



EXTRACT of Minutes of the regular meeting of the Council of the Town of Hudson held at the Community Centre on July 6th, 2009 during which the following by-law was adopted:

BY-LAW N° 530

CONCERNING MINOR DEROGATIONS

WHEREAS it is necessary to extract the minor derogations provisions from the Zoning By-Law;

WHEREAS according to Article 123 of the *Loi sur l'aménagement et l'urbanisme* (L.R.Q., c. A-19.1), this by-law is not subject to approval by way of referendum;

WHEREAS notice of Motion was duly given at the June 1st, 2009 Council meeting;

WHEREAS the requirements of Article 356 of the Cities and Towns Act have been met and that Council declares having read By-Law No 530 and relinquishes its reading;

THEREFORE it is **moved** by Councillor Robert Parkinson and **seconded** by Councillor Thomas Birch and unanimously resolved that by-law bearing number 530 concerning minor derogations be and is hereby adopted and that it be decreed as follows:

1. Council

After having received the recommendation of Planning Advisory Committee in this respect, the municipal Council may grant an exemption from the provisions of the zoning by-law, other than those relating to land use and land occupation density and those for a zone in which land use is subject to particular constraints for reasons of public safety only in the following cases:

- 1.1. strict compliance with the By-law is impossible;
- 1.2. the exemption does not hinder the owners of neighbouring immovables in the enjoyment of their right of ownership.

2. Territory

A minor exemption may be granted throughout the territory of the Municipality.

3. Planning program

An exemption must respect the aims of the planning program.

4. Resolution

An exemption is granted by a resolution of the municipal Council.

5. Works contemplated

A resolution granting an exemption may have effect in respect to work in progress or already carried out, if such work was authorized by a building permit and was carried out in good faith.

6. Procedure

Anyone requesting an exemption must produce to the Municipal Inspector:

- 6.1. a signed letter describing the nature of the exemption requested;
- 6.2. the title establishing ownership of the immovable contemplated;
- 6.3. a plan or drawing identifying the lot and, as the case may be, the proposed or existing building as well as the exemption requested: if the exemption concerns a setback, the plan must be signed by a land-surveyor.



7. Fees

Anyone applying for an exemption must make a prior deposit of the following sums:

- 7.1. the sum of \$1,000., to cover the cost of the examination of the application: this sum shall not be refunded, whatever the outcome of the application;
- 7.2. the amount determined by the Clerk of the Municipality, as a deposit towards the cost of publishing the public notice contemplated in article 8; within fifteen (15) days of the publication of the notice:
 - 7.2.1 if the amount of the deposit exceeds the real cost of the notice, the Treasurer of the Municipality shall reimburse the balance to the applicant;
 - 7.2.2 if the real cost of the notice exceeds the amount of the deposit, the applicant must pay the supplement to the municipality.

8. Public notice

At least fifteen (15) days before the meeting during which the municipal Council shall give a decision on the application for an exemption, the Clerk of the Municipality must publish, in accordance with the Act which governs the Municipality and at the expense of the applicant, a notice:

- 8.1. indicating the date, time and place of the meeting of the municipal Council;
- 8.2. the nature and the consequences of the exemption applied for;
- 8.3. the description of the immovable concerned by using the name of the street and civic number or, if this is impossible, the lot number;
- 8.4. stating that any interested person may be heard by the municipal Council in relation to the application.

9. Notice to applicant

A copy of the resolution containing the decision of the municipal Council must be sent to the person who applied for the exemption.

10. The present by-law shall come into force according to law.

BL530

CARRIED

Original signed by: *Elizabeth A. Corker, Mayor* *Louise L. Villandré, Director General*

Certified Extract

Louise L. Villandré, o.m.a.
Director General