

COACH HOUSES / Secondary Dwelling Units in Accessory Structures

DISCUSSION PAPER



Zoning, Intensification and Neighbourhoods
Policy Development and Urban Design Branch

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If you have questions about the study, or wish to comment, please contact:

Emily Davies, Planner

Planning and Growth Management Department

City of Ottawa

110 Laurier Ave West,

Ottawa, ON K1P1J1

Tel: 613-580-2424 ext 23463

Fax: 613-580-2459

Email: Emily.Davies@ottawa.ca

Contents

Executive Summary	4
Background	5
Introduction	5
Provincial Legislation	5
City Framework	6
Benefits of Detached Secondary Dwelling Units in Ottawa.....	7
A Legal Definition for Ottawa	8
Types of Coach Houses	9
Issues to Consider When Permitting a Coach House	10
Location in the City.....	11
Lot Type	12
Location on the lot.....	13
Height	14
Proximity to Adjacent Yards.....	16
Size of a Coach House	18
Design	19
Site Servicing	19
Conclusion	20
Next Steps	20



Executive Summary

The City of Ottawa, through the Province's *Strong Communities through Affordable Housing Act 2011*, is required to allow for secondary dwelling units in accessory structures within the Official Plan. The Official Plan is the municipality's long-term policy plan to direct growth. Secondary dwelling units in accessory structures could be a permanent little dwelling unit in a backyard or a little apartment above a detached garage.

Currently the City of Ottawa has Official Plan policy and Zoning By-law provisions to allow for secondary dwelling units within primary residential buildings (houses) but not within accessory structures (sheds or detached garages). Secondary dwelling units in accessory structures will be termed "Coach Houses", in an effort to depict little apartments in rear yards or units above a detached garage.

This Discussion Paper introduces the provincial and municipal regulatory framework, proposes a definition for Ottawa, reviews the benefits of secondary dwelling units in accessory structures and reviews some of the primary issues associated with allowing secondary dwelling units in accessory structures. There are many different approaches for allowing Coach Houses in residential zones. In the Discussion Paper, the City has highlighted what are seen as some key matters for consideration in developing Official Plan Policies and zoning regulations for Coach Houses.

A Questionnaire accompanies this Discussion Paper to obtain public feedback to assist with creating the appropriate regulations to allow for this form of housing as-of-right within residential zones to meet the requirement of the Province for municipalities to permit this form of housing.

Background

Introduction

Secondary dwelling units in accessory structures are self-contained residential units detached from the primary residential building and will be called “**Coach Houses**” in the City of Ottawa. This type of infill housing is a discreet way to achieve affordable housing and density in existing neighbourhoods. This Discussion Paper will explore the options to permit Coach Houses through municipal regulatory tools, mainly the Official Plan and Zoning By-law. This Discussion Paper will also serve as background research to aid the City of Ottawa with determining what type of policy and implementing Zoning By-law performance standards are appropriate.

Coach Houses are essentially a small house or apartment in a backyard or above a detached garage. A Coach House is intended to be ancillary and subordinate to the primary dwelling unit, meaning they must be smaller and not take away from the character attributes of the existing home.

Provincial Legislation

The Ministry of Municipal Affairs and Housing (MMAH) has identified affordable housing as a fundamental need in developing communities. Ontario’s commitment to affordable housing extends to a broad range and type of housing, including secondary dwelling units. Permitting these units represent one subset of tools available to municipalities in providing affordable housing within communities. The MMAH therefore made changes to the *Strong Communities through Affordable Housing Act* in 2011 requiring municipalities to develop or enhance policies in their Official Plans to allow secondary dwelling units. These new provisions require municipalities to permit secondary dwelling units within single detached, semi-detached and townhouse dwellings as well as ancillary structures. Through these permissions the municipality may regulate the criteria related to location, form and intensity of the unit.

The changes to the *Strong Communities through Affordable Housing Act* were implemented into the Province’s *Planning Act*. The *Planning Act* is provincial legislation providing the approval authority for municipalities with respect to City planning and growth needs (for example the legal requirements surrounding Official Plans, subdivisions, condominiums, etc.). This amendment came into effect on January 1, 2012 and includes the following additions to Section 16 of the *Planning Act*:

Second unit policies

- (3) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential unit by authorizing,
 - (a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and
 - (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit. 2011, c. 6, Sched. 2, s. 2

These changes therefore require municipalities to establish the permissions to allow for secondary dwelling units as-of-right in Official Plans. It is also noteworthy to point out that this provincial policy also restricts the number of secondary dwelling units to one. This means you can either have one unit within your primary home or one unit within an accessory structure, but not both. These changes to the *Planning Act* also affect the appeal rights regarding secondary dwelling units, as follows:

No appeal re second unit policies

- (24.1) Despite subsection (24), there is no appeal in respect of the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies. 2011, c. 6, Sched. 2, s. 3 (1).



The appeal rights are therefore restricted, in two manners:

- A municipality's decision to allow for a secondary dwelling unit within the Official Plan and Zoning By-law may not be appealed to the Ontario Municipal Board; and
- An individual or homeowner applying to create a secondary dwelling unit on their property are also exempt from appeals, relating to the performance standards allowing secondary dwelling units, to the Ontario Municipal Board.

This provides greater certainty for municipalities and applicants who wish to put in place provisions and/or apply for a secondary dwelling unit on private property.

There are further provincial requirements relating to the construction standards of a secondary dwelling unit, such as the Ontario Building Code and the Fire Code Act. As part of this Discussion Paper these supplementary Acts will not be explored in detail.

