

**4. ZONING BY-LAW AMENDMENT – 207 BELL STREET NORTH  
MODIFICATION AU RÈGLEMENT DE ZONAGE – 207, RUE BELL NORD**

**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for 207 Bell Street North to permit ground floor non-residential uses, an outdoor commercial patio, and performance standards that reflect existing non-complying on-site conditions, as shown on Document 1 and detailed in Document 2.**

**RECOMMANDATION DU COMITÉ**

**Que le Conseil approuve une modification au Règlement de zonage n° 2008-250 pour le 207, rue Bell Nord afin de permettre des utilisations non résidentielles au rez-de-chaussée et l'aménagement d'une terrasse commerciale extérieure, et d'adopter des normes de rendement qui reflètent les conditions non conformes sur le site, comme l'illustre le document 1 et le décrit en détail le document 2.**

**DOCUMENTATION/DOCUMENTATION**

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated March 1, 2018 (ACS2018-PIE-PS-0039)  
  
Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté 1<sup>er</sup> mars 2018 (ACS2018-PIE-PS-0039)
2. Extract of draft Minutes, Planning Committee, 27 March 2018  
  
Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 27 mars 2018
3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of 25 April 2018, in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill

73 'Explanation Requirements' at the City Council meeting of 11 April 2018".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 25 avril 2018 du Conseil, dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73 , à la réunion du Conseil municipal prévue le 11 avril 2018».

**Report to  
Rapport au:**

**Planning Committee / Comité de l'urbanisme  
March 27, 2018 / 27 mars 2018**

**and Council / et au Conseil  
April 11, 2018 / 11 avril 2018**

**Submitted on March 1, 2018  
Soumis le 1er mars 2018**

**Submitted by**

**Soumis par:**

**Lee Ann Snedden**

**Director / Directrice**

**Planning Services / Service de la planification**

**Planning, Infrastructure and Economic Development Department / Services de la  
planification, de l'infrastructure et du développement économique**

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**Ward: SOMERSET (14)**

**File Number: ACS2018-PIE-PS-0039**

**SUBJECT: Zoning By-law Amendment – 207 Bell Street North**

**OBJET: Modification au Règlement de zonage – 207, rue Bell Nord**

## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 207 Bell Street North to permit ground floor non-residential uses, an outdoor commercial patio, and performance standards that reflect existing non-complying on-site conditions, as shown on Document 1 and detailed in Document 2.**

- 2. That Planning 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 City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council meeting of 11 April 2018 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 l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage n° 2008-250 pour le 207, rue Bell Nord afin de permettre des utilisations non résidentielles au rez-de-chaussée et l'aménagement d'une terrasse commerciale extérieure, et d'adopter des normes de rendement qui reflètent les conditions non conformes sur le site, comme l'illustre le document 1 et le décrit en détail le document 2.**
- 2. Que le Comité de l'urbanisme approuve l'inclusion de la section du présent rapport consacrée aux détails de la consultation 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 de l'avocat général 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 du projet de loi 73 à la réunion du Conseil municipal prévue le 11 avril 2018 », 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**

### **Assumption and Analysis**

The Zoning By-law amendment recommendation permits select ground floor non-residential uses and an associated outdoor commercial patio, as well as recognizing existing legal non-complying site conditions. The requested zoning proposes retaining the R5B – Residential Fifth Density, Subzone B zone and adding a site-specific exception, a maximum permitted height of 41 metres, and a holding symbol.

Since 1963, the property has been occupied by a 14-storey apartment building and associated parking. The majority of the proposed ground floor non-residential uses exist on-site today as legal non-conforming uses. Similarly, the proposed zoning provisions related to maximum building height, building setbacks, landscaping, and parking reflect a situation that currently exists. The department supports bringing the site into compliance with the Zoning By-law by recognizing these long-standing non-conforming uses and performance standards.

The proposed rezoning will permit the following ground floor commercial uses: restaurant, convenience store, personal service business, and recreational and athletic facility. These uses are conditional on provisions that limit their size and location. The proposed rezoning will also permit an outdoor commercial patio, conditional on provisions that address the distance from a residential zone, screening, area, and operation. It is also recommended that a holding symbol be included in the zone that will require that the applicant enter into a restrictive covenant. The restrictive covenant can address concerns related to the patio, such as hours of operation and use of outdoor music. Lastly, the proposed rezoning will recognize existing site conditions that do not comply with the current zoning by-law. Acknowledging the existing non-complying situation on-site today through this rezoning will help to clarify the permissions for any future development on-site. The department supports the proposed Zoning By-law amendment and is of the opinion that the proposal is consistent with the Official Plan.

### **Public Consultation/Input**

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications. Four respondents commented on the proposal.

## **RÉSUMÉ**

### **Hypothèse et analyse**

La modification recommandée au Règlement de zonage permet certaines utilisations non résidentielles au rez-de-chaussée et une terrasse commerciale extérieure associée, et reconnaît par ailleurs les conditions légalement non conformes actuelles de l'emplacement. Avec cette modification, le zonage R5B – Zone résidentielle de densité 5, sous-zone B, serait conservé et se verrait ajouter une exception propre à l'emplacement, une hauteur maximale autorisée de 41 mètres ainsi qu'un symbole d'aménagement différé.

Depuis 1963, la propriété est occupée par un immeuble d'appartements de 14 étages et une aire de stationnement connexe. La majorité des utilisations non résidentielles proposées au rez-de-chaussée existent déjà aujourd'hui en tant qu'utilisations légalement non conformes. De la même manière, les dispositions du zonage proposé, liées à la hauteur de bâtiment maximale, aux retraits de bâtiment, à l'aménagement paysager et au stationnement reflètent la situation actuelle. La Direction générale soutien la mise en conformité de l'emplacement avec le Règlement de zonage en reconnaissant ces utilisations non conformes et ces normes de rendement observées de longue date.

La modification de zonage proposée permettra la présence des utilisations commerciales suivantes au rez-de-chaussée : un restaurant, un dépanneur, une entreprise de services personnels et une installation récréative et sportive. Ces utilisations sont conditionnelles à des dispositions limitant leur superficie et leur emplacement. Cette modification de zonage permettra également l'aménagement d'une terrasse commerciale extérieure, un aménagement conditionnel à des dispositions relatives à la distance depuis une zone résidentielle, aux écrans, à la superficie et à l'exploitation. Il est également recommandé d'ajouter un symbole d'aménagement différé au zonage afin d'exiger que le requérant souscrive à une clause restrictive. Cette clause restrictive peut porter sur des préoccupations liées à la terrasse, notamment les heures d'ouverture, et la diffusion de musique à l'extérieur. Finalement, la modification de zonage proposée tiendra compte des conditions actuelles de l'emplacement qui ne sont pas conformes au Règlement de zonage actuel. Le fait de reconnaître la situation non conforme actuelle de l'emplacement, par le biais de cette modification de zonage, aidera à clarifier les autorisations d'éventuels aménagements à cet endroit. La Direction générale soutien la modification proposée au Règlement de zonage et est d'avis que la proposition est conforme aux dispositions du Plan officiel.

## **Consultation publique et commentaires**

Un avis public a été donné à cet égard et une consultation publique a eu lieu conformément à la politique concernant les avis et les consultations publics approuvée par le Conseil municipal pour les demandes d'aménagement. Quatre répondants ont commenté la proposition.

## **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**

207 Bell Street North

### **Owner**

InterRent REIT

### **Applicant**

Fotenn Consultants Inc. – Brian Casagrande

### **Description of site and surroundings**

The property is located in the Dalhousie neighbourhood, between Gladstone Avenue to the north and Arlington Avenue to the south. The property is approximately 6,600 square metres in area, with 148 metres of frontage along the east side of Bell Street North. It is currently occupied by a 14-storey apartment building and associated surface parking. The site is illustrated in Document 1 – Zoning By-law Amendment Location Map.

The site is located in a residential neighbourhood and is in close proximity to Gladstone Avenue, which is a Traditional Mainstreet with a mix of non-residential uses. The following land uses surround the subject site:

- North: The property abuts the rear property lines of two lots, which front onto Gladstone Avenue. These lots are occupied by a convenience store and an automobile body shop.

- East: The property abuts a public lane known as Arthur Lane North, beyond which are three apartment dwellings ranging in height from four- to eight-storeys.
- South: The property abuts two low-rise residential dwellings.
- West: The property abuts the Bell Street North right-of-way, beyond which are institutional uses including Gladstone Sports and Health Centre and a place of worship, as well as low-rise residential dwellings.

### **Summary of requested Zoning By-law Amendment proposal**

A Zoning By-law amendment is proposed for 207 Bell Street North. The property is currently zoned R5B H(39) – Residential Fifth Density, Subzone B, Height Limit 39 metres. The requested zoning proposes to add a site-specific exception XXXX, increase the maximum permitted height to 41 metres, and add a holding symbol to the existing zoning. Therefore, the recommended zone is R5B[XXXX] H(41)-h – Residential Fifth Density, Subzone B, Exception XXXX, Height Limit 41 metres, with a holding zone. The amendment is requested to allow for ground floor non-residential uses and an associated outdoor commercial patio as well as recognize the existing non-complying site conditions.

The recommended amendment, as detailed in Document 2 – Details of Recommended Zoning, includes:

- Permitting the following non-residential uses: restaurant, convenience store, personal service business, and recreational and athletic facility. These uses are subject to the following provisions:
  - The cumulative total of the non-residential uses are limited to a maximum of 350 square metres in gross floor area, with no single occupancy measuring over 150 square metres in gross floor area; and
  - The location of the non-residential uses is limited to the ground floor of a mid-rise apartment dwelling.
- Permitting an outdoor commercial patio that is subject to the following provisions:
  - The separation distance from a lot in a residential zone is required to be at least 14 metres, with a 1.3-metre high screen from that residential lot;
  - The size of the patio is limited to a maximum area of 85 square metres;



- The patio is to operate as a part of a permitted conditional restaurant use;
- A holding symbol (-h) is required to satisfy the following provision prior to the holding symbol being lifted: The owner enters into a restrictive covenant, registered on title, to address any potential issues, if necessary, such as hours of operation, music, lighting, and number of seating. Such details shall be to the satisfaction of the Director, Planning Services, Planning, Infrastructure and Economic Development.
- Recognizing existing on-site conditions, including:
  - A maximum building height of 41 metres;
  - A 0.29-metre northern interior side yard setback;
  - A 540-square metre landscaped area;
  - 106 total residential vehicular parking spaces on 207 Bell Street;
  - 60 additional provided vehicular parking spaces are permitted to be located off-site;
  - One visitor parking space;
  - 49 per cent of the required parking spaces provided in the rear yard parking lot may be reduced to a minimum width of 2.4 metres and a minimum length of 4.6 metres;
  - A drive aisle width that ranges from 6.7 metres to 7.2 metres;
  - Front yard parking (as on-street parking along Bell Street);
  - A 6.6-metre wide walkway (as the Bell Street sidewalk);
  - A parking lot that has no landscaping or landscape buffer;
  - A garbage enclosure that is 0.18 metres from the rear lot line; and
  - 112 bicycle parking spaces.

### **Brief history of proposal**

The site has atypical site boundaries and is occupied by a building, which was constructed before the City of Ottawa had its first comprehensive zoning by-law. The

result is that there are a number of ways in which the site legally operates, which are not reflected by the current zoning on-site. The site was operating legally using non-conforming rights; however, the applicant recently constructed a patio, which triggered the need for a Major Zoning By-law amendment application.

The lot lines for the property are unusual because the front property line extends beyond what is typically retained as the City-owned public right-of-way. The owner of the apartment building at 207 Bell Street North also owns the sidewalk, the street parking, and a large portion of the Bell Street roadway in front of the apartment building. The unusual extent of the private land ownership is illustrated in Document 1 - Zoning By-law Amendment Location Map. The City recognizes the applicant's legal right to this area and currently has no intent to purchase the roadway/sidewalk.

A consequence of this unusual lot configuration is the need for a number of site-specific zoning exceptions. For example, front yard parking is recommended to be approved because, in this specific case, the 'front yard' includes the Bell Street roadway and the 'front yard parking' is street parking along Bell Street.

The site received a building permit for a 14-storey apartment building in 1963, whereas the City first Comprehensive Zoning By-law came into effect with AZ64 in 1964. Due to the fact the building was legally established over 50 years ago, the building setbacks and many zoning requirements, such as parking, do not conform with the zoning in place today. Additionally, over time a number of non-residential uses have been legally established on the ground floor of the existing apartment building, but are not currently recognized by the on-site zoning.

