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**SECTION 1:            TITLE OF BY-LAW**

This By-law is entitled “By-Law on Minor Exemptions of the Town of Baie-D'Urfé”.

**SECTION 2:            TERRITORY COVERED BY THIS BY-LAW**

This By-law applies to the entire territory of the Town of Baie-D'Urfé.

**SECTION 3:            PERSONS AFFECTED BY THIS BY-LAW**

This By-law applies to every legal entity in public or private law, and every individual.

**SECTION 4:            DEFINITIONS**

In this By-Law, it is understood, unless the context indicates otherwise, that the following terms mean:

- “Committee”:**            the planning Advisory Committee of the Town;
- “Council”:**              the Council of the Town;
- “Construction”:**        the assembly, building or erection of a structure of materials. A construction in the meaning of this By-Law is limited to a principal building;
- “Minor exemption”:**     *(Amendt by 961-1) Repealed (Amendt 961-3)*
- “Inspector”:**            the Building Inspector of the Town or its duly appointed representatives;
- “Clerk”:**                 the Clerk of the Town;
- “Town”:**                 Town of Baie-D'Urfé.

**SECTION 5:            REGISTRY OF MINOR EXEMPTIONS**

A register of minor exemptions accepted resolution of Council shall be kept.

**SECTION 6: REGULATORY PROVISIONS WHICH COULD BE THE OBJECT OF A MINOR EXEMPTION**

*(Amendt 961-3) (Amendt 961-4)*

Only the following provisions may be the object of a minor exemption:

- 1) subject to the conditions established in Section 16 of the present by-law, minimum front, secondary front, side or rear setbacks;
- 2) in the high-velocity zones of floodplains, subject to the conditions established in Section 17 of the present by-law, undertakings, structures and works identified as eligible for an exemption in Section 11.3 of the Zoning By-law.

All the zones provided for in the Town Zoning By-law may be subject to the above minor exemptions.

**SECTION 7: APPLICATION**

*(Amendt 961-3)*

Any owner may submit an application to Council for an exemption to a provision identified in Section 6 above.

**SECTION 8: DOCUMENTS TO BE INCLUDED WITH APPLICATION**

The request for minor exemption must:

- be submitted in writing to the Inspector on the forms provided for this purpose by the Town;  
  
*(Amendt 961-3) (Amendt 961-4)*
- be accompanied by the title of ownership of the immovable in question, as well as the certificate of location, not more than five (5) years old, made and signed by a surveyor, indicating the address of the property, the cadastral number, the location of the existing and proposed constructions, the distances between the existing and proposed constructions and the property limits and, if need be, the high-water mark as well as the 20-year and the 100-year floodplains; and
- be accompanied with payment of costs in the following sums: the sum of \$100.00, to cover the cost of the examination of the application; this sum shall not be refunded, whatever the outcome of the application;

- a deposit of \$50.00 to cover the cost of a notice board to be affixed to the property during the review period. If this notice board is returned in good condition, the deposit will be returned to the applicant. If the notice board is damaged or not returned, the Town shall use the deposit to replace or repair the notice board.

**SECTION 9: PUBLIC NOTICE**

At least fifteen (15) days before the meeting at which Council will rule on the application for a minor exemption, the Clerk shall publish a public notice in a newspaper distributed in the municipality stating the date, time and place of the Council meeting, and the nature and effects of the exemption requested. This notice shall contain the designation of the immovable using the street address of the building or property, or, if this is not available, the cadastral number, and shall note that any interested party may be heard by Council regarding this application.

**SECTION 10: DEPOSIT FOR PUBLICATION**

The applicant must turn over to the Inspector a deposit covering the cost of the notice requested as per Article 9. If the amount of the deposit is less than the actual cost of publication for the notice, the applicant must pay the excess upon request from the Town. If the amount of the deposit is greater than the actual cost of publication for the notice, the Town shall refund the difference to the applicant.

**SECTION 11: REQUEST REFERRED TO COMMITTEE**

As soon as provisions contained in articles 8, 9 and 10 have been duly completed, the Inspector submits the application for minor exemption, with or without recommendation, to the Committee.

