
  - vii) the tree must necessarily be felled for the carrying out of a building project authorised by the municipality.

#### **11-5-4 Plan Showing Location Of Trees**

No application for a building permit on a private vacant land will be considered unless the application is accompanied by a plan showing the location of all the trees on the land. No certificate of authorisation will be issued to fell any tree not described in any of sub-paragraphs i) and vii) of Article 11-5-3 b) hereof unless the applicant shows to the satisfaction of the Municipal Council that the said tree cannot be preserved by using normal building methods.

#### **11-5-5 Report Of The City Parks Foreman Or Forestry Engineer**

Proof of any of the facts set out in sub-paragraphs i) to v) inclusive of Article 11-5-3 b) may be supplied in the report of the City Parks Foreman or a Forestry Engineer.

#### **11-5-6 Felling Of Healthy Tree**

Where a certificate of authorisation is issued to fell a healthy tree, the Municipal Council may require, as a condition of its issue, that another tree of the same species or equivalent species be planted, at the expense of the applicant, at or near the same location, or at such other location as the Municipal Council may direct.

#### **11-5-7 Felling Of Public Tree**

A certificate of authorisation cannot be issued to fell a public tree, not described in any of sub-paragraphs i) to vii) of Article 11-5-3 b) hereof, to carry out a building project until it has been established to the satisfaction of the Municipal Council that there is no other way to carry out the project.

#### **11-5-8 Felling Of City Tree**

The applicant shall reimburse to the City the costs, as established by the City, of felling the tree as well as the that of removing the stump located on a municipal land.

#### **11-5-9 Trees On Dividing Lines Of Private And Municipal Properties**

In the case of a tree standing on the dividing line between private property and Municipal property, the amount to be reimbursed by the applicant will be equal to 50% of the cost referred to above.

#### **11-5-10 Special Conditions Or Restrictions From Council**

Upon receipt of the resolution of the Municipal Council, the Director shall issue the certificate of authorisation as set forth therein and shall include therein any other condition or restriction which may have been added thereto by Municipal Council in accordance with any of the other provision of the present By-Law.

#### **11-5-11 Cost Of Certificate Of Authorisation**

The certificate of authorisation referred to in Article 11-4-2 may be obtained at a cost of \$25.00 from the Director upon compliance with all applicable municipal By-Laws.

## **11-6 Procedures For The Issuance Of Certificates Of Authorisation**

### **11-6-1 Non-Conforming Application**

Where the application for a certificate of authorisation is not in conformity with the conditions for issuance set out in the present By-Law, the Municipal Council may:

- a) refuse to authorise the Director to issue the certificate of authorisation, or
- b) propose that the applicant make certain changes to the application to bring it in conformity with the By-Law.

### **11-6-2 Issuance Of Certificate Of Authorisation**

The certificate of authorisation for the purposes provided for in the present By-Law is issued in writing and includes in particular:

- a) an expiry date which shall not exceed sixty (60) days from the date of issue; and
- b) a description of the operations permitted.

### **11-6-3 Responsibility Between Owner And Applicant**

The owner and the applicant are jointly and severally bound by the conditions with respect to the protection measures and replacement planting contained in any certificate of authorisation issued hereunder.

### **11-6-4 Completion Delay**

Upon the issuance of the certificate of authorisation:

- a) all the work must be completed before the expiry date;
- b) all the work must be carried out in full conformity with the manner described in the certificate of authorisation.

### **11-6-5 Posting Of Certificate**

The certificate of authorisation issued for the purposes set out in the present By-Law must be posted in a visible place on the site of the operations during the entire time the work is carried out.

## **11-7 Emergency And Public Safety**

- a) Article 11-4 of the present By-Law does not apply in an emergency where a rapid intervention is required to protect the life, health, safety and (or) property of anyone.
- b) Where a tree or any of its parts endangers the life, health, safety or property of anyone, the City Parks Foreman shall require that such tree be felled, or any dangerous part thereof be removed at the sole expense of the owner of such tree.
- c) Where the City Parks Foreman determines that a tree or part thereof is diseased and presents a risk of infestation or epidemic, he shall direct the owner of such tree to have it treated or felled at the said owner's sole expense.

- d) Where an owner fails to comply with a directive given hereunder within twenty-four (24) hours of receipt thereof, the City Parks Foreman shall cause such work to be carried out at the cost and expenses of the owner. Any such action by the City Parks Foreman shall not relieve the owner of any penal consequences of his failure to conform to such directives.

#### **11-8 Offences And Penalties**

- a) No person shall hinder or interfere with the Director or any inspector of the Building Inspection Department or the City Parks Foreman in the performance of their duties, or give him or them false or misleading information or refuse to give the information required for the proper administration of the present chapter.
- b) Any person who fells or damages any tree in the municipality in a manner contrary to the terms of the present By-Law and (or) without obtaining a certificate of authorisation, commits an offence and shall be liable to a fine as under Chapter 15 hereof.
- c) Any person to whom a certificate of authorisation has been issued shall do the work strictly in conformity therewith;
- d) No penal sanction imposed in virtue of the violation of any of the provisions thereof shall relieve the offender, or any other person responsible, from replanting or from doing any other act required under the terms of this Chapter, or from reimbursing the City for the cost of doing such work because the offender or other person failed to do it.
- e) Where any person has been found by the Court to have committed a nuisance as defined in Article 11-4-4, the Court may, in addition to such fine and costs as it may impose in virtue of Chapter 15 hereof, also order, in cases which admit of it, the nuisance be abated or removed within such delay as the Court may fix. Upon the failure of the offender fail to comply with such order of the Court, the Director may cause such order to be implemented without further notice to the offender, who shall thereupon be obliged to reimburse to the City the full cost having caused such work to be done.

## CHAPTER 12

### *NON-CONFORMING USES AND OTHER ACQUIRED RIGHTS SYSTEM*

#### **12-1 Generalities**

The constructions and uses that do not conform to the provisions of the present By-Law, but are protected by acquired rights, are regulated according to whether they involve:

- a) non-conforming constructions;
- b) non-conforming uses in a construction;
- c) non-conforming uses of a land.

#### **12-2 Abandonment, Cessation Or Interruption**

Acquired rights are lost where a non-conforming use protected by acquired rights has been abandoned, has ceased or has been interrupted for a period of six (6) consecutive months.

A non-conforming use which has been modified to bring it in conformity with the present By-Law may not be again modified to make it non-conforming to the present By-Law.

Contrary to the Table of Uses and Norms, if a non-conforming construction to the present By-Law is burned, demolished or stricken by a disaster in some other fashion to the extent that it has lost more than 50% of its value, it may be rebuilt only in conformity with the present By-Law.

The moving on a same land of a non-conforming construction is prohibited.

#### **12-3 Replacement**

##### **12-3-1 Replacement Of A Non-Conforming Construction**

A non-conforming construction cannot be replaced by another non-conforming construction.

##### **12-3-2 Replacement Of A Non-Conforming Use By Another Non-Conforming Use**

A non-conforming use may be replaced by another non-conforming use providing the new use meets all the following conditions:

- a) the new use belongs to the same class of use as the former or the new use;
- b) the new use fully respects the parking standards;
- c) the new use does not require any exterior storage in the case of a building located in the residential zones or any additional exterior storage in all other cases.

Where a substitution of non-conforming use has taken place, it is prohibited to come back to the former non-conforming use.

##### **12-3-3 Replacement Of A Non-Conforming Use Of A Parcel Of Land**

A non-conforming use of a land may not be replaced by another non-conforming use.

#### **12-4 Repair Of A Non-Conforming Construction Or Of A Construction Whose Use Is Non-Conforming**

A non-conforming construction or one whose use is non-conforming may be repaired and maintained to serve the use for which it is intended without becoming a nuisance or risk to health or public safety.

#### **12-5 Posting Of A Non-Conforming Use Or Construction**

The signs posted for a non-conforming use or construction may be maintained without increasing their number. In the case of a renovation or a replacement of the sign, the area of the new sign shall respect the provisions which apply to signs for a similar use.

