PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO : 90-58

ZONING BY-LAW

CHAPTER 5

Amendment

90-58-84, 90-58-94,
90-58-95 & 90-58-100

NOTICE

This consolidation of Chapter 5 of Zoning by-law No. 90-58 has not officially been adopted by the Municipal Council. It has been compiled on March 22, 2022, in order to facilitate the reading of the texts. The official text is to be found in the original by-law and each of its amendments.

Zoning By-Law No. 90-58

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 Compulsory Greening

In-ground vegetation must be planted on a property 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 and public uses, in-ground vegetation shall be planted on a minimum of 15% of the area of the property;

A parking area covered with grass paver and the area of a green roof may be counted in the greening percentage 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

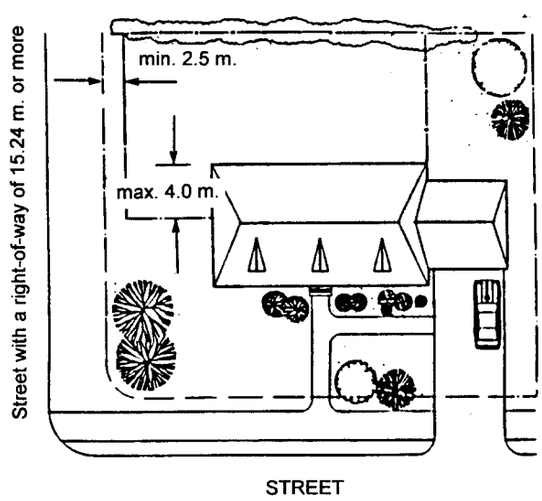
Barbed wire shall be permitted only on top of steel chain-link fences 2 m (6.6') or more in height, and only in the following cases:

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

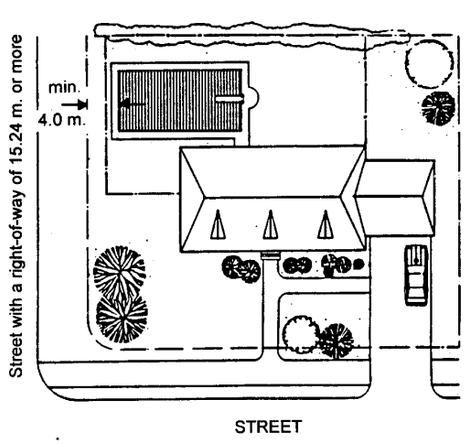
i) Swimming pools, either in- or above-ground, shall be no closer than:

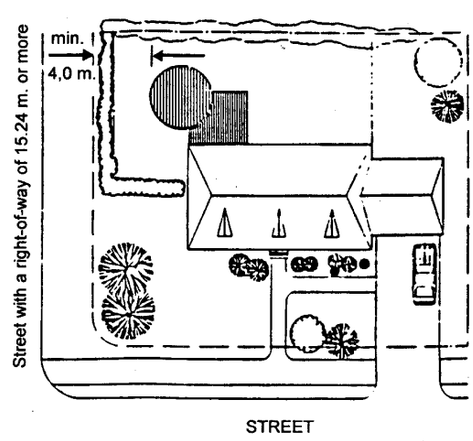
- 2.45 m (8.0') from any side property line,
- 1.525m (5.0') from any rear property line,
- 1.85 m (6.0') from any dwelling.

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:





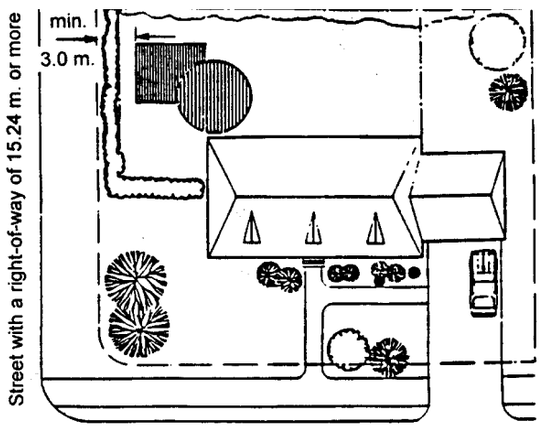
iii) These minimum distances are always measured from the water line, namely the imaginary line separating the edge of the swimming pool and the beginning of the water.

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.

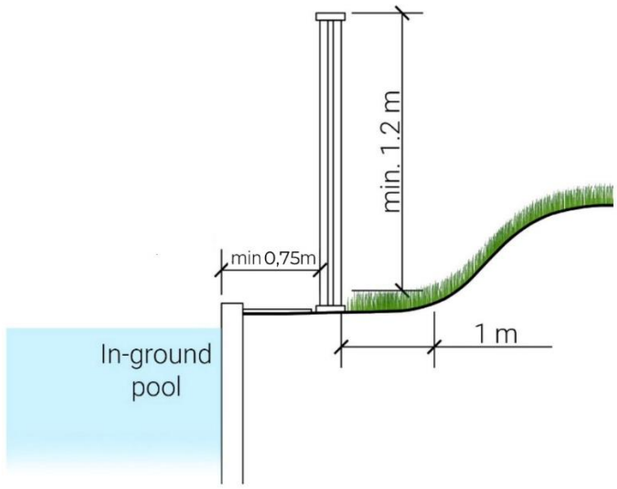
The enclosure must:

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



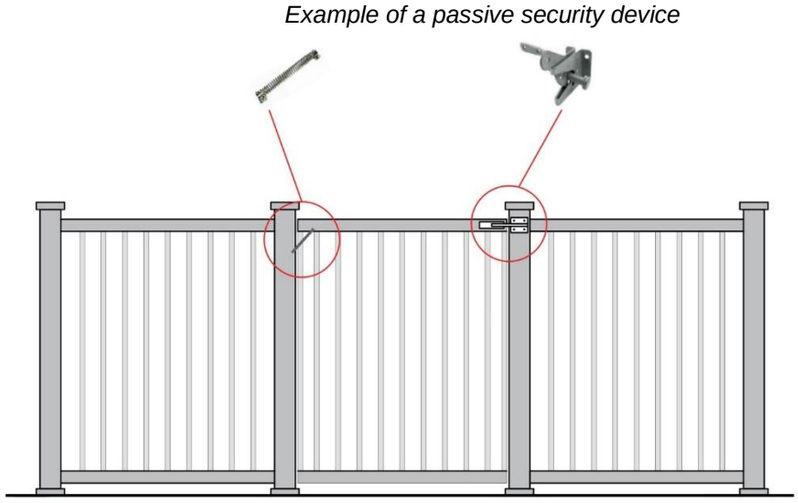
Where the enclosure is a chain-link fence, the mesh must have a maximum width of 30 mm. If slats are inserted in the mesh, their width may be greater than 30 mm but they must not allow the passage of a spherical object more than 30 mm in diameter.

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.

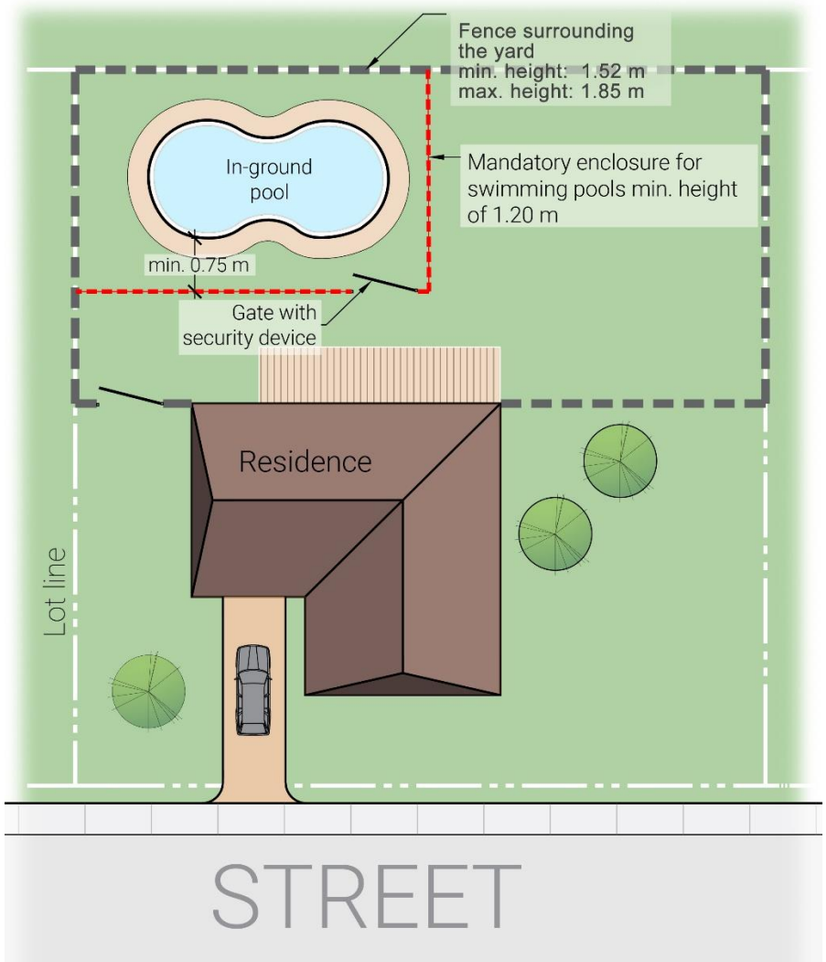
Example of a passive security device

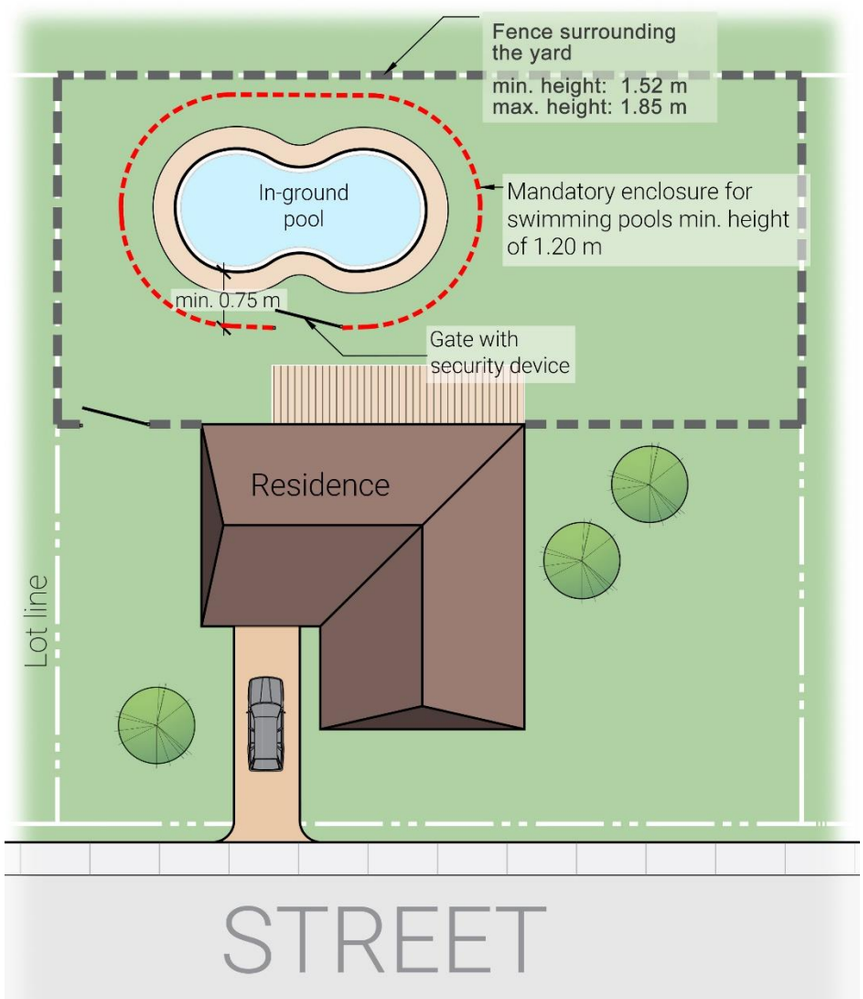


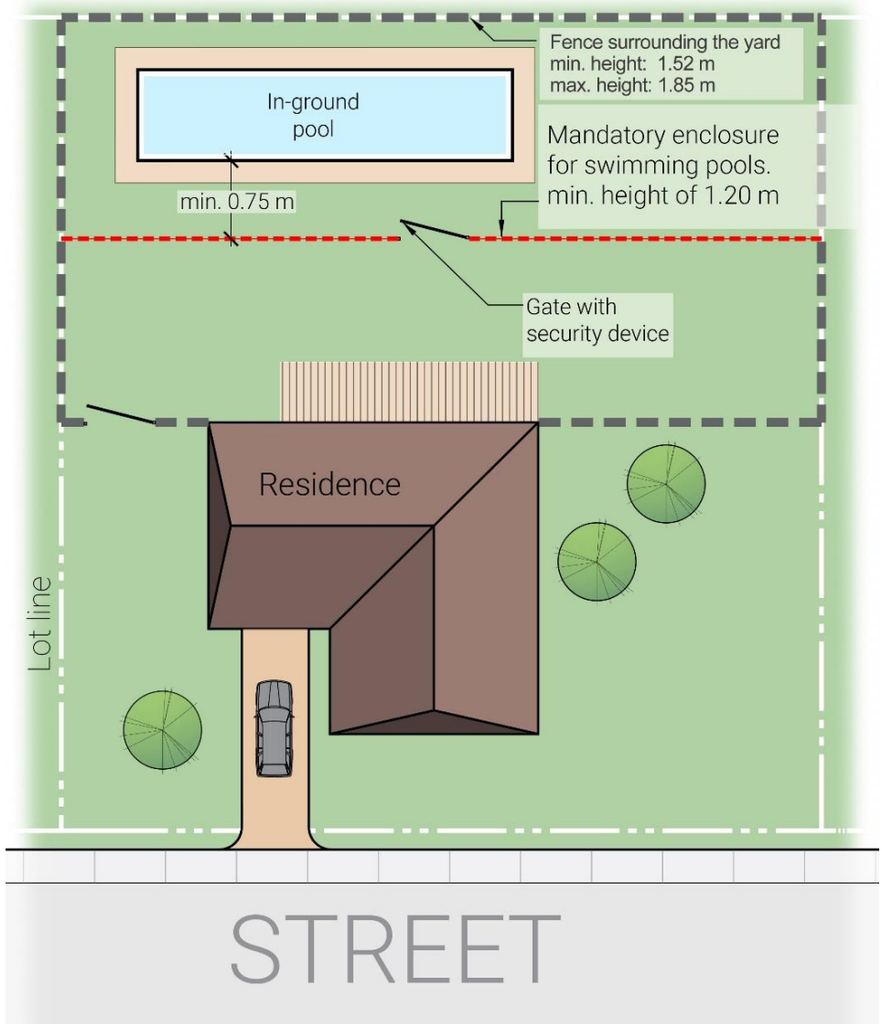
No swimming pool may be filled more than 60 cm before the enclosure is installed in accordance with the foregoing.

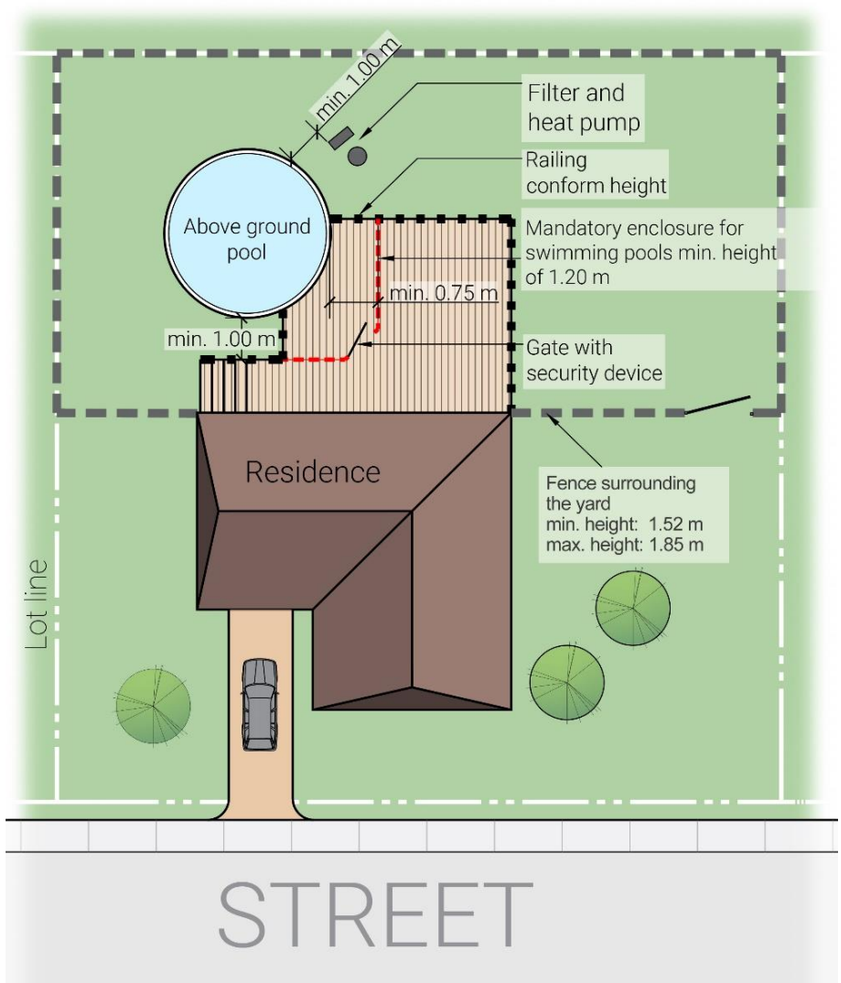
During the construction or modification of a pool installation, temporary measures to control access to the pool must be provided. A certificate of authorization is required to make any modification to a pool installation.

