

chapter A-19.1, r. 0.1

Regulation respecting public participation in matters of land use planning and development

Act respecting land use planning and development
(chapter A-19.1, s. 80.3).

TABLE OF CONTENTS

DIVISION 1	
PRELIMINARY.....	1
DIVISION 2	
COMPULSORY CHARACTER OF A PUBLIC PARTICIPATION PROCESS.....	3
DIVISION 3	
PUBLIC PARTICIPATION POLICY	
§ 1. — <i>General</i>	4
§ 2. — <i>Informative measures</i>	10
§ 3. — <i>Consultative measures</i>	15
§ 4. — <i>Active participation measures</i>	17
§ 5. — <i>Feedback measures</i>	19
DIVISION 4	
REPORTING.....	20
DIVISION 5	
FINAL.....	21

DIVISION 1

PRELIMINARY

M.O. 2018-06-19, Div. 1.

1. This Regulation regulates public participation in matters of land use planning and development, and sets requirements relating to the content of a public participation policy adopted under section 80.1 of the Act respecting land use planning and development (chapter A-19.1).

It applies to any local municipality that avails itself of the provisions of Chapter II.2 of Title I of the Act.

M.O. 2018-06-19, s. 1.

2. In this Regulation,

(1) “**public participation process**” means all the public participation measures that must, under a public participation policy or the Act respecting land use planning and development (chapter A-19.1), be accomplished in respect of an instrument;

(2) “**public participation measure**” means any informative, consultative, active participation or feedback measure;

(3) “**consultative measure**” means any measure intended to allow interested persons to ask questions or to make observations, in particular by expressing concerns, expectations or opinions and by making suggestions;

(4) “**informative measure**” means any measure relating to the production and communication of information for the benefit of interested persons;

(5) “**active participation measure**” means any measure intended to actively involve interested persons and to recognize the possibility for them to make a contribution in the decision-making process relating to an instrument, in particular by contributing to the identification of issues, the definition of options, the assessment of scenarios or the formulation of recommendations, as part of an interaction between interested persons, the representatives of the municipality and any other intervening party;

(6) “**feedback measure**” means any measure intended to report, for the benefit of interested persons, on how the results of a consultative or active participation measure have been taken into consideration by the municipality;

(7) “**interested person**” means every person who feels concerned by an instrument subject to a public participation process.

M.O. 2018-06-19, s. 2.

DIVISION 2

COMPULSORY CHARACTER OF A PUBLIC PARTICIPATION PROCESS

M.O. 2018-06-19, Div. 2.

3. A municipality must, before adopting an instrument subject to a public participation process, accomplish all the measures that are included in the process.

M.O. 2018-06-19, s. 3.

DIVISION 3

PUBLIC PARTICIPATION POLICY

M.O. 2018-06-19, Div. 3.

§ 1. — *General*

M.O. 2018-06-19, Sd. 1.

- 4.** A public participation policy determines the instruments subject to a public participation process.

Such instruments must include

- (1) any by-law relating to the preparation or revision of a planning program;
- (2) any by-law amending a planning program to introduce into it a special planning program or to amend such a program so that the proposed zoning rules regarding main uses, main constructions or the dimensions of main constructions are no longer the same;
- (3) any by-law referred to in the third or fourth paragraph of section 123 of the Act respecting land use planning and development (chapter A-19.1); and
- (4) any resolution by which a municipality grants, in accordance with section 145.38 of the Act respecting land use planning and development, an authorization in respect of a specific project for the construction, alteration or occupancy of an immovable that is at variance with a provision referred to in subparagraph 1 of the third paragraph of section 123 of the Act.

M.O. 2018-06-19, s. 4.

- 5.** The public participation measures included in a public participation process may vary according to the type of instrument subject to the process or any other relevant criterion.

M.O. 2018-06-19, s. 5.

- 6.** A public participation process may begin at any time determined by the municipality, including before the adoption of any draft by-law required under the Act respecting land use planning and development (chapter A-19.1).

M.O. 2018-06-19, s. 6.

- 7.** The policy must be aimed at fostering participation of the greatest number of interested persons and the expression of different points of view.

M.O. 2018-06-19, s. 7.

- 8.** The policy describes the role of the elected officers in each public participation process and provides for the manner in which they will be informed of the results of the various public participation measures.

M.O. 2018-06-19, s. 8.

- 9.** The policy identifies the persons who are responsible for implementing it.

It may provide that public participation measures will be implemented by persons who are neither municipal elected officers nor municipal officers, provided that those persons have in the subject of the public participation process no interest likely to infringe on their ability to exercise the functions impartially.

