



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

SECOND DRAFT BY-LAW NO. : 90-58-98

BY-LAW AMENDING ZONING BY-LAW NO. 90-58 IN ORDER TO MODIFY THE PROVISIONS CONCERNING USES, TO REPLACE ZONE 210C (COMMERCIAL) BY A NEW ZONE UM-101 (MIXED USES) AND TO ESTABLISH PARTICULAR PROVISIONS FOR SAID ZONE UM-101

ADOPTION PROCEDURE

Notice of motion:	May 3, 2021
Adoption – draft:	May 3, 2021
Publication:	May 7, 2021
Public consultation:	Until May 25, 2021
Adoption – second draft:	June 7, 2021
Publication:	June 11, 2021
Application request:	
Registration procedure:	
Adoption of by-law:	
Certificate of conformity:	
Publication:	
Coming into force:	

- CONSIDERING that in accordance with section 113 of the *Act Respecting Land use Planning and Development*, (CQLR, c. A-19.1), the Town of Kirkland may specify, for each zone, the uses that are authorized and those that are prohibited;
- CONSIDERING that notice of motion of this by-law was given and that adoption of the draft was done at the regular sitting of the municipal Council held on May 3, 2021;
- CONSIDERING that in accordance with section 356 of the *Cities and Towns Act* (CQLR, c. C-19), copies of the draft by-law were made available to the public;
- CONSIDERING that the preamble forms an integral part of this by-law;

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

SECTION 1

Section 2.5 of *Zoning By-law No. 90-58* is amended by the removal of subsection b).

SECTION 2

Section 1.12 of *Zoning By-Law No. 90-58* is amended by adding, in subsection a), the following paragraph:

“**ZONES 210C and UM-101:** the zoning plan is amended as follows: zone 210C is replaced by the new zone UM-101, the whole as shown on an extract of the zoning plan signed on April 28, 2021 by the Town Clerk and annexed to the present by-law as Schedule 2.40. The new zone UM-101 thus created corresponds to lots 1 991 920, 1 991 931, 3 052 605, 3 052 657, 3 052 658 and 3 052 659 of the cadastre of Quebec.”

SECTION 3

Zoning By-law No. 90-58 is amended by adding, as Schedule 2.40, the plan signed on April 28, 2021 by the Town Clerk, referred to in Section 2 above and annexed to the present by-law as Schedule A.

SECTION 4

Zoning By-law No. 90-58 is amended by adding a new Chapter 15 entitled: “Table of particular provisions for the UM-101 zone”, the content of which is given in Schedule B of the present by-law, and by adding the following notes at the end of this table:

“NOTES:

- (1) In this zone, no building shall be located within 25 metres (82’) of the limit of the right-of-way of the Trans-Canada Highway and the Saint-Charles Boulevard interchange, within 20 metres (66’) of the limit of the right-of-way of Saint-Charles Boulevard, within 8 metres (26.2’) of the limit of the right-of-way of Mountain View Street, and within 16 metres (52.4’) of the limit of the right-of-way of Sainte-Marie Road.
- (2) For any shopping center located in this zone, notwithstanding the provisions of subsection c) of Section 11.14, the minimum number of parking spaces shall be one (1) per 26.5 m² (285.2436 square feet) of rentable floor area of all commercial uses.
- (3) Class D-1, D-2, and D-3 uses are only permitted in a building with a floor area of 22,500 square feet or more.
- (4) The UM-101 zone is subject to a Site Planning and Architectural Integration Program (SPAIP).
- (5) Notwithstanding any provision to the contrary, in the UM-101 zone, multi-family and mixed-use residential buildings are only permitted within the hatched area shown in Schedule 2.41.

The following particular provisions are applicable to this hatched area:

- a) In a maximum of 30% of the first floor area per building, are permitted:
 - Class A commercial uses;
 - Class B-1 commercial uses, but limited to the following uses:
 - Health food stores;
 - Pastry/bakery shops;
 - Butcher shops;
 - Cheese shops;
 - Bookstores;
 - Hairdressers or beauty salons;
 - Banks;
 - Medical clinics with or without a pharmacy.
 - Class B-2 commercial uses, but limited to the following uses:
 - Convenience stores;
 - Société des alcools du Québec stores;
 - Travel agencies;
 - Post offices;
 - Clothing/shoe stores;
 - Daycare services.
 - Class B-3 commercial uses, but limited to the following uses:
 - Cleaners of clothes and textiles;
 - Health studios.
 - D1 and D2 commercial uses.
- b) The minimum floor area of commercial spaces shall be 70 m² (753.5 square feet) with a minimum street frontage of 6 metres (20'). No commercial façade or sign shall be permitted for a building or section of a building of six (6) floors or less;
- c) For any commercial use in mixed-use buildings, notwithstanding the provisions of subsection c) of Section 11.14, the minimum number of parking spaces shall be one (1) space per 26.5 m² (285.2436 square feet) of rentable floor area;
- d) A commercial establishment located on the first floor of the building shall be allowed one sign, affixed flat to the building facade, with a maximum area of 3.0 m² (32.3 square feet);
- e) The minimum number of off-street (underground) parking spaces for a multi-family building is one (1) space per dwelling unit and the maximum number is 1.5 spaces per dwelling unit;
- f) Notwithstanding the required setbacks, the off-street (underground) parking lots may communicate from one building to another;
- g) The number of off-street (underground) parking ratio may be reduced to 0.8 spaces per dwelling unit, if a car-sharing service is provided in the building. The minimum number of shared vehicles is two (2) per building;
- h) A minimum of ten (10) visitor parking spaces is required per building. A drop-off area and a maximum of eight (8) visitor parking spaces per building are authorized above-ground in the front setback;
- i) The minimum floor space ratio is 1.5 and the maximum is 5.0;
- j) The maximum lot coverage is 0.4;
- k) The minimum setback from the right-of-way of Sainte-Marie Road is 16 metres (52.4');
- l) The minimum setback from the right-of-way of Mountain View Boulevard is 8 metres (26.2');
- m) The minimum setback from the right-of-way of the east-west projected public street is 9 metres (29.5');
- n) The minimum setback from the right-of-way of the north-south projected public street is 23 metres (75.5');

- o) The minimum distance between the north and south facades of the buildings is 20 metres (65.6’);
- p) The minimum distance between the east and west facades of the buildings is 13.5 metres (44.2’);
- q) Measured from the interior courtyard, the minimum height of the buildings is 13.5 metres (44.2’) and the maximum height of the buildings is 37 metres (121.3’), including all accessory structures (stairwells, mechanical devices, etc.);
- r) For any building, the minimum number of floors is four (4) and the maximum number of floors is ten (10).

Notwithstanding the first paragraph, for buildings fronting on Sainte-Marie Road, a maximum of six (6) floors (including the first floor), calculated from the interior courtyard, is authorized for the first 20 meters measured from the limit of the right-of-way of Sainte-Marie Road. A maximum of eight (8) floors is authorized for the subsequent 40 meters;

- s) The minimum width of buildings is 20 metres (65.6’);
- t) Mechanical devices such as ventilation systems, tanks or other devices shall only be located on the roof. They shall not be located closer than 6 metres (19.6’) to any building facade;
- u) Mechanical devices and mechanical components of the building located on the roof may not exceed the roof line of the building by more than 3 metres (9.84’); if they are more than 1.2 metres (3.93’) in height, they must be concealed by a screen.”

SECTION 5

Zoning By-law No. 90-58 is amended by adding, as Schedule 2.41, the plan signed on April 28, 2021 by the Town Clerk, referred to in Section 4 above and annexed to the present by-law as Schedule C.

SECTION 6

The present by-law comes into force according to law.

(Michel Gibson)

 Mayor

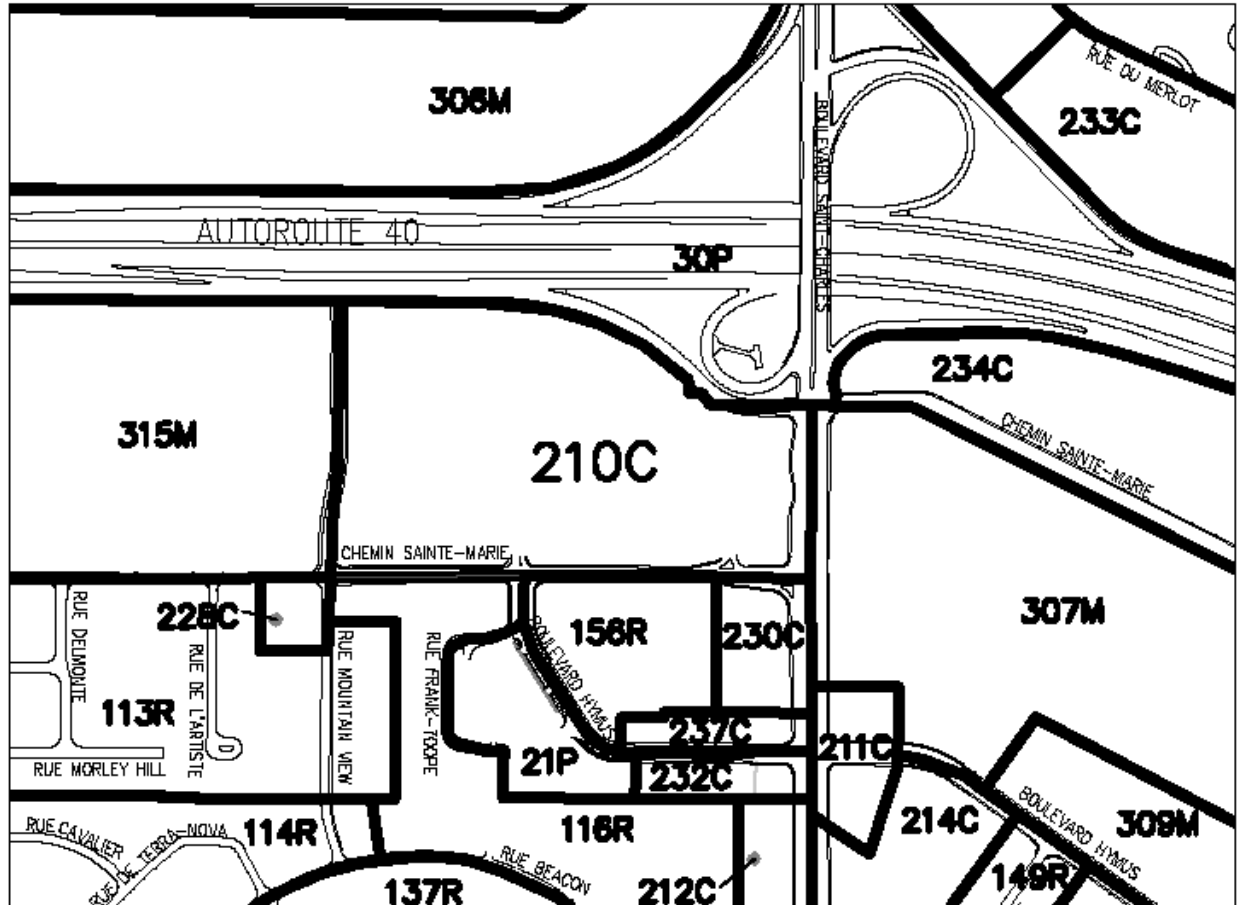
(Annie Riendeau)

 Town Clerk

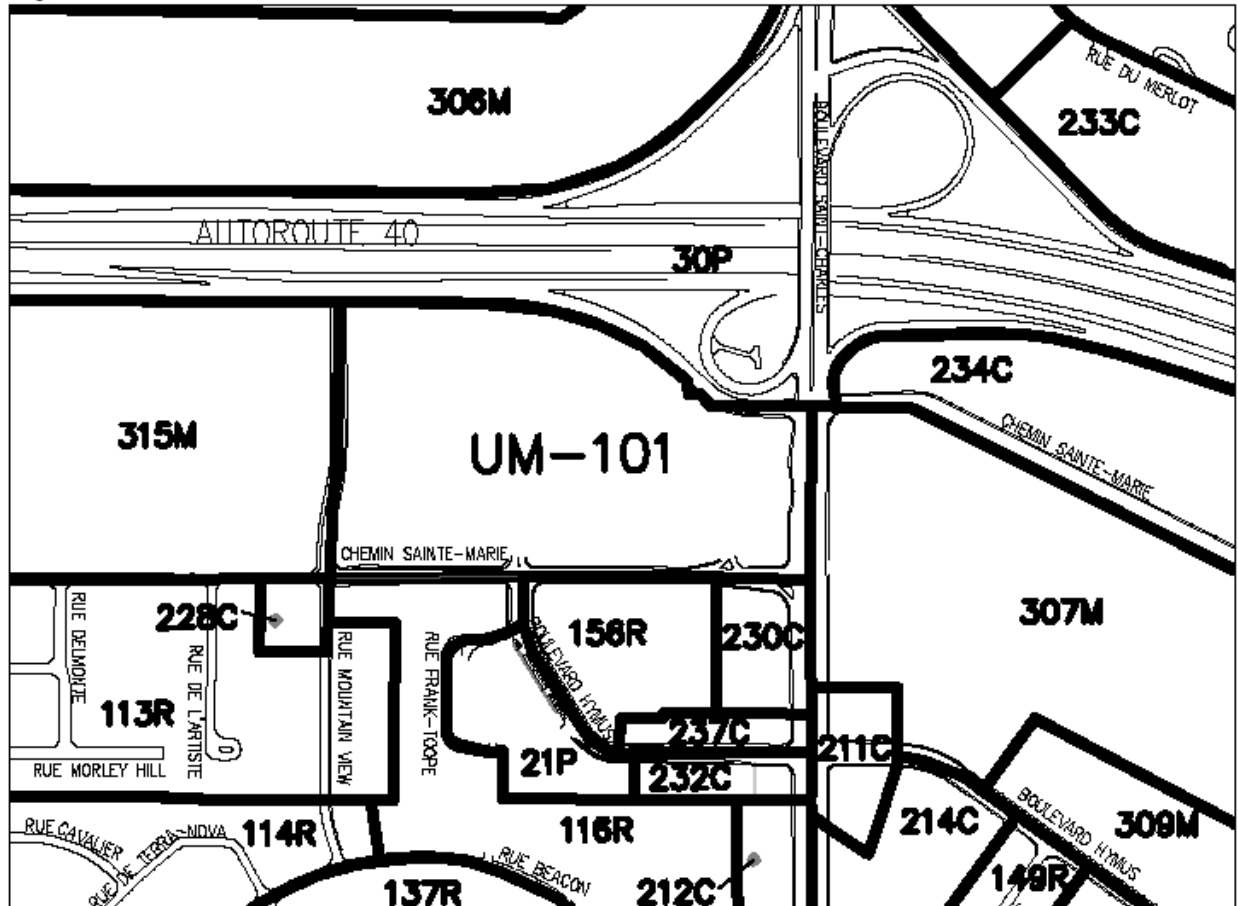
SCHEDULE A

Ville de Kirkland
Annexe 2.40 du Règlement 90-58
Annexe A du Règlement 90-58-98
Plan montrant les limites des zones 210C et UM-101

Avant / Before



Après / After



Signed for identification purposes, this 28th day of April, 2021.

Town Clerk of the Town of Kirkland

SCHEDULE B

Schedule « B » of Regulation 90-58-98
Particular provisions table: **MIXED USE**

UM-101

PERMITTED USES - COMMERCES (authorized: ●)

Class	A	●
Class	B-1	●
	B-2	●
	B-3	●
Class	C-1	
	C-2	
	C-3	
Class	D-1	●
	D-2	●
	D-3	●
Class	E-1	●
	E-2	
	E-3	
	E-4	●
	E-5	
	E-6	
Class	F-1	
	F-2	
	F-3	
	F-4	
	F-5	
	F-6	
	F-7	
	F-8	
	F-9	
	F-10	
	F-11	
Class	G-1	
	G-2	
	G-3	
	G-4	
	G-5	
	G-6	
	G-8	●

Schedule « B » of Regulation 90-58-98
Particular provisions table: **MIXED USE** (continued)

UM-101

PERMITTED USES - RESIDENTIAL (see 2.3) (authorized: ●)

Class C: multifamily

- detached _____ ●(5)
- semi-detached _____
- row _____

TYPES OF CONSTRUCTION (authorized: ●)

- Detached _____
- Semi-detached _____
- Contiguous _____
- Shopping centres (11.3) _____ ●
- Office buildings (11.3) _____ ●

FLOOR SPACE INDEX

Minimum/Maximum (see 3.4) _____ 0,2/1,0

MAXIMUM LOT COVERAGE (3.3) _____ 40**PARKING IN THE FRONT SETBACK** (11.8)

Setback from the right-of-way _____ 3

MINIMUM SETBACK (in m) (see 11.1)

- Front _____ (1)
- Side _____ (1)
- Rear _____ (1)

HEIGHT (in m) (4.8)

Minimum _____ 5

Maximum _____ 20

NUMBER OF FLOORS (4.8)

Minimum _____ 1

Maximum _____ 5

MINIMUM BUILDING WIDTH (in m) (see 4.9, 11.4) _____ 20**ADDITIONAL SPECIFIC PROVISIONS** _____ (2)(3)(4)(5)

SCHEDULE C



Signed for identification purposes, this 28th day of April, 2021.