



## **TOWN OF MONTREAL WEST**

### **BY-LAW N° 2010-002 – BY-LAW CONSOLIDATING THE ZONING BY-LAW OF THE TOWN OF MONTREAL WEST, MODIFYING VARIOUS PROVISIONS AND AMENDING OTHERS TO COMPLY WITH THE MODIFIED PLANNING PROGRAMME, AND REPLACING BY-LAW N° 2009-008**

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**January 29<sup>th</sup>, 2010**

**Prepared by:**





PROVINCE OF QUEBEC  
TOWN OF MONTREAL WEST

BY-LAW N° 2010-002

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BY-LAW CONSOLIDATING THE ZONING  
BY-LAW OF THE TOWN OF MONTREAL  
WEST, MODIFYING VARIOUS  
PROVISIONS AND AMENDING OTHERS  
TO COMPLY WITH THE MODIFIED  
PLANNING PROGRAMME, AND  
REPLACING BY-LAW N° 2009-008

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NOTICE OF MOTION: JANUARY 25<sup>TH</sup>, 2010  
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**By-law modifications**

By-law number	Coming into force
2010-004	JULY 14 <sup>TH</sup> , 2010
2011-005	JUNE 8 <sup>TH</sup> , 2011
2012-003	SEPTEMBER 12 <sup>TH</sup> , 2012
2014-007	APRIL 2 <sup>ND</sup> , 2014
2014-009	MAY 7 <sup>TH</sup> , 2014
2014-010	MAY 7 <sup>TH</sup> , 2014
2014-012	JULY 9 <sup>TH</sup> , 2014
2014-013	JULY 9 <sup>TH</sup> , 2014
2015-001	MARCH 4 <sup>TH</sup> , 2015
2016-002	FEBRUARY 3 <sup>RD</sup> , 2016
2016-004	MAY 4 <sup>TH</sup> , 2016
2016-006	JUNE 8 <sup>TH</sup> , 2016
2016-014	NOVEMBER 5 <sup>TH</sup> , 2016
2016-016	SEPTEMBER 7 <sup>TH</sup> , 2016
2016-022	OCTOBER 19 <sup>TH</sup> , 2016
2016-025	MARCH 11 <sup>TH</sup> , 2017
2017-004	MAY 3 <sup>RD</sup> , 2017
2017-005	JUNE 7 <sup>TH</sup> , 2017

**THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:**



## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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Prepared by:





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## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **CHAPTER 1 :**

#### **Declaratory, Administrative and Interpretative Provisions**

Prepared by:





**CHAPTER 1 :**  
**Declaratory, Administrative and Interpretative Provisions**

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**Division 1.1 : Declaratory provisions**

**1.1.1 : Title of the By-Law**

This by-law may be quoted under the short title of «*Zoning By-Law*» and carries the number 2010-002.

**1.1.2 : Repeal**

1. The present by-law repeals By-Law number 458, entitled «*Zoning By-Law*», as modified by all its amendments, as well as any other repugnant provision in another by-law in force;
2. This abrogation does not affect legally-issued permits issued under the authority of the replaced by-law and the acquired rights from before the coming into force of the present by-law.

**1.1.3 : Scope of the by-law and subject territory**

The present by-law, of which the provisions are imposed on all persons, is applied to the entire territory of the Town of Montreal West.

**1.1.4 : Incompatibility with other by-laws or laws**

Conforming to the present by-law does not absolve the obligation to law of the provincial or federal government as well as any other applicable municipal by-law.

**1.1.5 : Annexed documents**

1. Annex « 1 », entitled «*Zoning plan* », is an integral part of the present by-law;
2. Annex « 2 », entitled «*Schedules of uses and standards* », is an integral part of the present by-law.

**1.1.6 : Part-by-part adoption**

The municipal Council of the Town of Montreal West hereby declares that it is adopting the present by-law, chapter by chapter, section by section and article by article, paragraph by paragraph, sub-paragraph by sub-paragraph, so that if a part of the present by-law were to be declared null and void by a tribunal, such a decision would have no effect on the other parts of the by-law, except in cases where the significance and scope of the by-law or of one of its provisions should be altered or modified as a result.

CHAPTER 1 :  
Declaratory, Administrative and Interpretative Provisions

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**Division 1.2 : Administrative provisions**

**1.2.1 : Administration and application of the by-law**

The administration and application of the present by-law are entrusted to any person nominated as a « designated official », by a resolution of the Municipal Council.

**1.2.2 : Powers of the designated official**

The powers of the designated official are stated in the *Permit By-Law*.

**1.2.3 : Subject interventions**

Following the coming into force of the present by-law, any intervention (new construction, renovation, extension, reconstruction, demolition, displacement) on a construction, work or lot (or any part of these) must be carried out in a manner compliant to the provisions of the present by-law.

The occupation or use of a construction or lot (or any part of these) must be carried out in compliance with the present by-law, including the extension or the replacement of a use.

The requirement for compliance to the present by-law also applies when a permit is not required.

The terms and conditions of issuance of permits are defined in the *Permit By-Law*.

**1.2.4 : Infractions and penalties: general provisions**

1. Whomever contravenes the provisions of the present by-law, other than the provisions relating to tree felling, is committing an infraction;
2. An infraction to the present by-law exposes the offender to the following fines :

	Individual		Corporation	
	Minimum	Maximum	Minimum	Maximum
First offence	300\$	1000\$	600\$	2000\$
Repeat offence	500\$	2000\$	1000\$	4000\$

(R.2016-006, a. 1)

3. In all cases, court fees are added;
4. The delay for payment of imposed fines and fees of the present by-law, and the consequences of default of payment of the said fines and fees within the prescribed delays are determined in compliance to the *Code of Penal Procedure of Quebec (L.R.Q., c. C-25.1)*;
5. If an infraction lasts more than one day, the infraction on each day constitutes a distinct infraction and the enacted penalties for each infraction can be imposed for each day the infraction lasts, in compliance to the present section.

**1.2.5 : Infractions and penalties: specific provisions to tree felling**

1. Whomever contravenes the provisions of the present by-law relating to tree felling, is committing an infraction;
2. An infraction to the present by-law concerning tree felling exposes the offender to a minimum fine of 500 \$ to which is added a minimum of 100 \$ and a maximum 200 \$ per tree illegally cut down, to a maximum total fine of 5 000 \$;

**CHAPTER 1 :**  
**Declaratory, Administrative and Interpretative Provisions**

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3. the amounts listed in paragraph 2 are doubled in the case of a repeat offense;
4. In all cases, court fees are added;
5. The delay for payment of imposed fines and fees of the present by-law, and the consequences of default of payment of the said fines and fees within the prescribed delays are determined in compliance to the *Code of Penal Procedure of Quebec (L.R.Q., c. C-25.1)*.

**CHAPTER 1 :**  
**Declaratory, Administrative and Interpretative Provisions**

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**Division 1.3 : Interpretative provisions**

**1.3.1 : Interpretation of provisions**

1. When 2 standards or provisions of the present by-law apply to a use, building, lot or any other object governed by the present by-law, the following rule applies:
  - a) A specific standard or provision prevails over a general provision;
  - b) The most restrictive provision prevails.
2. Unless the context specifies otherwise, it is understood that:
  - a) Singular includes plural and vice versa;
  - b) Masculine includes feminine and vice versa;
  - c) The use of the words « MUST » and « SHALL » implies an absolute obligation;
  - d) The use of the word « CAN » implies an option;
  - e) The word « WHOMEVER » includes individuals and corporations.
3. The table of contents and the chapter titles, the divisions and sections of the present by-law are provided to improve the text's readability. In case of contradiction between the text and the concerned title(s) of table of contents, the text prevails;
4. Plans, annexes, tables, schedules of uses and standards, graphics, and symbols and all forms of expression aside from the text, and contained in the present by-law, are an integral part of the by-law for all legal purposes;
5. In case of contradiction between a table, a graphic and the text, the data in the table or in the graphic prevail;
6. In case of contradiction between the schedule of uses and standards, the text and the zoning plan, the schedule of uses and standards prevails, unless the text calls for a more restrictive provision;
7. The dimensions, areas and other measures stated in the by-law are expressed in units of the International System.

**1.3.2 : Numbering**

The numbering method used in this by-law is the following (when the section's text does not contain numbering relating to a paragraph or sub-paragraph, it is referred to as an indented line):

1. Chapter
- 1.1 Division
- 1.1.1 Section
  1. Paragraph
  - a) Sub-paragraph

**1.3.3 : Terminology**

Unless there is an explicit indication of the contrary or unless the context indicates otherwise, the expressions, terms and words have the meaning and application attributed to them in the *Permit By-Law*.



## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **CHAPTER 2 :**

#### **Provisions Relating to the Classification of Uses and to the Zoning Plan**

Prepared by:





**CHAPTER 2 :**  
**Provisions Relating to the Classification of Uses and to the Zoning Plan**

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**Division 2.1 : Classification of uses**

**2.1.1 : Interpretation rule**

For the purpose of the present by-law, the uses are categorized by group, by class and identified specific use code. Unless it is specifically mentioned in more than one class or group, a use can only belong to one class or one group. Associating a class or group to a use automatically excludes it from any other class or group, therefore:

1. Are only authorized in a zone the uses that are explicitly authorized;
2. A use authorized in one zone is prohibited in any other zone unless it is explicitly authorized;
3. In the absence of a use specifically defined in a group, a class or a code, the designated official must find the use code that is most similar to the desired use (similar use in terms of its characteristics, nature, activities and impacts).

**2.1.2 : Schedules of uses and standards**

The present by-law includes a schedule of uses and standards applicable to each zone, containing the authorized uses and the specific provisions that apply to them.

The uses are authorized when a dot (●) is present on the line corresponding to the use class. When there is only one authorized or prohibited use code or more per use class, the authorized or prohibited use codes are identified in the « use(s) specifically authorized » or « use(s) specifically prohibited » section.

The schedules of uses and standards are presented in Annex 2 of the present by-law.

**2.1.3 : Main use**

The following provisions apply to a main use:

1. A single main use is authorized per building, except if there is a provision specifying the contrary in the present by-law;
2. A single main use is authorized per lot, except if there is a provision specifying the contrary in the present by-law;
3. The main use must not be partly on one lot and partly on another lot.

**2.1.4 : Mixed use**

Notwithstanding paragraphs 1 and 2 of section 2.1.3, the following provisions apply to buildings containing mixed uses:

1. When it is indicated as such in the corresponding schedule of uses and standards, a main building can contain 2 or more main uses, 1 use of which can be of the residential group (H). The other uses must belong to the use class C1 of the commercial group (C) which is authorized in the zone. The maximum number of dwellings is set by the schedule of uses and standards;
2. In a mixed-use building, the dwellings must be accessible by a distinct entrance;
3. In a mixed-use building, dwellings must be located above uses of the commercial group. A commercial occupancy must not be located on the same storey as a dwelling.

**2.1.5 : Multiple use**

Notwithstanding paragraphs 1 and 2 of section 2.1.3, the following provisions apply to buildings containing multiple uses:

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1. When it is indicated as such in the corresponding schedule of uses and standards, a main building can contain 2 or more main uses of commercial (C) and industrial (I) use groups that are authorized in the zone;
2. In the case where a single use class is authorized in the zone, a building can contain several uses of this class, when it is indicated as such in the schedule of uses and standards.

**2.1.6 : Location of mixed or multiple uses inside a building**

Inside a building containing mixed or multiple uses, commercial uses can be located on any storey, so long as it is compliant to the provisions of section 2.1.4 in the case of a mixed-use building.

Except in the following cases, a use present in a mixed-use zone must be entirely located on a single storey: C103, C104, C105, C107, C109, C110, C111, C113, C115, C117, C118, C119, C121 and C122.

**2.1.7 : Groups, classes and use codes**

The classification of uses under the present by-law occurs as such; main use groups, use classes and use codes, for example:

Use group:	Use class:	Use code:
Commercial (C)	C1	C101, C102, C103, etc.
	C2	C201, C202, C203, etc.

In the case of contradiction between the use code and the description, the description of the use prevails.

**2.1.8 : Uses authorized over the entire territory of the municipality**

The following uses are authorized over the entire territory of the municipality, in any zone without any minimum standards relating to the dimensions of buildings, except if there is a provision specifying the contrary in the present by-law:

1. Distribution lines of water, sewer, electrical, gas, phone and cable networks, including shafts, intakes, connectors and panels, water reservoirs, pumping and monitoring stations and any other type of station. Also included is electrical equipment necessary for underground networks (pad-mounted transformers, sectioning cubicles, etc.);
2. Phone booths and post office boxes;
3. Public shelters under the authority of a public agency.

**2.1.9 : Uses prohibited over the entire territory of the municipality**

Notwithstanding any other contrary provision of the present by-law, the following uses are prohibited over the entire territory of the Town of Montreal West:

1. Industries causing environmental concern (heavy industries), including the extraction activities;
2. Activities relating to composting and to the treatment of septic waste and other matter;
3. Landfills (storage of solid waste and recycling of solid and residual waste, dumping, treatment and storage) and the dumps for dry materials, excluding eco-centres;
4. Transfer, recycling, treatment and elimination sites for dangerous waste;
5. Establishments of an erotic nature;
6. Lodging establishments (hostel, hotel, motel, lodge, etc.);

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7. Bars, discotheques, pool halls and video game arcades;
8. Establishments for the sitting or breeding of animals, including kennels.

**2.1.10 : Maximum floor area for a use in class C1**

In mixed-use zones, the maximum floor area for a use in class C1 is set to 2 500 square metres.

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**Division 2.2 : Residential group (H)**

**2.2.1 : Rule of interpretation**

The « residential » use can only be exercised inside the main building. The layout and construction of « guest houses » or other types of dwellings detached from the main building, which are not part of the use classes of the present section, are prohibited.

**2.2.2 : Use class « H1 »**

Are part of class « H1 »: single-family dwellings, namely buildings containing only 1 dwelling.

**2.2.3 : Use class « H2 »**

Are part of class « H2 »: duplex-type dwellings, namely buildings containing 2 dwellings on the same lot. Duplex-type dwellings must have 2 stacked dwellings.

**2.2.4 : Use class « H3 »**

Are part of class « H3 »: triplex-type dwellings, namely buildings containing 3 dwellings on the same lot. Triplex-type dwellings must have 3 stacked dwellings or 2 dwellings on the same storey and 1 stacked or vice versa.

**2.2.5 : Use class « H4 »**

Are part of class « H4 »: apartment buildings, namely buildings containing 4 or more dwellings, stacked or side-by-side on the same lot.

When apartment buildings are authorized in a given zone, the maximum number of dwellings that be contained in a single building is indicated in the corresponding schedule of uses and standards.

**2.2.6 : Use class « H5 »**

Are part of class « H5 »: Group occupancy buildings that are not under the authority of a public or governmental agency, namely buildings containing 4 or more dwellings or 4 or more rooms intended for a specific clientele. For example, are included in this class, the private residences for seniors, long-term care facilities, etc.

When group occupancy buildings are authorized in a given zone, the maximum number of dwellings that be contained in a single building is indicated in the corresponding schedule of uses and standards.

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**Division 2.3 : Commercial group (C)**

**2.3.1 : Use class « C1 »**

Are part of class « C1 » (local retail businesses, professional services and restaurants), businesses offering goods and services responding to the population's recurrent and semi-recurrent needs. These uses must occupy the interior of the main building.

Use code	Description
C101	Convenience stores.
C102	General or specialized food service stores: grocery store, food market, pastry shop, bakery, butcher shop, fish shop, fruit store, cheese shop, natural food store, wine and spirits. As an accessory use, 30% of the floor area can serve for on-site consumption.
C103	Specialty stores: stationary, office supplies, book store, decoration boutique, arts and crafts (creation and sale), cloth shop, antique store, pet store, record store, jeweler, sporting goods store, hardware store (without lumberyard), drug store, florist, souvenir and gift shop, mail order service.
C104	Furniture, electronics and appliance store.
C105	Clothing and shoe store.
C106	Department store, sale of various products.
C107	Specialized services: video store, laundromat, hair and beauty salon, body care (health centre), tanning salon, photography studio, frame shop, travel agency, suit rental service, catering (without on-site consumption).
C108	Boutiques and workshops occupied by one of the following specialties: sewing, dry-cleaning, dying, tailor, shoemaking and repair, upholstery, milliner, repair of radios, television sets and other electronic and household devices.
C109	Financial and bank services: bank, credit union, financial services, insurance, brokerage (securities and real estate).
C110	Professional offices and services: professional offices (profession cited in the <i>Code of professions</i> ), offices for various services, business management.  Offices and services related to construction (contractors, electricians, etc.) are authorized so long as there are only administrative activities taking place in the building and no parking or storage of commercial vehicles, heavy vehicles, special mobile equipment or any other work or service vehicle.

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<b>Use code</b>	<b>Description</b>
C111	Reunion or community halls, reception halls, social clubs and offices for associations or agencies.
C112	Recording studios, music studios, workshops or studios for artists or tradesmen.
C113	Medical services and health care: professional health offices, medical clinics.
C114	Veterinary clinics for small domestic animals, pet grooming services.
C115	Arts and crafts galleries.
C116	Print offices and reproduction centres (sale and retail service only).
C117	Funeral homes.
C118	Day-care services and centres.
C119	Private schools and training centres such as: music, dance, martial arts (and other sporting and physical activities requiring minor body conditioning equipment), personal growth, crafts, driving school.
C120	Bus terminus, taxi stand and public transit facility.
C121	Establishments where the main activity is the presentation of cultural shows, such as cinemas, interpretation and exposition centres, dance halls, theatres, museums.  As an accessory use, 25% of the floor area can serve for the consumption of meals or drinks (alcoholized or not).
C122	Establishments where the main activity is a meal service for on-site consumption, with beverages (alcoholized or not), namely restaurants, cafes, bistros, express counters and catering with on-site consumption (this use code excludes establishments with a drive-through).
C123	Ice cream counters.

