

## Part 5 – Residential Provisions (Sections 120-137)

This part contains provisions that apply specifically to residential dwellings located throughout the whole of the City, and includes regulations for uses including conversions, group homes, home-based businesses, and secondary dwelling units.

The City of Ottawa Zoning By-law is made available on the web site for information, however confirmation on the zoning provisions should be sought through the City’s development information officers (DIO), by contacting 311 and asking for the DIO for the geographic area in question.

### Accessory Satellite Dish or Accessory Tower Antenna in Residential Zones (Section 120)

- 120.** (1) Despite the provisions of Section 64 - *Permitted Projections Above the Height Limit* and Section 65 - *Permitted Projections into Required Yards*, in a residential zone satellite dishes or tower antennas, either of which could be by definition an accessory structure, are permitted subject to the provisions of Table 120. These provisions do not apply to the installation of any antenna other than a satellite dish or tower antenna.
- (2) For the purpose of this Section,
- (a) Tower antenna means an installation consisting of an antenna or antenna array, mounted on, attached to or supported by a tower, designed for the purpose of the reception or transmission of any electronic signals conveyed by means of electromagnetic waves.
  - (b) Tower means a support structure of a height of 4.5 metres or greater, designed specifically to safely secure an antenna or antenna array.
  - (c) The height of a tower antenna is calculated as the vertical distance between grade at the base of the tower and the highest point of an antenna when positioned for operation, and is measured from the base of the tower to the highest point of an antenna when positioned for operation when elevated above ground level.
- (3) These provisions do not apply to a utility installation, which is subject to the provisions of Section 91- *Utility Installation*.

**Table 120- Accessory Satellite Dish or Accessory Tower Antenna Provisions**

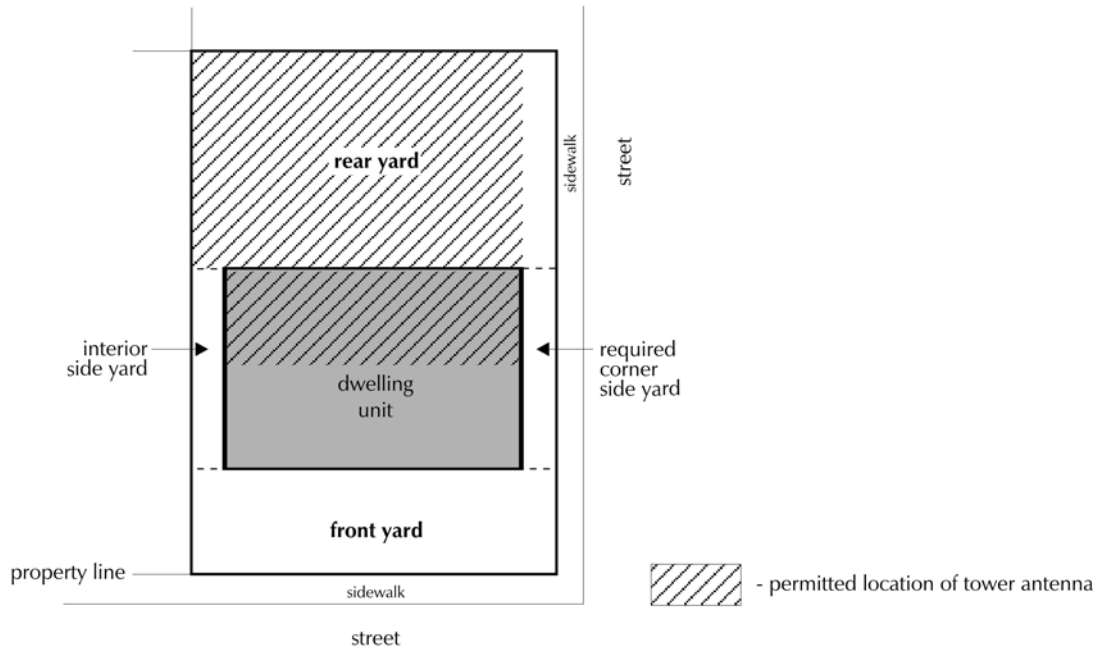
I MECHANISM	PROVISION		
	Satellite Dish		IV Tower Antenna
	II Less than or equal to 1 m in diameter	III Greater than 1 m	

I MECHANISM	PROVISION		
	Satellite Dish		IV Tower Antenna
	II Less than or equal to 1 m in diameter	III Greater than 1 m	
(1) Permitted location	no restriction	(a) may not be located on the roof of a building three storeys or 11 m or less in height (b) may not be located in a front yard, an interior side yard or a corner side yard or in the extension of the corner side yard into a rear yard	(a) may not be located in a front yard, an interior side yard or a required corner side yard or in the extension of the required corner side yard into a rear yard (b) for buildings three storeys or 11 metres or less in height, may be located only on that half of the roof closest to the rear yard (c) for buildings higher than three storeys or 11 metres, must be located a minimum of 4.5 metres from the perimeter of the roof
(2) Minimum setback from any lot line	0.3 m	1.2 m	Tower must be set back a distance equal to 1/4 of the height of the tower antenna; this provision does not apply where the tower antenna is located on the roof of a building higher than three storeys or 11 metres in height

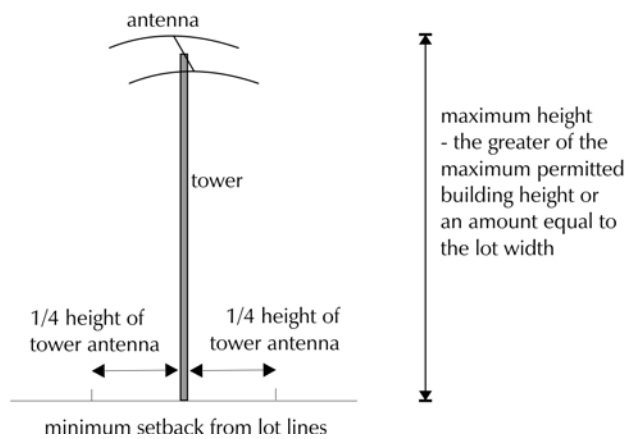
I MECHANISM	PROVISION		
	Satellite Dish		IV Tower Antenna
	II Less than or equal to 1 m in diameter	III Greater than 1 m	
(3) Maximum permitted height	no restriction	3.7 m, excluding height of building when located on a roof in accordance with row (1) above	Maximum height of tower antenna: -same as the maximum permitted principal building height or an amount equal to the lot width, whichever is the greater -despite the above, where located on the roof of a building higher than three storeys or 11 metres in height, the height of the tower antenna must not exceed nine metres above the highest point of the roof
(4) Maximum number per lot permitted	no restriction	1	1

#### ILLUSTRATION OF TOWER ANTENNA PROVISIONS

### Tower Antenna - Permitted Location



### Tower Antenna - Required Setbacks and Maximum Height



## Bed and Breakfast Provisions (Section 121)

121. Where permitted in a residential zone or a rural zone, a bed and breakfast must:

- (1) be located only in a residential use building;

- (2) be limited to locations in the following residential use buildings in the identified areas that must be permitted uses in the zone in which they are located:
  - (a) any residential use building in Areas A, B or C on Schedule 1, and
  - (b) a detached dwelling in Area D on Schedule 1; and
- (3) provide meals only to guests of the bed and breakfast.

## Conversions (Section 122)

- 122.**
- (1) A residential use building may be converted to any residential use permitted in the residential zone or exception zone in which it is located, and may be enlarged to the full building envelope permitted in the zone for the original residential use building that existed prior to conversion.
  - (2) Subsection (1) applies, with all necessary modification, to a non-complying residential use building as long as the conversion does not increase the degree to which the building is non-complying.
  - (3) Any conversion that results in the creation of a retirement home, converted; rooming house, converted; converted dwelling; or shelter must be serviced with public sewer and water, except in the RU-Rural Countryside, VM –Village Mixed Use, V3 – Village Residential Third Density, and AG-Agricultural Zones where such uses may be permitted, if listed as permitted uses, on private services approved by the City of Ottawa where public services are not available. (By-law 2008-386)
  - (4) A residential use building converted under subsection (1) must, after conversion, continue to meet the lot area, lot width, height and yard setback provisions, applicable to the original residential use for which the building was used prior to conversion.
  - (5) A building converted under subsection (1) must, after conversion, meet the parking provisions that apply to the newly converted use.
  - (6) Where a residential use building, located in a residential zone, is converted to a retirement home, converted; rooming house, converted; group home; or shelter, such uses must occupy the whole of the building.
  - (7) A residential use building converted pursuant to this section is not permitted to have any additional, new driveway, except in the case of a corner lot, where such new driveway may only be created in the yard that did not contain a driveway prior to the conversion.
  - (8) A residential use building converted pursuant to this section is not permitted to have any new doorway entrance added to a front wall, whether before, during or after conversion.
  - (9) Subsection (8) does not,
    - (a) prohibit the conversion of a building that originally contained more than one doorway entrance in a front wall, nor
    - (b) require the removal of a doorway entrance to a building that already contained more than one entrance in a front wall, nor
    - (c) prohibit an internal lobby or vestibule with one doorway entrance in the front wall, nor
    - (d) prohibit a new doorway entrance added to a front wall where one previously did not exist.

