

**Subject: Zoning By-law Amendment - 5100 Kanata Avenue**

**File Number: ACS2023-PRE-PS-0006**

**Report to Planning and Housing Committee on 31 January 2023**

**and Council 8 February 2023**

**Submitted on January 18, 2023 by Derrick Moodie, Director, Planning Services,  
Planning, Real Estate and Economic Development**

**Contact Person: Kelly Livingstone, Planner II, Development Review**

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**Ward: Kanata North (4)**

**Objet : Modification du Règlement de zonage – 5100, avenue Kanata**

**Dossier : ACS2023-PRE-PS-0006**

**Rapport au Comité de l'urbanisme et du logement**

**le 31 janvier 2023**

**et au Conseil le 8 février 2023**

**Soumis le 18 janvier 2023 par Derrick Moodie, Directeur, Services de la  
planification, Direction générale de la planification, des biens immobiliers et du  
développement économique**

**Personne-ressource : Kelly Livingstone, Urbaniste, Examen des demandes  
d'aménagement est**

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**Quartier : Kanata-Nord (4)**

## **REPORT RECOMMENDATIONS**

- 1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 5100 Kanata Avenue, as shown in Document 1, to add an exception permitting Animal Care Establishment as an additional permitted use, as detailed in Document 2.**

2. That Planning and Housing Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of 8 February 2023,” subject to submissions received between the publication of this report and the time of Council’s decision.

## **RECOMMANDATIONS DU RAPPORT**

1. Que le Comité de la planification et du logement recommande au Conseil d’approuver une modification au Règlement de zonage 2008-250 visant le 5100, avenue Kanata, un bien-fonds illustré dans le document 1, afin d’ajouter une exception autorisant un établissement de soins des animaux comme utilisation supplémentaire, comme l’expose en détail le document 2.
2. Que le Comité de la planification et du logement donne son approbation afin que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux “exigences d’explication” aux termes de la Loi sur l’aménagement du territoire, à la réunion du Conseil municipal prévue le 8 février 2023 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

### **Staff Recommendation**

Planning staff recommend approval of the Zoning By-law Amendment for 5100 Kanata Avenue to allow for Animal Care Establishment as an additional permitted use in the existing zoning.

The site is designated Neighbourhood in the Suburban (West) Area of the Official Plan. The proposal conforms with the applicable Official Plan policies for this area of Kanata Lakes.

### **Applicable Policy**

The following policies support this application:

- Greater variety of compatible uses are desired in residential areas to create 15-minute neighbourhoods, as described in Section 2.2.2, Policy 4 and Section 2.2.4, Policy 1 of the Official Plan.
- Non-residential development is permitted within the Neighbourhood designation, subject to certain criteria as described in Section 6.3.1 of the Official Plan.
- Where a small-scale non-residential use is requested, criteria are provided under Section 6.3.3 of the Official Plan to evaluate whether the use should be permitted.

The proposed Animal Care Establishment demonstrates compliance with applicable Official Plan criteria and represents an additional use that is both compatible with the existing commercial plaza and surrounding community and contributes to the goal of 15-minute neighbourhoods.

## **BACKGROUND**

Learn more about [the Zoning By-law Amendment process](#).

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#) and search the property address or file no.

### **Site location**

5100 Kanata Avenue

### **Owner**

Urbandale Corp.

### **Applicant**

Marcel Denomme

### **Description of site and surroundings**

The subject lands are located at the intersection of Kanata Avenue and Goulbourn Forced Road, where an approved commercial development is currently under construction. The surrounding area is primarily residential.

## **Summary of requested Zoning By-law amendment proposal**

The subject property is currently zoned Local Commercial Subzone 7 (LC7). The Zoning By-law Amendment proposes to add a site-specific exception which would permit Animal Care Establishment as an additional use on the subject lands.

## **Brief history of proposal**

A Site Plan Control application (D07-12-18-0063) was approved for these lands in 2020 for a commercial plaza development with five buildings and associated parking and landscaping areas.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation for this Zoning By-law amendment were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council. In total, at the time of reporting, two groups of residents provided comments and their contact information to the City within the public circulation period. After responding to the comments, residents were either supportive or had no concern with the proposal.