**2.3.2 : Use class « C2 »**

Are part of class « C2 » (arterial and heavy commercial), businesses offering goods and services mentioned above; the main use must be exercised inside the main building. In all cases, exterior storage must be accessory to the main use and must be specifically authorized in the schedule of uses and standards.

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Use code	Description
C201	Renovation centres and hardware stores with or without lumberyard.
C202	Businesses selling swimming pools, spas or sheds.
C203	Plant nurseries, gardening centres.
C204	Interior recreation businesses such as physical conditioning centres, arenas, swimming pools, tennis courts, curling club, bowling alley. This use code does not include recreational activities under the authority of a public body.  As accessory uses, restaurants (with or without alcoholized beverages), reception halls and specialized item boutiques (related to the main activity) are authorized so long as they do not occupy more than 25% of the floor area.
C205	Retail businesses selling grave monuments and de tombstones.
C206	Offices and services relating to the construction and the maintenance of immovables (contractors, plumbers, electricians, landscaping, etc.).
C207	Multipurpose rental storage (interior domestic storage) and show rooms.
C208	Interior or exterior flea markets, auction sites for new or used products.
C209	Establishments specialized in the sale of construction materials, electrical devices and equipment, including plumbing, heating, air conditioning and other mechanical systems. Includes the stocking of materials.
C210	Sale and rental of small or big tools and equipment.
C211	Establishments selling and installing auto parts and accessories.
C212	Establishments selling new or used automobiles, where vehicle rental, maintenance and resale of used vehicles are only accessory to the sale of new vehicles.
C213	Vehicle rental establishments, renting out automobiles, small trucks and trailers.
C214	Establishments selling and maintaining campers, caravans, RVs, boats or other recreational vehicles, new or used.
C215	Establishments selling, renting or maintaining heavy machinery or worksite materials, including trailer trucks and heavy vehicles.
C216	Vehicle repair and maintenance shops, for autos or recreational vehicles (mechanic work, body work, paint, rust-proofing).

**2.3.3 : Use class « C3 »**

Are part of class « C3 » (fuel services), businesses or services serving as or related to fuel services for vehicles. The main use must be exercised inside the main building (except for pumping services). In all cases, exterior storage must be accessory to the main use and must be specifically authorized in the schedule of uses and standards.

Use class	Description
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C301	Gas stations with or without carwash.
C302	Establishments combining a gas station with or without carwash, a convenience store and a restaurant (with or without drive-through).
C303	Establishments combining a gas station (with or without carwash by hand) and vehicle maintenance services (diagnostic of mechanical problems, lubrication, tire replacement and minor urgent repairs (replacement of defective parts not requiring major repair).  The term « repair » excludes any body work operations, assembly or disassembly of a vehicle, welding, sanding or painting.
C304	Carwash.

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**Division 2.4 : Industrial group (I)**

**2.4.1 : Use class « I1 »**

Are part of class « I1 » (light industrial or trade work not generating environmental concerns), manufacturing, transformation or assembly establishments, for which the main use is exercised inside the main building. This use class excludes raw transformation of substances, except for food. By the nature of their activities, these establishments must cause very little impact on their neighbourhoods.

In all cases, exterior storage must be accessory to the main use and must be specifically authorized in the schedule of uses and standards.

As an accessory use, these establishments can contain activities such as repair, maintenance, distribution, wholesale and routing towards points of sale or transformation, so long as the products are regularly manufactured by the establishment.

Use code	Description
I101	Research and development centres, specialized laboratories.
I102	Food industries, including packaging and distribution (excluding abattoirs and animal transformation).
I103	Electronic product industries.
I104	Plastic and rubber industries.
I105	Textile and clothing manufacturing industries.
I106	Industries relating to doors and windows, kitchen cabinets, furniture and home furnishings and other related activities or manufacturing.
I107	Industries relating to electronic products, computers and peripherals.
I108	Signage and display industries.
I109	Industries manufacturing mineral and non-metallic products (ceramics, clay, glass).
I110	Industries relating to metals and metal products (trade work).
I111	Industries manufacturing sporting items, toys and games.
I112	Printing and editing industries, and related activities.
I113	Industries manufacturing jewelry and other precious metals.
I114	Industries relating to material and machinery transportation.
I115	Workshops for joinery, machining, welding or electricity.

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**Division 2.5 : Public and institutional group (P)**

**2.5.1 : Use class « P1 »**

Are part of class « P1 », the following institutional, governmental and public uses and services:

Use code	Description
P101	Health and social service establishments, including the intermediate resources and family resources.
P102	Seniors' residences.
P103	School establishments and training centres.
P104	Governmental, paragonmental and public agency services.
P105	Day-care services and centres.
P106	Places of worship, cemeteries.

**2.5.2 : Use class « P2 »**

Are part of class « P2 », the following uses relating to municipal services:

Use code	Description
P201	Town Hall, library, community centre and other municipal services.
P202	Public security and emergency services: police and fire stations.
P203	Depots and maintenance centres for public works services or other municipal services (municipal warehouses, workshops and garages).
P204	Centres for the sorting of recyclable materials (eco-centre).
P205	Public parking lot.

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**2.5.3 : Use class « P3 »**

Are part of class « P3 », the following uses relating to public utility services:

Use code	Description
P301	Depot, distribution, service and maintenance centre for electricity, telephone and gas companies or other public services.
P302	Telecommunications, including antennas for public utility use.

**2.5.4 : Use class « P4 »**

Are part of class « P4 », parks, green spaces as well as recreational uses and activities provided by an agency, namely:

Use code	Description
P401	Parks, playgrounds, paths and other green spaces. Includes exterior sporting sites (baseball, soccer, basketball, tennis, etc.). As an accessory use, service buildings (restrooms, locker-room, greeting booth, information kiosk) are authorized.
P402	Interior recreational facilities (arena, pool, tennis, curling, etc.). As accessory uses, restaurants (with or without alcoholized beverages), reception halls and specialized item boutiques (related to the main activity) are authorized so long as they do not occupy more than 25% of the floor area.

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**Division 2.6 : Accessory uses**

**2.6.1 : Authorized accessory uses**

The authorization of a main use implies the authorization of typically accessory uses, so long as they respect all provisions of the present by-law.

For residential uses, only the accessory uses listed in the present division are authorized.

**2.6.2 : Uses accessory to residential**

When authorized in the schedule of uses and standards, only the following home-based professional activities are permitted:

1. Professional services and offices as defined in the *Code des professions*;
2. Offices for businesses, self-employed workers, micro-businesses not selling any products;
3. Art trades such as sculpting, painting, ceramics and other similar trades;
4. Private lessons for no more than 3 students at a time;
5. Daycare for less than 6 children;
6. Family resources;
7. Sewing rooms.

The conditions for establishing and practicing home-based professional activities are the following:

1. Only one home-based professional activity is authorized per main building, of which the main use is single-family dwelling (H1);
2. A professional activity must not occupy more than 20 % of the total floor area of the building (or of the dwelling) or 30 square metres: the most restrictive provision applies;
3. Aside from the occupants, 1 employee can work there;
4. Display and exterior storage related to the professional activity are prohibited. In the case of a daycare, light play areas can be provided;
5. The parking and storage of heavy vehicles are prohibited;
6. The professional activity must not generate modifications to the architecture and to the exterior appearance of the building;
7. The professional activity must be practiced inside the main building only;
8. No noise must be perceivable from the main building where the professional activity is practiced;
9. No dust or other substance must be emitted from the main building where the professional activity is practiced;
10. On-site or retail sales are prohibited;
11. An identification sign is authorized on the building with the conditions prescribed in the present by-law.

**2.6.3 : Uses accessory to group occupancy buildings**

For group occupancy buildings (H5), accessory uses such as care and services for the clientele of the building are authorized (help services, nursing care, personal care, cafeteria, laundromat, etc.).

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These accessory uses must not occupy more than 30% of the total floor area of the building.

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**Division 2.7 : Zoning plan**

**2.7.1 : Division of the territory into zones**

For the purposes of the present by-law, the territory of the Town of Montreal West is divided into zones, as identified in the zoning plan composed of 1 leaflet and annexed to the present by-law as « Annex 1 » as an integral part of this by-law.

**2.7.2 : Interpretation zone limits**

Unless otherwise indicated, the zones limits shown in the zoning plan coincide with the median line of the right-of-way of streets, railroads infrastructure or of any other circulation lane, the lot limits or the limits of the territory of the Town of Montreal West.

When a limit does not coincide with any of these elements and no other measure is indicated, the distances must be measure to the scale of the plan: in this case, it must be taken for granted that the exact limit of a zone is located in the middle of the line separating it from the neighbouring zone.

Following a cadastral operation after the coming into force of the present by-law, if a lot that makes up a property is partly located in a zone and partly located in another zone, the most restrictive use authorized in the schedules of uses and standards applies.

**2.7.3 : Identification of zones**

For the purposed of identification and reference, each zone is designated by an alphanumeric symbol allowing reference to the various provisions of the present by-law and in the schedule of uses and standards pertaining to it. The letters used to identify zones refer to the main vocation of the zone, namely:

Residential:	RA to RG
Mixed:	MA to MB
Public:	PA to PE
Industrial:	IA to IB

All zones are identified by a letter and a number, for example « RA-1 ».



## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **CHAPTER 3 :**

#### **Provisions Relating to Main Buildings**

Prepared by:





**CHAPTER 3 :**  
**Provisions Relating to Main Buildings**

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**Division 3.1 : General provisions**

**3.1.1 : Number of main buildings**

For all uses, only 1 main building is authorized per lot.

**3.1.2 : Location of main buildings**

A main building must not be located partly on one lot and partly on another lot.

**3.1.3 : Number of dwellings per building**

The maximum number of dwellings per main building is indicated in the schedules of uses and standards.

For the purposes of calculating the number of dwellings authorized per building, the rooms included in a group occupancy building (H5) or an establishment that is part of the use class P1 are not considered in the number of dwellings authorized.

**3.1.4 : Division and subdivision of a dwelling**

The division or subdivision of a dwelling is prohibited. However, if the projected main use is authorized in the schedule of uses and standards, the division or the subdivision of a dwelling is authorized (for example, from a single-family dwelling to a duplex). Specific provisions may apply in the schedule of uses and standards.

**3.1.5 : Building typology**

Authorized building typologies for main buildings in each zone are determined in the schedules of uses and standards.

**3.1.6 : Floor area ratio (FAR)**

Minimum and maximum floor area ratio (FAR) of a building on a lot is indicated in the schedules of uses and standards.

**3.1.7 : Building dimensions**

Dimensions of main buildings (building area, width and depth) are determined in the schedule of uses and standards.

**3.1.8 : Building height**

Height in metres and in storeys is determined in the schedule of uses and standards.

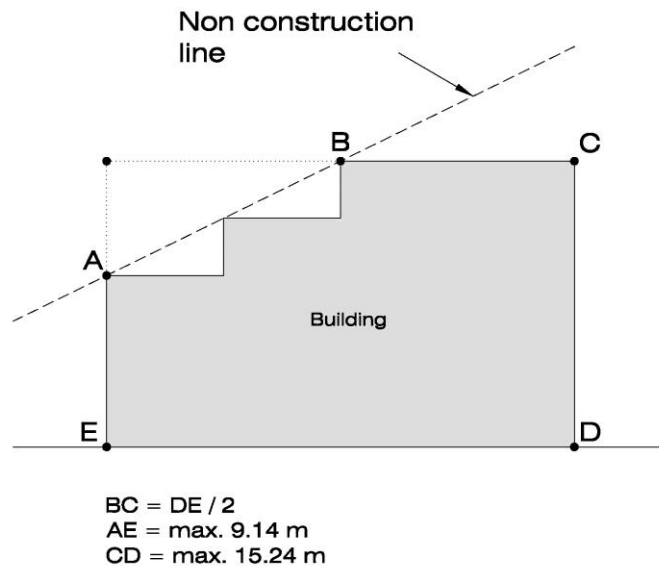
**3.1.9 : Height of buildings in zone MA-1**

Notwithstanding the height in metres and in storeys set in the schedule of uses and standards in zone MA-1, the maximum height of the plane of the front facade of the building is set at 15.24 metres and the maximum height of the plane of the rear facade of the building is set at 9.14 metres. The calculation of maximum heights authorized is determined in the following diagram.

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In all cases, of line of non obstruction must be maintained in order to impose a rear setback that progressively increases with height, as illustrated in the following diagram.



**3.1.10 : Displacement of main buildings**

It is permitted to proceed with the displacement of a main building to a different lot than the one is built upon. The following provisions apply:

1. The foundations receiving the building must be erected before its displacement when the host lot is located within the territory of the Town of Montreal West;
2. The lot on which was located the building must be returned to its natural state within 14 days following the displacement of the building. A security fence 1.80 metres high must be installed in order to prevent all access when a foundation is present.

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**Division 3.2 : Provisions relating to setbacks and yards**

**3.2.1 : Permanence of minimum setbacks**

The requirements relating to setbacks, established in the present by-law, are continuous obligations and shall prevail so long as the use for which they are required exists.

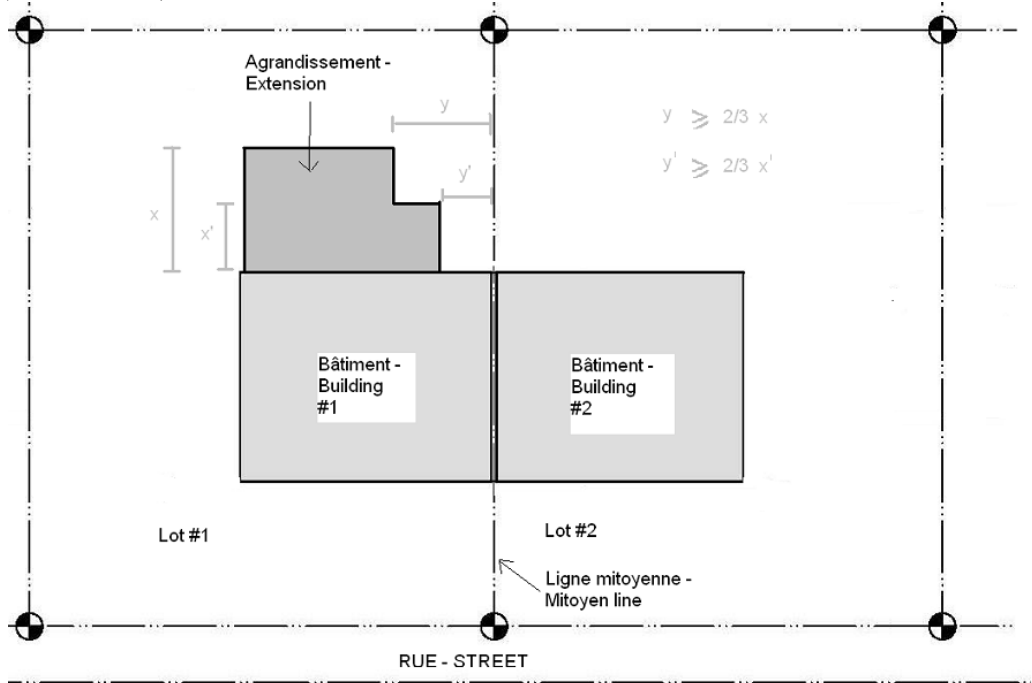
Except in the case of expropriation, any modification to a lot that makes a construction non-compliant and implies a reduction of a setback below the prescribed minimum is prohibited.

**3.2.2 : Minimum setbacks**

Front, lateral, total lateral and rear minimum setbacks are determined in the schedules of uses and standards.

Notwithstanding the above, the extension of a semi-detached dwelling (H1 or H2) must have an additional setback from the mitoyen lateral lot line equal to at least two-thirds (2/3) of the depth of the extension towards the rear lot line. All massing and checks of the walls of such an extension must be done at right-angles. However, a semi-detached dwelling (H1 or H2) may be extended to the same depth as the extension of the dwelling it is attached to, provided that this extension existed prior to March 28, 2011 and was built in conformity with a building permit issued by the Town, and provided that the setback from the mitoyen lateral lot line be equal to or greater than the setback (from the same line) of the extension of the dwelling it is attached to.

(R. 2011-005, a. 1)



**3.2.3 : Setback measurement**

Les following provisions for setback measurement apply:

1. Setback measurement is established from the lot lines of the lot on which the constructions are located;

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2. Setback measurement is established from the exterior face of the exterior wall of the building, including the projection of exterior cladding, so long as the projection does not exceed 0.10 metres towards the concerned lot line;
3. In a case where the face of the exterior wall is composed of one or more checks or projections, the setback is measured from closet point concerned lot line.

**3.2.4 : Alignment of main buildings**

When a main building must be erected on a lot adjacent to lots where the main buildings are already erected and whose front setbacks are greater than those prescribed in the schedule of uses and standards, the building must be erected with a setback corresponding to the average of the adjacent front setbacks.

