

COMPONENTS

Part A - The Preamble does not constitute part of this Amendment

Part B - The Amendment, consisting of the following text and map (designated Schedule "A"), constitutes Amendment No. 46 to The Official Plan of the City of Kanata.

Also attached is Part C - The Appendices which does not constitute part of this amendment.

PART A - THE PREAMBLE

1. Purpose

The purpose of this Amendment is to set out policies in the City of Kanata Official Plan with respect to retail uses and business park uses in the Terry Fox Business Park located north and south of Highway 417

2. Location

The lands affected by this amendment consist of three principal areas that are shown on the attached Location Plan and described as follows:

Area A is the portion of the Terry Fox Business Park located to the north and west of the interchange of Terry Fox Drive and Highway 417 in Parts of Lots 2 and 3, Concession 2 of the former Township of March and now in the City of Kanata;

Area B is the portion of the Terry Fox Business Park located between Highway 417 and Maple Grove Road and between Terry Fox Drive and Silver Seven Road (formerly First Line Road) in Parts of Lots 1 and 2, Concession 2, in the former Township of March and now in the City of Kanata, and,

Area C is the portion of the Terry Fox Business Park located between Highway 417 and Maple Grove Road and between Silver Seven Road (formerly First Line Road) and the Carp River in Lots 1 and 2, Concession 1, in the former Township of March and now in the City of Kanata.

3. Basis

The City of Kanata has experienced rapid growth during the 1990's primarily as a result of the success of high technology employment developments in the business parks. Accompanying this growth are expanded residential and commercial sectors. The other significant change in Kanata was the development of the Corel Centre and the construction of a few large retail establishments such as Canadian Tire, Business Depot and Home Depot in the Terry Fox Business Park and Wal-mart and Loblaws on the Regional Shopping Centre Site in the Town Centre Community.

Between 1990 and 1995 the City of Kanata took action to manage future commercial growth by the adoption of Official Plan Amendment No. 24. This amendment set out policies regarding the Regional Shopping Centre and the Town Centre located on both sides of Highway 417 and east of Terry Fox Drive. Amendment No. 24 set out a strategy to maximize the opportunity for the development of the Regional Shopping Centre and other elements of the Town Centre Community. This strategy established the pre-eminence of the Regional Shopping Centre in terms of planned retail commercial function and policies

were set out to protect against the weakening of the potential of this development. Amendment No.24 was given final approval on February 22nd, 1994 and forms part of the City of Kanata Official Plan.

The other action taken by the City of Kanata was the adoption of Amendment No. 32, which applies to Area A, part of Area B and Area C as described above. This Amendment was intended to permit retail warehouse uses in the Terry Fox Business Park and the north-west section of the Town Centre Community on the Regional Shopping Centre site. Through Amendment No. 32, Retail Warehouse uses were to be subject to certain traffic and land use controls. In late 1995 this amendment was followed by Amendment No. 36, which added the portion of Area B adjacent to the interchange of Highway 417 and Terry Fox Drive to the areas where retail warehouse uses would be permitted subject to traffic and land use controls. Both Official Plan Amendments and their implementing zoning by-laws have been referred to the Ontario Municipal Board by a land owner/ end user on the Regional Shopping Centre Site.

In addition, the City of Kanata received an application in 1995 to amend the Terry Fox Business Park Zoning By-law (Bylaw 138-93). This application proposed to both limit and remove certain retail permissions from the Terry Fox Business Park By-law. The zoning amendment was filed by the same land owner/ end user on the Regional Shopping Centre site that appealed Official Plan Amendment No.'s 32 and 36. This issue was settled at the Ontario Municipal Board in July 1998, with a board order that modified the provisions of By-law 138-93.

With Official Plan Amendment No. 36 under appeal, a perspective commercial developer of the lands affected by this amendment filed a separate amendment in 1996. As this Official Plan Amendment application is for retail warehouse uses in the Terry Fox Business Park, staff have indicated that the application is premature until such time as there is a decision on Official Plan Amendment No.'s 32 and 36.

The City of Kanata is also undertaking a comprehensive review and update of the City of Kanata Official Plan and has commissioned a study of commercial and industrial policies throughout the entire municipality. This study known as the "Employment and Commercial Land Use Study" was completed in the November 1998 and has been received by Council for information purposes. The study makes recommendations on how Kanata's commercial and industrial policies should be organized and updated. As well it supports the City's current position on Retail Warehouse Uses in the Terry Fox Business Park.

