



BY-LAW NO: SPAIP-2022-55

**BY-LAW ON SITE PLANNING AND ARCHITECTURAL
INTEGRATION PROGRAMS**

Amendments

SPAIP-2022-55-1

NOTICE

This consolidation has not been officially adopted by the Municipal Council. It has been compiled on July 6, 2022 in order to facilitate the reading of the texts. The official text is to be found in the text of the original by-law and each of its amendments.

ADOPTION PROCEDURE

Notice of motion:	February 7, 2022
Adoption – Draft:	February 7, 2022
Publication:	February 11, 2022
Public consultation:	Until February 28, 2022
Adoption of by-law:	March 7, 2022
Publication:	June 30, 2022
Coming into force:	June 30, 2022

- WHEREAS in accordance with section 145.15 of the *Act respecting Land Use Planning and Development* (CQLR, c. A-19.1), the Town of Kirkland is authorized to adopt a by-law in order to subordinate the issue of building or subdivision permits or certificates of authorization or occupancy to the approval of plans relating to the site and architecture of the structures or the development of the land and related work;
- 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 February 7, 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:

Chapter 1 - DECLARATORY AND INTERPRETIVE PROVISIONS

Division 1.1 Definitions

1. When interpreting this By-law, unless otherwise indicated by the context, the words or expressions that follow have the meaning and significance attributed to them in this section:

“APPLICATION”:

An application for the approval of site planning and architectural integration programs.

“ARCHITECTURAL TREATMENT OF A BUILDING”:

The combination of materials and colours, shape, proportions, opening locations, projections and setbacks, architectural details and decorative elements on a building, including, in particular, guard rails, cornices and ornaments.

“COMMERCIAL TERRACE”:

A commercial terrace is an exterior seating area reserved for the patrons of a restaurant which constitutes an accessory use thereof.

“COMMITTEE” or “URBAN PLANNING ADVISORY COMMITTEE”:

The Urban Planning Advisory Committee of the Town of Kirkland.

“COUNCIL”:

The Council of the Town of Kirkland.

“DIRECTOR” or “DIRECTOR, URBAN PLANNING AND ENVIRONMENT”:

The Director of the Urban Planning and Environment Department of the Town of Kirkland or, in the absence of the Director, the Town Clerk and Director of Legal Affairs or any other person designated by the Council to ensure the administration of this By-law.

“MIXED USES”:

A building occupied partly by one or more commercial uses and partly by a residential use.

“PROPERTY” or “LANDSITE”:

A lot or group of lots forming a single unit of land area eligible for a single principal use.

“TOWN”:

The Town of Kirkland.

“ZONE”:

A zone on the zoning map of the Town of Kirkland.

Division 1.2 Applicable Territory

2. This By-law applies to any zone identified as residential (R), commercial (C), mixed uses (UM), industrial (I) or public and institutional (P) on the zoning map of the Town of Kirkland.

Division 1.3 Activities Covered

3. Within the entire territory defined in division 1.2, the issuance of:

- 1) a subdivision permit for a cadastral operation in view of enlarging a building, demolishing a building to replace it with a larger building, or consolidating buildings located on separate properties or lots into a single property or any proposed subdivision project involving the creation of one or more lots ;
- 2) a building permit or a certificate of authorization for an alteration that affects the exterior appearance of a principal building or an accessory building in commercial, industrial, public and institutional or mixed zones, as well as to establish or modify a commercial terrace;
- 3) a building permit for a new principal building in residential zones as well as a building permit or a certificate of authorization resulting in a modification that affects the exterior appearance of a main building or an accessory building unless they are part of the non-covered activities referred to in the division 1.4 of this By-law;
- 4) a permit for enlarging an existing building in residential zones when the enlargement changes the appearance of the front facade or causes the floor area of the building to exceed more than 25% of the average floor area of residential buildings located in whole or in part less than 100 m from the exterior perimeter of the building subject to the permit;
- 5) a certificate of authorization to alter the topography of a land;
- 6) a subdivision permit for any cadastral operation or a building permit or a certificate of authorization for any type of building or landscaping in connection with a development or redevelopment project;

is subject to the approval of the application in accordance with the process established in Chapter 2 of this By-law.

Division 1.4 Non covered activities

4. In the residential areas defined in division 1.3 3), the following works and modifications are not subject to this By-law:
 - 1) The change of a roof covering for a covering similar in color and material, as determined by the Director ;
 - 2) The change of doors and windows, when the area, size, color, materials and architectural style remain similar, as determined by the Director;
 - 3) The change of exterior cladding, when the color and materials remain the same;

- 4) The construction of an accessory building in the rear setback.

