

**REQUEST FOR REFERENDUM APPROVAL
(REQUEST FOR REGISTRY)**

SECOND DRAFT BY-LAW NUMBER CA29 0040-62

NOTICE IS HEREBY GIVEN to interested persons in the Borough of Pierrefonds-Roxboro to sign an application to participate in a referendum:

1. Purpose of the project and request for referendum approval

Following the public consultation meeting held on June 5, 2023, the Borough Council adopted, at the sitting held on June 5, 2023 the second draft of by-law number CA29 0040-62 amending zoning by-law CA29 0040 in order to make various corrections and adjustments to the articles concerning the side setback of a semi-detached or contiguous building, detached platforms of a main building, front yard projections of a semi-detached, contiguous or 0 side setback dwelling, below-grade garages, waste compactors, minimum height of a coniferous tree, time limit for planting or replacing a tree, front yard and open space landscaping, development of a access aisles or landsite entrances, development of a buffer strip, and garage doors for a residential building.

This second draft contains provisions that may be requested by interested persons in the territory concerned to submit the by-law containing them for the approval of certain qualified voters in accordance with the Act respecting elections and referendums in municipalities.

2. Description of the territory

The amendments made by this second draft by-law are applicable to the entire Borough.

The effect of such a request will be to submit the draft by-law to the approval of the qualified voters of the concerned zones and those of the contiguous zones from which a valid request originates.

3. Conditions of validity of an application

To be valid, all applications must:

- clearly identify the **provisions** subject to referendum approval;
- identify the **zone** where it originates;
- be signed by at least **twelve (12)** interested persons in the area from which it originates or by at least a majority of them if the number of interested persons in the area does not exceed 21;
- be received in the office of the Borough Clerk no later than 7 p.m. on **June 27, 2023**, at either of the following addresses:

By mail or in person:

a/s Me Carl St-Onge, secretary of the Borough
Department of Citizen Relations, Administrative Services and Registry
Pierrefonds-Roxboro Borough Hall
13665, boulevard de Pierrefonds
Pierrefonds (Québec) H9A 2Z4

By e-mail : greffe.pfdsrox@montreal.ca

If the application is sent by mail, it must be received at the address indicated at the latest on **June 27, 2023** before 7 p.m. to be considered, regardless of postal deadlines.

In addition, each signatory must be an interested person as described in Section 4.

The signatory (who must be of age as of June 5, 2023) indicates, next to his or her signature, his or her name in capital letters, telephone number, address, apartment number and the capacity in which he or she is a person interested in signing (see section 4 to this effect: resident, owner or co-owner, occupant or co-occupant of a place of business, representative of a legal person).

4. Requirements to be a person interested in signing an application

- 4.1 An interested person is any person who, on June 5, 2023, is not disqualified from voting, is of full age, is a Canadian citizen, is not under curatorship and meets one of the following two conditions:
- is domiciled in a zone from which an application may originate and has been in Quebec for at least six (6) months;
 - is, for at least 12 months, the owner of an immovable or the occupant of a place of business, within the meaning of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), located in a zone from which an application may originate.
- 4.2 Additional condition for undivided co-owners of an immovable and co-occupants of a place of business: to be designated, by means of a power of attorney signed by a majority of the co-owners or co-occupants, as the person entitled to sign the application on their behalf and to be entered on the referendum list, if applicable **This power of attorney must be filed before or at the same time as the application.**
- 4.3 An additional condition to the right to sign an application by a corporation is that the corporation must have designated, by resolution, one of its members, directors and employees who, on June 5, 2023, is of the age of majority, is a Canadian citizen, is not under curatorship and is not disqualified from voting by law. **Such resolution must be filed before or at the same time as the application.**

Except in the case of a person designated as a representative of a legal person, no person may be considered to be interested in more than one capacity in accordance with section 531 of the Act respecting elections and referendums in municipalities (R.R.Q., chapter E-2.2).

5. Absence of applications

Any provisions of this second draft by-law that has not been validly applied for may be included in a by-law that does not require approval by those entitled to vote.

