



***ZONING BY-LAW
NUMBER 1001***

Zoning By-law

Number 1001

Amended and consolidated version

NOTICE

The consolidation of By-laws and annexes is not official. It has been compiled on March 05, 2025, by the Town Clerk's office to facilitate the reading of the text. The official text is to be found in the original By-law and in each of its amendments.

Amendments included in this version

Number	Purpose	Notice of motion	Coming into force
1001-1	Amendment to sections: 95 and 189.	29 August 2016	12 September 2016
1001-2	Amendment to sections: 37 and 166.	12 September 2016	05 December 2016
1001-3	Amendment to sections: 13, 25, 57, 61, 97, 98, 118*, 164, 166 and Schedule B*. <i>*French version only.</i>	04 December 2017	16 January 2018
1001-4	Amendment to sections: 35, 54, 74, 82*, 84, 89, 90,122, 149, 164 and 168. <i>*French version only.</i>	04 March 2019	01 April 2019
1001-5	Amendment to section: 77.	08 September 2020	05 October 2020
1001-6	Amendment to section: 116.	07 December 2020	21 December 2020
1001-7	Amendment to section: 82.	01 February 2021	25 May 2021
1001-8	Amendment to sections: 25 and 88.	01 April 2021	25 May 2021
1001-9	Amendment to sections: 70, 71, 72, 73, 80 ,81, 82, 83, 84, 95, 101, 107, 153 and 186.	05 July 2021	02 August 2021
1001-10	Amendment to: Schedule B, Zone RA-1.	04 April 2022	N/A
1001-11	Amendment to sections: 35, 73, 85 ,89, 95, 96 and 152.	04 July 2022	01 August 2022
1001-12	Amendment to section: 84	01 May 2023	28 August 2023
1001-13	Amendment to section: 29	01 May 2023	05 July 2023
1001-14	Amendment to section: 54	05 June 2023	05 July 2023
1001-15	Amendment to section: 122.	17 October 2023	14 November 2023
1001-16	Amendment to section 66	16 January 2024	4 March 2024
1001-17	Amendment to sections 51, 54, 61, 69, 75, 76, 84, 89, 107, 116, 118, and 152.	8 April 2024	17 April 2024
1001-18	Amendment to sections 58, 116 and 118.	03 February 2025	04 March 2025

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CHAPTER 1

DECLARATORY, INTERPRETATIVE AND ADMINISTRATIVE PROVISIONS

DIVISION 1 DECLARATORY PROVISIONS

SECTION 1 TITLE AND NUMBER OF THE BY-LAW

This By-law bears the title “Zoning By-law No. 1001 of the Town of Hampstead”.

SECTION 2 INTERACTION OF THE BY-LAW

This By-law is an integral part of the urban planning By-laws and is thus interconnected with the other urban planning By-laws adopted by the Town under the *Act respecting Land use Planning and Development (c. A-19.1)*.

SECTION 3 INTEGRITY OF THE BY-LAW

The title page, preamble, table of contents and schedules are an integral part of the By-law.

SECTION 4 PURPOSE OF THE BY-LAW

This By-law seeks to promote and protect the common good and, more specifically, to organize the physical environment of the territory and the activities that take place on its territory.

For this purpose, it divides the territory into zones, to determine their vocation and control the use of landsites and buildings.

It also set standards applicable to the development of landsites and lots, the erection of buildings and structures, architecture and various aspects of structures and their allowable uses.

SECTION 5 REPEALED BY-LAWS

This By-law repeals and replaces in its entirety, for all intents and purposes, By-law 729 and its amendments, as well as any earlier By-laws and By-law provisions relating to zoning.

This repeal does not affect proceedings instituted under the authority of the By-laws so repealed, up to final judgment and execution.

This repeal does not affect permits legally issued under the authority of the By-laws so repealed, nor the acquired rights from before the coming into force of this By-law.

SECTION 6 AREA SUBJECT TO THE BY-LAW

This By-law applies to the territory of the Town of Hampstead.

SECTION 7 PERSONS SUBJECT TO THE BY-LAW

All individuals and corporations under public or private law are subject to this By-law.

SECTION 8 WORK CONDUCTED BY THE TOWN ON PUBLIC PROPERTY, INCLUDING RIGHTS-OF-WAY

Notwithstanding the provisions of this By-law and all By-laws of the Town of Hampstead, the Town is authorized to build or hire someone to build, in all zones, with the exception of buildings, on a public landsite that it owns, any structure, equipment, fence, panel or other device for the purpose of ensuring, without limitation, the safety, cleanliness, architecture or development of any part of the Town’s territory.

SECTION 9 ENFORCEABILITY

The Council is adopting this By-law in its entirety, chapter by chapter, division by division, section by section, clause by clause, paragraph by paragraph, subparagraph by subparagraph and subsection by subsection, so that should a chapter, division, section, clause, paragraph, subparagraph or subsection of this By-law be declared null and void by an authorized body, the remainder of the By-law shall continue to apply, insofar as possible.

SECTION 10 LAWS AND REGULATIONS

Nothing in this By-law shall be construed as absolving the obligation to comply with the laws and regulations of the provincial or federal government or other municipal By-laws.

SECTION 11 SCOPE OF APPLICATION

Landsites, structures, works or any part thereof, as the case may be, shall be built, occupied or used in accordance with the provisions of this By-law. Work on a landsite, a structure or works or any part thereof shall be executed in accordance with the provisions of this By-law.

SECTION 12 REFERENCES

Any reference in this By-law to another By-law, law or standard shall be open, meaning that it shall extend to any amendments made to such By-law, law or standard subsequent to the entry into force of this By-law.

SECTION 13 ANNEXED DOCUMENTS

The following documents are annexed to this By-law and are an integral part of it:

1. Schedule A: Zoning Plan of the Town of Hampstead.
2. Schedule B: Schedule of Uses and Standards.
3. *Schedule C: Assessment of new uses near railway operations.*

(1001-3, Sec.1, 1/16/2018)

SECTION 14 COMING INTO FORCE

This By-law shall come into force in accordance with the *Act respecting Land use Planning and Development (c. A-19.1)*.

DIVISION 2 INTERPRETATIVE PROVISIONS

SECTION 15 BY-LAW STRUCTURE

This By-law is divided into chapters using Arabic numerals, with each chapter separated into divisions as needed, using Arabic numerals.

Sections are numbered consecutively, using Arabic numerals. Each section is then divided into clauses. Clauses are not preceded by a number, letter or specific symbol. A clause may be further divided into paragraphs, which are numbered using Arabic numerals.

A paragraph may be further divided into subparagraphs, which are preceded by a lower-case letter and may be further divided into subsections, which are preceded by a dash:

CHAPTER 00

DIVISION 00

SECTION 00

Clause

00. Paragraph

a. Subparagraph

- Subsection

SECTION 16 INTERPRETATION OF THE TEXT

Unless otherwise indicated, the interpretation of the text in this By-law shall comply with the following rules:

1. Regardless of the verb tense used in this By-law, all provisions are considered to be effective at any given time and under any given circumstance;
2. The verbs "shall" and "must" are used to indicate an absolute obligation; the verb "may" is used to indicate option, except in the expression "may not" which means "shall not";
3. The singular of words is understood to include the plural and vice versa, unless the context dictates otherwise;
4. The word "person" includes individuals and corporations;
5. The use of the masculine gender is understood to include the feminine gender unless the text dictates otherwise;

6. The word “Town” refers to the Town of Hampstead.

SECTION 17 RULES OF PRECEDENCE FOR PROVISIONS

Unless otherwise indicated, the following rules shall apply to this By-law:

1. In case of a discrepancy between the text and a title, the text shall prevail;
2. In case of a discrepancy between the text and any other form of expression, with the exception of the Schedule of Uses and Standards, the text shall prevail;
3. In case of a discrepancy between a table and a chart, the data from the table shall prevail;
4. In case of a discrepancy between the text and the Schedule of Uses and Standards, the Schedule shall prevail;
5. In case of discrepancy between the Schedule of Uses and Standards and the Zoning Plan, the Schedule shall prevail;
6. In case of a discrepancy between the French and English versions, the French version shall prevail.

SECTION 18 RULES OF PRECEDENCE FOR CONFLICTING PROVISIONS

1. In case of conflict between two provisions in this By-law, or between this By-law and another By-law, the specific provision shall prevail over the general provision;
2. In case of conflict between restrictive or prohibitive provisions in this By-law, or between a restrictive or prohibitive provision in this By-law and a provision of any other By-law, the more restrictive or prohibitive provision shall apply, unless otherwise indicated.

SECTION 19 TABLES, CHARTS AND SYMBOLS

Any table, chart, symbol or any other form of expression other than the text itself included or referred to herein is an integral part of this By-law.

SECTION 20 UNITS OF MEASURE

All measures in this By-law are given in the International System of Units. Whenever there is a discrepancy between a number as written out in letters and its indication in numerals, the written number shall prevail. Furthermore, if there is a discrepancy between a measure given in International System (metric) units and Imperial units (feet, inches), the International System shall prevail.

SECTION 21 TERMINOLOGY

The words used in this By-law retain their customary meaning, with the exception of those words defined in the Permits and Certificates By-law.

DIVISION 3 ADMINISTRATIVE PROVISIONS

SECTION 22 APPLICATION OF THE BY-LAW

The application of this By-law is entrusted to any person duly authorized by the Council to act in that capacity, hereinafter referred to as the “designated official”. Otherwise, this responsibility rests with the director general of the Town.

SECTION 23 POWERS AND RESPONSIBILITIES OF THE DESIGNATED OFFICIAL

The powers and responsibilities of the designated official are set out in the Permits and Certificates By-law.

SECTION 24 OBLIGATION OF AN OWNER, OCCUPANT OR APPLICANT

The obligations of an owner, occupant or applicant are set out in the Permits and Certificates By-law.

SECTION 25 OFFENCES AND PENALTIES

Any person who contravenes or allows the violation of a provision of this By-law is guilty of an offence and, for each day that the offence continues, is liable to a fine of:

1. *A minimum of \$1000 and up to \$2000 if the offender is an individual, or a minimum of \$2000 and up to \$4000 if the offender is a corporation, for a first offence.*
2. *For subsequent offences, a minimum of \$2000 and up to \$4000 if the offender is an individual, or a minimum of \$4000 and up to \$8000 if the offender is a corporation.*

(1001-3, Sec.2, 1/16/2018)

Failure to pay the fine imposed and related costs shall render the offender liable to a seizure of available assets.

If the offence is continuous, this continuity shall constitute, day by day, a separate offence, and the penalty decreed for that offence may be imposed for each day that the offence continues.

Any person who fails to comply with an order or notice from the relevant authority or allows an offence to continue shall be in breach of this By-law.

In all cases in which a fine or a fine plus related costs has been incurred by a corporation, association or society recognized by law, such fine or fine plus related costs may be levied by the seizure and sale of the goods and effects of said corporation, association or society in virtue of a writ of execution issued by the municipal court.

The seizure and sale of goods and effects shall be conducted in the manner prescribed for seizure and execution in civil matters.

In order to enforce this By-law, the Town may resort to any other remedy, whether civil or legal in nature, concurrently or alternatively with the remedies provided for under this By-law and, without limitation, the Town may resort to all other remedies provided for under Sections 227 to 233 of the *Act respecting Land use Planning and Development (c. A-19.1)*.

SECTION 25.1 CONTRAVENTIONS AND SANCTIONS.

Notwithstanding article 25, the amounts of the fines for the infringements of all the articles of section 6 Swimming pool, whirlpools and Spa of these regulations will be as follows:

Anyone who contravenes or allows an infringement of any of the provisions of these regulations commits an infringement and is liable for each day, or part of the day that the infringement lasts, to a fine of:

1. *At least \$ 500 and not more than \$ 1,000, in the case of a natural person, and at least \$ 1,000 and not more than \$ 2,000 in the case of a legal person, for the first offense;*
2. *For a repeat offense, the fine is at least \$ 1,000 and not more than \$ 4,000, in the case of a natural person, and at least \$ 2,000 not more than \$ 8,000 in the case of a legal person.*
3. *All other provisions of section 25 that apply.*

(1001-8, Sec.1, 5/25/2021)

CHAPTER 2 ZONES AND SCHEDULES AND CLASSIFICATION OF USES

DIVISION 1 INTERPRETATION OF THE ZONES AND OF THE SCHEDULE OF USES AND STANDARDS

SECTION 26 DIVISION OF THE TERRITORY INTO ZONES

For the purposes of this By-law, the territory of the Town of Hampstead is divided into the main zones shown in the Zoning Plan in Schedule A.

SECTION 27 INTERPRETATION OF THE ZONES

Each of the zones in the Zoning Plan in Schedule A is identified by an alphanumeric reference comprised of two parts separated by a dash. The first part refers to the main class of use in the zone (RA, RB, RC, RD, RE, CW and I), while the second part refers to the number of the zone (0). Each zone is identified by a unique combination of numbers and letters and is distinct and independent from every other zone.

SECTION 28 INTERPRETATION OF ZONE BOUNDARIES IN THE ZONING PLAN

Zone boundaries in the Zoning Plan are considered to coincide with one of the following lines:

1. The median line, or the extension of the median line, of an existing or proposed street;
2. The boundary of the right-of-way of an existing or proposed street;
3. The median line of a right-of-way for a public service infrastructure;
4. The median line, or the boundary, of a railway line right-of-way;
5. A landsite boundary line, as it existed at the time this By-law came into force, or its extension;
6. A municipal boundary.

When a zone boundary line does not coincide with one of the lines mentioned in paragraphs 1 to 6 of the first clause, a measurement shall be taken to the scale of the plan. However, a slight inconsistency between the route of a zone boundary and one of these lines shall, insofar as possible, be interpreted in favour of the rules of interpretation in the first clause.

SECTION 29 SCHEDULE OF USES AND STANDARDS

Each of the zones identified in the Zoning Plan refers to a schedule of uses and standards that sets out provisions applicable to each zone and can be found in Schedule B of this By-law.

SECTION 30 INTERPRETATION OF THE SCHEDULE OF USES AND STANDARDS

The Schedule of Uses and Standards contains the following elements, which are described below:

1. "Zone":
 - a. The Schedule of Uses and Standards includes a "Zone" section for each zone that identifies the zone by means of a unique alphanumeric code;
 - b. The bracketed numbers in the "Zone" section refer to the "Notes" section.
2. "Permitted uses and standards":
 - a. The Schedule of Uses and Standards includes a "Uses" section for each zone that identifies the classes of exclusive uses permitted;
 - b. The uses listed in the Schedule of Uses and Standards are defined in Section 31 of this By-law. Any use not indicated in the "Uses" section is prohibited in the zone in question;
 - c. The bracketed numbers in the "Uses" section refer to the "Notes" section.
3. "Dimensions":
 - a. The Schedule of Uses and Standards includes a "Dimensions" section that shows the standards that apply to the dimensions of the main buildings in the zone;
 - b. The figures on the "Maximum height of the main building" line show the maximum height, in metres, of the main building occupied or intended for occupation by a permitted use in the same column;
 - c. The bracketed numbers in the "Dimensions" section refer to the "Notes" section.
4. "Minimum setbacks"
 - a. The Schedule of Uses and Standards includes a "Minimum setbacks" section that shows applicable setbacks for main buildings occupied or intended for occupation by a permitted use in the zone;
 - b. The figures on the "Front" line show the minimum front setback, in metres, that applies to the main building occupied or intended for occupation by a permitted use in the same column;
 - c. The figures on the "Secondary front" line show the minimum secondary front setback, in metres, that applies to the main building occupied or intended for occupation by a permitted use in the same column;
 - d. The figures on the "Side" line show the minimum side setback, in metres, that applies to the main building occupied or intended for occupation by a permitted use in the same column;
 - e. The figures on the "Rear" line show the minimum rear setback, in metres, that applies to the main building occupied or intended for occupation by a permitted use in the same column;
 - f. The bracketed numbers in the "Minimum setbacks" section refer to the "Notes" section.
5. "Building density":
 - a. The Schedule of Uses and Standards includes a "Building density" section that shows the ratio between the land coverage and the landsite, as well as the ratios between the land use and the landsite, that apply to main buildings occupied or intended for occupation by a permitted use in the zone;

- b. The figures on the “Maximum land coverage ratio” line show the maximum ratio between the built space and the landsite, for a main building;
 - c. The figures on the “Minimum land use ratio” line show the minimum ratio between the floor space and the landsite for main buildings occupied or intended for occupation by a permitted use in the same column;
 - d. The figures on the “Maximum land use ratio” line show the maximum ratio between the floor space and the landsite for main buildings occupied or intended for occupation by a permitted use in the same column;
 - e. The bracketed numbers in the “Building density” section refer to the “Notes” section.
6. “Landsite development”:
- a. The figures on the "Minimum front yard plant coverage" line show the minimum percentage of front yard plant coverage required for the use of any landsite in the zone;
 - b. The figures on the “Minimum total plant coverage” line show the minimum percentage of plant coverage required for the use of any landsite in the zone;
 - c. The bracketed numbers in the “Landsite development” section refer to the “Notes” section.
7. "Notes":
- a. The Schedule of Uses and Standards includes a “Notes” section that allows detailed information or a specific provision to be entered and referred to in another section of the Schedule;
 - b. The “Notes” section may also include a reference, reminder or warning.
8. “Amendment”:
- a. The Schedule of Uses and Standards includes an “Amendment” section for each zone that shows the number of an amendment resolution introducing changes to the zone in question, where applicable.

DIVISION 2 CLASSIFICATION OF USES

SECTION 31 CLASSIFICATION OF USES

For the purposes of this By-law, uses are classified according to the following table:

Table 1 – Type of use per use group

Group of use	Use
Residential	H1 Detached single-family dwelling
	H2 Semi-detached single-family dwelling
	H3 Two-family dwelling or duplex, detached or semi-detached
	H4 Row housing (townhouse)
	H5 Multifamily dwelling
Public	PB1 Public education institutions such as a school
	PB2 Municipal facilities open to the public, such as Town Hall and the community centre. Public facilities do not open to the public, such as garages, road maintenance workshops, government warehouses and depots, and municipal parkings.
	PB3 Open public spaces, such as parks, playgrounds, free spaces, green spaces, dog runs, and related accessory structures.
Place of worship	R Places of worship, such as synagogues, churches and mosques. They may not contain dwelling units, with the exception of those used to house the building janitor and his or her family. Such buildings may have auxiliary functions, such as reception rooms, chapels, offices and conference rooms.

DIVISION 3 MAIN USES

SECTION 32 MAIN USE

Unless otherwise indicated, only one main use per landsite is permitted.

Only one main building per landsite is permitted, with the exception of main buildings intended for public use or places of worship, such as a monastery complex, school, town hall, community centre or any similar building.

SECTION 33 PROVISIONS RELATING TO PERMITTED USES AND STRUCTURES

Erecting, rebuilding or modifying a structure or building for a use other than one specifically permitted in the zone where the structure or building is or will be located is prohibited. Using a structure or landsite for a use or purpose other than those authorized for the zone in question is prohibited. If a use, a type of building or an activity is not explicitly permitted in a zone, it is prohibited.

If an owner wishes to modify a building's use or density, a building permit is always required under the Permits and Certificates By-law.

A landsite parcel can have a main use even if it does not contain a main building. If there is a main building on the site, the main use of the landsite and building must be the same.

SECTION 34 USES SPECIFICALLY PERMITTED IN ALL ZONES

Without limitation, the following municipal uses are specifically permitted on the territory of the Town of Hampstead:

1. Roads;
2. Public utility networks;
3. Parks and green spaces;
4. Outdoor swimming pools;
5. Bicycle lanes;
6. Playgrounds and recreational areas (with or without equipment);
7. Outdoor sports fields.

