



VILLAGE OF SENNEVILLE

DRAFT BY-LAW NUMBER 448-9

BY-LAW MODIFYING ZONING BY-LAW NO. 448 IN ORDER TO COMPLY WITH BY-LAW RCG 14-029-7 OF THE AGGLOMERATION OF MONTREAL RESPECTING WETLANDS OF INTEREST, TO PROVIDE ADDITIONAL PROTECTION FOR WETLANDS OF INTEREST AND TO UPDATE PROVISIONS RELATING TO THE SAFETY OF RESIDENTIAL SWIMMING POOLS

- Whereas** the *Zoning By-law Number 448* is in effect since November 10, 2014, and that it may be modified in accordance with the law;
- Whereas** the agglomeration of Montreal has amended its land use and development plan with the By-law RCG 14-029-7 concerning wetlands of interest to be protected or restored and their protection area;
- Whereas** the identification of wetlands of interest stems from the regional plan on wetlands and water environments produced by the agglomeration under the *Act to affirm the collective nature of water resources and promote better governance of water and associated environments*;
- Whereas** pursuant to section 58 of the Act respecting land use planning and development, the Village of Senneville must adopt any concordance by-law within six (6) months of the coming into force of the by-law modifying the land use planning and development plan, that is any by-law modifying a planning by-law that is necessary to take into account the modification to the land use planning and development plan;
- Whereas** the Village of Senneville already regulates interventions in wetlands with a surface area of 0.3 ha or more and their protection buffer;
- Whereas** certain measures to preserve wetlands of interest should be coordinated with existing preservation measures;
- Whereas** A wetland of interest and a protection area have been identified in the "Boisé Pearson" project, included in zone R-03;

- Whereas** the "Boisé Pearson" project began a few years ago with the approval of a subdivision for the residential lots and the construction of the street;
- Whereas** the requirement for free flow of water in the last 15 meters of the protection area of the wetland of interest located in the "Boisé Pearson" forest would have the effect of prohibiting construction on certain lots and, consequently, it is necessary to provide an exceptional measure;
- Whereas** the purpose of this draft by-law is also to update the safety provisions for residential swimming pools, following changes to the provincial legislation;
- Whereas** the present draft by-law does not contain any provision subject to a referendum approval;
- Whereas** a notice of motion and the draft by-law were tabled on July 29, 2025.

It is

Moved by Councillor

Seconded by Councillor

and **resolved** that :

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS :

Article 1 :

Article 1.1.5 "Appendices" is modified by the addition of paragraph 4, which reads as follows:

"4. Appendix" 4 ", entitled "Wetlands of interest" ".

Article 2 :

The by-law is amended by the addition of Appendix 4 "Wetlands of Interest", which is attached as Appendix A to this by-law.

Article 3 :

Article 4.3.1 "Scope of application" of this regulation is modified by:

1. The removal, in the second indentation of the words "or semi-in-ground";

1. The insertion of the following indentation after the 2nd indentation:

"Portable pools are prohibited".

2. The replacement of the third indentation by the following :

"Article 4.3.3 applies to all new installations that have been installed on or after July 1, 2021. However, the 2nd indentation of paragraph 3, the 4th indentation of paragraph

6 and paragraph 8 do not apply to a new installation acquired before that date, provided that such installation is installed no later than September 30, 2021.

Article 4.3.3 also applies to all installations existing before July 1, 2021, with the exception of the 2nd indentation of paragraph 4, the 4th indentation of paragraph 6 and paragraph 8. Any such facility existing prior to November 1, 2010, must comply with the applicable provisions of Article 4.3.3 no later than September 30, 2025".

Article 4 :

Article 4.3.2 "Standards for the installation of pools and hot tubs" of this by-law is modified by :

1. Replacement of the title by the following :

"4.3.2 General standards"

2. The replacement of the 1st indentation by the following :

"The following general standards apply to pools and spas":

3. The addition of the following paragraphs :
4. When the surface adjacent to a pool or spa is landscaped, the surface must be slip-resistant;
5. Slides and diving boards are prohibited in above-ground pools and spas;
6. 6. The lighting system for a pool or spa must be arranged to avoid direct lighting of a neighbouring property, and the electrical supply must be underground or from inside a building. Lighting must be turned off when not in use."

