



**Town of Barkmere
By-Law #283
amending Zoning By-Law #201**

Chapter 1 – Declaratory, administrative and interpretative provisions

Article 1. - Modification of article 1.1.5

Article 1.1.5 entitled: “*Appendices*” is modified as follows:

By repealing paragraph 4.

Chapter 2 – Provisions relating to the classification of uses and the zoning plan

Article 2. - Modification of article 2.3.3

Article 2.3.3 entitled: “*Temporary use of a vacant land site*” is amended as follows:

By replacing paragraph 2 with the following paragraph:

2. One (1) tent may be erected and one (1) vehicle may be parked there. One (1) recreational vehicle may be parked there only if the land site is adjacent to a road;

Chapter 3 – Provisions relating to Main Buildings

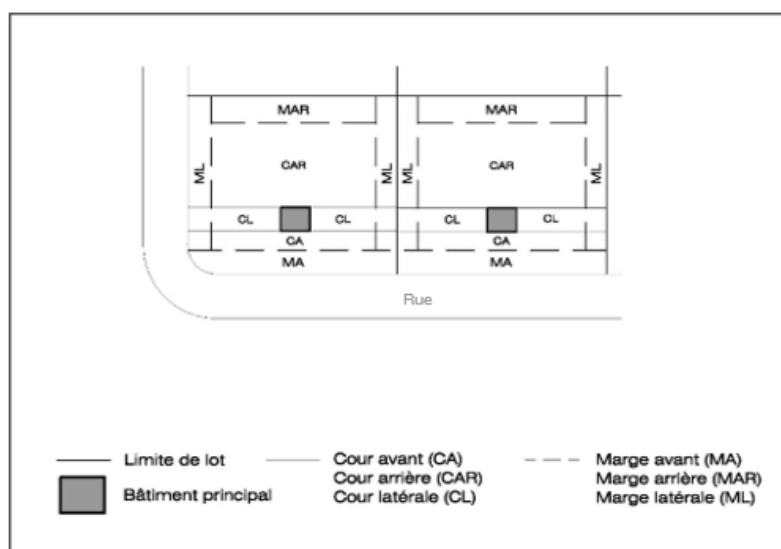
Article 3. - Modification of article 3.2.4

Article 3.2.4 entitled: “*Delimitation of Yards*” is modified as follows:

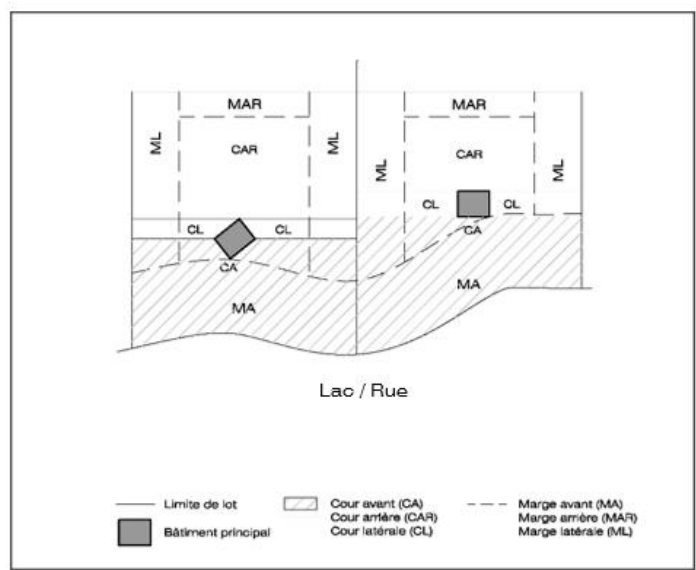
1. By replacing the 1st paragraph with the following paragraph:

For each land site, front, lateral and rear yards are determined. Where a land site is adjacent to a lake, the front yard and setback is the one adjacent to a lake. Where a land site is adjacent to a road, the front yard and setback is the one adjacent to the road, except for the lateral yard and setback adjacent to a wall that is not the facade of the main building in the case of a corner lot. In cases where a land site is simultaneously adjacent to a lake and a road, the front yard and setback is the one adjacent to the lake. The yard and the setback adjacent to the road must be regarded as a rear yard and setback. The yard includes the established setback and may be bigger when the building is set back from the setbacks prescribed in the present bylaw.

