

**TO INTERESTED PARTIES ENTITLED TO SIGN A  
REFERENDUM APPLICATION**

**SECOND DRAFT BY-LAW NUMBER CA29 0040-24 ENTITLED:**

SECOND DRAFT BY-LAW NUMBER CA29 0040-24 MODIFYING ZONING BY-LAW CA29 0040 IN ORDER TO ADD THE FOLLOWING DEFINITIONS: PLACE OF WORSHIP, GARDEN SHED, TO MODIFY THE DEFINITION OF “GROUND FLOOR”, TO MODIFY THE PROVISIONS REGARDING TEMPORARY WINTER CAR SHELTERS IN ORDER TO DETERMINE THEIR IMPLEMENTATION AT 1 M FROM SIDEWALK OR BICYCLE PATHS AND AT 1.5 M FROM CURB OR ROAD, TO FORBID THEIR IMPLEMENTATION WHICH AFFECTS SIGNALIZATION VISIBILITY OR AT LESS THAN 1.5 M FROM FIRE HYDRANT, TO ALLOW A MAXIMUM HEIGHT OF 3 M, TO ALLOW A LIGHT COLOUR OTHER THAN WHITE, TO ALLOW A SIDE SETBACK OF LESS THAN 3 M FOR SOME BUILDINGS WITHOUT ATTACHED GARAGE, TO FORBID SOLARIUMS IN SIDE YARDS ADJACENT TO A STREET, TO FORBID SOLARIUM ENCROACHMENT IN SETBACKS, TO SPECIFY THE REQUIREMENTS CONCERNING WASTE DEPOSITS FOR THE USE IN THE COMMERCIAL (C) AND RECREATIONAL (R) GROUPS, SPECIFY THE MINIMAL DISTANCE BETWEEN A HALF CIRCLE DRIVEWAY ACCESS AND A SIDEWALK, A ROAD OR A BORDER, TO MODIFY THE NUMBER OF PARKING SPACES REQUIRED FOR THE 4 TO 11 UNITS HOUSING FOR A H3 USE, TO ALLOW CLADDINGS IN MASONRY PANEL OR POLYPROPYLENE PANELS, TO SPECIFY THE MINIMAL DISTANCE BETWEEN A FENCE OR WALL AND SIDEWALK, ROAD OR BORDER, TO ALLOW SIGNS MADE OF CANVAS COVERED WITH VINYL STRETCHED AND ATTACHED TO THE CASING, SPECIFY THE MATERIALS ALLOWED FOR THE EXTENSION OF A DEROGATORY CONSTRUCTION

**1. Object of the draft and referendum application**

Following the regular sitting held on September 12, 2016, the council of the Borough of Pierrefonds-Roxboro adopted a second draft by-law entitled as hereinabove.

This second draft contains provisions that may be the object of an application from interested parties of the concerned and contiguous zones to request that a by-law containing said provisions be submitted to their approval in compliance with the Act respecting elections and referendums in municipalities.

These provisions are:

- Article 2 2<sup>o</sup> to 5<sup>o</sup> which replaces Article 64 on temporary winter car shelter, winter doorway shelter and winter tunnel shelter on their implementation and minimum distance of 1 m from the sidewalk or bicycle path and 1.5 m from the curb, road or fire hydrant;
- Article 4 which replaces Article 138 13<sup>o</sup> to forbid a solarium in a side yard adjacent to a street;
- Article 5 which replaces Article 140 3<sup>o</sup> on the area and implementation of a garden structure;
- Article 7 which replaces Article 156 1<sup>o</sup> on garbage storage for the group uses “Commercial (C)” or “Recreational (R)”;
- Article 10 which replaces the 3<sup>rd</sup> line of the chart of Article 206 on the minimum number of parking spaces for the multi-family dwelling use (H3)
- Article 12 which replaces Article 273 and foresees that a fence or a wall must be at a minimum distance of 1.5 m from the sidewalk, curb or bicycle path without ever being at less than 2 m from the road and at least 1.5 m from a fire hydrant;

- Article 14 which replaces Article 358 on cladding materials allowed when the extension of the building is non-conforming and protected by acquired rights.

Such an application requires that the by-law containing these provisions be submitted to the approval of qualified voters in the concerned zone and in any contiguous zone from where a valid application originates.