Division 1.5 Other Laws, Regulation or By-laws

- 5. Compliance with this By-law shall not diminish the obligation of complying with any other law, regulation or by-law where applicable, including the *Civil Code of Québec* and the *Zoning By-law* and other urban planning by-laws applicable to the territory of the Town of Kirkland.
- 6. The application of the criteria of this By-law may make it impossible for the applicant to use the maximums permitted in the other by-laws, particularly with regard to site coverage ratios, floor space indices, setbacks, heights or building types.

Division 1.6 Interpretation

- 7. Irrespective of the verb tense used in any of the provisions of this By-law, such provisions shall be considered to have effect during any period and under any circumstance in which they may apply.
- 8. In this By-law, use of the masculine shall include the feminine, unless otherwise indicated by the context.
- 9. In this By-law, use of the singular shall include the plural, unless otherwise indicated by the context.
- 10. All plans, maps, appendices, diagrams, graphs and all forms of expression other than the text proper and contained in this By-law, with the exception of the table of contents and the titles, shall form an integral part hereof.
- 11. In the event of an inconsistency between a provision of this By-law and a provision contained in a different urban planning by-law of the Town, the most restrictive or prohibitive provision shall prevail.
- 12. In the event of a discrepancy between the English version and the French version of this By-law, the French version shall prevail.
- 13. All dimensions and measurements employed in this By-law are given in the international (IS - Metric) system along with, occasionally, their equivalents in English dimensions and measurements in parentheses; the equivalents in English dimensions and measurements are given for information purposes only; in the event of a contradiction (except in the case of an obvious typographical error), dimensions given based on the international system shall prevail.

Chapter 2 - APPROVAL PROCEDURE

Division 2.1 Submission of Applications

- 14. Any application for a permit or a certificate that requires an approval under this By-law shall be submitted, along with its accompanying documents, to the Director, Urban Planning and Environment.

Division 2.2 Fees

- 15. The fees for reviewing and processing an application for the approval of a site planning and architectural integration program are payable upon the submission of the application and are established for all covered activities subject to division 1.3 and according to the following rates:
 - 1) Real estate project (more than four residential or commercial units): \$1,500.00
 - 2) Subdivision permit: \$250.00
 - 3) Building permit for a new principal building: \$500.00

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| 4) Building permit for a new accessory building or for the alteration of an existing accessory building: | \$200.00 |
| 5) Building permit for the enlargement, either in area or in volume, of a principal building: | \$400.00 |
| 6) Permit or certificate for alteration work on a principal building: | \$300.00 |
| 7) Certificate of authorization to alter the topography of a land: | \$150.00 |
| 8) Certificate of authorization to establish or modify a commercial terrace : | \$100.00 |
| 9) Preliminary review according to division 2.3 below: | \$0.00 |

These rates apply in addition to other fees or rates payable under other applicable by-laws of the Town.

Division 2.3 Application for a Preliminary Review

16. For all covered activities subject to division 1.3, the applicant may, after paying the fees required under division 2.2 for the review of the final file, submit preliminary sketches of the project to obtain preliminary advice and recommendations from the Committee before continuing to prepare the detailed documents required under division 2.4. This preliminary step does not affect the procedure and deadlines applicable to the approval of the application.
17. The sketches submitted in support of the application for a preliminary review shall be drawn to scale and include plans and elevations with specific information as to the cladding materials that are to be used by the applicant.

Division 2.4 Documents and Information

18. The documents and information to be submitted in digital format for review according to the process described hereafter and which, once approved, shall constitute the site planning and architectural integration program, are the following:
- 1) In the case of a subdivision permit contemplated by paragraphs 1) and 6) of division 1.3:
 - i) the documents required by the *Permits and Certificates By-law* for a subdivision permit; and
 - ii) preliminary sketches and visual simulations of the enlargement or the new building to be erected on the property showing the approximate dimensions of the structure (width, depth and height), the roof shape, the cladding materials of the roof and walls and, in the case of a new building, the approximate position of the building on the property.
 - 2) In the case of a building permit for a new, principal or accessory building, or the enlargement or alteration of an existing building, or a certificate of authorization for an alteration affecting the exterior appearance of a building referred to in paragraphs 2), 3) and 4) of division 1.3:
 - i) the documents required by the *Permits and Certificates By-law* for a building permit or the certificate of authorization;
 - ii) samples showing the exact colour and texture of the exterior cladding materials to be used on the building; and
 - iii) in the case of an enlargement or an alteration affecting the exterior appearance, the visual simulations of the enlargement or alteration.

