

Public Notice



PROMULGATION

BY-LAW CA29 0128

NOTICE is given that the following by-law was adopted at the regular sitting of the Borough of Pierrefonds-Roxboro council held on October 4, 2021.

BY-LAW CA29 0128

By-law limiting the uses, the subdivision standards and the exterior parking standards in the boulevard Saint-Charles sector of the Borough of Pierrefonds-Roxboro

This by-law became effective on October 4, 2021 and is available for consultation at the Secretary of the Borough's office during opening hours as well as on the Borough's website at the following address: ville.montreal.qc.ca/pierrefonds-roxboro.

GIVEN IN MONTREAL, BOROUGH OF PIERREFONDS-ROXBORO
this sixth day of the month of October of the year two thousand twenty-one.

The acting secretary of the Borough

Jean-Sébastien Gagnon MBA, MAP

/rl

PROVINCE OF QUEBEC

VILLE DE MONTRÉAL
BOROUGH OF PIERREFONDS-ROXBORO

BY-LAW CA29 0128

BY-LAW LIMITING THE USES, THE SUBDIVISION STANDARDS AND THE EXTERIOR PARKING STANDARDS IN THE BOULEVARD SAINT-CHARLES SECTOR OF THE BOROUGH OF PIERREFONDS-ROXBORO

At the Borough of Pierrefonds-Roxboro regular sitting held by videoconference on October 4, 2021 at 7 p.m., in conformity with the Cities and Towns Act (L.R.Q., Chapter C-19), and in conformity with the ministerial orders by which the minister of Health and Social Services has implemented special measures for the municipalities in order to minimize the spreading risks associated with COVID-19, to which attend:

The Mayor of the Borough Mr. Dimitrios (Jim) Beis, Councillors Catherine Clément-Talbot, Yves Gignac, Benoit Langevin and Louise Leroux, 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 Acting secretary of the Borough, Mr. Jean-Sébastien Gagnon, also attended by videoconference.

WHEREAS the Boroughs Council submitted a notice of motion and adopted a by-law project enabling the modification of the Ville de Montréal's Urban plan (04-047), pertaining to the use, the subdivision norms, and the parking norms allowed in a sector of the Borough of Pierrefonds-Roxboro;

WHEREAS the realization of a construction project in conformity with to the current urban by-law could compromise the new dispositions pertaining to the use, the subdivision norms, and the parking norms of the urban plan;

WHEREAS until the applicable urban by-law is modified to reflect the proposed modifications to the Ville de Montréal's Urban plan, the Borough Council can adopt a control by-law temporarily restraining the reach of the current by-law;

CONSIDERING articles 109 to 109.5, 110.4 and 111 to 112.8 of the Land Use Planning and Development Act (RLRQ, chapter A-19.1);

CONSIDERING articles 88 and 130.3 of the Ville de Montréal, metropolis of Québec Charter (RLRQ, chapitre C-11.4);

THE BOROUGH OF PIERREFONDS-ROXBORO COUNCIL ENACTS THE FOLLOWING:

CHAPTER 1 INTRODUCTORY AND ADMINISTRATIVE PROVISIONS

ARTICLE 1.1 APPLICATION

The Director and the employees of the Direction – Territory Development and Technical Studies are responsible for the enforcement of the current by-law. In the course of their regular duties, they can visit and examine any construction to verify the current by-law's application and they can issue tickets for and on behalf of the Borough. The owner, the construction's occupant or his representative is obligated to allow entry to the inspector and to allow him to conduct such an examination. This by-law has precedence over any other municipal by-law currently in effect over the entire territory. The current by-law applies to the area identified as "the Urban planning program (PPU) of boulevard Saint-Charles" as described in the interim control resolution number CA21 29 0195, adopted on August 2, 2021, and represented on the plan attached to the current by-law as Appendix A, hereafter designated as "boulevard Saint-Charles application sector".

A provision of the current by-law ceases to be in effect, in regards to the intended territory, on the date when the provision of a harmonization by-law, which is adopted to ensure conformity with Urban planning, takes effect.

