

# Zoning Bylaw Renewal

## Principles and Approach

### Recommendation

That the April 9, 2019, Urban Form and Corporate Strategic Development report CR\_6664, be received for information.

### Executive Summary

For the first time in almost two decades, the Zoning Bylaw Renewal will review all the rules that regulate development in Edmonton. This work is intended to be a comprehensive overhaul that involves rethinking how, what, and why the City regulates, and to ensure alignment with the City Plan and other City policies and initiatives.

Zoning is an important tool to bring Edmonton's vision for growth and change to reality. By focusing on a simplified and streamlined Zoning Bylaw, the Renewal will culminate in a restructured Zoning Bylaw that reflects Council's strategic plan, The City Plan, and other City policies; supports better development outcomes; leads to more efficient and effective service delivery; provides Edmontonians with clear and enforceable regulations; and is adaptable over time.

### Report

City building is a shared endeavour. While the City and citizens can articulate a collective vision of the future, achieving these goals is in large part undertaken by individual homeowners and businesses as they develop private property. All development taking place on private property is governed by Edmonton's Zoning Bylaw, and as such, regulations must be easy to understand and align with Council's vision and The City Plan.

### Why Renew?

The last update to the Zoning Bylaw was completed almost 20 years ago in 2001. That update focused on consolidating five zoning bylaws as a result of successive annexations. Many existing development regulations were rolled over from previous bylaws dating as far back as 1933.

Since 2001, Zoning Bylaw 12800 has been incrementally amended to respond to emerging issues which have typically been narrow in scope. The result has been an increasingly complex bylaw that is over 800 pages. In addition, Zoning Bylaw 12800 does not reflect current City policies and initiatives.

As outlined in Attachment 1 - History of Zoning in Edmonton, the past decade has seen a surge in both Zoning Bylaw amendments and direct control zones, as well as a steady increase in appeals at the Subdivision and Development Appeal Board. This suggests that the existing regulatory framework no longer meets the needs of Edmontonians. The Zoning Bylaw Renewal provides an opportunity to proactively review the rules that regulate all development in Edmonton. This work is intended to be a comprehensive overhaul that involves rethinking how, what, and why the City regulates, and to ensure alignment with The City Plan and other City policies and initiatives.

### **Preliminary Approach to Regulatory Framework**

The Zoning Bylaw Renewal project team has been working in close collaboration with the City Plan team to explore how the new Zoning Bylaw can advance desired policy outcomes. Four principles to guide the Zoning Bylaw Renewal were identified through project planning, internal workshops, and best practice research:

1. The Zoning Bylaw aligns with strategic policies and objectives, including Council's Strategic Plan and The City Plan.
2. The Zoning Bylaw provides regulations that support better development outcomes.
3. The Zoning Bylaw is user-friendly for all audiences, with clear and enforceable regulations.
4. The Zoning Bylaw is efficient and effective in its regulations and is adaptable over time.

These principles, along with emerging direction from the City Plan, have informed an initial approach to a new regulatory framework, including the structure, uses, zones, and regulations of the new Zoning Bylaw. The components of the draft framework are addressed below and in further detail in Attachment 2 - Proposed Regulatory Framework and City Plan Connections.

### **Approach to Structure**

Zoning Bylaw 12800 is currently structured to keep different activities (e.g. homes and businesses) separate from each other, and has not been structured to accommodate mixed use development or a range of other development forms. This approach has contributed to the large number of bylaw amendments.

In determining the overall structure of the bylaw, Administration reviewed a range of other municipalities' regulations and researched different zoning bylaw structures, including:

- Use-based - regulates the type of land use activities that can take place on a lot;
- Form-based - regulates the shape and design of structures;
- Performance-based - regulates the level of activity/intensity of activity using performance metrics; and,
- Incentive-based - offers incentives to achieve particular outcomes.

Administration analyzed these four approaches to better understand the advantages and disadvantages of each type of zoning bylaw structure compared to the overall Renewal objectives. Based on this analysis, Administration is pursuing a made-in-Edmonton hybrid bylaw structure that draws out the best that each model has to offer. Early engagement with stakeholders focused on understanding the limitations and preferences associated with a hybrid bylaw approach, and how best to use the hybrid approach in the new bylaw.

### **Approach to Uses**

Uses refers to types of activity taking place on private property, for example, Semi-detached Housing or General Retail Stores. Zoning Bylaw 12800 currently has 127 uses, creating significant complexity in the Zoning Bylaw particularly when many have similar land use impacts. The current use structure can also result in over-segregation of activities that prevent, for example, a small cafe from adding services for local residents in a residential neighbourhood.

Administration has developed a preliminary set of criteria to help group and streamline the uses listed in each zone. Administration has also explored other tools available to the City, such as the Business Licence and Community Standards Bylaw, that could be used to more effectively manage non-land use impacts.

### **Approach to Zones**

Zones refers to land use rules applied to land in the city of Edmonton, for example, (CSC) Shopping Centre Zone, or (IL) Light Industrial Zone. Each zone has a list of uses that identify what types of activities may occur there, and what specific regulations apply to development within those zones. Regulations determine where buildings are placed, how tall they can be and what shape they take, among other requirements. Zoning Bylaw 12800 currently has 45 standard zones, many of which have significant overlap, and are seldom applied to new land being developed.

Overlays add further complexity by modifying underlying zones and creating additional variations to the regulations. Overlays are used to further shape development outcomes, like directing the way shops are built in specific areas, such as Stony Plain Road or 124 Street. Zoning Bylaw 12800 currently has 12 overlays.

Despite the high number of zones and overlays, there are some notable gaps in the tools that facilitate contemporary development, including mixed-use zoning. The Zoning Bylaw Renewal will include the creation of appropriate mixed-use zones. The lack of useable mixed-use zones has contributed to a heavy reliance on site-specific regulations through Direct Control zones. Direct Control zones are customized zoning regulations drafted for a special site, circumstance or outcome. Due to the customization and required City Council approval (even for minor changes), these zones are not actively maintained over time and are not easily adaptable to changing contexts. This adds considerable cost and complexity to the development process and

reduces flexibility over time. At the time of report preparation, there are over 1,100 Direct Control zones in the City.

Administration has developed a preliminary approach to zones which anticipates:

- Consolidating similar zones and incorporating select Overlay regulations into the proposed standard zones.
- Making zones that permit different types of activities the rule, rather than the exception.

**Approach to Regulations**

A single development on a particular property may be subject to regulations located in different sections of the Zoning Bylaw. This makes it difficult for users to navigate and understand what regulations apply to their development. There are also a number of regulations that are no longer relevant or clear, leading to challenges with implementation and enforcement.

The Renewal project provides an opportunity to re-evaluate what can and needs to be regulated. Administration will explore:

- Preferred formats for presenting regulations.
- Prioritization of regulations to identify what does and does not need to be regulated.
- What can and cannot be effectively regulated through zoning, and what other tools the City can use to achieve city building goals.

Once The City Plan is complete, the new Zoning Bylaw will translate desired land use outcomes into the regulations that shape development in Edmonton. Further details are provided in Attachment 3 - Project Staging and Alignment with The City Plan. The end result of the Renewal project will be a Zoning Bylaw that enables better city building in Edmonton.

**Public Engagement**

Ongoing public and stakeholder engagement will be critical to the success of the Zoning Bylaw Renewal process. In October and November of 2018, five pre-project engagement sessions were held at Engage Edmonton events to help inform the project team’s understanding of how residents use the Zoning Bylaw (Attachment 4 - Public Engagement Approach and Feedback To-date). Attachment 4 also provides an overview of the engagement process going forward.

**Corporate Outcomes and Performance Management**

<b>Corporate Outcome(s): Edmonton is attractive and compact &amp; Edmonton has a globally competitive and entrepreneurial business climate</b>			
<b>Outcome(s)</b>	<b>Measure(s)</b>	<b>Result(s)</b>	<b>Target(s)</b>
Communities are well-	Edmontonians Assessment: Well-Designed.	53% (2017)	55% (2018)


designed	Attractive City (percentage of survey respondents that agree or strongly agree)		
Greater certainty in the development permit application process	Development Services Annual Variance Report (Proportion of development permits issued with a variance)	1,031 of 7,747 = 13% (2016) 823 of 7,938 = 10% (2017)	A decrease in the proportion of variances

## Attachments

1. History of Zoning in Edmonton
2. Proposed Regulatory Framework and City Plan Connections
3. Project Staging and Alignment with City Plan
4. Public Engagement Approach and Feedback To-Date

## Others Reviewing this Report

- R. Kits, Acting Deputy City Manager, Financial and Corporate Services
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services
- C. Owen, Deputy City Manager, Communications and Engagement
- R. Smyth, Deputy City Manager, Citizen Services



# 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.

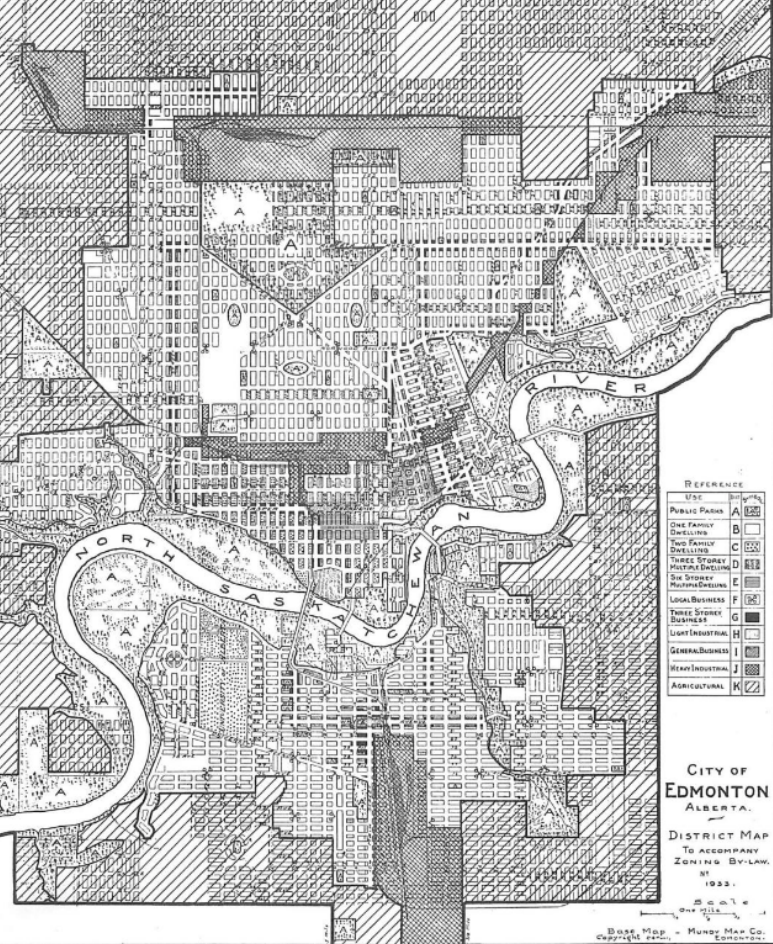


FIGURE 1: 1933 ZONING MAP

# 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.

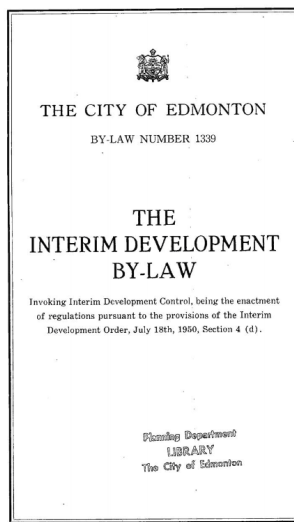
City-building is a long game and stewarding, enhancing and enjoying Edmonton's river valley and natural areas has been a collective Edmonton project for well over 100 years. Through recent public engagement on The City Plan, protecting and connecting to the river valley emerged as a persistent theme. 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 in any office of the Civic Centre, 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 in full in the City of Edmonton, Alberta, and is available from the Department and the Secretary to the Interim Development Officer in any office of the Civic Centre, Civic Block, or from the Secretary, Interim Development Board.

Approved by Council on \_\_\_\_\_ at \_\_\_\_\_ o'clock, on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

City of Edmonton

31

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.

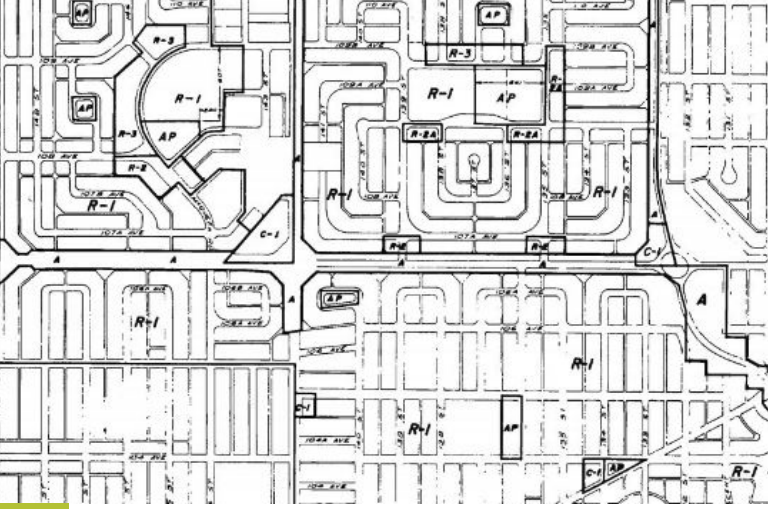
The Interim Development Bylaw 1339 replaced the authority of a chief Building Inspector making all approval decisions with a mandate that development decisions are made on the merits of individual applications. Approvals were now to be made by a six-person Architectural Panel that advised on the placement 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.

