

# Bylaw 17556

## Text Amendment to Zoning Bylaw 12800

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### Purpose

To amend side and front setback requirements, provide more flexible alternatives for providing at grade private outdoor amenity areas, address privacy concerns related to rooftop terraces, require landscaping in the interior side yard, and require greater architectural treatment for Row Housing in the (RF3) Small Scale Infill Development Zone.

### Readings

Bylaw 17556 is ready for three readings after the public hearing has been held. If Council wishes to give three readings during a single meeting, Council must unanimously agree "That Bylaw 17556 be considered for third reading."

### Advertising and Signing

This Bylaw has been advertised in the Edmonton Journal on Friday, February 26, 2016, and Saturday, March 5, 2016. The Bylaw can be passed following third reading.

### Position of Administration

Administration supports this Bylaw.

### Previous Council/Committee Action

At the December 7, 2015, Executive Committee meeting, the following motion was passed:

That Administration prepare amendments to Zoning Bylaw 12800, as generally outlined in Attachment 2 of the December 7, 2015, Sustainable Development report CR\_2397, and return to a City Council Public Hearing.

### Report

Current regulations in the (RF3) Small Scale Infill Development Zone allow Row Housing structures on corner sites to be as close as 1.2 metres to the interior side property line. While current side setback regulations in the (RF3) Small Scale Infill Development Zone provide a functional and buildable area for Row Housing, narrow interior side setbacks can have negative impacts on neighbouring properties including:

- loss of perceived privacy from overlooking windows and rooftop terraces
- loss of sunlight penetration and increased shadowing on neighbouring property
- minimal area to install landscaping to screen the Row Housing structure
- large uninterrupted expanses of wall facing neighbouring properties.

For the purpose of this report and to assist the reader, definitions and supplemental diagrams of key terms used to describe spatial requirements are included in

### Attachment 2.

Continued refinement of Zoning Bylaw 12800 provides opportunities to improve outcomes for Row Housing, while maintaining existing redevelopment opportunities. Bylaw 17556 proposes the following amendments:

#### Section 140 – (RF3) Small Scale Infill Development Zone:

- increasing the minimum interior side setback from 1.2 metres to 3.0 metres in conjunction with reducing the minimum flanking side setback from 2.5 metres to 2 metres
- replacing existing rigid dimensional requirements for private outdoor amenity area with a more flexible at grade amenity area requirement of 15 metres squared and permitting private outdoor amenity areas within the front yard
- requiring landscaping within interior side yard
- requiring architectural treatment along the portion of the building facing the interior side yard
- requiring a minimum of one entrance door or entrance feature to face each public roadway, excluding a lane

#### Section 814 – Mature Neighbourhood Overlay:

- providing a graduated contextual front setback for Row Housing on corner sites zoned (RF3) Small Scale Infill Development

#### Ancillary Changes:

- adopting a definition and required setbacks for rooftop terraces
- reducing the flanking side setbacks for all listed uses in the (RF3) Small Scale Infill Development Zone
- including Apartment Housing and Stacked Row Housing in regulations specific to Row Housing on corner Sites.

#### Side Setbacks

To gather community input and inform Administration's recommendations to Council, Administration invited a diverse group of stakeholders to attend a workshop on September 14, 2015. At the workshop, Stakeholders discussed the merits of current side setback requirements and were presented with four side setback scenarios including, a 1.5 metre minimum flanking side setback and 4 metre minimum interior side setback option. Most participants supported this scenario as it proposed the largest increase to the interior side setback and greatest decrease to the flanking side setback. Upon further review and internal circulation of this option, Administration identified that a flanking side setback of less than 2 metres presented practical difficulties with constructing a landing and stairs to the dwelling within the property lines, and did not preserve sufficient yard space to accommodate landscaping and projection of architectural features such as eaves and verandas.

By determining that the flanking side setback must be at least 2 metres in width, a 3 metre flanking side setback is proposed as it offers additional area for at grade amenity areas and installation of enhanced landscaping to help screen Row Housing structures from neighbouring properties. A 2 metre flanking side setback and 3 metre

interior side setback balance high level direction received from public consultation with technical and physical limitations of the site.

### Floor Area Constraints

The net impact of a reduction to the minimum flanking side setback from 2.5 metres to 2 metres in conjunction with an increase to the minimum interior side setback from 1.2 metres to 3 metres, is a reduction in the width of the allowable building pocket by 1.3 metres. This significant reduction in the width to the allowable building pocket can dramatically reduce the size of the allowable building pocket to less than the permitted site coverage, thereby resulting in a loss of buildable floor area, precluding the development of Row Housing in the (RF3) Small Scale Infill Development Zone, and underutilizing land as it is redeveloped.

A trade-off is necessary to make up the shortfall in the allowable building pocket area and preserve opportunities for Row Housing redevelopment in the (RF3) Small Scale Infill Development Zone. The trade-off needed entails changes to the front setback or rear setback in the Mature Neighbourhood Overlay. Administration recommends an adjustment to the front setback as this approach preserves development opportunities for Row Housing and helps to address issues of privacy, overlook and shadowing on the neighbouring property's rear yard. The balance of this report and Attachment 3 and Attachment 4 provide justification for Administration's recommendation.

### Front Setback

As part of draft amendments presented at the December 7, 2015, Executive Committee meeting, Administration proposed a maximum 6 metre front setback for Row Housing on corner sites zoned (RF3) Small Scale Infill Development within the Mature Neighbourhood Overlay. Executive Committee discussed concerns raised by stakeholders over the potential for blockface misalignment in situations where the front setback of neighbouring properties is greater than 11 metres. As a result, Administration engaged stakeholders to understand the implications of an alternative method for determining the front setback.

As a result of feedback obtained through consultation, Administration has developed a graduated contextual front setback for Row Housing on corner sites zoned (RF3) Small Scale Infill Development within the Mature Neighbourhood Overlay. This revised approach establishes that where the front setback of the abutting lot is:

- 9 metres or less, the front setback shall be consistent within 1.5 metres of the front setback on the abutting lot, to a maximum of 6 metres
- greater than 9 metres and less than 11 metres, the front setback shall be consistent within 3 metres of the front setback of the abutting lot, to a maximum of 7 metres
- 11 metres or greater, the front setback shall be consistent within 4 metres of the front setback on the abutting lot.

The proposed front setback approach recognizes the importance of a contextual front setback and aims to maintain reasonable blockface alignment and street presence for neighbouring properties, while preserving a functional building pocket in most instances (see Attachment 3 and Attachment 4).

In considering the front setback approaches that were circulated to stakeholders in relation to the general purpose of the (RF3) Small Scale Infill Development Zone and policy documents, including the Municipal Development Plan, a graduated contextual front setback approach offers preferred outcomes. The (RF3) Small Scale Infill Development Zone's general purpose is to use land efficiently by provide opportunity for infill redevelopment in the form of Row Housing, with up to four dwellings on corner sites. A graduated contextual front setback approach allows for an efficient use of land by maintaining opportunities to develop Row Housing in (RF3) Small Scale Infill Development Zone and aligns with policy that encourages residential infill that is sensitive to existing development.

Administration notes that in instances where the required front setback is greater than 6 metres and the permitted site coverage is restricted by the allowable building pocket, Row Housing may become increasingly difficult to develop in the (RF3) Small Scale Infill Development Zone. On those sites where the front setback on neighbouring property is greater than 11 metres, Administration anticipates this could lead to an increase in the number of requests for variances to setbacks, separation space, privacy zone and off-street parking requirements . In considering a variance, Administration will continue to invite input from affected parties through the established community consultation process.

### Private Outdoor Amenity Area - At Grade and Above Grade

To develop more family-oriented dwellings, Administration recommends removing the current regulations prohibiting the dedication of private outdoor amenity area in the front yard. This approach allows Row Housing and its surrounding yard spaces to be designed to maximize residents' enjoyment of amenity areas, and make efficient use of land.

To address present barriers to providing at grade private outdoor amenity area within the setback requirements, rigid dimensional requirements (metres x metres) are replaced with more flexible at grade area requirements (square metres). This approach is intended to provide greater flexibility in accommodating useable private outdoor amenity areas at grade, and within the proposed minimum side setbacks without the need for a variance.

### Privacy and Overlook

At the initial consultation stage of this project, stakeholders highlighted issues related to perceived loss of privacy and overlook as a result of neighbouring rooftop terraces (above grade amenity areas) on Row Housing. Stakeholders identified orienting rooftop terraces towards the flanking streets as a potential solution. Upon further analysis of the challenges and ambiguity of determining the orientation of rooftop terraces on a flat

roof, Administration explored requiring a setback as a solution. Amendments will require a setback for rooftop terraces from all building façades. On corner sites, a 3 metre setback from the building façade facing the neighbouring property is required. Introducing a setback for rooftop terraces has the added benefit of allowing for greater sun exposure at ground level, creating a more pedestrian-friendly environment by reducing the appearance of massing and ensuring structures maintain a human scale.

As part of Administration's concurrent project to explore options to implement privacy measures and privacy screening on platform structures, Administration has prepared an options report and potential amendments to Zoning Bylaw 12800 requiring setbacks for rooftop terraces for all low density development. This project has a scheduled Executive Committee meeting date of April 26, 2016.

### Improved Architectural Treatment

Proposed amendments will improve the overall appearance and degree to which architectural treatment is incorporated into Row Housing. The new requirements include individually defining each dwelling on all exterior façades, incorporating greater architectural treatment along the façade facing the interior side yard, and requiring the orientation of a minimum of one front door towards each frontage. This will create a more pedestrian-friendly environment, increase visual interest, and reduce the appearance of massing of Row Housing structures from all vantage points.

### Landscaping and Ancillary Changes

Greater requirements for landscaping in the interior side yard provide a transition to better screen the scale and massing of Row Housing structures, and mitigate overlook and privacy impacts on abutting properties.

Further amendments proposed for other uses listed in the (RF3) Small Scale Infill Development Zone include:

- reducing the flanking side setback for all uses in the (RF3) Small Scale Infill Development Zone to ensure a consistent streetscape, and encourage a pedestrian friendly and urban streetscape; and
- incorporating Apartment and Stacked Row Housing into regulations specific to Row Housing on corner sites to manage common negative impacts on neighbouring properties.

### **Policy**

Bylaw 17556 supports the following policies in *The Way We Grow*, Municipal Development Plan, Bylaw 15100:

- 3.5, Support redevelopment and residential infill that contribute to the livability and adaptability of established neighbourhoods and which are sensitive to existing development.
- 4.2, Optimize the use of existing infrastructure in established neighbourhoods.

- 4.2, Ensure that redevelopment in established neighbourhoods supports the health and livability of our citizens.
- 4.4, Provide a broad and varied housing choice, incorporating housing for various demographic and income groups in all 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 the corporate outcome of “Edmonton is attractive and compact” as it provides options that will transform the urban form and improve the Edmonton’s livability.

### **Public Consultation**

Consultation with stakeholders has been ongoing since September 2014. On September 11, 2015, a presentation and question and answer session was held with Canadian Home Builders’ Association – Edmonton Region. Industry stakeholders were supportive of the direction of encouraging infill Row Housing development that is sensitive to existing development and manages impacts on neighbouring land uses.

On September 14, 2015, Administration presented a variety of setback scenarios to residents, builders, designers, Edmonton Federation of Community Leagues, and community league representatives at an interactive workshop. Stakeholders discussed side setbacks options, private outdoor amenity area configurations, requirements for greater architectural treatment and requiring landscaping in the interior side yard. An online survey was distributed to the public and members of the Edmonton Insight Community in October 2015. Overall, responses from the online survey echoed high level direction expressed at the interactive workshop. Validation of the high level workshop themes resulted in Administration drafting the proposed amendments to the (RF3) Small Scale Infill Development Zone.

On December 14, 2015, following direction provided by Executive Committee, Administration distributed an alternative method for determining the front setback to stakeholders. Feedback received from this circulation is summarized as follows:

- front setback or rear setback will have to be reduced in order to maintain a functional allowable building pocket
- variable front setback should be adopted to ensure blockface alignment
- reduce allowable site coverage for Row Housing to align with proposed allowable building pocket
- reduce number of dwellings permitted in (RF3) Small Scale Infill Zone to three
- waive the rear setback requirement (40% of site depth) for Row Housing if maintaining a consistent front setback is a priority
- 6 metre maximum front setback will greatly reduce rear setback variances

- increased interior side setback (3 metres) safeguards a reasonable street presence for neighbouring properties with large front setbacks
- 6 metre maximum front setback ensures greater alignment of rear façades and improves rear yard privacy by reducing overlook for neighbouring properties
- maintaining blockface alignment can renders sites undevelopable for Row Housing
- 6 metre maximum front setback increases predictability by removing unknowns during the pre-planning, design and approvals process
- maintaining blockface alignment in the context of neighbouring properties with large front setbacks does not contemplate long term City policy and planning objectives that encourage density through alternative housing forms
- maintaining blockface alignment in the context of neighbouring properties with large front setbacks results in inefficient and underutilization of land.

On January 21, 2016, Administration organized a subsequent discussion to provide interested stakeholders with an additional opportunity to discuss front setback options previously circulated to stakeholders and provide feedback on the first draft of the proposed amendments. Feedback was used to further refine draft regulations and develop the graduated contextual front setback approach.

### **Attachments**

1. Bylaw 17556
2. Glossary
3. Comparison of Front Setback Approaches
4. Graphic Comparison of Front Setback Approaches
5. Mark-up of Proposed Text Amendment