

Monitoring the Infill Zoning Regulations

Review of Infill 1 and 2 and Proposed Changes

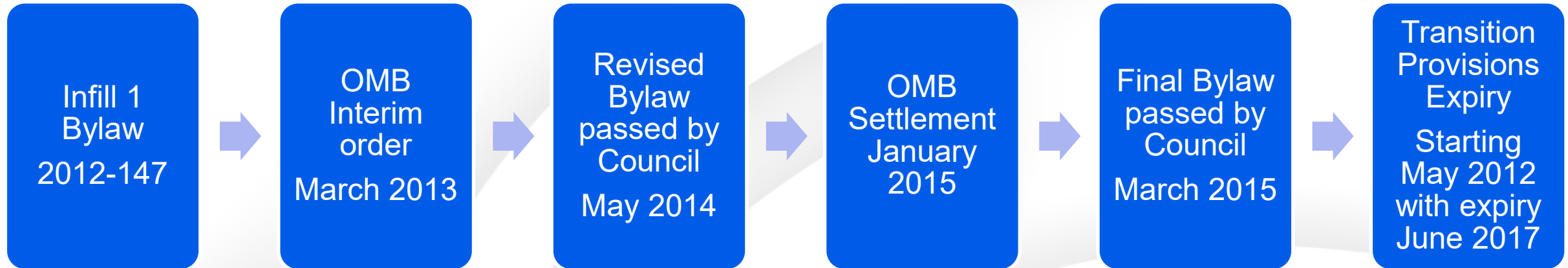


Presentation Overview

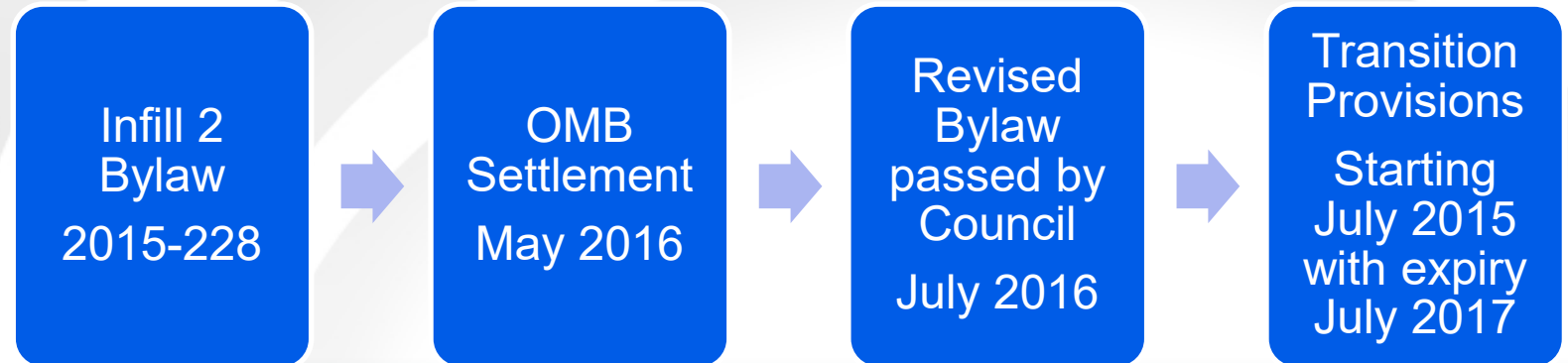
- Background
- Monitoring Findings (Committee of Adjustment)
- Infill 1 – Concerns and Proposed Changes
- Infill 2 – Concerns and Proposed Changes
- Next Steps

Background - Overview of the Infill 1 and 2 Timelines

Infill 1 Process



Infill 2 Process



Background – Council Purpose and Intent

- Allow more households to live in the inner urban area
- Provide more housing choice
- Renew or replace older building stock
- Add onto existing homes
- Maintain and enhance existing streetscapes
- Ensure that the new fits in with the existing in terms of scale, massing, spacing

Background - Ontario Municipal Board Interim Order (March 2013)

- Municipalities have authority to regulate neighbourhood character
 - Zoning regulates land uses
 - Zoning regulates the incidental uses of land
- Infill 1 and 2 were intended to support new development on any street to be compatible with that street's character

S. 34 of the Planning Act

WHAT MAY BE REGULATED

- Restrict the use of land
- Restrict location and use of buildings or structures
- Prohibit buildings or structures on hazardous land (e.g. flooding)
- Prohibit any use of land , buildings or structures on land that is contaminated, sensitive
- Prohibit any use of land , buildings or structures within any area that is a significant corridor, feature, habitat or area (e.g. wetlands)
- Prohibit any use of land, buildings or structures on sites with significant archaeological resource
- Regulate the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures
- Regulate the minimum frontage and depth of the parcel of land
- Regulate the proportion of the land area that any building or structure may occupy.
- Regulate the *minimum* elevation of doors, windows or other openings in buildings or structures
- Require the provision and maintenance of loading or parking facilities
- Regulate the minimum area of the parcel of land
- Regulate the density of development
- Specify the future use to which lands, buildings or structures may be put, through the use of a holding symbol

WHAT MAY NOT BE REGULATED

- Prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law (non-conformity/ non-compliance)
- Distinguish between persons who are related and persons who are unrelated
- Distinguish on the basis of ownership or occupancy
- Discriminate on the basis of cultural background, race, religion, economic status, age, etc.
- Regulate architectural design, landscaping materials or construction materials
- Delegate zoning authority to an individual or group other than Council
- Delegate zoning authority to non-zoning processes (i.e. regulating building height through site plan control)
- Regulate matters under the authority of other legislation or other levels of government (e.g. building code matters)
- Regulate in a manner which is in conflict with the policies of the local Official Plan
- Prohibit development where a use is listed as a permitted use (except where use is a temporary permitted use)

