

**BY-LAW 875  
ZONING BY-LAW OF THE TOWN BAIE-D'URFÉ**

CONSOLIDATION OF THE ZONING BY-LAW, AS AMENDED BY BY-LAWS 875-1, 875-2, 875-3, 875-4, 875-5, 875-6, 875-7, 875-18, 875-9, 875-10, 875-11, 875-12, 875-13, 875-14, 875-15, 875-16, 875-17, 875-18, 875-19, 875-20, 875-21, 875-22, 875-23, 875-24, 875-25, 875-26, 875-27, 875-28, 875-29, 875-30, 875-31, 875-32, 875-33, 875-34, 875-35, 875-36, 875-37, 875-38, 875-39, 875-40, 875-41, 875-42, 875-43, 875-44, 875-45, 875-46, 875-47, 875-48, 875-49, 875-50, 875-51, 875-52, 875-53, 875-54, 875-55, 875-56, 875-57, 875-58, 875-59, 875-60, 875-61, 875-62, 875-63, 875-64, 875-65, 875-66, 875-67, 875-68, 875-69, 875-70, 875-71, 875-72, 875-73, 875-74, 875-75, 875-76, 875-77, 875-78, 875-79, 875-80, 875-81, 875-82, 875-83, 875-84, 875-85, 875-86, 875-87, 875-88, 875-89, 875-90, 875-91, 875-92, 875-93, 875-94, 875-95, 875-96, 875-97, 875-98, 875-99, 875-100, 875-101, 875-102, 875-103, 875-104, 875-105, 875-106, 875-107, 875-108, 875-109, 875-110, 875-111, 875-112, 875-113, 875-114, 875-115, 875-116, 875-117, 875-118, 875-119, 875-120, 875-121, 875-122, 875-123, 875-124, 875-125

This administrative codification has not been formally adopted by the Town of Baie-D'Urfé. When interpreting and / or applying this by-law, reference should be made to the original regulation and its amendments.

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**FEDERATION OF CANADIAN MUNICIPALITIES AND THE RAILWAY ASSOCIATION OF CANADA, 2013..... 111**

**Chapter 1**

**DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS**

**1.1 TITLE AND COMING INTO FORCE**

- a) The present by-law is entitled "ZONING BY-LAW OF VILLE DE BAIE-D'URFÉ".
- b) The present by-law will come into force according to law.

**1.2 ADOPTION BY PART**

If any part of the present by-law was declared illegal and of no effect by a court of justice, such decision would not affect the other parts of the by-law; Council declares by the presents that it adopts this by-law part by part, notwithstanding the fact that one or many parts of it could be declared illegal and of no effect by a court of justice.

**1.3 REPEALS**

The present by-law repeals by-law no.319, "Concerning the Use and Occupancy of Land and Buildings (Zoning) and Concerning the Construction of Buildings (Building)", By-law no. 236, "Concerning Subdivisions, by-law no. 602, "Concerning Advertising Signs", by-law no. 638, "Concerning Fencing of Private Properties in ones A and B and F", and all their amendments; however, these by-laws remain in force and are to be fully applied in any case where a party is infringing, at the date of coming into force of the present by-law, one or many provisions of these by-laws; moreover, the repeals do not affect the permits that were legally issued under these by-laws nor rights acquired before the coming into force of the present by-law.

**1.4 AREA OF APPLICATION**

The present by-law applies to any person or party and to the entire Town of Baie-D'Urfé.

**1.5 VIOLATION, PENALTIES AND OTHER RECOURSES**

*(Amendt 875-77) (Amendt 875-106) (Amendt 875-107)*

- a) Without prejudice to other recourses of the Town, anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to a fine of one hundred dollars (\$100) in the case of a first violation, three hundred dollars (\$300) in the case of a second violation and six hundred dollars (\$600) in the case of any subsequent violation, and it shall not exceed two thousand dollars (\$2000) in any case, and the term of imprisonment shall not be for more than sixty (60) days in any case, such imprisonment, however, to cease at any time before the expiry of the term fixed by the said judge, upon payment of such fine or fine and cost, as the case may be; if the infringement continues, it constitutes a separate offence for each day and the fine fixed for such

infringement can be imposed for each day during which the infringement continues.

*(Amendt 875-119)*

In the case of the felling of any species of tree on the territory of the Town without the prior issuance of a valid certificate of authorization, as well as in the case of pruning or trimming of ash trees during the period of April 16<sup>th</sup> to September 14<sup>th</sup> inclusively, anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to a fine, and such fine shall be of a minimum of six hundred dollars (\$600) or a maximum of one thousand two hundred dollars (\$1200).

An owner of an ash tree identified as dead or as having 30% or more dead branches will be found to have committed an infraction and is liable to a fine of a minimum of six hundred dollars (\$600) or a maximum of one thousand two hundred dollars (\$1200) if he refuses to cut down the ash tree or to have it cut down before December 31<sup>st</sup> of the year during which the state of the ash tree was determined. Furthermore, failure to provide recognized documents attesting that an ash tree was treated against the emerald ash borer over the current or previous calendar year with a pesticide which has an effective life span of two (2) years, constitutes an infraction subject to a fine of a minimum of six hundred dollars (\$600) or a maximum of one thousand two hundred dollars (\$1200).

- b) In addition to penal recourses, the Town can take legal action before the appropriate court of justice against any owner, lessee or occupant to obtain compliance to the present by-law, among other things to prevent or to stop the use of land or structures or the erection of structures not conforming to the present by-law, or to obtain, if necessary, the demolition of any structure erected in contravention of the present by-law.

## **1.6 INTERPRETATION**

- a) Unless expressly declared to the contrary or unless the context indicates a different meaning, the expressions, terms and words of which a definition is given in Appendix "1" of the present by-law, shall be held to have the meaning given to them in Appendix "1".
- b) Whatever the tense used in any provision of the present by-law, such provision shall be considered in force at all times and in all circumstances possible.
- c) In the present by-law, unless the context indicates the contrary, the masculine includes the feminine.
- d) In the present by-law, the singular extends to all persons or things of the same kind, whenever the context lends to that extension.
- e) All dimensions and measurements used in the present by-law are international (metric) with, sometimes, the equivalent English dimension or measurement between brackets; in case of non-conformity between the metric and the English value, the metric value shall prevail.
- f) All plans, appendix, tables, diagrams, graphics, symbols and other forms of expression other than the text proper, contained in the present by-law, except the table of contents, form an integral part of the present by-law.

- g) In case of a contradiction between the French and the English version of the present by-law, the French version shall prevail.

## 1.7 OPERATIONS AFFECTED

In the entire Town of Baie-D'Urfé, any erection, moving, repair, transformation, enlargement or demolition of structure or modification of the use of a landsite or a construction, division or subdivision of a dwelling, development of a landsite, excavation of the ground, digging or installation of a pool, planting or felling of a tree, erection of a fence or a wall or planting of a hedge, installation or modification of a sign or a bill-board, or installation of a trailer or a mobile home, must be done in conformity with the present by-law.

## 1.8 BUILDING INSPECTOR

The Town Council of Ville de Baie-D'Urfé is represented in the application of the present by-law by a municipal officer known as the Building Inspector; the rights and duties of the Building Inspector are defined in the PERMITS AND CERTIFICATES BY-LAW of Ville de Baie-D'Urfé.

## 1.9 PERMITS AND CERTIFICATES

For some of the operations listed in article 1.7 above, permits or certificates of authorization must be issued by the Building Inspector; the conditions of issuance of these permits and certificates are defined in the PERMITS AND CERTIFICATES BY-LAW of Ville de Baie-D'Urfé.

## 1.10 ZONING PLAN

- a) Division into zones

For the purpose of the present by-law, the Town is divided into zones, shown on the ZONING PLAN, dated January 16, 1985 and annexed to the present by-law as Appendix "2" to form an integral part of it.

- b) Zones' boundaries

Unless otherwise indicated, the boundaries of the zones shown on the ZONING PLAN coincide with the axis of the centres of streets or other thoroughfares, with the lot lines and with the town limits; when a limit does not coincide with any of the above and when there is no measured distance shown, the distances are determined using the scale of the plan; in such case, it must be taken for granted that the exact limit between two zones is the axis of the boundary line.

- c) Designation of the zones (*Amendt 875-21*) (*Amendt 875-105*)

For the purpose of identification and reference, each zone is identified by a short title (composed of a letter and a figure) to allow referring to the appropriate provisions of the present by-law.

In general, the letter refers to the predominant land use intended for the zone, i.e.:

RA: detached single family dwellings  
RB: multi-family dwellings  
PA: parks and playgrounds  
PB: institutions  
PC: light public utilities  
CA: shopping centres  
CB: lodging facilities and car dealers  
CC: cemeteries  
I: industrial  
U: utility



## Chapter 2

### PROVISIONS RELATING TO THE USE AND OCCUPANCY OF LANDSITES AND BUILDINGS

#### 2.1 RULES RELATING TO PRINCIPAL USES

- a) In a given zone, the only permitted uses are the ones specifically authorized according to the present chapter; any use that does not meet this condition is automatically prohibited in that zone.
- b) A given use cannot be authorized in two different types of zones because of the generic interpretation of a type of use: unless it is specifically mentioned as a permitted use in two types of zone, a use being permitted in a given type of zone is automatically excluded from the permitted uses in any other type of zone.

#### 2.2 RULES RELATING TO ACCESSORY USES

- a) The authorization of a principal use implies automatically the authorization of uses that are normally accessory to it, as long as they comply with all provisions of the present by-law.
- b) For the purpose of the present by-law, is considered accessory any use of buildings or landsites that is incidental and that helps facilitate or improve the principal use; the accessory uses to a dwelling are those which provide better and more convenient enjoyment of the dwelling such as swimming pools, tennis courts, gardens, garages, boat-houses, greenhouses and other accessory buildings; principal uses other than dwellings can also have accessory uses, which are considered as such by the present by-law as long as they are a normal and logical extension of the principal use; among others, the following are considered accessory to an industrial use: warehouses, garages, power plants, sub-stations, cafeterias and other recreation facilities for the employees, gate control lodges and caretaker's accommodation.
- c) No certificate or permit is required for an accessory use if it is mentioned in the permit or certificate issued for the principal use and if the accessory use is completed within the time limit set for the principal use: if that condition is not met, a permit or certificate must be issued for the accessory use.

#### 2.3 USES PERMITTED IN RESIDENTIAL RA ZONES

The only uses permitted in RA zones are the following.

- a) Private detached single family dwellings (including parsonages) i.e. residential buildings with only one dwelling to be occupied by a single household and, in a detached single family dwelling:
  - the rental of a maximum of two (2) rooms, with only one (1) occupant per room, provided that these rooms remain an integral part of the dwelling and that they have no private entrance from the exterior;

- professional or artistic activities practised inside the dwelling by its occupant, provided that:
  - less than twenty five percent (25%) of the floor area of the dwelling is used for that activity; in no case the floor area used for this activity shall exceed 40 square metres (430.6 sq. ft.);
  - there is only one such professional or artistic activity per dwelling; it is practised by the occupant of the dwelling, no more than one person living elsewhere is employed at it, no display is visible from the exterior and such activity does not violate the residential character of the area;
  - no architectural modification of the building is visible from the exterior;
  - the professional or artistic activity is practised inside the main building only and does not lend to any exterior storage of any kind;
  - the professional or artistic activity is an accessory use in itself and one cannot cite provisions of article 2.2 to build accessory building, develop additional parking spaces in the front yard, park, on a regular basis, vehicles such as machinery, buses, snowplows or trucks of a loading capacity of more than one (1) ton, or install one or more signs not in conformity with the provisions applicable to the zone where such activity is practised.

b) Public parks and playgrounds.

## **2.4 USES PERMITTED IN RESIDENTIAL RB ZONES**

### *2.4.1 General provisions*

The only uses permitted in RB zones are the following:

- a) Uses permitted in RA zones;
- b) Detached multi-family dwellings of not less than two (2) combined on a single landsite, including residences for the senior citizens.

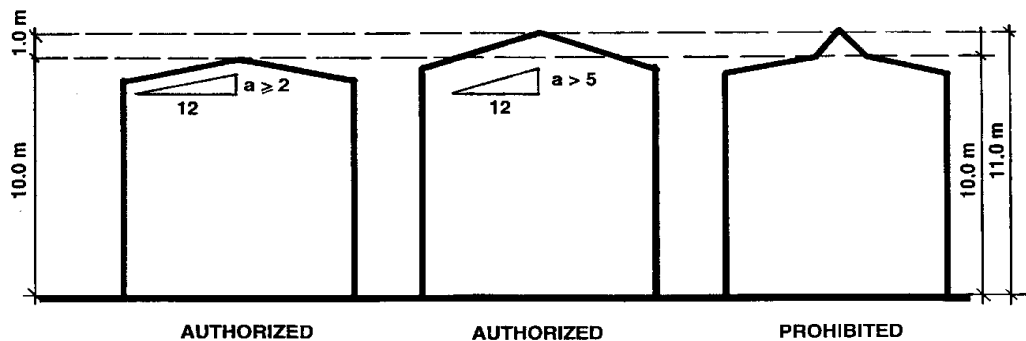
### *2.4.2 Specific provisions for zone RB-24 (Amendt 875-6)*

- a) Notwithstanding provisions of paragraph 2.4.1, the only uses permitted in zone RB-24 are the following:
  - i) uses permitted in RA zones;
  - ii) groups of two (2) or at most of three (3) single-family houses connected by a common wall, commonly known as semi-detached or townhouses, built on the same landsite, with respect to the condition that notwithstanding the provisions of article 4.11 of the present By-law, none of these houses has more than two (2) storeys or measures more than 10,0 metres (32,8') in height;

- iii) apartment buildings containing at most twenty-four (24) housing units:
  - whose building area does not exceed 1 000 square metres (10 765 square feet),
  - whose plot plan can be contained inside a rectangle with a diagonal that does not exceed a length of 45,0 metres (147,6'),
  - whose above ground volume does not exceed 9 500 cubic metres (335,538 cubic feet),

and only with respect to the condition:

- that none of these buildings is located on a landsite situated in all or in part less than 38,1 metres (125') from the right-of-ways of Surrey Street and Churchill Street;
- that notwithstanding the provisions of sub-paragraph c of article 4.11, all basements be counted as storeys;
- that, notwithstanding the provisions of article 4.11, their height does not exceed 10,0 metres (32,8') unless the slope of the roof is invariable and superior to five on twelve (5/12), in which case the peak of the pinnacle may surpass by 1,0 metre the maximum height of 10,0 metres (32,8') the whole as shown on the illustrations:



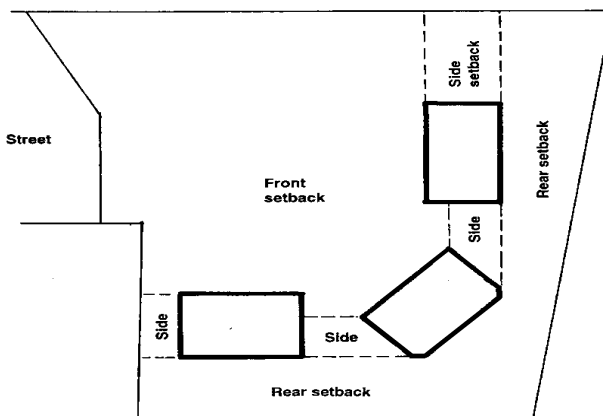
(Amendt 875-27)

- iv) an apartment building may be made of a minimum of two and a maximum of three groups of houses which meet the conditions of paragraph ii) above, and not the conditions of paragraph iii) above, subject however to the additional following conditions:

- for the purposes of paragraph b) of Article 4.6 of the Permits and Certificates By-Law (Obligation to register as a separate lot), all groups of houses planned on the landsite shall be considered as one multifamily building made of two or three pavilions, and as only one construction to be built on one lot;

- for the purposes of paragraph b) and e) of Article 3.4 of Zoning By-Law No. 875, each group of houses shall be considered as a detached multifamily dwelling of five (5) apartments or less;
  - the minimum distance between any two groups of houses on the same landsite shall be 9.0 metres (29,5').
- v) in the case where an apartment building is made of two or three groups of houses,
- any area between the front facade of a building, a street right-of-way and a side property line shall be considered as a front setback,
  - any area between any two buildings or between any building and a side property line shall be considered as a side setback,
  - any area between the rear facade of a building, a side property line and a rear property line shall be considered as a rear setback,

the whole as shown on the example below:



2.4.3 Repealed (Amendt 875-12)

2.4.4 Specific provisions for zone RB-48  
(Amendt 875-14) (Repealed) (Amendt 875-8)

2.4.5 Specific provisions for zone RB-66  
(Amendt 875-34) (Amendt 875-41)(Amendt 875-52) (Amendt 875-72)

- a) Notwithstanding the provisions of paragraph 2.4.1, the only uses permitted in zone RB-66 are:
- residences for senior citizens comprising a maximum of sixty (60) units,
  - residences for senior citizens comprising a maximum of 95 units in which at least 10% and at most 50% of the units are allocated to the lodging of senior citizens who, by reason of loss of physical, functional, cognitive or psychosocial autonomy can no longer live in their natural environment;

- uses that are accessory to the uses described above, such as community facilities for serving meals, recreational activities, health care facilities and other activities and services normally ancillary to a residence for senior citizens;

and on the condition that:

- notwithstanding the provisions of paragraph b) hereinafter, no part of a building that is 2 stories or less be located at less than 12.5 metres (41') from the limit of the right-of-way of Victoria Drive;
  - notwithstanding the provisions of paragraph b) hereinafter, the total building area of all parts of a building that are 3 stories and located at less than 25.0 metres (82') (and more than 13.5 metres (44') according to the following paragraph) from the limit of the right-of-way of Victoria Drive be no more than 165 square metres;
  - notwithstanding the provisions of paragraph b) hereinafter, no part of a building that is 3 stories be located at less than 13.5 metres (44.3') from the limit of the right-of-way of Victoria Drive;
  - no healthy mature tree located at less than 7.5 metres (24.6') from any lateral limit of the property be felled; for the purpose of this provision, a mature tree is a tree with a trunk that is more than 10 centimetres (4 inches) in diameter measured at 1 metre (3.3') from ground level;
  - the secondary front setback, on Victoria Drive, as well as the parts of the side setbacks that are within 100 metres (328.0') from the limit of the right-of-way of Victoria Drive, be planted and maintained with evergreen trees at least 7.0 metres (23.0') in height, at a minimum density of 1 tree per 100 square metres (1076.4 square feet) of the surface area of the said setbacks;
  - except for the duration of the building permit and notwithstanding the provisions of paragraph a) of article 7.5 of By-law number 875, there shall be no access for motor vehicles from Victoria Drive.
- b) For the purposes of the other provisions of this By-Law, including those pertaining to set-backs, a residence for senior citizens shall be considered as a multifamily dwelling.

#### 2.4.6 *Specific provisions for zone RB-67* (Amendt 875-38)

In zone RB-67, all exterior facades shall be in brick.

#### 2.4.7 *Specific provisions for zone RB-69* (Amendt 875-102)

The only uses permitted in zone RB-69 are:

- assisted living or advanced care residences for senior citizens comprising a minimum of 80 units and a maximum of 125 units;
- uses that are accessory to the uses described above, such as community facilities for serving meals, recreational activities, health care facilities and other activities and services normally ancillary to a residence for senior citizens.

For the purposes of the other provisions of this by-law, including those pertaining to set-backs, a residence for senior citizens shall be considered as a multifamily dwelling

## **2.5 USES PERMITTED IN PUBLIC PA ZONES**

The only uses permitted in PA zones are public parks and playgrounds, and other recreational facilities.

## **2.6 USES PERMITTED IN PUBLIC PB ZONES**

The only uses permitted in PB zones are the following:

- a) Uses permitted in PA zones;
- b) Uses operated by a governmental, educational or religious institution for the purpose of administration, worship, education, health care and social services, culture and recreation, including town halls, offices for school administration, churches, temples and parsonages, schools, colleges and universities, hospitals and local community service centres, residences for senior citizens, community and cultural centres, indoor and outdoor sporting facilities;
- c) *(Amendt 875-21) (Repealed - Amendt 875-26)*

### **2.6.1 Specific provisions for zone PB-48 (Amendt 875-80)**

Notwithstanding the provisions of paragraph 2.6, the only use permitted in zone PB-48 is a school.

## **2.7 USES PERMITTED IN PUBLIC PC ZONES**

The only uses permitted in PC zones are the following:

- a) Uses permitted in PB zones;
- b) Light public utility uses such as transmission lines, pumping, measuring or distributing stations for the water, sewer, gas, electricity or telephone systems, meteorological stations and municipal maintenance and services centers, police and fire stations.

## 2.8 USES PERMITTED IN COMMERCIAL CA ZONES

*(Amendt 875-19) (Amendt 875-116)*

The only uses permitted in CA zones are shopping centres of a minimum floor area of 3,000 square metres (32,295 sq. ft.) and a maximum floor area of 6,000 square metres (64,586 sq. ft.) and combining on a same site not more than one gas-bar or service-station with or without a car-wash, and at least five (5) stores or shops among the following, provided that no one of these occupies more than 40% of the total floor area of the shopping centre:

- a) offices and professional services, i.e. uses where the main activity is business administration, accounting, correspondence, filing, data processing, brokerage operations, and professional offices, including medical clinics and veterinary clinics for pets;
- b) retail commercial stores and service shops provided they do not lend to any exterior storage; retail stores are those where the main activity is the sale of goods in small quantities for the sole need of the purchaser, such as supermarkets, groceries, natural food stores, pastry shops, butcher shops, fruit shops, dairy stores and stores of good other than food, such as jewellery shops, clothing shops, hardware stores, drugstores, stationer's shops, office supply stores, furniture and appliance stores, pet shops, fabric stores, shoe stores, sporting goods stores, decorating shops, tobacconists, liquor stores, automobile parts and accessories (excluding gas-bars, service-stations, automobile maintenance and repair shops and shops where parts and accessories are installed or replaced on the automobiles), arts and crafts shops, record stores, bookstores and art galleries; service shops are those where the main activity is the upkeep of personal or domestic goods, the care of the person or the supply of services rather than the sale of goods, such as dry-cleaning shops, tailors shops, shoe-repair shops, upholstering shops, milliner shops, radio, television and other electrical appliance repair shops, laundrettes, beauty salons, funeral homes, health studios, sun tan salons, photographers shops, banks and financing companies, formal wear and costume rental shops, taxi stands, dance and music schools, artists, artisans and musician studios, private schools, travel agencies, labour unions and political party offices, man-power centres, post offices, customs offices, unemployment insurance and other governmental services or agencies, telephone, electricity, gas and other public utility company offices, catalogue shopping services, kindergarten and day-care centres;
- c) Establishments where the main activity is the preparation and the service of meals to be eaten within the premises such as restaurants, dining rooms and cafeterias;
- d) Cinemas;
- e) Uses permitted in PA zones.

## **2.9 USES PERMITTED IN COMMERCIAL CB ZONES**

*(Amendt 875-10 and Amendt 875-19)*

The only uses permitted in CB zones are the following, provided that no commercial or office building has a total floor area of more than 2,000 square metres (21,528 sq. ft.):

- a) Uses permitted in CA zones;
- b) Lodging facilities where the main activity is the lodging of travellers for short stays such as hotels, motels and inns;
- c) Automobile dealers where the main activity is the sale of new automobiles and where the activities of car rental, car maintenance and resale of used cars are only incidental to the sale of new cars;
- d) Uses permitted in PC zones.

## **2.10 USES PERMITTED IN COMMERCIAL CC ZONES**

*(Amendt 875-105)*

The only use permitted in CC zones is a cemetery.

## **2.11 USES PERMITTED IN INDUSTRIAL I ZONES**

*(Amendt 875-10)*

Uses permitted in industrial zones, identified on the ZONING PLAN by the letter "I", are provided in chapter 10 of the present by-law.

### **2.11.1 (Amendt 875-23)**

Notwithstanding any other provision of the present By-Law, a brasserie may be established only in zone I-35.

## **2.12 USES PERMITTED IN UTILITY U ZONES**

*(Amendt 875-105)*

The only uses permitted in U zones are the following:

- a) Parking areas associated with public transit systems;
- b) Uses permitted in PA zones.

## **2.13 INSALUBRIOUS USES**

*(Amendt 875-10)*

The classification of uses for the purpose of the present by-law can in no way be interpreted as to permit an insalubrious use prohibited in the entire Town of Baie-D'Urfé by the NUISANCE BY-LAW.



## Chapter 3

### PROVISIONS CONCERNING LANDSITE DIMENSIONS, AUTHORIZED CONSTRUCTIONS, COVERAGE OF PRINCIPAL BUILDINGS, SET-BACKS AND CONSTRUCTION AND DEVELOPMENT AUTHORIZED WITHIN SET-BACKS

#### 3.1 LANDSITE DIMENSIONS

##### a) *Minimum areas and dimensions*

The minimum landsite areas and dimensions in each of the zones and for each use and type of use are specified in the SUBDIVISION BY-LAW of Ville de Baie-D'Urfé; no certificate of authorization or building permit for a planned land use on a given landsite may be issued after the coming into force of the present by-law if the frontage, width, depth and area of the landsite do not conform to the minimum requirements specified in the SUBDIVISION BY-LAW for future land use,

- because the landsite was subdivided in contravention of the SUBDIVISION BY-LAW,
- because the landsite was subdivided according to the requirements of the SUBDIVISION BY-LAW for a given use and another use is planned for construction when the landsite area, frontage, width or depth do not conform to the minimum requirements specified in the SUBDIVISION BY-LAW for the new planned use.

##### b) *Acquired rights*

A certificate of authorization or building permit for a planned use on landsite whose frontage, width, depth and/or area do not conform to the minimum requirements specified in the SUBDIVISION BY-LAW for future land use may be issued if the aforementioned landsite satisfies one of the following conditions:

- it was subdivided before the coming into force of any by-law regulating the area, frontage, width and/or depth of lots or landsites in Ville de Baie-D'Urfé;
- it was subdivided in conformity with provisions of a by-law regulating the area, frontage, width and/or depth of lots or landsites which predates the coming into force of the SUBDIVISION BY-LAW;
- it enjoys an acquired right to be subdivided according to article 3.1 of the SUBDIVISION BY-LAW;

and if the planned use is permitted in the zone under the terms of the present by-law.

