

**ZONING BYLAW –
NUMBER 727
TOWN OF HAMPSTEAD**

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PREAMBLE

Whereas
the Town of Hampstead adopted on June 1, 1990, a Planning Program in conformity with the Quebec Act respecting land use planning and development;

Whereas
the Town of Hampstead adopted on September 1, 1990, a Zoning Bylaw having Number 645, in conformity with the Planning Program;

Whereas
the Town of Hampstead has adopted a number of amendments to Zoning Bylaw 645 in conformity with the Quebec Act respecting land use planning and development;

Whereas
the Council of the Town of Hampstead has adopted a first draft Zoning Bylaw on August 13, 2001;

Whereas
the Town of Hampstead has held in the prescribed way a public meeting in connection with the first draft Zoning Bylaw;

Whereas
the Town of Hampstead has adopted a second draft Zoning Bylaw on September 10, 2001;

Whereas
a public notice on the adoption of the second draft Zoning Bylaw has been issued by the Town of Hampstead and that no valid application has been received in respect to the second draft Bylaw;

It was moved by Counsellor:

And seconded by Counsellor:

And resolved
that the present document be named Zoning Bylaw 727 of the Town of Hampstead and is adopted on this day of 2001, and as of this day the whole of the territory of the Ville de Hampstead shall be administered in accordance with the provisions of this Zoning Bylaw.

Chapter 1 Declaratory Provisions

1.1 Title and Effect

1. The present Bylaw is entitled the Zoning Bylaw of the Town of Hampstead and bears Number 727. It is referred to herein as the Zoning Bylaw, the present Bylaw and the Bylaw, depending on the circumstances. The Town of Hampstead is also referred to herein as the municipality.
2. The present Bylaw applies to all the territory of the Town of Hampstead.
3. In the present Bylaw, the masculine gender includes the feminine gender and the singular includes the plural unless otherwise indicated within the text.
4. All dimensions and measures are provided in the international system (metric). English dimensions and measures are provided from time to time for information purposes only. If there is a contradiction between the two, the international system will prevail. In this regard, because most land and buildings within the limits of the municipality were originally surveyed or built according to the English system of measures, it is recognized that from time to time, for practical reasons and especially in cases of building enlargements and renovations, very minor adjustments to dimensions and measures shall be allowed without additional approvals in order to ensure coherence and integration of the improvements being implemented. These adjustments to dimensions and measures shall not be applied to setbacks or building heights.
5. The Zoning Plan, the main text except for the headings and table of contents, and all tables and symbols together form the present Bylaw.

1.2 Repeal

The present Bylaw repeals Bylaw 645 of the Town of Hampstead and all its amendments, as well as the Demolition Bylaw number 620 of the Town of Hampstead.

1.3 Zoning Plan

The Zoning Plan attached hereto, and authenticated by the signatures of the Mayor and the Clerk of the Town of Hampstead, form an integral part of the present Bylaw. The Zoning Plan illustrates the division of the territory of the Town of Hampstead into geographic areas of which each has its own spatial characteristics as more particularly described within the present Bylaw. The Zoning Plan is identified by number 727-1-A and dated June 22, 2001.

Unless otherwise indicated, zone boundaries are the limits of the municipality, the centerlines of streets and the limits of cadastered lots.

1.4 Contradiction Between Provisions

If there should be a contradiction between the provisions of this Bylaw or between the provisions of this Bylaw and any other municipal Bylaw, the most stringent provision shall apply.

1.5 Other Concordance Bylaws and Bylaws

The present Bylaw is a concordance bylaw as per the definition given in the Québec Act respecting land use planning and development (the Act). In erecting, restoring, renovating, transforming, repairing, modifying, arranging, occupying, demolishing or replacing a building or structure, the owner of a property must conform to all municipal concordance bylaws passed pursuant to the Act, as well as all other bylaws that the municipality may have adopted pursuant to other laws.

Minor exemptions may be granted in conformity with the Quebec Act respecting land use planning and development and as described in the Permits and Certificates Bylaw of the municipality.

Chapter 2 Definitions

2.1 Terminology

In the present Bylaw, unless the context indicates otherwise, the following words mean:

Above-grade floor area: Total area of all habitable floors of a building, measured from the exterior side of the exterior walls or from the center line of party or fire or masonry walls. The total floor area excludes a) the area of the basement including parking areas, b) the area of the cellar or cellars including parking areas, c) open balconies, d) areas on floors that are cut-out for stairwells, elevator shafts, ventilation shafts and plenums, e) public corridors in apartment buildings, f) lobbies in apartment buildings, g) swimming pools except swimming pools on the ground floor of a building or above, h) storage areas except storage areas on the ground floor of a building or above, and i) public amenity areas in apartment buildings except public amenity areas on the floor above the ground floors. Typical public amenity areas on the ground floor are lobbies, mailbox rooms and meeting rooms. This definition is one and the same as “net habitable floor area” and is used for determining the Floor Space Index. No part of the above-grade floor area of a building or a detached garage shall be built outside the outer limit of a continuous full foundation wall, attached to footings sitting below the frost line, except for permitted cantilevered parts of the building and bay windows.

Accessory building: Secondary building detached from the main building and built on the same lot as the latter, of which the use is generally related to the use of the main building and which contributes to the improvement of utility, commodity of enjoyment of the uses being carried out in the main building. A detached garage is not an accessory building within the meaning of this Bylaw.

Antenna: A conductor or grouping thereof used for the transmission or reception of any electronic signal conveyed by means of electromagnetic waves or other waves as the case may be. Antennas are referred to as tower antenna (generally attached to a roof but can also be attached to the ground by means of a mast with supporting cables) and satellite antenna with the latter divided into those antennas attached to the ground and those attached to a building.

Apartment building: A building comprising five or more dwelling units which share a common entrance and other essential facilities and services. An apartment building must have at least three stories exclusive of basements or cellars. Within the meaning of this Bylaw, a residential building under condominium ownership in the RC and RD zones of the municipality are treated in the same way as apartment buildings.

Applicant: Means and includes the proprietor of any building or buildings who applies for a permit from the municipality such as a building permit and a permit to demolish a building or buildings in accordance with this Bylaw or any concordance bylaw of the municipality. An applicant is also the proprietor of an immovable that applies for a permit to undertake a cadastral operation.

Application: Means and includes any application for a permit filed in accordance with this Bylaw or any concordance bylaw of the municipality.

Architectural Advisory Board: The Planning Advisory Committee of the Town of Hampstead. The expression, Planning Advisory Committee, is the one used in the Act.

Balcony: A projected exterior platform on the face of a wall of a building, on a floor above the ground floor, with or without access to the ground. A balcony shall not be supported by any structure attached to the ground.

Basement: That story of a building that is partly below grade but has at least one half of its height, measured from unfinished floor to unfinished ceiling, above grade. The level of the finished floor of a basement must be at least 30 cm (11.8 inches) below the average level of the finished sidewalk in front of the building, otherwise it is regarded as an above grade floor.

Bay Window: A window that projects beyond the wall line of a building and may increase the above-grade floor area. A solarium or sunroom is not a bay window and are considered to be part of the main building and therefore, included in the above-grade floor area.

Building: Structure built of one or more kinds of material and having any number of forms and shape and designed for shelter or enclosure of persons, domestic animals or property. A building has a roof and walls.

Building front: The wall of a main building where the main entrance to the building is situated or if the building contains more than one dwelling, the wall of the building where the main entrance to the first floor dwelling is situated; in cases where the main door to the main building is on a wall facing a side yard, this being an architectural feature of the building, the building front will be deemed to be the wall facing the public street.

Building Inspector: The municipal officer entrusted with the enforcement of the requirements of the present Bylaw.

Building line: A line generally parallel to the lot line and situated at the minimum distance prescribed by this Bylaw from such lot line; this line is identified as the front, side or rear building line in reference to the front, side or rear lot lines. Buildings may be located at a greater distance than the minimum distance prescribed but may not project beyond except where stipulated in this Bylaw. The building line, the minimum building line and the setback line have the same meanings within this Bylaw.

Cadastral operation: A cadastral operation is a division, a subdivision, a new subdivision, a redivision, a cancellation, a correction, an addition or a replacement of lot numbers, executed under the Quebec Act respecting the cadastre, or sections 2174, 2174a, 2174b or 2175 of the Civil Code of Quebec, except a cadastral operation necessitated by a registration of joint ownership under section 441b of the Civil Code.

Cellar: That story of a building that is partly below grade but has at least one half of its height, measured from unfinished floor to unfinished ceiling, below grade. A cellar shall not be counted as a story for purposes of this Bylaw. A cellar shall have a minimum height of 2.13 metres (6.99 feet).

Chimney: A vertical structure incorporated into a building and enclosing a flue or flues to carry off smoke. A chimney shall extend above the highest point of the ridge or parapet as prescribed by the appropriate authority and shall only be clad with materials acceptable to the municipality for exterior cladding of main buildings.

Committee: The Demolition Committee of the municipality.

Complementary use: Any use of buildings or parts of land that is accessory or serves to improve the main use. Examples are swimming pools, fences, landscaping, gazebos, garages and accessory buildings.

Corner lot: A lot situated at the intersection of two or more public streets or situated on the inner side of a curve on a same street when this curve has an inner radius inferior to 45 metres (147.6 feet). Corner lots shall conform to the minimal front building line setbacks stipulated for the zone in which the corner lot is situated, and this for every lot line coincidental with a street line.

Council: The municipal council of the Town of Hampstead.

Deck: An exterior platform fully behind the rear building line and not extending past the side building lines, but not including the stairs that provide access to the deck. A deck will serve the main floor level of the building and may not be higher than the level of the finished floor of the adjoining room in the building that provides access to the deck. In certain cases, as detailed in this Bylaw, a deck may be built within the side yard when the rear yard is not sufficiently deep.

Demolition: The act of razing, tearing down or otherwise destroying the whole or any substantial part of a main building or detached garage.

Duplex: A building with two independent dwellings, one on top of the other, and each with its own entrance either by means of separate doors at ground floor level or by means of a common door leading to a vestibule that in turn allows for independent and private access to each of the dwelling units. A duplex may be altered to become a single dwelling house provided that it complies with the present Bylaw and all other bylaws of the municipality.

Dwelling unit: Any building or portion thereof destined or used for the residential purposes of one person, one family or one household, complete with cooking, eating and sleeping facilities, and with a private entrance from the outside, a common public corridor or a common public vestibule.

Flat roof: A roof with a pitch of less than 1.5 in 12 (1.5:12).

Floor Space Index (FSI): The ratio between the total above grade floor area of a building and the total area of the lot on which the building is built. This Index is sometimes referred to as the Floor Area Ratio.

Front yard - principal: That space between the front lot line (street line) and the front building line, or lines in the case of a building with an irregular shape, such space stretching from side lot line to side lot line.

Front yard - secondary: In the case of corner lots, the secondary front yard is the space between the street line and the building line(s) that does not accommodate the front door of the building, such space stretching from the principal front yard to the rear lot line.

Grade: The average surface of the natural or finished levels of the ground adjoining the foundation walls of a building.

Ground floor: The first floor of a building immediately above the basement or cellar.

House: A building (examples being a cottage, a split-level and a bungalow) contains one dwelling unit only providing domestic facilities for one or more persons. A house shall not be altered to serve more than one dwelling unit.

Immovable: The land and the building(s) built thereon.

Land: Lot or lots serving a single main use and/or building and often used interchangeably with the word lot.

Land coverage ratio: Expressed as a percentage of the area occupied by the structures in relation to the entire land. For determining the percentage of permitted land coverage, building includes exterior stairs leading to the main building; cantilevered floors within two metres (6.56 feet) of grade; accessory buildings; attached and detached garages; decks, porches, verandas supported on the ground within two metres of grade; gazebos; space occupied within two metres (6.56 feet) of grade by heat pumps, air conditioning equipment, gas tanks, propane tanks greater than 25 litres in size and other such equipment; and fixed mechanical equipment required for swimming pools.

Lot: Any parcel of land subdivided separately or not and generally meant to accommodate a main building.

Lot frontage: The boundary of a lot along a public street. A corner lot has two lot frontages.

Lot line: The dividing line between a lot and another lot or a lot and a public street.

Main building: The building that serves the use(s) authorized by this Bylaw on the lot or lots where it is erected.

Main structure: The structure intended for a main use.

Main use: Dominant use for which is intended a land, lot or a building.

Objection: Any written objection to the granting of a permit filed in accordance with this Bylaw.

Objector: Any person who files a written objection in accordance with this or another bylaw of the municipality concerning the granting of a permit.

