

Report to/Rapport au :

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

and Council / et au Conseil

**November 9, 2012
9 novembre 2012**

**Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice
municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure**

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Rideau Goulbourn (21)

Ref N°: ACS2012-PAI-PGM-0258

SUBJECT: ZONING – 2396 FAIRMILE ROAD AND 2382 DONNELLY DRIVE

**OBJET: ZONAGE – 2396, CHEMIN FAIRMILE ET 2382, PROMENADE
DONNELLY**

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend Council approve an amendment to the Zoning By-law 2008-250 to change the zoning of 2396 Fairmile Road from RU[136r] to RU and 2382 Donnelly Drive by amending exception 136r, as shown in Document 1 and as detailed in Document 2.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 afin de changer la désignation de zonage du 2396, chemin Fairmile de RU[136r] à RU et celle du 2382, promenade Donnelly en changeant l'exception 136r, comme il est indiqué dans le Document 1 et expliqué en détail dans le Document 2.

BACKGROUND

The subject property is located on the southeast corner of Donnelly Drive and Fairmile Road. The property currently contains two detached dwellings and related outbuildings. The current zoning permits these two dwellings as a legal non-conforming use. The site was subject to a recent consent application (D08-01-12/B-00270) to sever the property to create two separate parcels of land. The severance was approved by the Committee of Adjustment on August 1, 2012, subject to a condition requiring a Zoning By-law amendment application be approved to bring the performance standards into compliance.

DISCUSSION

Official Plan

The subject property is designated as “General Rural Area” in the Official Plan. The intent of this designation is to accommodate a variety of land uses appropriate for a rural location and a limited amount of residential development where such development will not preclude continued agricultural and non-residential uses.

Policy 3.7.2 (12a-c, f) indicates a severance may be granted by the City for the creation of a single lot for residential purposes from any lot in existence as of May 2003, and that no further severance will be permitted from either the severed or retained parcels. The retained parcel must have a minimum lot size of 10 hectares and the severed parcel must have a minimum lot size of 0.8 hectares. The severed parcel (Area A) has a lot area of 0.93 hectares and the retained parcel (Area B) has a lot area of 7.48 hectares. Existing exception 136r will be amended and placed solely on Area B to recognize a reduced lot area of 7.48 hectares.

Section 4.8.1 (5), ‘Flood Plains’, states that:

“the City will not permit site alteration, meaning activities such as grading, excavation, and the placing of fill that would change the landform and natural vegetative characteristics of a site, or development meaning the creation of a new lot, a change in land use, or the construction of buildings and structures in the flood plain except for:

c) The replacement of a dwelling that was in existence at the date of adoption of this plan with a new dwelling where:

- i. The replacement of a dwelling that is generally the same gross floor area and footprint as the existing building;*
- ii. The new dwelling, in conjunction with any site alteration does not result in a negative effect on flooding; and*
- iii. The new dwelling and any associated site alteration are approved by the appropriate Conservation Authority.”*

While the creation of a new lot in a flood plain is not permitted, the intent of the Official Plan Policy 4.81(5) is being met. Creating a new lot on the subject property allows

separate ownership of two existing detached dwellings. The creation of the additional lot will not support any additional site alteration or construction.

Section 3.7.3 (11), 'Minimum Distance Separation', states that all new farm and non-farm development, including severances, will comply with the Minimum Distance Separation (MDS) formulae. The purpose of MDS I is to determine the minimum separation distances between proposed new development and existing livestock facilities. The creation of a new lot is considered development even though no new detached dwelling is being built. MDS I calculations were performed for both existing barns. Given the location of the barn on the property at 2396 Fairmile Road and its proximity to the house on the retained parcel (2382 Donnelly Drive), as a condition of severance the Owner is required to enter into a development agreement that stipulates that the keeping of livestock in the frame barn located at 2396 Fairmile Road is strictly prohibited.

Zoning By-law

Existing Zoning

The subject property is zoned RU[136r] (Rural Countryside Zone, with exception 136r) and Flood Plain Overlay. The RU zone permits a range of rural-based uses including agriculture, equestrian, forestry and residential lots created by severance. Exception 136r permits a 'Planned Unit Development' on the property with a maximum of two detached dwellings.

Proposed Zoning

The requested zoning amendment proposes to remove exception 136r from 2396 Fairmile Road. Exception 136r will be amended and placed on 2382 Donnelly Drive to recognize a reduced lot area of 7.48 hectares for the retained lot.

RURAL IMPLICATIONS

The application allows separate ownership of two existing houses that currently exist on one property.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy and no comments were received.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of the application and the staff recommendation.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental impacts associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

This application has no impacts on the Term of Council priorities.

