

**1. ZONING BY-LAW AMENDMENT – 5254 BANK STREET**  
**MODIFICATION AU RÈGLEMENT DE ZONAGE – 5254, RUE BANK**

**COMMITTEE RECOMMENDATIONS AS AMENDED**

That Council approve an amendment to Zoning By-law 2008-250 for 5254 Bank Street, for the purposes of rezoning the land from Rural Countryside Subzone 2 (RU2) to Rural General Industrial Subzone 3, Exception XX (RG3 [XXr]), with provisions as per the revised Details of Recommended Zoning below:

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 5254 Bank Street:

1. Rezone the lands as shown in Document 1.
2. Add a new exception to Section 240 – Rural Exceptions with provisions similar in effect to the following:

I – Exception Number	II Applicable Zones	III – Exception Provisions - Additional Land Uses Permitted	IV – Exception Provisions - Land Uses Prohibited	V – Exception Provisions - Provisions
XXr	RG3[xxr]-h		All uses until the hold is removed, except:	<ul style="list-style-type: none"><li>• Minimum lot area: 1,700 sq. m</li><li>• Minimum lot width: 22 m</li><li>• Despite the provisions of the underlying zone, all uses and development,</li></ul>

			<ul style="list-style-type: none"><li>• Parking lot</li><li>• Storage yard</li></ul>	<p>including the construction of buildings and structures, are prohibited until the holding symbol is removed</p> <ul style="list-style-type: none"><li>• The holding symbol can be removed only after the following have been submitted and approved by the General Manager of Planning, Infrastructure and Economic Development:</li><li>• Site Plan Control application demonstrating that the wastewater generated from the proposed use can suitably treated on site with a permittable wastewater servicing option</li><li>• Phase II ESA</li><li>• Stormwater Management Report</li><li>• Transportation Impact Assessment</li><li>• Aggregate Resource Impact Assessment</li></ul>
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### **RECOMMANDATIONS DU COMITÉ TELLES QUE MODIFIÉES**

Que le Conseil recommande approuve la modification du Règlement de zonage (n° 2008-250) visant le 5254, rue Bank en vue de faire passer le zonage de la propriété de Zone d'espace rural, sous-zone 2 (RU2) à Zone d'industrie générale rurale, sous-zone 3, exception XX (RG3 [XXr]), en adoptant des dispositions conformes aux détails révisés du zonage recommandé ci-après :

Le changement que l'on propose d'apporter au Règlement de zonage n° 2008-250 de la Ville d'Ottawa pour le 5254, rue Bank consiste à :

1. rezoner les terrains représentés dans le document 1;
2. ajouter une nouvelle exception à l'article 240 (Exceptions rurales), en adoptant des dispositions comparables, en fait, aux dispositions suivantes :

I – Numéro de l'exception	II – Zones applicables	III – Dispositions de l'exception – autres aménagements permis	IV – Dispositions de l'exception – aménagements interdits	V – Dispositions de l'exception – dispositions
XXr	RG3 [xxr]-h		Tous les aménagements jusqu'à ce que le symbole de l'aménagement différé soit enlevé, sauf :	<ul style="list-style-type: none"><li>• Superficie minimum du lot : 1 700 m<sup>2</sup></li><li>• Largeur minimum du lot : 22 m</li><li>• Malgré les dispositions de la</li></ul>

			<ul style="list-style-type: none"><li>• le terrain de stationnement ;</li><li>• la cour d'entreposage .</li></ul>	<p>zone sous-jacente, tous les aménagements et travaux, dont la construction de bâtiments et d'ouvrages, sont interdits jusqu'à ce que le symbole de l'aménagement différé soit enlevé.</p> <ul style="list-style-type: none"><li>• Le symbole de l'aménagement différé ne peut être enlevé qu'après avoir soumis et fait approuver, par le directeur général de la Direction générale de la planification, de l'infrastructure et du développement économique :</li><li>• la demande de réglementation du plan d'implantation démontrant que les eaux usées</li></ul>
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				<p>produites par le projet d'aménagement proposé peuvent être convenablement traitées sur les lieux en faisant appel à une option permmissible pour le traitement des eaux usées;</p> <ul style="list-style-type: none"><li>• l'évaluation environnementale de site de phase II;</li><li>• le rapport de gestion des eaux pluviales;</li><li>• l'évaluation des répercussions sur les transports;</li><li>• l'évaluation des répercussions sur les ressources en granulats.</li></ul>
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Documentation/Documentation

1. Director's report, Economic Development Services, Planning, Infrastructure and Economic Development Department, dated August 19, 2021 (ACS2021-PIE-PS-0111 )

Rapport de la Directrice, Service du développement économique, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 19 août 2021 (ACS2021-PIE-PS-0111)

2. Extract of draft Minutes, Agriculture and Rural Affairs Committee, September 2, 2021

Extrait de l'ébauche du procès-verbal, Comité de l'agriculture et des affaires rurales, le 2 septembre 2021

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 24  
SEPTEMBER 8, 2021**

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**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 24  
LE 8 SEPTEMBRE 2021**

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
2 September 2021 / 2 septembre 2021**

**and Council  
et au Conseil  
8 September 2021 / 8 septembre 2021**

**Submitted on 19 August 2021  
Soumis le 19 août 2021**

**Submitted by  
Soumis par:**

**Lee Ann Snedden,  
Director / Directrice**

**Planning Services / Services 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:**

**Anissa McAlpine, Planner / Urbaniste, Development Review Rural / Examen des  
demandes d'aménagement ruraux  
613-580-2424, 26280, Anissa.McAlpine@ottawa.ca**

**Ward: OSGOODE (20)**

**File Number: ACS2021-PIE-PS-0111**

**SUBJECT: Zoning By-law Amendment – 5254 Bank Street**

**OBJET: Modification au Règlement de zonage – 5254, rue Bank**

## REPORT RECOMMENDATIONS

1. That Agriculture and Rural Affairs Committee recommend Council refuse an amendment to Zoning By-law 2008-250 for 5254 Bank Street, for the purposes of rezoning the land from Rural Countryside Subzone 2 (RU2) to Rural General Industrial Subzone 3, Exception XX (RG3 [XXr]), 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 8, 2021," 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 de rejeter la modification du Règlement de zonage (n° 2008-250) visant le 5254, rue Bank en vue de faire passer le zonage de la propriété de Zone d'espace rural, sous-zone 2 (RU2) à Zone d'industrie générale rurale, sous-zone 3, exception XX (RG3 [XXr]), comme l'indique le document 2.2.
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 8 septembre 2021 », 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.**

## **EXECUTIVE SUMMARY**

Planning staff recommend refusal of the Zoning By-law amendment for 5254 Bank Street to rezone the site to Rural General Industrial Subzone 3, Exception XX (RG3 [XXr]) to permit a range of industrial uses including automobile service station. The zoning amendment proposes to include a site-specific exception and holding provision to limit the permitted uses to a parking lot and storage yard until the hold is lifted upon submission of additional technical studies and a Site Plan application. Staff recommend refusal of the proposed as it is not in keeping with Official Plan policies on private water and wastewater servicing. Rural development occurring on the basis of private services is required to demonstrate that the operation of individual waste-water services will not adversely impact neighbouring properties.

## **RÉSUMÉ**

Le personnel de l'urbanisme recommande de rejeter la modification du Règlement de zonage visant le 5254, rue Bank en vue de faire passer le zonage de la propriété à Zone d'industrie générale rurale, sous-zone 3, exception XX (RG3 [XXr]) pour permettre différentes utilisations industrielles, y compris l'aménagement d'une station-service. La modification au Règlement de zonage proposée prévoit une exception propre à l'emplacement et une disposition d'aménagement différée pour limiter les utilisations permises du parc de stationnement et de la cour d'entreposage jusqu'à la suppression des dispositions d'aménagement différé sur présentation d'études techniques supplémentaires et d'une demande de plan d'implantation. Le personnel recommande de rejeter la proposition parce qu'elle n'est pas conforme aux politiques du Plan officiel sur les services privés de traitement de l'eau et des eaux usées. Il est nécessaire de démontrer pour les aménagements ruraux desservis par des services privés que le fonctionnement de chacun des services relatifs aux eaux usées n'aura aucune incidence négative sur les propriétés voisines.