##### c) *Application of other provisions*

Any use for which paragraph b) must be cited for a certificate of authorization or building permit to be issued must, nevertheless, respect all the others provisions of the present by-law, notably those pertaining to set-backs.

d) *Unauthorized dividing up of land*

None may, for the only purpose of using the provisions of paragraph b), consider as several lots or landsites, a landsite consisting of several distinct lots, in keeping with the Civil Code

(Amendt 875-109)

e) Notwithstanding any other incompatible provision of this by-law, the minimum density of a residential development project served by the municipal water distribution and sanitary sewer systems on "land to be developed" shown on the zoning map of this by-law's Appendix 2 is 40 housing units per hectare of net surface area.

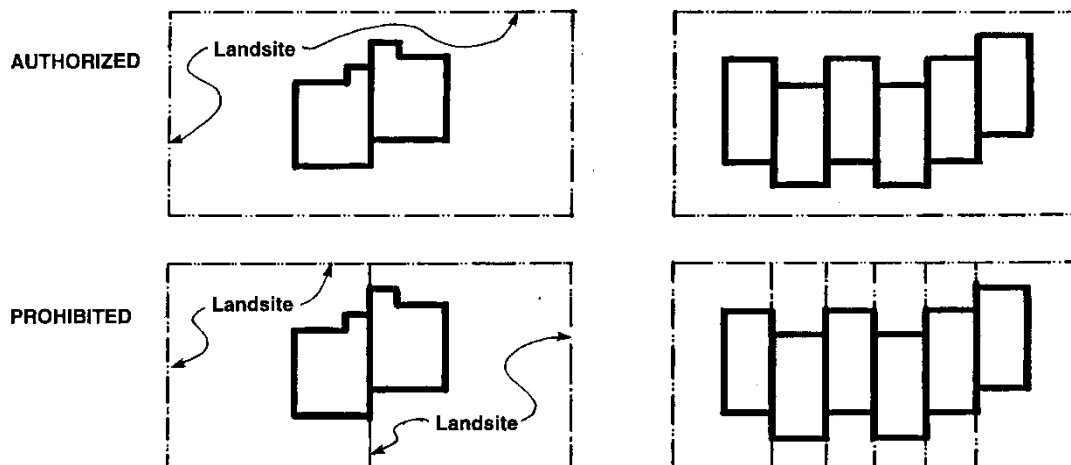
**3.2 TYPES OF CONSTRUCTION AUTHORIZED**

a) In any area of the Town of Baie-D'Urfé the only types of structures authorized as a principal building are "detached" structures (as opposed to "semi-detached" or "contiguous") built on a distinct piece of land, that is to say a built structure set-back from each land boundary and having (or planned to have) natural lighting on all its perimeter.

b) The provisions of paragraph a) above must not, however, be interpreted as forbidding structures consisting of two (2) or more units connected by a common wall (commonly called semi-detached or contiguous) in so far as they respect the following conditions:

- together the units connected in this way constitute a single structure built on a single piece of land,
- the total number of lodgings or commercial or industrial establishments allowed for each principal building are those established in the present by-law.

c) The conditions stated in paragraph b) above must not be interpreted as forbidding the concept of coownership, condominium or cooperative dwellings.



**3.3 LAND COVERAGE, FLOOR SPACE INDEX AND FLOOR AREA RATIO**

*(Amendt 875-19) (Amendt 875-24) (Amen. 875-56) (Amendt 875-73)*

*(Amendt 875-24)*

- a) (Repealed) *(Amendt 875-73)*

*(Amendt 875-24)*

- b) (Repealed) *(Amendt 875-73)*

*(Amendt 875-10, 875-33)*

- c) The maximum land coverage by zone is as follows:

- in RA zones: 0.16,
- in RB zones: 0.25,
- in PA, PB and PC zones: 0.25,
- in CA zones: 0.28,
- in CB zones: 0.25.

- d) The maximum land coverage in industrial zones is provided in chapter 10 of the present by-law.

*(Amendt 875-19)*

- e) (Repealed) *(Amendt 875-73)*

- f) (Repealed) *(Amendt 875-56)*

- g) (Repealed) *(Amendt 875-73)*

*(Amendt 875-24) (Amendt 875-56) (Amendt875-61)*

- h) (Repealed) *(Amendt 875-73)*

*(Amendt 875-24) (Amendt 875-80)*

- i) The minimum and maximum floor area ratios by zone are as follows:

ZONE	MINIMUM	MAXIMUM
RA	0.025	0.24
RB	0.025	1.0
CA	0.1	0.5
CB	0.1	0.5
PB-48	0.025	0.4

**3.4 SET-BACKS AND MINIMUM SET-BACKS**

- a) *Definitions*

The set-back is the ground space between a principal building and the boundary of the landsite on which it is built; a set-back may be at the front, side or rear; when the by-law specifies a dimension for a given set-back, this dimension is the minimum obligatory

distance between the principal building and the corresponding boundary of the landsite on which it is or will be built; when a piece of land is reserved for expropriation, the set-back extends from the boundary of the reserved land.

b) *Minimum dimensions of the front set-back*

The minimum front set-backs are as follows:

- in zone RA-17, 3.5m (11.5');
- in zones RA-38, RA-39 and RA-40, 12.0m (39,4');
- in all other RA zones, 7.5m (24.6');
- in RB zones,
  - . for any private detached single family dwelling, including parsonages, 7.5m (24,6');
  - . for any detached multi-family dwelling of five (5) apartments or less, 10m (32,8');
  - . for any detached multi-family dwelling of more than five (5) apartments, 12.5m (41.0');
- in PA, PB and PC zones, 12.5m (41.0');
- in CA and CB zones, 18.0m (59.1').

*(Amendt 875-10)*

The front set-backs for industrial zones are provided in chapter 10 of the present by-law.

c) *Corner lot or lot bordered by more than one street*

*(Amendt 875-13) (Amendt 875-73)(Amendt 875-91) (Amendt 875-112)*

In the present section and in sections 2.4, 3.7, 3.8, 3.9, 4.11, 10.7, 10.11.1 and 10.12, in the case of a corner lot or a lot bordered by more than one street, the term "secondary front set-back" refers to the set-back identified as "secondary front set-back" as sketched below, and the term "front set-back" refers to any other set-back adjacent to a street. In all other sections, the term "front set-back" shall be understood as meaning any set-back adjacent to a street.

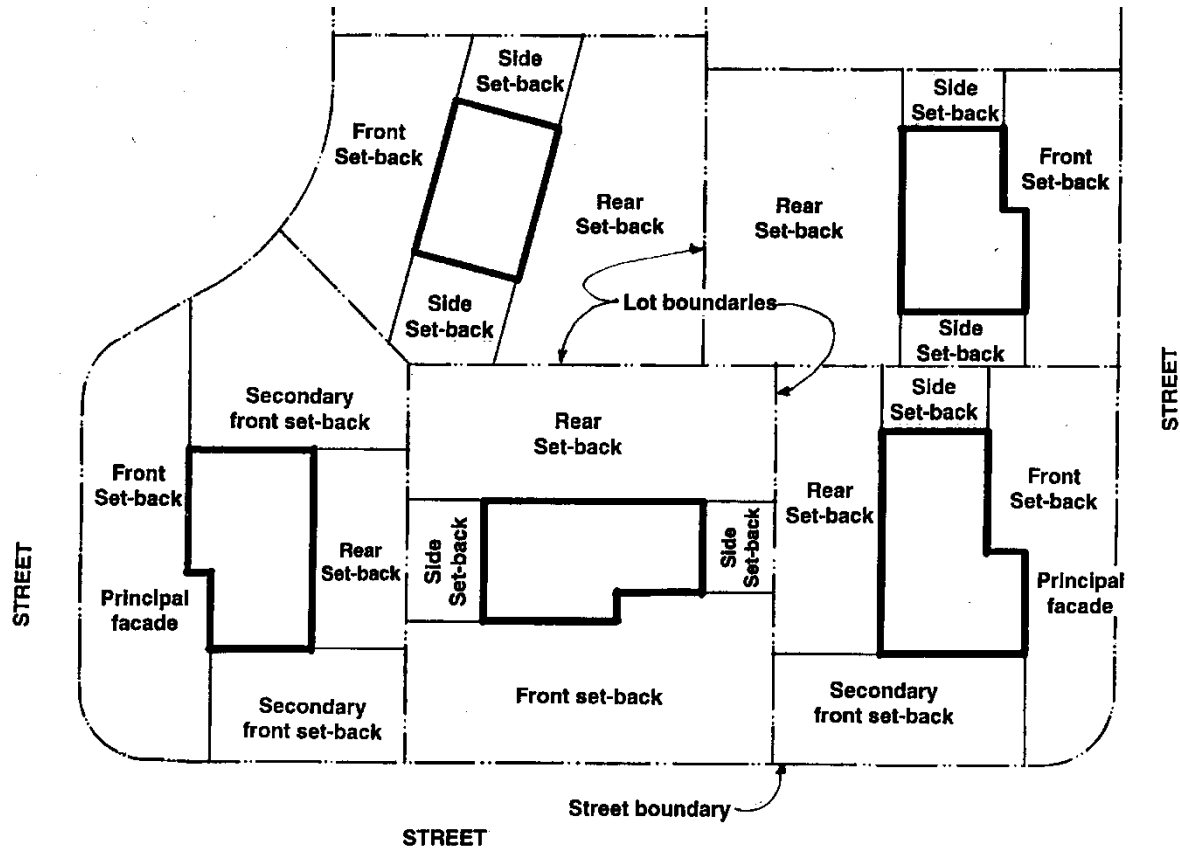
*(Amendt 875-87) (Amendt 875-112)*

Notwithstanding the provisions of the above paragraph, in RA zones, in the case of a lot which has boundaries on two streets which do not intersect at the lot in question (commonly referred to as a "through lot"), the set-back adjacent to the street containing the civic address of the lot as of July 1, 2011, shall be considered a front set-back, and the set-back adjacent to the other street shall be considered a rear set-back.

*(Amendt 875-30) (Amendt 875-112)*

d) *Minimum dimension of the secondary front set-back on a corner lot*

For any private detached single family dwelling, the secondary front set-back must be at least 7.5m (24.6').



e) *Minimum dimensions of the side set-backs*

The minimum side set-backs are as follows:

- (Amendt 875-80) (Amendt 875-112)
  - in RA zones and in zone PB-48, each side set-back must be at least 4.5m (14.8') and, where there are two side set-backs, the total of the two side set-backs must be at least 12.0m (39.4');
  - in RB zones,
    - for any private detached single family dwelling, including parsonages, each side set-back must be at least 4.5m (14.8') and the total of the two side set-backs must be at least 12.0m (39.4');
    - for any detached multi-family dwelling (including residences for senior citizens) of five (5) apartments or less, each side set-back must be at least 6.0m (19.7');
    - for any detached multi-family dwelling (including residences for senior citizens) of more than five (5) apartments, each side set-back must be at least 7.5m (24.6').

*(Amendt 875-80)*

- in PA and PC zones and in all PB zones other than PB-48, each side set-back must be at least 7.5m (24.6');

*(Amendt 875-10)*

- in CA and CB zones, each side set-back must be at least 12.0m (39.4');

*(Amendt 875-10)*

The side set-backs for industrial zones are provided in chapter 10 of the present by-law.

f) *Minimum dimensions of the rear set-backs*

The minimum rear set-backs are as follows:

- in RA zones, the rear set-back must be at least 7.5m (24.6');
  - in RB zones,
    - . for any private detached single family dwelling including parsonages, the rear set-back must be at least 7.5m (24.6');
    - . for any detached multi-family dwelling (including residences for senior citizens) the rear set-back must be at least 12.0m (39.4').
  - in PA, PB and PC zones, the rear set-back must be at least 7.5m (24.6');
- (Amendt 875-10)*
- in CA and CB zones, the rear set-back must be at least 18.0m (59.1').

*(Amendt 875-10)*

The rear set-backs for industrial zones are provided in chapter 10 of the present by-law.

g) *Repealed (Amendt 875-19)*

h) *Minimum set-backs along Highway 20*  
*(Amendt 875-10)*

Notwithstanding any other provisions concerning set-backs in the present by-law, no principal building may be built at less than 18.0m (59.0') from Highway 20.

i) *Minimum set-backs along high tension electricity transmission lines*

Notwithstanding any other provisions concerning set-backs in the present by-law, no principal building may be built at less than 10.0m (32.8') from the right-of-way of any high tension electricity transmission line.

*(Amendt 875-18)*

j) Notwithstanding any other provisions concerning set-backs in the present by-law, no gas bar, service station or other type of outlet selling fuel may be built closer than 150 metres (492,1') from Morgan Road and 50 metres (164.0') from the 2-20 Highway.

- (Amendt 875-96)
- k) Notwithstanding any other provisions concerning set-backs in this present by-law, in the case of a landsite in zone RA-31 whose width does not exceed 15.24m (50') and which was, on July 1, 2012, the site of a principal residence built prior to January 1, 1942, each side set-back must be at least 2.33, (7.6') and the total of the two side set-backs must be at least 8.33m (27.3').
- l) *Permanence of minimum set-backs*  
(Amendt 875-96)

The set-back requirements established in accordance with the present by-law are of a continuous obligatory nature and prevail insomuch as and as long as the use for which they are required lasts; except in the case of expropriation for public uses, any land transaction involving a reduction of a set-back below the minimum requirement constitutes an infraction and the offender is liable to fines and other recourses provided for in the present by-law; in addition, no building permit or certificate of authorization may be issued for a planned use or an extension of a use requiring a lot or part of a lot having been the subject of such transaction.

### 3.5 CIVIL CODE AND SERVITUDES

When any provision of the present by-law allows an encroachment on a minimum set-back, this provision does not allow any escape from the provisions of Quebec's Civil Code, notably those pertaining to view into neighbour's property and roof drainage.

### 3.6 CARPORTS AND GARAGES WITHIN THE SIDE SET-BACKS

Living spaces may be built over or inside a garage or carport annexed to a private detached single family dwelling, if the whole consisting of the principal body of the building and the garage or carport, respects the set-back requirements in accordance with the present by-law for the principal building.

### 3.7 ENCROACHMENT ON THE MINIMUM SET-BACKS

(Amendt 875-65) (Amendt 875-73)

Except for industrial zones, which are governed by chapter 10, and for buildings or portions of buildings less than twenty (20) years old, for which no encroachments on the minimum set-backs are permitted,

(Amendt 875-104)

- a) On condition of the sum of the widths of their orthogonal projections being not more than one-third (1/3) of the width of the orthogonal projection of the side of the building on which they are situated (said orthogonal projection to exclude any structures which encroach on a required set-back), and on condition of being no closer than 4.5 metres (14.8') to any boundary of the landsite, porches, porticos, verandas, balconies, marquees, awnings, bow or bay windows, chimneys (provided they are not wider than 3.0 metres (9.8')), wheel chair ramps, handicapped elevators and associated access routes, handicapped lifts and associated access routes, and stairs (including entrance steps) permitting access to a floor situated 1.5 metres (4.9') or less above or below the average level of the adjacent ground, may encroach at the most 2.0 metres (6.6') within the minimum side and rear set-backs and

may encroach at the most 1.5 metres (4.9') within the minimum front and secondary front set-backs.

- b) On condition of not being any closer than 3.5 metres (11.5') to any boundary of the landsite, eaves may encroach at the most 1.0 metre (3.3') within the minimum set-back.

*(Amendt 875-112)*

- c) On the condition of not being closer than 5.0 metres (16.4') to the boundary of the street right-of-way, garages and carports which are entirely of one storey attached to a private detached single family dwelling may encroach at the most 1.5 metres (4.9') within either the minimum front or secondary front set-back, but not in both.
- d) The total width of all encroachments permitted by virtue of paragraphs 3.7 a) and 3.7 c) may not exceed twenty-five percent (25%) of the sum of the orthogonal projections of the sides of the building perpendicular to the set-backs (said orthogonal projection to exclude any structures which encroach on a required set-back).
- e) The total width of all encroachments permitted by virtue of paragraph 3.7 a) on any one façade of the building may not exceed 6.0 metres (19.8').
- f) Notwithstanding the provisions of paragraphs 3.7 a), 3.7 d) and 3.7 e), when the complete façade of a building is less than 12 metres (39.4') in width, a veranda of a width not exceeding that of the façade by more than 3 metres (9.8') may encroach at most 1.5 metres (4.9') within the minimum front set-back.

### **3.8 CONSTRUCTION AND DEVELOPMENT AUTHORIZED WITHIN THE FRONT SET-BACK AND WITHIN THE SECONDARY FRONT SET-BACK** *(Amendt 875-13)*

*(Amendt 875-10)*

- a) Except for industrial zones, which are governed by chapter 10, the following only are authorized within the front set-back, subject to the other provisions of the present by-law governing them,
- sidewalks, paths, planting and other landscaping effects,
  - signs,
  - fences and hedges,

*(Amendt 875-73)*

- accesses to carports or garages, access to parking or to loading and unloading areas located in the side or rear set-backs, but never less than 1.0 metre (3.3') from the side boundary of the landsite,
- parking areas, but never less than 6m (19.6') from the boundary of the street right-of-way and never less than 1m (3.3') from the side boundary of the landsite and on the condition that the space between the parking area and the boundary of the street right-of-way (except the entrance paths) are to be grassed, planted with trees, shrubs or flowers, or other landscaping,



*(Amendt 875-13)*

- private garages, subject to the following conditions:
  - . the principal building must be located at more than 30 metres (98.4') from the limit of the right-of-way of the public thoroughfare;

*(Amendt 875-43)*

- . the said garage must not be closer than 30 metres (98.4') from the limit of the public thoroughfare; and not be closer than 6 metres (19.6') from the side lot line;
- . the facing material(s) of the said garage must be the same as those of the principal building and the same material or combination of materials must be used on all facades of the said garage;

*(Amendt 875-13)*

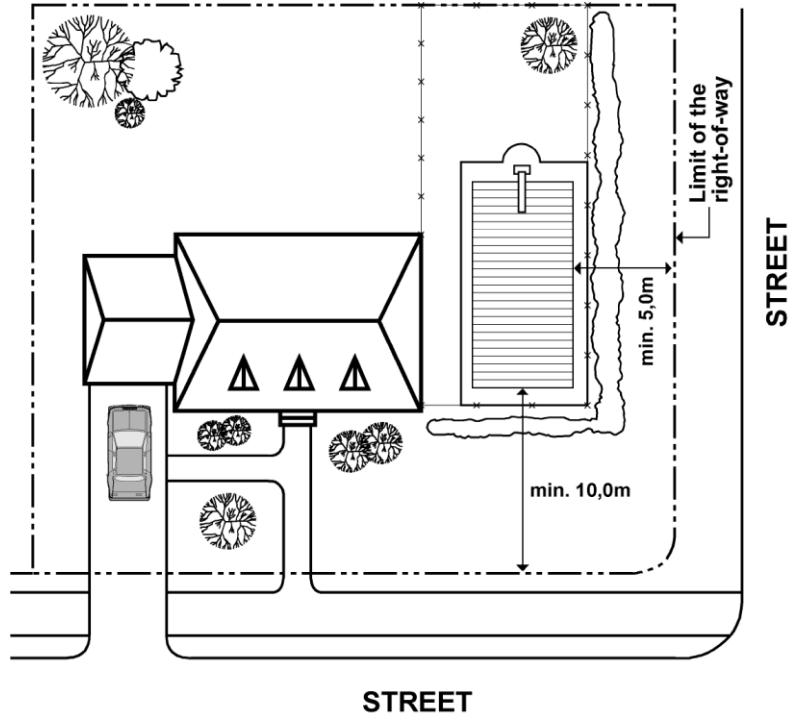
- swimming pools, subject to the following conditions:
  - . inground pools, but never less than 30m (98.4') from the limit of the right-of-way of the public thoroughfare and never less than 3m (9.8') from any side boundary of the landsite;
  - . swimming pools safety fences, but never less than 25m (82.02') from the limit of the right-of-way of the public thoroughfare and never less than 3m (9.8') from any side boundary of the landsite;

*(Amendt 875-112)*

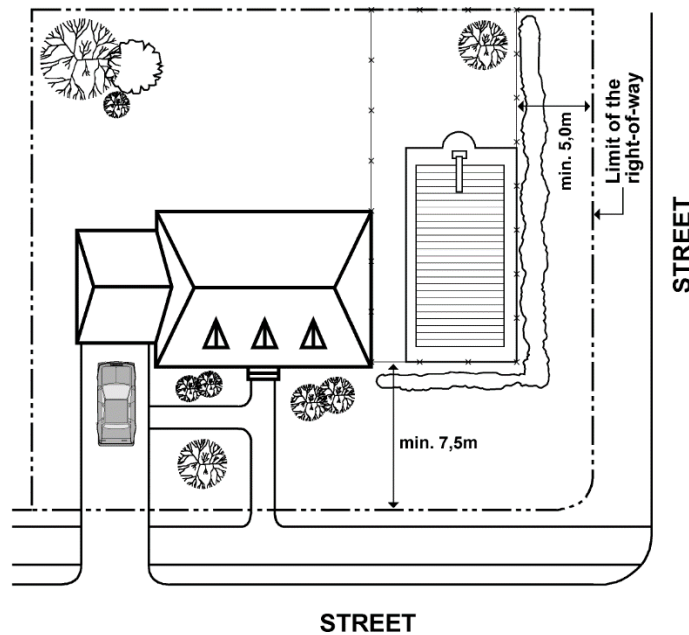
- b) In all zones, the first 60 cm (2.0') of the front and secondary front set-back measured from the boundary of the street right-of-way must be left at the same level as that of the landscaped land inside the boundary of the right-of-way and be free of all fences, hedges, trees, signs or other construction or development.

*(Amendt 875-13)*

- c) Except for industrial zones, which are governed by chapter 10, the following only are authorized within the secondary front set-back, subject to the other provisions of the present By-law governing them:
  - construction and development authorized in the front set-back;
  - inground pools, but never less than 10m (32.8') from the limit of the right-of-way of the public thoroughfare parallel to the main facade of the building and never less than 5m (16.4') from the right-of-way of the other public thoroughfare, as shown on the sketch below:



- swimming pool safety fences, but never less than 7.5m (24.6') from the limit of the right-of-way of the public thoroughfare parallel to the main facade of the building and never less than 5m (16,4') from the right-of-way of the other public thoroughfare, as shown on the sketch below:



(Amendt 875-73)

- d) In RA zones (except in zone RA-17), the maximum coverage with impermeable material in each of the front and secondary front set-backs shall not exceed forty percent (40%).

- (Amendt 875-73)*
- e) In RA zones (except in zone RA-17), the sum of the coverages in the front and secondary front set-backs with impermeable material shall not exceed forty percent (40%) of the larger of these set-back areas.

### **3.9 CONSTRUCTION AND DEVELOPMENT AUTHORIZED WITHIN THE SIDE SET-BACKS** *(Amendt 875-73)*

- (Amendt 875-10)*
- a) Except for industrial zones, which are governed by chapter 10, the following only are authorized within the side set-backs, subject to the other provisions of the present By-law governing them,

- (Amendt 875-112)*
- construction and development authorized in the front and secondary front set-back;
  - parking, but never less than 60cm (2.0') from the landsite boundaries;

- (Amendt 875-73)*
- access to carports or garages, access to parking or to loading and unloading areas located in the side or rear set-backs, but never less than 60 cm (2.0') from the side boundaries of the landsite;

- garages and carports as well as sheds integrated into garages and carports, subject to the provisions of the present By-law governing accessory buildings;

- (Amendt 875-13)*
- the use of recreational equipment complementary to the principal use; such as tennis courts and swimming pools (inground and above ground) but never less than 3.0m (9.8') from any boundary of the landsite and never less than 10m (32.8') from the front line,

- loading and unloading areas.

- (Amendt 875-73)*
- b) In RA zones (except in zone RA-17), the maximum coverage with impermeable material in the sum of all side setbacks shall not exceed fifty percent (50%). In the case of a landsite containing a secondary front set-back, the coverage of this secondary front-setback shall be included while computing this sum. Nothing in this paragraph shall be interpreted as modifying the limitations of impermeable areas defined in section 3.8.

### **3.10 CONSTRUCTION AND DEVELOPMENT AUTHORIZED WITHIN THE REAR SETBACK**

- (Amendt 875-10)*
- Except for the industrial zones, which are governed by chapter 10, the following only are authorized within the rear set-back, subject to the other provisions of the present by-law governing them,

- construction and development authorized in the side set-back;
  - garages, carports and other accessory buildings;
  - clothes lines and other devices used to dry clothes;
  - antennas, dish-type or other;
- (Amendmt 875-13)*
- pools (inground or above ground) but never less than 3m (9.8') from any boundary of the landsite.

### 3.11 ANTENNAS

Antennas of any type are authorized at the following conditions:

- a) There can be only one antenna, dish-type or other, per landsite.
- b) The maximum authorized diameter for any dish-type antenna is 3.1m (10.2').
- c) Dish-type antennas of more than 60cm (2.0') in diameter are prohibited on buildings. A dish-type antenna can only be located in the rear set-back, at least 7.5m (24.6') from any boundary of the landsite. Its total height, measured from the ground immediately underneath, must not exceed 4.5m (14.8').
- d) The maximum total height of any dish-type antenna of 60cm (2.0') or less in diameter, or of any antenna of another type, is 15.0m (49.2') measured from the ground immediately underneath.

*(Amendmt 875-10)*

The present article does not apply to industrial zones, where antennas are treated as mechanical devices, as governed by chapter 10.

