

**Report to
Rapport au:**

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

November 23, 2015 / 23 novembre 2015

**and Council / et au Conseil
December 9, 2015 / 9 décembre 2015**

**Submitted on October 28, 2015
Soumis le 28 octobre 2015**

**Submitted by
Soumis par:
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Ward: WEST CARLETON-MARCH (5)

File Number: ACS2015-PAI-PGM-0052

SUBJECT: Zoning By-law Amendment – 2491 Carp Road

OBJET: Modification au Règlement de zonage – 2491, chemin Carp

REPORT RECOMMENDATIONS

That Agriculture and Rural Affairs Committee recommend Council approve:

1. An amendment to the Carp Road Corridor Community Design Plan, Convenience Commercial Node, to permit the use of the property for display and sale of garden sheds, gazebos and pre-manufactured docks, as detailed in Document 2; and
2. An amendment to Zoning By-law 2008-250 for 2491 Carp Road, to permit the use of the property for display and sale of garden sheds, gazebos and pre-manufactured docks, as detailed in Document 3.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver :

1. une modification au pôle de commerces de proximité du Plan de conception communautaire du couloir du chemin Carp afin de permettre l'utilisation du bien-fonds pour l'exposition et la vente de remises et de kiosques de jardin, ainsi que de quais préfabriqués, comme il est expliqué en détail dans le document 2;
2. une modification au Règlement de zonage 2008-250 pour le 2491, chemin Carp afin de permettre l'utilisation du bien-fonds pour l'exposition et la vente de remises et de kiosques de jardin, ainsi que de quais préfabriqués, comme il est expliqué en détail dans le document 3.

BACKGROUND

Learn more about [Zoning By-law amendments](#)

For all the supporting documents related to this application visit the [Development Application Search Tool](#).

Site location

2491 Carp Road.

Owner

Gilles Barrette.

Applicant

Novatech Engineering Consultants Ltd.

Description of site and surroundings

The property is a 0.4-hectare parcel located at the southwest corner of the intersection of Carp Road and Richardson Side Road. There are two permanent buildings located on the northwest corner of the site. The first building is 150 square metres in size and is used for storage purposes and the second building is a 27 square metre office building. There are also numerous garden sheds, docks and gazebos on display scattered throughout the property.

Existing land uses on the east side of Carp Road include rural industrial and commercial uses (MCon and The Cheshire Cat Pub) and lands to the south and west are zoned for future light industrial uses (currently undeveloped). On the northwest side of Richardson Side Road is vacant undeveloped land that is zoned for convenience commercial use (currently being used for agricultural purposes).

Summary of requested Community Design Plan amendment

Upon review of the requested Zoning By-law amendment, staff determined that in order to facilitate the application an amendment to the Carp Road Corridor Community Design Plan (CDP) was required as the existing use does not meet the relevant CDP designation. The amendment will recognize the use on the property; however, limit the use to the life of the business.

Summary of requested Zoning By-law amendment proposal

The Zoning By-law amendment proposes to permit the continued use of the property for display and sale of garden sheds, gazebos and pre-manufactured docks. The application also seeks relief from the following zone provisions:

- Front yard setback of 2 metres (10 metres is required);
- Rear yard setback of 1 metre (10 metres is required);
- Interior side yard setback of 1 metre (3 metres is required); and
- Corner side yard setback of 4.3 metres (6 metres is required).

The property is currently zoned Rural Commercial, Subzone 7 (RC7) and this zone does not permit the use as currently proposed. The purpose of the Rural Commercial Zone is to “accommodate a range of commercial uses including services for the traveling public...” and, more specifically, the RC7 zone is a convenience commercial

node in the Carp Road Corridor. In addition, the current proposal does not meet the zone performance standards.

Staff support the proposal to permit the existing use of the property; however, staff do not agree with changing the front lot line from Carp Road to Richardson Side Road. Staff do not support the relief being sought from the zone provisions; however staff are recommending the following:

1. A minimum front yard setback of 3 metres;
2. A minimum corner side yard setback of 3 metres;
3. A minimum rear yard setback of 3 metres; and
4. All display areas and parking must be located outside of the minimum required yards.

Brief history of proposal

This application is a revision to a rezoning application under the former West Carleton Zoning By-law 266/81, as amended, filed by the owner in 2001 (D02-02-0072/OZP2001-0072). The application filed in 2001 was deemed incomplete at the time and was placed on hold awaiting further submissions from the owner. A new application was filed in 2010 while the business continued operating on this site for over 15 years without zoning permission and several buildings have been erected without the benefit of building permits.

The property does not enjoy legal non-conforming rights to the use, as the use has never been permitted under the current City of Ottawa Zoning By-law 2008-250, nor the former West Carleton By-law. The application seeks to permit the continuation of the use on the property, as well as relief from the current zone provisions.

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. No comments were received.

Official Plan designation

The property is designated Carp Road Corridor Rural Employment Area on Schedule A of the Official Plan (OP). This application was submitted before Official Plan Amendment 150 was adopted by Council and is being considered under the existing Official Plan policies. However, the proposal does not conflict with policies of Official Plan Amendment 150.