6. Consultation of the draft by-law

This second draft by-law and the detailed illustration of the concerned zones and the contiguous zones can be consulted at the Accès Montréal office, Monday to Thursday from 8 a.m. to noon and from 1 p.m. to 4:45 p.m., and Friday from 8 a.m. to noon. It is also available on the “public notices” page of the Borough's website at montreal.ca/pierrefonds-roxboro. Any person who requests it may obtain a copy of the second draft by-laws free of charge.

In case of any discrepancy or difference between the French and English versions, the French version of this public notice shall prevail.

DONE IN MONTREAL, Borough of Pierrefonds-Roxboro
this sixteen day of June in the year 2023.



Carl St-Onge, Attorney
Secretary of the Borough

/rl

PROVINCE OF QUEBEC

VILLE DE MONTRÉAL
BOROUGH OF PIERREFONDS-ROXBORO

SECOND DRAFT BY-LAW CA29 0040-62

FIRST DRAFT BY-LAW NUMBER CA29 0040-62 MODYING ZONING BY-LAW CA29 0040 IN ORDER TO MAKE VARIOUS CORRECTIONS AND ADJUSTMENTS TO THE ARTICLES CONCERNING THE SIDE SETBACK OF A SEMI-DETACHED OR CONTIGUOUS BUILDING, DETACHED PLATFORMS OF A MAIN BUILDING, FRONT YARD PROJECTIONS OF A SEMI-DETACHED, CONTIGUOUS OR 0 SIDE SETBACK DWELLING, BELOW-GRADE GARAGES, WASTE COMPACTORS, MINIMUM HEIGHT OF A CONIFEROUS TREE, TIME LIMIT FOR PLANTING OR REPLACING A TREE, FRONT YARD AND OPEN SPACE LANDSCAPING, DEVELOPMENT OF A ACCESS AISLES OR LANDSITE ENTRANCES, DEVELOPMENT OF A BUFFER STRIP, AND GARAGE DOORS FOR A RESIDENTIAL BUILDING

At the Borough of Pierrefonds-Roxboro regular sitting held on June 5, 2023 at 7 p.m., in conformity with the Cities and Towns Act (L.R.Q., Chapter C-19), to which attend:

The Mayor of the Borough Mr. Dimitrios (Jim) Beis, Councillors Catherine Clément-Talbot, Chahi (Sharkie) Tarakjian, 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 Secretary of the Borough, M^e Carl St-Onge, also attend the sitting.

WHEREAS a notice of motion of this by-law was given on May 1, 2023;

HAVING REGARD TO section 113 and 123 to 137.17 of the Act respecting land use planning and development (RLRQ, chapter A-19.1);

THE BOROUGH COUNCIL ENACTS THE FOLLOWING:

Zoning by-law CA290 040 is amended as follows:

ARTICLE 1 Interpretation of this by-law

This by-law amends zoning by-law number CA29 0040 of the Borough of Pierrefonds-Roxboro and its successive amendments. The present by-law is understood to include the relevant interpretative and administrative provisions of the by-law it amends, as if they were hereby reproduced.

ARTICLE 2 Table of contents

The table of contents of by-law CA29 0040 is adjusted to reflect amendments, additions and deletions of articles so that it remains accurate as to the chapters, sections and article numbers to which it refers.

ARTICLE 3 Administrative provisions

Articles 22, 23 and 24 are amended as follows:

- a) By replacing the article 22 entitled “Enforcement of the by-law” with the following article:

“The application of the by-law is the responsibility of the competent authority in accordance with the provisions of the administration by-law of the urban planning by-laws of the Borough of Pierrefonds-Roxboro in force”

- b) By replacing the heading of article 23 entitled “POWERS AND DUTIES OF THE DESIGNATED OFFICIAL” with the following heading:

“POWERS AND DUTIES OF THE COMPETENT AUTHORITY”

- c) By replacing article 23 entitled “POWERS AND DUTIES OF THE DESIGNATED OFFICIAL” with the following article:

“The powers and duties of the competent authority are defined in the administration by-law of the urban planning by-laws of the Borough of Pierrefonds-Roxboro in force.”

- d) By replacing article 24 entitled “VIOLATIONS, SANCTIONS, RECOURSE AND PROSECUTION” with the following article:

“The provisions relating to a violation, a sanction, a recourse or a prosecution with regard to the present by-law are notably those provided for in the administration by-law of the urban planning by-laws of the Borough of Pierrefonds-Roxboro in force.”

