1. Zoning Changes to Regulate Residential Development in the Urban Area Inside the Greenbelt

Modifications de zonage visant à encadrer les aménagements résidentiels dans la zone urbaine de la Ceinture de verdure

### Committee recommendations as amended

# That Council approve:

- 1. the zoning changes detailed in Document 1, to resolve issues and anomalies of the 2015 Infill Zoning Regulations of By-laws 2012-147 and 2015-228, as amended, with the following modification to Document 1:
  - a. amend Document 1 (Section 65, Table 65, row (6)) to read:
    - "(b) In the R1, R2, R3 and R4 Zones within Area A of Schedule 342:
      - (i) 6) (a) applies, and
      - (ii) On a lot with a depth of between 23.5m and 30.5m, where the rear lot line abuts an R1, R2, R3 or R4 zone, the maximum projection is:
        - (1) 2 m at or below the first floor and;
        - (2) 1.2 m above the first floor.
      - (iii) Where a lot has a depth of 23.5m or less, the maximum projection is 0m;
      - (iv) In all other cases, the maximum projection is 2 m.
      - (v) Where a deck or balcony occurs above the first floor and is within 1.5 metres of an exterior side wall or interior side lot line of a residential-zoned lot, a 1.5 metre high opaque screen is to be provided facing the interior side lot line."

2. <u>that there be no further notice pursuant to Subsection 34 (17) of the Planning Act</u>

## Recommandations du Comité, telles que modifiées

# Que le Conseil approuve :

- les modifications de zonage décrites dans le document 1 afin de résoudre les problèmes et les anomalies découlant des règlements municipaux de 2015 relatifs au zonage des aménagements intercalaires (règlements nos 2012-147 et 2015-228), dans leur version modifiée, avec la modification suivante apportée au document 1 :
  - a. modifier le document 1 (article 65, tableau 65, ligne 6) ainsi :
    - «b) Dans les zones R1, R2, R3 et R4 du secteur A de l'annexe 342 :
      - (i) l'alinéa 6)a) s'applique; et
      - (ii) sur un lot d'une profondeur allant de 23,5 mètres à 30,5 mètres, lorsque la ligne de lot arrière est contiguë à une zone R1, R2, R3 ou R4, la saillie maximale est :
        - (1) de 2 mètres au rez-de-chaussée ou en dessous; et
        - (2) de 1,2 mètre au-dessus du rez-de-chaussée;
      - (iii) lorsqu'un lot a une profondeur de 23,5 mètres ou moins, la saillie maximale est de 0 mètre;
      - (iv) dans tous les autres cas, la saillie maximale est de 2 mètres;
      - (v) lorsqu'une terrasse ou un balcon fait saillie audessus du rez-de-chaussée et se trouve à moins de 1,5 mètre d'un mur latéral extérieur ou d'une ligne de lot latérale intérieure d'un lot de zonage résidentiel, un écran opaque de 1,5 mètre doit être installé face à ligne de lot latérale intérieure. »
- 2. <u>qu'aucun nouvel avis ne soit donné aux termes du paragraphe 34(17)</u> de la *Loi sur l'aménagement du territoire.*

# **Documentation/Documentation**

- Director's report, Economic Development and Long-Range Planning, Planning, Infrastructure and Economic Development Department, dated September 14, 2020 (ACS2020-PIE-EDP-0033)
  - Rapport du Directeur, Développement économique et planification à longterme, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 14 septembre 2020 (ACS2020-PIE-EDP-0033)
- 2. Extract of draft Minutes, Planning Committee, September 24, 2020
  - Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 24 septembre 2020

Report to Rapport au:

Planning Committee
Comité de l'urbanisme
24 September 2020 / 24 septembre 2020

and Council et au Conseil 14 October 2020 / 14 octobre 2020

Submitted on 14 September 2020 Soumis le 14 septembre 2020

Submitted by
Soumis par:
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SOMERSET (14), KITCHISSIPPI (15), RIVER (16) / RIVIÈRE (16), CAPITAL (17) / CAPITALE (17), ALTA VISTA (18)

File Number: ACS2020-PIE-EDP-0033

SUBJECT: Zoning Changes to Regulate Residential Development in the Urban

**Area Inside the Greenbelt** 

**OBJET:** Modifications de zonage visant à encadrer les aménagements

résidentiels dans la zone urbaine de la Ceinture de verdure

#### REPORT RECOMMENDATIONS

1. That Planning Committee receive and consider the following report in substitution for report <u>ACS2020-PIE-EDP-0001</u> dated April 22, 2020 and Motion No PLC 2020-23/4;

- 2. That Planning Committee recommend that Council approve the zoning changes detailed in Document 1, to resolve issues and anomalies of the 2015 Infill Zoning Regulations of By-laws 2012-147 and 2015-228, as amended; and
- 3. That Planning 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 October 14, 2020", 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 l'urbanisme examine le rapport suivant qui remplace le rapport ACS2020-PIE-EDP-0001 daté du 22 avril 2020, et la motion n° PLC 2020-23/4; et
- 2. Que le Comité de l'urbanisme recommande au Conseil d'approuver les modifications de zonage décrites dans le document 1 afin de résoudre les problèmes et les anomalies découlant des règlements municipaux de 2015 relatifs au zonage des aménagements intercalaires (règlements n°s 2012-147 et 2015-228), dans leur version modifiée; et
- 3. Que le Comité de l'urbanisme consente à ce que la section du présent rapport consacrée aux détails de la consultation figure dans la section « brève explication » du résumé des observations écrites et orales du public

qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de la Loi sur l'aménagement du territoire, à la réunion du Conseil municipal prévue le 14 octobre 2020 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