SECTION 35 USES, STRUCTURES AND EQUIPMENT SPECIFICALLY EXCLUDED

Without limitation, the following uses, buildings, structures and equipment are specifically prohibited on the territory of the Town of Hampstead:

1. Uses:
 - a. Community housing;
 - b. Rooming and boarding houses, as well as any other types of dwelling units intended for room-based occupancy, such as bed and breakfast establishments, residences and care hospitals;
 - c. Temporary lease, for a period of less than one month, of rooms or dwelling units such as tourist residences, youth hostels and any other similar establishments;
 - d. Office spaces and businesses that receive patients or other clients, except for offices in dwelling units with a dedicated area for the exclusive use of the owner where no additional movement by clients or patients is required;
 - e. Businesses;
 - f. Industries;
 - g. Kennels, i.e., properties with more than two dogs, and catteries, i.e., properties with more than two cats;
 - h. Temporary or permanent storage of vehicles on an organic surface;
 - i. Temporary or permanent storage of organic or non-organic materials;
 - j. Any use that generates dust, odours, smoke or vibrations.
2. Structures:
 - a. Any temporary or permanent pedestrian shelter or carport, i.e., any type of open structure with a roof.

However, temporary shelters or structures used for special occasions and parties are authorised, but are restricted in backyards for residential uses;

(1001-4, Sec.1, 4/01/2019)

- b. Accessory buildings used to shelter a swimming pool or spa;
- c. Structures situated in trees;
- d. Temporary buildings of any kind, except those erected during building construction, such as construction facilities;
- e. **Garages detached from the main building;**

(1001-11, Sec.7, 8/1/2022)

- f. Mobile homes and trailers.
3. Equipment :
- a. Clotheslines attached to a main building or isolated in the yard;
 - b. Barbed wire and electrified fences of any kind that could injure people or cause electric shocks;
 - c. Any fortification element;
 - d. Underground oil tanks;
 - e. Pipeline equipment of any kind;
 - f. Windmills of any kind;
 - g. Telecommunication towers;
 - h. High voltage transmission lines;
 - i. Tower antennas.

SECTION 36 CIVIC NUMBERS

All main uses must be identified with a distinct civic number in Arabic numerals. Each numeral in the civic number must be between 7 and 20 centimetres in height.

No person may take ownership of a civic number without the express authorization of the designated official.

No person may remove an authorized civic number without the express authorization of the designated official.

CHAPTER 3 ADDITIONAL AND TEMPORARY USES

DIVISION 1 GENERAL PROVISIONS APPLICABLE TO ADDITIONAL USES TO RESIDENTIAL USES

SECTION 37 ADDITIONAL USE TO A RESIDENTIAL USE

Only one additional use to the main use is permitted in the main building, in accordance with the provisions of this By-law.

Exercising an additional use may not change the nature of the main use of a building or landsite. To be considered an additional use, a use must comply with all of the applicable directives in this By-law.

Unless otherwise indicated, the additional use is deemed part of the main use with regard to any main use calculations.

BASEMENT APARTMENTS

Basement apartments are permitted only for the use H3 (Two-family dwelling or duplex) within the zones RB-1, RB-2, RB-3, RB-4, RB-6, and RB-8 and for the use H5 (multifamily dwelling) within the zone RC-1. For the use H3, basement apartments must respect the following conditions:

- 1. A limit of one (1) basement apartment per property.***
- 2. Minimal area of 45 m² (484.4 ft²).***
- 3. Habitable rooms must have a minimum finished ceiling height of 2.13 m (6.96 ft).***
- 4. Have a full bathroom (with sink, toilet and bath or shower).***
- 5. Have a washer and dryer entry***
- 6. Habitable rooms that require windows must be at least 50% above ground.***

(1001-2, Sec.2, 12/5/2016)

SECTION 38 GENERAL RULES APPLICABLE TO AN ADDITIONAL USE TO A RESIDENTIAL USE

Unless otherwise indicated, an additional use is subject to the following conditions:

1. The main residence of the person conducting an additional use must be in the dwelling unit where said additional use is conducted;
2. Access to an additional use must be common with that of the dwelling unit in which it is located;
3. The appearance of the residential architectural must remain the same, and elements visible from the street must not indicate the presence of the additional use;
4. The additional use must not occasion any outdoor storage or display;
5. Except for transformations required to provide access, the installation of an additional use must not lead to modifications to the exterior appearance of a building, particularly with regard to its residential architecture;
6. The installation of an additional use must not involve modifications to the outdoor off-street parking area of the landsite on which it is located, except for the purpose of providing the total minimum number of spaces required by this By-law, without exceeding that number;
7. Posting is prohibited, except for signs required by a professional order;
8. A certificate of occupancy is required to practice an additional use to a residential use.

DIVISION 2 SPECIFIC PROVISIONS FOR ADDITIONAL USES TO RESIDENTIAL USES: FAMILY-TYPE RESOURCES

SECTION 39 SCOPE OF APPLICATION FOR AN ADDITIONAL USE RELATING TO FAMILY-TYPE RESOURCES

Activities and services offered by family-type resources are not considered a business or a source of profit. As a result, they are allowed as an additional use to a residential use throughout the municipal territory. Family-type resources include home childcare services, foster families and foster homes.

SECTION 40 HOME CHILDCARE SERVICES

For the purposes of this By-law, a home childcare service is defined as an individual, self-employed worker, acting on his or her own behalf, recognized under the *Educational Childcare Act (c. S-4.1.1.)*, that is paid to provide childcare services to parents with whom he or she enters into a contract, for a maximum of six children, in his or her main residence. Home childcare services are subject to the following conditions:

1. A home childcare service may not be located less than 200 metres from another home childcare service on the same side of the street;
2. Outside the business hours of the additional use, the main use must be active for the additional use to remain authorized;
3. Only one individual per dwelling may work for the childcare service.

SECTION 41 FOSTER FAMILIES

For the purposes of this By-law, a foster family is defined as one or two individuals recognized under the *Act respecting health services and social services (c. S-4.2)* who receive in their main residence a maximum of nine children with difficulties, entrusted to them by a public institution for the purposes of accommodating the children's needs and providing them with living conditions that promote a parental relationship in a family context. Foster families are permitted under the following conditions:

1. Only one additional use to the main use is permitted in the main building, in accordance with the provisions of this By-law;
2. Exercising the additional use may not change the nature of the main use of a building or landsite;
3. Unless otherwise indicated, the additional use is deemed part of the main use with regard to any main use calculations;
4. The additional use may not be located less than 200 metres from another foster family on the same side of the street;
5. Foster families are allowed in the RB-7 and I-5 zones.

SECTION 42 FOSTER HOMES

For the purposes of this By-law, a foster home is defined as one or two individuals recognized under the *Act respecting health services and social services (c. S-4.2)* who receive in their main residence a maximum of nine adults or senior citizens, entrusted to them by a public institution for the purposes of accommodating their needs and providing them with living conditions that resemble those of a natural environment, inasmuch as possible. Foster homes are permitted under the following conditions:

1. Only one additional use to the main use is permitted in the main building, in accordance with the provisions of this By-law;
2. Exercising the additional use may not change the nature of the main use of a building or landsite;
3. Unless otherwise indicated, the additional use is deemed part of the main use with regard to any main use calculations;
4. The additional use must not be located less than 200 metres from another foster home on the same side of the street;
5. Foster homes are allowed in the RB-7 and I-5 zones.

DIVISION 3 SPECIFIC PROVISIONS FOR ADDITIONAL USES TO RESIDENTIAL USES: HOME OFFICES

SECTION 43 SCOPE OF APPLICATION FOR AN ADDITIONAL USE RELATING TO HOME OFFICES

A home office is permitted as an additional use to a residential use under the provisions of this By-law.

SECTION 44 CONDITIONS FOR THE ESTABLISHMENT AND OPERATION OF A HOME OFFICE

The establishment of a home-based professional practice is permitted under the following conditions:

1. The use may only be established and exercised by the occupants of the dwelling;
2. Only the occupant or his or her family members residing on the premises may work there;
3. The use may only be established and exercised inside a main building with a maximum surface area equivalent to 15% of the total above ground area of the building or dwelling unit;
4. Outdoor storage and displays are prohibited;
5. Parking must take place off street, on the same property as the main building where the additional use is exercised;
6. There must not be increased traffic of any kind or coming and going of clients.

DIVISION 4 PROVISIONS RELATING TO ADDITIONAL USES TO A PLACE OF WORSHIP USE

SECTION 45 SCOPE OF APPLICATION FOR THE ADDITIONAL USE TO A PLACE OF WORSHIP USE

Day care centres and day camps are permitted as additional uses to a place of worship use under the provisions of this By-law.

SECTION 46 SPECIFIC PROVISIONS FOR DAY CARE CENTRES AND DAY CAMPS AS ADDITIONAL USES TO A PLACE OF WORSHIP USE

Day care centres and day camps are the only additional uses allowed to a place of worship use, and are subject to the following conditions:

1. Exercising an additional use may not change the nature of the main use of a building or landsite. To be considered an additional use, a use must comply with all of the applicable directives in this By-law;
2. Unless otherwise indicated, the additional use is deemed part of the main use with regard to any main use calculations;
3. A day care centre or day camp use may not occupy more than 75% of the surface area of the main building;

4. Outside the business hours of the additional use, the main use must be active for the additional use to remain authorized;
5. No posting is allowed for an additional use;
6. Outdoor storage and displays are prohibited;
7. A certificate of occupancy is required to exercise an additional use to a place of worship use.

DIVISION 5 PROVISIONS RELATING TO TEMPORARY USES: GARAGE SALES

SECTION 47 SCOPE OF APPLICATION FOR A TEMPORARY USE OF GARAGE SALE

Garage sales are permitted as temporary uses for residential and place of worship uses, under the provisions of this By-law.

SECTION 48 CONDITIONS FOR ORGANIZING AND HOLDING GARAGE SALES

No person may hold a garage sale without first acquiring a certificate of authorization from the designated official or his or her authorized representative. In addition, the following conditions must be met:

1. Only non-commercial garage sales are permitted;
2. A maximum of two certificates per calendar year may be issued for the same landsite;
3. A certificate is only valid for the duration specified on the certificate;
4. The certificate specifies the date, times and location of the sale;
5. A garage sale may only be held on the part of a landsite situated between the street line and the front construction line.

CHAPTER 4 ARCHITECTURE, SETBACKS AND YARDS

DIVISION 1 GENERAL PROVISIONS APPLICABLE TO ALL BUILDINGS

SECTION 49 PROHIBITED STRUCTURES AND ARCHITECTURES

The following structures and architectures are prohibited throughout the territory:

1. Buildings erected or modified, in whole or in part, in the form of people, animals, fruits, vegetables, cones, ovens, recipients, reservoirs, boats or any other shape seeking to represent daily consumer goods;
2. Buildings with a circular (dome), semi-circular or elliptical contour, with the exception of accessory buildings in a rear yard;
3. The use, as a building, of a container, a rail or tram car, a boat, a bus, a truck box, a trailer or some other vehicle or part of an abandoned vehicle of a similar nature for any purpose other than municipal purposes, except as an attraction in parks and playgrounds authorized under this By-law;
4. The demolition of a semi-detached house to erect a detached house, while leaving the other undemolished semi-detached house on the neighbouring landsite.

DIVISION 2 ARCHITECTURE OF ALL BUILDINGS

SECTION 50 PROHIBITED EXTERIOR WALL CLADDINGS

The following materials are prohibited for use as exterior cladding on buildings:

1. Tar or mineral paper and other similar papers;
2. Asphalt and asbestos shingles;
3. Ceramic;
4. Paper, cardboard, sheet metal and coatings imitating or appearing to imitate stone, brick, or other natural materials;
5. Chipboard panels and particle boards;
6. Cement blocks;
7. Parging, stucco or rolled cement finish applied directly to a base of cement blocks or other similar materials. Such materials may, however, be added to the foundations or on a metal lathing base mounted over wooden or metal furring, affixed to the blocks or other materials;
8. Corrugated sheet metal, non pre-painted and non pre-enamelled steel panels or pieces, and other similar materials;
9. Anodized, galvanized steel panels or pieces and other similar materials;
10. Insulating materials (urethane, Styrofoam, etc.);
11. Fibreglass;
12. Wood finishes not weatherproofed by means of paint, creosote, varnish, oil or equivalent “Pentox” products, except for cedar wood, which may be left in its natural state;
13. Flexible polythene and other similar materials;
14. Pictorial works imitating stone or brick, except for etched boards or antique or traditional embossed sheet metal;
15. Painted masonry.

SECTION 51 FLAT ROOF CLADDING

Only elastomer, *TPO (thermoplastic polyolefin)* and multilayer membranes are allowed as cladding for flat roofs.

(1001-17, Sec.1, 17/04/2024)

SECTION 52 ROOF-TOP TERRACES

Roof-top terraces with a platform of treated wood or other decking material designed for that purpose are permitted under the following conditions:

1. They must be accessible from inside the main building;
2. They must have a fixed guardrail meeting the following requirements:
 - a. There must be a clearance of at least 1 metre from the outer perimeter of the roof;
 - b. There must be a clearance of at least 3 metres from any landsite boundary;
3. Fences are prohibited.

SECTION 53 BASEMENT OR CELLAR ACCESS

The installation and use of an exterior door leading to a basement or cellar is only permitted on the side or rear façade of a building.

DIVISION 3 GENERAL PROVISIONS APPLICABLE TO MAIN BUILDINGS

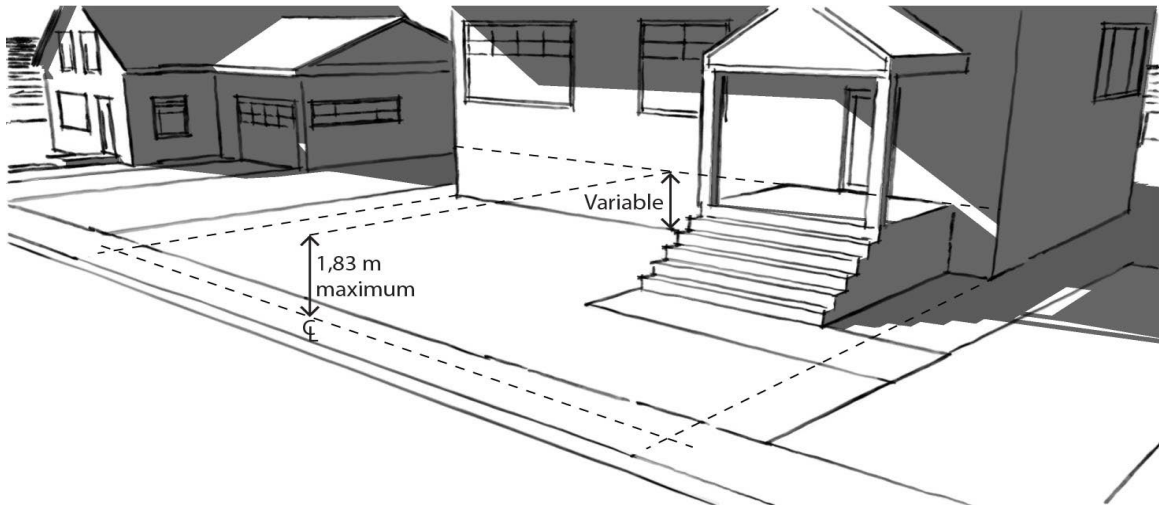
SECTION 54 STANDARDS APPLICABLE TO MAIN BUILDINGS

The standards applicable to main buildings are set out in the following table:

Table 2 – Standards applicable to main buildings

Subject	General standard	Specific standard
Orientation of the façades	The main façade of any main building facing a thoroughfare must be parallel or nearly parallel to its boundary line.	
Building height Use: H1, H2, H3, H4	In accordance with the Schedule of Uses and Standards	
Building height Use: PB1, PB2, PB3, R	In accordance with the Schedule of Uses and Standards	
Roof types per use Use: H1, H2, H3, PB2, PB3	Sloping roof	Up to 30% of the roof of a building may be flat as long as the flat area is not visible from the adjacent streets. <i>Openings and equipment on flat roofs count as a flat roof.</i> (1001-14, Sec.1, 5/07/2023)
Roof types per use Use: H4, H5, PB1, R	Flat, sloping, or mixed roof	
Attic	An attic may be habitable under the following conditions: <ul style="list-style-type: none"> • it is entirely located in the loft of a roof; • it is insulated and there is a finish on all of its interior surfaces; • it can be accessed through a permanent staircase. 	The <i>minimum</i> height of a habitable attic is 2.13 metres (7 feet), measured at its highest point. <i>(1001-17, Sec.2, 17/04/2024)</i> <i>The floor area of a habitable attic is included in the calculation of the land use ratio.</i> <i>(1001-17, Sec.2, 17/04/2024)</i> The floor area of an attic may be habitable for buildings erected before August 17, 2016, the date of the coming into force of this By-law, provided that there are no changes to the outside appearance of the building.
Level of the ground floor	For any main building, the level of the ground floor must not exceed 1.83 metres, as measured from the sidewalk in relation to the middle of the main façade. See:	Habitable rooms located above an attached garage in a “split-level”-type house are considered part of the ground floor.

Figure 1 – Maximum height of the ground floor



DIVISION 4 STRUCTURES FORMING PART OF MAIN BUILDINGS

SECTION 55 GENERAL

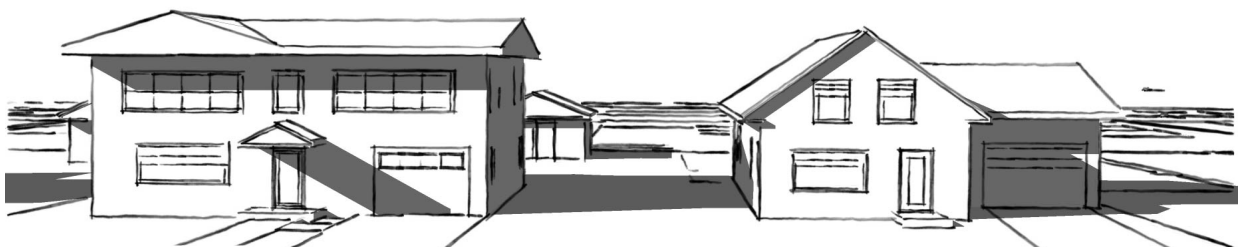
This Division establishes, among other things, specific standards for structures forming part of main buildings.

SECTION 56 INDOOR OR ATTACHED GARAGES

All residential uses must have a garage integrated into or attached to the main building. Indoor or attached garages are considered part of the main building. In addition, they must comply with the following provisions:

1. All provisions relating to setbacks, yards, and materials applicable to the main building must be complied with;
2. The architecture must be integrated into the main building architecture to form an overall unit in terms of shape, openings, roofing and cladding;
3. The indoor surface area must be at least 21.37 square metres;
4. The height of the garage door may not exceed 2.4 metres;
5. The roof overhang may not exceed 1.5 metres.

Figure 2 – Examples of indoor and attached garages



SECTION 57 OPEN OR CLOSED STRUCTURES FORMING PART OF MAIN BUILDINGS

Open structures forming part of a main building, such as galleries, front porches and terraces, are permitted, under the conditions in this By-law. Open or closed carports, both temporary and permanent, are prohibited.

Closed structures forming part of a main building, such as solariums and verandas, are permitted, under the conditions in this By-law.

Open or closed structures forming part of a main building are permitted, under the following conditions:

1. Closed structures forming part of a main building may not be habitable rooms: they must not be insulated or equipped with a heating system;
2. There must be an exterior wall and an exterior door separating any structure forming part of a main building from the interior of the dwelling;
3. Open structures forming part of a main building may encroach on the front and side setbacks by a maximum of 2 metres while maintaining a clearance of at least 2 metres from any landsite boundary line;

4. Open structures forming part of a main building may encroach on the rear setback by a maximum of 5 metres while maintaining a clearance of at least 3 metres from any landsite boundary line;
5. ***In the case of semi-detached houses, open structures located in rear yards forming part of a main building have a reduced setback to 0 meter.***

(1001-3, Sec.3, 1/16/2018)

SECTION 58 HABITABLE ROOMS BELOW A STRUCTURE FORMING PART OF A MAIN BUILDING

A habitable room is permitted below a structure forming part of a main building, under the following conditions:

1. A full, continuous concrete foundation extending below the frost line must be erected;
2. All of the foundation walls must comply with the minimum setbacks applicable to the main building except for terraces and/or balconies located on a rear yard;

(1001-18, sec. 1, 04/3/2025)

3. The habitable area must be accessible from inside, heated and ventilated;
4. The finished floor to finished ceiling height must comply with applicable construction standards;
5. If the habitable room is a bedroom, a window must be installed in accordance with applicable construction standards.

SECTION 59 BAY WINDOWS

The standards applicable to bay windows forming part of a main building are set out in the following table:

Table 3 – Standards applicable to bay windows

Subject	Standard
Maximum width	4 m
Maximum height	1 storey
Minimum percentage of fenestration	50%
Minimum clearance below a projection in relation to the adjacent grade	0.6 m
Maximum number of bay windows, per storey, on a building façade	2
Maximum projection in relation to the wall	1 m
Maximum encroachment into a setback	0.6 m
Minimum distance from a landsite boundary line	4 m
Minimum distance from a building corner	0.3 m

If the base of a projection results in the continuation of the interior floor or if it is at an elevation of less than 30 centimetres from the interior floor, the surface area of the projection must be included in the calculation of the floor area, which must comply with the required land use ratio.

SECTION 60 BALCONIES

The standards applicable to balconies are set out in the following table:

Table 4 – Standards applicable to balconies

Subject	Standard	
Maximum encroachment into a setback	2.13 m	
Minimum distance from a landsite boundary line	Front, secondary front, side, rear	1 m
	Shared	0.60 m

SECTION 61 EXTERIOR STAIRCASES (ABOVE GROUND ONLY)

(1001-17, Sec.3, 17/04/2024)

The standards applicable to exterior staircases are set out in the following table:

Table 5 – Standards applicable to open exterior staircases

Subject		Standard
Maximum encroachment into a setback	Front	6.1 m
	Secondary front, side	2 m
	Rear	5 m
Minimum distance from a landsite boundary line	Front	0 m
	Secondary front, side	2 m
	Rear	3 m

(1001-3, Sec.4-Table 5, 1/16/2018)

SECTION 62 AWNINGS, CANOPIES AND EAVES

The standards applicable to awnings, canopies and eaves are set out in the following table:

Table 6 – Standards applicable to awnings, canopies and eaves

Subject		Standard
Maximum encroachment into a setback	Front, secondary front, rear	2.13 m
	Side	0.60 m

In addition, there must be a minimum vertical clearance of 2.2 metres under all awnings, canopies and eaves located in a front yard.

SECTION 63 CHIMNEYS

A chimney attached to a main building may not encroach into the applicable minimum setback by more than 0.5 metres.

DIVISION 5 SETBACKS AND YARDS

SECTION 64 OBLIGATION TO COMPLY WITH THE CIVIL CODE OF QUEBEC REGARDING SETBACKS

Whenever a provision in this By-law allows for a setback that is less than that required by the *Civil Code of Quebec*, or an encroachment into a setback, such provision shall not take precedence over the provisions of the *Civil Code of Quebec*.

SECTION 65 SETBACKS

Setback dimensions for each zone are stipulated in the Schedule of Uses and Standards; however, the provisions for the special cases in this chapter shall prevail over the Schedule of Uses and Standards.

Unless otherwise indicated in this By-law, no structures are allowed within the prescribed setbacks.

SECTION 66 EXTENSIONS AND CONSTRUCTION IN SETBACKS

The construction of a basement garage within the setback is allowed under the following conditions :

- a) Only the driveway, part of a garage located in a basement, can encroach into the lateral setback.
- b) This driveway must maintain a minimum setback of 1.0 m.
- c) No enclosed room or other use is permitted in this driveway.
- d) The section of the driveway that encroaches into the setback must be entirely underground except for the wall or garage door.

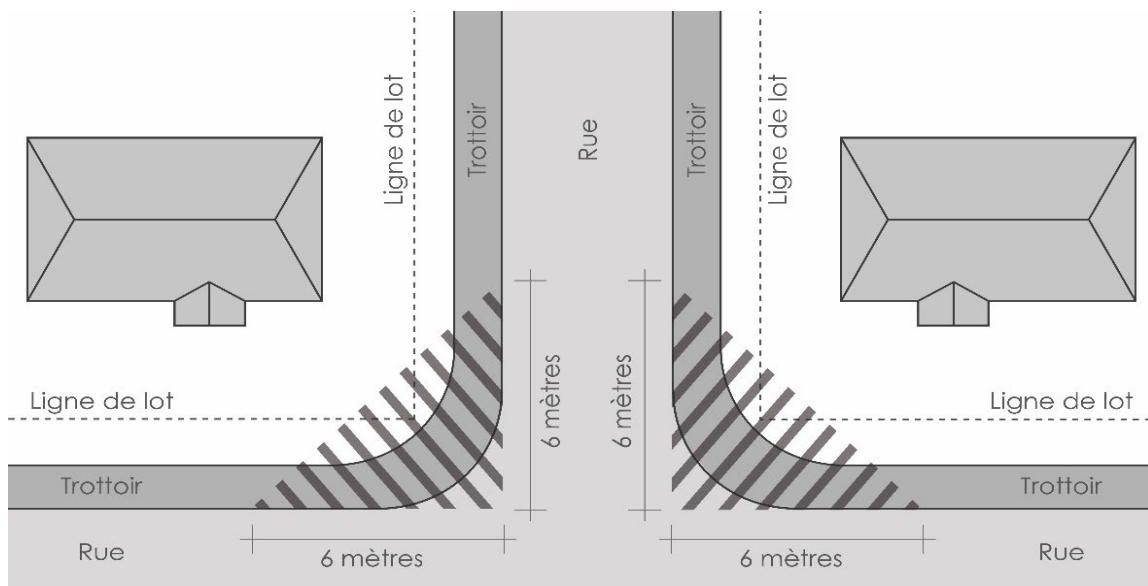
- e) Drainage above the underground construction must not be connected to the plumbing system and must be directed towards the rear of the property.
- f) The finished ground level above the garage must not exceed more than 100 mm above the average finished level of the adjacent grounds to the underground garage.

(1001-16, Sec. 1, 3/4/2024)

SECTION 67 TRIANGLE OF VISIBILITY

For corner landsites, there must be a triangle of visibility of 6 metres from the point of intersection of the thoroughfare lines bordering said landsite leaving a visibility window free from any visual obstacles more than 0.8 metres high and 2.4 metres high, as measured from the point of intersection. These requirements do not apply to municipal equipment.

Figure 3 – Triangle of visibility



CHAPTER 5 ACCESSORY BUILDINGS, STRUCTURES AND EQUIPMENT

DIVISION 1 GENERAL PROVISIONS APPLICABLE TO ACCESSORY BUILDINGS, STRUCTURES AND EQUIPMENT

SECTION 68 OBLIGATION TO HAVE A MAIN BUILDING

Unless otherwise indicated, there must be an existing main building on a landsite before an accessory building, structure or equipment can be erected.

DIVISION 2 ACCESSORY BUILDINGS

SECTION 69 STANDARDS APPLICABLE TO ACCESSORY BUILDINGS

Accessory buildings are permitted throughout the municipality, provided that they comply with the following conditions:

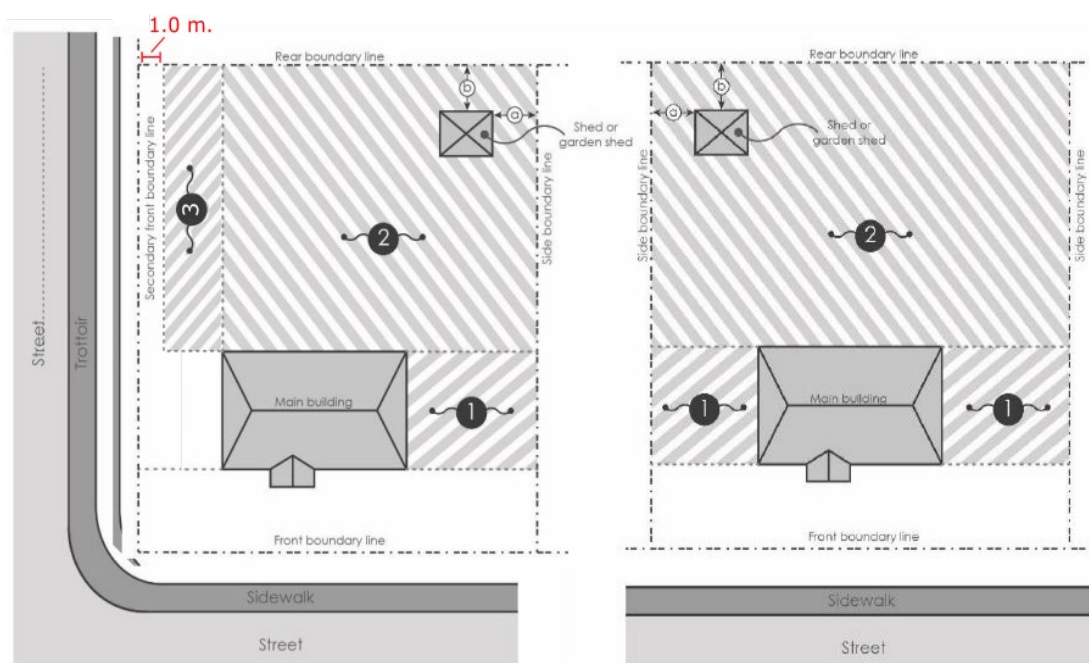
1. The vocation of accessory buildings must be limited to storage purposes, such as the storage of equipment, material and garden tools, or recreational purposes, such as solariums, domestic greenhouses and gazebos;
2. Plumbing elements of any kind are prohibited in accessory buildings;

3. Unless more restrictive requirements exist, the front and secondary front minimum setbacks prescribed in the Schedule of Uses and Standards apply to accessory buildings;
4. The minimum distances are:
 - a. 3.5 metres from a main building;
 - b. 2 metres from another accessory building;
5. Run-off from the roof of an accessory building must fall on the landsite where the building is erected;
6. The maximum number of accessory buildings allowed is two per landsite;
7. *The maximum total area of all accessory buildings on a landsite is 20 square meters, as measured from the exterior façades of the buildings;*
(1017-17, Sec.4,17/04/2024)
8. All accessory buildings must be anchored in the ground so that they remain at the same level and safe at all times;
9. Lighting is permitted subject to the requirements of the By-law concerning Nuisance.

SECTION 70 SHEDS AND GARDEN SHEDS

Sheds and garden sheds are permitted as accessory buildings, under the following conditions:

Table 7 – Standards applicable to sheds and garden sheds



Subject		Standard
Authorized location		① Side yard
		② Rear yard
		③ Secondary front yard
Minimum distance from a landsite boundary line	Side (a)	1 m
	Rear (b)	1 m
Maximum height		3 m

In addition, all sheds and garden sheds shall meet the following standards:

1. *The maximum surface area for sheds is 20 square meters, and the length of the walls may not exceed 6 meters;*
2. *The roof overhang may not exceed 0.6 meters;*
3. *There must be a door that can be locked and all windows shall be secured;*
4. *Sheds and garden sheds must only be used for storage purposes;*
5. *Mechanical equipment related to the pool (filter, pump) are allowed to be located in the shed;*

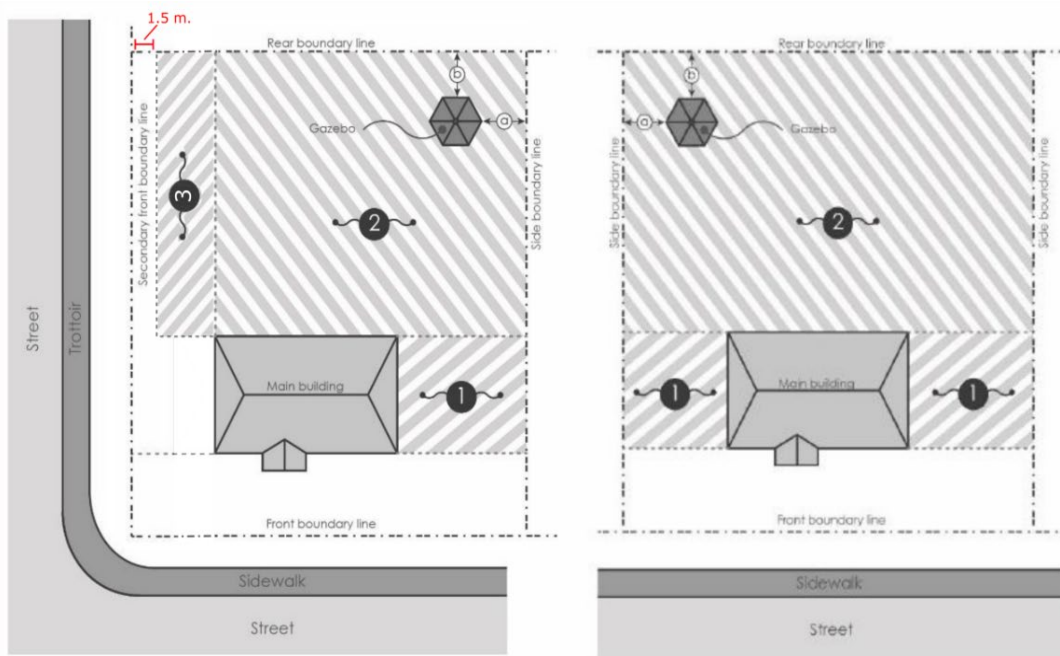
6. **Plumbing for an outdoor shower is allowed in the shed (showerhead, drain).**
7. **The shed cannot be insulated or heated;**
8. **The shed is not a livable space.**

(1001-9, Sec. 1+Table 7, 8/2/2021)

SECTION 71 GAZEBOS

Gazebos used for recreational purposes are permitted as accessory buildings, under the following conditions:

Table 8 – Standards applicable to gazebos



Subject		Standard
Authorized location		① Side yard
		② Rear yard
		③ Secondary front yard
Minimum distance from a landsite boundary line	Side (a)	3 m
	Rear (b)	1.5 m
Maximum height		3 m

(1001-9, Sec. 1-Table 8, 8/2/2021)

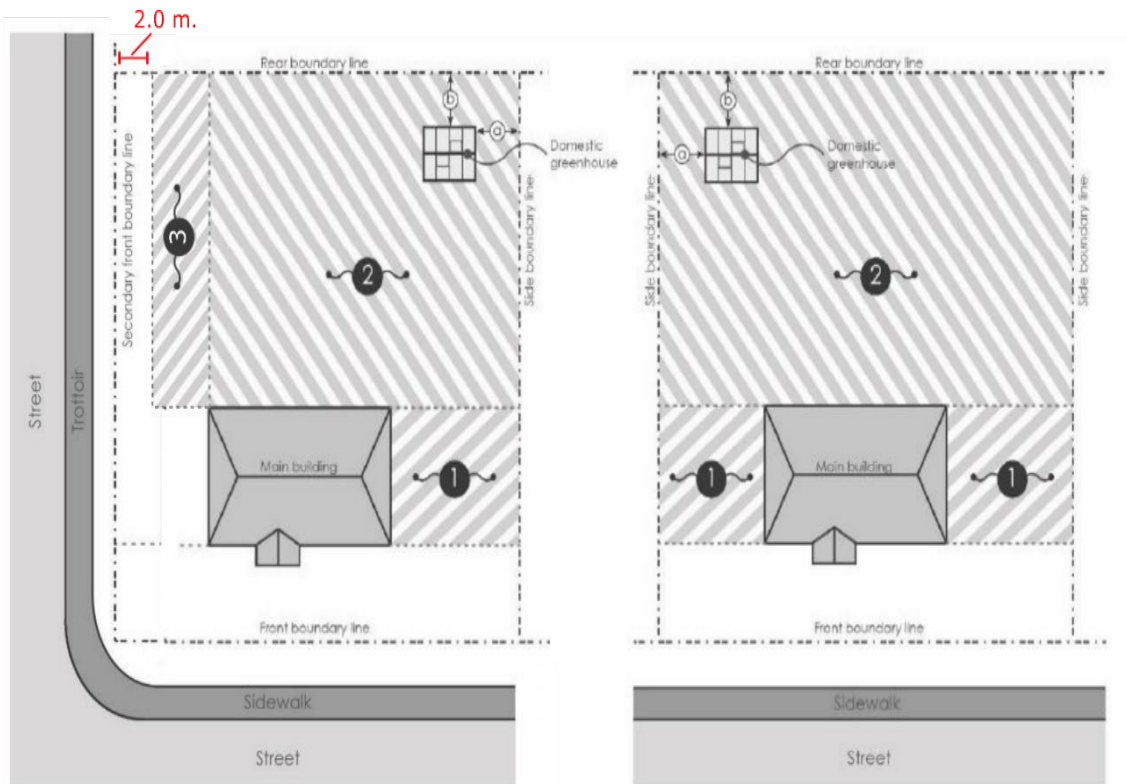
In addition, gazebos shall meet the following standards:

1. They may not have foundation walls;
2. They may not have heated areas;
3. They must never be used as a habitable room;
4. They must never be installed on an elevated terrace.

SECTION 72 DOMESTIC GREENHOUSES

Domestic greenhouses are permitted as accessory buildings, under the following conditions:

Table 9 – Standards applicable to domestic greenhouses



Subject		Standard
Authorized location		① Side yard
		② Rear yard
		③ Secondary front yard
Minimum distance from a landsite boundary line	Side (a)	2 m
	Rear (b)	2 m
Maximum height		3 m

(1001-9, Sec. 1-Table 9, 8/2/2021)

In addition, domestic greenhouses shall meet the following standards:

1. They may not be used as sheds or garden sheds, to store objects;
2. They must be covered in glass or some other equivalent rigid translucent material;
3. They must have a structure composed of materials specifically designed for this purpose.

DIVISION 3 ACCESSORY STRUCTURES

SECTION 73 PERGOLAS

Pergolas are permitted as accessory buildings, under the following conditions:

Table 10 – Standards applicable to pergolas

Subject		Standard
Authorized location		1 Side yard
		2 Rear yard
		3 Secondary front yard
Minimum distance from a landsite boundary line	Side (a)	1.5 m
	Rear (b)	1.5 m
Maximum height		3 m

(1001-9, Sec. 1-Table 10, 8/2/2021)

In addition, pergolas shall meet the following standards:

1. They may not have a maximum surface area of more than 40 square meters;

(1001-11, Sec.1, 8/1/2022)

2. They may not have foundation walls;
3. They may not have heated areas;
4. They must never be used as a habitable room;
5. They must never be installed on an elevated terrace.

DIVISION 4 ACCESSORY EQUIPMENT

SECTION 74 DOMESTIC ANTENNAS

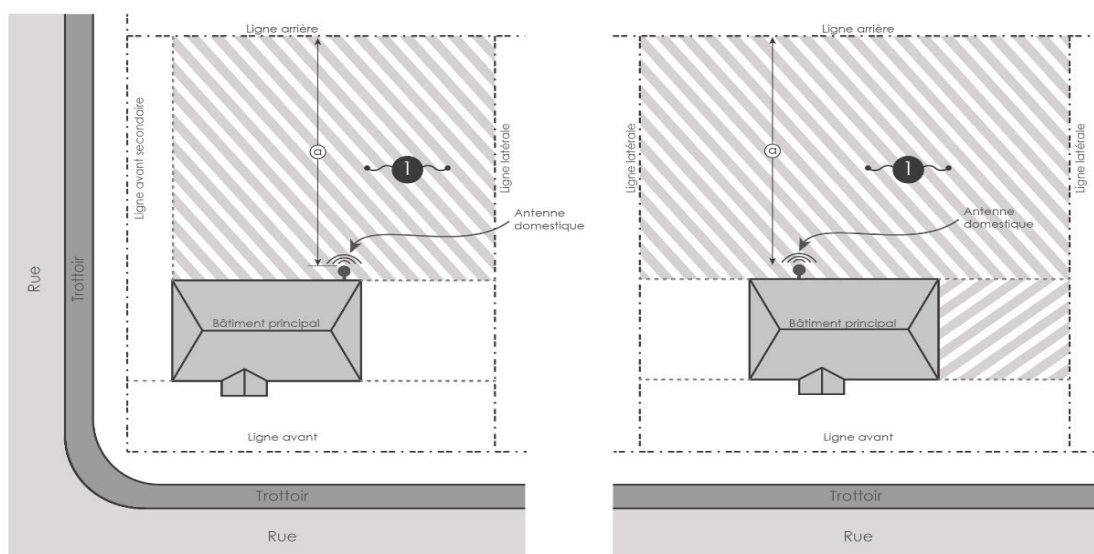
Tower antennas are prohibited throughout the territory of the Town.

