

R4 Zoning Review: Zoning Proposals

Introduction

In January 2016, the City of Ottawa began a review focused on the R4 family of zones to ensure that new low-rise multiple-unit buildings in established communities respect and fit with their urban context, while still providing the opportunity for a gradual and appropriate increase in density and affordable housing choices in established inner-urban neighbourhoods.

The most immediate issue is the continued development of buildings in the inner urban area containing dwelling units with unusually large numbers of bedrooms. Dwelling units with six, eight or even twelve bedrooms have occurred. Such buildings meet the letter of the Zoning By-law in that they contain a permitted number of dwelling units. However, the Zoning By-law did not contemplate this type of excessive-bedroom development and did not place limits on the number of bedrooms. The oversized units create much higher occupancies and densities than was intended or anticipated by the zoning. They also raise concerns about garbage storage and management, and whether such units are more appropriately classified and regulated as rooming houses.

These issues are found predominantly in R3 and R4 zones, but also occur in other zones, especially, though not exclusively, in the inner-urban area. In September 2016, the scope of the R4 review was expanded to include a review of all residential zones currently impacted by this type of inappropriate development.

"The R4 Zoning Review will address those issues most commonly found in inner-urban, low-rise multi-unit development. While the focus will be on the R4-zoned areas, the review may also touch on aspects of the zoning by-law applicable to other inner urban zones, such as the R3 zones in the Glebe and Old Ottawa East. Although the focus is on the inner-urban wards (i.e. Wards 12 through 17) the review may to a lesser extent have implications city-wide, particularly in areas with a significant amount of R4 multiple-unit zoning." (Project Website, September 2016)

In July 2017, Council re-affirmed the project scope to include all residential zones where these typologies have occurred or have opportunity to occur.

"AND WHEREAS, on July 12, 2017, City Council passed a resolution directing that the ongoing R4 study being undertaken by the Planning, Infrastructure and Economic Development Department of the City of Ottawa be expanded to include R1, R2 and R3 zoned lands within the study area and continue to review the land use planning policies associated with low-rise single detached and multi-unit dwellings for the purposes of assessing the land use planning impact of such dwellings where they contain more than four bedrooms;" (Council Motion, July 12, 2017)

Following extended consultation, including draft recommendations released in March 2017, the R4 Zoning Review's recommendations are being brought forward in two phases. Phase 1 will address clear and pressing weaknesses in the Zoning By-law in order to:

- clarify the distinction between a rooming house and a dwelling unit, to ensure consistency in permitting and By-law enforcement;
- prohibit further development of dwelling units with unreasonably large bedroom counts in multi-unit dwellings;
- appropriately balance the rare need for oversized dwelling units (i.e. for statistically unusual households) against the need to effectively plan for and regulate density; and
- ensure that large residential buildings provide adequate space to store and manage garbage and recyclables.

This document contains the zoning amendments proposed as Phase 1 and are immediate measures that will close the door on excessive-bedroom buildings and address some of the more pressing performance issues associated with intensive low-rise in established neighbourhoods. Phase 2 proposals will constitute a separate set of recommendations to be brought forward to Council at a later date.

Zoning Proposals

The following changes to the Zoning By-law are proposed. We have made an effort to organize the proposed changes in an order that makes their combined effect as clear as possible. In some cases, we have included commentary to explain the reason for the amendment. Annex A includes a table that readers can use to compare the current and proposed definitions of several terms affected by this proposal.

1) *New definitions of previously undefined terms.*

The zoning strategy relies on several new terms that are currently not defined. The following terms and definitions would be added to the current Section 54 (Definitions):

1a) *Define "bedroom" as follows:*

"Bedroom means a room used or designed for use primarily for sleeping."

The intent of the definition is to bring clarity to both internal City review procedures, and to applicants submitting development plans to the City. This is a straightforward definition that is necessary to give meaning to other changes proposed in this amendment.

