

## Draft Regulations

### Draft Order

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

Declaration of a special planning zone in the territory of certain local municipalities affected by the floods that occurred in April and May 2017

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 for which repair and reconstruction work is considered;

WHEREAS it is important that work in flood zones be carried out in accordance with the prescriptive framework described in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

WHEREAS it may be timely to allow the reconstruction of certain buildings on certain conditions;

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

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

THAT the part of the territory of the local municipalities listed in Schedule 1 be declared a special planning zone

(1) 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) 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;

THAT the following objectives be pursued:

(1) ensure the application of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains;

(2) manage adequately flood risks in a context of climate change, particularly by reducing the number of persons and property exposed to future floods;

(3) allow, in certain exceptional circumstances and on certain conditions, the reconstruction of destroyed or severely damaged buildings;

(4) ensure that all the municipalities and persons affected by the floods are subject to consistent standards, made by this Order;

THAT the terms “littoral”, “high-velocity zone”, “low-velocity zone” and “floodplain” have, in this Order, the meaning attributed to them in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains;

THAT the following land use planning and development controls apply within the perimeter of the special planning zone:

(1) on the littoral, all structures, undertakings and works are prohibited, except the interventions provided for in section 3.3 of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains;

(2) in the high-velocity zone of a floodplain, and in the floodplains identified without distinguishing the high-velocity zones from the low-velocity zones, all structures, including the reconstruction of undertakings or structures destroyed by a flood, all undertakings and works are prohibited, excluding the interventions provided for in sections 4.2.1 and 4.2.2 of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains and those authorized by a municipality in compliance with paragraphs 6 to 9 of this operating part;

(3) structures, undertakings and works that are not prohibited under paragraphs 1 and 2 must comply with the flood-proofing standards provided for in Annex 1 to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains;

(4) for the purposes of this Order, including the parts of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains that are applicable by reference, reconstruction consists in repair work the cost of which represents more than half the value of the building as entered in the property assessment roll and repair consists in other repair work;

(5) no private undertaking or structure may be repaired or reconstructed unless its condition has been the subject of an assessment by a claims adjuster or by a person designated by the Minister of Public Security; the authority responsible for authorizing the work related to the repair or reconstruction of that undertaking or structure is bound by the opinion of that person regarding the repair work required;

(6) a municipality may, in exceptional cases and notwithstanding any provision of this Order, authorize, on the conditions determined by the Minister of Municipal Affairs and Land Occupancy,

(a) the reconstruction of a principal residence whose repair costs represent between 50% and 65% of the value of the building as entered in the property assessment roll;

(b) all other undertakings or structures and all other work, excluding residential buildings or work on such a building;

(7) for the purposes of paragraph 6, a municipality must apply for an exemption to the Minister of Municipal Affairs and Land Occupancy who must consult the Minister of Sustainable Development, the Environment and the Fight Against Climate Change before ruling on the municipality's application;

(8) where the Minister of Sustainable Development, the Environment and the Fight Against Climate Change is consulted under paragraph 7, the Minister sets up a committee of independent experts in the field of water management, environment and land development to obtain a recommendation from the committee on the processing of the application submitted and on the conditions that must be complied with if the recommendation is favorable; the Minister of Sustainable Development, the Environment and the Fight Against Climate Change

sends such recommendation to the Minister of Municipal Affairs and Land Occupancy who must follow up and inform the municipality concerned, by including the applicable conditions if the application is accepted;

(9) to make its recommendation, the committee of independent experts set up under paragraph 8 must take into account

(a) the exceptional nature of the application;

(b) the impact of the exemption on the objectives of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains;

(c) any other criterion determined by the Minister of Sustainable Development, the Environment and the Fight Against Climate Change;

THAT the municipal land use planning and development by-laws not incompatible with the controls provided for in this Order remain applicable within the perimeter of the special planning zone;

THAT the land use planning and development controls provided for in this Order may be amended or revoked by order of the Government published in the *Gazette Officielle du Québec*;

THAT the land use planning and development controls provided for in this Order cease to have effect 18 months after their coming into force;

THAT each local municipality listed in Schedule 1 be designated as the authority responsible for the administration of the controls with respect to part of their respective territory within the perimeter of the special planning zone;

THAT each local municipality listed in Schedule 1 must provide to the Minister of Sustainable Development, the Environment and the Fight Against Climate Change, not later than 60 days after the date on which the land use planning and development controls provided for in this Order cease to have effect, a report of its administration, which must describe, since the coming into force of this Order and for the perimeter of the special planning zone, the building and subdivision permits issued, the inspections carried out and the contraventions to the planning controls provided for in this Order.

