

BY-LAW NO. _____

**A By-law to amend the RM-5, RM-5A, RM-5B, RM-5C and RM-5D,
C3-A and C5 District Schedules
Regarding Heritage Conservation Amenity Shares and Schedule G**

1. This By-law amends the indicated provisions of the Zoning and Development By-law No. 3575.
2. After Schedule F, Council adds Schedule G attached hereto as Appendix 1.
3. In the RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, Council:
 - (a) re-numbers subsections 4.7.2 through 4.7.7 as 4.7.5 through 4.7.9;
 - (b) in subsection 4.7.1:
 - (i) at the end of subsection (b), strikes out "and",
 - (ii) at the end of subsection (c) strikes out "." and substitutes "; and", and
 - (iii) after subsection (c), adds:
 - "(d) despite the provisions of subsections 4.7.1(a), (b) and (c), if the Director of Planning first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage floor area available for transfer, the Director of Planning may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio."
 - (iv) after subsection 4.7.1, adds:
 - "4.7.2 In this district schedule, amenity means conservation of protected heritage property.
 - 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
 - 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the

provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.”; and

- (c) in re-numbered subsection 4.7.9, strikes out “4.7.5” and substitutes “4.7.1(d) or 4.7.8”.

4. In the C-3A District Schedule, Council:

- (a) strikes out subsection 4.7.1 and substitutes:

“4.7.1 The floor space ratio shall not exceed 1.00, except that:

- (a) the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if it first considers:

- (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
- (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
- (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,
- (iv) the effect of the development on traffic in the area,
- (v) the provision for pedestrian needs, and
- (vi) the design and livability of any dwelling uses; and

- (b) despite the provisions of subsection 4.7.1(a), if the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, it may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.”

- (b) re-numbers subsections 4.7.2 through 4.7.5 as 4.7.5 through 4.7.9;

- (c) after subsection 4.7.1, adds:

“4.7.2 In this district schedule, amenity means conservation of protected heritage property.

4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.

4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.”; and

(d) in re-numbered subsection 4.7.9, at the end of the first sentence, strikes out “.” and adds “, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).”

5. In the C-5, C-5A and C-6 Districts Schedule, Council:

(a) strikes out subsection 4.7.1.1 and substitutes:

“4.7.1.1 The maximum floor space ratio shall not exceed 2.20 in the C-5 and C-5A Districts and 2.6 in the C-6 District, except that:

(a) for a hotel existing on or before February 4, 2014, the floor space ratio shall not exceed the greater of the floor space ratio existing on September 30, 1986 or the maximum floor space ratio limit set out in this section; and

(b) if the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, it may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.”;

(b) re-numbers subsections 4.7.2 through 4.7.5 as 4.7.5 through 4.7.9;

(c) after subsection 4.7.1.2, adds:

“4.7.2 In this district schedule, amenity means conservation of protected heritage property.

4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.

4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.”; and

- (d) in re-numbered subsection 4.7.9, at the end of the first sentence, strikes out ". " and adds " or a development where there has been an increase in floor space ratio pursuant to section 4.7.1.1(b). "

Severability

6. 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 this By-law.

Force and effect

7. 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

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Appendix 1

Schedule G
Heritage Amenity Share Cost Schedule

| Zoning District | Amenity Share Cost |
|--|--------------------------|
| RM-5, RM-5A, RM-5B, RM-5C and RM-5D | \$925 per m ² |
| C-3A | \$925 per m ² |
| C-5, C-5A and C-6 (West End Commercial Districts) | \$925 per m ² |

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