



BY-LAW CONCERNING MINOR EXEMPTIONS N° 440

July 2, 2013

Prepared by:

...apur
urbanistes | conseils

PROVINCE OF QUEBEC
VILLAGE OF SENNEVILLE

BY-LAW N° 440

BY-LAW CONCERNING MINOR
EXEMPTIONS

NOTICE OF MOTION: MAY 27, 2013
ADOPTION: JULY 2, 2013
COMING INTO FORCE: AUGUST 21, 2013

By-Law Modifications	
By-law number	Coming into force

THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:



BY-LAW CONCERNING MINOR EXEMPTIONS N° 440

TABLE OF CONTENTS

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TABLE OF CONTENTS

TABLE OF CONTENTS

CHAPTER 1: Declaratory, Administrative and Interpretative Provisions	1
Division 1.1: Declaratory Provisions.....	3
1.1.1 Title of the by-law	3
1.1.2 Repeal	3
1.1.3 Scope of the by-law and subject territory	3
1.1.4 Incompatibility with other by-laws or laws.....	3
1.1.5 Part-by-part adoption	3
Division 1.2: Administrative Provisions	4
1.2.1 Administration and application of the by-law	4
1.2.2 Powers of the designated official	4
1.2.3 Conformity of the application	4
Division 1.3: Interpretative Provisions	5
1.3.1 Interpretation of provisions	5
1.3.2 Numbering	5
1.3.3 Terminology	5
CHAPTER 2: Provisions Relating to the Eligibility and Processing of an Application	7
Division 2.1: Eligibility of a Minor Exemption Application	9
2.1.1 Subject territory	9
2.1.2 Provisions of the Zoning By-Law qualifying for a minor exemption	9
2.1.3 Provisions of the Subdivision By-Law qualifying for a minor exemption.....	9
2.1.4 Eligible applications	9
2.1.5 Conformity with the Master Plan.....	9
2.1.6 Criteria for evaluating the eligibility of an application.....	9
Division 2.2: Processing of a Minor Exemption Application	11
2.2.1 Submission of an application	11
2.2.2 Content of an application.....	11
2.2.3 Proxy	11
2.2.4 Application fee	12
2.2.5 Complete application	12
2.2.6 Verification of the application.....	12
2.2.7 Submission of the application to the Planning Advisory Committee.....	12
2.2.8 Review and recommendation by the Planning Advisory Committee	12
2.2.9 Public notice	12
2.2.10 Decision of Municipal Council.....	13
2.2.11 Issuance of the permit or certificate.....	13
2.2.12 Expiry of a minor exemption	13
CHAPTER 3: Final Provisions	15
Division 3.1 Final Provisions	17
3.1.1 Infractions and penalties.....	17

TABLE OF CONTENTS

3.1.2	Coming into force	17
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BY-LAW CONCERNING MINOR EXEMPTIONS N° 440

CHAPTER 1:

Declaratory, Administrative and Interpretative Provisions

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Division 1.1: Declaratory Provisions

1.1.1 Title of the by-law

This by-law bears the title « *By-Law Concerning Minor Exemptions* » and carries the number 440.

1.1.2 Repeal

The present by-law repeals By-Law 351, entitled « *By-Law Concerning Minor Exemptions* » as modified by all of its amendments, as well as any other incompatible provision in another by-law in force.

1.1.3 Scope of the by-law and subject territory

The present by-law, of which the provisions are imposed on all persons, applies to the whole territory of the Village of Senneville.

1.1.4 Incompatibility with other by-laws or laws

Conforming to the present by-law does not absolve the obligation to obey the other laws or by-laws of the provincial or federal government as well as any other applicable municipal by-law.

1.1.5 Part-by-part adoption

The municipal Council of Village of Senneville hereby declares that it is adopting the present by-law, chapter by chapter, division by division and section by section, paragraph by paragraph and sub-paragraph by sub-paragraph, so that if a part of the present by-law were to be declared null and void by a tribunal, such a decision would have no effect on the other parts of the by-law, except in cases where the significance and scope of the by-law or of one of its provisions should be altered or modified as a result.

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Declaratory, Administrative and Interpretative Declaratory, Administrative and Interpretative

Division 1.2: Administrative Provisions

1.2.1 Administration and application of the by-law

The administration and application of the present by-law are entrusted to any person nominated as a «designated official», by a resolution of the Municipal Council.

1.2.2 Powers of the designated official

The powers of the designated official are stated in the *Permits and Certificates By-Law*.

1.2.3 Conformity of the application

All minor exemption applications must be in conformity with the provisions of the present by-law.

Division 1.3: Interpretative Provisions

1.3.1 Interpretation of provisions

When two standards or provisions of the present by-law apply to a use, building, lot or any other object governed by the present by-law, the following rules apply:

1. A specific standard or provision prevails over a general provision;
2. The most restrictive provision prevails.

Unless the context specifies otherwise, it is understood that:

1. The use of the words « MUST » and « SHALL » implies an absolute obligation;
2. The use of the verb « CAN » implies a non-obligatory option, except in the expression « CANNOT » which means « MUST NOT »;
3. The word « WHOMEVER » includes individuals and corporations.

The table of contents and the chapter titles, the divisions and the sections of the present by-law are provided to improve the text's readability. In the case of contradiction between the text and the concerned title(s) of Table of Contents, the text prevails.

Plans, appendices, tables, graphics, and symbols and all forms of expression aside from the text contained in the present by-law, are an integral part of the by-law for all legal purposes.

The dimensions, areas and other measures stated in the by-law are expressed in units of the International System.

1.3.2 Numbering

The numbering method used in this by-law is the following (when the section's text does not contain numbering related to a paragraph or sub-paragraph, it is referred to as an indented line):

- 1. Chapter
- 1.1 Division
- 1.1.1 Section
- Indented
- 1. Paragraph
- a) Sub-paragraph

1.3.3 Terminology

Unless there is an explicit indication of the contrary or unless the context indicates otherwise, the expressions, terms and words have the meaning and application attributed to them in the *Permits and Certificates By-Law*.



BY-LAW CONCERNING MINOR EXEMPTIONS N° 440

CHAPTER 2:

Provisions Relating to the Eligibility and Processing of an Application

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Provisions Relating to the Eligibility and Processing of an Application

Division 2.1: Eligibility of a Minor Exemption Application

2.1.1 Subject territory

The present by-law, of which the provisions are imposed on all persons, applies to all zones identified in the Zoning Plan that is an integral part of the *Zoning By-Law*, with the exception of a zone or part of a zone where occupation is subject to specific restrictions for reasons related to public security.

2.1.2 Provisions of the Zoning By-Law qualifying for a minor exemption

The regulatory provisions contained in the *Zoning By-Law* qualify for a minor exemption application, with the exception of regulatory provisions relating to:

1. Land use;
2. Land use density, in terms of dwellings per hectare;
3. The contribution for parks, playgrounds or natural areas.

2.1.3 Provisions of the Subdivision By-Law qualifying for a minor exemption

The regulatory provisions contained in the *Subdivision By-Law* qualify for a minor exemption application, with the exception of regulatory provisions relating to:

1. The contribution for parks, playgrounds or natural areas.

2.1.4 Eligible applications

A minor exemption application must be submitted with the permit or certificate application in conformity with the *Permits and Certificates By-Law* and must be compliant with the provisions of the *Zoning By-Law*, *Subdivision By-Law* and *Building By-Law*, which are not contained in the minor exemption application.

A minor exemption application can also be filed in the case where works are already in progress or completed and the applicant has obtained a permit or certificate for these works, and has carried them out in good faith.

2.1.5 Conformity with the Master Plan

All minor exemption applications must respect the objectives of the *Master Plan By-Law*.

2.1.6 Criteria for evaluating the eligibility of an application

The criteria for evaluating the eligibility of a minor exemption application are the following:

1. The enforcement of regulatory provisions contained in the application, or of one of these provisions, would create a serious prejudice for the applicant if the minor exemption is not granted;

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Provisions Relating to the Eligibility and Processing of an Application

2. The application respects the conditions stated in sections 2.1.1 to 2.1.5 of the present by-law.

In all cases, if the minor exemption application is granted, it cannot reduce the peaceful enjoyment of the owners of neighbouring properties and must respect their right of ownership.

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Provisions Relating to the Eligibility and Processing of an Application

Division 2.2: Processing of a Minor Exemption Application

2.2.1 Submission of an application

The applicant of a minor exemption application must submit a written application in 1 copy, as well as the plans and documents required by section 2.2.2 of the present by-law.

