

Part 3 – Specific Use Provisions (Sections 78-99)

(By-law 2019-41)

Specific Use Provisions are described in this part. These provisions apply, on a City-wide basis, to a particular land use (e.g. snow disposal facilities, utility installations).

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

Payday Loan Establishment (Section 78)

78. (1) The following applies to a payday loan establishment:
- (a) A minimum separation distance of 1000 m is required between any lots containing a payday loan establishment;
 - (b) A minimum separation distance of 500 m is required between a lot that contains a payday loan establishment and a lot containing a casino or racetrack;
 - (c) A minimum separation distance of 300 m is required between a lot that contains a payday loan establishment and a lot that contains a school or a post-secondary educational facility;
 - (d) A payday loan establishment must be located in a building that contains other commercial uses; and,
 - (e) A payday loan establishment must not be located in a building containing residential uses. (By-law 2019-338)

Provisions for On-farm Diversified Uses (Section 79)

79. (1) On-farm diversified uses are subject to the following provisions:
- (a) an on-farm diversified use is permitted if there is an agricultural use on the lot;
 - (b) the maximum area of an on-farm diversified use is 2% of the total lot area, to a maximum of 1 ha.
 - (c) the maximum area of an on-farm diversified use includes:
 - (i) the total area of all home-based businesses on the lot, and
 - (ii) the area of buildings or structures built prior to April 30, 2014 that are associated with an on-farm diversified use, discounted by 50%, and
 - (iii) the area of buildings, structures, outdoor storage, landscaped areas, berms, laneways, parking and the area occupied by well and septic systems that were built on or after April 30, 2014 that are associated with an on-farm diversified use, and
 - (iv) despite subclauses (ii) and (iii), the area of agri-tourism uses associated with activities such as wagon rides or corn mazes on lands producing harvestable crops are not included in the area calculations, and

- (v) if there is more than one on-farm diversified use on a lot the combined area of all on-farm diversified uses is included in the total;
- (d) the total area of buildings used for on-farm diversified uses may not exceed 20% of the total area used for on-farm diversified uses on the lot;
- (e) the maximum area of a building occupied by an on-farm diversified use, limited to a place of assembly is 150 square metres. (By-law 2019-41)

Adult Entertainment Parlours (Section 80)

80. (1) Where an adult entertainment parlour is permitted, the lot on which it is located must not be:
- (a) within 500 metres of a **residential use building, day care, place of worship, school, library, community centre, community health and resource centre or park, or any residential, institutional, open space or leisure zone**; or
 - (b) within 1000 metres of a lot occupied by another adult entertainment parlour.
- (2) No adult entertainment parlour may be located on a lot having frontage on a rural arterial road as shown on Schedule 4 of this by-law.

Click and Collect Facility (Section 81)

81. (1) A click and collect facility is subject to the following provisions:
- (a) in the AM10, LC, MD, TD, TM and VM zones, a click and collect facility must be located in a building with another permitted use in the zone;
 - (b) despite clause 81(1)(a), in the AM10, LC, MD, TD, TM and VM zones, a click and collect facility may be a single occupancy in a stand-alone building in existence as of September 14, 2016;
 - (c) when located in a stand-alone building as a single occupancy, a minimum of 30% of the total surface area of the walls of the first storey of the building must be transparent glazing;
 - (d) where a click and collect facility is a single occupancy located in a stand-alone building, the building is not subject to the minimum building height provisions in that zone;
 - (e) in the AM10, LC, MD, TD, TM and VM zones, or when located in a rapid transit network station, no new parking may be provided for a click and collect facility;
 - (f) in the AM (excluding the AM10 subzone), GM, MC, and RC zones, no parking is required for a click and collect facility;
 - (g) in any zone where a click and collect facility is permitted, and despite Sections 81(1)(e) and 100(1), parking spaces associated with any other use on the lot may also be used for parking associated with a click and collect facility without rendering any other use on the lot non-complying with minimum parking requirements. (By-law 2016-289)

Urban Agriculture (Section 82)

82. (1) Urban agriculture must comply with the following provisions:
- (a) the cultivation of plants for consumption may only be undertaken on lands having soils suitable for food production;
 - (b) no building or structure developed exclusively as part of urban agriculture is permitted except in accordance with the following:
 - (i) maximum building height is 3.5 metres;
 - (ii) minimum front and corner side yard setback is 3 metres;
 - (iii) setbacks from all other lot lines are a minimum of 1.2 metres;
 - (iv) maximum lot coverage is 20 per cent; and
 - (v) despite Subclause (i), the maximum height of a greenhouse in a non-residential zone is 4.5 metres. (By-law 2016-131) (By-law 2017-148)

Hydronic Heaters (Section 83)

83. (1) A **Hydronic Heater** is:
- (a) not permitted on a lot within:
 - (i) areas A, B and C on Schedule 1; and,
 - (ii) the V1, V2, V3 and VM zones;
 - (b) Only permitted on a lot with an area equal to or greater than 8000 square metres, except in the AG zone;
 - (c) Required to be setback a minimum of:
 - (i) 30 metres from a lot line abutting a public street;
 - (ii) 15 metres from any other lot line; and,
 - (iii) 60 metres from a residential use building located on another lot,
 - (d) Required to have a chimney or stack which projects at least 3.66 metres above ground level;
 - (e) Notwithstanding clause (d), where a **Hydronic Heater** is within 92 metres of a residential use building located on another lot, the **Hydronic Heater** must have a chimney or stack which projects at least 4.88 metres above ground level. (By-law 2012-344)

Kennels (Section 84)

84. Where permitted:
- (1) a **kennel** must comply with the provisions of Table 84;

- (2) a **kennel** may be located in the same building as a **dwelling unit**, subject to the provisions of Table 84; and
- (3) a kennel structure associated with a **kennel** is considered to be a building for zoning purposes.

Table 84- Kennel Provisions

I Zoning Mechanisms		Provisions	
		II Kennel with 4 or fewer dog runs	III Kennel with more than 4 dog runs
(a) Minimum width of a lot containing a kennel (m)	(i) In an AG, RU or RC Zone	80	120
	(ii) In all other zones	as per minimum width specified in applicable zone	
(b) Minimum area of a lot containing a kennel (ha)	(i) In an AG, RU or RC Zone	0.8	4
	(ii) In all other zones	as per minimum area specified in applicable zone	
(c) Minimum setback of a kennel or any structure or portion thereof used for the kennel operation (m)	(i) In an AG, RU or RC Zone	(a) from a front lot line or a side lot line - 15 (b) from a rear lot line -12	
	(ii) In all other zones	as per yard setbacks specified in applicable zone	
(d) Maximum height of a kennel (m)		same as an accessory building, but in no case may the kennel contain anything other than single-level dog runs only	
(e) Location of parking spaces required or provided for a kennel	(i) In an AG or RU Zone	no closer than 6 metres to any property line abutting a street	
	(ii) In all other zones	as per zone	
(f) Permitted Location of Dog Runs		restricted to locations in a side yard, rear yard or interior yard abutting a side or rear yard	
(g) Minimum Separation Areas		(a) no building or structure or portion thereof used for kennel purposes may be located closer to any residential use building on another lot than:	
		(i) 215 m for a kennel with more than 4 dog runs; or (ii) 100 m for a kennel with four or fewer dog runs.	

I Zoning Mechanisms	Provisions	
	II Kennel with 4 or fewer dog runs	III Kennel with more than 4 dog runs
		<p>(b) despite (a) above, the minimum separation area between kennel building and structures and residential use buildings on another lot may be reduced to 50 metres in the case of a kennel with more than four dog runs, provided that noise attenuation measures are introduced to mitigate the noise level of all indoor and outdoor kennel facilities so that they do not become a nuisance to surrounding dwellings.</p> <p>(c) despite the required minimum separation distances, no kennel established under these provisions is deemed to be non-complying by the subsequent erection of a residential use building on another lot.</p> <p>(d) all kennels, existing as of the date of adoption of this By-law which would otherwise be made undersized and non-conforming under subsection (a), are deemed to comply with the required minimum separation areas.</p>

Outdoor Commercial Patios (Section 85)

85. (1) An outdoor commercial patio is permitted if it is operated as a part of a **restaurant, bar, place of assembly, storefront industry or nightclub** where those uses are listed permitted uses. (By-law 2018-171)
- (2) An outdoor commercial patio is prohibited in association with any **adult entertainment parlour**.
- (3) Where an outdoor commercial patio is not physically separated by a building from another lot in a residential zone, it is prohibited unless it is located at least:
- (a) 30 metres from a lot in a residential zone and is screened and physically separated from that same lot by a structure, screen or wall that is two metres or more in height so as to mitigate both light and noise from the outdoor commercial patio; or,
 - (b) 75 metres from a lot in a residential zone. (By-law 2012-334) (By-law 2016-131)
- (4) Outdoor commercial patios must not encroach on or eliminate any required parking or loading space, driveway or aisle.
- (5) No additional parking is required for an outdoor commercial patio. (By-law 2012-334)
- (6) No portion of an outdoor commercial patio may be located at an elevation higher than two metres above ground level in the LC, GM, TM and VM zones as well as in the MD2 and MD3 subzones affecting the By Ward Market as shown on Schedule 8. (By-law 2012-334)
- (7) The following applies to all permitted outdoor commercial patios between July 15, 2020 and October 31, 2020:
- (a) Despite Subsection 85(1), an outdoor commercial patio is permitted in any zone other than a residential zone, where associated with a permitted use,

- (b) an outdoor commercial patio is not required to be on the same lot as its associated primary use, but must be located within the same city block as or directly across the street from the associated use;
 - (c) Subsection 85(3) does not apply;
 - (d) Despite subsection 85(4), an outdoor commercial patio may use required or provided parking spaces, driveways or aisles, except in the case of an accessible parking space as defined under the Traffic and Parking By-law;
 - (e) Where an outdoor commercial patio encroaches on required parking spaces in accordance with (d), the lot on which it is located is deemed not to be in non-compliance with the requirements of Section 101 as a result of said encroachment.
 - (f) Where located within 30 m of a residential zone, an outdoor commercial patio is not permitted to contain an amplified sound system for music or entertainment purposes.
 - (g) despite 7(a) above, an outdoor commercial patio is permitted on the properties municipally known as 104, 106 and 108 Pinhey Street where associated with a permitted use of the TM11 zone. (By-law 2020-223)
- (8) Subsections (7) and (8) are repealed on October 31, 2020. (By-law 2020-223)

Parking on Place of Worship Sites (Section 86)

86. (1) Where a site-specific zoning by-law so allows, parking that is neither required by Section 101 for a place of worship nor accessory to a place of worship is allowed on the same lot and zone as a place of worship if:
- (a) place of worship is a listed permitted use in the zone;
 - (b) **parking lot or parking garage** is not a listed permitted use in the zone; and
 - (c) there are no other uses on the lot other than a **dwelling unit**.
- (2) Where the site-specific zoning mentioned in subsection (1) allows parking that is neither required for nor accessory to a place of worship on the same lot and in a zone as a place of worship, parking spaces required or provided for the place of worship may only be used as parking spaces for the following uses:
- cemetery**
 - court house
 - daycare**
 - office**
 - park**
 - school**
 - post secondary educational institution**
- (3) The uses listed in subsection (2) must be located on a lot other than the lot on which is located the place of worship.
 - (4) A minimum of 35% of the number of parking spaces required by Section 101 for the place of worship must be reserved at all times for the sole use of the place of worship.
 - (5) Nothing in this section reduces the number of parking spaces required under this by-law for the uses listed in subsection (2).

Rapid-Transit Network (Section 87)

87. (1) A **rapid-transit network** and related construction, staging and repair works to support a **rapid transit network** are permitted in all zones. (By-law 2013-19)
- (2) The provisions of this by-law do not apply to a **rapid-transit network** and to land used for the construction, staging and repair works to support a **rapid transit network** (By-law 2013-19)
- (3) Despite subsections (1) and (2), in addition to the uses permitted in the applicable zone, the following uses are permitted within a rapid transit network station:
- bank machine
 - click and collect facility (By-law 2016-289)
 - convenience store
 - personal service business
 - restaurant, fast food
 - restaurant, take-out
 - retail store
 - service or repair shop
- provided these uses are not located in an EP zone or subzone or within a flood plain overlay. (By-law 2017-148)

Security Huts for Diplomatic Missions (Section 88)

88. A security hut is permitted as accessory to a **diplomatic mission**, if it complies with the provisions set out in Table 88.