In view of some of the above events, the City of Kanata commissioned in 1997 a study entitled "Study of Retail Uses in Employment Areas". The study was prepared by Coopers & Lybrand and Lloyd Phillips & Associates.

The purpose of this study is two-fold:

- i) To provide the City of Kanata with a better understanding of the advantages and disadvantages of permitting retail land uses in the City's employment areas; and,
- ii) To guide the City in planning for the retail land uses that may be appropriate for these employment areas.

This study and staff's preliminary response on the matter was received by City Council on March 3, 1998. After a one week deferral, staff were directed to engage in additional consultation and discussion on the findings with

stakeholders in the business parks and the adjacent residential communities. On March 26 1998 staff held an open house meeting with the above groups and explained the consultants findings and staff's preliminary position on this matter. A subsequent meeting was held with Council in the spring of 1998 and after considering the community and stakeholder comments, Council directed staff to bring back a report on the matter.

Supplementary staff recommendations on the study were considered by City Council on October 6, 1998. At this meeting Council directed that an Official Plan Amendment and zoning by-law amendments be prepared to permit Retail Warehouse Uses in selected areas of the Terry Fox Business Park and that these amendments be brought forward for consideration at a public meeting to be held on October 27th 1998.

On October 27th 1998 City Council held a public meeting on retail uses in the Terry Fox Business Park and considered a staff report which recommended that:

- New policies for retail uses in the Terry Fox Business park, different from those of Official Plan Amendment No.'s 32 and 36 be adopted in form of Official Plan Amendment No. 46.
- That new implementing zoning by-laws for these proposed retail policies be approved and that these permissions be subject to a holding symbol which would require, prior to removal of the holding symbol, traffic and market impact studies to be completed.
- That the Ontario Municipal Board be requested to modify the amendments before the Board with the policies and zoning provisions contained herein.
- That Council approve a secondary planning study for the Terry Fox Business Park which would help clarify compatibility issues between traditional business park land uses and new Retail Warehouse Uses.

Council deferred making a decision on these recommendations at the October 27th meeting and directed staff to remove the requirement for traffic and market studies. The holding symbol was not to be applied and additional lands in Area B of the Terry Fox Business Park were to be zoned for Retail Warehouse Uses.

On November 17th 1998 staff brought forward the changes that Council requested at October 27th meeting. At this meeting Council supported the recommendation of the report that the Ontario Municipal Board modify the provisions of Official Plan Amendment No.'s 32 and 36 and their implementing by-laws with the new provisions contained in the staff report. The Official Plan and Zoning provisions attached to the November 17th report reflected the changes that Council requested to the documents on October 27th 1998. One exception supported by Council at the November 17th meeting was the reinstatement of the previous area zoned for retail warehouse uses in Area B of the Terry Fox Business park.

On December 14 1998 the Ontario Municipal Board held a pre-hearing on Official Plan Amendment No.'s 32 and 36. The board member at this meeting agreed that a private Official Plan Amendment application on the Regional Shopping Centre site in the Town Centre Community could be added to the pending proceedings. The Board member also agreed that the matters before the board should now be mediated and that Official Plan and zoning provisions adopted by Council Resolution on November 17th 1998 for retail uses in the Terry

Fox Business Park should now take the form of amendments and be passed by bylaws prior to mediation.

Official Plan Amendment No. 46 complies with the direction of the Ontario Municipal Board and is intended to implement City Council's direction from the October 27th and November 17th 1998 Council meetings.

1997 Regional Official Plan

In July 1997 the Regional Municipality of Ottawa-Carleton adopted a new Official Plan. This plan is intended to replace the 1988 Regional Official Plan. The new Regional Official Plan has proposed updated policies for employment areas and retail development in these areas. This amendment has had regard for these policies. Certain new Regional Official Plan policies that relate to retail land uses in employment areas within Kanata and other suburban areas have been appealed and have now been consolidated with the Ontario Municipal Board proceedings on Official Plan Amendment No.'s 32 and 36.

PART B - THE AMENDMENT

Introduction

All of this part of the document entitled Part B - The Amendment, consisting of the following text and attached map designated Schedule "A" to Amendment No. 46 to the Official Plan of the City of Kanata.

Details

The following specific changes are made to the City of Kanata Official Plan:

- A. Section 5.7.1, BACKGROUND, is amended by deleting the words Terry Fox Drive and inserting First Line Road north of Highway 417 in the last sentence of the first paragraph.
- B. Section 5.7.5.5 is amended by replacing the existing text with the following:

"LOW DENSITY EMPLOYMENT AREA"

The Low Density Employment Area designation applies to an area located in the south-east part of the Town Centre near the interchange of Highway 417 and Eagleson Road and to an area to the north-west of the interchange of Highway 417 and Terry Fox Drive.

South-East Area

In the Low Density Employment Area located in the south-east area of the Town Centre, existing development consists of light industrial buildings and a motel. It is intended that future development will consist of low-rise buildings containing office and light industrial or retail uses. Retail uses north of Hearst Way will be limited as follows:

- total retail GLA will not exceed 10,000 m²;
- building sizes will be in the range of 2,800 m² to 4,700 m²;
- any building shall be limited to two tenants.

Opportunities to intensify development over time will be encouraged but total retail GLA within the designation will be limited to 10,000 m².

North-West Area

In the Low Density Employment Area located north and west of the interchange of Highway 417 and Terry Fox Drive the permitted uses shall include the following:

1. Restricted Industrial uses subject to the policies of this Plan, including office uses;
2. Automotive Commercial Uses, subject to the policies of this Plan;
3. Large Retail Warehouse, subject to the policies of Section 6.9.4 of this Plan;
4. Retail Warehouse, subject to the policies of Section 6.9.4 of this Plan;
5. Business Park Retail Outlet;
6. Planned Retail Centre, subject to the policies of Section 6.9.4 of this Plan;
7. Accessory Commercial Development.
8. Home Renovation Centre.

The standards established for certain uses, such as retail warehouse type uses, shall be guided by the applicable policies and definitions of this Plan. The zoning by-law shall set out specific regulations on uses, performance standards and restrictions.

- C. Section 5.8 entitled, "BUSINESS PARKS (KANATA NORTH, KANATA SOUTH, TERRY FOX AND EDGEWATER)", is amended by adding the following new subsection:

" 5.8.4 Policies for Retail Warehouse Uses in the Terry Fox Business Park

5.8.4.1 In the area designated MR-1 on Schedule A of this Plan, located between Highway 417 and Palladium Drive and on the west side of Terry Fox Drive and east of Silver Seven Road, the following policies shall apply:

1. The permitted uses in this area shall be Restricted Industrial Uses, a hotel and Accessory Commercial Development. Retail Warehouse, Large Retail Warehouse, Planned Retail Centre and Business Park Retail Outlet are specifically not permitted. This is intended to ensure that the planned function of this area is for non-retail employment uses, preferably high technology and office uses. Development in this area shall be compatible in building form, massing and architectural treatment to existing office developments on the south side of Palladium Drive.

5.8.4.2 In the area designated MR - 2 on Schedule A of this Plan, located on the east side of Silver Seven Road, adjacent to the south side of Highway 417, the following policies shall apply:

1. The permitted uses of this area shall be those permitted by Restricted Industrial Uses, Accessory Commercial Development, Retail Warehouse, Large Retail Warehouse, Planned Retail Centre and Business Park Retail Outlet. These uses are to be developed at the same or similar grade and elevation to that of Silver Seven Road. The intent of this policy is to prevent retail warehouse and other retail development from locating on the highly visible portion of the area adjacent to Terry Fox Drive.
2. A landscaped buffer strip shall be required for uses other than Restricted Industrial Uses on the area in this designation that abut areas designated MR - 1 on Schedule A of this Plan.
3. A landscaped entry treatment shall be required along the east side of Silver Seven Road for the area within this designation.

5.8.4.3 In the area designated MR-3 on Schedule A of this Plan, located south of Highway 417 and north of Palladium Drive and between Silver Seven Road and the Carp River, the following policies shall apply:

1. The permitted uses shall include:
 - (a) Restricted Industrial Uses, subject to the policies of this Plan;
 - (b) Automotive Commercial Uses, subject to the policies of this Plan. In this regard, Automotive Commercial Uses are not permitted on lands directly adjacent to Highway 417 and/or Silver Seven Road;
 - (c) Business Park Retail Outlet;
 - (d) Home Renovation Centre;
 - (e) Large Retail Warehouse, subject to the policies of Section 6.9.4 of this Plan;
 - (f) Retail Warehouse, subject to the policies of Section 6.9.4 of this Plan;
 - (g) Planned Retail Centre, subject to the policies of Section 6.9.4 of this Plan;
 - (h) Accessory Commercial Development.
2. A landscaped buffer strip shall be required on the parts of the area in this designation that abut areas designated MR.
3. A landscaped entry treatment shall be required along the west side of Silver Seven Road for the area within this designation."

D. Section 6.9.2, Permitted Uses is amended by adding the following text at the end of this subsection:

" Retail Warehouse, Large Retail Warehouse, Business Park Retail Outlet, Planned Retail Centre and Accessory Commercial Uses, all as defined in this Plan, are only permitted where specifically noted in certain locations in the urban business parks and subject to the policies contained in this Plan."

E. Section 6.9, INDUSTRIAL, is amended by adding a new subsection 6.9.4, after subsection 6.9.3, as follows:

"6.9.4 Policies for Retail Warehouse Uses in Business Parks

Retail Warehouse, Large Retail Warehouse and Planned Retail Centre may be permitted subject to the following:

- ~~1. The minimum and maximum lot area for a Retail Warehouse, Large Retail Warehouse and a Planned Retail Centre shall be established in the implementing zoning by-law for these uses.~~
2. An internal restaurant is permitted as an accessory use.
3. The maximum gross leasable floor area for Retail Warehouse, Large Retail Warehouse and Planned Retail Centre uses shall not exceed 10,000 square metres per lot if located in the Low Density Employment Area of the Town Centre or in any Business Park, as defined in the City of Kanata Official Plan. This policy shall apply until a Regional-Scale Retail Facility as defined in the RMO Official Plan and located in Kanata's Town Centre Community, develops to 50,000 square metres gross leasable floor area. When this threshold has been met, those uses can exceed 10,000 square metres per lot but cannot exceed the lower of 35,000 square metres of gross leasable floor area or the maximum gross leasable floor area per development acre permitted in the implementing zoning by-law.
- ~~4. Minimum parking, loading and landscaping requirements shall be established in the implementing zoning by-law.~~

F. Section 11.3 entitled, "GLOSSARY", is amended by adding the following definitions in alphabetical and numerical order:

1. Accessory Commercial Development

Accessory Commercial Development means retailing, restaurants, commercial service uses, offices and other services that are subordinate and accessory to the main business park uses, such as manufacturing, research and development, or other similar uses, subject to the following:

1. Accessory Commercial Development shall be naturally incidental to the main use and located on the same lot as the primary use.
2. Accessory Commercial Development up to 20% of the gross leasable floor area of the premises occupied by the primary use shall be permitted, provided that:

MODIFICATION
NO. 1
UNDER SECTION 17(34) OF
THE PLANNING ACT.

- a) the manufactured product being retailed is made or assembled on the premises or by the company occupying the premises.
 - b) Minor sundry products typically sold in cafeterias, gift shops, restaurants, tuck shops or other similar accessory retail establishments can be retailed from the premises, and;
 - c) Accessory Commercial Development cannot be a main use, and;
 - d) the Accessory Commercial Development provides parking and loading at retail parking and loading rates established in the zoning by-law, and;
 - e) the Accessory Commercial Development is located wholly within the building containing the primary use.
3. Accessory Commercial Development is not a main use and shall be included in the calculation of all accessory uses.

2. Business Park Retail Outlet

Business Park Retail Outlet means a building or structure or part thereof with the following characteristics:

1. The use or uses are located primarily within a building or structure or part thereof, and may have a seasonal outdoor area or a semi-enclosed storage and loading area.
2. The products offered shall include at least one of products such as appliances, furniture, carpeting, floor covering, paint and wall coverings, doors, windows, plumbing supplies, electrical supplies, heating supplies, kitchen and bathroom cabinets and fixtures, specialty tools, garden supplies.
3. The products are primarily stored, displayed and retailed in the same space and may be in a warehouse format or a showroom format, with a separate storage space.
4. A Department Store, Junior Department Store*, Large Retail Warehouse, Retail Warehouse, a Supermarket, and primary uses that include the retail sale of food and/or health and beauty aids, other than a restaurant are excluded.

* Junior Department Store is also known as a Mass Merchant or Discount Department Store.
5. The businesses offering the products may provide or be engaged in design, production, installation, repair and maintenance services related to the products.

3. Home Renovation Centre

Home Renovation Centre means a building or structure that provides retailing and/or wholesaling of building, decorating, renovating materials, supplies, fixtures, equipment and tools. Heating, air conditioning, plumbing materials, supplies and equipment are also permitted. The Home Renovation Centre may have a garden centre and seasonal outdoor sales areas.

4. Large Retail Warehouse

Large Retail Warehouse means a building or structure occupied and used by a single user with the following characteristics:

1. The use is located primarily within a building and may have an accessory restaurant use*, garden and seasonal outdoor area;

* The restaurant use may have a sit down and/or take function.
2. The minimum gross leasable floor area is 5,000 square metres (53,821 square feet);
3. The maximum gross leasable floor area cannot exceed 10,000 square metres (107,642 square feet) until such time as a Regional-Scale Retail Facility as defined in the RMOC Official Plan and located in Kanata's Town Centre Community develops to 50,000 square metres (538,213 square feet) gross leasable floor area. When this threshold has been met, a large retail warehouse may have a maximum gross leasable floor area of 13,000 square metres (140,000 square feet).
4. The maximum amount of 45% of the gross leasable floor area may be used for the storage, display and retailing of food, household paper products, health and beauty aids, household chemicals and non-prescription pharmaceuticals;
5. A Department Store, Junior Department Store*, a Business Park Retail Outlet, a Supermarket and primary uses that include the retail sale of food and/or health and beauty aids, other than a restaurant are excluded.

* A Junior Department Store is also known as a Mass Merchant or Discount Department Store.

5. Planned Commercial Service Centre

Planned Commercial Service Centre means a development with the following characteristics:

1. The development is located within a Business Park or a Low Density Employment Area, as defined in the City of Kanata Official Plan.
2. The use or uses are located in a building or buildings.
3. The uses are restricted to the following:
 - a) retail business
 - b) office
 - c) financial office
 - d) restaurant
 - e) repair business
 - f) personal service business.
4. The maximum aggregate gross leasable floor area of all uses shall not exceed 4,647 square metres (50,000 sq. ft.) and a retail business shall not exceed 464.5 square metres on the lot (5,000 sq. ft.).

5. The maximum lot area for a Planned Commercial Service Centre shall be established in the implementing zoning by-law.

6. Planned Retail Centre

Planned Retail Centre means a development having the following characteristics:

1. The use or uses shall consist of at least two or more of the following uses located on the same lot:
 - a) Large Retail Warehouse
 - b) Retail Warehouse
 - c) Business Park Retail Outlet.
2. The maximum aggregate gross leasable floor area of the above listed uses cannot exceed 10,000 square metres (107,642 square feet) until such time as a Regional-Scale Retail Facility as defined in the RMOC Official Plan located in Kanata's Town Centre Community develops to 50,000 square metres (538,213 square feet) gross leasable floor area. When this threshold has been met, a Planned Retail Centre may have a maximum aggregate gross leasable floor area of 35,000 square metres (376,749 sq. ft.).
3. The individual buildings or structures shall be freestanding and there shall be a common parking lot located on the same lot as the uses.

7. Retail Warehouse

Retail Warehouse means a building or structure or part thereof with the following characteristics:

1. The use or uses are located within a building or a part of a building.
2. The minimum gross leasable floor area for an individual use is 1,852.0 square metres (~~20,000~~ square feet).
3. The maximum gross leasable floor area for an individual use is 4,999 square metres (53,810 square feet).
4. The retail products are primarily stored, displayed and retailed in the same space and may be in a warehouse format with a minor area available for accessory storage and/or servicing.
5. A Department Store, Junior Department Store*, a Business Park Retail Warehouse, a Supermarket and primary uses that include the retail sale of food, other than a restaurant are excluded.

* Junior Department Store is also known as a Mass Merchant or Discount Department Store.

G. Schedule B entitled "Urban Area Land Use" is amended by redesignating those lands in accordance with Schedule "A" attached.

Implementation

The Implementation and Interpretation of this Amendment shall be in accordance with the policies contained in this Amendment and in accordance with the policies of the City of Kanata Official Plan.

MODIFICATION
NO. 2
UNDER SECTION 17 (34) OF
THE PLANNING ACT.

