

Planning and development powers in Québec

Summary



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PLANNING AND DEVELOPMENT POWERS IN QUÉBEC

SUMMARY



ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

The [Act respecting land use planning and development](#) (RSQ, c. A-19.1) establishes the legal framework for the preparation and administration of rules governing land use planning and development in Québec.

The *Municipal Powers Act* (RSQ, c. C-47.1) establishes the powers of “local municipalities” in terms of culture, recreation, community activities, parks, local economic development, power, telecommunications, environment, sanitation, nuisances, safety and transportation, as well as those powers exercised by Regional county municipalities RCMs concurrently with the local municipalities and those which are exclusive to them.

1. ACTORS

GOVERNMENT LAND USE PLANNING GUIDELINES

One feature of the *Act Respecting Land Use Planning and Development* is the nature of the Government’s involvement in the overall planning process. The Government adopts land use planning policy that regional authorities must consider when they prepare planning documents. Moreover, the Government, its ministers and mandataries are bound by the objectives set out in the regional land use plans in force when they wish to intervene (s. 2).

The Government analyses the proposed reviewed plans submitted in light of its policy statements. The Minister of Municipal Affairs and Regions is responsible for the Act’s administration, ensuring compliance with Government land use planning policy statements, and authorizing the coming into force of the planning documents submitted. It is incumbent upon the Minister to ensure the coordination of sector-based opinions and to present concerted opinions stemming from an analysis of departmental opinions expressed in light of the Government’s position.

METROPOLITAN COMMUNITY

A metropolitan community is made up of the municipalities, the RCMs and the « census agglomerations » of a single « census metropolitan area » (CMA). The province of Québec has two such metropolitan communities: the Montréal Metropolitan Community and the Québec Metropolitan Community. They were established in order to allow greater coherence in the planning and management of development in these metropolitan regions flowing from a common vision shared by all the municipalities, the regional county municipalities, and the agglomerations of which they are made up. They develop, approve and keep current, at all times and throughout their territory, a “metropolitan land use plan”

REGIONAL COUNTY MUNICIPALITY (RCM)

A RCM is made up of all the local municipalities of a same territory that constitutes an administrative entity identified formally as a « municipality » by « letters patent » issued by the Government. A RCM must manage the development of this territory by preparing a regional land use plan.

✚ **Agricultural advisory committees**

The *Act Respecting Land Use Planning and Development* requires that every regional county municipality and metropolitan community whose territory includes an agricultural zone established under the *Act Respecting the Preservation of Agricultural Land and Agricultural Activities* shall establish an agricultural advisory committee. Any other RMC may, however, create such a committee (s. 148.1).

AGGLOMERATIONS

The object of the « Act respecting the exercise of certain municipal powers in certain urban agglomerations » is to determine the municipal powers that, rather than being exercised separately for each local municipal territory included in an urban agglomeration, must be exercised globally for that urban agglomeration.

An urban agglomeration corresponds to the territory, as it exists on 17 December 2004, of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de Mont-Laurier, Ville de La Tuque, Municipalité des Îles-de-la-Madeleine, Ville de Sainte-Agathe-des-Monts, Ville de Mont-Tremblant, Ville de Cookshire-Eaton, Ville de Rivière-Rouge or Ville de Sainte-Marguerite-Estérel.

MUNICIPALITY

The « municipality council » represents the municipality. It is charged, in particular, with ensuring that its territory is subject to a plan and by-laws in regard to land use.

✚ **Borough council**

In certain large Québec cities, there are borough councils. These consist of councillors elected within the borough. The Longueuil, Montréal and Québec borough councils have, in particular, specific powers to regulate urban planning (e.g. zoning by-laws).

✚ **Planning advisory committees**

The council of a municipality may, by by-law, establish a “planning advisory committee” composed of at least one member of the council and of such number of members as it shall determine, who are chosen from among the persons resident in the territory of the municipality (s. 146).

Since 1985, the role of the planning advisory committee has become extremely important in planning and administering the local territory. This role has become particularly critical since lawmakers have established as an essential prerequisite that the municipality council be formally advised by its planning committee before making a decision to allow a minor exemption to planning regulations (1985), to comprehensive development programs (1987), to site planning and architectural integration requirements (1989), to a request for conditional use of property or for a specific project involving construction, alteration or occupation of a building (2002).

✚ **Ward councils**

Québec City’s charter provides for the creation of a ward or *quartier* council, made up of local residents, so as to generate a wider participation of the population in municipal life (RSQ, c. C-11.5 annex C article 35).

2. RULES FOR CONFORMITY

The « rules for conformity » are a mechanism of the *Act Respecting Land Use Planning and Development* that ensures coherence between the regional land use plan, the local plan and by-laws for land use and the governmental initiatives in a metropolitan community, a RMC or a municipality.

The process specified by the Act thus ensures conformity

- of the regional and metropolitan land use plan, as well as the regional interim control by-law, with the Government’s policy;

- of the regional land use plan, with the metropolitan land use plan;
- of Government initiatives with the regional and metropolitan land use plan and interim control by-law;
- of the local plan and land use by-laws with the regional land use plan and the provisions of the « complementary document » that are an integral part of that plan;
- of land use by-laws with the local land use plan.

The local land use by-laws that are subject to the rules for conformity at the local and regional levels are those dealing with zoning, construction, and subdivision, related to the conditions under which construction permits may be issued, to « comprehensive development programs », to site planning and architectural integration programs, to agreements on municipal works, and to the conditional use or the construction, alteration or occupation of a specific building.

3. PLANNING TOOLS

Planning tools make it possible to engage in land use planning in a council of municipality, an RCM or a metropolitan community.

At the supramunicipal and regional level, the **regional land use plan** include the following components: a strategic vision; the general aims of the land and development policy (goals); the urban growth boundaries (urbanization perimeters) and priority development zones; a land transportation plan; infrastructure and facilities planning; intermunicipal development proposals and areas of interest; the **action plan in respect of the regional land use plan**; and the **territorial development plan**.

At the municipal level, the planning tools provided by the *Act Respecting Land Use Planning and Development* include the **local land use plan** and the **special planning program**.

Below are brief descriptions of these tools and their components.

STRATEGIC VISION STATEMENT (s, 2,3)

In order to facilitate the coherent exercise of its powers under the law, a responsible body (Metropolitan community, RCM) is required to maintain in force at all times a statement of its strategic vision for cultural, economic, environmental and social development in its territory. However, a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community is not required maintaining a statement in force for the common territory. The statement of the regional county municipality with regard to the common territory must be coherent with that of the metropolitan community.

METROPOLITAN LAND USE PLAN (s, 2,24 to 2,26)

The metropolitan plan shall define policy directions, objectives and criteria to ensure the competitiveness and attractiveness of the territory of the metropolitan community, in keeping with sustainable development.

The policy directions, objectives and criteria shall concern: land transportation planning; the protection and enhancement of the natural and built environment, and of landscapes; the identification of any part of the territory of the metropolitan community that must be the subject of integrated land use and transportation planning; the definition of minimum density levels according to the characteristics of the locality; the development of agricultural activities; the definition of territories reserved for optimal urbanization; the identification of any part of the territory of the metropolitan community that is situated within the territory of two or more regional county municipalities and is subject to significant constraints for reasons of public security, public health or general well-being; and the identification of any facility that is of metropolitan interest, and the determination of the site, use and capacity of any new such facility.

To support policy directions, objectives and criteria defined with regard to the definition of territories reserved for optimal urbanization, the plan may delimit any metropolitan perimeter.

To support policy directions, objectives and criteria defined with regard to the other subjects, the plan may also delimit any part of the territory and determine any location.

In order to ensure the achievement of its policy directions and objectives or compliance with the criteria it sets out, the metropolitan plan may make it mandatory to include any element it specifies in the complementary document to an RCM plan applicable in the territory of the metropolitan community.

A metropolitan community must acquire the tools necessary to ensure follow-up and implementation of its metropolitan plan and to evaluate progress toward plan objectives and success in carrying out plan proposals. The council of the metropolitan community must adopt a biennial report on those subjects.

REGIONAL LAND USE PLAN (s. 5 TO 7)

The regional land use plan is the planning document that establishes guidelines governing the physical organization of a RCM or a metropolitan community (metropolitan land use plan). The plan coordinates choices and decisions that affect all of the municipalities concerned, the Government and its departments and mandataries. Above all, the plan is a document of intent formulated and designed to highlight a regional perspective of economic, social and environmental development. For example:

✚ *General aims of land development policy for the territory (s, 5,1)*

A “general aim” (goal) consists of guidelines for the development of the territory. It flows from the vision underlying the regional land use plan, as well as the local land use plan, and it establishes the parameters of that vision. The development of a general aim is a political activity by nature.

✚ *General policies of land use (s, 5,2)*

It is compulsory to adopt general aims for the land use policy that indicate what the RCM, the metropolitan community or the municipality intends to use the different areas to be used.

✚ *Urban growth boundaries, priority development zones and priority redevelopment (s, 5,3 and 6,1)*

The RCM or the metropolitan community must in its land use plan delimit the urban growth boundaries (urbanization perimeters), including already urbanized areas and those in which it intends to allow new urban growth. It may also determine the zones that will be developed or redeveloped first within an urbanization perimeter.

✚ *Facilities and infrastructure planning (s, 5,8)*

The regional land use plan must indicate the nature and location of major existing or planned new infrastructure and facilities. The inclusion of an infrastructure and facilities section in the land use plan makes it possible to ensure the maintenance, enhancement and establishment of facilities and public or private public services in urbanized areas. Such planning promotes the use and accessibility of such services and favours their optimal location.

✚ *Plan of the organization of land transport (s, 5,7)*

The inclusion of a land transport section in the land use plan allows the RCMs or metropolitan communities to conduct integrated planning of ground, air and maritime transport facilities and infrastructure. Such planning also makes it possible establish links with other sections of the plan that affect or are affected by transport and to foster cooperation among various actors.

✚ *Complementary document (s, 5 and 6)*

The « complementary document » is that part of the land use plan that contains the rules and requirements with which municipalities must comply in developing their local land use plan and by-laws. This document seeks to identify specific means of implementing the development goals described in the plan.

✚ *Action plan in respect of the regional land use plan (s, 7,1.1)*

The action plan is a document to implement the regional land use plan centred on initiatives pertaining to land use planning and development governing the territory of an RCM.

TERRITORIAL DEVELOPMENT PLAN (s, 79.20)

The territorial development plan makes it possible to pinpoint and structure the community, economic, social and cultural development measures adopted in respect of an RCM.

LOCAL LAND USE PLAN (s, 83 AND 84)

The local use plan is the planning document that sets out guidelines for a municipality's spatial and physical organization and establishes the municipal council's general development vision for its territory. For example:

✚ *Special planning program (s, 85 and 85.1)*

The special planning program is a component of the local use plan which focuses more specifically on the planning of certain areas that demand special attention from the municipal council, e.g. the development of a new residential or industrial sector or of the city centre.

