

2. Zoning Provisions for High-Rise Buildings and Amendment to Correct an Anomaly in the GM-General Mixed-Use Zone Concerning High-rise Buildings

Dispositions de zonage pour les immeubles de grande hauteur et modification visant à corriger une anomalie constatée dans la désignation GM – Zone polyvalente générale et concernant les immeubles de grande hauteur

Committee Recommendations

That Council approve:

- 1. the zoning provisions for high-rise buildings, as detailed in Document 1;**
- 2. an amendment to correct an anomaly in the GM – General Mixed-Use Zone concerning a provision that was inadvertently omitted in By-law 2014-292, replacing the former land use “apartment dwelling, mid-high rise” with “apartment dwelling, mid-rise” and “apartment dwelling, high-rise”, as detailed in Document 1.**

Recommandations du Comité

Que le Conseil approuve :

- 1. les dispositions de zonage pour les immeubles de grande hauteur, comme l'expose en détail le document 1;**
- 2. une modification visant à corriger une anomalie constatée dans la désignation GM – Zone polyvalente générale et concernant une disposition omise par inadvertance dans le Règlement 2014-292, en remplaçant l'utilisation « immeuble d'habitation de hauteur moyenne à grande » par « immeuble d'habitation de hauteur moyenne » et « immeuble d'habitation de grande hauteur », comme l'expose en détail le document 1.**

Documentation / Documentation

1. Director's report, Economic Development Services, Planning, Infrastructure and Economic Development Department, dated August 29, 2019 (ACS2019-PIE-EDP-0026)

Rapport du Directeur, Services du développement économique, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 29 août 2019 (ACS2019-PIE-EDP-0026)

2. Extract of draft Minutes, Planning Committee, September 26, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 26 septembre 2019

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
26 September 2019/ 26 septembre 2019**

**and Council
et au Conseil
9 October 2019/ 9 octobre 2019**

**Submitted on 29 August 2019
Soumis le 29 août 2019**

**Submitted by
Soumis par:
Don Herweyer,
Director / Directeur**

**Economic Development Services / Services du développement économique
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

Contact Person / Personne ressource:

**Carol Ruddy, Planner / Urbaniste, Policy Planning Branch/ Politiques de la
planification**

(613) 580-2424, 28457, Carol.Ruddy@ottawa.ca

**Ward: ORLÉANS (1), INNES (2),
BARRHAVEN (3), KANATA NORTH (4)
/ KANATA NORD (4), STITTSVILLE (6),
BAY (7) / BAIE (7), COLLEGE (8) /
COLLÈGE (8), KNOXDALE-MERIVALE
(9), GLOUCESTER-SOUTHGATE (10),
BEACON HILL-CYRVILLE (11),
RIDEAU-VANIER (12), RIDEAU-
ROCKCLIFFE (13), SOMERSET (14),**

**KITCHISSIPPI (15), RIVER (16) /
RIVIÈRE (16), CAPITAL (17) /
CAPITALE (17), ALTA VISTA (18),
CUMBERLAND (19), GLOUCESTER-
SOUTH NEPEAN (22) /
GLOUCESTER-NEPEAN SUD (22),
KANATA SOUTH (23) / KANATA-SUD
(23)**

File Number: ACS2019-PIE-EDP-0026

SUBJECT: Zoning Provisions for High-Rise Buildings and amendment to correct an anomaly in the GM-General Mixed-Use Zone concerning high-rise buildings

OBJET: Dispositions de zonage pour les immeubles de grande hauteur et modification visant à corriger une anomalie constatée dans la désignation GM – Zone polyvalente générale et concernant les immeubles de grande hauteur

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve the zoning provisions for high-rise buildings, as detailed in Document 1;
2. That Planning Committee recommend Council approve an amendment to correct an anomaly in the GM – General Mixed-Use Zone concerning a provision that was inadvertently omitted in By-law 2014-292, replacing the former land use “apartment dwelling, mid-high rise” with “apartment dwelling, mid-rise” and “apartment dwelling, high-rise”, as detailed in Document 1;
3. That Planning Committee approve the Consultation Details Section for the zoning component 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 City Clerk and Solicitor’s Office and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to Bill 73 ‘Explanation Requirements’ at the City Council Meeting of October 9, 2019” 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 recommande au Conseil d'approuver les dispositions de zonage pour les immeubles de grande hauteur, comme l'expose en détail le document 1;
2. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification visant à corriger une anomalie constatée dans la désignation

GM – Zone polyvalente générale et concernant une disposition omise par inadvertance dans le Règlement 2014-292, en remplaçant l'utilisation « immeuble d'habitation de hauteur moyenne à grande » par « immeuble d'habitation de hauteur moyenne » et « immeuble d'habitation de grande hauteur », comme l'expose en détail le document 1;

- 3. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et de l'avocat général 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 du projet de loi 73, à la réunion du Conseil municipal prévue le 9 octobre 2019 », 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

Background

This report recommends approval of zoning provisions for high-rise buildings. The provisions were developed in tandem with the [Urban Design Guidelines for High-Rise Buildings](#) (ACS2018-PIE-EDP-0013) approved by Council on May 23, 2018. High-rise buildings are defined in the Official Plan as buildings that are 10 storeys or taller. This report does not make recommendations regarding where high-rise buildings are permitted in the city or the maximum height of high-rise buildings.

The proposed zoning provisions were originally brought to Planning Committee on May 8, 2018 in the report *Urban Design Guidelines and Zoning Provisions for High-Rise Buildings*. The recommendations in that report directed staff to bring the zoning provisions to Planning Committee and Council for approval once the appeals of the high-rise policies in Official Plan Amendment 150 (OPA 150) have been resolved. On April 24, 2019, Council approved the report *Official Plan Amendment 150 Settlement of Appeals – Building Height and Design*. The report recommended that Council adopt the settlement policies proposed for Section 4.11 dealing with high-rise buildings and directed that the settlement be brought to the Local Planning Appeal Tribunal at the earliest opportunity. A hearing was held on May 22, 2019 and the Tribunal issued a

written decision on July 18, 2019 to bring the settlement policies in Section 4.11 into effect.

Proposed Zoning Provisions

The proposed zoning provisions include requirements for minimum lot area and tower separation distance for high-rise buildings in three areas of the city: the MD - Mixed-Use Downtown Zone; areas outside of the MD Zone that are inside the Greenbelt; and, urban areas outside the Greenbelt. The intent of the provisions is to maintain access to light in public and private places, maintain privacy for occupants of the buildings, preserve public views and sky views, and to ensure the responsibility for tower separation distance is not unfairly placed on a single property owner. The provisions for the MD zone have been modified since they were received by Planning Committee in May 2018 in response to comments from property owners. An area of the central business district in the MD zone that has already been developed with high-rise buildings will not be subject to the zoning provisions.

Transition provisions are proposed to ensure that existing approvals and in-progress development applications for high-rise buildings may proceed under the zoning provisions in effect when a complete application was made.

A technical amendment is also proposed to correct an error in By-law 2014-292 concerning provisions for high-rise buildings in the GM – General Mixed-Use Zone. The proposed amendment would add a provision that was inadvertently omitted from the by-law when it was approved in 2014.

Public Consultation/Input

The *Urban Design Guidelines and Zoning Provisions for High-Rise Buildings* study was a research-based study supported by consultations with design professionals, stakeholders in the development industry and the public. A webpage for the study has been available on Ottawa.ca since the beginning of the study process in 2017. Consultations on the zoning and guidelines occurred over a period of 18 months with a focus group consisting of architects, planning consultants, development industry stakeholders (including members of the Greater Ottawa Home Builders' Association and the Building Owners and Managers Association), staff from the Azrieli School of Architecture and Urbanism at Carleton University, and representatives from the federal government and the National Capital Commission. The Urban Design Review Panel has reviewed and commented on the draft zoning provisions. The draft guidelines and

zoning provisions were published on the project webpage for public review and comment on February 9, 2018 and the Federation of Citizens' Associations of Ottawa was notified. A public information session occurred on May 17, 2018. All community associations in the urban area of the city were invited and 11 residents attended the session.

RÉSUMÉ

Contexte

Le présent rapport recommande l'approbation de dispositions de zonage visant les immeubles de grande hauteur. Ces dispositions ont été élaborées parallèlement aux *Lignes directrices d'esthétique urbaine pour les habitations de grande hauteur*, approuvées par le Conseil le 23 mai 2018. Dans le Plan officiel, les immeubles de grande hauteur sont définis comme des immeubles de dix (10) étages ou plus. Le présent rapport ne fait aucune recommandation concernant les endroits où ils doivent être autorisés sur le territoire municipal ou leur hauteur maximale.

Les dispositions de zonage proposées ont été à l'origine soumises au Comité de l'urbanisme le 8 mai 2018, dans le rapport intitulé *Lignes directrices d'esthétique urbaine et dispositions de zonage pour les habitations de grande hauteur*. Les recommandations de ce rapport enjoignaient au personnel de soumettre les dispositions de zonage provisoires à l'approbation du Comité de l'urbanisme et du Conseil, une fois résolus les appels relatifs aux politiques sur les immeubles de grande hauteur figurant dans la Modification 150 (MPO 150) du Plan officiel. Le 24 avril 2019, le Conseil a approuvé le rapport intitulé *Règlement de certains appels relatifs à la modification 150 du Plan officiel – Hauteur de bâtiment et conception*. Ce rapport recommandait au Conseil d'adopter les protocoles des règlements qui pourraient s'appliquer à la section 4.11, qui concerne les immeubles de grande hauteur, et demandait que les règlements soient transmis le plus rapidement possible au Tribunal d'appel de l'aménagement local. Une audience a eu lieu le 22 mai 2019 et le Tribunal a rendu par écrit le 18 juillet 2019 sa décision de mettre en application les protocoles des règlements de la section 4.11.

Dispositions de zonage proposées

Les dispositions de zonage proposées comprennent des exigences relatives à la superficie minimale de lot et à la distance de séparation entre les tours dans trois secteurs de la ville : la zone d'utilisations polyvalentes de centre-ville – MD, les secteurs

à l'extérieur de la zone MD et situés à l'intérieur de la Ceinture de verdure, et les secteurs situés à l'extérieur de la Ceinture de verdure. Ces dispositions ont pour objet de préserver la luminosité dans les lieux publics et privés, de préserver la vie privée des occupants des immeubles concernés, de préserver les lignes de vue publiques et verticales, et de faire en sorte que la responsabilité de la distance de séparation entre les tours n'incombe pas injustement à un seul propriétaire.

Les dispositions relatives à la transition permettraient de s'assurer que les approbations accordées et les demandes de construction d'immeubles de grande hauteur en cours d'examen sont conformes aux dispositions de zonage en vigueur lorsqu'une demande complète a été soumise.

Consultation publique et commentaires

Le rapport intitulé *Lignes directrices d'esthétique urbaine et dispositions de zonage pour les habitations de grande hauteur* était une étude fondée sur la recherche étayée par des consultations menées auprès de professionnels de la conception, de parties intéressées et de membres du *public*. Une page Web consacrée à ce rapport a été créée sur le site Ottawa.ca en 2017, au début du processus d'étude. Des consultations sur le zonage et les lignes directrices ont eu lieu sur une période de 18 mois auprès d'un groupe de travail constitué d'architectes, d'experts en planification, d'intervenants du secteur de l'aménagement (notamment de la Greater Ottawa Home Builders' Association et de la Building Owners and Managers Association), de membres du personnel de l'École d'architecture et d'urbanisme Azrieli de l'Université Carleton ainsi que de représentants du gouvernement fédéral et de la Commission de la capitale nationale. Le Comité d'examen du design urbain a examiné et commenté la version provisoire des dispositions de zonage. Les versions provisoires des lignes directrices et des dispositions de zonage ont été publiées le 9 février 2018 sur la page Web du projet, pour permettre aux membres du public de les examiner et de les commenter, et la Fédération des associations civiques d'Ottawa a été avisée. Une séance d'information publique, à laquelle toutes les associations communautaires des zones urbaines de la ville ont été invitées, a été organisée le 17 mai 2018. Onze résidents ont par ailleurs assisté à cette réunion.

