

Administration (Sections 1-9)

Title

1. This by-law may be cited as the *City of Ottawa Zoning By-law*.

Compliance with Zoning By-law

2. No person will use any land, erect, place, alter, expand, or use any building within the territorial limits of the City of Ottawa, except in full conformity with all of the provisions of this by-law.

Non-Conformity and Non-Compliance

3. The following applies to land or buildings that are legally non-complying with this by-law:
 - (1) A person may build an addition to an existing principal building, a new accessory building, or an addition to an accessory building on land that is legally non-complying with respect to lot width or lot area if:
 - (a) the addition or new accessory building conforms to all other provisions of this by-law, and
 - (b) no new dwelling units, oversize dwelling units, rooming units, or additional dwelling units are created. (By-law 2018-206) (By-law 2023-435)
 - (2) A permitted principal use, in a building or on a lot that does not comply with the regulatory provisions of this by-law, may change to another permitted use without the need for a minor variance from the Committee of Adjustment provided that the regulatory provisions are no more restrictive for the new use. (By-law 2018-155)
 - (3) The construction of an addition to a building or a permitted projection into a yard of a building that does not comply with the provisions of this by-law is permitted without the need for a minor variance from the Committee of Adjustment provided that:
 - (a) where compliance of certain provisions has been met with the existing building, compliance must be maintained,
 - (b) any addition or a permitted projection into a yard to a non-complying building that proposes to expand the existing non-complying building envelope must move towards compliance with the zoning regulations such that the extent of the proposed addition falls at least halfway between the required provision and existing non-complying situation, and (By-law 2011-273)
 - (c) despite 3.(3)(b), any non-compliance with building height and required parking is not increased.
 - (4) Development is permitted on any vacant lot existing as of the date of the passing of this by-law and which lot is legally non-complying with respect to lot width or lot area provided:
 - (a) the proposed use is a use permitted in the zone in which the lot is located,
 - (b) the proposed use does not contravene any other zone provisions, and
 - (c) the lot is zoned AG, RR, RU, V1, V2, V3 or VM. (OMB Order, File #PL080959 issued March 19, 2010) (OMB Order, File #PL080959 issued July 28, 2009) (By-law 2014-289)
 - (5) Development is permitted on a village lot existing as of June 25, 2008 and which is legally non-complying with respect to lot width or lot area provided:

- (a) the proposed use is a use permitted in the zone in which the lot is located.
- (b) the proposed use does not contravene any other provisions of this by-law
- (c) the lot is zoned V1, V2, V3 or VM, and
- (d) despite Section 3(1) in a V1, V2, V3 or VM zone a additional dwelling unit is permitted on a lot that is legally non-complying for lot width or lot area. (By-law 2013-58)(By-law 2023-435)

Expropriation and Conveyance under the Planning Act

- 4. (1) For the purposes of determining compliance with the regulations of this by-law, in the event of an expropriation or conveyance of a part of a lot by or to the City of Ottawa or any other authority having the power of expropriation, the lot or the building or the use, as the case may be, will not be found to be in conflict with the provisions of this by-law by reason only of that expropriation or conveyance.
- (2) For the purposes of subsection (1), expropriation means expropriation by the City or any other authority having the power of expropriation, and conveyance means the taking or receiving of land by the City of Ottawa or any other authority having the power of expropriation, either in satisfaction of a condition imposed on a consent to a severance by the Committee of Adjustment or as a condition of the City of Ottawa's site plan control approval process, or any other process allowing the City of Ottawa or any other expropriation authority having jurisdiction, the right to require such a conveyance. (By-law 2014-289)

Penalties

- 5. The following penalties apply:
 - (1) Every person who contravenes any of the provisions of this by-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable:
 - (a) on a first conviction, to a fine of not more than \$25,000.00; and
 - (b) on a subsequent conviction, to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
 - (2) Where the person convicted of a breach of any of the provisions of this by-law is a corporation, the penalty that may be imposed is:
 - (a) on a first conviction, a fine of not more than \$50,000.00; and
 - (b) on a subsequent conviction a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as set out in subsection (1).
 - (3) Where a conviction of a breach of any of the provisions of this by-law has been entered, in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Technical Revisions to the Zoning By-law

6. Revisions may be made to this by-law without the need for a zoning by-law amendment in the following cases:
- (1) correction of numbering, cross-referencing, grammar, punctuation or typographical errors or revisions to format in a manner that does not change the intent of a provision; (By-law 2013-224)
 - (2) adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends or title blocks; and
 - (3) changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this by-law and are editorially inserted for convenience of reference only.
 - (4) the addition, removal or modification of a zoning code reference contained within column II (Applicable Zones) of an exception found within Section 239 and 240. (By-law 2013-224)

Commencement

7. (1) Where one or more appeals are filed under subsection 34.(19) of the *Planning Act*, the affected portions of this by-law do not come into force until all such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it that are repealed by or at the direction of the Ontario Municipal Board, is deemed to have come into force on the day that it was passed.
- (2) The following by-laws as amended are repealed upon the coming into force of this by-law:
- (a) By-laws 64-82 and 1-84 of the former City of Cumberland;
 - (b) By-law 40-99 of the former Township of Goulbourn;
 - (c) By-law 333-1999 of the former City of Gloucester;
 - (d) By-laws 552, 1007-62, 28-68, 42-69, 73-76, 74-79, 125-90, 69-93, 132-93, 135-93, 138-93, 142-93, 147-93, 150-93, 153-93, 161-93, 164-93, 167-93, 168-93, 168-94, 55-95, 78-96, 55-96, and 2002-56 of the former City of Kanata;
 - (e) By-laws 73-92 and 100-2000 of the former City of Nepean;
 - (f) By-law 2003-230 of the former Township of Osgoode;
 - (g) By-law 93-98 of the former City of Ottawa;
 - (h) By-law 2380 of the former City of Vanier;
 - (i) By-law 2004-428 of the former Township of Rideau;
 - (j) By-law 2000-8 of the former Village of Rockcliffe Park; and
 - (k) By-law 266-81 of the former Township of West Carleton.

Validity

8. Should any section or provision of this by-law for any reason be declared invalid by a court of competent jurisdiction, such declaration does not affect the validity of the by-law as a whole and all the remaining sections or provisions of this by-law remain in full force and effect until repealed.

Transitions

Residential Conversions (By-law 2014-189)

9. (1) Transition provisions for conversions affected by amending by-law 2014-189:
- (a) No provisions of amending By-law 2014-189 act to prevent the issuance of a building permit for a development located outside the areas A, identified in Schedules 323 and 324 of by-law 2008-250, and for which an application for Site Plan Control, Committee of Adjustment approval, Zoning Amendment, Cash-In-Lieu of Parking or Building Permit was received by the City on or before March 20, 2014, provided a complete application for a Building Permit is received on or before April 23, 2016.;
 - (b) No provisions of amending by-law 2014-189 act to prevent the issuance of a building permit for a development at 291 and 293 Lyon Street on the basis of any zoning provision or site-specific approval in effect prior to April 23, 2014.;
 - (c) These transition provisions do not apply to the areas identified as Area A on Schedule 323 and 324 of by-law 2008-250.;
 - (d) Despite c), no provisions of amending by-law 2014-189 act to prevent the issuance of a building permit for a development at 99 Greenfield Avenue, 174 Glebe Avenue, 141 Main Street, 15 Oblate Avenue, 455 Green Avenue, or 136, 138, and 142 Osgoode Street on the basis of any zoning provisions or site-specific approval in effect prior to April 23, 2014; and
 - (e) Despite c), Section 21 of amending by-law 2014-189 does not act to prevent the issuance of a building permit for development at 175 Main Street on the basis of Section 137 of this by-law as if read on April 22, 2014 (By-law 2014-189) (OMB Order #PL140627, issued November 17, 2015)

AM, TM, MC 2014 Zoning Review

- (2) Repealed by By-law 2015-46.

