



VILLAGE DE SENNEVILLE

BY-LAW 440-1 AMENDING BY-LAW NO. 440 CONCERNING MINOR EXEMPTIONS - TO INTRODUCE CHANGES STEMMING FROM BILL 67

Certification of approvals

Notice of motion : 28 February, 2023

Presentation and adoption of the draft By-law: March 28, 2023

Public consultation: April 11, 2023

Adoption: May 23, 2023

Certificat of conformity (Schéma d'aménagement
et de développement de l'agglomération de Montréal) June 29, 2023

Public notice of coming into force: August 15, 2023

Julie Brisebois, mairesse / Mayor

Vanessa Roach, Greffière-adjointe /
Assisting Town Clerk

Whereas By-law concerning Minor Exemptions No. 440 has been in force since August 21, 2013, and can be amended in compliance with the law:

Whereas Bill 67, in force since March 25, 2021, brought changes to the provisions related to minor exemptions to the Act respecting land use planning and development (CQLR, c. A-19.1);

Whereas there is a need to amend the By-law concerning Minor Exemptions No. 440 to introduce these changes and adjust certain articles to facilitate the enforcement of the by-law;

Whereas a notice of motion was given on February 28, 2023;

Whereas the draft by-law has to be adopted before the holding of a public consultation, which will be held in compliance with the law;

Whereas the draft by-law was adopted on March 28, 2023 prior to the holding of a public consultation meeting in accordance with the law;

Whereas a public consultation meeting was held on April 11, 2023 in accordance with the law;

It is

Moved by Tanya Narang

Seconded by Dennis Dicks

and resolved that:

THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:

Article 1:

Article 2.1.1 “Subject territory” of Minor Exemptions by-law No. 440 is amended by deleting the words “, with the exception of a zone or part of a zone where occupation is subject to specific restrictions for reasons related to public security.”

Article 2:

Article 2.1.2 “The regulatory provisions contained in the Zoning By-Law qualify for a minor exemption” of this by-law is amended by adding a second paragraph that reads as follows:

“In addition, in a zone where occupation of the land is subject to specific restrictions for reasons related to public security or health, protection of the environment or general well-being, a minor exemption cannot be granted from the provisions adopted under

paragraphs 16 or 16.1 of the second paragraph of article 113 of the Act respecting land use planning and development (CQLR, c. A-19)".

Article 3:

Article 2.1.3 "Provisions of the Subdivision By-Law qualifying for a minor exemption" is amended by adding a second paragraph that reads as follows:

"In addition, in a zone where occupation of the land is subject to specific restrictions for reasons related to public security or health, protection of the environment or general well-being, a minor exemption cannot be granted from provisions adopted under paragraphs 4 or 4.1 of the second paragraph of article 115 of the Act respecting land use planning and development (CQLR, c. A-19)".

Article 4:

Article 2.1.4 "Eligible applications" of this by-law is amended, in the second paragraph, by deleting the words ", and has carried them out in good faith".

Article 5:

Article 2.1.5 "Conformity with the Master Plan" of this by-law is repealed.

Article 6:

Article 2.1.6 "Criteria for evaluating the eligibility of an application" of this by-law is replaced with the following:

"2.1.6 Criteria for evaluating an application"

A minor exemption application is evaluated based on the following criteria:

1. The application complies with the objectives of the Master Plan;
2. The enforcement of the by-law creates a serious prejudice for the applicant of the exemption;
3. The exemption, if granted, does not reduce the peaceful enjoyment, by the owners of neighbouring properties, of their right of ownership;
4. The exemption, if granted, does not have effect to increase the risks to public security;
5. The exemption, if granted, does not have effect to increase the risks to public health;
6. The exemption, if granted, does not affect the quality of the environment;
7. The exemption, if granted, does not affect general well-being;
8. If the works are in progress or already completed, these works have been carried out in good faith;
9. The exemption is of a minor nature.