ARTICLE 4 Additional uses to the Residential (H) group of uses:

Article 79 entitled “SPECIFIC PROVISIONS APPLICABLE TO AN ADDITIONAL USE AUTHORIZED IN A BUILDING WITH MORE THAN 60 DWELLING UNITS OR MORE THAN 120 ROOMS” is modified as follows:

- a) by replacing paragraph 5 with the following paragraph:

“No parking space is required for such a use.”

- b) by adding the following paragraph 6 after paragraph 5:

“No sign may be installed on the exterior of the building to indicate such use.”

ARTICLE 5 Provisions relating to setbacks and to visibility triangle

Article 111 entitled “SIDE SETBACK FOR A SEMI-DETACHED OR ROWHOUSE BUILDING” is modified as follows:

- a) By replacing the first paragraph with the following paragraph:

“When the applicable specifications chart authorizes a semi-detached building, the side setback applicable to a party wall is 0 m.”

b) By adding the following paragraph 2 after paragraph 1:

“In the case of a contiguous building, the setback applicable to the side walls of central units is 0 m.”

ARTICLE 6 Provisions relating to the layout and volume of a building or construction applicable to commercial group uses (C)

Article 127 entitled “STANDARDS FOR INTEGRATED COMMERCIAL OR INDUSTRIAL PROJECTS” is amended by replacing paragraph 6 with the following paragraph:

“Detached communal signs are permitted in accordance with the provisions applicable under Chapter 18 for a sign located on land occupied by a commercial or industrial use.”

ARTICLE 7 Provisions relating to uses, buildings, structures, equipment and yard projections for uses in the Housing Group (H)

Article 138 entitled “GENERAL PROVISIONS APPLICABLE TO HOUSING GROUP (H) USES” is amended as follows:

a) By adding the following number 10.1 to the table following the number 10:

Authorized use, building, structure or accessory equipment and projection for the main building	Front Yard	Side Yard not adjacent to a street	Side Yard adjacent to a street	Rear Yard not adjacent to a street	Rear Yard adjacent to a street
10.1 Platform detached from the main building	No	No	No	Yes	Yes
a) Minimum distance from a property line	-	-	-	1 m	1 m
b) Other standards applicable	The maximum allowable height of such a platform is 200 mm measured from ground level				

ARTICLE 8 Provisions relating to uses, buildings, structures, equipment and yard projections applicable to uses in the Housing Group (H)

Article 139 entitled “SPECIFIC PROVISIONS APPLICABLE TO A BUILDING THAT IS SEMI-DETACHED OR ROW HOUSE OR THAT HAS A ZERO SIDE SETBACK” is amended by adding the following article:

“Despite article 138, in the case of a semi-detached, attached or zero side setback building, a porch, balcony, veranda, deck, exterior staircase, open exterior access ramp or exterior elevator for handicapped person attached to the main building may:

1° where the projection is located in the front yard, be located within 1 m of a side line on the side of the party wall or the wall of a building erected with a side setback of zero.

2° where the projection is located in the rear yard, be located within 1 m of a sideline on the side of the party wall or the wall of a building erected with a side setback of zero. An opaque screen not less than 1.5 m and not more than 2 m in height, measured from the floor level of the projection, shall be installed over the full depth of the projection on the side of the wall erected with a side setback equal to zero.”

ARTICLE 9 Minimum distance from a lot line for an accessory building for uses in the Housing Group (H)

Article 140 entitled “ADDITIONAL PROVISIONS APPLICABLE TO ACCESSORY BUILDINGS” is amended by adding the following subparagraph f) following subparagraph e) of paragraph 1:

“Where a minimum distance is prescribed, it is measured to the exterior wall of the building.”

ARTICLE 10 Minimum interior dimensions of a garage attached or integrated to a dwelling

Article 140.1 entitled “REQUIREMENTS RELATIVE TO PRIVATE GARAGE OR CARPORT ATTACHED TO OR INTEGRATED INTO A DWELLING” is amended by replacing subparagraph (b of the first paragraph with the following subparagraph:

“The minimum interior dimensions of the garage or the minimum footprint of the carport shall be 2.75 m wide, 5.5 m deep and 2.1 m clear height.”

