

Justification urbanistique

**Demande de modification au
Règlement de zonage No. 2016-10**

Utilisation temporaire

Centre de jardin Bergeron - Landtech
(Michel Bergeron, Président)

**Partie du Lot 32, Concession 1 (O.S.)
560, chemin de la Baie**

Planning Rationale

**Amendment Application
Zoning By-Law No. 2016-10**

Temporary Use

Bergeron Garden Center – Landtech
(Michel Bergeron, President)

**Part of Lot 32, Concession 1 (O.S.)
560 de la Baie Road**

Justification urbanistique La présente demande de modification au Règlement de Zonage No. 2016-10 vise à permettre l'utilisation temporaire d'une partie de la propriété sise au 560, chemin de la Baie, par le Centre de jardin Bergeron aux fins d'entreposage extérieur d'arbres et d'arbustes (pépinière) pour une période de trois (3) ans avec la possibilité de renouveler l'utilisation temporaire pour d'autres périodes de trois (3) ans d'ici à ce que le développement anticipé au Plan officiel pour le secteur ouest de l'aire urbaine prenne forme. Déclaration provinciale sur la planification La Déclaration provinciale sur la planification 2024 stipule ce qui suit : 2.3 Zones de peuplement et expansion des limites d'une zone de peuplement 2.3.1 Politiques générales relatives aux zones de peuplement 1. <i>La croissance et l'aménagement se concentrent dans les zones de peuplement. Dans les zones de peuplement, la croissance devrait être concentrée, le cas échéant, dans les zones de croissance stratégique, y compris les zones de grande station de transport en commun.</i> 6. <i>Les offices d'aménagement devraient établir et mettre en œuvre des politiques d'instauration progressive, le cas échéant, pour s'assurer que l'aménagement dans les zones de croissance désignées est ordonné et en phase avec la fourniture en temps opportun de l'infrastructure et des installations de services publics.</i> Plan officiel des CUPR La partie de la propriété visée par la demande de changement de zonage temporaire est inscrite à l'intérieur de l'affectation « Secteur	Planning Rationale The current application for an amendment to Zoning By-Law No. 2016-10 aims at allowing the temporary use of part of the property located at 560 de la Baie Road by Bergeron Garden Centre for the exterior storage of trees and shrubs (nursery) for a period of three (3) years with the possibility of renewing the temporary use for further periods of three (3) years until the development anticipated in the Official Plan for the western sector of the urban area takes shape. Provincial Planning Statement The Provincial Planning Statement 2024 provides the following: 2.3 Settlement Areas and Settlement Area Boundary Expansions 2.3.1 General Policies for Settlement Areas 1. <i>Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.</i> 6. Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities. UCPR Official Plan The part of the property affected by the temporary zoning amendment is designated
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des politiques urbaines » à l'Annexe « A » du Plan officiel des CUPR. On note la présence d'une Aire d'Intérêt Naturel et Scientifique (AINS) de l'autre côté du chemin de Comté 17 et d'une Zone « 2 » de protection d'une prise d'eau en façade de la propriété. La partie sud de la propriété est inscrite sous l'affectation « Secteur des politiques rurales ». Les caractéristiques suivantes ont été identifiées sur différentes parties de la propriété : Ressources d'agrégats minéraux, région de roche de fond instable (présumée ou potentielle), zone de recharge des eaux souterraines, ressources naturelles (boisé d'importance et habitat du poisson), système du patrimoine naturel, et zone de protection des prises d'eau (Zone 2). Les caractéristiques suivantes ont été identifiées à proximité de la propriété : Zone d'intérêt naturel et scientifique, terre humide d'intérêt provincial et plaine inondable. Les politiques pertinentes du Plan officiel stipulent ce qui suit :	"Urban Policy Area" on Schedule "A" of the UCPR Official Plan. There's the presence of an Area of Natural and Scientific Interest (ANSI) on the other side of County Road 17 and a Water Intake Protection Zone "2" in front of the property. The southern part of the property is designated under the "Rural Policy Area". The following characteristics have been identified on various parts of the property: Mineral Aggregate Resources, Unstable Bedrock (presumed and potential), Groundwater Recharge Area, Natural Resources (Significant Woodland and Fish Habitat), Natural Heritage System, and Water Intake Protection Zone (Zone 2). The following characteristics have been identified near the property: Area of Natural and Scientific Interest, Wetland of Provincial Interest and Flood Plain. The pertinent policies of the Official Plan provide the following:
2.3.5 Commercial Policies 1) <i>Commercial development shall be encouraged and supported throughout the Counties and whenever possible it should be directed to Urban Policy Areas and more specifically to those communities where piped water and waste water services can be provided.</i> 2) <i>Council's objectives for commercial development in Urban Policy Areas are as follows:</i> <i>a) to permit commercial uses which are compatible with the surrounding community;</i> <i>b) to permit commercial development which can be appropriately serviced;</i> <i>c) to ensure a broad range of commercial uses in order to provide local employment opportunities;</i> <i>d) to facilitate local control over the location and character of commercial development;</i>	
Plan officiel de l'Aire urbaine de la Cité de Clarence-Rockland Le Chapitre 8 du Plan officiel de l'Aire urbaine de la Cité de Clarence-Rockland prescrit ce qui suit au sujet des zones d'études spéciales.	City of Clarence-Rockland Urban Area Official Plan Section 8 of the City of Clarence-Rockland Urban Area Official Plan prescribed the following concerning Special Study Areas.

