

Regulations and other Acts

Gouvernement du Québec

O.C. 1260-2019, 18 December 2019

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 provide, for the three municipalities concerned, a 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;

WHEREAS, in accordance with section 161 of the Act respecting land use planning and development, a draft Order was previously published in the *Gazette officielle du Québec* of 18 November 2019 and notified to each local municipality and regional county municipality concerned by the draft Order;

WHEREAS, in accordance with section 163 of the Act, the content of the draft Order has been the subject of a consultation;

WHEREAS, under the first paragraph of section 164 of the Act, the Order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient that the Order be made with the required amendments;

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 paragraph 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 paragraph 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 paragraph 11 of the fourth paragraph by the following:

“(11) despite paragraph 10, no structure may be built on vacant land within those parts of territory; land is vacant if, on 1 April 2019 or, in the case of Municipalité de Pointe-Calumet and Ville de Deux-Montagnes, on 1 April 2017, no building is located on the land or one or more buildings on the land have a total value of less than 10% of the value of the land as it appears on the property assessment roll in force on that date;”;

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

“(11.1) despite paragraphs 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 adding the following after paragraph 12 of the fourth paragraph:

“(13) paragraph 11 does not apply to parts of the territories of Municipalité de Pointe-Calumet and Ville de Sainte-Marthe-sur-le-Lac that are both described in Schedule 4 and situated outside 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:”;

(6) 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 this Order come into force on the date of its publication in the *Gazette officielle du Québec*.

YVES OUELLET,
Clerk of the Conseil exécutif