Principles of Good Infill

LANDSCAPING
OF FRONT AND
CORNER YARDS
TRUMPS
PARKING

FRONT YARD
SETBACK SIMILAR
TO NEIGHBOURS

YOUR STREET
GIVES YOU
YOUR RULES

LIVEABLE SPACE
AT GRADE

FRONT DOOR
SHOULD BE VISIBLE

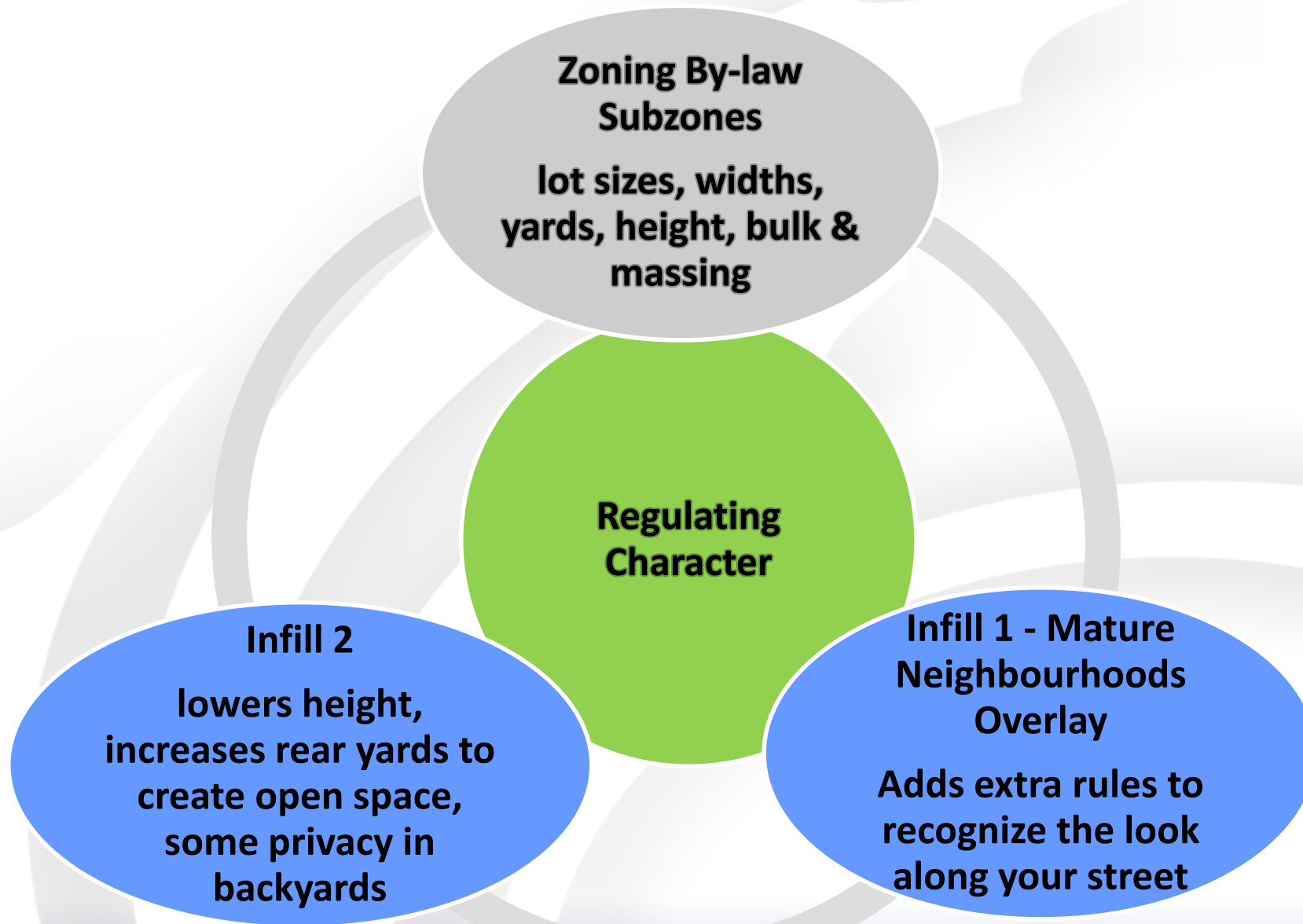
Good Infill does not include:

**FRONT YARD
PARKING**

**PROMINENT
GARAGES/
CARPORTS**

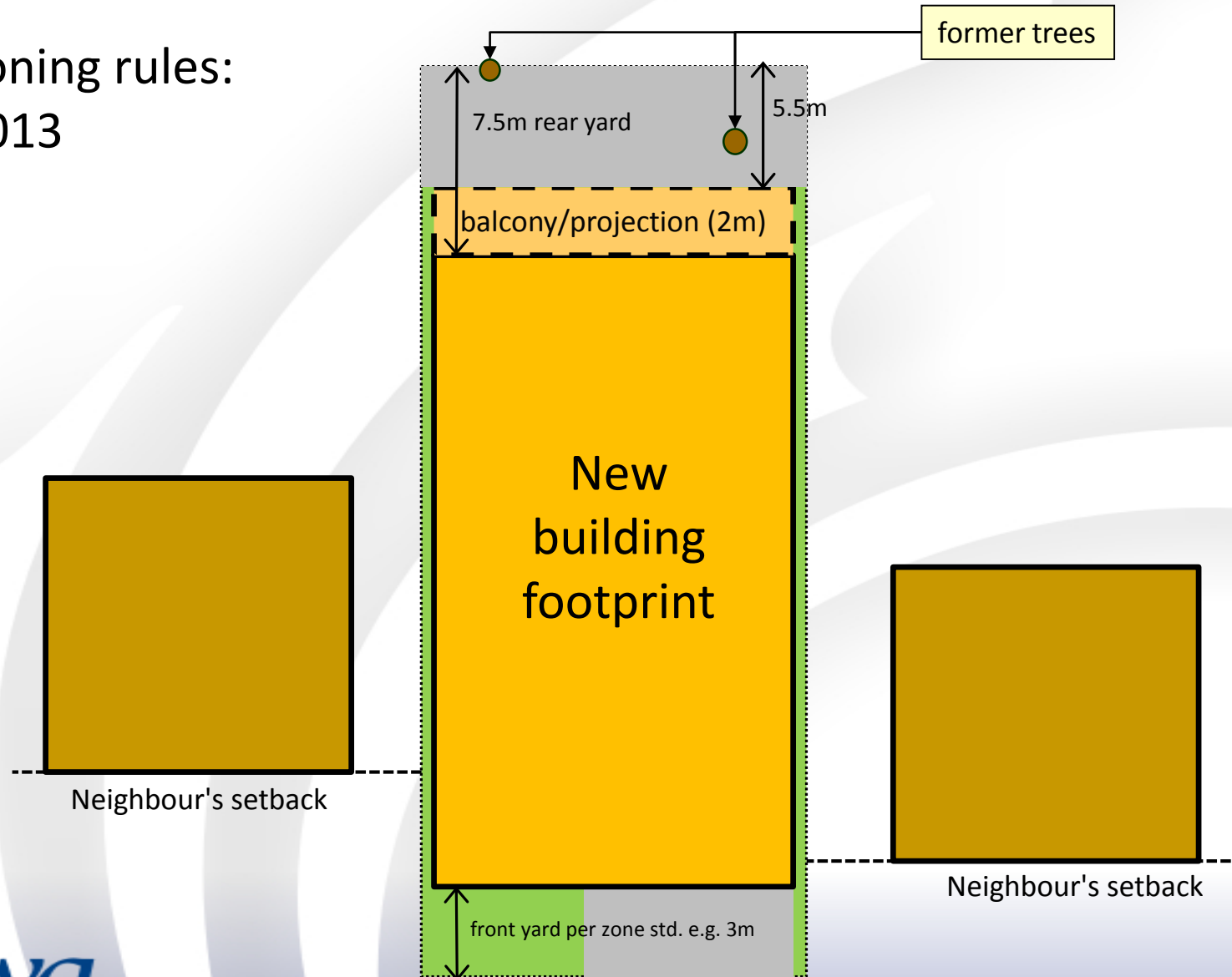
**DRIVEWAYS
WHERE
THESE
AREN'T
PRESENT**

