

By-Law No. 2018-204

A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of lands known municipally as 320 McRae Avenue and 315 Tweedsmuir Avenue

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Be aware though that you may not be looking at the most recent version of this by-law. It is very possible that it has been amended by Council by another by-law, or even by the Ontario Municipal Board. So, um, just know that before assuming anything.

This PDF contains a copy of the by-law as passed by Council on a certain date. It is a snapshot in time. It could still be in force. It might have been amended. It may have been repealed.

When in doubt, visit <https://ottawa.ca/en/residents/laws-licenses-and-permits/laws>

If you end up asking for a copy of a by-law OttWatch doesn't have yet, please ask the Clerk's office to cc: kevino@kevino.net when they email it to you. You'd be doing the entire community a favour!

Enacted On: 2018-06-13

OttWatch Bylaw Reference: <http://ottwatch.ca/bylaws/2018-204>

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BY-LAW NO. 2018 - 204

A by-law of the City of Ottawa to amend By-law No. 2008-250 to change the zoning of lands known municipally as 320 McRae Avenue and 315 Tweedsmuir Avenue.

The Council of the City of Ottawa, pursuant to Section 34 of the *Planning Act*, R.S.O.1990, enacts as follows:

1. The Zoning Map of By-law No. 2008-250, entitled the “City of Ottawa Zoning By-law” is amended by rezoning the lands shown on Attachment 1 to this by-law as follows:

- (a) Area A from TM[103] to TM[2489] S382-h;
- (b) Area B from GM[1576] H(15) to TM[2489] S382-h;
- (c) Area C from GM[1576] H(15) to O1;
- (d) Area D from R4G to TM[2489] S382-h; and,
- (e) Area E from GM[1576] H(15) to GM[2490] H(15)-h.

2. Section 239 – Urban Exceptions of the said By-law No. 2008-250 is amended by adding the following exceptions:

I Exception Number	II Applicable Zone	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
2489	TM[2489] S382-h		-All uses until such time as the holding symbol is removed.	-Maximum permitted building heights and minimum setbacks are as per Schedule 382. -No balcony may project into Area A, B and C of Schedule 382 -Wind barriers are considered as Section 64 permitted projections. -The holding symbol may only be removed at such time as an application for site plan control has been approved including the provision of additional information related to: i) a noise study addressing

				<p>stationary noise sources</p> <p>ii) the preservation of the bur oak tree located within the public right-of-way on Tweedsmuir Avenue adjacent to the subject site</p> <p>iii) the construction of a public park to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development. The expected park construction budget shall be up to \$800,000 indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of the Site Plan Agreement, and as agreed upon by the General Manager of Planning, Infrastructure and Economic Development.</p> <p>-Pursuant to Section 37 of the Planning Act, the height and density of development permitted in this by-law are permitted subject to compliance with all of the conditions set out in this by-law including the provision by the owner of the lot of the facilities, services and matters set out in Section 16 of Part 19 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred</p>
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				<p>to in b. below of this by-law.</p> <p>Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Section 16 of Part 19 hereof, the lands are subject to the provisions of this By-law. Building permit issuance with respect to the lot shall be dependent upon satisfaction of the provisions of this by-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.</p> <p>Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue.</p>
2490	GM[2490] H(15)-h		-All uses until such time as the holding symbol is removed.	<p>-The front lot line is deemed as that which abuts McRae Avenue.</p> <p>-minimum rear yard setback: 6.4 m</p> <p>-minimum interior yard setback: 1.2 m</p> <p>-minimum interior yard setback</p>

				<p>where it abuts a park: 0 m</p> <p>-minimum front yard setback: 2 m</p> <p>-Despite Section 187(1), the only permitted land uses for the ground floor of any building within 6 metres from the lot line abutting a park are restaurant and retail food store.</p> <p>-The holding symbol may only be removed at such time as an application for site plan control has been approved including the provision of additional information related to:</p> <p>i) a noise study addressing stationary noise sources;</p> <p>ii) the preservation of the bur oak tree located within the public right-of-way on Tweedsmuir Avenue adjacent to the subject site; and</p> <p>iii) the construction of a public park to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development. The expected park construction budget shall be up to \$800,000 indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of the Site Plan Agreement, and as agreed upon by the</p>
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				<p>General Manager of Planning, Infrastructure and Economic Development.</p> <p>-Pursuant to Section 37 of the Planning Act, the height and density of development permitted in this by-law are permitted subject to compliance with all of the conditions set out in this by-law including the provision by the owner of the lot of the facilities, services and matters set out in Section 16 of Part 19 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in b. below of this by-law.</p> <p>Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Section 16 of Part 19 hereof, the lands are subject to the provisions of this By-law. Building permit issuance with respect to the lot shall be dependent upon satisfaction of the provisions of this by-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.</p>
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				Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue.
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3. Part 17 - Schedules of the said By-law No. 2008-250 is amended by adding Attachment 2 to this by-law as Schedule 382.

4. Part 19 – Section 37 Provisions of the said By-law No. 2008-250 is amended by adding a new Section 16 as follows:

“320 McRae Avenue and 315 Tweedsmuir Avenue

16. The following applies to the properties at 320 McRae Avenue and 315 Tweedsmuir Avenue

- a) The City shall require that the owner of the lands at 320 McRae Avenue enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$600,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- b) The specific benefits to be secured and provided are:
 - a) \$600,000 into a Ward 15 specific fund for improved lighting facilities along pedestrian and cycling pathways.
 - c) If there are unspent or unallocated funds from a cash payment for a period of three years after receipt of the funds, the funds may be redirected to a different community benefit without requiring an amendment to the site specific by-law provided that

- i) The funds are redirected to a purpose that represents a reasonable planning relationship to the original development application; and
 - ii) Concurrence is received by the Ward Councillor
- d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law, which identify the facilities, services and matters to be secured.
- e) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development.”


ENACTED AND PASSED this 13th day of June, 2018.

CITY CLERK

MAYOR

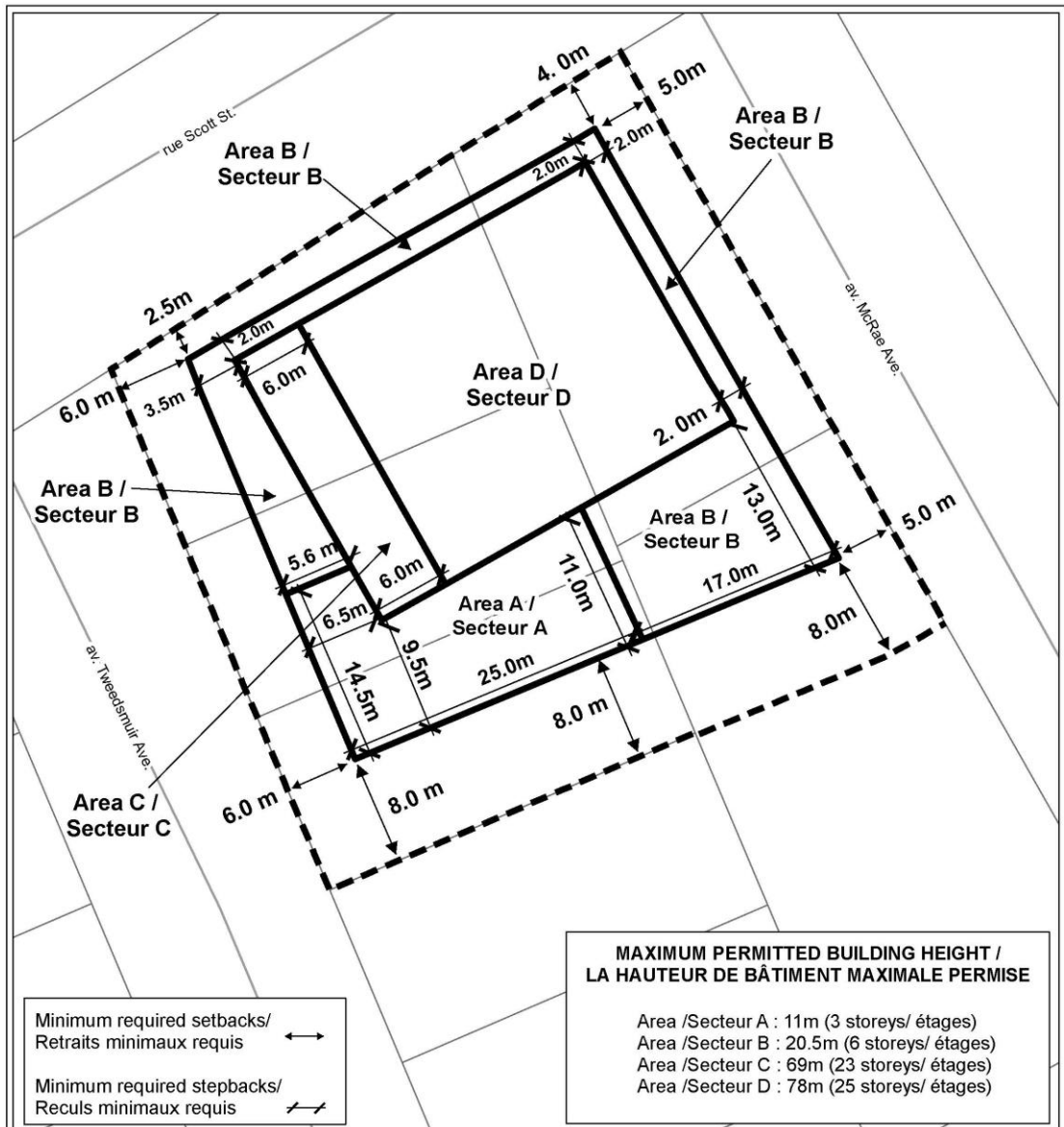


Legend	
Area A	to be rezoned from TM[103] to TM[2489] S382-h
Area B	to be rezoned from GM[1576] H(15) to TM[2489] S382-h
Area C	to be rezoned from GM[1576] H(15) to O1
Area D	to be rezoned from R4G to TM[2489] S382-h
Area E	to be rezoned from GM[1576] H(15) to GM[2490] H(15)-h

	
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LANDS AFFECTED PART OF THE ZONING MAP OF BY-LAW NO. 2008-250	

This is Attachment 1 to By-law Number 2018-204, passed June 13, 2018
Lands Affected by By-law





Minimum required setbacks/
Retraits minimaux requis ←→

Minimum required stepbacks/
Reculs minimaux requis ↗↘

**MAXIMUM PERMITTED BUILDING HEIGHT /
LA HAUTEUR DE BÂTIMENT MAXIMALE PERMISE**

Area /Secteur A : 11m (3 storeys/ étages)
 Area /Secteur B : 20.5m (6 storeys/ étages)
 Area /Secteur C : 69m (23 storeys/ étages)
 Area /Secteur D : 78m (25 storeys/ étages)

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M:\Zoning_Bylaw\Schedules	
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**This is Schedule 382 to Zoning By-law No. 2008-250
Annexe 382 au Règlement de zonage n° 2008-250**

This is Attachment 2 to By-law Number 2018-204, passed June 13, 2018
 Pièce jointe n° 2 du Règlement municipal n° 2018-204, adopté le 13 juin 2018

NOT TO SCALE