The present section does not apply in a case where one of the 2 adjacent lots is vacant or where the main building to be erected is located at the intersection of 2 streets.

The present section does not apply in a case where the depth of the concerned lot does not allow for a setback greater than the one prescribed in the schedule of uses and standards.

**3.2.5 : Minimum setback - easement**

No main building can be located at less than 0.5 metres of a limit of an easement.

**3.2.6 : Delimitation of yards**

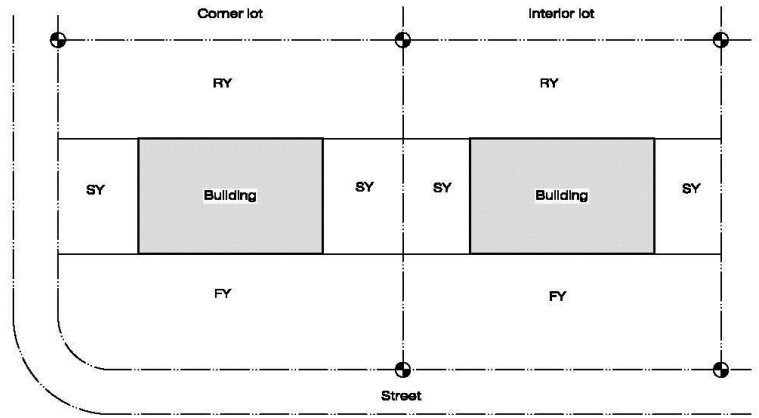
For each lot, front, rear and side yards are designated. A yard includes the established setback and can be bigger when the building is located further back than the setbacks set in the present by-law.

The following diagram illustrates setbacks and yards.

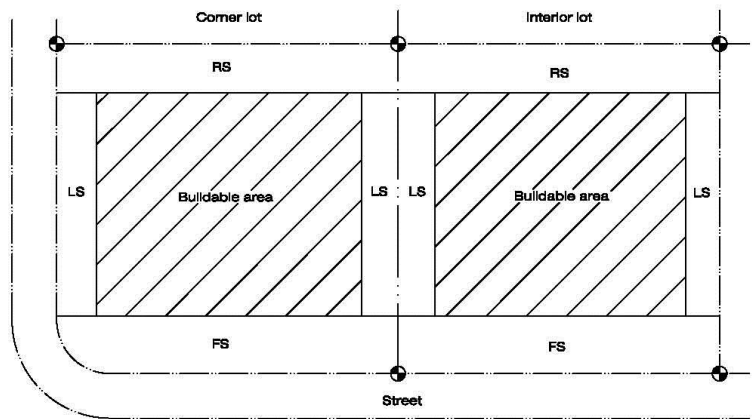
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Legend:  
FY : Front yard  
SY : Side yard  
RY : Rear yard



Legend:  
FS : Front setback  
LS : Lateral setback  
RS : Rear setback



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**Provisions Relating to Main Buildings**

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**Division 3.3 : Architectural standards**

**3.3.1 : Prohibited shapes and elements**

Are prohibited, over the whole territory of the Town:

1. The use of vehicles (functional or not), railroad wagons, buses caravans, trailers or other vehicles or part of these vehicles, as a main or accessory building;
2. Any main or accessory building having the shape of a human being, animal, fruit, a vegetable or any object;
3. The use of a container as a main or accessory building;
4. Main and accessory buildings with a semi-circular shape (arches, domes or other), prefabricated or not, made of galvanized sheeting, metallic cladding or of any other material (including the materials non rigid) with or without a concrete structure or made of another material;
5. The erection of permanent or temporary inflatable structures;
6. The erection, construction or installation of movable or retractable structures, tents, yurts, teepees and other similar structures as a main or accessory building.

**3.3.2 : Authorized exterior cladding materials**

For main buildings, the following exterior finish or cladding materials (walls) are authorized:

1. Masonry, namely stone and brick which has a thickness of at least 0.10 metres;
2. Parging (cement stucco) and synthetic stucco;
3. Wood or wood imitation clapboard;
4. Aluminum or aluminum imitation clapboard;
5. Architectural concrete blocks (split-face or concrete panel);

Notwithstanding the above, the following specific provisions apply:

1. For all main buildings, the materials listed in sub-paragraphs 3 and 4 of the first paragraph are only authorized for storeys other than the ground floor and in a maximum proportion of 15% of the exterior surface of the building. Materials used for framing openings are excluded from this proportion.

Notwithstanding the previous paragraph, for all existing main residential buildings as of September 7, 2016 where materials listed in sub-paragraphs 3 and 4 are found on the ground floor level as well as on upper storey(s), these materials are authorized in their existing proportion;

*(R. 2016-016, a. 1)*

2. For buildings having a main use that is part of the « residential » group, the materials listed in paragraph 5 are prohibited;
3. For buildings having a main use that is part of the « public and institutional » group, insulated metal cladding installed at least 2.4 metres above grade level is authorized;
4. For buildings having a main use that is part of the « industrial » group, prefinished glass and metal panels are authorized. These must be installed at least 3.5 metres above grade level. Glass panels cannot make up more than 40% of the exterior facades.

At all times, vinyl clapboard is prohibited for main buildings.

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**3.3.3 : Authorized number of materials**

A maximum of 3 distinct materials can be used for main and accessory buildings, excluding roof materials.

**3.3.4 : Maintenance of exterior cladding materials**

Exterior cladding or finish materials must be maintained in order to preserve their original appearance.

**3.3.5 : Ground floor level**

The floor of the ground floor of a main building, measured at the centre of the main facade of the building, cannot be more than 2 metres above grade. Grading up the terrain right up against the foundations is prohibited.

**3.3.6 : Appearance of foundations**

No foundation must be apparent: they must be covered in an exterior cladding material authorized in the present by-law.

**3.3.7 : Orientation of main buildings**

The main facade of all main buildings must be angled between 0 and 30 degrees in relation to the front lot line.

**3.3.8 : Roof slope**

Within zones RA-4, RA-5, RA-6, RA-8, RB-2, RB-3, RB-5, RB-6 and RB-7, the minimum roof slope of buildings having a residential main use is 3:12.

The first indented line only applies to buildings adjacent to the following streets:

1. Strathearn Avenue, between Milner Road and Northview Road;
2. Wolseley Avenue, between Milner Road and Strathearn Park;
3. Percival Avenue;
4. Ainslie Avenue;
5. Easton Avenue;

*(R. 2017-004, a. 1)*

**3.3.8.1. Specific provision to flat roofs (slope 2:12)**

For any roof that has a slope which is less than 2 vertical units in 12 horizontal units (2:12) or 16.7% (flat roof), with the exception of any part of the roof used by a mechanical equipment or a terrace, only the following cladding materials are allowed:

1. Green roof (according to the Québec Building Code);
2. A material that is white, a material painted in white or covered with a reflective coating or a white-coloured ballast;
3. A material for which the solar reflective index (SRI) is at least 78, as attested to by the manufacturer or by a professional;
4. A combination of cladding materials identified in sub-paragraph 1, 2 or 3.

*(R.2016-014, a. 1)*

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**3.3.9 : Private garage adjoining a main building**

A private garage adjoining a main building is considered to be an integral part of the main building. The provisions relating to main buildings apply, including the setbacks prescribed in the schedule of uses and standards.

The specific conditions apply:

1. An adjoining private garage is authorized for H1 and H2 uses;
2. The width of the private garage cannot exceed the width of the main building;
3. The height of the private garage cannot exceed the height of the main building (at the roof peak);
4. The maximum height for a garage door is 2.50 metres;
5. The number of stories is set at (1);
6. A maximum of 2 garage doors is authorized per private garage;
7. The private adjoining garage must be setback by 1.5 metres from the main facade of the building;
8. There can only be one private garage adjoining a main building. When there is an adjoining private garage, no carport is authorized;
9. A private garage can be converted into a habitable room. The garage door must be removed and replaced by openings.

**3.3.10 : Creation of indoor parking**

For all uses, the creation of underground indoor parking is authorized.

**3.3.11 : Staircase on the roof**

Staircases built on a roof must be located at a distance equivalent to 2 times the height of the staircase from the front facade (in reference to the facade closest to a street). The maximum height of the staircase is at 2 metres.

**3.3.12 : Finished attic space**

For uses in the residential group, attic space can be finished into livable space over 75% of its area.

**3.3.13 : Mezzanines in dwellings**

A mezzanine is authorized for uses in the residential group.

The maximum height of the mezzanine is set at 2.5 metres. It must be located at a distance equivalent to 2 times the height of the mezzanine from the front facade (in reference to the facade closest to a street) and a distance equivalent to the height of the mezzanine from the rear facade. Notwithstanding the present section, mezzanines in zone MA-1 are governed by the provisions of section 3.1.9.

**3.3.14 : Minimum proportion of openings for dwellings**

For main buildings having a residential use, a minimum proportion of 20% of the front facade must be openings.

**3.3.15 : Provisions specific to industrial buildings**

Industrial buildings must respect the following conditions:

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1. A minimum of 2 exterior cladding materials must be present, each covering a minimum cladding area of 15 % of the building;
2. The wall of the front facade front and of any facade adjacent to a street must have at least 10% of its area as openings; this percentage must be increased to 20 % in the case of administrative offices complementary to an industrial use;
3. A setback of 0.30 metres between 2 stretches of a single wall on a façade adjacent to a street if the length of the wall exceeds 12 metres;
4. No garage door is authorized on the front facade of the building;
5. The maximum height for a garage door is 5 metres.

*(R. 2017-004, a. 2)*

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**Division 3.4 : Safety, noise and vibrations (R. 2016-014, a. 2)**

**3.4.1 : Occupation of a land located at less than 75 meters from a main railway track**

A lot or part of a lot located at less than 75 meters from a right of way of a main railway track and adjacent to this right of way cannot be occupied by one of the following vulnerable uses if the vibration inside the building or part of the building so occupied is over 0.14mm/s:

- i) Residential use;
- ii) Communal and institutional buildings:
  - o Library;
  - o Long-term care facility;
  - o Child and youth protection facility;
  - o Rehabilitation facility;
  - o Health and social service facility;
  - o Hospital complex;
  - o School;
  - o Cultural establishment, such as places of worship or convent;
  - o Daycare.

Additionally, any new construction project on a lot adjacent to a main railway track must comply with the following rules for design and construction on this lot aimed at fostering security:

- i) No setback provided in the schedule of uses and standards can be less than 30 meters from the right of way of a railroad;
- ii) No playground or recreation area can be located within the first 30 meters from the right of way of a railroad;
- iii) The noise level inside a building intended for a vulnerable use, as quoted above, cannot exceed 40 dBA Leq (24h).

For the purposes of conformity assessment, the proponent of a construction project must file an assessment in compliance with Appendix 3 - *Guidelines applicable to new developments close to railway activities* of the present by-law, and a noise and vibration impact assessment study in conformity with the same annex.

*(R. 2016-014, a. 2)*

**3.4.2 : Occupation of a lot adjacent to a main artery or a main railway track**

A lot or part of a lot located less than 30 meters from Route 138 or Highway 20 or from a main railway track and adjacent to its right of way may not be used for one of the vulnerable uses listed in section 3.4.1, if the noise level inside the building or part of the building in which the use is present is more than 40 dBA Leg (24h).

*(R. 2016-014, a. 2)*

**3.4.3 : Occupation of a lot to be built or transformed and part of a special planning program (SPP) adjacent to a fast lane, or in zones CL-1, CL-3, CL-4, IB-1, MA-2, PA-17 and RD-3**

A lot or part of lot in zones CL-1, CL-3, CL-4, IB-1, MA-2, PA-17 and RD-3, as well as a lot or part of a lot located less than 300 meters from the right of way of Highway 20 or Route 138 and being part of a special planning program (SPP), cannot be occupied by:

- i) One of the vulnerable uses mentioned in section 3.4.1, if the noise level inside the building or part of the building in which the use is present is more than 40 dBA Leq (24h);
- ii) A recreation area at ground level outside the building, if the noise level outside the building is over 55 dBA Leg (24h).

*(R. 2016-014, a. 2)*



## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **CHAPTER 4 :**

#### **Provisions Relating to Accessory Constructions and Landscaping**

Prepared by:





**CHAPTER 4 :**  
**Provisions Relating to Accessory Constructions and Landscaping**

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**Division 4.1 : General provisions for accessory constructions**

**4.1.1 : General rule**

An accessory construction can be established on a lot in the following cases:

1. On a lot that is occupied by a main building;
2. On a lot where there is no main building and a main use that is part of the public and institutional group;

An accessory construction must not be located on a lot and on a part of another lot.

**4.1.2 : Minimum area of open space for residential uses**

Despite the provisions of the present by-law, the minimum area of open space on a lot, free of all construction, is set at 30% for residential uses. The area of open space is the difference between the total area of the lot and the total built area of all constructions on the lot.

**4.1.3 : Exterior cladding materials**

Authorized or prohibited exterior cladding materials for an accessory construction are those identified in Chapter 3 of the present by-law.

Notwithstanding what precedes, vinyl clapboard is authorized for sheds.

*(R. 2017-004, a. 3)*

**4.1.4 : Construction of a basement**

Except for buildings having a use in the public and institutional group, the construction of a basement in an accessory construction is prohibited.

**4.1.5 : Building typology of accessory constructions**

Accessory constructions must be detached from the main building for all uses unless a provision states otherwise in the present by-law.

**4.1.6 : Minimum distance between constructions on the same lot**

Unless stated otherwise in the present by-law, the minimum distance between an accessory construction and a main building is 2 metres and the minimum distance between 2 accessory constructions is 1 metre.

**4.1.7 : Minimum setback - easement**

No accessory building can be located at less than 0.5 metres of a limit of an easement.

**4.1.8 : Authorized or prohibited accessory constructions: interpretation of tables**

The tables of the present division present the constructions accessory to main buildings that are authorized or prohibited, in the yards and setbacks of the lot according to the main use of the lot.

When an accessory construction is authorized in the setback or the yard, « yes » is indicated in the tables of the present division, and when it is prohibited, « no » is indicated in the corresponding column for yards and setbacks (front, lateral or rear).

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Other specific provisions for accessory constructions and landscaping are provided in the present chapter.

**4.1.9 : Minimum distance from lot lines**

When an accessory construction is authorized in the setback, it cannot be located at a distance less than 1 metre from lot lines unless there is a specific provision stating otherwise in the present by-law (maximum encroachment in the setback or distance to the lot line).

When it is indicated, in the tables of the present division, that the minimum distance from a lot line is 0 metres, this means that the accessory construction can be located at the lot limit.

**4.1.10 : Accessory constructions authorized for residential use**

Accessory constructions on lots having a « residential » main use are authorized in yards and setbacks with the following conditions:

Authorized accessory constructions	Front		Lateral		Rear	
	Yard	Setback	Yard	Setback	Yard	Setback
1. Sidewalk, walkway, ramp and lift device Minimum distance from the lot line	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m
2. Fence, hedge, planting and retaining wall	See the specific provisions in the present chapter.					
3. Overhanging elements: canopy, cornice, awning, eave Maximum encroachment in the setback	Yes -	Yes 1 m	Yes -	Yes 1 m	Yes -	Yes 1 m
4. Overhanging elements: chimney and window Maximum encroachment in the setback	Yes -	Yes 1 m	Yes -	Yes 1 m	Yes -	Yes 1 m
5. Installation of exterior lighting, detached from the main building	Yes	Yes	Yes	Yes	Yes	Yes
6. Deck Maximum encroachment in the setback	Yes	No	Yes	No	Yes	Yes 1.8 m <i>(R. 2016-022, a. 1)</i>
7. Patio	No	No	Yes	No	Yes	Yes
8. Veranda	Yes	No	Yes	No	Yes	No
9. Front porch	Yes	No	Yes	No	Yes	No
10. Tambour Maximum encroachment in the setback	Yes -	Yes 3 m	Yes -	Yes 3 m	Yes -	Yes 3 m
11. Front porch and tambour	Yes	Yes	Yes	Yes	Yes	Yes

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Authorized accessory constructions	Front		Lateral		Rear	
	Yard	Setback	Yard	Setback	Yard	Setback
Maximum encroachment in the setback	-	3 m	-	3 m	-	3 m
12. Exterior staircase (adjoining building) providing access to the ground floor or to the basement	Yes	Yes	Yes	Yes	Yes	Yes
Maximum encroachment in the setback	2,5 m	2,5 m	2,5 m	2,5 m	2,5 m	2,5 m
13. Exterior staircase (open and adjoining the building) providing access to upper stories	No	No	No	No	Yes	Yes
Maximum encroachment in the setback					3 m	3 m
14. Carport adjoining the main building	No	No	Yes Setbacks prescribed for the main building apply			
15. Private garage detached from the main building	No	No	No	No	Yes	Yes
Minimum distance from the lot line					0 m	0 m
16. Shed	No	No	No	No	Yes	Yes
17. Gazebo and pergola	No	No	No	No	Yes	Yes
18. Entrance pergola	No	No	Yes	Yes	Yes	Yes
19. Water garden	No	No	No	No	Yes	Yes

