

Our File/N/Réf. 23 05-98.0001
Your File/V/Réf.

DATE 10 September 1998

TO/DEST. Co-ordinator, Planning & Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **SUMMARY OF ASSIGNED FUNCTIONS
OFFICIAL PLAN AMENDMENTS, SUBDIVISIONS,
CONDOMINIUMS, PART LOT CONTROL BY-LAWS, ZONING
BY-LAWS, SITE PLANS AND SEVERANCES**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee and Council receive this report for information purposes and confirm the Planning and Development Approvals Department's appeal of one zoning by-law as noted in Annex V and one severance as noted in Annex VI.

PURPOSE

This report summarizes the activities of the Development Approvals Division concerning the assigned approval authority from the Minister of Municipal Affairs and Housing to Regional Council. Regional Council has further assigned certain functions to the Regional Planning and Development Approvals Commissioner.

This report is presented to Regional Planning and Environment Committee for information and deals with those assigned activities which have taken place since the last report was submitted.

Official Plan applications - See Annex I
Subdivision applications - See Annex II
Condominium applications - See Annex III
Part Lot Control By-laws - See Annex IV

Comments on Area Municipal **Zoning By-laws** (Draft and Enacted)

The area municipalities have submitted 64 zoning by-laws and the Development Approvals Division has commented accordingly. Any Regional requirements will be secured at the time of site plan approval. One decision has been appealed. (See Annex V)

Comments on Area Municipal **Site Plans**

The area municipalities have submitted 79 site plans to the Development Approvals Division for review and comment.

Comments on **Severance Applications** and Monitoring of Decisions

In accordance with the Minister's delegation, the Development Approvals Division has reviewed and commented on 147 severance applications from the Regional Land Division Committee and the local Committees of Adjustment. One decision has been appealed. (See Annex VI).

CONSULTATION

The public consultation process was not applicable for this information report.

FINANCIAL IMPLICATIONS

Where applicable, processing fees provide significant cost recovery.

*Approved by
N. Tunnacliffe, MCIP, RPP*

Attach. (6)

Official Plans and/or Amendments Submitted to the Region for Approval

Since the date of the last report the following **undisputed official plan amendments**, which had previously been submitted to the Region, have been reviewed by the Development Approvals Division and have received approval.

MUNICIPAL OFFICIAL PLAN AMENDMENT No. and RMOC FILE No.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED	PURPOSE OF AMENDMENT
Amendment No.18 14-98.0013	Nepean Rideau Heights Dr Pt Lot 28 Con A(RF) 1.72 ha	Prel. Subm. 98/04/16 Formal Subm 98/06/30 “complete” per Bill 20 98/07/14	Undisputed LOPA Approved by PDAD Comsrs. on 98/09/03 Appeal period ends per Bill 20 on 98/09/23 & in effect on 98/09/24 From “Extensive Employment Area” To “Residential” to permit one single detached residential
Amendment No.68 14-98.0015	West Carleton Pt Lots 18 & 19 Con 3(H) V of Carp 1 ha	Prel. Subm. 98/04/23 Formal Subm 98/06/05 “complete” per Bill 20 98/06/15	Undisputed LOPA Approved by PDAD Comsrs. on 98/07/03 Appeal period ends per Bill 20 on 98/07/23 & in effect on 98/07/24 From “Open Space” To “Institutional” to permit a Fire Station

MUNICIPAL OFFICIAL PLAN AMENDMENT No. and RMOC FILE No.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED	PURPOSE OF AMENDMENT
Amendment No. 67 14-98.0016	West Carleton Village of Carp Carp Core Area expansion Lots 95, 101, 102 & 147 RP 218 Pt Lot 18 Con 3 (H)	Prel. Subm. 98/05/19 Formal Subm 98/06/26 “complete” per Bill 20 98/07/09	Undisputed LOPA Approved by PDAD Comssr. on 98/07/21 Appeal period ends per Bill 20 on 98/08/10 & in effect on 98/08/11 From “Village Residential” to Community Core” to permit additional uses
Amendment No.19 14-98.0021	Nepean City wide	Prel Subm 98/06/18 Formal Subm 98/07/16 “Complete” as of 98/08/10	Undisputed LOPA Approved by PDAD Comssr. on 98/08/27 Appeal period ends per Bill 20 on 98/09/16 & in effect on 98/09/17 To amend “Section 4.7d(iii) Special Policy Area” to revise and clarify the definition of “Retail Warehouse” to reflect current trends for certain new format retail uses.

Since the date of the last report the following **disputed official plan amendments**, which had previously been submitted to the Region, have been reviewed by Development Approvals Division and forwarded for consideration by PEC and on to Regional Council for a decision as follows.

MUNICIPAL OFFICIAL PLAN AMENDMENT No. and RMOc FILE No.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED	PURPOSE OF AMENDMENT
Amendment No.1 14-96.0020	Goulbourn Village of Stittsville Fringewood Industrial Park 39 ha. (96.4 ac) Part of Lots 26 & 27 Con. 11	Prel Subm 96/08/2 Formal Subm 96/11/12 Notice of Appeal 97/11/17 Appealed but dismissed as frivolous & vexatious	Regional Council approval with 4 modifications signed by Regional Clerk 98/07/02 From “General Industrial” and “Restricted Industrial - Business Park” To “Residential” and “General Commercial”
Amendment no. 10 14-97.0034	Nepean City wide	Prel Subm 97/09/27 Formal Subm 97/10/28 Deemed Complete per Bill 20 98/05/07	Regional Council Approval with one modification 98/06/24 Appeal period ends 98/07/22 & into effect 98/07/23 To expand the Category of “Home Occupations” to "Home Occupations A” & “Home Occupations B” AND to allow one external employee for “Home Occupations B”

Since the date of the last report, the following official plan amendments have been submitted to the **Development Approvals Division for review and approval.**

MUNICIPAL OFFICIAL PLAN AMENDMENT No. and RMOC FILE No.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED	PURPOSE OF AMENDMENT
Amendment No.43 14-98.0004	Kanata .45 ha of land on March Rd	Prel. Subm. 98/02/11 Formal Subm 98/05/26 Deemed <u>incomplete</u> 98/06/03	From “MR-Restricted Industrial” To “Minor Arterial” to permit a 26 metre wide roadway connection between March Rd & Legget Dr crossing Newbridge Headquarters property
Amendment No.4 14-98.0010	Osgoode 3.7 ha in Lot 27, Con 1 north of the Village of Osgoode	Prel. Subm. 98/03/23	From “Agricultural Resource” To “Residential” & to expand the Village of Osgoode boundary creating 10 SF lots
Amendment No.18 14-98.0013	Nepean Rideau Heights Dr Pt Lot 28 Con A(RF) 1.72 ha	Prel. Subm. 98/04/16 Formal Subm 98/06/30 “complete” per Bill 20 98/07/14	From “Extensive Employment Area” To “Residential” to permit one single detached residential

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Amendment No.68 14-98.0015	West Carleton Pt Lots 18 & 19 Con 3(H) V of Carp 1 ha	Prel. Subm. 98/04/23 Formal Subm 98/06/05 “complete” per Bill 20 98/06/15	From “Open Space” To “Institutional” to permit a Fire Station
Amendment No. 67 14-98.0016	West Carleton Village of Carp Carp Core Area expansion Lots 95, 101, 102 & 147 RP 218 Pt Lot 18 Con 3 (H)	Prel. Subm. 98/05/19 Formal Subm 98/06/26 “complete” per Bill 20 98/07/09	From “Village Residential” To “Community Core” to permit additional uses
Amendment No. 8 14-98.0017	Goulbourn Pt Lots 22 & 23 Con 12 Stittsville 3.5 ha Carp Rd & Hazeldean Rd	Prel. Subm. 98/03/13 Formal Subm 98/08/31 Deemed <u>incomplete</u>	From “Highway Commercial” To “Residential”
Proposed Amendment 14-98.0018	Kanata 2335 Dunrobin Road Lot 23 Con 3	Prel Subm 98/06/11	From “Agriculture” To “Mineral Aggregate” to allow for a “Class A” Quarry operation
Amendment No. 22 14-98.0019	Gloucester Carlsbad Springs Trickle-Feed Waster System	Prel Subm 98/06/12 Formal Subm 98/07/16 “complete” per Bill 20 98/08/10	To modify specific provisions contained in the “Residential” , “Limited Development” and “Service Restricted Constraints” of the Official Plan.

MUNICIPAL OFFICIAL PLAN AMENDMENT No. and RMOC FILE No.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED	PURPOSE OF AMENDMENT
Amendment No. 69 14-98.0020	West Carleton Pts Lots 23 to 26, Conc. 7, (H)	Prel. Subm 98/06/12	From “High Priority Agriculture” to “Marginal Resource”
Amendment No.19 14-98.0021	Nepean City wide	Prel Subm 98/06/18 Formal Subm 98/07/16 “Complete” as of 98/08/10	To amend “Section 4.7d(iii) Special Policy Area” to revise and clarify the definition of “Retail Warehouse” to reflect current trends for certain new format retail uses.
Proposed Amendment 14-98.0022	Ottawa 95-99 Norman Street	Prel. Subm 98/06/22	From “Residential Low Profile” To “Traditional Industrial” to allow wider ranges of uses.
Proposed Amendment 14-98.0023	Kanata Blk 12, 4M-777 March Rd & McKinley Dr Kanata North Business Park	Prel Subm 98/07/22	From “RM-Medium density Residential” To “Community Commercial”
Proposed Amendment 14-98.0024	Ottawa 3735-55, 3860 Riverside Drive, 3750 Bowesville Road	Pre Subm 98/07/16	From “Secondary Employment Centre” to “Residential Area”
Proposed Amendment 14-98.0025	Gloucester Blk 41, 4M-993 Shoreline Drive and Spratt Road	Prel. Subm 98/07/29	From “Residential” (OPA 3) To “Commercial Neighbourhood”

MUNICIPAL OFFICIAL PLAN AMENDMENT No. and RMOC FILE No.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED	PURPOSE OF AMENDMENT
Proposed Amendment 14-98.0026	Nepean City wide	Prel. Subm 98/08/24	To change policies regarding the conversion of rental residential units, in order to conform to the new ROP
Proposed Amendment 14-98.0027	Kanata Pt Lot 12 Con 3 927 March Rd 30 ha	Prel. Subm 98/09/01	From "General Rural" To "Rural Commercial" to permit a golf centre including a driving range, etc.
Proposed Amendment 14-98.0028	Ottawa East of Conroy Rd south of Ott Bus Park north of Johnston Rd & west of Hawthorne Rd	Prel. Subm 98/09/03	From "Residential" To "Business Employment Area"

SUBDIVISION APPLICATIONS**(including resubdivisions, revisions, resubmissions and extensions of draft plan approval)**

Since the date of the last report, the following **subdivision applications** have been submitted to the **Development Approvals Division for review and approval.**

OWNER NAME RMOC FILE NO. PROV. FILE NO.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED BY RMOC	NO. AND TYPE OF UNITS	STATUS OF FILE
1048219 Ont Ltd 15-98.SD03(R2) O6T-98003	Goulbourn Pt Lot 22 Con 11 Stittsville	98/02/23 Complete as of 98/07/30 per Bill 20	281 SF	Received
Smith 15-98.SD05 O6T-98005	West Carleton Pt Lot 10 Con 5 (T)	98/01/07	7 SF	Preconsultation only
Claridge / NCC 15-98.SD09 O6T-98009	Ottawa Station Blvd & Rolland Ave Riverview Park	98/03/09 Complete as of 98/07/27 per Bill 20	92 TH on 5 Blks	Under Circulation
Galetta/Faulkner 15-98.SD13 O6T-98013	Kanata Pt Lots 14 & 15 Con 1	98/05/01 Complete as of 98/06/02 per Bill 20	39 SF	Under Circulation
Johnston 15-98.SD15 O6T-98015	West Carleton Pt Lot 5 Con 5 (H)	98/05/07	36 SF	Preconsultation only
Regional Group 15-98.SD16 O6T-98016	Cumberland Pt Lot 2 & 3 Con 9 EUC	98/09/02 Complete as of 98/09/02 per Bill 20	148 SF 53 TH on 9 Blks	Under Circulation

OWNER NAME RMOF FILE NO. PROV. FILE NO.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED BY RMOF	NO. AND TYPE OF UNITS	STATUS OF FILE
Claridge 15-98.SD17 O6T-98017	Ottawa Pt Lot 13 & 14 Junction gore Station Blvd	98/08/27 Complete as of 98/09/03 per Bill 20	50 TH on 4 Blks	Under Circulation
Signature Ridge 15-98.SD18 O6T-98018	Kanata Pt Blks 17, 19-23 and 25-27 4M-790	98/08/28 Complete as of 98/08/28 per Bill 20	148 SF 51 TH on 12 Blks	Under Circulation
Hobin 15-98.SD19 O6T-98019	Nepean Pt Lot 16 Con 2(OF) Bayshore Area Acres Rd	98/08/26	2 Blks for TH	Preconsultation only
Lacroix Plateau 15-97.SD03 O6T-97003	Gloucester Blk A, RP 24, Twp. of Cumb. and Pt lot 1, Con 2 (OF) City of Gloucester	97/01/28 Complete as of 97/02/13 per Bill 20	8 SF	P&DA Commr. Notice of Decision 98/08/05 Draft Approved 98/08/26 after Appeal period ended per Bill 20
Signature Ridge Dev Corp. 15-98.SD12 O6T-98012	Kanata Pt Lot 4 Con 2 & Blk 27 4M-790	98/04/18 Complete as of 98/04/24 per Bill 20	24 SF 14 TH on 3 Blks	P&DA Commr. Notice of Decision 98/07/30 Draft Approved 98/08/19 after Appeal period ended per Bill 20

OWNER NAME RMOc FILE NO. PROV. FILE NO.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED BY RMOc	NO. AND TYPE OF UNITS	STATUS OF FILE
Tartan 15-98.SD08 O6T-98008	Nepean Pt Lot 17 Con 2 (RF)	98/03/26 Complete as of 98/04/08 per Bill 20	341 SF on 180 lots plus 520 TH on 25 Blks 2 School Blks 4 Com Blks 6 Park Blks	P&DA Commr. Notice of Decision 98/07/30 Draft Approved 98/08/18 after Appeal period ended per Bill 20
Dery (Minto) 15-97.SD12 O6T-97012	Nepean Lots 14 & 15 Con 2(RF) Longfields	97/11/27 Complete as of 97/12/12 per Bill 20	28 SF on 28 Blks	P&DA Commr. Notice of Decision 98/06/04 Draft Approved 98/06/25 after Appeal period ended per Bill 20
Claridge Homes 15-96.SD05 O6T-96005	Ottawa 1555-1556 Johnston Rd Greenboro	96/11/15	81SF 6 Blks for 165 residential units	P&DA Commr. Notice of Decision 98/08/17 Appealed by both CN Rail & the City of Ottawa per Bill 20
City of Nepean 15-91.0402 (R3) O6T-91012	Nepean Pt Lots 18-20 Con 2 Longfields	91/04/05	434 SF 587 TH on 6 Blks 530 Apt on 6 Blks 2 Instit. Blks 3 park Blks 1 Blk for the Transit corridor	Draft Approved 98/05/25

OWNER NAME RMOc FILE NO. PROV. FILE NO.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED BY RMOc	NO. AND TYPE OF UNITS	STATUS OF FILE
Urbandale 15-93.1806 (R3) O6T-93023	Kanata Pt Lots 28 & 29 Con 6 Stonehaven Dr	93/07/27	Part of Stonehaven Dr only Phase 5E	Draft Approved 98/05/26
Urbandale 15-94.1406 O6T-94021	Cumberland Pt Lot 1 Con 9 EUC	94/09/16	32 SF plus 7 partial SF lots Phase 2	Draft Approved 98/06/11
Glennon 15-91.3101 O6T-91001	Goulbourn Pt Lot 20 Con 3	90/12/28	15 SF	Draft Approval Extended to 01/04/16
Adams 15-85.1271 O6T-85022	Osgoode Pt Lot 11 Con 3	85/02/11	15 SF	Draft Approval Re-issued 98/07/17 & Extended to 00/03/22
Imasco/Genstar 15-94.1806 O6T-94022	Kanata Lot 6 Con 2 Kanata Lakes	94/09/28	Seniors building Phase 5	Registered 98/05/01 4M-1000
Minto 15-87.05285 O6T-87045	Gloucester Pt 6 & 7 Con 3 (OS) Chapel Hill	94/05/23	62 SF Phase 7	Registered 98/05/25 4M-1001
Gibson 15-90.3102 O6T-90014	Goulbourn Pt Lot 24 Con 10 Stittsville	90/02/22	24 SF	Registered 98/05/29 4M-1002
Arnon Dev 15-94.1812 O6T- 94043	Kanata Pt Blks 8 & 11 M-310 Town Centre	94/01/13 Phase 2	50 SF 39 TH on 8 Blks	Registered by the OMB 98/05/29 4M-1003

OWNER NAME RMOF FILE NO. PROV. FILE NO.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED BY RMOF	NO. AND TYPE OF UNITS	STATUS OF FILE
Minto 15-97.SD11 O6T-97011	Nepean Blks D-F RP 645571 Craig Henry	97/09/15 Complete as of 97/09/25 per Bill 20	147 SF	Registered 98/07/10 4M-1004
Pegasus 15-88.05302 O6T-88048	Gloucester Pt Lot 10 Con 1	88/09/29	7 SF	Registered 98/07/17 4M-1005
Rivington 15-92-3003 O6T-92029	West Carleton Pt Lot 18 Con 2 (H) V of Carp	92/12/21	32 SF	Registered 98/07/17 4M-1006
Minto 15-92.1801 O6T-92002	Kanata Pt Lot 27 Con 6 (RF) Bridlewood	92/02/06	90 SF TH on 4 Blks	Registered 98/07/30 4M-1007
Clyde/Merivale 15-92.0207 O6T-92026	Ottawa Clyde/Merivale	93/01/08	57 SF TH on 7 Blks	Registered 98/08/04 4M-1008
Claridge The Ravines 15-86.05263 O6T-86053	Gloucester Pt Lots 1-6 RP 86 EUC	86/09/04	38 SF Phase 2	Registered 98/08/12 4M-1009
Minto 15-97.SD08 O6T-97008 and 15-93.0510 O6T-93030	Gloucester Pt Lots 13-18 RP 141 Upper Hunt Club	97/07/04 and 93/09/10	88 SF	Registered 98/08/13 4M-1010
Penex 15-89.18178 (R2) O6T-89017	Kanata Pt Lots 2 & 3 Con 2 Town Centre	89/05/30	4 Blks for Commercial Phase 3	Registered 98/08/24 4M-1011

CONDOMINIUM APPLICATIONS**(including conversions, revisions, resubmissions and extensions of draft plan approval)**

Since the date of the last report, the following **condominium applications** have been submitted to the **Development Approvals Division for review and approval.**

OWNER NAME RMOE FILE NO. PROV. FILE NO.	MUNICIPALITY AND SITE LOCATION	DATE RECEIVED BY RMOE	NO. AND TYPE OF UNITS	STATUS OF FILE
Redwood Residences 15-98.CD04 O6CDM98-504	Nepean Monterey Dr & Costello Ave	98/06/29	121 TH	Preconsultation (a Cdm Conversion)
Longwood Place 15-98.CD05 O6CDM98-505	Nepean Harwick Cres Bells Corners	98/07/02	38 TH	Preconsultation (a Cdm Conversion)
Nicolini & Assoc. 15-97.CD13 O6CDM97-513	Vanier 297 Dupuis St	97/11/10 Complete as of 97/11/17 per Bill 20	15 Apt	Registered 98/08/21 CC-602

PART LOT CONTROL BY-LAWS

Since the date of the last report, the following **Part Lot Control By-laws** have been submitted to the **Development Approvals Division for review and approval.**

OWNER NAME AND RMO FILE NO.	MUNICIPALITY AND SITE LOCATION	BY-LAW NUMBER	DATE RECEIVED AND DATE APPROVED	PURPOSE OF PART LOT CONTROL BY-LAW
Marco Lane Homeowners Committee 13-98.0019	Ottawa Lots 20, 21, & Pt. Lot 22 RP 133 1-40 Marco Lane	Proposal only	98/04/17	35 TH
Tartan Dev. Corp. 13-98.0020	Nepean Blocks 38-42 4M-979 Vermont Ave. Davidson Heights	25-98	98/04/17 98/06/18	62 SF on 40 lots
Holitzner Homes 13-98.0021	Goulbourn Sable Run Blks 86 - 94, 96-101 4M-971 Sable Run Dr West Ridge Stittsville	7-98	98/04/27 98/06/25	81 TH
Rycliffe Homes 13-98.0022	Goulbourn Blk 65, 66, and 74 4M-512 Victor St Stittsville	11-98	98/04/07 98/05/07	2 semi-detached (4 units)
Urbandale 13-98.0023	Cumberland Blocks 68,69,71 4M-992 Marchant Dr & Lichen Ave	19-98	98/05/04 98/05/07	34 freehold TH

OWNER NAME AND RMOF FILE NO.	MUNICIPALITY AND SITE LOCATION	BY-LAW NUMBER	DATE RECEIVED AND DATE APPROVED	PURPOSE OF PART LOT CONTROL BY-LAW
Claridge 13-98.0024	Nepean Lots 1-7,9,10 and Blk 17, 4M-918; & Pt. Blk 100 4M-851 Burntwood Ave. Longfields	31-98	98/05/13 98/05/22	58 SF
O-C District School Board 13-98.0025	Ottawa 3085 Dumaaurier Ave.	Proposal only	98/05/26	84 semi-detached
Chan 13-98.0026	Ottawa Pt Blk B RP 316039 1978-1980 Neepawa Ave.	148-98	98/06/11 98/07/20	7 TH
Claridge 13-98.0027	Ottawa Blks 4-8, 15 & 17 4M-996 off Lorry Greenberg Dr. at Conroy Rd	88-98	98/05/19	81 TH
902437 Ontario Ltd. 13-98.0028	Ottawa 1240 Heron Rd. near Bank St	Proposal only	98/05/25	3 SF
Ashcroft Homes Central Park Inc. 13-98.0029	Ottawa Pt. Blk. 3 4M-970 1260 Merivale Rd	332-97	98/06/01 98/05/29	14 TH
Coscan/Phoenix 13-98.0031	Cumberland Blks 78-85 4M-988 Trenholm Lane, Como Cres & Varenes Blvd	2-98	98/06/11 98/09/10	98 TH

OWNER NAME AND RMOF FILE NO.	MUNICIPALITY AND SITE LOCATION	BY-LAW NUMBER	DATE RECEIVED AND DATE APPROVED	PURPOSE OF PART LOT CONTROL BY-LAW
Toscano Dev. Ltd. 13-98.0032	Cumberland Blks 45, 46, 50, and 51; 4M-934 Heidi St Navan	35-98	98/05/28 98/06/05	14 SF
Sienna Properties 13-98.0033	Ottawa Lots 10-12 RP 457 825-833 Grenon Ave	Proposal only	98/08/31	16 TH
Claridge 13-98.0034	Gloucester Blks 32 & 33 4M-994 Silvestri Cres Carson Grove	94-98	98/06/04 98/06/16	37 TH
Richcraft Homes 13-98.0035	Ottawa Pt Blk 98 4M-842 Hawthorne Rd. Hunt Club Park	120-98	98/06/10 98/06/15	6 freehold TH
Parkside Mews 13-98.0036	Ottawa Pt Lot 32, & Lots 33-35, RP 43586 Rideau St & Cobourg St	167-98	98/06/24 98/08/14	31 TH & 7 Commercial units
Genstar Dev. 13-98.0037	Kanata Pt Blks 25 & 26 4M-925 Evanshen Cres.	77-98	98/06/29 98/06/29	56 SF
McNamara 13-98.0038	Ottawa Lots 32 & 33 RP 267 289-297 Beechgrove Ave.	Proposal only	98/07/22	5 TH

OWNER NAME AND RMOC FILE NO.	MUNICIPALITY AND SITE LOCATION	BY-LAW NUMBER	DATE RECEIVED AND DATE APPROVED	PURPOSE OF PART LOT CONTROL BY-LAW
DCR Mgmt. Corp 13-98.0039	Nepean Lots 30 to 56; Blks 122-125 & 127-129, 4M-889 Boulder Way and Saffron Longfields	53-98	98/07/10 98/08/04	39 SF
Larco Homes 13-98.0040	Kanata Blks 51-58 4M-1003 Hearst Way	89-98	98/07/15 98/07/17	39 TH
Monarch Construction Ltd. 13-98.0041	Goulbourn Blks 21,23,24,26 and pt. Blk. 22 4M-973 plus Pt Blk 159, 4M-438 Kyle Ave Crossing Bridge Phase 3B Stittsville	23-98	98/07/20 98/07/30	26 SF
Willowberry 13-98.0042	Goulbourn Lots 19, 20, 23 4M-1002 Caribou Ave. Stittsville	30-98	98/07/20 98/07/28	6 SF
Holitzner Homes 13-98.0043	Goulbourn Pt Blks 306 and 313, M-285 Riverbank Court Stittsville	28-98	98/07/21 98/07/23	4 freehold TH
Denmoor Dev. Corp. 13-98.0044	Gloucester Blk H, RP 876 Valewood Cres. Blackburn Hamlet	142-98	98/07/27 98/08/04	13 SF

OWNER NAME AND RMOF FILE NO.	MUNICIPALITY AND SITE LOCATION	BY-LAW NUMBER	DATE RECEIVED AND DATE APPROVED	PURPOSE OF PART LOT CONTROL BY-LAW
Domicile Dev Inc 13-98.0045	Ottawa Pt Lots 25-27 RP 43586 Old St Patrick St	168-98	98/07/17 98/08/18	16 freehold TH
Ashcroft Homes 13-98.0046	Ottawa Blk 64 4M-1008 Central Park	165-98	98/08/06 98/08/11	13 freehold TH
Ashcroft Homes 13-98.0047	Ottawa Blks 59-63 & 65 4M-1008 Phase 1B	166-98	98/08/11 98/08/13	38 freehold TH
Patten Dev Corp 13-98.0048	Goulbourn Pt Blks 201 and 202, 4M-794 & Blk 1, 4M-374 Forest Creek Stittsville	34-98	98/08/14 98/08/31	66 TH
Tartan Dev. Corp. 13-98-0049	Nepean Pt Blk 39 4M-979 Vermont Ave Davidson Heights	70-98	98/08/21 98/08/26	5 SF
Claridge 13-98-0050	Ottawa Pt Lots 27-30 RP 27267 418 Somerset St at Kent St	Proposal only	98/08/31	17 TH
Rycliffe Homes 13-98-0051	Nepean Lot 24 4M-549 Hyannis Ave	Proposal only	98/09/08	2 SF

OWNER NAME AND RMOF FILE NO.	MUNICIPALITY AND SITE LOCATION	BY-LAW NUMBER	DATE RECEIVED AND DATE APPROVED	PURPOSE OF PART LOT CONTROL BY-LAW
Minto 13-98-0052	Kanata Blk 91, 4M-1007 Meadowbreeze Dr Emerald Meadows	Proposal only	98/09/08	24 TH

NOTICE OF APPEAL

Specific Parts of the City of Ottawa Zoning By-law, 93-98

1. **Temporary EW (Waterway Corridor) and L (Leisure and Open Space) subzones for lands corresponding with the "Waterfront Open Space" and the "Urban Open Space" designations in the 1997 Regional Official Plan**

Delete the Temporary EW and the Temporary L subzones where they correspond with the "Waterfront Open Space" and the "Urban Open Space" designations in the Regional Official Plan (see ROP schedules B and I) and replace them with the appropriate permanent EW or L zone or subzone as the case may be.

Grounds for appeal

The Regional Official Plan designates open space along the Ottawa and Rideau Rivers and along the Rideau Canal as "Waterfront Open Space". It also designates other major open space corridors as "Urban Open Space".

"Waterfront Open Space" development is restricted to open-air recreation which does not affect the natural environment and small-scale recreational, commercial or institutional ancillary uses which do not detract from the natural environment.

In "Urban Open Space" new uses are required to maintain the open space character of the corridors. Both these designations are mirrored in the City of Ottawa Official Plan by the Greenway System designations of "Waterway Corridor", "Linkage" and "Major Open Space". The uses permitted in these designations are restricted to leisure uses that are integrated with or which enhance the natural environment.

The range of uses that would be permitted in the Temporary EW and L subzones (e.g. retirement home, storage yard, diplomatic mission and many others) goes far beyond what the Regional and City Official Plans permit and clearly does not conform with both these Plans.

On the other hand the permanent uses proposed for the EW and L zones are fully in accord with both Official Plans and are supported.

2. **McCarthy Woods - IL zone (zoning maps 27-7, 29-2) and zone L3-tp5 (zoning map 29-2)**

Delete zone IL (zoning maps 27-7 and 29-2) and zone L3-tp5 (zoning map 29-2) and replace these zones with an ES zone, an environmentally sensitive area zone.

Grounds for appeal

The 1997 Regional Official Plan designates McCarthy Woods as a Natural Environment Area A, a significant natural area to be protected. The City of Ottawa Natural and Open Spaces Study also recognizes the significance of McCarthy Woods. The current zoning clearly encroaches on the Natural Environment Area A designation with an industrial zone on the north half of the woods, and a leisure zone on the south half. McCarthy Woods should be zoned ES, an environmentally sensitive area zone, to prohibit uses that may have the potential to impact negatively on the woods.

3. Sections 429, 433 and 445, residential use in Employment Centres

Add "apartment building" and "high-rise apartment building" to the permitted uses in the CE3, CE5 and CE9 subzones, Sections 429, 433 and 445 respectively.

Grounds for appeal

Housing should be one of the uses permitted as-of-right in Primary Employment Centres. The City's OP states several times Council's intent to intensify the use around employment centres and transitway stations for housing and mixed use development. But policies back down from Council's vision by saying that this will be done on a site specific basis through secondary planning studies. Studies have not been done and the February 98 staff report to Committee outlines staff's concern about its ability to undertake the studies. The zoning has not changed as a result of the extensive zoning by-law review. Meanwhile, low density development gets built around Primary Employment Centres such as in South Keys, missing opportunities to maximize the use of an expensive public transportation system and to increase choice of places to live and work which are highly accessible by transit.

The 1997 Regional Official Plan requires a mix of uses, such as offices, hotels, services, housing, and community facilities at relatively high densities at Primary Employment Centres (Section 4.3.1, Policy 1). The zoning at Primary Employment Centres permits little residential development and thereby does not conform to the Regional Official Plan and it also does not meet one of the City's four fundamental principles for the 2020Z review of commercial uses, namely to "Facilitate the development of mixed-use employment centres" (see 2020Z, Part XVII). In addition, the Regional Official Plan and the City's Official Plan require mixed-use development including residential use at Confederation Heights. This can all be corrected by adding "apartment building" and "high-rise apartment building" to CE3, CE5 and CE9 subzones (Sections 429, 433 and 445).