Article 5 :

Article 4.3.3 "Design standards" of this by-law is replaced by the following :

"4.3.3 Safety Standards"

The provisions of this article are taken from the *Residential Swimming Pool Safety Regulation* (RLRQ, c. S-3.1.02, r.1) and apply to swimming pools.

1. All in-ground and semi-in-ground pools must be equipped with a ladder or steps used to enter or exit the water;
2. Subject to paragraph 5, a swimming pool must be surrounded by an enclosure to restrict access;
3. An enclosure must:
 - a) Prevent the passage of a spherical object 10 cm in diameter;
 - b) Be at least 1.2 m in height;

- c) Have no fixture, projection or open parts enabling it to be climbed.

When 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 10 cm 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.

A hedge or bushes may not constitute an enclosure.

The use of chain-link fences is conditional on their approval under the present by-law.

- 4. Every gate forming part of an enclosure must have the features described in paragraph 3;

The gate referred to in the first indentation 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 door or on the outside of the enclosure at a minimum height of 1.5 m from the ground.

- 5. An above-ground pool with a wall height of at least 1.2 m at any point in relation to the ground does not have to be enclosed when access to the pool is gained in either of the following ways :

- a) By means of a ladder equipped with a self-closing and self-latching safety door preventing its use by children;
- b) By means of a ladder or a platform access to which is protected by an enclosure having the features described in paragraphs 3 and 4;
- c) By means of 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 paragraphs 3 and 4.

- 6. 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 one (1) meter 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 indentation, a device may be less than one (1) meter from the swimming pool or enclosure if it is installed:

- a) Inside an enclosure having the features described in paragraph 3 and 4;
- b) Under a structure that prevents access to the swimming pool from the device and that has the features described in subparagraph's b) and c) of the first indentation of paragraph 3;
- c) In a shed or an enclosed accessory building authorized by the present by-law.

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 m 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.

- 7. Every installation intended to allow or prevent access to the swimming pool must be kept in good working order.
- 8. A swimming pool with a diving board must be installed in accordance with the BNQ 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".

Article 6 :

Article 4.3.4 "Safety standards" of this by-law is deleted.

Article 7 :

Article 7.5.1 "Scope of application" is amended by replacing the second indentation by the following:

"The provisions of this section apply to all wetlands, whether or not they are mapped in Appendix 3, with the exception of wetlands of interest identified in Appendix 4 and governed by section 7.7"

Article 8 :

Chapter 7 "Provisions Relating to the Protection and Enhancement of the Environment" is modified with the addition of the section 7.7 that reads as follows :

"Section 7.7 : Provisions relating to wetlands of interest"

7.7.1 : Scope of application

This section applies to wetlands of interest to be protected or restored and their protection areas:

- 1. Identified in appendix 4 of this by-law;
- 2. Resulting from a characterization study. In the event of contradiction with Appendix 4 of the present by-law, the delimitation of a wetland and protection area resulting from the characterization study shall prevail.

7.7.2 : Prohibition on encroachment into a wetland and its protection area

In a wetland of interest to be protected or restored and in its protection area, any land use, any construction including reconstruction and expansion, any work, any activity involving clearing, filling or moving humus or non-invasive native plants is prohibited, except :