## **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**

5254 Bank Street

**Owner**

Denzil Reaney and Sandra Reaney

**Applicant**

Holzman Consultants Inc.

### **Description of site and surroundings**

The property is approximately 0.17 hectares in size and consists of a rectangular-shaped parcel of land, with frontage on the west side of Bank Street.

Located on the site is a single detached dwelling with a detached garage and storage shed serviced by a private septic system, natural gas, and municipal water. Bank Street is a two-lane arterial roadway with a rural cross-section in the vicinity of the subject property.

A wide range of land uses exist along Bank Street in the vicinity of the property. Commercial retail uses, especially automotive sales and service centres are interspersed among detached residences, an RV park and licensed mineral aggregate facilities. Directly north of the property is a lumber and wood manufacturing yard, zoned RG[290r]. To the south, west and opposite Bank Street to the east, lands are forested, and zoned ME and ME2 as part of a licenced aggregate resource extraction operations.

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

The applicant has submitted a Zoning By-law amendment application proposing to rezone the land from Rural Countryside Subzone 2 (RU2) to Rural General Industrial Subzone 3, RG3 [XXr]- h, with an Exception and Hold symbol to limit the list of permitted uses until such a time as a Site Plan application is submitted with further technical studies. The proposed rezoning would include a rural exception provision to recognize the pre-existing undersized lot's area and width.

The zone exception would list only a parking lot and storage yard as permitted uses, until the hold is lifted. The hold symbol would be accompanied by a provision stating that it may only be lifted upon submission of a Site Plan Control application that: demonstrates that a tertiary septic treatment system can provide the requisite level of treatment for the proposed use; submission of a Phase II ESA; submission of a Stormwater Management Report; submission of Transportation Impact Assessment; and submission of a Mineral Resource Impact Assessment.

### **Brief history of proposal**

The applicant's stated desire is to seek an amendment to the Zoning By-law to permit a range of uses on the Subject Property, such as automotive and light industrial uses. The initial application submitted by the applicant sought a zoning amendment to rezone the property as Rural General Industrial, Subzone 3 (RG3) - without limiting the permitted uses on the property. Staff review of the initial submission indicated that the site is highly constrained in size and that the septic treatment capacity on the site would limit the ability of the site to support an industrial use. Staff worked with the applicant to explore more suitable options, including the possibility to develop a limited list of permitted uses that would have an acceptable level of wastewater production. This led to the current Zoning By-law amendment proposal involving a site specific exception and a hold provision.

## **DISCUSSION**

### **Public consultation**

Public consultation and notification were undertaken in accordance with the Public Notification and Public Consultation Policy approved by Council for Zoning By-law amendments. No comments were received from members of the public.

For this proposal's consultation details, see Document 3 of this report.

### **Official Plan designation**

The property is designated General Rural Area as per Schedule A of the Official Plan. The intent of the General Rural Area is as location for agriculture and for those non-agricultural uses that, due to their land requirements or the nature of their operation, would not be more appropriately located within urban or Village locations. Bank Street is also considered a scenic entry-route to the City as per Schedule I of the Official Plan.

### **Planning rationale**

Official Plan Policy 3.7.2 for the General Rural Area accommodates uses that are non-agricultural in nature but that are not better located in a Village or Rural Employment Land, subject to a zoning by-law amendment that would consider the compatibility of the use with the road network, impacts to neighbours due to light, dust and noise etc., and compatibility with the surrounding rural character. Due to the modest

nature of the proposed development and the location of the lot along a busy arterial road, the use is not anticipated to create conflict or adverse impacts on the rural area. The proposed is in keeping with existing neighbouring industrial and commercial type uses nearby.