✚ *Zones to be renovated, restored or protected (s, 84,1)*

In its land use plan, the council of the municipality may designate one or more sectors of its territory as zones to redevelop, to restore or to protect.

INTERIM CONTROL MEASURES (s, 65 TO 72 AND 111 TO 112.8)

Interim control allows an RCM, a metropolitan community or a council of a municipality, as the case may be, to prohibit, restrict or govern the realization of new subdivision or construction projects or new uses of land when a regional land use plan or a local use plan is prepared, modified or reviewed.

PROGRAM OF CAPITAL EXPENDITURES

Not later than 31 December each year, the council of a local municipality must adopt the municipality's program of capital expenditures for the following three fiscal years. The program must be divided into annual phases. It must set out, for the period concerned, the purpose and amount of and means of financing the capital expenditures that the municipality proposes to make and that are to be financed over a period of more than 12 months.

4. LAND USE BY-LAWS

Land use by-laws make it possible to establish rules, standards and evaluation criteria governing construction and the use of buildings and land in a territory. They are the key tools for the implementation of the choices and decisions concerning the community's future development that appear in the local use plan and the regional land use plan. They guide most land use planning and development operations. Urban planning by-laws are directly enforceable against residents.

Below are brief descriptions of some of these by-laws.

ZONING BYLAW (s, 113)

The zoning by-law divides the municipality territory into zones, sectors of zones or parts to control land and building use and regulate the construction and appearance of structures. For example:

✚ *Quotas on similar or identical uses (s, 113, 4.1)*

The setting of quotas is aimed at stipulating by zone the maximum number of sites destined for identical or similar uses, including in a given building or site, the minimum distance that must separate such sites or the maximum floor or lot area that may be destined for such uses.

✚ *Land occupation densities (s, 83,2)*

The implementation of « land occupation densities » established in the regional land use plan, in the local use plan or in a special planning program is achieved through

the use of various urban planning mechanisms such as zoning and subdivision by-laws.

✚ Billboards and signs (s, 113,14)

The authority of municipalities to regulate signage allows them to govern, by zone, the building, installation, maintenance, alteration and upkeep of all signs or bill boards, whether already erected or planned.

✚ Vested rights (s, 113,18 and 19)

The zoning and subdivision regulations include provisions that allow municipalities to establish « classes » in order to regulate non-conforming structures or works, uses, signs and lots, protected by vested rights.

✚ Felling and planting of trees (s, 79.1 to 79.19)

A council of a municipality or an RCM may govern or restrict the planting or felling of trees to ensure the protection of forest cover and foster the sustainable development of private forests. Upon the coming into force of the by-law, the council of a municipality whose territory is concerned by the by-law shall lose the right to include in its zoning by-law provisions regarding this matter and any such provision already in force shall immediately cease to have effect.

CONDITIONAL USES (s, 145.31 TO 145.35)

As its name indicates, the conditional use by-law is intended to allow, under certain conditions, the establishment or exercise of a use in a zone determined by the zoning by-law.

COMPREHENSIVE DEVELOPMENT PROGRAMS (s, 145.9 TO 145.14)

The comprehensive development program by-law makes it possible to require detailed planning in respect of certain areas before any amendment is made to the zoning by-law. This more flexible approach to project assessment based on criteria rather than standards fosters the search for innovative solutions in an open exchange between the council of the municipality and the developers.

SPECIFIC CONSTRUCTION, ALTERATION OR OCCUPANCY PROPOSALS FOR A BUILDING (s, 145.36 TO 145.40)

The by-law concerning specific construction, alteration or occupancy proposals for a building is aimed at allowing, under certain conditions, a project to be carried out despite its departing from any of the municipality's urban planning by-laws.

SUBDIVISION BY-LAW (s, 115)

Through its subdivision by-law, the council of the municipality may define standards and conditions governing the parceling and identification of lots.

MINOR EXEMPTIONS TO URBAN PLANNING BY-LAWS (s, 145.1 TO 145.8)

The by-law concerning minor (variance) exemptions to urban planning by-laws allows for the granting to an individual of an exemption in respect of the application of certain provisions in the zoning by-law and the subdivision by-law and for the stipulation of any condition, according to the municipality's jurisdiction, with a view to mitigating the exemption's impact.

CONSTRUCTION BY-LAW (s, 118)

The construction by-law establishes construction quality standards and ensures the adequate solidity, resistance, sanitation, safety and insulation of a structure. It allows a municipality to legislate in respect of buildings but solely in order to adopt higher standards than those of the *Québec Building Code* or standards for buildings or components not covered by this code.

✚ **Site planning and architectural integration programs (s, 145.15 to 145.20)**

The site planning and architectural integration programs by-law may identify certain areas or categories of projects subject to a qualitative assessment when an application for a permit or a certificate is submitted. This enables the council of the municipality to ensure the quality of site planning and architectural integration, while taking into account the specific nature of each situation.

✚ **Designation of historic monuments and constitution of a heritage site**

The designation of a historic monument and the constitution of a heritage site are specific protective measures that a municipality council can use to ensure the protection and enhancement of any building on its territory meeting the definition of a historic monument (in the case of such a designation) or of an architectural landscape of aesthetic or historic value (in the case of the constitution of a heritage site). These powers are bestowed by the *Cultural Property Act* and allow the council to establish conditions in its land use by-laws in regard to the conservation of the distinctive characteristics of the monument or architectural landscape in question (RSQ, c. B-4, s, 70 to 96).

