



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 43

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

Introduction

**Introduced by
Mr André Bourbeau
Minister of Municipal Affairs**

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EXPLANATORY NOTES

The first object of this bill is to introduce precise rules into the Act respecting land use planning and development in order to provide a clearer statutory framework for the power of a municipal council to zone a defined area of its territory by stages. The new procedure will permit the council to adopt a temporary and summary development programme for certain undeveloped parts of its territory and to amend the pertinent planning by-laws later to include in them a comprehensive development programme presented by a promoter and approved by the council.

Secondly, the bill gives to the Minister of the Environment responsibility for ensuring that all municipal planning by-laws are in conformity with the policy of the Ministère de l'Environnement on the protection of lakeshores, riverbanks, littoral zones and floodplains. The Minister will, for example, be authorized under the Act respecting land use planning and development to request a municipality to amend a zoning, subdivision or building by-law if in his opinion the by-law does not conform to the policy or does not adequately protect such areas.

Bill 43

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 84 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) 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.”

2. The said Act is amended by inserting, after section 145.8, the following division:

“DIVISION VII

“COMPREHENSIVE DEVELOPMENT PROGRAMMES

“**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.

“**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.

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

“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.

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

“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.

“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.

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.”

3. The said Act is amended by inserting, after section 165, the following chapter:

“CHAPTER VIII

“PROTECTION OF LAKESHORES, RIVERBANKS, LITTORAL ZONES AND FLOODPLAINS

“**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 is the subject of a certificate of conformity issued pursuant to section 44, the municipality shall transmit a copy thereof to the Minister of the Environment not later than thirty days after issue of the certificate.

If the municipality fails to transmit the copy of the by-law to the Minister within the prescribed time, the Minister shall serve notice on it that the by-law shall be deemed received on the day after service of the notice.

“**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.

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.

“**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 of the amending by-law shall be transmitted to the Minister upon passage.

“**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.

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

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 of the coming into force of the regulation shall be transmitted by the Minister to the municipality.”

4. The said Act is amended by inserting, after section 227, the following section:

“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.”

5. 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:

“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.”

6. Section 5 has effect from 12 December 1979 but does not apply to judgments rendered before (*insert here the date of introduction of this bill*) or cases pending on that date.

7. This Act comes into force on (*insert here the date of assent to this Act*).