

<p><b>1. ZONING BY-LAW AMENDMENT – 3926 MILTON ROAD MODIFICATION AU RÈGLEMENT DE ZONAGE – 3926, CHEMIN MILTON</b></p>
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**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for part of 3926 Milton Road to prohibit residential uses, as detailed in Document 2.**

**RECOMMANDATION DU COMITÉ**

**Que le Conseil approuve une modification au Règlement de zonage 2008-250 relativement à une partie du 3926, chemin Milton, de façon à interdire les utilisations résidentielles, comme le décrit en détail le document 2.**

**DOCUMENTATION / DOCUMENTATION**

Director, Planning Services, Planning, Infrastructure and Economic Development Department report dated 14 August 2017 (ACS2017-PIE-PS-0104).

Rapport du Directrice, Services de la planification, Direction de la planification, de l'infrastructure et du développement économique daté le 14 août 2017 (ACS2017-PIE-PS-0104).

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee / Comité de l'agriculture et des affaires  
rurales**

**September 7, 2017 / 7 septembre 2017**

**and Council / et au Conseil  
September 13, 2017 / 13 septembre 2017**

**Submitted on August 14, 2017  
Soumis le 14 août 2017**

**Submitted by  
Soumis par:**

**Lee Ann Snedden,  
Director / Directrice,**

**Planning Services / Service de la planification**

**Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

**Contact Person / Personne ressource:**

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demandes d'aménagement ruraux**

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**Ward: Cumberland (19)**

**File Number: ACS2017-PIE-PS-0104**

**SUBJECT: Zoning By-law Amendment – 3926 Milton Road**

**OBJET: Modification au Règlement de zonage – 3926, chemin Milton**

**REPORT RECOMMENDATIONS**

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for part of 3926 Milton Road to prohibit residential uses, 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 City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 13 September 2017 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 au Règlement de zonage 2008-250 relativement à une partie du 3926, chemin Milton, de façon à interdire les utilisations résidentielles, comme le décrit en détail le document 2.
2. Que le Comité de l'agriculture et des affaires rurales donne son approbation à ce 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 de l'avocat général 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 du projet de loi 73 », à la réunion du Conseil municipal prévue le 13 septembre 2017 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

3926 Milton Road

### Owner

Navan Lea Farm Inc.

### Applicant

Jeff Shipman, H.A. Ken Shipman Surveying Ltd.

## **Description of site and surroundings**

The property is located on the west side of Milton Road, south of Smith Road and north of Russell Road.

The property has 858 metres of broken frontage along Milton Road and is 121 hectares in size. A detached dwelling, barn and two sheds exist on the property. Lands surrounding the property on all sides are zoned Agricultural and consist of mainly agricultural uses and intermittent residential uses. A significant amount of the property lies within the Flood Plain.

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

The proposed Zoning By-law amendment is related to the severance of the lot, approved by the Committee of Adjustment on December 16, 2016 and change of conditions approved by the Committee of Adjustment on June 16, 2017. The modified Conditions of Approval require that the “severed lands” be rezoned to prohibit residential development.

No new development is proposed, and the severed land will continue its agricultural use which is currently the growing of crops.

The severed lands are intended to be zoned Agricultural Subzone 5 (AG5). This zoning permits agricultural uses in areas designated “Agricultural Resource Area” as above, but prohibits a detached dwelling. This particular subzone represents agricultural lands with a minimum area of 30 hectares and a minimum lot width of 60 metres.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by City Council for Zoning By-law amendments. The proposal was subject to public notification. A public information package was distributed to property owners with properties within 120 metres of 3926 Milton Road as well as Councilor Blais. There were no Community Associations listed to be circulated for this area. In addition, a development sign was posted on the property. No comments were received.

## **Official Plan designation**

As per Schedule A of the Official Plan, 3926 Milton Road is designated Agricultural Resource Area.

The intent of the Agricultural Resource Area designation is to protect agricultural resources for future generations, from loss of lands to other uses. This protection includes policies that strictly limit permitted land uses and lot creation on all lands identified as Agricultural Resource Areas.

Official Plan Policy 3.7.3.11 permits the severance of a lot to create a new farm holding that will be used exclusively as an agricultural operation. The lot proposed to be created and the remaining parent parcel must both be of sizes that are sufficiently large to maintain flexibility for future changes in the type and size of agricultural use. In this regard, the Official Plan requires that the minimum lot size be approximately 36 hectares for each of the severed and retained parcels. In these situations, a dwelling can be constructed on the severed new farm holding.

However, rather than being required to construct or demonstrate the possibility of constructing a well that would provide the required quantity and quality of water for a residential dwelling as per the original conditions imposed, the property owner requested from the Committee of Adjustment to change the conditions such that the severed lot was required to be zoned to prohibit residential development. The intent is that the severed lot will be utilized for crop production only with no residential development.

The Committee of Adjustment, in granting the severance and requiring the severed lands to be rezoned prior to finalization of the consent, is in accordance with the Official Plan.

## **Planning rationale**

The entire property is currently zoned Agricultural (AG) which permits agricultural uses; other uses that preserve prime agricultural lands; and one dwelling unit, on a parcel that has a minimum lot area of 36 hectares and minimum lot width of 90 metres.

In accordance with the Provincial Policy Statement and the Official Plan, the Committee of Adjustment required that the severed vacant farmland be rezoned to prohibit future residential dwellings.

The Zoning By-law sets up specific zones that prohibit residential uses for these circumstances, depending on the area and lot width associated with the final parcel configuration. In this case the severed parcel is approximately 38 hectares in area with an approximate lot width of approximately 673 metres. The Agricultural Subzone 5 (AG5) sets a minimum lot area of 30 hectares and minimum lot width of 60 metres. Therefore, the lands are proposed to be rezoned from Agricultural (AG) which permits a dwelling unit to Agricultural Subzone 5 (AG5), which does not.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

### **RURAL IMPLICATIONS**

The rezoning supports the agricultural community, permitting a farmer to dispose of surplus land required to the current operation, while protecting and preserving the agricultural use of the severed lands, by prohibiting future dwellings to be constructed thereon.

