

Municipality of Litchfield
Pontiac County
Province of Quebec

BY-LAW NUMBER 2020-243

REGULATION ON MINOR DEROGATIONS
PLANNING REGULATIONS

WHEREAS Litchfield LMunicipality *has adopted a subdivision by-law 2017-227 dated February 22, 2018 and a zoning by-law No. 2017-228 dated February 22, 2018 and an amendment to the 2017-228-1 bylaw dated April 13, 2020.*

WHEREAS under the Planning and Planning Act (QRA, A-19.1), the municipality may pass by-law on minor derogations from zoning and subdivision by-laws other than those relating to land use and density;

WHEREAS a planning committee will be set up in accordance with the Planning and Planning Act (LRQ, a-19.1).

WHEREAS the notice of motion and draft regulation on minor derogations from planning regulations was tabled and adopted on August 10, 2020;

WHEREAS It is moved by Denis Dubeau and unanimously resolved to adopt by-law 2020-243 on September 14th, 2020, as follows:

1. LEGAL PROVISIONS

This regulation is referred to as "DEROGATIONS IN URBANISM" (housing and zoning).

1.1 Entry into force

This regulation comes into force in accordance with the Act.

1.2 Subject Territory

This regulation applies to the entire territory of the municipality.

1.3 Amendment mode

In accordance with the provisions of the Planning and Planning Act (QRA, A-19.1), this regulation must be amended or repealed by a regulation approved under the provisions of the Act.

2. AREA OF APPLICATION

2.1 The municipal council may grant a minor waiver.

2.2 The minor derogation may only be granted if the application of the regulation has the effect of causing serious harm to the person requesting it

2.3 The minor derogation cannot be granted if it interferes with the owners of neighboring buildings enjoying their ownership rights.

2.4

Only zoning and subdivision by-laws may be subject to a minor derogation **other than those relating to land use and density**, as well as minimum standards for construction and works. along a lake or stream (section 4.22 of the zoning by-law), provisions specific to agricultural activity (section 4.22.3 of the zoning by-law), uses, subdivisions and buildings prohibited from un-sanitary purposes and appearance. Published on closed waste disposal sites (section 4.21. Zoning by-laws) and standards for the conservation and felling of trees (Chapter 4 of the zoning by-law).

Notwithstanding the previous paragraph, a minor waiver may be requested and granted under the following conditions:

- 2.4.1 In order to allow the construction or expansion of a main building when the size of the lot, which is necessarily separate, no longer permits the construction or expansion of this main building, following the creation of the waterfront protection strip, and the work cannot be reasonably carried out elsewhere on the ground. However, a minimum five-meter shoreline protection strip must be retained and maintained in its natural state;
- 2.4.1.1 In order to allow the felling of trees above the standards prescribed for stands that are exceptionally degraded or very vulnerable to natural disturbance. A forest management plan, signed by an engineer who is a member of the Order of Forest Engineers of Quebec, must accompany the application for a minor derogation;
- 2.4.2 In order to allow an agricultural area of less than one (1) hectare for each a comma two (1.2) s unit animals, provided that an agronomic study accompanies the application for a minor exemption and demonstrates that the minor derogation requested will generate no more than forty-five (450 kilograms of phosphorus per hectare;
- 2.4.3 In order to allow the accounting of animal production-related application grounds, even if they are located more than five (5) kilometers from the livestock building, on the condition that an economic and agronomic study accompanies the application and demonstrates that the minor derogation requested will not affect the economic profitability of the production concerned and provided that the livestock building and the applied land concerned are located within the territory of the municipality.
- 2.5 The flood zone provisions may be waived in according with the conditions and criteria set out in the Interim Flood Zone Control Regulations number 117-2006 of the Pontiac County Regional Municipality applicable on the municipality's territory, provided that the waiver application complies with the other provisions of this regulation."
- 2.6.1 The application for a minor derogation must comply with all provisions of the administration, construction and subdivision and zoning by-law that are not subject to a minor derogation.
- 2.7 A minor derogation from zoning and subdivision by-laws must meet the objectives of the urban plan.