#### **EXECUTIVE SUMMARY**

# **Analysis / Assumptions**

The City enacted two Infill Zoning By-laws in 2015 with a direction to staff to monitor any issues and report back in two years. Staff detailed outstanding issues in the ongoing effort to achieve greater compatibility with existing neighbourhood streetscapes to Planning Committee in 2018. These are:

- i) Retention and renewal of soft landscaping and the mature tree canopy
- ii) Location and management of vehicular access and parking
- iii) The fit and compatibility of new dwelling designs, including front-facing garages

Infill will continue to be the most common way to increase the number of dwelling units available within established urban neighbourhoods. Created by severing wider lots into two or more lots, infill lots will always be narrower, and this alone creates a difference on an existing streetscape. While the City must continue to encourage intensification through infill if it is to manage population growth within the Greenbelt, it is important to maintain the look and function of existing streetscapes in these older neighbourhoods. A zoning strategy is recommended that puts landscaping first before any other incidental use is permitted in a front and in a corner side yard; one that puts soft landscaping and the opportunity for tree planting as the highest priority use of these yards that are visible along the street.

The Zoning By-law amendment recommended in this report would require a percentage of a front yard and of a corner side yard that must be consolidated and used solely for soft landscaping, which will increase the availability of soil volume in support of street or on-site trees. Under this strategy, driveways, walkways, and projections such as stairs, landings and porches will be able to locate in these yards only once the soft landscaped area is provided. No matter how narrow the lot is, the requirement to provide soft

landscaping will be maintained, where compromises will need to be made in the provision of other incidental uses, including driveways, walkways and projections, resulting in the scaling back, opting out or multi-purposing of these other features in the case of small front yards.

Where located within the Mature Neighbourhoods Overlay (MNO), the requirement to complete a Streetscape Character Analysis will still apply. However, the character groups and attributes to be evaluated have been modified. In particular, an applicant will now be required to document the presence or absence of driveways, front-facing attached garages, and principal entranceways facing the street. As with the original requirements, development will only be permitted where in accordance with the dominant character groups as determined by a Streetscape Character Analysis.

With infill occurring throughout the urban area, this report recommends that most of the zoning regulations currently affecting the Mature Neighbourhoods Overlay be made applicable to all R1- to R4-zoned urban neighbourhoods within the Greenbelt. These include the maximum driveway widths based on lot width, as well as front yard setback requirements based on the average of the existing front yards of abutting lots.

This amendment was originally presented to Planning Committee at its meeting of May 14, 2020 (ACS2020-PIE-EDP-0001), pending further consultation with interested stakeholders. In addition to additional consultation, staff have reviewed the text and direction of the proposed amendment in full, both in terms of its intent as well as the actual effect of the wording proposed. The original Infill 1 and Infill 2 amendments were both subject to appeal to the Ontario Municipal Board (OMB), and the resulting zoning provisions were generally the result of mediation in response to these appeals. As a result, staff have revised the text of the By-law so that it maintains the same intent, but is written in a way that is easier to understand and apply.

As such, the By-law presented to Planning Committee is materially the same in terms of its intended effect as the amendment presented in May, except that the following modifications are proposed as a result of further consultation with stakeholders:

 The May 2020 amendment proposed to prohibit rear balconies on lots below 30.5 metres in depth, consistent with the original intent of Infill 2 to prohibit these features on the "standard" lot depth of 100 feet. It is now proposed to allow balconies to project up to 1.2 metres into a required rear yard on these lots, with additional privacy measures facing side lot lines.

- Driveways will continue to be permitted on lots between 6.0 and 7.0 metres in width. However, the prohibition on walkways from the right of way will continue to apply on narrow lots containing driveways, in order to ensure there is still an overall increase in front yard landscaped area.
- Permitted projections into yards, such as decks or exterior stairs, are
  proposed to be based off of the lesser of the required or existing yard
  setback. This allows homes built legally prior to 2015 to add decks, porches,
  canopies, or other projections in accordance with Section 65 of the By-law.

#### Résumé

## Hypothèses et analyse

En 2015, la Ville a adopté deux règlements municipaux relatifs au zonage des aménagements intercalaires et a demandé au personnel de lui présenter un rapport au bout de deux ans sur tout problème constaté. En 2018, le personnel a présenté ses constatations au Comité de l'urbanisme et décrit les questions que la Ville devait résoudre dans le cadre des efforts à long terme que celle-ci consent pour mieux harmoniser les nouveaux aménagements avec les paysages de rue des vieux quartiers. Ces constatations portent sur :

- iv) La préservation et le renouvellement de l'aménagement de finition et du couvert forestier établi
- v) L'emplacement et la gestion du stationnement et de l'accès des véhicules
- vi) La complémentarité et la compatibilité des nouveaux concepts d'habitation, notamment les garages faisant face à la rue

L'aménagement intercalaire demeurera le moyen le plus courant d'augmenter l'offre de logements dans les quartiers urbains établis. Créés par la division de grands lots en deux lots ou plus, les lots intercalaires sont toujours plus étroits que le lot d'origine, une caractéristique ayant en soi une incidence sur le paysage de rue. Bien que la Ville doive continuer de gérer la croissance démographique dans la Ceinture de verdure en favorisant la densification par l'aménagement intercalaire, il lui faut également préserver les aspects et les fonctions des paysages de rue des vieux quartiers. C'est pourquoi, dans les cours avant et les cours latérales d'angle qui sont visibles de la rue, il est recommandé d'adopter une stratégie de zonage faisant prévaloir l'aménagement paysager sur toute autre utilisation accessoire. Selon cette stratégie, la priorité absolue

doit être accordée à l'aménagement de finition et à la plantation d'arbres dans ces cours qui sont visibles de la rue.

