

Subject: Omnibus Amendments – Q1 2024

File Number: ACS2024-PRE-EDP-0026

Report to Planning and Housing Committee on 31 January 2024

and Agriculture and Rural Affairs Committee on 1 February 2024

and Council on 7 February 2024

**Submitted on January 19, 2024 by David Wise, Director, Economic Development
and Long-Range Planning, Planning, Real Estate and Economic Development**

Contact Person: Mitchell LeSage, Planner III(T), Policy Planning

613-580-2424 ext.13902, Mitchell.LeSage@Ottawa.ca

Ward: City Wide

Objet: Modifications d'ordre général – 1^{er} trimestre de 2024

Dossier : ACS2024-PRE-EDP-0026

Rapport au Comité de la planification et du logement le 31 janvier 2024

et au Comité de la planification et du logement le 1er février 2024

et au Conseil le 7 février 2024

**Soumis le 19 janvier 2024 par David Wise, Directeur, Développment économique
et planification à long terme, Services de la planification des biens immobiliers et
du développement économique**

Personne-ressource: Mitchell LeSage, Urbaniste III, Politiques de la planification

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Quartier: À l'échelle de la ville

REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council approve amendments to Zoning By-law No. 2008-250, as shown in Document 1, and detailed in Document 2.
2. That Agriculture and Rural Affairs Committee recommend Council approve amendments to Zoning By-law No. 2008-250, as shown in Document 1 and detailed in Document 2.
3. That Planning and Housing and Agriculture and Rural Affairs Committees 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 February 7, 2024”, 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 les modifications du Règlement de zonage 2008-250 indiquées dans le document 1 exposées en détail le document 2.
2. Que le Comité de l’agriculture et des affaires rurales recommande au Conseil d’approuver les modifications du Règlement de zonage 2008-250 indiquées dans le document 1 exposées en détail le document 2.
3. Que le Comité de la planification et du logement et le Comité de l’agriculture et des affaires rurales donnent leur approbation à ce 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 7 février 2024 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

EXECUTIVE SUMMARY

This report recommends amendments be made to the City of Ottawa Zoning By-law to fix errors and improve clarity of certain provisions.

Staff Recommendation

Planning Staff Recommend approval of the omnibus amendments to the City of Ottawa Zoning By-law 2008-250.

The amendments to modify certain provisions and to correct minor errors in the City of Ottawa Zoning By-law to align the by-law's intent and effect. These amendments have been combined in an Omnibus Zoning By-law report as a means of efficiently modifying the by-law.

Public Consultation

Public consultation was undertaken in accordance with the *Planning Act* and the Official Plan.

RÉSUMÉ

Le présent rapport recommande des modifications au Règlement de zonage de la Ville d'Ottawa en vue de corriger des erreurs et de clarifier certaines dispositions.

Recommandation du personnel

Recommander l'approbation des modifications omnibus au Règlement de zonage de la Ville d'Ottawa 2008-250.

Les modifications visant à modifier certaines dispositions et à corriger des erreurs mineures dans le règlement de zonage de la Ville d'Ottawa afin d'harmoniser l'intention et l'effet du règlement. Ces modifications ont été combinées dans un rapport omnibus sur le règlement de zonage afin de modifier efficacement le règlement.

Consultation du public

Le public a été consulté, conformément à la *Loi sur l'aménagement du territoire* et au Plan officiel.

BACKGROUND

This report addresses a variety of topics that will result in multiple amendments to the City of Ottawa Zoning By-law. These amendments include changes to the Zoning By-law's general provisions and site-specific exceptions. The report will modify the intent of certain provisions and correct minor errors.

DISCUSSION

Items for review by Planning and Housing Committee and Agricultural and Rural Affairs Committee are summarized in the table below. Zoning and location maps are included for reference in Document 1. Zoning details are included for reference in Document 2.

City-wide amendments for review by Planning and Housing Committee and Agricultural and Rural Affairs Committee	
I Item	II Summary of Amendment
Extension of Short Term Rental provisions City Wide	A memo of Information Previously Distributed (File No. ACS2023-EPS-BYL-0003) was considered by the Emergency Preparedness and Protective Services Committee on September 12, 2023. The memo identified that the temporary provisions for Short Term Rentals need an extension to allow additional time for review. This review needs to ensure that the entire regulatory regime for Short Term Rentals is functioning effectively before the provisions are made permanent through a subsequent zoning amendment. This is an extension of the temporary zoning rules to coordinate with the permitting program in Emergency Protective Services, and per material discussed at the Emergency Preparedness and Protective Services Committee on monitoring of that program.. To allow more time to review the current pilot program, staff will outline future recommendations to establish permanent rules in a separate report.

Amendments in the urban area for review by Planning and Housing Committee	
I Item	II Summary of Amendment
Part of 1731 Prince of Wales Drive Ward 16	An amendment is needed to apply the correct zoning to this property. The exception, 884, allocated to part of 1731 Prince of Wales Drive is an exception that is to apply to properties at 450 Rochester and 367 Preston Street. The

	lands should be zoned to EP3[362] (Environment Protection Zone) to match the greenspace to the south with the correct exception that was to apply to this location.
54 Kaymar Drive Ward 11	This residential lot is incorrectly zoned O1-Open Space. An amendment is needed to reflect the long-standing residential use and to bring the lot into conformity with the Official Plan designation.
1335 Bank Street Ward 18	An amendment is needed to Schedule 443 to remove reference to the number of storeys in the height schedule that applies to this property. The height in metres would remain unchanged. An internal mezzanine storey was to be included in the podium, as shown in the proposed renderings and was not accounted for in the reference to the number of storeys in the Schedule.
1485 Upper Canada Street and 8750 Campeau Drive Ward 4	An amendment is needed to update the Zoning Map to remove a remnant sliver of lands that should no longer be subject to a holding provision. The zoning boundaries and those of the registered plan do not align precisely, as such a small piece of land was omitted by By-law 2016-131, which was intended to remove the hold and related exception.
1209 St-Laurent Boulevard Ward 11	An amendment is needed to exception [2888] to clarify the permitted maximum height of the podium. The podium in the renderings provided with the report is shown as seven-storeys, rather than the incorrect six-storeys referenced in the Zoning Details of the report. This amendment will result in the Zoning Details matching the renderings in the report considered by Planning and Housing Committee and Council.
1422 Goth Street Ward 10	An amendment is needed to fix an error in exception [1078], which applies to this property, regarding minimum required lot area. The exception states a minimum lot area of 0.94 hectares, where it should read 0.09 hectares, reflecting the actual size of the subject lot.
Office to Residential Conversions	An amendment is needed to implement the recommendations of Council with regards to Office to

Urban Wards	<p>Residential Conversions as described in File No. ACS2023-PRE-GEN-0010. New provisions are proposed to provide flexibility regarding amenity area requirements, while ensuring adequate amenity area is provided.</p> <p>This is to implement the decision from Planning and Housing Committee for streamlining regulations for these uses, and per direction flowing from that committee.</p>
TM Stepbacks Urban Wards	An amendment is needed in the TM zone in relation to the stepback from the street. The wording of a provision found in Table 197(g)(ii)(2), for stepbacks needs clarification as to where it should apply. Imagery in the by-law and discussions with Urban Design staff confirms that the intended setback should apply above the fourth storey.
Exception 2766 Ward 3	An amendment is needed to correct the intent of a provision relating to a rear yard. When exception 2766 was written, the rear yard area was to include the interior yard that creates a courtyard area. However, the current provision only includes the rear yard and not the courtyard as intended.
1319 Johnston Road Sawmill Creek Flood Plain Ward 10	An update is required for this property to reflect updated floodplain mapping where a portion of the property is no longer in the floodplain.
Exception 1711 Ward 16	An amendment is needed to update the provisions of the by-law as two of the provisions are no longer applicable. Provisions 5 and 6 of exception refer to clause 20(c), which has since been removed from the by-law.
652 Flagstaff Road and 3555 Borrisokane Road Flood Plain Update Ward 3	An update is required for this property to reflect updated floodplain mapping where a portion of these neighbouring properties are no longer in the floodplain.
425 Culdaff and 2765 Palladium Drive	An amendment is needed to update the zoning boundary to align with the updated Official Plan designations.

Ward 6	
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Items for review by Agriculture and Rural Affairs Committee are summarized in the table below. Zoning and location maps are included in Document 1. Zoning details are included for reference in Document 2.

Amendments in the rural area for review by Agriculture and Rural Affairs Committee	
I Item	II Summary of Amendment
3315 Shea Road Ward 21	An amendment is needed to rezone the lands to O1 (Open Space Zone) from EP1 (Environmental Protection Subzone 1) to allow for and clarify that a seasonal community skating rink is an appropriate use for the lands.
1565 Dunning Road Ward 19	An amendment is needed to remove a temporary exception, 722r, from the lands as the date of their application expired in 2009.
8011 Victoria Street Ward 20	An amendment is to recognize the fire station that has been at this location since 1991.
Beryl Gaffney Park Ward 3	An amendment is needed to correct a mapping error. A small remnant of AG3 zoning remains. The park and the remnant piece should all be zoned O1.

Official Plan

The City of Ottawa Zoning By-law provides a means of implementing the land use policies in the Official Plan. The proposed City of Ottawa Zoning By-law amendments conform to the Official Plan, ensuring consistency between zoning provisions and land use policies in the Official Plan, and by correcting errors and omissions to ensure the effective implementation of the Official Plan through the City of Ottawa Zoning By-law.

Planning rationale

These amendments are needed to ensure effective and consistent application of the Zoning By-law.

Provincial Policy Statement

The proposed amendments are consistent with the Provincial Policy Statement 2020, promoting efficient development and land use patterns while undertaking a coordinated, integrated and comprehensive approach for planning matters within the municipality.

RURAL IMPLICATIONS

Rural implications are explained in Document 2.

COMMENTS BY THE WARD COUNCILLOR(S)

Ward Councillors have been made aware of items in their respective wards. No comments or concerns have been received with respect to these site-specific amendments.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendations.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications with the recommendations of this report.

ASSET MANAGEMENT IMPLICATIONS

There are no servicing constraints identified for the proposed rezoning amendments at this time. Servicing capacity requirements to be confirmed at time of site plan.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts with the recommendations of this report.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-23-0080) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Zoning Key Maps

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

CONCLUSION

Staff recommend the approval of this report to ensure the intent of the zoning by-law is met and to remedy errors as efficiently as possible.

DISPOSITION

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

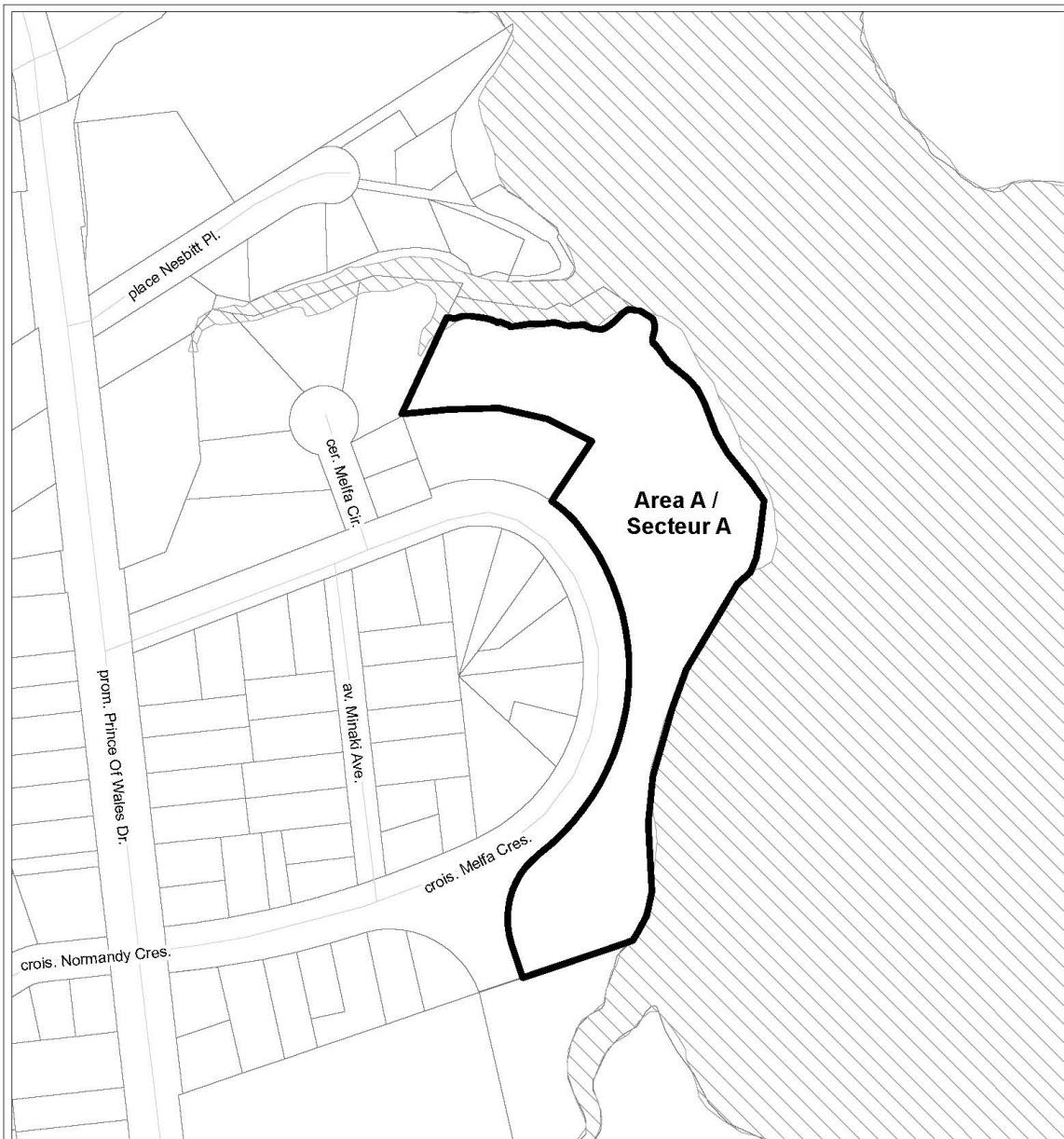
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 - Zoning Key Maps

Document 1A



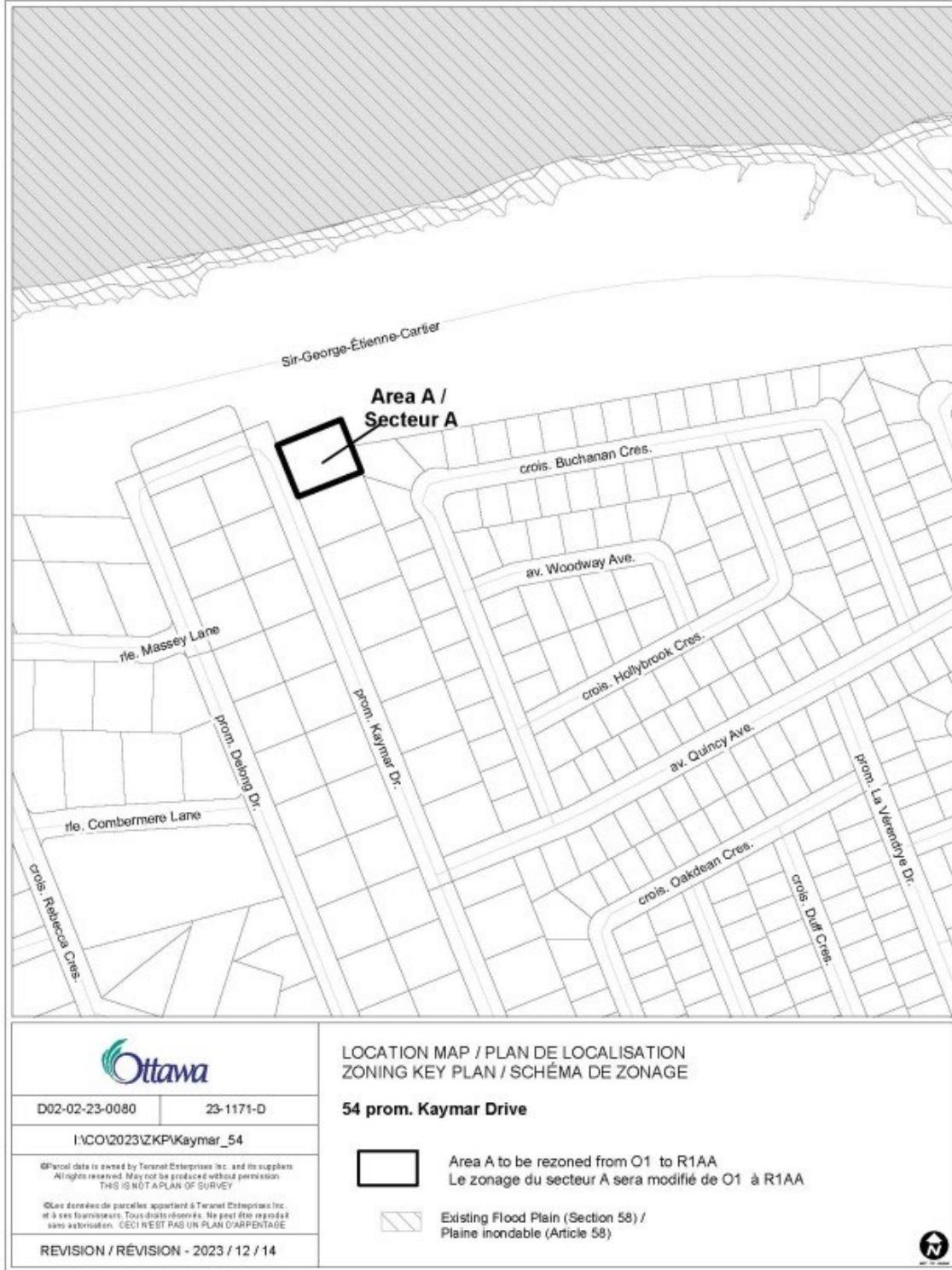
 D02-02-23-0080 23-1171-D I:\CO\2023\ZKP\ Melfa_820_PrinceofWales_1731 <small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small> <small>©Les données de parcelles appartiennent à Teranet Entreprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI NEST PAS UN PLAN D'ARPENTAGE</small> REVISION / RÉVISION - 2024 / 01 / 10	LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE Part of / Partie de 1731 prom. Prince of Wales Drive	
	<input type="checkbox"/>	Area A to be rezoned from L1[884] to EP3[362] Le zonage du secteur A sera modifié de L1[[884]] à EP3[362]



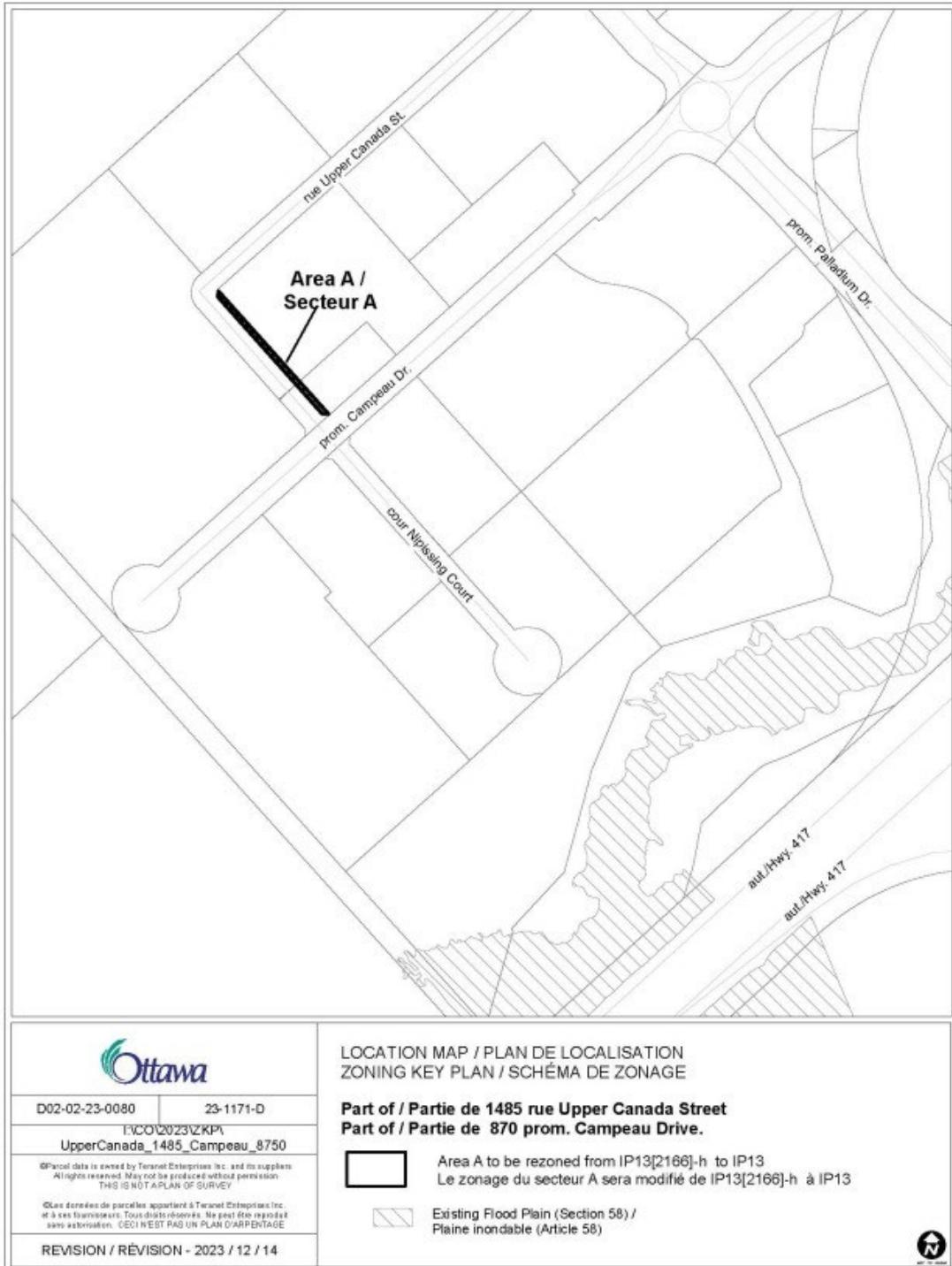
Existing Flood Plain (Section 58) /
Plaine Inondable (Article 58)



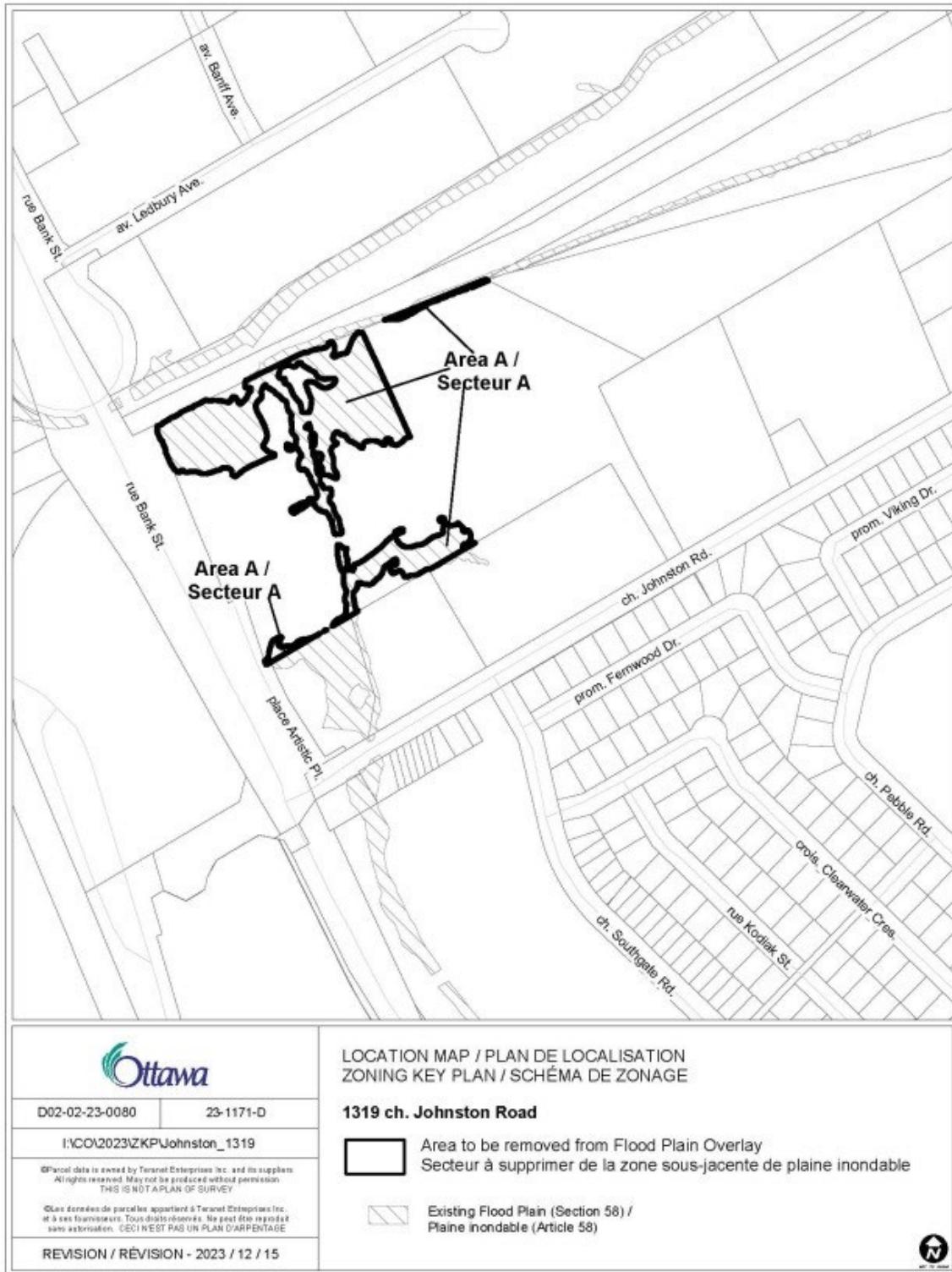
Document 1B



Document 1C



Document 1D

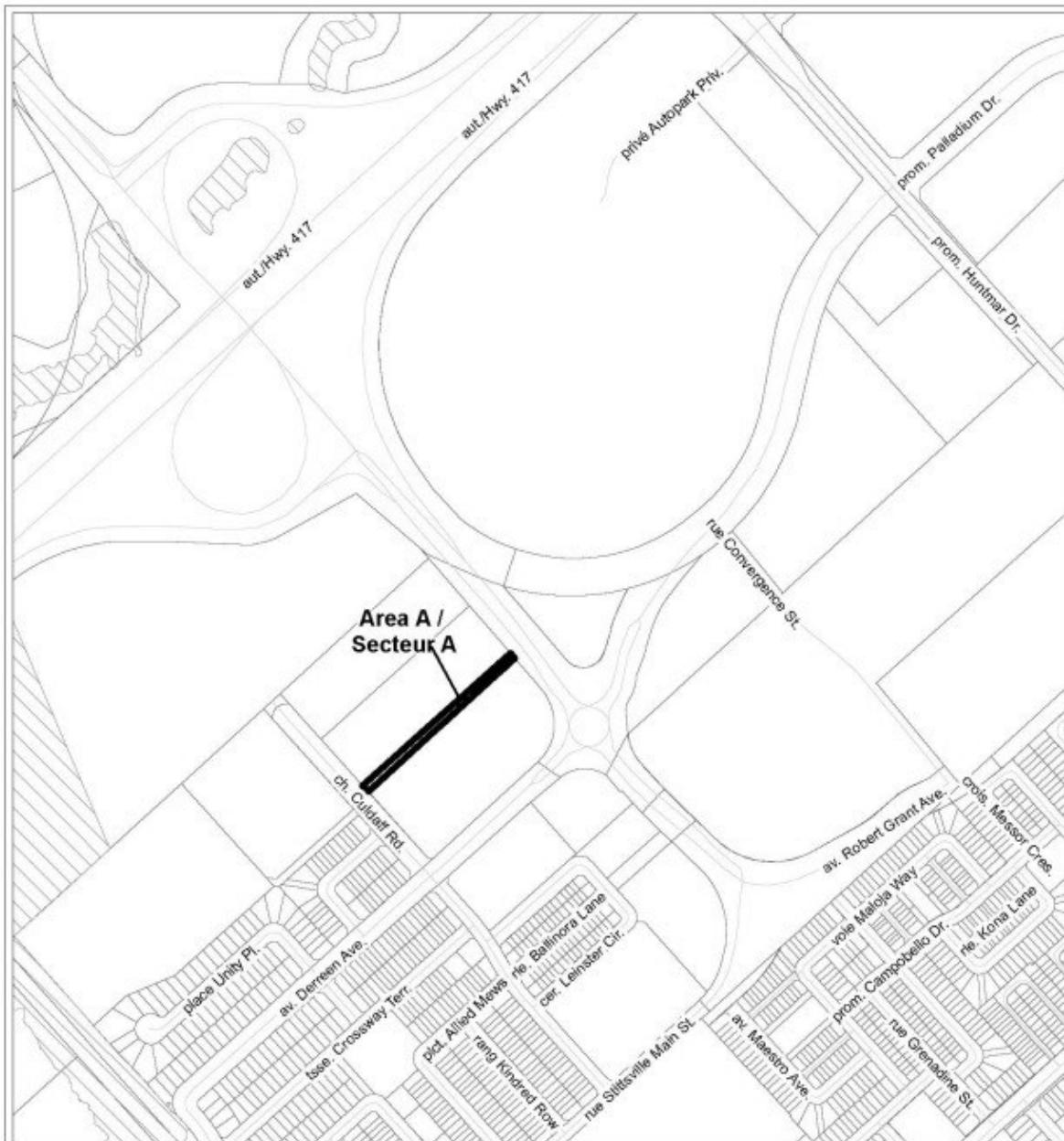


Document 1E



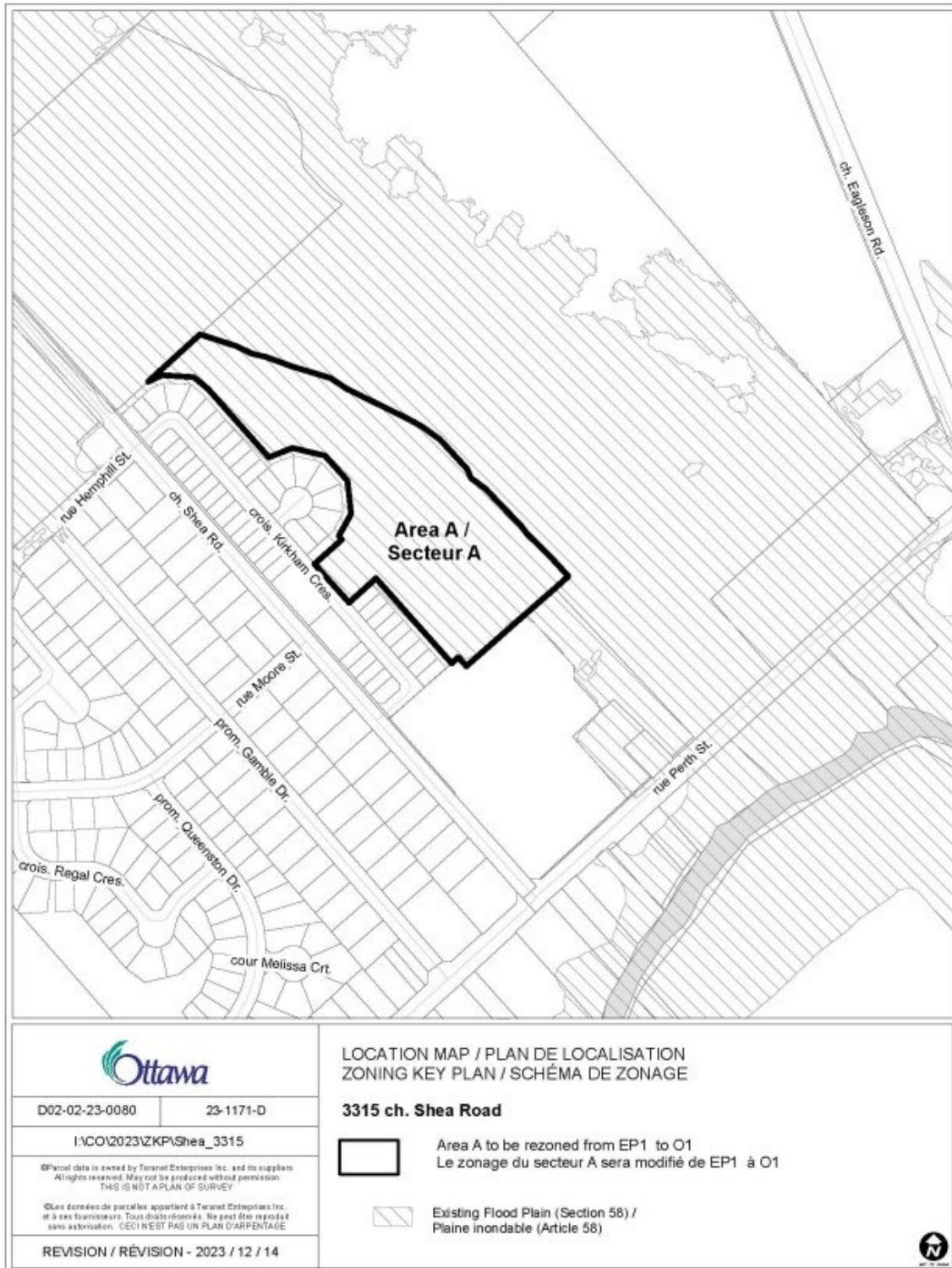
 D02-02-23-0080 23-1171-D I:\CO\2023\ZKP\FlagStaff_652	LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
	652 prom. Flagstaff Drive 3555 ch. Borrisokane Road	<input type="checkbox"/> Area to be removed from Flood Plain Overlay Secteur à supprimer de la zone sous-jacente de plaine inondable
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small> <small>©Les données de parcelles appartiennent à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small>	<input type="checkbox"/> Existing Flood Plain (Section 58) / Plaine inondable (Article 58)	
REVISION / RÉVISION - 2024 / 01 / 04		

Document 1F



 D02-02-23-0080 23-1171-D I:\CO\2023\ZKP\Culdaff_425_Palladium_2765	LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE
	Part of / Partie de 425 ch. Culdaff Road Part of / Partie de 2765 prom. Palladium Drive
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small> <small>©Les données de parcelles appartiennent à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small> REVISION / RÉVISION - 20213 / 12 / 14	<div style="display: flex; align-items: center;"> Area A to be rezoned from IP to GM[2654] Le zonage du secteur A sera modifié de IP à GM[2654] </div> <div style="display: flex; align-items: center; margin-top: 10px;"> Existing Flood Plain (Section 58) / Plaine inondable (Article 58) </div>

Document 1G



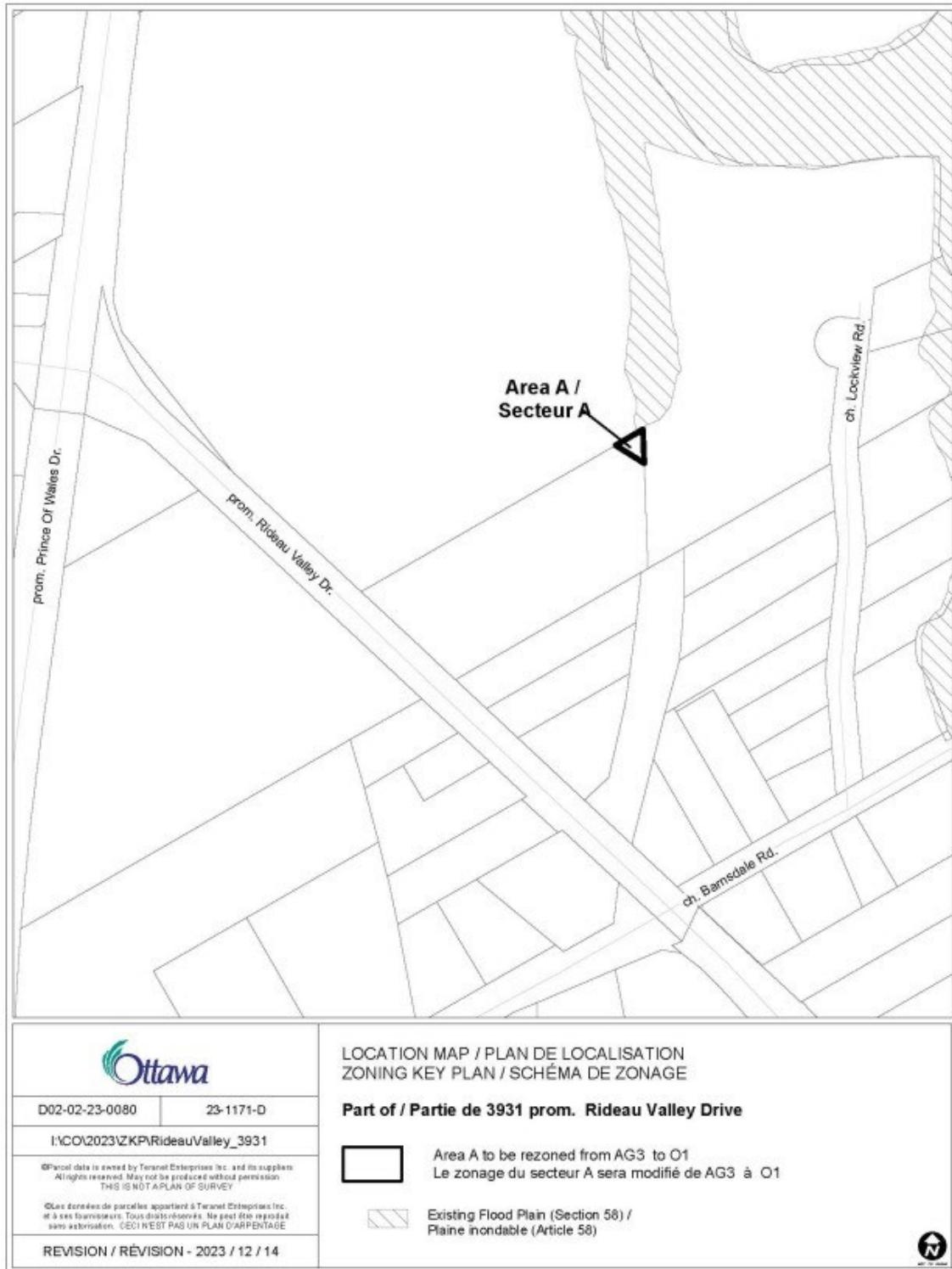
Document 1H



Document 11



Document 1J



Document 2 – Details of Recommended Zoning

Amendments are proposed with the general intention of the following:

Zoning details for review by Planning and Housing Committee and Agricultural and Rural Affairs Committee	
I Item	II Zoning details
Extension of timing for Short Term Rental	Amend Subsections 121A(6) and 121B(4) by replacing the text, "April 28, 2024" with the text, "February 7, 2027"

Amendments are proposed with the general intention of the following:

Zoning details for review by Planning Committee	
I Item	II Zoning details
820 Melfa Crescent and part of 1731 Prince of Wales Drive Ward 16	Rezone the lands as shown on Document 1A.
54 Kaymar Drive Ward 11	Rezone the lands as shown on Document 1B.
1335 Bank Street Ward 18	Amend the legend of Schedule 443 by deleting the bracketed height references to storeys.
1485 Upper Canada Street and 8750 Campeau Drive Ward 4	Rezone the lands as shown on Document 1C.
1209 St-Laurent Boulevard Ward 11	Amend Column V of Exception 2888 of Section 239, Urban Exceptions by replacing the text, "six-storeys" with the text, "seven-storeys", wherever it appears.
1422 Goth Street Ward 10	Amend Column V of Exception 1078 of Section 239, Urban Exceptions by replacing the text, "0.94 hectares" with the text, "0.09 hectares".

Office to Residential Conversions Urban Wards	<p>Amend Part 3 – Specific Use Provisions by adding a new section 76 as follows:</p> <p>Office-to-Residential Conversrtions</p> <p>“76. (1) Non-residential or mixed-use buildings with a principal office, school, place of worship or hotel use as of August 1, 2023, that are adapted, within the existing building envelope, to be residential or mixed-use buildings in zones other than IG, IH, IL and IP are deemed to comply with zoning, except for:</p> <p style="margin-left: 40px;">(a) The application of Table 137, where columns III and IV do not apply to adaptations of an existing building in accordance with subsection 76(1), and amenity area must be provided, but may be configured in any combination of private or communal space, or in any location in accordance with subsections 137(1) to (5).”</p>
TM Stepbacks Urban Wards	Amend Table 197(g)(ii)(2) by replacing the text, “where the building height is greater than four storeys or 15 metres, at and above the fourth storey or 15 metres whichever is the lesser a building must be setback a minimum of 2 metres more than the provided setback from the front lot line as set out under subsection 197(5) below, and from the a corner side lot line” with the text, “for a building that exceeds four- storeys or 15 metres in height, for all storeys above the fourth storey, or 15 metres in height, whichever is the lesser, the building must be setback a minimum of 2 metres more than the provided setback from the front lot line as set our under subsection 197(5) below, and from a corner lot line”.
Exception 2766 Ward 3	Amend Column V of Exception 2766 of Section 239, Urban Exceptions by replacing the text, “the total area of the rear yard” with the text, “the total area of the contiguous rear and interior yards” wherever it appears.
1319 Johnston Road Sawmill Creek Flood Plain Ward 10	Rezone the lands as shown in Document 1D.
Exception 1711 Ward 16	<p>Amend Column V of Exception 1711 of Section 239, Urban Exceptions as follows:</p> <p style="margin-left: 40px;">(a) delete the text, “except for any building located within the area to be reserved for residential or office development as set out in clause 20(c)” and</p>

	(b) delete item 6 in its entirety and replace the text with “reserved for future use”
652 Flagstaff Road and 3555 Borrisokane Road Flood Plain Update Ward 3	Rezone the lands as shown in Document 1E.
425 Culdaff and 2765 Palladium Drive Ward 6	Rezone the lands as shown in Document 1F.

Amendments are proposed with the general intention of the following:

Zoning details for review by Agriculture and Rural Affairs Committee	
I Item	II Zoning details
3315 Shea Road Ward 21	Rezone the lands as shown in Document 1G.
1565 Dunning Road Ward 19	Rezone the lands as shown in Document 1H.
8011 Victoria Street Ward 20	Rezone the lands as shown in Document 1I. Amend Section 240, Rural Exceptions by adding a new exception as follows: (a) in Column II add the text, “XXXr” (b) in Column III add the text, “-emergency service”
Beryl Gaffney Park Ward 3	Rezone the lands as shown on Document 1J.

Document 3 – Consultation Details

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.

Public Comments and Responses

Comment:

I understand there is a Zoning Amendment coming for many things - one of which is - "to clarify where a stepback from a Traditional Mainstreet is to apply".

Can you please send info on where to find the details of this change?

Response:

An amendment is needed in the TM zone in relation to the stepback from the street. The wording of provision TM197(g)(ii)(2) for stepbacks needs clarification as to where it should apply. In looking at the imagery in the by-law, as well as discussions with Urban Design, it was confirmed that the intent is that the setback should apply above the fourth storey.

We are proposing to amend the wording to match the illustrations provided in the by-law

As it currently reads, it could be interpreted that the setback is to apply at the fourth storey as opposed to the fifth storey. The ambiguity arises depending on where on the fourth storey the setback is to occur – is it to apply to the bottom of the fourth storey or the top of the fourth storey where it meets the fifth storey? The latter is reflected in the imagery of the by-law and was confirmed by our urban design group that such was the intent.

Also, this would be consistent with the height that would be permitted if the building was only four-storeys.

Comment:

The National Capital Commission (NCC) asks that the 820 Melfa Crescent parcel be removed from the proposed changes in the upcoming omnibus ZBA. The NCC recognizes the intent of correcting the [884] exception on the City-owned lands, but the NCC-owned lands at 820 Melfa have a long history of development rights that should not be extinguished.

Response:

We have removed the lands, as requested.