### 3.12 WAREHOUSING OR OUTSIDE STORAGE

- a) *Heavy vehicles (Amendmt 875-10)*

The storage or parking, on a regular basis, of heavy vehicles such as tractors, buses, snow-ploughs, graders and trucks of more than one (1) ton in carrying capacity or the construction of garages, sheds or other works for this purpose is prohibited everywhere, except for commercial uses, public uses and industrial uses subject to the provisions of chapter 10; the storage or parking of heavy vehicles is prohibited on a vacant landsite.

- b) *Uses authorized in all zones*

*(Amendmt 875-78)*

The following are authorized in all zones, provided the objects being stored are at least 30.48 metres (100 feet) from the centre line of any street, or if not, provided they are in the

rear or side set-backs, and are screened by a fence, structure or planting in such a way that they cannot easily be seen from any street:

- for any home use, the storage or parking of vehicles or recreational equipment such as motor-homes, trailers, tent-trailers, boats and snowmobiles; it is strictly forbidden to live in such equipment;
- storage of fire-wood, but only for the purpose of the principal use and never more than ten (10) cords at a time;
- storage of garbage containers.

Notwithstanding the provisions of the above paragraph, the following are authorized in all zones in the front set-back or in the side set-back without screening as described above:

- for any home use, the parking of recreational equipment such as motor homes, trailers, tent-trailers, boats and snowmobiles, subject to a maximum period of four (4) consecutive days at a time;
- for any home use, the parking of other vehicles (notably cars and motorcycles), provided that they are currently registered with the Société de l'assurance automobile du Québec or other regulatory authority.

c) *Outside warehousing*  
(Amendt 875-10)

Outside warehousing is only allowed in certain industrial zones, subject to the provisions of chapter 10.

### **3.13 GARAGE SALES**

Garages sales are authorized in all zones, under the following conditions:

- a) There must only be one garage sale per house per year;
- b) The sale must be conducted by the occupant of the lodging;
- c) The sale must be held during a week-end, cannot last more than two days and must end by 5 o'clock (17.00) Sunday afternoon.
- d) The provisions of the preceding paragraphs a, b and c must not be interpreted as limiting in any way charitable organization sales.

### **3.14 EXTERIOR LIGHTING**

(Amendt 875-10)

In all zones other than industrial, no exterior lighting device shall disturb the surrounding uses by its intensity or its brightness. Industrial zones are governed by chapter 10.

**3.15 WASTE WATER DISPOSAL SYSTEMS***(Amendt 875-32) (Amendt 875-112)*

- a) Subject to the provincial and municipal regulations on waste water disposal systems, notwithstanding the provisions of Articles 3.8, 3.9 and 3.10 of the present By-Law, any underground part of a waste water disposal system may be located in any front, side or rear set-back;
- b) On every landsite situated in the Town, a minimum land area required in virtue of a law or regulation adopted in virtue of said law for a septic field and an additional land area representing 50% of such minimum land area must be kept free, at all times, of any construction which would have the effect of reducing such land areas, the whole in order to satisfy the future expansion requirements of such septic field;
- c) The land areas contemplated in paragraph 3.15 b) must be suitable for septic field purposes;
- d) If an additional land area representing 50% of the minimum land area contemplated in paragraph 3.15 b) is not available on a landsite, no construction which would have the effect of increasing the land coverage, the floor space index or the floor/area ratio of the buildings built on said landsite will be permitted thereon.

**3.16 STORM DRAINAGE AND PERMEABILITY OF LANDSITES***(Amendt 875-73)*

In RA zones (except in zone RA-17), the sum of the building areas and of all other ground coverage with impermeable material shall not exceed 30% of the area of the landsite.

## Chapter 4

### PROVISIONS CONCERNING ARCHITECTURE, FACING MATERIALS AND BUILDING DIMENSIONS

#### 4.1 GENERAL ARCHITECTURAL CONSIDERATIONS

- a) In the entire Town of Baie-D'Urfé, all new construction or expansion, restoration or alteration of an existing building must harmonize in volume, form, colour and quality of materials with the environment.
- b) In groups of buildings, the use of identical plans, and reversals of the same plan, shall be prohibited. A plan is identical if it does not represent major changes in external appearance. A group of buildings shall consist of the buildings on landsites, or any part of landsites fronting on the same street, any part of which are within a radius of 150m (492.1') from the center of the landsite frontage for which application is made for a building permit. For buildings not fronting on the same street, a group of buildings shall consist of those buildings on landsites any part of which are within a distance of 90m (295.3') from the center of the frontage for which application is made for a building permit.
- c) Provisions of paragraph b) must not be interpreted as prohibiting multi-family dwellings, commercial centers or any other principal use consisting of two or more identical or similar units grouped together on the same landsite.

#### 4.2 PROHIBITED SHAPES

The following are prohibited in the entire Town of Baie-D'Urfé:

- a) the use of railway cars, buses, or other vehicles of the same type as principal or accessory buildings;
- b) any principal or accessory building having the shape of a human being, bottle, ice cream cone, article of clothing, animal, fruit, vegetable or other similar object;
- c) buildings with a semi-circular shape (arches, domes or other), prefabricated or non prefabricated, in galvanized iron or any other material.

#### 4.3 MOBILE HOMES, CARAVANS AND TRAILERS

Mobiles homes, caravans and other trailers are only authorized as temporary buildings and must not serve as dwellings.

#### 4.4 TEMPORARY BUILDINGS

- a) *Temporary carports*

Temporary carports are prohibited in the entire Town of Baie-D'Urfé.

*(Amendt 875-9)*  
b) *Temporary classrooms*

Subject to the following conditions and to the authorization by Council's resolution, it is permitted to add temporary classrooms to schools in PB zones and upon granting a certificate of authorization which shall contain and be subject to the following conditions:

- i) temporary classrooms cannot be located in front of the school's permanent building and their specific location shall be subject to the Council's approval;
- ii) the land coverage of the temporary classrooms cannot exceed the lesser of two thousand one hundred (2100) square feet or ten percent (10%) of the land coverage of the school's permanent building;
- iii) temporary classrooms cannot be built, located or installed for a period exceeding two (2) consecutive school years and must be removed on or before September 1<sup>st</sup> following the last school year in which they are in use.

In the event they are not removed on or before September 1<sup>st</sup>, following the expiry of the authorization, then the Town reserves the right to take all necessary steps to remove the temporary classroom or classrooms in question at the expense of the School authorities concerned, and without further delay or notice to the said School authorities.

It is understood that the term of the authorization shall be for a maximum of two (2) years, after which time, it shall not be renewable for another period nor will any application for an additional certificate of authorization be considered.

- iv) decorative fences or hedges must be placed between the temporary classrooms and the surrounding streets;
- v) temporary classrooms must comply with all the other provisions of the present By-law as if they were part of the school's permanent building, except for the provisions of paragraph b) of article 4.9 which require that the same material or the same combination of materials be used on all sides of a same building.

*(Amendt 875-123)*  
c) *Temporary tents*

In zone RB-66, one temporary tent, white, brown or transparent in colour, not exceeding 83.6 square metres (900 square feet) in surface area, and not exceeding 5.18 metres (17') in overall height, is permitted in the rear set-back during the months of May to September only. For the purposes of sections 3.16, 6.1, 6.2 and 6.3 of the present by-law, this tent shall be considered as an accessory building.

*(Amendt 875-9)(Amendt 875-93) (Amendt 875-123)*  
d) *Other temporary buildings*

Except in zone I-50, temporary buildings, other than as described in paragraphs b) and c) above, are only authorized for construction sites and for demonstrations of a limited duration authorized by a Council resolution; they must be subject to a certificate of authorization and must not serve as dwellings; in the case of a construction site, they must be removed within



thirty (30) days following the end of the work; in the case of a demonstration they must be removed within forty-eight (48) hours following the end of the demonstration.

#### **4.5 MECHANICAL DEVICES**

*(Amendt 875-10)*

Except for industrial zones, which are governed by chapter 10,

- a) Reservoirs, heat-pumps, air-conditioning equipment, ventilation ducts and other mechanical devices are prohibited in the front of any building. If located at the side or the rear, or on the roof, they must be enclosed or properly screened.
- b) The provisions of paragraph a) do not apply to air conditioning units intended to be installed in windows, to roof ventilators, to ventilation pipes or other small mechanical devices normally found on the roof of house.

#### **4.6 OUTSIDE STAIRS**

Outside stairs giving access to a floor or a part of a floor located more than 1.5m (4.9') above or below the average level of the adjacent ground are prohibited on the front facade of the building; when built on a side facade of the building they must not encroach on the front set-back.

#### **4.7 BASEMENT LODGINGS**

- a) It is prohibited to establish a lodging (bachelor flat or otherwise) or part of a lodging other than a play room, in a cellar; the floor of any basement lodging or part of a basement lodging must be no more than 1.5m (4.9') under the average level of the adjacent ground.
- b) In zones where two family dwellings (duplexes) are not authorized, it is prohibited to build a supplementary lodging (bachelor flat or other) in the basement (or any other area) of a private single family dwelling.

#### **4.8 GARAGE ELEVATIONS**

*(Amendt 875-10) (Amendt 875-73) (Amendt 875-97)*

- a) Except in industrial zones, except in public buildings, and except in multi-family dwellings (including residences for senior citizens) of more than five (5) apartments, garage doors below ground are prohibited; all garage doors must be above the average level of the ground measured along the foundation of the wall containing the garage entrance or above the level of the street measured at the center of the driveway at the intersection of the street.
- b) In RA zones, only one garage (integrated or accessory) is permitted per dwelling.
- c) In RA zones, the width of a single vehicle door shall not exceed 2.5 metres (8.2 feet), the width of a double vehicle door shall not exceed 5.0 metres (16.4 feet) and the distance between vehicle doors on the same facade shall not exceed 1.0 metre (3.3 feet). No vehicle door to a garage shall exceed 2.5 metres (8.2') in height.

#### 4.9 FACING MATERIALS

a) The following facing or exterior finishing materials, permanent or temporary, are prohibited in all areas of the Town as much for principal buildings as for accessory buildings:

- cardboard fibre, tarred or non-tarred
- particle board panels,
- tarred or mineralized paper imitating or tending to imitate brick or another material,
- paints and coatings of mortar or of stucco which imitates or tends to imitate another material,
- plain concrete blocks,
- with the exception of cedar shingles, wood that is not painted, not whitewashed, or not treated to prevent darkening,
- polyethylene,
- except for roofs on accessory buildings, non factory-enamelled iron, galvanized or not.

*(Amendt 875-75)*

- any material imitating brick, wood, stone or any other material, except for the following:
  - those materials imitating wood siding;
  - artificial stone made from cement aggregate, being 8.9 centimetres (3.5”) or more in thickness and where none of the pieces is constructed so as to appear to be two or more pieces or to present a repeating pattern.

*(Amendt 875-10) (Amendt 875-44)*

b) Except in industrial zones, which are governed by chapter 10, the same facing material or combination of facing materials must be used in the same proportion on all facades of any building. The calculation of proportions of facing materials shall exclude gable ends.

*(Amendt 875-44)*

c) In the case of an expansion, in addition to the requirements of Article 4.9 b), the facing materials used on the facade of each floor of the expansion must be of the same type and in the same proportion as the material used on the façade of that floor of the existing building.

d) Facing or exterior finishing materials must be maintained.

- e) Roofs used on adjoining houses must have variations in structural appearance. Houses on landsites or parts of landsites within 50m (164') of any part of other landsites upon which are erected buildings must not use the same external finishing materials. The same finishing materials shall be deemed to be:
  - the same brick or the same stone,
  - the same siding,
  - wood shingles,
  - plaster and stucco,
  - shingles of the same colour, although black may be used without restriction.
- f) Provisions of paragraph e) must not be interpreted as prohibiting multi-family dwellings, commercial centres or any other principal use consisting of two or more identical or similar units grouped together on the same landsite.

**4.10 FLAT ROOFS**

- (Amendt 875-80)
- a) Flat-roofed buildings are prohibited in all RA and RB zones and in zone PB-48.
- (Amendt 875-14) (Amendt 875-80)
- b) For purposes of paragraph a), a flat roof is a roof whose slope is less than 2/12 (3/12 in the case of zone PB-48) over more than 25% of the measured surface of the horizontal projection of the building.

**4.11 HEIGHT AND NUMBER OF FLOORS**

- (Amendt 875-10)
- a) Except for industrial zones, which are governed by chapter 10, the maximum and minimum height of principal buildings are provided in table 4.11; the maximum height of accessory buildings is provided in chapter 6.
- b) Except for industrial zones, which are governed by chapter 10, the maximum number of floors of principal buildings is provided in table 4.11.

**Table 4.11**

**HEIGHT AND NUMBER OF FLOORS OF PRINCIPAL BUILDINGS**

(Amendt 875-10)

Zone	Height (in metres)		Maximum number of floors
	minimum	maximum	
RA	4.0 (13.1')	9.0 (29.5')	3
RB	4.0	11.0 (36.1')	3

PA	-	10.5 (34.5')	-
<i>(Amendmt 875-91)</i>			
PB	4.0	9.0 (29.5')*	2
PC	4.0	10.5 (34.5')	3
CA	5.0 (16.4')	10.0 (32.8')	2
CB	5.0	10.0 (32.8')	2

\* *(Amendmt 875-14) (Amendmt 875-80) (Amendmt 875-91)*  
 10m (32.8') in zone PB-48

*(Amendmt 875-24)*

- c) For the purpose of calculating the number of floors, a floor includes a ground floor or a basement; a cellar is not counted as a floor; in the case of a split-level building, the calculation of the number of floors is done by bringing down, to a minimum number of levels occupying all the interior perimeter of the building, the different parts of floor located above a level 1.5m (4.9') below the lot reference level.
- d) The following uses may exceed the specified maximum on the condition that they constitute a principal use or that they be required for the practise of a principal use:
- churches, steeples and belfries,
  - barns and silos,
  - flagpoles and chimneys,
  - radio and television antennas, subject to the provisions of article 3.11 of the present by-law.

*(Amendmt 875-74)*

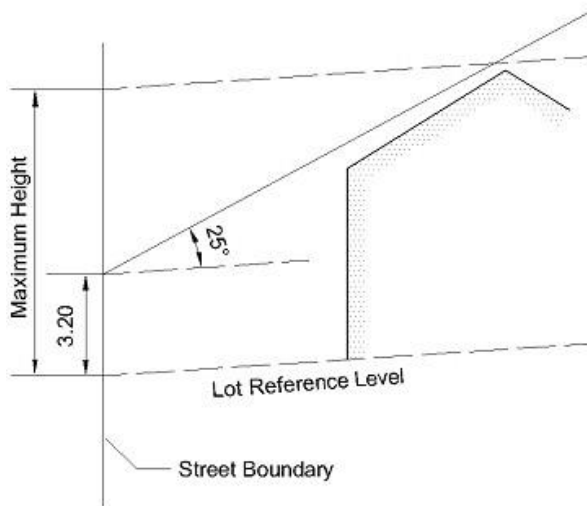
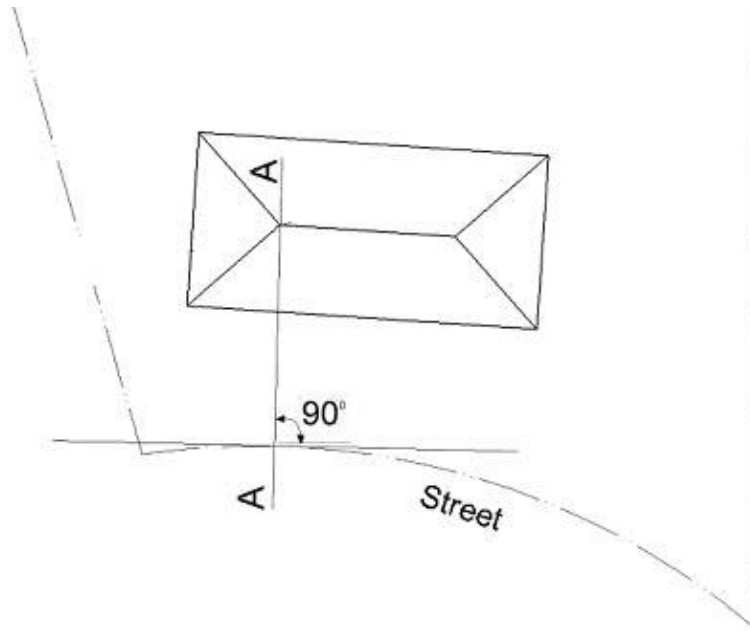
- e) Except in RA zones, mechanical devices or penthouses may exceed by a maximum of 3m (9.8'), the maximum height allowed, on the condition that they do not occupy more than 25% of the surface of the roof; mechanical devices or mechanical penthouses must not be counted in the number of floors.

*(Amendmt 875-73)*

- f) No part of the principal building in an RA zone except features not considered in determining building height as per paragraphs (d) and (e) above shall protrude above the surface defined by a continuum of straight lines that:
- Are perpendicular in plan to those parts of the landsite boundary that touch both the street right-of-way and the front set-back; and
  - Pass through a point located at a vertical distance of "h" above the lot reference level's elevation at the intersection in plan of the line with the landsite boundary; and
  - Form an angle of 25 degrees with the lot reference level.

In zone RA-17, "h" shall be 5.07 metres (16.6').

In all other zones, “h” shall be 3.2 metres (10.5’).



A - A

*(Amendt 875-91)*

- g) No part of the principal building in a PB zone, except features not considered in determining building height as per paragraphs (d) and (e) above, shall protrude above the surface defined by a continuum of straight lines that:
- Are perpendicular in plan to those parts of the landsite boundary that touch both the street right-of-way and the front or secondary front set-back;
  - Pass through a point located at a vertical distance of 3.2 meters (10.5') above the lot reference level's elevation at the intersection in plan of the line with the landsite boundary; and
  - Form an angle of 16 degrees with the lot reference level.

#### **4.12 BUILDING AREA AND HABITABLE FLOOR AREA**

*(Amendt 875-73)*

- a) The minimum building area of any principal building, except for utilities, in the entire town, is as follows:
- 140 square metres (1507 s.f.) for any one storey building,
  - 110 square metres (1184 s.f.) for any building of one storey and part of a second storey, be it a split-level building or a one and a half-storey building,
  - 90 square metres (969 s.f.) for any building of two storeys or more.
- b) The minimum habitable floor area for any dwelling use in any zone is as follows:
- 130 square metres (1399 s.f.) for any private detached single family dwelling,
  - an average of 100 square metres (1076 s.f.) per apartment for any multi-family dwelling of five (5) apartments or less,
  - an average of 50 square metres (538 s.f.) per apartment for any multi-family dwelling of more than five (5) apartments.
- c) For the purposes of the present by-law, all floors or parts of floors are considered as habitable whose floor to ceiling height is at least 2.3m (7.5'), whose interior surfaces are finished and, when located against an exterior surface, are insulated, and satisfy the regulations of section 9.7 of the National Building Code concerning the minimum glass surface in the rooms of a dwelling; in addition when located in a basement, this floor or part of a floor must have windows totalling a minimum glass surface corresponding to five percent (5%) of the floor surface with at least one (1) window with a minimum area of 0.55 square metres of which one of the dimensions (width or height) of the glass surface is at least 600mm.
- d) In the calculation of the habitable floor area, any floor area defined as habitable but also satisfying the definition of basement in the sense of the present by-law must account for no more than 20% of the total required floor area; a space located in a cellar in the sense of the present by-law must never be considered in the calculation of the habitable floor area.

#### **4.13 GARBAGE ROOMS**

In all commercial zones, every building shall provide a fireproof room opening directly to the outside in which shall be stored all garbage containers and refuse.

#### **4.14 ARCHITECTURAL AND DECORATIVE LIGHTING**

*(Amendt 875-53) (Repealed) (Amendt 875-75)*

*(Amendt 875-120)*

#### **4.15 MAXIMUM HORIZONTAL DIMENSION OF BUILDINGS**

In RA zones, the maximum allowable distance when viewed in plan between any two points on the exterior surface of a building (excluding overhanging eaves) is the greater of 0.72 times the square root of the landsite area (expressed in square metres) and 27 metres (88.6').

## Chapter 5

### PROVISIONS CONCERNING THE PLANNING OF OPEN SPACES, FENCES, HEDGES AND TREES

#### 5.1 OBLIGATORY PLANNING OF OPEN SPACES

*(Amendt 875-10)*

- a) In all zones other than industrial, except for outside storage areas, the parts of land not being used or not having been used for paving or construction development must be terraced, planted with grass or covered with sod less than twenty-four (24) months after the issuance of the original building permit. In addition, the space along the lot lines of properties must be kept free of all construction other than authorized fences and hedges. Industrial zones are governed by chapter 10.
- b) In commercial zones, those lot lines bordering on residential lots must have a strip of land of at least 3m (9.8') wide planted with an opaque screen of evergreen trees or shrubs at least 2.5m (8.2') high, except in the minimum front set-back, where the screen must be 1.2m (3.9') high.
- c) The provisions of paragraph b) also apply to the northern boundary line of the Canadian Pacific Railway right-of-way.

*(Amendt 875-109)*

- d) The landsite of a new residential construction must be developed in such a way that at least 25% of its surface area has plant cover and contains trees and shrubs.

*(Amendt 875-109)*

- e) All front set-backs of a new residential construction must be developed in such a way that at least 50% of its surface area has plant cover and contains trees and shrubs.

*(Amendt 875-109)*

- f) All front set-backs of a new residential construction must be planted with trees in accordance with the provisions of section 5.5 below.

#### 5.2 AUTHORIZED FENCES AND HEDGES

- a) Only wood or metal fences, including stone or brickwork walls, and live hedges are authorized as fences and hedges. Chicken wire and snow fences are prohibited.
- b) Barbed wire is only authorized at the top of iron-linked fences of at least 2m (6.6') in height, and only in the following situations:
  - around outside storage areas (where permitted), in the rear set-back only,
  - around uses which might present a danger to the public, such as electrical transforming stations.

*(Amendt 875-122)*

- c) Pales or spikes at the top of fences, with points facing outward from the centre of the landsite, are not permitted.

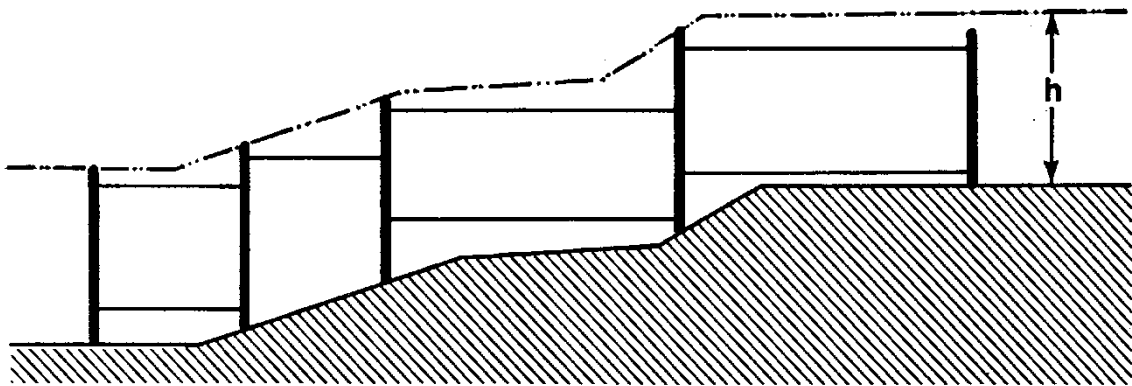


### 5.3 DISTANCE FROM THE PUBLIC STREET

No fence may be erected less than 60cm (2') from any boundary of a street right-of-way and no hedge may project at less than 60cm (2') from the boundary of a street right-of-way, be there a sidewalk or not.

### 5.4 HEIGHT OF FENCES AND HEDGES

- a) The maximum height for fences and hedges established by the present by-law is the vertical distance between the ground and a hypothetical surface of the same configuration as the underlying ground and parallel to it, as shown below:



(Amendt 875-13) (Amendt 875-114)

- b) Except for construction sites for which the maximum height is 2m (6.6') on all the landsite, except for tennis courts for which the maximum height is 3.75m (12.3'), and except for safety fences surrounding pools for which the maximum height is 2m (6.6'), the maximum height of fences is established as follows:
- in the front set-back, including the front lot line as well as the side lot line located in the front set-back, the maximum height is 1m (3.3');  
  
For lots bordering on Lac-Saint-Louis, this maximum height may be extended to a maximum of 1.5 m (4.9') by decorative metalwork that has an average opacity not exceeding 10%, supported by metal pieces or by stone pilasters not more than 0.71 m (26") in cross-section measured parallel to the fence and not more than 2 m (6.6') high including any caps, decorative topping or lighting fixtures. The average distance between these stone pilasters must be a minimum of 4.9 m (16'). Any gate which is attached to this fence may be opaque for the first meter of its height. Any higher part of this gate must have a maximum opacity of 10%.
  - in the side and rear set-backs, including the side and rear lot lines, the maximum height is 2m (6.6');
  - on a corner lot, the fences must not exceed 90cm (3.0') in height measured in relation to the centre of the street for a triangular space where the sides are 9m (29.5') long and correspond to the boundaries of the street right-of-way forming an intersection.

- c) The height of hedges is not limited except for the following:
- in the minimum front set-back, as established by article 3.4, the maximum height is 1.2 metres (3.9');
  - on a corner lot, the hedges must not exceed 90cm (3.0') in height measured in relation to the center of the street for a triangular space where the sides are 9m (29.5') long and correspond to the boundaries of the street right-of-ways forming an intersection.
- d) Fences must be maintained and hedges must be cared for properly.

## 5.5 PRESERVATION AND REPLACEMENT OF TREES

*(Amendt 875-107) (Amendt 875-109)*

### 5.5.1 *Placement for new construction, expansion or secondary development*

All new construction, all expansions of existing constructions and all secondary developments that require land to be cleared (such as swimming pools, terraces, parking spaces or passageways to a parking area or garage) must be developed in such a way as to keep as many trees as possible on the land, particularly the ones that provide the most shelter over the street.

