

Subject: Zoning By-law Amendment – Part of 4900 Frank Kenny Road

File Number: ACS2022-PIE-PS-0113

Report to Agriculture and Rural Affairs Committee on 1 September 2022

and Council 21 September 2022

**Submitted on August 22, 2022 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Cumberland (19)

**Objet : Modification du *Règlement de zonage* – Partie du 4900, chemin Frank
Kenny**

Dossier : ACS2022-PIE-PS-0113

Rapport au Comité de l'agriculture et des affaires rurales

le 1er septembre 2022

et au Conseil le 21 septembre 2022

**Soumis le 22 août 2022 par Derrick Moodie, Directeur, Services de la planification,
Direction générale de la planification, des biens immobiliers et du développement
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Quartier : Cumberland (19)

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for Part of 4900 Frank Kenny Road, as shown in Document 1, to prohibit residential development on the retained agricultural 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 September 21, 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) en ce qui a trait à une partie du 4900, chemin Frank Kenny (se référer au document 1), afin que le développement résidentiel soit interdit sur les terres agricoles conservées qui s’y trouvent (se référer au 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 21 septembre 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

4900 (4854) Frank Kenny Road

Owner

Stephen Kenny

Applicant

Tracy Zander

Description of site and surroundings

The subject property is located on the west side of Frank Kenny Road, north of the Frank Kenny Road and Russell Road intersection. The subject lands are currently developed with a single-detached dwelling. The property is approximately 44.82 hectares with approximately 204 metres of frontage along Frank Kenny Road. The site is currently zoned Agricultural Zone (AG) and contains a single-detached dwelling. The surrounding parcels are of similar rural residential and agricultural uses.

Summary of requested Zoning By-law amendment proposal

The application has been submitted in order to fulfill a condition of severance approval imposed by the Committee of Adjustment with respect to D08-01-21/B-00452. The intent is to prohibit residential uses on the retained lands.

Brief history of proposal

Committee of Adjustment Panel 3 heard consent for severance application D08-01-21/B-00452 on January 12 and February 2, 2022. The application sought to sever an existing residential dwelling as a surplus dwelling lot due to farm consolidation. Staff did not express any concerns with the application. The Committee granted the application.

The current application has been submitted to fulfill a condition, imposed by the Committee on application D08-01-21/B-00452.

Once the severance is finalized, the retained vacant farmland will be known as 4854 Frank Kenny Road. The detached dwelling will retain the address of 4900 Frank Kenny Road.

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)

In this current period, between Council approval of the New Official Plan (OP) and the Minister's approval of the New OP, staff are to apply whichever provision, as between the Current and New OP, is more restrictive. The policies are similar between the two Official Plans with respect to agricultural policies.

Current Official Plan

The property is designated as Agricultural Resource Area as per Schedule A of the current 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 Section 3.7.3. (9). Section 3.7.3 (10) (b) 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 [Section 3.7.3.(10) (b)] 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 prime agricultural lands as identified through Land Evaluation and Area Review (LEAR). Section 9.1.3 of the new Official Plan "protect farmland from uses that would impede productive farming operations" prohibits lot creation unless the lot contains a habitable dwelling made surplus through farm consolidation. In such cases, as a condition of severance, the agricultural parcel is required to be zoned to prohibit residential uses. Surplus farm dwelling severances must fulfill other criteria which are assessed at the point of severance application

Planning rationale

This Zoning By-law amendment will affect approximately 44.2 hectares of agricultural land, as shown in Document 1. This change is to rezone the retained parcel identified as part of 4900 Frank Kenny Road in Document 1, from Agricultural Zone (AG) to Agricultural Zone, Subzone 5 (AG5) fulfills a condition relation to the approval of a surplus farm dwelling severance application granted by the Committee of Adjustment on February 11, 2022. The intent of this zoning designation is to protect prime agricultural lands from being converted to other uses. This proposal is consistent with both the existing Official Plan and the new Official Plan.

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 Catherine Kitts is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations of the report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications relating to this application.

ASSET MANAGEMENT IMPLICATIONS

The recommendations documented in this report are consistent with the City's [Comprehensive Asset Management \(CAM\) Program](#) objectives. The implementation of the Comprehensive Asset Management program enables the City to effectively manage existing and new infrastructure to maximize benefits, reduce risk, and provide safe and reliable levels of service to community users. This is done in a socially, culturally, environmentally, and economically conscious manner.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this application.

