

March 29, 1999

ACS1999-PW-PLN-0031  
(File: OZP1998-032)

Department of Urban Planning and Public  
Works

Ward/Quartier  
OT8 - Mooney's Bay

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
- City Council / Conseil municipal

Action/Exécution

### **Zoning - 1260 Merivale Road**

### **Zonage - 1260, chemin Merivale**

### **Recommendations**

1. That the application to amend Zoning By-law 1998, as it applies to 1260 Merivale Road, as shown on Document 5, to modify the existing zoning to permit a variety of residential uses and parkland uses, be APPROVED, as detailed on Document 3.
2. That the application to amend Zoning By-law Number Z-2K, as it applies to 1260 Merivale Road, as shown on Document 6, to modify the existing zoning to permit a variety of residential uses and parkland uses, be APPROVED, as detailed on Document 4.



March 30, 1999 (9:15a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

PML:pml

Contact: Patrick Legault - 244-5300 ext. 1-3857




March 30, 1999 (3:11p)

Approved by  
John S. Burke  
Chief Administrative Officer

## Financial Comment

N/A

  
March 29, 1999 (4:09p)

for Mona Monkman  
City Treasurer

BH:ari

## Executive Report

Owner: Ashcroft Development Inc.

Agent: A. Diensthuber

## Reasons Behind Recommendations

### RECOMMENDATION 1

The subject property forms part of a larger development formerly owned by the Regional Municipality of Ottawa-Carleton, where a draft plan of subdivision and a rezoning application were approved by City Council June 30, 1993. The property was subsequently purchased by the applicant, and two phases of a revised subdivision (Phase 1A and 1B) were approved June 18, 1997 and May 19, 1998. The revised subdivision approval for Phase 1A and 1B will permit approximately 320 homes. Final approval of the remaining lands within the draft plan of subdivision are pending the review of a revised concept plan and revised draft plan of subdivision. The revised concept plan and draft plan of subdivision are proposing a modified residential block and street layout.

The existing zoning lines currently follow the proposed property lines and street layout of the draft plan of subdivision approved in 1993 and do not reflect the revised draft plan of subdivision approved in 1997 and 1998. Consequently, the main objective of the subject rezoning application is to match the zoning lines with the revised property lines and street layout. In addition, modifications to performance standards, respecting yard, setback requirements, lot size and width, within some of the zones is being requested. These modifications represent, in some cases, performance standards associated with alternative development standards. These modifications allow for slightly more compact development thereby maintaining, to a certain extent, densities within lower density zones. By and large, the subject rezoning maintains the intent of the existing zoning, in terms of permitted uses and density.

## RECOMMENDATION 2

As Committee and Council are aware, Zoning By-law, 1998 has been appealed to the Ontario Municipal Board. Final resolution of those appeals is anticipated later this year. Until the appeals have been disposed of, the most restrictive zoning of either Zoning By-law, 1998 or By-law Number Z-2K is to apply. In the case of the subject property, the proposed zoning will essentially match the proposed zoning under By-law, 1998.

### Economic Impact Statement

The subject application effectively adjusts zoning lines, and there is not anticipated to be any change in the economic impact from that which currently exists.

### Environmental Impact

The Municipal Environmental Evaluation Report (MEER) has been completed, and an area which was identified for clean-up has been undertaken, subject to confirmation.

### Consultation

There were ten responses to the public notification, four in opposition, one in favour, four conditionally in favour, and one response outlining issues. The concerns raised dealt with increasing the density, potential of commercial zoning adjacent to the park and that this area be zoned for parkland, potential of having a low and high density mix, zone lands for walkway/bikepath to Baseline Road, retain remaining trees, ensure L1 zoning permits stormwater pond, location of pedestrian crossing at the north end of the site, and other minor zoning adjustments.

### Disposition

Department of Corporate Services, Statutory Services Branch to notify the owner and agent (A. Diensthuber, 18 Antares Drive, Nepean, K2E 1A9), the Corporate Finance Branch, Revenue Section, Assessment Control Supervisor and the Regional Municipality of Ottawa-Carleton, Plans Administration Division of City Council's decision.

Office of the City Solicitor to forward the implementing by-law to City Council.

Department of Urban Planning and Public Works to prepare and circulation the implementing by-laws.

