



FIRST DRAFT

By-law no. 507 on conditional uses

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CHAPTER I: DECLARATORY, ADMINISTRATIVE AND INTERPRETIVE PROVISIONS

SECTION A – DECLARATORY PROVISIONS

1. Title of the by-law

This by-law is entitled “By-law no. 507 on conditional uses”.

2. Territory and persons subject to the by-law

This By-law, whose provisions apply to all persons, applies to the whole territory of the Village of Senneville.

3. Purpose of the By-law

The purpose of this by-law is to allow a person to submit an application to authorize a use that is eligible for the current procedure and that is not authorized in the zone concerned in the *By-law concerning zoning*. It allows town council, after receiving an opinion from the planning advisory committee, to evaluate the appropriateness of authorizing this use with respect to the evaluation criteria set out in this by-law and to subject this authorization to the conditions that it determines.

4. Compliance with regulations

The fact of complying with this by-law does not constitute an exemption from the obligation to comply with any other law or regulation of the provincial or federal government and with any other municipal by-law applicable in this case.

5. Adoption

This By-law is adopted chapter by chapter, section by section, article by article, clause by clause, paragraph by paragraph so that, if part of the by-law should be deemed null and void by a court, such as decision will have no effect on the other parts of the by-law, except in cases where the meaning or the scope of the By-law or one of its provisions is modified or amended.

SECTION B – ADMINISTRATIVE AND INTERPRETIVE PROVISIONS

6. Administration of the By-law

The administration and application of this by-law come under the responsibility of the designated civil servant. The powers of the designated civil servant are set out in the *By-law concerning permits and certificates*.

7. Rules of interpretation

The following rules of interpretation apply to this by-law in the event of a contradiction between two provisions:

1. The specific provision shall prevail over the general provision;
2. The most restrictive provision shall prevail;
3. In the event of a contradiction between a table, a sketch or a title and the text, the text shall prevail;
4. In the event of a contradiction between a title and the text, the text shall prevail.

8. Numbering method

The text reproduced hereafter represents the method of numbering of this by-law:

Chapter I: Chapter

Section A – Section

1. Article

Provision

1. Paragraph

a) Sub-paragraph

9. Definition

Unless the context indicates a different meaning, any word or expression shall have the meaning attributed to it under the *By-law concerning permits and certificates*. If a word or an expression is not defined, it is understood to have its common meaning in the dictionary.

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CHAPTER II: PROVISIONS RELATED TO THE PROCEDURE

SECTION A – ELIGIBILITY OF AN APPLICATION

10. Evaluation of the eligibility of an application for conditional use

The designated civil servant evaluates whether the application for conditional use is eligible for the procedure set out in this section.

If the designated civil servant determines that the application is ineligible, they shall inform the applicant in writing, citing the grounds for the decision, within 60 days of the submission of the application.

11. Eligible use and zone

Uses eligible for an application for conditional use are determined in the following table. Where applicable, use groups, classes or codes refer to the classification of uses set out in Chapter 2 of the *By-law concerning zoning*.

The following table also determines the zones where an application for conditional use is eligible. The zones refer to the zoning plan annexed to the *By-law concerning zoning*.

Table 1: Eligible use and zone

Eligible use:	Eligible zone:
1. Accessory use for an “Agritourism Activity” (see note 1)	A-01, A-03, A-04, A-05, A-06, A-07

Notes concerning the table:

(1) To be eligible, the use must meet the following conditions:

- a) The agritourism activity must be carried out on a property where a main use in the class “A1 – Agricultural Activities” is exercised, as defined in the *By-law concerning zoning*;
- b) The agritourism activity must establish relations between the agricultural producer or person exercising the use “A1 – Agricultural Activities” and visitors, thereby allowing the latter to discover the agricultural community, agriculture and its production through the reception and the information offered by their host;
- c) The agritourism activity must correspond with two of the following activities:
 - The sale of agricultural products, at least 25% of which come from the farm at which they are sold;
 - A “country table” type meal service at the farm, with a maximum of 20 seats and a menu including products from the farm;
 - A visit to the farm, including educational projects and the enhancement of the territory and the agricultural activities;
 - A reception at the farm;
 - A horse riding outing, including the required trails, when the use is connected with a stable.