Table 88 - Provisions for a Security Hut

I Zoning Mechanism	II Regulation
(a) Maximum number of security huts per diplomatic mission	1
(b) Permitted location	no restriction
(c) Maximum width	1.8 m
(d) Maximum length	2.4 m
(e) Maximum height	4 m
(f) Minimum width of a lot having a security hut	15 m
(g) Minimum area of a lot having a security hut	464 m ²
(h) Minimum setback from front lot line	6 m
(i) Minimum setback from corner side lot line	4.5 m
(j) Minimum setback from interior side lot line abutting a lane	1.2 m
(k) Minimum setback from interior side lot line in all other cases	same as diplomatic mission
(l) Minimum setback from rear lot line abutting a street or lane	same as diplomatic mission
(m) Minimum setback from rear lot line in all other cases	0.6 m

Personal Brewing Facility (Section 89) (By-law 2019-41)

89. In addition to the provisions of the zone in which it is located, a personal brewing facility must comply with the following provisions: (By-law 2019-41)
- (1) it must be operated in conjunction with the retail sale of beer or wine-making products;
 - (2) it must not deal in any spirits other than beer or wine;
 - (3) the beer or wine must be made from prepared concentrates or juices; and
 - (4) the combined size of the brewing and bottling area and the associated retail sales operation must not exceed 200 square metres in gross floor area.

Snow Disposal Facilities (Section 90)

90. (1) Where permitted, a **snow disposal facility** must be located at least 200 metres from a residential zone.
- (2) Despite subsection (1), the minimum required 200 metre setback may be reduced to a minimum of 100 metres provided that noise attenuation measures are introduced to mitigate the noise level of the **snow disposal facility** so that it does not become a nuisance to surrounding dwellings.

Utility Installations (Section 91)

91. (1) A utility installation is permitted in all zones other than EP, ME or MR 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; and
 - (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;
 - (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 Section;
 - (f) utility installations that are subject to the requirements of the *Environmental Assessment Act* are permitted in all zones, and are not subject to the provisions of this Zoning By-law
- (2) There are no minimum lot area or minimum lot width requirements for a utility installation.
- (3) Despite Section 20, parking need only be provided on the basis of the actual gross floor area of a building associated with the utility installation.
- (4) Antenna systems, including satellite dishes, are not subject to the regulations of this Zoning By-law, but are subject to the City's Municipal Concurrence and Public Consultation Process for Antenna Systems. (By-law 2013-224)

Wayside Pits and Wayside Quarries (Section 92)

92. (1) **Wayside pits, wayside quarries** and related portable asphalt plants and portable concrete plants are permitted in all zones other than EP.

One Lot for Zoning Purposes (Section 93)

93. (1) A group of occupancies located in an AM – Arterial Mainstreet Zone, GM – General Mixed-Use Zone, LC – Local Commercial Zone, MC – Mixed-Use Centre Zone, MD – Mixed-Use Downtown Centre Zone, IG – General Industrial Zone, IH – Heavy Industrial Zone, IL – Light Industrial Zone, or IP – Business Park Industrial Zone, or RC – Rural Commercial Zone that: (By-law 2013-58)
- (a) are designed, developed and managed, including site access and infrastructure servicing, as a unit whether by a single owner or a group of owners or tenants acting in collaboration;
 - (b) are made up entirely of uses permitted or lawfully non-conforming on the site, and has either:
 - (i) a common parking lot or parking garage or a combination thereof; or
 - (ii) a group of parking lots or parking garages or a combination thereof which are managed as a unit by the same owner, owners or tenants of the occupancies required in clause (a) above, and are on the same lot or lots as the occupancies required in clause (a) above;
- shall be considered as one lot for the purposes of applying zoning provisions and regulations. (OMB Order, File #PL080959 issued June 1, 2010)
- (2) Where lands considered as one lot for the purposes of applying zoning provisions are subject to an application to create a condominium, and that application is approved, the lands are not, by reason only of the approval of the condominium application, to be considered more than one lot for the purposes of zoning. (By-law 2017-302)