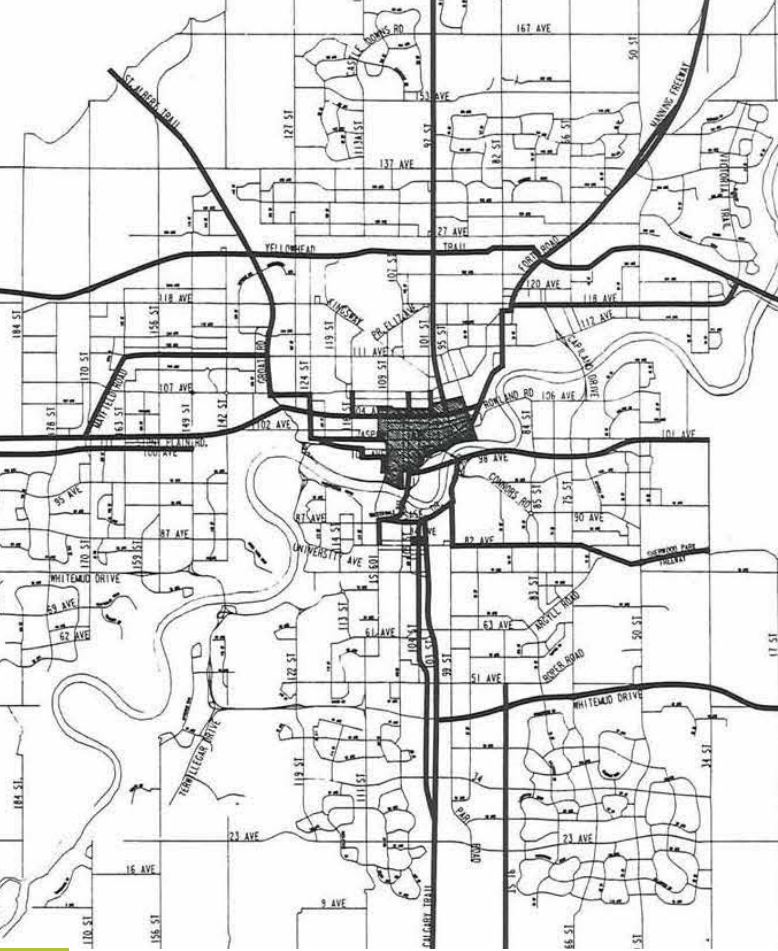
The bylaw introduced the first four Direct Control Districts (DC1 to DC4) which applied to particular areas of the city in which City Council could regulate development in any way considered necessary. The DC5 Site Specific Development Control District was added in 1982, and allowed for unique or unusual 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.







# **PROPOSED REGULATORY FRAMEWORK**

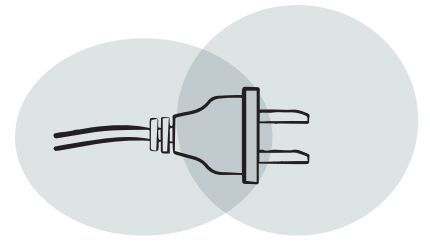
AND CITY PLAN CONNECTIONS

**ZONING BYLAW RENEWAL REPORT #1**

**ATTACHMENT TWO**

CR\_6664

# Connection to City Building Outcomes



**COLLECTIVELY, THE FOLLOWING CITY BUILDING OUTCOMES WILL BE SUPPORTED BY EDMONTON'S ZONING BYLAW RENEWAL:**



Zoning bylaws contain a variety of components that together form the regulatory framework for development on private property in a municipality. Each component plays an important part in the overall outcomes of the bylaw. The current state and proposed approach to the four key bylaw components – structure, uses, zones, and regulations – are discussed in detail below. The discussion also considers approaches to subdivision, notifications, and how to ensure flexibility and adaptability of the Zoning Bylaw over time.

While the details of the regulatory framework may seem distant from the high-level policy objectives of City Plan, there is an important relationship between the two. To illustrate the connection between decisions on the regulatory framework and achieving the City Plan, each section of this attachment includes a discussion of how the proposed approach supports the Big City Moves.

# Approach to Structure

## ZONING BYLAWS TYPICALLY TAKE ONE OF FOUR FUNDAMENTAL APPROACHES.

- **Conventional / Euclidean** zoning, also known as single-use zoning, focuses on regulating activities and uses (residential, commercial, industrial), typically keeping each use separated from the other.
- **Form-based code** focuses on the shape and massing of buildings but provides more flexibility in terms of the activities and uses that take place within the buildings.
- **Performance-based** zoning focuses on outcomes rather than prescriptive regulations, for example setting standards on shadows, vibrations or noise.
- **Incentive-based** zoning provides a base level of development rights with set bonuses to encourage certain outcomes or goals, for example allowing for increased density if a set number of affordable housing units are provided.

Zoning Bylaw 12800 is structured using a conventional approach. While some elements of form, performance, and incentive based zoning have been incorporated into the bylaw, this has been done inconsistently.

Administration undertook a review of other jurisdiction's zoning bylaws to examine examples of each approach in practice. The project team and internal stakeholders then undertook a S.W.O.T. (strengths, weaknesses, opportunities and threats) analysis to better understand the advantages and disadvantages of each compared approach. The results were then compared to the Renewal principles. Administration found that all four approaches had benefits and trade-offs for a range of stakeholders and users of the Zoning Bylaw.

Based on this analysis, Administration is proposing an Edmonton-made hybrid solution that captures the best each model has to offer. In particular:

- Elements of conventional zoning will be used to maintain simplicity for lower intensity development that would likely be undertaken by homeowners or small businesses.
- Elements of form-based code will be incorporated into regulations for zones where urban design quality and flexibility in architectural style is important for development. This should help to reduce reliance on overlays to secure design oriented outcomes and encourage the adaptive reuse of buildings. A review of how other jurisdictions present form-based codes and hybrid bylaws indicates a need to present more visual information and these tools will be added into the new Zoning Bylaw.
- Performance-based standards will be incorporated to guide higher intensity and complex development, and to create clear parameters to inform the granting of variances or provide direction to Direct Control Zone regulations in specific cases where standard zones are not appropriate.
- Incentives will be used to support specific City building goals such as family-supportive/multiple bedroom units, affordable housing, or environmental performance.

By combining these elements, the structure of the new Zoning Bylaw can best meet the needs of a range of users, ensure effective decision-making processes, and support adaptable neighbourhoods over time.

Administration also considered the proposed approach to the structure of the new Zoning Bylaw in relation to supporting the City Plan's five Big City Moves. Big City Moves are priorities for creating opportunity. The 5 Big City Moves are:

### **GREENER AS WE GROW**

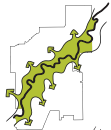
### **A COMMUNITY OF COMMUNITIES**

### **A REBUILDABLE CITY**

### **CATALYZE AND CONVERGE**

### **INCLUSIVE AND COMPASSIONATE**

As highlighted in the table below, the proposed hybrid approach offers the most effective way to support a number of the Big City Moves.