- Permit:** A right provided to a property owner by the municipality authorizing an action such as a demolition.
- Porch (or veranda):** An unenclosed structure that is attached to the main building, providing access to the main door of the main building. A porch may provide outdoor seating space, designed with a roof structure providing protection from the elements and located under the living space of the main building. The space under the porch may be part of the basement or cellar if it is built behind the prescribed building line.
- Preliminary program:** Means and includes a preliminary program for the reutilization of land vacated as the result of the proposed demolition of any building or buildings in respect of which an application for a permit is filed in accordance with this Bylaw; such preliminary program shall include, without limitation, such drawings and/or other documents as may be necessary to establish the conformity of the said program with all applicable bylaws of the municipality.
- Private garage:** Includes a) a building, detached from the main building and b) an annex attached to or part of a main building; situated on the same lot/land of the main building in which the owner or occupant of the main building keeps one or more automobiles belonging either to himself or to members of his family or household, and may be used for storage of personal affects of the main owner or occupant that is otherwise permissible in law.
- Rear yard:** Space comprised between the rear lot line and the side lot lines of the land and the most advanced portion of the rear wall of the main building. In cases of irregular rear walls, the open land between the most advanced portion of the rear wall and any other rear wall of the building is also considered to be part of the rear yard.
- Semi-detached duplex:** A duplex with a party wall in common with a similar duplex, both together providing four dwelling units on the ground floor and above.
- Semi-detached house:** A house with a party wall in common with another house, both together providing two dwelling units.
- Setback (building line):** A setback is the minimum distance between a lot line and a building line, measured to the unfinished foundation wall of the building, that is, prior to any finishing surface being applied to the foundation wall. Setbacks apply to the front, rear and sides of lots.
- Side yard:** Space located between the side wall of the main building and the side lines of the land, between the front yard and the rear yard. In cases of irregular side walls, the open land between the least advanced and most advanced portions of the side wall(s) is also considered part of the side yard.
- Single family dwelling:** A separate building or dwelling unit designed for or occupied as a residence for one family or household.
- Sloped roof:** A roof having a pitch exceeding 1.5 in 12. All detached and semi-detached houses shall have a predominately sloped roof.
- Street line:** Limit of the public street right-of-way.
- Structure:** Systematic grouping of materials intended for a specific use.
- Through lot (transversal lot):** A lot having a frontage on two public streets at opposite ends. The rear yard setback line must comply with the provisions of rear yard setback lines. If a through lot is a corner lot, the stipulations of corner lots also apply.
- Use:** The purpose for which a lot, a structure or a part of these is used, occupied intended or treated to be used or occupied; the main use is the main purpose.

Chapter 3 Administrative Provisions

3.1 Enforcement of the Bylaw

The Building Inspector is entrusted with the enforcement of the Bylaw except for the chapter dealing with demolition herein.

3.2 Infringements and Penalties

An infraction to this Bylaw is committed by whomever is in contravention to a provision of this Bylaw. This includes the legal person that:

- a. Builds, rebuilds, alters, extends, renovates, demolishes, installs or modifies a building, accessory building, detached garage, swimming pool, fence, driveway, applicable landscaping feature or piece of equipment that is contemplated in this Bylaw;
- b. Authorizes or allows any of the works contemplated in point 1 above;
- c. Uses, maintains or allows the use of a building or any works contemplated in this Bylaw; and
- d. Uses or allows the use of a lot.

Anyone committing an infraction to this Bylaw is liable to a fine and costs, and the person or persons responsible for the infraction must also, at their sole cost, remedy the situation so caused.

When an infraction of the present Bylaw occurs, the Building Inspector shall inform the person concerned of the infraction by written notice or order. If the person concerned does not then comply with the notice within ten (10) calendar days of receiving it, he is liable to a fine of five hundred dollars (\$500.00) plus costs for each infraction.

If the infraction continues, the offender shall be liable to pay an amount up to and including five hundred dollars (\$500.00) for each day during which the infraction continues.

Notwithstanding the foregoing, the municipality may exercise any recourse necessary to ensure that the provisions of the present Bylaw are observed, including recourse to all appropriate tribunals.

There are special provisions in this Bylaw dealing with demolition as defined in chapter 11 herein.

Chapter 4 Permitted Uses and Structures

4.1 General Classification

For purposes of the present Bylaw, uses, spaces, buildings and structures are classified in the following manner:

4.1.1 Housing	
	Definition
H1	Single family detached.
H2	Single family semi-detached.
H3	Duplexes, detached or semi-detached.
H4	Apartment buildings.

4.1.2 Public Buildings, Uses and Spaces	
	Definition
PB1	Schools belonging to a public school commission.
PB2	Public services such as municipal administrative offices, fire stations, police stations and libraries.
PB3	Municipally owned parks and open space, that may include municipally owned buildings used exclusively by the municipality for providing community service to the populace and/or spaces for games and sporting events. Such parks and open space serve active recreational and leisure pursuits. Landscaped islands within or along street rights-of-way, as well as incidental green spaces owned by the municipality, are not considered to be part of the PB3 use.
PB4	Municipally owned landscaped and open space that primarily serve aesthetic and passive functions, as well as pedestrian greenways. Such spaces may not contain any enclosed structure designed to shelter or serve persons or animals, but may contain public lavatories, incidental storage or mechanical structures, gazebos, ornamental pools, park benches, trash cans, water fountains, and play equipment such as swings and slides. Landscaped islands within or along street rights-of-way, as well as incidental green spaces owned by the municipality, are considered to be part of the PB4 use. Examples of landscaped islands are on Harland Place, Holtham Place, Belsize, Wexford, Finchley, Aldred Place, Baronscourt and Thurlow/Northcote. Examples of incidental green spaces are the municipal lands at the corner of Queen Mary Road and Northcote, Glenmore and Cressy, Eton and Belsize and Briardale and Holtham
PB5	Temporary public use. This includes the municipal shops used in support of public works' operations including necessary parking of motor vehicles, trucks and maintenance equipment and vehicles as well as outdoor storage of materials such as earth, salt, sand and gravel.

4.1.3 Places of Worship	
	Definition
R	Freestanding buildings such as those being used as churches, synagogues and mosques, without any dwelling unit within the building except for up to one occupied by the custodian of the building and his family, but with ancillary functions such as reception halls, chapels, offices and conference rooms.

4.2 Division of the Territory into Zones

For the purposes of the present Bylaw, the territory of the Town of Hampstead is divided into those main zones depicted on the Zoning Plan. Each main zone is identified by a code composed of two letters, indicated the predominant land use type, and a number, used for separating one zone from another.

4.3 General Provisions Concerning Permitted Uses or Structures

No structure or building shall be erected, rebuilt or altered, nor shall any structure or lot be used for any purpose other than is permitted in the zone in which said structure or lot is

located. For greater clarity, if a land use, building type or activity is not specifically permitted within a zone, it is categorically refused.

If a property owner should wish to change the density or use of a building, a Building Permit is always required as per the Building Bylaw and the Permits and Certificates Bylaw.

There can be only one main use for each parcel of land. A parcel of land may have a main use even though there is no main building in place. If there is a main building, the main use of the land shall be one and the same of the main building.

No building permit shall be issued for the construction of a new main building unless the lands constitute a single distinct cadastered lot. A new main building comprises any proposed construction project where 50% or more of the resulting main building will be supported by new footings or piers, as the case may be, or where 40% of the resulting main building will be supported by existing footings or piers, as the case may be. The percentage will be applied to the above-grade floor area excluding attached garages.

4.4 Uses and Structures Specifically Excluded

The following uses, activities, buildings and/or structures are specifically not permitted on the territory of the Town of Hampstead:

- a. Mobile and trailer homes;
- b. Retail stores and retailing activities except temporary retail activities such as sales in places of worship and public buildings and garage sales on private lands, the latter limited to two per year per parcel of land;
- c. Industrial buildings and activities;
- d. Commercial office use except home offices that do not account for more than 15% of the dwelling unit's above-grade floor area and provided that only the owner and/or persons in residence are involved in the commercial activity;
- e. Personal services including medical clinics and doctor's offices;
- f. Row housing;
- g. Kennels, the keeping of pets (dogs and cats), up to two per dwelling unit, is allowed;
- h. Rooming and boarding houses, single room occupancies and care facilities of all types;
- i. Carports being any open structure with a roof designed primarily for the parking or motor vehicles;
- j. The temporary or permanent storage of vehicles on lands not specifically designated for this purpose. Vehicles may not be stored over any organic surface or loose hard material surface such as gravel and crushed stone. Trucks and busses, whether for commercial or non-commercial activities, shall not be parked on lands within the municipality except for lands within the I-4 zone;
- k. The temporary or permanent storage of organic material, except for composting within an enclosed container; abandoned vehicles, trucks, busses and other motorized vehicles; abandoned home appliances and mechanical devices, including oil and gas tanks; snowmobiles; boats; scrap metal, wood and construction materials not destined for immediate use on the lot on which the material is located; toxic substances of any sort; and any other product that has the potential of causing harm to persons, whether protected by a barrier or not;
- l. Structures in trees;
- m. Clotheslines whether attached to the main building or freestanding;
- n. Temporary buildings of any kind except for those required during the period of the erection of a building and such structures shall be fully removed within 30 days following the end of construction of the main building. Temporary buildings may not be used as a dwelling but may have electrical service. Temporary buildings may not have a plumbing connection to municipal water mains and sewers;
- o. Barbed-wire fences or any fences that are equipped with electric devices that may cause bodily harm or shock;
- p. Underground oil tanks;
- q. Residential buildings that are erected to withstand insurrection, war, assault or attack, including buildings that are designed to repel police, fire and security personnel from entering the premises to undertake their legal activities.

This list is not exhaustive. Any other use, activity, building and/or structure that is incompatible with the character of the Town of Hampstead as a quiet and peaceful residential community is deemed to be included within the above-mentioned list and therefore, specifically excluded from the territory of the municipality.

4.5 Buildings and Uses Permitted in the Different Zones of the Municipality

The following table summarizes the uses permitted in the various zones of the municipality as well as the Floor Space Indexes permitted for buildings in the zone.

Zone	Building/Use	Floor Space Index (FSI)	Exception/Comment
RA-1	H1, H2, PB4	.25 (minimum) to .5 (maximum) for H1 and H2	FSI does not apply to incidental structures on municipally-owner PB4 land.
RA-2	H1, H2, PB4	.25 (minimum) to .8 (maximum) for H1 and H2	Semi-detached houses can only be built on lots where existing semi-detached houses are located. It shall not be permissible to demolish a single semi-detached house to be replaced by a detached house while leaving in tact the previously adjoining semi-detached house on the adjacent lot. FSI does not apply to incidental structures on municipally owned PB4 land.
RB-1, RB-2	H1, H2, H3, PB4	.25 (minimum) to .8 (maximum) for H1, H2 and H3	FSI does not apply to incidental structures on municipally owned PB4 land.
RB-3	H1, H2, PB4	.25 (minimum) to .8 (maximum) for H1 and H2	FSI does not apply to incidental structures on municipally owned PB4 land.
RB-4	H1, H2, H3, PB4	.25 (minimum) to .8 (maximum) for H1, H2 and H3	No detached duplex shall be built on any lot situated on the southeast side of Aldred Crescent from the northeast corner of lot 72/407 in a southwesterly direction for a distance of approximately 157.48 metres (516.67 feet) to the northwest corner of lot 74-423 inclusive. FSI does not apply to incidental structures on municipally owned PB4 land.
RC	H4	1.0 (minimum) to 2.5 (maximum)	
RD	H4	1.0 (minimum) to 4.7 (maximum)	
I-1	PB2, H1	.25 minimum .5 (maximum)	Site of the current Town Hall, 5569 Queen Mary Road.
I-2	PB2, H2, H3, H4	.25 (minimum) to .8 (maximum) for H2 and H3 and 1.0 (minimum) to 2.5 (maximum) for H4	Site of current Fire Hall and various municipal administrative offices at the corner of Langhorn and MacDonald.
I-3	PB1, H1, H2	.25 minimum .5 (maximum)	Site of the current Hampstead School on Thurlow Road.
I-4	PB5, H1, H2, H3	.25 (minimum) to .8 (maximum)	The PB5 designation is temporary limited to the municipal shops. Zone shall be eliminated at the end of the temporary use and become part of the RB-2 zone.
I-5	PB3	.05 maximum	Hampstead Park.
I-6	PB4	.02 maximum	Ellerdale Park
I-7	PB4	.02 maximum	Dufferin Park. 50% of lands may be used for outdoor storage in support of the municipal shops for as long as the latter operate in the I-4 zone. If the municipal shops are removed, the right to use the park for activities other than PB4 shall not be permitted.

