



BY-LAW NUMBER 356-2024

**AMENFING THE BY-LAW ON MINOR VARIANCES
197-2012**

Resolution # 2024-06-R240

Adoption of By-law No. 356-2024, amending By-law 197-2012 of the Municipality of the Township of Harrington respecting minor exemptions, to take into account amendments to the Land Use Planning and Development Act by Bill 67 (PL 67) and to modify the content of an application.

IT WAS MOVED BY Councillor Daniel St-Onge

AND CARRIED TO ADOPT By-law number 356-2024, amending By-law 197-2012 respecting minor exemptions of the Municipality of the Township of Harrington, to consider amendments to the Land Use Planning and Development Act (LAU) by Bill No. 67 (PL 67) and to amend the content of an application.

ADOPTED UNANIMOUSLY

**PROVINCE OF QUEBEC
MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON
MRC D'ARGENTEUIL**

BY-LAW NUMBER 356-2024, amending By-law 197-2012 respecting minor variances of the Municipality of the Township of Harrington, to take into account amendments to the Land Use Planning and Development Act (LUPDA) by Bill No. 67 (PL 67) and to amend the content of an application.

WHEREAS the Municipality of the Township of Harrington is governed by the Land Use Planning and Development Act (R.S.Q., c. A-19.1).

WHEREAS By-law 197-2012 respecting minor exemptions of the Municipality of the Township of Harrington is in force throughout the territory and may be amended in accordance with the law.

WHEREAS the amendments made to the Act respecting land use planning and development (RLRQ, c. A-19.1) by Bill 67 (PL 67) assented to on March 25, 2021, an Act to establish a new planning regime in flood-prone areas of lakes and watercourses, temporarily granting municipalities powers to meet certain needs and amending various provisions.

WHEREAS PL 67 amends, among other things, the provisions relating to minor exemptions.

WHEREAS the purpose of this draft by-law is to amend by-law number 197-2012 to consider the amendments made by PL 67 and to amend the documents required for the content of an application.

WHEREAS a notice of motion was tabled, and the draft by-law was adopted at the regular meeting of the Municipal Council held on May 21, 2024.

WHEREAS this draft by-law does not contain any provision subject to referendum approval.

WHEREAS a public consultation meeting was held on June 4, 2024, in accordance with the law, to present the draft by-law.

WHEREAS the draft by-law is presented in accordance with the Municipal Code of Québec.

THEREFORE, the Municipality of the Township of Harrington decrees as follows:

ARTICLE 1 - PREAMBLE

The preamble forms an integral part of the present by-law.

ARTICLE 2

Minor Variance By-law 197-2012, as amended, is modified in Article **2.1.2 "Provisions of the Zoning By-law that may be the subject of a minor variance"** by replacing this article, which will read as follows:

"2.1.2: Provisions of the zoning by-law that may be the subject of a minor variance

The regulatory provisions contained in the Zoning By-law may be the subject of an application for a minor variance, except for regulatory provisions relating to:

1. Uses.
2. Ground occupation density, expressed in dwellings per hectare.
3. The number of parking spaces required for each use.
4. Provisions relating to a site where land use is subject to special constraints for reasons of public health or safety, environmental protection or general well-being with respect to regulatory provisions adopted under subparagraph 16 or 16.1 of the second paragraph of section 113 of the *Act respecting land use planning and development*.

ARTICLE 3

Minor Variance By-law 197-2012, as amended, is modified in Article **2.1.3 "Provisions of the Subdivision By-law that may be the subject of a minor variance"** by adding a paragraph after the first paragraph of the first clause that will read as follows:

"2.1.3: Provisions of the Subdivision By-law that may be the subject of a minor exemption

2. Provisions that concern a place where land use is subject to special constraints for reasons of public health or safety, environmental protection or general well-being with respect to regulatory provisions adopted under subparagraph 4 or 4.1 of the second paragraph of section 115 of the *Act respecting land use planning and development*."

ARTICLE 4

By-law 197-2012 respecting minor variances, as amended, is amended in Article **2.1.6, "Eligibility criteria"**, by adding two paragraphs after the third paragraph of the first paragraph, to read as follows:

"2.1.6: Eligibility criteria

4. If the application does not result in an increased risk to public health or safety or an adverse effect on the quality of the environment or general well-being.
5. The variance must be of a minor nature.

ARTICLE 5

Minor Variance Bylaw 197-2012, as amended, is amended in Article **2.2.2 "Contents of the application"** by adding a paragraph after the eleventh paragraph of the first clause that will read as follows:

"2.2.2: Content of the application

12. The signatures of neighbouring property owners adjacent to the immovable that is the subject of the application attesting that they have no objection to the granting of the minor variance;"

ARTICLE 6

Minor variance by-law 197-2012, as amended, is amended in section **2.2.10 "Issuance of permit or certificate"** by amending the first paragraph to read as follows:

"2.2.10: Issuance of a permit or certificate

The permit or certificate may be issued by the designated official following receipt of a certified copy of the resolution by which the Municipal Council grants the minor variance or, where applicable, of the resolution of the Council of the MRC, **or upon expiry of the period provided for in the 2nd paragraph of Article 2.2.11 of this by-law."**

ARTICLE 7

Minor variance by-law 197-2012, as amended, is modified by the addition of article **2.2.11 "Transmission of the resolution to the MRC of Argenteuil"** following article **2.2.10 "Issuance of the permit or certificate"**, which will read as follows:

"2.2.11: Transmission of the resolution to the Argenteuil MRC

When the resolution grants a minor variance in a location where land use is subject to particular constraints for reasons of public health or safety, environmental protection or general well-being, the Municipality must transmit a copy of this resolution to the Argenteuil MRC.

The MRC Council may, within 90 days of receipt of the copy of the resolution, if it considers that the decision authorizing the variance has the effect of aggravating the risks to public health or safety or of adversely affecting the quality of the environment or the general well-being:

1. Impose any condition referred to in the second paragraph of article 21 of this by-law with the aim of mitigating this risk or harm or modify, for these purposes, any condition provided for by the Municipal Council;
2. Disallow the decision authorising the derogation, where mitigation of the risk or harm is not possible.

A copy of any resolution passed by the MRC is sent to the Municipality without delay.

In these cases, a minor variance takes effect:

1. On the date on which the MRC notifies the Municipality that it does not intend to avail itself of the powers provided for in the second paragraph.
2. On the date the MRC resolution imposing or amending conditions applicable to the variance comes into force.
3. On expiry of the period provided for in the second paragraph, if the MRC has not exercised the powers provided for in that paragraph within that period.

The Municipality must send the MRC's resolution to the person who requested the variance or, in the absence of such a resolution, inform the person that its decision granting the variance has taken effect."

ARTICLE 8 - COMING INTO FORCE :

This by-law comes into force in accordance with the Act.

Gabrielle Parr
Mayor

Steve Deschênes
Director general

Notice of motion:	21 mai 2024
Adoption of draft by-law:	21 mai 2024
Notice of public consultation meeting :	27 mai 2024
Public consultation meeting:	4 juin 2024
Adoption of by-law:	17 juin 2024
Public notice of Entry into force of by-law:	23 august 2024