TOWN OF MONTREAL WEST

BY-LAW Nº 2012-005 - BY-LAW CONCERNING THE SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMME AND REPLACING BY-LAW Nº 501

Administrative consolidation as of March 8, 2017

October 29th, 2012

PROVINCE OF QUEBEC
TOWN OF MONTREAL WEST

BY-LAW Nº 2012-005

BY-LAW CONCERNING THE SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMME AND REPLACING BY-LAW Nº 501

NOTICE OF MOTION: SEPTEMBER 24TH, 2012

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COMING INTO FORCE: NOVEMBER 7TH, 2012

By-Law modifications

By-Law number	Coming into force
2015-003	MAY 6, 2015
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2016-020	OCTOBER 5, 2016
2016-015	NOVEMBER 5, 2016
2017-001	MARCH 8, 2017

THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:

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PREAMBLE

The Town of Montreal West was incorporated in 1897, but its development began around 1846, and then continued during the 1880s and 1890s with the subdivision of the first farmlands. When the Town was incorporated, it covered 400 acres and had a population of 350 in approximately 50 houses.

Montreal West, from the beginning, was a community with a very high standard of building construction. The character of the community envisioned by its early residents was governed in large part by by-laws which set certain standards for construction, house design, and restricted types of buildings considered to be undesirable.

The goal of adopting a by-law on the Site Planning and Architectural Integration Programme (SPAIP) is to preserve the specific character of Montreal West by preventing negative impacts due to the demolition of, or inappropriate changes to, existing buildings and to ensure the preservation and development of quality architecture that is in harmony with the Town's built heritage.

The SPAIP By-Law is complementary to the other planning by-laws, namely the Zoning, Construction and Subdivision By-Laws. The SPAIP approach is the most appropriate way to protect and enhance buildings of heritage value and the special architectural character of the Town of Montreal West, and to ensure the proper integration of new buildings.

The Town will conduct periodic revisions of this by-law, ideally once a year, to ensure that its content and objectives can evolve, just as the community does, while continuing to ensure preservation of the Town's built heritage.

CHAPTER 1: DECLARATORY AND INTERPRETATIVE PROVISIONS

1.1 Preamble

The preamble is an integral part of the present by-law.

1.2 Title of by-law

This by-law is entitled « By-Law on Site Planning and Architectural Integration Programme » of the Town of Montreal West. This by-law may be quoted under the short title of «SPAIP By-Law» and carries the number 2012-005.

1.3 Repeal

1) The present by-law repeals By-Law number 501, entitled « By-Law on site planning and architectural integration programme», 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.

1.4 Territory subject to SPAIP

This by-law shall apply to the entire area within the limits of the Town of Montreal West.

1.5 Projects subject to SPAIP

For any property subject to this by-law, the delivery of a permit for one of the projects listed below is subject to prior approval by Council of a Site Planning and Architectural Integration Programme plan according to the procedure established in Chapter 3 of this by-law.

The construction, demolition, partial demolition, addition, removal, modification or alteration of any:

1) Main or accessory building;
2) Wall cladding, roof cladding (excluding replacement without modification of flat roofs), windows, doors;
3) Storefront of a commercial building, facades of industrial and institutional buildings, including signs and fixed awnings;
4) Other building element or architectural component visible from the exterior, including all changes in material, proportion, pitch, volume and/or colour;

5) Retaining wall parallel to a street or a sidewalk and located within a distance of 2m from the edge of the street or sidewalk, accessory constructions requiring the felling of a tree, parking areas and landscaping of development projects.

The following types of projects are excluded from the Site Planning and Architectural Integration Programme review:

1) The installation or replacement of gutters and/or spot lights in the soffits.

2) The replacement of roofing material if same type of material is being used (i.e. asphalt shingles for asphalt shingles, slate for slate).

3) The repointing of masonry if there is no change to the original predominant colors and predominant original appearance at the time of the permit application and that the repointing involves a uniformity of the exterior masonry walls.

(B. 2016-007, a. 2; B. 2016-020, a. 1)

4) In absence of a project referred to in paragraphs 1, 2 or 3, the replacement of any component of a construction located in a residential zone without modifying the said component in regards to its shape, model, color, material, dimension or any other architectural detail or feature.

(B. 2017-001, a. 1)

1.6 Compliance with by-laws

Compliance with this by-law shall not diminish the obligation of complying with any other law or regulation in force, including the Zoning By-Law and the other planning by-laws of the Town of Montreal West.

1.7 Interpretation

1) Irrespective of the tenses employed in any of the provisions contained in this by-law, such provisions shall be considered to have effect during any periods or under any circumstances in which they may apply.
2) In this by-law, use of the masculine shall include the feminine, unless otherwise indicated by the context in which it is used.
3) In this by-law, use of the singular shall include the plural, unless the context indicates otherwise.

1.8 Terminology

Unless it is explicitly stated otherwise or unless the context refers to a different meaning, the expressions, terms and words bear the meaning and application attributed to them by article 1.3.3 of *Permit By-Law 2009-11* and the by following definitions:

Application
An application for the approval of plans relating to the Site Planning and Architectural Integration Programme.

