



PROVINCE OF QUEBEC  
TOWN OF KIRKLAND

## **BY-LAW NO.: 90-58-110**

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**BY-LAW AMENDING ZONING BY-LAW NO. 90-58  
REGARDING THE SALE OF PROPANE GAS AND  
REGARDING RESIDENTIAL SWIMMING POOLS**

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DRAFT

### **ADOPTION PROCEDURE**

Notice of motion:	June 3, 2024
Adoption – draft:	June 3, 2024
Publication:	June 7, 2024
Public consultation:	June 19, 2024
Adoption:- second draft:	July 2, 2024
Publication:	July 5, 2024
Application request:	
Registration procedure:	
Adoption of by-law:	
Certificate of compliance:	
Publication:	
Coming into force:	

- CONSIDERING that notice of motion of this by-law was given and that adoption of the draft was done at the regular sitting of the municipal Council held on June 3, 2024;
- CONSIDERING that in accordance with section 356 of the *Cities and Towns Act* (CQLR, c. C-19), 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 RESIDENTIAL SWIMMING POOLS**

Article 5.7 of Zoning By-law 90-58 is amended by replacing paragraph c) with the following:

*“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 enclosure must:

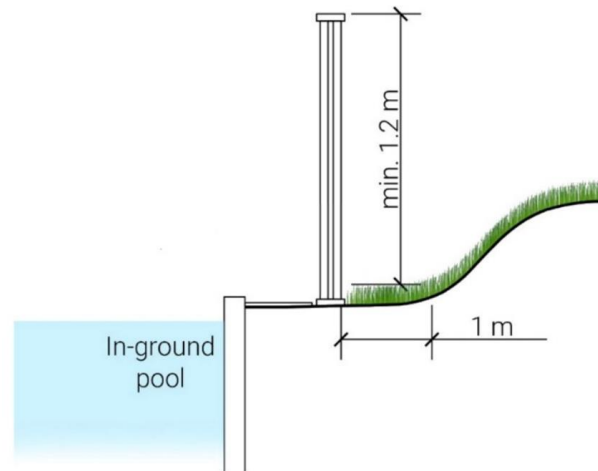
- i) be permanently installed and kept in place at all times;
- ii) be securely anchored to the ground;
- iii) prevent the passage of a spherical object 10 cm in diameter;
- iv) be at least 1.2 m in height;
- v) have no fixture, projection or open parts enabling it to be climbed;
- vi) be made of one 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 textile mesh that meets the ASTM F2286-16.

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

The fence provided for in article d.1) may be used as an enclosure as long as it complies with the conditions mentioned in this paragraph c) with the exception of the height, which must be a minimum 1.52 m.

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*



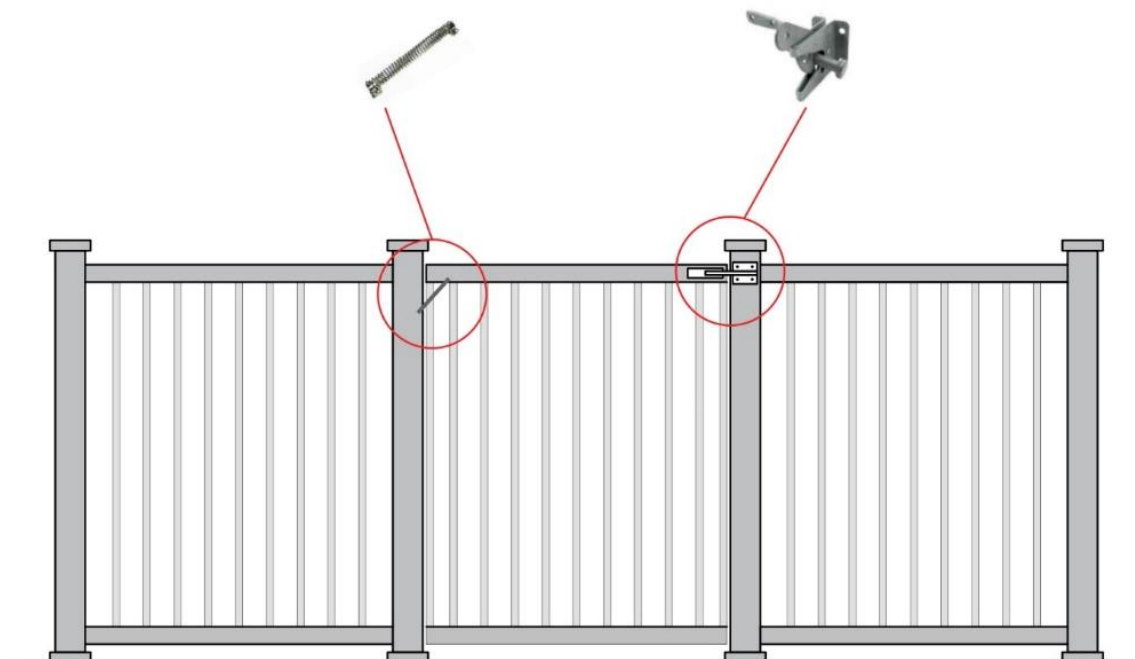
Where the enclosure is a chain-link fence, the mesh must have a maximum width of 30 mm. If slats are inserted in the mesh, their width may be greater than 30 mm but they must not allow the passage of a spherical object more than 30 mm in diameter.

