

Rationale for Retiring the Mature Neighbourhood Overlay (MNO)

This document provides a detailed rationale for the City's proposed approach to retiring the current Mature Neighbourhood Overlay. The Mature Neighbourhood Overlay is a set of additional regulations intended to regulate residential development in Edmonton's mature neighbourhoods by supporting contextual and pedestrian-oriented design. In its place, the new Zoning Bylaw proposes to achieve these outcomes through other zoning tools – primarily a new small scale residential zone – while refining, simplifying, and retiring some of the Mature Neighbourhood Overlay regulations. The intent of these changes is to ensure that similar outcomes are achieved while streamlining the regulatory approach to help remove barriers to diverse housing options in support of the goals of The City Plan.

| REGULATIONS | NOTES / RATIONALE |
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| 814.1. PURPOSE | |
| <p>The purpose of this Overlay is to regulate 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 an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.</p> | <p>The Mature Neighbourhood Overlay is proposed to be retired as a Zoning tool. Most of the regulations relating to setbacks, height, and notification are proposed to be retired to equalize development opportunities in the redeveloping areas of the city.</p> |
| 814.2. APPLICATION | |
| <p>1. This Overlay applies to all Sites zoned RF1, RF2, RF3, RF4 and RF5 within the areas shown on the Appendix to this Overlay.</p> | <p>Sites that are within the current Mature Neighbourhood Overlay are proposed to be rezoned to the Small Scale Residential (RS) Zone.</p> <p>The Mature Neighbourhood Overlay mirrors a policy area in The Way We Grow, the City of Edmonton's former Municipal Development Plan. The current Municipal Development Plan, The City Plan, no longer applies specific policies to this area. Instead, The City Plan identifies most of the lands within Anthony Henday Drive as the "redeveloping area". The proposed new Small Scale Residential (RS) Zone would be the predominant residential zone applying to these lands.</p> |

| REGULATIONS | NOTES / RATIONALE |
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| 814.3. DEVELOPMENT REGULATIONS | |
| <p>1. The Front Setback shall be in accordance with the following:</p> <ul style="list-style-type: none"> a. the minimum Front Setback shall be 20% of site depth or 1.5 m less than the average Front Setback on Abutting Lots, whichever is less. In no case shall the Front Setback be less than 3.0 m; b. the maximum Front Setback shall be 1.5 m greater than the average Front Setback on Abutting Lots; and c. where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot. | <p>1 – Retired</p> <p>The contextual front setback regulations are proposed to be retired in order to make more efficient use of the land by not perpetuating large front setbacks in neighbourhoods where houses are currently set well back. A lesser front setback also allows greater flexibility for different housing arrangements, such as cluster housing, and allows for designs that may favour a larger rear yard over a large front yard. Additionally, the variability of these contextual regulations makes it difficult for property owners to easily determine their front setback requirement. A proposed new standardized front setback requirement provides greater predictability in this regard.</p> |
| <p>2. Notwithstanding Section 814.3(1), on a Corner Site in the RF3 Zone, where Row Housing, Multi-unit Housing faces the flanking Side Lot Line, the following shall apply:</p> <ul style="list-style-type: none"> a. for Lots where the Front Setback of the Abutting Lot is 9.0 m or less, the Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback of the Abutting Lot, to 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. Where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot. | <p>2 – Retired</p> <p>Front setbacks on corner sites for all forms of housing are proposed to be the same as development on an internal lot.</p> |

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| <p>3. Side Setbacks shall be established on the following basis:</p> <p>a. where the Site Width is 12.0 m or less, the minimum required setback shall be 1.2 m;</p> <p>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;</p> <p>c. where a Site Width is 18.3 m or wider:</p> <p>i. Side Setbacks shall total 20% of the Site Width but shall not be required to exceed 6.0 m in total;</p> <p>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</p> <p>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.</p> | <p>3 – Revised in S.2.10.4.2.4 to S.2.10.4.2.6 Side setback regulations are proposed to be streamlined and simplified so that the same side setback applies regardless of site width.</p> |
| <p>4. The minimum Rear Setback shall be 40% of Site Depth, except in the RF5 Zone, individual buildings up to 6.5 m in Height shall be permitted with a minimum Rear Setback of 1.2 m.</p> | <p>4 – Revised in S.2.10.4.2.3 The rear setback regulation is proposed to be simplified to a standard minimum distance of 10.0 m. This provides more flexibility in where housing is located while still recognizing that a rear yard is important in existing neighbourhoods.</p> |

