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Department of Urban Planning & Public
Works

Ward/Quartier
City Wide

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

Action

Proposed Amendments to the *Zoning By-law, 1998*

Modifications proposées à l'*Arrêté municipal sur le zonage de 1998*

Recommendations

1. That technical amendments to the *Zoning By-law, 1998*, be APPROVED, as detailed in Document 1.
2. That non-technical amendments to the *Zoning By-law, 1998*, be APPROVED, as detailed in Document 2.



September 29, 1998 (9:18a)

E. M. Robinson
Commissioner of Urban Planning and Public
Works

DL:dl

Contact: Dave Leclair - 244-5300 ext. 1-3871



September 29, 1998 (4:43p)

Approved by
John S. Burke
Chief Administrative Officer

Financial Comment

N/A.



September 28, 1998 (2:22p)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendations 1 and 2

Planning and Economic Development Committee, during the deliberation process for the *Zoning By-law, 1998*, recommended that, upon the new zoning by-law coming into force, a monitoring process must be established to ensure that the by-law is properly maintained and updated, so that emerging issues and areas of concern can be dealt with expeditiously. This is particularly important following the adoption of a new comprehensive zoning by-law, since a number of new approaches and techniques have been introduced which must be carefully evaluated and refined to ensure that they effectively implement Council's intent and applicable City policy.

As the *Zoning By-law, 1998* was passed by City Council on May 20, 1998, and is now in effect pending appeals to the Ontario Municipal Board, staff have initiated a process to implement this monitoring program. This submission format has been developed to serve as the vehicle for this monitoring process, and is the second of regularly scheduled quarterly reports which will be prepared to address a range of emerging technical and policy-related zoning issues. These reports will bring forward these matters as they are raised, proposing amendments to the by-law to address the areas of concern. This process will assist in addressing development issues and anomalies in an expedient manner, helping to minimize costly and unnecessary delays to the development approval process.

1. PROPOSED TECHNICAL AMENDMENTS

The issues addressed in Document 1 of this report are all matters of a technical nature, dealing with anomalies and with the clarification of zoning intent. A brief explanation of the intent of each amendment is provided. Some of these issues were also raised in specific appeals to the *Zoning By-law, 1998* to the Ontario Municipal Board but, because of their technical nature, are being dealt with through this process. It should also be noted that the Department is currently electronically redrawing all of the Schedules contained in Part XVI of the *Zoning By-law, 1998*, most of which were adopted under previous zoning by-laws, to correct errors which existed under By-law Number Z-2K and By-law AZ-64, as well as to improve the quality of the images. These revisions will also be included in this and the next of these technical reports.

2. PROPOSED NON-TECHNICAL AMENDMENTS

a) Non-Residential Uses in Residential Zones

There are some cases in the *Zoning By-law, 1998* where non-residential uses are permitted in residential zones or subzones, or in an exception in a residential zone or subzone, but there are no specific provisions which stipulate the minimum required yard setbacks and minimum lot sizes for these uses. The intent of the By-law was to ensure that these uses are compatible with and are subject to comparable provisions to those applicable to residential uses in the same zone. Consequently, the By-law should be amended to include a provision which specifies that where non-residential uses are permitted in a residential zone or subzone or in an exception in a residential zone or subzone, and are not subject to use-specific provisions, these uses must comply with the regulations applicable to the highest density residential use permitted in that zone. This will ensure compatibility with other types of development within the zone, while providing a reasonable level of intensity and design flexibility.

b) Section 620- Subsection 4.(C) of By-law Number Z-2K Continued

Section 620 was incorporated in the *Zoning By-law, 1998*, at the direction of City Council, to permit the lawful severance of buildings which severance conformed to the provisions of By-law Number Z-2K (in particular, subsection 4.(C)- one lot for by-law purposes), but would not comply with the regulations of the *Zoning By-law, 1998*. However, the wording which was ultimately included in Section 620(1) has been interpreted to be more restrictive than was intended by Council's direction, in that only those building permits which were specifically "issued under the auspices of subsection 4.(C)" would be exempted from the provisions of the new by-law. As many of the building permits issued under By-law Number Z-2K did not make specific reference to subsection 4.(C), particularly those which did not indicate an intent to sever at the time the building permit was issued, these developments would not be "grandfathered" under Section 620. Consequently, Section 620 should be reworded to ensure that all buildings for which a building permit was issued under By-law Number Z-2K and which would not comply with the provisions of the *Zoning By-law, 1998* for the purposes of lot severance, would continue to be subject to the provisions of subsection 4.(C) of By-law Number Z-2K.

c) Holding Zone provisions

The "h"-Holding Zone suffix is applied to lands where it is intended that the permitted uses listed under the applicable zoning would be allowed at some time in the future, when the holding symbol is removed by an amendment to the zoning by-law. The Holding Zone is intended to ensure that the proposed development can only occur once the terms or conditions under which the holding zone was applied had been fulfilled (e.g. infrastructure requirements). However, the *Zoning By-law, 1998* currently prohibits all development on a site to which a Holding Zone is applied. It was not intended that the application of the holding symbol would prohibit the development of minor additions and accessory buildings to any existing uses on the site, but only to postpone development for the intended future use of the lands. The City's *Zoning By-law* has, in the past, recognized a number of "existing use" situations, allowing a maximum 25%

expansion of the use without the need for a zoning by-law amendment. As existing uses which are located on lands affected by the holding symbol have a similar status to these other situations, it would be appropriate to allow a similar opportunity for additions. Consequently, the *Zoning By-law, 1998* should be amended to permit, for any existing buildings located on lands which are subject to a holding zone, the development of accessory buildings as well as additions which do not exceed 25% of the gross floor area of these existing buildings.