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 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.

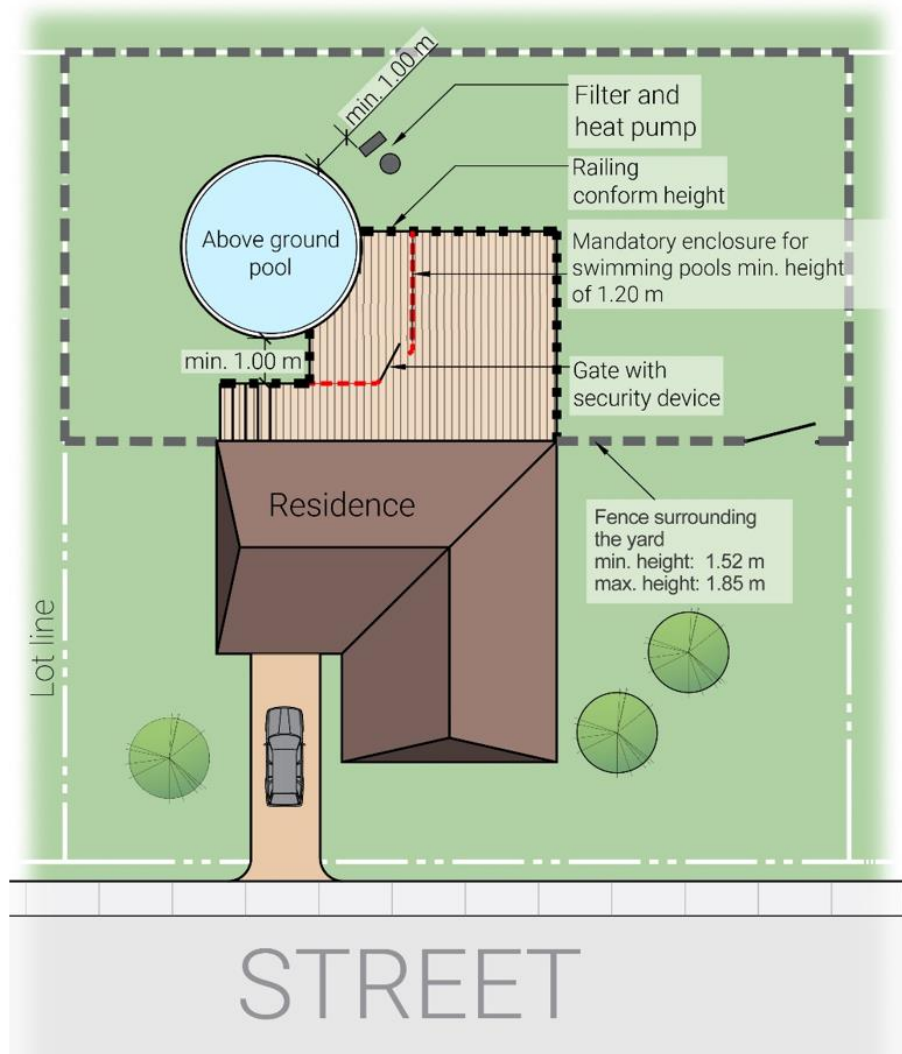
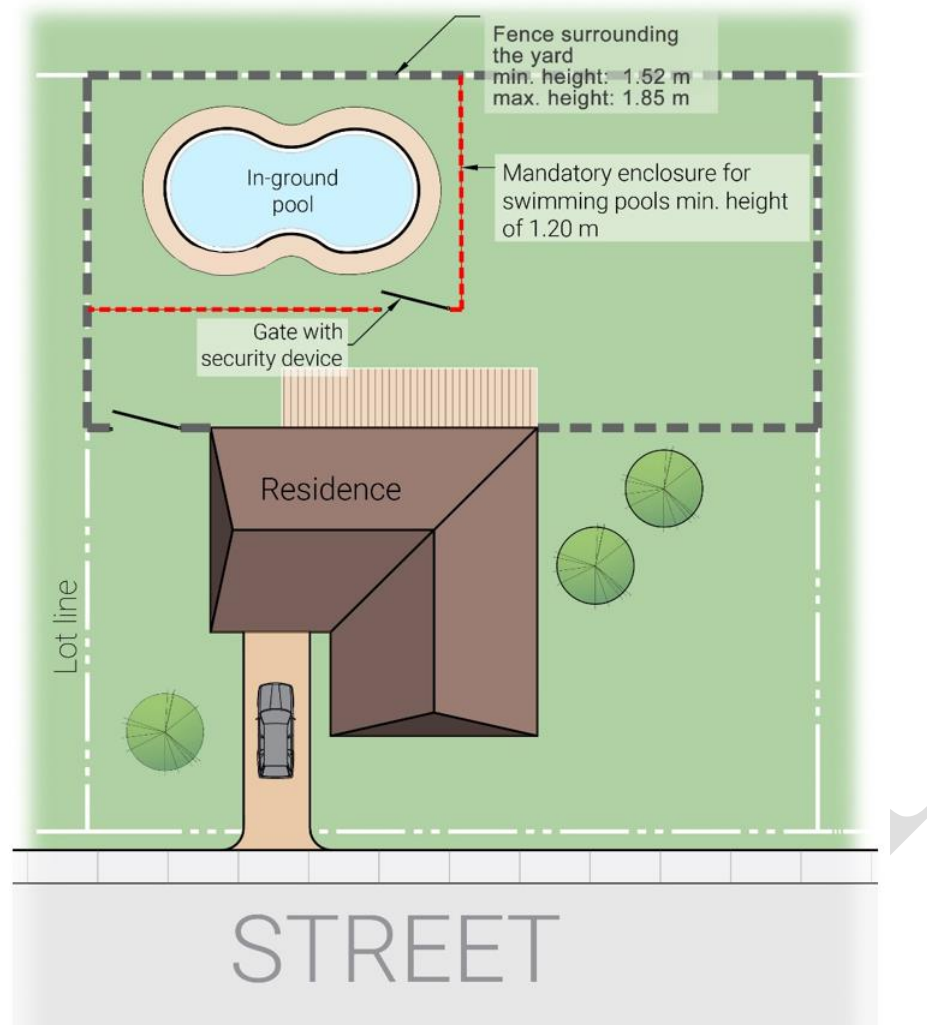
*Example of a passive security device*



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*



**SECTION 2 SALE OF PROPANE GAS**

The following amendments are made to Zoning By-law 90-58 regarding the sale of propane gas:

- a) Article 2.4 of Zoning By-law no. 90-58 titled “Classification of Commercial Uses” is amended by adding at the end of paragraph g) the new Class G-9 so that it reads as follows:

“Class “G-9” includes the sale of propane gas by refilling bottles for accessory residential purposes. Only one propane tank may be installed per lot, and it must be located at a minimum distance of 50 metres from a residential zone, have a maximum capacity of 2000 gallons, and must not exceed 6 feet in height. Despite Article 11.10 a), the propane tank must be surrounded by an opaque fence 6 feet in height. In addition, a vegetation screen 6 feet in height must be planted to conceal the tank and the fence on the three fixed sides of it. This vegetation screen must be maintained in good condition at all times and must have foliage present throughout the year (ex: conifers).”

