

**Subject: Zoning By-law Amendment – 5812 Malakoff Road**

**File Number: ACS2024-PRE-PSX-0008**

**Report to Agriculture and Rural Affairs Committee on 1 February 2024**

**and Council 7 February 2024**

**Submitted on January 23, 2024 by Derrick Moodie, Director, Planning Services,  
Planning, Real Estate and Economic Development**

**Contact Person: Report Stephan Kukkonen, Planner I, Development Review Rural**

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**Ward: Rideau-Jock (21)**

**Objet: Modification du Règlement de zonage – 5812 chemin Malakoff**

**Dossier: ACS2024-PRE-PSX-0008**

**Rapport au Comité de l'agriculture et des affaires rurales**

**le 1er février 2024**

**et au Conseil le 7 février 2024**

**Soumis le 23 janvier 2024 par Derrick Moodie, Directeur, Services de la  
planification, Direction générale de la planification, des biens immobiliers et du  
développement économique**

**Personne-ressource: Stephan Kukkonen, Urbaniste I, Examen des demandes  
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**Quartier: Rideau-Jock (21)**

## REPORT RECOMMENDATIONS

1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 5812 Malakoff Road, as shown in Document 1, to prohibit residential development on the retained lands, and to permit a lot coverage of six per cent for accessory structures on the severed lands, as detailed in Document 2.
2. That Agriculture and Rural Affairs 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 February 7<sup>th</sup>, 2024," 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 l'agriculture et des affaires rurales recommande au Conseil d'approuver une modification du *Règlement de zonage* n° 2008-250 concernant la propriété située au 5812, chemin Malakoff, comme le montre le document 1, afin d'interdire tout aménagement résidentiel sur le terrain conservé et de permettre une surface construite de six pourcents, au moyen de structures accessoires, sur le terrain morcelé, comme l'explique en détail le document 2.
2. Que le Comité de l'agriculture et des affaires rurales 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 7 février 2024 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

## **BACKGROUND**

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

### **Site location**

5812 (5920) Malakoff Road

### **Owner**

Maple Ridge Farms North Gower Inc.

### **Applicant**

Shipman Surveying Ltd.

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

The subject property is located on the west side of Malakoff Road, southeast of Century Road West and northwest of Harbison Road. The lot is irregularly shaped and has an area of approximately 42 hectares.

The subject property contains an existing farm dwelling and seven accessory buildings including barns, sheds, and a silo. The surrounding land uses consist primarily of agricultural lands with smaller intermittent residential lots. The southern portion of the subject property contains some natural heritage features and unevaluated wetlands. There is also an existing easement on the property as detailed in instrument number ML5572.

### **Summary of proposed development**

The applicant proposes to sever a surplus farm lot from an existing agricultural lot. The lot to be severed containing the dwelling and most of the accessory structures will continue to be known municipally as 5812 Malakoff Road. The retained lot will contain one accessory structure and will be known as 5920 Malakoff Road. The associated Committee of Adjustment application number is D08-01-23/B-00161 (Consent for Severance).

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

This Zoning By-law Amendment Application has been submitted to fulfill condition #3 of approval for Consent application D08-01-23/B-00161, which was granted provisional consent August 25, 2023. Condition #3 requires that the retained farmlands be rezoned

to prohibit residential development, and for the severed lands to be rezoned to permit an increased accessory building lot coverage. The maximum permitted lot coverage for accessory structures in the AG Zone is 5 per cent. This Zoning By-law Amendment application will allow a 6 per cent maximum permitted lot coverage for accessory structures on the severed lands.

## **DISCUSSION**

### **Public consultation**

Public consultation and notification were undertaken in accordance with the Public Notification and Public Consultation Policy approved by Council for Zoning By-law amendments. No comments were received.

### **Official Plan designation(s)**

The subject property is designated as part of the Agricultural Resource Area. Within the Agricultural Resource Area, the Official Plan permits surplus farm dwelling severances under Policy 9.1.3. A maximum of one lot may be created from an existing farm holding provided the retained lands are transferred to a verified farmer. As a condition of severance, the retained farmlands must be rezoned to prohibit residential uses.

The property contains a watercourse and unevaluated wetlands.

### **Planning rationale**

The subject Zoning Amendment Application aligns with Official Plan policies for severances in the Agricultural Resource Area. Provisional Consent was granted on August 25, 2023, to allow for the creation of a new lot creating a surplus farm dwelling and associated accessory structures. Condition #3 of the provisional consent requires rezoning of the retained farmlands to prohibit residential development, and of the severed lands to recognize an increased lot coverage for accessory structures. Prohibiting residential development through rezoning is an Official Plan requirement for surplus farm dwelling severances. Rezoning the severed parcel to permit a slight increase for accessory structure lot coverage recognizes the existing structures on the parcel and is considered to be acceptable.

### **Provincial Policy Statement**

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

## **RURAL IMPLICATIONS**

This application is not anticipated to have any negative impacts on the surrounding land uses or residents. The development of these lands will not change as a result of the application.

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

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

## **LEGAL IMPLICATIONS**

There are no Legal implications associated with implementing the recommendations of this report.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications resulting from the recommendations of this report.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Has a diversified and prosperous economy

## **APPLICATION PROCESS TIMELINE STATUS**

The statutory 90-day timeline for making a decision on this application under the *Planning Act* will expire on **March 14, 2024**.

## **SUPPORTING DOCUMENTATION**

Document 1 Zoning Key Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

## **CONCLUSION**

The requested re-zoning of the property will not have any significant negative impact on the surrounding area and allows for the protection and continued use of agricultural land.

**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 and Corporate 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.

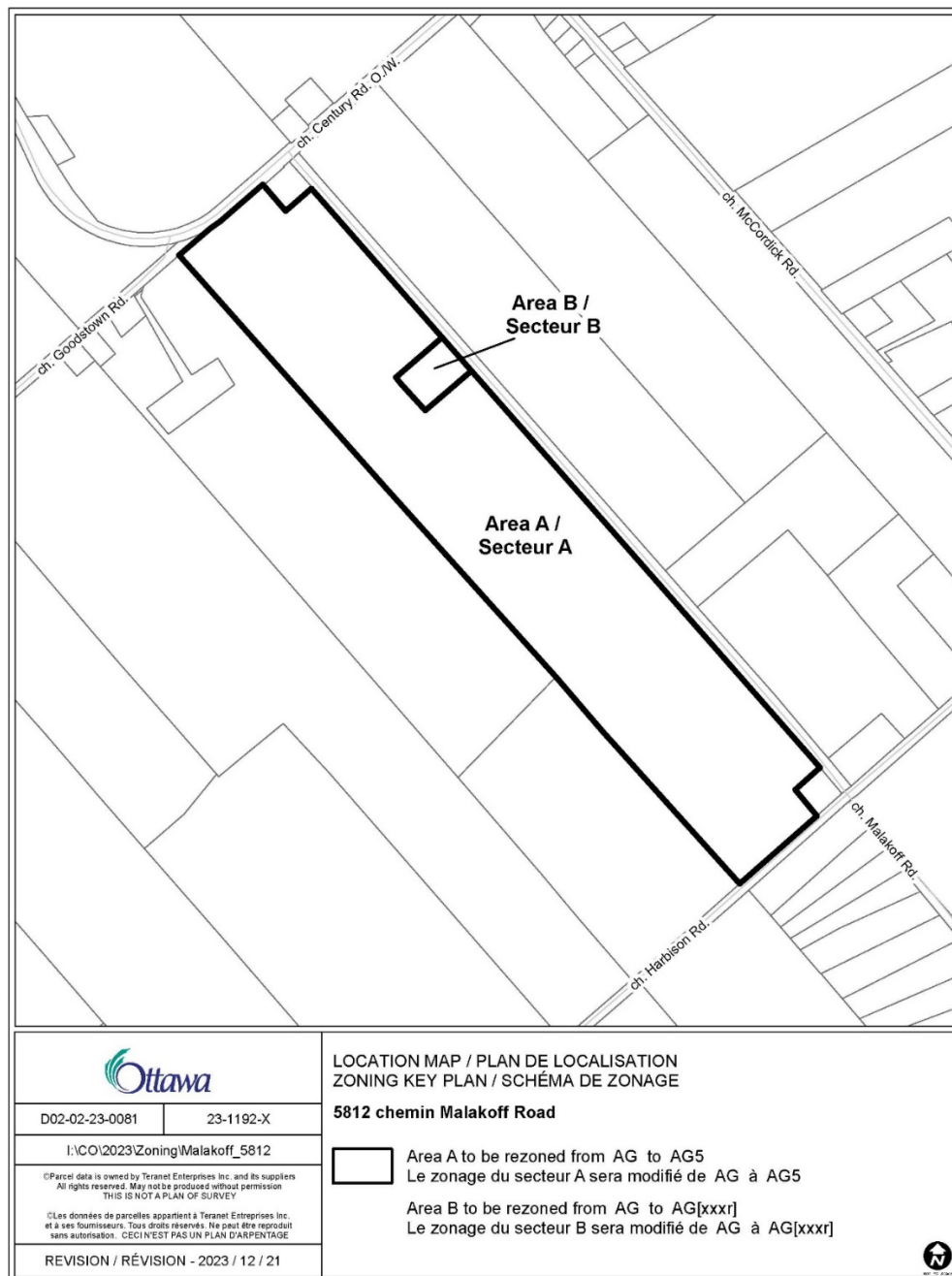
Legal Services, City Manager's Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

## Document 1 – Zoning Key Map

For an interactive Zoning map of Ottawa visit [geoOttawa](https://geoottawa.com)

Map showing the property at 5812 Malakoff Road, including the area to be rezoned to prohibit residential development identified as 'Area A' (future address 5920 Malakoff Road), and the area to be rezoned to permit a 6 per cent lot coverage for accessory structures identified as 'Area B'.



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

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 5812 Malakoff Road and 5920 Malakoff Road:

1. Rezone the lands as shown in Document 1.
2. Add a new exception xxxr to Section 240 – Rural Exceptions with provisions similar in effect to the following:
  - a) a. In Column I, Exception Number, add the text “[xxxr]”
  - b) b. In Column II, Applicable Zones, add the text “AG[xxxr]”
  - c) c. In Column V, Provisions, add the text “Maximum lot coverage for accessory structures: 6 per cent”



### **Document 3 – Consultation Details**

#### Notification and Consultation Process

Notification and public consultation was undertaken un accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

No comments were received.