

Draft Regulations

Draft Order

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

Regional county municipalities of La Vallée-du-Richelieu, Haut-Richelieu, Brome-Missisquoi and Rouville — Declaration of a special planning zone in the territory

Notice is hereby given that, under section 158 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the Government intends to declare part of the territory of the regional county municipalities of La Vallée-du-Richelieu, Haut-Richelieu, Brome-Missisquoi and Rouville to be a special planning zone by an order appearing below.

Under section 161 of the Act, a special planning zone order may be passed only if a draft order has been previously published in the *Gazette officielle du Québec*.

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

Further information may be obtained by contacting Robert Sabourin, Regional Director, Direction régionale, Ministère des Affaires municipales, des Régions et de l'Occupation du territoire, Édifice Montval, 201, Place Charles-Le Moyne, Bureau 403, Longueuil (Québec); telephone: 450 928-5670; fax: 450 928-5673.

LAURENT LESSARD,
*Minister of Municipal Affairs,
Regions and Land Occupancy*

Declaration of a special planning zone in the territory of the regional county municipalities of La Vallée-du-Richelieu, Haut-Richelieu, Brome-Missisquoi and Rouville

WHEREAS, under section 158 of the Act respecting land use planning and development (R.S.Q., c. 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 May and June 2011, an exceptional and extended spring flood of rivière Richelieu and baie Missisquoi flooded nearly 3,000 residences in the Montérégie, in the territory of the regional county municipalities of La Vallée-du-Richelieu, Haut-Richelieu, Brome-Missisquoi and Rouville;

WHEREAS the land use planning and development controls applicable in the part of the territory of the regional county municipalities located in the 0-20-year flood elevation, in accordance with the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains, generally prohibit the repair or reconstruction of an undertaking or structure considered as having been destroyed in that flood elevation by a flood;

WHEREAS the land use planning and development controls currently applicable in that part of the territory do not allow the repair or reconstruction of homes destroyed or become dangerous, or diminished in their value by at least 50%, as a result of a flood;

WHEREAS the Government is of the opinion that it is a development problem whose seriousness warrants its intervention;

WHEREAS it is important, in the interest of the public, to amend the land use planning and development controls in force in the municipalities in order to allow, under certain conditions, the repair or reconstruction of homes as soon as possible and in the best conditions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT the part of the territory of the regional county municipalities of La Vallée-du-Richelieu, Haut-Richelieu, Brome-Missisquoi and Rouville located in the 0-20-year flood elevation of rivière Richelieu and baie Missisquoi, represented on the map in Schedule 1 and further determined for each local municipality concerned on the maps listed in Schedule 2 and available in the office of each regional county municipality concerned, be declared a special planning zone;

THAT the objectives pursued be stated as follows:

(1) to offer disaster victims the possibility of repairing or reconstructing their homes, under certain conditions, and as soon as possible;

(2) to foster the reintegration of families into the home environment to which they belong;

(3) to avoid adversely affecting, particularly financially and psychologically, persons already highly affected by the loss of their property;

(4) to see that all municipalities and disaster victims concerned are submitted to uniform standards, made by this Order in Council;

THAT the land use planning and development controls applicable within the perimeter of the special planning zone be as follows:

(1) in 0-2-year flood elevations, the repair or reconstruction of a building destroyed or become dangerous, or diminished in its value by at least 50% as a result of a flood, except if the building is referred to in paragraphs *b* to *l* of section 4.2.1 of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains, made by Order in Council 468-2005 dated 18 May 2005 as amended by Order in Council 709-2008 dated 25 June 2008, is prohibited;

(2) in 2-20-year flood elevations, only the repair or reconstruction of a home destroyed or become dangerous, or diminished in its value by at least 50%, only by the owner who used it to that effect at the time of the May and June 2011 floods, provided that the reconstruction is done within 12 months of the coming into force of this Order in Council and that it complies with the flood-proofing standards provided for in paragraph 3 and the repair or reconstruction of a building referred to in paragraphs *b* to *l* of section 4.2.1 of the Policy mentioned in paragraph 1 are allowed;

(3) the repair or reconstruction referred to in paragraph 2 must comply with the following flood-proofing standards:

1. no opening (window, cellar window, door, garage, etc.) may be lower than the 100-year flood elevation;
2. no ground floor is allowed at a level that is lower than the level of the 100-year flood elevation;
3. drains must have a non-return valve;
4. for any structure or part of a structure built below the 100-year flood level, a study must show the structure's resistance to flooding and must include calculations relating to

— waterproofing;

— structural stability;

— reinforcement necessary;

— seepage water pumping capacity; and

— resistance of the concrete to compression and tension;

5. the filling of land must be restricted to protecting the area immediately around the repair or reconstruction and must not extend to the entire landsite; the average slope downward from the top of the fill next to the protected structure or undertaking should not be less than 33 $\frac{1}{3}$ % (vertical to horizontal ratio of 1:3), as shown in the figure in Schedule 3.

(4) any new construction, except if referred to in section 4.2.1 mentioned in paragraph 1, is prohibited in the 0-20-year flood elevation;

(5) the standards established in the land use planning and development controls by the local municipality and the regional county municipality concerned continue to apply to the territory of the special planning zone provided the standards are not incompatible with these controls;

(6) the Minister of Public Security may extend the period mentioned in paragraph 2 for any person who shows that he or she could not comply with the period;

(7) in these controls, unless the context indicates otherwise,

1. "0-2-year flood elevation" means an area located between the watercourse and the high-water mark. The high-water mark corresponds to the natural high-water mark, namely,

(a) the point where predominantly terrestrial plants succeed predominantly aquatic plants, or where there are no aquatic plants, the point closest to the water where terrestrial plants no longer grow.

Plants considered to be aquatic plants are all hydrophytes, including submergents, floating plants, emergents and emerged herbaceous and woody plants characteristic of open marshes and swamps;

(b) where a water retaining structure exists, the maximum operating water level of the hydraulic structure for the upstream portion of the body of water;

(c) where there is a legally erected retaining wall, the top of the structure;

(d) where the land use plan defines a 0-2-year flood elevation, it is presumed to be a 0-2-year flood elevation for the purposes of this Order in Council;

2. “0-20-year flood elevation” means an area located between the limit of the 0-2-year flood elevation and the 0-20-year flood elevation of rivière Richelieu and baie Missisquoi;

3. “home” means a place where an individual establishes his or her principal residence, that is the place where the individual ordinarily resides and where the individual lives when carrying on his or her main activities on an annual basis. A dwelling, a single-family home, a duplex, a semi-detached home, a terraced home or a condominium may be such a place. However, cottages, secondary residences and every building used mainly for recreational purposes are excluded;

THAT the regional county municipalities of La Vallée-du-Richelieu, Haut-Richelieu, Brome-Missisquoi and Rouville each be designated the authority responsible for the administration of these controls as regards the part of their respective territory within the perimeter of the special planning zone;

THAT the council of each regional county municipality concerned may designate an officer of each local municipality the territory of which is concerned by the special planning zone to see to the application of these controls and the designation is valid only if the council of the local municipality agrees thereto;

THAT in the case where a regional county municipality makes the designation provided for in the previous paragraph, it must ensure that the application of the controls provided for in paragraphs 1 to 4 is uniform and fair for all of its territory;

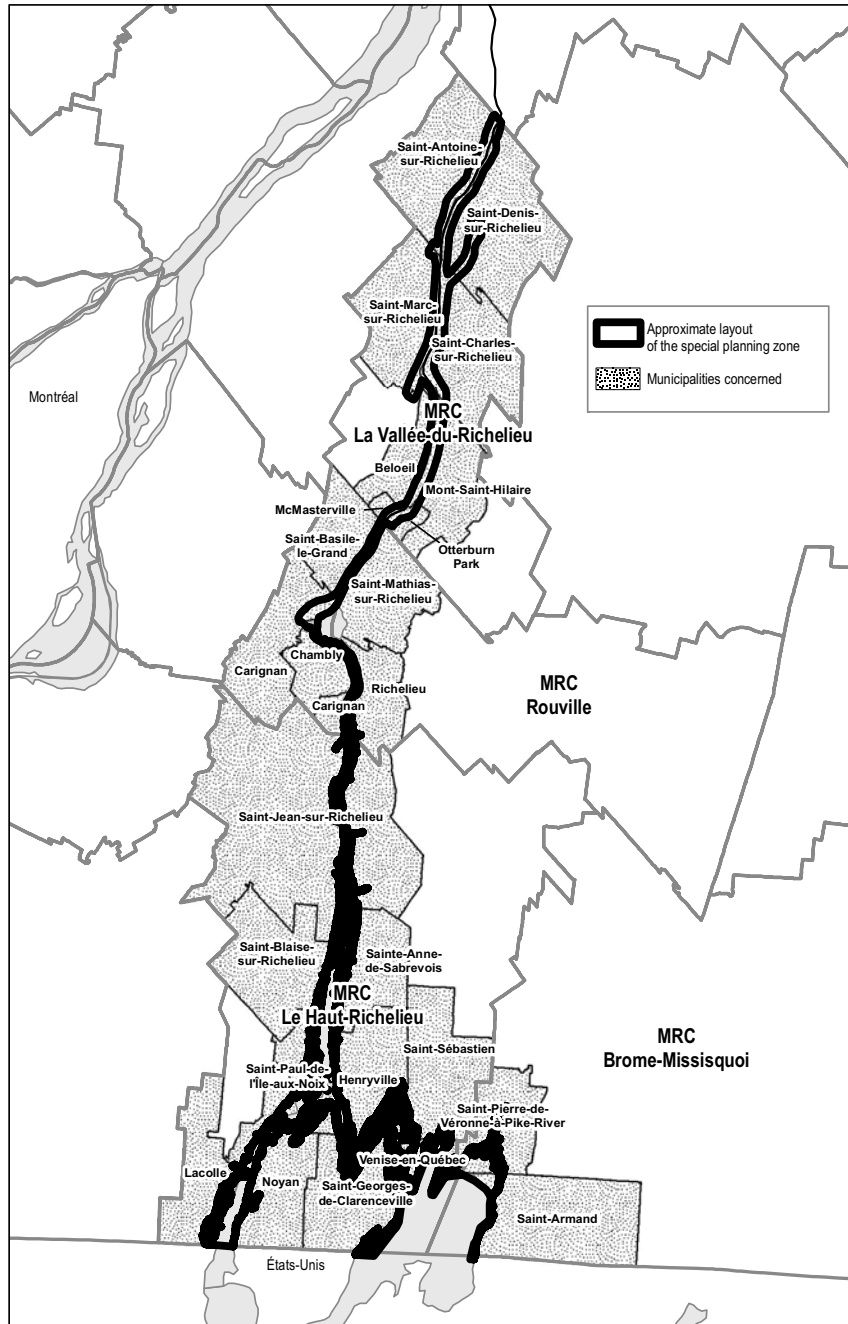
THAT these controls may be amended according to the following conditions:

(1) the amendment to the standards provided for in paragraphs 1 to 4 is made by Order in Council published under section 164 of the Act respecting land use planning and development (R.S.Q., c. A-19.1);

(2) the amendment to the standards referred to in paragraph 5 is made in accordance with the procedure provided for in sections 64 and following or in sections 123 and following of the Act respecting land use planning and development, as the case may be.

**Municipalities concerned by the special planning zone
in the territory of the regional county municipalities
of La Vallée-du-Richelieu, Haut-Richelieu, Brome-Missisquoi
and Rouville**

SCHEDULE 1



SCHEDULE 2

List of detailed maps

Regional county municipality concerned by the special planning zone	Municipality	Index of sheets 1:2 000
Brome-Missisquoi	Saint-Armand, Saint-Pierre-de-Véronne-à-Pike-River	3391, 3591, 3592, 3594, 3785, 3786, 3788, 3789, 3791, 3792, 3794, 3795, 3797
Le Haut-Richelieu	Henryville Lacolle Noyan Sainte-Anne-de-Sabrevois Saint-Blaise-sur-Richelieu Saint-Georges-de-Clarenceville Saint-Jean-sur-Richelieu Saint-Paul-de-l'Île-aux-Noix Saint-Sébastien Venise-en-Québec	1585, 1586, 1588, 1589, 1785, 1786, 1788, 1789, 1791, 1792, 1794, 1988, 1989, 1991, 1992, 1994, 1995, 1997, 2100, 2101, 2103, 2104, 2194, 2195, 2197, 2198, 2300, 2301, 2303, 2304, 2306, 2307, 2309, 2310, 2312, 2313, 2315, 2316, 2318, 2319, 2321, 2322, 2324, 2325, 2327, 2394, 2395, 2397, 2398, 2500, 2506, 2507, 2509, 2510, 2512, 2513, 2515, 2518, 2591, 2592, 2594, 2595, 2597, 2598, 2785, 2786, 2791, 2792, 2794, 2795, 2797, 2985, 2986, 2988, 2989, 2991, 2992, 2994, 2995, 2997, 2998, 3189, 3191, 3192, 3194, 3195, 3197, 3391, 3392, 3394, 3395, 3591, 3592, 3594
Rouville	Richelieu Saint-Mathias-sur-Richelieu	2133, 2134, 2136, 2137, 2325, 2327, 2328, 2330, 2331, 2333, 2334, 2336, 2337, 2339, 2340, 2530, 2540, 2542, 2543
La Vallée-du-Richelieu	Beloeil Carignan Chambly McMasterville Mont-Saint-Hilaire Otterburn Park Saint-Antoine-sur-Richelieu Saint-Basile-le-Grand Saint-Charles-sur-Richelieu Saint-Denis-sur-Richelieu Saint-Marc-sur-Richelieu	1933, 1934, 1936, 2133, 2134, 2136, 2137, 2139, 2325, 2327, 2328, 2330, 2331, 2333, 2337, 2339, 2340, 2342, 2540, 2542, 2543, 2545, 2743, 2745, 2746, 2748, 2749, 2751, 2754, 2755, 2757, 2758, 2760, 2761, 2763, 2764, 2766, 2767, 2769, 2948, 2949, 2951, 2952, 2954, 2955, 2958, 2960, 2961, 2963, 2964, 2966, 2967, 2969, 2970, 2972, 3170, 3172, 3173, 3175, 3176

SCHEDULE 3

FIGURE

