

- 2. Zoning By-Law Amendment – Anomaly – 25 Edgewater Street**
Modification au Règlement de zonage – Anomalie – 25, rue Edgewater

COMMITTEE RECOMMENDATIONS

That Council:

- 1. consider this report at its meeting on September 12, 2018, pursuant to Sub-Section 35(5) of the Procedure By-law; and**
- 2. approve a technical amendment to Zoning By-law 2008-250 to carry forward the regulations of the former Kanata Zoning By-law to accurately harmonize those regulations for the lands municipally known as 25 Edgewater Street, by rezoning them from IG2[1534] to IG2[XXXX], as detailed in Document 2.**

RECOMMANDATIONS DU COMITÉ

Que le Conseil :

- 1. examine le présent rapport lors de sa réunion du 12 septembre 2018, conformément au paragraphe 35(5) du Règlement de procédure; et**
- 2. approuve une modification technique au Règlement de zonage 2008-250 en vue de reporter les règles de l'ancien Règlement de zonage de Kanata afin de mieux harmoniser la réglementation concernant le terrain dont l'adresse municipale est le 25, rue Edgewater, en changeant son zonage de IG2[1534] à IG2[XXXX], comme l'explique en détail le document 2.**

DOCUMENTATION / DOCUMENTATION

1. Director's Report, Economic Development and Long Range Planning / Planning, Infrastructure and Economic Development Department dated August 28, 2018 (ACS2018-PIE-EDP-0045)

Rapport du directeur, Développement économique et Planification à long terme, Direction générale de la planification, de l'Infrastructure et du développement économique daté le 28 août 2018 (ACS2018-PIE-EDP-0045)

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
11 September 2018 / 11 septembre 2018**

**and Council / et au Conseil
September 12, 2018 / 12 septembre 2018**

**Submitted on August 28, 2018`
Soumis le 28 août 2018**

**Submitted by
Soumis par:
John Smit,**

**Director / directeur Economic Development and Long Range Planning /
Développement économique et Planification à long terme**

**Contact Person / Personne ressource:
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**Ward: KANATA SOUTH (23) /
KANATA-SUD (23)**

File Number: ACS2018-PIE-EDP-0045

SUBJECT: Zoning By-law Amendment – Anomaly – 25 Edgewater Street

**OBJET: Modification au Règlement de zonage – Anomalie – 25, rue
Edgewater**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve a technical amendment to Zoning By-law 2008-250 to carry forward the regulations of the former Kanata Zoning By-law to accurately harmonize those**

regulations for the lands municipally known as 25 Edgewater Street, by rezoning them from IG2[1534] to IG2[XXXX], as detailed in Document 2.

2. That Planning Committee recommend Council consider this report at its meeting on September 12, 2018, pursuant to Sub-Section 35(5) of the Procedure By-law.
3. That Planning 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 12 September 2018", 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'urbanisme recommande au Conseil d'approuver une modification technique au Règlement de zonage 2008-250 en vue de reporter les règles de l'ancien Règlement de zonage de Kanata afin de mieux harmoniser la réglementation concernant le terrain dont l'adresse municipale est le 25, rue Edgewater, en changeant son zonage de IG2[1534] à IG2[XXXX], comme l'explique en détail le document 2.
2. Que le Comité de l'urbanisme recommande au Conseil d'examiner le présent rapport lors de sa réunion du 12 septembre 2018, conformément au paragraphe 35(5) du Règlement de procédure.
3. Que le Comité de l'urbanisme 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 12 septembre 2018 », 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](#)

Site locations

25 Edgewater Street

Applicant

City of Ottawa

Description of site and surroundings

The property at 25 Edgewater Street is located on the southwest side of Edgewater Street and northeast of Terry Fox Drive. This property is part of the Hazeldean Industrial Park. The industrial park is located between the Walter Baker Park/Kanata Recreation Complex and residential uses south of Katimavik Road. The site was developed as an automobile service station and presently has a tire shop where tires and rims are sold and installed.