✚ **Preliminary program concerning the reuse of land freed up by demolition**

The by-law governing demolition may stipulate that the property owner must submit for approval to the demolition committee a preliminary program concerning the reuse of land freed up by demolition prior to an examination of his application for a permit. The by-law may also stipulated that, if the program is approved, the property owner must submit to the municipality council, prior to the issuing of his permit, a financial guarantee in respect of the execution of the program in an amount not exceeding the value recorded on the assessment role of the building to be demolished (s,148.0.4).

✚ **Occupancy and maintenance of buildings (s, 145.41)**

A municipality council may, by by-law, set standards and prescribe measures for the occupancy and maintenance of buildings.

✚ **Regulate fortification (s, 118,2.1)**

A municipality council may regulate the fortification or protective elements of a structure, relative to its authorised use, and in certain cases, prohibit it.

PERMITS AND CERTIFICATES IN LAND USE PLANNING (S, 119 TO 122)

The regulation on the issuance of permits and certificates in land use planning allows the council of the municipality to create the appropriate administrative measures that establish the framework and authorize the implementation of projects that are governed by land-use by-laws.

✚ **By-laws related to conditions for the delivery of a building permit (s, 116)**

The regulation on the conditions governing the issue of construction permits allows a municipality to impose specific prerequisites that must be met prior to the issuance of a building permit. These conditions vary according to the sector of the municipality and concern, in particular, the cadastre and the presence of infrastructure.

✚ **Notice of motion and temporary control (s, 114, 117, 145.15 and 145.21)**

Every by-law must be preceded by a « notice of motion ». When a notice of motion has been given to amend a zoning by-law, a subdivision by-law, a by-law in regard to site planning and architectural integration plans or about agreements on municipal works, an automatic « freeze » takes place. For example, when a notice of motion has been given to adopt or amend a zoning by-law, no building plan may be approved nor may any permit or certificate be granted for the carrying out of works or use of an “building” which, if the by-law that is the subject of the notice of motion is adopted, will be prohibited in the zone concerned.

✚ **Municipal officer responsible for the issuance of permits and certificates (s, 119,7 to 122).**

Only the designated official is authorized to issue a permit or certificate in a municipality. The municipality council may not issue such a permit. It must designate an officer to carry out this function. The council of the municipality must accept complete responsibility for the actions of its designated officials, even if that action has been undertaken illegally. Consequently the municipality council can be held responsible for the errors of the officer charged with issuing permits and certificates.

✚ **Illegal work (s, 120.2)**

In accordance with the regulation in regard to information on sites requiring a construction permit, published in the official Gazette on March 6th, 2002 and in force since April 1st, 2002 (décret 149-2—2), all Québec municipalities must advise the province's building regulator, the Régie du bâtiment du Québec, of all requests for building permits. This applies to new construction, renovation, enlarging or additions to a building.

This regulation flows from the *Act Respecting Land Use Planning and Development*. The requested information allows the rapid identification of the construction sites or of buildings undergoing renovations, whether they be residential, commercial, industrial or institutional. A municipality council must provide the pertinent information to the *Régie* within five days of the request for a permit.

5. LAND USE PLANNING FUNDING

Funding and land-use control tools make it possible to establish funds and land banks or financial reserves in respect of impending investments. Through such tools, builders may be asked to participate in certain municipal works. Moreover, through these tools, groups of individuals or individuals can be encouraged to participate financially in order to support certain initiatives in a municipality council.

Below are brief descriptions of these tools.

LAND BANKS AND POWERS TO ACQUIRE A BUILDING OR LAND

A municipality council may, pursuant to its powers to acquire and dispose of buildings and land, facilitate the development of public and, in some instances, private projects.

The three types of powers of acquisition and disposal, whose conditions vary, are:

- the acquisition program in respect of buildings in the city centre and acquisitions not stipulated by the program (RSQ, c. A-19,1, s, 85.0.1);
- acquisitions in respect of social and health services;
- acquisitions in respect of land banks or housing banks.

A local municipality may possess buildings for the purpose of a land bank. It may also possess buildings for the purpose of housing. The municipality council may lease such an building, convert it and install public services there, demolish, transport or restore a construction erected there.

Notwithstanding any irreconcilable provision and pursuant to these powers, the municipality may also dispose at no cost for the benefit of certain establishments of a building obtained from the Government, one of its ministers or agencies, a RCM, the municipal housing office, or another non-profit organization.

TAKING

A municipality council may acquire through the force of law, in the public good, a privately-owned building providing that an indemnity is paid (RSQ, c. E-24, s, 35).

RÉSERVES FOR PUBLIC PURPOSES

Any organisation authorised by the law to expropriate a « good », i.e. property (municipality council, intermunicipal authority) may impose a *réserve* on that property

The *réserve* prohibits, with the exception of repairs, all construction, renovation or additions to the building on which the *réserve* has been imposed. This prohibition remains in force for the life of the *réserve* (RSQ, c. E-24, s, 69).

FINANCIAL ASSISTANCE

The council of the municipality may, pursuant to its powers, grant direct financial assistance to individuals and organizations with a view to fostering private initiatives or assisting the needy.

