



PROVINCE OF QUEBEC  
TOWN OF KIRKLAND

## SECOND DRAFT DRAFT BY-LAW NO. : 90-58-118

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BY-LAW AMENDING ZONING BY-LAW NO. 90-58  
CONCERNING THE PROVISIONS APPLICABLE TO A  
CORNER LOT AND HEDGES IN A RESIDENTIAL ZONE

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### ADOPTION PROCEDURE

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|----------------------------|---------------|
| Notice of motion:          | June 1, 2026  |
| Adoption – Draft:          | June 1, 2026  |
| Publication:               | June 5, 2026  |
| Public consultation:       | June 16, 2026 |
| Adoption – second draft:   | July 6, 2026  |
| Publication:               |               |
| Application request:       |               |
| Registration procedure:    |               |
| Adoption of by-law:        |               |
| Certificate of conformity: |               |
| Publication:               |               |
| Coming into force:         |               |

- WHEREAS                   Zoning By-Law No. 90-58 has been in force since February 28, 1991 and may be amended in accordance with the *Act respecting land use planning and development* (c. A-19.1);
- WHEREAS                   this second draft by-law contains provisions subject to approval by way of referendum;
- WHEREAS                   in accordance with section 356 of the *Towns and Cities Act* (Chapter C-19), notice of motion for this By-Law was given and the draft was filed and adopted at the regular sitting of the Municipal Council held on June 1, 2026;
- WHEREAS                   copies of the second draft by-law were made available to the public;
- WHEREAS                   the preamble forms an integral part of this by-law;

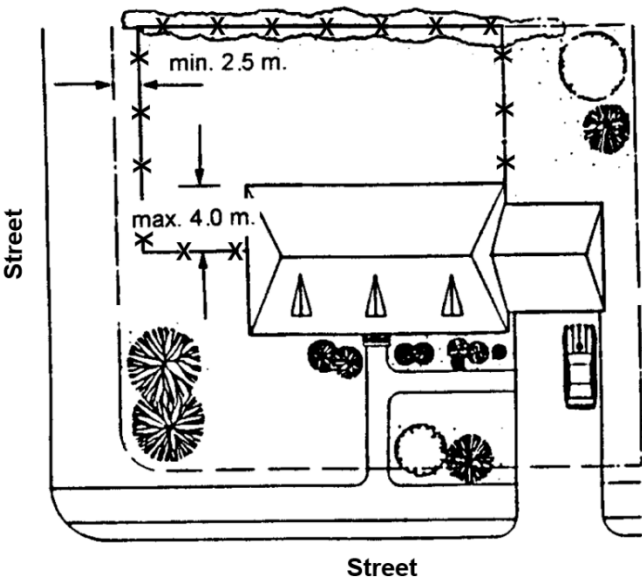
THE MUNICIPAL COUNCIL ORDERS AND DECREES AS FOLLOWS:

ARTICLE 1

Article 5.5 of *Zoning By-Law No. 90-58*, which is entitled “Fences and Hedges,” is amended by replacing paragraph c) by the following :

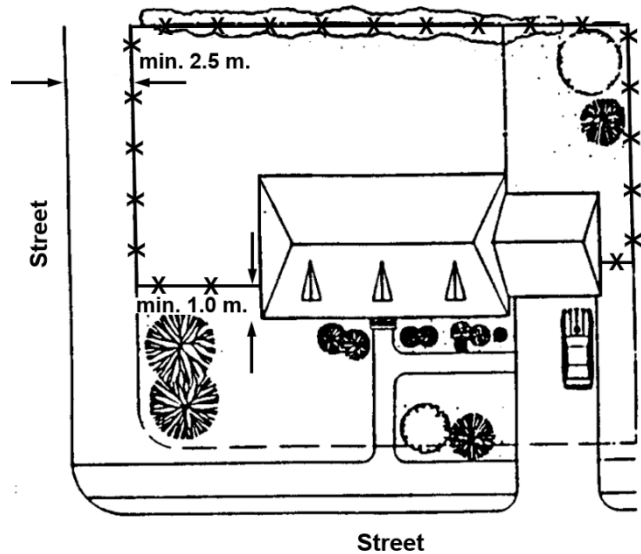
- “c) Fences are not permitted in the front setback, except in the following cases:
- i)       A fence may encroach in the portion of the front setback which is located in the extension of the rear setback of a corner lot in a residential zone for a residential use, as well as in the first 4.0 m (13.1’) measured from the rear wall of the principal building, on the following condition :
- the fence shall be located at a minimum distance of 2.5 m (8.2’) from the edge of the street right-of-way.

the whole as shown on the diagram below :



- ii)       A fence may encroach in the portion of the front setback which is located in the extension of the rear setback of a corner lot in a residential zone for a single-family dwelling use (Class A) only, as well as up to a distance of one metre (3.3’) measured from the front wall of the principal building, on the following conditions :
- the fence may be located on the property line, notwithstanding Article 5.2;
  - the fence shall be located at a minimum distance of 2.5 m (8.2’) from the street curb or, where applicable, the edge of the sidewalk;
  - the fence shall be located at a minimum distance of 1.5 m (4.9’) from a fire hydrant;
  - the installation or the presence of the fence may not serve as grounds for felling a public tree.

the whole as shown on the diagram below :



- d) All hedges shall be maintained so that they remain within the maximum height stipulated by the particular provisions. In addition to the provisions of Article 5.2, a hedge shall also be located at a minimum distance of 2.5 m (8.2') from the street curb or, where applicable, the edge of the sidewalk.”

ARTICLE 2

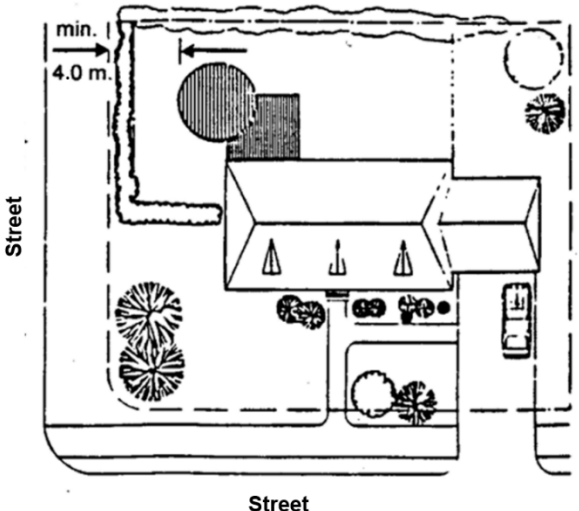
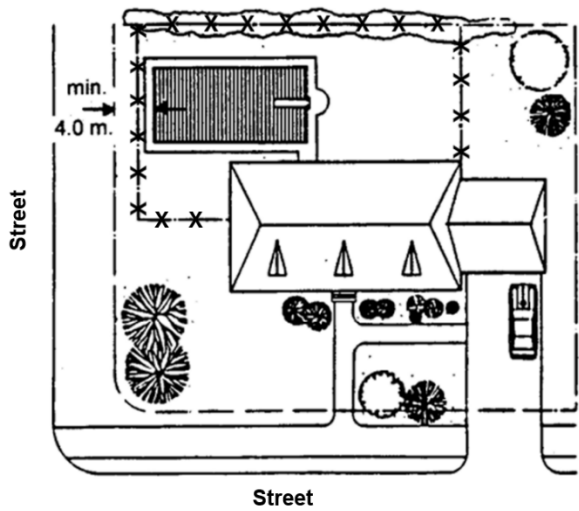
Article 5.7 of this By-Law, which is entitled “Swimming Pools,” is amended by :

1. replacing subparagraph ii) of paragraph a) by the following :

“ii) No pool, either in- or above-ground, is permitted in the front setback, except in the following cases:

A swimming pool may encroach in the portion of a front setback which is located in the extension of the rear setback of a corner lot in a residential zone for a residential use, on the following conditions:

- the swimming pool shall be located at a minimum distance of 4.0 m (13.1') from the edge of the street right-of-way;
- in the case of an above-ground pool, the swimming pool shall be hidden by an opaque fence 1.85 m (6.0') high, a fence 1.85 m (6.0') high with openings and a hedge installed next to the fence that hides it or by a hedge 1.85 (6.0') high.



the whole as shown on the diagram below :

The minimum distance from the swimming pool to the edge of the street right-of-way, as prescribed in the previous paragraph, may be reduced to 2.45 m (8.0') on a corner lot in a residential zone for a single-family dwelling use (Class A) only, provided the swimming pool is hidden by an opaque fence 1.85 m (6.0') high, a fence 1.85 m (6.0') high with openings and a hedge installed next to the fence that hides it or, where the terms and conditions for swimming pool enclosures so permit, by a hedge 1.85 m (6.0') high."

2. replacing the words "3.0 m (9.8') by the words "2.45 m (8.0') in subparagraph ii) of paragraph b.

### ARTICLE 3

Article 10.7 of this By-Law, which is entitled "Use of Outdoor Areas," is amended by:

1. removing subparagraph iii) of paragraph a).
2. adding a second paragraph to paragraph a) that reads as follows :

"The following are also permitted in the portion of the front setback which is located in the extension of the rear setback of a corner lot, as well as any side part of the building fronting on the street other than the street where the civic number is located, subject to the other provisions of this By-Law that govern them :

- fences, according to the conditions provided in Article 5.5;
- swimming pools and decks, according to the conditions provided in Article 5.7;
- ancillary buildings, except for garages, on the following conditions:
  - i. The ancillary building shall be located at a minimum distance of 2.45 m (8.0') from the street right-of-way;
  - ii. The ancillary building shall be sited so that it is set back at least 3 m behind the front facade of the principal building, with the distance being measured perpendicularly from the corner of the front facade of the side where the ancillary building is located;
  - iii. The ancillary building shall be hidden by an opaque fence 1.85 m (6.0') high, a fence 1.85 m (6.0') high with openings and a hedge installed next to the fence that hides it or by a hedge 1.85 (6.0') high."

### ARTICLE 4

Article 10.9 of this By-Law, which is entitled "Fences and Hedges," is amended by replacing paragraph c) by the following :

"c) Elsewhere on the lot, maximum height of fences is 1.85 m (6.0'), and there is no maximum height for hedges."

### ARTICLE 5

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

(Michel Gibson)

Mayor

(Fabienne Gariépy)

Director of Legal Affairs and Town Clerk