**Schedule 1**

## List of municipalities

Region	Municipality	Designation	Code
Bas-Saint-Laurent	Amqui	City	07047
	Causapscal	City	07018
	Dégelis	City	13005
	Lac-au-Saumon	Municipality	07057
	Les Méchins	Municipality	08005
	L'Isle-Verte	Municipality	12043
	Matane	City	08053
	Pohénégamook	City	13095
	Rivière-Bleue	Municipality	13025
	Saint-Bruno-de-Kamouraska	Municipality	14010
	Sainte-Angèle-de-Mérici	Municipality	09035
	Sainte-Florence	Municipality	07010
	Sainte-Jeanne-d'Arc	Parish	09020
	Saint-Léon-le-Grand	Parish	07030
	Saint-Michel-du-Squatec	Municipality	13065
	Saint-Octave-de-Métis	Parish	09055
	Saint-René-de-Matane	Municipality	08035
	Saint-Simon	Parish	11055
	Saint-Zénon-du-Lac-Humqui	Municipality	07035
	Témiscouata-sur-le-Lac	City	13073
Capitale-Nationale	Baie-Saint-Paul	City	16013
	Cap-Santé	City	34030
	Deschambault-Grondines	Municipality	34058
	La Malbaie	City	15013
	Shannon	City	22020

Region	Municipality	Designation	Code
Centre-du-Québec	Bécancour	City	38010
	Drummondville	City	49058
	Inverness	Municipality	32058
	Nicolet	City	50072
	Pierreville	Municipality	50113
	Princeville	City	32033
	Saint-Christophe-d'Arthabaska	Parish	39060
	Saint-Ferdinand	Municipality	32013
	Saint-François-du-Lac	Municipality	50128
Chaudière-Appalaches	Victoriaville	City	39062
	Beauceville	City	27028
	Lévis	City	25213
	Sainte-Marie	City	26030
	Saint-Gilles	Municipality	33035
	Saint-Henri	Municipality	19068
	Saint-Joseph-de-Beauce	City	27043
	Saint-Joseph-des-Érables	Municipality	27050
	Scott	Municipality	26048
Vallée-Jonction	Municipality	26015	
Côte-Nord	Pointe-aux-Outardes	Village	96030
Estrie	Asbestos	City	40043
	North Hatley	Village	45050
	Weedon	Municipality	41098
Gaspésie-Îles-de-la-Madeleine	Bonaventure	City	05045
	Cap-Chat	City	04047
	Cascapédia-Saint-Jules	Municipality	05077
	Chandler	City	02028
	Escuminac	Municipality	06025
	Gaspé	City	03005
Grande-Rivière	City	02015	

Region	Municipality	Designation	Code	
	Grande-Vallée	Municipality	03020	
	Maria	Municipality	06005	
	Matapédia	Municipality	06045	
	Mont-Albert	Unorganized territory	04902	
	New Richmond	City	05070	
	Nouvelle	Municipality	06020	
	Percé	City	02005	
	Port-Daniel-Gascons	Municipality	02047	
	Rivière-Bonaventure	Unorganized territory	05902	
	Sainte-Anne-des-Monts	City	04037	
	Saint-Elzéar	Municipality	05050	
	Lanaudière	Berthierville	City	52035
		Chertsey	Municipality	62047
		La Visitation-de-l'Île-Dupas	Municipality	52050
		Lanoraie	Municipality	52017
	Lavaltrie	City	52007	
	Mandeville	Municipality	52095	
	Mascouche	City	64015	
	Notre-Dame-de-la-Merci	Municipality	62055	
	Rawdon	Municipality	62037	
	Saint-Alphonse-Rodriguez	Municipality	62025	
	Saint-Barthélemy	Parish	52055	
	Saint-Côme	Municipality	62065	
	Saint-Cuthbert	Municipality	52062	
	Saint-Damien	Parish	62075	
	Sainte-Émélie-de-l'Énergie	Municipality	62070	
	Sainte-Geneviève-de-Berthier	Municipality	52040	
	Sainte-Julienne	Municipality	63060	
	Sainte-Mélanie	Municipality	61050	
	Saint-Esprit	Municipality	63030	
	Saint-Gabriel	City	52080	

Region	Municipality	Designation	Code	
	Saint-Ignace-de-Loyola	Municipality	52045	
	Saint-Jean-de-Matha	Municipality	62015	
	Saint-Liguori	Parish	63065	
	Saint-Michel-des-Saints	Municipality	62085	
	Saint-Paul	Municipality	61005	
	Saint-Roch-de-l'Achigan	Municipality	63035	
	Saint-Zénon	Municipality	62080	
	Terrebonne	City	64008	
	Laurentides	Arundel	Township	78060
		Boisbriand	City	73005
		Bois-des-Filion	City	73030
		Brébeuf	Parish	78075
		Deux-Montagnes	City	72010
		Ferme-Neuve	Municipality	79097
		Grenville	Village	76055
	Grenville-sur-la-Rouge	Municipality	76052	
	Harrington	Township	76065	
	Kiamika	Municipality	79025	
	Lac-des-Écorces	Municipality	79078	
	Lachute	City	76020	
	Lorraine	City	73025	
	Mirabel	City	74005	
	Mont-Laurier	City	79088	
	Mont-Tremblant	City	78102	
	Notre-Dame-du-Laus	Municipality	79005	
	Oka	Municipality	72032	
	Pointe-Calumet	Municipality	72020	
	Prévost	City	75040	
	Rosemère	City	73020	
	Saint-André-d'Argenteuil	Municipality	76008	
	Saint-Colomban	City	75005	
	Sainte-Adèle	City	77022	
	Sainte-Agathe-des-Monts	City	78032	

