

Mark-up of Proposed Text Amendment to Zoning Bylaw 12800 - High Rise Apartment Zone (RA9)

Black Font	Existing Text in Zoning Bylaw 12800
Strikethrough:	Proposed deletion from Zoning Bylaw 12800
<u>Underline:</u>	Proposed addition to Zoning Bylaw 12800

Rationale

More descriptive general purpose will aid the development officer when using discretion and deciding whether to vary regulations.

Removing the use rules that are attached to the use class in the list to have proper Zoning Bylaw syntax. Large sites have additional rules in Development Regulations section.

Relocated compatible discretionary uses to permitted to expand the options and economic viability of the zone.

Live-work units increase the diversity of housing types, and are compatible with this development form.

230 (RA9) High Rise Apartment Zone

230.1 General Purpose

~~The purpose of this Zone is to provide for High Rise Apartment buildings.~~
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 ~~on a Site of 1.0 ha or less, that does not isolate another Site within this Zone of less than 800 m²~~
2. Child Care Services
3. Convenience Retail Stores
- ~~2.4. Group Homes, on a site that does not isolate another site within this Zone of less than 800 m²~~
- ~~3. 5. Limited Group Homes~~
6. Live-work Units

~~4. 7. Lodging Houses, *on a site that does not isolate another site within this Zone of less than 800 m²*~~

~~5. 8. Minor Home Based Business~~

~~9. Professional, Financial and Office Support Services~~

10. Row Housing

11. Specialty Food Services

~~6. 12. Stacked Row Housing *including Row Housing but excluding Semi-detached and Duplex Housing, on a Site of 1.0 ha or less, which does not isolate another Site within this Zone of less than 800 m²*~~

~~7. 13. Urban Gardens~~

~~8. 14. Fascia On-premises Signs~~

~~9. 15. Projecting On-premises Signs~~

Removing the use rules that are attached to the use class in the list to have proper Zoning Bylaw syntax.

Professional offices can help support mixed use development, as they provide a steady base of patrons that can make use of service-oriented non-residential uses. However, this is a primarily residential zone, and having professional offices only on the site would not support the zone's purpose.

Row Housing and Stacked Row Housing are separated to follow proper syntax. Use rules are added to the Development Regulations that limit where they can be built.

Low-impact use that will serve immediate residents with daily needs.

Row Housing and Stacked Row Housing are separated to follow proper syntax. Use rules are added to the Development Regulations that limit where they can be built.

230.3 Discretionary Uses

~~1. Apartment Housing, on a Site larger than 1.0 ha~~

~~2. 1. Apartment Hotels~~

~~3. A Permitted Use listed in this Zone, the Site of which isolates another Site within this Zone of less than 800 m²~~

~~2. Business Support Services~~

~~4. Child Care Services~~

~~5. Conversion of Single Detached, Semi-detached or Duplex Dwellings to Professional, Financial and Office Support Services~~

~~6. Convenience Retail Stores~~

~~7. 3. Fraternity and Sorority Housing~~

~~8. Garden Suites~~

Apartment Houses, Group Homes and Lodging House developments that were discretionary uses (and class B permits) before will now be permitted uses and class A developments because other development regulations are introduced to manage the building size and orientation on large sites.

Development regulations are added for Apartment Hotels to cap the total number of units in a building, particularly for retrofitting.

This was to provide incentive to consolidate RA9 lots in built up areas. Incentives and requirements to consolidate lots are added to the development regulations in its place.

Some stakeholders requested adding business support services.

Many uses that are currently discretionary are moved to permitted to promote complete neighbourhoods. The survey showed broad support for adding more supportive non-residential uses to the high rise zone.

Fraternity and Sorority Housing is proposed to be kept, but restricted to areas identified in Area Redevelopment Plans, such as the Garneau ARP.

Low density residential, and residential-related uses are proposed to be

4. General Retail Stores

~~9.~~ 5. Health Services

~~10.~~ 6. Major Home Based Business

7. Minor Alcohol Sales

8. Non-accessory Parking

deleted as they are incompatible with the general purpose.

General Retail Stores, Minor Alcohol Sales, Non-accessory parking, and Restaurants, are proposed to be added as discretionary uses. In urban locations, these uses can support commercial viability in the podium and the development of walkable streets. General retail is an important component for activating street frontages, and providing local service for neighbourhood residents. The size is limited to maintain the primary residential purpose of the zone.

Small alcohol retail is convenient for local residents. Separation distances would still apply to this use. And development regulations are added to specify where they can be located in the building, as well as cap the size so as to not displace other non-residential uses.

Non-accessory parking added to enable: park-and-ride option for sites near transit; an option for the development to reallocate unused parking spaces if demand changes over time; and to increase flexibility in parking space allocation.

Development regulations prohibit a surface parking lot. Parkade only, and only if it is under a residential tower.

~~11. 9.~~ Personal Service Shops

Personal Service Shops provides neighbourhood amenity to local residents. Size restriction is to maintain the overall residential character of the zone.

~~12. Private Clubs~~

Private Clubs has uncertain of compatibility within a residential Tower.

~~13. Professional, Financial and Office Support Services~~

Professional Financial Office Support Services are relocated to permitted uses.

~~14. Religious Assembly~~

The peak parking demand that accompanies Religious Assembly is generally incompatible with a high density residential development and is proposed to be removed. Small, low intensity religious activity may be allowed as an accessory to a residential Tower in some cases. Such as prayer rooms/sacred spaces to serve residents of the development.

~~15. 10.~~ Residential Sales Centre

~~11. Restaurants~~

Restaurants can support local residents' daily needs, and improve walkability, neighbourhood completeness. Restaurants can often be open later and have live music or other types of noise impact, blending between a restaurant, bar and neighbourhood pub, and nightclub. The requirements are to address these land use impacts.

~~16. Secondary Suites, where developed within a Single Detached Housing form~~

Low density residential is inappropriate for a high-rise zone. Many sites were upzoned to RA9 a long time ago, but have not seen development. Acknowledging this, all existing low density uses are allowed to continue, as per Section 641 of the *Municipal Government Act*

~~17. Single Detached Housing, Semi-detached and Duplex Housing~~

~~18. Specialty Food Services, for less than maximum seating of 40 occupants and 48 m² of Public Space~~

~~19. Stacked Row Housing, including Row Housing, on a Site larger than 1.0 ha~~

~~20. 12. Urban Outdoor Farms~~

~~21. 13. Freestanding On-premises Signs~~

~~22. 14. Temporary On-premises Signs~~

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

~~1. Notwithstanding the other regulations of this Zone, Single Detached Housing, Semi-detached Housing, Duplex Housing, Secondary Suites, and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.~~

~~2. The maximum Density shall be:~~

~~a. 225 Dwellings/ha for any Site less than 1 350 m²; or~~

~~b. 325 Dwellings/ha for any Site of 1 350 m² or greater;~~

~~c. 125 Dwellings/ha for any Site less than 885 m²; and~~

~~d. the maximum Density shall be increased by an additional 25 Dwellings/ha where Common Amenity Area of at least 2.5 m²~~

(non-conforming uses) but new development is required to be row housing at a minimum. Incentives provided in development regulations to consolidate sites.

Specialty Food Services is relocated to permitted uses to promote complete neighbourhoods. The survey showed broad support for adding more supportive non-residential uses to the high rise zone.

Row Housing and Stacked Row Housing are retained as permitted, but new use restrictions added.

Reference to RF4 is deleted with the rest of the low-density Uses.

Increasing the maximum density cap, as it is too low to get the desired building form. Density cap is a measure of intensity of the site, but needs to be considered together with setbacks, height, parking, and maximum Floor Area Ratio.

~~per Dwelling is provided in addition to Amenity Area required by subsection 46(2) and is developed in accordance with Section 46.~~

~~3. The minimum Site Area shall be 800 m².~~

~~4. The maximum Floor Area Ratio shall be 3.0, except that the Development Officer may use their variance power to increase this maximum for developments with larger individual unit floor plates and additional indoor Amenity Areas and facilities, and which comply with the density provisions of this Section. Any application for a development proposed to exceed 3.0 F.A.R. shall be a Class B Development.~~

~~5. The maximum building Height shall be 45.0 m, except that the Development Officer may use their variance power to increase this maximum for developments with individual Dwellings ceiling Heights over 2.75 m, and that comply with the density provisions of this Section. Any application for a development proposed to exceed 45.0 m in Height shall be processed as a Class B Development.~~

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

<u>Table 1</u>

Relocated below to the 'modifiers for building intensity' section.

Minimum site area and isolation regulations were intended to encourage the consolidation of lots by granting more development rights for larger sites. This has been ineffective at encouraging lot consolidation.

A Floor Area Ratio of 3.0 means that most development sites in already developed areas will exhaust their development right at around six storeys (sometimes less). In order to build a high rise development with this constraint, a large (e.g. >7500m²) site is required.

A 45.0 m tall building will allow a maximum of 12 to 15 storeys to be built, depending on floor to floor height, and not considering other regulations. Increasing the height to 58.0 m will allow 15 to 19 storeys to be built.

Height, Floor Area Ratio, and Density, together affect the intensity of the residential use on a site.

<u>Site Area</u>	<u>Maximum building intensity</u>			
	<u>Height</u>	<u>Floor Area Ratio</u>	<u>Density</u>	<u>Floor Plate size</u>
<u>a. Less than 1800 m²</u>	<u>(i) 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</u>	<u>(ii) 2.2</u>	<u>(iii) 250</u>	<u>(iv) No maximum</u>
<u>b. 1800m² to 7500 m²</u>	<u>(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.</u>	<u>(ii) 5.2</u>	<u>(iii) 650</u>	<u>(iv)The Floor Plate shall not exceed 850 m² 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.</u>
<u>c. Greater than 7500 m²</u>	<u>(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.</u>	<u>(ii) 4.3</u>	<u>(iii) 550</u>	

The minimum site area is proposed to be removed, and replaced with an incentive to work with adjacent property owners to consolidate into a larger site, and benefit from high rise development rules. The regulations for small sites are based upon scenario modeling for a four storey building using proposed setbacks on sites formed through lot consolidation.

1800 m² is ~5 RF3 lots (10.0 m by 36.7 m), or ~2.5 RF1 lots (15.4 m by 45.7 m). 7500 m² is ~1/3 to 1/2 of a typical block in the grid street network in Edmonton. With a small lot, a larger Floor Area Ratio is required due to site constraints in order to achieve a modest high rise building. On larger sites there is more flexibility and the site can achieve high rise development with a lower Floor Area Ratio.

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 increase by 0.9, and the maximum Density shall increase by 150 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 are developed to be larger than 115 m²; and

(iii) the average number of bedrooms per Dwelling described in 320.4.2(b)(ii) shall not be less than 3.0; and

(iv) all the Dwellings meeting the criteria in 320.4.2(b)(ii) are 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.

~~6. The minimum Front Setback shall be 6.0 m~~

~~7. The minimum Rear Setback shall be 7.5 m.~~

~~8. The minimum Side Setback shall be 1.0 m for each Storey or partial Storey, up to a maximum of 7.5 m, except that a total of at least 2.0 m shall be provided in all cases. A Side Setback shall be not less than 4.5 m where it abuts a flanking public roadway other than a Lane.~~

The additional increase to 67.0 m will not penalize the development of more livable units that have tall ceilings, by allowing 17 to 19 storeys were the floor to ceiling height is >3.0 m.

The Way We Grow ensures neighbourhoods have a range of housing choices to meet the needs of all demographic and income groups. Options for high density living for families with children is not widely available in Edmonton.

This modifier intends to allow enough additional development to build the family sized units, plus additional regular units to help offset the additional cost. This is not a requirement to build these.

On February 27, 2018 this clause was added to the Zone. It is relocated from the former density section to this section.

The existing setbacks are rigid, and not responsive to the different types of development or site context possible.

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

<u>Table 2</u>			
<u>Building Form</u>	<u>Minimum Required Setback</u>		
	<u>Front/ Flanking</u>	<u>Interior Side</u>	<u>Rear</u>
<u>a. Tower</u>	<u>i. 6.0 m</u>	<u>ii. 7.5 m</u>	<u>iii. 7.5 m, except 3.0 m if abutting a lane.</u>
<u>b. Podium with commercial ground floor</u>	<u>i. 1.0 m</u>	<u>ii. 3.0 m except 0.0 m if abutting property is built to the property line.</u>	<u>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.</u>
<u>c. Podium with residential ground floor</u>	<u>i. 3.0 m</u>	<u>ii. 4.5 m except 0.0 m if abutting property is built to the property line.</u>	<u>iii. 7.5 m, except 3.0 m if abutting a lane.</u>
<u>d. All other building forms.</u>	<u>i. 3.0 m</u>	<u>ii. 2.4 m</u>	<u>iii. 7.5 m</u>

Setbacks contemplate podium and non-podium designs. They also contemplate zero-lot-line development for commercial shopping streets.

The intended outcome is a high rise tower set back from the property lines, with the opportunity to do a few storeys around the base closer to the property line. Smaller minimum setbacks for podiums in the front will promote a more urban feel for the development.

“All other building forms” is intended to capture smaller apartment buildings that are not part of a podium or a tower. This would include row housing, stacked row housing, tri-plex, or quad-plex, “skinny” apartments, and four-storey walk-up apartments, fraternities/sororities, and other small building forms.

~~9. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required between a Garden Suite and the associated principal Dwelling on the same Site.~~

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

Low density uses are proposed to be deleted, so this is no longer required. Tower separation is proposed in its place.

Minimum Tower separation will help reduce shadow impacts, and help ensure light penetration to the ground level. This may restrict immediately adjacent parcels, but much less than the 800 m² site isolation rule, which is proposed to be removed.

Guidance for the site design is intended to improve non-motorized transport options, particularly for large sites.

This site plan should show the location and orientation of buildings, the landscaping, amenity space, and non-motorized circulation network, and connections to adjacent sites or roadways.

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

~~10. A minimum Amenity Area of 7.5 m² per Dwelling shall be provided.~~

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, other than a Lane.

Amenity Area is proposed be removed from all zones and relocated to Section 46 as part of a Bylaw going to Public Hearing on February 27, 2018.

Activating street frontages is a key design change as part of this zone refresh.

Specific examples are provided to help guide applicants and Development Officers to determine if the proposal satisfies the requirement.

In order to have direct access at ground level for residential units, particularly in main street areas, it is required to allow private amenity area in the front yard. Examples of this are common in Vancouver (ex. 1088 Richards Street). Allowing individual amenity area in setbacks increases flexibility for the design and building articulation. Activating street

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.

frontages is a key design change as part of this zone refresh.

Clarifying that the ground level units need to have active frontages; structured parking needs to be provided above the first storey or underground, or wrapped in either commercial or residential units on all levels.

The purpose of these regulations are to require overhead weather protection to support year-round walkability and winter city design.

This is to manage the wind impact of tall buildings, particularly where a podium is not provided.

This improves livability of units that are located near the podium level or on the ground floor.

To align with the Transit Oriented Development Guidelines for commercial ground floor frontages.

Improving the aesthetics of the rooftops improves livability of units that are located near the podium level.

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

“360 degree architecture” helps to improve building design and eliminate blank walls that negatively impact the street-level interface.

Having a “signature top” that benefits the Edmonton skyline was a broadly supported approach as per the March 2017, Insight Survey.

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.

c. Notwithstanding 230.6.2(b), 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

To align the zone update with Winter City Guidelines, and to improve enforceability of landscaping regulations.

This regulation is relocated from the High Rise Residential Overlay to apply to all sites.

A lighting plan will assist the Development Officer in making a determination.

This wording is to recognize that light does not stop at the property line, and so mitigation of light pollution needs to be considered at the source.

Being explicit about the footprint of the parking structure can assist in creating more efficient parking layouts.

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).

Requiring a sufficient soil depth will support trees and landscaping on a site.

Despite the possibility for non-residential uses, in the zone, the primary purpose is for high density residential housing. The regulation is to avoid building a single commercial use on the site, or under-developing the site with low to medium density commercial development.

To limit potential use impacts, apartment hotels are required to be provided all on the same level, separate from residential apartments.

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 specially 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.

These uses are ideally suited to activate the ground floor frontages, and are not appropriate for development in the tower portion.

Child care requires additional outdoor amenity based on Provincial regulations, and this may be provided on a podium rooftop.

The parking demand for Health Services is generally not compatible with Apartment Housing, particularly in urban areas. However, Group Homes are often developed as seniors living or for other people with local medical needs, and this is an effective complementary use in those scenarios, as the residents in that case will typically have limited vehicle ownership or use characteristics.

Since Non-accessory parking is provided to enable flexibility in the provision of parking; as parking regulations change (reduce over time) or the residential

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.

~~*11. 13. Signs shall comply with the regulations found in Schedule 59B.*~~

~~*12. Fraternity and Sorority Housing, Limited Group Homes, Group Homes and Lodging Houses shall comply with Section 96 of this Bylaw.*~~

~~*13. Urban Outdoor Farms shall comply with Section 98 of this Bylaw.*~~

parking demand changes over time (reduce over time), then non-accessory parking provides an option to utilize that infrastructure. Additionally, around transit and activity nodes, non-accessory parking can serve to provide an option to improve overall utilization of parking spaces at different times of day.

Row Housing and Stacked Row Housing is intended to be used on small sites, or to serve as a transition between a tower and an adjacent low density residential use.

~~14. Urban Gardens shall comply with Section 98 of this Bylaw.~~

~~230.5—Additional Development Regulations for Discretionary Uses~~

~~1. Personal Service Shops, Convenience Retail Stores, Professional Financial and Office Support Services, Health Services and Specialty Food Services shall not be in any freestanding structure separate from a structure containing Residential Uses, and shall not be developed above the lowest Storey, except in the case of the Conversion of Dwellings.~~

~~2. The Development Officer may exercise discretion in considering Apartment Housing or Lodging Houses, which would isolate another Site within this Zone that is less than 800 m² having regard to the location, age, and nature of the Use or Uses on the Site that would be isolated.~~

Most of these uses have been reclassified as permitted uses, or deleted from the zone.