

Draft Text Amendment to Zoning Bylaw 12800

Black Font = existing Zoning Bylaw text

Underline Italic Font = proposed addition to Zoning Bylaw

~~Strikethrough~~ = proposed deletion from Zoning Bylaw

Definitions

6.1(34) **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.

6.1(74) **Platform Structures** means a raised structures projecting on which people can stand, that projects from the wall of a building that and may be surrounded by guardrails, or parapet walls or similar features. Common structures examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

6.1(77) **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.

6.1(85) **Rooftop Terrace** means a raised surface on which people can stand, that is located on top of a roof or partially recessed within the roof structure of a building, does not project beyond any Façade of the Storey below, is surrounded by guardrails, parapet walls or similar feature, and is intended for use as an Amenity Area.

Rationale

Section 6.1(34)
- Clear distinction between a Fence and Privacy Screening.

Section 6.1(74)
- Clear distinction between Platform Structures and Rooftop Terraces.

Section 6.1(77)
- Definition outlines to applicants, Development Officers and neighbours clear expectations and requirements regarding what specific materials constitute adequate privacy screening.

Section 6.1(85)
- Definition distinguishes Rooftop Terraces from Platform Structures and allows for concerns related to Rooftop Terraces to be individually addressed.

Regulations

Section 49. Fences, Walls, ~~and~~ 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. A Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 m back of 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.

Section 49.1

- Amendment limited to housekeeping and reformatting to create separate subheadings for Fences, walls and gates (49.1), and Privacy Screening (49.2).

- 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 land 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 land uses.
- h. Notwithstanding Section 49.1(f) and Section 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 Rear Yard or interior Side Yard shall not exceed 1.85 m in Height, and 1.2 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.

Section 49.2(c & d)

- Accommodate development of sufficient screening to prevent overlook and preserve privacy, while not dramatically increasing the appearance of massing and Height of the structure

- e. Privacy Screening, excluding vegetative screening, constructed on a Rooftop Terrace shall conform with 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 of 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 neighbouring 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 2.44 m, in order to prevent visual intrusion and provide additional screening from neighbouring properties.

Section 49.2(g & h)

- Alignment of at-grade Privacy Screening regulations with height restriction for fences, walls and gates

Section 49.2(i & j)

- Provide Development Officers the ability to approve a reasonable increase in the Height of screening structures where additional privacy is mutually beneficial to all affected property owners.

k. Notwithstanding Section 49.2(i) and Section 49.1(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 2.44 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.

- Deleted text of Section 49

1. The regulations contained within Section 49 of this Bylaw apply to:
 - a. 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.
2. Notwithstanding subsection 49(1), 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.
3. A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.85 m in Height, measured from the general ground level 0.5 m back of the property line of the Site on which the fence, wall, or gate is to be constructed, for the portion of the fence, wall, or gate that does not extend beyond the foremost portion of the principal building abutting:
 - a. the Front Yard, or
 - b. Side Yard abutting a public roadway other than a Lane.
4. A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.2 m in Height for the portion of the fence, wall, or gate that extends beyond the foremost portion or portions of the principal building on the Site, into:
 - a. the Front Yard, or
 - b. a Side Yard and Rear Yard Abutting a public roadway other than a Lane,

provided that the Development Officer may vary the Height of the fence, wall, or gate to a maximum of 1.85 m.

5. 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, having regard to the location of fences, walls, and gates in the surrounding area and the requirement for screening.
6. Notwithstanding Section 11.3 of this Bylaw, 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 land uses.

Section 61 Rooftop Terrace

1. Rooftop Terraces 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:

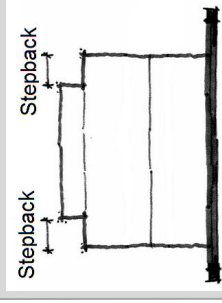
- i. 1.0 m from any building Façade facing a public roadway, excluding a Lane;
- ii. 2.0 m from any building Façade facing a Rear Lot Line;
- iii. 1.0 m from any building Façade facing a Side Lot Line not facing a public roadway, where the Site Width is less than 10.0 m; and
- iv. 3.0 m from any building Façade facing a Side Lot Line not facing a public roadway, where the Site Width is 10.0 m or greater.

2. A Stepback is not required for Rooftop Terraces on structures greater than 12.0 m in Height, unless otherwise specified in this Bylaw.

Section 61

- 12.0 m Height threshold
limits application of Rooftop Terrace regulations to low density residential structures

- Stepbacks can significantly alleviate issues of privacy and overlook into adjacent properties by locating amenity areas away from the face of the structure.



- Varied Stepbacks relative to Site Width balances preservation of privacy and reduction of overlook with accommodating a functional size rooftop amenity area on lots less than 10 metres (33 feet).

- To encourage the orientation of rooftop terraces constructed on corner sites away from neighbouring properties, a greater stepback is required from the façade facing the neighbour

Mature Neighbourhood Overlay

Section 814.3(4) - Where a structure is two or more Storeys and an interior Side Setback is less than 2.0 m, the applicant ~~may be required to~~ shall provide information regarding the location of windows and Amenity Areas on adjacent properties, and the windows of the proposed development shall be located to minimize overlook into adjacent 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 minimum overlook into adjacent properties, to the satisfaction of the Development Officer.

Section 814.3.8 - Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above Grade shall provide ~~privacy-screening~~ Privacy Screening to prevent visual intrusion into ~~adjacent~~ Abutting properties.

Housekeeping Amendments

46.3 Amenity Area may include:

- a. with respect to Residential Uses Classes, patios, balconies with a minimum depth of 2.0 m, ~~roof terraces~~Rooftop Terraces, communal lounges and Recreational Facilities and other areas within the Site which are of the nature described in clause (2)(a) above; and

Section 87(9) - no ~~decks~~ Rooftop Terraces on Garage Suite or Garden Suite roofs shall be allowed.

Section 823.3(3)(d)(i)(3) - be designed to minimize overlook into ~~abutting~~Abutting Sites when provided on a ~~rooftop or building terrace~~Rooftop Terrace by implementing Privacy Screening, Stepbacks or other treatments that minimize direct sightlines,

Section 814.3(4)

- Additional information ensures Development Officers have necessary information to make informed decisions and prompts applicants to take a proactive approach and consider issues of privacy and overlook during the design stage.

Section 814.3(8)

- Reasonable expectation of privacy in Rear Yard and interior Side Yard as opposed to a Front Yard and flanking Side Yards where surveillance of the street and a connection with the street should be encouraged.

Housekeeping

Amendments:

- Proposed housekeeping amendments intended to ensure consistent use of defined terms throughout Zoning Bylaw 12800.