1. Only antennas used for domestic purposes attached to a main building are permitted as accessory equipment, under the following conditions:
 - a. All antennas must be adequately grounded in accordance with the law or professional practice, whichever is the most restrictive;
 - b. Antennas must not contain advertising of any kind, with the exception of the name of the manufacturer or provider already written on the device;
 - c. Installing an antenna made with materials that cause reflections or emit sounds is prohibited;
 - d. The owner of the building where the antenna is installed is responsible for maintaining it properly and ensuring it is safe and aesthetic;

- e. Once the antenna is no longer in use, it must be removed and the building or landsite must be returned to its original state;
 - f. Installing lighting on an antenna is prohibited.
2. In addition, domestic satellite antennas attached to a building shall meet the following conditions:
- a. Their diameter must not exceed 0.7 metres;
 - b. They must be located on the side of the roof overlooking the rear yard and must not be visible from the street;
 - c. Only one antenna is permitted per dwelling unit;
 - d. In cases where an antenna is installed on a flat roof of a building, it must be located at least 4 metres away from the construction lines.

Domestic antenna requirements do not apply to municipal landsites.

Table 11 – Standards applicable to domestic antennas



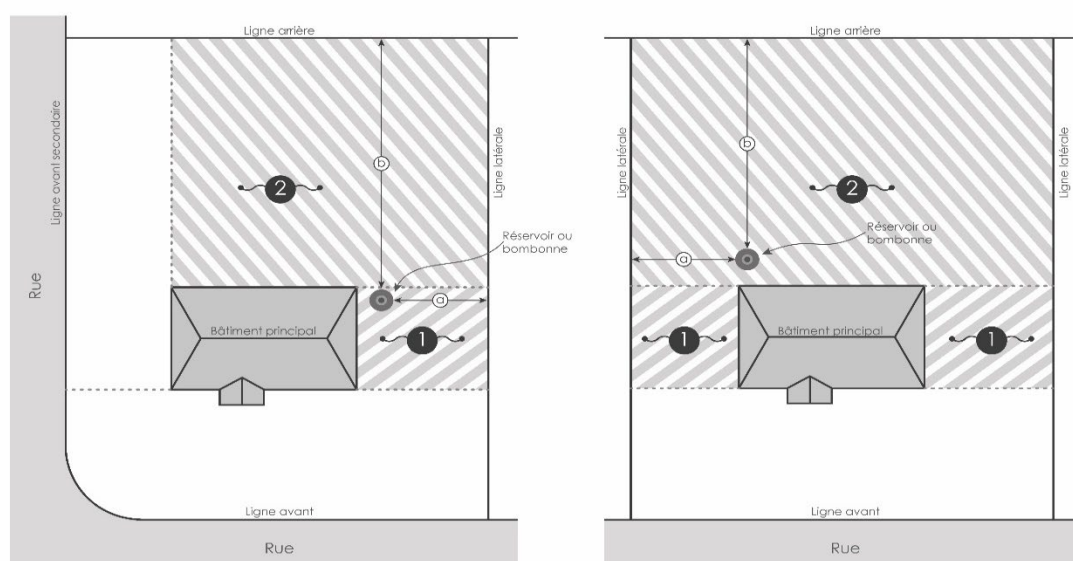
Subject		Standard
Authorized location		① Rear yard
Minimum distance from a landsite boundary line	Rear (a)	8 m

(1001-4, Sec.3-Table 11,4/1/2019)

SECTION 75 HEATING OIL TANKS, GAS BOTTLES AND GAS TANKS

Heating oil tanks, gas bottles and gas tanks are permitted as accessory equipment, under the following conditions:

Table 12 – Standards applicable to heating oil tanks, gas bottles and gas tanks



Subject		Standard
---------	--	----------

Authorized location	① Side yard
	② Rear yard
Minimum distance from a landsite boundary line	Side (a) 1.5 m
	Rear (b) 1.5 m

In addition, all heating oil tanks, gas bottles and gas tanks shall meet the following standards:

1. They must only be used for residential purposes;
2. They must not be visible from the street;
3. Concealing materials must consist of opaque fences, shrub or conifer hedges;
4. At any given time, there must be an access passage at least 0.7 metres wide to allow for maintenance and deliveries;
5. They must be located at least 1 metre from any main building opening;
6. They must be located at least 2 metres from the front boundary line of a main building;
7. *They must respect the natural gas and propane installation code;*
8. They must be installed on a slab of concrete;
9. Their maximum capacity must not exceed 475 litres;
10. **Two (2)** accessory equipments of this type are allowed per dwelling unit;
11. They must be kept in good condition.

(1001-17, Sec.5, 17/04/2024)

Notwithstanding the above, a propane gas bottle with a capacity of 20 pounds or less that is connected to an outdoor cooking appliance is not subject to the installation standards of this Section. In spite of the above provisions, no standard may be less restrictive than the minimum standards issued by the provincial authority.

SECTION 76 MECHANICAL EQUIPMENT

Mechanical equipment such as air conditioning equipment and heat pumps is permitted as accessory equipment, under the following conditions:

Table 13 – Standards applicable to air conditioning equipment and heat pumps

Authorized location	① Side yard
	② Rear yard
Minimum distance from a landsite boundary line	Side (a) 1.5 m
	Rear (b) 1.5 m

In addition, any mechanical equipment shall meet the following standards:

1. It may not be visible from the street;
2. It must be concealed, on all sides, by an opaque screen of an equal or greater height than that of the equipment, consisting of opaque fences, shrubs or conifer hedges;
3. It must comply with the provisions of the By-law Concerning Nuisance;
4. Only two pieces of such accessory equipment are allowed *per façade*, except for pool and generator equipment;
5. It must be kept in good condition.

(1001-17, Sec.6, 17/04/2024)

SECTION 77 GENERATORS

Generators are permitted as accessory equipment, under the following conditions:

Table 14 – Standards applicable to generators

Subject		Standard
Authorized location		① Rear yard
Minimum distance from a landsite boundary line	Side (a)	1.5 m
	Rear (b)	1.5 m

In addition, all generators shall meet the following standards:

1. They must not be visible from the street;
2. They must be concealed, on all sides, by an opaque screen of equal or greater height than that of the equipment, consisting of opaque fences, shrubs or conifer hedges;
3. They must comply with the provisions of the By-law Concerning Nuisance;
4. Only one generator per landsite is permitted;
5. They must be kept in good condition;
6. **(Repealed)**

(1001-5, Sec. 1, 10/5/2020)

7. They must only be used during power outages, or during maintenance operations of a frequency and duration consistent with the manufacturer's recommendations;
8. They must not be diesel-powered.

SECTION 78 PHOTOVOLTAIC AND THERMAL SOLAR PANELS

Photovoltaic and thermal solar panels used to produce electricity or hot water are permitted as accessory equipment, under the following conditions:

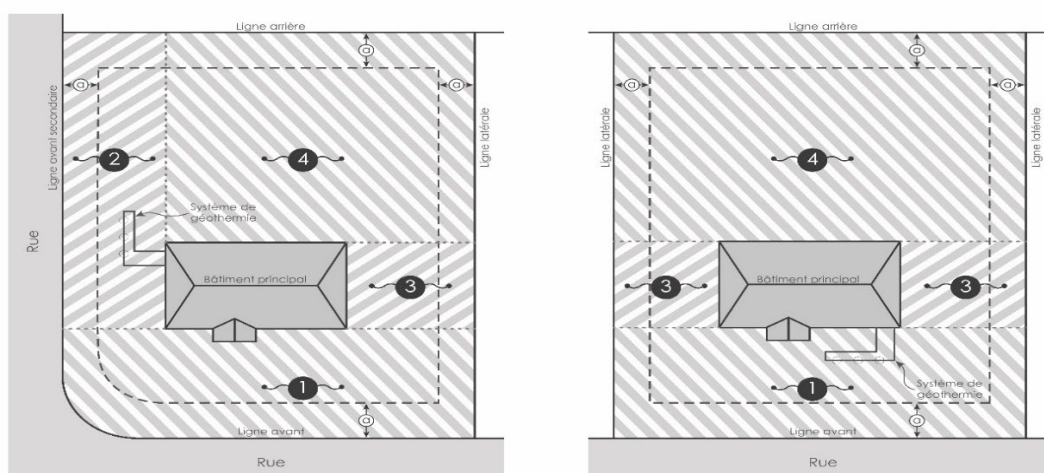
1. They must be installed on the roof of a main or accessory building;
2. They must be installed flat on the roof and follow the slope of the roof;
3. They must not be installed on building walls;
4. Their installation must not require the cutting or felling of a mature tree that the Town of Hampstead considers to be healthy;
5. They must be fastened securely and kept in good condition;

6. Their installation must be approved under a site and architectural integration plan, in accordance with the provisions of the Site Planning and Architectural Integration Program By-law;
7. Any connection to a building's electrical system must be conducted by a master electrician;
8. The owner of a solar panel system is responsible for its proper functioning. A malfunctioning or improperly maintained solar panel system that poses a threat to public health or safety constitutes a violation of this By-law and must be dismantled.

SECTION 79 GEOTHERMAL SYSTEMS

Only closed geothermal systems are permitted as accessory equipment, under the following conditions:

Table 15 – Standards applicable to geothermal systems



Subject	Standard
Authorized location	① Front yard
	② Secondary front yard
	③ Side yard
	④ Rear yard
Minimum distance from a landsite boundary line (a)	2 m

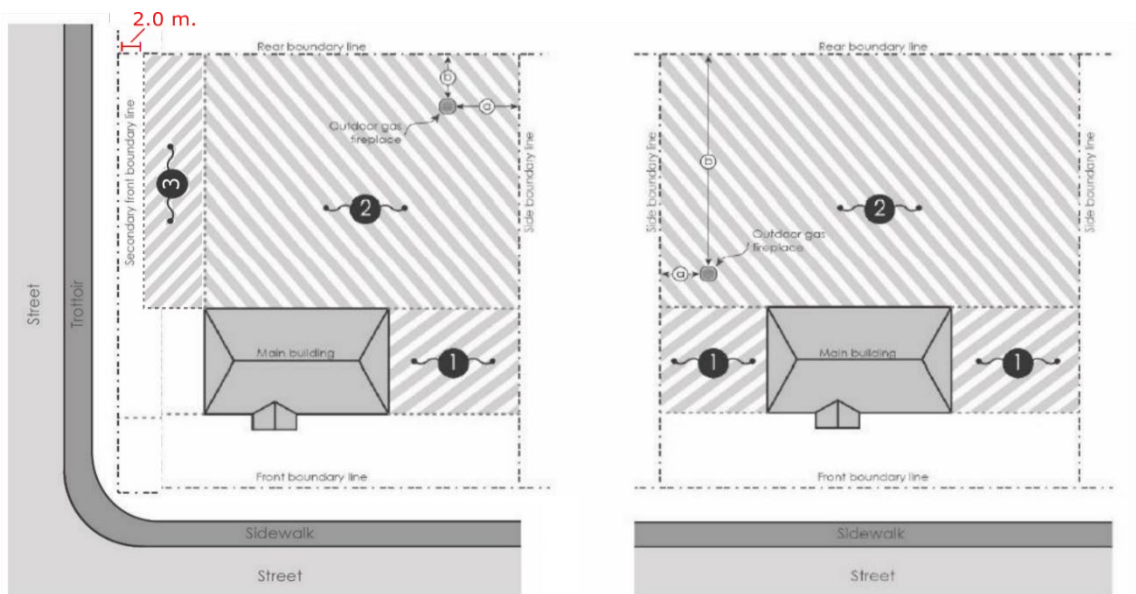
1. In addition, all geothermal systems must meet the following standards:
 - a. Only geothermal systems certified by the Canadian GeoExchange Coalition may be installed and only the following systems are permitted:
 - Closed-loop geothermal systems with direct expansion;
 - Systems with a vertical configuration;
 - b. All pieces of equipment must be installed at a minimum distance of:
 - 3 metres from any water or sewer system;
 - 1.5 metres from any tree;
 - c. All fluids used must be biodegradable, non-toxic and non-corrosive, such as food-grade propylene glycol, vegetable-based ethanol and pure distilled water free of minerals and bacteria;
 - d. The system's fluid concentration must be the following:
 - 25% antifreeze and 75% water;
 - e. Only the following refrigerants are permitted:
 - R-407C;
 - R-410A;
 - R-134A;
 - f. Connecting a geothermal system to a drinking water inlet or a water distribution line is prohibited;
 - g. Connecting a geothermal system to an external gas pipe without the written approval of the gas supplier is prohibited;

- h. The plans must be executed and the work must be supervised by an engineer specialized in such matters;
 - i. The site must be regraded once the work is finished;
 - j. The installation engineer must submit written proof of the antifreeze specifications, and the concentration and specifications of the refrigerant used, to the Town of Hampstead;
2. For closed-loop geothermal systems with direct expansion, the following standards also apply:
- a. Only a safe, non-toxic, non-carcinogenic oil may be used to lubricate the compressor;
 - b. The piping must be equipped with cathodic protection if the soil pH is lower than 5.0;
 - c. The pipes must be made of copper;
3. In the event of a heat-transfer fluid or refrigerant leak, the owner of the geothermal system or the company appointed by said owner to maintain the system must inform the Town of Hampstead of the leak as soon as it is detected, and must:
- a. Take all necessary measures to prevent soil contamination and immediately decontaminate the soil;
 - b. Supply, within 72 hours of the leak detection, a soil contamination evaluation prepared by a qualified company;
 - c. Remove the antifreeze, heat-transfer fluid or refrigerant from the soil in accordance with applicable By-laws and laws;
4. The owner of a geothermal system is responsible for its installation, operation and maintenance in accordance with this By-law. Any lack of conformity, malfunction or contamination of a geothermal system constitutes a violation of this By-law.

SECTION 80 OUTDOOR FIREPLACES

Outdoor fireplaces are permitted as accessory equipment, under the following conditions:

Table 16 – Standards applicable to outdoor gas fireplaces



Subject		Standard
Authorized location		① Side yard
		② Rear yard
		③ Secondary front yard
Minimum distance from a landsite boundary line	Side (a)	2 m
	Rear (b)	2 m

(1001-9, Sec. 1-Table 16, 8/2/2021)

SECTION 81 DOMESTIC BARBECUES

Domestic barbecues are permitted as accessory equipment, under the following conditions:

1. *They must not be installed in a setback or in a front yard;*

2. *They must be installed at least 2 meters from a rear or side boundary line;*
3. *They are permitted in a secondary front yard and may be located behind the main building at a distance of 2.0 meter from the street line.*

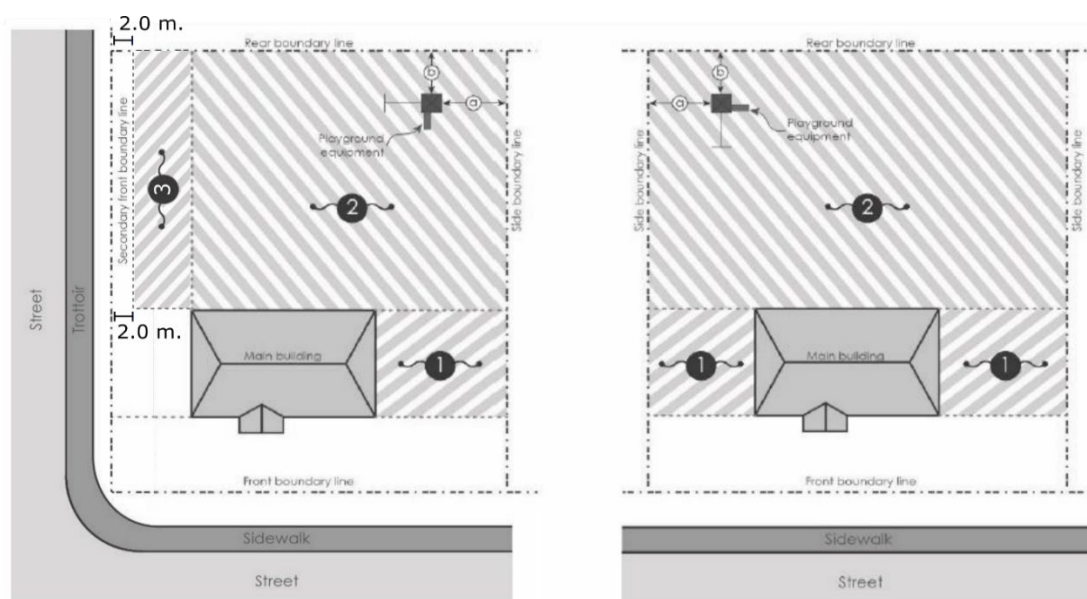
(1001-9, Sec. 1, 8/2/2021)

SECTION 82 PLAYGROUND AND SPORTS EQUIPMENT

Playground and temporary sports equipment such as slides, swings and *basketball baskets* are permitted as accessory equipment, under the following conditions:

(1001-9, Sec. 1+Table 17, 8/2/2021)

Table 17 – Standards applicable to playground equipment



Subject		Standard
Authorized location		① Side yard
		② Rear yard
		③ Secondary front yard
Minimum distance from a landsite boundary line	Side (a)	2 m
	Rear (b)	2 m
Maximum height		3 m

In addition, one basketball net is allowed on any front or secondary front yard under these conditions:

They must be installed on private property.

They can be fixed on a house wall or installed on a metal post.

The required green space of the property cannot be reduced.

(1001-9, Sec. 1+Table 17, 8/2/2021)

82.1 PLAYGROUND AND SPORTS EQUIPMENT

a. Ice skating practice area

- i. *Without construction: Temporary Ice-skating Practice Area or temporary Ice Rink are allowed in winter anywhere on private property except on the main Front Yard. No permit is needed.*
- ii. *With construction: Temporary Ice-skating practice area or temporary ice rink are allowed in winter and they can be installed, with a yearly permit, between December 1st and April 15. Those installations must respect Table 17 of section 82 and they will be limited to the maximum 10 square meters.*

b. Basketball playground equipment

- i. *Without construction: One basketball basket is allowed on Front Yard. They must be installed only on private property and on an authorized driveway.*

- ii. *With construction: All private Basketball practice courts are prohibited in the Town of Hampstead.*

Section 82.1 applies and this notwithstanding the provisions of section 83 of the actual By-law.

(1001-7, Sec. 1, 5/25/2021)

SECTION 83 BUILDING, STRUCTURE AND EQUIPMENT PERMITTED PER YARD

The following table identifies the buildings, structures and equipment permitted or prohibited in front, side and rear yards adjacent to a building, under the conditions set forth in this By-law.

Table 18 – Buildings, structures and equipment permitted per yard

Building, structure or equipment	Front yard	Secondary front yard	Side yard	Rear yard
Indoor or attached garage	In accordance with the siting and layout standards applicable to the main building			
Gallery	Yes	Yes	Yes	Yes
Front porch	Yes	Yes	Yes	Yes
Elevated terrace	No	No	Yes	Yes
Solarium	No	No	Yes	Yes
Veranda	No	No	Yes	Yes
Bay window	Yes	Yes	Yes	Yes
Balcony	Yes	Yes	Yes	Yes
Open exterior staircase	Yes	Yes	Yes	Yes
Awnings, canopy and eaves	Yes	Yes	Yes	Yes
Chimney	Yes	Yes	Yes	Yes
Pilaster and architectural low wall	Yes	Yes	Yes	Yes
Detached garage	No	No	No	No
Shed and garden shed	No	Yes	Yes	Yes
Gazebo	No	Yes	Yes	Yes
Pergola	No	Yes	Yes	Yes
Domestic greenhouse	No	Yes	Yes	Yes
Domestic antenna	No	No	No	Yes
Heating oil tank, gas bottle and gas tank	No	No	Yes	Yes
Mechanical equipment (such as air conditioners and heat pumps)	No	No	Yes	Yes
Generator	No	No	No	Yes
Photovoltaic or thermal solar panel	No	No	No	No
Geothermal system	Yes	Yes	Yes	Yes
Domestic barbecue	No	Yes	Yes	Yes
Gas fireplace	No	No	No	Yes
Playground equipment	No	Yes	Yes	Yes
Sports field and equipment	No	Yes	Yes	Yes

(1001-9, Sec. 1+Table 18, 8/2/2021)

CHAPTER 6 SWIMMING POOLS, WHIRLPOOLS AND SPAS

DIVISION 1 GENERAL PROVISIONS APPLICABLE TO SWIMMING POOLS, WHIRLPOOLS AND SPAS

SECTION 84 SITING OF SWIMMING POOLS, SPAS OR WHIRLPOOLS

The siting of a swimming pool shall comply with the following provisions:

1. *Swimming pools, spas and whirlpools may not be situated, in whole or in part, between a front boundary line and a right-of-way. In the case of corner landsites, it is prohibited to locate a pool within the prescribed setback margin of the secondary front yard."*

(1001-17, Sec.7, 17/04/2024)

2. *Swimming pools must be situated at least 1 meter from landsite boundary lines, fences, accessory buildings, elevated terraces and the main building, as measured from the outside perimeter of the water surface;*

Notwithstanding the provisions of this Section, a spa or whirlpool may be situated next to or on an elevated terrace, but access to it must be restricted in accordance with the provisions of this By-law.