### 5.5.2 *Cutting trees*

5.5.2.1 Throughout the territory of Baie-D'Urfé it is forbidden to cut down trees - including ash trees - of more than 10 cm (4") in diameter measured 1.3 m (4.25') from the ground, or of more than 15 cm (6") in diameter measured 15 cm (6") from the ground, without first obtaining a certificate from the building inspector in accordance with the provisions of the Permits and Certificates By-law.

5.5.2.2 For the purposes of paragraph 5.5.2.1, tree cutting includes:

- removing more than 50% of growing branches
- sectioning of more than 40% of the root system, whether by uprooting or by cutting
- covering the root system with landfill of 20 cm (8") or more
- any other action likely to result in the loss of trees, including using toxic products to kill them or making more or less continuous incisions around their trunks, in the bark, bast or wood, or allowing such incisions to be made

5.5.2.3 All requests for certificates of authorization for the cutting down of trees must specify why they are to be cut down; cutting may only be authorized in the following situations:

1. the tree is dead or in a state of irreversible tree decay
2. the tree is located in the installation area or less than 3 m from the installation area of a proposed construction or retaining wall; however, trees that are between 3 and 5 m

from the installation area may be cut, provided they are replaced; signs are not considered constructions for the purposes of this subsection

3. the tree is located in the installation area of a pool or- in the front set-back - in the installation area of a secondary parking spot or an access to a building, but only if no other space is available on the lot for such developments
4. according to a study by an expert in arboriculture, the tree needs to be cut due to an irreversible situation caused by disease, a structural deficiency affecting its strength or serious damage it is causing to property; none of the usual inconveniences caused by the presence of trees such as falling twigs, leaves, blossoms or fruits, the presence of roots on the surface, the presence of insects or animals, shade, unpleasant smells, sap, honeydew or pollen are considered serious damage
5. the tree needs to be cut down because there is a risk it will propagate a disease or an invasive exotic species; in such cases it must be replaced
6. the tree needs to be cut down in order to create an opening of 5 m wide giving access to a riverbank when the slope of the bank is less than 30%

#### 5.5.3 *Protection when work is being done*

- 5.5.3.1 Protective measures must be deployed for any tree more than 10 cm in diameter measured 1.3 m from the ground that is likely to be damaged during excavation, landfill or construction work. For the purposes of this section, trees likely to be damaged are those located close enough to the work zone that their roots could encroach on a space to be excavated, their trunks could be damaged by construction vehicles or equipment, construction vehicles or equipment could intrude on their root systems or materials could be stored on them.
- 5.5.3.2 The trunks of all trees described in subsection 5.5.3.1 must be covered by planks at least 15 mm thick to a height of at least 2 m, held in place by at least two plastic or steel bands; bands of rubber or a similar material must be placed between the planks and the bark of the trees.
- 5.5.3.3 Fences at least 1.2 m high must be erected around the ground protection zones of the trees to be protected, corresponding to a radius of 10 cm for each centimetre of diameter at chest height (DCH), i.e., 1.3 m above the ground; such fences must be in good condition and stay in place for the duration of the work.
- 5.5.3.4 If work has to be done inside the zone outlined in subsection 5.5.3.3, a layer of non-compressive material such as rough gravel, woodchips or similar material, at least 30 cm thick, must be spread across the entire surface area affected by the work; such material must be deposited on a geotextile membrane that lets in air and water.
- 5.5.3.5 No material may be stored or vehicles run or parked inside the zone outlined in subsection 5.5.3.3.

- 5.5.3.6 Branches that are likely to be damaged must be properly protected or pruned; if branches are damaged despite such precautions during the work they must be pruned rapidly.
- 5.5.3.7 Roots of over 5 cm in diameter that are exposed during excavations must be cleanly sectioned with a cutting tool.
- 5.5.3.8 It is forbidden to use trees for supports during construction, demolition or levelling work.

#### 5.5.4 *Planting*

- 5.5.4.1 The front set-back of all new constructions and all parking areas containing more than six spots must contain trees that were already in place beforehand or were planted afterwards, with at least one deciduous tree of over 10 cm diameter measured 1.3 m from the ground or one evergreen tree at least 1.5 m high
  - per 75 m<sup>2</sup> of the total area of the front set-back (apart from parking areas) in the case of residential use
  - per 150 m<sup>2</sup> of area for the first 10 m of the front set-back (apart from parking areas) measured from the street, and per 300 m<sup>2</sup> of area for the rest of the front set-back (apart from parking areas) in the case of any other use

This provision also applies in cases of expansions of over 25% of the land coverage area of existing buildings or of the area of parking areas.

- 5.5.4.2 Compliance with the requirements of subsection 5.5.4.1 must be ascertained within the year following the end of the construction work.
- 5.5.4.3 Tree planting is prohibited at less than 1.5 m from any boundary of the street right of way.
- 5.5.4.4 All planting of poplar, Chinese Elm, White Poplar, Canada Poplar, Lombardy Poplar or Carolina Poplar, all species of willow and silver maple, and of any other harmful species is prohibited at less than 7.5m (24.6') from any boundary of the street right of way and at less than 10m (32.8') of any water or sewage pipe (public or private) or any septic installation.

#### 5.5.5 *Felling of ash trees*

- 5.5.5.1 No fee is required in order to obtain a certificate of authorization for the felling of an ash tree.
- 5.5.5.2 In the case of an authorized felling, the property owner must, in all cases, provide the Town, within two (2) business days following the felling of the tree, two (2) distinct branches, 3 cm to 10 cm in diameter (circumference of 9.42 cm to 31.4 cm) and 45 cm to 60 cm in length, cut from the highest part of the felled tree, preferably from the south side of the tree.
- 5.5.5.3 The owner of a dead ash tree, or of an ash tree of which 30% or more of the branches are dead, must proceed with, or see to the felling of the ash tree before the 31<sup>st</sup> of December of the year during which the state of the tree is determined.

The owner is not required to fell an ash tree on his property if he can demonstrate, by way of the recognized document, that the ash tree has been treated against the emerald ash borer over the current or previous calendar year with a pesticide which has an effective life span of two (2) years. In the case where such a treatment has been used, the property owner must provide the municipality with a recognized document attesting to the treatment of the trees in question in the fifteen (15) days following the request of the Town.

For the purpose of the present section, invoices for the treatment of ash trees through the use of a pesticide registered in Canada against the emerald ash borer in accordance with the Pest Control Products Act (S.C. 2002, c. 28) by a business having the required permits and certificates to carry out this work, in accordance with the *Regulation respecting permits and certificates for the sale and use of pesticides* (L.R.Q. c. P-9.2, r.2), are considered to be recognized documents.

*(Amendt 875-119)*

5.5.5.4 No ash tree may be cut down during the period from April 16<sup>th</sup> to September 14<sup>th</sup>, inclusively, of each year, unless:

- 1° the ash tree presents a threat to public security;
- 2° the ash tree might cause serious damage to property;
- 3° the ash tree is preventing the realization of a construction project authorized by applicable Town Planning regulation, excluding an advertising sign.

#### 5.5.6 *Pruning of ash trees*

*(Amendt 875-119)*

5.5.6.1 No ash tree may be pruned during the period from April 16<sup>th</sup> to September 14<sup>th</sup>, inclusively, of each year, unless

- 1° the ash tree presents a threat to public security;
- 2° the ash tree might cause serious damage to property;
- 3° the ash tree is preventing the realization of a construction project authorized by applicable Town Planning regulation, excluding an advertising sign.

#### *Management of ash tree residue*

5.5.7.1 All residues resulting from the felling of ash trees are the sole responsibility of the property owner. The disposal of these residues must be carried out according to the Town's instructions, including:

- 1° Branches measuring less than 20 cm in diameter (circumference of 62.8 cm) must be chipped on location by the contractor carrying out the work. The residues resulting from the chipping process must not exceed 2.5 cm in size on at least two (2) sides;
- 2° Branches or pieces of trunk measuring 20 cm or more in diameter (circumference of 62.8 cm) must be:

*(Amendt 875-119)*

a) From September 15<sup>th</sup> to April 15<sup>th</sup> inclusively :

- I. brought to a treatment site approved for this purpose by the municipality within the fifteen (15) days following the felling or pruning work; or

- II. brought to a wood processing company or preserved on location in order to be processed with an approved process which completely destroy the emerald ash borer or the parts of the wood where the insect can dwell within the fifteen (15) days following the felling or pruning work.

(Amendt 875-119)

- b) From April 16<sup>th</sup> to September 14<sup>th</sup>, inclusively :

- I. treated on location in order to be treated with an approved process, as defined in the present by-law, or preserved until September 15<sup>th</sup> in order to then be transported, within the following fifteen (15) days, in a way and to a location authorized by paragraphs 2a) I) and 2 a) II). The invoice from the business which treated the wood with an approved process as defined in the present by-law must be kept and presented, upon request, to the competent authority.

(Amendt 875-119)

- 5.5.7.2 It is not permitted, from September 15<sup>th</sup> to April 15<sup>th</sup> inclusively, to store for more than fifteen (15) days, ash tree residue which has not been treated with an approved process, as defined in the present by-law, without the written permission of a designated municipal employee.

(Amendt 875-119)

- 5.5.7.3 It is not permitted, from April 16<sup>th</sup> to September 14<sup>th</sup> inclusively, to transport ash tree residue which has not been treated with an approved process, as defined in the present by-law, without the written permission of a designated municipal employee.

#### 5.5.8 *Treatment of ash trees*

- 5.5.8.1 Notwithstanding the provisions of By-law no. 958 regulating the use of pesticides in the Town of Baie-D'Urfé, the use of a product approved or registered by an agency of the Government of Canada and applied according to the manufacturer's instructions is permitted within the municipality of Baie-D'Urfé, provided it is used exclusively for the purpose of combatting the emerald ash borer (*Agrilus planipennis*).

(Amendt 875-119)

- 5.5.8.2 A citizen making use of a product approved or registered by an agency of the Government of Canada and applied according to the manufacturer's instructions for the purpose of combatting the emerald ash borer must keep a copy of the receipt relating to the treatment, and present it, upon request, to the competent authority.

#### 5.5.9 *Presentation of an ash tree management plan for ash trees located on private property*

A property owner whose property contains ten (10) or more ash trees must present the Town with an ash tree management plan for ash trees located on private property, spanning five (5) years, within ninety (90) days following the request of the municipality.

The plan must include the following information:

- 1° The number of ash trees on the property;
- 2° The plan of the property;
- 3° The five (5)-year biopesticide treatment strategy;

- 4° The five (5)-year felling strategy;
- 5° The five (5)-year planting strategy; and
- 6° A proposed plan of the property thereafter.

#### 5.5.10 *Planting and cultivation of ash trees*

It is not permitted to grow, cultivate or produce ash trees from seeds, by way of transplanting or by any other method.

#### 5.5.11 *Power to inspect*

Any civil servant or employee of the Town responsible for the application of the present by-law may enter onto private land in order to carry out an inspection of an ash tree or of wood coming from an ash tree located on the land in order to verify any information or to verify that the present by-law is being respected.

### 5.6 **RETAINING WALLS** *(Amendt 875-67)*

#### a) *Materials*

The only materials that a retaining wall can be made of are:

- railway ties;
- pressure-treated wood, treated in accordance with current CSA standards;
- natural stone;
- decorative landscaping materials, including clay brick, designed especially for use in retaining walls.

A retaining wall may also be made of poured concrete, cement brick, grooved concrete blocks or any manufactured building units provided that it is totally plant-covered.

Gabions (i.e. rocks in wire cages) may not be used.

#### b) *Height*

*(Amendt 875-111) (Amendt 875-117: in French only)*

The maximum height of any retaining wall is 2 metres (6.6'). In the case of a retaining wall within 4 metres (13.1') of any boundary of the lot, the maximum height at any point along the wall is half of the horizontal distance between that point and the boundary. In the case of a retaining wall on a lower lot within 4 metres (13.1') of the boundary with the higher lot, in the rear or side setback, the maximum height at any point along the wall is equal to the lesser of 2 metres (6.6') or of the horizontal distance between that point and the boundary. In the case where more than one retaining wall is required, the minimum horizontal distance between any two walls is twice the height of the higher wall.

c) *Engineer's drawings*

Engineer's drawings, which include provisions for drainage and are stamped by a member of the Ordre des Ingénieurs du Québec, are required for any retaining wall of 1 metre (3.3') or more in height. In the case of a system of retaining walls, the drawings must include all of the walls.

**5.7** (*Amendt 875-51*) (Repealed) (*Amendt 875-67*)



## Chapter 6

### PROVISIONS CONCERNING ACCESSORY BUILDINGS

#### 6.1 ESTABLISHMENT OF ACCESSORY BUILDINGS

*(Amendt 875-105)*

a) Except for public or recreational uses, except for cemeteries, and except for lands that are only separated from the principal body of the property by a street or other thoroughfare, no accessory building may be established on a vacant lot not occupied by a principal building.

b) Accessory buildings must respect provisions of the present by-law concerning the use of set-backs.

c) In all zones

*(Amendt 875-15)*

- except for small garden sheds governed by paragraph f) below, no accessory building may be established less than 3m (9.8') from any landsite boundary in the rear set-back, 6m (19.7') from any landsite boundary in the side set-backs and no roof of an accessory building may project less than 2.5m (8.2') from any lot boundary;

- no accessory building may be established less than 3m (9.8') from a principal building, unless it is attached to it;

- no accessory building may be established less than 1m (3.3') from any other accessory building, unless it is attached to it.

d) No accessory building other than a landing stage or a bathing hut may be built in the space defined as "shore of Lake St-Louis" in Appendix "1" of the present by-law.

e) Except for boatclubs, boat-houses are prohibited in the entire Town of Baie-D'Urfé.

*(Amendt 875-15) (Amendt 875-29)*

f) Notwithstanding paragraph c), small garden sheds of an area of 11.5 square metres or less and of a height of 3.1 metres or less are authorized at 1 metre or more from any landsite boundary, but only:

- in the rear set-back of private detached single family dwellings in RA zones,

- in the rear set-back of detached, semi-detached or townhouse-type single family dwellings in RB zones.

*(Amendt 875-105)*

g) In CC zones, notwithstanding paragraph c), no accessory building may be established less than 1.5m (4.9') from any landsite boundary.

## 6.2 ACCESSORY BUILDINGS FOR RESIDENTIAL USE

- a) The only accessory buildings authorized for a residential use are garages and carports not integrated into the principal building, domestic greenhouses, sheds, landing stages, above ground pools and bathing huts; only two accessory buildings per principal building are authorized. Any construction used to enclose or cover either inground or above ground swimming pools is not authorized unless it is integrated into the principal building, in which case it will be regarded as part of the principal building for all purposes of this By-Law. No accessory building may contain a heating or cooking system which operates through combustion.
- b) A private detached single family dwelling may only have one garage or carport integrated into the principal building;
- c) A garage or carport accessory to a dwelling may only serve as storage to a maximum of three (3) private cars or commercial vehicles of less than one (1) ton in carrying capacity; and the height of its doors must not exceed 2.5m (8.2').

## 6.3 SURFACE AREA OF ACCESSORY BUILDINGS

The maximum surface area of accessory buildings is established as follows:

- a) For a private detached single family dwelling,
  - the floor area of a garage or carport not integrated into the principal building must not exceed 70 square metres (753.5 square feet),
  - the total floor area of accessory buildings, including garages and carports (not integrated into the principal building) must not exceed 5% of the landsite area.
- b) For multi-family dwellings,
  - the total floor area of garages and carports not integrated into the principal building must not exceed 30 square metres (322.9 square feet) per lodging,
  - the total floor area of accessory buildings, including garages and carports (not integrated into the principal building, basement or otherwise) must not exceed 5% of the landsite area.
- c) *(Amendt 875-91) (Amendt 875-115)*  
 In zones CA, CB and PC, the total floor area of accessory buildings must not exceed 10% of the lot area. A maximum of one (1) accessory building of a type not intended to shelter people within its walls is permitted, and its floor area must not exceed 3.5 square metres (37.7 square feet).
- d) *(Amendt 875-91)*  
 In PB zones, the total area of accessory buildings must not exceed 70 square meters (753.5 square feet).

- (Amendt 875-105)*
- e) In CC zones, the floor area of an accessory building must not exceed 25 square metres (269.1 square feet).

#### **6.4 HEIGHT OF ACCESSORY BUILDINGS**

The maximum height of accessory buildings is established as follows:

- (Amendt 875-80) (Amendt 875-91)*
- a) In RA, RB and PB zones, the maximum height of any accessory building is 4.5m (14.8') or the height of the principal building if the latter is less than 4.5m (14.8'). The accessory building shall not exceed one (1) storey.
- (Amendt 875-105) (Amendt 875-115)*
- b) In CA and CB zones, the maximum height of any accessory building is 7.5m (24.6'). In the case of an accessory building not intended to shelter people within its walls, the maximum height is 2.5 m (8.2'). In CC zones, the maximum height of any accessory building is 4.5m (14.8'). In all commercial zones, an accessory building shall not exceed one (1) storey.
- c) In all other zones, the maximum height of any accessory building is that stipulated for the principal building.
- (Amendt 875-13)*
- d) In all zones, the maximum height for an above ground swimming pool shall not exceed 1.5m (5') higher than the average elevation of the adjacent land.

#### **6.5 HABITABLE SPACES IN ACCESSORY BUILDINGS**

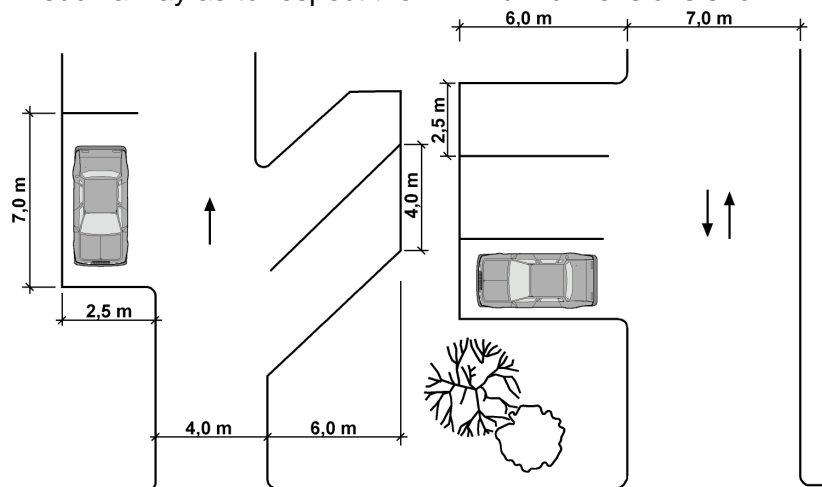
No habitable space may be developed over or inside a detached accessory building; when a garage or carport is integrated into the principal building or annexed to it, it is permitted to develop a habitable space area over the garage or carport on the condition that the requirements of article 3.5 concerning carports or garages in the side set-backs are respected.

**Chapter 7**

**GENERAL PROVISIONS CONCERNING PARKING, LOADING AND UNLOADING AREAS AND ACCESS TO THE PUBLIC STREET**

**7.1 GENERAL REGULATIONS**

- a) No use or building may be authorized unless a sufficient number of off-street parking spaces has been planned for the use which is the object of the application; if possible, this parking area must not destroy existing green spaces; this regulation applies as much to a modification or extension of a use as to a new use; in addition, the use may not start before the required parking spaces have been built.
- b) The parking requirements established by the present by-law are of a continuous obligatory nature and prevail in as much and as long as the use which they serve remains in existence and the use that is made of it requires parking spaces in accordance with the provisions of the present by-law; it is therefore prohibited to do away with, for any reason, parking spaces that are required by the present by-law; it is also prohibited for any party to occupy, without fulfilling the regulations of this article, a building or a landsite which, because of a modification brought about or a dividing up of the landsite, no longer possesses the required parking spaces.
- c) The parking must be located on the same landsite as the use for which it is required or on a landsite located less than 150m (492.15') away and located in the same zone or in a zone of the same type.
- d) The planning of communal parking spaces is authorized in as much as all the provisions of the present by-law are respected and the copies of the agreements between land owners and/or renters ratified before a notary have been submitted to the Building Inspector and annexed to the file of the building permit or the certificate of authorization.
- e) To be counted as a parking space, a space must be accessible at all times and not require the displacement of another vehicle in order to get to or leave the space; for any parking area of four (4) spaces or more, parking spaces must be arranged in such a way that no vehicle will have to reverse into the public right-of-way to enter or leave the space; the parking may be in a garage or a carport integrated or annexed to the principal building, or in the open air; multiple parking (or parking areas of more than six (6) spaces) must be arranged in such a way as to respect the minimum dimensions shown in the figure below.

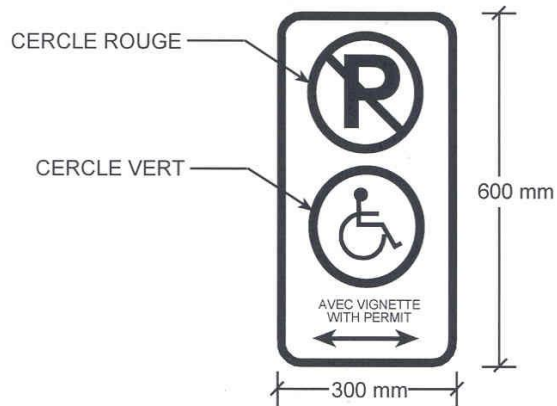


(Amendt 875-109)

**7.2 PARKING SPOTS RESERVED FOR PEOPLE WITH REDUCED MOBILITY**

- a) All parking areas of ten (10) parking spots or more intended for public use must include one or more spots reserved for people with reduced mobility; there must be one (1) spot reserved for people with reduced mobility for every twenty-five (25) spots or fraction thereof.
- b) The parking spots reserved for people with reduced mobility must be the closest to the entrance of the centre or the commercial establishment they serve.
- c) The minimum width of a spot reserved for people with reduced mobility is 4.0 m (13.1'), or the equivalent of a standard spot (2.5 m) plus an access space of 1.5 m.

- d) All parking spots reserved for people with reduced mobility must be identified in two ways:
  - by a standard pictogram painted on the ground
  - by a sign as depicted here, stuck in the ground behind the spot



(Amendt 875-109)

**7.3 ARRANGEMENT OF PARKING AREAS**

- a) All parking areas must be paved, gravelled or otherwise covered to avoid any swirling dust or any mud formation.
- b) Any unfenced parking area of more than six (6) spaces must be encircled by a curb of concrete, asphalt or treated wood of at least fifteen (15) centimetres in height, and located at least 1.5m (4.9') from the lines separating the adjacent landsite; this border must be fixed solidly and well maintained.
- c) When a parking area of more than six (6) spaces is adjacent to a landsite located in a RA or RB zone, it must be separated from this landsite by a screen of evergreen trees or shrubs of at least 1.5m (4.9') in height, unless it is located at least 1.5m (4.9') under the level (measured at the immediate adjacent boundary) of the adjacent landsite.
- d) The lighting of a parking lot must not in any way by its intensity or brightness, disturb the surrounding uses.
- e) A parking area must be planned in such a way as to allow the removal and piling of snow without reducing its parking capacity.

No parking area may be located at less than 1.0m (3.3') from any boundary of the landsite.

(Amendt 875-109)

#### **7.4 NUMBER OF PARKING SPACES**

- a) Any residential building must be provided with at least one off-street parking space per lodging. In the case of a residence for senior citizens, the minimum number of parking spaces is to be calculated as follows:
- one parking space per lodging up to 6 lodgings,
  - 0.5 parking space per lodging in excess of 6.
- b) The number of parking spaces for commercial uses is to be calculated as follows:
- stores shall have not less than one parking space for every 20.0 square metres (215.3 square feet) of net sales floor area;
  - business and administration offices shall have not less than one parking space per 35.0 square metres (376.8 square feet) of net floor area,
  - recreational and entertainment buildings, including clubs, places of assembly, and restaurants shall have not less than one parking space for each four (4) seats, chairs or stools, based on recognized occupant loads.
- c) The number of parking spaces for industrial uses is to be calculated as follows:
- factory areas: one parking space for each 100 square metres (1076.5 square feet) of gross floor area for buildings containing a total floor area of 5000 square metres (53 824.8 square feet) or less. One parking space for each 250 square metres (2691.2 sq. ft.) for any additional area in excess of 5000 square metres (53 824.8 sq. ft.).
  - office areas: one parking space for each 40.0 square metres (430.6 square feet).
- d) Any use other than residential, commercial or industrial, must have at all times sufficient spaces for the parking of vehicles of employees, supply vehicles and vehicles of users, visitors and, if necessary, residents.

(Amendt 875-109)

#### **7.5 MAXIMUM NUMBER OF PARKING SPOTS**

- a) Except for residential use, the maximum number of parking spots that a use within a radius of 500 m (1,640') of the Baie-D'Urfé train station can include is 1.5 times the minimum number set out in Section 7.4 or Section 10.10, as applicable.
- b) The provisions of paragraph a) apply to the construction of new buildings, expansions of existing buildings and changes of use for existing buildings.
- c) For the purposes of paragraph b), the replacement of one of the uses listed in paragraphs a), b) or c) of Section 2.8 by one of the other uses listed in the same paragraph will not be

considered a change of use, but the replacement of a use listed in one paragraph by a use listed in another paragraph will be considered a change of use.

- d) For the purposes of paragraph b), the replacement of an industrial use by some other use belonging to the same class of uses under Section 10.4 will not be considered a change of use.

## **7.6 POSTPONING THE DEVELOPMENT OF SOME PARKING SPOTS FOR AN INDUSTRIAL USE**

If it is demonstrated to the satisfaction of the building inspector that the number of parking spots required under paragraph c) of Section 7.4 exceeds the actual needs of the company, the development of the portion deemed excessive may be postponed indefinitely, subject to the following:

- a) a site use map showing the layout of all parking spots required under Section 7.4 must be attached to the permit application file;
- b) the space needed to complete the development of all parking spots required under paragraph a) shown on the site use map must be left vacant and available for development as parking spots at all times;
- c) the space described in paragraph b) above must be grassed and laid out and may not be used for storage, even temporarily;
- d) the space described in paragraph b) above must not be located in a territory of ecological interest pursuant to the provisions of this by-law as they relate to mosaics of natural environments, and it will not count as part of the minimum percentage of the surface area that must be left as green space.