Zone	Building/Use	Floor Space Index (FSI)	Exception/Comment
I-8	PB4	.02 maximum	Langhorn Park
I-9	PB4	.02 maximum	Applewood Park
I-10	PB4	.02 maximum	Wexford Park
I-11	PB4	.02 maximum	Aumont Park
I-12	PB4	.02 maximum	Gayton Park
I-13	PB4	.02 maximum	Aldred Park
Note: In cases where a municipally-owned green space is not specifically identified on the Zoning Plan with an "I" designation, or does not lie within a road right-of-way, the single permitted use is PB4. Said spaces shall have a maximum FSI of 0.02 provided that the lands comprise at least ½ hectare (1.23 acres), otherwise, the FSI is 0 (zero).			
Zone	Building/Use	FSI	Exception/Comment
CW-1	R and uses permitted in RB-4 at termination of R use	.3 (minimum) to .4 (maximum) as R and .25 (minimum) to .8 (maximum) as H1 and H2	Limited to lands of the Adath Israel Congregation at 223 Harrow Crescent
CW-2	R and uses permitted in RB-2 at termination of R use	.3 (minimum) to 1.2 (maximum) as R and .25 (minimum) to .8 (maximum) as H2 and H3	Limited to lands of the Reconstructionist Synagogue Congregation at 18 Cleve Road
CW-3	R and uses permitted in RA-1 at termination of R use	.3 (minimum) to .55 (maximum) as R and .25 (minimum) to .5 (maximum) as H1 and H2	Limited to lands of Montreal Chinese Alliance Church at 13 Finchley Road
CW-4	R and uses permitted in RC at termination of R use	.3 (minimum) to .4 (maximum) as R and 1.0 (minimum) to 2.5 (maximum) as H4	Limited to lands of the First Baptist Church at 6269 Cote St. Luc Road
CW-5	R and uses permitted in RB-3 at termination of R use	.25 (minimum) to .8 (maximum)	
Note: The names of religious institutions in the CW zones are provided for indicative purposes only. The rights in the land are intrinsic to the property and not the legal person that currently owns the property in question			

4.6 Interpretation

Buildings on various lots in the various zones that do not comply with this Bylaw are deemed to have acquired rights and the owners of these buildings may continue to use the existing buildings and structures as if they were conforming, except where expressly stated otherwise in this Bylaw or in other bylaws of the municipality. Property owners may sell these properties and the new owners may continue to use the properties in the same manner as the previous owners except where expressly stated otherwise in this Bylaw or in another bylaw of the municipality.

4.7 Garages and Shared Driveways

4.7.1 Garages Built Within or Attached to Main Buildings

For all residential uses, a covered garage space shall be provided measuring at least 22 square metres (236.8 square feet) per dwelling unit (inside dimensions). The space must be a) within the main building, meaning that there is living space above the garage area, or b) attached to the main building, meaning that there is no living space above the garage. If attached, the attached garage must appear to be an integral part of the main building's architecture. A carport, being an open unheated area with a roof for storing an automobile, is not a garage and is a prohibited construction form in the municipality.

The front building line of attached garages shall be between the front building line of the habitable portion of the main building and the rear building line and shall not otherwise be located within the setback provisions of the present Bylaw.

Shared driveways shall be permitted provided that each property has clear and indisputable legal rights to use the driveway without contestation from the other property owner. A shared driveway may not be eliminated without the consent of all property owners using the driveway as well as the approval of the Town of Hampstead, such approval to only be provided if new independent driveways meeting all provisions of this Bylaw are created.

4.7.2 Garages Detached from the Main Building

Private garages detached from the main building and on the same lot as the main building are authorized but only in cases where the situation exists as of the date that this Bylaw comes into force and provided that the following conditions are met:

- a. Their use is limited to the parking of private automobiles and the storage of safe, non-toxic and non-inflammable materials;
- b. Their overall height calculated from grade does not exceed 4.15 metres (13.6 feet) to the highest point of the roof ridge;
- c. Their surface area, measured at grade from the outside foundation walls, shall not exceed 30 square metres (322.9 square feet);
- d. Such garages shall be located in the rear or side yard of the lot, and not within 6.1 metres (20 feet) of a street line;
- e. Such garages have fully functional garage doors and if equipped with automatic opening devices, these must meet all government safety standards at all times;
- f. They have a minimal setback of 1 metre (3.28 feet) from any lot line except if attached to another detached garage along a common lot line in which case, the minimal setback is 0 metres;
- g. Not more than one detached garage shall be permitted in support of each main building;
- h. Access to the detached garage must be over the same lot on which is erected the main building that it complements, or from a driveway shared by two adjoining properties only, and serving said adjoining properties only, and provided that each property has clear and indisputable legal rights to use the driveway without contestation from one or the other property owner;
- i. In a situation where there is a detached garage without a shared driveway present, and the main building is demolished, or more than 50% of it destroyed as per the building's value, for whatever reason, the detached garage must be demolished at the time of building or rebuilding the main building, and the parking need as per this Bylaw must be satisfied within the main building or by means of a garage attached to the main building;
- j. If such demolition or destruction should occur in a situation where there is a shared driveway, the affected main building may be rebuilt with a detached garage, with the shared driveway persisting, or with a garage within or attached to the main building in which case a shared driveway or an independent driveway may be proposed. If an independent driveway is proposed, the previous shared driveway to serve the adjoining property shall persist; and
- k. If both main buildings being served by a shared driveway are rebuilt simultaneously, and in both cases detached garages existed, the new buildings shall have private garages built within or attached to the main building.

A detached garage may share party walls with other detached garages.

4.7.3 Temporary Garages and Shelters

Temporary garages or shelters are explicitly prohibited within the Town of Hampstead.

4.8 Basements and Cellars

A basement must have a minimum height from finished floor to finished ceiling of at least 2.2 metres (7.2 feet).

No basement or cellar may be used as living quarters except under the following conditions:

A basement may be used or occupied as living quarters by members of the same family or household sharing the kitchen facilities situated on the upper story of the building, provided that each room so occupied,

- a. is equipped with operable windows whose area is not less than 10% of the floor area of the room; and
- b. measures from finished floor to finished ceiling a minimum of 2.4 metres (7.9 feet) over 75% of the total floor area and 2.2 metres (7.2 feet) over the remaining 25% of the room.

These requirements do not apply to the basement apartment unit in an apartment building or place of worship that is occupied by a person, including his family or household, that is performing custodial services for the building in question. In this case, each bedroom in said unit must have an operable window and the height in all rooms of the unit, measured from finished floor to finished ceiling, shall not be less than 2.2 metres (7.2 feet). Such dwelling units shall have complete washroom and kitchen facilities, one or more bedrooms, one additional room and an internal corridor or hallway providing access to all rooms mentioned herein.

It is prohibited to install or use any door on the side of a building giving access to a basement or a cellar, except for an apartment building, public building and place of worship.

A cellar or basement may be used for the storage of vehicles for the persons living within the building in question.

Chapter 5 Provisions Concerning Building Height

5.1 Maximum Height of Structures

The maximum heights of structures shall not exceed the following limits as measured from the average elevation of the sidewalk adjacent to and facing the lot on which the building is erected:

Building Type or Land Use	Roof Type Permitted	Roof Height
H1, H2, PB2, PB3, PB5	Pitched. Up to 30% of a building's roof may be flat provided the flat roof is not apparent from adjoining streets.	<ul style="list-style-type: none"> ▪ The height of a façade shall not exceed 8.3 metres (27.2 feet) measured from the average elevation of the sidewalk adjacent to the front lot line on which the building is erected. ▪ Maximum height of the ridge line shall not exceed 10.67 metres (35 feet) measured from the average elevation of the sidewalk adjacent to the front lot line on which the building is erected. ▪ The maximum height of a building within PB3 shall be 8.3 metres (27.2 feet) measured from grade.
H3	Flat or Pitched	<ul style="list-style-type: none"> ▪ In the case of a flat roof, the height of a façade shall not exceed 9 metres (29.5 feet) measured from the average elevation of the sidewalk adjacent to the front lot line on which the building is erected to the top of the parapet wall. ▪ In the case of a pitched roof, the height of the façade shall not exceed 8.3 metres (27.2 feet) and the height of the highest point of the building shall not exceed 10.67 metres (35 feet), all measured from the average elevation of the sidewalk adjacent to the front lot line on which the building is erected.
H4	Flat	<ul style="list-style-type: none"> ▪ For apartment buildings in the RC zone, on lots equal to or less than 30.5 metres (100 feet), the maximum height shall not exceed 15.3 metres (50.2 feet), including the penthouse floor used for dwellings units, measured from the average elevation of the sidewalk adjacent to the front lot line on which the building is erected. ▪ For apartment buildings in the RC zone on lots greater than 30.5 metres (100 feet) in width, the height shall be measured from the average elevation of the sidewalk in increments of 30.5 metres (100 feet) but in no case shall exceed 15.3 metres (50.2 feet). ▪ For apartment building in the RD zone, the maximum height shall not exceed 15.3 metres (50.2 feet) measured from the average elevation of the sidewalk on Cote St. Luc Road. ▪ For apartment buildings in the RC and RD zones, 5% of the surface area of the roof may extend above these height limits by 3 metres (9.84 feet) but only to house any penthouse recessed from the building's main walls and serving mechanical and vertical transportation functions.
PB1	Flat	<ul style="list-style-type: none"> ▪ The height of a building classified PB1, measured from the average elevation of the sidewalk adjacent to the front lot line to the top of the parapet, shall be 16 metres (52.5 feet), including any penthouse recessed from the building's main walls and serving mechanical and vertical transportation functions.

Building Type or Land Use	Roof Type Permitted	Roof Height
R in CW-1	Flat or Pitched or Mixed	<ul style="list-style-type: none"> ▪ 10.67 metres (35 feet). ▪ 20% of roof area may have a maximum height of 14 metres (45.9 feet) measured to top of parapet.
R in CW-2	Flat or Pitched or Mixed	<ul style="list-style-type: none"> ▪ 12.5 metres (41 feet) measured to the top of the parapet.
R in CW-3	Flat or Pitched or Mixed	<ul style="list-style-type: none"> ▪ Maximum height of the ridge line shall not exceed 13.0 metres (42.7 feet) measured from the average elevation of the sidewalk adjacent to the front lot line on which the building is erected. ▪ 20% of roof area may have a maximum height of 16 metres. The steeple, as per its present dimensions, extending higher than 16 metres (52.5 feet), is a permitted use but may not be enlarged in any way.
R in CW-4	Flat or Pitched or Mixed	<ul style="list-style-type: none"> ▪ Maximum height of the ridge line shall not exceed 11.6 metres (38 feet) measured from the average elevation of the sidewalk adjacent to the front lot line on which the building is erected. ▪ 20% of roof area may have a maximum height of 16 metres (52.5 feet) measured to the top of the parapet.
R in CW-5	Flat or Pitched or Mixed	<ul style="list-style-type: none"> ▪ 11.3 metres (37.1 feet) measured from the average elevation of the sidewalk adjacent to the front lot line on which the building is erected. ▪ 5% of roof area may have a maximum height of 12.9 metres (42.3 feet) measured to highest point.

Chimneys are excluded from these measurements. Chimneys may extend above the maximum heights of ridge lines or parapets by up to 2.5 metres (8.2 feet).

A maximum of two chimney structures may be part of any main building and may not occupy more than 5% of the building's roof surface area.

The maximum height of any structure in the PB4 use shall be 4 metres (13.1 feet) measured from adjoining grade to the highest point of construction.

Chapter 6 Provisions Concerning the Location of Buildings and Structures

6.1 General

This chapter establishes, amongst other things, the front, side and rear setbacks for buildings. Special provisions shall be applied to extensions and alterations of buildings built prior to the coming into force of the present Bylaw, as described herein.

If a provision of the present Bylaw will result in a setback that is less than what is required by the Quebec Civil Code, or an encroachment into a setback, the provision of the Quebec Civil Code will prevail.

