

PROVINCE OF QUEBEC

VILLE DE MONTRÉAL

BOROUGH OF PIERREFONDS-ROXBORO

FIRST DRAFT BY-LAW CA29 0040-56

BY-LAW NUMBER CA29 0040-56 MODIFYING ZONING BY-LAW CA29 0040 IN ORDER TO MAKE VARIOUS ADJUSTMENTS TO THE RESIDENTIAL POOL AND PUBLIC BATHS PROVISIONS

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At the Borough of Pierrefonds-Roxboro regular sitting held on November 7, 2022 at 7 p.m., in conformity with the Cities and Towns Act (L.R.Q., Chapter C-19), to which attend:

The Mayor of the Borough Mr. Dimitrios (Jim) Beis, Councillors Catherine Clément-Talbot, Chahi (Sharkie) Tarakjian, Benoit Langevin and Louise Leroux, all members of the Council and forming a quorum under the chairmanship of the Mayor of the Borough, Mr. Dimitrios (Jim) Beis.

The Director of the Borough, Mr. Dominique Jacob, and the Secretary of the Borough by interim, Me Pier-Luc Bisailon Landry, also attend the sitting.

WHEREAS a notice of motion of this by-law was given on November 7, 2022;

WHEREAS there is a need to further amend zoning by-law CA29 0040 in order to make adjustments to reflect the provisions of the Regulation respecting the safety of residential swimming pools (RLRQ, S-3.1.02);

WHEREAS there is a need to further amend zoning by-law CA29 0040 in order to make adjustments to reflect the provisions of the Regulation respecting safety in public baths (RLRQ, B-1.1);

HAVING REGARD to sections 113 and 123 to 137.17 of the Act respecting land use planning and development (RLRQ, c. A-19.1);

HAVING REGARD TO sections 130 and 131 of Schedule C of the Charter of Ville de Montréal (RLRQ, chapter C-11.4).

THE BOROUGH COUNCIL ENACTS THE FOLLOWING:

Zoning by-law CA290 040 is amended as follows:

ARTICLE 1 Interpretation of this regulation

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

ARTICLE 2 Table of contents

The table of contents of by-law CA29 0040 is adjusted to reflect changes in sections so that it remains accurate as to the titles and subtitles to which it refers.

ARTICLE 3 Definitions

The existing article 25 entitled “TERMINOLOGY” is amended as follows:

- a) By adding the following “Public Bath” definition following the existing “Electronic Bulletin Board” definition:

“Public Bath

An outdoor or indoor artificial pool with a water depth of more than 60 cm that is subject to the Regulation respecting safety in public baths (chapter B-1.1, r. 11).

In the classification of uses, the term “swimming pool” includes a public bath.”

- b) By replacing the existing definition of “pool” with the following definition:

“Swimming pool

A permanent or temporary outdoor artificial pool intended for swimming, with a water depth of 60 cm or more and not covered by the Regulation respecting safety in public baths (chapter B-1.1, r. 11), with the exception of a whirlpool bath or hot tub when its capacity does not exceed 2,000 liters.”

- c) By adding the definitions “In-ground or semi-in-ground pool”, “Demountable pool”, and “Above-ground pool” following the existing definition of “Swimming pool”:

“In-ground or semi-in-ground pool

Pool buried, in whole or in part, under the surface of the ground.

Demountable pool

Soft-sided pool, inflatable or not, intended to be installed temporarily.

Above-ground pool

Rigid wall pool permanently installed on the surface of the ground.”

- d) By adding the following “Walkway” definition following the existing “Integrated Residential Project” definition:

“Walkway

Area immediately surrounding a pool to which bathers have direct access upon exiting the water.”

ARTICLE 4 Existing article 121 entitled “DEVELOPMENT OF AN INTEGRATED RESIDENTIAL PROJECT” is amended by replacing existing section 6 with the following section:

“6° Public baths and above ground wading pools are prohibited.”

ARTICLE 5 Inground and semi-inground pool

The existing article 143 entitled “ADDITIONAL PROVISIONS APPLICABLE TO AN INGROUND AND SEMI-INGROUND SWIMMING POOL” is amended as follows:

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

“Notwithstanding anything to the contrary in the provincial regulations applicable to residential swimming pools, in addition to the provisions applicable under article 138, the following provisions apply to an inground and semi-inground pool”
- b) By repealing the second paragraph of subsection 1.
- c) By replacing the existing paragraph 3 with the following paragraph:

“3° A pool must be completely surrounded by an enclosure placed at least 1 m from the edge of the pool.”
- d) By adding the following paragraph 3.1 following the existing paragraph 3:

“3.1° The minimum height of the enclosure shall be calculated at any point from ground level measured within 1.0 m of the enclosure.”
- e) By repealing paragraph 4.
- f) By replacing the existing paragraph 5 with the following paragraph:

“5° An enclosure must be rigid and permanently fixed.  
Wooden slats or polyvinyl chloride mesh cannot be used as pool fencing material.”
- g) By repealing existing paragraphs 6 and 7.
- h) By replacing the existing paragraph 9 with the following paragraph:

“9° During the installation of the pool, a temporary 1.2 m rigid fence must be securely installed to control access.”

