PROVINCE OF QUÉBEC
TOWN OF KIRKLAND

BY-LAW NO. : 90-58

ZONING BY-LAW

Amendments

90-58-1 to 90-58-108

NOTICE

This consolidation has not been officially adopted by the Municipal Council. It has been compiled on October 16, 2023 in order to facilitate the reading of the texts. The official text is to be found in the text of the original by-law and each of its amendments.

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Chapter 1 - **LEGAL, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS**

1.1 Title and Effect

a) This By-Law may be referred to as the "Zoning By-Law of the Town of Kirkland".

b) This By-Law shall take effect in accordance with the terms of the Law.

1.2 Abrogations

This By-Law repeals By-Law 67, By-Law 120, By-Law 83-16, By-Law 90-53, By-Law 115, By-Law 119, and By-Law 225, together with their respective amendments. These By-Laws shall nevertheless remain in force and shall be applied in full with respect to any case in which any natural or legal person is in violation on the date this regulation comes into force of one or more provisions of these By-Laws: furthermore, the repeal of these By-Laws shall not have effect with respect to permits legally issued under the provisions of the By-Laws hereby repealed, nor shall they affect acquired rights existing prior to the present By-Law coming into force.

1.3 Amending Formula

This By-Law may be amended only by means of another By-Law adopted and, where applicable, approved, in accordance with the Law.

1.4 Compliance With Other Laws, Regulations or Servitudes

Compliance with this By-Law shall not diminish the obligation of complying with any other Law or Regulation where applicable, including, in particular, the Civil Code of the Province of Quebec.

1.5 Persons and Area Subject to Application of this By-Law

Compliance with the provisions of this By-Law is incumbent on both natural and legal persons under public or private Law and said By-Law shall apply to the entire area within the limits of the Town of Kirkland.

1.6 Application of the By-Law

a) Administration of this By-Law is entrusted to the Building Inspector of the Town of Kirkland.

b) For the purposes of this By-Law, the Inspector may be represented by an assistant, or by any other person so designated by Council.

c) Unless expressly indicated otherwise, the persons contemplated by the preceding paragraph are referred to in this By-Law by the terms "Building Inspector" or "Inspector".

d) The duties and powers of the Inspector are defined in the Permits and Certificates By-Law of the Town of Kirkland.

1.7 Violations, Penalties and Recourse

a) Anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, is liable to the following fine:

- *for a first infraction:* a minimum of **THREE HUNDRED DOLLARS** ($300.) and a maximum of **ONE THOUSAND DOLLARS** ($1,000.) if the offender is a physical person or a maximum of **TWO THOUSAND DOLLARS** ($2,000.) if the offender is a moral person;

- *for a repeated infraction:* a minimum of **SIX HUNDRED DOLLARS** ($600.) and a maximum of **TWO THOUSAND DOLLARS** ($2,000.) if the offender is a physical person or a maximum of **FOUR THOUSAND DOLLARS** ($4,000.) if the offender is a moral person.

a.1) Notwithstanding section 1.7 a), anyone who fells a tree in contravention of a provision of this by-law is liable to a minimum fine of FIVE HUNDRED DOLLARS ($500) plus,

(1) for felling trees on less than one hectare of land, an amount varying from **ONE HUNDRED DOLLARS** ($100) to **TWO HUNDRED DOLLARS** ($200) per tree illegally felled, up to a total of **FIVE THOUSAND DOLLARS** ($5,000); or

(2) for felling trees on one or more hectares of land, a fine varying from **FIVE THOUSAND DOLLARS** ($5,000) to **FIFTEEN THOUSAND DOLLARS** ($15,000) per hectare deforested, in addition to an amount determined in accordance with subparagraph 1 for each fraction of a hectare.

These amounts are doubled for a second or subsequent offence.

a.2) Notwithstanding article 1.7 a), a swimming pool owner who contravenes a provision of article 5.7 of this by-law is liable to the following fine:

- *for a first infraction:* a minimum of **FIVE HUNDRED DOLLARS** ($500) and a maximum of **SEVEN HUNDRED DOLLARS** ($700);

- *for a subsequent infraction:* a minimum of **SEVEN HUNDRED DOLLARS** ($700) and a maximum of **ONE THOUSAND DOLLARS** ($1,000).

b) In addition to obtaining recourse by imposing penalties, the Town may, before the Courts entertaining jurisdiction, exercise any legal recourse against any natural or legal person, owner, tenant or occupant, to enforce compliance with the provisions of this By-Law, including, among others, for purposes of preventing or halting the

use of properties or buildings or the building of structures not compliant with the provisions of this By-Law or, if necessary, procuring the demolition of any structure built in violation of the present By-Law.

1.8 Interpretation

a) Unless specifically stated otherwise, or unless the context indicates a different interpretation, the expressions, terms and words defined in Appendix "1" of this By-Law shall be given the meaning and application assigned to them in the said Appendix "1".

b) Irrespective of the tenses employed in any of the provisions contained in this By-Law, such provisions shall be considered to have effect during any periods or under any circumstances in which they may apply.

c) In this By-Law, use of the masculine shall include the feminine, unless otherwise indicated by the context in which it is used.

d) In this By-Law, use of the singular shall include the plural, unless the context indicates otherwise.

e) All dimensions and measures employed herein are given in the international (metric) system, accompanied at times with their equivalents in English dimensions and measures given between parentheses; equivalences in English dimensions and measures are given for purposes of information only; dimensions or measures of the metric system shall prevail in the event of any contradiction between the two systems.

f) All plans, appendices, tables, charts, diagrams, graphs, symbols and all forms of expression other than the text proper and contained herein, with the exception of the Table of Contents and text headings (which are provided for information purposes only), shall form an integral part hereof.

g) In the event of contradiction between the English and French versions of this By-Law, the French version shall prevail.

1.9 Adoption in Parts

Council hereby declares that it adopts this By-Law part by part, such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other parts contained herein.

1.10 Activities Covered

No structures shall be erected, moved, repaired, modified, enlarged or demolished, the use of no properties or structures shall be changed, no dwelling units shall be subdivided, no properties shall be developed, no soil shall be excavated, no pools shall be installed, no trees shall be planted or felled, no fences or walls shall be erected, no hedges shall be

planted, no posters, signs or billboards shall be installed or modified, and no trailers or mobile homes shall be installed anywhere within the Town of Kirkland unless they conform to the provisions of this By-Law.

1.11 Permits and Certificates

Some of the activities listed in Article 1.10 above are subject to the issue of a permit or certificate of authorization by the Inspector; the conditions governing the issue of permits and certificates are stipulated in the Permits and Certificates By-Law of the Town of Kirkland.

1.11.1 Building permit – prerequisite conditions

a) Condition to be complied with

No building permit shall be issued in respect of an immovable if the prerequisite condition mentioned in paragraph b) has not been complied with when this permit relates to the establishment of a new principal building on an immovable in respect of which no subdivision permit has been issued under registration as a separate lot by reason of the fact that the registration resulted from cadastral renewal.

b) Prerequisite condition

The prerequisite condition contemplated in paragraph a) is, depending on the decision of the municipal Council in each case:

- Or the owner undertakes to transfer, free of charge, to the municipality a parcel of land which, in the opinion of the Council, is suitable for the establishment or enlargement of a park or playground or for the preservation of a natural area;
- Or the owner pays an amount to the municipality;
- Or the owner makes both the undertaking and the payment.

c) Area of land

- If a parcel of land is transferred, its area shall be equal to 10% of the area of the site.
- If a sum of money is paid, it shall be equal to 10% of the value of the site.
- If the owner makes both a transfer and a payment, the total of the value of the land to be transferred and of the sum of money to be paid shall be equal to 10% of the value of the site.

d) Property assessment roll

For the application of paragraph c), the property assessment roll of the municipality is used.

1.12 Zoning Plan

a) Division of the area into zones

For the purposes of this By-Law, the area contained within the limits of the Town of Kirkland is divided into zones as indicated on the Zoning Plan prepared by Pierre Landry, Urbanist, dated September 24, 1990 and appended hereto as Appendix "2" forming an integral part hereof.

Zones 223C and 224C: the zoning plan is amended by merging zones 223C and 224C to form a new zone bearing number 223C.

Zones 232-C: the zoning plan is amended so as to constitute a new zone 232-C composed of part of zone 212-C, of zone 226-C and of part of zone 21-P, as shown on the plan identified on April 30, 1993, by the signature of the Town Clerk and annexed to this by-law as Schedule "2.4".

Zone 34-P: the zoning plan is amended by removing lot 148-181 from zone 122-R to constitute a new zone 34-P shown on the plan identified on May 3, 1993 by the signature of the Town Clerk and annexed to the present by-law as Schedule 2.7.

Zone 28P: the zoning plan is amended by removing from zone 143R, to constitute a new zone 28P, part of original lot 138 shown outlined in red on the plan signed on July 30, 1993, by the Town Clerk and annexed to this by-law as Schedule "2.5".

Zone 233-C: the zoning plan is amended by replacing zone 209-C by two new zones, 233-C and 148-R, shown on the plan signed on December 12th, 1994 by the clerk of the Town and annexed to the present by-law as Schedule 2.8.

Zone 318-M: the zoning plan is amended by detaching from zone 310-M, to constitute a new zone 318-M, the landsite shown outlined in red on the plan signed on March 29, 1996, by the Town clerk and annexed to the present by-law as Schedule 2.9.

Zone 234C: the zoning plan is amended to constitute a new zone designated 234C including:

a) a part of zone 317M, shown outlined in red on the plan signed on September 15th, 1997 by the Town clerk and annexed to this by-law as Schedule 2.10.

b) part of zone 30P, shown outlined in red on the plan signed on September 15th, 1997 by the Town clerk and annexed to this by-law as Schedule 2.10.

Zone 308M: the zoning plan is amended by incorporating, in zone 308M, part of zone 317M, shown outlined in red on the plan signed on September 15th, 1997 by the Town clerk and annexed to this by-law as Schedule 2.11.

Zone 307M: the zoning plan is amended by incorporating in zone 307M part of zone 30P shown on the plan signed on September 15, 1997 by the Town clerk and annexed to this by-law as Schedule 2.12.

Zone 319M: the zoning plan is amended by replacing zone 202C by (Zone 202C): a new 319 M zone.

Zone 320M: the zoning plan is amended to constitute a new zone designated 320M including part of zone 309M, outlined on the plan signed for identification purposes on March 18, 1998 by the Town clerk and annexed to this by-law as Schedule 2.14.

Zone 235C: the zoning plan is amended to constitute a new zone designated 235C including part of zone 4P, outlined on the plan number 5013A305 and in the technical description prepared by Mr. Dany Maltais, Land Surveyor, on December 4, 1998 under Minute number 1403 and annexed to this by-law as Schedule 2.15.

Zone 149R: the zoning plan is amended to constitute a new zone designated 149R including part of zone 214C, outlined on the plan signed January 27, 1999 by the Town clerk and annexed to this by-law as Schedule 2.16.

Zones 150R, 151R, 152R and 227C (316M): The zoning plan is amended by replacing zone 316M with an enlargement of zone 227C and the creation of three new zones designated 150R, 151R and 152R, the whole as shown on the plan signed January 27, 1999 by the Town clerk and annexed to this by-law as Schedule 2.17.

Zone 35P: the zoning plan is amended to constitute a new zone designated 35P by removing from zone 129R part of lot 177 outlined on plan number M22571 and in the technical description prepared by Mr. Stéphane Arsenault, Land Surveyor, on April 15, 1999 under Minute number 3013 and annexed to this by-law as Schedule 2.18.

Zone 153R: the zoning plan is amended to constitute a new zone designated 153R including part of zone 305M, outlined on the plan signed for identification purposes on February 5, 2001 by the Town clerk and annexed to the present by-law as Schedule 2.19.

Zone 154R: the zoning plan is modified by substracting from zone 220C, parts of original lots 177 and 178 to create a new zone 154R, the whole as shown on an extract of the zoning plan signed May 7, 2001 by the Town Clerk and annexed to this by-law as Schedule 2.20.

Zone 312M: the zoning plan is amended to repeal zones 229C and 313M to extend zone 312M by including in the said zone the areas which until now constitued zones 229C and 313M, the whole as shown on the plan signed for identification purposes on June 4th, 2001 by the Town Clerk and annexed to this by-law as Schedule 2.21

Zone 155R: the zoning plan is amended by replacing commercial zone 217C by a new residential zone 155R.

Zone 210C: the zoning plan is modified by adding to zone 210C the tract of land presently part of zone 30P which is no longer used for the exit from Autoroute 40 East to St-Charles Boulevard South, the whole as shown on an extract of the zoning plan signed July 20, 2001 by the Town Clerk and annexed to this by-law as Schedule 2.22.

Zone 156R: the zoning plan is modified by replacing commercial zone 225C by a new residential zone 156R.

Zone 37P: the zoning plan is modified by subtracting, from zone 105R, lot number 176-60, part of lot 176-62 and part of lot 176-64 and, from zone 231C, part of lot 176-64 and

part of lot 322-1, to constitute a new zone 37P, the whole as shown on an extract of the zoning plan signed on January 28, 2002, by the Kirkland Borough Office Director and annexed to this by-law as Schedule 2.23.

Zones 157R, 158R and 159R: The zoning plan is amended:

- by repealing the present zone 220C and dividing the area of the said former zone between an addition to zone 129R and the creation of three new residential zones 157R, 158R and 159R;
- by attaching to the new zone 159R that part of zone 129R which has been earmarked for the extension of Elkas Boulevard;

the whole as shown on an extract of the zoning plan signed for identification on January 28, 2002 by the Kirkland Borough Office Director and annexed to this by-law as Schedule 2.24.

Zones 160R and 161R: The zoning plan is amended by creating new zones 160R and 161R from part of existing zone 302M, the whole as shown on an extract of the zoning plan signed for identification on January 28, 2002 by the Kirkland Borough Office Director and annexed to this by-law as Schedule 2.25.

Zone 236C: The zoning plan is amended by removing, from zone 118R, the part of original lot 185-A of the parish of Ste-Geneviève-de-Pîerrefonds identified as number 1071 149-002 under the cadastral reform, to constitute a new zone 236C, the whole as shown on an extract of the zoning plan, signed for identification on August 2, 2002 by the Kirkland Borough Office Director, and annexed to this by-law as Schedule 2.26.

Zone 237C: The zoning plan is amended by removing, from zones 156R and 230C, lot number 1 991 993 of the Quebec Cadastre, to constitute a new zone 237C, the whole as shown on an extract of the zoning plan, signed for identification purposes by the Director of the Borough Office on February 2, 2004 and annexed to the present By-Law as Schedule 2.27.

Zone 315M: The zoning plan is modified by removing zones 115R and 224C and by incorporating into zone 315M the area formerly occupied by the said zones, the whole as shown on an extract of the zoning plan signed June 7, 2004 by the Director of the Borough Office and annexed to this by-law as Schedule 2.28.

Zones 314M, 111R and 162R : The zoning plan is amended by reducing zone 111R to increase zone 314M and to create a new zone 162R, the whole as shown on an extract of the zoning plan, signed for identification purposes by the Town Clerk on March6, 2006, and annexed to the present by-law as Schedule 2.29. The new zone 162R thus created is made of lot 3 112 125 of the Cadastre of Québec.

Zones 308M, 317M, 321M,322M and 323M: The zoning plan is amended as follows: zone 308M is repealed to be replaced by an extension of zone 317M and by new zones 321M, 322M and 323M, the whole as shown on an extract of the zoning plan, signed for identification purposes by the Town Clerk on March 6, 2006, and annexed to the present by-law as Schedule 2.30.

Zones 233C, 148R and 238C: The zoning plan is amended by removing, from zone 233C and zone 148R, lot number 2 646 451 of the Québec cadastre, to constitute a new zone 238C, the whole as shown on an extract of the zoning plan, signed for identification purposes by the Town Clerk on March 6, 2006, and annexed to the present by-law as Schedule 2.31.

Zones 314M and 324M: The zoning plan is amended by reducing zone 314M to create a new zone 324M, the whole as shown on an extract of the zoning plan, signed for identification purposes by the Town Clerk on October 2, 2006, and annexed to the present by-law as Schedule 2.32. The new zone 324M thus created corresponds to lot 1 991 170 of the Cadastre of Québec.

ZONE 236C: The zoning plan is amended by removing from residential zone 118R, lot 1992026 of the Cadastre du Québec and by adding this lot to zone 236C, the whole as shown on an extract of the zoning plan, signed for identification on October 6th, 2008 by the Town Clerk, and annexed to this by-law as Schedule 2.34.

ZONES 222C and 11P: The zoning plan is amended as follows: zone 11P is reduced in order to expand zone 222C, the whole as shown on an extract of the zoning plan, signed for identification purposes by the Town Clerk on November 3rd, 2008, and annexed to the present by-law as Schedule 2.35. Further to this amendment, the parts of lot 3 415 346 and of projected lot 4 118 420 of the *Cadastre du Québec* that were included in zone 11P will be included in zone 222C.

ZONE 221C: The zoning plan is amended by incorporating lot 1 992 059 and part of lot 1 992 058 of zones 22P and 120R into zone 221C, the whole as shown on an extract of the zoning plan, signed for identification purposes on March 9, 2009 by the Assistant Town Clerk and annexed to the present by-law as Schedule 2.36.

Zone 38P : The zoning plan attached to Zoning By-law No. 90-58 to form an integral part thereof is modified by replacing residential zone 120R by a new public zone 38P, as shown on plan 2.37, signed on November 2, 2015 by Ms. Martine Musau, and attached to this by-law to form an integral part thereof (Appendix A).

ZONES 314M and 239C: the zoning plan is amended by removing lot number 4 378 998 of the Quebec cadastre from zone 314M to constitute a new zone 239C, the whole as shown on an extract of the zoning plan, signed for identification purposes by the Assistant Town Clerk on May 6, 2019, and annexed to the present by-law as Schedule 2.38.

ZONES 113R and 163R: the zoning plan is amended by reducing zone 113R to create a new zone 163R, the whole as shown on an extract of the zoning plan, signed for identification purposes by the Town Clerk on September 3, 2019, and annexed to the present by-law as Schedule 2.39.

ZONES 210C and UM-101: the zoning plan is amended as follows: zone 210C is replaced by the new zone UM-101, the whole as shown on an extract of the zoning plan signed on April 28, 2021 by the Town Clerk and annexed to the present by-law as Schedule 2.40.

The new zone UM-101 thus created corresponds to lots 1 991 920, 1 991 931, 3 052 605, 3 052 657, 3 052 658 and 3 052 659 of the cadastre of Quebec.

ZONES 310-M, 318-M, 164R, 165R, UM-102 and 325M: the zoning plan is amended as follows: zones 310M and 318M are replaced by new zones 164R, 165R, UM-102 and 325M, as shown on an excerpt of the zoning plan signed on June 30, 2021 by the Town Clerk and appended to this By-Law as Schedule 2.42. New zones 164R, 165R, UM-102 and 325M thus created correspond to lots 5 856 123, 6 193 503, 6 193 505, 6 193 506, 6 193 507, 6 193 508, 6 193 511, 6 193 512, 6 193 513, 6 193 514 and 6 296 387 of the cadastre of Quebec.

ZONES 325M AND 326M: the zoning plan is amended as follows: zone 326M is created from part of zone 325M as shown on an excerpt of the zoning plan signed on June 28th, 2023 by the Town Clerk and appended to this By-Law as Schedule 2.43. New zone 326M thus created correspond to the lots 6 193 506, 6 436 118, 6 535 130 and 6 556 786 of the cadastre of Quebec.

b) Interpretation of zone boundaries

Unless otherwise indicated, the boundaries of the zones shown on the Zoning Plan shall coincide with the centreline of the rights of way of throughways, roads, streets, and other thoroughfares, and with cadastral lot lines and municipal boundaries; where zone boundaries do not coincide with any such feature and where no measurement is indicated, distances shall be measured to scale on the Plan; in this event it shall be presumed that the exact boundary of the boundary zone follows the centre of the line separating it from the adjacent zone.

c) Identification of zones

For purposes of identification and reference, each zone is designated by a code consisting of a letter and a number, by which the various provisions of this By-Law may be referred to. In general, the letter refers to the predominant land use intended for the zone, i.e.:

R: residential
C: commercial
M: industrial
P: public
G: golf

1.12.1 Modification of zones 141R and 216C/144R

Part of original lot 146 and part of lot 146-138 shown on plan D6145, prepared on March 11, 1992, by Pierre Alarie, Land Surveyor, and annexed to this by-law as Schedule "2-1", are subtracted from zone 141R and incorporated in zone 216C/144R.

1.12.2 Modification of zones 220C and 129R

Part of original lot 177 shown on the extract of the zoning plan signed on March 2nd, 1998 by the Town clerk for identification purposes and annexed to this by-law as Schedule “2.13”, is substracted from zone 220C and incorporated in zone 129R.

1.12.3 Modification of zones 216C/144R and 141R

Part of original lot 146 and part of lot 146-138 shown on plan D6145, prepared on March 11, 1992, by Pierre Alarie, Land Surveyor, and forming Schedule “2.1” of this by-law as annexed by By-Law No. 90-58-7, are subtracted from zone 216C/144R and incorporated in zone 141R.

1.13 Tables of Particular Provisions

Some of the provisions particular to each of the zones appearing on the Zoning Plan are indicated by means of tables appearing in the various chapters dealing with the particular provisions. These tables form an integral part of this By-Law.

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 follow-ing 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;

a) **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;

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

- **Class "C-1"** includes tourist accommodation establishments, excluding principal residence establishments.

- **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;

c) **Class "D"** includes facilities for distribution or wholesale sales of products or their transport to points of sale or processing, online commerce, with or without a pickup site. These establishments may engage in the secondary activities of receiving, handling, packing, shipping and administration and the facilities may include showrooms, exhibition halls, and repair sales outlets. Due to the nature of their activities, these facilities cause very little if any inconvenience to their vicinity.

- **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;

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

- **Class "E-1"** includes establishments in which the principal activity consists of performance of a cultural nature such as cinemas, coffee houses and theatres, where the serving of beverages (non-alcoholic) is entirely accessory, as well as coffee shops where the sale of sandwiches or pastries is 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;

e) **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;
- **Class "F-12"** includes establishments that sell new electric vehicles, where the rental and maintenance of electric vehicles as well as the resale of used electric vehicles are exclusively secondary activities to the sale of new electric vehicles;
- **Class "F-13"** includes electric vehicle maintenance shops (mechanics, electricity, body work, painting);

f) **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;

i) 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;

ii) 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;

iii) 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.

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.

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 norm-ally 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.

h) **Class "H"** includes storage facilities for residential and office products; these facilities may engage in or include, as an ancillary activity:

- the leasing of office spaces.

This use class is subject to the objectives and criteria specified in a site planning and architectural integration program (SPAIP).

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, meterological 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.

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.

g) Tourist accommodation establishment category 1° principal residence establishments are prohibited in all residential and mixed-use zones.

Chapter 3 - GENERAL PROVISIONS GOVERNING LOT SIZE, SITING OF PRINCIPAL BUILDINGS, AND SETBACKS

3.1 Lot Dimensions

a) Minimum property areas and dimensions of are specified in the Subdivision By-law of the Town of Kirkland for each zone and for each use or class of use.

b) No certificate of authorization or building permit shall be issued for proposed uses on a property subdivided after the date this By-law comes into force and whose areas, widths or depths do not conform to the minimums prescribed in the Subdivision By-law for the proposed use.

c) A certificate of authorization or building permit may be issued for a proposed use on properties whose areas, widths or depths do not conform to the minimum prescribed in the Subdivision By-law for the proposed use if said properties were subdivided prior to the Subdivision By-law coming into force or if they enjoy acquired rights to be subdivided under the Subdivision By-law and if the present By-law permits the proposed use in the zone concerned.

d) Any use for which paragraph c) must be invoked in order to issue a certificate of authorization or building permit shall nonetheless comply with all other provisions hereof, with reference to setbacks in particular.

e) In no case shall a property composed of several separate lots, as contemplated by the Civil Code, be considered as several properties in order to be eligible for the exclusion contained in paragraph c).

3.2 Types of Siting

For the purposes of this By-law, the various types of siting which may be permitted in any given zone are defined as follows:

a) A detached building is one which is sited so that it is set back from the side property lines and which is exposed on all sides;

b) A semi-detached building is one which is sited on one of the side property lines so that it shares a wall with another building sited similarly on the adjacent property, and which is exposed on at least three of its sides;

c) A terrace or row building is one which is sited on both side property lines, sharing walls with two buildings similarly sited on the adjacent properties either side (except at the end of a row) and which is exposed on at least two of its sides;

d) A zero side lot-line building is one which is sited on one of the side property lines but not sharing a wall with the building on the adjacent lot; a zero side lot-line building

may be exposed on three of its sides, and possibly on a fourth side with the necessary servitude.

3.3 Lot coverage

a) The lot coverage is the ratio of the ground area of the principal building to the area of the property on which it is sited.

b) The ground area of the building is the area within the limits of the horizontal projection of the building on the ground, including garages or carports, porches, verandas, and ventilation and lighting shafts, but not including projections such as balconies, windows, awnings, chimneys, patios, steps, cornices, fire ladders, outdoor ramps and stairs, and uncovered loading docks.

c) Where regulated, the maximum lot coverage for the principal building on its property is stipulated in the particular provisions.

3.4 Floor Space Index

a) The Floor Space Index is the ratio of the above-ground area of the principal building to the area of the property on which it is sited.

b) The above-ground floor area is the total floor area of all floors of a building measured from the outside of exterior walls or from the centerline of walls shared by buildings on adjoining properties. The total floor area excludes the area of floors below ground level.

c) Where regulated, the minimum and maximum Floor Space Indices for buildings are stipulated in the particular provisions.

3.5 Minimum Setbacks

a) Definition

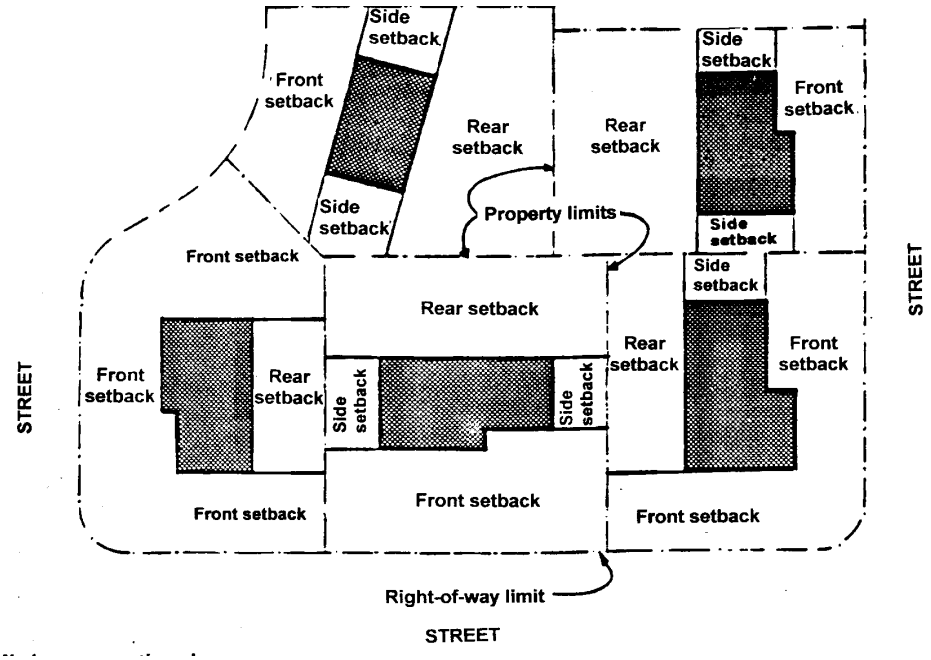
The setback is the horizontal distance between the principal building and the boundary of the property on which it is sited. The setback may be in the front, side or rear; where the By-law specifies a dimension for a given setback, this dimension is the minimum required distance between the principal building and the corresponding limit of the property on which it is sited or intended to be sited; when part of the property is subject to a restriction, the setback is measured from the new limit created by this restriction.

b) Corner properties or properties bounded by more than one street

In the case of properties located at the intersection of two streets or properties bounded by more than one street, the front setback shall apply to every street.

c) Minimum setbacks

For each zone, the minimum front, side and rear setbacks are stipulated in the particular provisions.



d) Maximum front setback

In zones where the particular provisions require a front setback maximum, this setback is established at one hundred and twenty percent (120%) of the minimum front setback.

e) Permanence of minimum setbacks

The setback requirements established by this By-law are mandatory and permanent and shall prevail while and as long as the property is occupied by the use to which they apply; excepting cases of expropriation for public purposes, any transaction resulting in reductions of setbacks to less than the required minimum shall constitute a violation and render the contravening party liable for penalties and other recourse provided by this By-law; furthermore, no building permits or certificates of authorization shall be issued for proposed uses or proposed extension of uses which require a property or part of a property which has been the subject of such a transaction.

f) Views on adjacent properties, and roof gutters

Provisions of this By-law permitting setbacks of less than 2 m (6.6') or permitting encroachment into minimum setbacks, shall not diminish the effect of provisions of the Civil Code of the Province of Quebec, in particular with respect to "views on neighbouring property" (Art.533 to 538) and "roof gutters" (Art. 539).

g) Zero lot-line buildings

No construction permits shall be issued for buildings with a zero side setback unless the applicant has supplied the Building Inspector with a copy of the duly registered servitude pertaining to the adjoining property, with particular reference to roof guttering of rainwater and maintenance of the outside surface of the wall built on the side property line.

