

Backgrounder

June 2, 1999

ACS1999-PW-PLN-0070

Zoning Amendments to resolve L. K. Smith Undertakings regarding the Zoning By-law, 1998

Modifications de zonage en vue du règlement des engagements de L. K. Smith concernant l'Arrêté municipal sur le zonage de 1998

Issue

- The City is recommending that the amendments to the *Zoning By-law, 1998* (By-law 93-98), resulting from the undertaking between the Corporation and Ms. Smith, be approved.
- This follows extensive review and consultation by planning and mapping staff, as well as the Office of the City Solicitor, with Ms. Smith to resolve any of her outstanding issues.

What's New

- On December 16, 1998, Council adopted By-law 297-98 which included numerous technical amendments to the *Zoning By-law, 1998*, in an attempt to resolve the technical appeals against the by-law made by Ms. Smith.
- Ms. Smith had brought forth two layers of appeals against the by-law, but both have since been withdrawn following agreement that the Corporation would undertake to review and correct all matters considered reasonable and appropriate.

Impact

- The amendments to the *Zoning By-law, 1998* are primarily technical in nature and deal mainly with the Schedules and Maps of By-law 93-98. Few of the changes that are recommended are substantive in nature and pertain to incorrect referencing of a zone, exception zones, and schedules. The remaining amendments that are recommended deal mainly with increasing the clarity of the Schedules and Maps.

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June 2, 1999

ACS1999-PW-PLN-0070
(File: LBT3200-539)

Department of Urban Planning and Public
Works

Ward/Quartier
City Wide

- Planning and Economic Development
Committee / Comité de l'urbanisme et de
l'expansion économique
- City Council / Conseil municipal

Action/Exécution

Zoning Amendments to resolve L. K. Smith Undertakings regarding the Zoning By-law, 1998

Modifications de zonage en vue du règlement des engagements de L. K. Smith concernant l'Arrêté municipal sur le zonage de 1998

Recommendation

That the amendments to the *Zoning By-law, 1998* resulting from the undertaking between the Corporation and Dr. L. K. Smith be APPROVED, as detailed in Document 1.



June 3, 1999 (9:46a)

Edward Robinson
Commissioner of Urban Planning and Public
Works

ED:ed

Contact: Elizabeth Desmarais - 244-5300 ext. 1-3503



June 3, 1999 (10:05a)

Approved by
John S. Burke
Chief Administrative Officer

Financial Comment

N/A.



June 3, 1999 (9:11a)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendation

On December 16, 1998, Council adopted By-law 297-98 which included numerous technical amendments to the *Zoning By-law, 1998* (By-law 93-98) in the attempt to resolve the technical appeals against the new by-law which were made by Ms. Smith. On January 11, 1999, Ms. Smith appealed the amending by-law 297-98. As there were two layers of appeals against the by-law made by Ms. Smith, the Office of the City Solicitor endeavoured to meet with the appellant in an attempt to resolve her outstanding issues.

On January 27, 1999 Ms. Smith withdrew all of her original appeal against the *Zoning By-law, 1998* save and accept for the two substantive appeals against lands along Merivale Road and accepted a letter of undertaking from the Corporation (see Document 2). In the said undertaking, the Office of the City Solicitor, in consultation with the Department of Urban Planning and Public Works, agreed that the Corporation would undertake to review and correct all matters raised in her appeal against By-law 93-98, to Ms. Smith's satisfaction, with she acting reasonably at all times. The undertaking indicated that the review and any required Council approval must be completed no later than May 1, 1999.

On March 17, 1999, Ms. Smith withdrew her appeal against the amending by-law 297-98 and accepted a second undertaking from the Corporation (See Document 3). The undertaking was similar to the first one, although the review and Council approval was with respect to matters raised in her appeal against By-law 297-98, with a deadline of July 1, 1999.

On April 8, Ms. Smith withdrew her substantive appeals against By-law 93-98 in respect of 1230-1236 Merivale Road and 1260 and 1280 Merivale Road.

On April 30, 1999, Ms. Smith signed and accepted a third letter of undertaking with the Corporation (See Document 4). The undertaking was a consolidation of the first two undertakings, with a change in deadline to July 7, 1999. The change in deadline occurred as a result of a delay in receipt of a consolidated listing of her items that the staff were to address.

Document 1 provides the zoning details of those items which staff recommend be amended. Most of the recommended amendments are technical in nature and deal primarily with the Schedules and Maps of By-law 93-98. Few recommended changes are substantive in nature, and pertain to incorrect referencing of a zone, exception zones, and schedules. The remainder of the amendments are recommended primarily to increase the clarity of the Schedules and Maps. Location maps are not provided in this report as the items are technical and the necessary instructions to amend the zoning by-law are clear as stated in Document 1.

It must be noted that Ms. Smith has been working with the original set of maps and schedules which were part of the adoption of By-law 93-98 in May of 1998. It was always staff's intention to standardize and digitize the Schedules and Maps. Of prime importance is the consideration that many of the Schedules date back to By-law AZ-64, thus explaining why there are differences both in the type and amount of information noted on the Schedules, as well as in the clarity of the said drawings. In reviewing the newest set of Schedules and Maps, many of Ms. Smith's concerns regarding the legibility of the material have already been resolved through the digitization (or re-drawing) of the older Schedules.

Although each of her concerns has been reviewed by staff, not all result in amendments to the zoning by-law. Those types of items which staff recommend do not require amending include changing shading patterns (except in one instance), indicating topographical symbols in a legend, indicating other symbols in a legend wherein the symbols are self-explanatory, such as when used to delineate labelled boundaries, or are otherwise explained in the accompanying exception zone or by Schedule title. Zoning by-law mapping includes universally-accepted techniques, information and symbols, such as “A=” refers to the dimension of an arc, as opposed to a straight line; “x” or “w” between straight lines refer to fence and water lines respectively, flowers represent vegetative landscaping, etc. Moreover, there is insufficient space within the title blocks to include all information associated with such common symbols.

Finally, it is crucial that Schedules be read in conjunction with their exception zones in order to understand them. They are not intended to be read in isolation. The order in which a by-law must be read is firstly by reviewing the site-specific zone on a map, reading the general and zone category regulations, followed by the exception, and lastly by the Schedule. To attempt to read a by-law in any other sequence results in misunderstanding, or otherwise failing to have all of the pertinent information in order to address the full zoning of the site.

Consultation

Numerous meetings have been held with Ms. Smith since her original appeal of the *Zoning By-law, 1998* with planning and mapping staff, as well as with the Office of the City Solicitor. Much progress has been made due to her withdrawals of her appeals and the implementation of the Undertakings. Ms. Smith has been sent a copy of this report for her review.

Disposition

Department of Corporate Services, Statutory Services Branch to notify the Regional Municipality of Ottawa-Carleton, Development Approvals Division, of City Council’s decision.

Office of the City Solicitor to forward implementing by-law (s) to City Council.

Department of Urban Planning and Public Works to prepare and circulate the implementing by-law (s).

List of Supporting Documentation

Document 1	Zoning Details
Document 2	City of Ottawa Undertakings to Dr. L. K. Smith

Part II - Supporting Documentation

Document 1

Details of Recommended Zoning

That the various Schedules, Maps, and Exceptions, be amended as detailed below:

1. Amend Part XV-Exceptions, exception [48] by replacing the reference to the zone “R5A[11]” with “I1[47] H(13.8)”;
2. Amend Map 31-2 by changing the zone reference from CS[532] F(1.0) to CS F(1.0) for the area located at the northwest corner of Bank Street and Evans Avenue;
3. Amend Part XV - Exceptions to delete the first provision of column IV of exception 131 which reads: “landscaped area and yard setbacks as per Schedule 12”;
4. Amend Part XV- Exceptions to delete all of the uses noted in Column III of exception [541] and to insert the text “for future use” in Column IV of exception 541;
5. Amend Part XV -Exceptions to delete all of the provisions in Column IV of exceptions [326], [418], [583], and [618] and to insert the text “for future use” in Column IV of same exceptions;
6. Amend Part XV- Exceptions to delete the uses of column III and the provisions of Column IV of exception [544] and to insert the text “for future use” in Column IV of exception [544];
7. Amend Part XV- Exceptions to delete the uses of Column II of exceptions [340] and [341] and to insert the text “for future use” in Column IV of same exceptions;
8. Amend Part XV- Exceptions to delete the uses of Column II and the provisions of Column IV of exceptions [90], [136] and [579] and to insert the text “for future use” in Column IV of exceptions [90], [136] and [579];
9. Amend Schedule 2 to clarify the limits of the Areas “X” and “Y” by adding a second “X” east of the Rideau Canal, and by adding a second “Y” east of the Rideau River and north of Smyth Road;
10. Amend Schedule 108 to replace the upper case “M” with lower case “m” where they occur in relation to measurements;
11. Amend the following Schedules to add the letter “m” where missing to indicate the unit of measurement: 34, 52, 74;
12. Amend Map 6-6 by deleting the reference to “SCH.121” where it appears on the lands zoned R6A U(73) SCH. 121;

13. Amend Schedule 76 to delete the title “BUILDING HEIGHTS AND LANDSCAPED AREA”;

14. The following technical changes be made:

- move location of numbers on the following Maps, made unclear by virtue of underlying information or shading:
 - Map 3-6: lower the “R3A U(38) SCH. 7” reference so that the “7” in reference to the schedule is clear;
 - Map 15-3: southwest corner Nepean and Metcalfe, ensure that the “1” denoted in exception [173] of zone R6A [173] is clear;
 - Map 16-5: southwest corner Third and Queen Elizabeth, ensure that the “1” denoted in exception [167] of zone R3M [167] is clear;
 - Map 21-4: southwest corner Mutchmor and Main, ensure that the “7” denoted in exception [167] of zone R5A [167] F(1.0) is clear;
 - Map 22-3: ensure that the “6” denoted in exception [164] of the R5C [164] H(10) is clear; ensure that the “7” in U(75) of the R3A [93] zone is clear; ensure that the “tp” in the EW-tp9 zone located south of Stanley and west of Union is clear;
 - Map 16-6: west side of Torrington north of Queen Elizabeth, ensure that the “6” in exception [165] of zone R4A [165] H(10.7) is clear;

15. Add “A.S.L = Above Sea Level” to the legend of Maps 21-1, 28-3 and 33-4 and to Schedule 62;

16. Amend Schedule 49 by replacing “72-75” with “72 & 75”;

17. Amend Schedule 102 to clarify extent and location of the measurement 5.18;

18. Amend Schedule 11 to clarify the exact line to which the 0.61m refers;

19. Amend Schedule 118 to delete the “T.P.” with its accompanying arrow in the northeast portion of the drawing;

20. Amend Map 28-1 by replacing “Riverside Dr.” with “Old Riverside Dr.”;

21. Amend Part XV -Exceptions, exception [18] to delete the single parenthesis following the number 90;

22. Amend Map 6-7 by adding missing dimensions to the ES1 lands near the west end and CL[625] F(0.4) on Merivale Rd that were noted under By-law Number Z-2K;

23. Add quotation marks around all Areas labelled with capital letters to the following Schedules: 9,24,25,26,27,28,30,35,57,58,63,66,71,74,83,100,102,103,108,117,126;

24. Amend Schedule 101 to add the shading which was in the Schedule as it appeared under By-law Number Z-2K;

25. Amend Schedule 92 by changing the type of symbol or shading used to delineate the required yard setbacks;
26. Amend Schedule 29 by extending the arrows delineating the minimum distance separation area to inside the delineated lines;
27. Amend Schedule 114 to change the symbol for inches (") to feet (') where it appears with the number 30 in the scale, so that the scale would now read "1"=30'- 0"";
28. Amend Schedule 86 to add the name of Carling Avenue beside Richmond Road;
29. Amend Schedule 67 to revise of Old Riverside Dr. and Area B to be consistent with the former Schedule 67 of the original by-law;
30. Amend Map 9-6 by changing the zone reference R5D [90] to R5D for the area located at the northwest corner of Merton and Armstrong; and
31. Amend Map 7-4 to change the zone reference R4C [136] to R4C for the area located at the southeast corner of Elmgrove and Winona.

City of Ottawa Letters of Undertaking with Dr. Lois K. Smith

UNDERTAKING

THE CORPORATION OF THE CITY OF OTTAWA HEREBY UNDERTAKES TO REVIEW AND CORRECT, TO DR. LOIS K. SMITH'S SATISFACTION, SHE ACTING REASONABLY AT ALL TIMES, ALL MATTERS RAISED IN HER ORIGINAL NOTICE OF APPEAL DATED JUNE 10 & 11, 1998, INCLUDING ALL ATTACHMENTS THERETO, WITH THE EXCEPTION OF POINTS 1 & 2 BEING APPEALS AGAINST THE CG[636] F(1.0) ZONE (1232 - 1236 MERIVALE RD.) AND THE CE3F(1.4)H(28.0) ZONE (1260 & 1280 MERIVALE RD.).

THIS REVIEW SHALL BE COMPLETED AND ANY REQUIRED COUNCIL APPROVAL SHALL BE OBTAINED BY NO LATER THAN MAY 1, 1999.

Date: Jan. 27/99



Hana Nader-Merhi

Office of the City Solicitor

Solicitor for the City of Ottawa

UNDERTAKING

THE CORPORATION OF THE CITY OF OTTAWA HEREBY UNDERTAKES TO REVIEW AND CORRECT, TO DR. LOIS K. SMITH'S SATISFACTION, SHE ACTING REASONABLY AT ALL TIMES, ITEMS 1 TO 5 RAISED IN HER NOTICE OF APPEAL DATED JANUARY 11, 1999, INCLUDING ALL ATTACHMENTS THERETO AND FURTHER INCLUDING THE REVIEW AND CORRECTION OF THE REFERENCE TO MAP 15-4 IN PARAGRAPHS 19(a) and 19(b) OF BY-LAW 297-98 (SHOULD BE MAP 15-3) AS WELL AS THE REFERENCE TO EXCEPTION [137] IN BY-LAW 295-98 (SHOULD BE EXCEPTION [173]).

THIS REVIEW SHALL BE COMPLETED AND ANY REQUIRED COUNCIL APPROVAL SHALL BE OBTAINED BY NO LATER THAN JULY 1, 1999.

Date: *Nov. 17/99*



Hana Nader-Merhi
Office of the City Solicitor
Solicitor for the City of Ottawa

UNDERTAKING

THE CORPORATION OF THE CITY OF OTTAWA HEREBY UNDERTAKES TO COMPLETE BOTH UNDERTAKINGS GIVEN TO DR. LOIS K. SMITH DATED JANUARY 27, 1999 AND MARCH 17, 1999 PLUS TO REVIEW ADDITIONAL ITEMS AS ATTACHED, BY AN EXTENDED DATE OF JULY 7, 1999 AND DR. SMITH HAS, BY SIGNATURE BELOW, ACCEPTED SUCH RENEWED UNDERTAKING.

Date: *April 30, 1999*

Hana Nader-Merhi

Hana Nader-Merhi
Office of the City Solicitor
Solicitor for the City of Ottawa

Lois K. Smith, Ph.D.

Lois K. Smith, Ph.D
Appellant No. 39