La modification du Règlement de zonage recommandée dans le présent rapport exigerait qu'une proportion des cours avant et des cours latérales d'angle soit regroupée et utilisée exclusivement pour l'aménagement de finition, ce qui augmentera le volume de sol disponible pour la plantation d'arbres en bordure de rue ou sur le terrain même. Dans le cadre de cette stratégie, les entrées de cour, les allées piétonnières et les saillies (escaliers, paliers et porches) ne pourront être ajoutées dans ces cours qu'une fois que l'aménagement de finition aura été prévu. L'obligation de fournir un aménagement de finition sera maintenue malgré l'étroitesse des lots; des compromis devront alors être faits quant à l'utilisation de ces cours à d'autres fins accessoires (entrées de cour, allées piétonnières ou saillies). On pourra, par exemple, réduire les dimensions de ces caractéristiques accessoires, éliminer des utilisations ou, encore, opter pour des installations multifonctionnelles dans le cas des cours avant de petites dimensions.

Dans la zone sous-jacente des quartiers établis, l'obligation de fournir une analyse du caractère du paysage de rue continuera de s'appliquer. Toutefois, les groupes et les attributs de caractères à évaluer ont été modifiés. Ainsi, un demandeur devra maintenant documenter la présence ou l'absence d'entrées de cours, de garages attenants orientés vers l'avant et d'entrées principales faisant face à la rue. Comme pour les exigences initiales, seuls les aménagements s'harmonisant aux groupes de caractères dominants seront permis, en conformité avec l'analyse du caractère du paysage de rue.

Étant donné que des projets d'aménagement intercalaire sont réalisés dans l'ensemble de la zone urbaine, le présent rapport recommande que la plupart des règles de zonage concernant actuellement la zone sous-jacente de quartiers établis s'appliquent à l'ensemble des quartiers urbains ayant la désignation de zone résidentielle de densité 1 à 4 (R1-R4) au sein de la Ceinture de verdure. Ces règles de zonage établissent notamment les largeurs maximales des entrées de cour en fonction de la largeur du lot disponible ainsi que les exigences relatives aux retraits de cour avant en fonction de la moyenne applicable aux cours avant des lots contigus.

La présente modification a été initialement présentée au Comité de l'urbanisme à sa réunion du 14 mai 2020 (ACS2020-PIE-EDP-0001) en vue de la tenue de consultations ultérieures auprès des intervenants intéressés. En plus de consulter les parties intéressées, le personnel a revu le libellé et l'orientation de la modification proposée

dans son intégralité, tant en ce qui concerne son intention qu'en ce qui touche l'effet réel de la formulation proposée. Les modifications proposées initialement à la réglementation sur les aménagements intercalaires des phases 1 et 2 ont fait l'objet d'appels auprès de la Commission des affaires municipales de l'Ontario (CAMO), et les dispositions de zonage en découlant étaient en général le fruit d'une médiation consécutive à ces appels. En conséquence, le personnel a révisé le texte du Règlement municipal en veillant à ce qu'il conserve la même intention, mais en s'assurant que les règles soient plus faciles à comprendre et à appliquer.

Ainsi, le Règlement présenté au Comité de l'urbanisme est essentiellement le même en ce qui concerne l'intention que la modification présentée en mai. Toutefois, les modifications suivantes sont proposées à la lumière des consultations ultérieures auprès des intervenants :

- La modification de mai 2020 prévoyait d'interdire les balcons arrière sur les lots de moins de 30,5 m de profondeur, conformément à l'intention initiale de la réglementation sur les aménagements intercalaires de la phase 2 qui était d'interdire ces structures sur les lots « standard » de 100 pieds de profondeur. Il est maintenant proposé de permettre aux balcons de faire saillie jusqu'à 1,2 m dans une cour arrière obligatoire sur ces lots, sous réserve de l'application de mesures additionnelles pour assurer la protection de la vie privée le long des lignes de lot latérales.
- Les entrées de cour demeureront autorisées sur les lots d'une largeur comprise entre six et sept mètres. Toutefois, l'interdiction d'aménager une allée piétonnière depuis l'emprise devrait continuer de s'appliquer sur les lots étroits comportant une entrée de cour, et ce, afin d'augmenter la superficie totale disponible pour les aménagements paysagés dans les cours avant.
- Les structures en saillie autorisées dans les cours, telles que les terrasses ou les escaliers extérieurs, devraient être établies en fonction de la plus petite des marges de retrait requises ou actuelles. Ainsi, les propriétaires de résidences construites en toute légalité avant 2015 pourront ajouter des terrasses, des porches, des auvents ou d'autres saillies en vertu de l'article 65 du Règlement.

#### **BACKGROUND**

In 2015, two Zoning By-law amendments were enacted by the former Ontario Municipal Board that brought Council's residential infill regulations into effect. Council directed staff to monitor these and return with the findings two years later. The Mature Neighbourhoods Overlay (MNO), also known as Infill 1, was created with zoning rules based on the look along any street, with specific attention given to the extent that front yards and corner side yards are used for soft landscaping, driveways and on-site parking, and the orientation and visibility of the front door. The Streetscape Character Analysis (SCA) process requires the documentation of these incidental uses within the front and corner side yards to determine the dominant characteristics along the street. Once the dominant character is confirmed, development must be built accordingly, designed to reflect, if not enhance, the look along the street. The SCA must be completed prior to submitting development applications, including land use applications, building permits and private approach permits.

The Infill 2 Alternative Development Standards for Residential Uses in the Urban Area zoning regulations were intended to reduce the impact felt by the introduction of new development by lowering maximum allowable dwelling heights, increasing rear-yard setbacks, regulating projections into side and rear yards, and regulating rooftop terraces.