## **List of Supporting Documentation**

Document 1	Explanatory Note - Amending Zoning By-law, 1998
Document 2	Explanatory Note - Amending Zoning By-law Number Z-2K
Document 3	Details of Recommended Zoning By-law 1998
Document 4	Details of Recommended Zoning By-law Number Z-2K
Document 5	Location Map Zoning By-law, 1998
Document 6	Location Map Zoning By-law Number Z-2K
Document 7	Proposed Zoning Map Zoning By-law 1998
Document 8	Proposed Zoning Map Zoning By-law Number Z-2K
Document 9	Municipal Environmental Evaluation Report (on file with City Clerk)
Document 10	Compatibility With Public Participation Policy/Input From Other Government Agencies

## **Part II - Supporting Documentation**

Explanatory Note - Amending Zoning By-law, 1998

Document 1

THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER -99

By-law Number- 99 amends Zoning By-law, 1998, the City's Comprehensive Zoning By-law.

The subject property is located west of Merivale Road, and north of commercially zoned lands on Baseline Road. The applicant wishes to amend the zoning by readjusting the zoning lines to reflect, in large part, a revised plan of subdivision. In addition, modifications to performance standards respecting yard and setback requirements within some of the zones is being requested. By and large, the subject rezoning maintains the intent of the existing zoning, in terms of permitted uses and density. The property which is the subject of this application can be seen on Document 5.

### Current Zoning

The current zoning of the property is R1J[28], R5A[616], R6F H(28.6), R6F[153] H(28.0), R6F[212], L1, L2 and ES1. These zoning designations permit a broad range of housing in a mix of low, medium and high density housing types, ranging from single family dwellings in the R1J[28] zone, to low rise apartments in the R5A[616] zone, to high rise apartments in the R6F H(28.6), R6F[153] H(28.0), and R6F[212] zones. Exceptions to the zones relate to minimum lot area and width, setbacks, density, building height limits, and the provision of limited commercial uses in certain zones. The L1 zone is a major open space zone permitting a limited range and intensity of leisure and recreational uses, while the L2 zone is a leisure linkage zone permitting leisure uses, recreational uses and certain municipal infrastructure uses with the function of these lands as a component of the greenway system. The ES1 zone is an environmentally sensitive area zone, the purpose of which is to prohibit uses that have the potential to impact negatively on land so designated in the Official Plan.

### Recommended Zoning

The proposed zoning designations are: R2G U (37), R6F U (37), R6F U (100) H (28.0), R6F U (85), R6F [153] H (28.0), L1, L2 and ES1 for Zoning By-law, 1998. These zoning designations will permit a broad range of housing types, ranging from detached, semi-detached, duplex houses in the R2G zone, to low-rise apartments in the R6F U (37) zone, to a high-rise apartment zone permitting a mix of medium and high density residential uses within the R6F U (100) H (28.0) zone. Exceptions to the zone relate to setbacks, maximum density, and the provision of limited commercial uses in certain zones. The L1 zone is a major open space zone permitting a limited range and intensity of leisure and recreational uses, while the L2 zone is a leisure linkage zone permitting leisure uses, recreational uses and certain municipal infrastructure uses with the function of these lands as a component of the greenway system. The ES1 zone is an environmentally sensitive area zone prohibiting uses that have potential negative impact on land designated environmentally sensitive area in the Official Plan. In addition, an anomaly has been corrected whereby the zoning line between the existing R6F [212] and R6F [153] H (28.0) zones adjacent to Celebration Crescent has been relocated westerly to the centreline of the roadway.

## THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER Z-2K

By-law Number- 99 amends Zoning By-law Number Z-2K, the City's Comprehensive Zoning By-law.

The subject property is located west of Merivale Road, and north of commercially zoned lands on Baseline Road. The applicant wishes to amend the zoning by readjusting the zoning lines to reflect, in large part, a revised plan of subdivision. In addition, modifications to performance standards respecting yard and setback requirements within some of the zones is being requested. By and large, the subject rezoning maintains the intent of the existing zoning, in terms of permitted uses and density. The property which is the subject of this application can be seen on Document 6.

### Current Zoning

The current zoning of the property is R3-x[79], R5-x(0.5)[194], R5-x(1.0)[195], R5-x(0.6)[198], R5-x(0.6)[199], R8-x[13], and P-x[82]. These zoning designations permit a broad range of housing in a mix of low, medium and high density housing types, ranging from single family dwellings in the R3-x[79] zone, to apartments in the R5-x(0.5)[194], R5-x(1.0)[195], R5-x(0.6)[198], and R5-x(0.6)[199] zones, to alternative residential standards provisions uses in the R8-x[13] zone relating to reduced lot size and yards, and open space in the P-x zone. Regulations in the existing zoning also addressed the provision for seniors housing.

### Recommended Zoning

The proposed zoning designations are: R4-x, R5-x, R5-x(1.0), R5-x(0.6)[196], R8-x, CONS-x[1] and P for Comprehensive Zoning By-law Z-2K. These zoning designations will permit a broad range of housing types, ranging from a single family and two family house zone in the R4 zone, to row dwellings and low density apartments in the R5 zone, to R8, a residential zone permitting alternative residential standards provisions for single, semi-detached, duplex and row dwellings. Exceptions to the zone relate to minimum lot area and width, setbacks, density, building height limits, and the provision of limited commercial uses in certain zones. The P is a public use zone, permitting a variety of public uses which include, but are not limited to: community centre, community health and social services centre, park, playground, and public or private recreational or cultural facility, and municipal uses. The CONS -x [1] is an environmentally sensitive area zone prohibiting uses that have potential negative impact on land designated environmentally sensitive area in the Official Plan. In addition, an anomaly has been corrected whereby the zoning line between the existing R8-x[13] and R5-x(0.6)[196] zones adjacent to Celebration Crescent has been relocated westerly to the centreline of the roadway.

DETAILS OF RECOMMENDED ZONING BY-LAW, 1998

Document 3

1. R2G U (37) Zone - Exception 1 (Lots 16 to 29 and 36 to 43, Blocks 46 to 53 and 55 to 56)

The recommended R2G U (37) zoning designation would maintain all of the provisions under the standard R2G zone except that:

- a) a minimum front yard setback - 4.5 metres would be required
- b) a minimum side yard setback abutting a street - 2.4 metres would be required
- c) a minimum rear yard setback abutting an ES1 zone - 6 metres would be required
- d) a minimum width of driveway - 2.6 metres would be required.

2. R6F U (37) Zone - Exception 2 (Lots 3 to 15, Block 54)

The recommended R6F U (37) zoning designation would maintain all of the provisions under the R6F [212] zone except that:

- a) the following uses are prohibited: apartment building, bed and breakfast, converted house, diplomatic mission - official residence, diplomatic mission - other residence, fourplex house, high-rise apartment building, retirement home - converted, retirement home, rooming house - converted, rooming house, stacked townhouse, triplex house
- b) a minimum front yard setback - 4.5 metres would be required.

3. R6F U (100) H (28.0) Zone - Exception 3 ( Blocks 57 to 61 and 69)

The recommended R6F U (100) zoning designation would maintain all of the provisions under the standard R6F zone except that:

- a) a minimum front yard setback - 4.5 metres would be required
- b) a minimum side yard setback:
  - i) abutting a park - 1.2 metres would be required
  - ii) abutting a street - 2.4 metres would be required
  - iii) other cases - 0.3 metres would be required
- c) a minimum rear yard setback:
  - i) on an interior lot - 6 metres would be required
  - ii) on a corner lot - 3 metres would be required
- d) a minimum width of driveway - 2.6 metres would be required.

4. R6F U (85) Zone - Exception 4 (Block 62 to 68)

The recommended R6F U (85) zoning designation would maintain all of the provisions under the standard R6F zone and residential regulations under Part IV with an exception for detached house, duplex house, linked-detached house, linked-townhouse, semi-detached house, and townhouse which states the following provisions:

- a) a minimum front yard setback - 3 metres would be required
- b) a minimum side yard setback:
  - i) abutting a street - 3 metres would be required
  - ii) other cases - 0.3 metres would be required
- c) a minimum rear yard setback:
  - i) on an interior lot - 6 metres would be required
  - ii) on a corner lot - 3 metres would be required
- d) a minimum width of driveway - 2.6 metres would be required.

5. L1 Zone - Exception 5 (Block 70)

The recommended L1 zoning designation would maintain all of the provisions under the standard L1 zone except that:

- add stormwater management facility as a permitted use.

6. L2 Zone (Lots 1 to 2, Blocks 44 to 45)

The recommended L2 zoning designation would maintain all of the provisions under the standard L2 zone.

7. ES1 Zone (Part of Lots 36 and 37)

The recommended ES1 zoning designation would maintain all of the provisions under the standard ES1 zone.

8. R6F [153] H (28.0) (west of Celebration Crescent)

This rezoning is correcting a technical anomaly by relocating the zoning line westerly to the centreline of Celebration Crescent.



DETAILS OF RECOMMENDED ZONING BY-LAW NUMBER Z-2K

Document 4

1. R4-x Zone (Lots 16 to 29 and 36 to 43, Blocks 46 to 53 and 55 to 56)

The recommended R4-x zoning designation would maintain all of the provisions under the standard R4 zone except that:

- a) a minimum front yard setback - 4.5 metres would be required
- b) a minimum side yard setback:
  - i) abutting a street - 2.4 metres would be required
  - ii) other cases - 0.3 metres would be required
- c) a minimum rear yard setback:
  - i) on an interior lot - 5.4 metres would be required
  - ii) on a corner lot - 3 metres would be required
  - iii) abutting a CONS.-x[2] zone - 6 metres would be required
- d) a maximum density - 37 dwelling units per hectare
- e) a minimum width of driveway - 2.6 metres would be required
- f) for a single family or duplex dwelling:
  - i) minimum lot width - 7.5 metres would be required
  - ii) minimum lot area - 197 square metres would be required
- g) for a semi-detached:
  - i) minimum lot width - 6 metres would be required
  - ii) minimum lot area - 180 square metres would be required
- h) section 135 does not apply and at least 30% of the lot in which a group building project is located, must be landscaped open space.
- i) row dwellings are not permitted.

2. R8-x Zone (Lots 3 to 15, Block 54)

The recommended R8-x zoning designation would maintain all of the provisions under the R8-x[13] zone except that:

- a) only the following are permitted uses in this zone: single family dwelling, duplex dwelling, semi-detached dwelling, row dwelling, group building project
- b) a minimum front yard setback - 4.5 metres would be required
- c) a maximum density - 37 dwelling units per hectare

3. R5-x (1.0) Zone ( Blocks 57 to 61 and 69)

The recommended R5-x zoning designation would maintain all of the provisions under the current R5-x (1.0) [195] zone except that:

- a) the following are additional permitted uses: single family dwelling, duplex dwelling, semi-detached dwelling
- b) a minimum front yard setback - 4.5 metres would be required
- c) a minimum side yard setback:
  - a) abutting a street - 2.4 metres would be required
  - b) other cases - 1.2 metres would be required
- d) a minimum rear yard setback:
  - a) on an interior lot - 6 metres would be required
  - b) on a corner lot - 3 metres would be required
- e) a maximum density - 100 dwelling units per hectare
- f) a minimum width of driveway - 2.6 metres would be required
- g) for a single family or duplex dwelling:
  - a) minimum lot width - 7.5 metres would be required
  - b) minimum lot area - 197 square metres would be required
- h) for a semi-detached or row dwelling:
  - i) minimum lot width - 4.5 metres would be required
  - ii) minimum lot area - 110 square metres would be required

4. R5-x Zone (Block 62 to 68)

The recommended R5-x zoning designation would maintain all of the provisions under the standard R5 zone except that for detached house, duplex house, semi-detached house, and townhouse:

- a) a minimum front yard setback - 3 metres would be required
- b) a minimum side yard setback:
  - i) abutting a street - 3 metres would be required
  - ii) other cases - 0.3 metres would be required
- c) a minimum rear yard setback:
  - i) on an interior lot - 6 metres would be required
  - ii) on a corner lot - 3 metres would be required

- d) a maximum density - 85 dwelling units per hectare
- e) a minimum width of driveway - 2.6 metres would be required
- f) for a single family or duplex dwelling:
  - i) minimum lot width - 7.5 metres would be required
  - ii) minimum lot area - 197 square metres would be required
- g) for a semi-detached or row dwelling:
  - i) minimum lot width - 4.5 metres would be required
  - ii) minimum lot area - 110 square metres would be required