ARTICLE 11 Minimum distance from a lot line for a garden structure for the Housing Group (H)

Article 140.2 entitled “PROVISIONS APPLICABLE TO GARDEN STRUCTURES” is amended by replacing the following subparagraph (c) with the following subparagraph:

“The minimum distance between garden structures and any lot line is 2.0 m, measured at the exterior wall of the building. No minimum distance applies between the main building and a garden structure.”

ARTICLE 12 Below-grade garages for the Housing (H) group

Article 141 entitled “REQUIREMENTS RELATIVE TO THE INSTALLATION OF A BELOW-GRADE GARAGE” is amended as follows:

a) By replacing first paragraph with the following paragraph:

“Notwithstanding article 140.1, a below-grade garage is permitted subject to the following conditions:”

b) By replacing paragraph 4° with the following paragraph:

“A 2.5 cm difference in level between the bottom of the semi-basement garage door and the top of the exterior drain cover, measured at the garage door, must be built.”

c) By replacing paragraph 5° by the following paragraph:

“A speed bump shall be installed at the top of the slope of a circulation aisle of a below-grade garage as shown for illustrative purposes in the diagram identified in Appendix I.”

ARTICLE 13 Provisions applicable to “Commercial (C)” and “Recreational (R)” group uses

Article 147 entitled “GENERAL PROVISIONS APPLICABLE TO THE USES IN THE “COMMERCIAL (C)” AND “RECREATIONAL (R)” GROUPS” is amended as follows:

By repealing subparagraph c) of number 31 in the table.

ARTICLE 14 Waste compactor for “Commercial (C)” and “Recreational (R)” group uses

Article 156 entitled “ADDITIONAL PROVISIONS APPLICABLE TO AN AREA FOR GARBAGE STORAGE” is amended as follows:

By replacing paragraph 2 with the following paragraph:

« 2° a) A garbage storage may have a smaller volume than that required in the table above if it is equipped with a waste compactor. A garbage storage equipped with a compactor shall be located within the building;

b) A semi-buried container may have a volume one-third less than the volume required in the table above, thus reducing the minimum requirement. The required volume can be achieved by using multiple semi-buried containers.”

ARTICLE 15 Provisions relative to landsite entrances and access aisles to parking areas applicable to all uses

Article 184 entitled “PROVISIONS RELATIVE TO LANDSITE ENTRANCES AND ACCESS AISLES TO PARKING AREAS” is modified as follows:

a) By replacing the words “otherwise landscaped with vegetation cover” in the first paragraph with the words “otherwise landscaped with vegetation”;

b) By replacing the third paragraph with the following paragraph:
“There must be a minimum distance of 7.5 m between two entrances located on the same landsite, and between an entrance and a street intersection. The distance must be measured from the edge of the curb or pavement of the access to the landsite”.

ARTICLE 16 Provisions relative to landsite entrances and access aisles to parking areas applicable to all uses

Article 185 entitled “PROVISIONS RELATIVE TO LANDSITE ENTRANCES AND ACCESS AISLES TO PARKING AREAS” is modified as follows:

a) by replacing the first subsection of paragraph b) of the first paragraph with the following subparagraph:

“The grassed or otherwise landscaped strip bordering any access aisle shall be planted with one tree for every 12 m linear distance.”

- b) by replacing the second subsection of paragraph b) of the first paragraph with the following subparagraph:

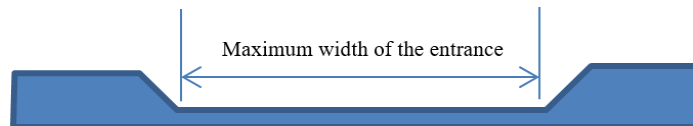
“At the time of planting, the tree must have a minimum DBH of 5 cm if it is a deciduous tree or a minimum height of 1.2 m if it is a conifer.”

ARTICLE 17 Calculation of the width of a landsite entrance

Article 188 entitled “RULE FOR CALCULATING THE WIDTH OF A LANDSITE ENTRANCE” is replaced by the following article:

“The maximum width of a access aisle shall be measured longitudinally from the point where the access aisle meets the edge of the roadway, sidewalk or curb, if applicable.

