

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
24 June 2021 / 24 juin 2021**

and / et

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
28 June 2021 / 28 juin 2021**

**and Council
et au Conseil
7 July 2021 / 7 juillet 2021**

**Submitted on 8 June 2021
Soumis le 8 juin 2021**

Submitted by

Soumis par:

Don Herweyer,

Director / Directeur

**Economic Development and Long-Range Planning / Développement économique et
planification à long-terme**

**Planning, Infrastructure and Economic Development Department / Direction
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**Ward: CITY WIDE / À L'ÉCHELLE DE
LA VILLE**

File Number: ACS2021-PIE-EDP-0028

**SUBJECT: Zoning By-law Amendment – General Zoning Provisions (Parking
and Secondary Dwelling Units)**

OBJET: Modification du Règlement de zonage – dispositions générales de zonage (stationnement et logements secondaires)

REPORT RECOMMENDATIONS

- 1. That Planning Committee and Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 relating to various sections of the By-law, as detailed in Document 1.**
- 2. That Planning Committee and Agriculture and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of July 7, 2021,” 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 et le Comité de l’agriculture et des affaires rurales recommandent au Conseil d’approuver une modification du Règlement de zonage 2008-250 s’appliquant à divers articles du règlement, comme l’expose en détail le document 1.**
- 2. Que le Comité de l’urbanisme et le Comité de l’agriculture et des affaires rurales donnent leur 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 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 7 juillet 2021 », 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

The purpose of this Zoning By-law amendment is to update a number of sections of the City of Ottawa Zoning By-law to improve general readability and ease of use. This is part of an ongoing effort to streamline zoning language to improve ease of use, with

material changes to regulations being proposed only as necessary to ensure the intent of the zoning and Official Plan are upheld.

The sections impacted by this report are as follows:

- Section 100 (Parking General Provisions);
- Section 106 (Parking Space Provisions);
- Section 114 (Parking Credits);
- Section 124 (Garden Suite Provisions);
- Section 133 (Secondary Dwelling Units);
- Part 15 (Exceptions), more specifically site specific exceptions for TD zones around Tremblay, St-Laurent and Cyrville stations.

Staff are of the opinion that these changes are appropriate changes in wording, to improve the readability and reduce inconsistencies among various sections of the By-law. The proposed changes will reduce the total length of the affected sections from a total of over 2,800 words to under half that length (1,350 words), and from 44 subsections to 22, thereby improving ease of use for both builders and residents. The removal of the TD zone exceptions further eliminates over 7,000 redundant words from the By-law.

Staff Recommendation

Planning staff recommend approval of the Zoning By-law amendment to amend Sections 100, 106, 114, 124 and 133 of the By-law, as well as various urban exceptions in Part 15 of the By-law, as detailed in Document 1.

RÉSUMÉ

Cette modification a pour objet de mettre à jour un certain nombre d'articles du Règlement de zonage de la Ville d'Ottawa, afin d'en améliorer la lisibilité et la facilité d'utilisation. Elle s'inscrit dans le cadre d'un effort permanent de simplification du libellé relatif au zonage afin d'en faciliter l'utilisation, des modifications matérielles à la réglementation n'étant proposées que si elles sont jugées nécessaires pour s'assurer que l'esprit du zonage et du Plan officiel est respecté.

Les articles visés par le présent rapport sont les suivants :

- Article 100 (Dispositions générales de stationnement);

- Article 106 (Dispositions en matière de places de stationnement);
- Article 114 (Crédits de stationnement);
- Article 124 (Dispositions en matière de pavillons-jardin);
- Article 133 (Logements secondaires);
- Partie 15 (Exceptions), plus précisément les exceptions propres aux emplacements dans les zones TD entourant les stations Tremblay, St-Laurent et Cyrville.

Le personnel estime que ces modifications de libellé sont appropriées et qu'elles permettent d'améliorer la lisibilité et de réduire les incohérences entre divers articles du règlement. Les modifications proposées réduiront la longueur totale des articles concernés, qui passera de plus de 2 800 mots à moins de la moitié (1 350 mots), et de 44 à 22 paragraphes, améliorant ainsi leur facilité d'utilisation pour les promoteurs et les résidents. La suppression des exceptions de la zone TD permet en outre d'éliminer du règlement plus de 7 000 mots redondants.