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Authorized accessory constructions	Front		Lateral		Rear	
	Yard	Setback	Yard	Setback	Yard	Setback
20. Playhouse	No	No	No	No	Yes	Yes
21. Greenhouse	No	No	No	No	Yes	Yes
22. Clothesline	No	No	Yes	Yes	Yes	Yes
23. Garbage and recycling bins Specific provisions apply.	No	No	Yes	Yes	Yes	Yes
24. Heating, cooling and ventilation equipment, heat pump, generator, solar collector	No	No	Yes	Yes	Yes	Yes
25. Reservoir or tank	No	No	Yes	Yes	Yes	Yes
26. Earth antenna Specific provisions apply to antennas attached to a building.	No	No	No	No	Yes	Yes
27. Yard furniture, game modules	No	No	Yes	Yes	Yes	Yes
28. Playground equipment (tennis, etc.)	No	No	No	No	Yes	Yes
29. Parking area	See the provisions in Chapter 5					

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**4.1.11 : Accessory constructions authorized for commercial use**

Accessory constructions on lots having a « commercial » main use are authorized in yards and setbacks with the following conditions:

Authorized accessory constructions	Front		Lateral		Rear	
	Yard	Setback	Yard	Setback	Yard	Setback
1. Sidewalk, walkway, ramp and lift device Minimum distance from the lot line	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m
2. Fence, hedge, planting and retaining wall	See the specific provisions in the present chapter.					
3. Overhanging elements: canopy, cornice, awning, eave Maximum encroachment in the setback	Yes -	Yes 1 m	Yes -	Yes 1 m	Yes -	Yes 1 m
4. Overhanging elements: canopy covering a driveway or a drop-off zone Maximum encroachment in the setback	Yes -	Yes 6 m	Yes -	Yes 6 m	Yes -	Yes 6 m
5. Overhanging elements: chimney and window Maximum encroachment in the setback	Yes -	Yes 1 m	Yes -	Yes 1 m	Yes -	Yes 1 m
6. Installation of exterior lighting, detached from the main building	Yes	Yes	Yes	Yes	Yes	Yes
7. Deck	Yes	Yes	Yes	Yes	Yes	Yes
8. Patio	No	No	No	No	Yes	Yes
9. Veranda	Yes	Yes	Yes	Yes	Yes	Yes
10. Front porch	Yes	Yes	Yes	Yes	Yes	Yes
11. Tambour Maximum encroachment in the setback	Yes -	Yes 3 m	Yes -	Yes 3 m	Yes -	Yes 3 m

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Authorized accessory constructions	Front		Lateral		Rear	
	Yard	Setback	Yard	Setback	Yard	Setback
12. Terrace  Minimum distance from the lot line	Yes  0 m	Yes  0 m	Yes  -	Yes  -	Yes  -	Yes  -
13. Exterior staircase (adjoining the building) providing access to the ground floor or the basement  Maximum encroachment in the setback	Yes  2,5 m	Yes  2,5 m	Yes  2,5 m	Yes  2,5 m	Yes  2,5 m	Yes  2,5 m
14. Exterior staircase (open and adjoining the building) providing access to upper stories  Maximum encroachment in the setback	No	No	No	No	Yes  3 m	Yes  3 m
15. Building for storage	No	No	No	No	Yes	Yes
16. Exterior display	Yes	Yes	Yes	Yes	No	No
17. Garbage and recycling bins (including containers)	No	No	No	No	Yes	Yes
18. Heating, cooling and ventilation equipment, heat pump, generator, solar collector	No	No	Yes	Yes	Yes	Yes
19. Reservoir or tank	No	No	Yes	Yes	Yes	Yes
20. Earth antenna  Specific provisions apply to antennas attached to a building.	No	No	No	No	Yes	Yes
21. Sign	See the provisions of Chapter 6					
22. Parking area	See the provisions of Chapter 5					
23. Other accessory construction	No	No	No	No	Yes	Yes

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**4.1.12 : Accessory constructions authorized for industrial use**

Accessory constructions on lots having an « industrial » main use are authorized in yards and setbacks with the following conditions:

Authorized accessory constructions	Front		Lateral		Rear	
	Yard	Setback	Yard	Setback	Yard	Setback
1. Sidewalk, walkway, ramp and lift device Minimum distance from the lot line	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m
2. Fence, hedge, planting and retaining wall	See the specific provisions in the present chapter.					
3. Overhanging elements: canopy, cornice, awning, eave Maximum encroachment in the setback	Yes -	Yes 1 m	Yes -	Yes 1 m	Yes -	Yes 1 m
4. Overhanging elements: chimney and window Maximum encroachment in the setback	Yes -	Yes 1 m	Yes -	Yes 1 m	Yes -	Yes 1 m
5. Installation of exterior lighting, detached from the main building	Yes	Yes	Yes	Yes	Yes	Yes
6. Deck	Yes	Yes	Yes	Yes	Yes	Yes
7. Patio	Non	No	No	No	Yes	Yes
8. Veranda	Yes	Yes	Yes	Yes	Yes	Yes
9. Front porch	Yes	Yes	Yes	Yes	Yes	Yes
10. Tambour Maximum encroachment in the setback	Yes -	Yes 3 m	Yes -	Yes 3 m	Yes -	Yes 3 m
11. Exterior staircase (adjoining the building) providing access to the ground floor or to the basement Maximum encroachment in the setback	Yes 2,5 m	Yes 2,5 m	Yes 2,5 m	Yes 2,5 m	Yes 2,5 m	Yes 2,5 m

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Authorized accessory constructions	Front		Lateral		Rear	
	Yard	Setback	Yard	Setback	Yard	Setback
12. Exterior staircase (open and adjoining the building) providing access to upper stories  Maximum encroachment in the setback	No	No	No	No	Yes  3 m	Yes  3 m
13. Building for storage	No	No	No	No	Yes	Yes
14. Exterior display	Yes	Yes	Yes	Yes	No	No
15. Storage exterior	No	No	No	No	Yes	Yes
16. Garbage and recycling bins (including containers)	No	No	Yes	Yes	Yes	Yes
17. Heating, cooling and ventilation equipment, heat pump, generator, solar collector	No	No	Yes	Yes	Yes	Yes
18. Reservoir or tank	No	No	Yes	Yes	Yes	Yes
19. Earth antenna  Specific provisions apply to antennas attached to a building.	No	No	No	No	Yes	Yes
20. Sign	See the provisions of Chapter 6					
21. Parking area	See the provisions of Chapter 5					
22. Gatehouse or security post	No	No	Yes	Yes	Yes	Yes
23. Other accessory construction	No	No	No	No	Yes	Yes

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**4.1.13 : Accessory constructions authorized pour public and institutional use**

Accessory constructions on lots having a « public and institutional » main use are authorized in yards and setbacks with the following conditions:

Authorized accessory constructions	Front		Lateral		Rear	
	Yard	Setback	Yard	Setback	Yard	Setback
1. Sidewalk, walkway, ramp and lift device Minimum distance from the lot line	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m	Yes 0 m
2. Fence, hedge, planting and retaining wall	See the specific provisions in the present chapter.					
3. Overhanging elements: canopy, cornice, awning, eave Maximum encroachment in the setback	Yes -	Yes 1 m	Yes -	Yes 1 m	Yes -	Yes 1 m
4. Overhanging elements: chimney and window Maximum encroachment in the setback	Yes -	Yes 1 m	Yes -	Yes 1 m	Yes -	Yes 1 m
5. Installation of exterior lighting, detached from the main building	Yes	Yes	Yes	Yes	Yes	Yes
6. Deck	Yes	Yes	Yes	Yes	Yes	Yes
7. Patio	No	No	No	No	Yes	Yes
8. Veranda	Yes	Yes	Yes	Yes	Yes	Yes
9. Front porch	Yes	Yes	Yes	Yes	Yes	Yes
10. Tambour Maximum encroachment in the setback	Yes -	Yes 3 m	Yes -	Yes 3 m	Yes -	Yes 3 m
11. Exterior staircase (adjoining the building) providing access to ground floor or to the basement Maximum encroachment in the setback	Yes 2,5 m	Yes 2,5 m	Yes 2,5 m	Yes 2,5 m	Yes 2,5 m	Yes 2,5 m

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Authorized accessory constructions	Front		Lateral		Rear	
	Yard	Setback	Yard	Setback	Yard	Setback
12. Exterior staircase (open and adjoining the building) providing access to upper stories  Maximum encroachment in the setback	No	No	No	No	Yes  3 m	Yes  3 m
13. Building for storage	No	No	No	No	Yes	Yes
14. Shed	No	No	No	No	Yes	Yes
15. Gazebo and pergola	No	No	No	No	Yes	Yes
16. Entrance pergola	No	No	Yes	Yes	No	No
17. Water garden	No	No	No	No	Yes	Yes
18. Greenhouse	No	No	No	No	Yes	Yes
19. Garbage and recycling bins (including containers)	No	No	No	No	Yes	Yes
20. Heating, cooling and ventilation equipment, heat pump, generator, solar collector	No	No	Yes	Yes	Yes	Yes
21. Reservoir or tank	No	No	Yes	Yes	Yes	Yes
22. Earth antenna  Specific provisions apply to antennas attached to a building.	No	No	No	No	Yes	Yes
23. Yard furniture, game modules	No	No	Yes	Yes	Yes	Yes
24. Playground equipment (tennis, etc.)	No	No	No	No	Yes	Yes
24. Sign	See the provisions of Chapter 6					
25. Parking area	See the provisions of Chapter 5					
26. Other accessory construction	No	No	No	No	Yes	Yes

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**Division 4.2 : Provisions specific to accessory constructions**

**4.2.1 : Shed**

The following provisions apply to sheds:

1. One shed is authorized per lot;
2. The maximum height is set at 3 metres. However, if the shed is located at 4 metres or more from the rear lot line and 2 metres or more from the side lot line of the lot in question, the maximum height is set at 4 metres;
3. The number of storeys is set at 1;
4. The maximum area of a shed is set at 9 square metres. However, if the shed is located at 4 metres or more from the rear lot line and 2 metres or more from the side lot line of the lot in question, the maximum area is set at 12 square metres;
5. For apartment buildings (H4) and the group occupancy buildings (H5), sheds are prohibited. Storage space must be an integral part of the main building.

**4.2.2 : Deck**

The following provisions apply to decks:

1. The maximum area for decks located on the ground floor is set at 15.8 square metres;  
*(R. 2016-022, a. 2)*
2. The maximum area for decks located on the upper storeys is set at 7.43 square metres;
3. For all dwellings, 1 deck on the ground floor and 1 deck on the upper storeys are authorized;
4. Decks located in the front yard must have a depth of 3 metres or less, excluding the steps and access to the balcony or deck in question;
5. The space beneath a deck must be an opaque screen covering at least 75 %. This screen can be made of wood trellis shrubs and vegetation, if the height of the plants is as least as high as the floor of the deck.

**4.2.3 : Patio**

The following provisions apply to patios:

1. The number and area of patios is unlimited;
2. The maximum height is set at 0.30 metres;
3. A patio can be adjoining to a main or accessory building;
4. The patio can be covered by a wood structure: in this case, it is considered to be a gazebo and must respect the corresponding prescribed standards.

**4.2.4 : Porch**

The following provisions apply to porches:

1. One porch is authorized per main building;
2. The maximum height is set at 6 metres: a porch can cover 2 openings (doors) located one above the other;

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3. The maximum area of a porch is set at 9 square metres. When a porch has an area of more than 9 square metres, it is considered to be part of the main building and is included in calculating the livable floor space.

**4.2.5 : Veranda**

The following provisions apply to verandas:

1. One veranda is authorized per main building;
2. Its height cannot exceed the junction point between the wall and the roof or 4 metres;
3. The number of storeys is set at 1;
4. The maximum area is set at 20 square metres.

**4.2.6 : Private garage detached from the main building**

The following provisions apply to private garages detached from the main building:

1. One private garage detached from the main building is authorized per lot having a residential use H1, H2 or H3;
2. The number of storeys is set at 1;
3. The maximum height is set at 4.5 metres;
4. The maximum area must not exceed the built area of the main building or 26 square metres: the most restrictive provision applies.

*(R. 2012-003, a. 1)*

**4.2.7 : Carport adjoining the main building**

The following provisions apply to carports adjoining the main building (carports detached from the main building are prohibited):

1. One carport is authorized per lot having a residential use H1 or H2;
2. The number of storeys is set at 1;
3. The maximum height is set at 4.5 metres;
4. The maximum area must not exceed 75% of the built area of a main building or 37.16 square metres: the most restrictive provision applies;
5. Prescribed setbacks in the schedules of uses and standards pour main buildings apply to an adjoining carport;
6. When a private garage adjoining to the main building is present, no carports are authorized.

**4.2.8 : Gazebo**

The following provisions apply to gazebos:

1. One gazebo is authorized per lot;
2. The maximum height is set at 4 metres;
3. The number of storeys is set at 1;
4. The maximum area is set at 15 square metres;
5. A structure covering a pool or hot tub is considered to be a gazebo for the purpose of the present by-law.

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**4.2.9 : Pergola**

The following provisions apply to pergolas:

1. Two pergolas are authorized per lot;
2. The maximum height is set at 4 metres;
3. The maximum area is set at 15 square metres (total area for 2 pergolas);
4. The number of storeys is set at 1.

**4.2.10 : Entrance pergola**

The following provisions apply to entrance pergolas:

1. Two entrance pergolas are authorized per lot;
2. The maximum height is set at 3 metres;
3. An entrance pergola can be contiguous to the main building;
4. The maximum area is set at 2 square metres per entrance pergola.

**4.2.11 : Greenhouse**

The following provisions apply to greenhouses:

1. One greenhouse is authorized per lot;
2. The maximum height is set at 4 metres;
3. The number of storeys is set at 1;
4. The maximum area is set at 20 square metres;
5. No sale of products is authorized.

**4.2.12 : Playhouses**

The following provisions apply to playhouses:

1. The maximum height is set at 3 metres;
2. The maximum area is set at 4 square metres.

**4.2.13 : Garbage and recycling bins – residential use**

Notwithstanding the provisions of the present chapter in terms of location of garbage and recycling bins for residential use, the following provisions apply to use classes H1, H2 and H3:

1. Garbage and recycling bins can be installed in the front yard in the case of a contiguous dwelling;
2. Garbage and recycling bins must be located at a minimum distance de 5 metres from the front lot line;
3. Garbage and recycling bins must be located at a minimum distance of 1 metre from the side lot line;
4. When they are installed in the front yard, garbage and recycling bins must be hidden by landscaping, a sleeper wall or a fence.

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**4.2.14 : Garbage and recycling containers**

The following provisions apply to garbage and recycling containers for all uses (they are prohibited use classes H1, H2 and H3):

1. Garbage and recycling containers must be hidden (by landscaping, a sleeper wall or a fence);
2. The minimum height of a screen is 1.20 metre without exceeding 2 metres;
3. The maximum height of the container is set at 2 metres.

**4.2.15 : Building for storage**

The following provisions apply to the buildings serving for storage for uses others than residential:

1. The total number of buildings serving for storage per lot is not limited;
2. The maximum height is set at 8 metres;
3. For all commercial uses, the maximum area is set at 100 square metres or 20% of the total area of the lot (total area for all buildings serving as storage); the most restrictive area applies;
4. For all industrial and public and institutional uses, the maximum area is set at 300 square metres or 20% of the total area of the lot (total area for all buildings serving as storage); the most restrictive area applies.

**4.2.16 : Gatehouse or security post**

The following provisions apply to a gatehouse or security post:

1. One gatehouse or security post is authorized per lot;
2. The maximum height is set at 4 metres;
3. The number of storeys is set at 1;
4. The maximum area is set at 10 square metres.

**4.2.17 : Terrace**

Terraces are authorized as accessories to establishments where the main activity meal service for on-site consumption, as well as establishments where beverages are served (alcoholized or not). A terrace is not considered in the floor area for the main use.

Terraces are authorized with the following conditions:

1. The accessory use « terrace » is authorized temporarily, namely from April 15<sup>th</sup> to October 15<sup>th</sup> of the same year;
2. The installation of a terrace must be at least 5 metres from a residential, public or institutional use (the distance is measured from the lot line);
3. The maximum built area of a terrace is 50 square metres;
4. The maximum height of the terrace must not exceed 0.60 metres from grade;
5. The layout of the terrace must not reduced the number of parking spots required for the establishment;
6. Roofs, awnings and canopy sheeting are authorized and must be made of noncombustible materials (polyethylene is prohibited). This must be built as to prevent and water run-off onto the street or onto an adjacent lot;

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7.    Awnings, shelters and temporary layouts and furniture on parking must be removed within 2 weeks following the end of operation of the terrace;
8.    No sign is authorized on the terrace;
9.    Alcoholized beverage services are authorized on the terrace;
10.    Cooking and food preparation equipment is prohibited.

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**4.2.18 : Exterior display**

An exterior display is authorized for commercial uses with the following conditions:

1. The display must be located on the same lot as the main building for which it is exercised;
2. An exterior display must be directly related to the products and services of the use of the main building and must be exercised during the normal business hours of the activities of the main building;
3. With the exception of plant nurseries, gardening centres, businesses selling pools and hot tubs, vehicles or any other business that has products that must remain outdoors because of their dimensions, the products or objects must be stored inside the business during the hours that the business in question is closed;
4. The display must not block access for people through an entry door;
5. An exterior display must not encroach onto a parking area, except in the case of a parking area or aisle is not required in order to respect all provisions of the present by-law concerning the minimum number of required parking spots;
6. The exterior display's area must not exceed 5% of the built area of the business. In the case of businesses selling pools, hot tubs, sheds, plant nurseries, landscaping services, hardware stores, car dealers and other businesses of the same type, the exterior display's area must not exceed 40% of the area of the lot.

