

Section 201 – Adequate Services and Stormwater Management

Provisions	Notes
Available Storm Services (1) In all areas of the city, except those listed in subsection (4) or otherwise provided for in this By-law, no land may be used, or any use of land expanded, or any structure placed, erected, enlarged, or occupied unless the City has confirmed that stormwater infrastructure is available. (2) For the purposes of subsections (1) and (3): (a) for existing or proposed residential uses not otherwise exempt pursuant to subsection (4), stormwater infrastructure is available when the following requirements are met: (i) the stormwater infrastructure is operational; and (ii) any proposed uses or structures, associated hard landscaping or driveways identified in subsection (1): 1. do not contribute to an increase in peak stormwater run-off rates; and 2. do not result in any adverse effects to stormwater infrastructure, public or private properties. (b) for all other existing or proposed uses, stormwater infrastructure is available when: (i) receiving stormwater infrastructure has been constructed, is operational, and has received preliminary approval from the City; and (ii) any proposed uses or structures, associated hard landscaping or driveways identified in subsection (1) do not result in adverse effects to receiving stormwater infrastructure, or public or private properties.	The provisions in the current Zoning By-law concerning adequacy of servicing and stormwater management have been brought forward, however they have been strengthened and will be supported by programs to be initiated through the Infrastructure Master Plan. New provisions to require on-site stormwater management have been added to require development, regardless of whether it is subject to site plan control, to provide on-site stormwater management where there is an increase in impermeable surfaces. Subsection (2) was modified to replace “proposed uses, activities or structures” with “proposed uses, structures, associated hard landscaping or driveways” as a clarification. Associated hard landscaping and driveways include activities that impact stormwater management such as widening of a driveway as part of a building permit application. The new provisions for on-site stormwater management will require that post-development peak runoff rates be controlled to pre-development levels. These provisions will apply to redevelopment and infill building permits that are exempt from the Site Plan Control process and which involve a net increase in impervious area compared to pre-development conditions. Stormwater management objectives may be achieved through on-site attenuation, infiltration, or a combination of both techniques, depending on site-specific conditions. The words “adverse impacts” in subsection (2) were revised to “adverse effects”, to refer to the <i>Environmental Protection Act</i>, and a definition for “adverse effect” was added to Section 199 to establish a specific meaning from that act. Subsection (4)(a) was revised to refer to development “of a residential use building” to focus the provision on construction of a building, rather than on the broader meaning of development which includes activities not related to construction of a building, such as lot creation. Additions that are less than 55 square metres in size and that are at least 1.2 metres from a lot line, and development that involves ten dwelling units or less in the rural area outside of Villages will not be subject
Requirement for Stormwater Reports and Studies (3) Reports, studies, plans, or other analyses, prepared by a professional engineer, shall be required to demonstrate that stormwater infrastructure is available for a proposed development.	
Exemptions, Stormwater Management (4) Despite the definition of available in subsection (2), the following are exempt from the requirement in subsection (1) to confirm that stormwater services are available and from the requirements of subsection (3): (a) development of a residential use building in any Rural Zones and except the VM – Village Mixed-Use Zone, V1, V2, V3, V4 and V5 – Village Residential Zones, where said development does not require a <i>Planning Act</i> approval; (b) an addition to a building or structure, in any zone, for which Site Plan Control approval is not required and where the addition is less than 55 square metres in size, and which is located more than 1.2 metres from all lot lines; (c) development for which receiving stormwater infrastructure is constructed, operational, and has received preliminary approval from the City pursuant to a registered site plan agreement; or (d) development on lands for which the receiving stormwater infrastructure is constructed, operational, and has received preliminary approval from the City pursuant to a registered subdivision or condominium agreement.	
Available Public Water and Wastewater Services (5) In the public service area, except as otherwise provided for in this By-law, no land may be used, or any use of land expanded, or any structure placed, erected, enlarged, or occupied unless the City has confirmed that public, City-owned and operated water and wastewater services are available. (6) For the purposes of subsections (5) and (7), City-owned and operated water and wastewater services are available when the following requirements are met:	

- (a) the proposed uses structures, associated hard landscaping or driveways will not cause adverse effects to connecting water and receiving wastewater services; and
- (b) the connection from the lands to water and receiving wastewater services has been approved by the City.

Requirement for Water and Wastewater Service Reports and Studies

- (7) Reports, studies, plans, or other analyses, prepared by a professional engineer shall be required to demonstrate that water and wastewater services are available for a proposed development.

Other Exemptions – Stormwater, Water, or Wastewater

- (8) Despite subsections (1) and (5) above, where municipal water services, wastewater services, or stormwater infrastructure are not available, private services approved by the City of Ottawa or its delegate are permitted.
- (9) Despite subsection (8) above, with the exception of wells that are required for environmental site assessment purposes as per Ontario Regulation 153/04 of the *Environmental Protection Act*, on any land shown in Area A on Schedule 183 the following are prohibited:
 - (a) drilling of a new groundwater well;
 - (b) drilling to make an existing groundwater well any deeper; and
 - (c) the installation of a groundwater heat pump, except as approved by the City of Ottawa.
- (10) Despite subsections (1) and (5) 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.
- (11) A maximum of five dwelling units are permitted on a lot not served by both municipal water and wastewater services.

to the onsite stormwater management provisions. Development that is subject to applications for Plan of Subdivision, Site Plan Control and Plan of Condominium will also be exempt, as on-site stormwater management will be addressed through the development review process.

Regarding adequacy of water and sewer services, increased permissions for density in the new Zoning By-law do not guarantee that sufficient servicing capacity will be available for every development proposal that is permitted by the zoning in place. It is not possible to predict if there is adequate servicing capacity in all locations in the city because it is not possible to predict what will be proposed on every lot in the city at any given time. The Infrastructure Master Plan identifies infrastructure improvement projects that increase backbone system capacity based on high level intensification projections. There is too much local infrastructure to be analyzed in the context of a city-wide master plan and too many unknowns about available and future capacity that may be required in any given location.

To address this challenge, the draft Infrastructure Master Plan will be recommending an *Infrastructure Capacity Management Program* to evaluate local systems on a priority basis based on where intensification development pressures are highest and where engineering staff expect local system capacities are most limiting. This program will identify where local system capacity upgrades are needed to support intensification.

Until the infrastructure capacity management studies and upgrades are completed, some development projects may be delayed depending on the results of capacity assessments completed through the development approvals process. If it is determined that insufficient capacity is available for an individual development project, there are three possible outcomes:

- the development will not be able to proceed,
- the developer could fund any local upgrades needed to accommodate the development, or
- the developer could wait until a local servicing study is completed and implemented, including a financial plan for any upgrades recommended by the plan.

Section 202 – Accessory Uses, Buildings and Structures

Provisions		Notes
(1) For the purpose of this section the following are not considered accessory buildings or structures: (a) satellite dishes or tower antennas, see Section 213; (b) coach houses, see Section 701; (c) hydronic heaters, see Section 321; (d) unmodified shipping containers, except as subject to Section 211 in the N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones; and (e) battery energy storage systems, see Section 213. (2) In the event of a conflict between this section and the following sections, the provisions of the following sections prevail: (a) Section 404, which outlines the minimum required setbacks from surface water features; and (b) for a lot subject to Section 702, which deems a 0 metre setback between two vertically attached dwelling units, the same setback applies to accessory uses, buildings and structures. (3) Accessory uses, buildings and structures are permitted in any zone provided: (a) they are located on the same lot as the principal use to which they are accessory; and (b) they exist to aid and contribute to the principal use and its functions. (4) An accessory building may not be used for human habitation. (5) The zone provisions for the lot apply to accessory buildings, except as specified in this section. (6) Despite anything to the contrary, security huts for a diplomatic residence or located on federally-owned or operated lands are permitted in any yard. (7) For lands zoned NU – Neighbourhood Unserved the provisions that apply in this section are the same as: (a) the N1 – Neighbourhood Zone 1, where the lot area is less than 0.8 hectares; or (b) the RR – Rural Residential Zone, where the lot area is greater than 0.8 hectares.		The provisions for accessory uses, buildings and structures have been reformatted and will no longer appear in a table format. Provisions for the Rural area are listed separately in this section to ease interpretation for Rural residents. Subsection (1) – Revised from Section 55(4), 55(5), 55(6), 55(8) and 55(10) of the current Zoning By-law 2008-250 to immediately direct the reader to the relevant section for accessory buildings and structures that are not considered in this section. For Draft 3, clause (1)(e) has been added to implement By-law 2025-072. Subsection (2) – New provision to list all sections that prevail over this section. Subsection (2)(a) – Included to maintain consistency between this section and Section 204 – Projections into Yards. Subsection (2)(b) – Carried forward from Section 55(7) of the current Zoning By-law and listed with the other section that prevails. Subsection (3) – Revised from Section 55(1) of the current Zoning By-law with minor word changes to improve clarity. Subsection (4) – Revised from Section 55(2) of the current Zoning By-law to remove the exception provided for the MD zone and redundant language. Subsection (5) – Revised from Section 55, Table 55(1), (2)(a) and (2)(b)(iii) of the current Zoning By-law to avoid multiple provisions indicating that a setback is the same as required for the principal building and improve clarity that accessory buildings and structures are not exempt from setbacks not listed in this section. Subsection (6) – Added permissions for security huts for diplomatic residences and uses on federally owned lands. Subsection (7) –This is a new provision for Draft 3 to specify the provisions that apply in this section for lands zoned NU – Neighbourhood Unserved.
Urban Transects Maximum Number of Accessory Buildings (8) The maximum number of accessory buildings permitted on a lot:		Subsection (8) – Revised from

(a) In the N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones is two; and (b) In all other zones located in Area A – Downtown Core Transect, Area B – Inner Urban Transect, Area C – Outer Urban Transect, Area D – Greenbelt Transect and Area E – Suburban Transect on Schedule A1 – Transects there is no maximum.	Section 55, Table 55(7) of the current Zoning By-law.
Minimum Required Separation Distance for an Accessory Building or Structure (9) There is no minimum required separation distance for a: (a) hot tub; or (b) building or structure with: (i) a maximum width of 2 metres; (ii) a maximum length of 1 metre; and (iii) no windows. (10) The minimum required separation distance for an accessory building or structure from any other building located on the same lot: (a) in the N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones or EP – Environmental Protection Zone is 1.2 metres; and (b) in all other zones located in Area A – Downtown Core Transect, Area B – Inner Urban Transect, Area C – Outer Urban Transect, Area D – Greenbelt Transect and Area E – Suburban Transect on Schedule A1 – Transects is 0 metres.	Subsection (9) – Revised from Section 55, Table 55(4) of the current Zoning By-law. Subsection (10) – Revised from Section 55, Table 55(4) of the current Zoning By-law.
Maximum Permitted Height (11) The maximum permitted height: (a) in the N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones : (i) for a landing to an above-ground pool is as tall as needed to access the pool; (ii) for a solar parking canopy is 5 metres; and (iii) for all other accessory buildings and structures: 1. 3.6 metres; and 2. 3.2 metres for the exterior walls. (b) in all other zones located Area A – Downtown Core Transect, Area B – Inner Urban Transect, Area C – Outer Urban Transect, Area D – Greenbelt Transect and Area E – Suburban Transect on Schedule A1 – Transects is 6 metres. (12) Despite subsection (10) an amenity area is permitted on the rooftop of an accessory building provided: (a) The setbacks for the amenity area on the rooftop of the accessory building are the same or greater than required for the principal building; (b) Where the exterior walls of the accessory building are within 3 metres of any interior lot line or rear lot line abutting a Residential zone the amenity area must: (i) be setback 1.5 metres from the exterior walls of the accessory building; or (ii) have a minimum 1.5 metre opaque screen. (c) The maximum height of the accessory building, including railing, siding, screening, and other similar features is 4.5 metres.	Subsection (11) – Revised from Section 55, Table 55(5) and (6a) of the current Zoning By-law. Subsection (11)(a)(ii) – New addition for Draft 3 to permit a height for solar parking canopies that would accommodate for parking underneath. Subsection (12) – New provision to allow a rooftop amenity area on an accessory building, regulated to match the permitted building envelope.
Maximum Permitted Size (13) The maximum permitted size: (a) in the N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones : (i) for a landing to an above-ground pool is 2.3 square metres;	Subsection (13) – Revised from Section 55, Table 55(6) and (6a) of the current Zoning By-law. Subsection (13)(a)(ii) – New addition

(ii) for ancillary solar energy generation facilities, there is no maximum, provided ground mounted devices: 1. are located in the rear yard; and 2. the area under the device is soft landscaped. (iii) for all other accessory buildings and structures: 1. the aggregate of all accessory buildings must not exceed 50 per cent of the yard in which they are located; and 2. a maximum cumulative floor area of 55 square metres as measured from the exterior walls of the accessory building. (b) in the EP – Environmental Protection Zone: (i) for buildings accessory to a residential use the aggregate of all accessory buildings must not exceed 55 square metres; and (ii) for buildings accessory to all other uses the aggregate of all accessory buildings must not exceed 150 square metres. (c) in all other zones located in Area A – Downtown Core Transect, Area B – Inner Urban Transect, Area C – Outer Urban Transect, Area D – Greenbelt Transect and Area E – Suburban Transect on Schedule A1 – Transects there is no maximum.	for Draft 3 to specify ground mounted ancillary solar energy generation facilities have no maximum permitted size when located in the rear year with soft landscaping underneath. Subsection (14) – Revised from Section 55, Table 55(2) of the current Zoning By-law. Subsection (15) – Revised from Section 55, Table 55(3) of the current Zoning By-law.
Minimum Required Setback from a Lot Line (14) The minimum required setback from an exterior side lot line or a rear lot line abutting a street, except for a garage, carport or temporary car shelter with direct vehicular access from that street: (a) in the N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones is 1.2 metres; and (b) in all other zones, except EP – Environmental Protection Zone, located in Area A – Downtown Core Transect, Area B – Inner Urban Transect, Area C – Outer Urban Transect, Area D – Greenbelt Transect and Area E – Suburban Transect on Schedule A1 – Transects is 0 metres. (15) The minimum required setback from an interior side lot line or rear lot line not abutting a street: (a) for a marine facility abutting a surface water feature the minimum required setback is 0 metres; (b) for shared garages or carports erected on a common side lot line the minimum required setback is 0 metres from the common side lot line; (c) for walkable decking serving an above-ground swimming pool or hot tub in all zones located in Area A – Downtown Core Transect, Area B – Inner Urban Transect, Area C – Outer Urban Transect, Area D – Greenbelt Transect and Area E – Suburban Transect on Schedule A1 – Transects: (i) in the EP – Environmental Protection Zone or abutting lands N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones is a distance equal to the height of the structure; or (ii) not abutting lands zoned N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones is 0.6 metres. (d) for above ground pools or hot tubs not equipped with walkable decking and not contained within a building is 0.6 metres; and (e) for all other accessory buildings and structures: (i) in the N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones in a rear yard is 0.6 metres; (ii) in the EP – Environmental Protection Zone in a rear yard is 1 metre; (iii) in the DR – Development Reserve Zone is 0 metres; and (iv) in all other zones located in Area A – Downtown Core Transect, Area B – Inner Urban Transect, Area C – Outer Urban Transect, Area D –	

Greenbelt Transect and Area E – Suburban Transect on Schedule A1 – Transects : 1. abutting lands zoned N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones is 0.6 metres; or 2. not abutting lands zoned N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones is 0 metres. (16) Where a detached garage existing as of the date of passing of this By-law] is subsequently connected to a building existing as of [the date of passing of this By-law] in N1, N2, N3 and N4 – Neighbourhood Zones the location of the garage is considered to comply with this By-law.	Subsection (16) – New provision to allow a detached garage to be connected to a building without the detached garage being subject to the building setbacks. This would only apply once, at the time the detached garage is connected to the building, following that time the building setbacks would apply.
Rural Transect Maximum Number of Accessory Buildings (17) The maximum number of accessory buildings permitted on a lot: (a) in the V1, V2, V3, V4 and V5 –Village Residential Zones is two; (b) in the MH – Mobile Home Park Zone is one per mobile home site, with no maximum cumulative total; and (c) in all other zones located in Area F – Rural Transect on Schedule A1 – Transects there is no maximum. Minimum Required Separation Distance for an Accessory Building or Structure (18) There is no minimum required separation distance for a hot tub. (19) The minimum required separation distance for an accessory building or structure from any other building located on the same lot: (a) in the VM – Village Mixed-Use Zone is 0 metres; and (b) in all other zones located in Area F – Rural Transect on Schedule A1 – Transects is 1.2 metres. Maximum Permitted Height (20) The maximum permitted height for accessory buildings and structures: (a) in the V1, V2, V3, V4 and V5 –Village Residential Zones (i) for a solar parking canopy is 5 metres; and (ii) in all other cases is 4.5 metres; (b) in the AG – Agricultural Zone and RU – Rural Countryside, excluding the RU1, RU2, RU3 and RU4 subzones is 12 metres; and (c) in all other zones located in Area F – Rural Transect on Schedule A1 – Transects is 6 metres. Maximum Permitted Size (21) The maximum permitted size for accessory buildings: (a) in the V1, V2, V3, V4 and V5 –Village Residential Zones: (i) the aggregate of all accessory buildings must not exceed 50 per cent of the yard in which they are located; and (ii) a maximum cumulative floor area of 55 square metres as measured from the exterior walls of the accessory building. (b) in the EP – Environmental Protection Zone: (i) for accessory buildings accessory to a residential use building the aggregate of all accessory buildings must not exceed 55 square metres; and	Subsection (17) – Revised from Section 55, Table 55(7) of the current Zoning By-law. Subsection (18) – Revised from Section 55, Table 55(4) of the current Zoning By-law. Subsection (19) – Revised from Section 55, Table 55(4) of the current Zoning By-law. Subsection (20) – Revised from Section 55, Table 55(5) of the current Zoning By-law. Subsection (20)(a)(i) – New addition for Draft 3 to permit a height for solar parking canopies that would accommodate for parking underneath. Subsection (21) – Revised from Section 55, Table 55(6) of the current Zoning By-law.

- (ii) for accessory buildings accessory to all other buildings the aggregate of all accessory buildings must not exceed 150 square metres.
 - (c) in the AG – Agricultural Zone, RU – Rural Countryside Zone, ME – Mineral Extraction Zone, RIL – Rural Industrial and Logistics Zone, RG – Rural General Industrial Zone, RH – Rural Heavy Industrial Zone, RI – Rural Institutional Zone, RC – Rural Commercial Zone, and RR – Rural Residential Zone:
 - (i) the aggregate of all accessory buildings must not exceed the greater of:
 - 1. 5 per cent of the total lot area; or
 - 2. 150 square metres.
 - (d) in the MH – Mobile Home Park:
 - (i) per mobile home site is 10 square metres as measured from the exterior walls of the building; and
 - (ii) for buildings accessory to the maintenance of the mobile home park:
 - 1. the maximum cumulative total gross floor area is 300 square metres; and
 - 2. must not be used as storage for individual mobile home sites or commercial storage.
 - (e) in all other zones located in Areas F – Rural Transect on Schedule A1 – Transects there is no maximum.
- (22) The maximum permitted size for unenclosed structures with a roof (e.g. carport):
- (a) in the V1, V2, V3, V4 and V5 –Village Residential Zones is 25 per cent of the lot area; and
 - (b) in all other zones located in Areas F – Rural Transect on Schedule A1 – Transects there is no maximum.
- (23) Despite subsection (21) for ancillary solar energy generation facilities, there is no maximum, provided ground mounted devices:
- (a) are located in the rear yard; and
 - (b) the area under the device is soft landscaped

Minimum Required Setback from a Lot Line

- (24) The minimum required setback from an exterior side lot line or a rear lot line abutting a street, except for a garage, carport or temporary car shelter with direct vehicular access from that street:
- (a) in the V1, V2, V3, V4 and V5 –Village Residential Zones is 1.2 metres; and
 - (b) in the VM – Village Mixed-Use Zone and DR – Development Reserve Zone is 0 metres.
- (25) The minimum required setback from an interior side lot line or rear lot line not abutting a street:
- (a) for a marine facility abutting a surface water feature the minimum required setback is 0 metres;
 - (b) for shared garages or carports erected on a common side lot line the minimum required setback is 0 metres from the common side lot line;
 - (c) for walkable decking serving an above-ground swimming pool or hot tub:
 - (i) in the V1, V2, V3, V4 and V5 –Village Residential Zones:
 - 1. abutting lands zoned V1, V2, V3, V4 and V5 –Village Residential Zones, and RR – Rural Residential Zone is a distance equal to the height of the structure; or
 - 2. not abutting lands zoned V1, V2, V3, V4 and V5 –Village Residential Zones, and RR – Rural Residential Zone is 0.6 metres; and
 - (ii) in all other zones located in Area F – Rural Transect on Schedule A1 – Transects is a distance equal to the height of the structure.
 - (d) for above ground pools or hot tubs not equipped with walkable decking and not contained within a building is 0.6 metres;

Subsection (22) – New provision to regulate the maximum permitted size for enclosed structures with a roof.

Subsection (23) – New provision for Draft 3 to specify ground mounted ancillary solar energy generation facilities have no maximum permitted size when located in the rear year with soft landscaping underneath.

Subsection (24) – Revised from Section 55, Table 55(2) of the current Zoning By-law.

Subsection (25) – Revised from Section 55, Table 55(3) of the current Zoning By-law.

(e) for all other accessory buildings and structures: (i) in the V1, V2, V3, V4 and V5 –Village Residential Zones in a rear yard is 0.6 metres; (ii) in the VM – Village Mixed-Use Zone and DR – Development Reserve Zone: 1. abutting lands zoned V1, V2, V3, V4 and V5 –Village Residential Zones, and RR – Rural Residential Zone is 0.6 metres; or 2. not abutting lands zoned V1, V2, V3, V4 and V5 – Village Residential Zones, and RR – Rural Residential Zone is 0 metres. (iii) in all other zones located in Area F – Rural Transect on Schedule A1 – Transects in a rear yard is 1 metre.

Section 203 – Projections Above the Height Limit

Provisions		Notes
(1)	This section does not apply to building or structures located within the areas shown on Schedules 11 to 88 – Central Area Height Schedules.	The features that are currently permitted to project above the height limit are proposed to remain. For this draft the edits made to this section have been focused on relocating existing provisions. This is because review relies on provisions in other sections. Further review is intended and any edits as a result of this this review will be outlined in Draft 2. Relocated Relocated “construction equipment during the construction process” from Section 64 of the current Zoning By-law 2008-250 to Section 211. Current provisions for dormers for the Westboro Development Overlay in Section 146(6)(b) and 146(6)(c) of the current Zoning By-law are proposed to be applied broadly. Provisions for rooftop access and rooftop landscaped area, garden or terrace from Section 55 of the current Zoning By-law are proposed to be relocated to this section as these provisions regulate permissions above the height limit. Subsections (1), (2), and (3) – Revised from Section 64 of the current Zoning By-law, the paragraph was between split into this provision and (2) and (3). Subsection (3)(a) – New provision to permit ancillary wind energy generation facilities to project above the height limit. Subsection (3)(c) – Revised “chimney or smokestack” from Section 64 of the current Zoning By-law to include “stack”. Subsection (3)(e) – Revised “clock tower, church spire, steeple or belfry” from Section 64 of the current Zoning By-law as a clock tower can be found on a building other than a church. Subsection (3)(f) – Relocated from Section 146(6)(b) and (6)(c) of the current Zoning By-law to apply the provisions for dormers more widely. Subsection (3)(g) – Revised from Section 64 of the current Zoning By-law “mechanical and service equipment penthouse, elevator or stairway penthouses” to improve clarity. Subsection (3)(i) – In Draft 3, provisions concerning size for greenhouses were deleted, however the set back from the exterior wall was maintained.
(2)	If no conditions for height, setbacks or area are specified for a feature in subsection (3) or (4) it may project only to such a height, setback or area that is necessary to operate effectively and safely.	
(3)	The following features may project above the maximum building height subject to the listed conditions:	
(a)	ancillary wind energy generation facility, minimum setback from any lot line is a distance equal to its height;	
(b)	bridge;	
(c)	chimney, smokestack, or stack;	
(d)	church spire, steeple, or belfry;	
(e)	clock tower;	
(f)	dormer, where included on any portion of a pitch roof with a minimum 1:2 slope in a zone with a maximum building height of 11 metres or less:	
(i)	the maximum width of the feature is 2.5 metres; and	
(ii)	must not span more than 50 per cent of the width or depth of a roofline.	
(g)	elevator, mechanical and service equipment, or a stairway;	
(h)	flagpole or sports equipment;	
(i)	greenhouse, minimum setback from an exterior wall: 1.5 metres;	
(j)	indoor amenity area on a building five storeys or higher:	
(i)	maximum floor area: 50 per cent of the area of the roof, but in no case greater than 300 square metres;	
(ii)	maximum projection: 5 metres above the height limit; and	
(iii)	minimum setback from an exterior wall: 2 metres.	
(k)	indoor food production in the IH – Heavy Industrial Zone, IL – Industrial and Logistics Zone, IM – Mixed Industrial Zone, H1, H2 and H3 – Hub Zones, MS2 – Mainstreet Zone 2, NMU – Neighbourhood Mixed-Use Zone the maximum projection above the height limit is 4.5 metres;	
(l)	light post, or sports lighting as part of a park or sports arena;	
(m)	ornamental dome, skylight, cupola or parapet;	
(n)	rooftop access to a rooftop landscaped area, garden, or terrace for a building four storeys or less:	
(i)	maximum projection above the height limit: 3 metres;	
(ii)	minimum setback from an exterior front or rear wall: a distance equal to its height;	
(iii)	maximum total area for the feature: 10.5 square metres, except in the case of an elevator; and	
(iv)	maximum projection for eaves beyond the exterior walls of the feature: 0.6 metres.	
(o)	rooftop landscaped area, garden, or terrace:	
(i)	must be setback a minimum of 1.5 metres from any exterior wall of the building when the feature is located on the roof of the uppermost storey; and	
(ii)	a 1.5 metre high opaque screen must be provided facing an interior side yard, or facing the interior side yard of an abutting lot.	

(p) water tower. (4) Barns, silos, or farm-related buildings or structures may project above the maximum building height in Area D – Greenbelt Transect and Area F – Rural Transect in Schedule A1 – Transects.	Subsection (3)(j) – New provision to permit indoor amenity space in rooftop penthouses on mid- and high-rise buildings. Subsection (3)(k) – New provision to permit indoor food production on the rooftops of buildings in the specified zones. Subsection (3)(l) – New provision to account for lighting. Subsection (3)(n) – Relocated from Section 55, Table 55(8)(d) and (8)(e) of the current Zoning By-law to centralize provisions for projections above the height limit in one section. Subsection (3)(o) – Relocated from Section 55, Table 55(8)(a), (8)(b) and (8)(c) of the current Zoning By-law to centralize provisions for projections above the height limit in one section. Subsection (4) – Relocated and significantly revised from Section 64 of the current Zoning By-law. Barns, silos and farm-related buildings or structures are the sole distinction between projections permitted in the urban area and rural/greenbelt area.
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Section 204 – Projections into Yards

Provisions	Notes	
(1) Features are permitted to project from: (a) a principal building; or (b) a building containing a coach house. (2) In accordance with this section, features may project into the lesser of: (a) a required yard; or (b) a provided yard. Figure 204-1 Legend --- Lot line — Building — Feature ↔ Projection (a) Required Yard (b) Provided Yard Figure 204-1 demonstrates a permitted projection projecting into a required yard on the left and a provided yard on the right. <tr><td> (3) Accessibility structures and devices have no limit with respect to setback or projection. (4) Section 204 does not apply: (a) where the minimum required building setback from a lot line is less than the minimum setback outlined in this section; (b) to features in subsection (9) projecting into the minimum required setbacks from surface water features found in Section 404; (c) to development parcels within the interior of a planned unit development that are not adjacent to a required yard; or (d) to required separation areas between development parcels in a planned unit development. (5) Subsection 702(2), which deems a 0 metre setback between vertically attached dwelling units, applies. Provisions for Specific Features (6) For heating, ventilation and air conditioning systems or permanent generators: (a) for residential use buildings or any yard abutting a lot containing a residential use building: <tr><td> Similar to the provisions for accessory building and structures in Section 202, the provisions for projections into yards have been reformatted and will no longer be presented in a table format. Further review of the provisions in this section is intended because review relies on provisions in other sections. Any edits as a result of this review will be outlined in Draft 2. Subsection (1) – Revised from Section 65(1) of the current Zoning By-law 2008-250, it was split into this provision and (2). Subsection (2) – Revised from Section 65(1) of the current Zoning By-law with minor word changes to improve clarity. Subsection (4) – Revised from Section 65(1)(b), (1)(c), (1)(d), and (1)(f) of the current Zoning By-law with minor word changes to improve clarity. 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- (i) permanent generators are limited to installations for emergency or blackout use;
 - (ii) the minimum setback from a lot line is 0.3 metres; and
 - (iii) the maximum projection is 1 metre;
- (b) in all other cases, no minimum setback or maximum projection.

Figure 204-2

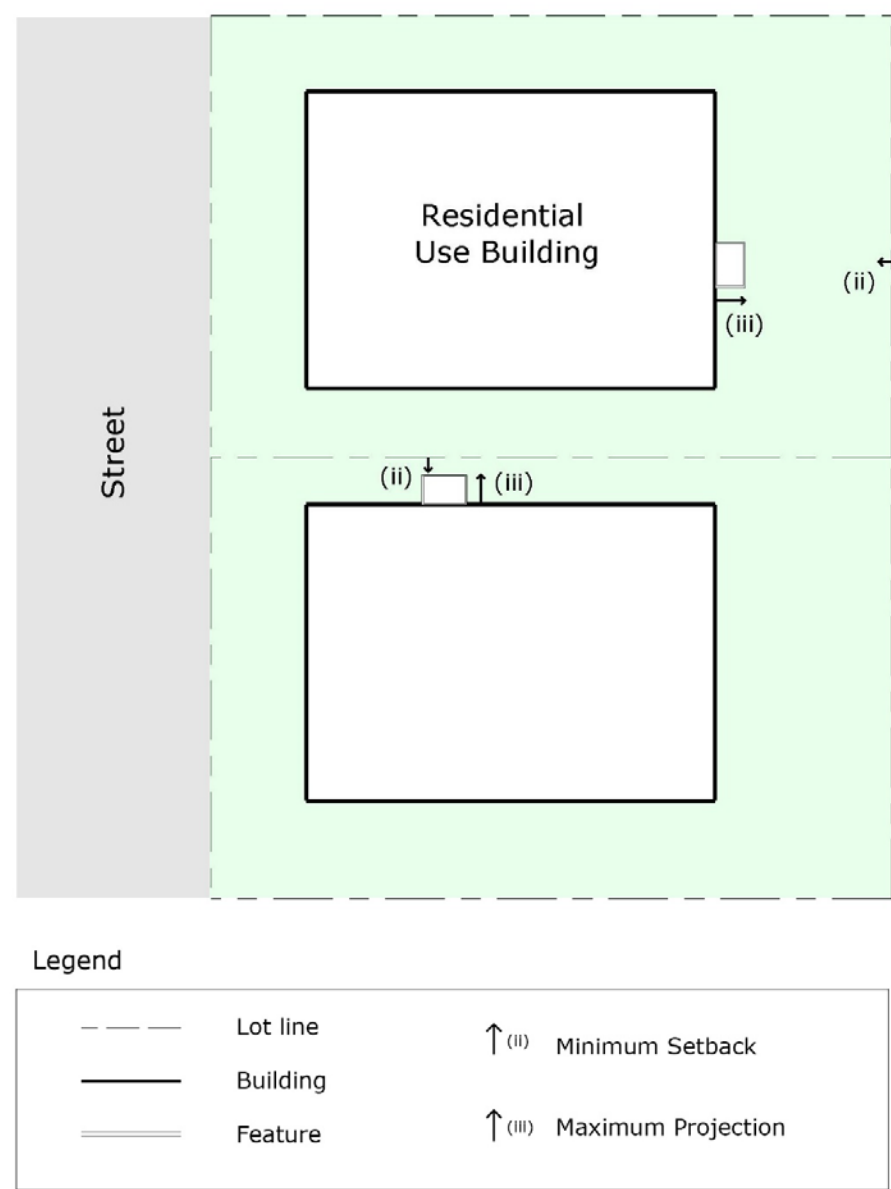


Figure 204-2 demonstrates the maximum permitted projection and the minimum required setback for heating and cooling systems and permanent generators for residential use buildings in the top image or in a yard abutting a residential use building in the bottom image.

- (7) For awnings or canopies:
- (a) the minimum setback from a lot line is 0.6 metres; and
 - (b) the maximum projection into:
 - (i) interior side yards is two metres; and
 - (ii) front, rear, or exterior side yards is half the depth of the yard.

conditioner condenser, heat pump or similar equipment” to heating, ventilation and air conditioning systems or permanent generators.

For Draft 3 new Subsection (6)(a)(i) is included to specify permanent generators are permitted for emergency or blackout use.

Subsection (6)(a)(i) from Draft 2 is proposed to be removed to permit these features to be located in a front or exterior side yard. In part this is to address where there is no interior side yard and rear yard due to 0 metre setbacks. An example of this would be back-to-back townhouses.

Subsection (7) – Revised from Section 65, Table 65(4) of the current Zoning By-law, provision (6)(a)(ii) was increased from 1.8 metres to 2 metres, to align with the maximum projection provision for a covered porch.

Figure 204-3

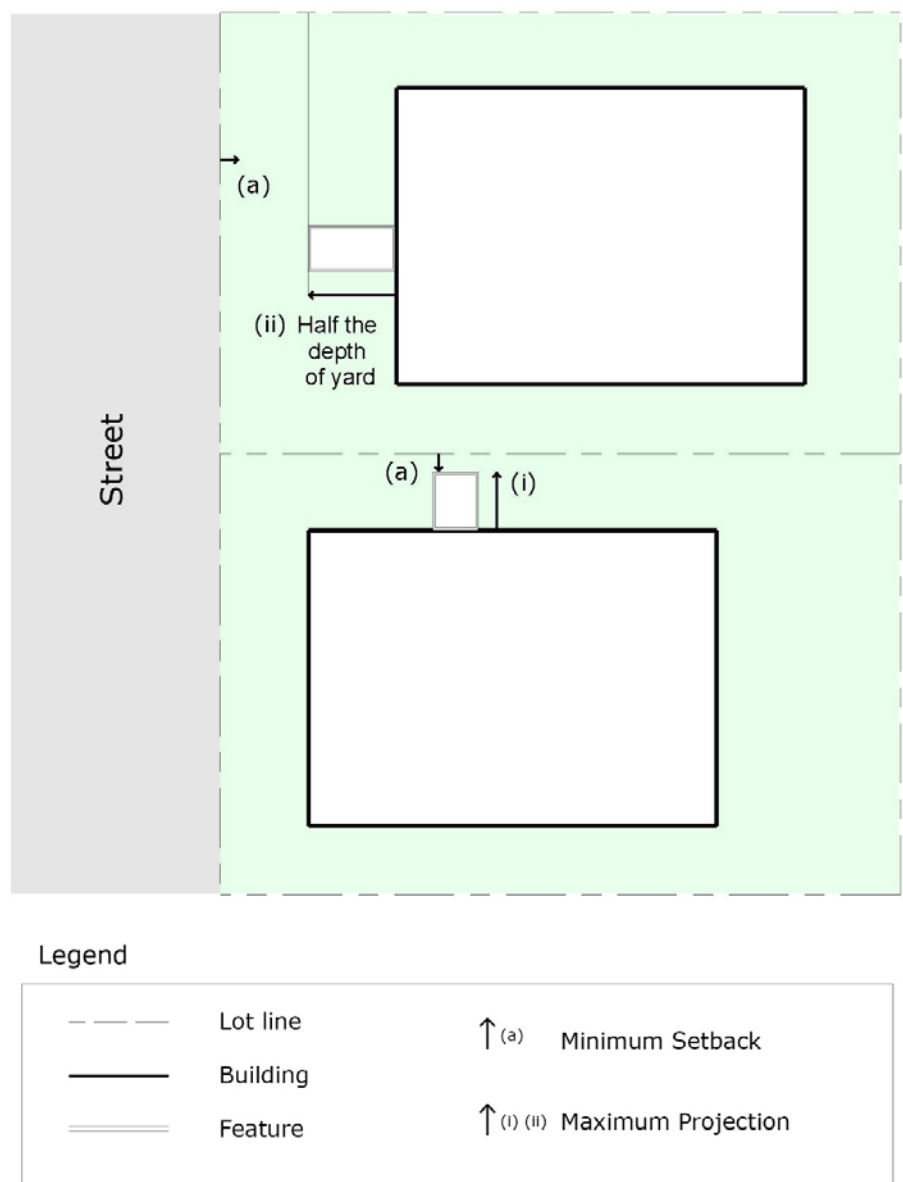


Figure 204-3 demonstrates the maximum permitted projection and the minimum setback for awnings and canopies. The top image shows an awning or canopy in the front yard, projecting halfway from the building to the front property line. The bottom image shows an awning or canopy projecting into the interior side yard to a maximum of two metres with a minimum 0.6-metre setback.

- (8) For bay windows there are no minimum setbacks or maximum projections, except:
- (a) when the feature projects into a yard with a depth of three metres or less it must be:
 - (i) cantilevered; and
 - (ii) located above grade; and
 - (b) for residential use buildings:
 - (i) the maximum percentage of a façade that may be occupied by bay windows is 50 per cent;
 - (ii) the minimum setback from a lot line is 1.2 metres; and
 - (iii) the maximum projection is 1 metre.

Subsection (8) – Revised from Section 65, Table 65(7) of the current Zoning By-law with minor formatting changes to improve clarity.

Subsection (8)(a) and (b)(i) – New provisions informed by the Bay Window Bulletin.

Figure 204-4

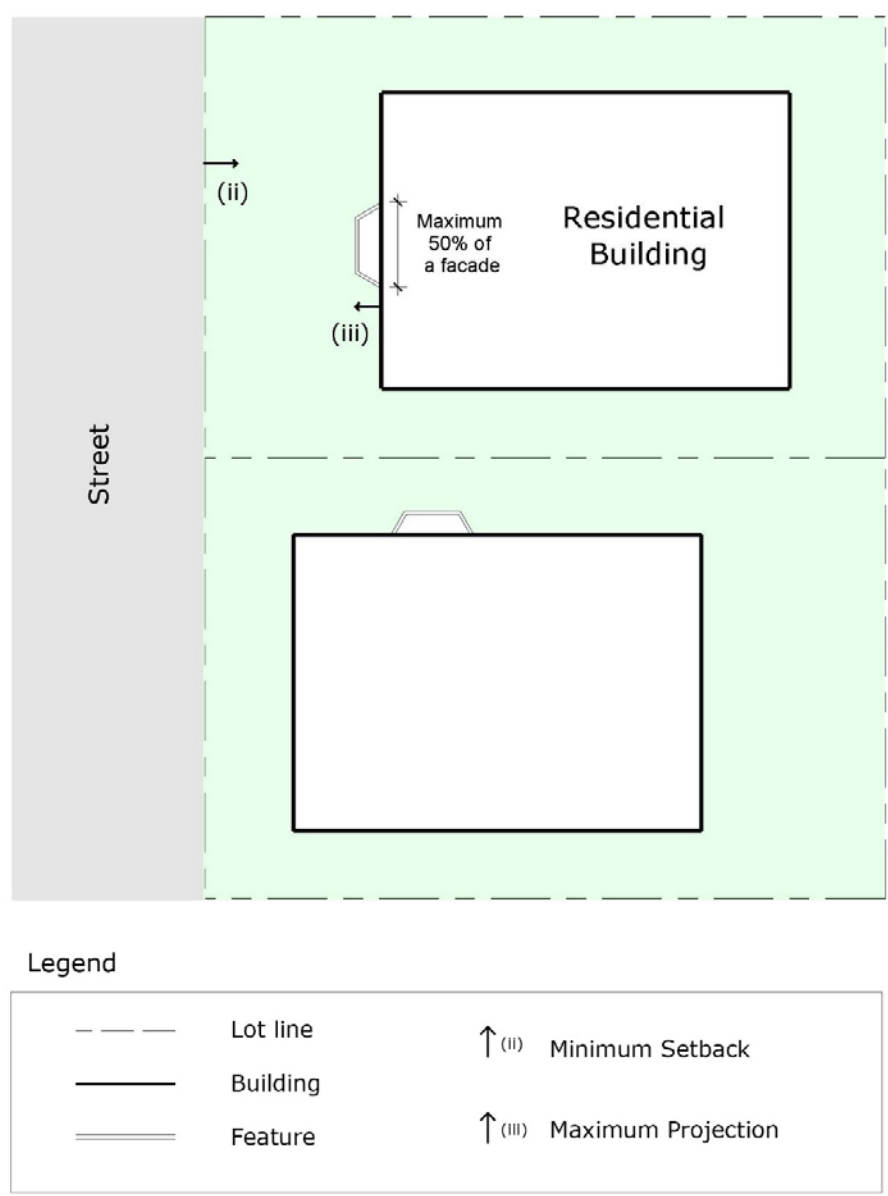


Figure 204-4 demonstrates the maximum permitted projection and the minimum setback for bay windows. The top image shows a bay window projecting into the front yard of a residential building.

- (9) For balcony, deck, platform, porch, or verandah features:
- (a) these features may have a maximum of two enclosed sides. Sides covered by canopies and awnings are not included in the maximum;

Figure 204-5

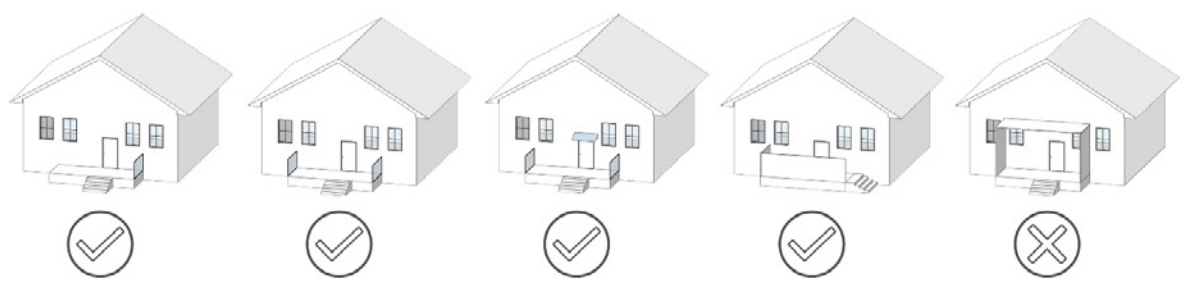


Figure 204-5 demonstrates four dwellings with front porches which have a maximum of two enclosed sides. The front porch on the fifth dwelling features three enclosed sides and does not comply with this By-law.

- (b) when a deck, platform, porch, or verandah projects into a yard with a depth of 3 metres or less it must be located above the adjacent ground;
- (c) for residential use buildings, features projecting into the rear yard above the first floor of the building:
- (i) when the lot depth is 23.5 metres or less, no features permitted;
 - (ii) when the lot depth is between 23.5 metres and 30.5 metres the maximum projection is 1.2 metres;

Subsection (9) – Revised from Section 65, Table 65(6) of the current Zoning By-law with minor word and formatting changes to improve clarity.

Figure 204-6

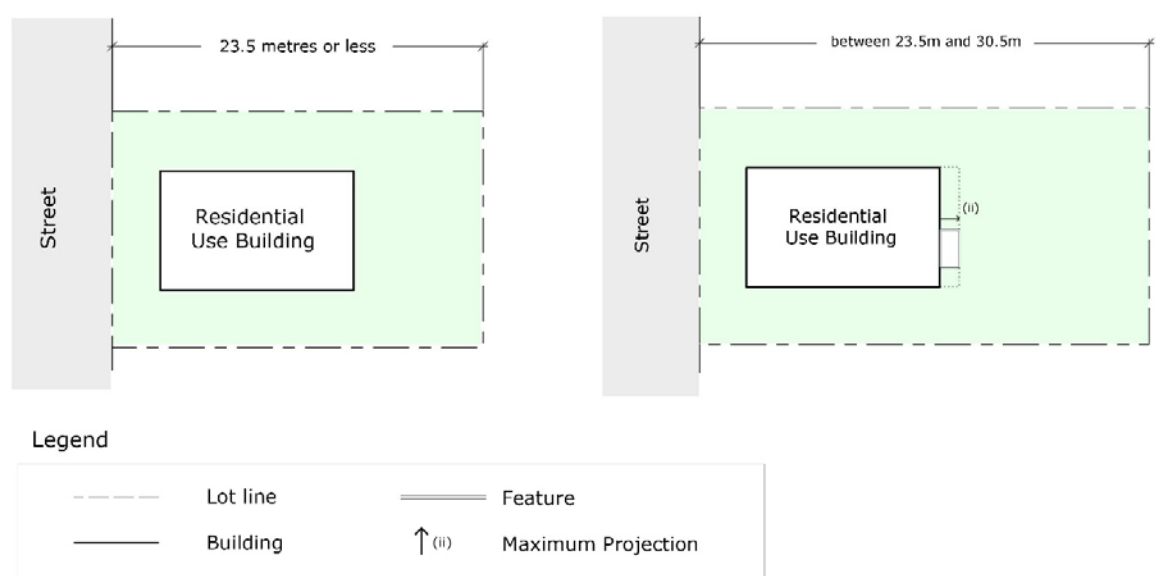


Figure 204-6 demonstrates the maximum projection from a residential use building for a deck, platform, porch, or verandah projecting into a rear yard above the first floor. The lot on the left is less than 23.5 metres deep, so a projection is not permitted. The lot on the right is between 23.5 and 30.5 metres, so a projection of 1.2 metres is permitted.

- (iii) for deck or balcony, a 1.5 metre high opaque screen must be provided facing an interior side lot line within 1.5 metres of the interior side lot line of lots zoned N1-N6 – Neighbourhood.

Figure 204-7

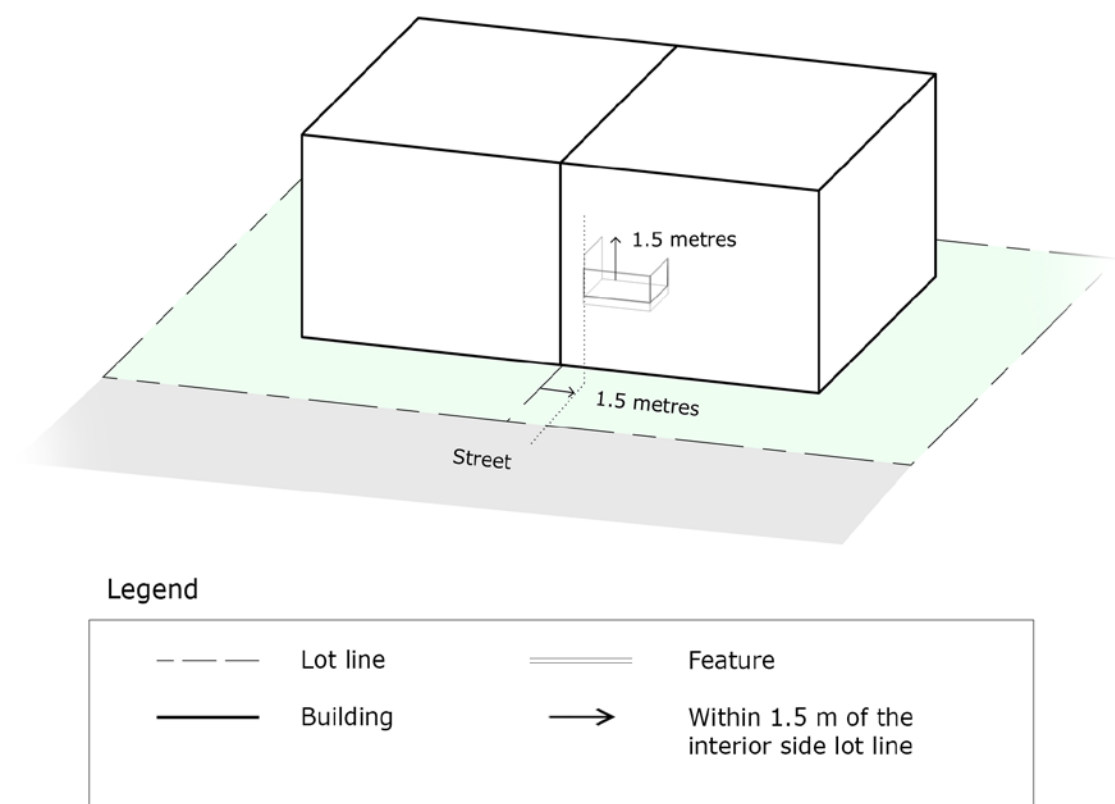
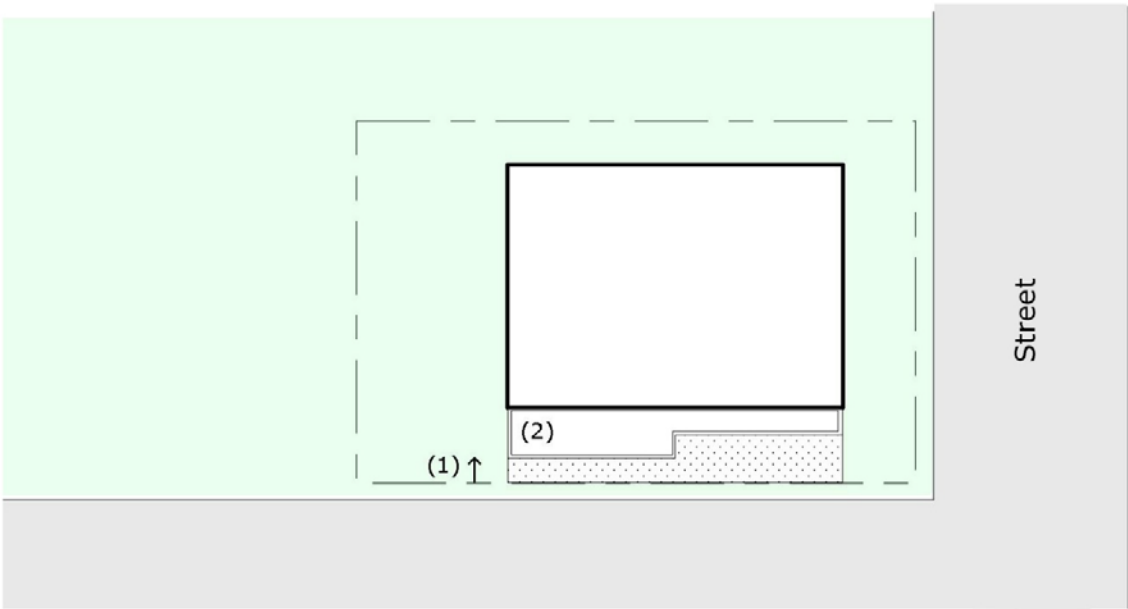


Figure 204-7 demonstrates the required 1.5 metre high opaque screen between a balcony and an interior side lot line in the rear yard of a residential building. This opaque screen is required when a deck or balcony in a rear yard is within 1.5 metres of an interior side lot line.

- (d) for uncovered or unenclosed features where the walking surface is not higher than 0.6 metres above the adjacent ground:
- (i) in the front or exterior side yard:
1. the minimum setback from a lot line is 1 metre; and
 2. the maximum projection is the greater of 2 metres or 50 per cent of the required yard.
- (ii) in the rear and interior side yard there is no minimum setback or maximum projection.

For Draft 2 proposed deletion of sub clause 204(8)(b)(iii) to provide a more consistent approach to regulating balconies and decks.

Figure 204-8



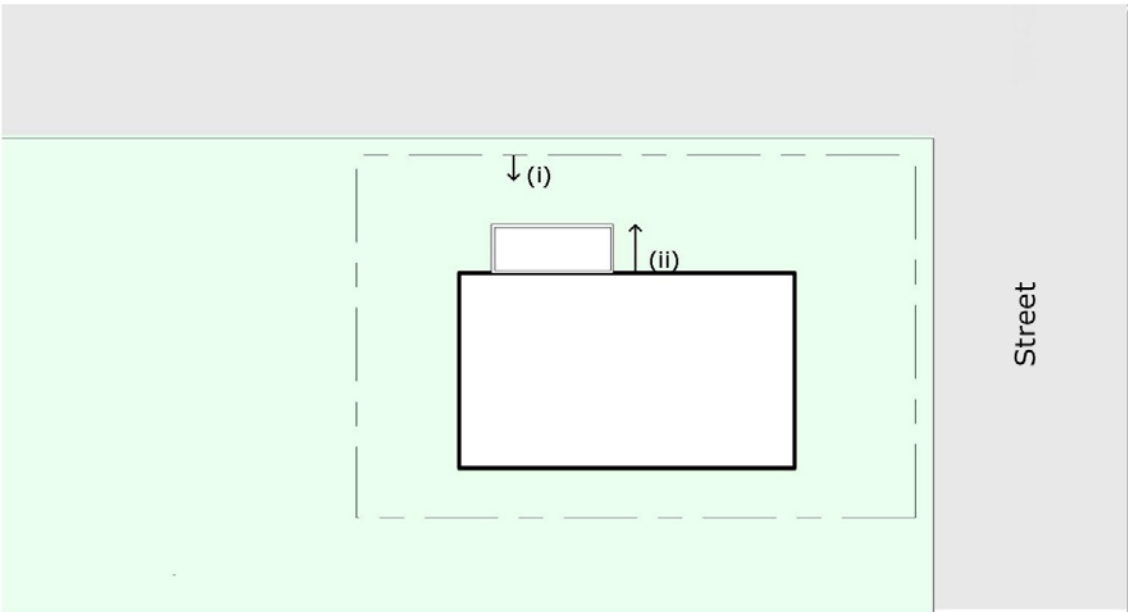
Legend

---	Lot line		Required Yard
—	Building	↑ (1)	Minimum Setback
==	Feature	↑ (2)	Maximum Projection

Figure 204-8 demonstrates the minimum setback of one metre and the maximum projection of two metres or 50 per cent of the required yard for a projection not higher than 0.6 metres in a front or exterior side yard.

- (e) In all other cases:
- (i) the minimum setback from a lot line is 1 metre; and
 - (ii) the maximum projection is 2 metres.

Figure 204-9



Legend

---	Lot line		Required Yard
—	Building	↑ (i)	Minimum Setback
==	Feature	↑ (ii)	Maximum Projection

Figure 204-9 demonstrates the minimum setback of one metre and the maximum permitted projection of two metres for any other case of a balcony, deck, platform, porch, or verandah feature not described in 204 9(a) to 204 9(d).

- (10) For eaves, eavestroughs, or gutters:
- (a) for residential use buildings:
 - (i) the minimum setback from a lot line is 0.3 metres; and
 - (ii) the maximum projection is 1 metre.
 - (b) for all other buildings:
 - (i) the minimum setback from a lot line is 0.3 metres; and
 - (ii) the maximum projection is 2 metres.

Figure 204-10

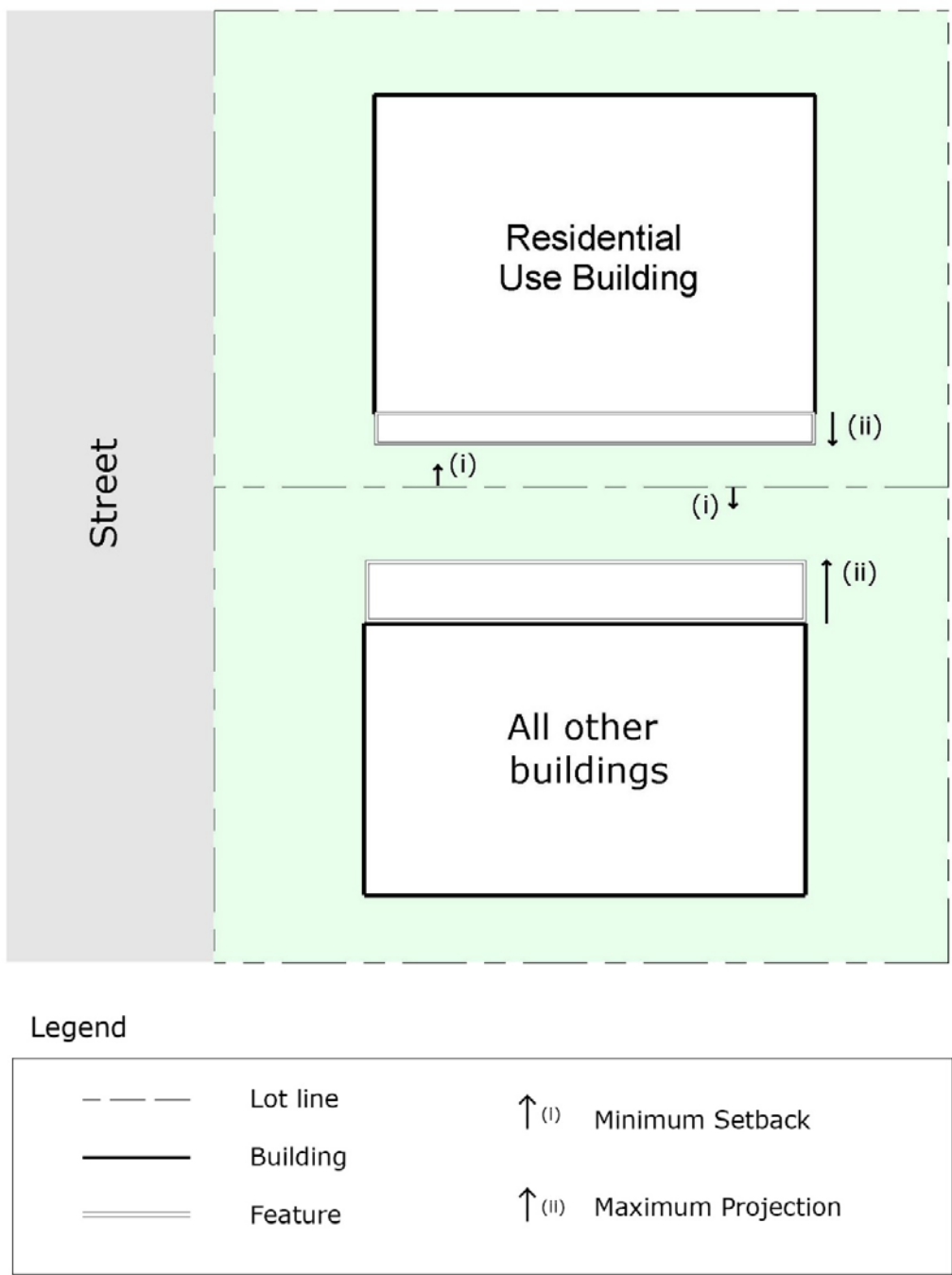


Figure 204-10 demonstrates the minimum setbacks and maximum projections for eaves, eavestroughs and gutters. The minimum setback and maximum projection for residential use buildings as described in 204 10(a) is shown in the top image and the minimum setback and maximum projection for all other buildings as described in 204 10(b) is shown in the bottom image.

- (11) For fireplace systems:
- (a) for residential use buildings:
 - (i) the minimum setback from a lot line is 0.6 metres; and
 - (ii) the maximum projection is 1 metre.
 - (b) for all other buildings:
 - (i) the minimum setback from a lot line is 0.6 metres; and
 - (ii) the maximum projection is 2 metres.

Figure 204-11

Subsection (10) – Revised from Section 65, Table 65(2) of the current Zoning By-law with minor formatting changes to improve clarity.

Subsection (11) – Revised from Section 65, Table 65(1) of the current Zoning By-law, changed the terminology from “chimney, chimney box and fireplace box” to fireplace systems.

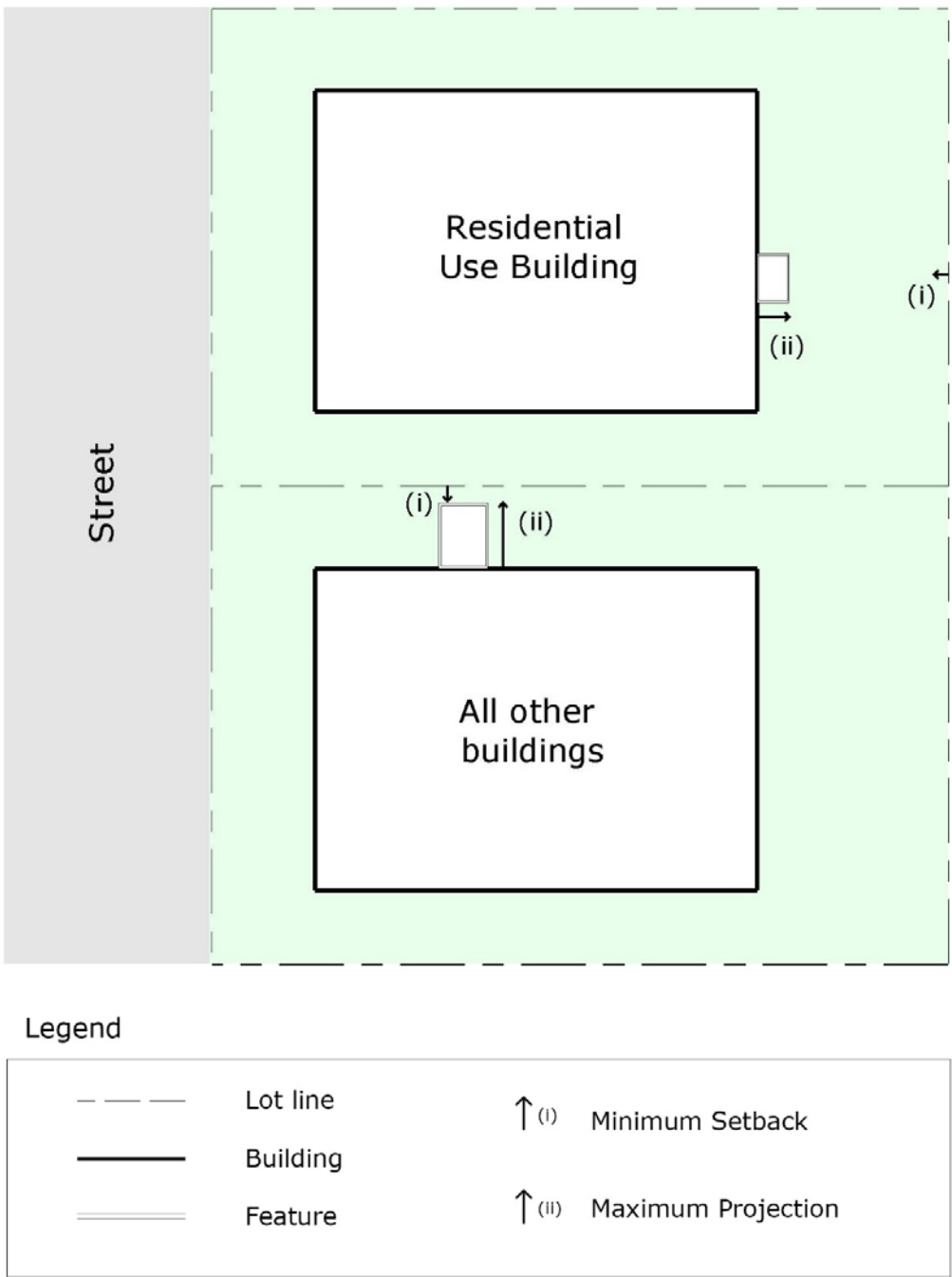


Figure 204-11 demonstrates the minimum setbacks and maximum projections for fireplace systems. The minimum setback and maximum projection for residential use buildings as described in 204 11(a) is shown in the top image and the minimum setback and maximum projection for all other buildings as described in 204 11(b) is shown in the bottom image.

- (12) For fire escapes, landings, open stairways, steps or ramps:
- (a) where at or below the first floor:
 - (i) in the front or exterior side yards the minimum setback from a lot line is 0.6 metres; and
 - (ii) in the rear or interior side yards no minimum setback.
 - (b) for switchback stairs and associated landings intended to provide a means of egress for dwelling units located on second floor or higher:
 - (i) the minimum setback from a lot line is 1 metre; and
 - (ii) the maximum projection is 2.2 metres;
 - (c) in all other cases:
 - (i) the minimum setback from a lot line is 1 metre; and
 - (ii) the maximum projection is 1.5 metres.

Subsection (12) – Revised from Section 65, Table 65(5) of the current Zoning By-law with minor word and formatting changes to improve clarity.

Figure 204-12

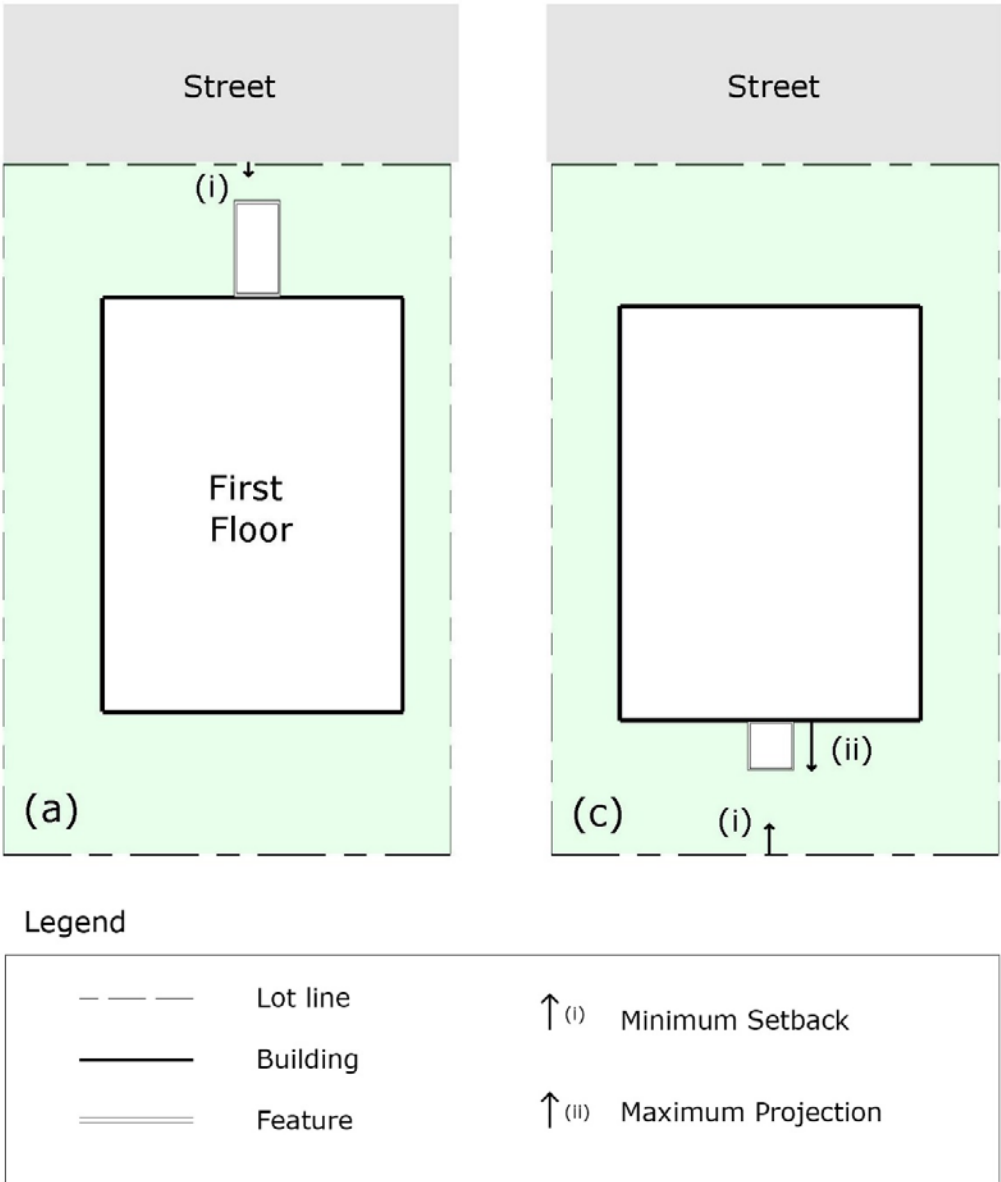


Figure 204-12 demonstrates the minimum setbacks and maximum projections for fire escapes, landings, open stairways, steps and ramps. Different minimum setbacks are set for projections at the first floor or above the second floor.

- (13) For ornamental elements:
- (a) for residential use buildings:
 - (i) the minimum setback from a lot line is 0.6 metres; and
 - (ii) the maximum projection is 0.6 metres.
 - (b) for all other buildings:
 - (i) the minimum setback from a lot line is 1.2 metres; and
 - (ii) the maximum projection is 0.6 metres.

Subsection (13) – Revised from Section 65, Table 65(3) of the current Zoning By-law with minor formatting changes to improve clarity.

Figure 204-13

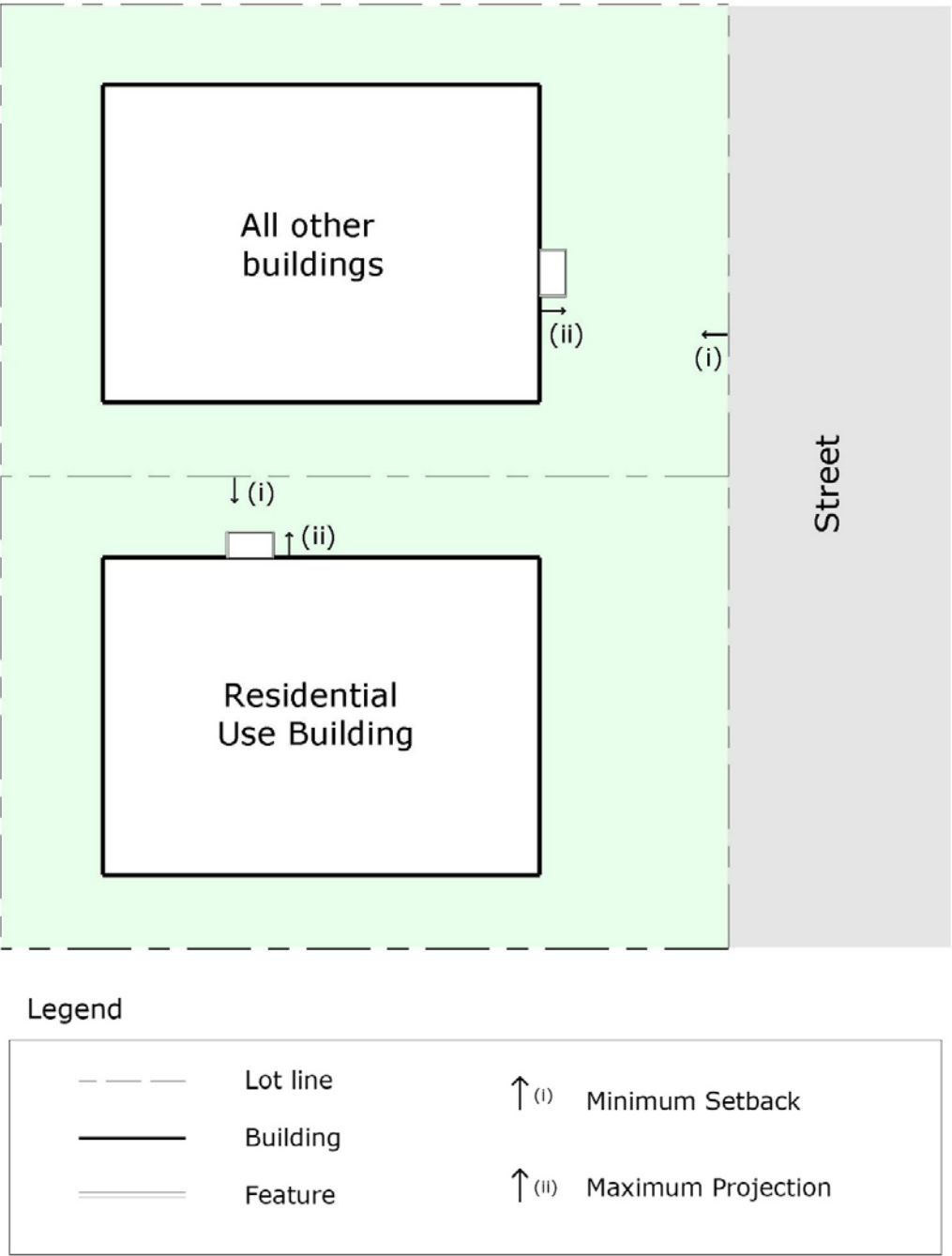


Figure 204-13 demonstrates the minimum setbacks and maximum projections of ornamental elements for residential use buildings and all other buildings. The top image shows a permitted projection as described in 13(b) and the bottom image shows a permitted projection as described in 13(a).

Section 205 – Frontage on a Public Street

Provisions		Notes
(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 metres.	Subsections (1) to (5) – Carried forward from Section 59 in the current Zoning By-law 2008-250.
(2)	No person shall sever any land unless the severed lands and retained lands each abut a street in accordance with subsection (1).	
(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, food production, a cemetery, a forestry operation, a military and police training facility, a park, an environmental preserve and education area, or an agricultural use excluding any accessory dwelling unit.	
(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.	Subsection (6) – New provision to clarify that a 30 cm reserve prevents the lot from abutting the street.
(6)	For greater clarity, where a lot line abuts a 30 centimetre reserve, it is not considered to abut the public street in that location.	

Section 206 – Office to Residential Conversions

Provisions		Notes
(1)	Non-residential or mixed-use buildings with a principal office, school, place of worship or hotel use as of August 1, 2023, that are adapted, within the existing building envelope, to be residential or mixed-use buildings in zones other than IM – Mixed Industrial Zone, IH – Heavy Industrial Zone, and IL – Industrial and Logistics Zone are deemed to comply with zoning, except for subsections 208(1), (2), (3), (4) and (5).	Subsection (1) – Carried forward from Section 76 in the current Zoning By-law 2008-250. The intent of this provision is to facilitate the conversion of underutilized office buildings into housing. It originated as an amendment to Zoning By-law 2008-250 in February 2024.

Section 207 – Provisions for High-Rise Buildings

Provisions		Notes
(1)	For the purposes of subsections (3), (4), (5), (6), (7) and (8), a tower is that portion of a building over nine storeys or a height equal to the width of the widest public street abutting a lot line, whichever is less.	The provisions in this section apply to high-rise buildings that are ten or more storeys. Subsections (1) to (5) – Revised from Section 77 and the MD-Mixed-Use Downtown Zone provisions (Table 193(j)) of the current Zoning By-law 2008-250. It is proposed to expand the area where these provisions apply. Secondary plan areas that are currently excluded in the current Zoning By-law are proposed to be subject to these provisions. The tower separation distance policies specific to secondary plans are proposed to be implemented through Schedule A12 or through exceptions and schedules that apply to certain secondary plan areas. It is necessary to expand application of these provisions as the maximum building heights contemplated in secondary plan policy areas will be implemented in the new Zoning By-law, as-of-right, whereas under the current Zoning By-law, the maximum building heights are not consistently recognized, and a zoning by-law amendment is often required to obtain permission for a high-rise building. The tower separation distances in the secondary plan policies are implemented through the development review process. Without that development review process, provisions in the new Zoning By-law are needed to ensure the intent of the secondary plan policies for tower separation and minimum lot area are implemented. Where building heights have been increased in the new Zoning By-law to recognize heights permitted by secondary plan policies, tower separation and minimum lot area requirements will apply either through the provisions in this section (Section 207), or through schedules or exceptions that apply in a particular secondary plan area. A new Schedule A12 has been added to show where alternative separation distances apply. In the final draft, Schedule A12 shows the Areas of the city subject to the provisions in Section 207. Area A applies in the periphery of the downtown. The provisions for Area A are in subsection (3). Area B applies to the remaining areas in the Downtown transect, as well as the Inner Urban and Outer Urban transects. The provisions for Area B are in subsection (4). Area C applies
(2)	For the purposes of subsections (3), (4), (5), (6), (7) and (8), where a high-rise building is on a lot that abuts a private way, the tower is that portion of a building over nine storeys.	
(3)	Buildings that are 10 storeys and higher in Area A as shown on Schedule A12 – Provisions for High-Rise Buildings are subject to the following provisions:	
(a)	the minimum required lot area for a corner lot is 900 square metres;	
(b)	the minimum required lot area for an interior lot is 1,350 square metres;	
(c)	the minimum interior side and rear yard setback for a tower is 7.5 metres; and	
(d)	the minimum separation distance between towers on the same lot is 15 metres.	
(4)	Buildings that are 10 storeys and higher in Area B as shown on Schedule A12 – Provisions for High-Rise Buildings are subject to the following provisions:	
(a)	the minimum required lot area for a corner lot is 1,150 square metres;	
(b)	the minimum required lot area for an interior lot is 1,350 square metres;	
(c)	the minimum interior side and rear yard setback for a tower is 10 metres; and	
(d)	the minimum separation distance between towers on the same lot is 20 metres.	
(5)	Buildings that are 10 storeys and higher in Area C as shown on Schedule A12 – Provisions for High-Rise Buildings are subject to the following provisions:	
(a)	the minimum required lot area for a corner lot is 1,350 square metres;	
(b)	the minimum required lot area for an interior lot is 1,800 square metres;	
(c)	the minimum interior side and rear yard setback for a tower is 11.5 metres; and	
(d)	the minimum separation distance between towers on the same lot is 23 metres.	
(6)	Buildings that are 10 storeys and higher in Area D as shown on Schedule A12 – Provisions for High-Rise Buildings are subject to the following provisions:	
(a)	the minimum separation distance between non-residential towers is 12 metres;	
(b)	the minimum separation distance between residential towers is 23 metres; and	
(c)	the minimum separation distance for residential towers fully offset from one another or for proposals where a residential tower faces a non-residential tower is 18 metres.	
(7)	Buildings that are 10 storeys and higher in Area E as shown on Schedule A12 – Provisions for High-Rise Buildings are subject to the following provisions:	
(a)	the minimum interior side and rear yar setback for a tower is 11.5 metres;	
(b)	the minimum separation distance between residential towers is 23 metres;	
(c)	the minimum separation distance between non-residential towers is 11.5 metres; and	
(d)	the minimum separation distance for residential towers fully offset from one another or for proposals where a residential tower faces an existing non-residential tower is 18 metres.	
(8)	Buildings that are 10 storeys and higher in Area F as shown on Schedule A12 – Provisions for High-Rise Buildings are subject to the following provisions:	
(a)	the minimum interior side and rear yard setback for a tower is 11.5 metres; and	
(b)	the minimum separation distance between towers on the same lot is 23 metres.	

to the Suburban transect. The provisions for Area C are in subsection (5). New subsections (6), (7) and (8) were added to implement policies for high-rise buildings in secondary plan areas shown as Areas D, E and F on Schedule A12, corresponding to the Tunney's Pasture, South Keys and LeBreton Flats areas, respectively.

Section 208 – Amenity Area

Provisions		Notes
(1)	Amenity area must be provided for a residential use building or building containing dwelling units that is a permitted use in the zone in which it is located at a rate of 6 square metres per dwelling unit.	Subsections (1) to (5) – Carried forward from Section 137(1) of the current Zoning By-law 2008-250, except that (2) has been revised from Table 137 into a written provision that states when amenity areas are not required. Subsection (2) has been further revised in Draft 2 to clarify that any building with eight or fewer units, not just a mixed-use building, is exempt from minimum amenity area. In the existing Section 137, most residential uses require amenity area at a rate of 6 square metres per dwelling unit, which will be carried forward. Subsection (6) – Revised from provisions in Table 137. The requirement for at least one communal amenity area (where communal area is provided) to be at least 54 square metres in size, and the ability to count landscaped areas as communal amenity area only when 54 square metres or more in area have been carried forward. The following provisions in Section 137 of the current Zoning By-law are proposed to be removed: Some low-rise apartment uses in residential zones inside the Greenbelt required amenity area to be provided as soft landscaped area at a rate of 15 square metre per dwelling unit. Soft landscaping for these uses will be regulated in Section 803 of the new Zoning By-law. It is proposed to remove requirements for a certain percentage of amenity area to be communal – allowing private amenity areas such as porches and balconies to count towards the full amenity area requirement. Subsection (7) – Added in Draft 2 to clarify that where provided, a privately-owned public space (POPS) does not count towards minimum amenity area requirements in the Zoning By-law.
(2)	Despite subsection (1), no amenity area is required in the case of a lot containing eight or fewer dwelling units.	
(3)	Amenity area must be located on the same lot as the use for which it is provided.	
(4)	Amenity area provided outdoors must not be located in a front or exterior side yard.	
(5)	Where amenity area is located outside at grade, it may be included in the calculation of landscaped area requirements.	
(6)	Amenity area provided as communal amenity area is subject to the following:	
(a)	where more than one communal amenity area is provided to meet minimum amenity area requirements, at least one communal area must be 54 square metres or more in size; and	
(b)	areas used as part of a required landscaped area may only be counted as a communal area where aggregated into an area of 54 square metres or more.	
(7)	Areas provided as part of a privately-owned public space do not count toward the minimum amenity area required under subsection (1).	

Section 209 – Heritage Provisions

Provisions	Notes
(1) In addition to the provisions of the underlying zone, this section applies to all properties containing a building designated under Part IV or V of the <i>Ontario Heritage Act</i>. Parking (2) An accessory garage or parking garage, where permitted, may not be located closer to the front or exterior side lot line than the façade of the designated building facing the street. Setbacks, Articulation, and Active Frontage (3) The minimum rear yard setback may be reduced by a distance equal to the distance that the building exceeds the applicable front yard setback requirement as set out in clause (a) or (b) below, where one of the following applies: (a) in the case of a zone that provides a minimum front yard setback but no maximum, an existing designated building exceeds the minimum front yard setback; or (b) in the case of a zone that provides a maximum front yard setback, an existing designated building exceeds the maximum front yard setback. (4) Despite subsection (3), the minimum rear yard setback may not be reduced below 6 metres. (5) Subsection (3) does not apply to properties located within the Rockcliffe Park or Briarcliffe Heritage Conservation Districts. (6) The following sections do not apply to an existing designated building: (a) Neighbourhood Form Provisions in subsections 802(13) and (14); (b) H1, H2 and H3 – Hub provisions in subsections 901(3) and (4), subsections 902(3) and (4), and subsections 903(3) and (4); (c) MS1 and MS2 – Mainstreet provisions in subsections 904(4) and (5) and subsections 905(4) and (5); (d) CM – Minor Corridor provisions in subsections 906(4) and (5); (e) SDP – Parliament and Confederation Boulevard Special District provisions in subsection 1201(3) and subsection 1201-1(1); (f) SDB – ByWard Market Special District provisions in subsections 1202(3), (4), (5), (6), (7), (8) and (9).	Subsections (1) to (4) – New provisions that replace The Heritage Overlay provisions in Section 60 of the current Zoning By-law 2008-250 with new provisions in Section 209 that will apply to properties designated under Part IV or Part V of the <i>Ontario Heritage Act</i>. The Heritage Overlay on the Zoning Map will not be brought forward on the Zoning Map. Buildings and properties designated under Part IV or V of the <i>Heritage Act</i> are subject to a rigorous design review through the heritage permit process which includes public processes at the Built Heritage Committee and the Planning and Housing Committee. Given this rigorous design review process and the protections against demolition under the <i>Heritage Act</i>, provisions in the Heritage Overlay in the current Zoning By-law that freeze the height and massing of designated buildings will not be brought forward in the new Zoning By-law. Subsection (3) of the proposed new heritage provisions in Section 209 will provide flexibility for minimum rear yard setbacks for additions to an existing designated building where it exceeds front yard setback requirements. The intent of this is to ensure an equivalent or comparable as-of-right building envelope to what would be permitted for a new building, as a means of encouraging retention of designated buildings as part of redevelopments. However, this provision may not result in the reduction of a minimum rear yard setback below 6 metres where not already permitted by the underlying zone (subsection (4)). Draft (3) has additionally been amended to clarify that this permission is not proposed to apply within the Rockcliffe Park or Briarcliffe Heritage Conservation Districts. Subsection (6) of the proposed new heritage provisions (formerly subsection (4) in Draft 1) will provide exemptions from “design-related” requirements in the Zoning By-law, such as upper-floor “step back” requirements or similar façade articulation requirements that could interfere with existing designated properties. This is to ensure that redevelopments involving the retention of a designated building do not require relief from the Zoning By-law where the existing building does not meet these current provisions. Staff note that individual HCDs may, in addition to this section, contain additional zoning provisions via

NOTE: Where a property or building is designated under the Heritage Act, a heritage permit is required for additions or alterations to the building.

exceptions intended to implement policies of a HCD Plan, such as exceptions 1256 through 1262 applicable to the Rockcliffe Park Heritage Conservation District. Some HCDs that make reference to the height of existing buildings, in particular the New Edinburgh Heritage Conservation District, will also retain height suffixes in the applicable zoning designation to ensure these policies are addressed.

Staff further note that the *Heritage Act* states with respect to HCDs that in the event of a conflict between a by-law passed by a municipal council and a heritage conservation district plan, the plan prevails to the extent of the conflict.

As such, Staff are of the position that the draft Zoning By-law adequately implements relevant policies of current HCD plans, and do not conflict with existing heritage policies that apply to current HCDs.

Section 210 – Provisions for Underground Structures

Provisions		Notes
(1) Where the below-grade portion of a building projects into a rear yard, a minimum contiguous soft landscaped area must be provided in that yard as follows: (a) 30 square metres; and (b) on a lot 30 metres in width or greater, an additional 30 square metres for every full 15 metres increment of lot width. (2) The soft landscaped area required under subsection (1) must have a minimum horizontal dimension of 3 metres. (3) No below-grade portion of a building projecting into a rear yard may be located closer than the lesser of: (a) 3 metres from the rear lot line, or (b) the minimum rear yard setback in the underlying zone. (4) Buildings existing as of [the date of the passing of this By-law] are exempt from the provisions of this section.		Section 210 – New This is a new section that provides minimum setback requirements and soil volume requirements for underground structures that are part of a building, such as underground parking structures. Subsection (1) and (2) are changed in Draft 3 to make reference to a minimum soft landscaped area as opposed to a minimum soil volume. Soft landscaped area is easier to review and enforce as the locations of soft landscaped area to support tree growth/retention can be indicated on site and/or landscape plans, including on developments not of a scale to be subject to Site Plan Control approval. Subsection (2) has been modified to specify a minimum horizontal dimension of the required landscaped area to help ensure that the area provided is functional for tree growth. Subsection (3) reinstates the requirement for a below-grade setback from an underground portion of a building from a rear lot line, proposed in Draft 1 but removed in Draft 2. This in conjunction with a landscaped area requirement is intended to support sufficient soil volume for tree growth in lieu of a specific requirement for soil volume. Subsection (4) – New Clarifies that this section does not apply to existing buildings.

Section 211 – Temporary Uses

Provisions		Notes
(1) Despite any provision to the contrary, the following temporary uses, buildings, structures or equipment are permitted in any zone, except an EP – Environmental Protection Zone, during a period of construction, special event or emergency event: (a) the use of land or the use or erection of a temporary building, structure or equipment essential to the construction or event in progress on that land, including leased lands that are contiguous with the lands where construction is occurring; (b) a temporary office for the sale of residential lots or residential units; (c) a market; and (d) in a RU – Rural Countryside Zone or AG – Agricultural 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. (2) The minimum yard setback provisions of the applicable zone do not apply to these temporary events, uses, buildings, structures or equipment. (3) These temporary events, uses, buildings, structures or equipment may be located on the lands only until such time as the work, use or event 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. (5) An outdoor commercial patio, seasonal garden centre or temporary special event accessory to a restaurant, retail store, shopping centre, place of worship, or market accessory or ancillary to any use, may be located such that it temporarily prevents the use of a portion of the provided parking spaces, aisles or driveways, provided: (a) that the fire route and accessible parking spaces, as defined in the Traffic and Parking By-law, as amended, remain unobstructed at all times; and, (b) for the purpose of this subsection, a temporary special event includes a short-term fair, carnival, show, exhibit or other similar events.		Subsections (1) to (4) – Carried forward from Section 71 in the current Zoning By-law 2008-250, except for adding “emergency event” in (1) and, (1)(c), which is a new provision that permits markets as a temporary use. (1)(a) was modified to allow construction staging and storage to occur on neighbouring, contiguous lands.
		Subsection (5) – New provision that clarifies where temporary uses are permitted when ancillary to a certain use.

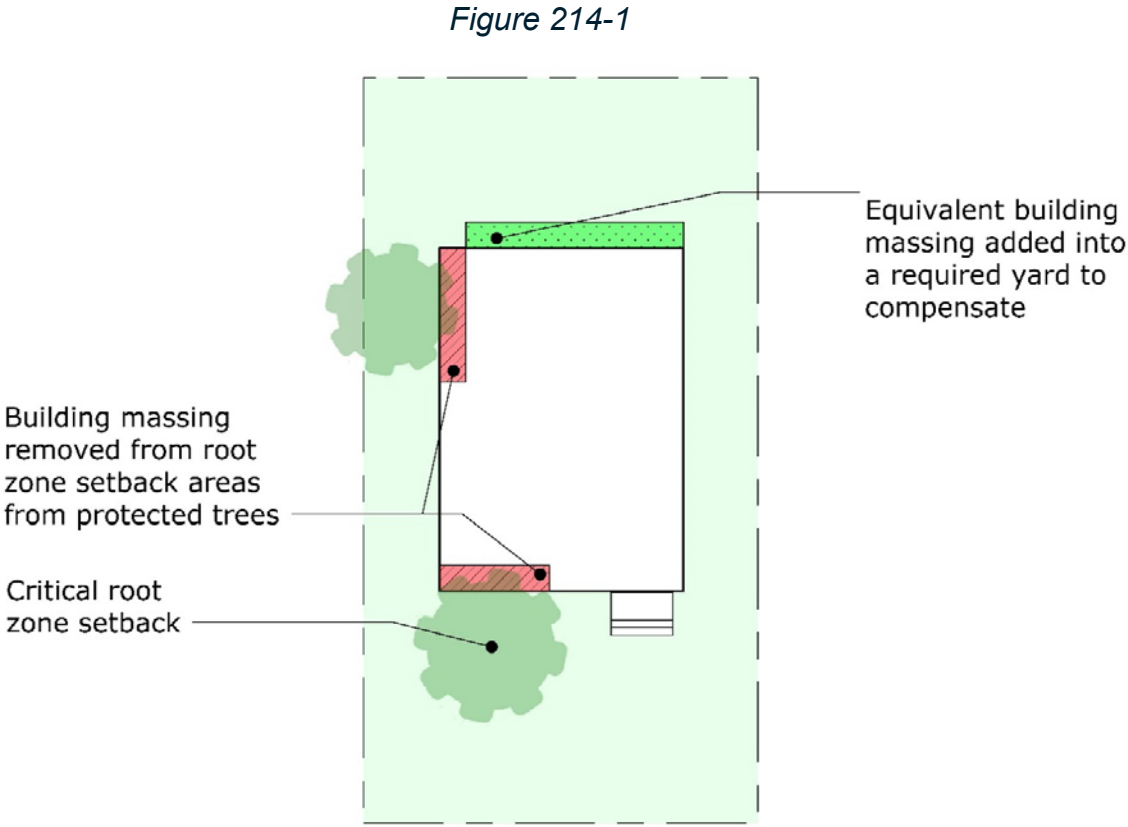
Section 212 – Wayside Pits and Wayside Quarries

Provisions		Notes
(1)	Wayside pits, wayside quarries and related portable asphalt plants and portable concrete plants are permitted in all zones other than EP – Environmental Protection Zone.	Subsection (1) – Carried forward from Section 92 in the current Zoning By-law 2008-250.