- d) Any lodging activity at the farm or any other form of lodging is prohibited, except if it relates to a bed and breakfast if the use is authorized under the *By-law concerning zoning*;
- e) Any shows are forbidden outside a building;
- f) The agritourism activity must not have the effect of subjecting a new breeding unit or the expansion of activities in an existing breeding unit to a standard of separation distance related to odours;
- g) The agritourism activity must comply with the *Act respecting the preservation of agricultural land and agricultural activities* (RLRQ, c. P-41.1) and its applicable regulations, and if it does not, the applicant must obtain authorization in accordance with this law. In the case of a reception at the farm, the activity must comply with the conditions set out in the *Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec* (RLRQ, c. P-41.1, r. 1.1).

SECTION B – CONTENTS OF THE APPLICATION

12. Submission of the application for conditional use

The application for conditional use must be submitted to the designated civil servant by completing and signing the form provided for that purpose.

The application, submitted in the form of one (1) paper copy or in digital format (PDF), must include the following plans and documents (the designated civil servant is responsible for determining whether certain plans and documents are not required, given the nature of the application):

1. The applicant's complete contact information and, if applicable, power of attorney from the owner of the building cited;
2. The description of the integration environment, notably for existing uses and buildings on properties located within 500 metres of the building cited;
3. A description of the proposed use, indicating, without being limited to, the nature of the activities, the anticipated frequency and attendance, the buildings and constructions required, the parking spaces required, the lighting, the outdoor facilities required and the proposed signage;
4. In the case of an agritourism activity, a demonstration that the use allows relations to be established between the agricultural producer or person exercising the use "A1 – Agricultural Activities" and visitors, thereby allowing the latter to discover the agricultural community, agriculture and its production through the reception and the information that they receive from their host;
5. A plan illustrating the existing and proposed constructions and works, including all the elements impacting the project (e.g., wetlands and water environments, trees, servitudes, ecoterritory, etc.). The plan must indicate the location where the activities cited in the application will take place;
6. A description of the anticipated impacts on the surrounding environment and, if applicable, the mitigation or cohabitation measures proposed;
7. A document justifying compliance with the assessment criteria set out in this by-law;
8. The current and projected capacity of the septic system and the water withdrawal system;
9. An illustration of the projected intervention using one or more perspective drawings (at the very least from the street) when the project requires the construction or extension of a building or a construction;

10. If applicable, the project schedule and phasing;
11. Any other information deemed necessary for the assessment of the building's compliance with urban planning by-laws. In particular, the designated civil servant can require the submission of a traffic study by considering, specifically, the anticipated traffic and the required mitigation measures;
12. Any other information deemed necessary for the evaluation of the application in regard to the criteria set out in the by-law.

13. Processing and publication fees

Processing fees applied to an application for conditional use and the fees applied to the publication of public notices are determined in accordance with the *By-law concerning rates* for the year in effect.

In all cases, these fees are non-refundable and do not cover the fees required to get a permit or a certificate.

14. Complete application

An application for conditional use shall be deemed complete when all the required documents and plans have been submitted to the designated civil servant and the processing fees have been paid.

SECTION C – PROCESSING OF THE APPLICATION

15. Review of the application for conditional use

The designated civil servant shall review the application to ensure that it is compliant with urban planning regulations within 60 days of the date on which the application for conditional use is complete. At the request of the designated civil servant, the applicant must provide any additional information required to understand the application.

When the plans and documents provided by the applicant are inaccurate, erroneous, inadequate or non-compliant, the designated civil servant shall notify the applicant that the application review procedure has been interrupted so that the applicant can provide the accurate, corrected and adequate information, plans and documents required to review the application. If the plans and documents are not transmitted within 120 days of this notice, the application for conditional use will be cancelled and a new application must be submitted to the designated civil servant.

When the review of the application is completed, the application shall be transmitted to the planning advisory committee.

16. Notice issued by the planning advisory committee

The planning advisory committee shall issue a notice regarding the application for conditional use and the evaluation criteria set out in this by-law.

If the committee deems it appropriate, it may recommend project approval conditions to town council, within the jurisdiction of the municipality.

17. Public notice and signage

The municipal clerk or clerk-treasurer, at least 15 days prior to the meeting during which town council must rule on the application for conditional use, must publish a notice in accordance with the law governing the municipality and must post the said notice on the site cited in the application.

The notice and the sign must indicate the date, time and location of the town council meeting as well as the nature of the application, mentioning that any interested party may

be heard by the council during the meeting, in relation to this application. The notice shall also include the designation of the concerned building by using the traffic lane and civic number of the building or, failing that, the cadastral number.

This article does not apply if an application concerns only the completion of a project related to housing for people in need of protection.

