

3. ZONING ANOMALY REPORT - REMOVAL OF A PORTION OF ROCKCLIFFE PARK FROM THE MATURE NEIGHBOURHOODS OVERLAY IN ZONING BY-LAW 2008-250

ZONAGE – RAPPORT D'ANOMALIE – RETRAIT D'UNE PARTIE DE ROCKCLIFFE PARK DE LA ZONE SOUS-JACENTE DE QUARTIERS ÉTABLIS DANS LE RÈGLEMENT DE ZONAGE 2008-250

COMMITTEE RECOMMENDATION

That Council approve that the Zoning By-law amendment to remove that portion of the Mature Neighbourhoods Overlay from lands within the former Village of Rockcliffe Park, as shown in Document 2.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve la modification au Règlement de zonage visant à retirer de la zone sous-jacente de quartiers établis les terrains de l'ancien Village de Rockcliffe Park, comme il est illustré dans le document 2.

DOCUMENTATION / DOCUMENTATION

1. General Manager's Report, Planning, Infrastructure and Economic Development Department, dated 4 October 2016 (ACS2016-PIE-PGM-0150).

Rapport du Directeur général, Services de la planification, de l'Infrastructure et du développement économique, daté le 4 octobre 2016 (ACS2016-PIE-PGM-0150).

**Report to
Rapport au:**

**Planning Committee / Comité de l'urbanisme
October 11, 2016 / 11 octobre 2016**

**and Council / et au Conseil
October 26, 2016 / 26 octobre 2016**

**Submitted on October 4, 2016
Soumis le 4 octobre 2016**

**Submitted by
Soumis par:
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Ward: RIDEAU-ROCKCLIFFE (13)

File Number: ACS2016-PIE-PGM-0150

**SUBJECT: Zoning Anomaly Report - Removal of a portion of Rockcliffe Park
from the Mature Neighbourhoods Overlay in Zoning By-law 2008-250**

**OBJET: Zonage – Rapport d'anomalie – Retrait d'une partie de Rockcliffe
Park de la zone sous-jacente de quartiers établis dans le Règlement
de zonage 2008-250**

REPORT RECOMMENDATIONS

1. That Planning Committee recommend to Council that the Zoning By-law amendment to remove that portion of the Mature Neighbourhoods Overlay from lands within the former Village of Rockcliffe Park, be approved as shown in Document 2; and
2. That Planning Committee approve the Public Consultation Section of this report be included as the “brief explanation” in the Summary of Written and Oral Submissions, to be prepared by the City Clerk and Solicitor’s Office and submitted to Council in tandem with this report, subject to submissions received between the publication of this report and 4 p.m. of the day prior to Council’s consideration.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l’urbanisme recommande au Conseil d’approuver la modification au Règlement de zonage visant à retirer de la zone sous-jacente de quartiers établis les terrains de l’ancien Village de Rockcliffe Park illustrés dans le document 2;
2. Que le Comité de l’urbanisme donne son approbation à ce que la section du présent rapport consacrée aux consultations publiques soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales, qui sera rédigé par le Bureau du greffier municipal et de l’avocat général et soumis au Conseil en même temps que le présent rapport, à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et 16 h la veille de l’étude du rapport par le Conseil.

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](#).

In 2010, Council directed that a study on infill within the mature neighbourhoods be undertaken. Infill projects that did not fit in with their surroundings were occurring across

many of the oldest neighbourhoods within old Ottawa. The boundary of the Infill in Low-Rise Residential Neighbourhoods Study was chosen based on recent past infill activity and on concerns raised by residents and Ward Councillors. At the time, no issues had been raised with respect to Rockcliffe Park by the Councillor of Ward 13 – Rideau-Rockcliffe, nor by any Rockcliffe Park residents. As such, the Infill study excluded all lands within the former Village of Rockcliffe Park. Public consultation was held with neither the Rockcliffe Park Community Association nor with the neighbourhood's residents.

However, when the Infill By-law 2012-147 was adopted following two years of public participation, a small portion of the lands in Rockcliffe Park was included within the area affected by the Zoning By-law amendment.

Further, despite the three-year appeal of By-law 2012-147 during which numerous meetings were held with a stakeholder group and substantial changes were made to the by-law, the mapping anomaly was never identified. The revised Mature Neighbourhoods By-law 2012-147 was enacted by the Ontario Municipal Board in June 2015 with the same mapped area. It was only recently that staff became aware of the anomalous Overlay boundary. This amendment removes all lands located in Rockcliffe Park that currently fall within the Mature Neighbourhoods boundary.

DISCUSSION

In 2010, Council directed staff to undertake a comprehensive study regarding residential infill, because there had been a number of new infill projects that were not in keeping with the established character in many of the oldest and most stable residential neighbourhoods in old Ottawa. At the time, it was determined that Rockcliffe Park would not be included within the Infill Study Area, because there had been little infill activity, and no complaints had been raised by any of the residents of Rockcliffe Park or by the Ward Councillor.

With the area deliberately excluded from the Infill Study Area, staff undertook a comprehensive two-year consultation period, during which no meetings were held in Rockcliffe Park because of this exclusion. Moreover, no comments were received from the Rockcliffe Park Community Association, as their neighbourhood lay outside of the Study Area. Despite the exclusion, when Infill By-law 2012-147 was adopted, a small portion of the lands within Rockcliffe Park was included inadvertently within the area to

which the Infill regulations apply. The regulations of Infill By-law 2012-147 were appealed, but the zoning map was not.

Throughout the three-year appeal process, during which staff, the appellants and a stakeholders group redrafted the by-law, there were no communications with any representative of Rockcliffe Park nor was the neighbourhood represented within the stakeholders group.

This mapping anomaly continued into the enacted Mature Neighbourhoods By-law 2012-147, a revised version of the original by-law that sets out regulations affecting both new development as well as additions.

As Rockcliffe Park residents began submitting building permit applications following the approval of the revised By-law 2012-147, they were told that they had to complete a Streetscape Character Analysis (SCA) prior to having their applications deemed to be complete, pursuant to the Mature Neighbourhood Overlay requirements of Sections 139-140 of Zoning By-law 2008-250 which was never the intent.

Correcting this anomaly will provide a clear understanding of the zoning rules that apply to Rockcliffe Park's residential properties. More importantly, it will remove the SCA process that should only apply to those mature neighbourhoods that have experienced much infill and redevelopment, and who participated throughout the course of the study and the appeal.

Based on the foregoing, it is recommended that the Zoning Map of Zoning By-law 2008-250 be amended to remove those lands within Rockcliffe Park that lie currently within the Mature Neighbourhoods Overlay.

Lands within the former Village of Rockcliffe Park are subject to the Heritage Conservation District Plan approved by City Council in March 2016. This District Plan provides the policy framework required for new construction, redevelopment or renovations within the Rockcliffe Park Heritage Conservation District. Thought currently under appeal, heritage planners with the Development Review Services Branch are using it as policy when assessing Rockcliffe Park applications under the *Ontario Heritage Act*.

RURAL IMPLICATIONS

The recommendation in this report has no bearing on, nor impact on, the residents of the Rural Area nor their businesses and land uses, as it applies only to some lands within Rockcliffe Park.

COMMENTS BY THE WARD COUNCILLOR

Councillor Nussbaum is aware of this report and has neither concerns nor specific comments.

LEGAL IMPLICATIONS

There are no legal impediments associated with the recommendations contained within this report. This rectifies a technical error.

RISK MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no potential accessibility impacts associated with this zoning amendment.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

SE1 – Improve the client experience through established service expectations.

SUPPORTING DOCUMENTATION

Document 1 Details of Recommended Zoning

Document 2 Lands Affected Map

CONCLUSION

Because this report corrects an anomaly and does not introduce any new zoning requirements in Rockcliffe Park, only public notification has been given. By amending the Mature Neighbourhood Overlay boundary to exclude lands within Rockcliffe Park, the Overlay zoning regulations and the SCA requirement are being removed rather than imposed. As such, residential use buildings and lots will revert to the longstanding set of zoning regulations in effect for them, in addition to the policy direction given through the recently-approved Rockcliffe Park Heritage Conservation Plan, the latter of which was the subject of public consultation.

The Rockcliffe Park Community Association has been notified of this anomaly and sent a copy of this report.

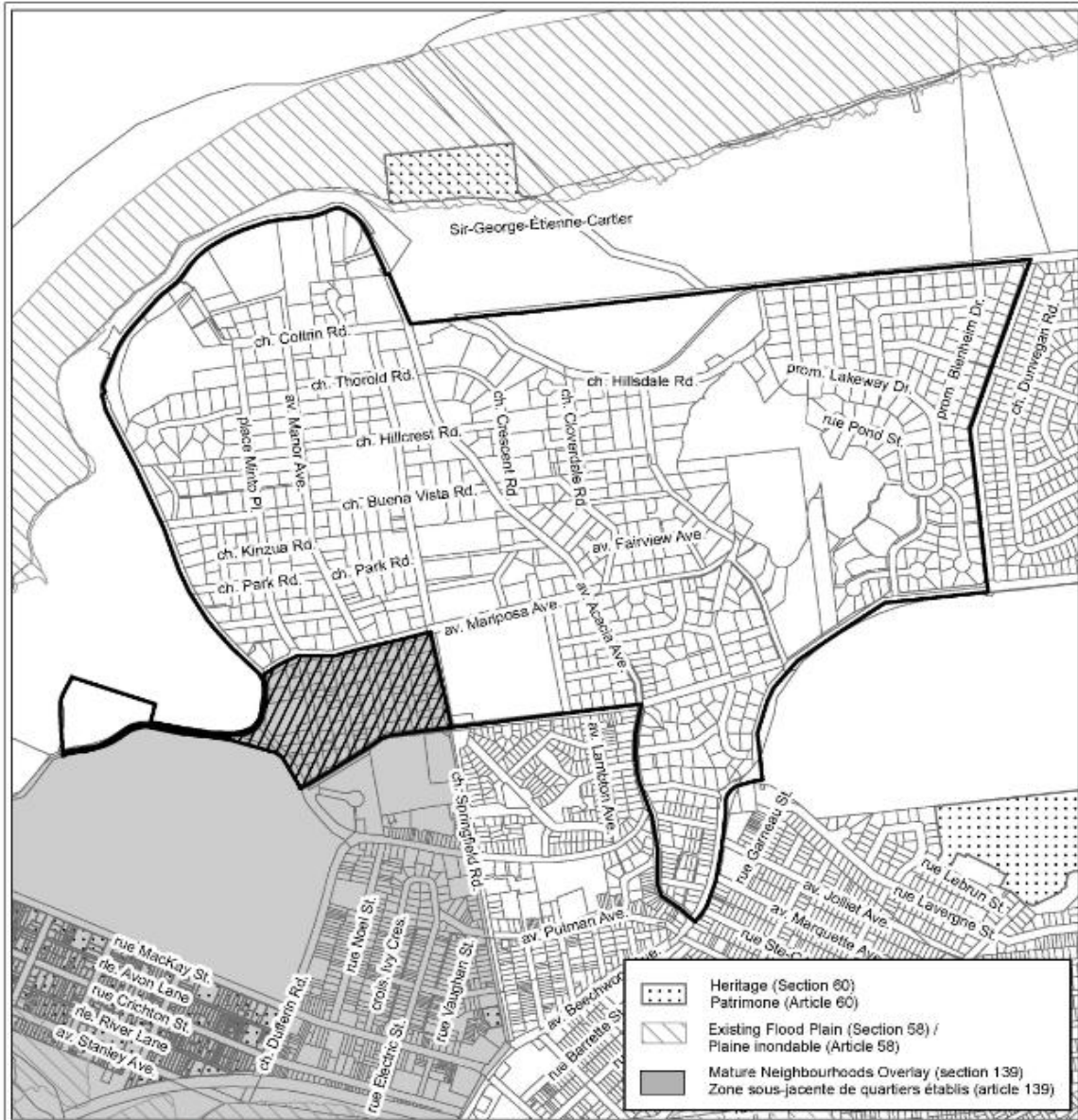
DISPOSITION

Planning, Infrastructure and Economic Development Department to prepare the implementing by-law, forward it to Legal Services who will then forward the by-law to City Council.

Document 1 – Details of Recommended Zoning

Amend the Zoning Map of Zoning By-law 2008-250 to remove the Mature Neighbourhoods Overlay from those lands located within the boundary of the former Village of Rockcliffe Park, as shown in Document 2.

Document 2 – Lands Affected Map



-  Heritage (Section 60)
Patrimoine (Article 60)
-  Existing Flood Plain (Section 58) /
Plaine inondable (Article 58)
-  Mature Neighbourhoods Overlay (section 139)
Zone sous-jacente de quartiers établis (article 139)

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REVISION / RÉVISION - 2016 / 08 / 31

LOCATION MAP / PLAN DE LOCALISATION
 ZONING KEY PLAN / SCHEMA DE ZONAGE

 Area to be removed from the Mature Neighbourhoods Overlay
 Secteur devant être enlevé de la Zone sous-jacente de quartiers établis

