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Part

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Laws and Regulations

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Notice

An Act respecting land use planning and development (chapter A-19.1)

Draft Order respecting the amendment to Order in Council 817-2019 dated 12 July 2019 respecting the declaration of a special planning zone to promote better management of flood zones and exemption of the territory contemplated in the draft Order from prohibitions following its publication

Notice is hereby given that, under sections 158 and following of the Act respecting land use planning and development (chapter A-19.1), the Government plans to amend Order in Council 817-2019 dated 12 July 2019 respecting the declaration of a special planning zone to promote better management of flood zones.

Under section 161 of the Act, an order to amend a special planning zone order may be passed only if a draft order has been previously published in the *Gazette officielle du Québec* and notified to each responsible body or municipality concerned.

Under the first paragraph of section 163 of the Act, before the making of the order, the Minister or the Minister's representative must hold a consultation on the content of the draft order.

Notice is also given that, pursuant to section 162 of the Act, the Government is exempting the whole of the territory contemplated in the draft Order from the prohibitions enacted by that section, as indicated in Order 1127-2019 dated 13 November 2019.

Those prohibitions cease to apply from the date of the publication of this notice in the *Gazette officielle du Québec*.

Further information on the draft Order may be obtained by contacting Stéphane Bouchard, Director General, Direction générale de l'urbanisme, de l'aménagement du territoire et de l'habitation, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3; telephone: 418 691-2038; email: zis2019@mamh.gouv.qc.ca.

ANDRÉE LAFOREST,
Minister of Municipal Affairs and Housing

104156

Draft Regulations

Draft Order

An Act respecting land use planning and development (chapter A-19.1)

Amendment to Order in Council 817-2019 dated 12 July 2019 respecting the declaration of a special planning zone to promote better management of flood zones

WHEREAS, under sections 158 and 159 of the Act respecting land use planning and development (chapter A-19.1), the Government may, by order, declare any part of the territory of Québec to be a special planning zone for the purpose of solving a development or environmental problem whose urgency or seriousness, in the opinion of the Government, warrants its intervention;

WHEREAS, by Order in Council 817-2019 dated 12 July 2019, the Government declared the territory identified therein to be a special planning zone in order in particular to ensure the safety of persons and property and to promote stringent management of flood zones;

WHEREAS that Order in Council establishes the land use planning and development controls applicable within the perimeter of the special planning zone, which was amended by orders of the Minister of Municipal Affairs and Housing dated 2 August 2019, 23 August 2019 and 25 September 2019;

WHEREAS that Order in Council provides, with respect to part of the territory of Ville de Sainte-Marthe-sur-le-Lac, a special plan that takes into account the presence of a dike on which consolidation and heightening work must be carried out;

WHEREAS dikes on which such work must be carried out are also present in the territories of Ville de Deux-Montagnes and Municipalité de Pointe-Calumet;

WHEREAS it is expedient to amend Order in Council 817-2019 dated 12 July 2019 to include in the territory of the special planning zone additional parts of the territories of Municipalité de Pointe-Calumet and Ville de Sainte-Marthe-sur-le-Lac, and to extend, to the three municipalities concerned, a same special plan that takes into account those flood protection works, allows the carrying out of work on those works and promotes the development of the territories protected by those works;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Housing:

THAT Order in Council 817-2019 dated 12 July 2019, amended by orders of the Minister of Municipal Affairs and Housing dated 2 August 2019, 23 August 2019 and 25 September 2019, be amended

(1) by adding the following after subparagraph 3 of the first paragraph:

“(4) every part of the territories of Municipalité de Pointe-Calumet and Ville de Sainte-Marthe-sur-le-Lac included in the highest water mark reached during the May 2017 flood, as delimited in the Règlement de contrôle intérimaire de la Communauté métropolitaine de Montréal numéro 2019-78 concernant les plaines inondables et les territoires à risque d’inondation, in force on 9 October 2019;”;

(2) by replacing “to the part of the territory of Ville de Sainte-Marthe-sur-le-Lac situated” in subparagraph 10 of the fourth paragraph by “to parts of the territories of Ville de Deux-Montagnes, Municipalité de Pointe-Calumet and Ville de Sainte-Marthe-sur-le-Lac situated”;

(3) by replacing “that part” in subparagraph 11 of the fourth paragraph by “those parts”;

(4) by adding the following after subparagraph 11 of the fourth paragraph:

“(11.1) despite subparagraphs 1 and 2 and any inconsistent provision of any instrument of a local municipality, regional county municipality or metropolitan community, in the territories of Ville de Deux-Montagnes, Municipalité de Pointe-Calumet and Ville de Sainte-Marthe-sur-le-Lac, a municipality is authorized to make any intervention related to a dike;”;

(5) by replacing “in the part of the territory referred to in paragraph 10 of the controls provided for in this Order, the only more stringent standards that may be compatible are those contained in the urban planning by-laws of Ville de Sainte-Marthe-sur-le-Lac” in the eighth paragraph by “in the parts of the territory referred to in paragraph 10 of the controls provided for in this Order, the only more stringent standards that may be compatible are those

contained in the urban planning by-laws of Ville de Deux-Montagnes, Municipalité de Pointe-Calumet and Ville de Sainte-Marthe-sur-le-Lac”;

THAT Schedule 4 of the Order in Council be amended by striking out “Pointe-Calumet (Municipalité)”.

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Regulations and other Acts

Gouvernement du Québec

O.C. 1127-2019, 13 November 2019

An Act respecting land use planning and development
(chapter A-19.1)

Exemption of the territory contemplated in the draft Order respecting the amendment to Order in Council 817-2019 dated 12 July 2019 respecting the declaration of a special planning zone to promote better management of flood zones from prohibitions following the publication of the draft Order

WHEREAS a draft Order respecting the amendment to Order in Council 817-2019 dated 12 July 2019 respecting the declaration of a special planning zone to promote better management of flood zones is published in the *Gazette officielle du Québec*, in accordance with section 161 of the Act respecting land use planning and development (chapter A-19.1), on the same date as this Order;

WHEREAS, under subparagraph 1 of the first paragraph of section 162 of the Act respecting land use planning and development, from the date of that publication until the date of the coming into force of the Order, any new construction, alteration, addition or installation is prohibited in the territory contemplated in the draft Order;

WHEREAS, under the second paragraph of that section, the Government may at any time exempt any part of the territory contemplated in the draft Order from the prohibitions enacted by that section and those prohibitions then cease to apply in that part of the territory from the date of the publication by the Minister of Municipal Affairs and Housing, in the *Gazette officielle du Québec*, of a notice containing the description of that part of the territory thus exempted from the prohibitions enacted by that section;

WHEREAS it is expedient to exempt the whole of the territory contemplated in the draft Order from the prohibitions enacted by section 162 of the Act respecting land use planning and development;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Housing:

THAT the whole of the territory contemplated in the draft Order respecting the amendment to Order in Council 817-2019 dated 12 July 2019 respecting the declaration of a special planning zone to promote better management of flood zones be exempted from the prohibitions enacted by section 162 of the Act respecting land use planning and development (chapter A-19.1).

YVES OUELLET,
Clerk of the Conseil exécutif

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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