

Zoning By-Law No. 90-58

Chapter 2 PROVISIONS GOVERNING LAND USE

2.1 General Conditions Regarding Principal Uses

- a) The various uses permitted in each of the zones are identified in the particular provisions.
- b) For the purposes of the particular provisions, certain uses are grouped by class in accordance with Articles 2.3 and following.
- c) Unless specifically included in more than one class, a given use is limited to one class only: its inclusion in any one class automatically excludes it from any other class.
- d) The only uses or classes of use permitted in a given zone are those explicitly permitted by the particular provisions; any use which does not satisfy this requirement is automatically prohibited in the zone.
- e) Notwithstanding the provisions of paragraph (d), the following uses are permitted in all zones (except in zone 4P), irrespective of minimum lot or building size:
 - municipal parks, playgrounds and green spaces;
 - pumping, metering or distribution or collector stations in water supply or sewage systems, provided that they serve only the area falling under the jurisdiction of the Town or of the Montreal Urban Community.
- f) Only one principal use or building is permitted per property; no principal use, whether residential or any other, may be built or established on a property which is already occupied by a building or a principal use; the provisions of this paragraph shall nevertheless not be interpreted to disallow multiple-occupancy establishments, namely single-structure buildings or buildings made up of separate structures and used for or designed to be used for two or more purposes, i.e. (in those zones where they are permitted) shopping centers, industrial rental buildings, industrial condominiums and mixed-use buildings.

2.2 General Conditions Regarding Complementary Uses

- a) The permitting of a principal use automatically means that the uses normally complementary to it are also permitted insofar as they conform to all provisions of this By-law.
- b) For the purposes of this By-law, any use of buildings or properties which is ancillary to and which serves to facilitate or improve the principal use is considered to be complementary; uses complementary to residential use are those which help to improve the residential function or make it more pleasant; uses particularly complementary to the

residential function are swimming pools, tennis courts, gardens, garages, garden sheds, greenhouses and other ancillary buildings; principal use other than residential can also have complementary uses and this By-law considers them as such provided that they represent a normal and logical extension of the functions inherent to the principal use; for example, the following uses are considered to be ancillary to a commercial or industrial use: warehouses, garages for storing company vehicles, generators, power transformer stations, cafeterias and other facilities for company personnel; some examples of uses considered to be ancillary to a golf course are snack bars, restaurants, pro-shops and storage facilities for maintenance.

2.3 Classification of Residential Uses

For the purposes hereof, the various types of housing which may be permitted in any one or more zones are classified as follows:

a) *Single-family dwellings*

Class "A" includes single-family dwellings, namely residential buildings containing a single dwelling unit and designed to house a single household.

b) *Bi- and tri-family dwellings*

Class "B" includes duplexes or triplexes, namely residential buildings containing two (2) or three (3) dwelling units arranged vertically or horizontally on a single property.

c) *Multiple-family dwellings*

Class "C" includes multiple-family dwellings, namely residential buildings containing more than three (3) dwelling units, arranged vertically or horizontally on a single property and including facilities, homes and residences for the elderly, notwithstanding their inclusion in the public uses classification. Where multiple-family dwellings are permitted in a given zone, the maximum number of dwelling units permitted in such multiple-family buildings is stipulated in the particular provisions.

d) *Condominiums and co-op housing*

This classification shall not be interpreted to disallow residential condominiums or co-op housing. In the case of condominiums or cooperatives composed of several buildings (detached, semi-detached or row), each building shall be considered to be a principal building for the purposes of this By-law.

e) *Domestic uses*

For the purposes of this By-law, domestic uses are professional, commercial or service activities practiced inside domiciles by their occupants; domestic uses are prohibited everywhere within the Town of Kirkland, so as to prohibit any commercial use or activity in residential zones.

f) *Supplementary dwelling unit*

Creation of supplementary dwelling units of a "bachelor"-type or any other within single-family dwellings in zones where duplexes are not permitted is prohibited.