(1001-12, Sec. 1, 28/8/2023)

DIVISION 2 SWIMMING POOL, SPA AND WHIRLPOOL INSTALLATIONS AND MAINTENANCE

SECTION 85 SWIMMING POOL INSTALLATIONS AND RELATED FACILITIES

Swimming pool installations and related facilities shall comply with the following provisions:

1. Diving platforms for inground swimming pools must be installed at a maximum of 1 metre above the surface of the water, in an area where the water is at least 3 metres deep;
2. Inground and semi-inground swimming pools must be equipped with an automatic shut-off device that is activated when the skimmer or other suction pipe detects the presence of a foreign object;
3. *The deck or patio and the surrounding surface around the swimming pool must have a non-slip surface;*

(1001-11, Sec. 2, par. a, 8/1/2022)

4. All swimming pools must be equipped with a ladder or staircase for pool entry and exit;
5. All swimming pools must be surrounded by an enclosure restricting access that complies with the provisions of this By-law;
6. Above ground swimming pools may not have a slide or diving platform;
7. Swimming pools may not be situated inside accessory buildings. Permanent structures used to cover pools, whether retractable or not, are also prohibited;
8. *All swimming pools patios or walkways must prevent any flooding on adjacent properties. They must be sloped for redirecting excess water away from the boundary lines;*

(1001-11, Sec. 2, par. b, 8/1/2022)

9. *Patios may not be located directly on the property line;*

(1001-11, Sec. 2, par. c, 8/1/2022)

10. *A minimum of 0.5 meters of green space is required to surround the swimming pool patio.*

(1001-11, Sec. 2, par. d, 8/1/2022)

SECTION 86 SWIMMING POOL MAINTENANCE

Swimming pools shall be kept in good condition, clean and odour-free, and shall meet the following conditions:

1. The water of a swimming pool must be clear and transparent at all times so that the bottom of the entire pool is visible;
2. Draining swimming pools through an adjoining property is prohibited;
3. Backwashing must be performed using a pipe leading to a Town's catch basin. No permanent installations on or near public areas are permitted without the prior authorization of the Director of Public Works.

The designated official has the authority to take water samples from any pool in the Town of Hampstead in order to test the water to ensure that it does not endanger the health of swimming pool users.

DIVISION 3 FENCING FOR SWIMMING POOLS, SPAS OR WHIRLPOOLS

SECTION 87 OBLIGATION TO FENCE

Any landsite or part thereof on which a swimming pool is located must be surrounded by a fence. In addition, there must be an enclosure inside the fence to prohibit access to the swimming pool in accordance with this By-law. The fence may constitute one side of the enclosure provided that it complies with the provisions of this Division.

SECTION 88 GENERAL PROVISIONS APPLICABLE TO FENCES AND ENCLOSURES

All fences and enclosures delineating a swimming pool access area shall comply with the following provisions:

1. Be devoid of any fastener, projection or open parts that may facilitate climbing;
2. Be designed in such a way that there are no protrusions or openings to facilitate climbing. Chain link or "Frost" fences and fences with horizontal elements that can be climbed are prohibited;
3. The openings between vertical stiles may not exceed 10 centimetres. The fence or enclosure must be designed in such a way that there are no spaces with a diameter of more than 10 centimetres, including the space between the bottom of the fence and the ground or swimming pool structure, in the case of an above-ground swimming pool fence;
4. To prevent children from climbing to access a swimming pool, any device related to its operation and other devices must be located inside the swimming pool enclosure or fence, unless it meets one of the following conditions:
 - a. It is more than 1 metre from the fence or enclosure;
 - b. It is under a structure or platform that prevents access to the swimming pool in accordance with this By-law;
 - c. It is a garden shed with walls at least 1.85 metres high;
 - d. The pipes linking the device to the pool must be flexible and must not be installed in a way that might facilitate the climbing of a swimming pool wall or enclosure, where applicable;
5. Any installation intended to provide or prohibit access to a swimming pool must be kept in good working order;
6. Fences and enclosures must be built with solid, rigid materials and kept in good condition at all times;
7. *Any door of a fence or enclosure must be equipped with an automatic and self-locking device whose latch is located in the upper part of the door. This device must be locked with a lock when the pool is not under the direct supervision of an adult designated as responsible supervisor by the owner of the pool.*

(1001-8, Sec. 2, 5/25/2021)

SECTION 89 FENCES AROUND LANDSITES WITH A POOL

Any landsite or part thereof on which a swimming pool is located must be completely surrounded by a fence in accordance with the following provisions:

1. *The fence may be situated on or near the landsite lines, on private property, or around the swimming pool on the landsite itself, but in any case, a 1 meter free zone must be maintained around the swimming pool, between the outside perimeter of the water surface and the fence. A free area must not have any permanent furniture, constructions, structures, fences, trees, walls, stairs.*

This requirement does not apply to mobile equipment, such as garden furniture, or trees. However, pool owners should be careful to avoid leaving such equipment too close to the pool or enclosure. They should also prune branches that may pose a risk.

(1001-17, Sec.8, 17/04/2024)

2. *The fence may not be less than 1.5 meters high as measured from the adjacent grade;*

(1001-11, Sec. 3, par. a, 8/1/2022)

3. Any door providing access to a swimming pool must be equipped with an automatic *self-latching and locking* device situated on the interior side of the fence, at least 1.3 metres above the ground. This latch must be locked with a key or a padlock when the pool is not under the direct supervision of an adult designated by the owner of the pool to undertake such supervision.

(1001-4, Sec.6, al. b, 4/1/2019)

SECTION 90 SWIMMING POOL ENCLOSURES

In addition to the general provisions of this Division, a swimming pool must be surrounded by an enclosure designed to restrict access in accordance with the following conditions:

1. Walls that are a part of an enclosure must be devoid of openings allowing a person to enter said enclosure;
2. A door providing access to a swimming pool must be equipped with an automatic, *self-latching and locking* device situated on the interior side of the enclosure, in the upper section of the door. This latch must be locked with a key or padlock when the pool is not under the direct supervision of an adult designated by the owner of the pool to undertake such supervision.

(1001-4, Sec.7, 4/1/2019)

SECTION 91 SPECIFIC REQUIREMENTS FOR ABOVE-GROUND AND REMOVABLE SWIMMING POOLS

1. In the case of above-ground swimming pools, the fence may form an integral part of the structure of the swimming pool; however, the combined height of the wall of the swimming pool and the fence may not be less than 1.85 metres or more than 2.4 metres;
2. Above-ground swimming pools with walls at least 1.2 metres high at any point from the ground and removable pools with walls 1.4 metres high or more do not have to be surrounded by an enclosure where such pools are accessed in one of the following ways:
 - a. Using a ladder with a safety door that closes and locks automatically to prevent a child from using it;
 - b. Using a ladder or a platform whose access is guarded by an enclosure with the characteristics stipulated in this By-law;
 - c. Using a terrace attached to a residence and designed in such a way that its opening into the pool portion is guarded by an enclosure with the characteristics stipulated in this By-law;
3. All removable pools must be completely drained at the end of each day. Removable pools may not contain water between 11 p.m. and 7 a.m., unless they are located in a yard that is completely surrounded by a fence and access is properly secured.

SECTION 92 SPECIFIC REQUIREMENTS FOR SPAS AND WHIRLPOOLS

The provisions of this chapter do not apply to spas or whirlpools with a capacity of less than 2,000 litres, provided that they are equipped with a cover that has a locking mechanism.

The cover of a spa or whirlpool must always be closed and locked when the spa or whirlpool is not in use.

DIVISION 4 PROVISIONS APPLICABLE TO INDOOR SWIMMING POOLS

SECTION 93 PROVISIONS APPLICABLE TO PRIVATE INDOOR SWIMMING POOLS

All pools situated inside a main building or attached to it are considered an integral part of the building.

Pools situated inside a main building must be located in a separate room. A door providing direct access to an indoor swimming pool must be equipped with an automatic closing and locking mechanism. All spaces leading to an indoor swimming pool must be equipped with an intrusion detection alarm system.

Once the construction of a swimming pool is complete, the owner is responsible for keeping the installations in good condition to protect the safety of the building occupants

CHAPTER 7

FENCES, HEDGES, DECORATIVE LOW WALLS AND RETAINING WALLS

DIVISION 1 FENCES AND HEDGES

SECTION 94 PROVISIONS RELATING TO MANDATORY FENCING

A hedge may not be considered a fence under the provisions of this By-law when said fence is mandatory and required under this By-law.

SECTION 95 LOCATION OF FENCES AND HEDGES

All fences and hedges shall comply with the following location requirements and provisions:

1. *Be on private property and under no circumstances encroach on a public right-of-way;*
2. *(Repealed);*

(1001-11, Sec. 4, par. a, 8/1/2022)¹

3. *Front and secondary front yard fences and hedges must follow the conditions prescribed below²:*
 - a. *They may be erected in front of the building's facades²;*
 - b. *They must be erected at a minimum distance of 0.6m from the front or secondary front boundary line²;*
 - c. *For corner lots, only one (1) fencing or hedge is allowed in front of a building facade per property²;*

(1001-11, Sec. 4, par. b, 8/1/2022)²

4. *On corner lots, fences and hedges must comply with triangle of visibility provisions;*
5. *All fences and hedges must be installed inside the property limits;*
6. *A hedge must be installed in front of all fences that are situated in a front yard or a secondary front yard in order to reduce the visibility of the fences from the street.*

(1001-9, Sec. 1, 8/2/2021)

SECTION 96 HEIGHT OF FENCES AND HEDGES

Unless otherwise indicated, all fences and hedges shall comply with the following maximum heights, as measured from the grade:

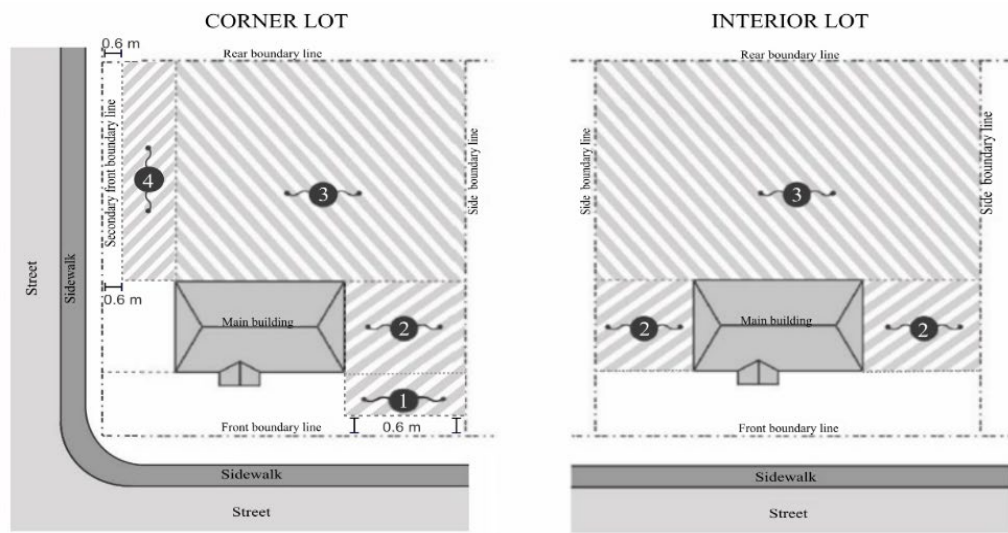
1. *1.5 metres for fences, hedges and shrubs in a front or secondary front yard;*

(1001-11, Sec. 5, par. a, 8/1/2022)

2. *2.5 meters for fences, hedges and shrubs in a side or rear yard;*

(1001-11, Sec. 5, par. b, 8/1/2022)

3. *When rear or side boundary lines of a landsite share the public right-of-way, the maximum permitted height of a fence or hedge is 2 metres when located within 3 metres of the thoroughfare or sidewalk.*



Subject	Standard	Maximum Height
Authorized location for Fences and Hedges *Note (1): For corner lot, only one fencing or hedge is allowed for Front yard (1) or Secondary front yard (4) per property	① Front yard*	1.5 m
	② Side yard	2.5 m
	③ Rear yard	2.5 m
	④ Secondary front yard*	1.5 m

(1001-11, Sec. 5, par. c, 8/1/2022)

SECTION 97 MATERIALS AUTHORIZED FOR FENCES

Only the following materials are permitted for the erection of fences:

1. Treated, painted, stained or varnished wood;
2. Wood in its natural state for rustic fences made of hemlock or cedar;
3. Pre-painted metal and enamelled steel;
4. Painted wrought iron;
5. PVC.
6. **Chain links for side and back fences.**

(1001-3, Sec.5, 1/16/2018)

SECTION 98 MATERIALS SPECIFICALLY PROHIBITED FOR FENCES

The use of the following materials is prohibited for all fences:

1. Barbed wire;
2. Pasture fences and chicken wire;
3. Permanent snow fences;
4. Chain link fences **for front fences**;
5. Sheet metal or similar materials;
6. Other materials not specifically designed for the erection of fences.

(1001-3, Sec.6, 1/16/2018)

Electric fences are never permitted.

SECTION 99 FENCE AND HEDGE MAINTENANCE

Fences and hedges must be kept clean, neat and in good condition; fences must never have parts that are dilapidated or dismantled. Fence posts must be designed to withstand the action of repeated freezing and thawing to ensure they do not lift. In addition, fences must be firmly and securely fixed to the ground.

SECTION 100 GENERAL PROVISIONS APPLICABLE TO DECORATIVE LOW WALLS

Unless otherwise indicated, all decorative low walls are subject to the provisions of this Division.

SECTION 101 SITING OF DECORATIVE LOW WALLS

Decorative low walls must be erected on private property, under the following conditions:

- 1. They must be erected on private land not encroaching on a public right-of-way;*
- 2. For corner lots, decorative low walls must comply with the triangle of visibility provisions and must be located inside the property limits.*

(1001-9, Sec. 1, 8/2/2021)

SECTION 102 HEIGHT OF DECORATIVE LOW WALLS

Decorative low walls may not exceed the following height, as measured from the grade:

1. 1.25 metres in a secondary front, side or rear yard.

SECTION 103 MATERIALS AUTHORIZED FOR DECORATIVE LOW WALLS

Only the following materials are permitted for the erection of decorative low walls:

1. New treated wood beams;
2. Stone;
3. Brick;
4. Interlocking hollow concrete blocks;
5. Architectural concrete blocks.

All decorative low walls must rest on stable foundations. Elements forming a low wall must be solidly fixed to one another. In this regard, simply stacking stones or bricks is specifically prohibited.

SECTION 104 PROHIBITED MATERIALS FOR DECORATIVE LOW WALLS

The use of unsealed cement blocks for decorative low walls is prohibited.

SECTION 105 MAINTENANCE OF DECORATIVE LOW WALLS

All decorative low walls must be kept clean, neat and in good condition and must never have parts that are dilapidated or dismantled. Decorative low walls must be built to withstand the action of repeated freezing and thawing to ensure they do not lift. In addition, decorative low walls must rest securely on a stable foundation.

DIVISION 3 RETAINING WALLS FOR VEHICULAR ACCESSES

SECTION 106 GENERAL PROVISIONS APPLICABLE TO RETAINING WALLS FOR VEHICULAR ACCESSES

Unless otherwise indicated, all retaining walls are subject to the provisions of this Division.

SECTION 107 LOCATION OF RETAINING WALLS FOR VEHICULAR ACCESSES

Retaining walls may be erected on private property, under the following conditions:

1. They must not encroach on public right-of-way;
2. They must be situated at least 3 metres from any street line, except for walls adjacent to a sloping driveway;
3. Retaining walls for a sloped driveway may extend up to the sidewalk if the retaining wall is no higher than the height of the sidewalk for the first metre of the wall's length;
4. Any part of the retaining wall must be situated at least 1 metre from any landsite boundary line;

5. Any part of a retaining wall must be situated at least 1 metre from a sewer or water line connection valve or fire hydrant.
6. In case of trees located within 2 meters of the locations of Berlin walls during the construction of a building, vehicular access, and/or a pool, the applicant must provide a report with recommendations prepared by an arborist to ensure the protection of the tree roots.

(1001-9, Sec. 1, 08/2/2021) (1001-17, Sec.9, 17/4/2024)

SECTION 108 MATERIALS AUTHORIZED FOR THE RETAINING WALLS OF VEHICULAR ACCESSES

Only the following materials are permitted for the erection of retaining walls:

1. Stone;
2. Brick;
3. Interlocking hollow concrete blocks;
4. Architectural concrete blocks;
5. Poured concrete covered by an authorized exterior cladding.

SECTION 109 RETAINING WALLS FOR VEHICULAR ACCESSES

All retaining walls must rest on stable foundations. Elements forming a retaining wall must be solidly fixed to one another. In this regard, simply stacking stones or bricks is specifically prohibited.

SECTION 110 MAINTENANCE OF RETAINING WALLS FOR VEHICULAR ACCESSES

All retaining walls must be kept clean, neat and in good condition and must never have parts that are dilapidated or dismantled. Retaining walls must be built to withstand the action of repeated freezing and thawing to ensure they do not lift. In addition, retaining walls must rest securely on a stable foundation.

A retaining wall that is crooked, knocked down, damaged or that has fallen must be straightened, replaced or dismantled.

CHAPTER 8 VEHICULAR ACCESSES, PARKING SPACES AND BICYCLE RACKS

DIVISION 1 GENERAL PROVISIONS APPLICABLE TO VEHICULAR ACCESSES, OFF-STREET PARKING AREAS AND BICYCLE STANDS

SECTION 111 PERMITTED CLADDING MATERIALS

All vehicular accesses must be covered so as to prevent dust and sludge from forming, in accordance with the provisions of the Permits and Certificates By-law. The permitted cladding materials for vehicular accesses and off-street parking areas are:

1. Concrete;
2. Paving;
3. Honeycomb paving;
4. Asphalt.

SECTION 112 PROHIBITED CLADDING MATERIALS

Without limitation, the following cladding materials are prohibited for vehicular accesses and off-street parking areas:

1. Gravel;
2. Sand;
3. Pebble stone;

4. Crushed stone;
5. Stone dust.

SECTION 113 MODIFICATIONS TO EXISTING VEHICULAR ACCESSES AND PARKING SPACES

A vehicular access or off-street parking space may be modified, under the following conditions:

1. Trees belonging to the Town of Hampstead may not be felled;
2. A vegetation strip of 1 metre must be maintained between a modified parking area or vehicular access and a side boundary line of a landsite;
3. All of the provisions of this By-law must be complied with.

SECTION 114 SITING OF VEHICULAR ACCESSES AND PARKING SPACES

Vehicular accesses and parking spaces must be located on the same landsite as the use they serve.

SECTION 115 BICYCLE STANDS

For all uses except H1, H2, H3 and H4, a minimum of one indoor bicycle parking space is required for every eight parking spaces.