5. P Zone (Lots 1 to 2, Blocks 44 to 45 and 70)

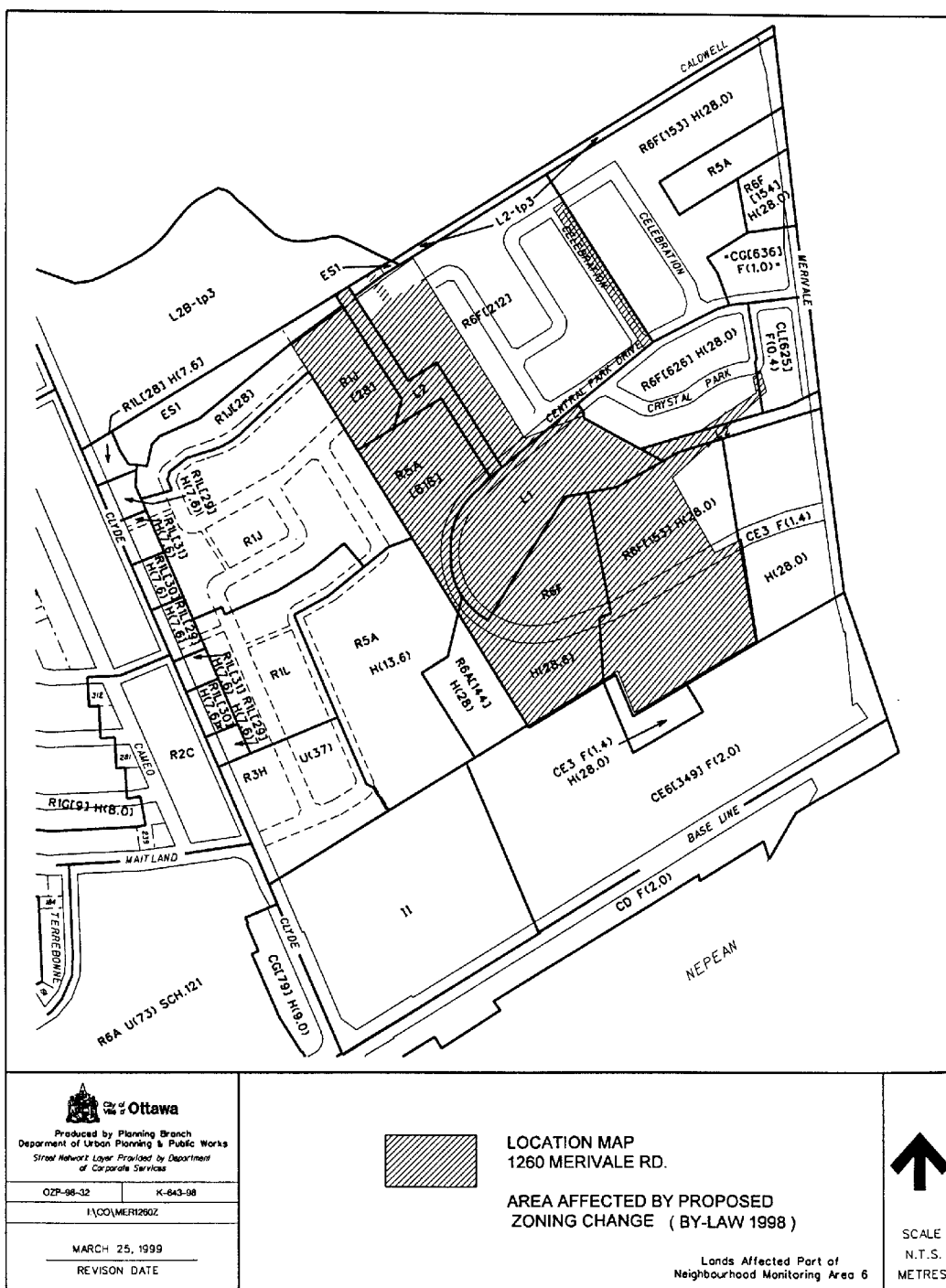
The recommended P zoning designation would maintain all of the provisions under the standard P zone.

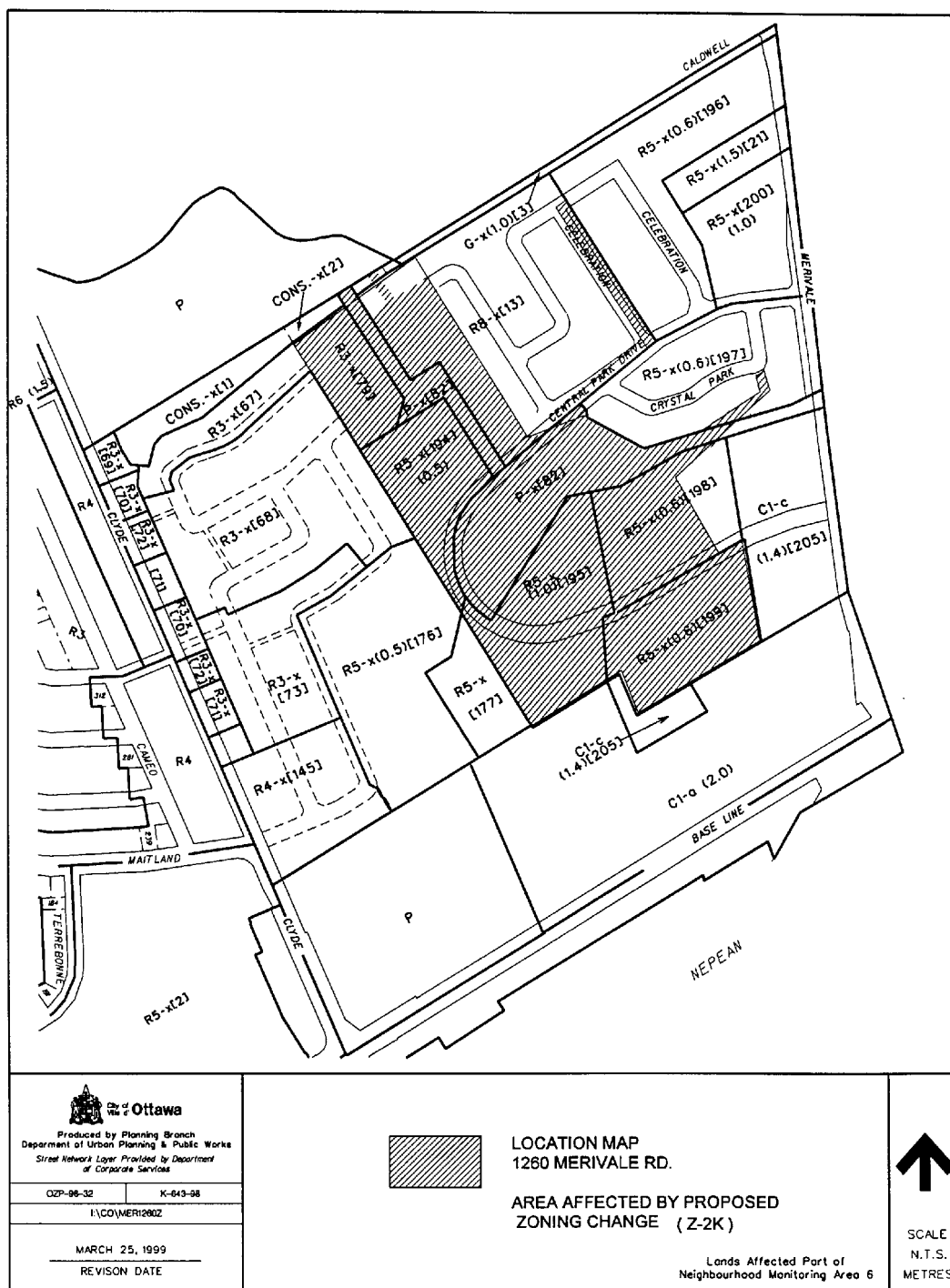
6. CONS - x [1] Zone (Part of Lot 36 and 37)

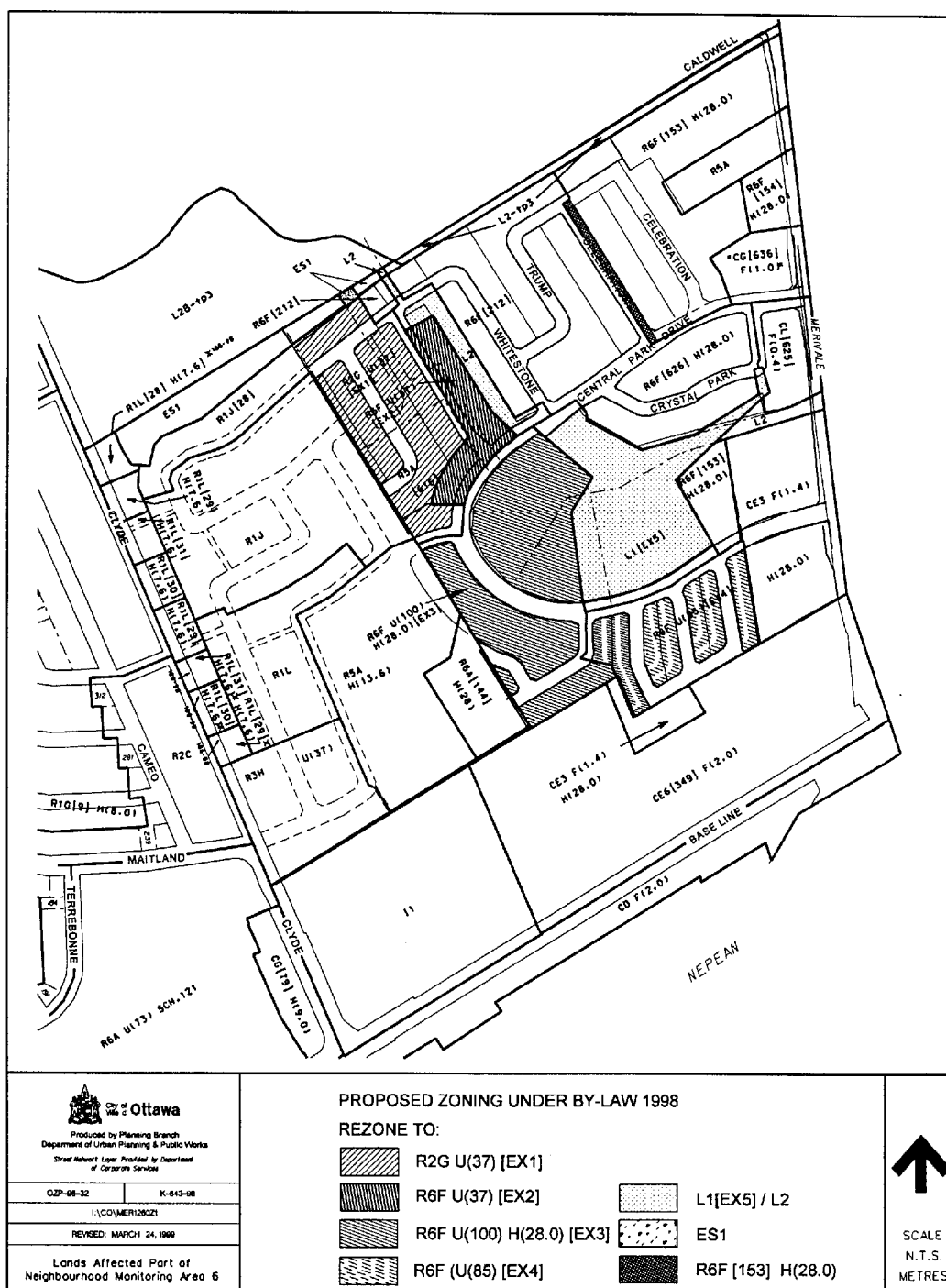
The recommended CONS - x [1] zoning designation would maintain all of the provisions under the standard CONS - x [1] zone.

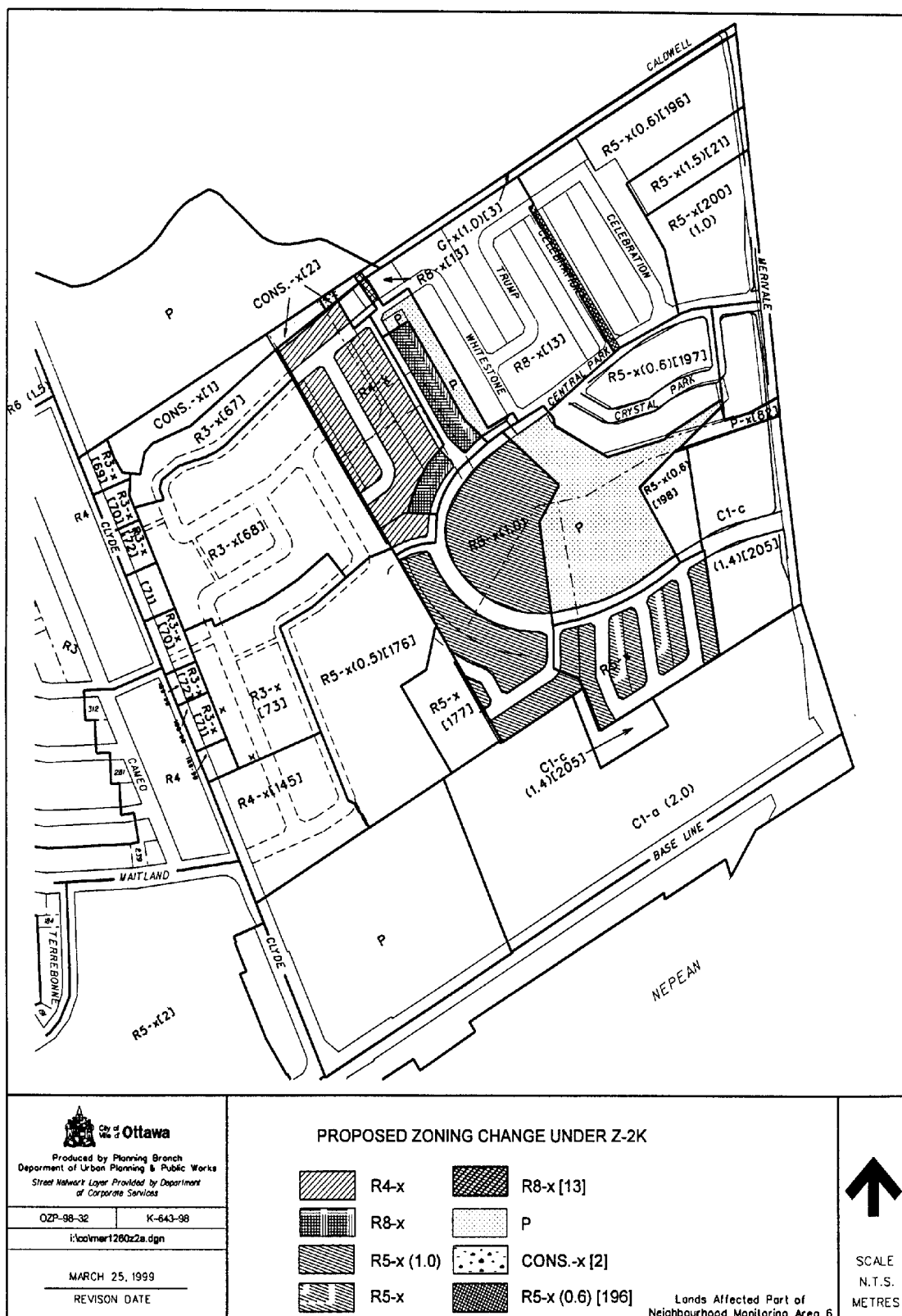
7. R5-x(0.6)[196] (west of Celebration Crescent)

This rezoning is correcting a technical anomaly by relocating the zoning line westerly to the centreline of Celebration Crescent.









