

Backgrounder

May 21, 1999

ACS1999-PW-PLN-0062

Ontario Municipal Board appeals against residential regulations of the Zoning By-law, 1998

Appels interjetés auprès de la Commission des affaires municipales de l'Ontario relativement aux règlements résidentiels de l'Arrêté municipal sur le zonage de 1998

Issue

- in November 1998, Council agreed to retain consultants to review the residential appeals against the *Zoning By-law, 1998*; to recommend solutions to those issues; and to represent Council at any Ontario Municipal Board (OMB) hearing on these matters.

What's New

- the consultants have completed their report which outlines recommendations to resolve many of the residential appeals.
- their report, "City of Ottawa Zoning By-law 1998: Comments on Objections", has been sent to the six remaining residential zoning appellants and other stakeholders
- the report contains discussion and recommendation on 12 issues, including Planned Unit Development (PUD) regulations, definition and calculation of gross floor area and the question of whether entrances for linked houses should be along the same facade.
- staff supports the consultants' recommendations.

Impact

- if Council is unable to support the consultants' and staff's recommendations, it would jeopardize the consultants' ability to represent Council at the OMB hearing on these matters.

**Contact: Beth Desmarais - 244-5300 ext. 3503
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May 21, 1999

ACS1999-PW-PLN-0062
(File: LBT3200/500)

Department of Urban Planning and Public
Works

Ward/Quartier
City Wide

- Planning and Economic Development
Committee / Comité de l'urbanisme et de
l'expansion économique
- City Council / Conseil municipal

Action/Exécution

Ontario Municipal Board appeals against residential regulations of the Zoning By-law, 1998

Appels interjetés auprès de la Commission des affaires municipales de l'Ontario relativement aux règlements résidentiels de l'Arrêté municipal sur le zonage de 1998

Recommendations

1. That the consultants' report which appears at Document 5 be RECEIVED.
2. That the amendments to *Zoning By-law, 1998* be APPROVED as detailed in Documents 2 to 4.



May 25, 1999 (1:01p)

Edward Robinson
Commissioner of Urban Planning and Public
Works

ED:ed

Contact: Elizabeth Desmarais, 244-5300 ext. 1-3503
Dave Leclair, 244-5300 ext. 1-3871




May 26, 1999 (9:01a)

Approved by
John S. Burke
Chief Administrative Officer

Financial Comment

Funds have been committed in the General Capital Reserve fund to accommodate expenses pertaining to the appeal process.


 May 25, 1999 (11:41a)

for Mona Monkman
 City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendations

In November 1998, Council endorsed the retainment of consultants to review the residential appeals against the *Zoning By-law, 1998*, to recommend solutions to those issues, and to represent Council at any Ontario Municipal Board Hearing on these residential matters. The consultants have finalized their report which outlines recommendations to resolve many of the residential appeals. Their report, "City of Ottawa Zoning By-law 1998: Comments on Objections", attached as Document 5, has been sent to the six remaining residential zoning appellants, as well as to non-appellant stakeholders, and to the Regional Municipality of Ottawa-Carleton, the latter of whom has party status to these appeals.

The report contains discussion and recommendations on 12 issues including the following:

- Planned Unit Development regulations, and concerns about the removal of By-law Number Z-2K Section 4c
- Definition and calculation of gross floor area
- amenity space and landscaped area regulations for apartment and high-rise apartment buildings
- Landscaping requirements of parking lots
- Dwelling type definitions
- Definition of high-rise apartment/height limits applied to setback requirements
- Front yard parking in Residential zones
- Yard Setbacks for apartment and high-rise apartment buildings
- Setbacks for apartment and high-rise apartment buildings on corner lots
- Requirement that parking must be on the same lot as the use
- Requirements that entrances for linked houses must be along same facade

The Department supports all of the consultants' recommendations, which are detailed both in their report, attached as Document 5, as well as itemized in zoning detail in Documents 2, 3 and 4. Their recommendations conform to the residential Official Plan policies, support the residential zoning strategies developed to implement the Official Plan, and respond to the different concerns and perspectives of both the appellants and the non-appellant stakeholders. It must be noted that if Council is unable to support the consultants' and staff recommendations contained in this report, this would jeopardize the consultants' ability to represent Council at the Ontario Municipal Board hearing on these matters.