Architectural design (or architectural treatment)
The combination, applied to a building, of the materials, colours, shape, proportions, location of openings, projections and recesses, architectural details and decorative features such as railings, cornices and roof ornaments.

Building Inspector
Designated official nominated by the Municipal Council, whose powers are defined in articles 1.2.2 and 1.2.3 of *Permit By-Law 2009-11*.

Character area
An area in which the buildings and properties share similar physical characteristics based on topography, street layout, history and age, building typology, building siting, and/or architectural style.

Defining characteristics
For a character area, a street, an architectural ensemble or for an individual building or property, the defining characteristics are those distinctive features that give it its particular character.

Harmonization
Creating an overall quality that results from the agreement of parts or elements of a building and their adaptation to a single purpose.

Heritage value
The term “heritage value” encompasses design, historic and contextual considerations. The architectural or heritage value of a building is not limited to the oldest and most remarkable buildings. Many buildings, although they may not all be outstanding, contribute to the specific character of Montreal West. The evaluation of the heritage value of a building shall be part of the review process of any application to the SPAIP By-Law, as described in article 5.2.4.a.

Siting
Location and position of a building on the ground, relevant to its environment.

PAC
Planning Advisory Committee of the Town of Montreal West.

SPAIP
Site Planning and Architectural Integration Programme.

CHAPTER 2: ADMINISTRATIVE PROVISIONS

2.1 By-law administration

Administration of this by-law is entrusted to the Building Inspector.

The duties and role of the Building Inspector are defined in section 3.3.2 of this by-law.

2.2 Infractions and penalties

Anyone who contravenes the conditions of approval of his application commits an infraction.

An infraction to the present by-law exposes the offender to the following fines:

	Individual		**Corporation**	
	Minimum	Maximum	Minimum	Maximum
First offense	$300	$1 000	$ 600	$ 2 000
Repeat offense	$500	$ 2 000	$ 1 000	$ 4 000

In all cases, court fees are added.

Payment delay of imposed fines and fees of the present by-law, and the consequences of default of payment of said fines and fees within the prescribed delays are determined in compliance to the *Code of Penal Procedure of Quebec (R.S.Q., c. C-25.1)*.

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.

CHAPTER 3: PROCEDURES

3.1 Submission of application

Any application for the approval of a Site Planning and Architectural Integration Programme plan according to this by-law, as well as all supporting documents in hard copy, shall be submitted to the Building Inspector. Any project submitted for approval under the provisions of the Site Planning and Architectural Integration Programme By-Law must demonstrate, both in content and presentation, an obvious intention to abide by the objectives and criteria (*see chapter 5 and 6*) set in the present by-law.

3.1.1 Objectives of supporting documents

1) Explain clearly and in detail the work required to accomplish the project;
2) Demonstrate the relevance of the project in compliance with the objectives and criteria of this by-law (*see chapter 5 and 6*);
3) Illustrate clearly the situation before and after the completion of the project, in order to show all changes to the appearance of the building;
4) Provide all pictures or visual representations necessary to evaluate the integration of the building into its surrounding area, showing both the building from the street view and the neighbouring buildings;
5) Present a complete, clear and structured package of documents to simplify the review of the application and avoid any unnecessary delays for the issuance of the permit.

3.2 Required documents

Any project submitted for SPAIP review must include a completed application form signed by the owner or accompanied by a letter of authorization signed by the owner, including an estimate of the project's costs, and the permit application fee.

Supporting documents must also accompany the application, as described in sections 3.2.1 to 3.2.4 of this by-law, as well as documents required by *Permit By-Law 2009-011*. Any additional document deemed necessary by the Building Inspector or the PAC for the application's review may also be required.

All documents must be submitted to the Building Inspector at least 10 business days before the scheduled date for the following regular PAC meeting. For projects that have been deferred at a previous PAC meeting, all documents must be submitted at least 5 business days before the scheduled date for the following regular PAC meeting. Incomplete applications will be deferred until next PAC meeting. Applications will be reviewed on a first-come, first-served basis.

Notwithstanding the following sections, the following types of projects do not require a Certificate of Location: replacement of windows and doors if there is no change in dimensions, replacement of roofing material without change in roof structure, masonry repointing, painting or replacement of exterior cladding material.

(B. 2015-003, a. 1; B. 2016-007, a. 1; B. 2016-020, a. 2)

3.2.1 New construction, extension, demolition

Documents required for new construction, extension or demolition of a building:

1) Certificate of location prepared after the cadastral renovation (1999);
2) Architectural drawings (11" x 17" format and presented at a standard scale):
    - Site plan (showing setbacks, property lines, existing building and additions);
    - Floor plans (existing conditions and proposed);
    - Roof plan (existing conditions and proposed);
    - Elevations (existing conditions and proposed);
    - Sections;
3) Structural and mechanical drawings, 11" x 17";
4) Existing and proposed street elevation, including the location, size and profile of neighbouring buildings and the location, plan and important elements of any neighbouring park space or other significant site issue. This does not apply to interventions not visible from the street;
5) Photographs of the site, of all the facades of the existing building and of the adjoining properties;
6) A method of illustrating massing and context. A 3-D axonometric, perspective or shade and shadow drawings may be required; all such context representations must illustrate the proposal accurately within the context of neighbouring buildings and elements;
7) Samples of any new exterior materials.

