

# Backgrounder

March 11, 1999

ACS1999-PW-PLN-0009

## **Ontario Municipal Board Appeals against the Zoning By-law, 1998**

## **Appels interjetés devant la Commission des affaires municipales de l'Ontario contre l'Arrêté municipal sur le zonage de 1998**

### **Issue**

- this report is an update since the last appeals report dated December 8, 1998 and includes recommendations on those items considered “outstanding” while staff continued its review and issue resolution process with the appellants.
- on December 16, 1998, Council adopted 19 zoning by-laws which resolved the same number of appeals against the *Zoning By-law, 1998*.
- to date, there have been 15 full withdrawals, one dismissal and five partial withdrawals. This leaves 20 outstanding full and partial appeals against the *Zoning By-law 1998*. Ontario Municipal Board (OMB) hearings are set to begin April 19, 1999.

### **What's New**

- staff have met with various appellants over the past three months to try to resolve issues and dispose of appeals. A few appeals remain for which a staff recommendation is on hold until the City undertakes relevant studies.
- it is recommended that amendments to the *Zoning By-law 1998* resulting from the issue resolution process on OMB appeals against the new by-law be approved

### **Impact**

- if Council is unable to support the staff recommendations in this report, consultants would have to be retained to support Council's position on these at the OMB.

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**Chief Communications Officer - Lucian Blair, 244-5300 ext. 4444**

March 11, 1999

ACS1999-PW-PLN-0009  
(File: PD071-LBT3200/0500)

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

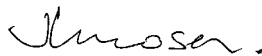
Action/Exécution

### **Ontario Municipal Board Appeals against the *Zoning By-law, 1998***

### **Appels interjetés devant la Commission des affaires municipales de l'Ontario contre l'Arrêté municipal sur le zonage de 1998**

### **Recommendation**

That the amendments to the *Zoning By-law, 1998* resulting from the issue resolution process on the Ontario Municipal Board appeals against the new zoning by-law, be APPROVED, as detailed in the recommendations column of Document 1.



March 12, 1999 (12:38p)

for Edward Robinson  
Commissioner of Urban Planning and  
Public Works



March 12, 1999 (3:34p)


Approved by  
John S. Burke  
Chief Administrative Officer

ED:ed

Contact: Dave Leclair - 244-5300 ext. 1-3871  
Elizabeth Desmarais - 244-5300 ext. 1-3503

## Financial Comment

Funds have been committed in the General Capital Reserve to accommodate expenses pertaining to the appeal process.

  
March 12, 1999 (10:54a)

for Mona Monkman  
City Treasurer

BH:cds

## Executive Report

### Reasons Behind Recommendation

#### Status of appeals against By-law 93-98

This appeals report contains an update since the last report dated December 8, 1998 and includes recommendations on those appeal items which had been considered as “outstanding” while staff continued its review and issue resolution process with the appellants.

On December 16, 1998, Council adopted 19 zoning by-laws which resolved the same number of appeals, or portions of appeals, against the *Zoning By-law, 1998*. Two of the 19 zoning by-laws were appealed, as noted in Document 1, including Andrew Doyle Investments’ properties located at 242 and 389 Lisgar and 235 Kent Streets appealed by the Centretown Citizens Community Association, and Lois K. Smith’s amending by-law appealed by herself. Dr. Smith has since agreed to withdraw her original appeal, but the appeal on the amending by-law remains in effect. This “second layer” of appeals will be dealt with in a subsequent appeals report.

To date, there have been 15 full withdrawals, one dismissal, and five partial withdrawals. As a result, there remain 20 outstanding full and partial appeals against the *Zoning By-law, 1998*, with Ontario Municipal Board Hearings to commence on April 19, 1999. The following Board Hearing dates have been established as follows:

- Arnon Corporation (Appellant #36) - April 19-20
- L. K. Smith (Appellant #39) - April 21
- University of Ottawa (Appellant #8) - April 26-30
- N.C.C. (Appellant #29) - May 3-14; May 24-June 4
- AEB Holdco (Appellant #7) - June 14-18
- Andrew Doyle Investments Inc. (Appellant #16) - June 21-23
- Metcalfe Realty Ltd. (Appellant #37) - June 24-25
- David Gladstone (Appellant #9) - November 1-5
- Ontario Hydro (Appellant #33); Les Filles de la Sagesse (Appellant#28); Inglenook Developments (Appellant#40) - November 8-26

The Arnon Corporation, L.K. Smith, and Metcalfe Realty appeals have been narrowed down substantially with few issues remaining under appeal, and as noted in Document 1, staff recommend additional amendments in an effort to reduce further, if not dispose of, these appeals. Staff continued its negotiations with the National Capital Commission in an effort to both clarify and simplify, if not resolve, the N.C.C.'s appeals. Indeed, recommendations are contained in Document 1 which would see the resolution of the NCC's main appeal. The resolution is detailed in Document 2. The University of Ottawa, AEB Holdco and Doyle Investments appeals will proceed unresolved, as noted in Document 1. The Ontario Hydro, Les Filles de la Sagesse and Inglenook Developments will be heard in sequence as each deals with leisure or environmental matters. Additional Ontario Municipal Board Hearing dates will be set at an April 7, 1999 Prehearing conference.

Over the past three months, staff have continued to meet with various appellants in an effort to resolve issues of concern and dispose of appeals. The staff recommendations contained in Document 1 deal with all of the remaining appeals, save those which will be considered by the consultants who have been retained to deal with the residential appeals. As well, there remain a few appeals for which a staff recommendation continues to be outstanding while the City undertakes relevant studies.

Document 1 indicates Planning and Economic Development Committee's disposition of all matters dealt with in the December 1998 appeals report as well as those new matters for which the staff recommendation has changed from the December 1998 "OUTSTANDING" to one which results either in proceeding to the Ontario Municipal Board Hearing or in a resolution which will require an amending zoning by-law. Words which appear shaded, and "Committee Recommendation/Action" cells which are blank, indicate those new items addressed in this report for which Committee action is required. It must be noted that if Council is unable to support the staff recommendations contained in this report, then planning consultants would need to be retained to support Council's position on these at the Ontario Municipal Board.

#### Residential zoning appeals

On December 17, 1998 the seven appellants with appeals against the residential regulations met, on an individual basis, with staff and the consultants to receive the consultants' preliminary recommendations on how to resolve the residential issues under appeal. A similar meeting was held on the evening of the same day to present community representatives with the zoning recommendations. Appellants were requested to provide feedback and any request for subsequent meetings by January 8, 1999. On January 22, 1999, staff met with those residential zoning appellants and their agents in an effort to resolve the outstanding issues. Subsequent meetings were held at individual appellants' requests. In addition, appellants and non-appellant stakeholders were requested to provide examples of existing planned unit developments for the consultants' site inspection and consideration prior to the finalization of any recommendations on the regulations associated with this form of development. The consultants' report is being finalized and is expected to be before Committee in April 1999.

#### Ontario Municipal Board Motion and Prehearing

A motion was heard and a second prehearing conference was held on February 3 and 4, 1999, respectively. The Board member ordered that the Zoning By-law shall be deemed to have come into force on the day of the passing of the by-law (May 20, 1998) save and except for all matters under appeal. In addition, much of the prehearing conference was spent with certain appellants requesting that the R3, R4, R5, R6, CN, and CG zones, not be brought into force as there is concern that the multiple unit residential zones are not sufficient in terms of development capability to meet the City's share of housing growth expected under the Regional Development Strategy. As part of its Order, the Board directed that the R3, R4, R5, R6, CN, and CG zones not come into force and that the matter be adjourned to an April 7, 1999 Prehearing Conference at which time the Board will hear further arguments.

## Consultation

In addition to the meetings held with regard to the residential appeals, meetings have been held both at the request of other individual appellants as well as of staff in the effort to continue the issue resolution process. In addition, in response to Planning and Economic Development Committee's motion of December 8, 1998, staff met with representatives of the Old Ottawa South Community Association on January 11, 1999 to discuss its appeal and attempt resolution.

Finally, in its review of the outstanding appeals, staff held discussions, exchanged correspondence with many appellants and undertook site visits prior to finalizing its recommendations.

This report will be sent to all appellants, as well as to the non-appellant stakeholders for their information.

## 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 | Summary and Staff Recommendations on the appeals against the <i>City of Ottawa By-law 93-98</i> |
| Document 2 | Proposed Approach to Resolve NCC and Regional Appeals to <i>City of Ottawa By-law 93-98</i>     |

## Part II - Supporting Documentation

Document 1

### SUMMARY AND STAFF RECOMMENDATIONS ON THE APPEALS AGAINST THE CITY OF OTTAWA BY-LAW 93-98

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note:</b> <u>RECOMMENDATIONS</u> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note:</b> <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
1. Urbandale Corporation	Row iii Table 156	-Rear yard is severe. Reduces flexibility and design potential; does not allow for efficient use; introduces new standard which renders many Urbandale buildings non-complying	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Add an existing use clause	-Such clause proved successful under Z-2K and has kept lawful any number of uses in Centretown and has permitted 25% expansion. Deletion of such clause will prejudice hundreds of properties; will militate against proper and planned expansions of existing uses. In clear violation of Centretown Plan (3.4.2 paragraph (o))	-the generic existing use clause is “ultra vires” and should not be used - existing uses that are compatible with neighbourhood character have been recognized through the zones/ subzones -where appropriate, an existing use which is not reflected in the zone or subzone can be addressed through a site/ use specific exception	PROCEED TO OMB HEARING	The Committee concurs and so recommends.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
1. Urbandale Corporation (continued)	Section 176 and all subsections; Section 177 and all subsections and Table 177, and Section 178, Section 179, Section 180, and Table 180, Section 181, and Section 187 and Table 187	-disagrees with the concept of regulating each unit within a planned unit development siting a variety of flaws such as being against flexible development, uniqueness of sites, appropriate and innovative architectural design, creates problems for group parking where severances are planned; may reduce densities resulting in inefficient use of land, assumes all row units are rectangular, fails to recognize value of SPC process. Contravenes Official Plan, RMOC Official Plan and the provincial Policy Statement which are designed to produce intensified redevelopment in serviced, urban built up areas.	-Part of Residential Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Sections 179 and 620	-Section 179 is inconsistent with Section 4(C) of Zoning By-law Number Z-2K. Constitutes bad land use planning as set out immediately above -Section 620 should be extended to include all existing and proposed buildings. Limitations in 620(2) and (3) are unfair, discriminatory and inappropriate	-Part of Residential Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

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1. Urbandale Corporation (continued)	Subsection 166(1)	-Requests insertion to eliminate vagueness and uncertainty, as follows: "If a height limit is not shown on a height overlay or specifically stated in an exception or on Table 166, then no height limit is applicable"	-clarification of this wording will help in interpreting the provision	APPROVAL -amend subsection 166(1) to clarify that if a height limit is not shown on the zoning maps or is not specifically stated in a zone, subzone, exception or schedule and is not indicated on Table 166, then no height limit is applicable	The Committee concurs and so recommends.
	Map 4(1)	-1195 Richmond Road - change from F(2.0) to recognize existing F(3.4). Zone also prohibits convenience store - wants it permitted	-the 2.0 floor space index reflects the provisions applicable under By-law Number Z-2K, which was the intent under the new by-law - the subjects lands are zoned R6B F(2.0), which already permits a convenience store subject to specified conditions (Section 254)	PROCEED TO OMB HEARING  NO CHANGE CONSIDERED REQUIRED	
	Map 19(3)	-111 Wurtemberg - change from F(2.5) to existing F(3.8). Also amend zoning to recognize existing side yards of 1m and 3m, rather than required 11m	-the 2.5 floor space index reflects the provisions applicable under By-law Number Z-2K, which was the intent under the new by-law -the existing side yards have a legally non-complying status under the Planning Act as result of their existence prior to the approval of the Zoning By-law, 1998, and these existing rights are therefore protected - this development has been addressed in the same manner as many other similar projects	PROCEED TO OMB HEARING  PROCEED TO OMB HEARING	



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1. Urbandale Corporation (continued)	Map 19(3)	-211 Wurtemberg- change from F(2.5) to existing F(2.8). Also amend zoning to recognize existing side yards or 3m and less than 1m, rather than required 11m	-the 2.5 floor space index reflects the provisions applicable under By-law Number Z-2K, which was the intent under the new by-law	PROCEED TO OMB HEARING	
	Map 34(5)	-1681-3064 Fairlea Cr., 1-54 Corley, 1681-1757 Heatherington Rd - amend zoning to recognize existing rear yards of 6.1m, rather than required 7.5m	-the existing rear yard has a legally non-complying status under the Planning Act as result of its existence prior to the approval of the <i>Zoning By-law, 1998</i> , and these existing rights are therefore protected -this development has been addressed in the same manner as many other similar projects	PROCEED TO OMB HEARING	
	Map 38(3)	-810-860 Canterbury Ave. -amend zoning to recognize existing rear yard of 10.6m, rather than required 11m	-the existing rear yard has a legally non-complying status under the Planning Act as result of its existence prior to the approval of the <i>Zoning By-law, 1998</i> , and these existing rights are therefore protected -this development has been addressed in the same manner as many other similar projects	PROCEED TO OMB HEARING	
	Map 38(4)	-2170, 2190, 2220, 2240 Halifax Dr. - change from F(1.0) to existing F(1.2)	-the 1.0 floor space index reflects the provisions applicable under By-law Number Z-2K, which was the intent under the new by-law	PROCEED TO OMB HEARING	
1. Urbandale Corporation (continued)	Map 15(2)	360 Lisgar St. - amend zoning to recognize existing 117 parking spaces, rather than required 188 spaces	-the parking has a legally non-complying status under the Planning Act as result of its existence prior to the approval of the <i>Zoning By-law, 1998</i> , and these existing rights are therefore protected -this development has been addressed in the same manner as many other similar projects	PROCEED TO OMB HEARING	