ARTICLE 6 Above-ground pool and demountable pool

The existing article 143.1 entitled “ADDITIONAL PROVISIONS APPLICABLE TO AN ABOVE-GROUND POOL” is amended as follows:

- a) The existing title is replaced by the following title:

“ADDITIONAL PROVISIONS APPLICABLE TO AN ABOVE-GROUND POOL AND A DEMOUNTABLE POOL”
- b) By replacing the existing first paragraph with the following paragraph:

“Notwithstanding any provision to the contrary in the provincial residential pool by-law, in addition to the provisions applicable under article 138, the following provisions apply to an above-ground pool and a demountable pool:”

- c) By repealing the second subsection of paragraph 1.
- d) By replacing the existing paragraph 3 with the following paragraph:

“3° When an enclosure is required, the enclosure must be placed at least 1 m from the edge of the pool.”
- e) By adding the following paragraph 3.1 after the existing paragraph 3:

“3.1° The minimum height of the pool enclosure or wall, if any, shall be calculated at any point from ground level measured within 1.0 m of the pool enclosure or wall, if any.”
- f) By repealing paragraph 4.
- g) By replacing the existing paragraph 5 with the following paragraph:

“5° An enclosure must be rigid and permanently fixed.  
Wooden slats or polyvinyl chloride mesh cannot be used as pool fencing material.”
- h) By repealing paragraphs 8, 9 and 10.
- i) By replacing the existing paragraph 12 with the following paragraph:

“12° During the installation of the pool, a temporary 1.2 m rigid fence must be securely installed to control access.”

ARTICLE 7 Table of accessory buildings to Commercial (C) and Recreational (R) group uses

The existing article 147 entitled “GENERAL PROVISIONS APPLICABLE TO COMMERCIAL (C) AND RECREATIONAL (R) GROUP USES” is amended as follows:

- a) In the existing line 23 of the table, the word “pool” is replaced with the words “public bath”.
- b) In the existing line 31 of the table, the word “pool” is replaced with the words “public bath”.
- c) In the existing line 32 of the table, the word “pool” is replaced with the words “public bath”.

ARTICLE 8 Commercial (C) and Recreational (R) groups public bath

The existing article 153 entitled “ADDITIONAL PROVISIONS APPLICABLE TO A POOL OR SPA” is amended as follows:

- a) The existing title is replaced by the following title:

“ADDITIONAL PROVISIONS APPLICABLE TO A PUBLIC BATH OR SPA”
- b) By replacing the existing first paragraph with the following paragraph:

“Notwithstanding any provision to the contrary in the provincial regulations applicable to public baths, in addition to the provisions applicable under section 147, the following provisions apply to a public bath or spa:”

- c) By replacing the existing paragraph 1 with the following paragraph:

“1° The area of a public bath cannot exceed one third of the area of the lot on which it is located. Furthermore, if it is located in a rear yard, it cannot exceed 50% of the area of this yard.”

- d) By replacing the existing paragraph 2 with the following paragraph:

“2° A public bath or spa must be located more than 2.4 m from the main building and more than 1.5 m from an accessory building.”

- e) By repealing paragraphs 3, 4 and 5.

- f) By replacing the existing paragraph 6 with the following paragraph:

“6° The enclosure requirement does not apply to a spa with a cover equipped with a locking system. When not in use, the spa must be locked.”

- g) By repealing paragraph 7.

ARTICLE 9 Specific and additional provisions applicable to a public bath of the Commercial (C) and Recreational (R) groups

Existing article 158 entitled “SPECIAL AND ADDITIONAL PROVISIONS APPLICABLE TO MECHANICAL EQUIPMENT ON THE GROUND OR INSTALLED ON A BUILDING” is amended by replacing the existing word “pool” with the words “public bath”.