ARTICLE 1.1.1 Obligations of an owner, a tenant, an occupant or an applicant

Without limiting the obligation to respect all of the current by-law's provisions, the owner, the tenant or the occupant of a lot, a building, a construction or a project or the applicant for a permit or certificate issued in accordance to the current by-law must:

- 1) Transmit any information, plan, report, attestation, certificate or other document required by the designated official to carry out their duty;
- 2) Obtain any permit or certificate before the start of any work for which such a document is required by the current by-law;
- 3) Realize any work in conformity with the permit or certificate issued and the provisions of the current by-law;
- 4) Advise the designated official before making any modifications to the authorized work and obtain his prior authorization before proceeding with the modifications.

ARTICLE 1.1.2 Interference to the regular duties of the Direction – Territory Development and Technical Studies' Director and employees

None can interfere with an official designated under article 1.1 of the current by-law in the course of their regular duties. Notably, none can mislead or attempt to mislead through reticence or false declarations. The official must, if required, identify himself and produce a certificate of his capacity.

ARTICLE 1.2 APPENDIX A

Appendix A forms an integral part of the current by-law.

Appendix A contains the sector designated "boulevard Saint-Charles Sector" by the application of the current by-law.

ARTICLE 1.3 DEFINITIONS

For the interpretation of the current by-law, and unless the context indicates a different meaning, any word or expression retains the meaning attributed to it in Chapter 3 of the Zoning by-law. If a word or expression is not defined in this by-law, it is agreed to retain the usual meaning given to it in the dictionary.

CHAPTER 2 NORMATIVE PROVISIONS IN RELATION TO URBAN DEVELOPMENT

ARTICLE 2.1 REGULATORY SCOPE

Despite the applicable regulations of the territory specified in Appendix A, new land uses, new constructions and building extensions are only authorized in conformity to the current by-law. Any other by-law provision that is not incompatible with those of the current by-law continues to apply. If there is an incompatibility between one of the current by-law provisions and one of the urban plan provisions, the interpretation must be made in order to give precedence and full application to the current by-law.

ARTICLE 2.1.1. The current by-law applies to new constructions, extensions, changes to use classes and cadastral operations of buildings permitted in accordance with a by-law, a resolution or any other authorization under the Borough Council.

ARTICLE 2.1.2. A permit or certificate of authorization concerning any construction or extension of a building in the sectors identified on the maps attached as Appendix A can only be delivered in accordance to the following requirements:

- 1- The construction of any new main building or extension is forbidden within the sectors illustrated on the map attached as Appendix A unless it satisfies the following minimum requirements:
 - 1° No parking space is to be planned in the front yard or on the side of the street;
 - 2° 80 % of planned parking spots required by zoning by-law CA29 0040 for a new main building used solely for residential uses are underground;
 - 3° For buildings with mixed uses or only with uses other than residential:
 - a) 80 % of planned parking spots required by zoning by-law CA29 0040 for residential uses are underground;
 - b) 50 % of planned parking spots required by zoning by-law CA29 0040 for use other than residential are underground with the exception of a retail business, a restaurant, a bar or a pub.

2- Despite all contrary provisions of zoning by-law CA 29 0040, the following uses and use categories are forbidden within the sectors illustrated on the map attached as Appendix A:

- Use category “single-family dwelling h1”
- Use category “automotive services (c3)”
- Use category “entertainment C2” with the exception of the “6835 Dance school” use
- Use category “Specialized trades workshops c5b”
- Use category “commercial not elsewhere classified c5c”
- Use category “low, moderate or high impact industry i2b”
- Use “6439 Repair service of other light vehicles”

3- Despite any other contrary provision set out in the “Recommended norms (subdivisions)” specifications charts applicable to the “boulevard Saint-Charles application Sector, defined in Appendix A, the minimum area of a lot for a new construction project is 1000 square meters.

ARTICLE 2.1.3. Despite applicable by-laws, new constructions, building extensions, use class changes and cadastral operations within the sectors illustrated on the map attached as Appendix A of the current by-law must comply with the latter.

Any other by-law provision that is not incompatible with those of the current by-law continues to apply.

ARTICLE 3 The present by-law comes into force according to Law.

APPENDIX A
MAP ENTITLED "BOULEVARD SAINT-CHARLES APPLICATION SECTOR"



