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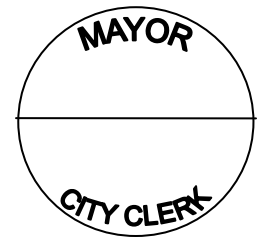
BY-LAW BEAC-044

BY-LAW CONCERNING MINOR EXEMPTIONS

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2014-06-16 (BEAC-044-1)

Adopted at regular meeting of Council
held on Monday, June 15, 2009



PROVINCE OF QUEBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-044

BY-LAW CONCERNING MINOR EXEMPTIONS

At a regular meeting of the City of Beaconsfield's Municipal Council held at the Council Chamber, 303, Beaconsfield Boulevard, Beaconsfield, Quebec, June 15, 2009 at 8:00 p.m.;

WERE PRESENT: His Honour Mayor Bob Benedetti, Councillors Jimmy Shiro Hasegawa, Karen Messier, Wade Staddon, Kate Coulter, Roy Baird and David Pollock.

WHEREAS a notice of motion of the presentation of this by-law was given at the meeting of said Council duly called and held on Monday, April 27, 2009;

WHEREAS a public consultation meeting on the said draft by-law was duly called and held by Council on Monday, May 25, 2009;

Considering section 118 of the Act respecting land use and planning (R.S.Q., Chapter A-19.1);

On motion of Councillor W. Staddon, seconded by Councillor R. Baird and UNANIMOUSLY RESOLVED;

THE COUNCIL OF THE CITY OF BEACONSFIELD ENACTS AS FOLLOWS:

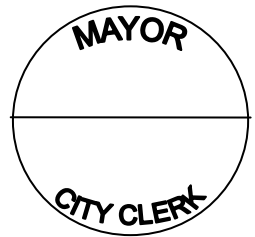
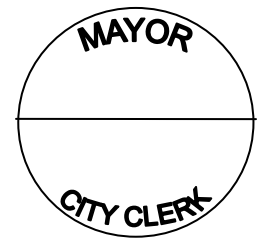


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CHAPTER 1 DECLARATORY AND INTERPRETATIVES PROVISIONS

1.1 Coming into force

This by-law shall come into force in accordance with the provisions of an Act Respecting Land Use Planning and Development (R.S.Q., chapter A-19.1).

1.2 By-law applicability

Compliances with the provisions of this by-law are incumbent on both natural and legal persons.

1.3 Scope of application

This by-law shall apply to any application for a minor exemption from the provisions of:

- a) The Zoning by-law in force;
- b) The Subdivision by-law in force.

Council may grant a minor exemption in any zone.

1.4 Validity

The Council enacts this by-law in its entirety, as well as chapter by chapter, section by section, paragraph by paragraph, and subparagraph by subparagraph so that the repeal or declaration of nullity of any chapter, section, paragraph, or subparagraph, or part thereof, shall not affect the validity of other chapters, sections, paragraphs or subparagraphs of this by-law.

1.5 Attached documents

The following documents form an integral part of this by-law:

- a) The Terminology Index of the Zoning by-law;
- b) The Specification schedules, including its amendments, as annex V.P.11;
- c) The Zoning Plan of the Zoning by-law, including its amendments, as annex V.P. 10.

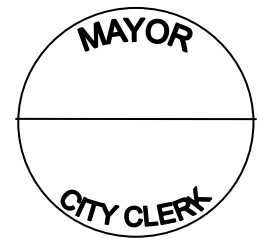
1.6 Conformity to all applicable by-laws

The issuance of a permit or a certificate, approved plans and specifications, and inspections carried out by the officer in charge shall not release the owner or the applicant from the obligation to execute, or have the work executed, in conformity with the requirements of this by-law or with any other applicable by-laws.

1.7 Precedence over any other by-laws

The provisions of this by-law shall take precedence over:

- a) Any similar provision contained in any other by-law regarding zoning or subdivision;
- b) Any provision in any other by-law which is inconsistent with the provisions of this by-law.



1.8 Repeal

By-law no. 725, entitled "Minor exemptions by-law", is hereby repealed and replaced by the present by-law. The repealed by-law shall nevertheless remain in force and shall be applied in its entirety to any situation where any person, company, corporation, institution, or other entity contravenes any of its provisions, prior to the coming into force of this by-law. Moreover, this repeal shall not affect permits legally issued under the authority of the repealed provisions, nor shall it affect any rights acquired prior to the coming into force of this by-law.

1.9 Text interpretation

The present rules of interpretation apply to this by-law:

- a) Regardless of the verb tense used in this by-law, every provision is held to be in force during every time period and in all circumstances;
- b) The singular shall extend to several people or things of same nature, each time that the context allows for this extension;
- c) The masculine form includes the feminine, unless the context indicates otherwise;
- d) Between the French version and the English version, the French version prevails;
- e) The use of the verbal auxiliary "shall" indicates an absolute obligation, while the verbal auxiliary "may" indicates a choice;
- f) The authorization to do something includes all the powers necessary to this end.