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	Map 38(4)	-2191-2219 Arch St - amend zoning to recognize existing 72 parking spaces, rather than required 87spaces	-the parking has a legally non-complying status under the Planning Act as result of its existence prior to the approval of the <i>Zoning By-law, 1998</i> , and these existing rights are therefore protected -this development has been addressed in the same manner as many other similar projects	PROCEED TO OMB HEARING	
	Map 38(4)	-2231-2247 Walkley Rd, 2271 Halifax Dr., 1032 and 1058 Dakota Ave. -amend zoning to exempt from 3m landscaped area required for parking lots as 0m provided	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	
2. 20 Vic Management Inc.-Carlingwood Mall	APPEAL WITHDRAWN				
3. D. Kenneth Gibson	APPEAL WITHDRAWN				
4. 1155519 Ontario Inc.	APPEAL WITHDRAWN				
5. Toth Holdings Ltd.	APPEAL WITHDRAWN				
6. Andrew Axline	APPEAL WITHDRAWN				

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7. AEB Holdco	Exception 392	-1801 ½ Kilborn Avenue- size restrictions on tenants not in keeping with OMB decision (minor variances), restricts potential development -request that the zoning be amended to reflect the provisions indicated in the original draft of the <i>Zoning By-law, 1998</i>	-agree that the exception should be revised to reflect the OMB approved zoning -cannot support utilizing the regulations indicated in the original draft zoning by-law, as these were later found to be incorrect -not necessary to reflect approved minor variances, as these variances are “grandfathered” under Section 618 of the <i>Zoning By-law, 1998</i>	<b>APPROVAL</b> -amend exception [392] to reflect the OMB approved zoning of 1801 ½ Kilborn Avenue under By-law Number Z-2K	The Committee concurs and so recommends.
8. University of Ottawa	Zoning Map 20-3	- triangle of corner of Laurier/ Waller/ Nicholas- existing parking lot use not allowed in current CG[384] F(1.0) H(10.7) zone (lot actually designated as major institutional in Official Plan) - rezone to permit use	OUTSTANDING		

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9. David Gladstone	1. Part III- Parking (new provision)	-Car Parking requirements should be reduced in proximity to pedestrian, bicycle, and transit facilities, and where underutilized parking facilities are available, in order to encourage walking, cycling, and use of transit, in accordance with City and RMOC Official Plan policies; permit up to a 50% reduction in the car parking requirement if accessibility to a site by walking, cycling and transit can be demonstrated as justifying it; the City to reserve the right to limit parking provision would be to the detriment of the walking, cycling, transit and urban forest policies of the City and RMOC Official Plans.	-Part of Study of Parking in the vicinity of Transit Stations	DEFERRED	
9. David Gladstone (continued)	2. Section 123	-include a “greenery” requirement in residential zones to assist in maintenance of neighbourhood character- add a minimum landscaped open space % and vegetative landscaping requirement	-all yards are presently required to be landscaped (other than those occupied by parking areas and buildings); as well, parking areas must have perimeter landscaping - consequently, ample landscaped area is already required	PROCEED TO OMB HEARING	The Committee concurs and so recommends.

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	3. Sections 62-65	-require cars to enter and leave parking areas in the same direction if not already in by-law (clarified to mean minimize new curb cuts with infill lots)	Appellant clarified to staff at a meeting held January 20, 1999 that his concern is with the creation of new driveways per unit for infill development. The best method for dealing with access issues is through site plan control. It is neither legal, nor appropriate, nor reasonable to prohibit access points in a zoning by-law, but rather to ensure the appropriate design of infill projects, including the location and amount of access points. As such, the issue of driveway cuts across sidewalks cannot be addressed in the zoning by-law, but through site plan, which includes a public review process. Staff recommend no change	NOT AUTHORIZED UNDER THE PLANNING ACT  PROCEED TO OMB	
10. Mastromattei Holdings	Zoning Map 9-7	APPEAL WITHDRAWN			
11. Centretown Citizens Ottawa Corporation	Map 14 (1), (2), (3), (6) Map 9 (6), (7), (9), (10) Map 20 (4), (5)	Appealing the R4 zoning which removes apartments as permitted use where they were previously permitted and which will have major negative impact on redevelopment of existing stock from large areas of Hintonburg, Dalhousie and Sandy Hill	Pending review of the impact on the Regional Development Strategy	OUTSTANDING	
	Map 22(5)	82-84 Putman- downzoned from R5-x[123] to R3J	This site is not zoned R3J, but R5B, which is the appropriate zone for this site and area. No change required	NO CHANGE CONSIDERED REQUIRED	

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	Map 9(6)	212-216 Carruthers downzoned from R5-x[38] to R4D	The site is developed with townhouses, and is in a neighbourhood consisting of mostly semi-detached houses, duplex houses and townhouses. The R4D zone is the appropriate zone which was applied to permit some minor residential development, including such uses as stacked townhouses and fourplexes, as well as to maintain neighbourhood character. Staff recommend no change	PROCEED TO OMB	
11. Centretown Citizens Ottawa Corporation (continued)	Map 20(6)	20 Robinson- downzoned from R6-x[24] to R5D-[181]	This site is developed with a three storey apartment building, which is permitted under the new R5D-[181] zone. The change in zoning results in the loss of high-rise apartment development in this area, but has been done to implement Official Plan residential policies which encourage the maintenance of neighbourhood character. Since there are no high-rise apartments in this neighbourhood, and the change in zone category does not render this site non-conforming, staff recommend no change.	PROCEED TO OMB	

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	Map 14(2)	220-222 Booth & 129-135 Primrose- downzoned from R11-x[8] to R4D	These lands are developed with a fourplex, detached house and duplex house. The term fourplex did not exist under By-law Number Z-2K, but fell within the term apartment. The R4D zone permits fourplexes, as well as stacked townhouses and other lower density residential uses. This zone is appropriate given the existing built form and surrounding residential land uses. Staff recommend no change	PROCEED TO OMB	
11. Centretown Citizens Ottawa Corporation (continued)	Section 121, Table 121	<ul style="list-style-type: none"> <li>-objects to Total Amenity Area requirement for apartments and high-rises of 10% gfa of each building. It is their understanding that staff previously agreed to 10% gfa of each unit</li> <li>-objects to Indoor Amenity Area for high-rises. Requirement of 1 sq.m. per unit does not acknowledge economic cost of providing and managing the space</li> <li>-objects to communal amenity space requirement of 14 sq.m. for rooming houses. Requirement is much larger than a typical room. Landlords do not have the resources to manage this space</li> </ul>	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

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	Section 124 (1), 125, 126; Section 75, Table 75; Section 47 (2a), (3)	appealing the 3m landscaped area between different residential zones, the 3m landscaped area around parking lots or a 1.5m landscaped area where an opaque screen is provided. These provisions, in conjunction with other landscaping and amenity space requirements place onerous restrictions on development of potential sites.	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	
	Section 155, Table 156	Rear yard is excessive for R4, R5 and R6 zones in Areas A and D	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
11. Centretown Citizens Ottawa Corporation (continued)	Sections 177, 180; Tables 177, 180	Rear yard requirement to maximum of 7.5m is excessive for Areas A and D	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Section 187, Table 187	The 11m rear yard requirement for apartments and high-rises is excessive for Areas A and D	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Section 177, Table 177	The 7.5m interior side yard requirement for Areas A and D is excessive	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Section 187, Table 187	The 11m interior side yard requirement for Area A is excessive	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.



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	Section 166, Table 166 (iii) Maps 14-2 and 14-6	-the maximum permitted height for some R6 zoned properties has been reduced (specifically, along Bronson Ave.) - the height should remain as indicated in By-law Number Z-2K	-height limits for a few lots along Bronson Avenue were inadvertently reduced from the maximum height applicable under By-law Number Z-2K as a result of a transposition of digits (i.e. 18.3 to 13.8) and should be corrected	APPROVAL -the R6D H(13.8) located north of Primrose on the east side of Bronson, and the R6F[232] H(13.8) located south of Gladstone on the east side of Bronson be rezoned to increase the maximum permitted height from 13.8 metres to 18.3 metres	
11. Centretown Citizens Ottawa Corporation (continued)	add a Section 4(c)-like provision	Failure to adopt a 4C like provision (one lot for by-law purposes, as per Z-2K). Elimination of such clause inappropriately introduces tenure as a concern of the by-law as developers of new ownership projects will have to adhere to development standards which may be more rigid than standards for rental or condominium projects	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
12. Regional Municipality of Ottawa- Carleton	1. Numerous Zoning Maps (those affected by Regional Official Plan "waterfront open space" and "urban open space" designations)	1. EW and L temporary subzones should be deleted from lands designated as "waterfront open space" and "urban open space" in the Regional Official Plan- the range of uses allowed through these subzones go far beyond that which both the City and Regional Official Plans intended	-Part of NOSS Implementation Study	MAY BE WITHDRAWN FOLLOWING APPROVAL OF AMENDING BY-LAWS RELATED TO NATIONAL CAPITAL COMMISSION APPEAL #29(1)	

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
	2. Zoning Maps 27-7, 29-2	2. McCarthy Woods- place in an ES zone, to reflect environmentally sensitive area O.P. designation	-cannot rezone until exact boundaries are defined -when this information is available, will place in ES Zone	TO BE ACCOMMODATED ONCE BOUNDARY DATA IS AVAILABLE	The Committee noted the status.
	3. Sections 429, 433, 445	APPEAL WITHDRAWN			
12. Regional Municipality of Ottawa- Carleton (continued)	4. Zoning Maps 29-10, 9-2, 31-1	APPEAL WITHDRAWN			
	5. Section 34 (2)	5. Delete Section 34 (2) to allow small commercial outlets at all transitway stations, as per Regional Official Plan policies	-small scale service uses (e.g. magazine stand, ticket booth) are already permitted as accessory uses -however, staff can support the development of small scale commercial uses in transit stations to serve transit users, provided these uses do not exceed 25 square metres for any individual occupancy, or a cumulative total of 75 square metres for all these commercial uses. These commercial uses should be limited to automated tellers, convenience stores, personal service businesses, repair shops and restaurants, take out	APPROVAL That Section 34(2) be amended to permit the following uses within a transit station, provided each individual occupancy does not exceed 25 square metres in gross floor area, and the cumulative total gross floor area for all these commercial uses does not exceed 75 square metres: 1. automated teller 2. convenience store 3. personal service business 4. repair shop 5. restaurant, take out	

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	6. Part III- Parking Provisions (add new provisions)	6. Add provisions which permit a reduction of required parking in close proximity to a transit station, and prohibit increased parking provision beyond minimum standards for office, post secondary educational institutions and apartment building uses, as per Regional Official Plan policies	-Part of Study of Parking in the Vicinity of Transit Stations	OUTSTANDING	
12. Regional Municipality of Ottawa-Carleton (continued)	7. Zoning Map 29-10	APPEAL WITHDRAWN			
	8. Exception 524	APPEAL WITHDRAWN			
	9. Sections 2, 488, 501 (add new provisions)	9. Add definition for “permanent snow disposal facility” and permit through an exception on all existing permanent snow disposal facility sites, to utilize the rezoning process to facilitate an environmental review of any new operations	-has been addressed through a recent city-wide zoning study on Snow Disposal Facilities responding to this appeal (Submission to Planning and Economic Development Committee ACS1998-1301-129). The appeal period ended March 4, 1999 and there were no appeals	MAY BE WITHDRAWN FOLLOWING APPROVAL OF AMENDING BY-LAW	The Committee noted the status.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
	10. Sections 2, 154	10. Add a new definition for “garage apartment” and permit under Section 154 as per Regional Official Plan policies	-dwelling units in detached buildings in the rear yard of an existing house should generally be subject to the same provisions applicable to a garden suite (Sections 151-154) to ensure compatibility with neighbouring housing -where required and appropriate, a “garage apartment” can be accommodated through a site-specific amendment	NOT CONSIDERED TO BE REQUIRED	The Committee concurs and so recommends.
12. Regional Municipality of Ottawa-Carleton (continued)	11. Zoning Map 7-5	APPEAL WITHDRAWN			
	12. Section 618	APPEAL WITHDRAWN			
13. David McNicoll	Part XVII-Appendix A	APPEAL DISMISSED BY O.M.B. AT NOVEMBER 2, 1998 PREHEARING			
14. 898640 Ontario Inc.	Zoning Map 25-5	APPEAL WITHDRAWN			
15. Claridge Residential Inc.	Zoning Map 19-3	APPEAL WITHDRAWN			

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16. Andrew Doyle Investments Inc. <b>THIS APPEAL IS THE SUBJECT OF AN IN-CAMERA REPORT FROM THE OFFICE OF THE CITY SOLICITOR</b>	Map 15-3	236 Nepean Street- the existing retail store was previously a conforming use under the existing use clause, and was allowed a 25% expansion- now, has become legally non-conforming	-would recognize the existing retail use and applicable regulation to reinstate conforming status	*APPROVAL -amend the zoning of 236 Nepean Street to add a new exception to permit a retail store as an additional permitted use and to permit the gross floor area occupied by the retail store on April 22, 1997 to be increased by up to 25%	The Committee recommends <u>REJECTION</u> .  YEAS: Councillors Arnold, Émard-Chabot and Higdon  NAYS: Councillors Kolbus and Little
16. Andrew Doyle Investments Inc. (continued) <b>HIS APPEAL IS THE SUBJECT OF AN IN-CAMERA REPORT FROM THE OFFICE OF THE CITY SOLICITOR</b>	Map 15-2	365 Lisgar Street- the existing parking lot was previously a conforming use under the existing use clause, and was allowed a 25% expansion- now, has become legally non-conforming	-would recognize the existing parking lot use and applicable regulation to reinstate conforming status	*APPROVAL -amend the zoning of 365 Lisgar Street to add a new exception to permit a parking lot as an additional permitted use and to permit the area occupied by the parking lot on May 19, 1998 to be increased by up to 25%	The Committee recommends <u>REJECTION</u> .  YEAS: Councillors Arnold, Émard-Chabot, Higdon and Kolbus  NAYS: Councillor Little

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
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16. Andrew Doyle Investments Inc. (continued) <b>THIS APPEAL IS THE SUBJECT OF AN IN-CAMERA REPORT FROM THE OFFICE OF THE CITY SOLICITOR</b>	Map 15-3	242 and 389 Lisgar and 235 Kent Streets- the existing funeral home was previously a conforming use under the existing use clause, and was allowed a 25% expansion- now, has become legally non-conforming	-would recognize the existing funeral home use and applicable regulation to reinstate conforming status	*APPROVAL -amend the zoning of 242 Nepean, 389 Lisgar and 235 Kent Streets to add a new exception to permit a funeral home as an additional permitted use and to permit the gross floor area occupied by the funeral home on May 19, 1998 to be increased by up to 25%	The Committee concurs and so recommends.  YEAS: Councillors Higdon, Kolbus and Little  NAYS: Councillors Arnold and Émard-Chabot  <i>Council approved the amending by-law which was subsequently appealed by the Centretown Citizens Community Association</i>
17. Minto Developments Inc.	Section 2, Definitions	-“gross floor area” and “gross leasable area”. Definition of gross floor area excludes basements from GFA calculation. Impact is loss of development potential, as GFA used to calculate parking and FSI	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	
17. Minto Developments Inc. (continued)	Section 620 and Section 179	-Replacement of Section 4(C) of Zoning By-law Number Z-2K with Section 620 does not appreciate the flexibility of design and housing affordability	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

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	Table 187(xi)	-side yard setbacks for high-rise apartments in Area B(25% to maximum of 11m). Z-2K provision (3.6m for walls abutting an interior lot line and without windows), gives better flexibility of design. New side yard regulation reduces building heights and density due to increased side yards. Increases side yard on interior lots with a building greater than 7 storeys from 7.2 to 22m	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Table 156	-Rear yard setback is 25% lot area and 25% lot depth, to a maximum of 11m. Rear yards are increased a maximum of 11.0m compared to Z-2K	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Table 177	-Side yard setbacks for PUDs - setback beyond first 15m exceeds the previous zoning setback	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
17. Minto Developments Inc. (continued)	Table 187	-Rear yard setbacks for apartments and high-rise apartments - no provision for rear yards for interior lots in Areas A and D	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
	Section 20(3)	-Zoning Lines as Lot lines - will be problematic throughout downtown core where land assembly will create single parcels subdivided by zoning - will force rezoning or piecemeal development	-the original intent of this provision was to prevent uses which are permitted only in one zone from being "extended" into another zone in which the use was not permitted - if the use is permitted in all applicable zones, the zoning boundary should not create an impediment to a multi-zoned development -currently, Section 20(4)(c) permits this situation solely in the case of residential use-only buildings- should be allowed in any zone where the use is permitted	APPROVAL -amend the <i>Zoning By-law, 1998</i> by deleting subsection 20(4)(c)	
	Section 20(2)	-Zoning Lines as Lot Lines - provision prohibits use of an area of a parcel of land divided by a zoning line to be used as part of calculation of GFA. Results in reduced development potential of dual zoned lots	-again (see above), the intent of this provision was to ensure that zoning provisions apply only within the affected lot; if Section 20(4) is amended to allow some development to cross zoning boundaries, this should also be reflected in Section 20(2)	APPROVAL -amend Section 20(2) to not apply to a building that is permitted to straddle a zone boundary under Section 20(4)	
	Table 121 II	-Amenity Area - includes calculation which requires the GFA of each residential building, rather than of each residential unit	-this has been resolved through a technical amendment to the by-law	NO LONGER REQUIRED	The Committee concurs and so recommends.



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17. Minto Developments Inc. (continued)	Section 75 (1) and (2)	-Minimum separation between parking lot and zone boundary - imposes unnecessary control for a dual zoned property. Will not encourage coordinated development of a lot. Requirement of 3m setback of parking from a residential property is excessive	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	
	Section 47 (1), (2), (3)	-Minimum separation between parking and property line - with or without a fence, the parking lot setback requirements are excessive and reduce development potential	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	
	Section 41	-Parking required on same lot - becomes a problem given Section 620. Units in a PUD without a garage and serviced by gang parking adjacent to a private way will not comply with this zoning provision once the units are severed	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

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17. Minto Developments Inc. (continued)	Section 75(7)	-Landscaping requirement of parking lots. By-law defines parking lot to be any area used for the storage of vehicles without the distinction between indoor and outdoor spaces. It also requires a minimum 0.6sq.m of landscaped area per car for parking lots with greater than 50 parking spaces. This is excessive given the 3.0 m landscaped buffer required around outdoor parking lots. Also impractical indoors.	-the landscaped area around the perimeter of a parking lot may be reduced to 1.5 metres with a 1 metre high opaque screen- consequently, the combination of the perimeter and 0.6 metre requirement is not excessive -however, the 0.6 metre provision was not intended to apply to indoor parking lots- will clarify this intent	<p>PROCEED TO OMB HEARING</p> <p>-the landscaped area requirements of Section 75(7) should be retained</p> <p>APPROVAL</p> <p>-revise the wording of Section 75 such that the requirement to provide 0.6 square metres of landscaped area per parking space does not apply to parking spaces located within a building</p>	The Committee concurs and so recommends.
17. Minto Developments Inc. (continued)	PUD - Sections 176 to 182	-Section 620 is cumbersome and unnecessary solution to a non-existent problem. New requirement for frontage for PUDs precludes any type of cluster housing with 'gang' parking located elsewhere on the site; clusters of units in a park-like setting is an affordable housing option. Zoning regulations will encourage development at the street edge and islands of parking in the core, Abandons a tradition created in Ottawa and replicated throughout the Region. Not appropriate, desirable, and does not maintain the intent of the RMOC Official Plan.	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

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17. Minto Developments Inc. (continued)	Map 3-5	-1050 Baxter Road- existing retail/ display space exceeds maximum 280 square metre size limit for ancillary uses in IP [260] F(1.0) H(10.7) zone	The maximum 280 sq. m. limit for each individual commercial use or occupancy, combined with the cumulative total gross floor area occupied by all commercial uses must not exceed 20% of permitted FSI, is considered to be a reasonable regulation, to ensure against the development of big box retail in areas that are designated Business Employment Areas and zoned in industrial parks. The 280 sq. m. cap was used in a number of By-law Number Z-2K exception zones. Nevertheless, because of the location of this site adjacent to the Pinecrest shopping centre, and the fact that this site is permitted office uses (prohibited under IP zone) to 70% FSI, staff recommend deletion of the maximum 280 sq. m. cap. The maximum 20% cap will remain however.	APPROVAL Amend Part XV - Exceptions, Exception [260] by indicating that Section 454 (2) (a) does not apply to this site.	

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17. Minto Developments Inc. (continued)	Map 3-8	-1400 Highgate Road- legally non-complying side yard setback (4.6 metres instead of required 7.5 metres) under CG [405] H(8.0) zone	A site-specific rezoning was undertaken on this site in 1993 which, among other regulations, required a 4m landscaped open space buffer strip along the entire western lot line which abuts existing townhouses. The side yard requirement under By-law Number Z-2K was 3m. The new zoning by-law requires 7.5m side yard but the requirement for the 4 metre wide landscaped area was not carried forward. Staff recommend that the western side yard be a minimum 4m all of which must be landscaped.	APPROVAL amend Part XV- Exceptions, exception [405] to require a minimum 4 metre western side yard which must be landscaped.	
	Map 42-5	-2620 to 2650 Lancaster Road- existing retail/ display area does not comply with 280 square metre size limit for ancillary uses in IP4 [254] F(1.0) H(9.14) zone	Information supplied by the appellant indicates that none of the existing uses within the Lancaster One Industrial park exceed the maximum 280 sq. m. cap on individual commercial use or occupancy. Moreover, as this regulation is intended to ensure against the development of large retail in areas that are designated Business Employment Areas and zoned as industrial parks, staff recommend no change.	PROCEED TO OMB	

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17. Minto Developments Inc. (continued)	Map 42-5	-2615 Lancaster Road- existing retail/ display area does not comply with 280 square metre size limit for ancillary uses in IP4 F(1.0) zone	The vast majority of existing uses within Lancaster Two industrial park are less than 280 sq.m. in total gross floor area. It is estimated that roughly 20% of the 21 occupancies may contain retail, and of these less than 10% may exceed the maximum 280 sq. m. cap. Because of the minimal non-compliance that has been created with this new regulation at this site, staff recommend no change in order to maintain the nature of this industrial park, pursuant to the Business Employment policies of the OP	PROCEED TO OMB	
	Map 12-4	-1531 to 1571 Fisher Avenue and 110-114 Meadowland Drive- apartment use no longer permitted (now zoned R4A U(40))	This site is at the municipal boundary between the cities of Ottawa and Nepean. It is developed with townhouses but shares access off Meadowlands with abutting Nepean lands developed with high-rise apartments. Due to the unique siting of this property at the intersections of two arterial roads and the shared access with abutting high-rises, staff recommend that these lands be zoned R6 and that the maximum height limit match that of the abutting high-rise apartments.	APPROVAL Amend Map 12-4 by changing the zoning on the lands located at the southwest corner of Fisher and Meadowlands and known municipally as 1532-1570 Fisher Avenue and 1110-1114 Meadowlands from R4A U(40) to R6A H(33.6)	

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17. Minto Developments Inc. (continued)	Map 42-2	-1730 Bantree Road- Section 515 limits ancillary commercial to 280 sq. m. of gfa per unit	<p>The building on this site is occupied by NAV Canada which deals in air traffic control operations. There are no ancillary commercial uses on this site.</p> <p>The site is zoned IH -Heavy Industrial. Removal of any ancillary commercial cap is neither necessary, nor justified, and would conflict with the Traditional Industrial policies of the Official Plan. Staff recommend no change</p>	PROCEED TO OMB	
	Map 34-2	-2859, 2865, 2871, 2881 and 2885 Sandalwood Drive; 1687, 1695, 1711 and 1719 Walkley Road; 2874 and 2890 Baycrest Drive- apartment use is no longer permitted (under R4E F(1.5) U(45) zone)	This site is developed with townhouses, but is within a larger planned unit development, the remainder of which is zoned R6 in recognition of existing high-rise buildings and townhouses. Staff recommend that the R6 zone be placed on these lands to reflect the overall character of the entire planned unit development.	<p>APPROVAL</p> <p>Amend Map 34-2 by rezoning the lands bounded by Walkley, Baycrest and Sandalwood from R4E F(1.5) U(45) to R6A F(1.5) U(45)</p>	

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18. Ottawa Carleton Home Builders Association	Section 179	-city has not continued the deeming provisions of Section 4C of Zoning By-law Number Z-2K. Section 179 is inconsistent with old Section 4C and constitutes bad land use planning	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Section 176; Section 177 and Table 177, and Section 178, Section 179, Section 180, and Table 180, Section 181, and Section 187 and Table 187	-disagrees with the concept of regulating each unit within a planned unit development siting a variety of flaws such as being against flexible development, uniqueness of sites, appropriate and innovative architectural design, creates problems for group parking where severances are planned; may reduce densities resulting in inefficient use of land, assumes all row units are rectangular, fails to recognize value of SPC process. -Table 180 contravenes Official Plan, RMOC Official Plan and the provincial Policy Statement which are designed to produce intensified redevelopment in serviced, urban built up areas.	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

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18. Ottawa Carleton Home Builders Association (continued)	Absence of an existing use clause	-fails to prevent uses being rendered non-conforming which would be otherwise conforming prior to the passage of the by-law.	-the generic existing use clause is “ultra vires” and should not be used - existing uses that are compatible with neighbourhood character have been recognized through the zones/ subzones -where appropriate, an existing use which is not reflected in the zone or subzone can be addressed through a site/ use specific exception	PROCEED TO OMB HEARING	The Committee concurs and so recommends.
	Sections 155-165, 168-177, 179-181, 186-188	Yard requirements have been increased from Z-2K and could result in decrease of development potential. Are restrictive for small, narrow lots. Reinstate interior and rear yard setbacks as stated in Z-2K, with the exception that the distinction between a wall with a window and a wall without a window be deleted and regulated by the <i>Ontario Building Code</i> .	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
18. Ottawa Carleton Home Builders Association (continued)	Section 2 Definition - gross floor area	-there could be cases where basements are not used for residential purposes and where there will be a mechanical penthouse which were not counted under Z-2K which could lead to exceeding the 18% allowance. Under Z-2K, there areas plus internal circulation areas did not count in a calculation of gross floor area.	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.



APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
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	Zoning Maps 9-6, 9-7, 9-9, 9-10; 14-1, 14-2, 14-3, 14-6; 15-5, 15-6, 15-7, 15-8, 20-4, 20-5	-Appealing the R4 zoning which removes apartments as permitted use where they were previously permitted and which will have major negative impact on redevelopment of existing housing stock from large areas of Hintonburg, Dalhousie and Sandy Hill. In Centretown, zoning retained at R5, but height limit south of Gladstone Ave. has been reduced to 10.7m. These changes eliminate opportunity to construct apartment buildings. At variance with City and RMOC Official Plan policies which support increase in residential densities within the urban area to make better use of services	-Pending review of impact on Regional Development Strategy	OUTSTANDING	The Committee noted the status.
18. Ottawa Carleton Home Builders Association (continued)	Amenity Area and Land-scaped area regulations (Sections 121-127)	-too restrictive and must be revised.	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
	Section 295(2)- CN Zone	-requirements of mixed use in CN and CG zones unreasonable and unworkable because permitted apartments above ground floor require access and service spaces on ground floor. Provision of the zones require[s] the ground floor to be entirely commercial - this must be changed	-Section 295(2) of the CN zone which specifies that residential uses must be located above the ground floor is not intended to prohibit the location of access or service space on the ground floor, only the dwelling units themselves- will clarify intent -the CG zone does not require residential uses to locate above the ground floor- the appeal to this zone is not relevant	APPROVAL -amend the wording of Section 295 to indicate that this Section does not prohibit access or service space related to upper floor residential uses from locating on the ground floor  NOT CONSIDERED TO BE REQUIRED	The Committee concurs and so recommends.
	Sections 165 and 166	-These Sections need to contain provisions with respect to mixed use buildings that properly address the requirements of these buildings	-unless there is a site-specific height shown on the zoning maps, the maximum permitted height of a mixed use building in a residential zone is 10.7 metres (considered a “non-residential use” under Table 166) -this is consistent with the provisions of By-law Number Z-2K- any proposal which exceeds this height can be considered through the rezoning process (NOTE: Section 165 does not apply to mixed use buildings, but only to high-rise apartments)	NOT CONSIDERED TO BE REQUIRED	

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
18. Ottawa Carleton Home Builders Association (continued)	Section 2 Definitions: “building height”; “converted house”; “facing wall”; “lot”; “semi-detached house”; “townhouse”; “high-rise apartment”	-Has technical concerns and should be amended in order to provide for additional flexibility in design and construction and also for redevelopment - (Planned unit development, street-oriented - no such term; not defined).	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Section 2 Illustrations of lot lines and lots	-need to reintroduce illustrations of lot line, lots	-illustrations were omitted as a result of a computer problem, and will be reintroduced	APPROVAL -reintroduce the illustrations of lot lines and lots as shown in the June, 1996 draft of the <i>Zoning By-law, 1998</i>	The Committee concurs and so recommends.
18. Ottawa Carleton Home Builders Association (continued)	Purpose Statements (all zones)	-unnecessary and should be removed	-Purpose statements are intended to assist in the understanding and application of the zones, by outlining some of the underlying policies behind the existence of each zone -this is important to ensure that, over the long-term, the policy objectives of the zones are observed and maintained, particularly since the purpose statements are based on the policies of the City’s Official Plan -note that the purpose statements are not substantive law ; in the case of a conflict, the provisions or permitted uses of a zone take precedence over the purpose statements	PROCEED TO OMB HEARING	The Committee concurs and so recommends.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
19. Richcraft Homes	Section 179	city has not continued the deeming provisions of Section 4C of Zoning By-law Number Z-2K. Section 179 is inconsistent with old Section 4C and constitutes bad land use planning	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
19. Richcraft Homes (continued)	Section 176; Section 177 and Table 177, and Section 178, Section 179, Section 180, and Table 180, Section 181, and Section 187 and Table 187	-disagrees with the concept of regulating each unit within a planned unit development siting a variety of flaws such as being against flexible development, uniqueness of sites, appropriate and innovative architectural design, creates problems for group parking where severances are planned; may reduce densities resulting in inefficient use of land, assumes all row units are rectangular, fails to recognize value of SPC process. -Table 180 contravenes Official Plan, RMO Official Plan and the provincial Policy Statement which are designed to produce intensified redevelopment in serviced, urban built up areas.	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

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<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
	Absence of an existing use clause	-fails to prevent uses being rendered non-conforming which would be otherwise conforming prior to the passage of the by-law.	-the generic existing use clause is “ultra vires” and should not be used - existing uses that are compatible with neighbourhood character have been recognized through the zones/ subzones -where appropriate, an existing use which is not reflected in the zone or subzone can be addressed through a site/ use specific exception	PROCEED TO OMB HEARING	The Committee concurs and so recommends.
19. Richcraft Homes (continued)	Sections 155-165, 168-177, 179-181, 186-188	-Yard requirements have been increased from Z-2K and could result in decrease of development potential. Are restrictive for small, narrow lots. Reinstate interior and rear yard setbacks as stated in Z-2K, with the exception that the distinction between a wall with a window and a wall without a window be deleted and regulated by the <i>Ontario Building Code</i> .	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Section 2 Definition - gross floor area	-there could be cases where basements are not used for residential purposes and where there will be a mechanical penthouse which were not counted under Z-2K which could lead to exceeding the 18% allowance. Under Z-2K, there areas plus internal circulation areas did not count in a calculation of gross floor area.	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

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<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
19. Richcraft Homes (continued)	Zoning Maps 9-6, 9-7, 9-9, 9-10; 14- 1, 14-2, 14-3, 14-6;15-5; 15-6; 15-7; 15-8; 20-4, 20-5	Appealing the R4 zoning which removes apartments as permitted use where they were previously permitted and which will have major negative impact on redevelopment of existing stock from large areas of Hintonburg, Dalhousie and Sandy Hill.. In Centretown, zoning retained at R5 but height limit south of Gladstone Ave. has been reduced to 10.7m. These changes eliminate opportunity to construct apartment buildings. At variance with City and RMOC At variance with City and RMOC Official Plan policies which support increase in residential densities within the urban area to make better use of services.	-Pending review of impact on Regional Development Strategy	OUTSTANDING	The Committee noted the status.
19. Richcraft Homes (continued)	Amenity Area and Land-scaped area regulations (Presumably Sections 121-127; no specific reference to landscaped requirements noted elsewhere in by-law)	-too restrictive and must be revised. No details given	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee concurs and so recommends.

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<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
	Section 295(2)- CN Zone	-requirements of mixed use in CN and CG zones unreasonable and unworkable because permitted apartments above ground floor require access and service spaces on ground floor. Provision of the zones require[s] the ground floor to be entirely commercial - this must be changed	-Section 295(2) of the CN zone which specifies that residential uses must be located above the ground floor is not intended to prohibit the location of access or service space on the ground floor, only the dwelling units themselves- will clarify intent -the CG zone does not require residential uses to locate above the ground floor- the appeal to this zone is not relevant	APPROVAL -amend the wording of Section 295 to indicate that this Section does not prohibit access or service space related to upper floor residential uses from locating on the ground floor  NOT CONSIDERED TO BE REQUIRED	The Committee concurs and so recommends.
19. Richcraft Homes (continued)	Sections 165 and 166	These Sections need to contain provisions with respect to mixed use buildings that properly address the requirements of these buildings	-unless there is a site-specific height shown on the zoning maps, the maximum permitted height of a mixed use building in a residential zone is 10.7 metres (considered a “non-residential use” under Table 166) -this is consistent with the provisions of By-law Number Z-2K- any proposal which exceeds this height can be considered through the rezoning process (NOTE: Section 165 does not apply to mixed use buildings, but only to high-rise apartments)	NOT CONSIDERED TO BE REQUIRED	

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<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
	Section 2 Definitions: “building height”; “converted house”; “facing wall”; “lot”; “semi-detached house”; “townhouse”; “high-rise apartment”.	Has technical concerns and should be amended in order to provide for additional flexibility in design and construction and also for redevelopment - (Planned unit development, street-oriented - no such term; not defined)	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
19. Richcraft Homes (continued)	Section 2 Illustrations of lot lines and lots	-need to reintroduce illustrations of lot line, lots	-illustrations were omitted as a result of a computer problem, and will be reintroduced	APPROVAL -reintroduce the illustrations of lot lines and lots as shown in the June, 1996 draft of the <i>Zoning By-law, 1998</i>	The Committee concurs and so recommends.
	Purpose statements	unnecessary and should be removed	-Purpose statements are intended to assist in the understanding and application of the zones, by outlining some of the underlying policies behind the existence of each zone -this is important to ensure that, over the long-term, the policy objectives of the zones are observed and maintained, particularly since the purpose statements are based on the policies of the City’s Official Plan -note that the purpose statements are not substantive law ; in the case of a conflict, the provisions or permitted uses of a zone take precedence over the purpose statements	PROCEED TO OMB HEARING	The Committee concurs and so recommends.



APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
19. Richcraft Homes (continued)	Zoning Map 39-4	-the side yard setback requirement is not consistent with that required under former By-law Number Z-2K	-the property is zoned CG2 [426] F(1.0) H(10.7) under the <i>Zoning By-law, 1998</i> which requires a 7.5 metre side yard setback abutting a residential zone -however, the site was zoned C1-c (1.0) [163] under By-law Number Z-2K which required a 3 metre side yard setback abutting a residential zone - staff can support an amendment to reflect the OMB approved zoning for these lands	APPROVAL -that Part XV, Exceptions, Exception [426] be amended to state that a 3 metre side yard setback is required abutting a residential zone	
	Sections 450-518	APPEAL WITHDRAWN			
20. Chris Jalkotzy	1. Sections 2, 589, 594, & 606	1.Add the following as permitted uses in ES, EA, EW Zones: air, water quality enhancement; maintenance of biodiversity. Add definitions for the key words in these uses.	-cannot regulate the preservation of natural resources through zoning- can only prohibit or restrict development	PROCEED TO OMB HEARING	The Committee concurs and so recommends.
20. Chris Jalkotzy (continued)	2. Section 20(4)(c)	2. Define “predominantly”	-the original intent of this provision was to prevent uses which are permitted only in one zone from being “extended” into another zone in which the use was not permitted - if the use is permitted in all applicable zones, the zoning boundary should not create an impediment to a multi-zoned development- currently, Section 20(4)(c) permits this situation solely in the case of residential use-only buildings- should be allowed in any zone in which the use is permitted	APPROVAL -amend the <i>Zoning By-law, 1998</i> by deleting subsection 20(4)(c)	

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	3. Sections 46, 47	3.Allow front yard parking where driveway would otherwise be located- one space only	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	
	4. Section 129	4. Unreasonable provision- infringes on ability to design a house to adjust to particular site conditions- entrances may have to be at angle	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	5. Table 156	5. Maximum setback reduces density and should be the same as Tables 177 and 180 (x and xi)	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
20. Chris Jalkotzy (continued)	6. Section 176(2)(b)(i)	6. Minimum width of a private way (6m.) is excessive- building code and aisle width requirements of zoning by-law are sufficient development control	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	7. Tables 177 and 180	7. These regulations mean that a project can be built as a PUD, and constitute good planning; yet, if project is severed, cannot be built and would be bad planning	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
21. Ottawa-Carleton District School Board	1. Section 2- Definitions	1.definition of school too limited; does not recognize existing school programs or Provincial reform initiatives; contravenes Official Plan and encroaches on school board jurisdiction; inadequate study (bad faith)	APPEAL DEFERRED AT REQUEST OF APPELLANT UNTIL NO EARLIER THAN SEPTEMBER 1, 1999 (BY O.M.B. AT NOVEMBER 3, 1998 PRE-HEARING)	DEFERRED	The Committee noted the status.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
	2. All existing school sites (various maps)	2. schools should be able to be zoned I2 as well as I1, to permit non-institutional ancillary uses	APPEAL DEFERRED AT REQUEST OF APPELLANT UNTIL NO EARLIER THAN SEPTEMBER 1, 1999 (BY O.M.B. AT NOVEMBER 3, 1998 PRE-HEARING)	DEFERRED	The Committee noted the status
22. Ottawa-Carleton Catholic District School Board	1. Section 2-Definitions	1.definition of school too limited; does not recognize existing school programs or Provincial reform initiatives; contravenes Official Plan and encroaches on school board jurisdiction; inadequate study (bad faith)	APPEAL DEFERRED AT REQUEST OF APPELLANT UNTIL NO EARLIER THAN SEPTEMBER 1, 1999 (BY O.M.B. AT NOVEMBER 3, 1998 PRE-HEARING)	DEFERRED	The Committee noted the status.
	2. All existing school sites (various maps)	2. schools should be able to be zoned I2 as well as I1, to permit non-institutional ancillary uses	APPEAL DEFERRED AT REQUEST OF APPELLANT UNTIL NO EARLIER THAN SEPTEMBER 1, 1999 (BY O.M.B. AT NOVEMBER 3, 1998 PRE-HEARING)		

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<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
23. Old Ottawa South Community Association Inc.	1. CN4 subzone (Sections 306, 307)	1. inclusion of restaurant, fast food as permitted use in CN4 Subzone inappropriate, as is similar to previous term restaurant, drive-in, a car-oriented use which does not implement Ottawa South policy in Official Plan	Section 296 specifically prohibits drive-in restaurants, and states "drive through service is prohibited". Though the term "restaurant, fast food" does not preclude drive-ins, Section 296 definitively prohibits such uses. Section 4.7.2 i) of the OP states, in part, that the Neighbourhood Linear Commercial Area "recognizes and provides for the enhancement of the unique, mixed use and pedestrian-oriented character of these commercial areas serving both residents in the vicinity, with some specialized areas and/or uses attracting customers from beyond the neighbourhood...". The nature of a fast food restaurant is both car and pedestrian-oriented, and serves both local and other customers, but primarily attracts those in proximity to the restaurant, by mere virtue of the large number of fast food restaurants located throughout all commercial areas across the city. It is primarily a neighbourhood-based use.	SEE BELOW	WHEREAS no prior consultation or agreement has occurred between the Ottawa South Community Association and the City of Ottawa;  BE IT THEREFORE RESOLVED THAT the three appeals against the zoning by-law be considered OUTSTANDING; that staff be directed to meet with Ottawa South Community Association representatives; and, that the item come forward at the next appeals report.

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23. Old Ottawa South Community Association Inc. (cont'd)	1. CN4 subzone (Sections 306, 307) (cont'd)	1. inclusion of restaurant, fast food as permitted use in CN4 Subzone inappropriate, as is similar to previous term restaurant, drive-in, a car-oriented use which does not implement Ottawa South policy in Official Plan (cont'd)	<p>attracts those in proximity to the restaurant, by mere virtue of the large number of fast food restaurants located throughout all commercial areas across the city. It is primarily a neighbourhood-based use.</p> <p>Also note policy 5.3.1 b) of the Ottawa South Key Principles which recognizes the wider-area function of Bank Street.</p> <p>As drive-in service is prohibited, and as the restaurant, fast food use conforms to the OP, staff recommend no change to the CN4 zone</p>	PROCEED TO OMB	
	2. CN4 subzone (Sections 306, 307)	-restaurant with dancing or entertainment inappropriate as permitted use in CN4 Subzone, as does not implement intent of Official Plan	<p>This use was included as it was a permitted use under By-law Number Z-2K for that area south of Sunnyside. Nevertheless, as the CN primary zone prohibits a "nightclub", which is defined as "a bar or restaurant where a designated area for dancing or entertainment is provided", staff recommend that Section 306 be deleted, thus removing the use from the CN4 zone.</p>	<p>APPROVAL</p> <p>-delete Section 306 in its entirety</p>	

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23. Old Ottawa South Community Association Inc. (continued)	2. Zoning Map 17-2	2. 774 Echo Drive- CG1[543] F(.53)zone permits general office uses, beyond decision of OMB- also allows residential uses many of which are incompatible with surrounding area- should be I1 zone	<p>Under By-law Number Z-2K the office of the Royal College of Physicians and Surgeons was permitted pursuant to a Committee of Adjustment decision, which also limited the floor space area of the building. Limiting a use to a specific tenant or owner amounts to people zoning which is not authorized under the Planning Act. As such, and because no use may be tied to a person or group, the exception zone affecting this site may only restrict the uses to "office".</p> <p>The OP states that only existing institutional sites may be zoned Minor Institutional and only major institutions may be zoned provided they are designated Major Institutional in the Official Plan.</p>	SEE BELOW	

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23. Old Ottawa South Community Association Inc. (continued)	2. Zoning Map 17-2 (cont'd)	2. 774 Echo Drive- CG1[543] F(.53)zone permits general office uses, beyond decision of OMB- also allows residential uses many of which are incompatible with surrounding area- should be I1 zone (cont'd)	<p>The landowner uses these lands for its national head office. The building functions as an administrative office and not as an institutional land use. The use is no different from a bank which functions as an office use, despite the fact that a bank is an "institution" in a legal sense. The lands cannot be zoned in either of the two institutional zones, as that would contravene the OP and the existing land use is not institutional in nature.</p> <p>The Association is concerned about possible redevelopment to a residential use which might not be in keeping with surrounding residential uses. Residential uses are permitted because</p>	SEE BELOW	

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23. Old Ottawa South Community Association Inc. (continued)	2. Zoning Map 17-2 (cont'd)	2. 774 Echo Drive- CG1[543] F(.53)zone permits general office uses, beyond decision of OMB- also allows residential uses many of which are incompatible with surrounding area- should be I1 zone (cont'd)	<p>these lands are designated Residential in the OP.</p> <p>Staff recommend that the use “high-rise apartment” be deleted from this zone to ensure against high density residential development which would not be in keeping with existing height profiles in the immediate area. Note that the 18 metre height limit which is in effect for the existing office use is greater than any maximum height limit which could apply to any permitted residential use on the site. Any potential residential redevelopment (either at 13.5 or 10.7m) would act as a transition in profile, buffering the 18 metre high CN uses to the west from the 10.7 m residential uses to the south and east</p>	<p>APPROVAL</p> <p>-amend Part XV, Exceptions; exception [543] by adding the use “high-rise apartment” to Column III, Uses Prohibited</p>	
24. James A. Colizza Architect Inc.	General (no particular sections indicated- an overview of appellant's issues)	-regulations do not implement local, RMOC and provincial policies which encourage compact development - results in loss of development potential and densification. Do not promote notion of contextual development	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.



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24. James A. Colizza Architect Inc. (continued)	Definition of Apartment Building, High-Rise	-defined as more than four storeys; setbacks for a high-rise apply at greater than 10.7 metres in height- a four storey steel framed building requires a height of 11.7 metres- this would classify a four storey building as a high-rise	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Definition of Gross Floor Area	-gross floor area definition does not exclude basements resulting in reduction in development potential as a result of increased parking requirements	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Definition of Converted House	-elimination of 2 and 3 unit converted dwellings, now defined as duplex and triplex - loss of development potential and landscaped area because parking requirements are doubled	-revert to By-law Number Z-2K parking rates (consistent with approach used for other residential parking rates)	APPROVAL -amend Part III, Table 49 to require parking for duplex houses and triplex houses to be provided at the same rate as converted houses	
	Section 46-Front Yard Parking	-not allowing front yard parking in compact development results in garages or sloped driveways leading to garages to meet requirement	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
24. James A. Colizza Architect Inc. (continued)	Removal of 4(C)-Sections 176,177,178,179,180,181,187, Tables 177,180,187, Sections 179 and 620	1. "4C-like" clause does not provide flexibility for appropriate architectural design; unrealistic and cumbersome to have regs for whole lot as well as for each unit within a PUD	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.

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	Table 162 (iv, v, vi) Table 155 Table 177 Table 187	-rear and side yard setbacks have increased from Z-2K and resulted in decrease in development potential of up to 50% (especially for smaller lots) when compared to Z-2K	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
	Amenity Area -Table 122 I	-gross floor area of each residential building should be replaced with each residential unit	-wording has been revised to reflect this intent through a technical anomaly report	NO LONGER REQUIRED	The Committee concurs and so recommends.
25. Louis Lepage	Zoning Map 26-6	APPEAL WITHDRAWN			
26. Carsons A. Unsworth and Scott & McRae Developments	Zoning Map 7-5	APPEAL WITHDRAWN			
27. Helen Anderson	Zoning Map 6-7	APPEAL WITHDRAWN			
28. Les Filles de la Sagesse d' Ontario	Zoning Map 24-3	-711-713 Montreal Road- the L3-tp5 zoning is inappropriate as there are no planning studies undertaken to justify the zoning, and the zoning does not adhere to Official Plan policies or proper planning principles- the three year time limit is a permanent downzoning as there are no opportunities to extend the time limit (expropriation, in effect-land sterilized)	-Part of NOSS Implementation study	OUTSTANDING	The Committee noted the status.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
29. National Capital Commission (1)	1. Sections 544-600	1. Zoning is inappropriate as there no planning studies undertaken to justify the zoning, and the zoning does not adhere to Official Plan policies (secondary planning studies not done)- the three year time limit is a permanent downzoning as there are no opportunities to extend the time limit - sterilized land	<p>-as the NOSS Implementation study is currently underway, and will result in detailed recommendations for zoning by-law amendments for many leisure and environmental lands owned by the NCC, a “h” holding symbol should be put in place on these lands in order to impose a moratorium on development during the formulation of the study recommendations</p> <p>-Upon completion of the study and approval of the recommended zoning, the holding symbol can be lifted</p> <p>-however, as the final determination on zoning for these lands cannot be made until this study is complete, it is recommended that the temporary subzones be removed and replaced, for the duration of the study process, by exceptions which permit the uses formerly permitted under By-law Number Z -2K</p>	<p><b>APPROVAL</b></p> <p>-That all lands owned by the NCC which were formerly zoned P or G and are now located in an L1, L2, L3, L4 or EW zone or subzone be rezoned as follows</p> <p>1.That Part XV, Exceptions, be amended to add and apply to the subject NCC owned lands, one of two new exceptions, one which permits the uses allowed under the former P zone on all lots formerly zoned P, and one which allows the uses permitted in the former G zone on all lots formerly zoned G under By-law Number Z-2K;</p> <p>2.That all existing temporary subzones be removed from these NCC owned lands;</p>	
29. National Capital Commission (1) (continued)	1. Sections 544-600 (cont'd)	CONTINUED	CONTINUED	3.that an “h”- holding symbol be applied to each affected NCC owned property ,and that the exceptions specify that the holding symbols may only be removed upon completion of the secondary planning process and approval of the recommended zoning	

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	2. Various Zoning Maps	2. Zoning - does not reflect uses permitted under By-law No. Z-2K ( Specific Sites- Bronson East (Map 17-4); Sussex (Map 18-1); Nicholas-Queensway (Map 21-1); Hackett Pond (Map 28-1); Bank-Walkley (Map 31-4); Alta Vista-Terminal (Map 32-1); Riverside East (Map 32-2); Riverside- Neil Way (Map 33-4); Albion East (Map 34-4); Transitway- Train Station Lands (Maps 40-1, 40-2, 40-3); Industrial- Caledon (Map 40-4))	OUTSTANDING		
	1. Zoning Map 14-1	1. Scott- Champagne lands- zoning too restrictive- reintroduce range of uses permitted under By-law No. Z-2K	OUTSTANDING		
29. National Capital Commission (1) (continued)	2. Zoning Map 4-9	2. Maplelawn Lands - zoning too restrictive- reintroduce range of uses permitted under By-law No. Z-2K	-the subject lands are zoned CG [430] Sch.79, which specifies permitted uses and regulations that are virtually identical to the former HC-1-x[21] zoning under By-law Number Z-2K -however, uses which were previously permitted under By-law Number Z-2K which have not been carried over to the new zoning are “diplomatic mission (official residence/ other residence)” and “small batch brewery” -these should be added to Exception [430] to reflect the former zoning under By-law Number Z-2K	APPROVAL -That Part XV-Exceptions, Exception [430] be amended to allow “diplomatic mission- official residence”, “diplomatic mission- other residence” and “small batch brewery” as additional permitted uses	

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	3. Zoning Maps 7-1, 9-1	3. Bate Island- should be all one zone (L1-tp1 or L1E-tp1)- also, need exemption from Section 7 (municipal services)	<p>OUTSTANDING</p> <p>-as the existing restaurant does not have and is not likely in the future to obtain municipal service connections, the island should be exempted from the provisions of Section 7 to retain its current complying status - the limited capacity of a private service system will also help to ensure that future development will be in keeping with the open space designation of these lands</p>	<p>APPROVAL</p> <p>-amend the L1E Subzone to state that Section 7 does not apply to development in this Subzone</p>	
29. National Capital Commission (2) (continued)	4. Zoning Map 31-1	4. Billings Bridge Shopping Centre lands - zoning too restrictive- reintroduce range of uses permitted under By-law No. Z-2K	<p>-exception [551] limits the use of the subject lands to a parking lot (existing)-this is much more restrictive than under By-law Number Z-2K where the site was zoned C1 which contained an extensive list of commercial uses</p> <p>-exception [551] should be removed from these lands to bring the zoning in line with the intent under By-law Number Z-2K, and to reflect the zoning of the remainder of the shopping centre lands</p>	<p>APPROVAL</p> <p>-that the lands located to the north of Billings Bridge Shopping Centre abutting Riverside Drive which are zoned CSI [551] F(1.0) be rezoned to CSI F(1.0)</p>	

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
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	5. Zoning Maps 36-1, 40-4	5. Rolland Ave. lands- a) adjust zoning boundary of L2 zone to reflect By-law No. Z-2K	a) the lands in question are zoned L2-Leisure Linkage; however, the Linkage Designation applied to this area in the Official Plan does not extend over the entire property -the most northerly portion of these lands are designated Traditional Industrial Area -consequently, an industrial zone (IG-General Industrial similar to the surrounding lands) would be appropriate on this portion of the lands	APPROVAL -that the Linkage lands remain zoned L2 and that Map 40-4 be amended to rezone the remainder of these lands from L2 to IG F(1.0)	
29. National Capital Commission (2) (continued)		b) the lands zoned residential should permit density allowed under By-law No. Z-2K	b) the portion of these lands abutting Rolland Ave. was zoned R5 F(1.0) under By-law Number Z-2K, with no units per hectare limitation- the area was rezoned to R4A U(40) under the new by-law-the U(40) was unintentionally extended to these lands from the townhouse development to the south	APPROVAL -that Map 40-4 be amended to rezone the lands located at the north-east corner of Alta Vista Drive and Rolland Avenue from R4A U(40) to R4A	
	6. Zoning Maps 24-1, 24-2	6. Rockcliffe Parkway Corridor- remove these lands from UR zone (not part of Rockcliffe Base, which was intent of UR zone)	-agree that Rockcliffe Parkway corridor is not intended as redevelopment area, and therefore, should remove these lands from the UR Zone, and place them in an L3 Zone, to reflect the current open space use	APPROVAL: -amend Zoning Maps 24-1 and 24-2 to rezone the lands located south of the Rockcliffe Parkway and north of Hemlock, Cottage, Rigel and CT Block 11 from UR to L3	
	7. Zoning Map 20-3	7. Nicholas-Waller lands- add parking lot as a permitted use as per By-law No. Z-2K	OUTSTANDING		

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29. National Capital Commission (3)	1. Zoning Map 7-2	1. Westboro Beach- recognize existing concession, parking (accessory use to concession)	-concession and parking area are considered to be accessory uses to the beach facility, and are therefore already permitted	NOT REQUIRED	The Committee concurs and so recommends.
29. National Capital Commission (3) (continued)	2. Zoning Map 11-4	2. Dow's Lake- permit parking lot; allow required parking for Dow's Lake to be located off-site	-as required parking for Dow's Lake is currently provided off-site (north of the Dow's Lake Pavilion across Prince of Wales Drive), the existing exception [356] should be amended to recognize this situation	APPROVAL -that Part XV-Exceptions, Exception [356] be amended to state that "required parking for all uses located the EW-tp10[356] zone is permitted anywhere in this exception zone"	
	3. Zoning Maps 16-5, 16-7	3. Canal Ritz- - permit parking lot; allow required parking for restaurant to be located off-site	-as required parking for the Canal Ritz restaurant (zoned EW1-tp9) is currently provided off-site at the south west corner of Fifth Ave. and Queen Elizabeth Drive (zoned L4 [549] F(1.5)), this existing use should be recognized through an exception	APPROVAL -that Part XV- Exceptions and Map 16-7 be amended to create and apply a new exception on the existing parking lot lands located at the south west corner of Fifth Ave. and Queen Elizabeth Drive, to permit "required parking for the restaurant, full service use located in the abutting EW1-tp9 zone"	
	4. Zoning Map 22-1	4. Rockcliffe Park- recognize existing concession, parking (accessory use to concession)	-concession and parking area are considered to be accessory uses to the park, and are therefore already permitted	NOT REQUIRED	The Committee concurs and so recommends.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
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29. National Capital Commission (4)	5. Zoning Map 22-3	<p>5. (a) Sussex- Stanley- recognize existing parking lot in CG[543] Zone</p> <p>(b) Sussex Drive - Exempt EW-tp10[574] Zone from Section 10 (7.5m. setback from flood control works).</p>	<p>-recognize the existing parking lot in the CG [543] zone located between John and Alexander on the east side of Sussex Drive</p> <p>-recognize existing buildings/ structures (tourist viewing area adjacent to Rideau Falls) on the lands zoned EW-tp10 [574] by exempting these lands from the 7.5 metres setback requirement from any flood control works</p>	<p><b>APPROVAL</b> -amend Part XV, Exceptions, by revising the existing exception provisions applicable to the lands located between John, Alexander, Thomas and Sussex Drive to permit a "parking lot" as an additional permitted use</p> <p><b>APPROVAL</b> -amend Part XV-Exceptions, Exception [574] to include a provision which states that Section 10 does not apply to these lands</p>	
	6. Zoning Map 24-2	6. Ottawa River East- Blair Road- recognize existing boat launch and associated parking in ES Zone	-recognize the existing boat launch facility and accessory parking at its current location, provided the use is not expanded	<b>APPROVAL:</b> -amend Zoning Map 24-2 to place a new exception on the subject lands to allow a "boat launch and parking accessory to the boat launch" as an additional permitted use, subject to the provision that no expansion to the use will be permitted	
	7. Zoning Map 27-1	7. Rideau River- Heron Road and Rideau River- Hog's Back- recognize existing concession, parking	-concession and parking area are considered to be accessory uses to the park, and are therefore already permitted	NOT REQUIRED	The Committee concurs and so recommends.



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29. National Capital Commission (4) (continued)	1. Tables 547(vii),559 (vii),583(vii), 596(vii)	1. Lot coverage provisions in the L1, L2, L3, L4 and EW zones should be removed, to reflect the provisions of the existing P and G zones	-see Issue 29(1) 1. above	-see Issue 29(1) 1. above	
	2. Sections 545,557,567,581,594	2. All permitted uses in the P zone should be added to the L1,L2,L3,L4 and EW zones	-see Issue 29(1) 1. above	-see Issue 29(1) 1. above	
	3. Sections 2 and 13	3. Amend Section 13 to permit development on lands which front onto a parkway; amend definition of parkway to refer to lands owned by the Federal Government	OUTSTANDING		
	4. Sections 10 and 11(1)	4. Amend Sections 11(1) and 10 to permit development within 30 m. of the Ottawa and Rideau Rivers and within 7.5 m. of flood control works, to recognize existing buildings	OUTSTANDING		

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29.National Capital Commission (5)	5. Section 589 ES Zone	5. Amend ES Zone to permit certain education, conservation and leisure uses, in conformity with the Official Plan	<p>-the ES Zone prohibits all land uses and development in order to encourage the maintenance of the natural state of environmentally sensitive areas</p> <p>-however, as education and conservation are activities rather than land uses under the Planning Act, they are not prohibited from occurring in an ES Zone (e.g. nature trails, wildlife preserves)</p> <p>-as leisure uses can involve the construction of buildings which could have a negative impact on the natural environment, they should not generally be permitted in an ES Zone</p>	<p><b>NO CHANGE CONSIDERED REQUIRED</b></p> <p><b>PROCEED TO OMB</b></p>	
29.National Capital Commission (5)	1. Numerous maps	1. Appeal all L1-tp, L2-tp, L3-tp, L4-tp, EW-tp subzones and L1, L2, L3, L4 and EW uses and regulations on N.C.C.-owned lands which were zoned either P or G under By-law Number Z-2K, as proper planning studies not undertaken and proper planning principles not followed	-see Issue 29(1) 1. above	-see Issue 29(1) 1. above	
30. Margaret Denison and Maynard R. Denison, in Trust	Zoning Map 42-1	APPEAL WITHDRAWN			
31. 1155323 Ontario Ltd.	Zoning Map 20-6	APPEAL WITHDRAWN			

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32. Capital Parking Inc., Centre Parking Inc., 160572 Canada Inc., Shamrock Parking Inc., Ideal Parking Inc. and Imperial Parking Ltd.	1. Section 66	1. Valet (tandem) parking should be permitted for commercial parking lots	-Part of Tandem Parking study	OUTSTANDING	The Committee noted the status.
32. Capital Parking Inc., Centre Parking Inc., 160572 Canada Inc., Shamrock Parking Inc., Ideal Parking Inc. and Imperial Parking Ltd. (continued)	2. Sections 47(2)(a), 47(3), 75, 289(b) and 300(b)	2. -Setback requirements for parking lots in inner areas should be established at 1.5 m. in all cases (individual commercial zone provisions should be consistent with this). -Landscaping and buffering should be dealt with through the site plan control process, on a site-specific basis -As well, the 1 metre high opaque screen requirement around a parking lot is a concern as it could create urban design and safety problems.	-Part of Residential Zoning Provisions issue resolution process	OUTSTANDING	The Committee noted the status.
33. Ontario Hydro	1. Section 563	1. L2B-tp-11 subzone is too restrictive (permitted uses, three year time limit) and was imposed without appropriate studies, contrary to Official Plan policies- the lands (numerous sites) are effectively sterilized	-Part of the NOSS Implementation study	OUTSTANDING	The Committee noted the status.

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	2. Zoning Map 26-6	2. L2B-tp-11[313] on east and west sides of St.Laurent Blvd. and north of Coventry Road- should be placed in a commercial zone to reflect District Linear Commercial designation in Official Plan	-the subject lands are designated as District Linear Commercial in the Official Plan- the Linkage Designation (implemented by the L2B Zone) actually stops west of St.Laurent Boulevard -consequently, staff can support a rezoning of the subject lands to CD (to CD2 F(0.5), same as abutting lands)	<b>APPROVAL</b> -amend Zoning Map 26-6 to rezone the following lands from L2B-tp-11 [313] to CD2 F(0.5): 1.East from St.Laurent Boulevard to the municipal boundary 2. West from St.Laurent Boulevard to a depth equal to that of the CG [570] F(1.0) zoned lands abutting the south property line	
	3. Exception [313]	3. Exception [313]-80% lot coverage provision too restrictive, does not reflect the size of existing parking lots- also, 80% figure was added without Council direction	-the subject exception emanates from a P-x-[21] exception under By-law Number Z-2K- as the former zoning did not contain a maximum 80% lot coverage provision, this requirement should be removed, to implement the OMB approved zoning and to recognize the existing situation	<b>APPROVAL</b> -that Part XV, Exceptions, Exception [313] be amended by deleting the maximum 80% lot coverage provision	
34. Jim Kargakos	1. Add existing use clause	APPEAL WITHDRAWN			
34. Jim Kargakos (continued)	2. Section 254	2. Convenience stores in R6 zones- only permit if they are a certain distance away from existing stores to minimize impact on current operation	-as a general planning principle, minimum separation distances between uses should be avoided, particularly where the separation distance is intended in lieu of market demand and to prevent competition	PROCEED TO OMB HEARING	The Committee concurs and so recommends.
35. Cognos Inc. and Investors Group	Zoning Map 29-5	APPEAL WITHDRAWN			

