



New Edinburgh Community Alliance

Recommendations and Comments on Draft 1 of the New Zoning By-law by the Heritage and Development Committee of the New Edinburgh Community Alliance (NECA)

Submitted on November 20, 2024

Introduction

New Edinburgh is a unique residential community characterized by a diverse mix of architectural styles and types dating from 1837. The original 'village' of New Edinburgh was founded and developed by Thomas MacKay, a Scottish entrepreneur who established an industrial complex of mills on the escarpment next to Rideau Falls. He laid out the street grid for New Edinburgh where homes began to be built to house those who worked in his mills. In 1830, he created his own estate on the property now known as Rideau Hall, home of future Governor Generals.

The primary architectural character is made up of late 19th and early 20th century residential buildings including single and semi-detached houses, row houses and small apartment buildings. The most common house type is a modest scale, one or two and one-half stories with gable roofs.

In 2001, the original Village of New Edinburgh was designated for its cultural heritage value by the City of Ottawa (By-Law 2001-44) which established the New Edinburgh Heritage Conservation District. The New Edinburgh HCD is regulated by both municipal and provincial legislation which includes the Provincial Policy Statement of 2014 (Part V, Section 2.6), the City of Ottawa Official Plan (section 4.5.2), the City by-law 2016-95, and Part V of the Ontario Heritage Act (Section 41.1).

The following recommendations and comments focus on a review of the Draft New Zoning By-law as it pertains to the neighbourhood of New Edinburgh, within Ward 13 of the City of Ottawa – a neighbourhood which includes a Heritage Conversation District.

The recommendations and comments fall into these topic areas:

1. **Zoning for New Edinburgh** – to ensure the mapping of new zones is accurate and appropriate
 2. **Zoning, the Official Plan and the Heritage Conservation District** – to ensure that the New Zoning By-law reflects the objectives stated in the Ontario Heritage Act and the City's Official Plan pertaining to Heritage Conservation Districts
 3. **Heritage Overlay provisions** – to ensure that the Heritage Overlay provisions are retained whereas their removal would be inconsistent and inadvisable based on the Official Plan
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1. Zoning for New Edinburgh

Currently, there are two main zones applicable to New Edinburgh -- R4UD and R3P – where for principal dwellings the maximum building heights allowable are 10 m in either zone (or 11 m in some cases in R4UD).

The Heritage Conservation District is located in an R4UD zone. Properties outside the HCD are in areas that are zoned R3P and R4UD.

The draft New Zoning By-law converts R4 zones into N4 zones and R3 zones into N3 zones.

The following chart illustrates the difference between building heights permitted under the existing zoning by-law and the new zoning by-law:

Existing Zoning by-law (2008-250)	New Zoning by-law (May 2024)
R4UD Maximum building height: - Principal dwelling: 10m-11m - Low-rise apartment building, 9 or more units: 14.5 m	N4B Maximum building height: 14.5 m
R3P Maximum building height: - Principal dwelling: 10m	N3B Maximum building height: 11 m

The New Edinburgh Heritage Conversation District is proposed to be re-zoned N4B under the New Zoning By-law.

The new N4B zoning that would apply to the HCD allows for higher heights of buildings than parts of New Edinburgh outside the HCD (where N3B zoning would apply). The difference in maximum heights is 14.5 m in N4 versus 11 m in N3. The N3B zoning would be consistent and more appropriate to apply to the HCD portion of New Edinburgh. It would be more appropriate (and less misleading) to change the proposed zoning from N4B to N3B for the boundaries of the New Edinburgh HCD. (Note that 11 m is about the average height of a principal dwelling in New Edinburgh.)

Whereas the maximum building heights allowable are currently similar under R4UD and R3P (the two main zones applicable to New Edinburgh), and the Mature Neighbourhoods Overlay is currently applicable to the entirety of New Edinburgh, the draft New Zoning By-law will introduce an inappropriate inconsistency between two parts of the neighbourhood.

Recommendations:

To resolve this issue, the City should re-zone the New Edinburgh HCD area to N3B, rather than N4B.

For further simplification, the City should re-zone the entirety of New Edinburgh to N3B. The New Zoning By-law maps should clearly reflect this change.

Graphic: **New Zoning By-law Map_Draft 2024_New Edinburgh (with HCD boundary added in yellow)**



2. Zoning, the Official Plan and the Heritage Conservation District

The New Zoning By-law should be consistent with the Official Plan and the relevant provincial legislation including the Ontario Heritage Act. To that end, we suggest that the New Zoning By-law include more explicit references to heritage buildings and Heritage Conservation District Plans (which are Council-approved plans) in order to better inform property owners and potential development applicants, improve understanding of zoning *and* heritage policies, and ultimately to save time and resources in the development process.

Recommendations:

The New Zoning By-law text should explicitly include this provincial policy – namely, Section 41.2 (2) of the Ontario Heritage Act:

In the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict but in all other respects the by-law remains in full force.

Additionally, for educational purposes, clarity and planning process efficacy, the new zoning maps and the geoOttawa map should include the boundaries of the Heritage Conservation Districts to indicate where the heritage permitting and/or other policies and processes may come into play.

3. Retention of Heritage Overlay provisions and the heritage permit process

The Draft 1 of the New Zoning By-law notes that: “The Heritage Overlay on the Zoning Map will not be brought forward on the Zoning Map” and that the “...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” (source: Section 209 – Heritage Provisions of the Draft New Zoning By-law).

The City has suggested that “using zoning to impose standards on heritage grounds, when the OHA [Ontario Heritage Act] provides for such goals, is problematic” (source: Neighbourhood Character – Zoning By-law Discussion Paper).

We do not support the removal of protection as a result of removing the Heritage Overlay zoning -- more specifically, the removal of the “freezing of height and massing” of heritage buildings.

If the Heritage Overlay is to be removed, then ending the freeze on height or massing of buildings within an HCD will be inconsistent with Council-approved Heritage Conservation District Plans. If the Heritage Overlay is to be removed, it appears that no buildings in an HCD will be protected from the maximum building heights allowable (14.5 m) under N4 zoning in the draft New Zoning By-law. That would result in a contradiction with what is in the new Official Plan and provincial heritage legislation.

The language in the Official Plan regarding “managing built heritage resources” (4.5.2) indicates that properties in an HCD are subject to policies in an HCD plan:

4.5.2 Manage built heritage resources through the development process

1) When reviewing development applications affecting lands and properties on, or adjacent to a designated property, the **City will ensure that the proposal is compatible by respecting and conserving the cultural heritage value and attributes of the heritage property, streetscape or Heritage Conservation District as defined by the associated designation bylaw or Heritage Conservation District Plan** and having regard for the Standards and Guidelines for Historic Places in Canada. [bolding added]

Recommendations:

For clarity and consistency with the Official Plan (including policies in section 4.5.2 – Manage built heritage resources through the development process) and the Ontario Heritage Act, the City should add the following language to the text of the New Zoning By-law (or within Section 209 – Heritage Provisions):

Heritage permits are required for applications for alterations of any building or for the construction of a new infill building within a Heritage Conservation District.

Where a property is within a Heritage Conservation District, the relevant heritage policies must continue to apply.

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