6.2 Front Building Line Setbacks

1. The minimum distance between the front building line and the street line shall be 6.1 metres (20 feet) except for lots on Cote St. Luc Road where it shall be 5.2 metres (17 feet). In cases where the secondary front yard faces a street where all houses on the city block, as well as the houses on the facing city block, have secondary front yards, a minimum setback of 4.5 metres (14.7 feet) shall be permitted with respect to the secondary front yard.
2. Notwithstanding paragraph 1 above, in Zone RD at the corner of Cote St. Luc Road and Dufferin Road, the minimum distance between the front building line and the street line along Dufferin Road shall be 1.52 metres (4.99 feet), and the minimum distance between the front building line and the street line along Cote St. Luc Road shall be 90 cm (35.4 inches). Moreover, for a cellar that is completely below grade, the setbacks along Dufferin Road and Cote St. Luc Road shall be 0 metres provided that the cellar is below the level of the sidewalks at all points along the façade of the building. No projection over the front building line setbacks, as stipulated herein, shall be permitted.
3. For lots fronting onto Dufferin Road between Hampstead Road and Dufferin Park, the minimum distance between the front building line and the street line shall be 4.5 metres (14.7 feet).
4. For lots fronting onto Holtham Place, the minimum distance between the front building line and the street line shall be 4.5 metres (14.7 feet).
5. The following table shall apply to areas zoned CW:

Zone	Minimum Distance (metres)	Additional rights
CW-1	6.1 (20 feet)	20% of front building line may have a minimum setback of 1 metre (3.28 feet) located exclusively along the northern ½ of building.
CW-2	6.1 (20 feet)	None.
CW-3	6.1 (20 feet)	50% of front building line, from Finchley Road, may have a minimum setback of 4 metres (13.1 feet).
CW-4	5.8 (19 feet)	None.
CW-5	6.1 (20 feet)	None.

6. Except for lots not yet developed for residential purposes in Zone RB-3 and all lots in Zone RC, all existing residential lots in the municipality that do not currently comply to the minimum distances identified herein, yet have existing H1, H2 or H3 buildings on both lots lying immediately adjacent to it and fronting onto the same street, may have a reduced distance between the front building line and the street line being the average of the two real setbacks in effect on the two adjacent lots in question. In no case shall the resulting distance be less than 4.5 metres (14.7 feet).

7. For purposes of providing clarity to the above paragraph, refer to the following conditions:
 - Lot had previously had a building located with a 5 metre setback (16.4 feet).
 - Building A on the contiguous lot to its north has a 6 metre setback (19.7 feet).
 - Building B on the contiguous lot to its south has a 5 metre setback (16.4 feet).
 - The minimum setback at the time of reconstruction or a major alteration affecting the location of the front building line would then be 5.5 metres (18 feet).
8. For uses designated PB3, the minimum distance between the front building line and the street line shall be 25 metres (82 feet). For uses designated PB4, the minimum distance between the front building line and the street line shall be 15 metres (49.2 feet).

6.3 Side Building Yard Setbacks

1. The minimum distance between the side building line and each side lot line shall be not less than 2.3 metres or 4.6 metres in total (7.5 feet or 15 feet in total).
2. For lots with parallel or nearly parallel side lot lines (within 5 degrees of parallel), this distance shall be enlarged as follows:
 - Measure the width of the lot at the street line;
 - Multiply this figure by 15%;
 - This represents the minimum distance between the side building line and each side lot line; and
 - If the width of the lot so measured exceeds 24.4 metres (80 feet), multiply the width in excess of 24.4 metres (80 feet) by 33.33% and add this number to 3.7 metres (12.1 feet). The resulting figure shall be the minimum side yard setback on each side of a building.
3. For lots that do not have parallel or nearly parallel side lot lines (within 5 degrees of parallel), this distance shall be enlarged as follows:
 - Measure the width of the lot at the proposed building line, in compliance with the present Bylaw;
 - Multiply this figure by 15%;
 - This represents the minimum distance between the side building line and each side lot line; and
 - If the width of the lot so measured exceeds 24.4 metres (80 feet), multiply the width in excess of 24.4 metres (80 feet) by 33.33% and add this number to 3.7 metres (12 feet). The resulting figure shall be the minimum side yard setback on each side of a building.
4. For semi-detached houses and duplexes, the side yard setback shall be 0 metres on the side where there is a party or wall.
5. In the RB-3 zone, the minimum distance between the side building line and each side lot line shall be 1.83 metres (6 feet).
6. In cases where an extension is being proposed behind an existing building, and the existing side building line setback of the main building is less than the minimum requirements established herein, the rear extension may be built in line with the existing side building line, but never closer to the side lot line in question, provided that in no case will the resulting side yard setback be reduced to less than 2.13 metres (7 feet).
7. Extensions into side yards must respect the minimum dimensions established herein. For extensions to houses that are part of semi-detached units, the extension along the zero setback side shall be fully located on the cadastered lot that accommodates the house to be extended. Prior to issuing a building permit, the municipality shall attempt to satisfy itself that the property owner sharing the party wall has agreed to the proposed project, and in any case the proposed project conforms to Civil Code of Quebec.

8. For buildings built before 1950, property owners in making rear additions to main buildings shall provide an inside reveal, 30 cm (11.8 inches) deep from the existing side wall facade, measured from the point where the existing side building wall meets the existing rear building wall, in order to mark the historic rear building line of the original building. This provision shall not apply if the historic rear building line of the original building has previously been altered.
9. Notwithstanding the above, the minimum distances between the side building line and each side lot line on lands zoned CW-1 and CW-3 shall be as currently exists. The minimum distance between the side building line and the side lot line in Zone CW-2 shall be 1.98 metres (6.5 feet) with respect to the north side of the lands and 12.5 metres (41 feet) with respect to the south side of the lands. The minimum distance between the side building line and each side lot line in Zone CW-4 shall be 6.1 metres (20 feet). The minimum distance between the side building line and each side lot line in Zone CW-5 shall be 19.1 metres (62.75 feet). Under no conditions will the dimensions mentioned in this paragraph be reduced.
10. In the RD zone, the side lot line is deemed to be the lot line between Lot 68-P740 and Lot 68-739-12, and the minimum side building line setback shall be 2.43 metres (7.97 feet). No projection over the building line shall be permitted for whatever reason. It is permitted to build cellars in the RD zone with a side building yard setback of 0 metres provided that no part of the cellar is above grade with grade being defined as the level on the lot line dividing Lot 68-P740 and Lot 68-739-12.
11. For uses designated PB3, the minimum distance between the side building line and the side yard lot line shall be 25 metres (82 feet). For uses designated PB4, the minimum distance between the side building line and the side yard lot line shall be 10 metres (32.8 feet).

6.4 Rear Building Line Setbacks

1. The minimum distance between the rear building line and the rear lot line shall be:

For buildings classified as PB1, PB2, PB5, H4, that are less than 12.2 metres (40 feet) in height	Minimum distance of 9.2 metres (30.2 feet)
For buildings classified as PB1, PB2, PB5, H4, that are 12.2 metres (40 feet) in height or greater	Minimum distance of 10.67 metres (35 feet)
For all other buildings except PB3 and PB4	25% of the average depth of the lot

2. Notwithstanding the above table, the minimum distance between the rear building line and the rear lot line on lands zoned CW-1, CW-2, CW-3 and CW-4 shall be as currently exists. If the existing building in Zone CW-2 is demolished in whole or in part, the minimum distance between the rear building line and the rear lot line after the construction of a new or enlarged building, shall be 4.57 metres (15 feet). In the CW-5 zone, the minimum rear yard setback shall be 4.57 metres (15 feet). Under no conditions will these dimensions be reduced.
3. In the RD zone, the rear lot line is deemed to be the lot line between Lot 69-P740 and Lot 69-1072, and the minimum rear building line setback shall be 1.8 metres (5.9 feet). No projection over the building line shall be permitted for whatever reason. It is permitted to build cellars in the RD zone with a rear building yard setback of 0 metres provided that no part of the cellar is above grade with grade being defined as the level on the lot line dividing Lot 68-P740 and Lot 69-1072.
4. For uses designated PB3, the minimum distance between the rear lot line and the rear building line shall be 25 metres (82 feet). For uses designated PB4, the minimum distance between the rear lot line and the rear building line shall be 10 metres (32.8 feet).

6.5 Corner Lots

1. All sides of the lot fronting onto a public street shall conform to the provisions of Front Building Line Setbacks unless otherwise specifically excluded.
2. The rear lot line is the line generally parallel to and opposite from the front building line where the building's main entrance is located. This shall generally be the façade coincidental with the building's civic address.
3. The remaining side is to be treated under the provisions of Side Building Line Setbacks.

6.6 Projections over Building or Setback Lines

1. Projections include, amongst other things, balconies, decks, patios, porches, verandas, canopies, heating and air conditioning equipment attached to or not attached to the building, eaves, protective roofs and side wall mounted antennae.
2. Any architectural element that is not located higher than 18 cm (7 inches) above grade and is designed primarily as a step, landing, platform, deck, terrace or porch, shall not be considered a projection provided, at the same time, the element is not located within a distance of 2 metres (6.5 feet) from a side lot line and 4 metres (13.1 feet) from a front lot line or rear lot line or side lot line where the side yard is 8 metres (26.2 feet) wide or greater.
3. Enclosed patios, solariums, sun rooms, decks and balconies, intended for year round use, are considered part of the building and must in every way meet the provisions affecting main buildings in this Bylaw and other bylaws of the Town of Hampstead.
4. Front porches that are open to the elements but protected by habitable space above are not considered to be projections

5. The following table determines the maximum distance of projections within two planes measured immediately under where the projection is proposed. Projections that are located in both planes must respect the prescribed measurements of each plane.

Projection Type	Location		
	Front Yard	Back Yard	Side Yard
Projections within 2.2 metres (7.2 feet) from grade, excepting stairs open to the sky	- 2.13 metres (7 feet). - For corner lots, 2.13 metres (7 feet) for both the primary and secondary front yards.	- 2.13 metres (7 feet).	- For H1, H2 and H3, 1 metre (3.28 feet) except if side yard is greater than 12 metres (39.3 feet) wide, then 3 metres (9.8 feet) shall be permitted. - For all other building forms, 2.13 metres (7 feet) provided that there remain 2 metres (7.2 feet) of open space to the sky between the lot line and the projection.
Projections at 2.2 metres (7.2 feet) from grade or above	- 2.13 metres (7 feet). - For corner lots, 2.13 metres (7 feet) for both the primary and secondary front yards. - For roofs or canopies protecting balconies, an additional 20 cm (7.87 inches) shall be permitted.	- 2.13 metres (7 feet). - For back yards that are less than 12 metres (39.3 feet) deep, 1.5 metres (4.9 feet) shall be permitted. - For roofs or canopies protecting balconies, an additional 20 cm (7.87 inches) shall be permitted.	- For H1 and H2, 61 cm (only canopies, utility pipes and downspouts shall be considered) except if the side yard is greater than 12 metres (39.3 feet) wide then 2 metres (7.2 feet) shall be permitted. - For H3 and H4, 1.6 metres (5.2 feet) provided that there remain 3 metres (9.8 feet) of unencumbered space to the sky between the lot line and the projection.
Special Provisions			
Roof soffits, eaves and gutters above 3 metres (9.8 feet) from grade	760 mm (30 inches)	760 mm (30 inches)	610 mm (24 inches)
Wall mounted satellite antennas	Not permitted	1 metre (3.28 feet)	1 metre (3.28 feet)
Architectural decoration applied to outside of main building	760 mm (30 inches)	760 mm (30 inches)	610 mm (24 inches)

6. A cantilevered second floor shall be permitted provided that the building line of the cantilevered wall line is within front, side and rear building setback provisions. The cantilevered floor shall also not extend more than 1.2 metres (3.9 feet) from the line of the wall immediately beneath it, measured from outside wall to outside wall.
7. A chimney attached to and integrated into a building wall may project from the building line by 500 mm (19.7 inches).
8. Exterior staircases leading to a deck or porch shall be permitted provided that no part of their construction lies within 3.0 metres (9.8 feet) of a lot line.

9. The only permitted projection over a building line from an accessory building or detached garage shall be the soffits, eaves and gutters to a maximum of 610 mm (24 inches).
10. A projection is not permitted above the maximum height of a building or structure that is allowable in the zone except for a chimney.

6.7 Provisions Affecting Bay Windows

Bay windows shall be permitted to project over the front, side or rear yard setback lines subject to the following conditions:

- a. They do not project by more than 1 metre (3.28 feet) from the building line, measured from exterior wall to exterior wall;
- b. No part of any exterior surface of a bay window may be located within 4 metres (13.1 feet) of a lot line;
- c. They are not greater than 4 metres (13.1 feet) wide measured from the finished outside facades at any point;
- d. No more than two windows may be present on any one floor of any main building line;
- e. If the window(s) results in additional floor space, the additional space shall be added to the main building's floor area to determine its permissibility from the standpoint of the Floor Space Index;
- f. Each window must be complete with its own roof and apron and may not serve two floors, one on top of the other;
- g. A minimum of 30 mm (1.18 inches) shall exist between the furthest edge of the bay window and every building line corner;
- h. At least 50% of the bay window shall be glazed; and
- i. A minimal clearance of 61 cm (24 inches) is required between the lowest part of the window's structure, including its apron, and surrounding grade.

6.8 Additional Provisions Respecting Decks, Porches, Balconies and Terraces

6.8.1 Decks

1. A single deck may be erected on each lot to serve the main floor of a house or duplex. A deck shall not be permitted within lands zoned RC and RD.
2. The platform of the deck shall be located at a level not more than 10 cm (3.9 inches) below the existing level of the finished floor of the main building immediately adjacent to and providing access to the deck.
3. A deck is subject to the provisions affecting projections from building lines.
4. A deck may not be built within 3 metres (9.8 feet) of a side yard lot line including a common lot line in the case of semi-detached houses and duplexes.
5. A deck may be built with several levels but always in conformity with the required dimensions.
6. All decks must be built to appropriate safety standards with respect to structural strength, railing height, distances between supports and surface material. The stairs leading to the deck from the outside shall be integrated into the design of the deck and meet all building and safety standards.
7. Canopies or awnings over decks are subject to the provisions affecting projections from building lines.
8. The space underneath a deck may be connected to the building's main basement but only from the inside provided that a) the structure is made from reinforced poured concrete with footings descending below the frost line, b) the inside space be equipped with a heater and properly ventilated, c) the clear inside height of the space be at least 2.3 metres (7.5 feet) measured from finished floor to finished ceiling, and d) there is a full and continuous foundation wall for the main building. The exterior surface of the deck shall be impermeable and sloped. Such space may have a window.

6.8.2 Porches

1. A single porch may be erected on each lot providing access to the front door of a house or duplex.
2. A porch is subject to the provisions affecting projections from building lines.
3. For a detached house, a porch shall not be built within 3.0 metres (9.97 feet) of a side yard lot line unless fully incorporated under second floor habitable space. Common porches are permitted for semi-detached houses and duplexes.
4. All porches shall be built to appropriate safety standards with respect to structural strength, railing height, distances between supports, surface material and landings.
5. Porches may be covered by second floor habitable space, a roof or a canopy subject to the provisions affecting projections from building lines.
6. The space under a porch may be connected to the building's main basement from the driveway provided that a) the porch is made from reinforced poured concrete with footings descending below the frost line, b) the door opening be at least 2,13 metres (7 feet) high, c) the inside space be heated and properly ventilated, d) the clear inside height of the space under the porch be at least 2.3 metres (7.5 feet) measured from finished floor to finished ceiling, and e) there is a full and continuous foundation wall for the main building. The top exterior surface of the porch shall be impermeable and sloped.

6.8.3 Balconies

1. All units in apartment buildings shall be furnished with a balcony. No part of a balcony in the RC zone shall be located within 7 metres (23 feet) of the rear lot line. No part of a balcony in the RD zone shall be located within 2.5 metres (8.2 feet) of the side lot line.
2. In cases of semi-detached houses and semi-detached duplexes, balconies shall not be located within 1 metre (3.28 feet) of the common lot line. Balconies shall not be permitted within the side yard setbacks in the RA and RB zones.
3. A balcony shall not impede activities below it. The space below a balcony shall not be part of the main building.

6.8.4 Terraces

1. Terraces shall only be located within rear yards or side yards that have a minimum depth of 12 metres (39.3 feet), in the case of a rear yard, and a minimum width of 12 metres (39.3 feet) in the case of a side yard. More than one terrace may be constructed on any one lot.
2. A terrace shall not be located closer to 5 metres (16.4 feet) from any lot line.
3. A terrace shall not be built higher than 10 cm (3.9 inches) above ground level.
4. A terrace may be built with treated wood, crushed or natural stone, uni-pavers, concrete slabs, poured concrete, solid bricks and other such materials of similar nature and quality. A proper base shall be prepared at all times in line with manufacturer's specifications.

6.9 Distances between Buildings on the Same Lot

No building shall be built within 3.7 metres (12.1 feet) of another building, a detached garage or an accessory building on the same lot.

6.10 Width of Lots

The minimum width of lots by zone and building type is provided in the Subdivision Bylaw.

Lots that do not meet the minimum width identified therein are protected by means of acquired rights. The buildings on lots that are narrower than those prescribed therein may only be demolished and replaced following specific applications by the property owner and the adoption of a specific amendment to this Bylaw, the Subdivision Bylaw and if necessary, other bylaws of the municipality.

6.11 Private Yard or Open Space

No yard or open space about or around any privately held building or structure shall be considered as providing a yard or open space for any other building or structure on another lot. The following table depicts uses that are permitted and not permitted in the front, side and rear yards around buildings and shall be read with respect to the whole Bylaw:

Use	Front Yard	Side Yard	Rear Yard
Driveways	Yes	Yes	Only for detached garages
Walkways	Yes	Yes	Yes
Exterior stairways	Yes	Yes	Yes
Ramps for physically handicapped people	Yes	Yes	Yes
Flower boxes	Yes	Yes	Yes
Light standards (to 1.5 metres (4.9 feet) high)	Yes	No	No
Temporary building signs	Yes	No	No
Antennae	No	Yes	Yes
Private alleys	No	No	No
Signs	As per sign chapter	No	No
Storage of firewood limited to 1.5 metres (4.9 feet) high & 2 face cords	No	Yes but at least 1.5 metres (4.9 feet) from front building line	Yes
Swimming pools	No	Yes as per provisions	Yes as per provisions
Game components such as swings, slide and gym sets	No	Yes provided that side yard is at least 12 metres wide (39.3 feet) with a 2 metre (6.6 feet) setback from lot line	Yes provided that rear yard is at least 12 metres (39.3 feet) wide with a 2 metre (6.6 feet) setback from lot line
Heating and air-conditioning compressors	No	Yes as per provisions	Yes as per provisions
Accessory building	No	Yes as per Section 6.13 of Bylaw	Yes as per Section 6.13 of Bylaw
Decks	No	Yes as per sections of Bylaw	Yes as per sections of Bylaw
Porches	Yes as per sections of Bylaw	No	No
Balconies	Yes	Yes	Yes
Aquatic gardens or artificial ponds	No	Yes provided that side yard is at least 12 metres (39.3 feet) wide with a 2 metre (6.6 feet) setback from lot line	Yes provided that rear yard is at least 12 metres (39.3 feet) wide with a 2 metre (6.6 feet) setback from lot line
Loading and unloading areas	No	Yes	No
Fences	No	Yes	Yes
Gas tanks	No	Yes	Yes
Gas barbeques	No	Yes	Yes

6.12 Development per Lot

No more than one main building or structure, with such open space as may be required and such accessory buildings and detached garage as may be permitted shall be erected on any lot. Every lot shall have its frontage on a public street owned by the Town of Hampstead or another authorized municipal corporation.

6.13 Land Coverage Ratio

1. In all areas zoned RA-1, RA-2, RB-1, RB-2 and RB-3, the maximum Land Coverage Ratio shall be .40.
2. In the RB-4 zone, the maximum Land Coverage Ratio shall be .50.
3. In the RC zone, the maximum Land Coverage Ratio shall be .50.
4. In the RD zone, the maximum Land Coverage Ratio shall be .75.
5. Land Coverage Ratios do not apply to zones commencing with the letters CW or PB while the lands in question serve as places of worship or public buildings and uses.
6. For cellars that are completely under the level of grade, without exception, the Land Coverage Ratio shall not be counted for that portion of the cellar under the level of grade. Such situations shall only be tolerated in the RD zone of the municipality.

6.14 Accessory Buildings

Accessory buildings shall be permitted on all lands in the municipality, except for lands in the RC and RD zones, provided that they meet all of the following conditions:

- a. There may not be more than two accessory buildings on any one lot;
- b. Their use shall be limited to storage such as the storage of garden supplies and furniture and tools, or to leisure pursuits such as a solarium, gazebo or pergola;
- c. The overall height of an accessory building, calculated from grade, shall not exceed 3 metres (9.8 feet) to the highest point of construction;
- d. An accessory building shall not be located closer than 2 metres (6.6 feet) from a lot line;
- e. The area occupied by an accessory building shall not be greater than 10 square metres (107.6 square feet) and the maximum length of any single wall shall not exceed 3.5 metres (11.4 feet), all measured from outside perimeters;
- f. If there are two accessory buildings on the lands, the total area of the two buildings together shall not exceed 10 square metres (107.6 square feet), measured from outside perimeters;
- g. An accessory building shall be located in the rear yard of the lot, or in a side yard provided that the side yard is at least at least 3 metres (9.8 feet) wide and no part of the accessory building is located within 5 metres (16.4 feet) of the front building line;
- h. An accessory building may have lighting provided that it is low voltage and low intensity and said lighting shall not operate between 11:00 pm and 7:00 am; and
- i. An accessory building shall be anchored to the ground in an appropriate fashion so as to remain level and safe.

An accessory building shall only be clad with wood. Roofs shall be made of wood or quality asphalt shingles. If the exterior walls are painted, the colour or colours must harmonize with the main building and surrounding buildings on adjacent lots.

If enclosed, an accessory building shall have a pitched roof and a lockable door.

When replacing an accessory building with another one, the new accessory building shall comply with the present Bylaw. The construction of all accessory buildings requires the permission of the Town of Hampstead.

The property owner shall maintain accessory buildings at all time to the highest of standards.

6.15 Location of Propane Gas Tanks

This section also applies to types of gas other than propane. The National Fire Protection Association Standard 58 shall apply on the territory of the municipality. In addition, the following provisions shall be applied in Hampstead. If there is contradiction between Standard 58 and the supplemental standards, the most stringent shall apply:

- a. Said gas shall only be used for fireplaces that are incidental to the main heating source of the house, and for cooking purposes;
- b. The tanks shall not have a capacity exceeding 375 litres. Only one tank is permitted per dwelling unit;
- c. The tanks shall not be located in a front yard or within 6 metres (19.7 feet) of the front building line;
- d. The tanks shall be hidden from view from the street lines by means of fencing or coniferous hedging and shall be protected from falling debris and ice;
- e. The tanks and connections shall only be installed by persons certified to do this work and must be maintained regularly;
- f. A clear path to the tank, at least 70 cm (2.3 feet) wide, shall be maintained at all times in all seasons, for purposes of ensuring delivery and inspections;
- g. The tank may not be located within 2 metres (6.6 feet) of any window, door or that is part of the main building and shall be at least 3.5 metres (11.5 feet) from any electrical source;
- h. Tanks shall be placed on concrete beds at least 5 cm thick (2 inches) and at least 10 cm (3.9 inches) wider than the outside dimensions of the tank; and
- i. Prior to installing the tank, the property owner shall seek a Building Permit.

It is the responsibility of every property owner that already has such a tank installed to comply with this section of the Bylaw within 12 months of it coming into force.

The present Bylaw does not apply to gas barbeques certified for outdoor use only provided that the tank being used does not exceed 25 litres. Such barbeques shall not be operated within 4 metres (13.1 feet) of any lot line.

Nothing in the present section shall relieve the property owner from following all governmental regulations and laws that apply to such tanks and making the immediate necessary remedies when required.

6.16 Location of Heating and Air Conditioning Compressors and Heat Pumps

Heating and air conditioning compressors and heat pumps serving the main building are permitted in the municipality and shall comply with the following conditions:

- a. Said equipment may only be used for purposes of serving one main building;
- b. Said equipment are considered projections from buildings as per the present Bylaw;
- c. Said equipment shall be sized to operate a peak efficiency in conformity with the municipality's Nuisance Bylaw dealing with noise;
- d. Said equipment shall not be located in a front yard, or within 6 metres (19.7 feet) of the front building line. Said equipment shall not be located on roof tops in the RA and RB zones of the municipality;
- e. Said equipment shall not be located closer to 1.3 metres (4.3 feet) of a lot line facing the side building line of a neighbouring building;
- f. Said equipment shall be concealed from view by means of opaque fencing installed close to the equipment. A gate shall be provided affording accessibility in all seasons;
- g. Said equipment shall only be installed by persons certified to do so and must be maintained regularly;
- h. A clear path to the equipment, at least 70 cm (2.4 feet) wide, shall be maintained at all times in all seasons;
- i. Not more than two such machines shall be located on any one property; and
- j. Prior to installing such equipment, the property owner shall obtain a Building Permit.

It is the responsibility of every property owner that already has such equipment installed to comply with this section of the Bylaw within 12 months of it coming into force.

6.17 Window Air Conditioning Units

Window air conditioning units serving the main building are permitted in the municipality and shall comply with the following conditions:

- a. They may only be installed during the cooling season being May to October inclusive;
- b. They shall be sized to the room that they are cooling; and
- c. They shall be maintained so as to minimize ambient noise as per the Nuisance Bylaw of the municipality.

Every property owner using a window air conditioning unit shall attempt to restrict its use in order to reduce noise levels.

Chapter 7 Architectural Requirements

7.1 Street Façade

Where a building fronts on more than one street, all such building elevations shall be architecturally designed to respect adjoining building elevations.

7.2 Identical Buildings in the Same Area

In submitting plans for new buildings or buildings to undergo major renovations, all applicants or their representatives shall positively avoid duplication in exterior design of their building with the design of any other building already erected or for which a permit has already been issued, within a radius of 150 metres (492 feet) of the lot upon which the main building is or shall be located.

7.3 Exterior Cladding Materials and Colouring

The exterior of all buildings shall be composed of masonry materials or stone being at least 95 mm (3.74 inches) thick. Examples of acceptable products are bricks with mortar; natural stone with mortar; concrete block with mortar covered with a stucco finish or concrete parging that is later painted; concrete block with mortar covered with a poly-foam board and acrylic finish; concrete block with mortar covered with wood or clapboard; and other similar finishes that may be put on the market from time to time.

Recognizing that the architecture of buildings - due to gables, dormers, other embellishments and safety concerns - may make it difficult to comply with the above paragraph, other exterior cladding finishes approved by the responsible authorities may be considered for up to 50% of the total exterior surface under review.

The colours being used for finished exterior surfaces shall respect the traditional colours of the building itself as well as the colours used for buildings in the surrounding area.

In the case of an addition to or a renovation or alteration of an existing building, all exterior cladding materials used for such purposes must match one or more of the materials forming part of the exterior cladding of the existing building, provided that a significant part of the exterior cladding of the existing building will remain after the works have been completed.

7.4 Antennas

7.4.1 Certificate

It is prohibited to install, erect, construct, reconstruct, alter or modify an antenna unless and until a building permit has been issued.

The application for a building permit shall be submitted by the property owner to the Building Inspector on forms provided by the municipality for this specific purpose. Said application shall be accompanied by plans and details showing the proposed location of the antenna in relation to the main building and the lot lines of the property.

The Building Inspector shall ascertain that the proposed antenna complies with the present Bylaw prior to issuing the building permit. It is the responsibility of the owner that the antenna be installed according to the approved building permit, and in a safe, secure and stable fashion to not cause potential harm to persons or property, on the lands, on adjacent lands or on a public street. It is the responsibility of the owner to ensure that the antenna does not create interference of any nature with electric or electronic equipment located on neighbouring lands.

7.4.2 Conditions

An approved antenna shall comply with the following conditions:

- a. All antennae must be grounded in accordance with electrical practice and the law, whichever is more stringent;

- b. Every antenna installed on the ground shall be supported by a concrete foundation that will withstand frost heave;
- c. An antenna shall not be installed on or anchored to a roof or a chimney except for a satellite antenna located on the roof of an apartment building where a certified professional engineer has provided evidence that the roof structure shall safely support the satellite antenna. In such situations, the antenna shall be located at least 4 metres (13.1 feet) from any building line and be screened to harmonize with the building's architecture;
- d. All satellite antennae greater than 0.7 metres (2.3 feet) in diameter shall be located on the ground and in the rear yard of the property that it serves, except in the case of an apartment building. The maximum height of a satellite antenna attached to the ground, measured at its highest point from the ground shall not exceed 3.66 metres (12 feet). The maximum outside diameter of the antenna shall not exceed 2 metres (6.6 feet). Notwithstanding other provisions in this Bylaw, no part of a satellite antenna attached to the ground, including support wiring, shall be located within 3 metres (9.8 feet) of any lot line;
- e. The height of a satellite antenna that is 0,7 metres (2.3 feet) or less in diameter, measured at its highest point, shall not exceed 5.5 metres (18 feet) from the ground, if anchored to the wall of a building, or 3.66 metres (12 feet) if attached to the ground. Satellite antennae that are attached to a wall of a main building shall not extend from said wall by more than 1 metre (3.28 feet). No part of a satellite antenna of 0,7 metres (2.3 feet) in diameter or less that is attached to the ground shall be located within 3 metres (9.8 feet) of any lot line including any support wires. Not more than one satellite antennae of this type shall serve a dwelling unit. Satellite antennae of this type shall not be attached to the exterior walls of apartment buildings;
- f. A tower antenna shall not be installed in the municipality;
- g. An antenna may not be attached to a detached garage or an accessory building;
- h. Only one satellite antenna attached to the ground shall be permitted on any single lot;
- i. No lights may be affixed to an antenna unless required by law;
- j. No advertising may be affixed to an antenna other than the manufacturer's or supplier's name that is written on the antenna;
- k. Antennas shall not be made of reflective material or emit any sound;
- l. Antennas must be maintained by the property owner to ensure on-going safety, security and aesthetics;
- m. Once an antenna is no longer in use, it shall be removed and the building or land returned to its previous state without any vestige remaining;
- n. Antennas that are in place that do not comply with the present Bylaw may remain in situ for a period of 5 years following the coming into force of the present Bylaw but this in no way relieves the property owner from ensuring public safety; and
- o. The conditions affecting antennas do not apply to municipal property.

7.5 Provisions Concerning Exterior Private Pools

This section applies to exterior private pools a) whatever the depth of the water found therein, with respect to in-ground pools, and b) to those having a depth of water of 91 cm or more in the case of above-ground pools. This section also applies to hot tubs and spas.

7.5.1 Pool Location

No pool may be situated in whole or in part between the street line and the front building line. In the case of corner lots, no swimming pool shall be constructed within the setback requirements of the secondary front yard. No pool may be situated in whole or in part between the main building and a side lot line unless the distance between the side building line and the side lot line exceeds 9 metres (29.5 feet).

The pool must be situated at least 2 metres (6.6 feet) from any lot line and from the main building, as measured from the exterior perimeter of the water surface.

Swimming pools shall be maintained in good condition and be kept clean and odour-free. It is not permitted to drain swimming pools through the neighbour's property or through the building's sewer system.

7.5.2 Fencing for Pools

A pool must be completely surrounded by a fence in accordance with the following provisions:

- a. The fence may be situated on or near the lot lines or around the pool on the lot itself but in all cases, there must be a free area of 2 metres (6.6 feet) between the perimeter of the water surface and the face of the fence;
- b. In the case of an above-ground pool, the fence may form an integral part of the structure of the pool; however, the combined height of the wall of the pool and the fence may not be lower than 2 metres (6.6 feet) nor higher than 2.5 metres (8.2 feet);
- c. The fence may not be less than 2 metres (6.6 feet) high at all points as measured from the adjoining grade;
- d. The fence of the pool must be designed in such a way that there are no protrusions or openings to facilitate climbing;
- e. The openings between vertical stiles may not be greater than 7 cm (2.76 inches);
- f. The fence of the pool must be designed in such a way that the space between the bottom of the fence and the ground or pool structure, in the case of an above-ground pool, may not exceed 10 cm (3.9 inches);
- g. Any gate providing access to a pool must be provided with a self-latching device situated on the interior side of the enclosure and at least 1.3 metres (4.3 feet) from the ground; this latch must be locked with a key or a padlock when the pool is not under the direct supervision of an adult entrusted by the owner of the pool to undertake such supervision.

7.5.3 Pools – Other Provisions

Existing pools that do have fences, or have fences that do not meet the standards herein, shall meet the provisions of this Bylaw respecting fences around pools within six months of the present Bylaw coming into force.

Lighting around pools shall not be directed onto neighbours' properties. Lighting shall not operate between 11:00 pm and 7:00 am.

7.6 Landscaping and Fences and Hedges

7.6.1 Landscaping

1. All ground situated around and about buildings shall be well graded to have water flowing away from foundation walls and structures.
2. All open areas shall be maintained at all times in a neat and tidy manner, including the trimming and upkeep of all hard surfaces and planted areas. Unplanted areas shall only be incidental to the total landscaped environment.
3. Debris shall be promptly removed from the site.
4. The storing of wood for burning (as per Section 6.11 of this Bylaw) and composters is permitted provided that the areas so dedicated for these uses are compact, neat and safe.
5. At a corner lot, no fence, hedge or other obstruction which exceeds a maximum height of 60 cm (23.6 inches) shall be placed permanently or temporarily within a triangular area measured 9.2 metres (30.2 feet) back from the corner, along the curb, with the two resulting ends then connected to close the triangle.
6. Municipal land between a lot line and a sidewalk or a curb, as the case may be, shall be the responsibility of the affected property owner to landscape and maintain. Said land shall only be landscaped with grass or ground cover similar to the ground cover of the private property. The municipality shall have the right to plant a tree or trees on this municipal land, in which case the municipality shall maintain the tree or trees and the property owner shall ensure that the land under each tree is not used in any way that will cause harm to the tree itself.
7. The following trees shall not be planted in the municipality:
 - Eastern cottonwoods (*populus deltoids*)
 - Lombardy poplar (*populus nigra italica*)
 - Trembling poplar (*populus tremuloides*)
 - Silver maple (*acer saccharinum*)
 - Manitoba maple (*acer negundo*)
 - Long stemmed willow (*salix*)
 - American elm (*ulmun Americana*)
 - All types of aspen (*populus tremula*)
8. Vacant lots shall be kept free of debris and weeds and shall be cleaned regularly. The land shall be graded to not permit the pooling of water. Trees shall be kept in good health.
9. Trees on private property shall be maintained and pruned to ensure their healthy survival.
10. When felling trees on private property, the work shall only be undertaken by qualified companies with third party insurance of \$2,000,000 or more. Neighbouring property shall not be inconvenienced. It is encouraged to only cut down trees if they are dead, incurably sick, a danger to the health and safety of citizens, causing considerable property damage or are located in the way of a new improvement or municipal project.
11. The combined area of all play structures that are left in place all year shall not occupy an area greater than 10 square metres (107.6 s.f.) measured to their outside perimeters. Said structures shall also not exceed 2.13 metres (7 feet) in height and shall be located at least 2 metres (6.6 feet) from a lot line.
12. Underground oil tanks shall be removed from lands within 5 years of this Bylaw coming into force or sooner if required by government law or regulation. All contaminated soil or earth above, on and around oil tanks shall be removed and sent to a certified dump for this purpose. In removing underground oil tanks, all laws and regulations of senior governments shall be complied with. Underground oil tanks shall not be replaced with underground oil tanks or oil tanks that are not located within the main building.

7.6.2 Fences and Hedges

1. Fences and hedges may be built along common lot lines. Fences and hedges may also be built within a zone not greater than 20 cm (7.9 inches) from and parallel to common lot lines, entirely on the property of a single property owner. In the latter case, the owner of the fence or hedge is entirely responsible for its upkeep including all sides of the fence or hedge. All other fences or hedges shall only be allowed for masking or protecting equipment on the lands, or around swimming pools.
2. The maximum allowable height for a fence or hedge is 2.5 metres (8.2 feet) provided that it is situated between the front building line and the rear lot line.
3. In cases where rear or side lot lines are coincidental with street lines, the maximum height of a fence or hedge built within 3 metres (9.8 feet) of the street line, is 2 metres (6.6 feet).
4. The maximum allowable height for all other fences or hedges is 2 metres (6.6 feet).
5. Fences shall not be present in front yards. Hedges or shrubs shall be permitted in front yards provided that their maximum height does not exceed 60 cm (23.6 inches) and are located on private lands.
6. In cases where the rear or side yards of two or more contiguous lots are coincidental to a street line, the design of the fence to be erected on each lot and which faces the street shall ensure a uniformity of appearance.
7. The height of fences and hedges shall be measured from the adjacent ground to the highest point of the fence or hedge.
8. Fences and hedges shall be properly maintained at all times.
9. Fences shall be made of wood, steel, wrought iron, aluminum or brick and shall be built with appropriate footings and foundations that extend below the frost line.