ARTICLE 10 Special and additional provisions applicable to a public bath in the Industrial group (I)

Existing article 169 entitled “SPECIAL AND ADDITIONAL PROVISIONS APPLICABLE TO MECHANICAL EQUIPMENT ON THE GROUND OR INSTALLED ON A BUILDING” is amended by replacing the existing word “pool” with the words “public bath”.

ARTICLE 11 Table of accessory buildings to the uses of the Community (P) group

The existing article 171 entitled “GENERAL PROVISIONS APPLICABLE TO THE USES OF THE COMMUNITY (P) GROUP” is amended as follows:

- a) In the existing line 20 of the table, the word “pool” is replaced with the words “public bath”.

- b) On existing line 29 of the table:

the word “pool” is replaced by the words “public bath”  
subsection “b)” is replaced by subsection “a)”  
subsection “c)” is replaced by subsection “b)”  
subsection “d)” is replaced by subsection “c)”.

- c) In the existing line 30 of the table, the word “pool” is replaced with the words “public bath”.

ARTICLE 12 Public bath of the Community group (P)

The existing article 175 entitled “ADDITIONAL PROVISIONS APPLICABLE TO A POOL OR SPA” is amended as follows:

- a) The existing title is replaced by the following title:  
“ADDITIONAL PROVISIONS APPLICABLE TO A PUBLIC BATH OR SPA”
- b) By replacing the existing first paragraph with the following paragraph:  
“In addition to the provisions applicable under section 171, the following provisions apply to a public bath or spa:”
- c) By replacing the existing paragraph 1 with the following paragraph:  
“1° The area of a public bath cannot exceed one third of the area of the lot on which it is located. Furthermore, if it is located in a rear yard, it cannot exceed 50% of the area of this yard.”
- d) By replacing the existing paragraph 2 with the following paragraph:  
“2° A public bath or spa must be located more than 2.4 m from the main building and more than 1.5 m from an accessory building.”
- e) By repealing paragraphs 3, 4 and 5.
- f) By replacing the existing paragraph 6 with the following paragraph:  
“6° The requirement to install an enclosure does not apply to a spa with a cover equipped with a locking system. When not in use, the spa must be locked.”

ARTICLE 13 Specific and additional provisions applicable to a public bath in the Community (P) group

The existing article 180 entitled “SPECIFIC AND ADDITIONAL PROVISIONS APPLICABLE TO MECHANICAL EQUIPMENT ON THE GROUND OR INSTALLED ON A BUILDING” is amended as follows:

- a) by replacing the words “section 0” with the words “section 171”.
- b) by replacing the existing word “pool” with the words “public bath”.

ARTICLE 14 Development of the open spaces of the housing group (H)

Existing article 236 entitled “OUTDOOR RECREATION AREAS” is amended by replacing the existing second paragraph with the following paragraph:

“The recreation area shall be grassed or otherwise landscaped with plants and shall be free of all buildings. A recreation area may contain a structure or equipment for recreational purposes, such as a swimming pool, public bath, play structure, deck or sports field, subject to the provisions of Chapter 8. The recreation area shall be accessible to all occupants of the dwelling units.”

ARTICLE 15 Development of open spaces for “Commercial (C)”, “Industrial (I)”, “Community (P)” and “Recreational (R)” uses

Existing article 238 entitled “OUTDOOR RECREATION AREAS FOR A ROOM OR DWELLING” is amended by replacing the existing second paragraph with the following paragraph:

“The recreation area shall be grassed or otherwise landscaped with plants and shall be free of any building. A recreation area may contain a structure or equipment for recreational purposes such as a public bath, playground, deck or sports field, subject to the provisions of Chapter 8. The recreation area shall be accessible to all occupants of the dwelling units or accommodation units.”

ARTICLE 16 TREE FELLING

Existing article 245 entitled “TREE FELLING” is amended by replacing subsection 4 of the existing paragraph 3 with the following paragraph:

“4° The tree is located within the site area of a swimming pool or public bath or, in the front yard, within the site area of a parking lot or building access road, only if no space is available elsewhere on the property for such development;”.

ARTICLE 17 PROTECTION OF THE RIVERBANK AND THE SHORELINE

Existing article 294 entitled “PROTECTION OF THE RIVERBANK” is amended as follows:

a) by replacing the first subsection of the existing paragraph 3 with the following subsection:

“3° The construction of an accessory building such as a garage, shed or garden shed or the construction of a swimming pool or public bath, where such construction is possible only on that portion of a shoreline that is no longer in a natural state, and under the following conditions:”.

b) by replacing subsection d) of the existing paragraph 3 with the following subsection:

“d) The accessory building, pool or public bath shall rest on the land without excavation or backfill.”

ARTICLE 18 Entry into force

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