#### **12-6 Definition Of A Non-Conforming Sign**

A sign is non-conforming when it is not in conformity with one or several provisions of the present By-Law.

#### **12-7 Definition Of A Non-Conforming Sign Protected By Acquired Rights**

A non-conforming sign is protected by acquired rights if, at the time of its erection and establishment, it was in conformity with the posting or town planning by-laws then in effect.

A non-conforming sign is also protected by acquired rights if, at the time of the coming into effect of the present By-Law, a certificate of authorisation of posting had been issued for its erection and establishment. However, the said sign shall be erected in the six (6) months following the issue of the certificate of authorisation of posting.

#### **12-8 Extent Of The Protection Granted To Non-Conforming Signs Protected By Acquired Rights**

##### **12-8-1 Extent Of The Acquired Rights**

The protection of the acquired rights recognised pursuant to the present By-Law authorises the maintenance, repair and upkeep of the non-conforming sign subject to the other provisions of this section.

##### **12-8-2 Loss Of Acquired Rights**

A non-conforming sign which has been altered, replaced or rebuilt after the date of the coming into effect of the present By-Law, so as to bring it in conformity, shall lose the protection of the former acquired rights.

Where a non-conforming sign announces an establishment which has been abandoned, has ceased or interrupted its operations for a period of at least six (6) months, the protection of the acquired rights from which it benefits is lost, and this sign, including the photo, support and studs, shall be removed, altered or replaced without delay in accordance with the applicable standards of the present By-Law.

A non-conforming sign may not be replaced by another non-conforming sign.

##### **12-8-3 Alteration Or Extension Of A Non-Conforming Sign**

A non-conforming sign may be altered, extended or rebuilt only in accordance with the standards set out in the present By-Law.

#### **12-8-4 Change Of Use**

Despite the provisions of this Article, in the case where a use involving one or several non-conforming signs is replaced by another use, the existing non-conforming sign or signs may be reused subject to the following conditions:

- a) The posting area of the proposed sign shall be equal or inferior to that of the preceding use;
- b) the structure of any existing sign which served the preceding use may be kept;
- c) the total area of the text appearing on the proposed sign shall not exceed the total area of the text appearing on the preceding sign;
- d) all other provision of the present By-Law relating to posting shall be respected.

## **CHAPTER 13**

### *MINOR EXEMPTIONS*

#### **13-1 Minor Exemptions From The Provisions Of The Zoning By-Law**

The Municipal Council may, by resolution, grant a minor exemption from the provisions of the zoning and subdivision By-Laws of the City other than those relating to land use and land occupation density, only if:

- a) the application of the said By-Laws causes a serious prejudice to the person who applied for the exemption; and
- b) the exemption does not hinder the owners of neighbouring immovable in the enjoyment of their right of ownership.

#### **13-2 Territory**

A minor exemption may be granted throughout the territory of the City.

#### **13-3 Conformity Of The Planning Programme**

Every minor exemption from the zoning and subdivision By-Laws shall respect the aims of the planning programme of the City.

#### **13-4 Works Contemplated**

A resolution granting a minor exemption may have effect in respect to work in progress or already carried out, where the work was authorised by a building permit and was carried out in good faith.

#### **13-5 Application**

An application for a minor exemption shall be made in writing on the form supplied by the City, and must be signed by the registered owner of the immovable property in respect to which the exemption is requested.

##### **13-5-1 Contents Of The Application**

The application is filed with the Director together with:

- a) the title establishing ownership of the immovable property concerned;
- b) duplicate copies of a plan or drawing showing the land, the exemption requested, and as the case may be, the location of the proposed or existing building. If the exemption requested relates to a setback, the plan must be signed by a Quebec Land surveyor;
- c) payment of the fees hereafter set forth.

##### **13-5-2 Plan Accompanying Application**

The plan mentioned in sub-paragraph b) of Article 13-5-1 above shall also show the properties contiguous to the one for which an exemption is being requested and shall demonstrate how such contiguous properties may be affected if the requested exemption is granted.

### **13-5-3 Other Information**

The applicant shall provide such other information as the said Director may request to permit a complete study of the application.