## **7.7 PARKING FOR BICYCLES**

- a) No building permits for commercial, institutional or public use may be issued unless space has been set aside for parking bicycles.
- b) The provisions of paragraphs a) and b) of Section 7.1 apply *mutatis mutandis* to parking for bicycles.
- c) The bicycle parking area must be on the same lot as the use for which it is needed.
- d) The bicycle parking area must be laid out in such a way as not to interfere with pedestrian or car traffic.
- e) The minimum capacity of a bicycle parking area is one (1) space for every ten (10) car parking spots required under Section 7.4.
- f) All bicycle parking spots must be equipped with a stand to support the bicycle to which anti-theft devices can be attached.
- g) The provisions of paragraphs b), c) and d) of Section 7.5 apply *mutatis mutandis* to bicycle parking areas.

## 7.8 LOADING AND UNLOADING AREAS

- a) Any new building destined for a commercial or industrial use must be provided with platforms and manoeuvring areas for the loading or unloading of transport vehicles in a number and in an area sufficient for their needs, in order that no loading or unloading operation has to be done on the street and that no transport vehicle has to wait on the street before its loading or unloading is carried out; in addition, the use may not start before the platforms and manoeuvring areas for the loading and unloading operations have been built.

*(Amendt 875-10)*

- b) In commercial zones, lanes of not less than 6m (20') wide are compulsory and shall be situated in the rear of the buildings, where all loading and unloading facilities shall be situated.

## 7.9 ACCESS TO THE STREET

- a) A single access to the street for motor vehicles is authorized for a landsite with a frontage of less than 25.0m (82.0'); if the landsite has a frontage larger than 25.0m (82.0'), the maximum number of accesses is two (2). If the landsite faces on more than one street (for example, a landsite located at an intersection), these provisions apply for each street;

- b) The maximum width of an access to the street is 5.0m (16.4'); when the frontage of the land allows two accesses, the two accesses may be joined to form a double access with a maximum width of 7m (23.0').

- c) In the case of a landsite located at an intersection, no access may be located at less than 6m (19.7') from the intersection point of the lines of the streets' rights-of-way.

*(Amendt 875-10)*

- d) The provisions of paragraph b) must not be interpreted as prohibiting, in industrial zones, the widening of access lanes at their junction with the street in order to permit the manoeuvring of long vehicles.

*(Amendt 875-87)*

- e) In the case of a lot which has boundaries on two streets which do not intersect at the lot in question (commonly referred to as a "through lot"), no access for motorized vehicles, except for wheelchairs, is authorized from the street bordering the rear set-back as determined by the provisions of Section 3.4 c).



## Chapter 8

### PROVISIONS CONCERNING SIGNS, BILLBOARDS AND PUBLIC NOTICES

#### 8.1 SIGNS AUTHORIZED IN ANY AREA

The following are authorized in any area of the Town of Baie-D'Urfé and are not subject to a certificate of authorization:

- a) signs emanating from a public authority including traffic signs, historical inscriptions authorized by federal, provincial or municipal authority; official notices and announcements relating to federal, provincial, municipal or school board elections during the time when the same are by law required to be displayed; any other signs or notices lawfully displayed by public authority;
- b) flags or emblems of a political, civic, philanthropic, educational or religious organization;
- c) directional signs indicating the location of parking areas, delivery entrances and all other information intended for orientation, safety or convenience, on the condition that none carry a commercial identification;  
*(Amendt 875-124)*
- d) temporary signs of the following type:
  - i) signs set up on the location of a construction site and identifying the future occupant, the contractors, the sub-contractors and the professionals responsible for the project, that must obligatorily be taken down at the end of the work;
  - ii) signs indicating that a piece of land, a building or premises are for sale or for rent;
  - iii) signs for elections, referendums, sporting, political, cultural, religious or patriotic demonstrations in as much as they are taken down in the ten (10) days following the aforementioned election, referendum or demonstration and that they are erected no more than three weeks prior to the event they announce;
  - iv) temporary posters usually displayed in show-windows to advertise specials for a limited period of time;  
*(Amendt 875-94)*
  - v) signs for warehouse sales in as much as they are taken down in the three (3) days following the aforementioned warehouse sale and that they are erected no more than fifteen (15) days prior to the event they announce.
- e) one sign identifying the name of the occupant of a private detached single family dwelling, not exceeding 30 cm (1.0') in height and 60 cm (2.0') in width.

#### 8.2 SIGNS AUTHORIZED BY TYPE OF USE

The following are authorized on the condition that the use for which they are required be in conformity with the present by-law or that it enjoys acquired rights as a non-conforming use, and in as much as they are subject to a certificate of authorization:

- a) *Residential*
- signs related to an artistic or professional activity practised at home identifying the name, the address and the occupation of the occupant or the name and the type of use that is practised at home;
  - in the case of multi-family dwellings of more than five (5) apartments, signs identifying the name and the address of the building;
- (Amendt 875-124)
- b) *Industrial or Commercial*
- signs related to industrial or commercial uses identifying the name of the owner, the name of the occupants and the types of businesses or the name of a product or service;
- c) *Institutional*
- signs identifying a public establishment and the organization responsible for it.

### 8.3 PROHIBITED SIGNS

- a) Except in the cases provided for in paragraph a) and paragraph d)-iii) and iv) of article 8.1, signs in the form of banners or streamers as well as paper, cardboard or any other non-rigid material, affixed anywhere else than on bulletin boards, are prohibited in the entire Town of Baie-D'Urfé.
- b) Signs that are mobile or installed, mounted or built on a moving vehicle, a trailer or another moving device or machine, are prohibited in the entire town;
- (Amendt 875-83)
- c) Except for those erected by the Town for traffic, safety or other public purposes, portable signs, of a “sandwich” or other type, are prohibited in the entire town.
- (Amendt 875-83)
- d) Except for those erected by the Town for traffic, safety or other public purposes, flashing signs, and notably signs imitating lighted warning devices commonly used on police cars, ambulances and fire engines as well as signs where lighting is, in whole or in part, intermittent, are prohibited in the entire town.
- (Amendt 875-124)
- e) With the exception of Section 8.9 b), all signs advertising products are prohibited: signs shall announce only the name of the occupant and/or the type of business.

### 8.4 PLACEMENT OF SIGNS

- a) Signs may be affixed flat on a wall of a building, be set up on a free standing wall or on one or more posts in the front set-back, (a free standing sign), or be installed behind a window

in order to be seen from outside.

*(Amendt 875-83)*

- b) Except for those erected by the Town for traffic, safety or other public purposes, notwithstanding the provisions of paragraph a), free standing signs are prohibited in all RA zones.

*(Amendt 875-10)*

- c) No free standing wall or post supporting a sign may be set up at less than 7.5m (24.6') from the right-of-way of the Trans-Canada Highway, from the right-of-way of Morgan boulevard - in its section north of highway 20 - and at less than 3m (9.8') from the boundary of any other public right-of-way;
- d) All wall signs shall be flat against the building and may only protrude for the thickness of the sign and holding brackets to a maximum of 25 cm (10").
- e) All signs must be established on the same landsite as the use to which they refer, otherwise they must be considered as billboards.

## 8.5 HEIGHT OF SIGNS

- a) All signs affixed to the wall of a building must be entirely located under the level of the roof; no sign may be placed on a roof, a stair, in front of a door or a window.

*(Amendt 875-65)*

- b) Except for RB zones where the maximum height of any sign is 2 m, the total height of one or more signs on posts (free standing signs) may not exceed either the height of the principal building or 5.0m (16.4'), whichever the lowest.
- c) For the purposes of the present by-law, the height of a sign is the height of the highest point of the sign in relation to the average level of the immediate ground underneath.

## 8.6 NUMBER AND SURFACE AREA OF SIGNS

*(Amendt 875-124)*

- a) The maximum number and maximum surface area of signs for a given use is established as follows:
- signs set up on the location of a construction site:
    - one (1) per landsite, 0.5 square metres (5.4 square feet) in all RA zones;
    - one (1) per landsite, 4.0 square metres (43.0 square feet) in all other zones;
  - directional signs: as many as are necessary for the safety and convenience of users, 0.37 square metres (4 square feet);
  - signs indicating that a landsite, a building or premises are for sale or rent: one (1) sign per street on which the land fronts; in residential zones 0.50 square metres (5.4 square feet), in all other zones 7.5 square metres (80.7 square feet);

- signs related to an artistic or professional activity practised in a private detached single family dwelling: one (1) sign, 0.18 square metre (2 square feet);
  - signs identifying the name and the address of a multi-family dwelling of more than five (5) apartments, one (1) sign per landsite, 1.0 square metre (10.8 square feet);  
*(Amendt 875-58) (Amendt 875-70)*
  - sign identifying a commercial establishment or the principal use of an industrial establishment: one (1) free standing sign and one (1) wall sign, each of a maximum area equal to 1/20 or 5% of the area of the main façade of the building;  
*(Amendt 875-90)*
  - in the case where several occupants are grouped together on the same landsite, there can only be one joint free standing sign for all occupants of a maximum surface area of 1/20 or 5% of the total building facade or main facades. Each occupant may also affix an individual wall sign; the total surface area of these individual signs cannot exceed 1/20 or 5% of the total building facade or main facades;  
*(Amendt 875-58) (Repealed) (Amendt 875-70)*
  - signs identifying a public establishment: one (1) per street on which the establishment fronts, 0.50 square metre (5.4 square feet).
  - signs installed behind a window in order to be seen from outside: one (1) per lodging or establishment, 0.5 square metre (5.4 square feet).  
*(Amendt 875-68)*
  - Pickets to mark the edge of a driveway, to assist snow removal operations, are permitted between October 15 and April 15. These pickets cannot exceed 5.0 cm in width and 1.2 m in height and must be located a minimum of 1 m from the public street. One of these pickets per residence may be marked with the name and/or telephone number of a snow removal contractor.  
*(Amendt 875-94)*
  - signs related to a warehouse sale: one (1) sign, 8 square meters (86.1 square feet).
- b) When a sign is readable on two sides and the two sides are identical, the surface area considered is that of only one of the two sides, on the condition that the average thickness of the sign between these two sides does not exceed 30 centimetres; if the sign is readable on more than two sides, the surface area of each additional side is considered in the calculation of the total surface area of the sign.
- c) In the case of a sign of irregular shape or composed of individual letters or of several elements, the surface area considered is that of the smallest single polygon enclosing all elements of the sign.

## 8.7 LIGHTING AND MAINTENANCE OF SIGNS

*(Amendt 875-10) (Amendt 875-83)*

- a) Except for those erected by the Town for traffic, safety or other public purposes, signs made of translucent materials and lighted from inside are only permitted in CA, CB and I zones;

the lighting of all other signs must be made by reflection;

- b) When a sign is lighted by reflection, the light source must be arranged in a way that nobody on a neighbouring property or the street is dazzled.
- c) All signs must be maintained properly and present no danger to the public safety.

*(Amendt 875-92)*

- d) Temporary signs, as described in Section 8.1 d), may not be illuminated.

## **8.8 BILLBOARDS**

- a) The only billboards allowed in Baie-D'Urfé are those issued by public authority or those which are temporary and have to do with:
  - an election or a referendum in accordance with the law of the legislature,
  - advertising for a project for domiciliary, commercial or industrial development.
- b) The maximum surface area of any billboard is 1 square metre (10.8 square feet); any billboard not conforming to the present by-law and existing at the moment of its coming into force may not be enlarged or replaced.

## **8.9 INDUSTRIAL USES**

*(Amendt 875-10, 875-124)*

In industrial zones, over and above what is permitted in article 8.6, it is also permitted to establish supplementary signs visible from the Trans-Canada Highway (route 40) subject to the following conditions:

- a) A sign must be placed on a building or on a technical component of said building (silos, tanks or others), but must always be situated below the roof level of the building or of the technical component of the building;
  - The total area of this sign shall not exceed 6.5 square metres (70.0 square feet). In zone I-50, the total area of this sign shall not exceed 8 square metres (86.1 square feet).
  - This sign must be placed so it is visible from the Trans-Canada Highway (route 40) but not from another highway or railway or from the residential zones of the Town.
- b) a sign placed on poles advertising a product or a service subject to the other provisions of this Chapter and on condition that:
  - the frontage of the lot on the right of way of the service road of Highway 40 (Trans-Canada Highway) is greater than 200 meters;
  - with the exception of directional signs on poles, the total surface area of signs on poles shall not be greater than 5% of the surface area of the main facade of the

building.

## Chapter 9

### NON-CONFORMING CONSTRUCTIONS AND USES

#### 9.1 NON-CONFORMING CONSTRUCTION

Is considered as non-conforming any construction in contravention of one or several of the provisions of the present By-law but existing at the time of the coming into force of the present By-law, or whose construction was not finished at the time of the coming into force of the present By-law but for which a building permit conforming to the provisions of the By-laws whose repeal was earlier decreed had been issued before the coming into force of the present By-law, and on the condition that this permit be still valid.

#### 9.2 NON-CONFORMING USE

Is considered non-conforming any use of a landsite or of a construction - whether that construction itself be conforming or not to the present By-law - in contravention of one or several of the provisions of the present By-law but existing or effective at the time of the coming into force of the present By-law, or whose construction has not been finished at the time of the coming into force of the present By-law but for which a building permit or permit of occupation conforming to the provisions of the By-laws whose repeal was earlier decreed, had been issued before the coming into force of the present By-law and on the condition that this permit be still valid.

#### 9.3 ACQUIRED RIGHTS

*(Amendt 875-95)*

A non-conforming construction or use only enjoys acquired rights in as much as it predates the coming into force of any zoning By-law in the Town of Baie-D'Urfé or if it has already been subject to a permit legally issued in accordance with the provisions of a By-law previous to the present zoning By-law. If a non-conforming construction is replaced, the replacement construction enjoys the same acquired rights as the original construction on condition that the replacement construction's non-conforming aspects be equally non-conforming or less non-conforming than those of the original construction.

#### 9.4 REPLACEMENT, RENOVATION, IMPROVEMENT OR EXPANSION OF A NON-CONFORMING USE OR CONSTRUCTION

*(Amendt 875-95)*

*(Amendt 875-95)*

- a) A non-conforming construction may be replaced within 18 months after it is demolished, renovated, improved or expanded, but not to conform even less to the present By-law; in this way, a construction non-conforming to a given minimum set-back may not be extended, either in area or in volume in order to increase the space or the volume thus occupied in the aforementioned set-back; the coverage of a structure whose land coverage already exceeds the maximum allowed in accordance with the present By-law may not be increased.
- b) A non-conforming use may be renovated, improved or even expanded, but not in order to exceed more than 50% of its original floor area at the time of the coming into force of the present By-law; any expansion or modification of a non-conforming use must be made on the same landsite or on the immediate adjacent landsite whose owner was, at the time of the coming into force of the present By-law, the same as that for the non-conforming use

itself, and respect all other provisions of the present By-law and the other regulations applying to the case in point.

*(Amendt 875-95)*

- c) A non-conforming construction or use may not be modified to render it more non-conforming in the sense of the present By-law. If a non-conforming construction is replaced, the new construction may be non-conforming on condition that the replacement construction's non-conforming aspects be equally non-conforming or less non-conforming than those of the original construction.
- d) No expansion or modification of a non-conforming construction or use may serve a non-conforming use other than the one existing at the time of the coming into force of the present By-law.

*(Amendt 875-8) (Amendt 875-62) (Amendt 875-73)*

- e) The provisions of the preceding paragraph c) cannot be interpreted as prohibiting the reconstruction of a building that has been partially or totally burnt down or has otherwise experienced a disaster:
- provided that the request for a building permit is filed with the Town within 12 months of the fire or disaster; and
  - provided that the building's nonconforming features are not made more non-conforming; and
  - provided that any change to or replacement of non-conforming ground coverage with impermeable material that is necessitated by the above reconstruction of a building does not result in ground coverage which is more non-conforming in area or placement; and
  - provided that all other features of the reconstruction conform to the By-law.

In addition encroachments in set-backs:

- which were in conformance with the existing by-laws when the building was constructed; or
- which were added to the building (in conformance with the by-laws) after the building was constructed; or
- which were added (in conformance with section 3.7 of the By-law) to the building after it was at least twenty years old

are considered for the purposes of the present section of the By-law, to be non-conforming features and may be reconstructed providing that they do not make the building more non-conforming than it was at the time of the disaster.



## 9.5 END OF ACQUIRED RIGHTS

- a) If a non-conforming use has been abandoned, stopped or interrupted during a period of twelve (12) consecutive months, or if it has been replaced by a conforming use, any subsequent use on the same landsite or of the same building will have to be in conformity with the present By-law.

*(Amendt 875-95)*

- b) A non-conforming construction that has been modified in order to make it conform or replaced by a construction which conforms may not be rendered non-conforming again.

## Chapter 10

### INDUSTRIAL ZONES

*(Amendt 875-10)*

#### 10.1 AREA OF APPLICATION

The present chapter applies to all industrial zones, identified on the ZONING PLAN by the letter "I".

#### 10.2 OBJECTIVES

The objectives of the present chapter are:

- to encourage harmonious development and functioning of the industrial, commercial and service activities while preserving the quality of the natural and human environment;
- to protect and increase the value of the investments of the Town of Baie-D'Urfé and all of its inhabitants by stimulating quality construction and development and by prohibiting construction, development and activities that are prejudicial to the whole;
- to optimise, as much from a visual as from a functional view point, the working environment of the industrial zones.

#### 10.3 APPLICATION OF STANDARDS

- a) Any application to locate in an industrial zone must be submitted to the Town of Baie-D'Urfé and be accompanied by
- the documents necessary for a clear comprehension of the project, prepared by professionals recognized by virtue of the Quebec Code of Professions; such documents shall include: the layout plans and specifications and the specifications and the description of the industrial processes, in such a manner that the Town may assure itself that its standards are respected;
  - an attestation signed by the applicant confirming that the standards in force at the time of the application are and will be respected.

The responsibility of producing proof of conformance to the standards devolves upon the applicant and the Town reserves the right to demand such proof as often as it sees fit in order to ensure that its standards are respected.

- b) The procurement, by the applicant, of a prior approval required by virtue of paragraph a), does not release him from the obligation of acquiring the permits required by virtue of other federal, provincial or municipal laws and by-laws.
- c) The Town of Baie-D'Urfé is authorized to make use of all means necessary to verify that its standards are respected by any establishment, under construction or in operation, including:
  - visiting the establishment,
  - installing instruments of control;
  - drawing samples, inside or outside the establishment.
- d) The standards are of an obligatory and continuous nature and apply independently of any change of owner, tenant, occupant or use.

#### 10.4 CLASSIFICATION OF USES

For the purposes of the present by-law, the uses apt to be authorised or prohibited in one or several industrial zones are divided into nine (9) classes:

- Class A: *(Amendt 875-121)*  
Uses involving research (excluding scientific or pharmaceutical testing on animals), technological development, data processing, technical and professional services or coordination and planning; none of these uses may involve regular commercial or industrial activities that imply, on a regular basis, receiving customers or heavy traffic;
- Class B: Uses involving the manufacturing of goods by transformation, assembly and remodelling of raw materials or other products; these uses may involve repairs and maintenance;
- Class C: *(Amendt 875-94) (875-103)*  
Uses involving long-term warehousing and distribution of manufactured goods (including wholesale), maintenance of manufactured goods, long-term warehousing and distribution of replacement parts, warehouse sales, show rooms and exhibition rooms as well as specialized services;
- Class D: *(Amendt 875-103)*  
Uses that support diverse industrial activities but that can end up being prejudicial to the quality of the whole, mainly because of the visual or noise impact of the use itself, or of significant outdoor storage, such as:
  - the facilities of transportation companies, i.e. companies transporting goods by truck or trailer, where most or all goods are transferred

directly from vehicle to vehicle, with little or no long-term warehousing involved;

- the facilities of vehicle rental establishments;
- depots of petroleum related products or other inflammable substances, or any other bulk materials or containers.

Class E: Restaurants where the main activity consists in preparing and serving dinners destined to be consumed at tables on the premises including normally complementary activities in a restaurant such as a bar where one may take a drink before going to table;

*(Amendt 875-11) (Amendt 875-121)*

Class F: The following diverse uses:

- utility uses such as electrical sub-stations, maintenance and service centres for electricity, telephone, gas and other public utility companies, incinerators and all other establishments for the storage, handling, treatment, recycling or elimination of garbage or refuse, be it domestic or otherwise;
- restaurants where the main activity is the preparation and service of "fast food" type meals, to be eaten at the counter, in the car or to be taken out, as well as restaurants of the "curb-service" type;
- cafes, dance halls, bars, lounges, discotheques and other types of establishments where the main activity is the service of alcoholic beverages and entertainment;
- broadcasting and radar towers and antennas not subject to the provisions of article 3.11;
- outdoor sporting facilities such as golf courses, driving ranges, drive-in cinemas;
- nurseries and commercial greenhouses, veterinary clinics, kennels, fish farms and fish hatcheries and other facilities involving animals;
- used vehicle dealers, vehicle rentals, shops where vehicle parts and accessories are installed or replaced (mufflers, shock absorbers, tires and trailer hitches), vehicles maintenance and repair shops (mechanical, electrical, body work, rust-proofing, etc.);

*(Amendt 875-28)*

- pay-parking

*(Amendt 875-76)*

- paint and coating industries,
- solvent and other volatile liquid industries,

- lime and gypsum product industries,
  - cement and concrete product industries,
- (Amendt 875-81)*
- public storage facilities.

Class G: Hotels of 100 rooms or more, equipped with meeting facilities comprising a minimum of 500 square metres (5382 s.f.) of meeting rooms, and, as accessory uses, restaurants, bars, exercise rooms and other facilities normally found in a hotel.

Class H: Railway stations and related parking facilities.

Class I: Indoor sporting facilities such as tennis, squash and racquetball clubs, gymnasiums, fitness centers, etc.

The classification of uses for the purposes of the present chapter can in no way be interpreted as to permit:

- chemical plants involving outdoor installations or chemical plants whose main activity is the production, storage or distribution of large volumes of industrial chemicals which may be hazardous or toxic;
- insalubrious uses or any use which implies the recycling or the storage of PCB's or of any hazardous waste, as defined in the Quebec Hazardous Waste Regulation, i.e. ignitable, corrosive, leachable, radioactive, reactive or toxic waste, or any waste listed in Schedule 1 of the Provincial Hazardous Waste Regulation.

*(Amendt 875-109)*

Whatever the uses permitted in any "I" zone, it is a given that the prevailing use in the industrial sector as a whole should be industry, save for specific exceptions in certain zones; however, public infrastructure is authorized in all "I" zones.

## 10.5 MINIMUM LOT DIMENSIONS

Minimum lot sizes are governed by By-Law no. 876.

## 10.6 ENVIRONMENTAL STANDARDS

### 10.6.1 General standards

In all "I" zones, all external industrial activity is prohibited and, in addition to provincial and MUC regulations governing environmental requirements, no use or activity may cause any hazards to health or any of the following at the limits of the landsite:

- a) ground vibrations,
- b) emission of heat or vapour emanations from industrial processes,

- c) smoke, dust, ash or soot,
- d) emission of toxic substances,
- e) emission of malodorous substances that can be perceived by the human olfactory system,
- f) flashes of light.

#### 10.6.2 Explosive, inflammable, toxic or radioactive substances

In all "I" zones,

- a) the use of explosives is only authorized for construction work, and only in conformity with the by-laws of the "*Commission de la Santé et de la Sécurité du travail du Québec*" and at the condition that it be established that it does not cause any inconvenience to neighbouring uses or activities;
- b) the production of highly inflammable or explosive substance is prohibited;
- c) the production of radioactive materials is prohibited; the storage and the use of radioactive materials must comply with the standards of the Atomic Energy Control Board of Canada, and is limited to that normally used in inspection and measuring devices.

#### 10.6.3 Noise

The level of noise is measured in dBA at the limits of the landsite; the particular provisions involve two classes of standards:

- a) When the class A standards apply,
  - no regular noise may exceed the maximum of 30 dBA,
  - no intermittent impact noise may exceed the maximum of 40 dBA,as measured from the limits of the landsite.
- b) When the class B standard apply,
  - no regular noise may exceed the maximum of 50 dBA,
  - no intermittent impact noise may exceed the maximum of 60 dBA,as measured from the limits of the landsite.

For the purposes of the present by-law, are not subject to noise level limitations:

- sounds emanating from non-routine construction work,
- sounds emanating, at the rate of once a week at the most, from alarm signals, warning signals or safety valves,
- sounds emanating from automobiles and transportation vehicles.

#### 10.6.4 Waste storage

- a) In areas where external storage is prohibited, waste must be stored inside the main building.
- b) In areas where external storage is authorized, equipment, material and waste can be stored, between collections, in the part of the back lot delineated by the rear wall of the building or buildings, the rear limit of the lot, and the imaginary extensions of the lateral walls of the building or buildings; in such a case it must be surrounded by a screen with an opacity of 75% or more so as to be obscured from the limits of the landsite.
- c) In no instance may hazardous waste be allowed to remain outdoors.

### 10.7 LAY-OUT STANDARDS

*(Amendt 875-58) (Amendt 875-70) (Amendt 875-90)*

#### 10.7.1 Multi-building and multi-occupant

- a) There can be no more than one principal use per landsite.
- b) A principal use may, in certain cases, require many buildings: one refers then to a multi-building lay-out. Multi-building lay-outs are authorized only in zones specifically designated as such in the particular provisions table. In any multi-building lay-out, the minimum distance between any two buildings must be equal to half the height of the taller of the two.
- c) A principal use may, in certain cases, be composed of two or more distinct establishments: one refers then to a multi-occupant use. Multi-occupant uses are authorized only in zones specifically designated as such in the particular provisions table.

