

BY-LAW NO. 2012 - 147

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 infill 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, entitled the “City of Ottawa Zoning By-law” is amended by adding a new Section 139 as follows:

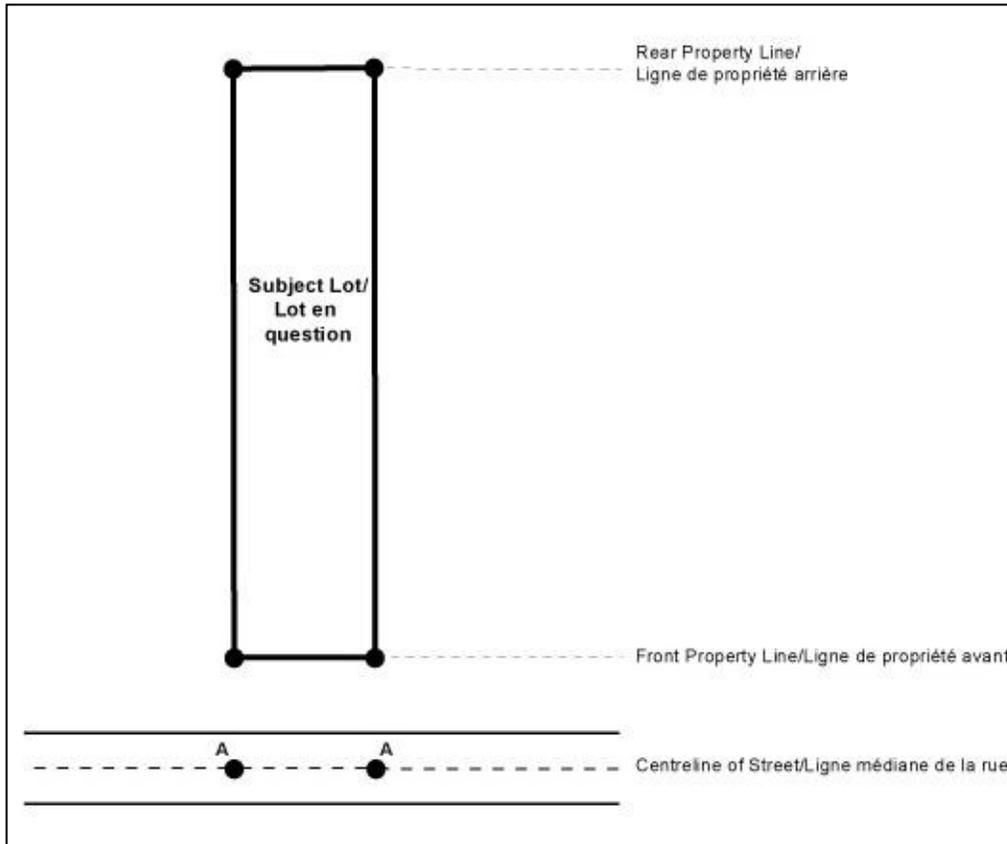
“Low-Rise Residential Infill Development in Mature Neighbourhoods (Section 139)

139. The following subsections take precedence over any other provision of this by-law to the contrary, and apply on a lot where a residential use building containing a detached, linked-detached, semi-detached, duplex, three-unit or multiple attached dwelling is constructed after May 8, 2012 in an R1, R2, R3, or R4 zone within the boundaries shown on Schedule 279.

General Provisions

- (1) Where this Section applies building height shall be measured using the existing average grade as determined under subsection 139(2).
- (2) Existing average grade shall be calculated prior to any site alteration and based on the following:
 - (a) On an interior lot or through lot:
 - (i) The average of grade elevations taken at all the corners of the lot and two additional (2) grade elevations which are taken at the points of intersection of the street centerline and the projections of the side lot lines marked as “A” on the following diagram:

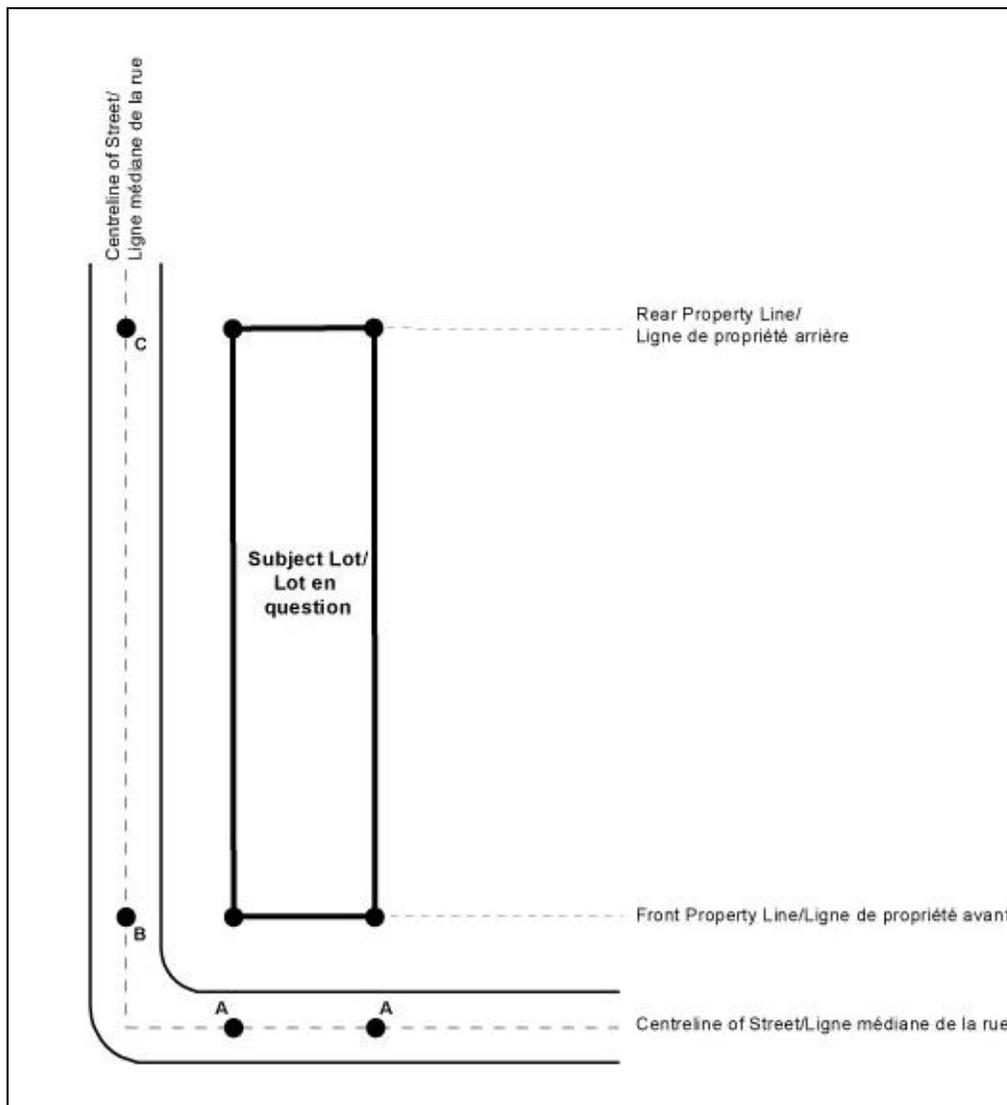
ILLUSTRATION OF EXISTING AVERAGE GRADE – INTERIOR LOT



(b) On a corner lot:

- (i) The average of grade elevations taken at all of the corners of the lot and four additional (4) grade elevations which are taken at the centerline of the streets on which the lot has frontage.
1. two (2) grade elevations shall be taken at the points of intersection of the street centerline and the projections of the side lot lines marked as “A” on the following diagram;
 2. One (1) grade elevation shall be taken at the points of intersection of the street centerline and the projection of the front lot line, marked as “B” on the following diagram; and,
 3. One (1) grade elevation shall be taken at the points of intersection of the street centerline and the rear lot line, marked as “C” on the following diagram.

ILLUSTRATION OF EXISTING AVERAGE GRADE – CORNER LOT



Parking

- (3) No parking is required and sections 101, 102, 107 and 109 do not apply.
- (4) One parking space is permitted within the front yard if:
 - (a) no other parking space is provided on the lot;
 - (b) the parking space abuts at least one side lot line; and,
 - (c) the parking space is a minimum of 5.2 and a maximum of 6 metres in length.
- (5) Despite subsection (4) above:

- (a) Motor vehicles may be parked in the front yard on a driveway leading to a parking space located outside of the front yard.
 - (b) Where the minimum required lot width is 7.6 metres or greater, and the lot abuts a public lane, but is not a corner lot, a parking space may only be:
 - (i) located in the rear yard; and,
 - (ii) accessed only by a driveway from a public lane
- (6) The door of an attached garage and a carport may not face the front lot line, except where located on a lot with a required minimum lot width of at least 7.6 metres and in the case of:
- (a) a detached, semi-detached, linked-detached or multiple attached dwelling, where the width of the attached garage or carport measured at the widest point between its interior walls is equal to 50% or less of the width of the front elevation of the principal dwelling unit; or,
 - (b) a three-unit or duplex dwelling where the width of the attached garage or carport measured at the widest point between its interior walls is equal to 50% or less of the width of the entire building.
- (7) Notwithstanding subsection 139(6), where the required minimum lot width is less than 7.6 metres:
- (a) a parking space located partially within the front yard may be located under the second storey of the building to a maximum depth of 3 metres;
 - (b) in no other instance may a carport project into the front yard; and,
 - (c) where such a parking space exists, no other parking space may be provided on the lot.
- (8) On lots with a required minimum lot width of at least 7.6 metres a garage or carport must be setback further from the front lot line than the front wall of the associated principal dwelling.
- (9) When located in the same yard, all parking spaces, driveways and walkways must:
- (a) where the required minimum lot width is less than 7.6 metres:
 - (i) have a total combined minimum width of 2.2 metres and a combined maximum width of 3 metres; and,
 - (ii) not be separated by any soft landscaping;

- (b) where the required minimum lot width is more than 7.5 metres but less than 12 metres, have a total combined minimum width of 2.2 metres and a combined maximum width of 3.6 metres; or
 - (c) in all other cases have a total combined maximum width of 6 metres.
- (10) A walkway located in a front yard or a corner side yard in which no parking space or driveway is located must not exceed 1.25 metres in width, and the minimum and maximum permitted combined widths of a parking space, driveway and walkway as set out in subsection 139(9), apply only to the parking space and driveway.
 - (11) Where the lot is a corner lot, the total cumulative width of all parking spaces and driveways on the lot must comply with minimum and maximum widths set out in subsection 139(9).
 - (12) Where a parking space is located within the front yard, the centerline of the parking space must, if projected to the centerline of the public street, intersect the centerline of the public street as nearly as practicable at a right angle, but in no case may the acute angle between the projection of the centerline of the parking space and the centerline of the public street be less than 70 degrees.
 - (13) All portions of a front and corner side yard not occupied by a driveway, walkway, parking space, accessory building or accessory structure, or permitted projections must be landscaped with soft landscaping.
 - (14) This section does not apply to parking spaces, driveways, walkways or ramps constructed for the purpose of providing access to a dwelling for the physically disabled.

Regulations Affecting the Principal Dwelling

- (15) Despite the requirements of the underlying zone, subzone or exception, the minimum required front yard setback is to be:
 - (a) on a corner lot, the average of the required front yard setback of the underlying zone and the front yard setback of that lot whose front yard abuts the front yard of the lot; or
 - (b) in all other cases, the average of the existing front yard setbacks of the abutting lots on which the buildings front the same street.
- (16) The maximum permitted front yard setback of the first storey of the front wall is 6 metres.
- (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.
- (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.
- (20) Where the minimum required lot width is less than 7.6 metres, a minimum of 30% of the area of the front wall ground floor must consist of windows other than those found within a door.
- (21) Where the minimum required lot width is less than 7.6 metres, the only doorway permitted in the front wall is a doorway directly into the interior of the dwelling.

Area Specific Exemption

- (22) This Section does not apply to a residential use building containing a detached, linked-detached, semi-detached, duplex, three-unit or multiple attached dwelling constructed after April 24, 2012 at 570, 572, 574, 576, 578 and 580 Athlone Avenue.

Transition

- (23) (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;
 - (iii) payment in lieu of parking agreement;
 - (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 Section 139 and will be processed in accordance with the zoning regulations and provisions in place prior to May 9, 2012.

- (b) For the purposes of clause 139(20)(a), “completed application” means an application which would have been approved or granted on May 8, 2012 had it been processed or disposed of on that day.
- (c) 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.
- (d) Once the permit or approval resulting from the processing of the application noted in clause (a) has been granted, the provisions of this by-law in place on or after May 9, 2012 apply to the land in question.
- (e) Subsection 139(23) is repealed two years from the date of enactment.”

2. Section 133 of the said 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 Infill Development in Mature Neighbourhoods*, no parking is required for the secondary dwelling unit, and no parking for the secondary dwelling unit may be provided.”

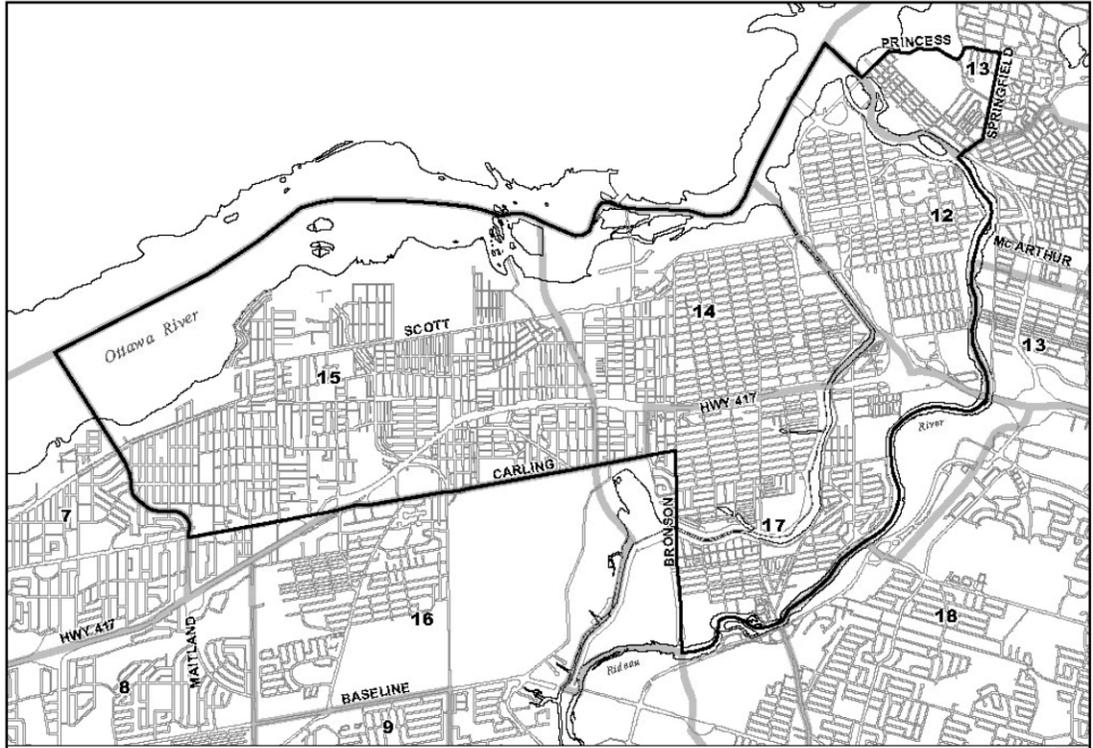
3. Part 17 - Schedules of the said By-law No. 2008-250 is amended by adding Attachment 1 to this by-law as Schedule 279.

ENACTED AND PASSED this 9th day of May, 2012.

CITY CLERK

MAYOR

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**This is Schedule 279 to Zoning By-law No. 2008-250
 Annexe 279 au Règlement de zonage n° 2008-250**

This is Attachment 1 to By-law Number 2012-147, passed May 9, 2012
 Pièce jointe n° 1 du Règlement municipal n° 2012-147, adopté le 9 mai 2012

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

BY-LAW NO. 2012 - 147

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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 infill development in
mature neighbourhoods.

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Enacted by City Council at its meeting of
May 9, 2012.

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LEGAL SERVICES
RM /CE
G04-01-2012-05-09

COUNCIL AUTHORITY:
City Council May 9, 2012
PC Report No. 28-B, Item 1