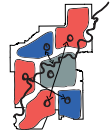
#### **GREENER AS WE GROW**

Performance and incentive-based approaches will set clear parameters for environmental performance of developments.



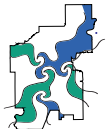
#### **A REBUILDABLE CITY**

Performance-based approaches can provide guidelines to mitigate potential nuisances rather than excluding certain activities unilaterally from different areas.



#### **A COMMUNITY OF COMMUNITIES**

Performance-based approaches can provide guidelines to mitigate potential nuisances rather than excluding certain activities unilaterally from different areas.



#### **INCLUSIVE AND COMPASSIONATE**

Performance and incentive-based approaches will set clear parameters for environmental performance of developments.



#### **CATALYZE AND CONVERGE**

Conventional approaches will preserve some purely industrial zoning for activities with inherent risk that require separation from other uses to thrive, with opportunities for complimentary uses to co-locate.



# Uses

## USES REFER TO THE TYPE OF ACTIVITIES THAT TAKE PLACE ON A PROPERTY.

Zoning Bylaw 12800 groups uses into broad classes, such as residential, commercial, and industrial. There is then a varying range of specificity in the use itself, from broad uses such as "General Industrial Uses" to "Drive-in Food Services."

Each zone has a list of uses that are either permitted or discretionary. If a use is listed as permitted, it is known as an as-of-right development: as long as the applicable regulations are met, a permit will be issued for the use. Conversely, if a use is listed as discretionary, it is up to the Development Officer to determine if the use should be allowed on a specific property. Typically, this includes consideration of the site-specific context and the potential impacts of the use. The Development Officer can refuse an application for a discretionary use, or add conditions to the approval of the discretionary uses to manage or mitigate their impact or nuisance.

The current approach to uses in Zoning Bylaw 12800 creates a number of challenges. Over time the number of uses discussed and defined within the Zoning Bylaw has grown to 127 individual uses. Often these uses have been reactively added to respond to previous trends that are no longer significant elements of the city, for example, arcades, termed "amusement establishment" in the Bylaw. These legacy uses then cause complications for new emerging activities, such as board game cafes: would the board game cafe be permitted as a "specialty food services" use or as an "amusement establishment"? There is also little direction for what factors a Development Officer should consider in reviewing a discretionary use. Conditions listed on a development permit are not always standardized and can be difficult to effectively enforce.

Current uses are also usually categorized by the specific nature of the business activity or the products and services offered, rather than consideration of their land use impacts or patterns of activity. For example, residential uses are strictly delineated by housing type (single detached, semi-detached, duplex) despite the similar activities that take place in each one (sleeping, eating, and living in a dwelling). Another example is auctioneering and movie theatres. Though the nature of the activities are unlike, the associated patterns of use are similar, involving large flow of people arriving and staying for a similar time duration.

A number of uses currently implicate the users of buildings and create systemic discrimination in the bylaw. For example, groups of people living as a single household are treated differently than the same number of people living as individual households within the same structure. People with different needs are also segregated

by the type of support they receive in their home. Morality is also embedded in a number of uses, for example, Adult Mini-Theatres versus other forms of entertainment.

**Administration has developed a set of preliminary criteria to group similar activities into uses. The intent is to focus on land use impacts, rather than the nature of the activities themselves:**

- Are the activities primarily taking place indoors or outdoors?
- Are the activities within the building discernable from the outside?
- Is there a distinct pattern of movement to and from the site?
- Are there inherent and unavoidable off-site nuisances that cannot be mitigated through other bylaws such as the Community Standards bylaw or the Public Places Bylaw, or Business Licence bylaw requirements for operational plans?
- Are different users being classified differently?

This more rigorous and simplified approach to uses supports a number of City Moves, as described in the table below.



### GREENER AS WE GROW

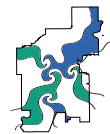
Focus on land use impacts will allow more flexible and widespread renewable energy production within building envelopes and on a variety of landscapes.



### A REBUILDABLE CITY

Broader use categories and classifications will promote the flexibility and adaptability of the City.

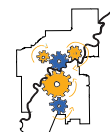
Moving away from prescriptively defining certain styles of housing towards a broader understanding of residential development allows more responsiveness to the changing needs of communities.



### INCLUSIVE AND COMPASSIONATE

Removing people-based regulations will remove discrimination from the Zoning Bylaw and create more inclusive communities.

Removing the differentiation of community-supported living arrangements will allow these ways of living together in all residential zones.



### CATALYZE AND CONVERGE

Broader use categories allow different, but complementary, businesses and activities to co-locate.

# Zones

## THE EXISTING ZONES IN ZONING BYLAW 12800 EVOLVED FROM A EUCLIDEAN MODEL THAT SEEKS TO SEPARATE USES FROM ONE ANOTHER.

Typically, this division has been based on the worst case outcomes, which mean the bylaw is often more restrictive than practice would suggest is necessary. For example, due to the potential impact for a cafe to disturb surrounding residential uses, the bylaw does not allow these uses in residential zones, despite the potential for the cafe to be operated in a way that creates minimal adverse impacts while adding vibrancy to a neighbourhood. As a result of this restrictive approach, there are few effective or truly mixed-use zones in Edmonton.

The proposed approach to zones would see virtually all zones permitting a range of uses or activities. It is intended that all residential zones would allow some form of amenities to meet the daily needs of residents within walking distance. Single-function zones will be reserved for the highest-risk uses, such as heavy industrial use.



### GREENER AS WE GROW

Remove barriers to building designs that use passive energy and further enable renewable energy generation on-site.



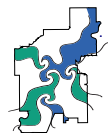
### A REBUILDABLE CITY

Mixed-use zones will allow for more adaptive reuse of buildings and responsiveness to changing conditions.



### A COMMUNITY OF COMMUNITIES

Mixed-use zoning will facilitate finer-grained land use pattern that meets more daily needs of residents closer to where they live.



### INCLUSIVE AND COMPASSIONATE

More flexible zones will allow a variety of different living arrangements and housing styles to co-exist.

Attainable and affordable types of housing in all residential zones will provide more choices to meet the needs of all Edmontonians.



### CATALYZE AND CONVERGE

Mixed-use commercial-business zones that allow more activities will support "maker" spaces for innovation, research, and production.

More options for crafts, assembly, light manufacturing and information technology will support a diversified economy.

Integrating post-secondary, academic, and commercial use opportunities will leverage innovation and collaboration between the private and public sectors.

# Regulations

## A WIDE VARIETY OF REGULATIONS MAY APPLY TO DEVELOPMENT ON A SINGLE PROPERTY, WHETHER IT IS A NEW BUILDING OR A SMALL HOME IMPROVEMENT.

These regulations can be located in different parts of Zoning Bylaw 12800, including the zone itself, applicable overlays, development regulations, special land use provisions, and definitions. There is rarely any clear mapping of these requirements that allows users to understand all of the requirements of their project, creating significant challenges for all users navigating the bylaw.

The origin and intent of many regulations are not clear, both in terms of the elements being regulated and the specific metrics of a number of regulations. This leads to frustration when regulations are seen as arbitrary or without purpose. The lack of understanding of the purpose of the regulations also makes it difficult when Development Officers are determining whether it's appropriate to vary the rule.

The approach to regulations will include a stakeholder and public conversation about what the priorities are for regulations, as well as what can and cannot be effectively regulated by the Zoning Bylaw, as opposed to being addressed through other means such as incentives or Community Standards bylaws. The approach will ensure that all regulations provide a clear line-of-sight that captures why a development feature is being regulated, what the intent of the regulation is, and where the metric was derived from.



## GREENER AS WE GROW

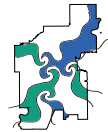
Targeted regulations can encourage more sustainable building and neighbourhood designs.



## A REBUILDABLE CITY

Regulations can support designing sites for increased efficiency and improved adaptability.

Supporting interim uses for transitional spaces.



## INCLUSIVE AND COMPASSIONATE

Clearer regulations can provide more equitable opportunities for all Edmontonians to build, create, and invest in their community.

More flexible regulations can help accommodate informal gathering, recreation, arts, culture and spirituality throughout the city.



## CATALYZE AND CONVERGE

Reducing regulatory complexity to make it easier to 'make things' in Edmonton.

# Subdivision Regulation

## **SUBDIVISION IS THE PROCESS OF DIVIDING LAND INTO INDIVIDUAL DEVELOPMENT PARCELS.**

While subdivision happens in all neighbourhoods, it has particular implications for new neighbourhoods where the street network is established through the dedication of road right of way in the subdivision process. The arrangement and size of subdivided blocks affects the walkability of neighbourhoods as it determines how direct pedestrian routes are throughout the neighbourhood.

At present, there is limited direction in the Zoning Bylaw for subdivision. Current regulations in the bylaw relate to the minimum width and size of individual properties, and newer regulations also touch on how subdivided properties are to be accessed, via a lane, in the Mature Neighbourhood Overlay and in the new (RLD) residential low density zone. Beyond this, the Zoning Bylaw but it does not provide any specific direction to the overall design and layouts of blocks or neighbourhoods. These requirements are generally set out in the City of Edmonton's Design and Construction Standards Volume 2: Complete Streets Design and Construction (Roadways), as well as informed by the Subdivision Authority Directive.

The Renewal offers an opportunity to incorporate subdivision guidelines within the new Zoning Bylaw, which would provide direction around block length and frequency of pedestrian access points. This approach would more closely integrate land use and transportation planning, reflective of the integrated approach of City Plan, and support more multi-modal communities. Further exploration of the process implications of this approach will be examined to ensure a clear understanding of the practical implications of introducing subdivision regulations to the Zoning Bylaw, and the relationship between the City's subdivision and development authorities.



### **GREENER AS WE GROW**

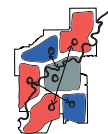
Support more transit and active transportation modes to reduce greenhouse gas emissions.



### **A REBUILDABLE CITY**

Designing new street networks for increased efficiency and improved adaptability.

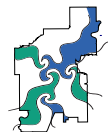
Re-imagining road rights-of-way for multimode use.



### **A COMMUNITY OF COMMUNITIES**

Improving connectivity to services and destinations.

Enhancing walkability and a range of mobility options.



### **INCLUSIVE AND COMPASSIONATE**

Improving safety and accessibility for residents of all ages and abilities.

Supporting a healthy city through physical design.

# Notifications

## **NOTIFICATIONS HAVE IMPORTANT IMPLICATIONS FOR NEIGHBOURS OF AND APPLICANTS FOR DEVELOPMENT PERMITS, AS WELL AS THE CITY OF EDMONTON, INCLUDING LEVELS AND EXPECTATIONS OF INFLUENCE, PROCESSING TIMELINES, AND ADMINISTRATIVE AND STAFF COSTS.**

Development permits can currently result in a range of notification processes to surrounding neighbours, Community Leagues, and Business Improvement Associations. Alberta's Municipal Government Act requires the City to "provide for how and to whom notice of the issuance of a development permit is to be given." Edmonton's Zoning Bylaw generally specifies that discretionary development (Class B) results in mailed notifications to all property owners within 60 metres of the site, as well as the president of the Community League and Business Improvement Areas. The City also posts notice of discretionary development in the Edmonton Journal. These notices serve to inform neighbours of their right to appeal the discretionary development to the Subdivision and Development Appeal Board. The Zoning Bylaw sets out a variety of other pre-notification requirements for discretionary development under a range of Overlays, and notification of permitted Class A development permits in mature and established neighbourhoods, including both letters and on-site notification sites.

The recent Council Initiative on Public Engagement reaffirmed the City's commitment to engaging with Edmontonians on "decision making by City Council and Administration about the City's policies, programs, projects, and services." It is recognized that public input contributes to better decision making and more inclusive civic processes. There are a range of levels at which public engagement is sought in the overall development process, from input on the objectives of the Municipal Development Plan to the regulations of the Zoning Bylaw. The role of public engagement at the level of development permitting, however, is distinct from these other processes as it intersects more directly with a legislative framework related to private property and development rights.

For example, development permit decisions must be based on land use impacts rather than neighbour preferences. This can limit the amount of meaningful influence that is possible for neighbours at the development permit stage. There are also tensions between input in community planning considerations versus interests in individual properties. Engagement at the development permit

stage also has direct impacts on Edmontonians who are investing in their properties by creating longer timelines and greater uncertainty for development. Uncertainty and extended approvals timelines has an impact on Edmonton's competitiveness in the region, and its reputation as a place for investment.

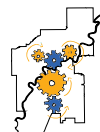
The Zoning Bylaw Renewal project offers an opportunity to directly examine the purpose of notifications in the Zoning Bylaw and to better accommodate opportunities for meaningful input, and balance community expectations, permitting timelines, and costs. It will also be an opportunity to explore new notification methods enabled by the City Charter modifications to the Municipal Government Act requirements, and new communication technologies, like online notification apps.



### **INCLUSIVE AND COMPASSIONATE**

Edmontonians are active in their community.

Notifications are used to share information and support building diverse and inclusive communities.



### **CATALYZE AND CONVERGE**

Reducing administrative and regulatory barriers to make it increasingly easier to 'make things' and build things here.

Influence the City's reputation as it relates to regional competitiveness and investment climate.

# Flexibility and adaptability

**A RISK WITH CREATING A NEW ZONING BYLAW IS THAT IT EVENTUALLY FACES THE SAME CHALLENGES AS THE EXISTING REGULATIONS, NAMELY THAT IT BECOMES OUTDATED OR IS STRATEGICALLY AMENDED WITH REACTIONARY ADDITIONS TO SPECIFIC ISSUES.**

The Zoning Bylaw Renewal project will seek strategies to address this issue, which could include approaches such as:

- Continuing the proactive maintenance schedule to evergreen regulations based on on-going monitoring of rezoning and development permit data.
- Establishing criteria that must be met in order for a new use or zone to be introduced.
- Replacing redundant Direct Control zones with new zoning at or shortly after the time of adopting the new Zoning Bylaw.
- Variable zoning to reduce the need for Direct Control zones.



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## **A REBUILDABLE CITY**

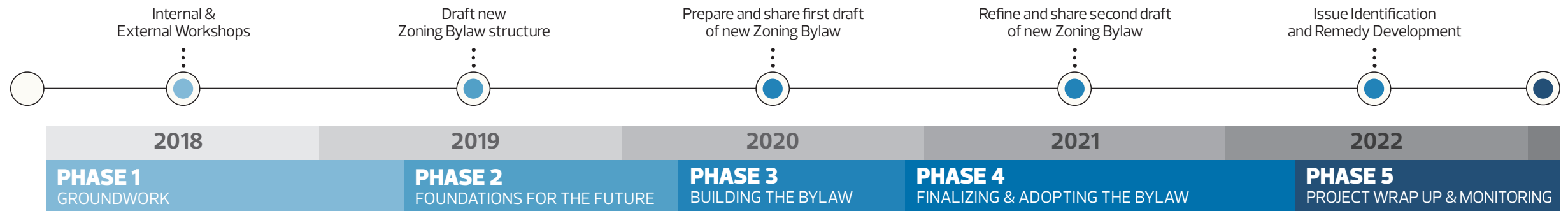
Continuously adapting and re-imagining our built environment to meet the needs of the future.

Efficient response to new demands, opportunities, and design ideas.

---



# PROJECT STAGING AND ALIGNMENT WITH CITY PLAN



## September 2018 – April 2019

This phase of the Zoning Bylaw Renewal project is focused on project definition, scope identification, project planning, budgeting, and internal discussions. Internal team workshops established Administrations needs for a new bylaw and best practice research identified trends in zoning bylaws, identifying improvements in presenting zoning information. Operating budget submissions were developed to ensure project resourcing and public engagement planning was also a consideration. A stakeholder list and project website are developed to act as a point of contact for the project. The project phase concludes with the preparation of the Zoning Bylaw Renewal Report #1 which articulates the principles and approach for the project.

### MILESTONES

- August 28, 2018 – City Plan Urban Planning Committee Report #1 – "Phase I: Laying the Groundwork (CR\_6161)
- November 13, 2018 – City Plan Urban Planning Committee Report #2 – Phase II: Building Foundations (CR\_6407)
- February 12, 2019 – City Plan Urban Planning Committee Report #3 – Phase III: Framing the Plan – City Moves and Levers (CR\_6408)
- April 5, 2019 – Zoning Bylaw Renewal Urban Planning Committee Report #1

## April 2019 – September 2019

Phase 2 of the project includes formal stakeholder and resident engagement and outreach. Actions will include communications and marketing to promote engagement opportunities, building an understanding of bylaw user -needs, and experience mapping, and asking how to achieve The City Plan's Big City Moves within a reimagined Zoning Bylaw. Using the feedback obtained, the project team will assemble a preliminary structure and approach for the new bylaw that responds to The City Plan and engagement findings and inputs.

### MILESTONE

- September 2019 – City Plan Urban Planning Committee Report #4 – Phase III: Framing the Plan – Scenario Development
- November 2019 – Urban Planning Committee Report #2 Zoning Bylaw Renewal – Draft Bylaw Structure and What We Heard
- March 2020 – City Plan Urban Planning Committee Report #5 – Phase IV: Draft City Plan and City-Wide Planning Framework

## May 2020 – July 2020

Phase 3 of the project will involve completing the first full draft of a new zoning bylaw for Edmonton. It will be a time of edits, revisions and more rounds of edits to account for a range of residents', stakeholders' and users' needs. Much of the work will also include process mapping and process definition to ensure back-end systems and operations are reconfigured for the new bylaw. Another round of engagement will unfold to gather input on the draft bylaw. Communication will focus on linking the new bylaw to the City Plan outcomes and ensuring these outcomes can be delivered by the draft bylaw.

### MILESTONE

- May 2020 – City Plan – Final City Plan to Public Hearing
- September 2020 – Urban Planning Committee Report #3 Zoning Bylaw Renewal – Preliminary Draft Zoning Bylaw

## December 2020 – May 2022

Phase 4 of the project is the final round of edits to the draft bylaw to account for gaps, omissions and errors as well as responses to engagement comments. The output of this phase is a final draft of a zoning bylaw that can be advanced to Urban Planning Committee, and receive approval to proceed to City Council Public Hearing for adoption. Adoption of the bylaw will require an assessment of rezoning requirements to enact the bylaw's new zoning designations.

### MILESTONES

- January 2022 – Urban Planning Committee Report #4 Zoning Bylaw Renewal – Final Draft Zoning Bylaw
- May 2022 – Final proposed Zoning Bylaw to City Council Public Hearing

## June 2022 – January 2023

Phase 5 is largely about transitioning into the new zoning bylaw and project close-out. Activities will focus on promoting the new bylaw, explaining how it works, and describing how applications are processed using the new bylaw. This will be done through a communication program roll-out, including industry, community and internal staff training seminars. There will also be a formal issue identification process and at least one omnibus is anticipated as a way to fix unintended issues with the new bylaw.



# **PUBLIC ENGAGEMENT**

# APPROACH

AND FEEDBACK TO-DATE

**ZONING BYLAWS  
ATTACHMENT FOUR**

CR\_6664

## SUMMARY

This attachment has three sections. The first section, Pre-Project Engagement Activities, describes the engagement activities at Engage Edmonton that helped Administration to understand how residents use the Zoning Bylaw and what high level issues should be addressed in the Zoning Bylaw Renewal. The second section of the attachment describes the Overall Engagement Approach for the Zoning Bylaw Renewal and identifies the questions that need to be addressed in each phase of the project. The third section presents the responses received to the circulation of a draft of this report, which highlights support for the project overall and specifically making the bylaw easier to use and access for all audiences.

## PRE-PROJECT ENGAGEMENT ACTIVITIES

Pre-project engagement for the Zoning Bylaw Renewal was a deliberate step towards understanding how residents and applicants interact with the bylaw and helped the project team get early input on the prospect of renewing the zoning bylaw. Interactions included a display table at the following five Engage Edmonton events:

- Southgate Centre October 11, 2018
- Londonderry Mall October 25, 2018
- West Edmonton Mall October 30, 2018
- Mill Woods Town Centre, November 8, 2018
- Edmonton Tower Lobby, November 15, 2018

Pre-project engagement events were intended to accomplish three things:

- building awareness of the Zoning Bylaw Renewal
- understanding the average resident's user experience with the bylaw
- building a stakeholder email contact list (54 recipients signed up to-date)

**One hundred and ninety-eight participants left comments about a variety of issues related to the Zoning Bylaw, which have been coded in the table below.** Most participants had not used the Zoning Bylaw directly but had comments related to development regulated under the Zoning Bylaw. Those that had used the bylaw directly reported that it was difficult to use and find what they were looking for, which has been captured under process improvements in the following table.

TABLE 1 / Summary of Public Participation

	OCT 11, 2018	OCT 25, 2018	OCT 30, 2018	NOV 8, 2018	NOV 15, 2018	
	SOUTHGATE CENTRE	LONDONDERRY MALL	WEST EDMONTON MALL	MILL WOODS TOWN CENTRE	EDMONTON TOWER	TOTAL
DEVELOPMENT CONCERNS	6	2	18	6	0	32
DEVELOPMENT IMPROVEMENTS	6	7	16	4	2	35
GENERAL COMMENTS	19	13	1	1	9	43
PREFERRED METHOD OF COMMUNICATION	5	0	10	0	0	15
PROCESS IMPROVEMENTS	12	18	8	13	22	73
<b>TOTAL COMMENTS</b>	<b>48</b>	<b>40</b>	<b>53</b>	<b>24</b>	<b>33</b>	<b>198</b>

This feedback has helped inform the guiding principles and the engagement approach described in the rest of this attachment.



## Overall Engagement Approach for the Zoning Bylaw Renewal

The Zoning Bylaw Renewal requires a thorough and robust consultation process with a high level of involvement from stakeholders and members of the public to:

- Ensure the new Zoning Bylaw achieves the principles and approach laid out in this report and aligns with the new City Plan and the City Moves
- Enable a diversity of stakeholders to participate fully in the process
- Provide Council with an accurate indication of support for, or concerns with, any proposed regulatory framework.

A fundamental principle of the engagement process will be to advance, rather than revisit, the goals set out in City Plan. This will minimize engagement burnout and ensure previous input is built on instead of rebuilt. As such, engagement for the Renewal will be focused on 'how' rather than the 'what' and 'why' questions of Edmonton's future.

A key engagement challenge will be to clearly communicate the technical aspects of the project while ensuring that the broader implications of the work are also understood. This challenge is further complicated by the range of users with different levels of knowledge and experience. Drawing from the pre-project engagement process, Administration will address this challenge by creating two streams of engagement.

### INDIRECT USERS (RESPONDENTS) ADVISE

This engagement stream is focused on the general public, who interact with the zoning bylaw regulations indirectly through their experience of development built by others. Outreach will provide high-level information that communicates how the vision of City Plan is translated into the new zoning bylaw and what the new bylaw will mean in practical terms for individuals and their neighbourhoods. This engagement stream will also focus on testing the ease of use of the new zoning bylaw to ensure it is intuitive for all Edmontonians. Another key function to address within this stream is development permit notifications and how to improve the response processes and tools. School Boards and surrounding municipalities will also be covered through this stream.

### DIRECT USERS (APPLICANTS) REFINE + CREATE

This engagement stream is focused on individuals that interact directly, and with high frequency, with the Zoning Bylaw to undertake development, or to issue or obtain development approvals. Engagement actions will target users of the bylaw that have knowledge and experience of the rezoning and development permit application processes, as well as individuals with specific technical knowledge relating to building design and construction. Any individual is able to opt into this engagement stream, but can expect a level of technicality that will require some further learning than what would be found in a more typical policy-oriented engagement process.

## EVERYONE'S ENGAGEMENT

Administration is committed to ensuring a broad range of views are collected and incorporated into the Zoning Bylaw Renewal. Within each engagement stream, there is a diversity of individuals who may typically have underrepresented voices that must be considered.

Administration will take steps to engage a broad cross-section of our society, including, but not limited to, accessibility advocates, the perspectives of cultural groups, including new Canadians, to learn from their direct and indirect experiences with the Zoning Bylaw. Administration will also work to engage with young Edmontonians who will be living in the city spaces shaped by the new Zoning Bylaw far into the future.

Indigenous Edmontonians interact with the Zoning Bylaw in a similar way to other users, including indirectly as residents of Edmonton, and directly when they are opening a business or investing in their property. Administration will reach out to Indigenous individuals and organizations to ensure their perspectives and experiences with the Zoning Bylaw are captured.

These groups will be invited to be involved in specific events throughout the process that aim to remove common barriers to participation, including notice of opportunities through targeted channels, language supports, and childcare.

Administration will also supplement these outreach efforts by using the Poverty Impact Assessment tool developed through Edmonton's Poverty Elimination Council Initiative to assess and inform the emerging regulatory framework. A GBA+ lens will also be applied throughout the process to ensure proposed regulations are considered through a range of perspectives.

# Overview of Engagement Phases

The engagement process will be delivered in five phases aligned with the project phases outlined in Attachment 3 – Project Staging and Alignment with City Plan. The following sections highlight the key engagement questions for each phase. The questions are designed to be focused on the form and content of the Zoning Bylaw, rather than the specific outcomes which will have been determined through the City Plan process.

## PHASE 1: GROUNDWORK (SEPTEMBER 2018 – APRIL 2019)

This stage of the project included pre-engagement consultation and is intended to capture how different stakeholders wish to be involved in the process in order to inform the project Public Engagement Plan. Key questions include:

- What aspects of the Renewal project are of interest to you?
- How would you like to be involved in the project?
- What resources do you need to participate effectively?

## PHASE 2: FOUNDATIONS FOR THE FUTURE (APRIL 2019 – SEPTEMBER 2019)

While City Plan focuses on future city outcomes, the Renewal will be asking questions about the structure of the regulations. This will include deliberately rethinking how, what, and why we regulate, and identifying what does and does not work within the current Zoning Bylaw structure. Key questions will include:

- What do we need to regulate? What don't we need to regulate?
- What's missing from our current regulations?
- What is the preferred format for presenting regulations? What are effective user interfaces?
- What types of information-sharing are important during the development permit process?
- What does plain English look like in the Zoning Bylaw?

## PHASE 3: BUILDING THE BYLAW (MAY 2020 – JULY 2020)

Building on the inputs from phase 2 and the outcomes of the City Plan, a first draft of the new Zoning Bylaw will be shared with stakeholders. Key questions include:

- Is the new zoning bylaw easy to navigate?
- Are the regulations and requirements clear?
- Are the regulations functional and easy to implement?
- Will the zoning bylaw allow the City Plan goals to be realized?
- Do you see any areas of misalignment with the City Plan goals?

The key questions above intentionally omit questions about the outcomes, as these are set by the City Plan and the new Zoning Bylaw will be designed, from the outset, to be an implementation tool for the City Plan.

## PHASE 4: FINALIZING AND ADOPTING THE ZONING BYLAW (DECEMBER 2020 – MAY 2022)

Phase 4 will mainly focus on refining the draft Zoning Bylaw in response to input from stakeholders in Phase 3. Phase 4 will also involve identifying what new zones will be applied to existing properties.

Questions will include:

- Are you aware of the new zone that will apply to your property? Do you understand the implications of the new zone, including possible legal non-conformance issues?
- Have changes to the draft Zoning Bylaw addressed any misalignments with City Plan identified in Phase 3?
- Are there any outstanding issues that will affect the functionality or ease of use of the Zoning Bylaw?
- What materials and resources are needed to effectively implement the new bylaw, such as interpretive guides or training?

In drafting a new zoning bylaw, it needs to be clear that an inevitable outcome of the process is the potential for rezoning some or a large majority of the land in Edmonton. When consolidating and streamlining zones, deleting old zones, and introducing new zones, it is not possible to avoid the rezoning process. Equally inevitable is that existing development may become legally non-conforming when the new zoning is adopted. Administration will work on strategies to address these issues to ensure smooth implementation.

Legal support will be provided throughout the drafting of the new bylaw, and a thorough legal review will occur once the draft is complete. This review will help identify any risks associated with the new bylaw as well as ensure that the bylaw meets the requirements as set out in the Municipal Government Act RSA2000.

## PHASE 5: PROJECT WRAP-UP, IMPLEMENTATION AND MONITORING (JUNE 2022 – JANUARY 2023)

Stage 5 will involve communicating the new Zoning Bylaw and what the new bylaw means for residents, builders, designers, and City staff that use the bylaw. This will include the roll-out and delivery of new resources and training. It will also include monitoring for emergent issues and developing corrective actions to ensure the successful transition to the new Zoning Bylaw. Key questions include:

- What improvements are you noticing?
- What challenges are you facing?
- What is not working as expected or intended?

These phases will be further elaborated in the full Public Engagement Plan, which will be finalized in March 2019 following input from stakeholders on how they would like to be involved in the Renewal project.

## ZONING BYLAW RENEWAL REPORT #1

# Principles and Approach Circulation Draft Report Circulation Comments and Feedback

The draft report and attachments were sent by email to over 230 recipients on Tuesday January 8, 2019. Recipients were asked to provide comments by the end of February 5, 2019. The covering email invites readers to share their reactions to the following questions:

- What excites you about this work?
- What concerns you about this work?
- How would you or your organization like to be involved?

### ORGANIZATIONS PROVIDING WRITTEN SUBMISSIONS:

A total of 13 responses were received from ten organizations and three residents, as detailed below.

- Calder Community League
- Oliver Community League
- Parkallen Community League
- Edmonton Federation of Community Leagues (EFCL)
- Infill Edmonton Design Association (IDEA)
- City of Beaumont
- Strathcona County
- Invisitec Consulting
- Old Strathcona Business Association
- Cushman & Wakefield Edmonton
- Residents (x3)

### SUMMARY OF RESPONSES:

The circulation response to the draft report was overwhelmingly positive. All respondents are excited about the prospect of a more user-friendly document, and support a shift to plain language, form-based regulations. Feedback included a number of respondents expressing their enthusiasm to be involved in the bylaw renewal project, and offering suggestions for a variety of topic-specific issues.

Some concerns were also received related to the engagement process. This feedback helped to refine and inform the public engagement plan for this project. A number of comments also related to process and implementation questions, which will be mapped out and detailed in later stages of the process.

Below are sample responses received by Administration in reply to the draft report circulation:

### WHAT EXCITES YOU ABOUT THIS WORK?

- A zoning bylaw that allows for easy to understand requirements
- Strongly supports more simplified and common sense approach
- I get excited thinking that we could have a Bylaw, with plain language, and graphics similar to the New York ZB that is consistent, understandable, and accessible
- Human needs front and centre, and is used in such a way that makes our city a more equitable, attractive, friendly, inclusive, prosperous, healthy city
- Appreciates the opportunity to provide input
- No concerns at this time but welcomes updates as the project moves forward. This is an exciting project!
- The main thing I would like to see / stress upon is how we incorporate mixed use development
- I am excited and glad to read in the report the move to have more mixed use zones. It's a missed opportunity that more neighbourhoods, especially newer ones, don't have cafés or corner stores internal in their neighbourhood to help serve residents because of zoning
- Overall, I think this is a good approach to the project and long overdue.
- Make doing business in Edmonton easier – make the process simpler and easy to understand

- Complex regulations put an undue hardship on community volunteers trying to understand what's going on in their neighbourhood
- I am really happy to have been provided the documents attached to your email and have seen first-hand the reasons for the update
- What excites me about this work is that it is being done, modernizing the bylaw and hopefully the process
- Our community recognizes the importance of the Zoning Bylaw Renewal Project and the need to create a simplified, clear, usable Zoning Bylaw that will support the goals of the City Plan when it is approved in 2020
- We hope for a more efficient applications process and a framework for sustainable development
- Offer a public engagement process that is fair and effective
- Supportive of more mixed-uses within the context of a community
- A new zoning bylaw must provide clear, understandable, useable regulations that can communicate to users with different levels of knowledge and experience
- Incorporate more low impact development practices into the bylaw as requirements
- For discretionary approvals, the Development Officer should visit the site to understand the context
- The expansion of the Agricultural zoning would support Urban Farming for mixed use, residential, multifamily, commercial and industrial food and agricultural production
- Need to clearly communicate to people how the zoning bylaw impacts their day to day life, even if the regulations seem quite abstract
- We anticipate the project to have regional significance and our municipality is interested in following its progress
- One major concern is that some items can't wait for the long renewal process to be complete – requiring immediate action

#### **HOW WOULD YOU OR YOUR ORGANIZATION LIKE TO BE INVOLVED?**

- I've signed up for the mailing list and would like to participate in this project as a stakeholder
- Could you please clarify at which points during the project staging will we receive updates and opportunity to provide input?
- This project is something we would like to be involved with, in any way we can
- We are creating a committee to consult with your team on this project. We are hoping to set predictable meetings with your team at the points that will make sense for your work plan
- We hope that real feedback is taken and that real engagement is completed
- Provide city-wide community workshops that create awareness and understanding, gather practical input and test whether the new regulations are clear and understandable for average users
- Collaboration sessions, where input can be discussed and brainstormed and versioned by Zone and form of delivery.

#### **WHAT CONCERNS YOU ABOUT THIS WORK?**

- Anytime we have asked for clarity with respect to any circulations it is in complex language not often with real life examples of proposed impacts
- Our feedback is often never included in reports to council
- Has observed the challenges in terms of the complexity of regulations. Causes issues for volunteers trying to review and understand proposals in their neighbourhood
- It seems fairly clear that the new bylaw does not intend to address land use dynamics such as how regulation contributes towards the concentrations of poverty
- How this will be implemented? By 2020 when the new bylaw is in place, how will existing DCs be affected? Given the vast nature of these districts, will they be folded into conventional districts? At what point should consultants stop working on new DCs with their clients as the bylaw will be changing? Will developers be incorporated during the engagement as this heavily influences new neighbourhoods so understanding how they will be affected is key.