TERM OF COUNCIL PRIORITIES

The application supports the following Term of Council Priorities:

- Economic Growth and Diversification and Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0044) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments.

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 old 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; 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.

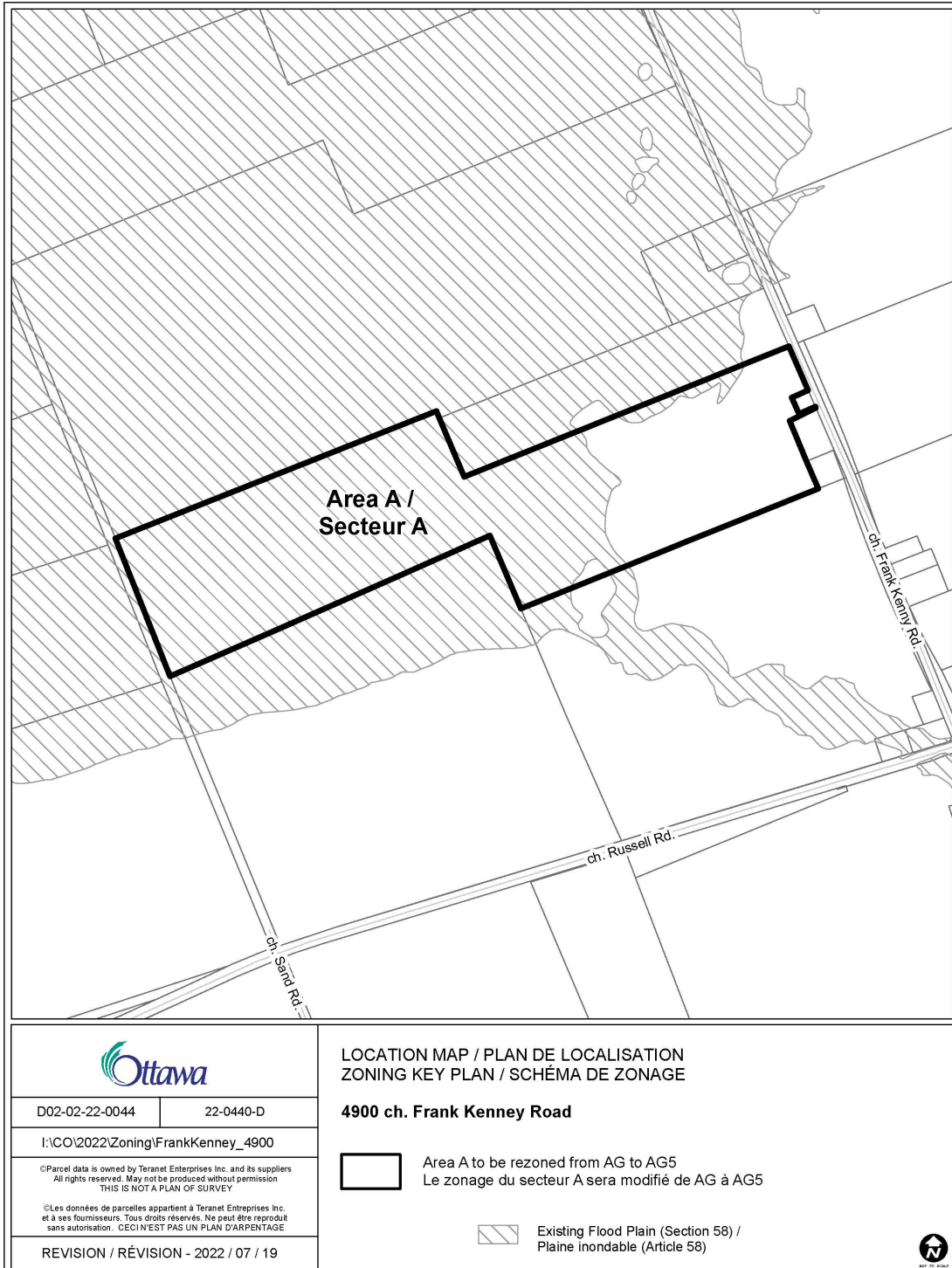
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

Document 1 is a location map that shows the portion of 4900 Frank Kenny Road that is subject to rezoning application D02-02-22-0044.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for Part of 4900 Frank Kenny Road:

1. Rezone the lands shown as part of 4900 (4854) Frank Kenny Road in Document 1 from AG to AG5.