4. Minimum FSI for the 300 metres of the CE3 subzones closest to South Keys (zoning map 29-10) and for the southern 300 metres of the CE5 subzone at

Tunney's Pasture (zoning map 9-2) and for the Revenue Canada portion of Confederation Heights (zoning map 31-1)

Amend the minimum FSI to 1.5 for the 300 metres of the CE3 subzones closest to South Keys (zoning map 29-10) and for the southern 300 metres of the CE5 subzone at Tunney's Pasture (zoning map 9-2) and for the Revenue Canada portion of Confederation Heights (zoning map 31-1).

Grounds for appeal

One of the Regional Official Plan objective is to achieve relatively intense, mixed-use developments adjacent to rapid transit centres located in Primary Employment Centres. To achieve this objective the Regional Official Plan Section 4.3.2, Policy 3 specifies a minimum FSI of 1.5, within 300 metres of a rapid transit station at Primary Employment Centres.

5. Section 34 (subsection 2), commercial outlets at Transitway stations

Delete Subsection (2) of Section 34.

Grounds for appeal

A transitway station is permitted in any zone. The RMOC would like to be able to permit within transitway stations small commercial outlets to serve the bus traveler, as for example exists in the Lincoln Fields Transitway Station. It is important to provide services that can increase the level of usage and convenience at rapid transit stations. Small commercial outlets can also increase the station user's sense of safety. Annex A contains a few pages from the Development Opportunities at Transitway Stations (DOTS) study, which was approved by City Council in April 1996. The study strongly recommends the inclusion of small retail and service businesses within the stations (see # 5 in 8.1 on p. 70, #1 in 9.1 on p. 73, and #2 in 9.3.1 on p. 74).

City staff advised that the new By-law does not prohibit small commercial outlets at transitway stations to serve the users of the system. However, we note that since the June 1996 draft of the By-law, a new section has been added to Section 34 (subsection 2) which does not permit an ancillary or other use that is not a working part of the actual rapid-transit network. An ancillary use is defined as a use "that is not a part of the principal use...but which complements the principal use because it meets the needs or demands of a ready-made or captive clientele that live or work in the building, the complex or the vicinity". This definition of ancillary use corresponds to what small commercial outlets at transitway stations do: they are not a working part of the stations but they meet the needs of a ready-made clientele that travel through the stations because they live or work in the vicinity of the stations. The result of 34 (2) is that if a small commercial outlet is not a permitted use in the zone where a transitway station is located,

it will not be permitted at that station. Therefore in order that small commercial outlets continue to be permitted uses at all transitway stations, Section 34 (2) should be deleted.

6. Part III, parking provisions, standard requirements

Add two new sections to the standards parking requirements provisions:

“For development on property any portion of which falls within 400 metres of a rapid transit station outside the Central Area, the parking requirement for uses listed in Tables 48, 50, 51, 52 and 53 may be reduced by 20% of the stipulated minimum. In no instance shall the on-site parking exceed 100% of the minimum requirement for office, post secondary educational institutions and apartment buildings.

For development on property any portion of which falls within 400 to 600 metres of a rapid transit station outside the Central Area, the parking requirement for uses listed in Tables 48, 50, 51, 52 and 53 may be reduced by 10% of the stipulated minimum. In no instance shall the on-site parking exceed 110% of the minimum requirement for office, post secondary educational institutions and apartment buildings.”

Grounds for appeal

The RMOC requests the inclusion of provisions for reduced parking requirements and for maximum parking limits for uses in developments near rapid transit stations outside the Central Area. They will ensure that the supply of parking and the quality of the pedestrian environment in new developments in the vicinity of rapid transit stations support the ROP objective to increase the region-wide transit modal share from today’s level of about 15% to not less than 20% by 2021. To achieve this region-wide target, it will be necessary to increase the overall average transit share at transitway stations to 20%. In view of the importance of this objective, these provisions are required now. The RMOC cannot wait to address this matter in an uncertain future study. The requested amendment is consistent with ROP Section 9.4, Policy 15 a) and b).

The DOTS study noted problems posed by abundant parking in developments near transitway stations (see #9 on p. 66) and recommends reduced parking requirements for developments within 600 metres of a transitway station (see #3 on top of p. 74 and the fifth bullet point under 9.3.2.2 on p. 75).

7. Zoning map 29-10, CS2 zone for South Keys Shopping Centre

Add an exception to the CS2 zone of the South Keys Shopping Centre to establish a 70,000 square metre limit for the gross leasable area of retail space.

Grounds for appeal

To comply with the City and the Regional Official Plan the RMOC requires that an "exception" be added to the CS2 zone of the South Keys Shopping Centre to establish a limit for the gross leaseable area of retail space. This limit is 70,000 square metres.

8. Exception #524 for the CS2 zone for St-Laurent shopping centre

Amend exception #524 for the CS2 zone for St-Laurent shopping centre by adding to the second point the following: "; the maximum of 77,000 square metres GLA excludes movie theatres and recreational and entertainment-type uses existing or proposed as of July 1997."

Grounds for appeal

To comply with the Regional Official Plan the RMOC requires that exception #524 for the CS2 zone for St-Laurent shopping centre be amended by excluding movie theatres and recreational and entertainment-type uses existing or proposed as of July 1997 in the calculation of the maximum 77,000 square metres GLA.

9. Sections 488 and 501 and a new definition for "permanent snow disposal facility" in Section 2

Add in Section 2, a definition of "permanent snow disposal facility" such as:

"PERMANENT SNOW DISPOSAL FACILITY means a use of land for the storage and melting of snow brought from elsewhere and associated site operations such as snow dumping, snow berming, grading and equipment storage. Such facilities may be public or private, permanent or temporary, and may include special environmental features such as perimeter noise and aesthetic berms, a snow melt treatment pond, landscaping and controlled access."

Add the following exception to Sections 488 and 501, outlining the permitted uses in IL and IG industrial zones in which regional snow disposal facility sites are located (zoning maps 8-1, 44-1, 40-5 and 41-3):

"Notwithstanding the permitted uses specified in Sections 488 and 501, a permanent snow disposal facility shall also be permitted."

Grounds for appeal

The meltwater from snow disposal sites has a potentially significant impact on the sanitary sewage system. Under the Sewer Use Control Program, Regional Council may impose

requirements on industries to reduce the potential pollution of local and Regional sewers. In order to have opportunity to assess the impact on the sanitary system and ensure compliance with the RMOC's Sewer Use Control By-law, the Regional Official Plan requires site-specific zoning for snow disposal facilities whether publicly or privately operated. (The definition does not include areas in which snow is simply moved to one portion of a site after being cleared from the rest of the site.)

We ask that the existing Regional snow disposal facilities be permitted on a site-specific basis. The Region operates four sites in the City in which a considerable amount of public investment was involved in terms of land acquisition, berming, retention ponds and access roads. These sites are regarded as permanent. We want these sites recognized as conforming uses in the zoning by-law in case objections (e.g. noise, visual) are raised to their continuation even though they have satisfied all technical requirements.

We are aware that the City intends to undertake a study of zoning of snow disposal sites but as all the sites operated by the Region fall within industrial zoning, we recommend that permanent snow disposal facilities be permitted in industrial zones on a site-specific basis. This could be achieved by appending schedules delineating each of the facilities.

10. Add a new subsection to Section 154 and a new definition of "garage apartment" in Section 2

Introduce a definition of "garage apartment" in Section 2 such as:

"GARAGE APARTMENT means a dwelling unit in a detached garage."

Add the following provision for garage apartments to Section 154:

"154b) Provisions 152 to 154b) except the setback limits set out in rows iii, iv and iv of Table 153 also apply to a garage apartment."

Grounds for appeal

The 1997 Regional Official Plan requires municipalities to allow garage apartments in most residential zones (Section 3.2, Policy 1). The zoning By-law does not address this for detached garages. We request the addition of provisions for garage apartments.

11. 1946 and 1950 Scott Street, R5A subzone, zoning map 7-5

The Region appeals the new R5A subzone for 1946 and 1950 Scott Street. The zoning sought by the Region for its properties at 1946 and 1950 is an exception zone to the Commercial General Zone.

Grounds for appeal

An Ontario Municipal Board hearing took place with respect to these properties in August, 1997. The decision from the hearing has not yet been issued. The evidence adduced by the Region during the hearing was to the effect that some commercial uses, as well as a parking lot, would be appropriate for the property. In addition, the position of the City of Ottawa was that a place of worship would be an appropriate use.

The zoning sought by the Region is an exception zone to the Commercial General Zone. Given that 1946 Scott is an existing paved area which has traditionally provided parking for 1950 Scott, without negatively impacting on the surrounding neighbourhood, the Region seeks that sections 41 and 75 would not apply to these properties as well as the allowance of a parking lot as a permitted use. Further as the parking for 1950 Scott can be found at 1946 Scott, the Region seeks that subsection 343(1) not apply to these two properties. In addition given the layout of the lot at 1950 Scott Street, the Region seeks that there be no setback requirements for non-residential uses.

12. Transition Provisions, Section 618

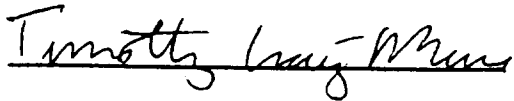
Delete or replace Section 618.

Grounds for appeal

With respect to the matters that are appealed, the 2020Z will of course not come into force until the appeals are allowed and the Ontario Municipal Board's decision is issued or the appeals are dismissed. In the interim, the provisions of Z-2K will continue. In this interim period between 20 May 1998 and the decision of the Board, to be consistent with the *Planning Act* it should continue to be possible to obtain building permits on the basis

of the provisions of Z-2K. As section 618 does not appear to permit this, it is therefore appealed by the Region to the Ontario Municipal Board.

Dated at Ottawa this 10th day of June, 1998.



Timothy C. Marc
Solicitor

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6.0 THE ISSUES

The study revealed several issues of concern that were relevant to both a built-up environment and a suburban greenfields environment. These are summarized below.

1. Accessibility to the station for pedestrians and the effect of station locations and barriers created by infrastructure such as arterial roads and the transitway itself need improvement.
2. Safety, security, convenience, lack of humanization of the transitway stations, and the lack of development of adjacent areas are concerns for passengers and citizens who live and work in areas around the stations.
3. Economic downturns and cut-backs by all levels of government have been powerful disincentives to any kind of development anywhere in the Ottawa-Carleton region.
4. Planning policies and existing development around transitway stations have emphasized office development, and this reliance has possibly impeded a greater mix of development around stations.

Transitway stations have generally been located and built as detached structures with a single function. There is a lack of integration among the uses, and a lack of facilities and services at the stations.

6. Transitway stations themselves have not generally been magnets for development. They are one of many components that support intensive development.
7. On the regional and city-wide scales, the planning policies and strategies for locating and developing intensive land uses around transitway stations are already largely in place. On the community and neighbourhood scales, there has been some success, such as the Blair station. In the best of times, the planned developments take a long time to materialize, and changes are encountered along the way.
8. Higher density residential uses are emerging as an alternative to a heavy reliance on office developments. Increasing local populations can stimulate demand for more local services and facilities.
9. The popular perception that private automobile use is cheaper and more convenient than transit use is reinforced by new developments that provide abundant parking facilities. In this context, transitway stations and the developments around them cannot gain much benefit from the transitway when they are competing with other locations.
10. Development and redevelopment in built-up areas present challenges of compatibility and integration with the existing development and community. In suburban greenfield locations, these aspects can be addressed during the detailed planning stage.

However, the challenge posed by these suburban locations is that various components of planned activity nodes around transitway stations have developed at different times. In some instances, such as Baseline, the station has preceded some of the future development on adjacent lands in order to serve other existing facilities, such as Algonquin College.

8.0 ECONOMIC STRATEGIES

The most significant impediment to development of any kind in Ottawa-Carleton, including development at transitway stations, is the economic situation. Federal employment cut-backs and restructuring, along with cut-backs at all other levels of government including their boards and agencies (eg. colleges, universities, school boards and hospitals) have collectively contributed to a low level of confidence and security.

Recent announcements to lift wage freezes on federal workers are small but important positive signals to the local economy. The strength of the local high technology sector in the form of companies such as Newbridge Networks and Corel is also helpful.

Therefore, in addition to the application of transit-supportive land use planning principles and policies, there are some economic incentives that can be explored to stimulate development at transitway stations.

8.1 INCENTIVES FOR DEVELOPMENT

To help make the developments actually occur, a number of incentives are listed below. Many of these incentives have an economic aspect in response to the greatest disincentive to development, which is current economic conditions. These conditions require a long-range view to be taken in expectations for development. The incentives are also directed toward getting more people to use the transitway rather than their cars.

1. Develop a coordinated regional marketing strategy for locations around transitway stations to present an array of choices for prospective developers from outside the region. This will enhance the marketability of the region as a whole, and facilitate planning for any needed upgrades in infrastructure in a coordinated way.
2. Adjust or eliminate development charges for targeted land uses, as the City of Ottawa has done, to stimulate development.
3. Maximize flexibility of land uses and performance standards, and eliminate unnecessary provisions which serve as obstacles to development around transitway stations. Flexibility must be achieved, however, in a manner that respects established surrounding neighbourhoods.
4. Use public lands as a resource for joint-venture developments or a land bank to be made available to private development.
5. Use the transitway stations as incubators for small businesses and services, such as convenience stores and dry cleaning outlets, by providing incentives and preferential rates and operating policies. Retail businesses and services need support in the form of preferential rates and marketing support to get started.

9.0 IMPLEMENTATION STRATEGY

The following is a set of action recommendations to implement the study. They are presented by major topics, such as land use and marketing, and they are also presented as short, mid, and long-term implementation measures. The short-term action means steps that can be taken in the next six months to a year. Mid-term action means within the next two to five years. Long-term action means steps that are expected to be carried out after five years.

The following measures are put forward as steps that can be taken immediately by OC Transpo, the RMOC, the City of Ottawa, and the other local municipalities.

9.1 SHORT-TERM ACTION

1. Allow more food vendors, coffee carts, and other small businesses to operate freely in the stations. In this way, the station can act as an incubator environment for small businesses that might occupy larger quarters next to the station as they become available.
2. Install clearer route and destination information for passengers, especially new riders in developments around stations.
3. Enable local retailers, services, and community associations space and facilities to advertise and promote community attractions.
4. Install better lighting and more emergency telephones at the stations to improve passenger safety and security during off-peak hours, until the area around the station develops more fully.
5. Provide more bicycle parking facilities at stations to promote more intermodal travel and improve convenience for passengers who live and work in areas around the station.
6. Identify, construct and maintain appropriate pedestrian pathway connections between stations and destinations, such as Baseline station, and use existing pedestrian paths wherever possible.

9.2 MID-TERM ACTION

1. When redeveloping, relocating or building new stations provide more passenger amenities and a safer environment, such as a wider platform, so the station is a positive environment for passengers who live and work in areas around the stations.
2. Install traffic-calming measures, such as road narrowings and pedestrian islands on arterial roads where pedestrians need to get access to transitway stations, to better integrate the adjacent developments with the transitway station. These are needed primarily on Regional roads such as Scott Street and Woodroffe Avenue.

3. Local official plan and zoning policies relating to development at transitway stations should incorporate provisions that substantially reduce or eliminate required parking for high-density employment and/or residential developments at transitway stations, and allow for shared parking and the eventual reduction or elimination of provided parking, as some municipalities such as Gloucester have done.

9.3 LONG-TERM ACTION

These measures are intended to provide the Regional and local municipal governments and other stakeholders with programs and policies for the long term.

9.3.1 MARKETING AND ECONOMIC DEVELOPMENT STRATEGY

These actions will need to be carefully coordinated with the City of Ottawa, the Region, OC Transpo, other area municipalities and other stakeholders for success.

1. The Region and local municipalities that have existing and planned transitway routes and stations should develop a common marketing strategy to offer to prospective developers seeking Ottawa-Carleton locations with high levels of transit service. This should be coordinated with a broad common regional economic development strategy.
2. OC Transpo should encourage retailers and service businesses to locate within transit stations. If needed, various marketing and leasing incentive techniques which are commonly used by private sector land owners should be considered. These can include preferential rent structures with maintenance and tenant fix-up allowances, or coordinated marketing or advertising for retail tenants.
3. The Region, local municipalities and province should consider the possibilities of new local municipal powers and responsibilities to provide incentives for transit use, such as preferential fares and disincentives for auto use. Where the provincial authority is not available, the Regional and local municipalities should request special enabling legislation.
4. The federal, regional, and local municipal governments and other public agencies, such as crown corporations and school boards are frequently major landowners in and around transitway stations.

A coordinating body is needed to ensure a common vision and purpose for the eventual use and development of these lands around transitway stations.

5. If the collective will exists and there is a common vision, joint venture opportunities between public and private-sector owners are possible and desirable.

9.3.2 LAND USE POLICIES

1. Regional Official Plan policies relating to employment centres, and transportation and transitway facilities should incorporate provisions that:
 - Give greater priority to pedestrian movement and accessibility at principal transitway stations, even over vehicular movement.
 - Provide levels of service standards for pedestrians comparable to those for roads and transit. Initial research on these standards is under way locally and elsewhere.
 - Make passenger safety, comfort and convenience priorities in transitway design.
 - Give priority to physically locating and integrating stations with major public and community facilities and major private-sector facilities, such as office complexes and shopping centres, whenever possible.

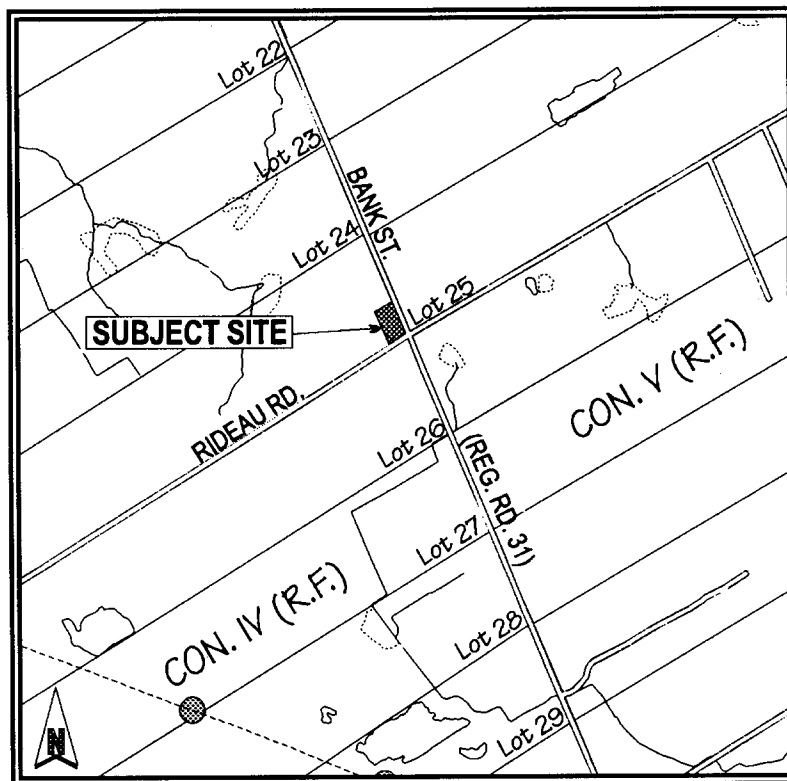
2. Local official plan and zoning policies relating to development at transitway stations should incorporate provisions that:
 - Follow the proposed amendments to the Regional Official Plan as listed above.
 - Ensure compatibility of form and function of new developments around stations with existing communities.
 - Reduce or eliminate unnecessary zoning provisions which serve as obstacles to development.
 - Develop a single mixed-use transitway station area development zone that permits all forms of the desired land uses--public, institutional, commercial, residential (including smaller units) and a limited amount of light industrial--at medium and high densities. As per current practice, the average Floor Space Index minimum should be (1.0).
 - Utilize incentive zoning for additional development, with minimal requirements or provisions for parking for developments located within 600 m walking distance of a transitway station, subject to the adequacy of infrastructure
 - Through zoning amendments, enable developments within 600 m of a transitway station to have consolidated off-site parking areas.
 - Follow the suggested general principles of design and development as set out in this report.

APPEAL SUMMARY REPORT

DATE: 16 September, 1998

SUBJECT: **APPEAL TO OMB**
CITY OF GLOUCESTER COMMITTEE OF ADJUSTMENT
APPLICATION DP151/B9816 (APPLICANT: MR. GAS)

LOCATION:



SUMMARY OF THE APPEAL

On 27 May, 1998, the City of Gloucester Committee of Adjustment approved an application to sever a parcel of 0.3 ha from an overall holding of 0.7 ha. The property is in the General Rural Area on Regional Road 31 (Bank Street). The severed portion is an existing gas bar and the retained portion is vacant and proposed to be for a commercial use. Both the local planning staff and the regional planning staff recommended against approval.

The property is located in an area where contaminated groundwater precipitated the installation of a regional water service in the 1970s. This pipe is at capacity and no new lot creation is permitted. The City of Gloucester's Official Plan specifically prohibits the

creation of new lots in the vicinity of South Gloucester (the area in question) and the Regional Official Plan prohibits the creation of new lots beyond the stated capacity.

When the Committee of Adjustment at the City of Gloucester approved the application, they recognized that no potable water exists at this location. Therefore, they approved it subject to a condition:

“that the retained portion be rezoned to permit commercial uses that do not involve water usage as part of their business and that the zoning be similar to Section 9.1.1.c of Zoning By-law 222 of 1984, as amended”.

Approving the creation of a lot based on this condition raises many concerns for the staff of the Region. They are summarized below:

1. Section 3.7.4 of the Regional Official Plan, Policy 7 states:
“Council shall ensure that residential and non-residential development in General Rural Areas does not occur on land unsuitable for development, taking into account such things as and the quality and quantity of groundwater.”
The groundwater in this location is contaminated or at risk of contamination from adjacent lands. Since the Plan intends that a good supply of water be in place prior to approving development, this should not be approved.
2. Section 10.3.7 of the Regional Official Plan permits development in areas with regional services, up to the capacities shown in Table 14. This pipe is at capacity and therefore cannot support additional development.
3. It is not good planning to create new lots in Ottawa-Carleton that cannot meet the fundamental requirements of the building code in regard to the provision of potable water. Where an existing property finds its water source to be contaminated, alternative sources of water will be investigated but to create a new lot with this major handicap is unacceptable.
4. Few commercial uses require no potable water. A storage facility without staff on site is conceivable. In regard to fire protection, there are hydrants in the street and the Region would provide access to them in case of fire.
5. Once this is a lot of record, the general assumption will be that the lot must have been created on the basis of all the usual requirements (including water). Over time, properties change hands and staff and politicians forget the history of a property. If a future owner applies for a zoning by-law amendment on this property, how do we ensure that all parties remember the lack of potable water in their consideration of the application?
6. The potential cumulative impact of this approval is very real. To date, when landowners ask regional staff if a severance would be permitted, we tell them that it is

not. Many potential applicants have been discouraged in this fashion. How do we ensure fairness for all landowners?

7. The condition refers to a section of the current zoning by-law being Section 9.1.1 c) as a model. This says:

“where the suffix “R” is appended to the zone designation of an industrial zone:

- i) no industrial use shall be permitted which requires the use of water in any processing operation;
- ii) no industrial use shall be permitted which has as a by-product water-borne wastes requiring municipal waster treatment”.

This is an inadequate model for the property in question. In this case, no use shall ever be permitted that requires a source of potable water for the activity, the occupants, the clients and so on.

For these reasons, regional staff recommended that the application not be supported and further that its approval now be appealed to the Ontario Municipal Board.