### **13-5-4 Presentation Of Application To Planning Advisory Committee**

After verification that the application is complete, the said Director shall refer the application to the Planning Advisory Committee; if an application had previously been made for a building permit or for another minor exemption in relation to the property concerned, he will also forward to the Committee copies of the documents relevant thereto.

### **13-6 Fees**

Any person applying for a minor exemption must pay or deposit the following sums at the same time the application is submitted.

- a) the sum of \$250.00 to cover the cost of the examination of the application; this sum shall not be refunded, whatever the outcome of the application;
- b) the amount determined by the City Clerk, as a deposit towards the cost of publishing the public notices contemplated in Article 13-7 hereof. Within fifteen (15) days after the publication of the notice:
  - i) if the amount of the deposit exceeds the real cost of the notice, the Treasurer of the City shall reimburse the excess to the applicant;
  - ii) if the actual cost of the publication of the notice exceeds the amount of the deposit, the applicant must pay the additional cost to the City before the application will be considered by Council.

### **13-7 Public Notice**

At least fifteen (15) days before the meeting at which the Municipal Council is to give a decision on the application for a minor exemption, the City Clerk must cause a public notice to be published in accordance with the Act which governs the City, and at the expense of the applicant, indicating:

- a) the date, time and place of the sitting of the Municipal Council;
- b) the nature and the consequences of the exemption applied for;
- c) the designation or description of the immovables affected using the name of the street and civic number or, failing that, the cadastral number;
- d) that any interested person may be heard by the Municipal Council in relation to the application.

### **13-8 Decision By Council**

The Municipal Council shall render its decision after having received the advice of the Planning Advisory Committee and heard any interested party at a public Council sitting.

A copy of the resolution containing the decision of the Municipal Council shall be sent to the person who applied for the exemption.

### **13-9 Plans And Documents**

Notwithstanding the obtaining of a minor exemption, an application for the issue of a permit or certificate in accordance therewith shall be accompanied with all the plans and documents required by By-Law and shall otherwise be consistent with all other provisions of the building, zoning and subdivision By-Laws.

## **CHAPTER 14**

### *SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMMES*

#### **14-1 Territory Covered By Chapter 14**

The present Chapter applies to the following zones:

- a) Zones with a residential dominance RU-1 to RU-60, RB-1 to RB-19, RM-1 to RM-57, and HM-1 to HM-5 as outlined on the Zoning Plan for every request for a building permit or certificate with respect to replacement housing, new housing, a main building expansion and for renovations or modifications to the exterior of a main building and for landscaping of the yards in zones RM-1 to RM-57 and HM-1 to HM-5 only;
- b) Zones with a commercial dominance CD-1 to CD-10, CA-1 to CA-3, CE-1 and CC-1 to CC-5 as outlined on the Zoning Plan for every request for a building permit with respect to the construction of a new building, a main building expansion, signage visible from the exterior of the building and for renovations or modifications to the exterior of a main building as well as for the landscaping of the yards;
- c) Zones with an institutional dominance IR-1 to IR-18 as outlined on the Zoning Plan for every request for a building permit with respect to the construction of a new building, a main building expansion, signage visible from the exterior of the building and for renovations or modifications to the exterior of a main building as well as for the landscaping of the yards;

#### **14-2 Approval By Council Of Site Planning And Architectural Integration Programmes**

The issuing of a building permit is subject to prior approval by the Municipal Council of the plans relating to the site, architecture, the development of the land and related work.

#### **14-3 Application For Permit**

The applicant for a building permit shall attach to the application all the documents needed for the study of a Site Planning and Architectural Integration Programme (S.P.A.I.P.) and submit it to the Director, who may request from the applicant any other information to allow a complete study of the application.

#### **14-4 Presentation Of An Application To The Planning Advisory Committee**

After verification that the application is complete and that it conforms to the City By-Laws, the Director shall refer the application to the Planning Advisory Committee.

#### **14-5 Study Of An Application By The Planning Advisory Committee**

The Planning Advisory Committee shall study the application with respect to the objectives and criteria applicable to the site planning and architecture of the development of the land and related work. The Planning Advisory Committee may request of the applicant:

- a) All other information necessary to allow a complete study of the application; and
- b) to visit the concerned property mentioned in the application.