1.10 Terminology

For the purpose of interpreting this by-law, unless the context indicates otherwise, any word or expression has the meaning and the significance attributed to it in the Terminology Index of the Zoning by-law and forming an integral part thereof. If a word or a term is not specifically indicated in this index, it is used in its commonly attributed meaning.

CHAPTER 2 GENERAL PROVISIONS

2.1 Provisions which may qualify for a minor exemption

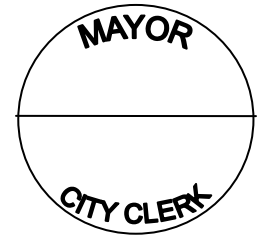
All provisions of the zoning and subdivision by-laws in force regarding any object set out in sections 113 or 115 of an *Act respecting Land Use and Planning* (R.S.Q., chapter A-19.1) can lead to a minor exemption, except for provisions relating to land use and land occupation density.

However, no minor exemption may be granted for a zone in which land use is subject to particular constraints for reasons of public safety.

(BEAC-044-1, sec. 1)

2.2 Provisions which may not qualify for a minor exemption

(Repealed BEAC-044-1, sec. 2)



2.3 Application for a minor exemption

The applicant for a minor exemption from the Zoning by-law in force or Subdivision by-law in force shall provide a written request to the officer in charge. The request shall contain:

- a) The names, surnames, addresses and signatures of the owner and the applicant;
- b) In the case of an existing structure, valid certificate of location prepared by a land surveyor;
- c) In the case of a proposed structure, a site plan;
- d) The architectural plans of the proposed structure;
- e) A detailed description of the minor exemption requested.

2.4 Fees

The applicable fees are those specified in the Tariffs By-law in force in the City.

2.5 Transmittal of the request to the Planning Advisory Committee

The officer in charge shall submit each application for a minor exemption to the Planning Advisory Committee together with any pertinent documents. Council shall render its decision regarding the application after having received the advice of the Planning Advisory Committee.

When a request has been preceded by an application for a permit or a certificate of authorization, the documents related to this application must also be transmitted.

2.6 Planning Advisory Committee Review Process

The Planning Advisory Committee reviews the request and can ask the applicant for additional information or documents.

Members of the Planning Advisory Committee may visit the immovable which is the subject of an application for a minor exemption.

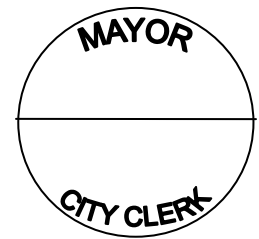
2.7 Planning Advisory Committee Opinion

The Planning Advisory Committee provides a written opinion made in due consideration of the conditions prescribed in Section 2.9 of this by-law. This opinion is transmitted to Council no later than 30 days after an application has been deposited.

2.8 Date of the Council Sitting and Public Notice

At least 15 days before the sitting at which Council is to render a decision on the application for a minor exemption, the City Clerk shall publish in accordance with the law and at the expense of the person who has requested the exemption, a notice which indicates:

- a) The date, hour and place of the sitting of the Council;
- b) The nature and consequences of the exemption applied for;
- c) The designation of the immovable in question using the street name, the civic number of the building, and the cadastral number;
- d) That any interested person may be heard by the Council regarding the application.



2.9 Prerequisites

After having received the opinion of the Planning Advisory Committee concerning the request, Council may grant a minor exemption from the provisions of the Zoning by-law or the Subdivision by-law only if all of the following conditions are fulfilled:

- a) Strict compliance with the provisions of these by-laws is impossible;
- b) The application of the provisions of these by-laws causes a serious prejudice to the person who applied for the minor exemption;
- c) The requested minor exemption does not hinder the owners of the neighbouring immovables in the enjoyment of their right of ownership;
- d) (Repealed BEAC-044-1, sec. 3)
- e) The requested minor exemption respects the aims of the Planning Programme.

2.10 Council Decisions

Council renders its decision by resolution. A copy of this resolution is transmitted to the person who applied for the minor exemption.

2.11 Issuance of the permit

Upon presentation of a copy of the resolution granting the minor exemption, and after payment of the required fee, the officer in charge shall deliver to the applicant the permit or certificate of authorization required pursuant to the Construction by-law or the Subdivision by-law.

The authorization given under this by-law does not exempt the applicant from the observance of those provisions of the Zoning by-law or Subdivision by-law which were not the subject of the minor exemption.

MAYOR

CITY CLERK