



PROVINCE OF QUEBEC  
TOWN OF KIRKLAND

## **BY-LAW NO: SPAIP-2022-55-1**

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**BY-LAW AMENDING BY-LAW NO. SPAIP-2022-55 ON SITE  
PLANNING AND ARCHITECTURAL INTEGRATION  
PROGRAMS IN ORDER TO COMPLY WITH THE  
MONTREAL URBAN AGGLOMERATION LAND USE AND  
DEVELOPMENT PLAN**

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### **ADOPTION PROCEDURE**

Notice of motion:	May 2, 2022
Adoption – Draft:	May 2, 2022
Publication:	May 6, 2022
Public consultation:	May 31, 2022
Adoption of by-law:	June 13, 2022
Publication:	To be determined
Coming into force:	To be determined

- WHEREAS sections 58 and 145.15 of the *Act respecting Land Use Planning and Development* (CQLR, c. A-19.1);
- WHEREAS in accordance with section 356 of the *Cities and Towns Act* (CQLR, c. C-19), notice of motion of this By-Law was given and the draft was adopted at the regular sitting of the Municipal Council held on May 2, 2022;
- WHEREAS copies of this draft By-Law were made available to the public;
- WHEREAS the preamble forms an integral part of this By-Law;

## **THE MUNICIPAL COUNCIL ORDERS AND DECREES AS FOLLOWS:**

### **SECTION 1**

Section 18 of Division 2.4 is amended by the addition of paragraph 6) so that it reads as follows:

- “6) When an activity subject to this By-Law is located within a mosaic of natural habitats, the application shall be accompanied by a characterization study of the natural habitats based on their ecological value prepared by a qualified professional.”

### **SECTION 2**

Chapter 3 is amended by the insertion of Division 3.1.1 after Division 3.1 so that it reads as follows:

#### **Division 3.1.1 Additional ecoterritory conservation and development objectives**

29.1 In addition to the objectives stipulated in division 3.1, cadastral operation projects, building construction or extension projects and filling or excavation operations concerning a property located fully or partially less than 30 metres from a riverbank, woods, wetland or inland stream or concerning woods located within an ecoterritory, as shown on the map entitled “Territories of Ecological Interest” of the planning program, shall tend to meet the following ecoterritory conservation and development objectives:

- 1) Create a viable ecological corridor with extensive biodiversity along the Rivière à l’Orme;
- 2) Create a recreational corridor linking the Train de l’Ouest stations to Cap-Saint-Jacques nature park and Bois-de-la-Roche agricultural park;
- 3) Maintain Rivière à l’Orme’s watershed and improve its water quality;
- 4) Consolidate the boundaries of the L’Anse-à-l’Orme nature park and the Bois-de-la-Roche agricultural park through the conservation of natural environments with high ecological value.”

### **SECTION 3**

Section 31 of Division 3.3 is amended by the addition of paragraph 13) so that it reads as follows:

- “13) While preserving the distinctive characteristics of the surrounding area, the difference in height between the ground floor of the building and the public thoroughfare is reduced in order to ensure safe and easy access to the building for persons with reduced mobility.”

### **SECTION 4**

Section 33 of Division 3.5 is amended by the addition of paragraph 17) so that it reads as follows:

- “17) While preserving the distinctive characteristics of the surrounding area, the difference in height between the ground floor of the building and the public thoroughfare is reduced in order to ensure safe and easy access to the building for persons with reduced mobility.”

## SECTION 5

Section 35 of Division 3.7 is amended by the addition of paragraph 33) so that it reads as follows:

“33) While preserving the distinctive characteristics of the surrounding area, the difference in height between the ground floor of the building and the public thoroughfare is reduced in order to ensure safe and easy access to the building for persons with reduced mobility.”

## SECTION 6

Section 36 of Division 3.8 is amended by the addition of paragraphs 3) and 4) so that they read as follows:

“3) The layout of the pathways connecting the public thoroughfare to the building shall be designed in such a way that they are safe. The pathways are evenly paved and their design avoids the use of steps. The course is sufficiently lit to ensure a safe environment.

4) Taking into consideration the siting of neighbouring buildings, as well as the alignment of mature trees in the front yard, the landscaping of the front yard shall allow for a space of sufficient size so that a tree may be planted and grow to maturity.”