2. By replacing diagram 2 with the following diagram [Note: English version of the diagram to be updated]:



3. By replacing diagram 3 with the following diagram [Note: English version of the diagram to be updated]:



Article 4. - Modification of article 3.3.5

Article 3.3.5 entitled: *“Foundation level visibility”* is modified as follows:

By replacing the 1st paragraph with the following paragraph:

No foundation of more than 1.2 meters high shall be visible from a road or lake: the foundation must be covered with an exterior material as authorized in the present bylaw.

Article 5. - Modification of article 3.3.7

Article 3.3.7 entitled: *“Roof gradient”* is modified as follows:

By replacing the 2nd paragraph with the following paragraph:

For uses other than for habitation the roof of main buildings may be flat. However, the crowning must be integrated with the building (parapets, gables, false mansards) on at least two (2) of the façades, including the principal façade and the one which is visible from a road or a lake.

Article 6. - Modification of article 3.3.11

Article 3.3.11 entitled : *“Private garage adjoining the main building”* is modified as follows:

By replacing the 2nd paragraph with the following paragraph:

In the case of a shoreline land site, a private garage adjoining a main building is only authorized if the main building is located more than sixty (60) meters from the high water mark and if the land site is accessible by a road.

Chapter 4 – Provisions relating to Accessory Constructions

Article 7. - Modification of article 4.1.4

Article 4.1.4 entitled: *“Interpretation of the tables”* is modified as follows:

By replacing the 5th paragraph with the following paragraph:

Other specific provisions for accessory constructions are provided for in the current bylaw.

Article 8. - Modification of the table in article 4.1.8

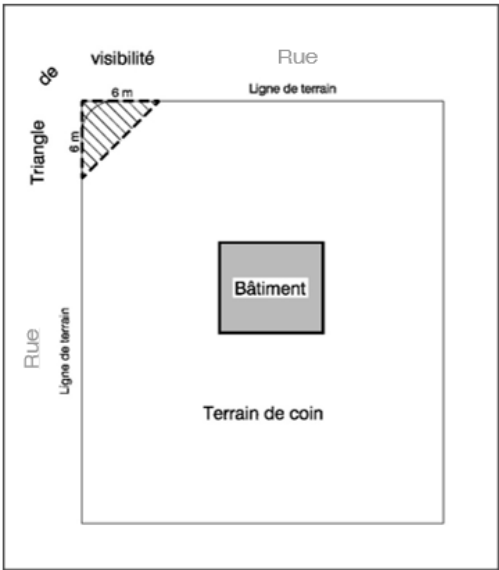
The table in Article 4.1.8 entitled: “Accessory structures authorized for all uses” is modified as follows:

- 1. By replacing, in the table, the 4th sentence in point 2, with the following sentence:
Minimum distance from the lot line adjacent to a road.
- 2. By replacing, in the table, note 1 to point 13 with the following:
¹ When a land site is simultaneously adjacent to a lake and a road, a shed may be placed in the lateral yard⁶.

Article 9. - Modification of article 4.1.10

Article 4.1.10 entitled: “Visibility triangle” is modified as follows:

- 1. By replacing the 1st paragraph by the following paragraph:
In a case where trees, hedges, shrubs or any other plant material located on private land are likely to create a disruption or obstacle to the movement of vehicles or pedestrians on a road or a danger for public safety in general, the owner must cut or trim the said trees, hedges, shrubs or plant material to remove the encroachment or obstruction.
- 2. By replacing the 3rd subparagraph of paragraph 1 with the following paragraph:
 - 1. *Any structure, facility or development of a land site, including trees and shrubs, that exceeds one (1) meter in height, measured from the center of the road, is prohibited;*
- 3. By replacing paragraph 2 of the 3rd subparagraph with the following sketch: [English version of the sketch to be updated.]