M.O. 2018-06-19, s. 9.

§ 2. — *Informative measures*

M.O. 2018-06-19, Sd. 2.

10. Every public participation process must include informative measures, which must provide for the use of various means of communication.

M.O. 2018-06-19, s. 10.

11. The policy must provide for the dissemination of information on the main steps of the decision-making process relating to an instrument and on the consultative or active participation measures that will be accomplished during each step.

The information must be disseminated not later than the 14th day prior to the beginning of any consultative or active participation measure included in a public participation process.

M.O. 2018-06-19, s. 11.

12. The policy must provide, in respect of any instrument referred to in the second paragraph of section 4, for the dissemination of a text pertaining to its main foreseeable effects. In the case of an instrument referred to in subparagraph 3 of that paragraph, the policy must also provide for the dissemination of an explanatory text, which must set out any project for the construction or alteration of an immovable with which the municipality is already seized and that the instrument is intended to allow. The explanatory text must also describe the contribution, if applicable, of the instrument and the project to the directions of the planning program.

Where an instrument applies to only part of the territory of the municipality, the information disseminated includes a map on which that part of the territory is delimited.

Information useful to the conduct of a consultative or active participation measure must be disseminated before the beginning of the measure so that interested persons have a reasonable time period to examine the measure.

In all cases, the aim of the policy must be the dissemination of clear, objective and neutral information.

M.O. 2018-06-19, s. 12.

13. The policy must provide, in respect of any instrument intended to allow a project with which the municipality is already seized and related to the construction or alteration of an immovable adjacent to a thoroughfare and located within an urbanization perimeter, for the posting of a notice on the site of the project.

The notice indicates the elements of the project that, because they do not comply with applicable by-laws, require an amendment, as well as the nature of the amendments required to allow the carrying out of the project.

M.O. 2018-06-19, s. 13.

14. The policy must aim at facilitating access, by interested persons, to the information relating to the subject of a public participation process.

M.O. 2018-06-19, s. 14.

§ 3. — *Consultative measures*

M.O. 2018-06-19, Sd. 3.

15. The policy determines the instruments that are subject to consultative measures, in addition to any public meeting required under the Act respecting land use planning and development (chapter A-19.1).

M.O. 2018-06-19, s. 15.

16. A consultative measure must include the possibility for interested persons to make verbal or written observations.

The policy must grant interested persons a minimum period of 7 days to send their observations to the municipality, which period begins to run after a public meeting is held, if applicable.

M.O. 2018-06-19, s. 16.

§ 4. — *Active participation measures*

M.O. 2018-06-19, Sd. 4.

17. The policy determines the instruments that are subject to active participation measures.

The instruments must include any by-law referred to in the third or fourth paragraph of section 123 of the Act respecting land use planning and development (chapter A-19.1) that amends

- (1) main uses authorized in a zone, including conditional uses;
- (2) main constructions authorized in a zone; or
- (3) any of the authorized dimensions of a main construction, by a variation of at least 40% of its initial value.

They must also include any resolution by which the municipality grants, in accordance with section 145.38 of the Act respecting land use planning and development, an authorization with respect to a specific project for the construction, alteration or occupancy of an immovable that could only be accomplished following an alteration referred to in the second paragraph.

M.O. 2018-06-19, s. 17.

18. Where a public participation process includes, under section 17, one or more active participation measures, at least one of them must be accomplished before the holding of a public meeting under section 125 of the Act respecting land use planning and development (chapter A-19.1).

M.O. 2018-06-19, s. 18.

§ 5. — *Feedback measures*

M.O. 2018-06-19, Sd. 5.

19. Every public participation process that includes a consultative or active participation measure must also include one or more feedback measures, including a mandatory written report that must be prepared and filed with the municipal council or the borough council, as the case may be.

The policy must provide the manner in which interested persons may examine the report, which may be made available after the adoption of the instrument subject to the participation process.

M.O. 2018-06-19, s. 19.

DIVISION 4

REPORTING

M.O. 2018-06-19, Div. 4.

20. An assessment of the application of the public participation policy must be prepared and filed with the municipal council not later than 4 years after its coming into force and, thereafter, every 4 years.

M.O. 2018-06-19, s. 20.

DIVISION 5

FINAL

M.O. 2018-06-19, Div. 5.

21. *(Omitted).*

M.O. 2018-06-19, s. 21.

UPDATES

M.O. 2018-06-19, 2018 G.O. 2, 2776