

Mark-up of Proposed Text Amendment to Zoning Bylaw 12800 - High Rise Residential Overlay

Black Font <del>Strikethrough:</del> <u>Underline:</u>	Existing Text in Zoning Bylaw 12800 Proposed deletion from Zoning Bylaw 12800 Proposed addition to Zoning Bylaw 12800	Rationale
<p><b>816 High Rise Residential Overlay</b></p>		
<p><b>816.1 General Purpose</b></p>		
<p>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.</p>		
<p><b>816.2 Application</b></p>		
<p>This Overlay applies to Sites zoned RA9 in the areas shown on Appendices to this Overlay.</p>		
<p><del><b>816.3—Development Regulations for Permitted and Discretionary Uses, Except Stacked Row Housing and Apartment Housing</b></del></p>		<p>The MNO was designed with low density residential in mind, and doesn't really have anything regarding how to integrate tall towers or non-residential uses with low density houses. It does not apply to sites zoned RA9.</p>
<p><del>1. Development shall comply with the regulations contained in the Mature Neighbourhood Overlay.</del></p>		<p>The Mature Neighbourhood Overlay does not have notification requirements for non-residential uses, and does not address high rise development. Also, since it is discussing variances, whatever replaces this should be located in the variances section. MNO now has tiered variances notification.</p>
<p><del>2. Notice of proposed variances shall be provided in accordance with the Mature Neighbourhood Overlay.</del></p>		

**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 m<sup>2</sup> 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 m<sup>2</sup>.

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.

Added Professional, Financial, and Office Support Services to the list from the underlying zone.

Added an arterial road requirement from the underlying zone

Retained the isolating sites requirement from the existing RA9 zone, but increased the size from 800 m<sup>2</sup> to 1800m<sup>2</sup> to reflect the deletion of low density residential uses from the proposed underlying zone, as well as the general size requirement to build an efficient high rise development.

The variance allowance is retained from the existing RA9 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 ~~for the construction of new Apartment Housing~~ 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

Instituting a minimum density in the zone will reduce the ability for non-high rise development to be possible on a Site.

The intent is to retain the characteristics of residential streetscapes on quiet streets, while allowing non-residential uses to approach the property line on busy streets.

Different side setbacks to reduce impact on abutting ground oriented residential Dwellings.

Relocated this requirement from the existing High Rise Residential Overlay.

whether to approve the Development Permit application in accordance with Section 11.2.

**816.45 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 ~~5.0 m~~ the minimum required in the underlying zone.

2. The maximum Height shall not exceed 23.0 m, in accordance with Section 52.

~~3. Any habitable Basement development shall be counted as a Storey of development. Where the Basement consists of non-habitable development, the floor of the first Storey shall not be constructed more than 1.2 m above Grade.~~

~~4. 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 and existing trees.~~

~~5. Architectural treatment of all façades of the building shall create a unified building exterior. The building shall include the following design elements that shall reduce the perceived mass and add architectural interest:~~

~~a. articulation of the façade;~~

~~b. creation of architectural pattern;~~

~~c. the use of recessions and projections, such as porches, bay windows and entrance features; and~~

~~d. the use of a variety of exterior building cladding materials and colours.~~

~~36. 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~~

Improves the alignment with the blockface.

No change, as per Urban Planning Committee direction.

The maximum height is no longer measured via storeys, so this requirement is obsolete.

This is consistent with the requirement in the underlying zone.

This is consistent with the requirement in the underlying zone.

concealed through such means as extension of the façade treatment, use of planters and Landscaping.

~~7. Balconies shall not comprise more than 50% of a façade facing a public roadway, other than a Lane. Balconies facing a public roadway, other than a Lane, shall be recessed or the building shall be articulated to provide some privacy to the balcony areas.~~

~~8. One Storey features, such as bay windows, front porches, entrance features, etc., shall be allowed to project into a Front Setback or Side Setback abutting a flanking roadway, other than a Lane, 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 requirements shall be reduced to accommodate these projections.~~

~~9. A minimum Side Setback of 2.0 m shall be required. Where the Side Yard abuts a flanking public roadway, other than a Lane, a minimum Side Setback of 3.0 m shall be required. Where the Side Yard abuts an arterial roadway, a minimum Side Setback of 4.5 m shall be required. Separation Space shall be reduced to accommodate these Side Setback requirements, except where a Principal Living Room Window faces an interior Side Yard.~~

~~410.~~ 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 ~~and the pre-application consultation provisions shall apply.~~

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

Contemporary design no longer does this.

Low density residential development is removed from the underlying zone, making this regulation unnecessary.

Low density residential development is removed from the underlying zone, making this regulation unnecessary.

Relocated this section to 816.3.6

Pre-application consultation is not a current practise.

In these regulations, both Apartment Housing and Stacked Row Housing have to meet these requirements.

~~1. Development shall comply with regulations contained in the Medium Scale Residential Infill Overlay.~~

*\*The existing Overlay refers out to the Medium Scale Residential Infill Overlay (MSRIO 823). The update consolidates the regulations relevant to high rise apartments and row housing, and deletes the remainder, renumbering accordingly. No changes are proposed to the into the Medium Scale Residential Infill Overlay.*

*823.4 Development Regulations for Stacked Row Housing and Apartment Housing*

1. Building form

~~a. Principal buildings shall front onto a public roadway, other than a lane.~~

ab. 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.

bc. The minimum Front Setback shall be consistent with the Setback of development on adjacent Sites ~~and with the general context of the block face~~ but shall not be less than 3.0 m the minimum required for the building format in the underlying zone. ~~The principal building shall be located at or within 1.0 m of the average Setback along the block face.~~

~~Where the Front Yard abuts an arterial road, the minimum Setback shall be 6.0 m.~~

~~Where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, the minimum Setback shall be 3.0 m.~~

~~Separation Space as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Setback requirements. Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to~~

There are a lot of regulations in the MSRIO, and for ease in understanding what rules apply to High Rise Apartments, the regulations from the MSIRO are copied copied into the updated Overlay. The changes will be consolidated inside the High Rise Residential Overlay going forward.

The size and location of remaining parcels subject to the High Rise Residential Overlay makes this clause redundant.

Block face averages substantially complicate determining setback.

An arterial road and a pedestrian-oriented shopping street are not mutually exclusive (i.e. Whyte Ave). Additionally, none of the areas in the HRRO are adjacent to a pedestrian-oriented shopping street.

It is not clear what this regulation is attempting to accomplish in the context of

~~accommodate these requirements where the sill of a Principal Living Room Window or a Habitable Room Window is at least 1.5 m above Grade.~~

~~cd.~~ The minimum Side Setback shall be 3.0 m, except as provided in subsection 816.3(1)(a). 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.

~~de.~~ Where any building exceeds ~~8.6 m in the maximum~~ Height in the ~~abutting zone, on all Sites abutting a property zoned to allow Single Detached Housing as a Permitted Use or the RF5 Row Housing Zone,~~ the following regulations shall apply along the shared property line:

~~i. a minimum Setback of 7.5 m shall be required;~~

~~ii. the Development Officer may reduce this Setback to no less than 3.0 m where the proposed façade is a flanking or end wall and where an acceptable landscaped buffer is provided;~~

~~iii. there shall be no variance to the 7.5 m Setback where the Site abuts the south property line of a neighbouring Site; and~~

~~iv. at a maximum Height of 8.6 m in~~ 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, ~~as shown in the following illustration.~~

the front setback for row housing or stacked row housing.

There are many zones that abut the HRRO, and some of them do not require a regulation of this type, such as the Commercial Office Zone (CO).

Most of the remaining developable sites where the HRRO applies will be substantially constrained by a large setback of this nature. Particularly when the building is limited to 23.0 m in height, the requirement is excessive.

3.0m is in line with the requirements of the underlying zone.

Deleting the 7.5m setback requirement makes this clause redundant.

Height reference is redundant to the parent clause 'e'.

This is consistent with the requirement in the underlying zone.

~~f. The maximum Height shall not exceed 14.5 m, for flat, mansard and gambrel roofs, or 16.0 m for a roof type with a pitch of 4/12 (18.4 degrees) or greater, in accordance with Section 52.~~

~~g. The total length of any building shall not exceed 48.0m.~~

## 2. Building Design

~~a. All ground Storey Apartment Dwellings adjacent to a public roadway other than a Lane shall have a private exterior entrance that fronts onto the roadway. Sliding patio doors shall not serve as this entrance.~~

~~b. The principal entrance of each Stacked Row Housing Dwelling shall front onto a public roadway other than a Lane. Sliding patio doors shall not serve as this entrance.~~

~~c. Architectural treatment of all facades of the building shall create a unified building exterior. The building shall incorporate design elements to reduce the perceived mass and add architectural interest, including but not limited to:~~

~~i. clear articulation of the façade, using a defined pattern of projections and recessions;~~

~~ii. the use of a variety of exterior building cladding materials and colours; and~~

~~iii. a prominent front entrance for Apartment Housing.~~

~~d. Building components such as windows, doors, trim, columns, balconies, stairs, and roofline features should be in proportion to one another and to the overall mass of the building.~~

ae. 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.

This is consistent with the requirement in the underlying zone.

This is consistent with the requirement in the underlying zone.

This is consistent with the requirement in the underlying zone.

This is consistent with the requirement in the underlying zone.

This is consistent with the requirement in the underlying zone.

This is consistent with the requirement in the underlying zone.



~~bf.~~ 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.

~~cg.~~ 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.

~~dh.~~ ~~Except as provided in Section 823.3(3)(a),~~ ~~f~~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.

~~ei.~~ 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 facade treatment or creative Landscaping including planters.

~~j.~~ ~~The length of balconies shall not comprise more than 50% of any building facade. Balconies shall be designed as integral components of buildings and shall be recessed or partially recessed.~~

### 3. Amenity Area

~~a.~~ ~~A minimum Private Outdoor Amenity Area of 7.5 m<sup>2</sup> shall be provided for each Apartment Housing Dwelling except that for ground Storey Dwellings a minimum of 15.0 m<sup>2</sup> of Private Outdoor Amenity Area shall be provided.~~

This exception does not relate to the context.

Contemporary design no longer does this.

This section is for row housing and stacked row housing, not apartment housing. A bylaw amendment passed in February 27 that created a new section for amenity area for all zones that consolidates the amenity area requirements in individual zones.

~~ab.~~ Notwithstanding Section ~~47~~ 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.

~~c. Development containing ten (10) to nineteen (19) Apartment Housing Dwellings shall provide a minimum of 2.5 m<sup>2</sup> of common Amenity Area per Dwelling in addition to the 7.5 m of Private Outdoor Amenity Area required under Section 823.3(3)(a). Common Amenity Area shall be designed to facilitate active or passive recreational activities and shall:~~

- ~~i. be located outdoors at ground level,~~
- ~~ii. be aggregated into areas of not less than 25.0 m<sup>2</sup>,~~
- ~~iii. have a minimum width and length of 4.0 m,~~
- ~~iv. have access to sunlight,~~
- ~~v. include seating and artificial lighting, and~~
- ~~vi. be directly accessible from the building.~~

~~d. Development containing twenty (20) Apartment Housing Dwellings or more shall provide a minimum of 2.5 m<sup>2</sup> of common Amenity Area per Dwelling in addition to the Private Outdoor Amenity Area required in Section 823.3(3)(a). A minimum of 50 m<sup>2</sup> of common Amenity Area shall be provided outdoors at Grade. Any remaining area required may be provided indoors or outdoors or a combination thereof, but shall be aggregated into areas of at least 25.0 m<sup>2</sup>.~~

- ~~i. Where provided outdoors, the common Amenity Area shall be designed to facilitate active or passive recreational activities and shall:
 
  - ~~A. have a minimum width and length of 5.0 m,~~
  - ~~B. be within clear view of several residential units when provided at ground level,~~~~

This section is for row housing and stacked row housing, not apartment housing.

This section is for row housing and stacked row housing, not apartment housing.

A bylaw amendment passed in April that created a new section for amenity area for all zones that consolidates the amenity area requirements in individual zones.

<p><del>C. be designed to minimize overlook into Abutting Sites when provided on a Rooftop Terrace by implementing Privacy Screening, Stepbacks or other treatments that minimize direct sightlines;</del></p> <p><del>D. have access to sunlight;</del></p> <p><del>E. include seating and artificial lighting, and</del></p> <p><del>F. be directly accessible from the building.</del></p> <p><del>ii. Where provided outdoors, the common Amenity Area should:</del></p> <p><del>A. be located between buildings to break up the massing of development along the block face when a development contains two or more buildings.</del></p> <p><del>iii. Where provided indoors, common Amenity Area shall:</del></p> <p><del>A. be separate from a building’s common utility areas (e.g. lobbies, corridors, and vestibules);</del></p> <p><del>B. include furniture and fixtures that accommodate small social gatherings and/or active recreational pursuits (e.g. tables and chairs, kitchen facilities, exercise or play equipment), and</del></p> <p><del>C. provide access to other public areas within the building and to any outdoor communal recreation space.</del></p> <p><del>e. Notwithstanding any other regulation of this Bylaw, the common Amenity Area or Private Outdoor Amenity Area may be located within any Yard. A minimum Setback of 1.0 m is required between an Amenity Area or Private Outdoor Amenity Area and any property line that abuts a public street.</del></p> <p>4. Landscaping</p> <p>a. In addition to the requirements of <a href="#">Section 55</a> of this Bylaw, the required Landscape Plan shall demonstrate:</p> <p>i. the use of vertical landscaping features (e.g. hedges, decorative Fences, low walls, shrubs or other plant material) between surface</p>	<p>This is consistent with the requirement in the underlying zone.</p> <p>This section is for everything except apartment housing and group homes</p>
--	---

<p>parking areas and ground Storey <del>Apartment Dwellings or ground Storey Stacked Row Housing</del> Dwellings that look onto these areas<del>;</del></p> <p><del>ii. entry transitions including features such as steps, decorative Fences, gates, hedges, low walls, and planting beds between the public roadway and Dwellings that front or flank onto the public roadway, and</del></p> <p><del>iii. clear delineation of all Private Outdoor Amenity Areas and common Amenity Areas at Grade with vertical landscaping features (e.g. hedges, decorative Fences, gates, low walls);</del></p> <p><del>b. Soil above underground parking facilities shall be of sufficient depth to accommodate required landscaping, including trees, shrubs, flower beds, grass, and ground cover.</del></p> <p>5. Access and Parking</p> <p><del>a. 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.</del></p> <p><del>b. 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.</del></p> <p><del>a.c.</del> 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.</p> <p><del>b.d.</del> Any surface parking shall be located at the rear of the building.</p> <p><del>2. Notice of proposed variances shall be provided in accordance with the Medium Scale Residential Infill Overlay.</del></p>	<p>This is consistent with the requirement in the underlying zone.</p> <p>This is consistent with the requirement in the underlying zone.</p> <p>This is consistent with the requirement in the underlying zone.</p> <p>This is relocated to the underlying zone.</p> <p>This is relocated to the underlying zone.</p> <p>Since it is discussing variances, whatever replaces this should be located in the variances section. MSIRO now has tiered variance notification.</p>
--	--

**816.6 — Proposed Variances**

~~1. When the Development Officer determines that a Development Permit application for the construction of new Apartment Housing does not comply with the regulations contained in this Overlay:~~

~~a. 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;~~

~~b. 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~~

~~c. 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.~~

[Appendix 1 - High Rise Residential Overlay](#)  
[Appendix 2 - High Rise Residential Overlay](#)

Relocated above

Added a second area to connect the two High Rise Residential Overlay Sites in Garneau. The primary purpose to this addition is to direct the non-residential uses to the bordering arterial roadways and away from 111 Street.