

**Subject: Directions Report - Aligning Zoning By-law 2008-250 with Bill 23**

**File Number: ACS2023-PRE-EDP-0038**

**Report to Planning and Housing Committee on 6 September 2023**

**and Council on 13 September 2023**

**Submitted on August 24, 2023 by David Wise, Director, Economic Development and Long Range Planning, Planning, Real Estate and Economic Development**

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**Ward: City Wide**

**Objet: Rapport sur les orientations – Harmonisation du Règlement de zonage 2008-250 avec le projet de loi 23**

**Dossier : ACS2023-PRE-EDP-0038**

**Rapport au Comité de la planification et du logement**

**le 6 septembre 2023**

**et au Conseil le 13 septembre 2023**

**Soumis le 24 août 2023 par David Wise, Directeur, Services de la planification, Direction générale de la planification, des biens immobiliers et du développement économique**

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**Quartier : À l'échelle de la ville**

## REPORT RECOMMENDATIONS

That the Planning and Housing Committee recommend that Council direct staff to return to Council in Q4 2023 with proposed amendments to the Zoning By-law with respect to the following:

1. Bring into conformity the current Zoning By-law with the provisions of Bill 23 as outlined in the report;
2. Approve Option 2 concerning regulating principal and additional units permitted under Bill 23 by removing existing floor area and entranceway restrictions from Section 133; and
3. Approve Option 5 to address parking and landscaping in rear yards such that no more than 70 per cent of the rear yard area may be occupied by parking spaces, including any driveways and/or aisles providing access to parking spaces, plus a requirement to provide 15 per cent of the rear yard as soft landscaped area.

## RECOMMANDATIONS DU RAPPORT

Que le Comité de la planification et du logement recommande au Conseil de demander au personnel de soumettre au Conseil au T4 de 2023 les modifications proposées au Règlement de zonage en ce qui concerne les points suivants:

1. Rendre le *Règlement de zonage* actuel conforme aux dispositions du projet de loi 23, comme il est décrit dans le rapport;
2. Approuver l'option 2 concernant la réglementation des logements principaux et supplémentaires permis en vertu du projet de loi 23 en supprimant les restrictions actuelles relatives à la surface de plancher et aux entrées de l'article 133; et
3. Approuver l'option 5 concernant le stationnement et l'aménagement paysager dans les cours arrière de manière qu'une superficie maximale de 70 pour cent de la cour arrière soit occupée par des espaces de stationnement, y compris les entrées de cours et les allées donnant accès aux espaces de stationnement, en plus d'une exigence visant l'aménagement d'une superficie paysagée végétalisée correspondant à 15 pour cent de la cour arrière.

## EXECUTIVE SUMMARY

This report concerns proposed zoning amendments to align the current Zoning By-law new provisions in the *Planning Act*, as amended by Bill 23, to permit three dwelling units on residential lots that have municipal water and sewer services. This report addresses direction provided by [City Council](#) via a motion passed on July 12, 2023, requiring that staff “return to Council in September 2023 with options to amend the Zoning By-law in response to Bill 23”, and subsequently present to Council a proposed amendment to the Zoning By-law in Q4 of this year.

This report presents proposed direction to amend the Zoning By-law in accordance with Bill 23, and includes options for different provisions to address potential implications of new development permitted as a result of this new legislation (e.g. rear yard parking and landscaping treatment).

### Applicable Policy

The following policies support this direction:

On November 28, 2022, The Province of Ontario approved Bill 23, the “*More Homes Built Faster Act*”. The Bill has widespread impacts on legislation across ten separate *Acts*. The *Planning Act*, which establishes the ability for municipalities to govern land use through tools such as Official Plans, and Zoning By-laws, was amended substantially, which this report seeks to address and stabilize.

A significant change introduced through this legislation is a requirement to allow for up to three residential units. These can come in the form of up to two additional units or a coach house and an additional unit, and are now mandated Province-wide for all lands serviced by municipal services (water and sewer, or combinations of private and public services).

This revision to the *Planning Act* has triggered the need to modify the Zoning By-law in line with this requirement to respond to critical issues of interpretation that are currently causing challenges for development review and building code staff, and to provide clarity for applicants and community associations.

In the City’s Official Plan, Policy 4.2.1.1 sets out, among other things, that the Zoning By-law shall provide for a range of context-sensitive housing options by “*primarily regulating the density, built form, height, massing and design of residential development, rather than regulating through restrictions on building typology*”. Given this and the direction set out by Bill 23 with respect to additional units, Staff propose in

this report a number of options to appropriately regulate the built form of developments containing these units.

### **Public Consultation/Input**

Staff met with representatives of the development industry, as well as representatives from the Federation of Citizens' Associations during July 2023 to discuss the proposed amendments, as directed by the aforementioned motion approved by City Council on July 12, 2023.

### **RÉSUMÉ**

Le présent rapport concerne les modifications de zonage proposées pour harmoniser le *Règlement de zonage* actuel avec les nouvelles dispositions de la *Loi sur l'aménagement du territoire*, telles que modifiées par le projet de loi 23, afin de permettre l'aménagement de trois logements sur des terrains résidentiels dotés des services municipaux d'eau et d'égout. Le présent rapport traite de la directive donnée par le [Conseil municipal](#) par le biais d'une motion adoptée le 12 juillet 2023, demandant au personnel « de présenter au Conseil en septembre 2023 les options visant à modifier le *Règlement de zonage*, en réaction au projet de loi 23 », et de remettre par la suite au Conseil une modification proposée au *Règlement de zonage* au T4 de cette année.