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| <p>5. The maximum Height shall not exceed 10.0 m in the RF5 Zone and 8.9 m in all other Zones.</p> | <p>5 – Retired The maximum height in the current Mature Neighbourhood Overlay is proposed to be retired and replaced with the maximum height of 10.5 m in the draft Small Scale Residential (RS) Zone.</p> <p>Many of the properties to which the proposed RS zone will apply are outside the Mature Neighbourhood Overlay and currently have a maximum height of 10 m. The intent is to provide a consistent height maximum across The City Plan's redeveloping area.</p> <p>The proposed 10.5 m maximum height in the draft RS zone will more easily allow 3-storey residential development in neighbourhoods across the city.</p> |
| <p>6. 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.</p> | <p>6 – Retired This regulation is proposed to be retired and apply a standard basement height of 1.8m above grade equally across all neighbourhoods of the city. This will provide additional flexibility for servicing needs and will allow for larger basement windows for sunlight access to secondary suites.</p> |
| <p>7. When a structure is greater than 7.5 m in Height, the width of any one Dormer shall not exceed 3.6 m. The aggregate total width of one or all Dormers shall not exceed one third of the length of the building's wall in which the Dormers are located.</p> | <p>7 – Retired The width of dormers is no longer proposed to be regulated to provide more flexibility in how the upper floor can be designed for living space.</p> |

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| <p>8. Where an interior Side Setback is less than 2.0 m,</p> <p>a. the applicant shall provide information regarding the location of side windows of the Dwellings on the Abutting properties and Amenity Areas on Abutting properties;</p> <p>b. the side windows of the proposed Dwelling shall be located to reduce overlook into Amenity Areas of the Abutting properties; and</p> <p>c. the proposed Dwelling shall incorporate design techniques, such as, but not limited to, translucent window treatment, window location, raised windows, or Privacy Screening, to reduce direct line of sight into the windows of the Dwelling on the Abutting property.</p> | <p>8 – Retired</p> <p>The concept of neighbour-to-neighbour privacy in an urban environment is challenging because any building above a single storey is likely to generate overlook into neighbouring properties. Privacy is also a subjective concept that differs from person to person. As a result, regulations applying privacy screening or controlling window location as a means to prevent sightlines into outdoor space or abutting buildings are proposed to be retired.</p> |
| <p>9. Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties.</p> | <p>9 to 12 – Revised and Transferred to S.5.120.5 and S.5.120.6</p> <p>Regulations for decks, porches, and verandas are incorporated into the general Projections into Setbacks section so that the rules are consistently applied to all residential development.</p> |
| <p>10. Platform Structures or single Storey Unenclosed Front Porches 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.</p> | |
| <p>11. Platform Structures or single Storey Unenclosed Front Porches 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.</p> | |
| <p>12. On an Interior Site, a minimum distance of 1.2 m shall be maintained from one Side Lot Line to the outside wall of all projections from the first Storey.</p> | |

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| <p>13. Semi-detached Housing shall have:</p> <p>a. a portion of the principal front Façade of each principal Dwelling staggered a minimum of 0.6 m behind or forward from the principal front Façade of the other attached principal Dwelling; and</p> <p>b. a portion of the principal rear Façade of each principal Dwelling staggered a minimum of 0.6 m behind or forward from the principal rear Façade of the other attached principal Dwelling.</p> | <p>13 to 15 – Revised and Transferred to S.5.40 These regulations are proposed to be retired and replaced with general Building Facade Design regulations that will apply to development in the proposed RS Zone. This provides greater flexibility in different design approaches for different housing types.</p> |
| <p>14. Row Housing shall articulate the Façade of each principal Dwelling, by:</p> <p>a. recessing or projecting a portion of the front Façade from the remainder of the front Façade of that Dwelling; or</p> <p>b. including an Unenclosed Front Porch that projects a minimum of 1.0 m from the front Façade.</p> | |
| <p>15. 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 Façades, or varied architectural designs shall be used on all Façades facing a public roadway, other than a Lane.</p> | |
| <p>16. Identical or mirrored front elevations shall not be located on Abutting Sites. Development shall be differentiated through the inclusion of two or more design elements such as a variety of finishing materials, varied roof lines, differences in the design of entry features, or variation in window and door placement. Variations in color do not satisfy this requirement.</p> | <p>16 – Retired This regulation to control variable design across sites is more prescriptive than the proposed new Zoning Bylaw intends to regulate and is proposed to be retired. The risk of repetitive design across multiple sites is thought to be low.</p> |
| <p>17. Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue.</p> | <p>17 – Transferred to S.2.10.6.1 This regulation to require vehicle access from an alley is maintained in the proposed RS Zone to preserve sidewalks, boulevard trees, and streetscapes in neighbourhoods where this zone is applied.</p> |

