

## Regulations and other Acts

Gouvernement du Québec

### O.C. 777-2017, 19 July 2017

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;

WHEREAS, in accordance with section 161 of the Act respecting land use planning and development, a draft of this Order was previously published in the *Gazette officielle du Québec* on 23 June 2017;

WHEREAS, in accordance with section 163 of the Act, a consultation was held in respect of the draft Order;

WHEREAS the first paragraph of section 164 of the Act provides that 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 to make the Order, with the necessary modifications;

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, that is located in the high-velocity zone of a floodplain or in a floodplain without distinguishing high-velocity zones from low-velocity zones, be declared a special planning zone, as determined in any of the following documents:

(1) the land use planning and development plan of the regional county municipalities comprising the respective territories of the municipalities;

(2) an interim control by-law adopted by one of the regional county municipalities comprising their respective territories;

(3) the urban planning by-laws of the local municipalities concerned;

THAT the following objectives be pursued:

(1) ensure the application of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

(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, including filling works, 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 a floodplain identified without distinguishing the high-velocity zones from the low-velocity zones, all structures, all undertakings and all works, including the reconstruction of undertakings or structures destroyed by a flood, are prohibited, excluding:

(a) the interventions provided for in sections 4.2.1 and 4.2.2 of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains;

(b) the interventions authorized by a municipality in compliance with paragraphs 7 to 16;

(c) the interventions related to an existing construction that is an accessory to a principal residence, subject to any condition imposed under paragraph 7;

(3) structures and undertakings that are not prohibited under paragraph 1 or 2 must be made flood-proof in accordance with Annex 1 to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains; the performance of major work on a structure or undertaking must entail the flood-proofing of the whole structure or undertaking; if the work is referred to in subparagraph *b* of paragraph 2 and is performed on a principal residence, the flood-proofing must also comply with the standards in Schedule 2;

(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,

(a) reconstruction means repair work the cost of which, assessed in accordance with paragraph 6, represents more than half the value of the building established in accordance with paragraph 5;

(b) repair means any other repair work;

(5) for the purposes of paragraphs 4 and 9, the value of a building corresponds to the cost as new of a construction established in accordance with Part 3E of the Manuel d'évaluation foncière du Québec, adjusted up to 1 July 2016;

(6) no private undertaking or structure that was damaged because of flood may be repaired or reconstructed unless its condition has been the subject of an assessment by a person designated by the Minister of Public Security

or by a person, designated by the owner of the building or the municipality, who has, in a professional capacity, expertise in the field of damage assessment; in the latter case, the cost of the repair work required must be assessed according to the method used by a person designated by the Minister of Public Security;

(7) a municipality may authorize an intervention covered by an exemption granted by the Minister of Municipal Affairs and Land Occupancy in accordance with paragraphs 8 to 16, on the conditions prescribed by the Minister, which may include an obligation, for the owner or the municipality, to take any risk mitigating measure;

(8) a municipality may, in exceptional cases complying with the orientations defined in its planning program, submit an application for exemption to the Minister; the application may be made individually or for a group; a group application must be accompanied by a special intervention plan in case of flood;

(9) an individual application for exemption may pertain to

(a) the reconstruction of a principal residence whose repair costs, assessed in accordance with paragraph 6, represent between 50% and 65% of the value of the building established in accordance with paragraph 5;

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

(10) a group application for exemption may pertain to the reconstruction of any principal residence included in a delimited sector, where the following conditions are met:

(a) the perimeter of the sector coincides with apparent physical boundaries such as natural or man-made constraints;

(b) the sector is characterized by a continuity and homogeneity of activities taking place there and the residential role is dominant;

(c) the sector is wholly comprised within an urban perimeter delimited in the land use planning and development plan of a regional county municipality;

(d) the net minimum residential density of the sector is 10 dwellings per hectare;

(e) the immovables in the sector are served by municipal drinking water supply and wastewater treatment networks;

(f) the sector includes at least 15 principal residences affected by the floods that cannot be reconstructed without an exemption;

(g) the residences referred to in subparagraph *f* represent less than 50% of the total number of principal residences located in the sector;

(h) the residences referred to in subparagraph *f* are located along at least 3 different streets;

(11) before ruling on an individual or group application, the Minister of Municipal Affairs and Land Occupancy must consult the Minister of Sustainable Development, the Environment and the Fight Against Climate Change; the Minister must also, in the case of a group application for exemption, consult the Minister of Public Security on the matter of any special intervention plan in case of flood;

(12) the Minister of Municipal Affairs and Land Occupancy rules on a group application for exemption within 30 days after the file is complete;

(13) where the Minister of Sustainable Development, the Environment and the Fight Against Climate Change is consulted under paragraph 11 on an individual application for exemption, 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 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;

(14) to make its recommendation, the committee of independent experts set up under paragraph 13 must take into account

(a) the exceptional nature of the application, which may mean in particular that an application is for

i. a building showing an interest in terms of heritage, history, culture, architecture or recreation and tourism;

ii. a structure or an undertaking the use of which is related to an adjacent watercourse or body of water and that shows an interest for the community;

(b) 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;

(15) an exemption regarding the reconstruction of one or more principal residences may allow any enlargement of such residence that is necessary to make up for the area intended to be occupied by components of building mechanical systems that must be installed elsewhere than in a basement in accordance with the flood-proofing standards in Schedule 2;

(16) an exemption may not allow the reconstruction of a building intended to shelter a vulnerable clientele, including a health care institution, a childcare centre or a seniors' residence;

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, each for its own territory, as the authority responsible for the administration of the controls;

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 permits issued, the inspections carried out and the observed contraventions to the planning controls provided for in this Order;

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

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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**SCHEDULE 1**

## List of municipalities

Region	Municipality	Designation	Code
Bas-Saint-Laurent	Amqui	City	07047
	Causapsal	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
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
	Victoriaville	City	39062

Region	Municipality	Designation	Code
Chaudière-Appalaches	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
	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

Region	Municipality	Designation	Code
	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
	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
	Kiamika	Municipality	79025
	Lac-des-Écorces	Municipality	79078
	Lachute	City	76020
	Lorraine	City	73025

Region	Municipality	Designation	Code
	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
	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

Region	Municipality	Designation	Code
	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
Montréal	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
	Pin court	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

Region	Municipality	Designation	Code
	Chénéville	Municipality	80103
	Chichester	Township	84090
	Clarendon	Municipality	84015
	Déléage	Municipality	83070
	Duhamel	Municipality	80135
	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

**SCHEDULE 2****ADDITIONAL FLOOD-PROOFING STANDARDS**

A principal residence must, in addition to the requirements provided for that purpose in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains, be flood-proofed as follows:

- (1) no habitable room such a bedroom or living room may be installed in a basement;
- (2) no important component of a building mechanical system, such as an electrical, plumbing, heating or ventilation system, may be installed in a basement, unless the nature of the system requires that it be installed there;
- (3) the finishing of a basement must, if applicable, be carried out with water-resistant materials.

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