

**PROVINCE DE QUÉBEC
CITY OF CÔTE SAINT-LUC**

BY-LAW No. 2217-53

**BY-LAW No. 2217-53 TO AMEND THE
ZONING BY-LAW No. 2217 OF THE
CITY OF CÔTE SAINT-LUC IN ORDER
TO BRING IT IN TO COMPLIANCE
WITH THE PLANNING PROGRAMME
No. 2474**

At a Regular Monthly Meeting of the Municipal Council of the City of
Côte Saint-Luc held at the City Hall 5801 Boulevard Cavendish, May 8, 2017, at
which were present:

Mayor Mitchell Brownstein, B. Comm., B.D.C., L.L.B.

Councillor Sidney Benizri

Councillor Dida Berku, B.D.C.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Sam Goldbloom, B.A.

Councillor Ruth Kovac, B.A.

Councillor Allan J. Levine, B.Sc., M.A., DPLI

Councillor Glenn J. Nashen

ALSO PRESENT:

Mrs. Nadia Di Furia, Interim City Manager

M^c Jonathan Shecter, Associate City Manager, Director of Legal Services
and City Clerk

IT IS ORDAINED AND ENACTED by the By-law No. 2217-53 entitled:

« By-law to amend the Zoning By-law No. 2217 of the City of Côte Saint-Luc in order to bring to compliance to the planning programme No. 2474.»

By-law entitled « Zoning by-law of City of Côte Saint-Luc », as amended time to time, is hereby amended again as follow:

ARTICLE 1

The following definition has been added to section 1-9:

- **"Diagram:** Key design feature of something so that it is enough to be recognized."

ARTICLE 2

The article 4-6-14 – Specific provision to flat roofs (slope 2:12) is added after article 4-6-13:

“4-6-14 – 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 such a roof that is used by mechanical equipment or a terrace, only the following coatings are allowed:

- a) Green roof (according to the Québec Building Code);
- b) A material that is white, a material painted in white or covered with a reflective coating or a white-coloured ballast;
- c) A materiel for which the solar reflective index (SRI) is at least 78, as attested to by the manufacturer or by a professional.

A combination of coatings identified in sub-paragraph a),b) or c).”

ARTICLE 3

Clause 7-5-10 has been added to the clause 7-5-9:

"7-5-10 Parking for bicycles

- a) The minimum number of required parking spaces for bikes is:
 - i. For multifamily residential usage:
 - 0.5 per housing unit
 - ii. For non-residential usage:
 - 1 unit by 1 000 m² of surface area with a minimum of 2 by building
 - iii. For a commercial/residential mixed-use building:
 - The ratios of the first two clauses add together.

b) Bicycle parking should be located on the same land that it is used for the usages on and must meet the following standard:

- i. The bicycle parking unit must include a metal bracket fixed to the ground or a building, which keeps the bike in an upright position on two wheels or suspended by a wheel position."

ARTICLE 4

Section 14-15 has been added after clause 14-14-2:

"14-15 Objective and universal accessibility criteria applicable to zones RU-1 to RU-60, RU-65, RB-1 to RB-19, RM1 to RM-60 and HM-1 à HM-5

14-15-1 Objective

The following objective applies to these zones:

- a) Aim for universal accessibility in the architectural design of a new building or when retrofitting an existing building.

14-15-2 Evaluation Criteria

The following evaluation criteria are used to assess compliance with the objective:

- a) The difference in height between a public thoroughfare and the ground floor of a building must strive to be minimal in order to facilitate access for people with reduced mobility;
- b) The set-up of parking spaces reserved for persons with reduced mobility near points of access to the building is to be encouraged;
- c) Development of safe and lit footpaths leading to building access points is encouraged."

ARTICLE 5

Clause 7-5-6 has been replaced by the following clause 7-5-6:

"7-5-6 Paving and parking maintenance

No building shall be established unless the parking spaces and driveways and vehicle access for the said parking are covered with one or more of the following materials for « multifamily », commercials and industrial uses:

- a) Grey concrete and gravel;
- b) Paving stone;
- c) An inert material whose solar reflectance index is at least 29 according to the manufacturer's specifications or the advice of a professional.

The parking areas must be well covered within twelve (12) months of the date of completion of construction or enlargement of the building. All parking lots over 100 m² (1,076 sq. ft.) cannot be drained via the street, and must be equipped with a surface drainage system or an underground drainage system that is in accordance with an approved plan by an engineer who is a member of the Ordre des ingénieurs du Québec and, if necessary, have a water retention basin of adequate size."

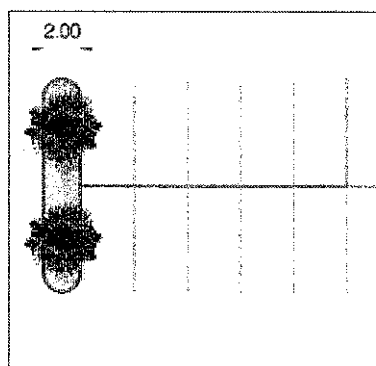
ARTICLE 6

The following clause 7-5-11 has been added after clause 7-5-10:

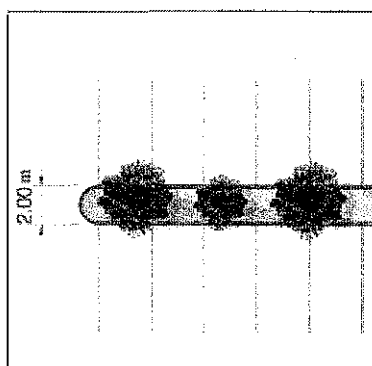
"7-5-11 The design of landscaped parking lots with over 20 spaces

At least 5% of the area must be landscaped for an outdoor parking areas with more than 20 spaces. The parking lot must include either or both of the following features:

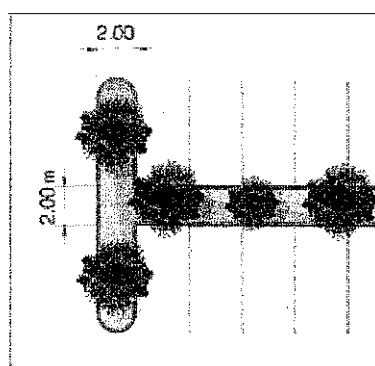
- a) A border at the edge with a minimum dimension of 2 meters;
- b) A dividing strip with a minimum width of 2 meters.



Design of a border at the edge



Design of a dividing strip



Design of a border at the edge and a dividing strip

The landscaped area of the parking lot must include a leafy tree that has at least a diameter of 5 meters and a height of 1 meter above the ground or a conifer at least 2 meters, at planting time, and they must be planted every 8 meters.

ARTICLE 7

The following definitions have been added to section 11-1:

- **"Riparian corridor:** Strip of land bordering lakes and watercourses. This corridor extends inland from the high water line. Its width is measured horizontally: it is 300 meters from the edge of lakes and 100 meters from the edge of steady flowing watercourses.
- **Sanitation cutting:** which involves the clearing or harvesting of deficient, defective, decaying, damaged or dead trees in stands of timber.
- **Watercourse:** Any body of water that flows into a bed with a constant or intermittent, including a bed created or modified by human intervention, with the exception of a public or private road ditches, a common ditch or a drainage ditch. This definition includes water bodies located in the periphery of the territory of the greater Montreal area, the St. Lawrence River, including the Lac St. Louis, the Rivière des Prairies and the Lac des Deux Montagnes, as well as the streams within the interior.
- **Irreversible dieback of a tree:** when 50% of the crown is dead wood.
- **Drainage ditch:** long depression dug into the ground that exists only because of human intervention and which is used solely for drainage and irrigation of a basin area of less than 100 hectares.
- **Adjoining ditch (or line):** long depression dug into the ground, serving as dividing line between neighbours as per section 1002 of the Civil Code of Québec.

- **Ditch along a public or private thoroughfare (or public or private road):** long depression dug into the ground that exclusively serves as a means of draining a public road or path.
- **High water line:** Line used to delineate the coast and the shores of lakes and watercourses. The high water is the natural high water line determined according to the following criteria and in the following order of priority:
 - a) Where there is a transition from a predominance of aquatic plants to a predominance of terrestrial plants or, if there are no aquatic plants, where terrestrial plants stop close to a body water;
 - b) For the purpose of damming water, the hydraulic structure should be upstream at the highest water level;
 - c) For a legally erected retaining wall, starting from the top of the structure;
 - d) If the information is available, to the edge of the recurring flood line over the past 2 years, which is considered equivalent to the line established according to the botanical criteria defined in paragraph 1.
- **Leq:** An index that describes sound levels that vary over time.
- **Shoreline:** The part of lakes and watercourses stretching from the high water line towards the center of the body of water.
- **Aquatic plants:** Hydrophytic plants, including submerged plants, floating leaf plants, emergent plants and herbaceous and emerging woody plants, which are characteristic of marshes and swamps on bodies of water.
- **Bank:** A strip of land bordering lakes and watercourses and which extends inland to the high water line. The width of the bank to be protected is measured horizontally.

The bank should be a minimum of 10 meters in the following cases:

- a) If the slope is less than 30%;
- b) If the slope is greater than 30% with a bank less than 5 meters high.

The bank should be a minimum of 15 meters in the following cases:

- a) If the slope is continuous and greater than 30%;
- b) If the slope is greater than 30% with a bank of more than 5 meters high."

ARTICLE 8

Clause 11-6-1 has been replaced by the following paragraph 11-6-1:

"11-6-1 The owner of a tree must apply for a certificate authorizing the felling of a tree when the tree to be cut down has a minimum diameter of 10 cm measured 1.3 m from the ground (diameter at waist height [dwh]) or a minimum diameter of 15 cm measured at a maximum of 15 cm from the ground (stump height diameter [SHD]). The certificate authorizing the felling of a tree can be issued when one of the following conditions apply:

- a) The tree is dead or in an irreversible state;
- b) The tree is located in the area within a footprint or less than 3 meters of a construction footprint or the area of the footprint of a structure or a proposed retaining wall. However, a tree located between 3 and 5 meters from the footprint area can be cut down under the condition that it is replaced. For the purposes of this paragraph, a sign is not considered a construction;
- c) The tree is in the footprint of a swimming pool area or in the front yard, in the area of the footprint of parking access or an entrance way to a building only if no other space is available elsewhere on the land for such amenities;
- d) The tree must be cut down if the report of an expert arborist concludes that the tree's condition is irreversible due to disease, a structural flaw that affects its strength or the serious damage it is causing to property. The following normal occurrences associated with the presence of a tree do not constitute serious damage, specifically: the falling of twigs, leaves, flowers or fruit, the presence of roots at the surface, the presence of insects or animals, shadow, bad odour, oozing sap or honeydew or pollen release;
- e) The tree must be cut down because of the risk that spreads a disease or an invasive alien species and in this case, it must be replaced;
- f) The tree must be cut in order to develop, in the bank of a lake, 5 meter-wide access to it, when the slope of the shore is less than 30% .

In addition to the standard definition, the following are considered as tree fellings:

- The removal of more than 50% living branches;
- Breaking, by tearing or cutting, of more than 40% of the root system;
- Covering the root system and increasing by an elevation of 20 cm or more;
- Any other action resulting in the removal of a tree, specifically using a toxin to kill the tree or the fact to practice or leave practice more or less continuous incisions around a tree trunk in the bark, the phloem or the wood."

ARTICLE 9

Clause 11-6-2 has been repealed.

ARTICLE 10

Clause 11-6-3 becomes clause 11-6-2.

ARTICLE 11

Clause 11-7-1 is replaced by the following clause 11-7-1:

"If a certificate of authorization is issued for the felling of a tree in accordance with section 11-6, the Director may require, as a condition to the issuance of the certificate of authorization, that the tree or all the affected trees are replaced within 6 months following the felling, by one or more trees of the same species or a similar species unless it is banned.

The planted tree(s) must have a diameter of at least 5 cm (2 inches) at 1.4 m (4 ft. 7 in) above ground level. The cost of planting is incurred by the applicant."

ARTICLE 12

Clause 11-9-4 has been repealed.

ARTICLE 13

Clause 11-11-11 has been repealed.

ARTICLE 14

Clause 11-14-1 is replaced by the following clause 11-14-1

"The article 11-6-1 of the current by-law do not apply in emergency situation in the need of a quick intervention in order to protect someone's life, health, safety and anyone property."

ARTICLE 15

The first paragraph of the subparagraph 11-12-1 is replaced by the following paragraph:

"11-12-1 During excavation, construction or landscaping works, the trees as well as their roots, on the lot and subject to be damaged, must be protected by the following precautionary measures."

ARTICLE 16

The following paragraph has been added after the second paragraph of clause 4-6-7:

"Moreover, when the alignment of construction and development of the public area permit, sufficient space in the front yard must be reserved to allow the planting of a tree and to allow it to grow to its full size. A tree should be plan on every 200 m² of undeveloped land. This planting requirement should be completed within the year following the completion of construction or enlargement of buildings and of parking areas."

ARTICLE 17

Paragraph a) of section 14-1 has been replaced by the following paragraph a):

"This chapter applies to the following zones, addresses and land:

- a) The zones that are predominantly residential: RU-1 to RU-60, RU-65, RU-66, RU-67, RU-69, RU-70, RB-1 to RB-19, RM 1 to RM-60, RM-63 and HM-1 to HM-5 as outlined in the zoning plan for all building permit or certificate applications for the replacement of a home, a new home, the extension of a main building and for renovations or alterations to the external components of a main building and landscaping of yards in zones RM-1 to RM-57 and HM to HM-5 only."

ARTICLE 18

The title of section 14-11 has been replaced by the following title:

"Overall objectives and criteria applicable to zones RU-1 to RU-60 and RU-65, RB-1 to RB-19, RM-1 to RM-60 and HM-1 to HM-5."

ARTICLE 19

The title of clause 14-11-4 has been replaced by the following title:

"Symmetry of building heights applicable to zones RU-1 to RU-60 and RU-65 as well as to zones RB-1 to RB-19."

ARTICLE 20

The title of clause 14-11-5 is replaced by the following title:

"Symmetry of facade widths applicable to zones RU-1 to RU-60, and RU-65 as well as zones RB-1 to RB-19."

ARTICLE 21

The following clause 14-11-5-1 has been added after clause 14-11-5:

"14-11-15-1 Particulars Objectives applicable to the urban complex of interest and to the sectors of interesting values

In addition to the objectives laid down at the article 14-11, the objectives regarding the urban complex and the sectors of interesting values identified as the zones RU-1 to RU-7, RU-16, RU-18 to RU-25, RU-27, RU-39 to RU-43, RU-65, RB-6, RM7, RM23, RM-24 and HM-2 of the zoning plan and represented in the Appendix E of the current by-law are the following:

- a) Preserve the life quality of the residential neighbourhood;
- b) Promote the architectural quality of the project;
- c) Ensure the protection and enhancement of the architectural features visible from the public road."

ARTICLE 22

Paragraph d) is added after paragraph c) of section 14-1:

"d) The buildings whose street addresses are:

- 5740 Hudson Avenue (Beth Zion);
- 7070 Guelph Road (St. Richard Church).

For all applications for a building permit or certificate in respect to any change in use, expansion, development or modification of the architectural or horticultural character of the land¹;

- e) The zones located in views of concern from the Mont-Royal « J » and « L » as shown at Annex 3 for each building permit application in relation to the construction of a new building or the expansion of a main building;
- f) The lots located at the edge of the City of Côte-Saint-Luc for each construction permits application in relation with the construction of a new building and the expansion of the main building. »

ARTICLE 23

The following clause 14-12-3-1 has been added after clause 14-12-3:

"14-12-3-1 Particulars Objectives applicable to the urban complex of interest and to the sectors of interesting values

In addition to the objectives laid down within article 14-12, the objectives regarding the urban complex and the sectors of interesting values identified as the zones CA-3, CD-5 and CD-10 of the zoning plan and represented at the Annex 4 of the current by-law are the following:

- a) Preserve the life quality of the residential neighbourhood;
- b) Promote the architectural quality of the project;
- c) Ensuring the protection and enhancement of the architectural features visible from the public road."

ARTICLE 24

The following clause 14-13-3-1 has been added after clause 14-13-3:

"14-13-3-11 Particulars Objectives applicable to the urban complex of interest and to the sectors of interesting values

In addition to the objectives laid down within article 14-11, the objectives regarding the urban complex and the sectors of interesting values identified as the zones IR-1, IR-2, IR-4 and IR-6 of the zoning plan and represented at the Annex 4 of the current by-law are the following:

- a) Preserve the life quality of the residential neighbourhood;
- b) Promote the architectural quality of the project;

¹ The following paragraphs e) and f) are added.

- c) Ensuring the protection and enhancement of the architectural features visible from the public road."

ARTICLE 25

The following section 14-14 has been added after clause 14-13-4:

"14-14 Overall objectives and criteria applicable to places of worship whose street addresses are listed in paragraph d) of section 14-1

14-14-1 Objectives applicable to places of worship

The objectives for places of worship, include:

- a) Preserving the historical and symbolic value of place of worship and his main characteristics;
- b) Maintain and enhance the interesting architectural and landscape features during the restoration;
- c) Protect the perspectives and views of the place of worship;
- d) To enhance and protect outdoor spaces;
- e) Integrate and ensure the reversibility of current changes."

14-14-2 Evaluation Criteria

The following criteria should be used to evaluate compliance with the objectives for places of worship of:

- a) Every project must aim to preserve and to restore architectural and landscaping features interest;
- b) The views and view sheds from the public road should be preserved;
- c) The outdoor space should be subject of a high quality landscaping;
- d) Contemporary interventions should be integrated or asserted with respect of the original architecture, or to be reversible;
- e) For the implantation project of a new activity or a new usage, it should be demonstrated that modifications to the building and plant elements are limited to the least valuable parts and aim to enhance the place worship and its location .»

