

BY-LAW NO. 2217-62

**BY-LAW TO AMEND THE ZONING BY-LAW
NO. 2217 OF THE CITY OF CÔTE SAINT-
LUC IN ORDER TO ADJUST NORMS
PERTAINING TO EXTERIOR SIDING
MATERIALS, MECHANICAL EQUIPMENT,
LANDSCAPING, GROUND COVER, AND
OTHER PROVISIONS.**

At a Regular Council Sitting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on Monday, December 11, 2023, at 8:00 p.m. at which were present:

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

Councillor Lior Azerad

Councillor Sidney Benizri

Councillor Dida Berku, B.C.L.

Councillor Mike Cohen, B.A.

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

Councillor Mitch Kujavsky, B. Comm.

Councillor Andee Shuster

ALSO PRESENT:

Me Jonathan Shecter, City Manager

Florine Agbognihoue, Assistant City Clerk, acting as secretary of the meeting.

WHEREAS a notice of motion for the present by-law was given at a Regular Sitting of the City Council held on September 11, 2023;

WHEREAS a first draft by-law no 2217-NNN-P1 was adopted at a Regular Sitting of the City Council held on September 11, 2023;

WHEREAS following the adoption by resolution of the first draft by-law no 2217-NNN-P1, the City of Côte Saint Luc held a public consultation meeting on October 16, 2023 in the Council Chamber at the City Hall;

WHEREAS a second draft by-law no 2217-NNN-P2 was adopted at a Regular Sitting of the City Council held on October 16, 2023;

WHEREAS after public notice was given, no valid request was received for the by-law to be submitted for the approval by way of referendum of the qualified voters in the concerned zone or any contiguous zones;

IT IS ENACTED AND ORDAINED by by-law no 2217-62 entitled: "By-Law to amend the Zoning by-law no. 2217 of the City of Côte Saint-Luc in order to adjust norms pertaining to exterior siding materials, mechanical equipment, landscaping, ground cover, and other provisions."

By-Law no. 2217 entitled "Zoning By-Law of the City of Côte Saint-Luc", as amended from time to time is hereby further amended as follows.

ARTICLE 1

Article 1-9 of the By-Law, entitled "Definitions", is modified by the insertion of the following definitions, listed in alphabetical order:

"Pathway (*Sentier Piétonnier*)

A continuous and unobstructed walking route between two points or features on a private property. A pathway is distinct from a City sidewalk.

Synthetic/Artificial Grass (*Gazon artificiel/synthétique*)

A surface of synthetic fibers such as nylon, polypropylene, or polyethylene, made to imitate the appearance of natural grass."

ARTICLE 2

Article 4-4-1 of the By-Law, entitled "Front Yard and Secondary Front Yard", is hereby modified by the replacement of "sidewalks," by the word "pathways", and by the replacement of "garage entrances" by the word "driveways" in paragraph b).

ARTICLE 3

Article 4-4-2 of the by-law, entitled "Lateral Yards", is hereby modified by the replacement of "sidewalks," by the word "pathways", and by the replacement of "garage entrances" by the word "driveways" in paragraph b), and by the removal of paragraph o).

ARTICLE 4

Article 4-4-3 of the by-law, entitled "Rear Yards", is hereby modified by the insertion of "subject to the provisions of Article 4-11-2", after "terrace cafes" in paragraph e), and by the insertion of the following after paragraph f):

- "g) decks, patios, pathways, terraces, pergolas, gazebos, and solariums.
- h) synthetic grass, under the following conditions:
 - Meets the requirements pertaining to total area, as prescribed by article 4-4-6 of the present by-law.
 - May not be installed within 0.91 m (3 ft.) of the trunk edge of a tree.
 - Must be located at a minimum distance of 0.6 m (2 ft.) from any property line and shall in no case hamper the drainage of the property nor divert the surface waters towards the neighbouring properties.
- i) generators, under the following conditions:
 - A maximum of one (1) generator per building is allowed.
 - Generators must be maintained in good condition and may only be used during power outages, or during maintenance operations of a frequency and duration limited to that recommended by the manufacturer.
 - Diesel-powered generators are prohibited.
 - All generators must comply with the noise provisions for mechanical equipment set out in Chapter 3 of the Construction By-Law No. 2593.
 - For single-family and two-family homes, generators must be located exclusively in the rear yard, installed on a concrete slab at a minimum distance of 1.52 m (5 ft.) from any property line and must not be visible from a public road.
 - For all other uses, generators must be located inside the main building or in a penthouse for mechanical equipment, provided it is set back by 2.44 m (8 ft.) from the perimeter of the roof."