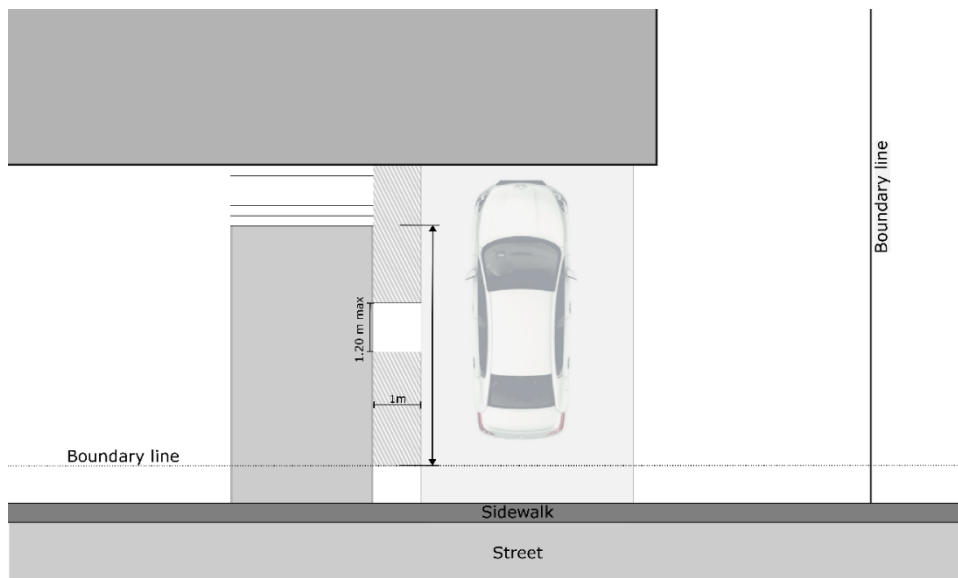
DIVISION 2 DEVELOPMENT OF VEHICULAR ACCESSES

SECTION 116 GENERAL PROVISIONS APPLICABLE TO THE DEVELOPMENT OF VEHICULAR ACCESSES

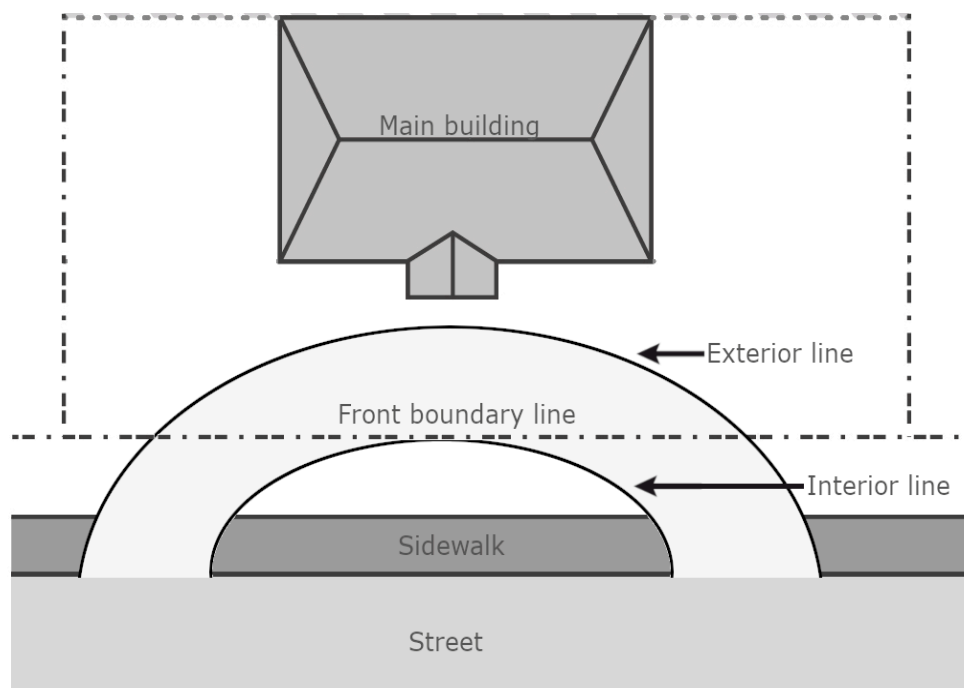
Unless otherwise indicated, all vehicular accesses are subject to the provisions of this Division.

1. A vehicular access must begin on a public street, at an opening created for this purpose in a curb or concrete sidewalk situated in a right-of-way;
2. The vehicular access must be built and maintained by the building owner, at his or her expense, even if part of the vehicular access is located in a public right-of-way;
3. There must be a strip of grass or natural plant material at least 1 meter wide between a vehicular access and a pedestrian access. Only one access with a maximum width of 1.20 m is allowed between a vehicular access and pedestrian access. However, in the case of semi-detached dwellings, a strip of vegetation between a vehicular access and a pedestrian access is not mandatory;
(1001-17, Sec.10, 17/4/2024)
4. Only one semi-circular vehicular aisle is permitted by property. This type of vehicular aisle is authorized only for lots with a minimum of 24 m in width. The interior and exterior lines of a semi-circular vehicular aisle must at least join the lot line of the property;;
(1001-6, Sec. 1, 12/21/2020), (1001-18, Sec. 3, 04/3/2025)
5. Only one vehicular access is permitted per landsite except for semi-circular aisles where 2 accesses are permitted.

Figure 3: Example of strip of vegetation



(1001-17, Sec.11, 17/4/2024)



(1001-18, Sec. 3, 04/3/2025)

SECTION 117 SITING OF VEHICULAR ACCESSES

Including the retaining walls, a vehicular access must be located at a minimum distance of:

1. 1 metre from any landsite boundary line, which space must be covered by grass or plants, except in the case of a shared parking area;
2. 1.5 metres from a tree;
3. 3 metres from an intersection, as measured from the point of intersection of the two street lines;
4. In the case of single-family dwellings, a vehicular access may extend a maximum of 2 metres beyond the rear construction line of the main building.

SECTION 118 DIMENSIONS APPLICABLE TO VEHICULAR ACCESSES

The dimensions of vehicular aisles are subject to the following requirements:

1. The maximum width of a sidewalk opening for a vehicular access is 7 metres;
2. The total width of a parking space, vehicular access and a pedestrian access crossing public property in the RA, RB, RC and RD zones of the municipality may not exceed 40% of the landsite width in that location. However, a total maximum width of 50% is permitted in zones RB-1 and RB-6. For corner landsites, when a vehicular access begins on one street and the pedestrian access on another, the 40% requirement shall apply to the widest of the two front boundary lines;

(1001-18, Sec.2, 04/3/2025)

3. The dimensions of a vehicular access are subject to the following requirements:
 - a. A minimum width of 2.25 meters for the entire depth of the access;
 - b. A maximum width of 7 meters for the entire depth of the access;
4. For uses of the “H5: Multifamily dwelling” group, the dimensions of a vehicular access are subject to the following requirements:
 - a. A minimum width of 6 meters for the entire depth of the access;
 - b. A maximum width of 7 meters for the entire depth of the access;

5. The dimensions of shared vehicular accesses are subject to the following requirements:

- a. A minimum width of 5.5 meters for the entire depth of the access;

(1001-17, Sec.12, 17/04/2024)

- b. A maximum width of 7 meters for the entire depth of the access;

6. No excess width is permitted for vehicular accesses on any part of a landsite, except in zones RB-1 and RB-6.

(1001-18, Sec.2, 04/3/2025)

Figure 3 – Example of a shared vehicular access

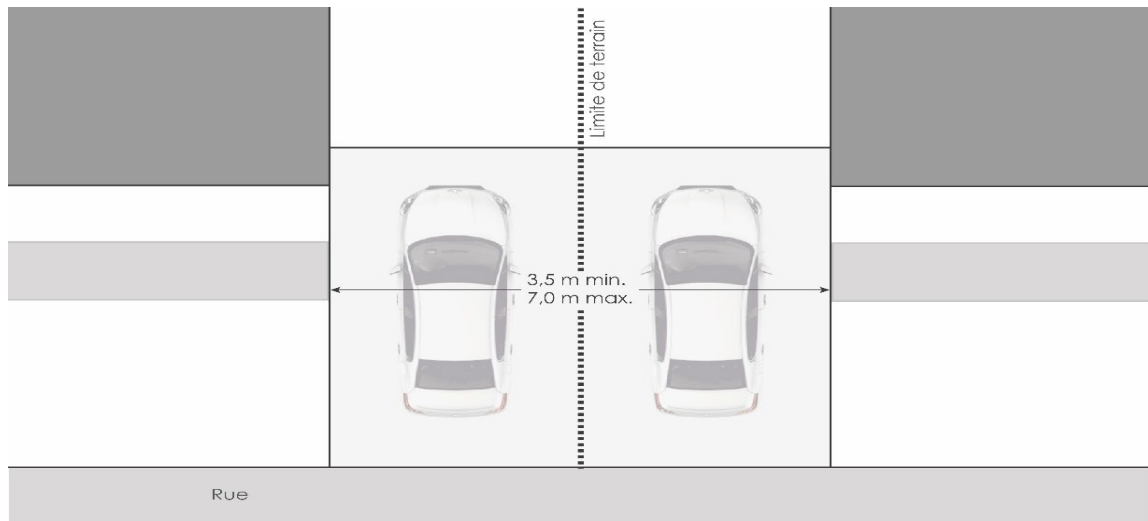


Figure 4 – Examples of prohibited excess widths

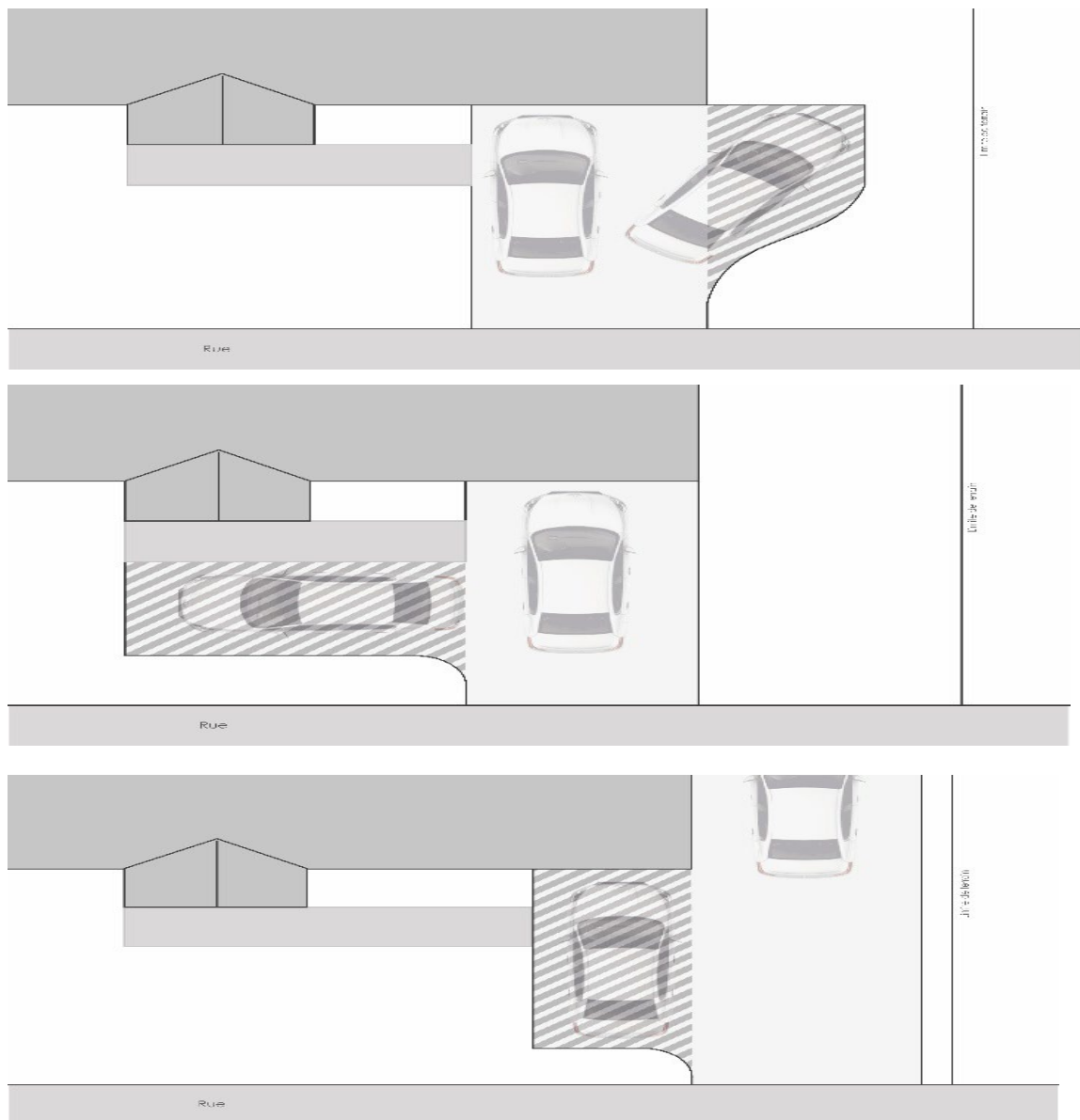
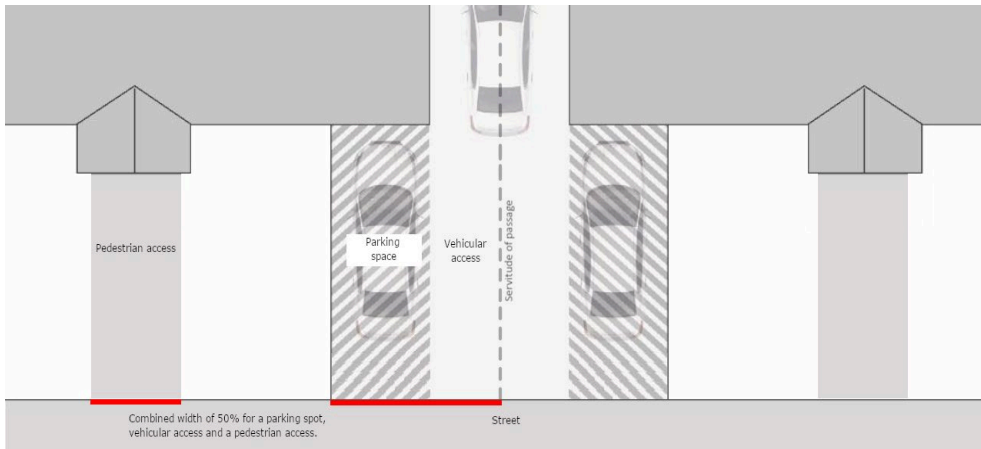


Figure 4.5 – Example of permitted excess width (ZONES RB-1 and RB-6)



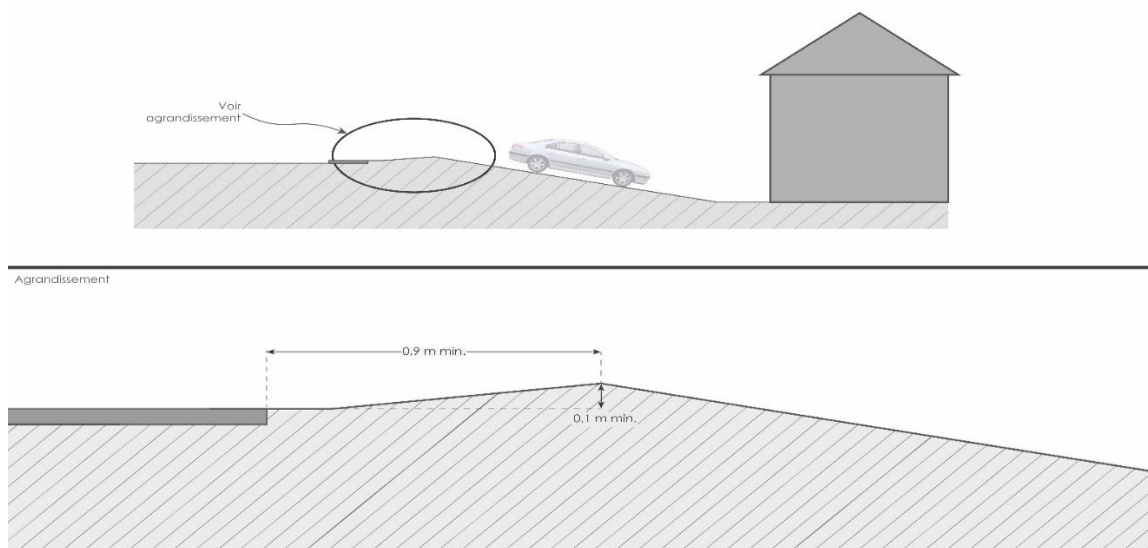
(1001-18, Sec.2, 04/3/2025)

SECTION 119 SLOPING VEHICULAR ACCESSES

A sloping vehicular access must comply with the following provisions:

1. The vehicular access must lead to a garage;
2. The slope of the access may not be greater than 10%;
3. The junction with the sidewalk or curb must be at the same elevation as the sidewalk or curb over a minimum width of 0.3 metres, for the full width of the access;
4. An exterior drain must be installed at the lowest point over a minimum width of 75% of the access;
5. A rise at least 0.1 metre high must be created at least 0.9 metres from the sidewalk or curb, over the entire width of the access.

Figure 5 – Example of a rise



DIVISION 3 PARKING SPACES

SECTION 120 OBLIGATION TO DEVELOP A SUFFICIENT NUMBER OF OFF-STREET PARKING SPACES

For any use, building or structure, a sufficient number of off-street parking spaces must be developed, in accordance with the provisions of this By-law.

In addition, in the event of a change of use or of a change in the surface area of a use, the number and layout of parking spaces must be adjusted to remain compliant. In the case of an extension, the provisions of this By-law shall apply.

SECTION 121 DIMENSIONS OF OFF-STREET PARKING SPACES

All off-street parking spaces, for uses other than H1, H2 and H3, must have the following minimum dimensions:

1. A width of 2.75 metres;
2. A length of 7 metres for parallel parking;
3. A length of 6 metres for configurations other than parallel.

SECTION 122 NUMBER OF REQUIRED OFF-STREET PARKING SPACES

Table 19 – Number of required off-street parking spaces per type of use

Use	Minimum requirements (to be rounded up)	Comments
Residential (H1, H2, H3)	2 spaces per dwelling unit	One of the spaces must be inside the building.
Row housing/townhouse (H4)	2 spaces per dwelling unit	The parking spaces must be inside the building.
Multifamily dwelling (H5)	1 space per dwelling unit and 1 visitor parking space per six dwelling units	Visitor parking may be inside the building but must be clearly identified.
Place of worship (R)	1 space for every 8 seats	Under the <i>Quebec Construction Code</i> , the number of seats required may never be less than the number of members of the place of worship.
Public education institutions	2 spaces per classroom	

(1001-4, Sec.8, 4/1/2019), (1001-15, Sec.1, 14/11/2023)

SECTION 123 PARKING SPACES FOR THE DISABLED

For all buildings that are not of the H1, H2, H3 and H4 type, a number of parking spaces must be designed to accommodate vehicles used by persons with physical disabilities.

Table 20 summarizes the number of parking spaces that must be designed for this purpose:

Table 20 – Number of parking spaces for persons with disabilities based on the total number of parking spaces

Total number of parking spaces	Minimum number of parking spaces designed for persons with disabilities
0-25	1
26-50	2
51-75	3
76 or more	4 One additional parking space is required for every 25 parking spaces (to be rounded up)

In addition to the requirements in the above table, the following conditions also apply to parking spaces for the disabled:

1. They must be clearly identified;
2. They must be located near entrances and elevators;
3. They must be located in such a way as to avoid steep slopes and sudden changes in elevation.

For multifamily dwellings (H5), **Table 20** shall be used to determine the number of parking spaces required for residents and the number required for visitors, separately.

SECTION 124 USES NOT MENTIONED IN THIS BY-LAW

For all uses not specifically mentioned, the required number of parking spaces shall be determined by applying the standards for the most similar use.

SECTION 125 LOADING AND UNLOADING AREAS

An off-street loading and unloading area is required for each place of worship.

The space reserved for truck deliveries must be at least 3.5 metres wide and 14 metres long. Trucks are permitted to back up into a public thoroughfare to access an off-street loading and unloading area.

SECTION 126 SITING OF LOADING AND UNLOADING AREAS

Loading and unloading areas must be situated in side or rear yards.

SECTION 127 USE OF LOADING BAYS AND BERTHS

A loading bay or berth shall be used exclusively to park transportation vehicles when loading and unloading merchandise.

1. Without limiting the foregoing, it is prohibited to use a loading bay or berth for any of the following:
 - Parking vehicles not used to deliver merchandise;
 - Piling or spreading snow;
 - Storage of any kind.

The maneuvering area of a loading bay or berth must remain free, at all times, of any obstacle that could impede the maneuvering of delivery vehicles.

2. Without limiting the foregoing, it is prohibited to use a maneuvering area for any of the following:
 - Parking vehicles not used to deliver merchandise;
 - Piling or spreading snow;
 - Storage of any kind.

CHAPTER 9 SIGNS

DIVISION 1 GENERAL PROVISIONS APPLICABLE TO SIGNS

SECTION 128 GENERAL PROVISIONS

The following provisions apply to all signs located on the territory of the Town of Hampstead, with the exception of signs issued by a municipal, provincial or federal public authority or required under the law:

1. A sign must be located on the same building as the use, activity or product to which it refers;
2. When a use ceases, all of the related signs and supporting structures, where applicable, must be removed within 30 days. In cases where a structure remains, the removed sign must be replaced by an authorized material that does not contain any advertising;
3. Signs of a discriminatory nature based on race, colour, sex, sexual orientation, religion, language, ethnic or national origin and social condition are strictly prohibited;
4. Authorized signs must be properly attached so they do not represent a danger to the public, under any circumstances;
5. A sign on private property may not be posted less than 1 metre from a public right-of-way, nor may it impede the normal movement of vehicles and pedestrians.

SECTION 129 HARMONIZATION OF SIGNS

The erection, installation or modification of a sign must contribute to integrating the sign with the building by meeting the following conditions:

1. The sign must be harmonized with the architectural style of the building;
2. The sign must not hide any architectural ornaments;
3. Signs on the same building must be harmonized in terms of size, shape, colour and message format;
4. Signs identifying an establishment occupying only an upper storey must be located near the entrance to the storey in question;
5. The colours used for a sign and its support must be harmonized with those of the building;

6. In cases where more than one sign detached from the building is permitted on the same landsite, or on the landsites of semi-detached or contiguous buildings, the signs must be harmonized with one another.

SECTION 130 CALCULATION METHOD FOR SIGN SURFACE AREAS

The surface area of a sign must be calculated in accordance with the following provisions:

1. The most restrictive method must be used to calculate the surface area of a sign;
2. All surfaces of a sign must be calculated in the surface area of a sign, unless the surfaces are identical;
3. The distance between the sides of a sign may not exceed 0.3 metres for a sign to be considered a single sign;
4. The surface area of a sign is the area comprised within a continuous line around its outer edges or following the inner contours of the casing. However, in cases where the casing is 0.15 metres wide or more, the width of the casing must be included in the calculation of the surface area of the sign;
5. If a sign is composed of separate elements affixed to a wall independently of one another and without a casing around them, the sign's surface area shall be that of a regular, continuous, imaginary geometric figure encompassing all the elements composing the sign;
6. If a sign inside a case is superimposed on or adjacent to a sign composed of separate elements affixed to a wall independently of one another, those signs must be considered separate signs;
7. Any other element that is not considered a usual component of a sign or its structure must be included in the calculation of the surface area of a sign.

Surface areas relating to signs are neither cumulative nor transferable.

SECTION 131 LIGHTING OF SIGNS

Lighting of any kind is prohibited for all signs.

SECTION 132 MAINTENANCE OF SIGNS

All signs and their structures must be kept clean, neat and in good condition and must never have parts that are dilapidated or dismantled.

If part of a sign is broken, it must be repaired within 30 days following the damages.

Any faded paint or defect in the lighting system of a sign must be corrected.

DIVISION 2 AUTHORIZED SIGNS

SECTION 133 SIGNS AUTHORIZED WITHOUT RESTRICTIONS

Only the following signs are authorized, without restrictions:

1. Signs issued by a municipal, provincial or federal public authority or required by law.

SECTION 134 DIRECTIONAL AND PUBLIC SERVICES SIGNS

Directional signs and public services signs are permitted, provided that:

1. The surface area of each sign does not exceed 0.5 square metres;
2. The sign displays only the corporate name or logo of the use.

SECTION 135 SIGNS IDENTIFYING PARKING SPACES FOR PERSONS WITH LIMITED MOBILITY

Signs indicating that a parking space is exclusively reserved for persons with limited mobility, pregnant women, families or trucks are permitted, provided that:

1. There is only one sign per parking space;
2. The surface area of the sign does not exceed 0.2 square metres and it is affixed to a wall or post at least 1.2 metres high, measured from the adjacent grade;
3. The sign contains a pictogram that conforms to the P-150-5 standard required by the *Highway Safety Code* and *Tome V – Signalisation routière* of the *Ministère des Transports du Québec*.

SECTION 136 SIGNS RESERVED FOR LOADING AND UNLOADING AREAS

Signs installed in a loading and unloading area to identify the zone as being exclusively reserved for trucks are permitted, provided that:

1. The total surface area of the sign does not exceed 1 square metre.

SECTION 137 TEMPORARY SIGNS FOR THE SALE OR RENTAL OF DWELLING UNITS OR BUILDINGS

Non-luminous signs announcing the sale or rental of dwelling units, rooms or parts of buildings are permitted, provided that:

1. There are no more than two such signs per building;
2. The surface area of each sign does not exceed 1 square metre;
3. They are installed flat on the wall of the building or a post;
4. They are situated at least 1 metre from a front boundary line and 3 metres from any other landsite boundary line, when installed on a landsite.

SECTION 138 COMMEMORATIVE SIGNS

Signs commemorating a historical fact or crests are permitted provided that:

1. They are posted exclusively by the Town of Hampstead;
2. Their height does not exceed 1 square metre;
3. They do not contain advertising of any kind for a product or company.

SECTION 139 SIGNS ANNOUNCING CAMPAIGNS OR EVENTS

Temporary signs announcing a campaign or event of a civic, religious or non-profit organization are permitted, provided that:

1. They are situated on the private landsite where the event is being held;
2. They announce an activity that will be held on the territory of the Town of Hampstead or a regional event;
3. The surface area of the signs does not exceed 3 square metres;
4. They are not installed more than four weeks prior to the date of the event;
5. They are removed within one week after the event.

SECTION 140 CONSTRUCTION SIGNS

Signs erected on a construction site identifying the future occupant, architect, engineer, contractor, developer, subcontractors or professionals in charge of the project are permitted, provided that:

1. There is only one sign per project, which may include more than one participant;
2. Its surface area does not exceed 2 square metres;
3. It is removed within 15 days after the end of the construction work.

SECTION 141 SIGNS IDENTIFYING HOUSING DEVELOPMENT PROJECTS

Temporary signs identifying housing development projects are permitted, provided that:

1. There is only one sign per housing development project;
2. It is installed at the junction of a road network providing access to the project or at the entrance of the project;
3. Its surface area does not exceed 3.5 square metres;
4. Its maximum height is 4 metres;
5. It is kept in good condition;
6. It is removed no later than one month after the end of the construction work.

SECTION 142 SIGNS IDENTIFYING MULTIFAMILY DWELLINGS OR PLACES OF WORSHIP

Permanent signs identifying multifamily dwellings or places of worship are permitted, provided that:

1. They are installed on the landsite where the multifamily dwelling or place of worship is situated;

2. They are integrated into the landscaping or affixed to a decorative low wall or decorative wrought iron fence;
3. There is not more than one sign per public thoroughfare providing access to the residential project;
4. Their surface area does not exceed 1 square metre.

SECTION 143 FLAGS

Flags bearing the national, provincial or municipal emblem or the symbol of civic, philanthropic, educational or religious organizations are permitted, provided that:

1. There is only one flag per pole;
2. The area of the flag does not exceed 2 square metres.

SECTION 144 SIGNS ON PUBLIC BUILDINGS

Signs on public buildings are permitted, provided that:

1. There is only one sign per building;
2. The surface area of the sign does not exceed 1.5 square metres;
3. The maximum height of the sign is 1.6 metres;
4. The maximum depth of the sign is 6 centimetres;
5. The sign is not lit.

SECTION 145 SIGNS FOR PROFESSIONAL HOME OFFICES

One sign is permitted per professional home office when required by a professional order, under the following conditions:

1. The maximum size of the sign is 0.06 square metres;
2. The sign is installed flat on the building and only indicates the name and professional occupation.

CHAPTER 10 LIGHTING

DIVISION 1 LIGHTING INSTALLATIONS

SECTION 146 GENERAL PROVISIONS APPLICABLE TO LIGHTING

Any lighting for a use other than municipal must comply with the following provisions:

1. Direct or indirect lighting of an adjacent landsite is prohibited;
2. All spotlights must be installed so as to limit the illumination to the landsite where the use is situated and equipped with a reflector or shade to direct the light toward the ground. The beam of light must be oriented toward the property on which it is installed and comply with the provisions of the By-law Concerning Nuisance.
3. The lighting of any parking area must be designed so that it does not project rays of light onto an adjacent landsite.

CHAPTER 11 LANDSCAPING AND URBAN FORESTRY

DIVISION 1 LANDSITE DEVELOPMENT

SECTION 147 LANDSCAPING

Aisles, sidewalks, plantations, garden furniture and other landscaping developments are permitted in the front yard and setback of landsites with a main use that is not vacant. The work must be conducted in accordance with the tree planting and felling provisions and the other specific provisions of this By-law.

SECTION 148 OBLIGATION TO CREATE GREEN SPACES

Any part of a landsite that is not occupied by a structure, a use, a parking, a sidewalk, an access or circulation aisle, a loading or unloading area, a patio or a plantation must be graded and covered by grass or other natural ground cover.

SECTION 149 MINIMUM TOTAL PLANT COVERAGE

The minimum total plant coverage must comply with the Schedule of Uses and Standards.

For the purposes of this Section, the surface of a green roof may also be considered plant coverage, up to a maximum of 50 square meters.

For the purposes of this Section, synthetic surfaces such as artificial turf may not be considered plant coverage, under any circumstances.

For the purposes of this Section, hollow-core slabs may not be considered plant coverage, under any circumstances.

(1001-4, Sec.9, 4/1/2019)

SECTION 150 LANDSCAPING MAINTENANCE

All open green spaces must be carefully maintained at all times, including adequate trimming of vegetation and cleaning of hard surfaces.

Debris must be removed from the site on a regular basis.

SECTION 151 DEVELOPMENT FOLLOWING MAJOR WORK

Following any major work on a property, the owner or occupant has an obligation to develop the surface affected by the work within one month following the end of said work. The types of development required include:

1. Landscaping;
2. Sodding.

SECTION 152 PATIOS

Patios are permitted, under the following conditions:

1. They may not be situated in a front yard;
2. *They may not be erected less than 1 meter from a **secondary front yard**, side or rear landsite property line unless they surround an in-ground swimming pool where the minimum distance is 0.5 meter;*

(1001-11, Sec. 6, par. a, 8/1/2022) (1001-17, Sec.13, 17/04/2024)

3. ***They must be sloped if surrounding an in-ground swimming pool for redirecting excess water away from neighboring properties.***

(1001-11, Sec. 6, par. b, 8/1/2022)

SECTION 153 HOME GARDENS

Home gardens are permitted but may never be situated in a front yard. Home gardens in a secondary front yard are permitted if they are situated behind the building's rear façade and are at a minimum distance of 0.6 m from the secondary front yard street line.

(1001-9, Sec. 1, 8/2/2021)

SECTION 154 MAINTENANCE OF THE MUNICIPAL RIGHT-OF-WAY

Every building owner is responsible for the municipal right-of-way's plants and maintenance between the sidewalk or curb and the front boundary line of a private landsite. The following are allowed:

1. Grass;
2. Low-growing plants.

No permanent landscaping elements are permitted with the exception of vehicular and pedestrian aisles.

The Town of Hampstead may, at any time, plant one or more trees on its municipal landsites or rights-of-way. The municipality shall be responsible for maintaining those trees. Building owners shall be responsible for not endangering the health of those trees.

Landscaping, footpaths, vehicular accesses and low walls must all be at the same level as the adjacent sidewalk, over a distance of 1 metre as measured from the sidewalk boundary.

SECTION 155 SLOPE OF A LANDSITE

The ground must slope toward the street, at a minimum gradient of 1% and a maximum gradient of 3%. Modification of landsite slopes to evacuate water toward adjacent landsites is prohibited. All landsite slopes must comply with the *Civil Code of Quebec*.

SECTION 156 LANDSITE GRADING

The ground around a building must be graded so that water is directed away from foundation walls and structures.

SECTION 157 LIABILITY OF THE TOWN

The Town shall not be held liable for any breakage or damage caused, during maintenance work on Town streets, rights-of-way or sidewalks, to works, buildings, structures or equipment encroaching on a landsite belonging to the Town or in breach of the provisions of this By-law.

SECTION 158 EASEMENTS AND RIGHTS-OF-WAY FOR PUBLIC SERVICES

In urban environments, aerial wires and cables, posts and other public services must run along the rear or side boundary lines. In addition, there must be an easement at least 2 metres wide on either side of the line.

DIVISION 2 TREE PLANTING AND FELLING

SECTION 159 GENERAL PROVISIONS APPLICABLE TO TREE PLANTING AND FELLING

The provisions of this Division apply to all zones unless otherwise indicated.

Notwithstanding the above, the provisions of this Section do not apply to tree felling by a public organization and public utility, or buildings belonging to them.

SECTION 160 TREE MAINTENANCE

On a private landsite, the building owner shall be responsible for maintaining and trimming the trees to ensure that they remain in good health.

SECTION 161 OBLIGATION TO PLANT NEW TREES

Within 12 months of the issuance of a building permit for the construction of a new building, the extension of an existing building, or the development or expansion of a parking area, trees must be planted on the landsite, in accordance with the following conditions:

1. One tree is required per 12 metres of landsite width, as measured at the front façade of the main building;
2. A minimum of one tree per landsite is required;
3. At least 50% of the required trees must be deciduous;
4. The required deciduous trees must have a trunk at least 7 centimetres in diameter as measured 1.2 metres above the ground at planting, and a height of 2 metres as measured from the base of the trunk to the end of the highest branch;
5. Conifers that count as the required trees must have a height of at least 1.5 metres from the level of the adjacent ground;
6. For the purposes of this Section, cedars and dwarf trees are not considered trees.

SECTION 162 SITING OF TREES

The planting of trees is permitted under the following conditions:

1. They must be situated at least 1 metre from a landsite boundary line;
2. They must be situated at least 1.5 metres from any municipal boundary, fire hydrant, service entrance, street lamp, sign or municipal water valve;
3. Notwithstanding the provisions of paragraphs 1 and 2, the planting of fruit trees in a location where the fruit could fall on a right-of-way is prohibited.

SECTION 163 PROHIBITED TREE SPECIES

It is prohibited to plant any of the following species, under the following conditions:

1. The planting of any of the following tree species:
 - a. Eastern cottonwoods (*Populus deltoides*);
 - b. Lombardy poplar (*Populus nigra* “*Italica*”);
 - c. Trembling poplar (*Populus tremuloides*);
 - d. Silver maple (*Acer saccharinum*);
 - e. "Long-stemmed" willow (*Salix*);
 - f. American elm (*Ulmus americana*);
 - g. All types of Aspens (*Populus*);
 - h. Manitoba maple (*Acer negundo*);
 - i. Balsam poplar (*Populus balsamifera*);
 - j. White poplar (*Populus alba*);
 - k. Golden weeping willow (*Salix alba* “*Tristis*”);
 - l. Laurel willow (*Salix pentandra*);
 - m. Ash (*Fraxinus*).

SECTION 164 TREE FELLING CONDITIONS

Felling a tree is permitted once the Town has issued a certificate of authorization if one or more of the following conditions apply:

1. The tree is dead;
2. ***The tree is located on the site of a proposed structure or construction or at the place where work must be performed and its felling or alteration is absolutely necessary to carry out work on a project authorized by a permit or certificate issued by the Town.;***

(1001-4, Sec.10,4/1/2019)

3. The tree is causing considerable damage to public property or is in danger of falling;
4. The tree poses a threat to public health and safety;
5. The tree must be felled to prevent the spread of disease or an invasive alien species;
6. The tree is in a state of irreversible dieback;
7. The tree must be felled because it is causing serious damage to property. Normal inconveniences related to the presence of a tree, such as falling twigs, leaves, flowers or fruit, presence of roots on the ground, presence of insects or animals, shade, unpleasant odours, sap or honeydew excretions or the release of pollen, do not constitute nuisances or damage;
8. The tree is located on the site of a proposed swimming pool, provided that there is no other space available for the pool elsewhere on the landsite.
9. **A resident of the property is allergic to the species of tree.**

(1001-3, Sec.8, 1/16/2018)

SECTION 165 EXPERT REPORT

A report prepared by a pruning company, an ISA-certified arborist or a forest engineer who is a member of the *Ordre des ingénieurs forestiers du Québec* attesting to the condition of the tree is required for the conditions stipulated in paragraphs 5 to 8 of Section 164.

The Town reserves the right to determine whether a report is required for the conditions stipulated in paragraphs 1 to 4 of Section 164.

The Town reserves the right to determine what type of professional will produce the report referred to in clauses 1 and 2.

With regard to the conditions stipulated in paragraphs 3 and 8 of Section 164, the Town may issue a permit to cut one or more tree roots instead of the entire tree, unless it is determined that such a measure will not solve the problem. A person wishing to cut an entire tree rather than one or more of its roots must submit a report prepared by one of the professionals listed in the first clause of this Section attesting to the fact that the entire tree must be felled.

SECTION 166 TREE REPLACEMENT

All trees felled, in accordance with paragraphs 2, 8 and 9¹ of Section 164 of this By-law must be replaced by new trees with a diameter of at least 7 centimetres, measured 1.2 metres above the ground, on the same landsite. The following conditions also apply:

(1001-3, Sec.9, 1/16/2018)¹

- a) *A felled tree with a diameter of less than 30 centimetres, as measured 1.2 metres above the ground, must be replaced by two trees;*
- b) *A felled tree with a diameter of 30 centimetres or more, as measured 1.2 metres above the ground, must be replaced by four trees;*
- c) *If a replacement tree dies within 12 months after it has been planted, it must be replaced once again;*
- d) *For the purpose of this section, a deposit of \$ 600 per replacement tree will be required when the permit is issued;*
- e) *Failure by the applicant to plant replacement trees mentioned in this section within six months from the date of work being completed, the deposit will be retained by the Town. These amounts will be used for the purpose of planting trees on Town property;*

As an alternative solution, rather than replace felled trees, an amount of \$ 600 per tree can be given to the Town. These amounts will be devoted to planting trees on Town property.

For the purpose of this section, a cedar tree or a dwarf are not considered to be trees.

(1001-2, Sec.1, 12/5/2016)

SECTION 167 PROHIBITIONS

The following is prohibited without prior authorization:

1. Felling, altering, damaging or destroying a tree;
2. Altering the crown or trunk of a tree, or cutting its roots;
3. Carrying out changes to the soil within a tree's safety belt, except in emergency situations or for public safety purposes;
4. Bringing a contaminant into contact with a tree or part thereof;
5. Raising the natural ground level around a tree by more than 20 centimetres without first obtaining a certificate;
6. Pruning, over-pruning, poisoning or girdling of a tree.

SECTION 168 TREE PROTECTION MEASURES DURING CONSTRUCTION OR EXCAVATION WORK

All trees on a landsite must be protected during the entire duration of the work in accordance with the following provisions:

1. The trees to be preserved must be clearly identified on the worksite and protected in accordance with the Building By-law;
2. Any visible roots (exposed to the air) with a diameter of more than 1.5 centimetres broken during excavation work must be neatly trimmed using pruning shears or a saw;
3. The storage of any material within a tree's safety belt is prohibited;
4. The soil excavated during the construction work may not, under any circumstances, be placed within a tree's safety belt.
5. *When a private or public tree must be protected, it must be by the methods defined in the Building By-law. The designated official reserves the right to determine which method would be most appropriate for each tree.*

(1001-4, Sec.11, 4/1/2019)

SECTION 169 FELLING OF A TREE AFFECTED BY THE EMERALD ASH BORER

An ash tree affected by the emerald ash borer may only be cut between 1 October and 15 March and must be disposed of properly by a professional to avoid spreading the emerald ash borer.