As directed by Council, staff conducted a two-year monitoring period of the Infill 1 and Infill 2 By-laws. A report was presented to Planning Committee in 2018 outlining the results of this monitoring and continued areas of concern with infill development. Two Strategy Papers in April 2019 and September 2019 were circulated to key stakeholders outlining potential zoning changes to the Infill regulations to address these areas of concern. The proposed zoning amendment reflects this work.

Most of the regulations contained within this report were originally presented at the May 14 Planning Committee meeting (Report ACS2020-PIE-EDP-0001). These recommendations were deferred to allow for further discussion and resolution of issues with key stakeholders.

The requirement for Streetscape Character Analysis will continue to apply within the Mature Neighbourhoods Overlay. The Overlay is intended to apply to Ottawa's older neighbourhoods to capture their distinctive character and ensure a continuation of the "look along the street" as these properties redevelop and intensify over time. In general, the regulations pertaining to maximum allowable building heights and rear yard

setbacks for all wards inside the Greenbelt are intended to remain the same as enacted in 2015 in terms of their intended impact. However, a number of regulations specific to the Mature Neighbourhoods Overlay are intended to be expanded to all wards inside the Greenbelt.

The Growth Management Strategy approved by Council projects that Ottawa will accommodate 400,000 new residents over the life of the new Official Plan, and that much of this growth is expected to occur through infill development of existing neighbourhoods inside the Greenbelt. As such, it is recommended to introduce these standards within all R1-R4 zones within all neighbourhoods located inside the Greenbelt. This will provide support for the retention of desirable elements of streetscape character, including providing support for the retention, replacement and renewal of the urban forest canopy, while still supporting the infill and intensification of these neighbourhoods over time. In addition, to ensure that new development and additions reflect and enhance streetscapes in older, mature neighbourhoods, the SCA process and related zoning requirements will continue to apply within the Mature Neighbourhoods Overlay only, as specified in this report.

#### DISCUSSION

As the amendment proposes materially the same regulations as the amendment presented to the May 14, 2020 Planning Committee meeting, most of the topics presented in this section were also covered in the previous version of this report. Provisions that are materially changed from the previous version are discussed in the section "Changes since May 14, 2020 Planning Committee Meeting".

For more than 30 years, all past and current City of Ottawa Official Plans have contained general policies to encourage infill to meet demands for housing within the Greenbelt, and to avoid sprawl. These policies also set out that infill is to be designed to fit in with the surrounding neighbourhood context. As the Growth Management Strategy in support of the upcoming new Official Plan has a forecast of an additional 400,000 residents, many of whom will be housed within the Greenbelt over the next 25 years, intensification will continue to be the primary means of urban development while residents will continue to want to maintain the desirable features of their neighbourhood streetscapes.

Concerns with new infill created on existing residential streets are universal, and not specific to any one part of the urban area. Infill, by definition, is the creation of a new lot by dividing an existing one into two or more lots. An infill lot will necessarily be narrower

than those neighbouring lots that have not been severed. It is also likely to contain a different type of dwelling than exists on other unsevered lots along the street where the zoning permits this. The treatment of front yards as they become smaller and narrower is complex when trying to maintain desirable streetscape characteristics.

Where the front yard of an existing lot and house may consist of a wide range of features including a driveway, a walkway, projections in the form of stairs, landings, window wells and porches and attached garage parking, these fit onto the typically wider lot. The impacts of hard or impermeable surfaces are reduced simply because, by virtue of being a larger or wider lot, the front yard is generally wide enough to fit each of these incidental uses of land while also providing sufficient soft landscaping to offset hard surfaces and support the growth of trees.

# **Landscaping First**

Staff recommend that a percentage of the front yard and of the corner side yard must be softly landscaped and must be provided in an aggregated area abutting the lot line. Only once that requirement is met, may a driveway, walkway, or permitted projections such as porches and landings be permitted to occupy remaining areas of the front or corner side yards.

Despite the intent of the Mature Neighbourhoods Overlay that landscaping is a higher priority than on-site parking, soft landscaping continues to be relegated to whatever spaces are 'left over', after driveways, walkways and projections are created. Often these leftover spaces are no more than narrow landscaped strips, which may or may not consist of soft vegetation, which stand in stark contrast to the existing streetscape. Similarly, in the urban neighbourhoods outside the Overlay, up to fifty percent of the front yard may be devoted to driveways, relegating the other uses of land to leftover areas, including soft landscaping. When other features such as permitted walkways and projections are added to this fifty percent, this can result in almost no space on some infill sites left over for the planting or retention of front yard and/or street trees.

Concern over the loss of "green space" and the tree canopy in front yards remains significant in new infill and intensification projects because it is the front and corner side yards that provide the transition between the public realm and private property, where the yards contribute directly to the quality of the streetscape shared by those who live on the street and in the neighbourhood. Soft landscaping is consistently a primary component of residential streetscapes, in both the older mature neighbourhoods and outlying urban areas inside the Greenbelt.

The proposed aggregated soft landscaping requirement differs from the current practice of reserving only the total area left over after parking, walkways and projections are provided. This new approach will provide much needed pervious, organic surfaces consistent with existing front yards that will allow for on-site stormwater retention and snow storage. By requiring that it be aggregated into one location, the soft landscaped area will be able to support a tree within the yard depending on the size of the front yard area, thus increasing the urban tree canopy. For shallow or small lots that do not have enough soil volume within the front yard area to support a tree, the minimum required soft landscaped area will provide support to a street tree because the soft landscaped area will be required to abut the street lot line.

