

**Document 2 – Staff-Recommended Changes to Correct Errors in the Final Draft of the Zoning By-law**

<b>Part 1 – Administration, Interpretation and Definitions</b>		
<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
<b>199</b>	It is proposed to rename the land use term “Hydronic Heater” to “Solid fuel heating system”. The meaning of the term will remain the same.	<p>Modify the name of the defined land use term “Hydronic Heater”, as shown below:</p> <p><del>Hydronic Heater</del> <b>Solid fuel heating system</b> means a manually loaded solid fuel burning device that is located outdoors or in a structure not used for human habitation, and is used for the heating of buildings, water or other such purpose on the same lot.</p> <p>In all instances where the term “Hydronic Heater” appears in the draft Zoning By-law, replace that term with “Solid fuel heating system”.</p>
<b>199</b>	Clarification of the definition of travel trailer to include boat and camper trailers, for the purposes of heavy vehicle parking in Section 612.	Revise the definition of “trailer, travel” to add the words “and includes a boat trailer or camper trailer for the purposes of Section 612”.
<b>199</b>	Update the “Dwelling Unit” definition to include diplomatic residence.	<p><b>Dwelling Unit</b> means a residential unit that:</p> <ol style="list-style-type: none"> <li>1. is used or intended for use as a residential premises by one household and not more than three roomers or boarders;</li> <li>2. contains no more than four bedrooms; <b>and</b></li> <li>3. <b>includes a diplomatic residence. (un logement)</b></li> </ol>
<b>199</b>	The definition of “Wind Turbine” is proposed to be deleted because “wind energy generation facility” is included in the definition for “Renewable Energy Generation Facility”.	<p><del>Wind Turbine</del> means a rotary engine that is used to collect kinetic energy from the wind and convert it to electricity. <del>(eolienne)</del></p>

Part 2 – General Provisions		
Section	Issue	Proposed provision in track changes
202	The words, “and structures” was not included in subsection (5).	The zone provisions for the lot apply to accessory buildings <b>and structures</b> , except as specified in this section.
203	Clarifying that this does not apply to Accessory Buildings and structures.	Add a provision: “This section does not apply to accessory buildings and structures which are regulated by Section 202”
209(6)(a)	Clarifying the correct sections of the Neighbourhood provisions of Section 802 that are intended to be exempt in the case of a heritage-designated building.	Amend (6)(a) to read “Neighbourhood Form Provisions in subsection 802(14)”.
209(6)(e) and(f)	This subsection makes reference to the provisions of the SDP (Parliament Special District) and SDB (ByWard Market Special District) respectively, however as written would exempt heritage-designated properties from the provisions of these zones in their entirety. It was Staff’s intent for the underlying zoning provisions to continue to apply, and so these clauses are proposed to be deleted.	Delete clauses 209(6)(e) and (f).
211(5)	Add 'temporary' at beginning of sentence for greater clarity and to cover all listed uses.	(5) A <b>temporary</b> outdoor commercial patio, seasonal garden centre or temporary special event accessory to a restaurant, retail store, shopping centre, place of worship, or market accessory or ancillary to any use, may be located such that it temporarily prevents the use of a portion of the provided parking spaces, aisles or driveways, provided: (a) that the fire route and accessible parking spaces, as defined in the Traffic and Parking By-law, as amended, remain unobstructed at all times; and,

		(b) for the purpose of this subsection, a temporary special event includes a short-term fair, carnival, show, exhibit or other similar events.
<b>214(1)(c)</b>	Edit to clarify that setback reductions/changes in accordance with this section are subject to retaining the same size of building envelope, using the defined term “building envelope” instead of “volume”.	Amend 214(1)(c) to read the following:  (c) the total building envelope of the resulting building is no greater in size than the building envelope permitted by the underlying zone.

### Part 3 – Specific Use Provisions

Section	Issue	Proposed provision in track changes
<b>309</b>	Clarifying that the that the yards in clauses 309(3)(c) and 309(4)(c) are to be required yards.	Amend clauses 309(3)(c) and 309(4)(c) by adding the text, “required” before the text, “rear yard”.

### Part 4 – General Setbacks

Section	Issue	Proposed provision in track changes
<b>401</b>	Changing the term Livestock Operation to Livestock Facility to match Provincial terms	Amend Section 401 by replacing the term “livestock operations” and “livestock operation” with the terms “livestock facilities” and “livestock facility”, respectively.
<b>403</b>	Revise this provision in response to comments from MHBC on behalf of TransCanada Pipelines Limited (TCPL) for greater alignment with TCPL	Amend subsection (1) to read as follows:  (1) Despite any other provision to the contrary, buildings, structures, parking spaces, queueing spaces, loading area, bicycle parking spaces, and any associated aisle or driveway must be set back a minimum distance of 7 metres from a lot line abutting the FAC – Open Space Facility zone which contains a TransCanada PipeLines Limited pipeline right-of-way .

<b>Part 5 – Overlay Provisions</b>		
<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
<b>501</b>	Remove first Windsor Park from purpose statement, as it is already listed in brackets after Old Ottawa South and does not apply to the Windsor Park near Hunt Club and Downpatrick. Change areas in Old Ottawa South.	<i>and Brewer Park, Linda Thom Park and Windsor Park in Old Ottawa South.</i>
<b>502</b>	Change “Mineral Aggregate Operation” to “Mineral Aggregate Extraction Operation” to ensure consistency with the defined term.	

<b>Part 6 – Parking, Queueing and Loading Provisions</b>		
<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
<b>601(7)</b>	Amend the wording to use the same wording as is used in Section 211(5), which sets out the types of uses permitted to occupy parking spaces.	(7) Despite Subsection (1), a temporary outdoor commercial patio, seasonal garden centre or temporary special event accessory to a restaurant, retail store, shopping centre, place of worship, or market accessory or ancillary to any use, may be located such that it temporarily prevents the use of a portion of the provided parking spaces, aisles or driveways, provided they are not located on required accessible parking spaces, as defined in the Traffic and Parking By-law, as amended.
<b>602(1)</b>	Rephrase this provision to improve clarity.	Where the lot is located within 600 metres of an existing or planned rapid transit station shown on Schedule A4, the number of motor vehicle parking spaces provided must not exceed the limits specified in Table 602.
<b>604</b>	Revise diagram to have garage be flush with the wall. Remove last sentence in the diagram	Amend to delete the last sentence.

<b>604(2)(d)</b>	Rephrase this provision for greater clarity. It is intended to allow front yard parking in rural zones, but that it be located beyond the required front yard setback.	(2)(d) Despite (2)(a),(b) and (c) parking in a front yard is permitted in the Environmental Protection Zone, Rural Residential Zone and Rural Countryside Zone in Area D - Greenbelt Transect and Area F – Rural Transect shown on Schedule A1 – Transects provided it is located beyond the required front yard setback.
<b>604(8)</b>	This section references Section 604(4), which has clauses (a), (b), and (c), but no longer has a clause (d)	Amend the clause to delete the words “and (d)”.
<b>606</b>	Diagram showing the rear landscape buffer requirements states “1.5m height high..”	Change to “1.5m high...”
<b>606</b>	Diagram showing 3.0 m driveway width	Move the 3.0m dimension to the driveway rather than above.
<b>606(4)</b>	Clarification that the maximum cumulative limit of 50% of the lot width for driveways and walkways is only intended to apply to walkways that lead to the right-of-way, not walkways that lead directly from a driveway to the entrance to a building.	Amend subsection (4) to read as follows:  The maximum cumulative width of all walkways leading to a front or exterior side lot line plus all driveways in a front or exterior side yard must not exceed 50 per cent of the lot width in the case of a front yard, or 50 per cent of the lot depth in the case of an exterior side yard.
<b>611(2)(a)</b>	Add wording to clarify that the “equivalent” requirement refers to clause (c) of this subsection.	Amend clause (2)(a) to read as follows:  where parking spaces are provided accessory to a mid-rise or high-rise residential or mixed-use building, 25 per cent of the spaces provided or an equivalent as described in clause (c), must be designed as electric vehicle parking spaces capable of supporting level 2 charging;
<b>612(1)(b)</b>	Amend this clause to directly reference the definition of a travel or utility trailer. See also the amendment to the definition of travel trailer.	Amend clause (1)(b) to read “a travel or utility trailer as defined in Section 199; and”

<b>612</b>	Heavy vehicle provisions are not specified in several instances, i.e. where residential uses occur in zones that do not typically include them. NMU and NU also omitted from this table and should be addressed.	Add “NMU” to header of Table 612A, column (b).  Add “NU” and “residential uses in zones not listed” to header of Table 612A, column (c).  Add “RI” to header of Table 612B, column (c).
<b>604(7)(a)</b>	Provision clause ends with “and.”	Amend clause (7)(a) to remove “and.”