7.6.3 Driveways

1. All residential buildings shall have a driveway composed of a hard surface such as concrete, paving stones or asphalt, with an appropriate base according to manufacturers' specifications. Driveways with finishing materials such as gravel, sand, crushed stone or other such stones shall not be used in the municipality. No single lot shall be served by more than one driveway.
2. All driveways are to connect to the street through a dropped curb designed for this purpose. It is unlawful to drive onto a curb for any reason. The driveway shall be built by the property owner, at his expense, and maintained by him even though a portion of the driveway sits on municipal land, that is, the street right-of-way. No single dropped curb for a driveway, measured from lowest point to lowest point, shall be greater than 7 metres (23 feet).
3. It is permitted to park vehicles on driveways that are located on a single lot that houses H1, H2 and H3 buildings, including that part of the driveway on municipal land but excluding the sidewalk. In all other situations, parking on driveways shall only be allowed in areas where parked cars do not impede the free movement of other vehicles between the street and the garage.
4. It is encouraged that driveways be separated from private walkways by a strip of grass or other soft landscaping material that is at least 1 metre (3.28 feet) wide over 80% of its distance.
5. Driveways sloped below the grade of the adjoining roadway are permitted on lots serving detached houses. For shared driveways, or driveways contiguous to another driveway such as in the case of semi-detached residential buildings, these driveways shall only be permitted if there is agreement from the property owners and the solution is technically feasible.

6. Driveways shall not extend by more than 2 metres (6.6 feet) beyond the rear building line of main buildings. This provision does not apply to the RC, RD, I and CW zones or to detached garages.
7. Retaining walls for driveways shall be well maintained at all times and in all seasons.
8. Double entry driveways shall only be permitted on lots that are wider than 24 metres (78.7 feet) measured along the street line. Sloped double entry driveways are not permitted. In the case of a double entry driveway, each cut-out, measured from lowest point to lowest point, shall not be greater than 4 metres (13.1 feet). When double entry driveways are permitted, all other provisions of the present Bylaw apply.

7.6.3.1 Detached House

1. Where the garage door faces the street line, the maximum driveway width from the sidewalk to the garage door shall be 1 metre (3.28 feet) greater than the width of the door.
2. Under no conditions may the edge of the driveway, including its supporting walls, be located within 1 metre (3.28 feet) of the side lot line or a tree that belongs to the Town of Hampstead.
3. If the driveway is shared with another detached house, the shared driveway shall not extend in front of each main building by more than 20 cm (7.87 inches).

7.6.3.2 Duplexes

1. Where the garage doors face a public street, whether in the front or on the side of the building, the driveway shall not be more than 2 metres (6.6 feet) wider than the garage door.
2. In the case of semi-detached duplexes, the driveways may be contiguous.

7.6.3.3 Apartment Buildings

1. The driveway must be wide enough to accommodate the ingress and egress of vehicles at the same time unless separate one-way ramps are provided.
2. If there is an electronic security device to control garage access, it shall be so located to allow the free flow of traffic on the adjoining street and not impede the pedestrians on the adjoining sidewalk.

7.6.3.4 Enlargement of Driveways

1. Notwithstanding the preceding paragraphs, driveways may be widened provided that the widening does not affect municipal property and a green space of minimal width of 1 metre (3.28 feet) remains between the edge of the driveway and adjacent lot lines, where this green space is required.
2. In no case will the enlargement of a driveway require the removal of a tree belonging to the Town of Hampstead.
3. Those driveways that do not currently comply with the present Bylaw, and which were built in conformity with bylaws that were once in force, are protected by acquired rights. Said driveways may be rebuilt, as required. Changes to their form or shape, as well as further enlargements, shall only be allowed in compliance with the present Bylaw.

Chapter 8 Parking and Loading Requirements for All Buildings

8.1 Dimensions of Parking Spaces

Any off-street parking space shall have the following minimal dimensions:

- 2.75 metres (9 feet) in width, and
- 7.0 metres (23 feet) in length if parallel parking and 6.0 metres (19.7 feet) in length for all other configurations.

8.2 Number of Off-Street Parking Spaces Required

Building Type/Use	Requirement (always round up)	Comment
Residential Buildings (H1, H2, H3)	2 spaces per dwelling	One of the two spaces must be within a building.
Apartment Buildings (H4)	1.5 spaces per unit plus 1 dedicated visitor's space for every 6 units	Visitors' parking may be inside the building but must be clearly identified.
Places of Worship (R)	<ul style="list-style-type: none"> ▪ 1 space for each 10 permanent or temporary seats located within the main and secondary service areas plus 1 space for each 50 square metres (538.1 s.f.) of above grade floor area, or ▪ 2 spaces for each 30 square metres (322.9 s.f.), <p>whichever is the greater</p>	The number of seats shall never be less than the congregation or membership size of defined in the Quebec Building Code. In the CW-2 zone, a minimum of 10 off-street spaces shall be required on the lands once the existing building is enlarged, replaced or altered in any way that will increase the above-grade floor area. In the CW-5 zone, a minimum of 49 off-street parking spaces shall be required on the lands at the time that a building used in whole or in part as a place of worship is constructed.
Schools (PB1)	<ul style="list-style-type: none"> ▪ 2 spaces per classroom or ▪ 2 spaces for each 37 square metres (398.2 s.f.) of above grade floor area, <p>whichever is the greater</p>	
All Buildings Classified as PB2 and PB5	1 space for each 37 square metres (398.2 s.f.) of above grade floor area	

When there is an extension to an existing building, without demolition, the number of additional spaces is fixed according to the proposed use(s) for the extension only.

It shall be unlawful to convert a parking space within a main building or a detached garage to any other purpose that would render the space unusable for the parking of an automobile.

8.3 Parking for Handicapped Persons

For all buildings not classified as H1, H2 and H3, a proportion of the parking spaces required must be designed to accommodate the vehicles used by physically Handicapped persons. The following table determines the number of off-street parking spaces that must be so designed:

Total Number of Required Parking Spaces	Minimum Number of Parking Spaces Designed for the Vehicles Used by Physically Handicapped Persons
0-25	1
26-50	2
51-75	3
76 and above	4 plus one for every 25 parking spaces required (always round up)

These spaces shall be clearly identified. They shall be located near entrances and elevators. They shall be so located to avoid steep gradients and severe changes in levels.

Within an apartment building, the table herein shall be used for determining the number of resident and visitor spots independently of each other.

8.4 Loading and Unloading Requirements

An off-street loading and unloading area shall be provided for all places of worship. The area, reserved for truck delivery, shall have a minimum width of 3.5 metres (11.5 feet) and a minimum length of 14 metres (45.9 feet). It is acceptable for a truck to back into the loading area from the public street.

Chapter 9 Signage

9.1 Permitted and Unlawful Signs

The following table describes permitted signage within the Town of Hampstead and restrictions associated with the posting of these signs. No other signs are permitted:

Type of Sign	Restrictions
Signs related to public authority and signs commemorating an historical event	May only be posted by the Town of Hampstead.
Permanent or temporary flags or emblems of a political, municipal, philanthropic, educational or religious organization	No restrictions provided that they entirely remain on private property and are not illuminated.
Temporary signs identifying the architect, engineer, general contractor and sub-contractors of a construction project.	Authorized professional or company only and only during the period of construction. The maximum area of each sign is 2 square metres (21.5 s.f.) and such signs may only be posted on the private property where there the construction is taking place. No sign may be illuminated.
Signs prescribed by municipal, provincial or federal law or bylaw	As per law, act, regulation or bylaw.
Directional signs on public property	Such signs shall only be posted by the Town of Hampstead, or under the authority of the Town of Hampstead, or another authorized public body.
Directional signs on private property	Non-luminous signs may only be posted on lands used for apartment buildings and places of worship. No sign may be larger than 0.50 square metre (5.4 s.f.) in size.
Signs describing the name of apartment buildings or places of worship	A non-luminous sign may be posted on the lot on which is located the apartment building or place of worship. No outside sign may be larger than 1 square metre (10.8 s.f.) in size. Only one outside sign is permitted per lot.
Temporary signs related to the sale of property	Up to two signs per lot and only on the lot for sale, and no one sign shall exceed 1 square metre (10.8 s.f.) in size. No sign shall be illuminated.
Signs in support of home offices and professional offices	Signs shall not be posted on buildings or on lands for this purpose.

All authorized signs mentioned above must be so affixed as to not cause a danger to the public under all conditions.

No part of an authorized sign on private property may be located within 1 metre (3.28 feet) of the street line and may not obstruct normal ingress and egress for automobiles and pedestrians.

9.2 Details on Signage Affecting Public Buildings

The area of a sign on a public building shall not exceed 1.5 square metres (16.2 square feet) in size, and only one sign per building is permitted. The sign shall not protrude from the surface of the building by more than 6 cm (2.4 inches). The sign shall not be illuminated. The top of the sign shall not be higher than 1.6 metres (5.2 feet) measured from the ground.

Additionally, up to two free standing information boards are permitted in front of every public building identified as PB2 and PB5. Such boards are designed to provide information to the public on municipal affairs. These boards may be illuminated. Their surface area shall not exceed 1 square metre (10.8 square feet) in size. They shall not be deeper than 20 cm (7.87 inches). No part of these boards shall exceed 2.2 metres (7.2 feet) in height.

Chapter 10 Non-Conforming Uses and Structures Protected by Acquired Rights

10.1 Replacement of a Non-Conforming Use or Building

A non-conforming use or building protected by acquired rights shall not be replaced by another non-conforming use or building. If a non-conforming use has been modified to make it a conforming use, it will not be permitted to return to the original situation that was non-conforming.

10.2 Cessation of a Non-Conforming Use

A non-conforming use protected by acquired rights shall cease if such use has been abandoned, has ended or has been interrupted for a period of six months or more.

If a main building should lose more than 50% of its value as a result of a fire, demolition or disaster, or similar such peril, it must be rebuilt in conformity with the present Bylaw or demolished within a period of six (6) months of the event.

10.3 Extension or Alteration of a Non-Conforming Structure

A non-conforming structure protected by acquired rights may be extended or altered only insofar as the extension or alteration complies with all of the following provisions :

- the existing use does not change,
- the general class of use in the zone is respected,
- the Land Coverage Ratio is respected,
- the Floor Space Index is respected,
- the front yard setback is respected,
- the rear yard setback is respected,
- the side yard setback is respected, and
- overall health and safety considerations of the public as determined by the municipality are not jeopardized.

Chapter 11 Demolition

11.1 Demolition Committee

1. The Demolition Committee of the Town of Hampstead (hereinafter referred to as the Committee) is hereby constituted, composed of three members of Council, appointed annually by a resolution of Council, for a term not exceeding one year, which term shall be renewable. The said resolution of Council shall designate one of the said members as Chairperson of the Committee.
2. A member of Council who ceases to be a member of the Committee before the end of his term, who is temporarily unable to act, or who has a direct or indirect personal interest in a matter of which the Committee is seized, shall be replaced by another member of Council, designated by resolution of Council, for the unexpired portion of his term, for the duration of his incapacity, or for the duration of the hearing of the matter in which he has an interest, as the case may be.
3. The Chairperson shall preside at all meetings of the Committee.
4. Two members of the Committee shall constitute a quorum at its public sittings.
5. Every decision of the Committee shall be approved by a majority of the Committee and substantiated in writing and shall be signed by the members of the Committee who support it.
6. The Committee may adopt such rules of procedure as it may deem necessary or advisable for the execution of its functions.
7. Members of the committee shall not be remunerated for their services as such, but shall be entitled to reimbursement for all reasonable expenses incurred by them in the exercise of their functions under this Bylaw.
8. No member of Council may be prosecuted for official acts done in good faith under this Bylaw.

11.2 The Secretary and the Assistant Secretary

The Secretary and the Assistant Secretary of the Committee shall be selected from senior staff members of the Town of Hampstead but shall not be members thereof.

The Secretary of the Committee shall have custody of all files and documentation relating to applications, objections, submissions and decisions contemplated by this Bylaw; he shall attend all meetings of the Committee; and shall perform all duties assigned to him by virtue of this Bylaw, as well as all duties which may be assigned from time to time by resolution of Council or of the Committee.

The Assistant Secretary of the Committee shall perform all duties of the Secretary of the Committee in the event of the latter's absence, incapacity or inability to act.

All documents forming part of a file shall be public.

11.3 Permits

No building in the municipality shall be demolished, unless and until a permit shall have been issued pursuant to a decision of the Committee or of Council, as the case may be, rendered in accordance with this Bylaw.

No permit shall be issued otherwise than in accordance with the provisions of this Bylaw.

11.4 Permit Fees

The required fee to be paid for the issuance of a permit shall be calculated at the rate of one percent (1%) of the municipal assessment of each building contemplated by the application.

In the event the permit is not issued, the minimum fee required shall be three hundred dollars (\$300) for each public sitting of the Committee and, where applicable, each sitting of Council on the appeal concerned.

