

ZONING BYLAW RENEWAL INITIATIVE

DISCUSSION PAPER



NOTIFICATIONS & VARIANCES

Edmonton

A series of Discussion Papers were created in 2020 to support Phase 1 of engagement and may include content that was subject to change as the draft Zoning Bylaw was refined.

The City of Edmonton provides these Discussion Papers for general information and educational purposes only. All persons and companies accessing this resource are advised not to rely on it and to seek their own professional advice for any particular purpose. All persons and companies must refer to Zoning Bylaw 20001 for the most accurate and up-to-date version, which can be found at edmonton.ca/ZoningBylaw. Where information in the Discussion Paper does not align with the text of the Zoning Bylaw 20001, the Zoning Bylaw 20001 prevails. In no event shall the City of Edmonton and its employees, members, agents, contractors, and suppliers be liable for any loss or damages of any kind arising in any way out of any use of the Discussion Papers .



HOW TO USE THE DISCUSSION PAPERS

The discussion papers provide an entry point into the world of zoning by breaking it out into understandable parts and allowing Edmontonians to select topics that interest them. They explore various aspects of zoning and the new Zoning Bylaw, and provide the preliminary thinking and direction for the approach it may take. Please refer to the [Overview and Philosophy of the New Zoning Bylaw](#) for more information.

These papers are a **first attempt** at exploring potential directions for new zoning regulations. All Edmontonians – from developers to residents – are encouraged to explore the topics that interest them and provide feedback through the [Engaged Edmonton](#) platform. Information gathered through the discussion paper conversation will be used to help inform how the new Zoning Bylaw will be written.

TOPICS



**PHILOSOPHY OF THE
NEW ZONING BYLAW**



NODES & CORRIDORS



**DIRECT CONTROL
ZONES**



RESIDENTIAL ZONES



**NOTIFICATIONS &
VARIANCES**



**COMMERCIAL &
INDUSTRIAL ZONES**



OVERLAYS



**AGRICULTURE &
RURAL ZONES**



SIGNS



**OPEN SPACE &
CIVIC SERVICES ZONES**



**CLIMATE RESILIENCE &
ENERGY TRANSITION**



SPECIAL AREA ZONES



ECONOMY



TABLE OF CONTENTS

Conversation Starter	4
Introduction	5
Guiding Questions	5
Variances	6
Notifications	13
Conclusion	26
Get Involved!	27

LIST OF FIGURES

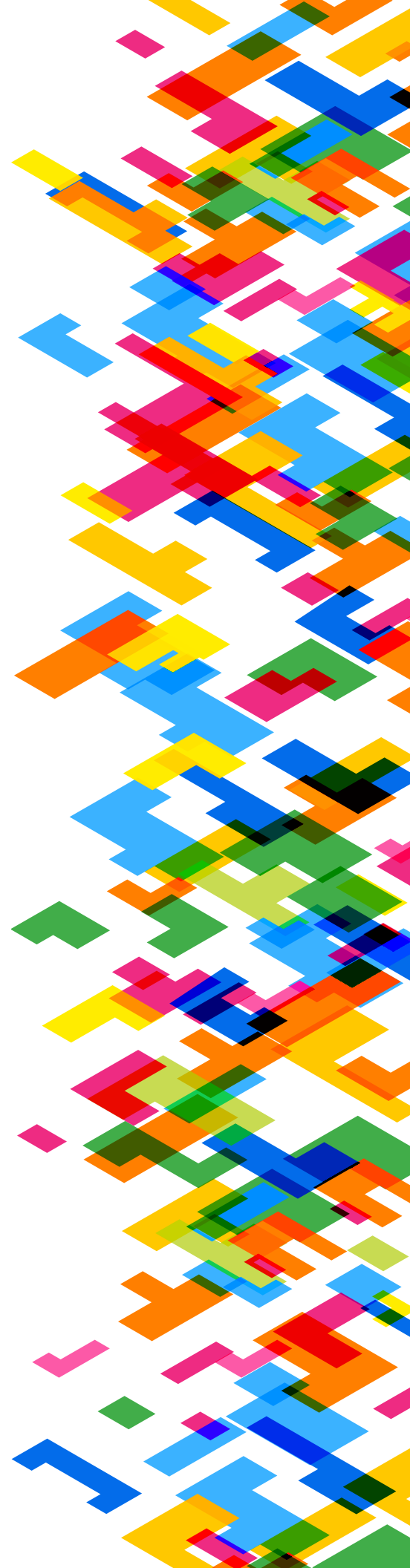
Fig 1. Planning process in Edmonton	7
Fig 2. Example of an on-site rezoning sign	15
Fig 3. Example of a postcard sent to inform Edmontonians of an upcoming public hearing for a rezoning application	15
Fig 4. A template for a development permit notification sign	17

LIST OF TABLES

Table 1. Summary of current variance regulations	7
Table 2. Proposed variance criteria and rationale	11
Table 3. Summary of the public hearing notification requirements for a rezoning application	14
Table 4. Summary of how community consultation letters are used to seek community input before the City makes a development permit decision	16
Table 5. Summary of the how notification is provided for "Class A" development permit projects	17
Table 6. Summary of the types of notification provided for "Class B" development permit projects	17
Table 7. Cost of newspaper ads and mailed notifications for rezoning and development permit applications	18
Table 8. A summary of proposed changes to notifications	21
Table 9. Proposed notification tiers for "Class B" Permits	24

APPENDICES

Appendix 1 Variance Criteria in Other Provinces and Territories	28
Appendix 2 Municipal Examples of Notification Practices	30





CONVERSATION STARTER

How can the new Zoning Bylaw provide guidance on **how variances and notifications can be issued?**

Variations are limited exceptions to a specific rule defined in the Zoning Bylaw that is requested in the application for a development permit.

Notifications are regulated by the Municipal Government Act and the Zoning Bylaw and are sent to residents during a rezoning application and in specific cases of a development permit application.

This paper shows that the new Zoning Bylaw can provide guidance by

1 Implementing a **new variance test** that considers criteria to support better development outcomes

Assessment Criteria

- + Alignment with City policies
- + Meet the general intent of the Zoning Bylaw
- + Impact on surrounding neighbours
- + Physical constraints

2 Providing notifications in **new and improved formats** in order to reach a broader number of residents

Type of Notification	Development Permit Application	Rezoning Application
On-site signage	✓	✓
Online mapping	✓	✓
City of Edmonton website information	✓	✓
Online notification by request	✓	✓
Notification to adjacent properties	✓	✓
Notification to wider neighbourhood	✓	✓
Newspaper advertisement	✗	✗

3 Proposing **notification tiers** for development permits that are approved with a variance ("Class B" Permits) based on a **set expectation of who may be affected by a particular variance to a project**

Legend

To continue with improvements	✓
To be discontinued	✗
To be added	✓

INTRODUCTION

Building Edmonton for a population of two million people will require a collective effort between residents, builders, City Administration, City Council, and many others. The Zoning Bylaw sets the rules for how buildings and development occur in the city. When a site is proposed to be developed, there are instances when neighbours have an opportunity to consider how this may affect them. **The City has a responsibility to help notify the residents to be aware of these projects as their neighbourhood continues to grow and change.**

The purpose of a Zoning Bylaw is to provide the framework for how all development occurs, however it can't always anticipate all contexts or development ideas. In addition, applicants will sometimes propose ideas to develop a site that does not quite fit within what the Zoning Bylaw allows. As a result, exceptions to one or more rules may be requested in the form of variances in order for the project to proceed. In these situations, the request will be reviewed to determine if it is reasonable to grant these exceptions.

The new Zoning Bylaw is intended to clarify and simplify rules for building in Edmonton. As part of this work, this discussion paper will examine **variances** – their purpose, the rationale for using them as part of a development permit decision, and whether there is an opportunity to improve and clarify how these decisions are made. This paper will also review **notifications** and how the City helps people to be aware of ongoing change within their communities and determine whether there are better methods for connecting effectively with Edmontonians.

GUIDING QUESTIONS

This discussion paper seeks to explore the following questions:

Variances

- + What are variances and how are they used?
- + What are some challenges with how variances are considered?
- + How do other provinces and territories regulate variances?
- + How can the approach for variances be improved?

Notifications

- + What is the purpose of notifying residents about planning processes?
- + How is this currently practiced in Edmonton?
- + What are some of the limitations to the ways we currently notify?
- + How can the City be more effective in providing notifications?

VARIANCES

Development regulations in the Zoning Bylaw **may not apply in the same way to all properties**. Depending on the physical dimensions or constraints of the site, there may be instances where regulations **may need to be adjusted to accommodate the project and ensure that the land is used safely, functionally and efficiently**.

For example, a builder may wish to construct a house backing onto a ravine. Due to the steep slope, it may not be safe to construct the house following the same setback rules as a property on flat and stable land. There may also be other situations where an applicant is interested in developing a project that is unconventional. This proposal would likely not meet the rules outlined in the Zoning Bylaw even though there may not be any physical site constraints. Considering innovative or unique development is an important part of building a vibrant city.

In situations where a proposal does not meet the Zoning Bylaw's rules, but presents an innovative development or unique solution to work with the physical constraints of the site, the applicant may request a limited exception to the rule called a variance. Looking at the previous example, a potential variance request may be to build the house closer to the front property line than what is allowed in the Zoning Bylaw. Since variances allow projects to be built outside of City-established rules, it is important that there is clear guidance for when variances can be issued. This paper will look at the criteria available in the Zoning Bylaw to guide variance decisions and how this criteria could be improved.