3. SITUATIONS APPLICABLE FOR A MINOR WAIVER APPLICATION

A minor waiver application may be made at the time of an application for a permit or certificate.

A minor derogation may also, **as a result of extraordinary circumstances**, be granted in respect of work in progress or already carried out, in the event that such work has been the subject of a building permit or authorization and has been carried out in **good faith**.

4. APPLICANT'S PROCEDURES FOR A MINOR DEROGATION

Anyone requesting a minor derogation from any of the specific

provisions listed in Section 2 of this Regulation **must:**

- Request it in writing by filling out the form "Request for a Minor Derogation from Planning Regulations" form;
- Provide the title establishing that the applicant owns the affected building;
- In the case of a minor deviation from margins and subdivision, provide a plan of the land and, if applicable, of the proposed or existing building, which plan must be made and signed by a surveyor-geometer;
- at the time of filing the minor waiver application, pay the fifty dollars (\$50.00) fee for the study of the application. These study fees cannot be reimbursed by the municipality, regardless of the municipality's response;
- (cover) the publication costs of two hundred dollars (\$200.00) of the public notice under section 5.6. These publication fees cannot be reimbursed by the municipality and do not
- Whatever the municipality's response; further, following the verification of the content of the application by the building inspector, the applicant must provide any additional information required by the inspector.

5. **ADMINISTRATIVE PROCEDURES**

The process for applying for a minor waiver is as follows:

- 5.1 Applicants who want to benefit from the minor waiver procedure must:
- Apply on the form for this purpose.
 - Pay for the study
 - to pay the publication fee.
- 5.2 The application is forwarded for consideration to the building inspector who must, among other things, verify whether the application is accompanied by all the plans and documents required by the permit and certificate issuance regulations and whether it complies with the provisions of the building by-law and those of the zoning and subdivision by-laws not subject to the application for a minor exemption.
- 5.3 The building inspector forwards the application to the Planning Advisory Committee or council; where the application has already been the subject of an application for a permit or certificate, the documents relating to the application must also be forwarded to the committee.
- 5.4 The Planning Advisory Committee reviews the application and may ask the building inspector or applicant for additional information to complete the study. He may also visit the building that is the subject of a minor waiver application after notifying the applicant.
- 5.5 The Planning Advisory Committee **makes** its written opinion to the City Council, taking into account, among other things, the criteria of section 2 of this by-law. The notice should specify the factors that explain the committee's decision. This notice is forwarded to the board.
- 5.6 The Secretary-Treasurer, in conjunction with the Council, sets the date for the council meeting where the request for a minor waiver will be discussed and at least fifteen (15) days before the meeting, has a notice issued in accordance with the provisions of section 445 of the municipal code. In addition, the content of this notice must contain, as required by section 145.6 of the Planning and Planning Act, the following:
- The date, time and location of the council meeting
 - The nature and effects of the minor derogation requested;

- The designation of the building affected by the application;
- a statement specifying that anyone interested can be heard by the board.

5.7 The Board must then make its decision following the receipt of the opinion of the Planning Advisory Committee and after hearing everything of interest during the consultation session.

5.8 In the event that the request for a minor waiver has been accepted by the City Council, the Secretary-Treasurer sends a copy of the resolution granting this so-called minor derogation to the building inspector who must subsequently issue the permit or certificate after payment of the tariff required by the regulations on the issuance of permits and certificates.

5.9 A copy of the resolution by which the board makes its decision must be forwarded to the person who requested the waiver.

Colleen Larivière
Mairesse

Julie Bertrand
Director-General

Notice of motion: August 10, 2020
Draft Regulation: August 10, 2020
Resolution: 2020-08-129
Adopted on: September 14, 2020
Resolution: 2020-09-136
Published: September 15, 2020