Le présent rapport formule l'orientation proposée visant à modifier le *Règlement de zonage* conformément au projet de loi 23, et comprend des options pour différentes dispositions traitant des conséquences éventuelles des nouveaux aménagements permis par cette nouvelle loi (p. ex., stationnement dans la cour arrière et aménagement paysager).

### **Politique applicable**

Les politiques suivantes appuient cette orientation :

Le 28 novembre 2022, la Province de l'Ontario a approuvé le projet de loi 23, « *Loi de 2022 visant à accélérer la construction de plus de logements* ». Le projet de loi a des répercussions généralisées sur la législation dans dix lois distinctes. La Loi sur l'aménagement du territoire, qui établit la capacité des municipalités à régir l'utilisation du sol au moyen d'outils comme les Plans officiels et les Règlements de zonage, a été modifiée en grande partie, ce que le présent rapport vise à aborder et à stabiliser.

Une modification importante apportée par cette loi consiste en une exigence permettant jusqu'à trois logements résidentiels. Il peut s'agir entre autres d'au plus deux logements supplémentaires ou d'une annexe résidentielle et d'un logement supplémentaire, et cela

est maintenant obligatoire à l'échelle de la province pour toutes les terres desservies par les services municipaux (eau et égout, ou combinaisons de services privés et publics).

Cette révision de la *Loi sur l'aménagement du territoire* a nécessité la modification du *Règlement de zonage* pour le rendre conforme à cette exigence afin de tenir compte de questions critiques d'interprétation qui posent actuellement des difficultés au personnel d'examen des projets d'aménagement et au personnel du Code du bâtiment et d'apporter des précisions aux demandeurs et aux associations communautaires.

Dans le Plan officiel de la Ville, la politique 4.2.1.1 énonce, entre autres choses, qu'il faut prévoir, dans le cadre du *Règlement de zonage*, un large éventail d'options de logement adaptées au contexte « *en réglementant principalement la densité, la forme bâtie, la hauteur, la volumétrie et la conception des aménagements résidentiels, au lieu de les réglementer en imposant des restrictions dans la typologie des bâtiments* ». Compte tenu de cette disposition et de l'orientation établie dans le projet de loi 23 en ce qui concerne les logements supplémentaires, le personnel propose dans le présent rapport un certain nombre d'options pour réglementer de façon appropriée la forme bâtie des aménagements contenant ces logements.

### **Consultation et commentaires du public**

En juillet 2023, le personnel a rencontré des représentants de l'industrie de l'aménagement, ainsi que des représentants de la Fédération des associations civiques pour discuter des modifications proposées, conformément à la motion susmentionnée approuvée par le Conseil municipal le 12 juillet 2023.

### **BACKGROUND**

On July 5, 2023, staff brought a report to the [Planning and Housing Committee](#) to provide a status update on the new Zoning By-law. The report included details concerning proposed zoning amendments to align the current Zoning By-law with Bill 23. Bill 23 amended the *Planning Act* to permit three dwelling units on residential lots that have municipal water and sewer services. At the July 5 meeting, Planning and Housing Committee approved the following motion which was subsequently approved by [City Council](#) on July 12, 2023:

**That, with respect to IPD ACS2023-PRE-EDP-0033, Council approve the following:**

- 1) Return to Council in September 2023 with options to amend the Zoning By-law in response to Bill 23;**

- a. **Direct staff to consult with industry and members of the community prior to returning to Committee.**

**2) Direct that staff return to Council in Q4 2023 with proposed amendments to the Zoning By-law pursuant to Recommendation 1.**

Staff consulted with representatives of the development industry, including the Greater Ottawa Home Builder's Association (GOHBA) and the Ottawa Small Landlord Association (OSLA), as well as representatives from the Federation of Citizens' Associations during July 2023 to discuss the proposed amendments.

## **DISCUSSION**

### **Summary of proposed City-initiated amendment**

This amendment will ensure that two additional dwelling units are permitted in the Zoning By-law on a fully serviced residential lot, which can be as two additional units within the principal building, or as one additional unit within the principal building and one unit in a coach house. This will bring the current Zoning By-law into conformity with the Planning Act as amended by Bill 23.

This summary is divided into two sections:

- amendments which are necessary to implement the additional dwelling unit (ADU) requirements of Bill 23 in the Zoning By-law, and
- further implications of Bill 23 which will require amendment to the By-law, for which options are presented for consideration in accordance with the July 12 motion.

### **Amendments Required to Implement Provisions for Additional Dwelling Units as per Bill 23**

To address what is required under Bill 23, staff propose to merge Sections 133 (regarding secondary dwelling units) and 142 (regarding coach houses) into a single section relating to "additional dwelling units", so that all scenarios respecting the additional units permitted via Bill 23 are addressed within a single section. This section will include the following:

- Permissions for up to two additional dwelling units (for a total of no more than three units) on a fully serviced residential lot containing a detached, semi-detached, duplex, or townhouse dwelling;

- Permissions for up to one additional dwelling unit on a residential lot without access to full municipal services. This is the same as is presently permitted in the Zoning By-law;
- Clarification that additional unit permissions apply to each principal unit of a semi-detached or townhouse dwelling, regardless of whether or not the principal units are severed for separate ownerships;
- Retention of maximum limits on the number of bedrooms within a principal or additional dwelling unit in accordance with the definition of a “dwelling unit” in the Zoning By-law (i.e. four bedrooms), except in cases where “oversize” dwelling units are permitted. In no case is the total number of bedrooms across all units on a lot containing additional dwelling units permitted to exceed twelve;
- Clarification that the maximum number of principal plus additional dwelling units, where permitted, cannot exceed three (regardless of whether they are in the principal building or as a coach house), in accordance with Bill 23;
- Retention of the existing regulations on coach houses verbatim where possible, including restrictions on the size, height, and yard setback requirements of a building;

Additionally, it is necessary to amend other sections of the By-law where direct prohibitions on additional units exist to remove those prohibitions. In particular:

- Exceptions 1256-1262, which apply to the former Village of Rockcliffe Park, contain provisions prohibiting secondary dwelling units and coach houses. It is proposed to remove these prohibitions, as is required by Bill 23. All other elements of these exceptions will continue to apply, including requirements for maximum floor space index (FSI) which will apply to all coach houses in the same manner as they are applied to the principal building and accessory buildings. The definition of “gross floor area” specific to these exceptions is proposed to be amended in this regard, to clarify that it applies to both “accessory buildings” and “coach houses”.
- The requirement to permit up to three units on a residential lot is not intended to be extended to areas covered by the Flood Plain Overlay and governed by Section 58 of the Zoning By-law, given their increased flood risk. It is proposed to update the language in Section 58 to clarify that additional dwelling units partially or fully below grade are proposed to remain prohibited in the Flood Plain Overlay.

- Section 101 (Minimum Parking Space Rates) is proposed to be amended to eliminate requirements for additional parking in association with additional dwelling units in a duplex dwelling, as secondary/additional dwelling units do not require on-site parking in other scenarios in the by-law, and Bill 23 limits the extent to which on-site parking can be required for additional units.
- As the amendment will replace the term “secondary dwelling unit” with “additional dwelling unit”, a new definition which will include both additional uses within the principal building and coach houses, technical amendments will also be required to replace all instances of the term “secondary dwelling unit” with “additional dwelling unit”.

### **Options for Interim Zoning Regulations – Further Implications of Bill 23**

This section discusses additional issues and regulations that are of direct relevance to permissions for additional units in detached, semi-detached and townhouse dwellings. As per the July 12, 2023 motion, options are presented for addressing each issue, with staff recommendations listed with each option.

Note that in all cases these options represent an interim direction for regulations while the new Comprehensive Zoning By-law is under development and will not preclude or supersede future discussion or proposals with respect to how these issues may be regulated in the new Zoning By-law.

#### Options for regulating principal and/or additional units permitted under Bill 23

Presently, the Zoning By-law sets out a number of restrictions on secondary dwelling units which have not strictly been superseded or addressed in any way by Bill 23, but in staff’s opinion do not necessarily represent appropriate policies or legislation in light of the new Official Plan. These include the following:

- Section 133 currently requires any secondary unit not located entirely in the basement to be no more than 40 per cent of the floor area of its principal dwelling unit.
- Section 133 further prohibits separate entrances for additional units contained within the front wall of a building, and limits said entrances to the ground floor only “except where building and fire codes dictate otherwise”.
- Zones in which two and three-unit dwellings are already permitted, such as the R3, R4, and R5 zones, set out different standards for such dwellings, which as a result of Bill 23’s direction may no longer be functionally applicable.



Policy 4.2.1.1 of the Official Plan sets out, among other things, that the Zoning By-law shall provide for a range of context-sensitive housing options by “primarily regulating the density, built form, height, massing and design of residential development, rather than regulating through restrictions on building typology”. Regulations of the maximum floor area of dwelling units would not, in staff’s opinion, constitute regulations on density, built form, height, massing, or design of a residential building, and thus do not represent a necessary zoning regulation in light of this direction.

Presently, Zoning By-law 2008-250 includes residential subzones that regulate primarily by typology, such that zones that currently permit two and three-unit dwellings usually set out different standards for such uses than for detached dwellings, such as lot area and lot width requirements. However, since additional dwelling units must now be permitted on any lot containing a detached dwelling, requirements to provide, for example, a larger lot area or width for a “three-unit dwelling” in a given subzone are in many cases de facto no longer applicable, in the sense that a property owner could achieve three units through construction of a detached dwelling and subsequent creation of 2 additional dwelling units in accordance with Bill 23. Furthermore, given the aforementioned Official Plan direction, many of these typology-based regulations are in Staff’s opinion no longer appropriate to carry forward in future zoning regulations, and will need to be addressed either at this time or as part of the new Zoning By-law.

The options that can be taken to address these inconsistencies are as follows:

**OPTION 1: Status quo, retain existing size and entranceway regulations as is.**

Staff **do not recommend** this course of action as it would result in the retention of regulations that are not in line with Official Plan direction, and in the case of size regulations may lead to functional challenges that will limit the ability to create additional units in existing and new buildings.

**OPTION 2: Remove existing floor area and entranceway restrictions from Section 133 as part of this amendment.**

Additional units will have no restriction on the location of entrances, nor will they be limited in maximum floor area (relative to the principal unit or otherwise).

Staff **recommend implementation of this option** as part of this amendment. This will allow for flexibility in building design and the configuration of additional units, and is in accordance with Official Plan direction to emphasize the exterior form and function of buildings over the interior use and configuration in residential zoning.