#### 10.7.2 Set-backs, land coverage and floor area ratios

*(Amendt 875-50) (Amendt 875-112)*

- a) Minimum front, secondary front, side and rear set-backs are provided, for each zone, in the particular provisions table; all the specified set-backs are minimums. However, buildings may be located at a greater distance from site boundaries than the prescribed set-backs. In the case of a transverse or a corner lot, the term “secondary front set-back” refers to the set-back identified as “secondary front set-back” as sketched in section 3.4 and any other set-back giving onto a street must be considered as a front set-back. In the case of an addition to a building existing as of June 1, 2001, and located on a landsite adjacent to a railway siding, 50% of the width of the right-of-way of the said siding may be included in the

calculation of the side set-back, even if the said right-of-way is not part of the landsite on which the said building is located.

- b) Notwithstanding any other provision concerning set-backs in the present by-law, no principal building may be built at less than 10.0 m (32.8') from the right-of-way of any high tension electricity transmission line of 25 kV or more.
- c) The minimum and maximum land coverages are provided in the particular provisions table; for the purposes of the present by-law, the land coverage is the ratio between the building area of the building or buildings and the area of the landsite on which it is or they are built; where multi-pavilion lay-outs are authorized, at least one building must cover the minimum lot coverage.
- d) The minimum and maximum floor area ratios are established in the particular provisions table; for the purposes of the present by-law, the floor area ratio is the ratio between the total above ground floor-area of the building or buildings and the total area of the landsite on which it is or they are built.

#### *10.7.3 Accessory or secondary buildings*

- a) No accessory or secondary building is allowed in the industrial zones.
- b) In zones where multi-building lay-outs are authorized, a principal use may be composed of many buildings; one or several of these buildings may accordingly be occupied completely or in part by one or several of the complementary, secondary or accessory functions.
- c) In the case of a principal use composed of several buildings, each building must conform to existing standards especially in regards to set-backs and architecture.
- d) In zones where multi-building lay-outs are prohibited, complementary, secondary or accessory functions must be restricted to the only authorized building.

### **10.8 ARCHITECTURAL PARAMETERS**

#### *10.8.1 Height (Amendt 875-24)*

The minimum and maximum heights of all buildings are given in the particular provisions table in metres. When it is not specified in the particular provisions table, the minimum height of any building is 3.5 metres.

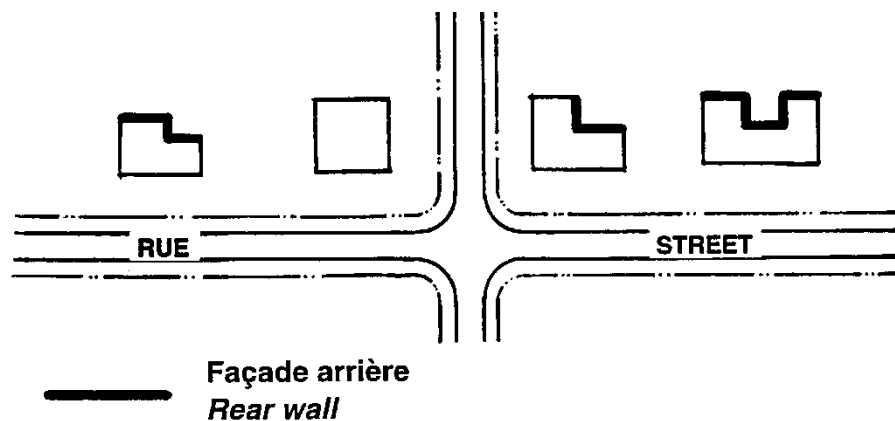
#### *10.8.2 Frontage width*

- a) The minimum frontage width of a building is established in the particular provisions table.
- b) In the case of multiple buildings or of buildings whose frontage contain salient, the frontage width is determined by the sum of the widths obtained by orthogonal projection upon the frontal limit of the landsite of each of the components of the building or of the totality of the buildings.

### 10.8.3 Architectural facing (Amendt 875-20)

In regards to architectural facing, the particular provisions table calls upon three classes of standards:

- a) In zones where class A standards apply,
- the only authorized facing materials for the main facade and for the side facades of the building are stone, brick, glass and precast concrete panels or a combination of two of these facing materials;
  - the same facing material or combination of facing materials must be used on the main facade and on the side facades of the building; in the case where a combination of facing materials is used, the proportion of each material may vary from one facade to another;
- (Amendt (875-20))
- the rear facade of the building, i.e. any facade which is not visible from the street(s) onto which the building is facing or from the C.P. right of way, may be of the same material or combination of materials as the other facades, or of fluted or grooved concrete blocks, or of plastic coated, enamelled or anodized metal-cladding.



- b) In zones where class B standards apply,  
(Amendt 875-20)
- the only authorized facing materials for the main facade and for the sides of the building are those which are authorized by virtue of class A; or a combination of one of the materials authorized by virtue of class A and of plastic coated, enamelled or anodized metal-cladding, as long as the latter does not represent more than 20% of the total surface area of the main facade and 40% of the total surface area of each side facade;
  - the rear facade of the building, i.e. any facade which is not visible from the street(s) onto which the building is facing or from the C.P. right-of-way, may be of the same material or combination of materials as the other facades, or of fluted or grooved concrete blocks, or of plastic coated, enamelled or anodized metal-cladding.



- c) In zones where class C standards apply,  
(Amendt 875-20)
- the only authorized facing materials for the main facade and for the sides of the building are those which are authorized by virtue of class A; or a combination of one of the materials authorized by virtue of class A and of plastic coated, enamelled or anodized metal-cladding, as long as the latter does not represent more than 50% of the total surface area of the main facade and 75% of the total surface area of each side facade;
  - the rear facade of the building, i.e. any facade which is not visible from the street(s) onto which the building is facing or from the C.P. right-of-way, may be of the same material or combination of materials as the other facades, or of fluted or grooved concrete blocks, or of plastic coated, enamelled or anodized metal-cladding.

#### 10.8.4 Office space ratio

In any given industrial building - or multi-building lay-out, - the percentage of the total floor area that must be office space must not be less than that of the particular provisions table.

#### 10.8.5 Utilities

Utility enclosures or structures of the Town of Baie-D'Urfé and of electricity, gas or telephone companies and of other services referred to as public utilities are not subject to the provisions concerning:

- minimum land coverage,
- minimum floor area ratio,
- frontage width,
- office space ratio,
- mechanical devices.

### 10.9 MECHANICAL DEVICES

In regards to mechanical devices, the particular provisions table calls upon three classes of standards:

- a) When class A standards apply,
- mechanical devices such as air-conditioning systems, antennas, reservoirs, carboys and others cannot be located other than on the roof, subject to the provisions of paragraph e) of article 4.11 of the present by-law or in the section of the rear set-back that is delineated by the imaginary projection of the two lateral walls, and must in all cases be grouped into one single enclosure surrounded by a screen made up of the same facing as the building itself;

- no mechanical component of the building, such as a duct, a projecting window air-conditioning unit or others, may be visible to a pedestrian walking along the limit of the right-of-way of a street or streets that are adjacent to the landsite, or from the C.P. right-of-way.
- b) When class B standards apply,
- (Amendmt 875-99)*
- mechanical devices such as air-conditioning systems, antennas, reservoirs, carboys and others cannot be located other than on the roof, subject to the provisions of paragraph e) of article 4.11 of the present by-law, or in the side or rear set-backs, and must in all cases be surrounded by a screen made of the same facing as the building itself, by a screen with an opacity of 50% or more, or placed in prominent positions and exploited as architectural elements;
  - no mechanical component of the building, such as a duct, a projecting window air-conditioning unit or others, may be visible to a pedestrian walking along the limit of the right-of-way of a street or streets that are adjacent to the landsite.
- (Amendmt 875-98)*
- In zone I-37, for lots served by a railway spur, a pipe bridge crossing the railway spur for the purpose of connecting two buildings owned by the same entity is permitted, subject to railway standards. Thus, the pipe bridge need not comply with the provisions above pertaining to screening and visibility.
- c) When class C standards apply,
- mechanical devices such as air-conditioning systems, antennas, reservoirs, carboys and others must be located either on the roof, subject to the provisions of paragraph e) of article 4.11 of the present by-law, or in the side or rear set-backs.
- d) In all cases, mechanical devices or components, whether located on the roof or in the rear or side set back, may not exceed by more than 3 m (9,8') the roof line of the building.
- (Amendmt 875-99)*
- e) In all cases, transformers, generators and heat-pumps can only be located in the side or rear set-backs, or on the roof, subject to the provisions of paragraph e) of article 4.11 of the present by-law.

## **10.10 PARKING AND LOADING AND UNLOADING AREAS**

*(Amendmt 875-109)*

- a) Every use must be provided with enough off-street parking spaces at all times for the personal vehicles of all employees, the company's vehicles, supply vehicles and the vehicles of visitors and customers. None of the foregoing is to be construed as authorizing less off-street parking than what is required by paragraph c) of Section 7.4.
- b) Every use must be provided with platforms and manoeuvring areas for the loading and unloading of transport vehicles in accordance with the provisions of Section 7.8.

- c) Every parking area or area destined to be used for parking transport vehicles or for their manoeuvres during loading or unloading operations must be paved, including accesses; if it covers an area of more than 400 square metres, it must be drained with draining wells connected to the storm sewers, where existing.

## 10.11 PLANNING AND USE OF OPEN SPACES

### 10.11.1 Standards for planning and use of open spaces

In regards to the planning and use of open spaces the particular provisions table calls upon two classes of standards:

- a) When class A standards apply, except as otherwise stated in this by-law, (Amendt 875-20)(Amendt 875-100) (Amendt 875-112)
- the only uses authorized in the front set-back are sidewalks and paths for pedestrians, driving and access lanes to parking areas and to manoeuvring areas for loading and unloading, areas planted with grass, flowers and shrubbery, flagpoles and signs affixed on poles, or on a free standing wall or a plinth, in accordance with chapter 8 of the present by-law; as well as parking areas reserved for the vehicles of visitors, customers and employees, excluding transport vehicles and other commercial vehicles; these parking areas must not be closer than 10.0 metres (32.8') from the right-of-way of any public thoroughfare and must not occupy more than 25% of the total area of the front set-back;
  - (Amendt 875-25)
  - in the case where a building, which had loading and unloading platforms in the secondary front set-back at the coming into force of the present By-Law, is extended, the number of such loading and unloading platforms in the secondary front set-back may be increased in a proportion not exceeding the proportion by which the floor area of the building is increased; provided the depth of the secondary front set-back where such additional platforms are built is equal to or greater than the depth of the secondary front set-back where the existing platforms are located;
  - the only uses authorized in the side set-backs are the uses authorized in the front set-backs as well as parking areas reserved for the vehicles of visitors, customers and employees, excluding transport and other commercial vehicles; these parking areas must be hidden from the street by a hedge, a low wall or a fence with an opacity of 75% or more, of a minimum height of 1 metre; in the case of an "L" shaped building where part of the side wall is recessed at least 15.0 m (49.2') and hidden from the street by the projecting front section of the building, parking areas and manoeuvring areas for transport vehicles, and loading and unloading platforms are allowed on the inside of the "L";
  - the only uses authorized in the rear set-backs are the uses authorized in the front and side set-backs, as well as: parking areas for fleets of commercial vehicles, parking areas and manoeuvring areas for transport vehicles, and loading and unloading platforms;
  - no external storage is authorized.

- b) When class B standards apply, except as otherwise stated in this by-law, (Amendt 875-100)
- the only uses authorized in the front and secondary front set-back are those authorized by virtue of the class A standards;
  - the only uses authorized in the side set-backs are those that are authorized by virtue of the class A standards as well as parking areas and manoeuvring areas for transport vehicles, and loading and unloading platforms, and parking areas for fleets of commercial vehicles;
  - the only uses authorized in the rear set-back are:
    - those that are authorized by class A standards;
    - external storage areas, storage being limited to production materials and finished products, to the exclusion of loose or unpacked material, such as earth, gravel and chemical products, salvaged materials, as well as out of service vehicles, tools and machinery and at the condition:
      - i) that these storage areas do not occupy more than 75% of the surface area of the rear set-back,
      - ii) that they be fenced in,
      - iii) that the height of the stored items not exceed 3 metres or the largest vertical dimension of a stored unit.
    - silos or storage tanks, on the condition:
      - i) that their building area does not exceed 10% of the building area of the main building(s),
      - ii) that their height does not exceed any of the following:
        - the maximum height of all buildings as established by article 10.8.1, notwithstanding the exceptions provided in paragraph d) of article 4.11,
        - 3 m above the roof line of the building(s);
      - iii) that they conform to the set-backs applicable to the main building and in no case closer to any lot line than a distance equal to their height.

#### 10.11.2 Landscaping

- a) Except for the parts that are to remain in their natural wooded state, all open spaces of landsites that are built upon shall be landscaped. All landscaped open spaces and wooded areas shall be properly maintained at all times.

- (Amendt 875-109)
- b) For the purposes of paragraph a)
- any permeable surface, preferably covered with plants and planted with trees, shrubs and flowers, will be considered to be landscaped
  - any piece of arable shrub land or land on which there is at least one tree of 10 cm or more in diameter per 10 m<sup>2</sup> of land or at least one tree of 25 cm or more in diameter per 25 m<sup>2</sup> of land will be considered to be in its natural wooded state
- c) The landscaping must be completed within the first three (3) frost free months following the construction or occupation of the building or buildings, whichever comes first.
- d) The strip formed by the first 7.5 metres of land on the north side of the C.P. right-of-way must be planted with a minimum of 2 rows of trees, according to the following:
- row separation: 2 metres (6,6')
  - tree spacing: 2.5 metres (8.2')
  - tree height at planting: 4 metres (13.1')

trees to be staggered in rows, south row to be of coniferous; north row to be deciduous; all planting or transplanting to be done on beds of top soil having a depth of 1 metre (3.3') and a width of 7.5 metres (24.6').

The aforementioned trees must be planted according to paragraph c) and maintained according to paragraph a) of the present article.

On application for a building permit, a detailed plan for this screen must be submitted with other plans as required in article 4.2 of the Permits and Certificates By-Law.

Such requirement does not apply in the case where the first 7.5 metres (24.6') from the C.P. right-of-way are already treed in such a way that there is a minimum of 12 trees at least 5 metres (16.4') in height in any given square of 7.5 metres (24.6') per 7.5 metres (24.6').

Moreover, the prohibition to cut down a tree of more than 25 cm (10") without a permit, as stated in paragraph a) of article 5.5, applies to any tree of more than 10 cm (4") in diameter, measured 1 metre (3.3') from the ground, in the said 7.5 metres (24.6') wide strip of land.

These trees must be maintained in such a way that they fulfill the intended purposes of screening. In case of loss or damage to a point where, in the view of the Building Inspector, one or more trees must be replaced in order to restore the effectiveness of the screen, and in the case of failure of the owner to comply to the notice of the Inspector, then such failure will be considered as a contravention and be subject to the penalties and other recourses provided for in article 1.5 of the present by-law, and especially the fact that such an infringement constitutes a separate offence for each day and that the fine fixed for such infringement can be imposed for each day during which the infringement continues.

(Amendt 875-109)

#### 10.11.3 Heat islands

The combined surface area of asphalted areas and non-reflecting roofs may not exceed 60% of the total area of the landsite. A permit for a building expansion on a landsite that does not comply with the above maximum may only be issued on the following conditions:

- that for expansion of a building the roof finishing material be clear or that a “green roof” be developed;
- that for expansion of an asphalted area the site use map shows that at least 10% of the additional surface will be covered with vegetation and planted with deciduous trees, or that a surface of the same size is planned elsewhere on the landsite.

(Amendt 875-109)

#### 10.11.4 Services

- a) Inside the limits of the landsite, all connections to the electrical, telephone and other communications systems mains must be underground.
- b) Electrical sub-stations and other electrical or mechanical equipment located outside the buildings must be considered as "external mechanical devices" in the sense attributed to them in article 10.

(Amendt 875-109) (Amendt 875-122)

#### 10.11.5 Fences and hedges

- a) In all I zones,
  - other than the plantings permitted under paragraph 10.11.1 above, no hedges or fences are permitted in the front set-back;
  - in the side and rear set-backs, the following are authorized: hedges, wooden fences, metal and chain link fences, or fences in prefabricated concrete, as well as walls made of stone-work or brick work. Chain link fences topped with barbed wire are only authorized on the conditions stated in paragraph b) of article 5.2.
- b) The maximum height of the fences, hedges and walls authorized in virtue of the preceding paragraph in the side and rear set-backs is two (2) metres, except around external storage areas, when allowed, where the maximum height is three (3) metres, notwithstanding the provisions or paragraph b) of article 5.4.

(Amendt 875-122)

- c) Notwithstanding the provisions of paragraph a) and subject to the issuance of a permit under the provisions of the PERMITS AND CERTIFICATES BY-LAW, a high-security fence constructed of rigid metallic bars is permitted in the front set-back on properties in zone I-37 whose main use is a data centre. Such a fence shall not exceed 1.83 metres (6') in height in the front set-back. The fence may include gates to provide access.

The distance between the fence and the front boundary of the landsite must be at least 9 metres (29.5') at the closest point. The portion of the fence in the front set-back of the landsite must be screened by trees or other plantings in such a way that it cannot be easily seen from the street. This planting must be completed within the first three frost-free months following the construction of the fence and must be maintained and replaced as necessary.

10.11.6 Exterior lighting

- a) The only authorized exterior lighting is that of buildings, walkways, roads, signs and of parking, loading and unloading, and storage areas.
- b) The exterior lighting devices must be arranged in such a way as to avoid any dazzling effect outside the limits of the landsite.

10.12 PARTICULAR PROVISIONS TABLE

(Amendt 875-105)

ZONES	I-35	I-36	I-37	I-38	I-42
<b>Authorized uses (permitted: ●) (See article 10.4)</b>	(14)	(14)	(14)	(14)	(14)
Class A	●	●	●	●	●
Class B	●	●	●	●	-
Class C	●	●	●	●	-
Class D	●	-	-	-	-
Class E	●	-	-	-	●
Class F (Amendt 875-22)	● (16)	-(24)	●(17)	-(17)	-
Class G	-	-	-	-	-
Class H	●	●	-	-	-
Class I	-	●	-	-	-
Public parks and playgrounds	●	●	●	●	-
<b>Noise (See paragraph 10.6.3)</b>					
Class A	-	●	-	-	●
Class B	●	-	●	●	-
<b>Lay-out (See article 10.7)</b>					
Multi-building (permitted:● )	-	-	●	-	-
Multi-occupant (permitted:● ) (Amendt 875-90)	● (23)	-(23)	-(23)	-(23)	-(23)
<b>Minimum set-backs (See paragraph 10.7.2)</b>			(26)		
Front	18.0	18.0	18.0	12.0	7.5
Side	12.0	12.0	12.0	12.0	4.5(6)
Rear	18.0(8)	18.0(8)	18.0(8)(18) <i>Amendt 875-35</i>	18.0	7.5
Secondary front (Amendt 875-112)	18.0	18.0	18.0	12.0	7.5

ZONES	I-35	I-36	I-37	I-38	I-42
<b>Land coverage (Amendt 875-39)</b>					
Minimum	0.1	0.2	0.15	0.2	0.15
Maximum	0.25	0.40	0.40	0.40	0.40
<b>Floor area ratio</b>					
Minimum	0.1	0.2	0.15	0.2	0.15
Maximum	0.5	0.5	0.6	0.6	0.4
<b>Height of building (See paragraph 10.8.1)</b>					
Minimum	5.0	5.0	5.0	5.0	5.0
Maximum	-(3)	-(3)	-(3)	-(3)	-(3)
<b>Minimum frontage width (See paragraph 10.8.2)</b>	-	-	-	-	-
<b>Architectural facing (See paragraph 10.8.3)</b>					
Class A	-	-	-	-	●
Class B	-	●	● (4)	●	-
Class C	●	-	-	-	-
<b>Office space ratio (See paragraph 10.8.4)</b>	0%	10%	5%(2)	10%	-
<b>Mechanical devices (See article 10.9)</b>					
Class A	-	-	-	-	●
Class B	-	●	● (4)	●	-
Class C	●	-	-	-	-
<b>Planning and use of open-spaces (See article 10.11)</b>					
Class A	-	●(22)	-	-	●
Class B	● (22)	-	● (4)(22)	●	-
<b>Amendments</b>	875-54	875-54	875-47	875-70	875-70
	875-70	875-70	875-70	875-85	
		875-85	875-71		
		875-99	875-88		
		875-100			



ZONES	I-43	I-44	I-45	I-46	I-47
<b>Authorized uses (permitted: ●) (See article 10.4)</b>	(14)	(14)	(14)	(14)	(14)
Class A	●	●	●	●	●
Class B	●	●	●	●	●
Class C	●	●	●	●	●
Class D	-	-	-	-	-
Class E	-	-	-	-	-
Class F	-	-	-	-	-
Class G	-	-	-	-	-
Class H	-	-	-	-	-
Class I	-	-	-	-	-
Public parks and playgrounds	●	●	●	●	●
<b>Noise (See paragraph 10.6.3)</b>					
Class A	●	●	●	●	●
Class B	-	-	-	-	-
<b>Lay-out (See article 10.7)</b>					
Multi-building (permitted: ●) (Amendt 875-90)	-	-	-	-	-
Multi-occupant (permitted: ●)	-(23)	-(23)	-(23)	-(23)	●(23)
<b>Minimum set-backs (See paragraph 10.7.2)</b>					
Front	18.0	18.0	30.0	18.0(1)	18.0
Side	12.0(10)	12.0(10)	20.0(9)	12.0	12.0
Rear	18.0(10)	18.0(10)	20.0(9)	18.0(13)	18.0
Secondary front (Amendt 875-112)	18.0	18.0	30.0	18.0(1)	18.0
<b>Land coverage</b>					
Minimum	0.2	0.2	0.15	0.15	0.1
Maximum	0.40	0.40	0.30	0.30	0.30
<b>Floor area ratio</b>					
Minimum	0.2	0.2	0.15	0.15	0.1
Maximum	0.6	0.6	0.4	0.4	0.4
<b>Height of building (See paragraph 10.8.1)</b>					
Minimum	5.0	5.0	5.0	5.0	5.0
Maximum	-(3)	-(3)	-(3)	-(3)	-(3)
<b>Minimum frontage width (See paragraph 10.8.2)</b>	-	-	-	-	-
<b>Architectural facing (See paragraph 10.8.3)</b>					
Class A	-	-	●	●	●
Class B	●	●	-	-	-

ZONES	I-43	I-44	I-45	I-46	I-47
Class C	-	-	-	-	-
<b>Office space ratio (See paragraph 10.8.4)</b>	10%	10%	10%	10%	10%
<b>Mechanical devices (See article 10.9)</b>					
Class A	-	-	●	●	●
Class B	●	● (21)	-	-	-
Class C	-	-	-	-	-
<b>Planning and use of open-spaces (See article 10.11)</b>					
Class A	-	-	●	●	● (25)
Class B	●	●	-	-	-
<b>Amendments</b>	875-70	875-70	875-70	875-70	875-58
					875-70
					875-86

ZONES	I-49(10)	I-50(12)	I-51	I-52
<b>Authorized uses (permitted: ●) (see article 10.4)</b>		(15)	(14)	
Class A	●	-	●	●
Class B	●	-	●	●
Class C	-	-	●	●
Class D	-	-	-	-
Class E	-	-	-	-
Class F	-	-	-	-
Class G	-	●(12)	-	-
Class H	-	-	-	-
Class I	-	●(12)	-	-
Public parks and playgrounds	●	●	●	●
<b>Noise (See paragraph 10.6.3)</b>				
Class A	●	●	●	●
Class B	-	-	-	-
<b>Lay-out (See article 10.7)</b>				
Multi-building (permitted: ●) (Amendt 875-90)	●	●	-	-
Multi-occupant (permitted: ●)	-(23)	-(12)	-(23)	-(23)
<b>Minimum set-backs (See paragraph 10.7.2)</b>				
Front	18.0(1)	18.0(12)	18.0(1)	18.0
Secondary front	12.0	18.0	18.0	18.0
Side	12.0	11.0(12)	12.0(9)	12.0
Rear	18.0	18.0(12)	18.0(9)	18.0(8)
<b>Land coverage (Amendt 875-39)</b>			(20)	
Minimum	0.10(11)	0.15(12)	0.15	0.15
Maximum	0.40(11) <i>Amendt 875-49</i>	0.40(12)	0.485	0.40
<b>Floor area ratio</b>				
Minimum	0.20(11)	0.20(12)	0.15	0.2
Maximum	1.0(11)	1.0(12)	0.485	0.6
<b>Height of building (See paragraph 10.8.1)</b>				
Minimum	5.0	5.0	5.0	5.0
Maximum	-(11)	-(12)	-(3)	-(3)
<b>Minimum frontage width (See paragraph 10.8.2)</b>				
	-	-	-	-
<b>Architectural facing (See paragraph 10.8.3)</b>				
Class A	●	●(12)	●	-
Class B	-	-	-	●
Class C	-	-	-	-

ZONES	I-49(10)	I-50(12)	I-51	I-52
<b>Office space ratio (See paragraph 10.8.4)</b>	-(11)	-(12)	10%	10%
<b>Mechanical devices (See article 10.9)</b>				
Class A	●	●	●	-
Class B	-	-	-	●
Class C	-	-	-	-
<b>Planning and use of open-spaces (See article 10.11)</b>				
Class A	●	●(12)	●	-
Class B	-	-	-	● (22)
<b>Amendments</b>	<i>875-60</i>	<i>875-70</i>	<i>875-70</i>	<i>875-37</i>
	<i>875-70</i>	<i>875-93</i>	<i>875-105</i>	<i>875-54</i>
				<i>875-70</i>

**NOTES**

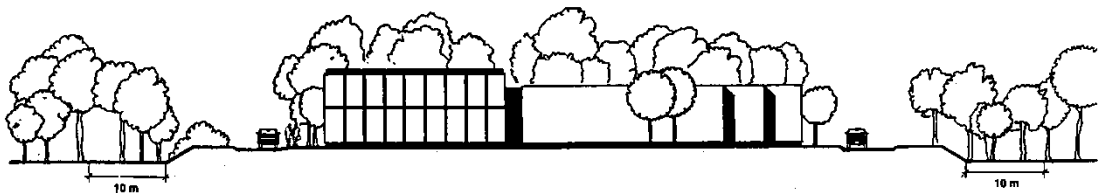
- (Amendt 875-112).
- (1) Except on the service road of the Trans-Canada Highway where the minimum front and secondary front set-backs are 30.0 m (98.4').
  - (2) Except for lots adjacent to the Trans-Canada Highway where I-45 standards apply.
  - (3) Except for hotels, the height of a building or auxiliary equipment shall not exceed that given by the formula

$$(9 + D/20) \text{ metres}$$

with a maximum 15.0 m (49.2') where D is the minimum distance from the building or portion thereof under consideration to the northern boundary line of the right-of-way of the Canadian Pacific Railway.