The consultants' report contains an extensive discussion on the appellants' concern with the exclusion of the Section 4c of By-law Number Z-2K - one lot for by-law purposes. The appellants' primary concern was the removal of flexibility in planned unit development (PUD) design as Section 4c permitted severed lots within PUDs to be exempt from most zoning regulations, without the need of any rezoning, with only the perimeter of the whole PUD and overall density regulated. The non-appellant stakeholders had concerns with the use of the 4c which created uncertainty with respect to infill developments and the possibility of overdevelopment within established neighbourhoods.

The consultants concur with Council's position that there should be regulations applied both to the perimeter as well as to the internal development within a PUD. With their recommended changes to the PUD regulations, the consultants are confident that Section 4c is not needed and that both issues of flexibility and certainty have been equally and adequately addressed. The consultants suggest that Council could also choose to include a "floating" 4c-like clause which could be applied only through site-specific rezoning. Staff are of the opinion that there would be little added value to including such a clause, as the PUD regulations, as proposed to be amended, respond to both the development industry and community concerns and would, in any event, not apply to any land without a rezoning, thus defeating the original purpose of the By-law Number Z-2K Section 4c.

Following the circulation of the consultants' report, it was discovered that there had been a misunderstanding of the current By-law 93-98 side yard setback as applied to apartment buildings, high-rise apartment buildings and PUDs. The current regulations establish a minimum distance for an interior side yard to extend a specified distance back from the lot line (e.g. 1.5m for the first 15m back from the street) and require an increase of "25% of the lot depth for the remainder of the lot", to a specified maximum. The consultants' report worked on the assumption that the increased interior side yards after the specified distance back from the street was "25% of the remainder of the lot depth", to a specified maximum. The effect of this difference in wording is a decrease in the interior side yard setback. This misunderstanding has been corrected in the consultants' report attached at Document 5.

Staff recommend a modification to the consultants' recommended wording of the "gross floor area" definition to identify all of those areas excluded from the calculation as being above, at or below grade. Also, as the current definition of "gross leasable area" is based on the same percentage approach as gross floor area, staff recommend that the definition of gross leasable area be returned to its previous definition under By-law Number Z-2K.

Further, the consultants' recommendation pertaining to the requirement that entrances must be along the same facade is either to clarify or remove the regulations of Section 129. Staff agree with the consultants' opinion that the regulation is not appropriate as other dwelling types have no restriction on the location of doorways. Moreover, the definitions of "linked-detached house" and "linked-townhouse" are deliberately broad so as to permit any type of two unit, side-by-side construction and Section 129 conflicts with the intent of these definitions. Staff recommend that Section 129, as well as Section 131, be deleted.

Finally, staff were made aware of a problem with Sections 47 and 125 as they apply to severed lands within a PUD, as landscaping of parking lots would be required between houses or between groups of houses divided through a condominium plan. Staff recommend an amendment to clarify that these provisions do not apply to lot lines created solely for purposes of severing or establishing a condominium plan for houses within a PUD (See Document 2 subsection 5 (c)).

This consultant study has addressed the issues identified by the appellants to the Zoning By-law, 1998. Nonetheless, it is likely that other issues will arise in the future which may result in the need for future zoning by-law amendments. However, it should be noted that the appeals resolution process is only one mechanism by which to respond to concerns with respect to the provisions of the *Zoning By-law, 1998*. A monitoring process and a Zoning By-law Monitoring Group have been established to identify and review such emerging issues. This, in combination with regularly scheduled reports to Planning and Economic Development Committee to deal with anomalies and technical matters, will ensure that problems and concerns which arise in the future will be addressed on a timely basis.

Consultation

Following their preliminary assessment of the residential appeals, the consultants prepared a draft document presenting recommended zoning regulations to satisfy the concerns of both the appellants and non-appellant stakeholders. The report was mailed to the appellants and non-appellants with a request to attend a presentation on the report. The appellants met with staff and the consultants in December 1998 to discuss their individual appeals against By-law 93-98. In addition, the non-appellant stakeholders also met with the consultants. Both groups with an interest in this matter were requested to, and did provide to the consultants, lists of Planned Unit Development projects which represent both good and poor developments. The consultants visited each of these sites prior to providing a final recommendation regarding the resolution of these appeals on this specific land use.

The consultants provided a final report to staff on April 26, 1999 which was subsequently sent to the appellants, the non-appellant stakeholders and the Regional Municipality of Ottawa-Carleton with a covering letter indicating the date at which this report, also forwarded to all of them, would be before Planning and Economic Development Committee. The non-appellant stakeholders were invited to attend a meeting with staff held May 11, 1999 at which the consultants' report was discussed.

Disposition

Department of Corporate Services, Statutory Services Branch to notify the Regional Municipality of Ottawa-Carleton, Development Approvals Division, of City Council's decision.

Office of the City Solicitor to forward implementing by-law (s) to City Council.

Department of Urban Planning and Public Works to prepare and circulate the implementing by-law (s).

List of Supporting Documentation

- Document 1 Summary and Staff Recommendations on the appeals against the *Zoning By-law, 1998*
- Document 2 Recommended Amendments to Certain Residential Provisions
- Document 3 Recommended Amended Table 187: Apartment and High-Rise Apartment Regulations
- Document 4 Recommended Amendments to Replace Sections 176-181: Planned Unit Development (PUD) Regulations
- Document 5 Consultants' Report: City of Ottawa Zoning By-law, 1998: Comments on Objections

Part II - Supporting Documentation

Document 1

SUMMARY OF RESIDENTIAL APPEALS

APPELLANT	ZONING BY-LAW	PARTICULARS	CONSULTANT REPORT REFERENCE	APPLICABLE DOCUMENT REFERENCE
1. PLANNED UNIT DEVELOPMENT REGULATIONS -Richcraft Homes -Ottawa-Carleton Home Builders -Minto Developments -Urbandale -CCOC -J. Colizza Architect - general and specific -Ottawa-Carleton Home Builders -Richcraft Homes	Section 176 and all subsections; Section 177 and all subsections and Table 177, and Section 178, Section 179, Section 180, and Table 180, Section 181, and Section 187 and Table 187	<p>-disagrees with concept of regulating each unit within a PUD siting variety of flaws such as being against flexible development, uniqueness of sites, appropriate and innovative architectural design, creates problems for group parking where severances are planned; may reduce densities resulting in inefficient use of land, assumes all row units are rectangular, fails to recognize value of SPC process. Contravenes Official Plan, RMOC Official Plan and the provincial Policy Statement-all designed to produce intensified redevelopment in serviced, urban built up areas.</p> <p>-Section 620 is cumbersome and unnecessary solution to a non-existent problem. New requirement for frontage for PUDs precludes any type of cluster housing with 'gang' parking located elsewhere on the site; clusters of units in a park-like setting is an affordable housing option. Zoning regulations will encourage development at the street edge and islands of parking in the core, Abandons a tradition created in Ottawa and replicated throughout the Region.</p>	See Document 5, Issues 1, 10, 11	See Document 4
2. ONE LOT FOR BY-LAW PURPOSES -J. Colizza Architect -Richcraft Homes -Ottawa-Carleton Home Builders -Minto Developments -Urbandale -CCOC	Sections 179 and 620	<p>-City has not continued the deeming provisions of Section 4c of Zoning By-law Number Z-2K. Section 179 is inconsistent with old Section 4c and constitutes bad land use planning</p> <p>-Section 179 is inconsistent with Section 4(C) of Zoning By-law Number Z-2K. Constitutes bad land use planning. Add a 4c-like clause</p> <p>-Section 620 should be extended to include all existing and proposed buildings. Limitations in 620(2) and (3) are unfair, discriminatory and inappropriate</p>	See Document 5, Introduction and Issue 1	See Document 4

APPELLANT	ZONING BY-LAW	PARTICULARS	CONSULTANT REPORT REFERENCE	APPLICABLE DOCUMENT REFERENCE
-Minto Developments	Section 41	-Parking required on same lot - becomes a problem given Section 620. Units in a PUD without a garage and serviced by gang parking adjacent to a private way will not comply with this zoning provision once the units are severed	See Document 5, Issue 11	See Document 4
3. AMENITY AREA -Centretown Citizens Ottawa (CCOC) -J. Colizza Architect -Minto -Richcraft Homes -Ottawa-Carleton Home Builders	Section 121, Table 121 Sections 121-127	-objects to Total Amenity Area requirement for apartments and high-rises of 10% gfa of each building. It is their understanding that staff previously agreed to 10% gfa of each unit -objects to Indoor Amenity Area for high-rises. Requirement of 1 sq.m. per unit does not acknowledge economic cost of providing and managing the space -CCOC objects to communal amenity space requirement of 14 sq.m. for rooming houses. Requirement is much larger than a typical room. Landlords do not have the resources to manage this space -too restrictive and must be revised	See Document 5, Issue 3	See Document 2, (2) and (3)

APPELLANT	ZONING BY-LAW	PARTICULARS	CONSULTANT REPORT REFERENCE	APPLICABLE DOCUMENT REFERENCE
<p>4. LANDSCAPED AREA - PARKING LOTS -J Colizza Architect -CCOC -Richcraft Homes Ottawa-Carleton Home Builders -Minto Developments -Capital Parking -Centre Parking -160572 Canada Inc. -Shamrock Parking -Ideal Parking -Imperial Parking</p>	<p>Section 124 (1), 125, 126; Section 75, Table 75; Section 47 -also Sections 289 (b) and 300 (b)</p>	<p>appealing the 3m landscaped area between different residential zones, the 3m landscaped area around parking lots or a 1.5m landscaped area where an opaque screen is provided. These provisions, in conjunction with other landscaping and amenity space requirements place onerous restrictions on development of potential sites. -will not encourage coordinated development of a lot -Setback requirements for parking lots in inner areas should be established at 1.5 m. in all cases (individual commercial zone provisions should be consistent with this). -Landscaping and buffering should be dealt with through the site plan control process, on a site-specific basis -As well, the 1 metre high opaque screen requirement around a parking lot is a concern as it could create urban design and safety problems.</p>	<p>See Document 5, Issue 4</p>	<p>See Document 2, (5), (6)</p>
<p>Urbandale</p>	<p>Map 38(4)</p>	<p>-2231-2247 Walkley Rd, 2271 Halifax Dr., 1032 and 1058 Dakota Ave. -amend zoning to exempt from 3m landscaped area required for parking lots as 0m provided</p>	<p>See Document 5, Issue 4</p>	<p>See Document 2, (5). <u>Note:</u> Although not recommending a reduction to 0m, it is a reasonable solution; and any existing situations below the recommended solution would have non-complying status</p>

APPELLANT	ZONING BY-LAW	PARTICULARS	CONSULTANT REPORT REFERENCE	APPLICABLE DOCUMENT REFERENCE
<p>5.YARD PROVISIONS -Urbandale (Row iii, Table 156) -CCOC -Minto Developments -Ottawa-Carleton Home Builders -Richcraft Homes -J. Colizza Architect</p> <p>-Ottawa-Carleton Home Builders -Richcraft Homes</p>	<p>Section 155, Table 156 -also Table 162 (iv), v), vi)</p> <p>Sections 168-175</p>	<p>-Rear yard is severe. Reduces flexibility and design potential; does not allow for efficient use; introduces new standard which renders many Urbandale buildings non-complying -Rear yard is excessive for R4, R5 and R6 zones in Areas A and D -Rear yard setback is 25% lot area and 25% lot depth, to a maximum of 11m. Rear yards are increased a maximum of 11.0m compared to Z-2K</p> <p>-Yard requirements have been increased from Z-2K and resulted in decrease in development potential of up to 50%. Are restrictive for small, narrow lots. Reinstate interior and rear yard setbacks as stated in Z-2K, with the exception that the distinction between a wall with a window and a wall without a window be deleted and regulated by the <i>Ontario Building Code</i>.</p> <p>- appellants did not provide specific reason for appeal, and noted appeal on yard requirements based on increase, not decrease as noted immediately above</p>	<p>See Document 5, Issue 9 last paragraph under heading “Rear yard setbacks for Apartment Buildings in R5 Zones”</p>	<p>See Document 2 (10)</p> <p>N/A sections pertain to permission to reduce front yard setbacks; as their appeals specify concerns against increase in yard setbacks, it appears that this specific appeal was made in error</p>

APPELLANT	ZONING BY-LAW	PARTICULARS	CONSULTANT REPORT REFERENCE	APPLICABLE DOCUMENT REFERENCE
-Richcraft Homes -Ottawa-Carleton Home Builders	Section 186, Table 187, Section 188	-Rear yard Areas A and D excessive at max. 7.5m; Rear yard Areas A and D excessive for apartments and high-rises at 11m; interior side yard of 7.5m Areas A and D excessive; interior side yard of 11m Area A excessive (CCOC) -side yard setbacks for PUDs - beyond first 15m exceeds previous requirement; no provision for rear yards on interior lots for apartments and high rises Areas A and D	See Document 5, Issues 8 and 9	See Document 3
6.GROSS FLOOR AREA AND GROSS LEASABLE AREA -Minto Developments -Ottawa-Carleton Home Builders -Richcraft Homes -J. Colizza Architect	Definition of gross floor area	“gross floor area” and “gross leasable area”. Definition of gross floor area excludes basements from GFA calculation. Impact is loss of development potential, as GFA used to calculate parking and FSI -there could be cases where basements are not used for residential purposes and where there will be a mechanical penthouse which were not counted under Z-2K which could lead to exceeding the 18% allowance. Under Z-2K, there areas plus internal circulation areas did not count in a calculation of gross floor area. -gross floor area definition does not exclude basements resulting in reduction in development potential as a result of increased parking requirements	See Document 5, Issue 2	See Document 2, (1)
7.DEFINITIONS -James Colizza Architect -Ottawa-Carleton Home Builders -Richcraft	Definition of High-Rise Apartment	-defined as more than four storeys; setbacks for a high-rise apply at greater than 10.7 metres in height- a four storey steel framed building requires a height of 11.7 metres- this would classify a four storey building as a high-rise	See Document 5, Issues 5 and 6	See Document 3

APPELLANT	ZONING BY-LAW	PARTICULARS	CONSULTANT REPORT REFERENCE	APPLICABLE DOCUMENT REFERENCE
-Ottawa Carleton Home Builders -Richcraft	Definitions of “building height”; “converted house”; “facing wall”; “lot”; “semi-detached house”; “townhouse”	-Has technical concerns and should be amended in order to provide for additional flexibility in design and construction and also for redevelopment	See Document 5, Issue 5	N/A. Staff believe that the appellants were unaware of the flexibility in design provided for two unit, side-by-side dwellings by the terms linked-house and linked-townhouse
8. FRONT YARD PARKING -James Colizza Architect	Section 46- Front yard parking	-not allowing front yard parking in compact development results in garages or sloped driveways leading to garages to meet requirement	See Document 5, Issue 7	See Document 2, (7)
Chris Jalkotzy	WITHDRAWN			

RECOMMENDED AMENDMENTS TO OTHER PROVISIONS

Document 2

1. DEFINITIONS

(a) That Section 2, Definitions, be amended by deleting the definitions for “gross floor area” and “gross leasable area” and replacing these definitions with new definitions based on the following criteria:

Gross Floor Area:

- the total floor area obtained by adding together the area contained within the perimeter of the exterior of the building at each floor or level, whether above, at or below grade, but excluding any floor area if:

- used for building maintenance or service equipment, loading areas, locker storage, laundry facilities, children's play areas, living quarters for a caretaker, watchman, or other supervisors of the building, and other accessory uses,
- used only for the parking of motor vehicles,
- occupied only by heating equipment, ventilation equipment, air-conditioning equipment, cooling equipment, mechanical equipment, electrical equipment, telecommunications equipment or elevator hoist equipment that serves the building; and
- used for residential amenity space required by this By-law.

Gross Leasable Area:

-the total floor area designed for tenant occupancy and exclusive use, including:

- basements, cellars, mezzanines and upper floors not used for storage or parking purposes, measured from centre lines of party walls and exteriors of outside walls.

2. AMENITY AREA

(a) That Table 121 be amended as follows:

- by replacing the provisions of Column II, Row i, (Apartment Building-Total Amenity Area) with the words “6 square metres per dwelling or rooming unit”.
- by replacing the provisions of Column V, Row ii, (High-rise Apartment Building-Indoor Amenity Area) with the words “a minimum of 1 square metre per dwelling or rooming unit of the required communal amenity area to be provided indoors, to a maximum size of 200 square metres”.
- by replacing the provisions of Column III, Row ii (High-rise Apartment Building-Communal Amenity Area) with the words “a minimum of 50% of the required total amenity area”.

(b) That Section 122 be reworded to state that “amenity space may be included in the calculation of landscaped area.”

3. LANDSCAPED AREA

(c) That Section 123 be amended to require that a minimum of 30% of the area of a lot containing apartment or high-rise apartment buildings be provided as landscaped area.

4. REGULATIONS FOR LINKED HOUSES

That Sections 129 and 131 be deleted, and that Section 130(2) be amended by deleting reference to Section 129.

5. LANDSCAPED AREAS AROUND PARKING LOTS

(a) That Section 47.(2) be amended to state that “a minimum separation distance of three metres must be provided between a parking lot and a lot line, and the resultant area must only be used as landscaped area.”

(b) That Section 47.(3) be amended to state that “Despite paragraph (2) (a) and section 75, where the landscaped area required by section 47 contains an opaque screen that is 1.4 metres high and runs parallel to or is concentric to a lot line not abutting a street that requires the three metre-wide landscaped area, the width of that landscaped area may be reduced to 0.8 metres”.

(c) That Sections 47 and 125 be amended to clarify that these provisions, although applicable to a PUD, do not apply to lot lines created solely for the purposes of severing or for establishing a condominium plan for houses within that PUD.

(d) That Section 75.(6) be amended to state that “Despite subsections (1) and (4), where the landscaped area required by those subsections contains an opaque screen that is 1.4 metres high and runs parallel to or is concentric with the lot line or public street that requires the three metre-wide landscaped area, the width of that landscaped area may be reduced to 0.8 metres.”

6. LANDSCAPED AREAS IN NON-RESIDENTIAL ZONES

That the provisions regarding Minimum (*required*) width of landscaped area contained in the following tables be deleted and replaced by the words “0.8 metres, with a 1.4 metre high opaque screen”- Table 298 (CN Zone), Table 327 (CD Zone), Table 342 (CG Zone), Table 388 (CS Zone), Table 397 (CS1 Subzone), Table 401 (CS2 Subzone), Table 407 (CE Zone), Table 456 (IP Zone), Table 484 (IS Zone), Table 493 (IL Zone), Table 506 (IG Zone), Table 522 (I1 Zone), Table 530 (I2 Zone).

7. FRONT YARD PARKING

(a) That Section 46 be amended to state that “In a residential zone, no parking is permitted in a required front yard, in a required corner side yard or in the extension of a required corner side yard setback into that portion of a rear yard abutting a street.”

(b) That Sections 76 and 77 be amended by deleting the terms “front yard” and “corner side yard” where they appear in those Sections and replacing them with the terms “required front yard” and “required corner side yard”, and by deleting the words “an interior yard abutting a street” from Section 77(1).

8. SETBACK OPTIONS FOR HIGH-RISE APARTMENTS

That Section 165 and Diagram 165 be deleted.

9. CN ZONE YARD PROVISIONS

That Table 298 be amended as follows:

- (i) That the provisions in Column II, Row iii (Minimum Front Yard Setback) be deleted, and replaced by the following: “Abutting an R1, R2, R3, R4 or R5 Zone- 3 metres; Other cases- No minimum”.
- (ii) That the provisions in Column II, Row iv (Minimum Side Yard Setback) be amended to read as follows: “ Abutting an R1, R2, R3, R4 or R5 Zone- 7.5 metres; Abutting an R6 Zone- 3 metres; Other cases- no minimum”.

10. YARD PROVISIONS (RESIDENTIAL REGULATIONS)

That Table 156, Row iii, Column II (Rear Yard) be amended to state “at least 25% of the area of the lot; and at least 25% of the lot depth , up to 7.5 metres”.

RECOMMENDED AMENDED TABLE 187 -APARTMENT AND HIGH-RISE APARTMENT REGULATIONS

I MECHANISM	II CASE		III REGULATION
i Minimum Front yard Setback	In R6 and CG Zones where the front yard abuts any zone other than R1, R2, R3, R4, or R5		none required
ii	All other cases	Area A, C & D, Schedule 1	3 metres
iii		Area B, Schedule 1	6 metres
iv Minimum Rear Yard Setback	Abutting a street, all cases		Same as front yard
v	Not abutting a street, High-Rise Apartment Buildings, all cases	Abutting a required rear yard on an abutting lot	7.5 metres
vi		Abutting a required side yard on an abutting lot	Areas A, C and D, Schedule 1-same as interior side yard setback requirement Area B, Schedule 1- 7.5 metres
vii	Not abutting a street, Apartment Buildings, all cases	Abutting a required rear yard on an abutting lot	25% of lot depth, to a maximum of 7.5 metres
viii		Abutting a required side yard on an abutting lot	same as interior side yard setback requirement

	I MECHANISM	II CASE	III REGULATION	
ix	Minimum Interior Side Yard Setback	High-rise Apartment Buildings, all cases	Abutting a lot in an R1, R2, R3, R4 or R5 Zone	7.5 metres
x			Abutting a lot in any other zone	Areas A,C and D, Schedule 1-1.5 metres for the first 21metres back from the street plus 25% of the lot depth for the remainder, up to 7.5 metres Area B, Schedule 1- 7.5 metres
xi		Apartment Buildings, all cases	For walls up to and including 12 metres in height	1.5 metres for the first 21metres back from the street plus 25% of the lot depth for the remainder, up to 7.5 metres
xii			For walls greater than 12 metres up to and including 13.5 metres in height	2.5 metres for the first 21metres back from the street plus 25% of the lot depth for the remainder, up to 7.5 metres
xiii	Minimum Corner Side Yard Setback	All cases	Areas A, C & D, Schedule 1	3 metres
xiv			Area B, Schedule 1	4.5 metres

**RECOMMENDED AMENDMENTS TO SECTIONS 176-182:
PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS**

- (1) Delete Sections 176 (1)(c),176(1)(d), 179, 180, 181 and 182.
- (2) Amend Section 176(1)(e) to state “Both the PUD and houses located on severed lands within the PUD comply with Table 177- Planned Unit Development Regulations.”
- (3) Revise Section 176(2) to state “A house in a planned unit development is considered to have frontage if the land on which it is to be located after severance abuts a private way that,
 - (i) is at least six metres wide,
 - (ii) has frontage of at least six metres, and
 - (iii) serves as a driveway leading directly to a public street, or as an aisle leading to such driveway.”
- (4) Amend Section 178 to state “In the event of a conflict between the front, rear, interior side and corner side yard setback provisions applicable to the PUD and those applicable to severed lands within the PUD, the regulations applicable to the PUD prevail.”
- (5) Replace Tables 177 and 180 with the following:

TABLE 177-PLANNED UNIT DEVELOPMENT REGULATIONS

I MECHANISM	II CASE		III REGULATIONS
Minimum Lot Area	PUD	Areas A, B & C, Schedule 1	1,625 m ²
		Area D, Schedule 1	1,392 m ²
	Severed land within a PUD		no minimum
Minimum Frontage	PUD		no minimum
	Severed land within a PUD		3 metres
Minimum Width	PUD		no minimum

I MECHANISM	II CASE		III REGULATIONS
	Severed land within a PUD	Areas A & D, Schedule 1	4 metres
		Areas B & C, Schedule 1	as per dwelling type
Minimum Setback from a Private Way	All cases		1.8 metres
Minimum Front Yard Setback	Area A, C & D, Schedule 1, all cases		3 metres
	Area B, Schedule 1, all cases		6 metres
Minimum Separation Distance Between Buildings within a PUD	All cases		1.2 metres
Minimum Rear Yard Setback abutting a public street	Area A, C & D, Schedule 1, all cases		3 metres
	Area B, Schedule 1, all cases		6 metres
Minimum Rear Yard Setback not abutting a public street; Minimum Interior Side Yard Setback	Abutting an R1, R2, R3 or R4 Zone in all areas	Abutting a required side yard on an abutting lot	1.2m for the first 18m back from the street; 25% of lot depth for the remainder, to a maximum of 7.5m
		Abutting a required rear yard on an abutting lot	25% of the lot depth, to a maximum of 7.5m
	Abutting all other zones in all areas	Abutting a required side yard on an abutting lot	1.2m for the first 21m back from the street; 25% of lot depth for the remainder, to a maximum of 7.5m
		Abutting a required rear yard on an abutting lot	25% of the lot depth, to a maximum of 7.5m
Minimum Setback from the Rear Boundary of Severed Land	All cases		25% of the depth of the severed land, to a maximum of 7.5 metres
Minimum Corner Side Yard Setback	Area A, C & D Schedule 1		3 metres
	Area B Schedule 1		4.5 metres
Permitted Location of Required or Provided parking	All cases		May be located either in a common parking lot within the PUD, or , where individual houses have been severed from the PUD, on the severed lands occupied by each house