**OPTION 3: In addition to option 2, harmonize standards for all one-to-three-unit typologies for zones such as R3, R4, and R5 which already permit said typologies as-of-right prior to Bill 23.**

Staff **do not recommend** this option at this time, as staff have encountered a number of difficulties related to harmonizing subzone standards which would need to be resolved through a more detailed exercise better reserved for the Comprehensive Zoning By-law. These difficulties include but are not necessarily limited to the following:

- Difficulties arise in appropriate implementation in the case of R3, R4, or R5 zones subject to special exceptions that impact the applicable development standards on a given lot. Staff note that there are 843 separate zoning exceptions applicable to these subzones, some of which cover a wide range of lots and neighbourhoods. To avoid unintended consequences, staff would need to review each of these exceptions to ensure that any changes to subzone standards would not have the effect of unintentionally creating non-conformity with the by-law.
- Certain R3 and R4 subzones have differences in height permissions between “detached dwelling” and “three-unit dwelling” typologies effectively amounting to a full storey (i.e. 8 metres/two-storeys for a detached dwelling versus 10.7-11 metres/three-storeys for a three unit dwelling). Harmonizing the by-law standards would require establishing a consistent height standard for these subzones.

While not harmonizing existing subzone typology standards may create some confusion with respect to the applicable standards for one to three-unit typologies within these subzones, such a course of action would not actively prevent the ability to create additional dwelling units in accordance with Bill 23.

**Options for addressing parking and landscaping in rear yards**

For properties located inside the Greenbelt, there currently exist requirements to provide an aggregated soft-landscaped area within the front yard. This was introduced as part of the Infill monitoring changes in 2020 in an effort to ensure sufficient landscaping and permeable space is provided to support tree growth and retention, prior to the provision of other features such as driveways.

Presently, there do not exist similar requirements in rear yards for detached, semi-detached, duplex, or three-unit dwellings.

Staff recognize that it is possible that portions of rear yards may be converted for functional uses in support of multi-unit dwellings, such as space for parking and waste

management. As it is necessary for infill to be compatible with the urban tree canopy and provide adequate permeable space wherever possible, space for functional uses must be balanced with space for tree retention and growth in rear yards in addition to front yards. However, Staff recognize that there are a number of functional uses, notably parking, which when provided can require a significant portion of the rear yard, and must be appropriately managed. Parking in particular represents a major concern as a significant amount of hard surfacing can be necessary to create rear yard parking spaces, including the spaces themselves but also the access to said spaces.

As such staff have proposed the following options below to address the issue of parking and landscaping treatment in rear yards, as potential interim measures for inclusion in the current Zoning By-law while the new Comprehensive Zoning By-law is under development. These options have been presented to industry and community representatives as part of the consultation for this amendment, with the understanding that any such direction would represent an interim option while the new Zoning By-law is under development:

**OPTION 1: Do nothing and introduce no regulations restricting rear yard parking nor requiring rear yard landscaping.**

Staff **do not recommend** this option, given that Bill 23 has significantly expanded where multi-unit dwellings are permitted, including in neighbourhoods within the Outer Urban and Suburban transects of the Official Plan. These represent areas where parking is likely to be a desired feature with any multi-unit development, and given current zoning permissions this parking is likely to be located within rear yards in many circumstances.

**OPTION 2: Minimum 20 per cent of the rear yard area must be provided as a contiguous soft landscaped area.** This option ensures a percentage of the lot is set aside for soft landscaped area, allowing for a certain amount of permeable space which may be used for plantings and scales with the lot and rear yard area. Note that this option would not include rules for how the landscaped area must be configured – as a result, depending on the configuration this may not result in sufficient space for functional planting on a lot.

Staff **do not recommend** this option, given that it does not include any rules for configuration of the landscaped area provided and thus may not result in functional landscaping.

**OPTION 3: No more than 70 per cent of the rear yard area may be occupied by parking spaces, including any driveways and/or aisles within the rear yard providing access to parking spaces.** This option would have the effect of directly

controlling the amount of space which may occupy a rear yard for parking purposes, but does not directly set a minimum on the amount of soft landscaped area on the remainder of the lot.

In the event that Council is not willing to impose both a restriction on the area covered by parking as well as a minimum landscaped area (see Option 5 below), staff recommend this option be implemented. This restriction would directly limit the amount of permitted paved area that can be provided in a rear yard, which represents staff's primary concern at this time with respect to rear yard treatment.

**OPTION 4: A minimum area of 15 square metres must be provided as a soft landscaped area, configured as a rectangular area.** This option would ensure a fixed amount of landscaping configured in a manner that ensures functional plantings, including potential for a tree. However, as it is a fixed amount, it would result in less overall landscaped area on larger lots (and conversely a greater proportion of the lot covered by parking spaces and driveways).

Staff **do not recommend** this option given that while a 15 square metre area may be sufficient to guarantee functional plantings, it is also a fixed amount that does not scale with greater sized lots. This would therefore potentially result in less overall permeable landscaped area being required to be provided in such scenarios.

**OPTION 5: Combination of 70 per cent “maximum area for parking” with a 15 per cent rear yard soft landscaped area requirement.** This is a combination of elements of Options 1 and 3 discussed above. This both provides a direct limit to the area covered by parking while also ensuring that there is a landscaping requirement tied to a portion of the remainder of the rear yard.

In this option, a 15 per cent soft landscaped area requirement is proposed, representing half of the “remaining 30 per cent” area that is not permitted to be occupied by parking. This ensures that regardless of how the parking and landscaped areas are configured, there is some area left over that can be dedicated to other functions, such as storage/waste storage sheds, bicycle parking, or rear yard decks/patios.

