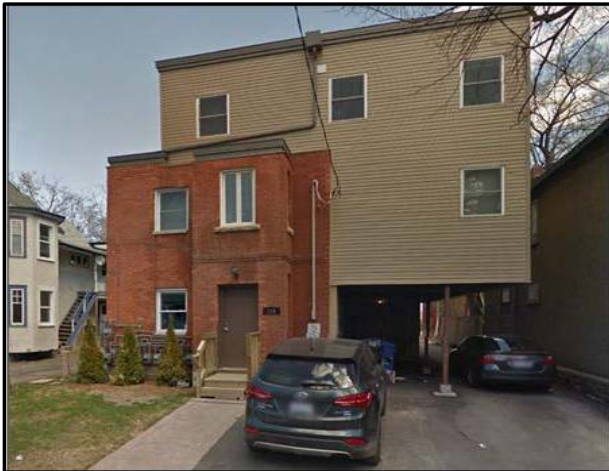


Zoning By-law R4 (Residential Fourth Density) Zoning Review



Discussion Paper #2 Draft Recommendations

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Introduction

The first Discussion Paper went online on November 3, 2016, and laid out several broad ideas for reforming the R4 zoning and addressing related issues. Stakeholders were asked to send their input on these ideas by mid-December.

This second Discussion Paper will give a brief summary of the feedback received, and will outline some more specific zoning proposals being considered.

Responses to Discussion Paper #1, and updated zoning proposals

The following sections give a brief summary of the feedback received on the proposals described in the November 2016 Discussion Paper, and outlines the revised proposals now under consideration. Where possible, the revised proposals are given in detail; however some have necessarily been simplified here for the sake of clarity.

1) *Limit bedroom counts in dwelling units*

Community associations (CA's) and much of the infill development industry supported limiting the number of bedrooms permitted in a dwelling unit. However, some CA's expressed concern that too stringent a limit would prevent family-sized units from being built. Some developers were opposed to bedroom limits, pointing out that large bedroom counts are the only way to make a project economically viable if only three or four dwelling units is permitted. Other developers were cautiously supportive of bedroom limits only if this would be compensated for by allowing a greater number of smaller units.

Revised proposals

- 1a) **Establish a maximum of four bedrooms in a dwelling unit, whether by amending the definition of dwelling unit, establishing a standard in the zoning, or some other zoning measure.**
- 1b) **The requirement that no more than 50% of the units in a building exceed two bedrooms is no longer being proposed.**
- 1c) **Related changes include introducing definitions of "single housekeeping unit" and "bedroom."**

These proposals would prohibit any dwelling unit in any multiple-unit building from having more than four bedrooms. As the four-bedroom limit would be enshrined in the term's definition, minor variances to increase that number could not be considered.

2) *Permit oversized dwelling units, but only in detached dwellings*

This principle found broad support from Community Associations, who variously suggested that a limit of six or eight bedrooms would be appropriate. Some commenters suggested that oversized dwelling units should be restricted to R1 zones.

Revised proposals

- 2a) Define a new zoning term, "oversized dwelling unit," in which is allowed up to eight bedrooms.**

An oversized dwelling unit would be defined identically to a "dwelling unit," except that it allows more bedrooms. The limit of eight bedrooms would be established either in the definition or in a zoning provision elsewhere in the By-law.

- 2b) Amend the definition of "detached dwelling" to provide that it contains a single principal dwelling unit or principal oversized dwelling unit.**

These changes would have the effect of providing for a unit with up to eight bedrooms only in a detached dwelling. Indirectly, it would also have the effect of prohibiting an SDU in conjunction with an oversized dwelling unit; one could have an eight-bedroom house, or a house with a secondary dwelling unit, but not both. See Proposals 9a) and 9b) below for more on proposed changes to rules governing secondary dwelling units.

- 3) Clarify the difference (definitions) between a dwelling unit and a rooming house**

Numerous individuals and Community Associations expressed support for this idea. The view was often expressed that oversized dwelling units, however they are intended at the time of construction, are likely to end up functioning as rooming houses without any of the necessary oversight or control of this use by the City.

Revised proposals

- 3a) Revise the definition of "rooming house" to capture several key characteristics.**

Specifically, a rooming house

- is not occupied by a single housekeeping unit (i.e. a group of people, whether related or not, who live together as a household and exercise a meaningful degree of control over the inside of the unit); and/or
- contains more bedrooms than is permitted in a dwelling unit or oversized dwelling unit.

