



BY-LAW 638-2022
modifying By-law (607-2020) regarding temporary control limiting
cadastral operations in order to respect future orientations of the
new urbanism plan concerning deforestation

EXPLANATORY NOTE

This by-law amends the Interim Control By-law (607-2020) to clarify Council's direction with respect to deforestation and, more generally, the preservation of natural areas. It therefore removes the amendment adopted in December 2021 and replaces it with standards for deforestation and preservation of natural areas that are proportionate and take into account the size of the lots.

Finally, it specifies that applications for a certificate of authorization for deforestation in progress at the time of the coming into force of the regulation are processed according to the new provisions contained therein.

CONSIDERING section 112.2 of the Act respecting land use planning and development (RLRQ, ch. A-19.1);

CONSIDERING the interim control resolution 288-09-20 of September 9th, 2020;

WHEREAS THAT in September 2020, the municipal council began the process of preparing the revision of the urban plan and all the regulations in this matter in order to update the main orientations of the Municipality as well as the rules governing urban planning and development;

WHEREAS THAT Council wishes to limit the increase in the density of occupation of the territory in certain sectors of the Municipality;

WHEREAS THAT the realization of a subdivision project in conformity with the by-laws in force could compromise the achievement of the strategic vision and new orientations of the council in matters of development of the territory;

WHEREAS THAT a notice of motion was given by Councillor Louise Cossette at the regular meeting of April 13th, 2022;

WHEREAS THAT the draft by-law was tabled at the regular meeting of April 13th, 2022;

WHEREAS THAT the summary presentation of the draft by-law by the Director General;

CONSEQUENTLY, the municipal council decrees the following:

CHAPTER 1: INTRODUCTORY PROVISIONS

1. **Preamble** - The preamble forms an integral part hereof.
2. **Goal** - The goal of the present by-law is intended to ensure that the achievement and realization of the municipal council’s vision and new directions for land use planning and development are not compromised.
3. **Objective** –The objective of the by-law is to improve the interim control by-law (607-2020) limiting cadastral operations in order to respect the future orientations of the new urban plan by enacting immediate temporary deforestation standards.

It also aims at allowing the municipal council to benefit from the time necessary to complete the preparation and adoption of the new urban plan that will replace the one in force since 2007.

CHAPTER 2 : AMENDING PROVISIONS

4. **Deforestation** – Paragraph 1 of Article 13.2 of the By-law is replaced by the following: «

13.2 **Obligation to preserve natural areas** - Natural areas on a lot must be maintained and preserved according to the following percentage which varies with the size of the lot:

Lot size :	Percentage (%) of the preservation of natural areas :
Less than 1 000 m ² :	10 %
Between 1 000 m ² and 1 499 m ² :	15 %
Between 1 500 m ² and 1 999 m ² :	20 %
Between 2 000 m ² and 2 499 m ² :	30 %
Between 2 500 m ² and 2 999 m ² :	35 %
Between 3 000 m ² and 3 499 m ² :	40 %
Between 3 500 m ² and 3 999 m ² :	50 %
Between 4 000 m ² and 4 999 m ² :	60 %
Between 5 000 m ² and 6 999 m ² :	70 %
Between 7 000 m ² and 14 999 m ² :	80 %
15 000 m ² and over :	90 %

The calculation of the percentage of natural areas excludes the following areas:

1. The area corresponding to the purifying element, the polishing field or the discharge field required under the *Regulation respecting wastewater assessment and treatment for isolated dwellings* (RLRQ, c. Q-2, r.22) or the *Environment Quality Act* (RLRQ, c. Q-2), with the addition of a maximum buffer strip of 2 metres at their perimeter. An additional area corresponding to the length of the pipes, from the treatment system to the discharge, over a maximum width of one (1) metre may be excluded from the calculation;

2. The area corresponding to the immediate protection area of 3 metres for a water withdrawal installation and a geothermal system required under the Regulation respecting water withdrawal and protection (RLRQ, c. Q-2, r.35.2). An additional area corresponding to the length of the required pipes, by a maximum width of one (1) metre, may be excluded from the calculation;
3. The area corresponding to the driveway leading to the parking spaces.

Herbaceous, shrub and tree species may be planted within natural areas. The species selected must be compatible with the environment. ».

CHAPTER 3 : FINAL PROVISIONS

5. ***Deforestation requests in progress*** – Any application for a certificate of authorization for clearing a forest that is in progress on the date the by-law comes into force shall be processed and analyzed in accordance with its provisions.
6. ***Entering into effect*** - The present by-law enters into effect on the day of its publication.



Timothy Watchorn
Mayor



Hugo Lépine
Director general – Registrar-treasurer

We, head of Council and registrar-treasurer, certify that the dates of approval required by Law and recorded in this certificate are valid.

Given in Morin-Heights, this 12th day of May 2022.