

HISTORY OF ZONING IN EDMONTON

ZONING BYLAW RENEWAL REPORT #1
ATTACHMENT ONE

CR_6664



HISTORY OF ZONING

Zoning was initially used to organize land uses and minimize conflicts between different activities to protect public health, safety, and welfare of citizens. However, zoning was also used to be exclusionary of certain segments of the population. For example, zoning bylaw regulations requiring very large minimum lot and house sizes, and specifying a narrow range of housing types, often limited choices and kept low-income populations from certain areas. This understanding of the dual legacy of zoning will inform and guide the Zoning Bylaw Renewal project to ensure new regulations are not used as a discriminatory tool, and that an inclusionary focus is brought forward.

EDMONTON'S ZONING HISTORY

Edmonton's first zoning bylaw, called Zoning Bylaw 26, was introduced in 1933. Remnants of this bylaw still exist within the current Zoning Bylaw 12800. The most recognizable content from the 1933 bylaw that is still present in today's Zoning Bylaw is the 'A' Metropolitan Recreation Zone, which is

applied to the North Saskatchewan River valley and tributaries. Each successive zoning bylaw continued to retain the 'A' zone; it is symbolic of what is important in our City, to its identity, and its people. Some of the holdovers from older bylaws remain consistent with our values, while other content no longer reflects the values and needs of our city. For example, critical foundations like protecting the River Valley carry forward today, while Edmonton is now rethinking the extensive on-site parking requirements of the 1970s, thought to be leading edge at the time.

As is noted below in Table 1 – Summary of Edmonton Zoning Bylaws, approximately every two decades the City of Edmonton has determined that its current zoning bylaw was in need of significant overhaul and replacement. Replacement zoning bylaws were adopted in 1950, 1961, 1980, and 2001. The Zoning Bylaw Renewal aims to have a replacement bylaw adopted by 2022, roughly 21 years since the current Zoning Bylaw 12800 was adopted.

TABLE 1 / Summary of Edmonton Zoning Bylaws

	1933	1950	1961	1980	2001	2018
	ZONING BYLAW 26	INTERIM DEVELOPMENT BYLAW	ZONING BYLAW 2135	LAND USE BYLAW 5996	ZONING BYLAW 12800	
APPROXIMATE PAGE COUNT	42	57	247	194	456	828
STANDARD ZONES	11	11	17	35	36	45
SPECIAL AREA ZONES					17	49
DIRECT CONTROL ZONES				4		1,154
GENERAL DEFINITIONS*	29	29	92	66	76	124
USE CLASS DEFINITIONS				87	113	126
OVERLAYS				2	13	13

*Not including sign definitions

The table above generally shows that each successive zoning bylaw was more complex in its structure and content than the bylaw that preceded it. The 2001 edition of the Zoning Bylaw 12800 doubled the page count from that of the 1980 bylaw. In the years since adopting the 2001 bylaw, the page count has doubled again with the addition of numerous overlays (13), special area zones (49), and over 1100 Direct Control zones.

The following sections of this attachment provide a short overview for each of the major zoning bylaws adopted by the previous City Councils.

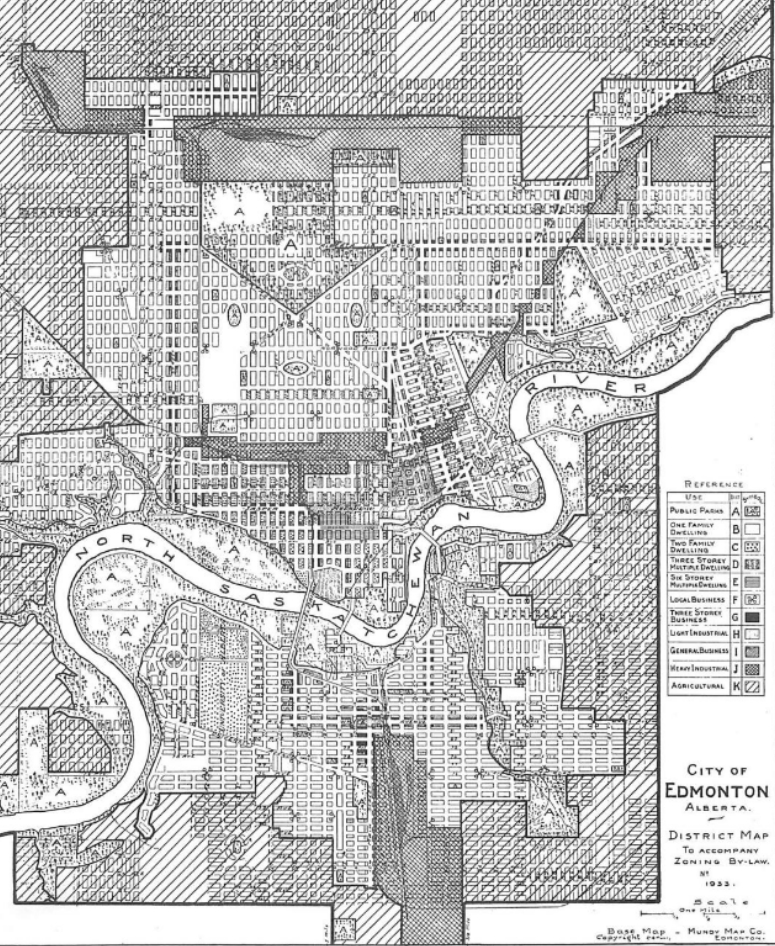


FIGURE 1: 1933 ZONING MAP

1933

ZONING BYLAW 26

Edmonton's first Zoning Bylaw, Zoning Bylaw 26, enacted on October 10, 1933, categorized the city into 11 agricultural, residential, commercial and industrial zones. There were so few individual zones that they could easily be represented by letters of the alphabet (A-K).

It is fundamentally remarkable that the letter 'A' was reserved for the "public park zone" as shown below in Figure 1: 1933 Zoning Map. Zone A created a small assortment of urban parks and officially protected and enshrined the North Saskatchewan River Valley and ravine system as the first order of business. What's even more remarkable is that over the course of 70 years of continuous Zoning Bylaw changes, which saw the number of zones expand more than a dozen fold, the only single-lettered original zone that remains today is 'A.'

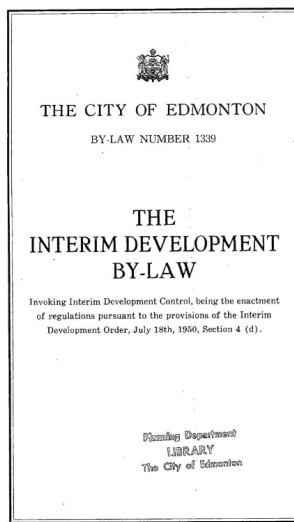


The 'A' zone is a classic. It is as modern as it is vintage. The fact that an ongoing top priority of Edmontonians has been to identify, describe and protect parks and open space in their city planning documents and regulations rings just as true in 2019 as it must have in the early 1930s. It is also noteworthy that no generation of civic administrators in between saw fit to fundamentally change the 'A' zone, although the name of the zone has been adapted slightly over time.

City-building is a long game and stewarding, enhancing and enjoying Edmonton's river valley and natural areas has been a collective Edmonton project for well over 100 years. Through recent public engagement on The City Plan, protecting and connecting to the river valley emerged as a persistent theme. The same can be said for community values associated with enabling better access to nature, providing high-quality park space and expanding upon these important systems and networks in the future.

The first Zoning Bylaw also contained four simple residential zones: One-family Dwelling District, Two-family Dwelling District and Three and Six Storey Multiple Dwelling Districts. These zones allowed for increasing density within residential areas of the city. The Bylaw largely favoured low-density development of single-family homes, with a majority of the lots in the city zoned One-Family Unit District. The height limit for the low-density residential zone ('B' district) was 10.6m (35 feet). Residential zones primarily permitted low-density development spread throughout the city and allowed for taller heights, up to six storeys, in the downtown area. For comparison, single detached dwellings were allowed to be up to 10.6m in the core, whereas today they are limited to 8.9m. Accessory offices and business uses were also permitted in the "B" One Family Dwelling zone, making it a more 'mixed-use' zone than the corresponding residential zones in Zoning Bylaw 12800. In the 'E' Six Storey Multiple Dwelling District allowable height was 22.8m or 75 feet. This is comparable to today's (RA8) Medium Rise Apartment Zone. Residential development required a minimum side setback of at least 10 per cent of the total site width. Side walls which provided lighting for a habitable room required a minimum setback of at least 0.91 metres (three feet).

