

**3. ZONING BY-LAW AMENDMENT – 4835 BANK STREET
MODIFICATION AU RÈGLEMENT DE ZONAGE – 4835, RUE BANK**

COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 for 4835 Bank Street to permit a place of assembly as an additional permitted use, to permit a reduced water setback of 20 metres from the normal highwater mark and 13 metres from the top of slope, to permit a reduced interior side yard setback of 6 metres, in relation to the place of assembly, as well as to permit a reduced parking rate of 8.4 spaces per 100 square metres of gross floor area of assembly area, as detailed in Document 2.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant le 4835, rue Bank, afin de permettre la présence d'un lieu de rassemblement comme utilisation autorisée supplémentaire, de permettre un retrait de cours d'eau de 20 mètres depuis la laisse des hautes eaux ordinaires et de 13 mètres depuis le haut de la pente, de permettre un retrait de cour latérale intérieure réduit à 6 mètres eu égard au lieu de rassemblement, et de permettre une réduction du taux de stationnement réduit à 8,4 places par tranche de 100 m² de surface de plancher hors œuvre brute d'espace de rassemblement, comme l'expose en détail le document 2.

DOCUMENTATION/DOCUMENTATION

1. Director's rapport, Planning Services, Planning, Infrastructure and Economic Development Department dated June 20, 2018 (ACS2018-PIE-PS-0060)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté 20 juin 2018 (ACS2018-PIE-PS-0060)

2. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of 29 August 2018, 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 11 July 2018".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 29 août 2018 du 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 11 juillet 2018 ».

**AGRICULTURE AND RURAL
AFFAIRS COMMITTEE
REPORT 36
5 JULY 2018**

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**COMITÉ DE L'AGRICULTURE ET
DES AFFAIRES RURALES
RAPPORT 36
LE 5 JUILLET 2018**

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
5 July 2018 / 5 juillet 2018**

**and Council
et au Conseil
11 July 2018 / 11 juillet 2018**

**Submitted on 20 June 2018
Soumis le 20 juin 2018**

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:

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Ward: OSGOODE (20)

File Number: ACS2018-PIE-PS-0060

SUBJECT: Zoning By-law Amendment – 4835 Bank Street

OBJET: Modification au Règlement de zonage – 4835, rue Bank

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 4835 Bank Street to permit a place of assembly as an additional permitted use, to permit a reduced water setback of 20 metres from the normal highwater mark and 13 metres from the top of slope, to permit a reduced interior side yard setback of 6 metres, in relation to the place of assembly, as well as to permit a reduced parking rate of 8.4 spaces per 100 square metres of gross floor area of assembly area, 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 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 11 July 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'agriculture et des affaires rurales recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant le 4835, rue Bank, afin de permettre la présence d'un lieu de rassemblement comme utilisation autorisée supplémentaire, de permettre un retrait de cours d'eau de 20 mètres depuis la laisse des hautes eaux ordinaires et de 13 mètres depuis le haut de la pente, de permettre un retrait de cour latérale intérieure réduit à 6 mètres eu égard au lieu de rassemblement, et de permettre une réduction du taux de stationnement réduit à 8,4 places par tranche de 100 m² de surface de plancher hors œuvre brute d'espace de rassemblement, comme l'expose en détail le document 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 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 11 juillet 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](#)

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

Site location

4835 Bank Street.

Owner

Hindu Temple of Ottawa – Carleton Inc.

Applicant

Lloyd Phillips & Associates Ltd.

Description of site and surroundings

The property is located on the east side of Bank Street, approximately 425 metres south of the intersection of Bank Street and Blais Road. At this location, the urban boundary is located on the west side of Bank Street. The lands to be rezoned have a lot area of approximately 4 hectares, with 101 metres of frontage along Bank Street. An existing place of worship is located on the property with a parking lot to the rear.