2.4 Classification of Commercial Uses

For the purposes of this By-law, the various commercial uses which may be permitted in one or more given zones are classified as follows:

a) **Class "A"** includes:

- uses whose principal activities are the administration of business, accounting, correspondence, document filing, data processing, brokerage (securities and real estate),
- professional offices,
- medical clinics (excluding pharmacies or other uses belonging to another use class)
- psychiatric clinics,
- governmental or para-governmental services which are restricted to office activities;

b) **Class "B"** includes commercial retail and service uses which do not involve any outside storage or any outdoor commercial activity (except during certain infrequently held events specifically authorized by Council), namely:

Class "B-1":

- natural food stores,
- pastry shops,
- jewellers,
- arts and craft shops,
- music stores,
- bookstores,
- antique shops,
- art galleries,
- stationers,
- office supply stores,
- hairdressers and beauty parlors,
- medical clinics with or without pharmacy,
- banks,
- savings and loans,
- finance companies,

Class "B-2":

- butchers,
- fruit stores,
- stores selling dairy products,
- convenience stores,
- haberdasheries,

- shoe stores,
- sports equipment and supplies shops,
- interior decorating shops,
- tobacconists,
- Société des Alcools outlets,
- tanning salons,
- photographic studios,
- costume rentals,
- travel agencies,
- post offices,
- day-care, babysitting, or nursery school services,

Class "B-3":

- food markets,
- hardware stores,
- arts or crafts shops or studios,
- musicians' studios,
- furniture and appliance stores,
- fabric shops,
- automobile parts and accessories stores (excluding gas bars, service stations and establishments for automobile maintenance and repair or for the installation of automobile parts or equipment),
- laundromats,
- seamstress shops,
- funeral homes,
- health studios,
- music and dance schools,
- driving schools,
 - printing shops with a maximum floor area of 120 square metres (1,292 square feet),
- recording studios,
- offices of unions or political parties,
- employment agencies,
 - customs offices, unemployment insurance offices or offices of government or para-government departments or services,
 - offices of telephone, electricity, gas or other public utilities,
- catalogue sales outlets,
- radio and television studios,
- cable distribution companies,
- shops and workshops with a maximum of 200 square metres (2,153 square feet) of floor area and occupied by any of the following specialized services: cleaners, tailors, shoemakers, upholsterers, milliners, caterers, repair services for radios, television sets and other household or electronic appliances;

c) **Class "C"** includes hostelling establishments:

- **Class "C-1"** includes hotel facilities in which the principal activity consists of lodging transient and short-term clientele, such as hotels, motels, tourist homes and inns,
- **Class "C-2"** includes rooming houses and boarding houses,

- **Class "C-3"** includes shelter facilities defined as private establishments under the Act respecting Health and Social Services;

d) **Class "D"** includes restaurants with or without liquor license:

- **Class "D-1"** includes establishments whose principal activity consists of serving meals to be consumed on-premises, namely restaurants, dining rooms and cafeterias.
- **Class "D-2"** includes fast-food establishments whose principal activity is serving food or coffee over the counter for quick consumption on the spot or in automobiles, or for take-out, and establishments where the principal activity is curb service,
- **Class "D-3"** includes reception halls;

e) **Class "E"** includes "commercial recreation" uses:

- **Class "E-1"** includes establishments in which the principal activity consists of performances of a cultural nature such as cinemas, coffee houses and theatres, where the serving of beverages (with or without alcohol) is entirely accessory,
- **Class "E-2"** includes performance halls, dance halls, bars, lounges and discotheques where the principal activity is the sale of beverages (with or without alcohol), massage parlours, sex shops, bars featuring nude dancers or similar establishments, as well as any establishments providing entertainment with erotic features.
- **Class "E-3"** includes social clubs,
- **Class "E-4"** includes indoor recreation facilities such as gymnasiums, arenas, swimming pools, tennis, squash and racquetball courts, roller rinks and bowling alleys, and, as complementary uses, including restaurants, dining rooms, bars and shops selling specialized clothing and equipment,
- **Class "E-5"** includes major outdoor recreation facilities such as golf courses and clubs (excluding miniature golf of the "mini-putt" type), golf driving ranges, archery clubs and drive-in movies, and as complementary uses, including restaurants, dining rooms, bars, reception halls and shops selling specialized equipment and clothing,
- **Class "E-6"** includes circuses, amusement parks, trade fairs or exhibitions, local fairs or bazaars, and tombolas;

f) **Class "F"** includes various commercial retail or service facilities for or related to motor vehicles:

- **Class "F-1"** includes gas bars,
- **Class "F-2"** includes service stations with or without a car wash.

- **Class "F-3"** includes car washes, either manual or automatic,
- **Class "F-4"** includes facilities for the sale of new motor vehicles (automobiles, trucks, motorcycles, snowmobiles, boats and trucks), in which vehicle rental and maintenance, and resale in the case of used vehicles, are carried on only as activities ancillary to the sale of new vehicles,
- **Class "F-5"** includes facilities for sales of used motor vehicles,
- **Class "F-6"** includes facilities for sales of new or used heavy machinery,
- **Class "F-7"** includes motor vehicle and trailer rental establishments,
- **Class "F-8"** includes motor vehicle parts and accessories sales and installation facilities (mufflers, shock absorbers, tires, trailer attachments, etc.),
- **Class "F-9"** includes motor vehicle maintenance shops (mechanical, electrical, body work, painting, rustproofing etc.),
- **Class "F-10"** includes parking lots and garages,
- **Class "F-11"** includes facilities for the transport of people, such as taxi stands, limousine rental services and ambulance services;

g) **Class "G"** includes establishments of an "extensive" commercial nature, namely, those not included in other classes and which, because of their character or activities, either require large land areas or which are capable of creating a nuisance in the neighborhood:

Class "G-1" includes:

- sales outlets for new construction material and for apparatus and equipment used in electrical, plumbing, heating, air conditioning, and other mechanical systems;

Class "G-2" includes:

- shops and depots used by building contractors (general contractors, electricians, plumbers and other trades), or by excavation, earthmoving or landscaping contractors,
- facilities for the sale, maintenance and storage of boats or aircraft,
- facilities for the sale of mobile homes, prefabricated housing, trailers or swimming pools,
- carpentry, machine, welding, mechanical and electrical, chimney sweeps' and tombstone-making shops,
- bus parking areas,

- offices, depots and maintenance shops for storage, transport and customs brokerage firms,
- manufacturing or maintenance shops for gasoline engines or tooling or equipment used with them,
- areas for parking of transport vehicles (trucks, trailers, buses), and for general storage (excluding bulk storage of materials such as soil, sand and gravel),
- facilities for the storage or sale of used materials,
- facilities for manufacturing, storing or collection of skids,
- establishments for the sale, rental or maintenance of heavy machinery or construction material (forms, trailers, scaffolds, etc.),
- petroleum product depots,
- establishments for the storage or sale of coal or other fuels,
- establishments for the storage or sale of firewood;

Class "G-3" includes:

- pet shops and veterinary clinics for small animals.

Class "G-4" includes:

- indoor or outdoor flea markets, as well as facilities for the storage or sale by auction or otherwise of second-hand items other than antiques,
- veterinary clinics for large animals,
- kennels and training facilities,
- nurseries, commercial greenhouses, garden centers, depots for landscape contractors and all establishments for the sale of plants,
- outdoor fruit and vegetable markets;

Class "G-5" includes:

- outdoor storage areas for all bulk materials;

Class "G-6" includes:

- depots of garbage collection companies,
- parking areas for garbage trucks or containers used in garbage collection,
- scrapyards for motor vehicles or motor vehicle parts (automobile cemeteries),

- waste paper collection facilities.

Class "G-7" includes:

- department stores having a floor area of 6,500 square meters or more and regrouping, in a generally open area, several commercial uses amongst those authorized in the zone. These stores may also include, even if they are included in a class which is not specifically authorized in this zone:
 - . provided it does not cover more than 40% of the total floor area of the store, the sale and installation of automobile parts and accessories and the maintenance of automobiles, excluding however body work and painting;
 - . provided it does not occupy more than 10% of the total floor area of the store, a fast-food restaurant in which food is ordered and served at a customer service counter where it is paid for prior to consumption;
 - . between April 1st and November 1st only, an exterior enclosure for the sale of landscaping products and accessories, the area of which is not taken into account in calculating the total floor area of the store; the area of this enclosure may not exceed however 25% of the total floor area of the store; this enclosure may not encroach into the parking and loading areas;
 - . a gas bar or a service station, with or without a carwash, detached from the main building; this gas bar or service station may be located on the same lot as the main building provided they are situated at least 50 feet one from the other.