<i>Special Study Areas are designated on Schedule 'A' and are subject to the policies of this Section. Special requirements, including the preparation of Secondary Plans or Development Plans, will apply to those areas where complex issues exist and coordinated planning solutions are required prior to development proceeding.</i> <i>It is intended that, after planning issues have been resolved, development can proceed for the land use designations that have been identified within the study area, subject to the applicable policies of the Official Plan and, if required, of the Secondary Plan.</i> 8.1 Special Study Area 1 <i>Special Study Area 1 comprises all the lands situated between County Road No. 17 to the north, Part of Lots 33 and 34, Concession 1 (O.S.) to the west, the proposed major collector road to the south, and a portion of Part of Lot 32, Concession 1 (O.S.) to the east, as shown on Schedule 'A'.</i> <i>The lands within the Special Study Area 1 are presently used primarily for agricultural uses, with the exception of a number of dwellings along de la Baie Road, on the south side of County Road No. 1.</i> <i>The future development of lands within the Special Study Area 1 could offer a full range of residential uses, commercial, institutional and recreational activities.</i> <i>The completion of a Development Plan will be required prior to any development being approved in the Special Study Area 1.</i> <i>8.1.1 Development Plan 1. A Development Plan shall be prepared in accordance with the following guidelines:</i> <i>a) Council shall adopt an amendment to this Official Plan prior to any development.</i> <i>b) In order to ensure the proper consideration of issues and problems, public participation and consultation with appropriate agencies shall be a mandatory component of the</i>	<i>Special Study Areas are designated on Schedule 'A' and are subject to the policies of this Section. Special requirements, including the preparation of Secondary Plans or Development Plans, will apply to those areas where complex issues exist and coordinated planning solutions are required prior to development proceeding.</i> <i>It is intended that, after planning issues have been resolved, development can proceed for the land use designations that have been identified within the study area, subject to the applicable policies of the Official Plan and, if required, of the Secondary Plan.</i> 8.1 Special Study Area 1 <i>Special Study Area 1 comprises all the lands situated between County Road No. 17 to the north, Part of Lots 33 and 34, Concession 1 (O.S.) to the west, the proposed major collector road to the south, and a portion of Part of Lot 32, Concession 1 (O.S.) to the east, as shown on Schedule 'A'.</i> <i>The lands within the Special Study Area 1 are presently used primarily for agricultural uses, with the exception of a number of dwellings along de la Baie Road, on the south side of County Road No. 1.</i> <i>The future development of lands within the Special Study Area 1 could offer a full range of residential uses, commercial, institutional and recreational activities.</i> <i>The completion of a Development Plan will be required prior to any development being approved in the Special Study Area 1.</i> <i>8.1.1 Development Plan 1. A Development Plan shall be prepared in accordance with the following guidelines:</i> <i>a) Council shall adopt an amendment to this Official Plan prior to any development.</i> <i>b) In order to ensure the proper consideration of issues and problems, public participation and consultation with appropriate agencies shall be a mandatory component of the</i>
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<i>preparation of the Development Plan. When adopted, the Amendment to this Official Plan shall be subject to the approval of the United Counties of Prescott and Russell.</i> <i>c) Until such time as the Development Plan is prepared for the Special Study Area 1, the permitted uses shall be limited to the existing uses. Notwithstanding the above, Council may permit redevelopment of existing legal uses, limited to repairs and minor additions to buildings or structures, which would not prejudice the future development of Special Study Area 1.</i> <i>d) The Amendment to this Official Plan shall be implemented by Zoning By-Laws, development and site plans, subdivision plans and agreements, land acquisition, or other means as required.</i> <i>e) The Development Plan must consider and include policies for, amongst other thing:</i> <i>i) transportation, traffic and parking;</i> <i>ii) housing types, densities and mix;</i> <i>iii) population size and distribution;</i> <i>iv) community facilities and services, such as schools, parks, recreation and institutional uses;</i> <i>v) commercial types and business office uses, size and locations;</i> <i>vi) municipal services and utilities;</i> <i>vii) visual amenity, landscaping and conservation criteria or standards; and</i> <i>viii) means of implementation and staging.