BACKGROUND

Bill 73 amended the *Planning Act* to recognize the importance of urban design as a provincial interest. Section 2 of the *Planning Act* requires municipalities to have regard

for “the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.” In support of this objective, this report proposes new zoning provisions to address the land use impacts associated with high-rise buildings.

High-rise buildings are one of the possible building forms that contribute to intensification and efficient development patterns that support healthy, liveable and safe communities. High-rise buildings have been built in Ottawa for many decades in locations permitted by the Official Plan and other Council-approved policy documents. Over the course of the last 10 years, Ottawa has seen an increase in the number of high-rise buildings, predominantly residential condominiums and rental apartments, being proposed, approved and constructed.

Official Plan Amendment 150 (OPA 150) introduced a set of policy directions for the design of high-rise buildings in Section 4.11. The policies include direction on lot area requirements and appropriate separation distances for high-rise buildings. These policies were appealed and subsequently, revised policies were developed to resolve the appeals. A settlement package was approved by Council on April 24, 2019, and the settlement policies were brought to the Local Planning Appeal Tribunal on May 22, 2019. A written decision was issued by the Tribunal on July 18, 2019 bringing the policies for high-rise buildings into effect. At the time of the writing of this report, an appeal by one appellant remains outstanding, however the appeal does not relate to the principles of the revised policies in the settlement package and instead focuses on appropriate levels of prescriptiveness in an Official Plan document.

There are currently no generally-applied provisions in the Zoning By-law to address potential impacts associated with high-rise buildings. For example, in the MD – Mixed Use Downtown Zone, a high-rise building may be built to the lot line, with no requirement for a separation distance between high-rise buildings on abutting lots. In this circumstance, the “first-one-in” rule applies. A property owner may build a high-rise building to the lot line, resulting in the neighbouring property owner having to provide a separation distance between the towers entirely on their lot. Alternatively, a neighbouring property owner can also build to the lot line. When this pattern is repeated, high-rise buildings form a “canyon” street, a wall of buildings that are continuous or narrowly-spaced that block access to light at street level and may negatively impact the privacy of occupants in the high-rise buildings.

The zoning provisions will establish a level playing field for property owners by requiring owners of abutting lots to share the responsibility for minimum tower separation distances. The minimum lot area provisions will ensure that a parcel of land proposed for a high-rise building is large enough to accommodate the tower floor plate and podium, the area needed for tower separation from lot lines, access for parking and loading facilities, and amenity areas and landscaping for this complex form of development.

Lands Affected

The proposed zoning provisions will apply to lands in the urban area of the city where high-rise buildings are permitted by the Official Plan and Zoning By-law.

DISCUSSION

Official Plan Policies

High-rise buildings are defined in the Official Plan as buildings that are 10 storeys or taller. The Official Plan directs high-rise buildings to nodes and corridors through policies in Section 2-Strategic Directions and Section 3-Designations and Land Use. Secondary Plans and Community Design Plans provide detailed policies concerning high-rise building development for certain areas of the city.

Policies for high-rise buildings in Section 4.11 of the Official Plan highlight the opportunities presented by high-rise buildings in terms of their contribution to intensification, housing and employment, as well their potential to provide new views, skyline and landmark possibilities in the city. The policies outline design-related issues that need to be considered to avoid or reduce impacts that can be associated with this form of development, such as wind and shadow patterns that can affect pedestrian comfort and the usability of adjacent outdoor public and private spaces, impacts on public views and heritage contexts, and reduced privacy for building occupants on the same lot or adjacent lots.

The policies provide for the zoning by-law to establish performance measures, with the general intent of ensuring the design and location of high-rise buildings minimize wind and shadowing impacts, maintain access to views and sunlight in public places, maintain privacy and access to light for building occupants, and preserve public views and sky views.

Generally, separation distances of 23 metres are considered appropriate, but reduced separation distances may be considered if impacts can be mitigated. Residential floor plates should not exceed 750 square metres, while commercial floor plates should not be larger than 1500 square metres. Larger floor plates are acceptable only when impacts can be mitigated through building shape and orientation or through providing greater separation distances between towers.

Secondary Plan Policy Framework

Policies in secondary planning documents contributed to the development of the zoning strategy for high-rise buildings. Sixteen secondary plans include policies regarding separation distances for high-rise buildings, with separation distances generally in the 20- to 23-metre range. The smallest separation distance recommended is in the Scott Street Secondary Plan, which permits a separation distance of 12 metres between office buildings, while the Bank Street Secondary Plan requires a separation distance of 30 metres. For each of these plans, a rationale is provided that is context-specific for the secondary plan area.

The proposed zoning provisions won't apply to areas subject to an existing Secondary Plan that includes policies regarding tower separation and/or minimum lot area. Development applications in these areas will implement the existing Secondary Plan policies.

The proposed zoning provisions are minimum standards. Council may continue to establish higher standards in certain areas of the city through a Secondary Plan, based on the context of the area.