## SECTION 7

Chapter 3 is amended by the insertion of Divisions 3.10 to 3.14 so that they read as follows:

### **“Division 3.10 Additional criteria applicable to building construction or extension projects on a property that faces or is adjacent to a municipal boundary**

37.1 As regards building construction or extension projects on a property that faces or is adjacent to a municipal boundary, compliance with the objectives specified in division 3.1 will also be evaluated according to the following criteria:

- 1) The project shall be compatible with the buildings or the provisions in effect in the other municipality as concerns the height, the alignment, the siting method, the landscaping of the front yard, the location of entrances, the parking areas, the siding and the signs;
- 2) The project shall tend to have the same impact on sunlighting as a project one and a half times the height permitted on the property located in the other municipality, if only residential use is authorized on said property.

### **Division 3.11 Additional criteria applicable to building construction or extension projects or a landscaping project within a mosaic of natural habitats**

37.2 As regards building construction or extension projects or a landscaping project located within a mosaic of natural habitats, as shown on the map entitled “Territories of Ecological Interest” of the planning program, compliance with the objectives specified in division 3.1 will also be evaluated according to the following criteria:

- 1) The project takes into account the ecological value of the natural habitats present on the site and proposes sitings that are removed from sensitive zones;
- 2) The project maximizes the conservation of forest cover and wetlands and proposes developments conducive to increasing biodiversity on the site;
- 3) The project includes developments that do not compromise the water supply of the natural habitat.

**Division 3.12 Additional criteria applicable to building construction or extension projects or a landscaping project located on a property adjacent to a mosaic of natural habitats**

37.3 As regards building construction or extension projects or a landscaping project located on a property adjacent to a mosaic of natural habitats, as shown on the map entitled “Territories of Ecological Interest” of the planning program, compliance with the objectives specified in division 3.1 will also be evaluated according to the following criterion:

- 1) The project includes developments that do not compromise the water supply of the natural habitat.”

**Division 3.13 Additional criteria applicable to a cadastral operation project concerning a property located fully or partially less than 30 metres from a riverbank, woods, wetland or inland stream or concerning woods located within an ecoterritory**

37.4 As regards cadastral operation projects concerning a property located fully or partially less than 30 metres from a riverbank, woods, wetland or inland stream or concerning woods located within an ecoterritory, as shown on the map entitled “Territories of Ecological Interest” of the planning program, compliance with the objectives specified in divisions 3.1 and 3.1.1 will also be evaluated according to the following criteria:

- 1) The cadastral operation maximizes the conservation of the woods, wetlands and inland streams by taking their ecological value into account;
- 2) The cadastral operation favours the development of ecological and recreational corridors connecting riverbanks, woods, wetlands and inland streams;
- 3) The cadastral operation favours maintaining a sufficiently wide protective riparian strip in its natural state along an inland stream, a riverbank and a wetland.

**Division 3.14 Additional criteria applicable to a building construction or extension project or a filling or excavation operation concerning a property located fully or partially less than 30 metres from a riverbank, woods, wetland or inland stream or concerning woods located within an ecoterritory**

37.5 As regards building construction or extension projects or filling or excavation operations concerning a property located fully or partially less than 30 metres from a riverbank, woods, wetland or inland stream or concerning woods located within an ecoterritory, as shown on the map entitled “Territories of Ecological Interest” of the planning program, compliance with the objectives specified in divisions 3.1 and 3.1.1 will also be evaluated according to the following criteria:

- 1) The project maximizes the conservation of the woods, wetlands and inland streams by taking their ecological value into account;
- 2) The project integrates the use of the property or the structure with the riverbank, woods, wetland or inland stream;
- 3) The project preserves the natural topography of the site by limiting filling and excavation work;
- 4) The project favours the development of ecological and recreational corridors connecting riverbanks, woods, wetlands and inland streams;
- 5) The project favours maintaining a sufficiently wide protective riparian strip in its natural state along riverbanks, inland streams and wetlands;
- 6) The project favours maintaining and enhancing the water regime of watercourses.”

**SECTION 8**

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

(Michel Gibson)

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Mayor

(Annie Riendeau)

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Town Clerk

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