</i> 8.2 Secondary Plans [Amendment #13, December 19, 2019] <i>Secondary plans provide specific policies for areas identified within an Official Plan as requiring more detailed direction on topics such as land use, infrastructure, the natural environment, transportation and urban design. Listed below are the secondary plans</i> 8.2.1 Expansion Lands Secondary Plan [Amendment #13, December 19, 2019]	<i>preparation of the Development Plan. When adopted, the Amendment to this Official Plan shall be subject to the approval of the United Counties of Prescott and Russell.</i> <i>c) Until such time as the Development Plan is prepared for the Special Study Area 1, the permitted uses shall be limited to the existing uses. Notwithstanding the above, Council may permit redevelopment of existing legal uses, limited to repairs and minor additions to buildings or structures, which would not prejudice the future development of Special Study Area 1.</i> <i>d) The Amendment to this Official Plan shall be implemented by Zoning By-Laws, development and site plans, subdivision plans and agreements, land acquisition, or other means as required.</i> <i>e) The Development Plan must consider and include policies for, amongst other thing:</i> <i>i) transportation, traffic and parking;</i> <i>ii) housing types, densities and mix;</i> <i>iii) population size and distribution;</i> <i>iv) community facilities and services, such as schools, parks, recreation and institutional uses;</i> <i>v) commercial types and business office uses, size and locations;</i> <i>vi) municipal services and utilities;</i> <i>vii) visual amenity, landscaping and conservation criteria or standards; and</i> <i>viii) means of implementation and staging.</i> 8.2 Secondary Plans [Amendment #13, December 19, 2019] <i>Secondary plans provide specific policies for areas identified within an Official Plan as requiring more detailed direction on topics such as land use, infrastructure, the natural environment, transportation and urban design. Listed below are the secondary plans</i> 8.2.1 Expansion Lands Secondary Plan [Amendment #13, December 19, 2019]
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<i>The Expansion Lands Secondary Plan provides area-specific policy direction to guide development within the Expansion Lands until the year 2035. The Plan is intended to ensure that future growth occurs in an efficient, orderly, and sustainable manner.</i> <i>The Expansion Lands Secondary Plan forms part of this Official Plan and is attached as “Document 1” hereto.</i> <i>The designation Lands Added in the Urban Area, as shown on Schedule ‘A1’, represents the lands that were identified for development during the 2015 United Counties of Prescott and Russell Official Plan Review and that were not part of the studies supporting the Expansion Lands Secondary Plan.</i> <i>Until such time as the City amends the Expansion Lands – Land Use and Road Network on Schedule “A”, the permitted uses shall be limited to the existing uses.</i>	<i>The Expansion Lands Secondary Plan provides area-specific policy direction to guide development within the Expansion Lands until the year 2035. The Plan is intended to ensure that future growth occurs in an efficient, orderly, and sustainable manner.</i> <i>The Expansion Lands Secondary Plan forms part of this Official Plan and is attached as “Document 1” hereto.</i> <i>The designation Lands Added in the Urban Area, as shown on Schedule ‘A1’, represents the lands that were identified for development during the 2015 United Counties of Prescott and Russell Official Plan Review and that were not part of the studies supporting the Expansion Lands Secondary Plan.</i> <i>Until such time as the City amends the Expansion Lands – Land Use and Road Network on Schedule “A”, the permitted uses shall be limited to the existing uses.</i>
Règlement de zonage No 2016-10 La partie de la propriété concernée par la demande de modification temporaire au Règlement de zonage No. 2016-10 est zonée « Zone d’étude spéciale (SSA) » à la Carte de zonage « A ». La partie sud de la propriété est inscrite dans la zone « Rurale (RU) ». La Partie 19 du Règlement de zonage No. 2016-10 prescrit ce qui suit : « L’utilisation de terrains, de même que la construction, la modification, l’agrandissement ou l’utilisation de bâtiments ou de constructions dans une zone d’étude spéciale sont soumis aux dispositions du présent Article et de tout autre article pertinent du présent Règlement. Cette zone prévoit que les terrains zonés ainsi seront à la limite aménagés ou réaménagés conformément aux résultats et recommandations d’un plan secondaire. D’ici là, l’utilisation des propriétés à l’intérieur d’une zone d’étude spécial ne	Zoning By-Law No 2016-10 Part of the property concerned with the temporary amendment to Zoning By-Law No. 2016-10 is zoned “Special Study Area (SSA)” on Zoning Map “A”. The southern portion of the property is located in the “Rural (RU)” zone. Section 19 of Zoning By-Law No. 2016-10 prescribes the following: “No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Special Study Area (SSA) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law. It is the intent of this Zone that lands so zoned will ultimately be developed or redeveloped in accordance with the results and recommendations of a Secondary Plan. In the interim, the use of the lands within a SSA Zone should not be changed to the extent that

