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 1 Bylaw 2012-147
- OMB Interim order March 2013
- Revised Bylaw passed by Council May 2014
- OMB Settlement January 2015
- Final Bylaw passed by Council March 2015
- Transition Provisions Expiry Starting May 2012 with expiry June 2017

Infill 2 Process

- Infill 2 Bylaw 2015-228
- OMB Settlement May 2016
- Revised Bylaw passed by Council July 2016
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
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
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/Carpports
- Driveways Where These Aren’t Present
- Driveways Taking Up Most of Lot Width
Infill 1 - Mature Neighbourhoods Overlay
Adds extra rules to recognize the look along your street

Infill 2
lowers height, increases rear yards to create open space, some privacy in backyards

Regulating Character

Zoning By-law Subzones
lot sizes, widths, yards, height, bulk & massing
We've made progress since 2013...

Zoning rules:
2013

New building footprint

7.5m rear yard
5.5m

balcony/projection (2m)
front yard per zone std. e.g. 3m

Neighbour's setback

former trees

Neighbour's setback

Ottawa
Infill 1
- Minimum front yard determined by neighbouring properties
- No more turning the front yard into driveways

Infill 2
- Increased rear yard requirements
- Projections not allowed to encroach on rear yard
- Green amenity area required.

Residential Conversions
- Intensification no longer exempt from yard and lot standards by virtue of being a "conversion"
- If you’re building an apartment building, must meet the zone standards of an apartment building.

We've made progress since 2013...
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
Findings - Streetscape Character Assessment

262 Forms Completed

(June 2015 – August 2017)
Findings – Committee of Adjustment

249 total variance applications
(June 2015 to August 2017)
Findings – Committee of Adjustment

Top 4 Active Wards – June 2015 – August 2017

Reduced Interior Side Yard
Projection into Rear Yard
Reduced Rear Yard Setback / Amenity Area
Increased Height of Rooftop Amenity
Increased Height
Decrease habitable space
Front Yard / Corner Yard Parking
Increased projections into Front/Corner Yard
Increased driveway width
Reduced Width
Reduced Area

2015 2016 2017 2014
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
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