



MORIN-HEIGHTS
1855

DRAFT – By-Law 647-2022
Regarding Site Planning and Architectural
Integration Programs (SPAIPs)

September 14, 2022

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CHAPTER I: DECLARATORY, ADMINISTRATIVE, AND INTERPRETIVE PROVISIONS

DIVISION A – DECLARATORY PROVISIONS

1. Title of the by-law

This by-law is entitled “By-Law 647-2022 Regarding Site Planning and Architectural Integration Programs.”

2. Superseded by-law

This by-law supersedes, for all legal purposes, *By-Law 420 Regarding Site Planning and Architectural Integration Programs* and its amendments, as well as any irreconcilable provisions of other by-laws.

This replacement does not affect the permits and certificates issued under the authority of the superseded by-law or the rights acquired before this by-law came into force.

3. Scope

This by-law applies to all people and throughout the entire territory of the Municipality of Morin-Heights.

4. Purpose of the by-law

The purpose of this by-law is to require that site planning and architectural integration programs be approved by the Municipal Council before permits or certificates for the activities listed in Chapter III are issued.

5. Compliance with legislation

Compliance with this by-law does not release any person from the obligation to comply with any other provincial or federal legislation or any other municipal by-laws applicable to the matter.

6. Schedules

The schedules attached to this by-law form an integral part thereof.

7. Adoption in parts

This by-law is enacted chapter by chapter, division by division, section by section, paragraph by paragraph, and subparagraph by subparagraph so that if any part of this by-law is declared null and void by a court of law, the decision must not affect the remaining parts of the by-law except to the extent that the meaning and scope of the by-law or any of its provisions are thereby altered or modified.

8. Entry into force

This by-law shall come into force in accordance with the law.

DIVISION B – ADMINISTRATIVE PROVISIONS**9. Administration of the by-law**

The administration and enforcement of this by-law shall be the responsibility of the designated official, whose powers are detailed in the *By-Law Regarding Permits and Certificates*.

10. Infractions and penalties

Any person who contravenes, or permits or tolerates the contravention, of any provision of this by-law; performs construction without a permit; or maintains a condition that requires a certificate without having first obtained one is guilty of an infraction. Individuals who commit such infractions shall be liable to a fine of not less than \$500 and not more than \$1,000; legal persons who commit such infractions shall be liable to a fine of not less than \$1,000 and not more than \$2,000.

For repeat infractions, individuals shall be liable to a fine of \$1,000 to \$2,000 plus costs and legal persons shall be liable to a fine of \$2,000 to \$4,000 plus costs.

If the infraction is of a continuous nature, it shall constitute a separate infraction each day and the offender shall be liable to the aforementioned fine for each day on which the infraction continues.

DIVISION C – INTERPRETIVE PROVISIONS**11. Rules of interpretation**

The following rules of interpretation shall apply to this by-law in the event of conflicting provisions:

1. The most specific of the provisions shall prevail.
2. The most restrictive of the provisions shall prevail.
3. In the event of a discrepancy between a table, an illustration, or a title and the text, the text shall prevail.

12. Structure

This by-law is structured as follows:

Chapter I: Chapter

Division A – Division

1. Section
 - Paragraph
 1. Subparagraph
 - a) Clause

13. Definitions

Unless the context otherwise dictates, words and phrases have the meaning assigned to them in the *By-Law Regarding Permits and Certificates*. If a word or expression is not defined, it is understood to have its common dictionary meaning.

CHAPTER II: PROCEDURAL PROVISIONS

DIVISION A – CONTENT

14. Filing

To file an application for approval, applicants must complete and sign the application form, then submit it to the designated official.

The application, submitted as one (1) hard copy and one (1) digital (PDF) copy, must be accompanied by the following plans and documents:

1. Recent photographs (taken no more than 3 months before the application was filed) of the existing buildings and structures on the site and on the surrounding land, providing an overall image of the area in which the new building or structure is to be built. If there are no buildings or structures, the photographs must illustrate the natural environment of the site;
2. Architectural details and elevations of each main wall of the building, in colour;
3. Details of exterior cladding materials and colours, including samples;
4. Illustrations of the proposed activity using one or more visual perspectives (including at least a street view);
5. For a street or driveway, plans and a written description providing details of the proposed structures, water management methods, and erosion and runoff control measures;
6. For a cadastral operation aiming to create 5 or more lots, a hydrogeological study signed by a professional demonstrating that the groundwater source can support the development project (impact on the aquifer and the other users of the water resource);
7. For a cadastral operation to create 5 or more lots, a report signed by a professional demonstrating the site's capacity to manage and treat wastewater;
8. A description to demonstrate the achievement of the stated objectives and criteria applicable to the activity;
9. Any other information, plans, and documents necessary to assess the application against the objectives and criteria of the by-law.

15. Review and publication fees

The application review fees, as well as the fees for the publication of public notices, are set out in the *By-Law Regarding Taxes, Tariffs, Service and Compensation Costs*.

These fees are always non-refundable and do not cover the fees for obtaining a permit or certificate.

16. Completion

Applications for program approval shall be considered complete once all required documents and plans have been filed with the designated official and the examination fees have been paid.

DIVISION B – APPLICATION PROCESS**17. Verification**

Once the application is complete, the designated official shall verify that it complies with the town planning by-laws. Upon request, applicants must provide any additional information needed to interpret their applications.

If the plans and documents provided by an applicant are inaccurate, erroneous, insufficient, or non-compliant, the designated official shall notify the applicant that the verification process is being paused so that they can provide accurate, corrected, and sufficient information, plans, and documents for verification.

Once the verification is complete, the application shall be sent to the Town Planning Advisory Committee.

18. Recommendation of the Town Planning Advisory Committee

The Town Planning Advisory Committee shall issue recommendations on each application as they relate to the objectives and evaluation criteria set out in this by-law. The Committee may suggest to the Municipal Council any of the approval criteria listed in section 19.

19. Decision of the Municipal Council

The Municipal Council shall render its decision after receiving the recommendation of the Town Planning Advisory Committee. It shall approve programs if they are consistent with the objectives and criteria and reject them if they are not.

The resolution by which the Municipal Council approves a program may require, as a condition for approval, that the owner agree to:

1. Assume the cost of certain elements of the program, including infrastructure and equipment;
2. Complete the project within a specified timeframe;
3. Provide financial guarantees for the execution of the content of the program, the timeliness of the project, and the payment of the elements for which they are responsible.

If the program is rejected, the accompanying resolution must provide a reason for the rejection.

Copies of the resolutions shall be sent to the applicants.

20. Issuance of permits or certificates

The designated official may issue a permit or certificate upon presentation of a certified copy of the resolution by which the Municipal Council has approved a program.

The designated official shall issue a permit or certificate if the stated conditions are met at the time of issuance (or at a later date if specified in the conditions set out in the resolution) and if the program complies with the *By-Law Regarding Permits and Certificates*.

21. Amendments

Once a program is approved by the Municipal Council, any amendments to that program must be approved by the Municipal Council, following the procedure indicated in this by-law.

22. Expiry of the approval resolution

The resolution approving a program shall be rendered null and void if the applicant does not file an application for a permit or certificate within 12 months of the resolution. In

addition, the resolution approving the program shall be null and void if the holder of the permit or certificate obtained does not carry out the work within the time period specified in the *By-Law Regarding Permits and Certificates*.

CHAPTER III: OBJECTIVES AND EVALUATION CRITERIA

DIVISION A – STREETS

23. Territory

The provisions of this division apply throughout the Municipality.

24. Activities

Site planning and architectural integration programs must be approved for any of the following activities. Their approval is a prerequisite for the issuance of a permit or certificate required under the *By-Law Regarding Permits and Certificates*:

1. Cadastral operations to create a street
2. Cadastral operations to extend an existing street

25. Objectives

The objectives are as follows:

1. Plan the road network in a way that is suitable for the area's environment and landscape.
2. Plan the road network in a way that creates a subdivision that is suitable for the area's environment and landscape.