3.6 Minimum Gross Density

The provisions of this Article apply to any lot located fully or partially within an area to be built or transformed, as shown on the "Building Density" map of the Planning Programme.

a) Definition

For the purposes of applying this Article, the following terms are defined as follows:

Gross density:
Gross density refers to the total number of dwellings found within an area to be built or transformed divided by the number of hectares concerned, including the streets and any lot zoned for public or institutional use within the same zone.

Predominantly residential construction or development project:
Construction or development project intended to create at least one buildable lot for residential purposes or to erect more than one main building for residential use.

b) Applicable minimum gross density

All predominantly residential construction or development projects shall comply with a minimum gross density threshold of 15 dwellings per hectare.

Chapter 4 - GENERAL PROVISIONS GOVERNING BUILDING ARCHITECTURE, FACING MATERIALS AND DIMENSIONS

4.1 Prohibited Shapes

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

a) The use of railway cars, buses or other vehicles of this type as principal or ancillary building;

b) Any principal or ancillary buildings shaped in the form of a human being, animal, fruit, vegetable or any other similar object;

c) Buildings which are semi-circular in shape (arches, domes or other), prefabricated or otherwise, made of galvanized sheet metal or any other material.

4.2 Mobile Homes, Trailers and Canteens

a) Mobile homes or trailers of any kind shall not be permitted other than as temporary buildings and shall not be used for purposes of housing.

b) All mobile building units, used for any purpose whatsoever, are prohibited throughout the Town of Kirkland.

c) Notwithstanding the provisions of paragraph b), mobile units used as canteens shall be permitted, but only in industrial zones or on construction sites.

4.3 Temporary Buildings

a) Temporary buildings permitted are limited to those needed for construction sites or for events of limited duration authorized by resolution of Council; they shall be subject to the procurement of a certificate of authorization and shall not be used for housing purposes.

b) In the case of construction sites,

- the period for which the certificate of authorization is valid shall not exceed ninety (90) days; the certificate may be renewed as often as necessary to cover the entire duration of construction, but all applications for renewal must be submitted at least thirty (30) days prior to expiry of the period for which the then-current certificates are valid;

- all temporary buildings shall be located entirely within the property where the construction is taking place, and shall not be less than 9.0 metres (29.5') from the limits of any street intersection right-of-way;

- all temporary buildings shall be removed within thirty (30) days following completion of the construction work.

c) Temporary buildings which have been installed for events of a limited duration authorized by resolution of Council shall be removed within forty-eight (48) hours after the event is over.

4.4 Mechanical Equipment

a) Unless otherwise indicated in the particular provisions, no reservoirs, ventilation ducts or other mechanical equipment shall be visible from public streets; all mechanical equipment on the roof shall be contained within a housing or screened by a wall.

b) The provisions of paragraph a) shall not apply to air conditioning equipment designed to be installed in windows, nor shall they apply to heat pumps.

4.5 Outdoor Stairways

Outdoor stairways providing access to floors or to parts of floors more than 1.5 m (4.9') above or below the average adjacent ground level are prohibited everywhere within the Town of Kirkland.

4.6 Architectural Harmony and Cladding Materials

a) All new construction or any enlargement, repair or modification of existing structures anywhere within the limits of the Town shall harmonize with neighbouring structures in terms of volume, form, colour and quality of materials. This condition shall also apply to any structures which are moved.

b) Use of the following is prohibited throughout the Town as permanent or temporary exterior cladding or finishing materials on both principal and ancillary buildings:

- fiberboard, tarred or otherwise;
- unsurfaced particleboard or chipboard;
- tarpaper and paper coated with aggregate, and similar materials;
- insulation, rigid or otherwise (styrofoam, sprayed urethane or any others);
- paints and mortar coatings imitating or tending to imitate another material;
- wood which is not painted, lime-treated or treated against blackening, excluding cedar shakes;
- concrete blocks and corrugated asbestos;
- polyethylene;
- galvanized or other sheet metal which has not been factory-enamelled.

c) Exterior cladding and finishing materials shall be properly maintained to preserve their original appearance.

4.7 Flat Roofs

The particular provisions disallow flat roofs in certain zones; for the purposes hereof, a flat roof is a roof with a slope less than 3 in 12 over more than 25% of its surface area measured as a horizontal projection.

When authorized in this By-Law, a flat roof shall be covered by one of the following cladding materials:

a) Green roof;
b) A white-coloured material, a material painted a white colour or covered by a reflective coating or a white-coloured ballast;
c) A material with a solar reflection index (SRI) of at least 78, certified by the specifications of the manufacturer or by an opinion of a professional;
d) A combination of claddings specified in paragraphs “a” to “c.”

4.8 Floor Height and Number

a) The maximum height, minimum height, minimum number and maximum number of floors of principal buildings are stipulated in the particular provisions.

b) For purposes of calculating the number of floors, a floor shall be considered to be ground level or higher; basements and cellars shall not be considered as floors; in the case of split-levels, the calculation of number of floors is carried out by combining, into a minimum of planes occupying the total interior perimeter of the building, the various floor areas located at least 30 cm above the average adjacent ground level.

c) Provided that they constitute a principal use or that they are required for exercising the principal use, the following uses may exceed the specified maximums:

- churches, belltowers and belfries,
- radio or television antennas,
- retransmission or radar towers,
- flagpoles and chimneys.

d) On flat-roof buildings only, and provided that they occupy no more than 25% of the roof area, mechanical equipment may exceed the maximum permitted height by no more than 3 m (9.8'); mechanical equipment shall not be included when counting the number of floors.

4.9 Minimum Dimensions of Structures

a) The minimum dimensions of principal structures are stipulated in the particular provisions.

b) Notwithstanding the provisions of paragraph a) above, and except for public utilities requirements and except in municipal parks, no principal structure shall have an area

less than 65 square metres (699.7 square feet), a depth less than 6 metres (19.7') and a width less than 8 metres (26.2').

4.10 Dwelling Units Occupying or Partly Occupying Basements

Establishment of dwelling units or parts thereof (except for playrooms, laundry rooms, bathrooms or an extra bedroom in Class A or B dwellings) in cellars is prohibited for all classes of dwelling: the floor of any dwelling unit, or of part of any dwelling unit, in a basement shall not be more than 1.5 metres (4'9") under the average adjacent ground level.

Chapter 5 - GENERAL PROVISIONS GOVERNING THE TREATMENT AND USE OF OUTDOOR AREAS AND THE PROTECTION OF THE NATURAL ENVIRONMENT

5.1 Compulsory Treatment of Unoccupied Space

Those parts of properties remaining unpaved or unbuilt or not intended for paving or building shall be graded, seeded and sodded with grass, or planted with in-ground vegetation within twelve (12) months after the street has been paved or within twelve (12) months after the first building permit has been issued, whichever occurs last.

5.1.1 Greening Requirements

A lot shall be planted with in-ground vegetation in the following proportions:

- For residential use, in-ground vegetation shall be planted on a minimum of 25% of the area of the property;

- For commercial use, except for gas stations, in-ground vegetation shall be planted on a minimum of 20% of the area of the property;

- For industrial use, in-ground vegetation shall be planted on a minimum of 20% of the area of the property. For industrial use with buildings with a lot coverage greater than 50%, up to a maximum of 55%, in-ground vegetation shall be planted on a minimum of 25% of the area of the property.

- For public uses, a minimum of 15% of the lot area must be planted with in-ground vegetation.

The surface area of a green roof may be counted in the percentage of greening required in the previous paragraph.

5.1.2 Compulsory Tree Planting

During the construction of a new building, the extension of an existing building or the alteration of the exterior of a building, as defined in the permits and certificates by-law, trees shall be planted on the property on the following conditions:

- In the case of a property occupied for use by a commercial, public or industrial group, a minimum of six (6) trees per section of 1,000 square metres of property area shall be planted;
- In the case of a property occupied for use by a residential group, a minimum of one (1) tree per section of 500 square metres of property area shall be planted;
- When the value obtained is fractional, it is rounded to the next higher whole number;

- A tree may be planted if it has a minimum diameter of 5 centimetres measured at 1.3 metres from ground level;
- Planting shall be performed within twelve (12) months after the permit concerned has been issued.

The planting requirement shall meet the standards of this Article at all times.

5.2 Grading

a) Setback from the street right-of-way

The first 60 cm (2.0') measured from the edge of the street right-of-way in all zones shall be left at the same levels as the sidewalk or curb and remain free of any hedges, fences, signs, embankments or other structures or treatment.

b) Level of grading

No earthmoving or grading work shall result in raising the ground to a level more than 60 cm (24") above the crown of the street, unless the natural ground level of the property is already higher, in which case it shall be left, on average, at the original height.

c) Asphalting of the right-of-way

Asphalting of any part of the right-of-way other than parts required for driveway entrances is prohibited.

5.3 Triangle of Visibility on Corner Lots

On any properties located at the intersection of two streets, and within a triangle whose sides correspond to the lines demarcating the edges of the rights-of-way of the public streets creating the intersection and which are not less than 6 m (19.7'), no structures, fences, hedges or other objects or treatment shall exceed 90 cm (3.0') in height measured with reference to the crown of the street. In this same area moreover, no sign shall be erected in a manner that reduces the visibility of drivers and pedestrians.

5.4 Temporary Automobile Shelters

Temporary automobile shelters are prohibited everywhere within the Town of Kirkland.

5.5 Fences and Hedges

a) Types of fences permitted

Only masonry walls and fences of wood, metal, PVC or aluminium shall be permitted as fences.

b) Barbed wire

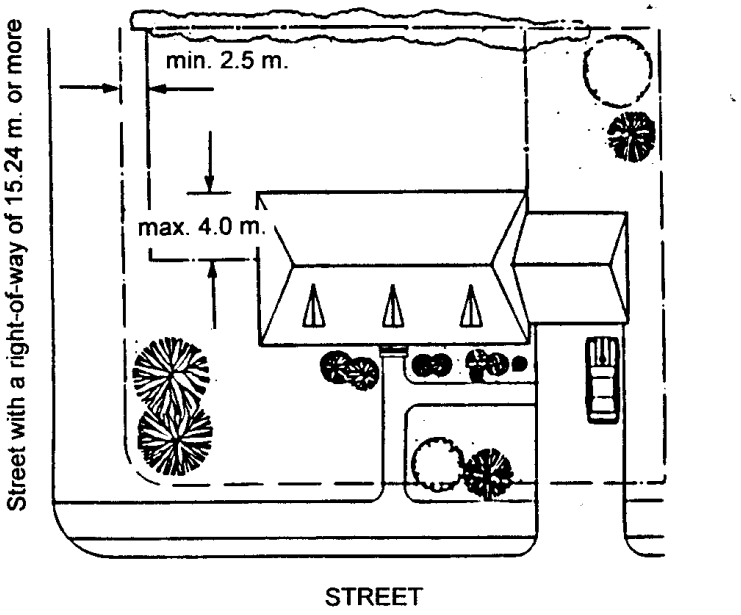
Barbed wire shall be permitted only on top of steel chain-link fences 2 m (6.6') or more in height, and only in the following cases:

i) around outdoor storage areas where outdoor storage is permitted;
ii) around detention facilities and other penal establishments;
iii) around sand pits, gravel pits or quarries where excavation depth can pose a hazard;
iv) around public utilities if the very nature of the use can pose a hazard, or if the use of barbed wire is necessary for the security of the facilities.

c) No fence is permitted in the minimum front setback, except in the case of a corner lot, in a residential zone, where the fence may encroach in the part of the minimum front setback located in the extension of the rear setback, as well as in the first 4.0 m (13.1') measured from the rear wall of the house, but subject to the following conditions:

- the right-of-way of the street toward which the encroachment is made must be at least 15.24 m (50.0') in width;
- the fence must be as least 2.5 m (8.2') from the street right-of-way;

the whole as shown on the sketch below:



d) All hedges shall be maintained so that they remain within the maximum height stipulated by the particular provisions.

5.6 Tree Preservation, Pruning, and Prohibited Species

a) No trees exceeding 10 centimetres in diameter measured at 1.3 metres from ground level or exceeding 15 centimetres in diameter measured at a maximum of 15

centimetres from ground level shall be felled within the limits of the Town other than for the following reasons:

- The tree is dead or in a state of irreversible blight. In the event that the felled tree was located in the front setback, it shall be replaced with a tree of the same species that complies with this Article. The replacement tree must have a minimum diameter of 5 centimetres measured at 1.3 metres from ground level;
- The tree shall be located in the siting area or at least 3 metres from the siting area of a structure or a planned retaining wall. However, a tree located between 3 and 5 metres from the siting area may be felled provided that it is replaced. For the purposes of this paragraph, a sign is not considered to be a structure;
- The tree is located in the siting area of a pool or, in the front yard, in the siting area of an additional parking space or a path giving access to a building, only if no other space is available elsewhere on the property for such arrangements;
- The tree shall be felled on the basis of a study by an aboriculture expert due to an irreversible situation caused by disease, a structural deficiency affecting its sturdiness or serious damage that it causes to property. Serious damage does not include normal disadvantages caused by the presence of a tree, such as falling twigs, leaves, flowers or fruits, the presence of roots at the surface of the soil, the presence of insects or animals, shade, unpleasant odours, the secretion of sap or honeydew or the release of pollen;
- The tree shall be felled if there is a risk that it will spread a disease or an invasive alien species and shall be replaced in such case;
- The tree shall be felled in order to create a 5-metre-wide opening on the bank of a body of water that gives access to said body of water, provided the bank slope is less than 30%.

For the purposes of this paragraph, in addition to the usual meaning, the following is considered to be a tree felling operation:

- The removal of more than 50% of a living branch;
- The severing, by uprooting or cutting, of more than 40% of the root system;
- The covering up of the root system by fill of 20 centimetres or more;
- Any other action resulting in the removal of a tree, such as using a toxic product to kill it or making or allowing others to make relatively permanent incisions around the trunk of a tree in the bark, the phloem or the wood.

b) In the event of non-compliance with paragraph a), the owner of the property where the felled tree was located shall replace it with another tree of similar diameter not exceeding 10 centimetres and of the same species, except for an invasive species which, in this case, shall be replaced with a species authorized by this By-Law.

c) Within the limits of the Town, any tree of 10 centimetres in diameter measured at 1.3 metres from ground level or over 15 centimetres in diameter measured at a maximum of 15 centimetres from ground level shall be protected during excavation, construction or development works when these works are likely to damage a tree where they are carried out less than 3 metres from a tree contemplated by this paragraph. The required protective measures are the following:

- attach plank sheathing at least 15 millimetres thick and at least 1.8 metres high to the trunk with metal wire;
- spread a temporary layer of non-compacting material at least 30 cm deep over a geotextile membrane permeable to air and water covering the ground below the tree out to the drip line;
- the roots present in the areas where excavation works are carried out shall be neatly trimmed;
- exposed roots must be kept wet for the entire duration of the works.

Any tree, whatever its size, shall be subject to at least equivalent protective measures if it is located on Town property.

d) Planting and/or growing of new poplars, willow trees, catalpas, silver maples or any other species of tree whose root growth can damage foundations or underground conduits is prohibited, except in parks and public rights-of-way.

e) Trimming, pruning and felling of trees or shrubs or cutting or pulling out flowers or plants which are the property of the Town is prohibited everywhere within the Town of Kirkland except by employees of the Town in exercising their functions, and except by pruning teams of public utilities during maintenance work on electric power or telephone lines.

f) When the Town Engineer deems it to be in the Town's interest, he may order any trees planted along Town streets to be trimmed, pruned or removed.

g) When a tree on a property prevents normal lighting by street lights or blocks a traffic sign from view, the Town Engineer may advise the property owner or occupant to remove the offending tree or to cut its branches to correct the situation, and the person receiving such notice shall comply within ten (10) days of receiving it.

h) Any tree located on private property and whose condition poses a danger to public safety constitutes a nuisance. Owners of properties containing a tree constituting a nuisance in this way shall cut, prune or remove the tree within ten (10) days of receiving notice to this effect from the Town Engineer.

i) Within a buffer strip of 100 metres where it is prohibited to plant invasive species surrounding a natural habitat that is already protected or in the process of being protected, as shown on the “Territories of Ecological Interest” map appended to the Planning Programme, it is prohibited to plant the following species:

- Garlic mustard or hedge garlic (Alliaria petiola);
- Reed canary grass (Phalaris arundinacea);
- Cow parsley (Anthriscus sylvestris);
- Giant hogweed (Heracleum mantegazzianum);
- Flowering rush (Butomus ombellatus);
- Water chestnut (Trapa natans);
- Dog strangling vine or swallow-wort (Cynanche rossicum);
- Black dog-strangling vine or black swallow-wort (Cynanchum louisaea);
- Ground elder (Aegopodium podagraria);

- Manitoba maple (Acer negundo);
- Norway maple (Acer platanoides);
- Hedge bedstraw (Galium mollugo);
- Reed sweetgrass (Glyceria maxima);
- Frogbit (Hydrocaris morsus-ranae);
- Policeman's helmet (Impatiens glandulifera);
- Water flag (Iris pseudacorus);
- Amur silver-grass (Miscanthus sacchariflorus);
- Chinese silver-grass (Miscanthus sirensis);
- Eurasian water milfoi (Myriophyllum spicatum);
- Glossy buckthorn (Rhamnus frangula);
- Common buckthorn (Rhamnus cathartica)
- Siberian elm or Chinese elm (Ulmus pumila);
- Common periwinkle (Vinca minor);
- White poplar (Populus alba);
- Bohemian knotweed (Fallopia X bohemica);
- Giant knotweed (Fallopia sachalinensis);
- Japanese knotweed (Fallopia japonica);
- Black locust (Robinia pseudoacacia);
- Great yellowcress or greater yellowcress (Rorippa amphibia);
- Common reed grass (Phragmites australis);
- Seven-sisters rose (Rosa multiflora);
- Japanese rose (Rosa rugosa);
- Purple loosestrife (Lythrum salicaria).

5.7 Swimming Pools

a) Minimum distances

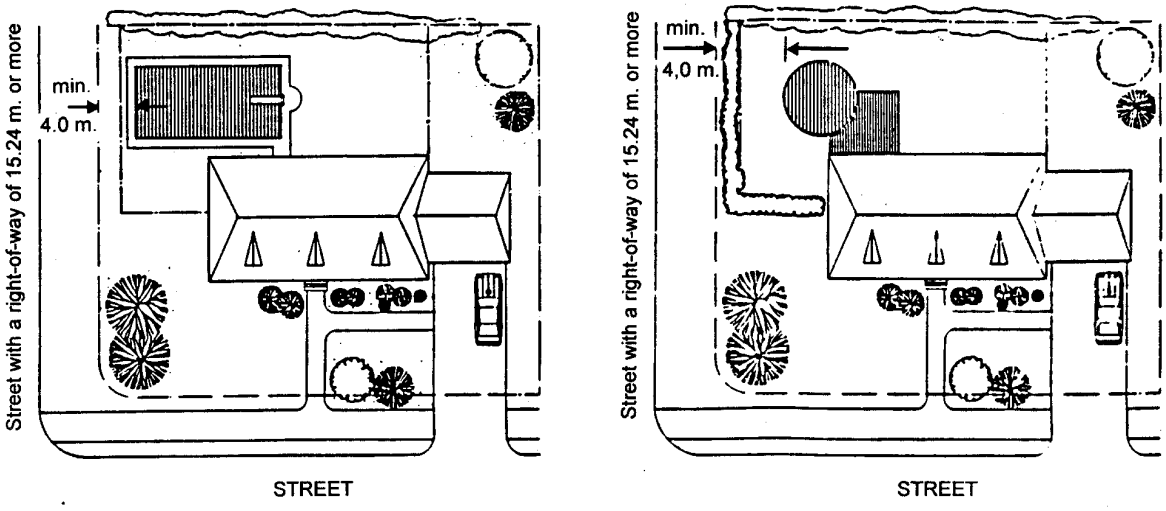
i) Swimming pools, either in- or above-ground, shall be no closer than:

- 2.45 m (8.0') from any side property line,
- 1.525m (5.0') from any rear property line,
- 1.85 m (6.0') from any dwelling.

ii) No swimming pool, either in-ground of above-ground, shall encroach in a minimum front setback, except in the case of a corner lot, where the pool may extend in that part of the minimum front seback located in the extension of the rear setback, subject however to the following conditions:

- the right-of-way of the street toward which the encroachment is made must be at least 15.24 m (50.0') in width;
- the pool must be at least 4.0 m (13.1') from the street right-of-way;
- in the case of an above-ground pool, the pool must be hidden from the street by a solid fence of 1.85 m (6.0') in height or by a hedge of 1.85 m (6.0') in height;

the whole as shown on the sketches below:



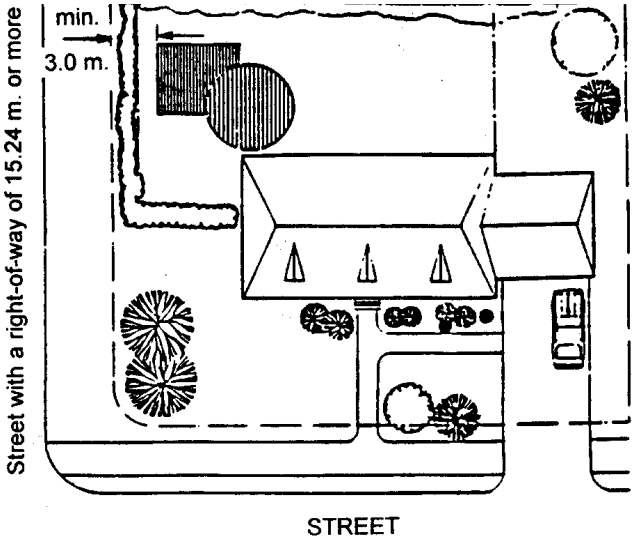
iii) These minimum distances are always measured from the water line, namely the imaginary line separating the edge of the swimming pool and the beginning of the water.

b) Decks

i) No deck ancillary to above-ground pool or not, shall be closer than:

- 2.0m (6.6') from any side property line,
- 4.5m (14.76') from any rear property line,
- 0.0 m (0') from any dwelling;

ii) No deck ancillary to an above-ground pool or not, shall encroach in a minimum front setback, except if the pool encroaches in the minimum front setback in accordance with sub-paragraph ii) of paragraph a), in which case the deck must be at least 3.0 m (9.8') from the street right-of-way, the whole as shown below:



iii) For the purpose of the present article, a deck is any surface meant for outdoor activities and which is located more than 45 cm (18") above an imaginary plane which raises from the right-of-way of the street on which the building fronts towards the back of the property with a slope of 2%.

c) Mandatory enclosure for swimming pool – inground or semi-inground pool, aboveground pool, portable pool and whirlpool or hot tub with a capacity exceeding 2,000 litres

A swimming pool must be surrounded by an enclosure to restrict access. The enclosure shall be installed so that the pool is separated from the openings of the buildings, the remainder of the yard and its equipment (play structures, outdoor dining set and other similar equipment).

Notwithstanding the foregoing, an area adjoining the pool containing chairs, shade structure, and/or the shed containing the pool installations may be located within the enclosure.

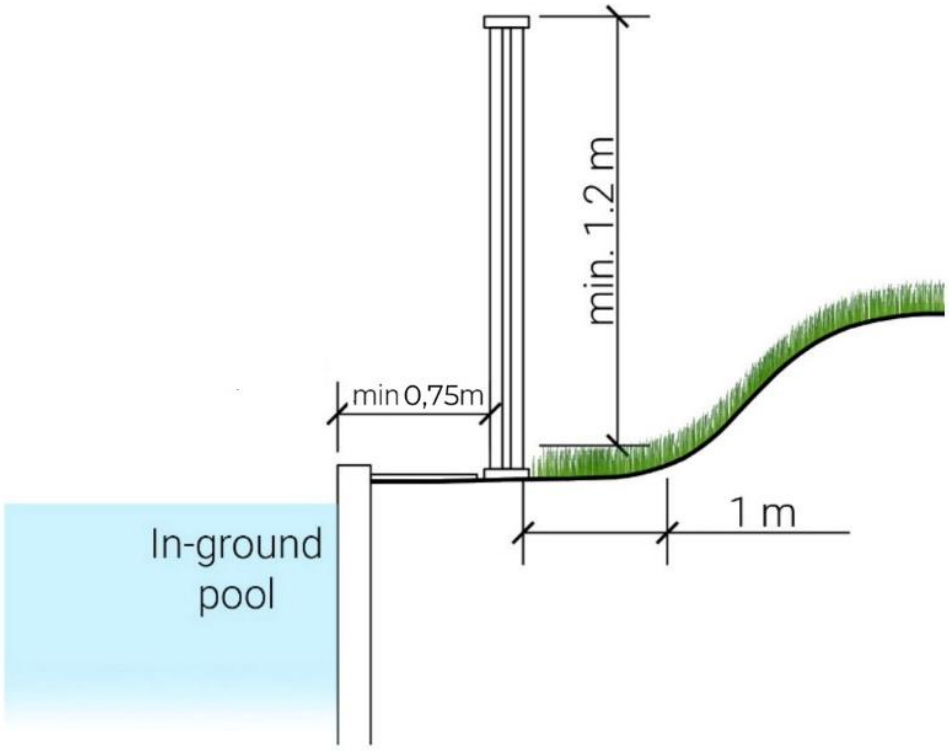
The enclosure must:

i) be permanently installed and kept in place at all times;
ii) be securely anchored to the ground;
iii) prevent the passage of a spherical object 10 cm in diameter;
iv) be at least 1.2 m in height;
v) be at a distance of at least 0.75 m from the perimeter of the water surface of the pool in order to maintain a free space around the pool;
vi) have no fixture, projection or open parts enabling it to be climbed;
vii) be made of one or a combination of the following materials:
- tempered or laminated glass panel;
- wood;
- metal or chain link;
- PVC or other similar composite;
- masonry;
- heavy-duty PVC, polyester, nylon, or textilene mesh that meets the ASTM F2286-16.

Chicken wire fencing, snow fencing, temporary flexible construction fencing, or similar materials are prohibited.

For the purposes of this article, the height of the enclosure is measured from the top of the enclosure, excluding columns, to any point of the ground within 1 m of the base of the enclosure.