**SECTION 12: RECOMMENDATION TO COMMITTEE**

After study of the request for minor exemption, the Committee may make to the applicant any useful recommendation concerning said request or recommend its rejection or acceptance to Council.

**SECTION 13: DECISION OF COUNCIL**

After receiving the recommendations of the Committee, Council shall render its decision by resolution.

**SECTION 14: COPY OF RESOLUTION**

A certified copy of the resolution by which Council renders its decision must be submitted by the Town Clerk to the applicant.

**SECTION 15: ISSUANCE OF THE CERTIFICATE**

Upon presentation of the copy of the resolution granting a minor exemption, the Inspector issues the certificate of authorization for minor exemption and enters said exemption into the register provided for this purpose.

**SECTION 16: CONDITIONS FOR APPROVAL OF A MINOR EXEMPTION REGARDING MINIMUM SETBACKS**

*(Amendt 961-2) (Amendt 961-3) (Amendt 961-4) (Amendt 961-5)*

A minor exemption may be approved if all the following conditions are met:

- i) a minor exemption to the Zoning By-law shall respect the objectives of the Town's Planning Program;
- ii) the application of the Zoning By-law would constitute a serious prejudice to the person who makes the application and it shall not be granted where it hinders the owners of the neighbouring immovables in the enjoyment of their right of ownership;
- iii) the construction for which a minor exemption is requested must be at least five (5) years old; and
- iv) the exemption requested is for a reduction of at most 1.5 metres (4.9') relative to the minimums established in the Zoning By-law.

However, condition iii) does not apply when:

- a) the non-conformity of the set-back is attributable to an error made by a land surveyor or any other professional prior to the building permit being issued; and
- b) the error is discovered only after the foundation has been poured.

Condition iv) does not apply when the non-conformity of the set-back is attributable to a cadastral reform.

## SECTION 17:

### **CONDITIONS FOR APPROVAL OF A MINOR EXEMPTION REGARDING UNDERTAKINGS, STRUCTURES AND WORKS IN THE HIGH-VELOCITY ZONE**

*(Amendt 961-3)*

Any application for a minor exemption regarding undertakings, structures and works in the high-velocity zone must demonstrate that the carrying out of the proposed works, undertakings or construction respects the aims of the Planning Program, that it does not hinder the owners of the neighbouring immovables in the enjoyment of their right of ownership and that the following criteria are satisfied:

- a) human safety is ensured and private and public property is protected because suitable flood-proofing and protection measures have been integrated;
- b) natural streamflow is not impeded; the probable changes in the hydraulic regime of a watercourse must be identified and specific information relating to impediments to ice movement, reduction in flow area, potential erosion risks and risk of an increase in the flood level upstream that may be caused by a work, structure or undertaking must be given;
- c) the integrity of the territories is maintained by avoiding filling and by demonstrating that the proposed works, undertakings and structures cannot be reasonably located somewhere other than in the floodplain;
- d) the quality of the water, the plants and wildlife representative of wetlands and their habitats, and in particular threatened or vulnerable species, is protected to preclude damage; the potential environmental impacts of a structure, undertaking or work must be assessed taking into account the characteristics of the materials used for flood-proofing;
- e) public interest for a work, undertaking or structure has been demonstrated.

Moreover, the application must demonstrate that the strict application of the Zoning By-law would cause a serious prejudice to the person applying for the exemption.

**SECTION 18:**            **REPLACEMENT OF PREVIOUS BY-LAW**

*(Amendt 961-3)*

This By-law replaces all other By-laws or provisions of By-laws respecting minor exemptions.

**SECTION 19:**            **COMING INTO FORCE**

*(Amendt 961-3)*

This By-law shall come into force according to Law.

**SECTION 20:**            **DURATION OF THE EXEMPTION**

*(Amendt by 961-1) (Amendt 961-3)*

A minor exemption regarding minimum setbacks remains in effect while the set-back to which it applies remains unchanged. The minor exemption ceases to exist when the size of the set-back is changed by any action such as the demolition, alteration or moving of the principal building, or through a cadastral operation.