

Bylaw 17727

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 2260

WHEREAS City Council at its meeting of February 22, 2001, gave third reading to Bylaw 12800, as amended; and

WHEREAS Council considers it desirable to amend the text of the Edmonton Zoning Bylaw;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby further amended by :
 - a) adding the following to Section 6.1 in accordance with the alphabetical order of the list and renumbering accordingly:
“**Fence** means a structure constructed at ground level, used to prevent or restrict passage, provide visual screening, noise attenuation, Landscaping, or to mark a boundary;”;
 - b) deleting the newly renumbered subsection 6.1(75) and adding the following to Section 6.1 in accordance with the alphabetical order of the list and renumbering accordingly:
“**Platform Structures** means a raised structure on which people can stand, that projects from the wall of a building, may be surrounded by guardrails, parapet walls or similar features, and is intended for use as an Amenity Area. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace;”;
 - c) adding the following to Section 6.1 in accordance with the alphabetical order of the list and renumbering accordingly:
“**Privacy Screening** means a feature that obscures direct and otherwise unimpeded sightlines. Common examples include: vegetative screening, such as shrubs and trees, lattice, masonry or wooden walls, parapet walls, translucent glass or any combination of these or like features. Privacy Screening does not include a balustrade railing or similar railing system;”;

d) deleting Section 49 and replacing with the following:

“49. Fences, Walls, Gates, and Privacy Screening in Residential Zones

1. Fences, walls and gates

- a. The regulations contained within Section 49.1 of this Bylaw apply to:
 - i. the Height of the material used in the construction of a Fence, wall, or gate, such as but not limited to boards, panels, masonry, ornamental iron, and chain link, plus any additional elements used for screening, such as, but not limited to, lattice.
- b. Notwithstanding subsection 49(1)(a), the regulations for Fences, walls, and gates contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Fence, wall, or gate.
- c. The Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 m back from the property line of the Site on which the Fence, wall, or gate is to be constructed.
- d. On an Interior Site, the Height of a Fence, wall, or gate shall not exceed:
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard, and
 - ii. 1.85 m in all other Yards.
- e. On a Corner Site, the Height of a Fence, wall, or gate shall not exceed:
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard,
 - ii. 1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line, and
 - iii. 1.85 m in all other Yards.
- f. In the case where the permitted Height of a Fence, wall, or gate is 1.2 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- g. In the case where the permitted Height of a Fence, wall, or gate is 1.85 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 2.44 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- h. Notwithstanding subsection 49.1(f) and subsection 49.1(g) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow a Fence, wall, or gate of up to 1.85 m in Height in one of the Front Yards, and allow a Fence, wall, or gate of up to 2.44 m in Height in the other Front Yard, having regard to the location of Fences, walls, and gates in the surrounding area and the requirement for screening.

2. Privacy Screening

- a. The regulations contained within Section 49.2 of this Bylaw apply to:
 - i. the Height of the material used in the construction of Privacy Screening such as but not limited to lattice, wooden or masonry walls, parapet walls or translucent glass.
- b. Notwithstanding subsection 49(2)(a), the regulations for Privacy Screening contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Privacy Screening.

- c. Privacy Screening, excluding vegetative screening, constructed on a Platform Structure located within a Front Yard, required Side Setback or within 2.5 m of a Rear Lot Line shall not exceed 1.2 m in Height, and 1.85 m in Height in all other Yards, when measured from the surface of a Platform Structure.
- d. Privacy Screening, excluding vegetative screening, constructed on a Rooftop Terrace shall not exceed 1.5 m in Height, when measured from the surface of a Rooftop Terrace.
- e. Privacy Screening, excluding vegetative screening, constructed on a Rooftop Terrace shall conform with the Stepback regulations of Section 61 of this Bylaw.
- f. The Height of Privacy Screening constructed at ground level shall be measured from the average ground level 0.5 m back from the Privacy Screening.
- g. On an Interior Site, the Height of Privacy Screening, excluding vegetative screening, constructed at ground level, shall not exceed:
 - i. 1.2 m for the portion of the Privacy Screening constructed in the Front Yard, and
 - ii. 1.85 m in all other Yards.
- h. On a Corner Site, the Height of Privacy Screening, excluding vegetative screening, constructed at ground level, shall not exceed:
 - i. 1.2 m for the portion of the Privacy Screening constructed in the Front Yard,
 - ii. 1.2 m for the portion of Privacy Screening situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Rear Lot Line to the Front Lot Line, and
 - iii. 1.85 m in all other Yards.
- i. In the case where the permitted Height of Privacy Screening is 1.2 m, the Development Officer may vary the Height of Privacy Screening to a maximum of 1.85 m, in order to prevent visual intrusion and provide additional screening from adjacent properties.
- j. In the case where the permitted Height of Privacy Screening is 1.85 m, the Development Officer may vary the Height of Privacy Screening to a maximum of 3.05 m, in order to prevent visual intrusion and provide additional screening from adjacent properties.
- k. Notwithstanding subsection 49.2(i) and subsection 49.2(j) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow Privacy Screening, excluding vegetative screening, of up to 1.85 m in Height in one of the Front Yards, and allow Privacy Screening, excluding vegetative screening, of up to 3.05 m in Height in the other Front Yard, having regard to the location of Fences, walls, gates and Privacy Screening in the surrounding area and the requirement for screening.”;

- e) adding a new General Regulations section:
“61. Rooftop Terraces
 1. On a Site Abutting a Site zoned to allow Single Detached Housing as a Permitted Use, or a Site zoned RF5 Row Housing Zone, Rooftop Terraces and Privacy Screening, excluding vegetative screening constructed on a Rooftop Terrace, shall be developed in accordance with the following Stepback regulations:
 a. On an Interior Site, the minimum Stepback shall be:
 i. 1.0 m from any building Façade facing a Front Lot Line;
 ii. 2.0 m from any building Façade facing a Rear Lot Line;
 iii. 1.0 m from any building Façade facing a Side Lot Line, where the Site Width is less than 10.0 m; and
 iv. 2.0 m from any building Façade facing a Side Lot Line, where the Site Width is 10.0 m or greater.
 b. On a Corner Site, a minimum Stepback shall be:
 i. 1.0 m from any building Façade facing a Front Lot Line or flanking Side Lot Line;
 ii. 2.0 m from any building Façade facing a Rear Lot Line;
 iii. 1.0 m from any building Façade facing an interior Side Lot Line, where the Site Width is less than 10.0 m; and
 iv. 3.0 m from any building Façade facing an interior Side Lot Line, where the Site Width is 10.0 m or greater.”;
- f) deleting the wording of subsection 814.3(4) and replacing with the following:
 “4. Where a structure is two or more Storeys and an interior Side Setback is less than 2.0 m, the applicant shall provide information regarding the location of windows and Amenity Areas on Abutting properties, and the windows of the proposed development shall be located to minimize overlook into Abutting properties or the development shall incorporate design techniques such as, but not limited to, incorporating vegetative Privacy Screening, translucent window treatment or raised windows to minimize overlook into Abutting properties, to the satisfaction of the Development Officer.”;
- g) adding subsection 12.2(8) as follows and renumber accordingly:
 “8. the construction of Privacy Screening, provided that the erection of such structure does not contravene any provision of this Bylaw.”;
- h) deleting the wording of subsection 87(9) and replacing with the following:
 “9. Rooftop Terraces shall not be allowed on Garage Suites or Garden Suites.”;
- i) deleting the wording of subsection 997.6(2)(i) and replacing with the following:
 “9. Rooftop Terraces shall not be allowed on Blatchford Lane Suites.”;
- j) deleting the wording of subsection 823.3(3)(d)(i)(3) and replacing with the following:
 “3. 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.”;
- k) deleting subsection 140.4(17) and renumber accordingly;

- l) deleting the word “fenced” and replacing with “Fenced” in subsections 7.7(9) and 80.3(a)
- m) deleting the word “fence” and replacing with “Fence” in subsections 12.2(7), 22(4)(b)(i), 23.2(7), 54.7(1)(e), 55.5(7), 140.4(16)(b), 150.4(19)(c), 160.4(9)(c)(ii)(A), 160.4(14)(c), 165.4(13)(e)(i), 165.5(5), 170.4(11)(c), 210.4(11)(d), 220.4(14)(d), 410.4(6)(c), 553.4(8)(b), 570.4.1(11)(c), 571.4.1(11)(c), 572.4.1(11)(c), 573.4.1(11)(c), 574 – Appendix II – 3(5), 950.4.3(m), 950.4.3(n), 950.4.4(c), 950.4.4(d), 950.5.4(b), 950.5.4(c), 950.5.4(d), 950.5.5(d), 950.6.3(o), 950.6.3(p), 950.6.4(c), 950.7.3(n), 950.7.3(o), 960.4.4(1)(iii), 980.5(t) - Table 5, 995.5(t)(v)(A), 997.8(5)(e), 997.9(5)(d), and 997.10.5(d);
- n) deleting the word “fences” and replacing with “Fences” in subsections 13.2(4)(b), 50.3(4)(b), 54.6(1)(a)(iv), 55.7(2)(b), 57.1(1)(b), 160.4(23), 250.4(2)(f), 823.3(4)(a)(i), 823.3(4)(a)(ii), and 823.3(4)(a)(iii); and
- o) deleting the word “fencing” and replacing with “Fencing” in subsections 6.1(55)(c), 12.2(20), 22(4)(b)(i), 55.4(1)(g), 55.4(1)(i); 55.5(6), 72.2(8)(c), 72.2(8)(c)(i), 72.2(8)(c)(ii), 80(2)(d), 80(3)(a), 98(1)(a), 165.6(1)(c), 320.4(4), 930.4.4(10), 930.5.4(6), 950.4.3(q), 950.5.3(n), 950.5.4(d), 950.6.3(p), 950.7(3)(o), 960.4.5(e)(i), 960.4.5(e)(ii), 960.5.4(f), 960.5.5(e)(i), 960.6.4(e), 960.6.5(e)(iii), 990.4.3.1(f), 990.4.3.2.Open Spaces and Landscaping(c), 997.6.3(a), and 997.6.3(g).

READ a first time this	22nd	day of	August	, A. D. 2016;
READ a second time this	22nd	day of	August	, A. D. 2016;
READ a third time this	22nd	day of	August	, A. D. 2016;
SIGNED and PASSED this	22nd	day of	August	, A. D. 2016.

THE CITY OF EDMONTON


MAYOR


For CITY CLERK