Example of calculation of the height of the enclosure



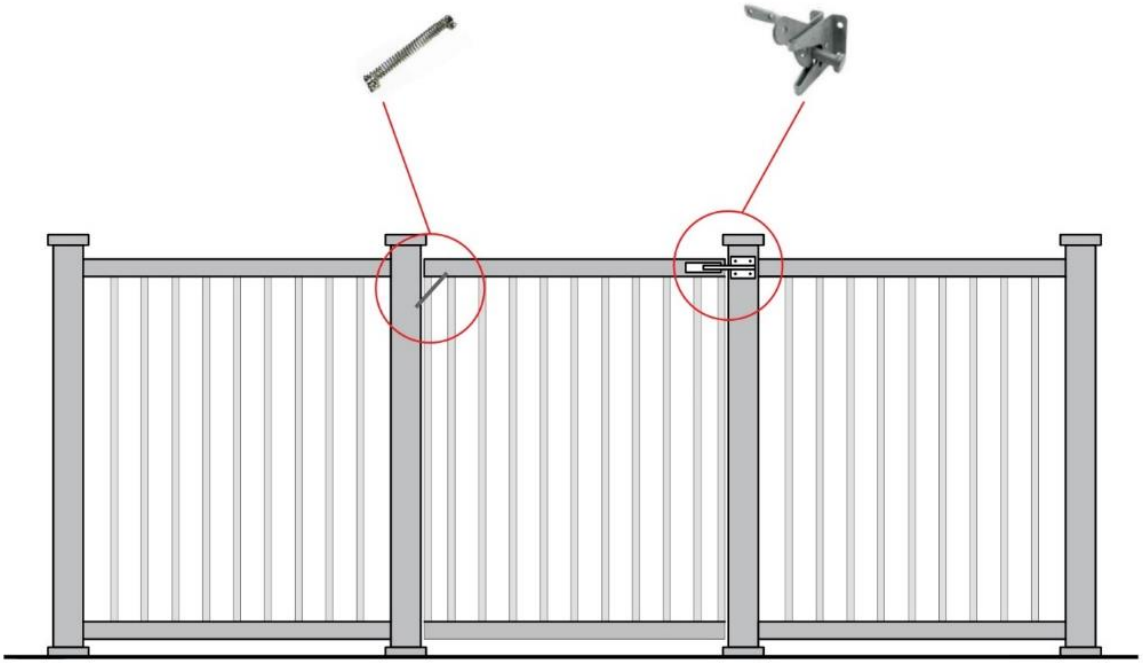
Where the enclosure is a chain-link fence, the mesh must have a maximum width of 30 mm. If slats are inserted in the mesh, their width may be greater than 30 mm but they must not allow the passage of a spherical object more than 30 mm in diameter.

A wall forming part of an enclosure must not have any opening enabling to enter the enclosure. Despite the foregoing, such a wall may have a window if the window is situated at a minimum height of 3 m from the ground on the inside of the enclosure, or, otherwise, if its maximum opening does not allow the passage of a spherical object more than 10 cm in diameter. However, a device that limits the opening of a window cannot be installed on an opening that is intended to be an evacuation means in the event of a fire under the applicable codes and standards (e.g. bedroom window).

A hedge or bushes cannot constitute an enclosure.

In addition to complying with the above features, every gate forming part of an enclosure must also be equipped with a self-closing and self-latching passive security device. The device must be locked or padlocked when the pool is not under the direct supervision of an adult. The device may be installed on the inside of the enclosure in the upper part of the gate or on the outside of the enclosure at a minimum height of 1.5 m from the ground.

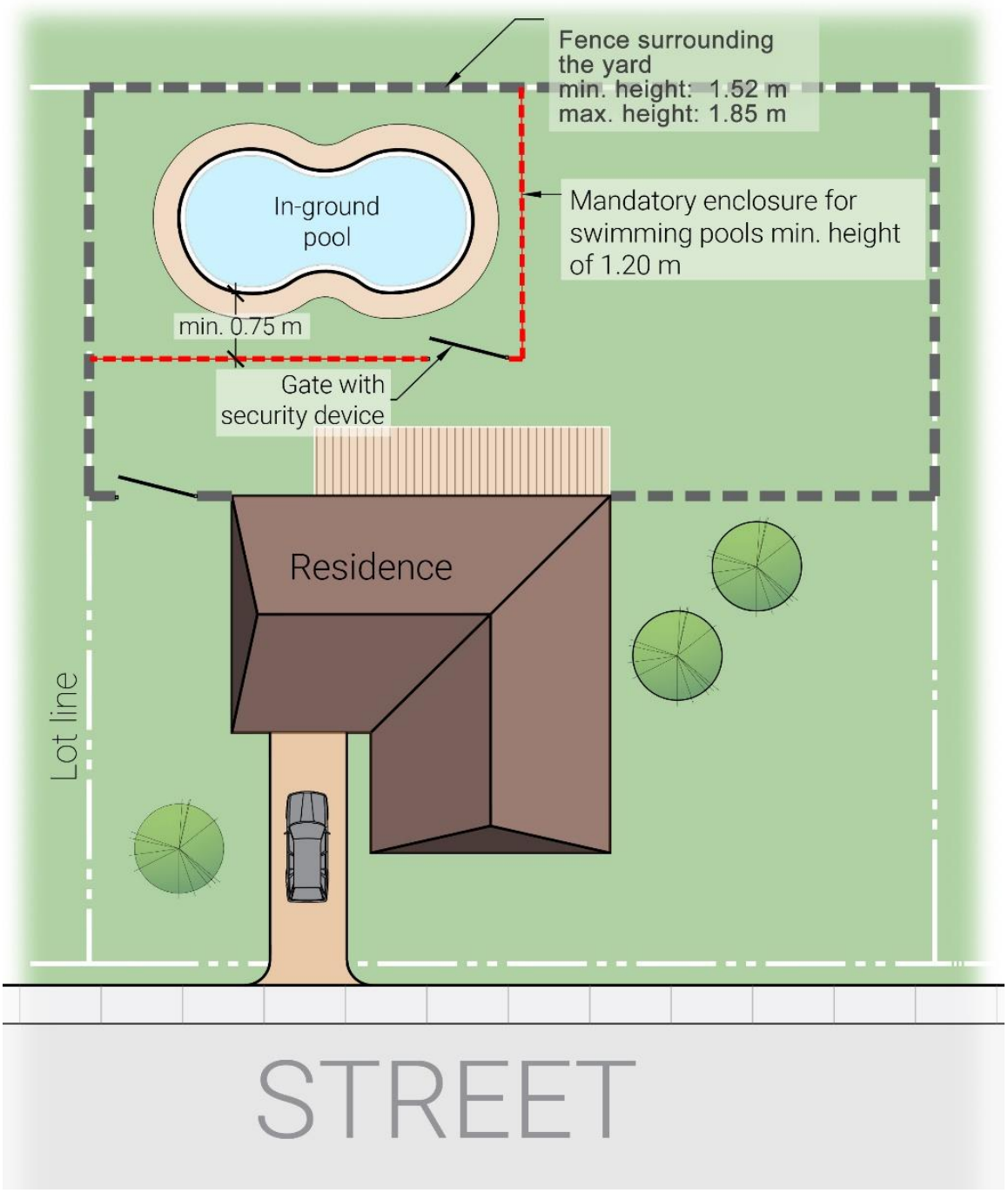
Example of a passive security device

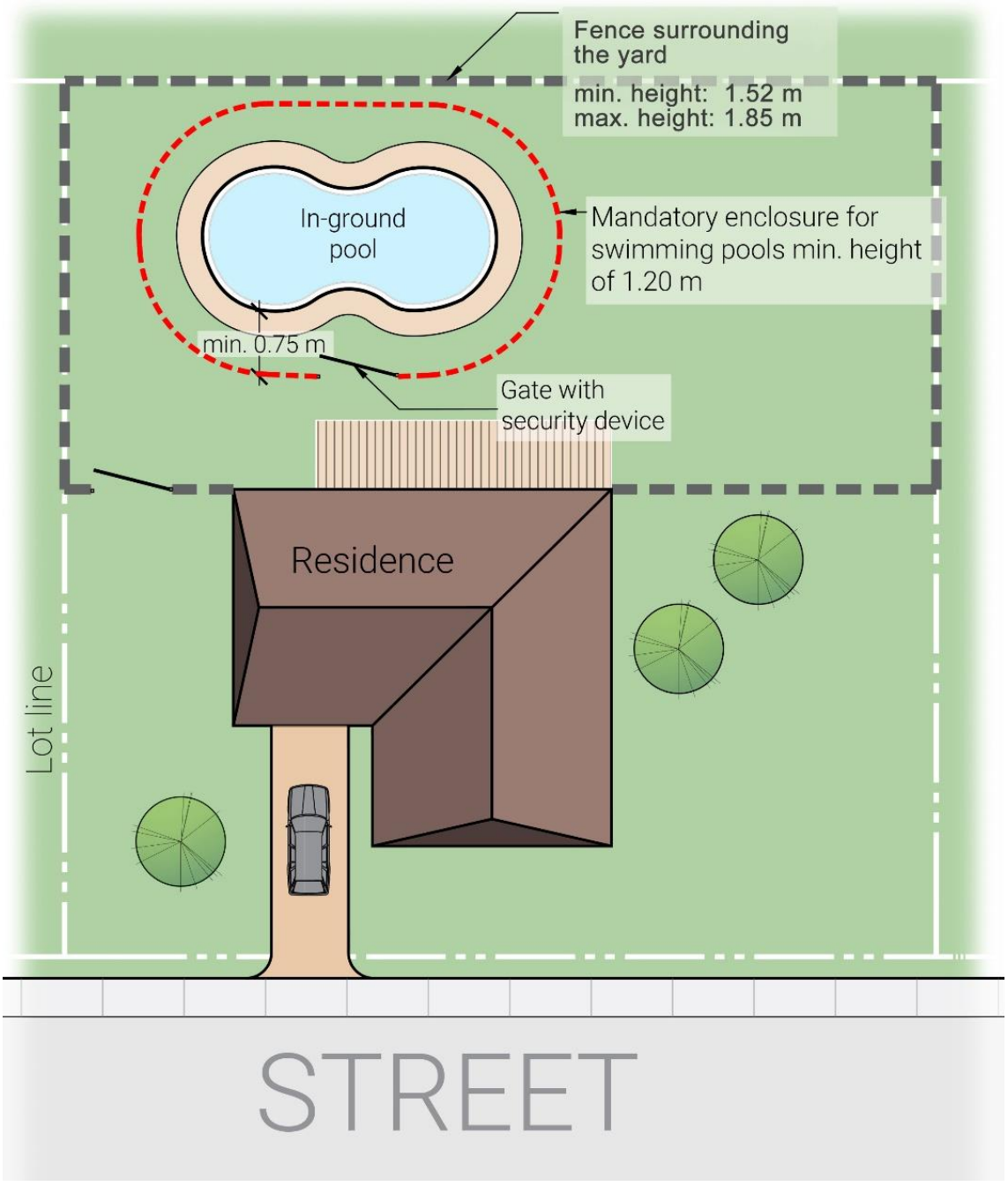


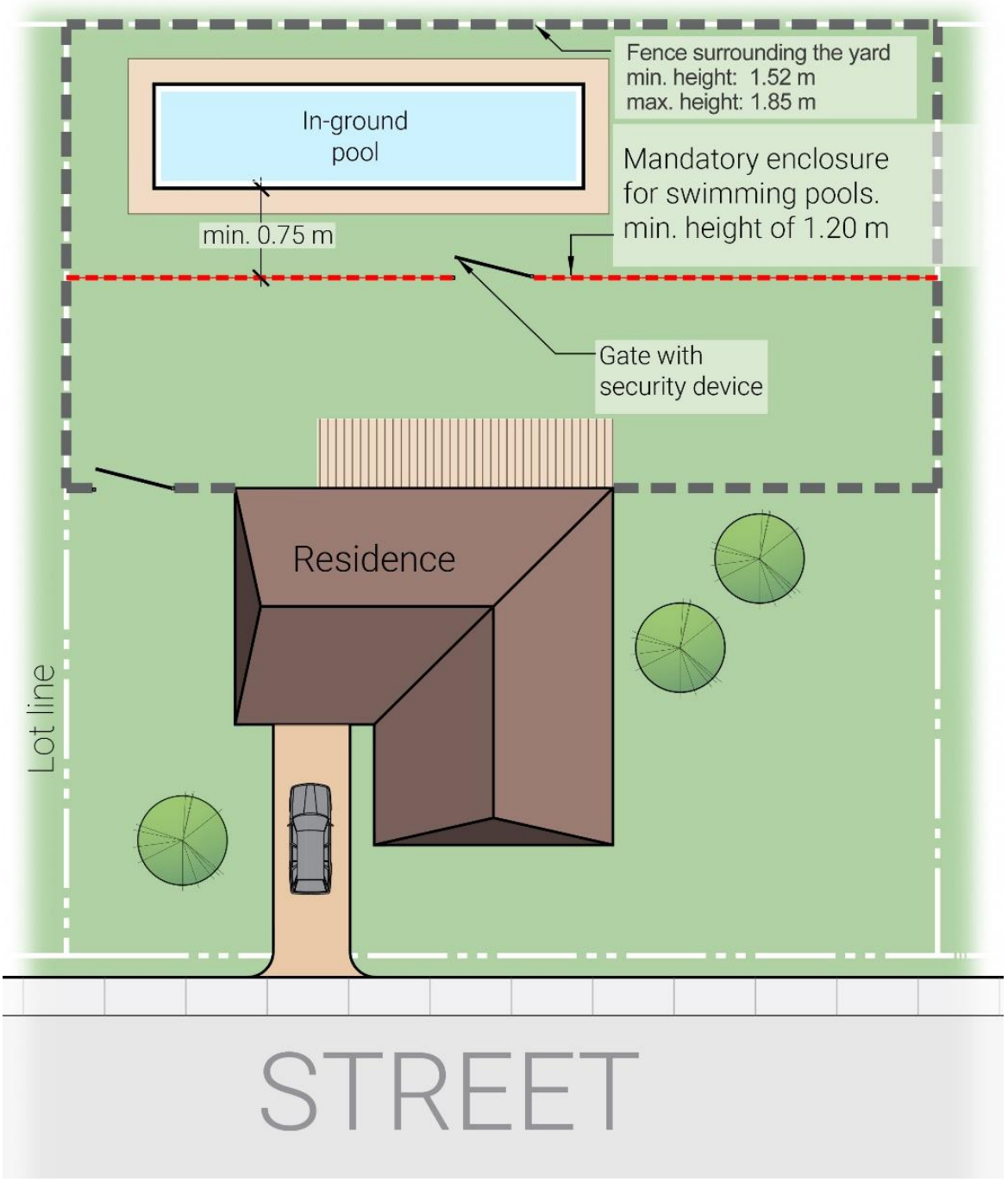
No swimming pool may be filled more than 60 cm before the enclosure is installed in accordance with the foregoing.

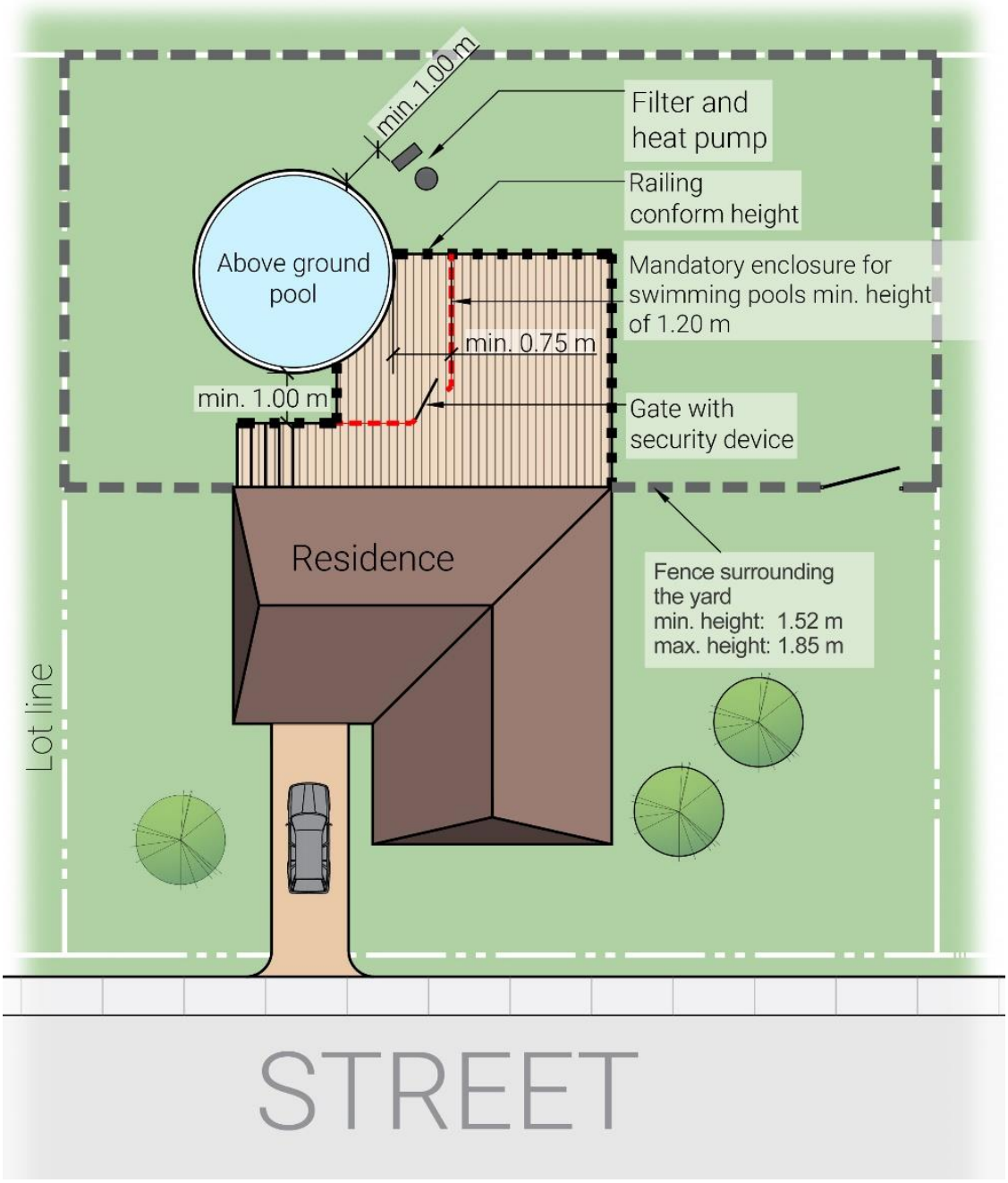
During the construction or modification of a pool installation, temporary measures to control access to the pool must be provided. A certificate of authorization is required to make any modification to a pool installation.

Examples of enclosures surrounding a pool




Fence surrounding the yard
min. height: 1.52 m
max. height: 1.85 m
In-ground pool
Mandatory enclosure for swimming pools min. height of 1.20 m
min. 0.75 m
Gate with security device
Residence
Lot line
STREET


Fence surrounding the yard
min. height: 1.52 m
max. height: 1.85 m
In-ground pool
Mandatory enclosure for swimming pools. min. height of 1.20 m
min. 0.75 m
Gate with security device
Residence
Lot line
STREET



"

d) Safety of an aboveground pool or portable pool

Notwithstanding paragraph c), for any aboveground pool with a wall height of at least 1.2 m from the ground at any point or a portable pool with a wall height of 1.4 m or more is not required to be surrounded by an enclosure if access to the pool is by:

i) a ladder equipped with a self-closing and self-latching safety gate preventing its use by children. This gate must be locked or padlocked when the pool is not under the direct supervision of an adult;

ii) a ladder or a platform access to which is protected by an enclosure having the features described in paragraph c); or
iii) a patio attached to the residence and laid out so that the part giving access to the swimming pool is protected by an enclosure having the features described in paragraph c)."

d.1) Fence surrounding the yard

Any yard in which a swimming pool, whirlpool or hot tub is located must be surrounded by a fence of a minimum height of 1.52 m installed on or near the property lines.

e) Ladder or steps

All inground and semi-inground pools must be equipped with a ladder or steps used to enter or exit the water.

f) Lighting

The area of swimming pools shall be adequately lit and the lighting system shall be arranged in such manner to avoid causing direct illumination of any neighbouring property. All circuits supplying lighting equipment installed below the water level shall be isolated. Electrical circuits in the immediate vicinity of the pool exceeding 30 volts shall be supplied with an approved ground connection.

g) (Repealed)

h) Diving board

A swimming pool with a diving board must be installed in accordance with BNQ Standard 9461-100 "Residential Swimming Pools Equipped with a Diving Board – Minimum Water Envelope to Prevent Cervical Spinal Cord Injuries Resulting from Diving from a Diving Board" in force at the time of the installation."

i) Operating devices and structures

In order to prevent children from climbing to gain access to the swimming pool, every device linked to its operation must be installed more than 1 m from the pool wall or, as the case may be, the enclosure.

The pipes linking the device to the swimming pool must be flexible and not be installed in a way that facilitates the climbing of the pool wall or, as the case may be, the enclosure.

Despite the first subparagraph, a device may be less than 1 m from the swimming pool or enclosure if it is installed:

i) inside an enclosure having the features described in paragraph c);
ii) under a structure that prevents access to the swimming pool from the device and that has the following features:
    -
    - be at least 1.2 m in height; and
    - have no fixture, projection or open parts enabling it to be climbed.

iii) in a shed.

A structure or fixed equipment likely to be used for climbing over the wall or the enclosure must also be installed at more than 1 metre from the pool wall or, as the case may be, the enclosure. That minimum distance applies to a window situated less than 3 m from the ground, except if its maximum opening does not allow the passage of a spherical object more than 10 cm in diameter."

j) Maintenance

Every pool installation intended to allow or prevent access to the swimming pool must be kept in good working order.

k) Application

Article 5.7 of this by-law applies to any new pool installation installed as of July 1st, 2021. Despite the foregoing, the sixth subparagraph of paragraph c), paragraph h) and the fourth subparagraph of paragraph i) of article 5.7 do not apply to a new pool installation acquired before that date, provided that such a pool installation is installed not later than September 30, 2021.

It also applies to a pool installation existing before July 1st, 2021, except the sixth subparagraph of paragraph c), paragraph h) and the fourth subparagraph of paragraph i) of article 5.7. Such a pool installation existing before November 1st, 2010 must comply with the applicable provisions of this by-law not later than September 30, 2025.

Re-installing a swimming pool referred to in the second subparagraph of this paragraph on the same ground does not make the sixth subparagraph of paragraph c), paragraph h) and the fourth subparagraph of paragraph i) of article 5.7 applicable to the pool installation that includes the pool. Despite the foregoing, when such a pool is replaced, the existing pool installation must then comply with those provisions.

Notwithstanding the Town's *By-law Establishing Tarriffs for certain municipal services*, a permit to bring a pool installation into compliance with this by-law shall be issued free of charge for a pool installation existing before November 1st, 2010 and for which a permit had been issued.

5.8 Tennis Courts

a) Ball nets

All tennis courts shall be surrounded by a ball net to prevent tennis balls from leaving the court; this ball net shall not exceed 3.66 metres (12.0') in height and shall be removable so that it can be taken down after every game.

b) Minimum distances

The following minimum distances shall be observed between any tennis court and the various property lines or limits of principal buildings:

i) the greater of the two following distances from any street right-of-way:

- 4.6 metres (15.0') or
- the minimum front setback as stipulated in the table of particular provisions;

ii) from any side lot lines: 2.45 metres (8.0'), 1.525 metres (5.0') in the case of a corner lot;

iii) from any rear lot lines: 1.525 metres (5.0');

iv) from a principal building: 1.85 metre (6.0').

These minimum distances are always measured from the ball net.

c) Lighting

Lights shall not be installed to illuminate tennis courts located in residential zones.

5.9 Antennas, Eolians and Heat Pumps

a) Antennas limited to ancillary uses

With the exception of Class "F" public utilities (telecommunications, telephone, broadcasting or cable distribution company antennas), antennas shall not constitute a principal use in themselves or be installed on a property where there is no principal building. An antenna shall therefore be considered to be ancillary to a principal use.

b) Number of antennas permitted

Only one antenna, parabolic or other, shall be permitted per property.

c) Parabolic antennas of 1.8 metre or less

Throughout the area within the limits of the Town, all parabolic antennas shall conform to the following requirements:

i) maximum permitted diameter: 1.8 m (6.0');

ii) no parabolic antennas are permitted on buildings; a parabolic antenna shall be installed only in the rear setback, at least 1.8 metres (6.0') from any property line;

iii) the total permitted height for parabolic antennas measured from ground level immediately underneath shall not exceed 1.8 m (6.0') including the supporting structure for the antenna.

d) Parabolic antennas of over 1.8 metre

Notwithstanding the provisions of paragraph c), in cases where the table of particular provisions explicitly permits parabolic antennas exceeding 1.8 metre in diameter in a given zone, these antennas shall conform to the following restrictions:

i) maximum permitted diameter: 3.1 m (10.2');

ii) parabolic antennas are prohibited on buildings; a parabolic antenna shall be installed only in the rear setback, at least 7.5 metres (24.6') from any property line, and must be surrounded by a hedge at least as high as the antenna;

iii) the total permitted height for such parabolic antennas measured from ground level immediately underneath, shall not exceed 4.6 m (15'), including the supporting structure for the antenna.

e) Other antennas

Unless specifically stated otherwise in the table of particular provisions, the total maximum height of any antennas other than parabolic antennas shall not exceed the lesser of the two following dimensions:

- 4.5 m (15') more than the effective height of the buildings served by the said antennas.
- 13.7 m (45') measured from immediately underneath the antenna.

f) Signs on antennas

Throughout the area within the limits of the Town, the installation of any signs, posters or billboards on antennas, at any height whatsoever, is prohibited.

g) Eolians (windmills)

Eolians are prohibited throughout the area within the limits of the Town.

h) Heat pumps and swimming pool pumps

Heat pumps or swimming pool pumps shall not create a noise level exceeding 50 dBA measured at the limits of the property.

5.10 Balconies

Storage or placement on balconies of any objects other than the outdoor furniture normally required for use of the balcony is prohibited.

5.11 Outdoor Storage and Display

a) Outdoor storage is prohibited throughout the Town of Kirkland in relation to any use whatsoever, except for the purposes of the municipal public works department.

b) For the purposes of paragraph a), the outdoor storage of commercial or transport vehicle fleets or of stocks of vehicles for sale or rent shall be considered to be outdoor storage and is therefore prohibited.

c) Any type of outdoor display is prohibited throughout the Town of Kirkland, including any operation resulting in the fact that goods can be found outside of a building, for any period of time whatsoever.

5.12 Heavy equipment and vehicles

a) Definition

For the purposes of this article, heavy equipment and vehicles shall include the following:

- any vehicle with a gross vehicle weight rating of 4,500 kg or more;
- any vehicle measuring more than 2,5 metres (8'2") in height and 6 metres (19'7") in length ;
- any vehicle with a gross vehicle weight rating of less than 4,500 kg, to which is attached a snowplow, shovel, hoe, trailer, semi-trailer, truck box, dumpster, or any other instrument, tools or equipment ;
- any trailer or semi-trailer designed to be pulled by a vehicle with a gross vehicle weight rating of 4,500 kg or more ;
- any tow truck ;
- any bus, minibus or other similar vehicle ;
- any road vehicle transporting dangerous substances requiring the display of safety marks ;
- any tractor, backhoe loader, mechanical shovel (excavator) or other similar equipment or vehicle ;
- any recreational vehicle such as: trailer (caravan), tent roller, motorized or other similar vehicles measuring more than 7 metres (23') in length ;
- any boat measuring more than 7 metres (23') in length ;
- any snowplow, shovel, hoe, trailer, semi-trailer, truck box, dumpster or any other heavy instrument, tool or equipment.

b) Storage or parking prohibited

Storage or parking of heavy equipment and vehicles is prohibited everywhere other than on lots occupied by uses whose principal activity involves the use of such heavy equipment and vehicles, and provided that the use in question is permitted in the zone or that it enjoys acquired rights. This condition also applies to the construction of garages, sheds or other facilities for storing or parking of such heavy equipment and vehicles.

5.13 Keeping of Animals

Throughout the area within the limits of the Town, all buildings or facilities designed to keep animals (other than pets normally kept inside houses, dwellings or apartments) is prohibited.

5.14 Garage Sales

Garage sales are permitted in all zones subject to the following conditions:

a) Garage sales shall not be permitted except for single-family dwellings, duplexes and triplexes.

b) Only one garage sale shall be permitted per dwelling per year;

c) The sale shall be operated by the occupant of the dwelling;

d) The sale shall not last more than two days;

e) Placing of notices outside the limits of the property is prohibited;

f) All garage sales shall be subject to the issue of special permits in accordance with the provisions of the Permits and Certificates By-law.

5.15 Provisions Governing Shores and Banks

The provisions of this Article apply to the entire territory of the Town of Kirkland.

