

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1989, chapter 46
**AN ACT TO AMEND THE ACT RESPECTING
LAND USE PLANNING AND DEVELOPMENT
AND OTHER LEGISLATION**

Bill 130

Introduced by Mr Pierre Paradis, Minister of Municipal Affairs

Introduced 2 May 1989

Passage in principle 17 May 1989

Passage 22 June 1989

Assented to 22 June 1989

Coming into force: 22 June 1989

Acts amended:

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

Municipal Code of Québec (R.S.Q., chapter C-27.1)

Act to amend the Act respecting land use planning and development, the Cities and Towns Act and the Municipal Code of Québec (1987, chapter 102)





CHAPTER 46

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

[Assented to 22 June 1989]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-19.1,
s. 6, am.

1. Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 330 of chapter 64 of the statutes of 1987, is again amended by adding, after the second paragraph, the following paragraph:

Com-
plementary
document

“The requirement provided for in subparagraph 1 of the second paragraph may be general or special. In the latter case, the complementary document may specify

- (1) any municipality contemplated;
- (2) any contemplated part of the territory of the municipality;
- (3) any contemplated condition for the issue of the building permit among the conditions set out in section 116;
- (4) any class of structure in respect of which the municipality must not grant an exemption under the third or fourth paragraph of section 116.”

c. A-19.1,
s. 95, am.

2. Section 95 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

Draft
by-laws

“It may, in addition, submit to the consultation any draft by-law concerning minor exemptions from a planning by-law, comprehensive development programmes or site planning and architectural integration programmes.”

c. A-19.1,
s. 115, am. **3.** Section 115 of the said Act is amended by inserting the words “, which entails no increase in the number of lots” after the word “numbers” in the third line of subparagraph 8 of the second paragraph.

c. A-19.1,
s. 116, am. **4.** Section 116 of the said Act is amended by inserting, after the third paragraph, the following paragraphs:

Exemptions “The by-law may prescribe that the condition set out in subparagraph 1 of the first paragraph does not apply to a proposed structure the location of which is to be identical to that of an existing structure. It may also provide for the same exemption in respect of any other proposed structure where it is proved to the officer responsible for issuing the permit that such structure will not be erected on parcels of land belonging to different owners.

Restriction An exemption granted under the fourth paragraph does not apply where the estimated cost of the cadastral operation whereby one or several separate lots may be made on the land where the structure is to be erected does not exceed 10% of the estimated cost of the structure.”

c. A-19.1,
s. 120, am. **5.** Section 120 of the said Act is amended by inserting the words “and, where such is the case, the plans have been approved in accordance with section 145.19” after the word “by-law” in the second line of paragraph 2.

c. A-19.1,
s. 121, am. **6.** Section 121 of the said Act is amended by inserting the words “and, where such is the case, the plans have been approved in accordance with section 145.19” after the word “by-law” in the second line of paragraph 2.

c. A-19.1,
s. 123, am. **7.** Section 123 of the said Act is amended by replacing the words “a by-law having as its object to allow the council to grant minor exemptions” in the second and third lines of the first paragraph by the words “a by-law concerning minor exemptions from a planning by-law, comprehensive development programmes or site planning and architectural integration programmes.”

c. A-19.1,
s. 133, am. **8.** Section 133 of the said Act is amended by replacing the words “at least eight days before” in the second and third lines of the first paragraph by the words “not later than the eighth day preceding the day of”.

c. A-19.1,
s. 145.11,
repealed **9.** Section 145.11 of the said Act is repealed.

c. A-19.1,
s. 145.12,
am.

10. Section 145.12 of the said Act is amended by replacing the words and figures “sections 145.9 to 145.11” in the second line of the first paragraph by the word and figure “section 145.9”.

c. A-19.1,
ss. 145.15-
145.20,
added

11. The said Act is amended by inserting, after section 145.14, the following division:

“DIVISION VIII

“SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMMES

Issue of
permits

“145.15 The council of a municipality where a planning advisory committee has been established may, by by-law, subordinate the issue of a building or subdivision permit or a certificate of authorization or occupancy to the approval of plans relating to the site and architecture of the constructions or the development of the land and related work.

By-law

“145.16 The by-law must

(1) specify every zone and every class of construction, land or work to which it applies;

(2) determine objectives regarding site planning and the architecture of constructions or the development of the land, and set out criteria permitting to assess whether the objectives have been achieved;

(3) prescribe the minimum content of the plans and, in particular, require that they include one or several of the following components:

(a) the location of existing and proposed constructions;

(b) a description of the land and the proposed development work;

(c) the architecture of the constructions to be built, converted, enlarged or added to;

(d) the relations between such constructions and adjacent constructions;

(4) prescribe the documents that must be submitted with the plans;

(5) prescribe the procedure applicable to an application for a building or subdivision permit or a certificate of authorization or occupancy where the issue of such a permit or certificate is subordinated to the approval of plans.

- Rules** “**145.17** The by-law may establish different rules according to zones, types of construction, class of land or kind of work or according to any combination of zones and classes.
- Consultation** “**145.18** The council may order that the plans be submitted for consultation in accordance with sections 125 to 129 which apply, adapted as required.
- Approval of plans** “**145.19** After consulting the planning advisory committee and holding any consultation ordered under section 145.18, the council of the municipality shall approve the plans if they are in conformity with the by-law or, if not, it shall refuse its approval.
- Resolution** The resolution refusing to approve the plans shall state the reasons for the refusal.
- Condition of approval** “**145.20** The council may, in addition, require as a condition of approval of the plans that the owner assume the cost of certain components of the plans, such as the cost of infrastructure or public services, that he implement his project within a fixed period or that he furnish financial guaranties.”
- c. A-19.1,
s. 187, am. **12.** Section 187 of the said Act is amended by replacing the third paragraph by the following paragraph:
- Absence of mayor** “If the mayor is absent, is unable or refuses to act, or if the office of mayor is vacant, the mayor shall be replaced on the council of the regional county municipality by a substitute designated by the council of the municipality from among its members.”
- c. A-19.1,
s. 239, am. **13.** Section 239 of the said Act is amended by replacing the words “or municipality” in the second line of the second paragraph by the words “, municipality or Commission”.
- c. C-27.1,
a. 10, am. **14.** The English text of article 10 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the words “a majority vote of three-quarters of the members” in the eighth and ninth lines of the third paragraph by the words “the affirmative vote of a number of members representing not less than 75% of the population of the regional county municipality”.
- c. C-27.1,
a. 117, am. **15.** Article 117 of the said Code is amended by striking out the third paragraph.
- c. C-27.1,
a. 549, am. **16.** The English text of article 549 of the said Code is amended by striking out the second paragraph of subsection 8.

1987, c. 102,
s. 48, am.

17. Section 48 of the Act to amend the Act respecting land use planning and development, the Cities and Towns Act and the Municipal Code of Québec (1987, chapter 102) is amended by replacing the word “second” in the fifth line of the first paragraph by the word “first”.

1987, c. 102,
s. 52, am.

18. Section 52 of the said Act is amended by replacing the figure “49” in the third line by the figure “50”.

Effect

19. Sections 14, 17 and 18 have effect from 1 January 1988 and section 16 has effect from 22 February 1989.

Coming into
force

20. This Act comes into force on 22 June 1989.