

EXISTING REGULATIONS (ZONING BYLAW 12800)	INITIAL DRAFT REGULATIONS (PROPOSED IN SEPTEMBER 2016)	WHAT WE HEARD (STAGE 4 + 5 CONSULTATIONS)	WHAT WE CHANGED (REVISED DRAFT FROM STAGE 4 + 5 CONSULTATIONS)	WHY (RATIONALE)
Section 814.1 General Purpose				
The purpose of this Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.	Stage 3: The purpose of this Overlay is to support residential development in Edmonton's mature residential neighbourhoods while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape and to provide opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.	Stage 4 + 5: There were two key themes that arose from consultation on the General Purpose statement: • There were those who wanted to see it remain the same (specifically to keep in the elements of access to sunlight and privacy and consultation); and • There were those who supported the change and even suggested Administration go a step further and remove additional, polarizing, words that are open to interpretation and do not reflect the nature of all neighbourhoods within the MNO. Such as "pedestrian-oriented design"	Stage 4: The purpose of this Overlay is to support residential development in Edmonton's mature residential neighbourhoods while responding to the context of surrounding development. Stage 5: The purpose of this Overlay is to regulate residential development in Edmonton's mature residential neighbourhoods and to provide an opportunity for gathering input from neighbouring parties on the impact of a proposed variance to the Overlay regulations.	The purpose statement has been further amended and simplified. The revised statement emphasizes Action 17 of the Infill Roadmap, which provides direction for the review of the Mature Neighbourhood Overlay: make it a more effective tool to support infill in our mature neighbourhoods and reduce the need for variances and Class B development permits, while responding to the context of a property across the wide diversity of established neighbourhoods. All the elements of the original general purpose statement, have been either maintained or included as regulations in the MNO. It is redundant to include regulatory elements within the general purpose of the Overlay. Privacy, character and sunlight access have been addressed as part of the new or modified regulations in the MNO or separate bylaw amendments. Consultation for variances remains part of the general purpose statement as it is a process rather than a regulation.
Section 814.2 Area of Application				
This Overlay applies to all Sites zoned RF1, RF2, RF3, RF4 and RF5 within the areas shown on the Appendix to this Overlay.	Stage 3: No change proposed.	Was not part of the discussion as the area of application was not proposed to change.	Stage 4 + 5: No change proposed.	The application of the MNO to underlying zones will ensure small scale infill is developed in context with mature area built form.

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Section 814.3 (1) Front Setback				
The Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. On a Corner Site, in the (RF3) Small Scale Infill Development Zone, where Row Housing, Stacked Row Housing or Apartment Housing faces the flanking Side Lot Line, the following regulations shall apply: a) For Lots where the Front Setback of the Abutting Lot is 9.0 m or less, the Front Setback shall be a maximum of 6.0 m. b) For Lots where the Front Setback of the Abutting Lot is greater than 9.0 m and less than 11.0 m, the Front Setback shall be consistent within 3.0 m of the Front Setback of the Abutting Lot, to a maximum of 7.0 m. c) For Lots where the Front Setback of the Abutting Lot is 11.0 m or greater, the Front Setback shall be within 4.0 m of the Front Setback of the Abutting Lot.	Stage 3: The Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the average Front Setback on Abutting Lots, to a maximum of 20% of the Site depth. Where an Abutting Site is vacant, it shall have a Front Setback of 20% of Site depth. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. Note: No changes are proposed to the Front Setback regulations for Row Housing, Stacked Row Housing or Apartment Housing Corner Sites in the (RF3) Small Scale Infill Development Zone. Subsections a, b and c of this regulation will be carried forward.	Stage 4 + 5: There were three key themes that arose from consultation on the Front Setback regulation: • Maintain the block face average calculation; • There was some divergence among stakeholders, some requesting a deeper front setback and others a shallower front setback; and • Refer to the underlying zone to determine the maximum and minimum Front Setback.	Stage 4 + 5: The Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the average Front Setback on Abutting Lots on the same block face, to a maximum of 20% of Site Depth. Where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot on the same block face. Site Depth means the distance between the mid-points of the Front Lot Line and the Rear Lot Line. Note: No changes are proposed to the Front Setback regulations for Row Housing, Stacked Row Housing or Apartment Housing Corner Sites in the (RF3) Small Scale Infill Development Zone. Subsections a, b and c of this regulation will be carried forward.	The existing approach of using the block face average to determine the front setback is uncertain, costly and open to interpretation, thus lacking in consistent application of the regulation. It also results in increased variances to other regulations of the MNO, such as to the rear setback requirement (See 814.3(5)). Increasing the percentage of site depth (greater than 20%) will result in larger front yards and reduce the size of the rear yard or allowable building pocket of the dwelling, which does not align with what majority of survey respondents saw as more important. <i>70% of survey respondents preferred a larger back yard than front yard (See page 57 – Attachment 5 – Consultation and Engagement Summary).</i> While there is merit in establishing a fixed maximum front setback or relying on the front setback of the base zone for these limits, there is very little appetite for this approach among those who provided feedback. A contextual approach is favoured. Administration has tried to maintain a contextual approach through determining the average front setback of abutting lots and establishing a maximum setback based on the same site characteristic used to establish the rear setback (site depth).