Staff **recommend this option as the primary option** preferred as an interim measure. In addition to the benefits of directly restricting hard surfacing for parking as similarly provided for by Option 2, this additionally will ensure that a portion of the remaining rear yard area is permeable and can potentially be used to support plantings such as trees.

Further information on these options, including a full assessment of their pros and cons, is detailed in Document 1 of this report.

Note that regardless of which option or series of options is implemented in this amendment, any provisions addressing rear yard parking and landscaping would represent interim provisions to address these issues while the new Zoning By-law is under development, and staff may propose more stringent requirements with respect to treatment of the rear yard as part of the future new Zoning By-law.

In reviewing these potential options with representatives of the Greater Ottawa Home Builders Association (GOHBA), GOHBA requested the reduction or removal of existing rear yard requirements which apply to specific zones and neighbourhoods of the City if one of the aforementioned options were to be implemented. In particular:

- Rear yard landscaping regulations specific to apartment buildings in the R4UA, UB, UC, and UD subzones, which require a certain portion of the rear yard (dependent on lot area) to be provided as contiguous soft landscaped area. These requirements do not apply to other dwelling typologies, including detached and semi-detached dwellings, so a six-unit building configured as a semi-detached dwelling with additional dwelling units would not be subject to these existing provisions.
- Regulations for a portion of the Westboro neighbourhood within Schedule 430 as set out in the Zoning By-law under Section 146, which include the requirement for a rear yard landscaped buffer abutting the rear lot line.

Staff **do not recommend** removing these requirements at this time. While the aforementioned provisions may not necessarily be carried forward into the new By-law in their present form, they allow for sufficient functional landscaped area that can include a variety of plantings including trees, and were developed through extensive public consultation and with respect to specific policy objectives. As part of the new Zoning By-law review, staff are examining these provisions and to what extent modifications are required to ensure that they can achieve functional development while achieving sufficient rear yard area to support permeable space and trees on-site.

### **Related issues for discussion as part of the development of the new Comprehensive Zoning By-law**

The proposed zoning amendment represents an interim measure as the new Comprehensive Zoning By-law is developed. The new Zoning By-law will aim to shift towards a form-based approach that emphasizes controls on the built form and design of residential buildings, avoiding emphasis on housing typology as currently provided in today's Zoning By-law. While it may not remain in the same form in the new By-law, the standards introduced through the Infill By-law and Westboro study represent much of the groundwork that will be used to establish a form-based development regime

consistent with the direction to permit a wider range of housing forms in a compatible manner.

Staff will consider the following regulations with respect to the design of the rear yard parking area, including to minimize impacts on abutting properties:

- Requirement for permeable paving for all driveways, aisles, and parking spaces located in the rear yard.
- Requirement that all parking spaces in the rear yard and not located within an accessory building must be located at least 1.2 metres away from a lot line. This ensures that some amount of distance is provided between the parking area itself and side and rear lot lines. The space between the parking space and the lot line can subsequently be used for other functions, such as landscaped area. Note that this provision would not apply to driveways or space used for the turning of vehicles to access the parking area.
- Rear yard parking areas not located within an accessory building must be screened from abutting lots by an opaque screen. This could be satisfied by erecting an opaque screen between the parking area and the adjacent lot and would provide a visual barrier between parking areas and abutting neighbours.

From 2015-2021, the City adopted numerous regulations designed to ensure that infill development and intensification is compatible with neighbourhood context, in terms of its height, scale, massing, and landscaped area. These measures have been focused mainly on existing neighbourhoods located inside the Greenbelt, where most infill development occurs, with some measures currently applied only to specific neighbourhoods or streets within the City. A number of these were proposed in the initial amendment circulation to apply to a wider area of the City. Given that this amendment is primarily to address requirements set out via Bill 23, it is not proposed to expand these measures at this time, however many of these regulations address issues that Staff are looking to address in further detail in the new Zoning By-law.

### **Public consultation**

As directed in the July 2023 motion, staff consulted with representatives of the development industry, including the Greater Ottawa Home Builder's Association (GOHBA) and the Ottawa Small Landlord Association (OSLA), as well as representatives from the Federation of Citizens' Associations during July 2023 to discuss the proposed amendments.

## **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

## **RURAL IMPLICATIONS**

The final amendment report, to go forward in Q4 2023, will need to be heard by both the Planning and Housing Committee and the Agricultural and Rural Affairs Committee prior to Council. This is because the amendment principally involves the consolidation of existing sections 133 and 142, sections containing rules that apply city-wide, into a single “additional dwelling units” section.

Furthermore, the amendment to the *Planning Act* by Bill 23 requires any “parcel of urban residential land” to permit at least three dwelling units (whether all three in the principal building or two in the principal building with a third unit in an ancillary building). A “parcel of urban residential land” under the *Planning Act* comprises any residentially-zoned parcel with access to full municipal water and wastewater services.

As residential lots in some villages within the city (e.g. certain lots within Carp, Manotick, and Richmond) do have access to both water and wastewater services, they would be subject to the requirement established under Bill 23 to permit three units. Thus, the ability to provide up to two (2) additional units on a lot containing a detached, semi-detached, duplex, or townhouse dwelling will apply to the V1, V2, and V3 village residential zones on lots with full services. Where access to full municipal water and/or wastewater is not present, permissions are not proposed to change (i.e. a maximum of one additional dwelling unit would be permitted).