Official Plan Policy 3.7.4 for Mineral Aggregate Resources states new development cannot be approved on lands adjacent to the aggregate extraction unless it can be demonstrated that the development will not conflict with aggregate extraction, nor would it prohibit the operation or expansion of the extraction operation. Industrial uses are not typically considered sensitive uses, and a small-scale industrial use would be considered less sensitive to the adjacent aggregate extraction operation than the existing use. A Mineral Resource Impact Assessment is required to support development of this site in accordance with this policy.

Official Plan Policy 4.4.2.1.d for Private Water and Wastewater Servicing requires that where development is proposed on the basis of private individual services and requires a Zoning By-law amendment, the City will require sufficient information with the application to assess the likelihood that the operation of the on-site wastewater on the new lot(s) will not adversely impact on the wells of neighbouring properties. This policy is taken to pertain to the subject property where the subject lot is proposed to be rezoned for a new, and more intensive use.

The applicant's most recent submission, proposes to rezone the site with a limited list of permitted uses, being parking lot and storage yard. These uses are the permitted uses in the industrial zone with the lowest anticipated wastewater output. The definition of a *Storage yard* includes an accessory maintenance building. This most recent submission includes an analysis of wastewater output from a hypothetical, modest 200-square metre accessory structure on the property. This most recent technical analysis submitted by the applicant and reviewed by staff demonstrates that the site cannot support even that minimal amount of industrial development.

The Terrain Analysis and Private Sewage Disposal System Impact Assessment report, submitted by the applicant, indicates that based on theoretical proposed sewage volume of site, the existing lot size, soil conditions, and a nitrate concentration of the sewage that the calculated levels of nitrates at the property limits would be above the

Ministry of Environment Conservation and Parks (MECP) D-5-4 Guideline levels for an Individual On-Site Sewage System. The purpose of the D-5-4 Guideline is to protect the environment and public health by ensuring development on private onsite sewage systems proceeds at a density and scale which will not result in, or cause degradation of groundwater resources in exceedance of acceptable limits. It is worth noting that there are private well users nearby the site.

The applicant provides that the site could be developed safely for an industrial use using tertiary (advanced) septic treatments options. While these tertiary treatment systems may be appropriate for consideration at the time of a Site Plan Control application, staff affirm that they are not suitable consideration at the time of a Zoning By-law amendment. To support a zoning amendment to accommodate an industrial use on the property, the site must be suitably serviced for the proposed zoning in accordance with the MECP D-5-4 Procedures, discussed above.

Staff have concerns with the proposed use of holding symbol on the property, which is intended to limit all industrial uses beyond the parking lot and storage yard until a later time when further technical studies, including a Site Plan application and detailed servicing plan, would be submitted to support the typical range of permitted uses in the RG3 zone. Staff suggest that holding provisions should only be used in circumstances where there is evidence that leads to a reasonable expectation that the items that are required to be addressed through the lifting of hold process will be demonstrated or put in place in the near to mid future. Based on the serviceability study provided by the applicant, staff understand that a modest 200-square metre warehouse is the upper limit of development possible on the site using advanced treatment methods. Reasonable certainty has not been provided that the list of desired industrial uses, including automobile service station could be safely serviced at the time of Site Plan application through the use of tertiary septic treatment options. It is inappropriate to use a hold symbol in the zone for this property, as the serviceability report precludes that the uses it addresses may ever be supportable at a later time.

In addition to the above noted servicing limitations, the application continues to have the following unresolved concerns:

- a) There are inconsistencies in the Geotechnical Report compared to the Terrain Analysis report with respect to clay soils present on site.
- b) The Phase I Environmental Site Assessment report submitted is incomplete in addressing possible concerns on the site.
- c) The South Nation Conservation Authority reviewed the submission and provided comments on the topic of the Private Sanitary Servicing and the Stormwater Management. With respect to the proposed Zoning By-law amendment, the Conservation Authority notes that:
  - I. It is not clear how the small site can accommodate the stormwater infrastructure at the maximum permitted lot coverage.
  - II. A Concept Plan has not been produced that adequately demonstrates that all of the required site services, including a stormwater management pond discussed in a submitted report, can be accommodated on site.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is not consistent with the 2020 Provincial Policy Statement. Section 1.6.6.4 of the PPS states where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The application has not demonstrated that on-site sewage services can support the proposed industrial use on the subject property due to its small size.