Provisions for High-Rise Buildings in former City of Ottawa Zoning By-laws

As early as 1968 and continuing until 2008, the former and current City of Ottawa Zoning By-laws included a floor space index provision, maximum building height and/or height plane schedules to regulate the envelope of high-rise buildings. Floor space index (FSI) is the ratio of the floor area of a building on a lot relative to the size of the lot. For example, a floor space index of 8 permits a building to have a maximum floor area of eight times the area of the lot. If the building footprint covered the entire lot, the building would be a maximum of eight storeys. If the footprint of the building occupied half of the lot, the maximum height of the building would be 16 storeys. The smaller the footprint of the building on the lot, the higher the building could be, up to the maximum height permitted by the height or height plane provisions.

Under the former Ottawa Zoning By-laws, lands in what are currently in the MD-Mixed Use Downtown Zone were generally subject to a floor space index of between 2 and 8, with no requirements for a setback of the building from the lot line. This means that for a lot subject to a floor space index of 8, the maximum height of a building that has a footprint that covers the lot would be eight storeys. However, the design of the building could be modified by reducing the floorplate and increasing the height, up to the maximum height limit of the zone which was generally 27 storeys.

When the MD zone provisions in the comprehensive Zoning By-law 2008-250 came into effect, the FSI provisions were removed, while the permission to build to the lot line and the maximum height provisions carried forward. While the previous Zoning By-law would have permitted a building with a footprint that covers the entire lot to be a maximum of two to eight storeys, the current Zoning By-law permits a building that covers the entire lot to be up to the maximum height in the height schedule, generally as high as 27 storeys. The removal of the FSI provision in 2008 resulted in a three-fold increase in the size or bulk of the building permitted on the lot, from eight storeys if the footprint covered the entire lot, to 27 storeys if the footprint covered the entire lot.

Staff have reviewed the outcome of removal of the FSI provisions in the MD - Mixed Use Downtown Zone in the 11 years since the provisions were removed. Removal of the FSI provisions resulted in the building envelope of high-rise buildings being unregulated from a zoning perspective, except for building height. Since that time, high-rise buildings have been built to the lot line, or with little or no separation distance, creating a canyon condition in some cases and reducing access to light in the public realm. The "first-one-in" rule has applied, where a property owner who builds a high-rise to the lot line can negatively impact the developability of the abutting lot. Staff are of the opinion that the removal of the FSI provisions in 2008 was a failed experiment. The separation distance requirements proposed in this report will reintroduce controls on the envelope of high-rise buildings beyond the only control in the MD zone that is currently in effect, which is the maximum height provisions. The proposed tower separation provisions will in effect replace the FSI provisions that were in effect between 1968 and 2008 and help mitigate the impacts of this intensive form of development on the public realm and adjacent properties.

Overview and Planning Rationale for Zoning Provisions for High-Rise Buildings

Drafting of the zoning provisions occurred in parallel with the development of the *Urban Design Guidelines for High-Rise Buildings*. The proposed zoning provisions are a

distillation of the many design-related issues considered in the guidelines, such as maximum floor plate size, minimum setbacks and step-backs from property lines, minimum lot area, minimum requirements for publicly-accessible space at grade, and tower separation distances.

In keeping with Section 4.11 of the Official Plan, the intent of the zoning provisions is to maintain access to light in public and private spaces, maintain privacy for occupants of the buildings and preserve public views and sky views. Provisions for tower separation and minimum lot area are the most direct way to address these issues. The two provisions work together in that the separation distance ensures adequate spacing between towers, while the minimum lot area ensures that the lot is large enough to accommodate all of the practical issues associated with this complex form of development, such as access for parking and loading, and provision of amenity areas and landscaping.

Staff worked with stakeholders to establish minimum requirements for lot area and tower separation for different areas of the city, based on typical street widths, block and lot sizes, and the varying floor plate sizes that are characteristic of high-rise buildings in different parts of the city. Policies in secondary plans currently in effect for minimum lot area and tower separation were also considered as part of the process of establishing the zoning provisions.

The provisions for minimum lot area were developed to reflect the area of land needed to accommodate the minimum floorplate of a high-rise building in certain areas of the city, plus the area needed to accommodate tower separation distances from lot lines. The lot areas selected generally correspond to multiples of 450 square metres, a typical lot size in Ottawa. For the MD zone, two lots totalling a minimum of 900 square metres would be needed to accommodate a high-rise building on a corner lot, while in areas outside the MD zone and within the Greenbelt a minimum-lot area of 1350 square metres or three lots would be needed to accommodate a high-rise building on an interior lot. In the suburban areas, a minimum-lot area of 1800 square metres, or four lots, would be needed to accommodate a high-rise building on an interior lot. The minimum lot areas are higher in areas outside of the Greenbelt, in recognition of the larger floor plate sizes that are typically built in these areas.

With regard to separation distance and the associated tower setback distance required, policies in the Official Plan refer to a minimum separation distance of 23 metres between towers, however the policies allow this distance to be reduced if certain criteria

are met. In the MD Zone, development is constrained by shallow block depths and height planes that limit maximum building height. A reduced separation distance of 15 metres between towers was selected for practical reasons in recognition of these constraints. A larger separation distance is difficult to accommodate on a block that is shallow and increases in building height to compensate for floor area lost to accommodate a separation distance are not possible because of the limits on building height to protect views of the Parliament Buildings.

A portion of the MD zone generally bounded by Lyon, Wellington, Elgin and Gloucester Streets is proposed to be excluded from the zoning provisions. This area of the central business district contains many existing high-rise buildings with varying setbacks from lot lines, many having little or no setbacks. The block sizes are particularly constrained in this area, height planes in zoning schedules limit building heights and land uses are dominated by office uses. Most streets within this area have an established canyon character already well established. In recognition of these factors, it is proposed to exclude this area from the provisions.

A separation distance of 20 metres is recommended for areas outside of the MD zone and inside the Greenbelt, given the less constrained block sizes. This provides a separation distance that is similar to standards in secondary plans for lands inside the Greenbelt. A tower separation of 23 metres is recommended for areas outside the Greenbelt, given lot sizes and block depths are typically larger, and high-rise development often takes place in a greenfield setting. In this case, a larger separation distance between towers can generally be met.

