

7. ZONING BY-LAW AMENDMENT – PART OF 2289 DEVINE ROAD
MODIFICATION DU *RÈGLEMENT DE ZONAGE* – PARTIE DU 2289,
CHEMIN DEVINE

COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 for part of 2289 Devine Road for the purposes of rezoning the lands from Rural Countryside Zone (RU) to Rural Countryside Zone, Rural Exception XXXXr, Schedule XXX (RU[XXXXr]SXXX), to temporarily permit a standalone accessory structure on the lands for a period of three years as detailed in Document 2; and to append a Schedule to the Zoning By-law, in relation to the subject lands, to delineate a development envelope to which buildings and structures are limited to be constructed within, as detailed in Document 3.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification au *Règlement de zonage n° 2008-250* visant une partie du 2289, chemin Devine en vue de rezoner les terrains de « zone d'espace rural (RU) » à « zone d'espace rural, exception XXXXR, annexe XXX (RU[XXXXR]SXXX) », afin qu'une structure accessoire autonome puisse être aménagée temporairement sur les terrains, pour une période de trois ans, comme l'indique le document 2; de joindre une annexe relative aux terrains visés au *Règlement de zonage*, afin d'établir une enveloppe d'aménagement à l'intérieur de laquelle la construction de bâtiments et de structures sera limitée, comme l'indique le document 3.

Documentation/Documentation

Acting Director's report, Planning Services, Planning, Infrastructure and
Economic Development Department, dated May 19, 2020
(ACS2020-PIE-PS-0055)

Rapport du Directeur par intérim, Services de la planification, Direction générale
de la planification, de l'infrastructure et du développement économique, daté le
19 mai 2020 (ACS2020-PIE-PS-0055)

**AGRICULTURE AND RURAL
AFFAIRS COMMITTEE
REPORT 13
JUNE 10, 2020**

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**COMITÉ DE L'AGRICULTURE ET
DES AFFAIRES RURALES
RAPPORT 13
LE 10 JUIN 2020**

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
4 June 2020 / 4 juin 2020**

**and Council
et au Conseil
10 June 2020 / 10 juin 2020**

**Submitted on 19 May 2020
Soumis le 19 mai 2020**

**Submitted by
Soumis par:
Douglas James**

**Acting Director / Directeur par intérim
Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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demandes d'aménagement ruraux
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Ward: CUMBERLAND (19)

File Number: ACS2020-PIE-PS-0055

SUBJECT: Zoning By-law Amendment – Part of 2289 Devine Road

**OBJET: Modification du *Règlement de zonage* – partie du 2289, chemin
Devine**

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for part of 2289 Devine Road for**

the purposes of rezoning the lands from Rural Countryside Zone (RU) to Rural Countryside Zone, Rural Exception XXXXr, Schedule XXX (RU[XXXXr]SXXX), to temporarily permit a standalone accessory structure on the lands for a period of three years as detailed in Document 2; and to append a Schedule to the Zoning By-law, in relation to the subject lands, to delineate a development envelope to which buildings and structures are limited to be constructed within, as detailed in Document 3.

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 June 10, 2020," 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 n° 2008-250* visant une partie du 2289, chemin Devine en vue de rezoner les terrains de « zone d'espace rural (RU) » à « zone d'espace rural, exception XXXXR, annexe XXX (RU[XXXXR]SXXX) », afin qu'une structure accessoire autonome puisse être aménagée temporairement sur les terrains, pour une période de trois ans, comme l'indique le document 2; de joindre une annexe relative aux terrains visés au *Règlement de zonage*, afin d'établir une enveloppe d'aménagement à l'intérieur de laquelle la construction de bâtiments et de structures sera limitée, comme l'indique le document 3.
2. Que 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 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 10 juin, 2020 », 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

2289 Devine Road

Owner

Luc Séguin

Applicant

Jordan Jackson

Description of site and surroundings

This site is located on Devine Road within Ward 19. The property is approximately 30.4 hectares in size with a large portion being identified as part of the Natural Heritage System. To the north of the property is vacant woodlots. To the east and south of the site is single-detached residences and woodlots. To the west of the site is an agricultural parcel and the Village of Vars, which predominantly consist of low-rise residential residences. The property currently has a detached dwelling and accessory structures which have frontage along Devine Road.