Where a curb or sidewalk is present, the maximum width of a landsite entrance is calculated longitudinally from the lowest point of its setback as illustrated below:



ARTICLE 18 Semi-circular access aisle for the "Housing (H)" group uses:

Article 190 is modified by replacing the words “otherwise landscaped” in the fourth paragraph of the first section by the words “landscaped with vegetation”.

ARTICLE 19 Landscaping of an off-street parking area

Article 201 entitled “LAYOUT OF A PARKING AREA” is modified as follows:

- a) By replacing the words “otherwise landscaped” in subparagraph c) of the second paragraph of the first section by the words “landscaped with vegetation”.
- b) By replacing subparagraph b) of the fourth paragraph of the first section with the following subparagraph:

“In the grassed or vegetated strip bordering any entrance aisle mentioned in subparagraph a), a deciduous tree with a DBH of at least 5 cm or a conifer with a height of at least 1.2 m, at the time of planting, shall be planted at 24 m linear intervals. At least 60% of these trees must be coniferous”.

ARTICLE 20 Additional greening for an off-street asphalt parking space

Article 201.1 entitled “PREVENTION OF HEAT ISLANDS” is modified as follows:

- a) By replacing the first paragraph of the second section with the following paragraph:

“1° Notwithstanding the provisions of article 185, the grassed or landscaped with vegetation strip bordering any off-street parking area shall be planted with at least one tree for every six (6) parking spaces.

At the time of planting, the tree must have a DBH of at least 5 cm if it is a deciduous tree or a height of at least 1.2 m if it is a conifer”.

ARTICLE 21 Provisions relative to loading bays and berths applicable to all uses

Article 229 entitled “LAYOUT OF A LOADING BAY, DELIVERY AREA, BERTH AND MANOEUVERING AREA” is modified as follows:

- a) By replacing the words “otherwise landscaped” in paragraph 7 of the first paragraph with the words “landscaped with vegetation”.
- b) By replacing the words “otherwise landscaped” in paragraph 8 of the first paragraph with the words “landscaped with vegetation”.

ARTICLE 22 Provisions relative to the landscaping of open areas

Article 233 entitled “LANDSCAPING OF OPEN AREAS ON A LANDSITE” is modified by replacing the words “otherwise landscaped” in the first paragraph by the words “landscaped with vegetation”.

ARTICLE 23 Landscaping of the front yard for use in the “Housing (h)” group

Article 234 entitled “LANDSCAPING OF THE FRONT YARD” is modified by replacing the words “otherwise landscaped with plants and vegetation” in the first paragraph by the words “landscaped with vegetation”.

ARTICLE 24 Minimum greening requirements for a “Single-family dwelling (H1)” use

Article 235 entitled “LANDSCAPING REQUIREMENTS FOR A USE IN THE “SINGLE-FAMILY DWELLING (H1)” CATEGORY” is modified as follows:

- a) By replacing the words “otherwise landscaped” in the first paragraph with the words “landscaped with vegetation”.
- b) By replacing the words “landscaped with a vegetation cover” in the second paragraph with the words “landscaped with vegetation”.

ARTICLE 25 Aires d’agrément extérieures pour les usages du groupe « Habitation (H) »

Article 236 entitled “OUTDOOR LEISURE AREAS” is modified by replacing the words “otherwise landscaped with plants” in the second paragraph with the words “landscaped with vegetation”.

ARTICLE 26 Minimum landscaping requirements applicable to uses in the “commercial (C)”, “Industrial (i)”, “Community (p)” and “Recreational (r)” groups

Article 237 entitled “MINIMUM LANDSCAPING REQUIREMENTS” is modified by replacing the words “otherwise landscaped with planting” in the first paragraph with the words “landscaped with vegetation”.

ARTICLE 27 Outdoor leisure areas for a room or a dwelling unit located in a building other than a residential building

Article 238 entitled “OUTDOOR LEISURE AREAS FOR A ROOM OR A DWELLING UNIT” is modified as follows:

By replacing the words “otherwise landscaped with plants” in the second paragraph with the words “landscaped with vegetation”.

ARTICLE 28 Buffer strip for a use in the “Housing (h)” group or for a lot bordering another borough.