The Planning Advisory Committee, after studying the application, shall give their recommendations to Municipal Council whether to approve or refuse the S.P.A.I.P.

#### **14-6 Decision By Municipal Council**

The Municipal Council shall render its decision after having received the recommendation of the Planning Advisory Committee. Such decision is rendered by resolution, approving the plans if they are in accordance with the present By-Law or refusing them if they are contrary to said By-Law. The resolution refusing the plans shall be explained.

#### **14-7 Conditions For Approval By The Municipal Council**

The Municipal Council may request, as a condition to the approval of a site planning and architectural integration programme, that the owner of the property:

- a) assume the costs of certain components of the plans, such as the costs of infrastructures or public services;
- b) implement his project within a fixed period;
- c) furnish financial guarantees.

#### **14-8 Modification To An Approved S.P.A.I.P.**

Any modifications to a S.P.A.I.P. already approved by the Municipal Council necessitates the presentation of a new S.P.A.I.P. In the event that a S.P.A.I.P. becomes obsolete, a new S.P.A.I.P. shall be submitted to the Director. The costs for a new study of such S.P.A.I.P. are \$100.

#### **14-9 Issuance Of The Building Permit**

Following the adoption of a resolution approving the S.P.A.I.P., the Director shall deliver the building permit if the application also conforms to other By-Laws of the City.

#### **14-10 Minimum Requirements Of The S.P.A.I.P.**

The application for a S.P.A.I.P. shall be accompanied by the following documents and information in three (3) copies:

- a) name, address and telephone number of the applicant;
- b) detailed site plans at a scale of 1:1000 or at a larger scale for the land concerned by the S.P.A.I.P. which shall show:
  - the location of existing and proposed thoroughfares;
  - the location and the dimensions of the proposed and existing buildings or signs;
  - the proposed and existing levels of the land;
  - the characteristics and the location of every tree on the land of a diameter of more than 5 cm (2 in.) calculated at 30 cm (12 in.) from the soil, for the conservation or the felling of such trees;
- c) photographs showing the relationship between such buildings and adjacent constructions or signs together with an evaluation of the impact of the S.P.A.I.P. on said adjacent constructions;
- d) a perspective for a new building illustrating the project in a way that the representation coincides with the visual perception that a person shall have from the street or the front setback, as well as its relationship to adjacent constructions. The perspective shall also indicate the existing and proposed landscape layout;

- e) the list of materials to be used in the building as well as the exterior covering.

### **14-11 General Objectives And Criteria Applicable To Zones RU-1 to RU-60, RB-1 to RB-19, RM-1 to RM-57 And HM-1 to HM-5**

#### **14-11-1 Objectives**

The objectives regarding these zones are the following:

- a) to assure a harmonious and integrated development within these zones;
- b) to promote the architectural harmonisation of any proposed construction in these zones;
- c) to avoid architectural similarity while conserving important common characteristics;
- d) to maximise green spaces in front yards.

#### **14-11-2 Particular Objectives With Respect To Landscaping And Driveways**

With respect to landscaping and driveways, the following particular objectives shall also apply:

- **Front Yard Landscaping:** Provide a variety of trees and shrubs in the front yard in order to improve the streetscape.
- **Rear and Side Yard Landscaping:** Provide and maintain landscaping in the side and rear yards so as to minimise the visual impact of new developments.
- **Tree Preservation:** Encourage the preservation of trees wherever possible so as to maintain the character of the neighbourhood.
- **Retaining Walls:** Avoid retaining walls along both sides of a driveway and encourage the replacement of at least one of them with stepped planters or a landscaped slope.
- **Side by Side Driveways:** Avoid side by side driveways and garages and encourage the placement of a landscaped strip between two (2) adjacent driveways.

#### **14-11-3 Particular Objectives With Respect To Massing And Architectural Treatment**

With respect to massing and architectural treatment, the following particular objectives shall also apply:

- **Second Storey Setbacks:** Encourage second storey setbacks where appropriate in order to “break up” the building mass and reduce its apparent size.
- **Facade Projections:** Encourage the use of bay or bow windows, canopies, small roofs and other similar projections in order to “break-up” large flat facade areas and reduce a massive appearance.
- **Finishes:** Encourage the use of details and materials compatible with existing buildings in the neighbourhood so as to preserve visual continuity.