Article 10. - Modification of article 4.2.5

Article 4.2.5 entitled: “Private garages car shelters detached from the main building” is modified as follows:

By replacing paragraph 9, with the following paragraph:

- 9. *For shoreline land sites, a private garage or a car shelter must be located more than sixty (60) meters from the high water mark. In addition, the private garage or shelter is authorized only if the land is accessible by a road.*

Article 11. - Modification of article 4.2.6

Article 4.2.6 entitled “*Car shelters abutting on the main building*” is modified as follows:

By replacing paragraph 7 with the following paragraph:

7. *In the case of shoreline land sites, a car shelter abutting on the main building is authorized only if the main building is located more than sixty (60) meters from the high water mark. In addition, the shelter is authorized only if the land is accessible by a road.*

Article 12. - Modification of article 4.2.13

Article 4.2.13 entitled: “*Outdoor fireplaces*” is modified as follows:

By replacing the 4th paragraph by the following paragraph:

4. *The exterior fireplace may not be situated less than five (5) meters from the high water mark. When it is situated in the shoreline zone, it may not be located on a permanent structure and must not necessitate excavation and filling works;* [NO CHANGE IS REQUIRED TO ENGLISH VERSION. Definition of “high water mark” is not changing.]

Article 13. - Modification of article 4.3.3

Article 4.3.3 entitled: “*Access*” is replaced by the following article:

4.3.3 Security

Current provincial residential pool safety regulations apply.

Article 14. - Repeal of article 4.3.4

Article 4.3.4 is repealed.

Article 15. - Repeal of article 4.3.5

Article 4.3.5 is repealed.

Article 16. - Repeal of article 4.3.6

Article 4.3.6 is repealed.

Article 17. - Repeal of article 4.3.7

Article 4.3.7 is repealed.

Article 18. - Repeal of article 4.3.8

Article 4.3.8 is repealed.

Article 19. - Modification of article 4.9.1

[NO CHANGE REQUIRED TO ENGLISH VERSION] Article 4.9.1 entitled: “*Authorized temporary buildings or structures*” is modified as follows:

By replacing subparagraph b) of paragraph 1 with the following subparagraph:

- b) The temporary winter car shelter must be located on the parking space or driveway;*

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|---|
| Chapter 5 – Provisions for parking, driveways and vehicular access |
|---|

Article 20. - Repeal and replacement of chapter 5

Chapter 5 entitled : “*Parking, Driveways and Vehicular Access*” is repealed and replaced by the following chapter :

Chapter 5 - Provisions for parking spaces, parking alleys, curb cuts and driveways

Section 5.1: Provisions for parking spaces, parking alleys, curb cuts and driveways

5.1.1 Maximum number of parking spaces

The present bylaw prescribes no obligation to determine a minimum number of parking spaces; this applies to all usages.

However, for residential use, the maximum number of parking spaces is set at four (4) parking spaces.

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5.1.2 Maximum number of parking alleys

Only one (1) parking alley is permitted per parking area.

5.1.3 Maximum number of driveways

One (1) single driveway is authorized per land site. The driveway may not be developed in a semi-circle in such a way as to create two (2) driveway entrances.

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5.1.4 Parking on a vacant lot

Parking a vehicle is permitted on a vacant land site for public purposes only.

This provision does not apply to agricultural vehicles on land designated for agricultural use.

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5.1.5 Parking of vehicles within parking spaces

Vehicles shall be parked within one (1) or a number of parking spaces developed on an (off-road) land site in conformity with present bylaw provisions.