Subsection 111 (13), Bicycle Facility Parking Reduction

- (3) Repealed by By-law 2015-190 (June 9, 2017)

Phase I – Low-rise Infill Housing (Section 2 of By-law 2012-147) (Repealed June 10, 2017)

Phase II – Low-rise Infill Housing

- (4) Repealed by By-law 2015-228 (July 8, 2017)

South Keys to Blossom Park, Bank Street Secondary Plan

- (5) Repealed by By-law 2015-293 (September 23, 2017)

Multiple Residential Units

- (6) The requirement under 143(1)(a)(iii) does not serve to prevent the issuance of a permit at 368 Chapel Street and this subsection is repealed in its entirety on June 13, 2020. (By-law 2018-206)

Mature Neighbourhood Overlay

- (7) Transition provisions for the expanded Mature Neighbourhood Overlay as shown on Schedule 384:
- (a) No provisions of this amending By-law act to prevent the issuance of a building permit for a development located in Area A, as identified on Schedule 384 of by-law 2008-250, and for which an application for Site Plan Control, Committee of Adjustment approval, Zoning Amendment, or Building Permit was received by the City on or before June 27, 2018 and such applications may be processed under the provisions in place prior to this amendment.
- (b) This subsection is repealed on June 27, 2021. (By-law 2018-226)

Cleary - New Orchard Transit Station Area

- (8) Transition provisions for the Cleary - New Orchard Transit Station Area:
- (a) An application for site plan control which was received on or before the passing of the by-law that introduced this provision for 851 Richmond Road, may be processed under the provisions in place prior to this amendment, as well as any subsequent building permit application in accordance with the approved site plan control. Once the permit or approval resulting from the processing of the site plan control application has been granted, the provisions of this by-law in place on or after the day of the passing of the By-law apply to the land in question.
- (b) This subsection is repealed on June 27, 2020. (By-law 2018-225)

Section 77 and Section 193(j) – Provisions for High-Rise Buildings

- (9) Transition provisions for Section 77 and Section 193(j) – Provisions for High-Rise Buildings
- (a) This by-law does not apply to prevent the issuance of a building permit for a project for which a completed application for a:
- (i) building permit;
 - (ii) Committee of Adjustment approval;
 - (iii) site plan control approval;
 - (iv) zoning by-law amendment;
 - (v) part lot control approval; or
 - (vi) approval of draft plan of subdivision; was received by October 9, 2019.
- (b) For the purposes of Clause (a), “completed application” means an application which would have been approved or granted on October 9, 2019, had it been processed or disposed of on that day.

- (c) Where a project qualifies under Clause (a), the building permit for that project may be issued, or the Committee of Adjustment approval, the Site Plan Control approval, the zoning by-law amendment approval, the Part Lot Control approval and the approval of the draft Plan of Subdivision may be granted if the project in question complies with the provisions of the applicable Zoning By-law as it read on October 9, 2019.
- (d) Nothing in this by-law applies so as to continue the exemption provided by this section beyond the issuance of the permit upon which the exemption is founded.
- (e) Once the permit, agreement or approval under Clause (a) has been granted, the provisions of this by-law apply to the land in question.

Provisions for Low-Rise Residential Development

- (10) Transition provisions for low-rise residential development affected by By-law 2020-289:
 - (a) No provisions of amending by-law 2020-289 act to prevent the issuance of a building permit for a development located in Area A of Schedule 342 of Zoning By-law 2008-250 for which a completed application for Site Plan Control, Committee of Adjustment approval, Zoning Amendment or Building Permit was received or a decision was rendered by the Ontario Local Planning Appeal Tribunal Board by the City on or after June 1, 2017 and before the date of the passing of this by-law and such applications may be processed under the provisions in place prior to this amendment.
 - (b) This subsection is repealed on October 14, 2021. (By-law 2020-289)

R4 Phase 2

- (11) No provisions of this amending By-law act to prevent the issuance of a building permit for a three-unit dwelling, low-rise apartment dwelling or stacked dwelling provided such development:
 - (a) is located in an R4 zone within the area shown as Area A on Schedule 422;
 - (b) is the subject of a complete application for Site Plan Control, Committee of Adjustment approval, Zoning Amendment, or Building Permit received by the City on or before the date of the coming into force of this amending By-law; and
 - (c) is fully compliant with the zoning in effect prior to the date of the coming into force of this amending By-law. (By-law 2020-290)

Westboro Development Overlay

- (12) (a) No provisions of amending by-law 2021-75 act to prevent the issuance of a building permit for a development located in Area A of Schedule 430 of Zoning By-law 2008-250 for which a completed application for Site Plan Control, Committee of Adjustment approval, Zoning Amendment or Building Permit was received by the City or for which a decision was rendered by the Local Planning Appeal Tribunal on or after October 9, 2018 and before February 24, 2021 and such applications may be processed under the provisions in place prior to this amendment.
- (b) This subsection is repealed on February 24, 2022. (By-law 2021-75)