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Section 814.3(2) – Side Setbacks				
Where the Site Width is less than 18.3 m, the Side Setback requirements of the underlying Residential Zone shall apply.	Stage 3: Side Setbacks shall be established on the following basis: a) where the Lot width is 12.0 m or less: i. the minimum required interior Side Setback shall be 1.2 m; ii. a Side Setback adjacent to a flanking public roadway, other than a Lane, shall be a minimum of 1.5 m; b) where a Site Width is greater than 12.0 m and less than 18.3 m, the Side Setback requirements of the underlying Zone shall apply; c) where a Site Width is 18.3 m or wider: i. Side Setbacks shall total 20% of the Site Width but shall not be required to exceed 6.0 m in total; ii. the minimum interior Side Setback shall be 2.0 m, except if the requirements of the underlying Zone are greater, the underlying Zone requirements shall apply; and iii. on a Corner Site, the Side Setback requirements along a flanking public roadway, other than a Lane, shall be in accordance with the requirements of the underlying Zone.	Stage 4: There were two key themes that arose from consultation on Side Setbacks: • Maintain the minimum 1.2 m side yard; or • Increase the minimum to at least 1.5 m or as much as 2.0 m. Stage 5: There were two key themes that arose in response to draft regulations on Side Setbacks: • Increase the minimum to 1.5 m • Reduce flanking side setback to ensure buildability on narrower corner lots	Stage 4: Regulation not changed since proposed in September 2016 Stage 5: Side Setbacks shall be established on the following basis: a) where the Site Width is 12.0 m or less, the minimum required setback shall be 1.2 m; b) where a Site Width is greater than 12.0 m and less than 18.3 m, the Side Setback requirements of the underlying Zone shall apply; c) where a Site Width is 18.3 m or wider: i. Side Setbacks shall total 20% of the Site Width but shall not be required to exceed 6.0 m in total; ii. the minimum interior Side Setback shall be 2.0 m, except if the requirements of the underlying Zone are greater, the underlying Zone requirements shall apply; and iii. on a Corner Site, the Side Setback requirements along a flanking public roadway, other than a Lane, shall be in accordance with the requirements of the underlying Zone.	The mandate of the review is to ensure a reduction in variances and to reflect context. The proposed regulation continues the tradition of a contextual side yard for the largest lots, while making a predictable and efficient use of land for more modest sized lots. An increase to side setbacks would reduce redevelopment opportunity on narrower lots and could result in increased variances. A 1.2 m side yard is consistent with other Canadian cities, and has been a consistent minimum requirement in the Zoning Bylaw for decades. A 1.2 m flanking side setback for lots less than 12.0 m in width preserves a functional building pocket width on corner lots that were historically subdivided without the requirement for greater flanking side setbacks.

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Section 814.3(3) – Side Setbacks				
Where the Site Width is 18.3 m or greater: a) Side Setbacks shall total 20% of the Site Width but shall not be required to exceed 6.0 m in total; b) the minimum interior Side Setback shall be 2.0 m, except if the requirements of the underlying Zone are greater, the underlying Zone requirements shall apply; and c) on a Corner Site, the Side Setback requirements on the flanking public roadway, other than a Lane, shall be in accordance with the requirements of the underlying Zone.	Stage 3: Deleted and combined with Section 814.3.2 above.	Stage 4 + 5: See above.	Stage 4 + 5: Deleted and combined with Section 814.3.2 see above.	For ease of understanding, regulations dealing with side setbacks have been integrated into a single regulation (see 814.3(2) – Side Setbacks).
Section 814.3(4) – Side Setback and Privacy Requirements				
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.	Stage 3: 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 side 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.	Stage 4: No comments specific to this regulation were received. Stage 5: There were two key themes that arose in response to draft regulations on Side Setbacks: • remove privacy and overlook requirements • provide neighbours the opportunity to review drawings to determine if privacy is impacted, prior to Development Officer rendering a decision	Stage 4 + 5: Regulation not changed since Stage 3.	The proposed change to this regulation identifies that it is the location of the side windows of the proposed development that is needed, not all windows, such as rear and front facing windows, as the existing regulation implies. This regulation was amended by Administration on August 22, 2016 as part of Bylaw 17727. Administration believes the current approach achieves a balance between key themes raised by stakeholder.

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Section 814.3(5) – Rear Setback				
The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.	Stage 3: No change proposed.	Stage 4 + 5: Edmontonians indicated that they value a larger rear yard more than a large front yard. Larger rear yards provide a much loved private activity space for personal or family use.	Stage 4 + 5: The minimum Rear Setback shall be 40% of Site Depth. Site Depth means the distance between the mid-points of the Front Lot Line and the Rear Lot Line.	Edmontonians have indicated that larger rear yards are more desirable than larger front yards. However, the rear setback is the most varied MNO regulation in order to accommodate blockface alignment with large front setbacks, and preserve a functional building pocket. The tradeoff that is proposed in order to reduce variances to the rear yard, is to alter the front setback regulations such that the house can move forward to maintain the rear yard.
Section 814.3(6) – Platform Structures (Front Yard)				
Notwithstanding Section 44 of this Bylaw, a single Storey Platform Structure may project a maximum of 2.0 m into a Front Setback from the first Storey of a Dwelling, provided that a minimum of 3.0 m is maintained between the Front Lot Line and the Platform Structure.	Stage 3: Notwithstanding Section 44 of this Bylaw, a Platform Structure or single Storey Unenclosed Front Porch may project from the first Storey of a Dwelling a maximum of 2.5 m into a required Front Setback, provided that a minimum of 3.0 m is maintained between the Front Lot Line and the Platform Structure or Unenclosed Front Porch.	Stage 4: There were two key themes that arose from consultation on Side Setbacks: - Those who felt 2.5 m was too far and created privacy concerns; and - Those who liked the proposed change. Stage 5: Stakeholders largely in support of reduced allowable projection distance of 2.0 m	Stage 4: Notwithstanding Section 44 of this Bylaw, a Platform Structure or single Storey Unenclosed Front Porch may project from the first Storey of a Dwelling a maximum of 2.5 m into a required Front Setback, provided that a minimum of 3.0 m is maintained between the Front Lot Line and the Platform Structure or Unenclosed Front Porch. Stage 5: Notwithstanding Section 44 of this Bylaw, a Platform Structure or single Storey Unenclosed Front Porch may project from the first Storey of a Dwelling a maximum of 2.0 m into a required Front Setback, provided that a minimum of 3.0 m is maintained between the Front Lot Line and the Platform Structure or Unenclosed Front Porch.	To respond to consultation feedback from Stage 4, Administration has reduced the distance an unenclosed front porch (veranda) may project into a front yard. This distance has been reduced from 2.5 m as originally proposed to 2.0 m. This form is being limited to single storey structures. Allowing verandas to project into front setbacks is intended to encourage the placement of useable amenity space in the front yard, and incentivizing this design feature. Privacy concerns were expressed with this form of development. Concerns that decks and verandas will allow residents to see directly into neighbouring properties front windows. Administration feels that this has no more of an impact than those walking on the street would have.

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Section 814.3(7) – Platform Structures (Flanking Side Yard)				
Notwithstanding Section 44 of this Bylaw, a single Storey Platform Structure may project a maximum of 2.0 m from the first Storey of a Dwelling into a Side Setback abutting a flanking public roadway other than a Lane, providing there is at least 1.5 m between the property line and the Platform Structure.	Stage 3: Notwithstanding Section 44 of this bylaw, a Platform Structure or single Storey Unenclosed Front Porch may project from the first Storey of a Dwelling a maximum of 2.0 m into a required flanking Side Setback, provided that a minimum of 1.5 m is maintained between the flanking Side Lot Line and the Platform Structure or Unenclosed Front Porch.	Stage 4 + 5: There were no comments received specific to this regulation outside of the general comments identified above (in Section 814.3.6).	Stage 4 + 5: Regulation not changed since proposed in Stage 3.	No change.
Section 814.3(8) – Privacy Screening on Platform Structures				
Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.	Stage 3: Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above Grade shall provide Privacy Screening to prevent visual intrusion into Abutting properties.	Stage 4: No comments specific to this regulation were received. Stage 5: Use of the defined term “Grade” is inconsistent with implementation of other regulations for platform structures. Prefer use of consistent method.	Stage 4: Regulation not changed since proposed in September 2016. Stage 5: Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, not including any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties.	This regulation was intended to be amended by Administration on August 22, 2016 as part of Bylaw 17727. However changes were omitted in Bylaw 17727 – Text Amendment to Zoning Bylaw 12800 to Amend Privacy Screening Requirements.
Section 814.3(9) – Building Orientation				
Principal buildings shall face a public roadway other than a Lane.	Stage 3: Remove regulation.	Stage 4 + 5: No substantial comments received regarding this regulation throughout Stage 4. As such, no additional changes are proposed.	Stage 4 + 5: Remove regulation.	Streamlining Mature Neighbourhood Overlay by removing redundant regulations already found within the RF1–RF5 zones. RF1–RF5 Zone Regulation – <i>Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line.</i>

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Section 814.3(10) – Driveway Access				
Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and a) a Treed Landscaped Boulevard is present along the roadway adjacent to the property line; b) the Site Width is less than 15.5 m; or c) fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.	Stage 3: Vehicular access to a Site shall be from an Abutting Lane, unless a Site has existing vehicular access from a public roadway other than a Lane.	Stage 4 + 5: There were three key themes that arose from consultation on driveway accesses: • Maintain the existing regulation (to allow for new front accesses if 50% of the block face contains front access driveways); • To prohibit the continuation of front access driveways where a rear lane exists (even if the site contains existing access); or • To allow for front accesses to continue in certain situations (i.e. on corner sites or corner lane sites)	Stage 4: Regardless of whether a Site has existing vehicular access from a public roadway, no such access shall be permitted where an Abutting Lane exists, except: i) where the existing principal Dwelling has a front attached Garage, or ii) a Site has existing vehicular access from a flanking public roadway. Stage 5: Regardless of whether a Site has existing vehicular access from a public roadway, other than a Lane, no such access shall be permitted to continue where an Abutting Lane exists.	This regulation has been revised based on the overwhelming amount of feedback in non-support. Administration has further amended this regulation to prohibit the continuation of all front driveway accesses where an abutting lane exists. The purpose of this regulation is to ensure the continued transition to a state where all mature lots with lane access are redeveloped to reinforce the pattern of walkable uninterrupted sidewalks and continuously treed boulevards. Driveways that currently exist where a lane is present would have nonconforming status and can continue to exist until redevelopment, at which time road access must be closed and access must be taken from the abutting lane. Requesting a variance and undertaking consultation is an appropriate method of seeking approval.
Section 814.3(11) – Front/Side Facing Attached Garage Width				
If vehicular access is provided from a public roadway other than a Lane, a Garage may only protrude beyond the front wall of the principal building a distance that is characteristic of the majority of existing Garages on the blockface. The Garage may have a width that does not exceed the width of the majority of existing Garages on the blockface.	Stage 3: Combined with Section 814.3(19).	Stage 4 + 5: There was strong support for continuing to limit the protrusion and width of front attached garages. Minimizing the massing of front attached garages helps to maintain mature area character.	Stage 4 + 5: Combined with Section 814.3(19).	For ease of understanding and streamline the MNO, regulations addressing attached garages are consolidated into a single regulation (see Section 814.3(19) – Front Attached Garage).

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Section 814.3(12) – Row Housing Facade				
The maximum width of a façade of Row Housing, Stacked Row Housing or Apartment Housing that faces a public roadway shall be 48.0 m.	Stage 3: Remove regulation.	Stage 4 + 5: Opinions on the deletion of this regulations were either in favour or wished the regulation to remain in its current state. There were questions surrounding whether there are facade length limitations contained within the underlying zone. If so, stakeholders would be satisfied with the removal of this regulation.	Stage 4 + 5: Remove regulation.	Within the zones that the MNO applies, Row Housing is a listed Use in the RF3 and RF5 Zones. The RF3 Zone provides the opportunity for Row Housing up to a maximum of four dwellings on a site and the RF5 Zone requires additional architectural treatment for Row Housing developments of six or more attached Dwellings. This regulation has been very rarely used and thus Administration proposes it be deleted. As well, New Regulation 2 and 3, below, will work to and add visual interest and articulate front facades to prevent monolithic walls from occurring.

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Section 814.3(13) – Height				
The maximum Height shall not exceed 8.6 m, in accordance with Section 52.	Stage 3: The maximum Height shall not exceed 8.9 m.	Stage 4 + 5: Most Edmontonians have a preference to keep a lower height limit in the Mature Neighbourhood Overlay so that shadow and massing effects are less than what is allowed outside mature areas. There were some opinions that expressed the desire to increase the height maximum to that of the underlying zone.	Stage 4: Regulation not changed since proposed in Stage 3 Stage 5: Option 1: The maximum Height shall not exceed 8.9 m. <u>Option 2: (not included in draft amendments at this time. To be explored in Height and Grade Part 3, Q3 2017)</u> <i>The maximum Height is the greater of:</i> a) 8.9 m; or b) the average Height of principal structures on Abutting Sites plus 1.5 m, to a maximum of 10.0 m. <i>Where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Height of 8.9 m.</i> Note: additional regulations such as stepback requirements, cross section distance limits and floor plate limits may be necessary to control additional scale, size and massing of taller structures.	Option 1: While there was some feedback that height should be contextual or should be similar in scale to previous development, Administration chose to keep height relatively consistent with current height limits. Changes to the National Energy Code require a modest increase in Height to accommodate a higher heel height and insulation requirements, while still resulting in a height that is contextually restrained. Option 2: There are some neighbourhoods within the mature areas where the height of existing development exceeds the current height limit of 8.6 m. These situations provide context for increased height limits, to a maximum of 10 m. A contextual height limit increase could provide greater opportunity for alternative housing options such as Row Housing Stacked Row Housing and Apartment Housing. However, this option has not been included in the draft amendments at this time. This is an element that Administration is highlighting to be explored in a future project, Height and Grade Part 3, which will be brought forward to Committee in the later half of 2017.

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Section 814.3(14) – Upper Half Storey				
The Floor Area of the upper half Storey of a 2 1/2 Storey building shall not exceed 50% of the structure's second Storey Floor Area.	Stage 3: Remove regulation.	Stage 4 + 5: Massing and shadowing concerns have been expressed with the removal of this regulation. Respondents felt that the upper storeys will block neighbours' access to the sun and the ability to construct a full third storey to an 8.9 m height will result in larger buildings than what was there previously.	Stage 4 + 5: Remove regulation.	The Zoning Bylaw no longer uses storeys to determine the height of a structure. Storeys now refers only to the number of habitable floors above grade within a structure. For buildings with an upper half Storey (pitched roof design structures only), height is measured from grade to the midpoint of a roof. As such, the appearance of massing, size, height, and shadowing of a building will not be altered by a reduction of interior floor area. What will be altered is the useable floor area within the building. Restricting the floor space results in lost internal floor area, not a decreased exterior presence. Internal floor space is lost due to the construction of internal demising walls to limit amount of usable floor area of the uppermost storey, without affecting the roof line. While Administration heard that there were concerns regarding the removal of the regulation, the concerns are such that they will not be abated by the inclusion or removal of this regulation.
Section 814.3(15) – Dormer Widths				
When a structure is more than 7.5 m in Height, the width of any one dormer shall not exceed 3.1 m. In the case of more than one dormer, the aggregate total width shall not exceed one third of the length of the building's wall in which the dormers are located, excluding attached Garage walls.	Stage 3: When a structure is greater than 7.5 m in Height, the width of any one dormer shall not exceed 3.6 m. In the case of more than one dormer, the aggregate total width shall not exceed one third of the length of the building's wall in which the dormers are located.	Stage 4 + 5: No substantial comments received regarding this regulation throughout Stage 4 + 5. As such, no additional changes are proposed.	Stage 4 + 5: Regulation not changed since Stage 3.	The overall intent of this rule is maintained with a small increase in maximum width of a single dormer to accommodate usable interior space.