Region	Municipality	Designation	Code
	Sainte-Lucie-des-Laurentides	Municipality	78020
	Sainte-Marguerite-du-Lac-Masson	City	77012
	Sainte-Marthe-sur-le-Lac	City	72015
	Saint-Eustache	City	72005
	Saint-Joseph-du-Lac	Municipality	72025
	Saint-Placide	Municipality	72043
	Val-David	Village	78010
	Val-Morin	Municipality	78005
Laval	Laval	City	65005
Mauricie	Batiscan	Municipality	37210
	Champlain	Municipality	37220
	La Bostonnais	Municipality	90017
	La Tuque	City	90012
	Lac-aux-Sables	Parish	35010
	Louiseville	City	51015
	Maskinongé	Municipality	51008
	Notre-Dame-du-Mont-Carmel	Parish	37235
	Saint-Adelphe	Parish	35015
	Saint-Alexis-des-Monts	Parish	51065
	Saint-Boniface	Municipality	51085
	Sainte-Geneviève-de-Batiscan	Parish	37215
	Saint-Élie-de-Caxton	Municipality	51075
	Saint-Mathieu-du-Parc	Municipality	51070
	Saint-Paulin	Municipality	51060
	Saint-Stanislas	Municipality	37245
	Saint-Tite	City	35027
	Shawinigan	City	36033
	Trois-Rives	Municipality	35055
	Trois-Rivières	City	37067
	Yamachiche	Municipality	51020

Region	Municipality	Designation	Code
Montérégie	Beauharnois	City	70022
	Brigham	Municipality	46090
	Châteauguay	City	67050
	Hudson	City	71100
	Léry	City	67055
	L'Île-Cadieux	City	71095
	L'Île-Perrot	City	71060
	Notre-Dame-de-l'Île-Perrot	City	71065
	Pincourt	City	71070
	Pointe-des-Cascades	Village	71055
	Pointe-Fortune	Village	71140
	Rigaud	City	71133
	Sainte-Anne-de-Sorel	Municipality	53065
	Saint-Philippe	City	67010
	Terrasse-Vaudreuil	Municipality	71075
	Vaudreuil-Dorion	City	71083
	Vaudreuil-sur-le-Lac	Village	71090
	Verchères	Municipality	59025
	Yamaska	Municipality	53072
Montréal	Montréal	City	66023
	Sainte-Anne-de-Bellevue	City	66117
	Senneville	Village	66127
Outaouais	Bouchette	Municipality	83050
	Bristol	Municipality	84005
	Bryson	Municipality	84025
	Campbell's Bay	Municipality	84030
	Cantley	Municipality	82020
	Chelsea	Municipality	82025
	Chénéville	Municipality	80103
	Chichester	Township	84090
	Clarendon	Municipality	84015
	Déléage	Municipality	83070
	Duhamel	Municipality	80135

Region	Municipality	Designation	Code
	Fassett	Municipality	80005
	Fort-Coulonge	Village	84060
	Gatineau	City	81017
	Gracefield	City	83032
	La Pêche	Municipality	82035
	L'Ange-Gardien	Municipality	82005
	L'Île-du-Grand-Calumet	Municipality	84035
	L'Isle-aux-Allumettes	Municipality	84082
	Litchfield	Municipality	84040
	Low	Township	83010
	Maniwaki	City	83065
	Mansfield-et-Pontefract	Municipality	84065
	Mayo	Municipality	80065
	Montebello	Municipality	80010
	Montpellier	Municipality	80090
	Mulgrave-et-Derry	Municipality	80085
	Notre-Dame-de-Bonsecours	Municipality	80015
	Papineauville	Municipality	80037
	Plaisance	Municipality	80045
	Pontiac	Municipality	82030
	Ripon	Municipality	80078
	Saint-André-Avellin	Municipality	80027
	Sainte-Thérèse-de-la-Gatineau	Municipality	83055
	Thurso	City	80050
	Val-des-Monts	Municipality	82015
	Waltham	Municipality	84070
Saguenay-Lac-Saint-Jean	Albanel	Municipality	92030
	Dolbeau-Mistassini	Municipality	92022
	Saint-Félicien	City	91042