Summary of requested Zoning By-law amendment proposal

The application has been submitted in order to fulfill conditions of severance approval imposed by the Committee of Adjustment with respect to applications D08-01-19/B-00343 and D08-01-19/B-00344. The intent is to temporarily permit the existing

standalone accessory structure (a detached garage), on the retained parcel for a period of three years. It is the property owner's intention to construct a new single-detached dwelling on the site, adjacent to the accessory structure in the near future. The Schedule identifies the area where any building or structure is permitted on the subject property, as per the recommendations of the Environmental Impact Statement (EIS). This will ensure that permitted buildings or structures do encroach onto or impact the existing natural features on the property.

Brief history of proposal

The lands to which the proposed Zoning By-law amendment applies were the subject of an application for consent which resulted in the severed parcel containing the existing house and the retained parcel containing the accessory structure. The severance request was granted by the Committee of Adjustment on December 4, 2019 with a condition that the owner seek relief from the Zoning By-law to permit the standalone accessory structure on the retained parcel. Additionally, as per another condition of severance, the owner also submitted an EIS which identified a large amount of Red Maple Swamp on the property which are connected to the surrounding Provincially Significant Wetlands (PSW) via watercourses on the property and recommended a development envelope outside of this area. In consultation with the South Nation Conservation Authority it was recommended that a Schedule be added to the Zoning By-law to ensure that development does not encroach onto or impact the natural features of the property.

The site is currently zoned Rural Countryside Zone (RU). It is proposed to rezone approximately 29.16 hectares of land to temporarily permit the standalone accessory structure in accordance with a condition of severance and to add a Schedule to the Zoning By-law to identify the 3,883.7 square metre area where buildings or structures are permitted on the subject property. The remaining land area of approximately 1.24 hectares will remain zoned Rural Countryside Zone (RU) and is unaffected by this application.

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 designations

The property is designated Rural Natural Features Area as per Schedule A of the Official Plan. These lands include many components of the natural heritage system defined in Section 2 of the Official Plan. Any development within or adjacent to these lands must be assessed in terms of its impact on the area's natural features and functions, particularly impacts arising from the extent of disturbance and the location of buildings. This Zoning By-law amendment application is consistent with the policies of the Official Plan [Section 3.2.4].

Planning rationale

This Zoning By-law amendment will affect approximately 29.16 hectares of land, as shown in Document 1 and Document 2. This Zoning By-law amendment to rezone the retained parcel from Rural Countryside Zone (RU) to Rural Countryside Zone, Rural Exception XXXXr, Schedule XXX (RU[XXXXr]SXXX) fulfills conditions relating to the approval of a severance application heard by the Committee of Adjustment. Staff had no concerns with the severance application subject to other conditions of approval and have determined that the proposed rezoning is consistent with the policies of the Official Plan and the Planning Act. No new development is proposed. The applicant intends to use the three-year exemption to construct a single-detached dwelling, which would make the existing detached garage fully compliant with the current zoning.

Provincial Policy Statement

The Provincial Policy Statement directs municipalities to protect natural features and areas for the long term. It states that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. Accordingly, development and site alteration shall

not be permitted within these areas unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement of 2014 and 2020.

RURAL IMPLICATIONS

This Zoning By-law amendment restricts new development to the defined development envelope recommended by the Environmental Impact Statement submitted and protects the rural landscape by conserving the natural features on the property.

COMMENTS BY THE WARD COUNCILLOR

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

LEGAL IMPLICATIONS

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

S. 39 of the *Planning Act* permits the use of temporary zoning designations not to exceed three years. After the expiry of the three-year period the zoning by-law would no longer permit a standalone accessory structure and the landowner would not benefit from a legal non-conforming use for such a use as a result of the current re-zoning.

RISK MANAGEMENT IMPLICATIONS

There are no risks associated with this application.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this application.

ENVIRONMENTAL IMPLICATIONS

This Zoning By-law amendment will permit limited development while protecting the natural environment.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Environmental Stewardship
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-20-0021) 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 Schedule to the Zoning By-law

Document 3 Details of Recommended Zoning

CONCLUSION

Planning, Infrastructure and Economic Development supports this Zoning By-law amendment as it is consistent with the intent of the City's Official Plan and the Zoning By-law.