For example, a municipality council may:

- offer tax incentives in respect of the construction, renovation or transformation of buildings and the development of land in conjunction with a revitalization program;
- establish a public housing development fund in order to support social housing development projects;
- adopt a program to grant assistance in the form of a tax credit to the persons that operate a private-sector enterprise; assistance may not be granted, however, if one of the following situations applies: activities previously exercised in the territory of another local municipality have been transferred to it; or its owner or occupant receives government assistance intended to lower property taxes;
- set up or help set up certain not-profit organizations, give them grants or offer them guarantees and assign to them on its behalf the management of certain activities (RSQ, c. A-19,1, s, 85.2 and 85.4; RSQ, c. C-47.1, s, 90 to 92.1).

MUNICIPAL WORKS AGREEMENTS (S, 145.21 TO 145.30)

The by-law concerning municipal works agreements (developers exactions) allows the council of the municipality to conclude agreements with real estate developers regarding their participation in the costs and implementation of the municipal works required to carry out development projects.

CONTRIBUTION IN RESPECT OF PARKS, PLAYGROUNDS AND NATURAL AREAS (S, 117.1 TO 117.16)

The contribution in respect of parks (land dedication) allows a municipality council to impose on the property owner, as a condition precedent to the issuing a construction or subdivision permit, a levy, i.e. either the property owner transfers free of charge to the municipality a property or he pays a sum equivalent to the value of the property to be transferred, suitable for the establishment or expansion of a park or playground or for the preservation of a natural area.

FINANCIAL RESERVES

A municipality council, a RMC, a metropolitan community or an intermunicipal authority may create funds for the management of current operations or to make future investments in various areas. Such reserves seek to tax directly, and prior to the event, in order to provide goods and services on a day-to-day basis, or at some time in the future. As a case in point, a property tax reserve may be used to finance the techniques and methods of providing water and to develop water distribution infrastructure (RSQ., c. C-27.1 article 1094.1 ; c. C-19 article 569.1).

TARIFFING

A municipality may decide that all or part of its provision of goods, services or activities will be financed through « tariffing », a schedule of tariffs published in a municipality's by-law, rather than on the basis of property values.

The activity of a municipality council that consists in examining an application and responding to it is deemed to benefit the applicant, regardless of the response given, including cases where the subject of the application is regulatory act or the response consists in such an act (for example: zoning by-law modification).

The Law identifies the following as methods of « tariffing »:

- any property tax based on another characteristic of the building good », other than its value, such as its surface area, its frontage or any other dimension ;
- compensation required from the owner or occupant of a property for services delivered;
- a price charged on a per-use basis, or as a periodic fee, for the use of a good or service or for an activity (e.g. entry fee to a swimming pool or skating rink) (RSQ, c. F-2.1, 244.1 to 244.10).

6. ENVIRONNEMENTAL PROTECTION TOOL

Environmental protection tools help protect and enhance the natural environment. They also ensure safe and sanitary conditions for the public in regard to natural and technological risks as well as the various sorts of pollution.

Below are brief descriptions of these tools and their components.

PROTECTION REGARDING RIVERBANKS AND LAKESHORES, LITTORAL ZONES AND FLOODPLAINS (s, 5,4)

The regional county municipalities must identify the zones where occupation of the ground is subject to specific restrictions because of the risks to public health, safety and wellbeing and for the environmental protection of the hydrology and wetlands.

The Policy for the Protection of Riverbanks, Shorelines and Floodplains of the *Ministère du Développement durable, de l'Environnement et des Parcs du Québec* defines the different milieus that are affected: riverbanks, shorelines, floodplains, ditches, high-water lines.

NATURAL RESTRICTIONS (s, 5,4)

The RCMs must identify the zones where occupation of the ground is subject to specific restrictions because of the risks to public health, safety and wellbeing. They must also ensure the environmental protection of the floodplains (e.g. protect the characteristic *fauna* and *flora*).

The zones with natural restrictions include, in particular, those with:

- flooding beyond the riverbanks (during the period of melting snow), following ice jams or torrential rains.
- erosion caused by water, ice or wind,
- land slides consisting of soil or rock, simple or composite,
- other catastrophes such as rockslides (blocks of rock), sinking of the ground (due to the consolidation or compaction of the soil), cave ins (due to the collapse of the roof of subterranean cavities), avalanches, seisms (earthquakes), etc..

MAN-MADE RISKS AND RISK MANAGEMENT

The RCM must identify the thoroughfares whose present or planned presence in a place results in land occupation near this place being subject to major restrictions for reasons of public safety, public health or general welfare (s, 5,5).

The RCM can also identify each building, other than a thoroughfare, and each activity whose present or planned presence or carrying out in a place results in land occupation near this place being subject to special restrictions for reasons of public safety, public health or general welfare (s, 6,4).

Fire safety cover plan

The regional authorities in conjunction with the local municipalities within their territorial limits, establish, in compliance with the policies determined by the Minister of Public Security, a fire safety cover plan designed to determine, for the whole of their territory, fire protection objectives and the actions required to achieve them (SQ, 2000, c.20, s, 8).

BY-LAWS ON THE ENVIRONMENT, SANITATION, NUISANCES AND SAFETY

The council of the municipality may adopt by-laws on the environment, sanitation, nuisances and safety. It can define what is unsanitary, what is a nuisance or what is a safety risk. It can consequently order these risks removed and impose fines on those who are at fault or who refuse to remove the threat. (RSQ, c. C-47.1 articles 4, 6, 19 to 54 environment, 55 to 58 sanitation, 59 to 61 nuisances, 62 to 65 safety).

BY-LAW ON RESTRICTIONS ON THE USE OF BOATS

Municipalities that so wish may impose certain restrictions on the handling of boats on one or more of the bodies of water that may exist on its territory (SQ, 2005 c 62).