## Front Yard Setback Reductions (Section 123)

123. (1) Where the front yard setback of at least one of the residential lots on either side of another residential lot is less than the required front yard setback for the zone but was lawfully established, the front yard setback for the middle residential lot may be reduced to the greater of,
- (a) 1.5 metres, or
  - (b) the average of the two front yard setbacks of the other two lots.
- (2) Where one of the lots on either side of the middle lot mentioned in subsection (1) is vacant, and the other lot is less than the required front yard setback for the zone but was legally established, the front yard setback for the middle lot may be reduced to the greater of,
- (a) 1.5 metres, or
  - (b) the average of the required front yard setback for the zone and the front yard setback of the lot that is not vacant.
- (3) Subsections (1) and (2) apply to both an addition to a residential building or to a new residential building on the middle lot.
- (4) Where the front yard setback of the residential lot abutting a corner lot is less than the required front yard setback for the zone, either the corner side yard setback or the front yard setback of a corner lot may be reduced to the greater of,
- (a) 1.5 metres, or
  - (b) the front yard setback of the abutting residential lot that faces the same street, but only one of the yards abutting a street is permitted this reduced setback.

## Garden Suite Provisions (Section 124)

124. (1) A garden suite is only permitted where a site-specific, temporary zoning by-law allows one.
- (2) Where a garden suite is permitted by the temporary zoning mentioned in subsection (1), the following provisions apply:
- (a) only one garden suite is permitted per lot;
  - (b) the garden suite must be on the same lot as a principal residential use building;
  - (c) the principal residential use building must be either a detached dwelling, linked-detached dwelling or a semi-detached dwelling;
  - (d) the detached dwelling, linked-detached dwelling or semi-detached dwelling must be a permitted use in the zone;
  - (e) the garden suite must comply with the regulations set out in Table 124; and
  - (f) despite subsection (2)(e), these regulations may be varied on a site-specific basis through a temporary zoning by-law.
- (3) Subsection (2) does not preclude both units of a semi-detached dwelling having a garden suite.

- (4) The development of a garden suite on a residential lot does not result in the creation of a planned unit development.

**TABLE 124- PROVISIONS FOR GARDEN SUITES** (By-law 2008-386)

I ZONING MECHANISM		II PROVISION
(1) Maximum height		4.6 m and 1 storey
(2) Permitted Location		In the rear yard only
(3) Minimum setback	(a) From a side lot line	Same as for principal building
	(b) From a rear lot line	2.3 m
(4) Maximum Lot Coverage		(i) 35% of the area of the rear yard (ii) a garden suite is not included in the calculation of any other maximum lot coverage requirements
(5) Minimum distance from any other building on the lot		1.2 m
(6) Driveways		no driveway, other than one already on the lot prior to the installation of the garden suite, is permitted
(7) Maximum floor area		65% of the gross floor area of the principal building on the lot
(8) Parking		no additional parking is required

## Group Home Provisions (Section 125)

- 125.** (1) Where a group home is a permitted use in a zone, in addition to the provisions of the zone in which it is located, a group home: (By-law 2008-326)
- (a) when located in a residential zone, must be within a dwelling type permitted in that zone; (By-law 2008-326)
  - (b) section 122 applies;
  - (c) pursuant to Subsection 122 (6), where a residential use building, located in a residential zone, is converted to a group home, the group home must occupy the whole of the building including all attached units within the residential building; and the separation distances, required under paragraphs 125 (1)(d), and (e), and subsections 125 (2) and (3) do not apply to the attached units within which the group home is located;
  - (d) where located within or abutting Residential, Rural Institutional, or Village Mixed-use Zones, must be separated from any other lot containing a group home, a distance of 300 metres from each property line of the lot on which the group home is located;
  - (e) where located within an RU - Rural Countryside or AG - Agricultural Zone:

- (i) must be separated from any other lot zoned RU or AG containing another group home, a distance of 1000 metres from each property line of the lot on which the group home is located, and
  - (ii) Must be separated from any lot zoned in a Residential zone, Rural Institutional Zone, or VM – Village Mixed-Use Zone containing another group home, a distance of 500 metres from each property line of the lot on which the group home is located.
- (2) Despite subsection (1), the minimum required separation distance need not extend across a highway, grade-separated arterial roadway, railway yard, Rideau or Ottawa Rivers, or Rideau Canal, or any other major barrier to pedestrian or vehicular movement, and in such cases is deemed to be fulfilled by the distance between that barrier and the affected property line or lines of the lot containing the group home.
  - (3) Where the minimum required separation distance of one group home intersects the minimum required separation distance of another group home, both group homes are considered to comply with the minimum separation distance requirements, provided that the limits of the two separation areas do not touch a lot line of a lot containing another group home.
  - (4) The maximum number of residents permitted applies to the whole of the residential use building and not to individual units within the residential building in which the group home is located.
  - (5) Despite paragraphs 125 (1) (d) and (e), and subsections 125 (2) and (3), where there are two abutting lots, each of which contains or proposes to contain one group home, both homes are permitted, provided the total of both group homes does not increase the total number of residents in both homes beyond the ten (10) resident maximum required under the definition of group home and required under the residential zones.

## **Heavy Vehicles and Recreational Vehicles Associated with a Residential Use (Section 126)**

126. (1) No person shall park a heavy vehicle including a recreational vehicle, or a trailer for camping or a boat, except where
- (a) the heavy vehicle is not a tractor-trailer or portion thereof;
  - (b) the vehicle or trailer is 6 metres or less in length;
  - (c) the parking is associated with a permitted residential use or with one or more home-based businesses in a residential zone, LC - Local Commercial, GM - General Mixed Use or VM - Village Mixed Use zone; and (By-law 2009-164)
  - (d) the provisions of Section 100 - General Parking provisions and Section 109 - Location of parking, are complied with.
- (2) Despite subsections (1)(a) to (c), the parking of a heavy vehicle, including a recreational vehicle or a trailer for camping or a boat, associated with a residential use or with one or more home-based businesses, is permitted in the zones listed in Table 126 subject to the provisions of Table 126 below: (By-law 2009-164)

**TABLE 126 – MAXIMUM NUMBER OF VEHICLES PERMITTED TO BE PARKED**  
(By-law 2009-164)

I Type of vehicle		Provisions		
		II Residential zones (R1 to R5, RM, RR and V1 to V3)	IV AM, TM and VM zones	V AG, EP, ME, MR and RU
i. if greater than 6 m in length and is not a school bus	a) heavy vehicle that consists of a recreational vehicle, or a trailer for camping or a boat	<p>provided it is parked in the rear yard or interior side yard and setback 0.6 m from the lot line:</p> <p>(i) on lots not abutting the Rideau or Ottawa Rivers: a) one – in R1 to R5 zones and those RM zones located in Areas A, B and C on Schedule 1 b) two – all other residential zones</p> <p>(ii) on lots abutting the Rideau or Ottawa Rivers: may park in any yard other than the required minimum front yard, subject to a) and b) above</p>	<p>provided it is parked in the rear yard or interior side yard and setback 0.6 m from the lot line:</p> <p>a) one – AM and TM zones b) two – VM zone</p>	<p>three – but no person shall park the heavy vehicle in a required front or corner side yard, and where the person parks the heavy vehicle in an interior side or rear yard, must be a minimum of 3 metres from the interior lot line.</p>
	b) a heavy vehicle other than a) above	not permitted	not permitted	<p>two, including those associated with a home-based business, but no person shall park the heavy vehicle in a required front or corner side yard, and where parked in an interior side or rear yard, must be a minimum of 3 metres from the interior lot line or rear yard lot line.</p>

I Type of vehicle	Provisions		
	II Residential zones (R1 to R5, RM, RR and V1 to V3)	IV AM, TM and VM zones	V AG, EP, ME, MR and RU
ii. if 6m or less in length and is a heavy vehicle that is a tractor trailer or portion thereof (By-law 2009-164)	not permitted	not permitted	two, including those associated with a home-based business, but no person shall park the heavy vehicle in a required front or corner side yard, and where parked in an interior side yard, or rear yard, must be a minimum of 3 metres from the interior lot line or rear yard lot line.
iii. if 6m or less in length and is a heavy vehicle that is not a tractor-trailer (By-law 2009-164)	two, including those used for a home-based business, but no person shall park the heavy vehicle in a required front or corner side yard, and where parking in an interior side yard, or rear yard, must be at least 0.6m from the interior side lot line or rear lot line		two, including those associated with a home-based business, but no person shall park the heavy vehicle in a required front or corner side yard, and where parking in an interior side yard, or rear yard, must be a minimum of 3 metres from the interior lot line or rear lot line.

I Type of vehicle	Provisions		
	II Residential zones (R1 to R5, RM, RR and V1 to V3)	IV AM, TM and VM zones	V AG, EP, ME, MR and RU
iv. school bus	<p>a) one – in RR, V1, V2, V3, VM and those RM zones located in Area D on Schedule 1, but must not be parked in a required front or corner side yard</p> <p>b) one – in all other residential zones provided that the school bus is no longer than 6.8 m and that no other heavy vehicle is permitted on the lot</p>	not permitted	two – but no person shall park a school bus in a required front or corner side yard and where parked in an interior side yard or rear yard, must be a minimum of 3 metres from the interior lot line or rear yard lot line.
v. cumulative number of heavy vehicles permitted per lot (By-law 2009-164)	no person shall park more than two heavy vehicles or school buses on the lot, and the required parking for the dwelling or farm must continue to be legally provided on the lot.		No person shall park more than three heavy vehicles or school buses on the lot, and the required parking for the dwelling or farm must continue to be legally provided on the lot.

## Home-Based Business Provisions (Section 127)

127. (1) Home-based businesses are permitted in any dwelling unit, secondary dwelling unit or rooming unit, in any zone that permits residential uses provided:
- (a) they must not become a nuisance because of noise, odour, dust, fumes, vibration, radiation, glare, traffic, or parking generated;
  - (b) they must not become a fire or building hazard or health risk;
  - (c) they must not interfere with radio, television or other telecommunications transmissions;

- (d) one or more residents may operate a business; and
  - (e) the operators of the home-based businesses must reside in the dwelling, secondary dwelling unit or rooming unit from which the home-based business is conducted, including when the business is in operation.
- (2) Any number of businesses may exist provided the cumulative maximum total gross floor area outlined in either subsection (10) or Section 128(3), as the case may be, is not exceeded.
  - (3) Despite the unlimited number of businesses permitted, a maximum of only one, on-site, non-resident employee is permitted per principal dwelling unit.
  - (4) On-site non-resident employees are prohibited in association with any home-based business located within a secondary dwelling unit, rooming unit, or dwelling unit within an apartment dwelling, low rise or an apartment dwelling, mid-high rise.
  - (5) No more than one client or customer may be attended or served on-site at any one time by any home-based business within a principal dwelling unit.
  - (6) No client or customer may be attended or served on-site in the case of any home-based business located within a secondary dwelling unit, rooming unit, or dwelling unit within an apartment dwelling, low rise or an apartment dwelling, mid-high rise.
  - (7) Where any parking is required for the home-based business, such space may be located in the driveway.
  - (8) There is no visible display or indication of any home-based business from the street, other than the maximum of one sign for all home-based businesses on the lot, as provided for in an applicable Signs By-law. (By-law 2008-326)
  - (9) Home-based businesses must not involve the use of the premises as a dispatching office or supply depot.
  - (10) Any number of home-based businesses is permitted on a lot which permits a residential use, either within the dwelling unit, rooming unit or secondary dwelling unit, or within an attached garage on the lot, provided that:
    - (a) if within a dwelling unit or secondary dwelling unit, the cumulative size of all home-based businesses per dwelling unit or secondary dwelling unit must not exceed 25% of the unit's gross floor area or 28 m<sup>2</sup> whichever is the greater;
    - (b) if within an attached garage, the cumulative size of all home-based businesses must not exceed a maximum of 54m<sup>2</sup>, and the required parking for the dwelling unit must continue to be legally provided on the lot;
    - (c) if within a rooming unit, no maximum size limit applies, but the home-based business must take place solely within the rooming unit and not within any communal area within the building; and
    - (d) In the case of subsections (a) and (b), the cumulative total is for all home-based businesses within the principal dwelling unit and attached garage combined, with a separate cumulative total applicable to the secondary dwelling unit, and not for the principal dwelling unit, attached garage and secondary dwelling unit combined.
  - (11) The business of storing automobiles, buses, boats, recreation and any other types of vehicles is specifically prohibited.
  - (12) Outdoor storage is prohibited.

- (13) Where a home-based business sells on the premises, it sells only those items that are made on the premises. Despite the foregoing, telemarketing and mail order sales are permitted provided that any merchandise purchased is delivered or mailed directly to the customer.
- (14) Businesses that require a business, not professional, license under the City of Ottawa's licensing by-laws are not permitted, except that the following businesses requiring licenses are permitted:
  - (a) electricians and electrical contractors;
  - (b) plumbing contractors;
  - (c) taxi cab and limousine drivers, but not brokers, to a maximum of two taxis or limousines; and
  - (d) hair salons, limited to a maximum of two coiffeur chairs.
- (15) Nothing in subsection (14) prevents the administrative and indoor storage functions of such licensed businesses from being operated as a home-based business provided such functions comply with the provisions of subsections (1) through (13) inclusive.
- (16) Section 126 sets out the regulations applicable to the parking of heavy vehicles (By-law 2009-164)

## **Home-Based Businesses in RU and AG Zones (Section 128)**

- 128.** On lots zoned RU-Rural Countryside or AG-Agricultural that are a minimum size of 0.8 ha, the following additional regulations apply to home-based businesses:
- (1) The regulations of Sections 127(1), 127(2), Section 127(4) through 127(10), and Sections 127(13) through 127(15) apply.
  - (2) Despite the unlimited number of businesses permitted, a maximum of three, on-site, non-resident employees are permitted per principal dwelling unit.
  - (3) Home-based businesses are permitted in the dwelling unit, secondary dwelling unit, rooming unit, garage and accessory buildings to a cumulative maximum of 150 m<sup>2</sup>, excluding outdoor storage associated with the home-based businesses.
  - (4) Section 127(7) applies with all necessary modifications.
  - (5) In the case of subsection (3), the cumulative total is for all home-based businesses within the principal dwelling unit, garage and accessory buildings combined, with a separate cumulative total applicable to the secondary dwelling unit, and not for the principal dwelling unit, garage, accessory buildings and secondary dwelling unit combined. If within a dwelling unit or secondary dwelling unit, the cumulative size of all home-based businesses per dwelling unit or secondary dwelling unit must not exceed 25% of the unit's gross floor area or 28 m<sup>2</sup> whichever is the greater; and if within a rooming unit, no maximum size limit applies, but the home-based business must take place solely within the rooming unit and not within any communal area within the building.
  - (6) Section 127(2) applies with all necessary modifications.

- (7) In addition to the types of licensed businesses permitted under subsection 127(14), snow plough contractors, drain contractors, antique dealers and any business of storing automobiles, buses, boats and recreation vehicles are also permitted, subject to paragraph 127(1)(e). (By-law 2008-386)
- (8) Sales areas are restricted to within principal dwelling units and accessory buildings only.
- (9) No part of any garage or accessory building used for a home-based business may be located closer than 10 metres to any residential use on another lot, or to the side lot line if the neighbouring lot is not developed with a residential use.
- (10) A maximum cumulative 5% of the lot area or 100 m<sup>2</sup>, whichever is the lesser is permitted to be used for outdoor storage associated with all of the home-based businesses combined.
- (11) The permitted outdoor storage is restricted to the rear yard or to an interior yard adjacent to the rear yard.
- (12) The outdoor storage is not to be located within 10 metres of any side lot line.
- (13) The outdoor storage must be screened from view from any abutting public street, or abutting property, with an opaque screen or fence, with a minimum height of 1.4 metres.
- (14) On-site storage of hazardous chemicals or explosives is prohibited.
- (15) No open storage may lead to the creation of a salvage yard.
- (16) Section 126 sets out the regulations applicable to the parking of heavy vehicles.
- (17) For lots zoned in an EP subzone where a dwelling is permitted, the associated home-based businesses are subject to the regulations of Section 127 only and Section 128 does not apply.

## Home-Based Day Care (Section 129)

- 129. (a) Home-based day care with accommodation for up to five persons is permitted as a home-based business in any principal dwelling unit that is a permitted use in the zone in which it is located.
- (b) Home-based day care permitted under subsection (a) is subject to the regulations of Section 127.
- (c) Despite subsection (b), and 127 (2), only one home-based day care is permitted in any one principal dwelling unit.
- (d) Despite 127(1), 127(2) and 127(10), home-based day care must only be in a principal dwelling unit.
- (e) Day care with accommodation for more than five persons is not permitted as a home-based business.

## Non-Residential Uses in Residential Zones (Section 130)

- 130. (1) Subject to subsection (2), where a non-residential use is permitted in a residential zone, the non-residential use may not exceed the residential zone regulations that apply to the

highest density residential use permitted in that zone.

- (2) Subsection (1) does not apply where the non-residential use is subject to specific development standards.

## Planned Unit Development (Section 131)

131. (1) Planned unit development is permitted only if:
  - (a) it is in a zone or sub-zone in which a planned unit development is a permitted use;
  - (b) it consists only of uses that are permitted in the zone or sub-zone; and
  - (c) the entire planned unit development complies with all applicable Sections of the By-law, the provisions set out in this Section and Table 131, however, any development parcels within the planned unit development that are severed need not comply with the dwelling type-specific provisions indicated in Part 6 other than maximum permitted building height.
- (2) In the case of more than one detached dwelling located on the same lot in an AG-Agricultural Zone, or in the case of a garden suite located on a lot developed with a residential use building, this Section does not apply.
- (3) A residential use building 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 serves as a driveway leading to a public street or as an aisle leading to such driveway.
- (4) The following ancillary uses are permitted on the same lot as a planned unit development, but only to serve the residents of the planned unit development:
  - (a) **bank machine**
  - (b) **community centre**
  - (c) **community health and resource centre**
  - (d) **convenience store**
  - (e) **medical facility**
  - (f) **office**
  - (g) **personal service business** limited to a laundromat
  - (h) post office
- (5) The uses permitted by subsection (4) must:
  - (a) all be in one building;
  - (b) not exceed a cumulative total floor area of 150 square metres;
  - (c) be located on a lot containing the planned unit development; and
  - (d) be located in the interior of the lot mentioned in paragraph (c) in such a way that there is no indication, visible from a public street, that there is an ancillary use on the lot.
- (6) Where an ancillary use is in a building that is used only for ancillary uses, that building must,

- (a) not exceed the maximum permitted height for the dwellings located in the planned unit development or 11 metres, whichever is less; and
- (b) conform to all other provisions of this by-law applicable to a planned unit development and to the subzone in which the ancillary use building is located.

**TABLE 131- PROVISIONS FOR PLANNED UNIT DEVELOPMENT**

<b>I ZONING MECHANISM</b>		<b>II PROVISION</b>
(1) Minimum width of private way		6 metres
(2) Minimum setback for any wall of a residential use building to a private way		Notwithstanding any front yard setback requirement associated with any zone or subzone, the minimum setback for any wall of a residential use building to a private way is 1.8 metres
(3) Minimum setback for any garage or carport entrance		5.2 metres
(4) Minimum separation area between buildings within a planned unit development	(a) where the height of abutting buildings within the PUD is less than or equal to 14.5 metres	1.2 metres
	(b) all other cases	3 metres
(5) Parking		In addition to providing parking pursuant to Section 100 of this by-law, parking within a planned unit development may be located anywhere within the development, whether or not the development parcels within the planned unit development are severed.
(6) Parking		Required visitor parking may be provided as parallel parking on a private way, provided the private way has a minimum width of 8.5 metres.

## Rooming Units in Private Dwellings (Section 132)

132. (1) In the case of the R1, R2, R3 R4, and R5 zones, up to three rooming units are permitted in a detached dwelling, and a linked-detached dwelling; and in each principal dwelling unit of a semi-detached dwelling, of a duplex dwelling, and of a multiple attached dwelling. (By-law 2009-18) (By-law 2009-184) (By-law 2010-123)
- (2) In the case of the VM, V1, V2, V3, RU and RR zones, up to two rooming units are permitted in a detached dwelling, and a linked-detached dwelling; and in each principal dwelling unit of a semi-detached dwelling and a duplex dwelling. (By-law 2009-18) (By-law 2009-184) (By-law 2010-123)
- (3) In no case, may the cumulative total of rooming units within the whole of one of the residential use buildings, listed in the subsections (1) and (2) above, result in the creation of a rooming house, or rooming house, converted. (By-law 2010-123)

- (4) Rooming units are not permitted within secondary dwelling units and garden suites. (By-law 2010-123)

## Secondary Dwelling Units (Section 133)

133. (1) For purposes of this section, gross floor area means the total area of each floor whether located above, or at grade, measured from the interior of outside walls and including floor area occupied by interior walls but excluding:
- (a) floor area occupied by mechanical, service and electrical equipment that serve the building; and
  - (b) accessory uses located below grade;
- (2) A secondary dwelling unit is permitted in any detached, linked-detached, semi-detached or duplex dwelling, in any zone that permits any one or more of these dwelling types provided:
- (a) it does not change the streetscape character along the road on which it is located;
  - (b) it is not a stand-alone, principal unit capable of being severed;
  - (c) it must be located on the same lot as its principal dwelling unit; and
  - (d) it only exists along with, and must be contained within the same building as, its principal dwelling unit.
- (3) A secondary dwelling unit is not permitted on a lot that is legally non-complying with respect to lot width or lot area.
- (4) A maximum of one secondary dwelling unit is permitted per principal dwelling unit in the case of a detached, linked-detached and semi-detached dwelling, and a maximum of one secondary dwelling unit is permitted in the whole of a duplex dwelling.
- (5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.
- (6) Where located both at or above grade, and in the basement, the secondary dwelling unit must not be greater in size than an amount equal to a total gross floor area, of its principal dwelling unit including the gross floor area of the basement, of 40%.
- (7) Subsection (6) does not apply where the secondary dwelling unit is located entirely within the basement save and except for its entrance located on the ground floor as required by subsection (11).
- (8) Where an attached garage is converted to create the secondary dwelling unit or a portion of the secondary dwelling unit, such attached garage is included in the calculation of the gross floor area of the dwelling.
- (9) The creation of a secondary dwelling unit must not result in any new doorway entrance added to the front wall, whether before, during or after the creation of the secondary dwelling unit.
- (10) Subsection (9) does not:
- (a) prohibit an internal lobby or vestibule with a common doorway entrance in the front wall; nor

- (b) prohibit the creation of a secondary dwelling unit within a dwelling unit that already contains more than one doorway entrance in the front wall; nor
  - (c) require the removal of a doorway entrance to a house that already contains more than one doorway entrance in the front wall; nor
  - (d) prohibit the addition of one doorway entrance along the front wall of a dwelling unit on a corner lot where there is no doorway entrance along that front wall, but where there is one along the corner side wall of the dwelling unit.
- (11) The doorway entrance that leads to a secondary dwelling unit is limited to locations on the ground floor only, except where building and fire codes dictate otherwise.
  - (12) The principal and secondary dwelling units must share the parking area and yards provided for the principal dwelling unit, and no new driveway may be created, except in the case of corner lots.
  - (13) Except in the case of a secondary dwelling unit within a duplex dwelling, no parking is required for a secondary dwelling unit, but where provided, parking must be in conformity with the parking provisions of the by-law, and must not be located in the front yard.
  - (14) Despite subsection (13), a parking space for a secondary dwelling unit may be located in a driveway that passes through a front yard to a garage, carport or other parking space, and may be in tandem in the driveway.
  - (15) The creation of the secondary dwelling unit must not eliminate a required parking space for the principal dwelling unit.
  - (16) Where a secondary dwelling unit is located on a lot, neither a garden suite nor any rooming units are permitted on that lot.
  - (17) Secondary dwelling units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts. (By-law 2008-462)

## **Shelters (Section 134)**

- 134. (1) Where it is a permitted use in a zone, in addition to the provisions of the zone in which it is located, a shelter must be separated from any other lot containing a shelter, a distance of 500 metres from each property line of the lot on which the shelter is located.
- (2) Despite subsection (1), the minimum required separation distance need not extend across a highway, grade-separated arterial roadway, railway yard, Rideau or Ottawa Rivers, or Rideau Canal, or any other major barrier to pedestrian or vehicular movement, and in such cases is deemed to be fulfilled by the distance between that barrier and the affected property line or lines of the lot containing the shelter.
- (3) Where located within a Minor Institutional Zone, a shelter must be separated from any lot zoned R1, R2, R3 and R4, a distance of 30 metres from each property line of the lot on which the shelter is located and the Residentially-zoned lot.
- (4) Section 122 applies.
- (5) Despite anything to the contrary, a maximum of four shelters are permitted in Ward 12 as shown on Schedule 5. (By-law 2008-341).

## **Through Lots in Residential Zones (Section 135)**

135. (1) In the case of a residentially-zoned through lot which is not also corner lot, the minimum required front yard setback applies on each street in accordance with the provisions of the Residential zone or zones in which such lot is located and the minimum required rear yard setback does not apply.
- (2) Where a residentially-zoned through lot is also a corner lot, the corner side yard and rear yard provisions apply.

## Maximum Number of Attached Dwelling Units in a Multiple Attached Dwelling (Section 136)

136. No more than eight attached dwelling units are permitted in a multiple attached dwelling.

## Amenity Area (Section 137)

137. (1) Amenity area must be provided for a residential use that is a permitted use in the zone in which it is located, in accordance with Table 137.
- (2) Amenity area must be located on the same lot as the use for which it is provided.
- (3) Amenity area provided outdoors must not be located in a required front or corner side yard.
- (4) Where amenity area is located outside at grade, it may be included in the calculation of landscaped area requirements.
- (5) Minimum required communal amenity area may only be included as part of a required landscaped buffer where it is aggregated into areas of 54m<sup>2</sup> or more.

**Table 137- Amenity Area**

I Land Use		II Total Amenity Area	III Communal Amenity Area	IV Layout of Communal Amenity Area
(1)	Apartment Building, low rise of more than four dwelling units	6m <sup>2</sup> per dwelling unit, and 10% of the gross floor area of each rooming unit	A minimum of 50% of the required total amenity area	Aggregated into areas up to 54 m <sup>2</sup> , and where more than one aggregated area is provided, at least one must be a minimum of 54 m <sup>2</sup>
(2)	Apartment Building, mid-high rise			
(3)	Mixed Use Building, with 9 or more dwelling units or rooming units			
(4)	Stacked dwelling of 9 or more dwelling units			
(5)	Retirement Home			
(6)	Retirement Home, Converted			
(7)	Residential care facility	10% of the gross floor area of each rooming unit	All of the total amenity area	

I Land Use	II Total Amenity Area	III Communal Amenity Area	IV Layout of Communal Amenity Area
(8) Planned Unit Development	As per dwelling type	As per dwelling type	As per dwelling type
(9) Other uses	Not required		