DISPOSITION

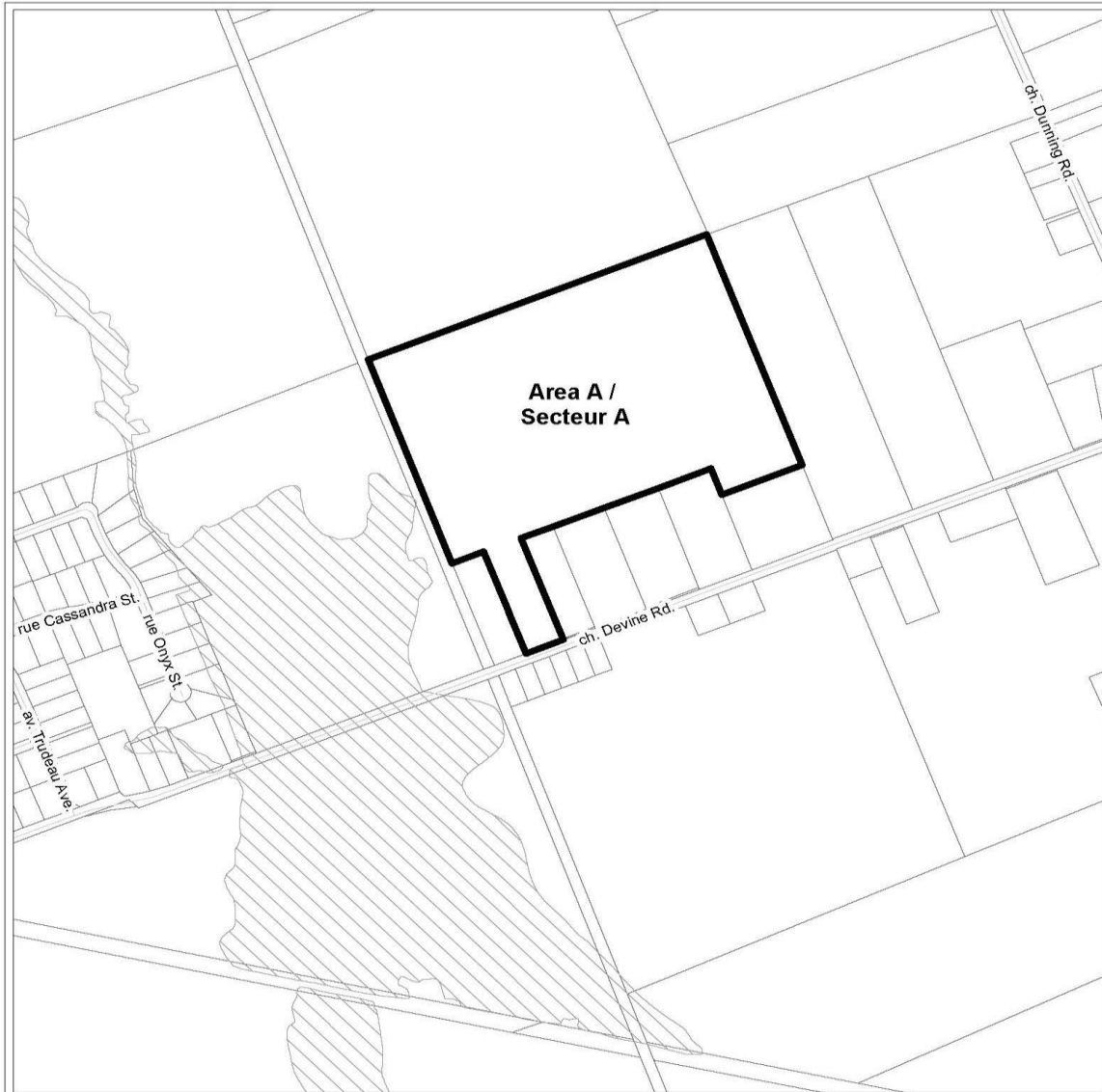
Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