WASTE MANAGEMENT

A municipality council may establish, modify and operate a public waste management service, favouring the reduction in volume of waste, its reuse and, if this fails, its elimination. It can itself, or through sub-contractors, undertake the collection and transport of waste, establish a system of selective collection, as well as create and operate centres for sorting, recovery and treatment of the waste, as well as the sanitary fill sites..

Analyses within the region, carried out in developing a waste management plan, should identify existing facilities, the demand for reusable waste (*déchetterie*, eco-centre, centres for recovery, recycling or composting) and waste disposal facilities. As a further step, sites suitable for creating such activities should be identified. .

7. DIRECT INTERVENTION TOOLS

Municipalities may also directly support the construction, maintenance or administration of facilities, infrastructure or public services or may encourage property owners to build, renovate and develop their lots or buildings.

Below are brief descriptions of some of these tools.

HOUSING AND URBAN RENEWAL

The powers that the councils of the municipalities have in the fields of housing and urban renewal allow them to undertake initiatives in response to a varied range of social, environmental and economic concerns. The council of the municipality may, in particular, own, build, plan, administer, rent and alienate buildings for residential purposes.

A municipality council may participate in the implementation of different programs offered by the *Société d'habitation du Québec* (SHQ), an agency reporting to the *Ministre des Affaires municipales et des Régions*. If the SHQ so envisages in a program, the municipality may develop a parallel program that is complementary to those of the SHQ.

A council may create a fund for the development of social housing so as to support the execution of projects seeking to build this type of residence.

Housing bureaus

A municipal housing bureau shall be constituted in each local municipality constituted by the amalgamation of territories of local municipalities for the purpose of providing mainly residential dwellings to persons or families of low or moderate income. This obligation does not apply if none of the municipal territories amalgamated is served by a municipal housing bureau on the effective date of the amalgamation (RSQ, c. S-8, s, 57).

Social housing development fund

A municipality council may establish a social housing development fund to support any social housing development plan. A RCM may establish a social housing

development fund to support any social housing development plan, in collaboration with the municipalities in its territory (RSQ, c. S-8, s, 56.1).

✚ ***Conversion of a rental residential immovable to divided co-ownership***

The council of the municipality may regulate the conversion of rental buildings into divided co-ownership properties, commonly called condominiums (RSQ., c-8.1, s, 51 to 54.14).

✚ ***Intergenerational residences (s, 113,3.1)***

A municipality council may, in regard to buildings that are partially or totally residential and have a specified number of residential units, accept the creation of an additional residential unit (one such additional unit for each of the existing units) to be occupied by persons that are related through blood or marriage. The zoning by-law may specify the conditions regarding the creation or occupation of the additional unit. These rules may vary from one category of building to another. .

✚ ***Residence for the elderly (s, 118.1 to 120.0.1)***

The construction by-law may, in regard to a residence for the elderly, require specific standards of construction and rules governing the design of the building, and the elements that should be built into it in order to ensure care or service for residents that is appropriate to their condition.

CULTURAL, RECREATIONAL AND SOCIAL SERVICES

A local municipality has the power to organise and promote the development of various local cultural, recreational and social services. (RSQ., c. C-47.1 articles 4, 7 and 8)

COMMERCE

The council of the municipality may promote the development of commercial activities on its territory through the use of its authority to inspect, to develop commercial arteries on its territory, to provide financial assistance to persons and organisations pursuing revitalisation and to facilitate the creation of a commercial development corporation.

✚ ***Commercial development corporations***

A local municipality may make, amend or repeal by-laws to define the limits of a commercial zone within which a single commercial district may be formed, comprising at least 50 places of business and more than 50% of the places of business in that zone, and to provide for the establishment of an initiatives and development association having jurisdiction in that district (RSQ, c.C-27.1, s, 634 to 677 ; RSQ, c. C-19, s, 458.1 to 458.44).

INDUSTRY

A municipality council wishing to play an active role in the creation of industrial areas has specific powers that allow it to acquire, convert, sell or rent land and buildings (RSQ, c. I-01).

MUNICIPAL ROADS

A municipality council may build, manage and maintain municipal roads, bridges, streets, lanes, sidewalks and other such infrastructure (RSQ., c. C-47.1 articles 66 to 81)

✚ ***Public transportation***

With a view to supporting sustainable development, the council of the municipality may organise public passenger transportation, including transportation for handicapped persons to ensure travel and access to places where different human activities are taking place. (RSQ, C. C-47.1 articles 237 ; RSQ, c.T-12, s, 48.18 to 48.43).

✦ *By-laws related to traffic and other activities on streets, sidewalks and in public squares*

A municipality council has the power to regulate traffic on the public roads which it is responsible to maintain, as well as other activities in the streets, on the sidewalks and in public places. .

WATER AND SEWER SYSTEMS

A local municipality is authorised to install and manage a public potable water distribution system as well as a system for the collection and treatment of waste water (RSQ, c. C-47.1 articles 6, 4, 19, 21 to 33)

INTERMUNICIPAL AGREEMENTS

Intermunicipal agreements allow municipalities to partner with each other in the provision of goods and services. They also allow them to create infrastructure jointly, while minimizing the costs related to these services. Municipalities can choose among the following three modes of operation : the provision of services by one of the municipalities that is a party to the agreement; the delegation of one municipality's powers to the other, with the exception of the authority to create by-laws and to raise taxes; and, finally, the creation of an intermunicipal authority or *régie* to provide the goods and services (RSQ, c. C-27.1, s, 569 to 624 ; RSQ, c. C-19, s, 468 to 469.1).

