

Mark-up of Proposed Text Amendment to Zoning Bylaw 12800		Rationale
<p>Black Font Existing Text in Zoning Bylaw 12800</p> <p>Strikethrough: Proposed deletion from Zoning Bylaw 12800</p> <p><u>Underline:</u> Proposed addition to Zoning Bylaw 12800</p>		
KEY	6.1 General Definitions'	
A	<p>Site Coverage means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m <u>1.8 m</u> above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:</p> <ul style="list-style-type: none"> a. steps, eaves, cornices, and similar projections; b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 m or more above Grade; or c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m <u>1.8 m</u> above Grade; 	<p>The effect of this proposed amendment is that the majority of uncovered decks will not count toward site coverage. This allows site coverage to be applied to other structures (eg. house, garage) rather than uncovered decks.</p> <p>This supports a wider variety of housing designs which make more efficient use of developable land.</p> <p>The proposed amendment aligns the height at which uncovered decks are not included in site coverage calculations with the regulations governing the portion of basement which may be exposed above grade (maximum: 1.83 m). The regulation governing site coverage and basements are relevant to one another in this context as the majority of uncovered decks are built at the same height as the finished floor elevation of the main floor.</p>

		For the purpose of aligning this regulation with the building code, the threshold height in which a building or structure is included in site coverage calculations is proposed amended as 1.8 m, not 1.83 m. The building code has additional requirements for foundations when a structure such as a deck would exceed 1.80 m in height.
B	<p>7.2(1) Residential Uses</p> <p>Duplex Housing means development consisting of a building <u>that</u> containing two principal Dwellings, with one of those Dwellings placed over the other in whole or in part. Each principal Dwelling has separate and individual access, not necessarily directly to ground level. This type of development is designed and constructed as two principal Dwellings at the time of initial construction of the building. This Use does not include Semi-detached Housing.</p>	These proposed amendments allow for the conversion of buildings, such as Single Detached Housing, into Duplex Housing or Semi-detached Housing. This allows for more opportunities for 'gentle density' using existing housing stock.
C	<p>7.2(7) Residential Uses</p> <p>Semi-detached Housing means development consisting of a building <u>that</u> containing two principal Dwellings joined in whole or in part at the side or rear with neither of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Duplex <u>Housing</u>es.</p>	<p>'Gentle density' is a term which describes densification where units are added without making appreciable changes to scale, massing, or character.</p> <p>Development of this nature, in many instances, could still be constrained by the cost implications of making alterations to a building in order to comply with the current building and fire codes.</p>

		<p>The amendments improve clarity and accuracy of the bylaw by correcting grammatical and typographical errors.</p> <p><i>Amendments B and C are cross-referenced.</i></p>
D	<p>7.2(2) Residential Uses</p> <p>Garden Suite means an Accessory building containing a Dwelling, which is located separate from the principal Use which is Single Detached Housing, <u><i>Semi-detached Housing, or Multi-unit Housing in the form of row housing.</i></u> <i>and which may contain a Parking Area. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site.</i> This Use includes Mobile Homes that conform to Section 78 of this Bylaw. This Use does not include Secondary Suites, <i>Blatchford Lane Suites, or Blatchford Accessory Suites.</i></p>	<p>Proposed amendment allows Garden Suite development alongside additional housing types, specifically Semi-detached Housing and Multi-unit Housing in the form of row housing. This will increase opportunities for densification.</p> <p>Amendment removes reference to parking area, consistent with (Open Option Parking) Charter Bylaw 19275 passed June 23, 2020.</p> <p>Amendment removes redundant references to cooking facilities, etc., as those features are already implied in the Use Definition because a Garden Suite is considered a Dwelling.</p> <p>In some instances where this amendment would allow such a development, there may exist other constraints related to emergency services access, hydrant location, utility capacity, building and fire codes that may otherwise constrain</p>

		<p>development. Administration is developing a draft policy that would provide additional guidance to builders on this matter.</p> <p>This amendment removes references to Blatchford-specific Uses to align with other recent amendments.</p> <p><i>This amendment is cross-referenced with X and Z.</i></p>
E	<p>7.2(4) Residential Uses</p> <p>Multi-unit Housing means development that consists of:</p> <p><u>a) three or more principal Dwellings arranged in any configuration and in any number of buildings; <i>or</i></u></p> <p><u><i>b) any number of Dwellings developed in conjunction with a Commercial Use where allowed in the Zone.</i></u></p> <p><i>This Use does not include Blatchford Townhousing or Blatchford Stacked Row Housing.</i></p>	<p>This proposed amendment changes the definition of Multi-unit Housing to allow for the development of Dwellings in conjunction with Commercial Uses.</p> <p>This amendment will expand opportunities for mixed-use development, primarily in commercial zones.</p> <p>This amendment removes references to Blatchford-specific Uses to align with other recent amendments.</p>

F	<p>11.3 Variance to Regulations</p> <p>1. The Development Officer may approve, with or without conditions as a Class B Discretionary Development, an application for development that does not comply with this Bylaw where:</p> <ul style="list-style-type: none"> a. the proposed development would not, in their opinion: <ul style="list-style-type: none"> i. unduly interfere with the amenities of the neighbourhood; or ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties. b. the proposed development would, in their opinion, conform with the Use prescribed for that land or building in this Bylaw. <p>2. The Development Officer may approve, with or without conditions as a Class B Discretionary Development, an enlargement, alteration or addition to a non-conforming building if the non-conforming building complies with the Uses prescribed for that land in this Bylaw and the proposed development would not, in their opinion:</p> <ul style="list-style-type: none"> a. unduly interfere with the amenities of the neighbourhood; or b. materially interfere with or affect the use, enjoyment or value of neighbouring properties. <p>11.4 Limitation of Variance</p> <p>1. In approving a Development Permit Application pursuant to Section 11.3, the Development Officer shall adhere to the following:</p> <ul style="list-style-type: none"> a. a variance shall <u>may</u> 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; b. except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, maximum Floor Area Ratio or maximum Density regulations; 	<p>The proposed amendment allows Development Officers to consider variances in more scenarios - specifically in cases where there is neither practical difficulties nor hardship.</p> <p>Currently, the bylaw requires that an applicant demonstrate hardship or practical difficulties in order for a variance to be considered. In practice, this means where there are neither practical difficulties nor hardship, that a variance cannot be granted. This applies even if granting the variance would result in development outcomes that further the realization of The City Plan and otherwise have no different impact on neighbours and neighbourhoods than a similar but-unvaried design would.</p> <p>This amendment changes the test a proposed development must pass in order for a considered variance to be granted, specifically the amendment reduces the importance of demonstrating constraints which hinder development opportunities. Correspondingly, this expands opportunities for the Development Officer to consider design's more so on their merit, development outcomes, and alignment with the City Plan.</p>
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	<p>c. on rectangular shaped Lots, there shall be no variance from the minimum Site Width, for new Single Detached Housing in the RF1, RF2, RF3, and RF4 Zones for all Sites which received subdivision approval after June 12, 2017; and</p> <p>d. there shall be no variance to the General Purpose of the appropriate Zone or Overlay.</p>	<p>This proposed amendment does not give Administration 'free reign' to make variances, but rather lessens the relative weight of hardship in the decision making process. Where a variance is granted it must be justified with a strong planning rationale. This rationale is informed by analysis of the impact of the proposed development and consideration of the direction provided by other plans and policies, such as the City Plan.</p> <p>If this is not amended, Administration will be limited by existing limitations on variance in achieving some aspects of The City Plan until 2022 when the bylaw is replaced.</p> <p>Note: 11.3 of the bylaw is derived from the regulations of the Municipal Government Act which sets limits around development decisions.</p>
G	<p>12.2 No Development Permit Required</p> <p>1. A Development Permit is not required for:</p> <p>aa. a Special Event that fully complies with the regulations of Section 91.1 of this Bylaw and:</p> <p>i. is on a Site zoned US, PU, AP, A or AN owned by the City of Edmonton; <u>or</u></p>	<p>This amendment increases the duration threshold for Special Events which do not require a Development Permit from 5 to 7 days. The amendment allows for slightly longer events to account for set-up and take-down time for an event.</p>

	<p>ii. is for the purpose of seasonal plant sales Accessory to a non Residential or non Residential-Related Use and complies with the regulations of Section 91.2(b); or</p> <p>iii. does not exceed 5Z consecutive days, or 5Z cumulative days per calendar year.</p>	<p>This proposed amendment enables effective service delivery by reducing the number of limited duration events which would require a Development Permit . This means fewer resources devoted to reviewing applications for short term events and fewer process barriers for organizers.</p> <p>Amendment clarifies that limited duration Special Events outside of US, PU, AP, A, or AN zoned Sites owned by the City also do not require a permit.</p>
H	<p>12.2 No Development Permit Required</p> <p>1. A Development Permit is not required for:</p> <p><u>ee. Exterior alterations for the development of a patio that are accessory to Bars and Neighbourhood Pubs, Breweries, Wineries and Distilleries, Restaurants or a Specialty Food Services Use that is operating under an existing valid Development Permit and complies with the following:</u></p> <p><u>i. The new or expanded patio space shall comply with the requirements of the underlying Zone and Overlay.</u></p> <p><u>ii. Notwithstanding 12.2(1)(ee)(i), no part of a patio shall encroach into any Site Setbacks defined by the zone in which the patio is located, except in those parts of the Site Setback with lawn, Hardsurfaced materials, or decorative Hardsurfacing ground cover. Existing trees and shrubs may not be removed.</u></p>	<p>This proposed amendment enables effective service delivery and supports local businesses with reduced process barriers.</p> <p>The amendment makes regulations of the land use requirements of the COVID-19 Temporary Outdoor Patio & Temporary Sidewalk Cafe Guidelines and COVID-19 Temporary Outdoor Retail Guidelines.</p> <p>The proposed amendment generally allows for those patios and outdoor retail spaces which were developed through the</p>

<p><u>iii. On-site parking may be used for patio space, except the required number of designated barrier free Vehicle Parking, which must remain available for parking use.</u></p> <p><u>iv. Permanent fences and barriers, planters, platform structures such as decks or stages shall comply with the zone and shall not exceed 1.2m in height;</u></p> <p><u>v. No part of the patio, including exit gates, shall open or encroach into road right-of-way.</u></p> <p><u>vi. No audio-visual equipment may be installed at a height exceeding 2.1m (7ft) above grade, measured to the middle of the device, and shall not be attached to a building. Televisions, speakers, and video displays must be oriented facing away from vehicle traffic and shall not be arranged consecutively to create a wall or visual obstruction.</u></p> <p><u>ff. Exterior alterations for the development of an outdoor retail space that are Accessory to Convenience Retail Stores, General Retail Stores or Market Use, that is operating under an existing valid Development Permit and complies with the following:</u></p> <p><u>i. The new or expanded outdoor retail space shall comply with the requirements of the underlying Zone and Overlay.</u></p> <p><u>ii. Notwithstanding 12.2(1)(ff)(i), no part of an outdoor retail space shall encroach into any Site Setbacks defined by the zone in which the outdoor retail space is located, except in those parts of the Site Setback with lawn, Hardsurfaced materials, or decorative Hardsurfacing ground cover. Existing trees and shrubs may not be removed.</u></p> <p><u>iii. On-site parking may be used for outdoor retail space, except the required number of designated barrier free Vehicle Parking, which must remain available for parking use.</u></p> <p><u>iv. Permanent fences and barriers, planters, platform structures such as decks or stages shall comply with the zone and shall not exceed 1.2m in height.</u></p>	<p>temporary patio and outdoor retail space program to continue without a Development Permit. The Charter Bylaw which made the temporary program possible expires December 31, 2020.</p> <p>The amendment also generally allows new patios and outdoor retail spaces consistent with those allowed by the temporary program to be developed without a permit.</p> <p>The proposed amendment <i>does not</i> allow for the continuation of Secondhand Stores and Pawn Stores to continue outdoor retail spaces allowed by the temporary program or the opportunity for new unpermitted developments. These Uses are excluded due to the regulations of the Secondhand Stores and Pawn Stores Overlay.</p> <p>The proposed amendment <i>does not</i> impact patios or outdoor retail space located on road right-of-way. The Zoning Bylaw does not regulate use of road right-of-way.</p> <p>Developments which do not comply with these regulations will require a Development Permit.</p>
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	<p><u><i>v. The sale and on-site consumption of alcohol, tobacco, or cannabis is not permitted in an outdoor retail space.</i></u></p> <p><u><i>vi. Cooking or food and drink preparation is not permitted in an outdoor retail space.</i></u></p> <p><u><i>vii. No part of the outdoor retail space, including exit gates, shall open or encroach into road right-of-way.</i></u></p> <p><u><i>viii. No outdoor speakers or sound systems may be used.</i></u></p>	<p>These developments must still conform to building and fire code, as well as the Community Standards Bylaw.</p> <p><i>This amendment is cross-referenced with DD and BB.</i></p>
I	<p>12.2 No Development Permit Required</p> <p>1. A Development Permit is not required for:</p> <p>d. interior alterations and maintenance to a residential building, with the exception of a Basement development; provided that such alterations and maintenance do not result in an increase in the number of Dwellings, within the building or on the Site, nor in a change of the Use or the introduction of another Use;</p>	<p>Proposed amendment enables effective service delivery and reduced regulatory barriers.</p> <p>This eliminates the requirement for a Development Permit for interior basement development. This amendment does not exempt such developments from requiring a Building Permit, which may be required depending on the nature of the alterations.</p> <p>This amendment maintains the requirement for Secondary Suites and other developments which would increase the number of Dwellings to be approved through a Development Permit.</p>
J	<p>12.2 No Development Permit Required</p> <p>1. A Development Permit is not required for:</p> <p>f. a change of Use, provided that:</p>	<p>This proposed amendment expands the list of Uses exempt needing a Development Permit when there is a change of Use.</p>

	<p>v. the change of Use is for one or more of the following Uses:</p> <ul style="list-style-type: none"> A. Business Support Services B. Commercial Schools C. Convenience Retail Stores D. Community Recreation Services E. Creation and Production Establishments F. Equipment Rentals, provided that all equipment and goods for rent are contained within an enclosed building G. Greenhouses, Plant Nurseries and Garden Centres, provided that all goods are contained within an enclosed building H. General Retail Stores I. Government Services <u>J. Health Services</u> <u>K. J.</u> Household Repair ServicesShop <u>L. Indoor Participant Recreation Services</u> <u>M. K.</u> Limited Contractor Services <u>N. Market</u> <u>P. L.</u> Media Studios <u>Q. M.</u> Minor Amusement Establishments <u>R. N.</u> Mobile Catering Food Services <u>S. O.</u> Personal Service Shops, not including those operating as a Body Rub Centre <u>T. P.</u> Professional, Financial, and Office Support Services <u>U. Q.</u> Public Libraries and Cultural Exhibits <u>V. R.</u> Public Parks <u>W. S.</u> Specialty Food Services, for less than 100 occupants and 120 m2 of Public Space, and not including Drive-in Food Services <u>X. T.</u> Restaurants, for less than 200 occupants and 240 m2 of Public Space, and not including Drive-in Food Services <u>Y. U.</u> Veterinary Services <u>Z. V.</u> Warehouse Sales 	<p>This proposed amendment enables effective service delivery and supports local business with reduced process barriers.</p> <p>Proposed amendment is to provide consistency, correcting a text error.</p>
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K	<p>12.2 No Development Permit Required</p> <p>1. A Development Permit is not required for:</p> <p>r. A Platform Structure or unenclosed step, including a landing, that is located entirely within a Rear Yard or interior Side Yard, and is 0.6 <u>1.2</u> m or less in Height, above the ground at its highest point excluding railings, which complies with the regulations and Overlays of this Bylaw;</p>	<p>Proposed amendment enables effective service delivery and reduced regulatory and process barriers.</p> <p>Amendment increases the height threshold that determines if a Platform Structure (eg. an uncovered deck) requires a permit from 0.6 m to 1.2m.</p>
L	<p>12.2 No Development Permit Required</p> <p>1. A Development Permit is not required for:</p> <p>t. the following Signs or activities:</p> <p>vii. changing the Copy of any Changeable Copy Sign, Temporary Sign, Off-premises Sign, Freestanding On-premises Sign, Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs or Minor Digital On-premises Off-premises Signs;</p> <p><u>viii. changing the Copy of On-premises Fascia Sign, On-premises Roof Sign, On-premises Projecting Sign, or On-premises Freestanding Sign, without altering the Use, location, size, Height or general design of the Sign, including method of illumination ;</u></p> <p>viii-ix. non-illuminated Fascia On-premises Signs not exceeding 0.5 m² in Sign Area;</p> <p>ix-x. Temporary non-illuminated Directional Signs not exceeding a Height of 1.2 m or a maximum Sign Area of 1.0 m² when located within a Residential Zone;</p> <p>x-xi. illuminated or non-illuminated Signs not exceeding a Height of 1.5 m or a maximum Sign Area of 1.0 m² when located within a non-Residential Zone;</p>	<p>Proposed amendment enables effective service delivery and supports local business with reduced process barriers.</p> <p>Amendment eliminates the requirement for a new Development Permit every time that sign copy changes, such as when a new business opens or changes names, provided that the new copy contains only On-Premises Advertising.</p>

	<p>including but not limited to Directional Signs, sandwich board Signs and real estate Signs;</p> <p>xii.xiii. non-illuminated Temporary On-premises Signs for real estate which are less than 2.0 m in Height and a maximum Sign Area of 5.0 m²;</p> <p>xii.xiii. any Sign painted on or affixed to the interior of a window in a Commercial Zone or Industrial Zone for less than 30 days;</p> <p>xiii.xiv. any Development Permit Notification Sign required by Section 20.6 of this Bylaw;</p>	
M	<p>20.2 Class A Permitted Development</p> <p>1. For all lands in Residential Zones within the Mature Neighbourhood Overlay as shown in Appendix I to Section 814, and Established Neighbourhoods as identified in Edmonton's The Way We Grow: Municipal Development Plan, Bylaw 15100, Maps:</p> <p>a. within seven days of the issuance of a Development Permit for a Class A Permitted Development, the Development Officer shall send notice of their decision to the municipal address and assessed owners of the land Abutting and directly adjacent across a Lane from the Site which is the subject of the Development Permit for construction of, and any demolition associated with new:</p> <p>i. Duplex Housing, Garden Suite, Multi-unit Housing, Row Housing, Semi-detached Housing, or Single Detached Housing.</p>	<p>Deletion of 20.2(1) eliminates the requirement to send notifications to neighbouring property owners of new Class A Permitted Developments for construction and demolition associated with small-scale infill development in mature and established areas of the City.</p> <p>The neighbours most likely to be impacted by these developments are those that are immediately adjacent to a site, and in most circumstances would be able to learn about the development as effectively from the notification signage posted on site as they might from a notification letter.</p> <p>Notification to neighbours of a Class A Permitted Development is</p>

		<p>purely informational as Class A permits cannot be appealed.</p> <p>Information regarding development in neighbourhoods is presently available in a variety of formats, including through the required development notification signage on site (which includes contact information for the builder), the notifications sent out when a Class B Discretionary Permit has been approved, on maps.edmonton.ca, and through the City's Open Data Portal which includes current data updated on a daily basis.</p> <p>As an alternative to providing this mailed notice, Administration will at a minimum:</p> <ul style="list-style-type: none"> - On the City's infill webpage, add and increase the visibility of the information provided in the mailed brochures that accompany the Class A notice. - Add a website link to the development notification signs directed to the content contained in the brochure. - Add a website link to the same in the Class B Notification letters.
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		This proposed amendment enables effective service delivery by allowing Administration to refocus resources.
N	<p>20.3. Class B Discretionary Development</p> <p>3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.</p> <p><u>3.4.</u> Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.</p>	<p>Proposed deletion eliminates the requirement to advertise in a daily newspaper when a Class B Discretionary Development Permit is issued.</p> <p>Information regarding development in neighbourhoods is presently available in a variety of formats, including through the required development notification signage on site (which includes contact information for the builder), the notifications sent out when a Class B Discretionary Permit has been approved, on maps.edmonton.ca, and through the City's Open Data Portal which includes current data updated on a daily basis.</p> <p>Deletion enables effective service delivery by allowing Administration to explore interim solutions to providing notification other than being required to advertise in the newspaper.</p> <p>Proposed deletion maintains requirements to notify Community Leagues and surrounding property</p>

		owners by direct mail when a Class B Discretionary Development Permit is issued. Class B Development Permits may be appealed.
O	<p>22. Expiry of Permit</p> <p><u>8. Upon request, the Development Officer may extend the date that the development must commence as specified in this Bylaw if:</u></p> <p><u>a. the Development Permit is not for a change of use, a change of intensity of use, or both;</u></p> <p><u>b. the length of the extension is less than two years from the date which the development must commence pursuant to the applicable Development Permit;</u></p> <p><u>c. the request is made in writing on a form approved by the City Manager;</u></p> <p><u>d. the required application fee, as determined by the City Manager, is paid;</u></p> <p><u>e. the request is granted prior to the date before which the development must commence pursuant to the applicable Development Permit; and</u></p> <p><u>f. not more than one extension shall be granted for any Development Permit.</u></p>	<p>The proposed amendment enables effective service delivery and supports local businesses.</p> <p>Amendment allows holders of a current and valid permit for new builds to request an extension that is less than two years from the date which the holder is required to start development.</p> <p>This eliminates the requirement for a developer to seek new permits for developments delayed in the short-term due to any variety of market conditions. This reduces obstacles to investment for holders of recently approved developments.</p>
P	<p>24.4 Notification of Rezoning Amendments</p> <p>1. Prior to consideration by City Council of a proposed Rezoning Amendment, the Development Officer shall provide place a notice, complying with the Municipal Government Act, <u>in a format generally available to the public including through electronic means, in two separate issues of a newspaper circulating within the City,</u> and dispatch a notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Rezoning Amendment:</p>	<p>This proposed amendment is removing the <i>requirement</i> to advertise proposed rezonings in a newspaper. Should this amendment move forward, Administration will not stop advertising in this way until an alternative communication strategy is developed. This strategy may include continued advertising in the newspaper (to route the</p>

		<p>public to more detailed information online), making improvements to the City's website, and changes to on-site signage content.</p> <p>Notification of rezoning applications is provided by mail to neighbours within 60m of the boundaries of the site which is subject to the rezoning, as well as the Presidents of Community Leagues and Business Improvement Areas. On site signage advertising the rezoning is required where a proposed rezoning does not conform with the statutory plan or where the rezoning is City-initiated for land annexed into the City. Where there is a requirement for on-site signage, it must be on site for at least 21 days prior to the rezoning appearing at public hearing.</p> <p>Information regarding rezoning applications is presently available in a variety of formats, including on edmonton.ca/neighbourhoods the City's neighbourhood-specific webpages as well as on maps.edmonton.ca.</p> <p>Amendment enables effective service delivery and provides</p>
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		flexibility in how the City can keep the public informed of rezonings.
Q	<p>26. Development Permit Inspections</p> <p>1. A Development Permit Inspection shall be required for the development of:</p> <p>a. new Single Detached Housing, new Semi-detached Housing, new Duplex Housing, and new Garage and Garden Suites for all lands within the area of application of the Mature Neighbourhood Overlay;</p> <p>b. Multi-unit Housing and Row Housing, <i>except for:</i></p> <p><i>i. Multi-unit Housing in the form of row housing; or;</i></p> <p><i>ii. Row Housing</i></p> <p><i>located outside outside the boundaries of the Mature Neighbourhood Overlay</i></p>	<p>Garage Suite and Garden Suite were consolidated into a single Use as part of the Charter Bylaw passed on September 1, 2017.</p> <p>Proposed amendment provides Development Permit Inspection exemptions to row housing in greenfield developments, while maintaining the requirement for inspections of row housing for those developments located within the Mature Neighbourhood Overlay.</p> <p>Administration may still elect to require inspections in greenfield row housing developments where it deems appropriate.</p> <p>In 2019, 99% of row housing Development Permit Inspections in greenfield areas passed. In comparison, only 52% of row housing Development Permit Inspections in mature areas passed.</p>
R	<p>44. Projection into Setbacks and Separation Spaces</p> <p>The following features may project into a required Setback or Separation Space as provided for below:</p>	Proposed amendment allows for more efficient use of residential yards by reducing lost functional

	<p>1(c) Notwithstanding subsection 44.2(a) or 44.2(b):</p> <ul style="list-style-type: none"> i. Platform Structures and unenclosed steps, including landings, shall not project into a required Setback used for vehicular access; and ii. eaves or similar architectural features on Accessory buildings <u>may project</u>, provided that such projections do not exceed <ul style="list-style-type: none"> <u>A. 0.6 m for in the case of Setbacks or Separation Spaces of 1.2 m or greater; and;</u> <u>B. 0.456 m for Setbacks or Separation Spaces of 0.9 m or greater and less than 1.2 m; and</u> <u>C. 0.15 m for Setbacks or Separation Spaces less than 0.9 m, except that;</u> <ul style="list-style-type: none"> 1. <u>the distance between such projections and a property line may never be less than 0.45 m, except where the property abuts road right of way.</u> 	<p>amenity area where an accessory building (eg. a shed) is developed.</p> <p>Amendment allows for accessory buildings to be slightly closer to the side property line.</p>
S	<p>45. Objects Prohibited or Restricted in Residential Zones</p> <p>8. On a Site in a residential Zone, any component of a stationary mechanical system that:</p> <ul style="list-style-type: none"> a. emits noise or is designed to emit noise outside of a building that is audible on any Abutting Site in a residential Zone; and b. is located on, or Abutting, a Site in a residential Zone that has a Site Width of less than 9.0 m; <p>shall be located in a Rear Yard.</p>	<p>Since passing in 2013, this regulation has not significantly reduced or mitigated issues and disputes arising from nuisances produced by air conditioner units.</p> <p>Proposed deletion enables effective service delivery by eliminating the need to regulate the siting of air conditioner units in this particular way. This amendment does not remove other regulations in the bylaw pertaining to screening of HVAC equipment.</p> <p>During compliance scenarios that involve nuisances from air</p>

		<p>conditioners, it is exceedingly rare that this regulation would be used to resolve the complaint or issue.</p> <p>Typically these issues are resolved through mediation (formal and informal), and when enforcement officers take more action, they typically do not rely on this land use regulation, but rather apply the Community Standards Bylaw.</p> <p>Where noise is a nuisance, there are other ways to make changes that lessen the impact and allow for compliance with the Community Standards Bylaw. For example through scheduling use of the unit, shrouding, and maintenance.</p> <p>Presently, relocation of illegal units, in addition to being one of several compliance levers to deal with nuisance, presents other challenges. For example, when a unit is moved, it is not only costly, but the lengthy extensions of lines from the house to the air conditioner unit leads to reduced energy efficiency of the unit and creates potential for the loss of refrigerants to the atmosphere.</p>
T	50.3 Accessory Buildings in Residential Zones	<p>Proposed amendment enables effective service delivery, due to</p>

<p>5. Accessory buildings and structures shall be located as follows:</p> <p>b. an Accessory building or structure shall be located not less than 0.9 <u>0.6</u> m from the interior Side Lot Line, except:</p> <p>iv. where the Accessory building does not exceed the permitted Fence Height <u>by more than 0.4 m.</u></p> <p>f. an Accessory building or structure which exceeds 1.85 <u>2.7</u> m in Height shall be located at not less than 0.6 m from the Rear Lot Line; and</p>	<p>relaxation leading to fewer variance and compliance issues.</p> <p>Amendment allows for accessory buildings slightly taller than a fence to be slightly close to the side and rear property line.</p> <p>The additional height being proposed in 50.3(5)(b)(iv) was selected in order to accommodate typical heights of commonly available 'off-the-shelf' shed products.</p> <p>Note, residential fence height typically does not exceed 1.85m, however a Development Officer may vary it to a maximum of 2.44 m in order to provide additional screening from public roadways or incompatible adjacent Uses.</p>
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54.2 On-Site Vehicle Parking Quantities**Table 54.2.3**

Tiers	Deemed Minimum Parking For the purpose of calculating required barrier free Vehicle Parking Spaces
a) Tier 1: <ul style="list-style-type: none"> • Auctioneering Establishments • Casinos and Other Gaming Establishments • Commercial Schools • Funeral, Cremation and Interment Services • Health Services • Adult Mini-Theatre • Community Recreation Services • Exhibition and Convention Facilities • Indoor Participant Recreation Services • Natural Science Exhibits • Outdoor Participant Recreation Services • Private Clubs • Private Education Services • Public Education Services • Public Libraries and Cultural Exhibits • Public Park • Residential Sales Centre • Special Event • Spectator Entertainment Establishments • Spectator Sports Establishments • Tourist Campsite 	i) 1 parking space per 10.0 m ² of Floor Area, except that, any Use located within the area of application of the Main Streets Overlay as defined in section 819.2, Downtown Special Areas, or the Quarters Overlay, and is a permitted Use or a discretionary Use the following Deemed Minimum Parking applies: <ul style="list-style-type: none"> A) 0 Vehicle Parking spaces for the first 60 m² of Floor Area; and B) 1 Vehicle Parking space per 30.0 m² of Floor Area in excess of 60 m² of Floor Area
b) Tier 2: <ul style="list-style-type: none"> • Bars and Neighbourhood Pubs • Breweries, Wineries and Distilleries • Nightclubs • Restaurants • Specialty Food Services 	ii) 1 Vehicle Parking space per 10.0 m ² of Public Space, except that, any Use located within the area of application of the Main Streets Overlay as defined in section 819.2, Downtown Special Areas, or the Quarters Overlay, and is a permitted Use or a discretionary Use the following Deemed Minimum Parking applies: <ul style="list-style-type: none"> A) 0 Vehicle Parking spaces for the first 60 m² of Public Space; and B) 1 Vehicle Parking space per 30 m² of Public Space in excess of 60 m² of Public Space

Proposed amendment contains adjustments to Table 54.2.3 which reflect early learnings since implementation of Open Option Parking (OOP).

In the first few months of Open Option Parking being in effect, there are some Uses found to be in the incorrect tier. This resulted in a requirement for substantially more barrier free parking than intended or necessary. This amendment intends to better match Use with tier, which are used to determine barrier-free parking minimums.

The education Uses proposed for amendment in Table 54.2.3 of this omnibus were inaccurately assigned to a tier in the bylaw which enabled OOP; this proposed amendment aligns the current requirements with the pre-OOP requirements.

In addition to the oversight described above, the *Natural Science Exhibits* and *Public Libraries and Cultural Exhibits* Uses previously had high overall parking requirements that drove the need for variances to minimum parking requirements. In conjunction with variances to overall parking requirements, the barrier free requirements in these

	<p>c) Tier 3:</p> <ul style="list-style-type: none"> • Aircraft Sales/Rentals • Animal Hospitals and Shelters • Automotive and Equipment Repair Shops • Automotive and Minor Recreation Vehicle Sales/Rentals • Business Support Services • Cannabis Lounge • Cannabis Retail Sales • Carnivals • Convenience Retail Stores • Convenience Vehicle Rentals • Creation and Production Establishments • Drive-in Food Services • Drive-in Motion Picture Theatres • Equipment Rentals • Fleet Services • Gas Bars • General Contractor Services • General Retail Stores • Greenhouses, Plant Nurseries and Garden Centres • Household Repair Services • Limited Contractor Services • Liquor Stores • Major Amusement Establishments • Major Service Stations • Market • Media Studios • Minor Amusement Establishments • Minor Service Stations • Mobile Catering Food Services • <u>Natural Science Exhibits</u> • Non-accessory Parking • Pawn Stores • Personal Service Shops • Professional, Financial and Office Support Services • <u>Public Libraries and Cultural Exhibits</u> • Publicly Accessible Private Park 	<p>i) 1 Vehicle Parking space per 30.0 m² of Floor Area, except that, any Use located within the area of application of the Main Streets Overlay as defined in section 819.2, Downtown Special Areas, or the Quarters Overlay, and is a permitted Use or a discretionary Use the following Deemed Minimum Parking applies:</p> <p>A) 0 Vehicle Parking spaces for the first 60 m² of Floor Area; and</p> <p>B) 1 Vehicle Parking space per 100 m² of Floor Area in excess of 60 m² of Floor Area.</p>	<p>developments would be similarly reduced.</p> <p>Reference to Non-accessory Parking is also removed as that is no longer a Use in the zoning bylaw.</p> <p>Additionally, the Uses are updated to be alphabetical to improve readability</p>
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	<ul style="list-style-type: none"> • Rapid Drive-through Vehicle Services • Recycling Depots • Religious Assembly • Secondhand Stores • Train Station • Truck and Mobile Home Sales/Rentals • Vehicle and Equipment Sales/Rentals • Veterinary Services 		
	<p>d) Tier 4:</p> <ul style="list-style-type: none"> • Cemeteries • Child Care Services • Detention and Correction Services • Essential Utility Services • Establishments • Extended Medical Treatment Services • General Industrial Uses • Government Services • Land Treatment • Livestock Operations • Major Impact Utility Services • Minor Impact Utility Services • Natural Areas • Natural Resource Development • <u>Private Education Services</u> • Protective and Emergency Services • <u>Public Education Services</u> • Recreational Acreage Farms • Recycled Materials Drop-off Centre • Rural Farms • Small Animal Breeding and Boarding • Special Industrial Uses • Temporary Shelter Services • Temporary Storage • Urban Gardens • Urban Indoor Farms • Urban Outdoor Farms • Warehouse Sales 	<p>i) 1 Vehicle Parking space per 100.0 m² of Floor Area, except that, any Use located within the area of application of the Main Streets Overlay as defined in section 819.2, Downtown Special Areas, or the Quarters Overlay, and is a permitted Use or a discretionary Use the following Deemed Minimum Parking applies:.</p> <p>A) 1 Vehicle Parking space per 100.0 m² of Floor Area</p>	

V	<p>55.3 General Planting Requirements</p> <p>1. Unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following:</p> <p style="padding-left: 40px;">c. new trees and shrubs shall be provided on the following basis:</p> <p style="padding-left: 80px;">i. the proportion of deciduous to coniferous trees and shrubs shall be approximately 50:50; <u>except that, where landscaping exceeds the minimum planting quantity and proportions specified, deciduous and coniferous trees and shrubs exceeding the minimums may be provided in any proportion;</u></p>	<p>Proposed amendment increases landscape design flexibility by eliminating the 50:50 ratio of deciduous to coniferous trees and shrubs when the planting would exceed the minimum requirements of the bylaw.</p> <p>Proposed amendment enables effective service delivery; less time spent on review, compliance, and variances on issues related to landscaping that exceeds minimum requirements. Supports local businesses with fewer regulatory barriers. Supports design flexibility in landscape design.</p>
W	<p>75. Major Home Based Business</p> <p>10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.</p>	<p>Proposed amendment allows for Major Home Based Businesses to be developed on sites that contain Secondary Suites and Garden Suites.</p> <p>Supports local businesses with fewer regulatory barriers.</p> <p><i>This amendment is cross-referenced with Y and AA.</i></p>

X	<p>86. Secondary Suites</p> <p>3. Only one of a Secondary Suite or a Garden Suite may be developed in conjunction with each principal Dwelling, except in the RF1, RF2, and RF3 Zones where one Secondary Suite and one Garden Suite may both be developed in conjunction with a Single Detached House <u>ing or Semi-detached Housing.</u></p>	<p>This proposed amendment allows a combination of a Semi-detached Housing, Secondary Suites <i>and</i> Garden Suites on RF1, RF2, and RF3 Zones.</p> <p>In some instances where this amendment would allow such a development, there may exist other constraints related to emergency services access, hydrant location, utility capacity, building and fire codes that may otherwise constrain development. Administration is developing a draft policy that would provide additional guidance to builders on this matter.</p> <p>This will increase opportunities for densification.</p> <p><i>This amendment is cross-referenced with D and Z.</i></p>
Y	<p>86. Secondary Suites</p> <p>4. A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, Child Care Services or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.</p>	<p>Proposed amendment allows for Child Care Services and Major Home Based Businesses to be developed on sites that contain Secondary Suites.</p> <p>This supports local businesses with fewer regulatory barriers.</p> <p><i>This amendment is cross-referenced with W and AA.</i></p>

Z	<p>87. Garden Suites</p> <p>1. The minimum Site Width for a Garden Suite shall be the same as the minimum Site Width prescribed for the principal Dwelling Single Detached House in the underlying Zone.</p> <p>19. Only one of a Secondary Suite or Garden Suite may be developed in conjunction with a principal Dwelling, except in the RF1, RF2, and RF3 Zones where one Secondary Suite and one Garden Suite may both be developed in conjunction with a Single Detached Houseing, <u>Multi-unit Housing in the form of Row Housing, or Semi-detached Housing where permitted in the zone.</u></p>	<p>This amendment allows Garden Suites in combination with Secondary Suites and additional housing types, specifically Semi-detached Housing and Multi-unit Housing in the form of row housing.</p> <p>This will increase opportunities for densification.</p> <p>In some instances where this amendment would allow such a development, there may exist other constraints related to emergency services access, hydrant location, utility capacity, building and fire codes that may otherwise constrain development. Administration is developing a draft policy that would provide additional guidance to builders on this matter.</p> <p>Note: Multi-unit Housing is only permitted in RF3 Zones.</p> <p><i>This amendment is cross-referenced with D and X</i></p>
AA	<p>87. Garden Suites</p> <p>21. A Garden Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garden Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.</p>	<p>Proposed amendments allow for Major Home Based Businesses to be developed on sites that contain Secondary Suites and Garden Suites.</p>

		<p>This supports local businesses with fewer regulatory barriers.</p> <p><i>This amendment is cross-referenced with W and Y.</i></p>
BB	<p>90. Outdoor Noise Impacts Seating Associated With Speciality Food Services, Restaurants, Bars and Neighbourhood Pubs, and Nightclubs</p> <ol style="list-style-type: none"> 1. If any Specialty Food Service, Restaurant, Bar and Neighbourhood Pub or Where a Nightclub <u>is on a Site that</u> abuts or is across a Lane from a Site zoned residential or a Site with a residential development: <ol style="list-style-type: none"> a. the the Development Officer shall draw a line parallel to the boundary or Lane separating each such residential development or Zone and bisecting the Site containing the Specialty Food Service, Restaurant, Bar and Neighbourhood Pub or Nightclub Uses and shall not allow any outdoor seating on the side of any such line that is closest to the Residential Zone or development. b. 2. Outdoor speakers or amplification systems shall not be allowed on a Site that abuts or is across the Lane from a Site zoned residential. 	<p>Proposed amendment is necessary to sustain the same level of exemption from Development Permits as is the case through the temporary patio program which expires on December 31, 2020.</p> <p>Should this amendment not advance it will be necessary for the City to require permit applications for patios in order for a Development Officer to determine which portion of the site may contain patio seating per the regulations in Section 90.</p> <p>Proposed amendment expands the regulations on Nightclubs such that outdoor speakers or amplification systems shall not be allowed in any circumstance. This is proposed in response due to compliance challenges associated with nightclubs and nuisance noise.</p> <p>Proposed amendment retains regulation and requirement for a</p>

		<p>permit where a Nightclub may seek to have an outdoor patio.</p> <p>Proposed amendment enables effective service delivery.</p> <p><i>This amendment is cross-referenced with DD and H.</i></p>
CC	<p>91. Special Events</p> <p>2. The maximum duration of a Special Event, inclusive of set-up and take-down, shall:</p> <ul style="list-style-type: none"> a. be up to 3045 consecutive days, and up to a maximum of 3045 cumulative days per calendar year; or b. be of unlimited temporary duration between May 01 to August 31 or November 01 to December 31 in the same calendar year, where the Special Event is for the purpose of seasonal plant sales Accessory to a Use other than a Residential or Residential-Related Use. 	<p>Proposed amendment enables effective service delivery and supports local event organizers with reduced process barriers.</p> <p>Amendment increases duration of special events to 45 days.</p> <p>In current practice, Special Events exceeding 30 days may be permitted with a variance. This amendment would increase the allowable duration of a Special Event that may be approved without a variance to 45 days.</p>
DD	<p>820 Whyte Avenue Commercial Overlay</p> <p>820.1 General Purpose</p> <p>The purpose of this Overlay is to prohibit new Bars and Neighbourhood Pubs, and Nightclubs; and to prohibit the expansion of existing Bars and Neighbourhood Pubs, and Nightclubs; <u>to restrict expansion of existing Bars and Neighbourhood Pubs; and to, while providing</u> opportunities for Breweries, Wineries and Distilleries in the Whyte Avenue Commercial Area.</p> <p>820.3 Development Regulations</p>	<p>Amendment allows for new and expanded patios associated with existing Bars and Neighbourhood Pubs located within the boundaries of the Whyte Avenue Commercial Overlay.</p> <p>In the Whyte Avenue area, this proposed amendment is necessary to sustain the same level of exemption from Development</p>

<p>2. Existing Bars and Neighbourhood Pubs, and Nightclubs in the area of application of this Overlay shall not be allowed to expand beyond the occupancy load and Public Space specified by their respective approvals, <i>except:-</i></p> <ul style="list-style-type: none"> <i>a. in accordance with 12.2(1)(ee); or</i> <i>b. when the expansion of the Public Space and occupancy load of a Bars and Neighbourhood Pubs Use is for a new or expanded outdoor service area or patio space and the development otherwise complies with the requirements of the underlying Zone.</i> 	<p>Permits as is the case through the temporary patio program which expires on December 31, 2020.</p> <p>Should this amendment not advance, several of the patios allowed by the temporary program in the Whyte Avenue area will not be allowed to continue beyond December 31, 2020 and will not be able to apply for a permit for a new or expanded patio at any time.</p> <p>Proposed amendment retains regulation for Nightclubs as well as the moratorium on new Bars and Neighbourhood Pubs within the boundary of the Whyte Avenue Commercial Overlay</p> <p><i>This amendment is cross-referenced with BB and H.</i></p>
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