

**6. ZONING BY-LAW AND TEMPORARY USE BY-LAW RELATED TO THE CONSTRUCTION OF A RAPID TRANSIT NETWORK**

**RÈGLEMENT DE ZONAGE ET RÈGLEMENT D'UTILISATION TEMPORAIRE LIÉS À LA CONSTRUCTION DU RÉSEAU DE TRANSPORT EN COMMUN RAPIDE**

**COMMITTEE RECOMMENDATIONS**

That Council approve:

1. Amendments to Section 87 of Zoning By-law 2008-250 to permit off-site uses related to the construction of a rapid transit network outlined in Document 2; and
2. An amendment to Zoning By-law 2008-250 to change the zoning of 60 Mann Avenue and Part of 50 Mann Avenue from L1 to L1[xxxx] for a three-year period, as detailed in Document 2 and as shown in Document 1.

**RECOMMANDATIONS DU COMITÉ**

Que le Conseil approuve :

1. des modifications à l'article 87 du Règlement de zonage n° 2008-250 en vue de permettre des utilisations hors site liées à la construction d'un réseau de transport en commun rapide, comme l'explique le document 2; et
2. une modification au Règlement de zonage n° 2008-250 en vue de changer le zonage du 60, avenue Mann, et d'une partie du 50, avenue Mann, de L1 à L1[xxxx] pour une période de trois ans, comme l'explique le document 2 et l'illustre le document 1.

**DOCUMENTATION / DOCUMENTATION**

1. Deputy City Manager's report, Planning and Infrastructure, dated 20 November 2012 (ACS2012-PAI-PGM-00248).  
Rapport de la Directrice municipale adjointe, Urbanisme et Infrastructure, le 20 novembre 2012 (ACS2012-PAI-PGM-0248).

Report to/Rapport au :

Planning Committee  
Comité de l'urbanisme

and Council / et au Conseil

November 20, 2012  
20 novembre 2012

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure

Contact Person / Personne ressource: *Lee Ann Snedden, Manager/Gestionnaire, Policy Development and Urban Design/Élaboration de la politique et conception urbaine, Planning and Growth Management/Urbanisme et Gestion de la croissance*  
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CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N°: ACS2012-PAI-PGM-0248

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**SUBJECT: ZONING BY-LAW AND TEMPORARY USE BY-LAW RELATED TO THE CONSTRUCTION OF A RAPID TRANSIT NETWORK**

**OBJET : RÈGLEMENT DE ZONAGE ET RÈGLEMENT D'UTILISATION TEMPORAIRE LIÉS À LA CONSTRUCTION DU RÉSEAU DE TRANSPORT EN COMMUN RAPIDE**

**REPORT RECOMMENDATIONS**

That the Planning Committee recommend that Council approve:

1. Amendments to Section 87 of Zoning By-law 2008-250 to permit off-site uses related to the construction of a rapid transit network outlined in Document 2; and
2. An amendment to Zoning By-law 2008-250 to change the zoning of 60 Mann Avenue and Part of 50 Mann Avenue from L1 to L1[xxxx] for a three-year period, as detailed in Document 2 and as shown in Document 1.

## RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver :

1. des modifications à l'article 87 du Règlement de zonage n° 2008-250 en vue de permettre des utilisations hors site liées à la construction d'un réseau de transport en commun rapide, comme l'explique le document 2; et
2. une modification au Règlement de zonage n° 2008-250 en vue de changer le zonage du 60, avenue Mann, et d'une partie du 50, avenue Mann, de L1 à L1[xxxx] pour une période de trois ans, comme l'explique le document 2 et l'illustre le document 1.

## BACKGROUND

Construction of the Ottawa Light Rail Transit (OLRT) System is scheduled to begin in early 2013, and Zoning By-law amendments are required in order to facilitate this construction. As such, this report sets out amendments to the Comprehensive Zoning By-law on both a city-wide and a site-specific basis to address the needs of the project.

Council approved the recommended plan for the OLRT in January 2010, and the Minister of the Environment approved the project's Environmental Project Report in August 2010. In July 2012 the project received approval under the *Canadian Environmental Assessment Act*. In these two approved reports, the anticipated construction techniques for the OLRT system, and their impacts, were comprehensively assessed. However, it has become apparent that the Zoning By-law was not written to meet the construction needs of a project of this scale. Therefore, the intent of the proposed city-wide Zoning By-law amendment is to clarify that the construction of a rapid transit network is permitted in all zones.

In addition, a site-specific amendment is required to permit the parking lot for the Sandy Hill Arena at 50 and 60 Mann Avenue to be shared between the arena and the University of Ottawa for a period of three years in order to accommodate parking for the University which will be displaced by OLRT construction.

## DISCUSSION

### *Recommendation 1: Amendment to Section 87 of the Zoning By-law*

Section 87 of the Zoning By-law states that a rapid transit network is permitted in all zones and that the other sections of the Zoning By-law do not apply to a rapid transit network. In order to maintain the intent of these provisions, it is recommended that the Zoning By-law be amended to clarify that construction of a rapid transit network is also permitted in all zones.

*Planning Act and Provincial Policy Statement*

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. The *Planning Act* requires that all planning decisions made by a municipality be consistent with the PPS. Staff are of the opinion that the proposed Zoning By-law amendment is consistent with the matters of provincial interest as outlined in the PPS, particularly those policies related to infrastructure and transportation systems.

Official Plan

The OLRT is a municipal service that would qualify as a generally permitted use, as per Section 3.1, Policy 10 of the Official Plan. This policy addresses the conditions in which Public Utilities and Municipal Services are permitted, and stipulates that public utility facilities and Municipal Services that are authorized under the requirements of the *Environmental Assessment Act* may be permitted in all land-use designations of this Plan.” If a use is permitted in all land-use designations of the Official Plan, then it must also be permitted in all zones of the Zoning By-law; hence the provisions of Section 87 of the Zoning By-law. Furthermore, if a use is permitted to exist in all zones of the Zoning By-law then so too must its construction be permitted in all zones, otherwise the provision would be undermined.

Zoning By-law

Section 87 of the Zoning By-law currently permits a rapid transit network in all zones in the Zoning By-law, and the definition of a rapid transit network includes the OLRT system. This report recommends an expansion of Section 87 such that the related construction, staging and repair works to support a rapid transit network are also permitted in all zones, as detailed in Document 2.

*Recommendation 2: Temporary Use By-law for parking at 60 Mann Avenue*

Construction of the OLRT adjacent to the University of Ottawa will displace approximately 120 parking spaces at the University. This impact can be partially offset by permitting part of the existing parking lot for the Sandy Hill Arena at 50 and 60 Mann Avenue to be used by the University. This report recommends that 92 of the 150 existing spaces in the parking lot be for the use of the University of Ottawa during daytime business hours, Monday to Friday, for a three-year period. On evenings and weekends – the peak periods of operation for the arena – the entire parking lot would remain available for use by patrons of the arena.

*Planning Act and Provincial Policy Statement*

The appropriate tool for an amendment of this nature is a Temporary Use By-law, which is permitted by Section 39 of the *Planning Act*, to be in effect for a period of up to three

years. Staff are of the opinion that the proposed Temporary Use By-law is consistent with the Provincial Policy Statement, particularly those policies related to the efficient use of land and public service facilities. The proposed shared parking arrangement between the University and the arena represents an efficient use of the land because the peak parking demand of each of these uses occurs at different times, making them compatible for shared parking.

#### Official Plan

The Official Plan designation of the subject site is General Urban Area, which permits a broad mix of land uses. The proposed amendment is consistent with this designation and with Section 5.2.1, Policy 13 of the Official Plan, which adopts a Temporary Use By-law as an implementation mechanism for the Official Plan's policies and goals.

#### Zoning By-law

The Zoning By-law currently requires the provision of 78 parking spaces at 50 and 60 Mann Avenue, based on the parking requirements of the arena and the adjacent baseball diamond. Of the 150 existing spaces in the parking lot, 92 are proposed to be for the use of the University. Therefore, approval is required to permit the remaining 58 spaces to be used by the arena, representing a reduction of 20 spaces from the required parking. It is recommended that a new exception be created for this property and that the zoning of 60 Mann Avenue and part of 50 Mann Avenue be amended from L1 to L1[xxxx] for a three-year period, as detailed in Document 2 and as shown in Document 1.

#### RURAL IMPLICATIONS

There are no rural implications associated with this report.

#### CONSULTATION

Notification describing the amendments and the information about the public meeting was provided in The Sun and Le Droit, and was also sent to all registered community groups in the Urban Area. In addition, signs were posted at 50 and 60 Mann Avenue, describing the proposed Temporary Use By-law, and notice was sent to landowners within a 120-metre radius of the site. Comments received and staff responses are outlined in Document 3.

#### COMMENTS BY THE WARD COUNCILLOR(S)

Urban Ward Councillors were made aware of this application.

#### LEGAL IMPLICATIONS

There are no direct legal implications associated with this report.

### RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

### FINANCIAL IMPLICATIONS

There are no direct financial implications.

### ACCESSIBILITY IMPACTS

There are no direct accessibility impacts associated with this report.

### TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

### TERM OF COUNCIL PRIORITIES

The staff recommendations support the following objectives of the City Strategic Plan:

TM3 – Transportation and Mobility: Provide infrastructure to support mobility choices.

SE2 – Service Excellence: Improve operational performance.

### SUPPORTING DOCUMENTATION

Document 1 Location Map for 60 Mann Avenue  
Document 2 Details of Recommended Zoning  
Document 3 Consultation Details

### DISPOSITION

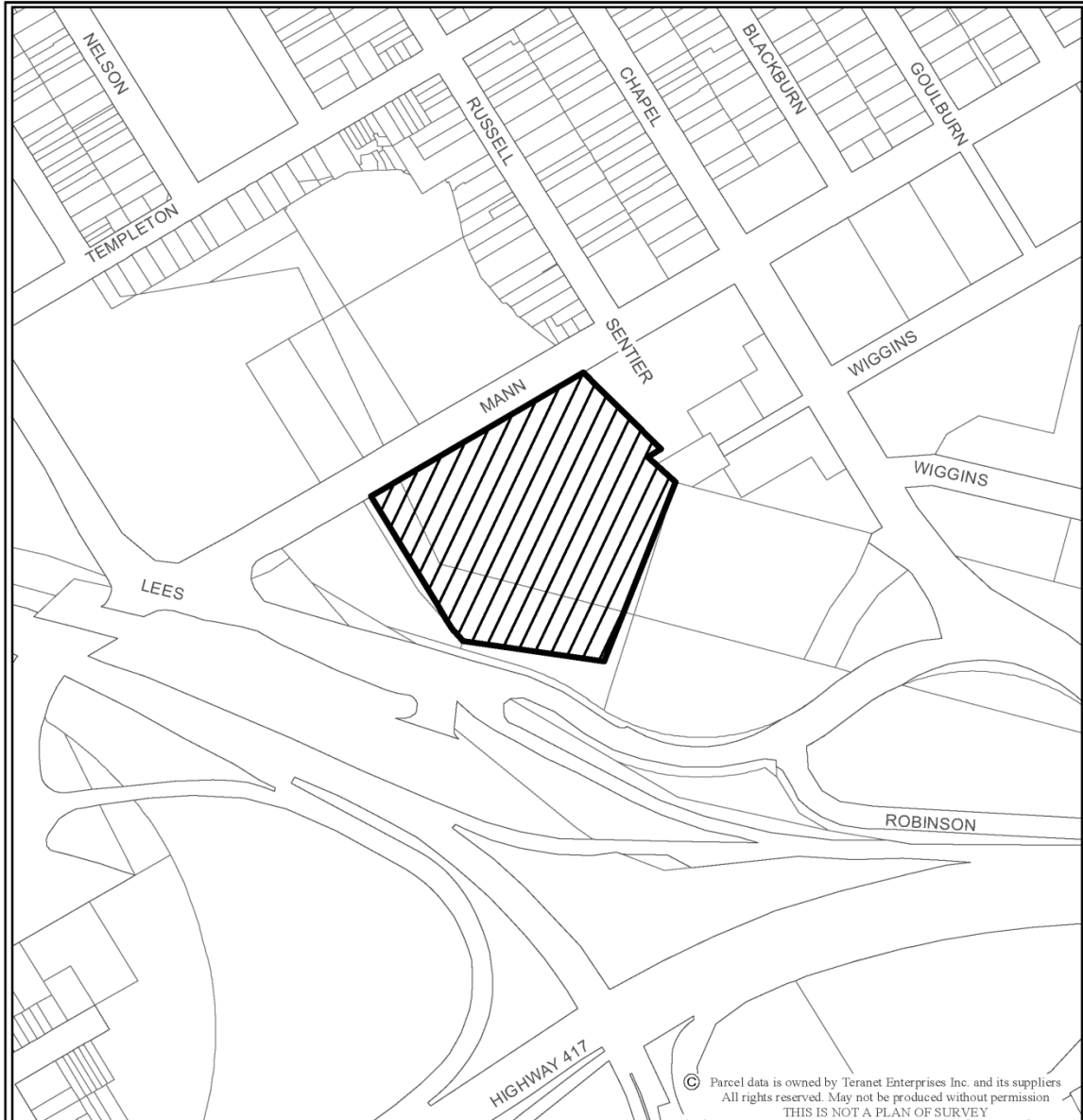
City Clerk and Solicitor Department, Legislative Services to notify the owner, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON, K1Z 8B5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision.


Planning and Growth Management Department to prepare the implementing by-laws for amendments to Zoning By-law 2008-250, forward to Legal Services for submission to City Council, and undertake the statutory notification.

Legal Services to forward the implementing by-laws to City Council.


LOCATION MAP

DOCUMENT 1



  
 Produced by Infrastructure Services  
 and Community Sustainability  
 Produit par le Services d'infrastructure  
 et Viabilité des collectivités

D02-02-12-0072	12-1242
I:\CO\2012\ZONING\Mann_50&60	
2012 / 11 / 16	
REVISION DATE	DE RÉVISION

 **Location Map / Plan de révision**  
**Zoning Key Plan / Schéma de zonage**  
**60 & Part of 50 Mann Avenue**

**Rezone from L1 to L1[xxxx]**

042040269 Denotes Teranet-Polaris Parcel Identification Number

Échelle  
 N.T.S.  
 Mètres



Scale  
 N.T.S.  
 Metres

**DETAILS OF RECOMMENDED ZONING**

DOCUMENT 2

Proposed Changes to the Comprehensive Zoning By-law 2008-250

1. Delete Subsection 87(1) of By-law 2008-250 and replace it with the following:  
(1) A rapid transit network and related construction, staging and repair works to support a rapid transit network are permitted in all zones.
2. Amend Subsection 87(2) of By-law 2008-250 by adding after the words "rapid-transit network" the following words: "and to land used for the construction, staging and repair works to support a rapid transit network."
3. Amend the Zoning Map for By-law 2008-250 for 60 Mann Avenue and Part of 50 Mann Avenue to rezone the property from L1 to L1[xxxx], as shown in Document 2.
4. Amend Section 239 of By-law 2008-250 by adding a new Exception [xxxx].
  - a) Add under Column II – Applicable Zone:  
-L1[xxxx]
  - b) Add under Column III – Additional Land Uses Permitted:  
-parking lot
  - c) Add under Column V – Provisions:  
-the following provisions are in effect for a temporary period of three years from the date of passing of the by-law:
    - (i) despite Table 101, the minimum number of parking spaces required for the use of the lands at 50 and 60 Mann Avenue is 58 spaces;
    - (ii) despite Subsection 100(1), a parking lot comprised of 92 spaces for the exclusive use of the University of Ottawa during normal daytime business hours is permitted



**CONSULTATION DETAILS**

DOCUMENT 3

**NOTIFICATION AND CONSULTATION PROCESS**

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

**SUMMARY OF PUBLIC INPUT**

Comment: The National Capital Commission (NCC) has no objection to the proposed Zoning By-law amendments provided that the City of Ottawa continue to obtain all requisite Federal Land Use Approvals, including the Federal Land Use and Transaction Approval pertaining to the NCC-owned lands at 50 and 60 Mann Avenue. The NCC asks that this approval be granted prior to the adoption of the proposed Temporary Use By-law by City Council.

Response: The City intends to seek and obtain all required Federal Land Use Approvals, including the Federal Land Use and Transaction Approval pertaining to 50 and 60 Mann Avenue.