ARTICLE 5

Article 4-4-5 of the by-law, entitled "Balcony, Deck, Patio, Terrace, Pergola, Gazebo and Solarium", is hereby modified by the replacement of "and Solarium" by ", Solarium and Pathway" in the title, and by the insertion of the following, after paragraph g):

"h) **Pathway**

Pathways may be erected to allow the circulation or connection

between features on a property.

Pathways must have a maximum width of 1.2 m (4 ft.) and be located at a minimum distance of 0.6 m (2 ft.) from any property line, and 0.91 m (3 ft.) from the trunk edge of any tree. Pathways may abut or intersect with a driveway, patio, terrace, pergola, deck, or gazebo, if they respect these required dimensions and setbacks. Pathways may not be surfaced with synthetic grass.

ARTICLE 6

Article 4-4-6 of the by-law, entitled "Total Area", is hereby replaced by the following:

"Total Area

The total area covered by a combination of balcony, deck, patio, gazebo, pergola, terrace, driveway, accessory building, synthetic grass, deck for an above-ground swimming pool or a solarium in the rear yard of a main building, may not exceed 50% of the area of the said rear yard."

ARTICLE 7

Article 4-5 of the by-law, entitled "Use of the public right-of-way", is hereby modified by the replacement of "private walkways" by "pathways".

ARTICLE 8

Article 4-6-7 of the by-law, entitled "Landscaping", is hereby replaced by the following:

"Landscaping

Any land, lot, or part thereof, not occupied by a building, driveway, pathway, loading or unloading dock, patio, deck, gazebo, solarium, balcony, or sports and recreation facilities must be levelled, and covered with natural landscaping features such as grass, soil, plants, pebbles, wood chips, mulch, shrubs, native vegetation, or any combination of these features.

It should be noted that any surfaces covered with synthetic grass may not be considered as a natural landscaping feature and are subject to article 4-4-6 of the present by-law.

In the case of all buildings, except Single-Family and Two-Family dwellings, a landscaping plan must be submitted for approval."

ARTICLE 9

Article 4-6-9 of the by-law, entitled "Exterior Finish", is hereby modified by the replacement of paragraph m) by the following:

"m) paints or stains applied to a masonry wall (bricks and stones),

except for the application of a stain that meets all the following conditions:

- Mineral stain, water and silicate based.
- Fully breathable, antimicrobial, mildew resistant.
- 100% non-hazardous.
- Non-film forming, chemically binds to the interior of the substrate.
- Free of volatile organic compounds (VOCs).
- With inorganic pigments.
- Air permeable.
- Non-flammable.
- Ultraviolet resistant.

The stain must be applied to the bricks and/or stones only, the mortar joints must remain free of stain.

The stain must be applied by a professional certified by the product manufacturer.

Staining masonry is subject to Chapter 14 of the present By-Law entitled Site Planning and Architectural Integration Programmes.”

ARTICLE 10

Article 4-11-3 of the by-law, entitled “Exterior Landscaping”, is hereby modified by the replacement of “pedestrian access ways” by “pathways.”

ARTICLE 11

Article 7-2-3 of the by-law, entitled “Enlargement of Driveway”, is hereby modified by the removal of the word “patio” in paragraph d) and by the replacement of paragraphs h) and i) by the following:

“h) In no case shall a retaining wall for a driveway be built at a distance inferior to 0.60 m (2 ft.) from the City sidewalk or curb.

i) In no case shall a driveway be built contiguous to a pathway. It shall be separated by a strip of grass or a permanent structure such as a flower box of at least 0.76m (2 ft. 6 in.) in width over at least 80% of the said driveway length, measured from the garage door to the City sidewalk or curb. A permanent structure such as a flower box must have a height of at least 10.15 cm (4 in) and may not be built at a distance inferior to 0.60 m (2 ft.) from the City sidewalk or curb.”

ARTICLE 12

Article 7-5-4 of the by-law, entitled "Minimum width of driveway", is hereby modified by the replacement of "walkway" by "pathway".

ARTICLE 13

The present by-law comes into force in accordance with the law.

(s) Mitchell Brownstein

MITCHELL BROWNSTEIN
MAYOR

(s) Florine Agbognihoue

FLORINE AGBOGNIHOUE
ASSISTANT CITY CLERK

CERTIFIED TRUE COPY



**FLORINE AGBOGNIHOUE
ASSISTANT CITY CLERK**

**PROVINCE OF QUEBEC
CITY OF CÔTE SAINT-LUC**

BY-LAW no. 2217-62

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ADOPTED ON: DECEMBER 11, 2023

IN FORCE ON: FEBRUARY 14, 2024

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