### **RURAL IMPLICATIONS**

Failure to meet wastewater treatment guidelines at this site may pose a risk to the ground water and drinking water of the adjacent landowners using private wells nearby.

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

Councillor Darouze provided the following comments:

“While I understand and appreciate staff’s recommendation and their concerns regarding D54, it is of my opinion that the property has limited options.

The proposed uses are unlikely to be problematic for the neighbouring properties. Essentially, the zoning is not going to impact the demographic if the proposal is accepted.

Limited industrial uses are reasonable here given the surrounding uses. Industrial properties surround the area, and it will not have an impact on rural lands.”

Therefore, Councillor Darouze will be going against staff recommendation on this proposal.

### **LEGAL IMPLICATIONS**

There are no legal impediments to implementing the recommendations of this report. If Council refuses the application as recommended, and the applicant were to appeal the decision to the Ontario Land Tribunal, it is estimated that a 2-3 day hearing would result which could be completed within existing staff resources.

### **RISK MANAGEMENT IMPLICATIONS**

Failure to meet wastewater treatment guidelines at this site may pose a risk to the ground water and drinking water of landowners using private wells nearby.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with this report.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.



## **ENVIRONMENTAL IMPLICATIONS**

The refusal of this application supports the protection of groundwater resources and is in keeping with the City and Province's guidelines for the protection of groundwater resources.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Terms of Council Priority:

- Environmental Stewardship

## **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-20-0049 was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the complexity of review required.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

## **CONCLUSION**

Staff recommend refusal of the application. The proposal fails to meet Official Plan Policy 4.4.2.1 and is not consistent with the Provincial Policy Statement. The site is not able to support industrial uses with a private on-site septic treatment system, without having possible adverse impact on the wells of neighbouring properties.

## **DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

**AGRICULTURE AND RURAL  
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Planning Operations Branch, Planning Services to undertake the statutory notification.

