



**BY-LAW CONCERNING  
MINOR EXEMPTIONS N° 440**

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BY-LAW CONCERNING MINOR EXEMPTIONS

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

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**By-Law Modifications**

<b>By-law number</b>	<b>Coming into force</b>
440-1	AUGUST 15, 2023
440-2	APRIL 29, 2024

**THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:**



**BY-LAW CONCERNING  
MINOR EXEMPTIONS N° 440**

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**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 ..... 4

        1.3.1 Interpretation of provisions ..... 4

        1.3.2 Numbering ..... 4

        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..... 10

        2.1.6 Criteria for evaluating an application ..... 10

    Division 2.2: Processing of a Minor Exemption Application ..... 10

        2.2.1 Submission of an application ..... 10

        2.2.2 Content of an application ..... 11

        2.2.3 Proxy..... 11

        2.2.4 Application Fees ..... 11

        2.2.5 Complete application ..... 12

        2.2.6 Verification of the application ..... 12

        2.2.7 Transmission of the application to the Planning Advisory Committee ..... 12

        2.2.8 Review and recommendation of the Planning Advisory Committee ..... 12

        2.2.9 Public notice ..... 12

        2.2.10 Decision of the Municipal Council ..... 12

        2.2.11 Transmission of the resolution to the Montreal agglomeration ..... 13

        2.2.12 Issuance of the permit or certificate..... 13

        2.2.13 Expiry of a minor exemption ..... 14

**CHAPTER 3: Final Provisions ..... 15**

    Division 3.1 Final Provisions ..... 17

TABLE OF CONTENTS

---

3.1.1	Infractions and penalties.....	17
3.1.2	Coming into force.....	17

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## **BY-LAW CONCERNING MINOR EXEMPTIONS N° 440**

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### **CHAPTER 1:**

#### **Declaratory, Administrative and Interpretative Provisions**

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Declaratory, Administrative and Interpretative Declaratory, Administrative and Interpretative

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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.



Declaratory, Administrative and Interpretative Declaratory, Administrative and Interpretative

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**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):

Declaratory, Administrative and Interpretative Declaratory, Administrative and Interpretative

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- 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*.

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## **BY-LAW CONCERNING MINOR EXEMPTIONS N° 440**

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### **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**

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**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.

*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

**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.

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)

*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

**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.

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)

*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

**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.

**Provisions Relating to the Eligibility and Processing of an Application**

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*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

**2.1.5 Conformity with the Master Plan**

*Repealed.*

*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

**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.

*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

**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.

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

*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

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**Provisions Relating to the Eligibility and Processing of an Application**

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**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. 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.

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.

*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

**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.

**2.2.4 Application Fees**

The study and publication fees of a minor exemption application are set out in the By-law concerning rates.

In all cases, these fees are non-refundable.

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

*Modified by Bylaw no. 440-1, in force on August 15, 2023 and Bylaw 440-2, in force on Mai 29, 2024*

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**Provisions Relating to the Eligibility and Processing of an Application**

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**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.

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

**Provisions Relating to the Eligibility and Processing of an Application**

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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).

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

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*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

**2.2.11 Transmission of the resolution to the Montreal 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 Montreal 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.

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*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

**2.2.12 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, or, as the case may be, of the resolution of the Agglomeration council.

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*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

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**Provisions Relating to the Eligibility and Processing of an Application**

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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.

**2.2.13 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 or, as the case may be, of the resolution of the Agglomeration council.

*Modified by Bylaw no. 440-1, in force on August 15, 2023.*

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## **BY-LAW CONCERNING MINOR EXEMPTIONS N° 440**

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### **CHAPTER 3:**

#### **Final Provisions**

FOR CONSULTATION



**Division 3.1 Final Provisions**

**3.1.1 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*.

**3.1.2 Coming into force**

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

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**Mayor**

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**Town Clerk**

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