- 3) In the case of a certificate of authorization to alter the topography of a land, referred to in paragraph 5) of division 1.3:
 - i) the documents required by the *Permits and Certificates By-law* for such an operation; and
 - ii) a grading and drainage plan prepared by a qualified professional (engineer or landscape architect).
- 4) Any other document deemed appropriate by the applicant to support the application, such as texts, maps, plans, architectural sketches, models, visual simulations, perspective drawings and audio-visuals.
- 5) Any other document required for the study of the project and its integration into the surrounding area may be requested from the applicant, including :

Grading plan • Active and vehicular route plan • Day and night 3D color perspective • Construction details, sections and elevations • Floor areas • Sunlight study • Construction phasing plan • Traffic study • Acoustic study • Vibration study • Wind study • Plans of transmission lines for the distribution of electricity, telephony, cable broadcasting and any other similar systems.

These documents may be requested at any time during the study of the application by the Director or by the Committee. The required document must be completed and signed by a qualified and accredited professional. The traffic study must be completed and signed by an Engineer.
- 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.

Division 2.5 Review of the application by the Director, Urban Planning and Environment

19. As soon as the Director has received all the documents required under division 2.4, he shall proceed to review the application and report to the Urban Planning Advisory Committee by no later than its first meeting to occur after a period of sixty (60) days following the receipt of the duly completed application.
20. The Director shall in particular ensure that:
 - 1) all the formalities of this By-law have been met;
 - 2) all the required documents have been provided;
 - 3) the application complies with all provisions of the urban planning program and all other applicable by-laws.
21. The Director may submit any observation that he deems fit to the Committee.

Division 2.6 Review of the application by the Urban Planning Advisory Committee

22. Upon receipt of the report from the Director, the Committee shall proceed to review the application and report to the Council.
23. The role of the Committee shall consist in particular in making a recommendation to the Council on the eligibility of the application in relation to the objectives and criteria of this By-law.
24. The Committee may, if it so desires, summon the applicant or, with the authorization of the applicant and at the expense of the latter, any professional who has worked on the project to

obtain any clarification or additional information that it deems necessary to better understand the application.

25. The Committee may recommend that the application be accepted, with or without conditions; it may also recommend that the application be rejected and, if it so desires, make recommendations on the modifications that should be made before the application is resubmitted.

Division 2.7 Acceptance or Rejection of an Application by the Council

26. The recommendation of the Committee shall be forwarded to the Council at the first regular sitting following the Committee meeting in which the latter made its final recommendation concerning the permit or certificate application subject to this By-law.
27. No later than at its second regular sitting following the date on which the recommendation of the Committee was forwarded to it, the Council shall approve the application if it complies with this By-law or reject it if it does not. The resolution rejecting the application shall specify the reasons for the rejection.
28. A copy of the resolution of the Council approving or rejecting the application shall be forwarded to the applicant.

Chapter 3 - OBJECTIVES AND CRITERIA

Division 3.1 Objectives

29. Any project subject to the provisions of this By-law shall comply with the following objectives:
- 1) Prioritize the overall character of the sector and ensure that any new structure, any enlargement or any alteration of an existing structure is optimally integrated with the natural and built landscape of the neighbourhood and the Town as a whole;
 - 2) Favour the creation and maintenance of quality environments and buildings;
 - 3) Carry out landscaping interventions to enhance and make the site more attractive;
 - 4) Favour the integration of sustainable development criteria and notions of resilience to climate change.
 - 5) Promote universal accessibility.

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.

Division 3.2 Criteria Applicable to Cadastral Operations

30. With regard to cadastral operations, compliance with the objectives stated in division 3.1 shall be assessed according to the following criteria:

- 1) A cadastral operation in view of demolishing a building in order to replace it with a larger building should be authorized only if the building planned on the landsite resulting from the operation complies with the criteria applicable to new buildings, as stated in divisions 3.3, 3.5 and 3.7;
- 2) A cadastral operation in view of enlarging a building should be authorized only if the building thus enlarged complies with the criteria applicable to existing buildings, as stated in divisions 3.4, 3.5 and 3.7;
- 3) A cadastral operation in view of consolidating buildings located on separate properties or lots into one property should be authorized only if the group of buildings resulting from the consolidation, including additions, extensions or alterations already planned at the time of the assessment, complies with the criteria applicable to existing and new buildings, as stated in divisions 3.3, 3.4, 3.5 and 3.7.
- 4) A cadastral operation in view of any proposed subdivision project involving the creation of one or more lots should be authorized only if the group of buildings resulting from the subdivision, complies with the criteria applicable to new buildings, as stated in divisions 3.3, 3.5 and 3.7.