<i>devrait pas être modifiée au point de nuire aux résultats du plan secondaire et aux études à l'appui.</i> 19.1 Zone d'étude spéciale (SSA) 19.1.1 Utilisations permises <i>À l'intérieur d'une zone d'étude spécial (SSA), les seules utilisations permises seront celles qui existaient au moment de l'entrée en vigueur du présent Règlement, et toutes autres Utilisations permises par le comité de dérogation ou le conseil municipal en vertu de la Loi sur l'aménagement du territoire. »</i> La Partie 13 « Zones rurales » du Règlement de zonage No. 2016-10 autorise les utilisations suivantes : Centre de jardinage Marché de producteurs fermiers Entreposage à l'extérieur Agriculture Exploitation forestière La Partie 5 « Définitions » stipule ce qui suit : Agriculture : désigne toute culture du sol visant à produire des récoltes ou à élever des animaux de fermes, notamment : b) les pépinières, les acéricultures, les exploitations maraîchères intensives, etc... Caractéristiques de la propriété La propriété est décrite comme une Partie du Lot 32, Concession 1 (O.S.), ancien Canton géographique de Clarence, maintenant dans la Cité de Clarence-Rockland. Elle est occupée par un bâtiment d'habitation de type isolé arborant le numéro civique 560, chemin de la Baie. La propriété est de forme irrégulière. Elle présente les dimensions approximatives suivantes : une façade qui s'étend sur une distance de 34.5 mètres (113 pieds), une largeur de 108 mètres (354 pieds), une	<i>the results of the Secondary Plan and supporting studies could be prejudiced.</i> 19.1 Special Study Area (SSA) Zone 19.1.1 Permitted Uses <i>In any Special Study Area (SSA) Zone, the only permitted uses will be those which were in existence on the date of passing of this By-law and any other uses may be authorized by Committee of Adjustment or City Council under the provision of the Planning Act."</i> Section 13 "Rural Zones" of the Zoning By-Law No. 2016-10, authorizes the following uses: Garden Centre Outdoor Farmer's Market Outside Storage Agriculture Forestry Operation Section 5 "Definitions" provides the following: Agriculture: means the cultivation of the soil to produce crops and the raising of farm animals, and without limiting the generality of the foregoing includes: (b) nurseries, greenhouses, market gardens, orchards, Features of the Property The property is described as a Part of Lot 32, Concession 1 (O.S.), former geographic Township of Clarence, now in the City of Clarence-Rockland. The property is occupied by a single detached dwelling house bearing the civic number 560 de la Baie Road. The property is irregular in shape. It shows the following approximate dimensions: a frontage that extends on a distance of 34.5 meters (113 feet), a width of 108 meters (354 feet), a depth