The areas of concern not strictly related to additional units for which potential options have been identified for review (i.e. rear yard landscaping/parking treatment, harmonization of existing residential zones) relate to issues specific to the urban area, and there are no rural implications with respect to said options as a result.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

This section does not apply to City-wide items.

## **LEGAL IMPLICATIONS**

There are no legal impediments to the adoption of the recommendations in this report. Decisions on a planning matter are not considered final until the planning instrument in question, here a zoning by-law amendment, is adopted. Nonetheless, while it is possible to revisit decisions made earlier in the process, and Members of Committee and Council must always be “capable of being persuaded” as new information and submissions are

brought forward, it is to be expected that the final decisions made by Council at the culmination of a planning review will build upon the determinations made through the process.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications resulting from this report.

### **ACCESSIBILITY IMPACTS**

The contents of this report have no implications on accessibility.

### **TERM OF COUNCIL PRIORITIES**

This report addresses the following Term of Council Priorities:

- A city that has affordable housing and is more livable for all
- A city that is green and resilient
- A city with a diversified and prosperous economy

### **SUPPORTING DOCUMENTATION**

Document 1 - Pros / Cons Analysis – Rear Yard Landscaping and Parking Options

### **CONCLUSION**

The proposed zoning amendment is necessary to go forward to bring the current Zoning By-law 2008-250 in line with the *Planning Act* as amended by Bill 23 with respect to additional dwelling units.

The options for review in this report are intended as interim measures to address issues that Staff view as potential implications of new development permitted as a result of Bill 23's additional units permissions. In particular, the options for addressing rear yard parking and landscaping are intended to ensure that where parking is provided for additional units permitted, that area is left available for permeable space and plantings including trees wherever possible.



**DISPOSITION**

Economic Development and Long-Range Planning to prepare a report and proposed amending by-law in accordance with the approved Council direction.

## Document 1 – Pros / Cons Analysis – Rear Yard Landscaping and Parking Options

The following is an analysis of the pros and cons of the rear yard landscaping and parking treatment options presented in this report.

This review breaks down pros and cons by several themes, including those related to readability and ease of implementation (Themes 1, 6 and 7), ability to provide for trees and permeable space (Themes 2 and 3), ability to provide parking in the rear yard (Theme 4) and potential to mitigate impacts on neighbouring properties (Theme 5).

This analysis reviews in depth Option 2 (minimum 20% rear yard soft landscaped area), Option 3 (maximum 70% rear yard parking area), and Option 4 (minimum 15 square metre rear yard soft landscaped area). Option 5 (maximum 70% rear yard parking area plus minimum 15% rear yard soft landscaped area) is not listed here, given that it combines elements of Options 2 and 3 and thus many of the pros and cons of this option are the same as those listed individually for those options.

Option 5 is, in Staff's opinion, the recommended option, as the combination of restrictions on parking and requirement for soft landscaping mitigate some of the cons of options 2 and 3 listed below. For example, a maximum on rear yard parking area on its own does not guarantee rear yard landscaping, which can be accounted for by combining it with a minimum soft landscaping requirement.

Theme	Analysis	Option 2 – Min. 20% Rear Yard Soft Landscaped Area	Option 3 – Max. 70% Rear Yard Parking Area	Option 4 – Min. 15 sq m Rear Yard Soft Landscaped Area
<b>Theme #1: Understandability, Flexibility, and Feasibility of Implementing the Option by the Property Owner</b>	Pros	<ul style="list-style-type: none"> <li>- This Option more directly addresses the objective of providing more greenspace in rear yards, compared to Option 2.</li> <li>- The location of the landscaping is flexible and would be up to the discretion of the landowner/developer</li> <li>- Results from the modelling analysis indicate that all tested scenarios would be able to meet this landscaping requirement and also be able to provide 2 parking spaces and a suitable driveway/access in the rear yard</li> </ul>	<ul style="list-style-type: none"> <li>- This Option clearly requires that 70% of rear yard can be allocated to parking, with the rest of the site available for flexible use for accessory buildings, landscaping, etc.</li> <li>- Results from the modelling analysis indicate that all tested scenarios would allow for at least 2 parking spaces, a suitable driveway, and would meet this proposed 70% maximum parking coverage requirement.</li> </ul>	<ul style="list-style-type: none"> <li>- This Option directly addresses the objective of providing contiguous greenspace in the rear yard.</li> <li>- The Landowner/developer has flexibility regarding the location and dimensions of the area.</li> <li>- This requirement is relatively more easily measured and planned for, compared with the percentage-based requirements under Options 1 and 2.</li> </ul>
	Cons	<ul style="list-style-type: none"> <li>- The landscaped area will require maintenance (mowing, trimming, etc.), which may be viewed as a con due to associated cost/effort.</li> <li>- The requirement will reduce the amount of space available in the rear yard for other uses, such as off-street parking and accessory uses.</li> <li>- Landowners/developers may face challenges in designing developments that need a large number of parking spaces.</li> </ul>	<ul style="list-style-type: none"> <li>- This Option does not directly address the objective of promoting more greenspace.</li> <li>- This Option reduces the amount of space available for off-street parking within the rear yard (recognizing that the requirement would allow for the feasible accommodation of two parking spaces plus driveway/turning area, as per the modelling analysis).</li> <li>- Landowners/developers may face challenges in designing developments</li> </ul>	<ul style="list-style-type: none"> <li>- The landscaped area will require maintenance (mowing, trimming, etc.), which may be viewed as a con due to associated cost/effort.</li> <li>- The requirement will reduce the amount of space available in the rear yard for other uses, such as off-street parking and accessory uses.</li> <li>- Results from the modelling analysis indicate that this requirement is easily achieved in most scenarios; however, this requirement may be</li> </ul>