**DRIVEWAYS
TAKING UP
MOST OF
LOT WIDTH**

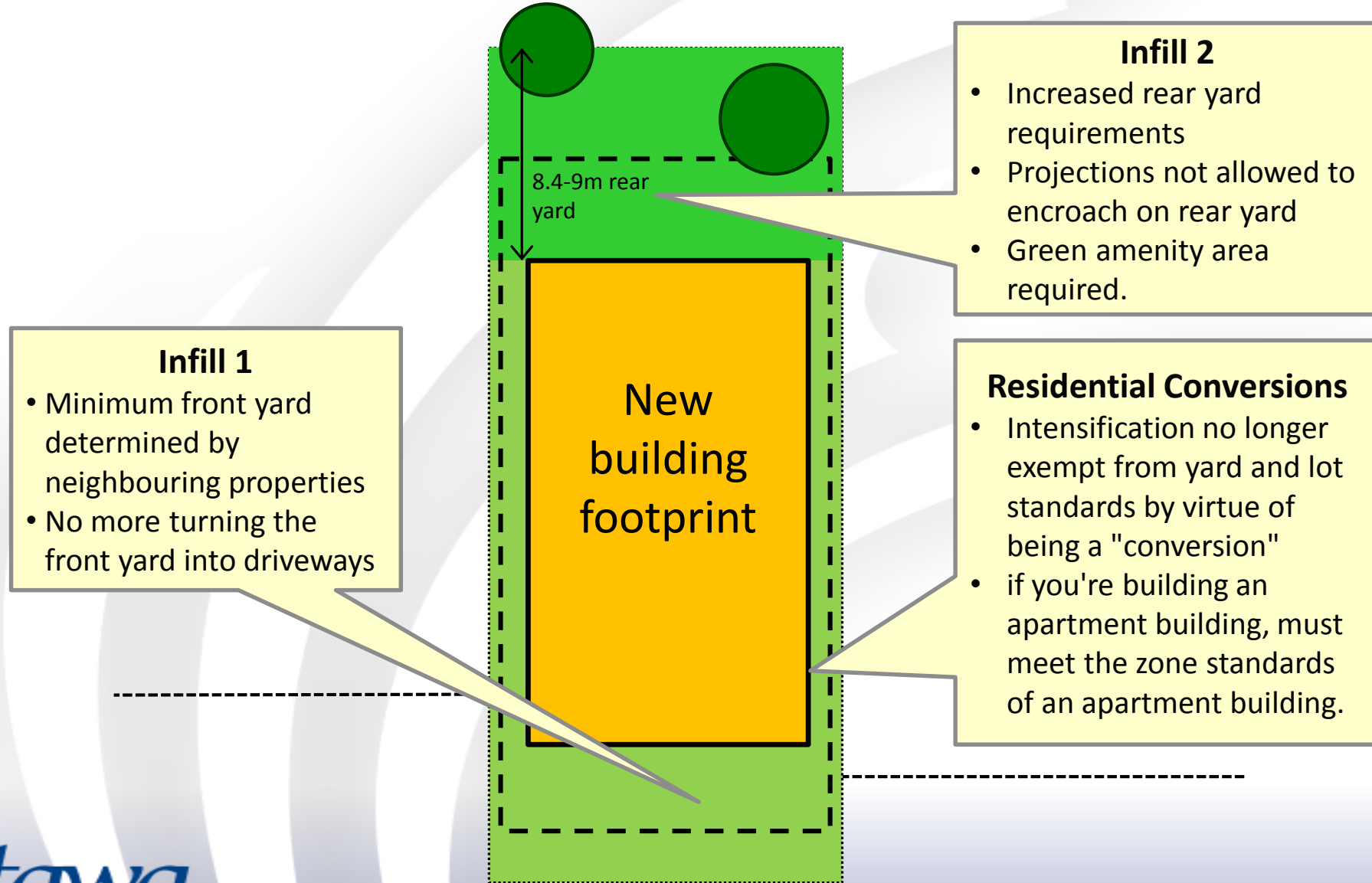


We've made progress since 2013...

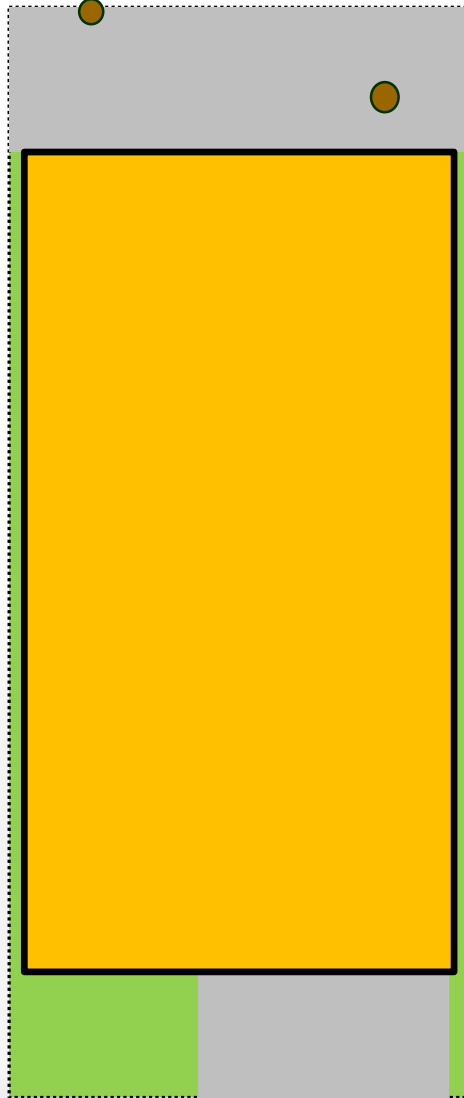
Zoning rules:
2013



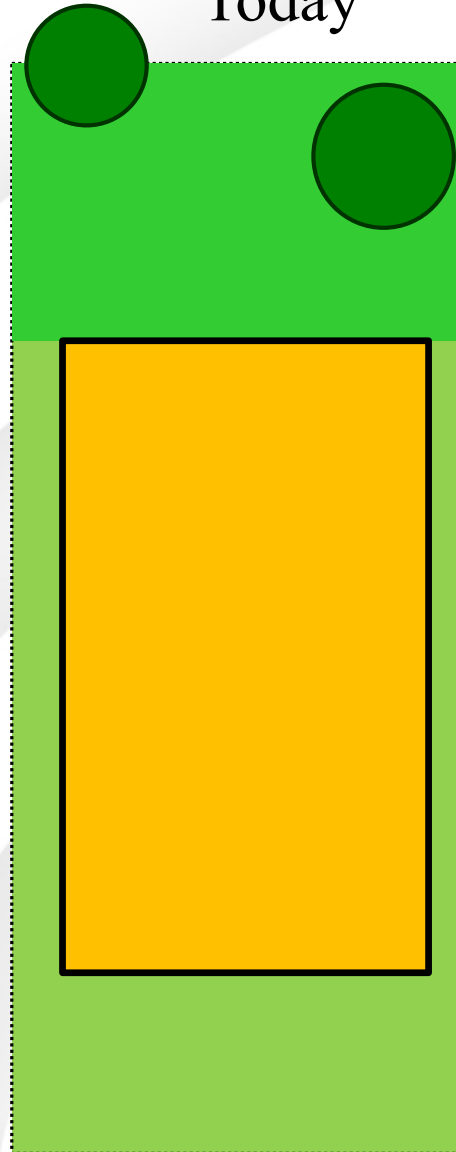
We've made progress since 2013...



2013



Today



Important Note:

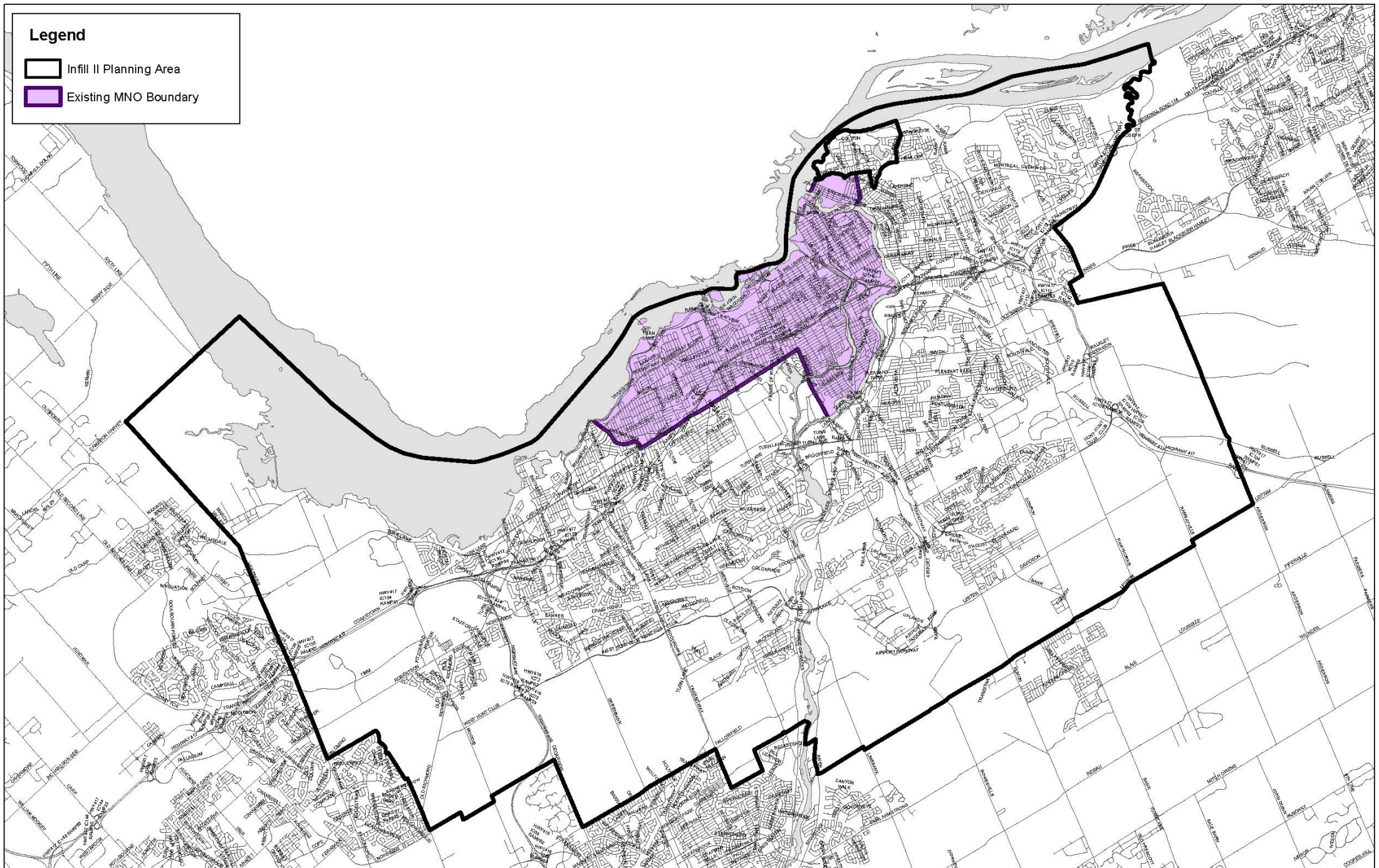
applications submitted prior to May 2012 (Infill 1) or July 2015 (Infill 2) were not required to follow the new regulations (Transition)

These transition provisions expired in July 2017


Legend

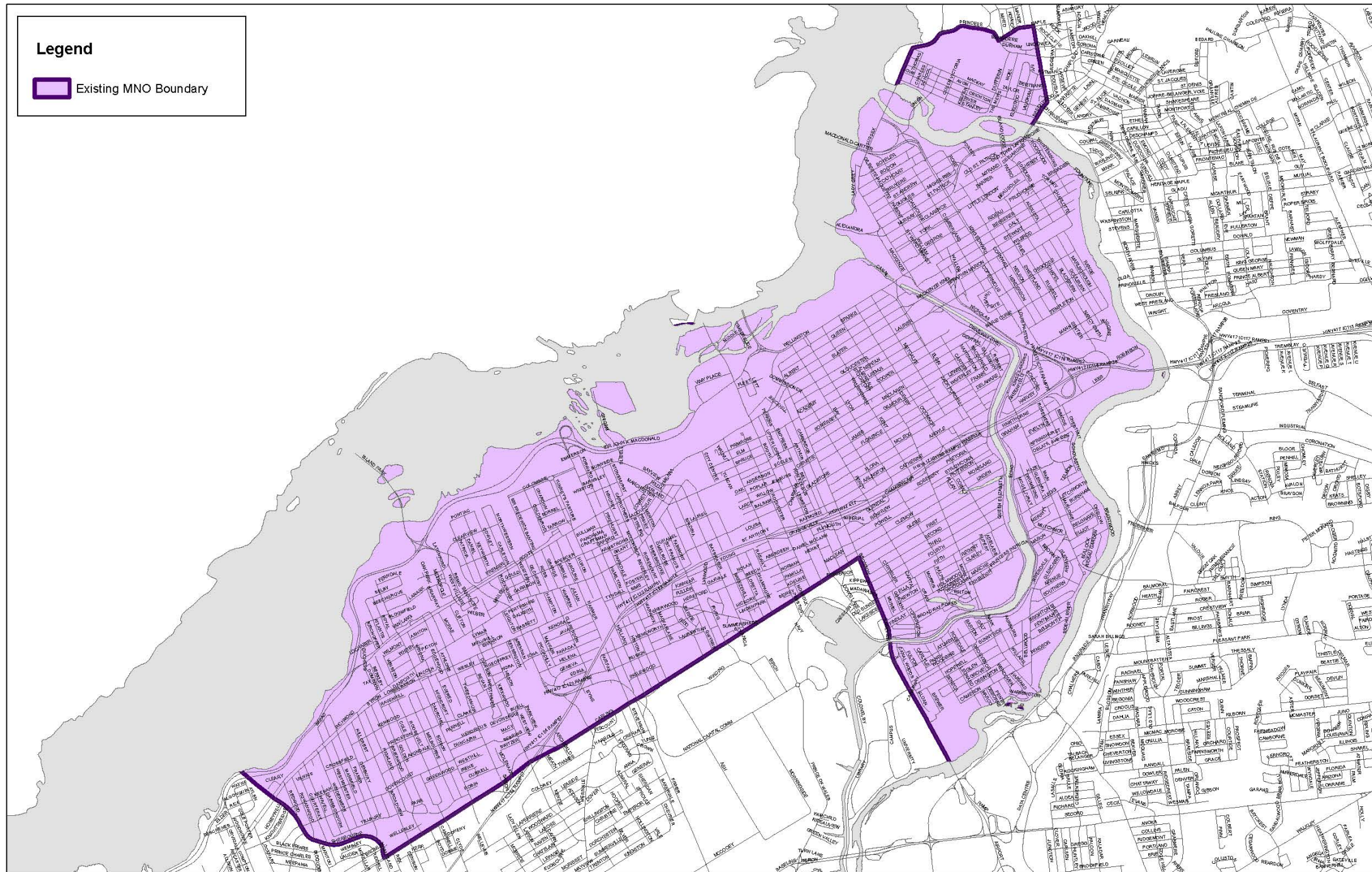
 Infill II Planning Area

 Existing MNO Boundary



Legend

 Existing MNO Boundary



STREETSCAPE CHARACTER ANALYSIS (SCA) MANUAL



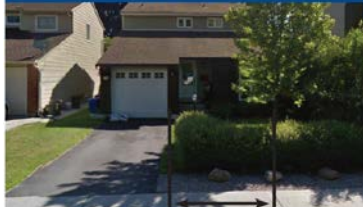
A Streetscape Character Analysis is required for development, or an addition in the front, side or corner side yard, or for a private approach, in the area covered by the Mature Neighbourhoods zoning overlay

Front Yard Character

GROUP A: Fully landscaped front yard



GROUP C: Landscaped front yard in front of part of the house



GROUP B: Landscaped front yard in front of the house



GROUP D: Small or no landscaped front yard



Parking & Driveway Character

GROUP A: No streetscape impact from on-site parking



GROUP C: Medium streetscape impact from on-site parking



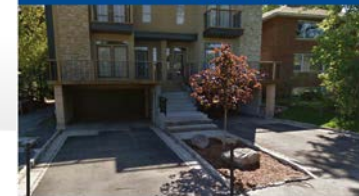
Between 1/3 - 1/2 of lot width

GROUP B: Low streetscape impact from on-site parking



Max. 1/3 lot width

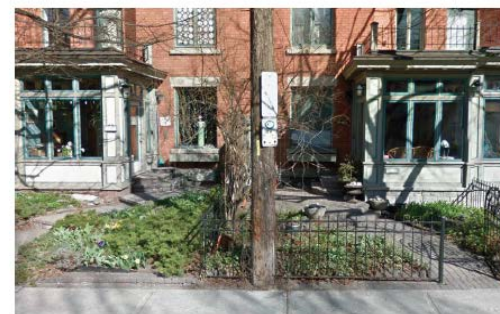
GROUP D: High streetscape impact from on-site parking



1/2 or more of the lot width

Front Door Character

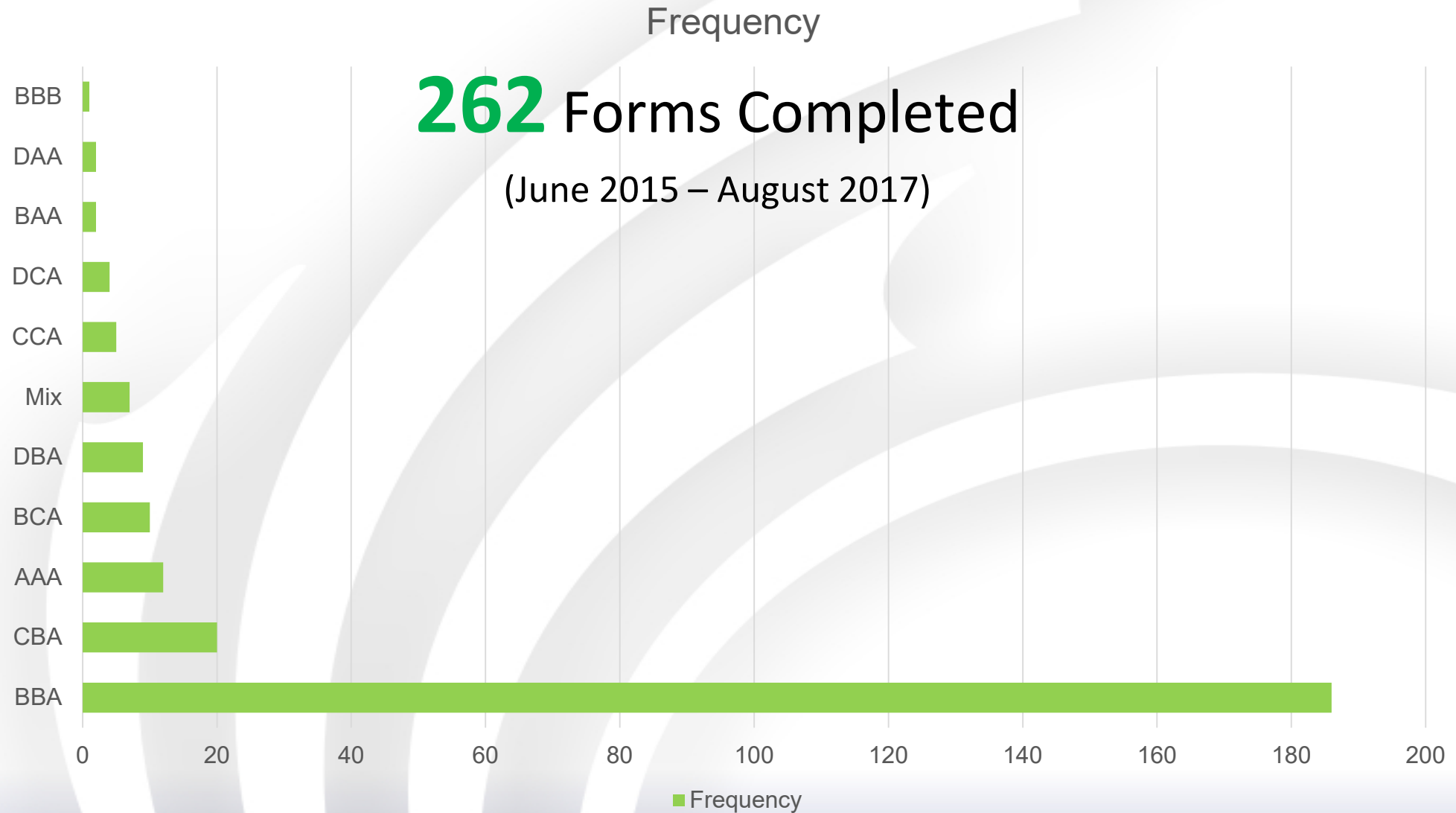
GROUP A: On or off the front wall, facing the street



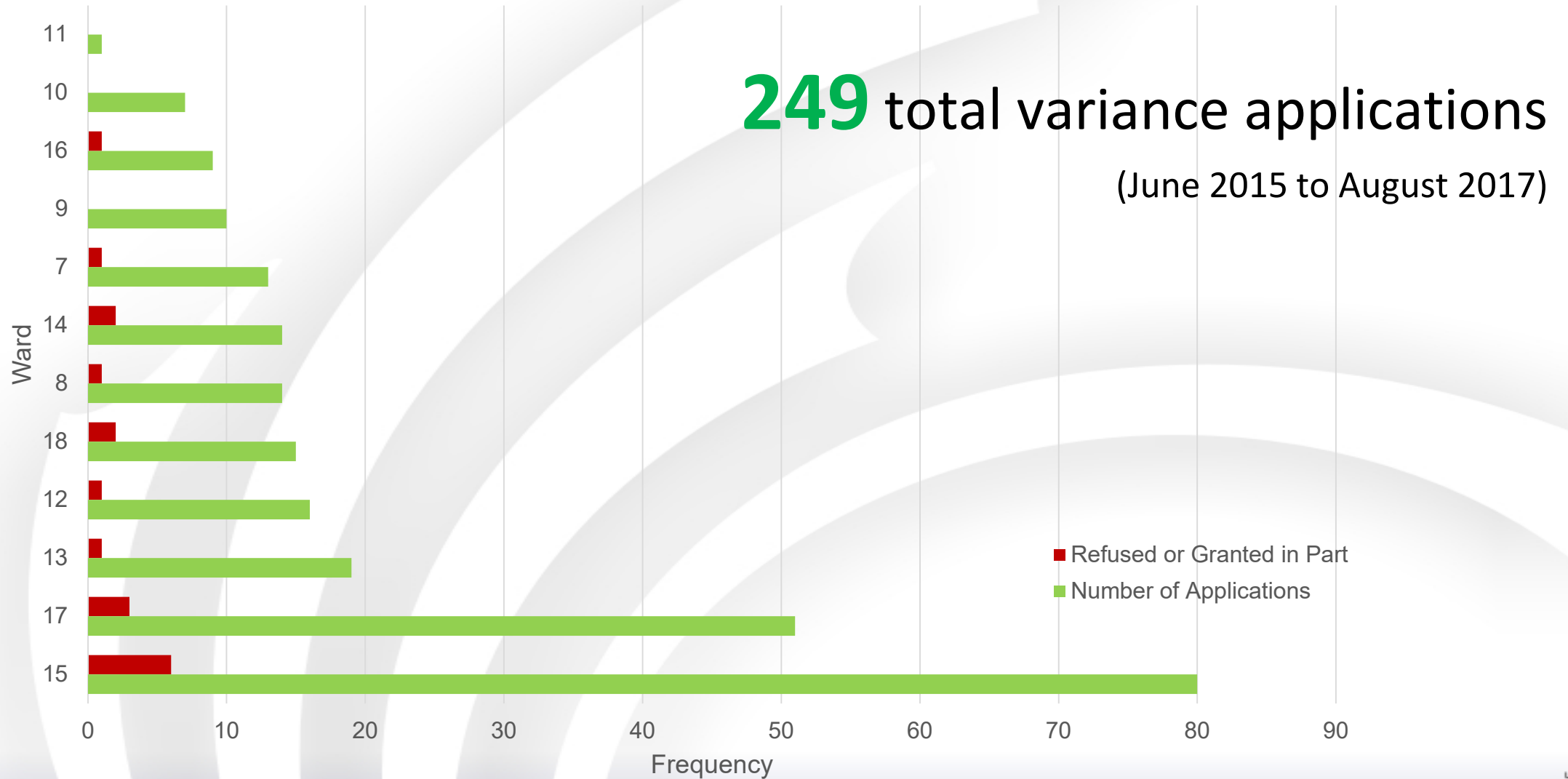
GROUP B: Not on the front wall and not facing the street



Findings - Streetscape Character Assessment

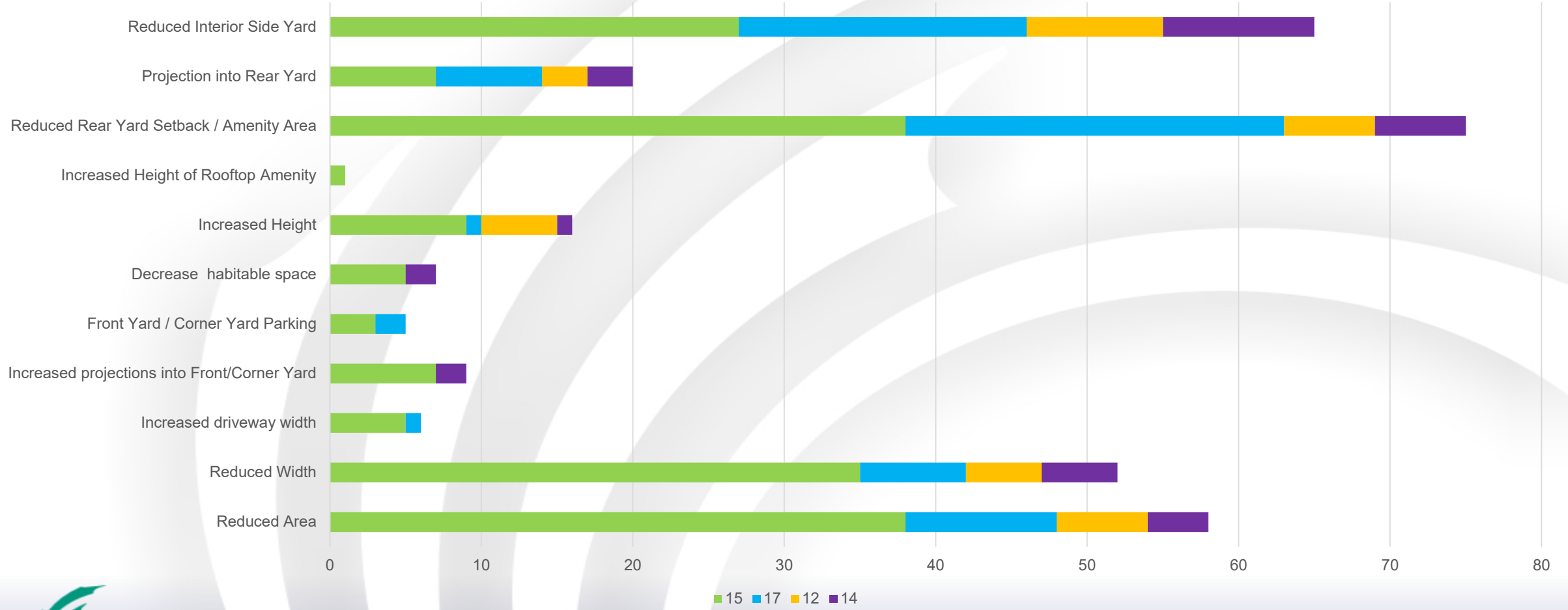


Findings – Committee of Adjustment



Findings – Committee of Adjustment

Top 4 Active Wards – June 2015 – August 2017



Applications to Committee of Adjustment (June 2015 – August 2017)

Legend

Status of Application

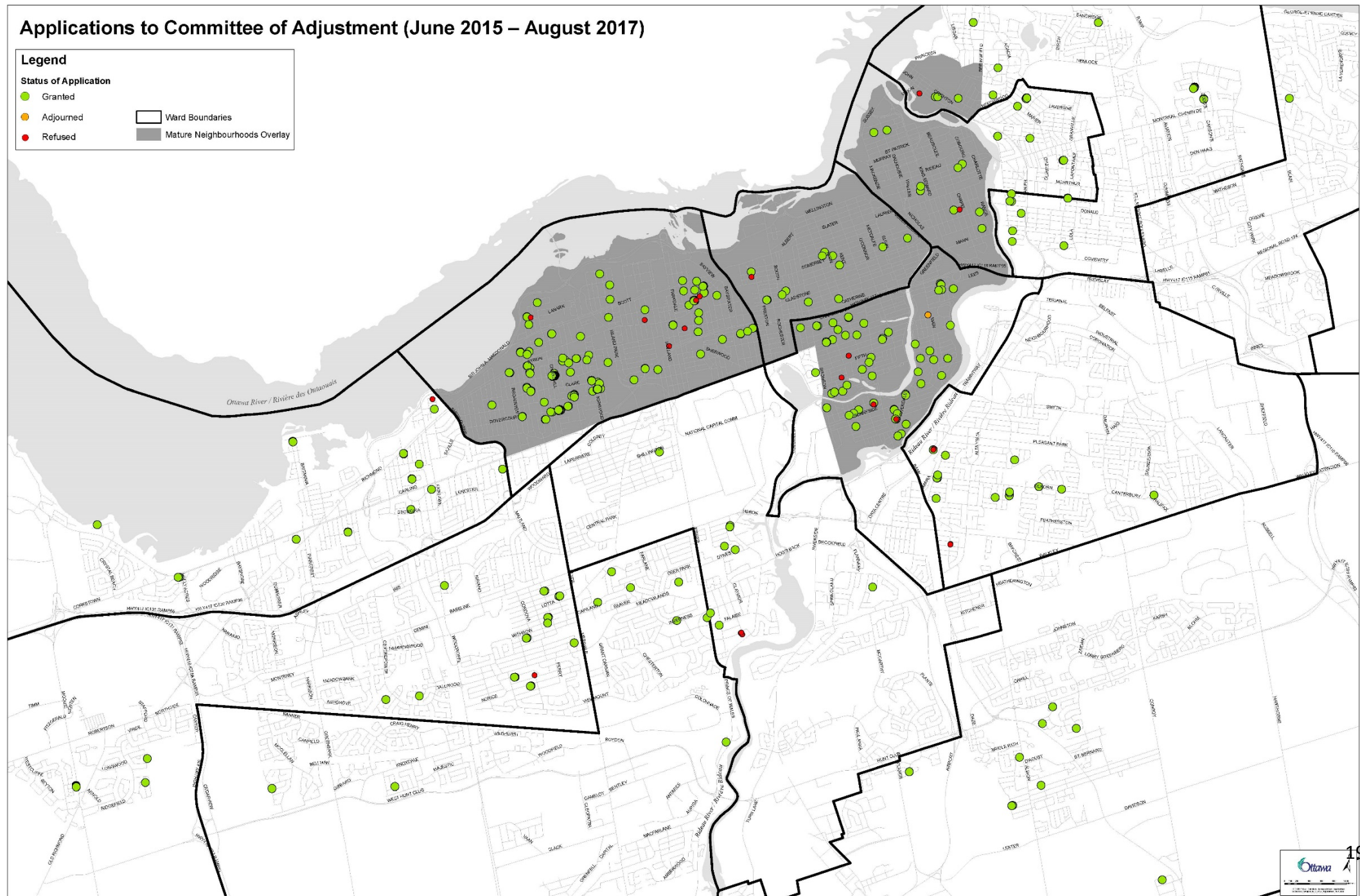
● Granted

● Adjourned

● Refused

▬ Ward Boundaries

■ Mature Neighbourhoods Overlay



Findings - Committee of Adjustment

■ Rear yard setbacks

- *Relief resulting in greater setbacks than previously required before Infill II*

■ Interior side yard setbacks

- *The highest number of refusal decisions*

■ Front yard setbacks

- *One request was refused*

■ Maximum permitted height

- *4 requests refused*

■ Increased Maximum Driveway

- *Multiple requests, four refused*

■ Introduce new front yard parking

- *9 requests, 4 refused and 2 permitted for site-specific circumstances*

■ Lot area and lot width

- *significant when the driveway takes up too much of a narrowed lot width*

Infill 1 – Concerns Identified

- Streetscape Character Analysis (SCA) is time-consuming and complex
- SCA Process is applying to all zones regardless of context
- Area affected by Overlay does not include all areas experiencing infill pressure
- The dominant Character Groups recognize the extent of landscaping, but do not specify the extent of soft versus hard landscaping
- Side-by-side driveways are happening instead of shared driveways, and end up looking like double-wide driveways
- Variances (particularly small lots) are creating driveway widths where parking and hardscaping exceeds landscaping on the lot
- The "front wall" definition is being misinterpreted and misapplied for garage setbacks
- Technical wording of regulations (s.139/140) is complex and lacks clarity

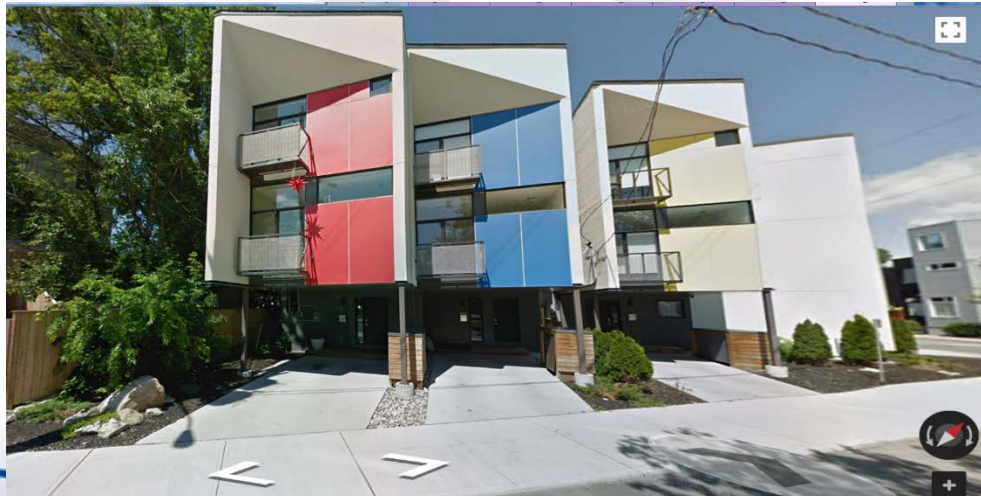
Not obtaining soft landscaping



Side-by-side driveways look like double-wide driveways



Widening of Driveways/Front Yard Parking



More than 2,000 complaints lodged against front yard parking since 2015. Enforcement checks whether these have legal non-conforming rights

First floor of some new houses is much higher



9 more stairs than house next door
Balcony of older home is only slightly higher than the infill
home's landing to first floor entry



Garages are closer to the front lot line than the front door



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Proposed Changes to Infill 1

- Amend Character Groups to place more emphasis on soft landscaping
- Simplify the SCA methodology for calculation of character groups
- Apply the SCA only to dwellings of four storeys and less in the R1-R4 Zones
- Emphasize shared driveway solutions for small lot widths under 7m
- Look to visually “break-up” double-wide and side-by-side driveways between units
- Consider amending first floor elevation requirements
- Amend Façade setback requirements for garage and entranceway
- Continue promoting shared driveways and prohibit front yard parking
- Revise technical zoning language in s.139/140 for clarity and consistency
- Expand Infill 1 (MNO) to additional neighbourhoods under infill pressure

Consider requiring Soft Landscaping of Yards



Consider soft landscaping between units



Consider breaking up Side-by-side driveways with landscaping between them



Consider soft landscaped island for ½ depth between driveways



Consider requiring minimum setback for attached garages/carports



Continue to promote shared Driveways



Continue to prohibit front yard parking



Infill 2

Monitoring and Review

Infill 2 – Issues Raised

- Zoning regulations are complex, and are found in multiple areas of the Zoning By-Law
- Regulations affecting projections are hidden in the R-zones and not in the “projections” section of the by-law
- Regulations for projections into the rear yard should apply to lots that are 100 feet deep
- Side setbacks vary significantly depending on lot sizes in R1 zones
- Corner lot requirements are not consistent with Infill 1

Infill 2 – Technical Fixes

- “Alternative setback provisions” and endnotes will be consolidated and easier to find
- Projections provisions will be moved to the appropriate location in General Provisions
- Language will be clarified and simplified where possible, and made consistent with Infill 1

Infill II - Projections into Rear Yard – Balconies

■ Intent

- Not permitted on traditional lots with depths of 100 feet

■ Proposed Change

- Applies to lots of 30 m or less , however 30m is technically not 100 feet. Therefore the rule is not affecting most lots designed with common lot depth of 100 feet or 30.48 m.
- The rule would be amended to affect lots affected by this issue.

Infill II - Interior Side Yard Regulations in the R1 Zone

■ Intent

- To require a wider total interior side yard on wide lots. The current rule establishes a large combined interior side yard setback as soon as a lot has a width of 36 m, with a large change in requirement from 3 m on a lot with a width of 35.9m, that jumps to 14.4 m at 36.0 metres. The yard should increase incrementally as a lot gets wider.

■ Proposed Change:

- That the minimum required combined interior side yard increases in relation with lot width, to a maximum % of the lot width.

Infill II - Interior yard on Corner Lots

■ Intent

- Create a courtyard that rounds off open space along rear lot lines mid-block

■ Proposed Change:

- Wording of MN Overlay and Infill II conflicts, Infill II wording can result in a reduced Rear Yard rather than a courtyard.
- Consider adopting Infill 1 language for interior yards on corner lots.

Next Steps

- We are continuing to collect comments on Infill 1 and 2. These can be submitted to:

David Wise, Program Manager
Zoning & Interpretation Unit
infill@Ottawa.ca

- A monitoring update is planned to go to Planning Committee in 2018, including consideration for expansion to other sensitive neighbourhoods under Infill pressure
- If technical amendments are deemed necessary, these would follow in a separate report in Q1 2019 following a statutory circulation