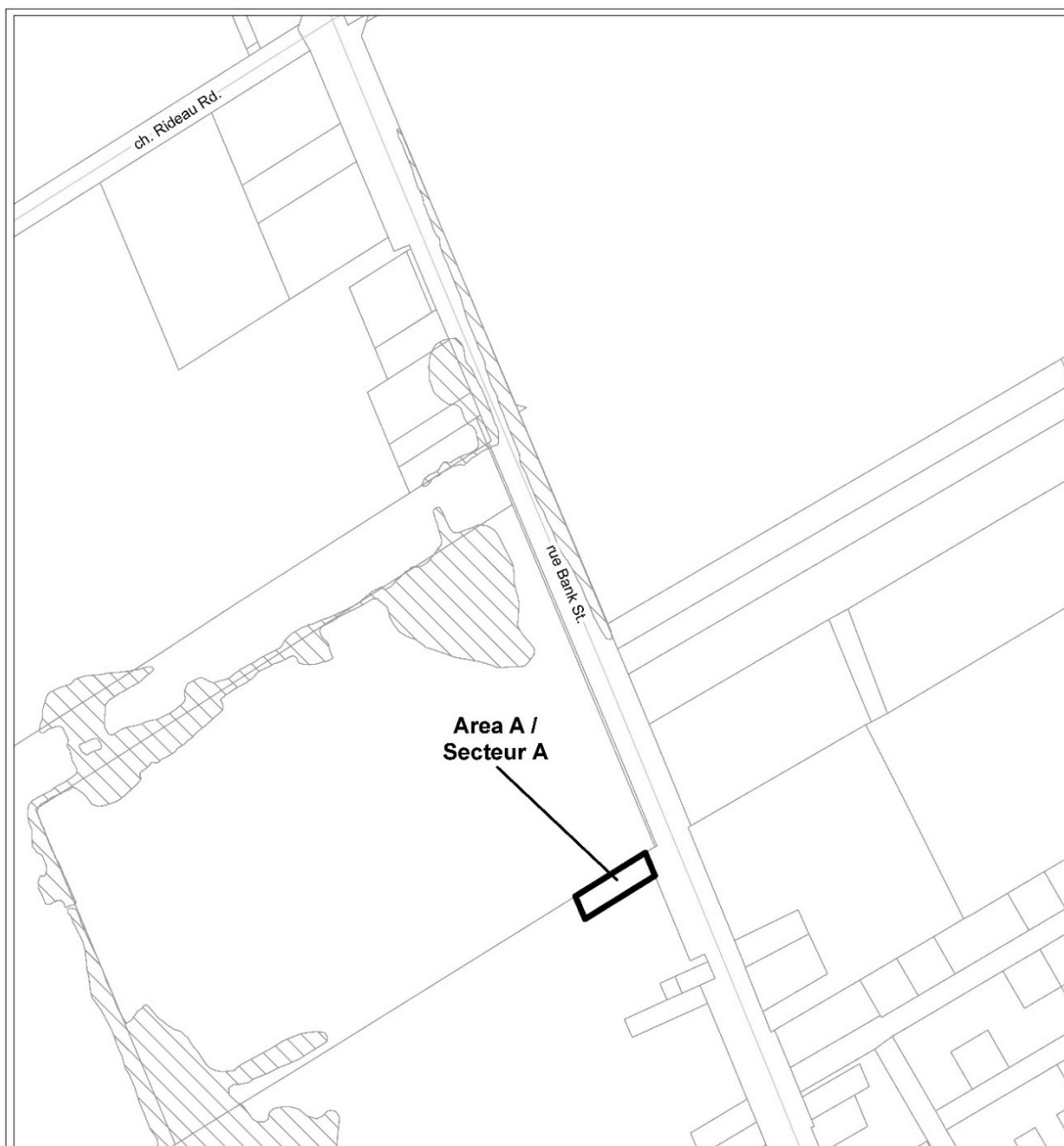
**AGRICULTURE AND RURAL  
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


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**Document 1 – Location Map**

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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-20-0049	20-0859-L	<b>5254 rue Bank St.</b>	
I:\CO\2020\Zoning\Bank_5254		 Area A to be rezoned from RU2 to RG3[XXr] Le zonage du secteur A sera modifié de RU2 à RG3[XXr]	
<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>©Les données de parcelles appartiennent à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small>		 <small>NOT TO SCALE</small>	
REVISION / RÉVISION - 2020 / 10 / 01			

**Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for Address of the site:

1. The 5254 Bank Street be rezoned from Rural Countryside Subzone 2 (RU2) to Rural General Industrial Subzone 3, Exception XX (RG3 [XXr]).
2. That the following provision be added to the zone:

I – Exception Number	II Applicable Zones	III – Exception Provisions - Additional Land Uses Permitted	IV – Exception Provisions - Land Uses Prohibited	V – Exception Provisions - Provisions
XXr (by-law 2021-XX)	RG3[xxr]-h	none	All, except:  • Parking lot  • Storage yard	<ul style="list-style-type: none"> <li>• Minimum lot area of 1,700 sq. m</li> <li>• Minimum lot width of 22 m</li> <li>• Despite the provisions of the underlying zone, all uses and development, including the construction of buildings and structures, are prohibited until the holding symbol is removed</li> <li>• The holding symbol can be removed only after the following have been submitted and approved by the General Manager of</li> </ul>

				<p>Planning, Infrastructure and Economic Development:</p> <ul style="list-style-type: none"><li>• Site Plan Control application demonstrating that the wastewater generated from the proposed use can suitably treated on site with a permittable wastewater servicing option</li><li>• Phase II ESA</li><li>• Stormwater Management Report</li><li>• Transportation Impact Assessment</li><li>• Aggregate Resource Impact Assessment</li></ul>
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**Document 3 – Consultation Details**

Notification and Consultation Process

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 public meetings were additionally held in the community. No comments were received from the public.