

Regulations and other Acts

Gouvernement du Québec

O.C. 594-2017, 21 June 2017

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

Exemption of the territory contemplated in the draft Order relating to the declaration of a special planning zone in the territory of certain local municipalities affected by the floods that occurred in April and May 2017 from the prohibitions following the publication of the draft Order

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 in April and May 2017, an exceptional spring flood caused major floods in the territory of a number of local municipalities;

WHEREAS the floods caused major damages to a number of residences and other buildings;

WHEREAS the Government is of the opinion that there is a land use planning problem whose seriousness warrants its intervention;

WHEREAS the Government wishes to publish in the *Gazette officielle du Québec* a draft Order relating to the declaration of a special planning zone in the territory of certain of those local municipalities, in accordance with section 161 of the Act respecting land use planning and development;

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

(1) is located in the high-velocity zone of a floodplain, as delimited in the land use planning and development plan of the regional county municipalities comprising the territory of the municipalities;

(2) is located in a floodplain identified in the land use planning and development plan of the regional county municipalities without distinguishing the high-velocity zones from the low-velocity zones;

WHEREAS, under the second paragraph of section 162 of the Act, the Government may at any time exempt any part of the territory contemplated in the draft Order from the prohibitions enacted by the section and the prohibitions then cease to apply in that part of the territory from the date of the publication by the Minister, 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 the section;

WHEREAS it is expedient to exempt the overall territory contemplated in the draft Order from the prohibitions provided for in 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 Land Occupancy:

THAT the overall territory contemplated by the draft Order relating to the declaration of a special planning zone in the territory of certain local municipalities affected by the floods that occurred in April and May 2017 be exempted from the prohibitions provided for in section 162 of the Act respecting land use planning and development (chapter A-19.1).

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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