All structures, undertakings and works are prohibited on lakeshores and riverbanks. However, the following structures, undertakings and works are permitted:

1. the maintenance, repair and demolition of existing structures and undertakings used for purposes other than municipal, commercial, industrial, public or public access purposes;

2. the structures, undertakings and works for municipal, commercial, industrial, public or public access purposes, including their maintenance, repair and demolition, if an authorization must be obtained under the Environmental Quality Act (R.S.Q., Chapter Q-2) ;

3. the construction or enlargement of a main building for purposes other than municipal, commercial, industrial, public or public access purposes on the following conditions:

    a. the size of the lot does not allow for the construction or enlargement of the main building once the buffer strip has been established, and the construction or enlargement cannot reasonably take place elsewhere on the land;

    b. the lot was subdivided before the coming into force of the Interim Control By-Law of the former Urban Community of Montreal (By-Law 65), on December 21, 1983;

    c. the lot is not located in a high-risk erosion or landslide area identified in the land use planning and development plan;

    d. a buffer strip of a minimum of 5 metres is maintained and kept in its current state or returned to its former natural state;

4. the construction or erection of a subordinate structure such as a garage, shed or pool on the part of a lakeshore or riverbank that is no longer in its natural state on the following conditions:

    a. the size of the lot does not allow for the construction or erection of the subordinate structure once the buffer strip has been established;

b. the lot was subdivided before the coming into force of the Interim Control By-Law of the former Urban Community of Montreal (By-Law 65), on December 21, 1983;

c. a buffer strip of a minimum of 5 metres is maintained and kept in its current state or preferably returned to its former natural state;

d. the subordinate building is sited without excavation or fill;

5. the following vegetation-related undertakings and works:

a. sanitation cutting;

b. felling required for an authorized structure or undertaking;

c. felling required to create a 5-metre-wide access to a body of water whose shore or bank has a slope of less than 30%;

d. pruning and trimming required to create a 5-metre-wide view window if the slope of the lake shore or riverbank is greater than 30%, or to create a trail or stairs giving access to the body of water;

e. for the purpose of restoring permanent and sustainable vegetation cover, the seeding or planting of plants, trees or shrubs, and the related work involved.

6. the following undertakings and works:

a. installation of fencing;

b. installation or creation of outlets for sub-surface and surface drainage systems and pumping stations;

c. creation of water crossings for fording, culverts and bridges and the related access roads;

d. where the slope, soil type and site conditions prevent the restoration of vegetation cover and the return of a lakeshore or riverbank to its natural state, undertakings or works to stabilize the soil using vegetation or mechanical means such as riprap, gabions or retaining walls. Preference should be given to the technique most likely to promote the eventual establishment of natural plant growth;

e. groundwater withdrawal facilities used for other than municipal, commercial, industrial, public purposes or for purposes of public access, and installed in accordance with the Water Withdrawal and Protection Regulation (CQLR c Q-2, r. 35.2);

f. reconstruction or widening of an existing road or route;

g. undertakings and works required for the structures, undertakings and works authorized in littoral zones in accordance with the prescribed provisions governing littoral zones."

5.16 Provisions Governing Littoral Zones

The provisions of this Article apply to the entire territory of the Town of Kirkland.

All structures, undertakings and works are prohibited in littoral zones. However, the following structures, undertakings and works are permitted:

1. creation of water crossings for fording, culverts and bridges;

2. surface water withdrawal facilities installed in accordance with the Water Withdrawal and Protection Regulation (CQLR chapter Q-2, r. 35.2), except facilities composed of inlet or diversion channels intended for non-agricultural purposes;

3. encroachment on the littoral zone that is required for works authorized on the lakeshores or riverbanks;

4. cleanup and maintenance in watercourses, without disturbing the bed, carried out by a municipal authority pursuant to the powers and duties assigned to it by law;

5. structures, undertakings and works for municipal, industrial, commercial, or public purposes or public access purposes, including their maintenance, repair and demolition, for which an authorization must be obtained under the Act respecting the conservation and development of wildlife (R.S.Q., Chapter C-61.1), the Watercourses Act (R.S.Q., Chapter R-13) or any other law;

6. maintenance, repair and demolition of existing structures and works that are not used for municipal, industrial, commercial, public or public access purposes.

Chapter 6 - GENERAL PROVISIONS GOVERNING ANCILLARY BUILDINGS

6.1 General Conditions Pertaining to the Erection of Ancillary Buildings

a) With the exception of public or recreation uses, no ancillary buildings shall be erected on a vacant lot not occupied by a principal building.

b) Ancillary buildings shall conform to the provisions contain-ed in this By-law with respect to the use of unoccupied space.

c) In all zones,

- No ancillary buildings shall be erected less than 90 cm (3.0') from any side or rear lot line and no roofs of ancillary buildings shall project to less than 60 cm (2.0') from any side or rear lot line;

- Unless they form an integral part of the principal building's architecture, no sheds shall be attached to principal buildings or be erected less than 1.8 m (6.0') from principal buildings;

- No ancillary buildings shall be erected less than 1.8 m (6.0') from any other ancillary building;

- No ancillary buildings other than those ancillary to a residential use may be erected less than 5.0 m (16.4') from the lot lines of any properties located in a residential zone.

6.2 Flat Roofs

Ancillary buildings with flat roofs are prohibited throughout the Town of Kirkland.

Chapter 7 - GENERAL PROVISIONS GOVERNING PARKING

7.1 Compulsory Off-Street Parking

a) No use or building shall be permitted unless a sufficient number of off-street parking spaces are provided for the use being applied for; this requirement applies both to the modification or extension of uses and to new uses; further-more, the use shall not commence until the required parking spaces have been provided.

b) The parking requirements established by this By-Law shall remain compulsory and permanent and shall prevail as long as the use they serve remains in existence and the use to which the property is put requires parking spaces in accordance with the provisions of this By-Law; it is therefore prohibited to reduce in any way whatsoever the parking spaces required by this By-Law; it is also prohibited for any natural or legal person to occupy, without complying with the provisions of this Article, a building or a property which, due to a modification made to it or due to a subdivision of the lot, does not have the required parking spaces.

7.2 Off-Site Parking

The parking shall be located on the same property as the use for which it is required.

However, the owner or occupant of property adjacent to the right-of-way of the Réseau express métropolitain (REM) is authorized to take into account the parking spaces located in the right-of-way of the REM, insofar as a real and perpetual servitude authorizes the owner or occupant to develop and use said spaces.

7.3 Common Parking

The provision of common parking areas is permitted subject to compliance with all provisions of this By-Law.

7.4 Notarized Agreements

In the case of provision of common parking areas, the Town of Kirkland shall be party to notarized and registered agreements guaranteeing the availability of the parking in conformity with the By-Law.

7.5 Parking Layout

a) In order to be considered as a parking space, said space must be accessible at all times and, except in the case of a single-family dwelling, shall not necessitate the moving of another vehicle in order to gain access to it or to leave it; for all uses other than single-family houses, duplexes and triplexes, the parking spaces shall be laid out so that no vehicle is obliged to back into the right-of-way of the public street in order to

enter or leave it; the parking may be in a garage, either detached or attached to or integrated into the principal building, or in the open;

b) an individual parking space shall be at least 2.5 metres (8.2') by 6.0 metres (19.7'); in the case of a parking area, the parking spaces and the aisles shall be laid out according to the following minimum dimensions:

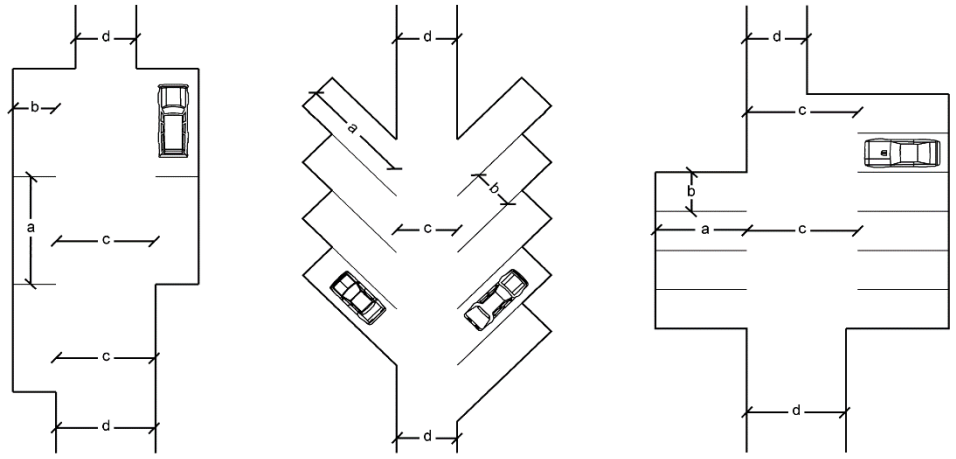


figure	angle	a	b	c
A	0°	6.75 m	2.60 m	3.65 m[1]
		6.75 m	2.60 m	6.00 m[2]
B	45°	5.50 m	2.50 m	3.65 m[1]
		5.50 m	2.50 m	6.00 m[2]
C	90°	5.50 m	2.45 m	6.70 m[3]
		5.50 m	2.60 m	6.60 m[3]
		5.50 m	2.75 m	6.50 m[3]

1 One-way
2 Two-way
3 Either one-way or two-way

c) The width of the access lane to a parking area (dimension "d" on all figures) is 3.65 metres if it is one-way and 6.0 metres if it is two-way; the latter may be reduced to 4.0 metres if the length of the lane, between the parking area and the pavement of the street, is less than 15.0 metres and if the lane serves a parking of less than 10 spaces;

d) moreover, in any parking area of 25 spaces or more serving a commercial or a public use, places must be arranged and reserved for the vehicles of handicapped persons at the rate of one (1) basic space plus one space per block of one hundred (100), or fraction of, on top of the first 50.

e) The minimum width (dimension "b" in the figure above) of a parking space for a vehicule of a handicapped person is 3.7 metres (12.14').

f) The parking spaces for the vehicles of the handicapped persons must be the ones closest to the entrance of the use served by the parking area.

g) The parking spaces for the vehicles of the handicapped must be identified by a sign, placed in front of each space, showing the standardized pictogram; the same pictogram must be painted in white or yellow on the ground, in the middle of the parking space.

7.6 Layout of Parking Areas

a) All circulation circulation aisles and parking areas shall be paved, asphalted or laid in concrete.

Notwithstanding the previous paragraph, when a lot occupied for use by a commercial, public or industrial group is located within a heat island, as shown on the map entitled “Heat Islands” appended to this By-Law, only the following materials may be used to cover the circulation aisles and parking areas:

i) grass paver;
ii) permeable paver;
iii) an inert material with a solar reflection index (SRI) of at least 29 (certified by the specifications of the manufacturer or by an opinion of a professional);
iv) concrete, slabs or grey-coloured pavement;
v) asphalt, whether painted or not, in a maximum proportion of 75%;
vi) any combination of materials listed in sub-paragraphs “i” to “v.

All circulation aisles and all parking areas shall be covered by one of the materials listed in the previous paragraph within a maximum period of twelve (12) months after the building permit is issued or within the period specified by the certificate of authorization concerned by the application.

All parking areas exceeding 465 square metres shall be supplied with a rainwater drainage system. This system shall be equipped with facilities and mechanisms that make it possible to manage rainwater on the specific site and ensure water retention in accordance with the requirements of the Engineering and Urban Planning Department.”

b) All parking areas of six (6) spaces or more shall be bordered by a concrete curb at least 15 centimetres high, and located at least 60 centimetres from the adjacent property lines; this curb shall be solidly anchored and properly maintained.

Green islands shall be built and installed per area of forty (40) parking spaces. These islands shall be planted with in-ground vegetation. The green islands may also include a circulation aisle for pedestrians.

c) In parking areas of six (6) spaces or more, the outline of spaces, direction of vehicle movement and signposting of entrances and exits shall be clearly painted on the ground.

d) Parking areas of six (6) spaces or more serving a use other than residential which are adjacent to a property located in a residential zone shall be separated from such property by a fence or dense hedge at least 1.2 metres (3.9') high, unless the parking areas are located at least 1.2 metres (3.9') below the level of the property located in the residential zone measured at the property line immediately adjacent.

e) The intensity or brightness of parking lot lighting shall in no circumstances create a nuisance for uses in the vicinity.

f) All parking areas shall be laid out in a manner to facilitate the removal and piling of snow without reducing their capacity to below the minimum number of spaces required by this By-Law.

g) Subject to other more restrictive general or particular provisions,

- in commercial and industrial zones, no parking area may be located less than 3.0 metres from any property limit;
- in all other zones, no parking area shall be located less than 60 centimetres from any property limit.

The free space left between a property limit and a parking area shall be planted with in-ground, landscaped vegetation.

Chapter 7.1 - **GENERAL PROVISIONS GOVERNING BICYCLE PARKING**

7.1.1 Compulsory Provision of Bicycle Parking

a) When a main building is built or extended or its use is changed, a sufficient number of parking spaces for bicycles shall be provided in accordance with the specific provisions governing the use concerned by the application for a permit or a certificate of authorization.

b) The bicycle parking requirements established in this By-Law shall remain compulsory on an on-going basis and prevail for the duration of the use they serve and as long as the use for which the property serves requires bicycle parking spaces in accordance with the provisions of this By-Law; it is therefore prohibited to reduce in any way whatsoever the bicycle parking spaces required by this By-Law.

7.1.2 Location of Bicycle Parking Areas

The bicycle parking area shall be located on the same lot as the use for which it is required. The bicycle parking area may be located outside or inside on the ground floor level, at one level above the ground floor or at one level below the ground floor, provided a bicycle access ramp is accessible. A bicycle parking area may not be located in a place where it is necessary to use a stairway to gain access to it.

7.1.3 Site Layout of Bicycle Parking Areas

The site of a bicycle parking area shall meet the following requirements:

i) it shall be accessible at all times. Access to it shall be free from any obstacle impeding bicycle circulation;
ii) a bicycle shall be parked without its wheels having to break contact with the ground;
iii) it shall include a column constructed of metal or theft-resistant materials with a maximum diameter of 10 centimetres to which a bicycle can be fixed or locked using a "U-lock";
iv) its minimum width shall be 2 metres;
v) when more than one column is installed in parallel, it shall be separated by an aisle that is at least 1 metre wide;
vi) the minimum distance required between each bicycle is 40 centimetres;
vii) the site shall be covered with one of the following materials:
    a. gravel;
    b. grass paver;
    c. an inert material with a solar reflection index (SRI) of at least 29 (certified by the specifications of the manufacturer or by an opinion of a professional);
    d. cement, slabs or light-coloured pavement;
    e. light-coloured asphalt;
    f. any combination of materials listed in sub-paragraphs "a" to "d."

The area of the space reserved for a bicycle parking site shall be calculated by taking the minimum number of bicycle units required under this By-Law and multiplying that number by 0.8 expressed in square metres. When an access aisle is required, an additional area shall be reserved and laid out in accordance with the provisions of the previous paragraph.

Chapter 8 - GENERAL PROVISIONS GOVERNING SIGNS, POSTERS AND BILLBOARDS

8.1 Signs Generally Prohibited Within the Town Limits

a) Except for elections or public consultations, and except for banners permitted according to Article 8.12.5 below, all notices made of paper, cardboard or any other non-rigid or non-durable material posted anywhere other than on notice boards or behind a window are prohibited throughout the Town of Kirkland.

b) Except where permitted according to Article 8.12.5 below, portable signs such as "sandwich boards" or similar types, as well as mobile signs or signs installed, mounted or formed on a moving vehicle, trailer or other mobile device or apparatus, are prohibited everywhere within the Town of Kirkland; however, this provision shall not be interpreted to disallow identification of trucks, automobiles or other commercial vehicles unless the truck, trailer or other vehicle bearing commercial identification is parked with the obvious intent of employing it as a sign.

c) All illuminated signs of a colour or shape that can be confused with traffic lights are prohibited within an area bounded by a circle of 53 metres (173.8 feet) radius, whose centre is the point at which the centreline of two streets meet.

d) Flashing signs are prohibited throughout the Town of Kirkland, whether they are installed outside a building, or inside a building and visible from the outside.

e) The placement of objects for advertising purposes on one or more post(s) or on building roofs is prohibited.

f) The use of balloons or any other inflatable for publicity purposes is prohibited except for occasional cultural or sports events authorized by resolution of Council.

g) Moving signs, rotative or other, signs having moving parts, or signs emitting sound, are prohibited throughout the Town of Kirkland.

8.2 Billboards

Billboards are prohibited everywhere within the limits of the Town except as follows:

a) Billboards belonging to a public authority are permitted; also permitted are those which relate to:

   i) an election or public consultation in relation to a law passed by the Government Legislature, as defined in By-law 95-56 concerning signage during an election campaign,

ii) signposting of a housing development project in progress within the limits of the Town, subject to a maximum limit of one per project, the area of which shall not exceed 25 square metres (269.1 square feet);

iii) identification of social clubs, with a maximum area or 5 square metres (53.8 square feet); a given social club shall not be mentioned on more than two (2) billboards on the whole territory of the Town.

b) Billboards which do not conform to the present By-law which existed at the time this By-Law came into effect shall not be enlarged or replaced.

c) Articles 8.3, 8.4, 8.6, 8.7, 8.8 and 8.9 shall apply to billboards as if they were signs.

8.3 Placement of Signs

a) Unless conditions in the specific provisions are more restrictive, signs may either be mounted flat against the wall of the building's principal facade, attached to the wall of the building's principal facade so that they project perpendicular to the building, installed on a pedestal or on one or more post(s) in the front setback, mounted flat against the vertical surfaces of a canopy on the principal facade, or painted on an awning.

b) No sign may be placed behind a window; however, this provision must not be interpreted as prohibiting, for food stores, automobile dealers or other commercial establishments, temporary posters which do not occupy more than 20% of the area of the window, nor neon strips; however, these strips must be considered as a sign fixed flat against the facade of the building and their area must be calculated in accordance with the provisions of paragraphs b) and c) of srticle 8.6.

c) No pedestal sign or sign mounted on posts shall be placed

- within 2.0 metres (6.6 feet) from any public thoroughfare's right-of-way,

- within 1.0 metre (3.3 feet) from any other limit of a landsite,

- within a triangle of visibility, whether at a street intersection or at a driveway entrance.

d) Signs shall not project more than 1.5 metre (4.9 feet) from their building; signs or parts thereof shall not project over the edge of a public street.

e) The maximum length of pedestals designed for signs shall be 10 centimetres per metre of length of the building facade.

f) The maximum depth of signs mounted flat against a wall shall be 30 centimetres (12 inches).

g) All signs painted directly on a building, roof, mansard or cornice, or integral with the cladding material, are prohibited.

h) All signs shall be placed on the same property as the use to which they refer.

i) The installation of any signs, posters or billboards on antenna, at any height whatsoever, is prohibited.

8.4 Height of Signs

a) Unless subject to more restrictive conditions in the specific provisions, all signs (other than flags) attached to the walls of buildings shall be entirely under the roof level; no sign shall be attached to roofs (except to the mansard part of a roof, provided that it does not extend beyond the edges of the mansard), cornices, stairways, in front of doors or windows, or on mechanical equipment.

b) The total height of signs mounted on posts shall not exceed the lesser of the two following dimensions:

- 4.6 metres (15.0 feet),
- the height of the principal building.

c) In the case of signs attached to a pedestal, the height of the pedestal shall not exceed 1.5 metres (4.9 feet), and in the case of signs installed on the top of the pedestal, the overall height shall not exceed 2.0 metres (6.6 feet).

8.5 Information on Signs

a) Signs may display only the establishment's logo and business name, trademarks and the services provided; there shall not be more than five items of information on any one sign.

b) Sign information indicating the product's trademark shall not exceed 20% of the total sign area.

c) A telephone number or group of telephone numbers shall in no circumstances occupy more than 10% of a sign's area.

8.6 Calculation of Sign Areas

a) When a sign installed on a pedestal or on one or more post(s) can be read on two sides and when the two sides are identical, the area which shall be considered is one of the two sides, provided the average thickness of the sign between these two sides does not exceed 30 centimetres; if the sign can be read on more than two sides, the area of each additional side shall be taken into account when calculating the total area of the sign, whether or not this additional side is identical to another side.

b) In the case of irregularly shaped signs or signs made up of individual letters or several elements, the area which shall be considered is that of the smallest rectangle within which the entire sign can fit.

c) In the case of neon strips installed in a window, the area considered is the area of the surface delineated by the strip; if the strip is installed on the perimeter of the window, the area considered is the area of the window.

8.7 Lighting and Maintenance

a) When signs or billboards are illuminated by reflection, the light source shall be arranged not to cause glare on nearby properties or public streets.

b) All billboards or signs shall be kept neat and clean and pose no hazard.

c) Burned-out light bulbs and defective or non-functioning fluorescent or neon tubes shall be replaced.

8.8 Modifications to Non-Conforming Signs

a) Signs may be non-conforming with respect to this By-law by virtue of their construction (dimensions, height, installation, materials, lighting or any other physical parameter), by virtue of their message, or by their very existence (by exceeding the number of signs permitted).

b) Signs which are non-conforming by virtue of their construction shall not be modified other than with respect to their information; they may be maintained, in other words repainted and repaired, and their light bulbs may be replaced, but they shall not be renovated or restored other than to render them fully conforming to this By-law; none of their physical components other than the panels on which the information is painted shall be replaced, even should such replacements would render the signs less non-conforming.

c) Signs which are non-conforming due to their information shall not be modified except to render their information fully conforming to this By-law.

d) Signs which are non-conforming by virtue of their very existence shall not be modified nor replaced, with respect to both their construction and their information.

e) In the case of a change of use, even if the new use is of the same class as the former, any sign non-conforming to this By-law by virtue of its message shall be rendered conforming to this By-law, and any sign in excess of the number of signs permitted shall be removed.

8.9 Removal of Signs

All signs (including their supports, posts or attachments) referring to a store, service, establishment or business which has ceased operating shall be removed within thirty calendar days following the date its operations ceased, or that the establishment closed or went out of business at this location.

8.10 Signs Permitted in All Zones

The following are authorized everywhere within the Town :

a) Signs belonging to a public authority;

b) Flags or emblems of political, civic, philanthropic, educational or religious organizations;

c) Signs erected on the site of a future development project or establishment, subject to the following conditions:

   i) there shall not be more than one such sign per project,

   ii) a certificate of authorization is required,

   iii) its area shall not exceed 10.0 square metres (107.6 square feet) in the case of a residential project, or 13.5 square metres (145.3 square feet) in the case of any other type of project,

   iv) it shall not be located less than 6.0 metres (19.7 feet) from any street right-of-way,

   v) it shall be removed within thirty days following the commencement of work or within twelve months following the issue of the certificate of authorization for such sign if the work has not yet commenced by that date, whichever comes first.

d) Signs erected on a construction site and identifying the future occupant, developer, contractors, sub-contractors and professionals responsible for the project, subject to the following conditions:

   i) there shall not be more than one such sign per project,

   ii) a certificate of authorization is required,

   iii) its area shall not exceed 10.0 square metres (107.6 square feet);

   iv) it shall not be located less than 6.0 metres (19.7 feet) from any street right-of-way,

   v) it shall be removed within thirty days following the completion of work or within three months following the issue of the certificate of authorization for such sign if the work has not yet commenced by that date.

e) Signs indicating that a property, building or premises is for sale or rent, limited to one sign only per street on which the property fronts; the area of any such sign shall not exceed 0.55 square metre (5.9 square feet) in the case of a single family dwelling, a duplex or a triplex, or 3.0 square metres (32.3 square feet) in any other case.

f) Directional signs with an area not exceeding 0.5 square metres (5.4 square feet) indicating the location of parking areas, delivery entrances or any other information meant for orientation, safety or convenience, provided that they bear no commercial content;

g) Temporary signs for elections or for public consultations, provided that they are removed within ten days following the said elections or public consultations;

h) Temporary signs announcing a recreational, sports, cultural, religious or civic event, provided that the said event has been approved by resolution of Council, provided that the said signs are not installed more than two weeks prior to the said event and that they are removed within three days once the said event is over;

i) Credit card posters, no larger than 0.1 square metre (1.1 square feet), limited to a maximum of three per establishment;

j) Restaurant menus, no larger than 0.2 square metre (2.2 square feet), limited to only one per establishment;

k) Theatre or cinema billings, no larger than 1.2 square metres (12.9 square feet), limited to one per performance hall.

8.11 Signs Permitted in Residential Zones

Provided they do not emit light, the following signs and no others, aside from those permitted under Article 8.10, are permitted in residential zones:

- a sign not exceeding 0.18 square metre (1.9 square feet) in area, identifying the occupant of a single-family residence or the occupant of only one of the units of a duplex or triplex,

- a sign not exceeding 0.60 square metre (6.5 square feet) in area, displaying the name of a multiple-family dwelling, a home or a residence for the elderly.

- for a commercial, industrial or public use having acquired rights, the signs which would be permitted if the said use were located in a commercial, industrial or public zone.

8.12 Signs Permitted in Commercial Zones

8.12.1 Residential Uses

In commercial zones, the following signs in addition to signs permitted under Article 8.10 are permitted, provided that the use for which they are required conforms to this By-Law or provided that it enjoys acquired rights as a non-conforming use and provided that a certificate of authorization has been issued for them:

i) signs with a maximum area of 0.18 square metre (1.9 square feet) identifying the occupant of a single-family residence, or the occupant of only one of the units of a duplex or a triplex, limited to one per property,

ii) signs with a maximum area of 0.60 square metre (6.5 square feet) displaying the name of a multiple-family dwelling, or of a home or residence for the elderly, limited to one per property.

8.12.2 Establishment as Sole Occupant of a Detached Structure

a) Standard lot

i) An establishment which is the sole occupant of a detached structure situated on a standard lot is allowed a single sign, chosen among the following:

- a sign fixed flat against the facade of the establishment; the maximum area of such sign is the larger of the following: 5% of the wall area of the said facade or 10 square metres (107.6 square feet);

- a sign fixed to the facade of the establishment so that it projects perpendicularly to the said facade; the maximum area of such sign is the larger of the following: 2.5% of the area of the said facade or 3 square metres (32.3 square feet);

- a sign fixed flat against a vertical surface of a canopy or painted on an awning; the maximum area of such sign is 1.5 square metres (16.1 square feet);

- a sign detached from the building and mounted on a pedestal or on one or more post(s); the maximum area of such sign is the larger of the following: 0.15 square metre per linear metre of the frontage width of the landsite or 10 square metres (107.6 square feet).

ii) If the establishment does not use all the area allowed for the sign permitted according to paragraph i), the remaining percentage of such area may be used for a second sign; the area of such second sign shall not exceed the area permitted according to paragraph i) for the type of sign chosen for such second sign, multiplied by the said remaining percentage.

Example: an establishment is entitled to a 5 square metres sign fixed flat against the wall or to a 3 square metres sign installed on posts; if the sign fixed flat against the wall is only 4 square metres, i.e. 80% of the area allowed, the establishment is entitled to a second sign; if the second sign is on posts, it's area shall not exceed 0.6 square metre, i.e. 20% of the area established in i), i.e. 20% of 3 square metres; if the second signs painted on an awning, its area shall not exceed 0.3 square metre, i.e. 20% of 1.5 square metre.

b) Corner lot

i) An establishment which is the sole occupant of a detached structure situated on a corner lot is allowed, for the first street, a sign chosen among those listed in sub-paragraph i) of paragraph a) above and is allowed, for the second street, a sign chosen among the following:

- a sign fixed flat against the facade of the establishment; the maximum area of such sign is the larger of the following: 2.5% of the wall area of the said facade or 5 square metres (53.8 square feet);

- a sign fixed to the facade of the establishment so that it projects perpendicularly to the said facade; the maximum area of such sign is the larger of the following: 1.25% of the area of the said facade or 1.5 square metre (16.1 square feet);

- a sign fixed flat against a vertical surface of a canopy or painted on an awning; the maximum area of such sign is 0.75 square metre (8.1 square feet);

ii) If the establishment does not use all the area allowed for a sign permitted according to paragraph i), the remaining percentage of such area may be used for a second sign on the same street; the area of such second sign shall not exceed the area permitted according to paragraph i) for the type of sign chosen for such second sign, multiplied by the said remaining percentage.

8.12.3 Building Occupied Exclusively by Offices

a) Identification of the establishments

No office located in such a building shall have a separate sign, neither placed outside the building, nor behind a window in order to be seen from the outside.

b) Identification of the building

i) Such a building shall have only one sign, identifying only the name and the address of the building, without any mention of the establishments it houses; this sign shall be mounted on a monument; if the building faces more than one street - i.e. located on a corner lot - it may have one such sign per street on which it fronts; however, when two or more than two building identification signs are authorized, their areas may not be combined into one sign exceeding the maximum dimensions allowed below.

ii) the maximum area of an identification sign mounted on a pedestal is the larger of the following: 0.15 square metre per linear metre of the frontage width of the site measured along the street which the sign will be facing, or 10 square metres (107.6 square feet).

c) Single occupancy

The provisions of Section 8.12.2 of this by-law apply to a building occupied exclusively by offices where said building houses no more than one occupant.

d) Location of the signs

No sign identifying such a building may face a residential sector.