1b) *Define "residential unit" as follows:*

"Residential unit means a self-contained set of rooms located in a **building**, designed to be lived in by one or more persons, and which contains sleeping, kitchen and bathroom facilities that are

intended for the exclusive use of the residents of the unit; and is not a **mobile home** or other vehicle."

The new term "residential unit" includes several characteristics that currently partly define a "dwelling unit", but that also are applicable to other residential uses such as rooming houses, group homes and retirement homes. "Residential unit" will become a category that includes all these uses. Creating this definition has minimal effect on its own: it is a structural change that allows us to draft clearer rules that apply to all kinds of residential units.

1c) Define "single housekeeping unit" as follows:

"**Single housekeeping unit** means a person or group of people who:

- (i) may or may not be related;
- (ii) live together as a household; and
- (iii) exercise a meaningful degree of collective decision-making and responsibility for the management of the interior of the residential unit."

The concept of a single housekeeping unit has been critical in court cases that sought to distinguish between a rooming house and a dwelling unit. A group of people who come together, rent an apartment together on one lease, choose new roommates, and cooperate and share responsibility for cleaning, chores, taking out the garbage, buying toilet paper etc. is clearly a single housekeeping unit.

Conversely, several individuals who rent rooms directly from a landlord, do not choose their roommates and/or are not responsible for the basic upkeep of the common areas of the unit, are not a single housekeeping unit. Their unit would not be a dwelling unit but a rooming house.

2) Limit dwelling units to four (4) bedrooms or less.

A "dwelling unit" is the zoning term for what most people would call a house, an apartment or condominium unit: a single, complete housing unit occupied by one household. The main effect of redefining "dwelling unit" is to prohibit the construction of unreasonably large units with six, eight or even twelve bedrooms that create much higher occupancy than is intended by the zoning. In doing so, the change more closely aligns the letter of the By-law with its intent.

2a) Redefine "dwelling unit" as follows:

"**Dwelling Unit** means a **residential unit** that:

- (i) is used or intended for use as a residential premises by a **single housekeeping unit** and not more than three roomers or boarders; and
- (ii) contains no more than four **bedrooms.**"

The new definition will have the effect of prohibiting any dwelling unit in any multiple-unit building (i.e. any building containing more than one dwelling unit) from having more than four bedrooms. The presence of a single housekeeping unit (not merely several individuals renting rooms from the landlord) is also necessary to qualify as a dwelling unit, and clarifies the distinction between a dwelling unit and a rooming house.

The other changes to the definition of "dwelling unit" are structural and do not materially change its effect. Several elements of the current definition will be moved into the definition of a "residential unit." The right to keep up to three roomers or boarders is relocated from elsewhere in the Zoning By-law.

3) *Permit "oversize dwelling units" of up to eight (8) bedrooms, but only in a detached dwelling.*

3a) *Define "oversize dwelling unit" as follows:*

"**Oversize dwelling unit** means a **residential unit** that:

- (i) is used or intended for use as a residential premises by a **single housekeeping unit** and not more than three roomers or boarders ; and
- (ii) contains more than four, but no more than eight **bedrooms.**"

3b) *Amend the definition of "detached dwelling" as follows:*

"Detached Dwelling means a residential use building that contains only one principal dwelling unit or oversize dwelling unit."

Together, provisions 3a) and 3b) provide for units that contain up to eight bedrooms, but go on to restrict such units to detached dwellings only. This is because other building typologies such as "duplex dwelling", "three-unit dwelling" or "low-rise apartment dwelling" continue to be defined as containing a certain number of "dwelling units," not "oversize dwelling units."

An oversize dwelling unit will not be permitted as-of-right in any building with more than one unit. Such would constitute a major change and would not meet the intent of the Zoning By-law.

With respect to secondary dwelling units, this means that a detached dwelling may have both a dwelling unit and a secondary dwelling unit. However, a detached dwelling may not have an oversize dwelling unit and a secondary dwelling unit. This will have the effect of limiting the maximum number of bedrooms occurring in a detached dwelling to eight.

4) **Redefine and regulate the use "rooming house."**

The current definition of "rooming house" includes certain criteria that can be interpreted to mean even if a unit is operating like a rooming house, it may technically not be one under the zoning. As a result, many residential units do not quite meet the definition of either a dwelling unit or a rooming unit. The proposed definition clearly distinguishes a "rooming house" from both a "dwelling unit" and an "oversize dwelling unit."

4a) **Redefine "rooming house" as follows:**

"Rooming house means a **residential unit**, other than a **group home, retirement home** or **converted retirement home**, that:

- (i) is not used or intended for use as a residential premises by a **single housekeeping unit**; or
- (ii) contains more than eight **bedrooms.**"

Several standards are currently intended to apply to rooming houses, but they are built into its definition. This is problematic because if a unit operating like a rooming house fails to meet these standards, it escapes being treated as a rooming house altogether. Such rules would be more appropriately adopted as *standards that apply to rooming houses*, not characteristics that determine *whether it is one or not*.

4b) **Adopt the following standards for rooming houses in Part 5 (Residential Provisions,) as follows:**

"Section XXX - Rooming Houses

- 1) No more than one **rooming house** is permitted in a building.
- 2) Any building containing a **rooming house** may contain an **office accessory** to the **rooming house**.
- 3) No rooming house may occupy a **building** containing **dwelling units**.
- 4) Despite 3), a **building** containing a **rooming house** may contain one **secondary dwelling unit.**"

Another issue with the current definition of "rooming house" is that it indirectly prohibits this use in a mixed-use building. The proposed definition has the effect of allowing rooming houses in mixed-use buildings (for instance, above ground-floor businesses on a Traditional Mainstreet.) In doing so, more opportunities for this affordable housing form are created in appropriate locations.

Taken together, the proposals described in 1) through 4) above have the effect of:

- limiting any dwelling unit to a maximum of four bedrooms, unless it is located in a detached dwelling (single-family home);
- limiting any detached dwelling to eight bedrooms;

- treating any unit with more than eight bedrooms as a rooming house;
- by default, treating any residential unit as a rooming house if it does not meet the definition of any other residential unit type; and
- allowing rooming houses in mixed-use buildings where they are currently not allowed.

Figure 1 provides the proposed clarification of the relationship between occupancy, bedroom counts and land use definitions as described above.

Figure 1: Proposed relationship between occupancy, bedroom count and land use definition.

		Occupancy		
		<i>Single Housekeeping Unit</i>	<i>NOT a Single Housekeeping Unit</i>	
Number of bedrooms	1	"Dwelling Unit"	"Rooming House"	
	2			
	3			
	4			
	5	"Oversize Dwelling Unit"		
	6			
	7			
	8	<i>(Permitted only in a detached dwelling)</i>		
	9	"Rooming House"		
	10			
	11			
	12+			

5) *Remove the distinction between purpose-built rooming houses and converted rooming houses or rooming units as defined land uses.*

The current zoning distinguishes between purpose-built rooming houses, versus buildings that were originally built as something else (e.g. a detached dwelling) but later converted to rooming house use. In some zones, a converted rooming house is permitted but not a purpose-built one; converted rooming houses are typically more restricted in terms of how many rooming units they may contain.

The 2014 zoning study around converted apartment buildings concluded that the ability to almost completely rebuild and enlarge the "existing" building immediately before conversion makes the distinction meaningless; such a distinction is at best ineffective, and at worst it opens up loopholes in the zoning. The 2014 study removed all distinction between purpose-built and converted multi-unit dwellings, and it is now proposed to extend this principle to rooming houses. Where converted rooming houses are currently a permitted use, a rooming house will be permitted subject to the same standards.

- 5a) *Delete the term "rooming house, converted" and its definition from Section 54 (Definitions);*
- 5b) *Replace every instance of "rooming house, converted" in the Zoning By-law with "rooming house," including maintaining the same standards and limitations that currently apply to converted rooming houses.*
- 6) **Remove the zoning distinction between a rooming house and a group of rooming units as defined land uses, and limit the number of bedrooms in a rooming unit.**

The current zoning also provides for "rooming units" as a permitted land use, as distinct from a rooming house; the distinction exists mainly to allow rooming units in mixed-use buildings. Because of changes to the definition of "rooming house," this distinction becomes meaningless; any collection of rooming units will now constitute a rooming house.

- 6a) *Replace every instance of "rooming unit", when it appears in the list of permitted land uses in any zone, with the use "rooming house," and maintain any existing standards or limitations that currently apply to the use "rooming unit."*

While "rooming unit" as a permitted land use is no longer useful, the term does continue to serve a purpose as a measurement. For instances, in some zones rooming houses are allowed only a certain number of rooming units; in other instances, parking or amenity spaces is calculated according to the number of rooming units that are present.

A rooming unit is typically for a single occupant, with no more than one bedroom. It is proposed to amend the definition of "rooming unit" to make that intent explicit.

- 6b) *Amend the current definition of "rooming unit" as follows:*

"Rooming unit means a room, or a suite of rooms including no more than one bedroom, that constitutes a separate, independent residential occupancy, but which is not self-contained and which requires access to other parts of the residential unit intended to serve the residents, including shower or bathtub facilities, kitchens, eating areas or bathrooms."

- 7) **Minimum standards to enable garbage management in large buildings.**

This proposal responds to past issues where buildings are built as one typology, such as a detached dwelling, and then expanded and/or converted to house a much higher number of occupants producing much more garbage. The proposed standards will ensure that when any building over the 400m² (4,300 sq.ft.) size threshold is constructed, it retains the physical ability to move garbage from the rear yard to the street. If such a building contains a rooming house, oversize dwelling unit or more than two dwelling units, there will also be a requirement for enclosed (indoor) garbage storage.

- 7a) *Add a provision in Part 5 (Residential Provisions) as follows:*

#) In any R1, R2, R3 or R4 zone, any **building** exceeding 400m² in total floor area must:

- a) Include a path for the movement of garbage containers between the **rear yard** and the street line or travelled public lane, and such path must be:
 - i) not less than 1.5m in width;
 - ii) unobstructed by any **projection** or **accessory structure** to a height of 1.5m above the path surface; and
 - iii) uninterrupted by any window well, depression or grade change that would impede the movement of a wheeled garbage container.
- b) A garbage storage area must be provided with any **building** containing:
 - (i) a **rooming house**;
 - (ii) an **oversize dwelling unit**; or
 - (iii) more than two **dwelling units**.
- c) The garbage storage area required by b) must:
 - i) be located **within**
 - (1) **the principal building**, or
 - (2) an **accessory building** located in the **rear yard**;
 - ii) have a floor area of not less than 7 square metres; and
 - iii) be located adjacent to the path required by clause a).

The 1.5m path will normally be in a side yard, but may be met by a carport open at both ends, or a *porte-cochere* (coachway.) The key characteristic is that the path must be sufficient to allow a wheeled garbage bin or dumpster to be moved along its entire length.

The 400m² size threshold refers to total floor area inside the main building, not "Gross Floor Area" as defined by the Zoning By-law. Total floor area includes all floor area that is contained within the principal building, including spaces such as garages, corridors and service areas that are excluded from calculations of Gross Floor Area.

The three-unit threshold for enclosed garbage storage includes both principal and secondary dwelling units, and applies regardless of whether the units were purpose-built or the result of a conversion.

8) Other incidental amendments.

A revision will be made to the definition of "Residential Use Building" to further add clarity and precision. The existing definition specifically references building typologies and can create confusion in interpretation. It is proposed to be simplified while maintaining the same meaning.

8a) Amend the definition of Residential Use Building as follows:

"**Residential Use Building** means a **building** composed solely of **residential units**; and residential use and residential premises have corresponding meanings."

8b) Delete Section 132 (Rooming Units in Private Dwellings) in its entirety.

The intent of Section 132, Rooming Units in Private Dwellings, is either duplicated or superseded by the changes described above. It is proposed that this section be deleted.

8c) Amend zoning exceptions that limit a rooming house to 50% of a building's floor area

A number of exceptions to the Zoning By-Law (including Exception [480], which applies to a wide swath of R4-zoned land in the Sandy Hill neighbourhood) stipulates that a rooming house cannot occupy more than 50% of a building's floor area. There exists site-specific rationales for some occurrences (diplomatic missions as an example). However, blanket application of these exceptions create conflict with the current zoning (which says a rooming house by definition occupies the whole of a residential use building) and the proposed zoning (which carries forward that intent by specifying that a rooming house cannot occupy a building with other dwelling units.) Accordingly, these exceptions will be amended or removed for consistency.

8d) Amend Section 133 (Secondary Dwelling Units)

Secondary dwelling units will not be permitted to occur in a residential use building in which an oversized dwelling unit exists, and will be subject to the revised definition of dwelling unit. Amendments will be made to this section for consistency.

8e) Establish zoning exceptions to accommodate any existing, lawful and licensed rooming houses that would otherwise become nonconforming or noncomplying under the proposed amendments.

The proposed changes are not intended to target existing rooming houses that have been established in conformity with existing zoning and have the required licenses to operate. There are a small number of such rooming houses that might incidentally be rendered nonconforming or noncomplying due to changes in the definition. Such rooming houses will be explicitly protected through site-specific zoning exceptions.

9) No Transition Provisions.

No transition provisions are proposed. Any development that has not received a building permit when the amendment is adopted by Council will be required to comply with the zoning as amended.

Further Information

For more information about this matter, including information about preserving your appeal rights, contact:

David Wise, MCIP, RPP
Program Manager
Zoning and Interpretations
110 Laurier Avenue West, 4th floor, Mail Code 01-15
Ottawa, ON K1P 1J1
613-580-2424, ext. 13877
Fax No.: (613) 580-2459
david.wise@ottawa.ca or r4zoning@ottawa.ca
(en français: david.wise@ottawa.ca ou zonager4@ottawa.ca)

Additional information can also be obtained through the project website, ottawa.ca/R4zoning. (French version: ottawa.ca/zonageR4)

Submission Requirements

The City of Ottawa would like to receive any comments concerning this proposal. Please forward comments to the above-noted planner via mail, telephone, facsimile or e-mail by April 9, 2018. Comments received will be considered in the evaluation of the proposal.

Annex A

Current and Proposed Zoning By-law Definitions

Current definition	Proposed definition	Comments
Bedroom is not currently a defined term in the Zoning By-law.	Bedroom means a room used or designed for use primarily for sleeping.	N/A
Residential unit is not currently a defined term in the Zoning By-law	Residential unit means a self-contained set of rooms located in a building, designed to be lived in by one or more persons, and which contains sleeping, kitchen and bathroom facilities that are intended for the exclusive use of the residents of the unit; and is not a mobile home or any vehicle.	"Residential unit" would include the following defined land uses: <ul style="list-style-type: none"> • dwelling unit • oversize dwelling unit • group home • retirement home • retirement home, converted • rooming house
Single housekeeping unit is not currently a defined term in the Zoning By-law.	" Single housekeeping unit means a person or group of people who: <ol style="list-style-type: none"> (i) may or may not be related; (ii) live together as a household; (iii) exercise a meaningful degree of collective decision-making and responsibility for the management of the interior of the residential unit." 	This definition of single housekeeping unit helps distinguish a dwelling unit from rooming house. If it is not occupied by a single housekeeping unit as defined, the unit cannot be considered a dwelling unit (or oversize dwelling unit) and therefore, if it is also not a group home or retirement home, by process of elimination it must be a rooming house.
Dwelling unit means a residential unit that: <ol style="list-style-type: none"> (i) consists of a self-contained set of rooms located in a building or structure; (ii) is used or intended for use as a residential premises by a single housekeeping unit; (iii) contains kitchen and bathroom facilities that are intended for the use of the unit only; and (iv) is not a mobile home or any vehicle. 	Dwelling unit means a residential unit that: <ol style="list-style-type: none"> (i) is used or intended for use as a residential premises by a single housekeeping unit and not more than three roomers or boarders; and (ii) contains no more than four bedrooms. 	Reference to single housekeeping unit to distinguish from a rooming house. Places a limit of four bedrooms per unit.

Current definition	Proposed definition	Comments
<p>Oversize dwelling unit is not currently a defined term in the Zoning By-law.</p>	<p>Oversize dwelling unit means a residential unit that:</p> <ul style="list-style-type: none"> (i) is used or intended for use as a residential premises by a single housekeeping unit and not more than three roomers or boarders ; and (ii) contains more than four, but no more than eight bedrooms. 	<p>Allows the possibility of large dwelling units for the minority of large households that need them.</p>
<p>Detached dwelling means a residential use building that contains only one principal dwelling unit.</p>	<p>Detached dwelling means a residential use building that contains only one principal dwelling unit or oversize dwelling unit.</p>	<p>Provides that a detached dwelling can contain an oversized dwelling unit. By not adding these words "or oversize dwelling unit" to other dwelling definitions, we effectively prohibit them in other dwelling forms e.g. Three-unit dwellings.</p>
<p>Residential use building means a converted or purpose-built building comprised solely of dwelling units, rooming units, or any of them and includes detached; linked-detached; semi-detached; duplex, three-unit dwellings, townhouse dwellings, stacked dwellings, apartment dwelling, low-rise, and apartment dwelling, mid-high rise, rooming houses, rooming houses, converted, bunk house dwelling, group homes, retirement homes; and retirement homes, converted; and residential use and residential premises have corresponding meanings.</p>	<p>Residential use building means a building composed solely of residential units; and residential use and residential premises have corresponding meanings.</p>	<p>Replaced the list with the new term "residential units" which itself covers all of those uses. "Converted or purpose-built building" is the same as "building."</p>

Current definition	Proposed definition	Comments
<p>Rooming house means a principal dwelling within the whole of a residential use building that contains at least four rooming units, and which may also contain dwelling units and an administration office accessory to the operation of the house.</p>	<p>Rooming house means a residential unit, other than a group home, retirement home or converted retirement home, that:</p> <p>(i) is not used or intended for use as a residential premises by a single housekeeping unit; or</p> <p>(ii) contains more than eight bedrooms</p>	<p>The absence of a single housekeeping unit becomes one criterion for whether it is a rooming house or not.</p> <p>Other rules for rooming houses (new Rooming House section):</p> <ul style="list-style-type: none"> • no more than one rooming house in a building • any building containing a rooming house may contain an office accessory to the rooming house
<p>Rooming house, converted means the whole of a residential use building or the whole or part of any other building that was converted to a rooming house. (maison convertie en maison de chambres)</p>	<p><i>Delete this term and replace all instances where "rooming house, converted" is currently allowed, with "rooming house" subject to the same limitations.</i></p>	<p>Stop making the distinction between converted and purpose-built, as we did with other residential buildings in the 2014 Residential Conversions amendment.</p>
<p>Rooming unit means a room, or a suite of rooms, that constitutes a separate, independent residential occupancy, but which is not self-contained and which requires access to other parts of the principal dwelling or building intended to serve the residents, including shower or bathtub facilities, kitchens, eating areas or bathrooms. (chambre) (By-law 2008-326)</p>	<p>Rooming unit means a room, or a suite of rooms including no more than one bedroom, that constitutes a separate, independent residential occupancy, but which is not self-contained and which requires access to other parts of the residential unit intended to serve the residents, including shower or bathtub facilities, kitchens, eating areas or bathrooms;</p>	<p>Throughout the Zoning By-law, where "rooming unit" is a permitted land use but "rooming house" is not, change "rooming unit" to "rooming house" in the list of permitted uses, and maintain whatever standards/limitations currently apply to collections of rooming units.</p> <p>"Rooming unit" remains relevant as a measuring stick or denominator, as when the amenity area or parking requirement is calculated on a per-rooming-unit basis.</p>