Summary of requested Zoning By-law amendment proposal

This City-initiated amendment will correct an anomaly in the how the zoning was brought forward from the former Kanata Zoning By-law 2002-56. Exception 1534 was not intended to apply to 25 Edgewater Street and was applied in error at the time that Zoning By-law 2008-250 was adopted. The exception, 1534, which adds an instructional facility to a Heavy Industrial Zone as an additional permitted use is correctly applied to the lands at 74 Jamie Avenue, and should not have applied to 25 Edgewater Street.

The property is for sale and as part of the condition of sale, the owner and purchaser wanted to ensure compliance with the zoning, which is when this anomaly became known. The former Kanata zoning by-law permitted an automotive repair garage, a specialty repair and service centre, a body repair centre, an automotive sales and rental centre, a car wash and the retail of automobile related products.

The proposed zoning is to go from a General Industrial Subzone 2 with exception 1534 (IG2[1534]) to General Industrial Subzone 2 with exception XXXX (IG2[XXXX]) to restore the development rights that existed prior to Zoning By-law 2008-250, as shown on Document 1 and detailed in Document 2.

Brief history of proposal

Staff have monitored Zoning By-law 2008-250 since its adoption in 2008 to ensure errors are corrected and that the zoning map reflects the intent of the text of the by-law. Reports to correct anomalies have come forward to committee and Council for approval on a regular basis.

DISCUSSION

Public consultation

Public notification was undertaken in accordance with policies in Section 5.2.3.3 of the Official Plan for technical amendments to the Zoning By-law. These policies provide for an expedited process when amendments are undertaken to correct anomalies in the by-law.

The ward councillor was notified of the proposed amendments and notification of the date of the Planning Committee meeting was provided in the newspapers. No comments were received.

Official Plan designation

The subject lands are designated General Urban as shown on Schedule B of the Official Plan.

Planning rationale

The proposed amendment for 25 Edgewater Street, to rezone from IG2[1534] to IG2[XXXX], will reinstate the industrial zone provisions from the former Kanata Zoning By-law 2002-56. Exception 1534 was erroneously applied to these lands in Zoning By-law 2008-250 when it was approved in 2008. A new exception will be applied to permit the uses that were allowed prior to the current Zoning By-law and include: automobile dealership, automobile rental establishment, automobile service station, car wash, and

retail store limited to the sales of automobile related products. The aforementioned uses are not permitted under the present zoning, which was applied in error.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Hubley supports the proposed amendment.

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report addresses the following Term of Council Priority:

SE1 – Improve the client experience through established service expectations.

APPLICATION PROCESS TIMELINE STATUS

This report is a City-initiated amendment and is not subject to the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Zoning/Location Maps

Document 2 Details of Recommended Zoning

CONCLUSION

These amendments are recommended for approval to correct an anomaly regarding the incorrect application of exception 1534 to the property located at 25 Edgewater Street.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; 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.