Division 3.3 Criteria Applicable to New Residential Buildings

31. With respect to the construction of a new principal or accessory building, compliance with the objectives stated in division 3.1 shall be assessed according to the following criteria:

- 1) The construction of a new building should be authorized only if the siting, shape, height, volume and architectural treatment of the planned building, as well as the landscaping of the property, matches the existing adjacent buildings and the overall character of the surrounding sector, unless otherwise specified in the present By-law;
- 2) All the facades and all the storeys of a building should feature the same integrated and consistent treatment; the same material or the same combination of cladding materials shall be used on all facades;
- 3) The constructions are of high quality in terms of architecture, materials, design details and ornamentation;
- 4) The constructions present an architectural character that is integrated into the surrounding environment (volumetry, exterior cladding materials, type of roofing, openings, etc.);
- 5) Buildings in a series of buildings that share the same typology form a regular and articulated alignment in relation to the property limit fronting on a street;
- 6) The siting of the building(s) form(s) a consistent and harmonious urban ensemble;
- 7) All building(s) should employ variation in the vertical planes to avoid monotony, by using projections, setbacks, overlapping and alternating planes;
- 8) The topography of a site should be modified only to the strict minimum.
- 9) The building(s) adjacent to the highway 40 and the REM line offers a conception and an architecture designed to minimize the noise and vibration impacts.

- 10) The design promotes the mitigation of height differences between a public roadway and a building floor.
- 11) The design encourages driveways and walkways with minimal slopes and the use of sufficient and safe lighting (not applicable to single-family dwellings).
- 12) The design of parking spaces for persons with reduced mobility is encouraged near accesses (not applicable to single family dwellings).
- 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.

Division 3.4 Criteria Applicable to Existing Residential Buildings

32. With respect to existing residential buildings, compliance with the objectives stated in division 3.1 shall be assessed according to the following criteria:
- 1) The alteration or enlargement of an existing principal building should be authorized only if the siting, shape, height, volume and architectural treatment of the planned alteration or enlargement, as well as the landscaping of the property, matches the building itself, the adjacent buildings and the overall character of the surrounding sector;
 - 2) Any addition to an existing building should be sited in an orderly manner, according to an obvious geometric relationship to the building itself and the adjacent buildings.

Division 3.5 Criteria Applicable to Commercial, Industrial and Public and Institutional Buildings

33. In the case of a commercial, industrial or public and institutional building, compliance with the objectives stated in division 3.1 shall also be assessed according to the following criteria:
- 1) Any building or group of buildings should have its own style and feature original architecture, that is harmonious with the neighboring sector, using mainly real masonry and a combination of quality materials with subdued and well-matching colours;
 - 2) Any building or group of buildings should have a single integrated architecture, using similar materials or combinations of materials, shapes and colours;
 - 3) The architecture of a building or group of buildings should be articulated and composed of an arrangement of distinct volumes rather than one or more large uniform volumes divided into several premises;
 - 4) The parking areas should be arranged so that each premise is accessible from a certain number of parking spaces within reasonable walking distance.
 - 5) The design of the site should ensure the maintenance of a fluid and safe traffic flow that provides an optimal connection to the existing road network and proposes, where appropriate, mitigation measures;
 - 6) The landscaping of a building or group of buildings, including its parking areas, should be designed so as to ensure the safety and comfort of pedestrians;
 - 7) The siting of the buildings forms a consistent and harmonious urban complex;
 - 8) The constructions are of high quality in terms of architecture, materials, design details and ornamentation;
 - 9) Any addition to an existing building should be sited in an orderly manner, according to an obvious geometric relationship to the building itself and the adjacent buildings;

- 10) The topography of a site should be modified only to the strict minimum.
- 11) The design promotes the mitigation of height differences between a public roadway and a building floor.
- 12) The design encourages driveways and walkways with minimal slopes and the use of sufficient and safe lighting (not applicable to single-family dwellings).
- 13) The design of parking spaces for persons with reduced mobility is encouraged near accesses (not applicable to single family dwellings).
- 14) On the service road of the Trans-Canada Highway and on Sainte-Marie Boulevard, vehicular accesses to the buildings should, as much as possible, be combined in order to limit their number and their width.
- 15) All buildings should be designed and sited in such a way that their loading and unloading facilities will not be visible from the public road.
- 16) Any technical space or storage space is, to the extent possible, located within the building and not visible from the public street. Equipment installed on the roof is arranged so as to limit its visibility from the public street or forms an integral of the building architecture;
- 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.

Division 3.6 Criteria applicable to commercial terraces

34. With regard to commercial terraces, conformity to the objectives stated in division 3.1 shall be assessed according to the following criteria:
 - 1) The shape, the volume and the architectural treatment of the proposed patio must harmonize with the building itself, with the existing neighbouring buildings and with the whole character of the neighbourhood;
 - 2) The materials used must harmonize with those of the building.