**4.2.19 : Other accessory constructions**

The following provisions apply to the others accessory constructions pour uses other than residential:

1. One other accessory construction is authorized per lot;
2. The maximum height is set at 3 metres;
3. The number of storeys is set at 1;
4. The maximum area is set at 20 square metres.

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**Division 4.3 : Provisions specific to the antennae and towers**

**4.3.1 : Antennae – accessory use only**

An antenna must not serve as a main use or be installed on a lot where there is no main building: an antenna must be accessory to the main use.

**4.3.2 : Installation of antennae**

The following provisions apply to the installation of any antenna over the whole territory of the Town of Montreal West:

1. Antennae, as well as their supports (including towers), must be erected so that should they fall, they would not make contact with electrical lines;
2. No sign can be installed on an antenna and its support (including towers). This provision does not apply to identification of the supplier located inside the antenna;
3. No antenna and its support (including towers) can contain a source of light other than the signaling lights required to comply with a law or by-law.

**4.3.3 : Locations where the installation of an antenna is prohibited**

The locations where the installation of an antenna is prohibited are:

1. On a balcony, deck, porch or veranda;
2. On or in front of an opening (door, window);
3. On a fence, tree, hedge or vegetation;
4. On a lamp post or a public utility post that was not designed for this purpose;
5. In a location blocking or hiding, in part or in whole, an opening (door, window) or architectural or ornamental detail of a building (cornice, parapet, etc.).

**4.3.4 : Antennae for residential uses**

The following provisions apply to antennae for residential uses:

1. One antenna is authorized per dwelling;
2. An antenna can be installed on a main or accessory building or directly on the ground;
3. Antennae having a diameter of more than 1 metre in diameter are prohibited on main and accessory buildings;
4. The total authorized height for an antenna installed on a building must not exceed 2 metres, including the structure that supports the antenna;
5. In the case of a sloped roof, the antenna's total height must not exceed the roof peak;
6. Antennae are prohibited on the front facade of the main building, that is on the wall from the ground all the way to the junction with the roof;

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7. The total authorized height for an antenna installed directly on the ground is 3 metres, measured from grade, including the structure that supports the antenna;
8. The installation of antennae on a mast or a tower is prohibited.

**4.3.5 :      Antennae for uses other than residential**

The following provisions apply to antennae for uses other than residential:

1. Antennae with a diameter greater than 1 metre are prohibited on a sloped roof;
2. For antennae with a diameter of 1 metre or less installed on a sloped roof, the total height of the antenna must not exceed the roof peak;
3. Antennae are prohibited on the front facade of the main building, that is on the wall from the ground all the way to the junction with the roof;
4. The total authorized height for an antenna installed on a roof, measured from the roof immediately below it, must not exceed 3 metres, including the structure supporting the antenna;
5. The total authorized height for an antenna detached from the building, measured grade including the structure supporting the antenna, must not exceed 5 metres or the height of the main building: the most restrictive height applies;
6. The structure of a detached antenna detached of the building, measuring more than 2 metres, must be hidden by a hedge, a sleeper wall or an opaque fence having a minimum height of 1 metre.

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**Division 4.4 : Provisions specific to various mechanical devices and equipment**

**4.4.1 : General rule**

When authorized, a heat pump, heating, cooling and ventilation equipment, a natural gas or propane tank, an oil reservoir, generator, a solar collector, a ventilation conduit, permanently installed, must rest on an appropriate surface on the ground or on a roof in compliance with the present division.

No equipment or device shall be installed on the front facade of a main building.

Wind turbines are prohibited over the whole territory.

**4.4.2 : Landscaping**

When installed in the lateral setback or on a sidewall of a building, a heat pump, heating, cooling and ventilation equipment, a natural gas or propane tank, an oil reservoir, generator, a solar collector, a ventilation conduit, permanently installed, must be hidden by opaque planting or a fence. This equipment must not be installed on the first half of the sidewall (calculated from the front facade of the building).

**4.4.3 : Solar collectors**

Solar collectors can be installed on the roof of main buildings or on the ground, on supports designed for this purpose.

The maximum height of solar collectors installed on a roof is 3 metres. They must be parallel to the roof slope and must not exceed the peak, including pipes and conduits.

On a flat roof, solar collectors must be installed at a minimum distance of 2 metres from the front facade of the building.

**4.4.4 : Equipment installed on the roof**

Mechanical equipment and shelters, or other equipment installed on the roof of the main building must be hidden by a screen with a minimum opacity of 75%. This equipment is prohibited for uses H1, H2 and H3.

Mechanical equipment and shelters, or other equipment must not occupy more than 25 % of the roof area. They must not exceed a maximum height of 3 metres. They must be installed at a minimum distance of 2 metres from the front facade of the building.

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**Division 4.5 : Provisions specific to exterior storage**

**4.5.1 : General provisions**

The following general provisions apply to exterior storage:

1. Exterior storage must be directly tied to the use exercised inside the main building;
2. Exterior storage is prohibited pour residential use;
3. The use of a container, truck, trailer, wagon, rolling equipment or any other similar equipment is prohibited for exterior storage.

**4.5.2 : Commercial, public and institutional uses**

When authorized in the schedules of uses and standards, exterior storage tied to commercial, public and institutional uses must respect the following conditions:

1. The maximum area serving for exterior storage is set at 50% of the area of the lot or at 1 000 square metres: the most restrictive provision applies;
2. The height of exterior storage must not exceed the height of the fence;
3. The stored material must be surrounded by a fence that allows the passage of light over a minimum of 25 % of its surface. The minimum height of the fence for storage is 1.52 metres and the maximum height is 3.05 metres.

The maximum height for storage does not apply to uses requiring the storage of vehicles or equipment (cranes, etc.).

**4.5.3 : Industrial uses**

When authorized in the schedules of uses and standards, exterior storage tied to industrial uses must respect the following conditions:

1. The maximum area serving for exterior storage is set at 75% of the area of the lot or at 1 000 square metres: the most restrictive provision applies;
2. The height of exterior storage must not exceed the height of the fence;
3. Exterior storage space must be paved, asphalted, covered in concrete or otherwise covered or treated in order to avoid the lifting of dust or the formation of mud;
4. The stored material must be surrounded by a fence that allows the passage of light over a minimum of 25 % of its surface. The minimum height of the fence for storage is 1.52 metres and the maximum height is 3.05 metres.

The maximum height for storage does not apply to uses requiring the storage of vehicles or equipment (cranes, etc.).

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**Division 4.6 : Fences, hedges and retaining walls**

**4.6.1 : Authorized fences, hedges and retaining walls**

Fences, hedges and retaining walls are authorized in all yards and setbacks. They can be installed at the lot limit (zero setback).

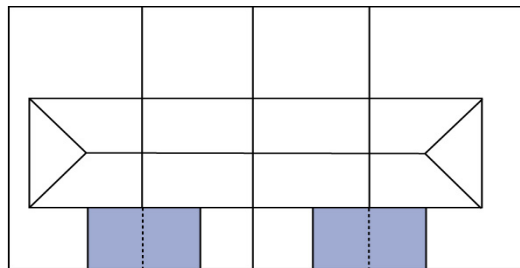
Specific provisions apply retaining walls in the *Building By-Law*.

**4.6.1.1. Exception**

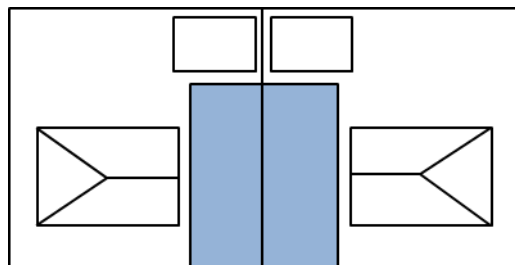
In every zone, notwithstanding section 4.6.1, it is strictly forbidden to erect on the front yard a fence, a hedge or a retaining wall, on a shared parking area or shared driveway, the installation of which aims to mark the boundary of two contiguous properties.

For the purposes herein, a shared parking area or driveway means that either one or both of the adjoining property owners who own a part of the parking area or driveway requires some of the neighbouring portion to use their respective parking area or drive their car to and from their respective garage.

A shared parking area or driveway may be represented as follows to show an example:



■ Terrains de stationnement mitoyens



■ Allée de circulation mitoyenne

(R.2016-002, a. 1)

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**4.6.2 : Distance from public utility equipment**

Fences, hedges and retaining walls must be built at a minimum distance of 1.5 metres from all fire hydrants or other public utility equipment.

**4.6.3 : Authorized height**

The height of fences and hedges is measured in relation to average grade within a radius of 2 metres around the location where they are built, erected or planted.

Fences can be composed in part by a sleeper wall, having a maximum height of 0.61 metres. A sleeper wall not serving as a support structure for a fence is prohibited.

The following heights apply (these are total heights authorized, including ornamental details and decoration on the fence):

1. Residential uses:

Types	Maximum height authorized		
	Front yard and setback	Side yards and lateral setbacks	Rear yard and setback
Fence	0.61 m	1.83 m	1.83 m
Hedge	0.61 m	1.83 m	1.83 m

2. Commercial, industrial, public and institutional uses:

Types	Maximum height authorized		
	Front yard and setback	Side yards and lateral setbacks	Rear yard and setback
Fence	0.61 m	1.83 m	1.83 m
Hedge	0.61 m	1.83 m	1.83 m

3. For schools and playgrounds, it is permitted to install a fence or hedge with a maximum height of 2.5 metres so long as it allows the passage of light over 25 % of its surface and it respects a setback of 1 metre;

4. For tennis courts, it is permitted to install a fence with a maximum height of 3 metres so long as it allows the passage of light over 25 % of its surface and it respects a setback of 1 metre.

Specific provisions apply to the height of fences for exterior storage.

**4.6.4 : Authorized materials**

The materials authorized for fences are:

1. Painted, varnished or stained wood. However, it is permitted wood in its natural state for rustic fences made of wooden perches;
  2. Metal;
  3. Wrought iron;
  4. Painted or vinyl covered chain link, with or without lattices.
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Materials authorized for sleeper walls and retaining walls are masonry, wood, field stone and rocks.

For all uses except industrial, only wrought-iron fences, or similar metal fences, are authorized in the front yard for a corner lot.

**4.6.5 : Prohibited materials**

Prohibited materials for fences, sleeper walls and retaining walls are:

1. PVC;
2. Chicken wire;
3. Barbed wire and other wires;
4. Panels made of exposed particleboard, press wood or plywood;
5. Wooden railroad crossties;
6. All other materials not authorized in section 4.6.4.

**4.6.6 : Design and maintenance**

All fences must be maintained in good condition and must be safe at all times.

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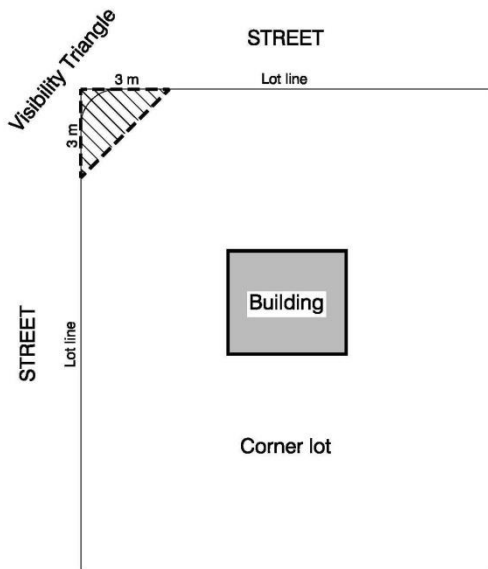
**Division 4.7 : Provisions relating to landscaping**

**4.7.1 : Visibility triangle**

In a case where trees, hedges, shrubs or any other planting located on private property are likely to cause an inconvenience or an obstacle for vehicular or pedestrian circulation or a danger for public safety in general, the owner must cut or trim the trees, hedges, shrubs or planting in question in order to cease the encroachment or obstruction.

Furthermore, the visibility triangle is set at 3 metres over the whole territory. Within the visibility triangle:

1. Any construction, building, work, equipment, sign, fence, sleeper wall, hedge, tree, vegetation or other layout exceeding 0.61 metres in height measured in relation to the centre of the street, is prohibited;
2. No exterior display, exterior storage nor temporary use can be exercised within the visibility triangle.



**4.7.2 : Exterior lighting**

The following provisions apply to exterior lighting installations of constructions:

1. Direct or indirect lighting must be limited to within the lot on which the construction in question stands;
2. The light flux towards the construction must present a maximum angle of 90 degrees in relation to the vertical oriented towards the ground;
3. In all cases, the light flux must not project upwards or in any manner that could create glare for drivers.
4. Notwithstanding the 1<sup>st</sup> paragraph, free-standing luminaries or lanterns on a lot are authorized, so long as they have a maximum height of 1.83 metres. The light flux must project towards the ground and the light source must be covered. The lighting must be kept within limited the limits of the lot. The number of luminaries or lanterns is limited to 2 per lot (this paragraph does not concern decorative lights of less than 0.61 metres for landscaping).

Lighting incorporated into a sign is authorized by the present by-law and is not considered in the maximum number of luminaries authorized by the present section.

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**4.7.3 : Obligation to landscape open space**

Open space around constructions and works must be grassed and landscaped no later than 12 months following the end of construction or the change in use.

Where the alignment of the construction and the layout of the right-of-way permit, a space (minimum 2 metres in diameter) must be reserved in the front yard in order to plant a tree (as authorized in this by-law) with sufficient space to allow the tree to grow to maturity. The demonstration of how this planting requirement will be met must be made before the construction or extension of a building or a parking area.

*(R. 2016-014, a. 4)*

**4.7.3.1. Soft ground cover between the parking area or driveway and the walkway**

In every zone, the entire parking area or driveway must be distinct and physically separated from the walkway leading to the front door of the building by means of soft ground cover, except walkways that are perpendicular to the parking area or driveway.

Notwithstanding the previous paragraph, for existing walkways that are parallel to the parking area or driveway and not physically separated by means of soft ground cover, there shall at least be a visual distinction by the use of different design patterns, colors or materials. The present paragraph applies only if there are no changes made to the overall size, dimensions and layout of the walkway and parking area or driveway.

Soft ground cover means:

- Grass;
- Lawn;
- Plantings of flowers and/or bushes;
- Any other soft ground related to the above mentioned.

Parking is prohibited on the walkway.

*(R.2017-005, a. 1)*

**4.7.4 : Rock gardens in the front yard**

Repealed.

*(R. 2012-003, a. 2)*

**4.7.5 : Fill and excavation operations**

Fill and excavation work must respect the following provisions:

1. Grade must not be leveled down to lower than the centre of adjacent streets;
2. Grade must not be leveled up to more than 0.61 metres higher than the centre of adjacent streets;
3. No vegetation, including stumps, can serve as fill for a lot;
4. Fill materials must be calibrated in order to prevent any gap likely to cause sinkholes;
5. In the case of fill for an in-ground pool or a concrete construction in the ground, the concrete must be removed or crushed in order to permit a natural through-flow of water.

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**4.7.6 : Drainage of sports fields and surfaces**

All projects, constructions or works carried out on a sports field, a vacant lot or a landsite having an area equal to or greater than 1 000 m<sup>2</sup>, and likely to increase the flow of run-off water to the storm sewer, combined sewer or into a drainage ditch, must be equipped with a retention and drainage system, designed in accordance to the following criteria:

- 1° The flow of run-off water released to the storm sewer, combined sewer or into a drainage ditch must not exceed ten (10) l/s/ha maximum.
- 2° The minimum retention volume is one (1) m<sup>3</sup> for every 50 m<sup>2</sup> of drained surface.
- 3° The run-off water must be retained by a vortex flow regulator, an orifice plate, or another mechanism of method yielding equivalent results.

For flow inferior to 20 l/s in a gravity drainage system, only a vortex flow regulator is accepted.

The flow regulator must be installed in a sight hole having a diameter of at least 1 200 mm, and must be installed on the downstream side of the sight hole.

The sight hole containing the flow regulator must be easily accessible to the designated official at all times.

The drainage system must be designed as to have only one flow regulator per landsite.

The drainage system must be designed as to ensure that the flow regulator is protected from floating debris or any other object capable of damaging or obstructing it.

The owner of the landsite is responsible for the maintenance and verification of the working order of the drainage and retention system, including the replacement of the flow regulator when required.

*(R. 2010-004, a. 1)*

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**Division 4.8 : Provisions relating to the protection of trees**

**4.8.1 : Scope of application**

For the application of the provisions of the present division, is considered a tree, a stem of 0.10 metres in minimum diameter measured at 0.25 metres from the ground.

**4.8.2 : Authorized tree felling**

A certificate of authorization is required for tree felling when the trunk diameter is at least 10 cm at a height of 1.3 meters (diameter at breast-height DBH) and a diameter at least 15 cm at a maximum of 15 cm from the ground (diameter at the height of a stump DHS).

Other than the usual meaning, a tree felling operation includes:

- The removal of more than 50% of live branches;
- The sectioning, by ripping or cutting, of more than 40% of the root system;
- The overlay of the root system by a fill that is 20 cm or more;
- Any other action that would entail the destruction of a tree, such as using chemical agents in order to kill it, or making or allowing to make more or less continuous incisions around the trunk, either in the bark, in the bast or in the wood.

