Subject: Zoning By-law Amendment – Aligning Zoning By-law 2008-250 with Bill 23 concerning Additional Dwelling Units

File Number: ACS2023-PRE-EDP-0039

Report to Planning and Housing Committee on 4 October 2023

to Agriculture and Rural Affairs Committee on 5 October 2023

and Council 11 October 2023

Submitted on September 22, 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: Modification du Règlement de zonage – Mise en concordance du *Règlement de zonage* (n^{o} 2008-250) avec le projet de loi 23 sur les logements supplémentaires

Dossier : ACS2023-PRE-EDP-0039

Rapport au Comité de la planification et du logement le 4 octobre 2023

au Comité de l'agriculture et des affaires rurales le 5 octobre 2023

et au Conseil le 11 octobre 2023

Soumis le 22 septembre 2023 par David Wise, Directeur, Services de la planification, Direction générale de la planification, des biens immobiliers et du développement économique

Personne ressource: Robert Sandercott, Urbaniste, Politiques de la planification

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATIONS

1. **That Planning and Housing Committee and Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 to permit up to 2 additional units on fully-serviced residential lots, in accordance with Provincial requirements under Bill 23, as shown in Document 1.**

2. **That Planning and Housing Committee and Agriculture and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to the Planning Act 'Explanation Requirements' at the City Council Meeting of July 12, 2023," subject to submissions received between the publication of this report and the time of Council's decision.**

RECOMMANDATIONS DU RAPPORT

1. **Que le Comité de la planification et du logement et le Comité de l'agriculture et des affaires rurales recommandent au Conseil municipal d'approuver la modification à apporter au *Règlement de zonage* (n° 2008-250) afin d'autoriser la construction d'au plus deux logements supplémentaires sur les lots résidentiels entièrement viabilisés, conformément aux exigences édictées par le gouvernement provincial dans le projet de loi 23 selon les modalités reproduites dans la pièce 1.**

2. **Que le Comité de la planification et du logement approuve l'intégration de la section Détails de la consultation du rapport dans le cadre de la « brève explication » du Résumé des mémoires déposés par écrit et de vive voix, à rédiger par le Bureau du greffier municipal et à soumettre au Conseil municipal dans le rapport intitulé « Résumé des mémoires déposés par écrit et de vive voix par le public sur les questions assujetties aux "explications obligatoires" de la *Loi sur l'aménagement du territoire* à la réunion que tiendra le Conseil municipal le 12 juillet 2023 », sous réserve des mémoires qui seront déposés entre la publication de ce rapport et la date à laquelle le Conseil municipal rendra sa décision.**

EXECUTIVE SUMMARY

In November 2022, The Province of Ontario adopted Bill 23, the "*More Homes Built Faster Act*". The Bill has widespread impacts on legislation across ten separate Acts, including the *Planning Act* and the *Development Charges Act*. A significant change introduced through this legislation is that a requirement to allow for up to three residential units, in the form of up to two *additional units* or a *coach house* and an *additional unit,* is now mandated Province-wide for all lands serviced by municipal services.

This revision to the *Planning Act* has triggered the need to modify the Zoning By-law to ensure it is consistent with the amendments in Bill 23. in line with this requirement to respond to critical issues of interpretation, to provide clarity for applicants and the general public. The immediate changes include the following:

- Creation of a new "additional dwelling units" section which will comprise both additional units within the principal building and additional units within coach houses;
- Elimination of maximum floor area limits for "additional units" within the principal building. Setback, size, and height provisions for coach houses are proposed to remain as-is; and
- Implementation of a maximum parking utilization ratio and minimum soft landscaped area for rear yards associated with low-rise residential development.

Staff are mindful that the change to up to three residential units per parcel has significant impacts across the Zoning By-law, and calls into question the regulatory differences between detached, duplex, semi-detached, triplex and smaller low-rise building forms. Staff are further mindful that changes to the *Development Charges Act* may be a significant incentive towards "Bill-23"-enabled development, and away from purpose built "missing-middle" development forms such as triplexes, fourplexes, sixplexes and low-rise apartments.

Staff Recommendation

Planning staff recommend approval of the proposed Zoning By-law amendments, which will give effect to the additional dwelling unit (ADU) regulations introduced to the *Planning Act* via Bill 23, and also implement directions previously given by Planning and Housing Committee at its meeting of September 6, 2023, with respect to other implications of ADUs permitted via this legislation.

Applicable Policy

Bill 23, More Homes Built Faster Act, 2022, included amendments to the *Planning Act* to allow up to three units as-of-right on any residential lot with access to water and wastewater services. These changes override regulations to the contrary contained in municipal by-laws.

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, community associations, and the general public.

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"*. With this in mind, the proposed amendment aims to ensure consistent regulations apply across all typologies permitted to contain additional dwelling units.

Public Consultation/Input

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.

A summary of public comments can be found in Document 2.

RÉSUMÉ

En novembre 2022, le gouvernement de l'Ontario a adopté le projet de loi 23 (« *Loi de 2022* visant à accélérer la construction de plus de logements »). Ce projet de loi a des répercussions généralisées sur 10 lois distinctes, dont la *Loi sur l'aménagement du territoire* et la *Loi de 1997 sur les redevances d'aménagement*. D'après un changement important apporté dans le cadre de ce projet de loi, il est désormais obligatoire de prévoir dans toute la province, sur tous les terrains viabilisés grâce à des services municipaux, la construction d'au plus trois logements sous la forme d'au plus deux logements supplémentaires ou d'une annexe et d'un logement supplémentaire.

La révision ainsi apportée à la *Loi sur l'aménagement du territoire* oblige à modifier le ***Règlement de zonage*** pour s'assurer qu'il concorde avec les modifications du projet de loi 23, ce qui cadre avec cette obligation de donner suite aux problèmes critiques

d'interprétation, afin d'apporter des précisions aux requérants et au grand public. Les changements qui interviennent dans l'immédiat consistent entre autres à :

- créer un nouvel article consacré aux « logements supplémentaires » qui comprendra à la fois les logements supplémentaires de l'immeuble principal et les logements supplémentaires des annexes résidentielles;
- éliminer les limites de superficie maximums pour les « logements supplémentaires » dans l'immeuble principal. Nous proposons de ne pas modifier les dispositions relatives aux marges de retrait, à la superficie et à la hauteur des annexes résidentielles;
- mettre en œuvre un ratio maximum d'utilisation des places de stationnement et une superficie paysagée végétalisée minimum pour les cours arrière associées à des aménagements résidentiels de faible hauteur.

Le personnel sait que le changement qui prévoit la construction d'au plus trois logements par parcelle a des répercussions importantes sur l'ensemble du ***Règlement de zonage*** et remet en question les différences réglementaires entre les habitations individuelles, les duplex, les habitations jumelées, les triplex et les immeubles de faible hauteur. Le personnel sait aussi que les changements apportés à la *Loi de 1997 sur les redevances d'aménagement* peuvent constituer d'importants motifs d'incitation dans l'aménagement de logements que permet de construire le projet de loi 23 et qu'ils sont différents des formes d'aménagement des « logements intermédiaires manquants » construits à cette fin, dont les triplex, les quadruplex, les sixplex et les immeubles d'appartements de faible hauteur.

Recommandation du personnel

Le personnel des Services de planification recommande d'approuver les modifications qu'il propose d'apporter au ***Règlement de zonage***, ce qui donnera effet aux règlements d'application sur les logements supplémentaires (LS), adoptés en vertu de la *Loi sur l'aménagement du territoire* par le truchement du projet de loi 23, en plus de mettre en œuvre les directives auparavant données, à sa réunion du 6 septembre 2023, par le Comité de la planification et du logement en ce qui a trait aux autres incidences des LS autorisés grâce à cette loi.

Politiques applicables

Le projet de loi 23 (*Loi de 2022 visant à accélérer la construction de plus de logements*) a eu pour effet de modifier la *Loi sur l'aménagement du territoire* afin d'autoriser l'aménagement d'au plus trois logements de plein droit sur les lots résidentiels viabilisés grâce aux services d'aqueduc et d'égout. Ces changements annulent et remplacent les

règlements d'application qui produisaient l'effet contraire et qui faisaient partie des règlements municipaux.

Cette révision de la *Loi sur l'aménagement du territoire* oblige à modifier le ***Règlement de zonage*** en fonction de cette obligation de donner suite aux problèmes critiques d'interprétation, qui causent actuellement des difficultés pour le personnel chargé de l'examen des demandes d'aménagement et de l'application du Code du bâtiment, de même que pour apporter des précisions aux requérants, aux associations communautaires et au grand public.

Dans le Plan officiel de la Ville, la politique 1) de la sous-section 4.2.1 dispose entre autres que le ***Règlement de zonage*** doit prévoir un ensemble 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 ». C'est pourquoi la modification proposée vise à s'assurer que les règlements d'application cohérents produisent leurs effets dans toutes les typologies qui peuvent comprendre des logements supplémentaires.

Consultation et avis du public

Conformément à la motion de juillet 2023, le personnel a consulté, en juillet 2023, les représentants de la profession des promoteurs, dont la Greater Ottawa Home Builders' Association (GOHBA) et l'Ottawa Small Landlords Association (OSLA), ainsi que les représentants de la Fédération des associations civiques d'Ottawa.

La lecteur trouvera dans la pièce 2 la synthèse des commentaires du public.

BACKGROUND

Summary of requested Zoning By-law amendment

Bill 23, More Homes Built Faster Act, 2022, was approved by the Provincial Legislature on November 28, 2022. The Bill implements extensive changes to a number of Acts and regulations including the Development Charges Act, Planning Act and Municipal Act. One key change to the Planning Act involves revisions that override municipal zoning by-laws to allow up to three units as-of-right on any residential lot with access to water and wastewater services.

This change through Bill 23 has triggered the need to amend the Zoning By-law to account for the requirement to permit three dwelling units.

Presently, the Zoning By-law permits the addition of one secondary dwelling unit or one coach house in accordance with the provisions of Sections 133 and 142 respectively, in

any zone where a detached dwelling, semi-detached dwelling, duplex, and/or townhouse dwelling is a permitted use. This is in accordance with previous Planning Act requirements to permit additional dwelling units on residential lots, prior to the introduction of Bill 23.

At the July 5, 2023 meeting of the Planning and Housing Committee, the Committee adopted the following motion 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. These comments were taken into consideration when setting out potential options for direction as per item 1 of the motion above.

The "options" report, as directed in item 1 of the aforementioned motion, was received by Planning and Housing Committee on September 6, 2023. The Committee directed Staff to prepare an amendment that includes the following:

- Remove existing maximum floor area and entranceway restrictions from Section 133 as part of this amendment; and
- Implement regulations addressing 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.

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

Staff propose to merge Sections 133 (regarding secondary dwelling units) and Section 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;
- Removal of maximum floor area limits on individual units within the principal building, where principal or secondary, whereas Section 133 currently requires any secondary unit not located entirely in the basement to be no more than 40% of the floor area of its principal dwelling unit;
- 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. 4 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;
- Removal of prohibitions on separate entrances for additional units contained within the front wall 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” in the Zoning By-law with “additional dwelling unit”.

The amendment also includes items not specifically required to address Bill 23’s additional dwelling unit requirements, but ensures that zoning requirements are in place to manage potential impacts associated with multi-unit development, specifically rear yard landscaping and associated parking areas.

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. These are presently specific to front yards, and no such regulations exist for rear yards city-wide for detached, semi-detached, duplex, or townhouse 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, and that these functional uses can be provided in a compatible manner that avoids undue impacts on abutting lots. However, some of functional uses, notably parking, when provided in the rear yard can result in a significant portion of the lot being covered by impervious surfaces, that may not be conducive to vegetation or site drainage. Parking in particular represents a major concern as a significant amount of hard surfacing can be necessary to create rear yard parking spaces.

With this in mind, the following amendments are proposed to provide for regulations of the treatment of rear yards, as directed by Planning and Housing Committee at its meeting of September 6, 2023:

- **A maximum of 70 percent of the rear yard area may be occupied by parking spaces, driveways, and aisles.** This regulation places an upper limit on the amount of rear yard space that can be used for parking purposes, including access to all rear yard parking spaces on a lot.

- **At least 15 percent of the rear yard area must be softly landscaped.** This regulation ensures that there is a minimum soft landscaping requirement set out for all uses in residential zones, including in instances where parking or other hard surfaces are provided in rear yards. This provision combined with the aforementioned 70 percent limit on rear yard parking areas also ensures some space is available to be left over for other functions, including rear entrances/landings into buildings, storage or waste/recycling sheds, or rear yard porches or decks.

Staff propose that a transition clause be included in the amendment for applications filed prior to the date of adoption by Council, such that the rear yard landscaping rules would not apply to any already active building permit or development application provided a building permit is issued within one year of Council’s adoption of this By-law.

Parking and landscaped areas - Urban Forest Tree Canopy and Stormwater Management

Zoning staff are working with Forestry staff and Infrastructure Planning staff to ensure a coordinated approach between teams on issues relating to the urban forest and

stormwater management. Specifically, staff in Forestry and Infrastructure Planning have been consulted and made aware of the interim amendments in this report concerning how much of a rear yard may be used for parking and the amount of yard set aside for soft landscaping.

The draft Infrastructure Master Plan will set policy that would require on-site stormwater management for development that is not subject to *Planning Act* processes (some smaller additions may be exempted). This requirement would be implemented through the Zoning By-law and would involve requirements for temporary storage of run-off on the property in order to mitigate the impact on the City's existing storm drainage systems. This would apply to intensification projects that involve a net increase in hard surface area for a property compared to existing conditions.

Zoning staff will continue to work with Forestry and Infrastructure staff as work on the new Zoning By-law progresses to coordinate zoning with policy directions for trees in the Official Plan and stormwater-related policies in the Infrastructure Master Plan. The Infrastructure Master Plan is scheduled to be considered by Council for approval in November 2023**.**

Staff are aware that the landscaped area provided for in this regulation is not sufficient on its own to provide for long-term and resilient tree retention and planting conditions. However, the introduction of a rear yard landscaping requirement in conjunction with limits on rear yard parking areas represents an interim improvement over the current lack of regulation at all. In this regard, staff will provide forestry staff additional tools in the interim to work with development on tree plantings relating to infill development. Zoning staff continue to work with Natural Systems and Forestry staff and will be coordinating zoning regulations with further directions relating to soil volume and tree planting requirements consistent with the Official Plan, the Urban Forest Management Plan, and the development of the Tree Planting Strategy.

DISCUSSION

Public consultation

This amendment was initially circulated for public comment in March 2023.

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 with respect to the proposed amendments. This resulted in the recommendations presented in the September 2023 report.

For this proposal's consultation details, see Document 2 of this report.

Official Plan designation(s)

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 within the principal building, or a coach house and an additional unit within the principal building, 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.

This report is primarily relevant to the ”Neighbourhoods” designation of the Official Plan, and to a lesser extent certain rural villages within the ”Village” designation of the Plan.

Section 6.3 of the Plan covers policies specific to Neighbourhoods and provides for "ongoing gradual, integrated, sustainable and context-sensitive development" with the general intent of allowing a range of housing forms in a compatible manner.

Section 6.3.2.2 of the Plan goes into further detail how zoning is intended to provide for such residential growth in Neighbourhoods:

"The City will establish form-based regulation through the Zoning By-law, Site Plan Control and other regulatory tools as appropriate, consistent with Transect direction. Such form-based regulation may include requirements for articulation, height, setbacks, massing, floor area, roofline, materiality and landscaped areas having regard for:

a) Local context and character of existing development;

b) Appropriate interfaces with the public realm, including features that occupy both public and private land such as trees;

c) Appropriate interfaces between residential buildings, including provision of reasonable and appropriate soft landscaping and screening to support livability;

d) Proximity to Hubs, Corridors and rapid-transit stations;

e) Transition in building form to and from abutting designations;

f) The intended density to be accommodated within the permitted building envelope; and

g) The provisions of Subsection 4.2 Policy 1)(d).”

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”.

Ultimately, it will be the intent of the new Comprehensive Zoning By-law to establish more permanent standards for a full range of Neighbourhood zones to address the requirements of the Official Plan, including the aforementioned policies of Section 6.3. However, since it is necessary to bring the current Zoning By-law 2008-250 into conformity with the three-unit requirement imposed by Bill 23 in the interim, the above policy provides a framework to which new zoning to accommodate additional units must conform.

While the aforementioned policy mentions Site Plan Control, Staff note that Bill 23 prohibits municipalities from imposing Site Plan Control on residential buildings containing ten dwelling units or less, and therefore this measure is not discussed nor proposed in this report.

Provincial Policy Statement

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

RURAL IMPLICATIONS

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 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).

COMMENTS BY THE WARD COUNCILLOR(S)

City-wide report.

LEGAL IMPLICATIONS

There are no legal impediments to adopting the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

The report recommendations will help facilitate intensification in low-rise residential areas across the City. While infrastructure capacity exists to accommodate intensification in these areas, there are limits to available capacity and a focused program is required to manage the impacts of intensification on existing infrastructure. In particular and as discussed in this report, on-site stormwater management measures are needed in order to manage these impacts, which could have implications on the design of residential intensification projects. Strategies for servicing increased levels of intensification will be addressed in the Infrastructure Master Plan, which is scheduled to be considered by Council in Q4 2023.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the recommendations of the report.

ACCESSIBILITY IMPACTS

There are no direct accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- A city that has affordable housing and is more livable for all

SUPPORTING DOCUMENTATION

Document 1 Details of Recommended Zoning

Document 2 Consultation Details

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. Where not strictly required to address Bill 23, the proposed amendments will address other implications of ADU permissions, including ensuring functionality of residential buildings containing ADUs and mitigating negative impacts on abutting properties, including with respect to parking and tree canopy.

DISPOSITION

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, City Manager’s Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Details of Recommended Zoning

The proposed changes to the City of Ottawa Zoning By-law No. 2008-250 are as follows:

Delete Section 133 (Secondary Dwelling Units) and Section 142 in its entirety and replace with wording similar in effect to the following:

Section 133 – Additional Dwelling Units and Coach Houses

General

(1) (a) Subject to subsections (2) through (19), a coach house and/or additional dwelling units are permitted on a lot containing a detached dwelling, linked-detached dwelling, semi-detached dwelling, townhouse dwelling or duplex dwelling.

(b) Despite (a), in Area D on Schedule 1, a phased development is permitted where a coach house may exist prior to the establishment of a dwelling type listed in (a), provided the servicing requirements of subsection (7) are met and that 133(1)(a) is satisfied upon the completion of all the phases of development.

(2) An additional dwelling unit or coach house must be located on the same lot, or portion of a lot as its associated principal dwelling unit, whether or not that parcel is severed.

(a) In the case of a semi-detached, linked-detached, or townhouse dwelling, the regulations of this section apply to each portion of a lot on which each principal dwelling unit is located, whether or not that parcel is to be severed.

(3) (a) Where permitted, in no case may the sum of all principal dwelling units, additional dwelling units, and coach houses located on a lot, or portion of a lot associated with the principal dwelling unit where the lot is not severed, exceed three units.

(b) Despite (a), no more than one unit is permitted as a coach house.

(c) Despite (a) and (b), where a property is not serviced by municipal water, sewerage and drainage systems that have adequate capacity, a maximum of either one additional dwelling unit or one coach house is permitted.

(d) Despite (a) and (b), where located in Area D on Schedule 1, a coach house is not permitted on a lot that is less than 0.4 hectares in area, and not serviced by both a public or communal water system and public or communal wastewater system.

(4) Where an oversized dwelling unit is permitted on a lot containing additional dwelling units and/or coach houses:

(a) the maximum cumulative number of bedrooms permitted in all principal and additional units on the lot is twelve.

(b) despite (a), an oversize dwelling unit is not permitted within a coach house.

(5) Parking and driveways serving an additional dwelling unit and/or coach house are subject to the following:

(a) In the case of a corner lot, a new driveway may be created in a yard which abuts a street and which does not contain a driveway for the principal dwelling unit.

(b) Except in the case of subsection (5)(a), and despite 100(5), a parking space for an additional dwelling unit or coach house must be located in a permitted driveway associated with the principal dwelling unit, and may be in tandem with the principal dwelling unit's parking space.

Coach Houses

(6) A coach house must be located:

(a) in the rear yard for lots less than 0.4 hectares in area (By-law 2017-231) (By-law 2017-322)

(b) in the case of a lot with frontage on both a street and a travelled public lane, in the yard adjacent to the travelled public lane.

(7) A coach house must be serviced:

(a) Within Areas A, B and C on Schedule 1, from the principal dwelling, and the principal dwelling must be serviced by a public or communal water and waste water system;

(b) Within Area D on Schedule 1,

(i) by sharing at least one of either the well or septic system servicing the principal dwelling, or

(ii) from the principal dwelling serviced by a private septic system, private well, communal water system or communal waste water system.

(8) The maximum permitted height of a building containing a coach house:

(a) in the AG, EP, ME, MR, RC, RG, RH, RI, RR, RU, V1, V2, V3 and VM Zones, is the lesser of:

(i) the height of the principal dwelling; or

(ii) 4.5 metres.

(iii) despite (ii), where the building containing a coach house also includes a garage containing a parking space established in accordance with Part 4 of this by-law, the building may have a maximum height of 6.1 metres. (By-law 2017-231)

(b) in any other zone, is the lesser of:

(i) the height of the principal dwelling; or

(ii) 3.6 metres, except for a coach house with a flat roof, which has a maximum building height of 3.2 metres; (By-law 2017-231)

(c) section 64 (Permitted Projections Above the Height Limit) does not apply to a building containing a coach house, except with respect to:

(i) chimneys

(ii) flagpoles

(iii) ornamental domes, skylights or cupolas, provided that the cumulative horizontal area occupied by such features does not exceed 20% of the footprint of the coach house.

(9) Required setbacks from lot lines for a coach house are as follows:

(a) from the front lot line, the minimum setback must be equal to or greater than the minimum required front yard setback for the principal dwelling.

(b) from the corner side lot line, the minimum setback must be equal to or greater than the minimum required corner side yard setback for the principal dwelling.

(c) from the interior side lot line,

(i) Within Areas A, B, and C on Schedule 1, where the interior side lot line abuts a travelled lane or where no entrance or window faces the interior side lot line, the maximum permitted setback is 1 metre (By-law 2017-231)

(ii) in all other cases, the minimum required setback is 4 metres

(d) from the rear lot line,

(i) where the rear lot line abuts a travelled lane or where no entrance or window faces the rear lot line, the maximum permitted setback is 1 metre

(ii) in all other cases, the minimum required setback is 4 metres.

(e) Where an easement exists which prevents a coach house from complying with a maximum setback, the maximum setback may be increased only to such a point so as to accommodate the easement, and 0% fenestration is permitted on any wall less than 4 m from a property line that also faces that property line. (By-law 2021-215)

(f) Despite the above, where located in Areas A, B or C of Schedule 1, where a wall of the coach house faces an interior side lot line or rear lot line that abuts a non-residential use, the minimum setback from the interior side lot line or rear lot line is 1.2 metres. (By-law 2022-103)

(g) A coach house must be a distance of at least 1.2 m away from any other building located on the same lot.

(10) The **footprint** of a building containing a coach house excluding an accessory use which services the primary dwelling and the coach house building, may not exceed the lesser of: (By-law 2017-231)

(a) 40 per cent of the **footprint** of the principal dwelling, or where the principal dwelling has a **footprint** of 125 square metres or less, 50 square metres;

(b) 40 per cent of the area of the yard in which it is located; or

(c) 80 square metres in Area A, B and C on Schedule 1, or 95 square metres in Area D on Schedule 1.

(11) The total **footprint** of a building containing a coach house plus all accessory buildings and structures in a yard may not exceed:

(a) in the AG, EP, ME, MR, RC, RG, RH, RI, RR and RU Zones, 5 per cent of the area of the yard in which they are located, or

(b) in any other zone, 50 per cent of the area of the yard in which they are located.

(12) A walkway must be provided from a driveway, public street or travelled lane to the coach house, and such walkway:

(a) must be at least 1.2 metres in width;

(b) must not exceed 1.5 metres in width;

(c) no person may park a vehicle on any part of a walkway under this subsection, other than that part of the walkway that encroaches on a permitted driveway.

(14) A vehicle associated with a coach house may be parked in tandem in the driveway of the principal dwelling.

(15) The roof of a building containing a coach house:

(a) may not contain any rooftop garden, patio, terrace or other amenity area;

(b) despite (a), may contain a vegetative green roof provided it is not designed or equipped for use as an amenity area.

(c) when located on a property in Areas A, B or C on Schedule 1, must not be a shed style roof. (By-law 2017-231)

(16) Where located entirely in the rear yard, all or part of an accessory building existing as of September 14, 2015 may be altered to contain a coach house in accordance with the following:

(a) the building envelope may be enlarged in accordance with this subsection, and subsections (8)(a), (8)(b) and (9) do not apply except as set out in this subsection;

(b) the building including any enlargement must continue to be located entirely within the rear yard;

(c) no part of the building that is not located within the building envelope of the original accessory building as it existed on September 14, 2015, may exceed the applicable maximum permitted building height in subsection (8);

(d) no window or entrance is permitted on any wall facing and within 4 metres of a lot line.

(17) Where not located entirely in the rear yard, all or part of an accessory building existing as of September 14, 2015 may be altered to contain a coach house in accordance with the following:

(a) the building may not be enlarged beyond the building envelope of the accessory building as it existed on September 14, 2015;

(b) subsections (6), (8)(a), (8)(b), and (9) do not apply except as set out in this subsection; and

(c) no window or entrance is permitted on any wall facing and within 4 metres of a lot line.

(18) Despite subsection (9), where an accessory building existing as of September 14, 2015 exceeds the permissible footprint in subsection (10), all or part of the accessory building may be altered to contain a coach house in accordance with subsections (16) or (17) provided that:

(a) after the addition of the coach house, the building envelope has not been enlarged beyond the envelope existing on September 14, 2015; and

(b) the gross floor area of the coach house does not exceed 80 square metres, if located within Areas A, B or C on Schedule 1, or 95 square metres in Area D on Schedule 1. (By-law 2016-356)

(19) Clause 3(1)(b) of Section 3 does not apply to a coach house.

Rear Yard Parking and Landscaping Directions

Amend Section 139 by adding the following as subsections (x1), through (x7):

(x1) No more than 70 per cent of the rear yard area may be occupied by parking spaces and driveways and aisles accessing parking.

(x2) At least 15 per cent of the rear yard area must be provided as soft landscaping.

(x3) No provisions of amending by-law 2023-XXX act to prevent the issuance of a building permit for which a completed application for Site Plan Control, Committee of Adjustment approval, Zoning Amendment or Building Permit was received by the City or for which a decision was rendered by the Ontario Land Tribunal before October XX, 2023 and such applications may be processed under the provisions in place prior to this amendment.

(x4) This subsection is repealed on October XX, 2024 (1 year after date of adoption by council).

New and Amended Definitions

Amend Section 54 (Definitions) as follows:
By deleting the definition of "secondary dwelling unit" and replacing it with the following definition for "additional dwelling unit", as follows:
Additional dwelling unit means a separate dwelling unit located in the same building as an associated principal dwelling unit in a detached dwelling, linked-detached dwelling, semi-detached dwelling, duplex dwelling, or townhouse dwelling; and its creation does not result in the conversion of the existing residential use into a different residential use.

By amending the definition of "coach house" by replacing the reference to "separate dwelling unit" with "separate additional dwelling unit", so that it reads as follows:
Coach House means a separate additional dwelling unit that is subsidiary to and located on the same lot as an associated principal dwelling unit, but is contained in its own building that may also contain uses accessory to the principal dwelling.

By amending the definition of "conversion" by replacing reference to secondary dwelling unit with "additional dwelling unit" as follows:
Conversion means the alteration of, but not demolition of a residential use building to increase the number of principal dwelling units or rooming units, resulting in the creation of a use which must be a permitted use in the zone and does not include the creation or addition of an additional dwelling unit, and the converted has a corresponding meaning.

Technical Amendments

Update "secondary dwelling unit" to "additional dwelling unit"
Amend Section 3 (Non-Conformity and Non-Compliance) as follows:
By amending section 3(1)(b) as follows: "no new dwelling units, oversize dwelling units, rooming units or additional dwelling units are created."

By amending section 3(5)(d) to substitute secondary dwelling unit with "additional dwelling unit" as follows: "despite Section 3(1) in a V1, V2, V3 or VM zone an additional dwelling unit is permitted on a lot that is legally non-complying for lot width or lot area."

Amend Section 55 (Accessory Uses, Buildings and Structures as follows:
By amending section 55(5) so that it reads: "An additional dwelling unit is not considered to be an accessory use and it is regulated by Section 133."

Amend Part 5 – Residential Provisions preamble as follows:
By amending the preamble so that it reads: "This part contains provisions that apply specifically to residential dwellings located throughout the whole of the City, and includes regulations for uses including conversions, group homes, home-based businesses, and additional dwelling units."

Amend Section 101 (Minimum Parking Space Rates) as follows:
By amending Column I of Row R24 of Table 101 to substitute "secondary dwelling unit" with "additional dwelling unit".
By deleting Row R25 of Table 101.

Amend Section 121A (Short-Term Rental Provisions) as follows:
By deleting from section 121A(4) "secondary dwelling unit" and replacing with "additional dwelling unit" so that it reads:
"notwithstanding subsection (2) a short-term rental is only permitted in an additional dwelling unit or coach house where the additional dwelling unit or coach house is exclusively and separately occupied as a principal residence, and the short-term rental may only be operated by the exclusive resident of the additional dwelling unit or coach house."

Amend Section 121B (Cottage Rental Provisions) as follows:
By deleting from section 121B(1) "secondary dwelling unit" and replacing with "additional dwelling unit" so that it reads:
"a cottage rental is permitted within an existing dwelling unit, oversized dwelling unit, additional dwelling unit or coach house in any AG, RU, RR, or RC zone, other than subzones AG4 to AG8, inclusive."

Amend Section 127 (Home-Based Business) as follows:
By amending 127 to remove references to secondary dwelling unit and replacing with "additional dwelling unit" so that it reads as follows:
"(1) Home-based businesses are permitted in any dwelling unit, oversize dwelling unit, additional dwelling unit or rooming unit, in any zone that permits residential uses provided: (By-law 2018-206)

a. they must not become a nuisance because of noise, odour, dust, fumes, vibration, radiation, glare, traffic, or parking generated;
b. they must not become a fire or building hazard or health risk;
c. they must not interfere with radio, television or other telecommunications transmissions;
d. one or more residents may operate a business; and
e. the operators of the home-based businesses must reside in the dwelling, oversize dwelling unit, additional dwelling unit or rooming unit from which the home-based business is conducted, including when the business is in operation.

(2) Any number of businesses may exist provided the cumulative maximum total gross floor area outlined in either subsection (9) or Section 128(3), as the case may be, is not exceeded.

(3) Despite the unlimited number of businesses permitted, a maximum of only one, on-site, non-resident employee is permitted per principal dwelling unit or oversize dwelling unit.

(4) On-site non-resident employees are prohibited in association with any home-based business located within an additional dwelling unit, rooming unit, or dwelling unit within an apartment dwelling, low rise or an apartment dwelling, mid rise or an apartment dwelling, high rise. (By-law 2014-292)

5. No client or customer may be attended or served on-site in the case of any home-based business located within an additional dwelling unit, rooming unit, or dwelling unit within an apartment dwelling, low rise or an apartment dwelling, mid rise or an apartment dwelling, high rise.
6. Where any parking is required for the home-based business, such space may be located in the driveway.
7. There is no visible display or indication of any home-based business from the street, other than the maximum of one sign for all home-based businesses on the lot, as provided for in an applicable Signs By-law.
8. Home-based businesses must not involve the use of the premises as a dispatching office or supply depot.
9. Any number of home-based businesses is permitted on a lot which permits a residential use, either within the dwelling unit, or oversize dwelling unit, rooming unit or additional dwelling unit, or within an attached garage on the lot, provided that:
    a. if within a dwelling unit, oversize dwelling unit or additional dwelling unit, the cumulative size of all home-based businesses per dwelling unit or oversize dwelling unit or additional dwelling unit must not exceed 25 per cent of the unit's gross floor area or 28 square metres whichever is the greater;
    b. if within an attached garage, the cumulative size of all home-based businesses must not exceed a maximum of 54m^2, and the required parking for the dwelling unit or oversize dwelling unit must continue to be legally provided on the lot; (By-law 2018-206)
    c. if within a rooming unit, no maximum size limit applies, but the home-based business must take place solely within the rooming unit and not within any communal area within the building; and
    d. In the case of subsections (a) and (b), the cumulative total is for all home-based businesses within the principal dwelling unit and attached garage combined, with a separate cumulative total applicable to the additional dwelling unit, and not for the principal dwelling unit, attached garage and additional dwelling unit combined. (By-law 2012-334)
10. The business of storing automobiles, buses, boats, recreation and any other types of vehicles is specifically prohibited.

(11) Outdoor storage is prohibited. (By-law 2012-334)

(12) Where a home-based business sells on the premises, it sells only those items that are made on the premises. Despite the foregoing, telemarketing and mail order sales are permitted provided that any merchandise purchased is delivered or mailed directly to the customer. (By-law 2012-334)

(13) Businesses that require a business, not professional, license under the City of Ottawa's Licensing By-laws are not permitted, except that the following businesses requiring licenses are permitted:

a. plumbing contractors;

b. taxi cab and limousine drivers, but not brokers, to a maximum of two taxis or limousines (By-law 2012-334)(By-law 2012-180) (By-law 2020-299)

(14) Nothing in subsection (13) prevents the administrative and indoor storage functions of such licensed businesses from being operated as a home-based business provided such functions comply with the provisions of subsections (1) through (12) inclusive.
(15) Section 126 sets out the regulations applicable to the parking of heavy vehicles.

Amend Section 128 as follows:
By amending 128(3) to delete the words "secondary dwelling unit" and replace them with "additional dwelling unit".
By amending 128(5) to delete the words "secondary dwelling unit" and replace them with "additional dwelling unit".

Amend Section 128A as follows:
By amending 128A(3) to delete the words "secondary dwelling unit" and replace them with "additional dwelling unit".
By amending 128A(4) to delete the words "secondary dwelling unit" and replace them with "additional dwelling unit".

Amend Section 132 as follows:
By deleting 132(5) and replacing it with the following:
"Despite (4), a building containing a rooming house may contain one additional dwelling unit."

Amend "Secondary Dwelling Unit" to "Additional Dwelling Unit" in permitted uses lists

Amend the permitted uses lists in Sections 155(1), 157(1), 159(1), 161(1), and 163(1) (R1-R5 Zones) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 188(29)(d)(iv) (GM29 Subzone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 190(8)(c)(xii) (LC8 Subzone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 194(4)(a)(ii) (MD4 Subzone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 198(13)(a) (TM13 Subzone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 211(1)(c) (AG Zone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 212(3) (AG Zone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 225(1)(d) (RR Zone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 227(1)(d) (RU Zone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 228(1)(a) (RU1-RU4 Subzones) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 229(1) (VM Zone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 230(1) (VM1 Subzone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 230(2)(a)(i) (VM2 Subzone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 231(1) (V1 Zone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 233(1) (V2 Zone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

Amend Section 235(1)(d) (V3 Zone) by deleting all references to "secondary dwelling unit" and replacing them with "additional dwelling unit".

Amend Section 237(1) (DR Zone) by deleting the term "secondary dwelling unit" and replacing it with "additional dwelling unit".

<u>Exceptions</u>

Amend Part 15 (Exceptions) as follows:

1. **Rockcliffe Park Exceptions (1256-1262)**	**By deleting "secondary dwelling unit" from Column IV of Exceptions 1256, 1257, 1258, 1259, 1260, 1261, and 1262 [Rockcliffe Park Special Exceptions].** **By amending the definition of "gross floor area" found in Column V of Exceptions 1256, 1257, 1258, 1259, 1260, 1261, and 1262 [Rockcliffe Park Special Exceptions] by adding the words "and coach houses" after the words "accessory buildings", so that this definition reads:**

	"gross floor area, means the total area of each floor, measured from the exterior of outside walls, excluding a basement, and including: 1. accessory buildings and coach houses; 2. potential floor area that is the area of a floor that is projected from an actual floor of a storey that is above the floor area of another storey or basement; and 3. attic, where the height above the floor area of the attic is a minimum of 2.3 metres over at least 75 per cent of the floor area with a clear height of 2.1 metres of any point over the floor area"
2. **Miscellaneous Exceptions – Exceptions 225, 303, 630, 640, 731, 769, 1564, 1644, 1648, 1649, 1963, 1964, 2064, 2110**	**By deleting all instances of the term "secondary dwelling unit" from Column IV of Exceptions 225, 303, 630, 640, 731, 769, 1564, 1644, 1648, 1649, 1963, 1964, 2064, and 2110 and replacing them with the term "additional dwelling unit".**

Amend Section 58 (Flood Plain Overlay) as follows:
By replacing the reference to "a secondary dwelling unit" in Section 58(2)(e) with "one additional dwelling unit".
By amending Section 58(4) to delete the words "other than a coach house" and replace them with "other than an additional dwelling unit that is either partially or fully below grade, or is a coach house".

Document 2 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

Public Comments and Responses

Comment:

How many bedrooms would be permitted in a coach house?

Response:

Up to four bedrooms are permitted in a coach house, in accordance with the Zoning By-law definition of a “dwelling unit”. Note that the existing regulations with respect to maximum permitted height, yard setback and building footprint for coach houses are not proposed to be changed in this amendment.

Comment:

In the case of dwellings containing an oversized dwelling unit, the proposed amendment states that the maximum cumulative permitted number of bedrooms on the lot across the principal and additional dwelling units is twelve. How many bedrooms are permitted on a lot not containing an oversized dwelling unit?

Response:

By definition, a dwelling unit that is not oversized is not permitted to contain more than four bedrooms. The cumulative limit of twelve bedrooms on a lot containing an oversized dwelling unit was chosen to ensure a consistent cumulative limit on the number of bedrooms for any lot containing a single principal unit and two additional dwelling units. Since each non-oversized dwelling unit is limited to four bedrooms, a building or lot containing three dwelling units can by definition not contain more than twelve bedrooms total in any case.

Comment:

Current zoning regulations do not permit new parking to be created or driveway widening. Many tenants and homeowners rely on their vehicles and require driveway parking but this restriction forces occupants to park on streets or to rent parking spots from nearby homes. In order to support gentle intensification, the city should allow

driveway widening in the form of mixed permeable hardscapes for the extra parking spots, while retaining a minimum of 30% landscaped open space in the front yard.

Response:

It is not proposed to review regulations concerning permitted driveway widths or front yard parking at this time. Staff will undertake a more fulsome review of residential parking regulations, including parking in both front and rear yards, as part of the new Comprehensive Zoning By-law review.

With respect to the proposed directions for rear yard parking and landscaping, Staff are of the opinion that rear yard regulations are necessary to ensure that the entirety of a rear yard is not paved over for parking in conjunction with a development containing additional dwelling units, and that some area is left aside as landscaped area. As previously noted, these are intended to be interim regulations while the Comprehensive Zoning By-law is under development.

Community Organization Comments and Responses

Hintonburg Community Association

Comment:

The Hintonburg Community Association urges you to implement restrictions on rear yard parking to prevent these rear yards from being completely paved over during the next 2-3 years as the new Zoning By-Law is being written.

All levels of government talk about a “Climate Change Crisis”. Paving over entire yards does nothing to work towards any of the climate mitigation goals. Infrastructure management issues are being compounded as bigger buildings and asphalt replace permeable surfaces more and more often. Less than a month ago a rain storm caused major flooding.

Our suggestion is a new Option 6 – which would be a combination of staff’s recommended Option 5, which we support, plus Option 4 (a minimum 15m2 soft landscaped area) plus a stipulation that the required 15m2 soft landscaped area be provided as an aggregated rectangular area whose longer dimension is not more than twice its shorter dimension for the purposes of tree planting. During the R4UA-UD zoning and infill reviews – the minimum aggregated rectangular area required for a tree was set at 25 square metres – so is a 15 square metres rectangle big enough as is indicated in the report? This would be important to require IF a tree can actually survive and thrive in that small a footprint – we look to forestry for an answer to that.

We hope that we understand correctly that if the staff recommended Option 5 is passed by Planning Committee that these rules will actually apply to long semidetached buildings across the city!

A long semi-detached dwelling can now contain 6 dwelling units with a possible maximum total of 24 bedrooms. Currently long semis have not had to provide any rear yard soft landscaping. In Hintonburg most of these are on lots that are 300 square metres or less. Almost all long semis in our area have the entire rear yard paved with asphalt, from lot line to lot line. Any other building with 4 units or more in the R4U zone is prohibited from providing any parking on a lot that is under 450 square metres – but the long semis have been exempt from this requirement.

Any building with 3 units or more in the R4UA-UD zones must provide a minimum of 35 square metre soft landscaping in the rear yard AND ensure that there is a minimum aggregated rectangular area that is 25 square metres in a configuration that is twice as wide as it is long. We were told that this was the size required to support the growth of a tree. Yet long semis – with four units have been allowed to cover the entire rear yard in asphalt.

We believe that long semis should be considered for what they are – four or six unit apartments and they should conform to the landscaping requirements for the number of units they have in the associated zone.

This summer has shown us Climate Change. Properties with no trees or soft landscaping and no permeable surfaces in the rear will exacerbate the impacts.

Please vote for these interim measures and consider our suggestion to add at least an aggregated area sufficient for a tree to grow before rear yards are completely paved.

The new Zoning By-Law must ensure that long semis are required to follow the requirements of any other four or six unit building.

Response:

Staff recognize the concerns that have been raised with respect to the regulation of long semi-detached dwellings versus four to six unit low-rise apartment buildings in the R4UA-UD subzones. As noted in the comment, when these subzones were first introduced to R4 zones in the inner urban areas in 2020, they included a number of landscaping requirements in association with “low-rise apartment dwelling” uses. A long semi-detached dwelling is a distinct land use from a low-rise apartment dwelling, however as a result of Bill 23’s ADU permissions, can now potentially contain up to six dwelling units when factoring in that two ADUs are permitted per principal dwelling unit.

The proposed parking and landscaping regulations will apply to all permitted uses in all R1, R2, R3, R4, and R5 zones, including long semi-detached dwellings. The purpose of introducing these regulations is primarily to address the current lack of specific limitations on the ability to provide parking within a rear yard, outside of specific cases and typologies such as for low-rise apartment dwellings in the R4UA-UD subzones as is discussed in this comment.

As the new Zoning By-law will seek to move away from typology-specific restrictions in accordance with Official Plan regulations, Staff will seek in the new By-law to establish consistent landscaping regulations regardless of housing typology or unit count, to ensure that permeable space and space for adequate tree canopy is appropriately managed on residential lots.

Old Ottawa East Community Association

Comment:

We support the intent to limit the amount of rear-yard area occupied by parking spaces and access to those spaces, with the objective of ensuring that sufficient landscaping and permeable space is provided to support tree growth and retention (per provisions for front yards in the Infill monitoring changes in 2020). As a community association, we have consistently argued for protection of rear-yard setbacks to provide adequate access to sunlight, natural ventilation, privacy and, in particular, sufficient area and soil volume to allow trees to grow and thrive. This is critical to the ‘liveability’ of our communities, to the physical and mental health of our residents, and to our collective efforts to address climate change.

For this reason, we applaud the Official Plan’s goal of a 40 per cent urban forest canopy in the City of Ottawa. Every effort must be made to achieve this target throughout the city, including in urban areas such as Old Ottawa East – i.e., trees in urban neighbours should not be sacrificed in the expectation that you can ‘make up’ the loss in more suburban or rural parts of the city. To reach the 40 per cent target, zoning by-laws and guidelines must stipulate strict adherence to adequate rear-yard setbacks. In our view, the requirement to provide 15 per cent of the rear yard as soft landscaped area will not always be sufficient; the required percentage will be influenced by lot size. Where lot sizes are small, 15 percent will be woefully inadequate for supporting trees that can thrive. Thus we recommend that the minimum percentage of soft landscaping area required be based on lot size, on some type of scale grounded in minimum soil volumes required to support a tree canopy.

We do not support PRED’s recommendation to remove the restriction on the location of entrances from Section 133. Again, lot size should be a consideration in determining the

number and location of entrances to additional dwelling units. Where lots are small in Old Ottawa East, multiple entrance doors will have the undesired effect of damaging the character of the streetscape and neighbourhood. Discretion should be exercised based on lot size and neighbourhood character.

Response:

Staff acknowledge the comments with respect to the proposed rear yard parking and soft landscaping regulations. The proposal to use percentages for the parking and landscaping provisions are to ensure there is an applicable restriction on the amount of rear yard that may be used for parking regardless of lot size. The proposed restrictions are intended as an interim measure while the new Comprehensive Zoning By-law is under development, and the new Zoning By-law regulations will need to consider how to appropriately balance functional uses of rear and front yards (including parking) with space for soft landscaping, tree retention and planting.

With respect to the proposal to remove restrictions on the location of entrances for additional dwelling units, Staff respectfully disagree with the assertion that multiple entrances in the front wall or façade of a building represent a detriment to streetscape or neighbourhood character. In general, front doors facing the street are an appropriate feature as they allow residential buildings to directly connect with the street and pedestrian realm. Staff would further note that there more generally do not exist zoning restrictions on the maximum number of entrances in a front wall or façade in the case of any other housing typology, including in the case of a detached dwelling containing no additional dwelling units.

Greater Ottawa Home Builders Association (GOHBA)

Comment:

GOHBA supports the proposal to eliminate floor area and entranceway restrictions as staff’s recommended option to implement zoning for ADUs.

Of the rear yard options presented, GOHBA’s preference is to proceed only with the regulation for no more than 70 per cent of the rear yard area occupied by parking spaces, including any driveways and/or aisles within the rear yard providing access to parking spaces. Requiring a 15 per cent soft landscaped area in addition to this would leave only 15% of the rear yard for patios, pathways, bicycle storage and garbage storage. There may be many situations where this is insufficient space to accommodate these functions.

Response:

Staff acknowledge GOHBA's support for the maximum 70 per cent regulation for rear yard parking areas, and the proposal to remove existing maximum floor area and entranceway restrictions.

With respect to the landscaping requirement, Staff recognize that where rear yard parking is provided, some amount of space will need to be left over for other functions than parking and soft landscaping. However, given that there is no rear yard soft landscaping provision that applies generally across all existing R1-R5 zones city-wide, Staff are of the opinion that a rear yard landscaped requirement is necessary in conjunction with the proposed parking regulation. Staff have proposed to set this at 15 per cent to ensure that where the maximum permitted 70 per cent is used for parking, at least half of the remainder of the rear yard area is set aside for soft landscaping, leaving the remainder for other functions including garbage storage, bicycle storage, and patios.