

Report to/Rapport au :

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales**

and

**Planning Committee
Comité de l'urbanisme**

and Council / et au Conseil

**January 25, 2013
25 janvier 2013**

**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
Élaboration de la politique et conception urbaine
(613) 580-2424, 25779 Leeann.Snedden@ottawa.ca*

CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N°: ACS2013-PAI-PGM-0021

**SUBJECT: COMPREHENSIVE ZONING BY-LAW 2008-250: ANOMALIES AND
MINOR CORRECTIONS - FIRST REPORT 2013**

**OBJET : RÈGLEMENT DE ZONAGE GÉNÉRAL 2008-250 : ANOMALIES ET
CORRECTIONS MINEURES – PREMIER RAPPORT DE 2013**

REPORT RECOMMENDATIONS

That the Planning Committee recommend Council approve the amendments to Zoning By-law 2008-250 recommended in Column III of Document 1 and as shown in Document 3 to correct anomalies in; and

That the Planning Committee and Agricultural and Rural Affairs Committee recommend that Council approve the amendments recommended in Column III of Document 2 and as shown in Document 3, to correct anomalies in Zoning By-law 2008-250.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver les modifications au Règlement 2008-250 sur le zonage recommandées à la colonne III du document 1 et illustrées dans le document 3 afin de corriger des anomalies contenues dans le Règlement; et

Que le Comité de l'urbanisme et le Comité de l'agriculture et des affaires rurales recommandent au Conseil d'approuver les modifications recommandées à la colonne III du document 2 et illustrées dans le document 3, afin de corriger des anomalies contenues dans le Règlement de zonage 2008-250.

BACKGROUND

On June 25, 2008 City Council adopted the comprehensive Zoning By-law 2008-250, which replaced the 36 Zoning By-laws of the former municipalities. Staff have been monitoring the Zoning By-law and identifying anomalies since its adoption, and reports to correct these anomalies and other minor errors have been coming forward to Committee and Council for approval on a regular basis.

DISCUSSION

Section 5.2.3, policy 3 of the Official Plan identifies those anomalies which may be corrected by way of technical amendment; generally speaking, they are minor in nature and are intended to better implement previous approvals of Council. The amendments recommended in this report are intended to correct such errors.

This report recommends amendments pertaining to both the urban and rural areas of the city. Document 1 provides recommendations for the Planning Committee regarding amendments in the urban area. Document 2 provides recommendations for consideration by both the Agriculture and Rural Affairs Committee and Planning Committee regarding amendments in the rural area and amendments to provisions with city-wide implications. Zoning maps that are pertinent to site- or area-specific recommendations are included in Document 3.

RURAL IMPLICATIONS

Rural implications outlined in Document 2.

CONSULTATION

Notice of the public meeting to deal with these anomalies and corrections was provided in The Sun and Le Droit, with a listing of the addresses and provisions subject to correction. As well, interested parties have been individually notified by mail.

COMMENTS BY THE WARD COUNCILLORS

This is a City-wide report – not applicable.

LEGAL IMPLICATIONS

These amendments are to address anomalies arising out of comprehensive Zoning By-law No. 2008-250. There are no direct legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

SE2 – Improve Operational Performance

SUPPORTING DOCUMENTATION

Document 1 List of Anomalies and Modifications to Zoning By-law 2008-250 for consideration by the Planning Committee

Document 2 List of Anomalies and Modifications to Zoning By-law 2008-250 for consideration by the Agriculture and Rural Affairs Committee and Planning Committee

Document 3 Location Maps

DISPOSITION

Planning and Growth Management Department to:

- (i) prepare the implementing by-laws for amendments to Zoning By-law 2008-250 and forward to Legal Services for submission to City Council; and
- (ii) undertake the statutory notification for those by-laws amending Zoning By-law 2008-250.

**LIST OF ANOMALIES AND MODIFICATIONS TO
ZONING BY-LAW 2008-250 FOR CONSIDERATION
BY THE PLANNING COMMITTEE**

DOCUMENT 1

I Item	II Objective of Amendment	III Proposed Amendment
1.1001 Canadian Shield Avenue Ward 4	In 2009, Council approved a Zoning amendment to establish the Mixed Use Centre Subzone 15 (MC(15)) for this site. The by-law enacted by Council introduced wording in Section 192(15)(b)(iii)1 relating to the parking garages. The section provides that “a parking garage shall have a minimum of 80% of the ground floor fronting on a public street, excluding mechanical room and pedestrian and vehicular access, and space occupied by other uses listed under clauses 192(15)(a), (b), or (c). This wording changed the intent from that which was approved in Document 2 of the Planning Committee recommendation. Therefore, it is recommended that this provision be amended to reflect the wording approved by Planning Committee to reflect the intent.	Amend Section 192 of By-law 2008-250 MC(15)(b)(iii) 1. to remove the words “and space” from the third line.
2.540, 544, 556, 558 and 564, River Road Ward 22	540, 544, 556 and 558 River Road were zoned Fg in the former City of Gloucester Zoning By-law. The zone permitted a single family dwelling, provided the lot existed on the passing of the by-law and provided the lots had a minimum of 4.5 metres of frontage. 564 River Road was zoned Fg(E1) which recognized a single family dwelling as a permitted use, acknowledged that the lot had no frontage on a public street and utilized a right of way over 572 River Road. The lots are designated Open Space in the City Official Plan - Riverside South CDP, Greenspace Master Plan and Urban Greenspace Network. Official Plan policy 3.3.1.5 indicates that we should ensure the existing dwellings are zoned to ensure conformity. Each of these lots currently has a dwelling situated thereon. The lots are currently zoned DR which does not recognize an existing dwelling as a permitted use. The proposal is to rezone the lots to DR1 to recognize a dwelling as a permitted use carrying forward the permitted use from the former Zoning By-law. The DR requires no minimum lot width.	Amend the Zone Map of By-law 2008-250 to rezone the properties from DR to DR1 as shown in Attachment 1 to Document 3.
3. 307	This parcel was zoned C2/A.198* in the former	Amend Part 15 Urban

I Item	II Objective of Amendment	III Proposed Amendment
Montgomery Street, Ward 12	<p>City of Vanier Zoning By-law. The former zone permitted an extensive list of non-residential uses including Public Uses and Community Services uses such as a school. When the Comprehensive Zoning By-law was enacted in June 2008 the parcel was placed in a GM F(3.0) H (42) zone. The GM zone included a wide list of non-residential uses including an instructional facility. Instructional facility in By-law 2008-250 is “a business that provides practical instruction or training in an art, hobby, skill or trade; and includes things commonly referred to as a dance or music school or studio, a computer training facility, an art or craft school or studio, a martial arts school and any other similar school or similar studio.” The Official Plan Site Specific policies for former City of Vanier (Volume 2B-Site Specific Policies), envisions institutional uses in the Downtown Commercial District West Sector. The owner has provided evidence demonstrating that the use of this site at the time of enactment of By-law 2008-250 was a school. The zoning strategy with respect to schools adopted in By-law 2008-250 was that they would be permitted in the Minor Institutional zone only. As it has been demonstrated that the use of this parcel was for a school when the New Comprehensive Zoning By-law was enacted and that the Official Plan policies envision institutional uses in the Downtown Commercial District West Sector, the proposal is to rezone the site to recognize a school as an additional permitted use on the site recognizing the continued use of the site for such purpose.</p>	<p>Exceptions adding a new exception [XXX] to add school as an additional land use permitted under Column III.</p> <p>Amend the Zone Map of By-law 2008-250 to rezone the property from GM F(3.0) H(42) to GM F(3.0) H(42)[XXX]to add school as an additional land use permitted as shown in Attachment 2 to Document 3.</p>
4. 2140 Baseline Road, Ward 8	<p>A realignment of Constellation Crescent was completed in March 2011. A road closing application has been approved without appeal and is awaiting enactment of the by-law to register the closure – file no: D07-14-12-0006. The new road alignment creates a parcel with multiple zones. The proposal is to regularize the zoning of the lands to be conveyed with that of the receiving parcel from which a medical office operates.</p>	<p>Amend the Zone Map of By-law 2008-250 to rezone Area A as shown on Attachment 3 to Document 3 from to MCF(2.0)H(34) to MC[1331] F(1.25)H(34) and Area B from I1A[409] to MC F(2.0) H(34).</p>
5.1510 Stittsville Main	<p>The former Goulbourn Zoning By-law zoned 37 metres of the parcel known as 1510 Stittsville</p>	<p>Amend the Zone Map of By-law 2008-250 to</p>

I Item	II Objective of Amendment	III Proposed Amendment
Street, Ward 6	Main Street in CC (Commercial Core). By-law 2008-250 applied a TM9 H(11) zone to similarly zoned lots in this area of Stittsville Main Street. A building used for various commercial businesses exists on this portion of 1510 Stittville Main Street. Zoning to the west of the TM9 H(11) zone are residentially zoned. The entire lot known as 1510 Stittville Main was erroneously placed in the R1D zone. The proposal is to rezone that portion of the lot previously zoned CC in the Goulbourn Zoning By-law to TM9 H(11).	rezone Area A as shown on Attachment 4 to Document 3 from R1D to TM9 H(11).

**LIST OF ANOMALIES AND MODIFICATIONS TO
ZONING BY-LAW 2008-250 FOR THE CONSIDERATION
OF THE AGRICULTURAL AND RURAL AFFAIRS
COMMITTEE AND PLANNING COMMITTEE**

DOCUMENT 2

I Item	II Objective of Amendment	III Proposed Amendment
1.Part1, Section54, Definitions, “Dwelling”, (a) Apartment dwelling, Low rise	<p>There has been some confusion between the terms ‘converted dwelling’ and ‘apartment dwelling, low rise’ because they both mean a residential use building containing four or more principal dwelling units, other than a townhouse dwelling or stacked dwelling. Although the definition of converted dwelling requires that the dwelling form be created out of the altering of an existing residential dwelling to increase the number of dwelling units, and the definitions for apartment dwelling do not require that the use be created through conversion, it is recommended that the terms include these distinctions.</p> <p>Existing Definition:</p> <p>Apartment Dwelling, Low Rise means a residential use building of four or fewer storeys in height containing four or more principal dwelling units, other than a townhouse dwelling or Stacked Dwelling</p>	<p>Amend Part 1, Section 54, Definitions, “Dwelling”, clause (a), to clarify that the apartment dwelling, low rise must be “purpose-built” only.</p> <p>Delete the existing definition and replace with the following:</p> <p>“Apartment Dwelling, Low Rise means a residential use building originally constructed to be four or fewer storeys in height and to contain four or more principal dwelling units, other than a townhouse dwelling or Stacked Dwelling.”</p>
2. Part 1, Section 54, Definitions, “Dwelling” (b)Apartment dwelling, mid- high rise	<p>It is recommended that the term include the fact that it must be a purpose-built dwelling, based on the same strategy as noted above under “apartment dwelling, low rise.</p> <p>Existing Definition:</p> <p>Apartment Dwelling, Mid-High Rise means a residential use building of more than four storeys in height containing four or more principal dwelling units, other than a townhouse dwelling.</p>	<p>Amend Part 1, Section 54, “Dwelling”, clause (b) to clarify that mid-high rise apartments must be “purpose-built” only.</p> <p>Delete the existing definition and replace with the following:</p> <p>“Apartment Dwelling, Mid – High Rise means a residential use building originally constructed to be more than four storeys in height and to contain four or more principal dwelling units, other than a townhouse dwelling or Stacked Dwelling.”</p>
3. Part 1, Section 54, Definitions,	<p>Converted Dwelling is defined as a residential use building that has been altered to increase the number of principal dwelling units to three or</p>	<p>Amend Part 1, Section 54, definition of “Dwelling”, clause (d) converted dwelling, to change the</p>

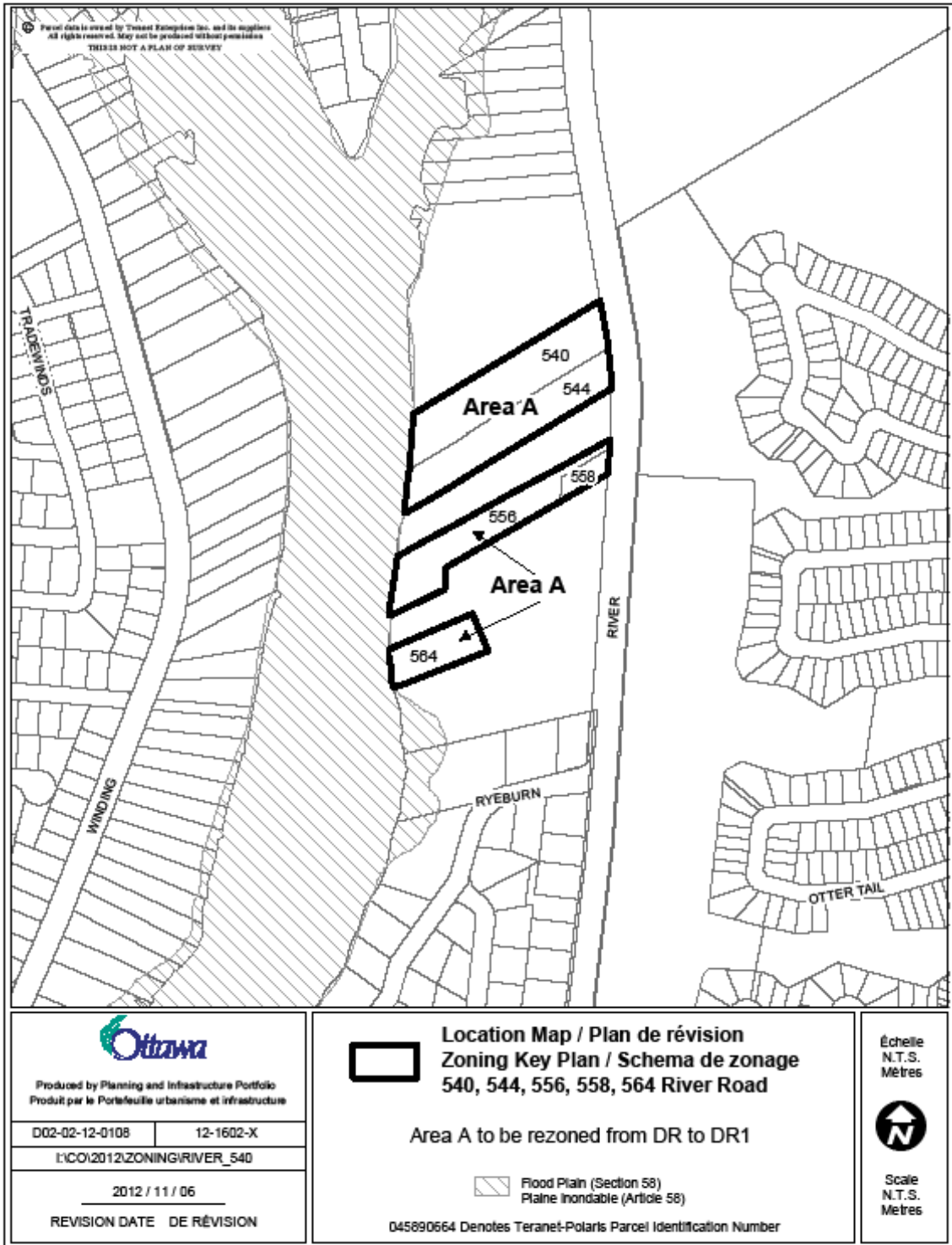
I Item	II Objective of Amendment	III Proposed Amendment
“Dwelling”, (d) Converted Dwelling	more. Most Zoning By-law definitions for this use, including former Ottawa <i>Zoning By-law, 1998</i> , define the use as containing more than three units, or as a minimum of four units, similar to the definition for an apartment dwelling, low rise which includes a minimum of four dwelling units. Now that the three-unit dwelling definition is recommended to be amended so that it may be created either through conversion or be purpose-built, the definition of a converted dwelling should be a dwelling containing four or more principal dwelling units. This will clarify the differences between three-unit dwellings that have been converted, and converted dwellings with a minimum of four dwelling units.	number “three” to “four”.
4.Part 1, Section 54 Definition “Dwelling”, m) Three Unit Dwelling	The current definition restricts a three-unit dwelling to being purpose-built only, containing three principal dwelling units divided horizontally. The definition was originally written to define this dwelling type as being purpose-built or ‘originally constructed’ to distinguish between three unit dwellings that are limited to the R3, R4 and R5 Zones, and duplex dwellings that are permitted in the R2 Zone and that have been converted to contain a secondary dwelling unit. In addition, while there are a number of three-unit dwellings designed with one unit above the other, there are also those designed with a combination of side-by-side and one on top of another totalling three units.	Amend Part 1, Section 54, Definitions, “Dwelling”, m) “three-unit dwelling”: i) to clarify that a dwelling containing three principal dwelling units does not have to be ‘originally constructed to contain three principal dwelling units’ ; and ii) to clarify that the three units may be horizontally divided or a combination of both horizontally and vertically divided.
5.Section 107(2)(b) Aisle and Driveway Provisions	On September 22, 2010, Council approved By-law 2010-307, which addressed technical anomalies and minor corrections of Zoning By-law 2008-250. One such correction reduced the minimum required driveway width for certain residential uses from 3.0 metres to 2.6 metres, which corresponds with the minimum required width of a parking space. The planning report indicated that the amendment was	Delete Subsection 107(2)(b) of by-law 2008-250 and replace with the following: (2) A driveway providing access to: (b) parking spaces for detached, linked detached, semi-detached, duplex, townhouse or stacked dwellings must have a minimum

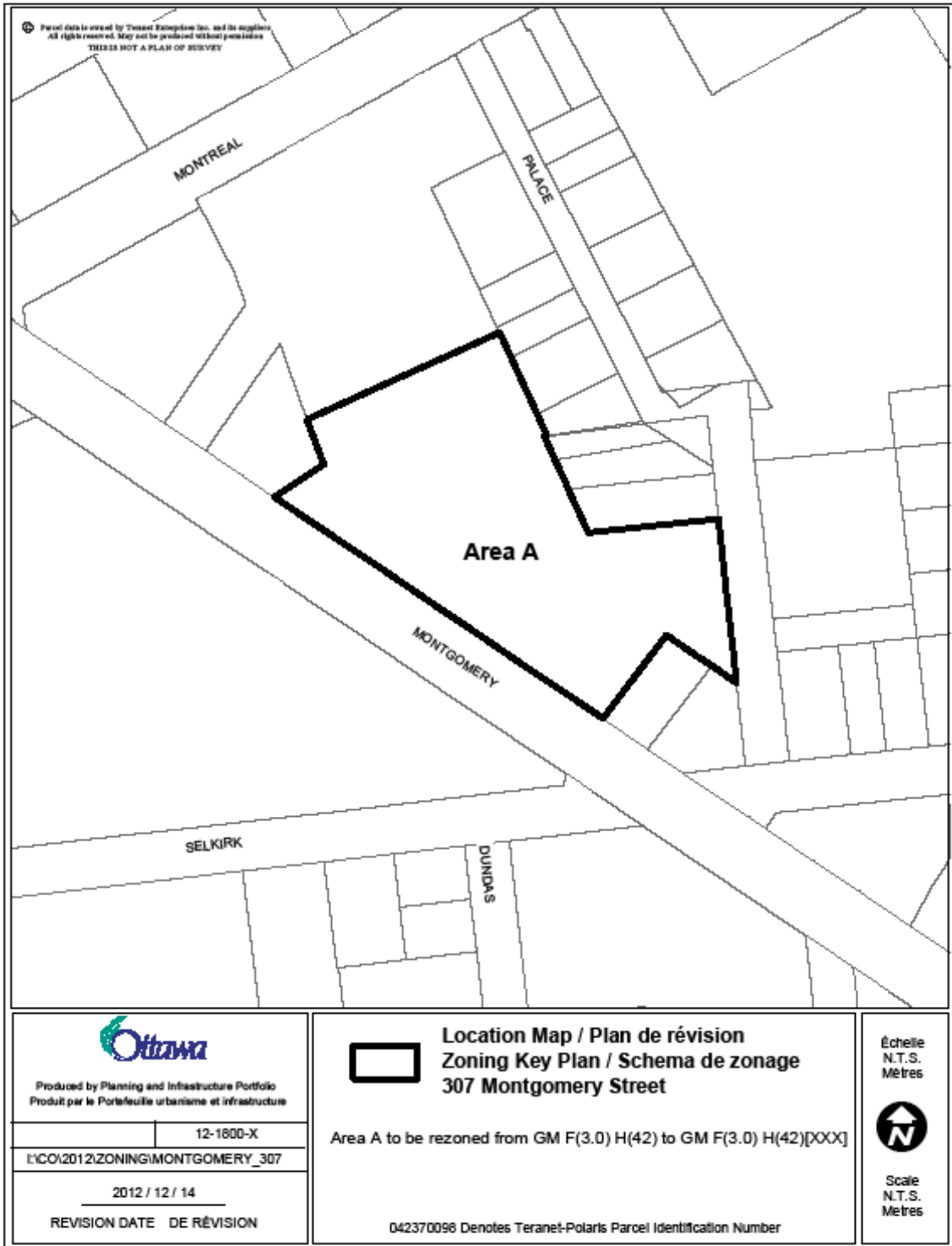
I Item	II Objective of Amendment	III Proposed Amendment
	intended to apply to a driveway “leading to a residential parking space”; however, the language of the Zoning amendment restricted the provision to a driveway leading to a garage or carport and neglected to account for surface parking. It is therefore recommended that Subsection 107(2)(b) be amended to permit a driveway accessing any parking space for detached, linked detached, semi-detached, duplex, multiple attached or stacked dwellings to have a minimum width of 2.6 metres.	width of 2.6 metres.
6.1156 Jinkinson Road, Ward 21	The [1r]-h exception on the west part of Lot 13, Concession 11, former Goulbourn appears to be in error. A map of all the licensed Pits and Quarries sites was obtained from MNR (in the 2006 timeframe) and used as a basis to apply the ME zones. For some reason, the site was not recognized as being licensed when the new Zoning By-law as adopted in 2008. As such the lands were placed in an ME zone with a [1r]-h exception requiring certain issues to be dealt with prior to licensing of the site. As the site has been licensed since prior to the adoption of By-law 2008-250 it is proposed to remove the [1r]-h exception from the zone, resulting in the parcel being zoned ME.	Amend the Zone Map of By-law 2008-250 to rezone Area A as shown on Attachment 5 to Document 3 to remove [1r]-h as it applies to 1156 Jinkinsen Road.

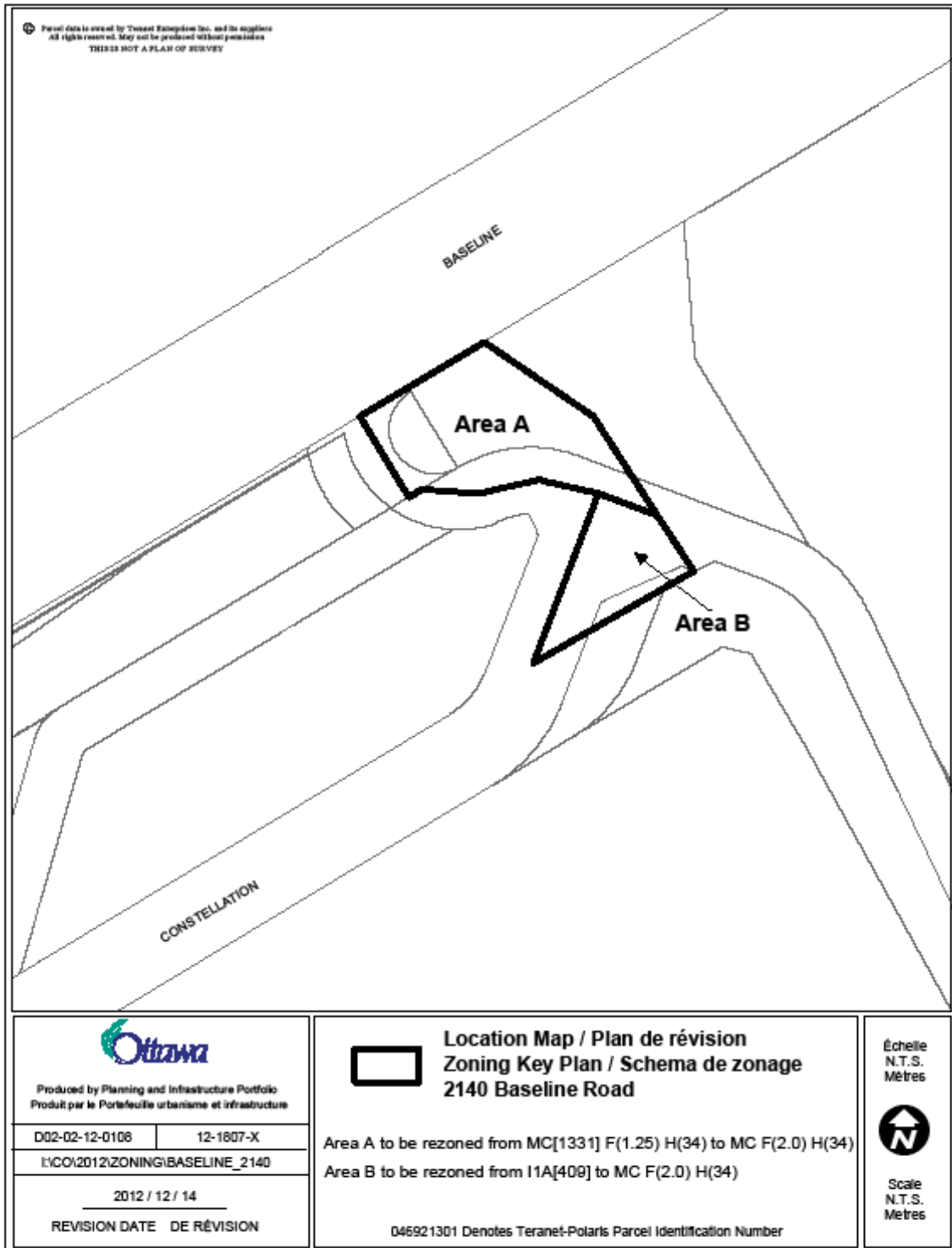
LIST OF SITE-SPECIFIC LOCATION MAPS

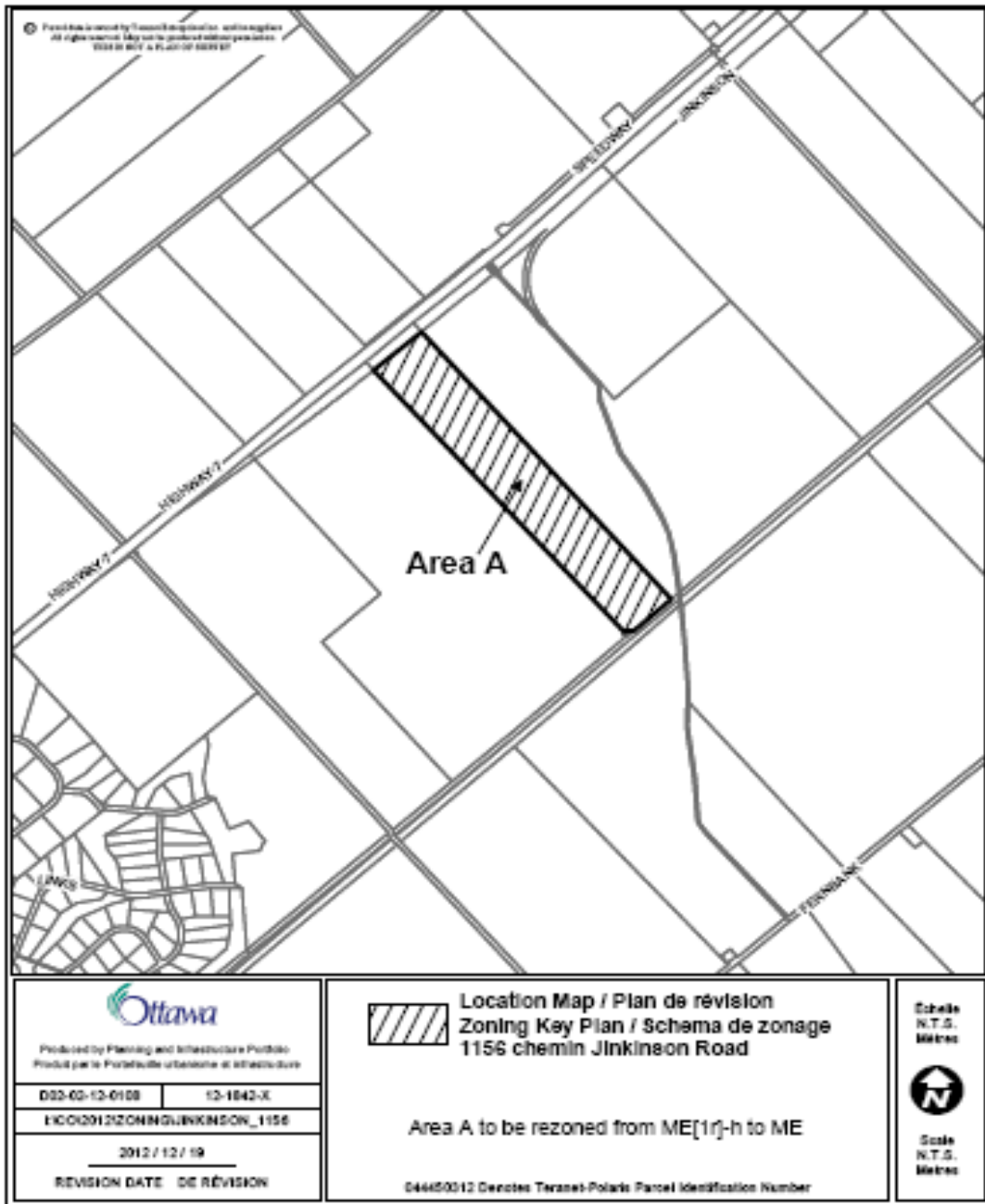
DOCUMENT 3

Location Maps (attached)
Attachment 1: 540, 544, 556, 558 and 564, River Road Ward 22
Attachment 2: 307 Montgomery Street, Ward 12
Attachment 3: 2140 Baseline Road, Ward 8
Attachment 4: 1500 Stittsville Main Street, Ward 6
Attachment 5: 1156 Jinkinson Road, Ward 21









Attachment 5