

NATIONAL ASSEMBLY
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AN ACT TO AMEND THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

Bill 43

Introduced by Mr André Bourbeau, Minister of Municipal Affairs

Introduced 13 May 1987

Passage in principle 11 June 1987

Passage 23 June 1987

Assented to 23 June 1987

Coming into force: 23 June 1987

Act amended:

Act respecting land use planning and development (R.S.Q., chapter A-19.1)





CHAPTER 53

An Act to amend the Act respecting land use planning and development

[Assented to 23 June 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-19.1,
s. 44, am. **1.** Section 44 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by adding, at the end of the first paragraph, the following words: “and transmit a copy thereof to the Commission for registration”.

c. A-19.1,
s. 84, am. **2.** Section 84 of the said Act is amended by adding, after paragraph 6, the following paragraph:

“(7) the delimitation within the municipal territory of development areas that may be the object of comprehensive development programmes in accordance with sections 145.9 to 145.14.”

c. A-19.1,
s. 113, am. **3.** Section 113 of the said Act is amended by replacing subparagraph 4 of the second paragraph by the following subparagraph:

“(4) to specify, by zones, the open space that must be left between structures and the different uses, between structures or between the different uses, whether the structures or uses are grouped together or not, and whether they are situated in the same zone or in contiguous zones, and to prescribe, where applicable, the use and development of such open space;”.

c. A-19.1,
ss. 145.9-
145.14,
added **4.** The said Act is amended by inserting, after section 145.8, the following division:

"DIVISION VII

"COMPREHENSIVE DEVELOPMENT PROGRAMMES

Development
programme

"145.9 The council of a municipality where a planning advisory committee has been established may adopt a by-law authorizing it to require the production of a comprehensive development programme for a zone upon any application for the amendment of the planning by-laws.

By-law

"145.10 A by-law provided for in section 145.9 must

(1) indicate the zone in respect of which any amendment to the planning by-laws is subject to the production of a comprehensive development programme;

(2) specify, for the zone, the land uses and occupation densities applicable to a comprehensive development programme;

(3) establish the procedure relating to an application for the amendment of the planning by-laws where the presentation of a comprehensive development programme is required;

(4) prescribe the mandatory components of a comprehensive development programme and the required accompanying documents;

(5) establish criteria for the assessment of a comprehensive development programme.

Consultation

"145.11 Every by-law adopted under section 145.9 shall be submitted for consultation in accordance with sections 124 to 130.

Resolution

"145.12 The council of a municipality having adopted a by-law contemplated in sections 145.9 to 145.11 shall, by resolution, approve or reject a comprehensive development programme presented to it in accordance with this division, after consultation with the planning advisory committee.

Copy

A copy of the resolution must be transmitted to the person who presented the programme.

Condition of
approval

"145.13 The council of a municipality may require as a condition of approval of a comprehensive development programme that the owners of the immovables situated in the zone contemplated in the programme

(1) assume the cost of certain components of the programme, particularly of infrastructure and public services;

(2) implement the programme within the time it prescribes;

(3) furnish such financial guarantees as it determines.

Amendment “**145.14** The council of a municipality having approved a comprehensive development programme may, subject to sections 58 to 60, adopt a by-law amending the planning by-laws so as to include the programme in them.

Consultation The by-law must be submitted for consultation in accordance with sections 124 to 130 and comes into force only after it has been approved in accordance as in subdivision 2 of Division V, where that is required under section 123.”

**c. A-19.1,
ss. 165.1-
165.4,
added** **5.** The said Act is amended by inserting, after section 165, the following chapter:

“CHAPTER VIII

“PROTECTION OF LAKESHORES, RIVERBANKS, LITTORAL ZONES AND FLOODPLAINS

**Zoning, sub-
division or
building
by-law** “**165.1** Where a zoning, subdivision or building by-law all or some of whose provisions are applicable to lakeshores, riverbanks, littoral zones or floodplains comes into force, the Commission shall transmit a copy thereof to the Minister of the Environment not later than thirty days after the registration of the certificate of conformity in accordance with section 223 or after the coming into force of the by-law in accordance with section 105.

Presumption For the purposes of the second paragraph of section 165.2, a by-law is also deemed received by the Minister if, after the expiry of ninety days from the day of the coming into force of the by-law, the Minister gives notice to the Commission and to the municipality that the by-law shall be deemed received on the day after service of the notice.

Amendment “**165.2** If the Minister of the Environment is of the opinion that a zoning, subdivision or building by-law of a municipality fails to conform with the policy of the Government contemplated in section 2.1 of the Environment Quality Act (R.S.Q., chapter Q-2) or, considering the distinctive features of the locality, fails to provide adequate protection for lakeshores, riverbanks, littoral zones and floodplains, he may request the municipality to amend it if he thinks it expedient.

Notice Such a request is made by way of a notice, briefly stating reasons, setting forth the nature and purpose of the amendments to be made

to the by-law and transmitted to the municipality not later than ninety days after the Minister receives a copy of the by-law.

Copy The Minister shall transmit a copy of the notice to the Commission and to the regional county municipality.

Applicability “**165.3** The second paragraph of section 59 and section 60 do not apply to the by-law passed by the municipality to comply with the notice of the Minister.

Copy Copy of the amending by-law shall be transmitted to the Minister, to the Commission and to the regional county municipality upon passage.

Powers of the Minister “**165.4** If, on the expiry of ninety days from receipt of the notice of the Minister, the council of the municipality has not amended its by-law in accordance with the notice, the Minister may exercise his regulation making powers to bring it into conformity with his notice, in place and instead of the municipality.

Preliminary formalities The making by the Minister of the regulation contemplated in the first paragraph is not subject to any preliminary formalities.

Coming into force The regulation comes into force on the day of its publication in the *Gazette officielle du Québec* and has the same effect as a by-law passed by the council of the municipality.

Notice Notice of the coming into force of the regulation shall be transmitted to the municipality, to the Commission and to the regional county municipality.”

c. A-19.1, s. 227.1, added **6.** The said Act is amended by inserting, after section 227, the following section:

Inconsistency “**227.1** The Superior Court may in addition, on the motion of the Minister of the Environment, make any order under section 227 where the use of land or a construction is inconsistent with a zoning by-law, subdivision by-law or building by-law relating to the protection of lakeshores, riverbanks, littoral zones or floodplains.”

c. A-19.1, s. 264, am. **7.** Section 264 of the said Act is amended by replacing the word and figure “paragraph 6” in the first line of paragraph *b* of subparagraph 1 of the second paragraph by the words and figures “paragraphs 6 and 7”.

c. A-19.1, s. 264.0.1, am. **8.** Section 264.0.1 of the said Act is amended by replacing the word and figure “paragraph 6” in the first line of paragraph *b* of subparagraph 1 of the second paragraph by the words and figures “paragraphs 6 and 7”.

c. A-19.1,
s. 267, am.

9. Section 267 of the said Act is amended

(1) by replacing the words “government interventions” in the second line by the words “interventions of the Government or of its departments or agencies”;

(2) by adding, at the end, the following paragraph:

Delegation
of powers

“The minister designated in accordance with the first paragraph may authorize another minister or an agency of the Government to exercise all or part of his powers or to perform his duties and functions under sections 149 to 165.”

Effect

10. Section 9 has effect from 12 December 1979 but does not apply to judgments rendered before 13 May 1987 or cases pending on that date.

Coming into
force

11. This Act comes into force on 23 June 1987.