Class "G-8" includes:

- department stores having a floor area of 10,000 square meters or more and regrouping, in a generally open area, several commercial uses amongst those authorized in the zone; these stores may also include, even if they are included in a class which is not specifically authorized in this zone:
 - provided it does not occupy more than 25% of the total floor area of the store, the sale and installation of automobile parts and accessories, and the maintenance of automobiles, excluding however car body work and painting;
 - provided it does not occupy more than 10% of the total floor area of the store, a fast-food restaurant in which food is ordered and served at a customer service counter where it is paid for prior to consumption;
 - an outdoor area, fenced, roofed, attached to the building and accessible from therein, occupying an area not exceeding 25% of the indoor floor area of the building and used for the sale of seasonal products such

as plants, flowers, potted trees, bagged material (earth, fertilizers, seeds, etc.), gardening and lawn maintenance equipment, and garden furniture; for the purpose of calculating the lot coverage, the floor space index, the setback and the number of parking spaces, this area shall be considered as part of the building.

*Amendment 90-58-4 (January 12, 1992)
Amendment 90-58-18 (October 7, 1993)
Amendment 90-58-23 (February 12, 1995)
Amendment 90-58-54-1 (December 9, 2001)
Amendment 90-58-73 (June 19, 2013)*

2.5 Mixed-Use Buildings

- a) Mixed-use buildings are buildings occupied partly by one or more commercial uses and partly by one or more dwelling units.
- b) Mixed-use buildings are prohibited throughout the Town of Kirkland.

2.6 Classification of Public Uses

For the purposes of this By-law, the various public uses which may be permitted in one or more zones are classified as follows:

- a) **Class "A"** includes parks, playgrounds or other open spaces under the responsibility of a public body, including sports, recreational and cultural functions, buildings and facilities, as well as tourist information booths;
- b) **Class "B"** includes uses under the responsibility of a public body or a religious, government or non-profit organization, and designed for worship, education, social services and health, cultural pursuits, lodgings or public administration, including churches, schools, communal residences for religious orders, police stations, fire stations, transportation stations and terminals, public day-care facilities, local facilities for community services, social clubs, convalescent homes, low-rent housing, and facilities, homes and residences for the elderly, etc.;
- c) **Class "C"** includes cemeteries;
- d) **Class "D"** includes detention facilities and other penal institutions.
- e) **Class "E"** includes immovables designed for conservation or recreational purposes and which are under the jurisdiction of the Communauté urbaine de Montréal.

2.7 Classification of Industrial Uses

For the purposes of this By-law, the various industrial uses which may be permitted in one or more zones are classified as follows:

- a) **Class "A"** includes facilities for technological research and development, data processing, technical and professional consulting, or coordination and planning; none of these facilities normally generates a high level of patronage or heavy traffic;
- b) **Class "B"** includes facilities manufacturing new materials or new products by processing or re-shaping new material or by assembling other new products and may engage in, as ancillary activities, the repair or maintenance of products normally manufactured by the establishment and engage in activities which characterize the principal use of Class "D" establishments;
- c) **Class "C"** includes facilities for manufacturing materials or products by processing or re-shaping new or used materials or by assembling other new or used products; these establishments may engage in, as ancillary activities:
 - repair and maintenance,
 - distribution,
 - wholesale sales of products normally manufactured by the facility, and their transport to points of sale or of processing;
- d) **Class "D"** includes facilities for distribution or wholesale sales of products or their transport to points of sale or processing; these establishments may engage in the secondary activities of receiving, handling, packaging, shipping and administration, and the facilities may include show-rooms, exhibition halls and repair and spare parts sales outlets. Due to the nature of their activities, these facilities cause very little if any inconvenience to the vicinity;
- e) **Class "E"** includes storage facilities, and facilities similar to those included in Class "D" but where the principal activity is storage, including offices and warehouses of transport or customs brokerage firms, and facilities of transport vehicle rental companies;
- f) **Class "F"** uses include the extraction, handling, storage, refining or processing of surficial deposits, namely black earth, topsoil, sand (sand pits) or gravel (gravel pits);
- g) **Class "G"** includes the quarrying of stone and the processing normally associated with this use, such as cement, concrete or asphalt plants, whether the materials are extracted on-site or imported.