3.2.2 Roofs and exterior walls

Documents required for the replacement of roofs and exterior wall materials, without any other modification to the volume or shape of the building:

1) Certificate of location prepared after the cadastral renovation (1999) ;
2) Photographs of the site, of all the facades of the existing buildings and of the adjoining properties;

3) Material samples of all new exterior materials used for roofs or walls.

For all other modifications to roofs and exterior walls, required documents also include:

4) Architectural drawings (site plan, floor plans, roof plans, elevations, sections) showing existing and proposed conditions, 11" x 17" format;
5) Existing and proposed street elevation including neighbouring buildings.

3.2.3 Doors and windows

Documents required for the replacement of doors and exterior wall windows, without any other modification to the appearance of the building:

1) Certificate of location prepared after the cadastral renovation (1999);
2) Photographs of all facades of the existing building, identifying the windows or doors to be modified;
3) Brochure from the manufacturer for all windows and doors which are being modified, indicating the type, colour, technical specifications and model selected. For custom-made windows or doors: detailed drawings are required;

For all other modifications to the number, proportions and placement of doors and windows openings, required documents include:

4) Architectural scaled elevations of each existing and proposed facade;
5) A complete set of 11" x 17" architectural drawings.

3.2.4 Signs and fixed awnings

Documents required for commercial signs and fixed awnings also include:

1) Certificate of location prepared after the cadastral renovation (1999);
2) Photographs of the existing building and context;
3) Scaled drawing of each proposed sign showing its size, lettering, colours, materials, method of support, lighting and location on the facade of the building;
4) Sample of materials used for signs and awnings.

3.3 Evaluation process of the application

3.3.1 Application for preliminary review

The applicant may submit preliminary sketches of his project in order to obtain preliminary advice from the Building Inspector or the PAC before continuing in the preparation of the detailed documents required (section 3.2). However, this preliminary advice should only be considered as an indication, not as an official recommendation.

This preliminary step shall not affect the procedure nor the delays established in this by-law.

The sketches submitted for a preliminary review shall be drawn to scale and must include plans and elevations as well as precise indications as to the finishing materials to be used and a clear description of the intent of the work.

3.3.2 Application review by the Building Inspector

1) Upon receipt of all documents required according to Section 3.2, the Building Inspector shall review the application and report to the PAC.

2) The duties and powers of the Building Inspector include, among other things, ensuring that:
   - all the formalities stipulated in this by-law are observed;
   - all the required documents have been submitted;
   - the application complies with all other applicable municipal by-laws.

3) The Building Inspector, in his capacity, may make any comment or recommendation to the PAC that is deemed necessary.

3.3.3 Application review by the Planning Advisory Committee

1) The PAC shall meet at regular intervals in camera. According to article 11 of By-Law 2005-004 *For the establishment of a Planning Advisory Committee*, the Council may appoint such other persons to Committee whose services can be necessary to fulfill its functions. Such persons shall have the right to attend the meetings of the Committee or participate in the considerations, but shall not have the right to vote.
2) Any applications submitted after the deadline mentioned in 3.2 will be deferred to the next scheduled meeting of the committee;
3) Upon receipt of the Building Inspector's report, the PAC shall review the application and formulate recommendations to Council;
4) The duties and powers of the PAC include, among other things, assessing the application and making a recommendation to Council as to whether the application is admissible on the basis of the objectives and criteria of this by-law;
5) If it sees fit, the PAC may convene with the applicant or, with the applicant's approval and at the applicant's expense, any professional who worked on the application, in order to obtain any clarification or additional information that it may deem useful in order to attain clarification on matters contained in the application or in order to fully evaluate the application.

6) The PAC may recommend:

- approving the application, with or without conditions;
- deferring it, with justification;
- rejecting it, with or without proposing certain modifications to be made before resubmitting the application.

7) Nothing in these procedures shall be construed to undermine the authority of Council to approve or refuse the application.

3.3.4 Approval or refusal of the application by Council

1) Following consideration of the PAC recommendations, Council will decide the fate of the request, by resolution, during a public meeting.
2) If the application is refused, the Council's resolution must clearly outline the reasons for the refusal.

The Council may require, as a condition for approval of the application, that the applicant:

3) Bear the cost of certain components of the project, such as the cost of infrastructure or public services;
4) Implement the project within a prescribed time frame;
5) Provide such financial guarantees as it determines.

3.3.5 Obligatory Nature of a Site Planning and Architectural Integration Programme

1) Any Site Planning and Architectural Integration Programme plan approved by Council under the provisions of this by-law obliges all the work to be carried out in strict conformity with the approved Site Planning and Architectural Programme plan.
2) Once the Site Planning and Architectural Integration Programme plan has been approved by Council, any modification to any part of the project subject to this by-law must be submitted for review and approval according to the procedure of the present by-law.
3) In such case where the permit for which the prior approval of a Site Planning and Architectural Programme plan was required would become null and void according to the provisions of the Permit By-Law, the Site Planning and Architectural Integration Programme plan would also be considered null and void.

CHAPTER 4: CHARACTER AREAS

4.1 Interpretation of character areas

The Town of Montreal West, like most North American communities, evolved over a period of time. The various neighbourhoods throughout the Town each reflect a different period (or periods) of development. Each of these neighbourhoods has its own distinctive character, and taken together their combined expression helps create the overall character of Montreal West.

Character areas identified in this chapter are primarily used as an information tool to better understand the development of Montreal West and help determine into which geographic area buildings should integrate.

However, design integration with the building should take precedence over integration with the neighbourhood, so as to respect the original architectural style of the building. Each building must first be considered in its own right and the integrity of its own particular defining characteristics must be respected, even if it differs from the predominant characteristics of the streetscape or character area in which it is located.

4.2 Description of areas

4.2.1 Crestwood Development

- Area developed around 1960
- Mostly bungalows and split-levels
- 1 or 2 storey buildings
- Red brick is the most common cladding material, with wood clapboard as secondary material
- Flat angle roofs

Montreal West character areas

1- Crestwood Development
2- North End Subdivision
3- North End Duplexes
4- North East Area
5- Northview Street
6- Bedbrook Avenue
7- Fairfield Crescent
8- Percival Area
9- Westminster Avenue
10- Brock and Ballantyne North
11- Easton Area
12- Wolseley and Strathearn South
13- Brock and Ballantyne South
14- Avon Road
15- Courtney Subdivision
16- Ronald Drive
17- Industrial and commercial Area

4.2.2 North End Subdivision

- Area of Sheraton Drive, Radcliffe (west of Roxton), Rugby Place and Banstead
- Developed between 1955 and 1960
- Mostly bungalows and split-levels
- 1 or 2 storey buildings
- Majority of houses clad with light coloured bricks with wood clapboard or stone for some facade elements

4.2.3 North End Duplexes

- Area west of Westminster and north of the Hump Bridge: Westminster, Hudson, Wolseley, Radcliffe (to Roxton on the west), and Roxton
- Area developed between 1955 and 1960
- Variety of semi-detached duplexes
- 2 storey buildings with basement garages (side entrance or center access)
- Cladding with red brick and stone
- Gable roofs or flats roofs (some with false mansard)

4.2.4 Northeast Area

- Streets included in the area: Garden, Westover, Brock, Ballantyne, and Westminster (east side, north of the Hump Bridge)
- Mainly built during the 1950s and 1960s, except for a few older buildings on Westminster
- Single family detached houses
- Various styles of buildings: bungalows, split-levels, 2 storey cottages
- Different cladding materials: brick, wood, stone, stucco

4.2.5 Northview Street

- Area developed in three major phases:
- Semi-detached houses built in the 1920s (western section of Northview) with brick cladding
- Duplexes from the 1950s replicating some features of those built in the 1920s
- Duplexes (detached and semi-detached) from the 1960s and 1970s, east of Westminster. Some common features are: brick and stone cladding, basement garages and balconies on both the first and second floor
- Flat roofs, false mansards and pavilion roofs

4.2.6 Bedbrook Avenue

- Bedbrook Avenue includes one of the oldest houses in Montreal West (1866), but the area was built mostly in the early 1920s
- This older part of the area is occupied by row houses having an undeniable uniform character: 2 storeys, uniform front alignment, brown bricks for exterior cladding, wooden porches and gables, front stairs, wooden windows and bay windows, flat roofs with or without false mansards
- Second development phase during the 1950s with some row houses and single-family detached houses

4.2.7 Fairfield Crescent

- Single-family detached houses built in the 1950s and 1960s
- Split-levels and 2 storey cottages with attached garages
- Cladding mostly of brick with wood clapboard or stone as secondary facade material
- Variety of colours for cladding, doors and windows

4.2.8 Percival Area

- This area includes Strathearn North and Wolseley North between Milner and Northview, Percival and the portions of Curzon, Nelson and Parkside west of Westminster North
- Many houses built around 1900 on Strathearn and Wolseley
- Most of the area was built before 1930
- Large single-family houses (detached and semi-detached)
- 2 storey buildings
- Many houses designed by Alfred Payne recalling the Arts and Crafts movement with many common architectural features including: brick cladding (red, brown), hip roofs, white or earth tone colours (ex: beige, brown, khaki) for openings and architectural details (mainly made of wood), dormers, chimneys, porches, verandas, gables, half-moon canopies, modillions

4.2.9 Westminster Avenue

Westminster Avenue is the main street of Montreal West, and straddles the Canadian Pacific rail lines. Since the beginning of the 20th century, it has stood out as a strategic area for the development of public and commercial buildings. The small-town character of the street has been preserved over time with a mix of neighbourhood shops and residential buildings. Westminster Avenue between Avon and Northview is thus considered as a unique area because of its significant role in the city: there are two distinct parts, the Town Centre and the residential section.

a) Town Centre

- Westminster Avenue North between Curzon and Sherbrooke
- Westminster Avenue South between Avon and Broughton
- Milner (south side) between Westminster and Wolseley