- b) Paragraph a) of Article 11.17 of Zoning By-Law No. 90-58 is amended so that it reads as follows:

“a) *Scope*

The provisions of this Article apply to all gas stations, service stations and car washes, unless there is a specific indication to the contrary for a particular zone.”

- c) Article 11.18 “Particular Provisions Table : COMMERCIAL ZONES” of Zoning By-Law No. 90-58 is amended by adding the new Class “G-9” at the end of the table of the permitted uses – commerces table and the symbol “●” to Class “G-9” in the corresponding column of zone 233C, as shown in Appendix A attached to the present by-law.

- d) The definition of “SERVICE STATION” in Appendix 1 - DEFINITIONS is replaced by the following:

“SERVICE STATION:

Establishment used for both the sale of gasoline, diesel fuel, pre-filled propane gas bottles or 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.”

- e) The definition of “PROPANE GAS REFILLING STATION” is added in Appendix 1 - DEFINITIONS in alphabetical order:

“PROPANE GAS REFILLING STATION:

Establishment dedicated to the sale of propane gas by refilling bottles for accessory residential purposes.”

**SECTION 3**

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

(Michel Gibson)  
\_\_\_\_\_  
Mayor

(Annie Riendeau)  
\_\_\_\_\_  
Town Clerk

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APPENDIX A

Article 11.18  
Particular provisions table: **COMMERCIAL ZONES**

**233C**

**PERMITTED USES - COMMERCES** (authorized: ●)

Class	A	●
Class	B-1	●(19)
	B-2	
	B-3	●(19)
Class	C-1	●
	C-2	
	C-3	
Class	D-1	
	D-2	
	D-3	
Class	E-1	●
	E-2	
	E-3	
	E-4	
	E-5	
	E-6	
Class	F-1	
	F-2	
	F-3	
	F-4	
	F-5	
	F-6	
	F-7	
	F-8	
	F-9	
	F-10	
	F-11	
	F-12	●
	F-13	●
Class	G-1	
	G-2	
	G-3	
	G-4	
	G-5	
	G-6	
	G-7	●
	G-8	
	G-9	●

Article 11.18  
 Particular provisions table: **COMMERCIAL ZONES** (continued)

**233C**

**PERMITTED USES - PUBLIC** (Authorized: ●)

Class A \_\_\_\_\_  
 Class B \_\_\_\_\_  
 Class C \_\_\_\_\_

**PERMITTED USES – PUBLIC UTILITIES** (Authorized: ●)

Class B \_\_\_\_\_

**TYPES OF CONSTRUCTION** (Authorized: ●)

Detached \_\_\_\_\_ ●  
 Semi-detached \_\_\_\_\_  
 Contiguous \_\_\_\_\_  
 Shopping centres (11.3) \_\_\_\_\_ ●  
 Office buildings (11.3) \_\_\_\_\_ ●

**FLOOR SPACE INDEX**

Minimum/Maximum (see 3.4) \_\_\_\_\_ 0,2/2,7

**MAXIMUM LOT COVERAGE** (3.3)

\_\_\_\_\_ 45

**PARKING IN THE FRONT SETBACK** (11.8)

Setback from the right-of-way \_\_\_\_\_ 3(19)

**MINIMUM SETBACK** (in m) (see 11.1)

Front \_\_\_\_\_ 15(19)  
 Side \_\_\_\_\_ 10/6.5  
 Rear \_\_\_\_\_ 10

**HEIGHT** (in m) (4.8)

Minimum \_\_\_\_\_ 5  
 Maximum \_\_\_\_\_ 30

**NUMBER OF FLOORS** (4.8)

Minimum \_\_\_\_\_ 1  
 Maximum \_\_\_\_\_ 6

**MINIMUM BUILDING WIDTH** (in m)(see 4.9,11.4)

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**ADDITIONAL SPECIFIC PROVISIONS**

\_\_\_\_\_ (13)(19)