### Part 7 – Housing Provisions

<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
<b>701(1)(f)</b>	Revise wording for clarity.	(1)(f) Despite clauses (1)(a), (b), (c) and (d), a coach house is not permitted on a lot: <ul style="list-style-type: none"> <li>(i) That is less than 0.4 hectares in area;</li> <li>(ii) Not serviced by a public or communal water system;</li> <li>or</li> <li>(iii) Not serviced by a public or communal wastewater system.</li> </ul>
<b>703</b>	Reintroduce provision that set minimum width of a private way in planned unit developments from 2008-250.	“Minimum width of a private way is 6 metres”
<b>703(5)(b)</b>	Correct reference from subsection (1)(a) to (5)(a).	“Despite clause (5)(a), walkways may traverse areas used for minimum soft landscaped area, and where located within an area used for soft landscaping may count toward the minimum requirement; and”

### Part 8 – Neighbourhood Zones

<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
<b>801(1)</b>	Daycare and school are listed as residential uses in the permitted uses	List under “(b) non-residential uses:”

	<p>section. Should be listed separately under non-residential uses.</p>	
<p><b>801(3)</b></p>	<p>Amend wording of conditions associated with “communal” parking lot permissions to provide further clarity as to what conditions are intended to apply in what cases.</p> <p>The conditions proposed to apply to communal parking lots are the same as have previously been proposed.</p>	<p>Replace 801(3) with the following:  The following conditional uses are also permitted in the Neighbourhood Zones:</p> <ul style="list-style-type: none"> <li>• parking garage</li> <li>• parking lot</li> </ul> <p>Subject to the following:</p> <p>(a) the property is located outside Area A – Downtown Core Transect on Schedule A1 – Transects;  (b) the property is not located within 600 metres of a rapid transit station as shown on Schedule A4;  (c) where parking is provided as a principal use it must be within 400m of the subject property:</p> <p>(i) where the parking provided under (c) is on a lot with a PUD or residential use building that is at least 5 storeys, the parking lot or garage is not permitted to cover more than 30 per cent of the area of the lot; and  (ii) where the parking is provided under (c) is on a lot that does not contain a PUD or residential use building less than 5 storeys:</p> <p>(1) the parking lot must be located on an interior lot;  (2) no more than one drive aisle with one row of parking spaces on each side is permitted;  (3) at least 30 per cent of the lot area must comprise soft landscaping, and all other areas of the lot not covered by driveways, aisles, or parking spaces must be landscaped;</p>

		<p>(4) no parking spaces may be located within the minimum front yard setback of the underlying zone, nor within 3.5 metres of the rear lot line; and</p> <p>(5) the lot on which the parking lot is located must provide an opaque screen between the parking lot and both the interior side and rear lot lines.</p>
<b>801(7)</b>	Clarification of intent that functional path of travel requirements in 802(7) and (8) apply in addition to minimum yard setbacks, which may have the effect of increasing the side yards required to comply with the By-law.	<p>Add a new clause (g) to state the following:</p> <p>(g) in addition to the yard setbacks required by Table 801B, subsections 802(7) and (8) apply with respect to functional path of travel requirements.</p>
<b>802(4)</b>	Add a clause to this provision for setbacks for corner lot developments to clarify that such developments may be treated as one lot for zoning purposes, to address projects that are developed as vertically attached dwellings (semi-detached/townhouses).	<p>Add a new clause (d) to state the following:</p> <p>(d) where a lot is developed in accordance with the provisions of this subsection, it may be considered one lot for zoning purposes.</p>
<b>802(5)</b>	Clarification of intent that in the case of through lots, the minimum rear yard setback is the same as the underlying minimum front yard setback requirement, except that the front yard averaging rules applies to front yards under subsection (2) do not apply	Add the words “except that subsection (2) does not apply to the rear yard setback” to the end of this subsection.
<b>803 – Purpose Statement</b>	Amend the purpose statement of the Neighbourhood Unserviced (NU) zone to more explicitly clarify that it is intended for areas that are not serviced	<p>Amend the purpose statement of Section 803 to read as follows:</p> <p>The purpose of the NU – Neighbourhood Unserviced Zone is to:</p>

	by both municipal water and municipal sewer services.	<ul style="list-style-type: none"> <li>• <i>Permit a maximum of two dwelling units (e.g. one detached dwelling plus one additional dwelling unit) per lot in areas designated as Neighbourhood in the Official Plan that are not serviced by <b>both</b> municipal water <b>and</b> sewer services, as indicated on Annex 9 (Private Service Enclaves in the Urban Area).</i></li> <li>• <i>Recognize the existing lot and development pattern in these neighbourhoods, while also restricting creation of new lot sizes that may not be sufficient to accommodate private services.</i></li> </ul>
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<b>Part 9 – Mixed-Use Zones</b>		
<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
<b>Table 905 (f)</b>	Minimum building height refers to suffixes, but there are no minimum building height suffixes	Remove reference to suffixes.
<b>903</b>	“Diplomatic residence” to be removed from the list of permitted uses because dwelling unit permits the diplomatic residence use.	Remove “diplomatic residence” from list of permitted uses.

<b>Part 10 – Industrial Zones</b>		
<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
No changes are proposed.		

**Part 11 – Institutional, Recreation and Greenspace Zones**

<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
<b>1102</b>	The table (Table 1102) referenced in subsection (4) does not exist. The provision has been updated to reference the tables in Recreation Subzones 1, 2, and 3.	A market is permitted, and the provisions of <b>Tables 1102-1, 1102-2 and 1102-3</b> do not apply, provided the market is located on the same lot as a permitted use.
<b>1104</b>	It was requested by Parks and Facilities Planning that the purpose section for the GRN – Greenspace Zone reference parks and greenspace. The purpose statement “Provide a zone for greenspace, including City parks.” has been added.	<b>Provide a zone for greenspace, including City parks.</b>

**Part 12 – Special District Zones**

<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
<b>1206-2</b>	Residential uses are inconsistent with the rest of the by-law and list uses that are permitted whenever dwelling unit is permitted.	Change (1)(a) to list: dwelling unit

**Part 13 – Rural Zones**

<b>Section</b>	<b>Issue</b>	<b>Proposed provision in track changes</b>
<b>1304 and 1305</b>	Ensure Mineral Aggregate Extraction Operation is used in both section purpose statements.	
<b>1311-4</b>	Fix typo where automotive service centre was listed instead of automobile service centre in the list of permitted uses.	

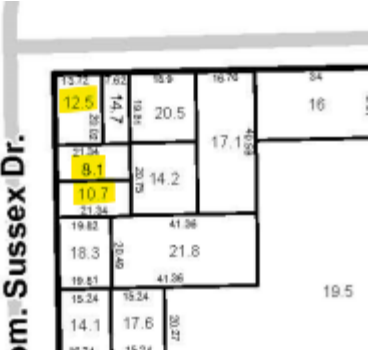
<b>1311(3)(d)</b>	Remove the word “required” as it suggests that driveways, walkways, aisles, parking or loading spaces that are not required would be excluded	(3) In the Village Mixed-Use Zone, the following provisions apply: (d) where a yard is provided and not used for required driveways, walkways, aisles, parking or loading spaces, the whole yard must be landscaped; and
<b>1311(4)(e)(ii)</b>	Maximum permitted setback of 4.5 metres applies for all situations other than uses that are legally non-conforming.	(e) Exterior side yard setbacks (m) (i) Minimum required setback: 3 (ii) Maximum permitted setback for new buildings: 4.5

**Part 14 – Greenbelt, Reserve and Protection Zones**

Section	Issue	Proposed provision in track changes
No changes are proposed.		

**Part 15 - Exceptions**

Section	Issue	Proposed provision in track changes
No changes are proposed.		

Part 16 - Schedules		
Section	Issue	Proposed provision in track changes
<b>Schedule A4</b>	Changes are needed to align Schedule A4 with recent amendments through OPA 46 concerning Major Transit Station Areas and Protected Hubs.	
<b>Schedule A3</b>	Remove corridors as shown by Area B when they overlap with another area.	
<b>Schedule A3</b>	Schedule A3 shows Area A (PMTAs) as including all of the Downtown Core and Inner Urban Transects, when Area A is only applicable to MTSA's per legislation from the Province. Accordingly, the schedule needs to be revised to carve out MTSA's and ensure that visitor parking still applies to the remainder of the Downtown Core and Inner Urban Transects.	
<b>Schedule 73</b>	Three heights highlighted in the image below should have been changed to 14.7 metres.  	

<b>Schedule 420</b>	This schedule was not posted, but it was indicated as a schedule to be included in the new Zoning By-law with revisions. The proposed revision was to remove Area B from the schedule, but this was an error. The schedule will be included in the new Zoning By-law without any revisions.	
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