26. Evaluation criteria

The following context-dependent criteria shall be used to determine whether the objectives have been met:

1. The street's layout must follow the path of least impact on natural areas, water, and wetlands. As such:
 - a) It must primarily use developed areas of lesser environmental value.
 - b) It must stay far away from watercourses and wetlands.
 - c) It must avoid crossing watercourses.
 - d) It must only come close to the shoreline to cross a watercourse.
 - e) Its right-of-way and structures must be limited, while remaining safe, so as to minimize soil reworking and sealing.
2. The layout must be suitable for the topography of the area and avoid areas with an average grade of 15% or more.
3. The layout must avoid the need for blasting and keep cutting and backfilling work to a minimum.
4. The layout must leave room for ditches and, where appropriate, stormwater retention structures to be created. As such, its curbs must be wide enough to control erosion and runoff and ensure that vegetation recovers in reworked areas.
5. The street layout must have a limited impact on the landscape, particularly in the elevation areas identified in Schedule A to this by-law and in areas where the average grade is of at least 15%.
6. Ideally, the new street must connect to an existing street. It must also avoid creating a turn radius, except in cases where development is unlikely to occur after the project.

7. The project must allow the safe passage of emergency vehicles given the area's topography as well as intersections and connections to existing streets.
8. The street's layout must allow for the creation of lots (preferably regular lots), as specified in the *By-Law Regarding Subdivision*. It must also avoid creating through lots and irregular lots.
9. The street's layout must give access to the proposed lots from a driveway.
10. The street's layout must favour the creation of south- or southwest-facing residential lots so homes can maximize the use of solar energy.

DIVISION B – SUBDIVISIONS

27. Territory

The provisions of this division apply throughout the Municipality.

28. Activities

Site planning and architectural integration programs must be approved for any of the following activities. Their approval is a prerequisite for the issuance of a permit or certificate required under the *By-Law Regarding Permits and Certificates*:

1. Cadastral operations to create 5 or more lots.

29. Objectives

The objectives are as follows:

1. Adapt the subdivision to the area's environment and landscape.
2. Propose a subdivision that contributes to a sustainable environment.

30. Evaluation criteria

The following context-dependent criteria shall be used to determine whether the objectives have been met:

1. The subdivision project must take natural areas, water, and wetlands into account. As such:
 - a) The shape and size of the lots must allow tree clusters and other natural features of the site to be preserved.
 - b) The shape and size of the lots must allow a continuous tree cover to be preserved between lots, thereby maintaining wildlife travel corridors.
 - c) The shape and size of the lots must ensure that main buildings and their accessories are far enough from watercourses and wetlands. If possible, taking into account the site's features, they should be further than the minimum distances required by the *By-Law Regarding Zoning*.
2. The subdivision project must consider the area's topography. As such:
 - a) The shape and size of the lots must allow main buildings and their accessories to be built on a plateau, as defined by the *By-Law Regarding Zoning*, while avoiding changes to the topography as well as cutting and backfilling work.
 - b) The shape and size of the lots must allow main buildings and their accessories to be built away from the top of a slope.
 - c) The shape and size of the lots must allow accesses (driveways) to be built, as a priority, on a portion of the lot with an average grade of less than 15%.

3. The proposed subdivision must consider the aquifer's capacity to supply drinking water to the current and future users of the site's water source.
4. The proposed subdivision must consider the site's capacity to manage and treat wastewater, including, if necessary, the space available to build a second treatment system when the first one reaches the end of its useful life.
5. The proposed subdivision must have a limited impact on the landscape, particularly in the elevation areas identified in Schedule A to this by-law and in areas where the average grade is of at least 15%. As such, the shape and size of the lots must allow trees to be maintained around the main building.
6. The proposed subdivision must allow for the creation of lots (preferably regular lots), as specified in the *By-Law Regarding Subdivision*. It must also avoid creating through lots and irregular lots.
7. The shape and size of the lots must favour the creation of south- or southwest-facing homes so they can maximize the use of solar energy.