Tree felling is only permitted in the following cases:

- 1) The tree is dead or in a state of irreversible decay;
- 2) The tree is located in the intended building site or less than 3 meters from the building site of a planned main construction or retaining wall;
- 3) The tree is located in the intended building site or less than 2 meters from the building site of one of the following accessory constructions: deck, patio, porch, veranda, private garage, but only if no other space is available anywhere on the lot to carry out such work, or in the intended building site of another authorized accessory construction according to this by-law, but only if no other space is available anywhere on the lot to carry out such work;
- 4) A tree located less than three meters from the building site of a main construction or retaining wall, or less than 2 meters from the building site of one of the accessory constructions mentioned in the above paragraph, can be felled but shall be replaced. For the purposes of this paragraph, a sign or the extension of a parking area or of a driveway is not considered a construction;
- 5) The tree is located in the building site of a pool or, in the front yard, in the building site of a parking spot or of a building's driveway, only if no other space is available anywhere on the lot to carry out such work;
- 6) The tree must, following the conclusions of an arboricultural consultant's report, be felled for reasons of incurable disease, structural defect affecting its solidity, or serious damage caused to property. The normal inconveniences related to the tree's presence, such as the falling of twigs, leaves, flowers or fruit, the presence of roots at the ground surface, the presence of insects or animals, shadows, bad odours, sap, honeydew or pollen release, are not deemed serious damage;
- 7) The tree must be felled because of the risk of spreading a disease or an exotic invasive species and, in such cases, it has to be replaced;
- 8) In the cases referred to in paragraphs 2, 3, 4 and 5, if the tree is on a dividing property line between properties, the adjacent owner's consent is required.

*(R. 2016-014, a. 5)*

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**4.8.3 : Number of trees to conserve or plant**

Whoever obtains a building permit for a vacant lot must conserve or plant trees in order to satisfy the following provisions:

1. For a residential use, a minimum of 2 trees must be conserved or planted, with at least 1 in the front yard;
2. For a commercial, industrial, public and institutional use, 1 tree must conserved or planted at every 5 linear metres of the lot's facade length adjacent to a street (this provision does not apply to parks and green spaces);
3. Trees to be planted must have a minimum diametre of 0.025 metres measured at 1.3 metres from grade;
4. If the trees die within 12 months of their planting, the owner must replace them.

Paragraphs 1 and 2 do not apply when the front yard or side yard adjacent to a street is less than 1.5 metres deep.

**4.8.4 : Protection measures during work**

Any tree that must be conserved on a lot and likely to be damaged during work must be identified and protected with a plank sheathing attached to the trunk with metal wire up to a minimum height of 1 metre from the ground. Roots and branches must also be adequately protected.

**4.8.5 : Prohibited planting**

It is prohibited to plant the following tree species unless they are 10 metres away from any main building, lot limit, street right-of-way, infrastructure, underground utility conduit and sanitary installation:

1. Alder (*Alnus* spp.);
2. Silver maple (*Acer saccharinum*);
3. Manitoba maple (*Acer Negundo*);
4. Poplars (*Populus* spp.);
5. Willows (*Salix* spp.);
6. Norway maple.

**4.8.6 : Location of trees**

Trees must be located at a minimum distance of 1.5 metres from the following installations:

1. Streetlights;
2. Private and public sewers and aqueducts;
3. Drainage pipes of buildings;
4. Any electric or telephone cables;
5. Any post carrying electrical wires;
6. Edge of street or sidewalk;
7. Buried electrical equipment;
8. Fire hydrants.

In the case of a pad-mounted transformer (above ground), this distance is reduced to 1 metre for trees.

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**Division 4.9 : Temporary buildings and constructions**

**4.9.1 : Authorized temporary buildings and constructions**

Only the following temporary buildings or constructions are authorized over the whole territory:

1. Temporary buildings required on construction sites, with the following conditions:
  - a) A permit must have been issued by the designated official for the construction work;
  - b) They must be installed on the construction site;
  - c) The maximum length is 6 months;
  - d) These buildings cannot serve for residential use;
  - e) They can be installed a maximum of 14 days before the beginning of construction work;
  - f) They must be removed within 14 days following the end of construction, or if there is an interruption for a period exceeding 3 months, or at the expiration date of the authorization permit: the most restrictive provision applies.
2. Temporary buildings required for the sale of residential units in the context of a residential development project, with the following conditions:
  - a) A permit must have been issued by the designated official for the construction work;
  - b) They must be installed on the project site;
  - c) These buildings cannot serve as dwellings;
  - d) The maximum length is 6 months;
  - e) They must be removed within 14 days following the end of construction or at the expiration date of the authorization permit: the most restrictive provision applies.
3. In all zones, with exception of residential zones, temporary buildings required for the temporary relocation of employees or for the transfer of goods during the renovation, extension or reconstruction of a building, with the following conditions:
  - a) A permit must have been issued by the designated official for renovation, extension or reconstruction of the building;
  - b) It must be installed on the same lot as the renovated, extended or rebuilt building or on another lot with the owner's authorization;
  - c) Temporary buildings are authorized for a maximum period of 12 months and must be removed no later than 14 days following the end of work or at the expiration date of the authorization permit: the most restrictive provision applies.
4. Tambours are authorized from October 15<sup>th</sup> of a given year to April 30<sup>th</sup> of the following year. The present chapter prescribes provisions relating to their location in yards and setbacks;
5. Snow fences are authorized from October 15<sup>th</sup> of a given year to April 30<sup>th</sup> of the following year. Outside this period, they must be stored indoors;
6. Fences serving to delimit spaces to protect during work are authorized during the period of work.





## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **CHAPTER 5 :**

#### **Provisions Relating to Parking Areas and to Loading and Unloading Areas**

Prepared by:





**CHAPTER 5 :**  
**Provisions Relating to Parking Areas and to Loading and Unloading Areas**

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**Division 5.1 :       Obligation to supply parking areas**

**5.1.1 :       General provisions**

1. The present division applies to any main use as well as any change or extension of an existing use, and compliance constitutes a continuous obligation;
2. When a use is changed or extended as to require additional parking spots, the additional number of spots required for the new occupation or use extension in relation to the old situation, including parking areas, must be compliant to the provisions of the present by-law;
3. If modifications or extensions change the area of a building, there is an automatic modification to the number of spots required to respect the provisions of the present by-law, if applicable;
4. If a building regroups different types of uses, the number of parking spots required must be calculated as if all these uses were considered individually, in compliance with the standards prescribed by the present by-law.

**5.1.2 :       Calculation of parking spots required**

In order to be considered a parking spot and to meet the minimum required, a parking spot must be accessible at all times and must not require the displacement of another vehicle in order to access it or leave it.

**5.1.3 :       Minimum number of parking spots required**

Any use must, in order to be authorized, a sufficient number of off-street parking spots, in compliance to the standards prescribed in the present by-law.

The number of parking spots required is determined below according to class and use code defined in chapter 2 of the present by-law (the description of the use group is only indicative: the use code is the appropriate reference).

Any fraction of a spot greater than 0.5 must be considered as an additional spot. When indicated, for example, 1 spot per 30 square metres, it is a requirement to provide 1 parking spot per 30 square metres of floor area of the building;

1. Minimum number of parking spots required pour the residential group:

<b>Residential group</b>	<b>Number of parking spots required</b>
H1: Single family dwelling	1 spot per dwelling
H2: Duplex	1 spot per dwelling
H3: Triplex	1 spot per dwelling
H4: Apartment building	1 spot per dwelling
H5: Group occupancy building	0.5 spot per dwelling and per room, plus 1 spot per 4 employees

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2. Minimum number of parking spots required for the commercial group:

Commercial group	Number of parking spots required
All use codes	1 spot per 100 m <sup>2</sup>

3. Minimum number of parking spots required for the industrial group:

Industrial group	Number of parking spots required
All use codes	1 spot per 150 m <sup>2</sup>

4. Minimum number of parking spots required the public and institutional group:

Public and institutional group	Number of parking spots required
Use class P1	1 spot per 300 m <sup>2</sup>

**5.1.3.1: Maximum number of parking spots**

For the zones located within a 750 m radius around the Montreal West train station, as identified in the Schedule of uses and standards, where uses such as apartment buildings, commercial, industrial and public are authorized, the maximum number of permitted parking spots following the construction, extension or change of use of a building is equivalent to 150% of the minimum number of parking spots required by section 5.1.3.

*(R. 2016-014, a. 6)*

**5.1.4 : Parking spots for disabled persons**

For uses other than residential, 1 parking spot for disabled persons or with reduced mobility is required per 20 parking spots.

**5.1.5 : Compensation standards for parking**

1. Any use that cannot satisfy the requirements of the present division in terms of the minimum number of parking spots required, in one or the other of the following situations or a combination of these, can request an exemption from the obligation to supply the minimum number of parking spots required with the payment of the amount prescribed in the present section:
    - a) When the construction is new;
    - b) When there is a change or an extension of an existing main use after the coming into force of the present by-law;
    - c) When an applicant attempting to comply with the standards relating to the number de parking spots required does not dispose of the necessary space to do so.
  2. The applicant requesting an exemption from the obligation to provide the minimum number of parking spots must provide the designated official with a written request that contains the following information:
    - a) The name, surname and address of the applicant and the owner of the immovable if it is different;
    - b) A plan showing the location of parking areas;
    - c) A survey certificate prepared by a land-surveyor.
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3. The amount to be paid for an exemption request is set at 5 000 \$ per parking spot. This amount cannot be reimbursed to the applicant if the project for which the permit was issued is not undertaken;
4. The proceeds go to a special fund that can only serve for the purchase or development of lots for the purpose of providing parking. The Town can, however, dispose of the lots it has acquired in compliance to the present section, in the manner prescribed by the Law that governs it, if they are no longer required, and the proceeds must go to a special fund;
5. For the purposes of the present section, the Town Council of the Town of Montreal West is designated to make, by resolution, the decision to exempt from the obligation to provide the minimum number of parking spots.

*(R. 2012-003, a. 3)*

**5.1.6 : Bicycle parking**

1. The minimum number of bicycle parking units is:
  - i. For an apartment building: 0.5 unit per dwelling;
  - ii. For a non-residential use: 1 unit per 1 000 m<sup>2</sup> of floor surface area with a minimum of 2 per building;
  - iii. For a mixed-use building (commercial-residential): The ratios of the two previous subparagraphs are added.
2. Bicycle parking must be located on the same lot as the corresponding use and must meet the following standards:

A bicycle parking unit must include a metal support fixed to the ground or to the building, which allows the bike to maintain a normal position on two wheels, or suspended by one wheel. For residential use, the parking installations for bikes can be located inside the building

*(R. 2016-014, a. 7)*

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**Division 5.2 :**        **Provisions relating to the layout of parking areas, driveways and other hardscaped areas** *(R. 2016-002, a. 4)*

**5.2.1 :**        **Minimum dimensions of parking spots**

The minimum dimensions of parking spots are the following:

1.    Minimum width of the spot:        2.5 metres;
2.    Maximum width of the spot:        3.5 metres;
3.    Maximum length of the spot:        5.5 metres.

The width of parking spots disabled persons or with reduced mobility must be increased by 1 metre.

**5.2.1.1.**        **Maximum width of driveways and parking areas** *(R. 2016-002, a. 5)*

The maximum width authorized for new parking areas or new driveways in the front yard is 3.5 linear meters.  
*(R. 2016-016, a. 2)*

**5.2.2 :**        **Dimensions of aisles**

The minimum dimensions of aisles are the following:

1.    Width of a one-way aisle: 3 metres;
2.    Width of a two-way aisle: 5.5 metres.

Notwithstanding article 5.4.3, the maximal length for an aisle cannot exceed 25% of the lot depth measured from the property line.

In the case of a non-built lot, the length of the aisle cannot exceed 15% of the lot depth measured from the property line.

*(R. 2014-010, a. 1)*

**5.2.2.1.**        **Location of aisles**

An aisle can give access to only one street through the curb cut(s) that may be authorized on a lot, if applicable, in conformity with the present By-Law. Despite article 4.1.10 and the foregoing, no aisle may be authorized in the rear setback of a lot located in a residential zone.

*(R. 2014-010, a. 2)*

**5.2.3 :**        **Location of parking areas**

1.    Parking areas must be located on the same lot as the main use. Notwithstanding what precedes, parking areas are authorized on a lot located less than 150 metres from this lot, belonging to the same owner or to a third party that has explicitly authorized it in writing, with the condition that the host lot has spots in excess;
2.    Each parking area must lead directly to a street;

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3. Parking areas are authorized in all yards and setbacks except within the visibility triangle. They can be located without setback from a lot line;
4. When a parking spot is required for uses H1, H2 and H3, the spots can be located one behind the other and can be accessible from the same curb cut;
- 5.1 For lots with a width of 7.62 m or less, the maximum total surface area of the parking area, driveway, walkway and any hardscaping area must not exceed 45% of the front yard; *(R. 2016-002, a. 6)*
- 5.2 For lots with a width of 7.63 m to 12.6 m, the maximum total surface area of the parking area, driveway, walkway and any hardscaping area must not exceed 40% of the front yard; *(R. 2016-002, a. 6)*
- 5.3 For lots of 12.7 m or more, the maximum total surface area of the parking area, driveway, walkway and any hardscaping area must not exceed 35% of the front yard; *(R. 2016-002, a. 6)*
6. In the case of mixed-use building, located in a « mixed-use » zone and for which one of the main uses is H4 or H5, 50 % of the parking spots required per the present by-law must be provided underground. This requirement only applies when the parking spots cannot be provided in the rear yard and when the minimum number required by the by-law is 12 spots or more.
7. Subject to paragraphs 1 to 4 of section 4.8.2, it is prohibited to fell one or more trees located on the front yard or on the public right of way in order to lay out a parking area or driveway. *(R. 2016-002, a. 7)*

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**5.2.4 : Layout of parking areas and other paved areas (R. 2016-002, a. 8)**

All parking areas must be laid out and maintained in compliance to the following provisions:

1. In every zone, new driveways, new parking areas and new walkways, or any modification or extension of existing driveways, parking areas and walkways or any other area than soft ground cover shall be of a permeable material. (R. 2016-016, a. 3)

Permeable pavements include:

- individual unit paving blocks, cobble stones or brick;
- plastic or fibrous grid systems filled with sand, gravel or living plants;
- specialty mixes of both concrete and asphalt that may be considered as permeable material.

(R. 2016-002, a. 9)

Permeable material, as referred to above, also known as pervious or porous pavement, allows water or air to readily pass and thus has a significant influence on hydrology, rooting habitat and other positive environmental effects. (R. 2016-002, a. 9)

Standard asphalt and concrete, as well as solely grass, dirt or gravel driveways and parking areas are not permitted; asphalt and gravel paving is permitted for parking areas in the back yard accessible from a lane. (R. 2016-002, a. 9)

For the purposes of the present article, “modification” or “extension” does not include any maintenance work or resurfacing that can be done on existing driveways, parking areas, walkways or any other hardscaped surface. (R. 2016-016, a. 4)

For industrial uses, parking areas located in the rear yard and hidden by a screen or landscaping can be covered in gravel or other materials in order to prevent the lifting of dust and the formation of mud;

2. For a parking area having 5 or more spots, each spot must be delimited by a painted line on the surface;
3. For uses other than residential, when a parking area is adjacent to a lot located in a residential zone, it must be separated from the lot by an opaque fence or hedge opaque with a minimum height de 1 metre.

**5.2.5 : Layout of parking areas having more than 20 spots**

The following provisions apply to parking areas having more than 20 spots:

1. The layout of the parking spot must include softscape landscaping on at least 5% of its surface area. The parking area must include either one or both of the following layouts :

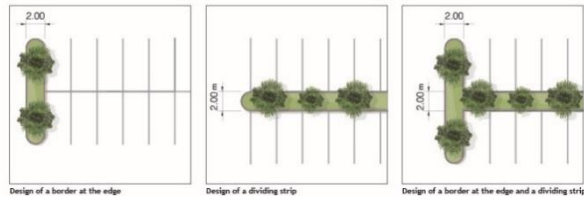
- i. An aisle border with a minimum width of 2 metres;
- ii. A dividing hedge with a minimum width of 2 metres.

On this grass or otherwise landscaped strip of land, a leafy tree having a minimum diameter of 5 centimetres measured at 1 metre above the ground or a conifer of at least 2 metres high, at the time of planting, must be planted every 8 metres. The first tree of this series must be planted 1 metre from the concrete aisle;

2. The parking area must be completely surrounded by poured concrete curbing, prefabricated concrete borders or low walls. These curbs, borders and low walls must be at least 0.15 metres above the surface and be anchored to the ground to prevent their displacement;
3. The parking area must have a surface drainage system in order to prevent water draining toward the street. The parking area must be subject to a plan and to specifications prepared by a member of l'Ordre des Ingénieurs du Québec;
4. The parking area must be equipped with lighting systems covering the entire area. Exterior lighting for parking areas must be compliant with the provisions of this by-law.

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Landscaping for a parking area of 20 spots and more.

*(R. 2016-014, a. 8)*

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**5.2.6 : Delay for completion of parking areas**

Parking areas must be built and laid out at the same time as work on the main building or as the use change.

However, when the climatic conditions prevent the construction or layout of parking areas, occupation of the building or use can be authorized provided the construction or layout of parking areas is completed within 12 months following the occupation of the building or the end of the work.

