

**Subject: Zoning By-law Amendment – 3040 and 3044 Innes Road**

**File Number: ACS2023-PRE-PS-0134**

**Report to Planning and Housing Committee on 15 November 2023**

**and Council 22 November 2023**

**Submitted on November 2, 2023 by Derrick Moodie, Director, Planning Services,  
Planning, Real Estate and Economic Development**

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**Ward: Orléans West-Innes (2)**

**Objet: Modification du Règlement de zonage – 3040 et 3044, chemin Innes**

**Dossier: ACS2023-PRE-PS-0134**

**Rapport au Comité de la planification et du logement**

**le 15 novembre 2023**

**et au Conseil le 22 novembre 2023**

**Soumis le 2 novembre 2023 par Derrick Moodie, Directeur, Services de la  
planification, Direction générale de la planification, des biens immobiliers et du  
développement économique**

**Personne ressource: Kelly Livingstone, Urbaniste, Examen des demandes  
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**Quartier: Orléans-Ouest-Innes (2)**

## REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council approve a minor amendment to Zoning By-law 2008-250 for 3040 and 3044 Innes Road to permit a reduced interior side yard setback as shown in Document 1 and detailed in Document 2.
2. That Planning and Housing Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of November 22, 2023” subject to submissions received between the publication of this report and the time of Council’s decision.

## RECOMMANDATIONS DU RAPPORT

1. Que le Comité de la planification et du logement recommande au Conseil d’approuver une modification mineure au Règlement de zonage 2008-250 visant les 3040 et 3044, chemin Innes, afin de permettre une réduction du retrait de la cour latérale intérieure, comme l’illustre le document 1 et comme l’expose en détail le document 2.
2. Que le Comité de la planification et du logement donne son approbation afin que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux « exigences d’explication » aux termes de la Loi sur l’aménagement du territoire, à la réunion du Conseil municipal prévue le 22 novembre 2023 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

## BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

**Site location**

3040 and 3044 Innes Road

**Owner**

Landric Innes Property Inc.

**Applicant**

Novatech, Ryan Poulton

**Description of site and surroundings**

The subject lands are located along the south side of Innes Road, one property east of the Cleroux Crescent and Innes Road intersection. To the east is Ottawa Fire Station 54 and Good Shepherd Church, to the north are Environmental Zones, and to the south and west are primarily residential uses. Immediately west is a newly constructed duplex building.

**Summary of proposed development**

The proposed development is for a four-storey, low-rise residential apartment building, with a total of 43 proposed units. Twenty-four units are proposed to be two-bedroom or two bedroom plus den units, and 19 are proposed to be one-bedroom or one-bedroom plus den units. There is one level of underground parking proposed, and a total of 52 parking spaces, plus an additional nine visitor parking spaces provided at-grade. Landscaping will be provided on all sides of the site, and the building is sited further east within the lot to provide a buffer to adjacent residential uses.

**Proposed development has been previously considered**

A Zoning By-law amendment for this property has already been considered by Planning and Housing Committee (PHC) as report number [ACS2023-PRE-PS-0086](#). By-law 2023-280 was approved on August 16, 2023, by PHC and subsequently enacted by Council on August 23, 2023. After the appeal period expired the associated by-law was enacted without appeals. The Zoning By-law amendment approved by Council was for a rezoning of the subject lands from Residential Second Density, Subzone N (R2N) to Residential Fourth Density (R4Z). Despite this recent approval, the Zoning By-law amendment mistakenly did not include an exception provision [XXXX] that should have been included to permit for a reduced interior side yard setback.

## **Summary of requested Zoning By-law amendment**

The requested Zoning By-law amendment is to maintain the approved Residential Fourth Density (R4Z) zoning, but to apply a new exception provision to the lands which would permit for an interior side yard setback of 4 metres. The R4Z zone requires that the interior side yard setback be 6 metres for a low-rise apartment building. Staff are choosing to correct this minor error because the Site Plan concept and rationale provided in the previous report relied on a reduced interior side yard setback that was mistakenly not included in the exception provisions.

## **DISCUSSION**

### **Public consultation**

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

Public consultation and notification requirements for this report have been undertaken pursuant to Section 11.4(3)(c) of the Official Plan, which states that Minor Zoning By-law Amendment applications submitted before the adoption of the New Zoning Bylaw, and which meet the intent of the Official Plan, are permitted to proceed with alternative notification requirements defined in Policy 4 of the same section of the Official Plan, as permitted under the Planning Act.

Section 11.4(4) states the alternative notification requirement for development where notice of application or notice of a public meeting is required is limited to either publishing notice of a proposed amendment in one English-language and one French-language daily newspaper or a newspaper having general circulation in the City a minimum of five calendar days before the scheduled public meeting, or posting the notice on the City's website. The alternative notification requirements are intended to reduce City process while allowing opportunity for public comment on minor thresholds of development.

For this proposal's consultation details, see Document 3 of this report.

### **Official Plan designation(s)**

The subject lands are designated as Neighbourhood Area, with a portion designated Evolving Neighbourhood, along a Minor Corridor (Innes Road) within the Outer Urban Transect of the Official Plan. The Outer Urban Transect, Minor Corridor, and Evolving Neighbourhood designations all recognize for a gradual change in character over time in housing types up to four-storeys.

## Planning rationale

The intent of the exception provision was discussed during the original review of the application. The objective of permitting a slightly reduced side yard setback was to allow for the building to be shifted two (2) metres to the east, enabling for a wide landscaping strip along the westerly property line supportive of tree planting, thereby increasing the buffer and separation to existing residential properties to the west.

The original report discussed this matter, stating “the concept plan as proposed for the site gives due consideration to its surrounding context. Since the lands to the east are under public ownership, the building is sited with lesser setbacks to the east to provide the greatest possible setback to the residential uses immediately west of the proposed development. The Site Plan will also implement a landscape buffer, plantings, and fencing to ensure any potential adverse impacts are minimized.”

The standard requirement for interior side yard setbacks for a low-rise apartment building in the R4Z zone of Zoning By-law 2008-250 are provided as follow:

“For any part of a building located within 21 metres of a front lot line the minimum required interior side yard setback is as follows:

- Where the building wall is equal to or less than 11 metres in height: 1.5 metres
- Where the building wall is greater than 11 metres in height: 3 metres
- In all other circumstances the minimum required interior side yard setback is 6 metres.”

The proposed exception uses the same language as the existing provision and reduces only the final requirement “in all other circumstances...” from six (6) metres to four (4) metres.

Finally, it should be noted that the “Conceptual Site Plan” provided in Document 3 of the original report showed a building with the four-metre interior side yard setback, so the concept considered by PHC at that time is consistent with the change contained in this report.

It is staff’s opinion that the amendment discussed herein is a very minor change and is consistent with the planning rationale and site concept presented to Planning and Housing Committee in the previously considered report on August 16, 2023. Therefore, it is staff’s opinion that the proposed Zoning By-law amendment is consistent with the Official Plan.

**Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

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

Councillor Dudas is aware of the matters related to this report.

**LEGAL IMPLICATIONS**

There are no legal impediments to the adoption of the recommendations in this report. In the opinion of Legal Services, the expedited consideration of this report is consistent with the policy in section 11.4(3)(c) of the Official Plan.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications

**ASSET MANAGEMENT IMPLICATIONS**

There are no Asset Management Implications associated with the recommendations of this report.

**SUPPORTING DOCUMENTATION**

Document 1 Zoning Key Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

**CONCLUSION**

The proposed Zoning By-law amendment is identical to the concept presented to Planning and Housing Committee on August 16, 2023, and approved by Council on August 23, 2023. The proposed amendment is required to implement a minor site-specific exception that was not captured in the Details of Recommended Zoning of the previously approved amendment. Staff recommends that the proposed Zoning By-law amendment be approved.

**DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing & Control, Finance and Corporate Services Department (Mail Code: 26-76) of City Council's decision.

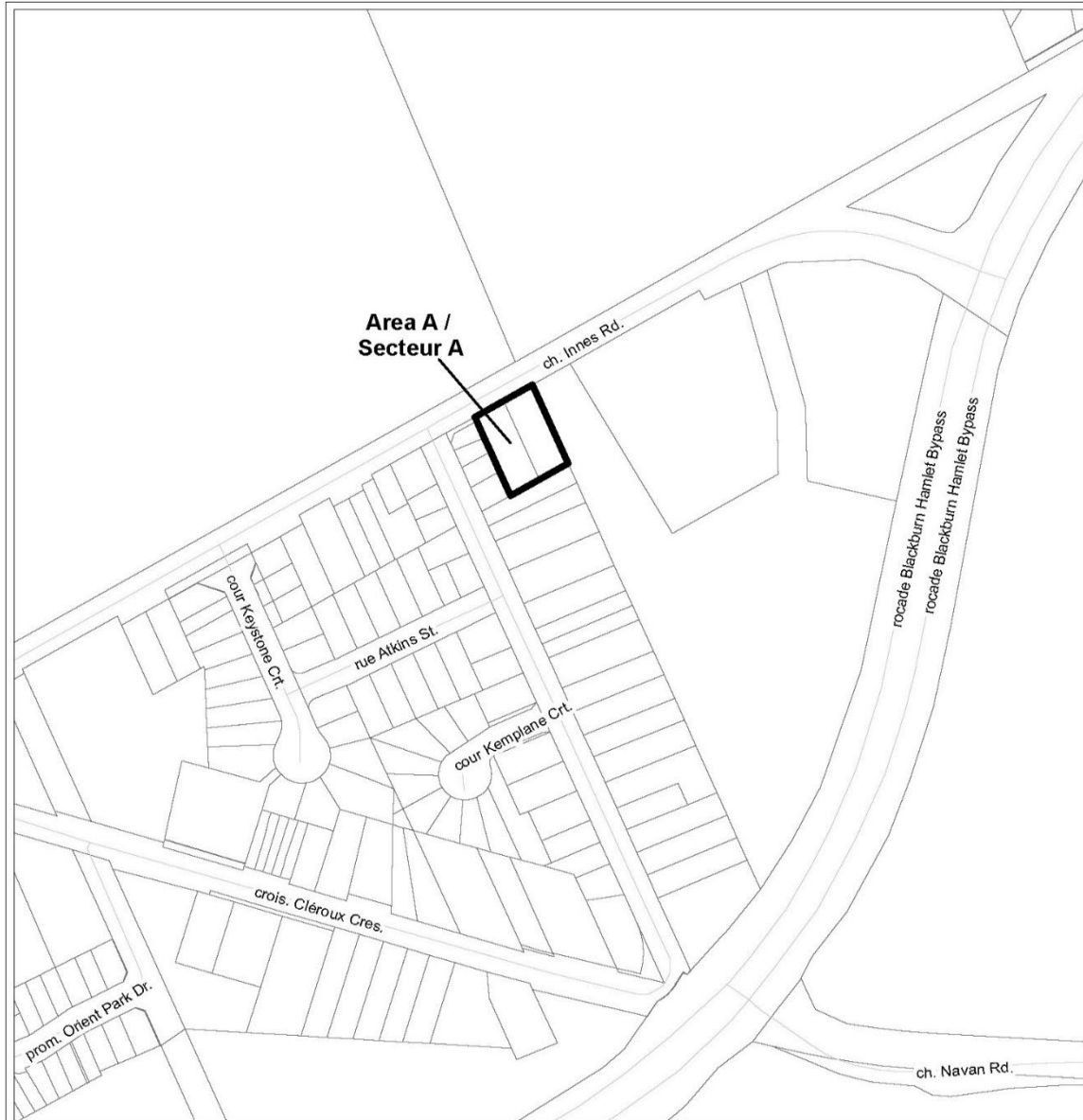
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.


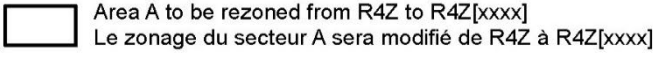

Legal Services, City Manager's Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

# Document 1 – Zoning Key Map

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa)



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-22-0028	23-0666-X	<b>3040, 3044 chemin Innes Road</b>	
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REVISION / RÉVISION - 2023 / 09 / 06			
			



## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 3040 and 3044 Innes Road:

Add a new exception with provisions similar in effect to the following:

- 1) Rezone the lands as shown in Document 1.
- 2) Amend Section 239, Urban Exceptions, by adding a new exception [XXXX] with provisions similar in effect to the following:
  - a) In Column I, “Exception Number”, add the text “[XXXX]”
  - b) In Column II, “Applicable Zones” add the text “R4Z[XXXX]”
  - c) In Column V, “Exception Provisions – Provisions”, add the following:
    - i Minimum Interior Side Yard Setback: For any part of a building located within 21 metres of a front lot line the minimum required interior side yard setback is as follows:
      - Where the building wall is equal to or less than 11 metres in height: 1.5 metres
      - Where the building wall is greater than 11 m in height: 3 metres
      - In all other circumstances the minimum required interior side yard setback is 4 metres

**Document 3 – Consultation Details**

Notification and public consultation was undertaken in accordance with the alternative notification requirements of the Public Notification and Public Consultation Policy pursuant to Section 11.4(3)(c) of the Official Plan, where minor Zoning By-law Amendment applications are being considered.