- **Base Treatment:** Provide brick or similar masonry base treatment to within 150mm (6 in.) and/or 300mm (12 in.) from finished grade and step it to follow sloping grades where applicable.
- **Corner Lands:** Encourage a well integrated treatment for both street frontages of dwellings which are situated on corner lands.
- **Side and Rear Elevations:** Provide high quality treatment and detailing for the rear and side facades of dwellings, especially those which back or flank onto parks, other open spaces, or neighbouring properties, in order to provide pleasant views from the street; from open spaces or neighbouring properties.
- **Roof Configuration:** Encourage variations in the roof slope within a given roof so as to minimise the appearance of the mass of a large dwelling.
- **Visual Continuity:** Incorporate rooflines and surface treatments from abutting structures onto the new dwelling.
- **Garage Projection:** Limit the garage projection in the front yard to a maximum of 1,5m (5 ft.) from the facade.

#### **14-11-4 Symmetry Of Heights Applicable To Zones RU-1 To RU-60 And RB-1 To RB-19**

Subject to the regulations provided at Article 4-6-1, the maximum authorised height of any building in the concerned zone shall be neither inferior nor superior by more than 25% in relation to:

- a) The average height of the neighbouring buildings located at less than 30m (98.5 ft.) on the same side of the street; or
- b) the average height of the sole neighbouring building located at less than 30m (98.5 ft.) on the same side of the street, and the maximum height authorised for the same type of building in the same zone.

In the case of a neighbouring building whose height does not conform to the present By-Law, its height shall be considered as if conforming to the maximum height of buildings within the zone.

#### **14-11-5 Symmetry Of Facade Widths Applicable To Zones RU-1 To RU-60 And RB-1 To RB-19**

Notwithstanding any other provision of the present By-Law, the width of the main facade of a Single-Family detached dwelling shall be neither inferior nor superior by more than 50% in relation to that of the Single-Family detached dwellings immediately adjacent to it on the same street.

Notwithstanding any other provision of the present By-Law, the width of the main facade of a semi-detached Single-Family dwelling shall be neither inferior nor superior by more than 60% in relation to that of the detached or semi-detached Single-Family dwellings immediately adjacent to it on the same street.

The calculation of this percentage shall be made in relation to the smaller width.

#### **14-11-6 Evaluation Criteria**

The following criteria shall be used to evaluate the conformity to the objectives:

- a) The buildings must be established in relation to the surrounding built environment and the street landscape with respect to the massing, scale and proportion of the open area;
- b) the buildings must reflect the dominant architecture of the surrounding properties with respect to building shapes, proportion of roofs and openings, type and location of main entrances, colour and type of the exterior facade finishes as well as major architectonic details;
- c) all buildings to be established must preserve existing landscaped areas to the extent possible;
- d) front yard landscaping must border the street, outline the property entrances and enhance the appearance of the facade;
- e) all strictly utilitarian buildings and fixtures such as storage areas, heat pumps, air conditioning and refrigeration equipment must not be visible from the street and, if possible, from adjacent properties;
- f) the visual impact of parking areas must be lessened, particularly on the street side.

#### **14-12 Objectives Applicable To Commercial Zones CD-1 to CD-10, CA-1 to CA-3, CE-1 and CC-1 to CC-5**

##### **14-12-1 Objectives**

The objectives regarding these Zones are the following:

- a) To promote the architectural harmonisation of the proposed buildings in commercial zones;
- b) to assure and emphasise the aesthetic value of the surrounding main and collecting roads and streets;
- c) to minimise the constraint for vehicular circulation on public lanes resulting from the integration or the modifications to any construction in a Zone;
- d) to restrict commercial activities that generate nuisances for residents of residential zones adjacent to commercial zones;
- e) to minimise the visual constraint for residents of residential zones adjacent to commercial zones.