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			that need a large number of parking spaces.	difficult to achieve on 9-metre wide lots while still allowing for a minimum of 2 parking spaces in the rear yard.
<b>Theme #2: Facilitates Tree Planting</b>	Pros	<ul style="list-style-type: none"> <li>- May facilitate tree planting, if the required landscaped area is provided as a contiguous area and has suitable dimensions (minimum width or other requirements could be considered to better ensure this benefit can be realized).</li> <li>- Landowners/developers are more likely to integrate trees into their designs when there is a requirement for a portion of the property to be landscaped.</li> </ul>	<ul style="list-style-type: none"> <li>- Limits the amount of parking area on the site which can help ensure the provision of space for potential landscaping and tree planting.</li> </ul>	<ul style="list-style-type: none"> <li>- May facilitate tree planting, if the required landscaped area is wide enough.</li> <li>- Landowners/developers are more likely to integrate trees into their designs when there is a requirement for a portion of the property to be landscaped.</li> </ul>
	Cons	<ul style="list-style-type: none"> <li>- May not facilitate tree planting, if the landowner/developer decides to achieve the requirement by providing only a thin strip of landscaping that is not sufficient for tree planting.</li> </ul>	<ul style="list-style-type: none"> <li>- Does not guarantee sufficient contiguous space for tree planting if the remaining portion of the site is not required to be landscaped.</li> </ul>	<ul style="list-style-type: none"> <li>- Tree planting may not be possible unless the 15 sq. m. landscaped area requirement includes a minimum width.</li> </ul>
<b>Theme #3: Provides for Landscaped Space, Infiltration, etc.</b>	Pros	<ul style="list-style-type: none"> <li>- Would require at least 20% of soft landscaping in the rear yard to be maintained over time, directly facilitating the provision of landscaping</li> <li>- The landscape area will facilitate more infiltration and could be used for snow storage.</li> <li>- The landscaping requirement is proportional to the lot size, requiring more landscaping to be provided on larger lots.</li> </ul>	<ul style="list-style-type: none"> <li>- Landowners/developers are encouraged to allocate a larger portion of the property for landscaping, as the provision is flexible with respect to the use of the remaining 30% of the lot area.</li> </ul>	<ul style="list-style-type: none"> <li>- Would require at least 15 sq. m. of landscaping in the rear yard, directly facilitating the provision of landscaping</li> <li>- The required landscaped area can provide opportunity for infiltration and snow storage.</li> </ul>
	Cons	<ul style="list-style-type: none"> <li>- The 20% landscaping requirement may not facilitate viable opportunity for tree planting (i.e., the requirement could be achieved with just a thin</li> </ul>	<ul style="list-style-type: none"> <li>- Does not guarantee landscaping, as landowner/developer could choose to not landscape the remaining 30% of the lot area (would need to consider</li> </ul>	<ul style="list-style-type: none"> <li>- If there is no minimum width requirement, the 15 sq. m. landscaped area may not facilitate tree planting or desirable landscaped space.</li> </ul>

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		strip along perimeter of the lot).	<p>provisions for the remaining 30% of the lot area).</p> <ul style="list-style-type: none"> <li>- Minimizes permeability on a lot if remaining 30% is allowed to be hardscaping.</li> </ul>	<ul style="list-style-type: none"> <li>- The requirement of 15 sq. m. would not provide as much landscaped open space as could be facilitated by Option 1, especially on larger lots.</li> </ul>
<b>Theme #4: Provides Suitable Opportunity for Rear Parking</b>	Pros	<ul style="list-style-type: none"> <li>- Allows for the landowner/developer to determine where landscaping would be located in order to maximize parking spaces.</li> <li>- May allow for more flexibility with respect to the amount of parking that can be provided compared with Option 2 (i.e., in Option 1, up to 80% of the rear yard could potentially be used for parking compared to Option 2's proposed maximum of 70%, but this is subject to meeting other requirements of the by-law).</li> <li>- As noted previously, the modelling analysis showed that all tested scenarios can accommodate two parking spaces in the rear yard feasibly, while meeting this landscaping requirement.</li> </ul>	<ul style="list-style-type: none"> <li>- As noted previously, the modelling analysis showed that all tested scenarios are able to accommodate two parking spaces in the rear yard feasibly while meeting this maximum parking coverage requirement.</li> </ul>	<ul style="list-style-type: none"> <li>- Allows for the landowner/developer to determine where landscaping would be located in order to maximize parking spaces.</li> </ul>
	Cons	<ul style="list-style-type: none"> <li>- May limit the number of parking spaces that can be accommodated due to the need to accommodate the landscaped area.</li> <li>- Flexibility would be improved if this requirement was only related to the minimum required rear yard, rather than the entire rear yard.</li> </ul>	<ul style="list-style-type: none"> <li>- Limits the number of parking spaces that can be accommodated by directly capping the amount of land that can be used for parking.</li> <li>- Flexibility would be improved if this requirement was only related to the minimum required rear yard, rather than the entire rear yard.</li> </ul>	<ul style="list-style-type: none"> <li>- May limit the number of parking spaces that can be accommodated due to the need to accommodate the landscaped area.</li> <li>- As noted previously, the modelling analysis indicates this Option may not suitably provide for 2 spaces to be accommodated in the rear yard on very small (9 m lots) but this can be addressed by relating the provisions to the lot size.</li> </ul>
<b>Theme #5: Improves or addresses</b>	Pros	<ul style="list-style-type: none"> <li>- Generally promotes more visually pleasing and attractive developments</li> </ul>	<ul style="list-style-type: none"> <li>- The limitation on parking may reduce the intensity of parking activity in the</li> </ul>	<ul style="list-style-type: none"> <li>- Generally promotes more visually pleasing and attractive developments</li> </ul>