Car Sharing Services (Section 94)

94. (1) Car-sharing services are permitted in any commercial, industrial, institutional or transportation zone. For the purposes of this Section, commercial zone means the AM, GM, LC, MC, MD and TM zones. (By-law 2009-164)
- (2) Car-sharing spaces are permitted in any principal use or accessory use parking lot or parking garage in any zone in which car-sharing services are permitted, and may occupy either required or provided parking spaces.
- (3) Despite Subsection (1), in an R3, R4 or R5 Zone up to three required or provided parking spaces accessory to any of the following uses may be used as car-sharing spaces: (By-law 2016-249)
- (a) **apartment dwelling, low rise**
 - (b) **apartment dwelling, mid rise** (By-law 2014-292)
 - (c) **apartment dwelling, high rise** (By-law 2014-292)
 - (d) **bed and breakfast**

- (e) **townhouse dwelling** (By-law 2012-334)
 - (f) **three-unit dwelling** (By-law 2016-249)
 - (g) **retirement home**
 - (h) **retirement home, converted;**
 - (i) **stacked dwelling, or**
 - (j) **planned unit development** comprised of one or more of the above uses
- (4) Signage used to identify car-sharing spaces is permitted subject to the applicable provisions of the Signs By-law. However, in an R3, R4 or R5 Zone, one sign may be used to identify car-sharing spaces and the sign must comply with the provisions specified for home-based businesses in the Signs By-law. (By-law 2016-249)

Waste Processing and Transfer Facilities in the Rural Area (Section 95)

95. (1) The following applies to Waste Processing and Transfer Facilities in area D as shown on Schedule 1: (By-law 2012-204)
- (a) waste processing and transfer facility (putrescible) is only permitted in RH Zones,
 - (b) minimum lot area for waste processing and transfer facility (putrescible): 2 ha,
 - (c) minimum separation distance of 300 metres is required between a building containing a waste processing and transfer facility (putrescible) and any building for which the principal use is residential or institutional, located on a lot zoned Rural Residential (RR), Rural Countryside (RU), Village Residential (V1, V2, V3), Village Mixed Use (VM), Rural Institutional (RI); (By-law 2012-204)
 - (d) minimum separation distance of 300 metres is required between a building containing a waste processing and transfer facility (putrescible) and any building for which the principal use is residential or institutional, located on a residentially-zoned or institutionally-zoned lot located within Area C of Schedule 1, (By-law 2012-204)
 - (e) construction of any building for which the principal use will be residential or institutional on a lot zoned Rural Residential (RR), Rural Countryside (RU), Village Residential (V1, V2, V3), Village Mixed Use (VM) or Rural Institutional (RI) in proximity to existing waste processing and transfer facilities (putrescible) must also comply with the minimum separation distance; (By-law 2012-204)
 - (f) despite the required minimum separation distance, no waste processing and transfer facility (putrescible) is deemed to be non-complying by the subsequent erection of a residential use or institutional use building on another lot,
 - (g) waste processing and transfer facilities, (putrescible) and waste processing and transfer facilities, (non-putrescible), are restricted to having either direct access to a designated truck route or access through an RG- or RH- zoned industrial subdivision leading directly to a designated truck route,
 - (h) development of a waste processing transfer facility, (putrescible) or a waste processing transfer facility (non-putrescible) must not be developed without the approval of the Ministry of Environment. (By-law 2012-204)
 - (i) In Rural Heavy Industrial (RH) Zones in area D as shown on Schedule 1 the following terms and definitions replace the term 'waste processing and transfer facility' (By-law 2012-204)
 - (a) Waste processing and transfer facility (non-putrescible) means a facility where non-putrescible waste is sorted, processed and temporarily stored prior to transfer off site and may include a recycling operation;
 - (b) Waste processing and transfer facility (putrescible) means a facility where putrescible and non-putrescible waste is sorted, processed or temporarily stored prior to transfer off site and may include a source separated organics and biosolids processing and storage facility,
 - (j) Waste processing and transfer facility (putrescible) and waste processing and transfer facility (non-putrescible) must not be used as a solid waste disposal facility; and..
 - (k) outdoor storage of putrescible waste is prohibited. (By-law 2012-204) (OMB Order, File #PL110666, issued November 18, 2011) (By-law 2011-205)