Current Use of Variances

Variances are an essential part of the Alberta planning system and provide a mechanism to ensure that fair and reasonable decisions are made when reviewing development proposals. The Zoning Bylaw establishes the rules for how all development should occur in the City, but it cannot accommodate all contexts and changing development trends. Variances recognize the limitations of a Zoning Bylaw and introduce a degree of flexibility to accommodate exceptional situations. Even if a proposal doesn't meet some of the rules, a variance allows a development to proceed so long as it aligns with City policies and the general intent of the Zoning Bylaw.

The [Municipal Government Act](#) establishes the legal authority for a municipality to regulate land development but does not define what a variance is or how it would be applied. If a development proposal does not meet the rules of the Zoning Bylaw, but it is for a use allowed in the Zoning Bylaw, the municipality has broad powers to determine if the proposal can be approved. The municipality would only have to consider whether the project "unduly interferes with the amenities of the neighbourhood" or "materially interferes or affects the use, enjoyment and value of neighbourhood parcels of land." This gives municipalities the ability to broadly interpret and apply these rules at the municipal level.

The current Zoning Bylaw uses this exact wording from the Municipal Government Act to determine whether variances may be approved. It also includes an additional test requiring Administration to determine whether the proposed project is affected by “unnecessary hardship or practical difficulties” that are specific to the project and site when the variance is being reviewed (see [Table 1](#)).

Table 1. Summary of current variance regulations

Considerations for a variance
The proposed development would not unduly interfere with the amenities of the neighbourhood (as directed by the MGA)
The proposed development would not materially interfere with or affect the use, enjoyment or value of neighbouring properties (as directed by the MGA)
The variance shall only be considered in cases of unnecessary hardship or practical difficulties because of the use, character, or unusual situation of the building or site, which are not generally common to other sites in the same Zone
Limitations to a Variance
No variances to uses (as directed by the MGA)
No variances to maximum height, maximum floor area ratio or maximum density
No variances to the minimum width of a site for new single detached housing in some residential zones
No variances to the general purpose statement of a Zone or Overlay

Floor Area Ratio: The total amount of floor space of a building compared to the size of the site, expressed as a ratio.

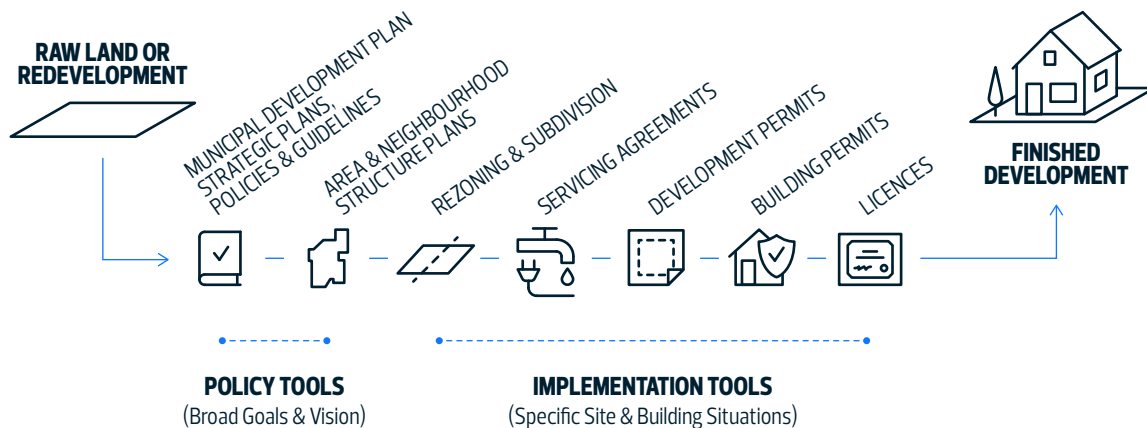
Density: The number of residential units over a given area, typically expressed as dwellings per hectare.

Limitations to Variances

The Municipal Government Act also sets out limits to what cannot be granted a variance. The Act does not allow a variance to add or change a use listed in a zone in the Zoning Bylaw. Introducing a new use to a site requires approval by Council, either through a rezoning or a text amendment to the Zoning Bylaw. The current Zoning Bylaw adds further restriction by prohibiting variances to height limits, floor area ratio limits, density limits, width of a site, and the general purpose statement in a Zone or Overlay (see [Table 1](#)).

Variances are one tool in the planning toolbox that can be used to help enable development ([Fig 1](#)). Variances may allow for some exceptions to zoning rules to occur, but this is not intended to be a tool to accommodate major changes from what is allowed in the Zoning Bylaw. Depending on the scale of the proposed zoning exceptions, the landowner may need to look at rezoning or even an amendment to a statutory plan (e.g., Area Structure Plan) to accommodate their proposal.

Fig 1. Planning process in Edmonton



Current Challenges with Variances

The current rules for how variances are reviewed present challenges for everyone, from Administration, to neighbours, to applicants. The rules for when a variance can be used may be too limiting and impractical and the Zoning Bylaw does not provide guidance for how a variance may be justified.

Broad criteria

The decision for why a variance request is granted or refused should have clear rationale or justification. The current rules require that the proposed variance should not unduly interfere with neighbourhood amenities, affect the use, enjoyment, or value of neighbouring properties, and consider the variance only if it would relieve “unnecessary hardship” that is due to a practical difficulty. While these are important considerations, these appear to be broad and can be subject to interpretation. A lack of common understanding of what can be considered a “hardship” leads to inconsistent application of these criteria or disagreements about how the decision was made, resulting in more appeals of decisions. These criteria could be updated to use more precise wording in order to provide clearer understanding, and additional new criteria could help to better guide decision making.

Narrow focus

Focusing on a variance’s potential interference on neighbourhood amenities and the enjoyment, use, and value of neighbouring properties assumes the variance will have a negative effect simply because it is an exception to the accepted norm of the zoning regulation. This narrow focus on potential impacts does not allow for the consideration of positive benefits as an outcome of the requested variance. For example, there is no explicit consideration within the current regulations for whether a variance request could enable a development that achieves city-building goals or objectives, unless this specific direction

is provided within a statutory plan. The existing requirements also do not allow for consideration of development trends that may have outpaced the ability for zoning rules to adapt to emerging needs, priorities and market conditions.

The new Zoning Bylaw intends to directly relate the proposed regulations to City objectives and policies, and to help create better development outcomes. This principle would also apply to how variances are considered. Where the current rules only focus on the effect of a development and its proposed variances on the neighbourhood, the way variances are reviewed should also consider how they enable a development project to help achieve City goals and objectives. This would provide a better balance of considerations between local impacts and broader community benefits. It would also provide greater flexibility in adapting to changing City needs and priorities.

Constrained decision making

Currently, the Zoning Bylaw prohibits variances to maximum height, maximum floor area ratio, maximum density, and site width of lots for single detached housing in limited residential zones. This limits the ability of the development officer to use their professional experience and knowledge to make a judgment about the variance proposal based on its merit and the context around the project. Even when the variance request is refused, the Subdivision and Development Appeal Board (SDAB) often overturn the development officer’s refusal to approve the proposed development. This raises the question of whether this limitation has been effective in preventing the development that requires these exceptions, whether this creates false expectations in residents that these limits will be respected, and whether it is worth the added time and cost to the City and the applicant. However, these limitations have also been useful in compelling proposed developments to be revised in order to comply with the zoning regulations.

Provincial and Territorial Practices on Variances

Municipal planning powers are delegated by Provincial or Territorial legislation in Canada. [Appendix 1](#) outlines the criteria that other provinces and territories use to determine when variances would be appropriate. There are several common rules found in different Provincial and Territorial legislation that the Administration could use as a comparison when considering how to improve Edmonton's regulations.

Alignment with plans and policies

The vast majority of Provincial and Territorial legislation contains a rule that the development must align with higher level plans such as a municipal development plan or secondary plan. Since these plans outline the aspirational goals and policies for how the city should be developed, it requires municipalities to consider how the variance requested and the proposed development would conform to the intent of these high level plans. This introduces a different perspective in municipalities considering whether a variance could benefit the greater community in light of local impacts.

Alberta's Municipal Government Act does not currently include this requirement, but the Subdivision and Development Appeal Board (SDAB)'s decision is required to comply with any statutory plan and land use policies, among other considerations. Orienting Edmonton's variance regulations in the new Zoning Bylaw to explicitly be better aligned with the factors considered by the SDAB will help support more consistent and predictable decision making. And more generally, requiring that variance decisions align with the City's policies helps to ensure a big-picture lens is applied at the site level.

Alignment with the Zoning Bylaw

Variances are intended to provide an exception to the rules within a zoning or land use bylaw. However, some Provincial and Territorial legislation requires that municipalities consider whether the variance being requested meets the general intent of the actual regulation being relaxed (e.g.

Ontario, Prince Edward Island, Nova Scotia). This ensures that the variance is not used to disregard the zoning regulation completely. The Municipal Government Act currently does not have this requirement.

Hardship

Another common rule found in the legislation is the consideration for different types of hardship that are used as justification for a variance. One type of hardship is related to physical constraints, which some provinces and territories view as a legitimate reason for a variance. The Yukon government gives clear hardship examples related to practical difficulties or unnecessary hardships due to the exceptional narrowness, shortness, shape, topographic features, or other unusual conditions of the property.

Conversely, several provinces indicate that self-imposed constraints to a development that benefit an applicant should not be a consideration for a variance. For example, applicants should not have "intentional disregard for the requirement of the regulations" (Prince Edward Island), the variance should not "create prejudice and advantage the applicant" (Quebec), or the variance should not be "based on a result of the owner's actions or constitute a special privilege inconsistent with the restrictions on neighbouring properties" (Yukon).

The Zoning Bylaw exists to provide consistency and clear expectations for development in a municipality. If a variance is granted, it is allowing development to partially occur outside of the standard regulations of the Zoning Bylaw. The challenge with considering a variance due to hardship is that it can be difficult to determine whether a claim to hardship is valid. While Alberta's Municipal Government Act does not include variance requirements related to hardship, Edmonton's current Zoning Bylaw does require that hardship be considered in evaluating a variance request. More specific guidance on the type or scale of hardship could provide effective direction when reviewing a variance.

Impact on adjacent landowners

Some legislation had strong language around reviewing variances based on potential impact on adjacent properties. Some requirements consider if the development would “injuriously affect neighbours” (Saskatchewan and Yukon), be “detrimental to the health or general welfare of the surrounding area” (Manitoba), or “prejudice the proper development of the land that would be contrary to the public interest” (Newfoundland and Labrador). Most provinces and territories require that the variance is a small-scale change that will have minimal impact on landowners and the surrounding area.

The Alberta legislation is currently worded to consider a development’s potential to “unduly interfere with the amenities of the neighbourhood” and “interfere with or affect the use, enjoyment or value of the neighbouring parcels of land”. This provides similar wording to consider a variance’s impact on surrounding properties.

Variance request is minor

Another common rule was to ensure that the scale of a variance is small compared to what’s required in the Zoning Bylaw. Variances should be “minor” (Ontario) or only require the “minimum modification of the Zoning Bylaw to address the hardship or physical constraint on the property” (Manitoba). This type of requirement ensures that the variance is not used as a way to undermine the intent of the rules and build something that could have a greater impact on neighbouring properties. The Municipal Government Act currently does not contain similar wording, and while there may be merit to considering an approach like this for the new Zoning Bylaw, there is also the potential for it to introduce a new point of uncertainty around what constitutes a “minor” variance.

Proposed Approach for Variances

The proposed approach to variances will allow for more discretion in determining what regulations can be varied while guided by well-rounded criteria that leads to a more informed decision making process. This would ensure that variances are considered in a comprehensive manner to help support better development outcomes as Edmonton changes and grows.

New variance tests

Administration must continue to follow existing provincial rules when reviewing a variance request for development in Edmonton. However, the new Zoning Bylaw can include additional criteria to provide more clarity and direction for everyone to understand how a variance request will be evaluated. This proposed variance test would ask the following questions as outlined in [Table 2](#). Variances could be considered more favourable if the project demonstrates that it satisfies the listed requirements. The new test criteria would consider whether the proposed variance aligns with higher level plans, meets the intent of the Zoning Bylaw, addresses site constraints, and has minimal impact on surrounding neighbours.

Table 2. Proposed variance criteria and rationale

Proposed Variance Criteria	Variance Test	Rationale
1. Alignment with City policies	Does the proposed variance result in a development that aligns with the general intent of the Municipal Development Plan and other statutory plans?	This ensures that any proposed variance will result in a development that still achieves the goals and objectives of Edmonton’s policies.
2. Meet the general intent of the Zoning Bylaw	Is the proposed variance consistent with the general purpose of the zone?	The intent is to ensure that the proposed variance does not deviate from the purpose of the zone and that the intended scale and form of development in that zone is maintained. This will also uphold the Municipal Government Act requirement that a use cannot be varied.
3. Impact on surrounding neighbours	Does the proposed variance and development unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties?	The Municipal Government Act currently requires municipalities to determine whether the development unduly interferes with the amenities of the neighbourhood or affects the use, enjoyment or value of the neighbouring property. This may help focus the arguments for or against a decision by considering any potential land use impacts from the development.
4. Physical constraint	Does the proposed variance address a practical difficulty such as a physical constraint of the site (e.g. unusual shape, topographic feature)?	A variance does not necessarily need to meet this condition for it to be granted. Instead, it is intended to identify valid situations where a proposed variance is trying to address a practical challenge of the site.

This set of criteria establishes a decision-making process and provides Administration with the opportunity to apply their professional judgment and determine whether a proposed variance is reasonable. The applicant would be required to submit a justification for their variance request using the same criteria when it is requested by Administration. The resulting review and decision by Administration would be more rigorous because it considers the variance’s merit in a more comprehensive manner. This would give applicants and neighbours a clearer understanding of how the decision was made, supporting more transparent decision making overall.

Another key component in this proposed decision making process is to ensure that every application and by extension, every variance request, is reviewed fairly and consistently. While the proposed rules would become standard tests for a variance request, it should also be expected that even within these parameters, the outcome from different decisions could be different based on the unique context of each request. Ultimately, decisions will remain fair because they will be guided by considerations for City policies, maintaining the intent of regulating land use, reducing harm, and limiting the size of the variance.

When the Subdivision and Development Appeal Board (SDAB) reviews an appeal to a development permit variance decision according to the Municipal Government Act, they must (among other considerations):

- + comply with any statutory plan (such as The City Plan),
- + ensure the Zoning Bylaw allows the proposed use on the subject lands,
- + comply with the land use policies, and
- + have regard to (but not be bound by) the subdivision and development regulations.
- + whether the development unduly interferes with the amenities of the neighbourhood or affects the use, enjoyment or value of the neighbouring property

A final feature of this set of proposed variance criteria is that it would be more consistent with how the SDAB currently considers appeals. This would provide the Board with more information about how the variance decision was made, in line with the factors it is already required to consider. This could support more transparent decision making across the different stages of the development permitting and appeals process.

Monitoring

As the new Zoning Bylaw comes into effect, it will be monitored to ensure that its regulations and the decisions they support are effective. It is possible that an unintended consequence of a new approach to variances could be more variance requests and therefore a greater number of appeals to the Subdivision and Development Appeal Board. Administration will establish criteria to measure whether the variance tests are achieving the intended outcome of fair and generally consistent decisions. Some measures could include the number of appeals to the Subdivision and Development Appeal Board, an analysis of the rulings, or internal comparisons of similar variance requests and their outcomes to verify consistency in the decision-making process to how a variance is considered.

Other Considerations

In addition to adopting this set of tests for variances, Administration also proposes to remove the current restriction on variances related to site width for rectangular shaped lots that contain a single detached house in limited residential zones. Removing this narrowly-focused restriction would support greater consistency across the city as other similar residential zones and building types are able to vary site width. This re-establishes a fuller set of tools to determine the appropriateness of land subdivision and the proposed variance tests will provide guidance on whether future site width variances are appropriate.

At this time, Administration is not proposing to remove the current restrictions on variances to maximum density, maximum floor area ratio, and maximum height. While development officer's decisions on these variance requests are frequently overturned by the Subdivision and Development Appeal Board, this limitation has also often led applicants to change their plans in order to comply with the relevant zoning requirements. Moreover, if variances could be granted for height, density and floor area ratio, it could likely lead to more appeals and therefore longer permitting timelines. However, as zones are created for the new Zoning Bylaw, ensuring appropriate density, floor area ratio, and height limits for each zone would minimize the need to consider variances to these regulations.

Removing current variance restrictions would enable Administration to vary these regulations in the new Zoning Bylaw, and the added flexibility would no doubt be welcomed by applicants. However, the potential benefit of clearing a path to more easily approve some minor variances may be offset by some unintended consequences. For example, would the new rules create the potential for more variance requests and the resulting appeals? Would there be less willingness to alter project designs to comply with the new Zoning Bylaw because it's possible to request a variance? Further examination is needed to understand the implications of either retaining or removing these restrictions.

Next Steps and 2020 Zoning Bylaw Omnibus Amendments

In late 2020 or early 2021, City Council will consider an amendment to the Zoning Bylaw that would remove the restriction where variances could only be considered on the grounds of hardship or practical difficulty. The timing of this proposal reflects the City's current need to address barriers to effective service delivery given the ongoing effects of the Covid-19 pandemic on Edmonton's economy. This amendment would also allow variances to be considered for proposed developments that achieve The Draft City Plan's building outcomes. If Council decides not to pursue this change in the near-term, Administration intends to propose changing the hardship requirement as part of Zoning Bylaw Renewal, as outlined in this paper.

Whether a development should be granted a variance or relaxation from the rules of the Zoning Bylaw requires careful consideration. This proposal is the City's first attempt to reconsider how the new Zoning Bylaw can provide more rigour and justification for why a variance should be granted for a particular project. Through the Zoning Bylaw Renewal engagement process, these ideas will change and evolve as additional input and feedback is received to result in zoning rules that provide greater clarity to why variances are granted.

NOTIFICATIONS

When variances are granted, the City has **a responsibility to inform residents that variances have been conditionally approved**. The second half of this paper seeks to consider how the City can better inform residents about developments occurring in their neighbourhood.

The Draft City Plan uses the term 'rebuildable city' to capture the idea that Edmonton, like any city, **is never stagnant – it is constantly in a state of growth and change**. Edmontonians continually rebuild and reimagine our city to adapt to change and accommodate more people and businesses. Being a rebuildable city means **recognizing that all neighbourhoods are at some point in a continuous lifecycle, and changes in how land is used are to be expected**. Residents, community leagues, and business associations are often interested in knowing what types of development are coming to their neighbourhood and when this will occur.

Informing residents in an effective and timely manner will help raise awareness about a development and make the planning process more transparent. This supports Edmontonians' ability to stay informed on development occurring in their neighbourhood or within the city. This provides opportunities for people to give feedback on select projects where required by provincial rules or Zoning Bylaw regulations. The Zoning Bylaw Renewal Initiative presents an opportunity to review how the City informs residents and what information is presented, and determine if there are ways to improve how this is done. This discussion paper will consider how residents and property owners are informed about two planning processes:

- + a **"rezoning" application**, which is when an applicant proposes changes to how land can be used, and
- + a **"development permit" application**, which is when projects are proposed to be built.

This paper will propose ideas on improving the methods used to communicate this information. Notification for land subdivision is not within the scope of this paper as it is not regulated through the Zoning Bylaw.

Municipal Government Act

The Municipal Government Act (MGA) provides instructions on how city government can inform people about planning and development processes such as a rezoning or a development permit application. There are different requirements for these two processes.

Rezoning

Minimum requirements to notify residents about rezonings are regulated under two sections of the MGA, as these types of bylaw amendments require City Council to hold a Public Hearing. The MGA also allows Council to approve alternative methods of notification. In 2019, Council enabled these alternative methods through the [Public Notification Bylaw \(Charter Bylaw 18826\)](#). The new Zoning Bylaw is an opportunity to consider and implement the alternate forms of notifications available through the Public Notification Bylaw. [Table 3](#) provides a summary of the different requirements for Public Hearing notices.

Table 3. Summary of the public hearing notification requirements for a rezoning application

Section 606 of the Municipal Government Act	<ul style="list-style-type: none"> + Advertise in a city-wide newspaper once a week for two consecutive weeks, and + Mail or deliver notice to every residence in the area where the proposed bylaw applies or where the public hearing will be held, or + An alternative way of notification as provided in a municipal bylaw
Section 692 of the Municipal Government Act	<ul style="list-style-type: none"> + Written notice has to be sent to the owner of the site and to the owners of all adjacent properties
City of Edmonton Public Notification Bylaw 18826 (alternative to Section 606 requirements)	<ul style="list-style-type: none"> + For one lot or site: <ul style="list-style-type: none"> - City must publish a notice for the rezoning on its website 10 days prior to the Public Hearing. - If the rezoning is for one lot or site, the City must mail notices to every property owner within 60 metres of the subject site, the Edmonton Federation of Community Leagues, and the affected Business Improvement Area Association + For more than one lot or site (e.g. area-wide rezoning): <ul style="list-style-type: none"> - City must publish a notice for the rezoning on its website 10 days prior to the Public Hearing. - Post notice at the Edmonton Service Centre at least 10 days prior to the Public Hearing - Sent as a public service announcement to local media outlets 10 days prior to the Public Hearing

If the City uses the alternate methods under the Public Notification Bylaw to notify the public about a rezoning, it must still meet its Section 692 requirements under the MGA. However, by sending out notification to all property owners within 60 meters of the subject site, the City has met its MGA requirements.

Development permits

Under the [City of Edmonton Charter Regulation](#), the City has the authority to establish rules to control how development permits are issued but is not required to specify in its Zoning Bylaw how notification will be carried out for development permits. While removing notification requirements from the Zoning Bylaw altogether would provide the City with greater flexibility to update notification methods without updating the Zoning Bylaw, this could result in a lack of transparency and consistency in the process. The MGA also requires that appeals of a development permit decision must be made to the Subdivision and Development Appeal Board within 21 days after notice has been provided. Outlining when and how notice will be given in the Zoning Bylaw ensures a clear understanding by everyone of when this period would start.

Current Notification Practice

The City of Edmonton currently relies on several tools to inform the public about rezoning and development permit applications.

Rezoning

When a property is proposed to be rezoned, postcard notifications are sent to property owners surrounding the site at various stages of the review process. The first notice is sent after an application has been received and a sign is installed on the site for select applications ([Fig 2](#)).

Fig 2. Example of an on-site rezoning sign

PROPOSED REZONING

Site Address: 11416 and 11419 - 78 AVENUE NW

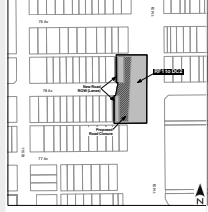
CURRENT ZONE
(RF1) Single Detached Residential Zone

PROPOSED ZONE
(DC2) Site Specific Development Control Provision

To allow for the development of two (2) low rise apartment buildings with the following characteristics:


- A maximum height of 14.5 meters (~4 storeys);
- Up to 55 residential dwellings per building;
- A maximum Floor Area Ratio of 2.45;
- Closure for portions of 78 Avenue NW, 114 Street NW west of the LRT tracks and abutting lane; and
- New north/south lanes west of the subject sites to provide connectivity to the remaining lanes and access to the development.

Uses including: Multi-unit Housing, Group Homes, Minor Home Based Business. The list is not exhaustive.



MORE INFORMATION

Marty Vasquez
(780) 495-1948
marty.vasquez@edmonton.ca




edmonton.ca/Mckernan

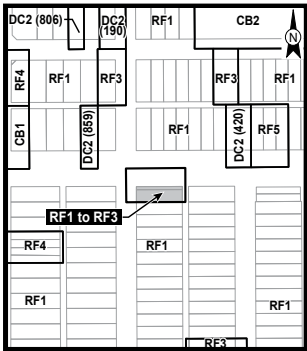
A second notice is sent as an invitation to attend a public information session (if required), where more information is provided about the proposal and residents can ask Administration questions and provide input. The City also uses public service announcements and social media tools like Facebook and Twitter to announce public engagement opportunities, and publishes information for many applications on the City's website as individual [rezoning application pages](#). When the Public Hearing is scheduled for Council to make a decision about the proposed rezoning, a final notice is sent ([Fig 3](#)) and newspaper ads are published. Edmonton's [online mapping platform](#) also lists active rezoning applications.

Fig 3. Example of a postcard sent to inform Edmontonians of an upcoming public hearing for a rezoning application

POSTED AUGUST 6, 2020 | 9949 - 162 STREET NW & 9951 - 162 STREET NW



NOTICE OF PUBLIC HEARING



FILE #: LDA20-0154

City Council will hold a **remote Public Hearing** to consider the **proposed Charter Bylaw 19399** on:

September 1, 2020 at 1:30 pm
Council Chamber, 2nd floor, City Hall

If approved, the zoning of Lot 13, Block 3B, Plan 6144AH would change from (RF1) Single Detached Residential Zone to (RF3) Small Scale Infill Development Zone to allow for small scale residential infill development in the form of small scale multi-unit housing, among other uses.

The stated intent of the applicant is to develop row housing.
Administration supports this proposed Charter Bylaw.

Please note:
To help prevent the spread of COVID-19 and keep Edmontonians and City staff safe, the City of Edmonton is seeking new ways to allow public input. With the ever changing environment, City Council Public Hearing may be held remotely, in-person, or a combination thereof. **Opportunities are being provided to allow you to submit your comments/concerns in writing, by registering to speak remotely or, if available, registering to speak in person.** To register or if you have questions regarding how to participate please contact the Office of the City Clerk prior to 12:00 pm on August 31, 2020. Please see reverse for details.

Development permits

Most building projects in Edmonton require a development permit. Generally, development permit applications that meet zoning regulations do not require direct notification to residents or businesses. There are three situations where the City provides notification and information related to a development permit application.

Ongoing information sharing

Basic information about each development permit application and its status within the process, from when it is received to the final decision, is provided online through Edmonton’s [Open Data Portal](#) and the City’s [online mapping platform](#).

Seeking community input

Consultation with the community is required when an applicant for a development permit requests a variance in the Mature Neighbourhood Overlay or Main Streets Overlay, or where a

secondhand store or pawn store is proposed in areas subject to the Secondhand Store and Pawn Stores Overlay. Community Consultation letters are sent to neighbours, community leagues, and affected Business Improvement Area Associations for their input before Administration can make a decision. [Table 4](#) provides a description of how this process is carried out.

Informing communities about a decision

There are two situations where Administration provides information after it has made a decision about a development permit application. The first applies to certain projects in the Mature Neighbourhood Overlay and areas identified as “Established Neighbourhoods” in *The Way We Grow*, Edmonton’s current Municipal Development Plan, that meet all zoning regulations (otherwise known as a “Class A” development permit). [Table 5](#) provides a summary of how notification is provided for “Class A” projects.

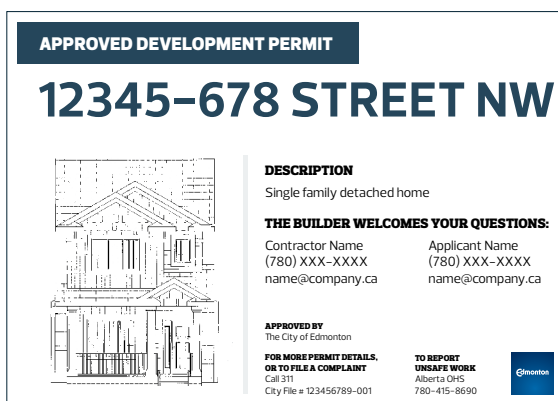
Table 4. Summary of how community consultation letters are used to seek community input before the City makes a development permit decision

Community Consultation Notification	
Type of notification	Mailed letters
Why notification is sent	To seek input from neighbours about a proposed variance for a development permit proposal
When notification is sent	Notification is sent when it has been identified that a variance is required OR when a secondhand store or pawn store is proposed as a discretionary use.
Who the notification is sent to	Always sent to: + President of the Community League + Executive Director of the affected Business Improvement Area Association Depending on the type of variance being requested: + Owners and renters within 60m of the subject site, or + Owners and renters of adjacent properties and across the lane, or + Owners and renters of adjacent properties
Where notification applies	Applies to sites subject to the: + Mature Neighbourhood Overlay + Secondhand Stores and Pawn Stores Overlay + Main Streets Overlay

Table 5. Summary of the how notification is provided for “Class A” development permit projects

“Class A” Development Permit Notification	
Type of notification	+ Mailed letters + Sign posted on-site, paid for by the applicant (see Fig 4)
Why notification is sent	Provide awareness of an approved development permit application
When notification is sent	Notification is provided after a project has been approved. Signage is required to be installed on-site after approval
Who the notification is sent to	Mailed letters are always sent to owners and renters of adjacent properties and across from the lane
Where notification applies	Applies to properties subject to the Mature Neighbourhood Overlay and within ‘Established Neighbourhoods’ as identified in the Municipal Development Plan, <i>The Way We Grow</i>

Fig 4. A template for a development permit notification sign. This sign provides information to residents about an approved project, including contact information should construction-related issues occur.



In the second situation, notification is provided for “Class B” development permit. These permits are issued for:

- + all projects that are granted variances
- + a discretionary use that has been approved anywhere in the city
- + a development located in a Direct Control zone.

This notification informs residents about what’s being approved and describes options to appeal the decision. In addition to the letters, newspaper ads are published about these decisions. [Table 6](#) provides a description of how this is applied for “Class B” projects.

Table 6. Summary of the types of notification provided for “Class B” development permit projects

“Class B” Development Permit Notification	
Type of notification	+ Mailed letters + Sign posted on-site paid for by the applicant + Newspaper ad
Why notification is sent	Provide awareness of a conditionally approved development permit with variances or a discretionary use. It also outlines the conditions for appeal to the Subdivision and Development Appeal Board
When notification is sent	Notification is provided after a project has been conditionally approved for a discretionary use or with variances Signs are posted on-site if there are no appeals or after a decision has been made by the Subdivision and Development Appeal Board
Who the notification is sent to	Mailed letters are always sent to: + All owners within 60m of the subject site + President of the Community League + Executive Director of the affected Business Improvement Area Association Newspaper ads are published twice a week in the Edmonton Journal
Where notification applies	+ Applies city-wide + On-site signage only applies to properties within the Mature Neighbourhood Overlay or at the discretion of Administration

Issues and Challenges with Notifications

Administration has identified the following issues and challenges with current notification tools, as it looks at ways to improve how these tools are used, whether new tools are required and if existing tools should be discontinued.

Limited reach

The City publishes Public Hearing notices for rezoning applications and development permit decisions in the Edmonton Journal. In 2014, the Edmonton Journal reached on average 7.1% of the Edmonton metropolitan population during the week and there is no indication that these numbers have increased. This reduces the City’s ability to reach residents with this information through the newspaper.

While information about projects is also available through the City’s [online mapping tool](#) and through the [Open Data Portal](#), this information is limited, not user-friendly and can be difficult to find. Improving how project information is accessed and considering alternative ways to distribute this information would help more residents be able to participate and provide input in a constructive manner.

Cost

The City of Edmonton spent approximately \$300,000 in 2019 for development permit decisions and rezoning notices and newspaper ads. Costs for rezoning notifications are shared between the City and the applicant ([Table 7](#)).

Table 7. Cost of newspaper ads and mailed notifications for rezoning and development permit applications
Please note that notification costs do not include labour or printing costs.

	Newspaper ads	Mailed notification – letters or postcards
Rezoning	\$35,200.88	\$110,496.96
Development permits	\$51,820.30	\$103,073.31
Total	\$87,021.18	\$213,570.27

With more online means of communication and the limited reach of newspaper advertising, there is an opportunity to consider whether there are other cost-effective tools that can reach a wider audience while reducing costs for the City and the applicant.

Expectations

The Zoning Bylaw helps implement the City’s long term plans and strategies, such as The City Plan, through legally enforceable regulations. When development permit applications comply with the Zoning Bylaw, as most do, they have met the expectations of what can be built on a site and have the legal right to build what has been approved. As a result, there is no specific need to provide direct notification because neighbours have very limited ability to change the outcome.

Where a change in the use of land is proposed through a rezoning, or when a development proposal is not meeting the regulations through a variance request, then providing an opportunity for public input is appropriate. In these situations, residents and property owners have a role in determining how their neighbourhood is shaped and impacted by being involved at appropriate stages of the planning and development process. However, the City should set the expectations for how Edmontonians can influence the changes proposed by determining opportunities to engage and provide input on development permits or rezoning applications.

Under-notifying or notifying without clear expectations in these situations can make the process unclear, create conflict, and reduce the opportunity for residents to understand the changes. Under-notifying could also create the impression that the City is not being fully transparent about a proposed development. Without being clear on how the input may be used, residents may not feel invested in the process. On the other hand, when the City provides notification beyond what is required by the MGA, it has the potential to create confusion or unmet expectations. If someone receives a mailed notice, they may expect they have an opportunity to provide input, even if the notification was only intended to share information.

There are also practical limitations to when the City is able to inform residents of changes. For example, Administration conducted public engagement as part of an Infill Roadmap 2018 project to improve information sharing with residents. The engagement found that residents prefer to be informed at the time a property is sold or one year in advance of a permit being applied. This is not possible because the property owner has no obligation to share this information with the City, and they may not even know their plans this far in advance. The City is unlikely to require this information if there are no planning approvals being requested.

As different communication tools are considered, a balanced approach is required to ensure there are reasonable expectations on what information is shared, how this information will be used, and when this should happen.

Fairness

There are some concerns with mailing letters or postcard notices as it relates to fairness. Notices for development permits and rezonings are generally sent only to property owners, as guided by requirements of the Municipal Government Act. However, this privileges property owners over others. Renters living or leasing space beside or near a proposed rezoning or development proposal are as likely to be affected as a property owner, but are not necessarily informed about the changes. Using communication tools that provide equal access ensures that people who are living or working where the change is occurring, regardless of whether they own or rent, are properly notified.

Timing

The current process for development permit applications is to send mailed notices either prior to or after a decision has been made. This gives residents a small window of time to understand the project and respond to Administration. Edmontonians have indicated through previous public engagement efforts that they find this too late and it does not allow them to provide meaningful input. Often, appealing the decision becomes the only recourse, which extends timelines for applicants and adds frustration for

interested residents. Therefore, the City should select methods that can provide earlier awareness of development applications in the area without creating additional delays to development permit review timelines.

Other Municipalities' Practices

Municipalities in Canada keep residents informed of new development projects occurring or being considered using a similar variety of methods as those used in Edmonton ([Appendix 2](#)). Similar methods include on-site signage, mailed notices, and on-line information sharing through mapping platforms. Though the tools are similar, the way they are implemented is often different. For example, the City of Calgary's [online mapping portal](#) is more intuitive and easier to use for people seeking information about development applications. As part of its Development Application Notification Review, the City of Winnipeg has committed to improving its notification methods, including the use of plain language and graphics in its communication and the development of an opt-in email notification tool based on a resident's geographic location or topic of interest. Examining these differences provides insight into how the City of Edmonton can improve its practices.

General Approach to Notifications

The new Zoning Bylaw presents an opportunity to comprehensively review and modernize the ways in which residents are informed about proposed development and identify appropriate opportunities to provide input. There are a range of communication tools that the City can choose for their effectiveness. Administration proposes to provide information about development in multiple formats in order to reach a broader audience. The general approach to informing residents will improve information sharing in the following areas:

- + What information is provided
- + Who the information is shared with
- + When the information is shared
- + Balancing responsibilities and setting expectations

What information is provided

In determining the right approach to how to inform people and their communities effectively, it is important to understand the basics of what people are interested in when a development or change of land use is proposed. Based on previous public engagement on this topic, residents are generally interested in the following questions:

- + What activity is happening on the site?
- + How big and tall is the project?
- + What are other aspects of this project that could impact me?
- + Where can I easily find more information?
- + Who can I talk to about my thoughts or concerns?
- + If I provide input, how will it be used?

Regardless of the method being used, the communication tool should provide this information clearly and concisely. This can be achieved through the use of plain language, illustrations or graphics, and clear design. This approach aligns with the principles of the new Zoning Bylaw in creating a bylaw that is easy to understand and is accessible by all users. The formatting, size and layout of the notices should reflect a consistent visual identity whether the notification is in print, online or on a sign.

Who the information is shared with

Administration proposes to provide fairer access to information about a potential project to both owners and renters. This means relying on communication tools that can be accessed by both groups, such as on-site signage or online tools like opt-in notification or web mapping. As some situations still require letter or postcard notification to be sent, the process should ensure that mailed notification is sent to owners and renters.

When the information is shared

Public engagement results indicate that when discussing how notification is received, residents often state that development permit notifications are received too late in the decision making process. This does not provide enough time for

residents to find more information about the proposed project in order to make an informed decision about how it may impact the use of their property or neighbourhood. Residents have stated they prefer to be informed about a project when an application is submitted to allow those affected to follow the progress from the start and provide input on potential impacts to them. Having enough time to thoughtfully consider the project's potential impacts can result in more meaningful resident input into decision making. Therefore, Administration proposes communication tools that can provide this information early in the process and are cost-effective.

The general approach for when notices are sent for rezoning applications will not change significantly as notices are sent to residents at multiple points throughout the process.

Balancing responsibilities and setting expectations

The City has multiple responsibilities when it comes to development. It is responsible for enabling development that will build an Edmonton that achieves the goals and objectives of The Draft City Plan. It is responsible for considering the impacts of development or rezonings on surrounding properties. It is responsible for ensuring that development permit reviews happen in a timely manner. The City needs to balance these responsibilities when determining the amount and range of notification to be used for both rezonings and development permits.

Residents have indicated that they want to be aware of every activity occurring on a site at every step in the process, from decisions about how the land is used to when construction will begin. While the City can inform residents about the timing of certain actions, such as when planning applications are submitted, other information is not available to the City, such as knowing when construction will begin. When information is available to be shared, the City's approach should provide enough basic information about a project to be understood quickly, but also provide easy, self-serve access to technical information about the proposal where possible. With more online communication tools available, there is a potential to reach a wider

audience with more information. Using online tools also creates the opportunity to reduce or discontinue the use of other communication tools that are costly and have limited reach. Still, who may be excluded as a result of these changes must be considered and addressed.

The level of notification provided should be proportional to the potential impact of a project. For example, a rezoning application will typically propose a new building form or activity to occur on the site where the current zone does not allow it. This process should enable a higher level of scrutiny by residents, which requires the City to share more information so that they can better understand how the new building type or activity would impact the neighbourhood. For a development permit application, the Zoning Bylaw will have already established the existing zone and the range of uses, activities and size of any proposed buildings that could be permitted. Therefore, compared to a rezoning application, the level of notification needed may not be as significant. While residents should still be made aware of proposed changes in the area, the need for recurring updates for development permit applications should be less than for a rezoning application.

The City should also be clear about how feedback on an application will be considered by Administration. As some notifications are used to seek comments from residents, identifying how these comments will be collected and used under the City’s public engagement spectrum could provide a level of transparency and understanding for how their responses could influence the outcome of a given decision. Additional guidance for Edmontonians on what is considered appropriate input could also help ensure that the feedback is useful and relevant to the review of the development project.

Proposed Approach to Notifications

Improving the City’s notification practices does not require an overhaul. The proposed approach focuses on making the process and existing tools be more effective. [Table 8](#) provides a summary of the proposed changes that will be discussed in this section. The City will update and improve several existing methods, add some new tools, and to discontinue the use of newspaper ads.

Table 8. A summary of proposed changes to notifications

Type of Notification	Development Permit Application	Rezoning Application
On-site signage	✓	✓
Online mapping	✓	✓
City of Edmonton website information	✓	✓
Online notification by request	✓	✓
Notification to adjacent properties	✓	✓
Notification to wider neighbourhood	✓	✓
Newspaper advertisement	✗	✗

Legend

To continue with improvements	✓
To be discontinued	✗
To be added	✓

On-site signage

Currently, signs are only posted on a site for specific residential development after a development permit has been approved. Instead, Administration proposes to require a sign be posted at the start of the development permit application process rather than at the end. The intent of this change is to provide residents who may interact with the site earlier awareness of a proposed development than what is currently provided. One benefit in the use of on-site signage is that it doesn't privilege who is informed. Property owners and renters who pass by the site and see the sign are more likely to be affected by any change and would likely be more interested in what is proposed.

The sign would only be required for specific types of development permit applications and would be paid for by the applicant, similar to the current [Development Permit Notification Sign](#) process. Signs are proposed to be required for the following types of development in developed areas or areas where redevelopment is expected to occur:

- + New residential development
- + Renovation that results in a substantial exterior change visible from the street (e.g. second storey addition)
- + Any other type of new construction proposed to be beside existing residential buildings or lands zoned for residential use
- + Any other development at the discretion of Administration

Information required on the sign is not proposed to change significantly, but will be reviewed to ensure that relevant information will still be provided (i.e. City file number, description of the project, contact information), that it is easy to understand, and appropriate diagrams or architectural renderings are provided. This would continue to be consistent with the type of information currently displayed on a City of Edmonton rezoning sign.

Community Consultation notices are proposed to be retired (See "[Notification to neighbourhood/ adjacent properties](#)" section below). This would benefit the applicant by not having Administration's decision timeline extended by the current "Community Consultation" letter notification process. While Edmontonians would no longer receive the mailed notices, the posted sign and other proposed communication tools below should provide them with a longer time period to inquire about the project, review relevant plans and documents, and provide input to Administration about the proposed project overall.

The current format for the rezoning sign should not require significant changes. Some wording may be refined and opportunities could be explored to display more visuals where possible or provide a space to add information about the date, time, and location of the Public Hearing. The timing of when rezoning signs are required to be installed could be formalized within the new Zoning Bylaw to provide greater transparency to when this would occur.

Online notification

The City currently uses some online tools to inform the public about development permit and rezoning proposals, but these methods can be improved to share information more effectively. Administration has heard through public engagement that online information about development projects would be a welcome method as long as it is clear where and how this could be accessed at their convenience.

Online mapping

Like the City of Calgary, the City of Edmonton lists active development permit applications geographically through maps.edmonton.ca. However, the current mapping tool can be challenging for users to navigate and find relevant information. It is proposed to revise the information that is provided while ensuring privacy requirements are met. This would include, but not be limited to:

- + City file number
- + Location
- + Date the application was deemed complete
- + Summary description of the project
- + Name of the applicant if it is a business. If it is an individual, this information will be withheld.
- + Status of the application

Administration will also explore opportunities to provide proposed drawings and reports supporting the application so the public would have an opportunity to provide informed feedback.

Online notification by request

Administration will explore online tools where users could opt-in to request online notification about projects that they may have interest in. The potential deployment of these online tools could involve acquiring new technology or adapting existing tools depending on available resources. For example, Edmonton's use of [CityGram](#), the availability of the mobile app [Communibee](#) for community leagues, or the City of Red Deer's [email notification subscription](#) for rezonings are some examples of using an opt-in process to receive information. Online tools such as these provide the opportunity for Edmontonians to sign up to receive information from the City on projects they are interested in.

Recent public engagement indicated that while information provided through a mailed "Class A" development permit notice was useful, people felt that these notices did not need to be provided through a mailed letter. Instead, this type of information could be provided through an online opt-in notification format.

Information about rezoning applications has recently been communicated through social media channels. The COVID-19 pandemic has halted all in-person public engagement sessions. As a result, [Engaged Edmonton](#) was developed as an online platform to provide a temporary alternative to in-person public engagement. When regular operations resume, the City can explore the continued use of Engaged Edmonton and existing social media tools to inform the public of in-person and online engagement opportunities for rezoning applications.

City of Edmonton website information

Finally, many rezoning applications are provided on individual webpages on the City of Edmonton website. These pages contain information about the proposed rezoning for anyone to access. These would continue to be used and could also be linked to the online map tool or the opt-in notification system discussed previously to provide access to more information. The Public Notification Bylaw 18826 also allows the City to post a notice for public hearing (for a rezoning application, for example) on the city's website, in addition to other notification requirements, instead of through a newspaper ad. A list of [development permit decisions](#) is published weekly on the City's website but has limited functionality. Improvements to functionality and the type of information provided can be further explored.

Notification to neighbourhood/adjacent properties

Previous public engagement indicated that people preferred to receive mailed notification about development permit proposals. However, Edmontonians also stated that opt-in notification (email or text), on-site signage, or the City of Edmonton website, could be acceptable substitutes if these were provided in a manner that was easy to access and understand. If on-site signage is required to be installed early in the application process and the online notification tools are implemented to provide self-serve or automatic notification of new applications or decisions as discussed previously, then these provide the option to reduce the volume of mailed notifications or discontinue them completely.

As of the writing of this paper, there is currently a proposal going before Council to phase out letter notices for Class A development permits as part of the 2020 Zoning Bylaw Omnibus Amendments (see ["Next Steps"](#)). These letters carry financial and resourcing costs to the City and provide limited benefit for recipients, who have no opportunity to influence the outcome or appeal the decision.

Community Consultation notices for development permits requiring a variance are also proposed to be discontinued as these can add up to three weeks to the application processing time, leading to delays in making a decision. The Community Consultation notices would only be discontinued if the proposed on-site signage and online notification processes were implemented.

When a development permit is approved with a variance, mailed notices are sent to inform nearby residents of the decision and their right to appeal it to the Subdivision Development and Appeal Board (SDAB) within 21 days ("Class B" permit notices). Administration proposes to continue this practice with some modifications. Properties beside the project site and across the lane (where a lane exists) are proposed to still receive notices as these are the most likely to be affected by the development. For the broader area, Administration proposes a tiered notification process where variances approved for elements of a building that may create wider impacts (e.g. driveway access location) would require a wider area of notification, similar to existing processes. Examples of variances and how they would fit into a tiered notification process are listed in [Table 9](#).

This system allows the City to optimize who is informed based on a set expectation of who may be affected by a particular variance to a project.

While the frequency of letter notices may be reduced, the City proposes that owners and tenants/renters of a property always receive notification that is sent by mail. This ensures that everyone who lives at or occupies an affected property has the same access to notification, whether by mail, signage, or online forms of communication.

The timing of rezoning application postcard notices are not proposed to change. Some minor content adjustments may be made to improve wording or design to create a consistent visual identity. Some criteria may be added to further define the circulation area for a rezoning application based on application type or complexity.

Table 9. Proposed notification tiers for "Class B" Permits
Examples of the types of variances that could be approved and who would be sent "Class B" permit notices. Note this is not a complete list of possible variances.

Notification Tier	Variance to regulations such as:	"Class B" permit notices sent to:
Tier 1	<ul style="list-style-type: none"> + Front setbacks + Site coverage + Driveway access location + Other types of discretionary development (e.g., expansion of a non-conforming use) 	<ul style="list-style-type: none"> + Owners and renters within 60m of the subject site + President of the Community League + Executive Director of the affected Business Improvement Area Association
Tier 2	<ul style="list-style-type: none"> + Rear setbacks + Landscaping requirements 	<ul style="list-style-type: none"> + Owners and renters of adjacent properties and across the lane
Tier 3	<ul style="list-style-type: none"> + Side setbacks + Pedestrian entrance location 	<ul style="list-style-type: none"> + Owners and renters of adjacent properties

Newspaper ads

The decline of print newspaper readership in Edmonton, Calgary, and other cities raises questions about the effectiveness of using newspaper ads to reach residents about proposed applications. As a result, the City proposes to gradually phase out using newspaper ads to notify the public about development permit and rezoning applications. This change is also currently proposed to be implemented through the 2020 Zoning Bylaw Omnibus Amendments (see ["Next Steps"](#)). The role of these newspaper ads will be replaced by other methods of communication described previously, which provide a diverse set of methods to inform residents about changes occurring in their neighbourhood.

Other Considerations

As the City changes how it informs Edmontonians about future development, it will also have to consider whether the proposed revised methods, format, and information are more accessible and cost effective than current methods. Additional work will need to establish the criteria for effectiveness, how to measure it, and how long to measure for in order to monitor the effectiveness of the changes. There will also be a need to research and analyze whether the revised methods of notification are reaching the affected residents. A greater reliance on online communication tools generally favours those with access to these tools over those without. The City should review these limitations and determine whether there are still groups of people continuing to have difficulty accessing this information and how this can be addressed.

Next Steps and 2020 Zoning Bylaw Omnibus Amendments

In late 2020 or early 2021 City Council will consider two of the notification changes proposed in this paper – the phase-out of both "Class A" letters and newspaper ads – as part of the 2020 Zoning Bylaw Omnibus Amendments. The timing of this proposal is a reflection of the City's present need to reduce costs and help address any barriers to effective service delivery given the ongoing effects of the Covid-19 pandemic on Edmonton's economy. If the choice is made not to pursue these changes in the near-term, Administration intends to propose these changes as part of Zoning Bylaw Renewal, as outlined in this paper.

These ideas are the first attempts at rethinking how the City of Edmonton could be more efficient and effective at informing people about change occurring in their neighbourhoods. Recognizing that no one approach will reach everyone, it is intended that the proposed range of options will reach more people than the current methods of notification.

As this conversation with the public and stakeholders continues, the input received will change and shape these ideas for how the City can best inform residents about neighbourhood change while balancing competing needs.

CONCLUSION

This paper has presented different ways to consider how and why variances should be granted and how to change the way Administration informs residents about new developments and proposed changes in their neighbourhood. In this first attempt to introduce other ways to consider these issues, the goal is **to find a better balance between how the city manages change and how people are informed about these changes.**



GET INVOLVED!

- Submit your feedback about this discussion paper at engaged.edmonton.ca
- Visit edmonton.ca/zoningbylawrenewal
- For all other ideas and feedback regarding Zoning Bylaw Renewal Initiative, please use the [General Feedback Form](#)
- Subscribe to our [newsletter](#)
- Contact us at zoningbylawrenewal@edmonton.ca



Appendix 1 | Variance Criteria in Other Provinces and Territories

Province / Territory	Legislation	Criteria for Variance
Alberta	Municipal Government Act	<ul style="list-style-type: none"> + Does the application unduly interfere with the amenities of the neighbourhood? + Does the application interfere with or affect the use, enjoyment or value of the neighbouring parcels of land? + Does the application conform with the use prescribed for that land or building in the Zoning Bylaw?
British Columbia	Municipal Act	<ul style="list-style-type: none"> + Does the undue or unnecessary hardship apply to the landowner's property only? + Does the application align with the purpose of the general purpose and intent of the Zoning Bylaw? + Does the application align with the municipal land use plan?
Saskatchewan	Planning and Development Act	<ul style="list-style-type: none"> + Are the minor variances less than 10% of the Zoning Bylaw requirements? + Does the application align with the Zoning Bylaw? + Does the application injuriously affect neighbouring properties? + Does the application align with provincial legislation?
Manitoba	Planning Act	<ul style="list-style-type: none"> + Is the application compatible with the surrounding area? + Is the application detrimental to the health or general welfare of people in the surrounding area? + Does the application propose the minimum modification of the Zoning Bylaw to relieve the injurious effect on the property? + Is the application consistent with provincial and municipal legislation?
Ontario	Planning Act	<ul style="list-style-type: none"> + Is the application minor? + Is the application desirable for the appropriate development of the lands in question? + Does the application conform to the general intent of the Zoning Bylaw? + Does the application conform to the general intent of the Official Plan?
Quebec	Sustainable Regional and Local Land Use Planning Act	<ul style="list-style-type: none"> + Would the variance prevent prejudice and not advantage the applicant? + Does the application have little or no effect on neighbouring properties and the enjoyment of the property by the owners and occupants? + Does the variance increase the risk to health, security or the environment?

Province / Territory	Legislation	Criteria for Variance
New Brunswick	Community Planning Act	<ul style="list-style-type: none"> + Is the proposed use of land sufficiently similar to or compatible with a use permitted in the Zoning Bylaw? + Is the variance reasonable? + Does the application align with the general intent of the Zoning Bylaw? + Does the application align with provincial legislation?
Prince Edward Island	Planning Act	<ul style="list-style-type: none"> + Does the variance violate the intent and purpose of the regulations? + Is the variance for a unique circumstance that is not common? + Does the variance have an intentional disregard for the requirements of the regulations? + A variance for up to 10% or more may be granted if the applicant meets the above criteria and if there is no reasonable alternative available.
Nova Scotia	Municipal Government Act	<ul style="list-style-type: none"> + Does the variance violate the development agreement or land use bylaw? + Is the difficulty experienced similar to the properties in the area? + Is the difficulty experienced resulting from an intentional disregard for the requirement of the development agreement or land use bylaw?
Newfoundland and Labrador	Urban and Rural Planning Act	<ul style="list-style-type: none"> + Does the proposal comply with the development standards? + Do the development standards prejudice the proper development of the land, building or structure in question that would be contrary to the public interest? + Do the variance(s) have a cumulative effect that is less than 10%? + Does the variance increase the non conformity of an existing development?
Northwest Territories	Community Planning and Development Act	<ul style="list-style-type: none"> + Does the application conform with the bylaw? + Does the development unduly interfere with the amenities of the neighbourhood? + Does the development detract from the use, enjoyment or value of neighbouring parcels of land?
Nunavut	Planning Act	<ul style="list-style-type: none"> + Variance conditions are outlined in a land use plan and not in the Planning Act
Yukon	Municipal Act	<ul style="list-style-type: none"> + Does the development have practical difficulties or unnecessary hardships because of exceptional narrowness, shortness, shape, topographic features, or any other unusual condition of the property? + Is the variance a result of the property owner's action? + Would the variance constitute a special privilege inconsistent with the restrictions on the neighbouring properties? + Is the variance contrary to the purposes and intent of the official community plan or zoning bylaw? + Would the application injuriously affect neighbouring properties? + Is the use permitted in the area?

Appendix 2 | Municipal Examples of Notification Practices

City of Calgary

The City of Calgary requires some businesses such as a bar or daycare, and some housing projects, to post a sign outlining the project's information and where people can submit comments about the project on the property before a development permit decision is made (Fig A, image on left). All rezoning applications ("land use redesignation" or "land use change") are required to install a notice on the site (Fig A, image on right).

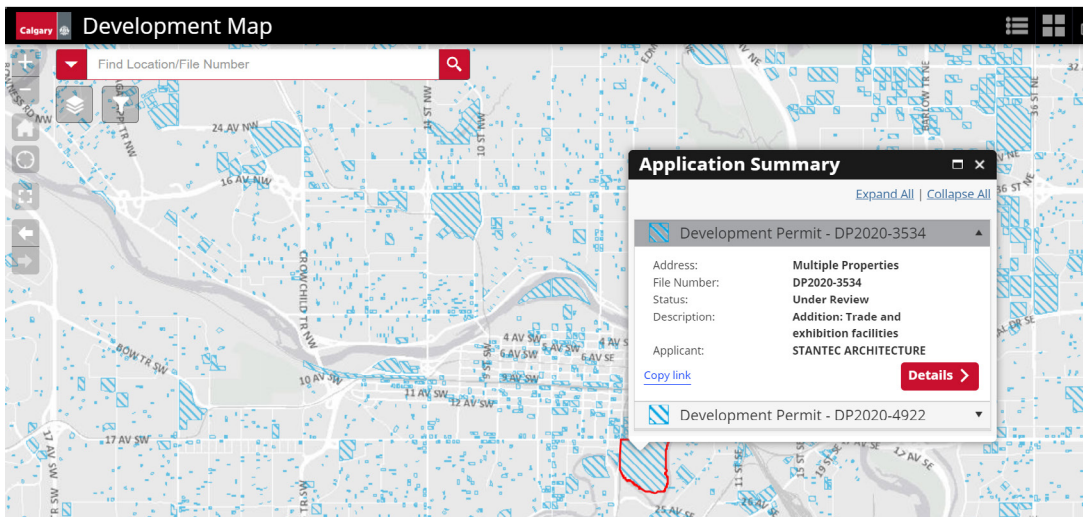
Fig A. Samples of a notice to be posted on a site in the City of Calgary for a development permit application (image on left) and a rezoning application (image on right)



The City of Calgary provides [guidelines](#) for the different types of signs for specific projects. There are small signs and large signs. Large signs are posted and removed by the applicant. Small notification signs are posted and removed by a private company on behalf of the City of Calgary.

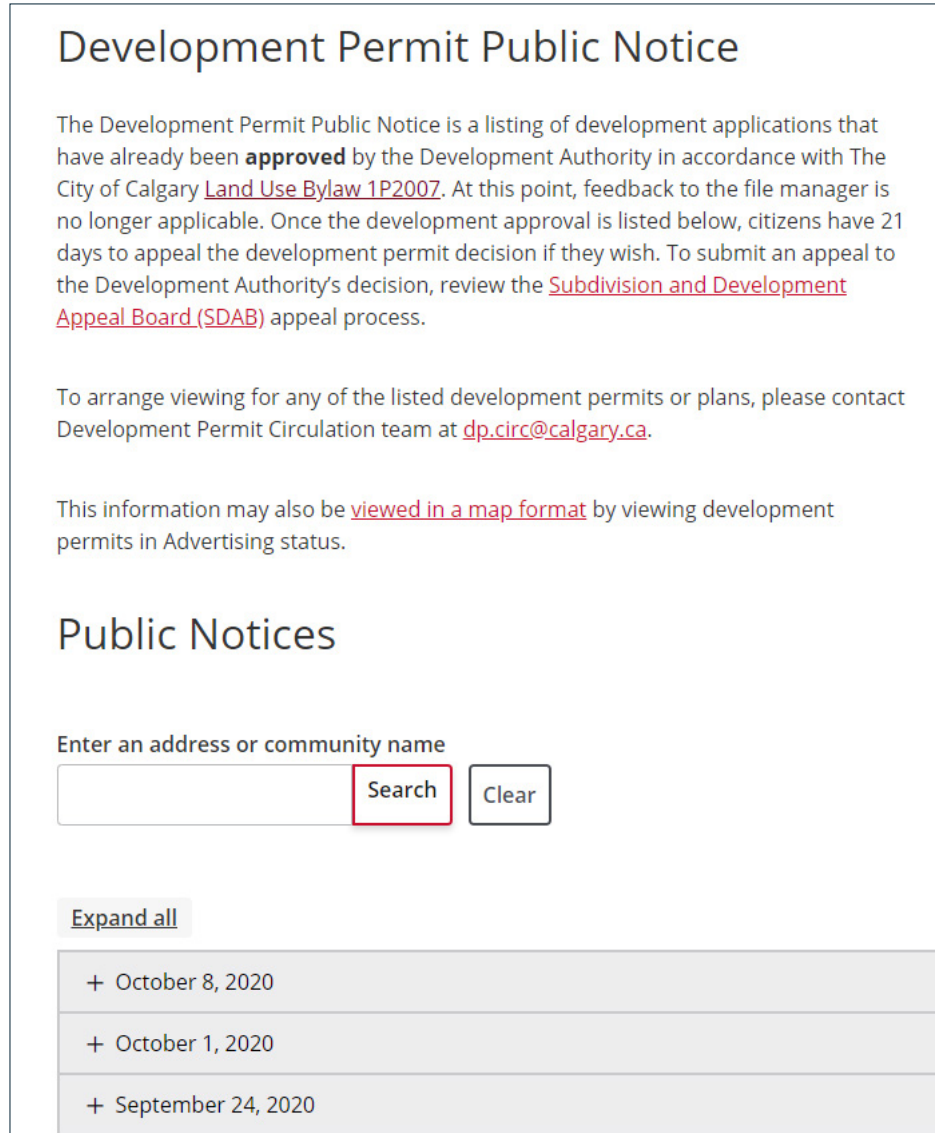
Calgary also provides basic details and application status on any proposed development or rezoning project through an [online map](#) (Fig B).

Fig B. Screenshot of the City of Calgary Development Map displaying development permit application information.



Finally, development projects that are approved by the City of Calgary are listed on their website on a weekly basis (Fig C):

Fig C. Screenshot of the City of Calgary website's weekly notice of approved development permits

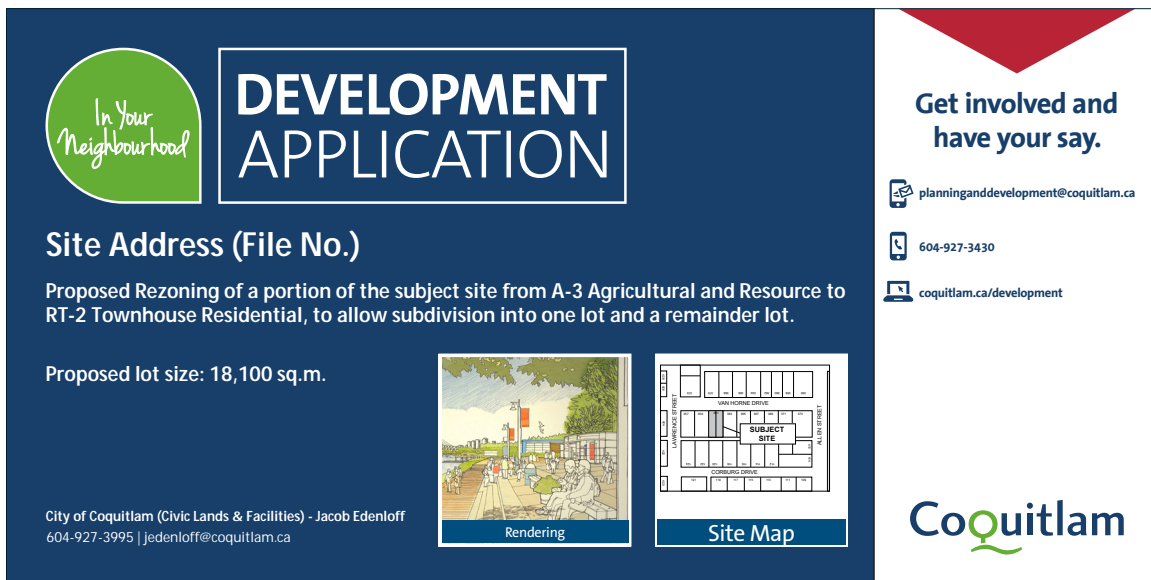


With the shift to posting decisions online, the City of Calgary has stopped publishing development decisions in the Calgary Herald.

City of Coquitlam

The City of Coquitlam requires signs for proposed projects to be installed on the property within 3 weeks of receiving a letter from the City. Signs for rezonings are required prior to the Public Hearing (Fig D). There are instructions and requirements for the sign provided on the website, but also a template is provided for the applicant to add the required information and images. This saves time for Administration who wouldn't have to create the sign and saves time for the applicant who doesn't have to wait for the sign to be sent by Administration.

Fig D. City of Coquitlam rezoning sign template.



City of Winnipeg

The City of Winnipeg completed a Development Application Notification Review in 2018 to look at ways to improve how the public was informed about land development to ensure the process was open and transparent. Previously, people became aware of proposed projects only through the City's web mapping or signs on the property. The review recommended additional tools to inform the public about development projects:

- + Improve and re-organize land development information to make it more accessible
- + Ensure that notifications to residents are written in plain language. Provide a guide explaining more difficult terms or concepts
- + Improve signs on the property with plain language information and visuals
- + Institute sending postcard notifications for certain types of development applications
- + Improve the existing online mapping information
- + Create an online listing of all development applications submitted to the city.
- + Develop a tool for residents to sign up for email notification based on the resident's geographic location or topic of interest
- + Develop a policy to inform the public of major development applications through social media

The City of Winnipeg began implementing these actions in 2019 and 2020.

ZONING BYLAW RENEWAL INITIATIVE

Edmonton