Division 3.7 Criteria Applicable to Mixed Uses

35. In the case of mixed uses, compliance with the objectives stated in division 3.1 shall also be assessed according to the following criteria:
 - 1) The construction of a new building should be authorized only if the siting, shape, height, volume and architectural treatment of the planned building, as well as the landscaping of the property, matches the existing adjacent buildings and the overall character of the surrounding sector;
 - 2) Harmonious transitions between the various typologies of uses are ensured;
 - 3) Structures are of superior quality in terms of architecture, materials, design and ornamentation features;
 - 4) The facades of structures sited on either side of the entrances seek harmonious integration of the following features: height, architectural composition, exterior cladding materials, colours, style, roof, etc.;
 - 5) The selected exterior cladding materials are composed of quality masonry or materials (clay brick, decorative stone, marble, granite, architectural concrete, etc.) and subdued colours;
 - 6) The siting and built form of the structures are adapted in such a way that they define a consistent urban scale;

- 7) The changes in typologies and siting rhythm along a single street or between adjacent sectors are introduced by a gradual succession of densities or typologies along the street or by the integration of transitional spaces such as an intersection, a street, a park, a footpath or a buffer strip;
- 8) The architecture favours a distribution of volumes, setbacks, shapes and colours that break the linearity of the building;
- 9) The architectural components of the building (roofs, openings, windows, colours) prioritize an esthetic design;
- 10) Multi-family and mixed use dwellings include amenity areas for residents;
- 11) The main entrances of buildings are distinguished by the use of canopies or any other element that blends harmoniously with the architectural style;
- 12) The appearance of the building is kept seamless despite multiple commercial tenants;
- 13) The facades of the buildings interact with public spaces (particularly the commercial ground floors);
- 14) The commercial section of a structure favours abundant fenestration along public streets or the use of spandrel glass (false windows) to avoid the presence of blind walls;
- 15) The exposed walls of the foundations, including the walls of the underground parking area in the event that they extend above ground, are an integral part of the exterior cladding of the facades;
- 16) Any technical space or storage space is, to the extent possible, located within the building and not visible from the public street. Equipment installed on the roof is arranged so as to limit its visibility from the public street or forms an integral of the building architecture;
- 17) Dwellings have direct and functional access to a public street;
- 18) The design of the site should ensure the maintenance of a fluid and safe traffic flow that provides an optimal connection to the existing road network and proposes, where appropriate, mitigation measures;
- 19) The entrance to the garage, or to the underground parking area, is integrated so that it is inconspicuous and blends with the architectural composition of the new building;
- 20) The distinction between the ground floor and the upper levels can be seen in the architectural treatment of the building so as to distinguish the uses;
- 21) The layout of the site favours the integration and connection of active transportation links;
- 22) Signage is considered to be a component of the building architecture;
- 23) The dimensions, location, design, color, quality of materials, and lighting of signs and their supports are integrated and harmonized with the architecture of the building;
- 24) On the same building, the signs are harmonized in terms of their size, shape and format of their advertisement;
- 25) Signs affixed flat against the facade include indirect lighting integrated with the architectural composition of the façade;
- 26) The design promotes the mitigation of height differences between a public roadway and a building floor.
- 27) The design encourages driveways and walkways with minimal slopes and the use of sufficient and safe lighting (not applicable to single-family dwellings).

- 28) The design of parking spaces for persons with reduced mobility is encouraged near accesses (not applicable to single family dwellings).
- 29) 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 based on a sunlight impact study of the site and its immediate environment;
- 30) The site design protects the pedestrian experience from unpleasant sensory experiences, such as wind, heat and noise;
- 31) The building(s) adjacent to the highway 40 and the REM line offers a conception and an architecture designed to minimize the noise and vibration impacts;
- 32) All buildings should be designed and sited in such a way that their loading and unloading facilities will not be visible from the public road.
- 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.

Division 3.8 Criteria Applicable to landscaping

36. With respect to landscaping, compliance with the objectives stated in division 3.1 shall be assessed according to the following criteria:
- 1) All outdoor spaces should be subject to quality landscaping that is suited to their use;
 - 2) The conservation of the existing vegetation cover and mature trees is supported during the construction of a principal building and the landscaping of a property.
 - 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.