### **COMMENTS BY THE WARD COUNCILLOR**

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

### **LEGAL IMPLICATIONS**

There are no legal impediments to approving the recommendations contained in the report.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **ACCESSIBILITY IMPACTS**

There are no accessibility implications associated with this report.

**TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

EP2 – Support growth of local economy

**APPLICATION PROCESS TIMELINE STATUS**

This application 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

**CONCLUSION**

The Planning, Infrastructure, and Economic Development department supports this application because it is consistent with the Official Plan (OPA 150) and the Provincial Policy Statement (2014).

**DISPOSITION**

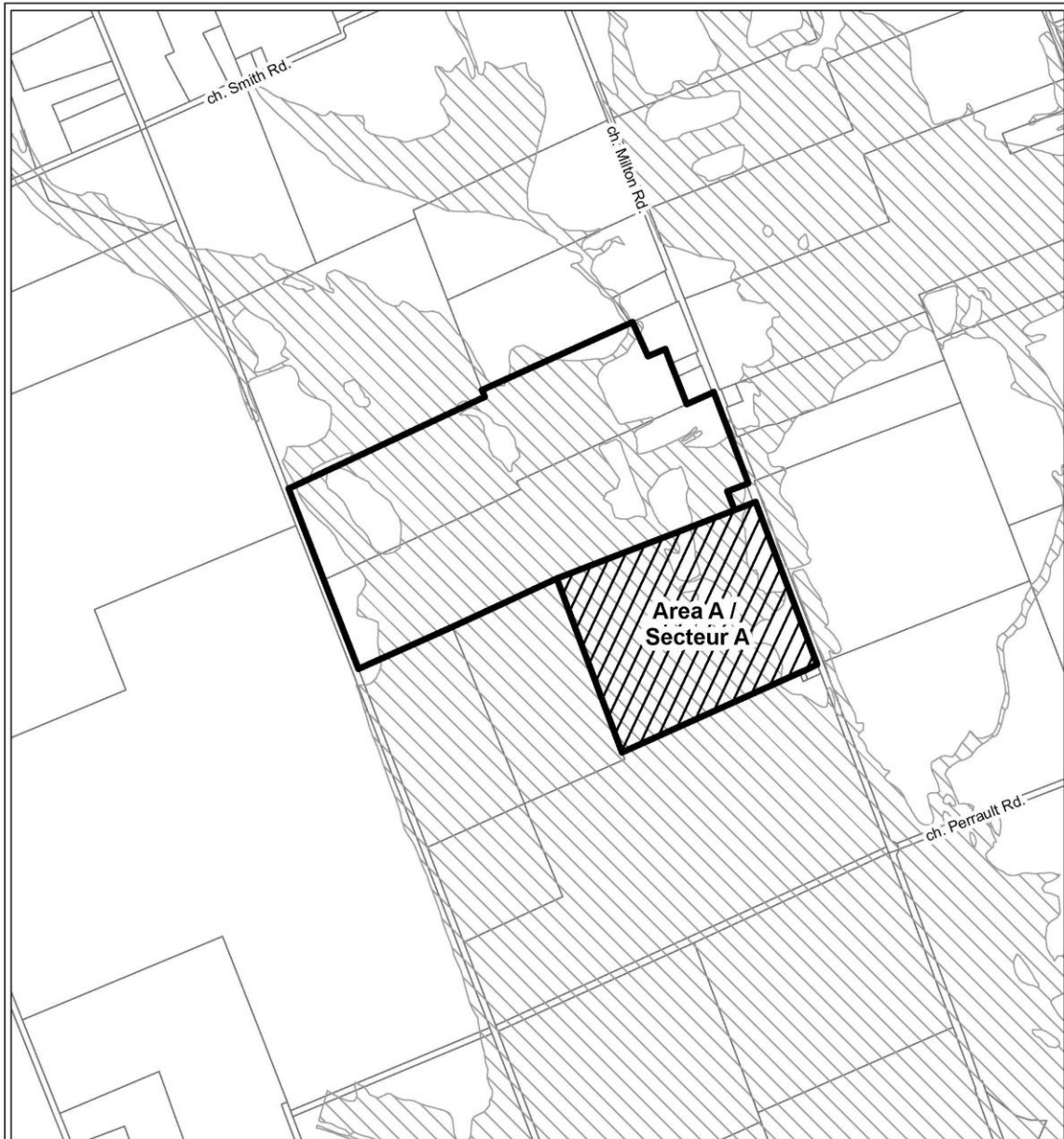
Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

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, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-17-0046	17-0914-X	 3926 Milton Road - lands to be retained 3926 chemin Milton - terrain à être conserve	 Area A - 3926 (4080) Milton Road - lands to be severed and rezoned / Secteur A - 3926 (4080) chemin Milton - terrain à être séparé et rezoné
I:\CO\2017\Zoning\Milton_3926			
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers                  All rights reserved. May not be produced without permission                  THIS IS NOT A PLAN OF SURVEY</small>		 Existing Flood Plain (Section 58) / Plaine inondable (Article 58)	 <small>NOT TO SCALE</small>
<small>©Les données de parcelles appartient à Teranet Entreprises Inc.                  et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit                  sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2017 /08 / 02			



**Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 3926 Milton Road:

1. The Zoning Map of By-law No. 2008-250, entitled the “City of Ottawa Zoning By-law” is amended by rezoning Area A from AG to AG5, as shown in Document 1.