- Mostly commercial buildings between Sherbrooke and Curzon
- Mix of 2 and 3 storey buildings, some with residential functions in the upper floors
- Diversity of architectural styles, colours and materials
- Institutional area between the C.P. rails and Avon: Town Hall, Davies Park and Community Centre, library, Block Tower

b) Residential section

- Westminster Avenue North between Curzon and Northview

- Variety of residential typologies and architectural styles
- Single-family detached houses, duplexes, and apartment buildings (mostly in the northern part)
- Dominance of red brick cladding
- 2 storey buildings

4.2.10 Brock and Ballantyne North

- Area mostly developed before 1930, including 15 houses built before the founding of the Town in 1897
- Some infill during the 1950s and 1960s and few others more recently
- Large 2 storey buildings, mostly detached single-family houses
- Variety of architectural styles, with some defining features such as: brick cladding (red, brown), white or earth tone colours for openings and decorative details, use of wood for ornamentation and openings
- Porches, galleries and verandas integrated on many houses and contribute to the character or the area
- Buildings usually have sloping roofs, especially hipped roofs and multi-gabled roofs
- Many buildings' roofs also have notable architectural features such as dormers, gables, modillions and chimneys

4.2.11 Easton Area

- This area is located in the southwest of the Town, and includes Easton, Broughton, Fenwick, Rennie, Ainslie and Campbell.
- Irregular street grid and lot size because of the Falaise Saint-Jacques and the bend of the C.P. railway
- This area includes some houses built around or before 1900, including the oldest building in Montreal West on Easton Street, dating from 1815
- Area built partly before the 1920s, with a major period of development in the 1950s and 1960s
- Great variety of architectural style and features resulting from the different periods of development
- Single-family detached and semi-detached houses, usually having 2 storeys

4.2.12 Wolseley and Strathearn South

- Area developed during the 1940s and 1950s
- Majority of buildings are duplexes with a few single-family houses (detached and semi-detached)
- 2 storey buildings
- Red brick is the main material for most of the buildings, some with stone as secondary cladding

4.2.13 Brock and Ballantyne South

- 13 houses built before the incorporation of the Town in 1897
- The rest of the area was built mostly between 1900 and 1930, with some infill in the 1940s, 1960s and later
- Mostly large, 2 and 3 storey single-family houses
- Many red brick houses, and some others with stucco, wood clapboard or stone cladding
- Various architectural styles, but balconies, winter gardens, porches, dormers, chimneys and sloped roofs are some common features of the area
- Original details and ornamentation on windows, doors and walls preserved on many houses and strongly contribute to the character of the area

4.2.14 Avon Road

- Avon Road, formerly known as Upper Lachine Road, was the first road of Montreal West and has played a major role in the Town's development
- Buildings on this street were built around 1930
- They are mostly 2 storey detached duplexes, with some apartment buildings
- Their form, colour, size, materials and architectural elements give them a strong architectural unity, characterized by brown bricks, wooden porches and balconies, wooden doors, chimneys, ornamentation of the facades

4.2.15 Courtney Subdivision

- Courtney Drive, Brynmor Avenue and Westland Place are part of this area developed in the 1950s and 1960s, except two houses built around 1930
- Mostly bungalows and split-levels
- 1 or 2 storey buildings
- Main cladding is brick of various colours

4.2.16 Ronald Drive

- This area includes the residential buildings located on Ronald Drive, characterized by duplexes similar to those found in the north end
- Area developed around 1960
- Defining characteristics of these buildings are: 2 storeys (two families on the main level and two upstairs), basement garages, flat or gable roofs
- Brick is the main cladding material, with some variations with stone or wood clapboard

4.2.17 Industrial and Commercial Area

- Located in the southern part of the Town, this area includes Montreal-Toronto Boulevard, Milton Street and a section of Ronald Drive
- Different types of commercial and industrial buildings can be found on these streets
- Developed mostly during the 1960s, and a few modern buildings from the 1990s
- Typically large buildings subdivided into several suites

CHAPTER 5: GENERAL OBJECTIVES AND CRITERIA

The Site Planning and Architectural Integration Programme seeks, by its requirement to produce an SPAIP plan, to integrate exterior modifications or additions to the existing built environment so as to preserve the historic identity of the Town of Montreal West and reinforce its architectural quality. The general objectives and criteria are the following:

5.1 Siting

Objective **Ensure that siting of buildings is coherent with surrounding buildings**

Criteria

1) Any new building or addition to an existing building should be designed and sited in order to take advantage of and enhance the natural topography of the site;
2) The location of a new building or addition to an existing building should consider the alignment of neighbouring buildings.

   In the case where a new construction is inserted into an alignment of existing constructions, or in the case where a construction in an alignment is altered or enlarged, the front setback should be established according to the setbacks of the adjacent or neighbouring constructions. The side setbacks should be in keeping with the average side setbacks of the neighbouring constructions in order not to disrupt the rhythm of the constructions in the alignment.
3) Any new building, addition to an existing building, or alteration of an existing building should be designed and sited in such a way as to protect the privacy of the neighbouring properties and, generally, as not to hinder the neighbours' enjoyment of their right of ownership.
4) The main facade of the building should be fronting on the street, unless a lateral facade is characteristic of the area where the building is located.