PART C - THE APPENDICES

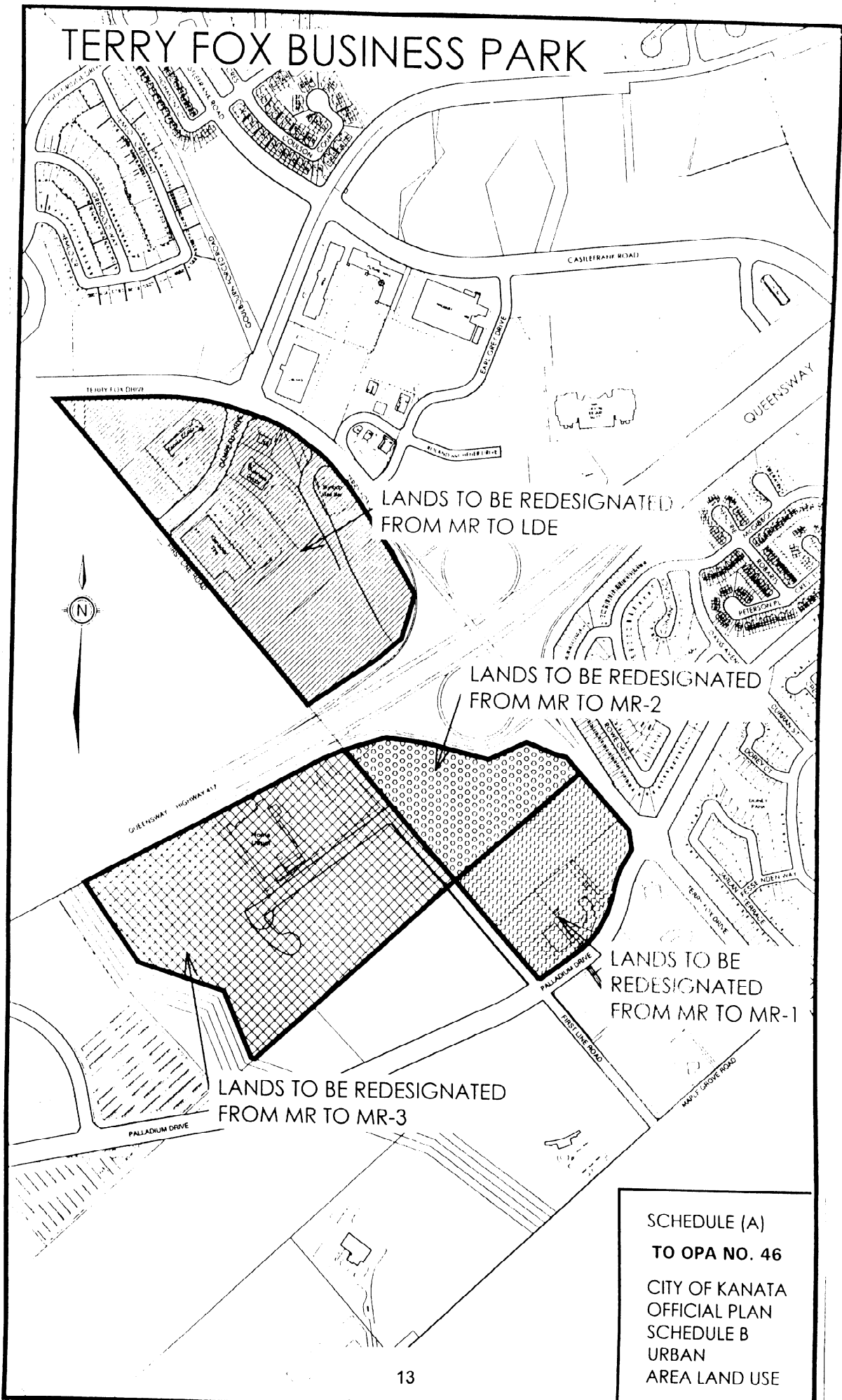
1. APPENDIX 1 - PUBLIC NOTICE

In accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990 as amended from time to time, the City of Kanata provided notice of this Amendment in the Kanata Kourier Standard on the 18th of September 1998. A copy of this notice is attached herewith.

2. APPENDIX 2 - PUBLIC MEETING

The Public Meeting was held as part of the Regular Council Meeting on the 27th of October 1998. Relevant excerpts of the minutes from that meeting are attached as Appendix 2 to this document.

TERRY FOX BUSINESS PARK



SCHEDULE (A)
TO OPA NO. 46
CITY OF KANATA
OFFICIAL PLAN
SCHEDULE B
URBAN
AREA LAND USE

LOCATION PLAN
 TO OPA NO. 46
 CITY OF KANATA
 OFFICIAL PLAN