In order to respect the above criteria, the proposed number of lots may be inferior to the theoretical number of lots allowed under minimum subdivision standards.

DIVISION C – ELEVATION AREAS

31. Territory

The provisions of this division apply to lots located in whole or in part within an elevation area of 350 metres or more, as identified in Schedule A to this by-law.

32. Activities

Site planning and architectural integration programs must be approved for any of the following activities. Their approval is a prerequisite for the issuance of a permit or certificate required under the *By-Law Regarding Permits and Certificates*:

1. Construction or reconstruction of a main building
2. Expansion of a main building in height through the addition of one or more floors

33. Objectives

The objectives are as follows:

1. Ensure the main building is integrated into the landscape.

34. Evaluation criteria

The following context-dependent criteria shall be used to determine whether the objectives have been met:

1. The volume and height of the building must not overpower the site; they are to be subordinate to the existing and anticipated vegetation.
2. The project must consider maintaining a thick plant cover on the site.
3. The project must place buildings in a way that allows them to be naturally hidden by the existing vegetation.
4. The project must set buildings back from the street so as to maintain a plant cover in the front yards.
5. The total height of a building must agree with the surrounding landscape features. For example, a roof with a very steep pitch or a building that is the maximum height allowed under the *By-Law Regarding Zoning* is preferable on a site with tall trees.

6. The project must aim to preserve the natural topography by avoiding blasting and keeping cutting and backfilling to a minimum.
7. The choice of colours for the walls and roof must harmonize with the surrounding natural features in all seasons.
8. The proposed lighting must limited to that required for security purposes.

DIVISION D – DRIVEWAYS

35. Territory

The provisions of this division apply throughout the Municipality.

36. Activities

Site planning and architectural integration programs must be approved for any of the following activities. Their approval is a prerequisite for the issuance of a permit or certificate required under the *By-Law Regarding Permits and Certificates*:

1. Creation of a driveway on a section of the land that has an average grade of 15% or greater.

37. Objectives

The objectives are as follows:

1. Plan a safe driveway.
2. Develop a driveway that is adapted to the site and limits the impact on its natural features.

38. Evaluation criteria

The following context-dependent criteria shall be used to determine whether the objectives have been met:

1. The driveway should ideally be located on the portion of the lot with the lowest average grade.
2. A winding route is preferred.
3. The width and layout of the driveway must allow the passage of emergency vehicles, particularly when the main building is far from the street.
4. The length of the driveway must be limited.
5. Clearing must be limited to the width of the driveway and the chosen layout must avoid cutting down mature trees.
6. The project must propose stormwater management and erosion control measures that are suitable for the proposed driveway layout.

DIVISION E – TOWN CORE

39. Territory

The provisions of this division apply to zones MIX-1, MIX-3, C-2, C3, C-4, C-5, C-6, and RV-15 of the town core, as identified on the zoning map attached as Schedule A to the *By-Law Regarding Zoning*.

40. Activities

Site planning and architectural integration programs must be approved for any of the following activities. Their approval is a prerequisite for the issuance of a permit or certificate required under the *By-Law Regarding Permits and Certificates*:

1. Construction or reconstruction of a main building
2. Expansion of a main building, if the expansion is on a side of the building which gives onto a yard adjacent to a street
3. The following exterior renovations to a main building, including to certain attached accessory buildings, if such work is done on a side of the building which gives onto a yard adjacent to a street:
 - a) Roofing: change of shape, materials, or colour
 - b) Exterior wall: change of shape, materials, or colour
 - c) Opening (window, door, garage door, etc.): change of shape, size, appearance, or colour
 - d) Ornamentation (cornice, transom, lintel, louvre, shutter, ornamental column, ornamental woodwork, framing, parapet, etc.): change of shape, appearance, material, or colour
 - e) Attached accessory structures (gallery, balcony, stoop, eaves, awning, canopy, stairway, railing and accessibility structures, veranda, etc.): change in shape, size, appearance, material, or colour

Changes include, but are not limited to, work that results in a modification, replacement, addition, expansion, or demolition of the component (in whole or in part).