Notwithstanding the criteria stated in paragraphs 2 to 7, the council may grant an exemption, even if it has the effect to increase the inconveniences inherent in the practice of agriculture.”

Article 7:

Article 2.2.1 “Submission of an application” of this by-law is amended by adding a second paragraph that reads as follows:

“If an applicant wishes to derogate from more than one by-law provision, he must submit one application per desired exemption.”

Article 8:

Article 2.2.2 “Content of an application” of this by-law is amended by replacing paragraphs 9, 10 and 11 with the following paragraphs:

“9. Details of the proposed or existing derogations, including the reasons why the project cannot be completed in compliance with the by-law;

10. A document justifying the evaluation criteria of a minor exemption application have been met.”

Article 9:

Article 2.2.4 “Application fees” of this by-law is amended by retrieving the second sentence of the first paragraph.

Article 10:

Article 2.2.10 “Decision of the Municipal Council” of this by-law is amended by inserting a third paragraph, after the second paragraph, which reads as follows:

“The resolution may stipulate any condition from among those provided under article 165.4.13 of the Act respecting land use planning and development (CQLR, c. A-19) when the exemption granted concerns non-compliance, during construction or extension of a project or building intended for livestock farming that is not covered by the second paragraph of article 165.4.2 of this law, of the separating provided for in a regulatory law provision adopted under paragraph 4 of the second paragraph of article 113 of this Act or, in the absence of such a by-law, under the Guidelines respecting odours caused by manure from agricultural activities (CQLR, c. P-41.1, r. 5) applicable in such a case under article 38 or 39 of the Act to amend the Act respecting the preservation of agricultural land activities and other legislative provisions (2001, c. 35).”

Article 11:

Article 2.2 of this by-law is amended by inserting article 2.2.11 that reads as follows:

“2.2.11 Transmission of the resolution to the Montréal agglomeration

When the resolution of the municipal council has the effect of accepting a minor exemption in a zone where the occupation of land is subject to specific restrictions for reasons related to public security or health, protection of the environment or general well-being, the Village of Senneville must send a copy of this resolution to the Montréal agglomeration.

The Agglomeration council must, within 90 days following the receiving of a copy of the resolution, if it deems that the decision authorizing the exemption increases the risks in terms of public security or health or affects the quality of the environment or general well-being:

1. Impose any condition referred to in the second and third clauses of article 2.2.10 of this by-law to mitigate this risk or harm or modify, for these purposes, any condition provided by the municipal council;
2. Disavow the decision authorizing the exemption, when mitigating of the risk or harm is not possible.

A copy of all resolutions adopted by the Agglomeration is transmitted, without delay, to the municipality. In such cases, a minor exemption takes effect:

1. On the date at which the Agglomeration notifies the Village of Senneville that it does not intend to use the powers prescribed in the second paragraph;
2. On the date of entry into force of the resolution of the Agglomeration that imposes or modifies conditions applicable to the exemption;
3. Upon the expiry of the timeline provided for in the second paragraph, if the Agglomeration has not availed itself, within this period of the powers prescribed in this clause.

The Village of Senneville must transmit to the person who applied for the exemption the resolution of the Agglomeration or, in the absence of such resolution, inform him or her of the effective date of its decision granting the exemption.” Articles 2.2.11 and 2.2.12 of this by-law are numbered 2.2.12 and 2.2.13.

Article 12:

Article 2.2.11 “Issuance of the permit or certificate” of this by-law, renumbered “2.2.12”, is amended by adding, to the first paragraph, the words “or, as the case may be, of the resolution of the Agglomeration council.”

Article 13:

Article 2.2.12 “Expiry of a minor exemption” of this by-law and renumbered “2.2.13” is amended by inserting the words “or, as the case may be, of the resolution of the Agglomeration council” after the words “of the municipal council”.

Article 14:

This by-law comes into force in compliance with the law.

Julie Brisebois, Mayor

Vanessa Roach, Assisting Town Clerk