

BY-LAW NO. _____

A By-law to amend
Zoning and Development By-law No. 3575
regarding relaxations for Passive House

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends or adds to the indicated provisions of the Zoning and Development By-law.

2. In section 2, Council strikes out the definitions of "Certified Passive House" "Passive House Certifier" and adds, in alphabetical order:

"Passive House means a building that has been designed to meet the Passive House standard and achieve certification by the Passive House Institute of Darmstadt, Germany, as verified by a Passive House Certifier."

"Passive House Building Certifier means a person internationally accredited by the Passive House Institute in Darmstadt, Germany for the purposes of certifying buildings as being designed in accordance with its Passive House standards."

3. In section 10.7, Council adds, in correct numerical order:

"10.7.3 Setbacks for Passive House

Notwithstanding any other provisions in this By-law, the Director of Planning may relax the yard, setback or building depth requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed 1.25 m,

except that this relaxation shall not apply to district schedules with yard relaxation provisions for Passive House."

4. In section 10.10, Council adds, in correct numerical order:

"10.10.4 Height for Passive House

Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement or the definition of partial storey to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the height relaxation does not exceed 1.25 m,

except that this relaxation shall not apply to laneway houses or dwelling uses in an RS zoning district."

5. In Section 10, at the end, Council adds:

"10.41 Floor Area Exclusion for Heat Recovery Ventilation in a Passive House

The Director of Planning may exclude the area occupied by heat recovery ventilators and connected shafts in a Passive House, to a maximum exclusion of two percent of permitted floor area."

6. In the RS-1 District Schedule, Council strikes out section 4.3.6, and substitutes:

"4.3.6 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses."

7. In the RS-1A District Schedule, Council adds, in correct numerical order:

"4.3.2 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses.”

8. In the RS-1B District Schedule, Council adds, in correct numerical order:

“4.3.6 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses.”

9. In the RS-2 District Schedule, Council adds, in correct numerical order:

“4.3.2 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses.”

10. In the RS-3 and RS-3A District Schedule, Council adds:

(a) in section 4.3, in correct numerical order:

“4.3.4 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses.”; and

- (b) in section 4.16, in correct numerical order:

“4.16.6 Notwithstanding section 4.16.2 of this schedule, the Director of Planning may increase the permitted building depth to accommodate building features designed to reduce energy consumption in a Passive House to a maximum of 45 percent of the depth of the site, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development; and
- (d) the submission of any advisory group, property owner or tenant.”

- 11. In the RS-4 District Schedule, Council adds, in correct numerical order:

“4.3.2 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses.”

- 12. In the RS-5 District Schedule, Council adds:

- (a) in section 4.3, in correct numerical order:

“4.3.6 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses.”; and

- (b) in section 4.16, in correct numerical order:

“4.16.4 Notwithstanding section 4.16.2 of this schedule, the Director of Planning may increase the permitted building depth to accommodate building features designed to reduce energy consumption in a Passive House to a maximum of 45 percent of the depth of the site, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development; and
- (d) the submission of any advisory group, property owner or tenant.”

- 13. In the RS-6 District Schedule, Council adds:

- (a) to section 4.3, in correct numerical order:

“4.3.7 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses.”; and

- (b) to section 4.6, in correct numerical order:

“4.6.7 Notwithstanding any other provisions in this By-law, the Director of Planning may decrease the rear yard requirement to accommodate building features designed to reduce energy consumption in a

Passive House to a minimum of 35 percent of the depth of the site, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development; and
- (d) the submission of any advisory group, property owner or tenant."

(c) to section 4.16, in correct numerical order:

"4.16.8 Notwithstanding any other section of this schedule, the Director of Planning may increase the permitted building depth to accommodate building features designed to reduce energy consumption in a Passive House by 5 percent, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development; and
- (d) the submission of any advisory group, property owner or tenant."

14. In the RS-7 District Schedule, Council adds:

(a) to section 4.3, in correct numerical order:

"4.3.2 Notwithstanding any other provisions in this By-law, the Director of Planning may relax the height requirement to accommodate building features designed to reduce energy consumption in a Passive House, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development;
- (d) the submission of any advisory group, property owner or tenant; and
- (e) the relaxation does not exceed .5 m,

except that this relaxation shall not apply to laneway houses."; and

(b) to section 4.16, in correct numerical order:

"4.16.4 Notwithstanding section 4.16.2 of this schedule, the Director of Planning may increase the permitted building depth to accommodate building features designed to reduce energy

consumption in a Passive House to a maximum of 45 percent of the depth of the site, if the Director of Planning first considers:

- (a) the intent of the relevant schedule;
- (b) all applicable Council policies and guidelines;
- (c) the relationship of the development to nearby residential development; and
- (d) the submission of any advisory group, property owner or tenant."

15. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of the By-law.

16. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2017

Mayor

City Clerk