



**MEMO / NOTE DE SERVICE**

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**TO: Planning and Housing Committee**

**DESTINATAIRE: Comité de la planification et du logement**

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**SUBJECT: Update on *Planning Act* requirements for Protected Major Transit  
Station Areas**

**OBJET: Exigences de la *Loi sur l'aménagement du territoire* relatives aux zones  
protégées des grandes stations de transport en commun**

## **PURPOSE**

**The purpose of this memorandum is to provide an update to Members of Council concerning requirements in the *Planning Act* and Official Plan that apply to Protected Major Transit Station Areas (PMTSAs).**

## **BACKGROUND**

Bill 23, the *More Homes Built Faster Act, 2022*, introduced a new requirement for municipalities to approve zoning provisions to implement minimum density requirements in Protected Major Transit Station Areas (PMTSAs) within one year of PMTSA policies coming into effect in an Official Plan. If the one-year timeline is met, the zoning amendments are protected from appeal to the Ontario Land Tribunal.

The Official Plan was approved by the Minister of Municipal Affairs and Housing on November 4, 2022. As part of that approval, minimum area-wide densities, expressed as people and jobs per gross hectare in Table 3a, came into effect for 25 PMTSAs. If zoning amendments are needed to achieve these densities and they are approved by Council before November 4, 2023 then such amendments are not subject to appeal.

There is no obligation in the *Planning Act* to prezone lands beyond the minimum density thresholds. Further, there is no obligation to designate and prezone lands that are not currently identified as a PMTSA, such as lands in a Corridor designation. As such, the analysis conducted, in coordination with the consulting firm WSP, is with respect to whether the zoning in these designated Protected Transit Station Areas does indeed support the minimum densities in Table 3a of the Official Plan as per the *Planning Act*.

The analysis also identified key zoning issues in transit station areas that need to be addressed on a priority basis in the new Zoning By-law to ensure the intent of the growth management strategy and Hubs policies in the Official Plan are properly implemented.

## **DISCUSSION**

There are 25 PMTSAs in Ottawa. In order to comply with the *Planning Act*, an analysis of the existing zoning in PMTSAs was conducted by the consulting firm WSP and City staff to confirm if the current zoning can deliver the densities required in [Table 3a](#) of the Official Plan.

A review of 17 of 25 PMTSAs designated in [Schedule C1](#) of the Official Plan was conducted. Eight of the 25 PMTSAs were not analyzed given the policies for the

applicable secondary plan are under appeal and not in full effect (for example, Orléans Corridor Secondary Plan), the secondary plan did not include densities as required by the Act (for example, Kanata Town Centre Secondary Plan), or the secondary plan is scheduled to be approved by early 2024 with plans to recommend approval of both an Official Plan amendment and a zoning by-law amendment to implement the policies of the new secondary plan (for example, Pinecrest-Queensview and Lincoln Fields secondary plans). An overview of the methodology used is attached as Document 1.

The review of development potential by Citystaff and WSP determined that the zoning in all of the PMTSAs provides permissions to deliver the minimum densities in Table 3a of the Official Plan, with the exception of the Corso Italia PMTSA. A zoning amendment was proposed on August 25, 2023 to rezone lands in the Corso Italia PMTSA from IG1-General Subzone 1 to the MC- Mixed Use Centre zone, with an exception that would permit the current industrial uses on the lands and a range of commercial and residential uses.

Subsequent to the amendment being initiated, the analysis for Corso Italia was re-examined and under-counting of the density potential of the existing zoning was discovered. Adjusting for the actual density potential resulted in the achievement of the Official Plan minimum densities. Following this the analyses for all 17 of the PMTSAs were re-reviewed and the original findings that the Official Plan minimum area-wide densities in Table 3a are achievable with the existing zoning were confirmed.

The analyses undertaken by WSP and City staff highlighted the impact of the stepback requirements in zoning provisions that currently apply in transit station areas. The analyses found the current building stepback provisions, which are aimed at achieving building height transition, have a significant impact on the number of units that can be achieved on a lot. Staff will review these provisions as part of the new Zoning By-law to ensure that height transition policies are balanced with the intent of policies that focus high-density development in close proximity to sustainable forms of transportation.

It is noted that zoning permissions in PMTSAs to fully implement maximum building heights in secondary plans and the Hubs policies in the Official Plan will occur as part of the work on the new Zoning By-law.

## **CONCLUSION**

Staff, in coordination with WSP, are of the opinion that the existing zoning in PMTSAs can achieve the minimum area-wide densities in Table 3a of the Official Plan. The requirements of the Act have been met and no amendments are needed.

The full package of zoning amendments to implement maximum building height policies in secondary plans and the Hubs policies in the Official Plan will occur in the new Zoning By-law. Also, as part of the new Zoning By-law, consideration will be given to the current zoning provisions that apply in transit station areas to ensure the intent of intensification policies and height transition policies in the new Official Plan are appropriately balanced in the new Zoning By-law.

David Wise, Acting Director, Economic Development and Long Range Planning

CC: Building Code Services, Finance, Development Review

### **SUPPORTING DOCUMENTATION**

Document 1 - Methodology for review of zoning potential in Protected Major Transit Station Areas Iteration 2, September 2023

## **Document 1 - Methodology for review of zoning potential in Protected Major Transit Station Areas Iteration 2, September 2023**

Staff have created a methodology to assess zoning potential in 17 Protected Major Transit Station Areas to deliver the minimum area-wide density requirements in the Official Plan.

Table 3a of the Plan, “Hubs, Mainstreets, and Protected Major Transit Station Area (PMTSA) Density and Intensification Large Dwelling Requirements” establishes a “Minimum Area-Wide Density Requirement, People and Jobs per Gross Hectare” for each of 25 PMTSAs. Intensification in the Official Plan draws from the Provincial Policy Statement (2020) definition, meaning: “...the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing buildings.”

Eight (8) of the 25 PMTSAs were removed from consideration as they have either active Secondary Planning processes (Mooney’s Bay, Lincoln Fields, Pinecrest-Queensview, and Riverside South), or Secondary Plans approved by City Council that are now under appeal (Jeanne d’Arc, Place d’Orleans, Trim). Given these plans are in development, or consideration by the Ontario Land Tribunal, they may alter or supersede the baseline requirements of the Official Plan, and zoning amendments to enact those policies must follow resolution of their secondary planning processes.

### **The Analysis:**

Staff considered two methods to assess potential development density, one in **residential** zones and one associated with all other *mixed-use* zones which are then consolidated to establish a measure of zoning potential in each PMTSA that can be reviewed against the requirements of the Official Plan.

In Residential zones, minimum lot areas were used to develop standardized densities in Units per Hectare (UPH) reflective of the specific standards of a given residential zone (R4 or R5, for example) and subzone (R4A or R5T). Based on the area of parcel/ or portion of a parcel under a specific set of subzone requirements, the ultimate yield for that area is generated. The sum of total units, derived by applying the density of the specific subzone to the land within that zone, is added with the sum of units derived from mixed-use zone units, and a ratio of total units per hectare in the given PMTSA is

calculated. That number is then compared to the minimum requirement of the Official Plan for net residential density (Table 3a). These units are then populated using the persons per apartment dwellings for the most recent period of construction for sub-areas of the city from the 2016 Census.

In mixed-use zones, such as the Arterial Mainstreet (AM) or Mixed-use Centre (MC), the zones lack a minimum lot area that could be used to establish a typical density-per-subzone similar to in residential zones. Instead, a set of baseline assumptions was applied to determine a typical building footprint by zone, and then the building height permitted in the given subzone was applied to derive a reasonable gross floor area. That floor area was then divided by an approximation of a typical dwelling unit size, informed by research on the Ottawa construction market, averaging 70 square metres. Specifically, for mixed-use zones, a lot coverage of 60 per cent was assumed to approximate provision of open space and required setbacks in mixed-use zones. The effective number of permitted stories derived by converting the maximum height in metres, to storeys, was multiplied against the building footprint, and a ratio of 0.85 to approximate how much of a building is typically useable space. The result is a gross floor area in square metres, then divided by the 70 square metres referenced above. Similar to the residential zones, the potential units in the mixed-use zones were populated using 2016 Census data and added to the potential population from residential zones. This total population is divided by the gross hectares for each PMTSA and compared to the minimum area requirement of the Official Plan. Even without accounting for jobs from non-residential development, the area-wide densities are exceeded.

As many zones carry 'special exceptions' that alter the base zoning provisions, add or remove permitted uses, each of the special exceptions was reviewed and coded for their relative impact to the dwelling units yielded by a respective residential or mixed-use zone. Overall, 99 per cent of exceptions had a neutral or positive impact to development potential. With this information, Staff are confident the baseline methodology to assess density potential above is not negatively impacted by exceptions, and that the baseline calculations of potential yield are not undermined by those requirements.