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5.1.6 Location of parking spaces and parking alleys

- 1. Each parking space and parking alley must communicate directly with a road or driveway, where applicable. However, parking spaces may be located one behind the other and be accessible via the same curb cut and driveway;*
- 2. For non-shoreline land sites, parking spaces and a driveway are permitted in all yards and setbacks except within the Environmental Strip located in side and back yards. In the absence of an Environmental Strip, they must be located a minimum distance of 1.5 meters from the lateral and rear land site boundary lines;*
- 3. For shoreline land sites, parking spaces and a driveway are permitted in lateral and rear yards and setbacks except within the Environmental Strip located in lateral yards. In addition, parking spaces and a driveway must be located more than sixty (60) meters from the high water mark;*
- 4. Notwithstanding paragraph 3 of this section, for shoreline land sites the depth of which is less than sixty (60) meters and which are adjacent to an existing road, the parking spaces and driveway are authorized in lateral and rear yards and setbacks. However, they are not authorized within the Environmental Strip located in the lateral yard and within forty-five (45) meters from the high water mark.*
- 5. For isolated detached dwellings on non-shoreline land sites, parking spaces may encroach 50% within the interior space determined by the prolongation of the lines created by the lateral walls of the main building as far as the front property line.*

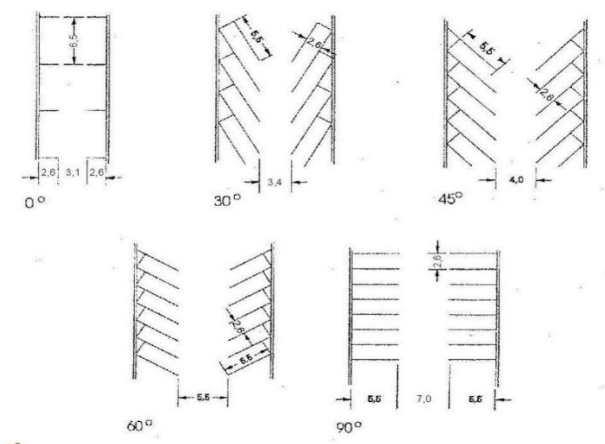
5.1.7 Dimensions of parking spaces, parking alleys, curb cuts and driveways

The following dimensions apply to curb cuts:

- 1. The minimum width is set at 2.5 metres;
- 2. The maximum width is set at six (6) metres or, in the presence of a parking alley, the width of the parking alley.

The following dimensions apply to parking spaces and parking alleys:

| Parking Angle | Minimum width of parking alley | Minimum parking space width | Minimum parking space length |
|---------------|--------------------------------|-----------------------------|------------------------------|
| 0° | 3.1 m | 2.6 m | 6.5 m |
| 30° | 3.4 m | 2.6 m | 5.5 m |
| 45° | 4.0 m | 2.6 m | 5.5 m |
| 60° | 5.5 m | 2.6 m | 5.5 m |
| 90° | 7.0 m | 2.6 m | 5.5 m |



The following dimensions apply to driveways:

Dimensions of driveways

| Maximum width | Maximum length |
|---------------|--|
| 6 meters | 20 meters (inclusive of all parking alleys and spaces) |

5.1.8 Layout of parking spaces, parking alleys and driveways

Parking spaces, parking alleys and driveways must be laid out in accordance with the following provisions:

- 1. The surface of parking spaces and driveways used by vehicles shall not be covered in asphalt, concrete, paving stone or any other rigid surface that facilitates surface water streaming;
- 2. Parking spaces, parking alleys and driveways laid out on a shoreline land site shall be bordered and defined by a sleeper wall (low wall), a concrete border or similar solid material, of at least 30 centimeters in height. This border must be firmly installed so as to prevent any transportation vehicle, recreation vehicle or boat to cross it. The border may be interrupted, to a maximum length of one (1) meter, to allow pedestrian access;
- 3. Parking spaces, parking alleys and driveways laid out on a shoreline land site may not be visible from Bark Lake : a vegetation screen, a fence or developed landscaping must be installed;
- 4. The maximum slope of a parking alley, driveway or parking space is 12%;
- 5. For uses other than residential, when a parking space is adjacent to a land site used for residential purposes, it must be separated from this land site by an opaque fence or hedge at least one (1) meter in height;