Over time, the Zoning Bylaw was judged to be too rigid in its approach to regulate land. In 1949, the Spence, Sales and Bland report recommended the repeal of the Zoning Bylaw as it failed to address the physical, social and economic realities of the time. Interim Development Control was suggested as a remedy pending the adoption of a revised zoning bylaw. It was recommended that a new bylaw should reflect the policies of an official plan, and should not be used until such a plan had been adopted. Priorities quickly shifted to the war effort and a municipal plan and updated bylaw was not brought forward until 1961.



FORM A.1. S.

NOTICE

APPLICATION HAS BEEN MADE TO DEVELOP THIS PROPERTY

A hearing on this application has been arranged by the Interim Development Appeal Board on.....19....., at.....o'clock, in the Committee Room, Civic Block, at which all submissions shall be made with respect to this property.

POSTED FOR THE PERIOD OF FIVE DAYS BEFORE MEETING:
THE CITY OF EDMONTON INTERIM DEVELOPMENT APPEAL BOARD.

To be posted on site in conspicuous place not more than 3 feet from avenue or street upon which property faces.

FORM A.1. S.

The City of Edmonton
Office of the Interim Development Officer
Euros Planning Dept.

DEVELOPMENT PERMIT

To: _____ Date: _____

Your application dated: _____ for provision to _____

At Lot: _____ Block: _____ Sub-Division: _____ Plan: _____

Partial Address: _____

Is hereby approved with the following conditions (unless for the following reasons _____)

Not approved from this decision may be made to the City of Edmonton, Interim Development Board.

Notice of appeal by the applicant from this decision is to be open the second Tuesday (2nd day) and to be filed with the Secretary, Interim Development Appeal Board, within fifteen days from the date of making from the Department.

Interim Development Officer

Printed for the Office of the Interim Development Officer, which is available from the Department and is printed on request at the Office of the Interim Development Officer, Civic Block, or from the Secretary, Interim Development Board.

This by-law is subject to the provisions of the Interim Development Order, which has been amended and printed as follows: _____

The Interim Development Officer is hereby directed to issue a DEVELOPMENT PERMIT. Approval of this permit is subject to the following conditions: _____

All of the following conditions shall be subject to the provisions of the Interim Development Order, which has been amended and printed as follows: _____

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1950

INTERIM DEVELOPMENT BYLAW 1339

The 1950s signalled the beginning of change for zoning in Edmonton. An abundance of cheap and largely unregulated development within and beyond the boundaries of city centres within Alberta called for the provision of orderly development controls. On July 18, 1950, the Government of Alberta issued an Interim Development Order for the City of Edmonton. This resulted in the suspension of Zoning Bylaw 26 and adoption of Interim Development Bylaw 1339 on October 17, 1950. This interim order invoked by the Provincial Government was a temporary provision pending the approval of a new Edmonton General Plan and Zoning Bylaw. The interim development bylaw also stipulated that no approvals for development could be approved if it was contrary to or in conflict with the evolving General Plan. This order continued until October 1961 when Zoning Bylaw 2135 was passed by City Council.

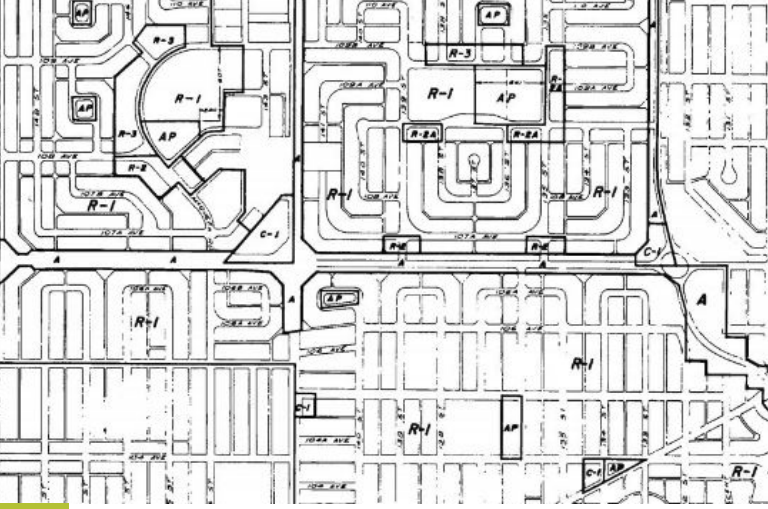
The Interim Development Bylaw 1339 replaced the authority of a chief Building Inspector making all approval decisions with a mandate that development decisions are made on the merits of individual applications. Approvals were now to be made by a six-person Architectural Panel that advised on the placement and design of signs placed on buildings or land, and on architectural design and control throughout the city. Additional sections on Appeals were also added to the bylaw, these new decision-making mechanisms were applied to provide more checks and balances to the development permitting process.

However, the Interim Development Bylaw retained many of the development regulations from Zoning Bylaw 26 and therefore continued to exert considerable influence in development decisions.

1959

INTERIM DEVELOPMENT BYLAW NO. 2, BYLAW 1998

By 1959, several provisions of the Interim Development Order for Edmonton and Bylaw 1339, the Interim Development Bylaw, were not consistent with the provisions contained in the provincial Town and Rural Planning Act, (R.S.A. 1955, c. 337). This caused the Provincial Government to issue the City of Edmonton Interim Development Order No. 2 in June 1959. Council repealed Bylaw 1339 and replaced it with Bylaw 1998, Interim Development Bylaw No. 2 on September 1, 1959. The new Interim Development Bylaw provided a mechanism for the adoption of a new zoning bylaw. Prior to preparing a new zoning bylaw Administration was directed to prepare a new general municipal plan.



1961

ZONING BYLAW 2135

A comprehensive review of previous Zoning Bylaw regulations was completed and the new Zoning Bylaw 2135 was adopted by Council in 1961. The bylaw initially contained 17 districts (or zones) and over time, new zones were added to the bylaw. Zoning had been extended to all parts of the city in 1962, with the exception of the downtown, linear commercial developments along arterial roadways and the old town centres of Beverly, Jasper Place, and Strathcona. These unzoned areas remained under the Development Control bylaw, which meant that the City was using two un-unified development approvals frameworks.

By 1978, the Zoning Bylaw contained 39 zones. Height limits for the low-density residential zone remained unchanged, with the R-1 district permitting a height of 10.6 metres, or 2.5 storeys (35 feet). Similarly, the Side Setback regulation retained the percentage based calculation and added a minimum setback distance of 2.13 metres (7 feet) for developments greater than 7.62 metres (25 feet) in height.

This bylaw provided general regulations for parking, landscaping and lot sizes. Parking minimums of one parking space per residential dwelling unit were introduced as the number of parking spaces were not previously regulated.

The division of areas in the city regulated under standard zoning and those under Development Control eventually caused a need for an improved system of land use control to reduce confusion.

1980

LAND USE BYLAW 5996

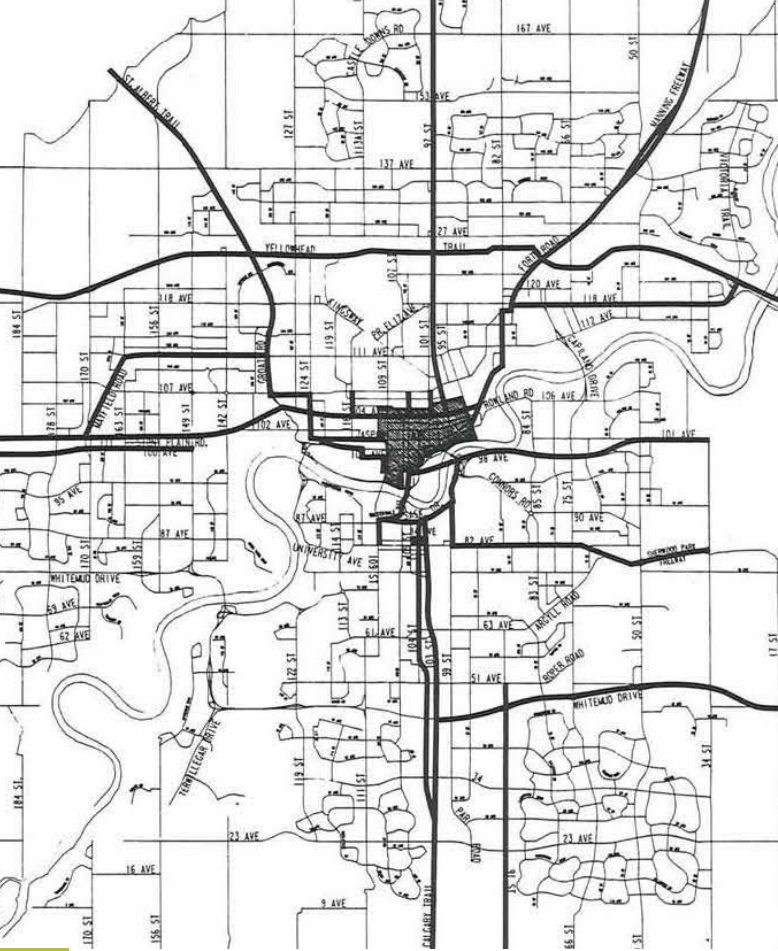
The adoption of Land Use Bylaw 5996 on July 3, 1980, added clarity to Edmonton's planning process. This new bylaw corrected issues with outdated and confusing definitions, performance standards that were not objectively defined or enforceable, and districts with unclear purposes. Additionally, new Direct Control districts and overlays were added, many of which are still in effect today.