Division 3.9 Criteria Applicable to Sustainable Development

37. With respect to sustainable development, for commercial, industrial, public and institutional and mixed uses, as well as for new multi-family dwellings projects, compliance with the objectives stated in division 3.1 shall be assessed according to the following criteria:
- 1) Developments are sustainable and should minimize impervious surfaces and promote ecological stormwater management;
 - 2) The construction techniques fostering a better environmental performance of the buildings is promoted (i.e. LEED, Novoclimat, etc.);
 - 3) Developments promote the integration of active transportation links and a sense of safety for pedestrians and cyclists;
 - 4) Site landscaping helps to enhance the buildings and the landscape and reduces the creation of heat islands;
 - 5) Landscaping and urban furniture help to give the project an identity and enhance the buildings and the site as a whole. The selection of plants promotes an attractive interplay of textures and colours in all seasons as well as native and perennial plants;

- 6) Parking surfaces are divided by appropriate landscaping such as by integrating green islands and landscaped strips that maximize the canopy and counter the heat island effect;
- 7) When the architectural concept of the building includes a flat roof, the design of the flat roof favors the use of sustainable materials aimed at reducing the effect of heat islands and the inclusion of dedicated spaces to plantations and greening;
- 8) Residential interior parking spaces shall be equipped to accommodate electric vehicle charging stations.

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.

Chapter 4 - SPECIAL OBJECTIVES AND CRITERIA FOR ZONE UM-101

Division 4.1 Objectives

38. With respect to Zone UM-101, the compliance of the application shall also be assessed according to the following special objectives:

- 1) The project integrates superior architectural and landscape treatment in the overall composition of the built environment and offers a prestigious image to this sector of the Town.
- 2) The project presents a harmonious integration of a high density mixed use project in an area with a multitude of uses and varying density.

Division 4.2 Criteria

39. With respect to Zone UM-101, compliance with the objectives stated in divisions 3.1 and 4.1 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 planned streets that provide access to the site from Sainte Marie Road and Mountain View Street include the following developments:
 - Alignment of a wide variety of trees;
 - Area where shrubs and perennials are planted;
 - Urban furniture;
 - Active transportation links (sidewalks and bike paths);
- 4) The facades of the buildings located next to Sainte Marie Road demonstrate treatments that accentuate the new residential character of the site by integrating balconies, architectural reliefs and landscaping;
- 5) All facades visible from the principal entrance to the site (Sainte Marie Road and Hymus Boulevard intersection) are treated so that they reflect the typical character of a high quality main entrance;
- 6) Avoid the massive and monolithic appearance of the buildings;
- 7) 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;
- 8) The transition between the heights of the buildings occurs gradually by articulating a volume in the architectural composition of the facades;
- 9) The total height of the buildings that are located adjacent to Chemin Ste-Marie does not exceed in a significant way the height of the highest existing buildings on Hymus Boulevard in Kirkland;
- 10) The spatial organization of the sitings promotes the development, sharing and enhancement of inner courtyards that must be visually accessible through openings between the buildings;
- 11) The inner courtyard is green and includes lawn, trees, foot paths and leisure areas as well as all other complementary amenities;
- 12) Any property with mixed uses that interfaces with a property with a commercial use is equipped with a buffer zone formed of green spaces, public spaces, landscaping, etc.;
- 13) The buildings whose ground floor has a commercial use feature an attractive front facade with windows;
- 14) Loading and unloading areas are hidden from the public street and integrated with the architecture of the building, particularly by using low walls or plant screens;
- 15) A buffer strip must be provided or trees must be planted in order to avoid any nuisance for adjacent properties;
- 16) Transmission lines for the distribution of electricity, telephony, cable broadcasting and other similar systems are buried.
- 17) The site design protects the pedestrian experience from unpleasant sensory experiences, such as wind, heat and noise;

Division 5.1 Objectives

40. With respect to Zones 164R, 165R and UM-102, the compliance of the application shall also be assessed according to the following specific objectives:

- 1) The building(s) and site layout include components that mark architectural, visual, landscape and spatial continuity between zones;
- 2) The quality of the overall composition of the built environment on the architectural and landscaping plans enrich the built environment of this sector of the Town.
- 3) The proposed street layout avoids adverse traffic impacts on adjacent streets and proposes mitigation measures where appropriate.