- 3b) Provide that a rooming house may occupy all or part of a building, but that no more than one rooming house may occupy a building.**

These changes would establish that any residential unit that does not meet the definition of a dwelling unit (or, where permitted, oversized dwelling unit) would by default be a rooming house, subject to all zoning and other regulations applicable to that use. This would correct the current situation, where some residential units do not meet the definition of a "dwelling unit" but nor do they meet the letter of a rooming house as currently defined.

4) *Require indoor garbage storage for multiple-unit housing forms*

There was broad recognition of the need for improved garbage management, with some commenters specifically supporting a requirement for indoor storage. However, there was disagreement (from developers and some CA's) with requiring garbage storage to be located within the main building. One CA observed that requiring indoor garbage storage may be excessive given that buildings over a certain threshold are currently subject to detailed waste management plans through Site Plan Control in conjunction with the City's Waste Management department, and that zoning rules for garbage storage should be directed at uses for which these controls do not apply.

Revised proposals

4a) Introduce a requirement for an indoor garbage storage area (whether inside the main building or an accessory building.)

This would apply to any building that:

- is in a Residential zone (R1 through R5)
- is 400m² or greater in gross floor area; and
- contains fewer than 6 units.

This provision would capture residential buildings that are not subject to City waste management guidelines (which currently apply only to buildings of six units or greater,) but that are large enough that their potential occupancy may generate excessive garbage.

4b) Provide that the indoor garbage storage area be at least 7m² in area.

7m² provides for two wheeled recycling bins; a wheeled organics bin; and either several wheeled garbage bins or a narrow wheeled dumpster. These are broadly consistent with the Waste Management standards as extrapolated to a four- or five-unit building.

4c) Provide that the indoor garbage storage area give access to an unobstructed, hardscaped path at least 1.2m wide and leading either to a driveway, to the public street or to a travelled public lane.

4d) The additional land requirements implied by a garbage storage area will be accommodated by a reduction in the current rear-yard amenity space requirements.

See Proposal 8a), below.

4e) The requirement that garbage be stored within the main building, as opposed to an accessory building, is no longer being proposed.

5) *Regulate the location of air conditioning units.*

After due consideration, Planning Staff believes that no new zoning provision is required to regulate the placement of air conditioning units and exhaust, and no further regulation on the

placement of air conditioning condensers is needed beyond those already in Section 65. The Official Plan as amended by OPA150 provides that mechanical and ventilation units should be screened and should not vent onto neighbouring properties; this policy is most appropriately implemented through Site Plan Control.

Revised proposals

5a) **No zoning regulation to control the location of air conditioning units is proposed at this time.**

6) *Consider maximum lot sizes for low-rise apartment dwellings (limit lot consolidations)*

Developers generally felt that lot consolidations are a necessary and useful part of a neighbourhood's evolution and should not be limited. Some Community Associations and individuals felt that lot consolidations should be limited; others took a more nuanced position, suggesting that while excessive lot consolidation could be a problem, the exact context and character of the neighbourhood should be factor.

After due consideration, Planning Staff agrees with the industry position that, on balance, regulating maximum lot sizes to discourage or prohibit lot consolidations is excessive and possibly counterproductive.

The purpose of the R4 family of zones is to permit low-rise apartment dwellings to be built on lots of suitable size. Under the current minimum lot size requirements, and indeed even under the amended minimum lot sizes proposed under 7x), only a small minority of lots of record in R4 zones are even available for low-rise apartment dwellings. In Staff's view, to simultaneously restrict apartment dwellings to lots of a certain size, as well as preventing lots from being consolidated to create a workable apartment site, is not appropriate.

The opportunity to acquire two adjacent lots in an established neighbourhood (where each lot usually already has a building on it) is rare and expensive enough that it is not undertaken lightly. Additionally, the R4 zoning typically permits blocks of townhouses that, taken as a unit, would be similar if not identical in massing to a single large apartment building. Finally, the main issues of building character implied by lot consolidations, including the presence of front doors and windows on the street, are better addressed through Site Plan Control.

6a) **No zoning regulation to regulate maximum lot sizes or limit consolidations is proposed at this time.**

7) *Review the four-unit limit in the junior R4 (R4A-R4L) subzones and review the minimum lot sizes for low-rise apartment dwellings.*

Industry comments were supportive of this move. Developers of oversized dwelling units point out that they are responding to a robust demand for low-rise housing in central locations, but that limits on unit counts make conventionally-sized units economically unviable. The broader infill development industry also noted that current restrictions create a "missing middle" situation, whereby affordable low-rise multi-unit housing becomes very difficult to provide.

The response from individuals and Community Associations was more mixed. Many voiced the concern that raising or eliminating the limit on unit counts would incentivize building a large number of very small (e.g. bachelor) units suitable only for a very narrow demographic. Several commenters suggested that zoning should encourage or require new development to provide a diversity of unit sizes, particularly to provide units suitable to families with children. The notion of reducing the minimum lot size for low-rise apartment buildings drew substantially the same responses.

Staff believes that both sides of this issue make valid points, and offers the following observations.

- i) Much of the inner urban area is zoned R1, R2 or R3, restricting these areas to single-unit, duplex- or at most three-unit buildings. In addition, in the R4 zones, only a small minority of lots (typically 10%-15%) meet the minimum size requirements for a building of four or more units. To the concern that intensification necessarily implies a loss of detached/duplex units, we respond that the vast majority of lots in the inner-urban area remain zoned only for low-density (up to three-unit) dwellings.
- ii) Of those lots that are sized for apartment buildings, many are either already occupied by this use or are restricted in their buildable envelope by heritage overlays, further reducing the opportunity for this necessary housing form. The ability to develop apartments is further constrained by the four-unit limit that applies to the junior R4A-R4L zones.¹
- iii) We agree that the current low limits on unit counts incentivizes the creation of very large units that at best duplicate the housing needs provided for in the R1-R3 zones and on smaller R4 lots, and at worst are suited only to very large households and relatively unadaptable to different household types. We also agree that their large size, coupled with the absence of appropriate regulatory tools, creates an unacceptable risk of oversized units turning into unlicensed rooming houses. Whatever benefits that allowing such units in multi-unit buildings may provide appear outweighed by the risks and unintended consequences.
- iv) In other words, the current zoning creates an unforeseen set of incentives that makes easier to build problematic oversized dwelling units than to build a proper low-rise apartment building with more conventionally-sized, adaptable units, and with basic design oversight through Site Plan Control.
- v) We also agree that eliminating or excessively raising the limit on unit counts runs the risk of excessively encouraging bachelor units at the expense of other unit types. However, we do not believe that directly requiring that each building contain a certain number of units of a specified size is necessary or appropriate. Depending on the area and sub-

¹ Further to i) and ii), we acknowledge that a large number of variances are sought and granted to allow apartment buildings on lots that are undersized according to the zoning. We believe that this situation is problematic, bringing as it does a lack of certainty for both builders and residents, and improved communication between Planning and the C of A is needed. However, directing the Committee of Adjustment through zoning is by definition beyond the power of the Zoning By-law.

zone, the permitted unit counts in various subzones should be determined so that the most attractive permitted project from the developer's standpoint is one that contributes to an appropriate range of unit sizes in the inner urban area: in particular, to provide for one-, two- and three-bedroom units that are otherwise discouraged under the current zoning.

- vi) We also recognize that urban land economics necessarily puts pressure on unit floor areas. A household in the inner urban area, with a certain income, will not be able to afford the same floor area as that same household in a less central location. When we seek to encourage urban one- to three-bedroom units, it must be understood that these are restricted to a certain minimum size under the Building Code, and may be considerably smaller than comparable units in less central or in R1-R3 zones.
- vii) On a related note, we observe that the minimum lot size of 22m width (660m²) for stacked dwellings in the junior R4A-R4L zones is very large. This discourages a particularly versatile housing form by making nearly all lots undersized for this use.
- viii) We also observe that in some areas, the minimum lot sizes for the existing housing forms is poorly aligned with the existing lot fabric; in extreme cases, up to three-quarters of existing detached houses are technically noncomplying because their lots are too small according to the current zoning.

With the above in mind, Planning Staff proposes to amend the maximum permitted number of units and/or the minimum lot widths and areas for low-rise apartment buildings in various R4 subzones. In doing so, the following general principles are observed:

- ix) The current four-unit maximum in the junior R4A-R4L zones may be increased, but in no case will it be raised to more than twelve (12) units.
- x) In R4 subzones that currently require a minimum lot size of 15m (450m²) or 18m (540m²), the minimum lot size will be reduced so that a low-rise apartment building is permitted on a 12m (360m²) lot.
- xi) Notwithstanding x), in the R4T subzone (which is the most central and urban of the R4 subzones), low-rise apartment buildings of up to eight units would be allowed on lots of 10m width (300m² area.)
- xii) The minimum lot size for stacked dwellings may be reduced to match the requirement for low-rise apartment dwellings.
- xiii) The existing permitted unit count for a low-rise apartment dwelling on a given lot size will not be reduced.

Following these principles, the following changes are proposed to the minimum lot sizes and maximum unit counts.

7a) Amend minimum lot sizes in the R4T subzone (Centretown, Old Ottawa East north, Sandy Hill North, Lowertown etc.)

The R4T subzone is geographically the most central of the R4 subzones; it is predominant in the northern half of Centretown and surrounding areas, as well as parts of Sandy Hill and Lowertown. R4T is a "senior R4" with no explicit limit on unit counts. The R4T subzone currently requires a minimum lot size of 15m width (450m² area) for a lowrise apartment dwelling, with no explicit limit on unit counts.

The proposed changes would allow for lowrise apartments of up to eight units on a 10m wide (300m²) lot, and nine or more units on lots that are at least 12m wide (360m².) Current permissions would remain on lots 15m wide (450m²) and greater. These revised standards are designed to enable the production of two-bedroom units in the 450-650 square foot range.

Table 1: Proposed changes to minimum lot sizes in the R4T subzone

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m ²) (current zoning)	Minimum lot width (m) (proposed)	Minimum lot area (m ²) (proposed)
Detached	7.5	195	7.5	195
Semi-detached	4.5	110	4.5	110
Linked-detached	7.5	195	7.5	195
Duplex	7.5	195	7.5	195
Townhouse	4.5	110	4.5	110
Three Unit	9	270	9	270
Low-rise Apartment, up to 8 units	15	450	10	300
Low-rise Apartment, 9-12 units	15	450	12	360
Low-rise Apartment, 13+ units	15	450	15	450
Stacked	15	450	12	360
Planned Unit Development	na	1400	na	1400

N/P = not permitted

7b) Amend minimum lot sizes in the R4S subzone (Lowertown, Centretown South, Mechanicsville, Glebe Annex etc.)

The R4S subzone is geographically the second-most central of the R4 subzones. R4S covers New Edinburgh and Mechanicsville; much of Lowertown and Sandy Hill; part of Glebe Annex; and the southern half of Centretown. R4S is a "senior R4" with no explicit limit on unit counts. The R4S subzone requires a minimum lot size of 15m width (450m² area) for a lowrise apartment dwelling.

The proposed changes would allow for a low-rise apartment dwelling of up to 12 units on a 360m² (12m wide) lot. Current permissions would remain for lots 15m (450m²) or greater. These revised standards are designed to enable one- to three-bedroom units in the 450-650 square foot range.

Table 2: Proposed changes to minimum lot sizes in the R4S subzone

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m ²) (current zoning)	Minimum lot width (m) (proposed)	Minimum lot area (m ²) (proposed)
Detached	9	270	9	270
Semi-detached	5.6	165	5.6	165
Linked-detached	9	270	9	270
Duplex	9	270	9	270
Townhouse	5.6	165	5.6	165
Three Unit	12	360	12	360
Low-rise Apartment, up to 12 units	15	450	12	360
Low-rise Apartment, 13+ units	15	450	15	450
Stacked	15	450	12	360
Planned Unit Development	na	1400	na	1400

N/P = not permitted

7c) Amend minimum lot sizes and unit counts in the R4H subzone (Centretown West, Sandy Hill, Hintonburg etc.)

The R4H subzone is most prevalent in Centretown West; the south-west quadrant of Sandy Hill near the University of Ottawa; and in Hintonburg. R4H is a "junior R4" which limits lowrise apartments to four units. R4H requires a minimum lot size of 12m width (360 m² area) for a lowrise apartment dwelling.

The proposed changes would allow up to eight units on a 360m² (12m wide) lot, and up to twelve units on a 15m wide (450m²) lot. Buildings of more than twelve units would not be permitted. These revised standards are designed to enable two- to three-bedroom units in the 650-850 square foot range.

Table 3: Proposed changes to minimum lot sizes and permitted unit counts in the R4H subzone

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m ²) (current zoning)	Minimum lot width (m) (proposed)	Minimum lot area (m ²) (proposed)
Detached	9	270	9	270
Semi-detached	5.6	170	5.6	170
Linked-detached	9	270	9	270
Duplex	9	270	9	270
Townhouse	5.6	170	5.6	170
Three Unit	12	360	12	360

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m2) (current zoning)	Minimum lot width (m) (proposed)	Minimum lot area (m2) (proposed)
Low-rise Apartment (4 units)	12	360	12	360
Low-rise Apartment (5-8 units)	**N/P**	**N/P**	12	360
Low-rise Apartment (9-12 units)	**N/P**	**N/P**	15	450
Low-rise Apartment (13+ units)	**N/P**	**N/P**	**N/P**	**N/P**
Stacked (max 8 units)	22	660	15	450
Planned Unit Development	NA	1400	NA	1400

N/P = not permitted

7d) Amend minimum lot sizes and maximum unit counts in the R4B subzone (Vanier, Overbrook)

R4B zoning in the inner-urban area is almost exclusively in Wards 12 and 13, and overwhelmingly concentrated in a single neighbourhood bounded by Montreal Road, St.-Laurent Boulevard and McArthur Avenue.² The R4B subzone restricts low-rise apartment dwellings to four units.

The R4B zoning is not reflective of the existing lot fabric in Vanier. The neighbourhood consists predominantly of detached and duplex dwellings; however, due to the large lot minimums in R4B (minimum 15m wide and 450m² area for a detached or duplex dwelling) nearly two-thirds of the houses in this area are legally noncomplying, on lots undersized for the use.³ The very large minimum lots for both triplexes and apartment buildings (18m width/540m² lot area) precludes any intensification or redevelopment.

The proposed changes will serve to legalize most of the existing detached and duplex dwellings by reducing the minimum lot size for these uses to reflect the existing lot fabric. It will also provide for a three-unit dwelling or a low-rise apartment dwelling up to eight units on a 12m (360m²) lot; or up to twelve units on a 14m (420m²) lot. These revised standards are designed to enable one- to three-bedroom units in the 550-600 square foot range.

Table 4: Proposed changes to minimum lot sizes and permitted unit counts in the R4B subzone

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m2) (current zoning)	Minimum lot width (m) (proposed)	Minimum lot area (m2) (proposed)
Detached	15	450	12	360

² There are isolated pockets of R4B zoning in Wards 15, 16 and 18, as well as in Wards 7 and 8. The R4B zone in these cases typically applies to townhouse PUDs. In fact, outside of Vanier/Overbrook, R4B is almost exclusively applied to such PUDs, and not to fine-grained neighbourhoods of individual lots with ground- and street-oriented units.

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m2) (current zoning)	Minimum lot width (m) (proposed)	Minimum lot area (m2) (proposed)
Semi-detached	9	270	9	270
Linked-detached	15	450	12	360
Duplex	15	450	12	360
Townhouse	6	180	6	180
Three Unit	18	540	12	360
Low-rise Apartment (4 units)	18	540	12	360
Low-rise Apartment (5-8 units)	**N/P**	**N/P**	12	360
Low-rise Apartment (9-12 units)	**N/P**	**N/P**	14	420
Low-rise Apartment (13+ units)	**N/P**	**N/P**	**N/P**	**N/P**
Stacked (max 8 units)	22	660	14	420
Planned Unit Development	na	1400	na	1400

N/P = not permitted

7e) Amend minimum lot sizes and maximum unit counts in the R4E subzone (Vanier)

R4E zoning is prevalent in Vanier between Montreal Road and Beechwood Avenue; there are a few pockets of R4E south of Montreal Road as well. R4E currently restricts apartment buildings to four units, and requires a minimum lot size of 15m (450m²).

The proposed changes would allow up to eight units on a 12m (360m²) lot, and up to twelve units on a 14m (420m²) lot. These revised standards are designed to enable two-bedroom units in the 500-600 square foot range.

Table 5: Proposed changes to minimum lot sizes and permitted unit counts in the R4E subzone

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m2) (current zoning)	Minimum lot width (m) (proposed)	Minimum lot area (m2) (proposed)
Detached	10	275	10	275
Semi-detached	6	165	6	165
Linked-detached	10	275	10	275
Duplex	12	330	12	330
Townhouse	5.6	165	5.6	165
Three Unit	15	450	12	360
Low-rise Apartment (4 units)	15	450	12	360
Low-rise Apartment (5-8 units)	**N/P**	**N/P**	12	360
Low-rise Apartment (9-12 units)	**N/P**	**N/P**	14	420

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m ²) (current zoning)	Minimum lot width (m) (proposed)	Minimum lot area (m ²) (proposed)
Low-rise Apartment (13+ units)	**N/P**	**N/P**	**N/P**	**N/P**
Stacked (max 8 units)	22	660	14	420
Planned Unit Development	per dw. type	1400	per dw. type	1400

N/P = not permitted

7f) Amend minimum lot sizes in certain R4N subzones (Overbrook)

The R4N subzone is found in pockets throughout the city, and typically applies to large lots with existing apartment buildings. However, there are two areas in Overbrook where the R4N zoning as applied is not appropriate to the existing fine-grained lot fabric.

The Prince Albert/Queen Mary/King George area ("The Royals" for short) has a remarkably uniform lot fabric with shallow parcels 7.6m wide and about 26m deep due to rear lanes. While these lots currently hold semi-detached dwellings, the fabric is such that even two semi-detached lots together are typically too small for a duplex, let alone an apartment dwelling. The advancing age of this building stock, combined with its location relatively close to Light Rail Transit, suggest that the zoning should be re-examined to allow for the effective redevelopment of buildings as they reach the end of their useful life span.

Similarly, the Donald/Columbus area has uniform 15m lots; with the Donald Street bridge open, this is an attractive area for small-scale intensification, but is prevented from doing so (except through oversized triplexes) by the minimum lot sizes.

The proposed changes to minimum lot sizes are primarily intended to enable the redevelopment of the unusually shallow lots in the Royals, and will encourage units of about 600 square feet.

Table 6: Proposed changes to minimum lot sizes in selected R4N areas in Overbrook

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m ²) (current zoning)	Minimum lot width (m) (proposed*)	Minimum lot area (m ²) (proposed*)
Detached	15	450	15	375
Semi-detached	7.5	225	7.5	187
Linked-detached	15	450	15	375
Duplex	15	450	15	375
Townhouse	6	180	6	150
Three Unit	15	450	15	375
Low-rise Apartment, 4 units	18	540	15	375

Land use	Minimum lot width (m) (current zoning)	Minimum lot area (m ²) (current zoning)	Minimum lot width (m) (proposed*)	Minimum lot area (m ²) (proposed*)
Low-rise Apartment, 5-12 units	18	540	15	375
Low-rise Apartment, 13+ units	18	540	18	450
Stacked	18	540	18	450
Planned Unit Development	na	1400	na	1400

* Proposed only for the R4N subzones in Overbrook as described.

7g) *Raise the maximum number of units in a low-rise apartment dwelling from four to eight in the R4C, R4G and R4K subzones.*

These three subzones apply to small parts of Ward 15, close to Traditional Mainstreets and/or rapid-transit stations. All three subzones permit low-rise apartment dwellings on lots of 12m width (360m² area) but limit this use to four units. It is proposed to raise this limit to eight units. No changes to minimum lot sizes are proposed. This will encourage development of two- to three-bedroom units in the 600-700 square foot range.

Other zoning proposals, not discussed in Discussion Paper #1

The following additional changes to the zoning are proposed, that were not mentioned in Discussion Paper #1.

8) *Changes to amenity area and landscaping requirements for inner-urban low-rise apartment buildings*

8a) Reduce rear-yard amenity area requirements for low-rise apartment dwellings

The amenity area requirements introduced through Residential Conversions and Infill 2 (15m² per unit for the first eight units) top out at 120m² for an eight-unit building, and were intended to ensure a certain amount of usable green space with smaller apartment buildings. They were applied on the assumption of a twelve-metre-wide lot with a ten-metre rear yard (15x8=120) but did not assume any other demands on rear-yard space such as garbage storage and hardscaped paths for garbage management as proposed in this paper, nor for bicycle parking or other functional spaces.

There are several possibilities under consideration:

- Reduce the amenity space requirement 15m² per unit for the first eight units, to 10m² per unit for the first six units (for a maximum of 60m²) and require that 100% of this space be soft landscaping.
- Replace the current requirement with a flat 60m² for duplexes, three-unit dwellings and low-rise apartments. This would introduce an amenity requirement

for duplexes which currently does not exist; require 60m² for a triplex instead of 45m²; and allow an eight-unit building with 60m² instead of 120m².

8b) Apply rear-yard amenity area requirements to stacked dwellings

The amenity area requirements noted above do not currently apply to stacked dwellings. It is proposed to apply the same requirements to stacked dwellings as to low-rise apartment dwellings.

8c) Exempt buildings up to 12 units from the 30% landscaping requirement

Subsection 162(8) currently requires 30% of the lot to be landscaped; however, Table 162A footnote 2 goes on to exempt low-rise apartment dwellings of four units, or stacked dwelling of up to eight units. This was done in recognition that 30% landscaping is unrealistic on such sites. It is proposed to extend this exemption to apartment dwellings of up to 12 units, as the rear-yard amenity space requirements and prohibitions on front yard parking better serve the intent of incorporating green space into site design.

9) *Limits on secondary dwelling units citywide*

As directed by the Planning Act, the current zoning allows for secondary dwelling units in detached, semi-detached and townhouse dwellings. Since these units are supposed to be secondary to the main unit, not full-sized units in their own right, the Zoning By-law currently restricts them to 40% of the floor area of the main dwelling unit.

However, it has become apparent that when the main dwelling unit is very large, 40% ends up allowing a nominally-secondary unit to be very large, in some cases with four or five bedrooms. It has, in some cases, resulted in what are functionally oversized four-unit buildings in R2 zones, which is not intended by the Zoning By-law.

It is therefore proposed to establish some absolute limits on secondary dwelling unit sizes, in addition to the relative size limits (i.e. 40% of the main dwelling unit) currently in place.

9a) Restrict secondary dwelling units to 80 square metres or 40% of the floor area of the principal dwelling unit, whichever is less.

9b) Restrict secondary dwelling units to a maximum of two bedrooms.

Update on other non-zoning initiatives

10) *Changes to Site Plan Control*

A review of the Site Plan Control By-law is currently underway through a separate project, wherein the following two changes are currently under consideration. The zoning proposals in this paper are contingent on these changes to Site Plan Control being adopted.

10a) Site Plan Control to apply in the inner urban area to any residential building of 400m² total floor area or greater.

Currently, Site Plan Control applies only to buildings of four or more units, regardless of their scale. Applying Site Plan Control to detached-, duplex-, semi-detached or triplex dwellings of 400m² (a scale that approaches that of a small apartment building) will ensure an appropriate level of site and elevation review.

10b) Apply a streamlined Site Plan Control process to dwellings up to 12 units in the inner urban area.

Currently, Site Plan Control applies to buildings of four or more units. The cost, time and documentation requirements of this process, which are suited to much larger projects, are felt to be excessive and unnecessary for smaller buildings. Applying a less-intensive form of Site Plan Control (one that nonetheless reviews the elevations and site layout to ensure compatibility with the neighbourhood) will ensure the appropriate level of oversight while removing an incentive to avoid the process entirely through e.g. an oversized triplex.

11) *Changes to Development Charges*

Issues relating to development charges, particularly the current lack of distinction between two-bedroom units and much larger apartment units, will be addressed in the next review of the Development Charges By-law.

12) *Amendments to the Official Plan*

No amendments to the Official Plan are proposed as part of this review.

13) *Committee of Adjustment*

Several commenters have remarked on the use of the variance process to secure approvals that appear contrary to the intent of the Zoning By-law and Official Plan. Planning Staff are working with the Committee of Adjustment to ensure greater communication and to provide the Committee of Adjustment with all of the relevant information needed to make an informed decision on any given application.

14) *No transition clause*

No transition clause is proposed. Development applications that have not received a building permit as of the date the zoning amendment is adopted, will not be exempted from the provisions of the amendment.

Share your thoughts and ideas

We encourage you to send us your thoughts, questions and comments on the R4 Zoning Review after reading this paper. These can be sent to:

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