

December 06, 2024

Response to FCA Comments on Draft 1 of the New Zoning By-law

Thank you for sending these detailed comments from the Federation of Citizens' Associations (FCA). We appreciate your thoughtful engagement on draft 1 of the new zoning by-law. Thank you as well for sharing the views of your members who provided input. All comments will be taken into consideration as part of the work on the second draft of the new Zoning By-law.

Intensification, Climate Change, and planning for the next 25 years

The Official Plan sets the City's planning priorities for the next 25 years to "Enable greater flexibility and an adequate supply and diversity of housing options throughout the city". In accordance with the new Official Plan and moving forward with the new Zoning By-law, allowing for the construction of more housing will be considered the top priority. For a detailed consideration of this topic, you may also refer to the Equity, Diversity and Inclusion Discussion Paper: (<https://engage.ottawa.ca/zoning#folder-147135-28048>).

One key goal in the Official Plan is directing a greater proportion of growth to occur as intensification in existing neighbourhoods. Intensification is part of the climate change mitigation policies in the Official Plan. These include supporting higher density building forms, such as low-rise apartments, that reduce the per capita energy needed for heating and cooling of buildings. They also include reducing emissions associated with distance traveled to access goods and services by locating dense development close to amenities and sustainable modes of transportation such as walking, cycling and transit. For a detailed consideration of this topic, you may also refer to the Climate Change, Resiliency, Public Health Discussion Paper: <https://engage.ottawa.ca/28126/widgets/147135/documents/100204>

How the new zoning by-law works to create healthy livable communities:

The new Zoning by-law will advance the Official Plan's healthy and inclusive communities policies in many ways:

- It will support the evolution of the overall walkability of neighbourhoods in the urban area and villages. Housing is central to fostering a sense of stability, security, and well-being.
- It will help contribute to addressing Ottawa's housing supply and affordability challenges by aiming to increase peoples' access to a wider range of housing types, forms, and affordability. This includes zoning that will allow for more housing units on lots as well as more forms of housing such as multi-unit housing forms, recognizing that many kinds of housing can be compatible together.
- It will serve to mitigate discriminatory "people zoning", where zoning rules have the effect of excluding housing that meets the needs of particular groups of people, such as people living on a low income, in group settings, or in alternative housing forms, from communities.

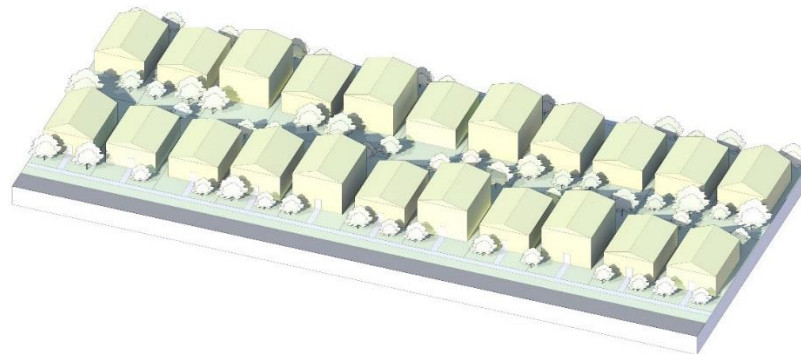
Elimination of parking requirements will encourage more efficient use of land and create more comfortable walking environments.

The increased densities and permissions for a mix of land uses will help bring local services and amenities closer to where people live, decreasing reliance on private vehicles. This will help make it less expensive for people to move around the city by reducing the combined cost of housing and transportation, easing financial pressures on households, and leaving more money for other essentials.

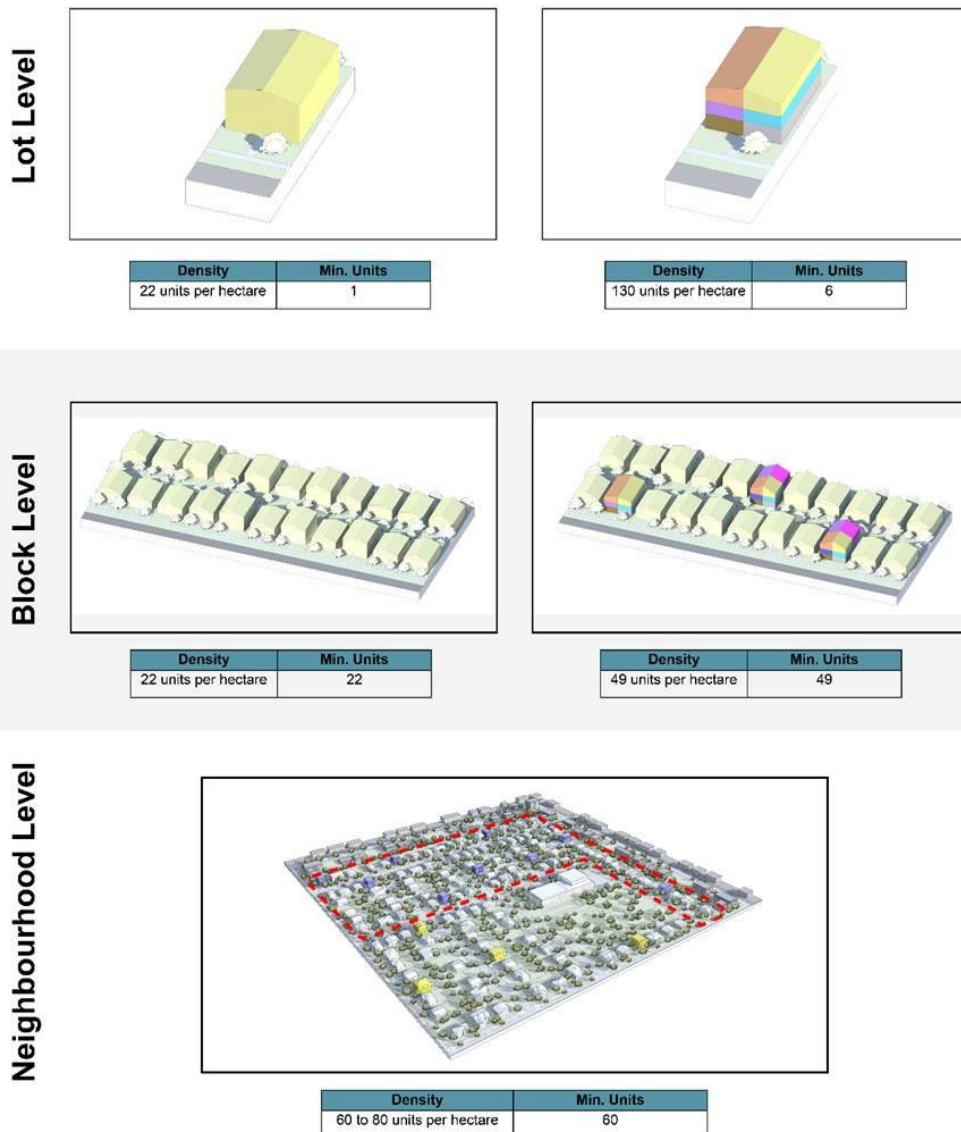
Regarding the draft 1 new zoning by-law's proposed densities being higher than the Official Plan:

The maximum densities proposed for the N1 through N3 zones are higher than the density targets set out in the Official Plan by transect, and significantly higher in the case of the N3 zone. Higher density maximums on a per lot basis are necessary in zoning (which applies at the level of the individual lot) so that, in aggregate, neighbourhood-level densities can meet the [minimum density targets](#) in Table 3b of the Official Plan by 2046. The minimum density targets are a targeted average. To achieve the target average a portion of redevelopment must therefore be greater than the target density. On average only a small number of properties in the city, approximately 1 per cent, are redeveloped each year. Further, when that redevelopment occurs, the density of that development will vary depending on decisions made by the property owner. One single detached dwelling may be replaced by another single detached dwelling, with no increase in overall density on the lot, or the single detached dwelling may be replaced by a three-unit or six-unit building. The diagrams below provide further explanation.

The diagram below shows a hypothetical neighbourhood block one hectare in size, composed of 22 lots, each lot with one detached dwelling on it. Each of the lots is 450 square metres. This block has a density of 22 units per hectare.



The maximum densities permitted in the proposed N1 through N3 zones exceed the targets for Neighbourhoods in Table 3b of the Official Plan. This is to account for the fact that the average area-wide increases to density will be lower than the maximum permitted. For example, it is relatively common to see a detached dwelling replaced by a two, three or four-unit building, instead of a six-unit building. For these reasons, it is necessary to permit densities that are higher on a per-lot basis than the transect-wide targets in Table 3b of the Official Plan.



The above diagrams illustrate the flow of density levels and the number of units at the lot, block, neighbourhood level for low-rise zones (N1-N4).

At the block level, a hypothetical neighbourhood block one hectare (10,000m²) in size, composed of 22 lots, each lot with one detached dwelling on it, has a density of 22 units per hectare. The diagram shows three lots being redeveloped, with one six-unit building, having a density of approximately 130 units per hectare, and two 12-unit buildings having a density of 260 units per hectare.

This increases the number of units on the block from 22 units to 49 units, with a density of 49 units per hectare. This scenario illustrates why the per lot densities permitted in the primary zones need to be higher than the targets in Table 3b of the Official Plan, if those minimum targets in the Official Plan are to be met by 2046.

In summary, the minimum units-per-hectare Official Plan targets and Neighbourhood zone maximums are, despite both using “units per hectare”, measuring two different things at two different scales:

- The minimum density *targets* in the Official Plan represent the average level of density that is intended to be achieved across **the entirety of each transect**. For example, the 40-60 units per hectare target prescribed in the Official Plan for Neighbourhoods in the Outer Urban transect is an average that applies across the entirety of that transect.
- The units-per-hectare *maximums* in the N1-N4 zones, however, are just that – they are the maximum intended to be permitted on a lot, and apply on an **individual lot** basis. For example, if an individual 15 m x 30 m lot contains a detached dwelling (1 unit), **that lot** has a density of 22 units per hectare. The overall density of the neighbourhood in which that lot is located may be higher or lower depending on the lot sizes and types of housing that exist within the rest of the neighbourhood.

Regarding Neighborhood Character

The Neighbourhoods policies of the Official Plan (Section 6.3) set out that the Zoning By-law shall have regard for “local context and character of existing development”. This is further discussed in transect policies in Section 5, which generally state that 4-storey heights in Neighbourhoods are to be allowed “where appropriate”. As such, many locations, particularly neighbourhood interiors outside of the Evolving Neighbourhood Overlay, are proposed to have maximum heights of two to three-storeys in accordance with the policies.

Staff are looking at refining the proposed regulations on heights as part of Draft 2 of the New Zoning By-law, including but not limited to where three storey heights and taller may be applied.

Evolving Neighbourhood Overlay

The Official Plan introduced the Evolving Neighbourhood Overlay to guide densification. Staff would refer to the Evolving Neighbourhood Overlay policies detailed in [Section 5.6.1](#) of the Official Plan as to how these were applied in the draft Zoning By-law. This reads in part:

“1) The Evolving Neighborhood Overlay will apply to areas that are in a location or at stage of evolution that create the opportunity to achieve an urban form in terms of use, density, built form and site design. These areas are proximate to the boundaries of Hubs and Corridors as shown in the B-series of schedules of this Plan. The Evolving Neighborhood Overlay will be applied generally to the properties that have a lot line along a Minor Corridor; lands 150 meters from the boundary of a Hub or Mainstreet designation; and to lands within a 400-metre radius of a rapid transit station. The Overlay is intended to provide opportunities that allow the City to reach the goals of its Growth Management Framework for intensification through the Zoning By-law, by providing:

- a) Guidance for a gradual change in character based on proximity to Hubs and Corridors,*
- b) Allowance for new building forms and typologies, such as missing middle housing;*
- c) Direction to built form and site design that support an evolution towards more urban built form patterns and applicable transportation mode share goals; and*
- d) Direction to govern the evaluation of development.”*

The Evolving Neighbourhood Overlay, which applies to areas in close proximity to hubs, mainstreets, and transit stations as defined in the Official Plan, is proposed to be addressed in the Zoning By-law by applying higher density Neighbourhood (N) zones to the areas to which it applies. For example, in the Outer Urban transect, areas currently zoned R1 in the current Zoning By-law 2008-250 are generally proposed to go to a N2 zone in the new By-law where not located within the Overlay, and to a N3 zone where located within the Overlay. The same applies to subzones, as there is direction in the ENO policies to gradually shift development towards a more “urban” character compared to the interior of the neighbourhood.

More information about how the mapping of the Neighbourhood zones was determined for the draft Zoning By-law, including how the Evolving Neighbourhood Overlay policies were applied, can be found in the staff report on the draft Zoning By-law, and in particular Document 10 of this report (“Neighbourhood N1-N6 Zones and Provisions”), found here: <https://pub-ottawa.escribemeetings.com/filestream.ashx?DocumentId=178621>.

Regarding stormwater management and environmental concerns:

Section 201 (Adequate Services and Stormwater Management) of the draft Zoning By-law contains regulations concerning adequacy of servicing and stormwater management, to ensure adequate infrastructure servicing has been addressed. These are carried over from the current Zoning By-law, however they have been strengthened and will be supported by programs to be initiated through the Infrastructure Master Plan. New provisions to require on-site stormwater management have been added to permit development, regardless of whether it is subject to site plan control. This is to provide on-site stormwater management where there is an increase in impermeable surfaces.

Neighbourhoods without access to municipal water and sewer (i.e., on private wells and septic systems) are proposed to be limited in terms of number of dwelling units permitted to what they are permitted in the current By-law, and it is not proposed to permit up to four (or more) units in these areas.

The new Zoning By-law Draft 1 also proposes that Neighbourhood zones include aggregated soft landscaping requirements in both front and rear yards to reduce the amount of impermeable surfaces and support stormwater management.

Working on increasing needed infrastructure and services in residential areas:

The zoning by-law is the City’s main tool for controlling what is built in the city and shape the way it grows. The Provincial Planning Act allows zoning by-laws to regulate, among other things, the use of land and the size and location of buildings and structures. The zoning by-law is also informed by the new Official Plan policies, adopted by Ottawa City Council on October 27, 2021. The zoning by-law sets out what is permitted to be developed on a given property e.g. the interior use of a building, setback requirements from property lines, location of parking.

Methods to ensure new development comes with amenities to support a community’s needs are out of scope of this new zoning by-law project. The same is true for infrastructure maintenance and ensuring that the necessary services for a neighbourhood such as parks and schools are built.

Work on the new Zoning By-law so far has placed great emphasis on permitting the necessary land uses to allow a variety of services in neighbourhoods in accordance with the Official Plan intent to create walkable 15-minute neighbourhoods.

Policy 4 in Section 6.3.1 of the Official Plan states in part:

"The Zoning By-law and approvals under the Planning Act shall allow a range of residential and non-residential built forms within the Neighbourhood designation, including: [...] d) To provide for a range of local services and promote the emergence or strengthening of 15-minute neighbourhoods, the Zoning By-law may permit compatible and complementary small-scale non-residential uses and services (including retail, service, cultural, leisure and entertainment uses) that primarily serve residents within walking distance [...]"

Proposed provisions to permit small scale non-residential development in residential areas are generally limited in terms of size as well as permitted land uses to avoid development which is incompatible with residential uses.

An example of provisions which work on limiting negative impacts of non-residential uses on residential areas are those in Section 804 - Neighbourhood Commercial Suffix (c). The provisions restrict the location of such uses to the ground floor and basement of a residential use building. In addition, the floor area of non-residential uses in a building generally must not exceed a gross floor area of 100 square metres. Finally, no parking spaces are permitted in association with a non-residential use.

Regarding concerns about increased traffic due to densification:

The new Zoning By-law does not determine where density and height should go but only follows Official Plan directions which determine this. The Zoning By-law provides more specific regulations that go with intensification and sets out what is permitted to be developed on a given property e.g. the interior use of a building, setback requirements from property lines, location of parking.

The new Zoning By-law proposes mostly low-rise zoning in neighbourhoods, while mid-rise and high-rise are limited to Hubs, Mainstreets, and Minor Corridors. This is to implement the Official Plan which provides for higher densities in the Neighbourhood designation in strategic growth areas that are adjacent to Corridors, Hubs and near rapid transit stations. As such, transit system is intended to support intensification and help divert some traffic.

Height transitions are also proposed in accordance with the Official Plan policies. Development is proposed to be required to step down towards residential areas, this would further have a limiting effect on the number of units permitted.

In addition, on average only a small number of properties in the city, approximately 1 per cent, are redeveloped each year. Further, when that redevelopment occurs, the density of that development will vary depending on decisions made by the property owner. One single detached dwelling may be replaced by another single detached dwelling, with no increase in overall density on the lot, or the single detached dwelling may be replaced by a three-unit or six-unit building. This indicates that zoning changes will not immediately overload the transportation system.

While the Zoning By-law is concerned with the built form, work on the Transportation Master Plan considers the transportation projects required to accommodate the growth adopted by council in the Official Plan.

Regarding parking concerns:

It is proposed to replace minimum parking ratios with a choice-based approach that gives property owners and developers the flexibility to provide the amount of parking they require, aligning parking supply and demand.

Removing minimum parking ratios does not mean new developments built in Ottawa will not have on-site parking. Nor does it mean that the number of parking spaces provided will necessarily be lower in the short-term. By shifting away from minimum parking ratios towards a choice-based approach, in the long-term this will assist with the creation and enhancement of more-transit supportive, walkable neighbourhoods in the city.

Community Engagement and Trust

During the Draft 1 consultation period, the new Zoning By-law project has hosted many virtual and in-person information sessions and workshops on the new zoning by-law. The public consultation period provided an opportunity to discuss the Zoning By-law review with members of the zoning team.

1.Virtual Community Information and Comment Sessions

Starting in the summer, virtual open houses were held in July, August, and September grouped by City Ward. Each session covered multiple wards. The open houses included a presentation providing an overview of municipal planning, and the proposed new Zoning By-law, followed by breakout sessions for each ward providing a ward specific overview of the proposed By-law. This format allowed residents to engage in more focused discussions and ask questions relevant to their specific areas.

2.In-Person Community Information and Comment Sessions

In-person Workshops were held in September and October. These sessions were organized by Official Plan transects of the city. The sessions included a gallery of posters providing information on municipal planning, and the main points of the new Zoning By-law. The main event of the evenings was round table discussions on a variety of topics providing residents the opportunities to ask questions to City staff in small groups.

There will be more community engagement opportunities during the public consultation for Draft 2 in 2025. More details will be included in the Draft 2 staff report, which is anticipated to be released in March. Members of the public are also welcome to send inquiries and comments to the project inbox (newzoning@ottawa.ca) or the Public Comment Form: (<https://forms.office.com/r/xhYphHrBtT>). It is anticipated that the final version of the draft by-law will be submitted for approval to the Joint Committee and Council in Q4 2025. For more information about the project timeline and public consultation, please visit [Engage Ottawa](#).