Place of Worship and Place of Assembly (Section 96)

96. (1) A place of worship is permitted to have as ancillary uses:
- (a) a maximum of three ancillary rooming units. (By-law 2013-224); and
 - (b) a theatre, community centre, limited to programs of community or social benefit; day care; one dwelling unit for the faith group leader; place of assembly; recreation and athletic facility, limited to a gymnasium; retail uses to support the operation of the place of worship. (By-law 2019-449)
- (2) The cumulative gross floor area of all ancillary uses must not exceed the gross floor area of worship space. (By-law 2019-449)
- (3) A place of assembly is permitted to have a theatre as an ancillary use. (By-law 2018-176) (By-law 2019-449)

Cannabis Production Facility (Section 97)

97. (1) A **cannabis production facility**: (By-law 2019-222)
- (a) must be a listed permitted use in the zone it is located in and must comply with the provisions of that zone,
 - (b) must not have any outdoor storage;
 - (c) is not permitted in a dwelling;
 - (d) no **cannabis production facility** that is contained entirely within a building may become a nuisance because of odour or fumes. (By-law 2019-222)
 - (e) no **cannabis production facility** that includes cultivation in an outdoor area or in a greenhouse may be located within 300 metres of a residential use or an Institutional or Rural Institutional Zone. (By-law 2019-222)
 - (f) despite (e) above, a **cannabis production facility** that includes outdoor cultivation areas or greenhouses may be located within 300 metres of a Rural Institutional Zone or Institutional Zone if the only permitted uses in these zones are an environmental preserve and educational area, emergency service, municipal service centre, office, storage yard, or warehouse. (By-law 2019-222)
 - (g) established in compliance with this Section is not considered to be non-complying to (e) and (f) above by the subsequent erection of a residential or institutional use building on another lot. (By-law 2014-74)

Bicycle and Motor Vehicle Training Facilities (Section 98)

98. (1) An instructional facility, limited to an outdoor bicycle and motor vehicle training facility is permitted in all zones that are not residential zones, subject to the requirements of this section.
- (2) No additional parking is required for an instructional facility, limited to an outdoor bicycle and motor vehicle training facility.

- (3) An outdoor motor vehicle training facility must be a minimum of 300 metres from a lot zoned residential or a lot containing a dwelling.
- (4) Despite subsection 100(1), an instructional facility, limited to an outdoor bicycle and motor vehicle training facility may be located in a parking lot such that it temporarily prevents the use of a portion of required or provided parking spaces, aisles or driveways of another use on the same lot, provided that the motor vehicle or bicycle training course does not obstruct access to a fire route. (By-law 2017-148)

Storefront Industry (Section 99)

- 99.**
- (1) No storefront industry may:
 - (a) Become a nuisance because of noise, odour, dust, fumes, vibration, radiation or glare;
 - (b) Become a fire or building hazard or health risk; or
 - (c) Interfere with radio, television or other telecommunications transmissions.
 - (2) A storefront industry:
 - (a) Must be entirely contained within a building, except for a permitted outdoor commercial patio; and
 - (b) May not have outdoor storage.
 - (3) The total floor area of a storefront industry, including its ancillary restaurant, retail food store or retail store component, may not exceed: (By-law 2019-41)
 - (a) In the AM, GM, MC, RC, MD, TM and TD zones: 350m²;
 - (b) In the VM zones: 200m².
 - (4) For the purposes of Section 101 - Minimum Parking Space Requirements, the floor area used for production, processing, packaging and storage of goods in a storefront industry is considered a light industrial use that is separate and distinct from the ancillary restaurant, retail store or retail food store component.
 - (5) In the following zones, the combination of industrial use with a main, accessory or ancillary display and sales area, retail store, retail food store or restaurant use is not considered a storefront industry: RG; RH; IH; IG; IL; and IP. (By-law 2018-171)