2.2.2 Content of an application

The applicant of a minor exemption application must submit a written application on the form provided by the designated official and submit the following plans and documents:

1. Complete contact details of the owner (name, address and telephone number);
2. In a case where the application is submitted by a representative, a form of proxy from the owner authorizing the representative to act on his/her behalf;
3. The property title for the immovable contained in the application to confirm the applicant's ownership;
4. A description of the lot or parcel on a cadastral plan or a certificate of location;
5. A certificate of location prepared by a land surveyor for an existing structure;
6. A site plan prepared by a land surveyor for a projected structure;
7. In the case of an application relating to height, the exact height dimension of the existing structure, building or project prepared by a land surveyor;
8. Recent photographs, taken no more than 30 days preceding the application, of buildings, structures, projects or of the lot on which the works are to be carried out, as well as the structures located on adjacent lots;
9. The details of all existing and projected derogations including the reasons why the project cannot be completed in conformity with the prescribed regulations;
10. The demonstration of the prejudice caused to the applicant;
11. The demonstration that the minor exemption does not affect the peaceful enjoyment of the owners of neighbouring properties and must respect their right of ownership.

The plans and documents required by the present section are in addition to those required by the *Permits and Certificates By-Law* in the case where a permit or certificate application is submitted.

2.2.3 Proxy

If the applicant of the minor exemption application is not the owner of the building, structure or lot contained in the application, he/she must include a proxy upon submission of the application, signed by the owner and authorizing him/her to submit the application.

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Provisions Relating to the Eligibility and Processing of an Application

2.2.4 Application Fees

The applicable fee for the review and processing of a minor exemption application is set at \$600. If the applicant submits a second minor exemption application with the same object, the fee is set at \$200.

In all cases, these fees are non refundable.

These fees do not cover the fees applicable to the issuance of a permit or certificate.

2.2.5 Complete application

The minor exemption application is considered to be complete once the application fee has been paid and all required documents and plans have been submitted to the designated official.

2.2.6 Verification of the application

The designated official verifies the conformity of the application with the present by-law. Upon request by the designated official, the applicant must provide all additional information required for the proper understanding of the application.

2.2.7 Transmission of the application to the Planning Advisory Committee

Once the application is complete and the designated official has verified the conformity of the application, the minor exemption application is transferred to the Planning Advisory Committee for review within 60 days.

2.2.8 Review and recommendation of the Planning Advisory Committee

The Planning Advisory Committee formulates in writing its opinion as a recommendation, taking into account the provisions of the present by-law and submits its recommendation to the Municipal Council.

During the meeting, the Planning Advisory Committee members can hear the interested persons that have submitted such a request beforehand to the designated official.

2.2.9 Public notice

At least 15 days prior to the holding of the meeting at which the Municipal Council will issue a decision on the minor exemption application, the Town Clerk of the municipality shall publish a notice in accordance with the law that governs the municipality.

The fees applicable to the public notice's publication are set in section 2.2.4.

The notice indicates the date, time and location of the Municipal Council's meeting and the nature and effects of the requested exemption. This notice contains the affected immovable's designation by referring to the street and civic address or at the very least, its cadastral number, and mentions that any interested person can be heard by the Municipal Council on the matter of this application.

2.2.10 Decision of the Municipal Council

The Municipal Council renders its decision during a meeting on the date provided in the public notice mentioned in section 2.2.9, after having received the recommendation of the Planning Advisory Committee and after having heard all interested persons wishing to comment on the application.

The resolution by which the Municipal Council renders its decision can include conditions that are in accordance with the municipality's powers, in order to attenuate the impact of the exemption.

A copy of the resolution by which the Municipal Council renders its decision must be given to the applicant of the minor exemption application.

2.2.11 Issuance of the permit or certificate

The permit or certificate will only be issued by the designated official once a certified copy of the resolution by which the Municipal Council grants the minor exemption, has been obtained.

The designated official issues the permit or certificate if the application is compliant with the urban planning by-laws in force, except those covered by the minor exemption, and when applicable, if the conditions included in the resolution approving the application are fulfilled.

2.2.12 Expiry of a minor exemption

A minor exemption expires when the works for which it is granted have not begun within the 12 months following the decision of the Municipal Council.



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CHAPTER 3:

Final Provisions

Prepared by:

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Division 3.1 Final Provisions

3.3.1 Infractions and penalties

The provisions relating to infractions to the present by-law and applicable penalties are provided in the *Permits and Certificates By-Law*.

3.3.2 Coming into force

The present by-law comes into force in compliance with the law.

George McLeish, Mayor

Joanne Bouclin, Town Clerk