The minimum percentages of required soft landscaping will increase as both lot width and front yard setbacks increase. These values have been set to provide for sufficient room in the front yard for a driveway and projections, and on lots of 10.0 metres or more, a walkway leading from the right of way to the main entranceway. Barring site-specific circumstances, most lots will be able to accommodate the minimum percentage required for soft landscaped area in the front-and corner-side yards while still accommodating projections and other front yard amenities, including provided driveways.

On lots with a significant change in grade, the use of features such as terracing and retaining walls to create stepped soft landscaping consistent with such grade changes will be permitted. While this may affect the overall soil volume available for a street tree, the vegetative environment provided by these stepped gardens maintains the look along the street. In such circumstances, there may be opportunity to provide for root tunnels and other structural soil supports to support tree planting.

Once the minimum required aggregated soft landscaped yard area is provided, the remaining front yard may be used by a driveway, walkway, porch, steps or landing, for any minor projections such as window wells and bay windows, and remaining lands may be developed with soft or hard landscaping, including the development of a patio. With an emphasis on soft landscaping first, it is possible that some projections will be reduced in order to meet the soft landscaped area regulation and the maximum driveway width permitted. This will be part of the balanced trade-off required to ensure that as a lot gets narrower, streetscape character is maintained.

# **Attached Front-Facing Garages and Carports in the Mature Neighbourhoods Overlay**

Staff recommend that attached garages and carports be prohibited on the front face of a dwelling unit in the Mature Neighbourhoods Overlay where the Streetscape Character Analysis (SCA) determines that the dominant character is the absence of attached garages and carports. This, in conjunction with the permission for driveways being subject to the SCA, will ensure that only parking configurations consistent with the dominant streetscape character will be permitted.

Many streets in the Mature Neighbourhoods Overlay, having been developed prior to the 1950s, comprise dwellings that do not contain an attached garage or carport visible from the street. Driveways are generally wide enough to accommodate no more than a single car and run down the interior side lot line to side or rear yard surface parking or to a garage in the rear yard. This is the dominant character of most of the streets in the Mature Neighbourhoods Overlay. In this case, on-site parking would continue to be permitted in interior side yards, rear yards or attached to the buildings' side walls or rear façades.

Infill on narrow lots, most notably the creation of two 7.5-metre wide lots through severance to enable a semi-detached dwelling, has consisted mostly of front-facing attached garages. Where the driveways are located towards the middle of the building, there is a tendency to create the appearance of a double wide driveway. At any rate, rather than a front façade dominated by habitable living space facing towards the street, the façade of the house becomes oriented towards accommodating vehicle storage first. Habitable living space is pushed off the ground floor, or to the rear façade. This results in a break of character for the street.

Often the garages push the liveable floor area of the dwelling upwards and results in the need for many stairs to access the dwelling, creating accessibility concerns and resulting in principal entrances inconsistent with much of the existing streetscape. In some cases, carports have been created in front of the entirety of the front façade of the dwelling, leading to the appearance of a house on stilts. These infill developments enhance the dominance of the automobile on the streetscape and render the principal entranceway and its supporting features to be of less importance than the car's storage in neighbourhoods where housing was predominantly built prior to the mass commercialization of the automobile (pre-1950). New homes with attached front-facing garages do not fit in with neighbouring dwellings with the first floor being primarily

comprised of liveable space, and without front-facing garages or carports visible from the street.

## **Parking Alternatives to Front-Facing Attached Garages**

Staff recommend that a new provision be added that will permit a notched-out area of the first storey of a dwelling unit of up to 1.8 metres in width from the interior side and the corner side yard setbacks, to accommodate this type of parking beyond the front yard setback.

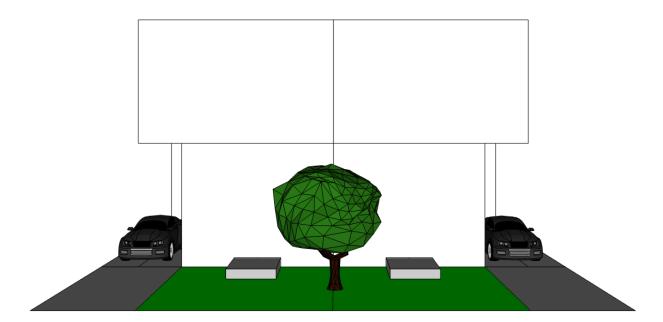
In September 2019, an Addendum to the Strategy Paper was sent to stakeholders that gave consideration to the idea that if front-facing attached garages/carports are to be prohibited on MNO streets where these are not dominant and where driveways are dominant, one front yard parking space, with a reduced maximum width of 2.6 metres could be permitted as a parking option in lieu of a driveway leading to side or rear yard surface parking and side or rear attached parking.

Stakeholder reaction included concerns with opening up this contentious land use issue where the consistent Council policy has been to prohibit front yard parking since 1980. The current MNO regulation only permits a front yard parking space where the dominant streetscape character includes legally-created front yard parking spaces, which were either developed prior to the first Ottawa Zoning By-law in 1964, or where a lot was given a site-specific exception or minor variance to permit a front-yard parking space.

Following input and upon further consideration, staff conclude that it would not be in the best interest of the City nor of the urban neighbourhoods to introduce front yard parking when such has been prohibited throughout the urban area since 1980. In putting landscaping first, the City is intent on ensuring that front yards consist firstly, of soft landscaped area, and only afterwards permitting a driveway that leads to a legal parking space. New front yard parking spaces will continue to be prohibited except as noted in the case of the Mature Neighbourhoods Overlay and will continue to be prohibited in the neighbourhoods outside of the Overlay.