## COMPATIBILITY WITH PUBLIC PARTICIPATION

### NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation procedures were carried out in accordance with Early Notification Procedure P&D\PPP\N&C#1 approved by City Council for Zoning Amendments.

### SUMMARY OF PUBLIC INPUT

There were ten responses to the public notification, four in opposition, one in favour, four conditionally in favour, and one response outlining issues. The concerns raised are summarized as follows:

1. It is unacceptable that family housing development also contains potential for high rises. This is outside the image, plans and environment presented at the time of purchase.
2. There is concern regarding the remnant residential strip (R6F[153]H(28.0)) east of the park and former proposal to convert lands to commercial. How will this be addressed? Could this be added to the park?
3. There appears to be a discrepancy in the zoning of the remnant residential strip east of the park, and Ashcroft's site plan which identifies this area as commercial.
4. There are concerns regarding the zoning designation permitting higher densities when residents of the subdivision made investments based on low to medium density. Plans seem to be changing month to month. This is not what Central Park residents bought into.
5. There is no leisure space connection to Baseline Road creating a north/south link.
6. Why is there no buffer between the ES1 lands and the residential. Are there any limitations for lots backing onto the ES1 lands?
7. This is the first time residents are asked to provide input. Notice signs have been posted behind construction debris. At no time has there been public consultation on numerous applications or processes in the past two years. This has generated a negative force within the community against the developer, the City and the Region.
8. Should provide a bikeway access through to Clyde Avenue.
9. Change the R6 zoning to R5 to disallow possibility of high rises.
10. Suggestion to relocate parkland.
11. Ensure P-x zone permits stormwater retention pond.



12. Add a strip of land north part of block of block east of walkway link to NCC lands.
13. L2 zoning should be changed to ES1 zoning along NCC lands.

#### Response to Comments

1. Approximately half of the lands which are the subject of the rezoning application currently permit high density residential development. The main thrust of the zoning application is to adjust zone boundaries and performance standards, as opposed to introducing new uses.
2. These lands form part of another rezoning application to a commercial designation which is currently on hold and does not form part of this application. The merits of that application will be addressed in a separate report when the applicant outlines what their plans are for that parcel. This R6F[153]H(28.0) zoned parcel could stand on its own for potential future residential development, should this situation arise. There are no plans to incorporate these lands into the parkland.
3. There is no discrepancy in the zoning, but rather what the applicant may have shown on marketing plans. As identified above, these lands are currently the subject of a rezoning application which is on hold.
4. As outlined in number 1 above, much of the lands are currently zoned for higher density residential. The development proposals already approved have been for low to medium density (singles, semi-detached and townhouses). Two recent site plan control applications have been submitted for townhouse developments in areas which currently permit apartments. While higher densities are permitted in certain areas, recent and approved development applications would indicate the plan to construct low to medium density development.
5. The lands south of the subject development are private property. There is currently no opportunity to create a leisure space connection to the south.
6. There is a provision in the current and proposed zoning to establish a 6 metre setback buffer between the homes abutting the ES1 lands. Further, as part of the subdivision conditions, a chain link fence will be erected along the line dividing the residential lands and the ES1 lands, to ensure there is no encroachment or disturbance of these lands.
7. There have been a number of development applications within the subject subdivision, all of which have followed the standard and required public notification procedures. Input has been received on the various applications, and staff have endeavoured when requested to respond to any concerns.
8. This issue does not form part of this application, however, pedestrian and bikeway connections are planned to link the subject subdivision to Clyde Avenue.

9. As stated previously, the subject application deals mainly with zoning line adjustments, rather than introducing new uses.
10. The location of the park has been reviewed by staff, and its location meets with the requirements of the Department of Corporate Services.
11. This has been addressed in the zoning details for the P-x zone.
12. This suggestion has been discussed with the City's Environmental Management Branch and there does not appear to be an environmental concern with the routing of the public pathway through this end of the Clyde Woods to connect with the NCC pathway to the north as disruption to vegetation will be kept to a minimum.
13. This has been done.

#### **APPLICATION PROCESS TIMELINE STATUS**

The application which was submitted on December 14, 1998, was subject to a project management timeline, as recommended by the "A Better Way Task Force". A process chart which established critical milestones, was prepared and circulated as part of the technical circulation and early notification process. This application was processed in advance of the timeframes established for the processing of Zoning applications.

#### **COUNCILLOR'S COMMENTS**

Former Councillor Karin Howard did not provide any comments.