ARTICLE 26

Paragraph f) of clause 11-8-1 is replaced by paragraph f) below:

"f) As of the date that the present by-law became effective, the planting of one or other of the following tree species:

- i. Garlic mustard (*alliarica petiolata*)
- ii. Reed canary grass (*phalaris arundinacea*)
- iii. Queen Anne's Lace (*anthriscus sylvestris*)
- iv. Giant hogweed (*heracleum mantegazzianum*)
- v. Flowering Rush (*butomus ombellatus*)
- vi. Water chestnut (*trapa natans*)
- vii. Dog-strangling vine or swallow-wort (*cynanchum rossicum*)
- viii. Black dog strangling vine or black swallow-wort (*cynanchum louiseae*)
- ix. Goutweed (*aegopodium podagraria*)
- x. Silver maple (*acer saccharinum*)
- xi. Manitoba maple (*acer negundo*)
- xii. Norway maple (*acer platanoides*)
- xiii. Hedge bedstraw (*galium mollugo*)
- xiv. Reed sweet-grass (*glyceria maxima*)

- xv. Frogbit (*hydrocaris morsus-ranae*)
- xvi. Policeman's Helmet, Bobby Tops (*impatiens glandulifera*)
- xvii. Yellow Flag, Yellow Iris (*iris pseudacorus*)
- xviii. Amur Silver-grass (*miscanthus sacchariflorus*)
- xix. Chinese Silver-grass (*miscanthus sinensis*)
- xx. Eurasian water milfoil (*myriophyllum spicatum*)
- xxi. Alder Buckthorn (*frangula alnus*)
- xxii. Buckthorn (*rhamnus cathartica*)
- xxiii. American Elm (*uhnus americana*)
- xxiv. Siberian Elm or Asiatic Elm (*ulmus pumila*)
- xxv. Lesser Periwinkle (*vinca minor*)
- xxvi. Silver Poplar, White Poplar (*populus alba*)
- xxvii. Eastern Cottonwood (*populus deltoides*)
- xxviii. Lombardy Poplar (*populus nigra italica*)
- xxix. Quaking Aspen (*populus tremuloides*)
- xxx. Bohemian Knotweed (*fallopia x bohémica*)
- xxxi. Giant Knotweed (*fallopia sachalinensis*)
- xxxii. Japanese Knotweed (*fallopia japonica*)
- xxxiii. Black Locust (*robinia pseudoacacia*)
- xxxiv. Yellowcress (*rorippa amphibia*)
- xxxv. Common Reed (*phragmites australis*)
- XXXVI. Multiflora Rose (*rosa multiflora*)
- xxxvii. Rugosa Rose, Japanese Rose (*rosa rugosa*)
- xxxviii. Spiked Loosestrife (*lythrum salicaria*)
- xxxix. Weeping Willow (*salix*)
- xl. All types of Aspen (*populus tremula*)
- xli. All types of Ash (*fraxinus*)

are prohibited.

ARTICLE 27

Section 14-16 has been added after clause 14-15-2:

"Objectives 14-16 are applicable to all zones located into the view from and of Mont Royal "J" and "L" as indicated at the annex 3 of the present by-law.

14-16-1 Objectives

The objectives for these zones include:

- a) Ensure that construction projects for new buildings or enlargements of buildings maintain the views of Mount Royal;
- b) To preserve and enhance the overall character of the surrounding area.

14-16-2 Evaluation Criteria

The following criteria should be used to evaluate compliance with the objectives:

- a) The form, footprint and height of a project must aim to preserve the views of Mount Royal;
- b) The characteristics of neighbouring buildings such as the type of building, dimensions, the footprint parameters on the land, surfaces, roof types, openings, access and protrusions, must be considered in order to integrate with the community."

ARTICLE 28

The annexe 3 of the current by-law entitled – The views of concern from Mount Royal is added as the annexe F to By-law 2217 – The views of concern from the Mount Royal shall be fully integrated to this By-law.

ARTICLE 29

The following paragraph ix. has been added after paragraph viii. of clause 9-1-4:

"ix. Billboard advertising type signs"

ARTICLE 30

The title of chapter 11 entitled - Protection of trees has been replaced by the following title:

"Chapter 11 - Environmental Provisions."

ARTICLE 31

The following section 11-16 has been added after clause 11-15-5:

« 11-16 Natural habitats mosaic

a) Biodiversity

Every implementation project for a new construction, building expansion or landscaping of a lot, located in a mosaic of natural habitat on of the RU-52, PG1 and PGE-2 zones, must be design and realized in way to maximize wood and wetland preservation, enhance its value and be integrated to the project, while considering its ecological value and enhance its biodiversity.

b) Water supply

The implantation of a new construction project or building expansion and the completion of a landscaping work on a lot, in a natural habitats mosaic of one of the zones RU-52, PG1 and PGE-2, or a lot contiguous to those zones, should not compromise water supply in natural habitat. »

ARTICLE 32

The following clause 11-17 has been added after clause 11-16:

"11-17 Protection of banks and shorelines

11-17-1

Bodies of water subject to the following provisions concerning the protection of banks and shorelines are:

- a) All the bodies of water as defined in section 11-1 in this by-law shall be covered by the provisions relating to banks and the shoreline.

A permit or certificate of authorization must be obtained prior to beginning any construction, structures, and all work that is likely to destroy or alter the vegetation covering banks, to expose.

ARTICLE 33

The following clause 11-7-2 has been added after clause 11-17-1:

"11-17-2

All types of construction, all structures and all work are prohibited on banks. However, the following types of construction, structures and work may be allowed:

- a) The maintenance, repair and demolition of existing buildings and structures used for purposes other than municipal, commercial, industrial, public or public access purposes;
- b) Construction, structures and work for municipal, commercial, industrial, public or public access purposes, including their maintenance, repair and demolition when authorized under the *Environment Quality Act*;
- c) The construction or enlargement of a main building for purposes other than municipal, commercial, industrial, public or public access purposes, under the following conditions:
 - i) Lot dimensions are insufficient to allow the construction or expansion of the main building as a result of the creation of the protected strip along the bank and the modifications cannot reasonably be implemented elsewhere on the land;
 - ii) The development was built prior to when the interim by-law controls of the former Montreal Urban Community (regulation 65) came into effect on 21 December 1983;
 - iii) A minimum protective border of 5 meters is preserved and maintained in its current state or preferably returned to its natural state, if it is not already;
- d) The construction or erection of a secondary structure or accessory such as a garage, shed, small cottage or pool on the part of a bank which is no longer in its natural state, the following conditions:
 - i) Lot dimensions are insufficient to allow for the construction or erection of the secondary building or accessory as a result of the creation of the protected shoreline strip;
 - ii) The development was built prior to when the interim by-law controls of the former Montreal Urban Community (regulation 65) came into effect on 21 December 1983;
 - iii) A minimum protective border of 5 meters is preserved and maintained in its current state or preferably returned to its natural state, if it is not already;
 - iv) The secondary building or accessory is built on the ground without excavation or fill;
- e) The following structures and work on vegetation:
 - i) Sanitation cutting;
 - ii) The felling is required for the footprint of a building or authorized work;
 - iii) The felling is required to create a 5 meter-wide access point to the water, when the slope of the shore is less than 30%;
 - iv) Pruning and trimming is required to create a five-meter wide access point, where the slope of the bank exceeds 30%, as well as the creation of a path or a staircase that provides access to the water;
 - v) For the purposes of restoring permanent and sustainable vegetation cover, sowing and planting of plants, trees or shrubs, and the work required for such purposes;
- f) Structures and work on:

- i) The installation of fences;
- ii) The establishment or creation of underground or above ground tile-drainage-system outflows and pumping stations;
- iii) The development of culverts and bridges that cross rivers as well as related access roads;
- iv) When the slope, soil type and land conditions make it impossible to restore the vegetation cover and the natural character of the river bank and the following is employed: vegetation and mechanical stabilization structures, such as riprap, gabions or retaining walls, and priority is given to the approach that is most likely to facilitate the eventual establishment of natural vegetation;
- v) Groundwater withdrawal facilities used for purposes other than municipal, commercial, industrial, public or public access and are designed in accordance with regulations on the withdrawal and protection of water (RLRQ, chapter Q-2 , r. 35.2);
- vi) The reconstruction or widening of a road or an existing road;
- vii) The construction and work required for the construction of buildings, structures and work authorized in shoreline zones are in accordance with mandated requirements for shorelines.

ARTICLE 34

The following clause 11-17-3 has been added after clause 11-17-2:

"11-17-3

All types of construction, all structures and all work are prohibited on the banks. However, the following types of construction, structures and work may be allowed:

- a) The development of watercourse crossings such as culverts and bridges;
- b) Surface water withdrawal facilities created in accordance with the regulations on the withdrawal and protection of water (RLRQ, chapter Q-2, r. 35.2), except for supply canals or diversion canals installations that are non-agricultural in purpose;
- c) Encroachment on the shoreline needed for authorized work on the bank;
- d) The work of cleaning and maintenance of watercourses, without excavation, carried out by a municipal authority, in accordance with the powers and duties conferred to it by law;
- e) Construction, structures and work for municipal, industrial, commercial, public or public access purposes, including their maintenance, repair and demolition are subject to obtaining authorization under the Conservation and Enhancement of Wildlife Act (RLRQ, chapter C-61.1), the Water Management Act (RLRQ, chapter R-13) or all other laws;
- f) The maintenance, repair and demolition of existing buildings and structures that are not used for municipal, industrial, commercial, public or public access.

ARTICLE 35

The following section 11-18 has been added after clause 11-17-3:

"11-18 Noise and vibration impact study required

11-18-1

In the entire City of Côte Saint-Luc region, a noise and vibration impact study is required for:

- a) All new construction permit applications adjacent to a railway track including sensitive usages identified in section 11-18-2 of zoning by-law 2217;
- b) Any change of usage or occupation for sensitive usages adjacent to a railway line identified in 2217 section 11-18-2 number zoning regulation.

This report must be made by a qualified professional, taking into account Annex 2 and include

- i) An assessment of the sustainability of development;
- ii) A study of noise and vibration;
- iii) A study on the management of running water;
- iv) Measures for the mitigation of noise, vibration, trespassing, security."

ARTICLE 36

Annex 2 *"Guidelines applicable for new developments located near rail operations,"* appended to this regulation have been added as Annex D as an integral part of the By-law.

ARTICLE 37

The following clause 11-18-2 has been added after clause 11-18-1:

"11-18-2

Occupation of land adjacent to a rail yard or at a main railway

Land or portion of land located within 75 meters of a major railway right of way and adjacent to this right of way can be occupied for one of the following sensitive uses if the vibration level within building or part of a building in which it exercises use, is greater than 0.14 mm/s:

- a) Residential usage
- b) One of the following community and institutional facilities:
 - o Library;
 - o Shelters or long-term care residences;
 - o Child and Youth Protection Centres;
 - o Rehabilitation Centres;
 - o Health Center and Social Services;
 - o Hospital;
 - o School;
 - o Cultural Institution, such as a place of worship or a convent;
 - o Childcare facility.

In addition, all new construction projects on land adjacent to a major railway track must meet the following norms and criteria to support the safety of facilities and constructions on this land:

- a) No border, outlined in the table of provisions, can be less than 30 meters from the edge of the right of way of the railway.
- b) No playground or rest area can be developed within 30 meters of the right of way of the railway.
- c) The interior noise level of a building intended for sensitive usage mentioned above may not exceed 40 dBA Leq (24h).

For the purpose of assessing these criteria, the developer of the building project is required to submit an assessment in accordance with Appendix D of this by-law and a noise and vibration impact study in accordance with section 11-18-1 of this by-law."