5.2 Integration

Objective **Ensure integration of new buildings and modifications to existing buildings with the neighbouring streetscape**

Criteria

1) Integration of a new construction can be accomplished either by a traditional design approach or a contemporary design approach.

   Traditional design approaches should reflect or extend design characteristics of adjacent houses in materials, forms, design proportions, design details, site coverage, and landscape layout. However, it should not imitate or copy earlier designs, but rather should seek to capture and interpret their spirit.

   Contemporary design approaches may use modern forms and design motifs, but should nevertheless use traditional materials and respect traditional patterns of site coverage, house form and landscape layout. Materials employed should be of high quality and natural, as a means of respecting the predominance of natural materials in existing residences.

2) Form and size of a new building or addition to an existing building should be integrated with that of the surrounding built environment; its height, its scale and its volume should be similar to the other buildings in the area;

3) The building's architecture should improve the visual quality of the streetscape. It should not overly dominate a neighbouring building nor contain any element intended to draw attention, to the detriment of other houses on the street or in the neighbourhood;

4) Colours and materials should harmonize with those of other buildings in the area.

5.3 Architecture

Objective **Ensure quality of architectural design and materials for new buildings and for additions or modifications to existing buildings**

Criteria

1) The architectural treatment of a building should show creativity and inventiveness, be well proportioned, be adapted to the four-season climate of the Montreal region and demonstrate a sound understanding of construction methods;
2) The choice of materials or combination of materials should be of high quality: they must be durable and present an authentic appearance;
3) Priority should be given to traditional materials rather than synthetic materials. However, synthetic materials may be accepted if their high quality and durability can be demonstrated, while having an authentic appearance;
4) Ornamental elements (ex.: awnings, porticos, balconies, overhangs, brick patterns, cornices, columns etc.) and relief elements (ex.: projections, interesting roof lines, recessed facades, etc.) are recommended to enrich and provide rhythm to the facades and should be preserved on existing buildings. However, excessive architectural detailing should be avoided;
5) Colours of architectural elements (roof, exterior cladding, doors, windows, ornaments) should harmonize with each other. Earth tone colours are recommended;
6) All the facades of a building should have the same unified and coherent treatment. The same combination of materials should be used on all facades and a significant proportion of the cladding material installed on the front facade should be used on the side and rear facades of the building. Continuity in colour, size and shape of the elements should be part of the architectural strategy applicable to the entire building;
7) The side facade of a building situated on a corner lot should present an architectural treatment similar to that of the building front;
8) Architectural design of an accessory construction or annex (balconies, porches, galleries, winter gardens, summer kitchens) should harmonize with the characteristics of the whole building;
9) Accessory constructions and annexes should use high quality materials that are compatible with those of the main building;
10) A building should not have large plane or blind surfaces on its front facade.

5.4 Heritage

<u>Objective</u> To preserve the historical character of Montreal West and to enhance and protect its valuable heritage areas

(B. 2016-015, a. 1)

<u>Criteria</u>

1) The evaluation of a building's contribution to the historic character of the Town shall be an integral part of the application's review process set out in this by-law. This value shall be established when reviewing the application and shall take into account to the greatest extent possible the results of inventories, the sector and other expert appraisals relating to the Town's architecture and history;

(B. 2016-015, a. 2)

2) All undertakings on a building that contributes to the historic character of the Town should give precedence to conservation and authenticity over replacement and imitation;

3) Buildings that contribute to the historic character of the Town should be kept up and restored with the highest standards: a demolition should only be considered if the building is in an advanced state of deterioration.

4) No alteration or addition to a building that contributes to the historic character of the Town should have the effect of reducing the value of the building; additions to such a building of interest should not be authorized if they dominate the original building in terms of either volume or architectural style.

5) In the case of an extension, the heritage value of a building may make it more appropriate to treat the extension to the original building as an annex. Such an expression may involve recessing the facade from the facade of the existing wall, the choice of different types of roofs and cladding materials, provided they are compatible;

6) No renovation should have the effect of removing from a building those elements that make it a building of heritage value, such as a gallery, a dormer or a decorative element; when deteriorated, such elements should be replaced by elements that are similar in terms of material, form, colour, texture and detailing; removal of an addition or element that is not original in order to correct inappropriate alterations is acceptable;

7) Projects should aim to enhance the value of the various architectural elements of interest in the sector.

(B. 2016-015, a. 3)

5.5 Commercial architecture

Objective **Promote the quality of architectural design of commercial buildings to reinforce the traditional character of Westminster Avenue and enhance its vitality and conviviality**

Criteria

1) The overall height and width, alignment of street facades, structural spans, and height of the floors of new buildings and buildings subject to modifications should be consistent with the common morphological characteristics of buildings on the commercial segment of Westminster;

2) Any modification to a commercial building should respect the original characteristics of the building if it presents a significant heritage value;

3) A commercial building should be designed to reflect its commercial function at the first floor level;

4) Buildings should ensure an optimal surrounding of streets and public space in terms of alignment and proportions of the facades;

5) Functional and visual interaction between commercial buildings and the street should be maximized by an adequate use of glazing in order to reduce the presence of blind walls on main facades;

6) Any wall that faces a street should be treated as a main facade;

7) Emphasis should be put on architectural composition and creation of a rhythm on facades. A large construction may be subdivided into several physically or visually distinct volumes such that the scale of each of these volumes respects the average scale of traditional commercial buildings on Westminster Avenue;

8) Exterior cladding materials should be sober and chosen in order to create a harmonious and coherent visual whole with surrounding buildings;

9) Architectural elements, materials and colours of a storefront should harmonize with the upper floors of the building;

5.6 Landscaping

Objective **Integrate retaining walls into the landscape of the street and the neighbourhood**

Criteria

1) The construction or renovation of a retaining wall parallel to a street or a sidewalk and located within a distance of 2 m from the edge of the street or sidewalk should harmonize with retaining walls of adjoining properties.