Recommandation du personnel

Le personnel chargé d'urbanisme recommande l'approbation de la modification du Règlement de zonage visant à modifier les articles 100, 106, 114, 124 et 133 dudit règlement, ainsi que diverses exceptions urbaines de la partie 15 du règlement, comme l'expose en détail le document 1.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Summary of Zoning By-law amendment

The Planning, Infrastructure, and Economic Development Department is proposing a number of amendments to existing sections and exceptions to the Zoning By-law, to improve readability and applicability of these sections and ensure that they function in accordance with their original intent.

This amendment is part of an ongoing effort to streamline, clarify and shorten zoning language to improve ease of use while generally maintaining the same effect. The affected sections are:

- Section 100 (Parking General Provisions);

- Section 106 (Parking Space Provisions);
- Section 114 (Parking Credits);
- Section 124 (Garden Suite Provisions); and
- Section 133 (Secondary Dwelling Units)
- Part 15 (Exceptions)

However, the amendment does bring some small and incidental, but nonetheless material changes to these rules, as follows:

Section 100 (Parking General Provisions)

The rewrite amends or removes certain provisions that rarely if ever apply in practice but, if they ever did, would undermine the intent of the Zoning By-law and Official Plan:

- Removes wording that effectively created a loophole allowing commercial surface parking lots as a main use of land in the TM (Traditional Mainstreet) zone, VM (Village Mixed-Use) zone and Central Area.
- Removes wording that effectively required one parking space in certain rare circumstances, where parking would otherwise not be required.
- Allows townhouses, semi-detached, linked-detached and stacked dwellings to share an underground parking garage, which the existing zoning allows only for stacked dwellings.

Section 106 (Parking Space Provisions)

One material amendment harmonizes the proportion of spaces in a parking lot or parking garage that may be undersized and reserved for compact cars. 50 per cent of spaces would be permitted to be 4.6 metres by 2.4 metres, rather than the usual 5.2 metres by 2.6 metres. This is a change from more complex existing rules that amount to either 40 per cent or 50 per cent, applicable to both dimensions or just width, depending on circumstances.

The proposed amendment also proposes to require a 3.1 metre wide parking space in the case of spaces within parking garages that are located adjacent to walls or pillars, or similar obstructions to the parking space or opening of vehicle doors. Presently, only a 2.6 metres wide space (the “standard” minimum parking space width) is required in such circumstances.

Section 114 (Parking Credits)

Section 114 will be deleted in its entirety, as its text is almost entirely redundant. The effect of Section 114, having to do with the number of required spaces when a use is changed, will be distilled into one clause and added to Section 101 (Minimum Parking Space Requirements).

Section 124 (Garden Suite Provisions)

Section 124 is proposed to be deleted in its entirety. Garden suite regulations are redundant and obsolete, having been superseded since 2016 by more permissive rules through Section 142 (Coach Houses).

Section 133 (Secondary Dwelling Units)

This amendment proposes to rewrite the Secondary Dwelling Units (SDU) section for greater clarity and ease of use, and for consistency with the recently-adopted provisions for coach houses in Section 142. The material changes from the current rules are as follows:

- Current SDU rules limit SDUs to a size proportional to the main dwelling unit. The current wording is problematic for several reasons (including clarity, as well as resolving inconsistencies with *Planning Act* regulations on size limits). The size of SDUs is proposed to be limited to 80 square metres in the urban area or 95 square metres in the rural area, except where located entirely within one storey of the building, in which case they may occupy the entire storey, to a maximum of 120 square metres. The 80 and 95 square metre limits are consistent with the floor area limits that have been set for coach houses.
- SDUs are proposed to be limited to a maximum of two bedrooms, similar to coach houses, to ensure the limits are consistent between SDUs and coach houses, and to ensure that SDUs remain secondary in nature.
- Excludes the garage or carport from the relevant floor area calculation, to better reflect the intent of ensuring that secondary dwelling units are secondary to the main unit.
- It is proposed to remove the prohibition on separate front-facing entrances in support of SDUs (currently in Section 133(9)), consistent with Zoning By-law and Official Plan direction that front-facing entrances are generally consistent with and do not detract from streetscape character.

- Certain provisions with respect to parking for secondary dwelling units are redundant and are proposed to be removed, as they address circumstances that are more generally accounted for in other sections of the by-law.

Part 15 (Exceptions)

Twenty-eight Zoning Exceptions applicable to TD (Transit-oriented Development) zones around Tremblay, St.-Laurent and Cyrville stations include an extended block of text that duplicates text already contained in the parent TD zone. Deleting this redundant text from the exceptions will greatly shorten the Exceptions and improve ease of use without changing the actual rules in effect.

DISCUSSION

Public Consultation

Public consultation was undertaken in accordance with the *Planning Act* and the Official Plan.

Official Plan

The City of Ottawa Zoning By-law provides a means of implementing the land use policies in the Official Plan. The proposed City of Ottawa Zoning By-law amendments conform to the Official Plan, ensuring consistency between zoning provisions and land use policies in the Official Plan, and by ensuring that applicable zoning regulations are clear, concise, and easy to follow.

Provincial Policy Statement

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

RURAL IMPLICATIONS

The sections of the Zoning By-law affected by this report apply City-wide, therefore the changes will be applicable to secondary dwelling units and parking standards in the rural area.

COMMENTS BY THE WARD COUNCILLORS

This is a City-wide report – not applicable.

LEGAL IMPLICATIONS

There are no legal implications associated with the report recommendations.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications.

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 impact people with disabilities or seniors.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- Thriving Communities – improved readability of these sections will make it easier for residents to understand the applicable zoning rules and how they apply throughout the City.

SUPPORTING DOCUMENTATION

Document 1 Details of Recommended Zoning

Document 2 Consultation Details

CONCLUSION

The changes in this report will reduce the total length of the affected sections from a total of over 2,800 words to 1,350 words, which will improve readability of the By-law for both residents and builders and further clarify the underlying planning intent of these sections. In addition, the deletion of thirty Exceptions in Part 15 that all duplicate wording in the applicable zone, eliminate over 7,000 redundant words and over a dozen pages of length from the Zoning By-law.

Overall, the affected sections will be reduced in length from 44 separate subsections to 22 subsections, reducing the number of separate clauses by half, while in most cases

retaining materially the same intent in terms of applicable regulations for parking and secondary dwelling units.

Staff are of the opinion that the proposed changes to the parking provisions and secondary dwelling unit provisions of the Zoning By-law, as well as the aforementioned exceptions to the TD zones, are representative of good planning. These changes will ensure a clear application of the intent of these regulations, while removing or replacing provisions that are or have been rendered redundant or ineffective by more recent changes to the By-law.

DISPOSITION

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

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250:

- (1) Delete Section 100 (General Provisions) in its entirety and replace with wording similar in effect to the following:**

"Section 100 – General Provisions for Motor Vehicle Parking, Queueing and Loading

- (1) Parking, queuing and loading spaces and all driveways and aisles leading to those spaces must be provided for each land use in accordance with the provisions of Part 4 of this by-law
 - (a) Must be set aside for and used exclusively for that purpose
 - (b) Must not be obstructed
 - (c) Except for driveways, must be located on the same lot as the use or building for which they are provided, except where otherwise permitted
- (2) Calculations of the minimum required or maximum permitted number of parking, queueing or loading spaces are to be pro-rated and rounded to the nearest whole number.
- (3) All motor vehicle parking spaces, queuing and loading spaces, and aisles and driveways leading to those spaces, must be finished with a surface that:
 - (a) In Areas A, B and C on Schedule 1, is paved with asphalt, cement, porous pavement, honeycomb block, turf block, cobblestones or similar hard, stable and dust-preventative material
 - (b) In Area D on Schedule 1, is usable in all seasons
- (4) All motor vehicle parking spaces and queuing and loading spaces must have unobstructed access directly to a public street by:
 - (a) A driveway or private way
 - (b) A public lane
 - (c) An aisle leading to a driveway, private way or public lane
 - (d) Some combination of (a), (b) and (c)

(5) Despite Subsection (1), an outdoor commercial patio, seasonal garden centre or temporary special event accessory to a restaurant, retail store, retail food store, shopping centre or place of worship, or a farmer's market accessory or ancillary to any use, may be located such that it temporarily prevents the use of a portion of the required or provided parking spaces, aisles or driveways, provided that:

- (a) The majority of the parking spaces continue to be available in compliance with this by-law
- (b) The fire route remains unobstructed at all times
- (c) For the purpose of this subsection, a temporary special event includes a seasonal or short-term fair, carnival, show, exhibit or other similar events

(6) Despite clause (1)(c):

- (a) A parking lot located in an AM, TM or VM Zone, or on a property fronting on Rideau Street, Sparks Street or Bank Street in the MD Zone need not have its driveway or aisle located on-site, provided that access to the parking lot is provided from another lot in either an AM, TM, MD or VM Zone
- (b) In a Residential zone, a driveway that meets the provisions of S.107 may be shared between two abutting lots with frontage on the same street

(7) Despite Subsection (1)

- (a) Where A required parking space must be eliminated to provide a mobility-disabled parking space required under the City of Ottawa Traffic and Parking By-law, the number of provided parking spaces is deemed to meet the requirements this by-law.
- (b) Where A required parking, queueing or loading space is eliminated as a result of providing barrier-free access to a building existing as of June 25, 2008, the number of provided parking, queueing and loading spaces is deemed to meet the requirements this By-law.

(8) A stacked, townhouse, semi-detached or linked-detached dwelling may have a common parking garage provided the parking garage is located no more than 1.2 metres above grade.

(9) Despite clause (1)(c), required parking may be shared between a school and any permitted use on lands zoned L1 or O1, provided that:

- (a) Such L1 or O1 lands are within 300m of the school, and
- (b) At least 50% of the required parking spaces for each principal use are provided on-site.

(10) Despite Subsection (1), parking spaces required or provided for a land use may be used as part of an electric vehicle charging station."

(2) Amend Section 101 (Minimum Parking Space Requirements) by adding wording similar in effect to the following as 101(7)(c):

- "(c) Where a use is legally noncomplying with respect to the minimum required number of motor vehicle parking spaces, such use may be changed to another permitted use without adding parking spaces, provided the minimum number of parking spaces required by this By-law for the new use is equal to or less than that required for the current use."

(3) Delete Section 106 (Parking Space Provisions) in its entirety and replace with wording similar in effect to the following:

"Section 106 – Parking Space Dimensions

- (1) Any motor vehicle parking space must be
 - (a) At least 2.6m wide
 - (b) Not more than 3.1m wide
 - (c) At least 5.2m long
- (2) Despite Subsection (1)
 - (a) In the case of a parallel parking space, the minimum length is 6.7m
 - (b) In the case of accessible parking space required by Provincial legislation, the minimum and maximum dimensions are governed by the Traffic and Parking By-law
 - (c) In the case of a parking lot or parking garage, a parking space whose long dimension is adjacent to a wall, pillar or other physical obstruction must be at least 3.2m wide and no wider than 3.7m

- (d) [reserved for future use]
- (3) Despite Subsection (1), up to 50% of the parking spaces in a parking lot or parking garage may be reduced to a minimum of 4.6m long and 2.4m wide, provided that any such space:
 - (a) Is visibly identified as being for a compact car
 - (b) Is not a visitor parking space required under S.102
- (4) Despite Subsection (1), up to 5% of the parking spaces in a parking lot or parking garage may have a minimum width of 1.3m and a minimum length of 3m, provided any such space
 - (a) Is not a required parking space under S.101
 - (b) Is not a required visitor parking space under S.102
 - (c) Is visibly identified as being for a motorcycle, cargo bicycle or similar vehicle
- (4) Delete Section 114 (Parking Credits) in its entirety.**
- (5) Delete Section 124 (Garden Suite Provisions) in its entirety.**
- (6) Delete Section 133 (Secondary Dwelling Units) in its entirety and replace with wording similar in effect to the following:**

"Section 133 – Secondary Dwelling Units

 - (1) For purposes of this section, floor area means the total area of floors contained within the dwelling or dwelling unit, as applicable, measured from the interior of the outermost walls and including basements but excluding garages and carports.
 - (2) Subject to subsections (3) through (8), a secondary dwelling unit is permitted:
 - (a) in any detached dwelling, linked-detached dwelling, semi-detached dwelling or townhouse dwelling, or
 - (b) entirely in the basement of a duplex dwelling existing as of July 17, 2013.
 - (3) A secondary dwelling unit must be located in the same building and on the same lot as its associated principal dwelling unit and may not be severed.

- (4) Despite (2), a secondary dwelling unit is not permitted:
- (a) On a lot that is legally non-complying with respect to lot width or lot area, except when the lot is located in a V1, V2, V3 or VM zone as per Section 3(5); or
 - (b) Where the lot contains a coach house;
- (5) Where permitted, the maximum number of secondary dwelling units in a dwelling may not exceed:
- (a) in the case of a detached dwelling, one secondary dwelling unit;
 - (b) in the case of a semi-detached, linked-detached or townhouse dwelling, one secondary dwelling unit per principal dwelling unit;
 - (c) in the case of a duplex dwelling per (2)(b), one secondary dwelling unit.
- (6) The maximum permitted floor area of a secondary dwelling unit is the greater of the following:
- (a) 80 square metres in Areas A, B or C on Schedule 1, or 95 square metres in Area D on Schedule 1, or
 - (b) Where a secondary dwelling unit is located entirely within a single storey or within the basement, the entirety of that storey or basement, to a maximum of 120 square metres.
 - (c) For the purposes of (b), a secondary dwelling unit that is entirely located in the basement or a single storey except for a stairwell or access leading to an entrance on the ground floor, is deemed to be located entirely in the basement or entirely within that storey.
- (7) No secondary dwelling unit may contain more than two bedrooms.
- (8) Parking and driveways serving a secondary dwelling unit are subject to the following:
- (a) A parking space provided for a secondary dwelling unit must use the same driveway as the principal dwelling unit.
 - (b) Despite (a) in the case of a corner lot, a new driveway may be created in a yard which abuts a street and which does not contain a driveway for the principal dwelling unit.

- (c) Despite 100(5), a parking space for a secondary dwelling unit may be located in a permitted driveway and may be in tandem with the principal dwelling unit's parking space.

- (7) Amend Table 101, Column II, Row 25 by deleting the word "1" and replacing it with "None."**
- (8) Amend Part 15, Exceptions 1971 through 1974, 1976 through 1985, and 1987 through 2002 by deleting the following text from Column V (Provisions):**

"The following provisions apply to lots abutting active frontage street areas shown as Area A on Schedules 293, 294, 295, 314, 315 and 316.

- (a) Minimum building setback from an active frontage street on:
 - (i) Schedule 293
 - 1. Residential use building: 3.0 metres
 - 2. Non-residential and mixed use building: 1.5 metres
 - (ii) Schedules 293, 294, 295, 314, 315 and 316
 - 1. residential use building: 3.0 metres
 - 2. non-residential and mixed use building: 0.5 metres
- (b) Maximum building setback from an active frontage street on Schedule 293: 6.0 metres
 - (ii) Schedules 294, 295, 314, 315 and 316
 - 1. Residential use buildings: 6.0 metres
 - 2. Non-residential and mixed use building: 3.0 metres

At least 50% of the lot width measured at the building setback along the active frontage street must be occupied by one or more building walls

A minimum of 50% of the surface area of the ground floor façade of non-residential and mixed use buildings facing an active frontage street must be comprised of transparent glazing

The ground floor façade of non-residential and mixed use buildings facing an active frontage street must include a customer entrance access door from each individual occupancy to the active frontage street

No person may park a motor vehicle in a required and provided yard abutting an active frontage street

Minimum interior side yard setback above that part of a building more than 6 storeys in height: 12 metres

Minimum rear yard setback above that part of a building more than 6 storeys in height: 12 metres"

(9) Delete the term "garden suite" from Section 54 (Definitions) and delete all references to "garden suite" in Parts 1 through 17 of the Zoning By-law.

(10) Amend Part 15, Exceptions as follows:

- (a) Amend Exception 894 by amending the reference to Section 106(4) to 106(2)(c), and by amending the reference to Section 106(3)(b) to 106(3);
- (b) Amend Exception 990 by amending the reference to Section 106(4) to 106(2)(c);
- (c) Amend Exception 1268 by deleting the text "Section 106(3)(a)(i) does not apply";
- (d) Amend Exception 1560 by amending the reference to Section 106(1)(b) to 106(1).

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.

Public Comments and Responses

Comment:

Concerns were expressed with respect to the two-bedroom limit and floor area limits proposed for secondary dwelling units.

Response

Staff note that this aligns with existing direction on coach houses. A two-bedroom limit ensures that the secondary dwelling unit (SDU) is in fact secondary; necessitated by ongoing use of SDU's to enable e.g. four four-bedroom units as a fourplex presented as semi-detached dwellings with SDUs.

With respect to the floor area limits, Staff note that the limits of 80 square metres for urban areas and 95 square metres for rural areas are consistent with the maximum limits on building footprints for coach houses (which are typically limited to one storey in height).