18. Decision of town council

Town council, after receiving the notice from the planning advisory committee, shall authorize or refuse the application for conditional use by resolution.

The resolution through which town council authorizes the application for conditional use may include any condition, within the jurisdiction of the municipality, that must be met regarding the implementation or exercise of the use.

The resolution refusing the application must be justified.

A copy of the resolution must be transmitted to the applicant.

19. Effect of the resolution regarding conditional use

The resolution through which town council authorizes the use has the effect of specifically authorizing the use that can be exercised, subject to the submission of an application for a permit or a certificate and compliance with the implementation and exercise conditions specific to the said use.

The resolution applies to the building cited or to a part of it, where applicable, and is added to the applicable urban planning by-laws.

20. Issuance of the permit or certificate

To exercise the use authorized under the resolution, the applicant must submit an application for a permit or a certificate in accordance with the *By-law concerning permits and certificates*.

The designated civil servant shall issue the permit or certificate when the following conditions have been met:

1. On presentation of a certified copy of the resolution through which the council authorizes the use;
2. If the conditions set out in the resolution are met at the time of issuance or thereafter in accordance with the conditions set out in the resolution;
3. If it is compliant with the terms and conditions set out in the *By-law concerning permits and certificates*, with the exception of the authorized use.

21. Modification of use and conditions

The amendment of provisions included in the resolution pertaining to the use must be approved by town council in accordance with the procedure set out in this By-law.

22. Expiration of the resolution authorizing conditional use

The resolution authorizing the use shall be deemed null and void if the holder of the resolution does not submit an application for a permit or a certificate within 24 months of the resolution date. In addition, the resolution authorizing the use shall be deemed null and void if the holder of the permit or certificate obtained does not complete the work within the time period set out under the *By-law on permits and certificates*.

SECTION D – APPLICATION EVALUATION CRITERIA

23. Evaluation criteria for an “Agritourism Activity”

An application for a conditional use related to an “Agritourism Activity” is evaluated in accordance with the following criteria:

1. The proposed agritourism activity is directly linked to agricultural activities on the site and helps enhance the farm and its products;
2. The intensity of the proposed agritourism activity is in keeping with the quiet nature of the Village and the low occupancy of the territory;
3. The compatibility of the use in the integration environment, specifically considering:
 - a) Expected nuisances related to the exercise of the use, notably in regard to noise, dust and odours;
 - b) Anticipated traffic, considering the frequency, intensity and duration of the activities;
 - c) Expected impacts in relation to vehicle traffic in the area, particularly on Chemin de Senneville;
 - d) The availability of parking spaces on the land cited in the application;
 - e) The safety of vehicle traffic on the site and access to the site;
 - f) Setbacks in relation to neighbouring buildings, particularly where a use in the Housing group is exercised;
 - g) Proposed exterior landscaping or site design intended to conceal certain constructions or equipment related to the use (e.g. parking space, accessory constructions, etc.), and this, particularly from Senneville Road;
 - h) The outdoor lighting proposed for the building and the signage, which is adapted to the environment's main vocation (e.g., separate low-intensity lighting in a predominantly residential area);
 - i) In the case of a new construction, the integration of the volume proposed for the building in the integration environment;
 - j) Mitigation and compatibility measures proposed for the use.
4. The demonstration that the septic system and the installation of the water withdrawal system have the capacity, real or projected, to serve the use without reducing water resources for agricultural activities in the area.

CHAPTER III: FINAL PROVISIONS

SECTION A – STATEMENTS OF OFFENCE AND PENALTIES

24. Statements of offence and penalties

Any person who contravenes a provision in this by-law or a condition included in a resolution authorizing conditional use, or allows or tolerates such as contravention, or any person who performs work or exercises an occupancy in violation of a resolution authorizing the conditional use, including, if applicable, the plans related to it, is committing an offence and is liable to a minimum fine of \$500 and a maximum fine of \$1,000 for a natural person. For a legal person, the minimum amount is \$1,000 and the maximum amount is \$2,000.

In the event of a recurrence, the said person is liable to a minimum fine of \$1,000 to \$2,000 for a natural person and \$2,000 to \$4,000 for a legal person.

If the said offence is repetitious in nature, the said repetition shall constitute, day by day, a separate offence, and the offender shall be liable to the fine cited above for each day that the said offence continues.

The expenses incurred will be added to the amount of the fine.

SECTION B – ENTRY INTO FORCE

25. Entry onto force

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