Division 5.2 Criteria for the Siting, Typology and Architectural Style of Buildings

41. With respect to the siting, typology and architectural style of buildings, compliance with the objectives stated in divisions 3.1 and 5.1 shall also be assessed according to the following criteria:

- 1) The development program proposes building design controls (cladding, heights, and volumes) that help to implement a quality built environment. In this sense, monotonous architecture is avoided through special facade treatments or siting variation (rhythm, use of projections, openings, etc.);
- 2) The building has an architectural treatment adapted to the existing and planned environment (Jacque Bizard corridor, Brunswick Boulevard, park, planned street, and industrial sector);
- 3) The alignments of the structures and setbacks are harmonized;
- 4) The main building facades that face a structured public space receive an attractive treatment;
- 5) A side or back facade that faces a street, a pedestrian pathway, a park or a public space demonstrates thoughtful architectural treatment;
- 6) 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;
- 7) 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;
- 8) 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 based on a sunlight impact study of the site and its immediate environment;
- 9) The exterior cladding of the facades is composed of a limited selection of predominantly fine quality materials that preserve their natural hues. Their careful coordination lends an architectural and esthetic quality to the building composition and its urban complex;
- 10) The treatment and volume of the roof is balanced in proportion to the main section of the building;
- 11) The planned street linking the service road and the residential neighbourhood is treated in the same manner as the planned streets in the residential neighbourhoods in terms of: urban furniture, landscaping, lighting, etc.
- 12) The choice of residential typologies and the building siting rhythm creates a harmonious character;

- 13) The architecture between the buildings and the different development phases is harmonized and integrated;
- 14) An overall architectural character that creates a distinctive style is establish.

Division 5.3 Criteria for Sustainable Development

42. With respect to sustainable development, compliance with the objectives stated in divisions 3.1 and 5.1 shall also be assessed according to the following criteria:
 - 1) 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;
 - 2) The orientation and siting of the buildings promote sunlight on the buildings and public spaces and the use of solar radiation for energy purposes.

Division 5.4 Criteria for the Landscape, Green Spaces and Parks

43. With respect to the landscape, green spaces and parks, compliance with the objectives stated in divisions 3.1 and 5.1 shall also be assessed according to the following criteria:
 - 1) The development of green or landscaped spaces is maximized;
 - 2) A buffer zone is located between the residential sector and the industrial sector. This buffer zone favors the integration of an adequate area for the planting of large trees, shrubs and berms or, where not possible, the installation of an appropriate fence;
 - 3) The landscaping takes on an important character in the plan and helps to embellish and enhance the built environment;
 - 4) The project proposes the planting of an abundance of trees;
 - 5) The selection of plants prioritizes the planting of native species adapted to the climate and a descriptive plant palette accompanies the landscaping plans;
 - 6) The share of open green spaces is visibly balanced in relation to the share of open paved spaces;
 - 7) The subspaces formed by private, semi-public and public spaces are treated in a distinctive manner with respect to the treatment of the landscape architecture;
 - 8) 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;
 - 9) Parking spaces, garbage bins and other equipment receive a specific treatment that reduces their negative visual impact and any other nuisance;
 - 10) The project includes neighbourhood parks of sufficient size to provide sports areas and other recreational equipment in addition to leisure areas;
 - 11) Transmission lines for the distribution of electricity, telephony, cable broadcasting and other similar systems are buried.
 - 12) Appropriate green spaces (public or private) serving the residents of the area are provided;
 - 13) The site design protects the pedestrian experience from unpleasant sensory experiences, such as wind, heat and noise.

Division 5.5 Criteria for Subdivision and the Configuration of Thoroughfares

44. With respect to subdivision and the configuration of thoroughfares, compliance with the objectives stated in divisions 3.1 and 5.1 shall also be assessed according to the following criteria:

- 1) Property subdivisions minimize the creation of uninteresting or non-viable residential lots;
- 2) The road network is structured on the basis of a logical, functional and planned hierarchy in continuity with the existing network;
- 3) 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;
- 4) 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;
- 5) The project proposes to connect new streets to Brunswick Boulevard, Charles E. Frosst Street and the Highway 40 service road. Vehicular traffic management measures are proposed to minimize the impact of traffic on the existing and proposed residential areas.

Division 5.6 Criteria for the Land Development and Parking Areas

45. With respect to land development and parking areas, compliance with the objectives stated in divisions 3.1 and 5.1 shall also be assessed according to the following criteria:

- 1) In general, parking areas are meant to be inconspicuous. They are located underground for multi-family units;
- 2) The project includes a sufficient number of off-street parking spaces to meet the needs of the residents.

Division 5.7 Criteria for Active Transportation Networks

46. With respect to the active transportation networks, compliance with the objectives stated in divisions 3.1 and 5.1 shall also be assessed according to the following criteria:

- 1) 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;
- 2) Pedestrian and bike paths provide effective access to the future REM station in Pointe-Claire as well as any other connection to the local active transportation network in this sector (i.e. Brunswick Boul. and Salaberry Boul.).

Division 5.8 Criteria for Private Lighting

47. With respect to private lighting, compliance with the objectives stated in divisions 3.1 and 5.1 shall also be assessed according to the following criteria:

- 1) The visual design selected for lighting fixtures affixed to the ground, facilities, or building reinforces the identity characteristics of the premises;
- 2) 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.