1. For the purpose of widening an existing roadway;
2. For the purposes of establishing electricity, gas, telecommunications, cable distribution, water or sewer service, or a railroad;
3. For the purposes of the implementation of a major road project or a public transit infrastructure projected in the "*Schéma d'aménagement et de développement de l'agglomération de Montréal*" or a facility of metropolitan interest projected in the "*Plan métropolitain d'aménagement et de développement de la Communauté métropolitaine de Montréal*" or of agglomeration interest projected in the "Schéma";
4. For the implementation of infrastructure or equipment for which an agreement has been reached prior to December 21, 2023;
5. For the purpose of maintaining, restoring or creating a wetland or protected area;
6. A use, construction or work related to the observation of nature and the interpretation of the environment, under the following conditions:
 - a) In a wetland environment, buildings and structures are built above ground, on piles, and excavation or fill activities are authorized for ground anchoring elements;
 - b) In the protection area, paths are a maximum of 4 metres wide and, as with other constructions or structures on the ground, are laid with a permeable surface;
 - c) In the protection area, buildings must be constructed without foundations and in such a way as to allow the free flow of water;
7. A fence or hedge separating a property or part thereof from another property under the following conditions:
 - a) The fence or hedge must be located outside the wetland, unless it separates the property or part of it from a traffic lane or public space;
 - b) The fence must be openwork and allow water to circulate freely;
 - c) Excavation and backfilling are authorized for ground anchors;

8. The reconstruction or extension of a main building existing on December 21, 2023, provided there is no additional encroachment into the protection area and wetland. Excavation and backfilling activities are authorized, but must be limited to what is required for the reconstruction or extension of the building;
9. The construction, including the reconstruction and the extension, of an accessory building to a main building existing on December 21, 2023, subject to the following conditions :
 - a) The building or its extension must be built without foundations and allow free flow of water;
 - b) The building or its extension must be located more than 15 metres from the edge of the wetland.
10. The reconstruction of a vehicular access road or outdoor parking area serving a main building existing on December 21, 2023, on condition that it is made of permeable materials. Excavation and backfilling activities are authorized, but must be limited to what is required to rebuild the vehicular access road or outdoor parking area.

Notwithstanding the foregoing, for a property located outside a wetland of interest to be protected or restored, and upon the demonstration that the property is legally occupied and developed in its entirety, a new land use, a new structure and a new construction, including any reconstruction or enlargement, are authorized within the protection area.

For the purposes of the first indentation, a demonstration of the occupation and development of the land is made by filing the following documents:

1. The certificate of location of the lot on which the work area covered by the application is shown;
2. The permit or the certificate of authorization related to the work leading to the occupation and development or, failing that, the date or period when the work was carried out;
3. A photograph or other document illustrating that the work area covered by the application has been anthropized and is not a natural area.

7.7.3 : Encroachment into a protected area

Notwithstanding Article 7.7.2, for an undeveloped lot, a land use, a construction, a work and an activity involving the excavation, backfilling or moving of humus or non-invasive native vegetation is authorized to encroach into the protection area, without otherwise being located within the first 15 metres calculated from the edge of the wetland, if the following conditions are met:

1. The cadastral delimitation is prior to December 21, 2023;
2. The total footprint of buildings on the entire property must be less than 25%;

3. The buildings must allow the free flow of water;
4. A vehicular access road and an exterior parking, loading or unloading area serving a main building must be made of permeable materials;
5. The excavation, backfilling or removal of humus or non-invasive native vegetation must be limited to that required for the establishment of a main building, a vehicular access road and, if no other space is available elsewhere on the lot, an outdoor area for an accessory use to the main use, notably an outdoor parking area and a recreation area.

The condition set out in paragraph 3 of the first indentation does not apply, in the protection area of a wetland of interest to be protected or restored located in zone R-03, with respect to a new main building.

7.7.4 : Requirement to fence

In the protection area of a wetland of interest to be protected or restored, the riparian side of a built property that does not encroach on a wetland must be fenced off with no openings or access to the wetland, in accordance with the provisions of Chapter 4.

7.7.5 : Characterization study

A characterization study must accompany any application for a permit or certificate to carry out a use, construct (or transform) a main building or perform a work, proposing an encroachment or additional encroachment into a wetland of interest to be protected or restored, or in its protection area. The content of the characterization study is set out in the *Permits and Certificates By-law*.

Notwithstanding the first indentation, a characterization study is not required in the case of the reconstruction of a building with the same layout."

Article 9 :

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

Original signé / Original signed

Julie Brisebois, Mayor

Original signé / Original signed

Hamlyne Guirand, Town Clerk

APPENDIX A – APPENDIX 4 " WETLANDS OF INTEREST "