6. *In the event that the layout of the parking area entails the creation of embankments or ditches, erosion control measures must be put in place. This requirement also applies if the parking area is located to the rear of the septic installation and within the limits of the septic installation on the land site;*
7. *Lighting of parking spaces, parking alleys or driveways is prohibited.*

5.1.9 Parking for residential use

The following provisions apply to the parking of certain vehicles on land sites whose principal use is residential:

1. *Motor vehicles, excluding heavy vehicles, may be parked without limitation as to number;*
2. *Three (3) recreational vehicles may be parked.*
3. *The parking of heavy vehicles is prohibited on land sites whose principal use is residential.*

5.1.10 Storage for residential use

The following provisions apply to the storage of certain vehicles on land sites for which the principal use is residential:

1. *Vehicles must be stored in lateral or rear yards, without encroaching on the landscape strip and at a minimum distance of 1.5 meters from a property line. The vehicle storage must be done on a parking space developed in conformity with the current by-law;*
2. *Vehicles may be stored in the front yard only if stored in a parking space that conforms to this by-law;*
3. *Storage space must not exceed ten (10) metres in length and four (4) metres in height.*
4. *The storage of heavy vehicles is prohibited on land sites where the principal use is residential, unless otherwise authorized in this by-law.*

5.1.11 Parking and storage for other uses

The following provisions apply to vehicle parking and storage for uses other than residential:

Vehicle storage and parking are authorized only if they are related to the principal use of the land site or building;

Storage of the vehicles referred to in the first paragraph is authorized only in lateral and rear yards, without encroaching on the landscape strip: vehicle storage must be on a parking space laid out in conformity with this by-law. The storage area must be concealed by a fence, hedge or other means so as not to be visible from a thoroughfare.

Section 5.2 Provisions relating to Loading and Unloading areas

5.2.1 Loading and unloading areas

All loading and unloading areas must be laid out in accordance with the following provisions:

1. *Loading and unloading areas are authorized for all uses other than residential;*
2. *Loading and unloading areas are authorized in lateral and rear yards at a minimum distance of ten (10) metres from property lines;*
3. *The driveway leading to the loading and unloading area is authorized in all yards at a minimum distance of ten (10) metres from lateral or rear property lines;*
4. *The parking alley leading to the loading and unloading area must be located on the same land site it serves and must be accessible at all times. Any necessary manoeuvres by a vehicle entering or leaving a loading or unloading area must be made off-road;*

- 5. All loading and unloading areas must have access to a road or a driveway. No access to a loading or unloading area shall be located within ten (10) metres of a road intersection;
- 6. Loading and unloading platforms must be located on the lateral or rear walls of the building;
- 7. The surface of loading and unloading areas must not be covered with asphalt, concrete, paving stones or any other rigid surface that facilitates surface water streaming.

Chapter 7 – Provisions for the protection and enhancement of the environment

Article 20A. - Modification of article 7.1.1

Article 7.1.1, entitled “Scope” is repealed and replaced with the following article:

For the application of the provisions in this section, a stalk of 2.5 centimeters or more in diameter, measured at 0.3 meters from the ground, is considered a tree for the purposes of planting.

For this section and the provisions concerning the preservation of trees and forest cover under the present bylaws, a stalk of ten (10) centimeters or more in diameter measured at 1.40 meters from the ground is considered a tree which may be cut down upon the obtaining of a certificate of authorization for this purpose. However where the tree is situated within the shoreline zone or in the environmental strip, the diameter of the stalk is fixed at 2.5 centimeters or more, measured at 0.3 meters from the ground.