As an alternative to both front yard parking and front-facing garages and carports, more recent infill development has resulted in driveways leading down the side yard to surface side yard parking, where the dwelling's first storey is narrowed to ensure that the parking space width is accommodated, while not affecting upper storey gross floor area. The upper storeys are wider than the first storey, allowing some degree of shelter for a parked vehicle. Driveways are shifted towards the side lot lines, such that there is more front yard space that can be aggregated towards the middle of the front yard for

landscaping. This configuration is less intrusive than the creation of a carport or garage, and provided they are not "notched-out" more than necessary, would not impact negatively the interior design of the first floor, the available floor area of the dwelling, nor result in a "mushroom-shaped" dwelling.



# **Walkways**

Staff recommend that walkways back from the right of way to the front door be prohibited on lots narrower than 10.0 metres in width where an individual driveway is also present. Where permitted, these should be no wider than 1.2 metres in the case of detached, linked detached, semi-detached, duplex, townhouse and three-unit dwellings, and no wider than 1.8 metres in the case of stacked and apartment low-rise dwellings, and retirement homes.

On most lots developed with low-to mid-density ground-oriented dwellings such as detached, semi-detached and townhouse dwellings, individual walkways extending from the front property line back to the entranceway are not necessary when a driveway is available to provide the same access to the main entranceway.

On narrow lots where there are competing incidental uses for the front yard area, walkways back from the right of way to the front door should be sacrificed in order to meet the soft landscaping first, as well as to provide any driveway, landing, porch, and window well. There is a finite point at which favourable elements such as landings and porches cannot be fit onto the site without compromising landscaping if both a walkway and a driveway are created. Newer subdivisions tend not to include individual walkways,

so it is common for pedestrians to walk up driveways. In fact, the City of Ottawa Private Approach By-law 2013-416 allows for a surfaced driveway in excess of 2.4 metres in width to form part of a walkway access.

Because a driveway provides access to the lot for both vehicles and pedestrians, staff recommend that walkways back from the right of way to the main entranceway be prohibited on lots of less than 10.0 metres in the case of detached, linked-detached, semi-detached, duplex, three-unit, townhouse and long semi-detached dwellings.

However, in the case of lots where driveways are either prohibited or not provided, or in cases where a shared driveway is provided to multiple dwelling units, and on that street frontage on a corner lot on which a driveway is not proposed, a walkway from the right of way to the entranceway will be permitted.

The 2015 Mature Neighbourhoods By-law reduced the maximum walkway width from 1.8 metres to 1.25 metres. This regulation will be introduced to Infill 2 properties outside of the MNO and rounded down to 1.2 metres, which can accommodate a manual wheelchair or double-wide stroller, both of which require less than 0.8 metres in width on outdoor paths.

The existing maximum 1.8-metre walkway width, presently permitted in the Infill 2 area (Schedule 343), will be applied to all lots within the Greenbelt, including the Mature Neighbourhoods Overlay, that will be developed with higher-density dwelling types including stacked townhouses, low-rise apartment buildings, retirement homes, rooming houses, and planned unit developments of any type of dwellings. As these dwellings are of higher density, a wider walkway is reasonable to accommodate a larger number of residents and higher frequency of use.

# **Building Heights**

The Infill 2 By-law set out limits on maximum permitted building height, in order to address concerns relating to the overall massing of infill development. As part of these amendments, a number of specific areas were subject to area-specific height restrictions that were addressed through a number of zoning schedules. It is proposed to amend the zoning of these areas to add a height suffix ("H(XXX)") reflecting the maximum permitted height set out in these schedules. The areas affected are set out in Document 3 – Lands Affected Zoning Maps. This change is simply intended to improve readability of the By-law and will not result in a different building height than presently permitted in these areas. The maximum building heights set out under Infill 2 will continue to remain as-is.

## Changes since May 14, 2020 Planning Committee Meeting

The changes to this By-law since the version presented at the May 14 Planning Committee meeting are as follows:

• The May 2020 amendment proposed to prohibit rear balconies on lots below 30.5 metres in depth, consistent with the original intent of Infill 2 to prohibit these features on the "standard" lot depth of 100 feet. It is now proposed to allow balconies to project up to 1.2 metres into a required rear yard on these lots, with additional privacy measures where such balconies occur in proximity to side lot lines.

It should be noted, as mentioned in the original report, that lots between 30.0 and 30.5 metres do not presently have any special restrictions placed on balcony projections. As 30.48 metres(100 feet) is a fairly standard lot depth within the City, this means that balconies were not further restricted for the majority of lots by the original Infill By-laws. This amendment places a restriction on these lots, such that the extent of the permitted projection is reduced from the normally permitted 2.0 metres to 1.2 metres.

Staff recommend that all lots below 30.5 metres be subject to this new rule, rather than prohibiting balconies entirely below 30.0 metres. Staff are of the opinion that it is not in the public interest to prohibit opportunity for access to outdoor space directly attached to a unit, and note that the increased rear yard setbacks emplaced from Infill 2, along with the privacy screens for lots alongside, are sufficient to provide a reasonable balance of privacy in an infill and intensification context.

Some concerns have been raised with respect to the potential impact that balcony projections on shallow lots have on privacy. Staff acknowledge these concerns, however would note that the proposed permitted projection depth is lower than the 2.0-metre projection normally permitted for balconies, and that the proposed 1.2-metre projection depth limits the permitted size of a balcony that can be built without cutting into the permitted building envelope, consequently limiting the potential number of people that can be on the balcony at any one time. The provision of opaque barriers or screens along the sides of balconies, which are closest to abutting properties, will mitigate potential privacy concerns from neighbouring properties. The open side located toward the rear of the property is buffered from the abutting lot to the rear by the rear yard setback.

 Driveways will continue to be permitted on lots between 6.0 and 7.0 metres in width, where they were proposed to be prohibited in the May 2020 amendment. However, the prohibition on walkways from the right of way will continue to apply on narrow lots containing driveways, in order to ensure there is still an overall increase in front yard landscaped area.

It should be noted that staff still have some concerns with permitting driveways on narrow lots below 7.0 metres in width. These concerns include the potential lack of adequate space for soft landscaping, particularly space for street trees and adequate on-site snow storage, as well as the potential loss of street parking from the resulting additional driveway accesses. However, after consultation with industry, staff acknowledge the ability for developers to provide a driveway on a narrow width lot that can meet the minimum landscaped area requirements to be introduced by this amendment.

As such, staff will not recommend a prohibition on lots less than 7.0 metres in width at this present time, however intend to monitor the development of driveways on narrow lots further to determine the validity of these concerns. If there are continued issues relating to the provision of these driveways, staff may revisit this issue within the comprehensive Zoning By-law review following adoption of the new Official Plan.

With respect to any concerns about allowing driveways on 6.0 – 7.0-metre wide lots, staff would note that where individual driveways occur on these lots, they generally lead to attached front-facing garages. Where located in the Mature Neighbourhoods Overlay (MNO), a front-facing garage is only permitted where such is confirmed by a Streetscape Character Analysis to be the dominant characteristic. Where inside the MNO, and where the character prohibits front facing garages, there may be less incentive to choose typologies reliant upon the provision of a front facing garage for each unit, and more incentive to redevelop with housing typologies that rely on shared, side or rear yard parking instead.

Permitted projections into yards, such as decks or exterior stairs, are
proposed to be based off of the lesser of the required or existing yard
setback. This allows homes constructed legally prior to the Infill By-laws to
add decks, porches, canopies, or similar projections in accordance with
Section 65, even where the existing setback is less than that now required by
Infill 1 (for front yards) or Infill 2 (for rear yards).

Staff are satisfied that this change is appropriate as the primary intent of the Infill regulations is to regulate the envelope of new buildings and major additions in order to ensure that they do not cause undue adverse impact to the surrounding neighbourhood context. Where a building is already existing legally, regardless of its conformity with present setback requirements, the addition of a feature such as a porch or deck of a size that is otherwise contemplated by the Zoning By-law for new construction does not generally result in an additional adverse impact on neighbouring properties.

 The wording of parts of the amendment has changed, as described in Document 5, however the effect of the proposed amendment is materially identical to the amendment presented on May 14, 2020, save for the aforementioned changes.

The original Infill 1 and Infill 2 By-laws from 2015 were subject to Ontario Municipal Board (OMB) appeals, such that the approved wording of the zoning standards that came into force and effect were the result of settlements of these appeals. The amendment presented in May in many cases carried forward wording from these original By-laws. However, the additional time taken for consultation with stakeholders also allowed staff an opportunity modify the amendments so as to reflect the overall intent in a way that addresses the primary concerns of key stakeholders.

# **Guidance for Committee of Adjustment applications**

The following notes are intended to provide guidance to staff on questions around the intent of the zoning, and thereby inform future staff comments to the Committee of Adjustment on applications for variances.

#### Minimum Front Yard Soft Landscaped Area

In general, staff would note that "landscaping first" is a primary goal of the zoning recommendations set out in this report. While mature neighbourhoods and older suburban neighbourhoods inside the Greenbelt may be different in terms of their character and "look" along the street, one common characteristic of all such neighbourhoods is the presence and prevalence of front yard greenspace and in particular space for front yard and/or street trees. The intent of requiring an aggregated landscaped area is to support this common characteristic, and consequently staff would not be supportive of variances to these requirements except where there are site-specific extenuating circumstances and it can be clearly shown that adequate landscaping can still be supported on a front yard overall, in accordance with the intent of these regulations.

# Streetscape Character Analysis

When the Streetscape Character Analysis requirement was introduced with the Infill 1 By-law in 2015, the department took the position that in general, developing in a manner that is not consistent with a confirmed analysis is not appropriate as a minor variance, and should proceed instead as a Zoning By-law amendment should a proponent wish to do so. While the analysis is being modified, this position has not changed.

The dominant character groups in a Streetscape Character Analysis represent the streetscape character along a particular street. The intent of the by-law has been consistent that the "look along the street" must be respected with new infill. Consequently, designs that deviate from dominant characteristics, such as double driveways on a street with only single-wide driveways, or principal entrances on a side wall where most entrances face the street, may not reflect the intent of the Zoning By-law.

## **Driveway Provisions**

Maximum driveway width restrictions, currently applicable within the Mature Neighbourhoods Overlay, are proposed to be extended to all neighbourhoods inside the Greenbelt. These restrictions go hand in hand with the aggregated soft landscaping requirements in front yards. Consequently, variances to increase the maximum permitted driveway width will generally be discouraged and may not be seen as within the intent of the Zoning By-law if such a request is accompanied by a request to reduce the minimum front yard landscaped area.

## **Balcony Projections**

The intent of restricting balconies to a 1.2 metres projection for lots less than 30.5 metres in depth, including privacy screens facing side lot lines, is to ensure that the privacy of abutting lots is respected where balconies are provided. While it is acknowledged that there may be cases where a larger balcony projection can be proven to be appropriate, it will be necessary for a proponent to demonstrate that privacy can still be adequately maintained, taking into consideration that such a variance would not only allow a balcony closer to lot lines, but also a balcony that is larger in overall size and capacity.

In considering the potential for variances from this provision, staff would also point out that the 1.2-metre projection in the case of lots below 30.0 metres in depth represents a

greater permission than set out in the original Infill 2 By-law, which prohibited rear balcony projections entirely on such lots.

