



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO : SPAIP-2022-55-5

BY-LAW NO. SPAIP-2022-55-5 ENTITLED : BY-LAW AMENDING BY-LAW ON SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS NO. SPAIP-2022-55 IN ORDER TO ENSURE CONSISTENCY WITH THE MONTRÉAL AGGLOMERATION LAND USE AND DEVELOPMENT PLAN BY ADDING PROVISIONS RELATED TO THE PROTECTION OF WETLANDS OF INTEREST TO BE PRESERVED OR RESTORED AS WELL AS TO ADD CRITERIA APPLICABLE TO NEW BUILDINGS IN ZONES 167R (RESIDENTIAL), UM-103, UM-104 AND UM-105 (MIXED USES)

ADOPTION PROCEDURE

Notice of motion :	June 9, 2025
Adoption –Draft :	June 9, 2025
Publication :	June 13, 2025
Public consultation :	July 3, 2025
Adoption – second draft :	
Publication :	
Application request :	
Registration procedure :	
Adoption of the bylaw :	
Certificate of compliance :	
Publication :	
Coming into force :	

- WHEREAS in accordance with section 58 of the Act respecting Land Use Planning and Development (CQLR, c. A-19.1), the Town of Kirkland must adopt a concordance by-law in order to comply with the new requirements of the Montréal Agglomeration Land Use and Development Plan;
- WHEREAS notice of motion of this By-law was given at the regular sitting of the Municipal Council held on June 9, 2025;
- WHEREAS in accordance with section 356 of the Cities and Towns Act (CQLR, c. C-19), copies of this draft By-law were made available to the public;
- WHEREAS the preamble forms an integral part of this draft By-law;

SECTION 1

Article 1 of the By-law on Site Planning and Architectural Integration Programs No. PIIA-2022-55 is amended by inserting :

1. before the definition of “COMMITTEE” or “URBAN PLANNING ADVISORY COMMITTEE”, the following definition :

« WETLAND PROTECTION AREA :

A 30-meter wide strip of land bordering a wetland of interest to be protected or restored, identified on the “Wetlands of Interest” plan annexed to the planning program. »

2. before the definition of “COMMERCIAL TERRACE”, the following definition :

« WETLAND CHARACTERIZATION STUDY

A study aimed at determining the exact boundaries of a wetland and its protection area, conducted by an expert in the field and meeting the requirements specified in Appendix 2 of the Permits and Certificates By-law No. 90-61. For the purposes of this by-law, the boundaries of a wetland resulting from a characterization study prevail over those of a wetland appearing on the “Wetlands of Interest” plan annexed to the planning program. »

SECTION 2

Article 3 of the By-law on Site Planning and Architectural Integration Programs No. PIIA-2022-55 is amended by adding the following paragraph 7) :

- « 7) a certificate of authorization, a certificate of occupancy or a building permit for land use, construction, expansion of a construction, work or activity involving excavation, filling or moving humus or non-invasive native vegetation encroaching on a wetland protection area located on land that is not fully occupied or developed or on land whose occupation and development have not been carried out legally; »

SECTION 3

Article 18 of the By-law on Site Planning and Architectural Integration Programs No. PIIA-2022-55 is amended by adding the following paragraph 7) :

- « 7) In the case of a certificate of authorization, a certificate of occupancy or a building permit referred to in paragraph 7) of Article 3 :
- i) **the documents required by the Permits and Certificates By-law for the building permit, certificate of authorization or certificate of occupancy;**
 - ii) **a wetland characterization study. »**

SECTION 4

Former Chapter 8 – FINAL PROVISIONS of the By-law on Site Planning and Architectural Integration Programs No. PIIA-2022-55 becomes the new Chapter 8 as follows :

« **Chapter 8 – SPECIAL OBJECTIVES AND CRITERIA FOR WORK ENCROACHING ON A WETLAND PROTECTION AREA**

Division 8.1 Objectives

52. With respect to the work referred to in paragraph 7) of Article 3, the compliance of the application shall also be assessed according to the following special objectives :
- 1) Maximize the conservation of wetlands and their protection area;
 - 2) Enhance natural elements of interest and promote their harmonious integration into the project;
 - 3) Promote the preservation and enhancement of biodiversity;
 - 4) Preserve or promote the improvement of the water supply to wetlands.

Division 8.2 Criteria for the Conservation of Wetlands and Their Protection Area

53. With respect to the conservation of wetlands and their protection area, compliance with the objectives stated in Divisions 3.1 and 8.1 shall also be assessed according to the following criteria:
- 1) The siting of constructions and works is as far away as possible from wetlands;
 - 2) The siting of constructions and works is chosen to minimize encroachment into the wetland protection area;
 - 3) The landscaping and siting of constructions limit the loss of natural areas and wetlands;
 - 4) Excavation, filling or moving humus or non-invasive native vegetation activities are minimized.

Division 8.3 Criteria for the Enhancement of Natural Elements of Interest

54. With respect to the enhancement of natural elements of interest, compliance with the objectives stated in Divisions 3.1 and 8.1 shall also be assessed according to the following criteria :
- 1) The development of ecological links between wetlands and other natural areas is encouraged;
 - 2) Developments contributing to the enhancement of wetlands and other natural areas present are proposed.

Division 8.4 Criteria for the Preservation and Enhancement of Biodiversity

55. With respect to the preservation and enhancement of biodiversity, compliance with the objectives stated in Divisions 3.1 and 8.1 shall also be assessed according to the following criteria :
- 1) The conservation of existing trees and plant species with ecological value is maximized;
 - 2) The restoration of the land, the planting of diverse native species and the eradication of invasive species are encouraged.

Division 8.5 Critères relatifs à l'alimentation en eau des milieux humides

56. With respect to the water supply to wetlands, compliance with the objectives stated in Divisions 3.1 and 8.1 shall also be assessed according to the following criteria :
- 1) The natural topography and water balance of wetlands are preserved by limiting excavation, filling or moving humus activities;
 - 2) Natural drainage basins are preserved through the siting of constructions and developments that allow water to flow to wetlands. »

SECTION 5

Former **Chapter 9 – REPEAL AND FINAL PROVISIONS** of the *By-law on Site Planning and Architectural Integration Programs No. PIIA-2022-55* becomes the new Chapter 9 as follows:

« Chapter 9 – SPECIAL OBJECTIVES AND CRITERIA FOR ZONES 167R, UM-103, UM-104 AND UM-105

Section 9.1 Objectives

57. With respect to Zones 167R, UM-103, UM-104 and UM-105, the compliance of the application shall also be assessed according to the following special objectives:

- 1) The project presents a harmonious integration of a high-density mixed-use project in an area with a multitude of uses and varying density;
- 2) The building(s) and site layout include components that mark architectural, visual, landscape and spatial continuity between zones;
- 3) The quality of the overall composition of the built environment on the architectural and landscaping plans enriches the built environment of this sector of the Town;
- 4) The proposed street layout avoids adverse traffic impacts on adjacent streets and proposes mitigation measures where appropriate.

Section 9.2 Critères

58. With respect to Zones 167R, UM-103, UM-104 and UM-105, compliance with the objectives stated in Divisions 3.1 and 9.1 shall also be assessed according to the following special criteria :

- 1) Ensure optimal integration of any structure with the natural and built landscape of the neighbourhood;
- 2) Demonstrate that grade changes on the landsite have been addressed consistently and esthetically;
- 3) The facades of the buildings demonstrate treatments that accentuate the new residential character of the site, for example, through the integration of balconies, architectural reliefs and landscaping;
- 4) The main facades visible from a street are treated so as to reflect the typical character of a high-quality main entrance;
- 5) Avoid the massive and monolithic appearance of the buildings;
- 6) Any new group of buildings is constituted of built forms creating a gradation in height with the adjacent residential neighbourhoods so as to ensure that it blends with the neighbouring buildings;
- 7) The transition between the heights of the buildings occurs gradually by articulating a volume in the architectural composition of the facades;
- 8) Inner courtyards are green and include greenery, trees, pedestrian walkways, rest areas and any other complementary amenities;
- 9) The buffer zone composed of green spaces, landscaping, trees and shrubs is preserved, to the north of the site along Elkas Boulevard;
- 10) Buildings with commercial ground floors feature an attractive front facade with windows;
- 11) Loading and unloading areas are hidden from the public road and integrated with the architecture of the building;
- 12) The site design protects the pedestrian experience from unpleasant sensory experiences, such as wind, heat and noise, while recognizing the existing use;
- 13) The development plan proposes architectural controls (cladding, heights, volumes) contributing to the implementation of a quality built environment. In this sense, architectural monotony is avoided through special facade treatments or siting variation (rhythm, use of projections, openings, etc.);

- 14) The alignments of the structures and setbacks are harmonized;
- 15) The treatment of the facades of a main building facing a public space is carefully designed;
- 16) A side or rear facade that faces a street, a pedestrian pathway, a park or a public space demonstrates thoughtful architectural treatment;
- 17) The siting of the building has a framing effect on the public domain that is beneficial for the pedestrian experience of residents and that is achieved, among other ways, by aligning, articulating the heights, and setting the building back from the public right-of-way;
- 18) The layout and the proportionality of the openings allow a generous amount of natural light to enter in relation to the planned indoor living spaces and preserve the intimate character of the residential building;
- 19) The configuration of the building siting takes into account the optimization of the natural lighting of the building and the impact of its shadow on neighbouring buildings;
- 20) The exterior cladding of the facades is composed of quality materials. Their careful coordination lends an architectural and esthetic quality to the building composition and its urban complex;
- 21) The choice of residential typologies and the building siting rhythm creates a harmonious character;
- 22) The architecture between the buildings and the different development phases is harmonized and integrated;
- 23) An overall architectural character that creates a distinctive style is established;
- 24) The openings match each other and respect the architectural style of the building in terms of their shape, size and symmetry;
- 25) The neighbourhood offers a complete living environment on a human scale that focuses on high standards of sustainable development and a reduced ecological footprint, including energy performance, active transportation, quality of public spaces and overall site and building design;
- 26) The orientation and siting of the buildings promote sunlight on the buildings and public spaces and the use of solar radiation for energy purposes;
- 27) The development of green or landscaped spaces is maximized and favours the planting of native species adapted to the climate;
- 28) The landscaping contributes to the creation of a safe and comfortable environment that benefits the day and night experience of public and private domain users;
- 29) Parking areas, garbage bins and other equipment receive a specific treatment that reduces their negative visual impact and any other nuisance, including noise, odours, safety or accessibility issues;
- 30) Appropriate green spaces (public or private) serving the residents of the area are provided;
- 31) Property subdivisions minimize the creation of uninteresting or non-viable residential lots;
- 32) The road network is structured on the basis of a logical, functional and planned hierarchy in continuity with the existing network;
- 33) The project promotes active mobility. Active routes are blended with the public and private domains and are integrated in continuity with the existing network. The configurations are secure, user friendly, effective and accessible to everyone;
- 34) The hierarchized road network serves the entire site concerned and encourages the use of active and collective modes of transportation by decreasing distances and optimizing the configuration;
- 35) To ensure the permeability of the urban fabric, green spaces are developed so as to ensure interconnectivity through active and safe links between them and the built areas;

- 36) Pedestrian and bike paths provide effective access to the Kirkland REM station as well as to the local active transportation network;
- 37) The lighting mode, distribution, and type must enrich the contemplative nighttime experience by enhancing natural components and create a safe environment by lighting the pedestrian paths in particular;
- 38) The siting of the buildings helps to create interesting visual perspectives from the public street;
- 39) The site is oriented with active transportation connections leading in particular to a central public square and parks and green spaces;
- 40) A commercial entrance is distinct from the entrance to the residential units;
- 41) Mechanical equipment, such as heat pump units, must be hidden from the facades and harmoniously integrated into the architecture and design of the building;
- 42) Signage for commercial establishments must be harmoniously integrated into the architecture and design of the building. »

SECTION 6

Former Chapter 8 – FINAL PROVISIONS becomes **Chapter 10**, **Sections 8.1 and 8.2** become **Sections 10.1 and 10.2**, **Former Chapter 9 – REPEAL AND FINAL PROVISIONS** becomes **Chapter 11**, and the articles are renumbered starting from **Article 59**, so that **Former Article 52** becomes **Article 59** and so on

SECTION 7

This By-law comes into force in accordance with the law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk