

# Privacy Screening Zoning Bylaw Regulations and Possible Amendments

## Recommendation:

That Administration prepare amendments to Zoning Bylaw 12800, as generally outlined in Attachment 1 of the April 26, 2016, Sustainable Development report CR\_2635, and return to a future City Council Public Hearing.

## Report Summary

**This report provides a summary of existing Zoning Bylaw 12800 regulations relating to privacy screening for platform structures, and provides a summary of options and corresponding amendments to address privacy screening for platform structures, overlook from rooftop terraces, and alignment of windows and amenity areas between neighbours.**

## Previous Council/Committee Action

At the March 16, 2015, City Council Public Hearing, the following motion was passed:

That Administration provide a report outlining the Zoning Bylaw regulations relating to privacy screening for platform structures and prepare a summary of options for possible amendments to the Bylaw, including the results of preliminary consultation with stakeholders.

## Report

### Current Regulations

Current Zoning Bylaw 12800 regulations relating to privacy screening on platform structures (decks, balconies, raised terraces) are generally limited and open to interpretation, which presents challenges with implementation and enforceability of the regulations. This often leads to uncertain outcomes through the development permit review process, and in certain cases a perceived loss of privacy.

The Mature Neighbourhood Overlay currently states that “Platform Structures greater than 1 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties” (Zoning Bylaw 12800 - Section 814.3(8)). There are additional references to the preservation of privacy and use of screening in Zoning Bylaw 12800. The following amendments may be considered in order to provide greater clarity about privacy screening on platform structures, as well as specific approaches to improve privacy between neighbours.

### Privacy Screening Definition and Development Regulations

There is no definition of privacy screening in Zoning Bylaw 12800. The absence of a definition of privacy screening introduces a significant degree of subjectivity and

discretion into many development permit applications. Providing a definition of privacy screening outlines to applicants, development officers, and neighbours, clear expectations and requirements for specific materials and design features that constitute adequate privacy screening.

To accompany a definition for privacy screening, development regulations are necessary to ensure privacy screening is constructed in suitable locations and within reasonable height thresholds. This would include regulations for privacy screening constructed at grade and for platform structures constructed above grade.

### Rooftop Terrace Definition and Development Regulations

Rooftop terraces and patios are a growing trend in Edmonton's infill and greenfield development areas. While these structures provide desirable amenity areas, they may create overlook and privacy issues. Requirements for stepping back rooftop amenity areas a reasonable distance from the face of the building below can mitigate overlook and privacy issues between neighbouring properties without requiring rooftop privacy screening. Using stepbacks instead of privacy screening will reduce the perceived size of buildings and maintain a more pedestrian-friendly environment.

### Additional Information Requirements and Process Changes

Alignment of windows and amenity areas with windows on adjacent properties can create issues of overlook and a perceived loss of privacy. Under the proposed amendments, development permit applicants in the Mature Neighbourhood Overlay will have to submit accurate, site specific information on the neighbours' window placement and amenity areas when designing a project. Provision of the location and alignment of windows and amenity areas on neighbouring properties will prompt applicants to take a proactive approach in considering potential issues of privacy and overlook. Consideration of context and potential privacy issues at the early design stage of a project will allow an applicant to easily adjust their design, without incurring additional design costs and lost time to make changes during the development review process. By promoting a proactive approach rather than a reactive approach, loss of privacy between neighbours can be largely avoided and the development review process can become more efficient.

### Next Steps

Administration recommends drafting text amendments, as outlined in Attachment 1, to support each of the options presented. Together, these options can address specific issues relating to the perceived loss of privacy as a result of overlook from platform structures, and address broader privacy related concerns identified by stakeholders through public consultation.

## **Policy**

*The Way We Grow*, Municipal Development Plan, Bylaw 15100

- 4.2, Support neighbourhood revitalization, redevelopment and residential infill that contributes to the livability and adaptability of established neighbourhoods.

- 5.2, Require development to fit with the existing and planned neighbourhood context, to respect the scale, form, massing, style and materials of the neighbourhoods and to incorporate other design elements that create a transition between the new development and the existing neighbourhood.

### Corporate Outcomes

This report contributes to achieving the corporate outcomes “Edmonton is attractive and compact” as it provides options to improve the attractiveness and livability within all neighbourhoods, but especially mature neighbourhoods, as described in *The Way Ahead* – City of Edmonton Strategic Plan, 2009-2018.

### Public Consultation

Public consultation for this project was based on an initial meeting with Edmonton Federation of Community Leagues and Grovenor Community League representatives, and as part of consultation conducted on Side Setbacks for Row Housing in the (RF3) Small Scale Infill Development Zone (Sustainable Development report CR\_2397).

Public outreach included:

- placing an advertisement in the fall edition of community league newsletters
- placing advertisements in the Edmonton Federation of Community Leagues' e-newsletter editions on September 2, 2015, and September 29, 2015
- distributing an electronic notice to community leagues advising them of the project
- distribution of Edmonton Federation of Community Leagues' report entitled *The Effects of Infill on Residential Visual Privacy* to community leagues
- a discussion item at the Edmonton Federation of Community Leagues' fall general meeting
- publishing a project specific webpage

Despite these initiatives, there has been limited public response to these outreach efforts. Administration has proposed options for possible amendments to Zoning Bylaw 12800 based on feedback received through previously noted consultation events, as well as research on common approaches in North America and Australia.

### Initial Meeting

Representatives of Edmonton Federation of Community Leagues, Grovenor Community League and Administration met to discuss the scope of the motion, review the current privacy and privacy screening regulations within Zoning Bylaw 12800, examine examples where privacy screening had been effectively or ineffectively used as a visual buffer. Feedback supported creation of regulations that emphasized development which is sensitive to privacy issues. In particular, areas of particular concern included rooftop terraces, elevated decks and balconies, and window alignment between neighbouring properties.

### Row Housing Setbacks in (RF3) Small Scale Infill Development Zone

As part of Administration's project to examine possible amendments to side setbacks for Row Housing on corner sites in the (RF3) Small Scale Infill Development Zone, residents, builders, designers, Edmonton Federation of Community Leagues, and community league representatives were engaged in an interactive workshop and online survey. Focused discussion occurred around several themes including, overlook and privacy. Consensus was largely achieved amongst stakeholders that rooftop terraces, window alignment, and raised decks and balconies posed a concern with regards to preservation of privacy. Opinions expressed supported regulating the orientation and location of rooftop terraces, strategic placement of windows, and encouraged use of vegetative and constructed landscaping elements to provide screening when additional privacy is desired.

### **Justification of Recommendation**

The proposed amendments to Zoning Bylaw 12800 are intended to address privacy issues related to platform structures by providing a clear definition and set of regulations for privacy screening, addressing evolving issues related to rooftop terraces, and encouraging thoughtful and sensitive design through provision of additional information.

### **Attachments**

1. Draft Text Amendment to Zoning Bylaw 12800

### **Others Reviewing this Report**

- T. Burge, Chief Financial Officer and General Manager, Financial and Corporate Services