Section 3.7.5 of the OP includes the following policies:

1. The Carp Road Corridor Rural Employment Area is designated on Schedule A with the intent to reserve the land for rural industrial and commercial uses.
2. New development applications will conform to the Community Design Plan.
3. The Community Design Plan for the Carp Road Corridor shall provide direction to the Zoning By-law for future uses.

Permitting the proposed use would be in keeping with Policy 1 and 2 above, as the property would maintain a rural commercial use, and the Zoning By-law amendment would force the property to conform to the new zoning provisions as proposed.

Other applicable policies and guidelines

The policies of the Carp Road Corridor CDP apply to the subject property. The CDP establishes numerous designations within the Rural Employment Area such as Light and Heavy Industrial Areas, Highway Commercial Areas and Convenience Commercial Nodes as several examples. The property is located in an area designated on Schedule 1 in the CDP as a Convenience Commercial Node.

The intent of the Convenience Commercial Node designation is to create a sense of place, different from the rest of the corridor being that they are located in places that are special areas or landmarks in the community. The CDP states that Convenience Commercial Nodes are to serve as a means to reducing strip development and provide some focus for the area. A commercial node designation was placed on the property as it is located at a major road intersection and felt to be conveniently located to serve local residents and employees, as well as the traveling public.

Policies in the Convenience Commercial Node include:

1. Permitted uses include those that provide services to local residents, employees in the corridor as well as servicing the needs of the traveling public. Examples

include convenience stores, professional offices, business offices, gas bars, banks, and restaurants.

2. Buildings at Convenience Commercial Nodes will have narrow setbacks to encourage buildings to be closer to the road with parking at the side or rear of the building with a sidewalk, enhanced lighting and landscaping at the street.

Section 2.2 of the CDP provides direction to the Zoning By-law for future development of the lands within the Carp Road Corridor. The existing use fits within the scope and nature of the diverse commercial uses found throughout the Rural Employment Area. The recommendation to amend the CDP would recognize the existing use on the property and limit the use to the life of the business. The CDP states the transition will occur overtime and until the lands are developed for the intended use, the use of these lands will be restricted to existing uses. Recognizing that the use has existed on site for over 15 years, amending the CDP will allow for the continuation of the use, while future uses will be permitted to develop once the operation ceases to exist.

Planning rationale

Amending the CDP to recognize the existing use of display and sale of garden sheds, gazebos and pre-manufactured docks will not preclude future convenience uses from developing over time. The amendment will only apply to the use so long as it continues to operate on the property and therefore, the Convenience Commercial Node will continue and allow for other convenience commercial uses to locate on the property in the future as market forces support redevelopment. The use is similar in nature to other businesses located along the Carp Road Corridor and is therefore not out of place.

Currently, many of the sheds, gazebos and docks do not meet the RC7 zone provisions. By imposing new setbacks through this amendment, the applicant will be required to relocate all structures in accordance with the new provisions. Moving these structures away from all lot lines and off city road allowances will create a more attractive site. The applicant has provided streetscaping in the form of deciduous trees, which will aid in buffering the site. Should the sheds, gazebos and docks not be moved from the lot lines and comply with recommended zone provisions of this report, the property will be in contravention of the zoning by-law.

In summary, the proposed amendment to the CDP and Zoning By-law will permit the continued use of display and sale of garden sheds, gazebos and pre-manufactured docks by recognizing the existing condition of the property. By limiting the use to the life of the business, future convenience commercial uses will have the ability to develop

over time, thereby meeting the intent of the CDP and the underlying RC7 zone provisions.

RURAL IMPLICATIONS

Amending the CDP and Zoning By-law will permit a local business to continue its operation in the rural area, thereby continuing to provide local employment and shopping opportunities.

COMMENTS BY THE WARD COUNCILLOR

Councillor Eli El-Chantiry is aware of this application.

LEGAL IMPLICATIONS

There are no legal impediments to the adoption of the recommendations in the report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

FINANCIAL IMPLICATIONS

There are no financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TERM OF COUNCIL PRIORITIES

This application advances the Term of Council Priorities (2015-2018), through the following priorities:

Economic Prosperity (EP2) – Support growth of local economy

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the On Time Decision Date established for the processing of Zoning By-law amendments due to complexity of the application.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Proposed Carp Road Corridor Community Design Plan Amendment

Document 3 Details of Recommended Zoning

Document 4 Overview Data Sheet

CONCLUSION

In summary, the proposed amendment to the CDP and Zoning By-law will permit the continued use of display and sale of garden sheds, gazebos and pre-manufactured docks by recognizing the existing use of the property. The proposed zone details will ensure all structures are located on the owner's property with appropriate setbacks. By limiting the use to the life of the use, future convenience commercial uses will have the ability to develop over time, thereby meeting the intent of the CDP designation and the underlying RC7 zone provisions.