Regional parks

A regional park is a territory created and managed by the RCM in question. The park refers to an area or « space » dedicated to nature, or to a corridor developed for recreational and sports activities (RSQ, c. C-47.1, s, 112 to 126).

Penalties and sanctions (s, 227 to 233.1)

The specific penalties and sanctions authorised by the *Act Respecting Land Use Planning and Development* are in addition to the civil procedures already available. These measures complement the penal procedures that the council of the municipality can use to punish those who contravene existing by-laws.

To ensure compliance with its land use regulations, the *Act Respecting Land Use Planning and Development* allows, in particular, for the municipality to request a court order from the Superior Court, requiring an offender to correct a particular situation. Three possible requests have been defined: a cessation request, a declaration of nullity and a demolition request.

Note:

The [Act Respecting Land Use Planning and Development](#) (RSQ, c. A-19.1), the [Municipal Powers Act](#) (RSQ, c. C-47.1), the [Act respecting the exercise of certain municipal powers in certain urban agglomerations](#) (RSQ, c. E-20.001) and the [Act respecting municipal territorial organization](#) (RSQ, c. O-9) are available online, in English, on the [Publications du Québec Web](#) site in the section on publications.

GOVERNMENT LAND USE POLICY
For coherent development
Summary

GENERAL GUIDANCE

GROWTH MANAGEMENT

DISTRIBUTION OF URBAN GROWTH WITHIN THE TERRITORY

- ✚ Favour the consolidation of existing urban zones, giving priority to the revitalisation of city centres and older areas.
- ✚ Guide urban expansion into parts of the territory that can develop economically and with due regard for the environment.
- ✚ Favour an integrated development approach for the whole of an urban agglomeration.

RETENTION AND IMPROVEMENT OF SERVICES FOR PEOPLE

- ✚ Retain and improve public facilities and services, maximising their benefits for the urban milieu.
- ✚ Improve the « housing » and adapt it to the socioeconomic context.
- ✚ Protect, rehabilitate and enhance the built-up areas, the public spaces and the green spaces within the urban milieu.

CONSIDERATION OF NATURAL AND ANTHROPOLOGICAL RISKS AND NUISANCES

- ✚ Contribute to the public health, safety and wellbeing as well as the protection of the environment through a better harmonisation of uses.

STRATEGIC PLANNING OF INDUSTRIAL AND COMMERCIAL SPACES

- ✚ Optimise the benefits of the allotted public and private investments through the planning of industrial and commercial spaces.

INTEGRATED LOCATION PLANNING OF FACILITIES AND INFRASTRUCTURE

- ✚ Tie the planning of public infrastructure and facilities to the land use objectives of the territory, and ensure their economic viability.

INTEGRATED RESOURCE DEVELOPMENT

MANAGEMENT OF PUBLIC LAND

- ✚ Develop an overall management approach that seeks the multipurpose use of Québec's heritage properties, the harmonisation of their various uses and the cooperation of their different partners
- ✚ Favour development of Québec's public intramunicipal properties that contributes to regional development.

PROTECTION OF THE TERRITORY AND OF AGRICULTURE

- ✚ Plan the development of agricultural areas with priority accorded to the agricultural activities, respecting the peculiarities of the milieu, so as to encourage the economic growth of the regions, with due regard for sustainable development..

PLANNING MINING ACTIVITIES

- ✚ Contribute to the development of the mining sector by favouring the protection and the enhancement of mineral resources through better territorial planning.

PROTECTION AND ENHANCEMENT OF THE FORESTRY SECTOR

- ✚ Ensure the durability and the enhancement of forest resources with due regard for the diversity of the milieu.

ENERGY DEVELOPMENT

- ✚ Favour the enhancement and efficient, profitable use of all renewable energy resources and maximise, in the regions, the economic benefits flowing from them.

CONSERVATION OF BIOLOGICAL DIVERSITY

- ✚ Ensure the protection of the natural heritage and the conservation of the *faunic* and *flora* species as well as their habitats

ACCESSIBILITY OF FAUNIC TERRITORIES AND RECREATIONAL AREAS

- ✚ Improve the contribution of the Québec parks network to the protection of the natural environment and to meeting population needs for recreational areas.
- ✚ Improve accessibility to new protected natural spaces and favour their development for multi-purpose recreation and tourism..
- ✚ Consolidate and adapt the roles of *faunic* territories, in cooperation with local stakeholders, so as to improve their contribution to regional socioeconomic development.
- ✚ Promote vacationing on public land so as to contribute to recreational and economic development.

ENHANCEMENT OF THE TERRITORY FOR TOURISM

- ✚ Ensure the contribution of tourism to regional development by increased enhancement of the territory's attractions and activities through the consolidation of high priority tourism « products ».

TRANSPORTATION INFRASTRUCTURE AND REGIONAL DEVELOPMENT

- ✚ Conserve transportation infrastructure, maintain appropriate user service and support the socioeconomic development of the various Québec regions by optimising the contribution of the different modes of transport.

REINFORCEMENT OF MUNICIPAL STRUCTURES

Reinforce municipal structures so as to ensure a better distribution of revenues and costs at the local level and to allow better use of the resources of both the municipalities and the Government..