Objective **The addition or modification of accessory constructions should favour the preservation of trees that contribute to the character of Montreal West**

Criteria

2) Accessory constructions should be located to avoid felling of trees.

Objective **Parking areas and landscape of development projects should respect the character and landscaping of the streetscape**

Criteria

3) Parking areas should be located and designed so as to make them less visible from streets and other public places, to the extent possible.

4) Parking areas should be located and designed to avoid felling of trees when possible.

5) Parking areas should be designed to ensure the safety of entering and exiting maneuvers, both for drivers and pedestrians.

5.7 Universal Accessibility

(B. 2016-015, a. 4)

Objective **The architectural design of a new building or the retrofitting of an existing building should aim for universal accessibility**

Criteria

1) The height difference between a public road and the ground floor of a building must strive to be minimal in order to facilitate access for people with reduced mobility;

2) The layout of parking spots for people with reduced mobility should be favoured near buildings access points for the following uses:

   - Apartment building;
   - Institutional;
   - Industrial;
   - Commercial;

3) The layout of pedestrian pathways leading to building access points for the following uses:

   - Apartment buildings;
   - Institutional;
   - Industrial;
   - Commercial;

   should foster a sense of safety for pedestrians through adequate lighting, among other means.

5.8 Places of worship of interest

(B. 2016-015, a. 5)

The following civic addresses are considered places of worship of interest:

- 88, Ballantyne Avenue North (Montreal West United);
- 160, Ballantyne Avenue North (Montreal West Presbyterian).

Objective **To ensure the preservation of architectural and landscape characteristics of places with historical and symbolic value which are integrated into the heart of these neighbourhoods**

Criteria

1) A heritage interest study should precede and support every landscape or architectural modification or change of use, of such property;

2) Every project should aim to preserve and restore original architectural and landscape features;

3) Perspectives and views of the place of worship from public roads should be maintained;

4) Outdoor spaces should be landscaped in such a way as to foster conviviality, safety and heritage sensitivity. The landscaping should be maintained on a regular basis;

5) Current-day interventions should be integrated or asserted with respect to the original architecture or be of a reversible nature;

6) For a new occupancy project involving the modification or demolition of an architectural element or of a landscape feature, or the setup of a new use, it should be demonstrated that the modifications to the construction or landscape features are limited to the parts holding a lesser value with the overall goal of enhancing the value of the place of worship and of its location.

5.9 View from and towards Mount Royal

(B. 2016-015, a. 6)

Objective **To ensure that the construction of a new building or the extension of an existing building respects the views of Mount Royal and at the same time preserves and enhances the entire character of the surrounding area**

Criteria

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

1) The shape, layout and height of a project should preserve views of Mount Royal;

2) The characteristics of nearby constructions such as building type, dimensions, layout, cladding, roof type, openings, access points and cantilevers must be considered in order for the construction to be integrated into its surroundings.

5.10 Lots located at the edge of the town limits

(B. 2016-015, a. 7)

<u>Objectives</u> The objectives related to these lots are the following:

1) **To maintain compatibility as well as to consider the impact of a new construction or building extension project on a lot located close to the town limits;**

2) **To ensure that any construction or extension project located at the edge of town limits demonstrates an architectural homogeneity with the neighbourhood.**

<u>Criteria</u>

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

1) The project should be compatible with other buildings, with respect to their height, alignment, type of setting, front yard layout, layout of the access to parking areas, cladding and signage related to the building and to the sector located in front of or adjacent to the building;

2) Every construction project or extension of a building on a lot close to the town limits should have the same impact on available sunlight as existing projects already built at a height that is half of what is allowed on the adjacent lot located in the other municipality. This applies only when the residential use is permitted in both municipalities. If the calculation of this half includes a fraction, that number shall be rounded up to the highest whole number.