The maximum height for hotels is 20.0 m (65.6').

- (4) Except for lots adjacent to the Trans-Canada Highway, where class A standards apply.
- (5) (Repealed) (Amendt 875-100)
- (6) And the total of the two side set-backs must be at least 12.0 m (39.4').
- (7) (Repealed) (Amendt 875-54).
- (8) Except for lots adjacent to the Canadian Pacific Railway where the set-back from the C.P. right-of-way is 30.0 m (98.4').
- (9) The first 10.0 metres (32.8') measured from the lateral and rear lot lines must be left in their natural level and in their natural wooded state. In the case of a large lot where the above provisions does not represent a minimum of 20% of the total area, additional natural land must be reserved in order to have a minimum of twenty percent (20%) original forest.



- (10) The first 10.0 metres (32.8') measured from the rear lot line and five (5) metres (16.4') along each side line to within 5.0 metres (16.4') of the front line must be left in their natural level and in their natural wooded state. A minimum of 20% must be maintained in the natural state, except for corner lots.

- (11) *(Amendt 875-49) (Amendt 875-60)*  
Particular provisions applicable to zone I-49

The only uses permitted in zone I-49 are public parks and playgrounds, the uses of groups A and B and office buildings, occupied by one or several owners or tenants, of a maximum height of 20.0 metres (65.6') and containing a minimum of two (2) and a maximum of five (5) usable floors and a maximum total floor area of 10 000 square metres (107 642 square feet) and a maximum footprint of 2000 square metres (21 520 square feet) (for the purpose of the present note, the word "offices" means uses where the main activity is business administration, accounting, correspondence, filing, data processing, brokerage operations and professional offices, excluding medical, dental and veterinary clinics). Furthermore, the "office" space must occupy a minimum of 25% of the floor area of the building.

In zone I-49, for any building with more than two (2) floors, at least 20% of the required off-street parking must be indoors.

- (12) *(Amendt 875-93) (Amendt 875-101)*  
Particular provisions applicable to zone I-50

The only uses permitted in zone I-50 are the following:

- A. Office buildings of a maximum height of 20.0 metres (65.6') and containing a minimum of two (2) and a maximum of five (5) usable floors and a maximum total floor area of 10 000 square metres (107 642 square feet) and a maximum footprint of 2000 square metres (21 520 square feet).
- B. mixed use buildings of a maximum height of 20.0 metres (65.6') and containing a minimum of two (2) and a maximum of five (5) usable floors and a maximum total floor area of 10 000 square metres (107 642 square feet) and a maximum footprint of 2000 square metres (21 520 square feet). A maximum floor area of 1000 square metres (10 764.2 square feet) on the ground floor may be occupied by a commercial use intended to serve the needs of local offices and industries.

These may include the following to a maximum floor area of 250 square metres (2691 square feet) each:

- a. a kindergarten or a day-care centre,
- b. a cafeteria, sandwich-shop or croissanterie,
- c. a stationery or a bookstore,
- d. a computer store,
- e. a dry-cleaner's shop,
- f. a shoe-repair shop,
- g. a travel agency,
- h. a barber shop or a beauty salon,
- i. a health studio,
- j. any governmental service or agency,

k. a drugstore.

These may also include the following to a maximum floor area of 500 square metres (5382 square feet) each:

l. restaurant,

m. bank, trust or financial company.

A maximum floor area of 1000 square metres (10 764.2 square feet) on the ground floor may be occupied by companies who require a show room for demonstration purposes. This area cannot be used for retail sales.

All the remaining floors must be used for offices only (for the purpose of the present note, the word "offices" means uses where the main activity is business administration, accounting, correspondence, filing, data processing, brokerage operations and professional offices, excluding medical, dental and veterinary clinics).

*(Amendt 875-21)*

- C. A hotel of one hundred (100) rooms or more, of a maximum height of 25.0 metres (82'), with a maximum land coverage of forty percent (40%), a maximum floor area ratio of 1.0 and a maximum total floor area of 12 000 square metres (129 171 sq. ft.) and containing a maximum of eight (8) usable floors, equipped with meeting facilities comprising a minimum of 500 square metres (5382 square feet) of meeting rooms and, as accessory uses, restaurants, bars, exercise rooms and other facilities normally found in a hotel. The hotel may be occupied by a maximum of three (3) occupants in the sense of Note 23.

The minimum front set-back on the service road of the Trans-Canada Highway shall be 10 metres (32.8') for parts of the building less than 6 metres (19.7') in height and 40 metres (131.2') for parts of the building over 6 metres (19.7') in height. The minimum secondary front set-back on Boulevard Morgan shall be 11 metres (36.1') and the minimum side (west) set-back shall be 6.5 metres (21.3').

Parking areas must not be closer than 5 metres (16.4') from the right-of-way of any public thoroughfare. A two-level parking structure is permitted provided that it does not extend more than 2 metres (6.6') above ground and does not exceed two hundred (200) parking spaces. The parking structure is not included in the calculations of the building area and floor area.

For the purposes of Section 10.8.3 a), acrylic stucco may be considered as an authorized facing material.

*(Amendt 875-113)*

- D. An indoor recreational sporting facility contained in a temporary building with a flexible outer surface, or in a permanent building conforming to Class A standards, of a maximum height of 22 metres (72.2'), and of a minimum floor area of 7500 square metres (80 729.3 square feet).

The temporary building must be attached to a permanent building with a floor area of at least 750 square metres (8073 square feet) and must comply with all the other provisions of the present by-law as if it were a permanent building. The permanent building may include, as accessory uses, offices, a sports outlet, a food service facility and an enclosed bar where alcohol is served.. The complex, including both the temporary and permanent buildings, may be occupied by a maximum of three (3) occupants in the sense of Note 23.

No part of the complex may be located less than 150 metres (492.1') from the service road of the Trans-Canada Highway.

Parking areas must not be closer than 5 metres (16.4') from the right-of-way of any public thoroughfare.

E. Public parks and playgrounds.

*(Amendt 875-45)*

- (13) In zone I-46, the first 10.0 metres (32.8') measured from the rear property line of any landsite must be left in their natural level and in their natural wooded state.

*(Amendt 875-21)*

- (14) In this zone, the maximum above ground floor area for any new commercial or office building is 12 000 m<sup>2</sup> per landsite.

*(Amendt 875-21)(Amendt 875-93)*

- (15) In this zone, notwithstanding Paragraph c) of Section 1.10 and notwithstanding the use of the letter "I", the uses described in Note 12 shall be the prevailing uses.

*(Amendt 875-22)*

- (16) Excluding telecommunication towers and antennas.

*(Amendt 875-22)*

- (17) Limited to telecommunication towers and antennas which meet each of the following conditions:

*(Amendt 875-85)*

- a) towers and their associated service buildings shall be located either more than 900 metres (2 952.8') from the northern boundary of the right-of-way of Highway 20 and more than 150 metres (492.1') from the southern boundary of the right-of-way of Highway 40, or less than 130 metres (426.5') from the Canadian Pacific Railway right of way and in the rear setback. No such tower shall be located less than 300 metres (984.3 ft) from any other such tower;
- b) the maximum height of any such tower or antenna, including the equipment which it supports, shall not exceed 38 metres (124.7'), measured from the natural level of the ground immediately adjacent to the foundation;
- c) the horizontal section of any such tower or antenna (excluding the equipment which it supports) shall fit into a circle of 1.25 metres (4.1') in diameter; no such tower or antenna shall be guyed;



- d) Repealed (*Amendt 875-85*)
- (*Amendt 875-85*)
- e) a communication tower or antenna and its associated service building shall be considered as an accessory use in itself and shall be entitled to no other accessory use; all control devices and other equipment shall be located inside the service building, which must conform to all the requirements of this by-law.
- (*Amendt 875-35*)
- (18) Except for lots adjacent to the main line of the St. Lawrence and Hudson railway (subsidiary of the Canadian Pacific railway company), a building which has been in existence for at least five (5) years may be extended with a rear set-back of 14.0 metres, provided that one of the side set-backs is at least 18.0 metres.
- (19) (Repealed) (*Amendt 875-54*)
- (20) (Repealed) (*Amendt 875-105*)
- (*Amendt 875-40*)
- (21) Telecommunication equipment shelters of telecommunication companies
- a) Telecommunication equipment shelters of telecommunication companies shall be permitted in zone I-44 and, for the purposes of the present note, shall be considered as mechanical equipment, subject to the following conditions.
- b) Telecommunication equipment shelters referred to by the present note are not principal buildings in the sense of the present by-law, even if they are not accessory to, nor the property of, the principal use of the landsite on which they are located.
- c) The location of telecommunication equipment shelters of telecommunication companies shall conform to the provisions of Article 10.9, and to the following additional conditions:
- they shall not be located on the roof;
  - when in a side set-back, they shall obligatorily be located in the rear half of the said set-back;
  - they shall not have to be enclosed by a screen, metallic or other;
  - they shall not be located at less than one (1) metre from any limit of the property;
  - there shall not be more than one telecommunication equipment shelter on a given landsite.

- d) The minimum height of telecommunication equipment shelters is not regulated; the maximum height is 4 metres (13.1') and the maximum building area is 20 square metres (215.3 square feet); however, this area shall not be included when calculating the area of the principal building for the purposes of Article 3.3.
- e) With regard to architectural treatment, telecommunication equipment shelters of telecommunication companies shall conform to class "A" standards, as set in paragraph 10.8.3.
- f) All connections shall be underground, in conformity with the provisions of paragraph 10.11.3.
- g) Telecommunication equipment shelters of telecommunication companies permitted under the present note shall not be entitled to:
  - any signage
  - any access to the street, other than those permitted for the principal use under Article 7.5,
  - any antenna.

*(Amendt 875-47)*

- (22) Except with respect to the parking of automobiles in the front set-back, class "A" standards shall apply to all landsites adjacent to the right-of-way of the Canadian Pacific railway; moreover,
- the rear set-back (i.e. the area adjacent to the right-of-way of the Canadian Pacific railway) shall be treated as a side set-back, except for parking and manoeuvring areas for transport vehicles and loading and unloading docks, which shall be permitted in the said rear set-back, provided that the building complies with a minimum set-back of 38.0 metres (124.7') from the right-of-way of the railway and provided that the first 22.5 metres (75') measured from the same limit of the right-of-way of the railway are developed as three strips of 7.5 metres (24.6'), each conforming to the provisions of article 10.11.2 d);
  - one of the side set-backs can be used as a rear set-back,
  - no free-standing sign may be installed other than in the front or secondary front set-back,
  - no wall sign may be installed as to be visible from Highway 20.

*(Amendt 875-100)*

Notwithstanding the preceding paragraph, in zone I-36, storage tanks are permitted when a side set-back is used as a rear set-back.

*(Amendt 875-70)(Amendt 875-84) (Amendt 875-90) (Amendt 875-108)*

- (23) Buildings having a building area in excess of 18 000 square metres may be occupied by a maximum of five (5) occupants.

Buildings having a building area in excess of 14 000 square metres and of up to 18 000 square metres may be occupied by a maximum of four (4) occupants.

Buildings having a building area in excess of 10 000 square metres and of up to 14 000 square metres may be occupied by a maximum of three (3) occupants.

Buildings having a building area of 10 000 square metres or less may be occupied by a maximum of two (2) occupants.

For the purpose of this note 23 and for the purpose of Section 8.6 a), the following are considered to be a single occupant provided they share reception areas, cafeterias and washrooms: companies which are closely related by virtue of ownership of at least forty per cent (40%) of one company by the other, or by virtue of both being at least forty per cent (40%) owned by the same third party.

*(Amendt 875-85)*

- (24) Limited to telecommunication towers and antennas which meet each of the following conditions:

- a) communication towers and their associated service buildings shall be located no more than 50 metres (164.0') from the Canadian Pacific Railway right of way, and must be in the rear set-back or on Town-owned land. No such tower shall be located less than 300 metres (984.3 ft) from any other such tower;
- b) the maximum height of any such tower or antenna, including the equipment which it supports, shall not exceed 38 metres (124.7'), measured from the natural level of the ground immediately adjacent to the foundation;
- c) the horizontal section of any such tower or antenna (excluding the equipment which it supports) shall fit into a circle of 1.5 metres (4.9') in diameter; no such tower or antenna shall be guyed;
- d) a communication tower or antenna and its associated service building shall be considered as an accessory use in itself and shall be entitled to no other accessory use; all control devices and other equipment shall be located inside the service building, which must conform to all the requirements of this by-law.

*(Amendt 875-86)*

- (25) In Zone I-47, external storage areas shall be permitted as described in Section 10.11.1 b). Silos, storage tanks, shipping containers and vehicles shall not be permitted. The maximum height above ground of any stored item shall not exceed 3 metres. The storage area shall not occupy more than 25% of the surface area of the rear set-back.

*(Amendt 875-88)*

- (26) In Zone I-37, for lots served by a rail spur (or with a dedicated servitude for a rail spur) in the rear set-back, the front set-back may be reduced to a minimum of 12.0 m (39.4') providing that the rear set-back is increased by the same amount.

## Chapter 11

### CONSTRUCTION ALONG LAKE ST-LOUIS AND OTHER WATERCOURSES, ACTIVITIES WITHIN FLOODPLAINS AND SECTORS OF MIXED LANDFILL

(Amendt 875-19) (Amendt 875-57-1) (Amendt 875-79)

#### 11.1 UNDERTAKINGS, STRUCTURES AND WORKS ON LAKESHORES AND RIVER-BANKS

(Amendt 875-57-1) (Amendt 875-66) (Amendt 875-79)

Within any area defined as "lakeshore" or "riverbank" in Appendix 1 of the present by-law, all undertakings, structures, and works are prohibited except the following undertakings, structures, and works, provided they are consistent with the provisions of the present by-law regarding floodplains:

- a) the maintenance, repair and demolition of existing structures and undertakings used for purposes other than municipal, commercial, industrial, public or public access purposes;
- b) structures, undertakings and works for municipal, commercial, industrial, public or public access purposes, including their maintenance, repair and demolition, if an authorization must be obtained under the Environment Quality Act (R.S.Q., Ch. Q-2);
- c) the construction or enlargement of a main building for purposes other than municipal, commercial, industrial, public or public access purposes, provided that:
  - the size of the lot does not allow for the construction or enlargement of the main building once the buffer strip has been established, and the construction or enlargement cannot reasonably take place elsewhere on the land;
  - the lot was subdivided before the coming into force of the interim control by-law of the former Montreal Urban Community (By-law 65), December 21<sup>st</sup>, 1983;
  - the lot is not located in a high-risk erosion or landslide area identified in the land use planning and development plan (*Schéma d'aménagement*);
  - a buffer strip of a minimum of 5 metres inland from the high-water mark is maintained in its current state, or preferably returned to its former natural state;
- d) the construction or erection of a subordinate or accessory structure such as a garage, shed or pool but only on the part of a lakeshore or riverbank that is no longer in its natural state, provided that:
  - the size of the lot does not allow for the construction or erection of the subordinate or accessory structure once the buffer strip has been established;

- the lot was subdivided before the coming into force of the interim control by-law of the former Montreal Urban Community (By-law 65), December 21<sup>st</sup>, 1983;
  - a buffer strip of a minimum of 5 metres inland from the high-water mark is maintained in its current state, or preferably returned to its former natural state;
  - the subordinate or accessory structure is sited without excavation or fill;
- e) the following vegetation-related undertakings and works:
- sanitation cutting;
  - felling required for the building of an authorized structure or undertaking;
  - felling required to create a 5-metre-wide access to a body of water whose shore or bank has a slope of less than 30%;
  - pruning and trimming required to create a 5-metre-wide view window if the slope of the lakeshore or riverbank is greater than 30%, or to create a trail or stairs giving access to the body of water;
  - for the purpose of restoring permanent and sustainable vegetation cover, the seeding or planting of plants, trees or shrubs, and the related work involved;
- f) the following undertakings and works:
- installation of fencing;
  - building or creation of outlets for sub-surface and surface drainage systems and pumping stations;
  - creation of water crossings for fording, culverts and bridges and the related access roads;
  - septic installations that conform to the regulation concerning waste water disposal systems for isolated dwellings made under the Environment Quality Act (R.S.Q., Chapter Q-2);
  - where the slope, soil type and site conditions prevent the restoration of vegetation cover and the return of a lakeshore or riverbank to its natural state, undertakings or works to stabilize the soil using vegetation or mechanical means such as riprap, gabions or retaining walls; preference should be given to the technique most likely to promote the eventual establishment of natural plant growth;

*(Amendt 875-109)*

- installations for withdrawing underground water used for other than municipal, commercial, industrial or public purposes, or for public access purposes and developed in accordance with the *Water Withdrawal and Protection Regulation* (CQLR, ch. Q-2, r. 32.2);
- reconstruction or widening of an existing road;
- undertakings and works required for the structures, undertakings and works authorized in littoral zones in accordance with the provisions regarding littoral zones below.

*(Amendt 875-57-1) (Repealed) (Amendt 875-79)*

11.1.1 *Construction, structure or works on the riverbank or the riverbed of Lake Saint-Louis or of a watercourse*

## 11.2 **UNDERTAKINGS, STRUCTURES AND WORKS IN LITTORAL ZONES**

*(Amendt 875-79) (Amendt 875-109)*

Within any area defined as "littoral zone" in Appendix 1 of the present by-law, all undertakings, structures and works are prohibited except the following undertakings, structures and works, provided they are consistent with the provisions of the present by-law regarding floodplains:

- a) wharves, shelters or docks on pilings or made of floating platforms;
- b) creation of water crossings for fording, culverts and bridges;
- c) installations for withdrawing surface water developed in accordance with the *Water Withdrawal and Protection Regulation* (CQLR, ch. Q-2, r. 35.2), except for installations composed of inlet channels and diversion channels intended for non-agricultural purposes;
- d) encroachment on the littoral zone that is required for works authorized on the lakeshores or riverbanks;
- e) cleanup and maintenance in watercourses, without disturbing the bed, carried out by a municipal authority pursuant to the powers and duties assigned to them by law;
- f) structures, undertakings and works for municipal, commercial, industrial, public or public access purposes, including their maintenance, repair and demolition, for which an authorization must be obtained under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Watercourses Act (R.S.Q., c. R-13) or any other statute;
- g) maintenance, repair and demolition of existing structures and works that are not used for municipal, industrial, commercial, public or public access purposes.

### 11.3 UNDERTAKINGS, STRUCTURES AND WORKS IN HIGH-VELOCITY ZONES OF FLOODPLAINS

(Amendt 875-79) (Amendt 875-109)

Within any area of the floodplain defined as "high-velocity zone" in Appendix 1 of the present by-law, all undertakings, structures and works are prohibited except the following undertakings, structures and works, provided they are consistent with the provisions of the present by-law regarding lakeshores, riverbanks and littoral zones:

- a) works to maintain land in good condition, to maintain, repair, modernize or demolish existing structures and undertakings, provided the flood-prone area of the land does not increase as a result of the works; however, when work is carried out to modernize or reconstruct infrastructures associated with a public thoroughfare, the flood-prone area of the undertaking may be increased by 25% for public safety reasons or to bring the infrastructure into conformity with applicable standards; in all cases, major work on a structure or undertaking should entail flood-proofing the entire structure or undertaking;
- b) works, structures or undertakings for public access purposes or for municipal, industrial, commercial or public purposes that are essential to port activities, navigation or shipbuilding, in particular, wharves, breakwaters, canals, locks and fixed navigation aids and their equipment and accessories; appropriate flood-proofing measures should be applied to any part of an undertaking situated below the flood level of the 100-year flood elevation;
- c) linear, underground public utility facilities such as pipelines, power lines, telephone lines, water mains and sewers that have no service entrance for structures and undertakings situated in the high-velocity zone;
- d) construction of underground waterworks or sewer systems in built-up areas not supplied by services with a view to supplying the structures and undertakings existing on the date of coming into force of the first municipal by-law prohibiting new constructions;
- e) septic installations for existing structures or undertakings; the planned installation must be in conformity with the regulation concerning waste water disposal systems for isolated dwellings made under the Environment Quality Act (R.S.Q., Ch. Q-2);
- f) the alteration or replacement, for the same use, of an existing water removal installation and the introduction of a surface water withdrawal installation located underground, in accordance with the *Water Withdrawal and Protection Regulation*;
- g) an open-air recreational location, other than a golf course, with no fill or excavation; however fill spreading may be authorized providing that the overall topography of the land remains unchanged;
- h) reconstruction of an undertaking or structure destroyed by a disaster other than a flood; all reconstructed undertakings and structures should be flood-proofed in conformity with the requirements of Section 11.5 below;

- i) development of wildlife habitats that does not require filling and development of wildlife habitats that requires filling, but in the latter case, only if an authorization must be obtained under the Environment Quality Act (R.S.Q., Ch. Q-2);
- j) land drainage works.

#### **11.4 UNDERTAKINGS, STRUCTURES AND WORKS IN LOW-VELOCITY ZONES**

*(Amendt 875-79)*

The following are prohibited in the "low-velocity zone" of a floodplain, as defined in Appendix 1 of the present by-law:

- a) all structures and undertakings which are not flood-proofed; and
- b) filling works other than works required to flood-proof authorized structures and undertakings.

#### **11.5 FLOOD-PROOFING MEASURES**

*(Amendt 875-79) (Amendt 875-109)*

Where permitted, subject to flood-proofing measures, authorized structures, undertakings and works in the flood plain must comply with the standards set out in the Town of Baie-D'Urfé's Building By-law.

#### **11.6 SECTOR OF MIXED LANDFILL**

*(Amendt 875-79)*

In the sector of mixed landfill, as shown in Appendix "3" of the present By-law no.875, any construction or development will be the subject to the following conditions:

- that geotechnic readings be taken by a qualified person or firm to determine and identify the presence of underground gases, the possibility of instable soil, the soil's aggressiveness due to the presence of sulphates and/or the presence of dangerous substances;
- that, following readings made in conformity with the preceding paragraph, recommendations be made in respect to the appropriate measures to be taken to render the site suitable for construction;
- that recommendations made in pursuance of the preceding paragraph be applied;
- that the whole project and file related to the geotechnic readings be referred to the Québec Environment Department, (Ministère de l'Environnement du Québec, Direction des substances dangereuses) so that a written permission from the Deputy Minister of the Environment of Québec be obtained in conformity with section 65 of the Environment Quality Act.



## Chapter 12

### CONSTRAINTS AND NUISANCES

(Amendt 875-109)

#### 12.1 SENSITIVE USES

The following uses are considered sensitive for the purposes of this Chapter 12:

- residential uses
- the following collective and institutional buildings:
  - libraries
  - residential and long-term care centres
  - protection centres for children and adolescents
  - rehabilitation centres
  - health and social services centres
  - hospital complexes
  - schools
  - religious establishments such as places of worship and convents
  - daycare centres

#### 12.2 MAIN RAIL LINES AND RAPID TRANSIT ROUTES

For the purposes of this Chapter 12

- the Canadian National and Canadian Pacific rail lines throughout the Town of Baie-D'Urfé, except for the branch line that leads to some parts of the industrial park, are considered to be main rail lines, and
- Highways 20 and 40 throughout the Town of Baie-D'Urfé are considered rapid transit routes.

#### 12.3 LAND OCCUPANCY NEXT TO A MAIN RAIL LINE

- a) Landsites or portions of landsites located less than 30 m (98.4 feet) from the boundary of a main rail line right of way and adjacent thereto may not be occupied by any of the sensitive uses listed in Section 12.1 if the sound level inside the building or the part of the building where the use is carried out is higher than 40 dBA Leq (24 hours).
- b) Landsites or portions of landsites located less than 75 m (246.1 feet) from the boundary of a main rail line right of way and adjacent thereto may not be occupied by any of the sensitive uses listed in Section 12.1 if the vibration level inside the building or the part of the building where the use is carried out is higher than 0.14 mm/s.

- c) Any construction project for any of the sensitive uses listed in Section 12.1 on a landsite adjacent to a rail line must comply with certain criteria designed to promote the safety of developments and constructions on such land. For the purpose of assessing such criteria, the promoter must attach to his application an assessment that complies with the *Guidelines for New Development in Proximity to Railway Operations* prepared for the Federation of Canadian Municipalities and the Railway Association of Canada, 2013, as reproduced in Appendix 4 herein.

#### **12.4 LAND OCCUPANCY NEXT TO A HIGHWAY OR RAPID TRANSIT ROUTE**

Landsites or portions of landsites shown as “land for construction” on the zoning map and that are located less than 300 m (984.3 feet) from a highway or rapid transit route right of way and adjacent thereto may not be occupied by

- any of the sensitive uses listed in Section 12.1 if the sound level inside the building or the part of the building where the use is carried out is higher than 40 dBA Leq (24 hours),
- an outdoor ground-level recreational space if the sound level outside the building is higher than 55 dBA Leq (24 hours).