**5.2.7 : Protection of public trees**

In every zone, no new or expanded driveway, parking area, or walkway or any other hardscaping can be located within 1.5 m of a tree on public property.

Notwithstanding the foregoing, for trees with a DBH of 16 to 29 cm, the distance from a tree shall be 2 m. For trees with a DBH of 30 cm or more, the distance from a tree shall be 2.5 m. The felling of public trees to this end is strictly forbidden.

“DBH” means the diameter at breast height of a tree stem measured at 1.3 m above the ground.

*(R. 2016-002, a. 10)*

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**Division 5.3 : Provisions relating to loading and unloading areas**

**5.3.1 : Loading and unloading areas**

1. For any new use or existing use extension, any construction or transformation, this use or construction must provide a loading and unloading area in compliance to the following provisions:

Use	Floor area	Number of loading and unloading areas (minimum)
1. Commercial establishments	More than 3 000 m <sup>2</sup>	1
2. Industrial uses	More than 4 000 m <sup>2</sup>	1
3. Public and institutional establishments	More than 3 000 m <sup>2</sup>	1

2. The requirements relating to the number of loading and unloading areas de vehicles established in the present by-law are mandatory and continuous;
3. Any loading and unloading area required for a use and not required by the present by-law must be built in compliance with the present division;
4. Loading and unloading areas are prohibited for uses H1, H2 and H3.

**5.3.2 : Location of loading and unloading areas**

Loading and unloading areas are authorized in side and rear yards with a minimum distance of 5 metres from all lot lines.

The aisle leading to a loading and unloading area is authorized in any yard with a minimum distance of 2 metres from all rear and side lot lines.

The aisle leading to a loading and unloading area must be located on the same lot as the use it is tied to and must be accessible at all times. Any vehicular maneuver to access or to leave a loading and unloading area must be executed off the street.

Loading and unloading areas and their aisles must not, in all instances, encroach on the parking areas required in compliance to the provisions of the present by-law.

**5.3.3 : Access to the street**

All loading and unloading areas must have access to a street. No access to a loading and unloading area shall be located at less than 10 metres from a street intersection.

**5.3.4 : Location of the doors of the loading and unloading dock**

The doors of the loading and unloading dock must be located on the side or rear wall of the building.

The doors of the loading and unloading dock must be installed so that no trailer or trailer truck may encroach onto the front yard when parked at one of these doors.

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**5.3.5 : Surface covering**

All loading and unloading areas and the areas serving for parking of transport vehicles (including aisles) must be paved, graveled, asphalted, or covered in concrete or other materials in order to prevent the lifting of dust and the formation of mud.

If the loading and unloading area has an area greater than 200 square metres, it must be drained with a drainage system connected to the storm sewer.

**5.3.6 : Exemption from the obligation to provide loading and unloading areas**

When an existing use is replaced with another use after the coming into force of the present by-law and it does not have the loading and unloading areas required in compliance to the present by-law nor the space required to provide them, these loading and unloading areas are withdrawn from the application of the present division. This provision also applies in the case of an extension of a main use.

**Division 5.4 : Provisions relating to curb cuts**

**5.4.1 : Number of curb cuts**

For residential uses, only one vehicular access (curb cut) is allowed per property unless it is physically impossible to accommodate driveways to more than two garages located close to the street, in which case adjoining curb cuts may be permitted. On corner lots two curb cuts are permitted, one on each street, if spaced a minimum of 120 feet (36.6 m) apart measured along the curb line.

*(R.2016-002, a. 11)*

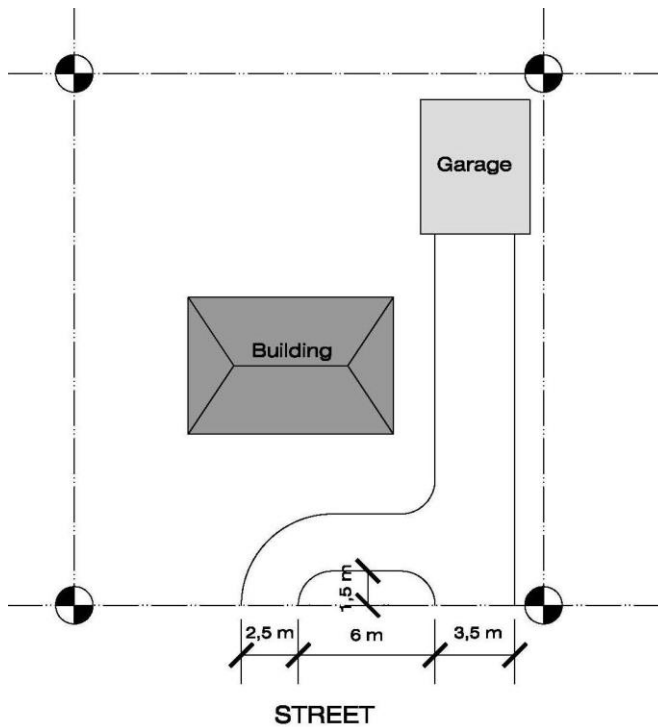
For other uses, only 1 curb cut is authorized per lot with a frontage of less than 20 metres wide. In the case of a lot with a frontage of more than 20 metres wide, the maximum number of curb cuts is 2.

**5.4.2 : Minimum distance between curb cuts**

The minimum distance between 2 curb cuts on the same lot is 5 metres in the case of residential use and 10 metres for other uses.

**5.4.3 : Width of curb cuts**

1. For a residential use, the minimum width of a curb cut is 2.50 metres and the maximum width is set at 7 metres. If 2 curb cuts are built, the total maximum width is set at 10 metres;
2. Parking areas in a semi-circular shape are authorized for residential uses H1, H2 and H3 as well as for public and institutional uses when 2 curb cuts are authorized. In this case, the minimum distance between 2 curb cuts can be reduced to 3 metres. The minimum space between lot lines and the extremity of the semi-circle (or the free space created as a result) is set at 1.5 metres. The semi-circle (or free space) must be landscaped;



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3. For a commercial use, the minimum width of a curb cut is 3 metres and the maximum width is set at 12 metres;
4. For uses other than residential and commercial, the minimum width of a curb cut is set at 3 metres and the maximum width is set at 15 metres.

**5.4.4 : Location of curb cuts**

1. Curb cuts are authorized in the front yard. For a corner lot where a private garage is located in the side or rear yard, a curb cut can be built in the side yard adjacent to the street. Curb cuts are authorized in the rear yard, in whole or in part, only if the lot is accessible by a public alley adjacent to the rear yard and the curb cut is built towards that public alley;
2. Curb cuts can be located without any setback from lot lines;
3. Curb cuts must be located outside of the visibility triangle;
4. For all uses other than residential, curb cuts must be located at more than 6 metres from the intersection of 2 local streets and at more than 9 metres from the intersection of a local street and a collector or of 2 collector streets.

*(R. 2014-010, a. 3)*

## **Division 5.5 : Parking and vehicle storage**

### **5.5.1 : Parking of road vehicles**

All road vehicles must be parked in area designed for parking, namely a parking spot.

Parking or storage of a vehicle is prohibited on a vacant lot, except if one or several parking spots are authorized and laid out in compliance to the present by-law.

### **5.5.2 : Parking for residential use**

The following provisions apply to of certain vehicles on lots having a residential main use:

1. An unlimited number of vehicles, excluding heavy vehicles, can be parked;
2. One recreational vehicle can be parked.

### **5.5.3 : Storage for residential use**

The following provisions apply to storage of certain vehicles on lots having a residential main use:

1. The storage of road and recreational vehicles, (excluding heavy vehicles) must be done in a side or rear yard and at a minimum distance of 1 metre from all lot lines;
2. The storage of vehicles can take place in the front yard only when a parking spot compliant in the present by-law is available.

### **5.5.4 : Other uses**

The following provisions apply to parking and to storage of vehicles, for uses other than residential:

1. Storage and parking of vehicles are only authorized if they are tied to the main use of the lot or building;
2. Storage of vehicles referred to in paragraph 1 is only authorized in a side or rear yard. They must be hidden by a fence or hedge.





## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **CHAPTER 6 :**

#### **Provisions Relating to Signage**

Prepared by:





**CHAPTER 6 :**  
**Provisions Relating to Signage**

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**Division 6.1 : General provisions**

**6.1.1 : Application**

Over the whole territory, the construction, installation, maintenance, modification and preservation of any posting, sign or billboard must be compliant to the provisions of the present chapter.

The provisions of the present chapter apply to signs, including their supports (casing, frame, panel, etc.) necessary for the installation and preservation of the sign.

Unless there is a provision stating otherwise, any posting, sign or billboard requires a permit.

**6.1.2 : Type of signs authorized**

The types of signs authorized are the following:

1. Commercial sign;
2. Identification sign;
3. Community sign;
4. Directional sign;
5. Temporary sign.

**6.1.3 : Calculation of the area of the sign**

The following provisions determine the area of a sign authorized in the present by-law:

1. The area of a sign includes its support. In the case of a sign in 3 dimensions, the area of each face must be included in the calculation of the total area of the sign;
2. When a sign presents signage visible on 2 sides, only 1 side is calculated in the maximum area authorized, provided that the 2 sides are separated by a maximum distance of 0.25 metres;
3. Notwithstanding the first paragraph, in the case of a sign made of detached letters or symbols parallel to the facade of the building without framing (flat sign), or on a window or an awning, the area of the sign is determined by the smallest right-angled polygon formed around the letters or symbols affixed to the building, window or awning.

**6.1.4 : Permanent signs not requiring a permit**

The permanent signs listed below are permitted in any zone, in the front yard and setback, or lateral if adjacent to a street, and not requiring a permit. Their area is not calculated in the area of signage authorized per establishment.

Only reflective lighting is authorized, unless it is stated otherwise in the present article (sign with no lights).

1. Signs emanating from the public authority of municipal, provincial or federal governments, or those required by a or by-law, including those under the *Highway Safety Code*;
2. Signs indicating public or governmental services (telephone, postal, fire hydrant and others of the same type);
3. Signs used for municipal purposes;
4. Flags of a civic agency of governmental authority, on the concerned lot:
  - a) Maximum area per flag: 2.5 square metres;
  - b) Maximum number: 3 flags per establishment.

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5. Historical inscriptions or commemorative plaques, on the concerned lot or building;
6. Tables indicating office or activity hours, on the concerned lot or building, with a maximum area of 1 square metre;
7. Plaques with no lighting (identification sign) for home-based professional activities, on the concerned building:
  - a) Maximum area: 0.25 square metres;
  - b) Maximum number: 1 per main building;
  - c) Type of installation: flat (attached to the building) at the ground floor, with a maximum overhang of 0.10 metres.
8. Signs indicating an establishment's business hours as well as a menu for a restaurant, on the concerned lot or building:
  - a) Maximum area: 0.25 square metres per sign;
  - b) Maximum number: 1 per establishment;
  - c) Distance from lot lines: 1 metre;
  - d) Type of installation: flat (attached to the building) or on a window.
9. Signs indicating a drive-through menu for restaurants, on the concerned lot or building:
  - a) Maximum area: 1.5 square meters;
  - b) Distance from lot lines: 2 metres;
  - c) Maximum height of a sign, including the post: 2 metres;
  - d) Type of signs: on a post (detached from the building) or flat (attached to the building);
  - e) Other provisions: this sign can be installed in the side yards and lateral setbacks and rear .
10. Directional signs serving for the orientation of vehicles, cyclists and pedestrians, for security or convenience of clientele on the concerned lot (directional signs can be installed in any yard or setback):
  - a) Maximum total area: 0.25 square meters per sign;
  - b) Maximum number per establishment: 1 sign per curb cut and 3 signs per lot;
  - c) Distance from lot lines: 1 metre;
  - d) Maximum height: 1 metre;
  - e) Type of sign: flat (attached to the building) or on a post (detached from the building).
11. Signs indicating the civic address on the concerned building:
  - a) Maximum total area: 0.25 square meters per sign;
  - b) Maximum number: 1 sign per dwelling or establishment;
  - c) Type of sign: flat (attached to the building).

**6.1.5 : Temporary signs not requiring a permit**

Temporary signs listed below are permitted in all zones, in the front yard and setback, and the lateral yard and setback if adjacent to a street, and do not require a permit. Their areas are not calculated in the signage area authorized per establishment.

Only reflective lighting is authorized, unless it is stated otherwise in the present article (sign with no lights).

1. Signs for an election or a consultation of the population held in compliance to a provincial or federal law;
  2. Non luminous signs placed on a lot, advertising the sale or rental of an immovable where it is placed (not including window signs):
    - a) Maximum total area: 1 square meter;
    - b) Maximum number: 1 per lot;
    - c) Type of sign: on a post (detached from building) or flat (attached to building);
    - d) Term: they must be removed no later than 2 weeks after the sale or rental of the concerned immovable;
    - e) Distance from lot lines: 2 metres;
    - f) Distance from the street line: 1 metre.
  3. Non luminous signs advertising a commercial sale, a liquidation or another commercial event, on the concerned lot:
    - a) Maximum total area: 1 square meter or 10 % of the area of the window: the most restrictive provision applies;
    - b) Maximum number: 1 per establishment;
    - c) Term: they must be removed no later than 3 days after the event with a maximum term of 7 days;
    - d) Type of installation: flat, on a window or « sandwich » type;
-

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- e) Maximum height: 2 metres;
  - f) Other provisions: signs cannot be installed on products for sale or for rent outside the building (e.g.: vehicles).
4. Non luminous signs advertising a organization's campaign, event or activity:
- a) Maximum total area: 3 square metres;
  - b) Maximum number: 2 per campaign or event;
  - c) Term: they can be placed up to 4 weeks before the event date and must be removed no later than 7 days after the event.
5. Non luminous signs advertising a construction or occupation project installed on the concerned lot, including professionals implicated in the project:
- a) Maximum total area: 3 square metres per sign;
  - b) Maximum number: 1 per project or per project phase;
  - c) Maximum height: 2 metres;
  - d) Type of installation: flat (attached to building) or on a post (detached of the building);
  - e) Term: they can be placed up to 4 weeks before the start of work or of the occupancy permit request at the Town and must be removed no later than 7 days after the end of work. The maximum authorized term is 12 months;
  - f) Distance from lot lines: 1 metre.

**6.1.5.1. Temporary commercial signs linked to a new occupancy permit**

- a) These signs must follow dimensions and standards applicable to commercial signs of article 6.2.9;
- b) A complete permit demand for a permanent sign must be submitted to the designated official;
- c) These signs cannot be in place for more than 3 months.

*(R. 2014-013, a. 1)*

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**6.1.6 : Prohibited signs**

The following signs are prohibited over the whole territory:

1. Mobile, portable or removable signs, excluding « sandwich » type signs, whether they be installed mounted or built on a vehicle, on rolling or portable mounts or directly painted or otherwise printed on any material. However, this prohibition does not apply the commercial identification of a vehicle provided that it is not used with the explicit intention of constituting a sign or billboard for a product, a service, an activity;
2. Signs with intermittent or blinking lights (stroboscope or other) or imitating a rotating light, siren or other of police and fire vehicles, ambulance, or using such devices to attract attention;
3. Signs designed to resemble an indication, a road sign or signal, other than those authorized in the application of the *Highway Safety Code*, as well as signs presenting a glare for drivers;
4. Rotating or otherwise mobile signs;
5. Signs painted directly on a construction or a work, except on awnings affixed to a building;
6. Animated interchangeable or modifiable signs, including electronic billboards. Notwithstanding what precedes, electronic billboards indicating time, date, events and temperature are authorized for community signs;
7. Signs and other devices suspended that are inflatable or in the air;
8. Signs projected by electronic or audio-visual material.

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**Provisions Relating to Signage**

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**Division 6.2 : Provisions relating to the installation, the conception, the maintenance and to the dimensions of signs**

**6.2.1 : Installation of signs**

All signs must be installed on the lot or building where the product or service is offered, unless a provision states otherwise. The signs mentioned in the present division require a permit.

**6.2.2 : Places where a sign is prohibited**

The places where the installation of a sign is prohibited are:

1. On a roof, balcony, deck, veranda;
2. On or in front of opening (door, window);
3. On an building accessory;
4. On a construction above the roof or equipment installed on the roof (access, chimney, elevator shaft);
5. On a fence, unless stated otherwise in the present by-law;
6. On a lamppost or post of a public service or any post not designed for signage;
7. On a tree or a shrub;
8. On bollard or marker serving for snow removal or any other work, that was not designed for signage;
9. Within the visibility triangle;
10. In a place blocking, masking or hiding, in part or in whole, an opening, balcony, deck, veranda;
11. In a place blocking, masking or hiding, in part or in whole, architectural or ornamental detail of a building (cornice, parapet, etc.);
12. In a place blocking, masking or hiding, in part or in whole, a traffic light, street signage or any other sign in compliance to the *Highway Safety Code*;
13. On the public domain, except for signs under the authority of a public body.

**6.2.3 : Lighting**

Only reflective lighting is authorized, namely lighting placed outside and facing the sign in order to light only the sign, and to do so at certain distance.

The electrical source for sign lighting must be located underground or be otherwise hidden: no overhead wires are authorized.

In all cases, lighting must present constant, non-glaring intensity, and the lighting equipment must be affixed.

**6.2.4 : Conception and installation of signs**

A sign must be designed to be safe and with a permanent structure; each of its parts must be well secured in order to remain immobile.