CHAPTER 6: OBJECTIVES AND CRITERIA BY TYPE OF PROJECT

6.1 Exterior walls

Objective **Preserve defining characteristics of existing exterior walls when renovating existing buildings. Integrate the walls of additions or new buildings into neighbouring buildings**

Criteria

1) When a type of cladding material is dominant in the surrounding area, it should be favoured, in order to integrate the new construction into the environment;
2) Cladding materials should be restored rather than replaced. If the replacement is absolutely necessary, the new material should be similar to the old one or, if different, respect the architectural style of the building;
3) The colour of cladding materials should harmonize with dominant colour(s) of the neighbourhood;
4) All exterior walls of a building should present a coherent architectural treatment and use the same materials;
5) In the case of brick or stone cladding, the addition or replacement of these materials should respect the existing masonry pattern, colour and mortar. Furthermore, old bricks or stones should be reused if possible;
6) In the case of wood or aluminum clapboard, it is recommended to use the authentic material rather than imitations;
7) Architectural details on existing exterior walls should be preserved. If original architectural details have been lost, they should be restored.
8) The walls of an extension can be covered with a material different from the walls of the existing building if the architectural expression of the extension shows the concept of an appendix to the main building and if the heritage value of the main building justifies the desire to preserve the original square;

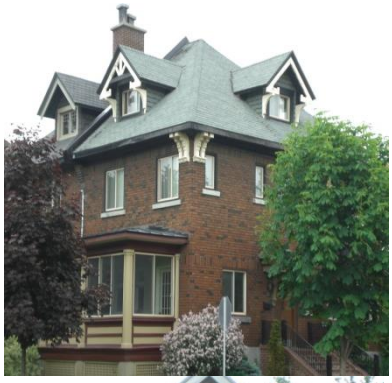
   If the walls of the extension are covered with the same material as the existing building, the architectural details of the walls of the existing building must be replicated to those of the extension.

6.2 Roofs

Objective **Preserve defining characteristics of existing roofs and integrate roofs of new buildings or additions with neighbouring buildings**

Criteria

1) The slope and roofing materials should be similar to the roofs of surrounding buildings having a similar type of architecture;
2) The volume of the roof should be balanced in relation with the volume of the building;
3) To the extent that an extension is designed with a roof type (gabled, multi-gabled, hip, false pavilion, mansard, false mansard, flat) that resembles the roof of the existing building, slope and roofing materials of the extension, should, if possible, be identical to the roof of the existing building;
4) Architectural details on existing roofs (gables, cornices, eaves, dormers, skylights, chimneys, etc.) should be preserved. Such details should be integrated into the roofs of extensions or new buildings if they are defining characteristics of the streetscape;
5) There should be continuity in texture and colour between materials of the main roof and those of galleries, skylights, porches and other accessory constructions.



6.3 Doors

Objective **Preserve defining characteristics of doors when replacing or adding a new door to a building. Integrate doors of new buildings or additions with neighbouring buildings**

Criteria

1) New doors on existing buildings or new constructions should be of high quality materials, with preference to wood doors;
2) Existing wood doors should be preserved or restored if possible. When replacement is necessary, a new wood door is favoured;
3) The design of doors should enhance the architecture of the building and harmonize with the architecture of surrounding buildings;
4) Replacement doors should strive to respect the original doors of the building in shape, design, material and colour;
5) The main entrance of the building should be enhanced by the door and architectural details around it;
6) When a door is replaced, ornamentation elements of main entrances should be conserved. When this is not possible, new elements should be integrated to preserve the architectural quality of the facade.

6.4 Windows

Objective **Preserve defining characteristics of windows when replacing or adding windows to an existing building. Integrate windows of new buildings or additions with neighbouring buildings**

Criteria

1) The design of windows should enhance the building's architecture and harmonize with the architecture of the neighbourhood;
2) All windows of the same building should be part of a coherent architectural design;
3) The original number, proportions and placement of window openings should be preserved if this represent a defining characteristic of the building, and brick-to-brick installation should be favoured to preserve the original dimensions of the opening;
4) The replacement of windows should favour the original model, or at least a model that will preserve the character of the building;
5) The ornamentation on and surrounding existing windows (such as mullions, shutters, lintel) should be maintained, or at least replicated to preserve the architectural quality of the entire facade;
6) Windows added to a building extension should harmonize with respect to colour, material and dimensions of existing windows on the main building, without necessarily looking the same or having the same type of openings;
7) Wood windows should be preserved or restored when possible;
8) Materials of high quality should be favoured for the exterior part of new windows. PVC is not a preferred exterior material.

6.5 Commercial signs and fixed awnings

<u>Objective</u> Ensure harmonious integration of signs and fixed awnings into the architecture of commercial buildings and into the urban fabric

<u>Criteria</u>

1) Signs and fixed awnings on commercial buildings of Westminster Avenue area must respect the desire to maintain a small-town or village character;
2) Signs and fixed awnings should be designed and located to enhance the character of the building without hiding significant architectural elements and details. They should also be located in a way that is convenient to read for pedestrians;
3) Shape and size of signs and fixed awnings should harmonize with the architectural organization of the building and storefront elements;
4) Materials should be durable and of high quality, with preference to traditional materials like wood and canvas;
5) Simple and traditional lettering styles on commercial signage are preferred. It must allow clear identification of the name and nature of the commercial activity;
6) Colour, symbols and language may be chosen to reflect a business' specific interests, practices and traditions. However, these choices must also be respectful of the small-town character of Montreal West. Loud and aggressive colours, graphic symbols and language of an offensive nature must be avoided.

CHAPTER 7: COMING INTO FORCE

7.1 Coming into force

This by-law shall come into force according to law.

(S) Beny Masella, Mayor **(S) Claude Gilbert, Town Clerk**