ARTICLE 38

The following clause 11-18-3 has been added after clause 11-18-2:

"11-18-3

Occupation of land adjacent to a railway yard.

Land or a portion of land located within 300 meters of the right of a railway yard and adjacent to this right of way cannot be occupied by a sensitive usage development listed in clause 11-18 -2, if the noise level inside the building or part of the building in which it operates, exceeds 40 dBA Leq (24 h) or the rest area outside the building if the noise level exceeds 55 dBA Leq (24 h)."

ARTICLE 39

The section 11-16 become the section 11-19.

ARTICLE 40

Section 2-4 is added after section 2-3:

"2-4 Mixed usage

Buffer zones or visual screens, preferably landscaped, should be created for a sensitive usage zone, as indicated in clause 11-18-2 of this by-law, and is contingent on one of the following usages:

- Industrial usage;
- A public works yard;
- Snow disposal or treatment of waste sites."

ARTICLE 41

The following section 2-5 has been added after section 2-4:

"2-5 Organic matter processing center

All usage other than for industrial and "PM" (parks) purposes are prohibited within 500 meters of an organic waste treatment center (biogas facility, composting facility or household waste pre-treatment center).

The distance of 500 meters must be calculated from the limits of the planned land for the establishment of such a center for treatment of organic matter, unless the operations section generating odours has already been localized, in which case the distance is to be calculated from the chimney of this plant.

Despite the first clause, it is also possible to permit, within 500 meters of an organic waste treatment center, other uses considered compatible by the Ministry of Sustainable Development, Environment and the Fight against climate change (MDDELCC)."

ARTICLE 42

The following section 14-17 has been added after section 14-16-2:

"14-17 Overall objectives and criteria for land situated at the city limits

14-17-1 Objectives

The objectives for these lands are as follows:

- a) To maintain compatibility and to consider the impact of construction or an enlargement of a building located on land at the city limits;
- b) Ensure that all construction or expansions of buildings located on land in the city limits demonstrates an architectural homogeneity with its neighbours."

14-17-2 Evaluation Criteria

The following criteria should be used to assess compliance with the objectives:

- a) The project should aim to be compatible with the buildings in terms of height, alignment, the type of footprint, the layout of the front yard, the location of the access to the parking areas, the sidings, and cuffs the signage with the buildings and the area situated in front and on the side;
- b) Any construction or enlargement of a building on land adjacent to a municipal boundary must strive to have the same impact on sunshine as a project constructed to within the upper half of the height permitted on the land in the neighbouring municipality, and if it abuts this land, only residential usage is permitted."

ARTICLE 43

2-6 The following section is added after section 2-5:

"2-6. Transportation of hydrocarbons by pipeline

All new hydrocarbon pipeline facilities may not be located within 300 meters of a sensitive usage building as outlined in section 11-18-2 of this by-law."

ARTICLE 44

The appendix B of the Côte-Saint-Luc by-law is modified by replacing the table of uses and norms for the zones IN-1, PGE-1, PGE-2 and RU-52 as presented on the Appendix 1- Table of uses and norm to be fully integrated.

ARTICLE 45

The Côte-Saint-Luc zoning by law is amended by adding the Annex E: represented in Annex 4 Particulars Zones Plan to form an integrated part thereof.

ARTICLE 46

The B y-law enter in force according to the law.

(s) Mitchell Brownstein

MITCHELL BROWNSTEIN
MAYOR

(s) Jonathan Shecter

JONATHAN SHECTER
CITY CLERK

CERTIFIED TRUE COPY



JONATHAN SHECTER
CITY CLERK

Annex 1 : Tables of Uses and Norms

ANNEX 1

TABLE OF USES AND NORMS		
IDENTIFICATION OF THE ZONE		PGE-2
P E R M I T T E D U S E S	INDUSTRIAL	
	INDUSTRY	(142)
	- Category -1	•
	- Category -2	•
	PUBLIC	
	PARKS, GREEN SPACES AND RECREATIVE FACILITIES	
	MUNICIPAL FACILITIES	
	PUBLIC UTILITIES	
	MAJOR PUBLIC UTILITIES	• (80)
	INSTITUTIONAL	
	CULTURE, RELIGION, EDUCATION, HEALTH	
	- Category 1 - Culture	
N O R M S	CONSTRUCTION OF BUILDINGS IN m	
	MAXIMUM HEIGHT OF BUILDING IN STOREYS	
	MAXIMUM HEIGHT OF BUILDING	10,65
	ESTABLISHMENT OF BUILDINGS IN m	
	MINIMUM FRONT SETBACK	12,19
	MINIMUM REAR SETBACK	7,62
	MINIMUM LATERAL SETBACKS	7,62
	RATIOS	
	LAND COVERAGE (Maximum)	50%
	DIMENSIONS OF LAND IN m	
	MINIMUM LAND AREA (m ²)	1858
	MINIMUM FRONTAGE OF INTERIOR LAND	38
	MINIMUM LAND DEPTH	45,72
	SPECIAL NORMS	(141)
	SPECIAL NORMS	(64)
N O T E S	(64) The minimum area for installations reserved for railway sorting stations shall be 60%.	
	(89) Snow disposal are permitted	
	(141) See article 11-16	
	(142) Any public infrastructure is permitted on every zones of the PGE category.	