The changes specified in paragraph 3 exclude those to replace a component with a similar or identical shape, appearance, material, or colour. For example, the following changes are excluded: replacing an existing sash window with the same or similar model; painting a gallery with the same or similar colour; replacing asphalt roofing shingles with the same or similar shingles (including colourwise).

41. Objectives

The objectives are as follows:

1. Promote activities that contribute to the village atmosphere of the Morin-Heights town core.
2. Develop a high-quality architectural signature that suits the town core.

42. Evaluation criteria for the construction or reconstruction of a main building

The following context-dependent criteria shall be used to determine whether the objectives regarding the construction or reconstruction of a main building have been met:

1. The building's siting must ensure continuity and a coherent alignment with surrounding buildings.
2. The proposed volume must be proportional to the volumes of adjacent properties with similar uses and the floor levels must align with those of the adjacent buildings.
3. The architectural whole must be coherent and harmonious.
4. For a commercial or public building, the windows on the front wall must be large and help liven the town core.
5. Cladding materials on all main walls must be consistent and limited in number.

6. The architectural details and the proposed colours must contribute to a coherent and harmonious whole.
7. The building's lighting must be discreet and contribute to the warm atmosphere of the town core.
8. The mechanical and air conditioning equipment must be in the back yard or otherwise hidden by a screen or plants.
9. For a commercial or public building, the architecture must adequately integrate the space(s) for signs.

43. Evaluation criteria for the expansion of a main building

The following context-dependent criteria shall be used to determine whether the objectives regarding the expansion of a main building have been met:

1. The expansion's siting must ensure continuity and a coherent alignment with surrounding buildings.
2. The expansion must not alter the architectural signature of the main body of the building.
3. Depending on the context, the expansion must either be a clear extension of the main body in terms of shape, material, and colour or be treated as an annex to the main body. In the latter case, the annex must be set back from the main body and may have a different shape, materials, and colours. The annex's architecture must not make it stand out more than the main body.
4. After expansion, the architectural whole must be coherent and harmonious.
5. For a commercial or public building, the windows on the front wall must be large and help liven the town core.
6. The building's lighting must be discreet and contribute to the warm atmosphere of the town core.
7. The mechanical and air conditioning equipment must be in the back yard or otherwise hidden by a screen or plants.
8. For a commercial or public building, the architecture must adequately integrate the space(s) for signs.

44. Evaluation criteria for the exterior renovation of a main building

The following context-dependent criteria shall be used to determine whether the objectives regarding the exterior renovation of a main building have been met:

1. The proposed work must respect the style and architectural character of the building.
2. The changes must not unbalance the architectural composition.
3. The colours and materials selected must help maintain, or even enhance, the building's architectural quality.
4. Piece-by-piece or partial modifications are to be avoided. They must be proposed for at least one whole main wall at a time (e.g. replacing windows, changing the exterior cladding, etc.).

DIVISION F – MURALS

45. Territory

The provisions of this division apply to the mixed (MIX) and commercial (C) zones identified on the zoning map attached as Schedule A to the *By-Law Regarding Zoning*.

46. Activities

Site planning and architectural integration programs must be approved for any of the following activities. Their approval is a prerequisite for the issuance of a permit or certificate required under the *By-Law Regarding Permits and Certificates*:

1. A mural painted on a main wall.

47. Objectives

The objectives are as follows:

1. Provide a work of art that enhances the atmosphere in Morin-Heights.

48. Evaluation criteria

The following context-dependent criteria shall be used to determine whether the objectives have been met:

1. The content of the mural must be inspired by the history of Morin-Heights, its community, or a place, an event, or an element of interest for the community.
2. The content of the mural must be in harmony with the landscape and built environment.
3. The mural must be visible from public property.
4. The mural must enhance its surroundings.

SCHEDULE A: ELEVATION AREAS

