



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO : 90-58-104

**BY-LAW AMENDING ZONING BY-LAW NO. 90-58 IN
ORDER TO PROHIBIT THE USE OF PRINCIPAL
RESIDENCE ESTABLISHMENTS IN RESIDENTIAL
AND MIXED-USE ZONES**

ADOPTION PROCEDURE

Notice of motion:	November 7, 2022
Adoption – draft:	November 7, 2022
Publication:	November 11, 2022
Public consultation:	November 21, 2022
Adoption – Second draft:	December 5, 2022
Publication:	December 9, 2022
Application request:	N/A
Registration procedure:	December 20, 2022
Adoption of by-law:	January 16, 2023
Certificate of conformity:	N/A
Publication:	January 20, 2023
Coming into force:	January 20, 2023

- CONSIDERING that in accordance with section 113 of the *Act Respecting Land use Planning and Development*, (CQLR c. A-19.1), the Town of Kirkland may specify, for each zone, the uses that are authorized and those that are prohibited;
- CONSIDERING that the *Tourist Accommodation Act*, R.S.Q. 2021, c. 30, assented to on October 7, 2021 allows, among other things, a municipality to prohibit the operation of a tourist accommodation establishment 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 and not including any meals served on the premises, subject to a modified referendum process;
- CONSIDERING that in accordance with section 356 of the *Cities and Towns Act* (CQLR, c. C-19), notice of motion of this by-law was given at the regular sitting of the municipal Council held on November 7, 2022;
- CONSIDERING that copies of this draft by-law were made available to the public;
- CONSIDERING that the preamble forms an integral part of this by-law;

THE MUNICIPAL COUNCIL DECREES THE FOLLOWING :

SECTION 1

Schedule 1 of Zoning By-law No. 90-58 entitled "DEFINITIONS" is amended by adding the following definitions, in alphabetical order :

"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."

"OUTFITTING ESTABLISHMENT :

An outfitting establishment governed by the *Act respecting the conservation and development of wildlife* (chapter C-61.1)."

"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."

"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.”

SECTION 2

Section 2.4 of Zoning By-law No. 90-58 (as amended by By-law No. 90-58-101), entitled “Classification of Commercial Uses”, is amended by replacing the definition of Class “C-1” in subsection c) with the following:

“Class “C-1” includes tourist accommodation establishments, excluding principal residence establishments.”

SECTION 3

Section 2.10 of Zoning By-law No. 90-58, entitled “Amusement arcades and other generally prohibited uses” is amended by adding subsection g) to read as follows:

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

SECTION 4

The present by-law comes into force according to law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk