

Subject: Zoning By-law Amendment – Part of 3943 Nixon Drive

File Number: ACS2022-PIE-PS-0066

Report to Agriculture and Rural Affairs Committee on 2 June 2022

and Council 8 June 2022

**Submitted on May 20, 2022 by Lily Xu, Acting Director, Planning, Real Estate and
Economic Development**

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Ward: Osgoode (20)

**Objet : Modification du *Règlement de zonage* – Partie du 3943, promenade
Nixon**

Dossier : ACS2022-PIE-PS-0066

Rapport au Comité de l'agriculture et des affaires rurales

le 2 juin 2022

et au Conseil le 8 juin 2022

**Soumis le 20 mai 2022 par Lily Xu, Directrice par intérim, Direction générale de la
planification, des biens immobiliers et du développement économique**

**Personne ressource : Sean Harrigan, Urbaniste I, Examen des demandes
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Quartier : Osgoode (20)

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for part of 3943 Nixon Drive to prohibit residential land use, 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 8 June 2022,” 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 la modification du *Règlement de zonage* (n° 2008-250) pour une partie du 3943, promenade Nixon, afin d’y interdire les utilisations résidentielles, comme l’indique le document 2.
2. Que le Comité de l’agriculture et des affaires rurales approuve 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 juin 2022 », 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

3943 (3959) Nixon Drive

Owner

Robert Findlay

Applicant

Tracy Zander, ZanderPlan Inc.

Description of site and surroundings

The subject site is abutting the eastern side of Nixon Drive and is approximately 430 metres south of Dalmeny Road. The property is east of the Rideau River and south of Osgoode Village. The property currently contains a detached dwelling serviced by private well and septic system and a secondary structure. The lands to be rezoned are vacant with a frontage of 110.57 metres on Nixon Drive on approximately 22.22 hectares of land. These lands contain the existing agricultural fields and natural heritage features and are zoned AG2 – Agricultural Zone, Subzone 2. The surrounding land uses are primarily agriculture.

Summary of requested Zoning By-law amendment proposal

This Zoning By-law Amendment has been submitted in order to fulfill a condition of approval for Consent Application D08-01-21/B-00477 imposed by the Committee of Adjustment. The intent is to prohibit residential land uses on the retained farmlands in accordance with the Surplus Farmhouse Dwelling Severance policies of the Provincial Policy Statement and Official Plan.

Brief history of proposal

Consent Application D08-01-21/B-00477 proposed severing the detached dwelling, secondary structure, and private services from the retained farmland. The application received provisional approval on January 12, 2022 by Panel 3 of the Committee of Adjustment. The Planning Department expressed no concerns with the Consent Application, subject to the requested conditions of approval.

Once the severance is finalized, the retained vacant farmland will be known as 3959 Nixon Drive. The detached dwelling will retain the address of 3943 Nixon Drive.

DISCUSSION**Public consultation**

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 concerns were identified.

Official Plan designation(s)

Applications must be evaluated against the [existing Official Plan](#) and must also include an evaluation of the application against the Council approved [new Official Plan](#) (and new Secondary Plan, where applicable).

In this current period, between Council approval of the new Official Plan and the Minister's approval of the new Official Plan, staff are to apply whichever provision, as between the existing and new Official Plan, is more restrictive.

Existing Official Plan

The property is designated Agricultural Resource Area as per Schedule A of the existing Official Plan. The Agricultural Resource Area designation protects prime agricultural areas from loss of lands to other uses. Severances are permitted for a surplus dwelling due to farm consolidation under Official Plan policy 3.7.3 (9). Policy 3.7.3 (10) requires the vacant agricultural parcel be rezoned to prohibit any future residential use, and (10)(c) stipulates that the size of the severed lot be a size that minimizes the loss of agricultural lands. This Zoning By-law amendment application satisfies the requirements of the Official Plan policy 3.7.3 (10) as conditioned by the Committee of Adjustment.

New Official Plan

The property is designated Agricultural Resource Area as per Schedule B9. The Agricultural Resource Area designation protects lands with Land Evaluation and Area Review (LEAR) Class 1, 2, and 3 soils for long term agricultural production. Protection of lands identified through LEAR is accomplished through limiting development that would compromise productivity of agricultural operations. Section 9.1.3 of the new Official Plan prohibits lot creation unless the lot contains a habitable dwelling made surplus through farm consolidation. In such cases and as a condition of severance, the retained agricultural parcel is required to be zoned to prohibit residential uses.

Planning rationale

This Zoning By-law amendment will affect approximately 22.22 hectares of agricultural land, as shown in Document 1. This change is to rezone the retained parcel identified as part of 3943 Nixon Drive in Document 1, from Agricultural Zone, Subzone 2 (AG2) to Agricultural Zone, Subzone 6 (AG6) which fulfills a condition of approval for Consent Application D08-01-21/B-00477 imposed by the Committee of Adjustment in accordance with the Official Plan and Provincial Policy Statement. Staff had no concerns with the severance application and have determined that the proposed Zoning By-law Amendment is consistent with the existing Official Plan, the new Official Plan, and the Zoning By-law. No new development is proposed.

Provincial Policy Statement

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

RURAL IMPLICATIONS

This Zoning By-law Amendment will restrict new residential development and prevent the loss of agricultural land to other competing uses. This application protects the agricultural system and the rural landscape by supporting the continued productive use of agricultural lands.

COMMENTS BY THE WARD COUNCILLOR

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

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 relating to this application.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications relating to this application.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this application.

ENVIRONMENTAL IMPLICATIONS

Approval of the recommended Zoning By-law amendment will prevent fragmentation of land within the City's Agricultural Resource Area. As such, the lands will be preserved for continued farming. Agricultural systems provide habitat for species of flora and

fauna. Agricultural lands also contribute to environmental health through ecological service functions.

TERM OF COUNCIL PRIORITIES

This application supports the following 2019-2022 Term of Council Priorities: Economic Growth and Diversification and Thriving Communities.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0009) 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 Rezoning

CONCLUSION

The Planning, Real Estate and Economic Development Department supports this Zoning By-law amendment as it is consistent with the Provincial Policy Statement, the City's existing Official Plan, the City's new Official Plan, and the Zoning By-law.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; 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.

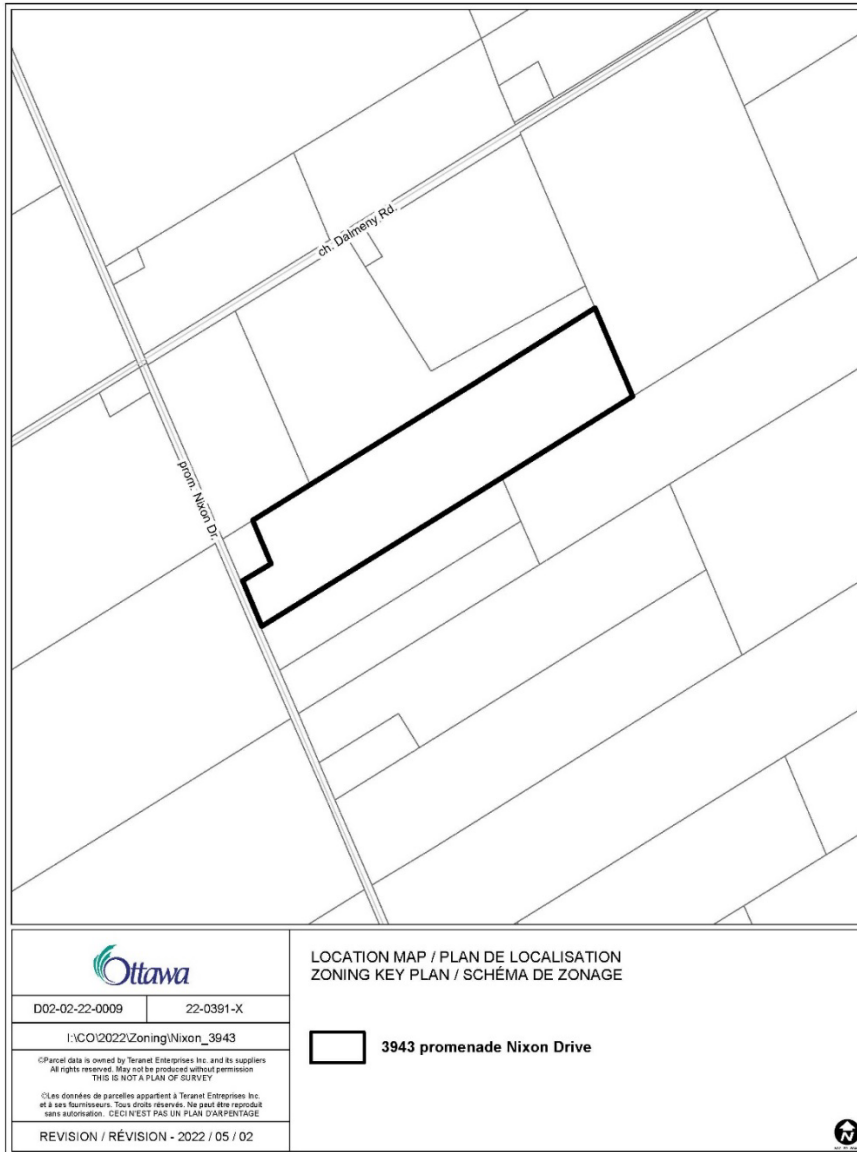
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

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

The following map illustrates the part of 3943 Nixon Drive to be rezoned east of Nixon Drive and south of Dalmeny Road.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for part of 3943 Nixon Drive:

1. Rezone the lands shown as part of 3943 Nixon Drive in Document 1 from AG2 to AG6.