##### **14-12-2 Particular Objectives With Respect To Landscaping And Driveways**

With respect to landscaping and driveways, the following particular objectives shall also apply:

- **Front Yard Landscaping:** Provide a variety of trees and shrubs in the front yard in order to improve the streetscape.
- **Rear and Side Yard Landscaping:** Provide and maintain landscaping in the side and rear yards so as to minimise the visual impact of new developments.
- **Tree Preservation:** Encourage the preservation of trees wherever possible so as to maintain the character of the neighbourhood.
- **Side by Side Driveways:** Avoid side by side driveways and garages and encourage the placement of a landscaped strip between two (2) adjacent driveways.

### 14-12-3 Particular Objectives With Respect To Massing And Architectural Treatment

With respect to massing and architectural treatment, the following particular objectives shall also apply:

- **Facade Projections:** Encourage the use of bay or bow windows, canopies, small roofs and other similar projections in order to “break-up” large flat facade areas and reduce a massive appearance.
- **Finishes:** Encourage the use of details and materials compatible with all existing buildings in the neighbourhood so that the architectural treatment or design is responsive to the context and will help preserve visual continuity.
- **Base Treatment:** Provide brick or similar masonry base treatment to within 150mm (6 in.) and/or 300mm (12 in.) from the finished grade and step it to follow sloping grades where applicable.
- **Corner Lands:** Encourage well integrated treatment for both street frontages of commercial buildings which are situated on corner lands.
- **Side and Rear Elevations:** Provide high quality treatment and detailing for the rear and side facades of commercial buildings, especially those which back or flank onto parks, other open spaces, or neighbouring properties in order to provide pleasant views from the street, from open spaces or from neighbouring properties.
- **Roof Configuration:** Encourage variations in the roof slope within a given roof to minimise the appearance of the mass of a large building.
- **Visual Continuity:** Incorporate rooflines and surface treatments from abutting structures onto the new building.
- **Garage Projection:** Limit the garage projection in the front yard to a maximum of 1,5m (5 ft.) from the facade.
- **Garage Location:** Encourage rear yard garages where feasible as an alternative which will broaden the range of architectural variations.

### 14-12-4 Evaluation Criteria

The following criteria shall be used to evaluate the conformity to the objectives:

- a) The architecture of the construction shall reflect originality and bestow a distinct quality to the zone;
- b) the architectural components of the construction, namely the roofs, the openings, the shop windows, the balconies, should be designed both aesthetically and harmoniously;
- c) the exterior of the buildings shall be composed solely of elements that are compatible with the characteristics of the adjacent buildings;
- d) in the event of an expansion or in the event that an accessory building is deemed necessary, it should be built pursuant to the same features as the original construction;
- e) the arrangements made up of trees, bushes and other ornamental accessories shall enhance the visual appearance of the front yards and of the street and diminish the visibility of the parking lots;

- f) the landscaping of front yards shall be designed so as to limit the access to the property as well as to the parking lot;
- g) the use of the yards should not be a nuisance to the residents in the residential areas;
- h) the shape, the dimensions as well as the materials used for the signs should respect the architectural character of the construction and contribute to the distinct character of the sector;
- i) the loading areas and their exterior doors shall be subdued on the side facing public roads and be hidden from view when facing a street.

### **14-13 General Objectives And Criteria Applicable To Zones IR-1 to IR-18**

#### **14-13-1 Objectives**

The objectives regarding these Zones are the following:

- a) to assure a harmonious and integrated development of these Zones;
- b) to assure the aesthetic preservation of the Zone;
- c) minimise constraints for vehicular circulation on public lanes resulting from the construction of the buildings.

#### **14-13-2 Particular Objectives With Respect To Landscaping And Driveways**

With respect to landscaping and driveways, the following objectives shall apply:

- **Front Yard Landscaping:** Provide a variety of trees and shrubs in the front yard in order to improve the streetscape.
- **Rear and Side Yard Landscaping:** Provide and maintain landscaping in the side and rear yards so as to minimise the visual impact of new developments.
- **Tree Preservation:** Encourage the preservation of trees wherever possible so as to maintain the character of the neighbourhood.
- **Side by Side Driveways:** Avoid side by side driveways and garages and encourage the placement of a landscaped strip between two (2) adjacent driveways.

