

REPORT N° AMÉ-20-03-R



Date	03/02/2020
Submitted by	Marie-Eve Bélanger
Subject	Zoning By-law 2016-10 – Technical Anomalies
File N°	D-14-528

1) **NATURE/GOAL :**

The City of Clarence-Rockland had completed a comprehensive review and update of the municipality's Zoning By-law in May 2016. This review process was intended to implement the Official Plan of the Urban Area of the City of Clarence-Rockland, the Bourget Official Plan, the United Counties of Prescott and Russell Official Plan, as well as update the zoning regulations to meet current trends in planning.

A technical anomalies by-law was brought forward in 2017 and again in early 2019 to make certain corrections which were mostly technical in nature.

The Department is bringing forward this report recommending mostly minor revisions to the Zoning By-law, 2016-10, which are mostly technical in nature. However, there are some changes in the Zoning by-law that we are proposing that are major and some of the changes were recommended in previous Council meetings.

2) **DIRECTIVE/PREVIOUS POLICY :**

N/A

3) **DEPARTMENT'S RECOMMENDATION :**

THAT Council approves the proposed amendments to the Zoning By-law 2016-10 of the City of Clarence-Rockland, in order to resolve technical anomalies and make certain additions and major changes in the by-law and maps as detailed in the proposed By-law 2020-05.

QUE le conseil approuve les modifications au Règlement de zonage 2016-10 de la Cité de Clarence-Rockland, afin de régler certaines anomalies techniques ainsi que faire des ajouts et des changements majeurs dans le texte et les cartes du règlement ainsi que d'y apporter certaines corrections telles qu'elles sont décrites dans le Règlement No. 2020-05 proposé.

4) **BACKGROUND :**

The Department has been working with the new Comprehensive Zoning By-law 2016-10 since May 2016. A technical anomalies by-law was completed in 2017 and in early 2019 to correct certain technical anomalies in the application or enforcement of the Zoning By-law. The Department is bringing this report forward recommending minor and major changes to the by-law.

5) **DISCUSSION :**

The recommended amendments are intended to correct certain anomalies or technical errors/omissions in the text of the Zoning By-law as amended by Council as well as make certain minor revisions. However, some provisions were added while some were modified, following the current trend in planning and Council's resolutions.

The items mentioned in Document 1 lists all of the changes to the By-law that we are proposing. It is best to follow with the current Zoning By-law to fully apprehend the changes proposed. The Department feels that the changes are necessary in order to address certain technical problems, changes in legislation and/or resolve specific matters that will help in the application or enforcement of the Zoning By-law. We feel that the changes respect the policies of the Official Plan of the United Counties of Prescott and Russell, the Official Plan of the urban area of the City of Clarence-Rockland and the Provincial Policy Statement.

The left column of this Document illustrates the objective and the rationale behind each changes. As indicated above, some changes are minor in nature and some are major. Some of the major changes are included under Item No: 10 & 32, 12, 23, 24, 35 & 36, 42 & 48 above.

Items 10 and 32 are in relations to "short-term rentals". As we know, short-term rentals are becoming more and more popular. Residents use this form of rental opportunity to bring in more income when visitors use this form of rental to reduce cost. Since the approval from LPAT, in favor of the City of Toronto, in regards to the short-term rental industry, we have decided to start incorporating some provisions in the Zoning By-law to permit it. As seen on the Airbnb website, there are over 20 properties listed for short-term rental in Clarence-Rockland. At this time, we are proposing adding a definition (Item 10) for short-term rental and permitting them as accessory to the majority of the zones. We also added a provision not authorizing them in any hazard zones. As such, we will be able to enforce the location of them only. If Council deems that this item be looked at more precisely, we can bring a more in depth report to Council.

Item 12 is in relation to Accessory structures. There are two major changes proposed. Firstly, we want to permit the erection of accessory structures in the exterior side yard. There are currently countless amounts of sheds located in the exterior side yards. Some of them are inside a fence and are not very visible. We do not believe that authorizing accessory structures in the exterior side yard will create a nuisance or impact on the visibility on the street. In addition, if the proposed structure is bigger than 10m², it will need to be installed at 1.2 metre from the lot line instead of 3.5 metres. This change is consistent with the City of Ottawa and will be welcome by every property owners located on a corner lot.

Secondly, we are proposing to remove the need for accessory structures to be smaller than the footprint of the house for rural and agricultural zones. We have completed some Zoning Amendments and Minor Variances in that regard. Living in the rural and agricultural areas sometimes require more machinery to maintain the land. As such, landowners are looking for bigger detached garages to store all of their machinery and belongings. We believe that this proposition is good planning.

Item 23 deals with shipping containers. This item was modified to reflect Council's resolution and desire to permit them in the commercial areas. As described under the Objective and Rationale column beside this item, two specific subsections were created. We now have provisions for containers in the Residential Zones or for a lot used for residential purposes and for any other zones. In regards to residential purposes, we will permit a container for construction, renovation, moving and damage repair purposes for a specific timeframe. As for the other zones, shipping containers will be permitted if it respects setbacks, height and the number of containers. They also need to be screened from the public street and will require a Building permit.

Item 24 list a new provision in regards to agriculture-related uses and on-farm diversified uses. Previously, the by-law permitted those two uses under the definition of Agriculture. We decided to split the definition of Agriculture and Agriculture related-uses / On-farm diversified use in order to be easier to understand. The proposed policies were added to respect the provisions in the OMAFRA Guidelines on Permitted Uses in AG areas. As such, the proposed policies conforms to those guidelines.

Items 35 and 36 refers to the permitted use of an accessory daycare to industrial uses and to the Zoning Amendment that was approved to add a daycare at 733 Industrial. Since the Zoning Amendment, the applicant decided not to pursue the establishment of a daycare at 733 Industrial. We have communicated with the Owner of the building and it was agreed that the use would be removed. As per Section 4.42 of the Zoning By-law, there are specific setback and separation distance that one must respect from a sensitive land use to a Class 1, 2 and 3 Industrial Use. The daycare is considered a sensitive land use and would impeded on any future industrial use on the property and on surrounding properties. It was deemed to be good planning to remove the use, with the authorization from the Owner.

Items 42 & 48 were added to deal with Lot frontages in the Rural and Agricultural area where properties have access to a partial service, in this case, municipal water. We have seen requests and Zoning Amendment to reduce the lot frontage. The RV1 Zone and the Rural Residential (RR) Zone already have provisions for a smaller lot frontage where partial services is present. In the RR Zone, the reduction goes from 38 metres to 22,5 metres where partial services are present. We are recommending that lots with partial services in the rural and agricultural are be reduced from 38 metres to 30

metres, being 100 feet. This provision might not always be relevant when a property is located on a collector street or on a County Road since frontages need to be bigger. However, it might be helpful for a severance for a residence that is surplus to a farming operation. With a smaller frontage, the crop field might be more accessible for farmers as more frontage will be provided for them. We have also researched in the City of Ottawa Zoning by-law, which confirmed that their frontage requirement for residential purposes in the AG and RU1 zones is 30 metres. The Department considers this change to be consistent with the other provisions and zones in the current by-law.

Document 1: Details of proposed amendments to address certain anomalies and make certain corrections to the City of Clarence-Rockland Zoning By-law, 2016-10.