2.8 Classification of Public Utilities

For the purposes of this By-law, the various public utilities which may be permitted in one or more given zones, whether they be the property of a government, state corporation, private company or an individual, are classified as follows:

- a) **Class "A"** includes "light" uses such as wells and springs, water reservoirs and pumping stations, facilities for pumping, metering or distribution within water, sewer, gas, electricity or telephone networks, meteorological stations, and pressure relief stations within gas distribution networks;

b) **Class "B"** includes depots and maintenance facilities for road works and for electricity, telephone, gas or other public utility companies, including municipal garages and shops, water filtration plants, wastewater treatment or purification plants, transformer stations, and electric power lines, snow dumps.

Amendment 90-58-44 (November 19, 2000)

c) **Class "C"** includes "heavy" uses such as electric power generating stations fuelled by coal, petroleum, gas or nuclear power, incinerators, and sanitary landfill sites;

d) **Class "D"** includes establishments for national defence forces;

e) **Class "E"** includes throughways, rail and air transport, and the facilities related to these activities, such as stations and terminals;

f) **Class "F"** includes public utilities under the responsibility of a public body, state corporation or public utility and involving the use of one or more antennas or towers for receiving or transmitting signals, such as in the case of a telecommunications, telephone, broadcasting or cable distribution company.

2.9 Uses of a Hazardous and Unpleasant Nature

The classification of uses for the purposes of this By-law shall not be interpreted to permit hazardous uses prohibited throughout the Town of Kirkland. The following uses shall be considered to be particularly hazardous and therefore shall be prohibited everywhere within the Town:

a) Rubber processing plants and plants manufacturing oilcloth;

b) Factories making soap, chemical fertilizer, creosote and creosote products, linoleum or varnish;

c) Plants producing wood alcohol, vinegar, laundry starch, food starches and other like products;

d) Plants manufacturing explosives, tar or resins, plants processing benzene, naphta, gasoline, turpentine or their by-products or any other highly flammable substances, as well as lime kilns, gas works and oil refineries;

e) Rendering plants, namely tallow rendering, plants where bones are burned or boiled, manufacturing of animal black, glue or gelatin, tanneries, fish oil refining, depots for untreated hides, manure or bones, and in general, plants where decomposing animal matter is processed or stored;

f) All uses involving slaughtering and the processing of meat, poultry or fish;

- g) All uses involving the recycling, burying, treatment, use, storage or distribution of used material or products, or the collection of garbage or waste, and all uses involving the garaging, parking, cleaning or maintenance of vehicles or equipment used to collect, store or transport garbage or waste;
- h) Manufacturing plants, depots and sites for the disposal, recycling or burying of toxic products or products which can in any way pose a hazard to the health or well-being of the population, in particular including any use involving the recycling, processing, use or storage of polychlorinated biphenyls (PCBs) or any hazardous waste as defined in the Quebec regulations on hazardous waste (namely any flammable, corrosive, leachable, radioactive, reactive or toxic waste, or any waste mentioned in Appendix 1 of the said regulation);
- i) Chemical industries with outdoor facilities or chemical industries whose principal activity consists of the production, storage or distribution of significant quantities of industrial chemicals which could be considered to be hazardous or toxic.

2.10 Amusement Arcades and Other Generally Prohibited Uses

The following uses are prohibited throughout the area within the limits of the Town of Kirkland:

- a) Amusement arcades, namely, any building, part of a building, premises, hall or establishment which has one or more of the following characteristics:
 - the said building, part of building, premises, hall or establishment is equipped with more than one (1) game device,
 - the said establishment derives most of its revenues from the operation of game devices.

A "game device" shall be considered to be any apparatus or device for games of amusement operated manually, mechanic-ally, electrically or electronically, the use for which a sum of money is charged; without limiting the foregoing, the following among others shall be considered to be game devices: pinball machines, billiard tables, target games and all electronic games;

- b) *(Repealed)*
- c) Breeding facilities, stockyards and, in general, facilities and establishments other than veterinary hospitals, clinics or facilities for small animals and where animals other than small pets are kept or sheltered, pets being characterized principally by the fact that they can be kept in their owner's home;
- d) Breweries and distilleries;
- e) Food processing plants;

- f) Mini golfs, mini putts or others; practice or driving ranges other than those ancillary to a golf course of at least nine par-three (or more) holes.

Amendment 90-58-10 (March 7, 1993)

Amendment 90-58-18 (October 7, 1993)