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

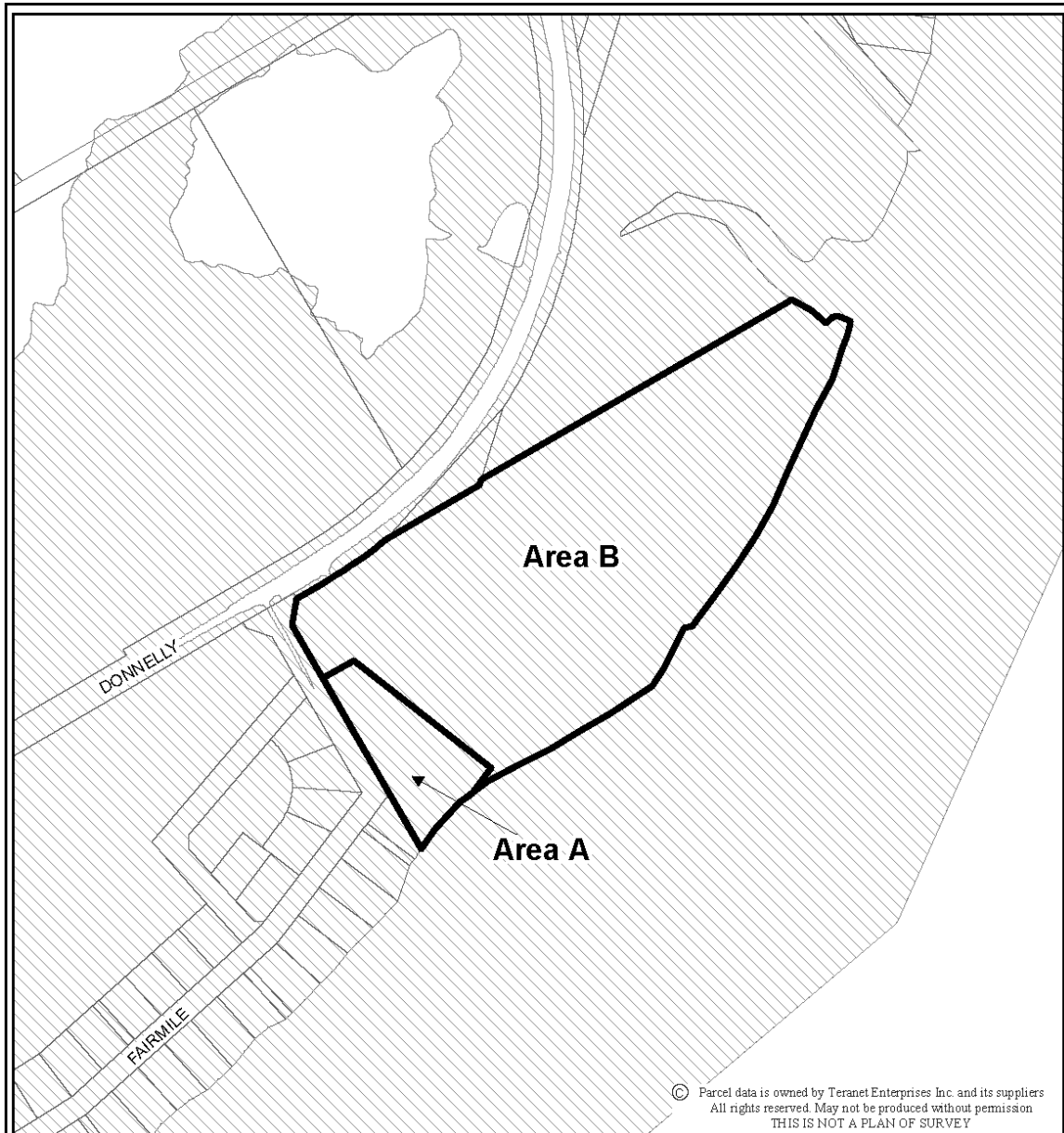
Document 2 Details of Recommended Zoning

DISPOSITION

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

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

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



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2012 / 08 / 31	
REVISION DATE	DE RÉVISION

Location Map / Plan de révision
Zoning Key Plan / Schéma de zonage
2396 Fairmile Road and 2382 Donnelly Drive

Existing Flood Plain (Section 58) /
 Plaine inondable (Article 58)

039180109 Denotes Teranet-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres

Scale
 N.T.S.
 Mètres

DETAILS OF RECOMMENDED ZONING

DOCUMENT 2

Proposed Changes to the Comprehensive Zoning By-law

Area A (2396 Fairmile Road)

Rezone the land from RU[136r] to RU

Area B (2382 Donnelly Drive)

Amend existing exception 136r of Section 240 – Rural Exceptions with provisions similar in intent to the following:

- a. In column V the text:
“-minimum lot area: 7.48 hectares”