Disposition

Department of Corporate Services, Statutory Services Branch to notify the Regional Municipality of Ottawa-Carleton, Development Approvals 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 circulate the implementing by-law.

List of Supporting Documentation

Document 1 - Details of Proposed Technical Amendments to the *Zoning By-law, 1998*

Document 2 - Details of Proposed Non-Technical Amendments to the *Zoning By-law, 1998*

Document 3- Explanatory Note

Part II - Supporting Documentation

Document 1

**DETAILS OF PROPOSED TECHNICAL AMENDMENTS TO THE
ZONING BY-LAW, 1998**

#	Reference	Proposed Technical Amendment	Objective of Amendment
1	Section 37(4)	-amend the reference to “subsection 1.(15)” to state “subsection 1.(16)”	-to correct a typographical error
2	Section 375	-amend the reference to “Section 338” to state “Section 340”	-to correct a typographical error
3	Section 376	-delete section 376	-to implement the objectives of the C1-c[222] zone of By-law Number Z-2K
4	Table 493	-amend Column I, Row v. to state “minimum rear yard setback” rather than “minimum rear side setback”	-to correct a typographical error
5	Part XV, Exceptions, Exception [89]	-revise exception to state “abutting the west side of <u>Henderson Avenue between Laurier Avenue East and Templeton Street</u> ” instead of “abutting the west side of Templeton Street” to correct a typographical error	-to implement the original objectives of the R5-x(1.0) [35] of By-law Number Z-2K
6	Part XV, Exceptions, Exception [578]	-amend exception [578] to include “office” as an additional permitted use	-to implement the objectives of the R4-x[181] zone of By-law Number Z-2K
7	Part XVI, Schedules, Schedule 67	-amend the schedule to indicate the length of the most southerly boundary of Area A as 169.70 metres instead of 167.53 metres	-to correct a typographical error

#	Reference	Proposed Technical Amendment	Objective of Amendment
8	Part XVI, Schedules, Schedule 100	-amend the site dimensions indicated on the schedule to reflect the dimensions shown on the Zoning Maps, specifically Neighbourhood Monitoring Area Map 24, Sub Area Map 4	-to reflect existing site conditions
9	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 1, Sub Area 4	-amend the zoning of 2711 Regina Street from R2A to R2A with a site-specific exception as follows: 1.permit a three unit converted house as an additional permitted use, and 2.require that the parking, driveways and turning aisles for the three unit converted house be designed as outlined in Schedule 255 of By-law Number Z-2K	-to implement the original objectives of the R4-x[176] zone of By-law Number Z-2K and the subsequent O.M.B. order dated July 4,1994
10	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 2, Sub Area 3	-amend the boundary of the R2C zoning of the property located at 927 Pinecrest to coincide with the eastern property boundary of the lot	-to correct a technical anomaly
11	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 6, Sub Area 2	-amend the zoning of the property located at the south west corner of Baseline Road and Navaho Drive from CD F(2.0) to CG F(2.0) to reflect the Residential area designation of the area on Schedule A of the Official Plan	-to bring the zoning into compliance with the Official Plan
12	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 8, Sub Area 2	-amend the zoning of Lots 9 and 12, located at the north end of Lady Ellen Place, from IP[263] F(1.0) to IP[642] F(1.0) H(30)	-to implement the original objectives of the IO-x(1.0)[25] zone of By-law Number Z-2K

#	Reference	Proposed Technical Amendment	Objective of Amendment
13	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 14, Sub Area 4	<p>-amend the zoning of the area located between the Queensway, Preston Street, Aberdeen Street and Rochester Street as follows:</p> <ol style="list-style-type: none"> 1. Amend exception [509] to limit to 24.3 metres the maximum permitted height within 30.48 metres from Preston Street (to reflect an approved minor variance), and to specify no height limit for the remainder of the CN3[509] F(2.0) zone; 2. Amend the height limit for the CN[598] F(2.0) H(13.8) zone on north east corner of Preston and Aberdeen to 18.3 metres; and 3. Amend the CG2 F(2.0) zone by adding a new exception specifying that there is no height limit 	-to implement the original objectives of the C1-c(2.0)[56], C3(2.0) and C5-c(2.0)[7] zones of By-law Number Z-2K ,and to recognize approved minor variances
14	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 15, Sub Area 2	-amend the map to rezone 400 Cooper Street from partially CN6[519] F(4.0) H(18.3) and partially CG1 F(4.0) to entirely CN6[519] F(4.0) H(18.3) to correct a multi-zoning situation, and to reflect the existing use	-to implement the objectives of the C1-c(4.0)[37] zone of By-law Number Z-2K
15	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 15, Sub Area 3	-amend the dimensions shown on the zoning map to coincide with the dimensions outlined in Schedule 106	-to correct a technical anomaly