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<b>compatibility with neighboring properties</b>		<p>and overall communities by providing for some greenspace in the rear yard.</p> <ul style="list-style-type: none"> <li>- The landscaped area may contribute to amenity space where it meets the City's criteria.</li> <li>- This regulation should help facilitate a green buffer between neighbouring properties, but the location is not prescribed by this Option and will not guarantee a buffer along all lot lines.</li> </ul>	<p>rear yard, such as associated noise and light intrusion.</p>	<p>and overall communities by providing for some greenspace in the rear yard.</p> <ul style="list-style-type: none"> <li>- The landscaped area may contribute to amenity space where it meets the City's criteria.</li> </ul>
	Cons	<ul style="list-style-type: none"> <li>- Some properties may have limited rear yard space due to the property's size, shape, or existing structures. Enforcing a fixed percentage could lead to impractical or awkward designs that do not provide desirable or functional landscaped areas.</li> <li>- The regulation has the effect of limiting the amount of land available to be used for parking, which could potentially result in the developer not meeting the specific parking needs for the site. This could lead to parking enforcement challenges.</li> </ul>	<ul style="list-style-type: none"> <li>- As the location of parking areas is not specified, this regulation on its own would allow parking areas to abut neighbouring properties with little or no buffer.</li> <li>- The regulation limits the amount of land available to be used for parking, which could potentially result in the developer not meeting the specific parking needs for the site. This could lead to parking enforcement challenges.</li> </ul>	<ul style="list-style-type: none"> <li>- The regulation has the effect of limiting the amount of land available to be used for parking, which could potentially result in the developer not meeting the specific parking needs for the site. This could lead to parking enforcement challenges.</li> </ul>
<b>Theme #6: Risk for Minor Variances</b>	Pros	- N/A	- N/A	- N/A
	Cons	<ul style="list-style-type: none"> <li>- A percentage-based requirement is unlikely to work perfectly in all cases, and thus minor variances may be needed. Each property may have unique lot constraints or parking needs that could make it challenging to meet this requirement, leading to requests for minor variances.</li> </ul>	<ul style="list-style-type: none"> <li>- A percentage-based requirement is unlikely to work perfectly in all cases, and thus minor variances may be needed. Each property may have unique lot constraints or parking needs that could make it challenging to meet this requirement, leading to requests for minor variances.</li> </ul>	<ul style="list-style-type: none"> <li>- As has been noted, the modelling analysis suggests that this requirement may not be feasibly achieved on small lots (9-metre wide) while still providing for two parking spaces. These situations, or unique lot constraints, may result in requests for minor variances.</li> </ul>
<b>Theme #7: Administration Cost and</b>	Pros	- N/A	- N/A	<ul style="list-style-type: none"> <li>- On-site compliance confirmation by enforcement officers to</li> </ul>

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<b>Enforcement Considerations</b>				<p>assess complaints would be less challenging compared to Options 1 and 2, as the min 15 sq. m. landscaped area could be more simply measured compared with the effort required to confirm compliance with coverage requirements.</p>
	Cons	<ul style="list-style-type: none"> <li>- Over time, there is risk the landscaped area will degrade due to lack of maintenance or be encroached upon by parking areas or other uses, and enforcement opportunities to prevent this from occurring will be limited.</li> <li>- Additional administrative cost (time) will be associated with reviewing compliance with the provision in conjunction with applications for the site.</li> <li>- The introduction of any new provisions may frustrate existing applications/projects, so consideration should be made to providing a transition clause.</li> <li>- Enforcement officers would need to confirm via measurements that less than 20% of the rear yard is not landscaped, which may be a challenging enforcement task.</li> <li>- If narrow strip landscaping is provided, longevity of landscaping is less likely if not properly maintained.</li> </ul>	<ul style="list-style-type: none"> <li>- Over time, there is risk that the parking area will encroach/expand beyond 70%, and enforcement opportunities to prevent this from occurring will be limited.</li> <li>- Additional administrative cost (time) will be associated with reviewing compliance with the provision in conjunction with applications for the site.</li> <li>- The introduction of any new provisions may frustrate existing applications/projects, so consideration should be made to providing a transition clause.</li> <li>- Enforcement officers would need to confirm via measurements that more than 70% of the rear yard is being used for parking, which may be a challenging enforcement task.</li> </ul>	<ul style="list-style-type: none"> <li>- Over time, there is risk the landscaped area will degrade due to lack of maintenance or be encroached upon by parking areas or other uses, and enforcement opportunities to prevent this from occurring will be limited.</li> <li>- Additional administrative cost (time) will be associated with reviewing compliance with the provision in conjunction with applications for the site.</li> <li>- The introduction of any new provisions may frustrate existing applications/projects, so consideration should be made to providing a transition clause.</li> </ul>