An application relative to Article 2 2<sup>o</sup> to 5<sup>o</sup> may originate from any residential zone with H1 or H2 use, situated on the territory of the Borough of Pierrefonds-Roxboro or from any contiguous zone situated on the territory of the Borough of Pierrefonds-Roxboro, of the Borough of l'Île-Bizard-Sainte-Geneviève or of the Borough of Saint-Laurent.

An application relative to Articles 4 to 5 may originate from any residential zone with H use situated on the territory of the Borough of Pierrefonds-Roxboro or from any contiguous zone situated on the territory of the Borough of Pierrefonds-Roxboro, of the Borough of l'Île-Bizard-Sainte-Geneviève or of the Borough of Saint-Laurent.

An application relative to Article 7 may originate from any zone with commercial or recreational use, situated on the territory of the Borough of Pierrefonds-Roxboro or from any contiguous zone situated on the territory of the Borough of Pierrefonds-Roxboro, of the Borough of l'Île-Bizard-Sainte-Geneviève, of the Borough of Ahuntsic-Cartierville or of the Borough of Saint-Laurent.

An application relative to Article 10 may originate from any residential zone with H3 use, situated on the territory of the Borough of Pierrefonds-Roxboro or from any contiguous zone situated on the territory of the Borough of Pierrefonds-Roxboro, of the Borough of l'Île-Bizard-Sainte-Geneviève or of the Borough of Saint-Laurent.

An application relative to Articles 12 and 14 may originate from any zone situated on the territory of the Borough of Pierrefonds-Roxboro or from any contiguous zone situated on the territory of the Borough of l'Île-Bizard-Sainte-Geneviève, of the Borough of Ahuntsic-Cartierville or of the Borough of Saint-Laurent.

The provisions applying to more than one zone are deemed to be separate provisions applying specifically to each zone.

## 2. Conditions and validity of an application

To be valid, any application must:

- clearly indicate the provision being the object of the application and the zone from which it originates;
- clearly indicate the name, address and status of the petitioner next to his or her signature;
- be received at the borough secretary's office at the latest on **Friday, September 30, 2016 at noon**;
- be signed by at least 12 interested parties from the zone where it originates or by at least the majority of them if the number of interested parties in the zone does not exceed 21.

## 3. Interested parties

3.1 Is an interested party anyone who is not disqualified from voting and who meets the following conditions on **September 12, 2016**;

- be of full age, Canadian citizen and not be under curatorship;

**AND**

- be domiciled in a zone from which a valid application can originate, situated in the Borough of Pierrefonds-Roxboro or in the Borough of l'Île-Bizard-Ste-Geneviève or in the Borough of Ahuntsic-Cartierville or in the Borough of Saint-Laurent, and **for at least six months**, in Quebec;

**OR**

- be, for at least twelve months, owner of an immovable or occupant of a place of business in compliance with the Act respecting municipal taxation (Chapter F-2.1) located in one of the abovementioned zones.

- 3.2 Additional condition to undivided co-owners of an immovable or co-occupants of a place of business: be designated by means of a power of attorney signed by the majority of co-owners or co-occupants, as the one entitled to sign the application on their behalf.
- 3.3 Condition to exercise the right to sign an application by a legal person: any legal party must designate among its members, directors and employees, by resolution, someone who, on **September 12, 2016**, is of full age and Canadian citizen and who is not under curatorship.
- 3.4 Corporations, co-owners or co-occupants must provide their resolution or power of attorney along with the application.

#### **4. Lack of applications**

The provisions of the second draft that will not have been the object of a valid application may be included in a by-law that will not have to be approved by qualified voters.

#### **5. Consultation of the draft and description of the zones**

This by-law may be consulted during business hours, Monday to Thursday, from 8 a.m. to noon and from 1 p.m. to 4:45 p.m., on Friday, from 8 a.m. to noon, and during opening hours for the register. It is also available on the page of “Public Notices” on the Borough’s website at [www.ville.montreal.qc.ca/pierrefonds-roxboro](http://www.ville.montreal.qc.ca/pierrefonds-roxboro).

GIVEN IN MONTREAL, Borough of Pierrefonds-Roxboro  
this twenty first day of September of the year 2016.

**Suzanne Corbeil, Attorney**  
Secretary of the Borough

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PROVINCE DE QUÉBEC

VILLE DE MONTRÉAL  
ARRONDISSEMENT DE PIERREFONDS-ROXBORO

SECOND DRAFT BY-LAW CA29 0040-24

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At the Borough of Pierrefonds-Roxboro regular sitting held at the Westview Bible Church situated at 16789, boulevard de Pierrefonds in Pierrefonds, on September 12, 2016 at 7 p.m., in conformity with the Cities and Towns Act (L.R.Q., Chapter C-19), at which were present:

Mayor of the Borough	Dimitrios (Jim) Beis
Councillors	Catherine Clément-Talbot Justine McIntyre Yves Gignac Roger Trottier

All members of the Council and forming a quorum under the chairmanship of the Mayor of the Borough, Mr. Dimitrios (Jim) Beis.

The Director of the Borough, Mr. Dominique Jacob and the Secretary of the Borough, M<sup>e</sup> Suzanne Corbeil, were also present.

THE BOROUGH COUNCIL ENACTS THE FOLLOWING:

The zoning by-law CA29 0040 is modified as follows:

ARTICLE 1 Article 25 “Terminology” is modified:

1° by replacing the definition of “Car shelter” as follows:

Accessory building attached or non-attached to a main building or to another accessory building, formed of a roof contiguous to pillars, open on at least two sides and with at least one side attached to another building. The car shelter is used to protect a passenger vehicle.

2° by adding, after the definition of “Accessory structure”, the definition of “Garden structure” as follows:

Accessory structure designed for outdoor enjoyment.

See also: *gloriette, gazebo, pergola.*

3° by adding after the definition of “Leq”, the definition of “Place of worship” as follows:

Gathering area of a religious group intended to practice worship where community activities and teaching of religion can also take place.

4° by replacing the definition of “Ground floor” as follows:

Floor which is not a basement or a cave and whose floor is at a maximum of 2 m above the medium level of the centre of the road, calculated with the total width of the lot.

5° by adding, after the definition of “Storage”, the definition of “Garden Shed” as follows:

Accessory building intended for storage and protection of garden tools and other objects often used outdoor.

ARTICLE 2 Article 64 “Temporary winter car shelter, winter doorway shelter and winter tunnel” is replaced as follows:

It is permitted to install as a temporary structure a sole winter car shelter, a sole winter doorway shelter and a sole winter tunnel on a landsite occupied by a main use in the “single-family dwelling (h1)” and “two-family and three-family dwelling (h2)” use categories under the following conditions:

1° A winter shelter may be installed during the period from November 1<sup>st</sup> of a calendar year to April 15 of the next calendar year;

2° A winter shelter is authorized in all yards. It can be installed on the easement that is not occupied by a public road, at a minimum distance of 1 m from sidewalk or bicycle path, but never at less than 1,5 m from curb, road or fire hydrant;

3° A winter car shelter has to be implemented in an off-street parking area or on an entrance aisle leading to the off-street parking area;

4° The maximum height of a winter shelter is set at 3 m;

5° Notwithstanding any other provision of the present article, it is forbidden to implement a winter shelter:

- a) at less than 1,50 m from a fire hydrant;
  - b) at any place where the shelter obstructs or hides, in whole or in part, a traffic light, a road sign or any other signal device installed by competent authority on a public road.
- 6° The structure must be covered in a tone of white, light gray, light yellow, light beige or light blue fibrous synthetic canvas, waterproof and fireproof;
- 7° The materials used for the winter shelter must be designed for this purpose and well maintained.

ARTICLE 3 Article 112 is repealed.

ARTICLE 4 Paragraph 13° of first subsection of Article 138 “General provisions applicable for the uses of the housing (H) group” is replaced as follows:

<b>Authorized use, building, structure or accessory equipment and projection for the main building</b>	<b>Front yard</b>	<b>Side yard not adjacent to a street</b>	<b>Side yard adjacent to a street</b>	<b>Rear yard not adjacent to a street</b>	<b>Rear yard adjacent to a street</b>
13° SOLARIUM (GLASS ATRIUM)	No	Yes	No	Yes	Yes

ARTICLE 5 Paragraph 3° of first subsection of Article 140 is replaced as follows:

- 3° Specific provisions applicable to garden structure:
- a) The maximum height of a garden structure is set at 4 m and the maximum permitted area is 14 m<sup>2</sup>.
  - b) Notwithstanding the preceding subparagraph, the maximum permitted area of a garden structure is 28 m<sup>2</sup> if it is located on a landsite with an area larger than 1000 m<sup>2</sup>.
  - c) A shed must be located at least 0.3 m from a side or rear landside boundary line. The minimum distance from a main building is set at 2 m.
  - d) A garden structure other than a shed must be located at more than 2 m from a side or rear landside boundary line. Such a structure can be implemented at less than 2.0 m from the main building.

