

Report to

Rapport au:

**Planning Committee
Comité de l'urbanisme**

**and Council
et au Conseil**

**March 17, 2014
17 mars 2014**

**Submitted by
Soumis par:**

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ROCKCLIFFE (13): SOMERSET
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CAPITAL (17) / CAPITALE (17)**

File Number: ACS2014-PAI-PGM-0074

**SUBJECT: Draft Revisions to Infill By-law 2012-147 – Response to Ontario
Municipal Board Interim Order on Appeal**

**OBJET: Révisions provisoires au Règlement 2012-147 sur les aménagements
intercalaires – Réponse à l'ordonnance provisoire de la Commission
des affaires municipales de l'Ontario**

REPORT RECOMMENDATIONS

That Planning Committee recommend Council receive this report and:

- 1. Approve the revisions to Infill Zoning By-law 2012-147, as amended, and as shown in Document 1, and forward the draft revisions to the By-law to the Ontario Municipal Board in advance of the substantive Hearing on the appeal against the revised Infill By-law 2012-147, as amended;**
- 2. Approve an amendment to the Private Approach By-law 2003-447 as outlined in this report; and**
- 3. Direct staff to undertake a two year monitoring program to determine the effectiveness of By-law 2012-147, once enacted by the Ontario Municipal Board, in documenting and regulating neighbourhood character within the area subject to the Mature Neighbourhood Overlay, and bring a report back to Planning Committee.**

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil de prendre connaissance de ce rapport et :

- 1. d'approuver les révisions au Règlement 2012-147 sur les aménagements intercalaires, modifié, telles qu'elles figurent dans le document 1, et de transmettre ces révisions provisoires à la Commission des affaires municipales de l'Ontario, avant l'audition de fond portant sur l'appel fait de la version révisée du Règlement 2012-147 sur les aménagements intercalaires, modifié;**
- 2. d'approuver une modification au Règlement municipal sur les voies d'accès privées 2003-447 telle qu'elle est indiquée dans le présent rapport;**
- 3. de demander au personnel de mettre en place un programme de surveillance de deux ans pour évaluer l'efficacité du Règlement 2012-147, une fois qu'il aura été édicté par la Commission des affaires municipales de l'Ontario, en ce qui concerne la consignation et la réglementation des particularités du voisinage dans le secteur désigné comme un quartier bien établi, et d'en rendre compte au Comité de l'urbanisme.**

EXECUTIVE SUMMARY

Assumption and Analysis

This report details the revisions that are recommended to the Infill By-law 2012-147, as amended, that was appealed following Council adoption in May 2012. The revised regulations will apply to new homebuilding, as well as to additions to existing dwellings. and to any change in the incidental use of the lands in the front, side or corner side yards . These zoning revisions have been undertaken in response to the Ontario Municipal Board's (OMB) pre-hearing interim Order, issued in March 2013. The Board Order states that municipalities do have the authority to regulate neighbourhood character, under Section 34 of the Planning Act, RSO 1990. The Order indicates that neighbourhood character, at its most basic form, is the look along a street, or 'streetscape character'. The Order goes on to state that in addition to regulating land use, municipalities may also establish zoning regulations that pertain to the incidental uses of land that go hand in hand with the land use itself, such as accessory use of yards on a lot developed with a residential land use.

Planning report ACS2013-PAI-PGM-0114, presented to Planning Committee on June 25, 2013, outlines a zoning strategy for the revisions to the Infill By-law 2012-147 that links character to zoning. A Streetscape Character Analysis was introduced as a task to be completed whenever a rezoning, site plan control approval, consent to sever, minor variance, or building permit is submitted, or when a substantive change to the incidental use of lands in the front yard is proposed, such as in the case of installing a new driveway.

Further to the zoning strategy, adopted by Council on July 17, 2013, the purpose of the revised Infill By-law is to assist in maintaining and strengthening the established and recognized character of the mature residential neighbourhoods located in Wards 14, 15, 17, and parts of Wards 12 and 13. The City's policy to encourage infill and redevelopment that is in keeping with the existing built form and landscape of stable, older residential neighbourhoods has existed for many years, thus the necessity of creating zoning regulations that recognize the streetscape and promote new developments and additions that will be compatible with the dominant character of a few land use attributes that either contribute to, or may deter from the established look along a street.

The starting point of a design for an infill used to be a parking spot, which was an obligation. The result was houses that were built around a parking spot. Under the new

rules, the starting point of a design is the streetscape. Once that has been respected, parking is permitted. Parking has to be provided in a way that fits the streetscape, otherwise it's not allowed.

The revisions recommended to the Infill By-law would regulate only those land use attributes that directly impact the streetscape, including front yard setbacks, vehicular access by driveway or travelled rear lane, parking space type and location, the use and location of walkways, the treatment and landscaping of front, corner side and side yards, the orientation of the principal entranceway to the dwelling, and the visual prominence of the front wall of a dwelling. The Streetscape Character Analysis requires review of 21 lots, located on either side of, and across the street from, a proposed development.

Three recommendations are included in this report, including that Council endorse the revisions to the By-law and have it forwarded for the OMB Hearing, and subsequent Board enactment of the amended, final By-law; that Council recommend to Transportation Committee that it amend the Private Approach By-law (2003-447) to require the completion of a Streetscape Character Analysis to ensure that any new private approach be in keeping with the dominant character of access, and that if not, a private approach permit not be granted; and lastly, that staff be directed to undertake a two year monitoring period to determine the effectiveness of the provisions of the renamed Mature Neighbourhoods By-law 2012-147 once enacted by the Ontario Municipal Board, and report back to Planning Committee following the monitoring period

Finally, owing to the wide interest in new development, and additions to existing dwellings in the inner urban area, there will be staff training, in all areas of development and building permit approvals, as well as the creation of a public information booklet providing details on how to complete a Streetscape Character Analysis, with a procedural checklist that would be available on the city's webpage.

Financial Implications

All expenses will be accommodated from within existing budget, including: the two-year full-time employee who will be responsible for reviewing completed Streetscape Character Analyses (SCA); the staff training for those involved in the development review processes, building permits and private approach approvals; and the pamphlet for developers, landowners, and residents.

Public Consultation/Input

Over the past 10 months, staff has held seven stakeholder meetings including two design charettes. The meetings were themed to address the objectives and intent of the draft revisions to the By-law 2012-147. The issues and concerns that were raised by Community Association representatives, the appellants including developers and builders, and residents are addressed in this report.

Numerous changes have been made to the revised version of By-law 2012-147 as a result of these discussions, including the introduction of regulations to recognize new dwelling designs, including specific issues with corner lot developments, amongst other matters.

Comments received following the design charette were positive from both the residents and the builder and developer communities, with positive feedback given on the amount and type of public process during this appeal, as well as for the variety of design options that are feasible, based on the dominant streetscape characters.

RÉSUMÉ

Hypothèse et analyse

Le présent rapport fournit les détails des révisions recommandées au Règlement 2012-147 sur les aménagements intercalaires, modifié, qui ont fait l'objet d'un appel après leur adoption par le Conseil en mai 2012. La réglementation révisée s'appliquera aux nouvelles constructions résidentielles ainsi qu'aux habitations ayant subi des ajouts ou aux changements à l'utilisation imprévue des terrains dans les cours avant, latérales d'angle ou latérales. Ces révisions de zonage ont été entreprises en réponse à l'ordonnance provisoire préalable à une audience de la Commission des affaires municipales de l'Ontario (CAMO), émise en mars 2013. L'ordonnance de la Commission stipule que les municipalités disposent de l'autorité nécessaire pour réglementer le caractère des quartiers, en vertu de l'article 34 de la Loi sur l'aménagement du territoire, L.R.O. 1990. Cette ordonnance indique que le caractère d'un quartier, dans sa forme la plus élémentaire, provient de l'aspect des rues ou du « caractère du paysage de rue ». L'ordonnance indique ensuite que, en plus de réglementer l'utilisation du sol, les municipalités peuvent également établir des règles de zonage portant sur les utilisations accessoires qui vont de paire avec l'utilisation du sol elle-même, comme l'utilisation accessoire des cours situées sur un lot résidentiel.

Le rapport de planification ACS2013-PAI-PGM-0114, présenté le 25 juin 2013 au Comité de l'urbanisme, décrit une stratégie de zonage s'appliquant aux révisions apportées au Règlement 2012-147 sur les aménagements intercalaires, qui associe le caractère des quartiers au zonage. L'analyse du caractère du paysage de rue a été instaurée comme étape à franchir lors des demandes de modification de zonage, d'approbation du plan d'implantation, d'autorisation de séparation de terrain, de dérogation mineure ou de permis de construire, ou lorsqu'une modification importante à l'utilisation accessoire d'une cour avant est proposée, notamment dans le cas de l'aménagement d'une nouvelle entrée privée.

Pour faire suite à la stratégie de zonage adoptée le 17 juillet 2013 par le Conseil, le Règlement révisé sur les aménagements intercalaires a pour objet de contribuer au maintien et au renforcement du caractère existant et reconnu des secteurs résidentiels établis des quartiers 14, 15 et 17, et de parties des quartiers 12 et 13. La Ville applique depuis de nombreuses années une politique qui encourage les projets d'aménagement intercalaire et de réaménagement conformes à la forme bâtie et au paysage urbain des anciens quartiers résidentiels, et il est par conséquent nécessaire de créer des règles de zonage qui tiennent compte du paysage de rue et qui encouragent les aménagements et les ajouts compatibles avec le caractère dominant de quelques attributs d'utilisation du sol contribuant ou contraires à l'aspect des rues.

Le Règlement révisé sur les aménagements intercalaires n'exige toujours pas de places de stationnement, du moins dans le cas des immeubles résidentiels de douze unités d'habitation ou moins. Bien que des places de stationnement ne soient pas requises, elles sont uniquement autorisées si leur aménagement est conforme au modèle dominant déterminé par l'analyse du caractère du paysage de rue. Le stationnement devient une considération liée au caractère dominant et n'est donc plus accordé sans limite.

Les révisions recommandées au Règlement sur les aménagements intercalaires ne permettraient de réglementer que les attributs d'utilisation du sol ayant une incidence directe sur le paysage de rue, notamment les retraits en cour avant, l'accès des véhicules aux entrées privées ou aux ruelles, le type et l'emplacement des places de stationnement, l'utilisation et l'emplacement des allées piétonnières, le traitement et l'aménagement paysager des cours avant, latérales d'angle et latérales, l'orientation de l'entrée principale des habitations et l'importance visuelle du mur avant des habitations. L'analyse du caractère du paysage de rue nécessite l'examen de 21 lots, situés des deux côtés d'un aménagement proposé ainsi que de l'autre côté de la rue.

Trois recommandations sont décrites dans le présent rapport, notamment celle préconisant que le Conseil approuve les révisions au Règlement et les soumette à l'audition de la CAMO, puis que la CAMO promulgue le Règlement modifié sous sa forme définitive; que le Conseil recommande au Comité des transports de modifier le Règlement sur les voies d'accès privées (2003-447) de manière à exiger la réalisation d'une analyse du caractère du paysage de rue afin que toute voie d'accès privée soit conforme au caractère dominant des accès et que, dans le cas contraire, le permis de voie d'accès privée ne soit pas accordé; et enfin, que le personnel soit chargé d'entreprendre une période de surveillance de deux ans pour évaluer l'efficacité des dispositions du Règlement sur les quartiers bien établis (2012-147), une fois qu'il aura été édicté par la Commission des affaires municipales de l'Ontario, et d'en rendre compte au Comité de l'urbanisme après la période de surveillance.

Enfin, étant donné le grand intérêt suscité par les nouveaux aménagements et les ajouts aux habitations existantes dans le secteur urbain intérieur, les employés seront formés dans tous les domaines liés aux approbations des projets d'aménagement et de permis de construire, et de créer un livret public d'information fournissant les détails relatifs à la réalisation d'une analyse du caractère du paysage de rue, avec une liste des procédures qui serait mise à disposition sur le site Web de la Ville.

Répercussions financières

Toutes les dépenses seront remboursées à même le budget actuel, y compris le salaire pendant deux ans de l'employé à temps plein qui sera responsable d'examiner les analyses du caractère du paysage de rue; la formation du personnel participant aux processus d'examen des demandes d'aménagement, à la délivrance des permis de construire et à l'approbation des voies d'accès privées; et la brochure destinée aux promoteurs, aux propriétaires et aux résidents.

Consultation publique / commentaires

Au cours des dix derniers mois, le personnel de la Ville a organisé sept réunions avec les parties intéressées, dont deux charrettes de conception. Ces réunions étaient orientées de manière à aborder les objectifs et l'intention des révisions provisoires apportées au Règlement 2012-147. Les problèmes et les préoccupations soulevés par les représentants d'associations communautaires, les parties appelantes et notamment les promoteurs et les constructeurs, ainsi que les résidents ont été pris en compte dans le présent rapport.

De nombreux changements ont été apportés à la version révisée du Règlement 2012-147 par suite de ces discussions, notamment la mise en place de règles visant à reconnaître les nouvelles conceptions résidentielles, y compris les problèmes propres aux aménagements sur terrain d'angle.

Les commentaires reçus après les charrettes de conception étaient positifs, tant ceux des résidents que ceux des promoteurs et des constructeurs, notamment en ce qui concerne le nombre et le type d'activités publiques menées au cours de la période d'appel, ainsi que sur la variété des options de conception offertes, compte tenu des caractéristiques dominantes du paysage de rue.

BACKGROUND

The issue of ensuring that infill is in character with established neighbourhoods has had a long history, with Planning Committee first considering the planning report dealing with Low-Rise Residential Infill Housing in Mature Neighbourhoods (ACS2012-PAI-PGM-0097) on April 10, 2012. Council adopted Infill Zoning By-law 2012-147 on May 9, 2012 following a lengthy study and consultation process. Council also adopted revisions to the Urban Design Guidelines for Low-Medium Density Infill Housing, amongst other matters.

A motion was also carried on May 9, 2012 that stated that the City Clerk and Solicitor be directed to retain professional planning opinion with respect to front yard parking on lots with a minimum width of 5.6 metres in neighbourhoods within Capital Ward, such opinion of which is provided by Momentum Planning and Communications in Document 4. The planning opinion indicates that a prohibition on front yard parking on the narrower infill lots can be supported, but falls short of fully achieving the goal of properly integrating new infill into established neighbourhoods. In the planning consultant's opinion, parking should be completely prohibited on any narrow lot except where it has access from a travelled lane, and front yard parking should continue to be generally prohibited on lots of any width. The recommended revisions to the Infill By-law reflect the planning consultant's opinion, by replacing permission for front yard parking based on lot width, with a more general approach that permits the same or similar types of parking patterns as the dominant parking character determined through the Streetscape Character Analysis.

The Infill Zoning By-law was appealed to the Ontario Municipal Board (OMB) and was subsequently amended by By-laws 2012-247 and 2012-248, to require that a number of

regulations be based on the actual lot width rather than the minimum required lot width. These amendments were forwarded to the Board and became tied to the appeal.

The OMB, in its Interim Order of March 13, 2013 (OMB Order PL120666), agreed with the City's authority to regulate 'neighbourhood character', which at its basic level, is the look along any given street, or streetscape character. The Board directed the City to reconsider a number of provisions in the by-law to determine whether they were "sustainable under the rubric of 'character'". The details of the Interim Order are discussed in the report ([ACS2013-PAI-PGM-0114](#)) that was adopted by Planning Committee on June 25, 2013.

Planning Report ACS2013-PAI-PGM-0114, Response to Ontario Municipal Board Interim Order on Infill By-law 2012-147 affecting Mature Residential Neighbourhoods, outlined a zoning strategy for revisions to the Infill By-law that links character to zoning, and simplifies the rules. A Streetscape Character Analysis (SCA) was introduced as an additional task to be completed by a developer or landowner, the results of which are to be confirmed by the Planning and Growth Management Department as part of a development review process, on any lands within Schedule 279 to the Infill Zoning By-law 2012-147.