#	Reference	Proposed Technical Amendment	Objective of Amendment
16	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 19, Sub Area 1 and Part XV, Exceptions, Exception [401]	<p>-amend the map to rezone the property located at the south east corner of St.Patrick Street and King Edward Avenue from partially CG[401] F(2.0) H(10.7) and partially CG F(2.0) H(13.6) to entirely CG [401] F(2.0) H(10.7)</p> <p>-amend exception [401] to:</p> <ol style="list-style-type: none"> 1.Delete the term “apartment building” and substitute for same the term “dwelling units”, 2.Add “diplomatic residential use” and “utility installation” as additional permitted uses, 3.Specify that residential uses are only permitted provided the ground floor is occupied by at least one of the permitted commercial uses, and 4.Delete the 35 person size limitation for a retirement home 	-to implement the objectives of the RO-x(2.0)[31] zone of By-law Number Z-2K and the Ontario Municipal Board order respecting By-law 291-94
17	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 25, Sub Area 5	-amend the dimensions of the R3A U(40) Sch.78 zone and the dimensions shown on Schedule 78, for the property located on the north side of Bermuda Avenue east of Carson’s Road, to coincide with the registered condominium plan in order to reflect the actual development site	-to correct a technical anomaly
18	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 26, Sub Area 4	-amend the dimensions of the CE10[270] F(1.72) Sch.51 zone located at the south-east corner of Coventry Road and the Vanier Parkway to coincide with the dimensions outlined in Schedule 51	-to correct a technical anomaly

#	Reference	Proposed Technical Amendment	Objective of Amendment
19	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 28, Sub Area 1	-amend the dimensions of the R6B U(165) Sch.67 zone located at the intersection of Old Riverside Drive and Nelligan Road to coincide with the dimensions outlined in Schedule 67	-to correct a technical anomaly
20	Part XVIII, Zoning Maps, Neighbourhood Monitoring Area 35, Sub Area 2	-amend the zoning of the R3F[215] Sch.3 zone located at the north east corner of Albion Road South and Hunt Club Road to R3F[215] Sch.4	-to correct a technical anomaly

DETAILS OF PROPOSED NON-TECHNICAL AMENDMENTS TO THE
ZONING BY-LAW, 1998

1. Amend the *Zoning By-law, 1998* to include a provision which specifies that where non-residential uses are permitted in a residential zone or subzone or in an exception in a residential zone or subzone, and are not subject to use-specific provisions, these uses must comply with the regulations applicable to the highest density residential use permitted in that zone or subzone.

2. Amend the *Zoning By-law, 1998* to replace Section 620 with the following:

620. (1) Despite the repeal of By-law Number Z-2K, subsection 4.(C) thereof as it read on May 19, 1998 continues in effect for lots upon which there existed a building on May 19, 1998 so long as that building remains.

(2) Despite section 5, subsection (1) ceases to apply upon the destruction, demolition or removal of the building mentioned in that subsection.

(3) Subsection (1) and subsection (2) are not severable.

3. Amend the *Zoning By-law, 1998* to permit, for any existing buildings located on lands which are subject to a holding zone, the development of accessory buildings as well as additions which do not exceed 25% of the gross floor area of these existing buildings.

4. Amend the *Zoning By-law, 1998*, as follows, to clarify the planning intent of the provisions listed below:

Reference	Proposed Amendment	Objective of Amendment
1 Section 2 Definitions	-insert a definition of “warehouse”to provide that warehouse includes <u>self-storage units</u>	-to clarify the intent of the terminology
2 Section 29(2)(b) and Section 31	-amend the provision by deleting the words “interior yard” and replacing them with the words “any yard” where it appears in both these provisions	-to clarify the intent of the provision

THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER -98

By-law Number -98 amends the *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law. This amendment will:

1. Correct technical anomalies found in the text, schedules and maps, and clarify planning intent;
2. Amend the by-law to include a provision which specifies that where non-residential uses are permitted in a residential zone or subzone or in an exception in a residential zone or subzone, and are not subject to use-specific provisions, these uses must comply with the regulations applicable to the highest density residential use permitted in that zone or subzone..
3. Amend the by-law to reword Section 620 to ensure that all buildings for which a building permit was issued under By-law Number Z-2K and which would not comply with the provisions of the *Zoning By-law, 1998* for the purposes of lot severance, would continue to be subject to the provisions of subsection 4.(C) of By-law Number Z-2K.
4. Amend the by-law to permit, for any existing buildings located on lands which are subject to a holding zone, the development of accessory buildings as well as additions which do not exceed 25% of the gross floor area of these existing buildings.

For further information with respect to the proposed amendment, please contact Dave Leclair at 244-5300, extension 3871.