No.	Reference	Proposed Amendments	Objective and Rationale
1.	Part 1 Administration	Section 1.8.2 (c), change the words "landscaped open spaces" to " <i>landscaping</i> ".	To add clarity.
2.	Part 3 Definitions	To modify the definition of "Agriculture" to remove the words "(includes value-added facilities, agri-tourism uses, agriculture-related uses, and on-farm diversified uses)" from the heading in the left column.	Definitions are added on their own.
3.	Part 3 Definitions	To modify the definition of "Agriculture" to remove subsections (g) and (h) and replace with the following: "(g) Cannabis cultivation under a standard cultivation, micro-cultivation or nursery license from Health Canada, including all related activities such as soil preparation, soil conditioning, planting, spraying, harvesting and drying."	(h) was deleted since it was transferred to the new definition of Agriculture related-uses under Item 5 below. To confirm that Cannabis cultivation is a permitted agricultural use. It is permitted under AG uses as per the Province, but we wanted to make it clear in the By-law to avoid confusion.
4.	Part 3 Definitions	To modify the definition of "Agriculture" to remove the words "but does not include a <i>medical marijuana production facility</i> ." at the end of the definition.	Item 3 specifies the use permitted under Cannabis cultivation only.
5.	Part 3 Definitions	To add, after the definition of "Agriculture", the following definition: "Agriculture-related uses: means farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support	To add a specific definition for Agriculture-related use. Previously it was included under the Agriculture definition

		agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity and may include a <i>retail store, outdoor farmer's market, food production, heavy equipment and vehicle sales, rental and servicing</i> limited to farm equipment, or a <i>cannabis production facility</i> ."	subsection (h). We deem that a new definition will be beneficial. It is also very similar to the definition under the PPS 2014.
6.	Part 3 Definitions	The definition "Ecotourism Facility" to be deleted and replaced with the following : "means a building, structure or premises where facilities are provided for the preservation of natural resources or the natural environment in association with education, business promotion, community event, development and/or tourism. This definition may include an educational and/or research facility, community centre, ecology centre, entrepreneurship centre, tourist establishment or similar use operated for gain or profit. Accessory uses include but are not limited to an eating establishment, retail store, office, and workshop."	Definition was modified to add community centre and tourist establishment to the list of uses permitted within that definition. A retail store was also added as an accessory use. The uses added are deemed to be similar and complimentary to the existing uses listed.
7.	Part 3 Definitions	Delete the definition for a "Hotel".	Definition replaced by the definition of Tourist establishment (see item 11)
8.	Part 3 Definitions	To modify the definition of "Landscape Buffer" to read as follows: "means an area which shall include a planting screen, fence, wall, or landscaped earth berm, or a combination of these features, and may include grass, ornamental shrubs, flowering shrubs, flower beds, and trees, and may be traversed by walkways."	The word "fence" and "wall" was added as being a means to create a buffer.
9.	Part 3 Definitions	To modify the definition of "Landscaping" to read as follows: "means an outdoor area on a lot comprised of living trees, plants, permeable surfaces, fences and walls, or any combination thereof, without access by motor vehicles (except	The words ", and may include a landscape buffer" was added to the definition.

		emergency access by vehicles such as fire trucks or ambulances), and may include a landscape buffer.”	
10.	Part 3 Definitions	to add after the definition of “Shoreline Activity Area”, the following definition: “Short-term rental: means all or part of a dwelling unit used to provide sleeping accommodation for any rental period that is less than 28 consecutive days in exchange for payment, which includes existing bed and breakfasts.”	The definition of a short-term rental is added. This includes Airbnb.
11.	Part 3 Definitions	To add, after the definition of “Temporary tent or Stage”, the following definition: “Tourist Establishment: means premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a hotel, motel, lodge, and rental cottage, yurt or cabin where more than 3 such rental units occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses”	The definition and the use of Tourist establishment is added. The difference between this definition and the definition for a hotel is mainly that it specifies that it is for a motel, hotel, lodge, cottage, yurt or cabin.
12.	Part 4 General Provisions	Section 4.1 Accessory Uses, Buildings and Structures. Section 4.1 e) is deleted and replaced with the following: e) In a Residential Zone or on a lot in another zone used primarily for residential purposes, the following provisions will apply for buildings and structures which are accessory to the residential use: <i>i. accessory buildings or structures, including residential wind turbines, shall not be located within any minimum front yard, except as specifically permitted in this By-law;</i> <i>ii. accessory buildings or structures of more than 10 m² other than accessory residential wind turbines, shall not be located closer than 1.2</i>	This Section is deleted and replaced since there were a few subsections that were being modified. Under i) the words “ Minimum exterior side yard” was removed. As such accessory buildings will be able to be built in the exterior side yard. ii) the words “exterior side lot line” was added after “interior side lot line” to indicate that we will allow accessory structures to be built within 1.2 metres of the exterior side lot line. This is a major change. Residents are already allowed to build a

		<p>meter to any <i>interior side lot line, exterior side lot line, rear lot line</i> or main building, shall not exceed 3.8 meters in height in urban residential zones, 5.0 meters in community residential zones and shall not exceed 6.0 meters in height in rural and agricultural zones;</p> <p><i>iii.</i> Notwithstanding 4.e)ii) above, detached garages and carports with direct vehicular access from that street, shall not be located within any minimum <i>exterior side yard</i>, except as specifically permitted in this By-law;</p> <p><i>iv.</i> <i>accessory residential wind turbines</i> shall not exceed 15.0 metres in height, exclusive of the blades, and shall not be located closer to any <i>interior side lot line, rear lot line</i> or <i>exterior side lot line</i> than a distance equal to the height of the structure;</p> <p><i>v.</i> <i>accessory buildings or structures</i> shall not occupy more than 8% of the total <i>lot area</i>, excluding hobby farms, swimming pools, temporary shelters ("tempo"), and uncovered platforms (decks) nor shall it exceed the <i>lot coverage</i> of the <i>dwelling</i> on the <i>lot</i> whichever is the lesser. Such <i>accessory buildings or structures</i> shall be included as part of the total <i>lot coverage</i> permitted in the zone requirements;</p> <p><i>vi.</i> Notwithstanding 4.1 e) v. in a Rural Zone, Agricultural Zone, Restricted Agricultural</p>	<p>fence close to the lot line; building a shed inside the fence near the exterior side yard will not have an impact on the visibility or look.</p> <p>However, subsection iii) indicates that if the detached garage or shed has a driveway leading to it, it will not be permitted to build closer than the exterior side yard requirement under the specific zone.</p> <p>Subsection vi) was added as we are removing the need for accessory structures to have a smaller footprint than a house in the rural, agricultural and conservation use Zones. This is following many Zoning Amendments and Minor Variances as well as many requests to build a detached garage bigger than the house in the rural and ag zones.</p>
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13.	Part 4 General Provisions	Section 4.1 Accessory Uses, Buildings and Structures. Section 4.1 h) is amended by adding the following at the end: ",except as otherwise indicated under Section 4.45.1".	The original provision stated that in the residential zone, it was not permitted to have a truck-trailer, shipping container, etc. If you refer to Item 23 below, we have added provisions under Section 4.45.1 in regards to shipping containers in the residential area. The new provisions might allow some containers for specific reasons indicated under the new section 4.45.1.
14.	Part 4, General Provisions	Section 4.4 Amenity Area. Modify Section 4.4 (d) to change the words "landscaped buffer" to "landscape buffer".	To be consistent with the definition of "Landscape Buffer"
15.	Part 4 General Provisions	Section 4.8 Cannabis Production Facility. Modify subsection 4.8 (a) iv. to read as follows: "Must be setback a minimum of 150 metres from a dwelling in General Agricultural, Restricted Agricultural, and Rural zones and must be setback a minimum of 150 metres from a lot line abutting a lot zoned or used for residential purposes, daycare, community centre, school, religious	To specify that the 150 metre buffer must be from a dwelling and not from a lot line.

		institution, public park or playground in any other zone."	
16.	Part 4, General Provisions	Section 4.17 Hazardous Land. Modify Section 4.17.1 by replacing the words "the 1:100 year flood" in the last sentence of the first paragraph to "the flood protection".	To clarify that the <u>flood protection elevation</u> is at 45.1 metre along the Ottawa River and not the 1:100 year flood elevation. This provision has created confusion in the past. We require that any openings be higher than the 45.1 m elevation at this time.
17.	Part 4, General Provisions	Section 4.17 Hazardous Land. Modify Section 4.17.1 d) to add the following after the first paragraph: "A second unit or a short-term rental is not permitted under a Hazardous land."	To add clarity that a second unit or a short-term rental will not be permitted in a hazardous land, like a flood plain. Adding resident in a flood plain or any other hazardous land is not consistent with the PPS and the Ops.
18.	Part 4, General Provisions	Section 4.24 Legal Non-Complying / Legal Non-Conformity. Delete Section 4.24.1 a) ii.	Subsection 4.14.1 a)ii) indicated that it was not permitted to have a second unit in a legal non-conforming or non-complying building. We are removing this section as some properties might not respect the setback requirements of the current by-law, which would therefore restrict homeowners to have a second unit. The province continues to push to allow for more affordable housing. The removal of this provision will help achieve this goal. It is also hard to enforce, as we do not have a location plan for all of the properties.
19.	Part 4, General	Section 4.33 Outside Storage. Modify Section 4.33 (a) by replacing iv. and v.	The previous provisions were related to the

	Provisions	with the following: "iv. A <i>landscape buffer</i> with a minimum width of 3.0 metres shall be maintained around all outside storage areas and shall include an opaque screen with a minimum height of 1.8m."	landscaping of outside storages with fences and shrubs. With the new definition of a Landscape Buffer, those 2 subsections can be reduced to the proposed provision.
20.	Part 4, General Provisions	Section 4.36 Permitted Projections into Required Yards. Modify Table 4.36 (5)(b)i) to add item 3 as follows: "in the case of separation distance between buildings on the same lot: no closer than 1 meter to the other building."	To add that an open stairway, fire escape or ramp can be built closer to another building on the same lot. This is following an issue that we encountered in regards to two blocks of condos on the same lot which required a stairway leading to the basement. A minor variance was approved for this but we deemed that the Zoning could be updated to permit it.
21.	Part 4, General Provisions	Section 4.36 Permitted Projections into Required Yards. Modify Table 4.36 (8) as follows: "0.6 m, but not closer to a lot line than 0.3 m, and may not project into a required front yard."	An air conditioner was not previously permitted in the exterior side yard. With a side yard at 1 metre on one side, it is not feasible to place an air conditioner in that area. As such, builders place them on the exterior side yard. Since a fence can be installed almost to the lot line, the majority of air conditioner will be blocked from view. It is also better in regards to noise, as it is facing the street and not beside a neighboring property.
22.	Part 4, General Provisions	Section 4.42 Separation Distances. Remove the last three bullet points and replace with the following :	The first three bullet listed is the same as in the By-law, except that we wanted to clarify that the setback must

		<ul style="list-style-type: none"> • Within 20 metres of the lot line of a lot used for a Class I industrial use • Within 70 metres of the lot line of a lot used for a Class II industrial use • Within 300 metres of the lot line of a lot used for a Class III industrial use • Within 150 metres of a <i>cannabis production facility</i> 	<p>be from a lot line. It was not specified before.</p> <p>The last bullet was added to indicate that a Cannabis production facility must be within 150 metres from a new sensitive land use.</p>
23.	Part 4, General Provisions	<p>Section 4.45 Shipping Containers. Section 4.45 is deleted and replaced with the following:</p> <p><u>"4.45 Shipping Containers</u></p> <p><u>4.45.1 Shipping Containers in Residential Zones or on a lot used for residential purposes</u></p> <p>The parking or storing of a shipping container in a Residential Zone or on a lot used for residential purposes is only permitted in accordance with the following provisions:</p> <p>a) Shipping containers shall not be permitted except on a temporary basis for moving purposes for a period not to exceed 14 days, in which case the shipping container shall be located on the driveway, at least 2 metres from the edge of asphalt.</p> <p>b) Notwithstanding subsection a) above, a shipping container used for temporary storage because of construction, renovation or damage mitigation, shall only be permitted for a period not to exceed 6 months and shall be removed from the lot upon the completion of construction, renovation and damage mitigation.</p> <p>c) A shipping container shall not exceed a maximum height of 3 metres and a maximum length of 6 metres.</p>	<p>This whole section was reworded following Council's resolution that requested us to look into permitted shipping containers in the commercial area as long as they were screened from view.</p> <p>The original provision was rather small and only allowed shipping containers in a few locations. This new proposed Section is divided into 2 subsection, one for Shipping containers in the residential zone and one for other zones.</p> <p>The first one, being the residential zone or on a lot used for residential purposes, we are proposing that shipping containers be permitted on a temporary basis for moving purposes, construction, renovation or damage mitigation, like a basement flooding. A length of time was added as well as the size of containers.</p>

		<p>d) A shipping container permitted under subsection a, b and c above shall not be used for human habitation.</p> <p><u>4.45.2 Shipping Containers in all other Zones not used for residential purposes</u></p> <p>The parking or storing of a shipping container in all other Zones not used for residential purpose is only permitted in accordance with the following provisions:</p> <p>a) Shipping containers shall not be located within a front yard;</p> <p>b) Shipping containers shall be located at a minimum distance of 6 metres from any exterior side lot line and at a minimum distance of 1.2 metres from any interior side and rear lot line;</p> <p>c) Notwithstanding subsection b), shipping containers shall not be permitted within 5 metres of a lot containing a residential use or zoned for residential purposes.</p> <p>d) The maximum lot coverage shall be equal to or less than 5% or limited to a maximum of 4 shipping containers, whichever is less;</p> <p>e) The issuance of a building permit is required as per the Building Code Act.</p> <p>f) The stacking of shipping containers is prohibited;</p> <p>g) Shipping containers shall not be permitted in a required parking area.</p> <p>h) Shipping containers shall be screened by a <i>Landscape buffer</i> from the street frontage and buildings on abutting lots."</p>	<p>The second section (4.45.2) deals with shipping containers in all other zones which is not for residential purposes.</p> <p>We are specifying that it should not be located in the front yard and within specific setbacks from lot lines. We are also limiting the number of shipping containers to 4 or 5% of the lot coverage, as well as limiting the stacking of them one on top of the other.</p> <p>It is important to note that as per the Building Code, a shipping container is a structure and requires a building permit.</p> <p>Lastly, the shipping containers must be screened from the street by a Landscape buffer.</p>
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24.	Part 4, General Provisions	<p>Add new section 4.55 Agriculture-Related Uses and On-farm Diversified Uses:</p> <p><i>"4.55 Agriculture-Related Uses and On-farm Diversified Uses</i></p> <p>Where there is doubt as to the compatibility of a proposed on-farm diversified use or agriculture-related use, or where there is doubt as to if a proposed use fits the definition and criteria of an on-farm diversified use or an agriculture-related use, application may be made to the Committee of Adjustment to determine whether or not the proposed use is appropriate. In such cases, the Committee of Adjustment shall consider how the proposed use meets the criteria contained in the <i>Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas</i>.</p> <p><i>4.55.1 On-farm diversified uses</i></p> <p>(a) All on-farm diversified uses shall be considered accessory uses to a primary agricultural use. On-farm diversified uses must be compatible with, and shall not hinder, surrounding agricultural operations.</p> <p>(b) The following uses shall be considered on-farm diversified uses when located in an agricultural zone:</p> <ul style="list-style-type: none"> i. uses of a farm-tourism nature that are secondary to and subordinate to the agricultural use such as seasonal or occasional festivals or events, recreational activities, or educational displays ii. food production that uses inputs from local farms, including vineyards and micro-breweries iii. eating establishment "Country Style Dining" for transient guests and where the primary attraction consist in serving meals which are prepared with homegrown produce and 	<p>This Section was added to the By-law to provide clarity as what is permitted under an agriculture-related use and an on-farm diversified use. The provisions listed here were taken mainly from the "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" from the Province of Ontario and from examples from adjacent municipalities.</p> <p>It provides clear guidance to farm owners as to what other uses are permitted on their property.</p>
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		<p>livestock for gastronomic purposes.</p> <ul style="list-style-type: none"> iv. <i>Home-based businesses and home industries</i> v. <i>Home-based private home day care</i> vi. <i>Bed and breakfast</i> vii. <i>Outdoor farmer's market</i> viii. <i>Boarding kennel</i> ix. <i>Retail store or food store</i> selling value-added products from local farms x. <i>Veterinary clinic</i> limited to providing services to livestock and horses. <p>(c) The cumulative total area occupied by all <i>on-farm diversified uses</i> on a lot producing a harvestable crop may not exceed 2% of the total area of the lot on which they are located, to a maximum of one hectare or 10,000m². This includes all area of new buildings or structures, including setbacks, outside storage, landscaped areas, berms, well and septic systems, laneways, parking, etc. that may be associated with the on-farm diversified use(s). In addition, the buildings must not occupy more than 30 per cent of the 2% lot coverage cap. Where the use is located within an existing building the area of the use is reduced by 50% (i.e. converted barn, within a dwelling); this reduction does not apply to parking or outside storage areas.</p> <p>(d) Despite subsection (c) above, uses that are intermittent, such as special events, may occupy a larger area, provided they are located on lands that are also used for the production of a harvestable crop.</p> <p>4.55.2 Agriculture-Related Uses</p> <p>(a) Uses that fit the definition of <i>Agriculture-related uses</i> and that are located in an agricultural zone shall not be considered <i>on-farm diversified uses</i> regardless of</p>	
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		<p>whether they are located on the same lot as a farm or on a separate lot.</p> <p>(b) Agricultural related commercial or agricultural related industrial uses that have a large number of employees or attract a large number of customers may not be compatible in the prime agricultural area. <i>Agriculture-related uses</i> and <i>on-farm diversified uses</i> should:</p> <ul style="list-style-type: none"> • Have little to no impact on surrounding agricultural operations; • Ensure appropriate rural services and infrastructure are available; • Maintain the agricultural/rural character of an area or region; • Meet all applicable environmental standards; and, • Ensure cumulative impacts of multiple uses in prime agricultural areas are limited and do not undermine the overall agricultural nature of the area. " 	
25.	Part 5, Parking, Stacking, Loading and Landscaping Provisions	Modify Table 5.3.1 to add the word "required" after "Total Number of Parking Spaces" in the left title box.	To provide clarity. It was not clear of the total number of accessible parking space was calculated using the Total number of parking space on site or the Total number of parking space required as per the Zoning.
26.	Part 5, Parking, Stacking, Loading and Landscaping Provisions	Modify section 5.5.1 (b) to read as follows: "b) Despite subsection a) above, the minimum setback for any point of a <i>drive-through facility</i> may be reduced to 3.0 metres if a <i>landscape buffer</i> in accordance with section 5.9 is provided."	The original provision was too long and complicated. This new provision refers to the new definition of a Landscape buffer, which makes it easier to comprehend.
27.	Part 5, Parking, Stacking, Loading	Modify section 5.8 to remove the following from the first paragraph: "in any Residential or Village Mixed Use Zone".	The words "in any Residential or Village Mixed Use Zone" is removed from the

	and Landscaping Provisions		provision. The provision states that Section 5.8 applies to driveways and garages associated with any detached, semi-detached, etc. It is not necessary to include the words listed above as any zones with those uses will be subject to this Section of the by-law, not just the Residential zone and the Village mixed use.
28.	Part 5, Parking, Stacking, Loading and Landscaping Provisions	<p>Modify section 5.9 to read as follows:</p> <p>"5.9 Landscaping and Landscape Buffer</p> <p>a) In any zone, any portion of any <i>yard</i> which is not used for any other permitted use shall be devoted to <i>landscaping</i>.</p> <p>b) Any land used as <i>landscaping</i> may form part of any required <i>landscaping</i> and any required <i>yard</i>, and shall be included in the calculations of the <i>lot area</i>, <i>yard area</i> and <i>yard setback</i> requirements as set forth in this By-law.</p> <p>c) An <i>aisle</i>, <i>driveway</i>, <i>lane</i>, pathways or walkway may cross a required area of <i>landscaping</i>, but that area shall not count towards the calculation of required <i>landscape coverage</i>.</p> <p>d) <i>Landscaping</i> provided on the roof of a building shall be included in the calculation of required <i>landscape coverage</i> on the <i>lot</i>.</p> <p>e) A <i>landscape buffer</i> required by this By-law shall be used for the erection of a fence at least 1.5 metres in height or the planting of a continuous row of natural evergreens or natural shrubs, not less than 1.00 metres in height at planting and</p>	<p>Subsection a) to d) has not been changed. Subsection e) was slightly modified to make a reference to the Landscape buffer instead of a buffer strip.</p>


		<p>maintained at a minimum height of 1.52 metres at maturity, immediately adjacent to the lot line or portion thereof along which such <i>landscape buffer</i> is required by this By-law; the remainder of the <i>landscape buffer</i> shall be landscaped and planted with grass, ornamental shrubs, flowering shrubs, flower beds, trees or a combination thereof.</p> <p>f) Required <i>landscaping</i> and <i>landscape buffer</i> shall be located on the same <i>lot</i> for which it is required.</p> <p>g) Where a conflict exists between two different landscaping requirements in this By-law, the provision requiring the greater amount of landscaping shall apply.”</p>	
29.	Part 5, Parking, Stacking, Loading and Landscaping Provisions	<p>Modify section 5.9.1 to read as follows:</p> <p>“5.9.1 Required Widths of Landscaping</p> <p>a) Where, in a yard in any zone, a parking area providing more than 4 parking spaces is closer than 3.0 metres from a lot used for <i>detached dwelling, semi-detached dwelling, duplex dwelling, linked dwelling, seasonal dwelling, three unit dwelling, townhouse dwelling, and back-to-back townhouse dwelling</i> or any R1, R1S, R2, RV1 or RV2 zone, then a <i>landscape buffer</i> of at least 1.5 metres in width shall be maintained.</p> <p>b) An area of <i>landscaping</i> of at least 1.0 metre shall be maintained between any <i>aisle, driveway, or lane</i> and any <i>side lot line</i> or <i>rear lot line</i>.</p> <p>c) The minimum width of <i>landscaping</i> between two surface <i>parking areas</i> is not required where there is a shared driveway / parking agreement in place.</p> <p>d) In addition to the <i>landscape buffer</i>, in all zones except an</p>	<p>This Section included a Table which listed the width of landscaping required between different zones and structures. It was really hard to understand and implement. This new Section that we are proposing is much simpler and will be easier for everyone to understand.</p>

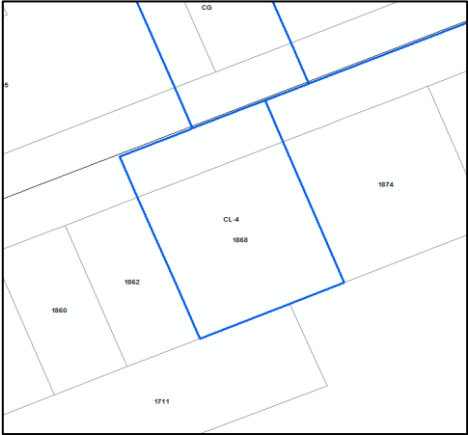
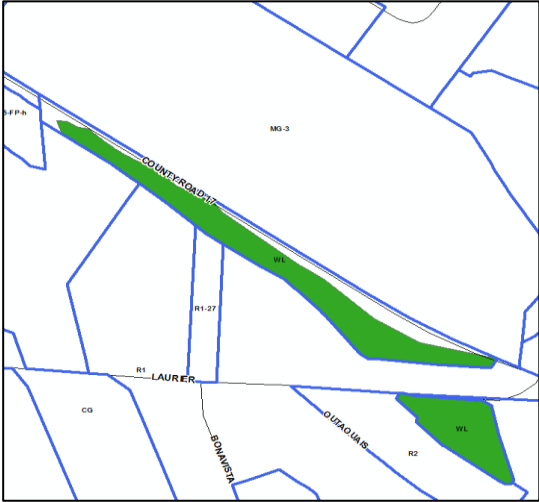
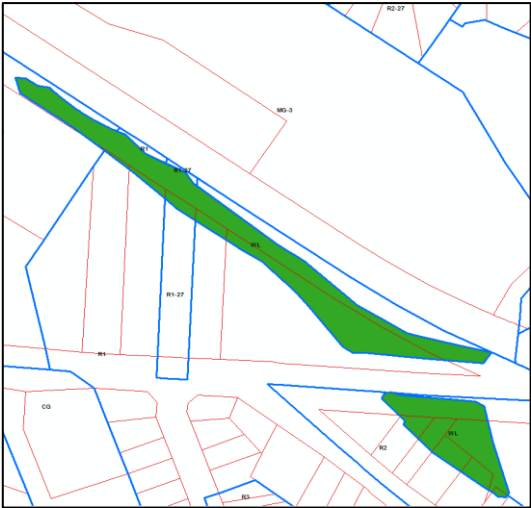
		<p>industrial zone, a minimum of 15% of the area of any surface parking area, whether a principal or an <i>accessory use</i>, must be provided and shall be comprised of one or both the following:</p> <p>i. A landscape buffer must be provided between the perimeter of a surface parking area and a <i>lot</i> line in accordance with section 5.9.1 (a), (b), and (c).</p> <p>ii. interior landscaping may be provided including various landscaped islands, landscaped medians, pedestrian pathways or public plazas to meet the minimum 15% requirement.</p> <p>e) A <i>landscape buffer</i> with a minimum width of 3.0 metres shall be maintained around all <i>outside storage</i> areas and shall include an opaque screen with a minimum height of 1.8m.</p> <p>f) A <i>landscape buffer</i> with a minimum width of 3.0 metres shall be maintained along the lot line of a lot used for any industrial use."</p>	
30.	Part 5, Parking, Stacking, Loading and Landscaping Provisions	Modify section 5.9.2 to remove the words "contained within a parking area" from the first line.	To clarify that a waster container must follow the provisions listed and not just the waste container located within a parking area.
31.		Replace the word "Hotel" for "Tourist Establishment" throughout the document when referring to a permitted hospitality use.	To replace the word hotel with tourist establishment since the definition of Hotel was deleted and replaced.
32.		<p>To add the use "Short-term rental" as an accessory residential use in the following zones:</p> <ul style="list-style-type: none"> - Urban Residential First Density – General (R1) Zone - Urban Residential First Density – Special (R1S) Zone - Urban Residential Second Density 	To permit short-term rental in the following zones as accessory to a residential use. As such, a short-term rental will be permitted in the majority of the zones included in the

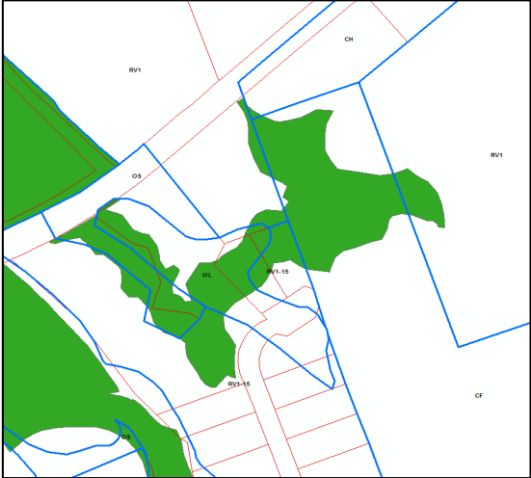
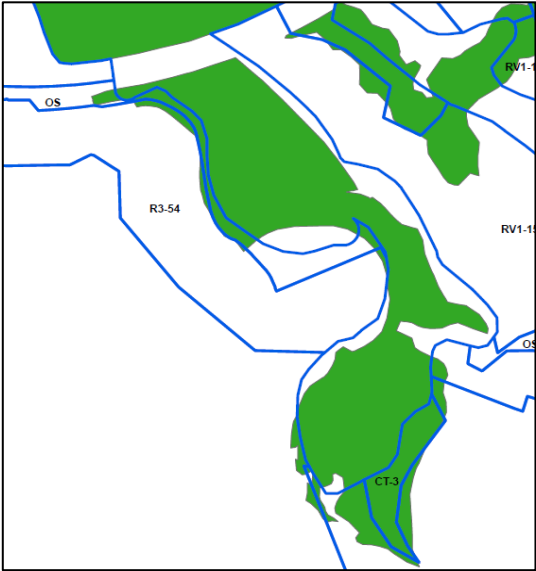
		<p>(R2) Zone</p> <ul style="list-style-type: none"> - Urban Residential Third Density (R3) Zone - Village Residential First Density (RV1) Zone - Village Residential Second Density (RV2) Zone - Village Mixed-Use (VM) Zone - Rural Residential (RR) Zone - Country Lot Residential (RCL) Zone - General Agricultural (AG) Zone - Restricted Agricultural (AR) Zone - Rural (RU) Zone 	By-law. At this time, no specific provisions are proposed as we do see an immediate pressure to address this type of accommodation.
33.	Part 6, Residential Zones	<p>Section 6.4 Urban Residential Third Density (R3) Zone. Modify Section 6.4.3(rr) to read as follows:</p> <p><u>"(rr) R3-44, 2500 Albert Street</u> Notwithstanding the provisions of this By-law to the contrary, the lands zoned R3-44 shall be deemed to be one lot regardless of ownership."</p>	To correct a typo in under the R3-44 exception. It was originally being referenced to R3-4 and not R3-44.
34.	Part 6, Residential Zones	<p>Section 6.5 Village Residential First Density (RV1) Zone. Modify Section 6.5.3 (e) to read as follows:</p> <p><u>"(e) RV1-5 Lots 22, 23, 24, 25 and 26 of Plan 50M-342</u> Notwithstanding the provisions of this By-law to the contrary, the lands zoned RV1-5 shall be used in accordance with the following provision(s): (i)No building or structures is allowed within this zone"</p>	Zone added in the CR Lands project to restrict buildings and structures to be erected within the 15 metres buffer from a creek. This provisions is included in the agreement, however it will be easier to apply if a zone is created.
35.	Part 10, Industrial Zones	<p>Section 10.1 General Industrial (MG) Zone. Modify Section 10.1.1 Permitted Uses to remove the use "Day care, accessory (1)" from the Institutional and Community Uses.</p>	To remove a day care, which is accessory to an industrial use. After much research, a daycare use is a sensitive land use. This use could impede on future industrial uses from establishing in the Industrial Park. We are limited in industrial space for rent, thus we deem that this removal will benefit the Industrial Park in the long run.

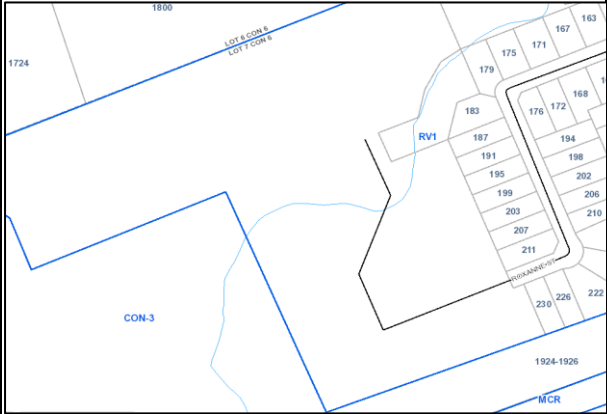
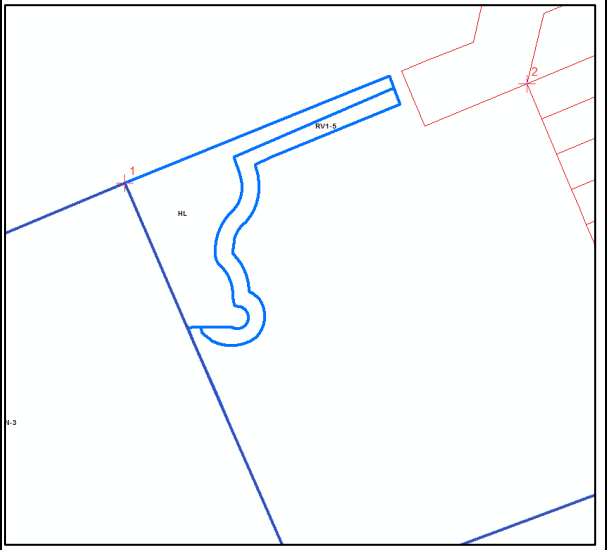
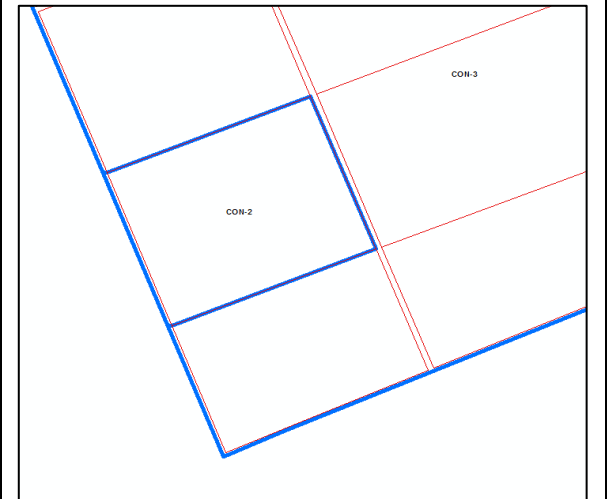
36.	Part 10, Industrial Zones	Section 10.1 General Industrial (MG) Zone. Modify Section 10.1.3 (e) to read as follows : " <u>(e) MG-5 (Reserved)</u> "	The City had a meeting with the owner of 733 Industrial and it was agreed that the use of a daycare could be removed from 733 Industrial Road. The daycare never established in the building. This removal will be beneficial for the owner as the daycare will not create a barrier for future industrial use.
37.	Part 12, Agricultural Zones	Section 12.1 General Agricultural (AG) Zone. Modify 12.1.1 Permitted Uses to add "On-farm diversified uses" and "Agriculture-related uses" to the list of permitted uses under the heading "Employment Uses".	Since we removed the use "On-farm diversified and agriculture related-use" from the definition of an AG use, we need to add the use of on-farm diversified and agriculture-related use to the list of permitted uses.
38.	Part 12, Agricultural Zones	Section 12.1 General Agricultural (AG) Zone. Modify 12.1.1 Permitted Uses-Additional Regulations for Permitted Uses to remove the following from subsection (5) : "A hobby farm is not permitted on an Agricultural Exception Zone created for a residence surplus to a farming operation as a result of a farm consolidation."	Hobby farms are now permitted on a residence surplus land as long as they respect the MDS requirement. We had a discussion with the Ministry and a hobby farm on a lot surplus is permitted.
39.	Part 12, Agricultural Zones	Section 12.1 General Agricultural (AG) Zone. Modify 12.1.1 Permitted Uses – Additional Regulations for Permitted Uses to remove subsection (8).	Subsection (8) referred to second unit only being permitted as accessory to a detached dwelling. This provision is not necessary.
40.	Part 12, Agricultural Zones	Section 12.1 General Agricultural (AG) Zone. Modify 12.1.1 Permitted Uses – Additional Regulations for Permitted Uses to remove subsection (9)d.	To remove the setback for an intensive livestock operation from a village boundary.
41.	Part 12, Agricultural Zones	Table 12.1.2b is amended by changing the row "Minimum lot frontage" to "Minimum <i>lot frontage</i> on private services".	In order to add a provision for smaller lot frontages on one municipal service.
42.	Part 12,	Table 12.1.2b is amended by adding a	To have a smaller lot