ARTICLE 6 Paragraph of Article 140.1 “Requirements relative to a private garage or a carport attached to or integrated into a dwelling” is modified as follows:

- e) Except in the case of a private garage serving a use in the “Multi-family dwelling (h3)” category, a private garage attached to or integrated into a main building must be located at a level higher than 20 cm above the finished level of the centre of the street facing the landsite on which the private garage is installed. In the case of a waterfront landsite the floor level of the private garage

can be located below the minimum required level if the drainage of surrounding grade occurs mostly towards the river.

ARTICLE 7 Paragraph of first subsection of Article 156 “Additional provisions applicable to an area for garbage storage” is replaced as follows:

1° A space must be reserved inside or outside a building for garbage storage. The following table sets out the type of garbage storage authorized:

<b>Garbage storage for the uses in the “Commercial (C)” or “Recreational (R)” group</b>	
<b>Use</b>	<b>Required equipment</b>
1. Retail sale or on-site preparation of food products (fish store, butcher shop, fresh produce market, restaurant, cafeteria, etc.), including without limitations all commercial stores generating garbage or putrescible matter.	<ul style="list-style-type: none"> <li>• Refrigerated storage area inside the building where the use is carried.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>• Container or bin outside.</li> </ul>
2. All other commercial uses or uses in the “Recreational (R)” group.	<ul style="list-style-type: none"> <li>• Storage area inside the main building where the use is carried.</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>• Outdoor container or bin</li> </ul>

ARTICLE 8 Article 186 “Use of a landsite entrance or an access aisle” is modified by the addition of a second paragraph as follows:

A half circle driveway access must be set up so that parking of vehicle takes place only outside the easement

ARTICLE 9 Paragraph 3° of first subsection of article 190 « Specific provisions for the siting of a semi-circular access aisle is replaced as follows:

3° The portion of this access aisle that is parallel to the street must be located at least 3 m from the sidewalk, road or curb, if necessary.

ARTICLE 10 Third line of the table of Article 206 “Minimum number of spaces” is replaced as follows:

<b>Main type of use</b>	<b>Minimum number of spaces</b>
Multi-family dwelling (h3)	<p>1.25 space per dwelling unit plus 0.20 spaces per dwelling unit for visitors.</p> <p>For the dwellings of 12 units and more, at least 80% of parking spaces must be located indoor or underground.</p>

ARTICLE 11 Paragraphs 14° and 15° are added after paragraph 13° of first subsection of article 250 “Exterior cladding materials authorized for walls” as follows:

- 14° mechanically attached masonry panels which thickness can be less than 60 mm and attached or not by a binding mortar or cement;
- 15° mechanically attached cladding panels made of moulded polypropylene.

ARTICLE 12 Article 273 “Sitting of a fence or a wall” is replaced as follows:

A fence or a wall must be installed at a minimum distance of 1.5 m from a sidewalk, a curb or a bicycle path, without ever being at less than 2 m from the road, and at least 1.50 m from a fire hydrant.

ARTICLE 13 Paragraph 11° of first subsection of article 313 “Prohibited signs” is replaced as follows:

- 11° A sign in the form of a banner or streamer made of fabric or other non-rigid material, except in one of the following cases:
  - a. a sign made of a mechanically stretched flexible canvas covered with a vinyl coating, when said canvas is permanently attached to the casing;
  - b. temporary sign listed in Article 310 or Article 311.

ARTICLE 14 Article 358 “Modification or enlarging a non-conforming structure”:

- 1° By the repeal of paragraph 1° of first subsection;
- 2° By the replacement of paragraph 6° of first subsection as follows:
  - 6° Notwithstanding paragraph 5°, when a building is extended and the non-conforming cladding is protected by acquired rights, the cladding on exterior walls side and rear façades must be made of an authorized material as specified in article 250.

However, the front façade’s exterior walls must be covered in continuity with the prevailing materials which cover the exterior walls of the ground floor’s existing façade.

- 3° By the addition of paragraph 7 after paragraph 6° as follows:
  - 7° Despite any provision provided in the present article, masonry cladding must be replaced by masonry cladding.

ARTICLE 15 The present by-law comes into force according to the Law.