Section 213 – Utility Installation

Provisions		Notes
(1)	A utility installation is permitted in all zones other than EP – Environmental Protection Zone and ME – Mineral Extraction Zone, subject to the following provisions: (a) any building containing the utility installation must comply with zone setback provisions and maximum building height; (b) no offices, maintenance uses or indoor or outdoor storage facilities are permitted except where otherwise allowed in the zone; (c) no dust, smoke, noise or odour may be produced that is likely to be dangerous or obnoxious; (d) electrical substations are not permitted within the Flood Plain Overlay; and (e) poles, pedestals, drop lines, cables, pipelines, kiosks, cabinets and other similar equipment used to provide services from a utility installation to a use, building or structure are not considered to constitute a utility installation and are not subject to the provisions of this By-law.	Subsections (1) to (3) and (6) – Carried forward from Section 91 in the current Zoning By-law 2008-250, except for deleting references to parking requirements.
(2)	Despite subsection (1) utility installations that are subject to the requirements of the <i>Environmental Assessment Act</i> are permitted in all zones, and are not subject to the provisions of this By-law.	
(3)	There are no minimum lot area or minimum lot width requirements for a utility installation.	
(4)	An accessory battery energy storage system is permitted, subject to: (a) In the AG – Agricultural Zone, a battery energy storage system is limited to 2 per cent of the total lot area, to a maximum of 1 hectare; (b) In residential zones, installed in accordance with the Ontario Electrical Code, must be completely enclosed within a building or other accessory structure or mounted on the exterior surface of a building, outside the Flood Plain Overlay; (c) In any non-residential zone, other than the EP – Environmental Protection Zone, ME – Mineral Extraction Zone, and MR – Mineral Reserve Zone, and outside the Flood Plain Overlay, either enclosed within a building or other accessory structure or unenclosed, subject to the following: (i) they may not exceed 20% of the total lot area or 1 hectare, whichever is the lesser; (ii) they must be set back a minimum of 10 metres from any lot line, and a 1.5 metres opaque screen must be provided from a public street or a residential use on an abutting lot; and (iii) unenclosed rooftop systems must be set back a minimum of 1.5 metres from any exterior wall of the building, and may not project more than 1.5 metres above the maximum building height.	Subsection (4) – For Draft 3, provisions were added to carry forward provisions already in effect in the current Zoning By-law 2008-250.
(5)	Antenna systems, including satellite dishes, are not subject to the regulations of this By-law, but are subject to the City’s Municipal Concurrence and Public Consultation Process for Antenna Systems.	Subsection (5) – New provision that clarifies that these provisions do not apply to antennas and satellite dishes.
(6)	Where a maximum yard setback and a minimum required setback from hydro infrastructure both apply, the maximum setback in the Zoning By-law is deemed to be increased to the minimum setback required from hydro infrastructure.	Subsection (6) – In Draft 2 a new provision was added as subsection (6) to address where a maximum yard setback in the Zoning By-law and a minimum setback from hydro infrastructure both apply, the maximum setback in the Zoning By-law is deemed to be increased to the minimum setback required from hydro infrastructure.

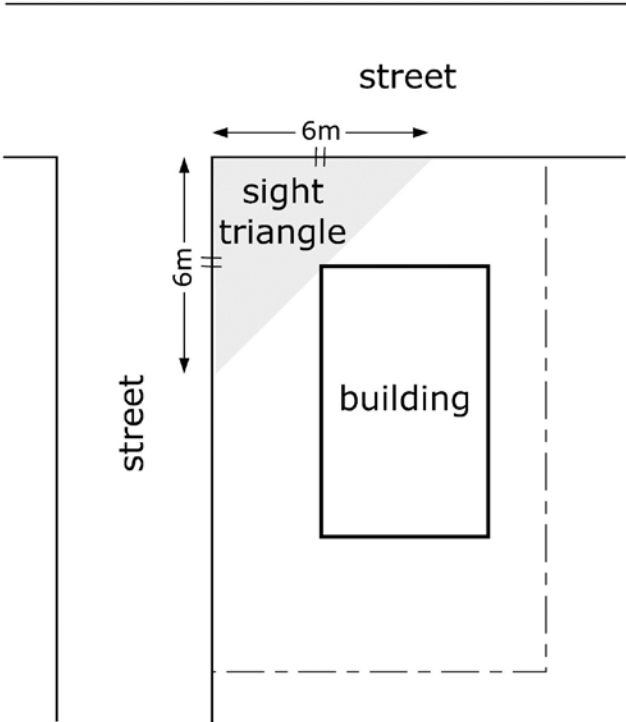
Section 214 – Alternative Setbacks for Tree Retention

Provisions	Notes
(1) A required setback in a Neighbourhood Zone may be reduced by up to 3 metres where it is necessary to accommodate retention of a protected tree, as defined by the Tree Protection By-law, as amended, provided that: (a) in no case may a setback reduction under this section be reduced to less than 1 metre from a lot line; (b) an additional setback of an equal or greater number is provided from one or more lot lines; and (c) the additional setback(s) provided under clause 1(b) is of equal volume as the total volume added as a result of the reduced setback. <i>Figure 214-1</i>  <i>Figure 214-1 illustrates the application of alternative building setbacks to facilitate tree retention. The red rectangles represent increased setbacks in the front and side yards to accommodate the root zone setback from protected trees. The green rectangle shows the equivalent building mass of the increased setbacks is added to the rear of the building, into the required rear yard setback.</i>	Section 214 – New New section that allows for an additional degree of flexibility in the permitted building envelope of a residential (urban or rural) lot to retain a mature tree. The intent of this section is that whatever building area is lost through increased setbacks to retain a tree is permitted to be recouped via setback reductions elsewhere. The section has been amended to make reference to the retention of “protected trees” under the Tree Protection By-law, as the term “protected tree” encompasses any tree that requires approval under that By-law to remove, including both private property “distinctive trees” and trees located on the City right-of-way.

Section 215 – Parks

Provisions		Notes
(1)	A park is permitted in all zones other than IH - Heavy Industrial Zone, RH - Rural Heavy Industrial Zone, and ME - Mineral Extraction Zone, and is subject to the provisions of the zone in which it is located.	Subsection (1) – New provision that permits a park in all urban and rural zones except IH - Heavy Industrial, RH - Rural Heavy Industrial and ME - Mineral Extraction.

Section 216 – Corner Sight Triangles

Provisions	Notes
(1) For any residential building 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. <i>Figure 216-1</i> ILLUSTRATION OF CORNER SIGHT TRIANGLE  <i>Figure 216-1 illustrates the location and required dimensions of a corner sight triangle, which is implemented to ensure visibility for motor vehicle operators at street intersections.</i>	Subsections (1) to (3) – Revised from Section 57 in the current Zoning By-law 2008-250, with slight modification to capture instances where corner sight triangles would have previously been determined through the Site Plan Control process, and to remove reference to typologies.
(2) Despite subsection (1) the required corner sight triangle may be determined through the City’s Site Plan Control Approval process. (3) For the purposes of subsections (1) and (2), an agricultural crop, chain link fence or other similar feature that can be seen through is not considered an obstruction.	

Section 217 – Waste Management Provisions

Provisions		Notes
(1)	One or more dedicated areas for the storage of garbage, organics and recyclables must be provided in accordance with this section.	Section 217 – New This is a new section that provides standards for waste management for residential use and mixed-use buildings. This was originally proposed to apply in Section 803 of Draft 1 of the New Zoning By-law specifically to the Neighbourhood zones, however in this draft has proposed to be expanded to be more generally applicable to all zones. In the current Zoning By-law 2008-250, waste management provisions can be found in Section 143, however many of the requirements that apply are specific to residential use buildings with five or fewer units. The proposed standards rework the requirement for a waste storage area to address that “container” storage, as opposed to curbside pickup, is required in accordance with the <u>Solid Waste Collection Guidelines</u> for six or more units. As Site Plan Control is now exempt for up to ten dwelling units, it is necessary for the Zoning By-law to ensure that waste storage for buildings containing ten or fewer units is appropriately sized and accessible in accordance with the guidelines. Subsection (6) – Revised from Section 110(3) of the current Zoning By-law. Parking lots with less than 50 spaces are exempted from setback requirements for refuse collection. This was located in Section 607 in Draft 1, but is relocated to this section given that it is most directly related to waste management as opposed to parking.
(2)	In the case of a mixed-use building, at least one dedicated area is required for all non-residential uses and at least one dedicated area is required for all residential uses.	
(3)	Storage areas for garbage, organics and recyclables may be provided separately, or in a combined area, provided the total size of all storage areas meets the minimum area required by Table 217.	
Table 217 – Storage Requirements for Garbage, Organics and Recyclables for Residential Uses		
Number of Dwelling Units	Size of Storage Area Required (m²)	
(a) Fewer than 6 dwelling units	No minimum	
(b) 6 to 10 dwelling units	5	
(c) More than 10 dwelling units	10	
(4)	Required storage areas for garbage and organics must be located:	
(a)	inside a main or accessory building;	
(b)	inside a fully-enclosed structure other than an accessory building;	
(c)	where waste or organics are to be stored in a metal front-end loader container, may be located outdoors in a rear yard; and	
(d)	where located in a N1, N2, N3, N4, N5 and N6 – Neighbourhood Zone, must be accessible by a functional path of travel required by Section 802.	
(5)	Required storage areas for recyclables may be located:	
(a)	inside a main or accessory building;	
(b)	inside a fully-enclosed structure other than an accessory building; or	
(c)	in a rear yard; and	
(d)	where located in a N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones, must be accessible by a functional path of travel required by Section 802.	
(6)	All outdoor refuse collection and refuse loading areas contained within or accessed via a parking lot must be screened from view by an opaque screen with a minimum height of 2 metres, subject to the following:	
(a)	in the case of a parking lot with 50 or more parking spaces, all outdoor refuse or refuse loading areas must be located at least 9 metres from a lot line abutting a public street and least 3 metres from any other lot line; and	
(b)	despite subsection (6), where an in-ground refuse container is provided, the screening requirement may be achieved with soft landscaping and must be a minimum height of 1.5 metres.	
<i>Note: In addition to the requirements of this section, please note that the Solid Waste Guidelines also set out guidelines and standards for appropriate waste storage areas for municipal waste collection. The minimum required storage areas set out in this section may not be sufficient to satisfy these guidelines, particularly for buildings containing greater than ten dwelling units. Refer to the Solid Waste Guidelines for more detail on the size of garbage storage and access that may be required for municipal collection.</i>		

(5)

Required storage areas for recyclables may be located:

(a)

inside a main or accessory building;

(b)

inside a fully-enclosed structure other than an accessory building; or

(c)

in a rear yard; and

(d)

where located in a N1, N2, N3, N4, N5 and N6 – Neighbourhood Zones, must be accessible by a functional path of travel required by Section 802.

(6)

All outdoor refuse collection and refuse loading areas contained within or accessed via a parking lot must be screened from view by an opaque screen with a minimum height of 2 metres, subject to the following:

(a)

in the case of a parking lot with 50 or more parking spaces, all outdoor refuse or refuse loading areas must be located at least 9 metres from a lot line abutting a public street and least 3 metres from any other lot line; and

(b)

despite subsection (6), where an in-ground refuse container is provided, the screening requirement may be achieved with soft landscaping and must be a minimum height of 1.5 metres.

Note: In addition to the requirements of this section, please note that the Solid Waste Guidelines also set out guidelines and standards for appropriate waste storage areas for municipal waste collection. The minimum required storage areas set out in this section may not be sufficient to satisfy these guidelines, particularly for buildings containing greater than ten dwelling units. Refer to the Solid Waste Guidelines for more detail on the size of garbage storage and access that may be required for municipal collection.