

Heritage Overlay (Section 60)

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

General Provisions

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

Additions

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

Parking

- (5) (a) Despite the provisions of Section 101 (*Minimum Parking Space Rates*), parking is not required for any use within a building:
 - (i) that is designated under Part IV of the Ontario Heritage Act, R.S.O.1990; or

(ii) that is classified as Category 1 or 2 in the City of Ottawa Heritage Reference List, in an area to which an heritage overlay applies.

(b) Subsection (5)(a) does not apply to a use created in an addition to a Category 1 or 2 building, and parking for any use located within such an addition must be provided in accordance with the provisions of Section 101.

(c) Nothing in this subsection applies so as to permit the elimination of a parking space required on the day prior to the enactment of this by-law except for the exemption provided in subsections 100(7) and 100(10). (By-law 2009-302)

- (6) A **parking lot** is prohibited in a front yard or corner side yard abutting a street in an area to which an heritage overlay applies.
- (7) A **parking garage** in an area to which an heritage overlay applies must be setback from a front or corner side lot line a minimum of:
- (a) the same distance as the building to which it is an addition; or
 - (b) the equivalent of the setback required for the underlying zone, whichever is greater.