8.12.4 Shopping Centre with or without Offices and Office Buildings with Commercial Establishments

a) Identification of the establishments

i) No establishment located on a floor other than the main floor shall have a separate sign, neither placed outside the building, nor behind a window in order to be seen from the outside.

ii) An establishment located on the main floor of the building, between two other establishments, is allowed only one sign; such sign shall be fixed flat against the facade of the building, and its maximum area shall be the greater of the following:

- 5% of the area of the part of the facade of the building which belongs to the establishment, or

- 3.0 square metres (32.3 square feet).

iii) An establishment located on the main floor of the building, at the end of a row of establishments, is allowed two signs fixed flat against distinct facades; the maximum area of such signs is established according to preceding paragraph ii).

iv) The height, the dimensions, the height of installation and the framing of the individual signs shall be uniform.

b) Identification of the building and of the establishments it houses

i) If the rental floor area of a building exceeds 1,750 square metres (18,837 square feet), or if the building houses more than five establishments, such building is allowed a sign identifying its name, its address and the establishments it houses; such sign shall only be placed on a monument or on one or more posts; if the building faces more than one street - if, for example, it is located on a corner lot - it may have one such sign per street on which it fronts; however, when two or more than two building identification signs are authorized, their area may not be combined into one sign exceeding the maximum dimensions established below.

ii) The maximum area of a sign authorized according to preceding paragraph i) is the greater of

- 0.15 square metre per linear metre of the frontage width of the site, or

- 10 square metres (107.6 square feet.).

iii) Part of the area permitted according to preceding paragraph ii) may be used to identify the establishments, but only at the following conditions:

- the area allocated to each establishment shall not exceed 0.5 square metre (5.4 square feet),

- the components which refer to the building and the components which refer to the establishments shall share at least two of the three following characteristics:

    - form and dimensions,
    - background colour and framing,
    - style, size and colour of lettering and logos.

iv) Notwithstanding article 8.4, in all commercial zones adjacent to zone 30 P, the height of a sign authorized according to preceding paragraph i) is:

    - 0.3 multiplied by the height of the existing building, with a maximum height of 7.62 meters (25 feet).

v) Notwithstanding article 8.6 a), in all commercial zones adjacent to zone 30 P, when a sign that is authorized according to preceding paragraph i) is installed on a pedestal or on one or more posts and can be read on two sides, and when the two sides are identical, the area which shall be considered is one of the two sides, provided the average thickness of the sign between the two sides does not exceed 60 centimeters (24 inches); if the sign can be read on more than two sides, the area of each additional side shall be taken into account when calculating the total area of the sign, whether or not this additional side is identical to another side.

vi) Notwithstanding article 8.12.4 b) ii), in all commercial zones adjacent to zone 30 P, the establishments occupying the building share the space available for display on the sign in the following maximum ratio:

    - 20% for the establishment with the largest floor rentable area;
    - 10% for all other commercial establishments.

8.12.5 Temporary Signs

a) New establishments

Any new commercial establishment is allowed, for its first six months of operation, one of the following signs:

i) a portable "sandwich" sign; the maximum area for each of the two sides of such sign shall not exceed 3 square metres (32.3 square feet); it shall not emit any light and shall be installed at ground level, within the limits of the property;

ii) a banner not exceeding 3 square metres (32.3 square feet) in area, installed within the limits of the property, at a height not exceeding 6.0 metres (19.7 feet) above ground.

b) Special events

Twice every year and for a period not exceeding two weeks, any commercial establishment is allowed a banner which meets the requirements of sub-paragraph ii) of preceeding paragraph a).

8.12.6 Gas Stations and Service Stations

In the case of gas stations and service stations, identification of petroleum companies on the pumps and on product or accessory displays shall not be included in the permitted number of signs or in the permitted signage area; in addition to the sign permitted elsewhere herein, a sign with a maximum area of 1.0 square metre (10.8 square feet) displaying a trademark of specialized products distributed by the establishment is also permitted, provided it does not emit light.

8.13 Signs Permitted in Industrial Zones

8.13.1 Preconditions

In addition to those permitted under Article 8.10, signs permitted in industrial zones are limited to those which identify an industrial, commercial or public establishment or complex, provided that the use for which they are required conforms to this By-law or that it enjoys acquired rights as a non-conforming use, provided that a certificate of authorization has been issued for them, and provided that they display no commercial identification other than the name of the establishment they promote.

8.13.2 Establishment as Sole Occupants of a Detached Structure

a) Standard lot

i) An establishment which is the sole occupant of a detached structure situated on a standard lot is allowed a single sign, chosen among the following:

- a sign fixed flat against the facade of the establishment; the maximum area of such sign is the larger of the following: 5% of the wall area of the said facade or 10 square metres (107.6 square feet);

- a sign detached from the building and mounted on a pedestal or on one or more post(s); the maximum area of such sign is the larger of the following: 0.15 square metre per linear metre of the frontage width of the site or 10 square metres (107.6 square feet).

ii) If the establishment does not use all the area allowed for the sign permitted according to paragraph i), the remaining percentage of such area may be used for a second sign; the area of such second sign shall not exceed the area permitted according to paragraph i) for the type of sign chosen for such second sign, multiplied by the said remaining percentage.

Example: an establishment is entitled to a 5 square metres sign fixed flat against the wall or to a 3 square metres sign installed on a pedestal; if the sign fixed flat against the wall is only 4 square metres, i.e. 80% of the area allowed, the establishment is entitled to a second sign; if the second sign is on a pedestal, it's area shall not exceed 0.6 square metres, i.e. 20% of the area established in i).

b) Corner lot

i) An establishment which is the sole occupant of a detached structure situated on a corner lot is allowed, for the first street, a sign chosen among those listed in sub-paragraph i) of paragraph a) above and is allowed, for the second street, a sign chosen among the following:

- a sign fixed flat against the facade of the establishment; the maximum area of such sign is the larger of the following: 2.5% of the wall area of the said facade or 5 square metres (53.8 square feet);

- a sign detached from the building and mounted on a pedestal or on one or more posts; the maximum area of such sign is the larger of the following: 0.075 square metre per linear metre of the frontage width of the site or 5 square metres (53.8 square feet).

ii) If the establishment does not use all the area allowed for a sign permitted according to paragraph i) for a given street, the remaining percentage of such area may be used for a second sign on the same street; the area of such second sign shall not exceed the area permitted according to paragraph i) for the type of sign chosen for such second sign, multiplied by the said remaining percentage.

c) Day-care service

Where the establisment operates, as a complementary use, a day-care service intended primarily for its employees' children, such a service may be identified with a sign not exceeding 2 square metres (21.5 square feet) in area, fixed flat against the wall, near the entrance to the said day-care service.

8.13.3 Multi-tenant Building

a) Identification of the establishments

i) Any establishment, whether between two other establishments or at the end of a row, is allowed only one sign; such sign shall be fixed flat against the facade of the building, and its maximum area shall be the lesser of the following:

- 5% of the area of the part of the facade of the building which belongs to the establishment, or
- 5.0 square metres (53.8 square feet).

ii) The height, the dimensions, the height of installation and the framing of the individual signs shall be uniform.

iii) Notwithstanding article 8.13.3 a) i), in all industrial zones adjacent to zone 30P, in which "multi-tenant" use is authorized, any establishment, which occupies 50% or more of the entire floor surface area of said building, whether between two other establishments or at the end of a row, is allowed only one sign; such sign shall be fixed flat against the facade of the building, and its maximum area shall be no greater than 10 square meters (107.6 square feet).

b) Identification of the building and of the establishments it houses

i) If the rental floor area of a building exceeds 1,750 square metres (18,837 square feet), or if the building houses more than five establishments, such building is allowed a sign identifying its name and its adress and the establisments it houses; if the building faces more than one street - i.e. located on a corner lot - still only one such sign is allowed.

ii) The maximum area of a sign authorized according to preceeding paragraph i) is:

- 5 square metres (53.8 square feet), plus
- 0.5 square metre (5.4 square feet) per establishment, to identify each of the establishments.

iii) The components which refer to the building and the components which refer to the establishments shall share at least two of the three following characteristics:

- form and dimensions,
- background colour and framing,
- style, size and colour of lettering and logos.

iv) Notwithstanding article 8.13.3 b) ii), in all industrial zones adjacent to zone 30 P, the maximum area of a sign authorized according to preceding paragraph i) is:

- 0.06 square meter per linear meter of frontage.

v) Notwithstanding article 8.4, in all industrial zones adjacent to zone 30 P, the height of a sign authorized according to preceding paragraph i) is:

- 0.3 multiplied by the height of the existing building, with a maximum height of 7.62 meters (25 feet).

vi) Notwithstanding article 8.6 a), in all industrial zones adjacent to zone 30 P, when a sign that is authorized according to preceding paragraph i) is installed on a pedestal or on one or more posts and can be read on two sides, and when the two sides are identical, the area which shall be considered is one of the two sides, provided the average thickness of the sign between the two sides does not exceed 60 centimeters (24 inches); if the sign can be read on more than two sides, the area of each additional side shall be taken into account when calculating the total area of the sign, whether or not this additional side is identical to another side."

vii) The establishments occupying the building share the space available for display on the sign in the following maximum ratio:

- 20% for the establishment with the largest floor rentable area;
- 10% for all other establishments.

c) Detached buildings

Where the establishments are divided among two or more detached buildings on the same site, each establishment may be considered as a sole establishment occupying a detached structure and be governed by Article 8.13.2, provided the owner of the property submits a plan showing the landsite affected to each of the establishments, as if it were a subdivision plan.

8.14 Signs Permitted in Public Zones

8.14.1 Permitted signs

In addition to those permitted under Article 8.10, the following signs are permitted in public zones, provided that the use for which they are required conforms to this By-Law or provided that it enjoys acquired rights as a non-conforming use, and provided that they display no message other than the name of the establishment that they promote:

i) signs with a maximum area of 0.60 square metre (6.5 square feet) identifying the name of a home or residence for the elderly,

ii) signs identifying a public, recreational or public utility establishment and the body responsible for it.

8.14.2 Number of signs

The maximum number of signs permitted for any given use is established as follows:

i) signs erected for a construction site: one per property,

ii) directional signs: as many as necessary for users' safety and convenience,

iii) signs identifying a public, recreational or public utility establishment: two per establishment.

8.14.3 Placement of Signs

In all public zones, signs may be either fixed flat against the principal facade of the building or be detached from the building, in other words, mounted on a monument or on one or more post(s). Whereas this By-law permits more than one sign, only one may be detached from the building.

8.14.4 Area of signs

The maximum area of signs is established as follows:

i) The area permitted for a sign fixed flat against the building facade is the lesser of the following: 5% of the area of the said facade, or 10 square metres (107.6 square feet);

ii) The area permitted for a sign mounted on a monument or on one or more posts is the lesser of 0.3 square metres per metre of property frontage on which it is placed, or 10 square metres (107.6 square feet).

Chapter 9 - NON-CONFORMING STRUCTURES AND USES

9.1 Non-Conforming Structures

A non-conforming structure shall be considered to be any structure which contravenes one or more of the provisions of this By-Law but which existed when this By-Law came into effect, or the construction of which was not completed when this By-Law came into effect but for which a construction permit, in conformity with the provisions of the By-Laws repealed herein, had been issued prior to this By-Law coming into effect provided that such permit remains valid.

9.2 Non-Conforming Uses

A non-conforming use is considered to be any use of a property or structure - whether or not the structure is itself non-conforming to the present By-Law - which contravenes one or more provisions of this By-Law but which was existing or effective at the time this By-Law came into force, or the construction of which had not been completed at the time this By-Law came into effect but for which a construction permit or occupation permit, conforming to the provisions of the By-Laws whose repeal is decreed herein, had been issued prior to the present By-Law coming into force, provided that such permit remains valid.

9.3 Acquired Rights

A non-conforming structure or use shall not enjoy acquired rights unless it existed before the date any zoning By-Law in the Town of Kirkland came into effect, or unless a permit was already legally issued for it under a zoning By-Law pre-dating the present By-Law.

9.4 Repairs, Improvement or Extensions to Non-Conforming Structures

a) Repairs, improvements or modifications

A structure which is non-conforming to this By-Law may be repaired, improved, modified or even extended, but only insofar as all provisions of this By-Law are complied with and that it does not become more non-conforming as a result. Consequently, a building which is non-conforming due to the fact that it extends into a particular setback may be repaired,

improved, modified or extended, provided that its extension into the said setback is not increased in terms of either area or volume.

b) Non-conforming cladding materials

Notwithstanding the provisions of paragraph a), a structure which is non-conforming because of its cladding materials or because it has a flat roof may be extended, but provided that its non-conformance, in terms of area and volume at the time this By-Law came into effect, is not thereby increased by more than 50%.

9.5 Modification or Replacement of Non-Conforming Structures

A non-conforming structure may not be modified to render it more non-conforming in terms of the present By-Law, or replaced by another structure which is non-conforming to the present By-Law.

9.6 Repairs, Improvements or Extensions to Non-Conforming Uses

A non-conforming use may be repaired, improved or even extended provided that its floor area, measured at the date the first zoning By-Law which made this use non-conforming came into effect, is not increased by more than 50%; any extension or modification of a non-conforming use must be carried out on the same lot or on a lot immediately adjacent to it and in the same zone whose owner was, on the day the zoning By-Law which made this said use non-conforming came into effect, the same as the owner of the non-conforming use itself, and shall conform to all other provisions of this By-Law and all other applicable By-Laws.

9.7 Modification or Replacement of Non-Conforming Uses

A non-conforming use shall not be replaced by another use which does not conform to this By-Law.

9.8 Termination of Acquired Rights Pertaining to Non-Conforming Structures

a) Should a structure non-conforming to the present By-Law be burned, or damaged in any other way, to a point where it has lost more than 50% of the value ascribed to it by the valuation role, it shall not be rebuilt, restored or reused unless it conforms to this By-Law.

b) A non-conforming structure which has been modified to render it conforming shall not be rendered non-conforming again.

9.9 Termination of Acquired Rights Applying to Non-Conforming Uses

a) Should a use non-conforming to this By-Law be burned, or damaged in any other manner, even if it loses more than 50% of the value ascribed to it by the valuation role, it may be rebuilt or restored in order to be used in the same manner as prior to

the fire or damage, provided that all other provisions of this By-Law and other applicable By-Laws are complied with.

b) In the event a non-conforming use has been abandoned, ceased to function or been interrupted for a period of six (6) consecutive months, or in the event that it is replaced by a conforming use, the owner of the acquired right pertaining to this non-conforming use shall be presumed to have relinquished it, and any subsequent use of the same property or structure shall conform to this By-Law.

Chapter 10 - **PROVISIONS PARTICULAR TO RESIDENTIAL ZONES**

10.1 Siting of Principal Buildings

a) Front setback

The minimum front setback is given with exact dimension in metres for each of these zones in the table of particular provisions.

b) Side setbacks

The side setbacks are given with exact dimensions in metres for each of these zones in the table of particular provisions; however, these dimensions are subject to the follow-ing provisions:

i) Multiple-family dwellings

Unless more restrictive in the table of particular provisions, the side setbacks of multiple-family dwellings shall be established as follows:

first setback:	3.0 m (9.8'), plus 1.0 m (3.3') per floor of the building;
second setback:	2.0 m (6.6') plus 1.0 m (3.3') per floor of the building.

ii) Semi-detached structures

Where semi-detached structures are permitted and where the table gives different dimensions for the two side setbacks, the largest dimension shall apply to the side setback of a semi-detached structure.

c) Rear setback

The rear setback is given with exact dimensions in metres for each of the zones in the table of particular provisions.

d) Single-family terrace or row dwellings, duplexes, triplexes or multiple-family dwellings on a property adjacent to a single-family property

No single-family terrace or row dwellings, or duplexes, triplexes, or multiple-family dwellings (detached, semi-detached or row) shall be sited less than 7.5 m (24.6') from the boundary of any property on which single-family dwellings are permitted, notwithstanding any indication in the table of particular provisions that setbacks of less than 7.5 m (24.6') are permitted.

10.2 Encroachments Permitted in Minimum Setbacks

a) Roof overhangs may extend into the minimum setbacks along the entire length of the front, side, or rear facades of the building by no more than 1 m (3.3').

b) Chimneys no wider than 2 m (6.6') may extend into minimum side or rear setbacks by 60 cm (2.0').

c) (Repealed)

10.3 Minimum Dimensions of Residential Buildings

a) Minimum lengths of dwelling facades

Where regulated, the minimum lengths of dwelling facades are stipulated in the table of particular provisions by either a dimension specified in metres, or by assignment of Code A, which has the following meaning:

Class A dwellings (single-family)		
- detached: 1, 1 1/2 or 2 floors	12.0 m	(39.4')
- semi-detached: 1 1/2 or 2 floors	7.3	(24.0')
- terraced (row): 1 1/2 or 2 floors	7.3	
Class B dwellings (duplexes or triplexes)		
- detached	12.0 m	(39.4')
- semi-detached	11.5	(37.7')
- row	11.5	
Class C dwellings (multiple-family)		
- detached	16.0 m	(52.5')
- semi-detached	16.0	
- row	16.0	

b) Minimum habitable floor area

- For the purposes of this By-Law, any floor or part thereof whose floor-to-ceiling height is at least 2.3 m (7.5'), whose inside surfaces are all finished surfaces and, when against an outdoor surface, insulated, and which satisfies the requirements of the National Building Code regarding minimum areas of glazing for the rooms

of a dwelling, shall be considered as habitable. Garages shall not be included in habitable floor area.

- Floor areas defined as habitable but which also satisfy the definition of a basement under the present By-Law shall not be included when calculating habitable floor area.

- Where regulated, the minimum habitable floor area of dwellings is stipulated in the table of particular provisions by either a dimension specified in metres, or by the assignment of Code A, which has the following meaning:

Class A dwellings (single-family)	
- detached: 1 or 1 1/2 floors	110 m2
- detached: 2 floors	137
- semi-detached or row: 1 1/2 or 2 floors	100
Class B dwellings (duplexes or triplexes)	
- detached	180 m2
- semi-detached	170
- row	93 per dw. unit
Class C dwellings (multiple-family)	
- detached	100 m2
- semi-detached	per dw. unit
- row	
Class D dwellings (mobile homes)	60

10.4 Cladding Materials and Chimneys

a) Minimum Masonry Requirement

Residential buildings in all classes shall be surfaced in genuine brick or stone over at least a minimum area. This minimum is set at 60% of the total outside area of exterior walls excluding foundations and chimneys. This amount of genuine brick and/or stone shall be arranged so that at least 50% of each facade (front, side or rear) is clad in this material or these materials.

b) Chimneys

Any protruding chimney shall be surfaced in genuine brick or stone on all of its height; however, if the upper part of the wall to which the chimney is attached is surfaced in another material, the same material may be used for the corresponding upper part of the chimney.

The only materials which are authorized for the exterior walls of the chimney of any residential building, of any class, are genuine brick or genuine stone.

10.5 Additional Provisions Pertaining to Terrace and Row (single-family dwellings, duplexes or triplexes or multiple-family) Dwellings

a) Lot coverage

Notwithstanding the maximum lot coverage permitted by the table of particular provisions, the lot coverage for any terraced (row) residential building shall in no event exceed 35%.

b) Minimum setbacks

Unless subject to more restrictive provisions in the table of particular provisions, minimum setbacks for terraced (row) dwellings shall be as follows:

- front setback: 7.5 m (24.6'),
- side setback (at the end of a row):
    - single-family dwellings: 4.5 m (14.8'),
    - duplexes or triplexse: 6.0 m (19.7'),
    - multiple-family dwellings: 7.5 m (24.6'),
- rear setback: 13.5 m (44.3'),

c) Number of units per row

No single row of single-family row housing shall contain less than three (3) units or more than eight (8) units. A single row of row housing other than single-family shall not contain less than three (3) buildings or more than four (4) buildings.

10.6 Off-Street Parking and Garages

a) Number of spaces required

All residential or partly residential buildings shall be supplied with not less than the following number of off-street parking spaces:

- single-family dwellings: 1 space per house, 1.5 for row;
- duplexes: 3 spaces;
- triplexes: 4 spaces;
- multiple-family dwellings: 1.5 spaces per dwelling unit.

b) Residential buildings intended for the exclusive use of the elderly

The number of spaces for all residential buildings intended for the exclusive use of the elderly is established as follows: one (1) space per dwelling unit for the first ten (10) dwelling units, two (2) spaces per three (3) dwelling units for the next twelve (12) dwelling units, and one (1) space per two (2) dwelling units for the remainder.

c) Compulsory garages or indoor parking facilities

All single-family dwellings, duplexes or triplexes shall be supplied with a garage or indoor parking facility having an effective capacity of at least one (1) space per dwelling unit. For multiple-family dwellings, the proportion of parking which must be indoors is established as follows in accordance with building height measured in floors:

- 3 floors or less: 0%,
- 4-13 floors inclusive: 33%,
- over 13 floors: 100%.

d) Elimination of garages

Elimination of garages is prohibited, among other ways by transforming them into playroom or other uses, or by reducing their capacity to less than the minimum compulsory capacity established in paragraph c) preceding.

e) Garages and indoor parking facilities

i) Definition of basement garage

Any garage is considered to be a basement garage if its floor is below the average ground level measured around the entire foundation perimeter, or if its floor is located below the crown of the street measured at the point where the street pavement centerline intersects the extension of the centreline of the paved driveway giving access to the garage.

ii) Basement garages prohibited in single-family dwellings

Basement garages are prohibited in all single-family, detached, semi-detached or terraced (row) dwellings.

iii) Siting of entrances

Entrances to basement garages shall not be located on the front facade of buildings.

iv) Driveway slopes

The maximum slope of basement garage driveways shall be 12%.

v) Garage levels with respect to the street

Garage floors shall not be higher than 1.2 m (3.9') above the level of the street centreline, measured in accordance with the provisions of paragraph i).

vi) Concrete curbs

The edges of all driveways leading to garages or indoor parking facilities shall be well-defined along their entire length by a curb of concrete or treated wood, or by a retaining wall.

10.6.1 Bicycle Parking

a) Required Number of Bicycle Parking Units

Class "C" residential or partly residential buildings, as well as multi-family dwellings, shall be supplied with a minimum number of bicycle parking units equal to one (1) unit per two (2) dwellings. In the case of a hospice, a hostel or a residence for the elderly, the minimum number of bicycle parking units is one (1) unit per twenty (20) rooms.

10.7 Use of Outdoor Areas

a) Use of front setbacks

Subject to the other provisions pertaining to them in this By-Law, uses permitted in front setbacks are limited to the following:

- sidewalks, drives, plantings and other landscaping,

- signs,

- hedges,

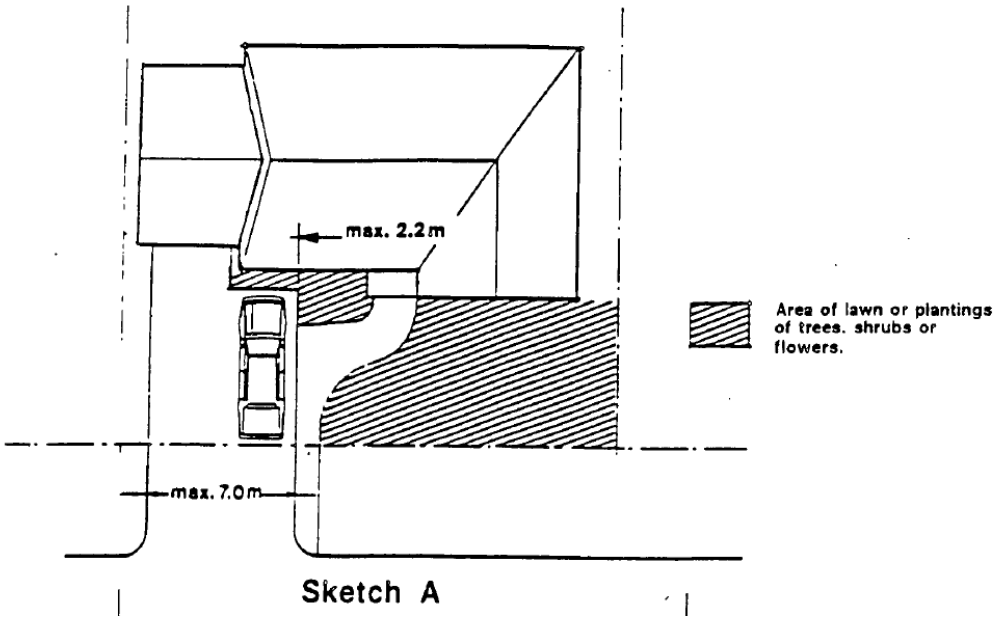
- driveways leading to garages or to parking spaces located in the side or rear setbacks,

- parking, subject to the following conditions:

    i) Properties with less than 21.0 metres (68.9') in frontage width shall be limited to one driveway entrance, subject to the following conditions:

        - driveway entrance width shall not exceed 7.0 metres (23.0');
        - the driveway shall not overlap the front façade of the dwelling other than the garage façade by more than 3.0 metres (9.8');
        - the front setback of a detached or semi-detached single-family dwelling shall contain at least 50 square metres (538.2 square feet) of lawn or plantings of trees, shrubs or flowers;
        - the front setback of a single family row dwelling shall contain at least 30 square metres (322.9 square feet) of lawn or plantings of trees, shrubs or flowers,

    the whole as shown by diagram “A” below:



Sketch A

ii) It shall also be permitted for properties with 21.0 metres (68.9') or more of frontage width to be supplied with a semi-circular driveway with two driveway entrances, subject to the following conditions:

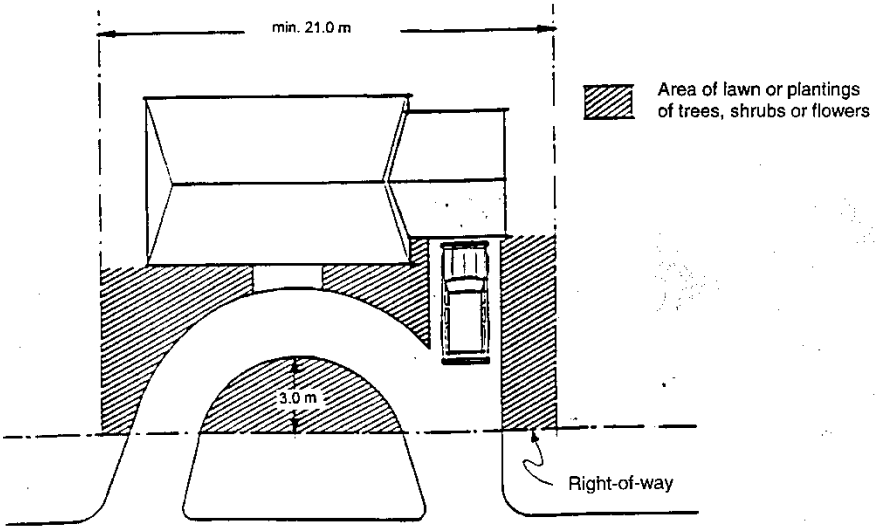
- no part of the driveway entrance or parking area shall be less than 60 cm from the side lot lines,

- the tangent to the inside of the arc of the circle shall be at least 3.0 metres (9.8') from the street right-of-way,

- the front setback shall contain at least 65 square metres (699.7 square feet) of lawn or plantings of trees, shrubs or flowers,

the whole as shown by diagram B hereafter

iii) in the case of a corner lot, an in-ground or above-ground swimming pool, but only in that part of the minimum front setback located in the extension of the rear setback, and subject to the provisions of article 5.7 concerning swimming pools and to the provisions of articles 5.7 and 10.9 concerning fences and hedges.



Sketch **B**

b) Use of side setbacks

Subject to the other provisions pertaining to them in this By-Law, permitted uses in side setbacks are limited to the following:

- structures, treatments and uses permitted in front setbacks,
- fences, subject to the provisions of Articles 5.5 and 10.9,
- parking areas,
- garages, and sheds as an integral part of garages,
- recreational uses and equipment which are complementary to the principal use, such as tennis courts and swimming pools (in- or above-ground), but subject to the provisions of Articles 5.7 and 5.8,
- storage of garbage containers, subject to the provisions of Article 10.10,
- storage or parking of recreational vehicles or equipment such as trailers, tent-trailers, motor homes,
- boats under 7.0 m (23.0') long, motorbikes and snowmobiles, limited to one of these items per dwelling unit in the principal building, for the exclusive use of dwelling occupants, and provided that they are hidden from view from the public street; living in any equipment thus stored or parked is prohibited,
- heat pumps, subject to the provisions of Article 5.9.

c) Use of rear setbacks

Subject to the other provisions pertaining to them in this By-Law, permitted used in rear setbacks are limited to the following:

- structures, treatments and uses permitted in side setbacks,

- garages and other ancillary buildings,

- clotheslines and other devices used for drying laundry, but restricted to detached or semi-detached single-family dwellings,

- antennas, subject to the provisions of Article 5.9,

- storage of no more than ten (10) cords of firewood, limited to the needs of the principal use; cord height shall not exceed 1.25 m (4.1').

10.8 Vehicle Accesses

a) Properties located in residential zones and with less than 21.0 m (68.9') of frontage width shall be limited to one driveway entrance; for properties fronting on more than one street (corner lots or transversal lots), this rule shall apply to each street.

b) Properties located in residential zones and with 21.0 m (68.9') or more of frontage width are limited to two (2) driveway entrances; for properties fronting on more than one street, this rule shall apply to every street on which the property frontage meets these width requirements.

c) The width of the entrance or the combined width of entrances on any street on which a property fronts shall not exceed 7.0 metres (23.0').

d) Driveway entrances on corner lots shall not be located less than 5.5 metres (18.0') from the point at which the street rights-of-way (projected if rounded) intersect.

10.9 Fences and Hedges

The maximum height of fences and hedges is established as follows:

a) In the front minimum setback, maximum height of hedges is 1.25 metre (4.1').

b) In the case of a corner lot, the maximum height of a fence or of a hedge in that part of the minimum front setback situated in the extension of the rearsetback (as illustrated in the sketch of paragraph c) of article 5.5) is 1.85 m (6.0') except in the triangle of visibility where the height may not exceed that prescribed by article 5.3.

c) Elsewhere on the lot, maximum height of fences and hedges is 1.85 metres (6.1').

10.10 Storage of Garbage Containers

In residential zones, storage of garbage containers between successive weekly or bi-weekly garbage collections shall meet the following conditions:

a) Containers of single-family dwellings, duplexes or triplexes shall be stored in the rear setback against the wall of the dwelling or an ancillary building, or in the side setback on the side of the garage, carport or parking area provided that it is hidden from the public street.

b) In the case of multiple-family dwellings, garbage shall be stored in metal containers placed in the rear setback, in an opaque enclosure or in a building made of treated wood or of another material permitted as cladding for a principal building.

10.11 Exterior Lighting

Outdoor lights shall be placed to avoid causing glare beyond the limits of the property.

10.12 Ancillary Buildings

a) Permitted ancillary buildings

- Ancillary buildings permitted for residential uses are limited to garages, domestic greenhouses and sheds.

- Garages are restricted to one per single-family dwelling, duplex or triplex; consequently a garage shall not be built on the lot of a dwelling if this dwelling already has a garage attached or integral to it; furthermore, the use of a single-family dwelling, duplex or triplex garage shall be limited to the storage of pleasure vehicles or a single commercial vehicle or recreational equipment such as boats, trailers, tent-trailers, snowmobiles, etc.

- Residential buildings of any class whatsoever are restricted to one shed.

b) General conditions for the siting of ancillary buildings

In all residential zones,

- ancillary buildings shall not be sited on properties which are vacant or not occupied by a principal building,

- ancillary buildings shall comply with the provisions in this By-Law pertaining to the use of outdoor areas.

c) Area of ancillary buildings

In the case of single-family dwelling, a duplex or a triplex:

- the garage floor area shall not exceed:

i) 55 square metres (592.0 square feet) if the garage is integral to the dwelling, in other words, if made of the same cladding material and if at least one-sixth of its perimeter is attached to the dwelling,

ii) 35 square metres (376.7 square feet) in all other cases,

- shed area shall not exceed 15 square metres (161.5 square feet) and its depth shall not exceed twice its width or vice versa,

- the total lot coverage of ancillary buildings, including garages, integral or otherwise to the principal building, shall not exceed either the total floor area of the principal building or 10% of the lot area,

- the total lot coverage of ancillary buildings located in the rear setback shall not exceed 25% of the rear set-back.

In the case of multiple-family dwellings,

- the total floor space of ancillary buildings including garages, integral or otherwise to the principal building, in basements, or otherwise, shall not exceed either the total floor area of the principal building or 10% of the lot area.

d) Height of ancillary buildings

In residential zones, the height of garages (except those integral to the principal building) shall be limited to 4.3 metres (14.1'), and the maximum height of sheds or other ancillary buildings to 3.7 metres (12.1').

e) Flat roofs

Ancillary buildings with flat roofs are prohibited in all residential zones.

f) Habitable space in ancillary buildings

No habitable space shall be installed above or within an ancillary building; installing a habitable space above the garage is permitted where garages are integral to the principal building or attached to it, provided that the combined principal building and garage fully complies with the setbacks required for the principal building.

10.13 Signs - Repealed

10.14 Particular provisions table: RESIDENTIAL ZONES

(See table)

10.15 Particular provision for zone 143R

In that part of zone 143R, shown outlined in green on the plan signed on July 30, 1993, by the Town Clerk and annexed to this by-law as Schedule "2.5", any landsite on which no house is erected must be landscaped in accordance with plans AP-12 dated July 12, 1993 and AP-15 dated July 16, 1993, prepared by Williams, Asselin, Ackaoui and Associates Inc.

10.16 Provisions particular to residential zone 165R and mixed zone UM-102

a) Integrated housing project

The siting of several residential buildings on a single lot is authorized on the following conditions:

General

1° The integrated project shall comply with a recognized architectural strategy, such as the creation of a comprehensive architectural design including the use of similar materials, shapes and architecture, and shall make it possible for the average observer to promptly notice that all the buildings are part of the same project;

2° The integrated project shall include a minimum of two (2) principal buildings;

3° The development of each zone concerned may be subject to one or more separate integrated projects, where each project corresponds to a construction phase;

Development Plan

4° Anyone who wishes to carry out an integrated project must submit to the Urban Planning and Environment Department three (3) copies of the development plan for the project specifying:

i) The cadastral lots or the projected subdivision;

ii) The detailed siting of the buildings and all structures, including the following information for each one:

- The gross floor area;

- The number of floors; and
- The type of dwelling or structure.

iii) The elevation of each facade of all buildings;

iv) The types of exterior cladding materials used;

v) The setbacks of the buildings from the lot limits;

vi) The distance between the buildings;

vii) The distance between any building and a private passageway, where applicable;

viii) The layout of the landsite, the landscaping design, the indoor and outdoor parking areas, the access ramps to the indoor parking areas, the vehicle and pedestrian passageways, the fences, the low walls and the retaining walls, etc.;

ix) The construction phases;

x) The public utility networks (water supply, storm sewer, sanitary sewer, gas, telecommunication, electricity, lighting, mailbox, etc.) as well as the residual materials storage and collection areas;

Development Plan Approval

5° Upon receipt of an application for a development plan for an integrated project, the Urban Planning and Environment Department reviews the plan in order to determine whether it complies with the zoning and subdivision by-laws;

6° The development plan for the integrated project is subject to a recommendation by the Planning Advisory Committee (PAC);

7° Following the recommendation of the PAC, the Municipal Council renders a decision on the application; it accepts the application with or without conditions or rejects it. Where applicable, it suggests the necessary modifications to the applicant;

8° When the development plan for the integrated project is approved, the applicant shall submit an application for a cadastral operation permit for the entire integrated project, or per phase, to the Urban Planning and Environment Department;

9° Should the Municipal Council approve the development plan for the integrated project, this shall not obligate the Town to approve a cadastral operation plan, or accept the assignment of the new projected streets appearing in the plan, or decree the opening of said streets, or cover their construction and maintenance costs, or assume their civil liabilities;

10° Should the Municipal Council approve the development plan for the integrated project, this shall not obligate the Town to issue construction permits;

11° If, for whatever reason, the initial development plan for the integrated project is modified significantly, it shall be replaced by a development plan that shall be subject to another approval;

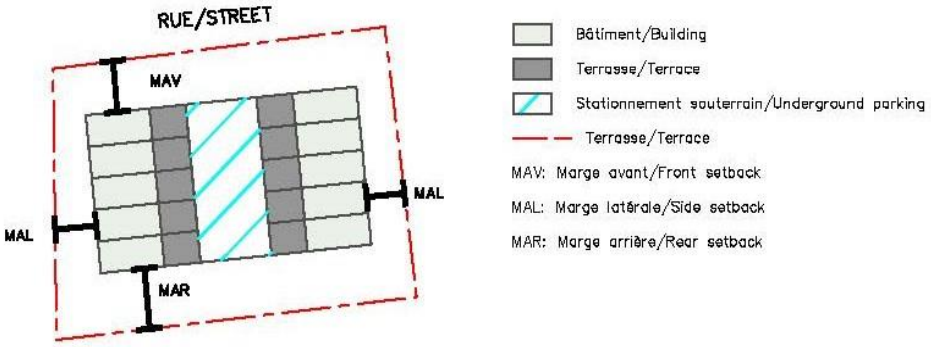
12° For each phase, the landscaping and, where applicable, outdoor parking areas required and intended for each building shall be completed no later than twelve (12) months after the end of the construction work;

13° The landscaping and, where applicable, the common parking areas shall be completed no later than six (6) months after the end of the construction work on the final building in the integrated project;

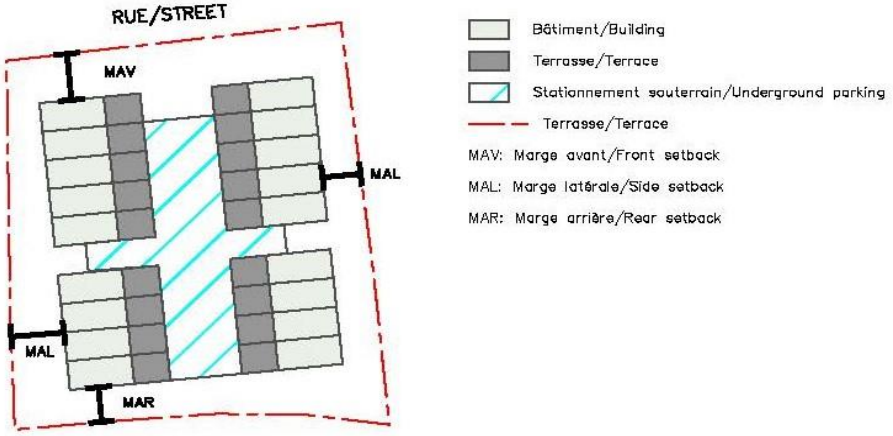
Siting Standards

14° The siting of several residential buildings on a single lot shall comply with one or a combination of the following plans:

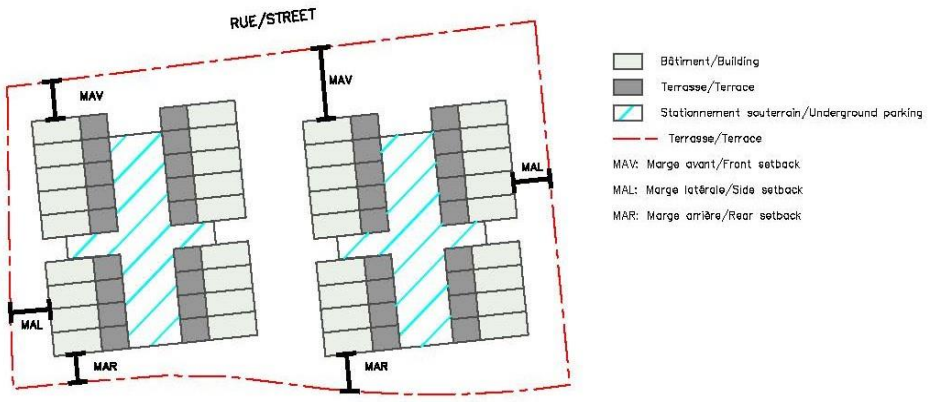
i) Plan A: Siting of two (2) buildings on a single lot with an underground parking garage and an outdoor terrace:



ii) Plan B: Siting of four (4) buildings on a single lot with an underground parking garage and an outdoor terrace:



iii) Plan C: Siting of eight (8) buildings on a single lot with an underground parking garage and an outdoor terrace:



15° The minimum front, side and rear setbacks are those specified in the "Particular Provisions Table: RESIDENTAL ZONES" in the columns for residential zone 165R and mixed zone UM-102;

16° The minimum distances are the following:

i) In zone **165R**:

- Between two (2) buildings (except between two (2) lateral walls): 12 m (39.3')
- Between two (2) buildings (between two (2) lateral walls only): 6 m (19.6')

ii) In zone **UM-102:**

- Between two (2) buildings: 15 m (49.2')
- Between two (2) outdoor terraces: 9 m (29.5')

17° The minimum distance that must be maintained between any structure and a main water supply or sewer pipe is 4 m (13.1');

18° The minimum distance that must be maintained between a principal building and a private passageway is 3 m (9.8');

19° The minimum distance that must be maintained between a principal building and an outdoor parking area is 2 m (6.5'), except for a parking area that provides direct access to a garage;

Architecture

20° Any outdoor stairway leading to a higher level than the ground floor level or to more than 1.5 m (4.9') above the level of a pedestrian passageway or a private vehicle passageway providing access to the dwellings is prohibited;

21° The height of a building shall be calculated from the level of the pedestrian passageway or the private vehicle passageway providing access to the dwellings;

Parking

22° The foundation of any private passageway providing access to a parking area to be used by emergency vehicles shall be designed for heavy vehicle traffic;

Site layout

23° Except for the spaces used to site the uses permitted by this By-Law and for vehicle and pedestrian traffic, all lot shall be planted with lawn or landscaped. Furthermore, six (6) trees per 1,000 m^2 (10,763.9 ft^2) of lot located outside the limits of an underground parking garage right-of-way shall be planted no later than twelve (12) months after the end of the work on each lot. Once planted, the trees shall be kept in good condition and replaced as needed;

24° The installation of any fence along Brunswick Boulevard is permitted only if it is accompanied by a landscape design located on the north side of said fence that minimizes its visual impact;

25° The level of a private vehicle or pedestrian passageway providing access to dwellings shall not exceed a maximum of 1 m (3.3') above the level of the centre of an adjacent public street;

Snow Management

26° Snow piles are prohibited within an integrated project unless the project includes a space specifically designed for snow piles. The snow shall be transported to a recognized site for that purpose;

Emergency Vehicle Access

27° Each building shall be accessible to emergency vehicles through a private paved access road that can be accessed from a public street;

28° All access roads shall meet the following conditions:

i) Be at least 5 m (16.4') wide;
ii) Have an overhead clearance of at least 5 m (16.4');
iii) End in a paved turnaround that is at least 3.5 m (11.4') wide and at least 7 m (22.9') long and allows safe reverse manoeuvres;

Infrastructure

29° Private water supply and sewer (sanitary and storm) systems shall be built according to the standards prescribed by the Town;

30° At the end of the infrastructure work for each phase, a document prepared, signed and sealed by an engineer certifying that the work was executed in accordance with the

standards set out by the Town is required. The Town may perform the inspections it deems necessary at any time;

31° All public utility services shall be buried on the landsite of the integrated project in accordance with the rules of each competent authority;

Fire Protection

32° The walls of a building located in an integrated project shall be located at a maximum distance of 80 m (262.4') from a fire hydrant that is accessible and installed on the site or adjacent to it;

33° The location and the number of fire hydrants on the site shall be approved by the Urban Planning and Environment Department and the Service de sécurité incendie de Montréal;

34° The owner is at all times responsible for the maintenance of the fire hydrants installed on the site, including snow removal. Furthermore, a maintenance report shall be submitted to the Service de sécurité incendie de Montréal and the Urban Planning and Environment Department at least once per year.

b) Off-street parking

Notwithstanding paragraph a) of section 10.6, the number of off-street parking spaces is established according to the following cumulative requirements:

i) The minimum number of parking spaces for a multiple-family building is one (1) space per dwelling and the maximum number is 1.5 per dwelling. The parking ratio may be reduced to a 0.8 parking space per dwelling if a car sharing service is offered in the building. The minimum number of shared vehicles is two (2) per building;

ii) The project shall include spaces for visitors at a minimum rate of 10% of the regulatory requirements for the dwellings.

c) Mezzanine/Additional floor above the roof

i) A mezzanine is a small floor on an intermediate level in a high-ceilinged room.

An additional floor above the roof is a rooftop structure that is not considered a floor and constitutes an additional elevation in relation to the authorized building height;

ii) The addition of a mezzanine or an additional floor above the roof is authorized only in zone **165R** at a minimum distance of 120 m (393.7') from the right-of-way of Brunswick Boulevard;

iii) The area of a mezzanine or an additional floor above the roof may not exceed 40% of the area of the floor immediately below;

iv) A building with a mezzanine may exceed the permitted height by a maximum of 2.4 m (7.8’);

An additional floor above the roof may have a maximum height of 3.5 m (11.4’). It shall comply with the setbacks in the table below in relation to the limits of the floor immediately below. In this table, “H” is the height of the additional floor above the roof measured from the building on which it is erected:

Height of the building on which the additional floor above the roof is erected	**Minimum setback from a main facade**
16 m (52.4’) or less	1H

Note: as an example, an additional floor above the roof with a height of 3 m (9.8') must respect a minimum setback of 3 m (9.8') from the main facade;

v) A dwelling unit may not have both a mezzanine and an additional floor above the roof;

vi) For dwelling units at the end of a row, additional floors above the roof are not permitted.

d) Height above ground of an underground parking garage

The height above ground of an underground parking garage may not exceed the average level of an adjacent sidewalk by more than 1.5 m (4.9’).

Chapter 11 - **PROVISIONS PARTICULAR TO COMMERCIAL ZONES C**

11.1 Siting of Principal Buildings

The minimum front, side and rear setbacks are given in metres for each of these zones in the particular provisions.

11.2 Encroachments into Setbacks

Building elements which may extend into these setbacks are restricted to bay windows, entrance steps and canopies which may encroach by no more than 2.0 metres, and roof overhangs, which may encroach by no more than 60 cm.

11.3 Shopping Centres

a) The shopping centre and office building concept

In zones where this formula is permitted under the particular provisions, a building or group of buildings on a single lot may be subdivided among two or more establishments. This is called a shopping centre or office building. Shopping centres or office buildings shall not be considered to be a grouping of semi-detached or row buildings, but rather a single

building subdivided into two or more establishments, even should these establishments be further subdivided to form distinct properties (common ownership or condominiums).

b) Offices in a shopping centre

Where the particular provisions permit Class A commercial uses (offices) in a zone where shopping centres are permitted, offices shall not be located on the ground floor of shopping centres; any Class A uses located in shopping centres shall be restricted to the upper floors.

c) Shops in office buildings

Where the particular provisions permit commercial uses other than offices in a zone where office buildings are permitted, these commercial uses shall not be located in the upper floors of office buildings; any such commercial uses located in office buildings shall be restricted to the ground floor.

11.4 Minimum Dimensions of Buildings and Commercial Premises

a) Minimum lengths of commercial building facades

The lengths of the front facades on commercial buildings throughout the Town of Kirkland shall not be less than 12.0 metres (39.4'). The table of particular provisions may be more restrictive with respect to certain zones.

b) Minimum floor space of commercial premises

The minimum requirements for floor space used for commercial purposes throughout the Town of Kirkland, including administrative offices but excluding service areas (restrooms) and storage areas, is established as follows:

- commercial premises occupying detached structures: 110m2 (1181.1 square feet),
- commercial premises occupying semi-detached or row structures: 90 m2 (968.8 square feet),
- commercial premises in shopping centers and to which the public has access from the outside: 70 m2 (753.5 square feet),
- commercial premises located in shopping centers and to which the public has access via an interior mall: 20 m2 (215.3 square feet).

11.5 Commercial Establishments in Basements

No commercial establishments, in whole or in part (except for storage), shall be located in basements or cellars in any commercial zones.

11.6 Roof-Top Parking

Parking areas on roofs of commercial buildings are permitted in all commercial zones subject to the following conditions:

a) the roof shall be flat,

b) the parking area shall be surrounded by a parapet or screening wall at least 1.5 metres (4.9') high so that it is not visible from public thoroughfares next to the building,

c) the total height of the building, including the parapet, shall not exceed the permitted maximum height stipulated in the particular provisions for a principal building.

11.7 Lighting and Use of Outdoor Areas

a) Front setback

Uses permitted in front setbacks are limited to the following:

- sidewalks and pathways for pedestrians,
- drives and access lanes to parking areas and areas for manoeuvering in relation to loading and unloading,
- lawns and plantings of flowers and shrubs,
- masts and signs mounted on posts or pedestals,
- parking, subject to the provisions of Article 11.8 following.

b) Side and rear setbacks

Uses permitted in side and rear setbacks are limited to those permitted in the front setback, as well as to parking areas and areas for manoeuvering transport vehicles, and loading and unloading docks.

c) Rear setbacks

Uses authorized in rear setbacks are limited to those permitted in the side setbacks.

d) Commercial patios

Terraces are authorized in zone 222C subject to the following conditions:

i) Definition

For the purposes of this by-law, a commercial patio is an exterior seating area reserved for the patrons of a restaurant which constitutes an accessory use thereof;

ii) Zones

Commercial patios are authorized only in the zones in which class D-1 and D-2 establishments are authorized.

iii) Location

No part of a commercial patio may be located:

- in a side or rear setback;

- at a distance of less than twenty-five (25) meters from a residential zone;

- at a distance of between twenty-five (25) and forty (40) meters from a residential zone unless there is, between such zone and the patio, a building;

- at a distance of forty to seventy-five meters from a main residential building unless there is, between this building and the patio, a structure which does not allow it to be seen from any window of a main residential building situated in a zone adjacent to that in which the patio is located;

- at less than five meters from a street right-of-way;

- at less than one hundred and fifty (150) centimeters from an adjacent lot;

- where it will encroach upon a lane reserved for emergency vehicles.

iv) Construction

The construction of a commercial patio shall include flooring specifically reserved for the patio.

v) Limits

Any commercial patio shall be clearly defined with a fence, a low wall, planters or a hedge; any terrace which is more than 30 cm (11.8 inches) above or below the surrounding area shall be protected with a fence at least 90 cm (2.95 feet) in height.

vi) Area

The total area of a commercial patio may not exceed 40 % of the indoor floor area of the establishment occupied by tables and chairs, excluding any bar.

vii) Pedestrian traffic

The commercial patio of an establishment which is adjacent to another establishment, on one side or on both sides, must provide for a clear area of 1.5 meter in width, near the front wall of the building, to allow free pedestrian traffic.

viii) Contiguity

Under reserve of subparagraph vii), a commercial patio shall be immediately adjacent to the establishment of which it is an extension; it shall in no case be separated from the latter by a public passage, a street or an alley serving a parking area.

ix) Parking

No off-street parking is required because of the operation of a commercial patio. However, the installation of a terrace in an existing parking lot must not reduce the number of parking spaces required for the establishment to which it is related or, as the case may be, for the shopping center in which it is situated.

x) Operating season

A commercial patio can only be operated from April 1 to October 31 of every year.

xi) Operating hours

No commercial patio shall be operated between 11 p.m. and 7 a.m.

xii) Garbage container

All garbage on a commercial patio must be placed and kept in an appropriate container which must be emptied and cleaned regularly to avoid unpleasant odors.

xiii) Lighting

Any commercial patio shall be lit in order to meet a minimum average lighting level of five (5.0) foot-candles but without exceeding ten (10) foot-candles.

xiv) Noise control

The use of a sound amplifier system on a commercial patio is prohibited as is the presentation of any shows. It is also prohibited to maintain open a door, window or other opening so as to allow any form of music produced inside the building to be heard on the patio.

xv) Take-out

On a commercial patio it is prohibited to sell anything other than food and beverages and these may only be sold and consumed on the premises.

xvi) Furniture

No furniture used or intended to be used on a commercial patio may be left or stored on the patio between November 1 and March 31 of the following year unless this furniture is:

- covered by a tarpaulin which is in good condition and securely tied down; and
- not visible from the street.

e) Outdoor lighting

Permitted outdoor lighting is limited to that required for buildings, pedestrian paths, drives, signs and parking or loading and unloading areas. Lights shall, in all cases, be placed to avoid causing glare beyond the limits of the property.

11.8 Parking in the Front Setback

Parking lots are permitted in front setbacks in commercial zones subject to the following conditions:

a) Parking shall be laid out to permit manoeuving entirely within the property and not in the public street right-of-way, making it possible to both enter and leave the parking area in a forward direction;

b) The minimum distance between the parking area and public street right-of-way is the greatest of the two following dimensions: 3.0 metres (9.84') or the dimension

stipulated in the particular provisions; this minimum required separation shall be planted with lawn and with trees, shrubs or flowers;

c) The area covered by the parking area, including its access lanes shall at no time occupy more than 75% of the total front setback area.

11.9 Street Accesses

a) The number of street accesses permitted for motor vehicles is limited to one for properties less than 21 metres (68.9') wide; the maximum number of accesses is two (2) for properties between 21 metres (68.9') and 50 metres (164.0') wide; the maximum number of accesses permitted is three (3) for properties wider than 50 metres (164.0'); for properties facing on more than one street (corner lots for example), these rules shall apply for two streets, up to a maximum of four (4) accesses in all.

b) The minimum width of any street access is 6.0 metres (19.7') and the maximum width is 9.25 metres (30.3').

c) No access shall be located less than 6 metres (19.7') from the point at which the street rights-of-way intersect in the case of corner lots.

11.10 Fences and Hedges

a) Fences are prohibited and the height of hedges shall not exceed 1.0 metres (3.3') in the front setback;

b) Height of fences and hedges in the side and rear setbacks is limited to 2.5 metres (8.2') and, where outdoor storage is permitted, 3 metres (9.8') around outdoor storage areas.

c) All commercial spaces, within or outside commercial zones and which are adjacent to a residential property located in a residential zone shall be enclosed by a hedge or fence 1.8 metres (5.9') or more in height.

11.11 Outdoor Storage

Outdoor storage, including storage of fleets of commercial or transport vehicles, is prohibited in all commercial zones.

11.12 Storage of Garbage Containers

a) In commercial zones, storage of garbage containers between successive weekly or bi-weekly collections shall be restricted to the side or rear setbacks and shall be in metal containers placed within an opaque enclosure or inside a building made of treated wood or any other material permitted as cladding for a principal building, all notwithstanding the provisions of Article 11.13.

b) Garbage containers, whether within an opaque enclosure or inside a building, shall not be stored less than 7.5 metres (24.6') from the limit of any residential property located in a residential zone.

11.13 Ancillary Buildings

Ancillary buildings are prohibited in all commercial zones: uses defined as complementary under Article 2.2 shall be restricted to principal buildings.

11.14 Off-Street Parking

a) Residential buildings

All residential or partly residential buildings in commercial zones shall be supplied with no less than the minimum number of off-street parking spaces established in accordance with the provisions of paragraph a) of Article 10.6.

b) Residential buildings for the exclusive use of the elderly

All residential buildings intended for the exclusive use of the elderly and located in commercial zones shall be supplied with no less than the minimum number of off-street parking spaces established in accordance with the provisions of paragraph b) of Article 10.6.

c) Commercial uses

All commercial uses shall be supplied with no less than the minimum number of parking spaces established in accordance with the following standards:

Class A:

All Class A uses: 1 space per 30 m^2 of rental floor area.

Class B:

All Class B uses: 1 space per 20 m^2 of rental floor area.

Class C:

- hotels, motels, tourist homes, rooming houses and boarding houses: 1 space per room or unit,
- shelters: 1 space per three beds.

Class D:

- restaurants, dining rooms and cafeterias: 1 space per three (3) seats,
- counter service establishments: 1 space per 10 m2 (107.6 sq. ft.) of floor space,
- reception halls: 1 space per 10 m2 (107.6 sq. ft.) of public-use floor space.