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Section 814.3(16) – Basement Elevation				
The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.	Stage 3: The Basement elevation shall be no more than 1.5 m above Grade. The Basement elevation shall be measured as the distance between Grade the average of the elevation at the front corners of the Site and the floor of the first Storey.	Stage 4 + 5: There were two key themes that arose from consultation on basement height: • Support for the increase to 1.5 m • Delete the regulation entirely There is support to allow for larger basements to increase livability, allow more light in and to accommodate situations where shallow utilities are present. However, some feel that just an increase in height will not suitably achieve these aims.	Stage 4: The Basement elevation shall be no more than 1.5 m above ground level. The Basement elevation shall be measured as the distance between the average of the elevation at the front corners of the Site and the finished floor of the first Storey. Stage 5: The Basement elevation shall be no more than 1.5 m above Grade. The Basement elevation shall be measured as the distance between Grade and the finished floor of the first Storey.	Intent of modest basement elevation increase is to improve livability of basement suites and assist in developing sites with shallow sanitary services. Administration has chosen to maintain a maximum basement elevation to preserve the pedestrian-friendly design of the streetscape. By allowing a small increase in the elevation of basements, larger windows can be accommodated and window wells do not need to be as deep to meet Building Code requirements. This change has no impact on the overall allowable height of the structure.
Section 814.3(17) – Distance from Rear Lot Line to Garage				
The minimum distance from the Rear Lot Line to a detached Garage where the vehicle doors face the Lane shall be 1.2 m.	Stage 3: No change proposed.	Stage 4 + 5: No comments received regarding this regulation.	Stage 4 + 5: Regulation not changed since Stage 3.	No strong comments were received regarding this regulation. Thus no change has been proposed.

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Section 814.3(18) – Rear Attached Garage				
Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.	Stage 3: Rear attached Garages that face a Lane shall be developed in accordance with the following: a) the minimum Site Width shall be 15.0 m; b) for Single Detached Housing the Garage shall be constructed to accommodate a maximum of two side-by-side vehicles; c) for Single Detached Housing the Garage portion shall be developed Abutting an exterior side wall of the structure; d) for Semi-detached Housing and Duplex Housing, the Garages shall be constructed to accommodate a maximum of one vehicle; e) for Semi-detached Housing and Duplex Housing, Garages shall be attached to a shared common wall, and include a shared Driveway; f) the area Hardsurfaced for a Driveway, including walkways, shall be: i. a minimum width of 3.1 m; and ii. a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of side-by-side parking spaces contained within the Garage; Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling and Garage both face the flanking public roadway.	Stage 4: There were two key themes that arose from consultation on rear attached garages: • Revert back to the original regulation of the MNO • Delete the proposed changes entirely Concerns about this design included large amounts of hard surfacing in the rear yard, larger structures in the rear yard, and the rear setback not being maintained. There is some support for rear detached garages connected to the principal dwelling via a breezeway/hallway. Stage 5: Providing opportunity for rear attached garages on corner lots encourages additional flanking driveway accesses (when garage faces flanking street), or excessive amounts of hard surfacing between lane and rear setback (when garage faces the lane).	Stage 4: Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling and Garage both face the flanking public roadway. Stage 5: Rear attached Garages shall not be allowed.	Allowing rear attached garages requires considerable hard surfacing and a curb cut and sidewalk crossing where a yard can reasonably be accessed from a lane. Access shall be from the lane to preserve walkability and tree lined boulevards characteristic of >90% of mature neighbourhoods. There is desire from some stakeholders for a breezeway connection to rear detached garages, mainly for the convenience and comfort it affords. Additional work will be required to determine if garages connected by a breezeway or hallway will work in mature areas such that outcomes are sensitive to their surroundings. Another primary concern with connecting rear garages to the principal dwelling is the integration of garden suites and the cumulative impacts in these scenarios.

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Section 814.3(19) – Front Attached Garage				
For Single Detached Housing, Duplex Housing and Semi-detached Housing with no Lane access, with a front or side attached Garage, the Garage shall be developed in accordance with the following: a) The Garage shall be constructed to accommodate a maximum of two vehicles; b) Front attached Garages for Semi-detached Housing and Duplex Housing shall be designed so that the Garage is attached to a shared common wall and includes a shared driveway apron; c) Building mass shall be articulated through features such as recessions or off-sets, architectural treatments, and landscaping; and d) Each Dwelling shall have an entrance door or entrance feature at the front of the structure and oriented toward the roadway.	Stage 3: For attached Garages facing a public roadway other than a Lane, the Garage shall be developed in accordance with the following: a) the Garage may protrude a maximum of 0.6 m beyond the principal front or flanking Facade of the principal building; b) maximum Garage width shall be 7.3 m or 40% of the Site Width, whichever is less; c) in no case shall the Garage be located less than 4.5 m from the Front Lot Line or flanking Side Lot Line; d) for Semi-detached Housing and Duplex Housing, Garages shall be attached to a shared common wall, and include a shared driveway apron; and e) building mass shall be articulated through features such as recessions or off-sets, architectural treatments, and Landscaping. For Single Detached Housing, Duplex Housing and Semi-detached Housing with a front or side attached Garage, the Garage shall be developed in accordance with the following: a) Front attached Garages for Semi-detached Housing and Duplex Housing shall be designed so that the Garage is attached to a shared common wall and includes a shared driveway apron; and b) Building mass shall be articulated through features such as recessions or off-sets, architectural treatments, and landscaping.	Stage 4: There were three key themes that arose from consultation on front attached garages: • Allow for a larger protrusion distance (up to 1.2 m from the front facade) and reduce the site width percentage from 40% to 35 % • Increase the site width percentage to allow for double car garages on 50 ft lots • Do not allow any new front attached garages in neighbourhoods where there is a lane unless there is an existing front attached garage on the site Stage 5: Stakeholders preferred a contextual outcome to a fixed metric outcome. A contextual approach provides greater flexibility in design, responds to existing neighbourhood context.	Stage 4: If vehicular access is provided from a public roadway other than a Lane: a) a Garage may only protrude beyond the front wall of the principal building a distance that is characteristic of existing Garages on the blockface; b) a Garage may have a width that does not exceed the width of the majority of existing Garages on the blockface; c) Building mass shall be articulated through features such as recessions or off-sets, architectural treatments, and landscaping; and d) Front attached Garages for Semi-detached Housing and Duplex Housing shall be designed so that the Garage is attached to a shared common wall and includes a shared driveway apron. Stage 5: Attached Garages shall be developed in accordance with the following: a) a Garage may protrude beyond the front or flanking wall of the principal building a distance that is characteristic of existing Garages on the blockface; b) a Garage may have a maximum width that is characteristic of the width of existing attached Garages on the blockface; c) building mass shall be articulated through features such as recessions or off-sets, architectural treatments, and landscaping; and d) for Semi-detached Housing, Duplex Housing, Row Housing, Stacked Row Housing and Apartment Housing, Garages shall be designed so that the Garage is attached to a shared common wall and includes a shared driveway apron where possible.	Stakeholders preferred a contextual outcome to a fixed metric outcome. A contextual approach provides greater flexibility in design, and responds to existing neighbourhood context, which aligns with mandate of the MNO review. For example, the regulation no longer limits the size of the garage to 2 cars if the context supports 3.

EXISTING REGULATIONS (ZONING BYLAW 12800)	INITIAL DRAFT REGULATIONS (PROPOSED IN SEPTEMBER 2016)	WHAT WE HEARD (STAGE 4 + 5 CONSULTATIONS)	WHAT WE CHANGED (REVISED DRAFT FROM STAGE 4 + 5 CONSULTATIONS)	WHY (RATIONALE)
Section 814.3(20) – Rear Detached Garage Location				
A rear detached Garage shall be fully contained within the rear 12.8 m of the Site.	Stage 3: No change proposed.	Stage 4 + 5: No comments received regarding this regulation.	Stage 4 + 5: No change proposed.	Regulation supports the context of mature neighbourhoods where the garage is detached and located close to the rear property line.
Section 814.3(21) – Rear Detached Garage for Row Housing				
For Stacked Row Housing and Row Housing the maximum width of a rear detached Garage shall be 12.0 m. Rear detached Garages for Row Housing on Corner Sites oriented towards the flanking street shall have a maximum width of 14.0 m. Garages shall be separated by a minimum of 1.8 m.	Stage 3: Remove regulation.	Stage 4 + 5: Generally there was support for the deletion of this regulation. There were a few comments proposing that by removing this regulation sightlines to the rear lane will be eliminated.	Stage 4 + 5: Remove this regulation.	Within the zones that the MNO applies, Row Housing is a listed Use in the RF3 and RF5 Zones. The RF3 Zone provides the opportunity for Row Housing up to a maximum of four dwellings per site, thereby limiting the practical width of a garage and the RF5 Zone contains existing regulations that restrict garage width (see Section 160.(4) (13)).
Section 814.3(22) – Separation Distance between Garage and Principal Dwelling				
A principal building shall be separated from a rear detached Garage by a minimum of 3.0 m.	Stage 3: No change proposed.	Stage 4 + 5: Comments received on this regulation included a suggestion that the principal dwelling and any proposed garage and garden suite be separated by a distance of 5.0 m to provide audio and visual separation between the two dwellings.	Stage 4 + 5: No change proposed.	Increasing the separation distance between the principal dwelling and the rear detached garage can have a cascading effect on other regulations in the Overlay. Regulations 5 (Rear Setback), 17 (minimum distance from the Rear Lot Line to a detached Garage) and 20 (Rear Detached Garage Location) work in tandem to allow for an appropriately sized garage while maintaining the rear amenity space for the use and enjoyment of the residents of the site. Increasing the separation distance will create situations where variances to the Rear Setback or the minimum distance from the Rear Lot Line to a detached Garage will be necessary to fit a garage and garden suite on a site, or will serve to create barriers to the development.

EXISTING REGULATIONS (ZONING BYLAW 12800)	→	INITIAL DRAFT REGULATIONS (PROPOSED IN SEPTEMBER 2016)	→	WHAT WE HEARD (STAGE 4 + 5 CONSULTATIONS)	→	WHAT WE CHANGED (REVISED DRAFT FROM STAGE 4 + 5 CONSULTATIONS)	→	WHY (RATIONALE)
Section 814.3(23) – Statutory Plan Override								
The Development Officer shall have regard for any applicable Statutory Plan and may, where a Statutory Plan specifies, notwithstanding subsection 11.4 of this Bylaw, vary the regulations of both this Overlay and the underlying Zone as they affect Height, Density and Floor Area Ratio. In all cases, the variances shall be within the ranges specified in the Statutory Plan. In all such cases, the application shall be a Class B Development Permit and the pre-application consultation provisions of subsection 814.3(24) shall apply.		Stage 3: Remove regulation.		Stage 4 + 5: This proposed deletion was generally supported by all stakeholders.		Stage 4 + 5: Remove regulation.		This regulation is rarely, if ever applied. While it does allow the Development Officer to override the regulation of the MNO, this still means that a variance will be required. In striving to reduce variances, this regulation does not improve upon the built form and only increases opportunities for variances to the MNO.

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Section 814.3(24) – Consultation for Variances				
When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay: a) the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League; b) the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application; c) the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and d) the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.	Stage 3: 1. When the Development Officer receives a Development Permit Application for the construction of new Apartment Housing, Duplex Housing, Garage Suite, Garden Suite, Row Housing, Semi-detached Housing, Single Detached Housing, Stacked Row Housing, or any other development at the discretion of the Development Officer, and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay, the Development Officer shall dispatch notice by ordinary mail to the specified recipients to solicit comments on the specific variances in accordance with Table 814.4(7). 2. The notice shall outline all proposed variances to Section 814, and any additional variances at the discretion of the Development Officer, and shall include: a) contact information for the applicant or property owner; b) contact information for the Development Officer; c) municipal address of the proposed development; d) a description of the proposed development, including the Use; e) the City of Edmonton file number for the Development Permit; f) any other information required at the discretion of the Development Officer. 3. The Development Officer shall make the Site Plan and elevation drawings available for viewing. 4. The Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed. 5. Notwithstanding Section 814.3(24)(4), the Development Officer may render a decision on the Development Permit Application less than 21 days after notice has been mailed, if the Development Officer has received feedback from the specified recipients in accordance with Table 814.4(7). 6. The Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3.	Stage 4 + 5: Consultation is important and a valuable part of the Mature Neighbourhood Overlay. There are some problems with the process and it can be improved by having the City manage the process, instead of the applicant. Some forms of development do not require extensive notification, while others do.	Stage 4: Minor change proposed. "Distance from Rear Lot Line to Garage" is being relocated from Tier 3 consultation to Tier 2 consultation. Stage 5: When the Development Officer receives a Development Permit Application for the construction of new Apartment Housing, Duplex Housing, Garage Suite, Garden Suite, Row Housing, Semi-detached Housing, Single Detached Housing, Stacked Row Housing, Religious Assembly, Group Home or Limited Group Home and determines that the proposed development does not comply with the regulations contained in this Overlay; or any additions or exterior alterations to an existing structure that requires a variance to the following regulations of this Overlay: 814.3.1 Front Setback, 814.3.5 Rear Setback, 814.3.8 Privacy Screening on Platform Structures, or 814.3.13 Height: a) the Development Officer shall send notice, to the affected parties specified in Table 814.3(24)(c), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance; b) the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed, unless the Development Officer receives feedback from the specified recipients in accordance with Table 814.3(24)(c); and c) The Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the development permit application in accordance with Section 11.3.	The current process lacks transparency and is open to abuse. The proposed change will make the City, not the applicant, responsible for notification of the variances and responsible for collecting feedback on the proposed variances. To streamline the consultation process some forms of minor development are proposed to have a reduced notification requirement, major developments will retain the current 60 m notification radius. The proposed change also introduces a tiered approach to variance notification and consultation. The change acts on feedback from residents and community leagues about the high volume of notices received. A technical review of the responses received to these notices showed a low level of input received for additions, decks, garages, and other accessory developments, and as a result, the revised regulation proposes to require consultation only for new residential development or major forms of renovations. A tiered approach will enable the City to retain the 60 metre notification process for new development that involves variances to the most impactful regulations, while reducing the extent of notification for less impactful variances. Notice of issuance of a development permit with a variance will still be issued to Community Leagues and neighbours within 60 m of the subject site. Removing Community Leagues is a necessary process improvement to reduce permit approval timelines for minor forms of development that require a variance.

TABLE 814.4(7)		
Tier#	Recipients:	Regulation Proposed to be Varied:
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(1) – Front Setback 814.3(10) – Driveway Access 814.3(13) – Height 814.3(15) – Dormer Width 814.3(16) – Basement Elevation 814.3(19) – Front Attached Garage 814.4(1) – Additional Development Regulations for Specific Areas New Regulation 1 – Facade Articulation between Semi-Detached Dwellings New Regulation 2 – Facade Articulation for Semi-Detached and Row Housing Dwellings New Regulation 3 – Architectural Treatment New Regulation 3 – Variation of Building Design
Tier 2	The municipal address and assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(5) – Rear Setback 814.3(17) – Distance from Rear Lot Line to Garage 814.3(18) – Rear Attached Garage
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development	814.3(2) – Side Setbacks 814.3(4) – Side Setback and Privacy Requirement 814.3(6) – Platform Structures (Front Yard) 814.3(7) – Platform Structures (Flanking Side Yard) 814.3(8) – Privacy Screening on Platform Structures 814.3(20) – Rear Detached Garage Location 814.3(22) – Separation Space between Garage and Principal Dwelling New Regulation 5 – Projection of Cantilevers into Side Setbacks

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Section 814.4 Additional Development Regulations for Specific Areas				
1. The following regulations shall apply to row housing development abutting 109 Street between the north side of 62 Avenue and the south side of 69 Avenue: a) the minimum Setback abutting 109 Street shall be 3.0 m; and b) a pedestrian walkway system shall be provided along the adjacent portion of 109 Street with the following features: i. a sidewalk with an unobstructed walking width of 2.0 m; ii a landscaped boulevard 2.0 m wide separating the sidewalk from 109 Street; and iii. boulevard trees at a 6.0 m spacing. The pedestrian walkway system should maintain continuity with the design that has been constructed for other new developments along 109 Street. Utility relocation which may be required to construct the pedestrian walkway system shall be at the expense of the developer.	Stage 3: Remove regulation.	Stage 4 + 5: Stakeholders group indicated that this section of the Overlay should be kept to create a pedestrian-oriented walkway with treed boulevards along 109 street and is consistent with the policies of the 109 Street Corridor ARP.	Stage 4: Retain the regulation within the Zoning Bylaw. Specific location to be determined. Stage 5: Due to stakeholder feedback, regulation will remain “as is” in the MNO until such time and work is completed that provides a more appropriate location for regulations.	Administration will seek to incorporate regulations into a more appropriate location of the Zoning Bylaw through future work such as the Pedestrian Commercial Shopping Street Overlay.

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New Regulation 1 – Facade Articulation between Semi-Detached Dwellings				
Stage 3: Semi-detached Housing shall have: a) the principal front Facade of each Dwelling staggered a minimum of 0.6 m behind or projecting forward from the principal front Facade of the other attached Dwelling; and b) the principal rear Facade of each Dwelling staggered a minimum of 0.6 m behind or projecting forward from the principal rear Facade of the other attached Dwelling.	Stage 4 + 5: Primarily there was support for this regulation among those who commented. Some dissenting views indicated that the requirement specifically for articulation may not be the best tool for inspiring good design. Many feel that even flat walls can be designed well. "There is a certain charm in the finishing materials, not the articulation" that can inspire good design.	Stage 4 + 5: Regulation not changed since Stage 3.	Stage 4 + 5: Regulation not changed since Stage 3.	This regulation responds to the Council motion on articulation on semi-detached dwellings. It has been expanded to row housing to ensure that there is a requirement to include architectural features on these forms of development. There is support to regulate the design of these building forms, the majority of feedback received indicated that the need for new regulations is to prevent symmetrical, and uninteresting design.
New Regulation 2 – Facade Articulation for Semi-Detached and Row Housing Dwellings				
Stage 3: Semi-detached Housing and Row Housing shall articulate the Facade of each Dwelling, by: a) recessing or projecting a portion of the front Facade from the remainder of the front Facade of that Dwelling, to the satisfaction of the Development Officer; or b) including an Unenclosed Front Porch that projects a minimum of 1.0 m from the front Facade.	Stage 4 + 5: See above.	Stage 4 + 5: Semi-detached Housing and Row Housing shall articulate the Facade of each Dwelling, by: a) recessing or projecting a portion of the front Facade from the remainder of the front Facade of that Dwelling; or b) including an Unenclosed Front Porch that projects a minimum of 1.0 m from the front Facade.	Stage 4 + 5: Semi-detached Housing and Row Housing shall articulate the Facade of each Dwelling, by: a) recessing or projecting a portion of the front Facade from the remainder of the front Facade of that Dwelling; or b) including an Unenclosed Front Porch that projects a minimum of 1.0 m from the front Facade.	See above.

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	New Regulation 3 – Architectural Treatment			
	Stage 3: A minimum of three different exterior finishing materials or claddings shall be used on all Facades facing a public roadway, other than a Lane.	Stage 4: Edmontonians have indicated that variety in housing design is important in the city's mature neighbourhoods. While many stakeholders feel that materials contribute to good design, overwhelmingly, feedback received on this regulation indicated that prescribing the use of three finishing materials does not meet this objective. Stage 5: New regulation is flexible and will contribute to ensuring good design in mature neighbourhoods. Concerns were raised with regulation referencing massing. Intent of regulation should be to improve appearance of a building, not regulate size, scale and massing. Setbacks, height and site coverage are better suited tools to regulate size, scale and massing.	Stage 4: To improve architectural interest, and reduce the appearance of massing, design techniques such as variations in roof lines, use of different exterior finishing materials, textures, claddings, or articulation of building Facades, or varied architectural designs shall be used on all Facades facing a public roadway, other than a Lane. Stage 5: To improve architectural interest of the principal structure(s), design techniques such as variations in roof lines, use of different exterior finishing materials, articulation of building Facades, or varied architectural designs shall be used on all Facades facing a public roadway, other than a Lane.	Edmontonians value variety in housing design. This regulation serves to require that applicants consider using a variety of different materials to influence the design of a building.
	New Regulation 4 – Variation of Building Design			
	Stage 3: Identical or mirrored floor plans with similar front Facades shall be separated by one Lot, unless finishing treatments are substantially different.	Stage 4 + 5: There was an overwhelming consensus regarding this regulation. Edmontonians have indicated that variety in housing design is important in the city's mature neighbourhoods. Respondents indicated that it is important to have variety in home design in the city's mature neighbourhoods and that new design is needed with new developments.	Stage 4 + 5: Identical or mirrored front elevations shall not be located on Abutting Sites. Development shall include a variety of finishing materials, or design elements such as varied roof lines, entry features, or variation in window and door placement.	The regulation was modified to where architectural elements act as the modifier to prevent the repetition of building homes. Edmontonians value variety in housing design. This regulation does not intend to influence the interior of the structure but serves to require that applicants consider the existing development on the block. And strive to incorporate design elements that are unique and have not been previously used.

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New Regulation 5 – Projection of Cantilevers into Side Setbacks				
Stage 3: Notwithstanding Section 44 of this Bylaw, on an Interior Site with Side Setbacks less than 1.8 m, one Side Setback shall be clear of projections from the first Storey. Stage 4 + 5: Feedback received regarding this regulation was varied. They were categorized into the following themes: - Those who feel this regulation should be removed as cantilevers should not be regulated; - Those who support this regulation; and - Those who feel this regulation does not go far enough and cantilevers should not be allowed in side yards. Stage 4: Notwithstanding Section 44 of this Bylaw, in all cases, on one side of the development, a minimum distance of 1.2 m from the property line to the outside wall of the cantilever projection shall be maintained. Stage 5: Notwithstanding Section 44 of this Bylaw, in one Side Yard, a minimum distance of 1.2 m from a Side Lot Line to the outside wall of all projections from the first Storey shall be maintained. The proposed change aims to prevent the projection of cantilevers on one side of the first storey of a building on an interior lot. This limitation will prevent cantilever projections at the first floor to one side of a building. To address this issue, Administration has revised the proposed regulation to ensure a 1.2 m minimum separation space between the use of cantilevers and the property line on one side of the development. This regulation will assist with increasing onsite circulation and reduce the massing effect of the new development on the neighbouring properties.				