Trees situated outside of the shoreline zone or the environmental strip, having a stalk of less than ten (10) centimeters in diameter, measured at 1.40 meters from the ground, are not covered by the current bylaw and may be cut done without a certificate of authorization. Trees situated within the shoreline zone or the environmental strip, having a stalk of less than 2.5 centimeters in diameter, measured at 0.3 centimeters from the ground, are not covered by the current bylaws and may be cut down without a certificate of authorization.

Article 21. - Modification of article 7.1.2

Article 7.1.2 entitled: “Preservation of Natural Areas” is modified as follows:

By replacing the 3rd paragraph with the following paragraph:

Driveways and parking areas are not considered when calculating the minimum percentage of natural areas to be preserved.

Article 22. - Modification of article 7.1.6

Article 7.1.6 entitled: “Authorized tree cutting” is modified as follows :

- 1. By repealing paragraphs 3 and 4 (i.e. selective cutting and seasonal cutting).
- 2. By replacing paragraph 5 with the following: “*There is a serious risk of the tree causing damage to property.*”
- 3. By replacing the table in paragraph 7 with the following table:

| | Maximum authorized deforestation on each side of the construction or structure |
|------------------------|--|
| Main building | 6 meters |
| Accessory building | 2 meters |
| Accessory construction | 2 meters |
| Work or equipment | 2 meters |
| Septic installation | 2 meters |
| Parking space | 1 meter |
| Driveway | 0.5 meter |
| Road | 0 meter |

| | Maximum authorized deforestation on each side of the construction or structure |
|-------------------------------------|--|
| Temporary building and construction | 0.5 meter |
| Temporary access to the lake | 0 meter |
| Sidewalk and path | 0 meter |
| Exterior staircase on the site | 0.5 meter |

4. By replacing paragraph 8 with the following paragraph:

8. *The cutting of trees on the south side of the main building, in the case of a passive solar building, to a maximum depth of ten (10) metres, measured from the plane of the facade concerned. The cutting of trees located on the shoreline zone or in the landscape strip for a passive solar building is prohibited.*

Article 23. - Modification of article 7.2.5

Article 7.2.5 entitled: “*Areas where tree cutting is prohibited*” is modified as follows:

1. By replacing the introductory paragraph with the following: “*Tree cutting is prohibited in the following locations:*”;
2. By replacing paragraph 1 with the following paragraph: “*1. Within an Exceptional Forest Ecosystem and at least twenty (20) meters from it;*
3. By replacing paragraph 6 with the following paragraph:

6. *Less than one hundred (100) meters from the high water mark of a body of water;*

4. By replacing paragraph 7 by the following paragraph:

7. *Less than twenty (20) meters from a road or a driveway;*

Article 24. - Modification of article 7.2.6

Article 7.2.6 entitled: “*Development of unloading routes and stacking areas*” is replaced by the following article:

7.2.6: *Development of skidding trails and piling areas*

Skidding trails and piling areas are permitted when clearing and recovery cuts have been authorized, and with the following conditions:

1. *They must be deactivated as soon as forestry activities end: measures must be taken to prevent vehicle traffic (barriers, etc.);*
2. *They must be renaturalized, in accordance with the provisions of the present by-law, within twelve (12) months of the end of forestry activities. Seeds must also be spread in the spring following completion of work;*
3. *Skidding trails may cross a watercourse at only one point: crossings must be located where the channel is narrowest and most stable; temporary bridges must be built perpendicular to the watercourse. No fording crossings are authorized, except for the installation of temporary bridges;*
4. *Skidding trails are prohibited on slopes greater than 20%;*
5. *The maximum width of the skidding trail right-of-way is fifteen (15) metres, including running surfaces and ditches;*
6. *Skidding trails may not be built within thirty (30) metres of a dwelling;*

7. *The stacking area must not be less than one hundred (100) metres from a dwelling;*
8. *Forest machinery traffic on the cutting site is prohibited between April 1st and May 31 of the same year.*

Article 25. - Modification of article 7.2.10

Article 7.2.10 entitled: "*Erosion control measures*" is modified as follows:

By replacing the term "unloading routes" with "skidding trails" in the 1st paragraph.