Article 239 entitled “LANDSCAPING FOR A BUFFER STRIP BORDERING A DWELLING” is modified as follows:

a) By replacing the second paragraph of the second section with the following paragraph:

“A strip of greenery of a minimum width of 3 m, measured from the landsite boundary line, composed of vegetation of a minimum height of 1.8 m and designed so as to cover any bare ground or a plantation of evergreen trees or shrubs so as to create a visual screen. Coniferous trees shall be a minimum of 1.2 m in height at the time of planting and shall not be spaced more than 3 m apart on center. Evergreen screening shrubs shall be a minimum of 1.0 m in height at the time of planting and shall not be spaced more than 2.5 times their width on center”.

b) By repealing the second paragraph of the fourth section.

ARTICLE 29 A buffer strip bordering a zone whose primary use is “Housing (H)” or with a boundary of a zone where a use belonging to the “Recreation (p1)” or “Institution (p2)” use categories is permitted:

Article 240 entitled “LANDSCAPING OF A BUFFER STRIP BORDERING A ZONE IN WHICH THE MAIN LAND USE OCCUPATION IS “HOUSING (H)”, OR BORDERING A “RECREATION (P1)” OR “INSTITUTION (P2)” USE” is modified as follows:

a) By replacing the second paragraph of the third section with the following paragraph:

“2° Coniferous trees or a dense hedge of evergreen shrubs shall be planted along the entire length of the buffer strip, except across a property access, landsite entrance or pedestrian access, to create a visual screen. Coniferous trees shall be a minimum of 1.2 m. in height at the time of planting and shall not be spaced more than 3 m. on center. Evergreen shrubs constituting a dense hedge shall have a minimum height of 1 m. at the time of planting and shall not be spaced more than 2.5 times their width on center”

- b) By replacing the third paragraph of the third section with the following paragraph:

“3° The buffer strip must be grassed or landscaped with vegetation so as to cover any bare ground.”

ARTICLE 30 Tree planting

Article 242 entitled “TREE PLANTING REQUIRED” is modified as follows:

- a) By replacing the words “otherwise landscaped” in the second paragraph of the first section with the words “landscaped with vegetation”.

- b) By replacing the second paragraph of the second section with the following paragraph:

“2° A minimum height of 1.2 m for a conifer.”

- c) By replacing the fourth paragraph with the following paragraph:

“The tree planting required by this article shall be completed prior to the expiration of the building permit or certificate of authorization”.

- d) By replacing the fifth paragraph with the following paragraph:

“Once planted, the trees must be maintained in good condition in terms of maintenance and preservation. Should a tree need to be felled because it is dead, has an incurable disease or is dangerous, it must be replaced within six (6) months of felling.”

ARTICLE 31 Replacement of a tree

Article 243 entitled PRESERVATION, MAINTENANCE OR REPLACEMENT OF TREES REQUIRED TO BE PLANTED ON A LANDSITE is modified by replacing the second paragraph with the following paragraph:

“Should a tree need to be felled because it is dead, has an incurable disease or is dangerous, it must be replaced within six (6) months of felling.”

ARTICLE 32 Tree felling

Article 245 entitled “TREE FELLING” is modified by repealing the fifth paragraph.

ARTICLE 33 Provisions relating to the architecture and construction of buildings

Article 267 entitled “NUMBER AND EXTERIOR APPEARANCE OF GARAGE DOORS IN THE “HOUSING (H)” GROUP” is replaced by the following article:

“The maximum prescribed width of a single garage door is 3 m and the maximum prescribed width of a double garage door is 5 m. The maximum number of garage doors for buildings in the "Residential (h)" group of uses is established as follows:

- 1° “Single-family dwelling (h1)” with detached or semi-detached structure: 2 single doors or 1 double door per main building.
- 2° “Single-family dwelling (h1)” with contiguous structure: 1 single door or 1 double door per main building.
- 3° “Two-family and three-family dwellings (h2)” with detached or semi-detached structure: 1 single door or 1 double door per main building.
- 4° “Multi-family dwelling (h3)” and “Collective Housing (h4)”: 4 single doors or 4 double doors per main building.

In all cases, there must never be more than two (2) consecutive garage doors. For the purposes of the present article, doors must be at least 3.65 m apart in order for them not to be considered “consecutive”.

ARTICLE 34 This by-law shall come into force in accordance with the Law.