For the purposes of calculating the required fees for the issuance of a permit for the demolition of a part of a building or of a building forming part of a unit of assessment comprising two or more buildings, the municipal assessment of the entire building or of all buildings comprised in the said unit of assessment, as the case may be, shall be prorated on the basis of the ratio between the above grade floor area of the part of the building or of the building forming part of the said unit of assessment, as the case may be, and the total above grade floor area of the entire building or of all buildings forming part of the said unit of assessment, as the case may be.

The said permit fee shall be payable by cash, certified cheque or money order, to the order of the Town of Hampstead and shall be remitted to the municipal Treasurer forthwith upon receipt thereof by the Secretary of the Committee.

For the purposes of this section, the municipal assessment of any building shall be the assessed value of such building as entered on the municipal valuation roll of the Town of Hampstead in force at the date of the filing of the application in question.

11.5 Application for a Demolition Permit

Every application shall be made in writing by the applicant to the Secretary of the Committee.

Upon receipt of the said application, the Secretary of the Committee shall:

- a) send the applicant an acknowledgement thereof;
- b) open a file relating to the said application;
- c) enter in the said file, the original of the said application, a copy of the said acknowledgement and all subsequent documentation relating to the application; and
- d) advise the applicant that the Committee shall not consider the said application unless and until:
 - i) the applicant submits for the approval of the Committee his preliminary program; and
 - ii) the applicant pays the required fee for the issuance of the permit, as prescribed in this Bylaw.

The Committee shall be deemed to be seized of the application upon receipt by the Secretary of the Committee of all documents and fees contemplated herein.

As soon as the Committee has been seized of the application, the Town Clerk shall cause a notice of the said application, easily visible to the public walking in front of the immovable, to be posted on the immovable contemplated in the said application. Furthermore, the Town Clerk shall immediately cause a public notice of the said application to be published, so as to advise all persons of their right to file with the Town Clerk objections and/or make submissions with respect to the proposed demolition within ten (10) days of the publication of such notice.

The original of every such objection or submission so received by the Town Clerk shall be remitted to the Secretary of the Committee, who shall enter it in the file.

Following the expiry of the said ten day delay for the filing of objections or submissions, the Secretary of the Committee shall submit the file to the Building Inspector and thereafter, to the Architectural Advisory Board.

The Building Inspector and the Architectural Advisory Board shall examine the file and shall make such written recommendations to the Committee with respect to the said application and the said preliminary program as they may deem advisable.

The Secretary of the Committee, following consultation with the Chairman of the Committee, shall then advise all members of the Committee, the applicant, every objector and every person who has made a submission, of the date, time and place of the public sitting of the Committee at which the application shall be considered.

11.6 Consideration of an Application

The Committee shall consider the file, including, without limitation, the application, the preliminary program objections and submissions at a public sitting.

In considering the preliminary program and/or the application, the Committee may adjourn its public sitting as often as it deems necessary or advisable.

The Committee shall not approve the preliminary program unless and until it has been advised by the Architectural Advisory Board that the said preliminary program complies with the bylaws of the Vile de Hampstead in force as of the date of filing of the said preliminary program, except in the case where the issuance of the building permit for the proposed preliminary program is suspended by reason of a Notice of Motion, in which case the Committee shall not approve the said program before the expiration of the suspension or before the coming into force of the amending bylaw contemplated in the Notice of Motion, if such coming into force occurs before the expiration of this suspension; the decision of the Committee shall then be rendered having regard to the bylaws of the Town of Hampstead in force at the time of such decision.

Where the Committee approves the preliminary program, it shall require the applicant, as a condition of the issuance of the permit, to furnish the Town with a monetary guarantee of execution of the said preliminary program within the prescribed delays in an amount not exceeding the assessed value of such building or buildings to be demolished, as entered on the valuation roll of the Town of Hampstead in force at the date of the decision of the Committee authorizing the demolition.

The monetary guarantee contemplated in the above paragraph may take the form of a bond, a certified cheque, or money order payable to the order of the Town of Hampstead, and/or such other security as shall be deemed acceptable by the Town of Hampstead.

11.7 Granting of a Permit

The Committee shall not approve the application for the proposed demolition, unless and until:

- a) all the procedures established by this Bylaw governing the application and the preliminary program have been observed;
- b) the required fees for the issuance of the permit have been paid;
- c) the monetary guarantee of execution of the preliminary program has been furnished;
- d) the Committee is convinced the proposed demolition is advisable, taking into account the public interest and the interest of all parties, and in particular:
 - i) the condition of the building or buildings contemplated by the application;
 - ii) the deterioration of the architectural appearance or aesthetic character of the neighbourhood;

- iii) the cost of restoration;
- iv) the intended use of the vacated land;
- v) the environmental impact.

11.8 Committee Decision

The decision of the Committee concerning issuance of the permit shall be in writing, shall be substantiated and shall be sent immediately to every party concerned, by registered or certified mail.

No permit shall be issued before the expiry of thirty (30) days following the date of the decision of the Committee granting the application, nor before the Council has rendered a decision authorizing the issuance of such permit, in the event that an appeal is made under this Bylaw.

Where the Committee grants the permit, it may impose any condition relating to the demolition of the building or the reutilization of the building or the reutilization of the vacated land that it deems necessary or advisable. Without limiting the generality of the foregoing, it may, in particular, approve such conditions as may be proposed by the applicant so as to secure the complete execution of the preliminary program.

11.9 Time Period for Completion of Work

Where the Committee grants the permit, it shall fix the time within which the demolition of the existing building and the construction of the new building or the re-use of the vacant land must be undertaken and completed. It may, for reasonable cause, extend the original time fixed, provided that the request for the change is made to it before the original time has expired.

If the demolition work is not undertaken before the expiry of the time fixed by the Committee, the demolition permit is without effect.

If the demolition work is not completed within the time fixed, Council may cause it to be carried out and recover the costs thereof from the proprietor of the immovable in question. The costs thus incurred by Council constitute after registration a privileged charge on the land where the building was situated, of the same nature and rank as the municipal tax. The registration of the privilege is made by the filing of a notice by the Town Clerk of the Town of Hampstead.

11.10 Appeal Procedure

Every interested person may, within thirty (30) days of a decision of the Committee, make an appeal to Council. Every member of the Council, including the members of the Committee, may sit on the Council to hear an appeal made in virtue of this paragraph.

Council may confirm the decision of the Committee or render the decision that the Committee should have rendered.

11.11 Fine

Every person who carries out the demolition of a building or causes it to be carried out without a permit or in contravention of the conditions of the permit is liable to a fine of not less than five thousand dollars (\$5,000.00) nor more than twenty-five thousand dollars (\$25,000.00). In addition, any such person shall be required to restore the building so demolished to its former condition. Where the offender fails to restore the building in accordance with this Bylaw, Council may cause the work to be carried out and recover the costs thereof from the offender, in which case the provisions of section 11.9 of this Bylaw shall apply, mutatis mutandis, to the recovery of such costs.

Every person who infringes any of the provisions of this Bylaw shall be liable to a fine with costs, and in default of immediate payment of such fine with costs, every such

person shall be liable to imprisonment, but such fine shall not exceed three hundred dollars (\$300.00) and such imprisonment shall not be for a longer period than two (2) months and shall cease on payment of such fine and costs. If the infraction continues, such continuation shall constitute a separate offence day by day.

11.12 Display of Permit and Site Inspection

At all times when the demolition work is being carried out, a person in authority on the premises shall have a copy of the permit in his possession. An officer or employee of the Town of Hampstead designated by Council may enter the premises where such work is being carried out, at any reasonable time, to ascertain whether the said demolition is in conformity with the permit. The refusal to allow the officer of the employee of the municipality on the premises or to let him see the copy of the permit on request renders the contravening person liable to a fine not exceeding five hundred dollars (\$500.00) for each day of the said offense.

11.13 Exceptions and Warnings

This Bylaw shall not apply to the demolition of a building:

- a) that constitutes a safety hazard and/or is in dangerous condition;
- b) that is owned by the municipality;
- c) erected in contravention of a municipal bylaw, or is required to be demolished in the enforcement of a municipal bylaw; or
- d) ordered to be demolished by a judgment of a Court having the requisite jurisdiction.

The granting a permit to demolish a building or a part of a building does not relieve the applicant at the time of making a proposal for a building permit to fully comply with each and every bylaw of the municipality and make payment of all required fees and costs for making applications and having permits issued.

The acceptance of the preliminary program shall not mean that all aspects of the definitive design, at the time of seeking the building permit, shall be approved.

A permit to demolish a building under the provisions of this chapter of the present Bylaw shall not be issued if the proposed preliminary project shall require an amendment to the Planning Program, the Zoning Bylaw, the Subdivision Bylaw or the Building Bylaw, or any other bylaw of the Town of Hampstead, until such time that all necessary amendments have been approved in accordance with all procedures, laws and bylaws.

Chapter 12 Site Planning and Architectural Integration

12.1 Territory and Application

The territory of the Town of Hampstead is subject to the site planning and architectural integration provisions described herein as per Article 145.15 of the Act.

All projects that require a Building Permit for building a main building or accessory building visible from a public street, or for altering or adding to a main building or accessory building visible from a public street, are subject to the provisions described herein. Moreover, all projects that require a Building Permit for the construction of a driveway, walkway, deck, porch or balcony are subject to the provisions of Site Planning and Architectural Integration.

Prior to issuing a Building Permit, the Town of Hampstead will ensure that the proposal fully complies with all provisions of the present Bylaw and all other bylaws of the municipality, as well as the criteria set out in section 12.3 hereto.

In the event that a property owner makes an application for a cadastral operation under the Subdivision Bylaw of the municipality, with the intention of subsequently building a main building or accessory building visible from a public street, or altering or adding to a main building or accessory building visible from a public street, the Town of Hampstead will treat the request in parallel with the request for the issuance of a Building Permit.

12.2 Requirements

In making an application, the applicant must submit to the Town of Hampstead, in addition to all other required requirements, the following coloured pictures:

1. Pictures of all facades of the affected building or buildings as well as the opposite facades of privately or publicly owned buildings on contiguous lots. All pictures are to be taken from the applicant's property.
2. Pictures showing the street façades (both sides of street) of all buildings facing a public street lying within a 150 metre (492 feet) radius of the property line of the lot that is the subject of the request for a building permit.

All pictures are to overlap so that a montage may be prepared. All individual pictures are to have the same finished dimensions being no smaller than 10 cm by 15 cm (4 inches by 6 inches). Explanatory text is to be provided.

12.3 Criteria

Proposed projects shall comply with the following criteria or objectives:

1. The volume and height of proposed buildings shall not overpower adjoining properties. The municipality may restrict the permitted gross floor area, lot coverage, building height and/or building setbacks as per the present Bylaw if it can be shown that the proposed building will diminish the quality of the streetscape and/or adjoining properties.
2. Proposed buildings shall not cause excessive shadowing on adjacent properties.
3. Proposed buildings shall not cause snow drifting onto adjacent properties.
4. The architectural style of the proposed intervention shall respect the overall architectural vocabulary of the immediate vicinity and especially adjoining properties.
5. The choice of exterior cladding materials shall respect those found in the immediate vicinity.
6. In the case of building extensions or enlargements, the choice of cladding materials for the new parts of buildings shall respect existing cladding materials.
7. Colour schemes shall be complementary to predominant colours, hues and tones found in the immediate vicinity. Vibrant colours shall not be used.
8. The resulting grades of land shall not cause water to runoff from one property to another or allow for persons on one property to oversee activities on another property. This need for privacy shall apply to the location of decks, porches, balconies and swimming pools including their adjoining patios.
9. The location of driveways shall not diminish the environmental quality of adjoining properties and the peace and enjoyment that adjoining property owners possess at

the time of the application. Driveways shall remain in their general historic locations.

10. Reflective glass shall not be avoided.

12.4 Consultation Process

After having considered an application, the Architectural Advisory Committee shall make its recommendation to Council. The municipality shall then post on the property concerned a notice advising residents that they may consult the plans and other public documents submitted to the municipality by the applicant as well as the recommendation of the Architectural Advisory Committee. The notice shall be visible from the sidewalk and shall identify the time and date of the meeting when Council will consider the application. Residents may make their views known to Council at the subject meeting.

The notice referred to herein must be posted at least 14 calendar days prior to the Council meeting in question.

Nothing in this process shall be construed to undermine the authority of Council to approve or not approve the application.

Chapter 13 Coming into Force of the Bylaw

13.1 Coming into Force of the Bylaw

The present Bylaw will come into force in accordance with the Act.

Adopted the _____

Signed at the Town of Hampstead by:

Mayor

Clerk