

REGION OF OTTAWA-CARLETON  
RÉGION D'OTTAWA-CARLETON

REPORT  
RAPPORT

Our File/N/Réf. (25) 09-96-0041  
 Your File/V/Réf.

DATE 8 March 1999

TO/DEST. Co-ordinator Planning & Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **CITY OF OTTAWA COMPREHENSIVE ZONING  
 BY-LAW (20/20Z) - RESOLUTION OF REGION'S  
 APPEAL - WATERWAY CORRIDOR AND  
 LEISURE AND OPEN SPACE ZONES -  
 TEMPORARY USE**

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### DEPARTMENTAL RECOMMENDATION

**That the Planning and Environment Committee recommend that Council endorse the proposed settlement of the appeals by the Region and the National Capital Commission of the temporary use provisions in the Leisure and Waterway Corridor Zones in the City of Ottawa Zoning By-law.**

### BACKGROUND

One of the elements of the City of Ottawa's Comprehensive Zoning By-law (20/20Z), which the Region appealed, was the provision that permitted from 20 May 1998 to 19 May 2001 a range of uses in the Waterway Corridor and Leisure and Open Space Zones which did not conform to the corresponding designations of Waterfront Open Space and Urban Open Space in the Regional Official Plan.

These uses (e.g. retirement home, storage yard, diplomatic mission and many others) correspond very closely to what was permitted under the "P" and "G" zones under the previous zoning by-law (Z2K). The City decided to in effect extend the old, more permissive, zoning for three more years to address an objection by the National Capital Commission that their lands were being effectively frozen under the new zoning without such lands being the subject of secondary studies, as called for in the City's Official Plan, to determine boundaries and appropriate uses. The intent was to provide time for the secondary studies to be undertaken.

The Region appealed the provision as it provided a three year period in which uses contrary to the Regional Official Plan could be developed. The NCC appealed the provision because it would

expire in 2001, with no guarantee that the necessary studies and appropriate zoning changes would be complete by then.

## DISCUSSION

As a result of staff negotiations between the Region, City and NCC, agreement has been reached on a process which satisfies the three parties and which will allow both the Region and the NCC to withdraw their appeals. This process is attached as Annex I and its key elements are set out below.

- The City will enact a holding by-law for the Waterway Corridor and Leisure and Open Space zones which will require secondary planning studies for the various open space corridors be undertaken and implemented by an official plan amendment or zoning by-law before the holding provision is lifted.
- Until the secondary planning is complete, development proposals may be considered but will be evaluated against a list of nine criteria (see point 10 of Annex I).
- The City will commit the necessary resources to undertake the secondary planning studies within timeframes established annually.

Once the holding by-law has been adopted and come into force, the Region will withdraw its appeal.

*Approved by  
N. Tunnacliffe, MCIP, RPP*

Attach

NTB/kc

***Proposed Approach to Resolve  
NCC and Regional Appeals to  
City of Ottawa By-law 93-98***

***PURPOSE***

1. To resolve the NCC and Region of Ottawa-Carleton appeals to By-law 93-98 without the need for a lengthy and expensive arbitration hearing before the Ontario Municipal Board.
2. To establish a clearly defined secondary planning process to establish the appropriate range of uses and boundaries of individual corridors within the conceptually-designated Greenway System.
3. To establish the zoning mechanism to maintain existing zoning rights for lands within the conceptually-designated Greenway System, while also controlling development until such time as:
  - i) the secondary planning process is completed for a specified corridor, or
  - ii) independent development proposals have been evaluated on the basis of established criteria through the legislated planning process (eg. zoning or site plan).

***APPROACH***

***Mechanism***

4. Establish 'exception' zones for all lands within the conceptually-designated Greenway System that maintain the existing zoning provisions established in By-law Z-2K, as outlined in City of Ottawa Staff Report dated January 29, 1998 (ACD1998/1301-020).
5. Include a 'holding' provision, with the above-noted 'exception' zones, which establishes the condition that a secondary planning study to establish the boundary and appropriate range of uses for the corridors within the conceptually-designated Greenway System be completed, as the trigger to lift the holding provision and establish the new land use designations and zones.
6. This holding provision shall be lifted incrementally by City Council as:
  - i) secondary plans, which establish boundaries and uses for individual corridors within the conceptually-designated Greenway System, are

completed on the basis of established criteria (set out in Point 10 below), and implemented by way of Official Plan amendment and/or zoning approval (as set out in Point 9 below);

- ii) independent development proposals – which are brought forward in areas where the secondary plan has not yet been completed – are completed on the basis of established criteria (set out in Points 10 and 11 below), and implemented by way of Official Plan amendment, zoning approval and/or site plan control approval. Where Council lifts the holding provision solely on the basis of a site plan, it will be tied to the approved site plan.

**Process**

7. That the twenty (20) corridors within the conceptually-designated Greenway System form the basis for a comprehensive secondary planning process to establish the appropriate boundary delineations, zoning and range of uses for each corridor.
8. That an open and transparent secondary planning process be designed involving the City, the NCC, the Region, landowners and interested public, as key stakeholders in the process.
9. That the secondary planning processes for the Greenway corridors will result in implementing Official Plan and zoning by-law amendments to ensure a legislative appeal mechanism for all stakeholders.
10. That the determination of the appropriate **boundary delineation, zoning and range of uses** for each Greenway System corridor be evaluated on the basis of the following considerations:
  - i) a full consideration of all objectives and policies in the Regional and City Official Plans;
  - ii) the goals and policies of the federal Plan for Canada's Capital;
  - iii) the features of the corridor, both biophysical and man-made;
  - iv) the Natural and Open Spaces Study (NOSS) with respect to identified natural areas within the corridor;
  - v) the function of the corridor;
  - vi) the nature and context of surrounding land uses;
  - vii) the continuity of the corridor and the degree to which the linear pattern of the Greenway System can be retained and promoted;
  - viii) the connections and access into the corridor; and
  - ix) the owner's intentions for the lands.
11. That until the secondary planning processes for individual corridors are completed, independent development proposals which come forward will be evaluated and processed (as outlined in Point 6(ii) above) on the basis of the considerations listed in Point 10, as well as the following:
  - i) the existing zoning;
  - ii) the current use or activity on the property; and
  - iii) the size of the parcel.

12. City Council's decisions on site specific development proposals shall not be deemed to prejudice the outcome of a broader secondary planning study for the corridor.

**Work Program**

13. The secondary planning process will be initiated and managed by the City of Ottawa based on the following corridors:

1. Ottawa River West \*
2. Pinecrest Creek \*
3. Western \*
4. Richmond / Byron
5. Scott Street
6. Westboro Hydro
7. Island Park Drive \*
8. Experimental Farm \*
9. Champagne \*
10. Rideau Canal \*
11. Rideau River \*
12. Southern Hydro \*
13. Sawmill Creek / Airport Parkway
14. Greenboro
15. Eastern
16. Alta Vista
17. West-East Hydro
18. South-North Hydro
19. Aviation Parkway \*
20. Ottawa River East \*

\* Corridors which include NCC-owned lands

14. The City has identified as one of their priorities the implementation of the Protected Areas identified in the Natural & Open Spaces Study (NOSS).
15. The work program, timing and priority to carry out the secondary planning studies for the corridors will be determined by the City of Ottawa, in consultation with the NCC, Region and key stakeholders on an annual basis.
16. The Region reserves the right to initiate secondary planning on any of the corridors in their ownership. Similarly, should the City of Ottawa not meet the annual time-frames set out in the work program, the NCC may initiate the secondary planning study, and request City Council to lift the holding provision and implement the study by way of Official Plan amendment and/or zoning approval.

**CONDITIONS**

17. The NCC will agree to withdraw their appeal of By-law 93-98 (Appeal #1) on the following conditions:
  - i) That City Council implements the above-noted change to By-law 93-98 for all NCC-owned lands within the conceptually-designated Greenway System and that the appeal period for this change expires without further appeals;

- ii) That City Council commit the necessary staff resources to fulfill the commitments within the defined timeframes as established annually;
  - iii) That the Region withdraws their appeal to By-law 93-98 as it affects NCC lands within the conceptually-designated Greenway System.
18. That City staff agrees to meet prior to March 12, 1999 to address and resolve, where possible, the remaining NCC appeals, as follows:
- Appeal # 2* - Use of Leisure zoning on vacant NCC lands outside the Greenway System;
  - Appeal # 3* - Sites where existing zoning provisions have not been carried forward into By-law 93-98;
  - Appeal # 4* - Sites where the proposed zoning does not adequately recognize existing site uses; and
  - Appeal # 5* - Appeals concerning certain general provisions of By-law 93-98.