Regarding the varying standards for the height above which the separation distance is required (the maximum height of the podium), this standard is based on the width of the street abutting the lot and a desire to provide flexibility and a contextual design response for podium height. In the MD Zone, the width of the street generally varies between 18 and 20 metres, which corresponds to the height of a six-storey podium. For all other areas of the city, the podium may be a maximum of nine storeys or a height equal to the width of the street abutting the lot, whichever is less. This approach will allow a higher podium where the street is very wide, or a podium that varies in height in response to the height of adjacent buildings.

Provisions for High-rise Buildings in the MD- Mixed Use Downtown Zone:

Currently, there are no setback requirements in this zone, and where a high-rise building is a permitted use the footprint of the building may cover the entire lot.

The proposed provisions in the MD zone would require a 7.5-metre setback from the side and rear lot lines, for that portion of the high-rise building over a height equal to six storeys or the width of the street abutting the lot, whichever is less. For two towers on one lot, there would be an additional requirement that the towers be a minimum of 15 metres apart. A minimum lot area of 900 square metres is proposed for corner lots, while a minimum-lot area of 1350 square metres would be required for interior lots. As discussed above, a portion of the MD zone generally bounded by Lyon, Wellington, Elgin and Gloucester Streets is proposed to be excluded from the zoning provisions.

Provisions for High-Rise Buildings inside the Greenbelt (excluding the MD Zone):

The proposed provisions would require a 10-metre setback from the side and rear lot lines, for that portion of the high-rise building over a height equal to nine storeys or the street abutting the lot, whichever is less. For two towers on one lot, there would be an additional requirement that the towers be a minimum of 20 metres apart. A minimum-lot area of 1150 square metres would be required for a corner lot and a minimum-lot area of 1350 square metres would be required for an interior lot.

Provisions for High-Rise Buildings outside the Greenbelt:

The proposed provisions would require an 11.5-metre setback from the side and rear lot lines, for that portion of the high-rise building over a height equal to nine storeys or the width of the street abutting the lot, whichever is less. For two towers on one lot, there would be an additional requirement that the towers be a minimum of 23 metres apart. A minimum-lot area of 1350 square metres would be required for a corner lot and a minimum lot area of 1800 square metres would be required for an interior lot.

Transition Provisions

Transition provisions are proposed that would apply to complete development applications received prior to the date the provisions for high-rise buildings are approved by Council. These provisions are proposed to recognize applications in-progress and approved applications for high-rise buildings. The transition provisions would allow such projects to go forward under the provisions in place at the time the complete application was made or the approval was received. However, all applications

received after the date Council approves the zoning provisions would be subject to the proposed zoning provisions for high-rise buildings.

Areas that will not be subject to the zoning provisions

Areas that have secondary plan policies that provide detailed, area-specific guidance relating to separation distances or minimum lot area for high-rise development would not be subject to the proposed zoning provisions. Where such policies apply, the proposed zoning provisions will not contradict the requirements of the secondary plan. The following secondary plan areas will not be subject to the zoning provisions: Centretown; Preston-Carling Precinct; Bayview Station; Scott Street; Uptown Rideau Street; Former Canadian Forces Base (CFB) Rockcliffe; Bank Street; South Keys to Blossom Park; Montreal Road District; Westgate; Cleary and New Orchard Area; and Elmvale Acres Shopping Centre. In addition, the LeBreton Flats re-development area, the Escarpment Area District Plan area and certain zones that include provisions for high-rise buildings such as the TD –Transit Oriented Development Zone will not be subject to the proposed provisions. Areas that will not be subject to the zoning provisions will be identified in a schedule in the Zoning By-law associated with the proposed zoning provisions, as shown in Document 1 – Zoning Details.

In addition, properties that are subject to a schedule or an exception that includes provisions relating to minimum lot size or tower separation distance for a building 10 storeys or taller will not be subject to the provisions proposed in this report.

Correcting a technical error in By-law 2014-292 concerning the GM – General Mixed-Use Zone

A technical amendment is also proposed to correct an error in By-law 2014-292 concerning provisions in the GM – General Mixed-Use Zone. Prior to the by-law coming into effect, mid-rise and high-rise buildings were grouped into one land use called an “apartment dwelling, mid-high rise”. By-law 2014-292 deleted this former land use, and replaced it with “apartment dwelling, mid-rise” and “apartment dwelling, high-rise”. If the maximum height of a building in a zone was nine storeys or less, an “apartment dwelling, mid-rise” would be a permitted use. If a building 10 storeys or taller was permitted in a zone, both an “apartment dwelling, mid-rise” and an “apartment dwelling, high-rise” would be permitted in the zone. However, for the GM - General Mixed-Use Zone, a provision was inadvertently omitted which should have stated that where a building of 10 or more storeys is permitted, an “apartment dwelling, high-rise” would be

a permitted use. It is proposed to add a provision to the GM zone to correct this omission.

Provincial Policy Statement

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

RURAL IMPLICATIONS

These amendments do not affect properties in the rural area.

COMMENTS BY THE WARD COUNCILLORS

Ward Councillors within the urban area (see page 1) are aware of the proposed zoning provisions.

LEGAL IMPLICATIONS

The provision of Bill 108 amending the process for appeals to zoning by-laws came into force on September 3, 2019. As a result, appeals respecting most zoning by-laws may be made on the broader grounds permitted prior to the enactment of Bill 139.

Should this report be carried by Council and the resulting by-law appealed to the Local Planning Appeal Tribunal, depending on the scope and specific nature of the appeals, the resulting hearing may range from two days to two weeks. In addition to relying on staff resources, it may be appropriate to engage external professional witnesses.

As this is a City initiated amendment, in the event the report is not adopted, there is no right of appeal.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

In the event the report is carried, the by-law is appealed, and external witnesses are engaged, the witness expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- SE1 – Improve the client experience through established service expectations

APPLICATION PROCESS TIMELINE STATUS

The zoning amendments proposed in this report are not subject to the "On Time Decision Date" established for the processing of a Zoning By-law amendment application.

SUPPORTING DOCUMENTATION

Document 1 Zoning Details

Document 2 Consultation Details

CONCLUSION

The proposed zoning provisions will support City and provincial interests concerning high-quality urban design, contribute to higher quality public spaces, optimize conditions for occupants of high-rise buildings and provide an even-playing field for property owners. The provisions are in conformity with policies in the Official Plan and the framework of policies in the secondary plans.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

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, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Zoning Details

Amend the City of Ottawa Zoning By-law No. 2008-250 to add new provisions for high-rise buildings having the general intent as follows:

1. Amend Table 193 – MD Zone Provisions by adding a new row (j) as follows,

“(j) Provisions for buildings 10 storeys and higher

- (i) for the purposes of this section, a tower is that portion of a building over six storeys;
- (ii) minimum lot area for a corner lot: 900 m²
- (iii) minimum lot area for an interior lot: 1350 m²
- (iv) minimum interior side and rear yard setback for a tower: 7.5 m
- (v) minimum separation distance between towers on the same lot: 15 m
- (vi) lands shown in Schedule XXW are not subject to Clause (j).

2. Add a new Section XX – Provisions for High-Rise Buildings, to be added to Part 3 - Specific Use Provisions, as follows,

“Provisions for High-Rise Buildings (Section XX)

XX. (1). For the purposes of subsections (3) and (4), a tower is that portion of a building over nine storeys or a height equal to the width of the widest public street abutting a lot line, whichever is less;

(2) For the purposes of subsections (3) and (4), where a high-rise building is located in a planned unit development, and the high-rise building is not located adjacent to a public street, the tower is that portion of a building over nine storeys;

(3) Buildings that are 10 storeys or higher in Area A as shown on Schedule XXX are subject to the following provisions:

- (a) the minimum required lot area for a corner lot is 1150 m²;
- (b) the minimum require lot area for an interior lot is 1350 m²;
- (c) the minimum interior side and rear yard setback for a tower is 10 m;

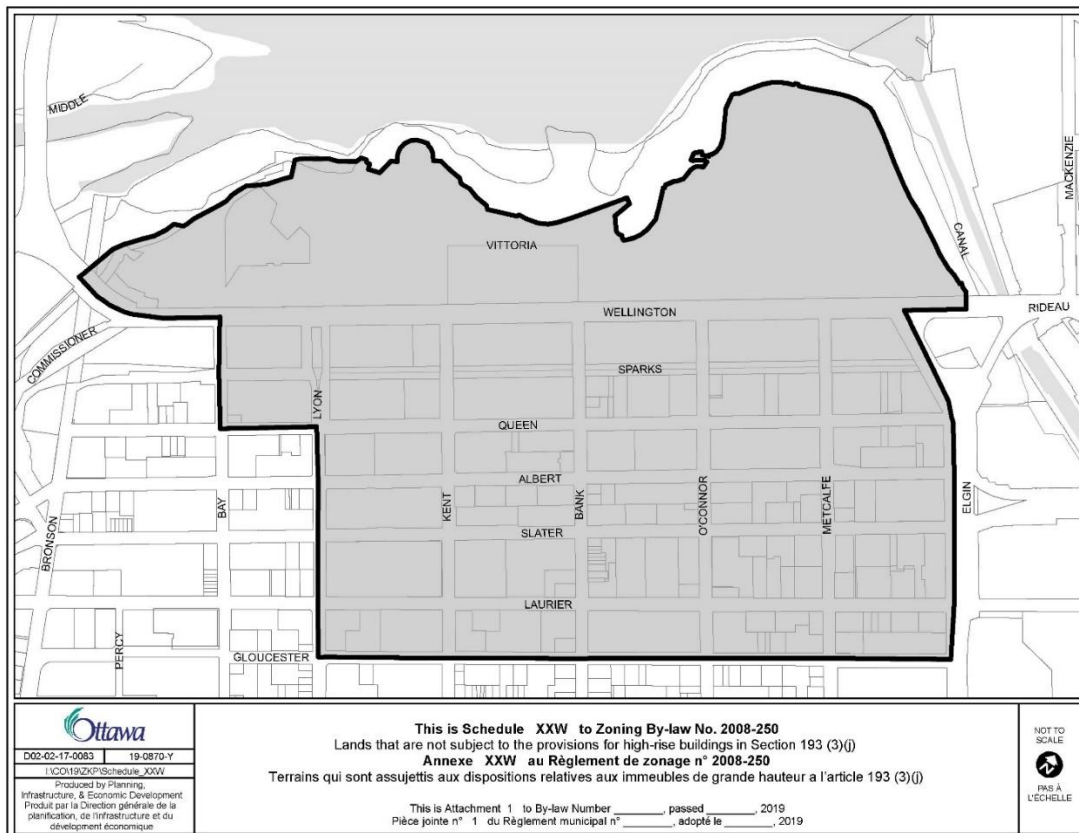
- (d) the minimum separation distance between towers on the same lot is 20 m.
- (4) Buildings that are 10 storeys and higher in Area B as shown on Schedule XXX are subject to the following provisions:
 - (a) the minimum required lot area for a corner lot is 1350 m²;
 - (b) the minimum required lot area for an interior lot is 1800 m²;
 - (c) the minimum interior side and rear yard setback for a tower is 11.5 m;
 - (d) the minimum separation distance between towers on the same lot is 23 m.
- (5) The provisions in subsections XX (1), (2) and (3) do not apply to lands in the AM12, GM31, MC2, MC5, MC10, MC15, TM10, MD zones, TD zones and lands shown in Schedule XXY.”
- 3. Amend Part 17 – Schedules by adding Schedules XXW, XXX and XXY.
- 4. Add the following provisions to Section 9 - Transitions:

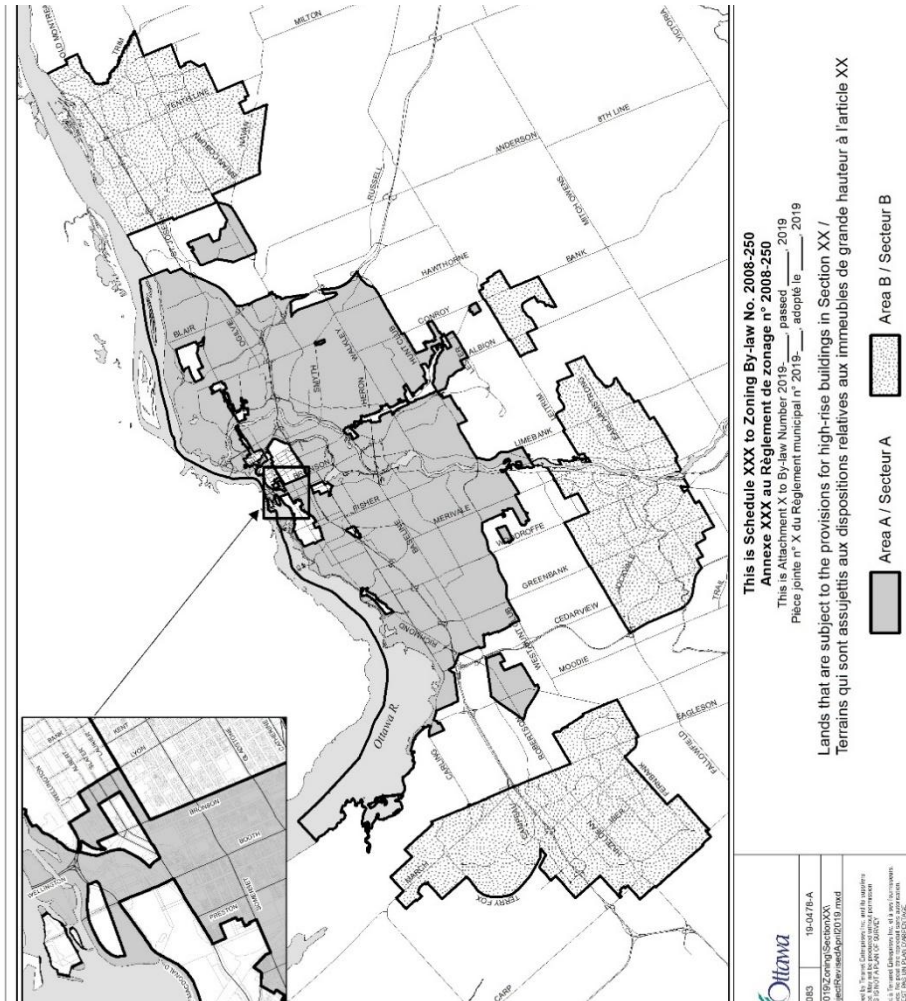
“Section XX and Section 193(j) – Provisions for High-Rise Buildings (By-law 2019-XX)

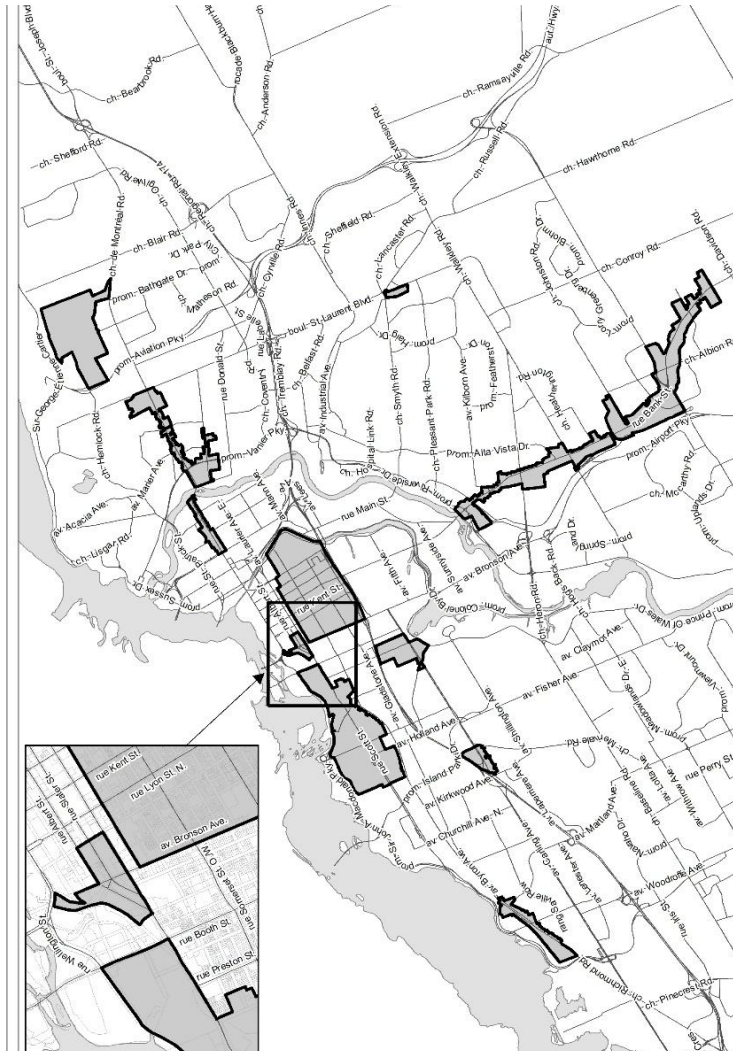
 - (X) Transition provisions for Section XX and Section 193(j) – Provisions for High-Rise Buildings:
 - (a) This by-law does not apply to prevent the issuance of a building permit for a project for which a completed application for a:
 - (i) building permit;
 - (ii) Committee of Adjustment approval;
 - (iii) site plan control approval;
 - (iv) zoning by-law amendment;
 - (v) part lot control approval; or
 - (vi) approval of draft plan of subdivision was received by October 9, 2019.
 - (b) For the purposes of Clause (a), “completed application” means an application which would have been approved or granted on October 9, 2019, had it been processed or disposed of on that day.