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| <p>18. Attached Garages shall be developed in accordance with the following:</p> <ul style="list-style-type: none"> 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, Multi-unit Housing, Garages shall be designed so that the Garage is attached to a shared common wall and includes a shared driveway apron where possible. | <p>18 – Revised and Transferred to S.2.10.4.4 Regulations controlling the design of front attached garages are proposed to be revised to remove reliance on the surrounding context to determine the appropriateness of the front attached garage design. The new RS Zone proposes a standard approach to front attached garages, which is easier to implement and will improve clarity on what is allowed.</p> |
| <p>19. Rear attached Garages shall not be allowed.</p> | <p>19 – Revised and Transferred to S.2.10.4.3 The regulation to prohibit rear attached garages is proposed to be maintained in the new RS Zone to reduce potential massing impacts on adjacent sites.</p> |
| <p>20. A principal Dwelling shall be separated from a rear detached Garage by a minimum of 3.0 m.</p> | <p>20 – Retired The minimum distance between a house and a garage is proposed to be retired to allow flexibility for different housing arrangements within a site. The RS Zone will continue to require a minimum distance of 0.9 m between a garage and a house to prevent roof overhangs from touching. Minimum distances required for safety are regulated through the Alberta Building Code.</p> |
| <p>21. A rear detached Garage or Garden Suite shall be fully contained within the rear 12.8 m of the Site.</p> | <p>21 – Revised and Transferred to S.2.10.7.1.7 This regulation is proposed to be simplified by stating that accessory buildings are not permitted in a front yard. By definition, Backyard Housing will be required to be located in the rear yard.</p> |

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| 814.4. ADDITIONAL DEVELOPMENT REGULATION FOR SPECIFIC AREAS | |
| <p>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:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. a sidewalk with an unobstructed walking width of 2.0 m; ii. a Treed Landscaped Boulevard 2.0 m wide separating the sidewalk from 109 Street; and iii. boulevard trees at a 6.0 m spacing. <hr/> <p>2. 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.</p> | <p>1 and 2 – Retired</p> <p>These regulations originate from the 109 Street Area Redevelopment Plan and Envision 109, which encourage incremental redevelopment along the street to incorporate public sidewalk improvements.</p> <p>The Zoning Bylaw does not generally regulate development on public streets and this regulation does not apply to other major corridors of the city or commercial development along 109 Street. Due to these inconsistencies, this regulation is proposed to be removed. The policies that direct pedestrian environment improvements along 109 Street will remain within the District Plan to guide direct control rezoning applications and city improvement programs.</p> |

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| 814.5. PROPOSED VARIANCES | |
| <p>1. The When the Development Officer receives a Development Permit Application for a new principal building or new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:</p> <p>a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;</p> <p>b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and</p> <p>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 Sections 11.3 and 11.4.</p> | <p>1 – Retired</p> <p>With the retirement of the Mature Neighbourhood Overlay, the associated community consultation process is proposed to be retired.</p> <p>Recent analysis has found that this process to consult with neighbouring residents prior to a development permit decision has not resulted in any decrease in development appeals. It can also lead to longer timelines for decisions, resulting in increased costs to development.</p> <p>The process also provides unequal access for existing residents to influence a proposed development compared to other residents who may benefit from the development but do not live in the immediate area.</p> |

TABLE 814.5(2)

| TIER # | RECIPIENT PARTIES | AFFECTED PARTIES | REGULATION OF THIS OVERLAY PROPOSED TO BE VARIED |
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| 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 | The 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(2) – Front Setback (RF3 Corner Sites) 814.3(5) – Height 814.3(6) – Basement Elevation 814.3(7) – Dormer Width 814.3(13) – Façade Articulation between Semi-Detached Dwellings 814.3(14) – Façade Articulation for Row Housing Dwellings 814.3(15) – Architectural Treatment |
| Tier 2 | The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League | The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development | 814.3(4) – Rear Setback 814.3(19) – Rear Attached Garage |
| Tier 3 | The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League | The assessed owners of the land Abutting the Site of the proposed development | 814.3(3) – Side Setbacks 814.3(8) – Side Setbacks and Privacy 814.3(9) – Privacy Screening on Platform Structures 814.3(10) – Platform Structures (Front Yard) 814.3(11) – Platform Structures (Flanking Side Yard) 814.3(12) – Cantilevers in Side Setbacks 814.3(21) – Garden Suite Location |