#### **14-13-3 Particular Objectives With Respect To Massing And Architectural Treatment**

With respect to massing and architectural treatment, the following objectives shall apply:

- **Facade Projections:** Encourage the use of canopies, small roofs and other similar projections in order to “break-up” the building mass and reduce its apparent size.
- **Finishes:** Encourage the use of details and materials compatible with all existing buildings in the neighbourhood so that the architectural treatment or design is responsive to the context and will help preserve visual continuity.

- **Base Treatment:** Provide brick or similar masonry base treatment to within 150mm (6 in.) and/or 300mm (12 in.) from the finished grade and step it to follow sloping grades where applicable.
- **Side and Rear Elevations:** Provide high quality treatment and detailing for the rear and side facades of institutional buildings, especially those which back or flank onto parks, other open spaces, or neighbouring properties in order to provide pleasant views from the street, from open spaces or from neighbouring properties.

#### 14-13-4 Evaluation Criteria

The following criteria shall be used to evaluate the conformity to the objectives:

- a) The building shall be erected in harmony with the neighbouring buildings as well as with the landscaping of the surrounding thoroughfares;
- b) the architectural components of buildings (roofs, windows, etc.) shall be organised in an aesthetic and harmonious way;
- c) the design shall promote a distribution of volumes, setbacks, shapes, materials and colours that break the similarity of adjacent buildings;
- d) vehicular access shall be designed so as to reduce conflict with existing traffic patterns;
- e) protected pedestrian access shall be specifically provided on the site;
- f) the visual impact of parking areas shall be attenuated so that they are less visible from the street.

## CHAPTER 15

### *PENALTIES*

#### **15-1 Penalties**

Anyone contravening a provision of the present By-Law, or tolerating or permitting such a contravention, commits an infraction and is liable to the following fine, plus costs, and in default of payment of such fine and costs within the delay fixed by the judge, the said judge shall impose the penalties and order the procedures for execution of the judgement as set forth in the Code de procédure pénale, R.S.Q. c. C-25.1.

- a) For the first infraction: a minimum of TWO HUNDRED AND FIFTY DOLLARS (\$250) and a maximum of ONE THOUSAND DOLLARS (\$ 1 000) if the offender is a physical person or a minimum of FIVE HUNDRED DOLLARS (\$500) and a maximum of TWO THOUSAND DOLLARS (\$ 2000) if the offender is a moral person;
- b) for a repeat infraction within two (2) years of the first infraction (Section 236 of the Code of Penal Procedure): a minimum of THREE HUNDRED DOLLARS (\$300) and a maximum of TWO THOUSAND DOLLARS (\$2 000) if the offender is a physical person or a minimum of SIX HUNDRED DOLLARS (\$600) and a maximum of FOUR THOUSAND DOLLARS (\$4 000) if the offender is a moral person.

#### **15-2 Offence**

The offence shall be deemed to be repeatedly committed, as a separate and distinct offence, on each day that the infringement continues, and the offender shall be liable to the fine and penalty above-mentioned for each such day until the infringement ceases.

The City can, in order to have the provisions of this By-Law respected, exercise cumulatively or alternately with those pertaining to this By-Law all other appropriate recourse of a civil or penal nature. The issuance of a permit, notice, or a statement of offence by the City in virtue of the present By-Law does not prevent the initiation of any other procedure in virtue of any other municipal By-Law.

## **CHAPTER 16**

### *EFFECT OF BY-LAW*

#### **16-1 Effect Of By-Law**

The present By-Law comes into effect in accordance with the Law.

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MAYOR OF THE CITY OF CÔTE SAINT-LUC

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CLERK OF THE CITY OF CÔTE SAINT-LUC

City of Côte Saint-Luc - Zoning Plan @

**PROVINCE OF QUEBEC  
CITY OF CÔTE SAINT-LUC**

**BY-LAW NO. 2217**

ADOPTED ON: December 4, 2000

IN FORCE ON: February 28, 2001

**CERTIFIED TRUE COPY**