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profondeur de 1,865 mètres (6,118 pieds) et une superficie de 20.15 hectares (49.8 acres). La partie nord de la propriété, touchée par la demande de modification de zonage temporaire, présente une façade de 34 mètres (111 pieds) en bordure du chemin de la Baie, une profondeur de 90 mètres (295 pieds) et couvre une superficie approximative de 3,060 mètres carrés (0.75 acre). La propriété est utilisée à des fins agricoles. Conséquemment, la propriété bénéficie d'un statut légal non-conforme à l'égard de la désignation « Zone d'étude spéciale » depuis la date d'entrée en vigueur du Plan officiel de la Zone Urbaine de la Cité de Clarence-Rockland (30 septembre 2014) et à l'égard de la catégorie de zonage « Zone d'étude spéciale (SSA) » attribuée dans le Règlement de zonage No. 2016-10 (16 mai 2016). Conclusion Tel qu'indiqué précédemment, la demande de modification au Règlement de zonage No. 2016-10 vise à permettre l'utilisation temporaire d'une partie de la propriété sise au 560, chemin de la Baie, par le Centre de jardin Bergeron aux fins d'entreposage extérieur d'arbres et d'arbustes (pépinière). Cet usage apparaît sous la définition « agriculture » qui constitue un des usages autorisés dans la zone « Rurale (RU) ». De plus, l'utilisation temporaire de la propriété aux fins demandées ne crée pas d'enjeu négatif pour l'aménagement éventuel de la zone de croissance ouest du secteur urbain de la Cité de Clarence-Rockland compte tenu que la fourniture des infrastructures et des installations de services publics n'est pas anticipée à court terme. La première période de temps demandée pour l'utilisation temporaire (3 ans) et son renouvellement pour d'autres périodes de trois (3) sont justifiables dans la mesure où la	of 1,865 meters (6,118 feet) and an area of 20.15 hectares (49.8 acres). The northern portion of the property, affected by the temporary zoning amendment, shows a frontage of 34 meters (111 feet) along de la Baie Road, a depth of 90 meters (295 feet) and covers an area of approximately 3,060 square meters (0.75 acre). The property is used for agriculture. Consequently, the property benefits from a legal non-conforming status in regards to the "Special Study Area" designation since the effective date of the City of Clarence-Rockland Urban Area Official Plan (September 30th, 2014), and in regards to the zoning category "Special Study Area" identified in the Zoning By-Law No. 2016-10 (May 16th, 2016). Conclusion As indicated previously, the application to amend Zoning By-Law No. 2016-10 aims at allowing the temporary use of part of the property located at 560 de la Baie Road by Bergeron Garden Centre for the exterior storage of trees and shrubs (nursery). This use appears in the definition for "agriculture" which constitute one of the permitted uses in the "Rural (RU)" zone. Furthermore, the temporary use of the property for the requested purposes does not create any negative issues for the eventual development of the western growth zone of the City of Clarence-Rockland urban area, given that the provision of infrastructure and public service facilities is not anticipated in the short term. The first period of time requested for temporary use (3 years) and its renewal for further periods of three (3) are justifiable insofar as the pressure of development in the
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pression du développement dans le secteur ouest demeure faible en raison de l'absence des infrastructures nécessaires à son essor.	western sector remains low due to the absence of the infrastructure necessary for its growth.
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