For this proposal's consultation details, see Document 3 of this report.

### **Official Plan designation**

The Subject Lands are designated Neighbourhood in the Official Plan and are within the Suburban (West) Transect.

The Official Plan describes its goals generally in Section 2, Strategic Directions. Policy 4 of Section 2.2.2 describes the aim to integrate more non-residential uses in residential areas to create mixed-use communities. Similarly, Policy 5 describes how the City will support small businesses where they do not create incompatibilities. Policy 1 of 2.2.4 describes how the creation of 15-minute neighbourhoods in the City will improve access to a wider degree of services for residents residing within these neighbourhoods.

Section 5.4 describes how development should occur within the Suburban transect, and generally recognizes that new development will represent a more conventional form of suburban development that is still supportive of the 15-minute neighbourhood concept. Section 6.3.1 provides for criteria by which non-residential development may be permitted within the Neighbourhood Designation. The criteria as they apply to this

application include those listed under 6.3.1.4(d), (i) through (vi). These generally support non-residential development in the Neighbourhood designation, which is compatible and complementary to nearby residential development and strengthens the 15-minute neighbourhood concept.

Section 6.3.3 provides specific criteria for instances such as this: *“where a small-scale non-residential use is currently not permitted as-of-right in the Zoning By-law and is proposed, the City will consider permitting these uses, provided the development meets all of the following:*

- a) They are small scale and serve the surrounding lands;*
- b) They are conveniently located with respect to concentrations of residential development and provide direct access for pedestrians and cyclists from adjacent residential areas;*
- c) They help to facilitate interaction among residents and contribute to healthy 15-minute neighbourhoods; and*
- e) They are of a size and scale that shall not result in the attraction of large volumes of vehicular traffic from outside the immediate area.”*

### **Other applicable policies and guidelines**

There are no other applicable policies or guidelines that are relevant to this application.

### **Zoning designation**

The subject property is currently zoned LC7 - Local Commercial Zone. The purpose of the LC zone is to provide for a variety of small, locally-oriented convenience and service uses as well as residential uses. The Animal Care Establishment use is permitted in the parent LC zone but not the LC7 subzone. The applicant is proposing to add a site-specific exception for the subject lands, permitting Animal Care Establishment as an additional non-residential use within the LC7 zone.

### **Planning rationale**

#### Compatibility

It is staff’s opinion that the proposed Zoning By-law amendment conforms to the Official Plan. Permitting for an additional commercial use within a residential area is consistent with the strategic directions in Section 2 of the Official Plan and Suburban Transect policies in Section 5.4. The proposal is also consistent with the criteria established in

Section 6.3.3 – Neighbourhoods. The proposed Animal Care Establishment use is small-scale, serves the surrounding lands, and its location within an already approved commercial plaza is conveniently located with access from surrounding residential developments. The additional use would contribute to the creation of 15-minute neighbourhoods and will not generate an amount of vehicular traffic outside the current scope for the existing commercial plaza.

#### Parking Rates

Section 101, Table 101 of the Zoning By-law provides the minimum required parking spaces by use. The Animal Care Establishment generates a requirement for 4 spaces per 100 square metres (sqm) of gross floor area (GFA). Existing permitted uses include parking space rates that range from 10 spaces per 100 sqm of GFA (Restaurant) and 2.4 spaces per 100 sqm of GFA (Office). The parking space generation is therefore consistent with existing parking space requirements and can be accommodated by the existing approved site design.

#### Adequacy of Services

Infrastructure capacity was addressed as part of the Site Plan approval process. A letter of compliance was received from the applicant stating that there will not be any additional requirements for municipal servicing to accommodate the proposed use. The letter was deemed acceptable by the assigned Project Manager, and therefore the additional proposed use does not raise any concerns for adequacy of services.

#### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

#### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

#### **COMMENTS BY THE WARD COUNCILLOR(S)**

The Councillor is aware of the application related to this report.

#### **ADVISORY COMMITTEE(S) COMMENTS**

There are no advisory committee comments for the subject file.

**LEGAL IMPLICATIONS**

There are no legal implications associated with implementing the recommendations contained within this report.

**RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with the recommendations of this application.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this application.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications.

**ACCESSIBILITY IMPACTS**

There are no accessibility implications associated this application.

**ENVIRONMENTAL IMPLICATIONS**

The proposed Zoning By-law Amendment will not have any foreseeable environmental implications.

**APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-22-0095) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

**SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

**CONCLUSION**

The proposed Zoning By-law amendment conforms to the Official Plan. In staff's opinion, the proposed Animal Care Establishment use is appropriate for the site,

compatible with its surroundings and will contribute to 15-minute neighbourhoods. The department recommends that the proposed Zoning By-law amendment be approved.

## **DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

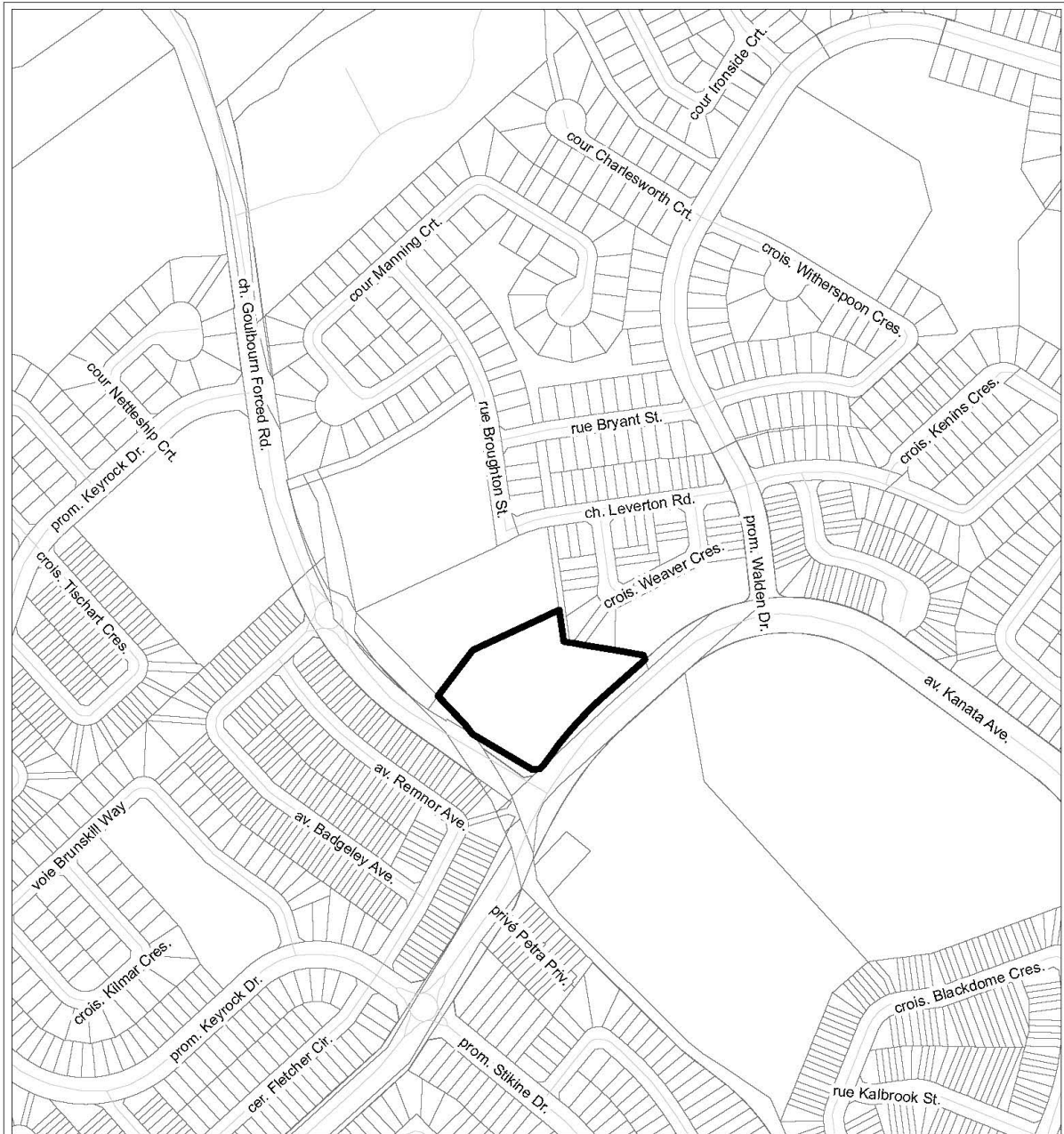
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.


Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.




Document 1 – Location Map



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LOCATION MAP / PLAN DE LOCALISATION  
ZONING KEY PLAN / SCHÉMA DE ZONAGE

 **5100 av. Kanata Avenue**



## **Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 5100 Kanata Avenue:

- 1) Rezone the lands as shown in Document 1 to LC7[XXXX].
- 2) Add a new exception XXXX to Section 239 – Urban Exceptions with provisions similar in effect to the following:
  - a) In Column I, Exception Number, add the text “[XXXX]”
  - b) In Column II, Applicable Zones, add the text “LC7[XXXX]”
  - c) In Column III, Additional Permitted Uses, add the text “Animal Care Establishment.”

## Document 3 – Consultation Details

### Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. No public meetings were held in the community.

### Public Comments and Responses

#### Comment 1:

Two comments were received that can generally be summarized as having concern with the possibility for noise:

1. "Could you please tell me if this space is only indoors or is there any request to use outdoor space? As a neighbour I am concerned about noise."
2. "We are happy to support the application to amend the Zoning By-law "to allow for the creation of a pet grooming business," as stated in the report from J.L. Richards.

We would like you to acknowledge that the amendment will allow solely for "pet grooming" and not for "pet training" services. We are wary of the City's definition of an animal care establishment, because "training of household pets" would be a permitted use. Our understanding of pet training is that this might well include outdoor activity and might be conducted in the area designated as "play area" or "play yard" on the site maps - this "play area" is immediately adjacent to Weaver Crescent back yards. It is the potential for excessive animal noise (e.g. dogs barking) and the possibility of odour from animal excrement that concern us.

We would like assurance that any future expansion of this pet grooming business to include out-of-doors "pet training" would require a further amendment to this By-law and an additional consultation/approval process."

#### Response 1:

Outdoor activity relating to an Animal Care Establishment would not be permitted. The definition of "Kennel structure includes dog pens, dog runs and other dog enclosures, but excludes perimeter fencing of the site", meaning dog enclosures of any sort would only be permitted with a kennel (which is a separate use, not permitted under Animal Care Establishment).

Comment 2:

Within the comment about noise (above) there were general questions & concerns about the Animal Care Establishment use.

3. "What is an "Animal?" Family dogs and cats? Feral animals? Farm animals? Exotic animals?

What does "Care" include? Simple grooming and nail care? Overnight kennels? Outdoor activities e.g. an off-leash exercise area?

"Establishment" - is this simply a retail, 9-5 business selling pet food and supplies? A dog and cat grooming service? A kennel for holiday housing or breeding? A veterinarian's office with overnight facilities?

It is quite impossible to provide you with an informed opinion without knowing exactly what kind of business activities are being proposed."

Response 2:

Animal care establishment is defined by the Zoning By-law linked here:

<https://ottawa.ca/en/living-ottawa/laws-licences-and-permits/laws/laws-z/part-1-administration-interpretation-and-definitions-sections-1-54#section-56529b37-0e63-4b6a-b2cb-e764481046f1>

"Animal care establishment means an establishment for the caring, grooming and training of household pets, but does not include a kennel or an animal hospital."

No changes to the site are proposed as the plaza was already approved by a previous Site Plan approval. The Zoning By-law amendment request is to permit a pet care tenancy in one of the commercial units.

Comment 3:

Some further emails were exchanged that related to the installation of garbage bins on-site. Concerns were related to screening and general cleanliness.

Response 3:

These are a Site Plan matters only and were resolved by a previous approval. They are not relevant to the current Zoning By-law Amendment application.

Pet waste from within the unit will not be resolved differently than any other permitted use. It is the responsibility of the site owner to maintain adequate property standards.