#### **12.5 SECTORS LOCATED WITHIN A RADIUS OF 500 M OF ORGANIC MATTER PROCESSING CENTRES**

- a) Only industrial uses and parks are authorized within a radius of 500 m (1,640.4 feet) of organic matter processing centres (biomethanation, composting or household waste pretreatment).
- b) The 500 m distance must run from the boundary of the landsite where the organic matter processing centre is to be installed, unless the section of the operation that generates odours has already been determined, in which case the distance will run from the chimney in that section.

#### **12.6 INSTALLATION OF PIPELINES FOR TRANSPORTING HYDROCARBONS**

No new pipelines for transporting hydrocarbons may be installed less than 300 m (984.3 feet) from a use classified as sensitive in Section 12.1.

## Appendix 1

### DEFINITIONS

The words or expressions for which a definition is given below have the meaning that is attributed to them in the aforementioned definition, unless the context imposes upon them a different meaning.

#### ABOVE-GROUND POOL: (*Amendt 875-13*)

A pool, the sides of which are at an elevation equal to 0.5 m (1.6') or higher than the average elevation of the adjacent ground.

#### ACCESSORY BUILDING:

Building subordinate to the principal building, detached or not from it, located on the same land, and intended only for uses complementary to the principal use, notably responding to this definition: garages, sheds, greenhouses.

#### ACCESSORY USE:

Any use of buildings or land which is accessory or which facilitates or ameliorates the principal use; uses accessory to dwellings are those which improve or highlight the residential function; uses accessory to dwellings are notably pools, tennis courts, gardens, accessory buildings; principal uses other than housing may equally have accessory uses; those are considered as such by the present by-law, on the condition that they be a normal and logical extension of the function of the principal use.

#### APPROVED PROCESS: (*Amendt 875-107*)

Processing techniques for ash tree residue which completely destroy the emerald ash borer or the parts of the wood where the insect can dwell. Ex: torrefaction, methyl bromide fumigation, the removal and chipping of the part of the ash tree wood that can contain the emerald ash borer (*Agrilus planipennis*), etc.

#### AQUATIC PLANTS: (*Amendt 875-79*)

All hydrophytes, including submergents, floating plants, emergents and emerged herbaceous and woody plants characteristic of open marshes and swamps.

#### ASH TREE RESIDUE: (*Amendt 875-107*)

Pieces of ash trees such as branches and logs, excluding shavings not exceeding 2.5 cm in size on at least two (2) sides, resulting from a chipping operation.

**AVERAGE LEVEL OF THE ADJACENT GROUND:**

Average level of the landscaped ground measured at intervals of 1m (3.3') on the entire circumference of the foundation of the building.

**BALCONY:** (*Amendt 875-39-1*)

A platform that projects from the wall of a building and is enclosed by a parapet or railing.

**BASEMENT:**

Part of a building located under the ground floor, whose floor/ceiling height is at least 2.3 m (7.5') and whose floor level is at most 30 cm (1.0') above and at most 1.5 m (4.9') below the average level of the adjacent ground. A basement must be counted as a storey in the calculation of the numbers of storeys in a building.

**BILLBOARD:**

Publicity board, sign or notice placed in a given location and advertising goods, a service or an enterprise sold or offered in another location.

**BOUNDARY DITCH:** (*Amendt 875-79*) (*Amendt 875-109*)

Lengthwise depression in the ground separating two neighbouring properties, as defined in Section 1002 of the Civil Code of Quebec.

**BOW OR BAY WINDOW:** (*Amendt 875-39-1*)

A structure with a height at the most 5 metres (16.4') above the lot reference level, without a foundation in the ground, which projects outwards from an exterior wall for not more than 75% of the width of the wall of the room on which it opens, which forms a bay or recess in a single room, and which contains contiguous windows on all planes of that part which projects from the building.

**BRASSERIE:** (*Amendt 875-23*)

Establishment where they sell draft beer, wine or light cider, to be consumed on the premises with or without a meal.

**BUILDING:**

Construction, erected or not in place, having a roof resting on walls or columns and intended to shelter people, animals or objects; for the purpose of the present by-law, mobile homes and trailers are buildings.

**BUILDING AREA** (*Amendt 875-73*):

The maximum area of the horizontal projection of a building on the ground, including porches, covered verandas, ventilation and lighting shafts, but excluding terraces, steps, cornices, fire escapes, exterior stairs, exterior ramps, exterior loading platforms and overhanging eaves.

**BUILDING HEIGHT:** (*Amendt 875-24*)

Greatest vertical distance between the lot reference level and any part of the building (except as provided for in section 4.11)

**CARPORT:**

Covered construction connected to the principal building, used for the storage or parking of one or several automobiles and of which at least 40% of the total perimeter, without taking into consideration the wall of the principal building, is open.

**CELLAR:**

Part of a building located under the ground floor and whose floor/ceiling height is less than 2.3 m (7.5') or whose floor level is more than 1.5 m (4.9') under the average level of the adjacent ground; a cellar must not be counted as a storey in the calculation of the number of storeys of a building.

**CONSTRUCTION:**

Ordered assembly of materials and comprising, in the limited sense, buildings, public notices, signs, billboards, reservoirs, gas pumps, fences, pools, etc.

**CORD:**

Unit of measurement of fire wood corresponding to a volume of 1.2 cubic metres.

**DEPTH LINE OF A LOT OR LANDSITE:** (*Amendt 875-96*)

Straight line connecting the central point of the front boundary of the lot or landsite with the central point of the rear boundary of the lot or landsite or, if there is no rear boundary, with the intersection point of the side boundaries of the lot or landsite.

**DEPTH OF A LOT OR LANDSITE:**

Length of the depth line of a said lot or landsite.

**DIRECTIONAL SIGN:**

A sign which indicates a direction to follow in order to reach a destination itself identified implicit or explicit.

**DRAINAGE DITCH:** *(Amendt 875-109)*

Lengthwise depression in the ground caused solely by human intervention and used solely for drainage and irrigation of a catchment basin having a surface area less than 100 hectares.

**DWELLING:**

Building designed, intended or used for a residential occupancy.

**EXTENSIVE AND LIGHT RECREATION:** *(Amendt 875-19) (Repealed) (Amendt 875-79)***FLOODPLAIN** *(Amendt 875-79) (Amendt 875-109):*

The area occupied by Lake Saint-Louis during flood periods; the flood plain corresponds to the geographic extent of the flooded area, that is, the 20-year floodplain is delineated by the contour line of 22.75 metres above sea level and the 100-year floodplain is delineated by the contour line of 23.20 metres above sea level.

**FLOOD-PROOFING** *(Amendt 875-79) (Repealed) (Amendt 875-109)***FLOOR AREA** *(Amendt 875-73):*

In RA, RB, PA, PB, PC, CA and CB zones, the Floor Area is the total area of all floors which are above a level of 1.5 metres (4.9') below the lot reference level of all buildings on a given landsite (except for small garden sheds which are governed by paragraph f) of Article 6.1). Exterior swimming pools without roofs are not included in the calculation of Floor Area. Where the inside height of a room exceeds 4.0 metres (13.2') in RA and RB zones or exceeds 5.0 metres (16.4') in PA, PB, PC, CA and CB zones, the floor area of that room shall be doubled for the purposes of computing the total floor area. For indoor or covered swimming pools, the water surface area shall be included as floor area.

In I zones, the Floor Area is the total area of all floors of a building; the Floor Area must be measured from the inside of the exterior walls and must include basements, elevator shafts and staircases measured at every floor level, mezzanines, mechanical spaces whose floor-ceiling height is more than 2.0 metres (6.6') but must not include cellars, terraces, stairs, cornices, fire escapes, exterior staircases and ramps and exterior loading platforms.

**FLOOR AREA RATIO** *(Amendt 875-73):*

The total Floor Area divided by the area of the landsite.

**FREE-STANDING SIGN:**

A sign which is attached to one or more posts erected independent of the support of a wall or building and, which provides information on the enterprise where the sign is located.

**FRONTAGE:**

Measurement of the line or lines of the front lot, along the thoroughfare.

**GAS STATION:**

Establishment only selling gas and secondarily, other products needed for the functioning of motor vehicles.

**HABITABLE FLOOR AREA:**

See article 4.12 paragraph c).

**HANDICAPPED ELEVATOR (*Amendt 875-104*):**

An enclosed vertical shaft containing a moving platform or compartment used for transporting handicapped people to different floors or levels of a building, compliant with the latest Canadian Standards Association (CSA) standards.

**HANDICAPPED LIFT (*Amendt 875-104*):**

An open vertically moving platform used for transporting handicapped people to different floors or levels of a building, compliant with the latest Canadian Standards Association (CSA) standards.

**HIGH-VELOCITY ZONE: (*Amendt 875-79*)**

The part of a floodplain that may be flooded during a 20-year flood event, i.e. along Lake St-Louis, any part of a landsite below 22.75 metres above sea level.

**HIGH-WATER MARK: (*Amendt 875-79*)**

The line which marks the limit of the littoral zone and the shoreline or riverbank. The high-water mark corresponds to the natural high-water mark, which is established according to the following criteria, in the following order of priority:

- a) the point where predominantly terrestrial plants succeed predominantly aquatic plants, or where there are no aquatic plants, the point closest to the water where terrestrial plants no longer grow;
- b) where a water retaining structure exists, the maximum operating water level of the hydraulic structure for the upstream portion of the body of water;
- c) where there is a legally erected retaining wall, the top of the structure;
- d) along Lake St-Louis, at the two-year flood limit, i.e. 21.99 metres above sea level, considered to correspond to the mark established according to the botanical criteria defined in paragraph a).

#### HOUSEHOLD:

Single person or group of persons constituting a couple or a family or living together and occupying a lodging or a room. A household may also include not more than two unrelated lodgers or boarders and customary domestic servants.

#### IMPERMEABLE MATERIAL (*Amendt 875-73*):

Any material that does not allow passage of water at a rate similar to the adsorption rate of unsaturated grass-covered ground. This includes roofed structures, asphalt or concrete paving, natural or man-made paving and landscaping blocks and patio stones. When an area includes fine compacted gravel, clay or earth that impedes the passage of water, it is regarded as impermeable. By virtue of its capacity as a catchment basin, the water surface area of an outdoor swimming pool is not considered to be impermeable.

#### INFRASTRUCTURES (*Amendt 875-21*) (Repealed) (*Amendt 875-79*):

#### INGROUND POOL (*Amendt 875-13*):

Any pool that is not an above-ground pool.

#### INSPECTOR OR BUILDING INSPECTOR:

Officer named by the Municipal Council of the Town of Baie-D'Urfé to enforce the present by-law, or his or her authorized representative.

#### IRREVERSIBLE TREE DECAY (*Amendt 875-109*):

The fact that more than 50% of the crown is dead wood.



LAKESHORE OR RIVERBANK (*Amendt 875-79*) :

A strip of land bordering a lake or watercourse and extending inland from the high-water mark; the width of the shore or bank to be protected is measured horizontally; the lakeshore or river bank is at least 10 metres wide where the slope is less than 30% or the slope is greater than 30% with a bank less than 5 metres high; the lakeshore or river bank is at least 15 metres wide where the slope is continuous and greater than 30% or the slope is greater than 30% with a bank over 5 metres high.

LANDSITE:

Lot or group of lots constituting a single spatial entity intended to receive a single principal use.

LAND COVERAGE (*Amendt 875-73*):

The ratio between the Land Coverage Area and the area of the landsite.

LAND COVERAGE AREA (*Amendt 875-73*):

The sum of the building areas on the landsite (except for small garden sheds which are governed by Paragraph f) of Article 6.1.

LEQ (*Amendt 875-79*) :

An indicator expressing the amount of acoustic energy received within a given time period.

LITTORAL ZONE (*Amendt 875-79*) :

The part of a lake or watercourse that extends from the high-water mark towards the centre of the body of water.

LODGING:

Housing unit, occupied by one person or more living as a single household, where one may have access to the outside directly or by passing through a vestibule but without having to cross in whole or in part another lodging, and having a bathroom as well as facilities for preparing meals, to eat and to sleep.

LOT:

Parcel of land identified and demarcated on a subdivision plan made and filed in accordance with the Civil Code. When the text allows this extension, the word "lot" may be interpreted as "landsite".

**LOT OR LANDSITE WITHIN A ROW:**

Lot or landsite located between two other lots or landsites, as opposed to a corner lot or landsite which is located between another lot or landsite and a road.

**LOT REFERENCE LEVEL (*Amendt 875-24*):**

A plane defined by three points, whose location in plan are the mid-points of three lines paralleling the perimeter of the lot at a distance of one (1) metre outside the perimeter of the lot, starting and ending at the points where the perimeter of the lot is no longer parallel to the line.

The elevation of each point is the average level of the higher of the natural (unfilled) ground or the filled ground, measured at intervals of 6 metres (19.8 feet) along the line on which it is located.

The three points to be computed are that of the street side (or street sides in the case of a corner or transverse lot) and, after these, the longest of the remaining sides.

In the case of a waterfront lot, the line adjacent to the water shall be excluded, regardless of the length.

**LOW-VELOCITY ZONE (*Amendt 875-79*):**

The part of a floodplain that may be flooded during a 100-year flood event, i.e. along Lake St-Louis, any part of a landsite below 23.20 metres above sea level.

**MOBILE HOME:**

Building manufactured in a factory and transportable, built to be moved on its own wheels to the landsite where it is intended to be located and installable on wheels, pneumatic jacks, posts, pillars or on a permanent foundation.

**MULTI-LEVEL DWELLING:**

A dwelling in which the habitable rooms occur on two or more floor levels which are separated by less than the normal height between floors in a two-storey dwelling.

**NATURAL HIGH WATER LINE or HIGH-WATER MARK (*Amendt 875-19*)  
(Repealed) (*Amendt 875-79*)****NON-CONFORMING USE:**

A building or use of land existing legally at the time of the coming into force of this by-law not conforming to the regulations for the zone in which it is situated.

OPEN GALLERY (*Amendt 875-39-1*) (Repealed) (*Amendt 875-73*)

PARKING AREA (*Amendt 875-73*):

Any area designed or intended for the parking of vehicles, trailers, motor homes, boats, etc. In the case of accesses to carports, garages, parking or loading and unloading areas, when the width of the access exceeds the maximum allowable width of access to the street, the area in excess of this limit and closest to any side boundary of the landsite shall be considered to be parking area. When an area does not form part of the direct access from the street to the carport, garage, parking or loading/unloading area, it shall be considered to be a parking area.

PAY-PARKING (*Amendt 875-28*)

Any place where one has to pay to park a vehicle.

POOL (*Amendt 875-13*) (*Amendt 875-31*):

Any outdoor artificial pool, including wading pools, swimming pools, whirlpools and hot-tubs, with a depth at any point of 60 cm (24") or more.

PORCH (*Amendt 875-39-1*) (*Amendt 875-73*):

A covered entrance to a building, with at least one open side.

PORTICO (*Amendt 875-39-1*):

A colonnade or covered ambulatory at the entrance of a building.

PRIVATE POOL (*Amendt 875-13*):

An artificial pool built in connection with a residence, the use of which shall be confined to the family of each householder and his guests.

PROFESSIONAL:

Member of a professional corporation recognized and listed in Appendix 1 of the Quebec Code of Professions.

PUBLIC INFRASTRUCTURE (*Amendt 875-109*):

Building or land reserved for public services such as water sanitation, filtration and purification plants, establishments for snow removal management or equipment for collecting, sorting, recycling and eliminating residual wastes.

**PUBLIC OR PRIVATE THOROUGHFARE DITCH** (or public or private road) (*Amendt 875-109*):

Lengthwise depression in the ground used exclusively for draining a public thoroughfare or road.

**PUBLIC POOL** (*Amendt 875-13*):

Any pool that is not a private pool.

**RESIDENCE FOR SENIOR CITIZENS** (*Amendt 875-34*):

Lodging complex, equipped with community facilities for the service of meals, made of rooms or apartments to be occupied by autonomous persons, living alone or in groups and who, because of their age, have retired from or noticeably reduced their professional activities, and/or who have completed bringing up their family.

**RESTAURANT** (*Amendt 875-23*):

Establishment where meals are served on payment. The term "restaurant" does not include an establishment where they allow the sale of draft beer, wine or light cider to be consumed on the premises, without a meal, and which is commonly called "brasserie".

**RIVERBANK** (*Amendt 875-57-1*) (Repealed) (*Amendt 875-79*):

**RIVERBED** (*Amendt 875-19*) (Repealed) (*Amendt 875-79*):

**RIVERSIDE LAND** (Repealed) (*Amendt 875-57-1*):

**ROAD DITCH** (*Amendt 875-79*):

A narrow excavated channel serving only to carry off the surface water of a public thoroughfare or a road.

**SANITATION CUTTING** (*Amendt 875-79*):

Sanitation cutting consists in the cutting or harvesting of deficient, defective, dying, damaged or dead trees in a stand.

**SERVICE-STATION:**

Establishment selling at the same time gas and other products needed for the functioning of motor vehicles (oil, grease, batteries, tires and other accessories) and at the same time maintaining motor vehicles and having for this purpose at least one service bay intended for the diagnosis of mechanical problems, the repairing of tires, (with the exception of retreading), the replacement of defective parts not needing major repairs, the washing of cars, the oiling of cars and minor emergency repairs.

**SOLARIUM (*Amendt 875-39-1*):**

A room with a height at the most 5 metres (16.4') above the lot reference level, constructed as an attached structure or incorporated into the body of a house, with at least two exterior walls, and with transparent windows covering at least 60% of the external wall areas.

**STOREY, FIRST:**

A floor closest to the adjacent ground whose floor level is at least 30 cm above the average level of the adjacent ground.

**STOREY, HALF-:**

A floor located under a roof with a slope larger than 6/12 providing the possibility of having another storey (half-storey) whose surface area is reduced because of the shape of the roof.

**STOREY SECOND, THIRD etc.:**

The floor located immediately above the first storey, the floor immediately above the second storey etc.

**STREET:**

A street or a road open by virtue of a ruling, a resolution or municipal statement, a route maintained by the Minister of Transport by virtue of the Roadworks Law (revised statutes, 1964, ch 133) or by the Autoroutes Office, in as much as houses along the road have a right of access to this route.

**STREET RIGHT-OF-WAY:**

Area of land which is, except in the case of a private road, the property of the town or of another public body and intended for the passage of a road or other public way; meaning also the boundaries or the perimeter of the land.

TEMPORARY BUILDING:

Building erected for a special purpose for a limited time.

TEMPORARY SIGN:

Sign erected for a special purpose for a limited time.

TOWN:

Ville de Baie-D'Urfé.

USE:

Purpose for which a building, a construction, a sign, a premises, a lot or one of their parts is used, occupied or intended or treated to be used or occupied, and by extension, the said building, construction, premises, lot or part of a lot.

VERANDA (*Amendt 875-39-1*) :

A usually roofed open gallery or portico attached to the exterior of a building.

WALL SIGN:

A sign which is affixed to the wall of a building or a wall erected for the placement of a sign.

WAREHOUSE SALE (*Amendt 875-94*) :

A sale of surplus, obsolete or discontinued products, from existing product lines, held within a building, occurring not more than twice a year on any one landsite, on weekends only and lasting a maximum of three (3) days per sale event.

WATERCOURSE (*Amendt 875-57-1*) (*Amendt 875-79*) (*Amendt 875-109*) :

Any body of water that flows regularly or intermittently into a bed, including a bed created or altered through human intervention, except for a public or private road ditch, boundary ditch or drainage ditch. This definition includes the bodies of water on the perimeter of the Montreal Agglomeration, i.e., the Saint Lawrence River including Lake Saint-Louis, Rivière des Prairies, Lake of Two Mountains and interior watercourses.

**WIDTH LINE OF A LOT OR LANDSITE** (*Amendt 875-10*) (*Amendt 875-96*) :

Straight line perpendicular to the depth line of the lot or landsite and intersecting with the latter at

- 25.0 m (82.0') in industrial zones,
- 6.5 m (21.3') in any other zone,

from its intersection with the front boundary of the lot or landsite.

**WIDTH OF A LOT OR LANDSITE** (*Amendt 875-96*) :

Distance between the two points of intersection of the width line of the lot or landsite with the two side boundaries of the lot or landsite.

**WIDTH OF STREET:**

Width of the street right-of-way.

**WORKS** (*Amendt 875-19*) (*Repealed*) (*Amendt 875-79*) :

## Appendix 4

### FEDERATION OF CANADIAN MUNICIPALITIES AND THE RAILWAY ASSOCIATION OF CANADA, 2013

#### Introduction

Development of residential structures in proximity to railway corridors can pose many challenges, particularly in terms of successfully mitigating the various vibration, noise, and safety impacts associated with railway operations. The standard mitigation measures, illustrated below, have been designed to provide proponents with the simplest and most effective solution for dealing with these common issues.

However, in some cases, particularly in already built-up areas of the country's largest cities, development proposals will be put forward for smaller or constrained sites that are not able to accommodate these measures, particularly the full setback and berm. In cases where municipalities have already determined that residential is the best use for these sites, such proposals will be subject to a Development Viability Assessment. The intent of the Development Viability Assessment is to evaluate any potential conflicts that may result from the proximity of the development to the neighbouring rail corridor, as well as any potential impacts on the operation of the railway as a result of the new development, both during the construction phase and afterwards. The proposed development will not be permitted to proceed unless the impacts on both the railway and the development itself are appropriately managed and mitigated. It must be noted that the intention of the Development Viability Assessment tool is not to justify the absence of mitigation in any given development proposal. Rather, it is to allow for an assessment based on the specific and inherent characteristics of a site, and therefore, the identification of appropriate mitigation measures.

As such, the Development Viability Assessment is a tool to assist developers who cannot accommodate standard mitigation measures in assessing the viability of their site for development and in designing the appropriate mitigation to effectively address the potential impacts associated with building near railway operations. The development viability assessment exercise, which should be carried out by a qualified planner or engineer in close consultation with the affected railway, must:

- i. identify all potential hazards to the operational railway, its staff, customers, and the future residents of the development;
- ii. take into account the operational requirements of the railway facilities and the whole life cycle of the development;
- iii. identify design and construction issues that may impact on the feasibility of the new development;
- iv. identify the potential risks and necessary safety controls and design measures required to reduce the risks to the safety and operational integrity of the railway corridor and avoid long-term disruptions to railway operations that would arise from a defect or failure of structure elements; and



- v. identify how an incident could be managed if it were to occur.

It is strongly recommended that proponents consult with the affected railway when preparing a Development Viability Assessment to ensure that all relevant matters are addressed.

This document establishes the minimum generic requirements that must be addressed as part of a Development Viability Assessment accompanying a development application for land in proximity to railway operations. Proponents should note that there may be additional topics that will need to be addressed in a Development Viability Assessment, depending on the unique nature of the subject site and proposed development. These additional topics should be determined in consultation with the affected railway and local municipality.

Municipalities should use the results of the Development Viability Assessment to determine whether proposed mitigation measures are appropriate.

The following sections outline basic content requirements for a standard Development Viability Assessment.

### **Site details**

The Assessment must include a detailed understanding of the conditions of the subject site in order to generate a strong understanding of the context through which conflicts may arise. At a minimum, the factors to be considered are:

- i. site condition (cutting, embankments, etc.);
- ii. soil type, geology;
- iii. topography;
- iv. prevailing drainage patterns over the site; and
- v. proximity to the railway corridor and other railway infrastructure/utilities.

### **Railway details**

It is imperative that details of the railway corridor (or other facility) itself also be evaluated in order to properly determine the potential conflicts associated with a new development in close proximity to railway activities. At a minimum, the factors to be considered are:

- i. track geometry and alignment (i.e., is the track straight or curved?);
- ii. the existence of switches or junctions;
- iii. track speed, including any potential or anticipated changes to the track speed;
- iv. derailment history of the site and of other sites similar in nature;
- v. current and future estimated usage and growth in patronage (10-year horizon);

- vi. details of any future/planned corridor upgrades/works, or any protection of the corridor for future expansion, where no plans are in existence; and
- vii. topography of the track (i.e., is it in a cut, on an embankment, or at grade?).

### **Development details**

Details of the development itself, including its design and operational components, are important in understanding whether the building has been designed to withstand potential conflicts as a result of the railway corridor, as well as ensuring that the new development will not pose any adverse impacts upon the railway operations and infrastructure. At a minimum, the following information must be provided:

- i. proximity of the proposed development to the railway corridor or other railway infrastructure;
- ii. clearances and setbacks of the proposed development to the railway corridor; and
- iii. any collision protection features proposed for the new development, to protect it in the case of a train derailment.

### **Construction details**

While it is understood that construction details will not be finalized at the development application stage, there are a number of impacts associated with construction on a site in proximity to a railway corridor that need to be considered as part of the Development Viability Assessment, which should at a minimum:

- i. corridor encroachment - provide details with regard to:
  - a) whether access to the railway corridor will be required;
  - b) whether any materials will be lifted over the railway corridor;
  - c) whether any temporary vehicle-crossing or access points are required; and
  - d) whether there will be any disruption to services or other railway operations as a result of construction;

Generally, encroachment within a railway corridor for construction purposes is not permitted and alternative construction options will need to be identified. It will be necessary to:

- i. provide details of how the security of the railway corridor will be maintained during construction, (i.e., by providing details about the type and height of security fencing to be used);
- ii. provide details of any planned demolition, excavation and retaining works within 30 metres of the railway corridor and specify the type and quantity of works to be undertaken;
- iii. provide details of services and utilities;

- a) whether any services or utilities will be required to cross the railway corridor; and
- b) whether any existing railway services/utilities will be interfered with; and
- iv. storm water, drainage, sediment, and erosion control; provide details of how any temporary storm water and drainage will operate during construction; and how sediment and erosion control will be managed.

### **Identify hazards and risks**

Once details unique to the site, railway corridor, development design, and construction have been determined, the individual risks must be identified and evaluated with individual mitigation measures planned for each. Such risks may include injury or loss of life and damage to public and private infrastructure. At a minimum, consideration must be given to:

- i. the safety of people occupying the development and the potential for the loss of life in the event of a train derailment;
- ii. potential structural damage to the proposed development resulting from a collision by a derailed train; and
- iii. the ability of trespassers to enter into the railway corridor.