TABLE OF USES AND NORMS							
IDENTIFICATION OF THE ZONE			IN-1				
P E R M I T T E D U S E S	COMMERCIAL AND SERVICES						
	RETAIL COMMERCE						
	- Retail commerce - 1		●				
	- Retail commerce - 2		●				
	- Retail commerce - 3		●				
	- Retail commerce - 4		●				
	- Retail commerce - 5		●				
	- Retail commerce - 6		●				
	SERVICE COMMERCE						
	- Neighbourhood professional services		●				
	- Financial services		●				
	- Personal services		●				
	- Services intended for the public		●				
	LODGING AND CATERING COMMERCE						
	- Hotel services		●				
	- Restaurant - 1		●				
	- Restaurant - 2		●				
	- Restaurant - 3		●				
	- Restaurant - 4		●				
	- Car or curb service		●				
	RECREATIONAL COMMERCE						
	- Recreational without incidence - 1		●				
	- Recreational without incidence - 2						
	- Recreational without incidence - 3		●				
	- Exterior recreational - 1		●				
	- Exterior recreational - 2		●				
	- Exterior recreational - 3		●				
	AUTOMOBILE COMMERCE						
	- Motor vehicles - 1		●				
	- Motor vehicles - 2		●				
	- Motor vehicles - 3		●				
	- Motor vehicles - 4		●				
	- Motor vehicles - 5		●				
	- Motor vehicles - 6		●				
	- Motor vehicles - 7		●				
	- Motor vehicles - 8		●				
	EXTENSIVE COMMERCE						
	- Extensive commerce - 1						
	- Extensive commerce - 2		●				
	COMMERCIAL CENTRE		●				
	INSTITUTIONAL						
	CULTURE, RELIGION, EDUCATION, HEALTH						
	- Category 1 - Culture						
	- Category 2 - Religion		●				
	- Category 3 - Education						
	- Category 4 - Health						
	INDUSTRIAL						
	INDUSTRY						
	- Category - 1		●				
N O R M S	ESTABLISHMENT OF BUILDINGS IN m		(46)				
	MINIMUM FRONT SETBACK		7,62				
	MINIMUM REAR SETBACK		7,62				
	MINIMUM LATERAL SETBACKS		7,62				
	RATIOS						
	LAND COVERAGE (Maximum)		50%				
	FLOOR SPACE INDEX (MIN / MAX)		0,25@1,50				
	SPECIAL NORMS						
N O T E S	(46) The norms for establishment and the ratios are for a building of one (1) to three (3) storeys. See annex "C" for the norms for a building of four (4) storeys up to a maximum of twenty (20) storeys.						

TABLE OF USES AND NORMS									
IDENTIFICATION OF THE ZONE		RU-50	RU*-51	RU-52	RU-53	RU*-54	RU-55	RU*-56	
P E R M I T T E D U S E S	RESIDENTIAL								
	SINGLE - FAMILY DWELLING								
	- Detached	•		•	•		•		
	- Semi-detached	•		•	•				
	- Row, maximum two (2) storeys					•		•	
	- Garden apartments, maximum two (2) storeys		•						
	TWO - FAMILY DWELLING								
	- Detached								
	- Semi-detached								
	- Row, maximum three (3) storeys								
	MULTI - FAMILY DWELLING								
	- From three (3) storeys to a maximum of five (5) storeys								
	- From six (6) storeys to a maximum of eight (8) storeys								
	- From nine (9) storeys to a maximum of fifteen (15) storeys								
	- From sixteen (16) storeys to a max. of twenty (20) storeys								
•	MIXED DWELLING								
N O R M S	ESTABLISHMENT OF BUILDINGS IN m								
	MINIMUM FRONT SETBACK		7.62			7.62	4.57 (20)	4.57 (22)	
	- In front of a public right-of-way of 15.24m	6.09		6.09	6.09				
	- In front of a public right-of-way of 20.11m	4.57		4.57	4.57				
	- If land is > 30.48m deep								
	- If land is ≤ 30.48m deep								
	MINIMUM REAR SETBACK		7.62 (10)			7.62 (10)	8.14 (21)	9.14	
	- If regular land (In metres)								
	- If regular land (In percentage (%) of the depth of the land)								
	- If irregular land	9.14 (13)		9.14 (13)	9.14 (13)				
	- If land is > 28.95m deep	9.9 (14)		9.9 (14)	9.9 (14)				
	- If land is ≤ 28.95m deep	9.14 (14)		9.14 (14)	9.14 (14)				
	MINIMUM LATERAL SETBACKS DETACHED DWELLING								
	- If interior land (1 or 2 storeys)	1.98/3.65		1.98/2.74	1.98/2.74		1.98		
	- If interior land (3 storeys)						2.29		
	- If corner land (other side/sec. front setback (street side))	1.98/4.57		1.98/4.57	1.98/4.57		4.57		
	- If on-grade garage (maximum slope 3%)	1.98/2.74							
	MINIMUM LATERAL SETBACKS SEMI-DETACHED DWELLING								
	- If interior land (1 or 2 storeys)	2.36		2.36	2.36				
	- If interior land (3 storeys)								
	- If corner land (other side/sec. front setback (street side))	2.36/4.57		2.36/4.57	2.36/4.57				
	MINIMUM LATERAL SETBACKS								
	- Row Dwelling, maximum two (2) storeys					7.62 (11)		1.06	
	- Row Dwelling, maximum three (3) storeys								
	- Garden apartment, maximum two (2) storeys		7.62 (11)						
	MINIMUM SETBACK BETWEEN TWO (2) ROWS OF BUILDINGS								
	- Minimum yards opposite a living room		9.14			7.31			
	- Minimum yards opposite any room except living room		5.33			5.33			
	- Minimum yards opposite any end wall		3.05			3.05			
	RATIOS								
	LAND COVERAGE (Maximum)	40%	35%	40%	40%	35%	40%	35%	
	FLOOR SPACE INDEX (MIN / MAX)	0.25/0.8	0.5/1.0	0.25/0.8	0.25/0.8	0.5/1.0	0.25/0.8	0.5/1.0	
	DIMENSIONS OF LAND IN m								
	MINIMUM LAND AREA (m ²)		501.66 (15)	4645	501.66 (15)	501.66 (15)	4645	501.66	1625.75
	MINIMUM FRONTAGE OF INTERIOR LAND								
	- Regular		19.26 (16)		19.26 (16)	19.26 (16)		19.26	
	- Irregular		12.19 (17)		12.19 (17)	12.19 (17)		12.19	
	MINIMUM FRONTAGE OF CORNER LAND		19.81 (18)		19.81 (18)	19.81 (18)		19.81	
	SPECIAL NORMS								
	SPECIAL NORMS				(141)				(23)
	MINIMUM LAND AREA / DWELLING (m ²)			139.35			232.25		
	MIN. AMENITY AREA/PROJECTION THE FOLLOWING BASIS (m ²)								
	- Bachelor unit			13.93			13.93		
	- One (1) bedroom unit			18.58			18.58		
	- Two (2) bedroom unit			53.41			53.41		
	- Three (3) bedroom unit			68.25			68.25		
	- Four (4) bedroom unit			123.09			123.09		
N O T E S	(10) The minimum setback is 3.05 m between an end wall and the rear lot line.								
	(11) The minimum setback is 3.05 m between an end wall and the lateral lot line.								
	(13) No point of the building at less than 6.09 m from the rear lot line.								
	(14) 9.14 m for semi-detached dwellings. (15) 769.65 m ² for semi-detached dwellings.								
	(16) 27.43 m for semi-detached dwellings. (17) 18.28 m for semi-detached dwellings. (18) 28.95 m for semi-detached dwellings.								
	(20) 6.09 m minimum for the dwellings located at 5800, 5810, 5819, 5828, 5830, 5855, 5861, 5889, 5915, 5921, 5930 and 5950 Tommy Douglas Street.								
	(21) 6.09 m minimum for the dwellings located at 6098 David Lewis Street, 5909, 5811, 5985, 5989 and 6015 Tommy Douglas Street and 7.62 m minimum for the dwellings located at 5915, 5951, 5955, 5969, 5971, 5980, 6000 and 6050 Tommy Douglas Street.								
	(22) 6.09 m minimum for the dwellings located at 5985, 5989, 5993, 5997, 6015, 6019, 6023, 6027, 6035, 6043, 6053, 6057, 6065, 6059, 6073 and 6077 David Lewis Street.								
	(23) The maximum number of units is four (4) for each row dwelling. (141) See article 11-16								