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

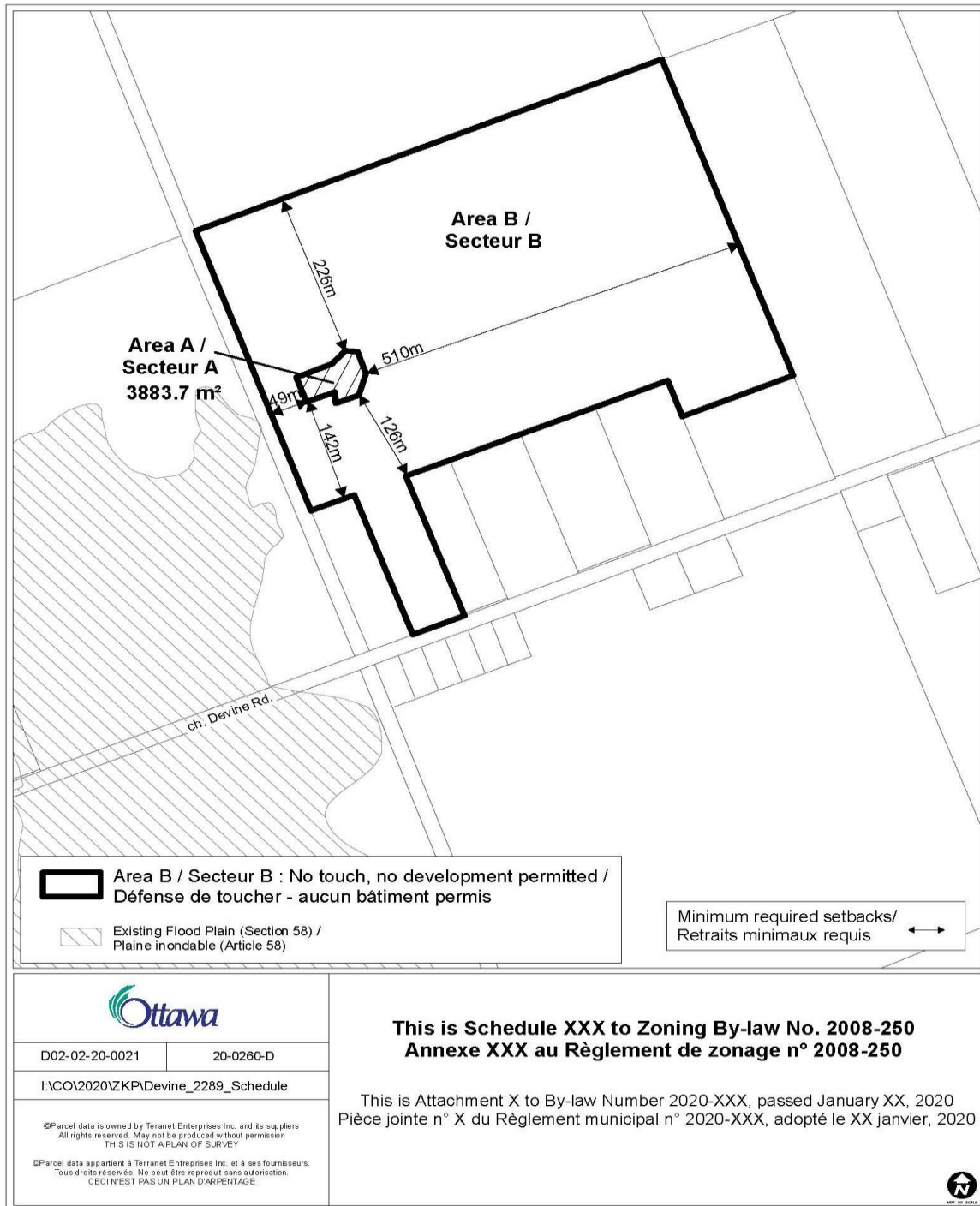
Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-20-0021	20-0260-D	2289 ch. Devine Road	
I:\CO\2020\Zoning\Devine_2289		<div style="display: flex; align-items: center;"> <div style="border: 2px solid black; width: 20px; height: 10px; margin-right: 5px;"></div> <div> Area A to be rezoned from RU to RU[XXXX] Le zonage du secteur A sera modifié de RU à RU[XXXX] </div> </div>	
<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>		<div style="display: flex; align-items: center;"> <div style="border: 1px dashed black; width: 15px; height: 10px; margin-right: 5px;"></div> <div> Existing Flood Plain (Section 58) / Plaine inondable (Article 58) </div> </div>	
REVISION / RÉVISION - 2020 / 03 / 23			

Document 2 – Schedule to the Zoning By-law



Document 3 – Details of Recommended Zoning

It is proposed to amend the City of Ottawa's Zoning By-law 2008-250 for part of 2289 Devine Road to:

- a. rezone the lands shown as Area A in Document 1 from RU to RU[XXXXr]SXXX;
- b. amend Section 240, Rural Exceptions, by adding new exception [XXXXr] such that,
 - i. In Column II, add the text "RU[XXXXr]SXXX";
 - ii. In Column III, add the text "temporary standalone accessory structure";
 - iii. In Column V, add a provision similar in effect to the following:
 - 1) No new buildings or structures shall be constructed on the lands except in the area shown as Area A on Schedule SXXX, and
 - 2) a temporary standalone accessory structure is a permitted use only for a period of three years from the date of the passing of this by-law;
- and,
- c. append a new Schedule as shown in Document 2 to the Zoning By-law as Schedule SXXX.