City Framework

Official Plan

The City of Ottawa currently permits secondary dwelling units within primary residential buildings in the Official Plan. The Official Plan identifies secondary dwelling units as a type and form of intensification, resulting in an increase in residential units. The Official Plan further identifies secondary dwelling units as an appropriate form of affordable housing and they are generally permitted land uses in all residential zones throughout the City of Ottawa. These types of uses are further identified as appropriate in all primary residential buildings which have a detached, semi-detached, duplex building, or townhouse. Although there is strong support for secondary dwelling units within residential buildings, currently the Official

Plan requires, through section 3.1(1), that secondary dwelling units above a detached garage (a type of accessory structure) require an amendment to the Zoning By-law. Zoning By-law amendments are costly and time consuming. This current Official Plan requirement provides a stand-alone barrier for home owners seeking to develop a secondary dwelling unit in an accessory structure.

Zoning By-law

The Zoning By-law sets forth detailed performance standards to implement the Official Plan policy requirements with regards to secondary dwelling units. These performance standards are requirements that a homeowner must meet in order to be permitted to build a secondary dwelling unit within the primary home. However these performance standards do not include any discussion or implementing provisions with regards to allowing secondary dwelling units in accessory structures.

It is noteworthy to add that the City of Ottawa's Zoning By-law does permit "garden suites". Municipalities are required to provide permissions garden suites as directed by the *Planning Act*. To qualify for placing a garden suite on your property, the unit must be mobile or portable in nature, meaning no foundation (for example, a mobile home). Further, these types of residential units are only permitted where a site-specific temporary Zoning By-law allows one. This means that a homeowner would have to apply for and be approved for a costly Zoning By-law amendment to permit this type of temporary dwelling unit. The intention of the *Planning Act* provisions to permit secondary dwelling units in accessory structures is different in nature, whereas the unit could be permanent and be allowed as-of-right (without requiring a costly Zoning By-law amendment).

After a review of the Official Plan and Zoning By-law it has been determined that to implement the requirements under the *Planning Act* to permit secondary dwelling units in accessory structures, an amendment is required to both the Official Plan and Zoning By-law.

Benefits of Detached Secondary Dwelling Units in Ottawa

There are many benefits to permitting secondary dwelling units in Ottawa. The benefits are not specific to whether the unit is contained within the primary dwelling or in an accessory structure. The benefits are described below and apply to all forms of self contained dwelling units which homeowners manage independently.

Intensification

Secondary dwelling units support the City's intensification goals by bringing additional housing into established neighbourhoods. They also provide for a very discreet way to accommodate intensification, often having minimal impact on public spaces, like the street or sidewalks. Including a unit on an already provided lot also helps to reduce the pressure for urban boundary expansions to accommodate the City's growing population.

Affordable Housing

The number of affordable housing units has been slowly decreasing over the last ten years. The needs of affordable housing is measured based on households spending up to 30% of their gross annual household income on housing related costs. In 2001, 65,620 households were paying more than 30% of their gross household income on housing. This has now increased, to 80,000 households in 2011. With new affordable housing units on a decline and household growth on the rise, this will continue to leave many Ottawa residents paying more than 30% of their gross household income on housing. Typically, the rents of secondary dwelling unit are lower than that of traditional rental housing and therefore provide for additional affordable housing for Ottawa's vulnerable sector.

Age in Place and Family Housing

The City of Ottawa has an approved Older Adult Plan. As part of this plan one of the core goals is to increase the housing available for seniors. Secondary dwelling units provide the ability to live independently in the same home or property as family or downsize into a smaller subsidiary unit while remaining within the same community.

Mix of Demographics and Income Levels and Use of Amenity

Secondary dwelling units are an excellent way to encourage a mix of demographics and income levels within single family dwelling communities. Often in these communities only those residents in a position to purchase a home are able to live in the community. Further, by broadening the population base in a community allows for more efficient use of city resources, for example parks and recreation facilities.

Assisting in Homeownership Costs

The average home price in Ottawa is has been increasing. In 2013 the average price for a new single family detached dwelling was \$510,000, an increase of 26.8% over the past decade. Secondary dwelling units allow homeowners to supplement their incomes and further the affordability of their homes.



A Legal Definition for Ottawa

Across Canadian municipalities, there are many different terms that are used to describe a detached self-contained dwelling with its own kitchen and bathroom facilities, as well as its own entrance.

The City of Ottawa already has two separate definitions within the Zoning By-law for ancillary self-contained dwelling units with their own kitchen and bathroom facilities: “secondary dwelling unit”; and “garden suite”. The definition of each is as follows:

Secondary Dwelling Unit: means a separate dwelling unit subsidiary to **and located in the same building** as an associated principal dwelling unit; and its creation does not result in the creation of a semi-detached dwelling, duplex dwelling, three-unit dwelling or converted dwelling.

Garden Suite: means a one-unit, self-contained and portable detached residential *structure* that is ancillary to and on the same *lot* as a *detached, linked-detached or semi-detached dwelling*, and excludes a *trailer* as defined herein.

The City of Ottawa also has a definition for “accessory” which is used in conjunction with the City’s current Zoning By-law performance standards for Section 55 – Accessory Use Buildings and Structures. This section of the City’s Zoning By-law sets forth the performance standards to allow for accessory use, buildings and structures (for example a garage or shed) in all zones (residential and/or non-residential). The definition is as follows:

Accessory means aiding or contributing in a secondary way to a principal use to carry out its function, and having regard to this definition:

- an **accessory use** is a land use that is accessory to a principal use;
- an **accessory building** is a building that houses an accessory use;
- an **accessory structure** is a structure, that is not a land use, but is accessory to a principal use and this definition is broadened to include tower antennas and satellite dishes.