Annex 2 : Development guidelines near railway operations

ANNEX 2

DEVELOPMENT GUIDELINES NEAR RAILWAY OPERATIONS¹

Introduction

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

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

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

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

¹ The Federation of Canadian Municipalities and The Railway Association of Canada, Guidelines for New Development in Proximity to Railway Operations, 2013

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

It is strongly recommended that developers consult with the affected railway while preparing the assessment of the development's viability, to ensure that all relevant issues are addressed.

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

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

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

Information about the site

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

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

Information about railway facilities

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

- i. track geometry and alignment (i.e. is the track straight or curved?);
- ii. the existence of switches or junctions;
- iii. track speed, including any potential or anticipated changes to the track speed;
- iv. derailment history of the site and of other sites similar in nature;
- v. current and future estimated usage and growth in patronage (10-year horizon);
- vi. details of any future/planned corridor upgrades/ works, or any protection of the corridor for future expansion, where no plans are in existence; and
- vii. topography of the track (i.e. is it in a cut, on an embankment, or at grade?).

Information about the development

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

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

Information about the construction

While it is understood that construction details will not be finalized at the development application stage, there are a number of impacts associated with construction on a site in proximity to a railway corridor that need to be considered prior to development approval. At a minimum, the following information must be provided:

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

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

- i. provide details of how the security of the railway corridor will be maintained during construction, (i.e. by providing details about the type and height of security fencing to be used);
- ii. provide details of any planned demolition, excavation and retaining works within 30 metres of the railway corridor and specify the type and quantity of works to be undertaken;
- iii. services and utilities - provide details of:
 - a. whether any services or utilities will be required to cross the railway corridor; and
 - b. whether any existing railway services/ utilities will be interfered with; and
- iv. stormwater, drainage, sediment, and erosion control - provide details of how any temporary stormwater and drainage will operate during construction, and how sediment and erosion control will be managed.

Determination of hazards and risks

Once details unique to the site, railway corridor, development design, and construction have been determined, the individual risks must be identified and evaluated with individual mitigation



measures planned for each. Such risks may include injury or loss of life and damage to public and private infrastructure. At a minimum, consideration must be given to:

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

Annex 3 : Protected views of Mont Royal

ANNEX F

Les vues d'intérêt depuis le mont Royal

-  Vue depuis le mont Royal
 Vue menacée depuis le mont Royal

- A. Belvédère Kondiaronk du chalet de la Montagne
 B. Avenue des Pins en bordure du parc Rutherford
 C. Rue Peel, angle avenue des Pins
 D. Rue de la Montagne, angle avenue Docteur-Penfield
 E. Clairière au nord de l'Hôpital général
 F. Intersection Cedar et Côte-des-Neiges
 G. Belvédère du parc Summit vers le sud
 H. Parc King-George
 I. Belvédère Roslyn
 J. Oratoire Saint-Joseph
 K. Belvédère du parc Summit vers le nord
 L. Chemin Polytechnique de l'Université de Montréal
 M. Pavillon principal de l'Université de Montréal
 N. Axe Vincent-D'Indy
 O. Belvédère Camillien-Houde
 P. Voie Camillien-Houde vers le nord
 Q. Mountain View (Cimetière Mont-Royal)
 R. Sentiers de l'Escarpement Est du parc du Mont-Royal
 S. Escalier Trafalgar

Mise en valeur
du territoire
et du patrimoine

Plan d'urbanisme

Montréal 

0 500 1000

Décembre 2007

Annexe E : Plan de zones particulières présenté à l'annexe 4 (art. 45)



As per Map No 12 of the
Montreal Urban Agglomeration
Land use and Development plan,
April 1, 2015



- [illegible]

PROVINCE OF QUÉBEC
CITY OF CÔTE SAINT-LUC

BY-LAW NO. 2217-53

**BY-LAW No. 2217-53 TO AMEND THE
ZONING BY-LAW No. 2217 OF THE
CITY OF CÔTE SAINT-LUC IN ORDER
TO BRING IT IN TO COMPLIANCE
WITH THE PLANNING PROGRAMME
No. 2474**

ADOPTED ON: May 8, 2017

IN FORCE ON: August 9, 2017

CERTIFIED TRUE COPY