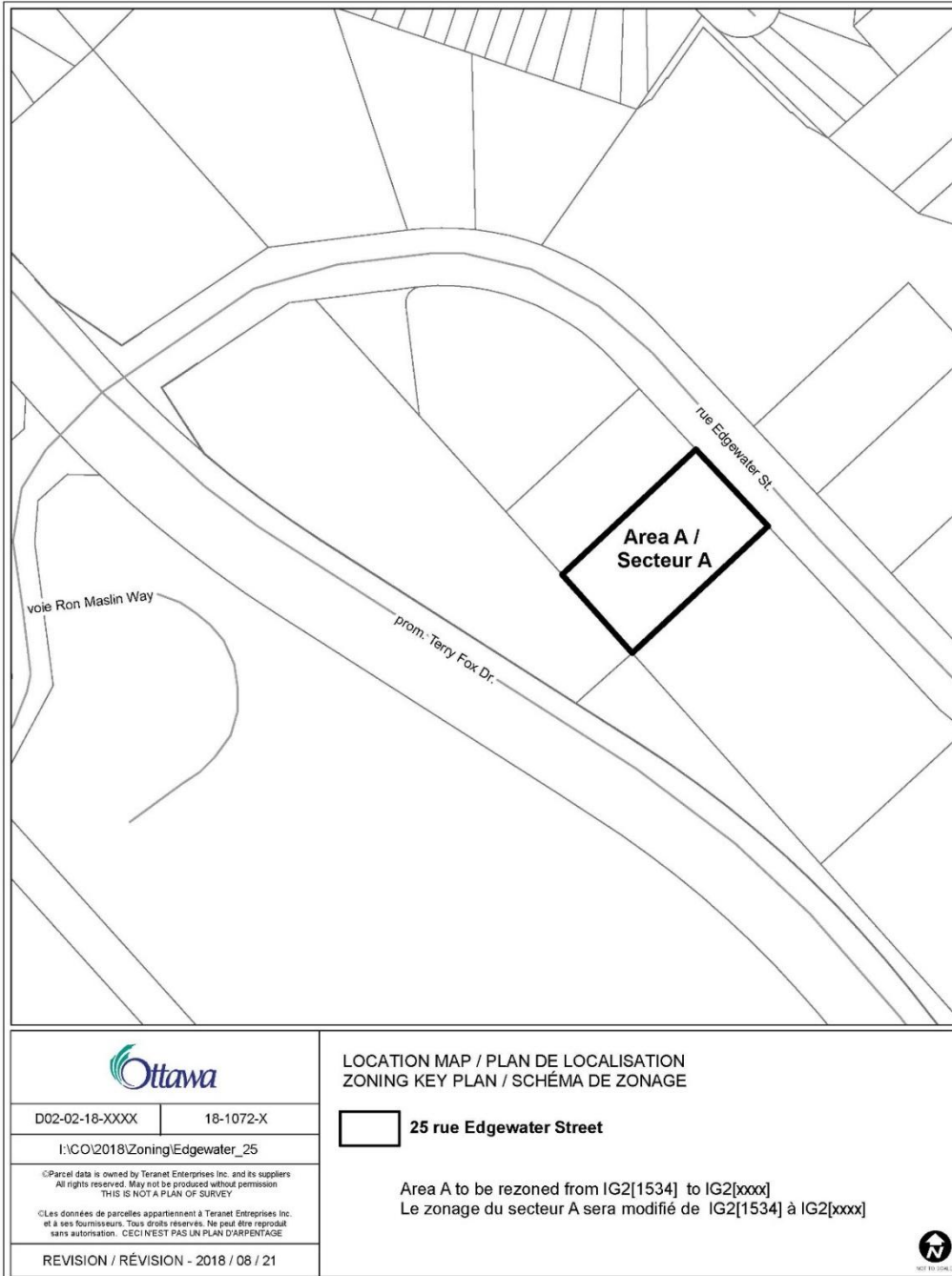
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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

Council consider this report at its meeting on September 12, 2018 as it is tied to the sale of the property.

Document 1 – Zoning/Location Maps

For an interactive zoning map of Ottawa visit geoOttawa.



Document 2 – Details of Recommended Zoning

The proposed changes to the City of Ottawa Zoning By-law No. 2008-250 for 25 Edgewater Street are as follows:

1. Rezone the lands as shown as Area A shown on Document 1;
2. Amend Section 239 – Urban Exceptions by adding a new exception with provisions similar in effect to the following:
 - a. By adding the text, IG2[XXXX] to column II, Applicable Zone,
 - b. By adding the following uses to column III, Additional Land Uses Permitted:
 - automobile dealership
 - automobile rental establishment
 - automobile service station
 - car wash
 - retail store
 - c. Add the text, “-A retail store is limited to the sales of automobile parts and accessories” to Column V, Provisions.