Article 26. - Modification of article 7.3.1

Article 7.3.1 entitled: "Scope" is modified as follows:

By replacing the 4th paragraph by the following paragraph:

On the shoreline zone of a lake or watercourse, all development or maintenance work and any intervention aimed at controlling, reducing, disturbing or altering the vegetation or soil in this zone, such as the cutting of all herbaceous vegetation and brush clearing, are prohibited, with the exception of those specifically authorized under the terms of the present.

Article 27. - Repeal of article 7.3.2

Article 7.3.2 is repealed.

Article 28. - Modification of article 7.3.3

Article 7.3.3 entitled: "*Works relating to shoreline vegetation*" is modified as follows:

1. By repealing paragraph 2;
2. By replacing paragraph 4 with the following paragraph:
 4. *When the slope of the shoreline zone is less than 30%, the cut required to create one (1) or two (2) openings whose combined width does not exceed 2.5 meters. All accesses must be covered with plant-based ground cover;*

However, for shoreline land sites whose width calculated at the high water line is less than ten (10) meters, a single opening with a maximum width of 1.2 meters is authorized;

Article 29. - Modification of article 7.3.5

Article 7.3.5 entitled: "*Other constructions and roadworks authorized in a shoreline zone*" is modified as follows:

By modifying the title to "*Other constructions and works authorized in a shoreline zone*".

By replacing the 2nd paragraph by the following paragraph:

In addition, reconstruction, repair or widening of an existing road not subject to the Environment Quality Act (R.S.Q., c.Q-2), the Act respecting the conservation and development of wildlife (R.S.Q., c.C-61.1), the Watercourses Act (R.S.Q., c. R-13) or any other law may be authorized in the shoreline zone of a lake or watercourse when it is impossible to extend the base of this structure on the side of the road not adjacent to the lake or watercourse. In such cases, any embankment erected in the shoreline zone must be covered with vegetation or other stabilization methods that encourage the establishment of natural vegetation, so as to prevent or mitigate soil erosion and gullyng towards the littoral.

Article 30. - Modification of article 7.6.1

Article 7.6.1 entitled: "*Excavation and Backfilling Operations*" is modified as follows:

By repealing the 6th paragraph.

Article 31. - Modification of article 7.6.2

Article 7.6.2 entitled: “*Levelling a Land Site and Modification of the Topography*” is modified as follows:

By repealing the 2nd paragraph.

Article 32. - Modification of article 7.6.4

Article 7.6.4 entitled: “*Very steep slopes (over 30%)*” is modified as follows:

By replacing the 1st paragraph with the following paragraph:

Within zones with a very steep slope (i.e., areas with a slope greater than 30%), only works, structures and buildings related to slope stabilization, roads, integral wildlife or natural environment conservation activities and access (construction of stairs, paths or sidewalks) are authorized. Where accessory constructions are authorized, they must be erected on a portion of the land site (plateau) where the slope is less than 30%.

Article 33. - Repeal of appendix 4

Appendix 4 is repealed.

Article 34. - Entry into force

The present by-law will come into force and effect once the formalities set forth by law have been completed.

(Original signed)

(Original signed)

Luc Trépanier
Mayor

Martin Paul Gélinas
Director General and Secretary Treasurer

Notice of motion : October, 12th 2024
Adoption of Draft Bylaw: October, 12th 2024
Transmission to the MRC : October 16th 2024
Transmission to adjoining municipalities : October 16th 2024
Publication public notice: October 18th 2024
Public consultation: November 9th 2024
Adoption of Bylaw : December 14th 2024
Delivrance of the certificate of conformity by the RCM
Entry into force :
Publication public notice :

Certified copy this December 18, 2024



Martin Paul Gélinas, Director General and Secretary-Treasurer