Division 5.9 Additional Criteria Applicable to the UM-102 Mixed Use Zone

48. With respect to the additional criteria applicable to the UM-102 mixed use zone, compliance with the objectives stated in divisions 3.1 and 5.1 shall also be assessed according to the following criteria:

- 1) The principal facades of commercial premises are accessible from the public outdoor space;
- 2) The sitings are set back from the lot lines and make available a sufficient area of open space to accommodate the development of comfortable and relaxing outdoor spaces particularly in connection with the commercial occupancy;
- 3) The siting of the buildings helps to create interesting visual perspectives from the public street;
- 4) The shape of the spatial organization of the buildings on the landsite is distinct from that of the neighbouring residential zones but maintains connectivity links to the road network and the pedestrian network of neighbouring residential zones;
- 5) The landscaping provides for a special treatment that renders the exterior commercial occupancy area uniform in design;
- 6) A large central park is integrated;
- 7) The commercial entrance is different from the entrance to the residential units;
- 8) The treatment of the guard rails, the method of integration and the size of the balconies create an extension of the residential space that helps to animate the vitality of the outdoor spaces.

Chapter 6 – SPECIAL CRITERIA FOR THE ZONE 325M

49. With respect to the special criteria applicable to Zone 325M, compliance with the objectives stated in division 3.1 shall also be assessed according to the following criterion:

- 1) The exterior cladding of the facades is composed of a limited selection of predominantly fine quality materials that preserve their natural hues. Their proper coordination lends an architectural and esthetic quality to the composition of the building due to the particular attention given to the interface with the adjacent residential neighbourhood.

Chapter 7 – FINAL PROVISIONS**Division 7.1 Mandatory Character of a Site Planning and Architectural Integration Program**

50. Any site planning and architectural integration program approved by the Council under the provisions of this By-law is binding upon the applicant to the same degree as a building permit, a subdivision permit or a certificate of authorization, as appropriate, which means that all the work shall be rigorously carried out based on the approved site planning and architectural integration program.

51. After the site planning and architectural integration program has been approved by the Council, any amendment made to a part subject to the provisions of this By-law shall be submitted for approval following the procedure described in Chapter 2 above.

52. In the event that the permit or the certificate for which the prior approval of a site planning and architectural integration program was required becomes null and void under the provisions of the *Permits and Certificates By-law*, the site planning and architectural integration program shall also be considered null and void. Furthermore, a site planning and architectural integration program approved by the Council under the provisions of this By-law is valid for a maximum period of twelve (12) months.

Division 7.2 Violations, Penalties and Recourse

53. Anyone who carries out an activity subject to this By-law without obtaining prior authorization according to the procedure described above or anyone who deviates from the approved site planning and architectural integration program shall be liable to the following fine, with costs:

1) For a first offence, of a minimum of \$500 and a maximum of:

- \$1,000 if the offender is a natural person;
- \$2,000 if the offender is a legal person.

2) For a repeat offence, of a minimum of \$1,000 and a maximum of:

- \$2,000 if the offender is a natural person;
- \$4,000 if the offender is a legal person.

54. Immediately after being notified by the Director, Urban Planning and Environment, the person shall interrupt the work and submit a permit application in accordance with the provisions of this By-law or, where applicable, comply with the approved site planning and architectural integration program.

55. Each day that the work continues after notice of an offence has been given by the Director shall constitute a repeat offence.

56. In addition to obtaining recourse by imposing penalties, the Town may exercise, before the courts of the competent jurisdiction, against any natural or legal person, any legal recourse required to enforce compliance with the provisions of this By-law including, among others, to:

- 1) prevent the filing of a subdivision plan in violation of the provisions of this By-law or in violation of a site planning and architectural integration program approved under this By-law;
- 2) prevent or suspend all construction, alteration or landscaping work undertaken in violation of the provisions of this By-law or in violation of a site planning and architectural integration program approved under this By-law;
- 3) obtain the demolition of a building, an addition or an alteration carried out in violation of the provisions of this By-law or in violation of a site planning and architectural integration program approved under this By-law;
- 4) obtain the restoration of any building or structure demolished, enlarged or otherwise altered in violation of the provisions of this By-law or in violation of a site planning and architectural integration program approved under this By-law;
- 5) obtain the restoration of any landsite developed in violation of the provisions of this By-law or in violation of a site planning and architectural integration program approved under this By-law.

Chapter 8 – REPEAL AND FINAL PROVISIONS

57. SPAIP By-law No. URB-2 and all its amendments are repealed.

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

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk