

Part 2 – General Provisions (Sections 55-73)

In this part you will find provisions that apply to all land uses (e.g. adequate municipal services, frontage on a public street) or to lands located in identified areas in specific situations (e.g. heritage areas, flood plain districts).

The City of Ottawa Zoning By-law is made available on the web site for information, however confirmation on the zoning provisions should be sought through the City's development information officers (DIO), by contacting 311 and asking for the DIO for the geographic area in question.

Accessory Uses, Buildings and Structures (Section 55)

55. (1) An accessory use is permitted in any zone if:
- (a) it is on the same lot as the principal use to which it is accessory; and
 - (b) it exists to aid and contribute to the principal use to carry out the function of that principal use.
- (2) Except in the case of the MD zone, no person shall, where an accessory use is in a different building than the principal use to which it is accessory, use that accessory building (By-law 2009-164)
- (a) for human habitation; and
 - (b) in non-compliance with the provisions set out in Table 55.
- (3) For the purposes of this section, the determination of whether or not a use is an accessory use or an ancillary use to a principal use should be made by referencing the definitions of accessory, accessory building, accessory structure, accessory use and ancillary use. It should be noted that a building is a land use, be it a principal use, an accessory use or an ancillary use.
- (4) This Section does not apply to satellite dishes or tower antennas in residential zones either of which could be by definition an accessory structure, refer to section 91(4) regarding the City's Municipal Concurrence and Public Consultation Process for Antenna Systems. (By-law 2016-131)
- (5) A garden suite is not considered to be an accessory use and it is regulated by Section 124.
- (6) A secondary dwelling unit is not considered to be an accessory use and it is regulated by Section 133.
- (7) A coach house is not considered to be an accessory use and any building containing a coach house is regulated by Section 142, and not this section. (By-law 2016-356)
- (8) Subsection 138(1), which deems a 0 m setback between two vertically-attached units, applies. (By-law 2010-307)
- (9) This Section does not apply to **Hydronic Heaters**, which are by definition an accessory structure, as they are regulated by Section 83 – Hydronic Heaters. (By-law 2012-344)
- (10) Despite Table 55, buildings formerly used as part of an agricultural use and remaining on a lot created for residential purposes as part of a surplus farm severance are permitted as accessory to a residential use provided they comply with Subsections (1) and (2). (By-law 2017-302)

TABLE 55 – PROVISIONS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES-

(By-law 2009-164) (By-law 2013-224)

| I Zoning Mechanism | | Provisions | | | |
|-----------------------|---|---|--|--|--|
| | | II R1, R2, R3, R4, R5, V1, V2 and V3 Zones (By-law 2010-123) | | III AG, EP, ME, MR, RC, RG, RH, RI, RM, RR and RU Zones (By-law 2010-123) | |
| (1) | Minimum Required Setback from a Front Lot Line | Same as required for principal building. (By-law 2008-326) (By-law 2008-462) | | | |
| (2) | Minimum Required Setback from a Corner Side Lot Line or a Rear Lot Line abutting a street | | | | |
| | (a) for a garage, carport or temporary car shelter with direct vehicular access from that street | Same as minimum corner side yard setback | | | |
| | (b) other cases | 1.2 m | Same as minimum corner side yard or rear yard setback respectively | 0 m | |
| (3) | Minimum Required Setback from an Interior Side Lot Line or Rear Lot Line not abutting a street | | | | |
| | (a) For a marine facility where it abuts a watercourse | 0 m | | | |
| | (b) For shared garages or carports erected on a common side lot line | 0 m from the common side lot line | | | |
| | (c) For children's play structures and for walkable decking serving an above-ground swimming pool or hot tub (note: for the purposes of this provision, the height of a play structure means the highest point designed for a child to safely stand, sit or climb and this provision does not apply to walkable surfaces serving a hot tub where the hot tub is placed on top of the surface) (By-law 2013-359) (By-law 2017-302) | (i) Abutting a residential zone: a distance equal to the height of the structure | A distance equal to the height of the structure | | (i) Abutting a residential zone: a distance equal to the height of the structure |
| | | (ii) Not abutting a residential zone - 0.6 m | | | (ii) Not abutting a residential zone: 0.6 m |
| | (d) For above ground pools or hot tubs not equipped with walkable decking and not contained within a building (By-law 2013-359) | 0.6m | 0.6m | 0.6m | |
| | (e) Other accessory buildings or structures, or situations not otherwise specified above (By-law 2013-359) | (i) In a front or interior side yard or corner side yard - same as principal building (By-law 2018-155) | (i) In a front, interior side or corner side yard - same as principal building | (i) In a front, interior side or corner side yard - same as principal building | (i) Abutting a residential zone: 0.6 m |
| | | (ii) In a rear yard - 0.6 m | (ii) In a rear yard – 1 m | (ii) In a rear yard – 1 m | (ii) Not abutting a residential zone - 0 m |

| I Zoning Mechanism | | Provisions | | | |
|-----------------------|---|---|--|---|----------------|
| | | II R1, R2, R3, R4, R5, V1, V2 and V3 Zones (By-law 2010-123) | III AG, EP, ME, MR, RC, RG, RH, RI, RM, RR and RU Zones (By-law 2010-123) | IV All Other zones | |
| (4) | Minimum Required Distance from Any Other Building Located on the same lot, except for a hot tub | 1.2 m | | 0 m | |
| (5) | Maximum Permitted Height (see also Section 64) | -R1, R2, R3, R4 and R5 Zones : 3.6 m, with the height of the exterior walls not to exceed 3.2 m -V1, V2 and V3 Zones; 4.5 m (By-law 2016-351) | (a) | AG, RU Zones - 12 m (By-law 2009-164) | 6 m |
| | | | (b) | RU1 to RU4 subzones and all other zones – 6 m | |
| (6) | Maximum Permitted Size | Aggregate of all accessory buildings not to exceed a lot coverage of 50% of the yard in which they are located, with a maximum cumulative floor area of 55 m ² as measured from the exterior walls of the building (By-law 2009-302) | (a) | In an EP zone, if accessory to residential use, aggregate of all accessory buildings not to exceed 55m ² or if accessory to other uses, aggregate of all accessory buildings not to exceed 150m ² . (By-law 2009-164) | No restriction |
| | | | (b) | In an RM zone: | |
| | | | (i) | A maximum of 10 m ² is permitted for a maximum of one accessory building associated with a mobile home site; and | |
| | | | (ii) | A maximum cumulative total gross floor area of 300 m ² may be used for accessory buildings or structures whose sole purpose is to provide space for tools, equipment, materials and similar items, or for accessory uses needed to maintain the mobile home park; and must not be used for storage for individual mobile home sites, nor for commercial storage. (By-law 2010-123) | |
| | | | (c) | In all other column III zones, aggregate of all accessory buildings not to exceed 5% of the total lot area or 150m ² whichever is the greater (By-law 2009-164) (By-law 2010-123) | |

| I Zoning Mechanism | Provisions | | |
|--|---|--|-----------------------|
| | II R1, R2, R3, R4, R5, V1, V2 and V3 Zones (By-law 2010-123) | III AG, EP, ME, MR, RC, RG, RH, RI, RM, RR and RU Zones (By-law 2010-123) | IV All Other zones |
| (7) Maximum Number of Accessory Buildings Permitted on a lot | 2 | No restriction | |

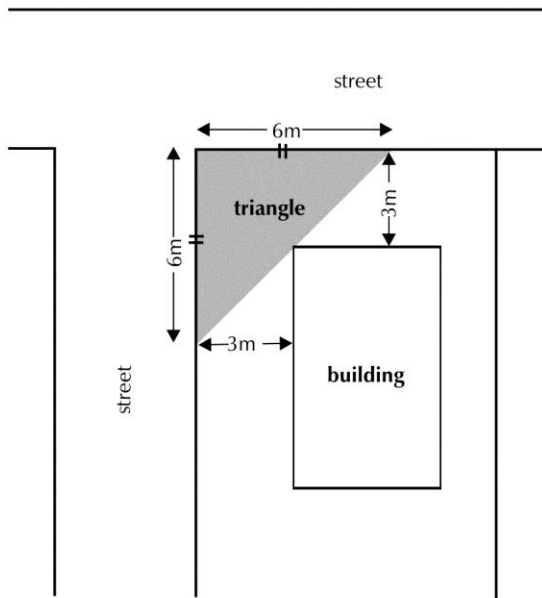
Adequate Urban, Suburban and Rural Services (Section 56)

56. (1) No land can be used or the intensity of any use of land expanded or any building placed, erected, altered, enlarged, or used within of the City of Ottawa unless the land is serviced by municipal water, sewerage and drainage systems that have adequate capacity.(By-law 2010-307)
- (2) Despite subsection (1) above, where municipal water, sewerage or drainage systems are not available, private services approved by the City of Ottawa or its delegate are permitted.
- (3) Despite subsections (1) and (2) above, lands subject to unique servicing constraints or restricted connection privileges through separate municipal by-laws and through legal and servicing agreements with the City of Ottawa are considered to be in conformity with this By-law.
- (4) Despite subsection (2), with the exception of wells that are required for environmental site assessment purposes as per Ontario Regulation 153/04 (Environmental Protection Act), on any land shown in Area A on Schedule 183 the following are prohibited:
- drilling of a new groundwater well;
 - drilling to make an existing groundwater well any deeper; and
 - the installation of a groundwater heat pump, except as approved by the City of Ottawa.

Corner Sight Triangles (Section 57)

57. (1) For any detached, linked-detached, duplex, semi-detached or three unit dwelling located on a corner lot, no obstruction to the vision of motor vehicle operators higher than 0.75 metres above grade including but not limited to buildings, structures or vegetation is permitted within the triangle formed by that part of the lot lines measured along each street from the intersection of those lines at the street corner, or the projection of those lines, for the distance of 6 metres, and a line drawn between those two lines to form the base of the triangle.

ILLUSTRATION OF CORNER SIGHT TRIANGLES



- (2) For development other than that listed in (1), the required corner sight triangle will be determined through the City's Site Plan Control Approval process.
- (3) For the purposes of subsection (1) and (2), an agricultural crop, chain link fence or other similar feature that can be seen through is not an obstruction.

Flood Plain Hazard Overlay (Section 58)

58. The following provisions take precedence over the provisions of the underlying zone. They apply to land uses within an area affected by a flood plain overlay in order to restrict development in a floodplain area to minimize the threat of injury or loss of life and prohibit land uses where substances of a chemical, hazardous or toxic nature are used which could contaminate potential flood waters; where flooding may compromise the ability to deliver essential services, or where flooding may cause unacceptable risk of property damage.

General Provisions

- (1) Despite the provisions of the underlying zone or other zoning provisions of the Zoning By-law, development is prohibited within any area subject to a floodplain overlay.
- (2) Despite Section (1), development may be permitted in an area subject to a floodplain overlay as follows:
 - (a) for an addition to a building or structure for a use permitted in the underlying zone which does not exceed an amount equal to 20 percent of the gross floor area of the building or 20 metres square whichever is less;
 - (b) for an accessory building or structure to a use permitted in the underlying zone which does not exceed a gross floor area of 50 square metres and a height of one storey;

- (c) for a change of use from one permitted use to another;
 - (d) to permit the following uses whether or not they are listed as permitted uses in the underlying zone:
 - (i) marine facility
 - (ii) utility installation which requires approval under the Environmental Assessment Act, or
 - (e) for a secondary dwelling unit that is neither partially nor fully located below grade.
- (3) Despite the uses permitted in the underlying zone, and despite Section (2), the following uses are not permitted in a flood plain overlay:
- (a) airport
 - (b) automobile body shop
 - (c) automobile dealership
 - (d) automobile service station
 - (e) bus terminal
 - (f) cemetery
 - (g) crematorium
 - (h) daycare
 - (i) dry cleaning plant
 - (j) emergency service
 - (k) funeral home
 - (l) gas bar
 - (m) group home
 - (n) heavy equipment and vehicle servicing
 - (o) heavy industrial use
 - (p) home-based daycare
 - (q) hospital
 - (r) light industrial use limited to a machine shop, welding shop, landscaping business, waste recycling depot, snow ploughing and excavation service, food and dairy products industry, poultry products industry, bakery, fish hatchery, grain drying facility and pharmaceutical plant
 - (s) mineral extraction operation
 - (t) research and development centre
 - (u) residential care facility
 - (v) retail store limited to the sale of fertilizer
 - (w) retirement home
 - (x) retirement home, converted

- (y) school
- (z) snow disposal facility
- (aa) solid waste disposal facility
- (ab) storage yard or warehouse, limited to an automobile wrecking yard or recycling operation, contractor's yard or shop, storage of tires or road salt, salvage yard or scrap yard, fuel storage tank, farm fuel storage or supply facility, bulk storage of cleaning products, pesticides, herbicides, fungicides or other hazardous substances
- (ac) train terminal
- (ad) truck terminal
- (ae) utility installation not requiring approval under the Environmental Assessment Act, and including an electrical substation and a storm water management facility
- (af) waste processing and transfer facility
- (ag) coach house (By-law 2016-356)

Area-Specific Provisions

Village of Constance Bay, Armitage Avenue, Baskins Beach, Windsor Park, Brewer Park, Old Ottawa South (Linda Thom and Windsor Parks) and Kingsview Park Areas (By-law 2014-274) (By-law 2014-377)

- (4) Despite subsections (1) and (2), development other than a coach house may be permitted in those areas within a floodplain overlay which is identified with Area Specific Provisions, provided: (By-law 2016-356)
 - (a) it is carried out in accordance with flood proofing standards, protection works standards, and access standards of the City and the appropriate Conservation Authority, and
 - (b) approval of the relevant Conservation Authority is obtained in accordance with the Conservation Authorities Act.

NOTE: Development in a flood plain is regulated under the *Conservation Authorities Act*, and, in addition to a building permit from the municipality under the *Building Code Act*, will require a permit from the Conservation Authority or other authority having jurisdiction over the flood plain.

Frontage on a Public Street (Section 59)

- 59. (1) No person shall develop or otherwise use any lot unless that land abuts an improved public street for a distance of at least 3.0 metres; and (By-law 2015-190) (By-law 2017-302)
- (2) No person shall sever any land unless the land severed and the land retained each abut to a street, in accordance with subsection (1). (By-law 2015-190)
- (3) Where a severance involves more than two lots, subsection (1) applies with all necessary modification to each lot involved.
- (4) Subsections (1), (2) and (3) do not apply to a lot used for a marine facility, a utility installation, urban agriculture, a cemetery, a forestry operation, a military training facility, a park, an environmental preserve and education area, or an agricultural use excluding any accessory dwelling unit. (By-law 2017-148)

- (5) Despite subsections (1), (2) and (3), the following are deemed to be improved public streets for the purpose of this section:
 - (a) a parkway, or
 - (b) a private way within a **planned unit development** that complies with the **planned unit development** provisions.

Heritage Overlay (Section 60)

- 60.** Despite the provisions of the underlying zone, the following provisions apply to land uses within an area affected by an heritage overlay, in order to encourage the retention of existing heritage buildings by offering zoning incentives to reuse the buildings, and to limit the size and location of additions to preserve the heritage character of the original building:

General Provisions

- (1) Where a building in an area to which an heritage overlay applies is removed or destroyed it must be rebuilt with the same character and at the same scale, massing, volume, floor area and in the same location as existed prior to its removal or destruction. (By-law 2014-289) (By-law 2015-281)
- (2) In Areas A or B on Schedule 1, Subsection (1) does not apply to the use of a lot that was vacant prior to April 19, 1978 and, instead, the provisions of the underlying zone apply to the use of that vacant lot.

Additions

- (3) Despite the provisions of the underlying zone, an addition to a building in an area to which an heritage overlay applies is permitted only if:
 - (a) the height of the walls and the height and slope of the roof of the addition do not exceed those of the building;
 - (b) In Areas A, B and C on Schedule 1,
 - (i) the side yard setback of the addition is at least 60 cm. greater than that of the wall of the building located closest to the side lot line, except in the case of shared lot lines between dwelling units that are permitted to be vertically attached where the required side yard setback is 0 metres, (By-law 2015-190)
 - (ii) it is located entirely within the rear yard, or in the interior yard abutting the rear yard and complies with the rear yard setback of the underlying zone, except where the building has a non-complying rear yard setback the addition may be built to that rear yard setback, but in no case may be less than 3.0 metres; and
 - (c) it is not located within a front yard. (By-law 2014-289)
- (4) Despite Section 65, projections are not permitted into the front, corner side yard or side yard in an area to which an heritage overlay applies, except in the case of:
 - (a) a ramp used for handicap access as long as that ramp does not exceed the minimal dimensions mentioned in the *Building Code* for a ramp in a barrier-free path of travel; or
 - (b) the use of a lot in Areas A (Central Area) or B (Inner City) on Schedule 1 that was vacant prior to April 19, 1978.

Parking

- (5) (a) Despite the provisions of Section 101 (*Minimum Parking Space Rates*), parking is not required for any use within a building:
- (i) that is designated under Part IV of the Ontario Heritage Act, R.S.O.1990; or
 - (ii) that is classified as Category 1 or 2 in the City of Ottawa Heritage Reference List, in an area to which an heritage overlay applies.
- (b) Subsection (5)(a) does not apply to a use created in an addition to a Category 1 or 2 building, and parking for any use located within such an addition must be provided in accordance with the provisions of Section 101.
- (c) Nothing in this subsection applies so as to permit the elimination of a parking space required on the day prior to the enactment of this by-law except for the exemption provided in subsections 100(7) and 100(10). (By-law 2009-302)
- (6) A **parking lot** is prohibited in a front yard or corner side yard abutting a street in an area to which an heritage overlay applies.
- (7) A **parking garage** in an area to which an heritage overlay applies must be setback from a front or corner side lot line a minimum of:
- (a) the same distance as the building to which it is an addition; or
 - (b) the equivalent of the setback required for the underlying zone, whichever is greater.

Holding Zones – Additions (Section 61)

61. (1) Subject to subsection (2), additions to existing buildings and the construction of accessory buildings are permitted on a lot that is subject to a holding zone provision.
- (2) The cumulative total gross floor area of additions and accessory buildings, mentioned in subsection (1), must not exceed 25% of the gross floor area of the existing building.

Minimum Distance Separation (Section 62)

62. (1) The development of new livestock operations or the expansion of existing livestock operations must comply with the minimum distance separation formulae of the Province of Ontario Ministry of Agriculture and Food. The minimum distance separation is applied between a livestock operation and another land use in order to minimize the impact of odours emanating from the livestock facility.
- (2) New development in proximity to existing livestock operations must also comply with the minimum distance separation formulae.
- (3) Despite subsection (2), development is permitted for one **detached dwelling** on a vacant lot in existence as of the date of adoption of this by-law provided that the dwelling is located the furthest distance possible from the livestock operation and that the applicable zones setback provisions are complied with.

Part-Lot Control (Section 63)

63. (1) Lands shown as a lot on a plan for which application has been made for approval under subsection 50(7) of the *Planning Act*, R.S.O.1990, as amended are deemed to be a lot for the purposes of the issuance of a building permit for a detached **dwelling**, linked detached **dwelling** or a semi-detached **dwelling**.
- (2) The exemption provided in subsection (1) does not apply to lands that are conveyed under the authority of an approval granted under subsection 50(7) of the *Planning Act*, R.S.O.1990 as amended.

Permitted Projections Above the Height Limit (Section 64)

64. Except in the case of buildings or structures located within the area shown on Schedules 11 to 88 (Central Area Height Schedules), the maximum height limits do not apply to the structures listed below or to any other similar structures that may require a height in excess of maximum height limits in order to serve their intended purpose, unless otherwise specified in the by-law and provided these structures are erected only to such height or area as is necessary to accomplish the purpose they are to serve and that is necessary to operate effectively and safely: (By-law 2013-224) (By-law 2015-342)

barn, silo, or other farm-related buildings or structures
 bridge
 chimney or smokestack
 clock tower, church spire, steeple or belfry
 construction equipment during the construction process
 mechanical and service equipment penthouse, elevator or stairway penthouses (By-law 2014-94)
 flag pole
 communication transmission and distribution towers forming part or all of a utility installation (By-law 2013-224)
 landscaped areas, roof-top gardens and terraces and associated safety guards and access structures
 ornamental dome, skylight, cupola or parapet
 utility poles
 water tower

Permitted Projections Into Required Yards (Section 65)

65. Despite any other provision to the contrary, the following features and other similar features are permitted to project from a principal building or a building containing a coach house into a required yard in accordance with Table 65. Where no yard setback is specified, the provisions of Table 65 do not apply. This section does not apply to: (By-law 2016-356)
- (a) accessory buildings which are regulated by Section 55, except as set out in row (9) of Table 65. (By-law 2008-386)
 - (b) development parcels within the interior of a planned unit development that are not adjacent to a required yard;
 - (c) required separation areas between development parcels in a planned unit development, or
 - (d) the projection of any structure listed in Table 65, row (6) into the minimum required setback from watercourses or waterbodies (Section 69).
 - (e) subsection 138(1), which deems a 0 m setback between two vertically-attached units, applies. (By-law 2010-307)

Table 65 - Permitted Projections into Required Yards

| I Feature | Maximum Size and Extent of Projection | |
|---|---|--|
| | II For Residential Use Buildings | III For All Other Buildings |
| (1) Chimney, chimney box and fireplace box | 1 m, but not closer than 0.6 m to a lot line | 2 m, but not closer than 0.6 m to a lot line |
| (2) Eaves, eave-troughs and gutters | 1 m, but not closer than 0.3 m to a lot line | 2 m, but not closer than 0.3 m to a lot line |
| (3) Ornamental elements such as sills, belt courses, cornices, parapets and pilasters | 0.6 m, but not closer than 0.6 m to a lot line | 1.2 m, but not closer than 0.6 m to a lot line |
| (4) Canopies and awnings | (a) Residential use buildings other than low-rise apartment dwellings and mid-high rise apartment dwellings: -1.8 m, but not closer than 0.6 m to a lot line | |
| | (b) All other buildings including a low-rise apartment dwelling and mid-high-rise apartment dwelling: | |
| | i) a distance equal to ½ the depth of a front, rear or corner side yard but not closer than 0.6 m to a lot line, and ii) 1.8 m into an interior side yard, but not closer than 0.6 m to a side lot line | |
| (5) Fire escapes, open stairways, stoop, landing, steps and ramps | (a) Wheelchair ramps - no limit | |
| | (b) Other features: | |
| | i) where at or below the floor level of the first floor: 1. in the case of the interior side yard or rear yard: no limit, and 2. in the case of the front yard or corner side yard: no closer than 0.6m to a lot line, and ii) other cases: 1. In the case of any yard: 1.5m, but not closer than 1m to a lot line; and (By-law 2014-278) | |
| (6) Covered or uncovered balcony, porch, deck, platform and verandah, with a maximum of two enclosed sides, excluding those covered by canopies and awnings | a) uncovered, unenclosed features such as decks or platforms where the walking surface is not higher than 0.6 m above adjacent grade : (i) in the interior side yard and rear yard: no limit (ii) in the front yard and corner side yard – the greater of 2m or 50% of the required front yard or corner side yard, but no closer than 1m to a property line; and (By-law 2008-462) (By-law 2014-278) | |
| | (b) all other cases - 2 metres, but no closer than 1 metre from any lot line | |

| I Feature | Maximum Size and Extent of Projection | |
|---|--|---|
| | II For Residential Use Buildings | III For All Other Buildings |
| (7) Bay window where window faces a lot line | 1 m, but not closer than 1.2 m from a lot line | No restriction |
| (8) Air conditioner condenser, heat pump or similar equipment (By-law 2013-224) | 1 m, but not closer to a lot line than 0.3 m, and may not be located in a front yard or a corner side yard | (a) In a yard abutting a residential use - 1 m, but not closer to a lot line than 0.3 m (b) Other cases - no restriction |
| (9) A carport that exists on or before October 8, 2008 (By-law 2008-386) | A carport that existed on or before October 8, 2008 complies if: | |
| | (a) it is attached to the house to which it is accessory; | |
| | (b) it is entirely open on at least two sides; | |
| | (c) it is built over the driveway; | |
| | (d) it is not in: | |
| | i) a required front yard | |
| | ii) a required side yard abutting a street, or | |
| iii) that area of the rear yard abutting a street that is equal distance from the side lot line abutting the street as the required corner side yard. | | |

Provisions for the Handling and Transfer of Propane and Natural Gas (Section 66)

66. (1) Facilities relating to the handling and transfer of propane and natural gas, including tanks and associated compressors, pumps and other similar facilities must not be located in any required front, side, corner side or rear yard, nor closer than 30 metres to any lot line abutting a residential zone.
- (2) Despite subsection (1), the minimum of 30 metres may be reduced to a minimum of 6 metres where it can be demonstrated that appropriate noise abatement measures have been undertaken to ensure that noise levels at the boundary of the residential zone do not create a nuisance for uses in that abutting residential zone.

Residential Use Building Setback From Mineral Aggregate Zones (Section 67)

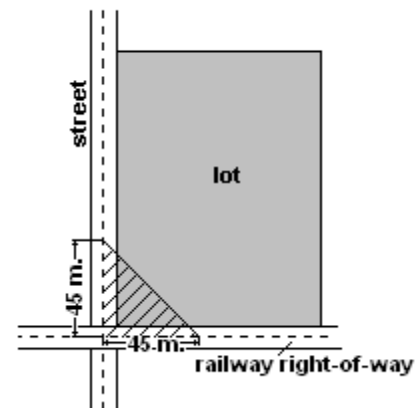
67. Despite any other provisions to the contrary, in the AG, EP3, and RU zones no new building consisting of a dwelling, dwelling units or **rooming units** may be constructed any closer than:
- 150 metres to an ME2 or ME3 - Mineral Extraction Pit Only subzones, or an MR - Mineral Aggregate Reserve zone boundary, or
 - 210 metres to an ME zone.

The purpose of these setbacks is to help ensure that new dwelling units are not located in close proximity to an existing or future noise or vibration-generating use such as a mineral extraction operation.

Setbacks From Railway Rights-of-Way in Rural Zones (Section 68)

68. In Rural Zones,
- (1) No obstruction to the vision of motor vehicle operators higher than one metre above grade including but not limited to buildings, structures, parking, storage or vegetation is permitted on any lot abutting an at-grade intersection of a street and a railway track within the triangle formed by connecting to a point 45 metres from the intersection of the centerline of the street and the centerline of the railway right-of-way (see illustration).

ILLUSTRATION OF RAILWAY SETBACKS



- (2) For the purposes of subsection (1), an agricultural crop, chain link fence or other similar feature that can be seen through is not an obstruction.
- (3) No building within 30m of a railway right-of-way is to be used for a residential use building, day care or school.

Setback from Watercourses and Waterbodies (Section 69)

- 69.
- (1) Subject to subsection (3), despite the provisions of the underlying zone, the minimum setbacks set forth in subsection (2) must be provided to provide a margin of safety from hazards associated with flooding and unstable slopes and to help protect the environmental quality of **watercourses** and **waterbodies**.
 - (2) Except for flood or erosion control works, or a public bridge or a marine facility, no building or structure, including any part of a sewage system, which does not require plan of

subdivision, or site plan control approval, shall be located closer than:

- (a) 30 m to the **normal highwater mark** of any **watercourse** or **waterbody**, or
 - (b) 15 m to the top of the bank of any **watercourse** or **waterbody**, whichever is the greater.
- (3) Development requiring a plan of subdivision or that is subject to site plan control must provide the **watercourse** or **waterbody** setbacks set forth in subsection (2) unless, as established through conditions of approval, a different setback is determined to be appropriate in accordance with the criteria set forth in the Official Plan. (By-law 2009-347)

Protection of Airport Operations (Section 70)

70. (1) *The Airport Operating Influence Zone (AOIZ) and the Airport Vicinity Development Zone (AVDZ) are defined planning areas based on the 2013 Noise Exposure Forecast (NEF) and the 2023 Noise Exposure Projection (NEP) aircraft contours. These zones, as shown on Schedule 6, apply development restrictions to protect lands uses and activities from noise impacts emanating from the aircraft and airport operations and to conversely protect airport operations from potential complaints arising from the development of residential and noise sensitive uses too close to the airport. Policies relating to these zones are detailed in Section 4.8.7 of the Official Plan titled Land Use Constraints Due to Aircraft Noise. The AVDZ also incorporates elements of the Ottawa Macdonald-Cartier International Airport Zoning Regulations.*
- (2) *Airport Zoning Regulations made pursuant to the Aeronautics Act (Canada) also apply to private property in the vicinity of the Ottawa Macdonald-Cartier International Airport. The regulations prevent lands adjacent to and in the vicinity of the airport from being used or developed in a manner that is incompatible with the operation of the airport or the safe operation of aircraft or causes interference with navigational aids and communications. Constraints to development include obstacle limitations surfaces, natural growth, bird hazards and interference with communications and aeronautical facilities. Airport Zoning Regulations and the regulation of all matters of aviation are administered by Transport Canada and will prevail in the event of a conflict with the provisions of this by-law.*
- (3) *Development in the vicinity of the Carp Airport, and Rockliffe Airport, must take into consideration guidelines found in Transport Canada Document TP312E - Aerodrome Standards and Recommended Practices. With respect to development in the vicinity of the Carp Airport, runway 10-28 must be protected as a "4C CAT 1" Runway, and runway 4-22 must be protected as a "1C NON-INSTR" Runway. (Subject to By-law 2017-236)*

Temporary Uses, Buildings Or Structures During Construction or Special Events (Section 71)

71. (1) Despite any provision to the contrary, the following temporary buildings, structures or equipment are permitted in any zone, except an EP zone, during a period of construction or special events. (By-law 2009-302)

- (a) the use of land or the use or erection of a temporary building, structure or equipment essential to the construction or special event in progress on that land; (By-law 2009-302)
 - (b) a temporary **office** for the sale of residential lots or residential units, and
 - (c) in a rural zone, a mobile home as temporary accommodation for a period not to exceed 24 months while a permanent **dwelling unit** or oversize dwelling unit is being erected on the same land. (By-law 2018-206)
- (2) The minimum yard setback provisions of the applicable zone and the parking provisions do not apply to these temporary buildings, structures or equipment.
 - (3) These temporary buildings, structures or equipment may be located on the lands only until such time as the work has been completed or abandoned or such buildings, structures or equipment are no longer required.
 - (4) In the case of a temporary **office** for the sale of residential lots or residential units not situated in a zone where offices are a permitted use, such **office** must not exceed the height limit applicable to that zone.

Setback from the Trans Canada Pipeline (Section 72)

- 72.** Despite any other provision to the contrary, buildings and structures must be set back from a lot line abutting the O1O Subzone which contains the TransCanada Pipeline a minimum distance of:
- (1) for any principal building or structure, seven metres from a rear lot line; and
 - (2) for any building or structure, three metres from an interior side lot line.

Provisions for the May 2017 Flood Relief Overlay (Section 73)

- 73.** The following provisions for the May 2017 Flood Relief Overlay apply to lots subject to the provisions of Section 58 – Flood Plain Overlay and Section 69 – Setback from Watercourses. While maintaining the intent of Section 58 and Section 69 regarding safety from hazards associated with flooding and unstable slopes and protecting the environmental quality of watercourses and waterbodies, these provisions are intended to permit the reconstruction of a building damaged by the May 2017 floods in a less flood-prone location on a lot.
- (1) despite the provisions of Section 58 and Section 69 and the yard setbacks and maximum building height provisions of the underlying zone, reconstruction of a detached dwelling and associated permitted projections and accessory buildings in existence as of May 1, 2017 is permitted in accordance with the location and building envelope approved in permits issued by the Conservation Authority;
 - (2) for buildings and structures subject to Section 58 (1), (2) and (3), the gross floor area of the replacement detached dwelling, and associated permitted projections and accessory buildings must not exceed the gross floor area of the buildings and the area of the permitted projections in existence as of May 1, 2017;
 - (3) despite Section 73 (2), an addition to a building subject to Section 58 (1), (2) and (3) is permitted subject to it not exceeding an amount equal to 20 per cent of the gross floor area of the building or 20 metres square whichever is less;

- (4) despite Section 73 (2), an accessory building or structure subject to Section 58 (1), (2) and (3), or an addition to an accessory building or structure subject to Section 58 (1), (2) or (3), is permitted subject to the accessory building or structure not exceeding a gross floor area of 50 square metres and a height of one storey;
- (5) decks and other permitted projections associated with the replacement building are subject to Section 65 – Permitted Projections into Required Yards, and Section 69 does not apply to the deck or permitted projection;
- (6) accessory buildings and structures are subject to Section 55 – Accessory Buildings and Structures, and Section 69 does not apply to the accessory building or structure;
- (7) the detached dwelling must be flood-proofed according to standards required by the Conservation Authority;
- (8) despite Section 73(1) buildings and structures existing as of May 1, 2017 that are within the May 2017 Flood Relief Overlay that are not subject to Section 58 or Section 69 must comply with the underlying zone provisions, except for the maximum building height provision when approval of a permit from the Conservation Authority has been granted for the replacement building or for repairs to the existing building;
- (9) Section 73, in its entirety, is repealed on September 13, 2020. (By-law 2017-295)

Multiple Buildings (Section 74)

- 74.** (1) Where buildings are connected only below grade, they are considered separate buildings for the purposes of applying the provisions of the by-law.
- (2) Except where a contrary intention is evident from the context, separation distances required by this by-law between buildings do not apply to those portions of the building below grade. (By-law 2017-302)