More particularly, whenever a rezoning, site plan control approval, minor variance, or building permit application is submitted, or a substantive change in the incidental use of lands in the front yard is proposed (such as the installation of or change in driveway location or width), to ensure such change or development is compatible with the streetscape character, a Streetscape Character Analysis is required. The SCA will document the character of attributes such as the front yard setbacks, incidental use of lands along the front and corner side yards, including landscaping, the existence and use of walkways, the existence of driveways and their location and width, and parking space location, all of which are land use matters that affect the look along a street. City Council approved the zoning strategy on July 17, 2013, and sent a request to the Board that it provide additional time to complete the Board's Order (which was to forward a revised Infill Zoning By-law 2012-147 to the OMB within five months of its Interim Order of March 13, 2013).

The Ontario Municipal Board has granted two extensions in order to allow extended consultation, and is aware of the extent of discussions that have been held leading to the City coming forward with the draft revisions to Zoning By-law 2012-147. The revised by-law is to be endorsed by Council and forwarded to the Board, with a request that this revision be that upon which the OMB Hearing on the merits of the by-law will be heard,

following which the Board will enact the final version of the By-law 2012-147, as may be further amended by the Board.

The Infill Zoning By-law 2012-147 has been revised following a series of stakeholder meetings, peer review, and two charettes, the details of which are discussed below, and detailed in Document 2. Concerns that were raised over the last 10 months, during these discussions, have been considered in the drafting of the revisions to the By-law.

DISCUSSION

The purpose of the revised Infill By-law is to assist in maintaining and strengthening the established and recognized character of the mature residential neighbourhoods located within the inner urban area of the City, in Wards 14, 15, 17 and parts of Wards 12 and 13. The City's policy to encourage infill and redevelopment that is in keeping with the existing built form and landscape of stable, older residential neighbourhoods has existed for many years, though it has been a challenge to ensure that new development and additions complement and reinforce the recognized patterns as seen along a street.

The recommended revisions to the Infill By-law are intended to regulate those land use attributes that are visible from the street, and that are the most affected by the introduction of new lots and dwellings, additions to existing dwellings and changes to the incidental use of the front, side and corner side yards amongst existing streetscapes.

Recommendation 1

Further to the Council-approved zoning strategy, the revisions to the Infill By-law regulate only those attributes that directly impact the streetscape: front yard setbacks, vehicular access via a driveway or travelled rear lane, parking space type and location, the use and location of walkways, the treatment and landscaping of the front, corner side and side yards, and the orientation of the principal entranceway of the dwelling.

The recommended changes to the By-law are inclusive of the results of the series of meetings held with stakeholders, including the appellants and representatives of the Community Associations over the last 10 months, site visits of recent projects, a peer review by local architects and two charettes. The charettes were facilitated by an architect retained by the City, to assist in the review of the proposed revisions to the by-law and the creation of a variety of design options that are compatible with established character and provide living space of a size that is comparable to current urban infill housing.

The by-law has been simplified to apply the regulations to both new home-buildings as well as to additions to dwellings and changes to incidental uses of lands in the front, side and corner side yards located within the Mature Neighbourhoods area, formerly identified as Schedule 279, but replaced by a more visible Overlay showing the area to which the by-law applies, as noted in Document 1.

The basic principle of the revised By-law is: 'your street gives you your rules'. The revisions to the By-law establish regulations based on an analysis of 21 lots, located on either side of and across from a proposed development, to determine the patterns of the four land use attributes that contribute most to, or could deter most from, streetscape character. Once those patterns have been documented, and confirmed by the Planning and Growth Management Department, the revised by-law will require that the new development, an addition to an existing dwelling, and any change to the incidental use of the front, corner and side yards must conform to the dominant Character Groups, detailed in a new Section 140, that represent the streetscape characteristics found for each land use attribute being regulated under a new Section 139. More specifically, no building permit will be issued if the new development, or addition does not conform to the zoning regulations of Sections 139 and 140.

Within each Character Group, there are a number of options for development, which in turn, permit flexibility of design while ensuring compatibility with surrounding lots. For example, there are four Character Groups that describe the parking patterns, and regulate the permitted parking patterns, with a list of various design options that would be compatible with the dominant Character Group.

Whereas the original By-law 2012-147 permits front yard parking on lots with widths of less than 7.6 metres, the revised by-law recommends a broader approach to parking and access based on the dominant Character Group confirmed along the street in which the development, addition, or change in incidental use of front yards and corner side yards beyond that which is permitted pursuant to the streetscape character, is proposed.

The original Infill By-law 2012-147 removes the obligation to provide parking for low-rise residential use buildings, though the draft revised by-law will require parking for dwellings with more than 12 dwelling units. With the removal of this obligation, parking becomes a consideration that is tied to the dominant character as seen on the streetscape, rather than the starting point of the design of a house. In other words, while a parking requirement created the situation where a house was designed around a

parking space, in the revised Infill By-law, an infill house is designed based on streetscape character.

While By-law 2012-147 no longer requires parking, the revised provisions will permit parking to occur in a manner that is consistent with the dominant Character Group found during the undertaking of the Streetscape Character Analysis. Where parking is a part of a streetscape's character, rear and interior side yard surface parking would be permitted, as would parking in a rear yard garage. However, the revised by-law requires that the use of the front yard be consistent with the dominant Character Group of front yards. Throughout the consultation that was undertaken as part of the original Infill Study, the loss of green front yards and canopy trees to the benefit of driveways and parking consistently emerged as the highest concern.

Similarly, access will be determined based on the dominant Character Group. Where the streetscape's dominant character is made up of driveway widths equal to one third or less of actual lot widths, then only a driveway that maintains that proportion to lot width may be permitted. Where driveways are the dominant character, a new one will be permitted on a lot without one, or on a newly created lot, but will be limited to whether single- or double-wide, based on the existing driveway widths and types documented in the SCA. Many examples of alternate forms of access and parking have been shown to be successful in cases of infill lots in Ottawa including shared driveways accessing shared surface side or rear parking, or underground garages; one driveway shared between two lots, either with or without a carriageway; and parking tucked behind each unit. These forms of infill reduce the paving of front yards, the removal of trees and green space, provide for front walls with entrances facing the street, while also recognizing that there will always be a demand for on-site parking by some residents. Of note, the revised By-law will require that where a travelled rear lane exists, access must be only from the lane, and no driveway will be permitted off the front lot line.

Removing the obligation to provide parking also removes the need to attempt to regulate the presence or absence of windows along the front wall of the dwelling. This regulation of the amount of glazing in the original By-law 2012-147 was an indirect way to avoid having facades dominated by garage doors. The revised by-law applies so that whatever the existing dominant Character Group is that which is allowable. This also means that where front yard parking has been legally established and is the dominant pattern, then it is permitted. But, where it is not the dominant pattern, or has not been legally-established, then no new front yard parking space is permitted. Further, the width of a permitted garage door will be based on whether the existing character

includes attached garages, and if so, whether they are single- or double-wide ones and the corresponding single- or double-wide garages that are consistent with the dominant character will be permitted.

During the revision process, the appellants were concerned that the revised By-law would not recognize nor permit the newer forms of housing that are being developed, including a new form of semi-detached dwelling, with one unit located behind the other. The appellants were further concerned that the typical form of infill consisting of replacing a detached dwelling with a semi-detached on a 15-metre-wide lot would be compromised. The Infill By-law has been revised to introduce a new type of dwelling design, referred to as a 'long semi', and various design scenarios for this dwelling type were tested during the first and second charettes to ensure that the revised regulations would work. Indeed, as these were being tested, news was released on a recent long semi development in Westboro, which has been lauded for being visually appealing and an appropriate form of infill that maintains streetscape character. This narrower version of the semi-detached resembles a detached dwelling, typically with one entranceway facing the street, and fits on lots with narrower widths than those required for traditional side-by-side semi-detached dwelling units. Long semis will need only one driveway accessing a shared parking area in the side or interior yard between the two units, either as surface parking or attached garages. The zoning regulations contained in the revised By-law will permit this new form of infill as-of-right, whereas it presently requires several minor variances.

In addition, there are specific design and zoning issues that affect development on corner lots, and these have been addressed in the revised by-law. Two forms of development have been recognized and regulated, so that both are permissible. The first involves the permission that development 'hug the streets', with the attached units wrapping around from the first onto the second street. In this scenario, multiple minor variances were always required, particularly for such simple matters as the fact that the purpose of the yards changes depending on design, with the function of interior side and rear yards reversed, but the numerical requirements do not reflect this change in function. To ensure that there remains an area on the corner lot where the design option is the wrap-around of dwelling units hugging both streets, staff has introduced a requirement for the creation of an interior courtyard that would be used for amenity space. This revision will ensure that the area of the lot that abuts the neighbouring lots' open space will also consist of open space, whether active or passive. These are simple regulations with the intent of ensuring that neighbouring lots are not impacted by undersized yard setbacks.

By-law 2012-147 as amended permits the averaging of the front yard setbacks of the lots abutting the affected lot, and though this is effective in permitting a new dwelling or addition that would extend as close to the front lot line as its immediate neighbouring lots, it may also result in the requirement that new dwellings set back much further than the minimum required front yard setback. In some cases, the abutting lots' front yard setbacks may be 10 or 15 metres from the front lot line, which far exceeds the minimum front yard setback of either 3 metres or 6 metres. Requiring that new housing be set far back from the front lot line, beyond that which is typically permitted, is not an efficient use of lands.

Staff recommends that the average of the abutting lots' front yard setbacks be the requirement, but that they need not set back further than 6 metres from the front lot line. The "alignment-or-up-to-6-metres option" will ensure against the underdevelopment of lots in the mature neighbourhoods, while recognizing that in some areas, streets have been developed with houses set back much further than the current 3-metre setback, which has been uniformly applied to the inner urban neighbourhoods.

However, there are parts of neighbourhoods where the underlying residential subzone has established a minimum 3 metre front yard setback, but the actual development pattern has larger setbacks, where the zoning should be rectified so as to apply the minimum 6-metre front yard setback. This revision will give recognition to those clusters with larger setbacks from the front lot line, while also enabling the efficient use of land.

Finally, the original May 2012 Infill By-law regulations required that any one type of projection had to be set back based on the other same projections located on the street. This proved onerous in that if the type of projection did not exist on the street, then the projection would not be permitted, as there would be no other same type from which to determine the build-to line, or rather the limit to the projection into the required yard setback. If there were no porches on the street, then no new porch would be permitted. There proved to be no reason to limit or otherwise prohibit a projection into any yard, other than to ensure that there is an absolute limit to how far the projection may jut outward from the building into a required yard. Staff recommends that the existing Section 65 regulations of Zoning By-law 2008-250 should continue to apply, save and except the extent to which unenclosed projections such as porches, decks and platforms may project, only as the rule applies to projecting into the front yard, to ensure some landscaping between the front lot line and the projection outward from the front wall of the dwelling. This general amendment to Section 65 is contained within the draft revised By-law 2012-147, noted in Document 1.

Implementation

Once the final version of By-law 2012-147 is enacted by the Ontario Municipal Board, the Urban Design Guidelines for Low-Rise Infill Housing, adopted by Council concurrent with the adoption of the Infill By-law in May 2012, will be reviewed and revised to reflect the final, approved By-law.

Staff will re-assign one full-time employee (FTE) for a period of two years, who will be responsible for reviewing completed Streetscape Character Analyses (SCA), required to be completed as part of all development applications, including Zoning By-law amendments, minor variances and building permit applications. The FTE requirement will be further assessed after the two-year period in order to determine how this process can be integrated with regular operations. Staff will be available to assist applicants seeking development approvals with the requirement to complete a Streetscape Character Analysis, including the methodology to be used. The SCA must be approved by staff who will confirm firstly, that the dominant character of the four land use attributes is correct, and secondly, that the development as proposed on the date the SCA is approved would be in conformity with the dominant Character Group of each of the four land use attributes, as described in Section 140. Note that the By-law 2012-147 will include an 18-month validity period of an approved SCA, recognizing that streetscape character may change should there be a significant time lag between the approval of the SCA and the approval of a building permit application.

Recommendation 2

The findings of the public consultations during the comprehensive Infill Study that took place between 2010 and 2012 that resulted in the Infill By-law 2012-147, as amended, as well as during the consultation with the stakeholder group and the consultant's report (Document 4) indicate that some of the incompatibility problems between the development of a new lot or dwelling are created when a landowner does not to apply for a private approach permit before obtaining a building permit. Once the building permit has been granted, there are no further development approvals that would allow the City or the neighbours to be informed as to the creation of a new driveway, and new curb cut from the street to the new driveway, and whether the proposal would be consistent with the dominant character along the street.

The Private Approach By-law 2003-447 is restrictive, in that no new private approach will be granted unless the curb cut and its effects are in conformity with all of the City's by-laws. This means that a new private approach will not be permitted where the curb

cut and resulting driveway access would not be in conformity with the Zoning By-law, including By-law 2012-147. However, without any development review process required, no Streetscape Character Analysis would have been undertaken to identify and confirm the dominant character of driveways and curb cuts within the affected Mature Neighbourhoods, and therefore, there would be no clear method to determine whether the permission for a curb cut would be consistent with the Zoning By-law.

Further, a new private approach is automatically granted for a 'single dwelling unit' (not defined to mean only a detached dwelling, but to have the broader meaning of one dwelling, as per definition in Private Approach By-law), when in compliance with City by-laws. Automatic approval of a new private approach should no longer be granted unless it is confirmed that a proposed new curb cut and access conforms to By-law 2012-147, meaning that it would have to be consistent with the dominant character of vehicular access, as prescribed in the revisions of By-law 2012-147. This approach reflects the principle that the Private Approach By-law must conform to all of the City's by-laws.

Staff will amend the Private Approach By-law 2003-447 so that the rules for private approaches for residential use dwellings will be in conformity with the Infill By-law 2012-147, the latter of which no longer requires parking for residential use buildings containing less than 12 units. The revision could indicate that not every dwelling unit must be automatically given approval for a new curb cut where the lot is located within the Mature Neighbourhood Overlay; and that where a private approach has been applied for, in the absence of any previous development review process where a Streetscape Character Analysis already has been undertaken and approved, that a modified Streetscape Character Analysis must be completed as part of the application for a new private approach in areas affected by Infill By-law 2012-147. Only where a proposed new private approach is consistent with the dominant pattern of location and widths of curb cuts and driveways that exist along the street upon which the new private approach is proposed, would it be approved.

Recommendation 3

A monitoring period of two years from the date of OMB enactment of the revised Mature Neighbourhoods By-law 2012-147 would be appropriate, given the consistent numbers of projects that are undertaken in the neighbourhoods affected by Schedule 279 to Infill By-law 2012-147, to be replaced by the Mature Neighbourhoods Overlay, as noted in Document 1.

Education and Training

Given the high level of interest in ensuring that those mature residential neighbourhoods subject to the Infill by-law regulations are being developed in keeping with the established streetscapes and landscapes, staff training will be undertaken for those who are involved in development review processes, building permits and private approach approvals. A pamphlet for developers, landowners, and residents will be developed that details how to complete a Streetscape Character Analysis, the listing of land use attributes that must be considered, as well as a procedural checklist, that would also be available on the city's webpage. Staff will prepare a number of illustrations as an Appendix to the Zoning By-law to aid in the understanding and application of the Mature Neighbourhood zoning provisions. Note that illustrations do not form part of the Zoning By-law, but will be included purely to aid in the understanding of a zoning definition or regulation.

URBAN DESIGN REVIEW PANEL

Not applicable, as this is the response to an Ontario Municipal Board Interim Order on an appeal.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Since the July 2013 Council adoption of the Zoning Strategy on this matter, staff has held seven stakeholder meetings over the past 10 months. Themed meetings were held to focus greater attention to the issues and possible solutions to parking and how incidental uses of lands that abut a street contribute to or deter from an established streetscape character. In addition, there have been at least 10 meetings with various members of the stakeholder group including the appellants, and specific Community Associations, each at their request, with all stakeholder members being kept advised of the discussions at the subgroup meetings.

Notes and Frequently Asked Question (FAQ) sheets were emailed to the stakeholders group in early Fall 2013. Attached as Document 3, are copies of the three sets of FAQs. The questions dealt with in the FAQs are all as a result of stakeholder's questions, issues or suggestions. Appellants against Infill By-law 2012-147, as amended, were included in the stakeholder meetings, as were representatives from Community Associations affecting the neighbourhoods within the area to which the by-law applies.

An architect was retained to facilitate two design charrettes early in 2014 with the objectives of: 1) determining the viability of the proposed revisions in terms of whether new development would be able to be designed in a manner in which parking could be provided on site, in a manner that does not detract from dominant character where the street may not provide on-site parking or individual driveways per unit; and 2) determining the formats and sizes of possible developments, where the ground floor area would be large enough to contain the usual types of spaces, including entrances, kitchens, powder rooms and family rooms. The objective of the first charrette was to test five specific design options to determine whether they were feasible given the revised requirements, including whether on-site parking could be provided in a manner that does not detract from the streetscape character; and the objective of the second charrette was to determine whether the initial proposed building envelope regulations of the Infill Two Study and the recommended revisions to By-law 2012-147 will work in concert, and ensure that development, additions and changes in incidental uses of the specified yards will be able to meet both sets of regulations.

The results of the first charrette were that 21 of the 30 design scenarios enabled more than one parking space to be provided on-site, without detriment, neither to the streetscape, nor to abutting neighbours. Those options that did not provide on-site parking demonstrated that the development potential of even very small lots produced large habitable spaces in lower buildings with rear yards comparable in size to surrounding areas. The 30 design scenarios represent a sample of design options that would be permissible.

The concerns raised throughout the stakeholder participation process and staff recommendations to resolve these concerns have been considered in the drafting of the revisions to the By-law 2012-147, and are detailed in Document 2 – Consultation Details.

COMMENTS BY THE WARD COUNCILLORS

Councillor Chernushenko (Ward 17 – Capital) has commented as follows:

“City staff have consulted widely with the affected residents and the development industry in order to develop revisions to the Infill Zoning By-law that are fair, but which reclaim for residents and their elected officials the ability to regulate and thereby protect neighbourhood character. Council, most notably councillors from wards with so-called "mature neighbourhoods" are expected by citizens to take on this responsibility, and I

support the manner in which this report and its recommendations have provided us the tools needed to do so.”

Councillor Fleury (Ward 12 – Rideau-Vanier) commented as follows:

“Councillor Fleury is aware of the staff report and is supportive of the recommendations. I am glad to see that we are establishing a clear toolkit for developers and residents to use to ensure that the character of communities is respected. This new found predictability will lead to a better urban fabric where new small-scale development projects can properly integrate with our historic mature neighbourhoods. I am also glad to see that we are protecting the option for new infill projects to be built without parking requirements. We are continually making improvements to the liveability of our core and for many people, living car free is the best option. While OMB appeals are never desired, in this circumstance it has led to a better, stronger bylaw.”

Councillor Hobbs (Ward 15 – Kitchissippi) commented as follows:

“Infill has been, and remains one of the most contentious issues in Kitchissippi Ward. While almost everyone purports to support intensification, there are major and varied concerns with how it has been achieved. I’m pleased that the department has focused on the pattern of splitting a single family home lot in two to create two semi-detached homes. This has been the most common form, and has presented the most issues. I’m pleased by the approach taken by staff in having two design charettes and coming up with 30 viable development options that are more compatible than what we have under construction across the city today. I look forward to the second phase of the infill study that addresses height and massing.

Given the level of concern and the immediacy of the impact infill construction has on residents’ both during construction and once built, I wonder if the level of scrutiny the City provides on infill is adequate. I believe the department should assess whether a trial of the Development Permit System would be a good tool for Infill construction, which would allow great flexibility in addressing unique site conditions and concerns, as well as added ability to impose conditions that could go a long way toward truly making infill compatible in our mature neighbourhoods.”

LEGAL IMPLICATIONS

The proposed revisions to the Zoning By-law, if endorsed by Council, will be submitted to the Ontario Municipal Board for approval.

In the event of opposition to the proposed revisions, it is expected that any resulting hearing could be conducted within staff resources. The length of such hearing would depend on the nature of the concerns raised.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

FINANCIAL IMPLICATIONS

All expenses will be accommodated from within existing budget, including: the two-year full-time employee who will be responsible for reviewing completed Streetscape Character Analyses (SCA); the staff training for those involved in the development review processes, building permits and private approach approvals; and the pamphlet for developers, landowners, and residents.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TECHNOLOGY IMPLICATIONS

Information Technology approved this report without comment.

TERM OF COUNCIL PRIORITIES

The report has a direct impact on the following Term of Council Priorities:

TM4 – Promote alternative mobility choices

ES3 – Reduce environmental impact

SE1 – Ensure a positive experience for every client interaction

GP1 – Improve the public's confidence in and satisfaction with the way Council works

GP2 – Apply management tools to achieve Council's priorities

GP3 – Make sustainable choices

SUPPORTING DOCUMENTATION

Document 1 Draft Revised Zoning By-law 2012-147

Document 2 Consultation Details

Document 3 Frequently Asked Questions

Document 4 Consultant Report on Prohibition of Front Yard Parking on Lots less than 5.6 metres in Ward 17 (on file with the City Clerk)

DISPOSITION

Legal Services to forward the draft revisions to Infill By-law 2012-147, as amended to the Ontario Municipal Board, with Council's request that the revised By-law be that upon which the OMB Hearing on the substantive issues will be heard, and that once the Hearing has been disposed of including any further amendments as the Board may order, that the OMB enact By-law 2012-147.

Document 1 – By-law No. 2012-147 (Revised)

A by-law of the City of Ottawa to amend By-law No. 2008-250 of the City of Ottawa to provide regulations for the control of low-rise residential development in mature neighbourhoods.

The Council of the City of Ottawa, pursuant to Section 34 of the Planning Act, R.S.O.1990, enacts as follows:

1. Part 5, Residential Provisions of By-law No. 2008-250, is amended by adding two new Sections, being Sections 139 and 140 as follows:

“Section 139. Low-Rise Residential Development in the Mature Neighbourhood Overlay

The purpose of the Mature Neighbourhoods Overlay is to regulate the **character** of low-rise residential development in order to recognize and reflect the established **character** of the streetscapes within the area of the Overlay. The local streetscape **character** is the key consideration in determining how a) a new **dwelling** on a new lot, b) a new dwelling on an existing **lot**, c) a conversion of a **residential use building** from one dwelling type to another permitted dwelling type, d) an addition to an existing **residential use building**, and e) the **incidental use of lands** within **front**, **interior side** and **corner side yards** on residential **lots**, will be permitted to develop, so that it complements and reinforces the established neighbourhood **character** as seen along each street..

139. The following subsections take precedence over any other provision in Parts 2 to 14 or of this by-law to the contrary and over any provision in Part 15 to the contrary enacted prior to this by-law, save and except: a) all of Part 5, other than section 123; b) all of Part 6, other than subsections 157 (7), 159 (8), 161 (10) and 163 (10); c) section 57; d) subsection 60(1); e) section 65; and f) section 108, and apply on a lot in any zone where a **residential use building** of four or fewer storeys is permitted, within the boundaries shown on the Mature Neighbourhoods Overlay. The regulations apply to any **lot** developed with, or to be developed with a permitted **residential use building** within the area identified by the Mature Neighbourhoods Overlay.

Definitions

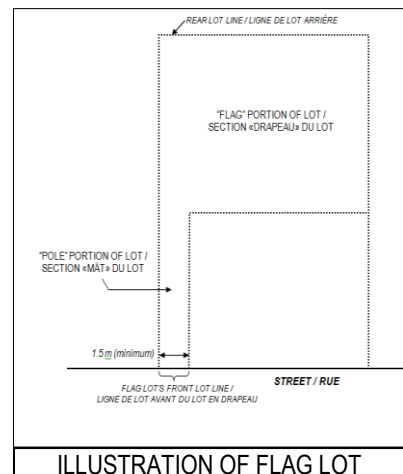
1. For the purposes of Sections 139 and 140, the following definitions apply:
 - (i) **Attribute** means a land use quality or feature, regarded as a characteristic of, and an inherent part of, the streetscape **character**,

inclusive of the use, **incidental use of lands**, buildings and associated uses, and includes building and entrance orientation with respect to the street; treatment of yards abutting a street; the location and type of access to a site for pedestrians and vehicles; and the location of parking.

- (ii) **Basement Garage** means a garage that is located below **existing average grade**, and in whole or in part beneath the habitable portion of a dwelling, and is not considered to be an attached garage.
- (iii) **Carport** means an area for a parking space having a roof supported by columns, piers or walls and in which the total area of all closures around the perimeter thereof does not exceed 50% of the total area of all sides of said carport, from the floor to the underside of the wall plate or beams supporting the roof.
- (iv) **Character** means the recurrence or prevalence of **patterns** of established building setbacks, site layouts, orientation of the **principal** entranceway to the street, **incidental use of lands**, and landscapes that constitute a streetscape, based on identified and confirmed land use **attributes**.

- (v) **Dominant** means:

In the case of **patterns**, the **dominant pattern** is the most frequently occurring **pattern** as set out in Section 140 for each of the **attributes** being documented in a Streetscape Character Analysis; and



In the case of Character Groups, the **dominant** Character Group is the most frequently occurring Group as detailed in Section 140, inclusive of the various patterns that constitute it, for each of the **attributes** being documented in a Streetscape Character Analysis.

- (vi) **Double driveway** means a **driveway** designed to be no wider than necessary to accommodate two motor vehicles side by side.
- (vii) **Existing** means:

- a. In the case of **front yard setback** and **corner side yard requirements**, based on the average of the buildings' actual **front yards** and **corner side yards** located on the **lots abutting** an affected **lot**, means as of the date a completed application, as defined herein under Part 2 (c) – Transition, for a development approval including a zoning by-law amendment, minor variance or building permit; and applies equally when applied to an **existing** building or **existing** dwelling on a **lot** other than the affected **lot**, and
 - b. In the case of **existing average grade**, and in the case of a Streetscape Character Analysis, means as of the date that the Streetscape Character Analysis has been approved by the Department of Planning and Growth Management.
- (viii) **Existing Average Grade** refers to the manner in which grade is calculated under subsection 139 (24) for purposes of determining building height.
- (ix) **Flag lot** means a lot with two distinct parts: the flag, which is the only building site; and the pole, which connects the flag to the street and provides the only street frontage for the lot.
- (x) **Immediately opposite** means across the street, and may be used in both the context of a lot located most directly across the street from the subject lot, or of a development located most directly across the street from the subject or proposed development.
- (xi) **Incidental use of land** means how the land is treated or used, including land within front, interior side and corner side yards, for purposes such as landscaping, vehicular access or pedestrian access.
- (xii) **Long semi-detached dwelling** means a **residential use building** that contains two **dwelling units**, where the **dwelling units** are attached and arranged one behind the other.
- (xiii) **Pattern** means a specific arrangement of each of the land use **attributes**.
- (xiv) **Single driveway** means a **driveway** designed to be no wider than for one motor vehicle.

General Provisions

(1) The following provisions apply to any lot developed with, or to be developed with, a **residential use building**, in any **zone** where **residential use buildings** are permitted.

(a) For the purposes of this section and section 140, **diplomatic missions** are considered to be **residential use buildings**.

(b) A Streetscape Character Analysis must be approved on a **lot**, within the Mature Neighbourhood Overlay, prior to any development approval or building permit approval of a residential land **use**, or prior to a change in the **incidental use of lands** that impacts an **attribute** such that the **attribute** changes from being in one Character Group to being in another Group by virtue of the Character Group's requirement, as detailed in Section 140.

(c) For the purposes of clause (b), development approval includes any zoning by-law amendment, minor variance approval, site plan control approval, or building permit approval; and development approval applies to all of the following:

(i) a new **dwelling** on a new **lot**,

a. (ii) a new dwelling on an existing **lot**,

b. (iii) a change in use from one type of **residential use building** to another permitted dwelling type,

c. (iv) an addition to an existing **residential use building**, and

(v) the **incidental use of lands** within **front**, **interior side** and **corner side yards**.

(d) A Streetscape Character Analysis, once approved, is valid for a period of eighteen months from the date of approval.

Front yard Setback

(2) The required **front yard setback** must be:

- (a) In the case where there are **residential use buildings** on the **lots** abutting each **side lot line** of the affected **lot**,
 - (i) on an **interior lot**, the average of the **existing** setbacks of the **abutting lots** on which the **dwelling**s face the same street as the affected **lot**;
 - (ii) on a **corner lot**, the **front yard setback** of the abutting residential **lot** that faces the same street as the affected **lot**, or
 - (iii) on a **corner lot**, where more than one **dwelling unit** is proposed and where one or more **units** will face one frontage, while one more **units** will face the other frontage, the **existing front yard setback** of each abutting residential **lot** whose **principal** entranceway faces the corresponding street frontage of the affected **lot**;
 - (iv) on an interior **lot** abutting a corner **lot** where the dwelling on the corner **lot** faces a different street, the **front yard setback** of the abutting residential **lot** that faces the same street as the affected **lot**,

but in no case does the **front yard setback** need to exceed 6 metres.

- (b) In the case of either a **corner lot** or an **interior lot**, where one or both of the **abutting lots** contains a non-residential use **building** or a **mixed use building**, the average of the **existing** setbacks of the **buildings** on the **abutting lots**, but in no case does the **front yard** need to exceed 6 metres.
- (c) In the case where there is a vacant **lot abutting** the affected **lot**, the **front yard setback** will be averaged based on the actual **front yard setback** of the closest **building** on the next adjacent **lot**, located within 15 metres of the affected **lot's** closest **side lot line**.
- (d) In all other cases, the provisions of the underlying **zone** with respect to **front yard setbacks** apply.

Zoning Provisions for Attributes that Define Streetscape Character

- (4) (a) The regulations affecting the following **attributes** are based on the **dominant pattern** as identified through a Streetscape Character Analysis in accordance with clause (2) (b):
- (i) **Landscaping** of the **front yard, interior yard, interior side yard, and corner side yard**,
 - (ii) location and width of driveways;
 - (iii) location and size of all parking spaces, garages and **carports**; and
 - (iv) orientation of **principal** entranceways.
- (b) **Attribute patterns** are grouped into Character Groups in Section 140. The **dominant** Character Group identified in a Streetscape Character Analysis, which may be comprised of more than one **pattern** within the same Character Group, establishes the requirement and creates the permissions for each of the **attributes** identified in clause (4) (a).
- (c) The Character Groups in each of the Tables in Section 140, include a specific requirement that must be met, prior to determining which type of **pattern**, identified in the Table rows, would be permitted in the case of new development, an addition to a **dwelling**, or a change in **incidental use of lands**. One or more of the types of **patterns** may be found in the Streetscape Character Analysis, but will only be permitted in the case of a development approval as described in subsection 139 (2), clause (c), provided it meets the specific requirement of the **dominant** Character Group.

Provisions for Streetscape Character Analysis

- (5) (a) A Streetscape Character Analysis must record, for the **attributes** listed in subsection 139 (4), clause (a), the **patterns** as set out in Section 140, for 21 lots on the same street as the affected **lot**, as provided below.
- (b) The **attributes** listed in subsection 139 (4), clause (a) must be recorded for 21 lots located on the same street as the affected **lot**, as follows:
- (i) the ten **lots** nearest the affected **lot** abutting the same side of the street and located within the same block;

- (ii) the lot **immediately opposite** and across the street from the affected **lot**, and
 - (iii) the ten **lots** nearest the **lot** specified in (ii) herein, located within the same block as the affected **lot**.
- (c) Despite clause (b), where the affected **lot** is located on a block between two intersections and where:
 - (i) there are more than five but less than eleven **lots** on the same block and the same side of the street as the affected **lot**, documenting every one of those **lots** is deemed to satisfy subclause (5) (b) (i);
 - (ii) there are more than five but less than eleven **lots** on the same block, but on the opposite side of the street as the affected **lot**, documenting every one of those **lots** is deemed to satisfy subclauses (5) (b) (ii) and (5) (b) (iii).
- (d) Despite clauses (b) and (c), where the affected **lot** is located on a block between two intersections and where:
 - (i) there are five or fewer **lots** on the same block and the same side of the street as the affected **lot**, documenting every one of those **lots** is deemed to satisfy subclause (5) (b) (i);
 - (ii) there are five or fewer **lots** on the same block, but on the opposite side of the street as the affected **lot**, documenting every one of those **lots**, is deemed to satisfy subclauses (5) (b) (ii) and (5) (b) (iii);
 - (iii) there are five or fewer **lots** on the same block, and on each side of the street as the affected **lot**, and there are five or fewer **lots** located on each side of the same street beyond either intersection, documenting all of the **lots** on both sides of the street within the same block as the affected **lot** is deemed to satisfy clause 5 (b).

When documenting **lots** beyond the block on which the affected **lot** is located, such documentation need not extend more than one block further on either side of each intersection.

- (e) Despite clauses (b), (c) and (d), where the affected lot is located on a block between two intersections where:
 - (i) the total number of **lots** between the two intersections on either side of the **lot** is less than 21 but more than 11, documenting all the **lots** on the block on both sides of the street is deemed to satisfy clause 5(b);
 - (ii) the street, on which the affected **lot** is located, consists of only one block or is only developed on one side, documenting all the **lots** on the block on both sides of the street is deemed to satisfy clause 5(b).
- (f) Despite clauses (b), (c), (d) and (e), where:
 - (i) the street, on which the affected lot is located, terminates at the end of the block, but is at least one more block in length in the other direction; and
 - (ii) the next block has five or more **lots** on the same street; and
 - (iii) there are fewer than 21 **lots** on the block on which the affected **lot** is located,

lots located beyond the said intersection may be included as part of the 21-lot analysis undertaken pursuant to subclauses 5 (b) (i) and (ii).

- (g) Where a **lot** among the set of **lots** specified in clauses (b) to (f), as applicable,
 - (i) is vacant;
 - (ii) is developed with or used for non-residential uses;
 - (iii) has a basement garage, a garage that is flush with the front wall of the dwelling, or a garage that is located closer to the front lot line than the principal dwelling; or
 - (iv) has front yard parking that was not legally established,

that **lot** must be documented in the Streetscape Character Analysis, but may not be counted towards the **dominant character** of the streetscape.

- (h) In the case of a **corner lot**, **lots** fronting on both streets as the affected **lot**, are to be documented in the Streetscape Character Analysis, with 21 lots fronting on the same street as the **principal** entranceway of the affected lot documented, and 11 lots fronting on the same street as the affected lot's **corner side lot line** documented . Where there are fewer than the required number of lots to be documented herein, clauses (5) (c) through (g) above apply.

Incidental use of Lands

- (6) The **incidental use of lands** of the **front yard** may only consist of a **pattern** identified within the **dominant** Character Group as described in Subsection 140 (1) and as confirmed in a Streetscape Character Analysis.

Parking

- (7) Except in the case of an **apartment dwelling**, **low-rise**, **stacked dwelling** or **apartment mid-high rise** with more than 12 **dwelling units**, no parking is required and sections 101, 102, 107 and subsections 109 (4) to (12) inclusively, do not apply.
- (8) Where parking is provided, it must be of a **pattern** that is listed within the Character Group in Subsection 140 (2) that has been confirmed as being the **dominant** Character Group, through a Streetscape Character Analysis, subject to the provisions of subsections 139 (9) through (14) below.
- (9) Despite subsection 139 (8), where the **lot** abuts a rear lane:
 - (a) If the lane is a travelled lane, a provided **parking space** must not be located in a **front yard**, **interior side yard**, or **corner side yard** and must be accessed only by a driveway from the rear lane.
 - (b) If the lane is untravelled, any provided parking may be:
 - (i) accessed by a driveway from the rear lane, subject to the lane or a section thereof being reinstated as a travelled lane; or
 - (ii) provided in accordance with subsection 139 (8).

Garages, Carports and Front Yard Parking

- (10) Despite Subsection 139 (8),

- (i) no part of a garage or **carport** may be located closer to the **front lot line** than the **front wall** of the **residential use building**, and
- (11) Where permitted, the maximum width of one or both doors of an attached garage and the entrance of a carport is:
 - (a) for a single attached garage or **carport**: 3 metres
 - (b) for a double attached garage or **carport**: 6 metres
- (12) The following are prohibited unless they are determined to be the **dominant pattern** along the streetscape:
 - (a) **basement garages**;
 - (b) garages or carports that are setback the same distance from the **front lot line** as the **front wall** of the **residential use building**;
 - (b) legally-established front yard parking.

Driveways

- (13) Where permitted, the maximum width of a driveway is:
 - (a) for a single-wide driveway: 2.6 metres
 - (b) for a double-wide driveway: 5.2 metres
 - (c) In the case of an **apartment dwelling, low-rise**, a **stacked dwelling**, or an **apartment, mid-high rise**, the maximum permitted width for a driveway that leads to:
 - (i) less than 20 parking spaces: 3.6 metres
 - (ii) 20 or more parking spaces: 6 metres.
- (14) A driveway may be shared by two or more **dwelling**s or **dwelling units** on the same **lot** or on **abutting lots**.

Pedestrian Access - Walkways

- (15) A walkway located in a **front yard** or **corner side yard** is permitted only:
 - (a) where it provides access between a driveway and an entranceway to the dwelling, or

- (b) where extending from the right-of-way back to the dwelling and it is not abutting the **driveway**, and
 - (c) if it does not exceed 1.25 metres in width.
- (16) No person may park a motor vehicle on a walkway, or portion of a walkway.

Entranceways

- (17) Principal Entranceway(s)
- (a) must be of a **pattern** that is listed within the Character Group in Subsection 140 (3) that has been confirmed as being the **dominant** Character Group, through a Streetscape Character Analysis.
 - (b) In the case of **detached dwellings**, **linked detached dwellings**, and **townhouse dwellings**, clause (a) applies to each **dwelling unit**.
 - (c) In the case of **long semi-detached dwellings**, only the **principal** entranceway to the **dwelling unit** closest to the street needs to be in the front wall.
 - (d) In the case of **semi-detached dwellings**, **duplex dwellings** and **three-unit dwellings**, at least one **principal** entranceway must be located along the front wall.
 - (e) In the case of **stacked dwellings**, subsection (17), clause (a) applies to each attached pair of dwelling units.

Long Semi-detached Dwellings

- (18) A **long semi-detached dwelling** is permitted in any zone where a **semi-detached dwelling** is permitted within the Mature Neighbourhood Overlay, in accordance with the following:
- (a) where a provision of this by-law applies to a **semi-detached dwelling**, other than subsections 139 (17), (19), (20), and (21), the provision applies to a **long semi-detached dwelling**;
 - (b) Despite (a), and any future severance, the lands on which a long semi-detached dwelling is located are considered one lot for zoning purposes;

- (c) The minimum lot width is 10 metres, and where a **long semi-detached dwelling** is severed in a **flag lot** configuration, the minimum width of the pole portion of the flag lot must be 1.5 metres, and must be measured a distance of 1.5 metres from the original **lot's interior side lot line**.

Dwellings on Corner Lots

- (19) In the case of a **semi-detached dwelling** on a **corner lot**, where the **principal** entranceway of one of the **dwelling units** is located along one street **frontage**, and the **principal** entranceway of the other **dwelling unit** is located along the other street **frontage**, the development is to be treated as one lot for zoning purposes only in the case of:
 - (a) determining the location of the front lot line, which is the shorter of the two lot street frontages, and for determining how to apply the minimum required lot width, and
 - (b) determining the location of the interior side yards and rear yards.
- (20) Subsection 139 (19) applies to **townhouse dwellings**, where one or more **principal** entranceways is located on one street **frontage**, and one or more **principal** entranceways is located along the other street **frontage**.
- (21) In the case of **semi-detached dwellings** or **townhouse dwellings** located on a **corner lot**, where one or more **principal** entranceways, as the case may be, is located on a separate street **frontage**, the requirements are as follows:
 - (a) The minimum **lot width** required along the **front lot line** is 15 metres.
 - (b) The minimum required **front yard setback** and **corner side yard setback** is the **existing front yard setback** of each **abutting** residential **lot** whose **principal** entranceway is located along the corresponding street **frontage** of the affected **lot**; and clauses 3 (b), (c) or (d) applies as the case may be, where there is an **abutting** vacant **lot**, non-residentially-zoned **lot** or **mixed use**-zoned **lot**.
 - (c) Where the **interior side yard abuts** an **interior side yard** on the abutting **lot**, it must be a minimum of 1.2 m
 - (d) Where the **lot abutting** the **corner lot** is vacant, the minimum required **interior side yard setback** on the **corner lot** is the minimum required for the use in the applicable zone.

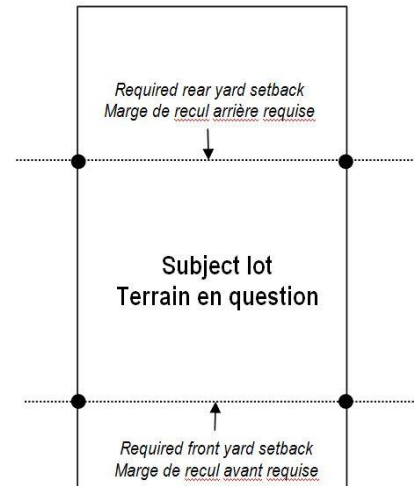
- (e) Where the **rear yard** abuts an **interior side yard** on the **abutting lot**, and
 - (i) An **interior yard** is created by extending a line from the rear of the **existing dwelling** on the **abutting lot** across the shared **lot line**, into the affected lot for a distance from that shared **lot line** equal to 30% of the actual **lot width**, after which the **interior side yard** may be reduced to 1.2 m; or
 - (ii) It must be a minimum of 4 metres, where there is no **interior yard**.
 - (f) The **interior yard** must not be used for any building or structure, parking, driveway or a permitted projection, and must be landscaped with **soft landscaping**.
- (22) In the case of a **semi-detached dwelling** or a **townhouse dwelling** on a **corner lot**, whether it is to be severed or not, and where all of the **principal** entranceways are facing the street with the longer frontage, the **lot line** abutting the longer frontage is considered to be the **front lot line**, and the **yard abutting** the longer frontage is considered to be the **front yard**, and all corresponding **yards** and regulations affecting **yard setbacks** are based on the location of the **front yard**, and the following applies:
- (a) The minimum **front yard setback** is per Section 139 (3) (a) (ii), Section 139 (3) (b), or 139 (3) (c), as the case may be,
 - (b) No yard setback is required between the pair of **semi-detached dwelling units**, nor between the attached **townhouse dwelling units**,
 - (c) The minimum **interior side yard** setback is 1.2 metres, and
 - (d) The **minimum rear yard** setback may be reduced to 4 metres where it provides access to permitted parking.

Building Height

- (23) Where this Section applies, building **height** must be measured using the **existing average grade** as determined under subsection 139(24).
- (24) **Existing average grade** must be calculated prior to any site alteration and based on the average of grade elevations taken along both **side lot lines** at the minimum required **front yard setback**, and at the minimum **rear yard setback** of the zone in which the **lot** is located.

Area Specific Exemption

- (25) This Section does not apply to a residential use building constructed after April 24, 2012 at 570, 572, 574, 576, 578 and 580 Athlone Avenue.



Section 140. Front Yard Patterns, Parking Patterns and Entranceway Patterns

(1) The following **incidental uses** of the **front yard** are permitted, subject to the provisions of Subsections 139 (4) clauses (b) and (c) and 139 (6).

- a. **Front yard** zone provisions are set out in Table 140 A, where each Character Group, listed in Columns II, III and IV, permits a number of compatible patterns, listed in the Table rows, which have been identified by an (▪).
- b. No type of **pattern** listed in the rows is permitted if it does not meet the **dominant** Character Group's requirement.
- c. Patterns without an (▪) are not permitted.

Table 140 (A)- Front Yard Patterns and Provisions

FRONT YARD PATTERNS				
Condition	Column I Character Group A	Column II Character Group B	Column III Character Group C	Column IV Character Group D
Character Group Requirement	Fully landscaped front yard	Landscaped front yard in front of the principal dwelling	Landscaped front yard in front of a portion of the principal dwelling	Small or no landscaped front yard
(i) Entire front yard , from side lot line to side lot line across the frontage, consists of soft landscaping , and may also contain a walkway	▪	▪	▪	▪
(ii) Entire front yard , from	▪	▪	▪	▪

FRONT YARD PATTERNS				
Condition	Column I Character Group A	Column II Character Group B	Column III Character Group C	Column IV Character Group D
Character Group Requirement	Fully landscaped front yard	Landscaped front yard in front of the principal dwelling	Landscaped front yard in front of a portion of the principal dwelling	Small or no landscaped front yard
lot line to lot line across the frontage, consists of a mix of soft landscaping and hard landscaping , and may also contain a walkway.				
(iii) The front yard consists of soft landscaping across the entirety of the front wall of the principal dwelling , and may also contain a walkway	Not permitted	▪	▪	▪
(iv) The front yard consists of a mix of soft landscaping and hard landscaping across the entirety of the front wall of the principal dwelling , and may also contain a	Not permitted	▪	▪	▪

FRONT YARD PATTERNS				
Condition	Column I Character Group A	Column II Character Group B	Column III Character Group C	Column IV Character Group D
Character Group Requirement	Fully landscaped front yard	Landscaped front yard in front of the principal dwelling	Landscaped front yard in front of a portion of the principal dwelling	Small or no landscaped front yard
walkway				
(v) The front yard consists of soft landscaping across the entirety of those parts of the front wall of the principal dwelling that do not contain a garage, or covers the entirety of the front yard not occupied by a legally-established front yard parking space, and may also contain a walkway.	Not permitted	Not permitted	▪	▪
(vi) The front yard consists of a mix of soft landscaping and hard landscaping across the entirety of those parts of the front wall of the principal dwelling that do not contain a garage,	Not permitted	Not permitted	▪	▪

FRONT YARD PATTERNS				
Condition	Column I Character Group A	Column II Character Group B	Column III Character Group C	Column IV Character Group D
Character Group Requirement	Fully landscaped front yard	Landscaped front yard in front of the principal dwelling	Landscaped front yard in front of a portion of the principal dwelling	Small or no landscaped front yard
or covers the entirety of the front yard not occupied by a legally-established front yard parking space, and may also contain a walkway				
(vii) A permitted projection extends to the municipal right-of-way, or occupies all, or part of the width, of the front yard between the front lot line and the principal dwelling .	Not permitted	Not permitted	Not permitted	▪
(viii) The principal dwelling extends to the front lot line .	Not permitted	Not permitted	Not permitted	▪

- (2) The following locations and sizes of driveways and of parking spaces are permitted, subject to the provisions of Subsection 139 (4), clauses (b) and (c) and Subsections 139 (7) through (13) inclusive.

- (a) Access and parking provisions are set out in Table 140 B, where each Character Group, listed in Columns II, III and IV, permits a number of compatible **patterns**, listed in the Table rows, which have been identified by an (▪);
- (b) Neither a driveway nor a **parking space** may be permitted if the percentage of the driveway width is greater than that required for the **dominant** Character Group that has been determined through the Streetscape Character Analysis; and
- (c) Patterns without an (▪) are not permitted.

Table 140 (B) - Parking Access and Parking Space Patterns and Provisions

PARKING ACCESS AND PARKING SPACE PATTERNS				
Condition	Column I Character Group A No Streetscape Impact from On-Site Parking	Column II Character Group B Low Streetscape Impact from On-Site Parking	Column III Character Group C Medium Streetscape Impact from On-Site Parking	Column IV Character Group D High Streetscape Impact from On-Site Parking
Character Group Requirement Where provided, location and size restrictions of driveway and parking spaces	Not permitted	must be less than or equal to one-third in width than the actual lot width	may be more than one-third but no more than half of the actual lot width .	must measure half or more of the actual lot width
(i) No on-site parking	▪	▪	▪	▪
(ii) Surface parking or garage (single or double) off travelled	▪	▪	▪	▪

PARKING ACCESS AND PARKING SPACE PATTERNS				
rear lane				
(iii) Parking off the side street beyond the required corner side yard setback to corner side yard or rear yard surface parking or garage	▪	▪	▪	▪
(iv) Single driveway that provides access to rear yard detached garage.	Not permitted	▪	▪	▪
(v) Single driveway that provides access to side yard surface parking or carport .	Not permitted	▪	▪	▪
(vi) Shortened single side yard driveway resulting in front yard parking that does not lead to a legal parking space and is not in front of any part of the principal dwelling	Not permitted	▪	▪	Not permitted
(vii) Shared single driveway that provides access to interior yard or interior side yard surface parking or garage serving a long semi-detached dwelling	Not permitted	▪	▪	▪
(viii) Single driveway shared by two abutting lots , to rear yard surface parking or garages.	Not permitted	▪	▪	▪
(ix) Single driveway that passes under a carriageway shared by two abutting lots , to rear yard	Not permitted	▪	▪	▪

PARKING ACCESS AND PARKING SPACE PATTERNS				
surface parking or garages.				
(x) Single driveway shared between three or more dwellings units, dwellings (in the case of a PUD) or lots, to surface parking or garages located elsewhere than in the front yard	Not permitted	▪	▪	▪
(xi) Single driveway that passes under a carriageway shared between three or more dwelling units, dwellings or lots, to rear yard surface parking or garages	Not permitted	▪	▪	▪
(xii) Single driveway to attached garage set back from front lot line further than principal dwelling .	Not permitted	▪	▪	▪
(xiii) Attached garage flush with front wall of principal dwelling	Not permitted	Subject to subsection 139(12)		
(xiv) Legally-established front yard parking pad	Not permitted	Subject to subsection 139(12)		
(xv) Attached garage located closer to the front lot line than the principal dwelling accessed from a driveway	Not permitted	Not permitted	Not permitted	Not permitted
(xvi) Double driveway that leads to an attached garage	Not permitted	Not permitted	▪	▪

PARKING ACCESS AND PARKING SPACE PATTERNS				
subsection 139 (14)].				
(xvii) Basement garages located on the front wall , below the habitable portion of the dwelling units	Not permitted	Subject to subsection 139(12)		

(3) The following entranceway locations are permitted, subject to the provisions of Subsections 139 (4), clauses (b) and (c) and 139 (17).

- a. Entranceway provisions are set out in Table 140 C, where each Character Group, listed in Columns I and II, permits compatible **patterns**, listed in the Table rows, which have been identified by an (▪).
- b. No type of **pattern** listed in the rows is permitted if it does not meet the **dominant** Character Group's requirement.
- c. **Patterns** without an (▪) are not permitted.

Table 140 C- Entranceway Patterns and Provisions

ENTRANCEWAY PATTERNS		
Condition	Column I Character Group A	Column II Character Group B
Character Group Requirement	Principal entranceway is located along the front wall of the dwelling	Principal entranceway is not located along the front wall of the dwelling
(i) The principal entranceway faces the front lot line .	▪	▪
(ii) The principal entranceway is part of a	▪	▪

ENTRANCEWAY PATTERNS		
permitted projection located along the front wall of the dwelling, but does not face the front lot line .		
(iii) The principal entranceway is not located on the front wall of the dwelling	Not permitted	▪

Transition

2. (a) If a **completed application** for any one or more of :

- (i) Committee of Adjustment approval;
- (ii) site plan control approval, including an extension of site plan control approval;
- (iv) part lot control approval; or
- (v) building permit

was received on or after February 1, 2011 and prior to **May 9, 2012** the **complete application**, as well as any subsequent application listed in (i) to (v) above submitted prior to the issuance of a building permit, are exempt from the provisions of Sections 139 and 140 and will be processed in accordance with the zoning regulations and provisions in place prior to **May 9, 2012**.

(b) If a **completed application** for any one or more of:

- (i) Committee of Adjustment approval;
- (ii) site plan control approval, including an extension of site plan control approval;
- (iii) part lot control approval; or
- (iv) building permit

was received on or after May 9, 2012 and prior to **the date that the Ontario Municipal Board issues its Order**, the complete application, as well as any subsequent application listed in (i) to (iv) above submitted prior to the issuance of a building permit, are exempt from the provisions of Sections 139 and 140 and will be processed in accordance with the zoning regulations and provisions of the Council-adopted by-law that shall be deemed to have been in force from May 9, 2012 to **the date that the Ontario Municipal Board issues its Order**.

(c) For the purposes of clauses 2 (a) and (b), “**completed application**” means an application which would have been approved or granted on **the date that the Ontario Municipal Board issues its Order** had it been processed or disposed of on that day.

(d) Nothing in this by-law applies so as to continue the exemption provided by this subsection beyond the issuance of the approval upon which the exemption is founded; and in no case does the exemption continue beyond the repeal of this subsection.

(e) Once the permit or approval resulting from the processing of the application noted in clauses (a) or (b) has been granted, the provisions of this by-law in place on or after **the date that the Ontario Municipal Board issues its Order** apply to the land in question.

(f) Section 2 is repealed two years from the date of enactment.”

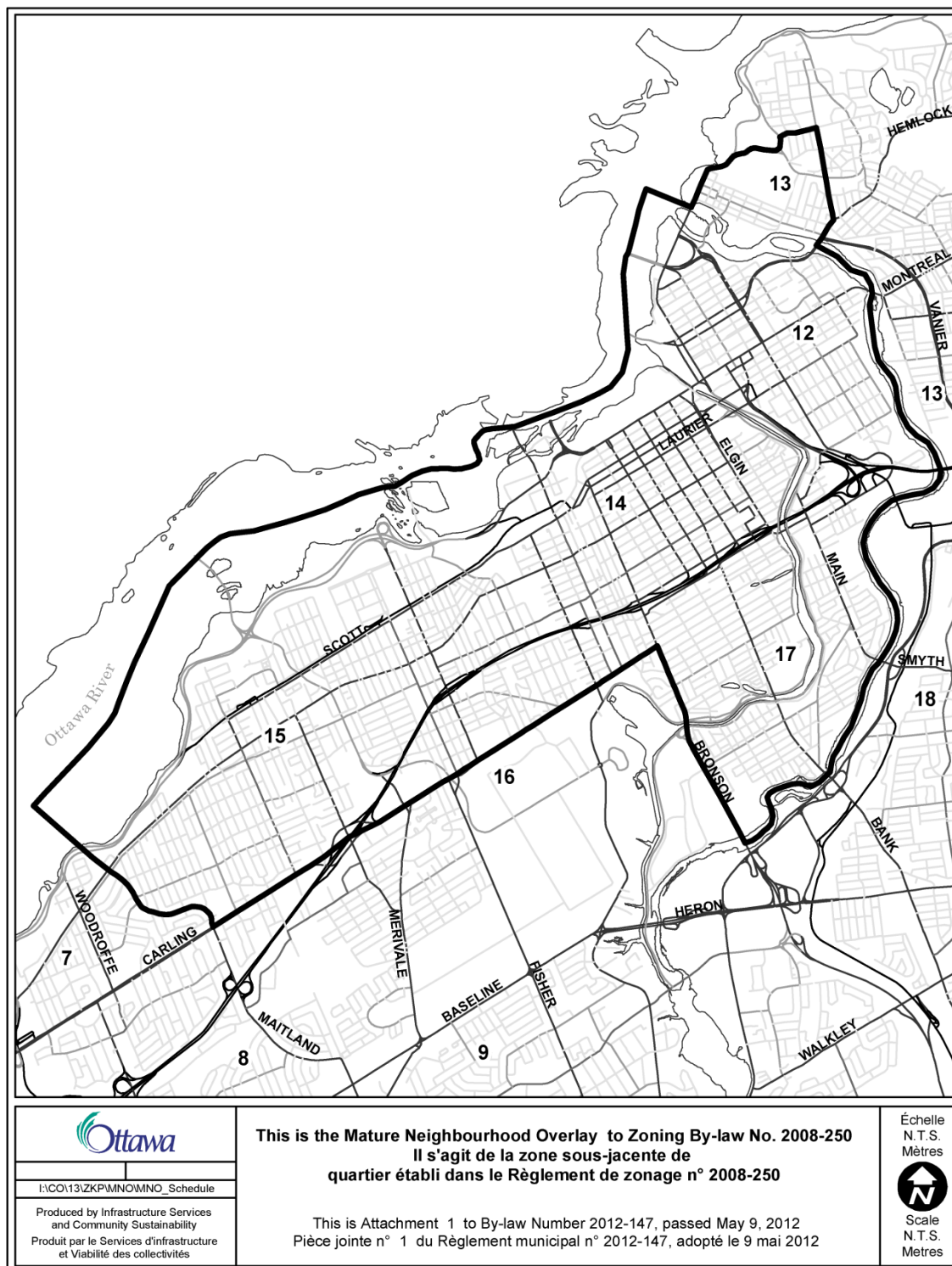
3. Part 17 - Schedules of Zoning By-law No. 2008-250 is amended by deleting Schedule 279, and replacing it with an overlay on the Zoning By-law Map, per Attachment 1 to this by-law, that is to be identified as “the Mature Neighbourhoods Overlay”.

4. Section 133 of Zoning By-law No. 2008-250 is amended by adding a new subsection (14) after subsection (13) as follows, and by renumbering all subsequent subsections accordingly:

“(14) Where a **secondary dwelling unit** is located on a **lot** subject to Section 139 – Low-Rise Residential Development in Mature Neighbourhoods, no parking is required for the **secondary dwelling unit**.”
5. This by-law may be cited by the name “Mature Neighbourhoods Zoning By-law”.

ENACTED AND PASSED this _____ 2014.

Lands affected – Mature Neighbourhoods Overlay



Document 2 – Consultation Details

Stakeholder Concerns and Recommended Zoning Solutions

Throughout the last 10 months, numerous discussions and working sessions have been held with the stakeholder group, during which a number of concerns and issues were raised. Document 3 includes the FAQs - staff response to questions raised during the early stages of the stakeholder sessions, prior to the two design charettes. Below is a summary of each concern that was raised prior to and during the charettes, with staff's recommendations to resolve issues.

1 Can parking be accommodated on-site?

Neighbourhood representatives on the stakeholders group raised similar concerns as the developers with respect to the removal of the parking requirement and the need for either more or better-regulated on-street parking.

Staff Response: Yes, although not required, there are a number of lot design options that allow room for access and parking that would be compatible with the dominant character of access and parking on the street. In this regard, the Council-approved strategy recommended a review of the Residential On-Street Parking Programme.

2 Can parking be accommodated in the same way as the past?

Some of the representatives of the development industry had concerns with the removal of the possibility to create front yard parking spaces, while others showed concern over the requirement that any new driveway must conform to the dominant pattern, such that if the pattern indicates driveway widths are mostly less than one-third of the actual lot width, then a new driveway must also result in the same proportional relationship of one-third or less of the lot width.

The appellants suggested that this requirement would have the unintended consequence of removing the possibility of replacing a detached dwelling with a semi-detached dwelling severed into two separate lots, each with its own driveway.

Staff Response: While it would be appropriate to replace a detached dwelling with any dwelling type permitted by the underlying zoning, and a semi-detached would, as the appellants suggest, be one of the 'least intrusive forms of intensification', there would no longer be the automatic approval of separate driveways to access each of the two units, unless each driveway could be consistent with the proportional relationship between driveways and lot widths identified along the street.

The dominant character will determine whether there should be shared driveways, based primarily on whether the new development will meet the ratio of driveway width to lot width, required under the revised by-law. Many examples of alternate forms of access and parking have been shown to be successful in cases of infill lots in the city, including shared driveways accessing shared surface side or rear parking, or underground garages; one driveway shared between two lots, either with or without a carriageway; and parking tucked behind each unit. These forms of infill reduce the paving of front yards, the removal of trees and green space, provide for front walls with entrances facing the street, while also recognizing that there will always be a demand for on-site parking by some residents.

3 Concerns with parking in the rear yard

Community representatives of the stakeholder group raised concerns with parking in the rear yard, which they suggest would intrude on the open areas and amenity spaces of abutting lots. Concerns were also expressed with respect to noise and emissions of cars parked in rear yards.

Staff Response: Zoning By-laws have always permitted parking in any yard other than the front yard and the required corner side yard. This results in permission to park in interior side, interior and rear yards. In fact, rear yard parking is the dominant character in several neighbourhoods within the area covered by the Infill By-law.

In the case of semi-detached dwellings, a common form of infill, there might be parking for two cars. Emissions from two cars, which are parked, or not on-site most of the time, would not be onerous, and would be no greater than if the two cars were parked in driveways.

Heights of cars do not exceed the maximum permissible and common height of fences. Therefore, the visual impact would only be felt if either there were no fence or similar screening, or if seen from the second or higher storeys of the abutting dwellings, and therefore is not considered to be a factor.

Moreover, not all parking scenarios result in rear yard parking. There is design options with shared parking areas, whether surface or garages, between two long semi-detached units, as well as parking spaces tucked under the second storey of a dwelling, at the back through a shared driveway, avoiding the pressure to create front yard parking. Many infill projects are able to have one shared driveway accessing rear yard parking, with individual private amenity spaces provided per unit separated from the parking, with trees and fencing providing screening from abutting lots. Since rear yards

are generally larger than front yards, there is more space to accommodate both private amenity and parking functions.

4 The revised by-law is attempting to legislate sameness

Staff Response: This was raised by the appellants, early in the stakeholder participation process. In response, staff are of the opinion that the revisions to the By-law are merely trying to ensure that new development fits in with the dominant character of each of only four attributes, those being location and width of vehicular and pedestrian access, location (yards) and type (surface, garage, carport, underground) of parking spaces, and location of entranceway. Indeed, staff has gone to great lengths to ensure that only those attributes that are the most significant, as noted above, are regulated.

The intent of the revised Infill By-law is that it regulates only those attributes that fundamentally create the streetscape, and once the dominant pattern of each attribute has been determined; there are several development options available. These options allow for variation and were created specifically to respond to concerns with requiring repetition. Staff respects the changes that occur in homebuilding and recognize the need for communities to embrace variety in form and design.

Full architectural freedom remains with respect to the dwelling itself, which is arguably the most important element of expression for infill housing. Regardless of the architectural style of a new infill dwelling, the fact that it will be made to respect the character of its streetscape will help ensure its successful insertion into the mature built-up area in which it is being built.

5 Will the regulations result in un-marketable dwellings?

Following the first charrette's outcome that concluded with consensus that there are many design options that will allow for on-site parking, and the need to recognize new and varied forms of housing designs, the question was raised as to whether the zoning revisions would result in dwellings that are actually 'marketable' in terms of ground floor size and shape.

Staff Response: This concern was considered by staff and the architect who facilitated the charrettes, with the conclusion that the rules do not create unmarketable dwellings for a number of reasons: 1) the ground floor is sufficient in size and shape as to permit rooms that are typically expected, including a kitchen, family room, hall and closet space, and a powder room; and 2) the manner in which two-unit or multi-unit dwellings

are severed will determine whether there is on-site space for ground level amenity area. In some cases, the amenity area may be provided as a rooftop terrace with landscaped front yard, and little to no interior side yard and no rear yard, particularly in the case of the front unit in a long-semi.

In the example above, the front unit may not have a rear yard, and this fact may result in a lower selling price point. Providing housing at different price points is, in fact, appropriate given Council's longstanding policy to encourage a variety of housing in all neighbourhoods, with a variety in housing choice to meet the needs of different types of households. In the case of a front unit without a rear yard, households with varying levels of income who, otherwise, would not be able to afford the high price of housing in the inner urban neighbourhoods, may have housing choice within these neighbourhoods and not be concerned with the lack of at-grade amenity area.

6 Averaging of Abutting Lots' Front Yard Setbacks

Many community stakeholders have been in favour of the averaging of abutting front yard setbacks, with no absolute maximum front yard setback imposed, which is the manner in which the Infill By-law 2012-147 was adopted. The revised by-law recommends the alignment of the abutting front yard setbacks, with a proviso that the front yard setback of the new development need not exceed a 6-metre setback. Some community representatives prefer that there be no proviso, so that where existing housing is set back far from the front lot line that this type of setback should continue.

Staff response: The averaging of abutting front yard setbacks was first introduced to recognize the fact that housing in these neighbourhoods was built long before the advent of zoning that established minimum front yard setbacks, and many houses fell below the minimum required front yard setback. Imposing a minimum, even at 3 metres, if all of the houses in the same street segment are located less than 3 metres from the front lot line, results in new housing not lining up with the existing ones, which results in some incompatibility.

What had not been considered by staff were those areas where the older housing was set back much further than the minimums that were imposed when zoning came into effect, such that some neighbourhoods require a minimum front yard setback of 3 metres, but the dwellings are set back further than that, and could be as far back as 9 metres to 15+ metres from the front lot line. As a result, new housing or additions to existing houses that are set back only 3 metres would be completely out of character with those set back 9 to 15+ metres or more from the front lot line. On the other hand,

requiring that housing set back far from the front lot line, beyond that which is typically permitted, is not an efficient use of lands and those older homes lie on underdeveloped lots. It is just as important from a land use perspective, not to under develop a lot, as it is to not overdevelop one, neither of which leads to compatible development in established neighbourhoods.

Staff recommends that the average of the abutting lots' front yard setbacks be the requirement, but that they need not set back further than 6 metres from the front lot line. The "alignment-or-up-to-6-metres option" will ensure against the underdevelopment of lots in the mature neighbourhoods, while recognizing that in some areas, streets have been developed with houses set back much further than the current 3-metre setback, which has been uniformly applied to the inner urban neighbourhoods.

The 6-metre front yard setback is typically applied to neighbourhoods that were initially suburban, as evidenced by the residential subzone categories, however, in the case of Champlain Park, where the houses are set back much further than the current front yard setback requirement of 3 metres, staff will recommend, in a separate report, that the City rezone those areas to require alignment of front yard setbacks of up to 6 metres, and that these amendments be undertaken in an upcoming Omnibus Zoning By-law Amendment, expected by June 2014. Following this rectification to recognize the established front yard setbacks of these neighbourhoods, the averaging of the abutting lots' front yard setbacks will not be required to exceed a front yard setback of 6 metres, which will be more appropriate.

7 Removal of Projections into Yard Requirements Distinct to the Mature Neighbourhoods

Some of the community representatives have requested that the current By-law 2012-147 provisions applicable to projections be retained.

The original May 2012 Infill By-law regulations required that any one type of projection had to be set back based on the other same projections located on the street. This proved onerous in that if the type of projection did not exist on the street, then the projection would not be permitted, as there would be no other same type from which to determine the build-to line, or rather the limit to the projection into the required yard setback. If there were no porches on the street, then no new porch would be permitted.

Staff response: The Zoning Strategy indicates that there should not be any additional, or more restrictive, regulations applied to projections into yards when developed in the Mature Neighbourhoods area, than those that apply to the rest of the City's residential

neighbourhoods. This strategy is based on a 500-lot analysis within an area covered by Schedule 279 of By-law 2012-147. The findings indicated that, it was not the projections that created or negated a street's character, and that in fact, in many cases, the variety in the projections added to the variety in design and architectural features that did not deter from the streetscape, but aided in its animation. Whether the principal entranceway is or is not enclosed, or is facing or parallel to the street; whether or not there is a wrap-around porch; whether there are balconies or not on the upper floors, does not alter the effect on the streetscape, as does the paving of front yards where landscaping is the dominant character along other lots' street frontage.

There proved to be no reason to limit or otherwise prohibit a projection into any yard, other than to ensure that there is an absolute limit to how far the projection may jut outward from the building into a required yard. Staff recommends that the existing Section 65 regulations of Zoning By-law 2008-250 should continue to apply, save and except the extent of unenclosed projections such as porches, decks and platforms, specifically into the front yard, to ensure some landscaping between the front lot line and the projection outward from the front wall of the dwelling. This general amendment to Section 65 is contained within the draft revised By-law 2012-147, noted in Document 1.

8 Massing effect of extensive projections

Concerns were raised regarding the massing effect of projections that overwhelm the front wall of a dwelling. It is true that there is a difference in visual impact of a dwelling's front wall set back from the front lot line, and the front wall covered in at-grade and above-grade projections that combined, seem to, in effect, replace the front wall, and result in the appearance that the dwelling is closer to the front lot line than permissible. A dwelling's massing appears larger than it ought to be, despite the fact that the projections themselves do not add gross floor area to the dwelling.

Staff Response: Staff will investigate this item in Infill 2 and bring forward a resolution to this item.

Document 3 – Frequently Asked Questions

F.A.Q. ON THE DRAFT INFILL ZONING BY-LAW

The following is information in response to questions received at the Stakeholders' meeting of July 30, 2013. The version of the draft By-law that was circulated to the Stakeholders on August 6, 2013 contains changes outlined in the e-mail that accompanied the revised Draft By-law (copy attached) and in this document.

1. Why did the City initiate a study on infill?

Between 2007 and 2012 the City delivered building permits for over 1,600 dwelling units of low-rise infill outside Intensification Target Areas, within the Mature Neighbourhoods. Due to a rising number of complaints about the compatibility of these infill residences within established streetscapes, Council directed Planning staff to undertake a study of infill and make any changes to zoning and other by-laws, guidelines and procedures as may be required to ensure that infill achieves better contextual fit into Mature Neighbourhoods.

2. What did the original adopted Infill By-law do?

The original Infill By-law adopted by Council (2012-147) brought several broad changes to the zoning for low-rise residential development in the Mature Neighbourhoods:

- Revised method of determining “average grade”.
- Exempted the most common forms of low-rise residential development from minimum parking requirements/exempted low-rise residential development.
- Restricted the instances where a house could have a garage on the front façade to lots of a certain minimum width.
- Allowed partial front yard parking (with the space tucked under the second floor) in the narrower lots.
- Set the front yard setback as the average of the two abutting lots, to a maximum of 6 m.
- Placed restrictions on permitted projections into the front yard and above the height limit
- Set a minimum of 30% windows for the front wall's ground floor.

- On narrow lots, required that any door on the front wall lead directly into the inside of a dwelling.

The revised version of the By-law includes the following changes:

The revisions to Infill By-law 2012-247 have been based on the same policy objectives, including the principal objective of ensuring that new development fits into the established neighbourhood character, which at its basis level, means the look along any street, or the streetscape character. The proposed changes have simplified the regulations, with the intent being that any land use attribute that is visible from the street is regulated according to the streetscape character.

3. The original By-law (2012-147) as adopted by Council applied only to new construction. The proposed revision applies to all properties. It was suggested that, while the original by-law applied to a fraction of 1% of the properties in the affected area, this new draft applies to 100% of the properties. Should there be more extensive consultation?

The infill study that led to the adoption of by-law 2012-147 included extensive consultation, during which it was never proposed to limit the new zoning to new construction. In the opinion of staff, the hundreds of people who participated in the consultation process between 2010 and 2012 had the expectation that there would be new zoning regulations that would address the issue of maintaining community character. The existing properties in the affected area ARE the established character. It would be inconsistent for the zoning regulations to not apply to them. The intent is, as for any zoning regulation, to regulate future changes to any property within the affected area (be it a complete redevelopment or changes to an existing property).

4. What does the draft revised Infill By-law mean for existing property owners?

The revised Infill By-law zoning provisions would apply to existing properties and new developments (including additions, conversions, etc.) insofar as these new provisions apply to parking, front yards and entranceways. If an owner is proposing an addition to their house but is not proposing changes to the front yard, to existing and legally-established parking, or to the front wall and main entranceway, then the Infill by-law, as revised, will not apply.

5. What does the draft revised Infill by-law mean for infill builders?

The by-law's goal is to ensure that new infill and modifications to existing houses respect the established streetscapes of Mature Neighbourhoods. It's to make sure that

new buildings do not disrupt the look and feel of the streets people have chosen to live on. And it's to give everybody (developers, residents, etc.) the comfort of knowing that new development will fit on its streetscape, and will construct value for the real estate of that streetscape by reinforcing its character.

It means that architectural creativity is responsive to existing streetscapes, instead of being focused on accommodating parking. It means that parking will no longer dictate design. It means that parking will continue to be permitted, if it can be accommodated in a way that fits with the established streetscape.

6. Will the revised by-law create “sameness” or stifle architectural creativity?

No. The new by-law regulates front yards and parking, as well as main entranceways. The design of the residential building is in the hands of the architects. In regulating character, the City wants to establish the basic ingredients of consistency to which to attach regulations, and at the same time promote variety, diversity and innovation in architecture. The goal is to encourage innovative and varied architecture that respects and reinforces an area’s established character.

7. Will the infill industry be affected in its ability to build?

No, in fact, Ottawa continues to encourage infill. It may, however, mean a change to how infill is designed (which was the objective of the study). The City is removing the obligation to provide parking in order to remove a situation where the law creates a requirement for designs that are not consistent with streetscape character.

The draft By-law provides options within parking “consistency groups” that builders can choose from if they wish to accommodate parking. The City is also widening the scope of its on-street parking permit program, making it easier to expand permit zones or create new ones. However, the automatic front-yard parking as a solution is no longer permitted. By doing this, the City is saying that infill within Mature Neighbourhoods requires greater attention and commitment to design, requires an exploration of options, and calls for creativity to be leveraged in support of the existing community character. These rules are being applied to the oldest residential areas of Ottawa, which are those that speak most to the city’s history and are those most visible to tourists and visitors.

8. Why is the permission for front yard parking on the narrower lots being taken away?

Providing blanket permission for any type of parking would potentially create inconsistency with streetscape character. When the OMB ordered that the City clarify

how it wished to link streetscape character with zoning regulations, staff undertook extensive streetscape character analyses and found that a blanket permission for any type of parking was one of the elements that could most contribute to altering the character of a streetscape. The revised Infill by-law treats dominant parking patterns, and the dominant patterns of front yards, as central components of streetscape character. These changes respond to the numerous concerns raised through the consultation process leading to the adoption of by-law 2012-147.

9. Are there circumstances where front yard parking will still be permitted?

Yes. If legally-established front yard parking is confirmed to be the dominant parking pattern, then new front yard parking spaces will be allowed.

10. The by-law creates an obligation to verify if front yard parking spaces have been legally established when recording parking patterns. This can be a financial burden on an infill developer, as it can entail a fee of \$75 per property researched. Is this fair?

The City does not encourage front yard parking; in most cases, the existing zoning by-law prohibits it, and has done so for decades. There are many reasons for this, including:

- Front yard parking erodes the on-street parking supply
- Front yard parking causes the loss of green front yards and trees
- Front yard parking diminishes the storage space for snow
- Front yard parking can cause or worsen drainage issues
- Front yard parking does not improve pedestrian conditions along the sidewalk, as it typically places a parked vehicle overhanging onto the sidewalk, and most importantly, creates limited visibility for that vehicle that may be backing out very close to the sidewalk

Furthermore, the former City of Ottawa established the On-Street Parking Permit Policy in 1980 to reduce the number of requests for front yard parking, recognizing that front yard parking was altering the established character of many areas.

If a proponent believes strongly enough that front yard parking is the appropriate type of parking to be provided (bearing in mind that parking is no longer required by the zoning by-law), then the City wishes to ensure that the justification for a new front yard parking

space is appropriate (i.e. that front yard parking constitutes the *bona fide*, legally established dominant pattern).

The City will not entertain illegally-established front yard parking spaces as “counting toward” the dominant pattern, specifically to avoid the proliferation of these spaces.

11. Does the term “dominant” have a numeric threshold, i.e. 40%, 50%, 60%?

In the current draft of the By-law, staff is proposing not to have a numeric threshold and simply take the word to mean “the most frequently occurring pattern.”

A Streetscape Character Analysis has to look at three things: type of front yard, type of parking, and main entranceway. For each of these there are Consistency Groups. A Consistency Group is a group of patterns that are consistent with one another based on the proportional relationship of its elements.

Effectively, the Streetscape Character Analysis will identify which Consistency Group is dominant. There are several possible patterns within each Consistency Group. However, because there are few Consistency Groups for each of the streetscape attributes that are regulated by this By-law, staff believes that the number of cases where one cannot determine a clear dominant pattern will be few, and in those cases a numeric threshold would probably not be of much assistance unless it's low.

Within each consistency group, a number of different patterns that can be used for new infill development. So, even where a single pattern does not emerge as clearly “dominant,” if the patterns confirmed in the 21 lots mostly belong to **one consistency group**, then the streetscape character will be fulfilled with any of the patterns within that consistency group.

12. “Streetscape character” means a lot more than front yards and parking. It also means building height and mass. Is the City planning to address this and link all these elements together?

Yes. In fact this was one of the most predominant themes that was drawn from the public consultation process of 2010-2012. While acknowledging that front yards and parking were key elements that needed revised regulations, Council heard that other elements of residential infill needed revised regulations. This is why there is a Second Infill Study which began in May 2013 and is currently underway.

The First Infill Study looks at how the dwelling relates to the streetscape focusing on the use of the land or elements that relate to how the use of the land leads into a dwelling.

The Second Infill Study focuses on attributes of the building itself, such as building height, mass and setbacks.

Staff feels the two areas of study should be considered separately given the complexity of the issues in each study. However, all zoning staff remains closely connected to all infill-related studies. The City's goal is to produce regulations that provide a unified framework for infill.

13. Should the second infill study be delayed until the issues surrounding the first study are resolved?

Current Council direction to staff is to proceed with the Second Infill Study because of the public demand for action on infill-related matters, and because the two studies deal with attributes that can be addressed separately – even within a unified framework.

14. Shared driveways are not a good idea; they lead to disputes between owners and create all sorts of legal complications.

Staff disagree. The problems that are reported to the City with respect to shared driveways represent a small minority of the total number of shared driveways that currently exist. Legally speaking, they are simple: they are identified as a “part” on a registered plan and all the owners who have access by the shared driveway have a right-of-way registered on their title over the “part” of land that is the driveway.

Shared driveways bring about the opportunity to share maintenance and snow removal between owners, which lowers those costs – something that an aging population can benefit from.

Shared driveways must remain “passable” at all times, and in the overwhelming majority of cases, owners respect these arrangements, as they affect their own ability to come and go when needed.

DRAFT INFILL BY-LAW 2012-147**SECOND F.A.Q. – SEPTEMBER, 2013**

This FAQ addresses questions that were received at the Stakeholders' Meeting of August 22, 2013.

1. If the use of a building changes, how would “character” be determined?

A building's use can be changed to another permitted use in the zone, and if this brings about structural changes, those would be subject to the zoning regulations that apply to building height and setbacks. The character, as regulated through the proposed Infill By-law (2012-147, revised), would be measured only if there are changes proposed to the attributes regulated in that by-law: required front yard setback, required front yard use of land, location and type of parking, and main entranceway.

2. A Streetscape Character Analysis is required prior to any change in land use or in the use of lands facing a street. Does this mean that gardeners must complete an analysis before making any changes to the use of the land in a front or corner side yard?

No. To go from one form of landscaping to another does not “change” the use of land, as staff proposes be defined. A “change in the use of land” in this case would mean changing the use of the front yard from landscaping to something else, such as parking. In that case, yes, a Streetscape Character Analysis is required.

Note that the definition of hard landscaping in Zoning By-law 2008-250 is intended to specifically acknowledge variety in landscaping, such as the placement of boulders, or the establishment of a small patio for table and chairs in the front yard. It is suggested that the Infill By-law be revised to ensure that hard landscaping not be misinterpreted to include surface parking and that it be defined to prohibit parking specifically.

Because a side yard is visible from the street and thus forms part of the streetscape and its character.

3. The industry is concerned that the common business model of intensification, where a detached dwelling lot is redeveloped as a semi-detached lot, will be eliminated. Is this the intent?

No. The intent is not to eliminate any form of intensification, it is to provide options for this and other forms of intensification to be successfully achieved by being well integrated into existing streetscapes. Because the streetscape character will serve as the basis for the design of any infill project, staff is proposing new options that were not permitted before and help achieve the streetscape integration that is sought: the “one-behind-the-other” semi (also known as a “long semi”, as opposed to the traditional “wide semi”) is being introduced as a permitted design option with special zoning provisions attached to it.

4. How will an applicant be able to identify “front yard parking that was not legally established”?

There is currently no cost to obtain the legal status of parking on a property from the City. The City, however, is contemplating a fee per property to recover the cost of this legal search. Where there are instances of front yard parking within the 21-lot area that an applicant is required to document, the approach would be as follows:

- If those instances are so few that they would not affect the determination of a dominant pattern, then no other process is needed than to identify them as “front yard parking – status unknown”. This category can be included in the listing of parking patterns in Section 140.
- If the instances are sufficient to affect the “dominant pattern” but the applicant doesn’t want to provide front yard parking and will instead opt to provide parking in another pattern within the same Consistency Group, or no parking at all, then the same applies – simply document “front yard parking – status unknown”
- If the applicant is interested in having front yard parking spaces “count toward” the determination of a dominant pattern, then the burden rests with them to approach the City and pay for the legal search needed to establish the status of those spaces.
- An existing front yard parking space would be demonstrated as “legally established” if:
 - It was in existence prior to 1964, in continuous use, and this has been documented with the City through a process of affidavit (traceable);
 - It was permitted under former City of Ottawa Zoning By-law Z-2K or Ottawa Zoning by-law 93-98 and created then, and this is documented

through a review of building permit records or through a process of affidavit;

- It was created by amendment to the zoning by-law or by minor variance (traceable);
- It was created in compliance with Zoning By-law 2008-250.

The applicant preparing this documentation would also need to show that a front yard parking space being shown as “legally established” on a Streetscape Character Analysis is entirely on private property (not City Right-of-Way) and meets the minimum parking space length required. Otherwise, it is not legal.

5. The Draft has excluded some of the infill regulations that were part of the By-Law 2012-147 adopted on May 9, 2012 and which the OMB has deemed appropriate for the City to regulate. These include permitted projections above the height limit and permitted projections into front yard and side yard setbacks. These should be included or more clearly stated as necessary attributes for the Streetscape Character Analysis.

Staff has considered these projection-related issues in the context of the Second Infill Study (“Infill 2”) and in the context of the feedback received throughout the consultation process leading up to the adoption of the original 2012-147 (“Infill 1”).

Permitted projections above height

At the time of Infill 1, there was not yet a mandate from Planning Committee to delve into the building attributes of height, mass and setbacks from rear and side property lines; now, with Infill 2, that mandate exists.

In the original 2012-147, the provisions that were introduced with respect to projections above the height limit were:

(17) Despite section 64, and except in the case of a chimney and a parapet less than 0.53 metres in height, all projections above the maximum allowable building height must:

- (a) Not exceed 3 metres in height;
- (b) Not exceed a combined total area of 11 square metres; and

- (c) Be setback a minimum of 1 metre from the exterior perimeter of the roof.

(18) Notwithstanding 17(b) above, the eave of a projection above the permitted height limit may project up to the exterior perimeter of the roof, but in no instance may it project more than 1 metre beyond the exterior wall of the projection.

Infill 2 is now undertaking a detailed analysis of building height regulations, and staff believes that it is more appropriate to refer the analysis of projections above height limit to this study so that all elements related to building height may be considered comprehensively. Staff says this in full knowledge that there is a strong wish among several communities to maintain these two sections as part of Infill 1, since they were uncontested by the Appellants to 2012-147.

Permitted projections into the front yard

A significant amount of feedback was generated during the consultation process for 2012-147 regarding permitted projections into front yards. In the original 2012-147, the provisions that were introduced with respect to projections into front yards were:

(19) Despite Section 65, the maximum permitted projection into the front yard is:

- (a) On a corner lot, or where one of the two abutting lots is vacant, an amount equal to the average of (i) the extent of the existing projections of the same type, facing the same street, and located on the existing building on the abutting lot, and (ii) the amount permitted under Table 65; or
- (b) in all other cases, an amount equal to the average extent of the existing projections of the same type, facing the same street, and located on the existing buildings on the abutting lots.

The intent of these regulations, at the time, was to maintain as much of a landscaped front yard as possible in a context where front yard parking was going to be permitted on narrower lots. Staff then heard, after the By-law was adopted by Council, that these regulations placed inappropriate constraints on the provision of architectural elements (notably front porches) that are an intrinsic part of streetscape character; and in fact that front yard parking would do more to erode the streetscape character than a front porch. Upon reflection, staff agrees. It is

therefore proposed to remove section 19 of the original 2012-147 and revert to the pre-existing provisions of By-law 2008-250 with respect to projections,
<http://ottawa.ca/en/residents/laws-licenses-and-permits/laws/city-ottawa-zoning-law/zoning-law-2008-250-consolidation-19>.

6. When projections into a front yard are enclosed, they then “become” the front wall of the house, and this could place them in contravention of the minimum front yard setback requirements of the Zoning By-law. How does the City propose to address this?

The act of enclosing a space that is a projection into a front yard effectively creates a new “front wall”. Enclosing a front porch requires a building permit, and it is the property owner’s responsibility to also maintain or achieve conformity with the Zoning By-law by obtaining a minor variance if the front yard setback will not be met as a result of the enclosure. If such changes are not achieved through the regular planning process, there could be complications when selling the property, as a prospective buyer will request attestation of zoning conformity for title insurance purposes.

7. Page 1 Section 139 – at the end of the first paragraph, indicate where to find the Overlay i.e. append Schedule 279 found on the last page of the May 9, 2012 By-law 2012 - 147.

The Overlay is a layer on the Zoning map; it is no longer a schedule. A schedule is a distinct document that is filed under the Schedules section of the Zoning By-law, is not visible and each Schedule must be individually searched; an Overlay will visually appear whenever the Zoning map is consulted. In geoOttawa, it will appear as a coloured layer with the Zoning information toggle option. The outline of the Overlay will be provided in the final version of the By-law.

8. On the front yard setback regulations: if the goal is to establish a consistent alignment of houses along a street, the provision as written invites an inconsistency on corner lots in the dominant existing pattern. The provision for corner lots should be changed to “on a corner lot, the front yard setback is the same as the front yard setback of the abutting residential lot that faces the same street as the affected lot.”

Staff agrees and will make the change.

9. How does the applicant provide “shared driveways” where the project has an odd number of units? [in reference to (18) (iii)]

The intent is to have one shared driveway for an entire group of townhouse dwelling units. This reduces the amount of asphalt, and increases the amount of land available for on-street parking. The shared driveway is a Part on a Registered Plan (also known as an R-plan) and would be located in such a way as to be accessible and useable by all owners who have a right-of-way on that Part registered on title.

In the case of an uneven number of dwellings being developed, the shared driveway would be on one of the lots and constitute a right-of-way for the other benefitting lots that are being created. Driveways must in all cases conform to the dominant streetscape pattern where they are being provided.

10. In section (19)(ii) which deals with steep driveways, why do multiple dwelling units have to be “on the same lot”? This precludes freehold ownership.

The intent is to permit steep driveways where they lead to a parking garage that is shared between many dwellings, therefore it does preclude freehold ownership but it does not preclude condominium ownership. The intent is to have one entrance for several parking spaces, thereby avoiding individual entrances to single parking spaces, all with steep driveways.

11. When “hard landscaping” (which by definition includes brick, pavers and concrete) is recognized as a component of “landscaping” (without limitation) in the consistency groups for “Front Yard Patterns,” why is a walkway limited to 1.25 metres in width, in section (20) (ii)?

Because a walkway is flat and if it’s too wide it can be parked on, regardless of the fact that the revised by-law states clearly that a walkway must not be used for parking purposes. The width proposed (1.25 m) is sufficient to accommodate what might be required for pedestrians either individually or side-by-side on foot, or with a double stroller (a popular wide model, the “Bob Revolution Duallie”, measures 78 cm in width), or a mobility scooter (a popular wide model, the KARMA Eclipse KS737, measures 63.5 cm in width).

The definition of “hard landscaping” may be amended to specifically exclude a portion of, or a complete parking space, and indicate that parking is prohibited on areas of hard landscaping.

12. Do not understand (23) (ii).

While it may seem redundant at first glance, what it means is that in the case of a multi-unit dwelling, there might be no main or principal entranceway, but rather a number of individual entranceways to each of the units, such as in the case of a converted dwelling where the front wall has been redesigned and the original principal entranceway is no more.

13. Can you confirm that there is no change proposed to the “Height” provisions of the Infill By-law? It is not noted as “no change”.

There is no change from what Council adopted in May 2012.

14. There will have to be a change to the Transition section of the by-law (27). The provisions of the draft by-law cannot be applied retroactively to all of the applications that have been made since May 9, 2012.

Staff will obtain a Legal opinion on this matter and advise.

15. Entranceway Patterns: it is difficult to imagine that there is a street anywhere in the Mature Neighbourhoods where the “dominant pattern” is anything other than “Consistency Group A” (principal entranceway facing the front lot line). There are a number of attractive semi-detached dwellings where the principal entranceway of only one of the units faces the street. The second principal entranceway is discreet, creating the impression of a single family home on the street. In terms of maintaining the “streetscape” this design approach may in fact be more in keeping with the street, having only one entrance visible from the street for the structure, instead of two. Section (22) (ii) explicitly states that entranceway for each individual dwelling unit in a linked-detached, semi-detached or townhouse dwelling must all face the street.

Staff agrees that, on a corner lot, the architectural freedom should exist to locate a main entrance on either of the walls facing a street. The aim is to otherwise require that main entrances be located either on the front wall, or on a permitted projection on the front wall but perhaps not facing the street. Nothing precludes a proposal for a good design from being heard by Planning Committee through the rezoning process (building something that is “against character” would require a rezoning). However, as an element of streetscape character, staff believes it is appropriate to require, as one of the elements that facilitates the creation of compatibility of new

buildings within established neighbourhoods, that the relationship between the building and the streetscape through its main entrance be consistent.

Most of the Mature Neighbourhoods are zoned R2, R3 or R4; therefore the permitted residential uses already contemplate housing forms that are denser than the single detached dwelling. Streetscape character is not related to dwelling type; it is related to the attributes of land use and use of land regardless of dwelling type.

Further to this, staff has heard from Emergency Services stakeholders that it is typically more difficult and takes more time to locate and access a main entrance that is not on the front wall of a house, facing a street, thus could be anywhere else and has to be found, potentially costing several precious seconds or minutes to response time.

DRAFT INFILL BY-LAW 2012-147

THIRD F.A.Q. – OCTOBER, 2013

This FAQ addresses questions that were received at the Stakeholders' Meeting of September 18, 2013.

ON STREETSCAPE CHARACTER ANALYSES

- 1 What happens when, along a street, there are properties with very different residential zoning?

That street has its own character, in that case possibly made up of a variety of house types. Let's take the example of a street where, on one side, the zoning is R1P and, on the opposite side, the zoning is R5B. Let's say an infill was proposed for 235 Latchford Road., shown on the picture to the left with a green star.



Example of 235 Latchford Road, where the street has two very different Residential zone categories

The Streetscape Character Analysis requires the documentation of 21 lots to establish dominant patterns for the use of the front, side or corner side yards as visible from the street, access, parking, and main entrance location.

In this case, on the same side of the street as the subject property, the lots to be used are the two to the north towards Clearview, and eight to the south of the subject property (being the ten that face the same street, on the same block).

On the opposite side, we would use the one lot directly across the street (236 Latchford) and look for five lots on either side facing the same street, for a total of 11 lots across the street on the same block. Since there are fewer than 11 lots between the two cross-

streets, but more than 5, the draft by-law would allow for those lots to fulfill the requirement for the undertaking of the streetscape character analysis.



Opposite side of the street: all front yards are Type A1 (highlighted in yellow)



Same side of the street: two front yards are Type B4; eight front yards are Type C7

The proponent must provide a front yard that is consistent with the dominant pattern of how the front yard is used (which is a separate regulation from the requirement of the front yard setback to be based on the average of the abutting lots. The townhouses across the street, in the R5 zone, were built with parking access off a private rear lane, so their front yards are all Type A1 (entire front yard, from lot line to lot line, consists of soft landscaping). There are seven of them. On the same side of the street as the subject property, the houses are on wider lots and a significant number of them have garages on the front façade. The analysis reveals two front yards of type B4 (soft landscaping across the entirety of the main front wall of the house except for a walkway), and eight of type C7 (soft landscaping across the part of the house's main front wall that doesn't contain a garage). The dominant character is therefore C7. The infill would have to provide a front yard of type C7 or a yard within Consistency Group C.

To provide parking, the applicant has to document the dominant parking pattern along the same street segment as applied above. The townhouses across the street all have rear parking access, so those seven properties all have parking Type A2 (no streetscape impact). On the same side of the street as the subject property, the ten documented properties have four types of parking pattern: six are Type B13, two are Type B14, and one each is of Type B5 and B6. All of these are within Consistency Group B (driveway measuring one-third or less of the lot width). Therefore, although the single dominant parking pattern is A2, Group B patterns are found in 10 of the 17 documented lots, so a Group B pattern is the only parking pattern that would be permitted.

For main entranceways, all of the documented lots have Type A1 entranceways (front door facing front lot line), therefore this is what must be provided.

As this example shows, this streetscape is comprised of two main house types (detached and townhouse dwellings). The Streetscape Character Analysis is able to read the attributes that need to be documented regardless of housing type. Every dwelling sits on its lot in a certain way, and by its presence, forms part of the streetscape.

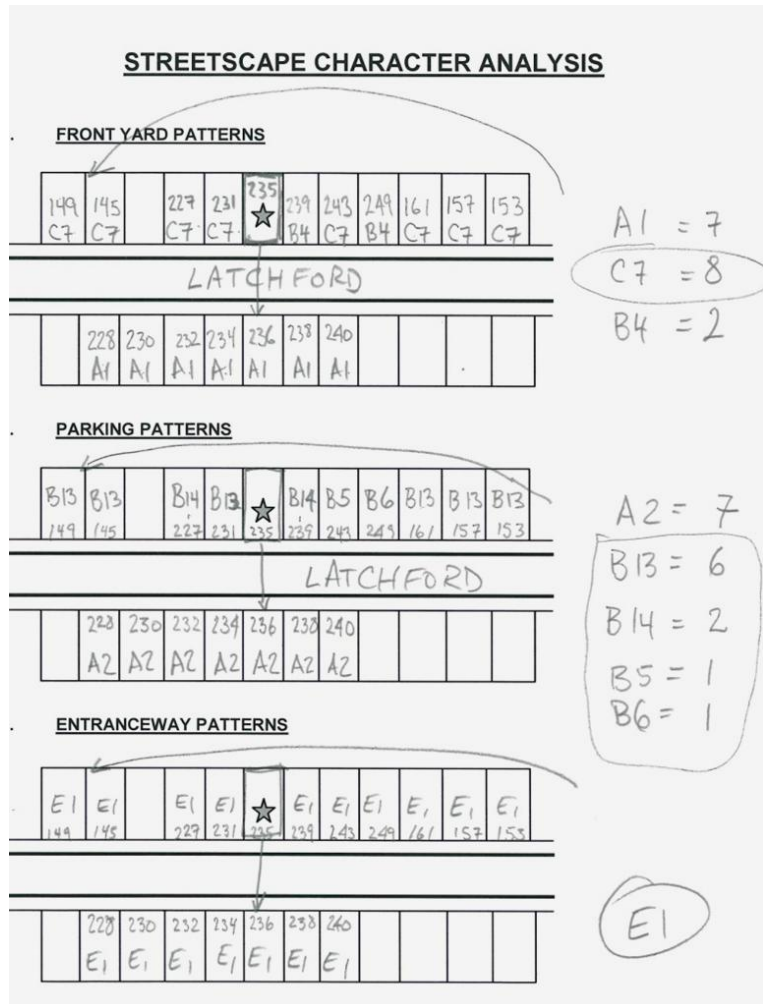
In this example, there is no way for townhouses to “outnumber” detached dwellings, since the lot size does not enter into the equation of the Streetscape Character Analysis. So, even if there are many more townhouses on narrow lots across the street from detached homes on wider lots, the Streetscape Character Analysis will still just require 21 lots – ten on the same side of the street, and eleven on the opposite side – to ensure that the blend of residential buildings that may exist on a streetscape is recorded neutrally.

The residential subzones within the Mature Neighbourhood area (shown in Schedule 179 of Infill by-law 2012-147) were created based on the existing built form (permitted uses) and the established lotting pattern (based on the three-dimensional building envelope). The subzones establish the relationship between a dwelling and its lot, with no recognition of the cumulative look created by common attributes found amongst a set of lots along both sides of a street. The Infill By-law recognizes those attributes that form similarities in how the land is used between each dwelling along the street. It

is the combination of attributes that create the character along a street. Such attributes form patterns both along the front and the rear lot lines, between and across from the existing development. The character of a street is then able to be measured in terms of its attributes no matter what the dwelling type.

- 2 The 21-lot review is like creating a series of “sliding subzones.” Why does the Planning Department simply not create or define the characteristics that would apply to zoning?

Planning staff originally set out to define the attributes of character in zoning regulations and conducted a lot-by-lot analysis of one neighbourhood, documenting over 500 properties with a list of twenty attributes. It was found through that analysis that there can be so much variability from one neighbourhood to the next and even from one street to the next that determining the street-specific regulations to reflect streetscape character would be impractical, given the variety of permutations and



combinations of attributes. At the same time, streets can exhibit different characters from one block to the next; that variability is desirable and forms the essence of the urban diversity. The approach being recommended is indeed like a series of “sliding subzones, with the exception being that the zoning strategy recommends prescriptive regulations that recognize the inherent number and type of combinations of attributes, permitting a number of choices that are consistent with the established streetscape character to use when creating the new infill, redevelopment or conversion.

Staff believe that there is merit in not establishing firm boundaries, but to allow for the true essence of a streetscape’s character to be reflected in the development options for those incidental uses of lands associated with low-rise residential dwelling types, including access, parking, treatment of yards abutting streets, and entrance orientation

- 3 There is a concern about sameness. The zoning by-law should not institute uniformity.

The proposed approach recognizes that variation is important in design and allows for such flexibility in many respects of residential design. The three attributes are elements that are common to any residential development. How they are developed is what adds up to dominant patterns of character. Within those, there can also be variability. In all of the regulations proposed, there is no regulation of architectural style, which is where sameness will most visibly be avoided.

- 4 Driveway widths are proposed to be limited to 2.6 m for single driveways. Walkway widths are proposed to be limited to 1.25 m. The total (3.85 m) applies to all lots. Why is there no gradation by lot width?

The number of driveways under the proposed by-law will be limited to what corresponds to the dominant pattern, therefore there is likely to be fewer additional driveways on streets where the character is not one of narrow lots with individual driveways. Because this maintains the character of the streetscape in terms of landscaped front yards, and because walkways are a necessary pedestrian means of access to a house, it is not seen as necessary to have a gradation by lot width. Under the proposed by-law, new lots created by severance don’t automatically get a driveway.

- 5 Applying for a rezoning for a semi-detached would be expensive, so developers might come up with less desirable designs to avoid Planning Committee. For example, they might build up the height as their options for width would be reduced. In communities with only R1 and R2, the designs might in fact be more problematic and less compatible. The argument might be that at least allowing this type of request to go to Committee of Adjustment along with the lot width/area and severance requests, would be preferred.

Height restrictions will be considered under Infill 2 but would remain the governing provision, and minor variations to height limits will still be reviewed by the Committee of Adjustment.

In most current infill, dwellings typically reach the maximum permitted height because the ground floor is set aside for parking. If it is no longer permitted to have a ground floor garage that makes up the majority of the ground floor, the same square footage of house can be deployed in a lower building. Without a ground floor garage it would still be legal to build up to the maximum permitted height; this would result in a much larger house.

ON PARKING

- 6 If there is no on-site parking, then parking will overflow onto the street. Permit parking may be appropriate, but what happens to visitor parking?

It should be remembered that existing residences will not see any change to their current parking arrangement. The proposed by-law continues to permit on-site parking, so the ability to accommodate off-street parking is not being removed. Within the five wards where the Mature Neighbourhoods are located, as of the 2011 Census there were 93,780 dwelling units. In the five-year period 2007-2012, the City issued permits for 1,612 new low-rise infill dwelling units in those wards, less than 2% of the total. Even if all of those 1,612 units had been built without any on-site parking, the outcome would likely have been of a manageable scale (with perhaps some site-specific exceptions, as is the case with any aspect of development).

The City currently has 38 on-street permit parking zones. As part of the work on the Infill by-law, staff has initiated a work plan with the Public Works Department to reopen the on-street permit parking program in order to make it easier to expand permit zones or create new ones, and if warranted, to investigate methods for

managing the curbside parking supply so that a balance can be found between the needs of residents and those of visitors and other users of on-street parking.

It is relevant as well to note that the existing on-street parking permit system was instituted by the former City of Ottawa in 1980 as a response to rising numbers of requests for front yard parking. At the time, it was deemed more appropriate to provide for on-street parking opportunities rather than to allow front yard parking in order to maintain neighbourhood character. Staff remains of that opinion.

- 7 Families with children need cars, and parking adds value to a property, therefore on-site parking is needed.

Staff do not question what families with children may or may not need. Staff notes that, according to the 2011 Census, 30% of households in the city of Ottawa were couples with children, 24% were couples with no children and 28% were single-person households.

The proposed by-law maintains full flexibility for parking to be provided but does not make such provision an obligation. This allows builders to cater to a variety of potential purchasers while ensuring that the dwellings they build are well-integrated into their streetscape. While parking may be commonly seen as adding value to a property, it also adds costs to the purchaser; therefore the obligation to provide parking creates built-in cost inflation for housing in neighbourhoods where the diversity of households supports more flexibility and options, including the use of modes of transportation other than the car.

Statistics from the 2011 Origin-Destination survey show that, City-wide, 16% of Ottawa households have no car. The rate inside the Greenbelt is 24%; in the Central Area it is 53%; in the Inner Area 41%; in the Mature Neighbourhoods to the west 26% and in the Mature Neighbourhoods to the east 29% (see statistical summary on last page). The Official Plan calls for an increase in non-auto transportation.

The City does not wish to create regulations that imply car ownership in the very areas where there is an ability by some residents to not own a car, areas that were built prior to the automobile and whose character reflects this. The recommended approach is viewed as balanced and reasonable in that it provides the option to provide parking but does not impose it as an obligation.

- 8 In many neighbourhoods, the existing pattern for small, older detached dwellings is Consistency Group B, P-4 (driveway at side leading to rear yard garage). These small singles are being replaced by large semi-detached. To date, the only pattern used for these has been consistency group C (front driveway leading to front garage).

- a. How can transformation take place using the original parking pattern?
- b. Why would this type of variation from the consistency pattern require a Planning Committee hearing versus a Committee of Adjustment hearing?

(a) Transformation can take place using patterns that are consistent with the original pattern without necessarily being the same as the original pattern. Consistency is measured by the proportional relationship of landscaped front yard and paved driveways.

The pattern that has been used in these neighbourhoods is inconsistent with the character of the streetscape. It results in dwellings whose frontage is dominated by garage doors, front yards that are largely paved for driveways, less vegetation, frequently a loss of trees, and typically taller buildings since the ground floor is used for a garage, and living space is mostly above the garage.

Within Consistency Group B the options that can be pursued include:

- A shared single driveway at the side, to rear parking (B-7)
- A shared central driveway through a carriageway to rear parking (B-9)
- A central single garage door reached by a driveway that measures one-third or less of the lot width, to a central double-car garage (B-13)
- On a corner lot, a shared driveway off the side street to rear garages (B-3)
- Parking for just one of the two units, with a single driveway that complies with front yard requirements

(b) Building a dwelling that is out of character would require a rezoning for the following reasons:

- Character is defined in the draft By-law as being “based on key **land use** attributes.” Attributes of character are uses of land that “create a recognizable pattern along a street.” Thus they differ from a zoning “performance standard” which is expressed in numbers.

- Character, with this By-law, becomes a key driver of zoning. Building something that does not maintain character will be considered significant enough to warrant a staff recommendation to Planning Committee.
- 9 Rear yard parking removes amenity area and increases the impermeable area on the lot due to the need to extend a driveway all the way to the back.

Rear yard parking is one of several options available in three of the four parking consistency groups and would not be imposed as a solution. It is a common occurrence in Mature Neighbourhoods, where the character has typically been maintained from the original design intent (for example, the oldest, pre-automobile areas) to conceal vehicles away from the façade and the front of the house.

In the case of a single driveway, having surface parking at the side of a house would be in keeping with a dominant pattern of driveways to a garage in the rear yard.

In the case of a shared driveway, the ability to avoid individual private approaches and individual driveways for two or more units would probably balance the amount of impermeable surface needed for a single shared access to rear parking.

There is always more space in the rear yard than in the front yard, since setback requirements are larger at the rear. Therefore, the opportunity to accommodate more uses of land is greater at the rear than at the front. The rear yard is also not part of the streetscape, since it is not visible by someone standing on the street.



Green rear yards and rear yard parking are not mutually exclusive, even on narrow lots. With a shared driveway, less land is used for access and the impact on the streetscape is minimized. The supply of on-street parking also benefits from shared-driveway development.

- 10 In many neighbourhoods, on-street parking is used by employees of nearby offices. What will be the outcome of having more residents parking on-street?

A possible outcome is that there will be fewer spaces for commuters, which is consistent with the City's parking management strategy in order to support transit use. If more neighbours are making use of the curbside parking supply, fewer spaces are open for commuter use. It also means less comings and goings if on-street parking is used by residents of the street rather than by others looking for a space. However, as a majority of residents typically need the on-street parking in the evening and overnight while the majority of businesses are run during daytime work hours, the reduced availability of on-street parking will more likely occur where employment and institutional uses operate in the evenings and overnight. In those cases there would be a drop in on-street parking availability.

- 11 In the winter, snow clearing is complicated by on-street parking. How would this work?

The City already operates snow plowing and removal operations with on-street parking. During snow ploughing operations, the plough goes around parked cars. Although this does leave the owner to "dig out", it's equivalent to or less work than shovelling a driveway. When snow removal operations take place, a temporary no-parking sign is posted on the snow banks well in advance of the operation. Moreover, residents with on-street parking passes are well-versed in the rules regarding overnight parking restrictions when there is more than 7 cm. of snow expected to fall. The east-west streets will be cleared of snow one day and the north-south streets will be cleared the following day to give people a chance to find parking around the corner from their usual space.

- 12 There is a need for better management of the on-street parking permit system.

As part of this exercise, Planning staff is working with Public Works staff to consider changes that could be made to the on-street parking permit system, within the framework of Ontario legislation. One possibility is to designate, for example, half a block where parking would be prohibited except for permit holders between 5 pm and 8 am (the times when residents are typically home). Other municipalities in other jurisdictions (including Montreal, Boston and Chicago) use this approach. It has the advantage of establishing, along a block, a system where visitors will find spaces along the same curb face as that which is used by residents who will have spaces that they can rely upon when they are (typically) home.

- 13 The quality of the streetscape will be compromised by on-street parking.

On-street parking is already a common feature of most streetscapes within the Mature Neighbourhoods. Through the consultation for the Infill By-law, staff heard loud and clear that the disappearance of trees and vegetation in front yards to the benefit of driveways and parking was one of the most problematic outcomes of infill. Having more on-street parking, especially when it already exists, is a trade-off for maintaining the street's tree canopy and pattern of green front yards. On-street parking also acts as a natural traffic calming measure, something that almost all neighbourhoods maintain is needed on residential streets.

- 14 There should be options for soft or hard landscaping areas that can become useable for parking.

Landscaped front yards, as a use of land associated with residential uses, are intrinsic components of character. A landscaped front yard sets the relationship of the residence to the street in a very particular way which is different than parking. This is why landscaping and parking are fundamentally distinct concepts in the zoning by-law. Combining the two typically means that parking will trump landscaping, because when a car is parked the landscaping is not visible and the landscaped area is not fulfilling its function as a landscaped area.

- 15 The City should consider allowing neighbourhood parking garages to provide an extra option for when houses are built without parking.

Staff will consider this request.

OTHER ISSUES

- 16 There is an inconsistency between the requirement for main entranceways to conform to the dominant pattern and the proposed permission for "long semis."

Staff agrees and will adjust the section on main entranceways.

- 17 The proposed by-law relies on maintaining only what exists presently. For example, neighbourhoods that are characterized by smaller worn-down housing stock on large lots will be difficult to change under the new by-law. In the 21-lot methodology, upgrading, renovating or even refurbishing and replacement of these homes would be impossible, or at least involve re-zoning.

This is not the case. The proposed by-law will not change permitted uses, building height and setbacks. If a large lot with a small single-storey dwelling is proposed to

be redeveloped, the permitted uses will still be as per the sub-zone (for example, in an R3 subzone, up to a townhouse will be permitted). Building heights will still be as per the sub-zone (for example, 11 metres) – as may be amended through Infill 2. The rear and side yard setbacks will be as per the subzone. The minimum lot size will be as per the subzone (so that the permission land severances will remain unchanged).

The proposed by-law only affects the front yard setback (where it requires alignment with the houses on either side), the uses of the front yard, and the access, and parking pattern.

Renovating or refurbishing such a house will be no different than it is today, unless a change is proposed to the use of the front yard or to the parking pattern.

All that would be required is a building permit for an infill proposal on such a property that is within heights and setbacks, and demonstrates conformity with the dominant pattern of front yards, parking, and main entrance.

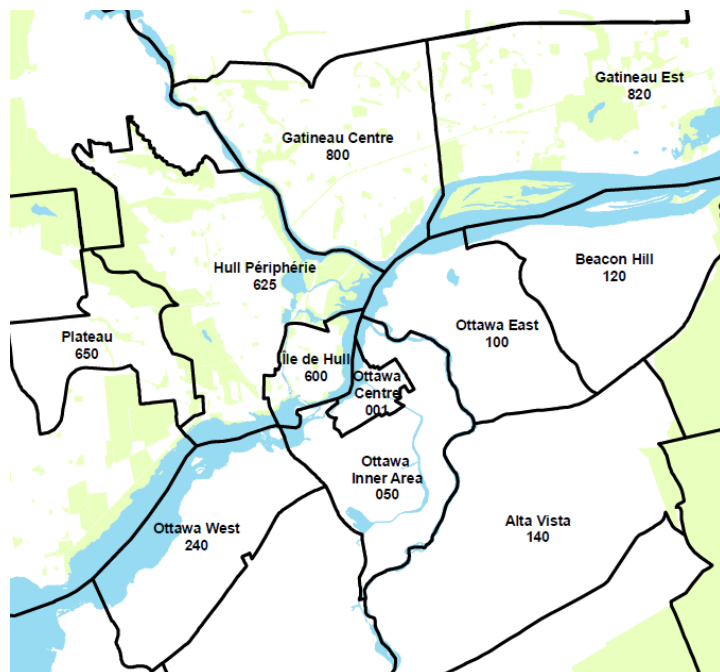
STATISTICAL SUMMARY

CAR OWNERSHIP RATES PER HOUSEHOLD, 2011

This was included as background information that shows a significant percentage of households in the Central Area and Inner Area that do not own a vehicle; as well as a percentage of less than 10 percent who own more than one vehicle in neighbourhoods that include the Mature Neighbourhood Overlay.

Source: TRANS Origin-Destination Survey - <http://www.ncr-trans-rcn.ca/surveys/o-d-survey/o-d-survey-2011/>

Number of vehicles	City of Ottawa	Inside the Greenbelt	Central Area	Inner Area	Mature Neighb'ds East ¹	Mature Neighb'ds West ²
0	16%	24%	53%	41%	29%	26%
1	45%	52%	40%	48%	52%	54%
2	32%	21%	7%	9%	15%	17%
3	6%	3%	0%	1%	3%	2%
4+	2%	1%	0%	0%	1%	1%



1 – Mature Neighbourhoods East: represents “Ottawa East” zone in the Origin-Destination Survey

2 – Mature Neighbourhoods West: represents “Ottawa West” zone in the Origin-Destination Survey

NOTE: the Origin-Destination Survey zones quoted above were selected based on a geography that is similar, but not identical to, the Mature Neighbourhoods Overlay.

TRANS Origin-Destination Survey