Properties directly south of the subject property are vacant, treed properties zoned Rural Countryside. Various rural commercial establishments are located along Bank Street, with the Bank Street Quarry located approximately 300 metres south of the subject property. An approximately 900 unit residential subdivision is draft approved to the north-west of the Subject property, on the west side of Bank Street.

Summary of requested Zoning By-law amendment proposal

The application has been submitted in order to add a place of assembly as an additional permitted use, as well as establish a reduced water setback of 20 metres from the normal highwater mark and 13 metres from the top of slope, and a reduced interior side

yard setback of 6 metres, in relation to the proposed place of assembly. The amendment also proposes a reduced parking rate of 8.4 spaces per 100 square metres of gross floor area of assembly area.

Brief history of proposal

The property is currently occupied by an approximately 2,000-square metre place of worship (main floor and full basement), and which contains 630 square metres used as a place of assembly. In order to accommodate the expanding needs of the current congregation, the owner is proposing an approximately 4,000-square metre new building (main floor and full basement) with 1,774 square metres of proposed assembly area within the building. The new place of assembly is proposed to be located to the east of the existing temple and associated parking lot, and will be subject to Site Plan Control.

DISCUSSION

Public consultation

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

Official Plan designation

The subject property is identified on Schedule A of the Official Plan as General Rural Area and Rural Natural Features. One of the purposes of the General Rural Area designation is to permit for a variety of rural uses which do not conflict with agricultural uses as well as non-agricultural uses that require larger amounts of land due to the nature of their operation. Further, the Rural Natural Features designation identifies areas that contain significant woodlands, wetlands, and wildlife habitat. Any development in, or within 120 metres of a Rural Natural Feature requires the preparation of an Environmental Impact Study in order to demonstrate that there are no impacts on the natural features identified.

Planning rationale

The current RI5 zone does not acknowledge a place of assembly as a permitted use. The inclusion of the place of assembly as an additional permitted use on the property is consistent with the intent of the Official Plan and is a complimentary use for the property and the surrounding area. The application proposes to reduce the required water setback from 30 metres from the normal highwater mark, or 15 metres top of slope, whichever is greater, to 20 metres from the normal highwater mark and 13 metres from the top of slope. An Environmental Impact Statement was submitted with the Zoning By-law amendment application and identifies that there is limited impact on the natural features on the site and recommends a number of mitigation measures to ensure any impact is minimized. These mitigation measures will be implemented at the Site Plan Control stage of this proposal. The proposal identifies a reduced interior side yard setback of 6 metres, whereas the Zoning By-law requires a minimum interior side yard setback of 9 metres. This reduction will not have a negative impact on the abutting property and will continue to maintain the rural character of the area.

Finally, the application requests a reduced parking rate of 8.4 parking spaces per 100 square metres of gross floor area of place of assembly. Given the grandfathered 44 parking spaces for the existing place of worship, and the reduced parking rate of nine spaces of gross floor area of place of assembly for the new proposed hall (144 spaces), a total of 188 parking spaces is required for the existing and proposed development. Based on the gross floor area of place of assembly for both structures, the parking rate for the site results in 8.4 spaces per 100 square metres of place of assembly (GFA). The reduction of the parking rate takes into consideration the modification of the proposed assembly hall to reduce the amount of assembly area to 1,600 square metres, as well as considering that the rooms identified on the draft floor plans, as a gallery, library and seniors' room are not used to full capacity. The reduction also considers that the existing peak parking count for the place of worship is 90 parking spaces, double that of the grandfathered 44 spaces, and that there is limited access on Sundays to public transit. OC Transpo Route 93 offers some Sunday trips past Findlay Creek to the north, with a transit stop adjacent to subject property's driveway.

It is important to note that the parking rate for any future development to the east of the creek will be required to meet the requirements of Section 101 of the Zoning By-law.

Through the review of the engineering documents submitted in support of the Zoning By-law amendment, staff have some concerns that the servicing of the proposed building will be difficult to achieve given the size of the proposed building and the area available on the west side of the watercourse for development. It may be determined through the Site Plan Control process that a smaller building is required in order to accommodate the building, private septic system, stormwater management, and grading and drainage on the land on the west side of the watercourse. Further, given the final uses proposed within the building there may be a need for additional parking. This parking will need to be provided on site.

Staff would note that the applicant also has requested a reduction to the loading space requirements for the proposed place of assembly; reducing the requirements from two loading spaces to zero. Given the location of the existing loading spaces adjacent to the place of worship, staff do not recommend reducing the number of required loading spaces for the place of assembly.

Staff received one inquiry from a local developer who was looking to determine whether staff was supportive of the proposed 20 metre water setback. The developer was notified that given the findings of the Environmental Impact Statement and the proposed mitigation measures in the report, staff does not have any concerns with the reduced water setback.

The purpose of the Zoning By-law amendment is to determine whether this property is an appropriate location for a place of assembly and to assess the requested reductions to the water setback and interior side yard setback. As discussed, this is an appropriate location for a place of assembly, the proposed 20 metre water setback from the normal highwater and 13 metres from top of slope can be mitigated as detailed in the Environmental Impact Statement and the reduced interior side yard setback will have little to no impact on adjacent property owners or to the rural character of the area. All concerns raised by staff can be addressed through the Site Plan Control process.

Provincial Policy Statement

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

RURAL IMPLICATIONS

This Zoning By-law amendment allows for the inclusion of a place of assembly on the subject property, which permits for the logical expansion of the current use. Any impacts on the Rural Natural Features will be mitigated through Site Plan Control by implementing the mitigation measures identified in the Environmental Impact Statement submitted with the application.

COMMENTS BY THE WARD COUNCILLOR

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

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk implications in relation to this application.

ASSET MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this application.

ENVIRONMENTAL IMPLICATIONS

The property is partially designated as Rural Natural Features on Schedule A of the Official Plan. Given the policies of the designation, an Environmental Impact Statement was required in support of the application to determine whether there are any impacts on species at risk, or habitat for species at risk, and to discuss the feasibility of a reduced water setback for the proposed building. The Environmental Impact Statement identifies that 'given the limited characteristics of the intermittent channel and open nature of the habitat to the west, some relief from these setbacks would seem reasonable provided the riparian habitat where it is currently lacking in cover was improved with a generous planting of native trees and shrubs'. The report states that a reduced water setback of 20 metres from the normal highwater mark and 13 metres from the top of slope is appropriate. Given the findings of the EIS, the proposed reduced water setback can be mitigated through native vegetation planting which will be implemented through Site Plan Control.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

EP2 – Support growth of the 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 multiple report submission being required to ensure the use could theoretically be serviced on the subject property.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Detail of Recommended Zoning

CONCLUSION

Planning, Infrastructure and Economic Development Department supports this Zoning By-law amendment because 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 and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; 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.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

This location map illustrates the property addressed 4835 Bank Street, which will be re-zoned from RI5 to RI5[xxxr] and RI5[xyxr].



Document 2 – Details of Recommended Zoning

The proposed changes to the City of Ottawa Zoning By-law 2008-250 for 4835 Bank Street are as follows:

1. Rezone the lands shown as Area A in Document 1 from RI5 to RI5[xxxxr]
2. Add a new exception RI5[xxxxr] to Section 240 – Rural Exceptions with provisions similar in effect to the following:
 - a. In column II, add the text “RI[xxxxr]”
 - b. In column III, add “place of assembly”
 - c. In column V, add the following provisions:
 - i. Setback from watercourses: 20 metres from the normal highwater mark and 13 metres from the top of slope
 - ii. Interior side yard setback: 6 metres
 - iii. Parking requirements: 8.4 spaces per 100 square metres of GFA of place of assembly
3. Rezone the lands shown as Area B in Document 1 from RI5 to RI5[xyyr]
4. Add a new exception RI5[xyyr] to Section 240 – Rural Exceptions with provisions similar in effect to the following:
 - a. In column II, add the text “RI5[xyyr]”
 - b. In column III, add “place of assembly”