#### **Public consultation**

Prior to May 14, 2020 (previous report and Planning Committee meeting)

Consultation on this project has been ongoing since the enactment of the Infill 1 and Infill 2 By-laws in 2015.

Staff have met numerous times with the representatives of the Federation of Citizens' Associations (FCA), including representatives of many community associations, as well as with representatives of the Greater Ottawa Home Builders Association (GOHBA).

In 2018, a public meeting was held at which stakeholders from many community associations as well as all urban Ward Councillors or their representatives were in attendance.

A Zoning Strategy Paper (April 2019) was released on the city's webpage and circulated to all affected community associations, resident stakeholders and to GOHBA outlining proposed changes to the regulations and to the inclusion of all urban neighbourhoods within the Greenbelt, Mature Neighbourhoods Overlay, with a request for comments. An addendum to the Strategy Paper (September 2019) was also released and circulated, outlining further proposed changes.

Zoning recommendations were circulated in January 2020, once again to all affected community associations, resident stakeholders, the FCA, and GOHBA.

A Public Information Session was held on March 5, 2020 presenting the proposed zoning changes to the affected community associations and the FCA. Stakeholder comments received throughout the four-year period informed the zoning regulations recommended in this report. Document 4 provides the details of comments received.

After May 14, 2020

Since the May 14 Planning Committee meeting, additional consultation has taken place with the FCA and with GOHBA, including a joint meeting with representatives of both groups. This allowed staff to resolve many remaining concerns and questions surrounding the proposed By-law amendment. In particular, this allowed staff to address opposition to a number of provisions within the By-law, such as not allowing attached

garages within the Mature Neighbourhoods Overlay except where confirmed via a SCA to be a dominant streetscape characteristic.

This also gave staff an opportunity to update the wording of the By-law, in order to ensure that it is readable, effective, and enforceable. The original Infill 1 and Infill 2 By-laws were subject to Ontario Municipal Board (OMB) appeals, such that the approved wording of the zoning standards that came into force and effect were the result of settlements of these appeals. The additional consultation through this process allowed staff additional time to work out standards and wording that reflect the outcomes that are intended to be achieved for urban residential infill, while addressing the comments and concerns of key stakeholders.

As such, the wording of the amendment presented in this report is different than that of what was presented at the May 14 meeting, however the effect of these zoning standards is materially identical to the previous amendment except for the changes described in the "Changes since May 14, 2020 Planning Committee" subheading of the "Discussion" section in this report.

The revised By-law was circulated in August 2020, to allow stakeholders and affected community associations a final opportunity to comment. Comments were received from the FCA and from GOHBA.

# For this proposal's consultation details, see Document 4 of this report.

# **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2014 and 2020 Provincial Policy Statements.

#### **RURAL IMPLICATIONS**

There are no rural implications; this amendment applies to urban wards located inside the Greenbelt.

#### **COMMENTS BY THE WARD COUNCILLORS**

The Ward Councillors are aware of the recommendations made within this report.

#### LEGAL IMPLICATIONS

Should Council adopt the recommendations and enact a Zoning By-law amendment, and such be appealed to the Local Planning Appeal Tribunal, it is expected that such

appeal can be conducted within staff resources. The nature and duration of any hearing will depend on the number and extent of any appeals to the Zoning By-law enacted by Council. As this is a City-initiated Zoning By-law amendment, there is no right of appeal should Council determine not to enact any Zoning By-law amendment.

#### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

#### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

#### FINANCIAL IMPLICATIONS

There are no direct financial implications.

#### **ACCESSIBILITY IMPACTS**

The content of this report does not negatively affect people with disabilities or seniors.

#### **ENVIRONMENTAL IMPLICATIONS**

As noted in the May 14 report to Planning Committee, the emphasis in front yards on a minimum aggregated soft landscaped area is recommended for two significant reasons. In the first instance, landscaped yards are common in many of the older neighbourhoods within the Greenbelt. The requirement to emphasize landscaping before any other elements in a front yard will ensure that new development fits with the existing streetscape. Retaining lands in organic material increases on-site capability for stormwater management which will reduce the effects of major rainstorms, while also enabling on-site snow storage

In addition, introducing the minimum requirement will allow soil volume for either on-site or street trees. Increasing the urban tree canopy rather than permitting the paving over of these yards will assist in reducing greenhouse gas emissions which will impact air quality and public health. Providing shaded areas along streets is also in the interest of public health.

# **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

 Healthy and Caring Communities: it will help maintain a high quality of life for residents and contribute to community well-being through healthy, safe, secure, accessible and inclusive places

## **SUPPORTING DOCUMENTATION**

Document 1 Details of Recommended Zoning (distributed separately)

Document 2 Location Map

Document 3 Lands Affected Zoning Maps

Document 4 Details of Public Consultation (distributed separately)

Document 5 Comparison Between May 14 Amendment and Current Amendment (distributed separately)

#### **CONCLUSION**

The department is satisfied with the recommendations set out in this report, and the extensive level of consultation and effort that has been put into developing the Infill By-law standards. Staff are of the opinion that the amendment will ensure the intent of these standards continues to be addressed, and remaining issues such as adequate soft landscaping and appropriate driveway configurations will be addressed by the revised regulations put forward.

#### **DISPOSITION**

Planning, Infrastructure and Economic Development Department to draft an amendment to the Zoning By-law for Council's approval and to undertake the statutory notification of the passing of the amending Zoning By-law.

Legal Services, Innovative Client Services department to bring forward the amending Zoning By-law to Council.

# **Document 2 - Location Map**



# **Document 3 - Lands Affected Zoning Maps**