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


min. 1.00 m
Filter and heat pump
Railing conform height
Above ground pool
Mandatory enclosure for swimming pools min. height of 1.20 m
min. 0.75 m
min. 1.00 m
Gate with security device
Residence
Fence surrounding the yard
min. height: 1.52 m
max. height: 1.85 m
Lot line
STREET

d) *Safety of an aboveground pool or portable pool*

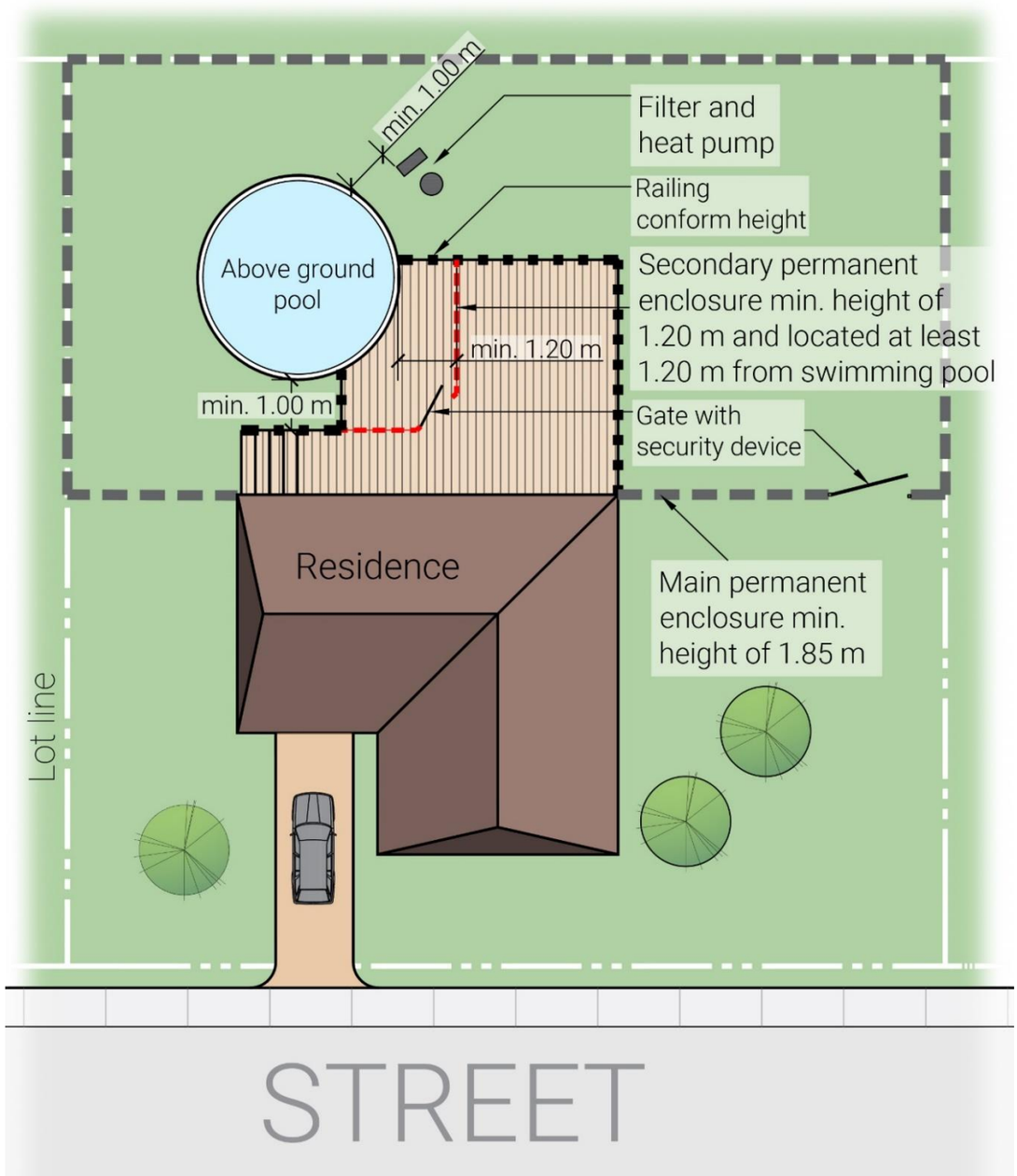
Notwithstanding paragraph c), for any aboveground pool with a wall height of at least 1.2 m from the ground at any point or a portable pool with a wall height of 1.4 m or more is not required to be surrounded by an enclosure if access to the pool is by:

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).

Installation of a secondary permanent enclosure on a terrace with access to a swimming pool above ground



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 July 1st, 2023.

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.