In creating a Zoning By-law definition for a secondary dwelling unit within an accessory structure, the City of Ottawa is influenced by the current definitions in place and the structure of the language used in Ontario’s provincial legislation, the *Planning Act*. Unlike the term “Coach House,” the term “secondary dwelling unit” is currently used in both the City and provincial legislation and best represents a subordinate and accessory additional house. The City therefore proposes to term these new units, within municipal regulatory tools only, as “secondary dwelling units,” but to market them in the community and online as Coach Houses. The term Coach Houses is a term that is widely known across Canada to depict a small house or apartment in a backyard or above a detached garage. This term is much easier to digest and understand than a sub-set of the current regulatory “secondary dwelling unit” definition.

The City of Ottawa’s current Zoning By-law definition for a secondary dwelling unit therefore needs to be clarified in order to accommodate the appropriateness of the use in an accessory structure. The City of Ottawa proposes an amendment to the Zoning By-law to define a detached secondary dwelling unit, as follows:

Secondary Dwelling Unit, Type A: means a separate dwelling unit subsidiary to and located in the same building as an associated principal dwelling unit; and its creation does not result in the creation of a semi-detached dwelling, duplex dwelling, three-unit dwelling or converted dwelling.

Secondary Dwelling Unit, Type B: means a separate dwelling unit detached from a principal dwelling unit and located on the same lot; and its creation does not result in the creation of a new lot.

This proposed definition differentiates between a secondary dwelling unit within an existing home and one that is subordinate and accessory to the primary dwelling unit.

Types of Coach Houses

The provincial regulatory framework, Section 16 of the *Planning Act*, allows for secondary dwelling units in accessory structures to be either purpose-built (a brand new structure) or by retrofitting an existing structure.

Second unit policies

- (3) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential unit by authorizing,
- (a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and
 - (b) **the use of a residential unit in a building or structure ancillary to a detached house**, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit. 2011, c. 6, Sched. 2, s. 2

The way the regulation is worded, it does not differentiate between the two different approaches to achieving a new unit. Therefore new Coach Houses can be in the form of purpose-built mini apartments within backyards (a new structure) or by retrofitting an existing accessory structure (for example, a garage or shed) into a living space. Retrofitting an existing structure, like a rear yard detached garage or shed, into a Coach House may serve to be a little challenging. These structures will need servicing, namely: water / well, waste water / septic, electricity and gas. In many instances these services will not be in place for an existing accessory structure and will need to be provided for any habitable space. Further retrofits will need to meet the requirements of the *Ontario Building Code*, with regard to building construction standards. Retrofitting an existing structure many require significant upgrades to comply with the *Ontario Building Code*. Each retrofit is different and prospective owners / builders will need to assess the extent of required upgrades individually with the City of Ottawa's Building Code Services Department.

Both types of Coach Houses, purpose built or retrofit, will need to meet the same Zoning By-law performance standards, with regards to setbacks, maximum height requirements, lot coverage and so forth. Therefore the following "issues" are applicable irrespective of the type of Coach House sought.



Issues to Consider When Permitting a Coach House

There are many matters to consider in developing a policy approach and Zoning By-law framework to permit secondary dwelling units in accessory structures. As part of Discussion Paper, the primary considerations the City is taking into account are as follows:

- Where in the City a Coach House should be allowed, for example: rural, suburban or urban locations.
- The appropriate lot type and size to permit a Coach House, for example: a small lot or a large lot or a single family home lot or a duplex lot.
- The appropriate location the Coach House should be placed on the lot, for example: the side yard or rear yard.
- The appropriate height of the Coach House, for example: 1 storey or 2 storeys.
- The appropriate proximity to adjacent yards, for example: close to adjacent neighbours property lines or far from adjacent neighbours property lines.

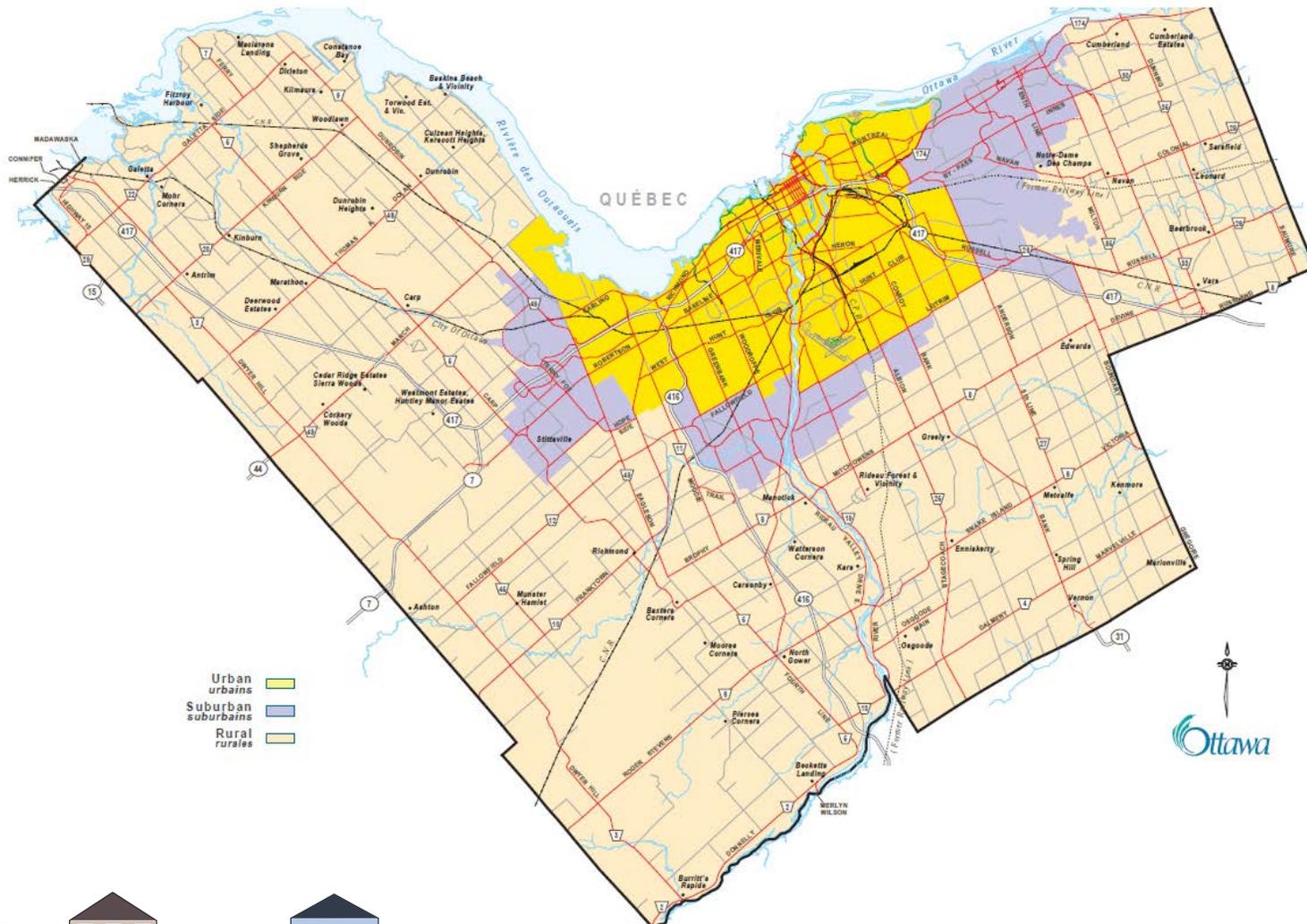
- The appropriate size of a Coach House, for example: large or small.
- The desirable design attributes of the Coach House, for example: window and entrance placement.
- How these units will be serviced, for example: in the urban area with municipal water and sewer and in the rural area with private septic and well.

Each of these issues is discussed below. A questionnaire will be available from mid-September 2015 to mid-October 2015 to solicit feedback on each of these issues. The information collected will be used by the City to inform a set of proposed Zoning By-law performance standards that the public can consider for future adoption.

Location in the City

The City of Ottawa is one large amalgamated city, including a rural segment, a suburban segment and an urban segment. The current Zoning By-law provisions allow for secondary dwelling units, contained in a primary residential use building (the home) in all areas of the City: rural, suburban and urban.

Each of these geographic areas of the City has different circumstances that will impact the viability of a Coach House. For example, the lot sizes and services (water and septic) vary depending on the location and context. The City will consider the merits of permitting Coach Houses in all three geographic areas: rural, suburban and urban.



Lot Type

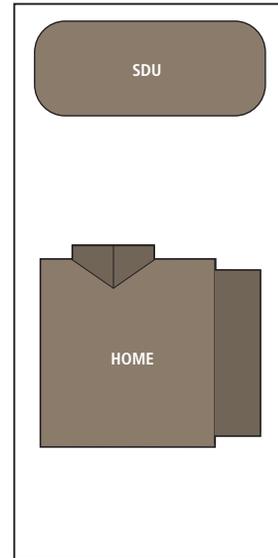
The current Zoning By-law provisions to allow secondary dwelling units contained in a primary residential use building (the home) are currently permitted in the following residential uses: single family dwellings; semi-detached dwellings, duplex buildings, and in townhouses.

The City has determined The City will therefore consider the merits of permitting a Coach House on: single family dwelling lots; semi-detached dwelling lots, and duplex building lots. Due to limited developable exterior space, townhouse lots may not be suitable for a Coach House. The three common urban lot types being considered for allowing coach houses are illustrated below.

The images above display the typically urban lot sizes for the different residential uses, however given the vast nature of the city (containing rural, suburban and urban) lot sizes in different locations vary greatly:

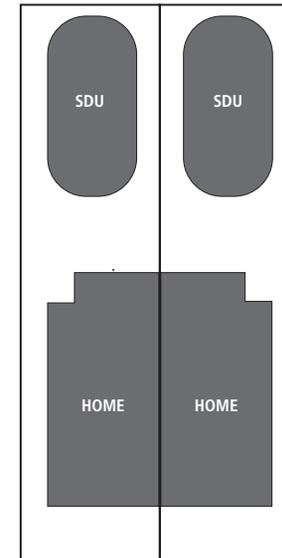
- Urban lots are typically small in nature and compact;
- Suburban lots built on Greenfields after the millennium are typically small and compact versus suburban lots built pre-millennium are typically provided more land and have larger setbacks between homes; and
- Rural lots within villages are typically 1 to 2 acres in size, given the requirements for private septic systems, and progressively get larger as they spread out from the villages.

SINGLE FAMILY DWELLING LOT



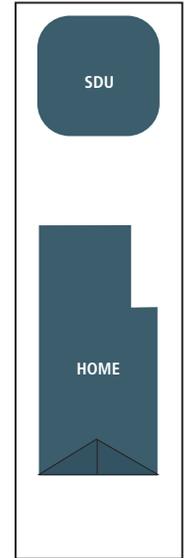
15 x 30 metres

SEMI DETACHED LOT



7.5 x 30 metres

DUPLEX LOT



8 x 30 metres

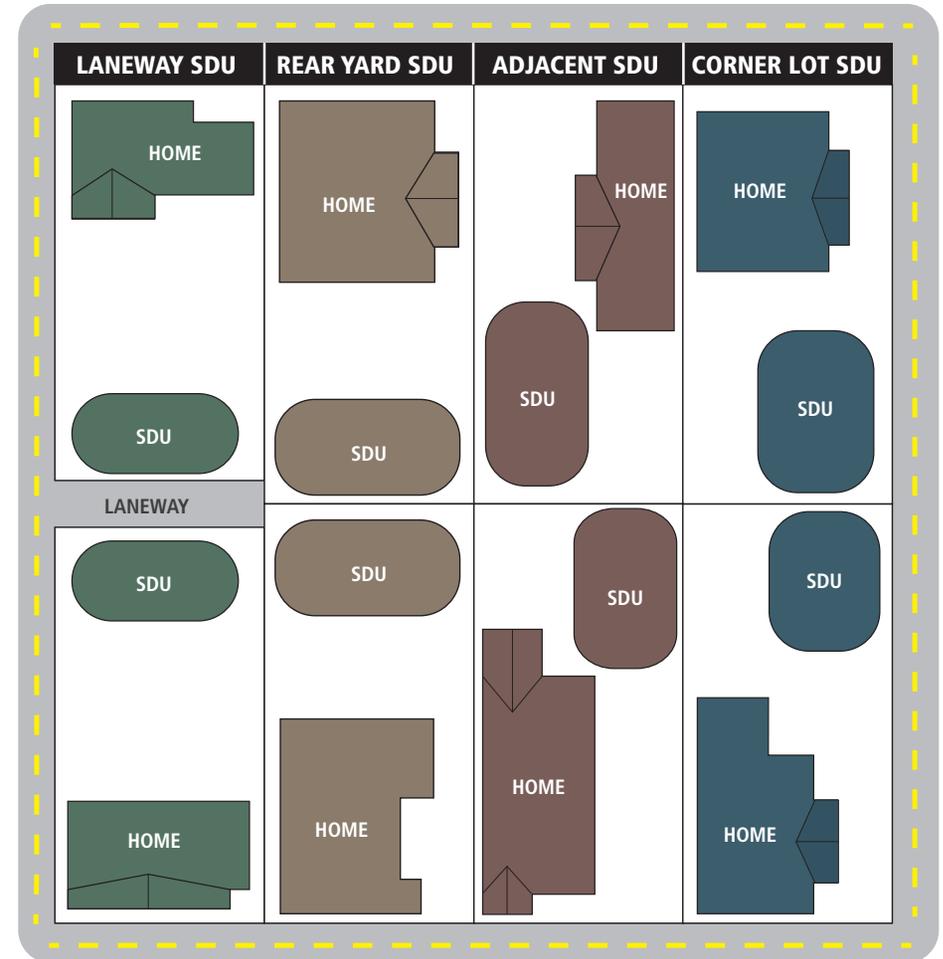
SCALE 1:100
1 cm = 1 m
1 2 3 4 5 6 7 8 9 10m

Location on the lot

There are many different locations on a lot where a Coach House could be permitted. The City is considering four different scenarios:

- A Coach House facing a rear yard laneway;
- A Coach House in the rear yard of a lot;
- A Coach House adjacent to the primary dwelling unit; and
- A Coach House located on a corner lot facing a street.

The options above can be applied to each of the different types of residential uses: single family dwelling lots, duplex dwelling lots and/or semi-detached dwelling lots. The commonality between each of the different locations on the lot is that despite the type of residential use, the lot must have enough vacant space to accommodate a separate standalone unit



SDU= SECONDARY DWELLING UNIT



Height

The provincial regulations which allow secondary dwelling units in accessory structures state that the new unit must be ancillary to the primary residential home. This implies that the size and height of the unit should be subordinate to the primary home, in other words smaller. Today's Zoning By-law performance standards, for residential zones, allocate that for the majority of single family neighbourhoods the maximum height is 8.5 metres. This is to allow for two residential storeys with a pitched roof and 1 metre of foundation.

The height of a new Coach House should be considered in relationship to the scale of the existing home. This could result in Zoning By-law performance standards which require a Coach House to be a fraction of the main buildings

height. Or alternatively, require the Coach House to be a maximum height, always.

The City is considering three different maximum heights for a Coach House:

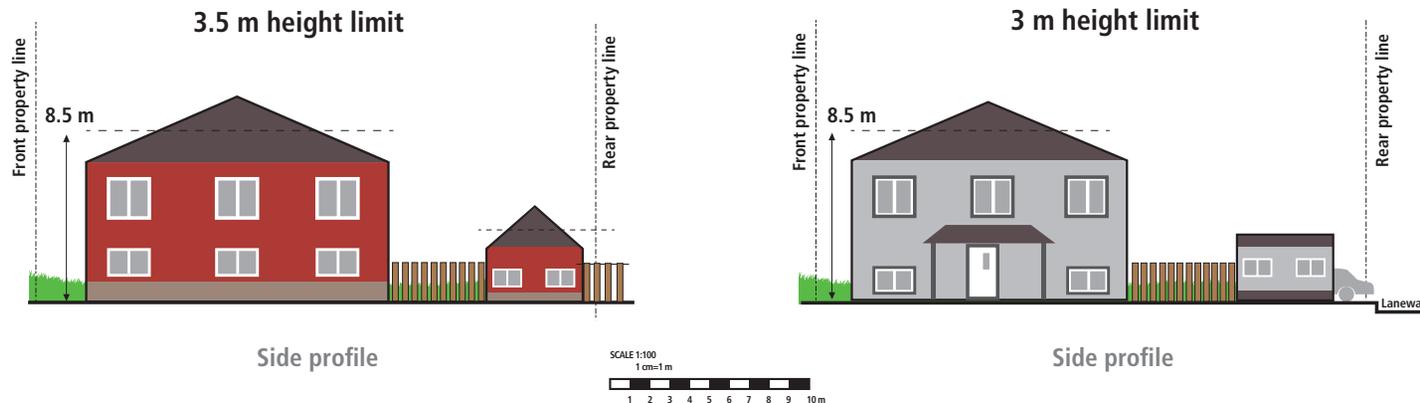
- 3.0 metres with a flat roof or 3.5 metres with a pitched roof; or
- 4.5 metres; or
- 6.1 metres.

Each of the options could be appropriate in different circumstances, for example rural lots and laneway lots might be appropriate to have a higher height versus dense urban lots, a lower height might be more appropriate.

3.0 / 3.5 metres

3.0 metres is a typical "storey" within a residential construction building. This height allows for a foundation, standard floor to ceiling height and additional space for the required building materials and mechanical equipment (for example the ducts, fire separation, joists, drywall etc). If

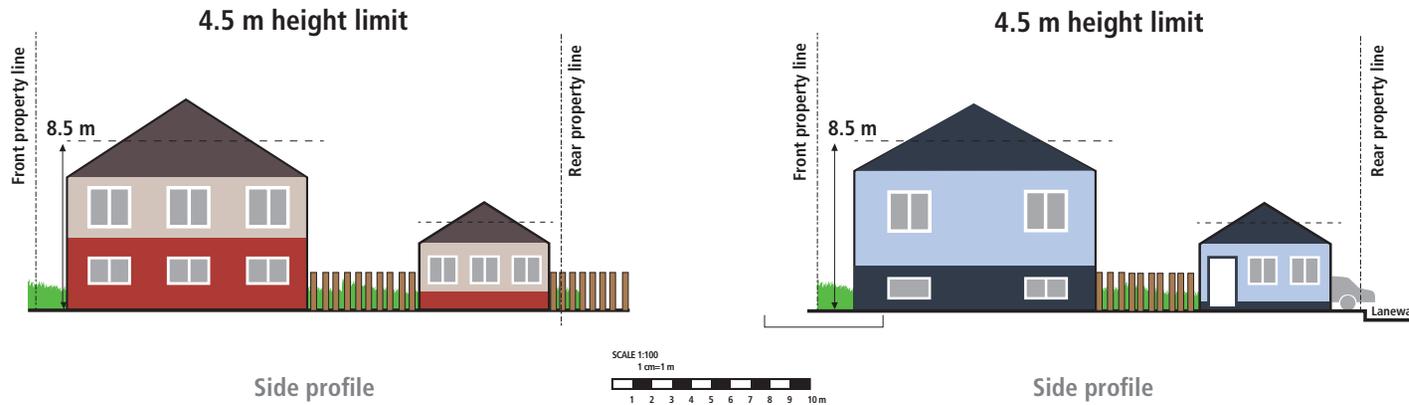
the proposed Coach House were to have a flat roof, a 3 metre maximum height is possible. If the Coach House were to have a pitched roof, additional height is required, at 3.5 metres. The 3.0 / 3.5 metre height limit creates a living space which has minimal overlook into adjacent yards, as it only slightly protrudes past the height of a typical fence.



4.5 metres

4.5 metres is the Zoning By-law's current height maximum for an accessory building or structure (for example a detached garage or shed). This means that in today's residential zones there may be existing accessory structures which are 4.5 metres tall. A permitted height of 4.5 metres could allow

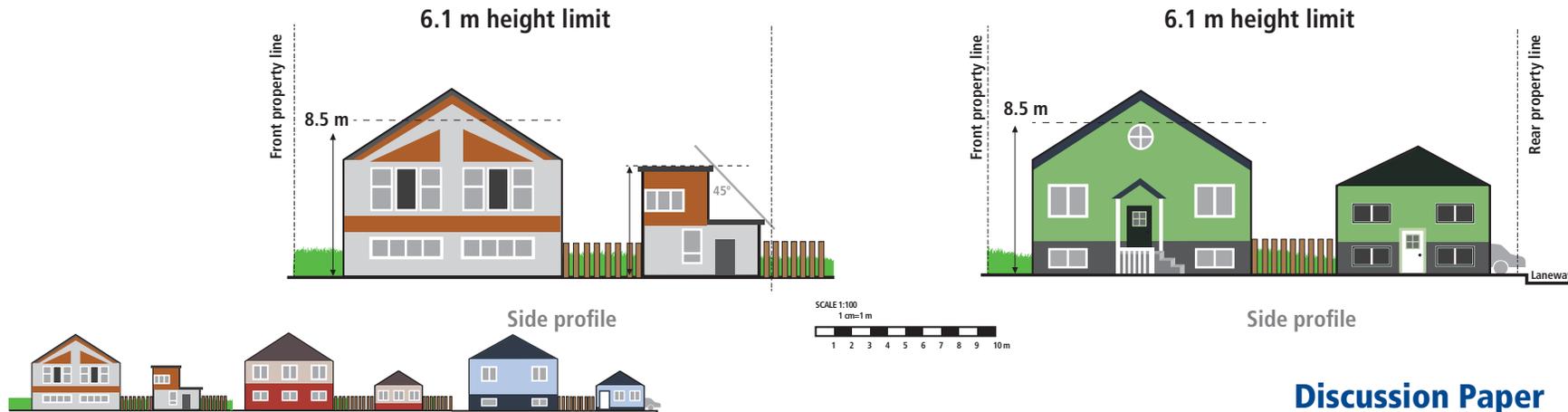
for a 1 ½ storey Coach House. This could result in a standard first level and a second level open loft area. The 4.5 metre height limit creates a living space which has some overlook into adjacent yards, as it slightly protrudes past the height of a typical fence.



6.1 metres

6.1 metres allows for a two storey Coach House. This height maximum would typically be appropriate where a Coach House is above a detached garage or shed area. This height limit is above what is permitted today for an accessory structure (for example a garage or shed), being 4.5 metres.

The 6.1 metre height limit would create overlook, on the second level into adjacent yards, as it does protrude past the height of a typical fence. Given this, a two storey Coach House may only be appropriate in very specific circumstances, for example on large rural lots and/ or on lots which face rear laneway's.



Proximity to Adjacent Yards

The placement of a Coach House in relation to neighbouring property lines is seen as a key element to be considered. The City's Zoning By-law

currently has standards (otherwise known as "setback provisions") in place to require the separation of structures from adjacent property lines.

Below are some images displaying the placement and proximity of detached accessory structures on existing properties within the City of Ottawa:



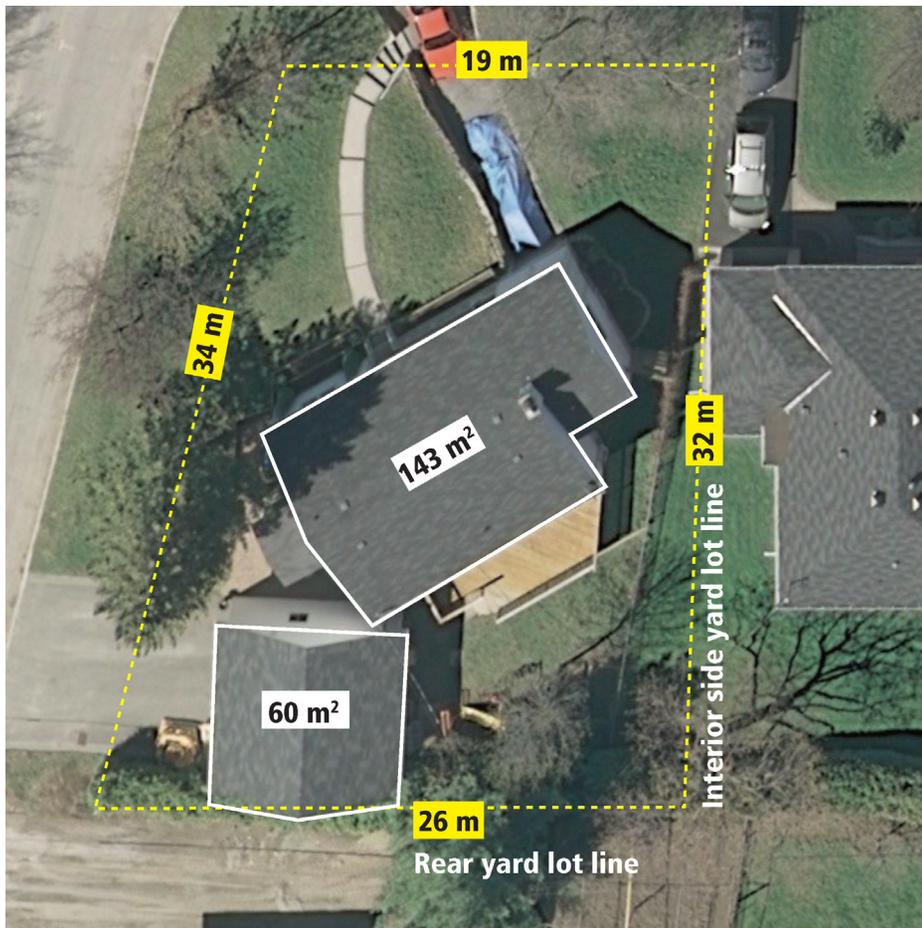
These images display accessory buildings (for example a detached garage or shed) which are built today in the rear yards of residential properties. With regards to building a Coach House, the proximity of the new unit

to the interior side yard and rear yard property lines is considered most critical. See the above images for the location of the interior side yard and rear yard property lines.

In accordance with the Ontario Building Code, any wall of a structure which is less than 1.2 metres (approximately 4 feet) away from a property line cannot have windows on that wall. This means that the walls of a Coach House which are located close to a lot line will have no windows and increase the privacy of adjacent neighbours. On the other hand, any wall of a structure which is more than 1.2 metres away from a property

line may have windows on that wall, if they choose to. This means that Coach Houses which are located further away from lot lines may include windows which can impact the privacy of adjacent neighbours.

The required Zoning By-law performance standard determining the appropriate proximity to adjacent yards can be determined based on the level of privacy sought for immediately adjacent properties.



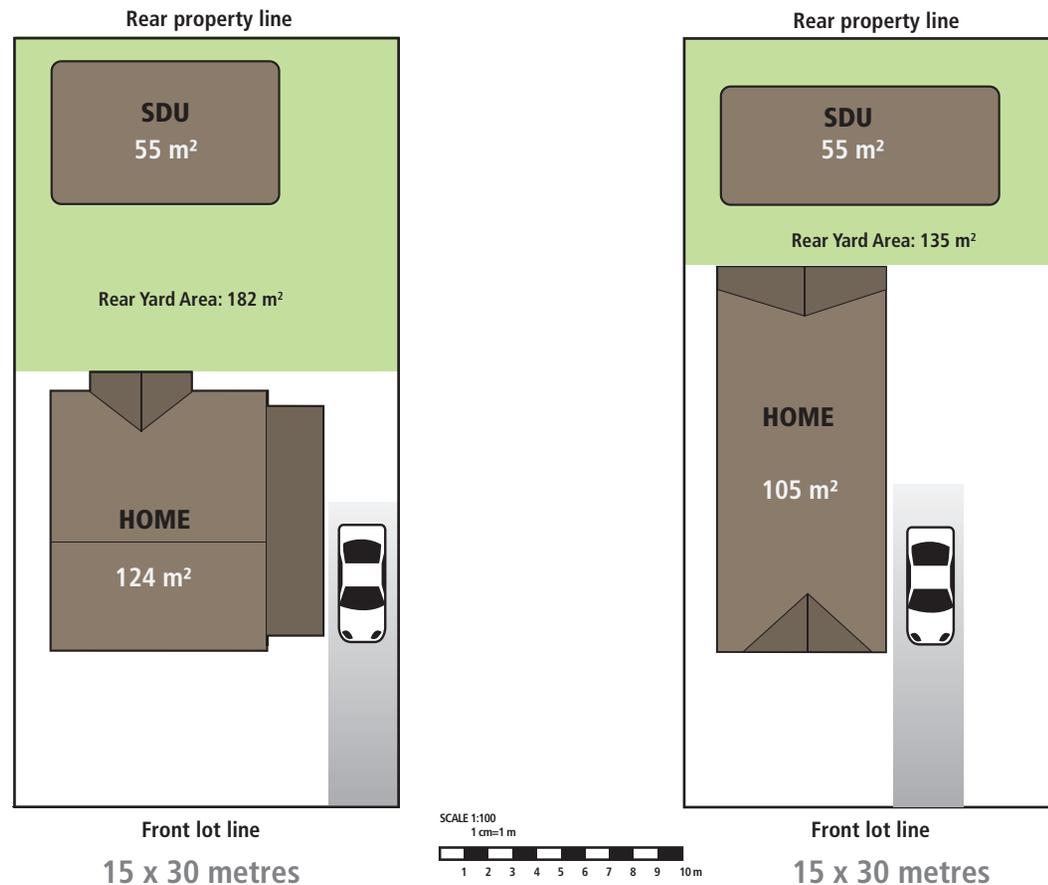
Size of a Coach House

The maximum size of a Coach House is another key element for consideration. Under the regulations we have today, the maximum size of an accessory building and/or structure (for example a detached garage or shed) is measured by using two criteria:

- A maximum size of 55 square metres (approximately 592 square feet), and
- No more than 50% of the yard in which the unit is located.

The Zoning By-law provision has been set up with these two separate but complementary criteria so that it can be applied to small lots as well as large lots. For example large lots will have no problem meeting the 50% of the yard requirement and will therefore max out at the 55 square metre threshold. On the other hand, a smaller lot may occupy 50% of the yard and result in a much smaller structure than the maximum 55 square metres.

These provisions have been working seamlessly for residential accessory use buildings and structures, however these provisions may or may not be appropriate for buildings which house people, like a Coach House.



Design

New Coach Houses will allow for a full range of architectural approaches and building forms, from traditional to contemporary. Due to limitations in the *Planning Act*, Zoning By-law's in Ontario cannot regulate building materials. Therefore design considerations can only be encouraged. The City of Ottawa's approach for influencing urban design and building materials is through the creation of "Design Guidelines". A Design Guideline for Coach Houses could include special attention to upper storeys, window locations, configuration of the unit, views to public and private spaces, landscaping and so forth.



Site Servicing

Servicing a Coach House with electrical, gas, sewer and water connections may serve as a standalone financial barrier to introducing a new Coach House or retrofitting an existing structure into a Coach House. The requirements for servicing a unit with electrical and gas connections must be investigated on a lot-by-lot circumstance with individual service providers. Gas and Electrical hook-ups require a separate process from the City's Zoning By-law provisions and standards.

Urban Properties:

Regarding water and sewer connections, the City does permit, through the Ontario Building Code, that a detached structure be serviced by way of connections from the main house. The City is therefore considering tied connections as a core requirement to permitting a Coach House on urban

lots. This would ensure the Coach House cannot be severed from the main house in the future as a standalone legal parcel.

Rural Properties:

Generally a rural property would be serviced with water by a well and serviced with sewer by a septic system. Regarding septic connections, the Ottawa Septic System Office regulates and issues permits according to Part 8 of the Ontario Building Code; Septic Permits. Rural properties with private septic would therefore be required to meet the standard for capacity and sizing of a new Coach House through this office. Regarding water capacity, generally an engineer report of an existing well's capacity or a new well's water flow would be required to ensure that the Coach House can be adequately serviced with water. This would be a requirement upon obtaining a Building Permit for a Coach House.



Conclusion

Permitting secondary dwelling units in accessory structures is a requirement set forth from the province under the *Strong Communities through Affordable Housing Act, 2011* and the *Planning Act*. The City is therefore determining how to permit these forms of housing, which will be called “Coach Houses” in the City of Ottawa. It is proposed to allow Coach Houses, under certain circumstances, within the municipal policy and regulatory framework set out through the Official Plan and Zoning By-law. The Zoning By-law has many tools it can utilize to determine how and where a Coach Houses would be appropriate.

The issues explored within this Discussion Paper are intended to provide an overview of the considerations for permitting/regulating this new form of housing. The City has produced a Questionnaire in order to solicit feedback from the public on issues surrounding Coach Houses. The questionnaire is available from mid-Sept 2015 to mid-October 2015. The feedback obtained from this questionnaire will be utilized to create proposed Official Plan policy and Zoning By-law performance standards to permit Coach Houses into the future within Ottawa’s residential neighbourhoods.

Next Steps

Discussion Paper and Questionnaire, public feedback sought
Sept 2015

Propose performance standard options to allow Coach Houses
Jan 2016

Open house and information session on selected draft options
March 2016

Release of final draft study recommendations
April 2016

Staff report to Committee and Council
May 2016