Class E:

- cinemas, coffee houses, theatres, performance halls, dance halls, bars, lounges, discotheques and cafes: one (1) space per two (2) seats,
- social clubs: one (1) space per 20 m2 (215.3 sq. ft.),
- tennis, racquetball and squash: one (1) space per court,
- bowling alleys: one (1) space per alley,
- gymnasiums, roller rinks and other large outdoor recreational facilities: one (1) space per 100 m2 (1,076.5 sq. ft.),
- golf courses: three (3) spaces per hole,
- golf driving ranges and archery fields: one (1) space per tee or archer's position,
- circuses, trade fairs or other exhibitions: one (1) space per 150 m2 (1,614.7 sq. ft.) of land area,
- shooting ranges: one (1) per individual marksman's position.

Class F:

- gas stations: three (3) spaces per establishment,
- service stations: two (2) basic spaces plus two (2) spaces per service bay, but no less than five (5) spaces,
- car washes: the effective minimum length of the off-street waiting line shall be equal to four (4) times the length of the washing track,
- motor vehicle sales, rental or maintenance establishments: one (1) space per 30 m2 (322.9 sq. ft.) of floor space, plus, where applicable, the areas for storing vehicles to be sold, rented or serviced.

Class G:

- outdoor flea markets: one (1) space per 50 m2 (538.2 sq. ft.) of land area,
- construction material sales establishments: one (1) space per 150 m2 (1,614.7 sq. ft.) of overall land area,
- other Class G uses, except class G-7: one (1) space per five (5) employees plus all spaces necessary to park the company's commercial vehicles;
- class G-7 uses: one space for each 20 square meters of leasable floor area, all uses included, including the area of the outside enclosure intended for the sale of landscaping products and accessories.

d) Acquired rights

Should a use which existed at the time this By-Law came into force and which did not have the number of spaces required by this By-Law be replaced by another use, the number of such spaces that the said use lacked is considered to be an acquired right and shall be deducted from the number of required spaces that are established for the new use according to the provisions of this By-Law; in the event the new use requires fewer spaces than the previous one, the acquired right shall not be transferred to another use or property.

11.14.1 Bicycle Parking

a) Required Number of Bicycle Parking Units

i) All residential or partly residential buildings in a commercial zone shall be supplied with a minimum number of bicycle parking units as set out in the provisions of paragraph a) of Article 10.6.1;
ii) All commercial buildings shall be supplied with a minimum number of bicycle parking units equal to five (5) units plus one (1) unit for every 1,000 square metres of floor area.

11.15 Loading and Unloading Areas

a) All new buildings intended for commercial use shall be provided with an adequate number and area of spaces for loading and unloading transport vehicles for its needs, in order that no loading or unloading operations need take place from the street; The use, moreover, shall not take effect until the loading and unloading spaces have been provided.

b) Notwithstanding the provisions of paragraph a), in the event a use which existed when this By-Law came into force and which did not have the loading and unloading spaces required by this By-Law is replaced by another use, the absence of such loading and unloading spaces is considered to be an acquired right provided that the available space for providing such spaces is inadequate.

c) All areas intended for transport vehicle parking and manoeuvering for loading and unloading shall be paved, including their access lanes; such areas larger than 400 square metres shall be drained with catchments and drainpipes connected to any existing storm sewers.

d) Unless inside a building, all loading and unloading areas located entirely or in part within 100 m (328.1') of a residential property located in a residential zone shall be enclosed by a dense hedge or solid fence 2.4 metres (7.9') high or more in height.

11.16 Signs (Repealed)

11.17 Particular Provisions Pertaining to Gas Stations, Service Stations and Car Washes

a) Scope

The provisions of this Article shall apply to all gas stations, service stations and car washes in all zones, and shall prevail over all other provisions of either a general or particular nature.

b) Permitted Activities

For the purposes of applying this By-Law, gas stations, service stations and car washes shall be limited to the following activities:

- sale of gasoline, oil, grease, batteries, tires and other automobile accessories,
- tire repair, excluding retreading,
- diagnosis of mechanical problems,
- replacement of defective parts not requiring major repairs,
- washing of automobiles,
- lubrication of automobiles,
- minor emergency repairs.

The term "repair" excludes all bodywork, vehicle dismantling or assembly, welding, sanding and painting.

Gas stations, service stations or car washes shall not be combined with another use or be used in part for another use, for any reason whatsoever.

The use of a service station automatically implies, as an accessory, the use of an automatic car wash.

c) Minimum lot sizes

Notwithstanding the provisions of Article 3.1, gas stations, service stations or car washes shall not be established on properties less than 2,000 square metres (21,529 square feet) in area and with less than 45 metres (147.6') of frontage on any adjacent or bordering street.

d) Building

i) Only one building shall be permitted on the property occupied by a gas station, service station or car wash, except in the case of a gas station combined with a car wash or in the case of a service station combined with a car wash, where the car wash may be in a building separate from the building of the gas station or service station.

ii) the building shall consist of only one floor and its maximum height is 6.0 metres (19.7');

iii) the minimum building area is 100 square metres (1,076.5 square feet) for service stations and 42 square metres (452.1 square feet) for car washes or gas stations, and the maximum area shall in no event exceed 235 square metres (2,529.8 square feet);

iv) The minimum width of the building facade is be 10 metres (32.8') for service stations and 6.5 metres (21.3') for car washes or gas stations.

e) Siting of building and pumps

i) The minimum front setback is 10.6 metres (34.8'); the minimum side and rear setbacks are 3 metres (9.8'), or 6 metres (19.7') next to any residential property located in a residential zone;

ii) the first 5 metres (16.4') of the front setback measured from the public street right-of-way shall be left free of any structure, except for posts supporting signs or lights; notwithstanding the provisions of paragraph c) of Article 8.3,

monuments intended for bearing signs and posts supporting signs shall not be located less than 3.0 metres (9.8') from any public street right-of-way.

iii) pumps shall be at least 5 metres (16.4') from the street right-of-way and at least 6 metres (19.7') from any other property limit; the pumps may be covered by a roof connected to the principal building; however, this roof shall not be closer than 5 metres (16.4') from the street right-of-way.

iv) the pumps may be accompanied by a cashier's booth no larger than 10 m2 (107.6 sq.ft.) and no closer than 6 m (19.7') from any street right-of-way; this booth shall not be deemed to be a building under paragraph d) of this Article.

f) Treatment and use of outdoor areas

i) Properties occupied by a gas station or service station shall have an area of lawn equal to at least 10% of the total area of the property;

ii) display of products or accessories or any other goods for sale outside the building is prohibited;

iii) display of new or used automobiles or any other motor vehicles for purposes of sale is prohibited;

iv) outdoor storage of automobiles which have been in accidents or which are not in working order, of debris or of automobile parts is prohibited.

g) Street accesses

Street accesses for motor vehicles shall conform to the provisions of this By-Law pertaining to vehicle accesses; In addition, no street accesses shall be located less than 3.0 metres (9.8') from the side lot lines, less than 9.0 metres (29.5') from any intersection of street rights-of-way, and less than 6.0 metres (19.7') from any other access to this same property.

h) Additional provisions pertaining to health and safety

i) All gas stations, service stations and car washes shall be equipped with separate wash rooms for each sex;

ii) no basement construction is permitted except for mechanical equipment which may be installed to 76cm (2'6") below the average ground level;

iii) mechanical equipment shall be separated from the rest of the building by partitions made of fireproof materials;

iv) all gasoline in gas stations or service stations shall be stored in underground reservoirs which shall not be located under any building; storing gasoline inside the building of the gas station or service station is not permitted;

v) no grease and repair pits in gas stations and service stations shall be connected to the public sewer;

vi) in all gas stations or service stations, pouring of gasoline or oil into the public sewer is prohibited;

vii) all gas stations or service stations shall be equipped with a foam fire extinguisher with a capacity of at least 9.5 l (2.5 gal.) or a CO2 fire extinguisher of at least 6.8 kg (15 lbs); these extinguishers shall be kept in proper working order at all times;

viii) it is compulsory for notices with minimum dimensions of 21.6cm (8.5") by 27.9cm (11") to be posted in the area of gas pumps at all gas stations or service stations, indicating by means of a symbol or in writing that smoking in this area is prohibited;

ix) all gas stations or service stations shall be equipped with metal bins for rags and waste.

i) Additional provisions pertaining to "self-serve" establishments

Notwithstanding any conflicting provision, the erection, layout, modification or use of a building or property for purposes of "self serve" sales is prohibited unless an attendant is always available to perform normal verification and maintenance work for motor vehicles including, among others:

- checking or changing motor oil,
- checking tire pressure and inflating tires as necessary,
- examining or changing one or more tires,
- repairing or replacing windshield wipers,
- lubrication,
- towing of vehicles which are inoperative due to accident or breakdown,
- checking or replacing batteries.

j) Car washes

Although car washes are comprised in a distinct use class and are thereby permitted only in zones specified as such in the particular provisions, automatic car washes in which the vehicle remains stationary during the entire washing process and which do not use mechanical equipment for drying are permitted in service stations with a minimum paved surface of 2,322.5 square metres (25,000 square feet).

11.18 Particular provisions table: COMMERCIAL ZONES

(See table)

11.19 Car Body Repair Shop

Any car dealership may include, as an accessory use to the sale of new passenger vehicles, a car body repair shop, but subject to the following conditions:

- the shop must be located in the basement of the establishment:
- its area must not exceed the lesser of the following:
  400 square metres;
  35% of the total floor area of the establishment, including the shop;

- the shop must be used to repair vehicles sold by the establishment only.

Chapter 12 - **PROVISIONS PARTICULAR TO INDUSTRIAL ZONES**

12.1 Environmental Standards

a) Any application to locate a new establishment or to enlarge or modify an existing establishment in an industrial zone shall be submitted to the Town of Kirkland, accompanied by:

- documents necessary for a proper understanding of the project, prepared by recognized professionals, such as drawings and specifications for construction and development and a description of the industrial processes in order to enable the municipality to ensure that the standards are observed,

- a certification signed by the applicant stating that the standards in effect at the time of the application are being and will be observed.

The burden of proof with respect to compliance with standards rests with the applicant, and it shall be the duty of the municipality to require such proof as it may deem appropriate in order to ensure that the standards are observed at all times.

b) Prior approval procured from the municipality by the applicants as required by paragraph a) shall not relieve applicants of their responsibility for obtaining any permits that may be required under other federal, provincial or municipal laws and regulations.

c) The Town of Kirkland is authorized to take all necessary measures required to verify that any establishment being built or in operation conforms to the standards, including:

- visiting the establishment,
- installing of control instruments,
- sample-taking inside or outside the establishment.

d) The standards are compulsory and continuous in nature with respect to their application and shall apply irrespective of any change in owner, tenant, occupant or use.

12.1.1 Public Utilities in an Industrial Zone

In all industrial zones, except for zone 301M, general "Public Utilities" class uses are authorized.

12.2 Nuisances Prohibited

All outdoor industrial activity is prohibited in all zones and for all uses and establishments, and no use or activity shall create any of the following nuisances beyond the limits of the property:

a) ground vibrations,
b) emission of heat or vapour from industrial processes,
c) smoke, dust, ash or soot,
d) emission of toxic substances,
e) emission of unpleasant odours capable of being perceived by the human sense of smell,
f) flashes of light,
g) constant or intermittent noise louder than the average street noise.
h) the effects of vehicle circulation on this property inherent in industrial activity.

12.3 Explosive, Inflammable and Radioactive Substances

In all zones and for all uses or establishments,

a) use of explosives is permitted only for construction work in compliance with the safety code of the Commission de la Santé et de la Sécurité du Travail, and provided it can be shown that it is no nuisance to neighbouring uses and activities;

b) production or processing of highly inflammable or explosive materials is prohibited;

c) production of radioactive substances is prohibited; storage and use of radioactive substances are also prohibited except for that normally required to operate measurement and detection instruments used by the establishment, provided that such storage and use complies with the standards of the Atomic Energy Control Board of Canada.

12.4 Multiple-Occupancy Building

In zones where this formula is permitted under the specific provisions, a building may be horizontally divided among two or more establishments. This is called a multiple-occupancy building. Multiple-occupancy buildings are not considered to be a grouping of semi-detached or row buildings, but rather a single building subdivided into two or more establishments, even should these establishments be further subdivided to create distinct properties (common ownership or condominiums).

12.5 Siting of Principal Buildings

The minimum front, side and rear setbacks for each of these zones are given in metres in the particular provisions.

12.6 Encroachments Permitted in Minimum Setbacks

Permitted extensions of building elements into setbacks are limited to bay windows, roof overhangs, entrance steps and canopies. None of these encroachments shall exceed 2.0 metres.

12.7 Architectural Provisions

a) Facade width

Where regulated, the minimum facade width is stipulated in metres by the particular provisions. The facade of buildings with irregular facades shall equal to the sum of the widths obtained by an orthogonal projection of each building component onto the front property line.

b) Minimum floor space of establishments in multiple-occupancy buildings

The minimum area occupied by a single establishment in a multiple-occupancy building shall in no circumstance be less than 250 square metres, and in any single building, at least 70% of the total floor space shall be occupied by establishments with more than 350 square metres of floor space.

c) Floor space occupancy ratios for office or laboratory space

Office or laboratory space shall not occupy less than 8% of the total floor space in any industrial building other than in multiple-occupancy industrial buildings.

d) Cladding materials

For all buildings located in industrial zones:

- the principal facade and two side facades shall be made of brick, stone, glass, precast concrete panels, metal panels or a combination thereof. However, metal panels cannot be the predominant material of these facades and cannot be installed within the first 3.65m (12') of height for the main facade and the two side facades;

- the same material or the same combination of materials shall be used on the principal and side facades; in the event of the latter, the proportion of each material used in the combination may vary from one facade to another;

- the rear facade, namely the one not visible from the street, may be made of metal panels, channelled, grooved or striated concrete blocks;

- the provision in the preceding paragraph permitting rear facades of metal panels, channelled, grooved or striated concrete blocks does not apply to corner or transversal lots, for which rear facades shall be treated as a side facade or better.

e) Minimum glazed surface area

At least 20% of any industrial building facade facing a street shall be glazed.

f) Mechanical devices

For all buildings located in industrial zones,

- location of mechanical devices such as air conditioning systems, antennas, reservoirs, compressed gas fuel tanks or others shall be limited to the roof or to that part of the rear yard defined by a projected extension of the two side walls; when located on the roof, they shall not be less than 10 m from the front facade or 5 m from the side facades of the building;

- mechanical devices and mechanical components of the building located on the roof shall at no time exceed the roof line of the building by more than 5 m (16.8'); where their height exceeds 3 m (9.8'), they shall be hidden by a screen;

- mechanical components of the building such as ventilation ducts, projecting window air conditioning units, etc., shall at no time be installed on facades visible from the street.

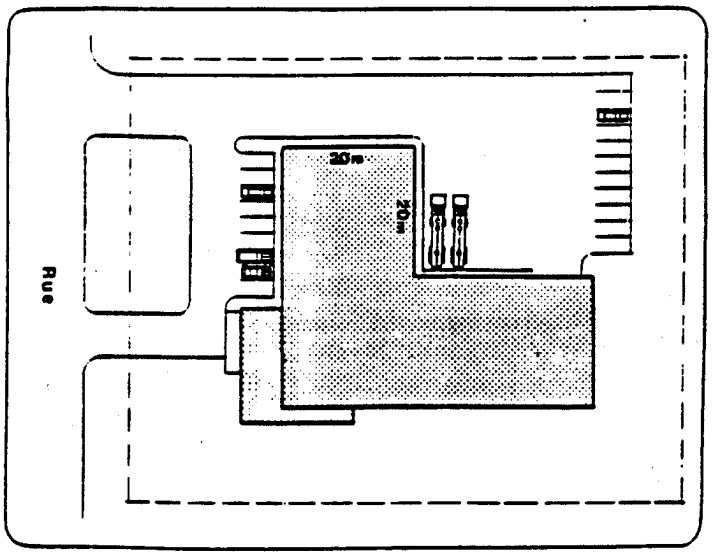
12.8 Use of Outdoor Areas

In all industrial zones,

a) uses permitted in front setbacks are limited to sidewalks and pedestrian pathways, driveways and entrance lanes to parking areas and to manoeuvring areas for loading and unloading, lawns, areas planted with flowers and shrubs, masts and signs on posts or on monuments; parking areas reserved for the vehicles of visitors and customers, excluding employee's vehicles, transport vehicles and other commercial vehicles, provided that these areas are located at least 10.0 m (32.8') from any public street right-of-way and that they occupy 25% or less of the total area of the front setback; in the case of corner or transversal lots, the calculation may take the sum of the areas of both setbacks into account;

b) uses permitted in side setbacks are limited to:

- uses permitted in front setbacks;
- parking areas intended for the vehicles of employees;
- loading and unloading docks provided that they are hidden from the public street by an extension of the front part of buildings which is at least 20 m high by 20 m deep as shown on the diagram below.



c) uses permitted in rear setbacks are limited to uses permitted in the front and side setbacks, areas for manoeuvering transport vehicles, and loading and unloading docks;

d) In addition, in all zones,

- all outdoor areas of built lots shall be landscaped with the exception of those parts which are left in their natural wooded state; all outdoor areas and all wooded areas shall be properly maintained at all times;

- all front setbacks shall be planted with trees or shrubs, including at least one deciduous of 7.5 cm or more in diameter (measured at 1 m from the ground) and two conifers or decorative shrubs for every 15 square metres of front setback area; in calculating the total number of trees and shrubs required, the area of the front setback shall include, where applicable, the parking areas and driveways;

- in cases of properties adjacent to a property occupied by a sensitive use located in a residential, commercial or public zone, a 4.0-metre-wide strip of land along the residential, commercial or public zone shall be planted with lawn, trees and shrubs with at least two (2) trees or shrubs every two 2 linear metres of this strip of land; in addition, a fence at least 2.5 metres high shall be erected along the entire length of these properties when they are directly adjacent (not separated by a public thoroughfare) to a property occupied by a sensitive use located in a residential, commercial or public zone.

- landscaping of all outdoor areas shall be completed within three (3) frost-free months following the construction or occupation of the building(s), whichever occurs first.

- no outdoor displays of any kind is permitted;

- electrical transformer stations and other electrical or mechanical equipment located outside buildings shall be considered to be "outdoor mechanical devices".

12.9 Street Accesses

In all industrial zones,

a) The number of street accesses permitted for motor vehicles is limited to one for properties less than 50 metres (164.0') wide; the maximum number of entrances is three (3) for properties 50 metres (164.0') wide or more; for properties facing on more than one street (corner lots for example), these rules shall apply to a maximum of two streets and the total number of accesses shall not exceed four (4).

b) The minimum width of any street access is 6.0 metres (19.7') and the maximum width is 11.0 metres (36.1').

c) No accesses shall be located less than 10 metres (32.8') from the point at which the street rights-of-way intersect in the case of corner lots.

12.10 Fences and Hedges

In all industrial zones,

a) hedges or wood, metal or prefabricated concrete fences or walls of masonry, stone or brick are only permitted in the side and rear setbacks. Use of chain-link fences topped with barbed wire is prohibited;

b) height of walls, fences and hedges in side and rear setbacks is limited to 2.5 metres (8.2').

12.11 Outdoor Lighting

In all industrial zones,

a) permitted outdoor lighting is limited to that required for buildings, pedestrian paths, drives, signs and for parking, loading and unloading, and storage areas.

b) outdoor lights shall be placed to avoid causing glare beyond the limits of the property.

12.12 Outdoor Storage

Outdoor storage (including storage of fleets of commercial or transport vehicles) is prohibited in all industrial zones.

12.13 Storage of Garbage Containers

a) In industrial zones, storage of garbage containers between successive weekly or bi-weekly collections shall be restricted to the side or rear setbacks and shall be in metal containers placed in an opaque enclosure or inside a building made of treated wood or any other material permitted as cladding for a principal building, notwithstanding the provisions of Article 12.14.

b) Garbage containers, whether or not they are inside an opaque enclosure or building, shall not be stored less than 7.5 metres (24.6') from the limits of any properties located in a residential zone.

12.14 Ancillary or Secondary Buildings

No ancillary or secondary buildings are permitted in industrial zones; uses defined as complementary in Article 2.2 shall be restricted to principal buildings.

12.15 Off-Street Parking

In all industrial zones,

a) All commercial uses shall be provided with no less than the minimum number of off-street parking spaces established in accordance with the provisions of Article 11.14.

b) All industrial uses, alone or in a multi-occupancy industrial building, shall be provided with no less than the minimum number of off-street parking spaces established in accordance with the following calculation:

- 20 basic spaces, plus

  · 1 space per 35.0 m² (376.7 sq. ft.) of floor space occupied by offices or laboratories,
  · 1 space per 75.0 m² (807.3 sq. ft.) of floor space occupied by manufacturing activities,
  · 1 space per 400.0 m² (4305.6 sq. ft.) of floor space or land area used for storage.

12.15.1 Bicycle Parking

a) Required Number of Bicycle Parking Units

i) All commercial buildings in an industrial zone shall be supplied with a minimum number of bicycle parking units as set out in the provisions of paragraph a) of Article 11.14.1;
ii) All industrial buildings shall be supplied with a minimum number of bicycle parking units equal to five (5) units plus one (1) unit for every 5,000 square metres of floor area.

12.16 Loading and Unloading Areas

a) All new buildings intended for industrial use shall be provided an adequate number and area of spaces for its needs for loading and unloading transport vehicles, in order that no loading or unloading operations need take place from the street; the use, moreover, shall not take effect until the loading and unloading spaces have been provided.

b) All buildings intended for industrial use by a single establishment shall be provided with at least one loading and unloading dock at least 3.0 m (10.0') wide, 7.6 m (25') long and 4.2 m (14') high. The dock shall be accompanied by an area for manoeuvering measuring at least 35 m by 35 m (114.8' x 114.8'), in addition to any parking areas included in the minimum number of spaces required by this By-Law.

c) The Inspector may exempt industrial buildings occupied by an establishment not involved in any handling of products or goods (such as an office dispensing professional services) from the requirement to provide a dock and manoeuvering area, provided that the space required to provide them is reserved in the event the building is occupied in the future by an establishment which would require such a dock and manoeuvering area.

d) Each establishment in any industrial building intended for more than one establishment shall be provided with a loading and unloading dock at least 3.0 m (10.0') wide, 7.6 m (25') long and 4.2 m (14') high or a service entrance, together with a manoeuvering area at least 35 m by 35 m (114.8' x 114.8'). A manoeuvering area may serve more than one dock or more than one service entrance, provided that its dimension perpendicular to the dock or service entrance is at least 35 m.

e) All areas intended for transport vehicle parking and manoeuvering for loading and unloading, including their entrance drives, shall be paved, gravelled or otherwise covered to prevent dust and mud; such areas larger than 400 square metres shall be drained by means of a drainage system connected to any existing storm sewers.

f) Notwithstanding the provisions of paragraph a), b), c), d) and e), in the event a use which existed when this By-Law came into force and which did not have the loading and unloading spaces required by this By-Law is replaced by another use, the absence of such loading and unloading spaces is considered to be an acquired right provided that there is no available space to provide such facilities.

12.17 Signs – (Repealed)

12.18 Particular provisions table: INDUSTRIAL ZONES

Chapter 13 - **PROVISIONS PARTICULAR TO PUBLIC ZONES P**

13.1 Setbacks

a) Front, side and rear setbacks

Minimum front, side and rear setbacks are given in metres for each of these zones in the particular provisions.

b) Front setbacks on corner lots

Each setback fronting on a street shall be considered as a front setback in the case of corner lots.

c) Encroachments into setbacks

Building elements which may extend into setbacks are limited to bay windows, roof overhangs, entrance steps and canopies. Roof overhangs shall not encroach by more than 60 cm (2'), and entrance steps and canopies by more than 2.0 metres (6.6').

13.2 Use of Outdoor Areas

a) Front setbacks

Uses permitted in front setbacks are limited to the following:

- sidewalks and pedestrian paths,
- driveways and access lanes to parking areas and to areas of manoeuvering for purposes of loading and unloading,
- lawns and areas planted with flowers and shrubs,
- masts and signs on posts or monuments,
- parking, subject to the provisions of Article 13.3 following.

b) Side and rear setbacks

Uses permitted in the side and rear setbacks are limited to those permitted in the front setback, as well as areas for parking and manoeuvering transport vehicles, loading and unloading docks and ancillary buildings.

13.3 Parking in Front Setbacks

In public zones, parking areas may be located in front setbacks subject to the following conditions:

a) The parking shall be laid out to permit manoeuving entirely within the property and not in the public street right-of-way, making it possible to both enter and leave the parking area in a forward direction.

b) The distance between the parking area and the public street right-of-way shall be no less than 5 metres (16.4') for any reason; minimum required separation shall be planted with lawn and with trees, shrubs or flowers;

c) The area occupied by the parking area, including its access lanes, shall at no time occupy more than 75% of the total front setback area.

13.4 Fences and Hedges

a) In front setbacks, the height of hedges shall not exceed 1.0 metres (3.3');

b) The height of fences and hedges in side and rear setbacks shall not exceed 1.8 metres (5.9').

13.5 Street Accesses

a) the number of street accesses permitted for motor vehicles is limited to one for properties under 21 metres (68.9') wide; the maximum number of accesses is two (2) for properties between 21 metres (68.9') and 50 metres (164.0') wide; the maximum number of accesses is three (3) for properties over 50 metres (164.0') wide; for properties facing on more than one street (corner lots for example), these rules shall apply for each street.

b) The maximum width of any street access is 11.0 metres (36.1').

c) No accesses shall be located less than 6 metres (19.7') from the point at which the street rights-of-way intersect, in the case of corner lots.

13.6 Outdoor Storage

No outdoor storage is permitted in public zones except for municipal needs, among others at municipal shops and garages.

13.7 Storage of Garbage Containers

In public zones, storage of garbage containers between successive weekly or bi-weekly collections shall be limited to the side or rear setbacks and shall be in metal containers placed in an opaque enclosure or in a building made of treated wood or any other material permitted as cladding for a principal building.

13.8 Off-Street Parking

a) Residential buildings for the exclusive use of the elderly

The minimum number of spaces required for residential buildings intended for the exclusive use of the elderly is established as follows: one (1) space per dwelling unit for the first ten (10) dwelling units, two (2) spaces per three (3) dwelling units for the next twelve (12) dwelling units, and one (1) space per two (2) dwelling units for the remainder.

b) Other public uses

For all public uses other than those contemplated in a), an adequate number of spaces shall be available at all times for parking the personal vehicles of employees, the establishment's vehicles, and vehicles of suppliers, clientele and visitors and, where applicable, residents, with a minimum of at least one (1) space per 100 square metres (1076.5 square feet) of floor area.

13.8.1 Bicycle Parking

a) Required Number of Bicycle Parking Units

i) All residential or partially residential buildings in a public zone shall be supplied with a minimum number of bicycle parking units as set out in the provisions of paragraph a) of Article 10.6.1;

ii) All public buildings, other than buildings used for public utilities, shall be supplied with a minimum number of bicycle parking units equal to five (5) units plus one (1) unit for every 500 square metres of floor area. Public buildings to which the public does not have regular access shall be supplied with a minimum number of bicycle units equal to five (5) units plus one (1) unit for every 1,000 square metres of floor area.

13.9 Signs - Repealed

13.10 Particular provisions table: PUBLIC ZONES

(See Table pages)

13.11 Particular provisions for zone 28P

13.11.1 The only permitted use in this zone is Public, Class B.

13.11.2 Notwithstanding any provision to the contrary, in this zone the lay-out must conform to plans AP-12 dated July 12, 1993 and AP-15 dated July 16, 1993 and prepared by Williams, Asselin, Ackaoui and Associates Inc.