**6.2.5 : Authorized materials**

Authorized materials for signs are:

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1. Painted or pre-painted wood and wood imitations;
2. Wrought iron;
3. Painted or pre-painted metal;
4. Glass;
5. Textiles or cloths for temporary signs and for permanent banner supports;
6. Plastic adhesive materials for window signage.

**6.2.6 : Prohibited materials**

Prohibited materials for signs are:

1. Materials not protected from corrosion;
2. Gypsum boards;
3. Polyethylene;
4. Plastic, plexiglas, fiberglass, polymer, high-density urethane;
5. Neon filigree;
6. Paper, cardboard, corrugated plasticized cardboard (undulated polypropylene commonly called coroplast).

Notwithstanding what precedes, corrugated plasticized cardboard is authorized for temporary signs prescribed in section 6.1.5 of the present by-law.

**6.2.7 : Sign maintenance**

All signs must be maintained in good condition and must not represent a threat to public security.

When part of a sign is broken or damaged, it must be repaired within 30 days.

**6.2.8 : Cessation or abandon of an activity**

Any sign tied to an activity or an establishment that no longer exists must be removed, including its support, no more than 30 days following the date of the cessation of the activity, of the closing of the establishment or of the abandon of business in that location.

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**6.2.9 : Dimensions and standards applicable to commercial signs**

A commercial sign attached to a building must respect the following conditions (signs detached from the building are prohibited unless stated otherwise):

1. For all types of commercial signs attached to the building:
  - a) The content of the sign, whether it be written, a representation, emblem, logo, etc., must not exceed an area of 60 % of the total sign area;
  - b) The maximum height authorized is set at 1.5 metres.
2. Flat (wall-mounted), with or without overhang:
  - a) The sign overhang must not exceed 0.40 metres from the wall of the building;
  - b) The sign must be placed at a minimum height of 2 metres, measured from average grade;
  - c) The sign can be placed at a minimum height of 1.25 metres, measured from average grade, if the overhang, including the support, does not exceed 0.05 metres;
  - d) For an establishment located on the ground floor of a building, the sign must be located within the limits of the ground floor of the building;
  - e) For an establishment located on an upper storey of a building, the sign must be located within the limits of the concerned storey. However, when identification signs are authorized, the sign must be located within the limits of the entrance leading to the concerned storey or within the limits of the concerned storey;
  - f) The sign must be located within the lateral limits of the establishment that is part of the building.
3. Windows:
  - a) A sign on a window is authorized on any glazed surface of an establishment located on the ground floor only, without limitation in terms of location (height in relation to average grade);
  - b) The maximum area of the sign must not exceed 10 % of the window or of the section of storefront.
4. Perpendicular projection, affixed to a wall or hanging from a support bracket:
  - a) The sign and its support must form a right angle (90°) with the wall of the building where it is installed;
  - b) The distance between the sign (including its support) and the wall must not exceed 0,75 metres; the total projection, measured perpendicularly, must not exceed 1.5 metres from this wall;
  - c) The sign must be located at a minimum height of 2 metres, measured from average grade. The sign must be located within the limits of the storey where the establishment is located;
  - d) The sign must be located within the lateral limits of the establishment that is part of the building.

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5. On a awning affixed to the facade of the building:
  - a) The awning must serve the establishment identified by the sign;
  - b) All parts of the awning must be located at a minimum height of 3 metres, measured from average grade;  
*(R. 2017-004, a. 4)*
  - c) No part of the awning shall exceed a maximum height of 6 metres nor shall it exceed the bottom of windows on an upper storey of the roof in the case of a 1-storey building: the most restrictive provision applies;
  - d) The sign must be located within the limits of the awning, without ever exceeding it;
  - e) The awning or canopy can overhang by a maximum of 2.5 metres, measured from the wall on which the awning is installed;
  - f) The power supply for the lighting of awnings must be hidden and therefore not visible.

**6.2.10 : Signs authorized for a residential use**

Only community signs (other than those prescribed in sections 6.1.4 and 6.1.5) are authorized for a residential use.

**6.2.11 : Signs authorized for uses other than residential**

For uses other than residential, 2 commercial signs are authorized per establishment, with the following conditions:

1. The maximum total area of all signs per establishment is 5 square metres for an establishment having less than 1 000 square metres (built area). For an establishment having a built area between 1 000 and 2 500 square metres, the maximum area of all signs is set at 7.5 square metres. For an establishment having a built area greater than 2 500 square metres, the maximum area of all signs is set at 10 square metres;
2. For establishments located on ground floor, the maximum area of signs attached to the building (flat, on window or awning) is 5 square metres or 0.3 square meters per linear metre of main facade on the ground floor: the most restrictive area applies;
3. For establishments located on ground floor, the maximum area of signs attached to the building (perpendicular projection) is 2 square metres or 0.3 square meters per linear metre of main facade on the ground floor: the most restrictive area applies. One additional sign in perpendicular projection (banner mounted on brackets) is authorized if the establishment's facade has a width greater than 15 metres;
4. For establishments located on an upper storey, the maximum area of signs attached to the building (flat or awning) is 5 square metres or 0.3 square meters per linear metre of main facade on the storey where the establishment is located: the most restrictive area applies;
5. For establishments located on an upper storey, the maximum area of signs attached to the building (perpendicular projection) is 2 square metres or 0.3 square meters per linear metre of main facade on the storey where the establishment is located: the most restrictive area applies. One additional sign in perpendicular projection (banner mounted on brackets) is authorized if the establishment's facade has a width greater than 15 metres;
6. For establishments located on an upper storey, 1 identification sign can be installed within the limits of the entrance located on the ground floor. The maximum area of the sign is 0.5 square meters (with a maximum overhang of 0.10 metre).

**6.2.12 : Specific provisions for billboard type signs**

« Billboard » type signs are only authorized in zone IB-1 with the following conditions:

1. The maximum height of the sign, including the support, is set at 25 metres;
2. The maximum area of the sign, excluding the support, is set at 20 square metres;

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3. The minimum distance between 2 billboards is 61 metres.

**6.2.13 : Specific provisions for gas stations**

The following provisions apply to gas stations and to service stations, with or without a convenience store or restaurant:

1. One flat commercial sign (attached to the building) is authorized or 2 signs if the establishment is adjacent to more than one street. The maximum area of flat signs is set at 5 square metres per establishment;
2. One commercial sign on a post or pad-mounted (detached from the building), having a maximum area de 5 square metres and a maximum height of 5 metres is authorized;
3. A flat commercial sign is authorized with a maximum area of 1.5 square meters on each side of a canopy covering a gas bar. When signage is present on the canopy, the area of visible signs referred to in paragraph 1 is reduced to 3.5 square metres;
4. The price of gas can be indicated 2 times on the authorized signs and these must be calculated of the total area of signs. The maximum area to show the price is 0,5 square meters;
5. An additional commercial sign is authorized pour a service station with convenience store or restaurant having a maximum area de 1 square meter;
6. Signage on pumps is authorized with a maximum area de 0.2 square meters per pump;
7. In the case of a service station or gas station having a carwash, all carwash signs must be calculated in the area of signage authorized.





## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **CHAPTER 7 :**

#### **Specific Provisions for Certain Uses**

Prepared by:





**CHAPTER 7 :**  
**Specific Provisions for Certain Uses**

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**Division 7.1 : Gas stations and carwash**

**7.1.1 : Scope of application**

The provisions of the present division apply to the uses of the use class C3 (gas stations, carwash, etc.).

**7.1.2 : Conditions of operation**

Authorized functions must be exercised inside the building with the exception of fuel distribution, the sale of propane and bagged ice. The rental of trailers or small trucks for domestic use is also authorized as an accessory use.

**7.1.3 : Main building**

1. Only one building is authorized on the lot of a gas station, or 2 buildings in the case of a gas station having a carwash (the carwash must remain accessory to the gas station);
2. The minimum area of the building must be de 100 square metres for a gas station; the minimum area of the building must be de 45 square metres for a carwash; and the maximum area must be, in all cases, 225 square metres;
3. The minimum width of the facade of the building must be 10 metres pour for a gas station and 6 metres for a carwash;
4. A carwash must be located at least 7.5 metres from the limits of a residential zone. Furthermore, any carwash must be located in order to allow, on the lot, a waiting area at least 15 metres long leading to the entrance of the carwash; this space must always be free and not serve other uses, such as access to pumps, parking and tank-filling areas.

**7.1.4 : Location of main and accessory buildings**

1. For a main building, the minimum front setback is 10 metres; the minimum lateral and rear setbacks are 5 metres and 10 metres respectively if the lot is adjacent to a residential zone;
2. Pumps must be located at least 5 metres from the street right-of-way, and at least 7.5 metres from the other lot limits and 5 metres from the main building;
3. Kiosks or other accessory buildings for customer service are prohibited;
4. The canopy over pumps must be at a minimum of 7,5 metres from a street right-of-way and 3 metres from all lot lines;
5. The maximum height authorized for a canopy is set at 5.5 metres.

**7.1.5 : Use of setbacks and yards**

1. Permanent or temporary display of products or accessories must be compliant to the provisions of the present by-law;
2. Display and storage of new or used vehicles for sale are prohibited, except the rental of trailers or small trucks for domestic use;
3. A turfed strip 2.5 metres wide along all lot lines contiguous to a street right-of-way and 1.5 metres wide along the other lot limits must be landscaped. The landscaping must include trees, shrubs or other vegetation. Except to provide access, this turfed strip must be continuous and landscaped on the full width. The strip must be surrounded and protected by a concrete or stone border having a minimum height of 0.15 metres;
4. A fence or a hedge must be erected on the lot limits (side and rear) in compliance to the provisions of the present by-law when the lot is adjacent to a residential or institutional use;

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5. Parking areas must be paved.

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**Specific Provisions for Certain Uses**

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**Division 7.2 :        Antennae for telecommunications**

**7.2.1 : Scope of application**

When authorized in the schedule of uses and standards, antennae for main uses of telecommunication (P302) must respect the conditions of the present section.

**7.2.2 : Conditions of installation**

The following provisions apply à the installation of any antenna for uses of public utility or telecommunication:

1. An antenna can be installed on a lot without a main building;
2. An antenna can be installed on a lot where one of more main uses are exercised;
3. The total authorized height for an antenna, installed on a tower or un other support, measured from average grade must not exceed 50 metres;
4. Antennae must be installed at least 15 metres from all lot lines;
5. Antennae must be installed at least 25 metres from any residential or institutional use;
6. It is permitted to erect an accessory building required for the functioning of the antenna for uses of public utility. The area of the accessory building must not be greater than 25 square metres;
7. No signage shall be installed on an antenna and its support (including towers);
8. No antenna and its support (including towers) shall contain a source of light other than signal lights required in compliance with a law or by-law.

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Specific Provisions for Certain Uses

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**Division 7.3 : Surroundings of some uses and territories (R. 2016-014, a. 9)**

**7.3.1 : Cohabitation of uses**

Buffer zones or visual screens, preferably landscape screens, must be designed when a vulnerable use, as indicated in section 3.4.1 of this by-law, is contiguous to one of the following uses:

- Industrial uses;
- Snow disposal or waste treatment site.

This buffer zone must have a minimum width of 10 metres. As for the visual screen, it must be either an embankment that is a minimum of three (3) meters high or be composed of trees (minimum of 60% conifers) and have a minimum width of fifteen (15) metres. The trees must be planted in staggered rows at a minimum of 1.2 metre intervals.

*(R. 2016-014, a. 9)*

**7.3.2 : Organic material treatment center**

Only industrial uses and parks are allowed less than 500 metres from an organic material treatment center (methanization facility, composting facility or pre-treatment of domestic waste facility).

The distance of 500 metres must be calculated from the limits of the lot intended for the installation of a facility to treat organic waste, unless the operation that generates odours has already been located, in which case the distance must be calculated from the chimney of that section.

*(R. 2016-014, a. 9)*

**7.3.3 : Hydrocarbon transport by pipeline**

No new installation to transport hydrocarbons by pipeline can be set up at less than 300 metres from one of the vulnerable uses listed in section 3.4.1 of this by-law.

*(R. 2016-014, a. 9)*



## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **CHAPTER 8 :**

#### **Provisions Specific to Derogatory Constructions and Uses**

Prepared by:





**CHAPTER 8 :**  
**Provisions Specific to Derogatory Constructions and Uses**

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**Division 8.1 :       General provisions**

**8.1.1 :       Scope of application**

The present chapter applies to derogatory constructions and uses protected by acquired rights.

1. Are considered as a derogatory construction or use, any construction or part of a construction or any use, within a construction or on a lot or in part of a construction or on part of a lot, non compliant to one or more provisions of the *Zoning By-law* or of the *Building By-Law* upon their coming into force;
2. A derogatory use or construction is protected by acquired rights, if the use or construction were compliant to the by-law then in force when it was constructed or first occupied;
3. A derogatory use does not render derogatory the construction it occupies;
4. A derogatory building does not render derogatory the use that occupies it.

**8.1.2 :       Compliant use and construction on a derogatory lot**

A use or a construction can be exercised or built on a derogatory lot and protected by acquired rights so long as the construction is compliant to the urban planning by-laws, with the exception of provisions relating to the dimensions and the area of the lot.

**CHAPTER 8 :**  
**Provisions Specific to Derogatory Constructions and Uses**

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**Division 8.2 : Provisions relating to the derogatory uses**

**8.2.1 : Replacement of a prohibited use**

A derogatory use protected by acquired rights shall not be replaced by another derogatory use.

By replacement of a derogatory use, what is meant is the changing of a derogatory use by another use, whether it be in the same use group, of the same use class or of the same use code, or not.

**8.2.2 : Modification of derogatory uses**

A derogatory use protected by acquired rights shall not be modified. By modification of a use, what is meant is the changing of the nature of use or its purpose.

**8.2.3 : Extension of derogatory uses**

A derogatory use protected by acquired rights shall not be extended or expanded.

**8.2.4 : Abandonment or interruption of a derogatory use**

When a derogatory use protected by acquired rights is abandoned or interrupted for a period of 6 consecutive months, or when it is replaced by a compliant use, any subsequent use of the lot or construction must be exercised in compliance with the urban planning by-laws. The loss of acquired rights equally applies to main and accessory uses.

**CHAPTER 8 :**  
**Provisions Specific to Derogatory Constructions and Uses**

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**Division 8.3 : Provisions relating to the derogatory constructions**

**8.3.1 : Renovation of derogatory constructions**

The renovation of derogatory constructions protected by acquired rights is authorized. The renovation must not aggravate the derogation of regulation.

**8.3.2 : Extension of a derogatory construction**

A derogatory construction protected by acquired rights can be extended with the following conditions:

1. The use exercised in the derogatory construction protected per acquired rights is compliant to the urban planning by-laws;
2. The extension is compliant to the urban planning by-laws;
3. The extension shall not aggravate the derogation of the construction or replace the derogatory construction.

**8.3.3 : Reconstruction or repair of a destroyed or dangerous building or one having lost more than half (50%) of its value**

The reconstruction or repair of a destroyed or dangerous building or one having lost more than half (50%) of its value following a fire or by any other cause must be carried out in compliance with the urban planning by-laws in force at the moment of the reconstruction or repair. This right expires completely 6 months after the destruction of the building, after it has become dangerous or after having lost half of its value.

Notwithstanding what precedes, the reconstruction or the repair of a building erected in a derogatory manner is permitted while derogating from the by-law provisions in force concerning the siting of the building, provided that 4 following requirements are respected:

1. The use upon construction was legal. If the use is not compliant, it must be of a residential use group or of use class C1;
2. The owner provides a survey certificate prepared by a land surveyor of the destroyed foundation of the building to determine its siting;
3. The privilege of reconstruction is exercised within a maximum delay of 6 months of the date of the event;
4. There is no increase to the derogation to the by-laws in force.

For the present section, what is meant by « any other cause » is any natural or anthropogenic cause including the voluntary demolition or destruction of the building.

**CHAPTER 8 :**  
**Provisions Specific to Derogatory Constructions and Uses**

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**Division 8.4 :        Provisions relating to derogatory signs**

**8.4.1 :        Replacement of a derogatory sign**

The replacement of a derogatory sign is authorized only if the replacement makes the sign compliant to the present by-law.

**8.4.2 :        Modification of a derogatory sign**

The modification of a derogatory sign is authorized only if the modification makes the sign compliant to the present by-law.

Notwithstanding what precedes, the message of the sign can be modified, without modification or extension of the structure of the sign, including materials and lighting equipment.

**8.4.3 :        Extension of a derogatory sign**

The extension of a derogatory sign is authorized only if the extension makes the sign compliant to the present by-law.



## **TOWN OF MONTREAL WEST**

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#### **CHAPTER 9 :**

#### **Final Provisions**

Prepared by:





CHAPTER 9 :  
Final Provisions

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**Division 9.1 : Coming into force**

**9.1.1 : Coming into force**

The present by-law comes into force in compliance to the law.

(S) Beny Masella, Mayor

(S) Claude Gilbert, Town Clerk





## TOWN OF MONTREAL WEST

### ZONING BY-LAW N<sup>o</sup> 2010-002

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#### ANNEX 1:

#### Zoning plan

Prepared by:







## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **ANNEX 2:**

#### **Schedules of uses and standards**

Prepared by:





## **TOWN OF MONTREAL WEST**

### **ZONING BY-LAW N<sup>o</sup> 2010-002**

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#### **ANNEX 3:**

#### **Guidelines Applicable to New Developments Close to Railway Activities**

Prepared by:

