

Charter Bylaw 18421

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 2571

WHEREAS City Council at its meeting of February 22, 2001, gave third reading to Bylaw 12800, as amended; and

WHEREAS Council considers it desirable to amend the text of the Edmonton Zoning Bylaw;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby further amended by :
 - a) Deleting Section 230, and replacing it with the following:
“230 (RA9) High Rise Apartment Zone

230.1 General Purpose

To develop high rise residential apartments that contain active residential or non-residential frontages at ground level. This Zone is intended to allow supportive non-residential uses that complement the primary residential uses, and improve the pedestrian experience at ground level. Design regulations are included in the Zone to manage impacts that tall buildings can have in relation to shadow, wind, parking, context, massing and interface at ground level.

230.2 Permitted Uses

1. Apartment Housing
2. Child Care Services
3. Convenience Retail Stores
4. Group Homes
5. Limited Group Homes
6. Live-work Units

7. Lodging Houses
8. Minor Home Based Business
9. Professional, Financial and Office Support Services
10. Row Housing
11. Specialty Food Services
12. Stacked Row Housing
13. Urban Gardens
14. Fascia On-premises Signs
15. Projecting On-premises Signs

230.3 Discretionary Uses

1. Apartment Hotels
2. Business Support Services
3. Fraternity and Sorority Housing
4. General Retail Stores
5. Health Services
6. Major Home Based Business
7. Minor Alcohol Sales
8. Non-accessory Parking
9. Personal Service Shops
10. Residential Sales Centre
11. Restaurants
12. Urban Outdoor Farms
13. Freestanding On-premises Signs
14. Temporary On-premises Signs

230.4 Development Regulations for the Building Size and Orientation on the Site

1. The maximum building intensity based on Site size shall be in accordance with 230.4 Table 1.

Table 1				
Site Area	Maximum building intensity			
	Height	Floor Area Ratio	Density	Floor Plate size
a. Less than 1800 m ²	(i) 15.0 m for flat, mansard, and gambrel roofs; 17.5	(ii) 2.2	(iii) 250	(iv) No maximum

	m for a roof type with a pitch of 4/12 (18.4 degrees) or greater.			
b. 1800m ² to 7500 m ²	(i) Building form: (A) Tower 58.0 m (B) Podium 15.0 m (C) all other building forms 15.0 m for flat, mansard, and gambrel roofs; 17.5 m for a roof type with a pitch of 4/12 (18.4 degrees) or greater.	(ii) 5.2	(iii) 650	(iv)The Floor Plate shall not exceed 850 m ² for all Storeys above the greater of either: (A) the Height of the third Storey; or (B) the Height equal to the width of the abutting Public Roadway right of way.
c. Greater than 7500 m ²	(i) Building form: (A) Tower 58.0 m (B) Podium 15.0 m (C) all other building forms 15.0 m for flat, mansard, and gambrel roofs; 17.5 m for a roof type with a pitch of 4/12 (18.4 degrees) or greater.	(ii) 4.3	(iii) 550	

2. Substitute regulations for specific scenarios:

- a. Notwithstanding 230.4.1, for Sites with a Site Area greater than 1800 m² the maximum Height shall be increased by 9.0 m when the Storey Height in at least 75 percent of individual Dwelling units is greater than 3.4 m.
- b. Notwithstanding 230.4.1, the maximum Floor Area Ratio shall be increased by 0.9, and the maximum Density shall be increased by 150 Dwellings where:
- (i) the Site has a Site Area greater than 1800 m²; and
 - (ii) the greater of a minimum of seven percent of Dwellings or a minimum of eight Dwellings on the Site are developed larger than 115 m²; and
 - (iii) the average number of bedrooms per Dwelling described in 230.4.2(b)(ii) shall not be less than 3.0; and

(iv) all the Dwellings meeting the criteria in 230.4.2(b)(ii) shall be located in the Tower below the tenth Storey, or in the podium.

c. the maximum Density shall be increased by an additional 25 where Common Amenity Area of at least 2.5 m² per Dwelling is provided in addition to Amenity Area required by subsection 46(2) and is developed in accordance with Section 46.

4. The minimum Front, Flanking, Side, and Rear Setbacks shall be in accordance with 230.4 Table 2.

Building Form	Minimum Required Setback		
	Front/Flanking	Interior Side	Rear
a. Tower	i. 6.0 m	ii. 7.5 m	iii. 7.5 m, except 3.0 m if abutting a lane.
b. Podium with commercial ground floor	i. 1.0 m	ii. 3.0 m except 0.0 m if abutting property is built to the property line.	iii. 7.5 m, except 1.0 m if abutting a lane. The corners on the first Storey of the building shall be chamfered at intersections and driveway entrances to provide adequate sight lines.
c. Podium with residential ground floor	i. 3.0 m	ii. 4.5 m except 0.0 m if abutting property is built to the property line.	iii. 7.5 m, except 3.0 m if abutting a lane.
d. All other building forms.	i. 3.0 m	ii. 2.4 m	iii. 7.5 m

5. The minimum Separation Space between Towers shall be 20.0 m. The Development Officer may vary the Separation Space between Towers after considering the following:

- a. The visual, sun/shadowing, and other microclimatic impacts on adjacent residential development;
- b. The recommendations, and mitigative measures specified in any relevant technical studies; and

- c. The orientation of the Tower(s) relative to other Towers within 30.0 m, to mitigate privacy impacts and reduce direct line of sight into adjacent Dwellings.

Any such variance shall be Class B discretionary development.

6. On Sites with a Site Area greater than 0.75 ha, the following additional development regulations apply:

- a. A Comprehensive Site Plan shall be submitted to the Development Officer as part of the development permit application.
- b. The location and orientation of Towers on the Site shall reduce direct line of sight between Dwellings in adjacent residential Towers.
- c. The shape, Floor Plate size, location and orientation of Towers on the Site shall reduce shadow impacts and mitigate impacts that affect sunlight penetration on nearby properties. In all cases, the length of any one Façade elevation above the sixth Storey shall not exceed 45.0 m.
- d. The Site design shall demonstrate internal circulation and connectivity to adjacent Sites and shall provide pedestrian and bicycle circulation and connectivity from the Site to any adjacent shared-use pathway(s) or bike lane(s).

230.5 Development Regulations for the Building Design and Features

1. Interface at ground level

- a. Except for Apartment Housing and Group Homes that meet the Supportive Community Provisions, all residential or residential-related building Façades fronting onto a Public Roadway, other than a Lane, or onto an internal circulation network, shall have individual Dwellings with direct access at ground level to provide a transition from public to private space. The units at ground level shall include the following design elements:
 - (i) hinged doorways;
 - (ii) built elements such as verandas, porches, patios, or building articulation, which feature or act as Privacy Screening between each unit; and
 - (iii) lighting scaled and directed towards pedestrian areas.
- b. Except for Apartment Housing and Group Homes that meet the Supportive Community Provisions, all ground level Dwellings shall have a Private Outdoor Amenity Area in front of each exterior entry that establishes a transition area between the Amenity Area and the abutting public roadway (including a Lane), or the abutting private roadway.
- c. For all non-residential, excluding residential-related Uses, building Façades at ground level that have building Façades fronting onto a Public Roadway, other than a Lane, the primary business entry shall face the Public Roadway.

d. Parking shall be permitted within the lower 14.0 m of a building, only where the Parking Garage has active commercial or residential frontages abutting a public roadway, other than a lane. The active frontage shall have a minimum depth of 10.0 m.

e. Overhead weather protection in the form of a canopy, awning or other architectural element shall be provided to shelter pedestrians above entrances, and where a public sidewalk is present, pedestrian overhead weather protection shall be constructed across the frontage of all non-residential Uses, excluding residential-related Uses.

f. Where a building has a Height greater than 20.0 m and no Stepback is provided, a design element sufficient to reduce the downwashing effect wind has on all pedestrian walkways and Amenity Areas at ground level shall be provided as established by any required Wind Impact Statement or Wind Impact Study to the satisfaction of the Development Officer'.

g. For non-residential Uses on ground level, a minimum of 60 percent of the linear building frontage of the ground Storey Façades shall be comprised of transparent, non-reflective, non-tinted, unobscured glazing, where fronting onto a Street. Linear frontage shall be measured at 1.5 m above the finished Grade of the abutting sidewalk.

h. For non-residential Uses, excluding residential-related Uses, on ground level, the ground Storey shall have a minimum Height of 4.0 m.

2. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.

3. Wherever podium roofs are visible from within the development or from existing adjacent developments, the development shall provide enhancements to improve rooftop aesthetics. These enhancements may include, but are not limited to, landscape features, Amenity Area, screening elements and improved aesthetic rooftop materials.

4. The Development Officer shall determine whether the proposed design uses a cohesive architectural language, which demonstrates attention to the design of all building faces such as the following design and material choices:

- a) Windows on all sides of the Façade;
- b) The Façade uses materials with multiple colours;
- c) The Façade uses materials with multiple textures;
- d) The Façade has changes in plane, or articulation;
- e) There are horizontal and vertical elements to relate the building to the context, and highlight important parts of the building; and
- f) matching the proportion, scale, and articulation of the Façade to the location, contextual fit, and building use.

5. The portion of the building above 45.0 m shall be sufficiently sculpted, include a Stepback, be visually interesting, reduce the size of the floorplate, or add distinction to the skyline to the satisfaction of the Development Officer.

6. Amenity Area shall be provided in accordance with Section 46 of this Bylaw.

230.6 Development Regulations for the Landscaping, Lighting, Parking, and Site Design

1. Landscaping

- a. On-Site landscaping shall use plant materials that provide colour throughout the year to enhance the appearance of the development during the cold weather months.
- b. Upgrading of public pedestrian Walkway systems, roads, or lanes adjacent to the Site may be required to the satisfaction of the Development Officer and Transportation Services. Such upgrading shall be incorporated into the Landscape Plan where the public pedestrian Walkway system includes a sidewalk and a landscaped boulevard.
- c. Landscaping shall be provided in accordance with Section 55.

2. Lighting

- a. As part of the Development Permit application, a detailed exterior lighting plan shall be provided to the satisfaction of the Development Officer.
- b. Decorative and security lighting shall be in accordance with Section 51 and Section 58, to the satisfaction of the Development Officer.
- d. Notwithstanding 230.6.2(c), light pathways may be oriented in a direction other than downwards if the purpose is to highlight architectural features or building elements, and does not illuminate beyond the Site boundary.

3. Parking

- a. Parking Garages located underground shall be permitted to be built to the property line.
- b. To contribute to healthy root development of required landscaping, a minimum soil depth of 1.2 m shall be provided above all underground Parking Garages that extend beyond the above-ground footprint of the building. The 1.2 m shall be provided below the original finished ground level of the Site.
- c. Vehicular access to parking shall be from the abutting Lane. Where there is no Lane, parking access shall be designed to minimize disruption to the Yard, sidewalk, existing trees, and existing streetscape and where possible, should be provided from the street which has the lowest vehicle volume.
- d. Parking shall be provided in accordance with Section 54.

230.7 Development Regulations for Permitted and Discretionary Uses

1. Non-residential Uses, excluding Residential-Related Uses

- a. shall only be developed in conjunction with Apartment Housing or Group Homes.
- b. the combined Floor Area shall not exceed 15 percent of the overall Floor Area for the Site.

c. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 230.7(1)(a) or 230.7(1)(b).

2. Apartment Hotels shall:

a. not be provided on the same Storey as Apartment Housing or Group Homes.

b. be limited to 20 percent of the total Floor Area for the Site.

c. notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 230.7(2)(a) or 230.7(2)(b).

3. Business Support Services, Convenience Retail Stores, General Retail Stores, Minor Alcohol Sales, Non-accessory Parking, Personal Service Shops, Restaurants, and Specialty Food Services shall:

a. not be in any freestanding structure separate from a structure containing a Residential Use or Residential-Related Use, and shall not be developed above the second Storey;

b. only be allowed when the development contains a Tower taller than 35.0 m in Height; and

c. incorporate design techniques to mitigate the effects of Nuisance to the satisfaction of the Development Officer.

4. Child Care Services shall not be developed above the fourth Storey.

5. Fraternity and Sorority Housing shall be subject to the policies or provisions of a Statutory Plan and shall only be allowed where the Statutory Plan specifically contemplates the subject Site for this Use.

6. General Retail Stores shall be limited to 240 m² of Floor Area.

7. Health Services shall only be developed in conjunction with a Group Home or Apartment Housing developed under Section 94 Supportive Community Provisions. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 230.7(7).

8. Non-accessory Parking

a. Non-Accessory Parking shall only be developed as a part of a building that contains a Tower.

b. Non-accessory Parking shall only be developed where the total proposed parking supply for the Site exceeds the maximum parking requirement as specified in Section 54 Schedule 1.

9. Personal Service Shops shall be limited to 240 m² of Floor Area for each individual business.

10. Professional, Financial and Office Support Services shall be limited to 15 percent of total Floor Area for the Site.

11. Restaurants shall be limited to 120 m² of Public Space.

12. Row Housing, and Stacked Row Housing shall only be developed on a Site with Apartment Housing or Group Homes, in accordance with the following regulations:

a. on Sites greater than 1800 m², Row Housing, and Stacked Row Housing shall only be developed in an integrated manner reflecting a comprehensive site design on Sites with Apartment Housing or Group Homes that are developed within a Tower; and

b. on Sites less than 1800 m² or on Sites adjacent to a zone that allows Single Detached Housing as a permitted Use, Row Housing, and Stacked Row Housing may be developed on Sites that do not contain Apartment Housing or Group Homes that are developed within a Tower.

13. Signs shall comply with the regulations found in Schedule 59B.”

b) Deleting Section 816, and replacing it with the following:

“816 High Rise Residential Overlay

816.1 General Purpose

The purpose of this Overlay is to accommodate the development of high density housing in established areas of the City that is compatible, in mass and scale, with existing forms of lower and medium density development and maintains the pedestrian friendly character and streetscape of these established areas.

816.2 Application

This Overlay applies to Sites zoned RA9 in the areas shown on Appendices to this Overlay.

816.3 Development Regulations for areas shown in Appendix 1 and Appendix 2

1. In addition to the Development Regulations for Permitted and Discretionary Uses in the underlying zone, Business Support Services, Convenience Retail Stores, General Retail Stores, Minor Alcohol Sales, Non-accessory Parking, Personal Service Shops, Professional, Financial and Office Support Services, Restaurants, and Specialty Food Services shall:

a. not be in any freestanding structure separate from a structure containing a Residential Use or Residential-Related Use, and shall not be developed above the second Storey;

b. only be allowed when the development contains a Tower taller than 35.0 m in Height and abuts an arterial roadway; and

c. Incorporate design techniques to mitigate the effects of Nuisance.

2. Specialty Food Services shall be limited to 72.0 m² of Public Space

3. Isolating sites:

- a. A proposed development for Residential Uses or residential-related Uses shall not isolate an adjacent Site with a Site Area less than 1800 m².
 - b. The Development Officer may vary section 813.3.2(a) having regard to the location, age and nature of the Use or Uses on the Site that would be isolated.
4. Notwithstanding section 800.2(2)(b), the Density shall not be less than 125 Dwellings per hectare nor greater than the maximum Density as per the underlying Zone.
5. Setbacks for a building form with a commercial ground floor podium
- a. The Front Setback or Flanking Side Setback shall be a minimum of 6.0 m, except a minimum of 1.0 m if the podium fronts onto an arterial roadway.
 - b. The interior Side Setback shall be a minimum of:
 - i. 5.0 m on the interior Side Lot Line if abutting a zone where Single Detached Housing is a Permitted Use;
 - ii. 3.0 m on the interior Side Lot Line if abutting a zone where Single Detached Housing is not a Permitted Use and the abutting property is not built to the shared interior Side Lot Line; or
 - iii. 0.0 m if the abutting property in any zone is built to the shared interior Side Lot Line.
6. Proposed Variances
- a. When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:
 - i. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each applicable Community League to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
 - ii. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from all specified recipients; and
 - iii. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.2.

816.4 Additional Development Regulations for Apartment Housing and Group Homes in areas shown in Appendix 1

- 1. The Front Setback shall be consistent, within 1.0m, with the Setback of development on adjacent Sites and with the general context of the block face but shall not be less than the minimum required in the underlying zone.
- 2. The maximum Height shall not exceed 23.0 m, in accordance with Section 52.

3. Where the Basement entirely consists of non-habitable development, that portion of the Basement above Grade, which faces onto a public roadway, other than a Lane, or internal circulation network, shall be concealed through such means as extension of the Façade treatment, use of planters and Landscaping.
4. The Development Officer shall have regard for any applicable Statutory Plan and may, where a Statutory Plan specifies, notwithstanding Section 11.3 and section 800.2(2)(b) of this Bylaw, vary the regulations of both this Overlay and the underlying Zone as they affect Height, Density and Floor Area Ratio. In all cases, the variances shall be within the ranges specified in the Statutory Plan. In all such cases, the application shall be a Class B Discretionary Development.”

816.5 Additional Development Regulations for Residential and Residential-related Uses in areas shown in Appendix 1, except for Apartment Housing and Group Homes

1. Building form

- a. Notwithstanding the definition of Front Lot Line within this Bylaw, the Front Lot Line of a consolidated parcel shall be deemed to be the historic Front Lot Lines of the consolidated Lots.
- b. The minimum Front Setback shall be consistent with the Setback of development on adjacent Sites but shall not be less than the minimum required for the building format in the underlying zone.
- c. The minimum Side Setback shall be 3.0 m. Where the Side Yard abuts an arterial road, the minimum Side Setback shall be 4.5 m. Separation Space and Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Side Setback requirements, except where a Principal Living Room Window faces an interior Side Yard.
- d. Where any building exceeds the maximum Height in the abutting zone the directly adjacent Façade shall be stepped or sloped back at a minimum angle of 45 degrees from the vertical plane for a minimum horizontal distance of 2.5 m to optimize access to sunlight, increase privacy and otherwise provide for an appropriate transition to the abutting property.

2. Building Design

- a. Individual Row Housing and Stacked Row Housing Dwellings shall be defined through the use of a combination of architectural features such as, but not limited to, individual rooflines or roofline features, projection or recession of the Façade, individual porches or entrance features, and building materials.
- b. To maximize integration with the surrounding neighbourhood, development should:
 - i. be sympathetic to fundamental design elements, proportions, and building materials found within the neighbourhood; and
 - ii. be constructed with durable, quality materials.

- c. Elements of the development and of individual dwellings such as windows, doors, balconies, Amenity Areas and Private Outdoor Amenity Areas should be sited, oriented and designed to minimize their impact on adjacent dwellings, considering such things as daylight, sunlight, ventilation, quiet, visual privacy, shadowing, views, and noise.
- d. Features that span either the first Storey or the first and second Storeys, such as bay windows, porches and entrance features, shall be allowed to project into a Front Yard or Side Yard abutting a flanking roadway to a maximum of 2.0 m, provided that a minimum Setback of 3.0 m is maintained between the property line and the projection. Separation Space shall be reduced to accommodate these projections.
- e. Where the Basement entirely consists of Non-Habitable Rooms, the portion of the Basement located above Grade shall be concealed through means such as but not limited to extending the Façade treatment or creative Landscaping including planters.

3. Amenity Area

- a. Notwithstanding Section 46(3)(a) of this Bylaw, the Private Outdoor Amenity Area for Apartment Housing Dwellings shall have a minimum width and length of 2.0 m and may be located within a Front Setback provided that a minimum Setback of 1.0 m is maintained between the property line and the Private Outdoor Amenity Area.

4. Landscaping

- a. In addition to the requirements of Section 55 of this Bylaw, the required Landscape Plan shall demonstrate:
 - i. the use of vertical landscaping features (e.g. hedges, decorative Fences, low walls, shrubs or other plant material) between surface parking areas and ground Storey Dwellings that look onto these areas.

5. Access and Parking

- a. Where the frontage of a Site exceeds 46.0 m, surface parking areas (including stalls and drive aisles) shall not cover more than 15% of the Site.
- b. Any surface parking shall be located at the rear of the building.

c) Deleting Section 816 Appendix 1, and replacing it with the following:

High Rise Residential Overlay: Fort Road





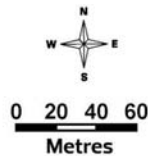
Map Compiled by:
Zoning Bylaw,
Development Services

September 2017

The City of Edmonton disclaims any
liability for the use of this map.

LEGEND

-  High Rise Residential Overlay
-  Legal Parcels



No reproduction of this map, in whole or in part, is permitted without express written consent of the City of Edmonton, Urban Form and Corporate Strategic Development Department

High Rise Residential Overlay: Stadium Station

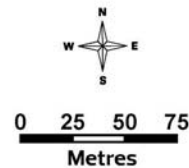


Map Compiled by:
 Zoning Bylaw,
 Development Services
 September 2017

The City of Edmonton disclaims any liability for the use of this map.

LEGEND

-  High Rise Residential Overlay
-  Legal Parcels
-  Natural Areas



No reproduction of this map, in whole or in part, is permitted without express written consent of the City of Edmonton, Urban Form and Corporate Strategic Development Department

High Rise Residential Overlay: Garneau Area 1



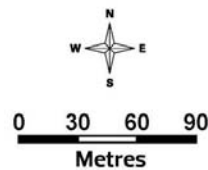
Map Compiled by:
Zoning Bylaw,
Development Services

September 2017

The City of Edmonton disclaims any liability for the use of this map.

LEGEND

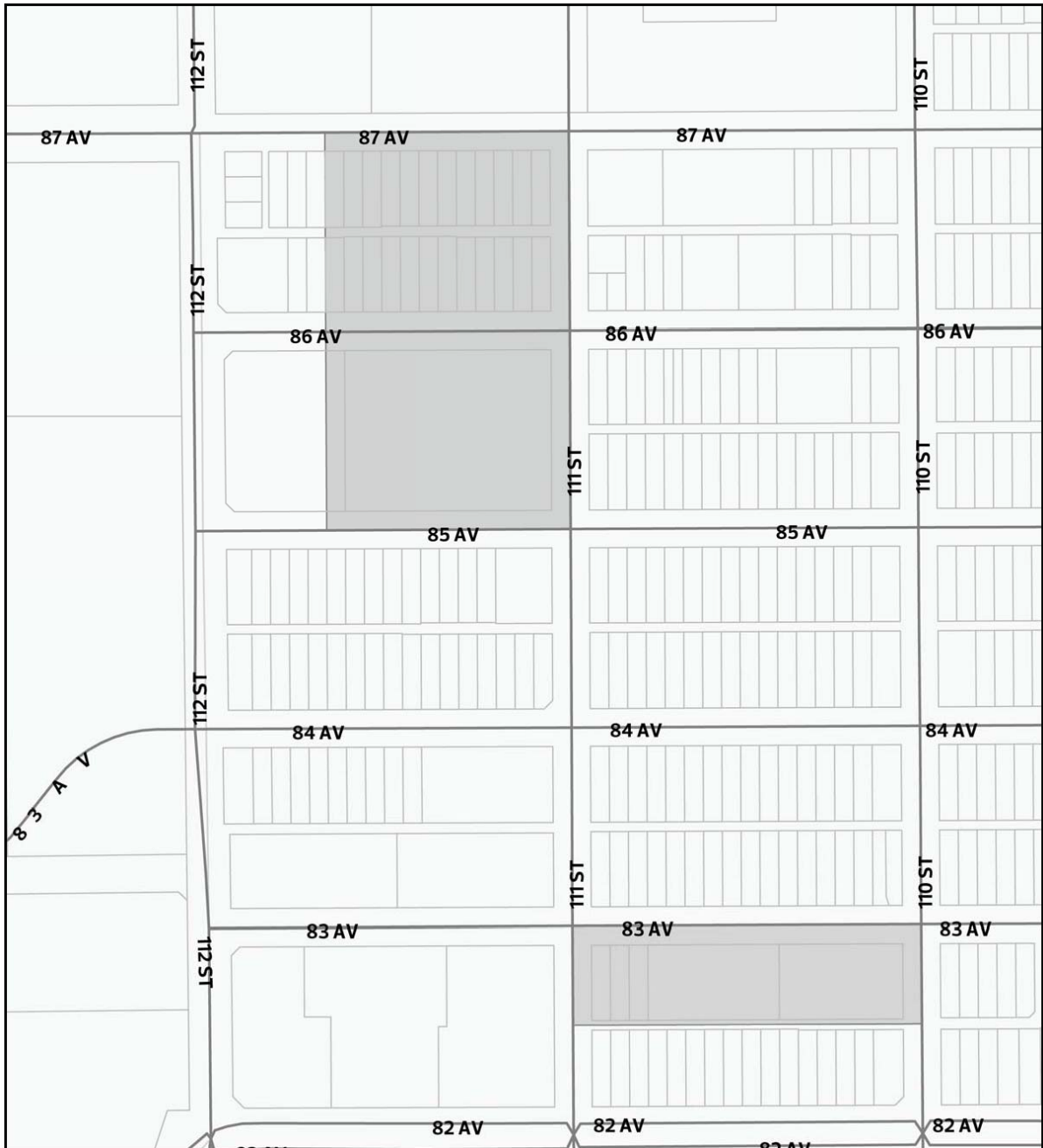
	High Rise Residential Overlay
	Legal Parcels



No reproduction of this map, in whole or in part, is permitted without express written consent of the City of Edmonton, Urban Form and Corporate Strategic Development Department

d) Adding a new Section 816 Appendix 2, as follows:

High Rise Residential Overlay: Garneau Area 2



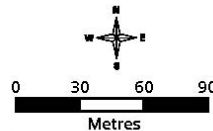
Map Compiled by:
Zoning Bylaw,
Development Services

May 2018

The City of Edmonton disclaims any
liability for the use of this map.

LEGEND

-  Legal Parcels
-  High Rise Residential Overlay: Garneau Area 2



No reproduction of this map, in whole or in part, is permitted without express written consent of the City of Edmonton, Urban Form and Corporate Strategic Development Department

READ a second time this

day of _____, A. D. 2018;

READ a third time this

day of _____, A. D. 2018;

SIGNED and PASSED this

day of _____, A. D. 2018.

THE CITY OF EDMONTON

MAYOR

CITY CLERK