

# Zoning Bylaw Residential Use and Density Modifications

## Recommendation:

1. That Administration return to a future City Council Public Hearing with the proposed Zoning Bylaw 12800 amendments that help achieve density targets for area structure plans, neighbourhood structure plans and the Capital Region Plan, as outlined in the March 7, 2012, Sustainable Development report 2012SCP104.
2. That Administration further review and bring forward additional amendments to the RF6 (Medium Density Multiple Family) and RA9 (High Rise Apartment) Zones in Zoning Bylaw 12800, that would update these underutilized zones.

## Report Summary

**This report presents possible amendments to the Zoning Bylaw to better enable the City to achieve density targets for area structure plans, neighbourhood structure plans, and the Capital Region Plan.**

## Report

This report presents amendments to the RF5 (Row Housing), RF6 (Medium Density Multiple Family), RA7 (Low Rise Apartment), RA8 (Medium Rise Apartment) and RA9 (High Rise Apartment) Zones (Attachment 1).

Residential zones in the Zoning Bylaw form a continuum that is meant to

accommodate housing at progressively higher levels of density. However, the medium and high density RF5, RF6, RA7, RA8 and RA9 Zones also allow lower-density uses, including single-detached and semi-detached housing, as either a permitted or discretionary use.

The result is that lower-density housing can be built in areas that are planned and approved for higher-density housing. This creates a discrepancy between what is approved by City Council in area structure plans and neighbourhood structure plans and what can actually be built. The discrepancy inhibits the City's ability to meet the density targets of the Capital Region Plan, as well as its own statutory plans.

In order to better enable the City to meet density targets, the following Zoning Bylaw changes are proposed:

- Amend the definition for row housing so that it means a development containing three or more dwellings, rather than two or more dwellings.
- Introduce minimum and maximum densities into the RF5 (Row Housing), RF6 (Medium Density Multiple Family), RA7 (Low Rise Apartment) Zones, RA8 (Medium Rise Apartment) and RA9 (High Rise Apartment) Zones.
- Amend the RF5 (Row Housing) and RF6 (Medium Density Multiple Family) Zones so that semi-detached housing is a discretionary rather than a permitted use.
- Amend the RA7 (Low Rise Apartment), RA8 (Medium Rise Apartment) and RA9 (High Rise Apartment) Zones so that row

housing is a discretionary rather than a permitted use.

- Allow smaller-scale, lower-density housing in the RF5 (Row Housing), RF6 (Medium Density Multiple Family), RA7 (Low Rise Apartment), RA8 (Medium Rise Apartment) and RA9 (High Rise Apartment) to be built in new neighbourhoods as long as the site meets the minimum density threshold of the zone.
- Allow smaller-scale, lower-density housing in the RF5 (Row Housing), RF6 (Medium Density Multiple Family), RA7 (Low Rise Apartment), RA8 (Medium Rise Apartment) and RA9 (High Rise Apartment) Zones to be built on infill sites in mature neighbourhoods, regardless of the minimum density threshold of the zone.

Making smaller-scale uses discretionary rather than permitted gives Administration the ability to ensure that the minimum density threshold of each zone is met. As a discretionary use, the Development Authority has the ability to consider a variance when target densities are being met.

To support this recommendation, Administration did an analysis of the density currently being achieved in each zone based on a review of development permits that were issued by the City from March 23, 2010, to November 6, 2011.

As an example, in the RA7 (Low Rise Apartment) Zone, only 18 out of the 53 development permits issued during this period were for low rise apartments. The remaining 35 development permits were for lower-density forms of housing.

Administration calculated the average density of the 18 low rise apartment developments and then set the minimum density of the RA7 (Low Rise Apartment) Zone at 75 percent of the average density. Administration chose a 75 percent minimum threshold in order to retain flexibility and allow the development industry to respond to market demand.

Administration's analysis revealed that there have been few development permit applications in the RF6 Zone and no development permit applications in the RA9 Zone between March 23, 2010, and November 6, 2011. As a result, it is difficult to formulate a density range for these zones.

Administration will be undertaking further review of the RF6 and RA9 Zones to determine why there are few development permit applications for these zones. Future amendments to the RF6 and RA9 Zones will be considered to ensure a full range of housing options for Edmonton residents.

### Policy

The Capital Region Plan came into effect on March 31, 2010, and contains density targets for the City of Edmonton. Most of Edmonton is located in Priority Growth Area B, which has been assigned a density target of 30-45 units per net residential hectare.

The policies in Section 8.1.7 of the Municipal Development Plan indicate that the City will plan for growth that meets or exceeds the Capital Region Plan's density targets in conjunction with an integrated transit and land use approach.

Current and new neighbourhood and area structure plans include density (units/net residential hectare) targets that require implementation through the Zoning Bylaw.

### Corporate Outcomes

The information contained in this report relates to the following Strategic Goals as defined in *The Way Ahead: City of Edmonton's Strategic Plan 2009-2018*:

- Improve Edmonton's Liveability
- Transform Edmonton's Urban Form

### Public Consultation

The proposed amendment was circulated to the Urban Development Institute, the Edmonton chapter of the Canadian Home Builder's Association, the Edmonton Federation of Community Leagues, adjacent municipalities, civic departments and utility providers.

A meeting was held with representatives from the Edmonton Federation of Community Leagues and the Canadian Home Builder's Association on September 7, 2010, and a second meeting was held with representatives from the Canadian Home Builder's Association on December 13, 2011. The Canadian Home Builder's Association does not support the proposed changes.

### Legal Implications

The new zoning regulations would apply as soon as they are passed by City Council.

In some neighbourhoods subdivision may have already occurred for a low density use that was subsequently made discretionary under the proposed new zoning regulations. In such an

instance, Administration may be required to consider granting a Class B, discretionary use permit to allow the low density housing to be constructed. This will result in an opportunity for those permits to be appealed where such opportunity did not previously exist.

### Justification of Recommendation

1. To ensure transparency in the development process, and to ensure that target densities articulated in statutory plans are able to be implemented by Zoning Bylaw 12800.
2. The RF6 (Medium Density Multiple Family) and RA9 (High Rise Apartment) Zones are either underutilized or not used at all. Reviewing and updating these zones would make the City's conventional zones more robust and could diminish the use of Direct Control zoning.

### Attachments

1. Proposed Changes to RF5, RF6, RA7, RA8 and RA9 Zones

### Others Reviewing this Report

- D. H. Edey, General Manager, Corporate Services

## Proposed Changes to RF5, RF6, RA7, RA8 and RA9 zones

Proposed additions shown as **highlighted** text, text to be removed shown as ~~strikethrough~~.

### 7. Use Class Definitions

#### 7.2 Residential Use Classes

- 7.2(2) **Duplex Housing** means development consisting of a building containing only two Dwellings, with one Dwelling placed over the other in whole or in part. ~~with individual and separate access to each Dwelling.~~ Each Dwelling shall be separated from the one adjoining by a Party Wall. Each Dwelling shall have separate and individual access, not necessarily directly to grade. This type of development shall be designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites **or Semi-detached Housing.**
- 7.2(6) **Row Housing** means development consisting of a building containing a row of ~~two~~ **three** or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Each Dwelling shall be separated from the one adjoining ~~where they are adjoining,~~ by a ~~vertical~~ Party Wall. ~~which is insulated against sound transmission. Adjoining rooms may or may not be Habitable Rooms.~~ Each Dwelling shall have separate, individual, and direct access to grade. ~~This Use Class includes Semi-detached Housing.~~ **This Use Class does not include Stacked Row Housing.**
- 7.2(8) **Semi-detached Housing** means development consisting of a building containing ~~Row Housing consisting of~~ only two Dwellings **joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part.** Each Dwelling shall be separated from the one adjoining by a Party Wall. Each Dwelling shall have separate, individual, and direct access to grade. This type of development shall be designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class ~~includes two family Dwellings,~~ does not include Secondary Suites or Duplexes.
- 7.2(10) **Stacked Row Housing** means development consisting of **a building containing three or more dwellings** ~~Row Housing, except that Dwellings may be~~ arranged two deep, either vertically so that Dwellings ~~may be~~ **are** placed over others, or horizontally so that Dwellings ~~are~~ **may be** attached at the rear as well as at the side. Each Dwelling shall have separate and individual access, not necessarily directly to grade, provided that no more than two Dwellings may share access to grade, ~~and such access shall not be located more than 5.5 m above grade.~~ This Use Class ~~does not~~ **includes** Duplex Housing, ~~and~~ Row Housing, **or Apartment Housing.**

## **11. *Authority and Responsibility of the Development Officer***

### **11.4 Limitation of Variance**

In approving an application for a Development Permit pursuant to Section 11.3, the Development Officer shall adhere to the following:

1. a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone;
2. except as otherwise provided in this Bylaw, there shall be no variance from **the regulations specified in the Airport Protection Overlay, from the maximum Height, or Floor Area Ratio and or from minimum or maximum Density regulations,**~~and the regulations specified in the Airport Protection Overlay;~~ and
3. the General Purpose of the appropriate Zone.

## **160 (RF5) Row Housing Zone**

### **160.1 General Purpose**

The purpose of this Zone is to ~~provide~~ allow for ground-oriented relatively low to medium density housing, ~~generally referred to as~~ predominantly in the form of Row Housing.

### **160.2 Permitted Uses**

1. Limited Group Homes
2. Minor Home Based Business
3. Row Housing ~~on a Site of 1.4 ha or less~~
- ~~4. Semi-detached Housing, on a Site of 1.4 ha or less~~
4. Fascia On-premises Signs

### **160.3 Discretionary Uses**

1. Child Care Services
2. Duplex Housing
3. Garage Suites
4. Garden Suites
4. Group Homes
5. Major Home Based Business
6. Religious Assembly
7. Residential Sales Centre
- ~~8. Row Housing on a Site larger than 1.4 ha~~
8. Semi-detached Housing, ~~on a Site larger than 1.4 ha~~
9. Secondary Suites, ~~where developed within a Single Detached Housing form~~

10. Single Detached Housing
11. Stacked Row Housing ~~provided that each building has access to grade~~
12. Freestanding On-premises Signs
13. Temporary On-premises Signs

#### **160.4 Development Regulations for Permitted and Discretionary Uses**

1. The ~~maximum~~ minimum Density for development on Sites zoned or proposed to be zoned RF5 ~~Multi-unit Project Developments~~ shall be:
  - a. a minimum of ~~42~~ 35 Dwellings/ha, to a maximum of 63 Dwellings/hectare, in the case of lotted subdivisions and Multi-unit Project Developments not served by a private roadway, or
  - b. a minimum of 30 Dwellings/hectare, to a maximum of 54 Dwellings/ha in the case of Multi-unit Project Developments served by a private roadway.
2. Notwithstanding subsection 160.4(1), Single Detached, Semi-detached and Duplex Housing shall only be allowed on an infill basis within the boundaries of the Mature Neighbourhood Overlay on Sites less than or equal to 800 m<sup>2</sup>.
3. Semi-detached and Duplex Housing located outside the boundaries of the Mature Neighbourhood Overlay shall only be allowed if the proposed development meets the minimum density stated in subsection 160.4(1).
4. ~~provided that this shall be increased by 1 Dwelling/ha for every 6 required resident parking spaces and associated manoeuvring aisles which are provided underground, up to a maximum density of 54 Dwellings/ha. If underground parking is provided, it~~ Underground parking shall be covered so as to provide useful Site area that would not otherwise be available. Any projection above the grade of the surface covering such parking shall be less than 1.0 m; shall not be located in a Front Yard; and, shall be integrated with the design of buildings and landscaping so as to be unobtrusive.

5. Site Area and Site Dimensions for individual Dwellings shall be in accordance with Table 160.4(25).

**Table 160.4(25) Site Area and Site Dimensions**

	Minimum Site Area <sup>1</sup>	Minimum Site Width	Minimum Site Depth <sup>1</sup>
(a) Row Housing internal Dwelling	150 m <sup>2</sup>	5.0 m	30.0 m
(b) Row Housing end Dwelling	186 m <sup>2</sup>	6.2 m	30.0 m
(c) Semi-detached Housing, each Dwelling	210 m <sup>2</sup>	6.7 m	30.0 m
(c) Stacked Row Housing Development	740 m <sup>2</sup>	20.0 m	30.0 m
(d) Single Detached Housing with Lane access parking – outside the Boundaries of the Mature Neighbourhood Overlay	258 m <sup>2</sup>	8.6 m	30.0 m
(e) Single Detached Housing with Lane access parking – within the boundaries of the Mature Neighbourhood Overlay	270 m <sup>2</sup>	9.0 m	30.0m
(f) Single Detached Housing with Front attached Garage	312 m <sup>2</sup>	10.4 m	30.0 m

1. Note: Exceptions may apply to Bare Land Condominium Units as part of a Multi-unit Project Development. See Section 160.4(16)
6. The maximum Height shall not exceed 10.0 m nor 2½ Storeys.
7. The maximum total Site Coverage shall be:
- a. for Multi-unit ~~Site~~ Project Developments 40% with a maximum of 28% for a principal building and a maximum of 12% for Accessory buildings. Where parking is provided underground or Garages are attached to or designed as an integral part of Dwellings, the maximum for principal buildings shall be 40%; or
  - b. for lots not part of a Multi-unit ~~Site~~ Project Development, maximum Site Coverage shall be in accordance with Table 160.4(47):



<b>Table 160.4(47) Maximum Site Coverage – Individual Lots</b>			
	Principal Dwelling/ building	Accessory building	Principal building with attached Garage or where parking is provided underground
(a) Row Housing – internal Dwelling	35%	20%	55%
(b) Row Housing – end Dwelling	28%	17%	45%
(c) Row Housing or Semi-detached Housing, or Single Detached Housing – corner Dwelling	28%	15%	40%
(d) Semi-detached Housing – internal (non Corner) Dwelling	30%	17%	45%
(e) Stacked Row Housing Development	28%	15%	40%
(f) Single Detached Housing – not a corner Dwelling	28%	15%	43%

8. The minimum Front Setback shall be established on the following basis:
- a. a minimum of 5.5 m, where access to required off-street parking is provided to the rear or flanking part of the Lot except that it shall be:
    - i. a minimum of 3.0 m where a Treed Landscaped Boulevard is provided;
  - b. a minimum of 5.5 m where a front attached Garage forms an integral part of the Dwelling, except in the case of a private roadway, the minimum shall be 6.0 m; or
  - c. notwithstanding 160.4(5) (a) and (b), the Development Officer, having regard for the siting and appearance of adjoining residences and other residences within the block face, may increase the Front Setback requirement to improve sunlight exposure, views, privacy and to add general interest to the streetscape.

9. The minimum Rear Setback shall be 7.5 m, except the Rear Setback may be reduced to 5.5 m where an attached rear Garage is provided.
10. Minimum Side Setbacks shall be provided, on the following basis:
  - a. 1.2 m excepting a Side Yard abutting a flanking roadway;
  - b. 4.5 m where the Side Yard abuts a flanking public roadway other than a Lane, except that this may be reduced to 3.0 m where:
    - i. there is a treed landscaped boulevard along the flanking roadway;
    - ii. the depth of the Side Setback would be consistent with other development on the flanking block face; and
    - iii. the flanking side of the building is not a Blank Wall, and is articulated through architectural elements such as recesses or projections, including but not limited to, windows, a side entrance, a porch, or other architectural element that would be compatible with adjacent development; or
  - c. in the case of Multi-unit ~~Site~~ Project Developments, as prescribed in 160.4(14).
11. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required:
  - a. between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site; or
  - b. where side walls of abutting buildings face each other and habitable windows are not located directly opposite each other, such that privacy is not impacted and:
    - i. in the case of Dwellings on separate Sites, each development complies with the minimum Side Setback requirements for each Dwelling;
    - ii. in the case of Dwellings on the same Site, the separation distance between Dwellings is at least equal to the total of the minimum Side Setback requirements for both Dwellings.

12. Minimum Private Outdoor Amenity Areas shall be provided as follows:
  - a. a minimum of 30 m<sup>2</sup> per Dwelling unit, at Grade, shall be provided;
  - b. the Outdoor Amenity Area shall be permanently retained as open space, unencumbered by an Accessory building or future additions; and
  - c. notwithstanding Sections 46 and 47 of this Bylaw and 160.4(9)(a) above, where a rear attached Garage is provided and where:
    - i. a minimum outdoor communal recreational space of not less than 50 m<sup>2</sup> is provided in accordance with 160.4(10) below, whether or not the development has Frontage on a public roadway and whether or not the development has less than 20 Dwellings; or
    - ii. a public Park is adjacent to the Dwelling or where the Dwelling is not separated from the Park by a roadway, other than a Lane;
      - A. a maximum of 50 percent of the required minimum Private Outdoor Amenity Area may be provided in the Front Yard, provided that the Private Amenity Area is setback a minimum of 1.0 m from the Front Property Line. In this case, this area shall be defined either through a decorative fence, or through landscaped elements such as hedges;
      - B. a maximum of 50 percent of the required Private Outdoor Amenity Area may be provided above Grade, provided that it shall be at least 10 m<sup>2</sup> in area, with neither the width nor the depth less than 2.0 m.
13. Except for developments where all Dwellings have Frontage on a public roadway, or those which contain less than 20 Dwellings, a minimum of 2.5 m<sup>2</sup> of Amenity Area per Dwelling shall be provided as outdoor communal recreational space, and be aggregated into areas of not less than 50 m<sup>2</sup>.
14. Dwellings shall be Family Oriented, in accordance with the requirements of this Bylaw.
15. Maintenance and/or drainage and utility easement(s) may be required between abutting buildings and/or through private yards of one or

more Dwellings to ensure adequate access for property, drainage and utility maintenance.

16. Where detached rear parking Garages are developed, the maximum width of the building containing the Garage(s) shall not exceed:
  - a. 24 m, provided that the building does not contain more than four separate Garages, outside of the boundaries of the Mature Neighbourhood Overlay (MNO), unless exempted under subsection 160.4(16)(b) of this Zone; or
  - b. 12 m, provided that the building does not contain more than two separate Garages, within the boundaries of the Mature Neighbourhood Overlay (MNO), a detached rear parking garage shall not exceed 12 m in width.
  
17. Notwithstanding the other regulations of this Zone, where a Multi-unit Project Development abuts a Site zoned to allow Single Detached Housing as a Permitted Use or the RF5 Row Housing Zone, the following regulations shall apply along the said property line:
  - a. a minimum Setback of 7.5 m shall be required. The Development Officer may reduce this Setback to a minimum of 3.0 m only where the proposed façade is a flanking wall and an acceptable landscaped buffer is provided;
  - b. no outdoor parking, garbage collection, outdoor amenity areas, or outdoor storage areas shall be developed within 3.0 m;
  - c. a solid screen fence, 1.83 m in height, shall be installed, except along common flanking Front Yard boundaries;
  - d. design techniques including, but not limited to, the use of sloped roofs, variations in building Setbacks and articulation of building façades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways;
  - e. building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent development; and
  - f. the Development Officer may require information regarding the location of windows and Amenity Areas on adjacent properties, to ensure the windows or Amenity Areas of the proposed development are placed to minimize overlook into adjacent properties.

18. No outdoor parking, trash collection or outdoor storage areas shall be developed within 3.0 m of any property line that abuts a Site zoned to allow Single Detached Housing as a Permitted Use;
19. Notwithstanding the other regulations in this Zone, in the case of Multi-unit Project Developments:
  - a. the minimum Site Area and Site Depth for individual Dwellings that are Bare Land Condominium Units may be reduced, provided that the density of the development does not exceed the **maximum** density ~~as~~ prescribed in subsection 160.4(1) of this Zone;
  - b. a building containing a rear detached Garage may exceed the maximum width and total number of Garages allowed as specified under subsection 160.4(13)(a) of this Zone, outside the boundaries of the Mature Neighbourhood Overlay (MNO).
20. Except where modified through the regulations in this Zone:
  - a. Single Detached Housing with rear access parking in this Zone shall be developed in accordance with the provisions of the (RPL) Planned Lot Residential Zone;
  - b. Single Detached Housing with front attached Garages shall be developed in accordance with the provisions of the (RSL) Residential Small Lot Zone; and
  - c. Semi-detached **and Duplex** Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the (RF4) Semi-detached Housing Zone.
21. **The total length of any building façade shall be limited to 48.0 m. However, the Development Officer may exercise discretion in those cases in which the building façade exceeds 48 m, having regard for circulation, building setback variations, building orientation, window placement, awnings, articulation around entranceways, roof treatment, and the choice of exterior materials and colors;**
22. Signs shall comply with the regulations found in Schedule 59A.

## **170 (RF6) Medium Density Multiple Family Zone**

### **170.1 General Purpose**

The purpose of this Zone is to provide for medium density housing, where some ~~units~~ Dwellings may not ~~be at~~ provide direct access to grade.

### **170.2 Permitted Uses**

1. Limited Group Homes
2. Minor Home Based Business
3. Row Housing
4. Stacked Row Housing, ~~including Row Housing, Semi-detached Housing and Duplex Housing, on a Site 1.4 ha or less~~
5. Fascia On-premises Signs

### **170.3 Discretionary Uses**

1. Child Care Services
2. Convenience Retail Stores
2. Duplex Housing
3. Fraternity and Sorority Housing, ~~where lawfully existing on a site within the Garneau Area Redevelopment Plan area at the effective date of Bylaw 6220~~
4. Garage Suites
5. Garden Suites
6. Group Homes
7. Major Home Based Business
8. Personal Service Shops ~~and Convenience Retail Stores, when designed as an integral and secondary component of a residential development consisting of 150 Dwellings or more~~

9. Religious Assembly
10. Residential Sales Centre
11. Secondary Suites, ~~where developed within a Single Detached House~~
12. Semi-detached Housing
13. Single Detached Housing
- ~~14. Stacked Row Housing including Row Housing, Semi-detached Housing and Duplex Housing on a Site larger than 1.4 ha~~
14. Freestanding On-premises Signs
15. Temporary On-premises Signs

#### **170.4 Development Regulations for Permitted and Discretionary Uses**

1. The ~~maximum~~ minimum Density for development on Sites zoned or proposed to be zoned RF6 shall be 50 ~~80~~ Dwellings/ha and the maximum density shall be 95 Dwellings/ha;
2. Notwithstanding subsection 170.4(1) above, Single Detached, Semi-detached and Duplex Housing shall only be allowed on an infill basis within the boundaries of the Mature Neighbourhood Overlay on Sites less than or equal to 800 m<sup>2</sup>.
3. Semi-detached and Duplex Housing located outside the boundaries of the Mature Neighbourhood Overlay shall only be allowed if the proposed development meets the minimum density stated in subsection 170.4(1).
4. ~~provided that this shall be increased by one Dwelling/ha for every six required resident parking spaces and associated manoeuvring aisles which are provided underground, up to a maximum density of 105 Dwellings/ha. For the purpose of this clause, If underground~~ parking is provided, it ~~Underground parking~~ shall be covered so as to provide useful Site area that would not otherwise be available. Any projection above grade of the surface covering such parking shall be less than 1.0 m; shall not be located in a Front Yard; and shall be integrated with the design of buildings and landscaping so as to be unobtrusive.
5. The maximum Height shall not exceed 14.0 m nor four Storeys.

6. The maximum total Site Coverage shall be 40%, with a maximum of 28% for a principal building and a maximum of 12% for Accessory Buildings. Where parking is provided underground or Garages are attached or designed as an integral part of Dwellings, the maximum for principal buildings shall be 40%.
7. The minimum Front Setback shall be 6.0 m.
8. The minimum Rear Setback shall be 7.5 m.
9. Minimum Side Setbacks of 1.0 m for each Storey or partial Storey shall be provided, 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.

~~10. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site.~~

10. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required:

- a. between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site; or
- b. where side walls of abutting buildings face each other and habitable windows are not located directly opposite each other, such that privacy is not impacted and:
  - i. in the case of Dwellings on separate Sites, each development complies with the minimum Side Setback requirements for each Dwelling;
  - ii. in the case of Dwellings on the same Site, the separation distance between Dwellings is at least equal to the total of the minimum Side Setback requirements for both Dwellings.

11. Minimum Private Outdoor Amenity Area of 30 m<sup>2</sup> per Dwelling for Dwellings any part of which is contained in the lowest Storey, and 15 m<sup>2</sup> per Dwelling for Dwellings no part of which is contained in the lowest Storey shall be provided.
12. Except for developments where all Dwellings have Frontage on a public roadway, or those that contain less than 20 Dwellings, a minimum of 2.5 m<sup>2</sup> of Amenity Area per Dwelling shall be provided and be developed as communal recreational space and be aggregated into areas of not less than 50 m<sup>2</sup>.



13. Dwellings shall be Family Oriented, in accordance with the requirements of ~~subsection 6.1(23) of~~ this Bylaw.
14. Notwithstanding the other regulations of this Zone, where any building exceeds 10.0 m or 2 ½ Storeys in height, or is a Multi-unit Project Development, and abuts a Site zoned to allow Single Detached Housing as a Permitted Use, or the RF5 Row Housing Zone, the following regulations shall apply along the said property line:
  - a. a minimum Setback of 7.5 m shall be required. The Development Officer may reduce this Setback to a minimum of 3.0 m only where the proposed façade is a flanking wall and an acceptable landscaped buffer is provided;
  - b. no outdoor parking, garbage collection, common amenity areas, or outdoor storage areas shall be developed within 3.0 m;
  - c. a solid screen fence, 1.83 m in height, shall be installed along all shared property lines, except along common flanking Front Yard boundaries;
  - d. design techniques including, but not limited to, the use of sloped roofs, variations in building setbacks and articulation of building façades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways;
  - e. building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent development; and
  - f. The Development Officer may require information regarding the location of windows and Amenity Areas on adjacent properties to ensure the windows or Amenity Areas of the proposed development are placed to minimize overlook into adjacent properties.
15. Signs shall comply with the regulations found in Schedule 59A.
- ~~16.—Notwithstanding the other regulations in this Zone, Single Detached Housing in this Zone shall be developed in accordance with the provisions of the RF1 Zone, and Duplex and Semi-detached Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.~~
16. Except where modified through the regulations in this Zone, Single Detached, Semi-detached and Duplex Housing, Secondary Suites, Garage Suites and Garden Suites shall be developed in accordance with the provisions of the (RF4) Semi-detached Housing Zone.

17. The total length of any building façade shall be limited to 48.0 m. However, the Development Officer may exercise discretion in those cases in which the building façade exceeds 48 m, having regard for circulation, building setback variations, building orientation, window placement, awnings, articulation around entranceways, roof treatment, and the choice of exterior materials and colors;

#### **170.5 Additional Development Regulations for Discretionary Uses**

1. The following regulations shall apply to Personal Service Shops and Convenience Retail Stores developments:
  - a. the total Floor Area of these Uses on any Site shall not exceed 275 m<sup>2</sup>; and
  - b. these Uses shall not be permitted in any freestanding structure separate from a structure containing Residential Uses. Their principal entrance shall be a separate, outside entrance.
2. Fraternity and Sorority Housing shall only be allowed where lawfully existing on a site within the Garneau Area Redevelopment Plan area at the effective date of Bylaw 6220.

2. The following regulations shall apply to Personal Service Shops and Convenience Retail Stores development:
  - a. the total Floor Area of these Uses on any Site shall not exceed 275 m<sup>2</sup>; and
  - b. these Uses shall not be permitted in any freestanding structure separate from a structure containing Residential Uses. Their principal entrance shall be a separate, outside entrance.
3. The Development Officer may exercise his discretion in considering applications for Development Permits for Apartment Housing, Stacked Row or Row Housing or Boarding and Lodging Houses, which would isolate another Site within this Zone of less than 800 m<sup>2</sup> having regard to the location, age and nature of the use or uses on the Site that would be isolated.
4. Conversion of Single Detached, Semi-detached and Duplex Dwellings to Professional, Financial and Office Support Services shall be in accordance with Section 77 of this Bylaw.

## **210 (RA7) Low Rise Apartment Zone**

### **210.1 General Purpose**

To provide a Zone for Low Rise Apartments.

### **210.2 Permitted Uses**

1. Apartment Housing, ~~on a Site of 1.4 ha or less, which does not isolate another Site within this Zone of less than 800 m<sup>2</sup>~~
2. Boarding and Lodging Houses, ~~on a site that does not isolate another site within this Zone of less than 800 m<sup>2</sup>~~
3. Limited Group Homes
4. Minor Home Based Business
5. Stacked Row Housing, ~~including Row Housing but excluding Semi-detached and Duplex Housing, on a Site of 1.4 ha or less, which does not isolate another Site within this Zone of less than 800 m<sup>2</sup>~~
6. Fascia On-premises Signs
7. Projecting On-premises Signs

### **210.3 Discretionary Uses**

- ~~1. Apartment Housing, on a Site larger than 1.4 ha~~
- ~~2. A Permitted Use listed in this Zone, the site of which isolates another Site within this Zone of less than 800 m<sup>2</sup>~~
1. Child Care Services
2. Convenience Retail Stores
3. Conversion of Single Detached, Semi-detached and Duplex Dwellings to Professional, Financial and Office Support Services
4. Duplex Housing
5. Fraternity and Sorority Housing

6. Garage Suites
7. Garden Suites
8. Group Homes
9. Major Home Based Business
10. Personal Service Shops ~~and Convenience Retail Stores when designed as an integral and secondary component of a residential development consisting of 150 Dwellings or more~~
11. Religious Assembly
12. Residential Sales Centre
13. Row Housing
14. Secondary Suites, ~~where developed within a Single Detached Housing form~~
15. Semi-detached Housing
16. Single Detached, ~~Semi-detached, and Duplex Housing~~
- ~~17. Stacked Row Housing, including Row Housing on a site larger than 1.4 ha~~
17. Freestanding On-premises Signs
18. Temporary On-premises Signs

#### **210.4 Development Regulations for Permitted and Discretionary Uses**

1. The ~~maximum~~ minimum Density for development on Sites zoned or proposed to be zoned RA7 shall be 85 ~~±25~~ Dwellings/ha and the maximum density shall be 150 Dwellings/ha.
2. Notwithstanding subsection 210.4(1) above, Single Detached, Semi-detached and Duplex Housing shall only be allowed on an infill basis within the boundaries of the Mature Neighbourhood Overlay on Sites less than or equal to 800 m<sup>2</sup>.
3. Semi-detached, Duplex and Row Housing located outside the boundaries of the Mature Neighbourhood Overlay shall only be allowed

## **220 (RA8) Medium Rise Apartment Zone**

### **220.1 General Purpose**

The purpose of this Zone is to provide for Medium Rise Apartments.

### **220.2 Permitted Uses**

1. Apartment Housing
2. Boarding and Lodging Houses
3. Limited Group Homes
4. Minor Home Based Business

~~5. Row Housing~~

~~6. Stacked Row Housing, excluding Semi-detached and Duplex Housing~~

5. Fascia On-premises Signs
6. Projecting On-premises Signs

### **220.3 Discretionary Uses**

1. Child Care Services
2. Conversion of Single Detached, Semi-detached and Duplex Dwellings to Professional, Financial and Office and Support Services
3. Convenience Retail Stores
4. Duplex Housing
5. Fraternity and Sorority Housing
6. Garage Suites
7. Garden Suites
8. Group Homes

if the proposed development meets the minimum density stated in subsection 210.4(1).

4. The minimum Site Area shall be 800 m<sup>2</sup>.
5. The minimum Site Width shall be 20.0 m,
6. The maximum Height shall not exceed 14.0 m nor 4 Storeys. Floor Area may be developed in attic areas as additional space to a Dwelling, and not counted as a Storey, provided the additional Floor Area creates architectural interest to the design of the building and the development is within the maximum allowable Height. In cases where dormers or other windows are proposed, the development shall be considered a Discretionary Development.
7. The maximum Floor Area Ratio shall be 1.3. The maximum Floor Area Ratio may be increased to 1.4 when underground parking is provided. In such a case, the application will be a Discretionary Development.
8. The minimum Front Setback shall be 6.0 m.
9. The minimum Rear Setback shall be 7.5 m.
10. The minimum Side Setback shall be 1.0 m for each Storey or partial Storey, 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 when it abuts a flanking public roadway other than a Lane.
- ~~11. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site.~~
11. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required:
  - a. between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site; or
  - b. where side walls of abutting buildings face each other and habitable windows are not located directly opposite each other, such that privacy is not impacted and:
    - i. in the case of Dwellings on separate Sites, each development complies with the minimum Side Setback requirements for each Dwelling;

- ii. in the case of Dwellings on the same Site, the separation distance between Dwellings is at least equal to the total of the minimum Side Setback requirements for both Dwellings.

12. A minimum Amenity Area of 7.5 m<sup>2</sup> per Dwelling shall be provided.
13. Notwithstanding the other regulations of this Zone, where any building exceeds 10.0 m or 2 ½ Storeys in height, or is a Multi-unit Project Development, and abuts a Site zoned to allow Single Detached Housing as a Permitted Use, or the RF5 Row Housing Zone, the following regulations shall apply along the said property line:
  - a. a minimum Setback of 7.5 m shall be required except that:
    - i. where a building exceeds 10.0 m or 2 ½ Storeys in height, the portion of the building exceeding the said height shall have a minimum 10.0 m Stepback from the property line;
    - ii. the Development Officer may reduce this Setback to a minimum of 1.0 m per Storey or partial Storey only where the proposed façade is a flanking or end wall, and an acceptable landscaped buffer is provided. In no case, shall the Setback be less than 3.0 m, nor shall the Setback be reduced where the proposed building abuts the south property line of a neighbouring site;
    - iii. where a Stepback is provided, it shall be a minimum of 2.5 m;
  - b. The Development Officer may reduce the minimum Stepback where:
    - i. a sun shadow study, prepared by a qualified, registered Professional Engineer or Architect, demonstrates the shadow impact is minimal, using March 21 and September 21 as the benchmark; or
    - ii. variations in Setbacks and Stepbacks, recessed balconies, or other design techniques minimize building massing and/or shadow impacts, and provide architectural interest, complimentary to the surrounding development;
  - c. no outdoor parking, garbage collection, common amenity areas, or outdoor storage areas shall be developed within 3.0 m;
  - d. a solid screen fence, 1.83 m in height, shall be installed, except along common flanking Front Yard boundaries;



8. Major Home Based Business
9. Personal Service Shops
10. Religious Assembly
11. Residential Sales Centre
12. Row Housing
13. Secondary Suites
14. Stacked Row Housing
15. Single Detached Housing, ~~Semi-detached and Duplex Housing~~
16. Semi-detached Housing
17. Freestanding On-premises Signs
18. Temporary On-premises Signs

#### **220.4 Development Regulations for Permitted and Discretionary Uses**

1. The ~~maximum~~ minimum Density for development on Sites zoned or proposed to be zoned RA8 shall be 125 Dwellings/ha and the maximum Density shall be 224 Dwellings/ha.
2. Notwithstanding subsection 220.4(1), Single Detached, Semi-detached, Duplex, Row Housing and Stacked Row Housing shall only be allowed on an infill basis within the boundaries of the Mature Neighbourhood Overlay on Sites less than or equal to 800 m<sup>2</sup>.
3. Row Housing and Stacked Row Housing located outside the boundaries of the Mature Neighbourhood Overlay shall only be allowed if the proposed development meets the minimum density stated in subsection 220.4(1).
4. The minimum Site Area shall be 800 m<sup>2</sup>.
5. The minimum Site Width shall be 20.0 m.
6. The maximum Floor Area Ratio shall be 2.5.

- e. design techniques including, but not limited to, the use of sloped roofs, variations in building setbacks and articulation of building façades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways;
- f. building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent development; and the Development Officer may require information regarding the location of windows and Amenity Areas on adjacent properties to ensure the windows or Amenity Areas of the proposed development are placed to minimize overlook into adjacent properties.

14. Apartment Housing, Boarding and Lodging Houses, Row Housing and Stacked Row Housing shall not isolate another Site within this Zone of less than 800 m<sup>2</sup>. However, the Development Officer may exercise discretion in those cases which would isolate another Site within this Zone of less than 800 m<sup>2</sup>, having regard to the location, age and nature of the Use or Uses on the Site that would be isolated.

15. The total length of any building façade shall be limited to 48.0 m. However, the Development Officer may exercise discretion in those cases in which the building façade exceeds 48 m, having regard for circulation, building setback variations, building orientation, window placement, awnings, articulation around entranceways, roof treatment, and the choice of exterior materials and colors;

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

## 210.5 Additional Development Regulations for Discretionary Uses

~~1. Notwithstanding subsection 210.4, Single Detached, Semi-detached Duplex Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.~~

1. Except where modified through the regulations in this Zone:

- a. Single Detached, Semi-detached and Duplex Housing, Secondary Suites, Garage Suites and Garden Suites shall be developed in accordance with the provisions of the (RF4) Semi-detached Housing Zone;
- b. Row Housing with lane access parking shall be developed in accordance with the provisions of the (UCRH) Urban Character Row Housing Zone; and
- c. Row Housing with front access parking shall be developed in accordance with the provisions of the (RF5) Row Housing Zone;

7. The maximum Site coverage shall be 50%.
8. The maximum Height shall not exceed 23.0 m nor six Storeys.
9. The minimum Front Setback shall be 6.0 m.
10. The minimum Rear Setback shall be 7.5 m.
11. The minimum Side Setback shall be 1.0 m for each Storey or partial Storey, up to a maximum of 4.5 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 when it abuts a flanking public roadway, other than a Lane.

~~12. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required where side walls of abutting buildings face each other and habitable windows are not located directly opposite each other, such that privacy is not impacted and:~~

~~a. in the case of buildings on separate Sites, each development complies with the Setback requirements for the building;~~

~~b. in the case of buildings on the same Site, the separation distance between buildings is at least equal to the total of the minimum Side Setback requirements for both buildings.~~

12. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required:

a. between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site; or

b. where side walls of abutting buildings face each other and habitable windows are not located directly opposite each other, such that privacy is not impacted and:

i. in the case of Dwellings on separate Sites, each development complies with the minimum Side Setback requirements for each Dwelling;

ii. in the case of Dwellings on the same Site, the separation distance between Dwellings is at least equal to the total of the minimum Side Setback requirements for both Dwellings.

13. A minimum Amenity Area of 7.5 m<sup>2</sup> per Dwelling shall be provided.

~~13. Apartment Housing, Row Housing and Stacked Row Housing shall be located on Sites of 1.0 ha or less. The Development Officer may exercise discretion in those cases in which Apartment Housing, Row Housing and Stacked Row Housing would be located on Sites greater than 1.0 ha, having regard for Site design, building massing and scale.~~

14. ~~Apartment~~ Housing, Boarding and Lodging Houses, Row Housing and Stacked Row Housing shall not isolate another Site within this Zone of less than 800 m<sup>2</sup>. The Development Officer may exercise discretion in those cases which would isolate another Site within this Zone of less than 800 m<sup>2</sup>, having regard to the location, age and nature of the Use or Uses on the Site that would be isolated.

15. Notwithstanding the other regulations of this Zone, where any building exceeds 10.0 m or 2 ½ Storeys in height, or is a Multi-unit Project Development, and abuts a Site zoned to allow Single Detached Housing as a Permitted Use, or the RF5 Row Housing Zone, the following regulations shall apply along the said property line:

- a. a minimum Setback of 7.5 m shall be required except that:
  - i. where a building exceeds 10.0 m or 2 ½ Storeys in height, the portion of the building exceeding the said height shall have a minimum 10.0 m Stepback from the property line;
  - ii. the Development Officer may reduce this Setback to a minimum of 1.0 m per Storey or partial Storey only where the proposed façade is a flanking or end wall, and an acceptable landscaped buffer is provided. In no case, shall the Setback be less than 3.0 m, nor shall the Setback be reduced, where the proposed building abuts the south property line of a neighbouring site;
  - iii. where a Stepback is provided, it shall be a minimum of 2.5 m;
- b. The Development Officer may reduce the minimum Stepback where:
  - i. a sun shadow study, prepared by a qualified, registered Professional Engineer or Architect, demonstrates the shadow impact is minimal, using March 21 and September 21 as the benchmark; or
  - ii. variations in Setbacks and Stepbacks, recessed balconies, or other design techniques minimize building massing and/or shadow impacts, and provide architectural interest, complimentary to the surrounding development;

- c. no outdoor parking, garbage collection, common amenity areas, or outdoor storage areas shall be developed within 3.0 m;
- d. a solid screen fence, 1.83 m in height, shall be installed, except along common flanking Front Yard boundaries;
- e. design techniques including, but not limited to, the use of sloped roofs, variations in building setbacks and articulation of building façades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways;
- f. building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent development; and
- g. the Development Officer may require information regarding the location of windows and Amenity Areas on adjacent properties to ensure the windows or Amenity Areas of the proposed development are placed to minimize overlook into adjacent properties.

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

## **220.5 Special Height Regulation**

On any Site in this Zone which was zoned RA8h under Land Use Bylaw 5996, at the Effective Date of this Bylaw, and which is designated as such on the Zoning Map, the maximum Height shall be 45 m.

## **220.6 Additional Development Regulations for Discretionary Uses**

~~1. Notwithstanding subsection 220.4, Single Detached, Semi-detached, and Duplex Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.~~

1. Except where modified through the regulations in this Zone:

- a. Single Detached, Semi-detached and Duplex Housing, Secondary Suites, Garage Suites and Garden Suites shall be developed in accordance with the provisions of the (RF4) Semi-detached Housing Zone;
- b. Row Housing with lane access parking shall be developed in accordance with the provisions of the (UCRH) Urban Character Row Housing Zone;
- c. Row Housing with front access parking shall be developed in accordance with the provisions of the (RF5) Row Housing Zone; and

- d. Stacked Row Housing shall be developed in accordance with the provisions of the (RF6) Medium Density Multiple Family Zone.
- 2. The following regulations shall apply to Personal Service Shops and Convenience Retail Stores:
  - a. the total Floor Area of these Uses on any Site shall not exceed 275 m<sup>2</sup>;
  - b. these Uses shall not be permitted in any freestanding structure separate from a structure containing Residential Uses. The principal entrance to these Uses shall be a separate, outside entrance.
- ~~3. Secondary Suites shall be developed within a Single Detached Housing Form.~~
- 3. The Development Officer may exercise ~~his~~ discretion in considering Apartment Housing or Boarding and Lodging Houses, which would isolate another Site within this Zone of less than 800 m<sup>2</sup>, having regard to the location, age and nature of the Use or Uses on the Site that would be isolated.

#### **220.7 Additional Development Regulations for Multi-unit Project Development on Sites Greater than 1 ha**

- 1. Buildings shall address all street frontages, and may be configured in shapes such as an "L" or "U" in order to reduce the perceived massing of any particular elevation.
- 2. On-Site pedestrian circulation shall be encouraged by ensuring that walkways, Amenity Areas and parking areas are connected.
- 3. Perceived massing shall be minimized through the following design elements:
  - a. building setback variations, building orientation, window placement, awnings, articulation around entranceways, roof treatment, and the choice of exterior materials and colors;
  - b. landscaping situated so as to mitigate the perceived mass of the street façade;
  - c. the total length of any building façade shall be limited to 48.0 m.

## **230 (RA9) High Rise Apartment Zone**

### **230.1 General Purpose**

The purpose of this Zone is to provide for High Rise Apartment Buildings.

### **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 m<sup>2</sup>~~
2. Boarding and Lodging Houses, ~~on a Site which does not isolate another Site within this Zone of less than 800 m<sup>2</sup>~~
3. Limited Group Homes
4. Minor Home Based Business
- ~~5. Row Housing, which does not isolate another Site within this Zone of less than 800 m<sup>2</sup>~~
- ~~6. 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 m<sup>2</sup>~~
5. Fascia On-premises Signs
6. Projecting On-premises Signs

### **230.3 Discretionary Uses**

- ~~1. Apartment Housing, on a Site larger than 1.0 ha~~
1. Apartment Hotels
- ~~2. A Permitted Use listed in this Zone, the Site of which isolates another Site within this Zone of less than 800 m<sup>2</sup>~~
2. Child Care Services
3. Conversion of Single Detached, Semi-detached or Duplex Dwellings to Professional, Financial and Office Support Services
4. Convenience Retail Stores

## 5. Duplex Housing

## 6. Fraternity and Sorority Housing

7. Garage Suites

8. Garden Suites

9. Group Homes

10. Health Services

11. Major Home Based Business

12. Personal Service Shops

13. Private Clubs

14. Professional, Financial and Office Support Services

15. Religious Assembly

16. Residential Sales Centre

## 17. Row Housing

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

## 19. Semi-detached Housing

20. Single Detached Housing, ~~Semi-detached and Duplex Housing~~21. Specialty Food Services, ~~for less than maximum seating of 40 occupants and 48 m<sup>2</sup> of Public Space, within developments containing 150 Dwellings or more~~22. Stacked Row Housing, ~~including Row Housing, on a Site larger than 1.0 ha~~

23. Freestanding On-premises Signs

24. Temporary On-premises Signs



## 230.4 Development Regulations for Permitted and Discretionary Uses

1. The ~~maximum~~ minimum Density for development on Sites zoned or proposed to be zoned RA9 shall be 170 Dwellings/ha and the maximum density shall be 325 Dwellings/ha.
  - ~~a. 225 Dwellings/ha for any Site less than 1 350 m<sup>2</sup>; or~~
  - ~~b. 325 Dwellings/ha for any Site of 1 350 m<sup>2</sup> or greater; and~~
  - ~~c. 125 Dwellings/ha for any Site less than 885 m<sup>2</sup>.~~
2. Notwithstanding subsection 230.4(1), Single Detached, Semi-detached, Duplex, Row Housing and Stacked Row Housing shall only be allowed on an infill basis within the boundaries of the Mature Neighbourhood Overlay on Sites less than or equal to 800 m<sup>2</sup>.
3. Row Housing and Stacked Row Housing located outside the boundaries of the Mature Neighbourhood Overlay shall only be allowed if the proposed development meets the minimum density stated in subsection 230.4(1).
4. The minimum Site Area shall be 800 m<sup>2</sup>.
5. The maximum Floor Area Ratio shall be 3.0, except that the Development Officer may use his 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.
6. The maximum Building Height shall be 45.0 m, except that the Development Officer may use his 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.
7. The minimum Front Setback shall be 6.0 m.
8. The minimum Rear Setback shall be 7.5 m.
9. 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.

~~10. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site.~~

10. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required:

- a. between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site; or
- b. where side walls of abutting buildings face each other and habitable windows are not located directly opposite each other, such that privacy is not impacted and:
  - i. in the case of Dwellings on separate Sites, each development complies with the minimum Side Setback requirements for each Dwelling;
  - ii. in the case of Dwellings on the same Site, the separation distance between Dwellings is at least equal to the total of the minimum Side Setback requirements for both Dwellings.

11. A minimum Amenity Area of 7.5 m<sup>2</sup> per Dwelling shall be provided.

12. Apartment Housing, Boarding and Lodging Houses, Row Housing and Stacked Row Housing shall not isolate another Site within this Zone of less than 800 m<sup>2</sup>. However, the Development Officer may exercise discretion in those cases which would isolate another Site within this Zone of less than 800 m<sup>2</sup>, having regard to the location, age and nature of the Use or Uses on the Site that would be isolated.

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

### **230.5 Additional Development Regulations for Discretionary Uses**

~~1. Notwithstanding subsection 230.4, Single Detached, Semi-detached Duplex Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.~~

1. Except where modified through the regulations in this Zone:

- a. Single Detached, Semi-detached and Duplex Housing, Secondary Suites, Garage Suites and Garden Suites shall be developed in

- accordance with the provisions of the (RF4) Semi-detached Housing Zone;
  - b. Row Housing with lane access parking shall be developed in accordance with the provisions of the (UCRH) Urban Character Row Housing Zone;
  - c. Row Housing with front access parking shall be developed in accordance with the provisions of the (RF5) Row Housing Zone; and
  - d. Stacked Row Housing shall be developed in accordance with the provisions of the (RF6) Medium Density Multiple Family Zone.
2. 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.
  3. Specialty Food Services shall not exceed a maximum seating capacity of 40 occupants and 48 m<sup>2</sup> of Public Space.
  4. The Development Officer may exercise ~~his~~ discretion in considering Apartment Housing or Boarding and Lodging Houses, which would isolate another Site within this Zone of less than 800 m<sup>2</sup> having regard to the location, age, and nature of the Use or Uses on the Site that would be isolated.