RECOMMENDATION

That Planning and Environment Committee recommend Council confirm Regional staff's appeal to the Ontario Municipal Board of Gloucester's Committee of Adjustment's approval of application DP151/B9816 described above.

Attach: Copy of Regional Staff Comments to City of Gloucester (08 April, 1998)

Copy of City of Gloucester Decision Notice (09 June, 1998)

Copy of Letter of Objection to the Ontario Municipal Board (29 June, 1998)

Regional Municipality of Ottawa-Carleton
Ottawa-Carleton Centre, Cartier Square
111 Lisgar Street, Ottawa, Ontario K2P 2L7

Planning and Development Approvals
Department
Tel. (613) 560-2053
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Municipalité régionale d'Ottawa-Carleton
Centre Ottawa-Carleton, Place Cartier
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Service de l'urbanisme et de l'approbation des
demandes d'aménagement
Tél. (613) 560-2053
Télécopieur (613) 560-6006

Date: 08 April, 1998
File: 23-98.0021
Ms. Cathlyn Kaufman, Secretary Treasurer
Committee of Adjustment
The Corporation of The City of Gloucester
Box 8333
1595 Telesat Court, Gloucester, Ontario
K1G 3V5

Dear Ms. Kaufman

Re: **Consent Applications**
Hearing of April 15th, 1998

The following consents have been reviewed by the Planning and Development Approvals Department with input from our Environment and Transportation Sections. We offer the following comments for your Committee's consideration:

DP151/B9814
Estate of Wilbert Boyce

The Planning and Development Approvals Department has reviewed the noted application and offers the following:

Servicing

No water service will be permitted to this site.

Widening

In accordance with the Regional Official Plan, the Region has a widening requirement across the complete Bank Street (Regional Road #85) frontage measuring 20 metres from the existing centerline of pavement to bring the existing Bank Street right-of-way to 40 metres. The exact widening must be determined by legal survey.

The widening must be conveyed to the Region of Ottawa-Carleton prior to construction on the site or on the Regional Road.

The owner shall provide a Reference Plan for registration, indicating the widening. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys.

No permanent features will be permitted above and below grade within the widened right-of-way or corner triangle, including commercial signage.

DP151/B9815

Porcari

The Planning and Development Approvals Department has no objection provided that:

Separate water services complete with meters are installed in accordance with the Regional Regulatory Code and to the satisfaction of the Environment and Transportation Commissioner.



DP151/B9816

Mr. Gas Limited

The proposed consent is located on Regional Road # 85 (Bank Street) along the South Gloucester water extension main. The watermain which extends south on Bank Street to Regional Road # 8 was constructed to remedy a health problem. There is no capacity for additional development. **No water service will be permitted to this site.**

As no new development is permitted on private services we request that this application be denied.

DP151/B9817

Guy Belanger

The Planning and Development Approvals Department has no objection provided the following is included as a condition of severance:

That all outstanding frontage charges be paid (Part Lot 144) pursuant to Subsection 4.1.6 (2) of the Regional Regulatory Code. Water service connections will be denied subject to full payment.

Jeff Ostafichuk
Development Approvals Division

JO



DECISION NOTICE
COMMITTEE OF ADJUSTMENT
FOR
THE CITY OF GLOUCESTER

In the case of **MR. GAS LIMITED** whose application was heard by the Committee of Adjustment for the City of Gloucester on **APRIL 15 and MAY 27, 1998**, properties legally described as **LOT 25, CONCESSION 4, RIDEAU FRONT; PARTS 1 & 2, PLAN 5R-7859; 5026 HIGHWAY 31, CITY OF GLOUCESTER**; due notice of such hearing having been sent as required by the Committee of Adjustment.

It is the decision of the Committee that it **CONDITIONALLY APPROVE** the following Consent application on behalf of **MR. GAS LIMITED** to convey a parcel of land having irregular frontage on Highway 31 of 63.06m, a depth of 54.58 m and an area of 0.3167 ha indicated as **PART 2** on the submitted sketch. There is an existing gas bar and convenience store located on the property municipally known as 5026 Highway 31.

The retained parcel of land has frontage on Highway 31 of 60.96 m, a depth of 57.79 m and an area of 0.3483 ha indicated as "**PART 1**" on the submitted sketch. This land is vacant.

The Applicant is proposing to create a commercial lot. A previous severance, B-20/87, was allowed to lapse.

On April 15th, 1998, **Martin Vervoort of Maclaren Corlett** represented the applicant at the meeting. He requested a deferral in order to discuss with Planning staff a possible compromise to their severance request as a result of the Planning report regarding the lack of water availability along the Bank Street line. This deferral was granted by the Committee and rescheduled to the May 27th, 1998 meeting.

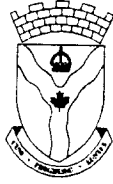
On May 27th, 1998, Mr. Vervoort was again present. He updated the members of the meeting held with Planning staff and stated that a compromise was not reached. Some of the options discussed were: site plan agreement, covenant on the deed, register the Decision Notice on Title, register an agreement with the Region, a use which does not require water and/or Mr. Gas would hold onto the property. Because the Official Plans are very specific: that development along the Bank Street line must be serviced through the Region's water system, an approval of this application could not be recommended. As well, the Region was concerned that a "flood gate" of applications would occur should approval be given. The Committee discussed several options which may help the applicant, one of which was to rezone the property with the suffix "R", similar to an Industrial zone designation which uses this suffix where water is not available. Though the Committee recognizes that approval of this application would go against the Official Plans, a decision was rendered to approve the application pending a rezoning application approval by Planning Advisory Committee and Council.

The severance is approved subject to the following conditions to be fulfilled within one year from the date of this letter:

- a) Prior to the stamping of the Deed(s), both the retained and severed parcel meets Zoning By-law requirements.
- b) That the retained portion be rezoned to permit commercial uses that do not involve water usage as part of their business and that the zoning be similar to Section 9.1.1.c of Zoning By-law 222 of 1984, as amended.

Regional Municipality of Ottawa-Carleton
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Legal Department

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29 June 1998

File: O.1.2.38

Committee of Adjustment
City of Gloucester
1595 Telesat Court
Gloucester, Ontario
K1G 3V5

Attention: Lillian O'Neil
Assistant Secretary-Treasurer

Dear Ms. O'Neil:

Re: Ontario Municipal Board
City of Gloucester Committee of Adjustment
Application DP151/B9816 (Applicant - Mr. Gas)

The Regional Municipality of Ottawa-Carleton hereby appeals the City of Gloucester Committee of Adjustment Application DP151/B9816 to the Ontario Municipal Board, pursuant to the *Planning Act*, section 34. The reasons for this appeal are as follows:

1. The lands are legally described as Lot 25, Concession 4, Rideau Front: Parts 1 & 2 Plan 5R-7859 (5026 Regional Road 31). The application request was for a 0.3 ha. (0.7 ac.) lot to be severed from an overall holding of 0.7 ha. (1.6 ac.) parcel. Located on the lot to be severed is a gas bar and convenience store while the retained lands are vacant.
2. There is a Regional water line known as the South Gloucester Water Extension which runs along Regional Road 31 (Bank Street). This line was installed to remedy a health problem and there is no capacity available for the creation of new lots. Capacity maximums are identified in the Regional Official Plan. The Gloucester Official Plan specifically precludes development where capacity does not exist and prevents development on private services.
3. The subject lands are designated "General Rural Area" in the Regional Official Plan and "Limited Development" with a "Mineral Resources" constraint in the Local Official Plan. Therefore, the consent does not conform to the Regional and Local Official Plans.
4. Such further and other grounds as counsel may advise and the Ontario Municipal Board permit.

Enclosed please find a cheque in the amount of \$125.00 made payable to the Minister of Finance.

Yours sincerely,

A. Taschereau-Moncion

Alexia Taschereau-Moncion
Solicitor

AT-M/tg

Attach. (1)

cc: Brian Faddies, DAD