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36. Arnon Corporation	1. Zoning Map 14-5, Exception [358], Section 439	1. a) 855 Carling Ave.- CE7[358] zone permits office use, but not computer/ data centre or research and development centre - site should be rezoned to CE[358] to permit these	-amend the CE7 subzone to add these additional uses, which will recognize these existing uses while maintaining the intent of the Official Plan	APPROVAL -amend Section 439 to add computer/data centre, and research and development centre as permitted uses in the CE7 subzone	The Committee concurs and so recommends.
		b) also, CE zone has a maximum parking cap for offices which did not apply under By-law No. Z-2K, and it should not apply to this site	The cap was placed on CE zones to implement Regional Official Plan policy. The Region has clarified that where parking caps are to be placed on sites in the “vicinity” of rapid transit stations, they intend this to mean within 400 m. walking distance of a rapid transit station. Staff recommend an amendment to Sections 410 and 411 to clarify the intent of the policy. This amendment will affect all CE zoned lands containing office uses. Since this site is not within the required distance, the parking cap for office will not apply	APPROVAL -amend Sections 410 and 411 to indicate that the maximum parking cap is to apply only to office uses located within a 400 metre walking distance of a rapid transit station.	The Committee noted the status.
36. Arnon Corporation (continued)	2. Zoning Map 14-5	2. 785 Carling Ave.- CE zone has a maximum parking cap for offices which did not apply under By-law No. Z-2K, and it should not apply to this site	The cap was placed on CE zones to implement Regional Official Plan policy. The Region has clarified that where parking caps are to be placed on sites in the “vicinity” of rapid transit stations, they mean this to mean within 400 m. walking distance of a rapid transit station. Staff recommend an amendment to Sections 410 and 411 to clarify the intent of the policy. This amendment will affect all CE zoned lands containing office uses. Since this site is not within the required distance, the parking cap for office will not apply	APPROVAL -amend Sections 410 and 411 to indicate that the maximum parking cap is to apply only to office uses located within a 400 metre walking distance of a rapid transit station.	The Committee noted the status.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
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	3. Zoning Map 14-5	3. 560 Rochester St.- CE zone has a maximum parking cap for offices which did not apply under By-law No. Z-2K, and it should not apply to this site	The cap was placed on CE zones to implement Regional Official Plan policy. The Region has clarified that where parking caps are to be placed on sites in the “vicinity” of rapid transit stations, they mean this to mean within 400 m. walking distance of a rapid transit station. Staff recommend an amendment to Sections 410 and 411 to clarify the intent of the policy. This amendment will affect all CE zoned lands containing office uses. Since this site is not within the required distance, the parking cap for office will not apply	APPROVAL -amend Sections 410 and 411 to indicate that the maximum parking cap is to apply only to office uses located within a 400 metre walking distance of a rapid transit station.	
36. Arnon Corporation (continued)	4. Zoning Map 5-5, Exception [351]	4. 1564 Carling Ave.- CE zone has a maximum parking cap for offices which did not apply under By-law No. Z-2K, and it should not apply to this site	The cap was placed on CE zones to implement Regional Official Plan policy. The Region has clarified that where parking caps are to be placed on sites in the “vicinity” of rapid transit stations, they mean this to mean within 400 m. walking distance of a rapid transit station. Staff recommend an amendment to Sections 410 and 411 to clarify the intent of the policy. This amendment will affect all CE zoned lands containing office uses. Since this site is not within the required distance, the parking cap for office will not apply	APPROVAL -amend Sections 410 and 411 to indicate that the maximum parking cap is to apply only to office uses located within a 400 metre walking distance of a rapid transit station.	

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	5. Zoning Map 15-3, Exception [82]	5. 245 Cooper St.- R5D[82] zone does not recognize the “existing use” office permitted under By-law No. Z-2K- should add “office” use to zoning of site	-rezone the property to reflect the existing office uses (this can be done by using exception [84] instead of exception[82], which maintains the provisions of the existing exception, but allows offices as an additional permitted use)	APPROVAL -amend Zoning Map 15-3 by rezoning 245 Cooper Street from R5D[82] H(13.8) to R5D[84] H(13.8)	The Committee concurs and so recommends.  YEAS: Councillors Higdon, Kolbus and Little  NAYS: Councillors Arnold and Émard-Chabot
36. Arnon Corporation (continued)	6. Zoning Map 15-3, Exception [2]	6. 180 Elgin St.- incorrect reference to Exception [2]- this should be deleted, and the previous provisions under C1-c(6.5)[91] under By-law No.Z-2K should apply	-the correct exception for this property is exception [446], which should be applied instead of exception [2]	APPROVAL -amend Zoning Map 15-3 by rezoning 180 Elgin Street from CG11[2] F(6.5) to CG11[446] F(6.5)	The Committee concurs and so recommends.
	7. Zoning Map 20-2, Exception [87]	7. 400 Laurier Ave. E.- R5B[87] zone does not reflect existing high-rise apartment- should be rezoned to permit use	-rezone property to R6B to reflect existing high-rise apartment	APPROVAL -amend Zoning Map 20-2 by rezoning 400 Laurier Avenue from R5B[87] to R6B[87]	The Committee concurs and so recommends.

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	8. Zoning Map 6-7, Exception [349]	8.Merivale/ Baseline- CE zone has a maximum parking cap for offices which did not apply under By-law No. Z-2K, and it should not apply to this site	The cap was placed on CE zones to implement Regional Official Plan policy. The Region has clarified that where parking caps are to be placed on sites in the “vicinity” of rapid transit stations, they mean this to mean within 400 m. walking distance of a rapid transit station. Staff recommend an amendment to Sections 410 and 411 to clarify the intent of the policy. This amendment will affect all CE zoned lands containing office uses. Since this site is not within the required distance, the parking cap for office will not apply	APPROVAL -amend Sections 410 and 411 to indicate that the maximum parking cap is to apply only to office uses located within a 400 metre walking distance of a rapid transit station.	The Committee noted the status.
		-also, CE6[349] exception imposes 130,064 sq.m. gfa restriction which did not exist under By-law No. Z-2K, and should be deleted	APPEAL WITHDRAWN		
36. Arnon Corporation (continued)	9. Zoning Map 32-2, Schedule 70	9.1591 Riverside Dr.- height schedule incorrectly imposed, as there was no height restriction under By-law No. Z2K -should be removed	-schedule 70 should not apply to these lands, but to the I1 zoned lands located immediately to the south	APPROVAL -amend Zoning Map 32-2 by removing the reference to Schedule 70 on 1591 Riverside Drive, and by adding reference to Schedule 70 on the abutting I1 zone located immediately to the south	The Committee concurs and so recommends.



APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
	10. Zoning Map 41-3, Exception [275]	10. 1630 Star Top Rd.- maximum 20% of F.S.I. restriction on office use under IL[275] should be deleted- site-specific O.P. policy 12.0 states for this area that the maximum permitted gross floor area for office uses should be limited to a maximum of 85% of the lot area- revise to reflect policy	-adding office, computer/ data centre and research and development centre to the existing zoning, with a maximum F.S.I. of 0.85 will address the issue	<p>APPROVAL</p> <p>-amend Part XV- Exceptions by adding office, computer/data centre and research and development centre as additional permitted uses in exception [275]</p> <p>-amend Zoning Map 41-3 to add a maximum permitted F.S.I. suffix of 0.85 to 1630 Star Top Road</p>	1. That the first recommendation to “amend Part XV - Exceptions by adding office, computer/data centre and research and development centre as additional permitted uses in exception [275]” in order to address the appeal filed by Arnon Corporation relating to 1630 Star Top Road be deleted, as these uses are permitted under Section 489 of the IL zone;

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note:</b> <u>RECOMMENDATIONS</u> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note:</b> <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
36. Arnon Corporation (continued)					<p>2. That the second recommendation to “amend Zoning Map 41-3 to add a maximum permitted F.S.I. suffix of 0.85 to 1630 Star Top Road” be deleted, as the requirement for the 0.85 F.S.I. is required under Part XV, exception [271], which is the correct exception zone for this site.</p> <p>3. That Zoning Map 41-3 be amended by rezoning 1630 Star Top Road from IL[275] to IL[271].</p>

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
37. Metcalfe Realty Ltd.	1. Zoning Map 33-8, Table 327 vi), Section 323	1. 1385 Bank St.- maximum building height of 18 m. should be removed, as By-law No.Z-2K specified no height limit - office uses permitted, but not computer/data centre; should be added as a permitted use, as this use was classified as office under By-law No. Z-2K	<p>1. Official Plan policy 4.7.2 e)iii) states that “as a general rule, the height of buildings are consistent with the height of buildings which characterize the Linear Commercial Area”. The 18 metre building height limit is consistent with development along subject portion of Bank Street and represents an appropriate transition in scale with abutting R1G-Detached House Zone. No change recommended</p> <p>2. Computer/data centre was permitted under term “office” in the C1-a Zone in By-law Number Z-2K, but is not permitted in the CD F(2.0) zone affecting this site- as the CD zone permits “office”, recommend that “computer/data centre” also be added as permitted use in CD zone as in keeping with OP employment policies and is compatible in nature and impact to “office” use.</p>	<p>PROCEED TO OMB</p> <p>APPROVAL -amend Part VII - Commercial Zones, Section 323 - Permitted Uses in the CD Zone by adding “computer data centre” as a listed permitted use</p>	

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
37. Metcalfe Realty Ltd. (continued)	2. Zoning Map 9-6, Exception [653]	2. West side of Hinton Ave. N. (Lots 1500, 1502, 1504)- size limit of 280 sq. m. should be deleted- height limit and exception [653] should be removed as they are not in keeping with By-law No. Z-2K	<p>Pursuant to exception [302], these lands are permitted to provide parking for uses located on the east side of Hinton Avenue. Exception [302] does not establish a size limitation for the parking lot. Exception [653], applicable to these lands, should be amended to remove the size limitation.</p> <p>By-law 47-98 created exception [17] to the M2 zone affecting this site. Exception [653] reflects intent of exception [17] under Z-2K. No change recommended</p> <p>The 13.5 metre building height limit is specified under exception M2-x [17] of By-law Number Z-2K, as amended by By-law 47-98 and has been reflected in the new zoning of IS [653] F(1.0) H(13.5). No change recommended</p>	<p>APPROVAL -amend Part XV - Exceptions, Exception [653] by specifying that Section 482 does not apply to a parking lot</p> <p>NOT CONSIDERED TO BE REQUIRED</p> <p>NOT CONSIDERED TO BE REQUIRED</p>	

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
37. Metcalfe Realty Ltd. (continued)	3. Zoning Map 9-6, Exception [655]	3. Armstrong St./ Hamilton St.(Lots 1322,1324)- zoning should recognize existing parking lot use - maximum 19 m. height limit and exception [655] should be deleted as they are not in keeping with By-law No. Z-2K	<p>Pursuant to exception [302], these lands are permitted to provide parking for uses located on the east side of Hinton Avenue. A new exception should be created which in addition to including the provisions of [655] would permit a “parking lot restricted to the uses located at 7 Hinton Avenue”, as per wording under By-law Number Z-2K.</p> <p>By-law 47-98 created exception [248] to the C1 zone which affected this site. Exception [655] reflects the intent of exception C1-x[248] of By-law Number Z-2K. No change recommended</p> <p>The 19 metre building height limit is specified under exception C1-x [248] of By-law Number Z-2K, as amended by By-law 47-98 and has been reflected in the new zoning of CG [655] F(3.0) H(19). No change recommended</p>	<p><b>APPROVAL</b> -amend the zoning of 1322 and 1324 Armstrong Avenue to add a new exception which contains all of the provisions and permitted uses of exception [655], as well as permitting a “parking lot restricted to the uses located at 7 Hinton Avenue”.</p> <p><b>NOT CONSIDERED TO BE REQUIRED</b></p> <p><b>NOT CONSIDERED TO BE REQUIRED</b></p>	The Committee noted the status.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> (appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
37. Metcalfe Realty Ltd. (continued)	4. Zoning Map 14-1	4. 221 Champagne Ave.N.- maximum building height of 18 m. should be deleted as it is not in keeping with By-law No. Z-2K	Current land use on this site consists of a two-storey building. Official Plan policy 4.5.2 d) and 4.4.2 e) viii) states that "a gradual transition in building heights should occur between buildings in Business Employment Areas and adjacent low profile residential areas;". The 18 metre building height limit is appropriate as it represents a medium profile employment use which provides a transition to abutting low profile residential areas (maximum 10.7 metres). No change recommended	PROCEED TO OMB	
	5. Zoning Map 16-3, Exception [441], Sections 367 and 368	5. 150 Isabella St.- maximum building height of 10.7 m. and setback provisions of Section 367 and 368 should be deleted as they are not in keeping with By-law No. Z-2K	Subject site was zoned C3-c(3.3) exception [4] under Zoning By-law Number Z-2K which did not establish a maximum height and setbacks for a parking structure. Recommend that the CG9[441] zone height limit (s. 370 i) and setback provisions (s. 367 and 368), as they apply to parking structures be removed through a site-specific exception in order to maintain intent of the C3-c-x[4] zone of Z-2K.	APPROVAL -amend part XV - Exceptions, Exception [441] by deleting the provision "maximum building height of 10.7 m for parking structure" and by adding "Sections 367 and 368 do not apply" and "Section 370 i does not apply"	
37. Metcalfe Realty Ltd. (continued)	6. Zoning Map 14-7, Table 342 vi)	6. 265 Carling Ave.- maximum building height of 18 m. should be deleted as it is not in keeping with By-law No. Z-2K	The existing building on site exceeds the permitted maximum 18 metre height limit. Given the location of this building along this portion of Carling immediately west of Bronson Ave., recommend the addition of a 28 metre building height limit suffix to indicate the height of the existing building	APPROVAL amend Map 14-7 by adding the height suffix H(28) to the lands zoned CG2 F(2.0) and known as 265 Carling Avenue	

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
38. Canada Post Corporation	1. CE, CE2 zones (Sections 402-412, 425-428; Exc.[645])	-some apparent discrepancies between permitted uses in By-law No. Z-2K and new by-law- need to confirm that new terminology includes previous uses	-recommend some changes to bring terminology of new by-law more in line with intent under By-law Number Z-2K	<p><b>APPROVAL</b></p> <p>1. Amend the CE2 Subzone as follows:</p> <p>-amend Section 427 by deleting “theatre” and “restaurant, fast food” from the list of prohibited uses.</p> <p>-amend Section 427 by adding “community health and social services centre”, “small batch brewery”, “day care limited to a day hospice” and “drive-through service in association with any restaurant use” to the list of prohibited uses.</p> <p>-amend Table 147 to require the same separation distances for special needs houses in the CE2 Subzone as are applicable to all other listed commercial zones.</p> <p>-amend the CE2 Subzone to specify that the yard setback requirements of Table 407 (CE Zone regulations) do not apply to the CE2 Subzone.</p>	

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
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38. Canada Post Corporation (continued)	1. CE, CE2 zones (Sections 402-412, 425-428; Exc.[645]) (cont'd)	-some apparent discrepancies between permitted uses in By-law No. Z-2K and new by-law- need to confirm that new terminology includes previous uses	-recommend some changes to bring terminology of new by-law more in line with intent under By-law Number Z-2K	<p><b>APPROVAL</b></p> <p>2. Amend Part XV- Exceptions, Exception [645]as follows:</p> <p>-add "high rise apartment building" to the uses listed in bullets 2, 5 and 19.</p> <p>-add "automated teller", "personal service business", "retail business"and "restaurant-full service" to the uses listed in bullet 2.</p> <p>-add "bank" to the uses listed in bullet 18.</p> <p>-add "apartment building" to the uses listed in bullet 19.</p> <p>-add "restaurant, fast food" to the uses listed in paragraphs 3,6,8,11,15 and 18</p>	
	2. Sections 6 and 590	- accessory use provisions different than under By-law No. Z-2K	-although the regulations affecting accessory buildings are marginally different from those under By-law Number Z-2K, it is unlikely that these provisions would have a significant impact on the subject lands.	<b>NO CHANGE CONSIDERED REQUIRED</b>	
38. Canada Post Corporation (continued)	3. Zoning Map 27-2, Section 340	-770 Brookfield Road- some apparent discrepancies between permitted uses in By-law No. Z-2K and new by-law (CG2 F(1.0))- need to confirm that new terminology includes previous uses	-the subject lands were permitted under By-law Number Z-2K to be used as a parking lot- this use should be continued under the <i>Zoning By-law, 1998</i>	<p><b>APPROVAL</b></p> <p>-amend Zoning Map 27-2 by adding exception [345] to 770 Brookfield Road to permit a parking lot and accessory attendant's shelter as additional permitted uses</p>	



APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
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39. Lois K. Smith, PhD.	Numerous Technical Anomalies	APPEAL WITHDRAWN			
39. Lois K. Smith, PhD.	Zoning Map 6-7	-1230 Merivale Road- small batch brewery was deliberately excluded from By-law 34-98 (as approved by OMB) but the new exception has not excluded the use- should be under column noting prohibited uses	-a small batch brewery was not a permitted use on these lands under By-law Number Z-2K- this use should be removed from the list of permitted uses for this site to maintain the intent of the former zoning	APPROVAL -amend Part XV, Exceptions, Exception [636] by adding the use "small batch brewery" to Column III, Uses Prohibited	
39. Lois K. Smith, Ph.D. (continued)	Zoning Map 6-7	-1260 Merivale Road- former zone on this site did not include "bar" which was a separate use. Objects to permitting "bar" under new zoning by-law, whether as "bar" or "nightclub". If "bar" to be permitted, then asking for 6 metre setback from Merivale Road	-under By-law Number Z-2K, the term "restaurant, dining lounge" was interpreted to include current terms "bar" and "nightclub" - as "restaurant, dining lounge" was a permitted use under the previous C1-c zoning of the subject site, "bar" and "nightclub" should continue to be a permitted uses, to maintain the intent of the previous zoning -although a "restaurant, dining lounge" was a permitted use under By-law Number Z-2K, it was not subject to an increased setback from Merivale Road- imposing such a requirement would not be in keeping with the OMB approved zoning of these lands	PROCEED TO OMB	

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
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40. Inglenook Developments Inc.	Zoning Map 31-2	1454 Clementine- have had ongoing discussions with City regarding rezoning the property from P to R5- the proposed ES zoning boundary should exclude this site as it is not part of the environmentally sensitive area	-Part of NOSS Implementation study	OUTSTANDING	The Committee noted the status.
41. Canada Life Assurance Company	CE10 Subzone (Section 448,449), Map 26-4	APPEAL WITHDRAWN			
APPEALS TO BY-LAW NUMBER Z-2K					
1. Pamela Clayton	Map 36-2	APPEAL WITHDRAWN			
2. Orrin M. Clayton					
3. Ellen T Lanthier					
4. JoAnne Wiltshire					
5. Wanda Goneau	Map 9-6	-wants area located west of Hamilton, south of Armstrong, east of Holland and north of Wellington rezoned to reduce the maximum permitted height from 19 metres to 10.7 metres (ie. from CG[655] F(3.0) H(19) to CG [655] F(3.0) H(10.7))	-oral OMB decision has been given. Appellant awaiting written decision, then will withdraw	AWAITING WRITTEN OMB DECISION	The Committee noted the status.

APPELLANT	ZONING BY-LAW	PARTICULARS	DISCUSSION	RECOMMENDATIONS*	COMMITTEE RECOMMENDATION /ACTION (PEDC)**
<p><b>*Note: <u>RECOMMENDATIONS</u></b> ( appellant has concurred in writing with recommendation and will withdraw appeal if City Council implements amendment)</p> <p><b>**Note: <u>COMMITTEE RECOMMENDATION /ACTION (PEDC)</u></b> (appeals or portions of appeals which have been withdrawn or dismissed are shown in shading)</p>					
6. Ms. Kathryn E. Barnard	Map 14-3	-zoning of property located on north side of Gladstone, between Bell Street North and Lebreton Street North (CN[597] F(2.0)zones) -objects to rezoning because of : adverse effect on quality of life with respect to adjacent parking lot, commercial traffic; reduction in rear yard at 138 Bell Street; and does not allow for adequate setbacks which would protect the surrounding properties	AWAITING OMB HEARING		The Committee noted the status.
7. Kerzner, Papazian, MacDermid Barristers and Solicitors	Map 35-4	-zoning of property located on north side of Johnston Road near Tapiola Cres. (R4J, L3, R4D zones) -appeal rezoning of property from industrial to residential	AWAITING OMB HEARING		The Committee noted the status.

**WITHOUT PREJUDICE*****Proposed Approach to Resolve  
NCC and Regional Appeals to  
City of Ottawa By-law 93-98*****PURPOSE**

1. To resolve the NCC and Region of Ottawa-Carleton appeals to By-law 93-98 without the need for a lengthy and expensive arbitration hearing before the Ontario Municipal Board.
2. To establish a clearly defined secondary planning process to establish the appropriate range of uses and boundaries of individual corridors within the conceptually-designated Greenway System.
3. To establish the zoning mechanism to maintain existing zoning rights for lands within the conceptually-designated Greenway System, while also controlling development until such time as:
  - i) the secondary planning process is completed for a specified corridor, or
  - ii) independent development proposals have been evaluated on the basis of established criteria through the legislated planning process (eg. zoning or site plan).

**APPROACH****Mechanism**

4. Establish 'exception' zones for all lands within the conceptually-designated Greenway System that maintain the existing zoning provisions established in By-law Z-2K, as outlined in City of Ottawa Staff Report dated January 29, 1998 (ACD1998/1301-020).
5. Include a 'holding' provision, with the above-noted 'exception' zones, which establishes the condition that a secondary planning study to establish the boundary and appropriate range of uses for the corridors within the conceptually-designated Greenway System be completed, as the trigger to lift the holding provision and establish the new land use designations and zones.
6. This holding provision shall be lifted incrementally by City Council as:
  - i) secondary plans, which establish boundaries and uses for individual corridors within the conceptually-designated Greenway System, are

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completed on the basis of established criteria (set out in Point 10 below), and implemented by way of Official Plan amendment and/or zoning approval (as set out in Point 9 below);

- ii) independent development proposals – which are brought forward in areas where the secondary plan has not yet been completed – are completed on the basis of established criteria (set out in Points 10 and 11 below), and implemented by way of Official Plan amendment, zoning approval and/or site plan control approval. Where Council lifts the holding provision solely on the basis of a site plan, it will be tied to the approved site plan.

**Process**

7. That the twenty (20) corridors within the conceptually-designated Greenway System form the basis for a comprehensive secondary planning process to establish the appropriate boundary delineations, zoning and range of uses for each corridor.
8. That an open and transparent secondary planning process be designed involving the City, the NCC, the Region, landowners and interested public, as key stakeholders in the process.
9. That the secondary planning processes for the Greenway corridors will result in implementing Official Plan and zoning by-law amendments to ensure a legislative appeal mechanism for all stakeholders.
10. That the determination of the appropriate **boundary delineation, zoning and range of uses** for each Greenway System corridor be evaluated on the basis of the following considerations:
  - i) a full consideration of all objectives and policies in the Regional and City Official Plans;
  - ii) the goals and policies of the federal Plan for Canada's Capital;
  - iii) the features of the corridor, both biophysical and man-made;
  - iv) the Natural and Open Spaces Study (NOSS) with respect to identified natural areas within the corridor;
  - v) the function of the corridor;
  - vi) the nature and context of surrounding land uses;
  - vii) the continuity of the corridor and the degree to which the linear pattern of the Greenway System can be retained and promoted;
  - viii) the connections and access into the corridor; and
  - ix) the owner's intentions for the lands.
11. That until the secondary planning processes for individual corridors are completed, independent development proposals which come forward will be evaluated and processed (as outlined in Point 6(ii) above) on the basis of the considerations listed in Point 10, as well as the following:
  - i) the existing zoning;
  - ii) the current use or activity on the property; and
  - iii) the size of the parcel.

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12. City Council's decisions on site specific development proposals shall not be deemed to prejudice the outcome of a broader secondary planning study for the corridor.

### **Work Program**

13. The secondary planning process will be initiated and managed by the City of Ottawa based on the following corridors:

1. Ottawa River West \*
2. Pinecrest Creek \*
3. Western \*
4. Richmond / Byron
5. Scott Street
6. Westboro Hydro
7. Island Park Drive \*
8. Experimental Farm \*
9. Champagne \*
10. Rideau Canal \*
11. Rideau River \*
12. Southern Hydro \*
13. Sawmill Creek / Airport Parkway
14. Greenboro
15. Eastern
16. Alta Vista
17. West-East Hydro
18. South-North Hydro
19. Aviation Parkway \*
20. Ottawa River East \*

\* Corridors which include NCC-owned lands

14. The City has identified as one of their priorities the implementation of the Protected Areas identified in the Natural & Open Spaces Study (NOSS).
15. The work program, timing and priority to carry out the secondary planning studies for the corridors will be determined by the City of Ottawa, in consultation with the NCC, Region and key stakeholders on an annual basis.
16. The Region reserves the right to initiate secondary planning on any of the corridors in their ownership. Similarly, should the City of Ottawa not meet the annual time-frames set out in the work program, the NCC may initiate the secondary planning study, and request City Council to lift the holding provision and implement the study by way of Official Plan amendment and/or zoning approval.

### **CONDITIONS**

17. The NCC will agree to withdraw their appeal of By-law 93-98 (Appeal #1) on the following conditions:
- i) That City Council implements the above-noted change to By-law 93-98 for all NCC-owned lands within the conceptually-designated Greenway System and that the appeal period for this change expires without further appeals;

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- ii) That City Council commit the necessary staff resources to fulfill the commitments within the defined timeframes as established annually;
  - iii) That the Region withdraws their appeal to By-law 93-98 as it affects NCC lands within the conceptually-designated Greenway System.
18. That City staff agrees to meet prior to March 12, 1999 to address and resolve, where possible, the remaining NCC appeals, as follows:
- Appeal # 2* - Use of Leisure zoning on vacant NCC lands outside the Greenway System;
  - Appeal # 3* - Sites where existing zoning provisions have not been carried forward into By-law 93-98;
  - Appeal # 4* - Sites where the proposed zoning does not adequately recognize existing site uses; and
  - Appeal # 5* - Appeals concerning certain general provisions of By-law 93-98.

*FoTenn Consultants Inc.*

*March 8, 1999*