QUÉBEC METROPOLITAN COMMUNITY

The Government seeks to accomplish the following on the Québec Metropolitan Community's territory:¹ :

- ✚ ensure the full political, administrative, historical and cultural impact, externally, of the National Capital and the metropolitan region of Québec, and pursue the enhancement of its distinctive built and natural environments that makes it such a remarkable site;
- ✚ manage urbanization from an overall perspective, using an integrated approach, while considering the characteristics of each of the five components of the Community and seeking complementarities among them;
- ✚ offer diversified and quality living milieus, adapted to demographic change as well as to the socioeconomic characteristics, particularly social mix and ethnic integration, that impact the needs of the population for housing, facilities and services;
- ✚ carry out integrated transportation and development planning in the territory, giving the highest priority to public transportation, favouring intermodality and optimising the use of existing facilities, infrastructure, and transportation networks, while supporting socioeconomic development and protecting both the natural and the built environment ;

1 MAMSL. *Orientations gouvernementales en matière d'aménagement pour le territoire de la Communauté métropolitaine de Québec*, Décembre 2002. [En ligne], http://www.mamr.gouv.qc.ca/amenagement/amen_amen_cadr.htm

- ✚ Ensure the harmonisation and the complementarity of economic development plans and initiatives so as to help reinforce the economy of the Québec Metropolitan Community and each of its five components, to improve the competitive position of its businesses and to favour a wider external impact at the national and international levels, counting on the increased contribution, amongst others, of immigration ;
- ✚ increase the value, and support the development, of the agricultural and agrifood sectors, and enhance the agricultural potential of the territory so as to contribute to the prosperity and wellbeing of the community:
- ✚ favour an integrated management of the resources and the natural potential of the territory, so as to diversify and increase socioeconomic development and improve the quality of life of the population, while increasing access to these benefits;
- ✚ preserve the quality of the environment, ensure the preservation of biodiversity and contribute to the rehabilitation of damaged natural areas and milieus;
- ✚ contribute to the health, safety, wellbeing of the population, and seek to reduce the damage caused to property by natural cataclysms.

MONTRÉAL METROPOLITAIN COMMUNITY

The Government seeks to accomplish the following on the Montréal Metropolitan Community's territory²:

- ✚ consolidate the existing urban zones and limit urbanization outside their perimeters to those areas that already have infrastructure and services such as water, sewers, electricity, schools, roads, public transportation infrastructure, etc;
- ✚ conserve and improve existing facilities, infrastructure and public services, and better control the public investments in the sectors on the periphery of the urban zone and on the periphery of the metropolitan region without facilities, infrastructure and public services;
- ✚ favour and support city planning that seeks to diversify housing and public services with a view to social mix;
- ✚ rehabilitate and enhance the older or dilapidated sectors so as to improve the quality of life, habitat, facilities and public services as well as the urban and architectural heritage, prioritising the centre of the agglomeration;
- ✚ support the international development of the Montréal metropolitan region, contributing, on a priority basis to the reinforcement of the six major economic hubs or *pôles* where international activities are concentrated : • Downtown Montréal; • St. Laurent / Dorval; • Centre of Laval; • Longueuil / Boucherville / St. Hubert; • Anjou / Mercier, including the port zone; • *Zone de commerce international de Mirabel* (a logistics hub at Mirabel airport);
- ✚ create a network linking the major economic hubs, as well as the existing and emerging secondary hubs, with due regard for their roles and complementarities;
- ✚ promote and support an urban form of transportation that seeks:
 - in regard to passenger transportation, increased use of public transportation as well as non-motorised modes and a reduction in automobile use;
 - in regard to freight transportation, optimal use of the strategic transportation network, reinforcement of the competitive position of Montréal as a manufacturing centre and a continental freight transportation hub;
 - in regard to serving the major economic hubs, support of their development by better integration of the passenger and freight transportation networks and systems ;
- ✚ ensure the permanence and sustainable development of the agricultural zone established by the Government by favouring optimal enhancement of the agricultural and agrifood potential, with a view to economic growth, job creation and environmental protection;

2 MAMSL. *Cadre d'aménagement et d'orientations gouvernementales, Une vision d'action commune, Région métropolitaine de Montréal 2001-2021*, Juin 2001. [En ligne]
http://www.mamr.gouv.qc.ca/amenagement/amen_amen_cadr.htm

- ✚ protect and enhance the metropolitan region's green spaces, bodies of water, landscapes as well as the heritage aspects of the territory :
 - recognition of the importance of Mount Royal as the emblem and heritage site of the metropolis, major green space and first *Montérégienne*
 - protection of the *Montérégiennes* for their environmental, visual and recreational aspects;
 - protection and enhancement of the green spaces that have strategic interest due to their biodiversity;
 - protection and cooperative development of the large water basins of the metropolitan region;
 - increased access of the public to the river banks, water and certain river islands of Greater Montréal if this does not harm the biodiversity and the conservation of threatened and vulnerable species nor their habitat;
- ✚ protect and enhance the natural, historical and architectural heritage as well as the landscapes;
- ✚ contribute to public health, safety and wellbeing as well as to the continuity of investments, by considering the risks of cataclysms caused by natural and anthropogenic factors in decision-making related to the economic and urban development of the territory;
- ✚ ensure the integration of agglomeration development plans in the « land use planning and development plans » of the regional county municipalities (RCM), that are neighbours to the Montréal Metropolitan Community, for each of the urban census agglomerations: Lachute, St. Jérôme, Joliette, Sorel, St. Hyacinthe, St. Jean sur Richelieu and Salaberry de Valleyfield ;
- ✚ protect and enhance the rural and heritage aspects of the territory's villages and consolidate the economy and the agricultural zone;
- ✚ control the public investments in the unserved without facilities, infrastructure and public services on the periphery of the urban and village agglomerations.