DISPOSITION

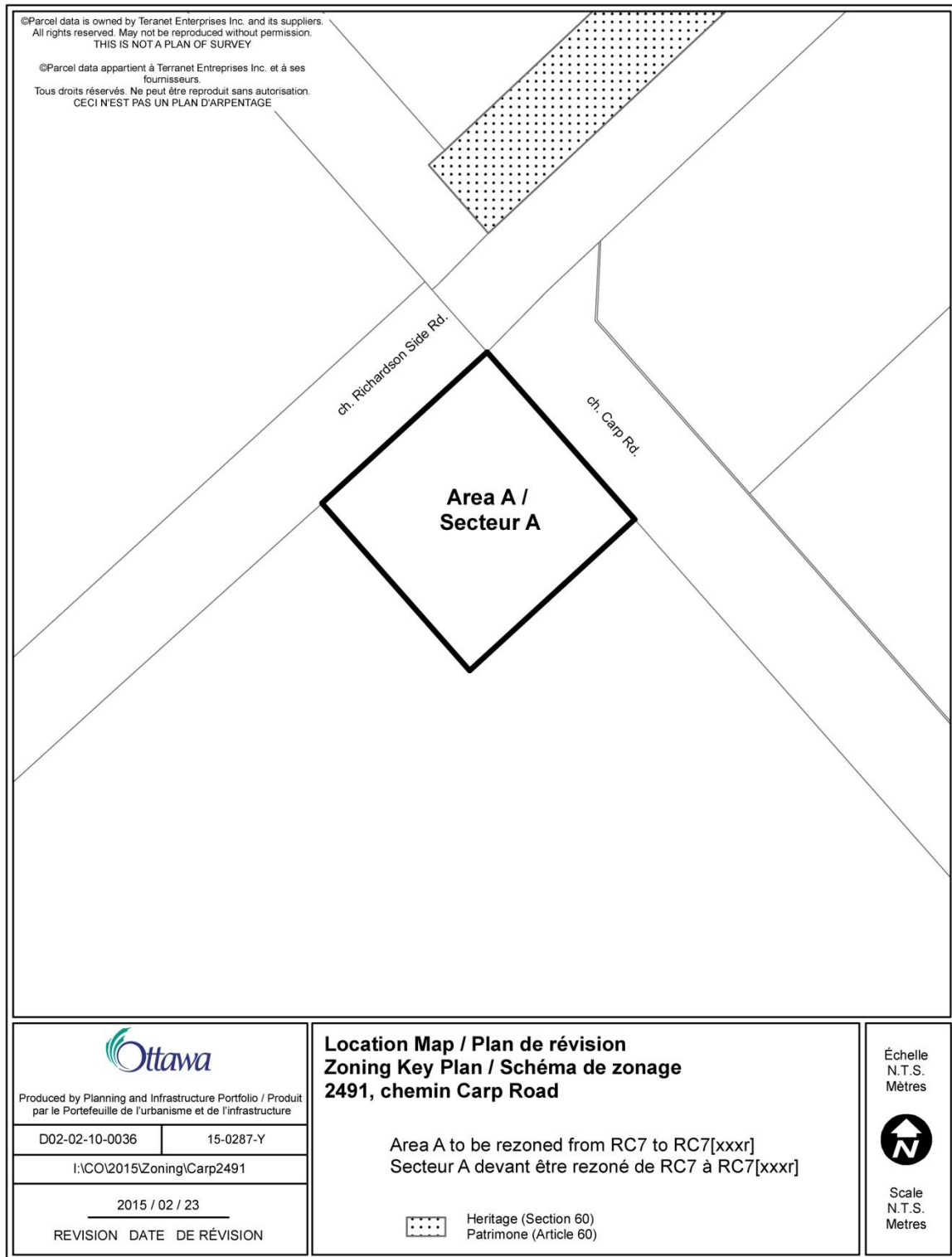
City Clerk and Solicitor Department, Legislative Services, to notify the owner, applicant, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision.

Planning and Growth Management Department to prepare the implementing by-law, forward to Legal Services and undertake the statutory notification.

Legal Services to forward the implementing by-law to City Council.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.



Document 2 – Proposed Carp Road Corridor Community Design Plan Amendment

The Carp Road Corridor Community Design Plan is hereby amended as follows:

In Section 2.6 – Convenience Commercial Node by adding a new site specific policy:

“Permitted uses at 2491 Carp Road include the retail and display of garden sheds, gazebos and pre-manufactured docks, such use to be permitted only for as long as the current use exists.”

Document 3 – Details of Recommended Zoning

Proposed changes to Zoning By-law No. 2008-250 for 2491 Carp Road:

1. The subject property as shown on Document 1 will be rezoned from RC7 to RC7[xxxxr].
2. Amend Section 240 – Rural Exceptions by adding a new exception as follows:
 - a. In column I, Exception Number, add the new exception number, “[XXXr]”;
 - b. In column II, Applicable Zone, add the text, “RC7[XXXr]”;
 - c. In column III, Additional Permitted Uses, add the use, “display and sale of garden sheds, gazebos and pre-manufactured docks”;
 - d. In column V, Provisions, of exception XXXr add text similar in effect to the following:
 - Minimum front yard setback of 3 metres;
 - Minimum corner side yard setback of 3 metres;
 - Minimum rear yard setback of 3 metres; and
 - All display areas and parking shall be located outside of the minimum required yards.”