

July 25, 2008

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SUBJECT: **Text Amendment to Zoning Bylaw No. 12800**
Platform Structures

On April 14, 2008, City Council approved Bylaw 14898 which introduced the definition of Platform Structures to the Zoning Bylaw and attempted to clarify the regulations guiding the projection of Platform Structures into required Yards.

Since its implementation, Bylaw 14898 has created the following unintended consequences that the attached proposed text amendments are attempting to alleviate:

- Bylaw 14898 inadvertently eliminated the possibility of having backyard decks above 0.6 m (2 ft) in height but with guardrails underneath permitted fence height to project further than 2.0 m from a house. Many residences in Edmonton currently have large backyard decks that are above 0.6 m in height with guardrails that do not exceed permitted fence height in those locations. It was never the intention of Bylaw 14898 to remove this possibility.
- After discussions with Fire Prevention, Bylaw 14898 was developed to ensure a minimum of 0.6 m (2 ft) was maintained between any Platform Structure (ie. wooden deck) in a Side Yard and the side property line to limit the potential spread of fire from house to house. However, Bylaw 14898 prevents the development of adequately-sized Landings for residences with side entrances on properties with very narrow Side Yards (ie. 1.2 to 2.4 m or 4 to 8 ft). For many of these residences, this is the primary entrance to the Dwelling and Bylaw 14898 prevents development of direct access to the entry door via a Landing in the Side Yard in these situations. Again, it was never the intention of Bylaw 14898 to prevent this.

In order to alleviate these unintended consequences, the following changes to the Zoning Bylaw are being proposed:

- Allow Platform Structures in Rear Yards that are above 0.6 m (2 ft) in height with guardrails below the permitted fence height in that location to project to the rear property line.
- Continue to ensure a minimum distance of 0.6 m (2 ft) between Platform Structures in Side Yards and the side property line, except for Landings that provide direct access to an entry door of a Dwelling. These Landings are restricted to 1.85 x 1.85 m (6 x 6 ft) in size for Yards with a depth of less than 2.5 m (8 ft). Unenclosed stairs to access these landings will also be allowed.
- Add the definition of a Landing to the Zoning Bylaw where Landing means a platform at the top of a staircase or between a flight of stairs.

Please reply with your comments on the attached proposed Text Amendments by end of business on Thursday, August 14, 2008. If we have not yet received a response by that due date, we will assume that you have no comments or concerns and are not opposed to these Text Amendments.

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Enclosures:

1. Section 44.3 (Platform Structures) Zoning Bylaw Text Amendments – Table of Proposed Changes and Rationale
2. Proposed Section 44.3 of the Zoning Bylaw (Platform Structures)

Section 44.3 (Platform Structures) Zoning Bylaw Text Amendments – Table of Proposed Changes and Rationale

July 24, 2008

<i>Item</i>	<i>Current Zoning Bylaw</i>	<i>Proposed Amendment</i>	<i>Rationale</i>
1. Platform Structures Regulations			
1.01	<p>Section 44.3:</p> <p><i>The following features may project into a required Yard or Separation Space as provided for below:</i></p> <p>3.</p> <p>a. <i>Platform Structures provided such projections do not exceed 2.0 m into Yards or Separation Spaces with a depth of at least 4.0 m.</i></p> <p>b. <i>Platform Structures provided such projections do not exceed 0.6 m for Yards or Separation Spaces with a depth of less than 4.0 m</i></p> <p>c. <i>Platform Structures provided such projections do not exceed 2.5 m into any required Front Yard.</i></p>	<p>Section 44.3:</p> <p><i>The following features may project into a required Yard or Separation Space as provided for below:</i></p> <p>3. <u><i>Platform Structures may project:</i></u></p> <p>a. <u><i>into a required Front Yard, provided that such structures do not project more than 2.5 m.</i></u></p> <p>b. <u><i>into a required Rear Yard, provided that:</i></u></p> <p>i. <u><i>such structures are completely unenclosed except by a guard rail or parapet wall which does not exceed the maximum height permissible for a fence in the same location;</i></u></p> <p>ii. <u><i>such structures whose guard rail or parapet wall exceeds the maximum height permissible for a fence in the same location do not project more than 2.0 m for Rear Yards or Separation Spaces with a depth of at least 4.0 m; or</i></u></p> <p>iii. <u><i>such structures whose guard rail or parapet wall exceeds the maximum height permissible for a fence in the same location do not project more than 0.6 m for Rear Yards or Separation Spaces with a depth less than 4.0 m;</i></u></p> <p><i>(continued next page...)</i></p>	<p>This text amendment is being proposed for the following reasons:</p> <ul style="list-style-type: none"> Bylaw 14898 inadvertently eliminated the possibility of having backyard decks above 0.6 m (2 ft) in height but with guardrails underneath permitted fence height to project further than 2.0 m from a house. Many residences in Edmonton currently have large backyard decks that are above 0.6 m in height with guardrails that do not exceed permitted fence height in those locations. It was never the intention of Bylaw 14898 to remove this possibility. Therefore, this regulation is being changed to once again allow decks to project into a Rear Yard all the way to the rear property line of the yard, provided the railing of the deck is not higher than the permitted height of a fence for that property. After discussions with Fire Prevention, Bylaw 14898 was developed to ensure a minimum of 0.6 m (2 ft) was maintained between any Platform Structure (ie. wooden deck) in a Side Yard and the side property line to limit the potential spread of fire from house to house. However, Bylaw 14898 prevents the development of adequately-sized Landings for residences with side entrances on properties with very narrow Side Yards (ie. 1.2 to 2.4 m or 4 to 8 ft). For many of these residences, this is the primary entrance to the Dwelling and Bylaw 14898 prevents development of direct access to the entry door via a Landing

Section 44.3 (Platform Structures) Zoning Bylaw Text Amendments – Table of Proposed Changes and Rationale

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<i>Item</i>	<i>Current Zoning Bylaw</i>	<i>Proposed Amendment</i>	<i>Rationale</i>
		<p>(continued from previous page...)</p> <p>c. <u>into a required Side Yard, provided that:</u></p> <p>i. <u>a minimum distance of 0.6 m from the structure to the Side Lot Line is maintained and such structures are completely unenclosed except by a guard rail or parapet wall which does not exceed the maximum height permissible for a fence in the same location;</u></p> <p>ii. <u>such structures whose guard rail or parapet wall exceeds the maximum height permissible for a fence in the same location do not project more than 2.0 m for required Side Yards or Separation Spaces with a depth of at least 4.0 m;</u></p> <p>iii. <u>such structures whose guard rail or parapet wall exceeds the maximum height permissible for a fence in the same location do not project more than 0.6 m for required Side Yards or Separation Spaces with a depth less than 4.0 m; or</u></p> <p>iv. <u>such a structure is a Landing providing direct access to an entrance of a Dwelling with a width that is no greater than 1.85 m and a depth that is no greater than 1.85 m for required Side Yards or</u></p> <p>(continued next page...)</p>	<p>(continued next page...) (continued from previous page...)</p> <p>in the Side Yard in these situations. Again, it was never the intention of Bylaw 14898 to prevent this. The proposed amendments will continue to ensure a minimum distance of 0.6 m (2 ft) between Platform Structures and the property line, except for Landings of a minimum practical size (ie. 1.85 m x 1.85 m or 6 ft x 6 ft) for houses with side entrances.</p> <p>Since an exception is being made for Landings in Side Yards, it becomes necessary to also allow unenclosed stairs serving those Landings to also be allowed in the Side Yard. The proposed amendment will allow unenclosed stairs to serve a Landing with direct access to the entrance of a Dwelling in a Side Yard provided the height of those stairs does not exceed 1.0 m.</p> <ul style="list-style-type: none"> • For the purpose of clarity and ease of use, the regulation is being reorganized into parts relating to the individual Yard types (ie. Front, Rear, and Side Yard). • In order to keep terminology consistent and clear, “projections” is being changed to “structures” (ie. Platform structures are structures).

Section 44.3 (Platform Structures) Zoning Bylaw Text Amendments – Table of Proposed Changes and Rationale

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<i>Item</i>	<i>Current Zoning Bylaw</i>	<i>Proposed Amendment</i>	<i>Rationale</i>
		<p>(continued from previous page...)</p> <p><u>Separation Spaces with a depth less than 2.5 m.</u></p> <p>v. <u>notwithstanding Section 44(1)(a), such structures are unenclosed steps serving a Landing providing direct access to an entrance of a Dwelling with a width that does not exceed the width of the Landing. Where unenclosed steps extend into required Side Yards which are not used for vehicular access, such steps shall not exceed a Height of 1.0 m above Grade.</u></p> <p>a- Platform Structures provided such projections do not exceed 2.0 m into Yards or Separation Spaces with a depth of at least 4.0 m.</p> <p>b- Platform Structures provided such projections do not exceed 0.6 m for Yards or Separation Spaces with a depth of less than 4.0 m</p> <p>e- Platform Structures provided such projections do not exceed 0.6 m for Yards or Separation Spaces with a depth of less than 4.0 m.</p>	
2. Definition of Landing			
2.01	<i>Not applicable.</i>	<p>Section 6.1(41):</p> <p><u>Landing means a platform at the top of a staircase or between flights of stairs.</u></p>	<p>This text amendment is being proposed for the following reason:</p> <ul style="list-style-type: none"> Section 44(3)(c)(iv), as proposed in Item 1.01

Section 44.3 (Platform Structures) Zoning Bylaw Text Amendments – Table of Proposed Changes and Rationale

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			<p>(continued next page...)</p> <p>(continued from previous page...)</p> <p>above, makes reference to Landings being the only form of Platform Structure that may possibly be allowed in narrow Side Yards in some situations. As such, it is important to clarify what is meant by a Landing.</p> <p>This definition was developed from the definition of <i>landing</i> in the Oxford online dictionary.</p> <p>Another significant use of the term <i>landing</i> in the Zoning Bylaw is with respect to Secondary Suites where entry to a Secondary Suite can be via a common <i>landing</i>. Therefore, this definition must also fit for that context as well.</p>
2.02	Section 6.1(41) to Section 6.1(84)	Re-number Section 6.1(41) to Section 6.1(84) accordingly to accommodate insertion of the term <i>Landing</i> (Item 2.01 above) in correct alphabetical order.	<p>This text amendment is being proposed for the following reason:</p> <ul style="list-style-type: none"> To accommodate insertion of the term <i>Landing</i> (Item 2.01 above) in correct alphabetical order into the definitions section of the Zoning Bylaw.

Proposed Section 44.3 of the Zoning Bylaw (Platform Structures)

44. The following features may project into a required Yard or Separation Space as provided for below:

4. Platform Structures may project:
 - a. into a required Front Yard, provided that such structures do not project more than 2.5 m.
 - b. into a required Rear Yard, provided that:
 - i. such structures are completely unenclosed except by a guard rail or parapet wall which does not exceed the maximum height permissible for a fence in the same location;
 - ii. such structures whose guard rail or parapet wall exceeds the maximum height permissible for a fence in the same location do not project more than 2.0 m for Rear Yards or Separation Spaces with a depth of at least 4.0 m; or
 - iii. such structures whose guard rail or parapet wall exceeds the maximum height permissible for a fence in the same location do not project more than 0.6 m for Rear Yards or Separation Spaces with a depth less than 4.0 m;
 - c. into a required Side Yard, provided that:
 - i. a minimum distance of 0.6 m from the structure to the property line is maintained and such structures are completely unenclosed except by a guard rail or parapet wall which does not exceed the maximum height permissible for a fence in the same location;
 - ii. such structures whose guard rail or parapet wall exceeds the maximum height permissible for a fence in the same location do not project more than 2.0 m for required Side Yards or Separation Spaces with a depth of at least 4.0 m;
 - iii. such structures whose guard rail or parapet wall exceeds the maximum height permissible for a fence in the same location do not project more than 0.6 m for required Side Yards or Separation Spaces with a depth less than 4.0 m; or
 - iv. such a structure is a Landing providing direct access to an entrance of a Dwelling with a width that is no greater than 1.85 m and a depth that is no greater than 1.85 m for required Side Yards or Separation Spaces with a depth less than 2.5 m.
 - v. notwithstanding Section 44(1)(a), such structures are unenclosed steps serving a Landing providing direct access to an entrance of a Dwelling with a width that does not exceed the width of the Landing. Where unenclosed steps extend into required Side Yards which are not used for vehicular access, such steps shall not exceed a Height of 1.0 m above Grade.

Proposed Section 6.1(41) of the Zoning Bylaw (Definition of Landing)

6.1(41). **Landing** means a platform at the top of a staircase or between flights of stairs.