- (c) Where a project qualifies under Clause (a), the building permit for that project may be issued, or the Committee of Adjustment approval, the Site Plan Control approval, the zoning by-law amendment approval, the Part Lot Control approval and the approval of the draft Plan of Subdivision may be granted if the project in question complies with the provisions of the applicable Zoning By-law as it read on October 9, 2019.
 - (d) Nothing in this by-law applies so as to continue the exemption provided by this section beyond the issuance of the permit upon which the exemption is founded.
 - (e) Once the permit, agreement or approval under Clause (a) has been granted, the provisions of this by-law apply to the land in question.”
5. Amend Subsection 187(6) by adding the following clause:

“(c) Despite the list of permitted residential uses, where the zoning on a lot is accompanied by an H suffix, schedule or exception that permits a building height of 10 or more storeys or greater than 30 metres, the use “apartment dwelling, high rise” is a permitted use on that lot.”







**This is Schedule XXV to Zoning By-law No. 2008-250
 Annexe XXV au Règlement de zonage n° 2008-250**

This is Attachment X to By-law Number 2019-...
 Pièce jointe n° X du Règlement municipal n° 2019-...

passed / adopté le ... 2019

Lands that are not subject to the provisions for high-rise buildings in Section XX (Lands in the following secondary plan areas: Centre-town Precinct; Bayview Station; Scott Street; Uptown Rideau Street; Former Canadian Forces Base (CFB) Rockcliffe; Bank Street; South Keys to Blossom Park; Montreal Road District; Westgate; and Elmvale Acres Shopping Centre. In addition, the LeBreton Flats re-development area, Cleary and New Orchard Area-Specific Policy and the Escarpment District Plan areas are not subject to Section XX).

Les terrains qui ne sont pas assujettis aux dispositions relatives aux immeubles de grande hauteur à l'article XX (Terrains situés dans les secteurs secondaires suivants : le Centre-ville, le secteur Preston-Carling, la station Bayview, la rue Scott, le secteur entre la rue Rideau, l'ancienne base des Forces armées canadiennes Rockcliffe, Bank, de South Keys à Blossom Park, le secteur du chemin de Montréal, Westgate et le centre commercial Elmvale Acres. De plus, les terrains de réaménagement des LeBreton, Cleary et New Orchard Politiques sur les sites particuliers et le plan de district de la zone de l'Escarpement ne seront pas assujettis à l'article XX.)



22-17-0083 19-04/18-A
 1920mg/SectionXX...m/Ann2019.mxd
 Ce plan a été préparé par le service d'urbanisme, avec le soutien de l'Agence d'urbanisme de la Ville de Montréal.
 This plan was prepared by the Urban Planning Service, with the support of the City of Montreal's Urban Agency.

Document 2 – Consultation Details

Notification and Consultation Process

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

The Urban Design Review Panel reviewed and commented on the proposed zoning provisions. The zoning provisions were published on the project webpage for public review and comment on February 9, 2018 and the Federation of Citizens' Associations of Ottawa has been notified.

Public Comments and Responses

A complaint was received from resident concerning lack of consultation with the public. In response, a public information session was held on May 17, 2018. All urban area community associations were invited. Eleven community members attended the information session.

Several property owners in the downtown area submitted comments objecting to the proposed zoning provisions because of loss of development rights.

High-Rise Buildings Focus Group

Extensive consultations occurred over a period of 18 months with a Focus Group consisting of architects, planning consultants, development industry stakeholders (including members of the Greater Ottawa Home Builders' Association (GOHBA) and the Building Owners and Managers Association (BOMA)), staff from the Azrieli School of Architecture and Urbanism at Carleton University, and representatives from the federal government and the National Capital Commission. Consultations with the Working Group took the form of introductory meetings, design charrettes, and follow-up meetings with individual members of the Working Group and representative of *Greater Ottawa Home Builders' Association* and the Building Owners and Managers Association.

At the beginning of the consultation process, members of the Focus Group were clear they had concerns with loss of development potential if zoning provisions were put in place to achieve separation distances between towers. They did not support zoning provisions for high-rise buildings. At the same time stakeholders acknowledged

separation distances support higher quality urban spaces, and the general consensus was that property owners do not want their neighbours to build a high-rise building unreasonably close to the property line, as this limits the development potential of their property. After extensive discussions, the benefit of requiring a separation distance between the “shoulders” of high-rise buildings in the Zoning By-law was acknowledged by most stakeholders as a way to avoid “first-one-in” scenarios and to provide an even-playing field. Discussions focused on establishing appropriate minimum standards in terms of tower separation and lot area for the various contexts in the city. General support for the draft zoning provisions was achieved, subject to refinements concerning podium height and transition provisions. However, members of the Working Group were not able to confirm support of the draft zoning provisions until such time as appeals of policies for high-rise buildings in OPA 150 are resolved.

Representatives from the High-Rise Buildings Focus Group (members of BOMA and GOHBA) attended Planning Committee on May 8, 2018 and provided general support for the zoning provisions and the direction to work toward resolution of the appeals of policies in OPA 150 concerning high-rise buildings.

In response to comments received from property owners in the central business district during the summer of 2019, an area of the central business district generally bounded by Lyon, Elgin, Wellington and Gloucester Streets was excluded from the provisions for high-rise buildings for the MD-Mixed Use Downtown Zone.