In 2013, the ownership of the site changed and the site underwent a number of renovations. The owner recently constructed a patio for the existing restaurant use on-site without understanding that, in this case, such construction triggers a Major Zoning By-law amendment to be in accordance with Section 85 – Outdoor Commercial Patios.

The patio is intended to operate as a part of a restaurant use. For this to take place, the restaurant use must first be a listed permitted use within the zone. Section 85 of the Zoning By-law 2008-250 states: "An outdoor commercial patio is permitted if it is operated as part of a restaurant...where those uses are listed permitted uses". Since the restaurant is currently operating on-site as a legal non-conforming use, it is not a listed permitted use. By permitting the restaurant use through this rezoning, the patio will also be permitted to operate.

The approval of the recommended Zoning By-law amendment will bring existing legally non-conforming uses and performance standards into conformity with the current Zoning By-law and allow the applicant to retain the patio use.

## **DISCUSSION**

### **Public consultation**

The consultation details can be found in Document 3 – Consultation Details, which provides a summary of comments that were received from members of the public during the circulation period along with staff's responses.

The community requested consideration be given to noise, land use, parking and traffic.

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

### **Official Plan designations**

The site is located within the General Urban Area designation as shown on Schedule B of the Official Plan.

### **Other applicable policies and guidelines**

The Outdoor Patio Design Guidelines applies to this site. These guidelines provide guidance on applications to establish outdoor patios. They address design details, such as lighting, fencing, planting, signage, land use relationships, and patio location. They encourage patios to be designed to maintain primacy of the public right of way for pedestrian and vehicular movement, mitigate any possible harmful impacts on adjacent land uses, and enhance the vitality of the street environment.

## **PLANNING RATIONALE**

### ***Planning Act and Provincial Policy Statement***

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), a document that provides policy direction on matters of provincial interest related to land use development. The PPS contains policies that require an appropriate mix of residential and non-residential uses in urban areas and that provide for efficient land use and development patterns to support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

The proposal is subject to the policies contained within the 2014 PPS. Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014. The proposal is in keeping with the PPS by promoting efficient development with a mix of uses in a built form that enhances the vitality of downtowns and supports the long-term prosperity of vibrant liveable communities with opportunities to live, work and play.

### **Official Plan Policies**

This application has been reviewed under the consolidated Official Plan (2003) with regard for the Council approved amendments contained within Official Plan Amendment 150 (OPA 150). Amendments introduced by OPA 150 do not impact the proposal.

The site is designated General Urban Area (Section 3.6.1), which provides for policy direction encouraging a range of housing types in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. This broad scale of uses will facilitate the development of complete and sustainable communities. This section specifies that within neighbourhoods, the Zoning By-law will allow for those uses that provide for the local, everyday needs of the residents. This proposal meets the intent laid out in this policy direction by integrating non-residential uses that service the needs of both the residents of 207 Bell Street North and the needs of the local residents within the neighbourhood.

The proposal is consistent with the General Urban Area policies by providing a variety of small, locally oriented convenience and service uses that complement adjacent residential land uses, and are of a size and scale consistent with the needs of the nearby residential areas. The proposed non-residential uses include: restaurant, convenience store, personal service business, and recreational and athletic facility. With the exception of the proposed recreational and athletic facility use, the proposed non-residential uses are already operational on-site as legal non-conforming uses. In other words, three of the four requested non-residential uses proposed through this rezoning have already been legally established through previous Zoning By-laws and retain their right to exist today. This rezoning application recommends formally recognizing these uses through a site-specific exception to the zone, subject to provisions that will limit the uses' size and location.

The size of these non-residential uses are recommended to be limited to a cumulative total of 350 square metres in gross floor area, with no single occupancy being over 150 square metres in gross floor area. The location is limited to being on the ground

floor of a mid-high rise apartment dwelling. This provision ensures that the conditional permitted non-residential uses are restricted to occupying a mid-rise apartment dwelling and that they are of a size and scale consistent with the area. Furthermore, by being located on the ground floor of an already existing apartment dwelling, the non-residential uses will be easily accessible and provide streetscape animation.

Planning Services is of the opinion that the proposed non-residential uses will have a minimal impact on the neighbourhood. Under the Zoning By-law 2008-250, the proposed non-residential uses do not require additional vehicular parking. The property is located in Area X: Inner Urban on Schedule 1A of the Zoning By-law 2008-250. As per Section 101, policy (3) states that where a non-residential use is located partly or entirely on the ground floor and has a gross floor area of 200 square metres or less, no off-street motor vehicle parking is required to be provided. Since each single occupancy of the proposed non-residential uses is limited to 150 square metres and since they are located exclusively on the ground floor, there is no additional required vehicular parking for these uses. The fact that these non-residential uses do not trigger additional parking in the neighbourhood, is consistent with the Official Plan's intent within the General Urban Area to minimize the impact of locally oriented convenience and service uses on neighbourhoods.

The evaluation of development applications within the General Urban Area are also to be in accordance with Section 2.5.1 and Section 4.11 that address issues of compatibility and design. Section 2.5.1 of the Official Plan outlines design objectives and criteria for reviewing development proposals. This section identifies how built form, open spaces, and infrastructure play a key role in urban design. The compatibility policies of Section 4.11 of the Official Plan identify ways to measure compatibility, depending on the use proposed and planned context. Such measures include traffic and parking, outdoor amenity areas, sunlight and microclimate, and supporting neighbourhood services.

In this case, apart from the patio, there is no external development proposed on-site. All the proposed non-residential uses will operate within the existing building on the ground floor. Through this application, the owner provided a Noise Study that concluded that the patio is expected to be compatible with existing and future noise sensitive land uses. In addition, while the hours of operation and noise levels are set by citywide by-laws, the operation of the patio is recommended to be further controlled through the implementation of a holding zone. The holding zone is proposed to be lifted at the time when the applicant enters into a restrictive covenant agreement to limit the hours of

operation and implement restrictions against outdoor music to mitigate any potential nuisance to neighbours.

Furthermore, the outdoor commercial patio is recommended to be approved, subject to provisions that limit its size, location, and operation. The size is limited to a maximum of 85 square metres and the location is not permitted to be any closer to surrounding residential development than where it is currently located (at 14 metres from the closest lot in a residential zone). The patio is also required to provide a screen or wall around the patio that is at least 1.3 metres in height and be operated as part of a permitted conditional restaurant use. By specifying that the patio may only operate with a restaurant use, the zoning prohibits the patio to be associated with other uses, such as nightclub or bar. Planning Services is satisfied that the outdoor commercial patio is compatible with the surrounding community.

Planning Services is satisfied that the proposal represents compatible development because the building is not increasing in size, the demand for parking on-site is not increasing, the majority of the proposed uses are currently operating on-site with legal non-conforming rights, and the patio is conditionally permitted to ensure compatibility with the neighbourhood. Staff are satisfied that the recommended zoning details for the proposed ground floor non-residential uses and associated outdoor commercial patio are consistent with the current Official Plan and OPA 150.

### **Outdoor Patio Design Guidelines**

The City of Ottawa's Outdoor Patio Design Guidelines provide guidance on applications to establish outdoor patios. The guidelines cover specific design details, such as lighting, fencing, planting, as well as land use relationships. Planning Services is satisfied that the existing patio meets the general intent of these design provisions. The patio provides screening to clearly delineate its boundaries and mitigate its impact on its surroundings. There is also a clear pedestrian path around the patio, which will continue to function as a sidewalk. The proposed patio contributes to street level animation and the pedestrian realm. Images of the existing patio location and street-level relationship are shown in Document 4 – Development Concept Plans.

### **Recommended Zoning Details Rationale**

As detailed in Document 2 - Details of Recommended Zoning, the proposed Zoning By-law amendment will rezone the site from R5B H(39) to R5B[XXXX] H(41)-h. The following summarizes the site-specific zoning provisions:

- **Conditional Permitted Non-Residential Uses**

The proposed conditional permitted non-residential uses include restaurant, convenience store, personal service business, and recreational and athletic facility. These non-residential uses are conditional on the following provisions: (1) limiting the size to a cumulative total of 350 square metres in gross floor area, with no single occupancy being over 150 square metres in gross floor area; and (2) limiting the location to the ground floor of a mid-high rise apartment dwelling. The Department is satisfied that with the proposed provisions limiting the size and scale of the non-residential uses, the uses will be consistent with the area and contribute to the streetscape. With exception of the proposed recreational and athletic facility use, the proposed non-residential uses are already operational on-site as legal non-conforming uses. The proposed recreational and athletic facility use is currently shown on the ground floor plan in Document 4 – Development Concept Plans as sharing a 47 square metre space with the personal service business.

- **Conditional Permitted Outdoor Commercial Patio**

Section 85 of the Zoning By-law regulates outdoor commercial patios. Provision (85)(3)(a) permits a patio that is at least 30 metres from a lot in a residential zone and is screened and physically separated from that same lot by a structure, screen or wall that is 2 metres or more in height so as to mitigate both light and noise from the outdoor commercial patio. Provision (85)(3)(b) permits a patio where it is located at least 75 metres from a lot in a residential zone.

The patio has already been built on-site, without legal permissions. The patio is 14.2 metres from the closest lot in a residential zone, has a screen that is 1.3 metres in height, and is 85 square metres in area. The applicant is seeking permission for this non-complying patio.

The recommended approval of the outdoor commercial patio is conditional upon the following provisions: (1) the distance of the patio from a lot in a residential zone is at least 14 metres and screened from this residential lot with a screen or wall that is 1.3 metres or more in height; (2) limited to a maximum size of 85 square metres; (3) operated as a part of a permitted conditional restaurant use.

Planning Services can support this relief as the patio will help bring animation to Bell Street, and its approval is conditional on its limited size, area and operation. The conditional patio provisions ensure that the patio will not expand in size, change in location to be closer to any residential lots, or be operated as a part of a bar or nightclub.

- **Holding Symbol to Establish Restricted Covenant**

The recommended approval of the outdoor commercial patio is also to be approved in conjunction with the approval of a holding symbol, which will require the applicant enter into a restricted covenant to lift the holding symbol. The restricted covenant will be registered on title to address any potential issues, if necessary, such as hours of operation, music, lighting, and number of seats. Such details shall be to the satisfaction of the Director, Planning Services, Planning, Infrastructure and Economic Development.

- **Building Height**

The applicant is seeking to acknowledge the existing 41-metre building height in the zoning. A Minor Variance for the current building height of 41 metres was previously obtained in 2008 at the Committee of Adjustment. Zoning By-law 2008-250, Table 164B, endnote 51 indicates that mid-high rise apartment dwellings are subject to site-specific building heights. As currently the zoning on the subject property identifies a site-specific height limit of 39 metres, this rezoning would serve to change that height limit to 41 metres. Planning Services supports clearly identifying the already permitted and existing height in the zone.

- **North Interior Side Yard Setback**

The applicant is seeking to acknowledge the existing 0.29-metre north side yard setback. A minor variance for the current north side yard setback of 0.29 metres was previously obtained in 2015 at the Committee of Adjustment (File No. D08-02-15/A-00226). In the 2008-250 Zoning By-law, Table 164A, Subzone B, Column XI, endnote 4, requires that any part of a building facing the north interior side lot line is subject to a 1.5-metre setback if the building is located within 21 metres of the front lot line, and a 6-metre setback if located further than 21 metres from the front lot line. Planning Services supports acknowledging this existing setback in the listed zoning exceptions because this setback reflects an



existing condition, has been previously permitted through the Committee of Adjustment, and is not a result of any additional development on-site.

- **Landscaped Area**

The applicant is seeking to acknowledge the existing deficiency in landscaping. In the 2008-250 Zoning By-law, Section 163, Provision 9 requires that thirty percent of the lot area be provided as landscaped area. This results in a requirement for 1,990.5 square metres of landscaped area, whereas only 543 square metres of landscaped area is currently provided. The applicant has indicated their willingness to work with the Councillor's office to establish several street trees along Bell Street. As the site layout was legally established in the 1960s and as the applicant has shown interest in adding new street trees along Bell Street, Planning Services is satisfied with the proposed exemption to the required landscaped area.

- **Off-site Parking**

Section 100(1)(c) of the Zoning By-law states that parking must be located on the same lot as the use or building for which they are provided, except where otherwise permitted, whereas the site currently operates by providing some of the residents of 207 Bell Street North with parking located on a different lot, at 23 Louisa Street. Permission was granted by the Committee of Adjustment in May 1973 to recognize the legal non-conforming right for off-site parking for 201-219 Bell Street North (currently known as 207 Bell Street North). There are currently 60 off-site parking spaces provided at 23 Louisa Street. Planning Services is supportive of acknowledging the legal non-conforming rights to this off-site parking through this rezoning. The exception recommended for approval that permits these off-site spaces identifies that these spaces will not count toward the minimum number of required parking spaces. This allows for the site at 207 Bell Street North to operate independently should there be no demand for off-site parking in the future.

- **Minimum Vehicular Parking Space for Mid-Rise Apartment Dwelling**

The applicant is seeking to reduce the number of vehicular parking spaces for residents of the mid-high rise apartment dwelling from the required 215 spaces to the provided 106 spaces. Section 101 of the Zoning By-law identifies that the minimum required number of vehicular spaces required for a mid-rise apartment

dwelling in this area of the city is subject to a parking rate of 0.5 per dwelling unit. Provision 101(3)(a) also states that in the case of a building containing residential uses, no off-street motor vehicle parking is required to be provided for the first 12 dwelling units. With 441 dwelling units currently on-site, the resulting required minimum number of vehicular parking spaces is 215 spaces. The applicant is providing 106 vehicular parking spaces on 207 Bell Street North for residents. These 106 spaces are divided into two locations: 96 are provided in the rear yard surface parking lot and 10 are provided as on-street parking along Bell Street. Therefore, the applicant is deficient 109 vehicular parking spaces. Planning Services recognizes the legal non-conforming right to the 106 vehicular parking spaces for the mid-rise apartment dwelling and is supportive of acknowledging this in the zone.

- **Visitor Parking Space Rates**

The applicant is seeking to reduce the number of required visitor parking spaces for residents of the mid-high rise apartment dwelling from the required 44 visitor parking spaces to one visitor parking space. Section 102 of the Zoning By-law identifies that the minimum required number of visitor parking spaces that are required for this use in this area be calculated at a parking rate of 0.1 per dwelling unit. Provision 102(2) provides relief from providing any parking spaces for the first 12 dwelling units on the lot. At the required rate, this results in a requirement to provide 43 visitor parking spaces. However, provision 102(3) states that no more than 30 visitor parking spaces are required per building. Therefore, the applicant is required to provide 30 visitor parking spaces under the current zoning standards, and is alternatively providing one space. Planning Services recognizes the legal non-conforming right to the existing one visitor parking space required and is supportive of acknowledging this in the zone.

- **Reduced Parking Space Dimensions**

The applicant is seeking to allow for the rear yard parking lot at 207 Bell Street North to have 49 per cent of the vehicular parking spaces be permitted to have a reduced size. Section 106(1) of the Zoning By-law states that a motor vehicle parking space must have a minimum width of 2.6 metres and a minimum length of 5.2 metres. Provision (3) in Section 106 goes on to state that up to 40 per cent of the required parking spaces can be reduced to a minimum width of 2.4 metres and minimum length of 4.6 metres. In this case, the applicant has identified that currently, of the 96 on-site parking spaces provided in the rear yard parking lot,

47 spaces (or 49 per cent) are reduced. Planning Services recognizes the legal non-conforming right of the existing parking spaces that have this reduced width.

- Drive Aisle Width

The applicant is seeking to establish a provision that recognizes the existing varied drive aisle width on the property, which at its largest width is 0.5 metres larger than what is currently permitted. Section 107(1)(aa)(i) of the Zoning By-law identifies that the maximum width for a double traffic lane that leads to 20 or more parking spaces is 6.7 metres. The rear yard parking lot, containing 96 spaces, currently has varied widths of the drive aisle, ranging from 6.7 metres to 7.2 metres.

- Location of Parking

Due to the unusual extension of private land ownership into the roadway and the establishment of this use before the current zoning standards, the site does not conform to several provisions relating to the location of parking and the landscaping of yards in Section 109 of the Zoning By-law. The applicant is seeking to recognize the existing conditions for the mid-rise apartment dwelling by permitting:

- (1) Front yard parking (for the street parking along Bell Street), whereas no front yard parking is permitted;
- (2) An increased walkway width to be 6.6 metres (for the widest width of the Bell Street sidewalk), whereas the zoning permits a maximum walkway width of 1.8 metres;
- (3) A reduction in required landscaping in yards, whereas the zoning requires that all portions of the front and corner side yard not occupied by parking spaces, driveways, aisles, permitted projections, accessory buildings or structures or walkways be landscaped with soft landscaping and that all portions of other yards not covered by the by parking spaces, driveways, aisles, permitted projections, walkways, buildings or structures be landscaped.

- Landscaping Provisions for Parking Lots

Section 110 of the Zoning By-law requires that the applicant provide a minimum 15 per cent of the area of any parking lot be landscaped area. There are three

pre-existing parking lots associated with this apartment dwelling, none of which feature any landscaping.

Table 110 also requires landscape buffers, including a 3-metre wide landscape buffer for any parking lot that abuts a street. There are 10 on-street parallel parking spaces along Bell Street, which are owned privately and considered to be a parking lot. No landscape buffer exists between the road and the street parking.

Table 110 also requires a 1.5-metre landscape buffer for a parking lot containing more than 10 but fewer than 100 spaces, and not abutting a street. The pre-existing rear yard parking lot contains 96 parking spaces and does not feature any landscape buffer.

Lastly, Section 110(3) states that all outdoor loading and refuse collection areas contained within a parking lot be located at least 3 metres from any other lot line. The pre-existing garbage enclosure onsite is located only 0.18 metres from the rear lot line. Planning Services is satisfied that the location of the existing garbage enclosure does not cause adverse impact on the laneway or uses east of the rear lot line and recommend approval of this provision.

- **Bicycle Parking Reduction**

The applicant is seeking to reduce the number of bicycle parking spaces for residents of the mid-high rise apartment dwelling from the required 226 bicycle spaces to the provided 112 bicycle spaces. Section 111 of the Zoning By-law identifies that the minimum required number of bicycle parking spaces required for a mid-high rise apartment dwelling is subject to a parking rate of 0.5 per dwelling unit. With 441 dwelling units currently on-site, the resulting required minimum number of bicycle parking spaces for the residential use is 221. In addition, the proposed ground floor restaurant use requires one space for the 127 square metres of Gross Floor Area (calculated at a rate of one per 250 square metres). Therefore, the required total number of bicycle parking spaces required is 222. The applicant is providing 112 bicycle parking spaces. There are 79 indoor bicycle parking spaces provided in the basement and 33 outdoor spaces provided in the rear yard. Therefore, the applicant is deficient 110 bicycle parking spaces. Taking into consideration that this is an existing legal non-conforming situation, Planning and Transportation staff are satisfied with the reduction in bicycle parking spaces.

**PLANNING COMMITTEE  
REPORT 60A  
11 APRIL 2018**

**80**

**COMITÉ DE L'URBANISME  
RAPPORT 60A  
LE 11 AVRIL 2018**

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor McKenney provided the following comments:

“Although I understand there are often unique circumstances which warrant some exceptions, I do not believe we should grant these without ample mitigation tools in place. If implemented correctly, a small restaurant/café with an outdoor patio can represent a positive addition to a predominantly residentially neighborhood.

As in other recent instances, the City should request that the owner enter into a restrictive covenant to address any potential issues, such as hours of operation, music, lighting, seating, and details of the patio screening. If appropriate, a holding provision can be utilized to examine the impacts of this proposed patio for a temporary time period to fully understand and respond to the overall impacts.

Due to the close proximity between the proposed development and the nearest residence, special provisions should be included in the agreement regarding buffering, visual screening, and hours of operation.

- The agreement should restrict the use of sound amplification equipment and not permit live entertainment on the outdoor patio.
- All lighting should be screened and directed to the patio so as to divert lighting away from street and adjacent residential buildings and lighting should be extinguished by 10:30pm at the latest.
- The proposed hours of operation for the patio should be reduced. Based on what I have heard from the community I believe operating hours of 7:00am to 9:00pm are reasonable given the residential character of the street. This should be addressed in the restrictive covenant to ensure no undue negative impacts.

Finally, during the construction of the patio three trees were unfortunately removed. I request that the applicant work with the city and my office to replace these trees along the r.o.w.”

## **LEGAL IMPLICATIONS**

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

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with the recommendation in this report.

## **ASSET MANAGEMENT IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

EP1 – Promote Ottawa.

EP2 – Support growth of local economy.

## **APPLICATION PROCESS TIMELINE STATUS**

This application was processed by the On Time Decision Date established for the processing of Zoning By-law amendment applications.

## **SUPPORTING DOCUMENTATION**

Document 1 Zoning By-law Amendment Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Development Concept Plans

## **CONCLUSION**

The Planning, Infrastructure and Economic Development department supports the proposed Zoning By-law amendment application to permit ground floor non-residential uses, an outdoor community patio and performance standards that reflect existing non-complying on-site conditions within the existing mid-rise apartment dwelling at 207 Bell Street North. The proposal demonstrates that it adheres to Official Plan policies by proposing appropriately scaled, ground floor non-residential uses and an outdoor commercial patio that is conditional on a holding zone that will ensure compatibility with nearby residential uses. As such, the requested Zoning By-law amendment represents good planning and the department recommends the requested amendments be approved.

## **DISPOSITION**

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (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.

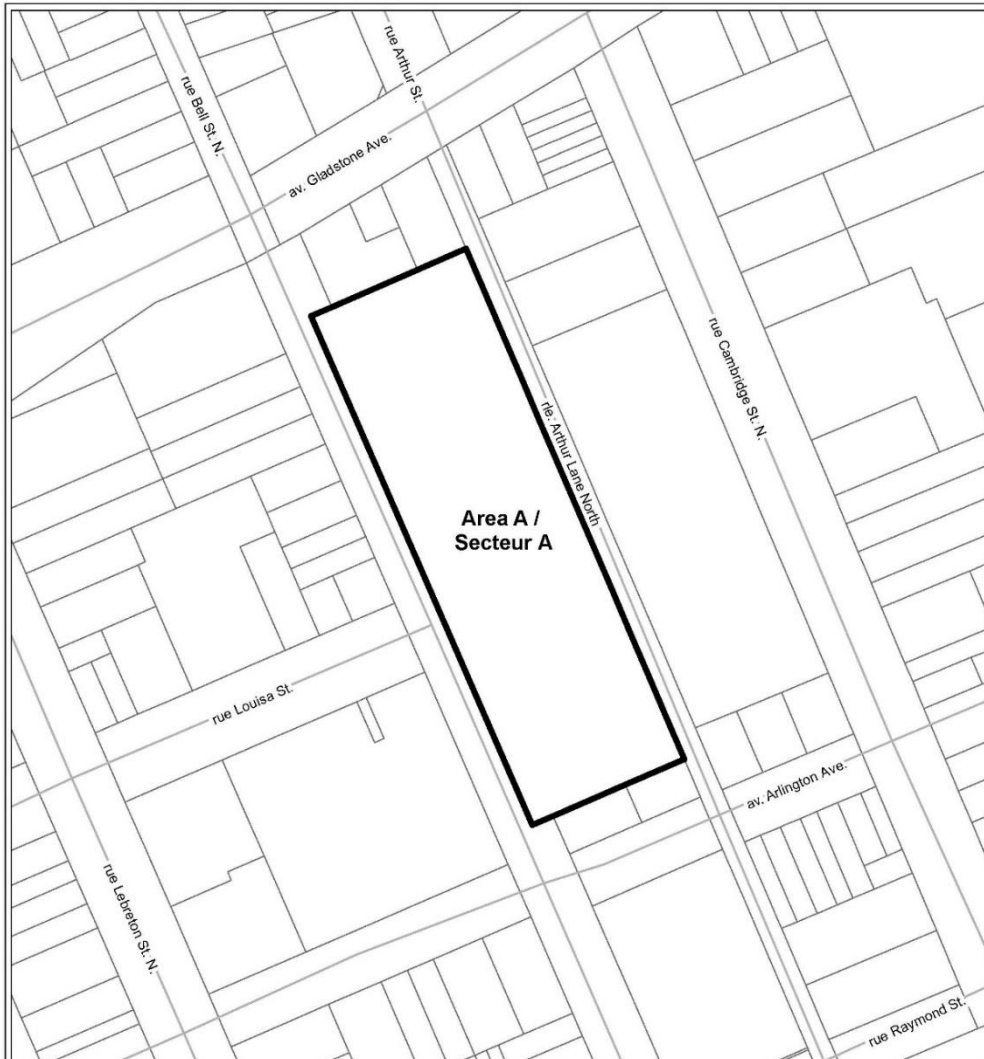
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.




Planning Operations Branch, Planning Services to undertake the statutory notification.



**Document 1 – Zoning By-law Amendment Location Map**

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa). The site is located in the Dalhousie neighbourhood, between Gladstone Avenue to the north and Arlington Avenue to the south.



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-17-0108	18-0125-X	 <b>207 rue Bell Street N</b>	Area A to be rezoned from R5B H(39) to R5B[xxxx] H(41)-h Le zonage du secteur A sera modifié de R5B H(39) à R5B[xxxx] H(41)-h
I:\CO\2018\Zoning\Bell_207			
<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>Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)</small>	
<small>©Les données de parcelles appartiennent à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2018 / 02 / 08			

## Document 2 – Details of Recommended Zoning

The proposed changes to the City of Ottawa Zoning By-law 2008-250 for 207 Bell Street North are as follows:

1. Rezone the lands shown in Document 1 from R5B H(39) to R5B[XXXX] H(41)-h
2. Add a new exception R5B[XXXX], to Section 239 – Urban Exceptions with provisions similar in effect to the following:
  - a. In column II, add the text, “R5B[XXXX] H(41)-h”
  - b. In column III, add the text, “restaurant, convenience store, personal service business, recreational and athletic facility”
  - c. In column IV, add the text, “An outdoor commercial patio is not permitted until the holding symbol is removed.”
  - d. In column V, add the following provisions:
    - i. The uses restaurant, convenience store, personal service business, and recreational and athletic facility uses are permitted subject to the following provisions: (1) limited to a cumulative total of 350 square metres in gross floor area, with no single occupancy over 150 square metres in gross floor area; (2) must be located entirely on the ground floor of a mid-high rise apartment dwelling.
    - ii. Despite Section 85, an outdoor commercial patio is permitted subject to the following provisions: (1) the patio is at least 14 metres from a lot in a residential zone and screened from that same lot by a structure, screen or wall that is 1.3 metres or more in height so as to mitigate both light and noise from the outdoor commercial patio; (2) limited to a maximum size of 85 square metres; (3) operated as part of a restaurant use.
    - iii. The holding symbol may not be lifted until the following is satisfied:
      1. The property owner enters into a restrictive covenant, registered on title, if required by the Director, Planning Services, to address mitigation of potential impacts of the use including, but not limited to, hours of operation, music, lighting, and number of seats. Such details shall be to the satisfaction of the Director, Planning Services, Planning, Infrastructure and Economic Development.

- iv. The minimum northern interior side yard setback for a mid-rise apartment dwelling is 0.29 metres.
- v. Despite Section 163(9), the minimum required landscaped area is 540 square metres for a mid-rise apartment dwelling.
- vi. Despite Section 100, up to 60 provided parking spaces are permitted to be located off-site, and these parking spaces do not count toward the minimum number of required parking spaces.
- vii. Despite Section 101, the minimum number of vehicular parking spaces required for a mid-high rise apartment dwelling is 106 spaces.
- viii. Despite Section 102, the minimum number of visitor parking spaces required for a mid-high rise apartment dwelling is one space.
- ix. Despite Section 106, up to 49 per cent of the required parking spaces provided in the rear yard parking lot may be reduced to a minimum width of 2.4 metres and a minimum length of 4.6 metres; (i) where the parking space are located in a parking lot or parking garage containing more than 20 spaces, and (ii) provided any reduced length space is clearly identified for small cars only.
- x. Despite Section 107, in the case of a mid-rise apartment dwelling, the maximum permitted width for a double traffic lane that leads to 20 or more parking spaces is 7.2 metres.
- xi. Despite Section 109(3), in the case of a mid-rise apartment dwelling: (1) parking spaces are permitted in the required front yard where they abut Bell Street North; (2) the maximum width of a walkway in the front yard is 6.6 metres; (3) Section 109(3)(c) and Section 109(3)(d) do not apply.
- xii. Despite Section 110, the parking lot of a mid-rise apartment dwelling does not require 15 per cent landscaping or a landscape buffer.
- xiii. Despite Section 110(3), a garbage enclosure for a mid-rise apartment dwelling is required to be a minimum of 0.18 metres from the rear lot line.
- xiv. Despite Section 111, the minimum number of bicycle parking spaces required for a mid-high rise apartment dwelling is 112 spaces.

### **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

##### Summary of Public Input

A total of four residents provided feedback on the subject proposal. One person indicated full support for the proposal, stating that it will be a positive improvement to the neighbourhood. The remaining concerns are summarized below:

##### Comment: Noise

Two residents indicated concern that the patio and the non-residential uses on the ground floor will cause undesirable noise.

##### Response:

With regard to noise related to the patio, the applicant submitted a Noise Study, which concluded that the proposed patio would create acceptable noise levels. Furthermore, the proposed restricted covenant will limit hours of operation and implement restrictions against outdoor music to mitigate any potential nuisance to neighbours.

With regard to noise created by the non-residential uses, please note that the majority of the proposed non-residential uses on the ground floor are currently operating onsite as legal non-conforming uses. The Department is satisfied noise related to these uses will take place internally and will not have an adverse impact on the neighbourhood.

##### Comment: Land use

One resident indicated concern that permitting a convenience store at 207 Bell Street will negatively affect existing convenience stores in the neighbourhood by drawing business away from them.

##### Response:

A convenience store use up to 75 square metres is currently permitted within the existing zone for the mid-rise apartment dwelling use that exists there today. The

department does not share this concern, as a convenience store use is already a permitted and existing land use.

Comment: Traffic and Parking

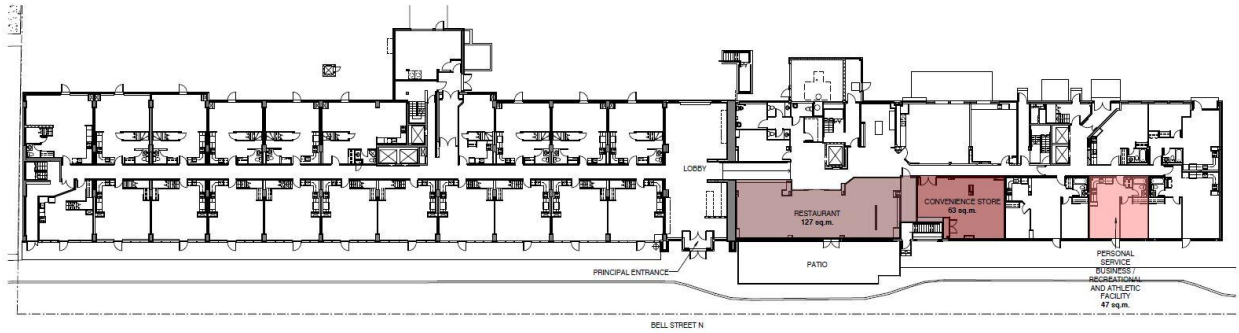
One resident indicated concern that the reduction to the minimum vehicular parking space requirement from 245 to 106 spaces and the addition of non-residential ground floor uses will cause surplus vehicles on nearby streets, causing more traffic and reducing pedestrian safety.

Response:

While the reduction in minimum required vehicular parking spaces appears significant in its numerical value, it in fact reflects an existing situation and incorporating this exception into the new zone for the site is not expected to cause a change to existing vehicular movement or parking in the area. The majority of the proposed non-residential uses introduced through this re-zoning exist currently as legally non-conforming uses and will therefore not be introducing additional parking demands that do not exist currently.

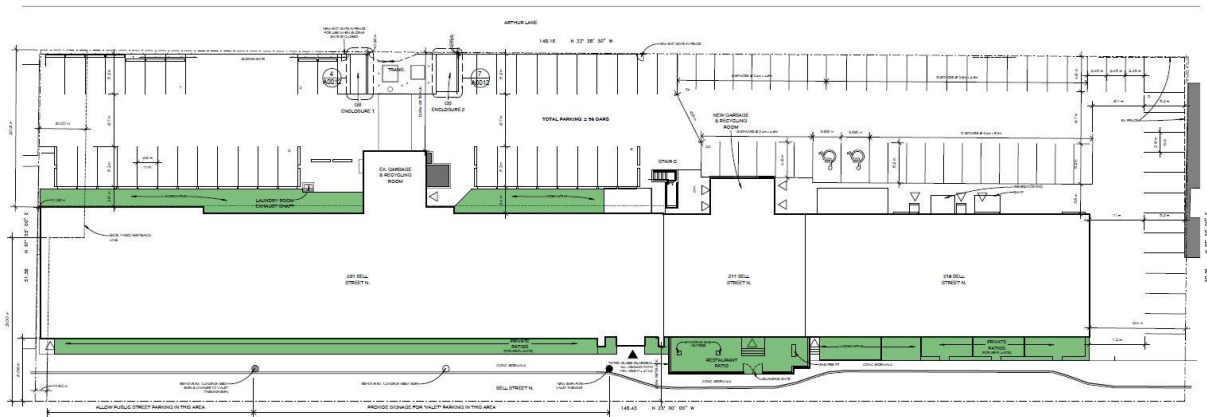
Document 4 – Development Concept Plans

Ground Floor Plan



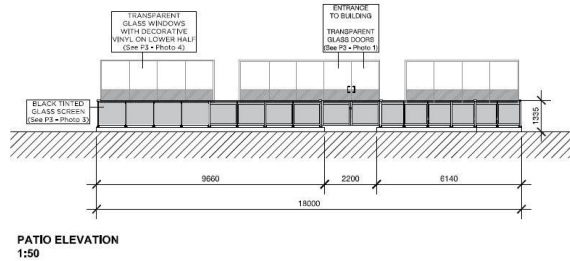
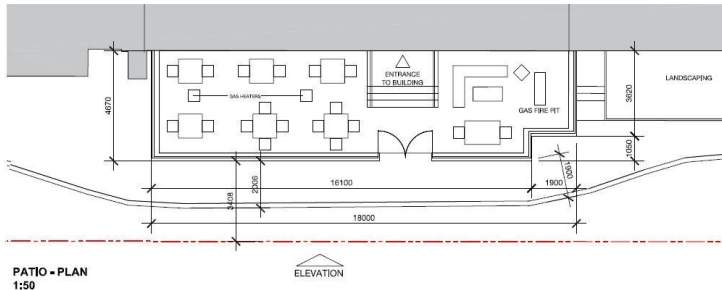
GROUND FLOOR PLAN  
SCALE: 1/8" = 1'-0"  
FEBRUARY 12, 2018

Site Plan



SITE PLAN  
SCALE: 1/200  
FEBRUARY 12, 2018

Patio Plan and Elevation



207 BELL ST  
 PATIO - PLAN AND  
 ELEVATION

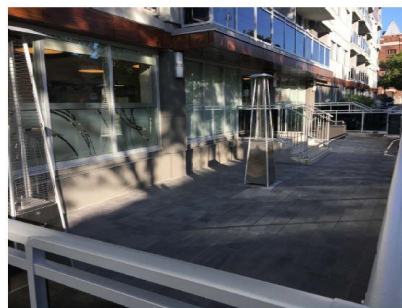
PROPERTY LINE



1	REVISION CITY COMMENTS	2017.01.17	EL
2	BUILDING LABELS	2017.11.14	RP
1	REVISION	2017.11.13	RP
No.	REVISION	DATE	BY

CLIENT  
**CLV GROUP**  
**FOTENN**  
 Planning + Design  
 225 Mulan Street, Ottawa, ON K2P 0Z3  
 613.203.2539 www.fotenn.com  
 DESIGNED BY EL  
 REVIEWED BY RP  
 DATE 2017.11.13 **P2**

Site Photographs of Patio



207 BELL ST  
 SITE PHOTOS

1	REVISION CITY COMMENTS	2017.01.17	EL
2	BUILDING LABELS	2017.11.14	RP
1	REVISION	2017.11.13	RP
No.	REVISION	DATE	BY

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