The bylaw introduced the first four Direct Control Districts (DC1 to DC4) which applied to particular areas of the city in which City Council could regulate development in any way considered necessary. The DC5 Site Specific Development Control District was added in 1982, and allowed for unique or unusual development, or one with potential impacts requiring increased levels of development control that would not fit within a standard land use district.

Overlays, both statutory and non-statutory, were introduced to Edmonton with the adoption of the 1980 Zoning Bylaw. Statutory Plan Overlays for several Area Redevelopment Plan areas were necessary to resolve local planning issues unique to each community. These overlays allowed standard zoning development regulations to be changed according to the provisions of a statutory plan. Non-statutory overlays provided additional land use control for existing Zoning Bylaw regulations. These overlays were intended for areas with federal concerns, such as the Airport Protection Overlay, sensitive environmental areas, and to achieve certain land use objectives that could not be assured under standard zoning regulations.

The height limit in the low-density residential RF1 zone was slightly reduced to 10 metres, from 10.6 metres in the previous zoning bylaw. A change to the side yard regulation required the side yard to total at least 20 percent of site width, with a minimum side setback of 1.2 metres.

Parking minimums for low-density residential uses remained at one space per dwelling.



2001

EDMONTON ZONING BYLAW 12800

The 2001 review integrated 5 land use bylaws into one bylaw: the old City of Edmonton bylaw, the Sturgeon County bylaw, Parkland County bylaw, Leduc County bylaw and Strathcona County bylaw. Zoning Bylaw 12800 came into effect on June 14, 2001.

The 2001 review did not include a substantial review of the structure and content of the bylaw, nor was this work a comprehensive review of the existing content of the then-named Land Use Bylaw. Zoning Bylaw 12800 uses the same bylaw structure and approach to development regulations that were contained in previous Land Use Bylaws; such an example is Bylaw 2135, dating from 1961 when Edmonton had a population of 276,000.

At this time, the mature areas of Edmonton were seeing suburban-style homes (front attached garages, built to the maximum allowable height and lot coverage) being developed that, in the opinion of many community members and City Administration, did not fit within the context of the existing development. In response to this, Zoning Bylaw 12800 introduced the Mature Neighbourhood Overlay to regulate new low-density development in Edmonton's mature residential neighbourhoods to be sensitive to existing development, and to retain the classic tree-lined street and alley access patterns. This overlay required a maximum height of 8.6 metres for new development.

The Mature Neighbourhood Overlay was first contemplated in 1997 through a Mature Neighbourhood Study mandated by Council to examine the issue of sensitive infill development, with the objective of increasing inner-city residential re-investment. At that time, inner-city residents were voicing objections to residential infill developments that they believed were not compatible with their communities. Belgravia, McKernan, and Parkallen had been granted neighbourhood-specific overlays, however, the homebuilding industry, at that time, objected to neighbourhood-specific overlays expressing a preference for a city-wide approach. In 2017 a revised Mature Neighbourhood Overlay was adopted to support more and better infill by continuing to encourage development that responds to the context of a property, increasing predictability in the approvals process, and providing more design flexibility for new housing.

With major policy documents being adopted that direct regional density targets, more infill, more mixed-use development, and transit-oriented development the existing Zoning Bylaw 12800 is no longer meeting the needs of a city that is on track to grow to a population of two million. The new Zoning Bylaw is intended to enable development that will build the city as envisioned in The City Plan.