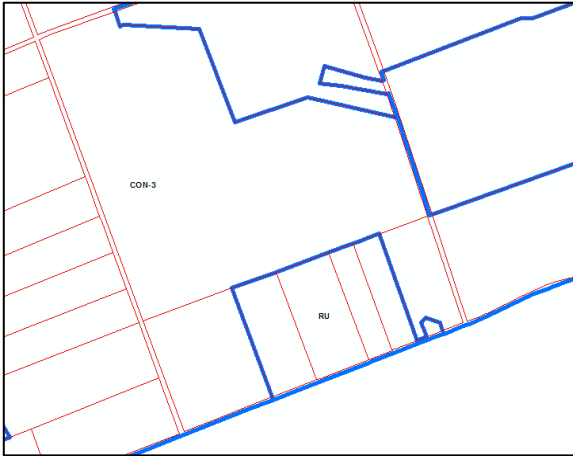
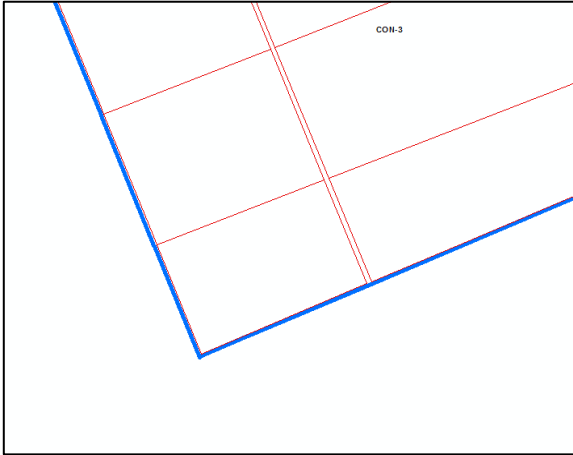
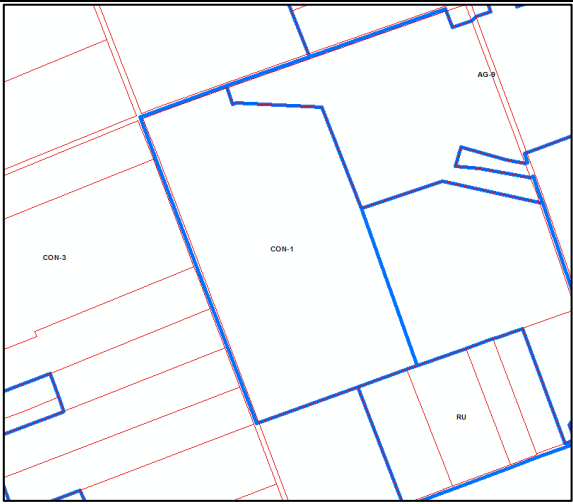
	Agricultural Zones	<div>row below the row "Minimum <i>lot frontage</i> on private services" to read as follows:</div> <table><tr><td>Minimum <i>lot frontage</i> on partial services (water)</td><td>30.0 m</td></tr></table>	Minimum <i>lot frontage</i> on partial services (water)	30.0 m	frontage on partial services. To be consistent throughout the Zoning By-law. Zone RV1 and RR does have a provision for a reduced lot frontage when on partial services. The lot frontage requirement is 38 metres and we recommend a reduction to 30 metres. We decided on the number 30 as it is approximately 100 feet in total. Also, the requirement for lot frontage for residential uses in the rural and ag zones in the City of Ottawa is 30 metres. It will also help to keep a bigger frontage for farm uses when severance is requested for a detached dwelling that is surplus to a farming operation.
Minimum <i>lot frontage</i> on partial services (water)	30.0 m				
43.	Part 12, Agricultural Zones	Section 12.2 Restricted Agricultural (AR) Zone. Modify 12.2.1 Permitted Uses to add "On-farm diversified uses" and "Agriculture-related uses" to the list of permitted uses under the heading "Employment Uses".	To add the use of on-farm diversified and agriculture-related use to the list of permitted uses. Same comment as Item 37.		
44.	Part 12, Agricultural Zones	Section 12.2 Restricted Agricultural (AR) Zone. Modify 12.2.1 Permitted Uses to add the following after the use Agriculture(8): ", not including an intensive livestock operation".	This subsection restricted the agricultural operations to 150 metre livestock unit. This provision will permit it.		
45.	Part 12, Agricultural Zones	Section 12.2 Restricted Agricultural (AR) Zone. Modify 12.2.1 Permitted Uses- Additional Regulations for Permitted Uses to remove the following from subsection (5) : « A hobby farm is not permitted on an Agricultural Exception Zone created for a residence surplus to a farming operation as a result of a farm consolidation. »	Hobby farms are now permitted on a residence surplus land as long as they respect the MDS requirement. Same as Item 38.		
46.	Part 13,	Section 13.1 Rural (RU) Zone. Modify	To add the use of on-		

	Rural Zones	13.1.1 Permitted Uses to add "On-farm diversified uses" and "Agriculture-related uses" to the list of permitted uses under the heading "Employment Uses".	farm diversified and agriculture-related use to the list of permitted uses. Same as item 37.			
47.	Part 13, Rural Zones	Table 13.1.2 is amended by changing the row "Minimum lot frontage" to "Minimum <i>lot frontage</i> on private services".	Same comment as Item 41.			
48.	Part 13, Rural Zones	Table 13.1.2 is amended by adding a row below the row "Minimum <i>lot frontage</i> on private services" to read as follows: <table><tr><td>Minimum <i>lot frontage</i> on partial services (water)</td><td>30.0 m</td><td>n.a.</td></tr></table>	Minimum <i>lot frontage</i> on partial services (water)	30.0 m	n.a.	To have a smaller lot frontage on partial services. To be consistent with other zones. Same comment as item 42.
Minimum <i>lot frontage</i> on partial services (water)	30.0 m	n.a.				
49.	Part 16, Conservation Zone	Section 16.1.3 Special Exception. Delete (a) CON-1 and (b) CON-2.	The Larose Forest will be incorporated under the CON-3 zone instead of 3 distinct zones. It will be easier to work with one zone for the entire Larose Forest than 3 zones.			
50.	Part 16, Conservation Zone	Section 16.1.3 Special Exception. Modify subsection (c) to add "Tourist establishment", "Retail store", "Community Center" and "Accessory buildings and structures (including shipping containers)" to the list of permitted uses (additional).	To add uses under the CON-3 zones, which is the Larose Forest, to anticipate future needs.			
		Mapping changes				
51.	1868 Labonte	Before : 	Minor line adjustment. CL-4 shifted to reflect property lines			

		<p>After :</p> 	
52.	Hunter's Hollow Wetland	<p>Before:</p>  <p>After:</p> 	Adjust zoning to reflect new wetland land use area.

53.	Hunter's Hollow Wetland	<p>Before:</p>  <p>After:</p> 	Adjust zoning to reflect new wetland land use area.
54.	Hunter's Hollow Wetland	<p>Before :</p> 	Adjust zoning to reflect new wetland land use area

56.	Subdivision CR Lands	<p>Before:</p>  <p>After:</p> 	Added a hazard zone in order to reflect the no touch zone.
57.	Larose Forest	<p>Before:</p> 	Delete Con-1 and Con-2 and merge all in Con-3 zone.



58. **1201
Laurier
Street**

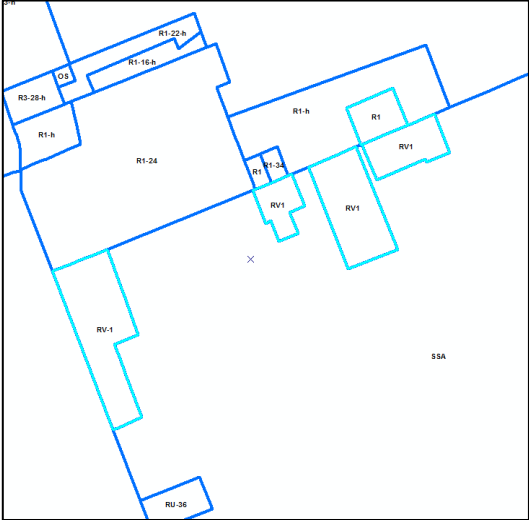
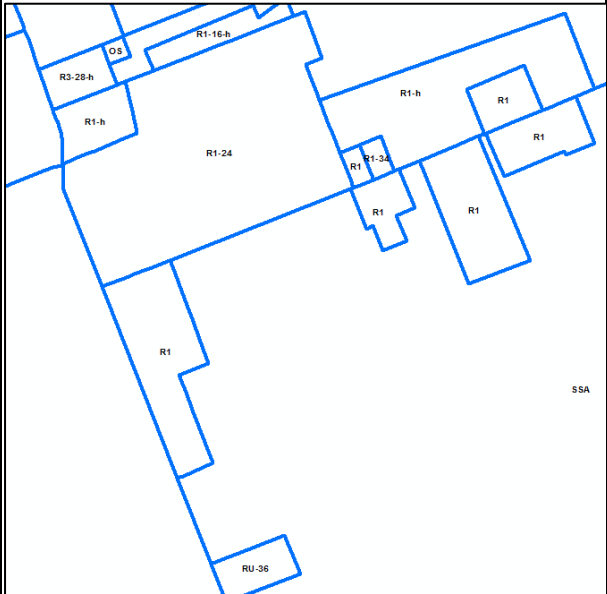
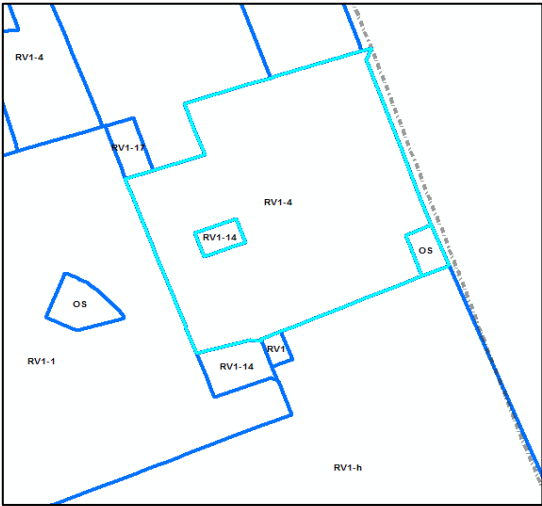
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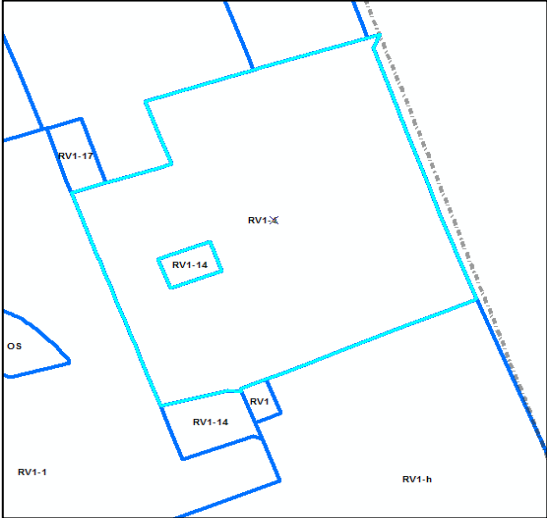
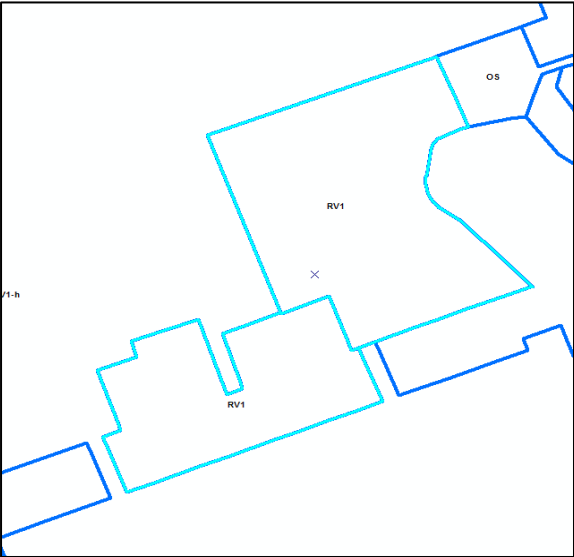
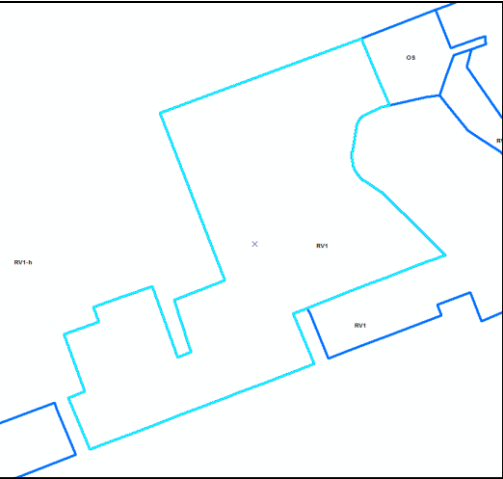


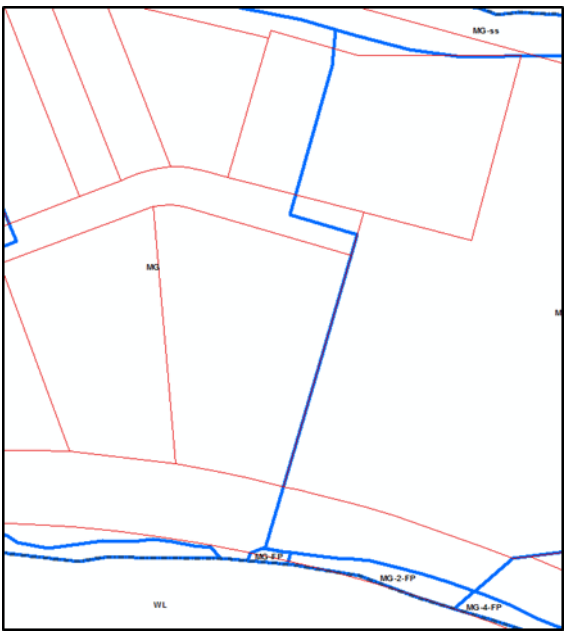
minor zoning line
adjustment

After:



59.	David Street	<p>Before:</p>  <p>After:</p> 	RV1 to R1 since the lands were added in the urban area.
60.	Claudette Street	<p>Before:</p> 	Merge OS to RV1-4 The park that is for sale for residential purposes.

		<p>After:</p> 	
61.	Labonte Street	<p>Before:</p>  <p>After:</p> 	Merge RV1 Zones

62.	733 Industriel	<p>Before:</p>  <p>After:</p> 	MG-5 to MG
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6) **PUBLIC MEETING:**

The public meeting was scheduled for January 15th, 2020 where comments from the public were obtained. There were no comments from the public at the meeting. We did receive one letter of objection that is included in attachment to this report as well as comments from some agencies.

There were comments from some members of Council during the meeting.

There was a comment in regards to the Shipping container and the maximum allowable height of a fence. The standard height of a shipping

container is 2.60 metres, while the fence by-law permits a fence of 3 metres in height for non-residential.

There was also concern about the setback from a residential use to a Cannabis production facility. We have created a table, in attachment to this report, which lists a few municipalities with their restrictions. We also found that the majority of adjacent municipalities did not have any provisions yet for this type of facility. We noticed that the City of Ottawa has a setback of 300 metres. The Department does not have any concerns in changing the setback from 150 metres to 300 metres. See Sections 15 and 22 above.

The Owner of 733 Industrial communicated with me on Wednesday Jan 22 and requested that the zoning be kept for a daycare. The by-law reflects this.

7) **RECOMMENDATIONS OR COMMENTS FROM COMMITTEE/ OTHER DEPARTMENTS :**

N/A

8) **FINANCIAL IMPACT (expenses/material/etc.):**

N/A

9) **LEGAL IMPLICATIONS :**

N/A

10) **RISK MANAGEMENT :**

N/A

11) **STRATEGIC IMPLICATIONS :**

N/A

12) **SUPPORTING DOCUMENTS:**

Draft By-law 2020-05

New Zoning Schedules

Comments received

Table with Cannabis provisions from other municipalities