More particularly, but without restriction, the following elements of these plans must be complied with:

- the location and number of stories of the building;

- the location of the parking, of the access lane and of the ramp providing access into the building for vehicles;

- the features and the location of the various elements of landscaping;

- the maximum distance between the coniferous trees and shrubs to be planted which is ten feet (10');

- elimination of service road on the south side of the building;

- installation of reinforced grass lane to be used only for emergency purposes (fire trucks, etc.);

- removal of transformer and generator from south side of building to allow continuous buffer to be planted along the southern property line;

- installation of special structural walls during construction to save the trees close to the construction site;

- increase and maintenance of forest buffer zone to 55 feet at narrowest point on the south side of the building;

- transplantation and maintenance of trees to extend the buffer zone beyond the east service court;

- culling of smaller trees as well as addition and maintenance of blue spruce trees in buffer zone on the south side of the building, from the Kirkland limits to a fence which will be erected parallel to André Brunet Street;

- addition and maintenance of a line of conifers along the retaining walls to diminish visual and sound impact of east and west service courts;

- creation of sound barrier walls along both service court retaining walls;

- erection of an 8 foot fence along the hospital property line from the Kirkland limits to a fence which be erected parallel to André Brunet Street;

- installation of silencers on roof ventilation units;

- installation of translucent material on bay windows located at the end of corridors facing Calais;

- correction of drainage along property line of Calais Circle residences and grading of land not to exceed the rear grade levels of residential homes on Calais;

- relocation of the west parking lot to a minimum distance of 150 feet from André Brunet Street;

- creation of a 9 foot berm on the west side of the parking lot;

- planting and maintenance of conifers on berm to provide a visual screen and noise buffer for the parking lot;

- use of 20 feet maximum high lighting fixtures with directional and focused lighting in west parking lot;

- elimination of the Palliative Care Unit;

- elimination of the pedestrian path from André Brunet Street;

- creation of a residential zone of 110 foot depth from André Brunet Street;

- transplantation and maintenance of trees within the retained residential zone;

- installation of a fence along the property line of the above-mentioned residential zone;

- elimination of the service road cutting through the northern section of the old-growth forest;

- shifting of the west parking lot and reduction of its size;

- preservation of the clump of major trees on the south perimeter of the expansion straddling the Pointe-Claire/Kirkland border ("major" being defined as 25 centimetres of diameter or more at its largest point).

13.11.3 Articles 4.2 and 4.3 of by-law 90-59 do not apply in this zone.

Chapter 14 - **PROVISIONS PARTICULAR TO ZONE 501G**

14.1 Permitted Uses

Permitted uses in Zone 501_G are limited to public parks and open spaces, and golf courses with at least nine (9) holes of par 3 or over; other permitted uses are limited to a golf clothing and equipment shop, a restaurant, a snack bar, lockers, a golf driving range and a practice green, and are permitted only as a use complementary to a golf course with at least nine (9) holes of par 3 or over.

14.1.1 Other permitted uses

In zone 501G, class E-2 commercial uses are also authorized.

When an immoveable is used for a class E-2 commercial use, in this zone, the following particular provisions apply;

a) only detached structures are permitted;

b) no parking is permitted in the front set back;

c) the minimum set backs are those prescribed by article 14.2;

d) the maximum height of a building is 10 meters;

e) the maximum number of floors is 2;

f) the floor space index is the following: minimum of 0,2 and maximum of 0,5;

g) the maximum lot coverage is 35%.

14.2 Setbacks

In Zone 501_G, buildings shall not be sited less than 12.0 metres (39.4') from any property limit and less than 20.0 metres (65.6') from any public street right-of-way.

14.3 Sector of Mixed Landfill

As shown of the ZONING PLAN, the major part of zone 501G is identified as a "Sector of mixed landfill", for which Building By-Law 90-60 sets special conditions for any application for a building permit.

Chapter 15 - SPECIAL PROVISIONS FOR CERTAIN USES AND PROPERTIES

15.1 Occupation of a Property Adjacent to a Major Thoroughfare

A property or a part of a property located less than 30 metres from the right of way of a major thoroughfare and adjacent to said right of way, as shown on the "Road Network" map of the Planning Programme, cannot be occupied by a sensitive use if the sound level inside the building or the part of the building where the use is carried out is greater than 40 dBA Leq (24h).

15.2 Occupation of a Property Adjacent to a Highway

In cases of properties to be built or transformed, as shown on the "Building Density" map of the Planning Programme, a property or a part of a property located less than 300 metres from the right of way of a highway and adjacent to said right of way, as shown on the "Road Network" map of the Planning Programme, may not be occupied:

- by a sensitive use if the sound level inside the building or the part of the building where the use is carried out is greater than 40 dBA Leq (24h);
- by a ground-level quiet area located outside of the building if the sound level outside the building is greater than 55 dBA Leq (24h).

15.3 Areas Located within a 500-Metre Radius of an Organic Waste Treatment Facility

All uses other than industrial or park uses are prohibited within a 500-metre radius of an organic waste treatment facility (biomethanation facility, composting facility or household waste pre-treatment facility).

The distance of 500 metres shall be calculated from the limits of the property occupied by an organic waste treatment facility, unless the operations division generating the odours has already been located, in which case the distance shall be calculated from the stack of that division.

15.4 Facilities Used in the Transmission of Hydrocarbons by Pipeline

A new facility used to transport hydrocarbons by pipeline may not be erected within 300 metres of a property accommodating a sensitive use.

Chapter 15 - Particular Provisions Table: MIXED ZONES

(See Table)

Appendix 1 - **DEFINITIONS**

Unless the context implies otherwise, the words or expressions defined hereunder shall be given the meaning attributed by the said definition.

ABOVEGROUND POOL:

A hard-sided swimming pool installed permanently on the ground surface.

ANCILLARY BUILDING:

A building subordinate to the principal building and either detached from or attached to it and located on the same property, and intended only for uses complementary to the principal use; The following, among others, meet this definition: garages, sheds and greenhouses.

ANTIQUES:

Moveables with a potential as collectibles by virtue of their age but irrespective of their utility, and kept for purposes of embellishment or non-consumptive use; excluded from this definition are automotive and other vehicle parts, clothing, tools and materials.

AQUATIC PLANTS:

Hydrophytes, including submergents, floating plants, emergents and emerged herbaceous and woody plants characteristic of open marshes and swamps.

AVERAGE ADJACENT GROUND LEVEL:

Average of the various levels of finished ground surface measured at intervals of 1 metre (3.3') around the entire perimeter of the building foundation.

BALL NET:

Vertical structure completely surrounding a tennis court with the purpose of preventing balls from leaving the court area.

BASEMENT:

Part of a building located under the ground floor in which the floor-to-ceiling height is not less than 2.3 m (7.5') and of which the floor level is no less than 30 cm (1.0') and no more than 1.5 m (4.9') below the average adjacent ground level; a basement shall not be counted as a floor when determining the number of floors in a building.

BED AND BREAKFAST :

An establishment where accommodation in rooms in a private residence where the operator resides and rents a maximum of 5 rooms receiving a maximum of 15 persons, including or not breakfast served on the premises.

BEDROOM:

That part of a dwelling unit intended principally for sleeping but which can be occupied by a household, either as a rental unit in a rooming house or other lodging facility, or as a complementary use in a dwelling unit occupied by a principal household, provided that it does not possess any of the physical characteristics of a dwelling unit.

BILLBOARD:

Advertising panel, sign or poster placed at a given location and promoting a product or service sold or offered at another location or promoting an enterprise located elsewhere.

BUILDING:

A structure built on-site or otherwise, with a roof supported by walls or columns and whose purpose is to shelter people, animals or objects; for the purposes of this By-Law, a mobile home shall be considered to be a building.

CARPORT:

Covered structure attached to the principal building and used for storing or parking one or more motor vehicles, of which at least 40% or more of the total perimeter is open, not including the wall of the principal building.

CELLAR:

That part of a building located under the ground floor, and whose floor to ceiling height is less than 2.3 m (7.5') or whose floor level is more than 1.5 m (4.9') under the average adjacent ground level; a cellar shall not be counted as a floor in determining the number of floors in a building.

COMMON (OR BONDARY) DITCH:

A long indentation in the ground serving as a dividing line between neighbours, in the meaning of Article 1002 of the Civil Code of Québec.

COMPLEMENTARY USE:

Any use of buildings or properties which is ancillary to or which serves to facilitate or improve the principal use. Uses complementary to housing are those which serve to improve or make the residential function more pleasant; among others, swimming pools, tennis courts, gardens, garages, shelters for boats, greenhouses and other ancillary buildings are complementary to housing. Principal uses other than housing may also have

complementary uses, which are considered as such by this By-Law, provided that they comprise a normal and logical extension to the activities of the principal use.

CORD:

Unit of measurement for firewood equal to a volume of 1.2 cubic metres.

COUNCIL:

The Municipal Council of the Town of Kirkland.

DAY-CARE BABYSITTING SERVICE:

Day-care service dispensed in a facility where at least 10 children are received on an occasional basis and for periods not exceeding 24 consecutive hours.

DAY-CARE SERVICE:

Day-care service dispensed in a facility where at least 10 children are received on a regular basis and for periods not exceeding 24 consecutive hours.

DAY-CARE SERVICE FOR SCHOOLS:

Day-care service dispensed by a school board or board of trustees to children to whom educational courses and services at the kindergarten and elementary levels are given in its schools.

DAY-CARE SERVICE IN A DOMESTIC SETTING:

Day-care service dispensed by a natural person for remuneration in a private residence where this person receives no more than 4 children on a regular basis including her own children or, if assisted by another adult, no more than 9 children including the children of both these adults, for periods which may exceed 24 consecutive hours.

DEVELOPMENT PLAN:

The Development Plan of the Montreal Urban Community.

DIRECTIONAL SIGN:

A sign which indicates which direction to take in order to reach a destination which itself is either implicitly or explicitly identified.

DRAINAGE DITCH:

A long indentation in the ground created by human intervention and used for the sole purposes of draining to and irrigating from a drainage basin with a surface area of less than 100 hectares.

DWELLING:

Building unit designated by an address (and, where applicable, an apartment number (and housing a single household). For example, a single-family dwelling refers to a building in which there should be a single dwelling unit.

DWELLING UNIT:

Unit of dwelling space in which one or more people reside as a single household, and to which there is access from the outside either directly or through a vestibule, without having to pass through another dwelling unit in whole or in part, and equipped with a bathroom and facilities for preparing meals, eating, and sleeping.

EXTERIOR INSULATED FACING SYSTEM:

A facing system incorporating insulation with an outside coating made of acrylic imitating concrete or stucco.

FLASHING SIGN:

Any sign where the illumination is intermittent, cyclical or cyclically varying in duration, intensity or colour, or where the content of the message changes, including electronic billboards, and signs imitating revolving lights usually installed on police cars, ambulances and fire trucks.

FLAT ROOF:

Roof with a slope of less than 3 in 12 over more than 25% of its area measured as a horizontal projection.

FLOOR:

That part of a building contained between the floor surface and the surface of the floor immediately above, or in the absence of a floor above, between the floor surface and the roof above it. Basements and cellars are not included when determining the number of floors.

FLOOR AREA (or FLOOR SPACE):

Sum of the areas of all floors. Floor space is measured inside the exterior walls and includes basements, elevator shafts and stairwells counted for each floor, and mechanical areas where the floor-to-ceiling height is more than 2 metres (6.6'). It does not include

cellars, patios, steps, corniches, fire escapes, outside stairs and ramps and open-air loading docks. When calculating the number of parking spaces required for commercial uses, floor space totals shall not include storage areas nor, in the case of restaurants, kitchens.

FLOOR SPACE INDEX (FSI):

Ratio of the total out-ground floor space of a building to the total area of the property on which the building is erected.

FLOOR-TO-CEILING HEIGHT:

Vertical distance measured between the finished floor surface and the finished ceiling surface.

GARAGE SALE:

Non-commercial sale of excess goods which have been used for domestic purposes, or acquired for this purpose, by the occupants of the property where they are displayed and whose number or quantity does not exceed the normal requirements of said occupants.

GAS STATION (or GAS BAR):

Establishment used only for selling gasoline and, accessory to this, other products needed to operate motor vehicles.

GREEN ROOF:

Roof covering system comprising 2 parts, the green roof and the waterproofing system that allows vegetation to grow, such as a living roof, a garden roof, a plant roof, a vegetated roof or a vegetated covering. The presence of potted plants does not constitute a green roof.

GROUND FLOOR:

Floor whose level is at least 30 cm (1 foot) above the average adjacent ground level; the ground floor shall be included as a floor when determining the number of floors in a building.

HEAVY TRUCK:

Commercial vehicle or equipment with 3 or more axles, or with two axles and a weight of 4,500 kg or more.

HEIGHT (OF ANCILLARY BUILDING):

Overall height of the building, in other words, the vertical distance between the average adjacent ground level and the highest point of the building, namely the top of the peak in the case of a peaked roof.

HEIGHT (OF A SIGN):

Height of the highest point of the sign in relation to the average ground level immediately under the sign.

HEIGHT (OF PRINCIPAL BUILDING):

Vertical distance between the average adjacent ground level and the highest point of the building. In cases of peaked roofs, the highest part of the building is defined as the highest point of the peak.

HIGH WATER MARK:

The high water mark refers to the line that marks the limit of the littoral zone and the shoreline or riverbank. The high water mark corresponds to the natural high water mark determined according to one of the following criteria in order of priority:

1. The point where predominantly terrestrial plants succeed predominantly aquatic plants, or where there are no aquatic plants, the point closest to the water where terrestrial plants no longer grow;
2. For a water retaining structure, the maximum operating water level of the hydraulic structure for the upstream portion of the body of water;
3. For a legally erected retaining wall, the top of the structure;
4. Where the information is available, the 2-year flood limit, considered to correspond to the mark established according to the botanical criteria defined in paragraph 1.

HOUSEHOLD:

Individual, or group comprised of a couple or a family or living together, occupying a dwelling unit or a room.

INGROUND OR SEMI-INGROUND POOL:

A swimming pool that is partially or completely buried under the ground surface.

IRREVERSIBLE BLIGHT:

A condition where over 50% of the crown consists of dead wood.

LAKESHORE AND RIVERBANK:

A strip of land bordering a lake or watercourse and extending inland from the high water mark. The width of the shore or bank to be protected is measured horizontally.

The lakeshore or riverbank is at least 10 metres wide in the following cases:

a) When the slope is less than 30%;
b) When the slope is greater than 30% with a bank less than 5 metres high.

The bank is at least 15 metres wide in the following cases:

a) When the slope is continuous and greater than 30%;
b) When the slope is greater than 30% with a bank over 5 metres high.

LEQ:

A method of expressing sound levels during a given period of time.

LITTORAL ZONE:

The part of a lake or watercourse that extends from the high water mark to the centre of the body of water.

LOT:

Basic land division identified and delimited on a cadastral plan drawn and registered in compliance with the provisions of the Civil Code. The word "lot" shall mean "property" where the text lends itself to this interpretation.

LOT (OR PROPERTY) DEPTH:

Length of the depth line of the said lot or property.

LOT (OR PROPERTY) DEPTH LINE:

Straight line joining the mid-point of the front lot or property line with the mid-point of the rear lot or property line or, where there is no rear boundary, with the point at which the side lot or property lines intersect.

LOT (OR PROPERTY) FRONTAGE:

Length of a continuous line (straight, interrupted or curved) which separates the lot or the property from the circulation passageway adjacent to it; where a lot or property is adjacent to more than one circulation right-of-way, only one of these frontage lines shall be considered for purposes of provisions pertaining to minimum frontage width; furthermore, its frontage line shall be used to establish the depth line; consequently in the case of a lot adjacent to two circulation passageways which do not intersect (called a "transversal" lot), one of the frontage lines may have to be used as the rear lot line for purposes of establishing the depth line.

LOT (OR PROPERTY) IN-LINE:

Lot or property located between two other lots or properties, contrary to a corner lot (or property) which is located between another lot or property and a street.

LOT (OR PROPERTY) WIDTH:

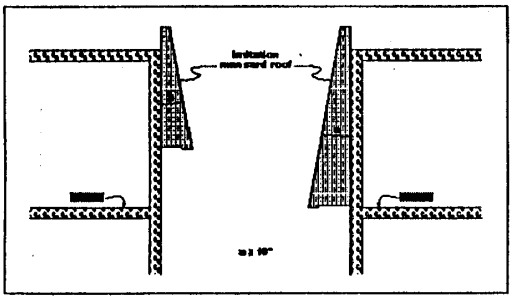
Distance between the points at which the lot or property width line intersects with the two side lot or property lines.

LOT (OR PROPERTY) WIDTH LINE:

Straight line perpendicular to the lot or property depth line and intersecting with the latter at 6.5 m (21.3') from the point at which the latter intersects with the front lot or property line.

MANSARD, FALSE:

Architectural feature consisting in the use, as a facing material for the upper part of a building, of a material normally used to cover the roof (wood or asphalt shingles, metal siding), installed at an least 10 degrees away from vertical.



MOBILE HOME:

Factory-built building which can be transported, and which is designed to be moved on its own wheels to a property set aside for it, and which can be installed on wheels, jacks, posts, pillars or a permanent foundation. It includes equipment enabling it to be connected to water and sewer systems.

MUNICIPALITY:

The municipality of the Town of Kirkland.

NON-CONFORMING STRUCTURE:

Any structure which contravenes one or more of the provisions of this By-Law, but which existed at the time this By-Law came into force, or whose construction had not been completed at the time this By-Law came into force but for which a construction permit compliant with the provisions of the By-Laws whose repeal is herein decreed had been issued prior to the present By-Law coming into force, provided that this permit is still valid. A non-conforming structure does not enjoy any acquired rights unless it pre-dates any zoning regulation in the Town of Kirkland coming into effect or unless a permit has already been legally issued under a zoning By-Law preceding the present By-Law.

NON-CONFORMING USE:

Any use of a property or a structure - whether or not this structure is in itself non-conforming to this By-Law - which contravenes one or more of the provisions of this By-Law but which existed or was in force at the time this present By-Law came into effect, or whose construction was not completed at the time this By-Law came into effect but for which a construction permit or occupation permit had been issued prior to the By-Law coming into effect in compliance with the provisions of the By-Laws whose repeal is herein decreed, provided that this permit remains valid. A non-conforming use enjoys acquired rights only insofar as it pre-dates any zoning By-Law in the Town of Kirkland coming into effect or insofar as a permit had already been issued for it under a zoning By-Law predating the present By-Law.

NURSERY SCHOOL:

Day-care service dispensed in a facility where at least 10 children from the ages of 2 to 5 are received on a regular basis and for periods not exceeding 3 hours per day, other than pre-school services organized by a school commission or board of trustees.

OUTFITTING ESTABLISHMENT :

An outfitting establishment governed by the *Act respecting the conservation and development of wildlife* (chapter C-61.1).

PARKING AREA:

Group of spaces used for parking motor vehicles, including the spaces themselves, manoeuvering areas for entering and leaving the spaces, and driveways from the limits of the property to the said spaces and manoeuvering areas.

POOL INSTALLATION:

A swimming pool and any equipment, construction, system and accessory designed to ensure proper functioning of the pool, to ensure the safety of persons or to allow or prevent access to the pool.

PORTABLE POOL:

A soft-sided swimming pool, inflatable or not, designed to be installed on a temporary basis.

PRINCIPAL RESIDENCE ESTABLISHMENT:

A residence where the operator, a natural person, habitually resides, centralizing therein the operator’s family and social activities, the address of which corresponds to the address that the operator indicates to government departments and bodies.

PRIVATE TEACHER:

Teacher who instructs only one student at a time.

PROFESSIONAL:

Member of one of the professional corporations recognized and listed in Appendix 1 of the Quebec Code of Professions.

PROPERTY:

Lot or grouping of lots making up a single unit of land area eligible for a single principal use.
However, for the purposes of the construction of parking spaces, the calculation of the floor space index and the lot coverage, the owner or occupant of a property adjacent to the right-of way of the Réseau express métropolitain (REM) is authorized to take into account the spaces located in the right-of-way of the REM, insofar as a real and perpetual servitude authorizes the owner or the occupant to develop and use said spaces.

PUBLIC BUILDING:

Public building as defined by the Act Respecting Safety in Public Buildings and referring to: churches, chapels or buildings used as churches or chapels, monasteries, noviciates, retreat houses, seminaries, colleges, convents, school buildings, kindergartens, day nurseries and sewing rooms, orphanages, youth clubs, summer camps, hospitals, clinics, convalescent homes or rest homes, asylums, shelters, hotels, rooming houses with 10 rooms or more, apartment blocks with more than 2 floors and 8 dwelling units, clubs, nightclubs, coffee houses, music halls, movie theatres, other theatres or halls used for similar purposes, drive-in movie theatres, halls used for public meetings, conferences or public entertainment, municipal halls, buildings used for exhibitions, fairs, local fairs or bazaars, stadiums or race tracks or used for public entertainment, arenas for wrestling, boxing, lacrosse, or other sports, buildings with more than 2 floors used as offices, stores with more than 300 square metres of floor space, stations for railways, tramways or buses, registry offices, libraries, museums and public baths, as well as mechanical lifts and games.

PUBLIC OR PRIVATE THOROUGHFARE (OR PUBLIC OR PRIVATE ROAD) DITCH:

A long indentation in the ground for the sole purpose of draining a public thoroughfare or road.

RENTAL FLOOR AREA (or RENTAL FLOOR SPACE):

Building or shopping center floor space intended for use by shops, stores and offices, including storage space, but excluding all halls, corridors, tunnels, stairs or elevators, public restrooms, loading docks, common space for heating, ventilation and air conditioning, and all common space in general.

RETAIL COMMERCE:

Establishment where the principal activity is the sale of goods in small quantities intended for consumption by the purchaser.

ROOMING HOUSE:

Residential building or residential part of a mixed-use building, other than any hotel-type establishment, occupied by a principal household responsible for keeping the premises in order, and where more than two rooms are rented out (or intended for such) to households which must share the use of a bathroom or facilities for preparing meals.

SANITATION CUTTING:

Sanitation cutting consists in the cutting or harvesting of deficient, defective, dying, damaged or dead trees in a stand.

SEMI-TRAILER (see also Tractor-Trailer):

A road vehicle assembly equipped with an attachment or a heavy truck which pulls a trailer whose net weight is 2,000 kg or more. For the purposes of this By-Law, both the tractor of a semi-trailer and the trailer itself, are individually considered as heavy vehicles, even when taken separately.

SENSITIVE USE:

Uses of the dwelling category, as defined in this By-Law, as well as a library, a residential and long-term care centre, a child and youth protection centre, a rehabilitation centre, a health and social services centre, a hospital centre, a school, a cultural institution, such as a place of worship, a convent and a day care centre are considered to be sensitive uses.

SERVICE COMMERCE/COMMERCIAL:

Establishment where the principal activity is the maintenance of personal or domestic objects, personal care services, financial services, public services and miscellaneous services.

SERVICE STATION:

Establishment used for both the sale of gasoline, diesel fuel, compressed natural gas or propane and other products needed for the operation of motor vehicles (oil, grease, batteries, tires and other accessories), and normal maintenance work on motor vehicles, including for this purpose, at least one service bay for diagnosing mechanical problems, repairing tires (excluding retreading), replacement of defective parts but not involving major repair, washing, lubrication and minor emergency repairs to pleasure motor vehicles or, occasionally, commercial vehicles under five (5) tons total fully-loaded weight.

SIGN:

Any writing, pictorial representation, emblem, flag, figure, light or any arrangement or combination of writing, pictorial representative, emblem, flag, figure or light which:

- is a structure or part of a structure, which is attached to, painted on, or which is represented in any manner whatsoever on a building or on an independent support;
- is used to notify, inform, promote, announce, advertise, make known, attract attention;
- is designed specifically to attract attention to the outside of a building.

SOCIAL CLUB:

Building or premises used by a non-profit organization for meeting purposes, and which can be occasionally rented out as a reception hall.

STREET:

Street or road opened up by means of a municipal By-Law, resolution or minutes, or a road maintained by the Department of Transport under the Law Respecting Roads (Revised Statutes 1964, chap. 133) or by the Office des autoroutes, to which local inhabitants have a right of access.

STREET RIGHT-OF-WAY:

Area of land other than a private street, which is owned by the municipality or another public entity for the purpose of establishing a street or other public passageway; also refers to the limits or perimeter of this land area.

STREET WIDTH:

Width of the street right-of-way.

STRUCTURE:

Organized assembly of materials and including, without limiting the general nature of the definition, buildings, posters, signs, billboards, reservoirs, gasoline pumps, fences, swimming pools, etc.

SWIMMING POOL:

A permanent or temporary artificially constructed outdoor basin intended for swimming that has a water depth equal to or greater than 60 cm and to which the Regulation respecting safety in public baths (chapter B-1.1, r. 11) does not apply, but excludes whirlpools and hot tubs where their capacity does not exceed 2,000 litres.

TEMPORARY BUILDING:

Building erected for a special purpose and for a limited period of time.

THOROUGHFARE:

Any area or structure used for vehicular and pedestrian circulation including roads, streets or lanes, sidewalks or foot paths, public spaces and public parking areas.

TOURIST:

A person who makes a trip in which he or she stays at least one night, away from his or her principal residence, for pleasure or business purposes or to perform paid work.

TOURIST ACCOMMODATION ESTABLISHMENT :

An establishment in which at least one accommodation unit, such as a bed, room, suite, apartment, house, cottage, ready-to-camp unit or campsite, is offered for rent to tourists, in return for payment or not, for a period not exceeding 31 days;

The following three (3) categories of establishments are considered tourist accommodation establishments :

1° principal residence establishments : establishments in which accommodation in the principal residence of the natural person operating the establishment is offered, by means of a single reservation, to one person or one group of related persons at a time.

2° youth tourist accommodation establishments : establishments in which at least 30% of the accommodation units consist of beds offered in one or more dormitories (youth hostel) or in which the accommodation is offered primarily in the context of activities intended primarily for disadvantaged or disabled persons. For the purposes of this paragraph, a dormitory is a room containing two or more beds offered for rent on an individual basis.

3° general tourist accommodation establishments : establishments, other than principal residence establishments and youth tourist accommodation establishments, where accommodation is offered by means of one or more types of accommodation units, such as: bed and breakfast, hotel, motel, cottage, educational establishment, outfitting establishment, tourist residence, vacation center, campground and caravan park, etc.

TOURIST HOMES :

Establishments, other than principal residence establishments, that offer accommodation in furnished apartments, houses or cottages, including self-catering kitchen facilities.

TOWN:

The Town of Kirkland as a territorial entity or municipal corporation.

TRACTOR/TRAILER (see also Semi-Trailer):

A road vehicle assembly equipped with an attachment or a heavy truck which pulls a trailer whose net weight is 2,000 kg or more. For the purposes of this By-Law, both the tractor of a semi-trailer and the trailer itself, are individually considered as heavy vehicles, even when taken separately.

TRAILER:

Vehicle, which may or may not be immobilized, mounted on wheels,or which is designed to be used on a seasonal basis as a place where people may live, eat and sleep, and made to be attached to a motor vehicle and to be pushed or pulled by it.

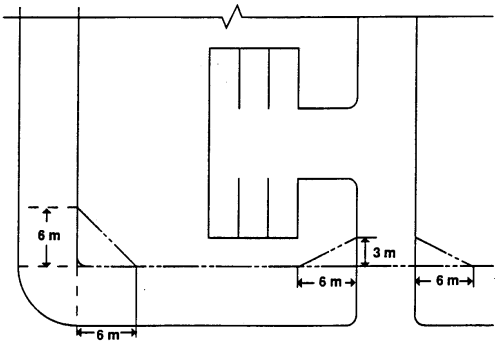
TRIANGLE OF VISIBILITY:

- at street intersections:

a triangular space located at the intersection of two streets, whose sides corresponding to the inner boundaries of the rights-of-way of the intersecting streets are 6.0 metres (19.7') in length, the whole as shown on the sketch below:

- at a driveway entrance:

a triangular space located at the intersection of the driveway and the street, whose side corresponding to the inner boundary of the street right-of-way is 6.0 metres (19.7') in length, and whose side corresponding to the driveway is 3.0 metres (9.8'), the whole as shown on the sketch below:



USE:

Purpose for which a building, structure, sign, premises, property or part thereof is used or occupied, intended or prepared for such, and, by extension, the said building, structure, premises, property or part thereof.

WATERCOURSE:

Any mass of water running along a bed in a regular or intermittent flow, including a bed established or modified by human intervention, with the exception of a ditch along a public or private thoroughfare, a common ditch or a drainage ditch. This definition includes the bodies of water located on the periphery of the territory of the Montreal urban agglomeration, such as the Saint Lawrence River, including Lake Saint-Louis, the Rivière des Prairies and Deux Montagnes Lake, as well as the streams.

WATER LINE:

Imaginary line separating the edge of the pool and the water surface.

WHOLESALE COMMERCE:

Establishment where the principal activity is the wholesaling of goods for purposes of resale or the sale of goods in large quantities to business, industries or institutions.