Notwithstanding the above clause, a tree may be cut between 15 March and 1 October in the following situations:

1. It poses a safety risk;
2. It could cause serious material damage;
3. It impedes an authorized construction project.

The owner of an ash tree with over 30% of its branches affected by the emerald ash borer must also comply with the By-law Concerning Nuisance.

SECTION 170 TOWN ORDINANCE

The owner of a private landsite must comply with any notice requiring the pruning, removal or felling of any tree located on the landsite because the Town deems that the tree:

1. Constitutes a danger to public safety, including by blocking the view of drivers and pedestrians with its foliage or branches;
2. May damage public property;
3. Seriously inconveniences the public and constitutes a nuisance.

SECTION 171 EMERGENCIES AND PUBLIC SAFETY

If a tree or any of its parts endanger anyone's life, health, safety or property, the Town may require the felling of that tree or the removal of any dangerous part thereof at the sole expense of the tree's owner:

1. If it is determined that a tree or part thereof is diseased and poses a risk of infestation or epidemic, the owner of the tree will be ordered to have it treated or felled, at his or her sole expense;
2. If an owner fails to comply with the above stipulated order within 24 hours of receipt thereof, the Town will have the work carried out at the owner's expense. Any such action by the Town will not relieve the owner of any penal consequences of his or her failure to comply with the Town order.

DIVISION 3 BACKFILLING AND EXCAVATION WORK

SECTION 172 GENERAL PROVISIONS APPLICABLE TO BACKFILLING AND EXCAVATION WORK

All backfilling and excavation work required for the establishment and practice of a use in accordance with the urban planning By-laws are permitted under the conditions of this Division.

In addition, any work related to backfilling and excavation must comply with the provisions of this By-law.

SECTION 173 PROHIBITION TO RAISE THE ELEVATION A LANDSITE

Raising the soil level or changing the grade is prohibited.

SECTION 174 TOPSOIL REMOVAL

Before conducting backfilling work, a layer of topsoil of at least 0.1 metres must be removed from the natural ground and used to cover the landsite once the backfilling work has been completed.

SECTION 175 HEIGHT OF BACKFILLS

For landsites with an average elevation below the level of the existing or proposed street, the maximum authorized backfill height is 0.6 metres above the level of the street, but never higher than the grade of the adjacent landsites.

SECTION 176 BACKFILL MATERIALS

The only authorized backfill materials are soil, sand and rock.

Contaminated soil, waste, dry materials or any other similar materials may never be used as backfill material.

SECTION 177 STABILIZATION OF BACKFILLS

When a landsite is backfilled by less than 1 metre, the landsite must be stabilized, within six months following the work, by planting trees, shrub or plants in a manner that does not affect adjacent landsites.

When a landsite is backfilled by more than 1 metre, slope stabilization using low or stepped retaining walls must be provided for to ensure that there are no sections with a slope greater than 50% measured over a distance of 2 metres. In addition, within six months following the work, each section must be stabilized by planting trees, shrub or plants, in a manner that does not affect adjacent landsites.

CHAPTER 12

ANTHROPOGENIC CONSTRAINTS

DIVISION 1 DISTANCE FROM CONSTRAINING USES

SECTION 178 USE OF A LANDSITE LOCATED LESS THAN 75 METRES FROM A MAIN RAIL LINE

Any landsite or part thereof located less than 75 metres from the edge of the right-of-way of a main rail line and adjacent to the right-of-way may not be used for any of the following sensitive uses if the level of vibration inside the building, or in the part of the building where the use is practiced, exceeds 0.14 mm/s:

1. Residential;
2. Public and institutional facilities, such as:
 - a) Libraries;
 - b) Long-term care facilities;
 - c) Youth and child protection centres;
 - d) Rehabilitation centres;
 - e) Healthcare and social services centres;
 - f) Hospitals;
 - g) Schools;
 - h) Cultural establishments;
 - i) Places of worship or convents;
 - j) Day-care centres.

In addition, the developer of any construction project must submit an assessment in accordance with Schedule C of this By-law.

SECTION 179 USE OF A LANDSITE LOCATED LESS THAN 30 METRES FROM A MAIN RAIL LINE

Any landsite or part thereof located less than 30 metres from the edge of the right-of-way of a main rail line and adjacent to the right-of-way may not be used for a sensitive use listed in Section 178 if the noise level inside the building, or the part of the building where the use is practiced, exceeds 40 dBA Leq (24h).

SECTION 180 DISTANCE FROM OIL PIPELINE FACILITIES

No new oil pipeline facilities may be erected within 300 metres of the following uses:

1. Residential;
2. Public and institutional facilities, such as:
 - a) Libraries;
 - b) Long-term care facilities;
 - c) Youth and child protection centres;
 - d) Rehabilitation centres;
 - e) Healthcare and social services centres;
 - f) Hospitals;
 - g) Schools;
 - h) Cultural establishments;
 - i) Places of worship or convents;
 - j) Day-care centres.

SECTION 181 DISTANCE FROM ORGANIC MATERIALS PROCESSING CENTRES

All uses other than industrial uses and parks are prohibited within a 500-metre radius of organic materials processing centres, such as:

1. Biomethanization centres;

2. Compost facilities;
3. Waste pre-treatment centres.

The 500-metre distance must be calculated from the edge of the landsite proposed for the establishment of the organic materials processing centre, unless the site of the section of the facility that will generate odours has already been determined, in which case the distance must be calculated from the chimney of that section.

Notwithstanding the first clause, any use deemed compatible by the relevant authority may be established less than 500 metres from an organic materials processing centre.

SECTION 182 DEVELOPMENT OF BUFFER ZONES AND VISUAL SCREENS

Any use that is a potential of nuisance, such as public infrastructure (public works yards, snow removal sites or waste treatment facilities), must contain a buffer zone or a visual screen with one or more of the following:

1. A fence, low wall or hedge and band of trees:
 - a. A fence or low wall that is at least 80% opaque and at least 1.80 metres high in the rear yard and side yards, and at least 1 metre but no more than 1.20 metres high in the front yard. This fence or low wall may be replaced by a dense cedar hedge with a minimum planting height of 1.20 metres in a rear yard and side yards and 1 metre in a front yard;
 - b. A band of trees along the fence, low wall or hedge. The maximum distance between trees must be 7 metres for standard trees, 6 metres for half-standard trees and 5 metres for shrubs. Standard and half-standard trees must have a diameter of at least 50 millimetres, as measured 150 millimetres above ground at planting and shrubs must be at least 3 metres high, as measured from ground level at planting;
2. Mounds:
 - a. A mound (backfill) at least 1.5 metres high;
 - b. An average of one tree per 8 linear metres of protective visual screen. At least 30% of these trees must be composed of fast-growing conifers. Standard and half-standard trees must have a diameter of at least 50 millimetres, as measured 150 millimetres above ground level at planting, and shrubs must be at least 1.5 metres high, as measured from ground level at planting;
 - c. An average of one shrub per 4 linear metres of protective visual screen.

All plants required for the development of a buffer zone must still be alive 12 months after they have been planted.

CHAPTER 13 USES, STRUCTURES, SIGNS AND NON- CONFORMING LOTS PROTECTED BY ACQUIRED RIGHTS

DIVISION 1 GENERAL PROVISIONS APPLICABLE TO USES, STRUCTURES, SIGNS AND NON- CONFORMING LOTS PROTECTED BY ACQUIRED RIGHTS

SECTION 183 USES, STRUCTURES, SIGNS AND NON-CONFORMING LOTS PROTECTED BY ACQUIRED RIGHTS

Uses, structures, signs and subdivisions that began or were completed under By-laws in effect before this By-law, for which a permit or certificate was issued, enjoy acquired rights under the conditions set out in the subsequent sections of this By-law.

Pursuant to this By-law, an acquired right for a use, structure, sign or non-conforming lot may not be recognized in the following cases:

1. The use, structure, sign or non-conforming lot constitutes a nuisance risk;
2. The use, structure, sign or non-conforming lot constitutes a public safety risk;
3. The use, structure, sign or non-conforming lot was established under a permit or certificate that was awarded illegally.

DIVISION 2 NON-CONFORMING USES PROTECTED BY ACQUIRED RIGHTS

SECTION 184 REPLACING A NON-CONFORMING USE

A non-conforming use protected by acquired rights that is practiced inside a structure cannot be extended.

SECTION 185 LOSS OF ACQUIRED RIGHTS FOR A USE

Under this By-law, a non-conforming use protected by acquired rights ceases to be recognized in the following cases:

1. The use has been replaced by a use that complies with the urban planning By-laws that are into force;
2. The use was abandoned, has ceased or was interrupted for a period of six consecutive months, or was deemed interrupted because the main building was not used for that purpose by the occupants.

Notwithstanding the second paragraph, a non-conforming use protected by acquired rights practiced inside a building loses its acquired rights if the building is destroyed or damaged, as a result of an accident, for more than 50% of its Town assessment value. Any activities related to such use must cease.

The loss of acquired rights for a main use automatically entails the loss of any acquired right for an additional use to the main use, even if it has not been abandoned, ceased or been interrupted.

DIVISION 3 NON-CONFORMING STRUCTURES PROTECTED BY ACQUIRED RIGHTS

SECTION 186 EXTENSION OR RECONSTRUCTION OF A STRUCTURE PROTECTED BY ACQUIRED RIGHTS

Where an extension is being proposed above an existing building and the existing building setbacks of the main building are less than the minimum requirements established herein, the extension may be built in line with the existing building setbacks if those setbacks were conforming at the time of the construction and therefore protected by acquired rights.

If those setbacks were not conforming at the time of the construction, the extension above an existing building must respect all the provisions of this By-law.

(1001-9, Sec. 1, 8/2/2021)

SECTION 187 MOVING NON-CONFORMING STRUCTURES PROTECTED BY ACQUIRED RIGHTS

A non-conforming structure protected by acquired rights may be moved on the same landsite or to a different landsite, provided that it complies with all of the provisions of this By-law and any other applicable By-laws.

SECTION 188 LOSS OF ACQUIRED RIGHTS DUE TO A FIRE OR OTHER CAUSE

If a non-conforming structure protected by acquired rights is destroyed or becomes hazardous as a result of a fire or some other cause to the extent that it loses at least 50% of its Town assessment value at the date of the event, it loses all of its acquired rights.

SECTION 189 RECONSTRUCTION OR RESTORATION OF A STRUCTURE PROTECTED BY ACQUIRED RIGHTS

1. If a non-conforming structure protected by acquired rights is destroyed or becomes hazardous as a result of a fire or some other cause, to the extent that it loses at least 50% of its Town assessment

value at the date of the event, it must be entirely demolished. In addition, its reconstruction must be carried out in accordance with the applicable By-laws.

- a. *Notwithstanding the preceding, the owner, victim of a disaster, may rebuild the main building identically to its architectural components and location prior to the destruction as long as the reconstruction is undertaken within 18 months of its destruction therefore permitting the owner to preserve all the acquired rights, including the minor exemptions that were granted.*

(1001-1, Sec.1, 9/12/2016)

2. If a non-conforming structure protected by acquired rights is destroyed or becomes hazardous as a result of a fire or some other cause to the extent that it loses less than 50% of its Town assessment value at the date of the event, it may be restored or demolished, and the following provisions apply:
 - a. The demolition or reconstruction must be carried out in accordance with the applicable By-laws;
 - b. Notwithstanding the above, an owner may rebuild an identical main building in the same location and with the same architectural components that existed prior to the destruction, insofar as the construction work is undertaken within a year after the destruction.
 - c. The structure may be restored, provided that at least 50% of the volume of the original structure is preserved.

SECTION 190 REPAIR AND MAINTENANCE OF NON-CONFORMING STRUCTURES

The maintenance and repair of non-conforming structures or parts thereof protected by acquired rights is permitted. However, such maintenance or repair may not result in an increase in the non-conforming nature of the structure, and must comply with all of the provisions of this By-law and any other applicable By-laws.

SECTION 191 RECONSTRUCTION, RENOVATION OR REPAIR OF A DETACHED GARAGE

The reconstruction, renovation or repair of a detached garage is permitted for existing garages, under the following conditions:

1. The detached garage may only be used to park private vehicles or store domestic and garden equipment;
2. The maximum height of a detached garage may not exceed 4.15 metres, as measured from the ground level to the highest part of the roof;
3. The maximum surface area of a detached garage, measured at ground level from the outside surface of the foundation walls, must not exceed 30 square metres; a detached garage may only be located in the side or rear yards;
4. Where the situation allows, the detached garage must comply with the applicable setbacks of the By-law into force, as prescribed in the Schedule of Uses and Standards; otherwise the detached garage may retain its existing setbacks;
5. Access to the detached garage must take place through a vehicular access located on the same landsite;
6. If a main building is demolished or loses more than 50% of its Town assessment value, the detached garage must be demolished. A new garage may then be erected, in accordance with the provisions of the By-law in force.

DIVISION 4 NON-CONFORMING SIGNS PROTECTED BY ACQUIRED RIGHTS

SECTION 192 REPLACING OR MODIFYING NON-CONFORMING SIGNS PROTECTED BY ACQUIRED RIGHTS

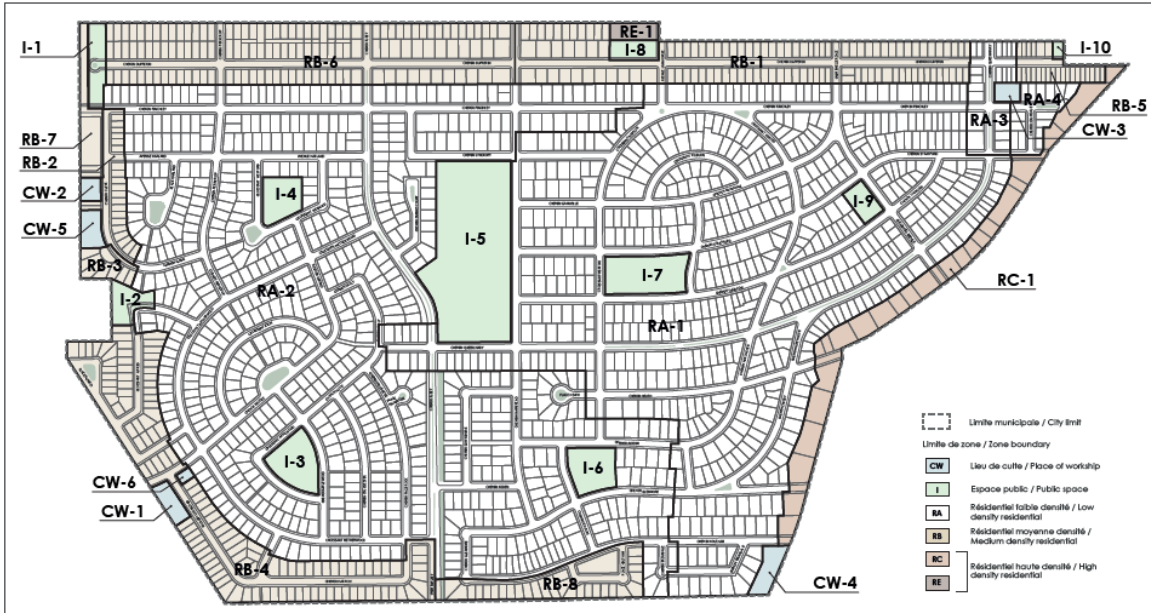
1. A non-conforming sign protected by acquired rights may only be replaced by a sign that complies with this By-law;
2. A non-conforming sign protected by acquired rights may only be modified if the result of the modification is the compliance of said sign with this By-law;
3. Notwithstanding the second paragraph, the message of a sign may be modified as long as the size of the sign and its materials, structure and lighting are not modified.

**DIVISION 5 NON-CONFORMING LOTS PROTECTED BY
ACQUIRED RIGHTS**

**SECTION 193 PROVISIONS APPLICABLE TO NON-CONFORMING LOTS
PROTECTED BY ACQUIRED RIGHTS**

A non-conforming lot protected by acquired rights must comply with the requirements of the Subdivision By-law, this By-law and the other applicable By-laws.

SCHEDULE A ZONING PLAN



<p>Règlement de zonage numéro XX Avril 2016</p> <p>Zoning by-law no. XX April 2016</p>	<p>Source : Ville de Hampstead / Town of Hampstead</p> <p>Révisé par / Made by : L'Atelier Urbain</p>	<p>Projection : NAD 83, MTM zone 8</p> <p>Format original / Original size : Tablette 11x17 po</p>	<p>Ville de Hampstead PLAN DE ZONAGE Town of Hampstead ZONING PLAN</p>
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Zoning By-law 1001

SCHEDULE C

ASSESSMENT OF NEW USES NEAR RAILWAY OPERATIONS

GUIDELINES APPLICABLE TO THE ESTABLISHMENT OF NEW USES NEAR RAILWAY OPERATIONS

This document lists the minimum requirements for the viability assessment for development and structures that must be included in requests to develop properties near railway operations.

The following information must be included in the assessment of the viability of such projects:

- a) The name, surname, postal address, email address and phone number of the owner or, where applicable, his or her duly authorized representative;
- b) A siting plan that includes:
 - The dimensions and surface areas of the existing or proposed lot(s) concerned, as well as those of the adjacent lots;
 - The location of existing or proposed structures on the lot(s) concerned, as well as those of the adjacent lots;
 - The location of all facilities related to a railway operation within a radius of 30 metres of a main rail line;
 - The type of main building, existing or proposed, on the lot, as well as its proposed use(s);
 - The date the plan was prepared, its title, true north, the scale of the plan and the name of the professional that prepared it;
- c) The condition of the site, including:
 - Soil type;
 - Geology;
 - Topography;
 - Prevailing drainage patterns across the site;
 - Proximity to the railway corridor and other railway infrastructure and public services;
 - Noise impact study;
- d) Information on railway facilities, including:
 - Track geometry and alignment;
 - The existence of switches and junctions;
 - Track speed, including any potential or anticipated changes;
 - Derailment history of the site and of other sites similar in nature;
 - Current and future estimated usage and growth in patronage (10-year horizon);
 - Details of any future or planned corridor upgrade work, or any protection of the corridor for future expansion, where no plans are in existence;
 - Topography of the track;
- e) Information about the development, including:
 - Proximity of the proposed development to the railway corridor or other railway infrastructure;
 - Clearances and setbacks of the proposed development to the railway corridor;
 - Any collision protection features proposed for the new development, to protect it in the case of a train derailment;
- f) Information about the construction, including:
 - Precisions relating to corridor encroachment:
 - o Whether access to the railway corridor will be required;
 - o Whether any materials will be lifted over the railway corridor;
 - o Whether any temporary vehicle-crossing or access points will be required;
 - o Whether there will be any disruption to services or other railway operations as a result of construction;
 - o Provide details of how the security of the railway corridor will be maintained during construction;

- Provide details of any planned demolition, excavation and retaining works within 30 metres of the railway corridor and specify the type and quantity of work to be undertaken;
 - Whether any services or utilities will be required to cross the railway corridor;
 - Whether any existing railway services or utilities will be interfered with;
 - With regard to stormwater, drainage, sediment, and erosion control, provide details of how any temporary stormwater management and drainage will operate during construction, and how sediment and erosion control will be managed;
- g) The identification of hazards and risks, including:
- The safety of people occupying the development and the potential for the loss of life in the event of a train derailment;
 - Potential structural damage to the proposed development resulting from a collision by a derailed train;
 - The ability of trespassers to enter into the railway corridor;
- h) All other information and documents that could prove useful to the understanding of the project.

In addition, the assessment must include a project analysis section with the following criteria:

- a) Identification of all potential hazards to the operational railway, its staff, customers, and the future residents of the development;
- b) Taking into account of the operational requirements of the railway facilities and the whole life cycle of the development;
- c) Identification of the design and construction issues that may impact on the feasibility of the new development;
- d) Identification of 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;
- e) Identification of how an incident could be managed if it were to occur.

(s) Jeremy Levi
Jeremy Levi, Mayor

(s) Poovadee Permal-Vardin
Poovadee Permal-Vardin, Town Clerk